

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

APPLICANT: Messiah Methodist Church

ASSESSMENT DISTRICT: 5

CASE NUMBER: 2023-0138-S

COUNCIL DISTRICT: 2

HEARING DATE: October 3, 2023

PREPARED BY: Joan A. Jenkins
Planner II



REQUEST

The applicant is requesting a special exception to allow a child care center other than as a home occupation in an R5 - Residential District on property located at 7401 Furnace Branch Road in Glen Burnie.

LOCATION AND DESCRIPTION OF SITE

The subject site is 2.77 acres in area with road frontage on the east side of Furnace Branch Road E at the corner of Country Club Drive. The site is identified as Parcel 294, found in Grid 14 of Tax Map 10. The property has been zoned R5 - Residential District since the adoption of comprehensive zoning for Council District 2, effective January 29, 2012. The subject property is not located in the Critical Area.

The subject site is slightly irregular in shape and is improved with a religious facility, a storage building, a fenced playground area and ancillary parking. A small stand of trees buffer the south lot line and portions of the southeast lot line. There are several trees along the southwest corner of the playground area.

APPLICANT'S PROPOSAL

The applicant is seeking a special exception to allow the establishment of a preschool program for up to 24 children ages 2-4 years between the hours of 9am and 3pm Monday-Friday with 6 staff members.

SPECIAL EXCEPTION STANDARDS

Section 18-11-112 of the Anne Arundel County Zoning Ordinance sets forth the specific special exception requirements for child care centers other than as a home occupation. Additionally, all special exceptions are subject to the general standards contained in Section 18-16-304 of the Code.

FINDINGS

The subject site is a corner lot with frontage on East Furnace Branch Road and vehicular access from Country Club Drive. This Office finds that according to State tax records, a religious facility was

constructed on the subject property in 1963 and currently contains 6,150 square feet of main building area. The subject property is located in the subdivision of Country Club Estates which is predominantly developed as a low-medium residential development with modest dwelling types. Review of the County aerial photographs indicates that two religious facilities are located near the subject property: to the north is Faith Baptist Church, Inc. at the northeast corner of Country Club Drive and Furnace Branch Road; and Faith Baptist Church of Glen Burnie located across Furnace Branch Road to the west. A small commercial area extends less than a half mile along the southwest side of Furnace Branch Road, south of East Stiemly Avenue that terminates at Thomas Road. Single-family detached dwellings abut the subject site to the east and south.

The applicant proposes to use the existing church and associated facilities for a preschool program operating between 9am and 3pm Monday through Friday with a maximum of 24 students and 6 employees. The property currently is used as a church and has a special exception approval for a before and after school program for children grades K-5.

From 1990-2010 the church had a certificate of use that included a preschool. The property was the subject of a prior special exception case 2010-0116-S which allowed the use of a child care center with capacity for 30 children from kindergarten through 5th grade subject to conditions. The applicant writes that the preschool was unknowingly removed from the certificate of use and replaced with the special exception for a before and after school program only.

The **Development Division Residential Team** commented that if the Special Exception is granted, this application may be subject to SDP requirements. Possible relief from this requirement may be sought through Article 17-4-101(3). Please refer to the attached Green Notice [Notice # OPZ-22-03]

The **Transportation Division** commented that a traffic impact study will be required but did not indicate when in the process a study should be conducted.

The **Fire Marshal** commented that an approval does not take the place of any permitting required through the Inspections and Permits Office and any Fire Marshal inspections that will be required during the normal process of changing uses.

The **Long Range Planning Division** notes that Plan2040 does not have recommendations that are specific to this site. No application for a change in Planned Land Use was filed for this site during the Plan2040 process, and no application was filed during either the 2010 or 2005 Comprehensive Zoning process. The 2022 Water and Sewer Master Plan places the site in the Existing sewer service category (Cox Creek Service Area) and the Existing water service category (Glen Burnie Low Water Pressure Zone). The proposal is consistent with the Water and Sewer Master Plan.

The **Health Department** commented that the property is served by public water and sewer facilities and has no objection to the request.

