KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

July 1, 2013

Anthony J. DiPaula, Esquire
34 S. Main Street
Bel Air, Maryland 21014

RE: Petitions for Special Hearing, Special Exception and Variance
Case No.: 2013-0267-SPHXA
Property: 7400 Dogwood Road

Dear Mr. DiPaula:

Enclosed please find a copy of the decision rendered in the above matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Thomas J. Hoff, 512 Virginia Avenue,
Towson, Maryland 21286

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE (7400 Dogwood Road) 2nd Election District 4th Councilmanic District Apex Ground Properties, LLC Petitioner	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY
	*	**Case No. 2013-0267-SPHXA**

* * * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed by Anthony DiPaula, Esquire, on behalf of the legal owner, Apex Ground Properties, LLC. The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve the planting of horticultural materials in a Secondary Conservancy area in an RC 6 zone as part of a landscape service operation under B.C.Z.R. §404.3. A Petition for Special Exception was filed pursuant to §§ 1A07.3.B.7 and 404.3 of the B.C.Z.R., to use the herein described property for a landscape service operation. Finally, a Petition for Variance was filed pursuant to the B.C.Z.R. as follows: (1) to permit a distance of 57 ft. between principal buildings in an RC 6 zone in lieu of the required 80 ft.; (2) to permit 13% (27,312 sq. ft.) of the lot area in an RC 6 zone to be covered by impervious surfaces in lieu of the permitted 10% (20,933 sq. ft.) and, (3) to permit loading and unloading within a fully enclosed structure of a landscape service operation within 25 ft. of a property line in lieu of the permitted 50 ft.. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 2.

ORDER RECEIVED FOR FILING
Date 7/1/13
By

Appearing at the public hearing in support of the requests were Allen Terrill and Landscape Architect, Thomas Hoff. Anthony J. DiPaula, Esquire, appeared as counsel and represented the Petitioner. There were no opponents in attendance at the hearing, and the file does not contain any letters of protest and/or opposition. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS) on June 6, 2013. That agency noted Petitioner was obliged to comply with the County's forest buffer and conservation regulations. In addition, a ZAC comment was received from the Department of Planning (DOP) dated May 31, 2013, which supported the zoning requests.

The subject property consists of approximately 5 ½ acres and is zoned RC 6. The Petitioner has for over 30 years operated a landscaping business and would like to move his operations to this site.

SPECIAL HEARING

The Petition for Special Hearing concerns only whether it is permissible to plant horticultural materials in the RC 6 Secondary Conservancy area. I believe, as does the DOP and DEPS, that the planting of such materials constitutes "cultivated agricultural land" which is permitted under the regulations. The Petitioner stressed that it is customary for landscaping companies to grow their own trees and shrubs for use in customer projects. There will be no on-site or retail sale of these materials, and their planting and cultivation is an appropriate use in the zone and on this relatively large property. As such, the Special Hearing relief will be granted.

ORDER RECEIVED FOR FILING

Date 7/1/13

By Sen

VARIANCES

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

(1) The property is unique; and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

The Petitioner has satisfied this test. As seen on the site plan, the property is of irregular dimensions and well over half of the site is burdened with environmental features and restrictions. As such, the property is unique for zoning purposes.

If the B.C.Z.R. were strictly enforced, Petitioner would suffer a practical difficulty in that he would not be able to open and operate his business on this large site. Finally, the relief will not negatively impact the neighborhood, as demonstrated by the support of County agencies.

SPECIAL EXCEPTION

Under Maryland law, a Special Exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a Special Exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the Special Exception use. In this case there was no evidence presented that would tend to rebut this presumption, and the Special Exception relief will therefore be granted.

ORDER RECEIVED FOR FILING
Date 7/1/13
By

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing, Special Exception and Variance requests should be granted.

THEREFORE, IT IS ORDERED this 1st day of July, 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the planting of horticultural materials in a Secondary Conservancy area in an RC 6 zone as part of a landscape service operation under B.C.Z.R. §404.3, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioner's request for Special Exception filed pursuant to §§ 1A07.3.B.7 and 404.3 of the B.C.Z.R., to use the herein described property for a landscape service operation, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioner's request for Variance filed pursuant to the B.C.Z.R. as follows: (1) to permit a distance of 57 ft. between principal buildings in an RC 6 zone in lieu of the required 80 ft.; (2) to permit 13% (27,312 sq. ft.) of the lot area in an RC 6 zone to be covered by impervious surfaces in lieu of the permitted 10% (20,933 sq. ft.) and, (3) to permit loading and unloading within a fully enclosed structure of a landscape service operation within 25 ft. of a property line in lieu of the permitted 50 ft, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING
Date 7/1/13
By Sen

The relief granted herein shall be subject to the following:

1. Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner must comply with the three (3) conditions set forth in the DOP ZAC comment, a copy of which is attached hereto.

3. The Petitioner must comply with the requirements set forth in the DEPS ZAC comment, a copy of which is attached hereto.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING
Date 7/1/13
By

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 7400 Dogwood Rd. - 21163 which is presently zoned R.C.6

Deed References: 21313/174 10 Digit Tax Account # 0 2 1 9 0 7 0 2 1 0

Property Owner(s) Printed Name(s) Apex Ground Properties, LLC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. X **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve The planting of horticultural materials in a Secondary Conservancy area in an R.C.6 zone, as part of a landscape service operation under BCZR 404.3.

2. X **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for A landscape service operation pursuant to Section 1A07.3.B.7. and Section 404.3.

3. X **a Variance** from Section(s) 1A07.8.B.5.a(2) to permit a distance of 57' between principal buildings in an R.C.6 zone in lieu of the required 80'; and Section 1A07.8.B.6 to permit 13% (27,312 SF) of the lot area in an R.C.6 zone to be covered by impervious surfaces in lieu of the permitted 10% (20,933 SF); and (continued on separate page)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: **(Indicate below your hardship or practical difficulty or Indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)**

To be presented at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

ORDER RECEIVED FOR FILING
Date 5/14/13
By DSO

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Apex Ground Properties, LLC
By: Allen E. Terrill, Jr. Member
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2

P.O. Box 304 Woodstock MD
Mailing Address City State

21163 410-298-5396
Zip Code Telephone # Email Address

Attorney for Petitioner:

Anthony J. DiPaula, Esq.
Name- Type or Print

Signature

34 S. Main St. Bel Air MD
Mailing Address City State

21014 410-893-4255 ajdipaula@dipaulalaw.com
Zip Code Telephone # Email Address

Representative to be contacted:

Thomas J. Hoff
Name – Type or Print

Signature

512 Virginia Ave. Towson MD
Mailing Address City State

21286 410-296-3669 tom@thomasjhoff.com
Zip Code Telephone # Email Address

CASE NUMBER 2013-0267-SPHXA Filing Date 5/14/13 Do Not Schedule Dates: N/A Reviewer G.A

REV. 10/4/11

Variances Continued

404.1.C to permit loading and unloading within a fully enclosed structure of a Landscape Service Operation within 25' of a property line in lieu of the permitted 50'.

