



Tuesday, November 15, 2022
Charles County Board of Appeals Meeting

1. Welcome-Chairperson's Announcements

2. Approval of the Minutes

Meeting Minutes - October 25, 2022

3. Public Notices

3.a Dockets #1452 and 1453: 13200 Old Guy Washington Road, Newburg, MD
[Docket #1452_ 1453 Public Notice.pdf](#)

4. Public Hearings

4.a Dockets #1452 and #1453: 13200 Old Guy Washington Road, Newburg

THE BOARD OF APPEALS FOR CHARLES COUNTY, MARYLAND has been petitioned by Lorenzi, Dodds, and Gunnill, Inc, for approval of a Special Exception use and associated Variance, in order to park more than one motor vehicle that is greater than 15,000 pounds gross vehicle weight, as provided in Article XIII, §297-212, (Use #7.04.420), Article XXV, §297-415 and Article XXV, §297-416 of the *Charles County Zoning Ordinance*. The requested Variance is from two conditions (C and E) of Article XIII, 297-212, Use 7.02.410. Due to the existing septic system and the narrow width of the property, the applicant will not be able to park behind the principal dwelling (Condition C.) or meet the 100-foot setback (Condition E.).

The project site, designated as Tax Map 83, Grid 10, Parcel 107, Lot 2 consists of approximately 8.42 acres and is in the Agricultural Conservation (AC) Zone. The address of the subject property is 13200 Guy Washington Road in Newburg, Maryland.

[Location Map](#)

[Zoning Map](#)

[Adjacent Properties Map](#)

[Adjacent Properties List](#)

[Aerial Map](#)

[Justification Statement](#)

[Docket #1452 Justification Statement Additional Comments](#)

[Docket #1453 Justification Statement Additional Comments](#)

[Docket #1452 Variance Staff Report](#)

[Docket #1453 Special Exception Staff Report](#)

5. New Business

6. Adjournment

7. Virtual Meeting Information

Public Content

Board of Appeals Virtual Meeting Information

The Board of Appeals will be holding virtual meetings in response to the COVID-19 emergency.

The meetings will still be broadcasted live on [CCGTV](#). You may also listen to the live meetings by calling 301-645-0500.

Public comments can be submitted in the following ways:

- To register to speak on this item during the virtual meeting, please fill out the Public Comment Form. This form can be located on the Charles County website here: <https://www.charlescountymd.gov/government/boards-commissions/board-of-appeals/board-of-appeals-public-comment-and-speaker-registration-form>
- Comments can also be submitted in the form of a voicemail by calling 301-645-0632.
- Written comments can be emailed to BoardofAppeals@CharlesCountyMD.gov.
- Comments should typically be received by the Friday before the Board of Appeals meeting to ensure that the Board of Appeals members have adequate time to review the comments.

8. Signed Decision and Orders

Item Cover Page

BOARD OF APPEALS AGENDA ITEM REPORT

DATE: November 15, 2022

SUBMITTED BY: Sherri Davis, Department of Planning and Growth Management

ITEM TYPE: Approval Item(s)

AGENDA SECTION: Public Notices

SUBJECT: Dockets #1452 and 1453: 13200 Old Guy Washington Road,
Newburg, MD

SUGGESTED ACTION:

ATTACHMENTS:
[Docket #1452_ 1453 Public Notice.pdf](#)

PUBLIC NOTICE

THE BOARD OF APPEALS FOR CHARLES COUNTY, MARYLAND has been petitioned by Lorenzi, Dodds, and Gunnill, Inc, for approval of a Special Exception use and associated Variance, in order to park more than one motor vehicle that is greater than 15,000 pounds gross vehicle weight, as provided in Article XIII, §297-212, (Use #7.04.420), Article XXV, §297-415 and Article XXV, §297-416 of the *Charles County Zoning Ordinance*. The requested Variance is from two conditions (C and E) of Article XIII, 297-212, Use 7.02.410. Due to the existing septic system and the narrow width of the property, the applicant will not be able to park behind the principal dwelling (Condition C.) or meet the 100-foot setback (Condition E.). The project site, designated as Tax Map 83, Grid 10, Parcel 107, Lot 2 consists of approximately 8.42 acres and is in the Agricultural Conservation (AC) Zone. The address of the subject property is 13200 Guy Washington Road in Newburg, Maryland.

The Board of Appeals is hereby giving notice that a Public Hearing will be held on this matter **Tuesday, November 15, 2022, at 7:00 p.m.** The meeting will be held remotely via video teleconference. Persons with questions or wanting more information regarding this hearing may call 301-645-0632 for further information. The hearing is open to the public, and public testimony is encouraged.

The submittal documents for Docket #1452 and #1453, filed on June 2, 2022, and Staff Report will be available for inspection on or after October 31, 2022, in the Planning Division, Planning and Growth Management Department, Charles County Government Building, La Plata, Maryland or online at: <https://www.charlescountymd.gov/government/boards-commissions/current-boards-commissions-meetings-after-july-1-2022>

Due to COVID19, and in lieu of public appearance: Citizens can watch via CCGTV on cable access channels, Comcast: 95 and Verizon FIOS: 10, view online at <https://www.charlescountymd.gov/our-county/ccgtv-live-stream>, or use a call-in number to listen to the public hearing at 301-645-0500.

Public testimony may be given virtually. Each speaker will be allotted three (3) minutes. If you are not available to speak when you are called, we have the right to move on to the next caller. Instructions for registering to speak during the Public Hearing and other comment submission options are available at <https://www.charlescountymd.gov/government/boards-commissions/board-of-appeals/board-of-appeals-virtual-information/>. Please contact the Clerk to the Board of Appeals at BoardofAppeals@charlescountymd.gov with any questions regarding public participation.

BOARD OF APPEALS FOR CHARLES COUNTY, MARYLAND

"Those citizens with special needs, please contact Sherri Davis, Clerk to the Board of Appeals, at (301) 645-0632 or Maryland Relay Service TDD 1-800-735-2258."

"All items scheduled to be discussed or heard at the meeting shall be rescheduled in the event that the notified meeting is canceled due to inclement weather or acts of nature beyond the control of the County."

Charles County Government is an Equal Opportunity Employer

*Maryland Independent: Please publish twice – **October 28, 2022, and November 4, 2022**

Item Cover Page

BOARD OF APPEALS AGENDA ITEM REPORT

DATE: November 15, 2022

SUBMITTED BY: Sherri Davis, Department of Planning and Growth Management

ITEM TYPE: Approval Item(s)

AGENDA SECTION: Public Hearings

SUBJECT: **Dockets #1452 and #1453: 13200 Old Guy Washington Road, Newburg**

THE BOARD OF APPEALS FOR CHARLES COUNTY, MARYLAND has been petitioned by Lorenzi, Dodds, and Gunnill, Inc, for approval of a Special Exception use and associated Variance, in order to park more than one motor vehicle that is greater than 15,000 pounds gross vehicle weight, as provided in Article XIII, §297-212, (Use #7.04.420), Article XXV, §297-415 and Article XXV, §297-416 of the *Charles County Zoning Ordinance*. The requested Variance is from two conditions (C and E) of Article XIII, 297-212, Use 7.02.410. Due to the existing septic system and the narrow width of the property, the applicant will not be able to park behind the principal dwelling (Condition C.) or meet the 100-foot setback (Condition E.).

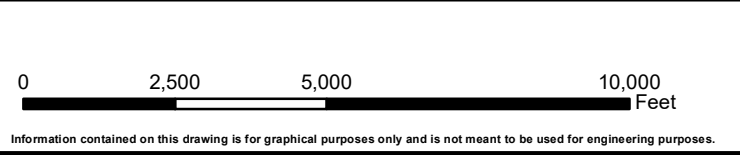
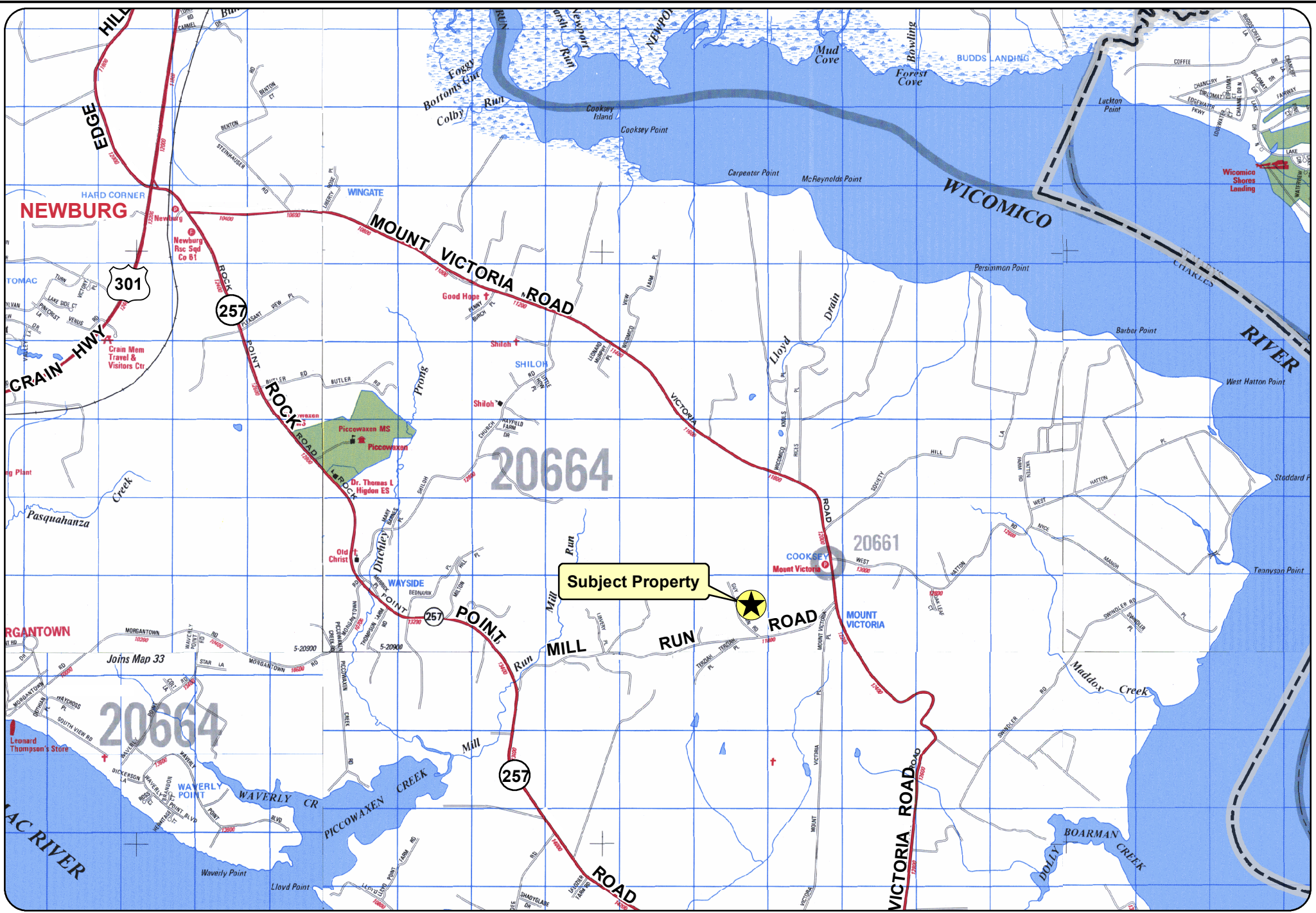
The project site, designated as Tax Map 83, Grid 10, Parcel 107, Lot 2 consists of approximately 8.42 acres and is in the Agricultural Conservation (AC) Zone. The address of the subject property is 13200 Guy Washington Road in Newburg, Maryland.

SUGGESTED ACTION:

ATTACHMENTS:

[Location Map](#)
[Zoning Map](#)
[Adjacent Properties Map](#)
[Adjacent Properties List](#)
[Aerial Map](#)
[Justification Statement](#)

Docket #1452 Justification Statement Additional Comments
Docket #1453 Justification Statement Additional Comments
Docket #1452 Variance Staff Report
Docket #1453 Special Exception Staff Report



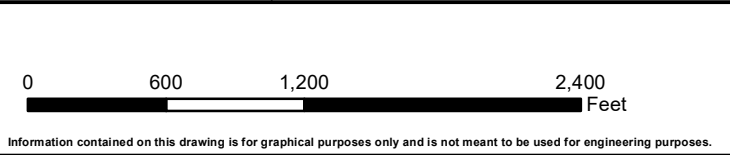
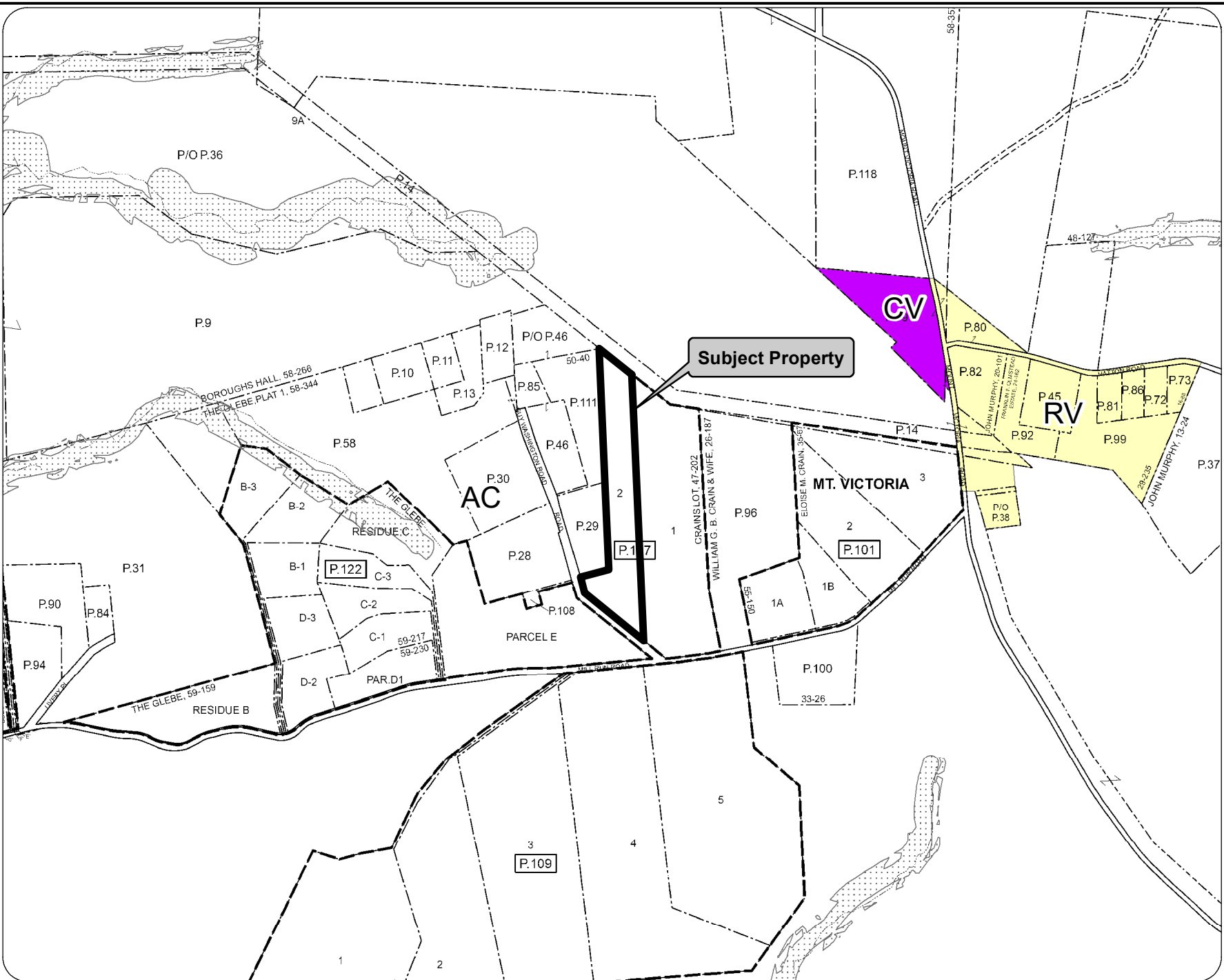
SCALE
DRAWN BY:
CHECKED BY:


CHARLES COUNTY GOVERNMENT
 Department of Planning and Growth Management
 200 Baltimore St
 La Plata, MD 20646
 (301)645-0627

