

IN THE MATTER OF	*	BEFORE THE CECIL COUNTY
THE APPLICATION OF	*	BOARD OF APPEALS
DANIEL & ALLAIR HUMMEL	*	CASE NO.: 3953
	*	
(Special Exception – SAR)	*	
	*	
* * * * *		

OPINION

The Cecil County Board of Appeals (the “Board”) is now asked to consider the application of Daniel and Allaire Hummel (hereinafter collectively referred to as “Applicants”). The Applicants seek a special exception to hold events on their property located at 284 Great House Farm Lane, Chesapeake City, MD 21915, designated as Parcel 20, Block 3 on Tax Map 53 in the Second Election District of Cecil County (the “Property”), in an area zoned Southern Agricultural Residential (“SAR”) in accordance with Article V, Part V, Section 102 and Article XVII, Part II, Section 311 of the Cecil County Zoning Ordinance (the “Ordinance”).

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.

Article V, Part V, Section 102 provides that festivals or events may be permitted as a Special Exception in the NAR and SAR 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

On September 24, 2019, Applicants appeared before the Board and testified that they are seeking a special exception to host outdoor events during the hours of noon and ten o'clock at night within a two (2) acre envelope of the Property consisting of over one hundred eighty three (183) acres in total. Applicant testified that the closest neighbor is approximately one mile away.

No witnesses spoke in favor or in opposition of the application at the hearing.

Bryan Lightner, Zoning Administrator, Cecil County, Maryland Department of Land Use and Development Services ("LUDS"), read from two comment letters received by LUDS. The first letter was from a representative of the Critical Area Commission recommending approval be conditioned upon the Applicant demonstrating they will limit any impact to the 200-ft Buffer and RCA. The second letter was from a representative from the Agricultural Preservation Advisory Board recommending approval be conditioned on a limit of ten large events (50 to 150 guests) and ten small events (less than 50 guests) per year. Lightner then testified that LUDS recommends approval of the special exception for two years so long as the MALPF approval process has been completed prior to holding the first event, and that the Planning Commission concurred with the LUDS recommendation.

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 suitable to the use. The Property consists of over one hundred eighty three acres, which provides more than enough space for the proposed use. Furthermore, the nature of the use itself is not inherently injurious to 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. Applicant has provided sufficient testimony that events would be well organized, occur within reasonable hours of the day, and that any noise would be buffered by the surrounding acreage of the Property.

3. The use will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted in the zone.

4. Nothing in the record indicates that the proposed use will overburden existing public facilities, including schools, police and fire protection, water and sewer, public road, storm drainage, and other public improvements.

5. The proposed use will not adversely affect critical natural areas or areas of ecological importance. The Property is located in a Critical Area District and the 100 Year Floodplain, and is an Agricultural Preservation District. MALPF approvals will be obtained prior to commencement of the proposed use.

6. The proposed use will, in all other respects, conform to the applicable regulations of the zone in which it is located. Based upon the evidence presented, the use for which the Applicant intends is not inconsistent with 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. Pritts*, 291, Md. 1 (1981).

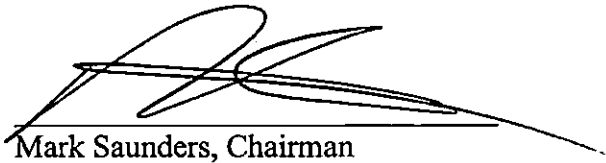
8. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets. Applicant testified ample parking exists on the Property, preventing any congestion to public streets.

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 V, Part V, Section 102, and Article XVII, Part II, Section 311, of the Ordinance have been met, and the application for the special exception to hold festivals and events on the Property is therefore **APPROVED FOR TWO YEARS SO LONG AS THE MALPF APPROVAL PROCESS HAS BEEN COMPLETED PRIOR TO THE FIRST EVENT.**

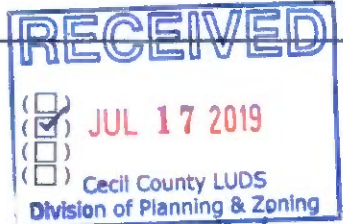
All Applicants are hereby notified that they are required to obtain any and all necessary licenses and permits required for the use described herein.

