

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

**APPLICANT:** Mount Zion United Methodist Church and  
Tony M. Howell, Station Imagination II

**ASSESSMENT DISTRICT:** 1

**CASE NUMBER:** 2024-0147-S

**COUNCIL DISTRICT:** 7

**HEARING DATE:** October 24, 2024

**PREPARED BY:** Joan A. Jenkins   
Planner III

**REQUEST**

The applicant is requesting a special exception to expand a previously approved special exception (2018-0170-S) for a child care center other than as a home occupation in an RA - Rural Agricultural District on property located at 122 Bayard Road in Lothian.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 7.91 acres and is located with 468 feet of frontage on the northeast side of Bayard Road, 1,000 feet west of MD Route 2 (Solomons Island Road). The property is identified as Parcel 79 in Block 13 on Tax Map 68. The property has been zoned RA – Residential District since the adoption of comprehensive rezoning for the Seventh Councilmanic District, effective October 7, 2011. The property is currently improved with a religious facility, a pre-school<sup>1</sup> including an outdoor play area, a parsonage, multiple sheds, a cemetery, and paved and gravel parking.

**APPLICANT'S PROPOSAL**

The applicant is seeking a special exception to expand an established child care center for an additional 36 children to be located within the parsonage.

**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 property is L-shaped. The area proposed to be used for the additional child care center space is located on the south side of the site in an existing building currently used as the parsonage for the religious facility.

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<sup>1</sup> A pre-school is classified as a child care center under the zoning code.

The applicant proposes to continue to use the existing facilities for a daycare center. The property currently is used as a church. The applicant indicated via email that the current facility houses up to 51 children and the new facility would allow an additional 36 children. The existing special exception approval under case 2018-0170-S was for a child care center for 48 children.

The **Development Division Residential Section** commented on the need for signage or pavement markings to enhance safe pick up and drop off and the need to shield the property from the effects of noise hazards, or other offensive conditions. They repeated a pre-file comment regarding shielding the surrounding residential property from the effects of noise, hazards, or other offensive conditions; the lack of woodlands between the parsonage and the neighboring home to the south; and recommended enhancing efforts to shield the proposed development from the adjacent property.

The Division noted a requirement for Preliminary Plan and Site Development Plan applications, the need to pass the tests for adequacy of public facilities, demonstration of adequate parking, and the possibility to qualify for an exemption from Preliminary Plan and Site Development Plan requirements. See full comments attached at the end of this recommendation.

The **Transportation Section** commented that per 18-11-112, “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 submitted plan is unclear.

The **Fire Marshal** commented that they defer the decision on Zoning Changes to the Office of Planning and Zoning and the Office of Inspections and Permits Engineering. Any approval of this application does not take the place of any permitting requirements issued through the Inspections and Permits Office and any Fire Marshal code requirements and inspections that will be required during the normal process of construction and adding or changing business uses.

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

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 designated Scenic & Historic Road. All development must be in compliance with Article 17-6-501 to -504.

The applicant provided a 14-point response to the Historic Sites Planner, Darian Beverungen, addressing Article 17-6-504 prior to this submission of the SE application. She reviewed the response and confirmed that the proposal is in compliance. The 14 point response sent to Darian Beverungen should also be included with this application for the file.

With respect to Article 17-6-504 (Scenic and Historic Roads), the Cultural Resources Section has no objection to the intent of this special exception application, but the applicant should note that all development applications (i.e., building/grading permits, SDPs, etc.) are required to include appropriate cover notes and labels identifying Bayard Road as Scenic and Historic on submitted plans.

Any proposed grading or change to the parking lot triggers Article 17-6-503 protections for cemeteries, which requires a 25-foot buffer of no disturbance from an established cemetery boundary

(typically established through archaeological survey). Burial sites are located within a few feet of the current parking area. While the Cultural Resources Section has no objection to the special exception application, please note that any associated development applications shall require careful review for compliance with Article 17-6-503, especially for grading or clearing in the vicinity of the cemetery for driveway improvements, and a modification application would likely also be required in the event of development application to address current non-conforming use. All plans should clearly identify the cemetery boundary and the distance from the proposed development (which includes any driveway/parking improvements) from the cemetery boundary. The applicant should contact the Cultural Resources Section with any questions and to discuss any non-conforming, pre-existing conditions.

The **Long Range Planning Section** notes that 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.

