

TERRAIN INC.

Land Engineering & Development Services

August 8, 2022

Office of Planning and Zoning
2664 Riva Road, 3rd Floor
Annapolis, MD 21401

Re: 788 Generals Hwy
Millersville (5.36 acres) (Zone: RLD)
Special Exception Request

To Whom It May Concern:

In order to recognize the Site for the proposed use, a Special Exception is required for Landscaping and Tree Contracting. The Lawn Pro Group is the Contract Purchaser and would like to improve the Site to include; a Garage/Office, Outside Storage, and adequate parking/turn around area. (See Site Plan.) The Site received Prefile Review Comments which are being addressed with this Request/Submittal.

A landscaping business is permitted in the RLD Zone via Special Exception. The criteria, as outlined in County Code 18-11-132 can be addressed as follows:

1. The facility must be located on a lot of at least two (2) acres. The Site is designated as T.M. 30, Bulk 17, P 175 and is 5.36 acres.
2. All vehicular access to the Site shall be directly from a collector or higher classification road. This road is a Minor Arterial. In this case, the Site is accessed via a Private 50 ft. Right-of-Way which connects to Generals Hwy. However, a Variance is necessary because the Private Road is not considered Direct Access.
3. Buildings and Outdoor Areas to be used for parking, loading and storage of vehicles, equipment, tools and supplies shall be on a Site Plan and located at least 50 ft. from all property lines and public roads, maximum coverage for outdoor storage may need not exceed 20% of the total lot area. The allowable storage area is 46,761 SF. The area proposed as outside storage is 14,513 SF, less than the allowable. For this specific Site, we have delineated a 50 ft. Setback Line which shows that Parking, Loading, Building and Outdoor Areas will remain outside of the Area.
4. The location and design of the operation will not be a nuisance to the neighboring properties due to noise, dust or fumes. The Site is surrounded by various businesses/home occupations as noted under (C)(2)(ii).
5. The landscape business hours will be limited to 7am to 6pm. Therefore, this criteria is satisfied.
6. The Outdoor Storage and Parking will be screened as shown on the Site Plan. Additional screening will be accomplished in accordance with the Landscape Manual.
7. Minor repairs to vehicles and/or equipment are permitted, and if necessary will be performed within the proposed Building/Garage on the north side of the Site.

In order to recognize the project as proposed, a Variance to 18-11-131(2); Access from Collector or Higher Classification Road is required as access is via an Existing 50 ft. Private Right-of-Way which provides direct access to Generals Hwy.

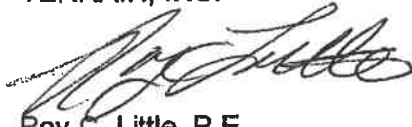
Variance to 18-11-131(2):

The Site is located approximately 550 ft. from Generals Hwy with direct access via 50 ft. Private Right-of-Way. Generals Hwy is classified as a Minor Arterial.

Page Three
788 Generals Hwy
Special Exception Request
August 8, 2022

Therefore, we believe this Request as submitted can be supported by your offices
If you should have any further questions or comments or need additional information, please do not hesitate to contact our office at (410) 266-1160.

Sincerely,
TERRAIN, INC.



Roy C. Little, P.E.
President
RCL/II.3130



TERRAIN INC.

Land Engineering & Development Services

August 30, 2022

Anne Arundel County
Zoning Division
Office of Planning and Zoning
2664 Riva Rd. 3rd Floor
Annapolis, MD 21401

Re: 788 Generals Hwy
Millersville (5.36 acres) (Zone: RLD)

To Whom It May Concern:

In order to recognize the Site Development as proposed, we will need to obtain the following Variance:

I. Requested Variance:
Article 18-11-132: Setbacks.

The Site is zoned RLD which requires minimum Setbacks of 20 ft./combined 50 ft. The Site contains an Existing Pole Barn specified to remain and is setback at a minimum 37 ft. from the property line. However, the above referenced Article, No. 3 requires that all buildings be located 50 ft. from the property line.

