

IN THE MATTER OF
THE APPLICATION OF
TANYA MICHELE CHRISTLEY

(Special Exception – NAR)

* BEFORE THE CECIL COUNTY
* BOARD OF APPEALS
* CASE NO.: 4277

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OPINION

The Cecil County Board of Appeals (the “Board”) is now asked to consider the application of Tanya Michele Christley (the “Applicant”). The Applicant seeks a special exception in accordance with Article XVII, Part II, Section 311 of the Cecil County Zoning Ordinance (the “Ordinance”) to place a double-wide manufactured home on the property at 403 Doctor Jack Rd, Port Deposit, MD 21904, and designated as Lot 12 A, Parcel 22, Block 1, on Tax Map 23 in Election District 7 of Cecil County (the “Property”), in an area zoned Northern Agricultural Residential (“NAR”) in accordance with Article V, Part III, Section 70(5) of the Ordinance. The Property is owned by the Applicant, who properly signed the Board of Appeals Application File No. 4277 (the “Application”).

Article XVII, Part II, Section 311 of the Ordinance specifies that no special exception shall be approved by the Board 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 70(5) of the Ordinance specifies that the Board may not approve a special exception to permit a double-wide manufactured home on a property in the NAR zone unless the following findings are made:

1. The proposed double-wide manufactured home is not on a permanent foundation, and
2. A hardship exists involving a member of the immediate family.

The Applicant appeared before the Board on March 25, 2024, and testified that she is seeking a special exception to place a double-wide manufactured home (a “double-wide”) on the Property for hardship purposes. The Applicant and her son, Matthew Stemple, provided the following testimony:

- The Applicant has multiple medical conditions which have forced her to retire on disability.
- The Applicant’s medical conditions make it difficult for her to safely traverse steps.
- The current dwelling on the Property is a two-story home.
- The Applicant currently resides in the home with her husband, son, and grandchildren.
- The double-wide would enable the Applicant to live independently and safely on the Property, with her children nearby to help her.
- The Property is approximately fifty acres in size.
- The proposed location of the double-wide would be screened from the view of neighboring properties and passersby.
- The Applicant is concerned about the time and condition restrictions on the hardship special exception because it would create a financial hardship for the family to remove it in the event of her death or hospitalization.

In response to questions from the Board, the Applicant provided the following testimony:

- The Applicant has “perc approval” for the site of the double-wide.
- There is sufficient space on the Property for a septic reserve or drain field for the double-wide.
- The Applicant and her spouse would be the only persons residing in the double-wide.
- It is not feasible for the Applicant to construct an addition on the existing home to accommodate her needs.
- The Applicant intends to extend the existing driveway to accommodate the double-wide.

- The Applicant previously had a professional engineer produce plans for a similar project on the Property, which included ingress/egress, water & septic, construction location, etc....
- The proposed use is similar enough to that proposed in the previous plan, that the plan can be used for the double-wide. The only difference between the previous plan and the current one is the type of structure.
- None of the neighboring property owners have complained about the proposed use.
- Several of the neighboring property owners have offered support for the proposed use.

No additional witnesses spoke in favor or in opposition of the Application. Aaron Harding, Division Chief of the Planning and Zoning Division of the Department of Land Use and Development Services testified that neither the Division of Planning and Zoning nor the Planning Commission received any written comment regarding the Application.

Mr. Harding testified that the Division of Planning and Zoning and the Planning Commission recommended approval of the special exception for two years.

From the evidence, the Board makes the following findings of facts pursuant to the requirements of Section 311 of the Ordinance:

1. The proposed use of the Property will not be detrimental to or endanger the public health, safety, or general welfare. The Board is satisfied with the Applicant's testimony that the double-wide will be safely and professionally constructed and will not be dangerous in any way.
2. The proposed use will neither be unduly injurious to the peaceful use and enjoyment of other property in the neighborhood, nor will such use substantially diminish or impair property values in the neighborhood. The Board is satisfied with the Applicant's testimony that the double-wide will not be visible from neighboring properties or from the roadway, and that no neighboring property owners have complained about the proposed use.

3. The proposed use will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted in the zone. The Board is satisfied with the Applicant's testimony that the Property is of sufficient size and character as to screen the double-wide from the view of neighboring properties and passersby, and thus will have no effect upon development or improvement of surrounding properties.

4. The proposed 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. The Board is satisfied with the Applicant's testimony that the property is not on public utilities, and that because permitting the double-wide would not increase number of persons and vehicles on the Property, there will be no increase in traffic which would overburden public roads.

