

IN THE MATTER OF  
THE APPLICATION OF  
CECIL COUNTY FARM MUSEUM  
(Special Exception - NAR)

BEFORE THE CECIL COUNTY  
BOARD OF APPEALS  
CASE NO.: 3554

**OPINION**

Application of the Cecil County Farm Museum, for a special exception to establish a farm museum at property located at 1416 Telegraph Road, Rising Sun, Maryland 21911, designated as Parcels 178 and 248 on Tax Map 11, in the Ninth Election District of Cecil County (the "Property"), in an area presently zoned Northern Agricultural Residential ("NAR"). The property is owned by the Edward C. Pumstead, Revocable Trust.

Section 102, and Section 54.4 Table of Permissible Uses 5.06.000 of the Ordinance, permits festivals or events as a Special Exception in the NAR zone, provided that:

1. The proposed site shall be of sufficient size to accommodate the use without adversely affecting adjacent land uses.
2. No temporary sanitary facility or trash receptacle may be located within 200 feet of an existing dwelling; no tent shall be located within 250 feet of an existing dwelling.
3. A drawing to scale shall accompany the application and shall accurately depict the standards of this section.
4. Seasonal business uses shall not exceed a total of 180 days in any 12 consecutive months.
5. Activity areas shall be at least 500 feet from a residential district.
6. A minimum of one parking space shall be provided for every 500 square feet of ground area of the total site.

Additionally, Article XVII, Part II, Section 311 of the Ordinance specifies that no special exception shall be approved by the Board of Appeals 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. 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.

Applicant requests special exception for a farm museum that will periodically conduct festivals and/or events on the 10-acre (+/-) Property. William England appeared and presented testimony on behalf of the Applicant. The Property is located adjacent to the Plumpton Park Zoo. The farm museum will use the Property to educate the community about, and to preserve, agriculture and the agricultural way of life. Public education would include visits to schools, the Cecil County Fair, and creation of outreach programs, as well providing a central site for the display of agriculturally relevant artifacts and exhibits and for special events such as tractor shows and tractor pulling demonstrations. Use of the Property is being provided to the Applicant as a gift from the current Property owner. The farm museum would be a separate entity from the Plumpton Park Zoo, however, those entities would work cooperatively and, at times, in conjunction with one another to provide mutual support for their respective missions.

Eric Sennstrom, Director, Cecil County Department of Planning and Zoning, testified that the Planning Commission recommended approval of the NAR portion of the Property, along with site plan approval.

No individuals testified against the application. As more fully set forth below, Mr. Floyd Warrington and Commissioner Diana Broomell spoke in favor of the application.

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

1. That granting the special exception will not be detrimental to or endanger the public health, safety, or general welfare. The Applicant will operate a farm museum that will have displays and which will periodically host special events (4-5 per year). The proposed use is in harmony with the surrounding properties, including the Plumpton Park Zoo, and the Applicant credibly testified that it has checked with the neighbors, who had no objection to the proposed use. The Property is on a main public roadway, and will have its own driveway and parking area, distinct from that presently utilized by the Plumpton Park Zoo. The Applicant testified that, consistent with its intention to work cooperatively with the Zoo, parking for Zoo patrons and school busses would be made available at the farm museum Property if, as and when the Zoo required overflow and/or school bus accessible parking.

2. The use will not be unduly injurious to the peaceful use and enjoyment of other property in the neighborhood, nor will the use substantially diminish or impair property values in the neighborhood. The application for the special exception was supported by competent testimony which demonstrates that the use will be in harmony with the requirements of Section 102. The proposed parking meets the minimum requirements of that Section, the proposed site is (+/-) 10-acres, which is of adequate size to accommodate the proposed use, and activity areas proposed on the Property are of sufficient distance from a residential district. A public zoo has been operated on an adjacent property for many years, and the proposed use is in harmony with the nature of the Zoo's operations, as well as the agricultural nature of the surrounding properties. In

this respect, Mr. Floyd Warrington, the owner of property that is adjacent to the Property on two sides, testified that he keeps long horns, and has no issues with noise from the proposed use, as he is already accommodated to noise from the 200 or so animals kept at the Zoo. In addition, Cecil County Commissioner Diana Broomell testified that she is very familiar with the Property, that the Property is in a great location for the proposed use, that the infrastructure (public road) is suitable for the proposed use, and that the proposed use is in harmony with the general area, which has been identified for rural legacy funding for future preservation, a project that has been an important initiative for her.

3. The normal and orderly development and improvement of the surrounding properties will not be impeded by the proposed use. As set forth above, the Property is in harmony with the Plumpton Park Zoo to one side, Mr. Warrington's farm on two sides, and the agricultural nature of the properties in the general area.

4. There was no evidence indicating that the use will, 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. As stated above, the proposed use is located on a major public roadway, has its own source of ingress and egress, and will require no public improvements.

5. There is no evidence that the proposed use will adversely affect critical natural areas or areas of ecological importance.

6. The proposed use will, in all other respects, conform to the applicable regulations of the zone in which it is located. The Applicant would construct a new

building for housing artifacts and hosting educational programs, and will use the existing open space for tractor pulls and tractor shows. The proposed use area is greater than 500 feet from a residential district, and contains parking sufficient to meet the requirements of the Ordinance. The Applicant testified that it will host 4 to 5 special events per year, which meets the criteria set forth in Section 102.

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). As set forth above, the proposed use meets all criteria of the Ordinance, and is harmony with the current use of adjacent properties, including a public zoo. There may be noise and traffic which affect the area on those limited occasions when the farm museum hosts a special event, however, the impact on the local area will be minimal in light of the Property's private driveway and location on a public roadway, as well as the show of support from the owner of property that is adjacent to the Property on two sides. In short, the impact here will be no different than if the proposed use were to occur under special exception in another location in the NAR, and the proposed use may actually have less impact here than in other areas of the same zone.

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. The Property is serviced by an existing driveway that provides an adequate means of ingress and egress to/from the Property. As stated above, the Property is located on a major public roadway, and the proposed use will not increase 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.

For the reasons stated, by a unanimous vote, the Board is satisfied that the requirements of Sections 5.06.000, and 311 of the Ordinance, along with *Schultz v. Pritts*, supra, have been met, and the application is **APPROVED FOR THE NORTHERN AGRICULTURAL RESIDENTIAL (NAR) PORTION OF THE PROPERTY, SUBJECT TO SITE PLAN APPROVAL.**

7/26/2011  
Date

David Willis, Jr.  
David Willis, Chairperson