

IN THE MATTER OF	*	BEFORE THE CECIL COUNTY
THE APPLICATION OF	*	BOARD OF APPEALS
RAYMOND & KAREN MCMEANS	*	CASE NO.: 4231
	*	
(Variance – RR)	*	
	*	
*   *   *   *   *   *   *   *   *   *   *		

**OPINION**

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Raymond and Karen McMeans. (“Applicant”), for a variance to the front building restriction line for construction purposes. The subject property located at 120 Bay Blvd., Earleville, Maryland 21919, being designated as Parcel 90, Lot 5 on Tax Map 56, in the First Election District of Cecil County (“Property”), in an area presently zoned Rural Residential (RR). The Property is owned by the applicants.

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 July 24, 2023, Applicant appeared before the Board of Appeals and testified in support of their application seeking a ten (10) foot variance to the front setback/building restriction line to build a deck on the front of the existing home to accommodate a wheelchair. Applicant testified the need arises because the property is small and narrow, and the only way to enjoy the sun setting at the front of the house without going down stairs is to add a porch or deck. To further explain, Applicant testified one occupant is disabled and requires a wheelchair or other assistance for mobility. A diagram showing the proposed construction and existing features of the property was submitted with the application. The diagram shows the residence currently has a work room and storage garage attached to the rear of the home, taking up almost all of the rear yard with the well occupying part of the rear yard.

No witness spoke in favor of or in opposition to the application.

The Health Department has no objection to the variance request.

From the evidence presented, the Board is not satisfied that the criteria set forth in Section 306 has been met due to the following conclusions:

1. The variance request is not based upon a situation where 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 because the proposed deck is larger than the minimum required to remedy the situation. The Board recognizes the need for an accommodation for the disabled occupant but concludes a smaller deck/port could meet the need without a variance.

2. There are no special conditions or 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. There are other small and narrow parcels in the zone with accessory structures for storage and outdoor enjoyment. The subject parcel is a rectangular shape (not abnormal or unusual) and contains additions and structures which limit space for any more structures at the rear of the home. Utilizing the available space in the front of the home is reasonable for the proposed use, but the Applicant has not provided enough evidence that the deck is impractical without a variance.

3. The granting of the variance will confer upon the applicant special privileges that are denied by this Ordinance to other properties in the same zone. The lot and structures located on the parcel are non-conforming. The proposed plan would make it more non-conforming, and the Cecil County Zoning Ordinance specifically states, "No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. For the reasons stated in this and the previous two paragraphs, the Board finds the Applicant has not met this requirement.

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 not satisfied that the criteria set forth in Section 306 have been met, and the application is therefore **DENIED**.

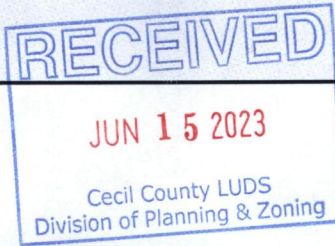
Date

8/27/23

Mark Saunders, Chairperson

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

MEET. MONTH: July 2023  
FILE NO. 4231



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

DATE FILED: 6/13/2023  
 AMOUNT PD: \$200  
 ACCEPTED BY: JB

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

Raymond J McMeans + Karen McMeans  
 APPLICANT NAME - PLEASE PRINT CLEARLY  
120 Bay Blvd Earleville MD 21919  
 ADDRESS CITY STATE ZIP CODE  
[Signature] Karen McMeans  
 APPLICANT SIGNATURE PHONE NUMBER  
 215-740-7149  
 215-570-2723

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

Raymond J McMeans Karen McMeans  
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY  
120 Bay Blvd Earleville MD 21919  
 ADDRESS CITY STATE ZIP CODE  
[Signature] Karen McMeans  
 PROPERTY OWNER SIGNATURE PHONE NUMBER  
 215-740-7149  
 215-570-2723

**C. PROPERTY INFORMATION**

120 Bay Blvd Earleville MD 21919  
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER  
56 | 90 5 .0602 RR  
 TAX MAP BLOCK PARCEL LOT # #ACRES ZONE  
 Subdivision 0116

**D. PURPOSE OF APPLICATION - Indicate reasons why this application should be granted. (attach separate sheet if necessary)**

home owner has a disability for easy access  
 and to enjoy the view without going  
 down a flight of stairs

→ XA 10' Variance to the Front setback (Building restriction line). Reducing the front setback to 5'.  
 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: IDA  
 Is property in the 100 year Floodplain? YES YES ✓ NO  
 Is property an Agricultural Preservation District? YES 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. XVII Part I Section 306.

