



Board of Appeals of Baltimore County

Carl Fite

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 26, 2017

Anthony J. DiPaula, Esquire
Law Offices of Anthony J. DiPaula, P.A.
34 South Main Street
Bel Air, Maryland 21014

Kathleen S. Skullney, Esquire
10813 Davis Avenue
Granite, Maryland 21163

RE: In the Matter of: *APEX Ground Properties, LLC*
Case No.: 17-297-SPHA

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review** filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington Hays
Krysundra "Sunny" Cannington
Administrator

KLC/taz
Duplicate Original Cover Letter
Enclosure

c: Allen E. Terrill, Jr./APEX Ground Properties, LLC
Cathy Wolfson, President/Greater Patapsco Community Association, Inc.
Brittany Karabanoff
Thomas J. Hoff
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

IN THE MATTER OF
THE APPLICATION OF
APEX Ground Properties, LLC
LEGAL OWNERS and PETITIONERS
for Special Hearing and Variance on the property
located at 7400 Dogwood Road

2nd Election District
4th Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 17-297-SPHA

* * * * *

ORDER OF DISMISSAL

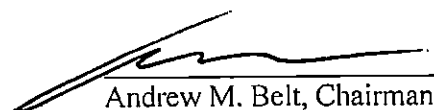
This matter comes to the Board of Appeals by way of an appeal filed by Kathleen Skullney, Esquire, *pro se* and as attorney for the Greater Patapsco Community Association, Cathy Wolfson, President and Brittany Karabanoff, Protestants. Protestants appealed both, the decision of the Administrative Law Judge dated July 3, 2017 wherein the relief requested was granted, and the Order on Motion for Reconsideration issued by the Administrative Law Judge dated August 25, 2017 wherein the Protestant's Motion for Reconsideration was denied.

WHEREAS, the Board is in receipt of a Withdrawal of Zoning Petitions filed by Anthony J. DiPaula, Esquire on behalf of APEX Ground Properties, LLC, Petitioner (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioner requests that the Petitions for Special Hearing and Variance that are the subject matter of this appeal be withdrawn and dismissed without prejudice,

IT IS THEREFORE ORDERED this 26th day of October, 2017 by the Board of Appeals of Baltimore County that, in accordance with Board of Appeals Rules of Practice and Procedure, Rule 3.b.2, the Petitions for Special Hearing and Variance filed in Case No. 17-297-SPHA, be and the same are hereby **WITHDRAWN AND DISMISSED** without prejudice.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Andrew M. Belt, Chairman

**IN THE MATTER OF
APEX Ground
Properties, LLC**

(7400 Dogwood Road)
2nd Election District
4th Councilmanic District

Owner/Petitioner
Appellee

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* **Zoning Case No: 17-297-SPHA**
*

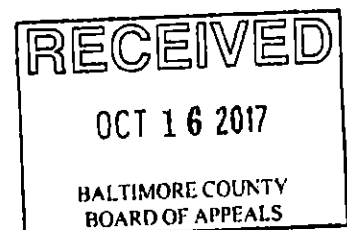
* * * * *

WITHDRAWAL OF ZONING PETITIONS

Apex Ground Properties, LLC, Owner/Petitioner/Appellee, by its attorney, Anthony J. DiPaula and the Law Offices of Anthony J. DiPaula, P.A., respectfully withdraws the Petition for Special Hearing and Petition for Variances without prejudice, thereby rendering this appeal moot, and allowing the zoning relief granted in Case No. 2013-0267-SPHXA to remain in full force and effect and unchanged.



Anthony J. DiPaula, Esq.
Law Offices of Anthony J. DiPaula, P.A.
34 South Main Street
Bel Air, Maryland 21014
(410) 893-4255
ajdipaula@dipaulalaw.com
Attorney for Petitioner/Appellee



CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 13th day of October, 2017, a copy of the foregoing Withdrawal of Zoning Petitions was mailed, first class postage prepaid to:

Kathleen S. Skullney, Esq.
10813 Davis Avenue
Granite, Maryland 21163
Attorney for Protestants/Appellants

Peter Max Zimmerman
Carole S. Demilio
People's Counsel for Baltimore County
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, Maryland 21204



Anthony J. DiPaula

IN THE MATTER OF
THE APPLICATION OF
APEX Ground Properties, LLC
LEGAL OWNERS and PETITIONERS
for Special Hearing and Variance on the property
located at 7400 Dogwood Road
2nd Election District
4th Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 17-297-SPHA

* * * * *

ORDER OF DISMISSAL

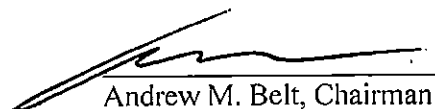
This matter comes to the Board of Appeals by way of an appeal filed by Kathleen Skullney, Esquire, *pro se* and as attorney for the Greater Patapsco Community Association, Cathy Wolfson, President and Brittany Karabanoff, Protestants. Protestants appealed both, the decision of the Administrative Law Judge dated July 3, 2017 wherein the relief requested was granted, and the Order on Motion for Reconsideration issued by the Administrative Law Judge dated August 25, 2017 wherein the Protestant's Motion for Reconsideration was denied.

