

**Special Exception Letter of Explanation
120 Bayard Road**

PLEADINGS

Mt. Zion United Methodist Church (hereinafter the applicant) seeks a special exception (2018-0170-S) to allow a childcare center other than a home occupation in a Rural-Agricultural (RA) district on property with a street address of 120 Bayard Road, Lothian, MD 20711.

THE PROPERTY

The subject property consists of 7.91 acres on property with 468 feet of frontage on the northeast side of Bayard Road, 1000 feet west of Solomons Island Road, Lothian. The site is identified as Parcel 79 in Block 13 on Tax Map 68 of the Newton M. Hopkins Property. The property is zoned Rural-Agricultural District. The property is currently improved with a religious facility, a pre-school, a parsonage, four sheds, a cemetery, and paved and gravel parking.

THE PROPOSAL

The proposal calls for the development of the site for an additional childcare center for up to 36 children in the parsonage located at 120 Bayard Road, Lothian, MD; the site will use the current fenced in playground on an alternating schedule with the current childcare facility.

§ 18-11-112. Childcare centers other than as a home occupation.

(1) *The facility shall be located on a lot of at least one acre for a center with less than 60 children and on a lot of at least two acres for a center with 60 children or more. The lot comprises 7.91 acres which far exceeds the one-acre requirement.*

(2) *Onsite circulation and parking areas shall be designed to minimize vehicular and pedestrian conflicts and to provide safe areas for the dropping off and picking up of passengers. The existing traffic pattern and parking minimizes vehicular and pedestrian traffic. There will be a safe area for dropping off and picking up children.*

(3) *Outdoor play areas or activity areas shall be fenced and located to the side or rear of the principal structure. The fence shall comply with the side and rear setbacks for accessory structures as provided in the bulk regulations of the residential district in which the childcare facility is to be located. The site plan shows that the play areas are fenced and located to the side/rear of the childcare center and will meet the setbacks for an accessory structure in a RA district.*

(4) *The activities on the property shall be located in a manner to shield surrounding residential property from the effects of noise, hazards, or other offensive conditions. The application shows that the activities on the property have*

been located in such a manner as to shield surrounding residential property nearby from the effects of noise, hazards, or other offensive conditions.

(5) A facility located in an RA district shall be located on a road other than a scenic or historic rural road. The facility is not located on a scenic or historic rural road.

(6) 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 facility is located on Bayard Road, which is classified as a minor arterial road. The proposed entrance is more than 500 feet from the entrance to the commercial property or subdivision.

(7) A special exception granted under this section and in use as of January 6, 2014, shall be governed by the law in effect as of that date. The proposal meets the requirements of 18-11-112. The proposal also meets the general requirements of 18-16-304.

§ 18-16-304. Special exceptions.

Requirements. A special exception use may be granted only if the Administrative Hearing Officer makes each of the following affirmative findings:

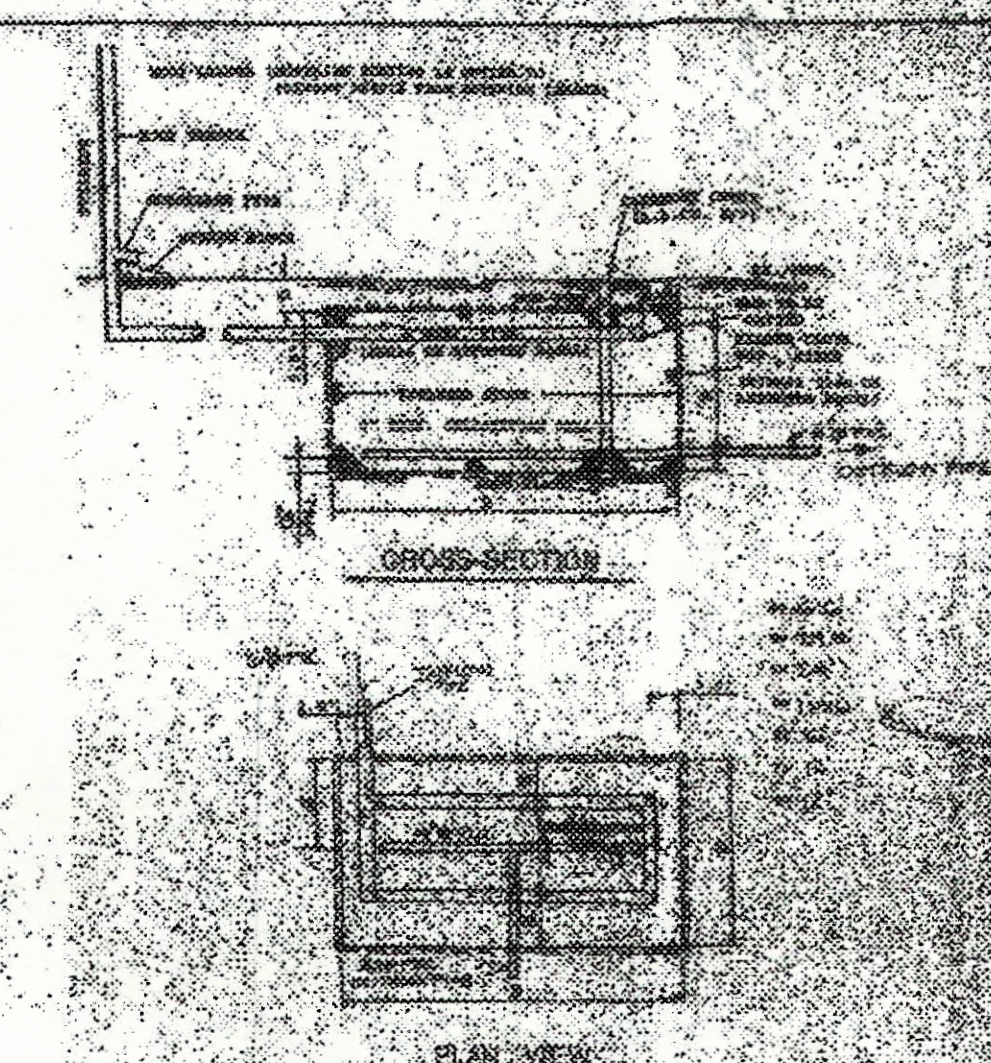
- (1) The use will not be detrimental to the public health, safety, or welfare. *Use of the existing property will not be detrimental to the health, safety, or welfare of the public.*
- (2) The location, nature, and height of each building, wall, and fence, the nature and extent of landscaping on the 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 building (current parsonage) is located on the property of 122 Bayard Road and doesn't require any development.*
- (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. *Operations at the facility will not cause objectionable issues related to noise, fumes, vibration, or light to nearby operations.*
- (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. *Use of the location will not have any adverse effects above and beyond those associated within the zoning district.*

- (5) The proposed use will not conflict with an existing or programmed public facility, public service, school, or road. *Use of the facility will not conflict with any existing programmed 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 of the facility has been examined and has written recommendations and comments of the Health Department and Office of Planning and Zoning.*
- (7) The proposed use is consistent with the County General Development Plan. *Proposed use of the facility is consistent with the County General Development Plan.*
- (8) The applicant has presented sufficient evidence of public need for the use. *Sufficient evidence of public need for the childcare facility has been presented.*
- (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. *Sufficient evidence has been presented that the use of the childcare facility will meet and maintain adherence to the specific intended use.*

- (10) The application will conform to the critical area criteria for sites located in the critical area. *The application conforms to the critical area for sites 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 administrative site plan demonstrates the applicant's ability to comply with requirements of the Landscape manual.*
- (12) *No Phasing of Development is proposed.*

SEPTIC DESIGN
 PERC NO. T0200067 (PHASE I)
 ORIGINAL PERC NO. T0200012 (PHASE I)
SEPTIC SYSTEM INFORMATION
 USE CHURCH AND SUNDAY SCHOOL
 SCHOOL - 236 PERSONS 335
 CHURCH 380 SEATS 550
FLOW RATE
 236X150(PDSCHOOL)+(380-236)X60(PDCCHURCH)
 =400 G.P.D.
TANK SIZE
 125 GAL+75%IQ)
 =4200 GAL TANK (EX)
DRAINFIELD:
 4'-8" DIA. DRYWELL(TOTAL EFFECTIVE DEPTH)
 (REQUIRED= 861 FT)

