

MEMORANDUM

DATE: August 18, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0289-SPHX – Appeal Period Expired

The appeal period for the above-referenced case expired on August 15, 2016. 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

IN RE: PETITIONS FOR SPECIAL HEARING *

AND SPECIAL EXCEPTION

(5701 Deer Park Road)

4th Election District

4th Council District

Jay M. Simonds, LLC

Legal Owner

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2016-0289-SPHX

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed on behalf of Jay M. Simonds, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to expand the scope of the Order in Case No. 07-411-SPHXA to apply to the entirety of Lot 2 of Simonds Property Subdivision, 5701 Deer Park Road, comprising approximately 11 acres. A Petition for Special Exception was filed pursuant to B.C.Z.R. §1A03.3.B.11 to use the described property for a landscape service operation.

Appearing at the public hearing in support of the requests was Jay M. Simonds and professional engineer John Motsco. Edward J. Gilliss, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency did not object to the requests, and the one concern identified by DOP will be included as a condition in the Order below.

ORDER RECEIVED FOR FILING

Date 7/15/16

By Sen

Special Hearing

In 2007, former Deputy Zoning Commissioner (DZC) Murphy granted a petition for special exception in Case No. 07-411-SPHXA, permitting in the RC4 zone a landscape service operation on a parcel containing 2.475 acres of land. This parcel, or "special exception area," was only a portion of Lot 2 of the Simonds Property Subdivision. As DZC Murphy noted in his Order, the Petitioner's home is located on Lot 1 of that minor subdivision. Exhibit 3, at pp. 3-4. The current request is to expand the special exception area to encompass all of lot 2, which has a total area of approximately 11 acres.

The Petitioner's business has operated at this site for many years without complaint, and the landscaping business is screened from view of passing motorists by a large row of mature evergreen trees. I do not believe granting the special hearing relief would be injurious in any way to the community, and there has been no opposition from County review agencies or neighbors. As such the request will be granted.

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. Mr. Motsco testified (via proffer) the Petitioner satisfied the requirements of B.C.Z.R. §502.1 and I concur. There is no evidence in the record to suggest the landscape operation would be detrimental to the health, safety or welfare of the community. As such, this request will also be granted.

ORDER RECEIVED FOR FILING

Date

7/15/16

By

Sen

THEREFORE, IT IS ORDERED this 15th day of July, 2016, by this Administrative Law Judge, that the Petition for Special Hearing to expand the scope of the Order in Case No. 2007-411-SPHXA to apply to the entirety of Lot 2 of Simonds Property Subdivision, 5701 Deer Park Road, compromising approximately 11 acres, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Exception pursuant to B.C.Z.R. §1A03.3.B.11 to use the subject property herein described (i.e., the entirety of Lot 2) for a landscape service operation, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must comply with ZAC comment of the DOP, a copy of which is attached hereto and made a part hereof.

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 7/15/16

By sen



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 5701 Deer Park Road which is presently zoned RC-4
Deed References: 20237/480 10 Digit Tax Account # 0 4 0 8 0 6 5 2 0 0
Property Owner(s) Printed Name(s) Jay M. Simonds, 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
Scope of May 11, 2007 Order in Case No. 07-411-SPXHA to apply to entirety of Lot 2 of Simonds Property Subdivision, 5701 Deer Park Road, comprising approximately 11 acres.
2. **X** a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
Use as landscape service operation per section 1A03.3B.11 BCZR.
3. a **Variance** from Section(s)

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).

Contract Purchaser/Lessee:

Name- Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Edward J. Gilliss
Name- Type or Print _____
Signature _____
102 W. Pennsylvania Ave. Suite 600, Towson, MD
Mailing Address _____ City _____ State _____
21204 / _____
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Jay M. Simonds, LLC / _____
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 _____ Signature #2 _____
5715 Deer Park Road Reisterstown Maryland
Mailing Address _____ City _____ State _____
21136 / _____
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Jay M. Simonds
Name - Type or Print _____
Signature _____
5715 Deer Park Road Reisterstown Maryland
Mailing Address _____ City _____ State _____
21136 / _____
Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2016-0289-SAHX Filing Date 5/17/2016 Do Not Schedule Dates: _____ Reviewer JNP

DROP-OFF-NO REVIEW

November 25, 2015

ZONING DESCRIPTION FOR
#5701 DEER PARK ROAD

Beginning at a point on the north side of Berrymans Lane, which is approximately 77 feet wide, at the distance of 597 feet northeast of the centerline of Deer Park Road, which is approximately 60 feet wide. Thence the following courses and distances: **(1)** South 64 degrees 45 minutes 20 seconds West 49.12 feet; thence **(2)** by a curve to the right having a radius of 5694.58 feet, an arc length of 331.02 feet and a chord bearing South 66 degrees 25 minutes 15 seconds West 330.97 feet; thence **(3)** South 68 degrees 05 minutes 10 seconds West 171.27 feet; thence **(4)** by a curve to the right having a radius of 258.82 feet, an arc length of 30.11 feet and a chord bearing South 71 degrees 25 minutes 39 seconds West 30.10 feet; thence **(5)** South 02 degrees 20 minutes 06 seconds East 20.48 feet; thence **(6)** South 77 degrees 06 minutes 32 seconds West 40.69 feet; thence **(7)** South 87 degrees 39 minutes 54 seconds West 43.00 feet; thence **(8)** North 80 degrees 34 minutes 00 seconds West 33.69 feet; thence **(9)** North 76 degrees 25 minutes 56 seconds West 41.59 feet; thence **(10)** North 02 degrees 20 minutes 06 seconds West 15.60 feet; thence **(11)** North 76 degrees 23 minutes 25 seconds West 106.53 feet; thence **(12)** North 14 degrees 55 minutes 57 seconds East 209.55 feet; thence **(13)** North 34 degrees 34 minutes 49 seconds East 249.63 feet; thence **(14)** North 28 degrees 26 minutes 28 seconds West 122.63 feet; thence **(15)** North 60 degrees 30 minutes 29 seconds West 92.52 feet; thence **(16)** North 29 degrees 10 minutes 00 seconds East 565.13 feet; thence **(17)** North 77 degrees 44 minutes 22 seconds East 42.66 feet; and thence **(18)** South 26 degrees 02 minutes 13 seconds East 959.04 feet to the place of beginning. Being that firstly described land as recorded in Deed Liber R.D.A., Jr. 29765 folio 424, containing 10.92 acres of land, more or less. Located in the Fourth Election District and 4th Third Council District.



James G. Wiest
Professional Land Surveyor
MD Registration No. 21390
License Expires February 5, 2016

DROP OFF-NO REVIEW
2016-0289-SPHX



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4263535

Sold To:

Royston Mueller Mclean & Reid - CU00171698
102 W Pennsylvania Ave Ste 600
Towson, MD 21204-4510

Bill To:

Royston Mueller Mclean & Reid - CU00171698
102 W Pennsylvania Ave Ste 600
Towson, MD 21204-4510

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jun 23, 2016

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2016-0289-SPHX
5701 Deer Park Road
NW/s Berrymans Road, 597 ft. NE of Deer Park Road
4th Election District - 4th Councilmanic District
Legal Owner(s) Jay Simonds, LLC

SPECIAL HEARING: to determine whether or not the Administrative Law Judge should approve scope of May 11, 2007 Order in Case No. 07-411-SPHXA to apply to entirety of Lot 2 of Simonds Property Subdivision, 5701 Deer Park Road, comprising approximately 11 acres.

SPECIAL EXCEPTION: to use property for use as landscape service operation.

Hearing: Wednesday, July 13, 2016 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.

6/203 June 23 4263535

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

June 22, 2016

Re:

Zoning Case No. 2016-0289-SPHX

Petitioner: Jay Simonds, LLC

Hearing date: July 13, 2016

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **5701 Deer Park Road**.

The sign was posted on June 22, 2016.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2016-0289-SPHX

5701 Deer Park Road

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

DATE & TIME: Wednesday July 13, 2016 1:30 PM

REQUEST:

**SPECIAL HEARING TO DETERMINE WHETHER OR NOT THE
ADMINISTRATIVE LAW JUDGE SHOULD APPROVE SCOPE OF MAY 11,
2007 ORDER IN CASE NO. 07-411-SPHXA TO APPLY TO ENTIRETY OF
LOT 2 OF SIMONDS PROPERTY SUBDIVISION, 5701 DEER PARK ROAD,
COMPRISING APPROXIMATELY 11 ACRES.**

**SPECIAL EXCEPTION TO USE PROPERTY FOR USE AS LANDSCAPE
SERVICE OPERATION.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.**

THE HEARING IS HANDICAPPED ACCESSIBLE

92
**GARAGE
SALE**
4715 Deer Park
SAT 10^{AM} - 7^{PM}
←

ZONING NOTICE

CASE NO. 2016-0289-SPHX

5701 Deer Park Road

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IN TOWSON MARYLAND

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SPECIAL EXCEPTION TO USE PROPERTY FOR USE AS LANDSCAPE
SERVICE OPERATION.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-287-3301.

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE



KEVIN KAMENETZ
County Executive

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

June 14, 2016

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 NUMBER: 2016-0289-SPHX

5701 Deer Park Road
NW/s Berrymans Road, 597 ft. NE of Deer Park Road
4th Election District – 4th Councilmanic District
Legal Owners: Jay Simonds, LLC

Special Hearing to determine whether or not the Administrative Law Judge should approve scope of May 11, 2007 Order in Case No. 07-411-SPHXA to apply to entirety of Lot 2 of Simonds Property Subdivision, 5701 Deer Park Road, comprising approximately 11 acres.
Special Exception to use property for use as landscape service operation.

Hearing: Wednesday, July 13, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director

AJ:kl

C: Edward Gillis, 102 W. Pennsylvania Avenue, Ste. 600, Towson 21204
Jay Simonds, 5715 Deer Park Road, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 23, 2016**
- (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.



KEVIN KAMENETZ
County Executive

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

June 14, 2016

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Arnold Jablon
Director

AJ:kl

C: Edward Gillis, 102 W. Pennsylvania Avenue, Ste. 600, Towson 21204
Jay Simonds, 5715 Deer Park Road, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 23, 2016**
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- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 23, 2016 Issue - Jeffersonian

Please forward billing to:

Edward Gillis, Esq.
Royston, Mueller, McLean & Reid
102 W. Pennsylvania Avenue, Ste. 600
Towson, MD 21204

410-823-1800

NOTICE OF ZONING HEARING

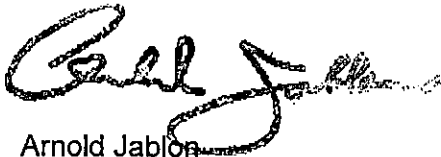
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Hearing: Wednesday, July 13, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.