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

May 9, 2013

Description of 7400 Dogwood Road to Accompany Petition for a Special Exception, Variances and a Special Hearing, 2nd Election District, 4th Councilmanic District

BEGINNING FOR THE SAME at a point in the center of Dogwood Road, 1,410 feet more or less east of the centerline of Ridge Road.

Thence leaving the center line of Dogwood Road,

1) North 07 degrees 27 minutes 25 seconds West 364.86 feet, thence,
2) North 72 degrees 05 minutes 54 seconds East 241.65 feet, thence,
3) South 48 degrees 12 minutes 18 seconds East 98.71 feet, thence,
4) North 74 degrees 29 minutes 43 seconds East 386.91 feet, thence,
5) South 05 degrees 55 minutes 37 seconds East 403.26 feet to the centerline of Dogwood Road, thence binding on the center line of Dogwood Road,
6) North 84 degrees 30 minutes 36 seconds West 38.30 feet, thence,
7) North 88 degrees 25 minutes 24 seconds West 237.63 feet, thence,
8) South 89 degrees 07 minutes 24 seconds West 86.97 feet, thence,
9) South 82 degrees 58 minutes 24 seconds West 86.97 feet, thence,
10) South 75 degrees 51 minutes 47 seconds West 36.70 feet, thence,
11) South 67 degrees 47 minutes 32 seconds West 36.70 feet, thence,
12) South 66 degrees 57 minutes 35 seconds West 47.34 feet, thence,
13) South 73 degrees 21 minutes 53 seconds West 47.34 feet, thence,
14) South 76 degrees 13 minutes 19 seconds West 65.15 feet, to the place of beginning.

Containing 5.478 acres of land more or less.

Note:
This Description has been prepared for zoning purposes only.

2013-0267-SPHXA

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: _____

Petitioner: APEX GROUND PROPERTIES, LLC

Address or Location: 7400 DOGWOOD RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: APEX GROUND PROPERTIES, LLC

Address: PO BOX 304
WOODSTOCK, MD 21163

Telephone Number: 410-296-3669

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 098434

Date: 5/14/13

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	306	0001		6150				450 00

Total: 450 00

Rec From: Apex Grounds Management, Inc.

For: Case # 2013-0267-SPHXA

DISTRIBUTION

CASHIER'S VALIDATION

CERTIFICATE OF POSTING
~~CERTIFICATE OF POSTING~~

RE: CASE NO: 2013-0267-SPHXA

PETITIONER/DEVELOPER

Tom Hoff

DATE OF HEARING/CLOSING:

7/1/13

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERITFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY AT

7400 DOGWOOD ROAD

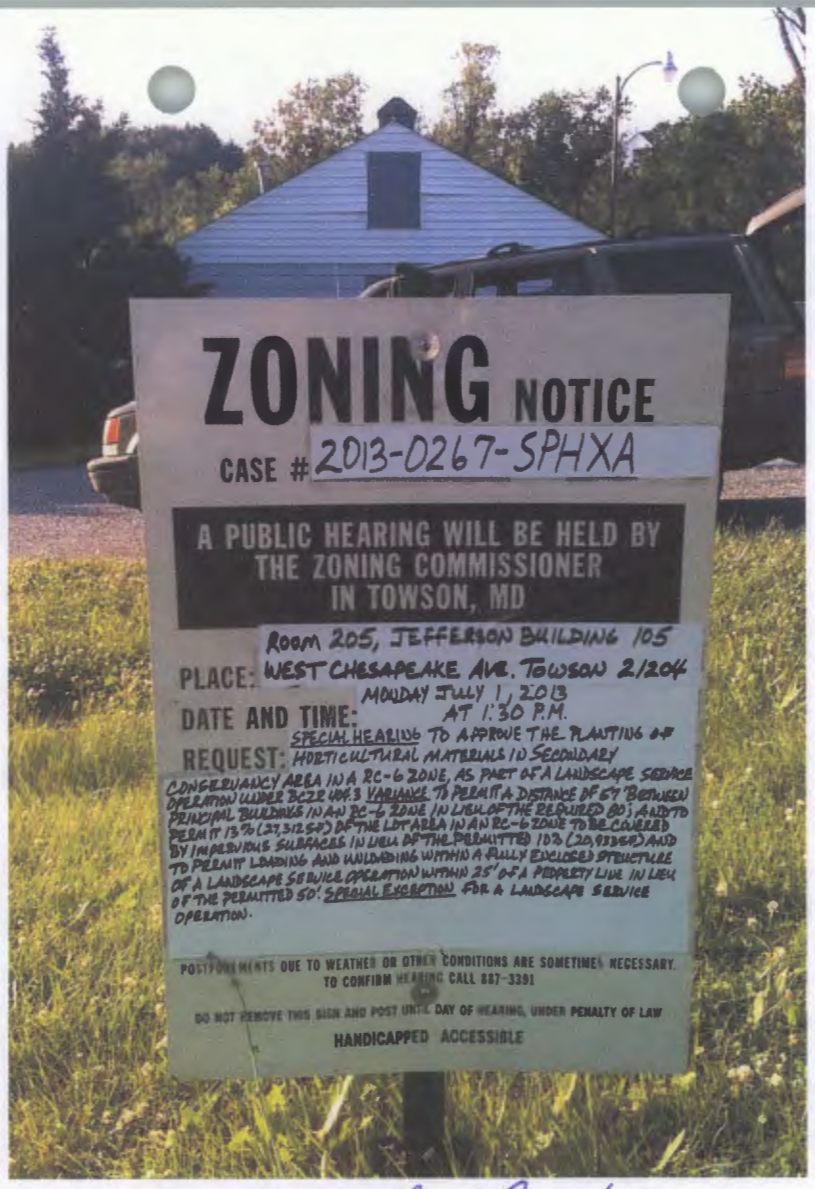
THIS SIGN(S) WERE POSTED ON June 11, 2013
(MONTH, DAY, YEAR)

SINCERELY,

6/11/13

SIGNATURE OF SIGN POSTER AND DA

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411


ZONING NOTICE
CASE # 2013-0267-SPHXA
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE: Room 205, JEFFERSON BUILDING 105 WEST CHESAPEAKE AVE. TOWSON 21204
DATE AND TIME: MONDAY JULY 1, 2013 AT 1:30 P.M.
REQUEST: SPECIAL HEARING TO APPROVE THE PLANTING OF HORTICULTURAL MATERIALS IN SECONDARY CONSERVANCY AREA IN A RC-6 ZONE, AS PART OF A LANDSCAPE SERVICE OPERATION UNDER BCZR 404.3 VARIANCE TO PERMIT A DISTANCE OF 57' BETWEEN PRINCIPAL BUILDINGS IN AN RC-6 ZONE IN LIEU OF THE REQUIRED 80'; AND TO PERMIT 13% (27,312 SF) OF THE LOT AREA IN AN RC-6 ZONE TO BE COVERED BY IMPERVIOUS SURFACES IN LIEU OF THE PERMITTED 10% (20,933 SF) AND TO PERMIT LOADING AND UNLOADING WITHIN A FULLY ENCLOSED STRUCTURE OF A LANDSCAPE SERVICE OPERATION WITHIN 25' OF A PROPERTY LINE IN LIEU OF THE PERMITTED 50'. SPECIAL EXCEPTION FOR A LANDSCAPE SERVICE OPERATION.
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