DATE
 OCT 2022

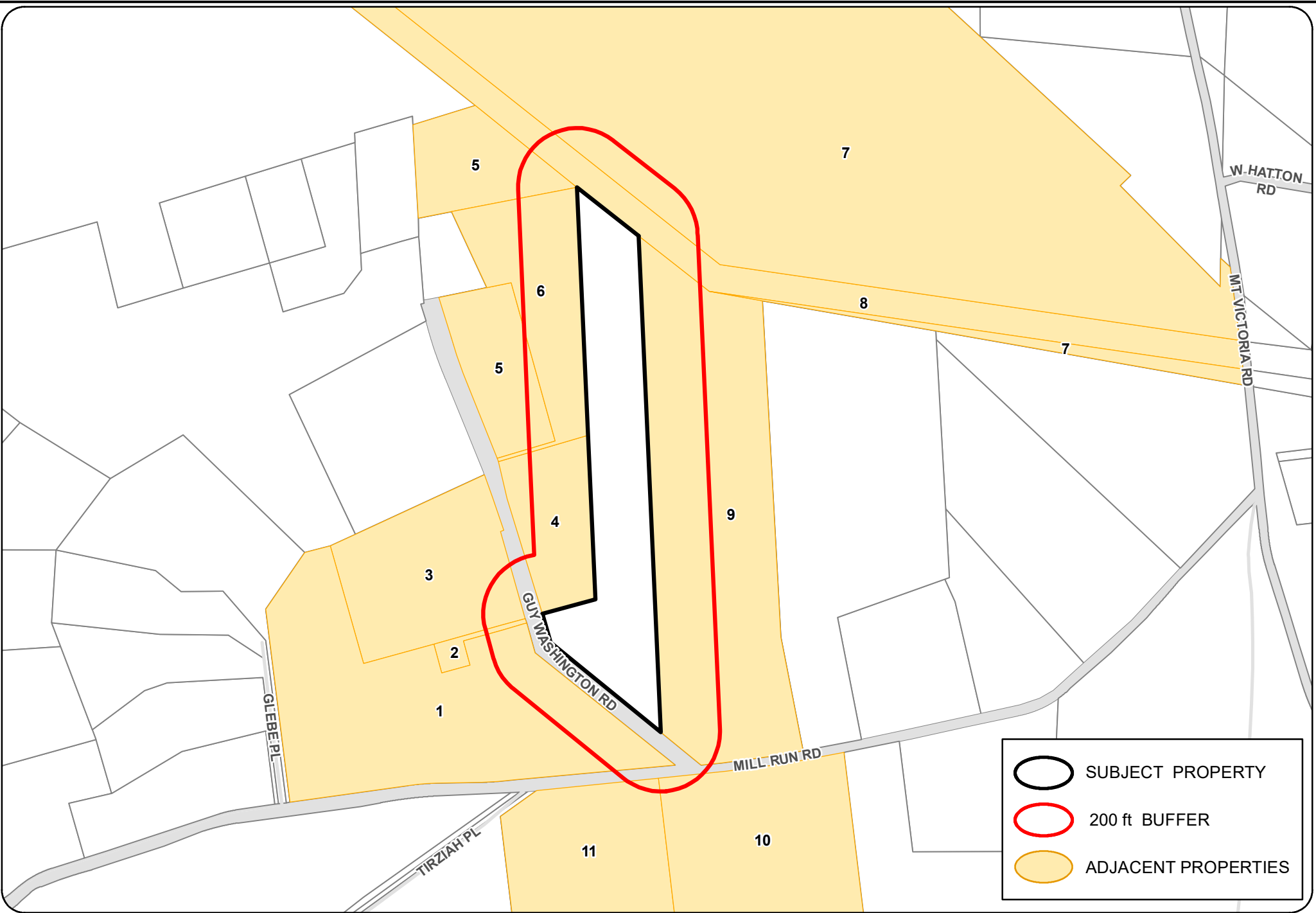
13200 GUY WASHINGTON ROAD
DOCKET 1452 & 1453
LOCATION MAP
 CHARLES COUNTY, MD




BASE ZONES	
AC	AGRICULTURAL CONSERVATION
RC	RURAL CONSERVATION
WCD	WATERSHED CONSERVATION DISTRICT
RR	RURAL RESIDENTIAL
RV	VILLAGE RESIDENTIAL
RL	LOW DENSITY SUBURBAN RESIDENTIAL
RM	MEDIUM DENSITY SUBURBAN RESIDENTIAL
RH	HIGH DENSITY SUBURBAN RESIDENTIAL
RO	RESIDENTIAL / OFFICE
CER	CORE DEVELOPMENT / RESIDENTIAL
CMR	CORE MIXED RESIDENTIAL
CRR	CORE RETAIL RESIDENTIAL
CN	NEIGHBORHOOD COMMERCIAL
CC	COMMUNITY COMMERCIAL
CB	CENTRAL BUSINESS
CV	VILLAGE COMMERCIAL
BP	BUSINESS PARK
IG	LIGHT INDUSTRIAL
IH	HEAVY INDUSTRIAL
AUC	ACTON URBAN CENTER
WC	WALDORF CENTRAL
OVERLAY ZONES	
	HIGHWAY CORRIDOR
	RESOURCE PROTECTION
	CRITICAL AREA BOUNDARY
FLOATING ZONES	
PRD	PLANNED RESIDENTIAL DEVELOPMENT
PMH	PLANNED MOBILE HOME PARK
PEP	PLANNED EMPLOYMENT/INDUSTRIAL PARK
MX	PLANNED MIX USE
PUD	PLANNED UNIT DEVELOPMENT
WPC	WATERFRONT PLANNED COMMUNITY
TOD	TRANSIT ORIENTED DEVELOPMENT

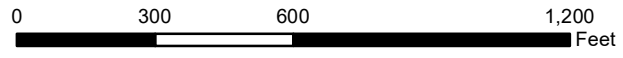


SCALE	CHARLES COUNTY GOVERNMENT Department of Planning and Growth Management  200 Baltimore St La Plata, MD 20646 (301)645-0627	DATE
DRAWN BY:		OCT 2022
CHECKED BY:		

13200 GUY WASHINGTON ROAD DOCKET 1452 & 1453 ZONING MAP CHARLES COUNTY, MD		8
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	SUBJECT PROPERTY
	200 ft BUFFER
	ADJACENT PROPERTIES



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CHARLES COUNTY GOVERNMENT
Department of Planning and Growth Management
200 Baltimore St
La Plata, MD 20646
(301)645-0627



DATE
OCT 2022

13200 GUY WASHINGTON ROAD
DOCKET 1452 & 1453
ADJACENT PROPERTY MAP
CHARLES COUNTY, MD

Information contained on this drawing is for graphical purposes only and is not meant to be used for engineering purposes.

PROP NUM	ACCTID	ADDRESS	CITY	STATE	ZIP
1	0905042518		NEWBURG	MD	20664
2	0905038731		NEWBURG	MD	20664
3	0905041503	13175 GUY WASHINGTON ROAD	NEWBURG	MD	20664
4	0905025982	13170 GUY WASHINGTON ROAD	NEWBURG	MD	20664
5	0905025966	13120 GUY WASHINGTON ROAD	NEWBURG	MD	20664
6	0905039649	13130 GUY WASHINGTON ROAD	NEWBURG	MD	20664
7	0905026857	13355 W HATTON PL	NEWBURG	MD	20664
8	0905020352		NEWBURG	MD	20664
9	0905038723	11830 MILL RUN ROAD	NEWBURG	MD	20664
10	0905038855		NEWBURG	MD	20661
11	0905038847		NEWBURG	MD	20661

Owner data current as of July 2022

OWNNAME1	OWN ADDRESS 1	OWNCITY
MT TIRZIAH FAMILY LTD PART	PO BOX 7	MT VICTORIA
MT TIRZIAH FAMILY LTD PART	PO BOX 7	MOUNT VICTORIA
CANE'S PURCHASE LLC	PO BOX 7	MT VICTORIA
TOMKIEWICZ ROBERT LEE SR & JR	13170 GUY WASHINGTON RD	NEWBURG
WELLS JAMES M & DOROTHY H	13120 GUY WASHINGTON RD	NEWBURG
WELLS ANTHONY T & E W JOHNSON	13130 GUY WASHINGTON RD	NEWBURG
WEST HATTON LLC, C/O ROBERT H MORELAND	PO BOX 778	CHARLOTTE HALL
SOUTHERN MD ELECTRIC COOP INC	P O BOX 1937	HUGHESVILLE
LAWMAN JOSEPH L & BRITNEY L	11830 MILL RUN RD	NEWBURG
MT TIRZIAH FAMILY LTD PART	PO BOX 7	MOUNT VICTORIA
MT TIRZIAH FAMILY LTD PART	PO BOX 7	MOUNT VICTORIA

OWNSTATE	OWNERZIP	RESIDENT AGENT	RESIDENT ADDRESS	PRINCIPAL OFFICE
MD	20664			
MD	20661			
MD	20661			
MD	20664			
MD	20664			
MD	20664			
MD	20622			
MD	20637			
MD	20664			
MD	20661			
MD	20661			

LEGAL1	LEGAL2	LEGAL3	DR1LIBER	DR1FOLIO
PARCEL E 13.9093 AC	N SI OF MILL RUN ROAD		6382	231
PART 2 = 0.1182 AC	W SI GUY WASHINGTON RD		3212	378
5.00 ACRES	W SI GUY WASHINGTON RD		7421	100
IMPS 3.35 ACRES	OFF MILL RUN RD		12357	499
IMPS 3.015 ACRES	E SI GUY WASHINGTON RD		2542	334
IMPS LOT 2 = 4.5917 ACRES	N SI GUY WASHINGTON RD		2617	21
IMPS 583.607 AC	MT VICTORIA RD		9154	455
11.5030 AC	MT VICTORIA RD		212	58
IMPS LOT 1 - 15.8560 AC	E SI GUY WASHINGTON RD	PART OF CRAINS LOT	10549	237
LOT 5 = 29.5854 AC	W SI MILL RUN RD	PART OF MT TIRZIAH	3212	378
LOT 4 = 28.0548 AC	W SI MILL RUN ROAD	PART OF MT TIRZIAH	3212	378

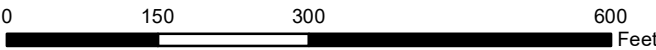
SUBDIVSN	PLAT	SECTION	BLOCK	LOT	MAP GRID	PARCEL
0				PAR E	83 9	122
0					83 10	108
0					83 10	28
0					83 10	29
0					83 10	46
0			2		83 10	111
0					81 19	1
0					83 4	14
0			1		83 10	107
0			5		83 10	109
0			4		83 10	109



Subject Property

MILL RUN RD

GUY WASHINGTON RD



Information contained on this drawing is for graphical purposes only and is not meant to be used for engineering purposes.



SCALE
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 Department of Planning and
 Growth Management

 200 Baltimore St
 La Plata, MD 20646
 (301)645-0627

DATE
OCT 2022

13200 GUY WASHINGTON ROAD
DOCKET 1452 & 1453

AERIAL MAP
CHARLES COUNTY, MD



ENGINEERS · SURVEYORS · PLANNERS · LANDSCAPE ARCHITECTS

**APPLICATION FOR SPECIAL EXCEPTION
USE #7.02.420**

**‘Parking of more than one motor vehicle > 15,000 pounds gross vehicle weight’
and
VARIANCE REQUEST**

Tax Map 83 ~ Grid 10 ~ Parcel 107 ~ Lot 2
5th Election District ~ Tax Parcel ID: 038782

13200 Guy Washington Road
Newburg, Maryland 20664
Charles County

**SPEX-
VAR-**

OWNER/APPLICANT:
Glen Bowling
Maria Del Carmen Ortega Ramirez
13200 Guy Washington Road
Newburg, Maryland 20664

ATTORNEY
Law Offices of Sue Greer
C/O Sue Greer
200 Howard Street, Suite 101
La Plata, Maryland 20646

ENGINEER:
Lorenzi, Dodds & Gunnill, Inc.
C/O Scott Burroughs
3475 Leonardtown Road, Suite 100
Waldorf, Maryland 20601

February 21, 2022
LDG 209064

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APPENDICES

A.	Tax Map and Property Owners within 200 Feet
B.	Special Exception Plat
C.	Site Plan for Special Exception
D.	Subdivision Plat (Plat Book 47 Page 202)
E.	Use Determination and Zoning Correspondence
F.	Adjacent Landowner Correspondence
G.	Bufferyard E Detail from Zoning Ordinance
H.	Forest Management Plan

I. Special Exception Request

Glen Bowling and Maria Del Carmen Ortega Ramirez (husband and wife) (“Bowlings”) are the owners of a certain parcel of land outlined in red on Figure 1, located in the 5th Election District of Charles County, Maryland, identified on Charles County Tax Map 83 Grid 10 as Parcel 107, Lot 2, Part of Crain’s Lot. The Bowling’s property is further described in a deed recorded in the Charles County Land Records located in Liber 10536 at Folio 184, and recorded in Plat Book 47 at Page 202, containing 8.4201 acres, more or less (hereinafter the “Property”).

This application is for a Special Exception, Zoning Use No. 7.04.420, ‘Parking of more than one motor vehicle greater than 15,000 pounds gross vehicle weight’ on the Property. This use is permitted by Special Exception in the Agricultural Conservation (AC) Zone as defined pursuant to Article IV of the Charles County Zoning Ordinance. Site Plans and Property Tax Maps are enclosed in this Application, and made a part hereof.

II. Variance Request

Glen Bowling and Maria Del Carmen Ortega Ramirez (husband and wife) are requesting a variance to two conditions on Article XIII 297-212, Use 7.02.410. Due to the existing septic system and the narrow width of the property, the Bowling’s will not be able park behind the principal dwelling (Condition C.) or meet the 100-foot setback (Condition E.).

III. Site Location

The Property is located at 13200 Guy Washington Road, in Newburg, approximately 4.6 miles south of the intersection of Rock Point Road (MD 257) and Robert Crain Highway (US 301) via MD 257 or approximately 4.7 miles via Mount Victoria Road. The Property is located in a rural area of Charles County, and has public road frontage on Guy Washington Road, a County Road.

IV. Existing Site Conditions and Zoning

The Property is 8.4201 acres in size with approximately 7.4 acres forested. The site contains a single-family residential structure, a private well, a conventional septic system, and an existing parking area for vehicles. Approximately 1.6644 acres of the 7.4 acres of forest on Lot 2 are encumbered by a forest conservation easement record in L. 2201 at F. 352. The existing parking area on the site is to be used for the parking of

vehicles used in the Bowling's Urban/Suburban Forestry/Tree Care Business, "Real Tree - Tree Service".

By letter dated June 9, 2020, Lorenzi, Dodds & Gunnill, Inc. submitted to Planning and Growth Management (PGM), on behalf of the Bowling's, a Zoning Use Determination. The June 9, 2020 letter (Appendix E) proposed that the appropriate use for an Urban Forestry/Tree Care Business was Use 1.02.000 Forestry. By letter dated August 6, 2020 (Appendix E), PGM responded the Use 1.02.000 Forestry would not be acceptable for urban forestry/tree care businesses. Additionally, PGM responded that the trucks parked on the Bowling's agriculturally zoned property did not comply with Section 297-29 B. (11) of the Charles County Zoning Ordinance that states:

Section 297-29 B. (11)

No motor vehicles having a gross vehicle weight of more than 10,000 pounds shall be parked in any residential zone. A motor vehicle having a gross weight of less than 10,000 pounds designed or used to carry freight or passengers for a fee or merchandise in the furtherance of any commercial enterprises shall be allowed in a residential zone on the basis of one vehicle for each residential lot. School buses specifically shall be limited to one such vehicle for each residential lot

By letter dated September 4, 2020 (Appendix E), LDG responded to the PGM August 6, 2020 letter requesting clarification. LDG noted that the Bowling's property is in fact, zoned AC and an agricultural property, and not considered a residential zone, thus Section 297-29 B.(11) does not apply. LDG noted that the Bowling's had completed an Application for Agricultural Assessment, and Agricultural Declaration of Intent with the State Department of Assessments & Taxation (SDAT). LDG noted that Section 297-29 B.(12) permits the parking of trucks used in farming and used in conjunction with a permitted use.

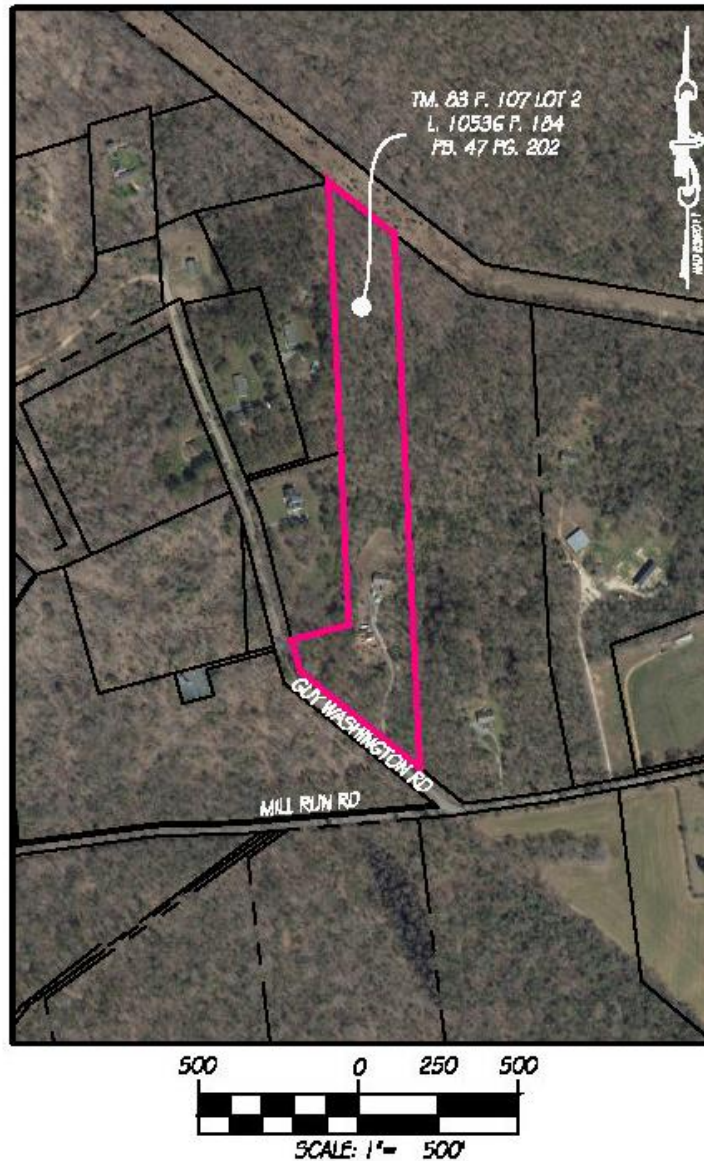
Section 297-29 B.(12)

Except for trucks used in farming the property on which they are located or trucks used in conjunction with a permitted use, trucks and/or trailers exceeding five tons empty weight shall not be stored or parked in any residential zone unless engaged in moving household goods or making deliveries.

In December 2020, a Forest Management Plan (Appendix F) was prepared for the Bowling's property. The plan provides recommendations for the management of the property and use of the property for forestry. The plan was filed with SDAT for continuation of the agricultural assessment of the property.

By letter dated July 28, 2021, (Appendix E) PGM responded to the LDG letter dated September 4, 2020. PGM recognized that the urban forestry/tree care trucks parked on the site could be considered under the forestry operation if solely used on the site. However, since the trucks are also used on other sites as part of the Real Tree - Tree Service company functions, PGM would consider the use of parking the vehicles on the site as Use 7.02.420, *Parking of more than one motor vehicle > 15,000 pounds gross vehicle weight.* Use 7.02.420 is permitted in the AC Zone by Special Exception.

Figure 1. Aerial Tax Map Exhibit



**13200 GUY WASHINGTON ROAD
TAX MAP 83, GRID 10,
PARCEL 107**

V. *Site Analysis*

The Property's current zoning is Agricultural Conservation (AC). The Property is bordered by forested parcels and a SMECO right-of-way. All adjoining properties are also zoned Agricultural Conservation (AC)

VI. *Building & Facilities*

The Bowling's currently reside in the house on the property. The Bowling's do not have any specific plans for the addition of any structures on the property. However, in the future, the Bowling's may wish to add a barn/garage to the property.

VII. *Relationship to the Provisions of the Zoning Ordinance*

The Board of Zoning Appeals may permit a Special Exception utilizing the Standards and Procedures applicable to the granting of a Special Exception, which include:

A. *Article XXV, Board of Appeals, Section 415, Special Exception, Item H, lists the following General Requirements, where the proposed use:*

- i. Will not be detrimental to or endanger the public health, safety, and general welfare.*

The parking of vehicles on the Bowling's property will pose no public health, safety, or general welfare issues.

- ii. Is a permissible special exception in the zone.*

The Property is currently zoned AC. Use 7.02.420, *Parking of more than one motor vehicle > 15,000 pounds gross vehicle weight* is permissible by Special Exception in the Agricultural Conservation (AC) Zone.