10/29/19
Date


Mark Saunders, Chairman

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND

MEET. MONTH: Aug 2019
FILE NO. 3953



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

DATE FILED: 7/17/19
AMOUNT PD: \$250
ACCEPTED BY: BL

A. APPLICANT INFORMATION

Daniel and Allaire Hummel
APPLICANT NAME - PLEASE PRINT CLEARLY
284 Great House Farm Ln, Chesapeake City, Md 21915
ADDRESS CITY STATE ZIP CODE
Daniel Hummel Allaire Hummel
APPLICANT SIGNATURE PHONE NUMBER 302 494 5594

B. PROPERTY OWNER INFORMATION

Great House Farm LLC
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY
284 Great House Farm Lane, Chesapeake City, Md 21915
ADDRESS CITY STATE ZIP CODE
Daniel Hummel Allaire Hummel
PROPERTY OWNER SIGNATURE PHONE NUMBER 302 494 5594

C. PROPERTY INFORMATION

284 Great House Farm Ln 2 008017
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER
53 3 20 - 183.68 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 ^{festivals or} events

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 DESIGNINATION

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

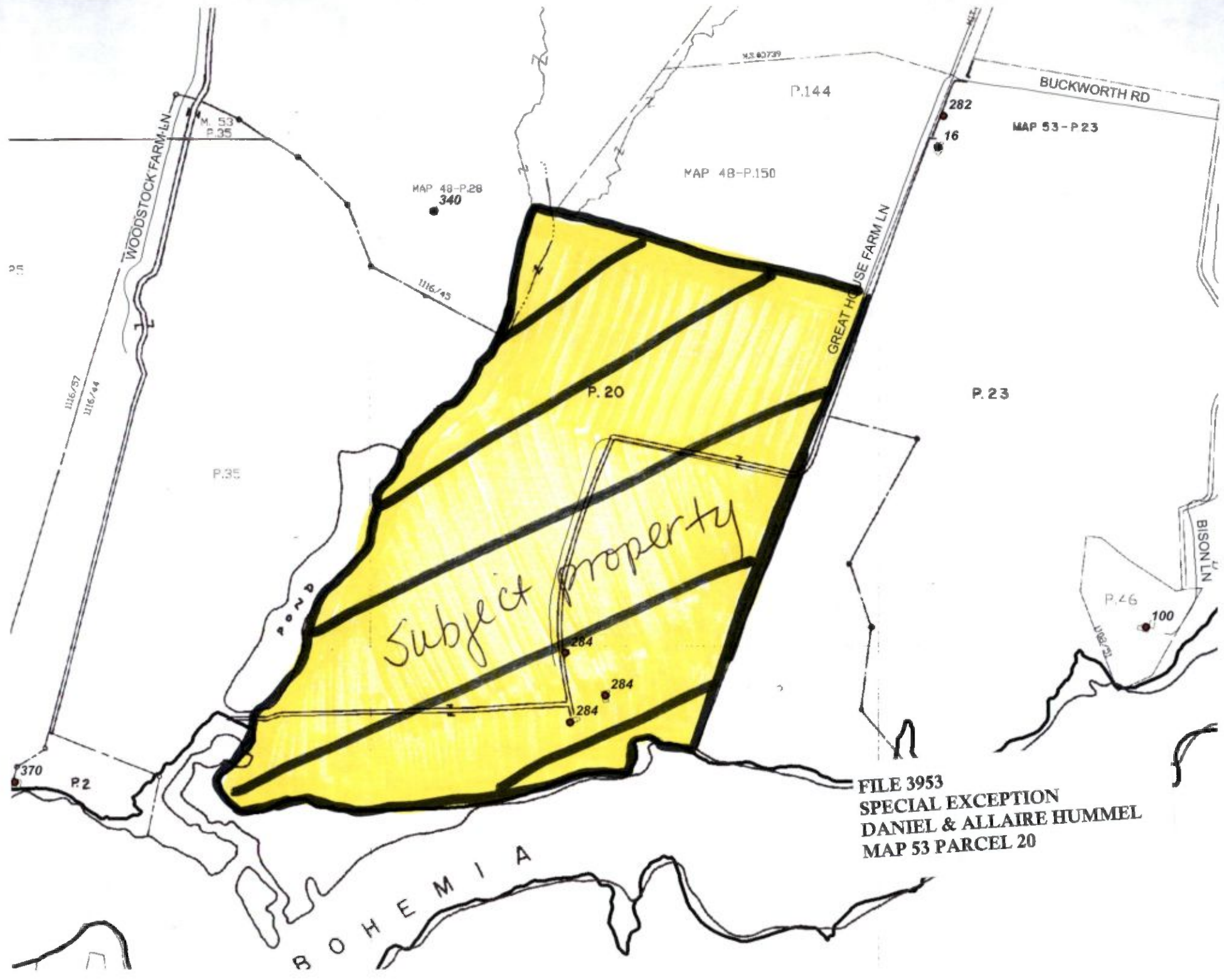
If property is located in the Critical Area, all provisions and requirements must be met as outlined in Article XVII, Part I, II & III of the Zoning Ordinance.

G. PROVISION OF ZONING ORDINANCE: ACT. IV, PT. IV, S. 102 / ART. XVII, PT. II, S. 311

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

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: _____



**FILE 3953
SPECIAL EXCEPTION
DANIEL & ALLAIRE HUMMEL
MAP 53 PARCEL 20**