6/11/13

THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

June 13, 2013

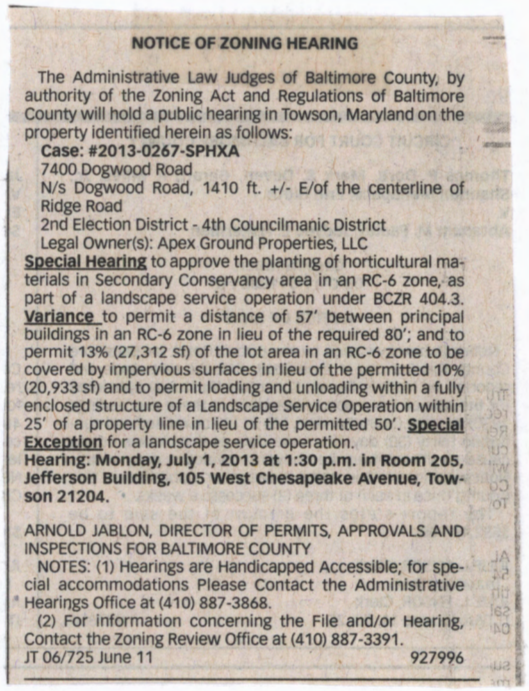
THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on June 11, 2013

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson



NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #2013-0267-SPHXA
7400 Dogwood Road
N/s Dogwood Road, 1410 ft. +/- E/of the centerline of Ridge Road
2nd Election District - 4th Councilmanic District
Legal Owner(s): Apex Ground Properties, LLC

Special Hearing to approve the planting of horticultural materials in Secondary Conservancy area in an RC-6 zone, as part of a landscape service operation under BCZR 404.3. **Variance** to permit a distance of 57' between principal buildings in an RC-6 zone in lieu of the required 80'; and to permit 13% (27,312 sf) of the lot area in an RC-6 zone to be covered by impervious surfaces in lieu of the permitted 10% (20,933 sf) and to permit loading and unloading within a fully enclosed structure of a Landscape Service Operation within 25' of a property line in lieu of the permitted 50'. **Special Exception** for a landscape service operation.

Hearing: Monday, July 1, 2013 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 06/725 June 11 927996

KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 4, 2013

NOTICE OF ZONING HEARING

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7400 Dogwood Road
N/s Dogwood Road, 1410 ft. +/- E/of the centerline of Ridge Road
Legal Owners: Apex Ground Properties, LLC.
2nd Election District – 4th Councilmanic District

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Hearing: Monday, July 1, 2013 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Anthony DiPaula, 34 S. Main Street, Bel Air 21014
Allen Terrill, Jr., P.O. Box 304, Woodstock 21163
Thomas Hoff, 512 Virginia Avenue, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 11, 2013.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 11, 2013 Issue - Jeffersonian

Please forward billing to:
Apex Ground Properties, LLC 410-296-3669
P.O. Box 304
Woodstock, MD 21163

NOTICE OF ZONING HEARING

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CASE NUMBER: 2013-0267-SPHXA
7400 Dogwood Road
N/s Dogwood Road, 1410 ft. +/- E/of the centerline of Ridge Road
Legal Owners: Apex Ground Properties, LLC.
2nd Election District – 4th Councilmanic District

Special Hearing to approve the planting of horticultural materials in Secondary Conservancy area in an RC-6 zone, as part of a landscape service operation under BCZR 404.3. Variance to permit a distance of 57' between principal buildings in an RC-6 zone in lieu of the required 80'; and to permit 13% (27,312 sf) of the lot area in an RC-6 zone to be covered by impervious surfaces in lieu of the permitted 10% (20,933 sf) and to permit loading and unloading within a fully enclosed structure of a Landscape Service Operation within 25' of a property line in lieu of the permitted 50'. Special Exception for a landscape service operation.

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105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

MEMORANDUM

DATE: August 7, 2013

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2013-0267-SPHXA Appeal Period Expired

The appeal period for the above-referenced case expired on July 31, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

RE:	PETITION FOR SPECIAL HEARING SPECIAL EXCEPTION AND VARIANCE 7400 Dogwood Road; N/S Dogwood Road, 1410' E c/line Ridge Road 2nd Election & 4th Councilmanic Districts Legal Owner(s): Apex Ground Properties, LLC Petitioner(s)	*	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2013-267-SPHXA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
MAY 22 2013

Carole S Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of May, 2013, a copy of the foregoing Entry of Appearance was mailed to Thomas Hoff, 512 Virginia Avenue, Towson, Maryland 21286 and Anthony DiPaula, Esquire, 34 South Main Street, Bel Air, Maryland 21014, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2013-0267-SPHXA

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
5/24/13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	N/C
6/6/13	DEPS (if not received, date e-mail sent _____)	C
_____	FIRE DEPARTMENT	_____
5/21/13	PLANNING (if not received, date e-mail sent _____)	C
5/22/13	STATE HIGHWAY ADMINISTRATION	No Obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No.: _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 6/11/13

SIGN POSTING Date: 6/11/13 by Ogle

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: May 31, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED
JUN 0 3 2013
OFFICE OF ADMINISTRATIVE HEARINGS

SUBJECT: 7400 Dogwood Road

INFORMATION:

Item Number: 13-267

Petitioner: Apex Ground Properties, LLC

Zoning: R.C. 6

Requested Action: **Special Hearing, Special Exception, Variance**

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request, accompanying site plan and visited the subject property. The Department finds the subject tract is of sufficient size to ensure that no adverse impact will affect surrounding properties and that the proposed screening adjacent to the parking and storage area meets the intent of BCZR 404.3.C.2. Further, the Department finds that the planting of horticultural materials in support of the Landscape Service Operation and not for retail sale is "cultivated agricultural land" and as such is permitted with in the "Secondary Conservation Area" as defined in BCZR 1A07.2. The Department supports the petitioned special hearing request.

The Department recommends that provided the requirements found in BCZR 404.3.C are met the principal use of a Landscape Service Operation by Special Exception meets the requirements of BCZR 502.1. conditioned upon the following:

1. There shall be no repair of vehicles or equipment not directly employed by the on-site Landscape Service Operation.
2. Any repair of vehicles or equipment directly employed by the on-site Landscape Service Operation shall be conducted within an enclosed structure and not outside.
3. There shall be no permanent outside storage of equipment or parts thereof.

The Department finds that the proposed structure will be located well in excess of 80' from any off-site principal structure not involved in the petitioned Landscape Service Operation. The Department supports the petitioned variance request.

ORDER RECEIVED FOR FILING
Date 7/1/13
By

W:\DEVREV\ZAC\ZACs 2013\13-267.doc

BALTIMORE COUNTY, MARYLAND

RECEIVED

JUN 06 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Inter-Office Correspondence

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability (DEPS) - Development Coordination

DATE: June 6, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0267-SPHXA
Address 7400 Dogwood Road
(Apex Ground Properties, LLC)

ORDER RECEIVED FOR FILING
Date 6/11/13
By AMN

Zoning Advisory Committee Meeting of May 20, 2013.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code). - EIR

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). - EIR

Additional Comments:

Environmental Impact Review (EIR)

1 All conditions of the Forest Buffer Variance approved by DEPS on 10/26/12 shall be met. - *John Russo – (EIR)*

Groundwater Management

2. Any future building permits must be reviewed by Groundwater Mgmt., since the site is served by well and septic. - *Dan Esser – Groundwater Management*

C:\DOCUME~1\snuffer.BCG\LOCALS~1\Temp\XPgrpwise\ZAC 13-0267-SPHXA 7400 Dogwood Road.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: May 24, 2013

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

DAK

SUBJECT: Zoning Advisory Committee Meeting
For May 27, 2013
Item Nos. 2013- 0262, 0267, 0268, 0270 and 0271.