Justification:

Because the Building/Pole Barn is Existing, and Setback 37 ft. and 40 ft. respectively from the property line, a Variance of 13 ft. and 10 ft. is necessary to allow the Existing Building to remain.

2. Article 18-16-305: Variances:

- a. In accordance with the Requirements for Zoning Requirements, the Hearing Officer may vary or modify the provisions of this Article. A Variance may be granted if the Hearing Officer makes the following affirmative findings:
1. Because of the unique physical characteristics of the Lot which in this case is the size which allows a Special Exception to be filed, and the irregular shape and clearing limitations suggest that development occurs toward the front of the Lot.
 2. The exceptional circumstances which must be considered is the existing condition and location of the Pole Barn which is excellent and has been well maintained, including a concrete slab.
The location meets the Required Setbacks for the zone but falls short for the Special Exception Requests.

Page Two
788 Generals Hwy
Millersville (5.36 acres) (Zone: RLD)
August 30, 2022

Requirements for All Variances 18-16-305(c):

A Variance may not be granted unless it is found that:

1. The Variance is the minimum necessary to afford relief because the Pole Barn is existing and the proposal is to allow continued use.
2. The granting of the Variances **will not**:
 - i.) Alter the essential character of the neighborhood because the Site is currently developed with the building. All new development will meet the Special Exception Requirements.
 - ii.) Substantially impair the development of adjacent property as the Sites are developed with various uses.
 - iii.) The Site meets or exceeds all Forest Clearing Requirements.
 - iv.) The Building will remain unchanged. Therefore, the development will not be contrary to acceptable clearing and replanting practices.
 - v.) The redevelopment will not be detrimental to Public Welfare as the Building is currently Existing.

We believe the Plans for development are consistent with the needs for a Variance, and will allow orderly and consistent use within the neighborhood.

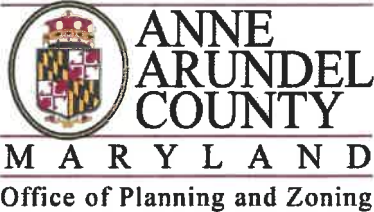
If you should have any questions or comments or need additional information, please do not hesitate to call our office at (410) 266-1160 or email terrain@comcast.net.

Sincerely,
TERRAIN, INC.



Roy C. Little, P.E.
President
RCL/II.3130





Steve Kati-Ziegler, AICP
Planning and Zoning Officer

MEMORANDUM

TO: Zoning Division

FROM: Desirae Williams, Planner III, Long Range Planning

THROUGH: Cindy Carrier, Planning Administrator, Long Range Planning

SUBJECT: Long Range Planning Comments

DATE: September 27, 2022

Name of Project: The Lawn Pros Group, Inc.
Case#: 2022-0135-S
Location: 788 Generals Hwy, Millersville
Tax Map 30, Parcel 175
Region Planning Area: 6
Community: Millersville

Summary:

The applicant requests a Special Exception to allow a Landscaping and Tree Contracting company as a special exception use in a Residential Low Density (RLD) zoning district.

The site is located in the Plan2040 Rural and Agricultural Development Policy Area and the Rural Planned Land Use category. Properties to the north are in the Commercial Planned Land Use category, and properties to the south, east, and west are in the Rural Planned Land Use category. Zoning for the site is RLD. Properties surrounding the property are all zoned RLD. The site is not located within the Priority Funding Area.

Findings:

Compliance with Plans:

Plan2040 General Development Plan: Plan2040 does not have recommendations that are specific to this site and the proposal is generally consistent with the goals, policies and strategies of Plan2040. The site is within the Region 6 Planning Area; the region planning process for this area is anticipated to begin in April of 2024. No application Comprehensive Rezoning during the 2011 Comprehensive Rezoning process.

2017 Water and Sewer Master Plan: The site is in the No Public Sewer Service category in the Rural Service Area and the No Public Water Service category in the Rural Water Pressure Zone. The proposal is consistent with the 2017 Water and Sewer Master Plan.