Section 18-11-112 of the Code establishes use-specific special exception requirements for child care centers other than as a home occupation. The Code requires that the site for this use be at least two acres for centers with 60 or more children; the subject site is 2.77 acres in size. As to the other use-specific child care center requirements this Office finds that onsite circulation and parking areas

have been designed to minimize vehicular and pedestrian conflicts and that there are safe areas for dropping off and picking up passengers. The site plan provided indicates that the outdoor playground area is fenced and is located to the side of the structure, and that this area meets setback requirements. Although the playground area is on the Furnace Branch side of the property, the Country Club Drive side of the property can be considered the front for zoning purposes and meets the appropriate setbacks in this orientation. The activities proposed will be located in a manner to shield surrounding residential property from the effects of noise, hazards, or other offensive conditions. The fence and existing landscaping will reduce any impact to surrounding residential properties. The Code states a facility located in a residential zoning district may not have an entrance on a minor arterial road or a road of higher classification unless the entrance to the center is at least 500 feet from the entrance to a subdivision or commercial property. The entrance to the facility, while located in a residential zoning district, does not have an entrance on a minor arterial road or a road of higher classification.

In accordance with the general standards for granting a special exception, the Office of Planning and Zoning finds that the proposed use of the subject property for a child care center facility will not be detrimental to the public health, safety, or welfare. The location and nature of each building will be compatible with the appropriate and orderly development of the R5 District. 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, including typical church proceedings. 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 proposed use will not conflict with an existing or programmed public facility, public service, school, or road. The use has the written recommendations and comments of the Health Department and the Office of Planning and Zoning. The proposal is consistent with the County General Development Plan. It appears the applicant has presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the child care center. The applicant will be required to conform to the requirements of the Landscape Manual at the time of development.

Finally, the applicant will be required to present sufficient evidence of public need for the use.

RECOMMENDATION

Based upon the specific special exception requirements for a child care center other than as a home occupation as set forth in Section 18-11-112 of the Anne Arundel County Code and the general special exception requirements as set forth in Section 18-16-304 of the Code, this Office recommends ***approval*** of the special exception application to allow a child care center other than as a home occupation at this site subject to satisfaction of the Development Division.

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.

2023-0138-S

Menu Cancel

Help

Task
 OPZ Residential Team
Assigned to Department
 OPZ Residential Planning
Action by Department
 OPZ Residential Planning
Start Time

Due Date
 09/07/2023
Assigned to
 Diane Windell
Action By
 Diane Windell
End Time

Assigned Date
 08/18/2023
Status
 Complete w/ Comments
Status Date
 09/08/2023
Hours Spent
 0.0

Billable
 No

Overtime
 No

Comments
 This memo is in response to the Zoning Division request for comments regarding a Special Exception to allow a childcare center other than as a Home Occupation. The applicant currently holds a zoning certificate of use to operate as a church and has a Special Exception for a before and after school program for children grades K-5. The church previously held a zoning certificate of use that included a preschool from 1990-2010, when rezoning was done to include a before and after school program. The applicant now wishes to reestablish the Special Exception as a childcare center other than as a home occupation, and feels this is warranted due to the property's adherence to zoning regulations as well as the church school's long-standing positive reputation within the community.

The Office of Planning and Zoning, Residential Division comments below:

1. If the Special Exception is granted, this application may be subject to SDP requirements. Possible relief from this requirement may be sought through Article 17-4-101(3). Please refer to the attached Green Notice.

OPZ/Residential has no further comments.

Time Tracking Start Date
 No
Display E-mail Address in ACA
Est. Completion Date
 No
Display Comment in ACA
 All ACA Users
 Record Creator
 Licensed Professional
 Contact
 Owner

Estimated Hours
 0.0
Action
 Updated

Workflow Calendar

Task Specific Information

Review Notes

Reviewer Phone Number

NOTICE

Issued by:

Office of Planning & Zoning

Notice #:

OPZ-22-03

Release Date:

07/12/22

Contact:

pzwils39
@aacounty.org

Phone #:

410-222-7485

ADMINISTRATIVE DECISION REQUEST SITE DEVELOPMENT §17-4-101(3)

County Council Bill No. 99-21 exempts, under certain conditions, improvements to an existing structure, outside the critical area or bog protection area, from the site development application process. This Bill became effective on March 12, 2022.

The purpose of this Green Notice is to provide guidance on how to obtain an Administrative Decision from the Planning and Zoning Officer regarding an exemption requested pursuant to §17-4-101(3).