- iii. Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or general neighborhood.*

Zoning Ordinance §297-212 establishes criteria for the parking of vehicles to minimize the impact on the surrounding properties or general neighborhood. The site will comply with these criteria to the extent practicable. The parking of the vehicles is not anticipated to be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or

general neighborhood for the reasons outlined throughout this report.

- iv. *Complies with the Standards and Requirements set forth in Article XIII.*

This application complies with the standards and requirements in Article XIII, Minimum Standards for Special Exception and Uses Permitted with Conditions to the extent feasible. These requirements are outlined within this report in greater detail below (VIII.b.). The two variance requests address why the applicant is not able to fully comply with the conditions.

- v. *Will cause no objectionable impact from traffic, noise, and type of physical activity, fumes, odors, dust or glare.*

The proposed use will cause no objectionable impact from traffic, noise, and type of physical activity, fumes, odors, dust or glare. Real Tree - Tree Service vehicles generally leave the site in the morning, and return to the site in the afternoon, generating one round trip per day. While the access to the site involves using Mill Run Road, a substandard County Road, the Bowling's and drivers of the Real Tree - Tree Service vehicles are professionals and trained to be respectful and drive within the speed limits. The Applicant is well aware of "good neighbor" policies and intends to fully comply with all applicable ordinances.

- vi. *Will provide adequate utilities, water, sewer or septic system, access roads, storm drainage, and/or other necessary public facilities and improvements. If a use requires an Adequate Public Facilities Review by the Charles County Planning Commission, such review shall be made a condition of the Special Exception as granted by the Board of Appeals.*

The proposed use will have a minimal impact on public facilities. Both water and sewer on the site are private.

- vii. *Will provide adequate ingress and egress and be so designed as to minimize traffic congestion in the public streets.*

The existing entrance on Guy Washington Road will remain and serve the house and vehicle storage. No additional entrance improvements are anticipated.

- viii. *Is in accordance with the objective of the Charles County Comprehensive Plan.*

The proposed use is in conformance with the objectives of the Charles County Comprehensive Plan in the following ways:

Chapter 5: Natural Resource Protection

Real Tree - Tree Service provides forestry services to residents of Charles County. In addition to parking vehicles on the Site, Real Tree - Tree Service uses the forests on the property for a variety of training from tree identification, insect and disease identification, tree climbing training and aerial safety training and equipment use. With the emphasis of forest retention throughout the County, professional services are needed to manage the urban and suburban forests that are retained and this site enables the Bowling's to provide needed natural resource management services throughout Charles County and the surrounding region.

Chapter 7: Economic Development:

The proposed use meets Objective 7.2 of the 2016 Comprehensive Plan which is to "Strengthen the County's economic base through the growth and expansion of existing business and industry."

The Bowling's company, Real Tree - Tree Service is a valuable family-owned small business that trains and employs a workforce of arborists and Maryland Licensed Tree Experts. The ability to store vehicles on the site is necessary to provide for the seamless operations of the company. The Company is available 24-7 for emergency calls and quick and ready access to vehicles allows for quicker response time for emergencies.

Chapter 11: Agriculture, Forestry and Fisheries

The proposed use meets Objective 7.2 of the 2016 Comprehensive Plan which is to "Promote and protect agricultural and natural resource industries, including opportunities for eco-tourism, value-added agricultural product processing, and the commercial seafood industry." The Bowling's company Real Tree - Tree Service is part of the valuable natural resource industry and provides much needed services to residents. The granting of the requested special exception serves to meet Comprehensive Plan Objectives.

- ix. *Conforms to the applicable regulations of the zone in which it is located and to the special requirements established for the specific use.*

The proposed use will conform to the applicable regulations of the zone and special requirements established for the specific use as outlined throughout this Application. The Applicant has submitted

a 'Site Plan for Special Exception' with this application which adequately demonstrates that the proposed use will conform to applicable standards to the extent feasible.

- B. ARTICLE XIII §297-212. 7.02.420 Parking of more than one motor vehicle greater than 15,000 pounds gross vehicle weight. This use is permitted by special exception as an accessory to a principal residential use in the WCD Watershed Conservation District, RR Rural Residential, AC Agricultural Conservation, RV Village Residential and RC Rural Conservation Zones subject to Subsections A and C through I for Use 7.02.410. Parking of one motor vehicle greater than 15,000 pounds gross vehicle weight. [Added 2-22-2000 by Ord. No. 00-10; amended 6-6-2017 by Bill No. 2017-03]**

**7.02.410 Parking of one motor vehicle greater than 15,000 pounds gross vehicle weight. This use is permitted with conditions in the WCD Watershed Conservation District, AC Agricultural Conservation Zone, RC Rural Conservation Zone, and RR Rural Residential Zone, and permitted by special exception in the RV Zone, subject to the following:
[Added 2-22-2000 by Ord. No. 00-10; amended 6-6-2017 by Bill No. 2017-03]**

- A. Minimum area: three acres or any parcel considered a legal lot of record in existence prior to October 1, 1992.**

The Bowling Property is 8.4201 acres per the plat recorded in Plat Book 47 at Page 202, recorded March 19, 1996.

- B. One motor vehicle greater than 15,000 pounds manufactured rated gross vehicle weight permitted for operation on public roads is allowed as accessory to a principal residential use.**

Not applicable to Use 7.02.420

- C. The vehicle shall be parked behind the principal dwelling on a gravel or hard surface area.**

Vehicles to be parked on the property will be will be parked on the existing compacted ground currently surfaced with gravel and wood/bark mulch. Due to the location of the septic tank, septic drain fields, and septic reserve area, vehicles are not able to be parked in the rear of the house. The existing house is located 322 feet, 359 feet, and 569 feet from the three property corners along the Guy Washington Road right-of-way. A Bufferyard E and a natural wooded buffer along Guy Washington Road will limit the visibility of the vehicles from Guy Washington Road.

D. No major mechanical repairs or maintenance of the vehicle may be performed on the subject property.

No major mechanical repairs and no major maintenance of the vehicles will be performed outside on the property.

E. The vehicle is to be parked or left standing a minimum of 100 feet from any property line.

Due to the orientation of the property, it is not possible to provide a 100-foot minimum setback from all property lines. The applicant will provide enhancement planting of evergreen screening trees along the western side of the vehicle parking area as indicated on the Special Exception Site Plan, within the 25-foot Bufferyard E. The 100-foot parking setback will be maintained from the property lines along Guy Washington Road and the eastern property line.

F. A Buffer Yard E, including a buffer yard structure, will be required prior to the vehicle being parked on the premises.

A Bufferyard E of natural vegetation and enhanced evergreen screening planting will be provided as required.

G. Access shall be directly from a County- or state-maintained road. No trucks may be allowed to be parked on any lot where the access is located on privately owned road and/or shared access driveways.

Access will be from the existing entrance on Guy Washington Road, a County owned and maintained road.

H. Trucks shall not constitute a nuisance due to excessive noise. Trucks without mufflers or trucks that do not meet manufactured recommended exhaust system are presumed to be a nuisance and not in compliance with this subsection. Trucks with refrigeration units will not be permitted unless it can be demonstrated that the noise standards for industrial uses set forth in § 297-32 are met.

Noise from trucks should not constitute a nuisance and will create no noise different than those sounds associated with agricultural trucks common in the rural area. Trucks will not utilize “jake brakes” that are associated with excessive truck noise. No vehicles will be equipped with refrigeration units.

I. Trucks shall not contain junk, solid waste, hazardous substances or noxious materials, including petroleum products.

Trucks will not contain junk solid waste, hazardous substances or noxious materials, including petroleum products excluding the fuel in the vehicle tanks and gas cans for equipment (i.e. chain saws, etc.).

J. One or more trucks may be parked on a parcel in the AC, RC and RR Zones if the property was being used for the parking of trucks on or before May 3, 1999, provided that all the requirements in Subsections A and C through J above are met. Proof of such use must be submitted to the Zoning Officer on or before June 30, 2000, and acknowledged by the Zoning Officer. This provision does not negate the need of a special exception in the RV Zone.

A Special Exception is being requested.

VIII. Article XXV – Board of Appeals – Section 297-416 Variances

A. An application for a variance shall be submitted to the Board of Appeals by filing a copy of the application with the Zoning Officer. Applications shall be handled in the same manner as applications for special exceptions in conformity with the provisions of this article.

The applicant has prepared and submitted a variance request to the Zoning Officer for the variance request to the hours of operation.

B. The Board is authorized to grant variances from the strict application of these regulations when, by reason of exceptional narrowness, shallowness or shape of specific parcels of property or by reason of exceptional topographic conditions or other extraordinary situations or conditions of specific parcels of property, the strict application of the regulations of this chapter would result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of said property. However, the Board of Appeals shall not grant variances that will substantially impair the intent, purpose and integrity of this chapter. This provision shall not be construed to permit the Board, under the guise of a variance, to change the permitted use of land.

The Bowling's property is 8.42 acres in size. While the parcel is approximately 1,600 feet deep, the majority of the parcel is only 200 feet wide. In relation to Special Exception Condition E, the strict application of the regulations would prevent the use because the narrowness of the parcel. The location of the septic easement and drain fields behind the house prevent parking behind the principle dwelling as required in Condition C.

C. In addition to those general findings required in Subsection B above, variance requests shall not be granted unless the following criteria are met:

- (1) That special conditions or circumstances exist that are unique to the subject property or structure and that a strict enforcement of the provisions of this chapter would result in unwarranted hardship which is not generally shared by owners of property in the same area.***

The property's narrow and unique shape and septic location would prevent the Applicant from meeting Conditions C and E for Use 7.02.420 and result in unwarranted hardship generally not shared by owners of property in the same area.

- (2) The strict enforcement of the provisions of this chapter would deprive the property owner of rights commonly shared by others owners of property in the area.***

The strict enforcement of Conditions C and E would prevent the Applicant from being afforded rights commonly shared by other property owners in the area.

- (3) That granting of a variance will not confer upon an applicant any special privilege that would be denied to other owners of like property and/or structures within the same zone/land use classification.***

The variance to Conditions C and E will not confer special privilege that would be denied to others in the same zone/land use. The variance would be due to the configuration of the parcel of land and uniqueness of the shape of the parcel.

- (4) That the variance request is not based upon conditions or circumstances which are self-created or self-imposed.***

The Applicant did not subdivide and create the property; the property was purchased in the existing configuration.

- (5) That greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient justification for a variance.***

Greater profitability or lack of knowledge of the restrictions is not being put forward as justification.

- (6) That the proposed variance is consistent with the Charles County Comprehensive Plan.***

The proposed variance will permit approval of the Use 7.02.420 that is in conformance with the objectives of the Charles County Comprehensive Plan in the following ways:

Chapter 5: Natural Resource Protection

Real Tree - Tree Service provides forestry services to residents of Charles County. In addition to parking vehicles on the Site, Real Tree - Tree Service uses the forests on the property for a variety of training from tree identification, insect and disease identification, tree climbing training and aerial safety training and equipment use. With the emphasis of forest retention throughout the County, professional services are needed to manage the urban and suburban forests that are retained and this site enables the Bowling's to provide needed natural resource management services throughout Charles County and the surrounding region.

Chapter 7: Economic Development:

The proposed use meets Objective 7.2 of the 2016 Comprehensive Plan which is to "Strengthen the County's economic base through the growth and expansion of existing business and industry."

The Bowling's company, Real Tree - Tree Service is a valuable family-owned small business that trains and employs a workforce of arborists and Maryland Licensed Tree Experts. The ability to store vehicles on the site is necessary to provide for the seamless operations of the company. The Company is available 24-7 for emergency calls and quick and ready access to vehicles allows for quicker response time for emergencies.

Chapter 11: Agriculture, Forestry and Fisheries

The proposed use meets Objective 7.2 of the 2016 Comprehensive Plan which is to "Promote and protect agricultural and natural resource industries, including opportunities for eco-tourism, value-added agricultural product processing, and the commercial seafood industry." The Bowling's company Real Tree - Tree Service is part of the valuable natural resource industry and provides much needed services to residents. The granting of the requested special exception serves to meet Comprehensive Plan Objectives.

D. In granting variances, the Board may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be compatible with the surrounding properties.

The Applicant proposes to establish and maintain a Bufferyard E with evergreen trees along the western property line.

E. A variance may be issued for an indefinite duration or for a specified duration.

The applicant is requesting the variances for an indefinite duration.

- F. The nature of the variance and any conditions attached to it shall be specified in the Board's decision. All conditions are enforceable in the same manner as any other applicable requirement of this chapter. The granting of the variance does not constitute issuance of a zoning permit.***

Upon Board approval, the applicant will obtain all necessary permits.

- G. The granting of a variance does not exempt the applicant from complying with all other requirements of this chapter or any applicable county, state or federal law.***

The applicant will comply with all other county, state, and federal laws.

- H. Reapplication. Whenever the Board disapproves an application for a variance on any basis other than the failure of the applicant to submit a complete application, no reapplication will be accepted by the Zoning Officer or considered by the Board for a period of one year from the date of the Board's disapproval.***

The applicant acknowledges the project resubmittal requirements.

- I. The Board may, at any time, consider a new application affecting the same property as an application previously denied if the new application is substantially similar to the application previously denied. A new application is one that differs in some substantial way from the one previously considered as determined by the Zoning Officer.***

The applicant acknowledges the project resubmittal requirements.

- J. The burden of persuasion and of presenting evidence sufficient to allow the Board to reach a conclusion that the required criteria listed in Subsections B and C have been met remains with the applicant seeking the variance.***

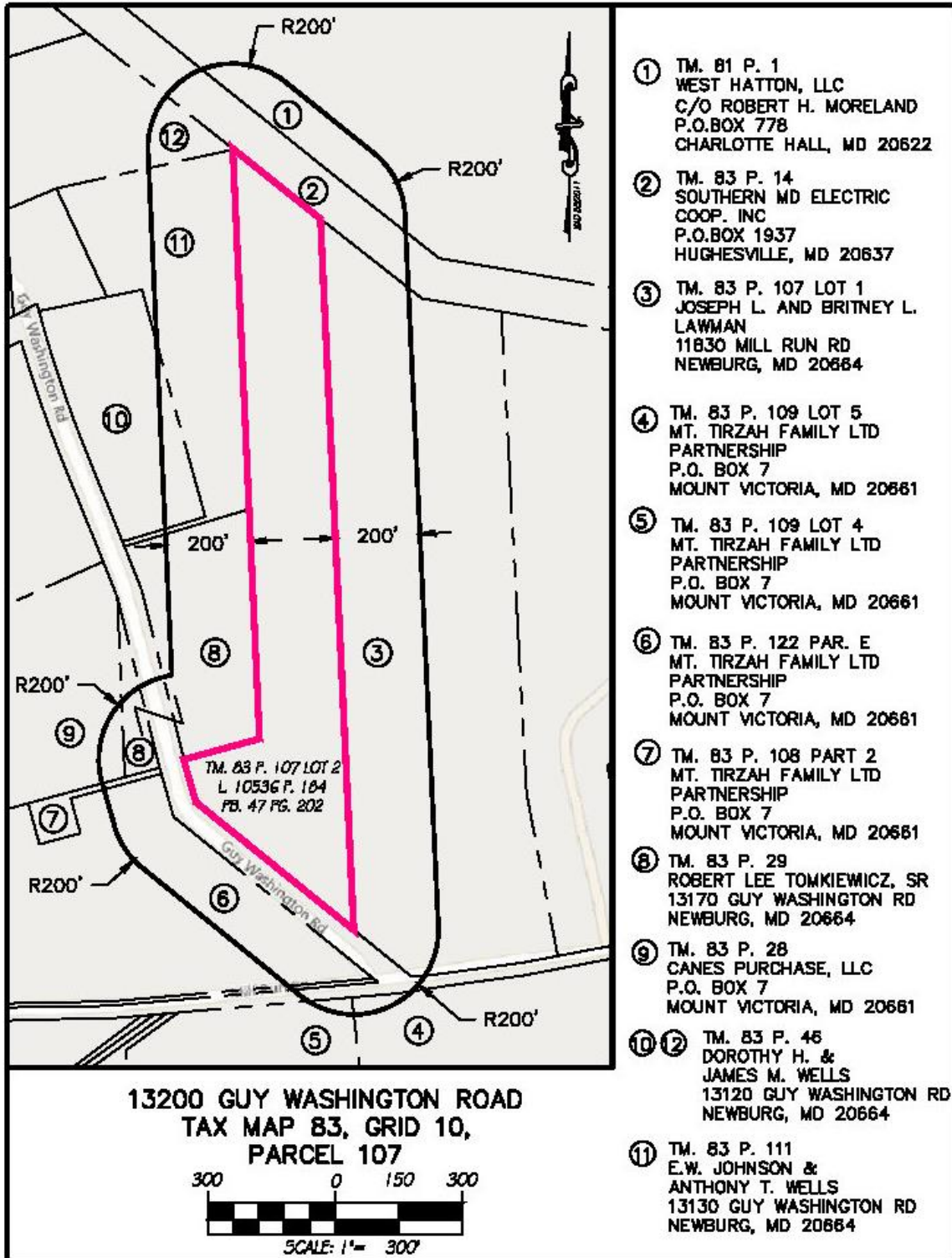
The applicant acknowledges the evidence requirements and has worked with staff to provide ample information for the Board to reach informed conclusions.

