

**FINDINGS AND RECOMMENDATION
OFFICE OF PLANNING AND ZONING
ANNE ARUNDEL COUNTY, MARYLAND**

APPLICANT: Entzian Investments, LLC

ASSESSMENT DISTRICT: 1

CASE NUMBER: 2024-0060-S

COUNCILMANIC DISTRICT: 7

HEARING DATE: April 3, 2025

PREPARED BY: Joan A. Jenkins
Planner III

REQUEST

The applicant is requesting a special exception to perfect a landscaping and tree contracting facility in an RA – Rural Agricultural District located on property known as Tax ID 1000-9004-2993 (a.k.a. 0 Bayard Road) in Lothian.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of approximately 49.068 acres of land. It is located on the west side of S. Polling House Road, south of Sigma Drive. The property is identified on Parcel 51 in Block 11 on Tax Map 67. The site is zoned RA – Rural Agricultural District. The property is currently improved with three buildings on the south side of the property and a gravel area. The site is served by private water and private sewer facilities. The site is not located in the Chesapeake Bay Critical Area Overlay.

PROPOSAL

The applicant has been operating a business, described as storage of landscaping construction material and vehicles, and wishes to perfect the business as a landscaping and tree contracting business.

SPECIAL EXCEPTION STANDARDS

§18-11-132 of the Anne Arundel County Zoning Ordinance sets forth the specific requirements for a landscaping and tree contracting facility special exception. Additionally, all special exceptions are subject to the general standards contained in §18-16-304 of the Zoning Ordinance.

FINDINGS

This Office finds that the subject property is irregularly shaped and meets the minimum lot area requirement and the lot width requirement for a lot in an RA District. According to state tax assessment records this property has an agricultural assessment and contains improvements that are not a primary structure dwelling.

A review of the County aerial photograph from 2024 reveals a large property that has been developed with three buildings surrounded by a gravel area, all on the southeastern side of the property. There is a long driveway that traverses the property north and south and exits via a narrow portion of the property on the eastern side at S. Polling House Road. The lot is wooded along the western side and partially along the southern side. A large field is in the center and there is a pond north of the three buildings. The more recent image from Pictometry (February 26, 2025) shows cleared areas on either side of the driveway with construction equipment and possibly sand and gravel piles. A stream runs along the eastern edge of the property. The County aerial photo shows, east of the stream along the eastern property line, construction equipment vehicles and large tubing. That area appears to have been cleared by the time of the Pictometry photo. The tubing is now all on the gravel area near the three buildings. There are what appear to be several storage containers on site that have not been shown on the site plan. As would be expected in the RA District, the property is surrounded by many large lots.

The property is the subject of a zoning case Z-2020-0956 for a “Use not permitted”, opened August 18, 2020. Historically, another zoning case was filed, Z-2018-1446, also for a “Use not permitted”. A zoning violation could not be proven at that time due to a “No trespassing” sign at the property, and the case was subsequently closed. An additional complaint was filed in July 2023 under current Case Z-2020-0956.

The Zoning Enforcement Section has provided more details regarding the violation:

- The property has an active zoning case Z-2020-0956 related to operating a contractor storage yard without the necessary zoning and development approvals from the Office of Planning & Zoning. Past analysis of historic satellite and aerial imagery have shown a large amount of material storage that appears to be related to infrastructure, excavation, utility/stormwater, and site work contracting. Construction materials include: concrete pipes and precast products, stormwater pipes, traffic safety drums, PVC pipes, heavy excavation equipment, and material stockpiles. These materials do not appear customarily accessory to a landscaping and tree contracting business, which is defined in Article 18-1-101(79), to mean *a business engaged in providing the services of planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, fertilizing, or similar services to establish, promote, or control growth of trees, shrubs, flowers, grass, ground cover, and other flora, or otherwise maintaining a lawn or landscape for ornamentation or other nonagricultural purpose.*
- Removal of materials, equipment, and vehicles not related to a landscaping and tree contracting business (or other authorized use on the property) may be required in order to operate the proposed landscaping and tree contracting business lawfully and resolve zoning violation case Z-2020-0956.
- A site development plan (SDP) in accordance with Article 17 Title 4 is required.
- A zoning certificate of use (ZCU) is required per Article 18-2-202(b).
- Please note that in accordance with Article 17-4-204 of the County Code, conformance with an approved site development plan (SDP) is a prerequisite for the issuance of a zoning certificate of use.
- Compliance with the zoning code, special exception (SE) criteria, administrative decisions, and site development plans (SDP) must be verified by Zoning Enforcement through a site inspection prior to ZCU issuance. Any materials, equipment, and vehicles stored on the property must be accessory to a landscaping and tree contracting use as

defined by Article 18-1-101(79), and be located in storage areas as delineated on an approved site plan.

