

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: May 2016
FILE NO. 3763

- THIS REQUEST IS FOR:
SPECIAL EXCEPTION RENEWAL ()
SPECIAL EXCEPTION ()
VARIANCE ()
APPEAL (X)

APR 19 2016

DATE FILED: 4/19/16
AMOUNT PD: \$250.00 Case # 5699
ACCEPTED BY: JB

A. APPLICANT INFORMATION

BRIAN D. CLARK & COURTNEY BETH KEISTER
APPLICANT NAME - PLEASE PRINT CLEARLY
319 VEAZEY COVE ROAD EARLEVILLE, MD 21919
ADDRESS CITY STATE ZIP CODE
Brian Clark 302-893-7557
APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

AMOS K. KING
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
2479 A OLD PHILADELPHIA PIKE LANCASTER, PA 17602
ADDRESS CITY STATE ZIP CODE
PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

265 VEAZEY COVE ROAD 1 01-020331
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER
52 7 1 7.5 SAR
TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

D. PURPOSE OF APPLICATION - Indicate reasons why this application should be granted. (attach separate sheet if necessary)
Appeal from the decision and issue of Zoning Certificate No. 201622508. Also, please see the attached pleading and statement of grounds for appeal.

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? X 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 X 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 XVII, Part I, Section 303

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? _____ If yes, distance: _____
Will unit be visible from adjoining properties? _____ If yes, distance: _____
Distance to nearest manufactured home: _____ Size/Model/Year of Unit: _____
Number of units on property at present time: _____

ZONING CERTIFICATE

OFFICE OF PLANNING AND ZONING
CECIL COUNTY, MARYLAND

Date Approved: 4/7/2016 8:44:42AM

Zoning Certificate No. 201622508

Subdivision:

Zoning SAR

Property Owner/Address KING AMOS K
2479 A OLD PHILADELPHIA PIKE
LANCASTER, PA 17602

Applicant/Address SAME

Proposed Use: CHANGE PRIMARY DWELLING TO LODGING HOUSE- SPRINKLER SYSTEM INSTALLED-EXIS
(5) BDRMS & (5 1/2) BTHRMS @ COMPLETION

Job Location: 265 VEAZEY COVE RD
EARLEVILLE, MD 21919

Map: 52 Grid: 7 Parcel: 1 Lot: Section: Block:

Minimum Yard Requirements to be as follows: Front yard depth to be no less than 0 feet from front property line or road right-of-way, whichever is greater. Rear yard depth to be no less than 0 feet from rear property line. Left side yard depth to be no less than 0 feet from left side property line. Right side yard depth to be no less than 0 feet from right side property line. Maximum height: Structures not to exceed 0 feet in height.	
Activity in 100 Year Floodplain? No	Base Floodplain Elevation: 0
Floodplain category or condition:	
Site Plan Required: No	Approved By:
Chesapeake Bay Critical Area: Assessment Approved:	
Special Conditions: NOTE: NO SETBACKS REQUIRED FOR CHANGE IN USE-STRUCTURE MAY BE USED FOR RENT. A SPECIAL EXCEPTION MUST BE OBTAINED IN ORDER TO HOLD SPECIAL EVENTS PER ZONING ORDINANCE AND INJUNCTIVE ORDER 0302-1795-2014 DATED 3 FEBUARY 2015.	

Use of property and structure(s) as indicated above is subject to approval and issuance of permirs by the Building, Electrical, and Plumbing inspectors, and the State/County Health Department of Cecil County. Use of the above property as located by the applicant, owner, or agent,, for the use indicated by the applicant, owner, or agent is approved subject to the conformity of the use, and location with the minimum requirements and specifications of the Zoning Ordinance for the County of Cecil, Maryland, effective May 1, 2011, and amendments thereto. It is the responsibility of the applicant, owner, or agent to comply with the requirements of the Zoning Ordinance. - - Penalties for violations are indicated in Art. XIX Sec. 339 & 340 of the Zoning Ordinance.

CAUTION: A PERMIT WILL EXPIRE (1) YEAR FROM THE DATE OF ISSUE, UNLESS WORK IS STARTED AND DILIGENTLY PURSUED.

NOTE: Any decision of the Zoning Administrator may be appealed within 15 days to the Board of Appeals.

Signature of Authorization

Date

Permit Number: 201622508

BEFORE THE BOARD OF APPEALS OF CECIL COUNTY

IN THE MATTER OF:

ZONING CERTIFICATE NO. 201622508

PROPERTY OWNER: AMOS K. KING

PROPERTY: 265 Veazey Cove Road, Earleville, MD 21919

APPEAL

Article XVII, Part 1, Section 305, Appeals, Cecil County Zoning Ordinance

Brian D. Clark and Courtney Beth Keister, who reside at 319 Veazey Cove Road, Earleville, MD 21919, hereby appeal the decision and the issue of Zoning Certificate No. 201622508 to the Board of Appeals of Cecil County. This appeal is filed by the Appellants and on behalf of six other property owners in the Elkboh Haven subdivision, which adjoins the King property.

The grounds for the appeal are:

1. The property at 265 Veazey Cove Road is unoccupied and is not used as a residence. The majority of time, no one is on the premises.
2. The property at 265 Veazey Cove Road is being used to generate income by rental for short-term occupation, and special events including weddings and New Years Eve parties, all of which change the residential character and appearance of the dwelling, pursuant to Section 79, 3.05.000 of the Cecil County Zoning Ordinance.
3. The property at 265 Veazey Cove Road is being used as an in-home occupation to generate income from commercial activity, which is an impermissible use under Section 79, 3.05.000
4. The property at 265 Veazey Cove Road is being used as a boarding house, bed and breakfast, motel, hotel, and resort within the SAR zone. The Zoning Certificate changing the primary dwelling to a "lodging house" is an attempt to avoid the zoning restrictions placed on the other defined residential uses in the SAR zone.
5. The use of the residential dwelling as a "lodging house" is not a defined use nor a permitted use within the SAR zone.
6. Safety is a serious concern of the Appellants. Veazey Cove Road is a 1.5 mile, single lane private driveway, which is in deteriorating condition with numerous potholes. It is not adequate to support the high volume of traffic which has resulted from the commercial activity at 265 Veazey Cove Road. Renters of the property are unaware of the narrow character of Veazey Cove Road and have barely avoided accidents with residents, both vehicles and pedestrians.
7. The property at 265 Veazey Cove Road is not being used in conformity with the conditions imposed by the Office of Permits & Inspections. The property has been rented to as many as four different people from four different states at one time. The property is not being rented to one family at a time.

8. Cecil County imposed the following conditions on the property at 265 Veazey Cove Road:
 - a. a minimum rental time of 30-days; and
 - b. only a single family could rent the premises at one time; and
 - c. occupancy was limited to no more than 10 occupants.The owner has repeatedly violated these conditions, and Cecil County has failed to enforce these conditions. The owner is not present on site when the property is rented.
9. The general character of the Elkboh Haven community is a single family, private residential waterfront community consisting of approximately twelve dwellings. Some of the dwellings are second homes. The introduction of commercial activity in the community exposes the community to a constant stream of non-local, unknown persons.
10. The Zoning Certificate failed to impose adequate conditions on the zoning certificate to protect the adjoining residents of the Elkboh Haven community.

Robert V Jones

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File 3763

Brian D. Clark +
Courtney B. Keister

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