Debra Wiley

From: Debra Wiley
Sent: Monday, July 11, 2016 2:16 PM
To: David W Kirby
Subject: CC 1400414 (5701 Deer Park Rd., 21136)

Hi David,

The Office of Administrative Hearings has a scheduled zoning hearing on the above matter this Wednesday, July 13th @ 1:30 PM. The file folder indicates there's a code violation; however, no pertinent code paperwork was included.

Could you please send (via email) the Citation or any other paperwork that the judge may need before the hearing.

Thanks in advance; it is appreciated.

Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND SPECIAL EXCEPTION *
5701 Deer Park Road; NW/S of Berrysmans * OF ADMINISTRATIVE
Road, 597' NE of Deer Park Road *
4th Election & 4th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Jay M. Simonds, LLC *
Petitioner(s) * BALTIMORE COUNTY
* 2016-289-~~SPH~~ X

* * * * *

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.

RECEIVED

MAY 25 2016

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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 26th day of May, 2016, a copy of the foregoing Entry of Appearance was mailed to Jay Simonds, 5715 Deer Park Road, Reisterstown, Maryland 21136 and Edward J. Gilliss, Esquire, 102 W. Pennsylvania Avenue, Suite 600, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2016-0289-SPHX

Property Address: 5701 Deer Park Road

Property Description: 10.92 acres more or less

Legal Owners (Petitioners): Jay M. Simonds, LLC

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Edward J. Gilliss, Esq.

Company/Firm (if applicable): Royston, Mueller, McLean & Reid, LLP

Address: 102 West Pennsylvania Avenue, Suite 600

Towson, MD 21204

Telephone Number: 410-823-1800

Revised 5/20/2014

DROP OFF-NO REVIEW

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

No.

139271

Date:

5/17/2016

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
5/18/2016 5/17/2016 14:05:56 3

NO. 139271
RECEIPT # 677995 5/17/2016 GFLH

Dept 5 528 ZONING VERIFICATION

Recpt Tot \$1,000.00
\$1,000.00 CK \$1.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	206	0000		6150				1000.00

Total: 1000.00

Rec From: Royston, Mueller, McLean & Reid, LLP

For: Special Hearing/Special Exception
2816-0289-SPHX (8701 Deer Park Road)
Jay M. Simmonds, LLC

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

July 6, 2016

Jay M Simonds LLC
5715 Deer Park Road
Reisterstown MD 21136

RE: Case Number: 2016-0289 SPHX, Address: 5701 Deer Park Road

Dear Mr. Simonds:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 17, 2016. 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Edward J Gilliss, 102 W Pennsylvania Avenue, Suite 600, Towson MD 21204

7-13-16
1:30 PM

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: July 7, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-289

JUL 11 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 5701 Deer Park Road
Petitioner: Jay M. Simonds, LLC
Zoning: RC 4
Requested Action: Special Hearing, Special Exception

The Department of Planning has reviewed the petition for a special exception to use the property for a landscape service operation and special hearing to determine whether or not the Administrative Law Judge should approve the application of the Order in Zoning Case No. 07-411 SPHXA to the entirety of Lot 2, Simonds Property Subdivision.

A site visit was conducted on June 16, 2016.

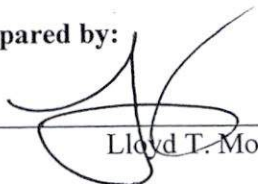
The Baltimore County Master Plan 2020 designates Deer Park Road as a Baltimore County Scenic Route.

The Department has no objections to granting the petitioned zoning relief conditioned upon the following:

- Maintain the landscaping as shown on the plan to protect the view from Deer Park Road.

For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Wally Lippincott
Jay M. Simonds
Office of the Administrative Hearings
People's Counsel for Baltimore County

7-13

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 26 2016

OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: May 26, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0289-SPHX
Address 5701 Deer Park Road
(Jay M. Simonds, LLC Property)

Zoning Advisory Committee Meeting of **May 30, 2016**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford Date: 05-26-2016

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 5/23/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2016-0289-SPHX

*Special Hearing Special Exception
Fay M. Simmonds, LLC
5701 Deer Park Road*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

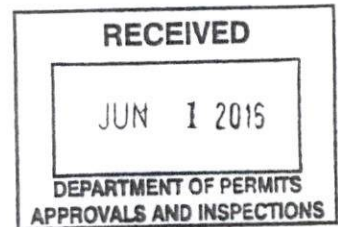
Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Zeller'.

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE



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

DATE: May 31, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For May 30, 2016
Item No. 2016-0283, 0284, 0286, 0288, 0289 and 0291

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\ZAC05302016.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: May 26, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0289-SPHX
Address 5701 Deer Park Road
(Jay M. Simonds, LLC Property)

Zoning Advisory Committee Meeting of **May 30, 2016**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford Date: 05-26-2016

7-12-16
1:30 PM

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: July 7, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-289

JUL 11 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 5701 Deer Park Road
Petitioner: Jay M. Simonds, LLC
Zoning: RC 4
Requested Action: Special Hearing, Special Exception

The Department of Planning has reviewed the petition for a special exception to use the property for a landscape service operation and special hearing to determine whether or not the Administrative Law Judge should approve the application of the Order in Zoning Case No. 07-411 SPHXA to the entirety of Lot 2, Simonds Property Subdivision.

A site visit was conducted on June 16, 2016.

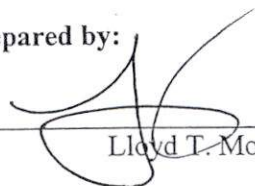
The Baltimore County Master Plan 2020 designates Deer Park Road as a Baltimore County Scenic Route.

The Department has no objections to granting the petitioned zoning relief conditioned upon the following:

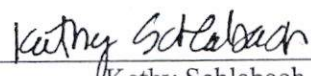
- Maintain the landscaping as shown on the plan to protect the view from Deer Park Road.

For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Wally Lippincott
Jay M. Simonds
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 7/15/16

By Sen

Case No.:

2016-289-SPH X

Exhibit Sheet

7-15-16
Sen

Petitioner/Developer

93
8-18-16

Protestant

No. 1	site plan (realine)	
No. 2	Photos of site	
No. 3	Order in Case 07-411	
No. 4	Code Enforc. Notice	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

May 11, 2007

WILLIAM J. WISEMAN III
Zoning Commissioner

LAWRENCE M. HAMMOND, ESQUIRE
HAMMOND & HAMMOND LLC
456 MAIN STREET
PO BOX 569
REISTERSTOWN MD 21136

Re: Petitions for Special Exception, Special
Hearing and Variance
Case No. 07-411-SPHXA
Property: 5701 Deer Park Road

Dear Mr. Hammond:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Joel M. and Xandra L. Simonds, 33416 Pennbrooke Pkwy., Leesburg, FL 34748
Jay Simonds, 5715 Deer Park Road, Reisterstown MD 21136

#3

IN RE: PETITIONS FOR SPECIAL EXCEPTION, *	BEFORE THE
SPECIAL HEARING & VARIANCE	
N side Berrymans Lane, 255 feet E *	DEPUTY ZONING COMMISSIONER
c/l Deer Park Road	
4 th Election District *	OF BALTIMORE COUNTY
4 th Councilmanic District	
(5701 Deer Park Road) *	
Joel M. and Xandra L. Simonds, Trustees	
Legal Owner *	
Jay Simonds	
Contract Purchaser *	CASE NO. 07-411-SPHXA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception, Special Hearing and Variance filed by the legal owners of the subject property, Joel M. and Xandra L. Simonds, Trustees, for property located at 5701 Deer Park Road.

The Special Hearing is to approve the Petitioner's request for two (2) principal uses (landscape service operations and residential dwelling) on the subject property.

The Special Exception for a landscape service operation, pursuant to Section 1A03.3B.11 of the Baltimore County Zoning Regulations.

The Variance request is from Section 1A03.4.B.2.a to permit an existing residential principal building to have a front yard setback of five (5) feet in lieu of the required twenty-five (25) feet and to permit the use of gravel or hot mix asphalt millings for surfaces located in the processing area.

The property was posted with Notice of Hearing on April 24, 2007, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on April 24, 2007, to notify any interested persons of the scheduled hearing date.

571-07
B3

Applicable Law

Section 502.1 of the B.C.Z.R. *Special Exceptions*

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Section 307 of the B.C.Z.R. *Variances*

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the

County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Planning dated April 9, 2007. It is unclear to the Office of Planning why the Petitioner is requesting a 5 foot front yard setback in lieu of the required 25 feet and to permit the use of gravel or hot mix asphalt as turf cover in the designated processing area. The Petitioner should provide some sort of explanation for this request. As such the Planning Office cannot make a recommendation with respect to the Petitioner's variance request. That Office does not oppose the Petitioner's special hearing and exception request to permit 2 principal uses (landscape operation and residential) on the subject site provided the Petitioner (owner) of the landscaping business is the primary occupant of the residential use. ZAC comments were received from the Department of Environmental Protection and Resource Management dated May 8, 2007 and contains restrictions. Copies of these comments are incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the variance and special exception requests was Jay Simonds, Contract Purchaser. Lawrence Hammond, Esquire, represented the Petitioners. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject parcel contains 2.475 acres zoned RC 4 and is improved by a single family dwelling and the Petitioner's landscape business. The subject parcel is part of lot 2 of the

Simonds Property Subdivision which has a total area of 10.92 acres. The Petitioners home is located on adjacent lot 1.

Mr. Hammond indicated that lots 1 and 2 along with a large retail/nursery business located on the south side of Berryman's Lane have been owned by the Simonds family for many years. He further indicated that as part of the Petitioner's business plan for the whole area, the Petitioner plans to separate the landscaping business from the nursery/retail business and to intensify the landscape business to some degree. See Petitioner's exhibit 1 for the location and listing of the existing structures on the subject parcel which includes a dwelling which Mr. Hammond opined was built between 100 and 150 years ago obviously before zoning was imposed. As was the custom the front porch is only 5 feet from the front property line/right of way of Deer Park Road whereas the later imposed regulations require 25 feet. See Photographs exhibits 2A through 2C.