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN
Cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC05272013 - NO COMMENTS.doc

KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 25, 2013

Apex Ground Properties, LLC
Allen E Terrill Jr Member
P O Box 304
Woodstock MD 21163

RE: Case Number: 2013-0267 SPHXA, Address: 7400 Dogwood Road

Dear Mr. Terrill:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 14, 2013. This letter is not an approval, but only a **NOTIFICATION.**

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Thomas Hoff, 512 Virginia Avenue, Towson MD 21286
Anthony J. DiPaula, Esquire, 34 S. Main Street, Bel Air MD 21014

Martin O'Malley, *Governor*
Anthony G. Brown, Lt. *Governor*

SHA State Highway Administration

Darrell B. Mobley, *Acting Secretary*
Melinda B. Peters, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5-22-13

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No 2013-0267-SPHXA
Special Hearing Special Exception
Variance
Apex Ground Properties, LLC
7400 Dogwood Road

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2013-0267-SPHXA.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Richard A. Zeller

for Steven D. Foster, Chief
Access Management Division

SDF/raz

Maryland Department of Assessments and Taxation
Real Property Data Search (SDAT)
BALTIMORE COUNTY

Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

Account Identifier: District - 02 Account Number - 0219070210

Owner Information

Owner Name: FOX GROUND PROPERTIES LLC
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: PO BOX 304 WOODSTOCK MD 21163-0304
Deed Reference: 1) /21313/ 00174 2)

Location & Structure Information

Premises Address
7400 DOGWOOD RD
BALTIMORE 21244-1807

Legal Description
5.394 AC
7400 DOGWOOD RD
2640 FT W ROLLING RD

Map	Grid	Parcel	District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0087	0022	0306		0000				1	Plat Ref:

Special Tax Areas Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1952	1,115 SF	5.3900 AC	04

Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT	BLOCK

Value Information

	Base Value	Value As Of 01/01/2013	Phase-in Assessments As Of 07/01/2012	Phase-in Assessments As Of 07/01/2013
Land	13,200	122,200		
Improvements:	7,200	66,800		
Total:	21,400	189,000	241,400	189,000
Preferential Land:	0			0

Transfer Information

Seller:	SCHISLER MARY E	Date:	01/24/2005	Price:	$300,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/21313/ 00174	Deed2:	
Seller:	SCHISLER ROLAND M	Date:	03/16/1992	Price:	$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/07535/ 00409	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class:
Special Tax Recapture: NONE

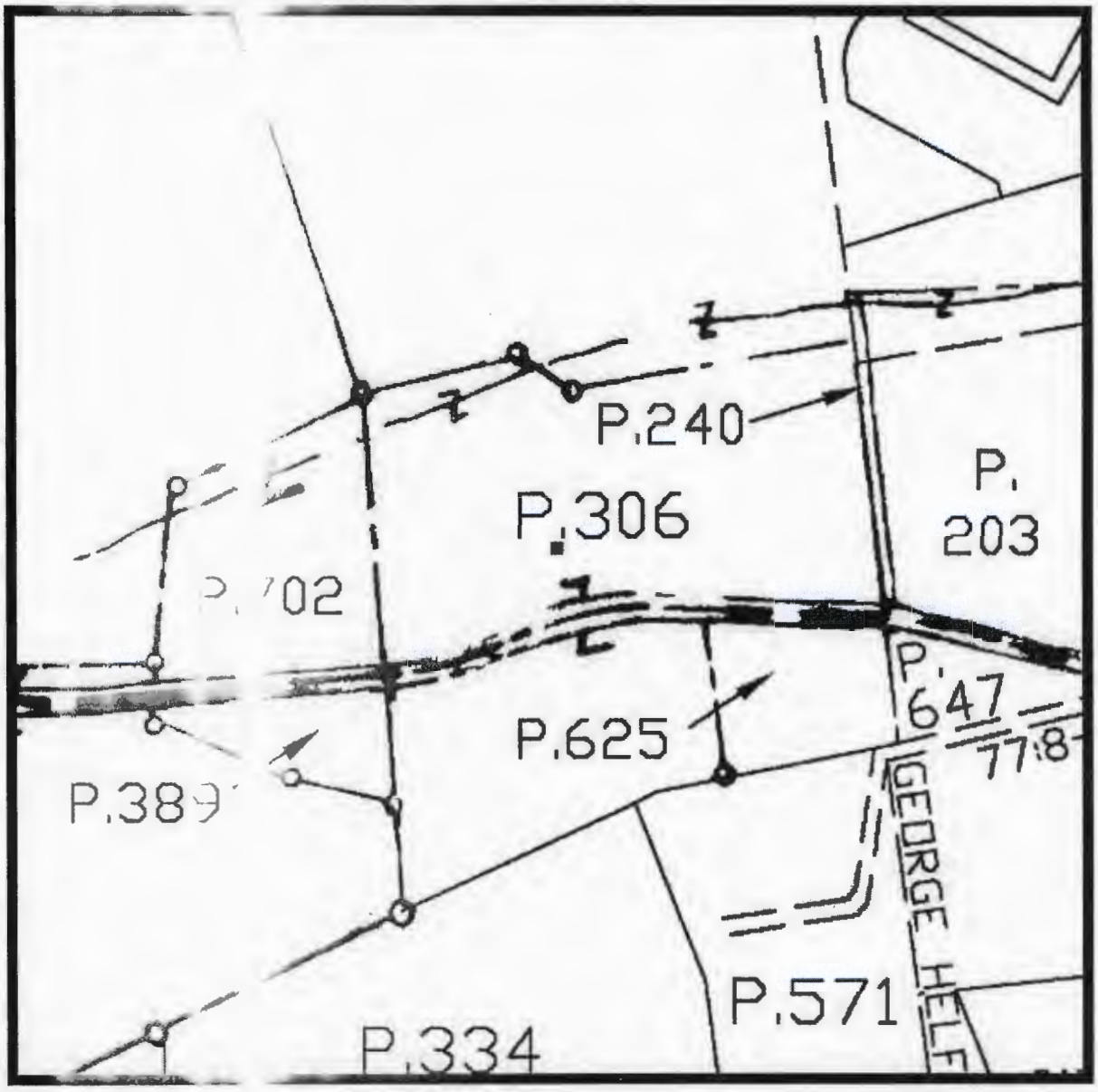
Homestead Application Information

Homestead Application Status: No Application

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search

District - 02 **Account Number** - 0219070210



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Case No.: 2013 - 267 SPHXA

Exhibit Sheet

Petitioner/Developer 8-7-13 Protestant 7-1-13

No. 1	Thomas Hoff CV	
No. 2	Site plan	
No. 3	Color photos (A-E)	
No. 4	Site Analysis Plan approved by DEPS	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

RESUME

THOMAS J. HOFF

THOMAS J. HOFF
512 Virginia Avenue
Towson, Maryland 21286
410-296-3668 Fax 410-825-3887
tom@thomasjhoff.com

EDUCATION:

Bachelor of Science Landscape Architecture
Magna Cum Laude
West Virginia University, 1976

EXPERIENCE:

January 2011 to Present.
THOMAS J. HOFF
Towson, Maryland
As of January 1, 2011 I have been operating as a sole practitioner.