2'-8" DIA DRYWELL WITH 27' EFFECTIVE
 PROPOSED PHASE I



S.W.M. DEVICE DETAIL
 NO SCALE

S.W.M. DEVICE ATTENUATION TRENCH DESIGN
 S.W.M. SHALL BE PROVIDED FOR THE PROPOSED DEVELOPMENT BY AN ATTENUATION TRENCH DESIGNED TO ATTENUATE THE RUNOFF FROM THE PROPOSED ROOF AREA. QUALITY SHALL BE PROVIDED BY ATTENUATING AN ADDITIONAL 1/2" RUNOFF FROM THE PROPOSED IMPERVIOUS AREA AT THE BOTTOM OF THE TRENCH.

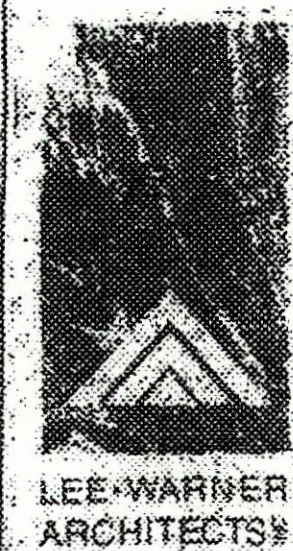
IMPERVIOUS AREA
 PROPOSED IMPERVIOUS ROOF AREA 4380 SF

RUNOFF
 SOIL TYPE: SANDY FINE SANDY LOAM
 SOIL TYPE #
 EX. CONDITION: OPEN SPACE, ROCKY, POORLY DEVELOPED, COMPACT, IMPERVIOUS, ROCKY, POORLY RUNOFF FROM 1/2" RUNOFF FROM 1" RUNOFF

DESIGN VOLUME = 697 CF X 0.47 = 328 CF
STONE VOLUME = 1897 CF @ 4.46 CF/SF
SIZE 80 X 24W X 88L

WATER QUALITY DESIGN
 IMPERVIOUS AREA = 4380 SF
 WQ = 4140 CF X 0.272 = 1128 CF
STONE VOLUME = 4915 CF
SIZE 80 X 24W X 88L
TOTAL TRENCH SIZE 80 X 24W X 295L

PARKING CALCULATIONS
 PARKING REQUIRED: 2 SPACES/SEAT = 1007 = 80 SPACES
 (H.C. REQUIRED = 5 SPACES)
 PARKING PROVIDED: EXISTING CONDITIONS = TOTAL 85 SPACES INCLUDING 4 H.C. SPACES



TERRAIN, INC.
 LAND ENGINEERING & DEVELOPMENT SERVICES
 2444 SOLOMON'S ISLAND ROAD
 ANNAPOLIS, MARYLAND 21401
 410-266-1100 FAX (410) 266-6129

