

IN THE MATTER OF	*	BEFORE THE CECIL COUNTY
THE APPLICATION OF	*	BOARD OF APPEALS
CHAD R. & DONNA M ALBRECHT	*	CASE NO.: 4101
	*	
(Special Exception – LDR)	*	
	*	
*   *   *   *   *   *		*   *   *   *   *   *

**OPINION**

The Cecil County Board of Appeals (the “Board”) is now asked to consider the application of Chad and Donna Albrecht (the “Applicants”). The Applicants seek a special exception renewal in accordance with Article XVII, Part II, Section 311 of the Cecil County Zoning Ordinance (“Ordinance”) to operate a gunsmith business at the Property located at 82 Augusta Drive, Elkton, MD 21921, consisting of approximately .058 acres total and designated as Parcel 528, Lot 85, Block 10 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 XVII, Part II, Section 311 and Article V, Part III, Section 79 of the Ordinance.

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 unlighted sign identifying the home occupation, limited to three 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.

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

On October 26, 2021, Applicants appeared and testified that they are seeking a special exception renewal to operate a gunsmith business which involves providing gunsmith services and education to the public. Applicant testified in the written and oral testimony of the following:

- They do not and will not sell guns;
- Chad Albrecht is a professional gunsmith with extensive experience in the safe-handling , storage and legalities involved with the business;
- This business has been operating since March 2020 without complaint;
- There will be no ammunition stored other than for personal use;
- Services rendered do no produce any odors, fumes, loud noise, vibration or light;
- The shop is 916 square feet, adjacent to the residence with a separate entrance and is equipped with Simplisafe Security System with 24/7 Smart Phone monitoring, fire detection and police monitoring. All doors and windows have sensors, and the site had a camera with recording and remote monitoring capability inside and on the exterior;
- Additional safeguards have be installed such as Nightlock door reinforcement plates, separate locks/keys for residence and shop, fireproof gun safe (to be added upon approval).

No further witnesses testified in favor of or in opposition to the Application;

- Client visits are limited by appointment between the hours of eight o'clock in the morning to eight o'clock in the evening primarily on the weekends. Applicant estimated a maximum of fifty clients to the site per month;
- Applicants hope to move their business offsite as the business continues to grow.

No witnesses spoke in favor or in opposition to the application.

Aaron Harding, Chief of the Planning and Zoning Division of the Department of Land Use and Development Services for the County, testified that the Division of Planning and Zoning Staff and the Planning Commission recommended approval for as long as the applicants own the property and operate 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. There is no evidence to suggest the Applicant's business has posed a detrimental or dangerous impact to the public in any way. Despite the inherent nature of working with guns, the applicant has been operating successfully without incident for over a year, has put many security measures in place, and the Board finds that he is qualified to safely operate guns.

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 previously stated, the operation of the business has resulted in no complaints from neighbors to



date, and no negative impact to neighboring property values can be foreseen as the Applicant testified that the business operates from inside of the garage/shop.

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 reasons, previously stated, the Board found the Applicant has shown no negative impact to activity or future development in the area

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. The traffic to and from the Property is limited by appointment or related to occasional deliveries, so that there will be no overburdening to the public roads or facilities in the area.

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. Delivery trucks are no larger than normal residential delivery vehicles and will remain on the road only long enough to drop a

delivery at the Property, therefore, little traffic congestion will result from the operation of the business.

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. The home occupation will be conducted on the same property as the residence and will not change the residential character of the property. The building in which the business operates is similar to a standard garage and is adjacent to the residence.

2. No type of advertisement for the home occupation will be carried out on the property. Services are promoted and requested online or by word of mouth.

3. No goods for sale or rent shall be stored on the property in a manner as to be seen from off the premises. The business is no a retail operation that would require inventory to be stored.

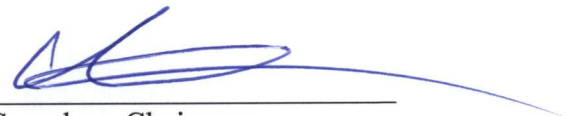
4. Off-street parking is provided for pickup visitors in accordance with Article XIV.

5. No equipment or process will be used which creates noise, vibration, glare fumes, odors, or electrical interference detectable from adjoining properties. Applicant expressly testified that the activity does not and will not emit any of the previously identified nuisances.