The letter of explanation from the applicant's attorney states that the property is currently used to store various landscaping construction materials and vehicles. The letter indicates that the property complies with the special exception requirements of the Code under both §18-16-304 for general special exception requirements and the specific special exception requirements of §18-11-132.

Agency Comments

The **Health Department** reviewed the application when it was initially submitted and commented that the request adversely affects the on-site sewage disposal and well water supply systems and recommended denial of the request. They commented further saying that an existing hand dug well that was supposed to be abandoned in 2002 may still exist on the property. Proper documentation and inspection of the dug well abandonment is required. They question a pending subdivision for 5 buildable lots for this property and write that the Zoning request for this application adversely affects the proposed subdivision.

The **Long Range Planning Division** commented that the approximately 203-acre site is located in the Plan2040 Rural and Agricultural Development Policy Area and the Rural Planned Land Use category. Surrounding properties are in the Rural or Conservation Planned Land Use categories. Zoning for the site is RA and surrounding properties are zoned RA. The site is not located within the Priority Funding Area. Portions of the property on the west and south sides of the site are Forest Interior Dwelling Species Habitat. The entire site is listed as unprotected in the Green Infrastructure Network. The proposal is within Region Planning Area 8 which is anticipated to be complete in the spring of 2026. Plan2040 does not have recommendations that are specific to this site. The proposal is generally consistent with the goals, policies, and recommendations of Plan2040; including, but not limited to: Policy HE2.5(a): Continue to promote traditional rural economy land uses such as the equine industry, agriculture, vineyards, community gardens, and heritage tourism in designated rural area. No applications were submitted during the 2011 Comprehensive Rezoning process. The site is in the No Public Sewer Service category in the Rural Service Area and the No Public Service Water Service category in the Rural Water Pressure Zone. The proposal is consistent with the 2022 Water and Sewer Master Plan. The applicant is encouraged to pursue a forest conservation easement for the Forest conservation / Open Space area to support Plan2040 Goal NE3 to expand, enhance and continue to protect the County's greenways, open space, rural areas and the Priority Preservation Area.

The **Development Division (Regional Team)** commented:

1. The proposed development will be subject to Preliminary and Site Development Plan requirements and a comprehensive review will occur during those review processes.
2. If the applicant intends to use the existing buildings and proposed parking areas in service of the landscaping and tree contracting use, these areas should be labeled as such on the Administrative Site Plan. Otherwise, the structures and parking areas will not be able to be utilized for the landscaping and tree contracting use.
3. The proposed site layout provides for sufficient room to provide supplemental plantings if determined to be necessary. If the existing structures and parking areas are to be in service of the proposed use, a 25-foot buffer providing Class B screening of the use from the dwellings to the south will be required along the southern property line.

The **Department of the Fire Marshal** commented that they defer to the Office of Planning and Zoning and the Office of Inspections and Permits.

The **Department of Recreation and Parks** commented that a portion of this site lies within the Anne Arundel County Green Infrastructure Network in the Middle Patuxent Watershed, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan.

The **Cultural Resources Division** commented the following:

This property is accessed via both South Polling House Road (primary access) and also Bayard Road, both of which are Scenic/Historic Roads and subject to Article 17-6-504 criteria for development. Additionally, the property exhibits high archaeological potential and would be subject to Article 17-6-502 review for development. In the case of this special exception, which aims to perfect existing conditions, there is no proposed new impact. The Cultural Resources Section has no objection to this SE application.

