

For Office Use Only

CASE # 2022-0135-5

FEE PAID 1235-

DATE 8/31/2022



For Office Use Only

ZONE RLD

CRITICAL AREA: IDA LDA RCA

BMA: Yes No

NO. OF SIGNS 1

SPECIAL EXCEPTION APPLICATION

NOTE: This form can be downloaded to your computer and filled out utilizing Adobe Reader (or similar product). It can also be printed and filled out by hand.

Applicant(s): PAUL S. KIRBY, JR. The Lawn Pros Group, Inc.

(Applicant must have a financial, contractual, or proprietary interest in the property)

Property Address: GENERALS HIGHWAY, MILLERSVILLE MD 21108

Property Location: 34 279.49 feet of frontage on the (WEST) side of GENERALS HIGHWAY 50' Priv R.O.W.;

370 3.115 feet (NORTH) of (Nearest intersecting street) INDIAN LANDING ROAD Dr.

12-digit Tax Account Number 04-000-90024535 Tax District (4TH) Council District (6TH)

Waterfront Lot: Y N Corner Lot: Y N Deed Title Reference 25348/84

Zoning District RLD Lot # N/A Tax Map 30 Block/Grid 17 Parcel 175

Area 233,809 SF. (5.3675 ACRES) Subdivision Name N/A

Description of Special Exception Requested (Brief, detail fully in letter of explanation)

REQUESTING SPECIAL EXCEPTIONS FOR LANDSCAPING AND TREE CONTRACTING.

PROPOSED GARAGE/OFFICE, OUTSIDE STORAGE AND ADEQUATE PARKING/TURN AROUND AREA.

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest equal to or in excess of 10 percent of the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Applicant's Signature [Signature]

Owner's Signature [Signature]

Print Name THE LAWN PROS GROUP INC
CHRIS DELEONIBUS

Print Name Chris Deleonibus

Mailing Address 1154 GOLDFINCH LANE

Mailing Address 1154 Goldfinch Ln.

City, State, Zip MILLERSVILLE, MD 21108

City, State, Zip Millersville, MD. 21108

Work Phone (443) 223-9423

Work Phone (443) 223-9423

Home Phone _____

Home Phone _____

Cell Phone _____

Cell Phone _____

Email Address CDELEONIBUS@LAWNPROSGROUP.COM

Email Address CDELEONIBUS@LawnPros Group.com

*** Below For Office Use Only ***

Application accepted by Anne Arundel County Office of Planning and Zoning: SEA for SAH 9/6/2022

Initials

Date

Special Exception to allow a Landscaping and tree contracting use in the RLD - Residential Low Density District

For Office Use Only

CASE # 2022-0136-V

FEE PAID 515-

DATE 8/29/22



For Office Use Only

ZONE RLD

CRITICAL AREA: IDA LDA RCA

BMA: Yes No

NO. OF SIGNS 1

VARIANCE APPLICATION

NOTE: This form can be downloaded to your computer and filled out utilizing Adobe Reader (or similar product). It can also be printed and filled out by hand.

Applicant(s): PAUL S. KIRBY, JR. The Lawn Pros Group, Inc.
(Applicant must have a financial, contractual, or proprietary interest in the property)

Property Address: GENERALS HIGHWAY, MILLERSVILLE MD 21108

Property Location: 34 279.49' feet of frontage on the (WEST) side of 50' Priv. R-o-W GENERALS HIGHWAY ;

370 3,115' feet (NORTH) of (Nearest intersecting street) Cedarcroft Dr INDIAN LANDING ROAD

12-digit Tax Account Number 04-000-90024535 Tax District (4TH) Council District (6TH)

Waterfront Lot: Y Corner Lot: Y Deed Title Reference 25348/84

Zoning District RLD Lot # N/A Tax Map 30 Block/Grid 17 Parcel 175

Area 233,809 SF. (5.3675 ACRES) Subdivision Name N/A

Description of Proposed Project and Variance Requested (Brief, detail fully in letter of explanation)
REQUESTING VARIANCE DUE TO THE SITE NOT HAVING DIRECT ACCESS TO A COLLECTOR OR HIGHER CLASSIFICATION ROAD.

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest in the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Applicant's Signature [Signature] Owner's Signature [Signature]

Print Name THE LAWN PROS GROUP INC Print Name Chris Deleonibus

Mailing Address 1154 GOLDFINCH LANE Mailing Address 1154 Goldfinch Ln.

City, State, Zip MILLERSVILLE, MD 21108 City, State, Zip Millersville, MD 21108

Work Phone (443) 223-9423 Work Phone (443) 223-9423

Home Phone Home Phone

Cell Phone Cell Phone

Email Address CDELEONIBUS@LAWNPROSGROUP.COM Email Address CDELEONIBUS@LAWNPROSGROUP.COM

*** Below For Office Use Only ***

Application accepted by Anne Arundel County Office of Planning and Zoning: SLA for SAH 9/6/2022
Initials Date

Variance to allow a landscaping and tree contracting use with vehicular access not directly from a collector or higher classification road and a building (pole bldg) with

Rev 08/03/16 less setbacks than required

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. As noted earlier, the landscape business has operated for 15 yrs. from this Site with no neighborhood complaints. Mr. Tejada has received letters of support from the adjacent neighbor (see attached).
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.

