

IN THE MATTER OF

BEFORE THE CECIL COUNTY

THE APPLICATION OF

BOARD OF APPEALS

RENEE S. LUTHER  
d/b/a EXTREME DREAM BED & BREAKFAST

CASE NO.: 3580

(Special Exception - NAR)

OPINION

Application of Renee S. Luther, d/b/a Extreme Dream Bed & Breakfast (“Luther” or the “Applicant”), for renewal of a special exception to operate a bread and breakfast at 33 Rolling Hills Ranch Lane, Port Deposit, Maryland 21904, which is designated as Parcel 9 on Tax Map 22, in the Seventh Election District of Cecil County (the “Property”), in an area presently zoned Northern Agricultural Residential (“NAR”). The property is owned by Renee S. Luther.

This application is brought under the provisions of Article V, Part III, Section 84, and Section 54.4 Table of Permissible Uses 3.07.200 of the Ordinance, which permit a bed and breakfast as a special exception in the NAR zone provided that:

- (a) One off street parking space shall be provided for each guest room and shall be located at the rear of the site as much as possible.
- (b) Parking areas shall be adequately screened from adjacent properties.
- (c) The establishment shall be owner or manager occupied and managed.
- (d) The facility may provide food and beverages (both non-alcoholic and alcoholic) to transient guests as breakfast, or in conjunction with weddings, business meetings, and conferences.

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. 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.

The Applicant desires to renew her special exception on its property. The Applicant appeared before the Board with her attorney, Karl Focker, Esquire, and presented evidence and testimony demonstrating that she currently uses the Property as a bed and breakfast, and that she is the operator of the B & B. The Applicant is a former beneficiary of Extreme Home Make Over, and is seeking sources of revenue and income to offset taxes assessed on the Property. In addition to the bed and breakfast, the Applicant operates a non-profit therapeutic riding program called Freedom Hills on the Property; Freedom Hills is in its 35<sup>th</sup> year of operation. The Applicant's B & B has been open since 2011, and has had 7 guests since April, 2011. The Applicant will not be making any changes to the Property, with the exception that she will be replacing the existing sign. The Applicant presented testimony that there will be no impact on the peaceful use and enjoyment of other properties in the vicinity, and that her guests frequent other local businesses, especially for dinner. The Applicant testified that she has had no complaints from the owners or tenants of neighboring properties.

No one spoke for or against the application.

Clifford Houston, Cecil County Department of Planning and Zoning, testified that the Planning Commission recommended approval of the application for as long as Renee Luther owns the Property and operates the bed and breakfast.

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

1. That renewing the special exception will not be detrimental to or endanger the public health, safety, or general welfare. The applicant has used the property as a bed and breakfast, under special exception from this Board, for several years without complaint from neighbors, without traffic problems, and without undue burden upon emergency services. The Applicant has operated a 501(c)(3) non-profit on the Property for 35 years, and is by all accounts a responsible and community oriented business owner.

2. That there was no evidence indicating that the use will be unduly injurious to the peaceful use and enjoyment of other property in the neighborhood, nor was there any evidence to demonstrate that such use will substantially diminish or impair property values in the neighborhood. The Board finds that the Applicant's B & B is sublime, has elicited no complaints from neighbors, and enhances other local businesses, particularly dinner establishments. The Applicant has used the Property for the operation of Freedom Hills for 35-years, and the B & B is in harmony with both that use, as well as the surrounding properties. As noted above, the Applicant has used the Property as a bed and breakfast, under special exception from this Board, for several years without complaint from neighbors, issues with traffic, or undue impact on emergency services.

3. That there was no evidence indicating that normal and orderly development and improvement of the surrounding properties will be impeded by the proposed use.

4. That 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 set forth above, the Applicant has used the Property as a bed and breakfast, under special exception from this Board, for several years without complaint from neighbors, issues with traffic, or undue impact on emergency services.

5. The continued use will not adversely affect critical natural areas or areas of ecological importance. The Property is not in the critical area or the critical area buffer.

6. The continued use will, in all other respects, conform to the applicable regulations of the zone in which it is located. The Board finds that the Applicant meets all supplemental conditions under Section 84, specifically:

(a) That one off street parking space is provided for each guest room, and that parking is located at the rear of the site as much as possible.

(b) That parking areas are adequately screened from adjacent properties.

(c) That the B & B is owned by the Applicant, and is occupied or managed by the Applicant.

7. That 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).

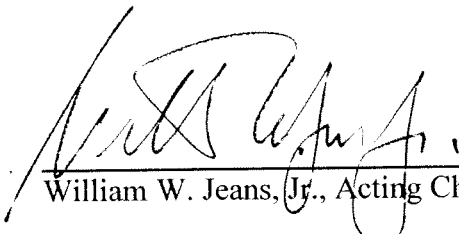
8. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The bed and breakfast serves a low volume of patrons, and provides ingress and egress that is sufficient for guests of the B & B. The Property is located on a County roadway, and

there is no evidence that operations of the B & B have resulted in congestion on the County roads.

