

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

APPLICANT: The Lawn Pros Group, Inc.

ASSESSMENT DISTRICT: 4th

CASE NUMBER: 2025-0019-V

COUNCILMANIC DISTRICT: 6th

HEARING DATE: March 27, 2025

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting a variance to allow an extension in time for the implementation and completion of a previously approved special exception and variance on property located at 796 Generals Highway in Millersville.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of approximately 5.37 acres of land and is located with 34 feet of frontage on the west side of a 50-foot private right-of-way, approximately 330 feet north of Cedarcroft Drive. It is identified as Parcel 175 in Grid 17 on Tax Map 30.

The property is zoned RLD - Residential Low Density District. It is currently an undeveloped, forested site with the exception of a pole building located along the southeast property line.

PROPOSAL

The applicant proposes a landscaping and tree contracting facility in an RLD - Residential Low Density District with vehicular access not directly from a collector or higher classification road and a building (pole building) with less setbacks than required.

REQUESTED VARIANCES

§ 18-16-405(a) of the Anne Arundel County Zoning Ordinance provides that a variance or special exception that is not extended or tolled expires by operation of law unless the applicant obtains a building permit within eighteen months of approval. On November 29, 2022, the Administrative Hearing Officer denied a special exception and associated variances under Case Numbers 2022-0135-S and 2022-0136-V. The applicant appealed that decision to the Board of Appeals. On August 9, 2023, the Board of Appeals approved the special exception and associated variances under Case Numbers BA 52-22S and BA 53-22V. The Board's approval was good for 18 months, or through February 9, 2025. On January 31, 2025, the applicant submitted a variance request to allow an additional 18-month extension in time to obtain a building permit while maintaining the previous special exception and variance approvals.

FINDINGS

This application for an extension in time was properly made prior to the expiration of the eighteen month time period.

The applicant's letter explains that the business has expanded since the approvals by the Board of Appeals. Storage of new equipment, the need for outdoor storage bins for materials, and the proximity of these to other features on the site has complicated the design. This time extension is being requested due to the applicant's continued difficulty in determining what the appropriate design, construction methods, materials, and location of other features should be. This concern has made it difficult to determine if a new variance application should be sought or this decision extended. Various iterations of the structure and site plans have been developed. The owner is working diligently with the architect to stay within the footprint of the structure on the variance site plan. As his equipment storage needs have changed, he is struggling with the location and size of the structure shown on the site plan. The applicant notes that, while not a justification for a time extension, the change in cost of the initial proposed improvement has caused delays. The changes in material cost due to supply chain issues and revision of methodology necessary for the grading of the site and provision of stormwater management has impacted the design time. The impracticality of initiating a project with such a level of uncertainty and with such a high probability of the need for a new variance has delayed necessary decisions on the proper design of the project. The applicant is in the final design stage for the structure with the architect, and site planning based upon the original site plan should be completed soon. The owner is prepared to move forward as fast as allowed by the permit review process. It is the sole intent of the owners to improve the property in a timely manner consistent with the stipulations in the BOA Decisions. The owner has been and will continue to work diligently with the county review agencies to finalize the plans and obtain the appropriate permits.

With regard to the variance standards, there is no evidence that this request for an extension in time would alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare. However, it does not appear that the applicant has been actively or diligently working towards obtaining the necessary approvals to proceed with the proposed development. There is no evidence that any permit or SDP application has been submitted to date. The delays detailed above are self-created and appear to be due to the fact that the submitted and approved special exception site plan does not adequately accommodate the applicant's actual needs. The letter of explanation indicates that a redesign is necessary and that there may be significant changes to the approved site plan. A new special exception would be required in order to modify a previously approved special exception. Because no permit or SDP applications have been filed, a time extension cannot be supported.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***denial*** of a variance to §18-16-405(a) to allow an additional eighteen months for the implementation and completion of a previously approved variance.

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.



January 22, 2025

Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, 3rd Floor
Annapolis, MD 21401

Attn: Office of Planning and Zoning
Zoning Administration
Planning and Zoning Officer, Jenny Dempsey

Re: Variance Request Application
BOA Decisions 2022-0135-S and 2022-0136-V
Special Exception 2022-0135-S & Variance 2022-0136-V
Time Extension Request

Property: 796 Generals Hwy.
Millersville, MD 21108

Owner: Christopher Deleonibus
Operating as The Lawn Pros Group
1154 Goldfinch Lane
Millersville, MD 21108

To Whom It May Concern:

In accordance with Anne Arundel County Code Article 18, Section 6, Subsection 405, items b) and c), and in keeping with Article 18, Section 6, Subsections 201, 304, and 305, hereby is being requested a variance to grant a time extension for the referenced BOA decision, dated August 9, 2023,

The business has expanded since the approvals by the Board of Appeals (BOA). Storage of new equipment, the need for outdoor storage bins for materials and the proximity of these to other features on the site has complicated the design. This time extension is being requested due to the applicant's continued difficulty in determining what the appropriate design, construction methods, materials and location of other features should be. This concern has made it difficult to determine if a new variance application should be sought or this decision extended. Various iterations of the structure and site plans have been developed. The owner is working diligently with the architect to stay within the footprint of the structure on the variance site plan. As his equipment storage needs have changed, he is struggling with the location and size of the structure shown on the site plan. While not a justification for a time extension, it is worth noting the change in cost of the initial proposed improvement has caused delays. The changes in material cost due to supply chain issues and revision of methodology necessary for the grading of the site and provision of stormwater management has impacted the design time. The impracticality of initiating a project with such level of uncertainty and with such a high probability of the

need for a new variance has delayed necessary decisions on the proper design of the project. The applicant is in the final design stage for the structure with the architect and site planning based upon the original site plan should be completed soon. The owner is prepared to move forward as fast as allowed by the permit review process.