IX. Conclusion

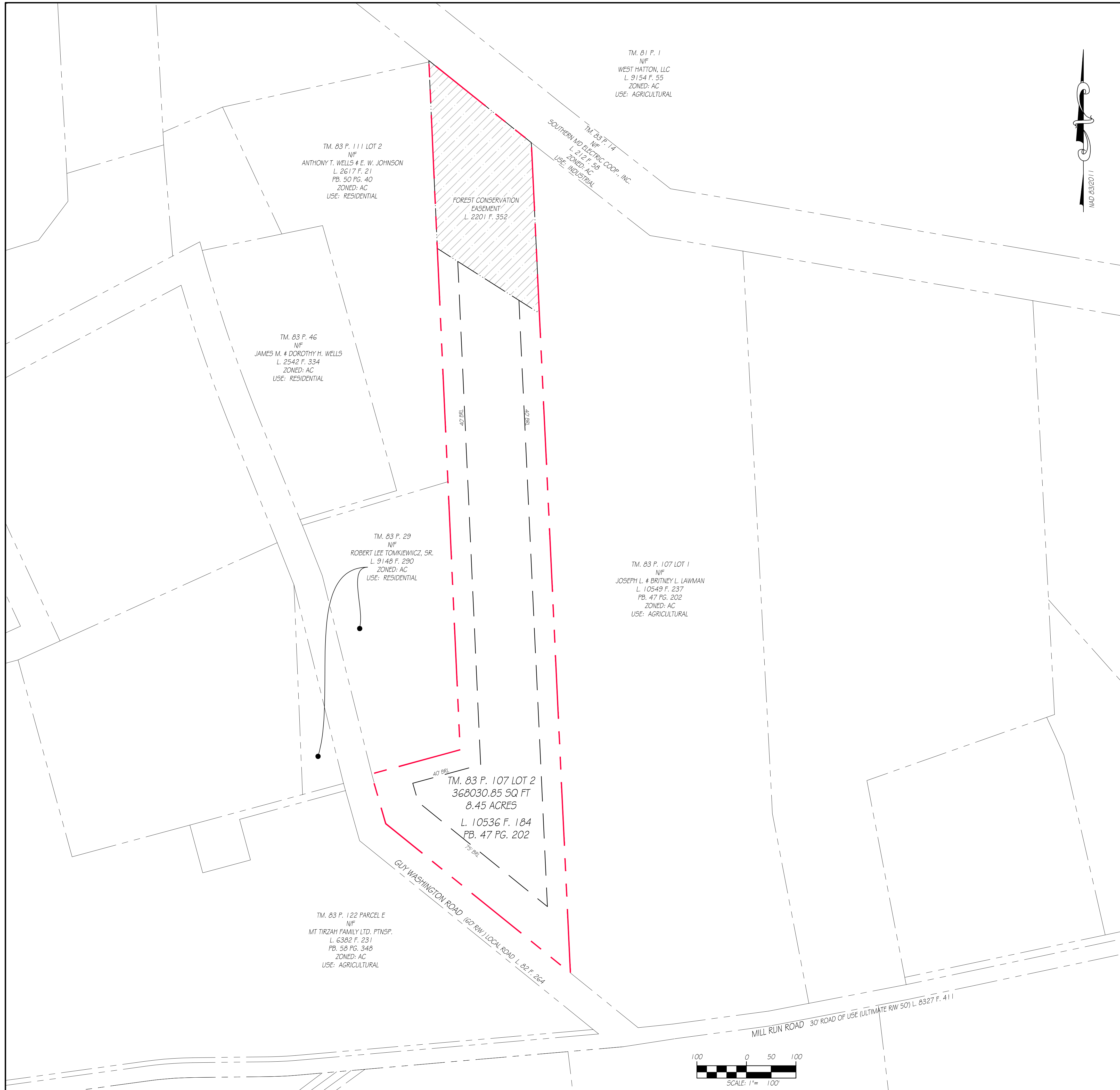
The requested Special Exception Use is a permitted use subject to specific findings concerning compatibility with the proposed use of the property and with the existing and future uses of adjacent properties. These findings of compatibility have been stated herein. The requested two variances are a direct result of the configuration of the parcel property lines and the location of the septic reserve area on the site. The Bowling Property is an 8.4201-acre parcel zoned Agricultural Conservation. The storage of multiple vehicles on properties zoned Agricultural Conservation is common throughout Charles County, often without the issuance of a Special Exception. Agricultural operations that work leased fields are known to park multiple trucks and equipment on properties for the purpose of working other, off-site fields. Real Tree - Tree Service provide similar off-site arboriculture and forestry services. The ingress/egress from the Property to the public road is via an existing entrance exclusively servicing the property. The proposed use by the Applicant will not create objectionable impacts to the neighbors, and there will be beneficial economic, natural resource, and forestry impacts to the County by this already established reputable business. For these reasons, the Applicant respectfully requests a favorable consideration for this Special Exception request and variance requests.

APPENDIX A

Tax Map and Property Owners within 200 Feet



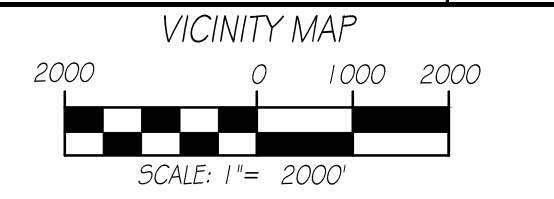
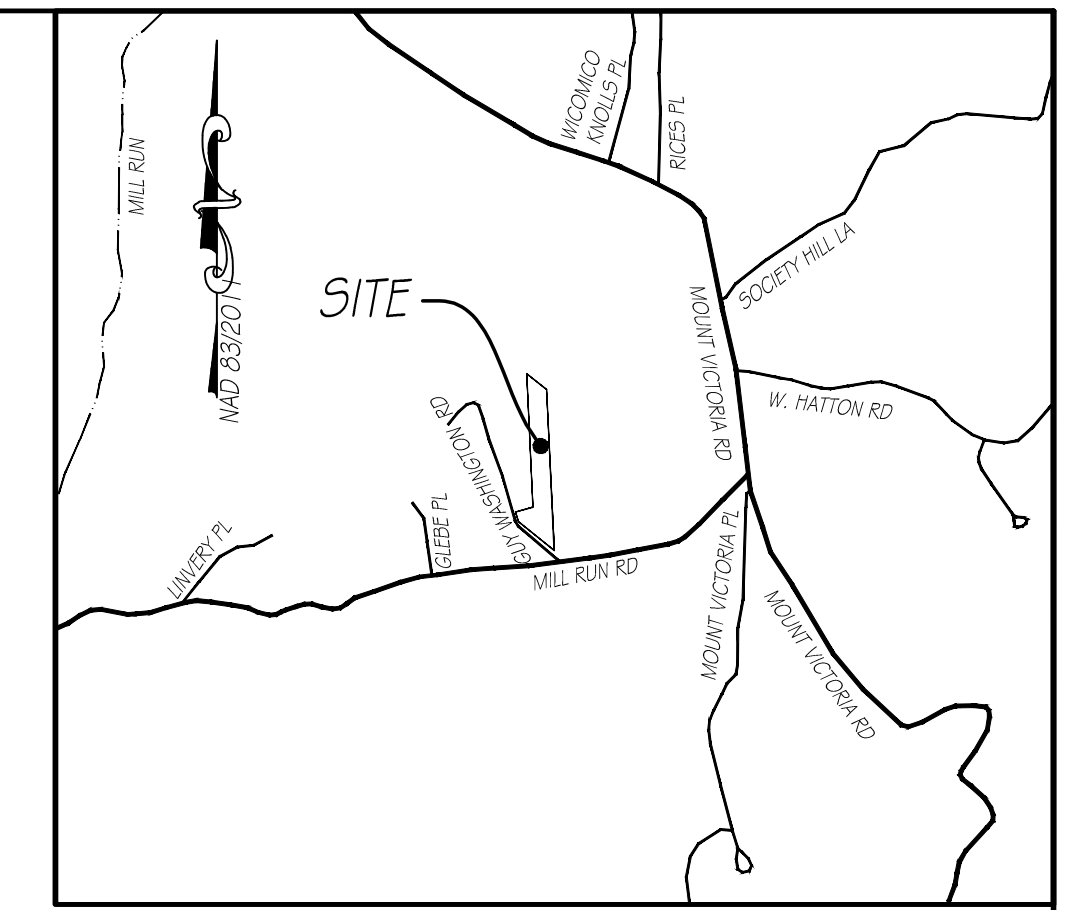
APPENDIX B



OWNERS/APPLICANT: TAX MAP 83 PARCEL 107 LOT 2-ID: 05-038782
 GLEN BOWLING & MARIA DEL CARMEN ORTEGA RAMIREZ
 13200 GUY WASHINGTON ROAD
 NEWBURG, MARYLAND 20664

ENGINEER:
 LORENZI, DODDS, & GUNNILL, INC.
 3475 LEONARDTOWN ROAD, SUITE 100
 WALDORF, MARYLAND 20601
 ATTN: SCOTT BURROUGHS

NOTE:
 THE PURPOSE OF THIS PLAT IS TO SATISFY SPECIAL EXCEPTION REQUIREMENTS. BOUNDARY SHOWN HEREON FROM SURVEY CONDUCTED BY LORENZI, DODDS & GUNNILL JUNE, 2021.



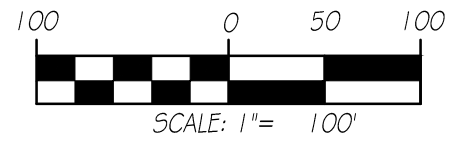
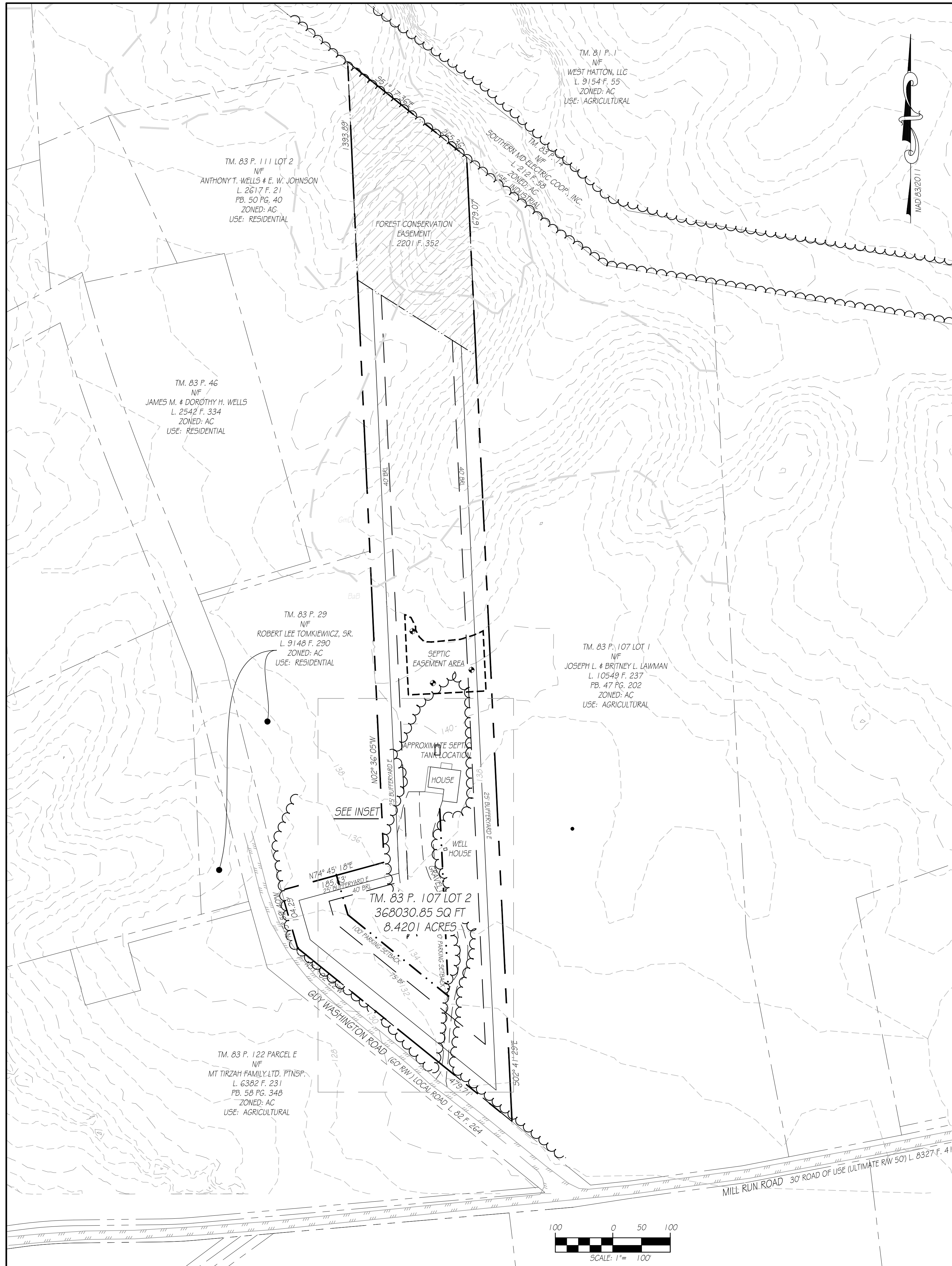
LEGEND

- PROPERTY BOUNDARY
- ADJ. PROPERTY BOUNDARY
- BUILDING RESTRICTION LINE
- FOREST CONSERVATION EASEMENT
- L. F.
- PB. PG.
- RW
- NF
- LIBER / FOLIO
- PLAT BOOK / PAGE
- RIGHT-OF-WAY
- NOW OR FORMERLY

TAX MAP 83 GRID 10 PARCEL 107 LOT 2

REVISIONS:	GLEN BOWLING PROPERTY		SCALE 1" = 100'
	5TH ELECTION DISTRICT, CHARLES COUNTY, MARYLAND		
	SPECIAL EXCEPTION PLAT		
DATE: SEPTEMBER 2021	CONTRACT REFERENCE: 209064	(1)	
LORENZI, DODDS, AND GUNNILL, INC. ENGINEERS - SURVEYORS - PLANNERS 3475 LEONARDTOWN ROAD, SUITE 100 WALDORF, MARYLAND 20601			OF 1

APPENDIX C



LEGEND

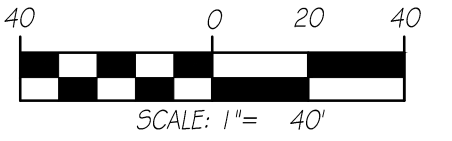
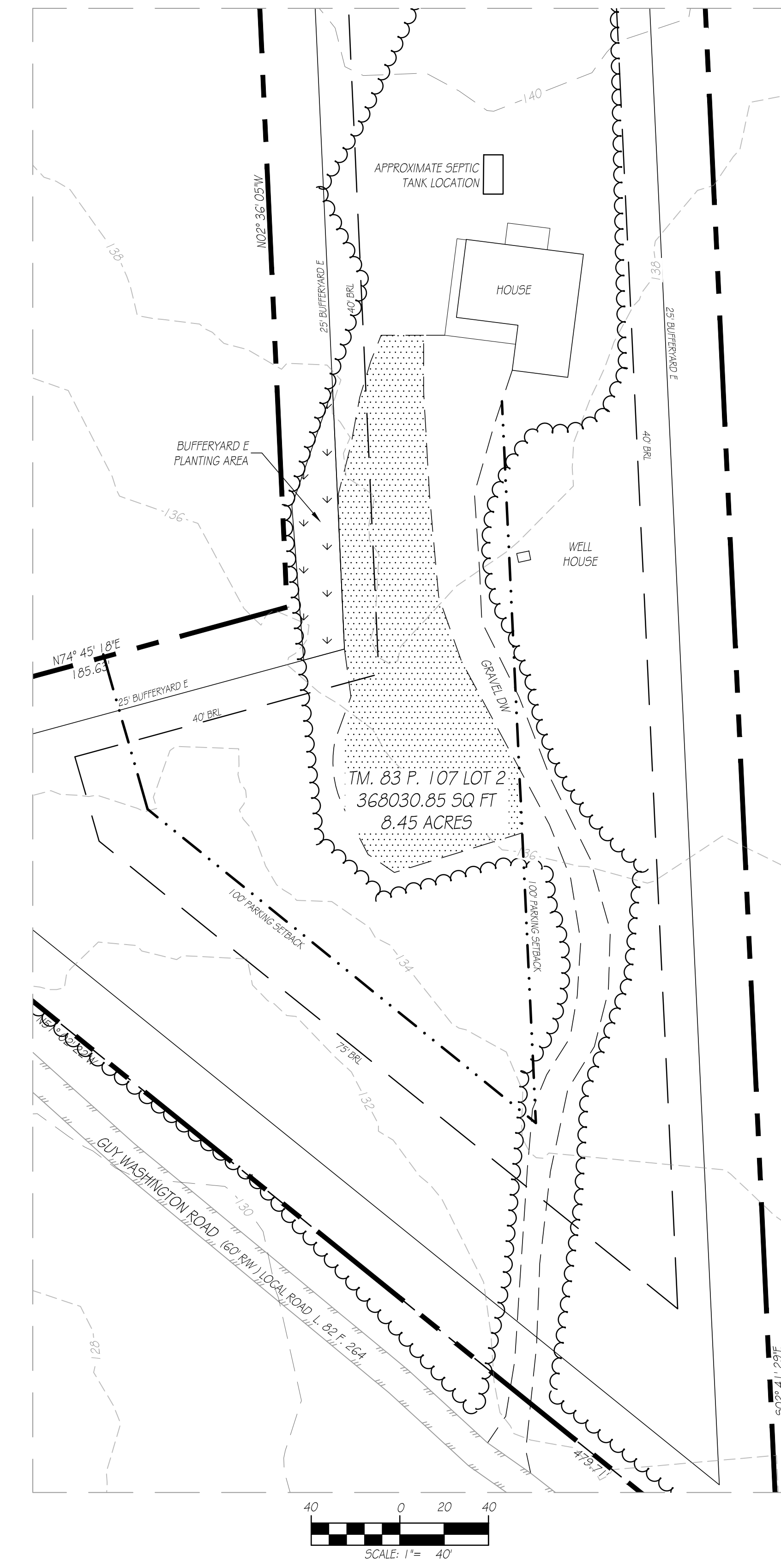
PROPERTY BOUNDARY: - - - - -
 ADJ. PROPERTY BOUNDARY: - · - · - · -
 BUILDING RESTRICTION LINE: - - - - -
 MAPPED SOILS BOUNDARY: - - - - -
 EX. WOODSLINE: ~ ~ ~ ~ ~
 100' PARKING SETBACK: - · - · - · -
 TRUCK PARKING HARD SURFACE AREA: [Stippled pattern]
 FOREST CONSERVATION EASEMENT: [Hatched pattern]

25' BUFFERYARD E PER 100'				
SYMBOL	COMMON NAME	SCIENTIFIC NAME	QUANTITY	TYPE
Pt	Loblolly Pine	Pinus taeda	8	CT
Cc	Leyland Cypress	Leylandii	7	CT
To	American Holly	Ilex opaca	2	UT
Jv	Eastern Red Cedar	Juniperus virginiana	3	UT
IB	Inkberry	Ilex glabra	11	S
AZ	Azalea	R. arborescens	11	S

25' BUFFERYARD E REQUIRES 4 CANOPY TREES, 5 UNDERSTORY TREES, 22 SHRUBS, AND 11 EVERGREEN TREES PER 100 FEET

CT - CANOPY TREES
 UT - UNDERSTORY TREES
 S - SHRUB
 ET - EVERGREEN TREE

VICINITY MAP
 SCALE: 1" = 2000'



OWNERS/APPLICANT: TAX MAP 83 PARCEL 107 LOT 2 - ID: 05-038782
 GLEN BOWLING & MARIA DEL CARMEN ORTEGA
 13200 GUY WASHINGTON RD
 NEWBURG, MARYLAND 20664