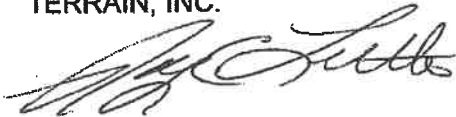
Variance to 18-11-131(2):

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.

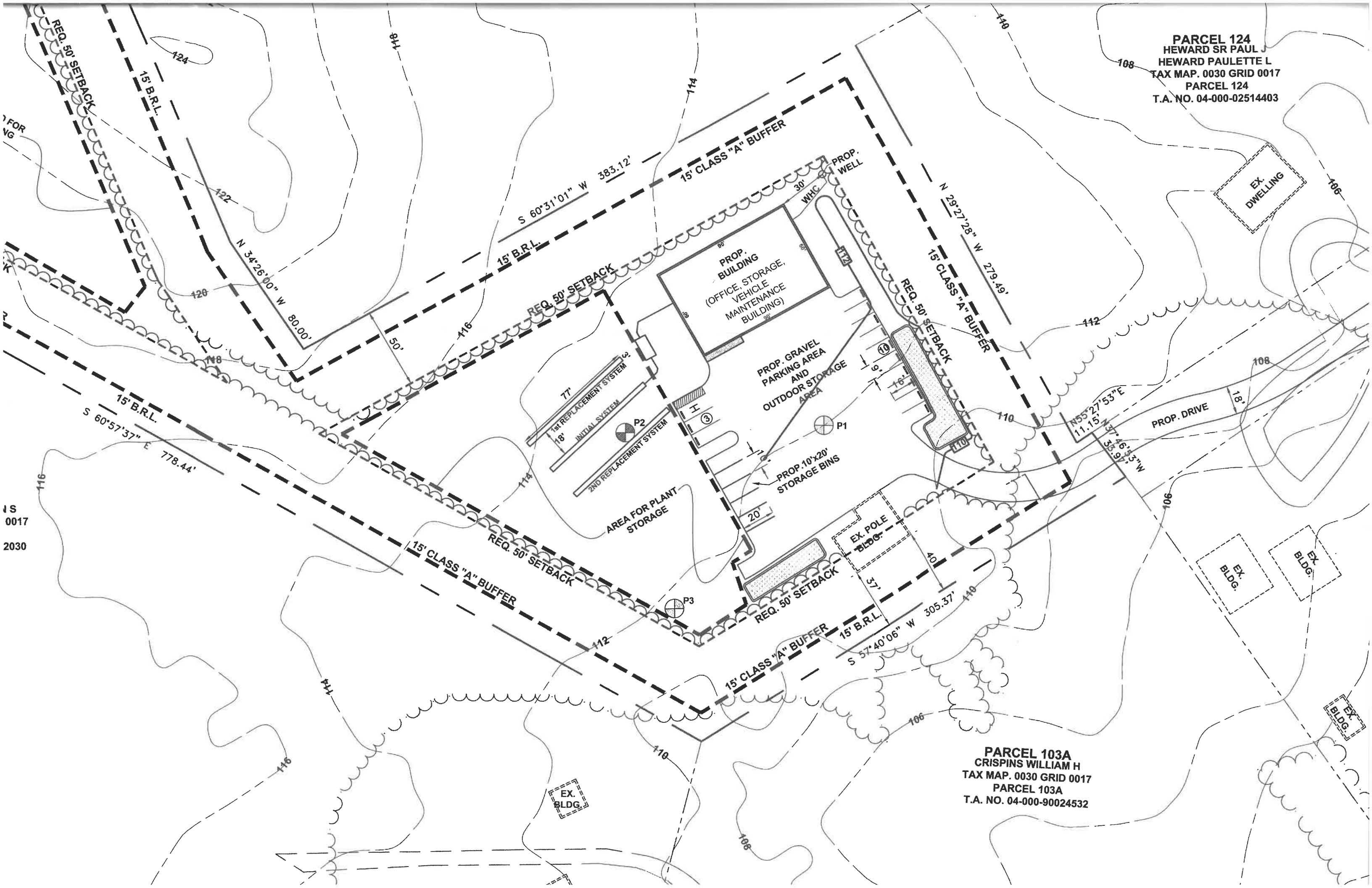
Sincerely,
TERRAIN, INC.



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



PARCEL 124
HEWARD SR PAUL J
HEWARD PAULETTE L
TAX MAP. 0030 GRID 0017
PARCEL 124
T.A. NO. 04-000-02514403



1S
0017
2030

PARCEL 103A
CRISPINS WILLIAM H
TAX MAP. 0030 GRID 0017
PARCEL 103A
T.A. NO. 04-000-90024532