January 1992 to December 2010.
THOMAS J. HOFF, INC.
Towson, Maryland
Principal - President. Responsibilities include administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

December 1986 to December 1991.
HOFF & ANTONUCCI, INC.
Lutherville, Maryland
Principal - President. Responsibilities include administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

Pet #1

July 1983 to December 1986.
HOFF, ROSENFELT, AND WOOLFOLK, INC.
Owings Mills, Maryland
Principal - Secretary/Treasurer. Responsibilities included administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

February 1978 to July 1983.
DEVELOPMENT DESIGN GROUP LIMITED
Towson, Maryland
Chief Project Manager. Responsibilities included site design, project management, government agency coordination, and supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

July 1976 to February 1978.
DAFT McCUNE & WALKER, INC.
Towson, Maryland
Staff Landscape Architect. Responsibilities included site design, site plans, grading plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

PROFESSIONAL REGISTRATION:

Registered Landscape Architect (1981)
Maryland - No. 493

AWARDS:

American Society of Landscape Architects – Certificate of Merit for Excellence in the Study of Landscape Architecture, 1975-76

The Baltimore County Soil Conservation District, Consultant Firm of the Year, 2002

Zoning Hearings:

404-406 East Pennsylvania Avenue, Baltimore County – Special Hearing, Case No. 2013-0141-SPH, 2013.

1414 Walnut Avenue, Baltimore County – Variances, Case No. 2013-0015-XA, 2013.

8710 Liberty Road, Baltimore County – Special Exception and Variances, Case No. 2012-0258-XA, 2012.

1402 East Joppa Road, Baltimore County – Variances, Case No. 2011-0366-ASA, 2011.

2 Old Lyme Road, Baltimore County – Variances, Case No. 2011-0251-A, 2011.

2710 Holly Beach Road, Baltimore County – Variances, Case No. 2009-340-A, 2009.

9712 Monroe Street, Baltimore County – Special Hearing, Case No. 08-0560-SPH, 2008.

4406 Piney Grove Road, Baltimore County – Special Hearing, Case No. 08-249-SPH, 2008.

11219 Greenspring Avenue, Baltimore County – Special Exception and Variances, Case No. 08-221-XA, 2008.

3668 Galloway Road, Baltimore County – Variances and Special Hearing, Case No. 08-184-SPHA, 2007.

18 Aigburth Road, Baltimore County – Variances, Case No. 08-055-A, 2007.

3675 Offutt Road, Baltimore County – Variance, Case No. 07-530-A, 2007.

2901 Rolling Road, Baltimore County – Variance, Case No. 07-380-A, 2007.

1641 Cold Bottom Road, Baltimore County – Variance, Case No. 07-242-A, 2007.

1601 Odensos Lane, Baltimore County – Variance, Case No. 07-143-A, 2006.

9208 Avondale Road, Baltimore County – Special Hearing, Case No. 06-660-SPH, 2006.

9701 Reisterstown Road, Northwest Honda, Baltimore County – Special Hearing and Variances, Case No. 06-649-SPHA, 2006. Sign Variances and amend previously approved plan.

9208 Avondale Road, Baltimore County – Special Hearing, Case No. 06-289-SPH, 2006.

Zoning Hearings:

9033 Cuckold Point Road, Bill's Boats, Baltimore County – Special Hearing, Case No. 06-102-SPH, 2006.

409 Allegheny Avenue, Baltimore County – Special Exception, Case No. 06-041-X, 2005.

6003 Kenwood Avenue, Baltimore County – Special Hearing and Variances, Case No. 05-667-SPHA, 2005.

4505 Piney Grove Road, Baltimore County – Special Exception and Variances, Case No. 05-359-XA, 2005.

1104 Harwall Road, Baltimore County – Special Exception and Variances, Case No. 05-242-XA, 2005.

9101 Liberty Road, Auto Collision Technologies, Baltimore County – Special Exception and Variances, Case No. 04-422-XA, 2004.

11420 York Road, Baltimore County – Variances, Case No. 04-302-A, 2004.

4 Marlyn Avenue, Care Management, Inc., Baltimore County – Variances, Case No. 03-537-XA, 2003.

212 Cockeys Mill Road, Miller Tree & Landscape, Baltimore County – Special Exception, Special Hearing and Variances, Case No. 03-466-SPHXA, 2003.

9701 Reisterstown Road, Northwest Honda, Baltimore County – Special Hearing and Variances, Case No. 03-406-SPHA, 2003. Commercial parking in a residential zone and RTA Buffer Variance.

15509 Manor Road, Bozman Property, Baltimore County – Variances, Case No. 03-235-SPHA, 2003.

4106 Klausmier Road, Baltimore County – Variance to permit undersized lot, Case No. 03-217-A, 2002.

4104 Klausmier Road, Baltimore County – Variance to permit undersized lot, Case No. 03-216-A, 2002.

Tom's Sports Tavern, 9307 Liberty Road, Baltimore County – Setback Variances, Case No. 02-377-SPHA, 2002.

Zoning Hearings:

Sunoco Service Station, 6401 Golden Ring Road, Baltimore County – Sign Variances, Case No. 02-371-A, 2002.

Sunoco Service Station, 8000 Loch Raven Blvd., Baltimore County – Sign Variances, Case No. 02-370-A, 2002.

Radio Shack, 1206 Reisterstown Road, Baltimore County – Sign Variances, Case No. 02-211-A, 2002.

Sunoco Service Station, 6324 Baltimore National Pike, Baltimore County – Sign Variances, Case No. 01-312-A, 2001.

Sunoco Service Station, 10812 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-311-A, 2001.

Sunoco Service Station, 11701 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-310-A, 2001.

10233 Liberty Road, Baltimore County – Special Exception, Case No. 00-561-X, 2000.

114 Dundalk Avenue, Baltimore County - Special Exception and Variances, Case No. 00-07-XA, 2000.

103 Riverton Road, Baltimore County – Special Hearing, Special Exception and Variances, Case No. 00-370-SPHXA, 2000.

Sunoco Service Station, 143 Back River Neck Road, Baltimore County – Sign Variances, Case No. 00-348-A, 2000.

405 East Joppa Road/510-514 & 518 Fairmount Avenue, Baltimore County – Special Hearing to amend the Special Exception and Variances, Case No. 00-305-SPHA, 2000.

Sunoco Service Station, 10800 Pulaski Highway, Baltimore County – Special Hearing and Variances, Case No. 00-103-SPHA, 1999.

St. Charles @ Old Court Apartments, Baltimore County – Variance to allow detached garages, Case No. 00-076-A, 1999.

Northwest BMW/Honda, 9700 Reisterstown Road, Baltimore County – Variance, Case No. 00-009-A, 1999.