ENGINEER: LORENZI, DODDS, & GUNNILL, INC.
 3475 LEONARDTOWN ROAD, SUITE 100
 WALDORF, MARYLAND 20601
 ATTN: SCOTT BURROUGHS

- GENERAL NOTES**
- SITE AREA: 8.4201 AC
 - SITE ADDRESS: 13200 GUY WASHINGTON RD, NEWBURG, MARYLAND 20664
 - ZONING: AC (AGRICULTURAL CONSERVATION)
 - CONCEPTUAL PLAN WAS PREPARED FOR THE PARKING OF MORE THAN ONE MOTOR VEHICLE > 15,000 POUNDS GROSS VEHICLE WEIGHT USE 7.02-420 THIS USE IS PERMITTED BY SPECIAL EXCEPTION IN THE AC ZONE SUBJECT TO THE FOLLOWING:
 - MINIMUM AREA: THREE ACRES OR ANY PARCEL CONSIDERED A LEGAL LOT OF RECORD IN EXISTENCE PRIOR TO OCTOBER 1, 1992.
 - THE VEHICLE SHALL BE PARKED BEHIND THE PRINCIPAL DWELLING ON A GRAVEL OR HARD SURFACE AREA. NO MAJOR MECHANICAL REPAIRS OR MAINTENANCE OF THE VEHICLE MAY BE PERFORMED ON THE SUBJECT PROPERTY.
 - THE VEHICLE IS TO BE PARKED OR LEFT STANDING A MINIMUM OF 100 FEET FROM ANY PROPERTY LINE.
 - A BUFFER YARD E, INCLUDING A BUFFER YARD STRUCTURE, WILL BE REQUIRED PRIOR TO THE VEHICLE BEING PARKED ON THE PREMISES.
 - ACCESS SHALL BE DIRECTLY FROM A COUNTY- OR STATE-MAINTAINED ROAD. NO TRUCKS MAY BE ALLOWED TO BE PARKED ON ANY LOT WHERE THE ACCESS IS LOCATED ON PRIVATELY OWNED ROAD AND/OR SHARED ACCESS DRIVEWAYS.
 - TRUCKS SHALL NOT CONSTITUTE A NUISANCE DUE TO EXCESSIVE NOISE. TRUCKS WITHOUT MUFFLERS OR TRUCKS THAT DO NOT MEET MANUFACTURED RECOMMENDED EXHAUST SYSTEM ARE PRESUMED TO BE A NUISANCE AND NOT IN COMPLIANCE WITH THIS SUBSECTION. TRUCKS WITH REFRIGERATION UNITS WILL NOT BE PERMITTED UNLESS IT CAN BE DEMONSTRATED THAT THE NOISE STANDARDS FOR INDUSTRIAL USES SET FORTH IN § 297-32 ARE MET.
 - TRUCKS SHALL NOT CONTAIN JUNK, SOLID WASTE, HAZARDOUS SUBSTANCES OR NOXIOUS MATERIALS, INCLUDING PETROLEUM PRODUCTS.
 - ONE OR MORE TRUCKS MAY BE PARKED ON A PARCEL IN THE AC, RC AND RR ZONES IF THE PROPERTY WAS BEING USED FOR THE PARKING OF TRUCKS ON OR BEFORE MAY 3, 1999, PROVIDED THAT ALL THE REQUIREMENTS IN SUBSECTIONS A AND C THROUGH J ABOVE ARE MET. PROOF OF SUCH USE MUST BE SUBMITTED TO THE ZONING OFFICER ON OR BEFORE JUNE 30, 2000, AND ACKNOWLEDGED BY THE ZONING OFFICER. THIS PROVISION DOES NOT NEGATE THE NEED OF A SPECIAL EXCEPTION IN THE RV ZONE.
 - BUILDING RESTRICTION LINES (BRLS): 75' FRONT, 40' SIDE (80 TOTAL), 50' REAR
 - MAXIMUM BUILDING HEIGHT: 40' OR 3 STORIES.
 - MAXIMUM FLOOR AREA RATIO (FAR) = NA
 - MAXIMUM IMPERVIOUS AREA RATIO (ISR) = NA
 - BEARINGS AND COORDINATES SHOWN HEREIN REFERENCE MARYLAND STATE PLAN COORDINATE SYSTEM, NORTH AMERICAN DATUM (NAD83-2011).
 - FEMA FIRM PANEL 24017C0485D EFFECTIVE 05/04/2015 INDICATES THERE IS NO MAPPED 1% FLOODPLAIN (100 YEAR FLOODPLAIN) ON THE SITE.
 - TOPOGRAPHY SHOWN FROM NOAA OFFICE FOR COASTAL MANAGEMENT 2014 USGS CMGP LIDAR: POST SANDY, NCRIDC.MD.VA).

SOILS INFORMATION

SOIL MAP UNIT	SOIL DESCRIPTION	ERODIBILITY	HYDRIC	HSG
BaB	BELTSVILLE SILT LOAM (2-5% SLOPES)	.37	NO	C
GmD	GROSTOWN-MARR-HOGHOLE COMPLEX (5-15% SLOPES)	.37	NO	A
GmF	GROSTOWN-MARR-HOGHOLE COMPLEX (15-45% SLOPES)	.37	NO	A

NOTE:
 • SOILS WITH A K-FACTOR OF 0.35 OR GREATER IN EXCESS OF 5% SLOPE ARE CONSIDERED TO BE HIGHLY ERODIBLE.
 • HSG - HYDROLOGIC SOILS GROUP - REFER TO APPENDIX A, USDA TR55 MANUAL

TAX MAP 83 GRID 10 PARCEL 107 LOT 2

REVISIONS:

GLEN BOWLING PROPERTY
 5TH ELECTION DISTRICT, CHARLES COUNTY, MARYLAND

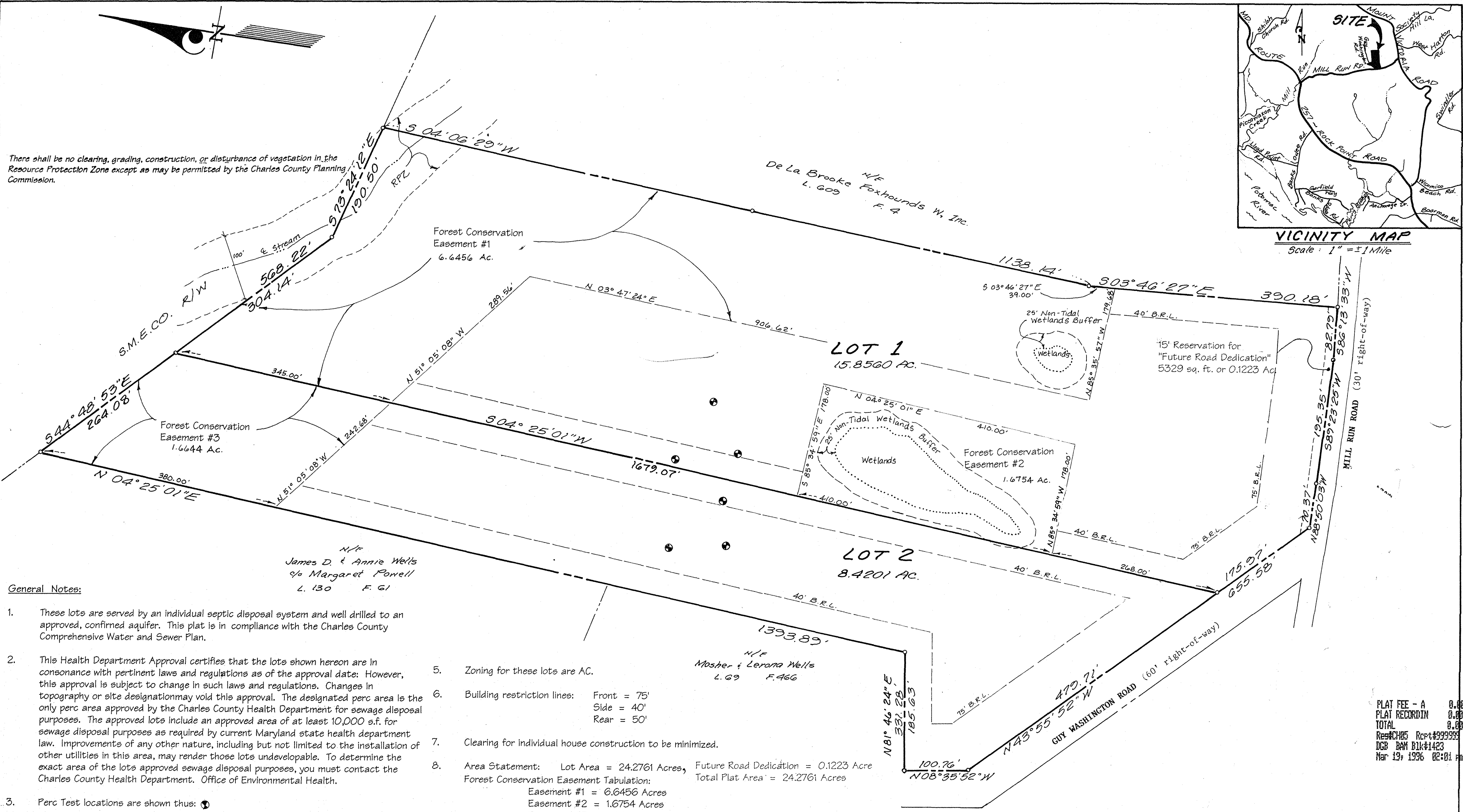
SITE PLAN FOR SPECIAL EXCEPTION

DATE: SEPTEMBER 2021 CONTRACT REFERENCE: 209064

LORENZI, DODDS, AND GUNNILL, INC.
 ENGINEERS - SURVEYORS - PLANNERS
 3475 LEONARDTOWN ROAD, SUITE 100
 WALDORF, MARYLAND 20601

SCALE AS SHOWN
 1 OF 1

APPENDIX D



There shall be no clearing, grading, construction, or disturbance of vegetation in the Resource Protection Zone except as may be permitted by the Charles County Planning Commission.

General Notes:

- These lots are served by an individual septic disposal system and well drilled to an approved, confirmed aquifer. This plat is in compliance with the Charles County Comprehensive Water and Sewer Plan.
- This Health Department Approval certifies that the lots shown hereon are in consonance with pertinent laws and regulations as of the approval date: However, this approval is subject to change in such laws and regulations. Changes in topography or site designation may void this approval. The designated perc area is the only perc area approved by the Charles County Health Department for sewage disposal purposes. The approved lots include an approved area of at least 10,000 s.f. for sewage disposal purposes as required by current Maryland state health department law. Improvements of any other nature, including but not limited to the installation of other utilities in this area, may render those lots undevelopable. To determine the exact area of the lots approved sewage disposal purposes, you must contact the Charles County Health Department, Office of Environmental Health.
- Perc Test locations are shown thus:
- The wetlands were field located by Lorenzi, Dodds & Gunnill, Inc. on 8/18/95.

- Zoning for these lots are AC.
- Building restriction lines: Front = 75', Side = 40', Rear = 50'
- Clearing for individual house construction to be minimized.
- Area Statement: Lot Area = 24.2761 Acres, Future Road Dedication = 0.1223 Acre
Forest Conservation Easement Tabulation:
Easement #1 = 6.6456 Acres
Easement #2 = 1.6754 Acres
Easement #3 = 1.6644 Acres
Total Forest Conservation Easement = 9.9854 Acres

9. Owner: Mt. Victoria Limited Partnership
P.O. Box 7
Mt. Victoria, Maryland 20661
c/o Michael J. Sullivan, President

Surveyor's Certificate

I hereby certify that this is all of Part 1 as recorded on a boundary survey entitled "Part of Crain's Lot" recorded among the land records of Charles County, Maryland in Plat Book 47 at Plat 80 and also the residue of "Crain's Lot" to the north of Mill Run Road, a 30 foot wide right-of-way, said Crain's Lot being recorded in Liber J.S.T. 1 at Folio 394 and being part of the land acquired by Mt. Victoria Limited Partnership by deed dated January 2, 1995 and recorded among the land records in Liber 2050 at Folio 001; that the iron pins marked o have or will be set; and that the requirements of the Charles County Subdivision Regulations and the Annotated Code of Maryland have been complied with.

Date: 3/1/96
James C. Lorenzi
Maryland Property Line Surveyor
#10799

This plan of subdivision is subject to a Forest Conservation Easement as recorded in the Land Records of Charles County, Maryland and a Forest Conservation Plan, FC #95-F99-176, as filed in the Charles County Planning Office.

Owner's Certificate

We, Mt. Victoria Limited Partnership, a Maryland Limited Partnership, owners of the property shown hereon and described in the surveyor's certificate hereby adopt this plat of subdivision, establish the minimum building restriction lines, and dedicate the area marked "Future Road Dedication" to public use.

There are no leases, liens, mortgages, deeds of trust, easements, or rights-of-way affecting the property except as shown hereon.

Witness:
Date: 1-30-96
Mt. Victoria (Inc), General Partner
By Michael J. Sullivan, President

APPROVED:
This plat has been reviewed and found to be in conformance with all applicable county ordinances, plans and policies.

Deputy County Administrator for P.G.M. Date: MAR 14 1996

APPROVED:
This plat has been reviewed and found to be in conformance with applicable provisions of COMAR 26.04.03

Charles County Health Department Date: 3/1/96

APPROVED:

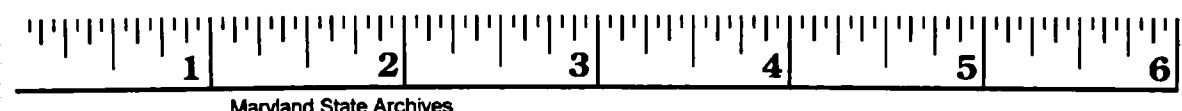
Charles County Planning Commission Date: 3/1/96

NO PUBLIC WATER OR SEWER AVAILABLE

PLAT FEE - A 0.00
PLAT RECORDING 0.00
TOTAL 0.00
Res#CH25 RCP#999993
DCB BAK BIK#1423
Mar 19 1996 02:01 PM

Tax Map 83, Parcel 38, Grid 10
Record Plat
Lots 1 and 2
"Part of Crain's Lot"
5th Election District
Charles County, Maryland
Scale: 1" = 100' Date: Sept. 1995

Prepared By:
Lorenzi, Dodds & Gunnill, Inc.
Engineers - Architects - Planners - Landscape Architects
3475 Leonardtown Road, Suite 100
Waldorf, Maryland 20602
Phone: (301)645-2254 or 843-6255



CHARLES COUNTY CIRCUIT COURT (Plat Book) Plat Book 47, p. 202, MSA C2267-9988. Date available 1996/03/19. Printed 10/07/2021.

APPENDIX E



ENGINEERS · ARCHITECTS · PLANNERS · LANDSCAPE ARCHITECTS

June 9, 2020
LDG209064

Charles County Government
Department of Planning and Growth Management
200 Baltimore Street
La Plata, Maryland 20646
(sent via email)

Attn: Cynthia Bilbra, Planning
BilbraC@charlescountymd.gov

RE: Zoning Use Determination
13200 Guy Washington Road
Newburg, Maryland 20664
Tax Map 83 - Parcel 107 - Lot 2
Tax ID # 05-038782

Dear Ms. Bilbra:

Lorenzi Dodds & Gunnill (LDG) is submitting this Zoning Determination request on behalf of Mr. Glen Bowling and Ms. Maria Ramirez (“Client”) for the property located at 13200 Guy Washington Road, Newburg, MD 20664. The Site, identified by Tax Account # 05-038782 and on Tax Map 83 as Parcel 107, Lot 2, is zoned Agricultural Conservation (AC). The Client desires to operate an urban forestry or tree care service from the property as a Maryland Licensed Tree Expert. LDG proposes that the appropriate Use Designation for Tree Care Business is 1.02.000 Forestry which is permitted in the AC zone.

The Use 1.02.000 Forestry is not defined within the Charles County Zoning Ordinance and the term forestry is not defined within the Forest Conservation Ordinance. In lieu of a definition within county code, the term forestry, as defined in the Merriam-Webster (online) Dictionary is:

forestry:

- a. The science of developing, caring for, or cultivating forests
- b. The management of growing timber

While the term Urban Forestry was not found defined within the online Merriam-Webster Dictionary, the definition from American Forests (americanforests.org) is

urban forestry: the planting, maintenance, care and protection of tree populations in urban settings.

Arboriculture, as defined by Merriam-Webster (online) Dictionary is:

arboriculture: the cultivation of trees and shrubs for ornamental purposes

The primary activity of the client's business includes the maintenance, care and when necessary removal of trees. Title 08 Department of Natural Resources, Subtitle 07 Forests and Parks, Chapter 07 Licensed Tree Experts requires licensing for the rendering of professional tree care services. These regulations, including the required continuing education for licensed tree experts and licensing is administered by the Maryland Department of Natural Resources Forest Service. Mr. Glen Bowling is a Maryland Licensed Tree Expert #001795.

While not clearly defined within the Charles County Zoning Ordinance, "forestry" is a term used to cover the management of a variety of forests including traditional forest management for timber production, as well as the management of suburban and urban forests that require individual tree care. The proposed business to be operated on the Client's property will provide such tree care services.

If there are any further questions regarding this request please contact me.

Sincerely,
Lorenzi, Dodds & Gunnill, Inc.

Scott Burroughs

cc:



CHARLES COUNTY GOVERNMENT
Department of Planning & Growth Management

Deborah A. Carpenter, AICP
Director

Phone | 301-645-0692
Email | PGMadmin@CharlesCountyMD.gov

August 6, 2020

Lorenzo, Dodds & Gunnill
Scott Burrough
3475 Leonardtown Road
Waldorf, MD 20602

Re: Zoning "Use" Determination
Property #05-038782
13200 Guy Washington Road

Dear Mr. Burroughs:

This is in response to your request for a use determination for the operation of an urban forestry or tree care service from the subject property as a Maryland Licensed Tree Expert. You felt as though the use would fall under use code 1.02.000 Forestry. As stated, the Merriam-Webster definition of "Forestry" is defined as:

- The science of developing, caring for, or cultivating forests
- The management of growing timber

If the proposed use is to develop, care for, or cultivate the forest at 13200 Guy Washington Road, then staff agrees that this would be permitted.

However, it is my understanding that the owner uses the property primarily for storage of his equipment and/or trucks for the operation of the business for off-site services. It is also understood that the weight of the motor vehicles is greater than 10,000 pounds gross vehicle weight. Per Section 297-29:

- *No motor vehicles having a gross vehicle weight of more than 10,000 pounds shall be parked in any residential zone. A motor vehicle having a gross weight of less than 10,000 pounds designed or used to carry freight or passengers for a fee or merchandise in the furtherance of any commercial enterprises shall be allowed in a residential zone on the basis of one vehicle for each residential lot. School buses specifically shall be limited to one such vehicle for each residential lot.*

The property owner has applied for a Home Occupation Permit to run his office for the business from the property, however, the review resulted in a status regarding the five (5) commercial vehicles associated with the business. To date, a response has not been received nor has the permit been issued.