Special Exception Requirements

With regard to the specific special exception requirements, this Office submits the following findings:

1. The facility shall be located on a lot of at least five acres. *The subject site is 49.068 acres. The five-acre minimum area requirement is met.*
2. All vehicular access to the site shall be directly from a collector or higher classification road. *The site plan and the County Road Functional Classification Map show S. Polling House Road as a collector road. There is an existing controlled access gate shown on the south side property line that accesses a long driveway on the property to the south known as 362 Bayard Road. Bayard Road is a minor arterial roadway.*
3. Buildings and outdoor areas to be used for parking, loading or storage of vehicles, equipment, tools, and supplies related to landscaping and tree contracting shall be delineated on a site development plan and located at least 50 feet from all lot lines and public roads, and maximum coverage for outdoor storage may not exceed 20% of the total lot area. *The site plan delineates a 50 foot setback from an existing building and an area delineated as "proposed landscape and tree contractor area" to the southern property line. It appears that the areas for outside storage, parking and loading or storage of vehicles, equipment, tools, and supplies related to the business meet the 50 foot setback. The applicant should address the area on the east side seen in the 2024 aerial photograph that shows outside storage close to the eastern lot line and not shown on the site plan. Although not provided, it appears with a lot of 49 acres and a landscape and tree contractor area of 0.338 acres, that outside storage does not exceed 20% of the total lot area.*
4. The location and design of the operation shall be such that the use will not be a nuisance to neighboring properties due to noise, dust, and fumes. *The applicant has stated that there is no nuisance.*
5. Hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. *The applicants shall comply with this requirement and have stated that hours will continue to be restricted.*
6. Accessory outdoor storage and parking areas shall be screened from neighboring properties in accordance with the Landscape Manual. *The applicant shall comply with the requirement.*

7. Minor repairs to vehicles or equipment are permitted, provided such activities take place inside a building. Body work, engine rebuilding, engine reconditioning, painting, and similar activities are not permitted. *The applicant has stated that repairs will occur inside a building.*

Concerning the general special exception standards:

1. The proposed use may be detrimental to the public health, safety, or welfare given that there is an open violation case and that the Health Department needs additional information regarding a well that was supposed to be abandoned. The Health Department determination is that the request will adversely affect the on-site sewage disposal system and the well water supply system.
2. The location, nature, and height of each building, wall, and fence; the nature and extent of landscaping on the site; and the location, size, nature, and intensity of each phase of the use and its access roads will be compatible with the appropriate and orderly development of the district in which it is located.
3. The applicants must provide sufficient evidence that the proposed facility would be no more objectionable with regard to noise, fumes, vibration, or light than other permitted uses.
4. There is no evidence that the use at the location proposed will have adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district.
5. The proposed use would not conflict with existing or programmed public uses.
6. The Health Department and the Office of Planning and Zoning have commented on the use.
7. The proposed use is consistent with the Rural planned land use in the General Development Plan.
8. Regarding public need, the applicants have written that the property is currently used to store various landscaping construction materials and vehicles, however, given the violation related to the property the applicant must present sufficient evidence of public need of the use.
9. The applicant has not yet presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the specific use.
10. The application is not located in the critical area.
11. And finally, the administrative site plan demonstrates the applicants' ability to comply with the requirements of the Landscape Manual according to the Development Division review comments.

RECOMMENDATION

While it appears that the applicant has made strides to contain the area used for the business activity, this Office needs more information regarding the types of activity on the site. All activities should be shown accurately on the site plan including square footage of each activity area. The large tubes found onsite do not appear to be typical of a landscape and tree contractor, and it appears that this is not the only use currently operating on the property. All storage containers should be shown on the site plan. Aerial photos appear to show that there may be some portion of the neighboring property to the south being used for storage containers. The gate that is indicated on the site plan is not in the location as shown, but according to the Pictometry aerial, is on the property at 362 Bayard Road.¹

Based upon the standards set forth under § 18-16-304 under which a special exception may be granted, the Office of Planning and Zoning recommends **denial** of a special exception to perfect a landscaping and tree contracting facility in an RA – Rural Agricultural District.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant shall apply for and obtain the necessary building permits, and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.

¹ This Office has found that the owner of 362 Bayard Road is Velvet Hammer Investments LLC with the Resident Agent being Lynette Entzian, possibly (probably) a relative of Entzian Investments LLC the subject property owner.



LANDSCAPE AND TREE CONTRACTOR AREA: 14,722 SQ.FT. OR 0.338 AC. (0.69%).

