



October 1, 2025

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

Attn: Sterling Seay

RE: Request for Variance Time Extension — Boehm Property
1373 St. Stephens Church Road
Crownsville, MD 21032

Dear Ms. Seay,

On behalf of the property owner, we respectfully submit this request to extend the time period to the originally approved special exception. Specifically, pursuant to Section 18-16-405(a) of the Anne Arundel County Code §, an applicant has 18 months from the approval of the granted special exception to either obtain a building permit or file a subdivision application. We request a 24-month extension pursuant to Section 18-16-405(c) and in accordance with the variance standards under Section 18-16-305(c).

The original approval for the subject property was granted on April 25, 2024 under Special Exception Case No. 2024-0018-S. Per code, the 18-month deadline to secure a building permit would expire in October 25, 2025. Due to administrative delays, property violations associated with unrelated uses by others on portions of the property outside of the special exception area, and the denial of a requested modification (Modification No. 17882), the proscribed statutory timeframe has not been reasonably sufficient to facilitate the issuance of the now pending permit, and a variance for time extension is required.

Background & Good Cause Justification Following the special exception approval exists. The applicant submitted a modification request (Modification No. 17882) to combine the Preliminary Plan and Site Development Plan processes and expedite compliance with zoning and environmental violations, specifically Z-2019-1389 and E-2020-203. However, the modification was denied on August 27, 2025 (Project No. C2025-0031-00-PP) due to inconsistencies in addressing site impacts and documentation of the affected areas.

The denial now requires the applicant to proceed through the full Preliminary Plan and Site Development Plan process independently. These processes are expected to take a minimum of 18 months, with an additional 6 months anticipated to obtain building permits following approval. A 24-month extension is therefore the most reasonable and minimum request to preserve the previously granted entitlements while fulfilling all applicable legal and environmental obligations.

Compliance with § 18-16-305(c) Variance Standards This request satisfies all five required findings under § 18-16-305(c):

1. **The variance is the minimum necessary to afford relief:** The requested time extension does not alter the scope of previously approved development and special exception. Indeed, it allows the applicant to complete standard planning and permitting procedures outlined in the County Code. The 2025 modification decision specifically confirms the need for comprehensive review under Article 17 and related environmental code sections.
2. **The granting of the variance will not:**
 - **(i) Alter the essential character of the neighborhood:** The request relates only to a timeline extension. The proposed landscaping and tree contracting facility, including accessory log recycling, has already been reviewed and approved in accordance with RA district standards. No changes to land use, building footprint, or operational impact are proposed.
 - **(ii) Substantially impair the appropriate use or development of adjacent property:** Adjacent properties are large parcels or conservation areas, and this administrative extension has no effect on their use. All operational conditions imposed by the Special Exception remain in effect.
 - **(iii) Reduce forest cover in the Critical Area:** This site is not in the critical area.
 - **(iv) Be contrary to acceptable clearing and replanting practices:** The County has already stated that all environmental violations must be resolved through appropriate review and permitting. The extension enables that process, consistent with acceptable practices.
 - **(v) Be detrimental to the public welfare:** Granting this extension simply maintains the applicant's ability to resolve long-standing violations and come into compliance through an established process. It poses no risk or impact to public infrastructure, health, or welfare.

Conclusion We respectfully request that the Office of Planning and Zoning accept this application for a variance to extend the approval period as permitted under § 18-16-405(c) and forward it for scheduling with the Administrative Hearing Officer. The requested 24-month extension is essential to enable the applicant to resolve legal, environmental, and procedural matters identified by the County, and to obtain the necessary permits for lawful and compliant use of the site.

If any further information is required, please do not hesitate to contact me at (410) 897-9290 or via email.

Sincerely,
Atwell, LLC

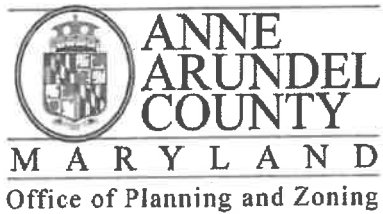
Timothy J. Martin

Timothy J. Martin, P.L.S.

Senior Consultant

Attachments:

- Special Exception Decision (Case No. 2024-0018-S)
- Modification Decision Letter (Modification No. 17882 / Case No. C2025-0031-00-PP)



2664 Riva Road, P.O. Box 6675
Annapolis, MD 21401
410-222-7450

Jenny B. Dempsey
Planning and Zoning Officer

August 27, 2025

Atwell, LLC
2661 Riva Rd, Building 800
Annapolis, MD 21401

Re: Boehm, Louis Prop., 1373 St. Stephens Church Rd
Project #C2025-0031-00 PP
Modification #17882

To Whom it May Concern:

This letter is in response to your Modification request dated June 18, 2025 regarding Article 17, Title 4: Site Development Plans.

Development/Property Description

The subject property consists of an approximately 203.37 acre tract with areas zoned in both RA – Rural Agricultural and OS – Open Space districts. There are numerous environmental features throughout the site including forested areas, 25% slopes, non-tidal wetlands with 25' buffers, and perennial streams with 100' buffers. Existing development on site consists of a single-family dwelling, a greenhouse, and several barns and outbuildings. The purpose of this development application is to legalize the commercial use of a landscaping business established without zoning or development approval and abate the existing zoning violation Z-2019-1389. Additionally, this site is also subject to environmental violation E-2020-203 issued as a result of approximately 180,000 sq. ft. of unauthorized grading and dumping on site. Special exception 2024-0018-S was approved on April 25, 2024, to allow landscaping and tree contracting with accessory recycling of logs into firewood in an RA – Rural Agricultural district. It should be noted that an existing Grading permit G02019713 has been applied for to remediate this violation on site but may not be issued without first obtaining Preliminary Plan and Site Development Plan approvals.

Combine Preliminary and Site Development Plans

The applicant has requested the combination of the Preliminary Plan and Site Development Plan review phases of development outlined in Article 17-4-201 and 17-4-202 respectively. The purpose of this application is to establish the use of a landscaping business on site to abate zoning violation Z-2019-1389 as ordered in a consent judgement dated April 30, 2025, in an 18.435 proposed lease area on property. While the development application has been filed per the consent judgement's orders and special exception 2024-0018-S approved allowing the use of landscaping and tree contracting with accessory recycling of logs into firewood, an existing environmental violation E-2020-203 exists within and beyond the proposed lease area boundaries.

The applicant has indicated that no new development is proposed for the site, and that there has been no grading, clearing or new construction activity since occupancy. However, the eastern portion of the commercial site proposed is part of the estimated 180,000 sq. ft. of disturbance noted under violation E-2020-203 per the attached site inspection report dated August 10, 2022. A significant amount of forest has been cleared within this area in addition to the illegal dumping of debris and material in an adjacent ravine. While a grading permit application G02019713 has been filed in an attempt to remediate this environmental violation, no plans have been approved at this time. The exhibits provided with this Modification request do not visually indicate the area subject to this active violation both within the lease area/site development boundaries or outside of it, and no information about the violation or any remediation proposals were provided with the letter of explanation.

As specified in Article 17-2-108(a) of County Code, Modification requests may be approved if the request satisfies each of the five criteria stated therein. This office has evaluated this application for compliance with the five criteria listed in Article 17-2-108(a)(1-5) and offers the following:

- (1) Practical difficulties or unnecessary hardship will not result from strict application of Article 17. The applicant has requested that the Preliminary Plan and Site Development Plan review phases be combined in order to establish the use granted by special exception for a landscaping and tree contracting facility with accessory firewood recycling in an RA district. The commercial use under violation Z-2019-1389 has not been legally established and is considered new commercial development subject to the review provisions of Article 17, Title 4 as well as testing for Adequacy of Public Facilities as required by Article 17, Title 5 of the County Code. While the applicant has indicated no new development or earth movement is proposed, a portion of the proposed development area is under violation for illegal dumping of material and grading/clearing without a permit. Review through the Preliminary Plan and Site Development Plan phases of development is necessary to address the proposed commercial use on site and review applicable environmental regulations including abatement conditions for the existing grading violation on site.
- (2) It has not been demonstrated that the purposes of Article 17, including minimization and mitigation of environmental impacts through the use of clustering or other available design alternatives to preserve the character of the impacted area, will be served by an alternative proposal. It has not been indicated if the area under violation within the development area is to be restored to pre-violation conditions and no off-site remediation

has been proposed. The existing environmental violation E-2020-203 must be resolved via the Preliminary Plan, Site Development Plan, and Grading Permit review process.