If you should need any further information, please contact me at 301-645-0649 or e-mail bilbrac@charlescountymd.gov.

Sincerely,

Cyndi C. Bilbra
Program Manager



ENGINEERS · ARCHITECTS · PLANNERS · LANDSCAPE ARCHITECTS

September 4, 2020
LDG209064

Charles County Government
Department of Planning and Growth Management
200 Baltimore Street
La Plata, Maryland 20646
(sent via email)

Attn: Cynthia Bilbra, Program Manager
BilbraC@charlescountymd.gov

RE: Zoning Use Determination – Clarification
13200 Guy Washington Road
Newburg, Maryland 20664
Tax Map 83 - Parcel 107 - Lot 2
Tax ID # 05-038782

Dear Ms. Bilbra:

Thank you for the August 6, 2020 Zoning “Use” Determination letter (“Letter”) received by Lorenzi, Dodds & Gunnill (LDG) by email on August 11, 2020. Upon review of the Letter, LDG and the property owners, Mr. Glen Bowling and Ms. Maria Ramirez (“Owner”) request clarification, and would like to provide additional information to aid in the clarification.

The Letter states “If the proposed use is to develop, care for, or cultivate the forest at 13200 Guy Washington Road, then the staff agrees this would be permitted.” The owner does indeed care for and cultivate the trees and forest on their property utilizing the trucks and tree care equipment stored on the property. In consideration of these facts, the recognition of the proposed use code, 1.02.000 Forestry would be applicable and permitted.

Additionally, in regard to the storage of the motor vehicles having a gross weight of more than 10,000 pounds, the Letter cited the County Zoning Ordinance Section 297-29 B.(11).

- *No motor vehicles having a gross vehicle weight of more than 10,000 pounds shall be parked in any residential zone. A motor vehicle having a gross weight of less than 10,000 pounds designed or used to carry freight or passengers for a fee or merchandise in the furtherance of any commercial enterprises shall be allowed in a residential zone on the basis of one vehicle for each residential lot. School buses specifically shall be limited to one such vehicle for each residential lot.*

The property located at 13200 Guy Washington Road "Property" is zoned Agricultural Conservation (AC). The Property is considered and assessed by the state of Maryland to be agricultural. The Owner completed an Application for Agricultural Use Assessment and Agricultural Declaration of Intent on January 23, 2019. These documents are filed with the Maryland State Department of Assessments and Taxation in Charles County (copies attached). Since the property is agricultural, and not residential, Section 297-29 B.(11) is not applicable.

However, Section 297-29 B.(12) would be applicable and reads:

- *Except for trucks used in farming the property on which they are located or trucks used in conjunction with a permitted use, trucks and/or trailers exceeding five tons empty weight shall not be stored or parked in any residential zone unless engaged in moving household goods or making deliveries.*

Since the trucks and equipment stored on the Property are used in conjunction with a permitted use as noted in paragraph two of this letter, and the Property is agricultural and not residential, the parking of the trucks and equipment is permitted. The storage of the trucks and equipment on the property is consistent with forestry and agricultural operations throughout Charles County. Equipment used in agricultural and forestry operations regularly work on properties other than the property where they are stored, as is permitted. The Owner's work includes other properties located within the Agricultural Conservation (AC) zone.

Please provide clarification to the Letter acknowledging that:

- The property located at 13200 Guy Washington Road is zoned and accessed as Agricultural and not a residential property;
- Use code 1.02.000 Forestry is a permitted use on 13200 Guy Washington Road and applicable to the activities being conducted on the property, as well as throughout the AC zone; and
- The parking of trucks and equipment on the Property is a permitted activity per Section 297-29 B.(12) since the use is permitted.

If there are any further questions regarding this request please contact me.

Sincerely,
Lorenzi, Dodds & Gunnill, Inc.



Scott Burroughs

cc: Mr. Glen Bowling and Ms. Maria Ramirez
Sue Greer, Law Office Sue A. Greer, P.C.

attachments: Application for Agricultural Use Assessment
Agricultural Declaration of Intent



CHARLES COUNTY GOVERNMENT
Department of Planning & Growth Management

Deborah A. Carpenter, AICP
Director

Phone | 301-645-0692
Email | PGMAdmin@CharlesCountyMD.gov

July 28, 2021

Lorenzi, Dodds & Gunnill
Scott Burroughs
3475 Leonardtown Road
Waldorf, MD 20602

Re: Clarification/Use Determination
Property #05-038782
13200 Guy Washington Road

Dear Mr. Burroughs:

This is in response to your request for clarification of the above referenced use determination dated August 6, 2020. In this determination letter, the parking of the tree service trucks did not fit under use code 1.02.000 (Forestry) because the primary use of the trucks are for tree services performed off site.

In your letter requesting clarification, you advised that keeping tree service trucks on the property would be associated with an agricultural/farming use under Article II, §297-29 B (12). If the proposed forestry operation activity is solely for the care, use, and conservation of forests at 13200 Guy Washington Road, then staff agrees that this would be permitted. However, the use of these trucks cannot be approved to provide services off site. Article II, §297-29 B (12) specifically states that the farming is done on the property on which the trucks are being used.

Upon careful consideration of the information provided, I have determined that parking the tree service trucks falls under use code 7.02.420 (Parking of more than one motor vehicle > 15,000 pounds gross vehicle weight). This is permitted in the Agricultural Conservation (AC) zone by approval of a Special Exception.

Please make application for the Special Exception or remove the trucks from the property within 30 days from the date of this letter. If you do not take one of the required actions within the designated timeframe, this matter will be referred to our legal department for further enforcement action.

If you should need any further information, please contact me at 301-645-0649 or e-mail bilbrac@charlescountymd.gov.

Sincerely,

Deborah A. Carpenter
Deborah A. Carpenter (Jul 28, 2021 12:44 EDT)

Deborah A. Carpenter, AICP
Zoning Officer

Cc: Sue Greer, The Greer Law Firm
Glen R. Bowling, Real Tree – Tree Service
Jarington Bazemore, Enforcement

APPENDIX F

Joseph and Britney Lawman
11830 Mill Run Road
Newburg, Maryland 20664

February 5, 2022

Charles County Government
Board of Appeals
200 Baltimore Street
La Plata, Maryland 20646
Attention: Ms. Ashleigh Goedeke, Clerk to the Board

RE: Bowling Property - 13200 Guy Washington Road, Newburg
Special Exception and Variance Request

Dear Sirs and Madams:

We own and reside at the property located at 11830 Mill Run Road and identified as Lot 1, Parcel 107 on Charles County Tax Map 83. The western boundary of our property is shared with the Bowling property.

The Bowling's have discussed with us the proposed special exception request (Use 7.02.120 Parking of more than one motor vehicle > 15,000 pounds gross vehicle weight), the requested variance to the requirement of parking vehicles behind the principle dwelling, and the requested variance to the requirement to provide a 100-foot setback from the adjacent owner's property. I do not object to the special exception, or the two variances being granted. We hope the Board will positively consider the Bowling's requests.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joseph Lawman".

Joseph Lawman
Britney Lawman

Robert L. Tomkiewiicz
13170 Guy Washington Road
Newburg, Maryland 20664

February 5, 2022

Charles County Government
Board of Appeals
200 Baltimore Street
La Plata, Maryland 20646
Attention: Ms. Ashleigh Goedeke, Clerk to the Board

RE: Bowling Property - 13200 Guy Washington Road, Newburg
Special Exception and Variance Request

Dear Sirs and Madams:

I own and reside at the property located at 13170 Guy Washington Road and identified as Parcel 29 on Charles County Tax Map 83. The southern and eastern boundaries of my property are shared with the Bowling property.

The Bowling's and I have discussed the proposed special exception request (Use 7.02.120 Parking of more than one motor vehicle > 15,000 pounds gross vehicle weight), the requested variance to the requirement of parking vehicles behind the principle dwelling, and the requested variance to the requirement to provide a 100-foot setback from the adjacent owner's property. I do not object to the special exception, or the two variances being granted. As the adjoining property owner, and the primary property affected by this decision, I hope the Board will positively consider the Bowling's requests.

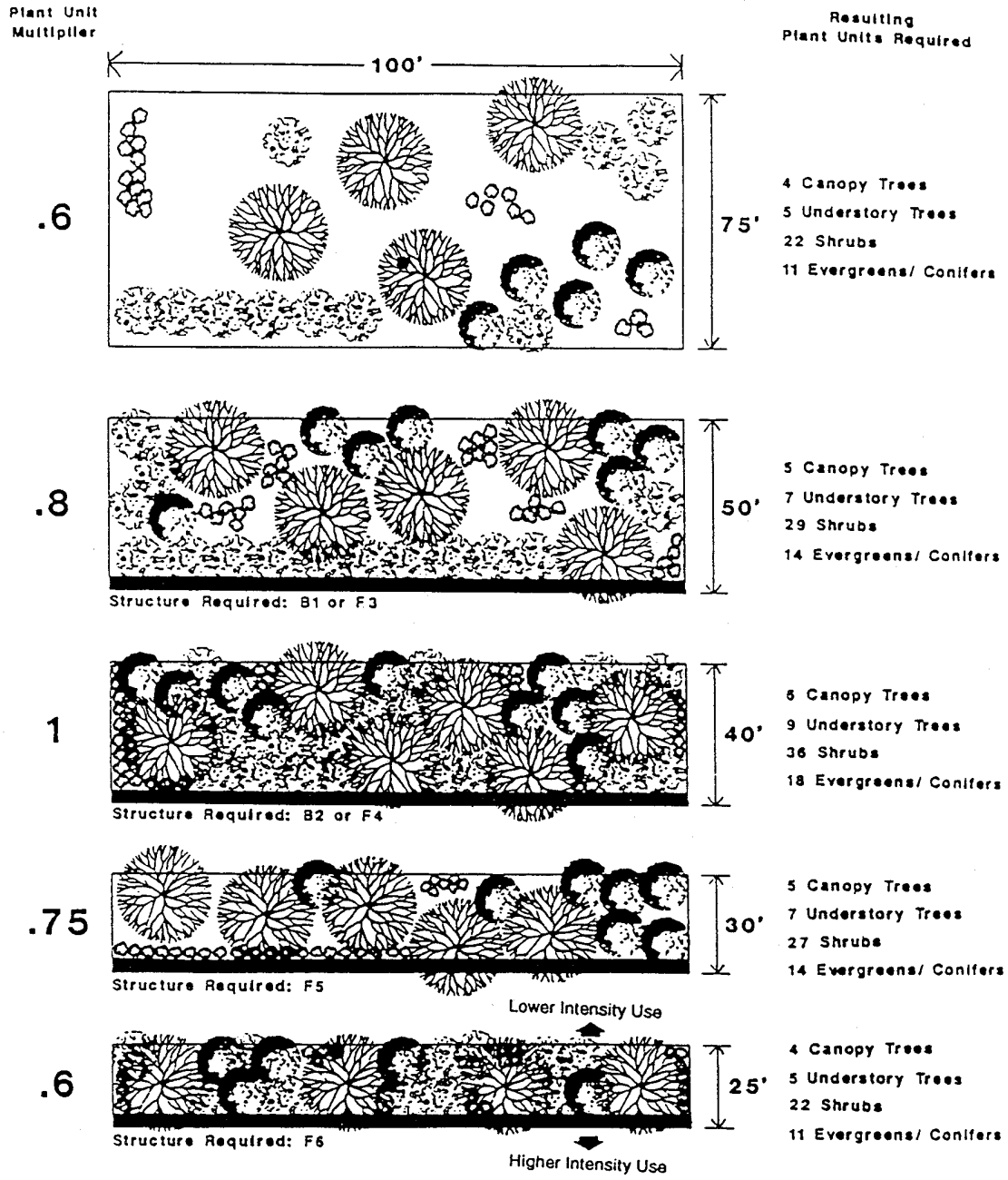
Thank you for your consideration.

Sincerely,

Robert L. Tomkiewiicz



APPENDIX G



* Fence Option Not Applicable to the Road Buffers

BUFFERYARD STANDARDS Charles County, MD	BUFFERYARD E	
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APPENDIX H

FOREST MANAGEMENT PLAN

for

BOWLING PROPERTY

13200 Guy Washington Road
Newburg, Charles County, Maryland 20664
Tax Map 83 - Grid 10 – Parcel 107 – Lot 2

Tax ID # 05-038782
8.4201 Acres (site)
7.4201 Acres (FMP)

December 2020



Prepared for:

Glen Bowling
Maria Carmen Ortega Ramirez
13200 Guy Washington Road
Newburg, Maryland 20664

Prepared by:

Scott Burroughs
Lorenzi, Dodds & Gunnill, Inc.
3475 Leonardtown Road, Suite 100
Waldorf, Maryland 20602

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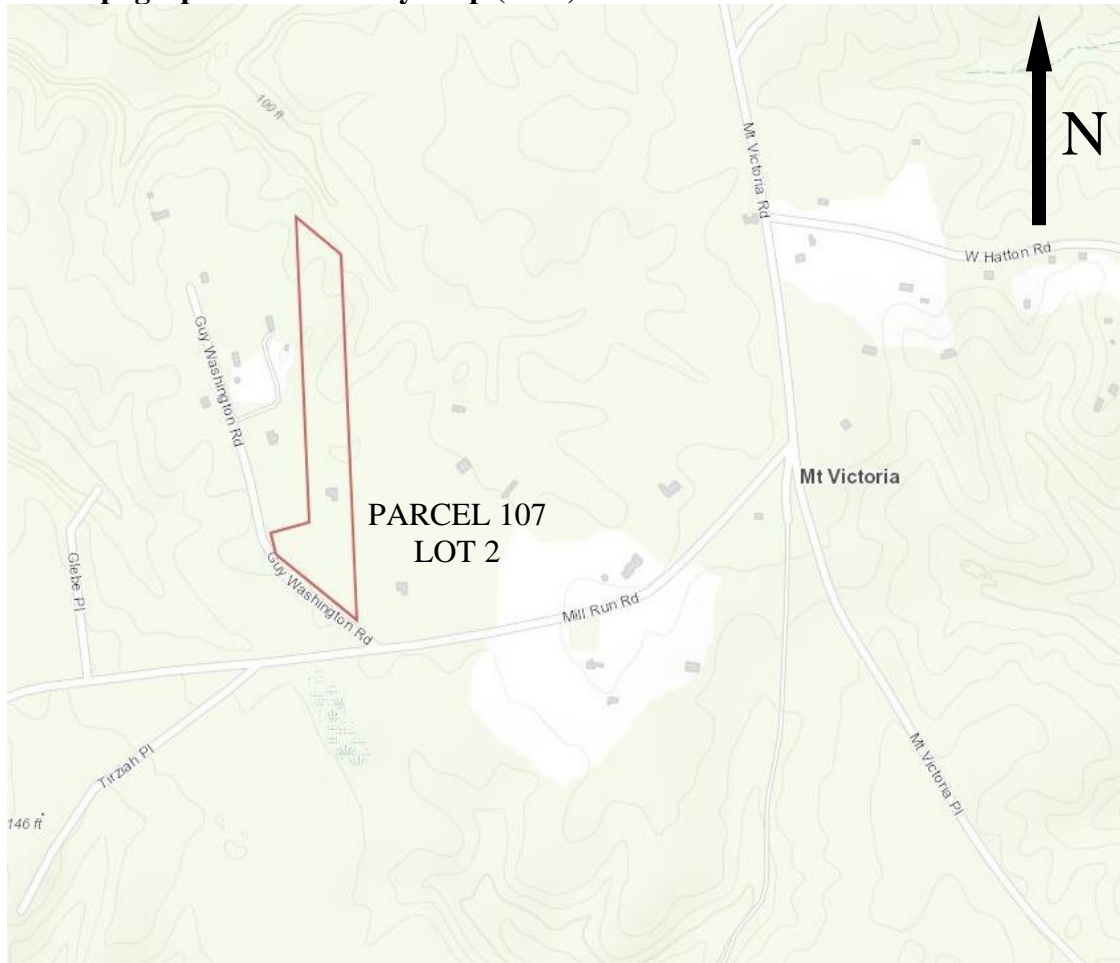
Appendix

Appendix A Forest Stand Map

Introduction

The Bowling Property, Lot 2, Parcel 107 (Site) is located on the north and west side of Guy Washington Road, approximately 150 feet north of Mill Run Road. The Site is bound by Guy Washington Road to the south, residential/agricultural properties to the east and west, and a SMECO right of way to the north.

Figure 1. Topographic and Vicinity Map (NTS)



The topography on the Site is flat to gently sloped. The property is located approximately at latitude 38°21'0.75"N, and longitude 76°54'10.89"W.

Management Objectives

The following goals were identified by the owner as management objectives:

- Forest Health
- Arboriculture and Forestry Training Area for Tree Care Business
- Firewood Production

General Site Information and Conditions

Geology and Soils

The Site is located entirely within the Coastal Plain Physiographic Province. The Coastal Plain Province is composed of thick unconsolidated beds of sand, silt, clay, and gravel laid down as marine deposits, and extends from the Atlantic Ocean westward to the eastern boundary of the Piedmont Province. The soil units mapped in this review area are shown on the Forest Management Plan Map in Appendix A and are listed in Table 1.

Table 1. Soil Units Mapped on the Site

Map Unit Symbol	Map Unit Name
BaB	Beltsville silt loam, 2 to 5 percent slopes
BaC	Beltsville silt loam, 5 to 10 percent slopes
GmD	Grosstown-Marr-Hoghole complex, 5 to 15 percent slopes
GmF	Grosstown-Marr-Hoghole complex, 15 to 40 percent slopes
Pu	Potobac-Issue complex, frequently flooded

Waters of the United States, Wetlands, and Sensitive Species Review Areas

The Site is in the Mill Run (formerly Church Run) watershed of Picowaxen Creek, in the Lower Potomac River Watershed. The Site contains no mapped or observed tributary streams or areas mapped as nontidal wetlands, according to the Maryland Department of Natural Resources GIS mapping/MDMERLIN. However, an area of isolated nontidal wetlands is mapped on the adjacent parcel (Lot 1) to the east. Any forestry activities within nontidal wetlands should be implemented in accordance with Best Management Practices.

According to the mapping MDMERLIN (MDNR Online Environmental GIS) the Site does not contain any areas mapped as Sensitive Species Review Areas. The site does drain into areas mapped as Sensitive Species Review Areas along Mill Run and its tributaries. The Site is mapped as potential Forest Interior Dwelling Bird (FIDS) habitat. Prior to any timber harvesting, it is recommended that MDMERLIN and MDNR Wildlife and Heritage Division be consulted to confirm no records for listed species exist.