The **Health Department** commented that additional information is needed by the Health Department on the water supply well and the on-site sewage disposal system. See Health Department comments made for review of Building Permit #B0248181.

#### *Special exception requirements*

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 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. *If this special exception for an expansion of the existing child care center is approved the site will be allowed a maximum of 84 children. The site, at 7.91 acres, far exceeds the minimum required area of two acres for 60 or more children.*

(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 Development Division Residential Team sees a need for signage and marking for the safe dropping off and picking up of passengers and the Transportation Section commented that the site plan was unclear regarding this. The applicant's letter indicates that the existing traffic pattern and parking minimizes vehicular and pedestrian traffic. The applicant must demonstrate that the flow of drop off and pick up will be safe. This Office notes that the site plan does not accurately reflect what can be seen in the current aerial photograph regarding the length of the parking area and the location of the turn-around. The parking area does not have spaces marked.*

(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 child care facility is to be located. *The play area location is the same as that approved in the previous special exception. The site plan shows that the play areas are fenced, are located to the side/rear of the child care center and will meet the setbacks for an accessory structure in an 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 Development Division comments noting that the previous reviewer (for the pre-file) noted the lack of woodlands between the parsonage and the neighboring home to the south, and recommended enhancing efforts to shield the proposed development from the adjacent property. This comment is being repeated as there was no revision to the prefile Site Plan or Letter of Explanation to address the comment. The applicant must address how the neighboring residential property will be shielded 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. *This property is not located on a scenic and 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 entrance is on a minor arterial road; however, is located more than 500 feet from any subdivision or commercial property.*

Concerning the general Special Exception standards, (given its longstanding use), it is the opinion of this Office that the proposed use will not be detrimental to the public health, safety, or welfare. The use is compatible with the RA – Rural Agricultural District. The Development Division commented on the lack of shielding from nearby properties with regard to noise, fumes, vibration, or light. The applicant has not addressed this in their letter or shown any shielding on their site plan. 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 would not conflict with existing or programmed public uses. The proposed use has the written comments from the Health Department and the Office of Planning and Zoning. The proposed use is consistent with the County General Development Plan. The applicant must present sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the child care center. The site is not located in the critical area. The applicant will be required to conform to the requirements of the Landscape Manual at the time of development.

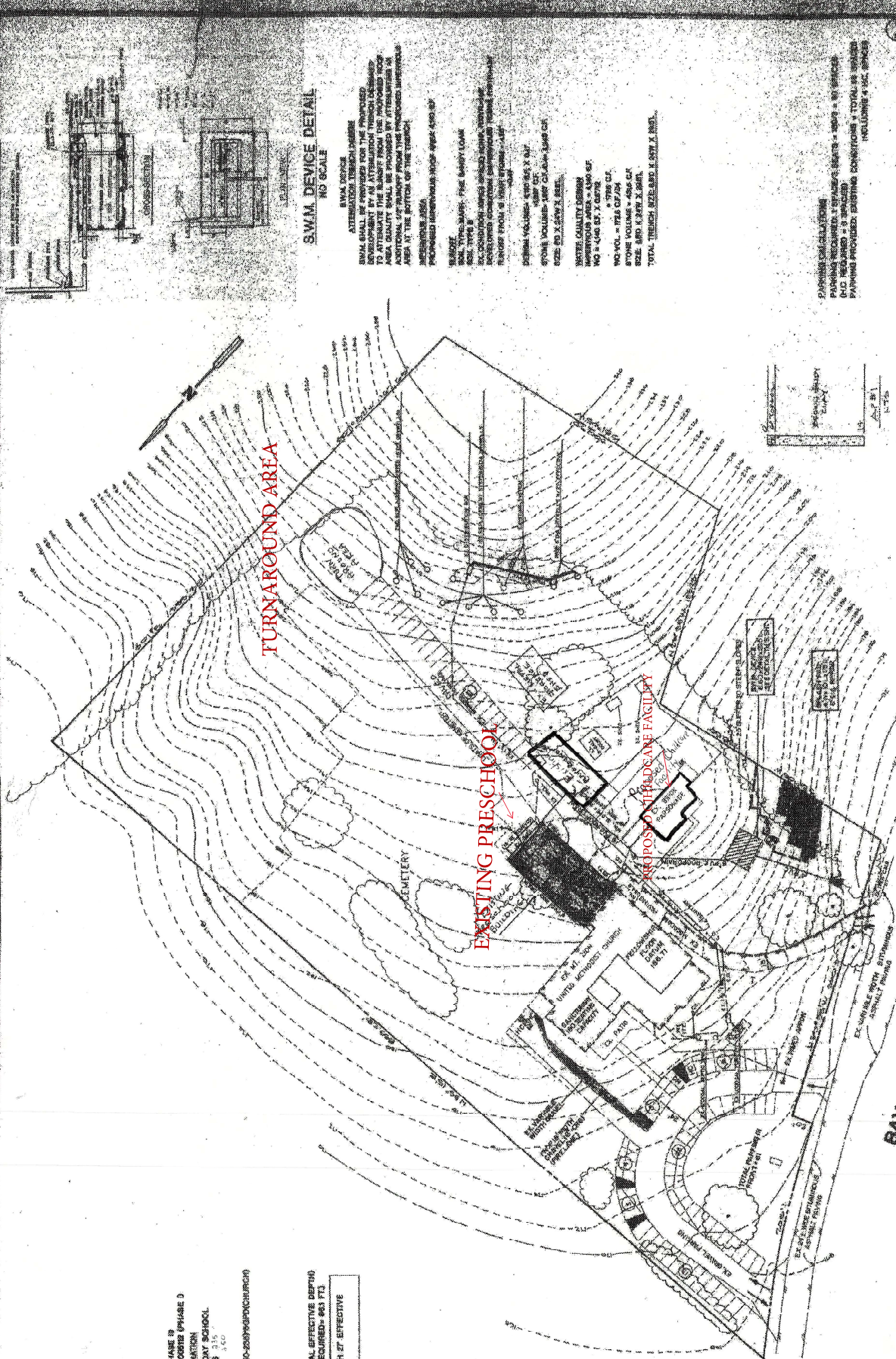
Finally, the applicant will be required to present sufficient evidence of public need for the use as although the applicants commented in their letter of explanation that sufficient evidence of public need has been presented there has been no information given to show public need.