- (3) The Modification is not detrimental to the public health, safety, or welfare, and is not injurious to other properties. The modification is procedural in nature and pertains to application processing requirements only.
- (4) Approval of this Modification will have the effect of nullifying the intent and purpose of Article 17, the General Development Plan (GDP) or Article 18 of the Anne Arundel County Code. The existing conditions of the site have not been accurately represented regarding the environmental violation within and adjacent to the development area boundaries. Violation E-2020-203 was not addressed within the letter of explanation provided with the Modification request nor within the exhibits provided. Additionally, zoning violation Z-2019-1389 for the establishment of a commercial use in a residential site is being addressed with this development application. As there is currently no legally established commercial use, review of the proposed development is considered as a new commercial use that is subject to the development review process of Article 17, Title 4 and the testing for Adequacy of Public Facilities (APF) outlined in Article 17, Title 5 of the County Code. Due to both the scale of this environmental violation and its location within and adjacent to the proposed site boundaries, along with the establishment of a new commercial use for the property, combining the Preliminary and Site Development Plan review processes can not be supported to ensure the violations can be adequately addressed and all environmental regulations outlined in Article 17 of the County Code have been met.
- (5) Verification that all owners of property located within 300 feet of the affected property and the president of any community or homeowners' association of any subdivision that is located within 300 feet of the affected property subject to the application that are on the list of community associations, persons, and organizations maintained in the Office of the County Executive were mailed a notice explaining the reason for the Modification, along with a copy of the request for Modification, was received by this office on June 18, 2025.

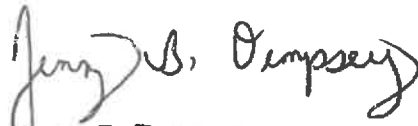
Summary/Decision

The above Modification has been evaluated by staff for compliance with the five criteria listed in Article 17-2-108 as being the basis for modification approvals. Development Division staff have determined that the requests do not satisfy those criteria and are not in keeping with the intent and purpose of Article 17 and the GDP and I agree with staff findings. Therefore, the above Modification is hereby denied. The applicant must obtain Preliminary Plan approval prior to submittal of the Site Development Plan application.

Modification #17882
Boehm, Louis Prop., 1373 St. Stephens Church Rd.
Project #C2025-0031-00 PP
August 27, 2025

The date of the decision, the Modification number and a brief note regarding the decision must be placed on the Permit. Should you have any questions regarding this decision, please contact Eric Olmscheid at pzolms24@aacounty.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Jenny B. Dempsey". The signature is fluid and cursive, with the first name "Jenny" being more prominent.

Jenny B. Dempsey
Planning and Zoning Officer

Attachment: Agency Review Memo(s)
Site Inspection Report 8/10/2022

Cc: khayley@atwell.com

Tim.ballard@ballardenterprises

Attachment 1: Inspector Report

Site Inspection conducted on 8/10/2022:

Present at the meeting was:

Louis Boehm - Property Owner

Clint Dustin - Father of contractor

Dennis Gills - Env. Code Compliance Inspector, AA Co. Dept of Inspections & Permits

James Haupt - Code Compliance Supervisor, AA Co. Dept of Inspections & Permits

Derrick Jett - Env. Code Compliance Inspector, AA Co. Dept of Inspections & Permits

Jeffrey Moore - Attorney, Jeffrey W. Moore Law LLC (attorney for property owner)

Kari Hanson - (Maryland Department of The Environment, Environmental Compliance Specialist, WMA Compliance Program)

Inspection Findings:

On 8/10/2022 complaint investigation was conducted at 1373 St. Stephens Church Road in Crownsville, Anne Arundel County, Maryland. Anne Arundel County Department of Inspections & Permits requested MDE's involvement with this site. Illegal filling and grading have been conducted without authorization. The County estimates the amount of disturbance to be 180,000 ft².

Additional stock piles of lumber/tree's, mulch and some concrete rubble have been dumped on site within the past 60 days since the June 4th 2022 inspection. At the end of the access road is a large clearing containing stockpiles of broken brick, sediment, mulch and timber. To the east-southeast is a smaller clearing containing a pile of old tires and demolition debris consisting of brick, concrete, stone and asphalt. Some material extends into the forest line. From this area, extends a roadway leading downslope. It ends approximately 90 feet from a nontidal wetland pond. The roadway was an existing logging road which has now been widened, graded and covered with the demolition debris. BE ADVISED, THIS ROADWAY SHOULD NOT BE EXTENDED ANY FURTHER NEAR THE POND SINCE IT IS A DESIGNATED NONTIDAL WETLAND AND ANY WORK WITHIN THIS AREA AND THE 25-FOOT BUFFER AROUND IT, WOULD REQUIRE AUTHORIZATION FROM MDE. Another roadway extends northward off the west side of the large clearing. It continues downslope towards a preexisting sediment basin. I observed the metal riser structure. From this roadway, I observed demolition debris lining the opposite slope of the adjacent ravine.

All events occurred in Anne Arundel County on August 10, 2022.

DGills



Mark Wedemeyer, Director

Memorandum

TO: Eric Olmscheid, Planner, OPZ Development Division

FROM: Ram L Shrestha, P.E., CFM, Engineering Division, Department of Inspections and Permits

SUBJECT: Boehm, Louis Property, 1373 St Stephens Church Rd.
Project Number: C2025-0031-00 PP
Modification Number M#17882

DATE: July 18, 2025

Project Information: The proposed development site is to acquire a permit to perfect a landscaping and tree contracting facility in an RA- Rural Agricultural District approved under special exception (SE). (Case Number: 2024-0018-S) and the accompanying Consent Judgment. The area of focus is an 18.435-acre leased portion, ("SE Property") of a total 199.179-acre lot. The SE Property is leased to a landscaping company that includes the accessory recycling of logs into firewood. It is located on the eastern side of St. Stephens Church Road, as shown on Tax Map 43, Grid 6, Parcel 13. Existing small-scale buildings and a functioning landscape operation on site, however no new development is proposed.

Modification Request: to Combine Preliminary & SDP Plan (§ 17-4-201 & 17-4-202)

Engineering and Utility Review

The above-referenced modification request has been reviewed for Engineering and Utility issues and the following comments apply:

1. Owner/Applicant is requesting to combine the Preliminary and Site Development Plan process for an approved special exception to perfect/legalize the commercial landscaping and tree contracting facility with accessory recycling of logs into firewood in an RA- Rural Agricultural District. (Case Number: 2024-0018-S)
2. To comply with the Consent Judgment Case No. D-07-CV-22-013996, the applicant is required to submit a Site Development Plan (SDP) to the Office of Planning and Zoning (OPZ) for approval. This requirement follows Special Exception approval under Case No. 2024-0018-S.
3. Per applicant, the current business has been operating in its current configuration since approximately 2012. No new development is proposed for the site. There has been no grading, clearing, or new construction activity since occupancy, and all operations utilize existing structures.
4. Development checklists for both the Preliminary Plan/Sketch Plan and Site Development/Final Plan will need to be completed and submitted with the Development Application package for the Final. Other applicable checklists must also be completed and submitted.

5. Stormwater management will be required with the Final Plan submittal. Refer to the 2000 Maryland Stormwater Design Manual Volumes I & II and the Anne Arundel County Maryland Stormwater Management Practices and Procedures Manual for the requirements.
6. Adequacy of Facilities for road, water and sewer, storm drainage, stormwater management will be reviewed during site development plan submittal package.
7. Note, this modification has only been reviewed in regards to the Development Process. Full review will be conducted when the Development Application is submitted, whether that be for Sketch or Final Plan.

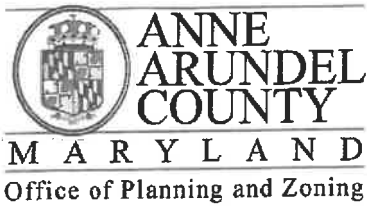
Utilities:

Adequacy of Facilities for Utilities will need to be addressed with submittal of the Development Application package.

Storm Drainage:

Adequacy of Facilities for Storm Drainage may need to be addressed with the submittal of the Development Application in accordance with the County and State of Maryland standards.

Determination – This office has reviewed the subject application for engineering and utilities issues and recommends conditional approval to combine Preliminary and SDP Plan process.



Jenny B. Dempsey

Planning and Zoning Officer

Memorandum

TO: Courtney Wilson, Development Division, Office of Planning and Zoning
FROM: Chungom Ntonifor, OPZ Transportation Development Review Team
SUBJECT: **Boehm, Louis Property, 1373 St. Stephens Church Road
Modification #17882**

DATE: June 30, 2025

Project Description

The Applicant is requesting a modification according to Article 17-4-201 and 17-4-202 to combine Preliminary and Site Development Plan review processes.