No portion of the Site is located within the Chesapeake and Coastal Bays Critical Area. Timber harvest within the Critical Area require a Timber Harvest Plan approved by the local Forest Conservancy Board.

A streamside management zone (SMZ) is required adjacent to all streams on or adjacent to the site during commercial harvesting activities. Any streams mapped as a “blue line” stream on the USGS

7.5-minute Quadrangle and a SMZ would be required according to the 2015 Maryland Soil Erosion and Sediment Control Standards and Specifications for Forest Harvest Operations. The minimum width of a SMZ is 50, and must be expanded up to 250 dependent upon the slope of the adjacent land. Generally, no machinery is permitted within 50 of any stream and limited harvesting may occur within the entire SMZ. However, for management of Loblolly Pine, clearcutting may occur to within 50' of a stream in accordance with a SMZ prepared by a licensed forester.

The Maryland Seed Tree Law requires the retention of 8 Loblolly Pine seed trees per acre or reforestation when a 5 acre or greater site contains 25% or greater Loblolly, Shortleaf or Pond Pine.

A portion of the site is encumbered by a Forest Conservation Easement recorded at L.2201/F.352. The encumbrances of the easement must be observed, and all management activities conducted in accordance with the restrictions of the easement.

Management Unit 1

Forest Type:	Oak - Beech
Acreage:	7.4201
Dominant Species:	White Oak, Southern Red Oak, American Beech, Chestnut Oak, and Hickory
Age:	even-aged
Size:	small to medium sawtimber
Quality:	fair
Stocking:	adequate
Growth Rate:	fair

Stand A Description:

Management Unit 1 encompasses the entire forested portion of the Site. Unit 1 is an even-aged stand with White Oak, Southern Red Oak, American Beech, Chestnut Oak, and Hickory dominating the stand and Virginia Pine, Sweetgum, and Red Maple also being observed in pockets or scattered in the stand. The Virginia Pine appears to have been a more dominate species in the stand, however age, competition for resources, and wind have reduced the prevalence of the species on the Site. The understory in the stand consists of a variety of species including: American Holly, Oaks, Red Maple, and Virginia Pine. No invasive species were observed in the stand. No evidence of recent harvesting was observed. The stand is adequately stocked with an average basal area of 90 to 120 square feet per acre of timber primarily in the 12 to 18-inch DBH (diameter at breast height – 4.5 feet) range.

Stand A Recommendations:

The stand should be maintained and allowed to grow for 15 years. Density related mortality may occur as the stand continues to mature; dead trees may be harvested for firewood, or left standing to provide snags for wildlife. Additionally, the owner's objectives include utilizing the woodlot as a training area for arboriculture.

Arboriculture Training Opportunities:

Basic Tree Identification

The Site may be utilized to provide tree identification training during the growing season and dormant conditions.

Climbing and Tree Maintenance

The larger oaks and American Beech throughout the Site may be utilized for training arborists and tree care workers on the proper and safe use of climbing saddles, ropes and gear; use of mechanized lifts; proper pruning techniques; and safety both aloft and on the ground.

Saw and Equipment Training

The existing deadwood on the forest floor and undesired understory vegetation may be removed during training of employees with chainsaws for ground operations and the safe operation of chippers. Additionally, trails could be created throughout the site to allow access. The trails may also serve as opportunities for the training of employees on skid steers or other ground-based equipment.

Firewood Harvesting of Deadwood

Standing dead trees may be harvested for firewood providing an opportunity to provide training on tree removals and takedowns. Additionally, working with dead trees presents unique safety hazards and opportunities to train on the hazards associated with dead trees.

Tree Defect, Wound Identification, and Insects and Disease Training

The Stand will provide an excellent opportunity to inspect a variety of living trees and review trees biological responses to wounds and defects. Additionally, the woodlot will provide an opportunity to allow the observation of tree and forest pests and diseases.

Woods Roads and Trails

Trails should be created throughout the site to provide training opportunities and to provide site access for firewood harvesting and to serve as fire-breaks.

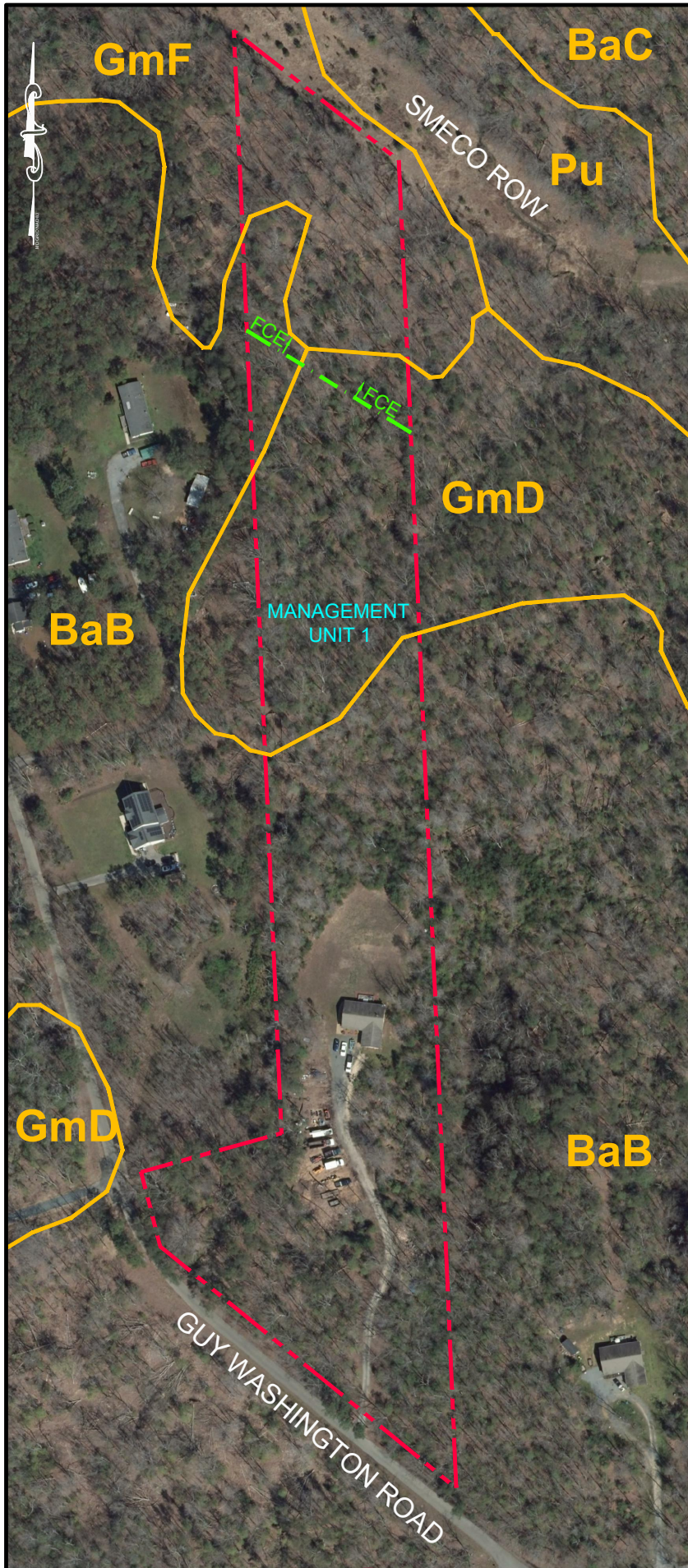
Conclusion and Recommendation Summary

The forest on the Site is diverse and in good condition. While the site will likely not provide significant commercial timber opportunities due to the parcel size, the site will provide excellent opportunities for the owner to conduct arborist training. Additionally, the site will provide a source of firewood for harvesting and storage. The entire site should be monitored for insects and diseases. The property corners should be identified and well-marked. In order to prevent trespassing, the property boundaries should be clearly marked and the site posted.

Table 2. Management Recommendations

YEAR	Unit	MANAGEMENT ACTIVITY
Ongoing	All	Monitor for insect and disease activity
Ongoing	All	Clearly mark boundaries and post property
Ongoing	All	Utilize for Arborist Training
Ongoing	All	Install and maintain trails/woods roads
2035	All	Re-evaluate site and update management recommendations

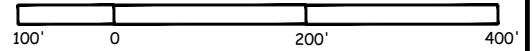
Appendix A. Forest Stand Map



LEGEND

- PROPERTY LINE - - - - -
- MAPPED SOIL BOUNDARY — — — — —
- FOREST CONSERVATION EASEMENT - - - - -

TAX ACCOUNT NUMBER ~ 05-038782
 PARCEL 107/LOT 2
 8.4201 AC SITE
 7.4201 FMP



**FOREST
 MANAGEMENT PLAN
 BOWLING PROPERTY
 5TH ELECTION DISTRICT
 CHARLES COUNTY,
 MARYLAND
 TAX MAP 83 - GRID 10
 PARCEL 107 - LOT 2
 SCALE: 1" = 200'
 DATE: DECEMBER 2020**

REFER TO TABLE 1 IN FMP FOR SOIL TYPE INFORMATION
 REFER TO FIGURE 1 IN THE FMP FOR VICINITY MAP
 AERIAL PHOTO 2018-2019



ENGINEERS · ARCHITECTS · PLANNERS · LANDSCAPE ARCHITECTS

August 2, 2022
LDG-209064

Charles County Government
Department of Planning and Growth Management
200 Baltimore Street
La Plata, Maryland 20646
Attn: Cyndi Bilbra, Planning Supervisor

Re: VAR-220002
13200 Guy Washington Road

Dear Ms. Bilbra:

The Bowling Property Justification Report and Special Exception Site Plan have been revised to address comments provided in the July 7, 2022 comment letter for VAR-220002. Specific responses to comments provided are below.

Preservation Planning – Amy Blessinger

1. Comments noted; pending Naval Support Activity South Potomac (NSASP) comments.

LDG strongly objects to the request for the doubling of shrubs in the Bufferyard E. The justification provided for the increased shrubbery is due to the “close proximity to the state-designated Religious Freedom Byway (MD Route 257).” MD 257 is approximately 1.2 miles from the site (closest straight line). The site is in no way visible from MD 257 and the additional screening request would have no effect on MD 257.

Zoning – Kelly Palmer

1. The typo regarding the hours of operations has been removed. The variance request has been modified to only request a variance to Condition C. All other special exception conditions will be met.

Preservation Planning – Kathleen Seay

1. The applicant is requesting the special exception for three (3) trucks in excess of 15,000 pounds GVW. The applicant will have other vehicles on the property including pick-ups and chip trucks, all of which are permitted by right and not in need of a special exception. The justification has been revised to note that the vehicles will generally depart the property in the morning between 7:00 and 8:00 AM and return to the site between 4:00 and 6:00 PM.

Bowling Property
VAR 220002

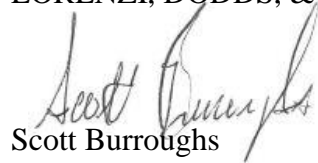
August 2, 2022
LDG209064

Adequate Public Facilities – Ben Yeckley

1. There will be up to three (3) trucks over 15,000 pounds GVW parked on the site.

Please contact me with any questions at (301) 645-2254. Thank you.

Sincerely,
LORENZI, DODDS, & GUNNILL, INC.



Scott Burroughs

cc: Sue Greer, The Greer Law Firm
file

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ENGINEERS · ARCHITECTS · PLANNERS · LANDSCAPE ARCHITECTS

September 2, 2022
LDG-209064

Charles County Government
Department of Planning and Growth Management
200 Baltimore Street
La Plata, Maryland 20646
Attn: Cyndi Bilbra, Planning Supervisor

Re: SPEX-220006/VAR-220002
13200 Guy Washington Road

Dear Ms. Bilbra:

The Bowling Property Justification Report and Special Exception Site Plan have been revised to address comments provided in the August 17, 2022 comment letter for SPEX-220006. Specific responses to comments provided are below.

Adequate Public Facilities – Ben Yeckley

1. The justification report has been revised to clarify that one round trip per vehicle will be generated. There will be up to three (3) trucks over 15,000 pounds GVW parked on the site.

Please contact me with any questions at (301) 645-2254. Thank you.

Sincerely,
LORENZI, DODDS, & GUNNILL, INC.


Scott Burroughs

cc: Sue Greer, The Greer Law Firm
file

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Charles County Board of Appeals Meeting of November 15, 2022

Department of Planning and Growth Management Staff Report

Project Name: Bowling

BOA Docket #1452 – Variance Application

Type of Project: Variance to Conditions C and E of Article XIII 297-212, Use 7.02.410 to park the vehicles in front of the principal dwelling and to reduce the required setback.

Prepared by: Kelly Palmer, Planner III, Planning Division

For questions, contact the Planning Division at 301-645-0540

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BACKGROUND

The subject Property is located at 13200 Guy Washington Road, in Newburg, Maryland, approximately 4.6 miles south of the intersection of Rock Point Road (MD257) and Robert Crain Highway (US 301) via MD 257. The Property is located in a rural area of Charles County, and has public road frontage on Guy Washington Road, a County Road.

The surrounding properties contain residential and agricultural structures and land uses. A location map, zoning map, aerial map, and adjacent property map of the subject property are included in the Staff Report as Appendices 1 through 4.

The Applicants, Glen Bowling and Maria Del Carmen Ortega Ramirez are requesting Variance relief from two conditions of Use Code 7.02.420, parking of more than one motor vehicle that is greater than 15,000 pounds gross vehicle weight. The specific conditions that they are seeking variance relief from are condition C, that the vehicle shall be parked behind the principal dwelling on a gravel or hard surface area; and condition E, which requires that the vehicle is to be parked or left standing a minimum of 100 feet from any property line.

Neighborhood and Surrounding Uses: For the purposes of the variance application, the neighborhood surrounding the subject property is identified by staff as follows:

The surrounding neighborhood is bounded to the north and east by Mount Victoria Road, and to the west and south by Rock Point Road. This area is a rural part of the County and all of the properties within the defined neighborhood are zoned Agricultural Conservation (AC).

Reference Appendix 4., which contains the Adjacent Property Map with Property Owner and Resident Agent List.

STANDARD OF REVIEW

As established in the Zoning Ordinance, specifically § 297-416.B., the Board of Appeals is authorized to grant variances from the strict application of the Zoning Ordinance when an applicant is able to demonstrate that certain impediments relating to the parcel/parcels exist. More specifically, the owners must demonstrate that a *parcel's* “exceptional narrowness, shallowness or shape” or “exceptional topographical conditions or other extraordinary situations or conditions of *specific parcels of property*” created the issue (emphasis added).

If the initial threshold test is met, the Board of Appeals must then also determine whether the application request meets the six criteria set forth in § 297-416.C., which are discussed in greater detail in the pages that follow. As established by § 297-416.J., the burden of proof and persuasion remains with the applicant, who must demonstrate that the criteria of both § 297-416.B. and § 297-416.C. are met.

ANALYSIS

Upon review of the Application and the Statement of Justification submitted by the applicant, staff has noted that the Applicant has provided sufficient evidence to meet its burden as

set forth above. Upon a review of the Comprehensive Plan and the Zoning Ordinance, Planning staff does not oppose the granting of the variance (assuming that the Special Exception is also granted) from the two conditions associated with use code 7.02.420.

A. The Threshold Test:

The Threshold Test established by the Zoning Ordinance is set forth in § 297-416.B., which states as follows:

The Board is authorized to grant variances from the strict application of these regulations when, by reason of exceptional narrowness, shallowness or shape of specific parcels of property or by reason of exceptional topographical conditions or other extraordinary situations or conditions of specific parcels of property, the strict application of the regulations of this chapter would result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of said property. However, the Board of Appeals shall not grant variances that will substantially impair the intent, purpose and integrity of this chapter. This provision shall not be construed to permit the Board, under the guise of a variance, to change the permitted use of land.

Upon careful evaluation of the Applicant's Statement of Justification and the exhibits provided, Staff finds that the Applicant has provided sufficient evidence to meet the threshold test. The Bowling's property is 8.42 acres in size. While the parcel is approximately 1,600 feet deep, the majority of the parcel is only 200 feet wide. The parcel is currently developed with a dwelling and existing driveway. The septic system and drainfields are located behind the existing house, making it difficult to park the vehicles associated with the business behind the dwelling.

B. The Additional Six Criteria Established in § 297-416.C.:

Upon a review of the remaining portion of the Applicant's Statement of Justification relating to the criteria established in § 297-416.C., the Board of Appeals will need to decide whether the Applicant has met its burden. The six criteria are as follows:

- (1) That special conditions or circumstances exist that are unique to the subject property or structure and that a strict enforcement of the provisions of this chapter would result in unwarranted hardship which is not generally shared by owners of property in the same land use classification.**
- (2) That strict enforcement of the provisions of this chapter would deprive the property owner of rights commonly shared by other owners of property in the area.**
- (3) That the granting of a variance will not confer upon an applicant any special privilege that would be denied to other owners of like property and/or structures within the same zone/land use classification.**
- (4) That the variance request is not based upon conditions or circumstances which are self-created or self-imposed.**
- (5) That greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient justification for a variance.**

(6) That the proposed variance is consistent with the Charles County Comprehensive Plan.

Based upon a review of the Applicant's Statement of Justification, Planning staff offers the following comments.

First, the Applicant has argued that the property's narrow and unique shape and septic location would prevent the Applicant from meeting Conditions C and E for Use 7.02.420 and result in an unwarranted hardship generally not shared by owners of property in the same area. After analyzing the current configuration and layout of the property, planning staff agrees that due to the exceptional narrowness of the Property, there are special conditions or circumstances that are unique to the subject property that will make it difficult to adhere to conditions C and E associated with use code 7.02.240, parking of more than one motor vehicle greater than 15,000 pounds gross vehicle weight.

Similarly, the Applicant has indicated that the granting of a variance will not confer upon it any special privilege that would be denied to other owners of like property and/or structures within the same zone/land use classification. Since the variances are necessary due to the configuration of the parcel of land and uniqueness of the shape of the parcel and the location of the existing dwelling and septic system Staff agrees that the variance to Conditions C and E will not confer special privilege that would be denied to others in the same zone/land use.

The Applicant also asserts that the requested variance is not based upon conditions or circumstances which are self-created or self-imposed. Moreover, the Applicant has not argued that greater profitability is the impetus for the requested variance.

The proposed variance will permit approval of the Use 7.02.420 that is in conformance with the objectives of the Charles County Comprehensive Plan in the following ways:

Chapter 5: Natural Resource Protection

Real Tree - Tree Service provides forestry services to residents of Charles County. In addition to parking vehicles on the Site, Real Tree - Tree Service uses the forests on the property for a variety of training from tree identification, insect and disease identification, tree climbing training and aerial safety training and equipment use. With the emphasis of forest retention throughout the County, professional services are needed to manage the urban and suburban forests that are retained, and this site enables the Bowling's to provide needed natural resource management services throughout Charles County and the surrounding region.