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 special exception renewal on the Property is therefore **APPROVED FOR AS LONG AS THE APPLICANT OWNS THE PROPERTY AND OPERATES THE BUSINESS.**

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

11/23/2021  
Date

  
\_\_\_\_\_  
Mark Saunders, Chairman

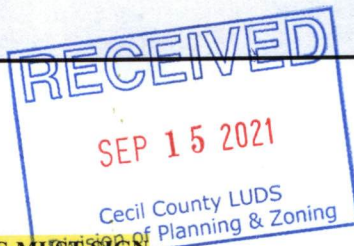


**BOARD OF APPEALS APPLICATION  
CECIL COUNTY, MARYLAND**

MEET. MONTH: Oct 2021  
FILE NO. H101

**THIS REQUEST IS FOR:**

- SPECIAL EXCEPTION RENEWAL
- SPECIAL EXCEPTION
- VARIANCE
- APPEAL



DATE FILED: 9/15/21  
AMOUNT PD: \$250  
ACCEPTED BY: JB

**A. APPLICANT INFORMATION - ALL APPLICANTS MUST SIGN**

CHAD R. ALBRECHT + DONNA M. ALBRECHT  
 APPLICANT NAME - PLEASE PRINT CLEARLY

82 AUGUSTA DRIVE ELKTON MD 21921  
 ADDRESS CITY STATE ZIP CODE

[Signature] D.M. Albrecht  
 APPLICANT SIGNATURE 443-591-9230  
 PHONE NUMBER

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

CHAD R. ALBRECHT + DONNA M. ALBRECHT  
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

82 AUGUSTA DRIVE ELKTON MD 21921  
 ADDRESS CITY STATE ZIP CODE

[Signature] D.M. Albrecht  
 PROPERTY OWNER SIGNATURE 443-591-9230  
 PHONE NUMBER

**C. PROPERTY INFORMATION**

82 AUGUSTA DRIVE, ELKTON, MD 21921 SECOND 08-02-026007  
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER

38 10 528 85 .058 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)**

SPECIAL EXCEPTION TO OPERATE A HOME OCCUPATION

HOME BASED / MAIL ORDER AND INTERNET GUNSMITH SERVICES + EDUCATION  
SEPARATE EXPLANATION ATTACHED

**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:  YES  NO
- 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. V, PT III, 5.79 / ART. XVII, PT. II, 5.311

**H. SPECIAL EXCEPTION RENEWAL - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL:** 3963

**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: \_\_\_\_\_



# Cecil County, Maryland, Board of Appeals Application - Continuation

PURPOSE OF APPLICATION:

DATE: 09/14/2021

-Request for Zoning Special Exception RENEWAL to operate a Home Based/Mail Order/Internet Gunsmithing Service. A Cecil County Maryland Zoning Special Exception is required to perform Gunsmithing and handle firearms under Local, State and Federal law. A Zoning Exception is required to Maintain our Current Type O1 Federal Firearms License from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, This Federal License allows me to legally receive, transfer, and repair firearms on a Local, State, and Federal level. We have not yet acquired a Pistol/Revolver License from the Maryland State Police Firearms Licensing Division because we have no plans to offer for sale any Handguns/Regulated Firearms.

-The Requestor, Chad Albrecht was employed as a professional Gunsmith for 13 years at Scotts Gunsmithing Service, 231 Thelma Ave, Glen Burnie, MD 21061. He has extensive experience in the safe-handling, safe-storage, paperwork requirements, and firearms legalities. He has worked with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and Maryland State Police for Audits/Recordkeeping purposes at his previous employer.

-This Home Based Business has been operating successfully without any known complaints or disturbances since approved for Zoning and our Federal Firearms Licensing since March 01 2020.

-If approved, this Shop/Garage will NOT be used for retail traffic. This Shop/Garage space will be utilized for mail order/internet firearms repairs, drop-off/pickup of firearm repairs (By appointment ONLY), and internet based firearm education.

-If approved, we will NOT be storing or offering Ammunition for sale.

-If approved, the services performed will NOT produce any smells, odors, fumes, smoke, loud noise, vibration, or light.

-I have attached a drawing of the Property, Residence, and Shop/Garage. The 916 square foot Shop/Garage is the proposed area for the business. The Main Residence has a separate entrance.

-Driveway is capable of allowing eight (8) vehicles, but will not be utilized since the primary purpose of the business is Mail Order/Internet Sales.

-Shop/Garage is equipped with a Simplisafe Security System with 24/7 Smart Phone Monitoring, Fire Monitoring, and Police Monitoring. All Doors (4), Bay Doors (3), and Windows (2) have Sensors. The Security System is also equipped with Panic Buttons (2), Infrared Motion Sensor (1), Smoke/Carbon Monoxide Sensor (1), Glass Break Sensor (1), and a Camera (1) capable of recording and remote monitoring. We have also added 5 ARLO Exterior Cameras to our Security Layout.