WHEREAS, the Board is in receipt of a Withdrawal of Zoning Petitions filed by Anthony J. DiPaula, Esquire on behalf of APEX Ground Properties, LLC, Petitioner (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioner requests that the Petitions for Special Hearing and Variance that are the subject matter of this appeal be withdrawn and dismissed without prejudice,

IT IS THEREFORE ORDERED this 26th day of October, 2017 by the Board of Appeals of Baltimore County that, in accordance with Board of Appeals Rules of Practice and Procedure, Rule 3.b.2, the Petitions for Special Hearing and Variance filed in Case No. 17-297-SPHA, be and the same are hereby **WITHDRAWN AND DISMISSED** without prejudice.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Andrew M. Belt, Chairman



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 26, 2017

Anthony J. DiPaula, Esquire
Law Offices of Anthony J. DiPaula, P.A.
34 South Main Street
Bel Air, Maryland 21014

Kathleen S. Skullney, Esquire
10813 Davis Avenue
Granite, Maryland 21163

RE: In the Matter of: *APEX Ground Properties, LLC*
Case No.: 17-297-SPHA

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review** filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Duplicate Original Cover Letter
Enclosure

c: Allen E. Terrill, Jr./APEX Ground Properties, LLC
Cathy Wolfson, President/Greater Patapsco Community Association, Inc.
Brittany Karabanoff
Thomas J. Hoff
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

**IN THE MATTER OF
APEX Ground
Properties, LLC**

(7400 Dogwood Road)
2nd Election District
4th Councilmanic District

Owner/Petitioner
Appellee

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* **Zoning Case No: 17-297-SPHA**

*

* * * * *

WITHDRAWAL OF ZONING PETITIONS

Apex Ground Properties, LLC, Owner/Petitioner/Appellee, by its attorney, Anthony J. DiPaula and the Law Offices of Anthony J DiPaula, P.A., respectfully withdraws the Petition for Special Hearing and Petition for Variances without prejudice, thereby rendering this appeal moot, and allowing the zoning relief granted in Case No. 2013-0267-SPHXA to remain in full force and effect and unchanged.



Anthony J. DiPaula, Esq.
Law Offices of Anthony J. DiPaula, P.A.
34 South Main Street
Bel Air, Maryland 21014
(410) 893-4255
ajdipaula@dipaulalaw.com
Attorney for Petitioner/Appellee



CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 13th day of October, 2017, a copy of the foregoing Withdrawal of Zoning Petitions was mailed, first class postage prepaid to:

Kathleen S. Skullney, Esq.
10813 Davis Avenue
Granite, Maryland 21163
Attorney for Protestants/Appellants

Peter Max Zimmerman
Carole S. Demilio
People's Counsel for Baltimore County
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, Maryland 21204



Anthony J. DiPaula

**IN THE MATTER OF
APEX Ground
Properties, LLC**

(7400 Dogwood Road)
2nd Election District
4th Councilmanic District

Owner/Petitioner
Appellee

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* **Zoning Case No: 17-297-SPHA**

*

* * * * *

ORDER

In light of the Petitioner/Appellee's Withdrawal of the Zoning Petitions, the granting of which are the subject of this appeal, it is this ____ day of _____, 2017, by the Board of Appeals of Baltimore County,

ORDERED, that this appeal is moot and is hereby DISMISSED without prejudice; and

IT IS FURTHER ORDERED, that the Petition for Special Hearing and Petition for Variances are withdrawn and dismissed without prejudice in accordance with Board Rule 3.b.2; and

IT IS FURTHER ORDERED, that the relief granted on July 3, 2013 by the Zoning Commissioner in case no. 2013-0267-SPHXA shall remain in full force and effect and unchanged.

Board of Appeals Member

Board of Appeals Member

Board of Appeals Member

**LAW OFFICES OF
ANTHONY J. DIPAULA, P.A.
ATTORNEYS AT LAW**

Anthony J. DiPaula
ajdipaula@dipaulalaw.com

34 South Main Street
Bel Air, Maryland 21014

Telephone: 410-893-4255
Fax: 410-893-4277

October 13, 2017

Krysundra Cannington, Administrator
Board of Appeals of Baltimore County
Jefferson Building-Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

Re: In the Matter of : APEX Ground Properties, LLC
Case Number: 2017-0297-SPHA
Location: 7400 Dogwood Road
Hearing Date: November 21, 2017

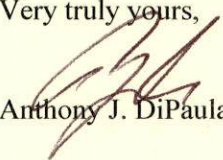
Dear Ms. Cannington:

Enclosed please find a Withdrawal of Zoning Petitions being submitted by the Petitioner below, and appellee before the Board. In accordance with Board Rule 3.b.2, they are withdrawn without prejudice, and the appeal should therefore be moot and dismissed.