Sunoco Service Station, 100 West Timonium Road, Baltimore County – Special Exception, Special Hearing and Variances, Case No. 99-408-SPHXA, 1999.

Zoning Hearings:

1623 Bellona Avenue, Baltimore County – Special Exception for a physician's office within a primary residence, Case No. 99-283-SPX, 1999.

2448 Spring Lake Drive, Baltimore County - Sideyard Variance, Residential, Case No. 99-71-A, 1998.

9608 & 9610 Belair Road, Baltimore County - Special Exception for Class B Group Child Care, Special Hearing and Variances, Case No. 98-282-SPHXA, 1998.

7303 Belair Road, Baltimore County - Setback Variances, Case No. 98-192-A, 1997.

CVS Pharmacy, 9519 Philadelphia Road, Baltimore County - Parking and Setback Variances, Case No. 97-395-A, 1997.

114 Dundalk Avenue, Baltimore County - Variance, Case No. 96-484-A, 1996.

3419 Sweet Air Road, Baltimore County - Parking Variance for Restaurant, 1996

Rolling View Green, Baltimore County - Special Hearing and Variances, Case No. 95-432-SPHA, 1995.

The Estates at Rolling View, Baltimore County - Setback Variances for Residential Subdivision, Case No.94-464-A, 1994.

1110 Reisterstown Road, Baltimore County - Variances and Special Hearing, Case No. 94-248-SPHA, 1994.

Edgewood Senior Center, Harford County - Special Exception and Variances, 1994

Hyatt Property, Baltimore County - Setback Variance, 1994

Camp Glyndon, Baltimore County - Special Exception and Sign Variance, 1993

Painters Mill Executive Office Park, Baltimore County - Sign Variance

204 Sudbrook Lane, Baltimore County - Special Exception for Assisted Living Facility in a DR Zone

Amoco Oil, Philadelphia Road, Baltimore County - Special Exception & Sign Variance

Amoco Oil, Route 40, Harford County - Setback Variance

Littman Property, Residential Subdivision, Baltimore County - Special Hearing

Zoning Hearings:

Schuster Concrete, Crondall Lane, Baltimore County - Setback Variance

Amoco Oil, Carroll Plaza, Carroll County - Sign Variance

Maerk, Ltd., Carroll Plaza Shopping Center, Carroll County -Parking Variance

Methodist Home, Powells Run Rd., Baltimore County - Special Exception & Variance

Board of Appeals:

Lintz Property, 14345 Jarrettsville Pike, Baltimore County – Zoning Reclassification, Case No. R-09-270, 2009.

9033 Cuckold Point Road, Bill's Boats, Baltimore County – Special Hearing, Case No. 06-102-SPH, 2007.

Sunoco Service Station, 6324 Baltimore National Pike, Baltimore County – Sign Variances, Case No. 01-312-A, 2001.

Sunoco Service Station, 10812 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-311-A, 2001.

Sunoco Service Station, 11701 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-310-A, 2001.

Bundy Property, Baltimore County – Petition for Reclassification, Case No. R-99-184, 1999.

Easter Property, Baltimore County - CRG Appeal, 1994

Amoco Oil, Philadelphia Road, Baltimore County - Special Exception & Sign Variance

Pizza Palace, Baltimore County - Parking Variance for Restaurant

Littman Property, Residential Subdivision, Baltimore County - Special Hearing

Schuster Concrete, Crondall Lane, Baltimore County - Setback Variance

Hearing Officer's Hearings:

Estates at Windy Hill, Single family detached lots, RC-5 zone, 2010.

Chapeldale Woods, Single family detached lots, RC-5 zone, 2001.

Merrymans Manor, Single family detached lots, RC-4 zone, 2000.

Carrington Ridge, Single family detached lots, DR-2 zone, 2000.

A

EXISTING GARAGE & DWLG

VIEW OF DOGWOOD RD & SECONDARY CONSERVANCY

EXISTING ENTRANCE & DWLG

EXISTING GARAGE

#3

EXISTING SHED

EXISTING ENCLOSURE

EXISTING SHED, PAVING & ENCLOSURE

EXISTING SHED

C

PARKING ADJACENT TO DWLG.