-ALL bay doors (3) are all equipped with slide locks to prevent remote opening/unauthorized entry.

-All windows are equipped with locks to prevent opening/unauthorized entry.


-ALL exterior entry doors (3) to the Shop/Garage are equipped with Nightlock door reinforcement plates.

-Main Residence and Shop/Garage have separate locks/keys. The interior door to the Shop/Garage has its own deadbolt and door handle lock which is NOT keyed the same as the Residence.

-If approved, the Shop/Garage has a fireproof Gun Safe that will store/contain ALL firearms.

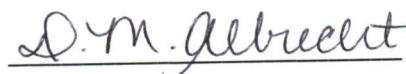
-If approved, there will not be production or disposal of hazardous waste. I re-use disposable shop towels as packing/shipping material. We recycle all packaging and boxes that cannot be reused for shipping.

Chad R. Albrecht (Property Owner)

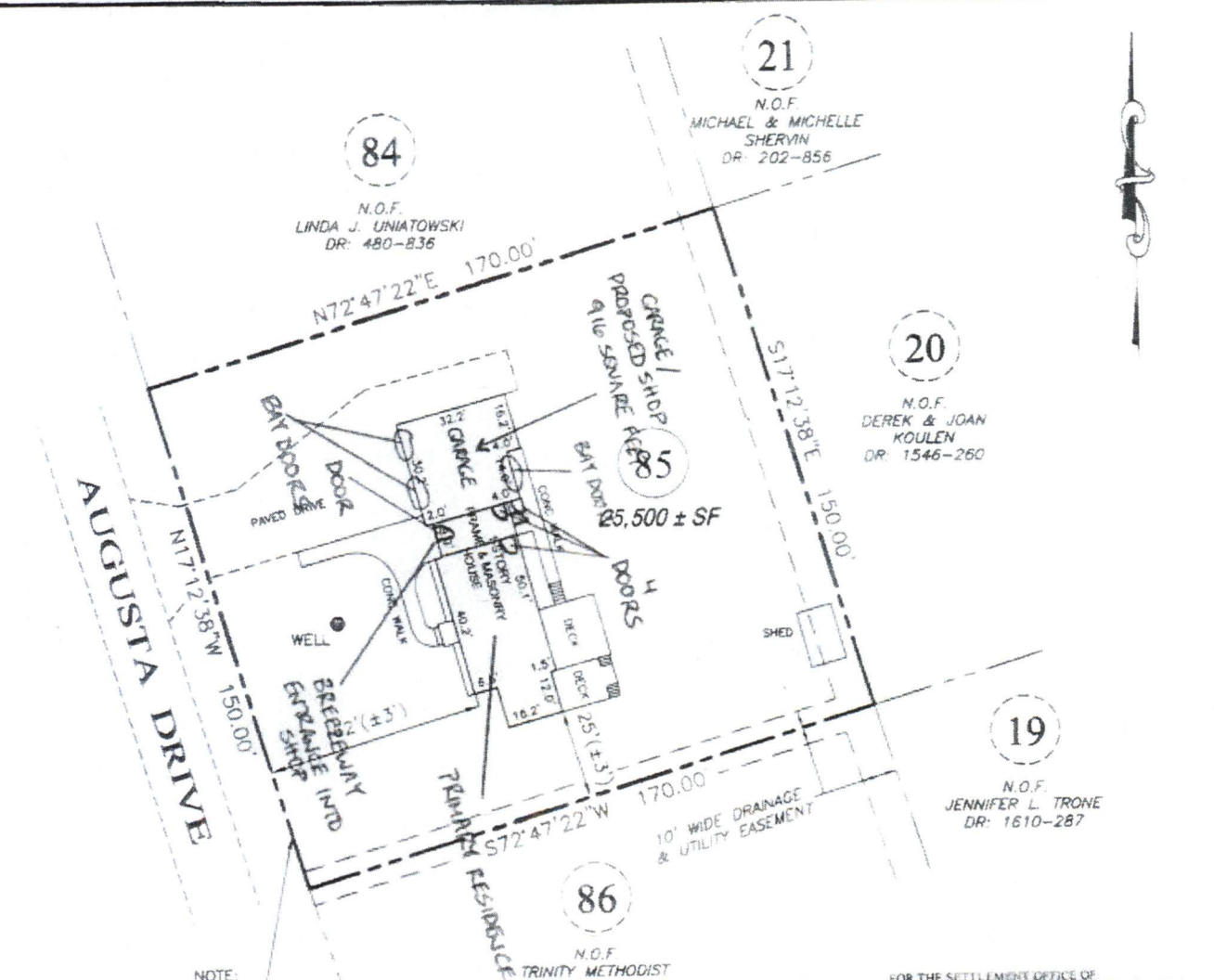


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Donna M. Albrecht (Property Owner)



