



APP. EXHIBIT# 1  
CASE: 2025-171S & 172V  
DATE: 11/6/25

# 796 GENERALS HIGHWAY

## SPECIAL EXCEPTION & VARIANCE HEARING

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2025-0171-S & 2025-0172-V  
November 6, 2025 @ 12 pm

# INTRODUCTION

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## **APPLICANT/DEVELOPER INFORMATION:**

Applicant/Owner: The Lawn Group, Inc / Christopher Deleonibus  
Email: cdeleonibus@thelawnprosgroup.com

## **ENGINEER INFORMATION:**

Terrain

Presenter: Kelly McCormick

Address: 53 Old Solomons Island Road, Annapolis MD 21401

Phone: 410-266-1160

Email: Terrain@comcast.net



# AERIAL MAP







POSTING OF SIGNS ( 2 TOTAL)  
POSTED ON 10/3/2025

# VARIANCE REQUEST LETTER (1/2)

October 27, 2025  
Department of Planning and Zoning  
2664 Riva Road MD 21401

**Subject: 796 Generals Highway Millersville, MD 21108**  
**Front Yard Setback and Access Variance Request / Landscaping Special Exception**

On behalf of our client, we respectfully submit this letter requesting a Variance to the Setback Requirements and Access for the property located at 796 Generals Highway, Millersville, MD 21108. This request is being made to allow for the construction of a Landscaping and Tree Contracting business, with the usage of the existing Pole Barn on the property that is to remain. Along with the Variance request, we also request for a Special Exception for the operation of a Landscaping and Tree Contracting business on the subject site.

In accordance with the Anne Arundel County Code (RLD Bulk Regulations), the required setbacks are as follows:

- **Bulk Regulations; § 18-4-401:** 50 feet for the front yard
- **Requirements for Special Exception Uses:** Buildings and outdoor areas to be used for parking, loading or storage of vehicles, equipment, tools, and supplies shall be delineated on a site development plan and located at least 50 feet from all property lines and public roads

Due to the unique circumstances of this lot, we are requesting relief from the standard setback and access requirements. Below are the relevant conditions and justifications of this variance.

**A. Existing Conditions**

- a. The total area of the parcel is 5.368 AC or (233,809 square feet), undeveloped and forested site.
- b. The property is zone RLD (Residential Low-Density Development) and is not within the Critical Area Zone.
- c. Property contains a pole barn (to remain) and driveway (to be removed) near the South property line.

**B. Proposed site Conditions**

- a. The proposed improvements to the site include the construction of a garage/office building, designated modestly sized outside storage, and adequate parking and turnaround areas.
- b. The proposed garage/office building contains vehicular access through an existing 50-foot way right-of-way from Generals Highway (a collector or higher classification road).
- c. Stormwater Management has been proposed to meet Anne Arundel County and MDE requirements.

**C. Requested Variance**

- a. Relief of 13 feet from the front building restriction line, for a proposed 37-foot setback.
- b. Relief of 27 feet from the building restriction line for parking and dumpster area from property line, for a proposed 23-foot setback.
- c. Request to allow vehicular access via a 50-foot private right-of-way connected directly to a collector of higher-class roadway (Generals Hwy).

**D. Justification for Variance**

We believe the requested variance meets the required criteria under County regulations, as the hardship is due to the existing conditions of the lot.

- (1) The existing pole barn encroaching on the 50-foot setback constitutes a 37-foot variance setback from the South lot line to accommodate existing conditions of the site, an unnecessary hardship not self-imposed by the owner. (Section 18-11-132 (3)).
- (2) The proposed location of the dumpster area provides an effective and safe travel path for the garbage truck to enter, service, and exit the site. A route is provided from the office and warehouse to the dumpster area with a longitudinal and cross slope of approximately two percent (2%), ensuring safe accessibility. The parking spaces adjacent to the existing pole barn are conveniently located to allow for easy access into the structure.
- (3) Due to the land-locked nature of the property, the only means of access to the existing site is the existing 50-foot right-of-way from a collector or high classification road (Generals Hwy). The 50-foot access path from the subject property leads directly to a minor arterial roadway. The access only passes one other landlocked property that has access to the private right of way. This constitutes as a practical difficulty for the home owner.