### **RECOMMENDATION**

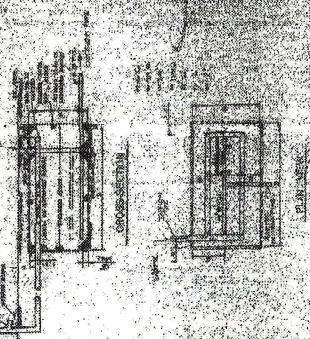
Based upon the standards set forth under § 18-16-304 and § 18-11-112 of the Code under which a Special Exception may be granted, this Office recommends ***conditional approval*** of a Special Exception to allow the expansion of a child care center other than as a home occupation for a total of 84 children (48 from the original special exception plus the additional 36 under this application) in an RA – Residential District conditioned on the applicant satisfying the Hearing Office that onsite parking areas have been designed to minimize vehicular and pedestrian conflicts and to provide safe

areas for the dropping off and picking up of passengers; providing sufficient evidence of public need; providing evidence that the surrounding residential property will be shielded from the effects of noise, hazards, or other offensive conditions; and the ability to comply with the requirements of the Landscape Manual.

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.



**S.W.M. DEVICE DETAIL  
NO SCALE**



**ATTENTION TRENCH PERSONNEL**  
 SWM SHALL BE PROVIDED FOR THE PROPOSED DEVELOPMENT BY AN ATTENTION TRENCH PERSONNEL TO BE INSTALLED AND MAINTAINED AT THE BOTTOM OF THE TRENCH AREA AT THE BOTTOM OF THE TRENCH.  
 MESSAGES:  
 1. TRENCH DEPTH SHALL BE AS SHOWN ON THE PLAN.  
 2. TRENCH WIDTH SHALL BE AS SHOWN ON THE PLAN.  
 3. TRENCH SHALL BE CONCRETE OR POLYETHYLENE GLASS REINFORCED PLASTIC (FRP) WITH A MINIMUM WALL THICKNESS OF 4 INCHES.  
 4. TRENCH SHALL BE 30 INCHES DEEP BY 18 INCHES WIDE.  
 5. TRENCH SHALL BE 30 INCHES DEEP BY 18 INCHES WIDE.  
 6. TRENCH SHALL BE 30 INCHES DEEP BY 18 INCHES WIDE.  
 7. TRENCH SHALL BE 30 INCHES DEEP BY 18 INCHES WIDE.  
 8. TRENCH SHALL BE 30 INCHES DEEP BY 18 INCHES WIDE.

