

IN THE MATTER OF \* BEFORE THE CECIL COUNTY  
THE APPLICATION OF \* BOARD OF APPEALS  
GARY CROUSE \* CASE NO.: 4068  
\*  
(Special Exception – LDR) \*

\* \* \* \* \*

**OPINION**

The Cecil County Board of Appeals (the “Board”) is now asked to consider the application of Gary Crouse (the “Applicant”). The Applicant seeks a special exception in accordance with Article XVII, Part II, Section 311 of the Cecil County Zoning Ordinance (“Ordinance”) to expand an existing home occupation at the property he owns with his wife, Dawn Crouse located at 41 Naylor Blue Ct., Port Deposit, MD 21904, designated as Parcel 695, Lot 6 on Tax Map 23D in the Seventh Election District of Cecil County (the “Property”), in an area zoned Low Density Residential (“LDR”) in accordance with Article V, Part III, Section 79 of the Ordinance governing home occupations.

Article XVII, Part II, Section 311 of the Ordinance specifies that no special exception shall be approved by the Board of Appeals after considering all facts in the case unless the following findings are made:

1. Such use or any operations thereto will not be detrimental to or endanger the public health, safety, or general welfare.
2. The use will not be unduly injurious to the peaceful use and enjoyment of other property in the neighborhood, nor substantially diminish or impair property values in the neighborhood.

3. The establishment of the use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zone.

4. The use will not, with respect to existing development in the area and development permitted under existing zoning, overburden existing public facilities, including schools, police and fire protection, water and sewer, public road, storm drainage, and other public improvements.

5. The use shall not adversely affect critical natural areas or areas of ecological importance.

6. The use shall, in all other respects, conform to the applicable regulations of the zone in which it is located.

7. That the particular use proposed at the particular location proposed, would not have any adverse effect above and beyond those inherently associated with such special exception use irrespective of its location in the zone. (*Schultz v. Pritts*, 291 MD. 1)

8. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

9. That the proposed special exception is not contrary to the objectives of the current Comprehensive Plan for the County.

Article V, Part III, Section 79 of the Ordinance provides:

Home occupations may be permitted as a Special Exception in the LDR zone provided that:

1. Home occupations are conducted on the same property as the residence and do not change the residential character of the property;

2. No type of advertisement for the home occupation shall be carried out on the property, except one (1) unlighted sign identifying the home occupation, limited to three (3) square feet in size;

3. No goods for sale or rent shall be stored on the property in a manner as to be seen from off the premises;

4. Parking is provided in accordance with Article XIV; and

5. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable from adjoining properties.

Applicant appeared and testified via teleconference (due to the COVID-19 pandemic restrictions placed upon the State of Maryland via Governor Hogan's Stay At Home Order of March 30, 2020 and subsequent revisions) he is seeking a special exception to expand his firearms dealership to include sales, transfers and gunsmith services at the Property. Applicant provided testimony that the business was originally started as a part time operation to supplement his primary income, but is now the family's sole source of income. Applicant further testified that since the start of the business in 2014, he has had no complaints and no issues of concern. This Application requests expanding the hours of operation to weekdays and Saturdays from eleven o'clock in the morning to six o'clock in the evening with a maximum number of ten clients at the Property at one time. Upon questioning by Board members as to the set up and security of the operations, Applicant further testified as to the following:

- **The Property.** The shop operates in the basement of the home but retail sales will be in space above the garage, that would be accessed through an exterior door.
- **Security.** Ammunition is stored in a locked room with an electronic security system.
- **Inventory.** There will be about fifty (50) firearms held on site.



- **Operations.** The business will focus on direct sales and service rather than Internet sales. Applicant has looked for retail space but could not find anything affordable. Training is held on-site, but classes are limited to six clients at a time and take place inside the home or garage space.

Michael Madron, a neighbor to the Property testified in support of the Application, stating the large cul-de-sac can accommodate an increase in parking needs during the proposed hours. Madron added that he is modeling his own firearms business after the Applicant's because of how successful it has been.

No witnesses spoke in opposition.

Bryan Lightner, Zoning Administrator, testified that the Division of Planning and Zoning Staff and the Planning Commission recommended approval for as long as the applicant owns the property and operates the business.

From the evidence, the Board makes the following findings of facts pursuant to the requirements of Section 311:

1. That granting the special exception will not be detrimental to or endanger the public health, safety, or general welfare. The business is conducted inside the home and/or the garage, and security measures have been taken to ensure the safety of visitors to the home and members of the local community.

2. There was no evidence indicating that the use will be unduly injurious to the peaceful use and enjoyment of other property in the neighborhood, nor was there any evidence to demonstrate that such use will substantially diminish or impair property values in the neighborhood, nor will the proposed use materially increase traffic to or from the Property as the number of visitors to the Property will be kept to reasonable maximum at all times.

