

IN THE MATTER OF	*	BEFORE THE CECIL COUNTY
THE APPLICATION OF	*	BOARD OF APPEALS
BRANDEE WADDELL	*	CASE NO.: 4211
	*	
(Special Exception Renewal – ST)	*	
	*	
* * * * * * * * * * * *		

OPINION

The Cecil County Board of Appeals (the “Board”) is now asked to consider the application of Brandee Waddell (the “Applicant”). The Applicant seeks a special exception renewal in accordance with Article XVII, Part II, Section 311 of the Cecil County Zoning Ordinance (“Ordinance”) to operate a home occupation at the property she owns with her husband, Eric Waddell, located at 2927 Old Elk Neck Rd., Elkton, MD 21921, consisting of approximately 1.0305 acres and designated as Parcel 507, Lot 4, Block 17 on Tax Map 32 in the Third Election District of Cecil County (the “Property”), in an area zoned Suburban Transition (“ST”) in accordance with Article V, Part III, Section 79 of the Ordinance. A Special Exception was granted via File No. 4065 in 2021.

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 ST 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 on June 26, 2023 that she seeks a special exception to operate a one person cosmetology salon from the Property. Applicant testified she serves eight to ten clients per week typically during the hours of ten o'clock in the morning to seven o'clock in the evening by appointment. Applicant further testified she has received no complaints from neighbors since the operation commenced.

No further witnesses testified in favor of or in opposition to the application.

The Health Department has no objection to the Application.

The Division of Planning and Zoning Staff and the Planning Commission recommended approval of the special exception for five (5) years.

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 as the Applicant testified in sufficient detail that the operations of the salon would be conducted entirely from inside of the home and there have been no complaints in the last two years of operation.

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. No noise or odor is detectable from outside of the home as a result of the salon business. The business operates by appointment, thereby limiting the traffic to the area at one time.

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 provided in the previous two paragraphs, the Board is satisfied that this standard is met.

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. Off-street parking is available on the property to accommodate visitors to the business and client vehicles are present one at a time.

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

Comprehensive Plan for the County. The home occupation operates from inside the residence and does not impact the characteristics of the neighborhood or the zone in which it is located.

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. The home occupation is permitted by special exception in the ST zone.

2. The home occupation will be conducted on the same property as the residence and does not change the residential character of the property. The business is not detectable from outside of the home.

3. Any advertisement for the home occupation carried out on the property shall meet the requirements of this Section of the Ordinance. There is currently no signage present on the Property.

4. There will be no goods for sale or rent stored on the property that can be seen from off the premises. The business provides services only.


5. Parking will be provided in accordance with Article XIV and as described above.

6. There will be no equipment or processes used which create noise, vibration, glare, fumes, odors, or electrical interference detectable from adjoining properties. As previously stated, the business is undetectable from outside the home.

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 for a home occupation on the Property is therefore **APPROVED FOR FIVE 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.

7/24/23
Date


Michael Linkous, Vice Chairman

RECEIVED

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: June
FILE NO. 4211

Cecil County LUDS
Division of Planning & Zoning

THIS REQUEST IS FOR:
SPECIAL EXCEPTION RENEWAL
SPECIAL EXCEPTION
VARIANCE
APPEAL

DATE FILED: 4/3/23
AMOUNT PD: \$ 250
ACCEPTED BY: JB

A. APPLICANT INFORMATION - ALL APPLICANTS MUST SIGN

Brandee Waddell
APPLICANT NAME - PLEASE PRINT CLEARLY
2927 Old Elk Neck Rd ELKTON MD 21921
ADDRESS CITY STATE ZIP CODE
B. Waddell Eric P. Waddell 443 553 9680
APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION - ALL PROPERTY OWNERS MUST SIGN

Eric + Brandee Waddell
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
2927 Old Elk Neck Rd ELKTON MD 21921
ADDRESS CITY STATE ZIP CODE
B. Waddell Eric P. Waddell 443 553 9680
PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

2927 Old Elk Neck Rd Elkton Md 21921 3 112772
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER
32 17 507 4 1.0305 ST
TAX MAP BLOCK PARCEL LOT # #ACRES ZONE

D. PURPOSE OF APPLICATION - Indicate reasons why this application should be granted. (attach separate sheet if necessary)
To continue to operate a one person cosmetology salon with all of the same guidelines as established previously. Would like to be approved for as long as I own the property.
A special Exception request 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: 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, sect 79; Art. xvii, Pt. II sect. 311

H. SPECIAL EXCEPTION RENEWAL - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL: 4065

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:

Subject Property



FILE 4211 - SPEX RENEWAL
BRANDEE WADDELL
MAP 32 PARCEL 507 LOT 4