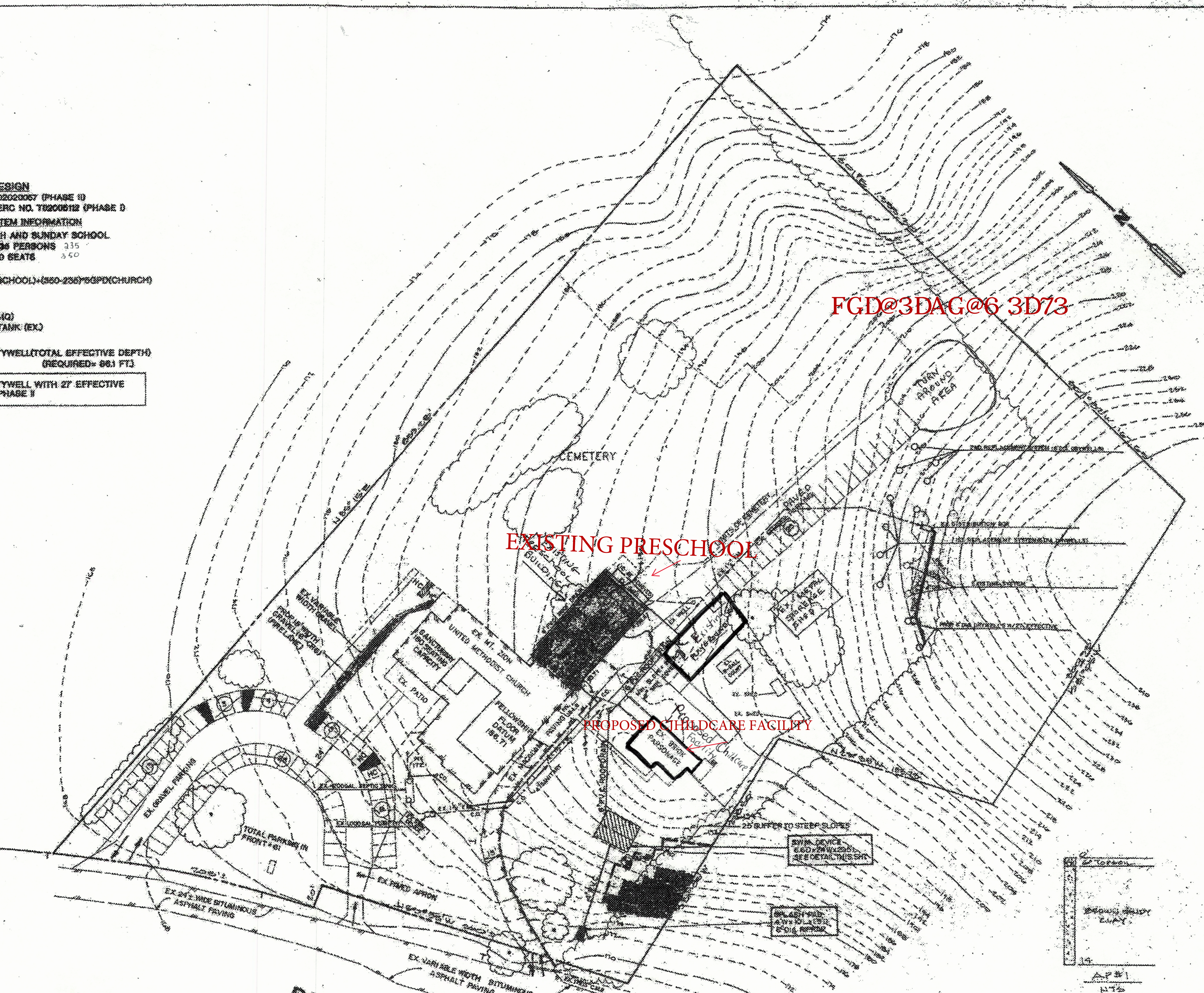
BAYARD ROAD
 (MD. RTE 422)
PLAN
 SCALE: 1"=40'

OWNER/DEVELOPER
 MT. ZION UNITED METHODIST CHURCH
 1321 BAYARD ROAD
 LOTHIAN, MARYLAND 20711
 TEL: (410)
 TAX ACCT. NO. 1-000-01384764