Traffic Review

The above-referenced modification request has been reviewed for Traffic engineering and/or road improvement issues and the following comments apply:

- **Combined Preliminary and Site Development Plan review processes** - There is no Traffic objection to the request.

J:\Shared\subdiv\Chungom Ntonifor\Development Review\2025 Reviews\Boehm, Louis Property, 1373 St. Stephens Church Road-MOD#17882

7/23/25, 11:48 AM

[subcomments] Boehm, Louis Property, 1373 St. Stephens Church Rd. Modification # 17882

subcomments] Boehm, Louis Property, 1373 St. Stephens Church Rd. Modification # 17882 0 views



Christopher Owens
to SUBCOMMENTS

The Anne Arundel County Health Dept. has reviewed the above referenced Modification request and has no objections.

—
Chris Owens
Commercial Review Specialist
Bureau of Environmental Health
Phone: 410-222-7218
Fax: 410-222-7479
hdowen00@aaacounty.org

PROTECT THE ONES YOU LOVE


IT'S WORTH A SHOT
aaacounty.org/covidvax



Anne Arundel Soil Conservation District

**2662 Riva Road Suite 150
Annapolis, Maryland 21401
410-571-6757 www.aascd.org**

Advancing the Wise Use of Our Natural Resources

07-01-2025

Anne Arundel County
Office of Planning and Zoning
Permit Application Center
2664 Riva Road,
Annapolis, MD 21401

SUBJECT: BOEHM, LOUIS PROPERTY (AASCD #2025-0280) Modification # 17882

The Modification received June 25 2025 has been reviewed and the District has no objections.
The District will provide comments during sediment control review.

Sincerely,

Kevin Holland

AASCD



Office of the Fire Marshal
Subdivision & Development Review

TO: Planning & Zoning

CC: SUBCOMMENTS@aaaccounty.org

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

DATE: June 25, 2025

SUBJECT: Modification #17882
Boehm, Louis Property, 1373 St Stephens Church Rd
SDP #: C2025-0031-00-PP

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

Modifications: Combine Preliminary and SDP- Approved

MEMORANDUM

TO: Eric Olmscheid, Development Division, OPZ, MS 6301

FROM: Anastasia Poulos, Cultural Resources Section/OPZ, MS 6401

SUBJECT: **Boehm, Louis Property, 1373 St. Stephens Church Rd.
Modification #17882
(C25-0031 00 PP)**

DATE: July 14, 2025

The Cultural Resources Section reviewed the modification request to combine the Preliminary plan & SDP processes for this project at 1373 St. Stephens Church Rd. in Crownsville (see also **2024-0018-S**).

A. Historic Resources: **AA-1090 - Site Visit Required.**
Adj. to AA-775, AA-735

One historic resource (AA-1090) is recorded on this property, which may have been demolished many years ago but is more likely mapped in the wrong location on the property in the Maryland State Inventory of Historic Properties database. **A site visit would be required as part of our office's review of an SDP or permit to assess existing conditions, reconcile the location, and update State documentation for AA-1090.**

Additionally, the property is adjacent to two National Register properties (AA-775, AA-735). If any new disturbance is proposed, a landscape plan would be subject to review per the County Code and the Landscape Manual.

B. Archaeological Sites: **18AN1555**
High Archaeological Potential - no adverse effect if no disturbance is proposed.

This property has not undergone archaeological survey and currently contains one known archaeological site documented in the State database that has not been evaluated. The current application proposes no new disturbance. If any disturbance is proposed, development applications are subject to Article 17-6-502 requirements.

C. Cemeteries: **Adj. to Mt. Tabor Cemetery – no adverse effect if no disturbance is proposed.**

This property is adjacent to the National Register site of MT. Tabor Episcopal Church and cemetery. There is a possibility for unmarked burials associated with the Mt Tabor cemetery on southeastern portion of the subject property. The current application proposes no new disturbance. If any disturbance is proposed in the vicinity of that property, development applications are subject to review per Article 17-6-503.

D. Scenic or Historic Roads: Saint Stephens Church Rd. – 14-point response, labels, notes.

The subject property is located on a designated Scenic and Historic Road. All applications must demonstrate compliance with the 14-point criteria in Article 17-6-504 (Scenic & Historic Roads).

- Development applications must include a written response addressing the 14-point criteria. That response should be directed to the Historic Sites Planner, Darian Beverungen, pzbeve19@aacounty.org.
- All development plans should include appropriate labels/cover notes identifying St. Stephens Church Rd. as a Scenic and Historic Road subject to Article 17-6-504.

While the Cultural Resources Section has **no objection** to this modification request, development of this property is **subject to compliance with Article 17-6-501 to 504** and future development applications may have further historic and archaeological requirements.



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE MEETING

DATE OF MEETING__1/9/2023 (via email)_____

P&Z STAFF__Donnie D./Courtney W./Desirae W._____

APPLICANT/REPRESENTATIVE__Tim Ballard (Ballard Enterprises)_____EMAIL_tim.ballard@ballardenterprises.com_____

SITE LOCATION__1371 Saint Stephens Church Road Crownsville_____LOT SIZE__199.18 Acres__ ZONING __RA/OS_____

CA DESIGNATION__NA_____ BMA_____ or BUFFER_____ APPLICATION TYPE__Special Exception_____

The applicant is proposing to develop the site with a landscaping and tree contracting business with accessory recycling of logs into firewood as shown on the site plan. A preliminary review of the site plan and letter of explanation shows that no variance appears to be needed, but cannot be confirmed at this time (see comments below).

COMMENTS

From Zoning: The site plan as presented is not adequate for submittal of the special exception application. The site plan needs to clearly delineate the use and square footage of each area and structure that is to be part of the special exception. Currently the site plan just shows a general colored area but gives no indication of the uses of the buildings nor does it outline the outside areas of storage, parking, etc. Also needed is a clear label of how far the proposed areas/structures for the SE use are from the property lines. Each structure and/or area of the site that is proposed to be used for the SE will need to be clearly outlined and labeled with use and area on the site plan. It may be necessary to break down the site plan into additional pages or show an inset of the SE area of the site. There also appears to be areas of OS - Open Space zoning on the site, and the site plan should show the zoning line for clarity.

From Development Division (Regional Team): No comment at this time.

From Long Range Planning: See attached comments.

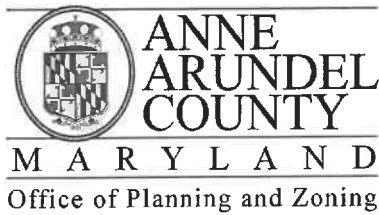
INFORMATION FOR THE APPLICANT

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.



Mark Wedemeyer
Interim Planning and Zoning Officer

MEMORANDUM

TO: Zoning Division

FROM: Desirae Williams, Long Range Planning

THROUGH: Cindy Carrier, Planning Administrator, Long Range Planning

SUBJECT: Long Range Planning Comments

DATE: January 6, 2023

Name of Project: Pre-file application for 1371 St. Stephens Church Rd
Location: 1371 St. Stephens Church Road, Crownsville MD 21032
Region Planning Area: 6

Summary:

The applicant seeks to operate a landscaping and tree contracting business at 1371 St. Stephens Church Road in Crownsville, MD. The applicant is requesting a Special Exception to operate a landscaping businesses in an RA – Rural Agricultural zoning district.

The site is located in the Plan2040 Rural and Agricultural Development Policy Area and the Rural Planned Land Use category. The surrounding properties are also located in a Rural Planned Land Use category. Zoning for the site is RA. Properties surrounding the property are all zoned RA as well. The site is not located within the Priority Funding Area.

Findings:

Compliance with Plans:

Plan2040 General Development Plan: Plan2040 does not have recommendations that are specific to this site and the proposal is generally consistent with the goals, policies and strategies of Plan2040. No application for a change in Planned Land Use was filed during the 2021 update to the General Development Plan (Plan2040) and no rezoning application was filed during the 2011 Comprehensive Rezoning process. The site is within the Region 6 Planning Area; the region planning process for this area is anticipated to begin in April of 2024.

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

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER: 2024-0018-S

WILLIAM J. BOEHM, TRUSTEE

SECOND ASSESSMENT DISTRICT

DATE HEARD: APRIL 9, 2024

ORDERED BY:

DOUGLAS CLARK HOLLMANN
ADMINISTRATIVE HEARING OFFICER

PLANNER: JOAN JENKINS

DATE FILED: APRIL 25, 2024

PLEADINGS

William J. Boehm, Trustee (hereinafter the applicant), seeks a special exception (2024-0018-S) to allow landscaping and tree contracting facility with accessory recycling of logs into firewood in an RA – Rural Agricultural District on property with a street address of 1373 Saint Stephens Church Road, Crownsville, MD 21032.