Should you or the Board have any questions or require anything additional, please advise.

Thank you.

Very truly yours,


Anthony J. DiPaula

AJD/
Enclosure

cc: Thomas Hoff
Apex Ground Properties, LLC
Kathleen S. Skullney, Esq.
People's Counsel

S:\das\ajd\Apex Ground Properties.1\Appeal to the Board\Board.ltr.1



IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(7400 Dogwood Road)	*	OFFICE OF
2 nd Election District		
4 th Council District	*	ADMINISTRATIVE HEARINGS
APEC Ground Properties	*	FOR BALTIMORE COUNTY
Legal Owner		
Petitioner	*	Case No. 2017-0297-SPHA

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is Protestants' Motion for Reconsideration of the July 3, 2017 Order in the above case granting special hearing and variance relief. Protestants contend that the doctrine of *res judicata* bars the Petition filed in this case.

Petitioner initially argues *res judicata* is only applicable in a case where a litigant was unsuccessful in the earlier proceeding. See Response, ¶ 6. This is incorrect; *res judicata* can also be applied against a litigant who was successful in the earlier case. *Dill v. Avery*, 305 Md. 206 (1986). Leaving aside for the moment the merits of Protestants' argument, it is clear *res judicata* can be properly raised against a litigant who was successful in the prior proceeding.

In a zoning case the applicability, *vel non*, of *res judicata* hinges on whether or not there have been "substantial changes in fact and circumstances between the first case and the second." Motion, ¶ 5, citing *Seminary Galleria*. Protestants contend there have been no such changes; only Petitioner's current desire to utilize the site in a more intense fashion. *Id.* at ¶ 6. However, Petitioner argues there has been a change in circumstances; i.e., a change in the right-of-way width for Dogwood Road. Response, ¶ 7. Petitioner states that at the time of the 2013 case Dogwood Road was presumed to have 60-foot right of way width. *Id.*

ORDER RECEIVED FOR FILING

Date 8/25/17
By DLH

Petitioner notes that "after the previous case in 2013 the State and the County determined that Dogwood Road would only be a 40-foot right-of-way which allowed Petitioner to shift the building, open up room for delivery trucks to maneuver on site, and close one of two entrances." Response ¶ 7. In my opinion the change in right-of-way width constitutes a "substantial" change in circumstances between the 2013 and 2017 cases. The change increased the size of the available building envelope and allowed Petitioner to reconfigure the site, and the variances sought in 2017 were directly related to, and impacted by, the reduced right of way.

THEREFORE, IT IS ORDERED this 25th day of **August, 2017**, by this Administrative Law Judge, that the Motion for Reconsideration be and is hereby DENIED.

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:slh

ORDER RECEIVED FOR FILING

Date

8/25/17

By

slh



KEVIN KAMENETZ
County Executive

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

August ²⁵ 24, 2017

Anthony J. DiPaula, Esq.
34 South Main Street
Bel Air, MD 21014

Kathleen S. Skullney, Esq.
10813 Davis Avenue
Granite, MD 21163

RE: Petitions for Special Hearing and Variance (Motion for Reconsideration)
Case No. 2017-0297-SPHA
Property: 7400 Dogwood Road

Dear Counsel:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

**IN RE: PETITIONS FOR
SPECIAL HEARING AND
VARIANCES**

(7400 Dogwood Road)
2nd Election District
4th Council District

Apex Ground Properties, LLC

Owner/Petitioner

* * * * *

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Zoning Case No/ 2017-0297-SPHA**
*



RESPONSE TO MOTION FOR RECONSIDERATION

Apex Ground Properties, LLC, Owner/Petitioner, by its attorney, Anthony J. DiPaula and the Law Offices of Anthony J DiPaula, P.A., respectfully submits this Response to Motion for Reconsideration, and states as follows:

1. That it denies paragraph 1 of the Motion that the requests in the recent petitions were “repeat” requests.
2. That it admits the date of the hearing and the date of the Opinion and Order, but denies the characterizations contained in the remainder of paragraph 2 of the Motion.
3. That paragraph 3 of the Motion contains legal opinion and the attempted misapplication of the doctrine of res judicata, not facts, and is otherwise denied.
4. That the remaining paragraphs are statements of law, or parts of the law, which are misapplied to this case.
5. The doctrine of res judicata is an affirmative defense which was never raised in this matter, and was therefore waived. By analogy, see MD Court Rule 2-323(g)(13) which lists res judicata as an affirmative defense, and see *Gooch v. Maryland Mechanical Systems, Inc.*, 81 Md. App. 376, 385 *cert. denied*, 319 Md. 484 (1990) holding that an affirmative defense not raised is waived. Even if not waived, it is being misapplied by the Protestants.