NO.	REVISION	DATE	BY

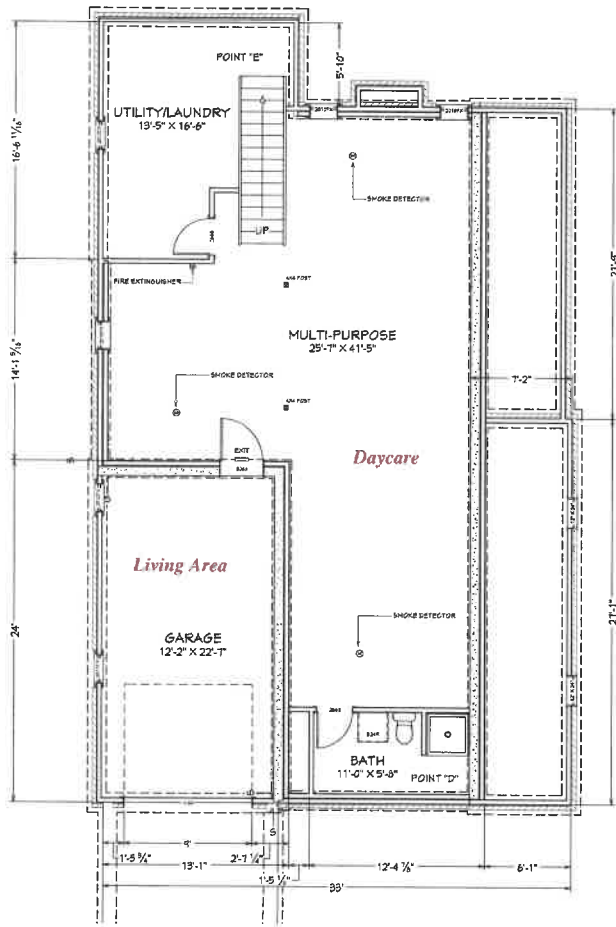
SITE PLAN
MT. ZION
UNITED METHODIST CHURCH
 #221 BAYARD ROAD
 TAX MAP 88, BLOCK 13, PARCEL 78
 1ST TAX DISTRICT ANNE ARUNDEL CO., MD
 DRAWN BY: EAS
 CHECKED BY: J.M.S.
 DATE: FEBRUARY 1997



FGD@3DAG@6 3D73

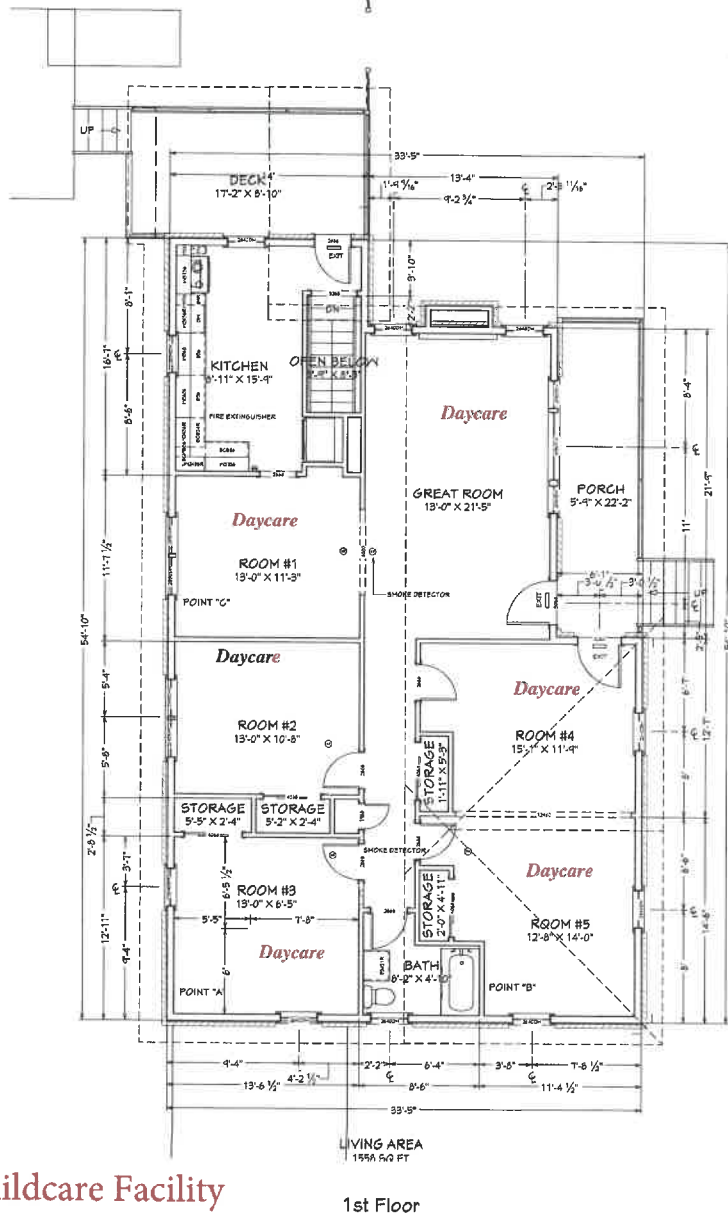
EXISTING PRESCHOOL

PROPOSED CHILDCARE FACILITY



Foundation

Proposed Childcare Facility



1st Floor



REVISION NUMBER	DATE	DESCRIPTION

KAE-REE ENTERPRISE LLC
 14025 Ashbury Ave #100 - Laurel MD 20727
 Phone: 244-643-9084
 Email: kae@karee.com