9. That the proposed special exception is consistent with the objectives of the current Comprehensive Plan for the County. The purpose of the NAR is to maintain the existing rural character of the County by encouraging the continuation of agricultural and forestry uses. The NAR is intended to prevent premature urbanization in areas where planned public facilities will only meet rural needs. The Applicant has operated Freedom Hills, a therapeutic riding program, for 35 years. That agricultural use is consistent with the purpose of the NAR. The Applicant's additional use of the Property as a bed and breakfast enhances the agricultural use for therapeutic riding, and offers the community a retreat in a rural atmosphere that is consistent with the existing rural character of the County.

For the reasons stated, by unanimous vote, the Board is satisfied that the requirements of Sections 84, 54.4 sub-part 3.07.200, and 311, along with *Schultz v. Pritts*, 291 Md. 1 (1981) have been met, and the application is **APPROVED FOR AS LONG AS RENEE S. LUTHER OWNS THE PROPERTY AND OPERATES THE BED AND BREAKFAST.**

3/27/12  
Date

  
\_\_\_\_\_  
William W. Jeans, Jr., Acting Chairperson

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

MEET. MONTH: Feb. 2012  
 FILE NO. 3580

- THIS REQUEST IS FOR:  
 SPECIAL EXCEPTION RENEWAL   
 SPECIAL EXCEPTION   
 VARIANCE   
 APPEAL

**RECEIVED**  
**JAN 04 2012**

DATE FILED: 1/4/2012  
 AMOUNT PD: 250.00  
 ACCEPTED BY: G. Compton  
 CK # 5417-mail

**A. APPLICANT INFORMATION**

Extreme Dream Bed + Breakfast (Renee L Luther)  
 APPLICANT NAME - PLEASE PRINT CLEARLY  
33 Rolling Hills Ranch La Port Deposit MD 21904  
 ADDRESS CITY STATE ZIP CODE  
Renee S Luther 410-378-3817  
 APPLICANT SIGNATURE PHONE NUMBER

**B. PROPERTY OWNER INFORMATION**

Renee S Luther  
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY  
33 Rolling Hills Ranch La Port Deposit MD 21904  
 ADDRESS CITY STATE ZIP CODE  
Renee S Luther 410-378-3817  
 PROPERTY OWNER SIGNATURE PHONE NUMBER

**C. PROPERTY INFORMATION**

33 Rolling Hills Ranch La 07 07011288  
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER  
22 17 9006 A1 59.69 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)  
To renew application for Bed + Breakfast

**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:** Section 84

**H. SPECIAL EXCEPTION RENEWAL** - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL: 3494

**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:

Maryland Department of Assessments and Taxation  
 Real Property Data Search (vw3.1A)  
 CECIL COUNTY

[Go Back](#)  
[View Map](#)  
[New Search](#)  
[GroundRent Report](#)  
[GroundRent Report](#)

**Account Identifier:** District - 07 Account Number - 011288

Owner Information			
<b>Owner Name:</b>	LUTHER RENEE MICHELLE	<b>Use:</b>	AGRICULTURAL
<b>Mailing Address:</b>	33 ROLLING HILLS RANCH LN PORT DEPOSIT MD 21904-1257	<b>Principal Residence:</b>	YES
		<b>Deed Reference:</b>	1) /02415/ 00495 2)

Location & Structure Information	
<b>Premises Address</b>	<b>Legal Description</b>
33 ROLLING HILLS RANCH LN PORT DEPOSIT 21904-0000	PARCEL A - 59.694 AC 33 ROLLING HILLS RANCH OFF ROCK RUN ROAD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
0022	0017	0009		0000			A	3		

