

**FINDINGS AND RECOMMENDATION
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@aaacounty.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.

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.



**ANNE
ARUNDEL
COUNTY**

MARYLAND

DEPARTMENT OF HEALTH

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.aahhealth.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

A handwritten signature in blue ink, appearing to read 'BC', with a larger, more stylized signature in black ink below it.

DATE: February 1, 2024

RE: 1373 Saint Stephens Church Road
APT #R
Crownsville, MD 21302

NUMBER: 2024-0018-S

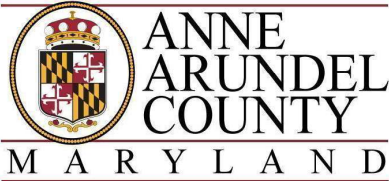
SUBJECT: Variance/Special Exception/Rezoning

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

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.

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

cc: Sterling Seay



Office of Planning and Zoning

Jenny B. Jarkowski
Planning and Zoning Officer

MEMORANDUM

TO: Zoning Division

FROM: Desirae Williams, Long Range Planner

THROUGH: Cindy Carrier, Planning Administrator, Long Range Planning

SUBJECT: Long Range Planning Comments

DATE: February 23, 2024

Name of Project: Ballard Landscaping
Case#: 2024-0018-S
Location: 1371 St. Stephens Church Road
Crownsville, MD 21032
Tax Map 43, Parcel 13
Region Planning Area: Region 6
Community: Crownsville

Summary:

The applicant is requesting to use a portion of the subject property as a Landscaping and tree contracting business with accessory recycling of logs into firewood.

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.

Findings:

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

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

This proposal is within Region Planning Area 6. The Region Plan process for Region 6 is scheduled to kick off in spring 2024.

No applications were submitted during the 2011 Comprehensive Rezoning process.

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

Menu Cancel Help

Task Details OPZ Regional Team

Assigned Date

01/31/2024

Assigned to

Courtney Wilson

Current Status

Complete w/ Comments

Action By

Courtney Wilson

Comments

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.

End Time

Due Date

02/21/2024

Assigned to Department

OPZ Regional Planning

Status Date

02/01/2024

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Regional Planning

Est. Completion Date

Display E-mail Address in ACA

Display Comment in ACA

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

All ACA Users

Record Creator

Licensed Professional

Contact

Owner

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name

Menu Cancel Help

Task Details Fire Marshal

Assigned Date 01/31/2024 **Due Date** 02/21/2024

Assigned to Robert Flynn **Assigned to Department** Fire Marshal's Office

Current Status Complete w/ Comments **Status Date** 02/05/2024

Action By Robert Flynn **Overtime** No

Comments Defer to OPZ **Start Time**

End Time **Hours Spent** 0.0

Billable No **Action by Department** Fire Marshal's Office

Time Tracking Start Date Est. Completion Date

In Possession Time (hrs) **Display E-mail Address in ACA**

Estimated Hours 0.0 **Display Comment in ACA**

Comment Display in ACA

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

Task Specific Information

Expiration Date **Review Notes** **Reviewer Name**

Reviewer Phone Number **Reviewer Email**



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



MEMORANDUM

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

FROM: Pat Slayton
Capital Projects Division

SUBJECT: Special Exception Case 2024-0018-S

DATE: February 6, 2024

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

- This site is contiguous to the Bacon Ridge Natural Area.
- 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 Department of Recreation and Parks has no further comments.

cc: File

2024-0018-S

Menu Cancel Help

Task Details OPZ Cultural Resources

Assigned Date

01/31/2024

Assigned to

Stacy Poulos

Current Status

Complete w/ Comments

Action By

Stacy Poulos

Comments

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.