3. There was no evidence indicating that normal and orderly development and improvement of the surrounding properties will be impeded by the proposed use. For the same reasons as indicated in the immediately preceding paragraph, the Board foresees no negative impact to surrounding properties. Additionally, training shall be conducted indoors and the Applicant has operated the business since 2014 with no complaints to date.

4. There was no evidence indicating that the use will, with respect to existing development in the area and development permitted under existing zoning, overburden existing public facilities, including schools, police and fire protection, water and sewer, public road, storm drainage, and other public improvements. Based on the foregoing, the Board finds that the proposed use will be consistent with the current use of the Property.

5. The proposed use will not adversely affect critical natural areas or areas of ecological importance. The Property is not in the Critical Area, the Critical Area Buffer, or the 100-year floodplain.

6. The proposed use will, in all other respects, conform to the applicable regulations of the zone in which it is located.

7. The particular use proposed at the particular location proposed, will not have any adverse effect above and beyond those inherently associated with such special exception use irrespective of its location in the zone. (*Schultz v. Pritts*, 291 Md. 1)

8. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Clients will visit the property primarily by appointment, and Applicant will control the number of visitors at one time. The driveway and adjacent cul-de-sac provide ample parking.

9. That the proposed special exception is not contrary to the objectives of the current

Comprehensive Plan for the County.


Further, the Board makes the following findings pursuant to Section 79.

1. That the proposed use is on a property in an area suitable to the use.
2. The home occupation will be conducted on the same property as the residence and does not change the residential character of the property. All business will be conducted inside of the home and undetectable from the outside.
3. Any advertisement for the home occupation carried out on the property will meet the requirements of this Section of the Ordinance.
4. There will be no goods for sale or rent stored on the property that can be seen or heard from off the premises.
5. Parking will be provided in accordance with Article XIV as needed and will be available in the driveway in most cases.
6. There will be no equipment or processes used which create noise, vibration, glare, fumes, odors, or electrical interference detectable from adjoining properties.

For the reasons stated above, by unanimous vote, the Board is satisfied that the requirements of Article XVII, Part II, Section 311 and Article V, Part III, Section 79, of the Ordinance have been met and the application for the modification to special exception for a home occupation on the Property is therefore **APPROVED, FOR TWO YEARS.**

All Applicants are hereby notified that they are required to obtain any and all necessary licenses and permits required for the use described herein.

5/25/2021  
Date

  
Mark Saunders, Chairman



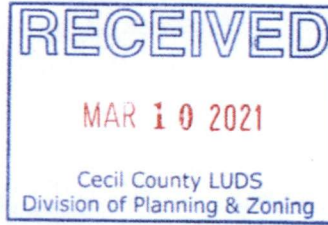
# BOARD OF APPEALS APPLICATION

## CECIL COUNTY, MARYLAND

MEET. MONTH: April 2021  
FILE NO. 4068

**THIS REQUEST IS FOR:**

- SPECIAL EXCEPTION RENEWAL
- SPECIAL EXCEPTION
- VARIANCE
- APPEAL



DATE FILED: 3/10/21  
 AMOUNT PD: \$750  
 ACCEPTED BY: JB

**A. APPLICANT INFORMATION**

Gary Crouse EMAIL- gauge03@zoominternet.net  
 APPLICANT NAME – PLEASE PRINT CLEARLY

41 Naylor Blue Ct Port Deposit MD 21904  
 ADDRESS CITY STATE ZIP CODE  
 443-877-8072  
 APPLICANT SIGNATURE PHONE NUMBER

**B. PROPERTY OWNER INFORMATION - ALL PROPERTY OWNERS MUST SIGN**

Gary and Dawn Crouse  
 PROPERTY OWNER NAME – PLEASE PRINT CLEARLY

41 Naylor Blue Ct Port Deposit MD 21904  
 ADDRESS CITY STATE ZIP CODE  
 443-877-8072  
 PROPERTY OWNER SIGNATURE - ALL PROPERTY OWNERS MUST SIGN PHONE NUMBER

**C. PROPERTY INFORMATION**

41 Naylor Blue Ct 7 051980  
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER  
 23D 695 6 2.77 LDR  
 TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

**D. PURPOSE OF APPLICATION** – Indicate reasons why this application should be granted. (attach separate sheet if necessary)

We are looking to have our Special Exception expand into firearm sales and transfers along with the gunsmithing and sales of ammunition.  
 We would have regular hrs of operation through the week and Saturdays.  
 I was working a full time job when we started this business 2014 but 2018 they shut down our plant and this is our only source of income.  
 We have had regular customers come through since we started in 2014 and have had no issues and hope to continue.