Mr. Simonds indicated that he now can purchase asphalt millings which are produced when large milling machines scrape asphalt roads to reduce the depth of material prior to application of new asphalt. He indicated that the millings take the form of asphalt paving when applied to an area but are much more porous to rain water and relatively dustless. Use of this material would lessen the amount of impervious surface for the parking and loading area which is very compatible with the watershed protection goals of RC 4. Remarkably paving using millings can be striped so that the safety concerns of unstructured parking can be avoided. He pointed out that only employees will be on the subject parcel and not the general public.

In regard to the special hearing, Mr. Hammond indicated that the dwelling and landscape business have coexisted for many years on the parcel, that approving the special hearing to allow two principal uses would not adversely affect the community and was within the spirit and intent

of the RC 4 regulations. In addition the site is buffered from view by persons on the public roads by existing evergreen plantings as shown on the site plan and photographs 3A and 3B.

Finally Mr. Hammond opined that the request to approve a special exception for landscape service operations met the criteria of Section 502.1 of the BCZR, would not adversely affect the community and was within the spirit and intent of the regulations. Again the landscape operation has existed on the parcel for many years and is a service to the community. The Planning Office supports the request for special exception and special hearing.

Findings of Fact and Conclusions of Law

In regard to the request for property line setback (front), I have no reason to doubt the proffer that the dwelling on the parcel predates zoning in the County and was located very close to the road right of way as was common practice in years past. This makes the property unique in a zoning sense. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This dwelling was erected much before zoning was imposed on the area. The imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Clearly it would be impractical to move the house back another 20 feet.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting this variance as the dwelling has been there for many years.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety

5-11-07
p3

and general welfare. The residence has been 5 feet off the roadway for many years and so there will be no change to the character of the neighborhood.

In regard to the request to allow gravel or asphalt milling material for driveways, parking and loading spaces, I accept the uncontested testimony that asphalt milling surfaces are essentially dustless, durable and can be striped. In addition they lessen impervious runoff which is particularly important in the RC 4 zone. Therefore I find that use of asphalt milling surfaces meets the spirit and intent of Section 409.8 A 2 and no variance is necessary. As indicated at the hearing this same statement cannot be said of gravel or crusher run surfaces because of the dust they produce and inability to stripe. Consequently I will deny the request for variance for asphalt milling surfaces as unnecessary, and deny the request to allow gravel as this may adversely affect the health, safety and welfare of the community.

In regard to the request for special hearing, the dwelling and landscape business have coexisted for many years on the parcel. The site is buffered from view by persons on the public roads by existing evergreen plantings as shown on the site plan and photographs 3A and 3B. Consequently I will approve the special hearing to allow two principal uses on the same parcel as I find these two uses would not adversely affect the community and are within the spirit and intent of the RC 4 regulations.

I understand the landscaping business has been an adjunct of the nursery and retail business across Berryman's Lane for many years and the Petitioner would like to recognize it as a separate business. Considering the testimony and evidence I find there will be no adverse impact on the community to continue and expand the existing landscape business on site, that the site plan meets the criteria of Section 502.1 of the BCZR and is within the spirit and intent of the RC 4 regulations.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' requests for special exception and special hearing should be granted and the request for variance should be denied as unnecessary.

THEREFORE, IT IS ORDERED, this th 11 day of May, 2007, by the Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1A03.4.B.2.a to permit an existing residential principal building to have a front yard setback of five (5) feet in lieu of the required twenty-five (25) feet is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Petitioners variance request from Section 409.8. A 2 to permit the use of gravel or hot mix asphalt millings for surfaces located in the processing area is hereby DENIED as I find use of asphalt milling surfaces meets the spirit and intent of Section 409.8. A 2 for durable and dustless surface and further that gravel or crusher run surfaces may adversely affect the community because of potential dust and difficulty of striping; and

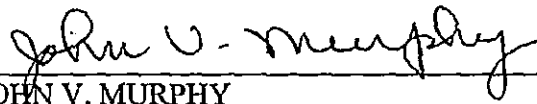
IT IS FURTHER ORDERED that the Petitioner's request for Special Hearing to approve two (2) principal uses (landscape service operations and residential dwelling) on the subject property be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Special Exception for a landscape service operation, pursuant to Section 1A03.3B.11 of the Baltimore County Zoning Regulations is hereby GRANTED subject to the following conditions:

1. The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. 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).
3. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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

Order.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

5-11-07
pz



SIMONOS
5701 DEER PARK ROAD
2016-0289- SPHX



REMOVAL OF EX GRAVEL DRIVES
PHOTO TAKEN 7/12/16



SIMONDS
5701 DEER PARK ROAD
2016 -0289 -SPHX

VIEW NORTHERLY ALONG
EASTERN PROPERTY LINE
PHOTO TAKEN 7/12/16

Permits, Approvals, and Inspections
 Code Inspections & Enforcement
 County Office Building, Rm. 213
 111 West Chesapeake Ave
 Towson, Maryland 21204
www.baltimorecountymd.gov/Agencies/permits/



Code Enforcement 410-887-3351
 Electrical Inspection 410-887-3960
 Plumbing Inspection 410-887-3620
 Building Inspection 410-887-3953

CODE ENFORCEMENT CORRECTION NOTICE

JAY M SIMONDS LLC
 5715 DEER PARK RD
 REISTERSTOWN, MD 21136-6023

CASE NUMBER CC1400414	PROP.TAX ID 0408065200
VIOLATION ADDRESS 5701 DEER PARK RD REISTERSTOWN, MD 21136	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
B.C.Z.R 500.9 BCZR; ZCPM; BCC: 32-3-102: Violation of commercial site plan and /or zoning order	Failure to comply with zoning order of May 11, 2007 regarding number of businesses, etc...at subject property.

Failure to comply with this correction notice, may result in a \$200.00 fine/penalty per day, per violation pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the Inspector for more information and details.

COMPLIANCE DATE: 05/15/2014	INSPECTOR NAME David Kirby
	ISSUED DATE: 04/23/2014

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

- It is important that you read this document carefully, as it charges you with the commission of a crime.
- If you fail to correct the violations noted by the date dictated, a citation may be issued, and a trial scheduled at which you may be penalized by a fine, imprisonment, or both.
- If the County is required to bring your property into compliance, all costs and fines shall become a lien and shall be collectible in the manner provided for collection of real estate taxes; or may be collected in the same manner as any civil money judgment or debt collected.
- A lawyer can give important assistance to you:
 - on how to correct the violation(s) in order to avoid trial or
 - at trial, if you failed to correct the violation(s) noted. Assistance may be provided to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought to the trial. A lawyer can help you by developing and presenting information, which could effect how you correct the violation(s).
- A conviction for each violation will subject you to potential fines of \$200, \$500, \$1000 per day per violation, depending on the violation, or 90 days in jail, or both Baltimore County Code section 1-2-217 and 32-3-602.
- It is your responsibility to obtain any required permit(s) to correct the cited violation(s). All repairs must be in accordance with applicable laws, Code of Baltimore County Regulations; and standards.
- Upon correction of these violation(s), contact the inspector for re-inspection. If you have any questions contact the inspector promptly.

#4

CASE NAME Day M. Simons LLC
CASE NUMBER 2016-0289-SPHX
DATE 7.13.16

CASE NAME Day M. Simons LLC
CASE NUMBER 2016-0289-SPHX
DATE 7.13.16

[illegible]

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>5-31</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>5-26</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
	FIRE DEPARTMENT	
<u>7-7</u>	PLANNING (if not received, date e-mail sent _____)	<u>No object. w/ Cond.</u>
<u>5-23</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
<u>Code</u> ZONING VIOLATION	(Case No. <u>CC 1400414</u> Email sent to Dave Kirby 7-11)	
PRIOR ZONING	(Case No. <u>2007-0411-SPHXA</u> copy 2 file 1989-0164-X)	
NEWSPAPER ADVERTISEMENT	Date: <u>6-23-16</u>	
SIGN POSTING	Date: <u>6-22-16</u> by <u>Doate</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 0408065200			
Owner Information					
Owner Name:		JAY M SIMONDS LLC		Use: Principal Residence:	COMMERCIAL/RESIDENTIAL NO
Mailing Address:		5715 DEER PARK RD REISTERSTOWN MD 21136- 6023		Deed Reference:	/29765/ 00424
Location & Structure Information					
Premises Address:		5701 DEER PARK RD 0-0000		Legal Description:	11.7387 AC 5701 DEER PARK RD NW COR BERRYMAN'S LA
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0057	0015	0077		0000	2014
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area 11.7300 AC
				County Use 06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		115,700	115,700		
Improvements		50,100	50,100		
Total:		165,800	165,800	165,800	165,800
Preferential Land:		0			0
Transfer Information					
Seller: SIMONDS JOEL M		Date: 08/12/2010		Price: \$340,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /29765/ 00424		Deed2:	
Seller: SIMONDS JOEL M		Date: 06/15/2004		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /20237/ 00480		Deed2:	
Seller: ARMSTRONG SAMUEL W		Date: 02/07/1989		Price: \$150,000	
Type: ARMS LENGTH IMPROVED		Deed1: /08096/ 00403		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

[illegible]

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

JM ✓
5-9-07

IN RE: PETITIONS FOR SPECIAL EXCEPTION, * BEFORE THE
SPECIAL HEARING & VARIANCE
N side Berrymans Lane, 255 feet E * DEPUTY ZONING COMMISSIONER
c/l Deer Park Road
4th Election District * OF BALTIMORE COUNTY
4th Councilmanic District
(5701 Deer Park Road) *

Joel M. and Xandra L. Simonds, Trustees
Legal Owner *
Jay Simonds
Contract Purchaser * CASE NO. 07-411-SPHXA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception, Special Hearing and Variance filed by the legal owners of the subject property, Joel M. and Xandra L. Simonds, Trustees, for property located at 5701 Deer Park Road.

The Special Hearing is to approve the Petitioner's request for two (2) principal uses (landscape service operations and residential dwelling) on the subject property.

The Special Exception for a landscape service operation, pursuant to Section 1A03.3B.11 of the Baltimore County Zoning Regulations.

The Variance request is from Section 1A03.4.B.2.a to permit an existing residential principal building to have a front yard setback of five (5) feet in lieu of the required twenty-five (25) feet and to permit the use of gravel or hot mix asphalt millings for surfaces located in the processing area.