6. That the doctrine of res judicata is intended to bar an unsuccessful litigant from repeatedly trying the same case hoping to obtain a different result. Protestants were not even parties to the first case. The case relied upon by Protestants, *Seminary Galleria LLC v. Dulaney Valley Improvement Ass'n*, 192 Md. App. 719 (2010) was exactly that, an unsuccessful litigant having been denied retroactive approval of additional parking spaces who then five months later filed the same request hoping for a different result. The cases cited within *Seminary Galleria*, such as *Chatham Corp. v. Beltram*, 243 Md. 138 (1966) and *Whittle v. Board of Zoning Appeals*, 211 Md. 36 (1956) were also instances where petitions were submitted, heard and denied, and then later petitions were filed seeking the same relief and found to be barred by the previous decision. *Chatham* involved a petition for reclassification and *Whittle* concerned a petition for special permit for a funeral home. Thus the cases are inapposite to the present case. Protestants cite no case where the petitioner was successful at the first hearing, and was found to be barred in a second proceeding when additional relief was sought. *Whittle* even holds, and the appellants in that case conceded, that a change in circumstances might warrant reconsideration and a different result in a case where a permit was initially denied. *Whittle*, 211 Md. at 43-44. Why a subsequent request would be barred after receiving a favorable decision is unclear.

7. That this case is not predicated upon a previous denial but rather an earlier grant of certain zoning relief and findings of practical difficulty and undue hardship. Also unlike the cases cited by Protestants, there was a change in circumstances that affected the relief granted and new relief sought. The original plan and requests were premised upon having to work with a 60-foot right of way on Dogwood Road which further constrained an already difficult site to work with. After the previous case in 2013 the State and the County determined that Dogwood Road would only be a 40-foot right of way which allowed

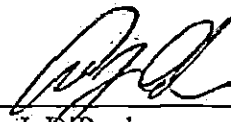
Petitioner to shift the building, open up room for delivery trucks to maneuver on site, and close one of two entrances. None of this was necessitated by an increase in the level or kind of business or volume of business as Protestants tried repeatedly to argue at the hearing. Nor was it due to an increase in the size of the trucks making deliveries. It was a difficult site with limited useable area and an irregular shape due to many constraints, and a change in those constraints made available something not available at the first hearing. Moving the right of way line allowed Petitioner to move the building five feet closer to the property line and allow a little more room to maneuver on site which was proving to be problematic. If the issue is whether there was a change in conditions from the first case, clearly there was.

8. That Protestants make much of this Judge's reliance on his findings in the 2013 case and they seem to argue that the finding of hardship and practical difficulty in 2013 actually bars a subsequent finding of hardship and practical difficulty (see Paragraph 5 of the Motion). The fact that the right of way line was moved did not make the property less unique, less irregular in shape, or less constrained to meet the zoning requirements.

9. That to accept the position of the Protestants would mean that no property owner or developer who receives zoning approvals could ever file a Petition to Amend a previously approved site plan, or seek additional relief from the zoning regulations once whatever relief they originally seek is granted. They seem to argue that he gets one chance and that is all that is allowed. That result would be absurd. If an owner later plans to construct another structure on his property that underwent a previous hearing, and there is practical difficulty meeting a setback for that new structure, Protestants seemingly would argue that it should have been requested in the original case and is otherwise barred which again, would be absurd.

10. That Article 5 of the BCZR, Administration and Enforcement, specifically Section 500.12 codifies some aspect of res judicata as it relates to reclassifications and special exceptions, precluding a new filing for at least 18 months after an initial denial. There is no prohibition against filing subsequent petitions for additional zoning relief or to amend an earlier plan, especially when earlier petitions were successful.

WHEREFORE, for the reasons stated, Apex Ground Properties, LLC, Owner/Petitioner, requests that the Motion for Reconsideration be denied, and for such other and further relief as the nature of its cause may require.



Anthony J. DiPaula
Law Offices of Anthony J. DiPaula, P.A.
34 South Main Street
Bel Air, Maryland 21014
(410) 893-4255
Attorney for Petitioner

MEMORANDUM OF AUTHORITIES

Chatham Corp. v. Beltram, 243 Md. 138 (1966).
Whittle v. Board of Zoning Appeals, 211 Md. 36 (1956).
Gooch v. Maryland Mechanical Systems, Inc., 81 Md. App. 376 (1990).
MD Rule 2-323
BCZR, Section 500.12



Anthony J. DiPaula

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 18th day of August, 2017, a copy of the foregoing Response to Motion for Reconsideration was mailed, first class postage prepaid to:

Kathleen S. Skullney
10813 Davis Avenue
Granite, Maryland 21163

Greater Patapsco Community Assoc., Inc.
Cathy Wolfson, President
8434 Dogwood Road
Windsor Mills, Maryland 21244

Brittany Karabanoff
8100 Dogwood Road
Windsor Mill, Maryland 21244

Peter Max Zimmerman
Carole S. Demilio
People's Counsel for Baltimore County
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, Maryland 21204



Anthony J. DiPaula

s:\das\ajc\Apex Ground Properties.1\Response to Motion for Reconsideration

**IN RE: PETITIONS FOR
SPECIAL HEARING AND
VARIANCES**

(7400 Dogwood Road)
2nd Election District
4th Council District

Apex Ground Properties, LLC

Owner/Petitioner

* * * * *

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Zoning Case No/ 2017-0297-SPHA**

ORDER

Upon consideration of the Motion for Reconsideration and Owner/Petitioner's Response thereto, it is this _____ day of _____, 2017, by the Office of Administrative Hearings for Baltimore County,

ORDERED, that the Motion for Reconsideration be and is hereby DENIED.

John E. Beverungen
Administrative Law Judge

RECEIVED

AUG 01 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

**IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCES**

(7400 Dogwood Road)
2nd Election District
4th Council District

Apex Ground Properties, LLC
Owner/Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Zoning Case No. 2017-0297-SPHA**
*

* * * * *

MOTION FOR RECONSIDERATION

Pursuant to Rule 4K of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County, Protestants Kathleen S. Skullney, Greater Patapsco Community Association by Cathy Wolfson, and Brittany Karabanoff hereby file this Motion for Reconsideration, and in support thereof, state as follows:

1. The above captioned Petitions constitute repeat requests for the same property, seeking to enlarge the original variances. The initial Petitions were granted in 2013 pursuant to the Opinion and Order in Case No. 2013-0267-SPHXA.
2. A hearing on the second set of petitions was held on June 30, 2017, resulting in the issuance of an Opinion and Order on July 3, 2017. The second Order granted the second Petitions and resulting enlargement of the original variances primarily in reliance on the *res judicata* application of the “uniqueness finding made in the 2013 case” and the practical difficulty Petitioner alleges in not being able to construct now greater site improvements than Petitioner proposed in 2013.
3. Protestants agree that the doctrine of *res judicata* applies to Petitioner’s 2013 case, but respectfully assert that it applies not only to the “finding” part of the previous Petition, but to the

whole case including its final judgment in the Opinion and Order. Thus Petitioner's second Petition which duplicates and attempts to add to the first, and is the subject of this administrative proceeding, is barred in its entirety.

4. *Res Judicata*, as a matter of law in Maryland, bars “ ‘the same parties from litigating a second lawsuit on the same claim, or any other claim arising from the same transaction and that could have been - but was not - raised in the first suit.’ ” Weatherly v. Great Coastal Express Co., Inc., 164 Md.App. 354, 883A.2d 924, 932 (2005) (citations omitted). When the parties are the same in both the first and second proceeding, the claim is the same in both, and there was a final judgment in the first, “ the first claim is merged into the judgement and bars the second claim.” Id. at 932-33. Furthermore, “*res judicata* bars subsequent litigation of not only what was decided in the original litigation of the claim, but also of what *could have been decided* in the original litigation” (emphasis in the original). Id.

5. There is no question that *res judicata* applies to successive zoning applications and the resulting administrative proceedings in Maryland. For a new claim of hardship by Petitioner to arise, not barred by the previous 2013 resolution of Petitioner's hardship claim, there must be “substantial changes in fact and circumstances between the first case and the second...” Seminary Gallaria v. Dulaney Valley Improvement Ass'n. Inc., et al., 192 Md.App. 719,736 (2010).

6. There have been no statutory or regulatory changes since the ruling in the 2013 Petition that would require any alteration. Furthermore, Petitioner's 2017 Petition presented the same property and environmental evidence as did the 2013 Petition, as well as the same basic business activities. The *only* change is Petitioner's current desire to accommodate larger trucks, said desire having resulted from its now “evolved” business activities.

7. In its 2013 Petition, Petitioner could easily have presented its need for 3% more impervious surface and 5 feet more of permitted loading activity within a fully enclosed structure. Any doubt is dispelled by Petitioner's own testimony as presented by authorized member Mr. Allen Terrell, Jr. Mr. Terrell testified that Petitioner has owned the property since 2004, that Mr. Terrell has been working and operating the property since about that time, and that he has about 35 years of experience in Petitioner's specific landscaping business. Petitioner was well aware of the limitations of the instant property at the time of its purchase and throughout the 9 years leading to the 2013 Petition.