Steve Kaii-Ziegler,
AICP

*Planning & Zoning
Officer*





M A R Y L A N D

Office of Planning and Zoning

Steve Kaii-Ziegler, AICP, Planning and Zoning Officer

MEMORANDUM

TO: MBIA, Review Agencies, and the General Public

FROM: Steve Kaii-Ziegler, AICP, Planning and Zoning Officer *SKZ*

SUBJECT: Administrative Decision Request
Site Development §17-4-101(3)

DATE: July 12, 2022

Note: This Green Notice supersedes and replaces Green Notice # OPZ-21-02, dated May 10, 2021, entitled "Site Development Application Process for Minor Improvements."

The purpose of this Green Notice is to provide guidance on how to obtain an Administrative Decision from the Planning and Zoning Officer regarding an exemption requested pursuant to §17-4-101(3). This application process is to be used when the applicant applies for a permit relating to improvements to an existing structure located outside the critical area or a designated bog protection area and requests that the proposed improvements be exempt from the requirements of Article 17 Title 4, Site Development pursuant for § 17-4-101(3), when the applicant can demonstrate that the proposed improvements do not result in the following:

- (i) additional cumulative floor area of more than 1,000 square feet;
- (ii) an increase of impervious surface of more than 1,000 square feet;
- (iii) a use that will generate five or more cumulative Equivalent Dwelling Units (EDU) of public water and/or sewer usage;
- (iv) a limit of disturbance of 5,000 square feet or more;
- (v) more than 50 new daily vehicle trips in the scheduled completion year of the improvements or a requirement for a traffic impact study;
- (vi) insufficient water supply for providing adequate fire suppression;
- (vii) a deficiency in the parking requirements contained in Article 18 of the Anne Arundel County Code or an inability to provide adequate onsite stacking capacity;
- (viii) the need for a variance to the applicable bulk regulations contained in Article 18 of the Anne Arundel County Code;
- (ix) inadequate land to meet landscape requirements; or,
- (x) impacts to cultural resources or impacts to scenic or historic roads.

Fees (no fee is required for this application)

Procedures & Application

Details are also provided [here](#) online. The following materials are available [here](#) on the Office of Planning and Zoning website:

Administrative Decision Request Procedures & Requirements
Administrative Decision Request Application Form

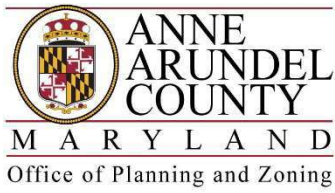
ADMINISTRATIVE DECISION REQUEST
SITE DEVELOPMENT §17-4-101(3)
PROCEDURES AND REQUIREMENTS

Applications shall be submitted in PDF format and include each item contained summarized in 1-5 below. The application PDF shall be emailed to SDPAdminExemption@aacounty.org. This email may not exceed 25 megabytes (MB). If the attachments will result in an email that is greater than 25 MB, you must provide a link to a large file transfer service where OPZ staff may access the PDF documents. The email subject line shall show the following:

Administrative Decision Request, Site Development (*SITE ADDRESS and/or Tax ID*)

The following items are required with the application:

1. The [Administrative Decision Request Site Development § 17-4-101\(3\) Application Form](#).
2. A letter of explanation that explicitly states the reason and justification for the request. This letter must clearly summarize the existing and proposed site conditions and uses, any existing violations and mitigation proposals, and demonstrate how the proposed development is in conformance with all criteria listed in §17-4-101(3).
3. EDU worksheet.
4. Traffic analyses via a letter with sufficient information to confirm that the project does not result in more than 50 new daily vehicle trips in the scheduled completion year of the improvements and that there is no requirement for a traffic impact study.
5. Written authorization from the owner of property allowing the contract purchaser/lessee to act on the owner's behalf.
6. One site plan, drawn to an engineer scale. The plan should include all information relevant to the Administrative Decision request including, but not limited to:
 - A vicinity map;
 - Site Data Tabulations in acres and square feet (such as lot/parcel area, zoning, existing floor area and use(s), proposed additional cumulative floor area and use(s), floor area ratio, existing and proposed impervious surface, existing and proposed coverage, limit of disturbance, building height, required and provided parking, density, mix of use, etc.);
 - Setbacks;
 - Landscape buffers and planting areas;
 - Scenic or Historic Roads;
 - Easements with recording references;
 - Roads;
 - Limits of disturbance; and
 - Existing and proposed structures, parking and outdoor storage.



