

IN THE MATTER OF	*	BEFORE THE CECIL COUNTY
THE APPLICATION OF	*	BOARD OF APPEALS
STEPHANIE SMALLS-DELIMAN & CHRISTOPHER DELIMAN	*	CASE NO.: 4201
(Special Exception Renewal- NAR)	*	

* * * * *

OPINION

The Cecil County Board of Appeals (the “Board”) is now asked to consider the application of Stephanie Smalls-Deliman and Christopher Deliman (the “Applicants”). The Applicants seek a special exception renewal in accordance with Article XVII, Part II, Section 311 of the Cecil County Zoning Ordinance (“Ordinance”) to continue to operate a events and festival site at the property they own at 140 McKeown Rd., Elkton, MD 21921, consisting of approximately 27.52 acres and designated as Parcel 612, Lot 2 on Tax Map 38 in the Second Election District of Cecil County (the “Property”), in an area zoned Northern Agricultural Residential (“NAR”) in accordance with Article V, Part V, Section 102 of the Ordinance. The original special exception was granted in 2021 pursuant to File No. 4066.

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 of the Ordinance provides:

Festivals or events may be permitted as a Special Exception in the NAR zone provided:

1. The proposed site shall be of sufficient size to accommodate the use without adversely affecting adjacent land uses.

2. No temporary sanitary facilities or trash receptacles 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 May 22, 2023, Applicants appeared and testified that they seek a special exception renewal to operate an event site called Magnolia Farms. Applicants testified they host a maximum of twelve events per year with a limit of one hundred guests on site. Events occur on weekends only. Guests would be accommodated inside of the existing barn on the Property or outside. Further oral testimony provided that there is no kitchen for event use, so events are catered using outside vendors and alcohol shall be served by licensed hired bartenders. Applicants stated that portable restroom facilities are utilized and provided by outside vendors who deliver and remove the facilities on the same day as an event or the day after. Parking is ample and provided via the pasture to the right of the driveway at designated marked areas or along the driveway and stone lane if the ground is wet. Applicants further testified their neighbors have been supportive.

The Health Department provided written testimony it has no objection to the special exception renewal. Events on the property are consistent with Ag-tourism use. The existing sanitary facilities are for residential use only and are not permitted to be used for events.

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

Aaron Harding, Division of Planning and Zoning Chief, testified that the Division Staff and the Planning Commission recommended approval for five years.

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

1. That granting the special exception will not be detrimental to or endanger the public health, safety, or general welfare as the Applicants testified that licensed servers are employed to serve alcohol and plenty of off-street parking exists. Additionally, measures are taken to ensure sanitary needs are handled using portable facilities.

2. There is no evidence indicating that the use is unduly injurious to the peaceful use and enjoyment of other property in the neighborhood, nor that the use substantially diminishes or impairs property values in the neighborhood. The use does not materially increase traffic to or from the Property since the number of events are limited to twelve through the year. The Property is large enough to buffer any nuisance to neighboring properties, and the Board received no complaints or testimony in opposition to the renewal.

3. There is no evidence indicating that normal and orderly development and improvement of the surrounding properties has been impeded by the use. For the reasons stated in numbers 1 and 2 above, the Board finds the operation of the event facility does not have a negative impact on surrounding properties.

4. There is no evidence indicating that the use, with respect to existing development in the area and development permitted under existing zoning, overburdens existing public facilities, including schools, police and fire protection, water and sewer, public road, storm drainage, and other public improvements. Based on the foregoing, the Board finds that the proposed use is consistent with the current use of the Property.

5. The proposed use does not adversely affect critical natural areas or areas of ecological importance. The Property is not in the Critical Area, the Critical Area Buffer, or the 100-year floodplain.

6. The proposed use does, in all other respects, conform to the applicable regulations of the zone in which it is located.

7. The particular use proposed at the particular location proposed, does 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 taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

9. That the special exception is not contrary to the objectives of the current Comprehensive Plan for the County.

Further, the Board makes the following findings pursuant to Section 102.

1. The proposed is of sufficient size to accommodate the use without adversely affecting adjacent land uses. The Property is over 27 acres in size.

