

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

RECEIVED

MEET. MONTH: Aug 2024

FILE NO. 4301

JUL 18 2024

Cecil County DLUDS
Division of Planning & Zoning

THIS REQUEST IS FOR:

- SPECIAL EXCEPTION RENEWAL
- SPECIAL EXCEPTION
- VARIANCE
- APPEAL

DATE FILED: 7/18/24
AMOUNT PD: 400
ACCEPTED BY: JB

A. APPLICANT INFORMATION - ALL APPLICANTS MUST SIGN

FREDERICK J. LEISS & MARGARET LEISS

APPLICANT NAME - PLEASE PRINT CLEARLY

20 ORCHARD ROAD HUMMELSTOWN, PA 17036

ADDRESS

CITY

STATE

ZIP CODE

APPLICANT SIGNATURE

MarLeiss82@msn.com

(717) 418-1116

EMAIL

PHONE NUMBER

B. PROPERTY OWNER INFORMATION - ALL PROPERTY OWNERS MUST SIGN

FREDERICK J. LEISS & MARGARET LEISS

PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

20 ORCHARD ROAD HUMMELSTOWN, PA 17036

ADDRESS

CITY

STATE

ZIP CODE

PROPERTY OWNER SIGNATURE

MarLeiss82@msn.com

(717) 418-1116

EMAIL

PHONE NUMBER

C. PROPERTY INFORMATION

5383 Turkey Point Road, Northeast, MD 21901

5th

0805055199

PROPERTY ADDRESS

ELECTION DIST.

ACCT. NUMBER

050

10

14

7

0.5

RR + Critical Area

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 see attached NARRATIVE

A Variance to remove more than 30% of forest or developed wood land on a lot for construction purposes. (57%)

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 XVI Part I Section 200.9 Art XVII Part I Section 306.

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

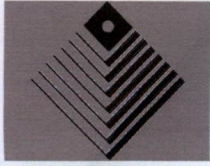
I. SPECIAL EXCEPTION FOR A MANUFACTURED HOME - Please fill out the following information:

Will unit be visible from the road? N/A If yes, distance: _____

Will unit be visible from adjoining properties? N/A If yes, distance: _____

Distance to nearest manufactured home: N/A Size/Model/Year of Unit: _____

Number of units on property at present time: N/A



MERESTONE

Consultants, Inc.

Civil Engineers - Land Surveyors - Site Planners

17 September 2024

NARRATIVE

To the Board of Appeals for Cecil County:

Re: 5383 Turkey Point Road Variance Request: Lot No. 7, Section 3A, Block Q, Rolling Hills
Tax Parcel: Map 50, Grid 10, Parcel 14: Acct No. 0805055199 Zoned RR, with an LDA
Lands of Frederick J. and Margaret Leiss
20 Orchard Road
Hummelstown, PA 17036 Phone: (717) 418-1116

Submitted herewith for review and consideration:

1. Board of Appeals Variance Application
2. Merestone Consultant's check in the amount of \$200.00 for the application fee
3. Narrative to accompany the Application
4. Plan to Accompany a Variance Application (Canopy cover determination) (Plan No. 26040-333653)
5. Final Lot Grading Plan, sheet 2 of 4 (Depicts proposed grading, Limit of Disturbance) (Plan No. 26040-332246)
6. Proposed lot landscaping sketch and plant list.
7. Plat of Rolling Hills

INTRODUCTION

This is an application seeking relief from certain sections of the Cecil County Zoning Ordinance (Section 200) pertaining to the Critical Area to allow the construction of a single-family residence on the subject property.

The property was created by the Plat of Rolling Hills, recorded circa 1961, Section 3 (MSA SSU 1241-252) for single home development along with several other such lots. Most of the lots created have been developed with homes, this lot being one of the last undeveloped lots along the Northeast River waterfront. Lot No. 6 immediately to the southwest (left side) and Lot No. 8, immediately to the northeast (right side) were built circa 1985. According to county data found on the public GIS system, Lot 6's primary dwelling is 1,851 s.f. and Lot 8's dwelling is 2,463 s.f. These, as well as most of the properties in this section of Rolling Hills, were developed prior to the current regulations.

EXISTING CONDITIONS (pre-development)

The 75' +/- feet wide lot (pre-existing, non-conforming width) fronts on Turkey Point Road and extends back between parallel lines approximately 290' +/- to what the recorded plat refers to as the mean low water of the Northeast River. The water line defined by a rip-rap sea wall found during the January 2024 field survey is approximately 44' +/- short of that depth. The property falls within the Critical Area of the Chesapeake Bay, having a buffer thereto of 110 feet from the water's edge.

The lot slopes upward from the road at 15-25% to a crest at about 110' back, then downward sloping to the river at around 60%. The waterfrontage is mapped in a VE Flood Hazard Area as shown on FEMA Community Panel 24015C0209E at elevation 10, limiting it virtually to the water frontage. The lot rises to approximately elevation 70 at the previously mentioned crest. The property is vegetated with various sized trees and scrub brush. The upper story canopy area

"The Extra Measure People"

5215 W. Woodmill Drive, Suite 38 - Wilmington, DE 19808 - (302) 992-7900
33516 Crossing Avenue, Unit 1 - Lewes, DE 19958 - (302) 226-5880

based on observing various available aerial photo sources is about 15,037 s.f. There is no apparent evidence of development.

A Wetlands Report was prepared by Stephens Environmental Consulting, Inc., concluding that (excluding the hard armored shoreline), no wetlands, tidal or non-tidal and no jurisdictional wetlands or waters of the US or other wetlands or streams occur within the LOD or on the lot.

There is no apparent evidence of an on-site septic system or well. Neighboring properties apparently have septic fields in the fronts of the lots.

PROPOSED CONDITIONS (post-development)

A residential home (1,548 s.f. footprint), to be occupied by the property owners, is proposed on the lot along with porches, a deck and supporting septic system and well. There will be approximately 2,250 s.f. of living space on the ground and loft levels. The home will set back from the street right-of-way 67.1'+; 13' from the right-side line and 20' from the left-side. The proposed home will be about 28 feet from grade to roof peak. The finished floor will be near the same elevation as the properties on either side. There is a walk-out basement at the rear of the home requiring excavation to create a small, graded area behind the home. The existing elevation near the rear of the home is 70 while the proposed finished floor elevation is 69 which will require excavation to a depth of 12+/- feet to accommodate the basement.

Impervious areas created by the home, deck, sidewalk and drive total 3,194 s.f. (14.8% of the lot area) well under the required 31.25%.

The area to be disturbed by these proposed improvements is 10,215 s.f., which includes the area for grade recovery in the rear of the home, the driveway installation and the area to have a septic system placed. This results in the removal of 57% of the upper story lot canopy (8,462 S.F.). This has been designed to minimize the disturbed area as much as practical. Though consideration has been given to the removal of the existing canopy, little can be done to prevent the removal of trees creating the canopy since the lot is challenged with size and grade limitations. The proposed design minimizes as much as it is practical, leaving more than ½ the lot canopy in place predominantly on the waterfront side of the home. That rear portion has existing canopy coverage remaining on the 60% slope down to the river, leaving no area left on the property available for mitigation of the removed canopy.

Stormwater Management is proposed in the form of a submerged wetland facility, accepting roof-top run-off, installed immediately behind the walk-out basement area. Grading and Stormwater Management plans are currently under review.

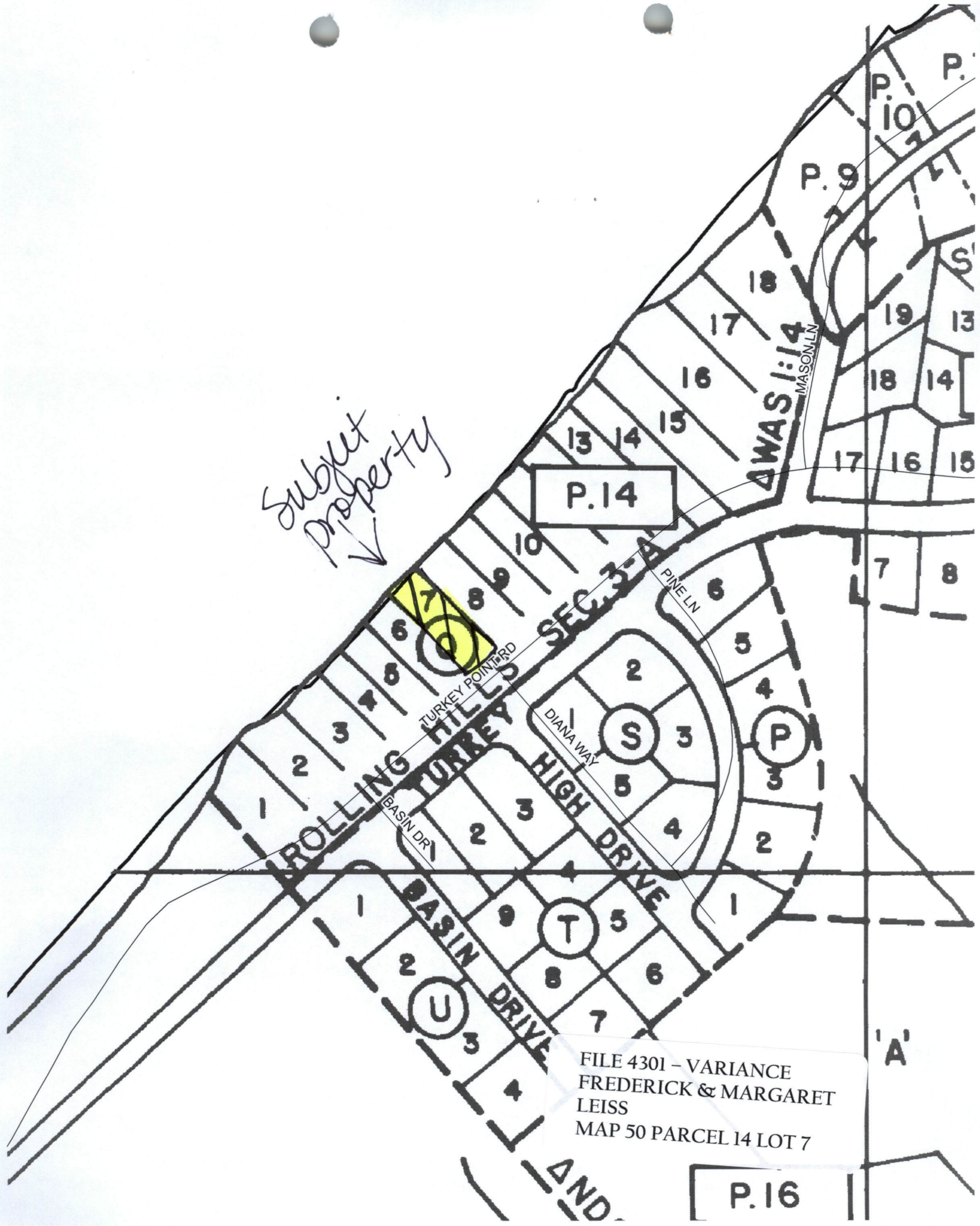
MITIGATION

Proposed on-site landscaping offers a replacement of 1,977 S.F. +/- as depicted on the sketch and plant list submitted with this application, leaving 6,485 S.F. to be mitigated via a "fee in lieu of" (at a rate of \$1.50/sf) amounting to \$9,727.50.

CONCLUSION/SUMMARY

This property is challenged by current regulations to a point of non-conformity that requires relief in order to develop even with the modestly sized home being proposed. Amenities such as sidewalks, porches, and a deck are customary and not excessive. A minimum driveway is proposed, additionally reducing the development impact. The proposed home is smaller than on adjoining properties, as is the proposed driveway. Development and use as the record plan intended, home construction of this pre-existing property is all but prohibited, denying reasonable and significant use of the property without the requested relief granted.

Subject Property



FILE 4301 - VARIANCE
FREDERICK & MARGARET
LEISS
MAP 50 PARCEL 14 LOT 7

P.16

WATER LINE AT TIME OF SURVEY 12 JANUARY 2024

LANDS N O F
EDWARD DOUGHERTY
T.P. No. MAP 50 GRID 11 PARCEL 14
Deed: Book 1612, Page 295
LOT No. 6 ** ROLLING HILLS SUBDIVISION
Plan: Book 1, Page 0014

LANDS N O F
FREDERICK J. LEISS & MARGARET LEISS
T.P. No. MAP 50, GRID 10, PARCEL 14
Deed: Book 5395, Page 75
LOT No. 7 ** ROLLING HILLS SUBDIVISION
Plan: Book 1, Page 0014
21,780 +/- S. F.

LANDS N O F
WILLIAM J. KELLY & MICHELE C. KELLY
T.P. No. MAP 50, GRID 10, PARCEL 14
Deed: Book 124 Page 629
LOT No. 8 ** ROLLING HILLS SUBDIVISION
Plan: Book 1, Page 0014

110' BUFFER

EXISTING WALL

2 STORY
BRICK & FRAME
DWELLING

DECK

2 STORY DWELLING
F.F. = 67.5
T.F. = 66.5
BSMT. = 56.65

EXISTING LANDSCAPE

1 1/2 STORY
MASONRY
& FRAME
DWELLING

35' BRL (Record Plan)
40' BRL (ZONING)

PT. 110
EXISTING
TREE
STAVS

PT.
EXHIBITUM
TREE
STAVS

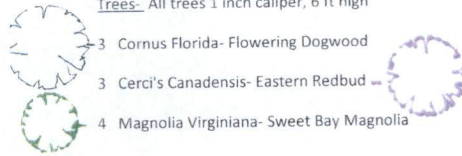
TURKEY POINT ROAD (AKA MD RTE 272)
GRAPHIC SCALE (60' WIDE)



(IN FEET)
1 inch = 20' ft.

LANDSCAPE SPECIES -Trees and plants will be continuous mulch beds as per plan

Trees- All trees 1 inch caliper, 6 ft high



- 3 Cornus Florida- Flowering Dogwood
- 3 Cercis Canadensis- Eastern Redbud
- 4 Magnolia Virginiana- Sweet Bay Magnolia

UNDERSTORY TREES @ 75 SF/TREE
750 SF PROPOSED

Evergreen Shrubs- All shrubs 1 gallon and 2' high

- 26 Ilex Glabra- Inkberry

SMALL SHRUB @ 25 SF/PLANT
650 SF PROPOSED

Low Shrubs- All shrubs 1 gallon and 18" high

- 34 Rhododendron Atlanticum- Coast Azalea

SMALL SHRUB @ 25 SF/PLANT
850 SF PROPOSED

Ferns- All ferns 1 gallon and 2' high

- 7 Osmunda Cinnamomea- Cinnamon Fern

SMALL SHRUB @ 25 SF/PLANT
175 SF PROPOSED

Grasses- All grasses 1 qt

- 35 Carex Glaucodea- Blue Wood Sedge

HERBACEOUS PERENNIAL @ 2 SF/PLANT
70 SF PROPOSED

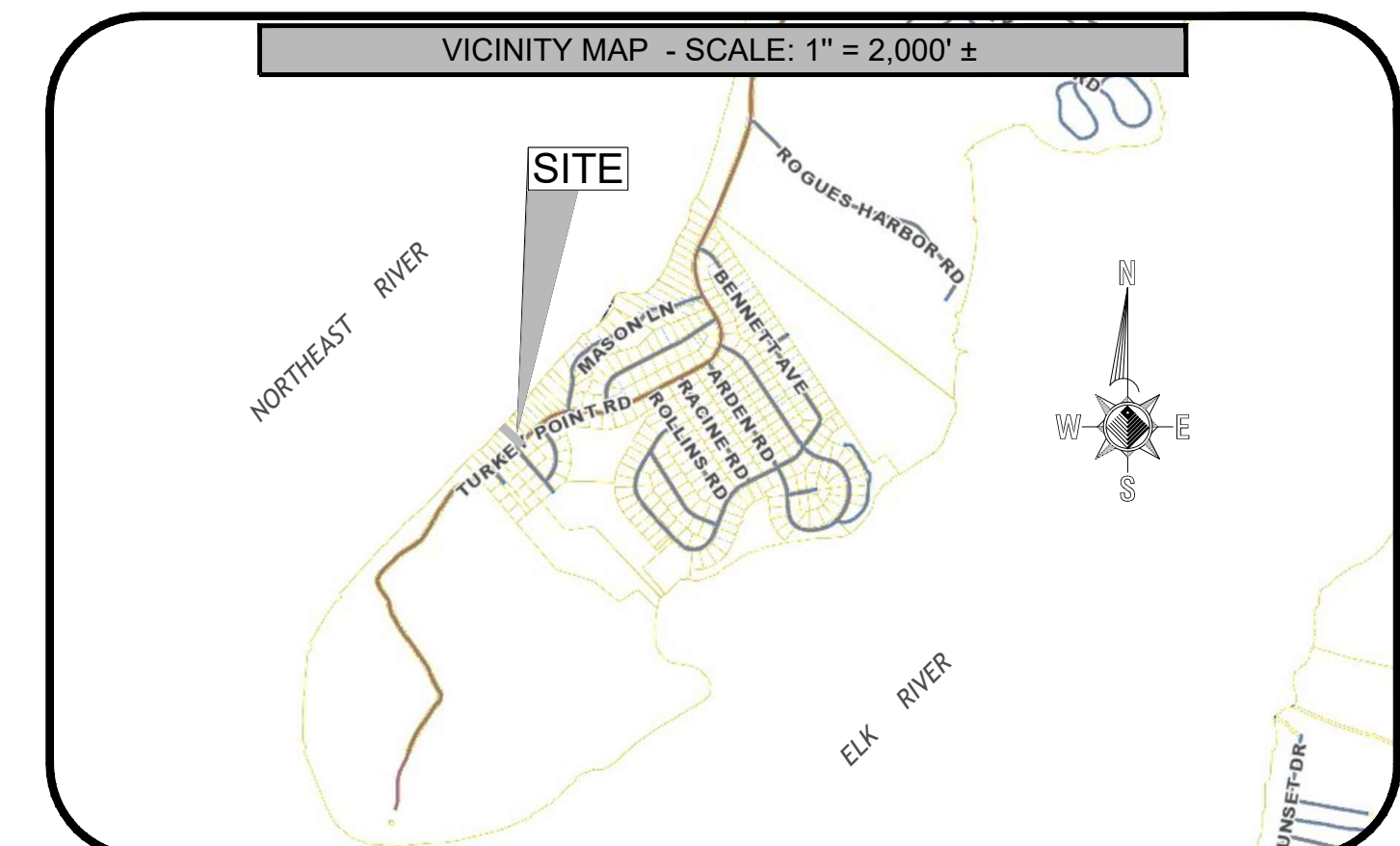
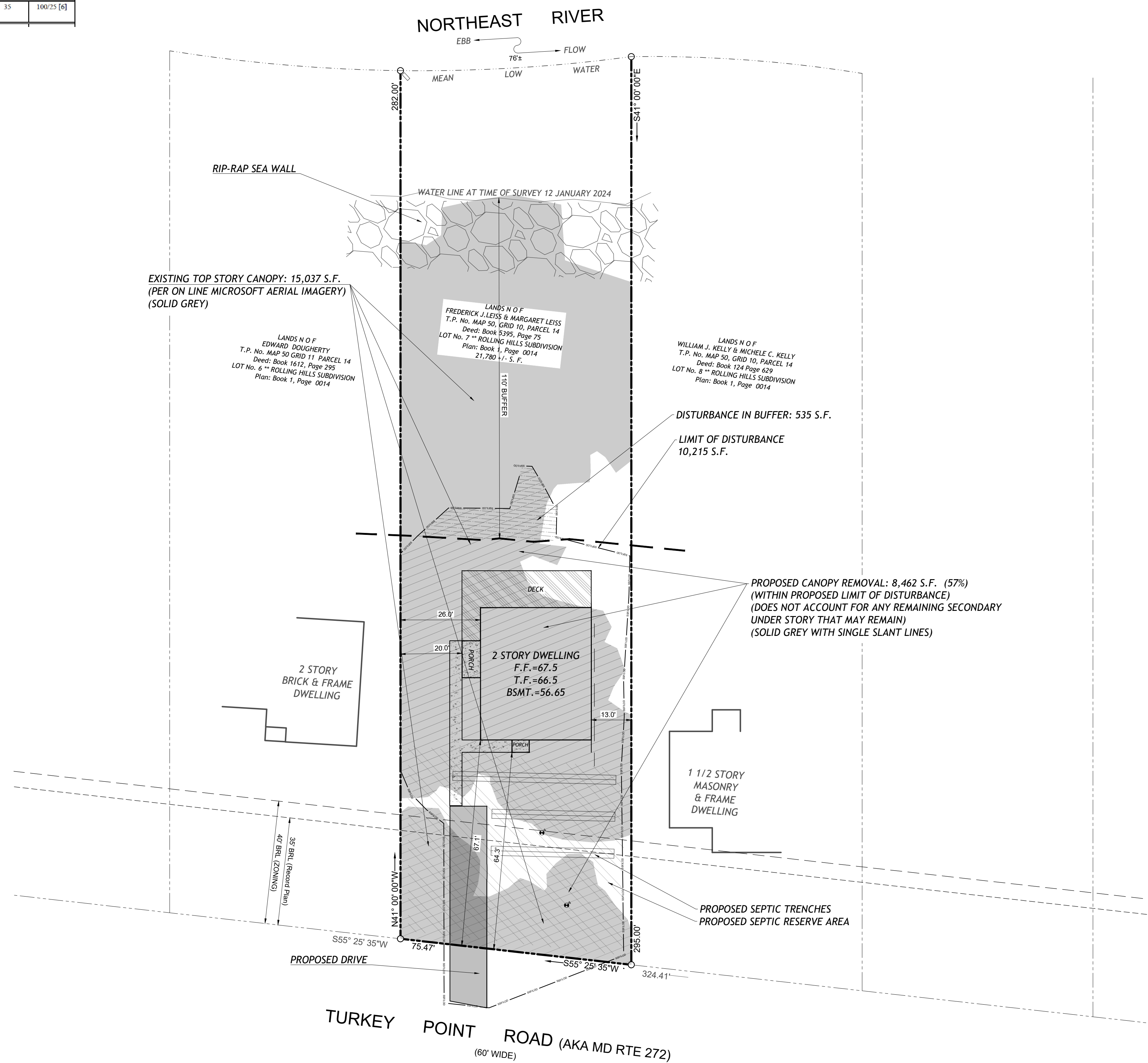
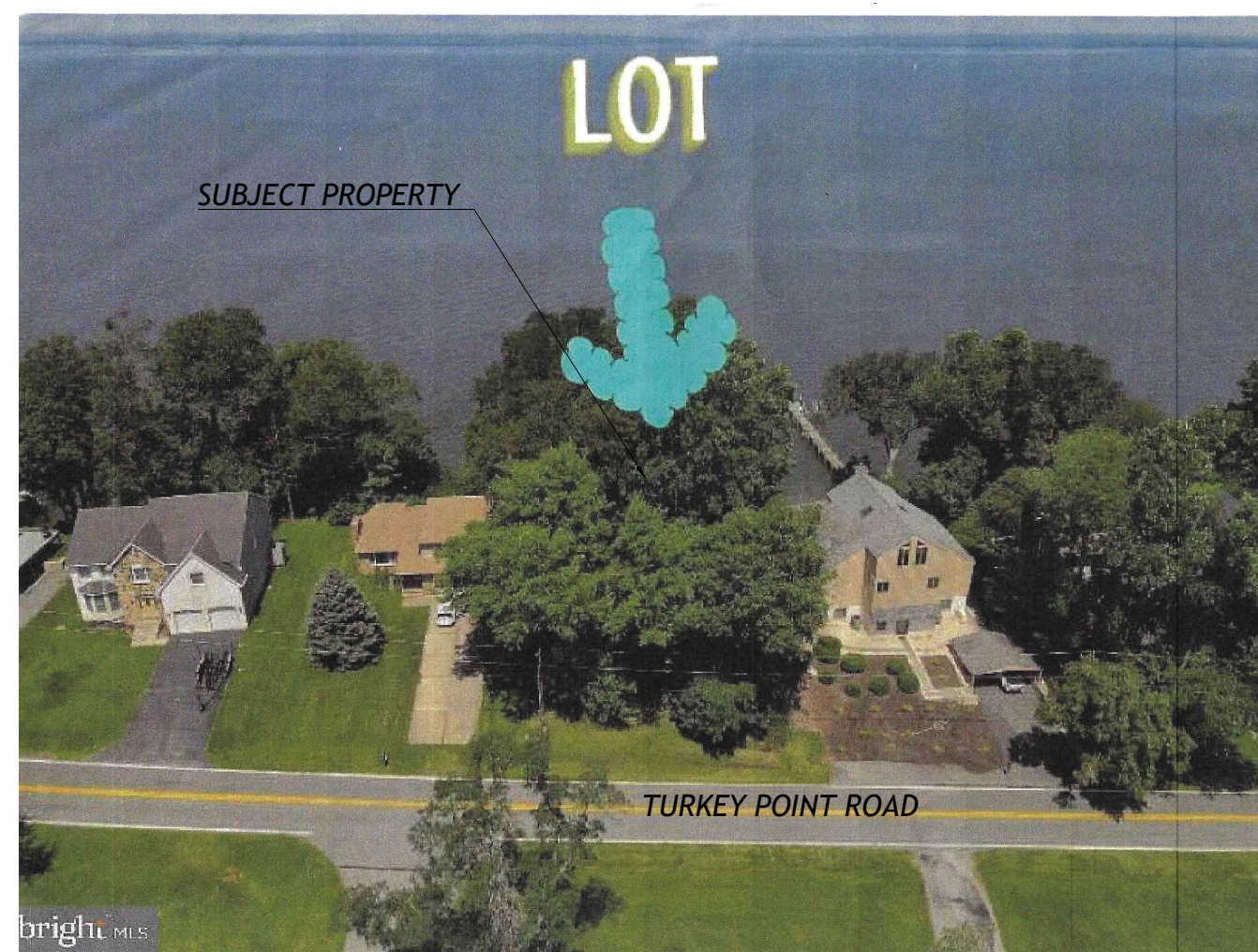
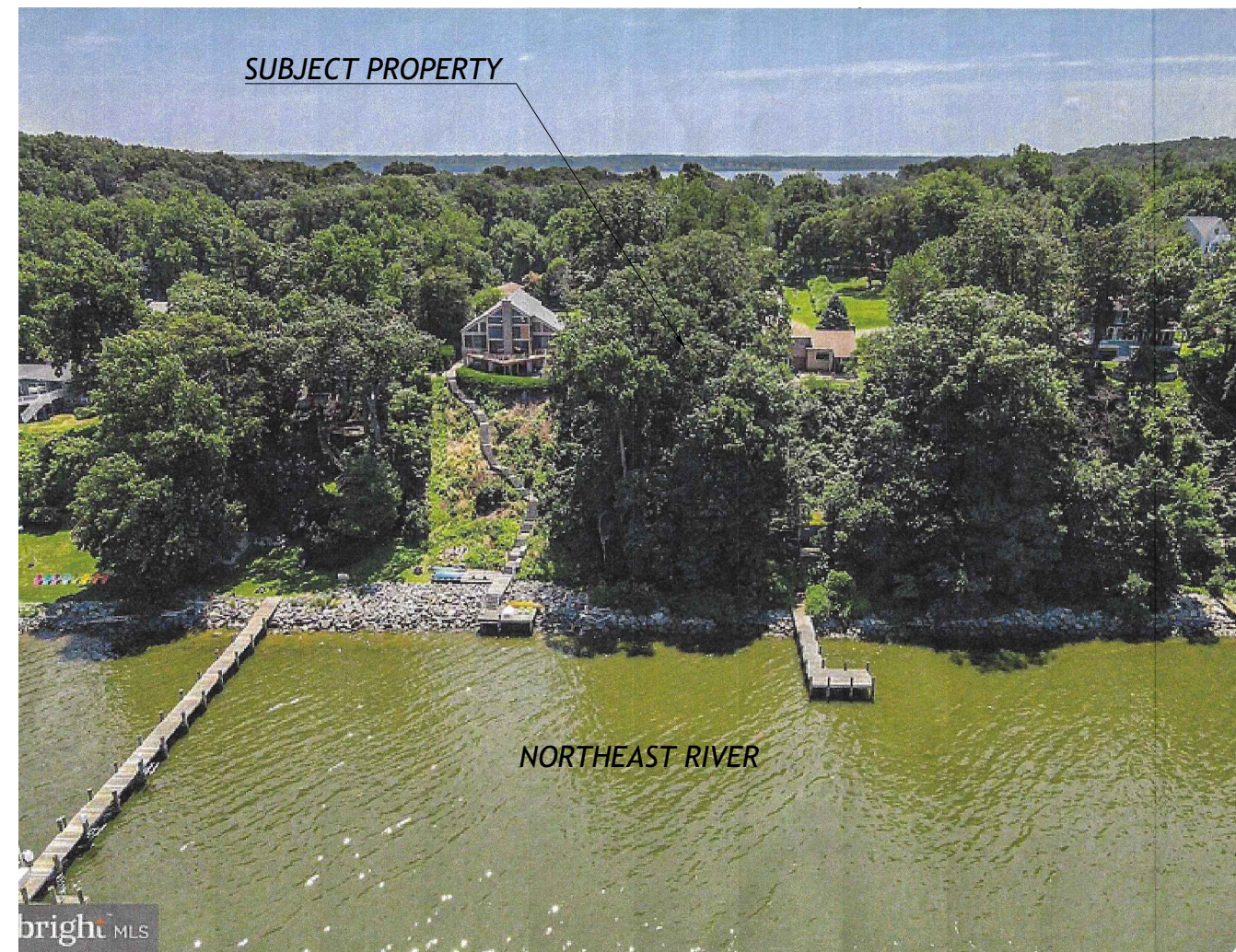
- Qty- 60 Herbaceous Perennials- 1 qt and selected from the following species:

- Asclepias Tuberosa- Butterfly Milkweed
- Aquilegia Canadensis- Wild Columbine
- Echinacea Purpurea- Eastern Purple Coneflower
- Iris Prismatica- Iris
- Liatis Spicata- Blazing Star
- Monarda Didyma- Scarlet Bee Balm

HERBACEOUS PERENNIAL @ 2 SF/PLANT
120 SF PROPOSED

2,615 SF TOTAL PROPOSED

DISTRICTS	AREAS NOT SERVED BY COMMUNITY FACILITIES					AREAS SERVED BY COMMUNITY FACILITIES					Maximum Height	Minimum Road Frontage	
	Minimum Area & Dimension		Minimum Yard Requirements [1]			Minimum Area & Dimension		Minimum Yard Requirements [1]					
	(Sq.Ft.)	Width (ft.)	Front	Side [2]	Rear [2]	(Sq.Ft.)	Width (ft.)	Front	Side [2]	Rear [2]			
RR													
single-family residential low density	20,000	80	40	10	40	12,000	65	30	10	30	35	100/25 [6]	



PLAN DATA	
TAX PARCEL No.	MAP 50, GRID 10 PARCEL 14
OWNER	FREDERICK J. LEISS & MARGARET LEISS 20 ORCHARD ROAD HUMMELSTOWN, PA 17036 PHONE: (717) 418-1116 EMAIL: Mar.leiss92@gmail.com
SITE ADDRESS	"5383" TURKEY POINT ROAD NORTHEAST, MD
DEED REFERENCE	BOOK 5395, PG. 75
RECORD PLAN REFERENCE	PLAT BOOK WAS 1, FOLIO 14 (MSA 1241-252)
PROPERTY AREA	21,567 s. f. +/- (0.495 Ac) (10,215 +/- s.f. TO BE DISTURBED)
EXISTING ZONING	RR, CRITICAL AREA, & LIMITED DEVELOPMENT AREA (LDA)
PLANNING COMPANY	MERESTONE CONSULTANTS, INC. 5215 W. WOODMILL DRIVE, SUITE 38 WILMINGTON, DE 19803 (302) 992-7900
BUILDING SETBACKS	FRONT = 35' (PER RECORD PLAN) 40' (PER ZONING CODE) SIDE = 10, REAR = 40
DATUM	HORIZONTAL: NAD83; VERTICAL: NAVD88 TOPOGRAPHIC INFORMATION USED FOR THIS PLAN WAS BASED ON A FIELD SURVEY PERFORMED BY MERESTONE CONSULTANTS, INC., IN JANUARY 2024.
WATER SUPPLY	ON-SITE PRIVATE WELL (PROPOSED)
SEWER SUPPLY	ON-SITE SEPTIC (PROPOSED) ON-SITE SEPTIC SYSTEMS AND ON-SITE WELLS ARE SUBJECT TO THE APPROVAL ON THE DIVISION OF WATER & SEWER PLANNING
SITE ANALYSIS:	
TOTAL SITE AREA:	21,567 s. f. +/- (0.495 Ac)
TOTAL AREA TO BE DISTURBED:	10,215 +/- s.f. (INCLUDES ON SITE SEPTIC AREA) (535 s.f. IN BUFFER AREA)
TOTAL AREA TO BE VEGETATIVELY STABILIZED:	TO BE DETERMINED
EXISTING IMPERVIOUS AREA:	0 s.f.
PROPOSED IMPERVIOUS AREA:	PROPOSED HOME: 2,422 S.F. (INCLUDES SIDEWALK AND PORCHES) PROPOSED DRIVEWAY: 772 S.F. 3,194 S.F. (14.8% of lot area)
SITE LOCATED WITHIN DRAINAGE BASIN NO.:	LOWER ELK RIVER: 02130601-0360
VARIANCES ARE SOUGHT FOR THE FOLLOWING:	
ARTICLE XI, SECTION 200.8	TO ALLOW CLEARING FOR THE CONSTRUCTION OF A SINGLE FAMILY HOME RESULTING IN 57% CANOPY REMOVAL.
TO ELIMINATE MITIGATION IN BUFFER AREA.	

PLAN TO ACCOMPANY A VARIANCE APPLICATION

PREPARED FOR
FREDERICK J. & MARGARET LEISS
FOR PROPERTY KNOWN AS
LOT No. 7, SECTION 3A, BLOCK Q
ROLLING HILLS
ALSO KNOWN AS
"5383" TURKEY POINT ROAD
SITUATE IN
FIFTH ELECTION DISTRICT
CECIL COUNTY - STATE OF MARYLAND
SCALE: 1" = 20'
DATE: 15 JULY 2024
GRAPHIC SCALE

(IN FEET)
1 inch = 20' ft.

9/17/24	HOUSE MOVED BACK REVISE AREAS	GHG	5215 WEST WOODMILL DRIVE WILMINGTON, DE 19808 PH: 302-992-7900	33516 CROSSING AVENUE, UNIT 1 FIVE POINTS SQUARE LEWES, DE 19958 PH: 302-226-5880
DATE	REVISION	CHKD	DRAWN BY: gHg	DATE: 15 JULY 2024
			SHEET#: 1 OF 1	

PLAN #: 26040 - 333653