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 100-year floodplain, or an Agricultural Preservation District. Based on the Applicant's testimony that they are employing professional engineers to design and manage the construction of the double-wide, the Board finds that the proposed use will not have any adverse environmental impact on the area.

6. The proposed use will, in all other respects, conform to the applicable regulations of the NAR zone. Based on the Applicant's testimony and available evidence, the Board finds that aside from the proposed use, the Property conforms to all regulations applicable to properties zoned Northern Agricultural Residential.

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) Based on the Applicant's testimony and available evidence, the Board finds that the proposed use will not have any adverse effect above and beyond those associated with the construction of a double-wide on property of any zoning designation.

8. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The Board is satisfied with the Applicant's testimony that only the Applicant and her husband will be residing in the double-wide. As the Applicant and her husband currently live on the Property, permitting the double-wide will not cause an increase in traffic.

9. The proposed special exception is not contrary to the objectives of the current Comprehensive Plan for Cecil County. Based on the Applicant's testimony and available evidence, the Board finds that the proposed use of the Property is permitted by special exception in the NAR zone.

Further, the Board makes the following findings pursuant to Section 70(5) of the Ordinance:

1. The Board is satisfied with the Applicant's testimony and available evidence that the proposed double-wide manufactured home will not be on a permanent foundation.

2. The Applicant testified that she suffers from numerous chronic medical conditions which make it unsafe for her to continue living in the house. The Applicant testified that she has fallen several times because she is no longer able to safely navigate stairs. The Board is satisfied with the Applicant's testimony and finds that the Applicant's circumstances sufficiently constitute a hardship for the purposes of the Ordinance.

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 70(5), of the Ordinance have been met and the application for the special exception to place a doublewide manufactured home on the Property is therefore **APPROVED FOR TWO 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.

4/23/24
Date

Michael Linkous
Michael Linkous, Vice Chairman

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

RECEIVED

MEET. MONTH: March 2024
FILE NO. 11277

FEB 13 2024

THIS REQUEST IS FOR:

- SPECIAL EXCEPTION RENEWAL
- SPECIAL EXCEPTION
- VARIANCE
- APPEAL

Cecil County DLUDS

DATE FILED: 2/13/24
AMOUNT PD: \$150
ACCEPTED BY: JB

Division of Planning & Zoning

A. APPLICANT INFORMATION - ALL APPLICANTS MUST SIGN

Tanya Michele Christley
 APPLICANT NAME - PLEASE PRINT CLEARLY
403 Doctor Jack Road Port Deposit, Md 21904
 ADDRESS CITY STATE ZIP CODE
Tanya Michele Christley 443-731-1881
 APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION - ALL PROPERTY OWNERS MUST SIGN

Tanya Michele Christley
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
403 Doctor Jack Road Port Deposit Md 21904
 ADDRESS CITY STATE ZIP CODE
Tanya Michele Christley 443-731-1881
 PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

403 Doctor Jack Road Port Deposit Md 21904 / 07 / 0569B2
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER
0023 1 0022 12A 50.4376 Agricultural NAR
 TAX MAP BLOCK PARCEL LOT # #ACRES ZONE

D. PURPOSE OF APPLICATION

Indicate reasons why this application should be granted. (attach separate sheet if necessary)
Due to medical Dx. of long COVID request special exception to place doublewide manufactured home on property behind existing 2 story home built in 2011. Since long COVID I can no longer go up/down steps. I fall a lot and get short of breath. I have broken my nose ribs from recent falls. -> see Special Exception for a doublewide manufactured home for hardship purposes. add'l, note
 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: _____
 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 P.III S. 70 ; Art XVII P.II Section 311

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

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

Will unit be visible from the road? No If yes, distance: _____
 Will unit be visible from adjoining properties? No If yes, distance: _____
 Distance to nearest manufactured home: 1 mile Size/Model/Year of Unit: _____
 Number of units on property at present time: 0

Tanya Michele Christley
403 Doctor Jack Rd
Port Deposit, Md 21904

Application for
Special Exception
to place a
manufactured home

Request ^{special} Exception due to medical hardship on property
due to medical
hardship.

Purpose of Application continued:

Due to inability to climb steps in a 2 story home on a daily basis requesting placement of a one story manufactured home. This would allow me to continue to live independently and navigate all on one story.

Since having long COVID my entire life has changed I am unable to drive more than a 5 mile radius because I forget where I am going and get lost. I can no longer walk without becoming short of breath, steps inside the home are incredibly difficult to navigate without falling. I suffer from Depression, Anxiety, Severe migraines, shortness of breath, muscle and nerve pain, eye damage etc... I have had to give up my job and go on disability due to my cognitive issues.

