

IN THE MATTER OF	*	BEFORE THE CECIL COUNTY
THE APPLICATION OF	*	BOARD OF APPEALS
BRIAN CRONIN	*	CASE NO.: 4000
	*	
(Variance – RR)	*	
	*	
* * * * *		

OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Brian Cronin (“Applicant”) for a variance to the side yard setback requirement. The subject property located at 51 Chesapeake Circle, Earleville, MD 21919, being designated as Parcel 267, Lot 28 on Tax Map 55, in the First Election District of Cecil County (“Property”), in an area presently zoned Rural Residential (RR). The Property is owned by the Brian and Denise Cronin.

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 May 26, 2020, Brian Cronin appeared and testified via teleconference (due to Governor Hogan's COVID-19 Pandemic Stay At Home order of March 30, 2020) in support of his application seeking a ten (10) foot variance to the side yard setback requirement to construct a shed on the side property line of his back yard. Applicant testified in his Board of Appeals Application that the proposed location would not block any neighbor's view of the bay, which is why the location was chosen, and that the shed would be aesthetically similar to the primary structure (his home). The Applicant testified at the hearing that the size of the shed would be 14 feet by 28 feet.

Joseph Baille, next door neighbor to Applicant, testified in support of the Application, simply stating he had no problem with the proposed Application.

No witnesses spoke in opposition of 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. Applicant's intent is to add storage to his Property without impeding upon the view of any neighbor to the bay, which limits him to the proposed location.

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.

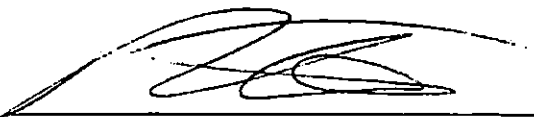
3. The granting of the variance will not confer upon the applicant special privileges that are denied by this Ordinance to other properties in the same zone.

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 **GRANTED**.

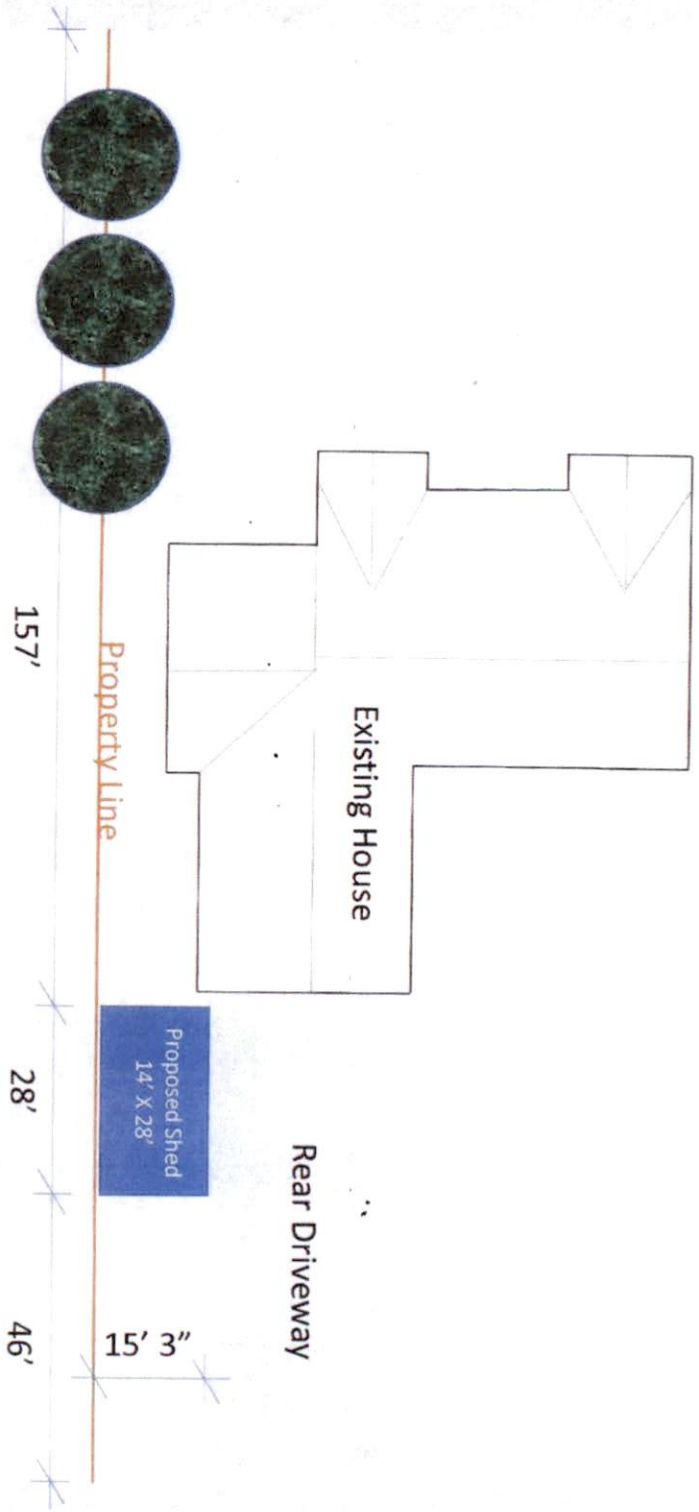
All applicants are hereby notified that they are required to obtain any and all necessary licenses and permits required for the use described herein.

4/22/2020
Date


Mark Saunders, Chairperson

Chesapeake Circle

Brian and Denise Cronin
51 Chesapeake Circle
Earleville MD, 21919
410-275-8838 Home
302-545-5657 Cell



Edgewater Drive

FILE 4000 - VARIANCE
BRIAN CRONIN
MAP 55 PARCEL 267 LOT 28