2. No temporary sanitary facilities or trash receptacles will be located within 200 feet of an existing dwelling; no tent shall be located within 250 feet of an existing dwelling.

3. A drawing accompanied the application and accurately depicts the standards of this section. A plat diagram also accompanied the Application.

4. This will be a seasonal use not to exceed a total of 180 days in any 12 consecutive months.


5. Activity areas will be at least 500 feet from a residential district.

6. A minimum of one parking space will be provided for every 500 square feet of ground area of the total site.

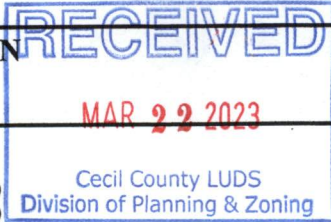
For the reasons stated above, by unanimous vote, the Board is satisfied that the requirements of Article XVII, Part II, Section 311 and Article V, Part V, Section 102, of the Ordinance have been met and the application for the special exception renewal on the Property is therefore **APPROVED FOR FIVE YEARS.**

Applicant is hereby notified that she is required to obtain any and all necessary licenses and permits required for the use described herein.

6/26/23
Date


for Mark Saunders, Chairman

BOARD OF APPEALS APPLICATION
CECIL COUNTY, MARYLAND



MEET. MONTH: May 2023
FILE NO. 4201

THIS REQUEST IS FOR:

- SPECIAL EXCEPTION RENEWAL (X)
- SPECIAL EXCEPTION ()
- VARIANCE ()
- APPEAL ()

Cecil County LUDS
Division of Planning & Zoning

DATE FILED: 3/22/23
AMOUNT PD: 15250
ACCEPTED BY: JB

A. APPLICANT INFORMATION - ALL APPLICANTS MUST SIGN

Stephanie Smalls - Delmon & Christopher Delmon
APPLICANT NAME - PLEASE PRINT CLEARLY

140 McKeown Rd Elkton MD 21921
ADDRESS CITY STATE ZIP CODE

[Signature] 484-643-6374 / 302 562 4372
APPLICANT SIGNATURE PHONE NUMBER

B. PROPERTY OWNER INFORMATION - ALL PROPERTY OWNERS MUST SIGN

Stephanie Smalls - Delmon & Christopher Delmon
PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

140 McKeown Rd Elkton MD 21921
ADDRESS CITY STATE ZIP CODE

[Signature] 484-643-6374 / 302 562 4372
PROPERTY OWNER SIGNATURE PHONE NUMBER

C. PROPERTY INFORMATION

140 McKeown Rd Elkton MD 21921
PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER

38 14 0612 2 27.52 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)

See attached paper

Special Exception Renewal to operate festivals / 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 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: Part II, Section 102; Act XVII, Part II Section 311

H. SPECIAL EXCEPTION RENEWAL - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL: 4066

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: _____



MAGNOLIA

F A R M S ^{LLC}

EST. 2020

Purpose of the Application: The primary focus of the application is for a special exemption to host weddings, reception ceremonies, birthday, holiday parties, and other social gatherings. Majority of the events will be held on the weekends and in the months of April – October. Magnolia farms will not be run as a full-time business since it is located at our primary residence.