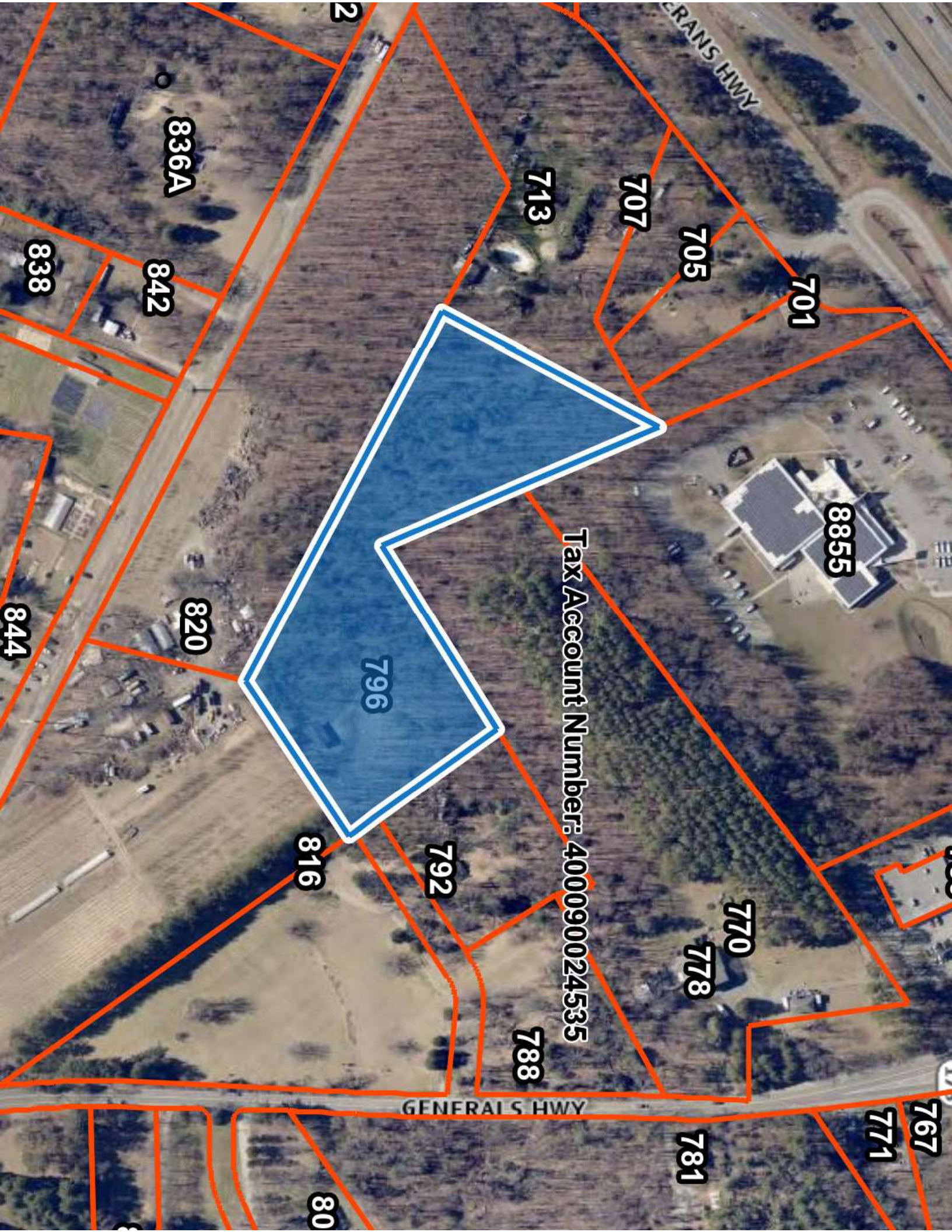
It is the sole intent of the owners to improve the property in a timely manner consistent with the stipulations in the BOA Decisions 2022-0135-S and 2022-1036-V. The owner has been and will continue to work diligently with the county review agencies to finalize the plans and obtain the appropriate permits to construct the proposed improvement.

Granting of this variance is in keeping with the spirit and intent of the governing agencies goals and objectives, does not violate any county standards, rules or regulations and serves merely to extend the time frame to obtain appropriate permits for improvement of the property.

Should there be any questions or any additional information is required please contact John Bory @ (410) 266-1160 or john@terrainmd.com.

Sincerely,

John Bory



796

Tax Account Number: 400090024535

GENERAL S HWY

ERANS HWY