PUBLIC NOTIFICATION

The hearing notice was posted on the County's website in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 300 feet of the property was notified by mail, sent to the address furnished with the application. Timothy Ballard testified that the property was posted for more than 14 days prior to the hearing. Therefore, I find and conclude that the requirements of public notice have been satisfied.

THE HEARING

A hearing was held on April 9, 2024, in which the witnesses were sworn and the following was presented with regard to the proposed relief requested by the applicant.

THE PROPERTY

The applicant owns the subject property which has frontage along the northeast side of Saint Stephens Church Road, Creeks Farm Lane, Crownsville (Tax ID: 2000-0152-8800). It is identified as Parcel 13 in Block 06 on Tax Map 43

and is split-zoned RA – Rural Agricultural District and OS - Open Space District. The property comprises 203.37 acres.

The property is currently developed with a single-family dwelling, a greenhouse, several barns and outbuildings. The site is served by private water and private sewer facilities.

THE PROPOSAL

The applicant has been operating a business with a greenhouse, nursery, limited landscape product sales, and landscape and tree business on an 18.435 acre portion of the subject property and wishes to perfect the landscaping and tree contracting business with accessory recycling of logs into firewood.

THE ANNE ARUNDEL COUNTY CODE

§ 18-11-133 sets forth the specific requirements for a landscaping and tree contracting facility with accessory recycling of logs into firewood as a special exception. Additionally, all special exceptions are subject to the general standards contained in § 18-16-304 of the Zoning Ordinance.

The Evidence Submitted At The Hearing

Joan A. Jenkins, a zoning analyst with the Office of Planning and Zoning (OPZ), presented the following findings:

- OPZ 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 the dwelling was built on the

property in 1959. The applicant leases 803,008 square feet (18.435 acres) of land from the owner to operate a landscaping business.

- A review of the County aerial photograph from 2023 reveals a property that has been developed near the road with two buildings, has a long driveway through the property and several areas that are cleared with buildings. The lot is wooded along much of the sides and rear. The property is surrounded by large lot subdivisions and the Bacon Ridge Natural Area, a County park.
- The property was the subject of a nonconforming Case No. 1977-0032-N which was approved for a “landfill”. The nonconforming use was terminated August 2, 1986 with a note in the file that it was no longer in use, the nonconforming use ceased.
- The property is the subject of a Zoning Complaint Z-2019-1389 for “Commercial use in a residential zone”, opened September 19, 2019. The case was put into abeyance due to the Covid pandemic, but is currently awaiting a court date. Historically, two other zoning complaints were filed, Z-2010-1386 for a commercial vehicle complaint which was abated and closed; and Z-2010-1512 which was closed because the previous case was already open.
- The letter of explanation from the applicants’ attorney attests that for more than a decade, the applicant has been leasing space on the property and operated a roadside stand with ancillary secondary functions; greenhouse, nursery, limited landscape product sales, and landscape and tree business.

- The Health Department commented that based on review of the above referenced request, additional information is needed by the Health Department on the type and location of the water supply well and the onsite sewage disposal system.
- 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 and Parks and Open Space Planned Land Use categories. Zoning for the site is RA and surrounding properties are zoned RA and OS. The site is not located within the Priority Funding Area. 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. This proposal is within Region Planning Area 6. The Region Plan process for Region 6 is anticipated to begin in spring 2024. No applications were submitted during the 2011 Comprehensive Rezoning process.
- The Development Division (Regional Team) commented that the exhibit appears to show disturbance to stream and steep slope buffers. That office defers to the Zoning Division regarding the requirements for special exception.

- The Department of the Fire Marshal commented that they defer to the Office of Planning and Zoning.
- The Department of Recreation and Parks commented that this site is contiguous to the Bacon Ridge Natural Area; and this site lies within the Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan. The proposed development is consistent with the spirit of the Green Infrastructure Master Plan.
- The Cultural Resources Division commented the following:
 - This property has high archaeological potential and is located on a Scenic & Historic Road, St. Stephens Church Rd., so it is subject to Article 17-6-502 and Article 17-6-504. Additionally, it had one historic resource recorded on it (AA-1090), which may have been demolished many years ago but is more likely mapped in the wrong location on the property in the Maryland State Inventory of Historic Properties database. One archaeological site overlaps the northeastern corner of the property, 18AN1555, as well. Finally, the property is adjacent to two National Register sites (AA-775, AA-735), including Mt. Tabor Episcopal Church, and there is a possibility for unmarked burials associated with the Mt. Tabor cemetery on southeastern portions of the MPIA subject property.
 - The proposed special exception application appears to reference previously disturbed areas and does not currently appear to present a new adverse

effect to potential intact archaeological resources, but it should be noted that per Article 17-6-502, any new development or grading that takes place on the property causing new disturbance shall have archaeological survey requirements.

- A site visit may also be required in advance of any permit approvals in order to reconcile the location and update State documentation for AA-1090.
- ***All applications are required to address the *14-point criteria in Article 17-6-504 (Scenic & Historic Roads) to confirm compliance (the applicant should address that response to the Historic Sites Planner, Darian Beverungen, pzbeve19@aacounty.org). All plans should include an appropriate *label and *cover note identifying St. Stephens Church as a Scenic/Historic Road.
- With regard to the specific special exception requirements, OPZ submits the following findings:
 1. The facility shall be located on a lot of at least five acres. *The subject site is 803,008 square feet (18.435 acres) of the total site (203.37 acres). The five-acre minimum area requirement is met.*
 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. *The site plan delineates a*

50-foot setback line and the proposed areas for outside storage, parking and loading or storage of vehicles, equipment, tools, and supplies related to the business meet the 50-foot setback.

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. *Processing and storage of mechanical equipment for recycling of logs has been shown on the site plan and meets the 200 foot setback requirement.*
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. *Firewood has not been shown on the site plan. The applicant has acknowledged and will comply with this requirement.*
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 writes that the outdoor storage, including unprocessed logs and processed firewood, does not occupy more than 20% of the total lot area and does not exceed five acres. The proposed 4.99 acres only makes up approximately 2.5% of the total area.*¹

¹ Although this is a small part of the total lot area, this amounts to 27.1% of the 18.4 acres being used for the landscaping and tree contracting with accessory recycling of logs into firewood 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 applicants shall comply with this requirement and have stated that the recycling of logs into firewood will be limited to 9:00 a.m. to 12:00 p.m. on any one day, Monday through Friday.*
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 writes that this criterion is met and has submitted a noise study in conjunction with this application. While some noise levels were higher than the ordinance requirement, these were attributed to other sources (particularly road noise on Saint Stephens Church Road) and were not due to the wood processing operations. This combined with the hilly forest terrain of the property should shield the wood processing operations at subject property from impacting adjacent residential properties and are, therefore, in compliance with the ordinance requirements. There is neighboring opposition to this landscaping operation as evidenced by the violation therefore, the applicants must demonstrate to the hearing officer that no nuisance exists.*
8. The storage and processing of logs that are not incidental to the landscaping and tree contracting business is prohibited. *The applicant will comply with this requirement.*

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

- 18-11-132(2) All vehicular access to the site shall be directly from a collector or higher classification road. *Saint Stephens Church Road is a collector road.*
- 18-11-132(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. *There is neighboring opposition to this landscaping operation as evidenced by the violation therefore, the applicants must demonstrate to the hearing officer that no nuisance exists.*
- 18-11-132(5) Hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. *The applicants shall comply with this requirement.*
- 18-11-132(6) Accessory outdoor storage and parking areas shall be screened from neighboring properties in accordance with the Landscape Manual. *The special exception administrative site plan demonstrates the applicants' ability to comply with the requirements of the Landscape Manual with a 25-foot landscape buffer delineated along the roadside property line.*
- 18-11-132 (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 applicants shall comply with this requirement.*

- Concerning the general special exception standards:
 - 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 on the type and location of the water supply well and the on-site sewage disposal system.
 - 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 applicant 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.
 - The use at the location proposed may have adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district given that the Development Division commented that the use appears to show disturbance to stream and steep slope buffers.
 - The proposed use would not conflict with existing or programmed public uses.
 - The Health Department and the Office of Planning and Zoning have commented on the use.

- The proposed use is consistent with the Rural planned land use in the General Development Plan.
- Regarding public need, the applicant has written that the business has been operating for more than ten years at the property, however, given the violation related to the property the applicant must present sufficient evidence of public need of the use.
- The applicant has presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the specific use.
- And finally, the administrative site plan does demonstrate the applicants' ability to comply with the requirements of the Landscape Manual.
- Based upon the standards set forth under § 18-16-304 under which a special exception may be granted OPZ recommends approval of a special exception to perfect a landscaping and tree contracting facility in an RA district conditioned on the applicant obtaining development approval.

