

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

APPLICANT: Hector E. Barrientos Recinos
Recinos Landscaping & Tree Service

ASSESSMENT DISTRICT: 1

CASE NUMBER: 2025-0007-S & 2025-0008-V

COUNCIL DISTRICT: 7

HEARING DATE: April 8, 2025

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicant is requesting approval of a Special Exception to perfect a landscaping and tree contracting facility with accessory recycling of logs into firewood use in an RA - Rural Agricultural District, and a Variance to perfect a principal structure (pole barn) with less setbacks than required, to perfect the location of existing accessory structures (garage, dwelling, shed) in the front yard of a nonwaterfront lot, and to allow an accessory structure (barn) in the front yard of a nonwaterfront lot on property located at 29 Brick Church Road in Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject property has 926 feet of frontage on the south side of Brick Church Road, 1200 feet west of MD Route 2 Solomons Island Road and is 9.89 acres in area. The property is shown on Tax Map 59, Grid 4 as Parcel 99 and is currently zoned RA - Rural Agricultural District.

The property is currently developed with a single-family detached dwelling and landscaping and tree contracting use with accessory recycling of logs into firewood. There are a number of existing structures located on the property related to the business which include a 32' x 27' detached garage to the east of the dwelling, a 30' x 8' shed to the south of the dwelling, and a 40' x 68' pole barn to the west of the dwelling. The property is served by private well and septic.

PROPOSAL

The applicant wishes to perfect the landscaping and tree contracting business with accessory recycling of logs into firewood in the RA zoning district. In addition to the existing facilities located on site, the applicant is also proposing a new storage barn to the northeast of the existing garage.

FINDINGS

The subject property is irregularly shaped and oversized for lots in the RA District with regard to the minimum lot size of 40,000 square feet and the minimum lot width of 150 feet. A review of

the County aerial photography shows an eclectic mix of lots and structures, with other nearby properties also exceeding the minimum lot area requirement.

Building permit B02374941, to construct a residential accessory structure (40' x 68' x 23' in height pole barn), was issued November of 2019 and then, after subsequent inspections, was closed September of 2020.

The property is the subject of an open zoning violation, Z-2020-0032, pertaining to the unauthorized use of the subject property for landscaping and tree contracting with accessory recycling of logs into firewood.

The applicant was granted a special exception, 2021-0087-S, and a variance, 2021-0168-V, to abate the violation. However, the approvals expired prior to obtaining a Site Development Plan and a building permit.

AGENCY COMMENTS

The **Long Range Planning Section of the Office of Planning & Zoning** noted that the site is located in the Plan2040 Rural and Agricultural Development Policy Area and the Rural Planned Land Use category, that the proposal is generally consistent with the goals, policies and strategies of Plan2040, and that the proposal is consistent with the 2022 Water and Sewer Master Plan.¹

The **Regional Team of the Office of Planning & Zoning** defers to the Zoning Division as to whether the applicant meets the special exception requirements.

The **Cultural Resources Section of the Office of Planning & Zoning** noted that the plans show that the development will be located in areas set back from the road frontage which will pose minimal visual impact to Brick Church Road, a designated Category 1 Scenic and Historic Road. Their Office found no adverse effects and determined that the request complies with the requirements for development along a scenic or historic road.²

The **Health Department** noted that their Office does not have an approved plan for this project, but has no objection as long as a plan is submitted and approved by their Office.

The **Engineering Section of the Department of Inspections & Permits** commented on revisions that would be required during development, but offered no objection.³

The **Fire Marshal** deferred to the Office of Planning and Zoning.

¹ Refer to the Long Range Planning Section's memo for their detailed response.

² Refer to the Cultural Resources Section's comments for their detailed response.

³ Refer to the I & P Engineering Section's comments for their detailed response.

SPECIAL EXCEPTION STANDARDS

Landscaping and tree contracting with accessory recycling of logs into firewood is a special exception use in the RA - Rural Agricultural District, and the specific criteria for the use are set forth under § 18-11-133 of the Anne Arundel County Zoning Ordinance. In addition, all special exceptions are subject to the general standards contained in § 18-16-304 of the Code.

SPECIAL EXCEPTION CRITERIA

With regard to the specific special exception requirements of § 18-11-133, this Office submits the following findings:

- (1) *The facility shall be located on a lot of at least five acres.*

The subject property, at 9.89 acres, exceeds the minimum lot size requirement.

- (2) *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.*

A review of the site plan indicates that a majority of the existing buildings and outdoor areas to be used for parking, loading or storage of vehicles, equipment, tools, and supplies related to landscaping and tree contracting are a minimum of 50 feet from all property lines.

A variance has been requested to perfect the location of the pole barn.

The applicant has the ability to remove or relocate the existing gravel, pavement, and the 30' x 8' shed that are also closer than 50 feet to the rear property line.

- (3) *The processing areas, parking and loading areas, and areas for storage of mechanical equipment related to the recycling of logs into firewood shall be delineated on a site development plan and located at least 200 feet from lot lines.*

A review of the site plan indicates that the processing areas, parking and loading areas, and areas for storage of mechanical equipment related to the recycling of logs into firewood have been delineated on a site development plan and are located at least 200 feet from lot lines.

- (4) *Firewood shall be stored in windrows not more than 10 feet high and 20 feet wide, in static piles not more than 20 feet high, or in bulk storage bags and shall be located at least 50 feet from lot lines.*

A review of the site plan indicates that firewood will be stored in windrows not more than 10 feet high and 20 feet wide, in static piles not more than 20 feet high, and are

located at least 50 feet from lot lines.

- (5) *Outdoor storage, including storage of unprocessed logs and processed firewood, may not occupy more than 20% of the total lot area, not to exceed five acres.*

The applicant has indicated, and a review of the site plan has confirmed, that outdoor storage, including storage of unprocessed logs and processed firewood, at approximately 8,000 square feet (or 1.8% of the site area), will not occupy more than 20% of the total lot area.