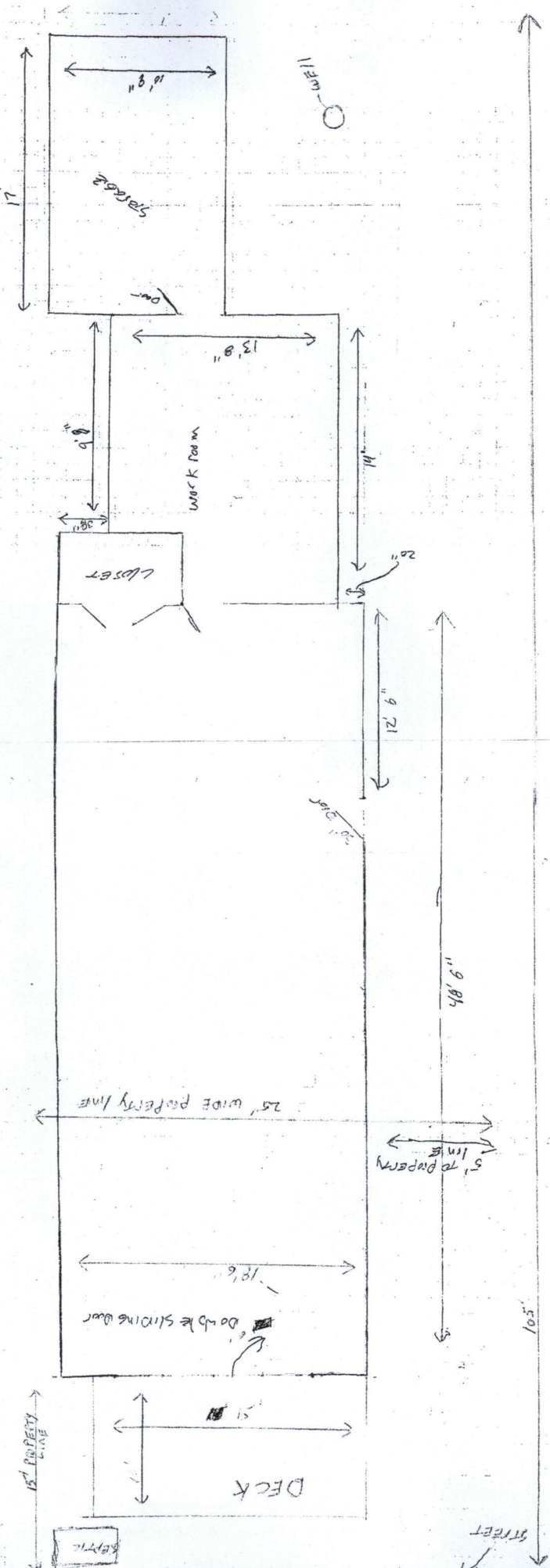
H. SPECIAL EXCEPTION RENEWAL - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL: \_\_\_\_\_