Testimony and Exhibits

The applicant was represented at the hearing by Matthew C. Tedesco, Esquire, of the law firm of McNamee Hosea. Evidence was presented through Timothy Ballard of Ballard Enterprises and Timothy J. Martin of Bay Engineering, Inc., the applicant's engineers. Mr. Ballard testified that Ballard Enterprises has been operating on the applicant's property since 2012/2013. Mr. Ballard testified that the recycling operation will take place over 1,500 feet from St. Stephen's Church Road and not be visible from other properties. The applicant

submitted an Environmental Noise Level Survey by Mobile Health Diagnostics, LLC, a Denver Colorado company that provides diagnostic services to various industries. Mr. Ballard contended that it was an established landscaping business with a need to process the trees it harvests through its various services at the site. The area on the applicant's property where the recycling would take place would not impact the uses of nearby lands.

A number of residents testified in opposition to granting the application because of noise and debris on St. Stephen's Church Road that is already occurring from Ballard's operation on the applicant's property. Concerns were expressed about how the recycling of wood products would affect hazardous wastes that may be buried on the site.

There was no other testimony taken or exhibits received in the matter. The Hearing Officer did not visit the property.

DECISION

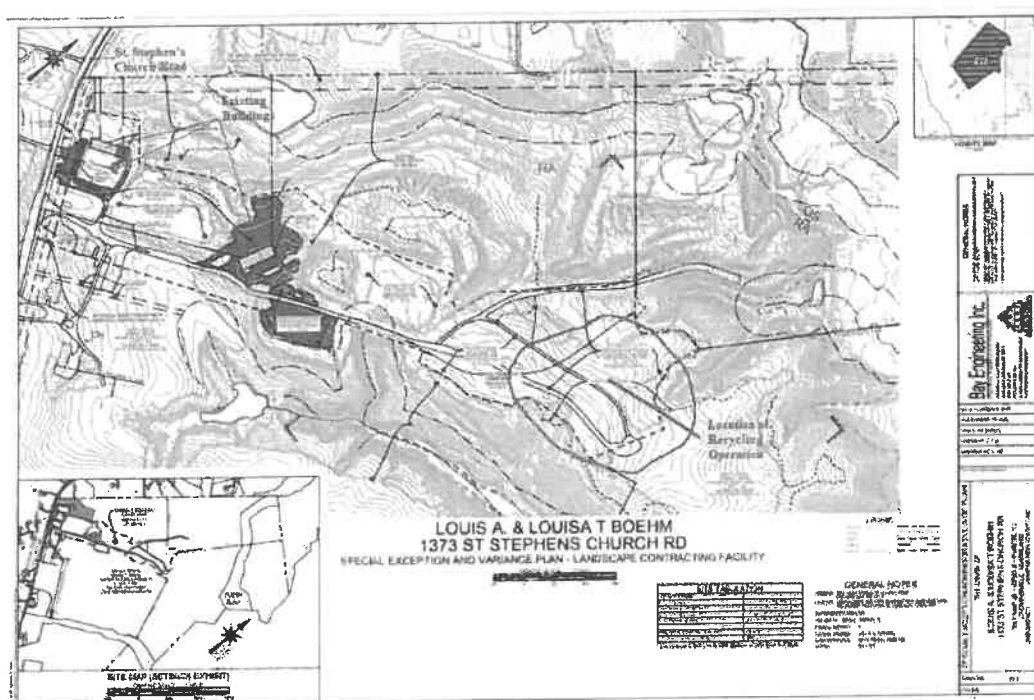
Background

The subject property consists of 203 acres² along the northeast side of St. Stephen's Church Road. Ballard Enterprises is a landscaping and tree service that has been operating from the applicant's property since 2012/2013.

² A witness thought the acreage to be a lower number but the difference is not sufficient to affect the decision in this case.



The area planned for the recycling operation is approximately inside the red circle on the following exhibit:



The exact parameters of the recycling area will be determined at permitting.

The applicant's property is surrounded on the east by Bacon Ridge natural area. The land to the south is relatively undeveloped and wooded. There is residential development across St. Stephen's Church Road to the west and there is a subdivision to the north of the applicant's property.

Some of the witnesses testified that noise from the current operations on the applicant's property can be heard. The Environmental Noise Level Survey (County Exhibit 6) dated November 22, 2023, took noise readings at four places on the applicant's property. Acoustic levels above what is allowed were registered at the entrance to the property but attributed to road noise. The report notes at page 3 that the technician "never heard the wood processing operation while testing at the entrance," although there was no testimony at the hearing that the wood processing operation was ongoing at the time.

The Code

A special exception use is a use that the legislative body recognizes as compatible with permitted uses, subject to a public hearing to show compliance with the underlying standards. Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981); Peoples Council for Baltimore County, et al v. Loyola College in Maryland, 406 Md. 54, 956 A. 2d 166 (2008). "A permitted use in a given [zoning] zone is permitted as of right within the zone, without regard to any potential or actual adverse effect that the use will have on neighboring properties. A special exception, by contrast, is merely deemed *prima facie* compatible in a given zone.

The special exception requires a case-by-case evaluation by an administrative zoning body or officer according to legislatively-defined standards. That case-by-case evaluation is what enables special exception uses to achieve some flexibility in an otherwise semi-rigid comprehensive legislative zoning scheme.” People’s Counsel, 406 Md. at 19, 956 A.2d at 176.

The requirements for a landscaping and tree contracting business with accessory recycling of logs into firewood are found in § 18-11-133. The findings as to each requirement is as follows:

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

The subject property contains more than 5 acres of land, thereby exceeding the five-acre minimum land 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.*

The existing structures appear to meet the 50-foot setback requirement from lot lines and public roads. The applicant testified that there would be no additional structures constructed on the property in relation to the recycling operation.

(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.*

The applicant intends to confine the recycling of logs into firewood to an area that will be at least 200 feet from any lot line.

- (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 applicant has shown that this requirement will be met.

- (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 shown that this requirement will be met.

- (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 testified that it will be able to comply with this requirement. The Code provision does not allow for operations on Saturday or Sunday or outside the hours stated above.

- (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 contends that it will comply with this requirement. If it does not, enforcement will have the ability to shut down the operation.

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

The applicant testified that it will comply with this requirement.

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

The requirements of § 18-11-132(2), (4), (5), (6), and (7) are as follows:

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

St. Stephen's Church Road is classified as a collector or higher classification road.

The application meets this requirement.

(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 it will comply with this requirement.

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

The applicant testified that it will comply with this requirement.

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

The applicant can comply with this 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 can comply with this requirement.

I find that the applicant meets the requirements of § 18-11-133. In addition, the applicant must also meet the requirements of § 18-16-304, which requires that the Hearing Officer make affirmative findings regarding the following eleven requirements:

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

The use is allowed in the RA district. The evidence shows that it will not be detrimental to the public health, safety, and welfare of residents of the County. Some of the neighbors believe that the proposed operation will be detrimental to their public health, safety, and welfare. They cite noise and the fact that the operation is a commercial use in a rural agricultural neighborhood. However, the County Council has decided that the proposed business is permitted in an RA district if it meets all the requirements of the Code. Limits have been put on the hours of operation and the noise emitted from the property. If the applicant meets those requirements, the operation is permitted, provided all other requirements are met.

(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 use is allowed in the RA district. The evidence shows that it will be compatible with the appropriate and orderly development of the district in which it is located.

(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 evidence shows that 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. For example, special exceptions can be granted for many operations in an RA district that are of a commercial nature, including, among others, airports, veterinary hospitals, bed and breakfasts, clay and borrow pits, conference retreats, annual events such as the Renaissance Festival, commercial kennels, mobile home parks, nursing homes, rifle ranges, schools, and bulk storage of agricultural products. Some of these operations would generate more noise and traffic than the proposed wood recycling business.

The concern and opposition expressed by some of the neighbors is based on at least two things: past events at the site and future operations. A use cannot be denied because there is fear that something *may* occur in the future. Future operations are subject to the enforcement of the limitations and restrictions on the operation.

(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 evidence shows that 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. An expert witness testified that the location of the subject property was appropriate for the operation of a landscaping and tree contracting business and the recycling of logs into firewood. The subject property is many times larger than the required minimum size for such an operation in the RA district.

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

The evidence shows that the use will not conflict with an existing or programmed public facility, public service, school, or road.