- (6) *Hours of operation for the recycling of logs into firewood shall be limited to either 9:00 a.m. to 12:00 p.m. or 1:00 p.m. to 4:00 p.m. on any one day, Monday through Friday.*

The applicant states that the hours of operation shall be adhered to for the processing of logs into firewood.

- (7) *The sound level at any residentially zoned or residentially developed property line may not exceed an average of 55 dba and a peak of 60 dba based on readings taken during operations.*

The applicant has indicated that chainsaws run at approximately 110-120dba, and asserts that, at a distance of 200 feet from the source, the sound readings will fall within the proscribed levels.

- (8) *The storage and processing of logs that are not incidental to the landscaping and tree contracting business is prohibited.*

The applicant states that only logs incidental to the landscaping and tree business shall be recycled into firewood.

- (9) *The facility shall meet the requirements of § 18-11-132(2), (4), (5), (6), and (7).*

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

All vehicular access to the site shall be directly from Brick Church Road, a Scenic and Historic minor arterial road.

- (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 contends that the operation of the business shall not be a nuisance to neighboring properties due to noise, dust, or fumes. Vehicular traffic shall be relegated to paved areas of the site to keep dust down. Noise generated shall adhere to the decibel limits by adhering to the distance setback. The business

uses standard lawncare equipment utilized at residential properties. Typically, only the chainsaws and trucks will generate any fumes, which are no greater than any other truck or lawn equipment.

- (5) *Hours of operation shall be limited to 7:00 a.m. to 6:00 p.m.*

The applicant states that the hours of operation shall be adhered to, and are the current hours of operation.

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

The applicant states that the accessory outdoor storage and parking areas are screened from neighboring properties by the existing, fully wooded areas, and that supplemental screening will be provided, if deemed necessary.

- (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 stated that minor vehicle or equipment repairs shall be relegated to inside the building(s), if necessary. The business does not currently have the equipment or the expertise to perform body work, engine rebuilding or reconditioning, painting or other activities, and the applicant has no intention of undertaking these activities.

Apart from the locations of the buildings and outdoor areas which can be remedied by removal, relocation, or variance, the applicant has demonstrated that the specific special exception requirements have been met.

Concerning the general special exception standards of § 18-16-304, it is the opinion of this Office that there is no evidence that the landscaping and tree contracting use with accessory recycling of logs into firewood would be detrimental to the public health, safety, or welfare. The development has, with the exception of the locations of the buildings and outdoor areas, met the specific requirements of the special exception use and, as such, would be compatible with the appropriate and orderly development of the RA District. The proposed use is suitably located along a minor arterial road, on a lot that exceeds the minimum area required. As the operations related to the use will be well-separated from adjacent properties, it will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed in the district. Similarly, the use at the subject property would not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district. There is no evidence that the proposed use will conflict with an existing or programmed public facility, public service, school, or road. The proposed use has

the written recommendations and comments of the Health Department and the Office of Planning and Zoning. As indicated by comments made by the Long Range Planning Section, the proposed use is generally consistent with the goals, policies, and strategies of Plan2040. The applicant contends that the public need for landscape contractors is evident through the success of their business. As noted in the section above, the applicant has presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the specific use. The administrative site plan demonstrates the applicant's ability to comply with the requirements of the Landscape Manual.

REQUESTED VARIANCES

§ 18-11-133(2) of the Code requires that 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.

The pole barn was constructed as close as 18.2 feet from the southwest property line necessitating a variance of 32 feet.

§ 18-2-204(b) prohibits an accessory structure in the front yard of a nonwaterfront lot. The pole barn at the rear of the lot is the largest structure and considered the principal structure related to the landscaping and tree contracting operation with accessory recycling of logs into firewood.

The existing detached garage, dwelling and shed, and the proposed storage barn are located in the front yard, necessitating a variance.

VARIANCE CRITERIA

For the granting of a variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular lot, or because of exceptional circumstances other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship.

In this particular case, the subject property exceeds the minimum lot area both for the requested use and for a lot located in the RA District. Because the construction of the pole barn had been reviewed as an accessory structure serving the existing dwelling (the principal structure), it had met the setback requirements for the residential use. However, it appears that the pole barn was intended to be used for the business rather than for the residence. The applicant's desire to perfect the location of the structures is a self-inflicted hardship created by misrepresenting the intended use of the pole barn. There is no evidence of any practical difficulty or exceptional circumstance that would have prevented the applicant from complying with the setback requirement for the pole barn. The same may be said of the existing garage, dwelling and shed and the proposed storage barn. If the pole barn had been located towards the center of the site, and the shed reoriented, no variances would be required. Since the variances are not warranted

they cannot be the minimum necessarily to afford relief. Notwithstanding the above, there is no evidence that the variances would alter the essential character of the neighborhood, impair the appropriate use or development of adjacent properties, nor be detrimental to the public welfare.

SUMMARY

This Office supports the special exception request for the landscaping and tree contracting use with accessory recycling of logs into firewood. However, because there is an opportunity to eliminate the need for the variances, this Office cannot support the variance requests.

The comments from the Engineering Section indicate that revisions to the site plan will be required at the time of development. The applicant is advised that, if the special exception and/or variances are granted, any change to the proposed improvements shown on the site plan that are necessary to address the Engineering comments, or other comments that may arise during development, a new special exception may be required.