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End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

2024-0018-S



Legend

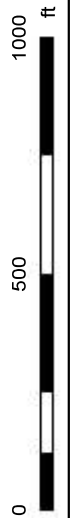
- Foundation
- Addressing
- Parcels
- Parcels - Annapolis City
- Planning
- County Planning



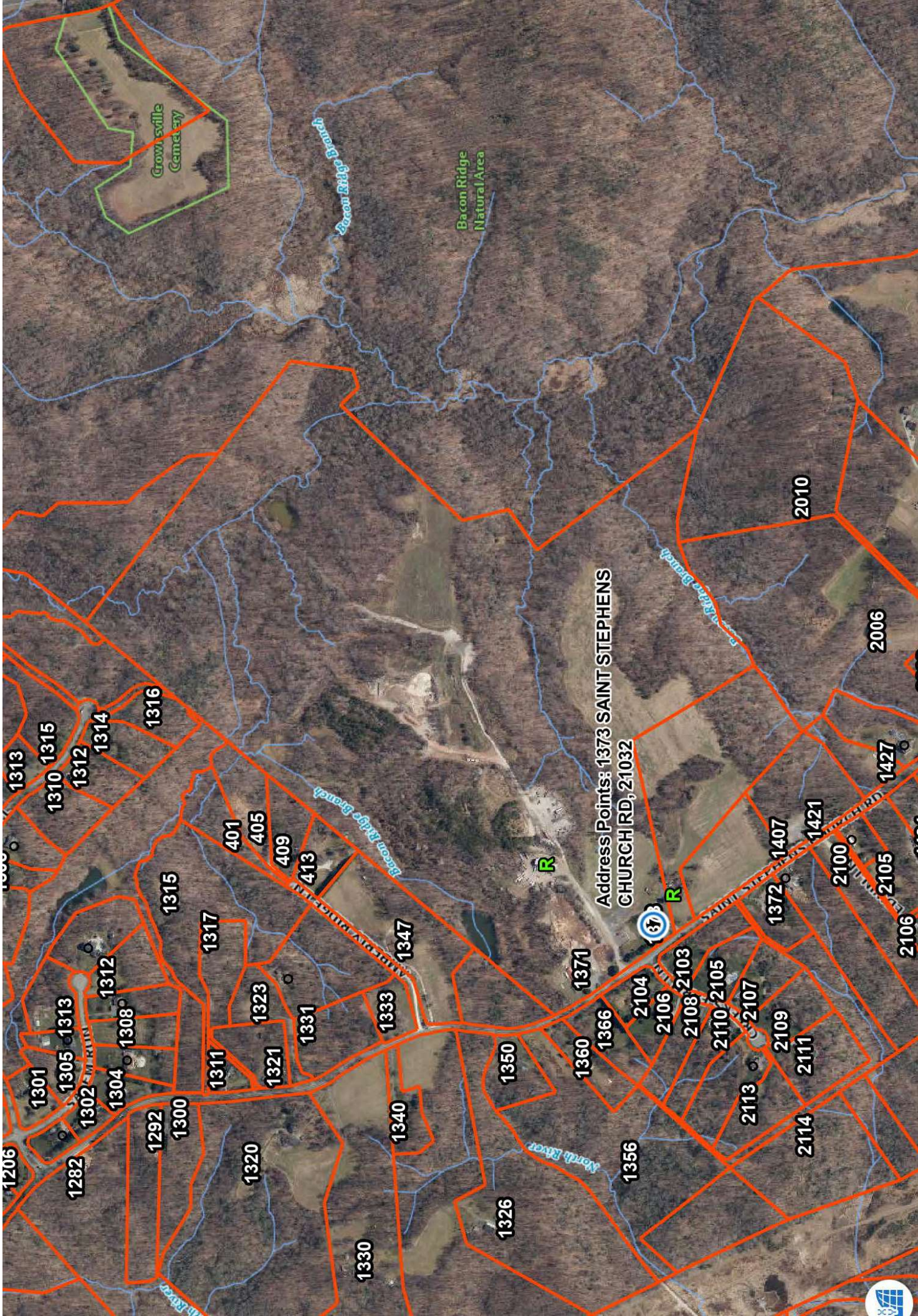
This map is a user generated static output from an Internet mapping site and is for reference only.
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Notes

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THIS MAP IS NOT TO BE
 USED FOR NAVIGATION



Crownsville Cemetery

Bacon Ridge Branch

Bacon Ridge Natural Area

Address Points: 1373 SAINT STEPHENS CHURCH RD, 21032

1373

- 1206
- 1282
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