ANNE ARUNDEL COUNTY, MARYLAND
ADMINISTRATIVE DECISION REQUEST APPLICATION
SITE DEVELOPMENT §17-4-101(3)

Date _____

Property Owner _____ Consultant _____

Address _____ Address _____

Phone # _____ Phone # _____

Email Address (Req'd) _____ Email Address (Req'd) _____

Site Location

Address _____

Tax Map #(s) _____ Block #(s) _____ Parcel #(s) _____ Lot #(s) _____

Zoning _____

Building Permit # _____

Grading Permit # _____

Development Type: (check all that apply)

- ____ Residential
- ____ Commercial
- ____ Industrial
- ____ Other (specify _____)

Total Sq Ft of Site _____

Total Acreage of Site _____

of Existing Dwelling Units _____

of Proposed Dwelling Units _____

Existing Sq Ft of Structures _____

Proposed Sq Ft of Structures _____

Variance Case # _____

Special Exception Case # _____

Rezoning Case # _____

Board of Appeals Case # _____

Non-Conforming Use Case # _____

§ 17-4-101(3) Applicability Criteria

- (i) Cumulative Sq Ft of floor area (§18-1-101(59)) added to the site as of March 12, 2022 (Bill 99-21) _____ **Sq Ft***
**This number may not exceed 1,000 Sq Ft.*
- (ii) Proposed increase of impervious surface _____ **Sq Ft***
**This number may not exceed 1,000 Sq Ft.*
- (iii) Cumulative number of EDUs of public water and/or sewer allocated as of March 12, 2022 (Bill 99-21) # _____ **EDUs**
NOTE: This number may not exceed 4 EDUs.
- (iv) Proposed limit of disturbance _____ **Sq Ft***
**This number may not exceed 5,000 Sq Ft.*
- (v) Proposed new daily vehicle trips # _____ **trips***
**This number may not exceed 50 or result in the requirement for a traffic impact study.*
- (vi) Sufficient water supply for providing adequate fire suppression **YES** _____ **NO** _____
- (vii) Parking required # _____ **spaces** Parking provided # _____ **spaces**
Adequate onsite stacking capacity **YES** _____ **NO** _____
- (viii) Need for a variance **YES** _____ **NO** _____
- (ix) Adequate land area to meet landscape requirements **YES** _____ **NO** _____
- (x) Proposed impacts to cultural resources or scenic or historic roads **YES** _____ **NO** _____

FILL IN ONLY IF REQUESTING EXEMPTION FOR IMPACT FEES (§ 17-11-203(c))

Type of Facility Proposed:

Assisted Living as defined in the Health-General Article, § 19-1801, of the State Code;

Hospice as defined by Health-General Article, § 19-901(c), of the State Code;

Hospital as defined in the Health-General Article, § 19-301(f), of the State Code;

Nursing Home as defined in the Health-General Article, § 19-1401(e), of the State Code

Residential Dwelling Units provided that the sale or rental of the units is restricted to persons having a household income not exceeding 120 percent of the area median income, adjusted by household size, as defined by the United States Department of Housing and Urban Development; or,

Residential Dwelling Units that will be constructed under a program that requires the homebuyers to participate in the initial construction or rehabilitation of the units.

§501(c) of the Internal Revenue EIN _____

Effective Date of §501(c) _____

Legal Name of §501(c) _____

ANNE ARUNDEL COUNTY, MARYLAND
ADMINISTRATIVE DECISION REQUEST APPLICATION
SITE DEVELOPMENT §17-4-101(3)

The applicant/owner hereby certifies and agrees as follows: 1) that he/she is authorized to make this application; 2) that the information contained in this Application is accurate and correct; 3) that by this application he/she grants County Officials the right to enter the property for the purpose of inspecting existing site conditions in order to verify existing conditions plans and delineations provided with this application.

Owner Name (Print)

Owner Name (Print)

Owner Name (Signature)

Owner Name (Signature)

Developer/Contract Purchaser Name

Consultant/Engineering Firm Name

I/We certify that all of the information supplied with this submittal is complete and accurate.