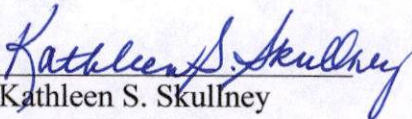
8. Thus, at least 30 years of Mr. Terrell's experience should have informed the hardship he claimed and the remedy he sought and received in the 2013 Petition. If the 2013 Petition did not address the full extent of Petitioner's alleged hardship, it is the result of Petitioner's own negligence. Seminary Galleria quoting Alvey v. Alvey, 225 Md. 386 (1961) at 734. Thus, any remaining hardship is simply self-inflicted and not entitled to relief. Cromwell v. Ward, 102 Md. App. 691, 722 (1995).

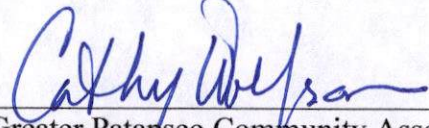
9. Moreover, the only new evidence presented was put forth by Protestants. Protestants cited Baltimore County's Small Watershed Action Plan Volume I for the Lower Patapsco, of which Dogwood Run is a subwatershed. Dogwood Run has been assigned with a Restoration Priority Rating for restoration of high, ranking 6th highest out of the 16 subwatersheds within the Lower Patapsco River system (Tables 4-12 and 4-14). Further Dogwood Run has the highest proportion of high density residential land use at 24% in the entire Lower Patapsco River watershed (Section 4.3.1). This data is a compelling argument against adding any further, unnecessary impervious surfaces, as well as underscoring the seriousness of the DEPS violations already existing on Petitioner's property.

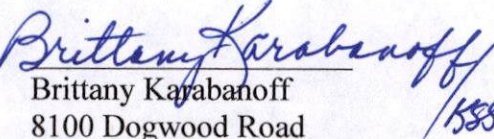
CONCLUSION

For the reasons stated herein, Protestants respectfully request that the Administrative Law Judge consider their Motion for Reconsideration and reverse his decision, stating that the second Apex Ground Properties, LLC Petition for further variances is denied as it is barred by the relief already granted in the first Apex Ground Properties LLC Petition, Case No. 2013-0267-SPHXA.

Respectfully submitted,

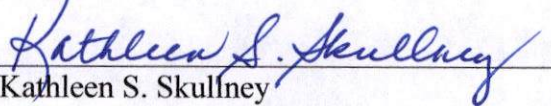

Kathleen S. Skulney
10813 Davis Avenue
Granite, MD 21163
(410)465-9116
Protestant


Greater Patapsco Community Association, Inc.
Cathy Wolfson, President
8434 Dogwood Road
Windsor Mill, MD 21244
Protestant


Brittany Karabanoff
8100 Dogwood Road
Windsor Mill, MD 21244
Protestant

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2017, a copy of the foregoing Motion for Reconsideration was mailed first class, postage paid to Anthony J. DiPaula, Esq., 34 South Main Street, Bel Air, MD 21014, *Attorney for Petitioner*, Denise Maranto, 3101 Rices Lane, Windsor Mill, MD 21244, Vincent Moranto, 1826 Yakona Road, Parkville, MD 21234, Rona Desser, 3126 Rices Lane, Windsor Mill, MD 21244, *Protestants*.


Kathleen S. Skulney

IN RE: **PETITIONS FOR SPECIAL HEARING ***

AND VARIANCE

(7400 Dogwood Road) *

2nd Election District *

4th Council District *

APEC Ground Properties *

Legal Owner

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2017-0297-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of APEC Ground Properties, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to amend the previously approved plan in Case No. 2013-0267-SPHXA. In addition, a Petition for Variance seeks: (1) to permit 16% (33,504 sq. ft.) of the lot area in a RC-6 zone to be covered by impervious surfaces in lieu of the permitted 10% (21,597 sq. ft.); and (2) to permit loading and unloading within a fully enclosed structure of a landscape service operation within 20 ft. of a property line in lieu of the permitted 50 ft. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Allen E. Terrill and Thomas J. Hoff appeared in support of the requests. Anthony J. DiPaula, Esq. represented the Petitioner. Several members of the community opposed the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR), the Department of Planning (DOP) and the Department of Environmental Protection and Sustainability (DEPS).

ORDER RECEIVED FOR FILING

Date 7-3-17

By [Signature]

The subject property is approximately 5 acres in size and zoned RC-6. Petitioner currently operates a landscape service business at the site, as permitted in Case No. 2013-0267-SPHXA. Petitioner proposes to construct a storage building on the property and rearrange to some extent the layout of the site. To do so zoning relief is required.

SPECIAL HEARING

The Petition for Special Hearing is in essence a housekeeping measure. That is, when an owner proposes to revise a plan approved at a prior zoning hearing Baltimore County needs for its records (and for regulatory and enforcement purposes) an updated version of the site plan reflecting current conditions. As such, the petition will be granted.