RECOMMENDATION

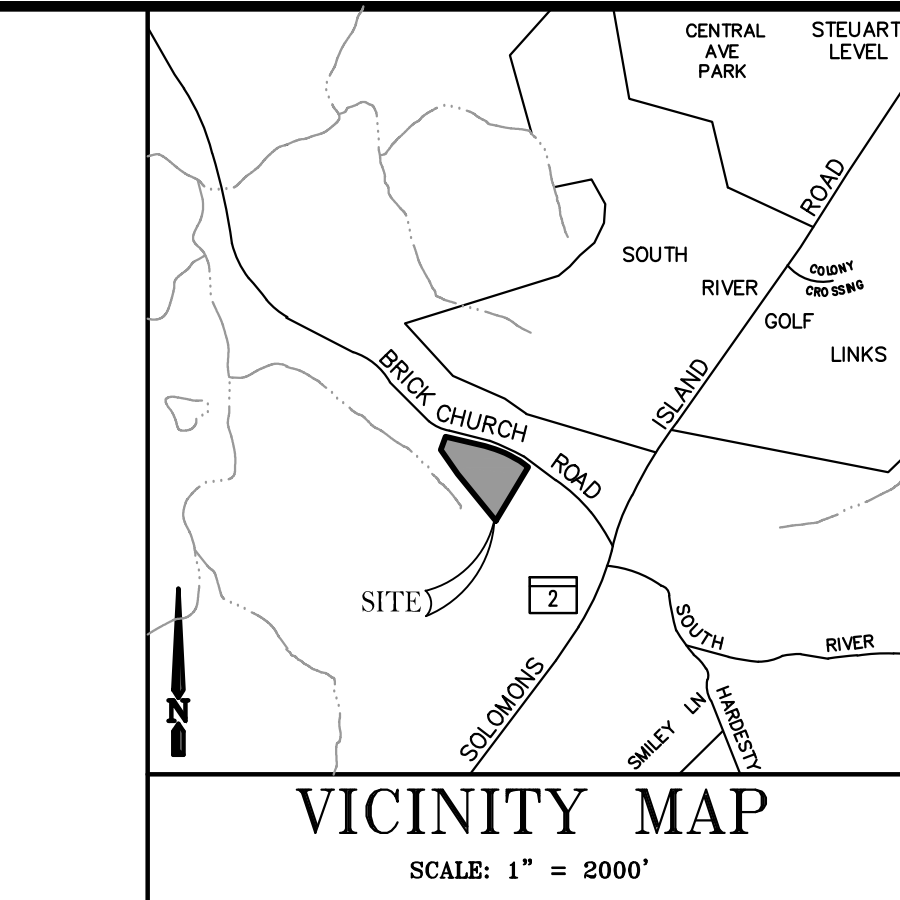
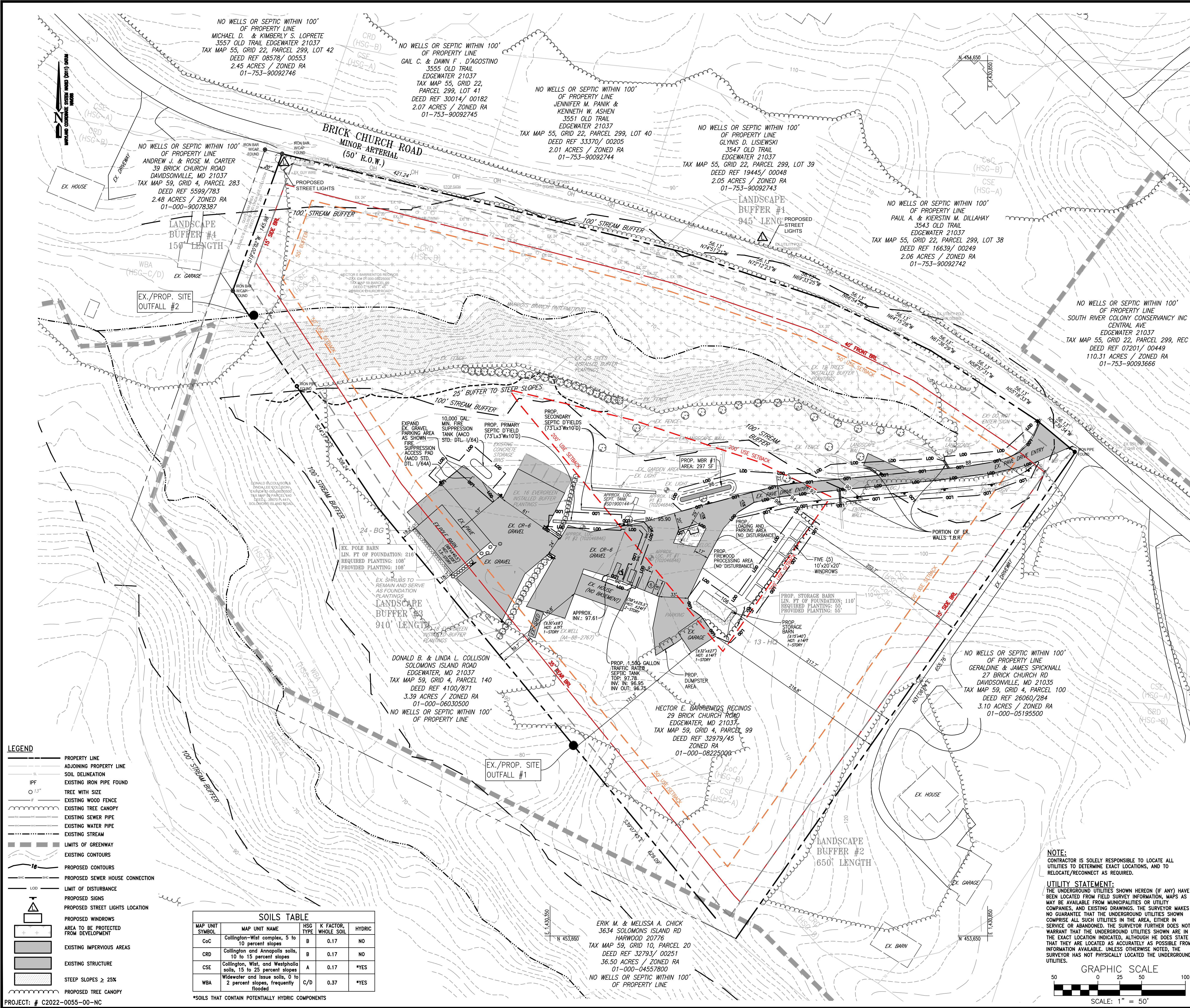
Based upon the standards set forth in § 18-11-133 and § 18-16-304 of the Code under which a special exception may be granted, the Office of Planning and Zoning recommends:

- **conditional approval** of the special exception to allow a landscaping and tree contracting use with accessory recycling of logs into firewood as generally shown on the attached site plan subject to the plan complying with the setback requirements for a principal structure and the location of accessory structures on a nonwaterfront lot.

In addition, based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends:

- **denial** of a zoning variance to § 18-11-133(2) to allow buildings and outdoor areas with less setbacks than required; and
- **denial** of a zoning variance to § 18-2-204(b) to allow accessory structures to be in the front yard of a nonwaterfront lot.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) 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.



SITE TABULATIONS:

GROSS SITE AREA:	430,803 SF (9.89 AC.)
ZONING DISTRICT: RA (RURAL AGRICULTURAL)	
USES:	
LANDSCAPE & TREE CONTRACTING, WITH THE RECYCLING OF LOGS INTO FIREWOOD	42,300 SF (PROPOSED)
OUTDOOR STORAGE	15,475 SF (EXISTING)
DWELLING, SINGLE-FAMILY DETACHED FARMING	1,422 SF (EXISTING) 3,425 SF (EXISTING)
EXISTING COVERAGE BY STRUCTURES:	
POLE BARN:	5,315 SF (1.2X)
HOUSE:	2,728 SF
GARAGE:	1,422 SF
BARN:	907 SF
ALLOWABLE COVERAGE BY STRUCTURES:	107,700 SF (25X)
PROPOSED COVERAGE BY STRUCTURES:	
EX. POLE BARN:	6,824 SF (1.60X)
EX. HOUSE:	2,728 SF
EX. GARAGE:	1,422 SF
EX. BARN:	907 SF
PROP. WINDROWS:	290 SF
PROP. STORAGE BARN:	1,000 SF 609 SF
MIN. SETBACKS FOR PRINC. STRUCTURES (RURAL AGRICULTURAL):	
FRONT:	40'
SIDE:	15'/40'
CORNER SIDE:	40'
REAR:	30'
PRINCIPAL ARTERIAL:	50'
MAX HEIGHT:	45'
* SECOND NUMBER IS THE COMBINATION OF BOTH SIDE LOT LINES WITH THE LESSER NUMBER ALLOWED AS MINIMUM ON ONE SIDE ONLY	
LIMITS OF DISTURBANCE:	24,463 SF (0.56AC.)
REQUIRED:	
LANDSCAPE & TREE CONTRACTING:	NONE
ADJ.-ACCESSIBLE:	1 SPACE
DWELLING, SINGLE-FAMILY DETACHED:	2 SPACES
FARMING:	NONE
TOTAL PARKING REQUIRED:	2 SPACES
PROVIDED:	
LANDSCAPE & TREE CONTRACTING:	3 SPACES
ADJ.-ACCESSIBLE:	1 SPACE
DWELLING, SINGLE-FAMILY DETACHED:	2 SPACES
FARMING:	NONE
TOTAL PARKING PROVIDED:	6 SPACES
PROPOSED CLEARING:	9,160 SF (0.21 AC.)

- GENERAL NOTES:
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MOST CURRENT VERSION OF THE ANNE ARUNDEL COUNTY DEPT. OF PUBLIC WORKS STANDARD DETAILS FOR CONSTRUCTION OF STORM DRAINS, ROADS, AND STORMWATER MANAGEMENT.
 - NECESSARY PRECAUTIONS SHALL BE TAKEN BY THE CONTRACTOR TO PROTECT EXISTING SERVICES AND MAINS. ANY DAMAGE TO EXISTING SERVICES AND MAINS DUE TO THEIR NEGLIGENCE SHALL BE REPAIRED IMMEDIATELY AT THE CONTRACTOR'S EXPENSE.
 - THE EXISTING UTILITIES AND OBSTRUCTIONS SHOWN ARE FROM THE BEST AVAILABLE RECORDS AND SHALL BE VERIFIED BY THE CONTRACTOR TO HIS OWN SATISFACTION BEFORE STARTING CONSTRUCTION. NEITHER CPJA NOR ANNE ARUNDEL COUNTY DEPT. OF PUBLIC WORKS WARRANT OR GUARANTEE THE COMPLETENESS OR THE CORRECTNESS OF THE INFORMATION GIVEN.
 - IT SHALL BE DISTINCTLY UNDERSTOOD THAT FAILURE TO SPECIFICALLY MENTION ANY WORK WHICH WOULD NORMALLY BE REQUIRED TO COMPLETE THE PROJECT SHALL NOT RELIEVE THE CONTRACTOR OF HIS RESPONSIBILITY TO PERFORM SUCH WORK.
 - THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES AT LEAST 5 DAYS PRIOR TO STARTING CONSTRUCTION OF THE PROJECT.
 - THE CONTRACTOR SHALL NOTIFY THE ANNE ARUNDEL COUNTY DEPT. OF INSPECTIONS AND PERMITS FIVE (5) WORKING DAYS PRIOR TO STARTING WORK SHOWN ON THE DRAWINGS.
 - THE CONTRACTOR SHALL NOTIFY MISS UTILITY @ 1-800-257-7777 FIVE (5) WORKING DAYS PRIOR TO STARTING WORK SHOWN ON THESE DRAWINGS.
 - ALL UTILITY POLES SHALL BE BRACED AS NECESSARY AT THE CONTRACTOR'S EXPENSE. UTILITY POLES SHALL BE RELOCATED AT THE OWNER'S EXPENSE IN CASES WHERE THEY WILL INTERFERE WITH CONSTRUCTION. ALL WORK WITHIN 10-FT OF OVERHEAD LINES SHALL CONFORM WITH THE MARYLAND HIGH VOLTAGE LINE ACT, THE NATIONAL ELECTRICAL SAFETY CODE, AND OCCUPATIONAL SAFETY AND HEALTH CODE.
 - PIPE ELEVATION REFER TO INVERTS, UNLESS OTHERWISE NOTED.
 - ALL STORM DRAIN PIPES ARE POLYVINYL CHLORIDE (PVC) UNLESS OTHERWISE NOTED, AS SCH-40 PVC.
 - CONTRACTOR TO PLACE CUT MATERIAL ON THE HIGH SIDE OF TRENCH WHEN WORKING ON UNDERGROUND UTILITIES.
 - DEED REFERENCE L: 32979 F: 45