Engineer/Land Surveyor/Developer/Owner (Print)

Engineer/Land Surveyor/Developer/Owner (Signature)

2023-0138-S

Menu Cancel Help

Task
 OPZ Transportation
Assigned to Department
 Sarah Fowler
Action by Department
 Sarah Fowler
Start Time
 09/07/2023
Due Date
 09/07/2023
Assigned to
 Sarah Fowler
Action By
 Sarah Fowler
End Time
 09/06/2023
Hours Spent
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Comments
 A Traffic Impact Study will be required.
Time Tracking Start Date
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Est. Completion Date
 No
Display E-mail Address in ACA **Display Comment in ACA**
 All ACA Users
 Record Creator
 Licensed Professional
 Contact
 Owner
Workflow Calendar

Estimated Hours
0.0

Action
Updated

Task Specific Information

Review Notes

Reviewer Phone Number

2023-0138-S

Menu Cancel Help

Task
 Fire Marshal
Assigned to Department
 Fire Marshal's Office
Action by Department
 Fire Marshal's Office
Start Time

Billable
 No

Due Date
 09/07/2023

Assigned to
 Robert Flynn

Action By
 Robert Flynn

End Time

Overtime
 No

Assigned Date
 08/17/2023

Status
 Complete w/ Comments

Status Date
 08/29/2023

Hours Spent
 0.0

Comments
 Defer to the Office of Planning and Zoning

An approval does not take the place of any permitting required through the Inspections and Permits Office and any Fire Marshal inspections that will be required during the normal process of changing uses.

Time Tracking Start Date **Est. Completion Date**
 Display E-mail Address in ACA **Display Comment in ACA** **In Possession Time (hrs)**
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All ACA Users
 Record Creator
 Licensed Professional
 Contact
 Owner

Estimated Hours
 0.0

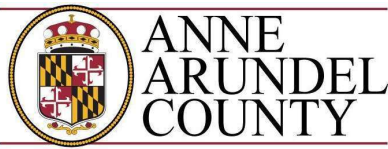
Action
 Updated

Workflow Calendar

Task Specific Information

Review Notes

Reviewer Phone Number



M A R Y L A N D

Office of Planning and Zoning

Jenny Jarkowski
Planning and Zoning Officer

MEMORANDUM

TO: Zoning Division

FROM: Patrick Hughes, Long Range Planning

THROUGH: Cindy Carrier, Planning Administrator, Long Range Planning

SUBJECT: Long Range Planning Comments

DATE: August 21, 2023

Name of Project: Messiah United Methodist Church
Case#: 2023-0138-S
Location: East side of Furnace Branch Road at Country Club Drive
Tax Map 10, Parcel 294
Region Planning Area: Region 3
Community: Glen Burnie

Summary:

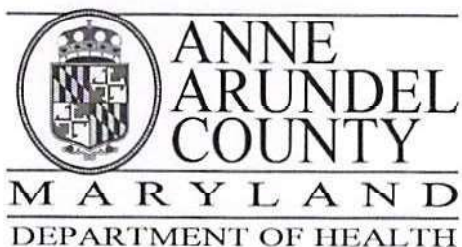
The applicant requests a special exception to allow a child care center other than as a home occupation in an R5 zoning district.

Plan2040 places the 2.77-acre site in the Neighborhood Preservation Development Policy Area and the Low-Medium Density Residential Planned Land Use category. Properties to the north, south and east are also in the Low-Medium Density Residential Planned Land Use category, while properties across Furnace Branch Road to the southwest have Commercial Planned Land Use. The current zoning for the site and all surrounding properties to the east, north and south is R5; properties to the southwest are C4 and C3. The site is within the Priority Funding Area.

Findings:

Plan2040 does not have recommendations that are specific to this site. No application for a change in Planned Land Use was filed for this site during the Plan2040 process, and no application was filed during either the 2010 or 2005 Comprehensive Zoning process.

The 2022 Water and Sewer Master Plan places the site in the Existing sewer service category (Cox Creek Service Area) and the Existing water service category (Glen Burnie Low Water Pressure Zone). The proposal is consistent with the Water and Sewer Master Plan.

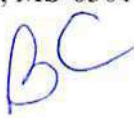



J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager 
Bureau of Environmental Health

THROUGH: Don Curtian, Director 
Bureau of Environmental Health

DATE: August 23, 2023

RE: Messiah Methodist Church
7401 East Furnace Branch Road
Glen Burnie, MD 21060

NUMBER: 2023-0138-S

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced special exception to allow a child care center other than as a home occupation in an R5- Residential District.

