

IN THE MATTER OF * BEFORE THE CECIL COUNTY
THE APPLICATION OF * BOARD OF APPEALS
CHRISTOPHER & STEPHANIE DODDS * CASE NO.: 4089
*
(Special Exception – LDR)

* * * * *

OPINION

The Cecil County Board of Appeals (the “Board”) is now asked to consider the application of CHRISTOPHER AND STEPHANIE DODDS (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 PLACE A DOUBLE WIDE MANUFACTURED HOME FOR HARDSHIP PURPOSES at the property located at 360 WILLIAMS ROAD, ELKTON, MARYLAND 21921, consisting of approximately 176 acres and designated as Parcel 386, Block 12 on Tax Map 38 in the Second Election District of Cecil County (the “Property”), in an area zoned Low Density Residential (“LDR”) in accordance with Article V, Part III, Section 70.1 of the Ordinance. The Property is owned by the Applicants.

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 70.1 states, in relevant part, a double wide manufactured home may be permitted as a Special Exception in the LDR zone, when not on a permanent foundation provided that the Board of Appeals finds that a hardship exists involving a member of the immediate family. For purposes of this provision, "immediate family" shall only include a child, grandchild, parent or grandparent, step child or step parent.

Applicant appeared and testified at the July 27, 2021 public hearing of the Board of Appeals for Cecil County that they are seeking a special exception to place a double wide mobile home on the

Property due to a hardship. Applicant testified that his mother is a single, retired, senior citizen in financial hardship who also suffers from health concerns. Applicant provided an image of the mobile home with their Application and testified it would be new and in line with the aesthetics of the homes in the area. In addition, the Applicants provided:

- Only one home would be in the line of sight of the proposed mobile home and dead trees would be replanted to fill in the gap that allows any neighbor to see the mobile home;
- A driveway will be added to the mobile home area;
- The Property has been improved since the Applicants took ownership;

A petition signed by 92 members of the community was presented to the Board at the Hearing. The president of the neighborhood home owner's association, John Davis, spoke in opposition to the Application saying in winter most people in the community would be able to see the mobile home and that property values are much higher in the area than what the Applicant purports. Mr. Davis also stated he is concerned with further subdivision.

Board Member, Mike Linkous asked what would happen when the Applicant's mother passes, and the Applicant answered that the plan is to remove and sell the mobile home. The Applicants added that they wish to preserve the farm and recoup the costs of the mobile home to the extent possible.

Aaron Harding, Chief, testified that the Division of Planning and Zoning Staff recommended approval of the special exception for two years and the Planning Commission recommended approval for as long as the property owners own the property and maintains the double wide mobile home.

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. No concerns of this nature were presented.

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. The record shows the Property consists of 176 acres, providing a substantial buffer from neighboring properties and that the proposed mobile home is aesthetically acceptable. The image submitted with the application shows a brand new structure that looks like a typical ranch house. Applicant has considered the aesthetic features of the proposed home and has planned for replanting of trees to further lessen any impact to the community.

3. There was no evidence indicating that normal and orderly development and improvement of the surrounding properties will be impeded by the proposed use. No development of land would be necessary because utility hook ups are already in place. Although a driveway would be added, the occupant of the mobile home is one person with a maximum of one vehicle, therefore, there would be no significant impact to surrounding properties.

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. As previously stated, no additional utility access would be required and the use of such utilities by one person living in the mobile home would be minimal. The Applicant provided testimony that the intent is for this to be a temporary placement and there

is no intent to subdivide the property in the future. 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. The mobile home will not require additional access than the access road that currently exists and will have no impact on traffic on public streets.


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

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 70.1 of the Ordinance have been met and the application for the special exception for placement of a double wide mobile home for hardship purposes on the Property is therefore **APPROVED SO LONG AS THE PROPERTY OWNERS OWN THE PROPERTY AND MAINTAIN THE DOUBLE WIDE MOBILE HOME.**

All Applicants are hereby notified that they are required to obtain any and all necessary

licenses and permits required for the use described herein.