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

The proposed use has the written recommendations and comments of the Health Department and the Office of Planning and Zoning.

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

The evidence shows that the proposed use is consistent with the County General Development Plan.

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

The applicant has been running a landscaping business that has included the recycling of logs into firewood. Evidence was presented that there is a demand for the recycling of logs into firewood.

(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 evidence shows that the use will meet and be able to maintain adherence to the criteria for the specific use. The failure of the applicant to comply with Code requirements will be an enforcement matter. Nothing in the record supports a denial of the requested special exception on these criteria.

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

The site is not located in the critical area.

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

The evidence shows that the applicant has the ability to comply with the requirements of the Landscape Manual.

Therefore, I find that the applicant has met the requirements of § 18-16-304. The requested special exception will be granted.

ORDER

PURSUANT to the application of William J. Boehm, Trustee, petitioning for a special exception to allow landscaping and tree contracting facility with accessory recycling of logs into firewood in an RA – Rural Agricultural District on property with a street address of 1373 Saint Stephens Church Road, Crownsville, MD 21032; and

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this **25th day of April, 2024**; and

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the application is hereby **granted** a special exception pursuant to § 18-11-133 to perfect a landscaping and tree contracting facility with accessory recycling of logs into firewood in an RA – Rural Agricultural District on property with a street address of 1373 Saint Stephens Church Road, Crownsville, MD 21032, as shown on the site plan admitted into evidence at the hearing as County Exhibit 2.

The foregoing special exception is subject to the following conditions:

- A. The applicant shall comply with any instructions and necessary approvals from the Office of Planning and Zoning, the Department of Inspections and Permits, the Department of Health, and/or the Critical Area Commission.
- B. The applicant shall also comply with any instructions and necessary approvals any state or federal agencies having jurisdiction over the applicant's operations.

This Order does not constitute a building permit. In order for the applicant to perform any work of to construct any structures permitted in this decision, the applicant must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Furthermore, County Exhibit 2, referenced in this decision, is incorporated herein as if fully set forth and made a part of this Order. The decision and order shall not prohibit the applicant from making minor changes to the facilities as presently shown on County Exhibit 2 to adjust for changes made necessary by comments or requirements that arise during plan review or construction, provided those minor changes do not exceed the variances granted herein. The reasonableness of any such change shall be determined by the Office of Planning and Zoning.



Douglas Clark Hollmann
Administrative Hearing Officer

NOTICE TO APPLICANT

Within thirty days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

Further, § 18-16-405(a) provides that a variance or special exception that is not extended or tolled expires by operation of law unless the applicants within 18 months of the granting of the variance or special exception (1) obtain a building permit or (2) files an application for subdivision. Thereafter, the variance or special exception shall not expire so long as (1) construction proceeds in accordance with the permit or (2) a record plat is recorded among the land records

pursuant to the application for subdivision, the applicants obtain a building permit within one year after recordation of the plat, and construction proceeds in accordance with the permit.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order, otherwise they will be discarded.

CO. EXHIBIT#: 1
CASE: 2024-0018-S
DATE: 4/9/24

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


APPLICANTS: Louis & Louisa Boehm & Ballard
Landscaping Enterprises

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2024-0018-S

COUNCILMANIC DISTRICT: 6

HEARING DATE: April 9, 2024

PREPARED BY: Joan A. Jenkins 
Planner II

REQUEST

The applicants are requesting a special exception to perfect a landscaping and tree contracting facility with accessory recycling of logs into firewood in an RA – Rural Agricultural District located at 1373 Saint Stephens Church Road in Crownsville.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of approximately 203.37 acres of land. It is located on the northeast side of Saint Stephens Church Road, zero (0) feet from Creeks Farm Lane. The property is identified on Parcel 13 in Block 06 on Tax Map 43. The site has been split-zoned RA – Rural Agricultural District and OS - Open Space District since the adoption of comprehensive rezoning for the Sixth Councilmanic District, effective October 7, 2011.

The property is currently improved with a single-family detached dwelling, a greenhouse, several barns and outbuildings. 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 applicants have been operating a business with a greenhouse, nursery, limited landscape product sales, and landscape and tree business on a 18.435 acre portion of the subject property and wish to perfect the landscaping and tree contracting business with accessory recycling of logs into firewood.

SPECIAL EXCEPTION STANDARDS

§18-11-133 of the Anne Arundel County Zoning Ordinance sets forth the specific requirements for a landscaping and tree contracting facility with accessory recycling of logs into firewood 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 the dwelling was built on the property in 1959. The applicant leases 803,008 square feet (18.435 acres) of land from the owner to operate a landscaping business.

A review of the County aerial photograph from 2023 reveals a property that has been developed near the road with two buildings, has a long driveway through the property and several areas that are cleared with buildings. The lot is wooded along much of the sides and rear. The property is surrounded by large lot subdivisions and the Bacon Ridge Natural Area, an Anne Arundel County park.

The property was the subject of a nonconforming case 1977-0032-N which was approved for a “landfill”. The nonconforming use was terminated August 2, 1986 with a note in the file that it was no longer in use, the nonconforming use ceased.

The property is the subject of a Zoning Complaint Z-2019-1389 for “Commercial use in a residential zone”, opened September 19, 2019. The case was put into abeyance due to the Covid pandemic, but is currently awaiting a court date. Historically, two other zoning complaints were filed, Z-2010-1386 for a commercial vehicle complaint which was abated and closed; and Z-2010-1512 which was closed because the previous case was already open.

The letter of explanation from the applicants’ attorney attests that for more than a decade, the applicant has been leasing space on the property and operated a roadside stand with ancillary secondary functions; greenhouse, nursery, limited landscape product sales, and landscape and tree business.

The **Health Department** commented that based on review of the above referenced request, additional information is needed by the Health Department on the type and location of the water supply well and the on-site sewage disposal system.

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 and Parks and Open Space Planned Land Use categories. Zoning for the site is RA and surrounding properties are zoned RA and OS. The site is not located within the Priority Funding Area. 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. This proposal is within Region Planning Area 6. The Region Plan process for Region 6 is anticipated to begin in spring 2024. No applications were submitted during the 2011 Comprehensive Rezoning process.

The **Development Division (Regional Team)** commented that the exhibit appears to show disturbance to stream and steep slope buffers. This office defers to the Zoning Division regarding the requirements for Special Exception.

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

The **Department of Recreation and Parks** commented that this site is contiguous to the Bacon Ridge Natural Area; and this site lies within the Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan. The proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

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

This property has high archaeological potential and is located on a Scenic & Historic Road, St. Stephens Church Rd., so it is subject to Article 17-6-502 and Article 17-6-504. Additionally, it had one historic resource recorded on it (AA-1090), which may have been demolished many years ago but is more likely mapped in the wrong location on the property in the Maryland State Inventory of Historic Properties database. One archaeological site overlaps the northeastern corner of the property, 18AN1555, as well. Finally, the property is adjacent to two National Register sites (AA-775, AA-735), including Mt. Tabor Episcopal Church, and there is a possibility for unmarked burials associated with the Mt. Tabor cemetery on southeastern portions of the MPIA subject property.

The proposed SE application appears to reference previously disturbed areas and does not currently appear to present a new adverse effect to potential intact archaeological resources, but it should be noted that per Article 17-6-502, any new development or grading that takes place on the property causing new disturbance shall have archaeological survey requirements.

A site visit may also be required in advance of any permit approvals in order to reconcile the location and update State documentation for AA-1090.

***All applications are required to address the *14-point criteria in Article 17-6-504 (Scenic & Historic Roads) to confirm compliance (the applicant should address that response to the Historic Sites Planner, Darian Beverungen, pzbeve19@aacounty.org). All plans should include an appropriate *label and *cover note identifying St. Stephens Church as a Scenic/Historic Road.

