

IN THE MATTER OF

BEFORE THE CECIL COUNTY

WEST NOTTINGHAM PRESBYTERIAN
CHURCH

BOARD OF APPEALS

(VARIANCE – RR)

CASE NO.: 4264

OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of West Nottingham Presbyterian Church (“Applicant”) for a variance to the maximum total sign area for religious organizations. The subject property is located at 1195 Firetower Road, Colora, Maryland 21917, being designated as Parcel 243, Block 3 on Tax Map 17 (“Property”), in the Sixth Election District of Cecil County, in an area presently zoned Rural Residential.

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.

Section 261 of the Ordinances states, “Flags or emblems, or governmental, educational or religious organizations and non-commercial signs relating to religious or political thought, house of worship bulletin boards, identification signs and church directional signs not to exceed thirty-two (32) square feet in area.”

On January 22, 2024, Susan Orndorf, authorized agent for Applicant, appeared and testified in support of File No. 4264 (the “Application”) seeking a variance to Section 261 maximum total sign area for religious organizations to construct a one-sided sign for the church. The Applicant submitted written support for the Applicant explaining the Church would like to install a 40 square foot electronic sign on the Property near Route 276, requiring an eight-foot variance. The sign has already been purchased, however, the Applicant was not aware their previous sign was not permitted. The Property contains ten acres. No witnesses spoke in favor or in opposition of the Application.

No witnesses spoke in opposition to the Application.

From the evidence presented, the Board is satisfied that the criteria set forth in Section 306 has been met and makes the following findings of facts:

1. The variance request 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 the Ordinance.

2. Special conditions and 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. The Applicant thought they were replacing a permitted existing sign. It was discovered after the new sign was purchased that the existing sign was

is actually encroaching a neighboring property and the new sign must be relocated. The only visible, and therefore practical, location is the proposed location. In order for passersby to see the sign, it need to be large enough to see from the Tome Highway.


3. The granting of the variance will not confer upon the applicant special privileges that are denied by this Ordinance to other properties in the same zone. Other organizations whether commercial, religious or educational, etc. have easily visible signage alerting oncoming traffic to ingress/egress to aid in public safety.

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 satisfied that the criteria set forth in Section 306 have been met, and the application is therefore **APPROVED**.

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

2/26/24
Date


Mark Saunders, Chairperson

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

RECEIVED
DEC 12 2023
Cecil County LUDS
Division of Planning & Zoning

MEET. MONTH: Jan 2024
FILE NO. 4264

THIS REQUEST IS FOR:

- SPECIAL EXCEPTION RENEWAL ()
- SPECIAL EXCEPTION ()
- VARIANCE (x)
- APPEAL ()

DATE FILED: 12/12/23
AMOUNT PD: \$200
ACCEPTED BY: _____

A. APPLICANT INFORMATION – ALL APPLICANTS MUST SIGN

West Nottingham Presbyterian Church (Seth Garvin)
 APPLICANT NAME – PLEASE PRINT CLEARLY
1195 Firetower Rd Colora MD 21917
 ADDRESS CITY STATE ZIP CODE
Seth Garvin (443) 907-3394 (Seth Garvin cell)
 APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION – ALL PROPERTY OWNERS MUST SIGN

West Nottingham Presbyterian Church
 PROPERTY OWNER NAME – PLEASE PRINT CLEARLY
1195 Firetower Rd Colora MD 21917
 ADDRESS CITY STATE ZIP CODE
Seth Garvin (410) 658-6366 (church office)
 PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

1195 Firetower Rd 06 026001
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER
177 3 0243 10 Rural/Residential RR
 TAX MAP BLOCK PARCEL LOT # #ACRES ZONE

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

Please refer to attached letter

A 8.5% Variance to the maximum total sign area for religious organizations.

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 XIII Section 261 ; 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: _____

Board of Appeals Members,

West Nottingham Presbyterian Church, located at 1195 Firetower Rd Colora MD, is applying for a variance to install a 40 sqft electronic sign on its property near route 276 (Tome Hwy). Our property is zoned Rural/Residential and the code will only approve the install of a 12 sqft sign. We had initially applied for a replacement permit, to replace our current sign, located at the intersection of Liberty Grove rd and Tome Hwy. After the application process began, it was brought to our attention that the current sign (installed for approximately 20 years) had never had a permit issued for its installation. It also was not located on West Nottingham Presbyterian Church property. It was located on MDdot property, and was fine as is, but could not be upgraded to an electronic sign. After we were informed that we could no longer install our recently purchased 40 sqft electronic sign (cost of approximately \$20,000) at our intended location, we revised our permit application and chose an alternate location on our property. We were then informed by Planning and Zoning, that since we were never issued a permit for the current sign that this would not be considered a replacement application, but a new construction application and that we would be limited to a 12 sqft sign. I have attached a plot plan that shows existing sign location and the proposed location of new sign.