Chapter 7: Economic Development:

The proposed use meets Objective 7.2 of the 2016 Comprehensive Plan which is to "Strengthen the County's economic base through the growth and expansion of existing business and industry."

The Bowling's company, Real Tree - Tree Service is a family-owned, small business that trains and employs a workforce of arborists and Maryland Licensed Tree Experts. The ability to store vehicles on the site is necessary to provide for the seamless operations of the company. The Company is available 24-7 for emergency calls and quick and ready access to vehicles allows for quicker response time for emergencies.

In addition, the proposed use also meets this objective to “Promote and protect agricultural and natural resource industries, including opportunities for eco-tourism, value-added agricultural product processing, and the commercial seafood industry.” The Bowling’s company Real Tree - Tree Service is part of the valuable natural resource industry and provides much needed services to residents. The granting of the requested Variance serves to meet Comprehensive Plan Objectives.

RECOMMENDATION

Based upon the foregoing, Planning staff does not oppose the requested variances to conditions C and E of use 7.02.420, parking of more than one motor vehicle, greater than 15,000 pounds gross vehicle weight. If the Board finds that the Applicant has met their burden of proof, staff requests that the Applicant be required to provide a minimum Bufferyard E to screen the view of the trucks along the western boundary of the property.

Appendices:

The following documents for the project have been provided to the Board of Appeals, and/or uploaded to Board Docs:

1. Docket 1452 Location Map
2. Docket 1452 Zoning Map
3. Docket 1452 Aerial Map
4. Docket 1452 Adjacent Property Map w/ Property Owner and Resident Agent List
5. Variance Application – Signed by Applicant & Owner
6. Variance Justification



Charles County Board of Appeals Meeting of November 15, 2022

Department of Planning and Growth Management Staff Report

Project Name: Bowling

BOA Docket #1453 – Special Exception Application

Type of Project: Special Exception – Use #7.02.420, Parking of more than one motor vehicle greater than 15,000 pounds gross vehicle weight in the Agricultural Conservation (AC) Zone

Prepared by: Kelly Palmer, Planner III, Planning Division

For questions, contact the Planning Division at 301-645-0540

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I. Applicant & Project Information:

A. Project Name: Bowling Property

Applicant: Glen Bowling
Maria Del Carmen Ortega Ramirez
13200 Guy Washington Road
Newburg, MD 20664

Attorney: Sue Greer, Esq.
The Law Offices of Sue A. Greer
200 Howard St
Suite 101
La Plata, MD 20646

Engineer: Scott Burroughs
Lorenzi, Dodds, and Gunnill, Inc.
3475 Leonardtown Rd.
Suite 100
Waldorf, MD 20601

B. Project Number: Docket #1453

C. Subject Property: The address of the Subject Property is 13200 Guy Washington Road, in Newburg, approximately 4.6 miles south of the intersection of Rock Point Road (MD 257) and Robert Crain Highway (US 301) via MD 257 or approximately 4.7 miles via Mount Victoria Road. The Property is located in a rural area of Charles County, and has public road frontage on Guy Washington Road, a County Road.

The address of the subject property is 13200 Guy Washington Road, Newburg, Maryland 20664. The Property is 8.4201 acres in size with approximately 7.4 acres forested. The site contains a single-family residential structure, a private well, a conventional septic system, and an existing parking area for vehicles. Approximately 1.6644 acres of the 7.4 acres of forest on Lot 2 are encumbered by a forest conservation easement record in L. 2201 at F. 352. The existing parking area on the site is to be used for the parking of vehicles used in the Bowling's Urban/Suburban Forestry/Tree Care Business, "Real Tree - Tree Service".

The subject property as well as all other properties surrounding it, are similarly zoned Agricultural Conservation (AC). The surrounding properties contain a mixture of residential and agricultural structures and land uses.

D. Land Use & Zoning Category: The proposed use to park more than one motor vehicle greater than 15,000 pounds gross vehicle weight (Use code 7.02.420) is associated with the trucks used by the Bowling's for their Forestry business. The subject property is zoned Agricultural Conservation (AC).

A location map, zoning map, aerial map, and adjacent property map of the subject property are included in the Staff Report as Appendices 1 through 4.

E. General Description of the Special Exception Request:

The Applicants, Glen Bowling and Maria Del Carmen Ortega Ramirez, are seeking approval to use a portion of their property to park several vehicles that are greater than 15,000 pounds gross vehicle weight. These vehicles are used by the Applicants as part of their forestry business, Real Tree- Tree Service. The Applicants have requested variances from Conditions C and E of use code 7.02.420 under separate variance application.

F. Neighborhood and Surrounding Uses: For the purposes of the special exception application, the neighborhood surrounding the subject property is identified by staff as follows:

The surrounding neighborhood is bounded to the north and east by Mount Victoria Road, and to the west and south by Rock Point Road. This area is a rural part of the County and all of the properties within the defined neighborhood are zoned Agricultural Conservation (AC).

Reference Appendix 4., which contains the Adjacent Property Map with Property Owner and Resident Agent List.

II. Environmental Characteristics & Cultural Resources:

A. Environmental Information, Resources, Watershed:

1. **Watershed:** This project is located within the Potomac River Lower Tidal Watershed.
2. **Forest Conservation:** This property has satisfied Forest Conservation requirements. A Forest Stand Delineation was approved October 3, 1995. The Final Forest Conservation Plan was approved March 19, 1996. The Forest Conservations Easement was recorded at liber/folio 2201/352.
3. **Habitat Protection Plan:** A Habitat Protection Plan is not required for this project.
4. **Environmental Features:** There are no streams or associated non-tidal wetlands on or within close proximity to the property and therefore the

Resource Protection Zone is not applicable to this project.

B. Cultural Resources:

Per Article XVIII, § 297-298 and Article XXXI, § 297-512 of the Zoning Ordinance, cultural resource investigation, including archaeology, may be necessary at the site development plan stage. We recommend coordinating with Long Range/Preservation Planning early in the process, so the County's Archaeologist can review the property to determine if archaeological investigation is warranted.

III. Criteria for Approval and Findings:

The subject property, an approximately 8.42-acre parcel, is zoned Agricultural Conservation (AC). According to the Zoning Ordinance, a Special Exception is required for parking of more than one motor vehicle greater than 15,000 pounds gross vehicle weight as an accessory to a principal residential use in the Watershed Conservation District, Rural Residential, and Agricultural Conservation, Village Residential and Rural Conservation Zones subject to Subsections A and C through I for use 7.02.410. Parking of one motor vehicle greater than 15,000 pounds gross vehicle weight.

In order to comply with the Zoning Ordinance, the Property must meet all of the requirements found in:

- § 297-212, Use #7.02.420 – parking of more than one motor vehicle greater than 15,000 pounds gross vehicle weight
- § 297-212, Use #7.02.410- parking of one motor vehicle greater than 15,000 pounds gross vehicle weight.
- § 297-415, Special Exceptions.

The proposed use must also be found to be consistent with the 2016 Comprehensive Plan.

If the Board of Appeals grants the Special Exception, the Applicant would be permitted to pursue development of the property, as identified within the application.

IV. Minimum Zoning Requirements:

Article XIII, § 297-212, Use #4.03.200 of the Zoning Ordinance:

Staff has evaluated the criteria established in § 297-212 and the analysis is summarized below:

A. Minimum area: three acres or any parcel considered a legal lot of record in

existence prior to October 1, 1992.

The subject property consists of 8.42 acres, which is the minimum required, and this parcel is considered a legal lot of record recorded on March 19, 1996.

B. One motor vehicle greater than 15,000 pounds manufactured rated gross vehicle weight permitted for operation on public roads is allowed as accessory to a principal residential use.

Not applicable to this application.

C. The vehicle(s) shall be parked behind the principal dwelling on a gravel or hard surface area.

The Applicant has requested a variance from this standard under Docket #1492. The Applicant is requesting that the vehicles be permitted to park on the existing compacted ground currently surfaced with gravel and wood/bark mulch. Due to the location of the septic tank, septic drain fields, and septic reserve area, vehicles are not able to be parked in the rear of the house. The existing house is located 322 feet, 359 feet, and 569 feet from the three property corners along the Guy Washington Road right-of-way. The Applicant has proposed to provide a Bufferyard E and a natural wooded buffer along Guy Washington Road to limit the visibility of the vehicles from the roadway.

D. No major mechanical repairs or maintenance of the vehicle may be performed on the subject property.

Per the Applicant's submitted materials and provided responses, there will be no major mechanical repairs or maintenance of the vehicles performed outdoors on the subject property.

E. The vehicle is to be parked or left standing a minimum of 100 feet from any property line.

The Applicant has requested a variance from this standard under Docket #1452. Due to the orientation of the property, it is not possible to provide a 100-foot minimum setback from all property lines. The applicant has offered to provide enhancement planting of evergreen screening trees along the western side of the vehicle parking area as indicated on the Special Exception Site Plan, within the 25-foot Bufferyard. The 100-foot parking setback will be maintained from the property lines along Guy Washington Road and the eastern property line.

F. A Buffer Yard E, including a buffer yard structure, will be required prior to the vehicle being parked on the premises.

Based upon the Applicant's submitted materials and provided responses, combined with proposed conditions of approval that the Applicant will comply with all required Charles County Regulations, including installing a Buffer Yard E.

G. Access shall be directly from a County- or state-maintained road. No trucks may be allowed to be parked on any lot where the access is located on privately owned road and/or shared access driveways.

The Subject Property's access is directly from a County-maintained Road, Guy Washington Road.

H. Trucks shall not constitute a nuisance due to excessive noise. Trucks without mufflers or trucks that do not meet manufactured recommended exhaust system are presumed to be a nuisance and not in compliance with this subsection. Trucks with refrigeration units will not be permitted unless it can be demonstrated that the noise standards for industrial uses set forth in § 297-32 are met.

Based upon the Applicant's submitted materials and provided responses, the trucks will have mufflers and exhaust systems that will not constitute a nuisance due to excessive noise and that the trucks will not have refrigeration units.

I. Trucks shall not contain junk, solid waste, hazardous substances or noxious materials, including petroleum products.

Per the Applicant's submitted materials and provided responses, the trucks will not contain junk, solid waste, hazardous substances or noxious materials, including petroleum products while parked on the property. If the Board of Appeals grants this special exception request, staff recommends a condition be added to the approval that the trucks shall not contain junk, solid waste, hazardous substances or noxious materials while parked on the property.

J. One or more trucks may be parked on a parcel in the AC, RC and RR Zones if the property was being used for the parking of trucks on or before May 3, 1999, provided that all the requirements in Subsections A and C through J above are met. Proof of such use must be submitted to the Zoning Officer on or before June 30, 2000, and acknowledged by the Zoning Officer. This provision does not negate the need of a special exception in the RV Zone.

This standard does not apply to this application for Special Exception approval of use 7.02.420.

Article XXV, § 297-415. H. of the Zoning Ordinance.

Staff has evaluated the criteria established in § 297-415. H. and the analysis is summarized below:

- (1) Will not be detrimental to or endanger the public health, safety and general

welfare.

It is staff's position that the use of the property "for parking of more than one motor vehicle greater than 15,000 pounds gross vehicle weight" will not be detrimental to or endanger the public health, safety, and general welfare. The Applicant will be required to comply with all existing zoning, subdivision and development regulations and federal, state, and local regulations.

Given the size of the Subject Property and the location of the parked vehicles, staff finds that the closest residential home is located to the northwest of the proposed parking area, over 200' away therefore, staff finds that based upon the Applicant's submitted materials and provided responses, combined with proposed conditions of approval, the proposed use, may not be inherently detrimental to or endanger the public health, safety and general welfare.

(2) Is a permissible special exception in the zone.

The proposed parking of more than one motor vehicle greater than 15,000 pounds gross vehicle weight (Use # 7.02.420) is permitted by Special Exception in the Agricultural Conservation (AC) zone.

(3) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.

All adjacent residential uses will be located over 100 feet from the truck parking area. The required Buffer Yard E will be provided. As such, the proposed use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.

(4) Complies with the standards and requirements set forth in Article XIII.

The proposed use, as proffered, appears to comply with the standards and requirements as set forth in Article XIII for Use 7.02.420. Compliance with all applicable standards and requirements will be verified by appropriate County review agencies in their entirety prior to approval of the required Site Development Plan (SDP) application.

(5) Will cause no objectionable impact from traffic, noise, type of physical activity, fumes, odors, dust or glare.

Per the application materials and provided response, the trucks exit and enter the property twice daily, once in the morning and once in the evening, resulting in one round trip per day. Staff finds that at this time it appears that the proposed use will not cause objectionable impact from traffic. The proposed Project will be subject to Adequate Public Facilities (APF) review at the Site Development Plan (SDP) stage, which will determine if any upgrades to the surrounding road network are necessary.

(6) Will provide adequate utilities, water, sewer or septic system, access roads, storm drainage and /or other necessary public facilities and improvements. If a use requires an adequate public facility review by the Planning Commission, such review shall be made a condition of the granting of the special exception by the Board.

Based upon the submitted plans, adequate access roads are available. If the special exception use were to be approved, and when the Applicant applies for a Site Development Plan (SDP), an adequate public facilities (APF) review per Zoning Ordinance § 257 will be made. It is acknowledged by staff that the use will not require water, sewer, or a septic system.

(7) Will provide adequate ingress and egress and be so designed as to minimize traffic congestion in the public streets.

The site is accessed off Guy Washington Road. The Applicant has stated that the trucks exit and enter the property twice daily, once in the morning and once in the evening. It appears that the proposed use, will not cause objectional impact from traffic. If at time of Site Development Plan (SDP), the APF review finds improvements must be made, the County will coordinate with the Applicant.

(8) Is in accordance with the objectives of the Charles County Comprehensive Plan.

Planning staff has reviewed the subject application for consistency with the goals and objectives of the 2016 Charles County Comprehensive Plan as required under § 297-415 H. (8) of the Zoning Ordinance. The subject Special Exception use is located in an area designated as Agricultural Conservation District on the County's Land Use Map. Staff finds that the proposal is in accordance with the goals and objectives of the 2016 Comprehensive Plan as follows:

- Chapter 7: Economic Development - This chapter of the 2016 Comprehensive Plan specifies the desire to strengthen economic development in the County. The subject property is located in a base zone area designated as Agricultural Conservation.

The Comprehensive Plan Objective 7.2 to strengthen the County's economic base through growth and expansion of existing businesses and industry; and 7.3 states it is to "diversify the County's economic base through the attraction of new businesses and encouraging the development of new start-up businesses."

(9) Conforms to the applicable regulation of the zone in which it is located and to the special requirements established for the specific use.

Conformance with the applicable zoning requirements is further discussed in previous sections of this report. However, with respect to the base zoning regulations for this use

in the Agricultural Conservation (AC) zone, (Figure VI-1 of the Zoning Ordinance), staff can confirm that the proposed use, and its proffered placement on the subject property, would comply with the established minimum lot criteria and minimum yard requirements, including lot area, width, depth, frontage, and setbacks. If the requested special exception use is approved, compliance with these requirements will be verified by staff at time of future Site Development Plan application.

V. Recommendation:

When an applicant applies for variance in order to ultimately get a special exception use approved – the Board of Appeals must first grant the proposed variance(s) to the established standard(s) before it can consider granting the desired special exception use. Without the Board granting the requested variance(s) the special exception use should not be approved. As presented in the associated variance report, staff does not object to the variance being granted. If the associated variance application is approved by the Board, please consider the following:

A special exception use is considered compatible with uses permitted by-right within the zoning district, as long as specific criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use would create adverse impacts upon surrounding properties is to show that the proposed use at the particular location proposed, would have impacts above and beyond those inherently associated with the special exception use, regardless of its location within the zone. Staff has reviewed the special exception application for parking of more than one vehicle with a gross vehicle weight of more than 15,000 pounds (Use #7.02.420) at 13200 Guy Washington Road and believes the Applicant has met the minimum burden of proof necessary for use approval consideration by the Board and finds that the application is consistent with identified policy in the Comprehensive Plan, and Zoning Ordinance criterion. Therefore, staff recommends **approval** of the requested special exception as presented herein, with the following **conditions**:

1. Upon receipt of a signed Decision & Order from the Board of Appeals, the Applicant shall submit a Site Development Plan (SDP) application for the vehicle parking area, which contains all the required information for a Site Plan, as specified in Appendix A of the Zoning Ordinance.
2. In conjunction with the Site Development Plan (SDP) application, an adequate public facilities (APF) review, per Zoning Ordinance Section 257, will be required. The APF review includes the filing of a Preliminary Adequate Public Facilities (PAPF) application.
3. The Applicant shall provide a Bufferyard E along the Property boundary where the property meets Guy Washington Road. The exact width and location of the Bufferyard E, including the potential for any required structure, shall be formally determined at the time of the subsequent Site Development

Plan (SDP) application. Such a bufferyard must provide the required minimum amount and type of plantings, as illustrated within § 297-385 of the Zoning Ordinance.

4. The proposed use will cause no objectionable impact from traffic, noise, type of physical activity, fumes, odors, dust or glare. During both the construction and operation periods, the Applicant shall adhere to the established Noise Control regulations, as specified in Chapter 260 of the Charles County Code specifically pertaining to impact abatement on adjacent residential property owners. Demonstration of compliance will be verified at time of Site Development Plan (SDP) application prior to approval.

5. The operation of this Special Exception is contingent upon compliance with all applicable County, State, and Federal regulations, including, but not limited to, the following local regulations: Charles County Zoning Regulations, Grading and Sediment Control Ordinance, Road Ordinance, Stormwater Management Ordinance, Forest Conservation Ordinance, and Floodplain Ordinance.

6. The Board of Appeals for Charles County, Maryland, after proper notice and hearing, may suspend and/or revoke this Special Exception, provided findings by the Board of Appeals that any of the above-stated conditions have not been subject to full compliance by the Applicant, its agents, assignees, or successors in interest.

7. The Charles County Stormwater Management Regulations will need to be addressed, if land disturbance exceeds 5,000 square feet.

8. No major mechanical repairs or maintenance of the vehicle may be performed on the subject property.

10. The trucks shall not contain junk, solid waste, hazardous substances or noxious materials, including petroleum products while parked on the property.

VI. Appendices

The following documents for the project have been provided to the Board of Appeals, and/or uploaded to Board Docs:

1. Docket 1453 Location Map
2. Docket 1453 Zoning Map
3. Docket 1453 Aerial Map
4. Docket 1453 Adjacent Property Map w/ Property Owner and Resident Agent List
5. Special Exception Application – Signed by Applicant & Owner with Appendices