**EXISTING CONDITIONS**  
 FURNISH REQUIRED MATERIALS & SERVICES TO BE SHOWN ON THE PLAN. THIS PLAN IS TO BE USED FOR THE PROPOSED DEVELOPMENT ONLY. ALL OTHER SERVICES AND MATERIALS TO BE SHOWN ON THE PLAN SHALL BE THE RESPONSIBILITY OF THE CLIENT.

SEE PLAN  
 M.T. ZION  
 UNITED METHODIST CHURCH  
 422 BAYARD ROAD  
 ANNAPOLIS, MD 21401

**DESIGN DESIGN**  
 PHASE 1A TO 1D (PHASE 1B)  
 ORINAL PERM NO. 12200812 (PHASE 1)  
 SEE THE SYSTEM INFORMATION  
 USE: CHURCH AND SUNDAY SCHOOL  
 SCHOOL - 254 PERSONS  
 CHURCH - 300 SEATS  
 FLOW RATE (SCHOOL) - 1500-2000 GPM (CHURCH)  
 4400 GPD  
 TANK SIZE:  
 125 GAL (S.M.)  
 4200 GAL TANK (EX)  
 DRAINFIELD:  
 4-8 DIA. DRYWELL (TOTAL EFFECTIVE DEPTH)  
 (REQUIRED: 863 FT.)  
 2-8 DIA. DRYWELL WITH 27 EFFECTIVE  
 PROPOSED PHASE 1



LEE WARNER  
 ARCHITECTS  
 1100 ANNAPOLIS AVENUE  
 ANNAPOLIS, MARYLAND 21401  
 410-288-1100

**TERRAIN, INC.**  
 LAND ENGINEERING & DEVELOPMENT SERVICES  
 2444 SOLOMON'S ISLAND ROAD  
 ANNAPOLIS, MARYLAND 21401  
 410-288-1100

**OWNER/DEVELOPER**  
 410-288-1100 BAYARD ROAD (SECTION)  
 LOTHIAN, ANNAPOLIS 21401  
 FAX 410-288-1100  
 TAX 410-288-1100

**OWNER/DEVELOPER**  
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 FAX 410-288-1100  
 TAX 410-288-1100



REVISION TABLE	NUMBER	DATE	REVISION DESCRIPTION

KA-REE ENTERPRISE LLC  
 1452 Baltimore Ave. #163 - LARKIN, MD 20711  
 Phone: 206-633-8888  
 Email: jk@ka-ree.com