We are asking the Board of Appeals to approve our variance application for installation of our newly purchased 40 sqft electronic sign. Upon approval and installation, the current sign will be removed from MDdot property at Liberty Grove Rd and Tome Hwy.

Thank You

Respectfully yours

Seth Garvin


Property Committee Chair

West Nottingham Presbyterian Church

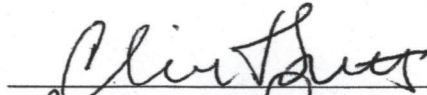
Building Permit Release Form

West Nottingham Presbyterian Church gives permission to Seth Garvin to apply and pick up the building permit for sign project being constructed at 1195 Firetower Rd Colora MD 21917.

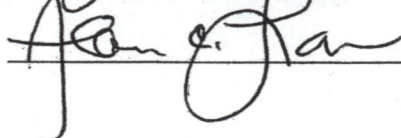
Seth Garvin (Chair of Property Committee)



Chris Scott (Bridge Pastor)

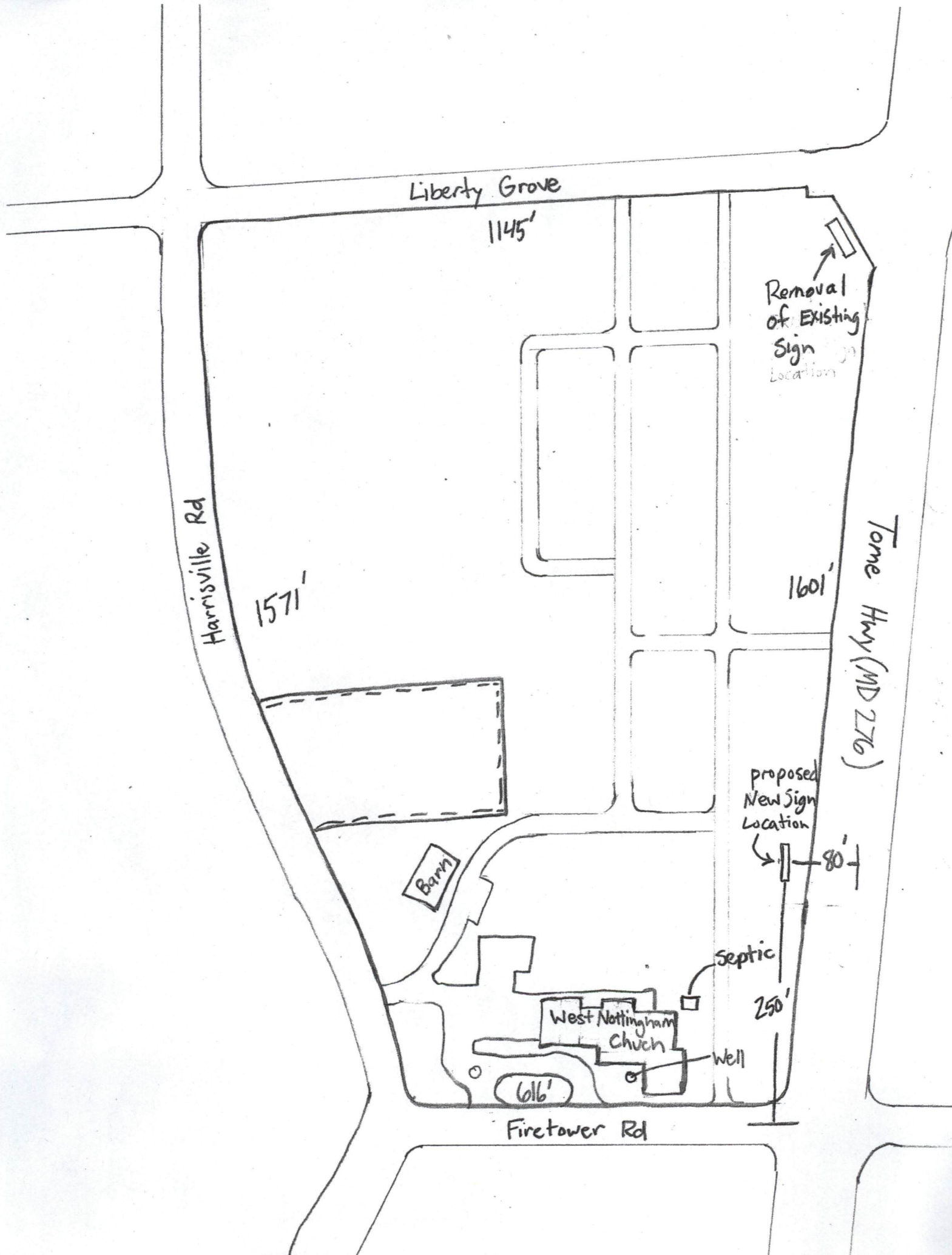


Alan Loman (Treasurer)