PROPOSED SITE DATA:

GROSS SITE AREA:	430,803 SF (9.89 AC.)
EX. IMPERVIOUS AREA:	44,452 SF (1.02 AC.)
EX. IMPERVIOUS AREA RATIO:	10.3%
PROP. IMPERVIOUS AREA:	48,950 SF (1.12 AC.)
PROP. IMPERVIOUS AREA RATIO:	11.4%
FLOOR AREAS:	
EX. GARAGE:	0 SF
EX. POLE BARN:	2,728 SF
EX. BARN:	260 SF
PROP. STORAGE BARN:	609 SF
SURVEY NOTE:	
THIS SITE PLAN IS BASED ON A BOUNDARY SURVEY PROVIDED BY ANAREX, DATED AUGUST 2020. LIMITED FIELD RUN TOPOGRAPHY WAS PROVIDED BY BAY ENGINEERING, INC. AERIAL TOPOGRAPHIC & ENVIRONMENTAL FEATURE DATA WAS PROVIDED BY AL COUNTY GIS.	
FLOODPLAINS:	THE SUBJECT PROPERTY RATE MAP 24003C02377 ZONE: X.

Revisions

Rev.	By	Date	Description
1	JCL	01/25/2024	Final Plan

DATE: 01/25/2024
JOB NUMBER: 23-7791
SCALE: AS SHOWN
DRAWN BY: JCL
APPROVED BY: JWB
FOLDER REFERENCE: 3745 Birdsview Road

SITE PLAN
FOR
FINAL PLAN
EDgewater, P.99
TAX MAP 59, GRID 04, TAX PARCEL 99
29 BRICK CHURCH RD
EDgewater, MARYLAND 21037
SECOND DISTRICT ANNE ARUNDEL COUNTY

Sheet No. 01 OF 01



January 9, 2025

Anne Arundel County
Office of Planning & Zoning
2664 Riva Road
Annapolis, MD 21401

**RE: Recinos Landscape & Tree Service
29 Brick Church Rd, Edgewater
Special Exception & Variance Application**

Sir or Madam:

Enclosed please find a complete variance and Special Exception application submittal package for proposed development at 29 Brick Church Rd in Edgewater. The applicant requested identical administrative approvals in 2021, under **2021-0087-S** and **2021-0168-V**, and was approved. Subsequent to the administrative approval, the property received Preliminary Plan approval under **C2022-0055**; however, the approvals expired during the Site Development Plan approval process.

The subject property is irregularly shaped, is roughly 9.89 Ac in area, and enjoys frontage along Brick Church Rd, a scenic & historic County Road, with a rural arterial functional classification. The property is currently mapped within the RA zoning district, and is improved with a single-family dwelling, a pole barn (constructed under B02374941), and several outbuildings utilized for the property owner's landscape contracting business, Recinos Landscaping & Tree Service, a landscaping and tree contracting with accessory recycling of logs into firewood commercial use. The property was created by deed (927/56), recorded in the land records of Anne Arundel County on May 7, 1955. The property is greater than 1 Acre with road frontage, and therefore is a legal lot. The existing improvements are located on a ridge near the rear of the property. Runoff flows to the northwest and southwest from the ridge, toward two streams listed as the headwaters of Mariott's Branch. The streams are classified as intermittent streams, only seeing flow during rain events. Each stream has a 100ft buffer. The two streams flow to the west and converge off-site, roughly 160ft outside of the subject property. Two small, isolated pockets of steep slopes are present adjacent to the northern stream. The property is forested along the perimeter of the property's boundary. The 100ft stream buffer to the northern, on-site stream is wooded. The stream to the south is off-site, and its 100ft buffer does not affect the subject property. The property is not located in any overlay districts and is served with private septic and a private well.

The owner seeks to perfect the use of the property for landscape and tree contracting with accessory recycling of logs into firewood in the RA zoning district. The property is currently the subject of an opening zoning violation (Z-2020-32). The approval of a Site Development Plan and subsequent Zoning Certificate of Use will abate the violation. Additionally, the existing pole barn will require a variance to Section 18-11-133 of the County Code of 35ft to the 50ft distance requirement for the commercial use from all property lines, to use the existing pole barn for landscape contractor use only, and not the recycling of logs into firewood. The use of the pole barn for the commercial use changes



which structure on-site is the principal structure, from the dwelling to the existing pole barn. Therefore, a variance to Section 18-2-204(b) is necessary to allow the existing and proposed accessory structures to be in the front yard of a non-waterfront lot.

The following discourse addresses the general criteria for the granting of a Special Exception found in Section 18-16-304 of the County Code.