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 803,008 square feet (18.435 acres) of the total site (203.37 acres). The five-acre minimum area requirement is met.*
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. *The site plan delineates a 50 foot setback line and the proposed areas for outside storage, parking and loading or storage of vehicles, equipment, tools, and supplies related to the business meet the 50 foot setback.*

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. *Processing and storage of mechanical equipment for recycling of logs has been shown on the site plan and meets the 200 foot setback requirement.*
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. *Firewood has not been shown on the site plan. The applicant has acknowledged and will comply with this requirement.*
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 writes that the outdoor storage, including unprocessed logs and processed firewood, does not occupy more than 20% of the total lot area and does not exceed five acres. The proposed 4.99 acres only makes up approximately 2.5% of the total area.*¹
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 applicants shall comply with this requirement and have stated that the recycling of logs into firewood will be limited to 9:00 a.m. to 12:00 p.m. on any one day, Monday through Friday.*
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 writes that this criterion is met and has submitted a noise study in conjunction with this application. While some noise levels were higher than the ordinance requirement, these were attributed to other sources (particularly road noise on Saint Stephens Church road) and were not due to the wood processing operations. This combined with the hilly forest terrain of the property should shield the wood processing operations at subject property from impacting adjacent residential properties and are, therefore, in compliance with the ordinance requirements. There is neighboring opposition to this landscaping operation as evidenced by the violation therefore, the applicants must demonstrate to the hearing officer that no nuisance exists.*
8. The storage and processing of logs that are not incidental to the landscaping and tree contracting business is prohibited. *The applicant will comply with this requirement.*
9. The facility shall meet the requirements of § 18-11-132(2), (4), (5), (6), and (7).
 - 18-11-132 (2) All vehicular access to the site shall be directly from a collector or higher classification road. *Saint Stephens Church Road is a collector road.*
 - 18-11-132 (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. *There is neighboring opposition to this landscaping operation as evidenced by the violation therefore, the applicants must demonstrate to the hearing officer that no nuisance exists.*
 - 18-11-132 (5) Hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. *The applicants shall comply with this requirement.*

¹ Although this is a small part of the total lot area, this amounts to 27.1% of the 18.4 acres being used for the landscaping and tree contracting with accessory recycling of logs into firewood area.

- 18-11-132 (6) Accessory outdoor storage and parking areas shall be screened from neighboring properties in accordance with the Landscape Manual. *The special exception administrative site plan demonstrates the applicants' ability to comply with the requirements of the Landscape Manual with a 25-foot landscape buffer delineated along the roadside property line.*
- 18-11-132 (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 applicants shall comply with this requirement.*

Concerning the general special exception standards:

- 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 on the type and location of the water supply well and the on-site sewage disposal system.
- 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 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.
- The use at the location proposed may have adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district given that the Development Division commented that the use appears to show disturbance to stream and steep slope buffers.
- The proposed use would not conflict with existing or programmed public uses.
- The Health Department and the Office of Planning and Zoning have commented on the use.
- The proposed use is consistent with the Rural planned land use in the General Development Plan.
- Regarding public need, the applicants have written that the business has been operating for more than ten years at the property, however, given the violation related to the property the applicant must present sufficient evidence of public need of the use.
- The applicant has presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the specific use.
- And finally, the administrative site plan does demonstrate the applicants' ability to comply with the requirements of the Landscape Manual.

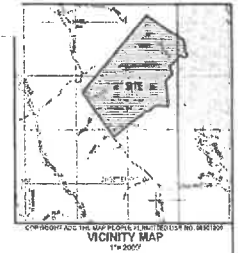
2024-0018-S

RECOMMENDATION

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 **approval** of a special exception to perfect a landscaping and tree contracting facility in an RA – Rural Agricultural District conditioned on the applicant obtaining development approval.

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.

CO. EXHIBIT#: 2
CASE: 2024-0018-S
DATE: 4/1/24



GENERAL NOTES

1. THE SITE PLAN IS BASED ON AERIAL PHOTOGRAPHY AND FIELD SURVEY DATA. THE LANDOWNER HAS PROVIDED ACCESS TO THE SITE FOR THE SURVEYOR TO CONDUCT THE SURVEY AND TO INSTALL THE MONUMENTS AND BENCHMARKS.
2. THE SITE PLAN IS BASED ON THE 2018 PHOTOGRAPHIC AERIAL PHOTOGRAPHY AND FIELD SURVEY DATA. THE LANDOWNER HAS PROVIDED ACCESS TO THE SITE FOR THE SURVEYOR TO CONDUCT THE SURVEY AND TO INSTALL THE MONUMENTS AND BENCHMARKS.
3. THE SITE PLAN IS BASED ON THE 2018 PHOTOGRAPHIC AERIAL PHOTOGRAPHY AND FIELD SURVEY DATA. THE LANDOWNER HAS PROVIDED ACCESS TO THE SITE FOR THE SURVEYOR TO CONDUCT THE SURVEY AND TO INSTALL THE MONUMENTS AND BENCHMARKS.

Bay Engineering Inc.
Engineers, Architects and Surveyors
10000 Bay View Drive
Crownsville, Maryland 21032
410.327.0000
www.BayEngineering.com



DATE: NOVEMBER, 2023

JOB NUMBER: 23-0026

SCALE: AS SHOWN

DRAWN BY: C.J.M.

CHECKED BY: T.J.M.

FOLDER REFERENCE:

SPECIAL EXCEPTION ADMINISTRATIVE SITE PLAN

THE LANDS OF
LOUIS A. & LOUISA T BOEHM
1373 ST STEPHENS CHURCH RD
TAX MAP 43 - CRD 8 - PARCEL 13
CROWNVILLE, MARYLAND
2ND DISTRICT

Sheet No. 1 of 1
File No.

LOUIS A. & LOUISA T BOEHM 1373 ST STEPHENS CHURCH RD SPECIAL EXCEPTION AND VARIANCE PLAN - LANDSCAPE CONTRACTING FACILITY

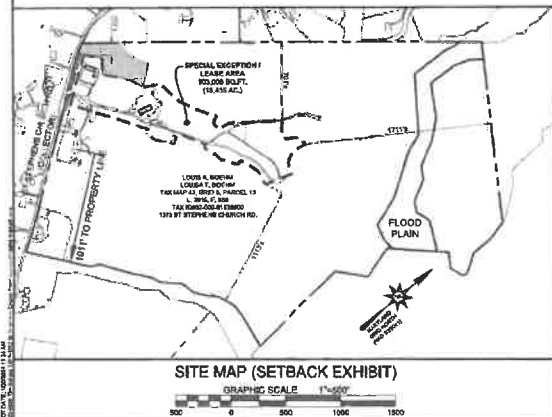


PROPERTY LINE	SYMBOL
WOODS	--- (dashed line)
TO PROPERTY LINE	--- (dashed line)
100 FT. SETBACK	--- (dashed line)
SPECIAL EXCEPTION AREA	--- (dashed line)

SITE TABULATION	
EXISTING SITE ZONING	PD, 100
TOTAL SITE AREA	1.1412 AC (81,771 SQ. FT.)
TOTAL SITE AREA (EXCEPT FOR)	1.1412 AC (81,771 SQ. FT.)
TOTAL SITE AREA (EXCEPT FOR)	1.1412 AC (81,771 SQ. FT.)
TOTAL FLOODPLAIN AREA	0.0000 AC (0.0000 SQ. FT.)
TOTAL SPECIAL EXCEPTION / VARIANCE AREA	0.0000 AC (0.0000 SQ. FT.)
100 FT. SETBACK AREA	0.0000 AC (0.0000 SQ. FT.)

GENERAL NOTES

1. THE SITE PLAN IS BASED ON AERIAL PHOTOGRAPHY AND FIELD SURVEY DATA. THE LANDOWNER HAS PROVIDED ACCESS TO THE SITE FOR THE SURVEYOR TO CONDUCT THE SURVEY AND TO INSTALL THE MONUMENTS AND BENCHMARKS.
2. THE SITE PLAN IS BASED ON THE 2018 PHOTOGRAPHIC AERIAL PHOTOGRAPHY AND FIELD SURVEY DATA. THE LANDOWNER HAS PROVIDED ACCESS TO THE SITE FOR THE SURVEYOR TO CONDUCT THE SURVEY AND TO INSTALL THE MONUMENTS AND BENCHMARKS.
3. THE SITE PLAN IS BASED ON THE 2018 PHOTOGRAPHIC AERIAL PHOTOGRAPHY AND FIELD SURVEY DATA. THE LANDOWNER HAS PROVIDED ACCESS TO THE SITE FOR THE SURVEYOR TO CONDUCT THE SURVEY AND TO INSTALL THE MONUMENTS AND BENCHMARKS.





CO. EXHIBIT#: 6
CASE: 2024-0018-5
DATE: 4/9/24

ENVIRONMENTAL NOISE LEVEL SURVEY

Prepared for:
Ballard Enterprises
1371 Saint Stephens Church Road
Crownsville, MD 21032

November 22, 2023

This document has been prepared by Mobile Health Diagnostics. The material and data in this report were prepared under the supervision and direction of the undersigned.