Date:

07/23/2023



Liberty Grove

1145'

Removal
of Existing
Sign
Location

Harrisville Rd

1571'

1601'

Tome Hwy (MD 276)

proposed
New Sign
Location

80'

Barn

septic

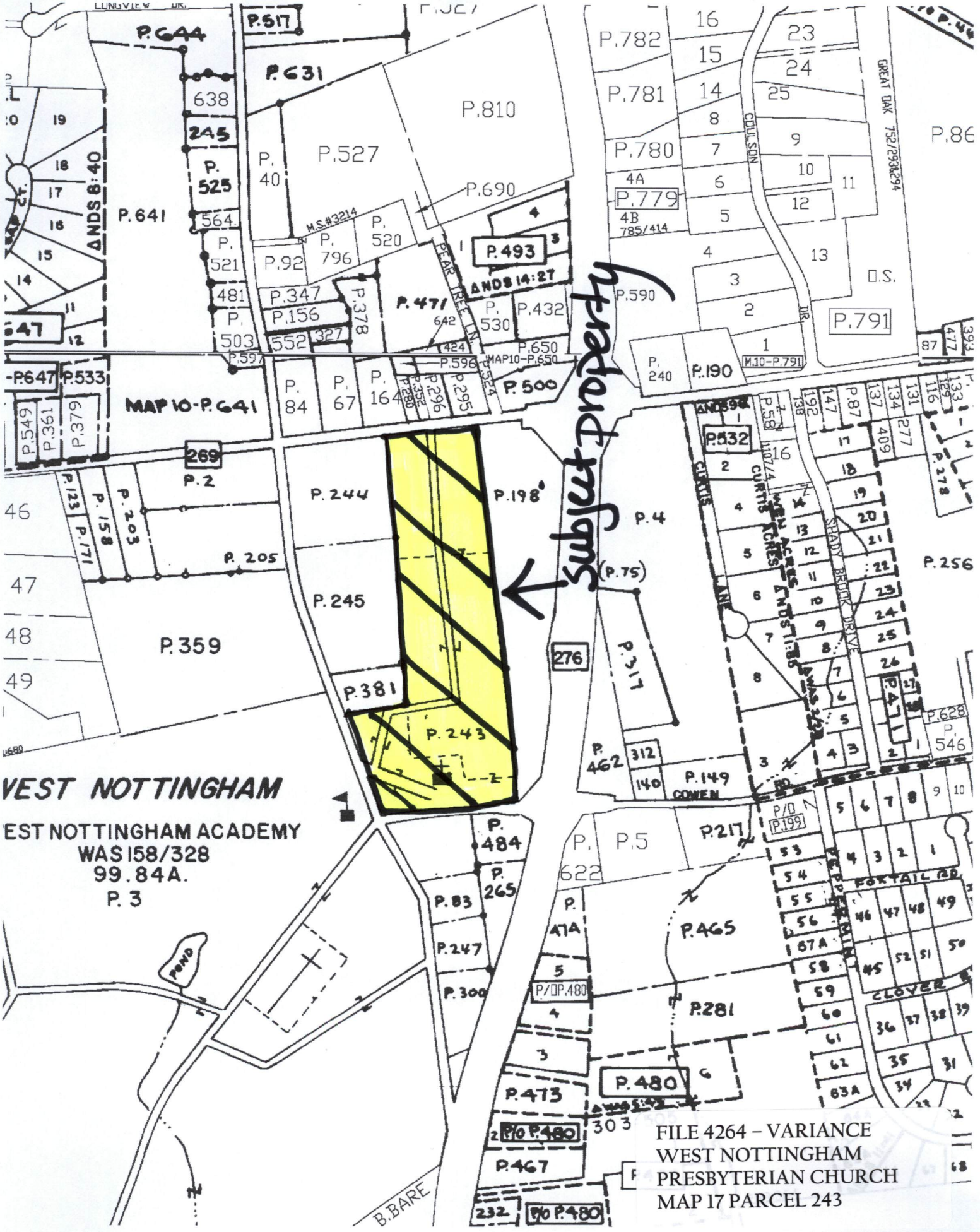
250'

West Nottingham
Church

well

66'

Firetower Rd



VEST NOTTINGHAM
EST NOTTINGHAM ACADEMY
WAS 158/328
99.84A.
P. 3

FILE 4264 - VARIANCE
WEST NOTTINGHAM
PRESBYTERIAN CHURCH
MAP 17 PARCEL 243