Date _____

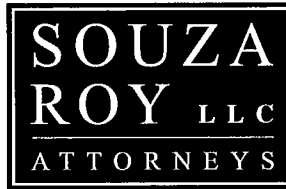
Bay Engineering Inc.
Engineers, Planners and Surveyors

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OVERALL TOPO



Dominic J. Souza, Esquire
Managing Principal

Email: dsouza@souzalaw.com

February 3, 2025

Anne Arundel County Office of Planning and Zoning
Zoning Division
2664 Riva Road MS 6301
Annapolis, MD 21401

RE: Bayard Road, Lothian, MD 20711
Tax Account # 1-000-90042993
Matter: Special Exception – Landscaping and tree contracting
S File No.: 113190-0141

Dear Ms. Jenkins:

Please be advised that Donald H. Entzian, sole member of Entzian Investments, LLC, is applying for a special exception to permit a landscaping operation on the real property located at Bayard Road, Lothian, MD 20711 (tax account number 1-000-90042993) (the "Property").

The Property is currently used to store various landscaping construction materials and vehicles.

The current use of the Property complies with the special exception requirements set forth in Anne Arundel County Code §18-16-304. Use of the property will not be detrimental to the public health, safety, or welfare. The location, nature, and height of each building, and the extent of landscaping on the Property, and the location, size, nature, and intensity of the use of the Property and its access roads is compatible with the appropriate and orderly development of the district in which the Property is located. Operations on the Property related to the landscaping operation will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed under this article and does not conflict with an existing or programmed public facility, public service, school, or road. The attached site plan reflects the Property's compliance with the Landscape Manual requirements.

The Property is not within a critical area and thus is not required to conform to the criteria for sites located in a critical area.

Additionally, the use of the Property complies with the standards set forth in Anne Arundel County Code §18-11-132. The Property contains approximately 50 acres, all located within the Rural Agricultural district. All vehicular access to the Property is directly from S. Polling House Road, a collector or higher classification road. Buildings and outdoor areas used for parking, loading or storage of vehicles, equipment, tools, and supplies are delineated on the attached site development plan and located at least 50 feet from all property lines and public roads. The maximum coverage for outdoor storage does not exceed 20% of the total lot area of the Property. Mr. Entzian will continue to restrict the hours of operation to 7:00 a.m. to 6:00 p.m. All outdoor

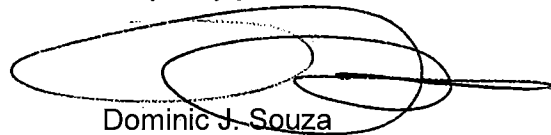
Anne Arundel County Office of Planning and Zoning
Zoning Division
February 3, 2025
Page 2 of 2

storage and parking areas are screened from neighboring properties in accordance with the Landscape Manual. If any minor repairs to vehicles or equipment are necessary, said repairs will occur inside a building.

Considering the above, we believe that the current use satisfies the special exception conditions set forth in Anne Arundel County Code §18-11-132 for landscaping and tree contractors and request approval of such special exception.

Please feel free to contact me if you have any questions. Thank you for your time and help with this matter.

Very truly yours,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Dominic J. Souza

cc: Client

Via Email



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE MEETING

DATE OF COMMENTS_6/8/2023_____

P&Z STAFF_Joan Jenkins/Donna Aulds_____

APPLICANT/REPRESENTATIVE_Denise Anderson_____ EMAIL_danderson@souzalaw.com_____

SITE LOCATION_Bayard Rd, Lothia (Tax ID 1000-9004-2993)_____ LOT SIZE_50.1 AC_ ZONING_RA_____

CA DESIGNATION_n/a_____ BMA_n/a_____ or BUFFER_n/a_____ APPLICATION TYPE_Special Exception_____

Applicant proposes a landscaping and tree contracting use on the property. Property is currently under zoning violation Z-2020-956.

COMMENTS

§ 18-11-132. Landscaping and tree contracting.

Landscaping and tree contracting facilities shall comply with all of the following requirements.

(2) All vehicular access to the site shall be directly from a collector or higher classification road.

Access from S. Polling House Rd (collector). Aerial photos seem to show access from Bayard Rd perhaps over an easement on the property to the south. Address this in your explanation letter.

(3) Buildings and outdoor areas to be used for parking, loading or storage of vehicles, equipment, tools, and supplies shall be delineated on a site development plan and located at least 50 feet from all property lines and public roads, and maximum coverage for outdoor storage may not exceed 20% of the total lot area.

The southernmost existing building is shown as 50' from the lot line. Parking is slightly closer than 50'. On the site plan for the special exception the parking must be shown 50+/- feet or a variance is required to this provision.

(6) Accessory outdoor storage and parking areas shall be screened from neighboring properties in accordance with the Landscape Manual.

There was no comment on this from the Development Division.

