

IN THE MATTER OF
WTC DEVELOPMENT LLC
(VARIANCE – SAR)

BEFORE THE CECIL COUNTY
BOARD OF APPEALS
CASE NO.: 4267

OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of WTC Development LLC (“Applicant”) for a variance to the maximum total sign area limited by Zoning District. The subject property is located at 336 Cecilton-Warwick Road, Warwick, Maryland 21912, being designated as Parcel 13, Block 4 on Tax Map 62F (“Property”), in the First Election District of Cecil County, in an area presently zoned Southern Agricultural Residential. The Property contains over two hundred sixty acres.

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 269 of the Ordinances provides that the maximum total sign area for the SAR zone is twelve square feet.

On January 22, 2024, David Strouss, Engineer at McCrone, and authorized agent to speak on behalf of the Applicant, appeared and testified in support of File No. 4267 (the "Application") seeking a twenty-six square foot variance to the Section 269 maximum total sign area. The Applicant submitted a photograph with design specifications and a survey of the Property with the written application. Strouss testified that the sign needs to be large enough that trucks delivering to the business at the Property will not pass the entrance and have to back up or turn around on neighboring properties. Either form of correction would present a safety hazard and/or a nuisance. Strouss further testified a neighboring property owner places large agricultural vehicles for sale along the road diminishing visibility of the subject property entrance (photos submitted to the Board in support of testimony). He also added that there is no plan to make the sign larger in the future (new policy becoming effective March 2024).

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. The nature of the business at the property requires large delivery

vehicles which, if they miss the turn onto the property, could create a danger to other vehicles on the road or a nuisance to neighboring properties.

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 signage for the business must be large enough to be seen a fair distance from the entrance and located at the proposed site (as shown on the design submitted with the Application) to serve the most benefit.

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 commercial business in the zone 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. Although the Applicant testified a neighbor's use of his property to park tractors for sale diminishes visibility, there was no evidence submitted this use is either illegal or resulting from a condition of the land use.

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.

Date

2/26/24

Mark Saunders, Chairperson

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

RECEIVED
DEC 19 2023
Cecil County LUDS
Division of Planning & Zoning

MEET. MONTH: Jan. 22, 2024
FILE NO. 4257

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

DATE FILED: 12/19/23
AMOUNT PD: \$200
ACCEPTED BY: [Signature]

A. APPLICANT INFORMATION - ALL APPLICANTS MUST SIGN
WTC DEVELOPMENT LLC

APPLICANT NAME - PLEASE PRINT CLEARLY
65 Knight Island Road Earleville MD 21919
ADDRESS CITY STATE ZIP CODE
[Signature] 443-206-3223
APPLICANT SIGNATURE Jacob Van Wingerden PHONE NUMBER

B. PROPERTY OWNER INFORMATION - ALL PROPERTY OWNERS MUST SIGN
WTC DEVELOPMENT LLC

PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
65 Knight Island Road Earleville MD 21919
ADDRESS CITY STATE ZIP CODE
[Signature] 443-206-3223
PROPERTY OWNER SIGNATURE Jacob Van Wingerden PHONE NUMBER

C. PROPERTY INFORMATION

336 Cecilton-Warwick Road 1st 0801 016571
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER
62F 4 13 260.405 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)
Request a variance to allow a 38 sf ground sign to be installed for the business identification. The maximum size sign allowed for this zone is 12 sf. so we request to exceed that by 26 sf. The reason for the larger sign is so that the tractor trailer delivery trucks don't miss the entrance and then have to find a place to turn around and come back. The speed limit at this entrance is 50 mph and the equipment display by the neighboring property make it difficult to see the entrance.