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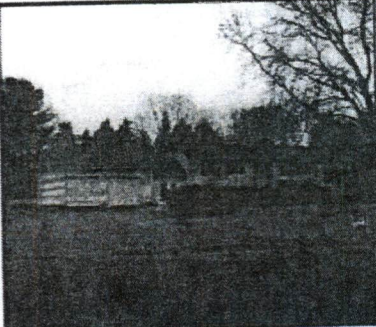
NOTE:  
BEARING ON THIS LINE IS SHOWN INCORRECTLY AS N17°12'32"W ON THE PLAT RECORDED AT WAS-5-75-C

FOR THE SETTLEMENT OFFICE OF  
 THE KIRSCH LAW FIRM  
 ATTORNEYS

- NOTES:**
- 1) SOURCE OF TITLE: 287-842
  - 2) SOURCE OF BEARINGS: PB-WAS-5-75, ET SEQ
  - 3) PLAT REFERENCE: PB-WAS-5-75, ET SEQ
  - 4) LEVEL OF ACCURACY OF DISTANCES TO APPARENT PROPERTY LINES: 3"
  - 5) PER FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MAP NO. 24015C0191E, DATED 05-04-2015, THIS PROPERTY LIES IN FLOOD ZONE X.
  - 6) EXCEPT AS NOTED OTHERWISE, THIS LOT IS SUBJECT TO A 5' DRAINAGE AND UTILITY EASEMENT ALONG ALL SIDE AND REAR PROPERTY LINES.
  - 7) DATE OF LATEST FIELD WORK: 1-30-18

**LEGEND:**

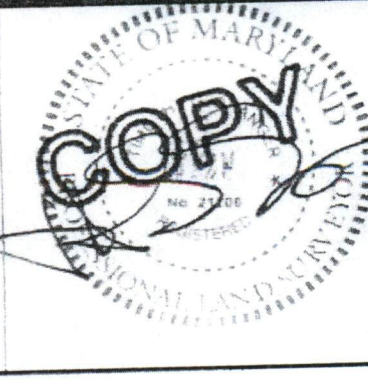
— X —	FENCE
— C/O —	CLEAN-OUT
— CONG —	CONCRETE
— ON —	OVERHANG
— FRM —	FRAME
— MAS —	MASONRY
— HSE —	HOUSE
— B/E —	BASEMENT ENTRY
— CH —	CHIMNEY
— PCH —	PORCH
— RAW —	RETAINING WALL
— B/W —	BAY WINDOW



**LOCATION DRAWING**  
 FOR LANDS TO BE CONVEYED TO  
**CHAD ROBERT ALBRECHT**  
**DONNA M. ALBRECHT**  
 KNOWN AS  
**82 AUGUSTA DRIVE**  
**LOT 85 - SECTION ONE**  
**BRANTWOOD**  
 LOCATED IN  
**SECOND ELECTION DISTRICT**  
**CECIL COUNTY - MARYLAND**

THIS LOCATION DRAWING IS OF BENEFIT TO THE CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING, OR REFINANCING. THIS LOCATION DRAWING SHALL NOT BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS. THIS LOCATION DRAWING DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT THIS IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS LOCATION DRAWING WAS PREPARED WITHOUT BENEFIT OF A TITLE SEARCH, AND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, ETC. THAT ANY SUBSEQUENT TITLE SEARCH MAY REVEAL. THIS PLAT, AND THE SURVEY WORK ON WHICH IT IS BASED, WAS PREPARED UNDER MY RESPONSIBLE CHARGE, AND TO THE BEST OF MY KNOWLEDGE & BELIEF, IN ACCORDANCE WITH COMAR, TITLE 09, MARYLAND DEPARTMENT OF LABOR, LICENSING & REGULATION, SUBTITLE 13, CHAPTER 06, "MINIMUM STANDARDS OF PRACTICE", IN EFFECT AS OF 2017.