VARIANCES

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

As noted in an earlier order involving this property (Case No. 2013-0267-SPHXA) the site is irregularly shaped and is burdened by environmental features. Indeed, as Mr. Hoff noted, Petitioner is only able due to environmental restrictions to develop 25% of the land it owns. As such, I believe the property is "unique" as that term is used in Maryland case law. To the extent there is any doubt on this point, I believe the uniqueness finding made in the 2013 case (which was not appealed) would be applicable herein under the res judicata doctrine. Seminary Galleria, LLC v. Dulaney Valley Improv. Ass'n., 192 Md. App. 719 (2010).

ORDER RECEIVED FOR FILING

Date 7-3-17

By BW

If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct the proposed improvements. Finally, I find that the variances can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of opposition from Baltimore County reviewing agencies. Indeed, the DOP noted in its ZAC comment that it found "the plan is consistent with the spirit and intent" of the RC-6 regulations.

THEREFORE, IT IS ORDERED this 3rd day of **July, 2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to amend the previously approved plan in Case No. 2013-0267-SPHXA, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit 16% (33,504 sq. ft.) of the lot area in a RC-6 zone to be covered by impervious surfaces in lieu of the permitted 10% (21,597 sq. ft.); and (2) to permit loading and unloading within a fully enclosed structure of a landscape service operation within 20 ft. of a property line in lieu of the permitted 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to 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 comments of the DOP, DPR and DEPS which are attached hereto and expressly incorporated herein.

ORDER RECEIVED FOR FILING

Date 7-3-17

By BW

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:dlw

ORDER RECEIVED FOR FILING

Date 7-3-17

By bw

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

RECEIVED

JUN 14 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

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

DATE: 6/9/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-297

INFORMATION:

Property Address: 7400 Dogwood Road
Petitioner: Apex Ground Properties, LLC
Allen E. Terrill, Jr. Member
Zoning: RC 6
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to amend the previously approved plan in case no. 2013-0267-SPHXA and petition for variance to permit 16% (33,504 square feet) of the lot area in a RC-6 zone to be covered by impervious surface and to permit loading and unloading within a fully enclosed structure of a landscape service operation within 20 feet of a property line in lieu of the permitted 10% (21,597 square feet) and 50 feet respectively.

A site visit was conducted on May 23, 2017. The subject property abuts the Urban Rural Demarcation Line (URDL). The property was the subject of prior zoning case 2013-0267-SPHXA.

The Department finds that the plan is consistent with the spirit and intent of BCZR § 1A07 and has no objection to granting the petitioned zoning relief conditioned upon the following:

- There shall be no repair of vehicles or equipment not directly employed by the on-site landscape service operation.
- Any repair of vehicles or equipment directly employed by the on-site landscape service operation shall be conducted within an enclosed structure and not outside.
- There shall be no permanent outside storage of equipment or parts thereof.
- Site stormwater management facilities shall be subject to the performance standards found in BCZR § 1A07.8.C.1

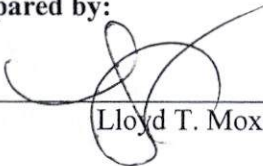
ORDER RECEIVED FOR FILING

Date 7-3-17

By BW

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Keeve Brine
Anthony J. DiPaula, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 7-3-17

By DJ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: *MD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 22, 2017
Item No. 2017-0297

DATE: May 31, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comment.

Landscape- If Zoning Relief is granted, Landscape and Lighting Plans are required per the requirements of the Landscape Manual.

Rec & Parks – Residential Greenway Easement is required.

* * * * *

VKD: CEN
cc:file
ZAC-ITEM NO 17-0297-05222017.doc

ORDER RECEIVED FOR FILING

Date 7-3-17
By MD

6-30

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 17, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0297-SPHA
Address 7400 Dogwood Road
(APEC Ground Properties Property)

Zoning Advisory Committee Meeting of **May 22, 2017**

- ☒ The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
- ☒ 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).
- ☒ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

The property is not in compliance with the terms of the 10/26/12 forest buffer variance, and violations of Section 33-3-112 exist on this property. Moreover, the site is not in compliance with its approved Forest Conservation Plan. EIR will not approve any plan or permit for this project until it is brought into compliance with all applicable regulations.

