

IN THE MATTER OF	*	BEFORE THE CECIL COUNTY
THE APPLICATION OF	*	BOARD OF APPEALS
SCOTT AND BARBARA MILLAR	*	CASE NO.: 3736
	*	
(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 renewal 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 were granted a Special Exception from 2 years ago and claim no complaints. Applicants want to hold weddings and similar events in the 1683 Manor Home from April – October. The Fire Marshall approved the property and certified it for 190 people.

Cliff Houston read into the record a letter from Patrick Conway, Director of the Office of Permits and Inspections, dated October 27, 2015 regarding the Applicants' operation.

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

Clifford Houston of the Cecil County Department of Planning and Zoning testified that the Department of Planning and Zoning recommended approval of the special exception for as long as the Applicants own the property and operate the business, and that the Planning Commission also recommended approval for as long as the Applicants own the property and operate the business.

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 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 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 as long as the applicants own the property and operate the business. [All Applicants are hereby notified that they are required to obtain any and all necessary licenses and permits required for the use described herein.]

11/24/15

Date



Mark Saunders, Chairperson

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

Oct 15 2015
 Cecil County
 of Planning

DATE FILED: 9/15/15
 AMOUNT PD: \$250.00 (K #683)
 ACCEPTED BY: JB

A. APPLICANT INFORMATION

Scott and Barbara Millar
 APPLICANT NAME - PLEASE PRINT CLEARLY

32017 Snowwood Rd Galena MD 21635
 ADDRESS CITY STATE ZIP CODE

[Signature] 410-708-5995
 APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION

Scott and Barbara Millar
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

32017 Snowwood Rd Galena MD 21635
 ADDRESS CITY STATE ZIP CODE

[Signature] 410-708-5995
 PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

555 Worsell Manor Rd 1st 0604517
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER

58 0015 0042 50.775 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)

Special Exception to hold events on the property (Renewal)

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 X NO
 If yes, Pertinent provision of the Chesapeake Bay Critical Area Program: _____
 Is property in the 100 year Floodplain? YES X NO
 Is property an Agricultural Preservation District? YES X 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: #36601

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: _____

Subject Property

**File 3736
Scott & Barbara
Willard
M 58 P 42**

CHRISTOPHER RD

LINDEN MANOR

MYRTLE GROVE

BOHEMIA CHURCH RD

WORSSELL MANOR RD

STRAWBERRY

NEW HAVEN BLVD

MANOR

P10 P 27

P.71

P.33

109/64 355
P.34

339

P.27

P.62

P.32

P.31

HILL
925

21

28

44

1

1285

P.13

P.73

1086

P.68

1114

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304

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85

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710

654

494

P.82

P.1825

823

545
118/27

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