EXISTING PLANS

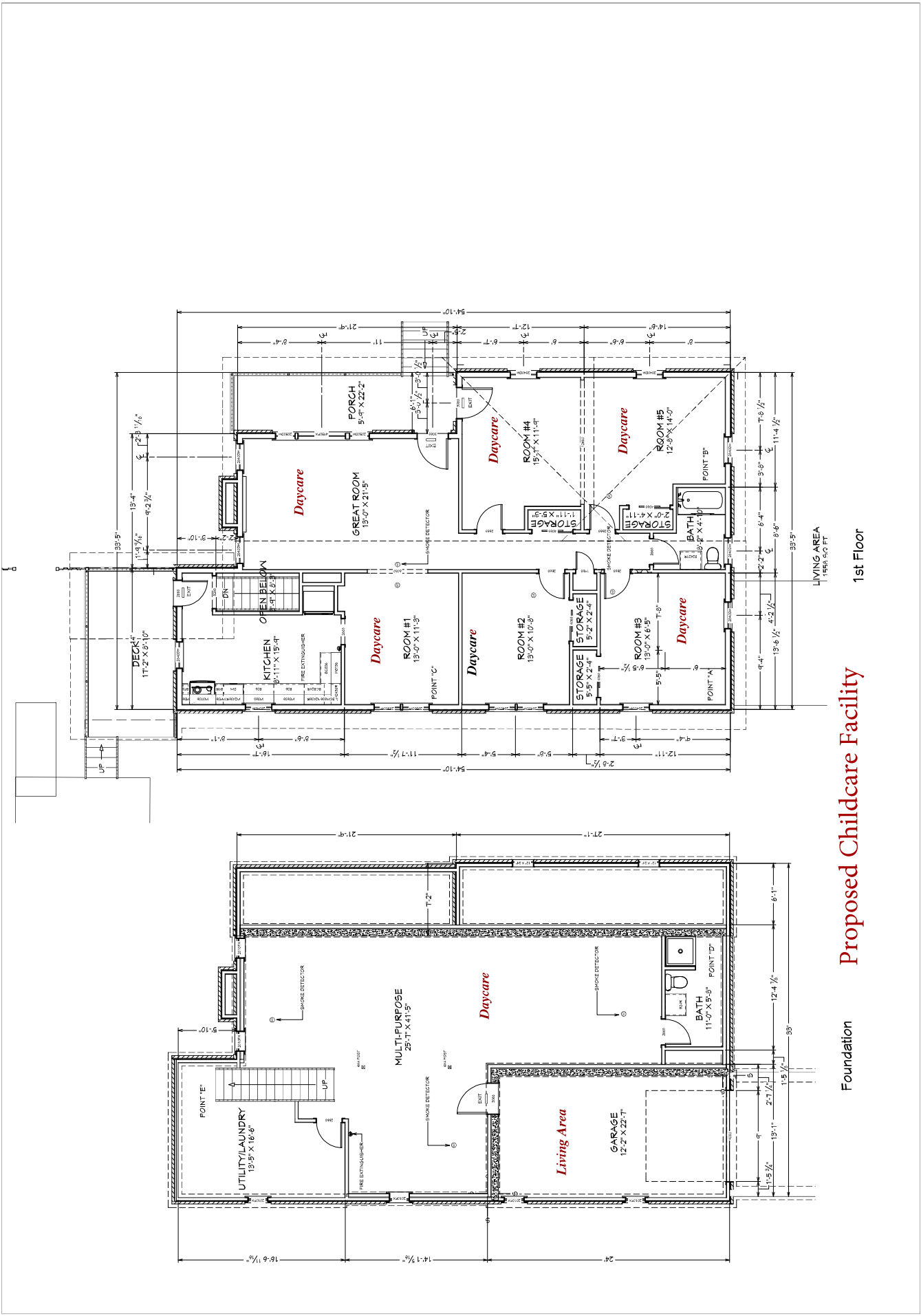
STATION II  
 IMAGINATION II

120 Bright Road  
 Luthin, MD 20711

DATE:  
 6/16/2024

SCALE:

SHEET:  
 A-1



Proposed Childcare Facility

1st Floor

Foundation

**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.*



M A R Y L A N D

Office of Planning and Zoning

*Jenny B. Dempsey*  
*Planning and Zoning Officer*

## MEMORANDUM

TO: File

FROM: Nick Vollentine, Development Division

SUBJECT: Mount Zion United Methodist Church, 120 Bayard Road  
Special Exception Case 2024-0147-S

DATE: August 20, 2024

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The subject Special Exception application is to allow a childcare center other than a home occupation in the Rural Agricultural (RA) District. The applicant proposes to convert an existing parsonage on site to a child care facility. The Development Division has the following comments:

1. A comment was made in response to the prefile application that “the applicant did not provide sufficient information to evaluate criterion #2 (of Article 18-11-112) 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.” This comment is being repeated as there was no revision to the prefile Site Plan or Letter of Explanation to address the comment.
2. A comment was made in response to the prefile application regarding criterion #4, to shield surrounding residential property from the effects of noise, hazards, or other offensive conditions. The previous reviewer noted the lack of woodlands between the parsonage and the neighboring home to the south, and recommended enhancing efforts to shield the proposed development from the adjacent property. This comment is being repeated as there was no revision to the prefile Site Plan or Letter of Explanation to address the comment.
3. Please note that County Code (Articles 17-4-201 and 17-4-202) requires Preliminary Plan and Site Development Plan applications to be submitted and approved.
4. With the Preliminary Plan application, the applicant must demonstrate that the proposed development passes several tests for adequacy of public facilities. As per Article 17-5-201, “other non-residential site development plans” are subject to tests for fire suppression, roads, sewage disposal, water supplies, and storm drains.

5. Article 18-3-104 indicates that 2 parking spaces are required for each group of 10 children or less. With the Preliminary Plan application, the applicant must demonstrate that parking requirements for the existing church and preschool and the proposed preschool are met.

6. If the proposed development meets the requirements listed in Article 17-4-101(3), it may be possible to qualify for exemption from Preliminary Plan and Site Development Plan requirements. Please see Administrative Site Development Exemption Related Documents at the following address: <https://www.aacounty.org/planning-and-zoning/development/resources#adminsitedevelopment>.