EXISTING PLANS

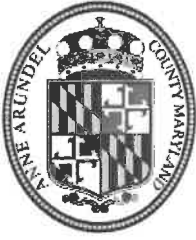
**STATION
 IMAGINATION II**

DATE:
 6/16/2024

SCALE:

SHEET:

A-1



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2024-0064-P)

DATE OF MEETING: 7/9/2024

P&Z STAFF: S. Anzelmo; J. Levy; T. Russin; A. Poulos

APPLICANT/REPRESENTATIVE: Mt. Zion Methodist Church/Tony & Irene Howell EMAIL: tony.m.howell12@gmail.com

SITE LOCATION: 122 Bayard Road, Lothian LOT SIZE: 7.91 acres ZONING: RA

CA DESIGNATION: N/A BMA: N/A or BUFFER: N/A APPLICATION TYPE: Special Exception

The applicant is seeking to modify a previously approved special exception to expand an existing childcare facility. The applicant contends that the property is currently approved for a childcare facility for up to 55 children; however, the prior special exception application and approval was actually for up to a maximum of 48 children. The proposed conversion of the parsonage building would accommodate up to an additional 45 children. The applicant must clearly state in their SE letter of explanation the total number of children intended to be accommodated on the site.

COMMENTS

The **Zoning Administration Section** has reviewed the proposal for compliance with the special exception requirements for a childcare center provided under Section 18-11-112 of the Code. Based on the new playground area depicted on the site plan, it appears that the fence would not meet the minimum 15-foot setback required for accessory structures in an RA District. The proposed fence must comply with the setback or a sister variance must be applied for along with the special exception application. The cases would be heard and decided concurrently. It is unlikely that the County would support such a variance, as there appears to be ample room to reorient the play area in order to comply with the required setback. The special exception site plan must be updated to accurately reflect both the existing and proposed playground areas and their fences drawn to scale, and the distance to the side property line must be labeled. The site plan must re-label the existing parsonage as a proposed childcare facility and must label the floor area of the new structure.

The **Cultural Resources Section** commented that this property is recorded on the Maryland Inventory of Historic Properties (AA-46) and contains a historic cemetery. The property is also located on a Scenic & Historic Road. All development must be in compliance with Article 17-6-501 to -504. Article 17-6-503 requires a 25-foot buffer from a cemetery boundary. All plans should identify the cemetery boundary and the distance of the proposed development from the boundary. The applicant should contact the Cultural Resources Section with any questions and to discuss any non-conforming, pre-existing conditions. The applicant should provide a response to the 14-point criteria in Article 17-6-504 to the Historic Sites Planner, Darian Beverungen (pzbeve19@aacounty.org) and label the Scenic/Historic Road as such on the plans.

The **Residential Team of the Development Division** does not have enough information to support the proposal at this time. They provided a detailed list of items that need to be addressed. Among those items, the Team noted specific issues with three special exception requirements (#2, #3, and #4) and provided suggestions for changes necessary in order to comply with those requirements. A copy of their full comment is attached.

The **Long Range Planning Section** noted that the proposal is generally consistent with the goals, policies and strategies of Plan2040 and is consistent with the 2022 Water and Sewer Master Plan. A copy of their full comment letter is attached.

2024-0060-P

Menu Cancel

Help

Task
OPZ Cultural Resources
Assigned to Department
OPZ Cultural Resources
Action by Department
OPZ Cultural Resources
Start Time

Due Date
07/08/2024
Assigned to
Stacy Poulos
Action By
Stacy Poulos
End Time

Assigned Date
06/28/2024
Status
Complete w/ Comments
Status Date
06/27/2024
Hours Spent
0.0

Billable
No

Overtime
No

Comments
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Time Tracking Start Date
No
Est. Completion Date

Display E-mail Address in ACA
No
Display Comment in ACA
Comment Display in ACA

In Possession Time (hrs)