**E. Article 18-6-305: Variances**

The site meets the requirements for a variance under the following practical difficulties and hardships:

- (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 hardships and to enable the applicant to develop the lot.

**F. Requirements for all Variance**

Granting this variance will not:

- i. Alter the essential character of the neighborhood as the variance is requested for an already existing condition.
- ii. Substantially impair the appropriate use or development of adjacent property.
- iii. Reduce forest cover in the limited development and resource conservation areas of the critical area as it is not located in the Intensely Developed Area (IDA).
- iv. Be contrary to acceptable clearing and replanting practices required for development in the critical area. The layout has been carefully designed to minimize the necessary clearing by locating the office/ garage area in an area where clearing is localized.
- v. Be detrimental to the public welfare

In order to recognize the subject property for the proposed use, a Special Exception is required for Landscaping and Tree Contracting. A landscaping business is permitted in the RLD Zone via Special Exception.

In accordance with Anne Arundel County Code §18-11-132, we offer the following to demonstrate compliance with the criteria for approval of this Special Exception:

**1. Minimum Lot Size:**

The property consists of 5.36 acres, exceeding the required minimum of two (2) acres.

# VARIANCE REQUEST LETTER (2/2)

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**2. Vehicular Access:**

Access is provided directly from Generals Highway (a collector or higher classification road) via an existing 50-foot right-of-way.

**3. Location of Buildings and Outdoor Storage:**

All proposed buildings and outdoor areas for vehicle, equipment, tool, and supply storage are shown on the Site Plan and are set back at least 50 feet from all property lines and public roads, where applicable. There are additional Variances being requested for the parking area located next to the existing pole barn.

The total allowable outdoor storage area is approximately 1.07 acres (20% of the total lot area). The proposed storage area is 14,375 square feet (approximately 6%), well within the allowable limit. A 50-foot buffer is provided along all property lines, as depicted on the Site Plan.

A Variance has been filed for the Southern Property line setback as to accommodate for the existing pole barn that is to remain. Dimensions of building distance have been noted in red, with a 37' Variance Setback requested as to support existing conditions. There is a 23' Variance setback requested for the

**4. Compatibility with Surrounding Properties:**

The location and design of the proposed operation will not constitute a nuisance to neighboring properties.

**5. Business Hours:**

Operational hours will be limited to 7:00 a.m. to 6:00 p.m., in compliance with the Code.

**6. Screening and Landscaping:**

The site will be adequately buffered to minimize impacts from noise, dust, or fumes. The site will contain the maximum buffer area (up to 50 feet) to mitigate for any potential impacts from noise and light.

**7. Vehicle and Equipment Maintenance:**

Minor repairs will be performed only within the proposed garage structure, satisfying this criterion.

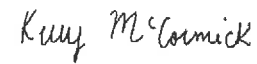
In accordance with Anne Arundel County Code §18-16-304 (Special Exceptions), the following additional findings are presented:

1. The proposed use will not adversely affect public health, safety, or welfare. The site is set back approximately 300 feet from the road and will be appropriately screened.
2. The property is accessed by an arterial roadway and includes all required buffers and setbacks.
3. The landscape business will operate during limited hours and will not generate excessive noise, fumes, vibrations, or light.
4. All operational criteria specific to landscape businesses will be strictly followed and enforced.
5. The proposed use does not conflict with any existing or planned public facility, service, school, or roadway.
6. A Pre-file Meeting was held with County staff during the previous Special Exception request, and all concerns raised have been addressed accordingly.
7. The General Development Plan (GDP) designates the area as Rural. The proposed use is consistent with other uses permitted in the RLD Zone.
8. The operation will serve a demonstrated public need, providing landscaping services to clients throughout the region.
9. The application meets the Special Exception criteria outlined in County Code §18-11-132, and we believe all necessary supporting evidence has been provided.
10. The site is located outside of the critical area.
11. Landscape screening will be installed as shown on the Site Plan and will meet Class A Buffer Requirements.