TIMOTHY G. GRANGER  
 STATE OF MARYLAND REGISTERED  
 PROFESSIONAL LAND SURVEYOR No. 21206  
 LICENSE EXPIRATION DATE: JUNE 14, 2018



**AMERICAN**  
 LAND CONSULTANTS, INC.

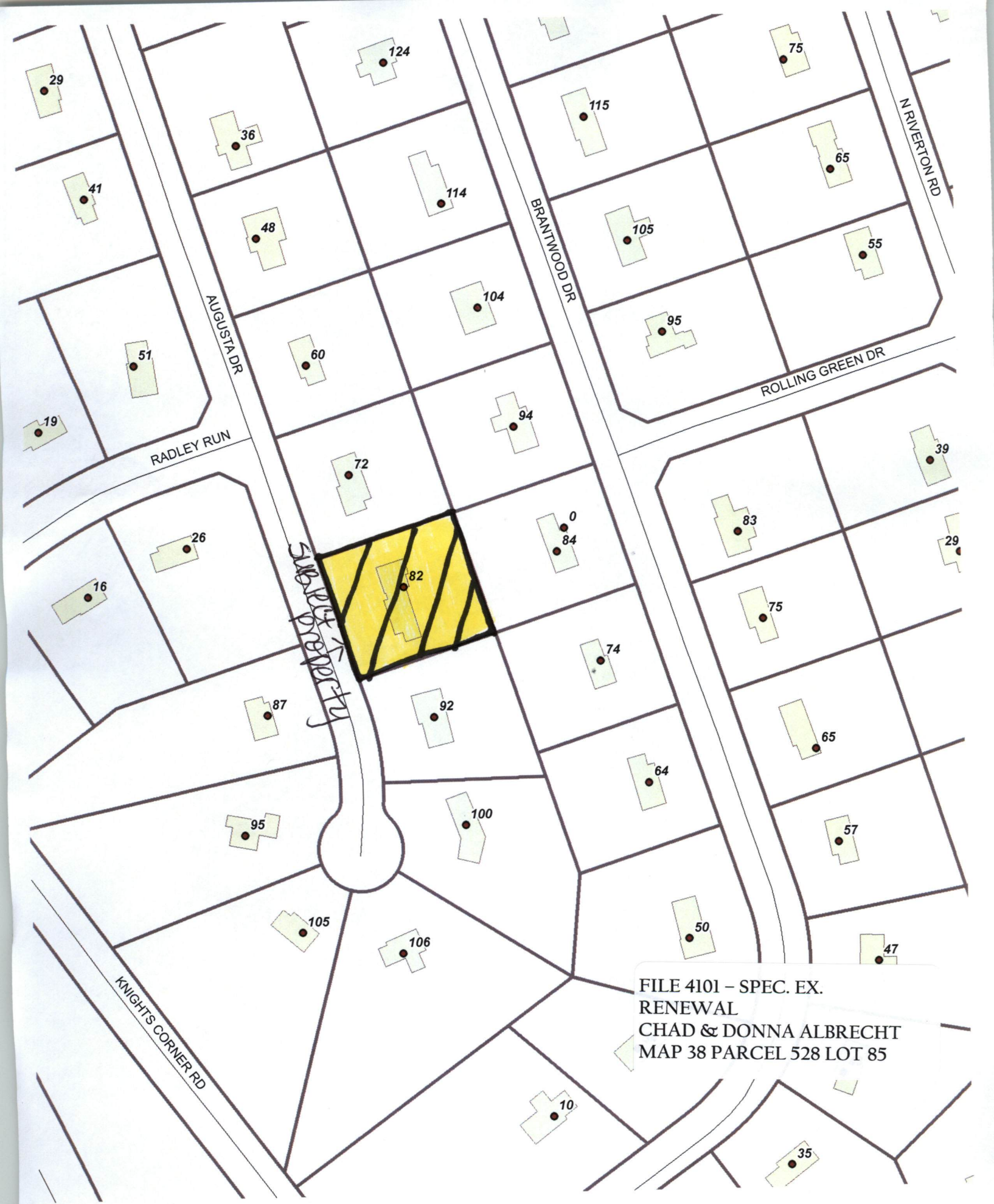
224 East Main Street  
 Elkov, Maryland 21821  
 www.als.com

410.396.5000 fax  
 410.396.9815 fax

CIVIL SITE DESIGN - SITE PLANNING - CONSULTING - LAND SURVEYING

DATE: JAN. 30, 2018  
 SCALE: 1" = 50'  
 DWG. NO: 0942





FILE 4101 - SPEC. EX.  
RENEWAL  
CHAD & DONNA ALBRECHT  
MAP 38 PARCEL 528 LOT 85