- (1) The use will not be detrimental to the public health, safety, or welfare;

The use of an agriculturally zoned property as a landscape contractor's yard will have no detrimental affect on the health, safety, or welfare of the public. Due to the location of the stream between the road and the use, the commercial use is set well back from the road.

- (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;

The dwelling and out-buildings are existing. Only one new storage barn is proposed. The commercial buildings are one-story, and appear more as agricultural structures than commercial buildings. Special Exception uses are generally recognized as compatible with the permitted uses of a zoning district, subject to a public hearing, and the affirmative findings of the Special Exception criteria.

- (3) Operations related to the use 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;

The operation of the business will be no more objectionable with regard to noise, fumes, vibration, or light than other allowed uses within the zoning district, such as farms, composting facilities, or gun ranges. The business will adhere to the operational hours limits.

- (4) The use at the location proposed will not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district;

The use will not have any additional adverse effects regardless of the location proposed. Adjacent residential lots are several acres in area, and some adjacent agricultural parcels are greater than 100 acres.

- (5) The proposed use will not conflict with an existing or programmed public facility, public service, school, or road;

The use will not conflict with any existing or proposed public facility, service, school, or road. Brick Church Road has a rural arterial functional classification, and no traffic mitigation was required during the review and approval of the Preliminary Plan. The project proposes to add pendant lights to existing power poles for traffic safety.

- (6) The proposed use has the written recommendations and comments of the Health Department and the Office of Planning and Zoning;

The project has received design recommendations, and conditional approval of the septic system, pending the installation of the system.



- (7) The proposed use is consistent with the County General Development Plan;

The proposed use is consistent with the General Development Plan, as Special Exception uses are generally recognized as compatible with the permitted uses of a zoning district, subject to a public hearing, and the affirmative findings of the Special Exception criteria.

- (8) The applicant has presented sufficient evidence of public need for the use;

The need for landscape contractors is evident through the success of the Applicant's business, which has flourished since it started over 20 years ago. Landscape contractors are essential for the maintenance and upkeep of property, when property owners do not have the time, the machinery, or the expertise to perform the work themselves.

- (9) The applicant has presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the specific use;

The criteria for the specific use are addressed below.

- (10) The application will conform to the critical area criteria for sites located in the critical area; and

The property is not mapped within the Chesapeake Bay Critical Area or Bog protection overlay zone.

- (11) The administrative site plan demonstrates the applicant's ability to comply with the requirements of the Landscape Manual.

As the perimeter of the property is largely existing woods, the landscape buffers will be adhered to, and any internal landscape material required the site has plenty of space to accommodate it.

(b) Phasing of development. If phasing of development is proposed for a use allowed by special exception and the Planning and Zoning Officer has approved a plan for phasing of development, the Administrative Hearing Officer may allow phasing pursuant to the approved plan as a condition of special exception approval.

The development of the property will not be phased.

The following discourse addresses the general criteria for the granting of a Special Exception found in Section 18-11-133 of the County Code for the specific use of landscape and tree contracting with accessory recycling of logs into firewood.

- (1) The facility shall be located on a lot of at least five acres.

The property is 9.89 acres, as surveyed.

- (2) 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.

All commercial areas, except the existing pole barn, are a minimum of 50ft for all property lines.



- (3) The processing areas, parking and loading areas, and areas for storage of mechanical equipment related to the recycling of logs into firewood shall be delineated on a site development plan and located at least 200 feet from lot lines.

All processing, parking, and loading areas, and areas for the storage of mechanical equipment for the recycling of logs into firewood are 200ft from all property lines.

- (4) Firewood shall be stored in windrows not more than 10 feet high and 20 feet wide, in static piles not more than 20 feet high, or in bulk storage bags and shall be located at least 50 feet from lot lines.

The firewood windrows meet the size criteria and are a minimum of 50ft from all property lines.

- (5) Outdoor storage, including storage of unprocessed logs and processed firewood, may not occupy more than 20% of the total lot area, not to exceed five acres.

The area for the processing of logs into firewood measures approximately 8,000sf, or 1.8% of the site area.

- (6) Hours of operation for the recycling of logs into firewood shall be limited to either 9:00 a.m. to 12:00 p.m. or 1:00 p.m. to 4:00 p.m. on any one day, Monday through Friday.

The applicant shall adhere to the operational hours for the processing of logs into firewood.

- (7) The sound level at any residentially zoned or residentially developed property line may not exceed an average of 55 dba and a peak of 60 dba based on readings taken during operations.

Chainsaws run at approximately 110-120dBA; at a distance of 200ft from the source, the sound readings will fall within the proscribed levels.

- (8) The storage and processing of logs that are not incidental to the landscaping and tree contracting business is prohibited.

Only logs incidental to the landscaping and tree business shall be recycled into firewood.

- (9) The facility shall meet the requirements of § 18-11-132(2), (4), (5), (6), and (7).

The following are responses to Section 18-11-132 of the County Code.

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

Per the Anne Arundel County Dept of Public Works, Brick Church Road has a functional classification of a rural arterial road.

- (11) (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 operation of the business shall not be a nuisance to neighboring properties due to noise, dust, or fumes. Vehicular traffic shall be relegated to paved areas of the site to keep dust down. Noise generated shall adhere to the decibel limits proscribed in #7 by adhering to the distance setback. The business uses standard lawncare equipment utilized at residential properties. Typically, only



the chainsaws and trucks will generate any fumes, which are no greater than any other truck or lawn equipment.

(12) (5) Hours of operation shall be limited to 7:00 a.m. to 6:00 p.m.

The hours of operation shall be adhered to by the applicant, and are his current hours of operation.

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

The property is screened from neighboring properties by the existing, fully wooded areas. Supplemental screening will be provided, if deemed necessary.

(14) (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.