The Health Department has reviewed the above referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above referenced request.

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

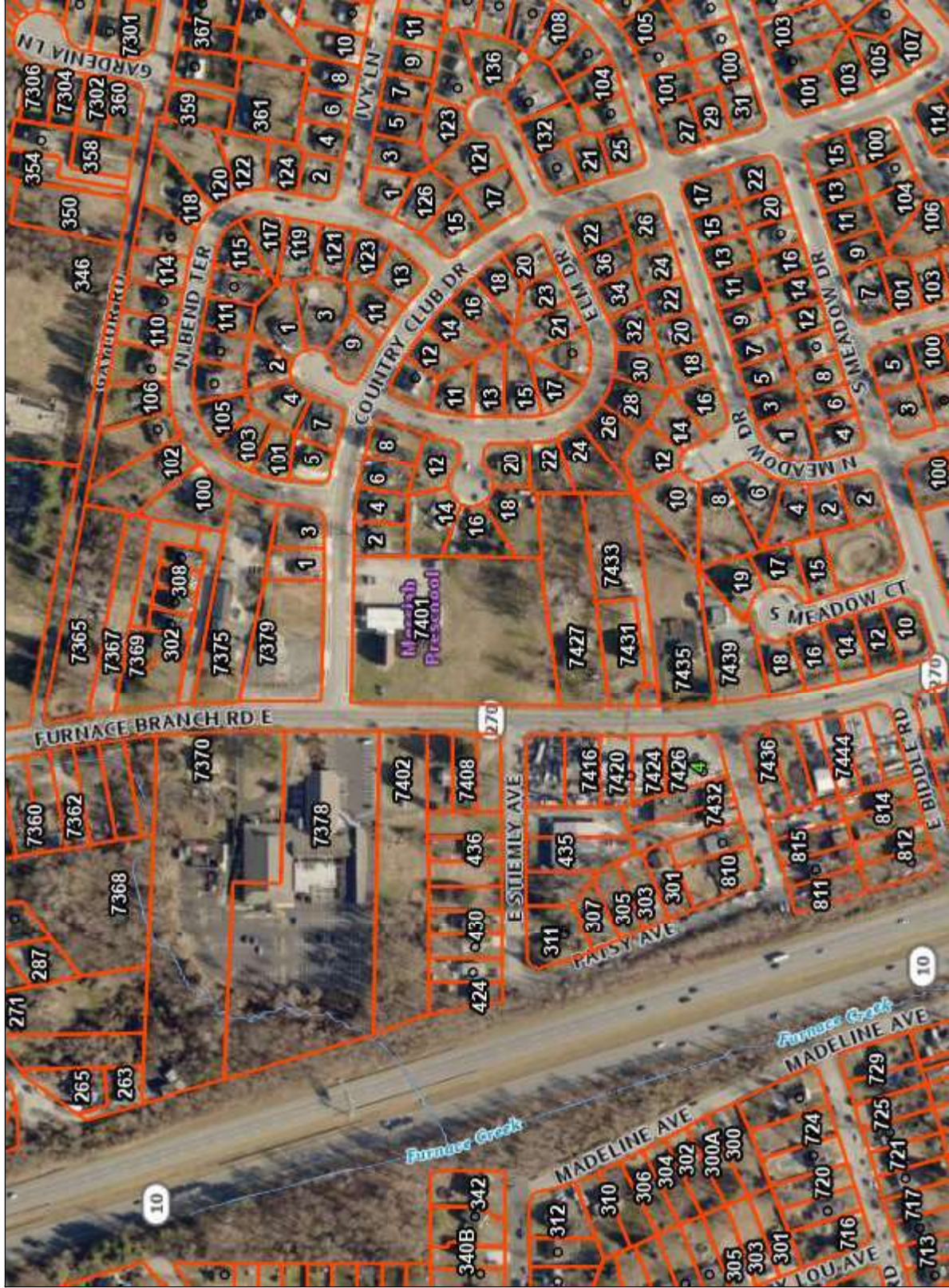
cc: Sterling Seay

2023-0138-S



Legend

- Foundation
- Addressing
- Parcels
- Parcels - Annapolis City



Notes

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 County of Anne Arundel, VGIN, ©
 OpenStreetMap, Microsoft, Esri,
 HERE, Garmin, SatGraph,
 GeoTechnologies, Inc, METI/NASA,



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