EXISTING ENCLOSURE

ENTRANCE TO SITE

EXISTING DWLG TO BE CONVERTED TO OFFICE

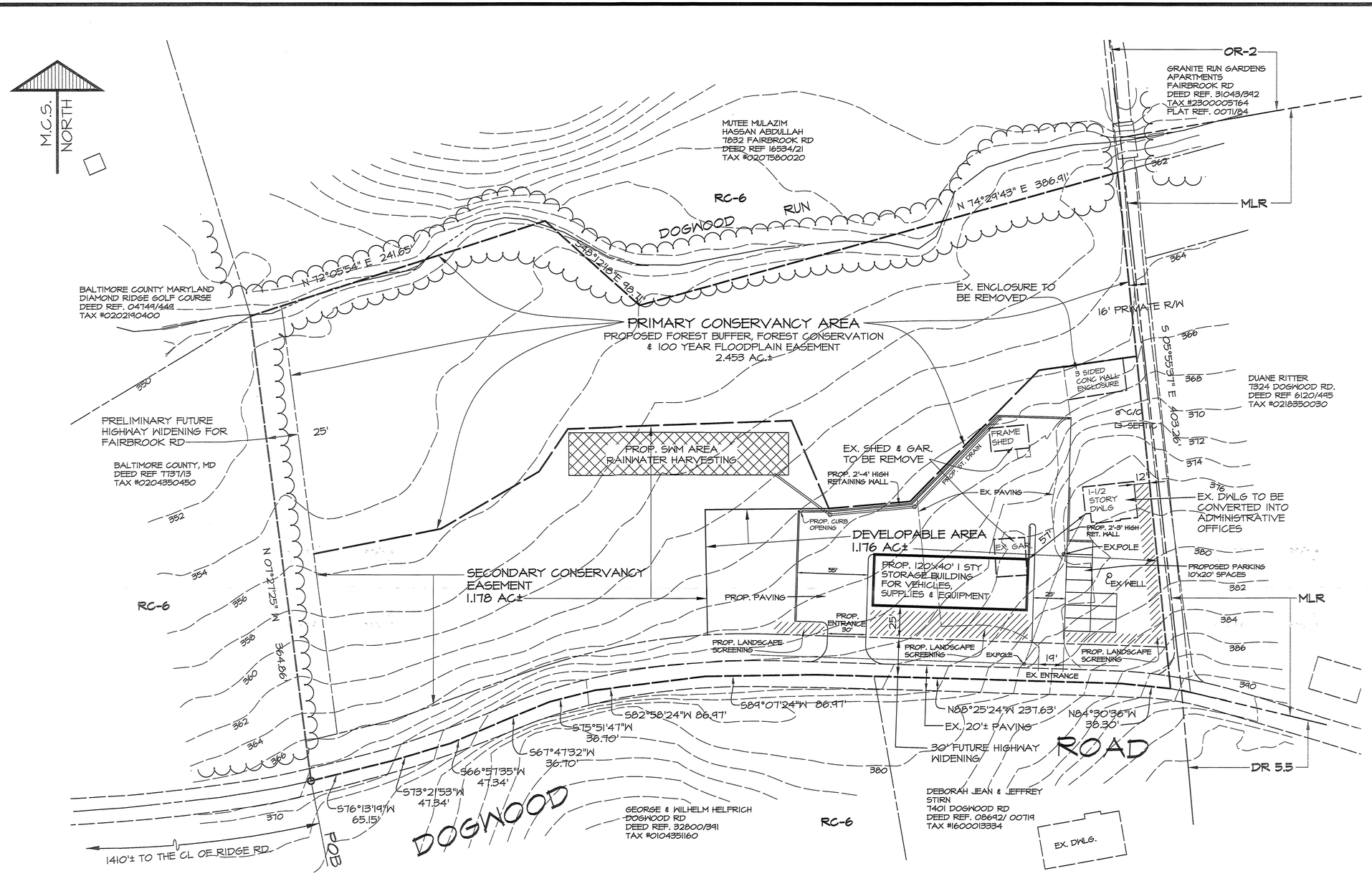
D

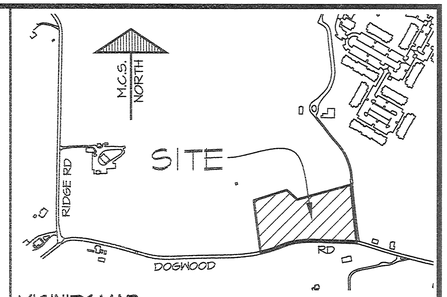
VIEWS OF PROPERTY - SOUTH SIDE OF DOGWOOD RD

E

VIEWS OF PRIMARY & SECONDARY CONSERVANCY AREAS

7400 DOGWOOD RD
OR 2
2300005764
Pt. Bk./Folio
PDM # 020435
Pt. Bk. 0000071, Folio 0084
0207580020
4 CD
2 ED
MLR
RC 6
0219070210
0218350030
NW 3-H
087B3
7400
DOGWOOD RD
DOGWOOD RD
0204350450
POB
1600013334
7401
0118351401
0104351160
1 CD
1 ED
2006-0157-SPHA
2002-0520-SPHA
1986-0354-XSPH
2400006858
2009-0182-SPHX
1600006242
CR-2002-0454
Pt. Bk. 0000077, Folio 0010
Lot # 0
Pt. Bk./Fo
PDM # 010489
DR 1
R 5.5
MC-2011-0001MC
0118351400
2013-0267-SPHXA





VICINITY MAP
SCALE: 1"=300'

SITE DATA:

GROSS SITE AREA	5.478 AC.±, 238,634 SF±
NET SITE AREA	4.806 AC.±, 209,338 SF±
HIGHWAY WIDENING	
DOGWOOD RD	0.480 AC.±, 20,924 SF±
FUTURE FAIRBROOK RD	0.192 AC.±, 8,370 SF±
EXISTING ZONING	RC-6
EXISTING USE	RESIDENTIAL
PROPOSED USE	LANDSCAPE SERVICE OPERATION & HORTICULTURAL NURSERY
BUILDING AREA	
EXISTING BLDG	1,125 SF±
PROPOSED BLDG	4,800 SF±
PARKING REQUIRED	
OFFICE	
1,125 SF@3.3 SPACES/1000 SF	3.7 = 4
PARKING PROVIDED	6 SPACES, INCLUDING 1 VAN ACCESSIBLE SPACE

ZONING HEARINGS:
THERE ARE NO PRIOR ZONING CASES ON THIS PROPERTY. THERE ARE NO CURRENT OR OUTSTANDING ZONING VIOLATIONS ON THIS PROPERTY.

DEVELOPMENT HISTORY:
THERE ARE NO DRC'S, CRG OR DEVELOPMENT PLANS ON THIS PROPERTY.

BASIC SERVICE MAPS:
THERE ARE NO EXISTING OR IMPENDING FAILURES ON BASIC SERVICES FOR THIS SITE.

SIGNAGE:
ALL SIGNS WILL COMPLY WITH SECTION 450 BCZR.

OWNER:
APEX GROUND PROPERTIES, LLC
PO BOX 304
WOODSTOCK, MD 21163
DEED REF 21313/174
TAX#0219070210

ZONING RELIEF REQUESTED:

1. A SPECIAL HEARING UNDER SECTION 500.7 OF THE BCZR, TO DETERMINE WHETHER OR NOT THE ADMINISTRATIVE LAW JUDGE SHOULD APPROVE THE PLANTING OF HORTICULTURAL MATERIALS IN A SECONDARY CONSERVANCY AREA IN A RC-6 ZONE, AS PART OF A LANDSCAPE SERVICE OPERATION UNDER BCZR SECTION 404.3.
2. A SPECIAL EXCEPTION UNDER THE BCZR TO USE THE HEREIN DESCRIBED PROPERTY FOR A LANDSCAPE SERVICE OPERATION PURSUANT TO SECTION 1A07.3.B.7. AND SECTION 404.3.
3. A VARIANCE UNDER BCZR SECTION 1A07.B.B.5.a(2) TO PERMIT A DISTANCE OF 57' BETWEEN PRINCIPAL BUILDINGS IN A RC-6 ZONE IN LIEU OF THE REQUIRED 80'.
4. A VARIANCE UNDER BCZR SECTION 1A07.B.B.6 TO PERMIT 13% (27,312 SF) OF THE LOT AREA IN A RC-6 ZONE TO BE COVERED BY IMPERVIOUS SURFACES IN LIEU OF THE PERMITTED 10% (20,933 SF).
5. A VARIANCE UNDER BCZR SECTION 404.1.C. TO PERMIT LOADING AND UNLOADING WITHIN A FULLY ENCLOSED STRUCTURE OF A LANDSCAPE SERVICE OPERATION WITHIN 25' OF A PROPERTY LINE IN LIEU OF THE PERMITTED 50'.

2013-0267-SPHXA

GENERAL NOTES:

1. PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
2. THERE IS A STREAM AND A 100 YEAR FLOODPLAIN ON SITE. THE FLOODPLAIN STUDY HAS BEEN APPROVED BY BALTIMORE COUNTY.
3. THERE ARE NO HISTORIC STRUCTURES LISTED ON THE HISTORIC INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE.
4. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
5. PROPERTY IS SERVED BY PRIVATE WELL AND SEPTIC.
6. BEARINGS AND DISTANCES SHOWN HEREON TAKEN FROM A FIELD RUN BOUNDARY SURVEY PREPARED BY DuVAL & ASSOCIATES.
7. TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM BALTIMORE COUNTY GIS.