*A SPECIAL EXCEPTION TO OPERATE A HOME OCCUPATION*

**E. On an attached sheet, PLEASE submit a sketch of the property indicating the proposed project. Show distances from the front, side and rear property lines and the dimensions of the project.**

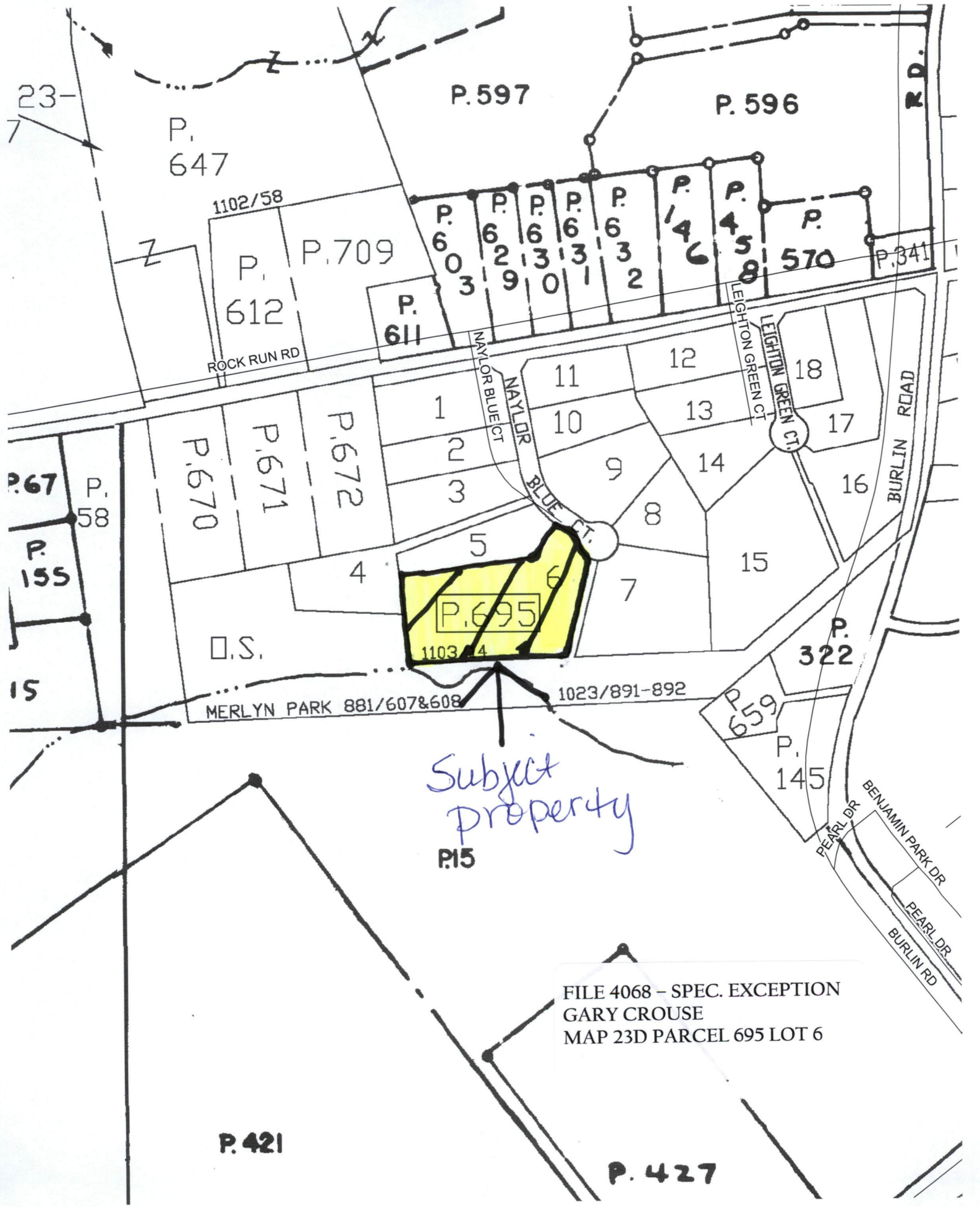
**F. LAND USE DESIGNATION**

Is property in the Critical Area?  YES  NO  
 If yes, Pertinent provision of the Chesapeake Bay Critical Area Program: \_\_\_\_\_  
 Is property in the 100 year Floodplain?  YES  NO  
 Is property an Agricultural Preservation District?  YES  NO

*ART. V, PT. III, S. 79 | ART. XVII, PT. II, S. 311*

**If property is located in the Critical Area, all provisions and requirements must be met as outlined in Article**





Subject property

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FILE 4068 - SPEC. EXCEPTION  
GARY CROUSE  
MAP 23D PARCEL 695 LOT 6

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