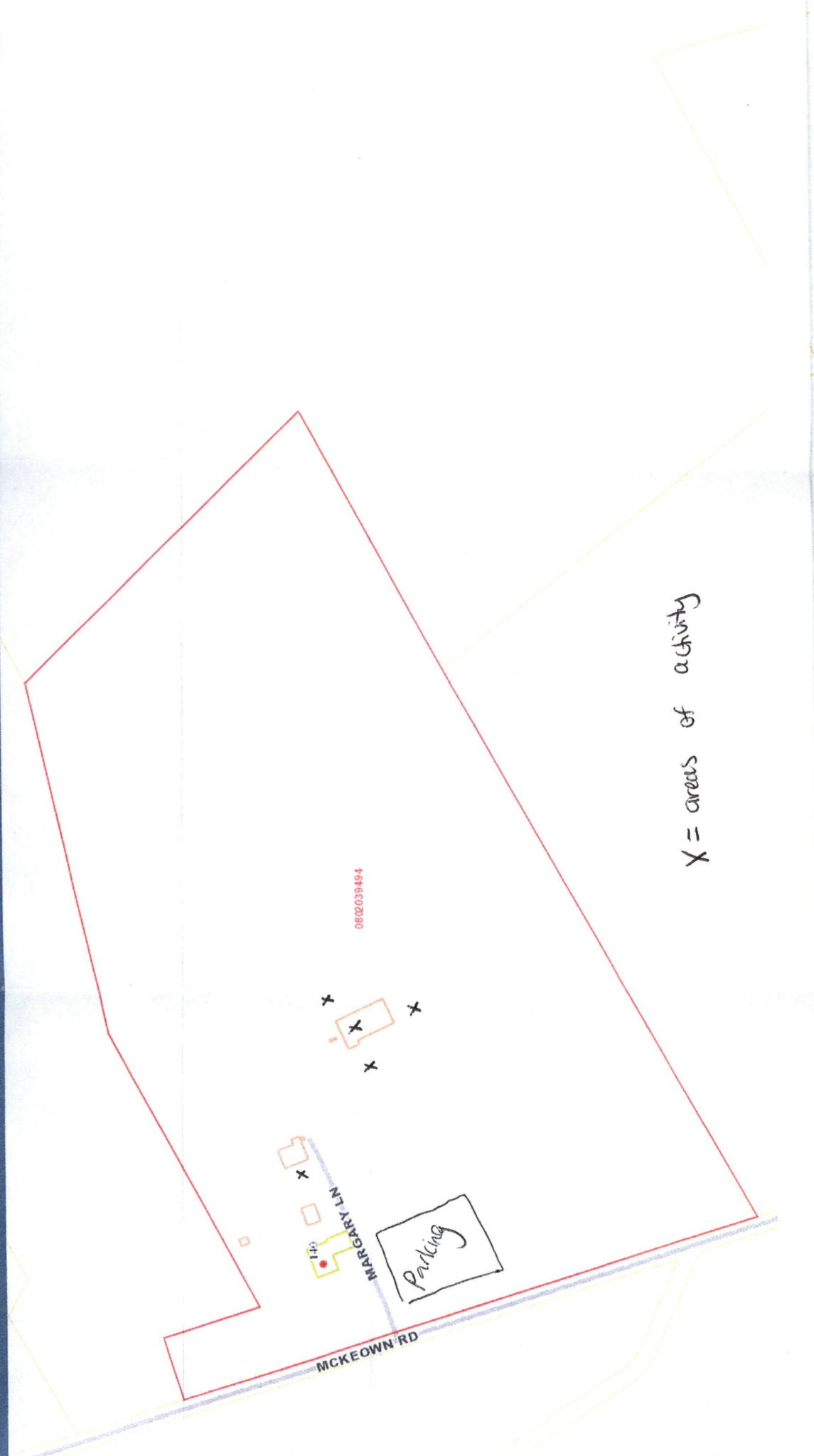
All Weddings and events that occur on the property will have no more than 100 individuals inside the barn at any given point due to fire safety regulations. We feel Magnolia Farms would be the perfect location for anyone looking for that rustic and rural barn like setting for their special day. Ceremonies can be being held inside or outside with or without a tent weather permitting.

All food(s) will be catered by outside sources or by the customers as the barn does not have a working kitchen. All alcohol on the property must be served by a TIPS certified party or catering company.