8/24/2021
Date

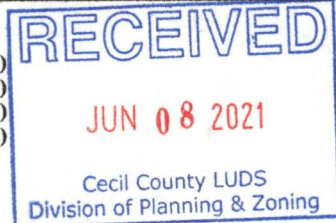

Mark Saunders, Chairman

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: July 2021
 FILE NO. 4089

THIS REQUEST IS FOR:

- SPECIAL EXCEPTION RENEWAL
 SPECIAL EXCEPTION
 VARIANCE
 APPEAL



DATE FILED: 7/8/21
 AMOUNT PD: \$750.00
 ACCEPTED BY: JB

A. APPLICANT INFORMATION

Christopher & Stephanie Dodds
 APPLICANT NAME - PLEASE PRINT CLEARLY

6 Sunnybrook Dr Elkton MD 21921
 ADDRESS CITY STATE ZIP CODE

302-650-4688
 APPLICANT SIGNATURE Stephanie Dodds PHONE NUMBER

B. PROPERTY OWNER INFORMATION - ALL PROPERTY OWNERS MUST SIGN

Christopher & Stephanie Dodds
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

6 Sunnybrook Dr Elkton MD 21921
 ADDRESS CITY STATE ZIP CODE

302-650-4688
 PROPERTY OWNER SIGNATURE - ALL PROPERTY OWNERS MUST SIGN Stephanie Dodds PHONE NUMBER

C. PROPERTY INFORMATION

360 Williams Rd Elkton, MD 21921
 PROPERTY ADDRESS

02-006502
 ELECTION DIST. ACCT. NUMBER

38 12 386 176 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)

This home will be for our senior citizen mother who is in financial hardship.

A special exception to place a doublewide mobile home for hardship purposes.

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

If property is located in the Critical Area, all provisions and requirements must be met as outlined in Article XVII, Part I, II & III of the Zoning Ordinance.

G. PROVISION OF ZONING ORDINANCE: Art. IV, Pt. III, § 701; Art. VII, Pt. II, § 311

H. SPECIAL EXCEPTION RENEWAL - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL: _____

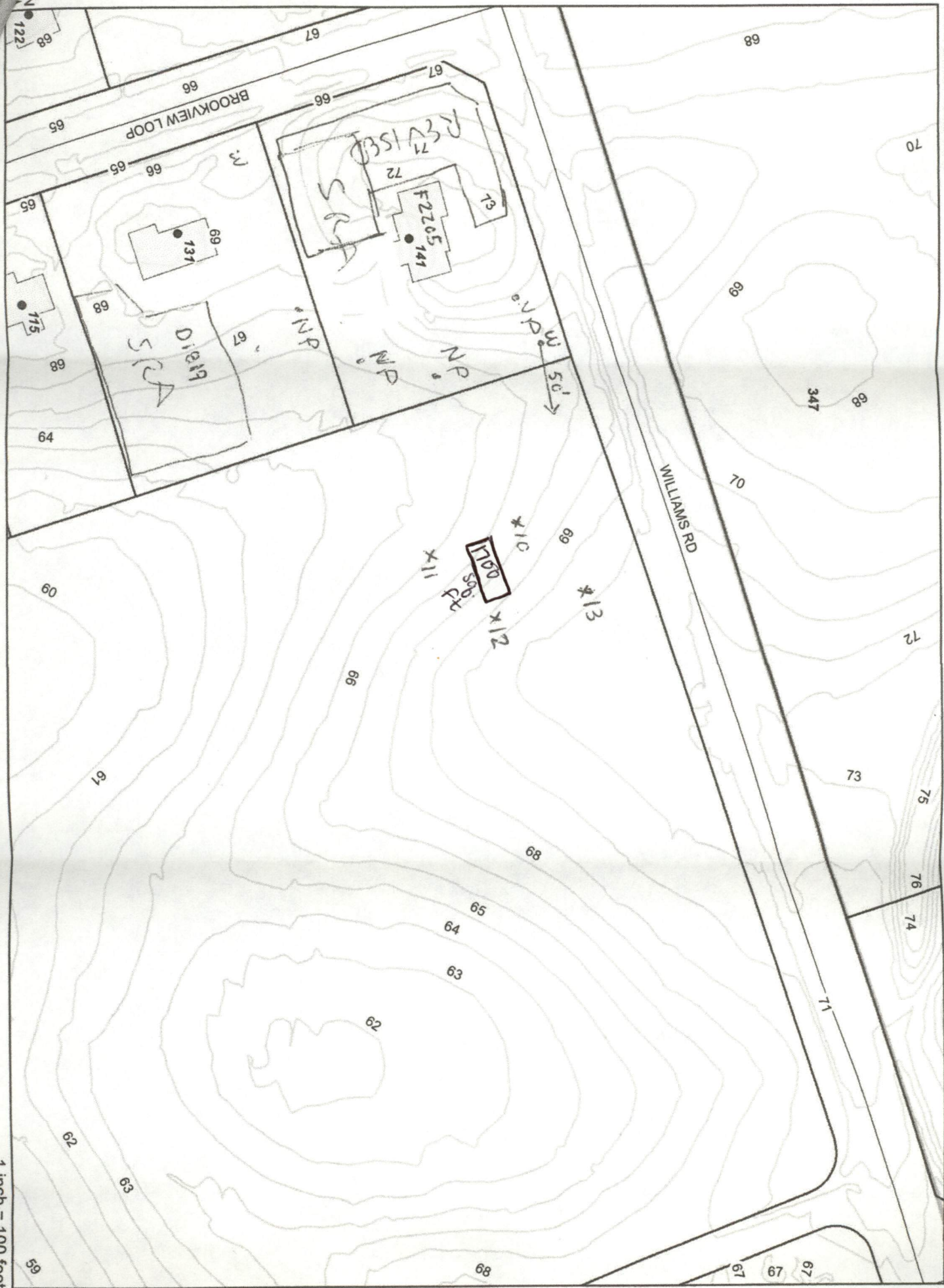
I. SPECIAL EXCEPTION FOR A MANUFACTURED HOME - Please fill out the following information:

Will unit be visible from the road? Yes If yes, distance: 100 ft

Will unit be visible from adjoining properties? Yes If yes, distance: 100 ft

Distance to nearest manufactured home: N/A Size/Model/Year of Unit: 2022 Clayton Homes "Farmhouse" 1700 sqft

Number of units on property at present time: 1





**CECIL COUNTY
HEALTH
DEPARTMENT**

JOHN M. BYERS HEALTH CENTER • 401 BOW STREET • ELKTON, MD 21921

LAUREN LEVY, JD, MPH, HEALTH OFFICER
WWW.CECILCOUNTYHEALTH.ORG

January 29, 2021

Christopher Dodds
6 Sunnybrook Drive
Elkton, Maryland 21921

**Re: Tax Map: 38 Grid: 12 Parcel: 386
Address: 360 Williams Road, Elkton**

Dear Mr. Dodds:

Percolation tests and soil evaluations were conducted by the undersigned on January 28, 2021 on the referenced property. Results of those tests are listed below, in reference to the enclosed sketch:

<u>Hole #</u>	<u>Test Depth</u>	<u>Results</u>
10	9'	Water @ 8', Limiting Hole
11	7'	Insufficient Material
12	4.5'	1" = 4 min, Water @ 10'
13	5'	1" = 4 min, Water @ 11'

This letter is not meant to indicate approval or disapproval of any sewage area at this time. This information should be given to your surveyor and a plat submitted for our review. The plat must show topography, proposed house and well locations, all percolation test locations, and the proposed 10,000 square foot sewage reserve area. A \$250.00 Health Department plan review fee is required prior to building permit approval.

If you have any questions, feel free to contact me at 410-996-5160.

Very truly yours,

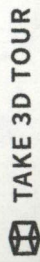
Angela Scramlin, L.E.H.S.
Environmental Health Services

Enclosed: Diagram

Healthy People. Healthy Community. Healthy Future.

ADMINISTRATIVE SERVICES.....	410-996-5550	ENVIRONMENTAL HEALTH SERVICES.....	410-996-5160
ALCOHOL AND DRUG RECOVERY CENTER.....	410-996-5106	HEALTH PROMOTION.....	410-996-5168
EMERGENCY PREPAREDNESS.....	410-996-5113	MENTAL HEALTH AND SPECIAL POPULATIONS SERVICES.....	410-996-5112
COMMUNITY HEALTH SERVICES.....	410-996-5130	TTY USERS FOR DISABLED: MARYLAND RELAY.....	800-201-7165
DISEASE CONTROL.....	410-996-5100	EN ESPAÑOL.....	410-996-5550 EXT 4680

CECIL COUNTY HEALTH DEPARTMENT TOLL FREE.....877-334-9985

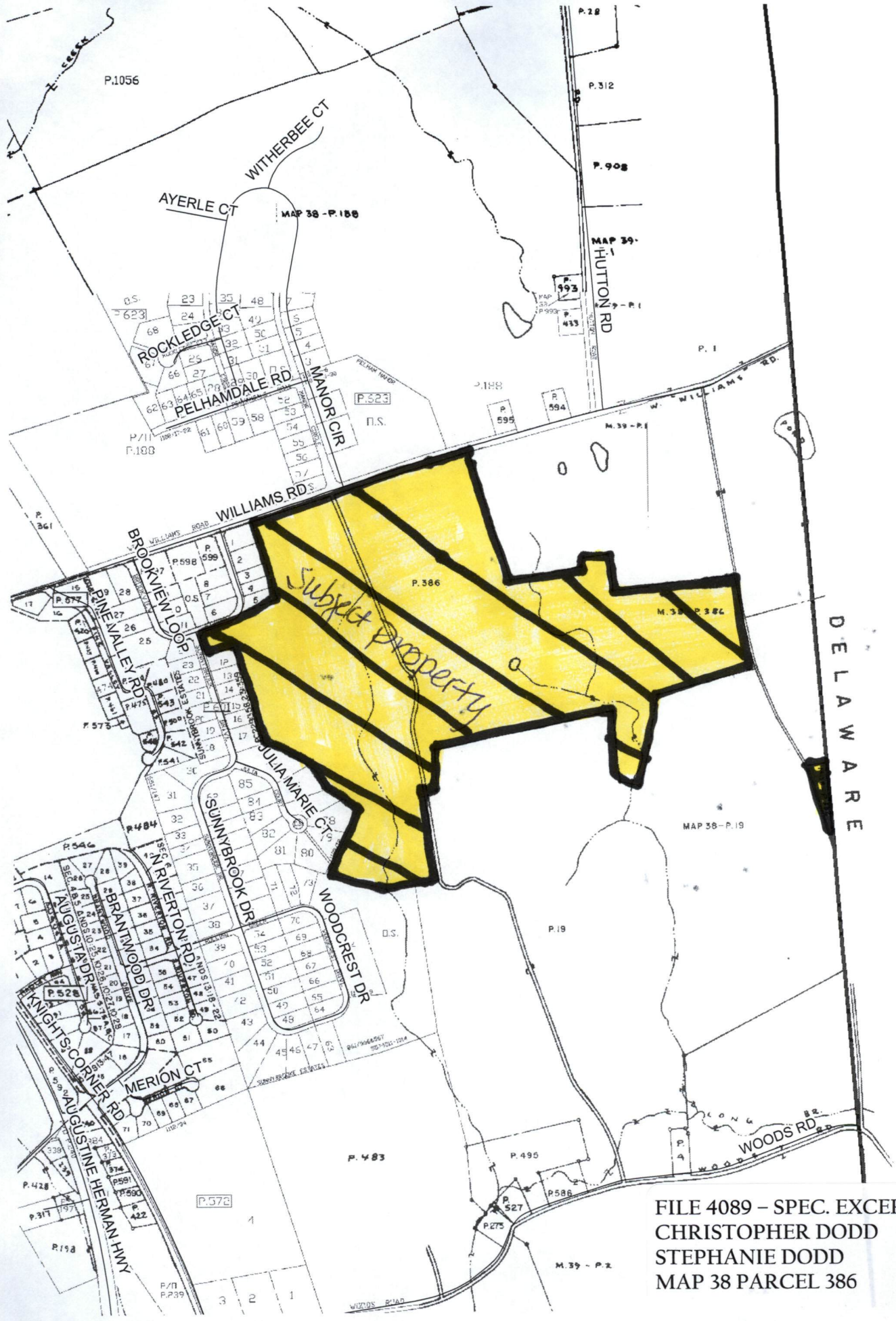


TAKE 3D TOUR









FILE 4089 - SPEC. EXCEPTION
 CHRISTOPHER DODD
 STEPHANIE DODD
 MAP 38 PARCEL 386