For the reasons stated above, we respectfully request approval of the Variance to Setback and Access Requirements and Special Exception for Landscaping and Tree Contracting Use for 796 Generals Highway. We believe this proposal is consistent with the intent of the County Code, meets all required findings, and represents a responsible and low-impact use of the property.

Should you require additional information or clarification, please do not hesitate to contact our office at (410) 266-1160 or via email at [kelly@terrainsmd.com](mailto:kelly@terrainsmd.com)

Sincerely,



Kelly McCormick, P.E.



# VARIANCE RECOMMENDATIONS FROM ANNE ARUNDEL COUNTY

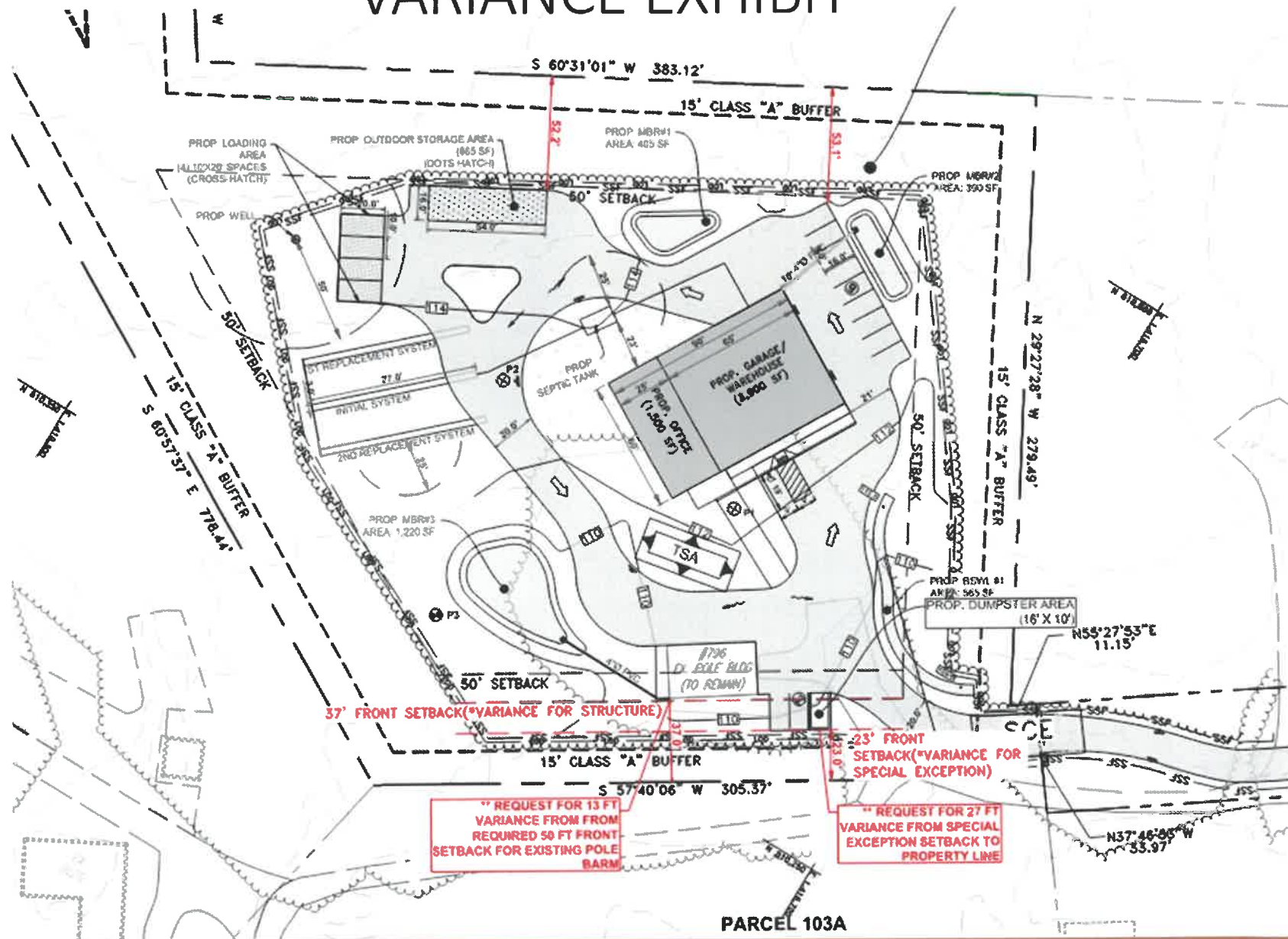
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## **RECOMMENDATION**