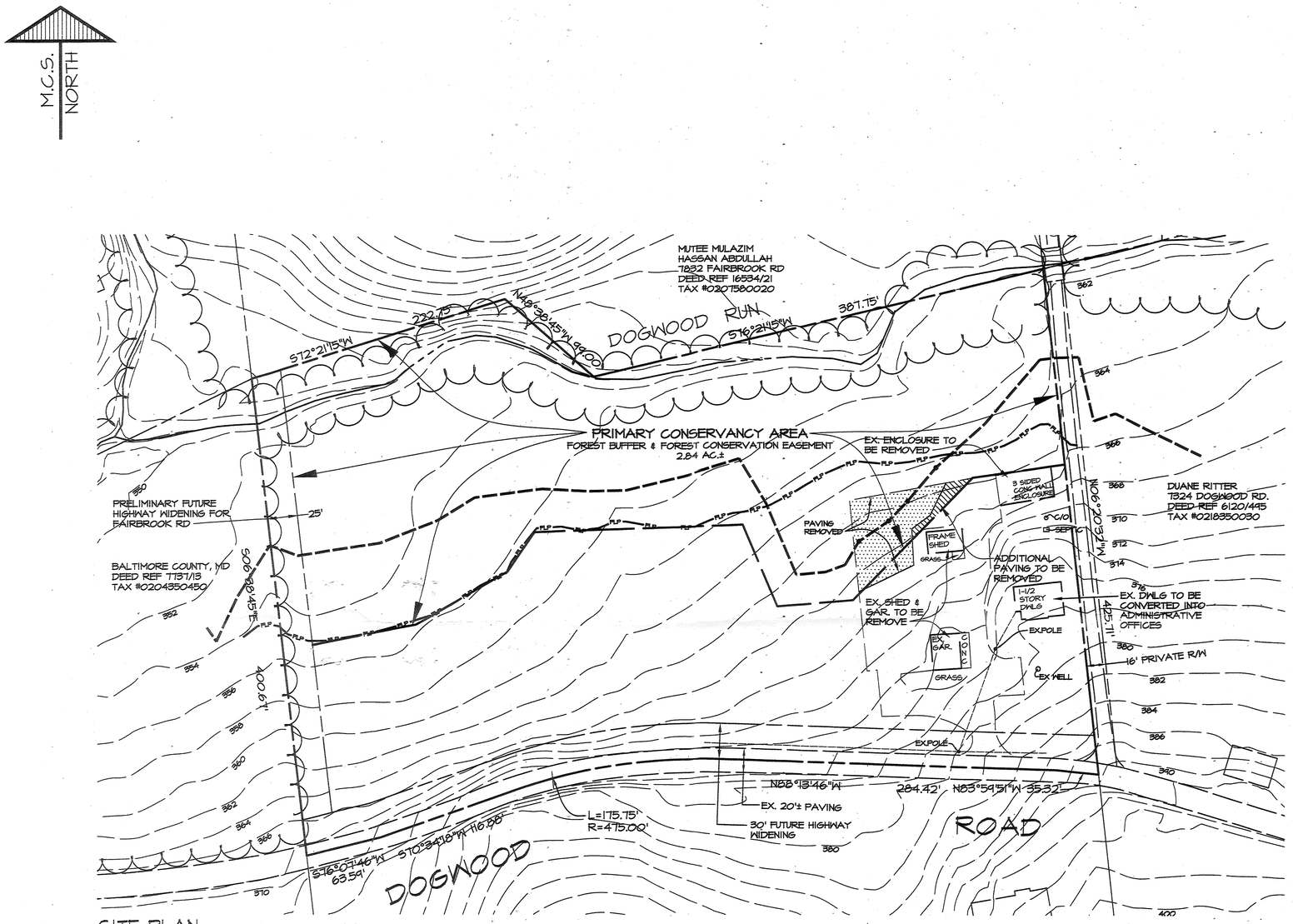
SITE PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION, VARIANCES & SPECIAL HEARING
7400 DOGWOOD ROAD

ZONING MAP 87B3
2nd ELECTION DISTRICT, 4th COUNCILMANIC, BALTIMORE COUNTY, MD

THOMAS J. HOFF
LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS
512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410-296-3668 FAX 410-825-3887

SCALE: 1"=40'	
DATE: 05/13/13	
JOB NO.: 0553-01	
DESIGNED: TJH	
DRAWN: TJH	
REVISIONS:	DRAWING NUMBER: ZP-1
	SHEET 1 OF 1

STATE OF MARYLAND — THOMAS JOSEPH HOFF — No. 1200 — REGISTERED LANDSCAPE ARCHITECT

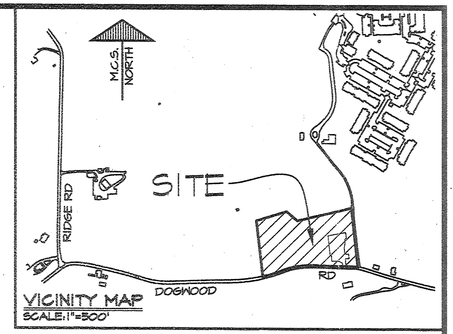


SITE PLAN
SCALE: 1"=50'

LEGEND

- WETLANDS
- FOREST BUFFER & FOREST CONSERVATION EASEMENT
- 100 YEAR FLOODPLAIN
- TREE LINE

FLOODPLAIN NOTE:
THE 100 YEAR FLOODPLAIN LINE SHOWN HEREON HAS BEEN APPROVED BY BALTIMORE COUNTY.



VICINITY MAP
SCALE: 1"=500'

DENSITY CALCULATIONS:

GROSS SITE AREA	5.85 AC.±
NET SITE AREA	5.17 AC.±
HIGHWAY WIDENING	
DOGWOOD RD	0.47 AC.±
FAIRBROOK RD	0.21 AC.±
(FUTURE)	
PRIMARY CONSERVANCY AREA	2.84 AC.±
DENSITY CALCULATION AREA	3.01 AC.±
DENSITY ALLOWED	
@0.2 LOTS PER ACRE	3.01 x 0.2 = 0.60

EXISTING ZONING	RC-6
EXISTING USE	RESIDENTIAL
PROPOSED USE	LANDSCAPE SERVICE OPERATION & HORTICULTURAL NURSERY

STANDARD NON-DISTURBANCE NOTE:
THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER & FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY.

PROTECTIVE COVENANTS NOTE:
ANY FOREST BUFFER & FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

VARIANCE NOTE:
A VARIANCE HAS BEEN GRANTED TO REDUCE THE FOREST BUFFER EASEMENT BY 0.5 ACRES IN ACCORDANCE WITH SECTION 33-3-112(c)(2) OF THE BALTIMORE COUNTY CODE.

BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY
RC6 PRELIMINARY SITE ANALYSIS PLAN APPROVAL
Approved By: Patricia M. Farr
Date: 12/21/12 File Number: RC6 12-003

RC-6 PRELIMINARY SITE ANALYSIS PLAN
APEX GROUND PROPERTIES, LLC
7400 DOGWOOD ROAD

DEED REF: 21313/174, TAX #0219070210
MAP 87, GRID 22, PARCEL 306, GIS TILE 8TB8
2nd ELECTION DISTRICT, 4th COUNCILMANIC, BALTIMORE COUNTY, MD

OWNER:
APEX GROUND PROPERTIES, LLC
PO BOX 304
WOODSTOCK, MD 21163

WETLAND DELINEATION PREPARED BY:
HUMAN & ROHDE, INC.
512 VIRGINIA AVE.
TOWSON, MD 21286
410-825-3885

THOMAS J. HOFF
LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS
512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410-296-3668 FAX 410-825-3887

SCALE: AS SHOWN
DATE: 12/21/12
JOB NO.: 0553-01
DESIGNED: TJH
DRAWN: TJH

REVISIONS:
#4

DRAWING NUMBER: PC-1
SHEET 1 OF 1