The Development Division commented:

The following is noted as existing on-site:

1. Historical, Cemetery Easement;
2. Rock Branch 3 Stream, Type "Not Assessed" per County records, although if a Development Application is processed then the stream located onsite may require an assessment to determine if there is a stream buffer onsite. Existing disturbance is shown and it looks like the applicant may be operating the business per violation in #3.
3. Violation Open Z-2020-956.

Zoning: Particular Special Exception requirements under 18-11-132 must be addressed in the letter of explanation as well as the requirements for all special exceptions under 18-16-304.

INFORMATION FOR THE APPLICANT

Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

*** A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.



Joan Jenkins <pzjenk00@aacounty.org>

2024-0060-S Entzian

Ulric Dahlgren <pzdahl33@aacounty.org>
To: Joan Jenkins <pzjenk00@aacounty.org>

Wed, Mar 19, 2025 at 3:36 PM

Joan,
Here's ZE's comments:

- The property has an active zoning violation case Z-2020-0956 related to operating a contractor storage yard without the necessary zoning and development approvals from the Office of Planning & Zoning. Past analysis of historic satellite and aerial imagery have shown a large amount of material storage that appears to be related to infrastructure, excavation, utility/stormwater, and site work contracting. Construction materials include: concrete pipes and precast products, stormwater pipes, traffic safety drums, PVC pipes, heavy excavation equipment, and material stockpiles. These materials do not appear customarily accessory to a landscaping and tree contracting business, which is defined in Article 18-1-101(79), to mean *a business engaged in providing the services of planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, fertilizing, or similar services to establish, promote, or control growth of trees, shrubs, flowers, grass, ground cover, and other flora, or otherwise maintaining a lawn or landscape for ornamentation or other nonagricultural purpose.*
- Removal of materials, equipment, and vehicles not related to a landscaping and tree contracting business (or other authorized use on the property) may be required in order to operate the proposed landscaping and tree contracting business lawfully and resolve zoning violation case Z-2020-0956.
- A Site Development Plan (SDP) in accordance with Article 17 Title 4 is required.
- A zoning certificate of use (ZCU) is required per Article 18-2-202(b).
- Please note that in accordance with Article 17-4-204 of the County Code, conformance with an approved site development plan (SDP) is a prerequisite for the issuance of a zoning certificate of use.
- Compliance with the zoning code, special exception (SE) criteria, administrative decisions, and site development plans (SDP) must be verified by Zoning Enforcement through a site inspection prior to ZCU issuance. Any materials, equipment, and vehicles stored on the property must be accessory to a landscaping and tree contracting use as defined by Article 18-1-101(79), and be located in storage areas as delimited on an approved site plan.

Thanks,

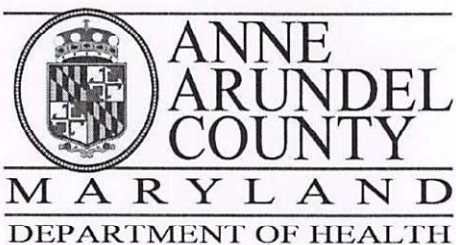


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For All**

Ulric Dahlgren
Planning Administrator
Office of Planning & Zoning
Zoning Enforcement
410-222-6689
www.aacounty.org



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J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, 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: May 30, 2024

RE: Entzian Investments, LLC.
0 Bayard Road
Lothian, MD 20711

NUMBER: 2024-0060-S

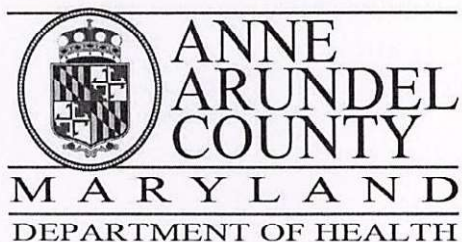
SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced special exception to perfect a landscaping and tree contracting company in the RA- Rural Agricultural District.

The Anne Arundel County Health Department has reviewed the on-site sewage disposal and water supply system for the above referenced property. The Health Department has determined that the proposed request adversely affects the on-site sewage disposal and well water supply systems. The Health Department recommends denial of the above referenced request. An existing hand dug well that was supposed to be abandoned in 2002 may still exist on the property. Proper documentation and inspection of the dug well abandonment is required. A pending subdivision for 5 buildable lots is pending for this property. Is the subdivision still under concept or has the plans to subdivide been abandoned? The zoning request 2024-0060-S adversely affects the proposed subdivision.

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

cc: Sterling Seay



J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, 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: February 26, 2025

RE: Entzian Investments, LLC.
0 Bayard Road
Lothian, MD 20711

NUMBER: 2024-0060-S

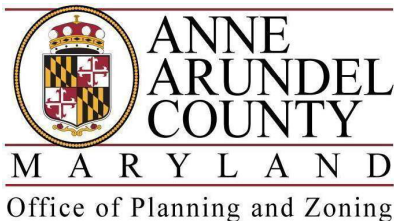
SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced special exception to perfect a landscaping and tree contracting company in the RA- Rural Agricultural District.

As previously made Health Department comments, dated 6/5/24, have not yet been addressed. Denial of the above referenced special exception is recommended.

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

cc: Sterling Seay



Jenny B. Dempsey
Planning and Zoning Officer

MEMORANDUM

TO: Zoning Division

FROM: Jessica Levy, Long Range Planner

THROUGH: Cindy Carrier, Planning Administrator, Long Range Planning

SUBJECT: Revised Long Range Planning Comments

DATE: March 13, 2025

Name of Project: Entzian Investments (0 Bayard Rd)
Case#: 2024-0060-S
Location: 0 Bayard Rd, Lothian
Tax Map 67, Parcel 51
Region Planning Area: Region 8
Community: Harwood

Summary:

The applicant requests a Special Exception to operate a landscaping business with storage of various landscaping construction materials and vehicles.

The approximately 50-acre site is located in the Plan2040 Rural and Agricultural Development Policy Area and the Rural Planned Land Use category. Surrounding properties are in the Rural or Conservation Planned Land Use category. Zoning for the site is RA - Rural and Agricultural and surrounding properties are zoned RA. The site is not located within the Priority Funding Area. Portions of the property on the west and south sides of the site are Forest Interior Dwelling Species Habitat. The entire site is listed as unprotected in the Green Infrastructure Network.

This proposal is within Region Planning Area 8. The Region Plan process for Region 8 is anticipated to be complete in the spring of 2026.

Findings:

Plan2040 General Development Plan: Plan2040 does not have recommendations that are specific to this site. The proposal is generally consistent with the overall goals and policies of Plan2040; including, but not limited to:

- Policy HE2.5(a): Continue to promote traditional rural economy land uses such as the equine industry, agriculture, vineyards, community gardens, and heritage tourism in designated rural areas.

No applications were submitted during the 2011 Comprehensive Rezoning process.

2022 Water and Sewer Master Plan: The site is in the No Public Sewer Service category in the Rural Service Area and the No Public Service Water Service category in the Rural Water Pressure Zone. The proposal is consistent with the 2022 Water and Sewer Master Plan.

Recommendations:

The applicant is encouraged to pursue a forest conservation easement for the Forest Conservation / Open Space area to support Plan2040 Goal NE3 to expand, enhance and continue to protect the County's greenways, open space, rural areas and the Priority Preservation Area.



M A R Y L A N D

Office of Planning and Zoning

Jenny B. Dempsey
Planning and Zoning Officer

MEMORANDUM

TO: Sterling Seay, Planning Administrator, Zoning Division

FROM: Dan Beverungen, Planner, Regional Team

VIA: Courtney Wilson, Planning Administrator, Regional Team

SUBJECT: Bayard Road, Lothian (Tax ID: 1000-9004-2993)
2024-0060-S

DATE: February 21, 2025

This memorandum is in response to the Zoning Division request for comments regarding a Special Exception to perfect the establishment of a landscaping and tree contracting use in an RA District. While the Development Division defers to the Zoning Division regarding whether the application complies with the requisite criteria for the granting of these applications, as stated in Article 18, Title 16 of County Code, the following is offered:

1. The proposed development will be subject to Preliminary and Site Development Plan requirements found in Article 17, Title 4 of County Code. A comprehensive review of the proposed development will occur during the Preliminary and Site Development Plan review process.
2. The Administrative Site Plan, dated 2/2025, included with this submission identifies 3 outdoor storage areas totaling 14,722 s.f. dedicated to the proposed use. The plan also depicts 3 existing buildings and proposed parking areas in the vicinity of the outdoor storage areas that are not shown to be associated with the proposed use. Per Article 18-11-132(3): "Buildings and outdoor areas to be used for parking, loading or storage of vehicles, equipment, tools, and supplies shall be delineated on a site development plan and located at least 50 feet from all property lines and public roads, and maximum coverage for outdoor storage may not exceed 20% of the total lot area." If the applicant intends to use the existing buildings and proposed parking areas in service of the landscaping and tree contracting use, these areas should be labeled as such on the Administrative Site Plan. Otherwise, the structures and parking areas will not be able to be utilized for the landscaping and tree contracting use.

3. A comprehensive review of the sufficiency of the existing and proposed vegetation to satisfy Landscape Manual requirements will occur with the submission of the Concept and Final Landscape Plans during the Preliminary Plan and Site Development Plan review processes, respectively. The proposed site layout provides for sufficient room to provide supplemental plantings if determined to be necessary. If the existing structures and parking areas are to be in service of the proposed use, a 25-foot buffer providing Class B screening of the use from the dwellings to the south will be required along the southern property line.

2024-0060-S

Menu Cancel Help

Task Details Fire Marshal

Assigned Date

02/04/2025

Assigned to

Robert Flynn

Current Status

Complete w/ Comments

Action By

Robert Flynn

Comments

Defer to the Office of Planning and Zoning and the Office of Inspections

and Permits

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

☒ All ACA Users

☒ Record Creator

☒ Licensed Professional

☒ Contact

☒ Owner

Due Date

02/25/2025

Assigned to Department

Fire Marshal's Office

Status Date

02/04/2025

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

Fire Marshal's Office

Est. Completion Date

☐ Display E-mail Address in ACA

☒ Display Comment in ACA

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name



STEUART PITTMAN, COUNTY EXECUTIVE
JESSICA LEYS, DIRECTOR
RECREATION AND PARKS
1 HARRY S. TRUMAN PKWY
ANNAPOLIS, MD 21401
AACOUNTY.ORG/RECPARKS



MEMORANDUM

TO: Sadé Medina, Zoning Division
Office of Planning and Zoning

FROM: Pat Slayton
Capital Projects Division

SUBJECT: Special Exception Case 2024-0060-S

DATE: February 12, 2025

The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

- A portion of this site lies within the Anne Arundel County Green Infrastructure Network in the Middle Patuxent Watershed, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan

The Department of Recreation and Parks has no further comments.

cc: File

2024-0060-S

Menu Cancel Help

Task Details OPZ Cultural Resources

Assigned Date

02/04/2025

Assigned to

Stacy Poulos

Current Status

Complete w/ Comments

Action By

Stacy Poulos

Comments

This property is accessed via both South Polling House Road (primary access) and also Bayard Road, both of which are Scenic/Historic Roads and subject to Article 17-6-504 criteria for development. Additionally, the property exhibits high archaeological potential and would be subject to Article 17-6-502 review for development. In the case of this special exception, which to perfect existing conditions, there is no proposed new impact. The Cultural Resources Section has no objection to this SE application.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

☒ All ACA Users

☒ Record Creator

☒ Licensed Professional

☒ Contact

☒ Owner

Due Date

02/25/2025

Assigned to Department

OPZ Cultural Resources

Status Date

02/21/2025

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Cultural Resources

Est. Completion Date

☐ Display E-mail Address in ACA

☒ Display Comment in ACA

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name

ENTZIAN INVESTMENTS, LLC: W11704939

Department ID Number:

W11704939

Business Name:

ENTZIAN INVESTMENTS, LLC

Principal Office: 

513 COMMERCE DRIVE

UPPER MARLBORO MD 20774

Resident Agent: 

DOMINIC J. SOUZA

2547 HOUSLEY ROAD

ANNAPOLIS MD 21401

Status:

ACTIVE

Good Standing:

THIS BUSINESS IS IN GOOD STANDING

Business Type:

DOMESTIC LLC

Business Code:

20 ENTITIES OTHER THAN CORPORATIONS

Date of Formation/ Registration:

01/18/2007

State of Formation:

MD

Stock Status:

N/A

Close Status:

N/A

VELVET HAMMER INVESTMENTS LLC: W17198425

Department ID Number:

W17198425

Business Name:

VELVET HAMMER INVESTMENTS LLC

Principal Office: 

5706 IRON STONE ROAD

LOTHIAN MD 20711

Resident Agent: 

LYNETTE ENTZIAN

5706 IRON STONE ROAD

LOTHIAN MD 20711

Status:

ACTIVE

Good Standing:

THIS BUSINESS IS IN GOOD STANDING

Business Type:

DOMESTIC LLC

Business Code:

20 ENTITIES OTHER THAN CORPORATIONS

Date of Formation/ Registration:

04/19/2016

State of Formation:

MD

Stock Status:

N/A

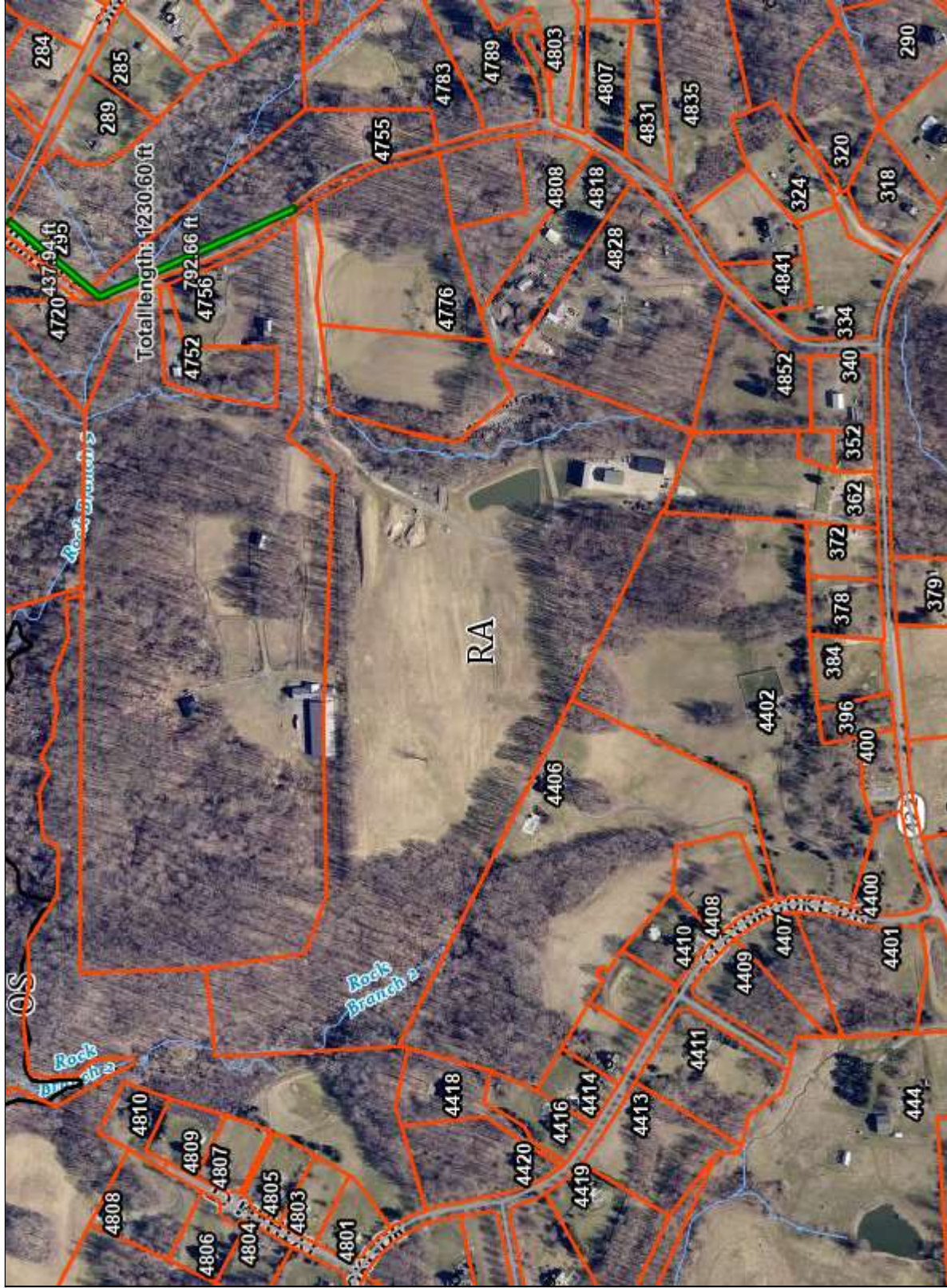
Close Status:

N/A

February 26, 2025 (Pictometry)



2024-0060-S



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



Streets



Planning

County Planning



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.

Notes

none



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