I am requesting this exception so I can feel independent - currently my son and daughter-in-law live w/ me to assist. I could place home in back of current home allowing my son & daughter-in-law to live in 2 story for their assistance and I could live my life independently in a one story manufactured home.

Tanya Michele Christley

→ Please consider
this special
exception.

Addtl. Info

Tanya Michele Christley
403 Doctor Jack Road
Port Deposit, Md 21904

* Request special exception
due to medical hardship
to place manufactured home on property.

We previously had planned to build a 4000 s.f. bardominium and we were working w/ McCrone - attached drawing shows placement of that bldg. we were planning a one story 2000 sf home & 2000sf attached pole barn/garage that would be the livable space.

Unfortunately we were unable to move forward due to my illness and inability to work. The steps have been increasingly challenging - master & all bedrooms are on the 2nd floor.

Therefore w/ me unable to work and having to go on disability our dream home one level living bardominium became an impossible dream.

The steps were a challenge daily but they have become a huge obstacle and therefore my request to live in a one story manufactured home seems like my best option. I don't want to have to sell and move - this property was handed down by my father and was his legacy so I am desperate to find approval of this option. Thank you very much
Tanya Christley

McCRONE
 Environmental & Surveying
 10000 W. PATENT ROAD, SUITE 100
 CEOL, MARYLAND 21773
 PHONE: 301-251-1000
 FAX: 301-251-1001
 WWW.MCCRONE.COM