M A R Y L A N D

Office of Planning and Zoning

*Steve Kait-Ziegler, AICP
Planning and Zoning Officer*

MEMORANDUM

TO: Sterling Seay, Assistant Planning & Zoning Officer

FROM: Donna Aulds, Planner II, Regional Team

VIA: Courtney Wilson, Planning Administrator, Regional Team

SUBJECT: Zoning Case #2022-0136-V; Variance; to allow vehicle access not from a collector or higher classification road with less set backs then required for the proposed pole barn; Special Exception #2022-0135-S to allow for landscaping and tree contracting business within a RLD (residential low-density) Zoning District

DATE: September 29, 2022

This memo is in response to the Zoning Division request for comments regarding a Special Exception and Variance to allow for a landscaping and tree contracting use in the RLD (residential low-density) Zoning district and a Variance to allow vehicle access not from a collector or higher classification road with less setbacks then required within a RLD Zoning District. This Office defers to the Zoning Division whether the applicant meets the application standards for the Special Exception and Variance requirements, per Article 18-16-304(a)(6) and 18-6-305. If approved, the Development Division offers the following comments:

1. This Office notes that the special exception plan submitted shows a vehicle maintenance building and according to the RLD Zoning Art. 18-4-106, this is not a permitted use.
2. The proposed "outdoor storage" should identify what type of storage is being stored.
3. Please note, approval of the Preliminary/Site Development Plan application, per Article 17-4-201 and 202, including Adequacy of Public Facilities, landscape and adequate parking on-site will be required.



Mark Wedemeyer, Director

Memorandum

To: Sumner Handy, Zoning Division, Office of Planning and Zoning

From: Ram L. Shrestha, P.E., CFM, Engineering Division, Department of Inspections & Permits

Date: September 28, 2022

Subject: The Lawn Pros Group, Inc.
Generals Highway, Millersville, MD 21108
Tax # 4000-9002-4535
Special Exception # 2022-0135-S

Request – Special Exception to allow a landscaping and tree contracting use in the RLD - Residential Low Density District.

Project Scope/Description - The site is located next to Generals Hwy; access through a private right-of-way at Millersville. The lot area consists of 5.36 acres, zoned Residential Low Density District (RLD). The site is currently developed with a building/pole barn and mostly undeveloped and forested. The owner would like to improve the site to include; a garage/office, storage, and parking/turn around area.

Review - This office has received the subject application, reviewed for engineering (utilities, stormwater) issues and has the following comments:

1. The site will be access through a private 50 feet right-of-way which connects to General Hwy., approximately 550 feet from the site. Applicant need to demonstrate the right to use this private right-of-way and allow to use for commercial purpose.
2. Stormwater management (SWM) shall be provided as per County code Article 16, Title 4 and adequacy of public facilities (road, storm drainage, utilities and stormwater management) for the site shall be addressed during the preliminary/site development process.
3. The proposed driveway entrance shall meet county std. of commercial entrance.

Determination/Recommendation – There are no Engineering objections to approval of the requested Zoning Special Exception. This request has been deferred to the Zoning Division on whether the application meets the Special Exception standards of 18-6-304 requirements for the proposed development for the property under the relevant Code provisions. The above listed comments shall be addressed as a part of the development review/preliminary plan process.



Mark Wedemeyer, Director

Memorandum

To: Sumner Handy, AICP, Zoning Division, Office of Planning and Zoning

From: Ram L. Shrestha, P.E., CFM, Engineering Division, Department of Inspections & Permits

Date: September 28, 2022

Subject: The Lawn Pros Group, Inc.
Generals Highway, Millersville, MD 21108
Tax # 4000-9002-4535
Variance # 2022-0136-V

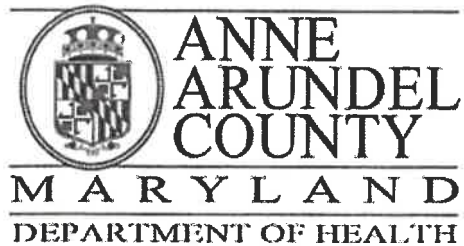
Request – Variance to allow a landscaping and tree contracting use with vehicular areas not directly from a collector or higher classification road and a building (Pole building) with less setbacks than required.