Minor vehicle or equipment repairs shall be relegated to inside the building(s), if necessary. The business does not currently have the equipment or the expertise to perform body work, engine rebuilding or reconditioning, painting or other activities, and the applicant has no intention of undertaking these activities.

Additionally, the proposed work complies with the criteria contained in 18-16-305 for the granting of variances. The following discourse addresses those criteria, as well.

(a) Requirements for zoning variances. The Administrative Hearing Officer may vary or modify the provisions of this article when it is alleged that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done. A variance may be granted only if the Administrative Hearing Officer makes the following affirmative findings:

(1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or

(2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

The granting of the variance is necessary to avoid the unnecessary hardship of not being able to continue to utilize the existing structure for the business. The pole barn is located in proximity to the property line shared with Parcel 140. Parcel 140 is currently undeveloped, and developing this property would be difficult due to its irregular shape, and the fact that the majority of the property is encumbered with the stream buffer and challenging topography. The closest existing dwellings to the pole barn are 39 Brick Church Rd, to the west, and 27 Brick Church Rd, to the east. The dwelling at 39 Brick Church Rd is approximately 520ft from the barn, and the existing dwelling at 27 Brick Church Rd is approximately 550ft from the barn. The existing environmental and topographic features provide natural separation between the residential and commercial uses.

(b) Requirements for critical or bog protection area variances. For a property located in the critical area or a bog protection area, a variance to the requirements of the County's critical area program or



the bog protection program may be granted if the Administrative Hearing Officer makes the following affirmative findings:

This County Code Section is not applicable, as the property is not mapped within the Chesapeake Bay Critical Area or Bog Protection Area overlay districts.

(c) Requirements for all variances. A variance may not be granted unless it is found that:

(1) the variance is the minimum variance necessary to afford relief; and

The requested variance is the minimum necessary to afford relief, as it allows the applicant to continue the commercial use of the existing structure.

(2) the granting of the variance will not:

(i) alter the essential character of the neighborhood or district in which the lot is located;

The proposed use of the pole barn as part of the landscape contractor yard will not alter the agricultural nature of the surrounding properties. Special Exception uses are recognized as compatible with the permitted uses of a zoning district, subject to a public hearing, and the affirmative findings of the Special Exception criteria. The pole barn is not, and will not, be utilized for the recycling of logs into firewood.

(ii) substantially impair the appropriate use or development of adjacent property;

The adjacent Parcel 140 is currently undeveloped, and development of the property will be challenging due to the existing stream and topographic features of the property. The location and use of the pole barn will not impair the use or development of Parcel 140. The use and development of Parcel 140 is already impaired by the natural features of the site. Other adjacent properties are developed, and adequately separated and screened from the commercial use.

(iii) reduce forest cover in the limited development and resource conservation areas of the critical area;

The property is not located in the Chesapeake Bay Critical Area.

(iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor

The property is not located in the Chesapeake Bay Critical Area.

(v) be detrimental to the public welfare.

The use is not detrimental to the public health, safety, or welfare.

(d) Conditions for granting a variance in the critical area.

This section is not applicable, as the property is not located within the Chesapeake Bay Critical Area.

(e) Lapse. Any critical area variance granted shall lapse by operation of law if the conditions are not satisfied within 90 days or as extended.

This section is not applicable, as the property is not located within the Chesapeake Bay Critical Area.

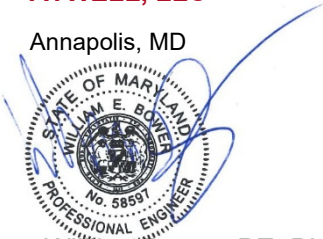


If you have any questions regarding this variance request, or any of the materials contained within this submittal package, please contact me at 667-204-8042 or wbower@atwell.com. Thank you.

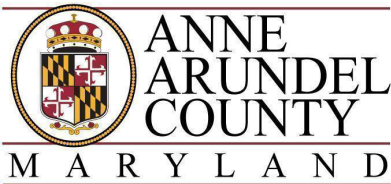
Respectfully,

ATWELL, LLC

Annapolis, MD



William Bower, PE, PLS
Sr. Project Manager



Office of Planning and Zoning

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: Long Range Planning Comments

DATE: February 12, 2025

Name of Project: Recinos Landscape & Tree Service
Case#: 2025-0007-S
Location: 29 Brick Church Rd, Edgewater
Tax Map 59, Parcel 99
Region Planning Area: Region 8
Community: Edgewater

Summary:

The applicant requests a Special Exception to perfect a landscaping and tree contracting business with accessory recycling of logs into firewood in the RA zoning district. The property is currently improved with a single-family dwelling, a pole barn (constructed under B02374941), and several outbuildings utilized for the property owner's landscape contracting business. The applicant requested and was approved a Special Exception for the purpose listed above, 2021-0087-S, but the approvals expired during the Site Development Plan approval process.

The approximately 9.8-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 Planned Land Use category. Zoning for the site is RA and surrounding properties are zoned RA. The site is not located within the Priority Funding Area nor is it within the Green Infrastructure Network.

Findings:

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 including:

- 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.

This proposal is within Region Planning Area 8. The Region 8 Plan and Comprehensive Zoning Map are expected to be adopted by the County Council in spring 2026.

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

Task Details **OPZ Regional Team**

Assigned Date

02/14/2025

Assigned to

Massimiliano Foppiano

Current Status

Complete w/ Comments

Action By

Massimiliano Foppiano

Comments

This comment is in response to the Zoning Division request for comments regarding; a Special Exception to Article 18-11-133 regarding a landscaping and tree contracting with accessory recycling of logs into firewood located in the RA zoning district. This Office defers to the Zoning Division whether the applicant meets the above application standard requirements, per Special Exception requirements of Article 18-16-304.