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Applicable Law

Section 502.1 of the B.C.Z.R. *Special Exceptions*

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Section 307 of the B.C.Z.R. *Variances*

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the

County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Planning dated April 9, 2007. It is unclear to the Office of Planning why the Petitioner is requesting a 5 foot front yard setback in lieu of the required 25 feet and to permit the use of gravel or hot mix asphalt as turf cover in the designated processing area. The Petitioner should provide some sort of explanation for this request. As such the Planning Office cannot make a recommendation with respect to the Petitioner's variance request. That Office does not oppose the Petitioner's special hearing and exception request to permit 2 principal uses (landscape operation and residential) on the subject site provided the Petitioner (owner) of the landscaping business is the primary occupant of the residential use. ZAC comments were received from the Department of Environmental Protection and Resource Management dated May 8, 2007 and contains restrictions. Copies of these comments are incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the variance and special exception requests was Jay Simonds, Contract Purchaser. Lawrence Hammond, Esquire, represented the Petitioners. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject parcel contains 2.475 acres zoned RC 4 and is improved by a single family dwelling and the Petitioner's landscape business. The subject parcel is part of lot 2 of the

Simonds Property Subdivision which has a total area of 10.92 acres. The Petitioners home is located on adjacent lot 1.

Mr. Hammond indicated that lots 1 and 2 along with a large retail/nursery business located on the south side of Berryman's Lane have been owned by the Simonds family for many years. He further indicated that as part of the Petitioner's business plan for the whole area, the Petitioner plans to separate the landscaping business from the nursery/retail business and to intensify the landscape business to some degree. See Petitioner's exhibit 1 for the location and listing of the existing structures on the subject parcel which includes a dwelling which Mr. Hammond opined was built between 100 and 150 years ago obviously before zoning was imposed. As was the custom the front porch is only 5 feet from the front property line/right of way of Deer Park Road whereas the later imposed regulations require 25 feet. See Photographs exhibits 2A through 2C.

Mr. Simonds indicated that he now can purchase asphalt millings which are produced when large milling machines scrape asphalt roads to reduce the depth of material prior to application of new asphalt. He indicated that the millings take the form of asphalt paving when applied to an area but are much more porous to rain water and relatively dustless. Use of this material would lessen the amount of impervious surface for the parking and loading area which is very compatible with the watershed protection goals of RC 4. Remarkably paving using millings can be striped so that the safety concerns of unstructured parking can be avoided. He pointed out that only employees will be on the subject parcel and not the general public.

In regard to the special hearing, Mr. Hammond indicated that the dwelling and landscape business have coexisted for many years on the parcel, that approving the special hearing to allow two principal uses would not adversely affect the community and was within the spirit and intent

of the RC 4 regulations. In addition the site is buffered from view by persons on the public roads by existing evergreen plantings as shown on the site plan and photographs 3A and 3B.

Finally Mr. Hammond opined that the request to approve a special exception for landscape service operations met the criteria of Section 502.1 of the BCZR, would not adversely affect the community and was within the spirit and intent of the regulations. Again the landscape operation has existed on the parcel for many years and is a service to the community. The Planning Office supports the request for special exception and special hearing.

Findings of Fact and Conclusions of Law

In regard to the request for property line setback (front), I have no reason to doubt the proffer that the dwelling on the parcel predates zoning in the County and was located very close to the road right of way as was common practice in years past. This makes the property unique in a zoning sense. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This dwelling was erected much before zoning was imposed on the area. The imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Clearly it would be impractical to move the house back another 20 feet.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting this variance as the dwelling has been there for many years.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety

and general welfare. The residence has been 5 feet off the roadway for many years and so there will be no change to the character of the neighborhood.

In regard to the request to allow gravel or asphalt milling material for driveways, parking and loading spaces, I accept the uncontested testimony that asphalt milling surfaces are essentially dustless, durable and can be striped. In addition they lessen impervious runoff which is particularly important in the RC 4 zone. Therefore I find that use of asphalt milling surfaces meets the spirit and intent of Section 409.8 A 2 and no variance is necessary. As indicated at the hearing this same statement cannot be said of gravel or crusher run surfaces because of the dust they produce and inability to stripe. Consequently I will deny the request for variance for asphalt milling surfaces as unnecessary, and deny the request to allow gravel as this may adversely affect the health, safety and welfare of the community.

In regard to the request for special hearing, the dwelling and landscape business have coexisted for many years on the parcel. The site is buffered from view by persons on the public roads by existing evergreen plantings as shown on the site plan and photographs 3A and 3B. Consequently I will approve the special hearing to allow two principal uses on the same parcel as I find these two uses would not adversely affect the community and are within the spirit and intent of the RC 4 regulations.

I understand the landscaping business has been an adjunct of the nursery and retail business across Berryman's Lane for many years and the Petitioner would like to recognize it as a separate business. Considering the testimony and evidence I find there will be no adverse impact on the community to continue and expand the existing landscape business on site, that the site plan meets the criteria of Section 502.1 of the BCZR and is within the spirit and intent of the RC 4 regulations.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' requests for special exception and special hearing should be granted and the request for variance should be denied as unnecessary.

THEREFORE, IT IS ORDERED, this th11 day of May, 2007, by the Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1A03.4.B.2.a to permit an existing residential principal building to have a front yard setback of five (5) feet in lieu of the required twenty-five (25) feet is hereby GRANTED; and

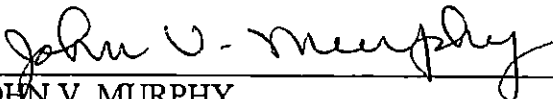
IT IS FURTHER ORDERED, that the Petitioners variance request from Section 409.8. A 2 to permit the use of gravel or hot mix asphalt millings for surfaces located in the processing area is hereby DENIED as I find use of asphalt milling surfaces meets the spirit and intent of Section 409.8. A 2 for durable and dustless surface and further that gravel or crusher run surfaces may adversely affect the community because of potential dust and difficulty of striping; and

IT IS FURTHER ORDERED that the Petitioner's request for Special Hearing to approve two (2) principal uses (landscape service operations and residential dwelling) on the subject property be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Special Exception for a landscape service operation, pursuant to Section 1A03.3B.11 of the Baltimore County Zoning Regulations is hereby GRANTED subject to the following conditions:

1. The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. 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).
3. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

7/3
1:30 PM

Debra Wiley

From: Debra Wiley
Sent: Tuesday, July 12, 2016 7:36 AM
To: David W Kirby
Subject: RE: CC 1400414 (5701 Deer Park Rd., 21136)

Hi Dave,

Thanks for the update. I'm speculating that zoning perhaps writes on their file any code violation, whether past or current.

I'll make sure the judge sees this email.

Have a great day !

From: David W Kirby
Sent: Monday, July 11, 2016 3:30 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: CC 1400414 (5701 Deer Park Rd., 21136)

Debra,

The case you referenced has been closed for around a year and not related to this zoning hearing. There is nothing in code enforcement that relevant. I called Jay Simmonds, property owner and he said he was just applying for landscaping on part of his property. I assume everything handled everything through zoning so I guess they have whatever you may need. I hope this helps.

Regards,
Dave Kirby

From: Debra Wiley
Sent: Monday, July 11, 2016 2:16 PM
To: David W Kirby <dkirby@baltimorecountymd.gov>
Subject: CC 1400414 (5701 Deer Park Rd., 21136)

Hi David,

The Office of Administrative Hearings has a scheduled zoning hearing on the above matter this Wednesday, July 13th @ 1:30 PM. The file folder indicates there's a code violation; however, no pertinent code paperwork was included.

Could you please send (via email) the Citation or any other paperwork that the judge may need before the hearing.

Thanks in advance; it is appreciated.

Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

R. TAYLOR McLEAN
WILLIAM F. BLUE
THOMAS F. McDONOUGH
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD
LEANNE M. SCHRECKENGOST
LISA J. McGRATH

JONATHAN M. HERBST
JAMES L. SHEA, JR.
MARTHA K. WHITE
ROBERT F. MILLER
SARAH M. GRABENSTEIN

SUITE 600
THE ROYSTON BUILDING
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800
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OF COUNSEL
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EUGENE W. CUNNINGHAM, JR., P.A.
BRADFORD G.Y. CARNEY
STEPHEN C. WINTER
JOHN A. PICA, JR.

CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

RICHARD A. REID
1931-2008

* ALSO ADMITTED IN D.C.

May 13, 2016

VIA HAND DELIVERY

Baltimore County Department of Permits,
Approvals and Inspections
County Office Building
111 West Chesapeake Ave. Suite 105
Towson, MD 21204

Re: Jay M. Simonds, LLC
5701 Deer Park Road
Reisterstown, MD 21136

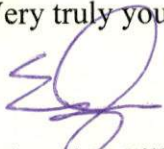
Dear Sir or Madam:

Enclosed with this letter are documents relating to the request that a variance hearing be scheduled:

- Three copies of the Petition with original signatures;
- Twelve copies of the site plan;
- Three copies of the property description;
- One copy of the GIS Zoning Map;
- One completed copy of the advertising and posting requirements and procedures form;
- A \$1,000.00 filing fee in the form of a check made payable to "Baltimore County" from my firm's advance account.

Thank you for your cooperation.