Project Scope/Description - The site is located next to Generals Hwy; access through a private right-of-way at Millersville. The lot area consists of 5.36 acres, zoned Residential Low Density District (RLD). The site is currently developed with a building/pole barn and mostly undeveloped and forested. The owner would like to improve the site to include; a garage/office, storage, and parking/turn around area.

Review - This office has received the subject application, reviewed for engineering (utilities, stormwater) issues and has the following comments:

1. The property will be served by private well and septic system
2. The site will be access through a private 50 feet right-of-way which connects to General Hwy., approximately 550 feet from the site. Applicant need to demonstrate the right to use this private right-of-way and allow to use for commercial purpose.
3. SWM computation/report has not been provided with the application to show how the site will comply with stormwater management requirements including environmental site design to MEP and how stormwater runoff from and through the property will be safely conveyed to the downstream.
4. Stormwater management (SWM) shall be provided as per County code Article 16, Title 4 and adequacy of public facilities (road, storm drainage, utilities and stormwater management) for the site shall be addressed during the preliminary/site development process.

www.aacounty.org
Recycled paper
Last revised 5/11/11





J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7193 Fax: 410-222-7479
Maryland Relay (TTY): 711
www.aahealth.org

Nilesh Kalyanaraman, MD. FACP
Health Officer

MEMORANDUM

TO: Sumner Handy, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Bureau of Environmental Health 

THROUGH: Don Curtian, Director
Bureau of Environmental Health 

DATE: September 22, 2022

RE: The Lawn Pros Group Inc.
788 Generals Highway
Millersville, MD 21108

CASE
NUMBER: 2022-0135-S

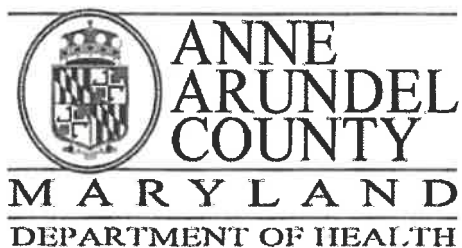
SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance request for a special exception to allow a landscaping and tree contracting use on the RLD. Residential Low Density District.

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterline Seay



J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7193 Fax: 410-222-7479
Maryland Relay (TTY): 711
www.aahealth.org

Nilesh Kalyanaraman, MD, FACP
Health Officer

MEMORANDUM

TO: Sumner Handy, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager *BC*
Bureau of Environmental Health

DATE: September 23, 2022

RE: The Lawn Pros Group, Inc
788 Generals Highway
Millersville, MD 21108

CASE
NUMBER: 2022-0136-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance request to allow a landscaping and tree contracting use with vehicular access not directly from a collector or higher classification road and a building (pole building) with less setbacks than required.

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterline Scay



ster

Office of the Fire Marshal
Subdivision & Development Review

TO: Planning & Zoning

CC: Sterling Seay
Sumner Handy, Sara Anzelmo

FROM: Lt. Robert D. Flynn, Fire Marshal Division

DATE: September 7, 2022

SUBJECT: Variances/Special Exceptions

The following Variances have been reviewed by the Office of the Fire Marshal:

- Variance #1: 2022-0133-V - Approved
- Variance #2: 2022-0134-V - Approved
- Variance #3: 2022-0135-S – No Comment
- Variance #4: 2022-0136-V – No Comment
- Variance #5: 2022-0137-V - Approved
- Variance #6: 2022-0138-S – No Comment
- Variance #7: 2022-0139-S – Approved

796 Generals Highway



Legend

- Foundation Addressing
- Parcels
- Parcels - Annapolis City

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



East Community Maps Contributors, County of Anne Arundel, VIRGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SwecoGraph, GeoTechnologies, Inc, METI/NASA, THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

796 Generals Highway