# 2024-0147-S

Menu Cancel Help

Task Details OPZ Transportation

**Assigned Date**

08/02/2024

**Assigned to**

Sarah Fowler

**Current Status**

Complete w/ Comments

**Action By**

Sarah Fowler

**Comments**

Per 18-11-112, "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 submitted plan is unclear.

**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

**Due Date**

08/23/2024

**Assigned to Department**

OPZ Transportation Planning

**Status Date**

08/21/2024

**Overtime**

No

**Start Time**

**Hours Spent**

0.0

**Action by Department**

OPZ Transportation Planning

**Est. Completion Date**

- Display E-mail Address in ACA
- Display Comment in ACA

Task Specific Information

Expiration Date  
Reviewer Phone Number

Review Notes  
Reviewer Email

Reviewer Name



# 2024-0147-S

Menu Cancel Help

**Task Details** Fire Marshal

**Assigned Date**  
08/02/2024

**Assigned to**  
Robert Flynn

**Current Status**  
Complete w/ Comments

**Action By**  
Robert Flynn

**Comments**  
The Fire Marshal's Office defers the decision on Zoning Changes to the Office of Planning and Zoning and the Office of Inspections and Permits Engineering. Any approval of this application does not take the place of any permitting requirements issued through the Inspections and Permits Office and any Fire Marshal code requirements and inspections that will be required during the normal process of construction and adding or changing business uses.  
**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

**Due Date**  
08/23/2024  
**Assigned to Department**  
Fire Marshal's Office  
**Status Date**  
08/05/2024  
**Overtime**  
No  
**Start Time**

**Hours Spent**  
0.0  
**Action by Department**  
Fire Marshal's Office  
**Est. Completion Date**  
 Display E-mail Address in ACA  
 Display Comment in ACA

**Task Specific Information**

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**Expiration Date**  
**Reviewer Phone Number**

**Review Notes**  
**Reviewer Email**

**Reviewer Name**

# 2024-0147-S

Menu Cancel Help

**Task Details** OPZ Cultural Resources

**Assigned Date**

08/02/2024

**Assigned to**

Stacy Poulos

**Current Status**

Complete w/ Comments

**Action By**

Stacy Poulos

**Comments**

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 designated Scenic & Historic Road. All development must be in compliance with Article 17-6-501 to -504.

Bayard Road is a Scenic and Historic Road subject to the criteria in Article 17-6-504. Please correct the attached SE cover letter in the application which currently states incorrectly that Bayard Road is not Scenic and Historic.

The applicant provided a 14-point response to the Historic Sites Planner, Darian Beverungen, addressing Article 17-6-504 prior to this submission of the SE application. She reviewed the response and confirmed that the proposed is in compliance. The 14 point response sent to Darian Beverungen should also be included with this application for the file.

With respect to Article 17-6-504 (Scenic and Historic Roads), the Cultural Resources Section has no objection to the intent of this special exception application, but the applicant should note that all development applications (i.e., building/grading permits, SDPs, etc.) are required to include appropriate cover notes and labels identifying Bayard Road as Scenic and Historic on submitted plans.

Any proposed grading or change to the parking lot triggers Article 17-6-503 protections for cemeteries, which requires a 25-foot buffer of no disturbance from an established cemetery boundary (typically established through archaeological survey). Burial sites are located within a few feet of the current parking area. While the Cultural Resources Section has no objection to the special exception application, please note that any associated development applications shall require careful review for compliance with Article 17-6-503, especially for grading or clearing in the vicinity of the cemetery for driveway improvements, and a modification application would likely also be required in the event of development application to address current non-conforming use. All plans should clearly identify the cemetery boundary and the distance from the proposed development (which includes any driveway/parking improvements) from the cemetery boundary. The applicant should contact the Cultural Resources Section with any questions and to discuss any non-conforming, pre-existing conditions.