Special Tax Areas	Town	Ad Valorem Tax Class
	NONE	7

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2007	7,443 SF	59.6900 AC	

Stories	Basement	Type	Exterior
2.000000	NO	STANDARD UNIT	STONE

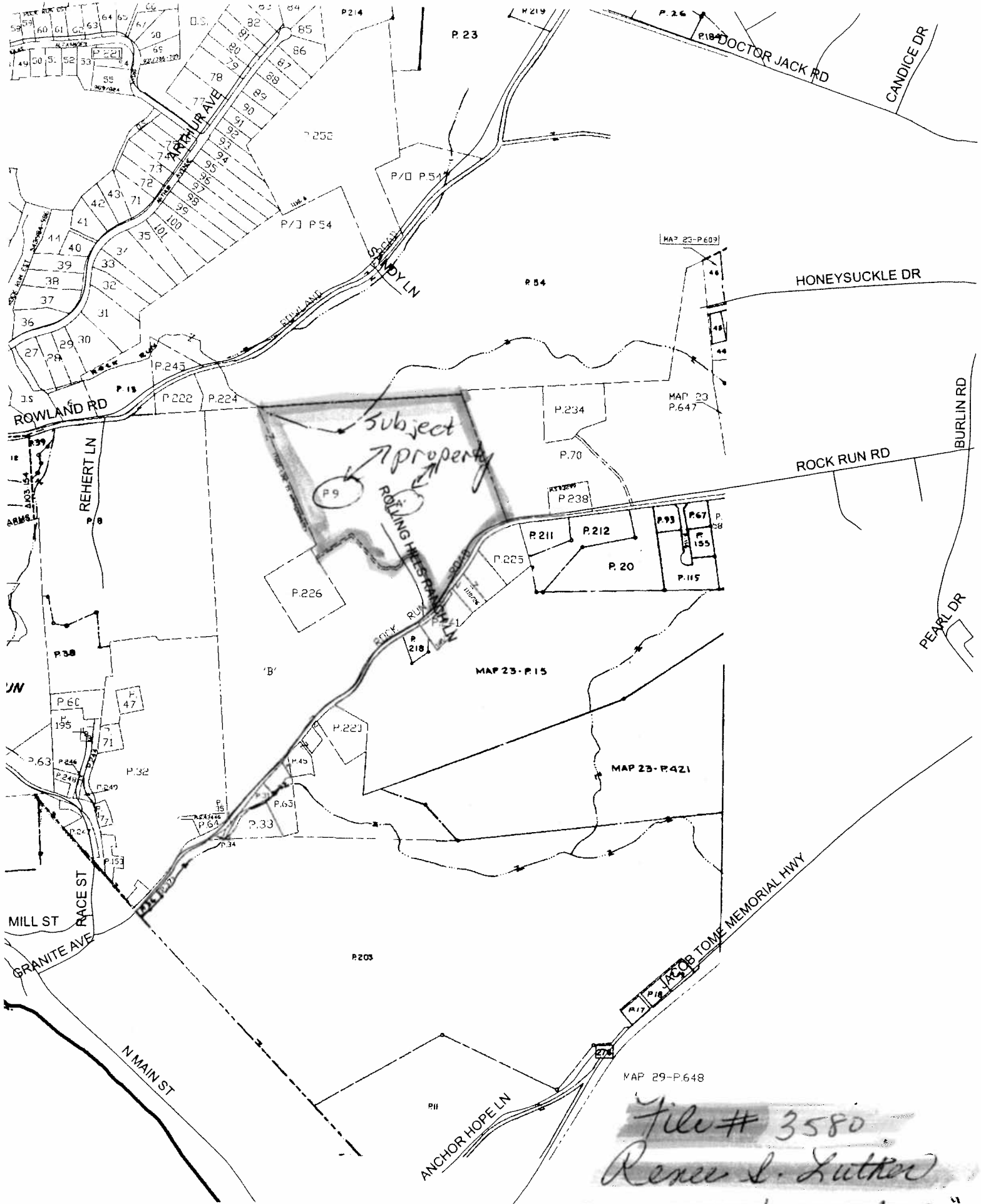
Value Information						
	Base Value	Value	Phase-in Assessments		PREFERRED LAND VALUE INCLUDED IN LAND VALUE	
		As Of	As Of	As Of		
		01/01/2012	07/01/2011	07/01/2012		
<b>Land</b>	123,100	103,000				
<b>Improvements:</b>	946,700	870,400				
<b>Total:</b>	1,069,800	973,400	1,069,900	973,400		
<b>Preferential Land:</b>	11,300			11,300		

Transfer Information					
<b>Seller:</b>	LINTON, HOWARD JOSEPH-LIFE ESTATE	<b>Date:</b>	10/04/2007	<b>Price:</b>	\$0
<b>Type:</b>	NON-ARMS LENGTH OTHER	<b>Deed1:</b>	WLB /02415/ 00495	<b>Deed2:</b>	
<b>Seller:</b>	SHERRARD, ROSEMARIE	<b>Date:</b>	12/18/2006	<b>Price:</b>	\$0
<b>Type:</b>	NON-ARMS LENGTH OTHER	<b>Deed1:</b>	WLB /02263/ 00465	<b>Deed2:</b>	
<b>Seller:</b>		<b>Date:</b>		<b>Price:</b>	
<b>Type:</b>		<b>Deed1:</b>		<b>Deed2:</b>	

Exemption Information			
<b>Partial Exempt Assessments</b>	<b>Class</b>	07/01/2011	07/01/2012
<b>County</b>	000	0.00	0.00
<b>State</b>	000	0.00	0.00
<b>Municipal</b>	000	0.00	0.00

**Tax Exempt:** Special Tax Recapture:  
**Exempt Class:** AGRICULTURAL TRANSFER TAX





*Subject property*  
*→*  
 P.9  
 Rolling Hills Farm

File # 3580  
 Renee S. Luther  
 map 22 / parcel 9 A