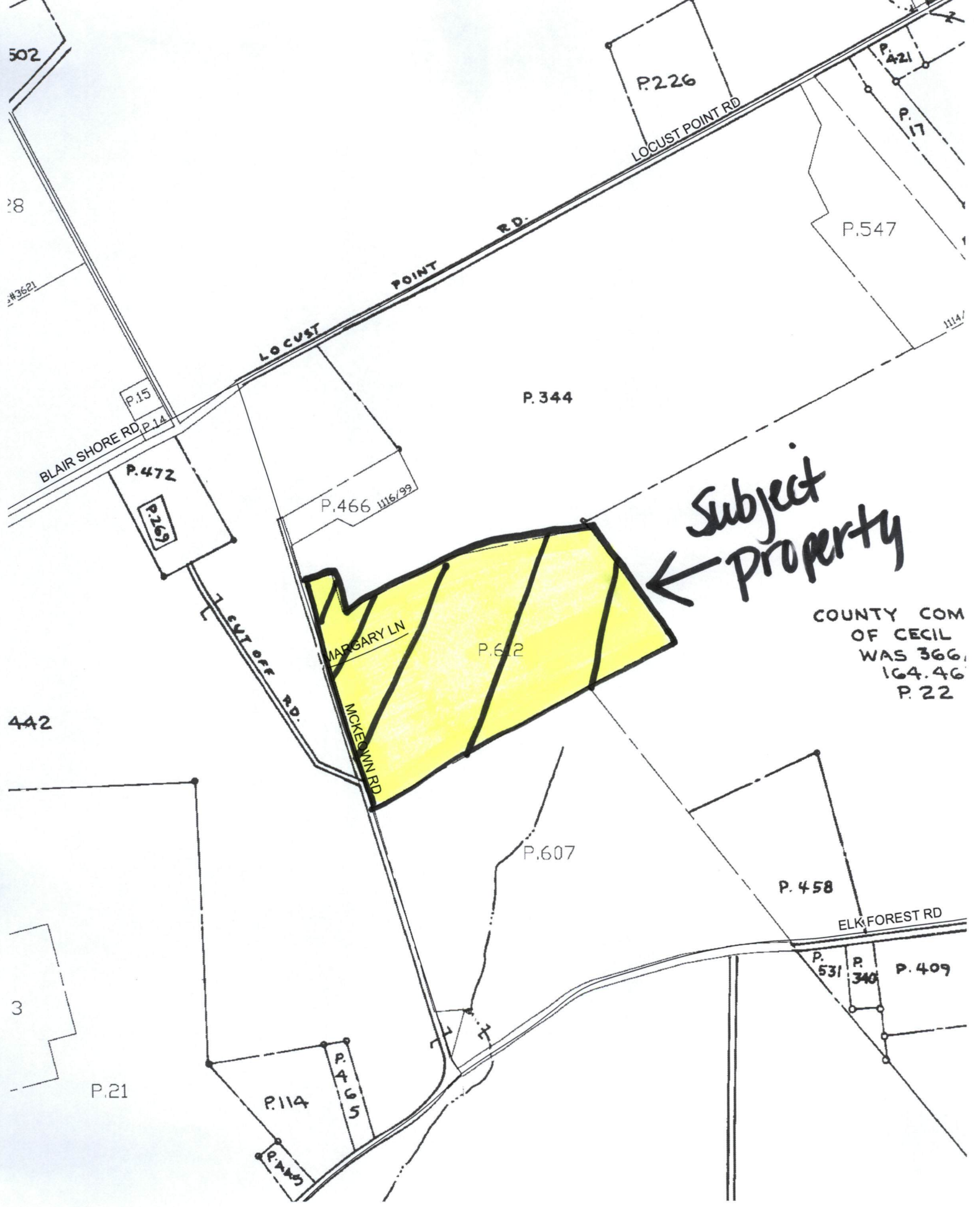
For all events we host, ADA compliant restrooms will be supplied for customers. The size of the facilities being rented will be based off the number of customers attending the events. All of the bathroom vendors are responsible for delivery and removal on their equipment.

Parking will be in the pasture to the right of the driveway at the designated marked areas. If the grounds are too soft due to impeding or recent rains, parking will be along the driveway.

County, MD - Online GIS



X = areas of activity



Subject Property

COUNTY COM
 OF CECIL
 WAS 366,
 164.46
 P. 22

502

28

#3521

P.226

P.421

P.17

P.547

1114

LOCUST
 POINT
 RD.

LOCUST POINT
 RD.

LOCUST POINT
 RD.

BLAIR SHORE RD
 P.14

P.15

P.472

P.269

P.466 1/16/99

P.344

LEFT OFF RD.

MARGARY LN

P.612

MCKEE WRD

442

P.607

P.458

ELK FOREST RD

P.531

P.340

P.409

3

P.21

P.114

P.465

CRAND