A 26sf variance of the maximum total sign area limited by the SAR zoning district.
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 _____ X NO
If yes, Pertinent provision of the Chesapeake Bay Critical Area Program: _____
Is property in the 100 year Floodplain? _____ YES _____ X NO
Is property an Agricultural Preservation District? _____ YES _____ X NO

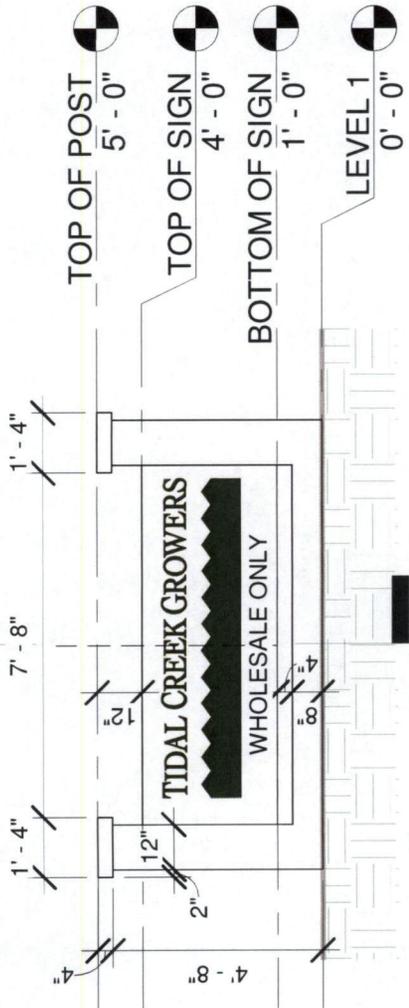
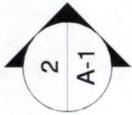
If property is located in the Critical Area, all provisions and requirements must be met as outlined in Article XVII, Part I, II & III of the Zoning Ordinance.

G. PROVISION OF ZONING ORDINANCE: section 269; Art XVII Part I Section 306.

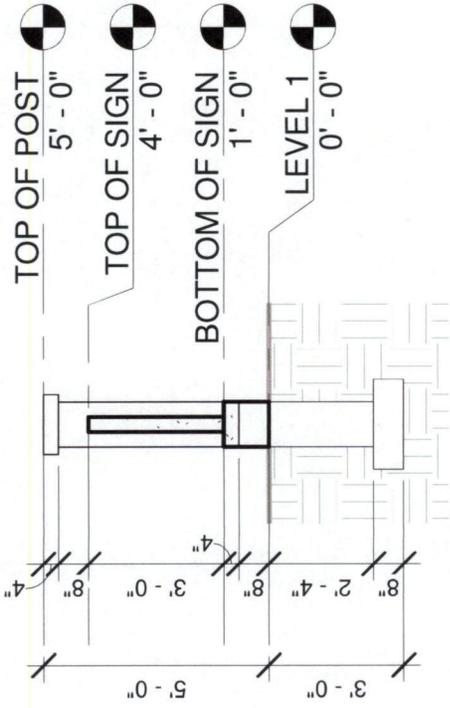
H. SPECIAL EXCEPTION RENEWAL - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL: _____

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

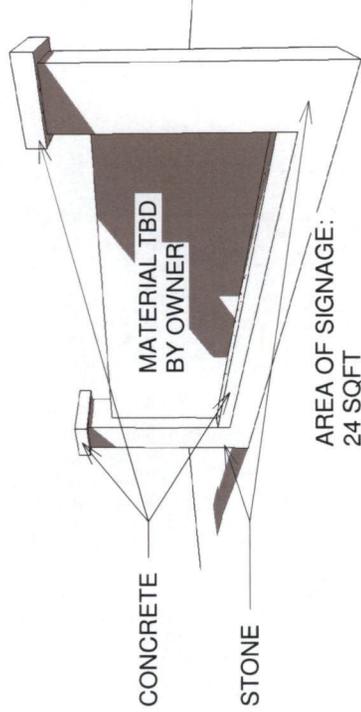
Will unit be visible from the road? _____ If yes, distance: _____
Will unit be visible from adjoining properties? _____ If yes, distance: _____
Distance to nearest manufactured home: _____ Size/Model/Year of Unit: _____
Number of units on property at present time: _____