Very truly yours,



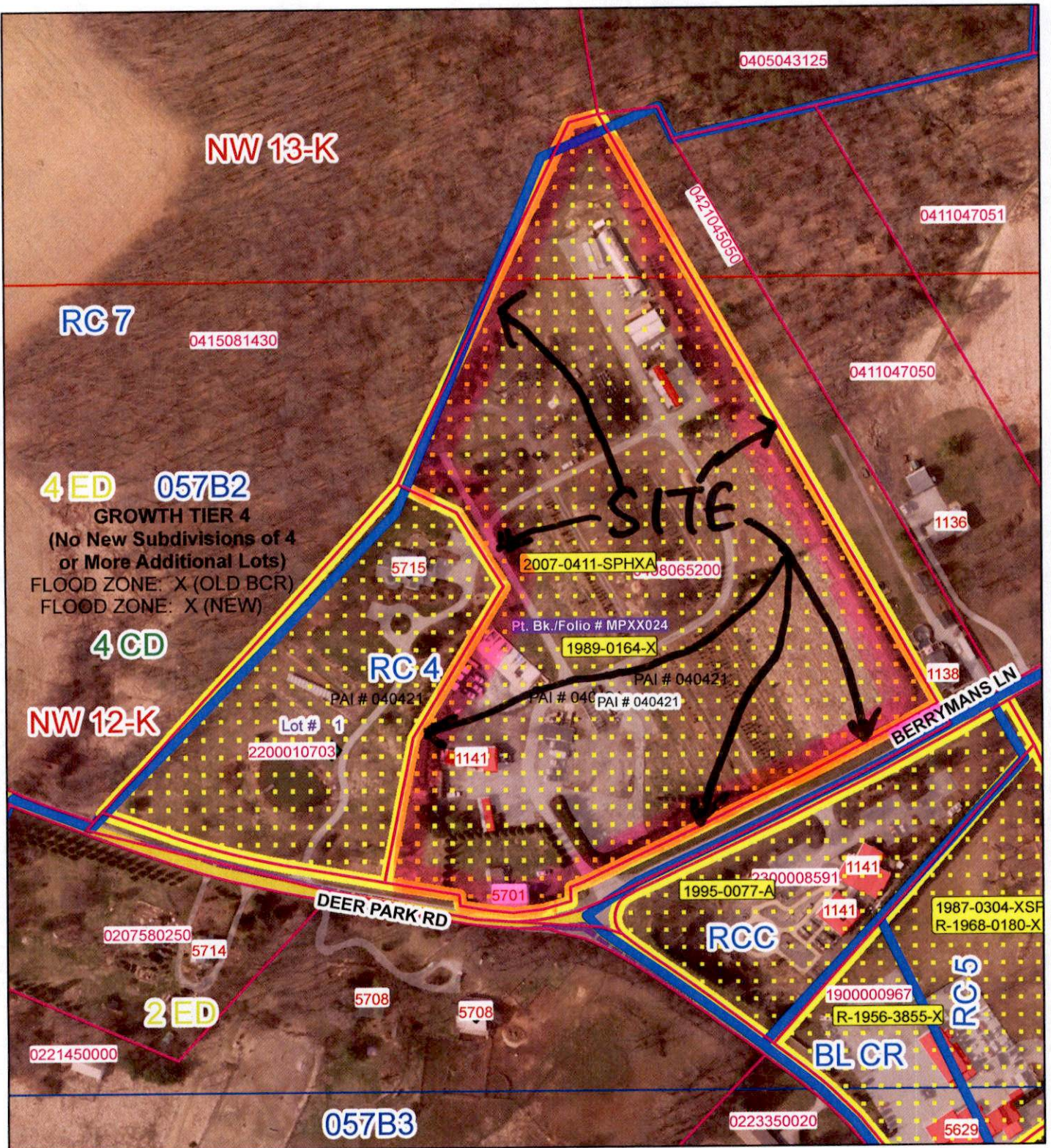
Edward J. Gilliss

EJG/afd
Enclosures

S:\LITIGATIONS\EJG\Clients\Simonds Nursery\PAI 5-13-16.docx

DROP OFF- NO REVIEW
2016-0289-SPHX

5701 Deer Prk Road



Publication Date: 11/13/2015



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 50 100 200 300 400 Feet

1 inch = 200 feet

DROP OFF - NO REVIEW
2016-0289-SPHX





JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits,
Approvals & Inspections

September 20, 2022

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
The Royston Building
102 w. Pennsylvania Avenue
Towson, Maryland 21204-4575

Dear Mr. Gilliss:

RE: Spirit and Intent Request, Case # 2016-0289-SPHX and 2007-0411-SPHXA, Simonds Nursery, Inc., 5701 Deer Park Road, Reisterstown, Maryland 21136, 4th Election District, 4th Council District

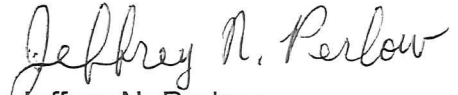
Your recent letter to the Director of P.A.I. was forwarded to me for reply. Based on the information provided therein and my review of the available zoning records, the following has been determined:

1. The referenced property is primarily zoned R.C. 4 with a small strip at the western property line zoned R.C. 7. Provided the two proposed replacement structures maintain the 50 ft. landscape buffer setback shown on the red-lined plan, and provided the two structures are built in accordance with that red-lined plan, then the referenced property will be in the spirit and intent of the Baltimore County Zoning Regulations (BCZR) and the Zoning Commissioner's orders in Case # 2016-0289-SPHX and 2007-0411-SPHXA.
2. A copy of your request letter, this response and the revised site plan will be recorded and made a permanent part of the two zoning cases referenced above.
3. A verbatim copy of this response must be affixed to any building permit site plans prior to uploading the required documents to the building permit application on-line portal.
4. This approval is for zoning only, and you will be required to comply with all other County and State regulations relative to this property.

The foregoing is merely an informal opinion. It is not an expert or legal opinion, it is not intended to be relied on as expert or legal advice, and it is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof:

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey N. Perlow".

Jeffrey N. Perlow
Zoning Supervisor
Zoning Review Office
P.A.I

JNP

cc: Zoning Hearing Files for Case # 2016-0289-SPHX and 2007-0411-SPHXA.

22-0809

JNP

ROYSTON

ROYSTON, MUELLER, McLEAN & REID, LLP

Edward J. Gilliss, Esq.
egilliss@rmmr.com

The Royston Building
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575

Tel: 410.823.1800
Fax: 410.828.7859
www.rmmr.com

September 2, 2022

VIA HAND DELIVERY

C. Pete Gutwald, Director
Department of Permits, Approvals and Inspections
County Office Building
111 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

Re: Spirit and Intent Letter
5701 Deer Park Road
Reisterstown, Maryland 21136

Dear Director Gutwald:

This letter follows my discussions with Jeffrey Perlow, the Zoning Supervisor in the Baltimore County Zoning Review Office and concerns the above-referenced property. I represent Jay M. Simonds, LLC, the property owner and its principal Jay Simonds.

Mr. Simonds, and before him his father, have operated business on this property since the late 1980's. Jay Simonds has operated a successful landscaping and nursery business on the property for many years.

The purpose of this letter is to explain Mr. Simonds' desires to further improve the business footprint on the property by removing two structures (a green house and a shed) and replace the structures with two new buildings in the same locations as the structures to be removed.

Enclosed is a property sketch prepared by John Motsco of DS Thaler & Assoc., LLC. It shows that there will be effectively no change in the impervious surfaces on this site; in fact, there will be a slight reduction in the impervious surfaces on the site.

There will be no changes to the property line setbacks and the new structures will continue to be at least fifty feet from the property lines.

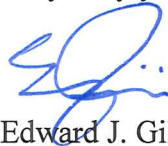
Jay M. Simonds, LLC requests your signature at the base of this "spirit and intent letter" so that when the property owner seeks building permits your staff will know that the proposal has already been considered and approved by you.

2016-0289-SPHX
2007-0411-SPHXA
~~1987-0121-SPHX~~

C. Pete Gutwald, Director
September 2, 2022
Page 2 of 2

Hence, enclosed with this letter please find a check made payable to Baltimore County in the amount of \$200.00 to cover the cost of this spirit and intent letter request. I am available at your convenience to further discuss this matter should you so require or desire.

Very truly yours,



Edward J. Gilliss

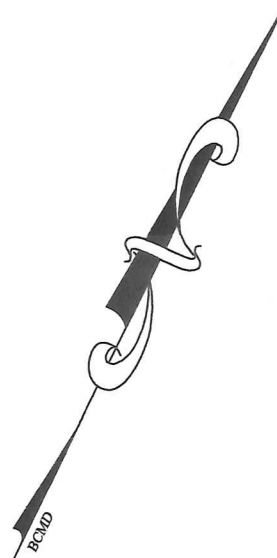
EJG/vrk

Enclosures

I, C. Pete Gutwald, Director, Baltimore County Department of Permits, Approvals and Inspections, confirm that the spirit and intent of County regulations is consistent with the proposal set out in this letter and on its attached site plan. The property owner, Jay M. Simonds, LLC, understands and agrees that this spirit and intent letter is not binding but is mere guidance.

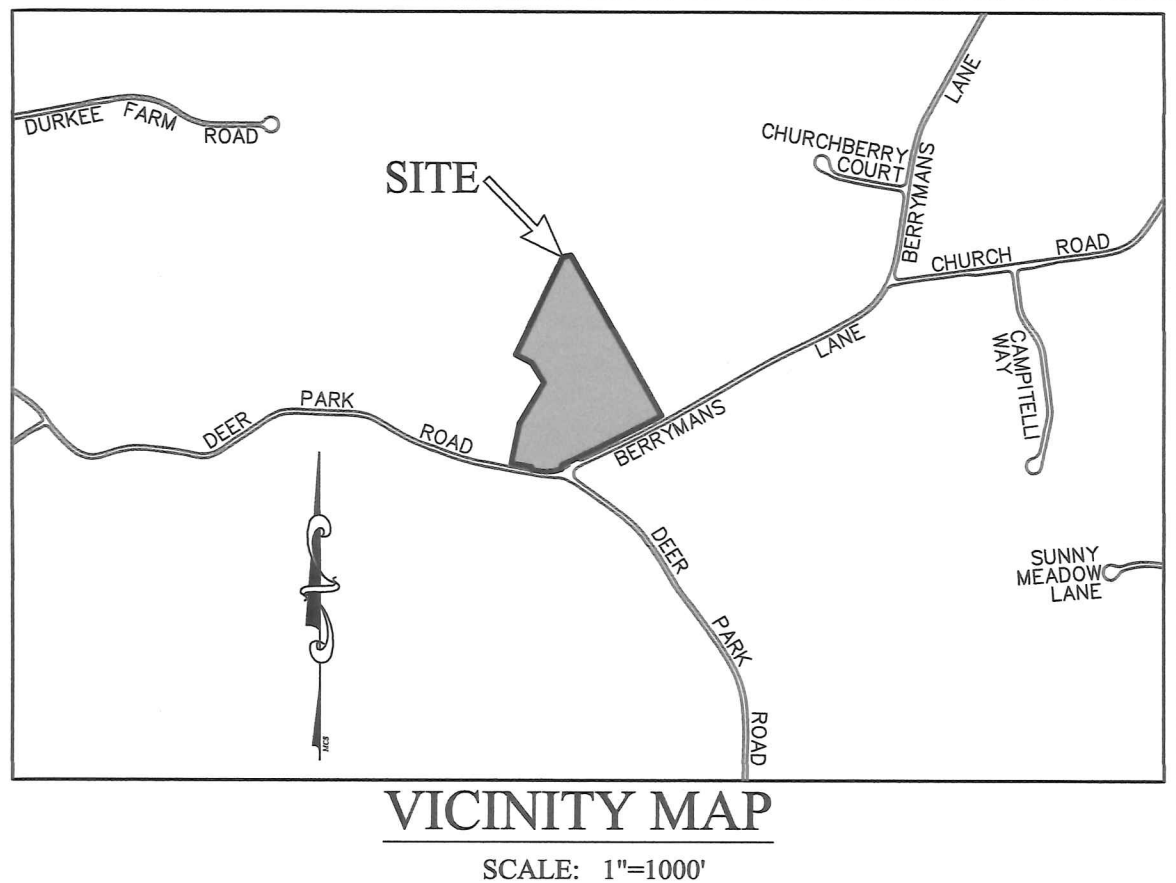
Date

C. Pete Gutwald, Director



VARIANCE & SPECIAL EXCEPTION AREA BOUNDARY				
LINE	LENGTH	BEARING	RADIUS	CHORD
1	49.12'	S64°45'20"W	—	—
2	331.02'	S66°25'15"W	5694.58'	330.97'
3	171.27'	S68°05'10"W	—	—
4	30.11'	S71°25'39"W	258.82'	30.10'
5	20.48'	S02°20'06"E	—	—
6	40.69'	S77°06'32"W	—	—
7	43.00'	S87°39'54"W	—	—
8	33.69'	N80°34'00"W	—	—
9	41.59'	N76°25'56"W	—	—
10	15.60'	N02°20'06"W	—	—
11	106.53'	N76°23'28"W	—	—
12	209.55'	N14°55'57"E	—	—
13	249.63'	N34°34'49"E	—	—
14	122.63'	N28°26'28"W	—	—
15	92.52'	N60°30'29"W	—	—
16	565.13'	N29°10'00"E	—	—
17	42.66'	N77°44'22"E	—	—
18	959.04'	S26°02'13"E	—	—