PROJECT: REVISION TO FOREST CONSERVATION PLAN
 SHEET: 1 OF 2
 DATE: 08/14/23
 FILE NO.: 94-H

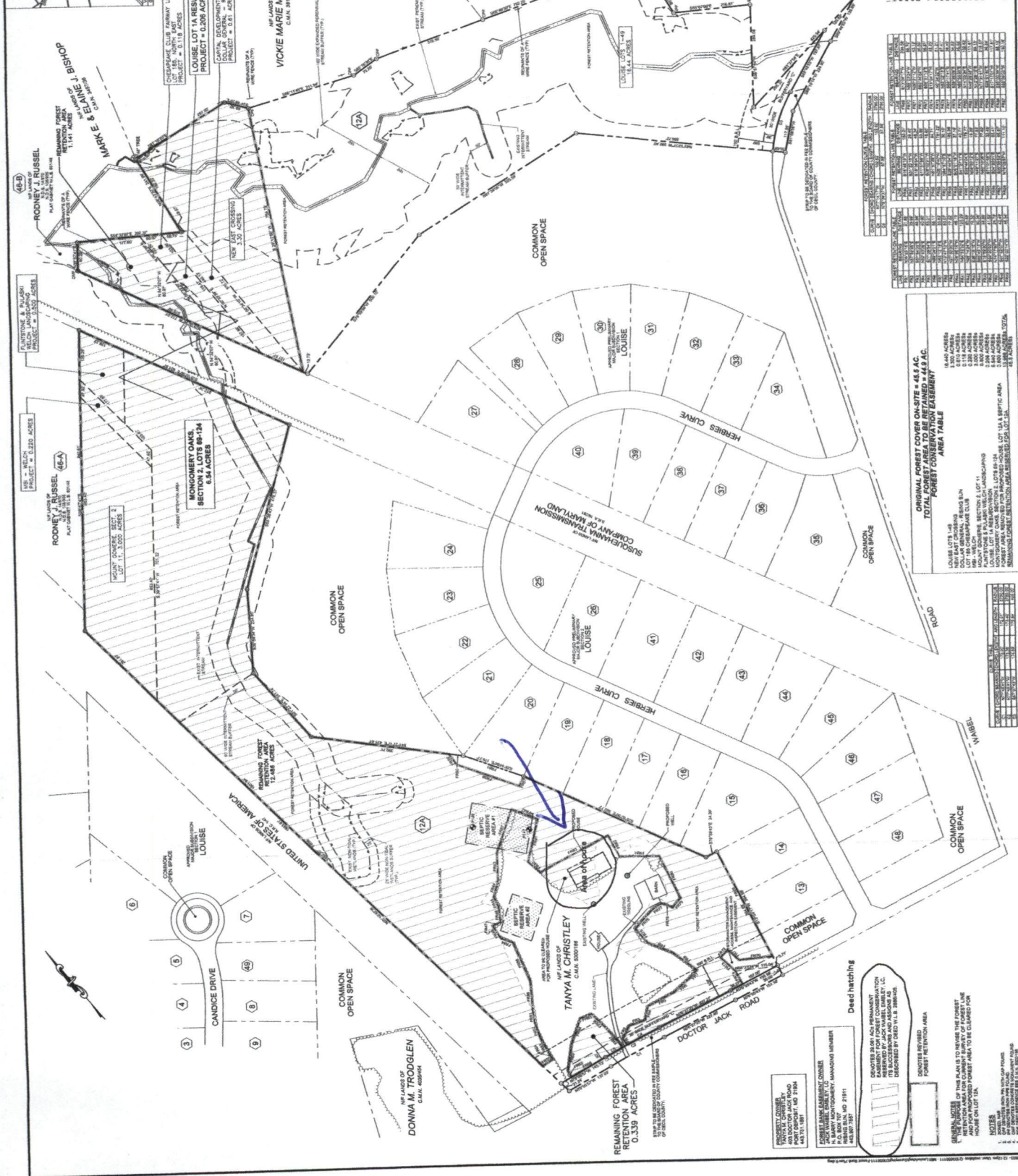


TABLE 1: ORIGINAL FOREST COVER ON LOTS - 48.1 AC, TOTAL FOREST CONSERVATION BASEMENT AREA TABLE

LOT #	ACRES	FOREST COVER (AC)	PERCENTAGE
1	0.11	0.02	18.18%
2	0.11	0.02	18.18%
3	0.11	0.02	18.18%
4	0.11	0.02	18.18%
5	0.11	0.02	18.18%
6	0.11	0.02	18.18%
7	0.11	0.02	18.18%
8	0.11	0.02	18.18%
9	0.11	0.02	18.18%
10	0.11	0.02	18.18%
11	0.11	0.02	18.18%
12	0.11	0.02	18.18%
13	0.11	0.02	18.18%
14	0.11	0.02	18.18%
15	0.11	0.02	18.18%
16	0.11	0.02	18.18%
17	0.11	0.02	18.18%
18	0.11	0.02	18.18%
19	0.11	0.02	18.18%
20	0.11	0.02	18.18%
21	0.11	0.02	18.18%
22	0.11	0.02	18.18%
23	0.11	0.02	18.18%
24	0.11	0.02	18.18%
25	0.11	0.02	18.18%
26	0.11	0.02	18.18%
27	0.11	0.02	18.18%
28	0.11	0.02	18.18%
29	0.11	0.02	18.18%
30	0.11	0.02	18.18%
31	0.11	0.02	18.18%
32	0.11	0.02	18.18%
33	0.11	0.02	18.18%
34	0.11	0.02	18.18%
35	0.11	0.02	18.18%
36	0.11	0.02	18.18%
37	0.11	0.02	18.18%
38	0.11	0.02	18.18%
39	0.11	0.02	18.18%
40	0.11	0.02	18.18%
41	0.11	0.02	18.18%
42	0.11	0.02	18.18%
43	0.11	0.02	18.18%
44	0.11	0.02	18.18%
45	0.11	0.02	18.18%
46	0.11	0.02	18.18%
47	0.11	0.02	18.18%
48	0.11	0.02	18.18%
49	0.11	0.02	18.18%
50	0.11	0.02	18.18%
51	0.11	0.02	18.18%
52	0.11	0.02	18.18%

TABLE 2: COMMON OPEN SPACE

LOT #	ACRES	PERCENTAGE
1	0.11	0.23%
2	0.11	0.23%
3	0.11	0.23%
4	0.11	0.23%
5	0.11	0.23%
6	0.11	0.23%
7	0.11	0.23%
8	0.11	0.23%
9	0.11	0.23%
10	0.11	0.23%
11	0.11	0.23%
12	0.11	0.23%
13	0.11	0.23%
14	0.11	0.23%
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36	0.11	0.23%
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40	0.11	0.23%
41	0.11	0.23%
42	0.11	0.23%
43	0.11	0.23%
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45	0.11	0.23%
46	0.11	0.23%
47	0.11	0.23%
48	0.11	0.23%
49	0.11	0.23%
50	0.11	0.23%
51	0.11	0.23%
52	0.11	0.23%

NOTES:

- THIS PLAN IS TO BE USED TO REVEAL THE FOREST AND TO PROTECT FOREST AREAS TO BE MAINTAINED FOR FOREST CONSERVATION.
- ALL FOREST AREAS TO BE MAINTAINED FOR FOREST CONSERVATION SHALL BE MAINTAINED AS SUCH.
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FOR MORE INFORMATION, CONTACT THE ENGINEER AT THE ADDRESS LISTED ABOVE.



FILE 4277 - SPEC. EXCEPTION
TANYA M. CHRISTLEY
MAP 23 PARCEL 22 LOT 12A

Subject Property