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

Estimated Hours
0.0

Action
Updated

Workflow Calendar

Task Specific Information

Expiration Date
Reviewer Phone Number

Review Notes
Reviewer Email

Reviewer Name

2024-0060-P

Menu Cancel Help

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

Due Date
07/09/2024
Assigned to
Teresa Russin
Action By
Teresa Russin
End Time

Assigned Date
07/02/2024
Status
Complete w/ Comments
Status Date
07/10/2024
Hours Spent
0,0

Billable
No

Overtime
No

Comments
Conclusion: The Residential Team finds that the request for a Special Exception for a religious preschool to exist in a RA Zoning District is not supportable based on the information provided thus far by the applicant. There are seven criteria to meet the Conditional Use requirements of Article 18-11-112 and it is possible to confirm that four of those are met or not applicable. However, others require more information or a revision to the site plan to become compliant.

The applicant did not provide sufficient information to evaluate criterion #2 regarding whether safe parking and circulation is provided. This Office recommends the addition of signage or pavement markings to enhance safe operations of children being picked up or dropped off.

The site plan provided shows that there is a fenced children's playground on site, which supports criterion #3. However, the proposed playground expansion appears to include the existing playground and the area to the east of the building. The fence, if it is to follow the proposed playground as drawn on the site plan, is not compliant with the setback requirements for accessory structures in the RA district and therefore, this Office recommends fencing the proposed expansion area in conformance with the bulk regulations for accessory structures per Article 18-4-401 and amending the planned playground area within the required setbacks. The fencing would also provide a screen from the school use to the adjacent single family dwelling. Additional landscaping to provide a buffer in this area would enhance the screening such as 3'-6' perennial plantings, as is required by Class "A" Screening in the Landscape Manual.

Finally for criterion #4, there is minimal woodland between the existing building and the neighboring home to the south. It is unclear if the existing woodland will be removed. It is unclear if any landscaping is proposed. This Office recommends enhancing the efforts to shield adjacent property from effects of the proposed development.

Time Tracking Start Date **Est. Completion Date**
Display E-mail Address in ACA **Display Comment in ACA**
No

In Possession Time (hrs)
Comment Display in ACA
 All ACA Users
 Record Creator
 Licensed Professional
 Contact
 Owner

Estimated Hours
0,0

Action
Updated

Workflow Calendar

Task Specific Information

Expiration Date
Reviewer Phone Number

Review Notes
Reviewer Email

Reviewer Name



M A R Y L A N D

Office of Planning and Zoning

Jenny B. Dempsey

Planning and Zoning Officer

MEMORANDUM

TO: Zoning Division

FROM: Jessica Levy, Long Range Planner

THROUGH: Cindy Carrier, Planning Administrator, Long Range Planning

SUBJECT: Long Range Planning Comments

DATE: July 8, 2024

Name of Project: Mt Zion Methodist Church, 122 Bayard Rd (Prefile)

Case#: 2024-0060-P

Location: 122 Bayard Rd, Lothian
Tax Map 68, Grid 13, Parcel 0079

Region Planning Area: Region 8

Community: Lothian

Summary:

The applicant requests a Special Exception to allow a childcare center in the Rural Agricultural (RA) zoning district. The site has an existing special exception for this purpose (2018-0170-S) and is developed with a religious facility, a preschool, a parsonage, sheds, a cemetery, and paved and gravel parking. The request is to use the parsonage as an additional childcare facility for up to 45 children. The request will also use the current fenced in playground, as well as the fenced in area around the parsonage.

The approximately 7.9-acre site is located in the Plan2040 Rural and Agricultural Policy Area and the Rural Planned Land Use category. Surrounding properties are in the Rural and Commercial Planned Land Use category. Zoning for the site is RA and surrounding properties are zoned RA and C1. The site is not located within the Priority Funding Area nor is it within the Green Infrastructure Network.

Findings:

Plan2040 General Development Plan: Plan2040 does not have recommendations that are specific to this site and the proposal is generally consistent with the goals, policies and strategies of Plan2040. This proposal is within Region Planning Area 8. The Region Plan process for Region 8 began in January 2024 and is anticipated to be completed in the spring of 2026. 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 Sewer 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.