Troy Bouman, PhD
Acoustical Engineer

NATIONWIDE SERVICE
www.mhdhealth.com • 800-331-3218



Table of Contents

Acronyms	2
1. Introduction	3
2. Methodology	3
3. Results	6
4. Conclusions	6
5. REFERENCES	7
6. LIMITATIONS	7
Appendix A – Calibration Certificates	8

Acronyms

dB	Decibel reference 20uPa
dBZ	Unweighted decibel
dBA	A-weight decibel. A-weighting reflects how humans perceive sound.
SLM	Sound level meter
SPL	Sound pressure level

1. Introduction

Mobile Health Diagnostics was contracted to perform environmental noise level testing at 1371 Saint Stephens Church Rd, Crownsville, MD 21032. The goal of the testing was to understand the sound levels at the property line during wood processing operations in relation to the county sound ordinance requirements. The testing was conducted on October 26, 2023.

Ballard Enterprises operates firewood processing at their Saint Stephens Church Road facility where they run chainsaws, wood splitters, and skid loaders. Anne Arundel County outlines its noise ordinance requirements for this type of work in their special ordinance 18-11-133 (7) [1]. In this section, the county states:

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.

There are only noise ordinance requirements at the property line for residentially zoned neighbors. In these cases, operations can only take place from 9-12pm and 1-4pm Monday through Friday.

2. Methodology

A sound level meter (SLM) was placed on a tripod then the SLM roamed around the perimeter taking measurements at 4 total locations while the wood processing was in operation. Descriptions of each test location are detailed in Table 1 and shown in Figure 1.

Table 1: Measurement location descriptions

Location	Start Time	Description
1	8:26	NW property line
2	8:47	SW entrance property line
3	9:06	SW property line
4	9:43	East property line



Figure 1: Measurement locations visualized over a satellite image of Saint Stephens

An example of the SLM at the entrance to Saint Stephens (i.e. location 2) is shown in Figure 2.



Figure 2: Example test photo at location 2

Sound was recorded for 15 minutes at each location. From that data, A-weighted average and max levels were recorded (i.e. LAavg and LAmx). The measurements were made using a Quest Sound Pro sound level meter, SN BLL100005, set to slow response. The sound level meter was calibrated before and after the testing using a 3M AC-300 calibrator, SN AC300016523 and were within 0.5dB between each calibration. The calibration certificates for the equipment can be found in Appendix A. The weather at the start of testing was 54F, 52% humidity, and 30.3 inHg pressure.

3. Results

The results for the testing are shown in Table 2. Looking at the data, there is only one location where the average sound level was above the limit. This was at the entrance to Saint Stephens where the technician noted significant road noise. The technician said he never heard the wood processing operation while acquiring the 15 minutes of data at location 2 and that the entrance is more than 1800 ft away from the operations. Therefore, the elevated 59.1 dBA level is attributed to the road noise and not the wood processing.

Looking at the max data, there are multiple site locations that showed levels higher than the 60 dBA limit. This conflicts with the technician's subjective report that at no location was the wood processing heard. There was a helicopter nearby trimming power lines that could impact the max level. If The County is trying to limit transient noise with the max requirement, it's the author's opinion that L10 would be a better metric (i.e. the decibel level that 90% of the sound is under) as this metric would be less susceptible to outliers/extremes skewing the data over large data collection periods. It is MHDs experience that ordinances use this metric or write separate requirements for impact noise when extremely transient noise is a concern.

Table 2: Sound pressure level results from the testing locations. Highlighted cells are above the ordinance limit.

Location	Lavg (dBA)	Lmax (dBA)
Limit	55	60
1	55.3	62.1
2	59.1	77.0
3	55.3	58.2
4	55.3	60.6

Note: the sound level meter used for testing was a standard type 2 SLM, which has a precision of +/-2 dB. Therefore, there may be some levels (e.g. 55.3 dBA) that are higher than the limit (e.g. 55 dBA), but due to the lack of precision in the SLM these data cannot be confirmed higher than the ordinance.

4. Conclusions

Acoustic data were acquired at a Ballard Enterprises site located at 1371 Saint Stephens Church Rd, Crownsville, MD 21032. During testing the technician never heard any wood processing noises. While some levels were higher than the ordinance requirement, these were attributed to other sources and were not due to the wood processing operations. This combined with the hilly forest terrain makes it clear that the wood processing operations at 1371 Saint Stephens Church Rd will not impact adjacent residential properties and are therefore in compliance with the ordinance requirements.

5. REFERENCES

[1] Anne Arundel County Ordinance

https://codelibrary.amlegal.com/codes/annearundel/latest/annearundelco_md/0-0-0-122839

6. LIMITATIONS

The services described in this work product were performed in accordance with generally accepted professional consulting principles and practices. No other representations or warranties, expressed or implied, are made. These services were performed consistent with our agreement with our client. This work product is intended solely for the use and information of our client unless otherwise noted. Any reliance on this work product by a third party is at such party's sole risk.

Opinions and recommendations contained in this work product are based on conditions that existed at the time the services were performed and are intended only for the client, purposes, positions, time frames, and project parameters indicated. The data reported and the findings, observations, and conclusions expressed are limited by the scope of work. We are not responsible for the impacts of any changes in environmental standards, practices, or regulations subsequent to performance of services. We do not warrant the accuracy of information supplied by others, or the use of segregated portions of this work product.

This work product presents professional opinions and findings of a scientific and technical nature. The work product shall not be construed to offer legal opinion or representations as to the requirements of, nor the compliance with, environmental laws rules, regulations, or federal, state or local regulations.

Appendix A – Calibration Certificates



TSI INCORPORATED - ECONOMYVILLE

Page 1 of 1

Certificate of Calibration

Certificate NO: 11-34064 A 11/11/23

Submitted By: MOBILE HEALTH DIAGNOSTICS
2639 ONEIDA STREET
DENVER, CO 80207

Serial Number: AC300614523
Customer ID: 456789012
Model: AC-300 CALIBRATOR

Date Received: 11/11/23
Date Tested: 11/11/23
Valid Until: 10/12/2024

Test Conditions:
Temperature: 18°C to 22°C
Humidity: 20% to 80%
Displacement (mm): 10 mm to 1000 mm

Model Conditions:
Dry: IN TOLERANCE
As Left: IN TOLERANCE

SubAssemblies:
Description:

Serial Number:

Calibrated per Procedure: 3129B18

Reference Standard(s):
I.D. Number Device
E70J00556 NIST ENSEMBLE
Measurement Uncertainty:
Expanded at 95% Confidence Level: 0.001

Last Calibration Date Calibration Due
6/6/2022 6/6/2024

Calibrated By:

James Cullinane III
JAMES CULLINAN III

Service Technician

10/12/2023

This report certifies that all calibration equipment used in the test is traceable to NIST, and applies only to the unit identified under equipment above. This report must not be reproduced except in its entirety without the written approval of TSI Incorporated.

698-193 Rev. B

A1-1: Calibration certification for the calibrator

NATIONWIDE SERVICE
www.mhdhealth.com • 800-331-3218



TSI INCORPORATED - OCONOMOWOC
1100 Corporate Center Drive, Oconomowoc, WI 53066 USA
Tel: 608 480 2911 • Toll Free 800 245 0779 • web: www.tsi.com

Page 1 of 1

An ISO 9001
Registered Company

Certificate of Calibration

Certificate No: 1106222A 81110005

Submitted By: MOBILE HEALTH DIAGNOSTICS
2639 ONIDA STREET
DENVER, CO 80207

Serial Number: 81110005
Customer ID:
Model: MHDPRO-BLUE/48 SLIM
Test Conditions:
Temperature: 18°C to 22°C
Humidity: 20% to 80%
Barometric Pressure: 990 hPa to 1013.25 hPa

Date Received: 7/24/2023
Date Issued: 8/17/2023
Valid Until: 8/17/2024
Model Conditions:
As Found: IN TOLERANCE
As Left: IN TOLERANCE

Subassemblies:
Description: MHDPRO-BLUE 48 SLIM
TYPE 2 PREAMP

Serial Number:
0715 0717

Calibrated per Procedure: 53V999

Reference Standard(s):

I.D. Number	Device
EP000104	QUEST-CAL
110006176	SLIPPER MIC-100
E70000556	BAK ENSEMBLE

Last Calibration	Date Calibration Due
7/3/2023	8/3/2024
7/3/2023	8/3/2024
7/3/2023	8/3/2024

Measurement Uncertainty:

±0.1%
Estimated at 95% Confidence Level (k=2)

Calibrated By:

JAMES NEWMAN

Service Technician

This report certifies that all calibration equipment used in the test is traceable to NIST, and applies only to the unit identified under equipment above. This report must not be reproduced except in its entirety without the written approval of TSI Incorporated.

08/17/23 Rev. 9

A1-2: Calibration certificate for the sound level meter

NATIONWIDE SERVICE
www.mhdhealth.com • 800-331-3218