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

Task Specific Information

Expiration Date

Review Notes

Re

Reviewer Phone Number

Reviewer Email

Me

PZFOPP24@aacounty.org

Task Details OPZ Cultural Resources

Assigned Date

02/10/2025

Assigned to

Stacy Poulos

Current Status

Complete w/ Comments

Action By

Stacy Poulos

Comments

The following reiterates comments from July 2024 for C22-0055 00 NC. Brick Church Road is a designated category 1 scenic and historic road. Our office reviewed this application for compliance with the 14 criteria in Article 17-6-504 of the County Code. The site plan included for the variance does not indicate any changes. The plans showed development located in areas set back from the road frontage that will pose a minimal visual impact from the road. As there are no other improvements/ development proposed with this application, our office finds no adverse effect and that it complies with Article 17-6-504.

Note that any future improvements to this property will have to be in compliance Article 17-6-504.

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

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

F

2025-0008-V - w/ 2025-0007-S

Menu Cancel Help

Task Details OPZ Cultural Resources

Assigned Date

02/10/2025

Assigned to

Stacy Poulos

Current Status

Complete w/ Comments

Action By

Stacy Poulos

Comments

The following reiterates comments from July 2024 for C22-0055 00 NC. Brick Church Road is a designated category 1 scenic and historic road. Our office reviewed this application for compliance with the 14 criteria in Article 17-6-504 of the County Code. The site plan included for the variance does not indicate any changes. The plans showed development located in areas set back from the road frontage that will pose a minimal visual impact from the road. As there are no other improvements/ development proposed with this application, our office finds no adverse effect and that it complies with Article 17-6-504.

Note that any future improvements to this property will have to be in compliance Article 17-6-504.

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

Task Specific Information

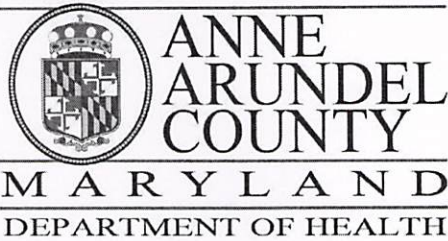
Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

F




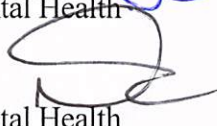
J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

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 11, 2025

RE: Recinos Hector E. Barrientos
29 Brick Church Road
Edgewater, MD 21037

NUMBER: 2025-0007-S

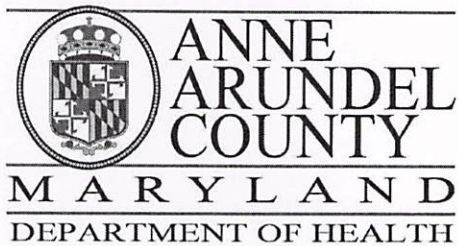
SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced special exception to perfect a landscaping and tree contracting with accessory recycling of logs into firewood use in an RA- Rural Agricultural 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: 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

DATE: February 11, 2025

RE: Recinos Hector E. Barrientos
29 Brick Church Road
Edgewater, MD 21037

NUMBER: 2025-0008-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to perfect a principal structure (pole barn) with less setbacks than required, to perfect the location of existing accessory structures (garage, dwelling, shed) in the front yard of a nonwaterfront lot, and to allow an accessory structure (barn) in the front yard of a nonwaterfront lot .

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: Sterling Seay

Task Details I and P Engineering

Assigned Date

02/19/2025

Assigned to

Jean Janvier

Current Status

Complete w/ Comments

Action By

Jean Janvier

Comments

1. On the Site Plan, in the Proposed Site Data chart, the numbers shown should be relevant to the Special Exception, not the Site Development Plan. It appears that these values were taken from the Site Development Plan and used for the Special Exception Site Plan.
2. On the Site Plan, on the Proposed Site Data chart, under the Floor Areas section, the existing garage is labelled as being 0 sq ft. This does not match with the Proposed Coverage by Structures chart on the Site Plan, which lists the existing garage as being 907 sq ft.
3. On the Site Plan, label the topography contours more frequently.
4. Please note, any engineering approval, once received, does not reconcile other agencies' comments and may need to be revised (with additional comments) to address their concerns.

Recommendation – Based on the above review comments, this office does not object to the approval of this Special Exception request from an Engineering and/or Utility review with the above comments being addressed upon resubmittal of the Site Development Plan.

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

Task Specific Information

Expiration Date

Review Notes

Reviewer Phone Number

Reviewer Email

ipjanv22@aacounty.org

Task Details

Fire Marshal

Assigned Date

02/10/2025

Assigned to

Robert Flynn

Current Status

Complete w/ Comments

Action By

Robert Flynn

Comments

Defer to the Office of Planning and Zoning

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

03/03/2025

Assigned to Department

Fire Marshal's Office

Status Date

02/13/2025

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	Review Notes	Reviewer Name
Reviewer Phone Number	Reviewer Email	

29 Brick Church Road (2025-0007-S & 2025-0008-V)



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.

none

0 450 900
ft



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes

29 Brick Church Road (2025-0007-S & 2025-0008-V)



Legend

Foundation

Parcels



Parcels - Annapolis City

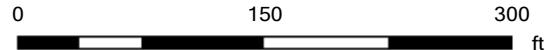


Planning

County Planning



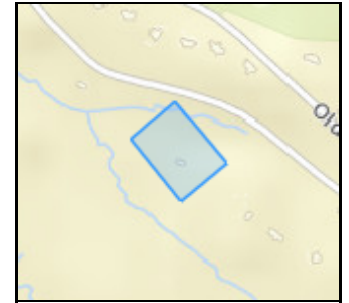
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. none



THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

29 Brick Church Road (2025-0007-S & 2025-0008-V) - detail



Legend

Foundation

Parcels



Parcels - Annapolis City



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.

none

0 50 100
ft



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes