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| IN THE MATTER OF | * | BEFORE THE CECIL COUNTY |
| THE APPLICATION OF | * | BOARD OF APPEALS |
| SCOTT AND BARBARA MILLAR | * | CASE NO.: 3661 |
| | * | |
| (Special Exception – SAR) | * | |

* * * * *

OPINION

The Cecil County Board of Zoning Appeals (the “Board”) is now asked to consider the application of Scott and Barbara Millar (the “Applicants”). Applicants seeks a special exception to host events on property owned by Applicants located at 555 Worsell Manor Road, Warwick, Maryland 21912, designated as Parcel 42 on Tax Map 58 in the First Election District of Cecil County (the “Property”), in an area zoned Southern Agricultural Residential (“SAR”) in accordance with Article V, Part V, Section 102 of the Cecil County Zoning Ordinance (the “Ordinance”).

Section 102 of the Ordinance provides:

Festivals or events may be permitted as a Special Exception in the NAR and SAR zones and shall be permitted in the BG, BI, MB and OS zones provided:

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.

In determining whether to grant an application for a Special Exception the Board must consider Section 311 of the Ordinance, which states:

No special exception shall be approved by the Board of Appeals after considering all facts in the case unless such Board shall find:

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 (1981).
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.

Article XVII, Part II, Section 311, Cecil County Zoning Ordinance.

Applicants testified that the Property is approximately fifty acres containing a historic manor house from the 1600s as well as a barn that they are in the process of restoring. Applicants testified that they intend to host events on the weekend with events available in the barn three seasons out of the year. Events would be scheduled only during clement weather. Events would be over with all noise ceased by 10:00 p.m. Applicants testified that they picture the Property as a wedding destination. They further testified that there would be no issue with parking as the Property consists of fifty acres of mostly flat land with no wetlands. There are three entrances to the Property off of Worsell Manor Road. The closest neighbor is a tenant farmer, with the next nearest neighbor being miles away. Applicants testified that they have no intention of operating a bed and breakfast.

No further witnesses testified in favor or in opposition to the application.

Clifford Houston of the Cecil County Department of Planning and Zoning testified that the Planning Commission recommended approval of the special exception for a period of two years.

Pursuant to Section 311 of the Ordinance, the Board finds as follows:

1. The special exception is not detrimental or an endangerment to the public health, safety, or general welfare. The proposed use is on a Property in an area where residential and agricultural uses are commingled. The character and nature of the area surrounding the Property is such that the proposed use will not 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, or substantially diminish or impair property values in the neighborhood. The Property is of sufficient size that any light or noise pollution caused by the proposed use would have a minimal effect on any neighboring parcels. There is nothing in the nature of the proposed use that would diminish or impair property values in the neighborhood.

3. The use will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted in the zone. The Board does not find that the hosting of events in a predominately agricultural area is an impediment to the preservation of the character of the area or to the reasonable and orderly residential development permissible within the zone.

4. The proposed use will not overburden existing public facilities, including schools, police and fire protection, water and sewer, public road, storm drainage, and other public improvements. The proposed use is not of the character that it will overburden municipal resources.

5. The continued use will not adversely affect critical natural areas or areas of ecological importance. The Property is not located in a Critical Area District.

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 this portion of the SAR is predominately rural comprising agricultural and residential uses. Based upon the evidence presented, the Board finds that the hosting of events as contemplated by Applicants is not inconsistent with these neighboring uses.

7. The particular use proposed at the particular location proposed will not have any adverse effects above those inherently associated with such special exception use irrespective of its location in the zone. *Schultz v. Pritz*, 291, Md. 1 (1981). The Board finds that, because of the residential density of the zone and the nature of the activities undertaken in the area, the impact of Applicant's proposed use in this particular area of the SAR zone is no different than the impact of the proposed use in other areas of the SAR zone.

8. Adequate measures have been or will be taken to provide ingress and egress so

designed as to minimize traffic congestion on the public streets. There are three entrances to the Property and sufficient area on the fifty acres to designate for parking.

9. The use is not contrary to the objectives of the Comprehensive Plan for the County. The special exception is presumptively valid and the Board finds nothing in the record to indicate that the proposed use is contrary to the objectives of the Comprehensive Plan.

For the reasons stated above, by unanimous vote, the Board is satisfied that the requirements of Article XVII, Part II, Section 311, of the Ordinance have been met and the application for renewal of the special exception under Section 102 is therefore **APPROVED** for a period of two years.

10/29/2013
Date

David Willis, Jr.
David Willis, Chairperson

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

MEET. MONTH: Sept. 13
FILE NO. 13661

THIS REQUEST IS FOR:

- SPECIAL EXCEPTION RENEWAL
- SPECIAL EXCEPTION
- VARIANCE
- APPEAL

DATE FILED: 8/5/13
 AMOUNT PD: 8250.00 ~~CASH~~ 2015
 ACCEPTED BY: [Signature]
Barbara McGulick Miller

A. APPLICANT INFORMATION

SCOTT AND BARBARA MILLAR
 APPLICANT NAME - PLEASE PRINT CLEARLY
32017 Snowwood Rd GALEVA MD 21635
 ADDRESS CITY STATE ZIP CODE
[Signature] 302-545-4795
 APPLICANT SIGNATURE PHONE NUMBER

*mail to
both
addresses*

B. PROPERTY OWNER INFORMATION

SCOTT AND BARBARA MILLAR
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
555 Worsell Manor Rd Warwick MD 21912
 ADDRESS CITY STATE ZIP CODE
[Signature] 302-545-4795
 PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

555 Worsell Manor Rd 2ST 1-060457
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER
58 15 42 - 50 SAR
 TAX MAP # BLOCK PARCEL LOT # #ACRES ZONE

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

Our property is designated SAR. We would like to be approved to hold multiple events on the property.

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

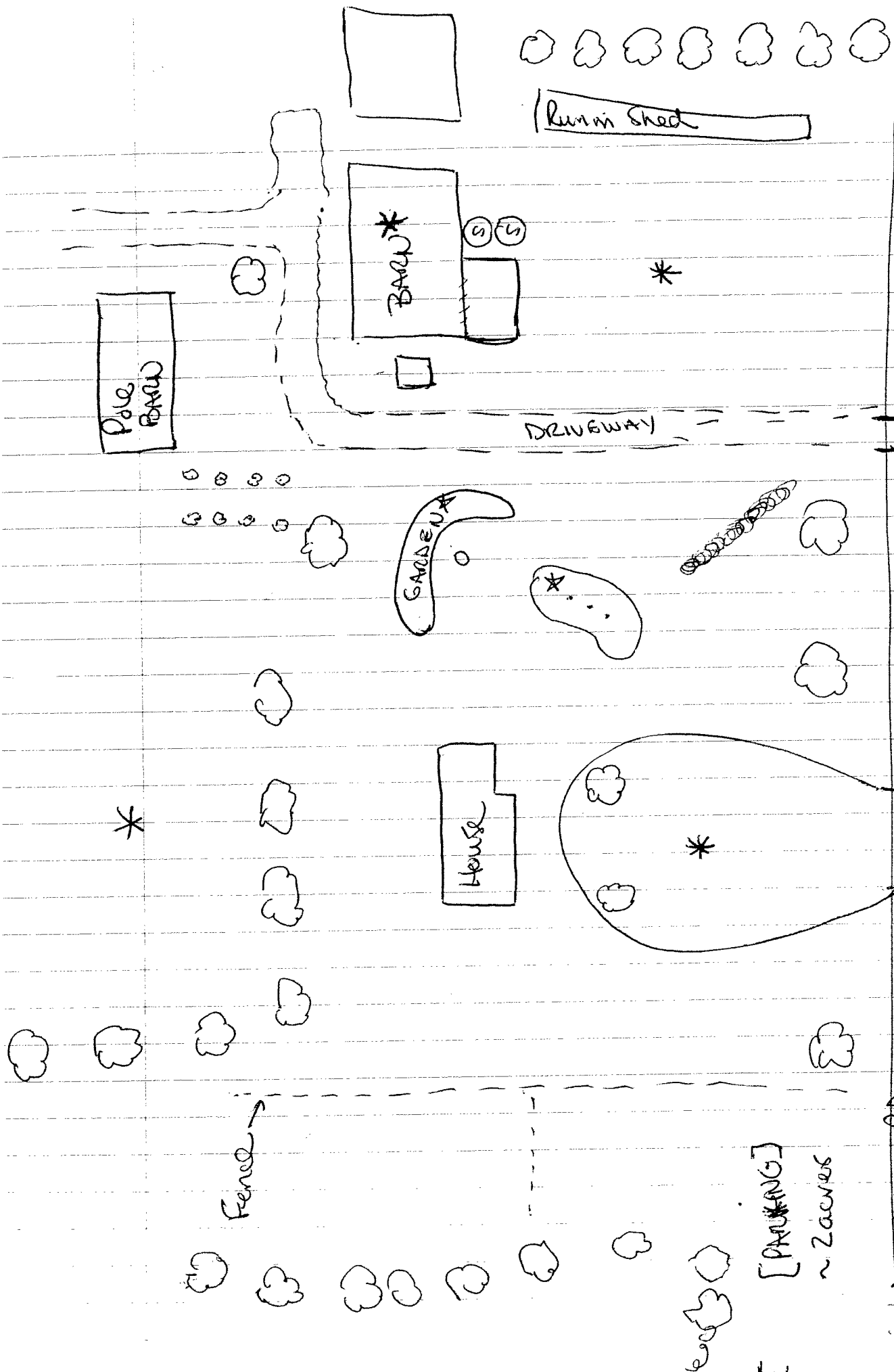
If property is located in the Critical Area, all provisions and requirements must be met as outlined in Article XVII, Part I, II & III of the Zoning Ordinance.

G. PROVISION OF ZONING ORDINANCE: Section 102

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: _____

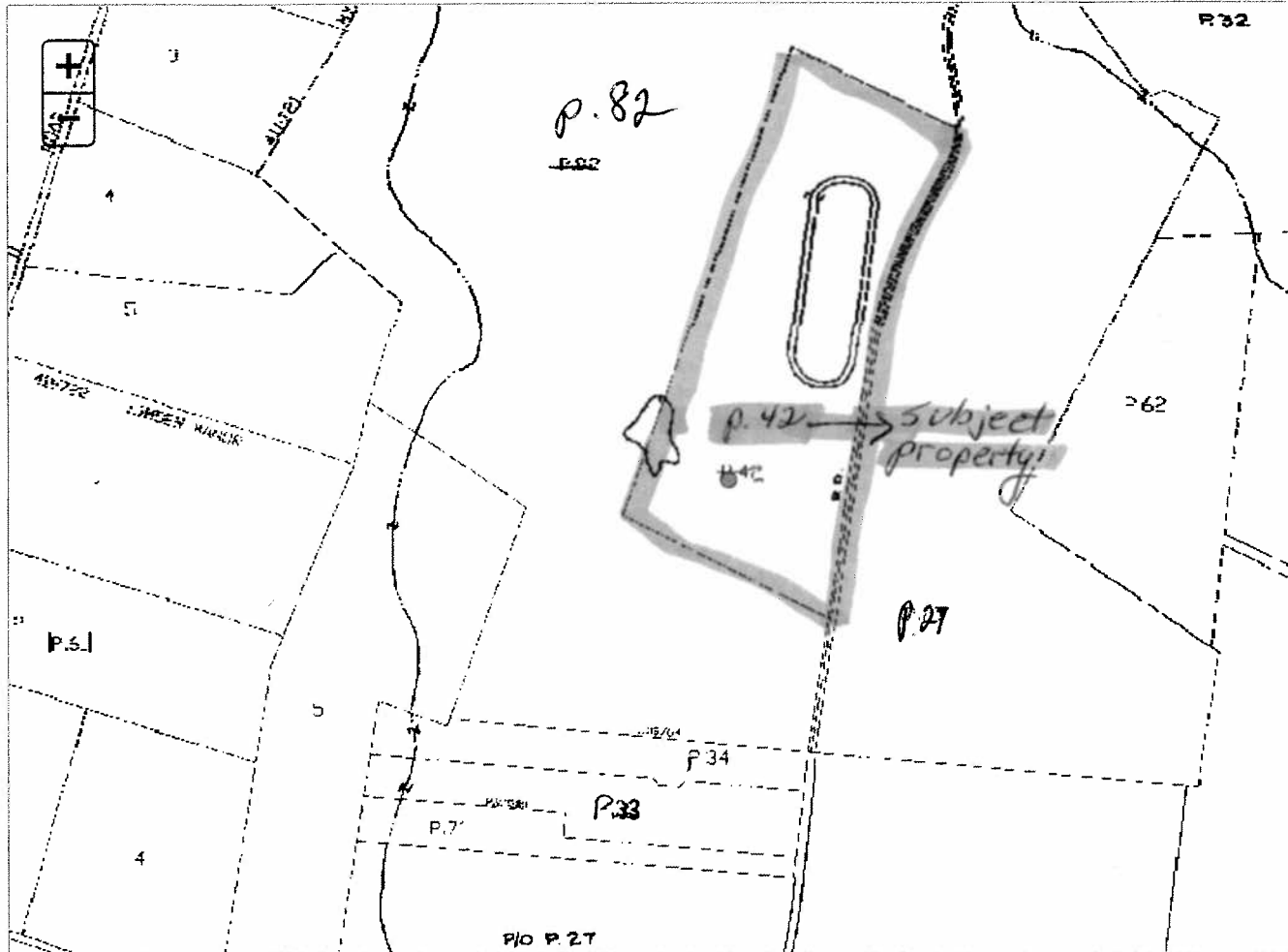


* Poss. tent location
 555 WATERMAN RD
 WARRICK, MD

Cecil County

New Search (<http://sdat.resiusa.org/RealProperty>)

District: **01** Account Number: **060457**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

File # 3661

Scott & Barbara Miller

map 58 / parcel 42

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