

IN THE MATTER OF
THE APPLICATION OF
HEATHER P. HILL
(Special Exception - NAR)

BEFORE THE CECIL COUNTY
BOARD OF APPEALS
CASE NO.: 3587

OPINION

Application of Heather P. Hill (“Hill” or the “Applicant”), for a special exception to operate a home occupation business at property located at 563 Leeds Road, Elkton, Maryland 21921, which is designated as Parcel 124, Lot 9, on Tax Map 20, in the Third Election District of Cecil County (the “Property”), in an area presently zoned Northern Agricultural Residential (“NAR”). The property is owned by Heather P. Hill and Frederick G. Hill, Jr.

This application is brought under the provisions of Article V, Part III, Section 79 and Section 54.4 Table of Permissible Uses 3.05.000 of the Ordinance, which permits a home occupation as a Special Exception in the NAR zone provided that: (1) Home occupations are in the same building as the residence, and do not change the residential character and appearance of the dwelling; (2) No type of advertisement for the home occupations shall be carried out on the property, except one (1) unlighted sign identifying the home occupation, limited to three (3) square feet in size; (3) No goods for sale or rent shall be stored on the property in a manner as to be seen from off the premises; (4) Parking is provided in accordance with Article XIV of the Ordinance; and, (5) No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable outside of the dwelling unit.

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.

Applicant requests a special exception on the Property in order to operate a floral design business. The Applicant testified before the Board, and stated that she would like to provide floral design services, interior design, and professional design to customers. The Applicant further testified that advertising for the business would be conducted over the internet, and that work for customers would be performed at the customers' premises. According to the Applicant, there is no reason for customers to come to her home, and she will not have a room dedicated to client meetings. The Applicant testified that work performed at the premises would be mostly paperwork; although she has adequate parking, ingress, egress and regress, there will be no deliveries to the home. No one spoke either in favor or against the application.

Clifford Houston, Cecil County Department of Planning and Zoning, testified that the Planning Commission recommended approval of the application for two (2) years.

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

1. That the special exception will not be detrimental to or endanger the public health, safety, or general welfare. The Board finds that the proposed business will be operated primarily at customers' premises. Customers will not be meeting with the Applicant at the Property, nor will there be deliveries to the Property. As such, there will be little, if any, additional traffic to or from the Property, and the proposed home occupation will entail no signage or exterior lighting associated with the business. The

proposed home occupation will not increase the need for emergency services, add motor vehicle traffic to the streets, or be discernable from the exterior of the primary dwelling.

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 business conducted on the Property will consist primarily of paperwork; customers will be served off-premises, and there will be no deliveries to the Property. The Board therefore finds that the proposed home occupation will little, if any, traffic to or from the Property, and will entail no service to customers, deliveries, parking, signage, or exterior lighting associated with the business, on the Property. The proposed home occupation will is sublime and will not be evident from the street; as such, there will be no adverse impact related to the peaceful use and enjoyment of other property in the neighborhood, nor will the home occupation, of which the “home” aspect entails the completion of paperwork within the interior of the premises, affect property values in the neighborhood.

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. The Board finds

that the proposed home occupation will not increase traffic, require additional water, sewer or septic, or increase the need for police or fire protection.

5. That there is no evidence that the proposed use will adversely affect critical natural areas or areas of ecological importance. The Property is not in the critical area, or critical area buffer, requires no addition or expansion to the dwelling, and the work to be performed on the Property consists of paperwork that will be completed within the interior of the dwelling.

6. That the continued use will, in all other respects, conform to the applicable regulations of the zone in which it is located.

7. That there is no evidence that the particular use proposed at the particular location proposed, will 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 stated above, the Board finds that the proposed use will have no increase on traffic or public services, and will not be evident from the exterior of the primary dwelling. Accordingly, the Board finds that the effect of the use here is no different than would be the effect of such use in other areas of the NAR 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. As stated above, while there is adequate parking and sufficient means of ingress, egress and regress on the Property, there will be no traffic associated with the proposed home occupation.

9. That the special exception is consistent with the objectives of the current Comprehensive Plan for the County. The proposed use is permitted as a special exception, with conditions, in the NAR zone. The Applicant meets all supplemental

requirements under Section 79 of the Ordinance; specifically, the Board finds from the evidence and testimony set forth above that:

(a) The proposed home occupation is in the same building as the residence, and does not change the residential character and appearance of the dwelling;

(b) Advertising will be conducted via the internet, and no type of advertisement for the home occupation will be carried out on the Property;

(c) No goods for sale or rent shall be stored on the property in a manner as to be seen from off the premises;

(d) There is no need for parking associated with the proposed business, as customers will not be serviced on, and there will be no deliveries made to, the Property; and,

(e) No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable outside of the dwelling unit.

For the reasons stated, by unanimous vote, the Board is satisfied that the requirements of Sections 79, 54.4 sub-part 3.05.000, and 311, along with *Schultz v. Pritts*, 291 Md. 1 (1981) have been met, and the application is **APPROVED FOR TWO (2) YEARS.**

4/24/2011
Date

David Willis
David Willis, Chairperson

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: Mar, 2012
FILE NO. 3587

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

DATE FILED: 2/9/12
AMOUNT PD: \$2500 pd # 16
ACCEPTED BY: AB

A. APPLICANT INFORMATION

Heather P. Hill
APPLICANT NAME - PLEASE PRINT CLEARLY
563 Leeds Road Elkton MD 21921
ADDRESS CITY STATE ZIP CODE
Heather P. Hill 443.907.7171
APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

Frederick G Hill JR & Heather P. Hill
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
563 Leeds Rd Elkton MD 21921
ADDRESS CITY STATE ZIP CODE
Heather P. Hill 443.907.7171
PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

563 Leeds Rd 3rd
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER
0020 15 0124 9 2.5200 NRR
TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

D. PURPOSE OF APPLICATION - Indicate reasons why this application should be granted. (attach separate sheet if necessary)

I would like to own my own business offering different design services out of my home office. I won't have any stock/overhead and customers will not be coming to my home, I will be going to their homes.

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 79

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

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? _____ If yes, distance: _____
Distance to nearest manufactured home: _____ Size/Model/Year of Unit: _____
Number of units on property at present time: _____

file # 3581
Heather D. Hill
map 20 / parcel 124
lot # 9

Subject
property

