

IN THE MATTER OF
THE APPLICATION OF
MARK T. TURNBULL

* BEFORE THE CECIL COUNTY
* BOARD OF APPEALS
* CASE NO.: 4076

(Variance – ST)

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OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Mark T. Turnbull (“Applicants”) for a variance to the front yard setback requirements. The subject property located at 10 Manor Road, Elkton, Maryland, being designated as Parcel 215, Lot 5 on Tax Map 33E, in the Third Election District of Cecil County (“Property”), in an area presently zoned Suburban Transition (ST). The Property is owned by the Applicant and Barbara Turnbull.

Under the provisions of Article XVII, Part I, Section 306, Paragraph 1, variances, as defined in Article II, may be granted by the Board of Appeals. Paragraph 2 of Section 306 requires the Board to examine all facts of the case and render a decision based upon the following criteria:

A. The variance requested is based upon a situation where, because of special circumstances, a literal enforcement of the provisions of the Ordinance would deprive the applicant of a right commonly enjoyed by other parties in the same zone under the terms of this Ordinance.

B. Special conditions and circumstances exist that are peculiar to the land, buildings, or structures involved, and that are not applicable to other lands, buildings, or

structures in the same zone, such conditions and circumstances not being the result of actions by the applicant.

C. The granting of the variance will not confer upon the applicant any special privileges that are denied by this Ordinance to other properties in the same zone.

D. The variance request does not arise from any condition to land or building use, either permitted or non-conforming, on any neighborhood property.

On May 25, 2021, Applicant appeared and testified in support of his application seeking a twenty five (25) foot front yard setback variance for construction purposes to add a front porch to the existing home on the Property. Applicant testified that the house was his parents and was given to him and his wife as a gift by the family, for this reason, they would like to remain there and remodel the house to make it more practical and enjoyable for him and more aesthetically pleasing to the neighborhood.

No other witnesses spoke in favor or in opposition of the Application.

From the evidence presented, the Board is satisfied that the criteria set forth in Section 306 has been met and makes the following findings of facts:

1. The variance request is based upon a situation where, because of special circumstances, a literal enforcement of the provisions of the Ordinance would deprive the applicant of a right commonly enjoyed by other parties in the same zone under the terms of the Ordinance. The home is already built on the lot. The addition of a front porch is a reasonable and significant use of the Property, however, the only practical way to add one without relocating the house is with a variance.

2. Special conditions and circumstances exist that are peculiar to the subject land, buildings or structures involved and that are not applicable to other lands, buildings,

or structures in the same zone. For the reasons stated in the previous paragraph, the Board finds it would be considered an undue hardship to require the Applicant to move the existing structures to allow for the placement of a front porch on the house.

3. The granting of the variance will not confer upon the applicant special privileges that are denied by this Ordinance to other properties in the same zone. The proposed structure is a common feature of homes in the zone. Granting the variance would not impact neighboring properties or confer upon the applicant any special privilege.

4. There is no evidence that the variance request arises from any condition to land or building use, either permitted or non-conforming, on any neighborhood property.

For the reasons stated, by unanimous vote, the Board is satisfied that the criteria set forth in Section 306 have been met, and the application is therefore **GRANTED**.

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

6/29/21

Date



Mark Saunders, Chairperson