1 SIGN "A" ELEV.
1/4" = 1'-0"



2 SIGN "A" SECTION
1/4" = 1'-0"



A-1
0
RTV

Drafting
by
Design

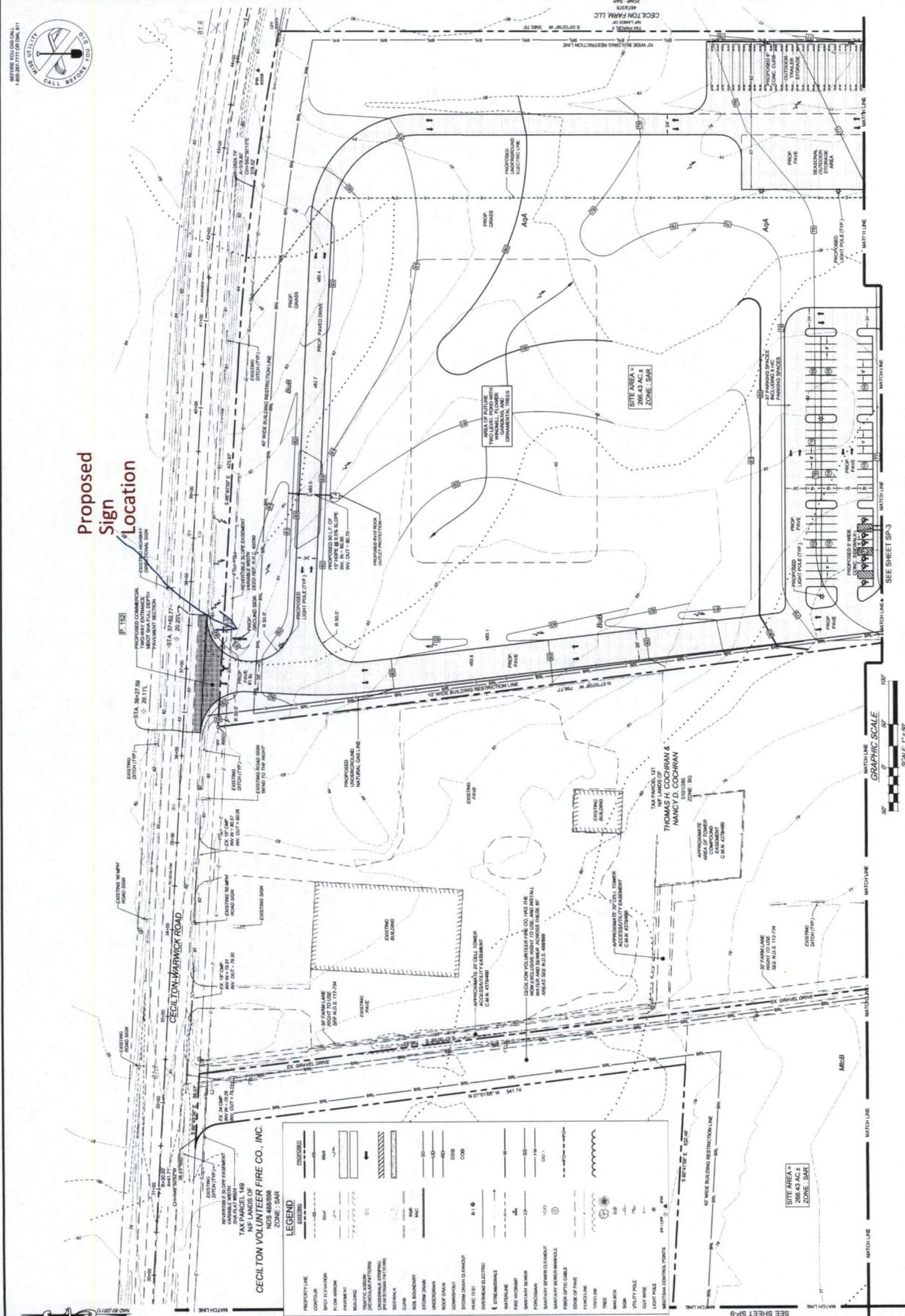
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SINGNAGE
TIDAL CREEK GROWERS
336 CECILTON-WARWICK RD.
CECILTON, MD 21913