IMPERVIOUS LOT COVERAGE			
AREA OF SPECIAL EXCEPTION REQUEST = 8.44 AC			
PERMITTED IMPERVIOUS COVERAGE	10.00%	0.84 A.C.	
ACTUAL IMPERVIOUS COVERAGE	8.44%	0.71 A.C.	



- SITE DATA**
1. AREA: NET/GROSS TRACT AREA: 10.92 AC± (475,675 SF)
 2. EXISTING ZONING IS RC 4 AND RC 7, 200 SCALE MAP 57B2.
 3. OWNER: JAY M SIMONDS LLC, 5715 DEER PARK ROAD, REISTERSTOWN, MD 21136
 4. TAX ACCOUNT NUMBER: 0408065200
 5. DEED: 29765/424
 6. TAX MAP NO.: 57 GRID: 15 PARCEL: 77
 7. THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2015 BASIC SERVICES MAPS, PURSUANT TO SECTION 4A02, BCZR.
 8. THIS SITE IS NOT LOCATED WITHIN A FLOOD PLAIN.
 9. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 10. THIS SITE IS NOT HISTORIC.
 11. THIS SITE IS NOT LOCATED WITHIN ANY HISTORICAL DISTRICT.
- ZONING HISTORY**
- CASE # 89-164-X GRANTED
FILING DATE OF PETITION: 8/16/1988
JUDGE ORDER DATE: 11/17/1988

SPECIAL EXCEPTION OF A SYNAGOGUE/TEMPLE AND SCHOOL BUILDING IN AN RC 4 ZONE WAS GRANTED SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. PETITIONER MAY APPLY FOR HIS BUILDING PERMIT 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, THE PETITIONER WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.
2. THE SCHOOL BUILDING GRANTED HEREIN IS LIMITED TO SUPPLEMENTARY RELIGIOUS EDUCATION FOR MEMBERS AND CHILDREN OF THE CONGREGATION. USE OF THE BUILDING FOR SCHOOL PURPOSES SHALL NOT EXCEED TWO DAYS A WEEK, SPECIFICALLY, TWO AFTERNOONS OR EVENINGS A WEEK, AND ONE WEEKEND DAY.
3. PETITIONER MUST COMPLY WITH THE REQUIREMENTS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT (DEPRM), BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT, AS SET FORTH IN THEIR LETTER DATED AUGUST 30, 1988.
4. PETITIONER SHALL LANDSCAPE THE PROPERTY AT A MINIMUM IN COMPLIANCE WITH THE BALTIMORE COUNTY LANDSCAPING MANUAL AND AS REQUIRED BY THE OFFICE OF CURRENT PLANNING, LANDSCAPE PLANNER, TO INSURE THAT THE USE OF THE PROPERTY ALONG DEER PARK ROAD AND BERRYMAN'S LANE IS IN KEEPING WITH THE RESIDENTIAL CHARACTER OF THE RC 4 ZONE.
5. PETITIONER SHALL COMPLY WITH THE REQUIREMENTS OF THE BUREAU OF TRAFFIC ENGINEERING AS SET FORTH IN THEIR COMMENTS RECEIVED NOVEMBER 17, 1988.
6. PETITIONER SHALL COMPLY WITH THE REQUIREMENTS OF THE OFFICE OF PLANNING AS SET FORTH IN THEIR COMMENTS DATED NOVEMBER 4, 1988.
7. ORG APPROVAL OF THIS PROJECT IS REQUIRED.
8. PETITIONER SHALL COMPLY WITH ALL COUNTY REQUESTS AND REQUIREMENTS REGARDING RIGHTS-OF-WAY WIDENINGS, ROAD WIDENINGS, AND INTERSECTION IMPROVEMENTS PLANNED FOR BERRYMAN'S LANE AT DEER PARK ROAD.

CASE # 07-411-SPHXA GRANTED
JUDGE ORDER DATE: 05/11/2007

VARIANCE TO PERMIT AN EXISTING RESIDENTIAL BUILDING TO HAVE A FRONT YARD SETBACK OF FIVE (5) FEET IN LIEU OF THE REQUIRED TWENTY-FIVE (25) FEET WAS GRANTED.

VARIANCE TO PERMIT THE USE OF GRAVEL OR HOT MIX ASPHALT MILLINGS FOR SURFACES LOCATED IN THE PROCESSING AREA WAS DENIED. THE VARIANCE WAS DEEMED UNNECESSARY, HOWEVER, THE USE OF ASPHALT MILLINGS WAS APPROVED AS IT WAS IN HARMONY WITH THE SPIRIT OF INTENT OF THE RC 4 ZONE AND WAS NOT DEEMED TO BE HAZARDOUS. THE USE OF GRAVEL WAS PROHIBITED.

SPECIAL HEARING TO APPROVE TWO (2) PRINCIPAL USES (LANDSCAPE SERVICE OPERATIONS AND RESIDENTIAL DWELLING) ON THE SUBJECT PROPERTY WAS GRANTED.

SPECIAL EXCEPTION FOR A LANDSCAPING SERVICE OPERATION ON THE SUBJECT PROPERTY WAS GRANTED.

ALL GRANTED REQUESTS WERE SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER, HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME AS THE 30 DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONERS WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.
2. 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).
3. DEVELOPMENT OF THE PROPERTY MUST COMPLY WITH THE FOREST CONSERVATION REGULATIONS (SECTIONS 33-6-101 THROUGH 33-6-122 OF THE BALTIMORE COUNTY CODE).

CASE # CC1400414 INSPECTOR DAVID KIRBY

THE SITE IS CURRENTLY UNDER AN ACTIVE ZONING VIOLATION FOR FAILURE TO COMPLY WITH THE PREVIOUS ZONING ORDER OF MAY 11, 2007 REGARDING NUMBER OF BUSINESSES, ETC AT THE SUBJECT PROPERTY.

FLOOR AREA RATIO (FAR)	
RESIDENTIAL USE:	563 SF + 2 X 1264 SF = 3091 SF
LANDSCAPING SERVICE OPERATIONS USE:	664 SF + 1084 SF + 805 SF + 1761 SF + 1194 SF + 1841 SF = 7349 SF
GROSS FLOOR AREA:	3091 SF + 7349 SF = 10,440 SF
GROSS SITE AREA:	475,675 SF
FLOOR AREA RATIO:	10,440 SF / 475,675 SF = 0.022

PARKING SPACE REQUIREMENTS

RESIDENTIAL USE:
ONE FAMILY DETACHED HOME
2 SPACES REQUIRED PER DWELLING UNIT
2 PARKING SPACES PRESENT ON SITE FOR RESIDENTIAL USE, BCZR REQUIREMENTS MET

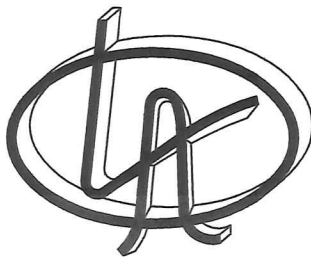
LANDSCAPING SERVICE OPERATIONS USE:
ZONING REVIEW OFFICE REQUIREMENTS FOR THIS USE ARE THE SAME REQUIREMENTS AS MANUFACTURING LAND USE
1 SPACE REQUIRED FOR EACH EMPLOYEE ON THE LARGEST SHIFT
13 SPACES PRESENT ON SITE FOR LANDSCAPING SERVICE OPERATIONS USE

REDLINE AS PRESENTED AT HEARING
PLAN TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION AND SPECIAL HEARING
SIMONDS PROPERTY
#5701 DEER PARK ROAD

DISTRICT 4c4
SCALE: 1"=60'
BALTIMORE COUNTY, MD
MAY 11, 2016

EX. 1

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 16019, EXPIRATION DATE: 5/8/18.



LITTLE & ASSOCIATES, INC.
ENGINEERS~LAND PLANNERS~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

LINE	LENGTH	BEARING	RADIUS	CHORD
1	49.12'	S64°45'20"W	—	—
2	331.02'	S66°25'15"W	5694.58'	330.97'
3	171.27'	S68°05'10"W	—	—
4	30.11'	S71°25'39"W	258.82'	30.10'
5	20.48'	S02°20'06"E	—	—
6	40.69'	S77°06'32"W	—	—
7	43.00'	S87°39'54"W	—	—
8	33.69'	N80°34'00"W	—	—
9	41.59'	N76°25'56"W	—	—
10	15.60'	N02°20'06"W	—	—
11	106.53'	N76°23'25"W	—	—
12	209.55'	N14°55'57"E	—	—
13	249.63'	N34°34'49"E	—	—
14	122.63'	N28°28'28"W	—	—
15	92.52'	N60°30'29"W	—	—
16	565.13'	N29°10'00"E	—	—
17	42.66'	N77°44'22"E	—	—
18	959.04'	S26°02'13"E	—	—

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
5723 DEER PARK ROAD
DEED: 13093/168
TAX ACCT. #: 0415081430

SIMONDS PROPERTY LOT 1

JAY & CHARLENE SIMONDS
5715 DEER PARK ROAD
DEED: 9026/424
TAX ACCT. #: 2200010703

SIMONDS PROPERTY LOT 2

5701 DEER PARK ROAD

SIMONDS NURSERY PLANT
PRODUCTION AND
PROCESSING OPERATIONS
FOR SUPPORT OF
LANDSCAPE OPERATIONS
10.92± ACRES

AREA SUBJECT TO
SPECIAL EXCEPTION
(10.92AC.)