**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**

**Due Date**

08/23/2024

**Assigned to Department**

OPZ Cultural Resources

**Status Date**

08/21/2024

**Overtime**

No

**Start Time**

**Hours Spent**

0.0

**Action by Department**

OPZ Cultural Resources

**Est. Completion Date**

- Display E-mail Address in ACA
- Display Comment in ACA

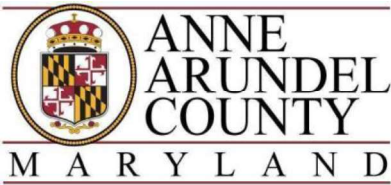
**Expiration Date**

**Reviewer Phone Number**

**Review Notes**

**Reviewer Email**

**Reviewer Name**



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: August 5, 2024

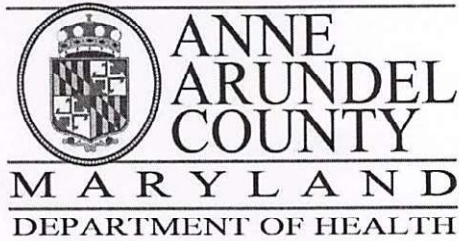
**Name of Project:** Mt Zion Methodist Church, 122 Bayard Rd  
**Case#:** 2024-0147-S  
**Location:** 122 Bayard Rd, Lothian  
Tax Map 68, Grid 13, Parcel 0079  
**Region Planning Area:** Region 8  
**Community:** Lothian

**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 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.




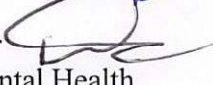
J. Howard Beard Health Services Building  
3 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
Phone: 410-222-7095 Fax: 410-222-7294  
Maryland Relay (TTY): 711  
www.aahealth.org

**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 28, 2024

RE: Mount Zion United Methodist Church  
122 Bayard Road  
Lothian, MD 20711

NUMBER: 2024-0147-S

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced special exception to expand a previously approved special exception (2018-0170-S) for a child care center other than as a home occupation in an RA - Rural Agricultural District.

Based on a review of the above referenced request, additional information is needed by the Health Department on:

- Water Supply Well
- On-Site Sewage Disposal System

See Health Department comments made for review of Building Permit #B02428181

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

cc: Sterling Seay



**Special Exception for 120 Bayard Road  
24-0060-P**

17-6-504. Scenic or Historic Roads.

We are seeking consideration of a proposed childcare facility at 120 Bayard Road in Lothian, Maryland. There is currently a childcare facility on the property of 122 Bayard Road that has met the special exception criteria, and the proposed childcare facility would be the separate and apart from that facility.

**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, MD. 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 Development.

Following are responses to the 14-point criteria for scenic or historic roads.

1. The proposed childcare facility is pre-existing and retains the open character of the site and minimizes impact, requiring no development.
2. The structure is located away from the road right-of-way.
3. No tree or vegetation removal is required for the proposed childcare facility.
4. No grading is needed for the proposed childcare facility, so existing slopes will be retained.
5. The proposed childcare facility avoids having a rear façade oriented towards the road and is set back from the road.
6. Utilities, storm water management facilities, drainage structures, lighting, and fences are located and designed with little impact and harmonize with surroundings and character of the road.
7. Primary access to the proposed childcare facility is in an area that has no impact to the scenic or historic qualities of the road.
8. Entrance features to the proposed childcare facility are in keeping with the scenic and historic character of the surrounding area.
9. No road improvements are required for the existing proposed childcare facility.

10. The location of the proposed childcare facility is sufficiently wide to preserve, maintain, and enhance the visual character of the road.
11. The proposed childcare facility is located on a hill and near an existing church and childcare facility.
12. The proposed childcare facility preserves existing forest, tree canopy, and other natural screening and is in the background as view from the road.
13. No visible shoulders, curbs, or sidewalks are need for the proposed childcare facility.
14. There are no guardrails or bridges need for the proposed childcare facility.



## 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**  
06/26/2024  
**Status**  
Complete w/ Comments  
**Status Date**  
06/27/2024  
**Hours Spent**  
0.0

**Billable**  
No

**Overtime**  
No

**Comments**  
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.

**Time Tracking Start Date**  
**Display E-mail Address in ACA**  
No

**Est. Completion Date**  
 **Display Comment in ACA**

**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

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**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**

**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**

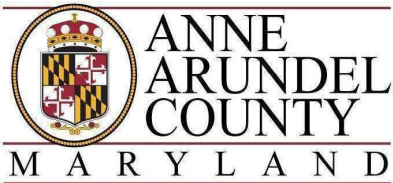
Task Specific Information

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**Expiration Date**  
**Reviewer Phone Number**

**Review Notes**  
**Reviewer Email**

**Reviewer Name**



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

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**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.

2024-0147-V



**Legend**

- Foundation
- Addressing
- Parcels
- Parcels - Annapolis City



Notes

none

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



THIS MAP IS NOT TO BE USED FOR NAVIGATION