Based upon the standards set forth in § 18-16-304 and § 18-11-131 of the Code under which a special exception to allow a landscaping and tree contracting facility may be granted, the Office of Planning and Zoning recommends **conditional approval** of the proposed special exception. Any approval should be conditioned on the relocation of the two southernmost parking spaces and the dumpster area to an area that meets the required 50-foot setback. This Office also recommends **approval** of variances to § 18-11-131(2) & (3) to allow a landscaping and tree contracting use with vehicular access not directly from a collector or higher classification road and a building (pole building) with less setbacks than required. However, this Office recommends **denial** of a variance to § 18-11-131(3) to allow two parking spaces and a dumpster area with less setbacks than required.

**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.

# VARIANCE EXHIBIT





# PROPOSED DWELLING DETAILS

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## DWELLING FOOTPRINT

- Landscaping and Tree Contract Office and Garage/Warehouse
- Office Space = 1,500 SF ; Garage/Warehouse=3,900 SF
- Building Height : 45' Max



# LETTERS OF SUPPORT

Date: October 25, 2025

Re: Support for Proposed Development at 796 Generals Highway

To Whom It May Concern,

We, the undersigned neighbors of the above-referenced property, wish to acknowledge that we have been informed of the proposed development plans for 796 Generals Highway by the property owner, Mr. Christopher Deleonibus. The applicant intends to operate a landscape contracting company on the property, which is zoned RLD (Residential Low Density).

We are aware of this project as a result of the previous application and meetings related to the same Special Exception and Variance request. Having reviewed the plans and participated in those discussions, we are in support of the proposed design and believe the project is compatible with the surrounding area. It is our opinion that the use will be a beneficial addition to the community and can be integrated into the site without creating adverse impacts on adjacent properties.

By signing below, we confirm our awareness of the project and our support for its advancement.

Sincerely,

Name (Printed): Michael Howard

Property Address: 788 Generals Hwy

Signature: Michael Howard

Date: October 25, 2025

Re: Support for Proposed Development at 796 Generals Highway

To Whom It May Concern,

We, the undersigned neighbors of the above-referenced property, wish to acknowledge that we have been informed of the proposed development plans for 796 Generals Highway by the property owner, Mr. Christopher Deleonibus. The applicant intends to operate a landscape contracting company on the property, which is zoned RLD (Residential Low Density).

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By signing below, we confirm our awareness of the project and our support for its advancement.

Sincerely,

Name (Printed): Paul J. Howard Sr.

Property Address: 792 Gen. Hwy

Signature: Paul J. Howard Sr.

Name (Printed): PAULETTE HEWARD

Property Address: 792 GENERALS HWY

Signature: Paulette Howard

# SITE PHOTOS





# QUESTIONS

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Date: October 25, 2025

**Re: Support for Proposed Development at 796 Generals Highway**

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Sincerely,

Name (Printed): Michael Heward

Property Address: 788 Generals Hwy.

Signature: Michael Heward

Name (Printed): \_\_\_\_\_

Property Address: \_\_\_\_\_

Signature: \_\_\_\_\_



Date: 10-27-2015

**Re: Support for Proposed Development at 796 Generals Highway**

To Whom It May Concern,

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Sincerely,

Name (Printed): Paul J. Heward Sr.

Property Address: 792 Gen. Hwy.

Signature: Paul J. Heward Sr.

Name (Printed): PAULETTE HEWARD

Property Address: 792 GENERALS HWY

Signature: Paulette Heward