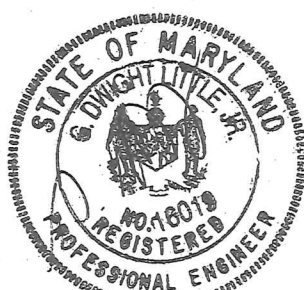
STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
DEED: 7304/401
TAX ACCT. #: 0405043125

RONALD & BERRY PHIPPS
1136 BERRYMAN LANE
DEED: 21663/379
TAX ACCT. #: 042004950

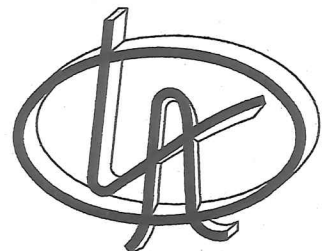
MOHSIN SYED
1136 BERRYMAN LANE
DEED: 35304/169
TAX ACCT. #: 0411047050

JEFFREY BROWN
5714 DEER PARK ROAD
DEED: 21005/421
TAX ACCT. #: 0207580250

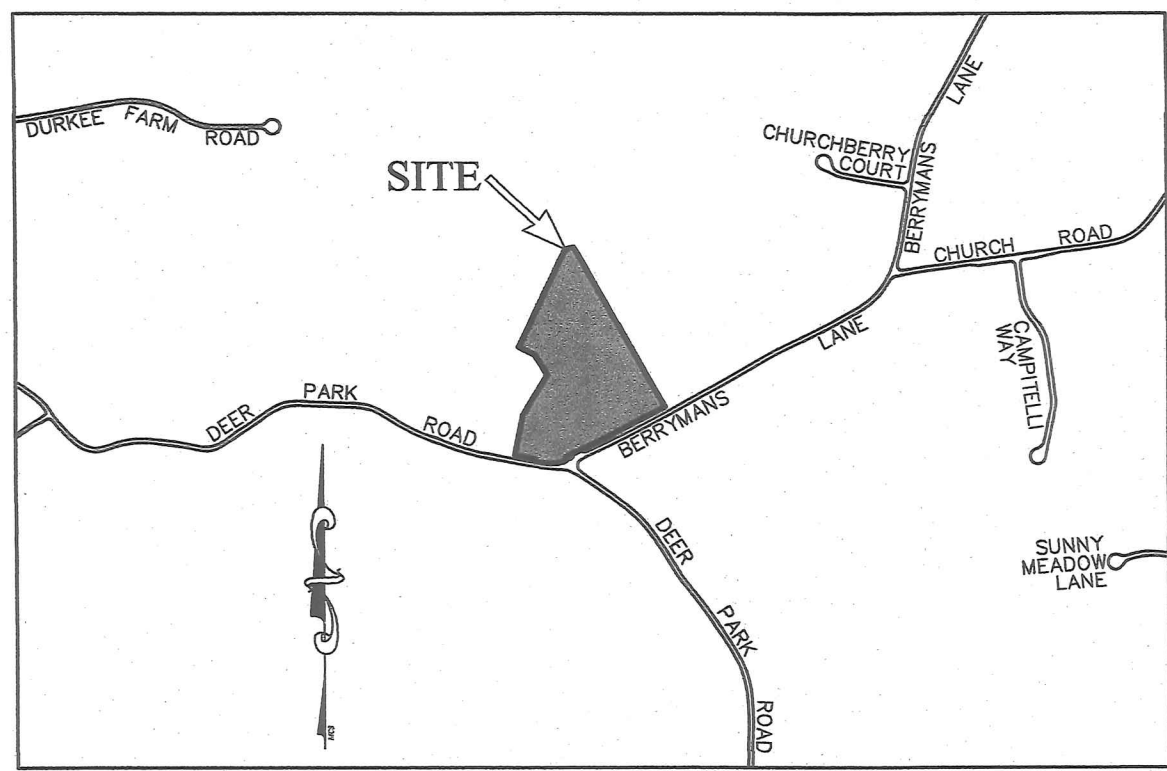
RAYMOND & SHERRIE JORDAN
5708 DEER PARK ROAD
DEED: 11113/74
TAX ACCT. #: 0221450000



PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME,
AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE
STATE OF MARYLAND.
LICENSE NO. 16019, EXPIRATION DATE: 5/8/18.



LITTLE & ASSOCIATES, INC.
ENGINEERS~LAND PLANNERS~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639



VICINITY MAP

SCALE: 1"=1000'

SITE DATA

1. AREA: NET/GROSS TRACT AREA: 10.92 AC± (475,675 SF)
2. EXISTING ZONING IS RC 4 AND RC 7, 200 SCALE MAP 57B2.
3. OWNER:
JAY M SIMONDS LLC
5715 DEER PARK ROAD
REISTERSTOWN, MD 21136
4. TAX ACCOUNT NUMBER: 0408065200
5. DEED: 29765/424
6. TAX MAP NO.: 57 GRID: 15 PARCEL: 77
7. THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2015 BASIC SERVICES MAPS, PURSUANT TO SECTION 4402, BCZR.
8. THIS SITE IS NOT LOCATED WITHIN A FLOOD PLAIN.
9. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
10. THIS SITE IS NOT HISTORIC.
11. THIS SITE IS NOT LOCATED WITHIN ANY HISTORICAL DISTRICT.

ZONING HISTORY

CASE # 89-164-X GRANTED
FILING DATE OF PETITION: 8/16/1988
JUDGE ORDER DATE: 11/17/1988

SPECIAL EXCEPTION OF A SYNAGOGUE/TEMPLE AND SCHOOL BUILDING IN AN RC 4 ZONE WAS GRANTED SUBJECT TO THE FOLLOWING RESTRICTIONS: THAT THE USE OF THE PROPERTY MAY APPLY FOR HIS BUILDING PERMIT 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, THE PETITIONER WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.

2. THE SCHOOL BUILDING GRANTED HEREIN IS LIMITED TO SUPPLEMENTARY RELIGIOUS EDUCATION FOR MEMBERS AND CHILDREN OF THE CONGREGATION. USE OF THE BUILDING FOR SCHOOL PURPOSES SHALL NOT EXCEED TWO DAYS A WEEK, SPECIFICALLY, TWO AFTERNOONS OR EVENINGS A WEEK, AND ONE WEEKEND DAY.

3. PETITIONER MUST COMPLY WITH THE REQUIREMENTS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT (DEPRM), BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT, AS SET FORTH IN THEIR LETTER DATED AUGUST 30, 1988.

4. PETITIONER SHALL LANDSCAPE THE PROPERTY AT A MINIMUM IN COMPLIANCE WITH THE BALTIMORE COUNTY LANDSCAPING MANUAL AND AS REQUIRED BY THE OFFICE OF CURRENT PLANNING, LANDSCAPE PLANNER, TO INSURE THAT THE USE OF THE PROPERTY ALONG DEER PARK ROAD AND BERRYMAN LANE IS IN KEEPING WITH THE RESIDENTIAL CHARACTER OF THE RC 4 ZONE.

5. PETITIONER SHALL COMPLY WITH THE REQUIREMENTS OF THE BUREAU OF TRAFFIC ENGINEERING AS SET FORTH IN THEIR COMMENTS RECEIVED NOVEMBER 17, 1988.

6. PETITIONER SHALL COMPLY WITH THE REQUIREMENTS OF THE OFFICE OF PLANNING AS SET FORTH IN THEIR COMMENTS DATED NOVEMBER 4, 1988.

7. CRO APPROVAL OF THIS PROJECT IS REQUIRED.

8. PETITIONER SHALL COMPLY WITH ALL COUNTY REQUESTS AND REQUIREMENTS REGARDING RIGHTS-OF-WAY WIDENINGS, ROAD WIDENINGS, AND INTERSECTION IMPROVEMENTS PLANNED FOR BERRYMAN LANE AT DEER PARK ROAD.

CASE # 07-411-SPHXA GRANTED
JUDGE ORDER DATE: 05/11/2007

VARIANCE TO PERMIT AN EXISTING RESIDENTIAL PRINCIPAL BUILDING TO HAVE A FRONT YARD SETBACK OF FIVE (5) FEET IN LIEU OF THE REQUIRED TWENTY-FIVE (25) FEET WAS GRANTED.

VARIANCE TO PERMIT THE USE OF GRAVEL OR HOT MIX ASPHALT MILLINGS FOR SURFACES LOCATED IN THE PROCESSING AREA WAS DENIED. THE VARIANCE WAS DEEMED UNNECESSARY, HOWEVER, THE USE OF ASPHALT MILLINGS WAS APPROVED AS IT WAS IN HARMONY WITH THE SPIRIT OF INTENT OF THE RC 4 ZONE AND WAS NOT DEEMED TO BE HAZARDOUS. THE USE OF GRAVEL WAS PROHIBITED.

SPECIAL HEARING TO APPROVE TWO (2) PRINCIPAL USES (LANDSCAPE SERVICE OPERATIONS AND RESIDENTIAL DWELLING) ON THE SUBJECT PROPERTY WAS GRANTED.

SPECIAL EXCEPTION FOR A LANDSCAPING SERVICE OPERATION ON THE SUBJECT PROPERTY WAS GRANTED.

ALL GRANTED REQUESTS WERE SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME AS THE 30 DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONERS WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.
2. 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).
3. DEVELOPMENT OF THE PROPERTY MUST COMPLY WITH THE FOREST CONSERVATION REGULATIONS (SECTIONS 33-6-101 THROUGH 33-6-122 OF THE BALTIMORE COUNTY CODE).

CASE # CC1400414 INSPECTOR DAVID KIRBY

THE SITE IS CURRENTLY UNDER AN ACTIVE ZONING VIOLATION FOR FAILURE TO COMPLY WITH THE PREVIOUS ZONING ORDER OF MAY 11, 2007 REGARDING NUMBER OF BUSINESSES, ETC AT THE SUBJECT PROPERTY.

FLOOR AREA RATIO (FAR)

RESIDENTIAL USE: 563 SF + 2 X 1264 SF = 3091 SF
LANDSCAPING SERVICE OPERATIONS USE: 664 SF + 1084 SF + 805 SF + 1761 SF + 1194 SF + 1841 SF = 7349 SF
GROSS FLOOR AREA: 3091 SF + 7349 SF = 10,440 SF
GROSS SITE AREA: 475,675 SF
FLOOR AREA RATIO: 10,440 SF / 475,675 SF = 0.022

PARKING SPACE REQUIREMENTS

RESIDENTIAL USE:
ONE FAMILY DETACHED HOME
2 SPACES REQUIRED PER DWELLING UNIT
2 PARKING SPACES PRESENT ON SITE FOR RESIDENTIAL USE, BCZR REQUIREMENTS MET

LANDSCAPING SERVICE OPERATIONS USE:
ZONING REVIEW OFFICE REQUIREMENTS FOR THIS USE ARE THE SAME REQUIREMENTS AS MANUFACTURING/LAND USE:
1 SPACE REQUIRED FOR EACH EMPLOYEE ON THE LARGEST SHIFT
13 SPACES PRESENT ON SITE FOR LANDSCAPING SERVICE OPERATIONS USE

PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING SIMONDS PROPERTY #5701 DEER PARK ROAD

DISTRICT 4c4 BALTIMORE COUNTY, MD
SCALE: 1"=60' MAY 11, 2016

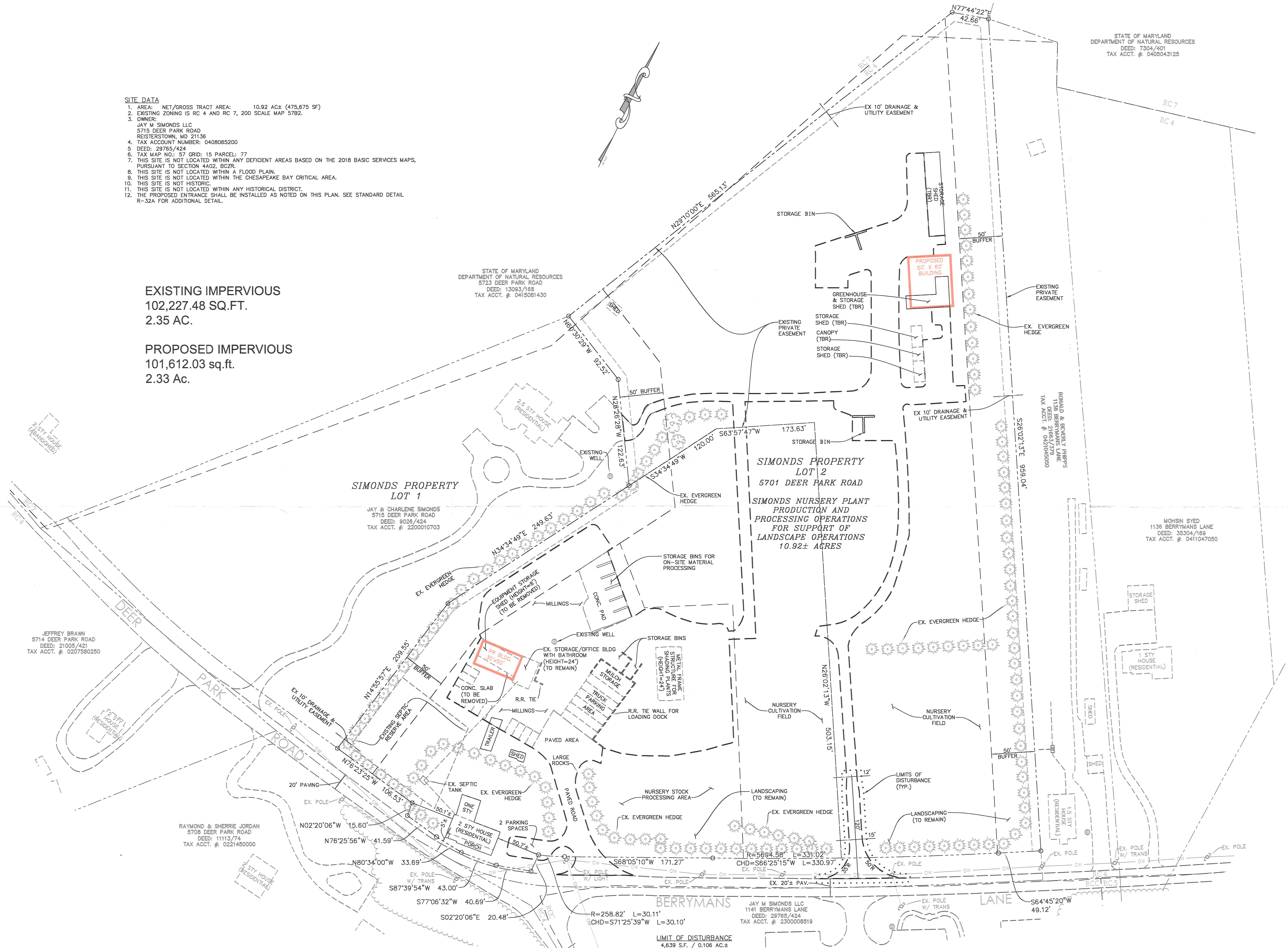
2016-0289-SPHX DROP OFF-NO REVIEW

SITE DATA

1. AREA: NET/GROSS TRACT AREA: 10.92 AC± (475,675 SF)
2. EXISTING ZONING IS RC 4 AND RC 7, 200 SCALE MAP 57B2.
3. OWNER: JAY M. SIMONDS, LLC
5715 DEER PARK ROAD
REISTERSTOWN, MD 21136
4. TAX ACCOUNT NUMBER: 0408065200
5. DEED: 29765/424
6. TAX MAP NO.: 57 GRID: 15 PARCEL: 77
7. THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2018 BASIC SERVICES MAPS, PURSUANT TO SECTION 4A02, BCZR.
8. THIS SITE IS NOT LOCATED WITHIN A FLOOD PLAIN.
9. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
10. THIS SITE IS NOT HISTORIC.
11. THIS SITE IS NOT LOCATED WITHIN ANY HISTORICAL DISTRICT.
12. THE PROPOSED ENTRANCE SHALL BE INSTALLED AS NOTED ON THIS PLAN. SEE STANDARD DETAIL R-32A FOR ADDITIONAL DETAIL.

EXISTING IMPERVIOUS
102,227.48 SQ.FT.
2.35 AC.

PROPOSED IMPERVIOUS
101,612.03 sq.ft.
2.33 Ac.



STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
DEED: 7304/401
TAX ACCT. #: 0405043125

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
5723 DEER PARK ROAD
DEED: 13093/168
TAX ACCT. #: 0415081430

SIMONDS PROPERTY
LOT 1
JAY & CHARLENE SIMONDS
5715 DEER PARK ROAD
DEED: 9026/424
TAX ACCT. #: 2200010703

SIMONDS PROPERTY
LOT 2
5701 DEER PARK ROAD
SIMONDS NURSERY PLANT
PRODUCTION AND
PROCESSING OPERATIONS
FOR SUPPORT OF
LANDSCAPE OPERATIONS
10.92± ACRES

RONALD & BEVERLY PHIPPS
1139 BERRYMAN'S LANE
DEED: 35304/169
TAX ACCT. #: 041047050

MOHSIN SYED
1139 BERRYMAN'S LANE
DEED: 35304/169
TAX ACCT. #: 041047050

RAYMOND & SHERRIE JORDAN
5708 DEER PARK ROAD
DEED: 11113/74
TAX ACCT. #: 0221450000

JAY M SIMONDS LLC
1141 BERRYMAN'S LANE
DEED: 29765/424
TAX ACCT. #: 2300008519

LIMIT OF DISTURBANCE
4,639 S.F. / 0.106 AC±

JOB NUMBER:
DRAWN BY: JSR
DESIGNED BY: JSR
CHECKED BY: JAM

DSThaler & ASSOC., LLC
CIVIL AND ENVIRONMENTAL ENGINEERS, SURVEYORS
LANDSCAPE ARCHITECTS & LAND PLANNERS
7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
www.dsthaler.com
410-944-3647

REVISIONS
Date
Description

SITE PLAN

#5701 DEER PARK RD

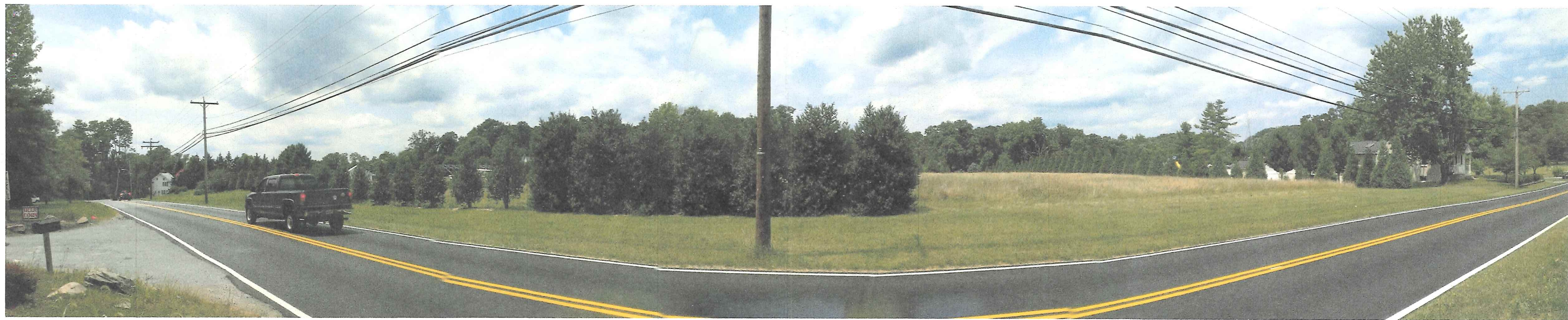
ELECTION DISTRICT: 4 COUNCILMANIC DISTRICT: 4
BALTIMORE COUNTY, MARYLAND

SCALE: 1"=50'
DESIGN AND DRAWINGS ARE BASED ON
MARYLAND COORDINATE SYSTEM (M.C.S.)
DATUM:
HORIZ. - NAD - 83/91
VERT. - NAVD. 88
SCALE: 1"=50'
DATE: AUGUST 3, 2022
C.I.: 2'



SIMONDS
5701 DEER PARK ROAD
2016-0289 - SPHX

VIEW FROM BERRY MANS LANE
PHOTO TAKEN 7/12/16



SIMONOS
5701 DEER PARK ROAD
2016-0289-SPHX

VIEW OF SITE FROM BERRYMAN'S LANE
PHOTO TAKEN 7/12/16