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

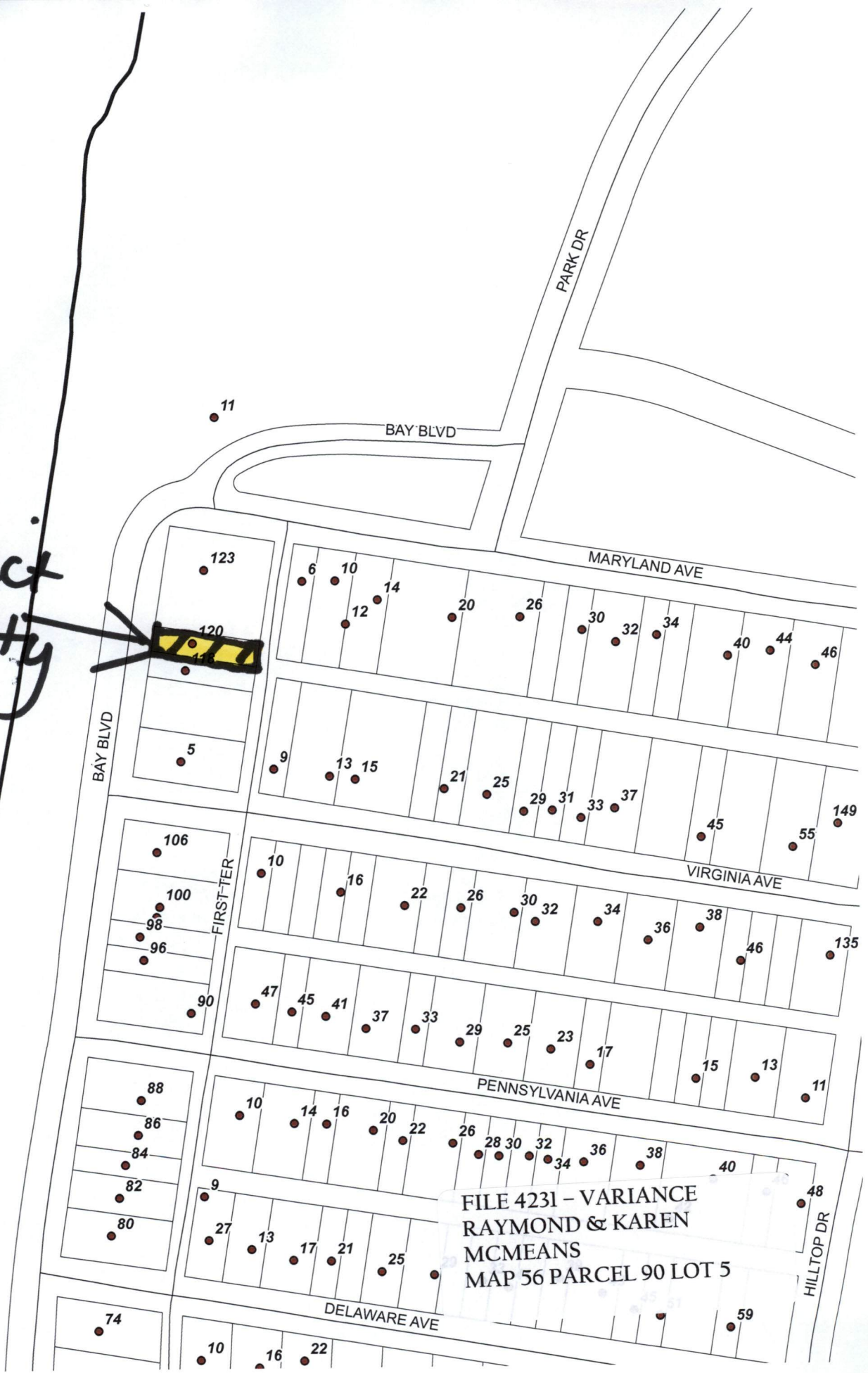
Will unit be visible from the road? \_\_\_\_\_ If yes, distance: \_\_\_\_\_  
 Will unit be visible from adjoining properties? \_\_\_\_\_ If yes, distance: \_\_\_\_\_  
 Distance to nearest manufactured home: \_\_\_\_\_ Size/Model/Year of Unit: \_\_\_\_\_  
 Number of units on property at present time: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

PLAN ON ALL IN 1992  
CITY OF LOS ANGELES  
SUNSHINE ROOMS

52' 2.5"



Subject  
Property



FILE 4231 - VARIANCE  
RAYMOND & KAREN  
MCMEANS  
MAP 56 PARCEL 90 LOT 5