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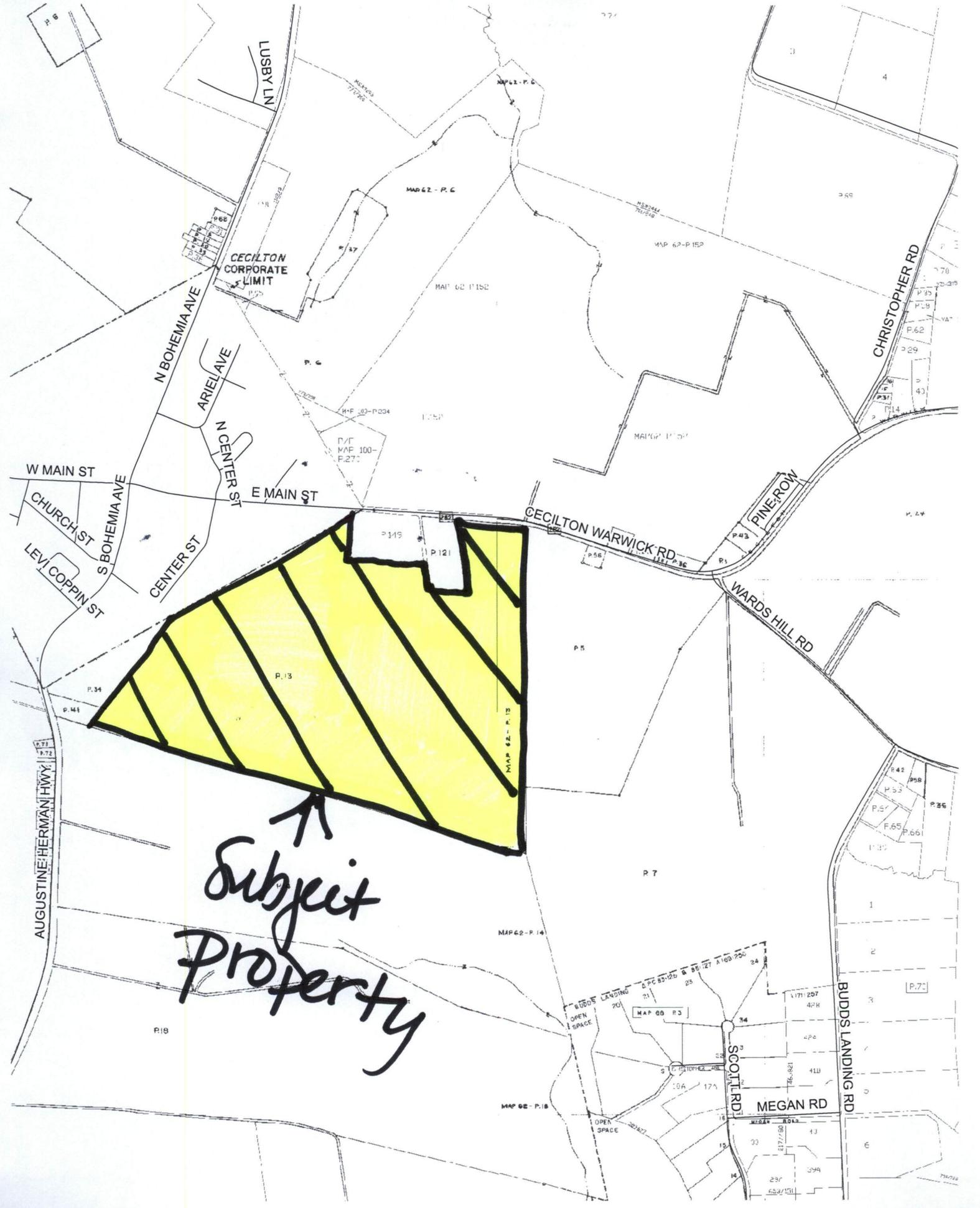
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Proposed Sign Location



800-367-7777 LOCAL 111
 410-367-7777 LOCAL 111
 CALL BEFORE YOU DIG



Subject
Property

LUSBY LN

N BOHEMIA AVE

ARIEL AVE

N CENTER ST

E MAIN ST

W MAIN ST

CHURCH ST

LEVY COPPIN ST

S BOHEMIA AVE

CENTER ST

CECILTON WARWICK RD

PINE ROW

WARDS HILL RD

CHRISTOPHER RD

AUGUSTINE HERMAN HWY

BUDDS LANDING RD

MEGAN RD

SCOTT RD

MAP 62 - P. 6

MAP 62 P. 152

P. 100 - P. 27

P. 119

P. 121

P. 13

P. 5

P. 7

MAP 62 - P. 14

P. 18

MAP 62 - P. 18

MAP 60 R. 3

MAP 62 - P. 18

P. 7

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