Reviewer: Glenn Shaffer

Date: May 17, 2017

ORDER RECEIVED FOR FILING

Date 7-3-17

By JSW
C:\Users\snuffer\AppData\Local\Microsoft\Windows\Temporary Internet
Files\Content.Outlook\WPHS9SSK\ZAC 17-0297-SPHA 7400 Dogwood Road.doc



KEVIN KAMENETZ
County Executive

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

July 3, 2017

Anthony J. DiPaula, Esq.
34 South Main Street
Bel Air, MD 21014

RE: Petitions for Special Hearing and Variance
Case No. 2017-0297-SPHA
Property: 7400 Dogwood Road

Dear Mr. DiPaula:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a stylized flourish at the end.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Denise Maranto, 3101 Rices Lane, Windsor Mill, MD 21244
Vincent Maranto, 1826 Yakona Road, Parkville, MD 21234
Rona Desser, 3126 Rices Lane, Windsor Mill, MD 21244
Brittany Karabanoff, 8100 Dogwood Road, Windsor Mill, MD 21244
Kathleen Skullney, 10813 Davis Avenue, Granite, MD 21163
Cathy Wolfson, 8434 Dogwood Road, Windsor Mill, MD 21244



PETITION FOR ZONING HEARING(S)

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

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

Address 7400 DOGWOOD RD which is presently zoned RC-6
Deed References: 21313/174 10 Digit Tax Account # 0219070210
Property Owner(s) Printed Name(s) APEX GROUND PROPERTIES, LLC

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

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

1. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHMENT

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a **Variance** from Section(s)

SEE ATTACHMENT

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:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

ANTHONY J. DIPAUULA, ESQ.

Name- Type or Print

Signature

34 S. MAIN ST., BEL AIR, MD

Mailing Address

City

State

21014

/ 410-893-4255

AJDIPAUULA@DIPAULALAW.COM

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

APEC GROUND PROPERTIES, LLC

ALLEN E. TERRILL, JR. MEMBER

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

P.O. BOX 304 WOODSTOCK, MD

Mailing Address

City

State

21163

/ 410-365-5276

ATERRILL@APEXLANDSCAPE.NET

Zip Code

Telephone #

Email Address

Representative to be contacted:

THOMAS J. HOFF

Name - Type or Print

Signature

512 VIRGINIA AVE., TOWSON, MD

Mailing Address

City

State

21286

/ 410-296-3669

TOM@THOMASJHOFF.COM

Zip Code

Telephone #

Email Address

CASE NUMBER

2017-0297-SPHA

Filing Date

5, 4, 17

Do Not Schedule Dates:

Reviewer

REV. 10/4/11

ZONING RELIEF REQUESTED
7400 DOGWOOD ROAD
May 3, 2017

1. A SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED PLAN IN CASE NO. 2013-0267-SPHXA
2. A VARIANCE UNDER BCZR SECTION 1A07.8.B.6 TO PERMIT 16% (33,504 SF) OF THE LOT AREA IN A RC-6 ZONE TO BE COVERED BY IMPERVIOUS SURFACES IN LIEU OF THE PERMITTED 10% (21,597 SF).
3. A VARIANCE UNDER BCZR SECTION 404.1.C. TO PERMIT LOADING AND UNLOADING WITHIN A FULLY ENCLOSED STRUCTURE OF A LANDSCAPE SERVICE OPERATION WITHIN 20' OF A PROPERTY LINE IN LIEU OF THE PERMITTED 50'.

Item #0297

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

May 3, 2017

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

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

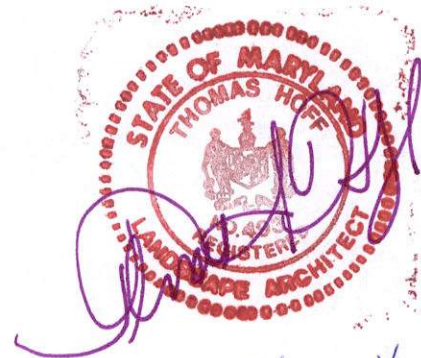
Thence leaving the center line of Dogwood Road,

- 1) North 07 degrees 27 minutes 25 seconds West 364.86 feet, thence,
- 2) North 72 degrees 11 minutes 26 seconds East 241.58 feet, thence,
- 3) South 48 degrees 12 minutes 18 seconds East 98.71 feet, thence,
- 4) North 74 degrees 29 minutes 43 seconds East 386.91 feet, thence,
- 5) South 05 degrees 55 minutes 37 seconds East 403.26 feet to the centerline of Dogwood Road, thence binding on the center line of Dogwood Road,
- 6) North 84 degrees 30 minutes 36 seconds West 38.30 feet, thence,
- 7) North 88 degrees 25 minutes 24 seconds West 237.63 feet, thence,
- 8) South 89 degrees 07 minutes 24 seconds West 86.97 feet, thence,
- 9) South 82 degrees 58 minutes 24 seconds West 86.97 feet, thence,
- 10) South 75 degrees 51 minutes 47 seconds West 36.70 feet, thence,
- 11) South 67 degrees 47 minutes 32 seconds West 36.70 feet, thence,
- 12) South 66 degrees 57 minutes 35 seconds West 47.34 feet, thence,
- 13) South 73 degrees 21 minutes 53 seconds West 47.34 feet, thence,
- 14) South 76 degrees 13 minutes 19 seconds West 65.15 feet, to the place of beginning.

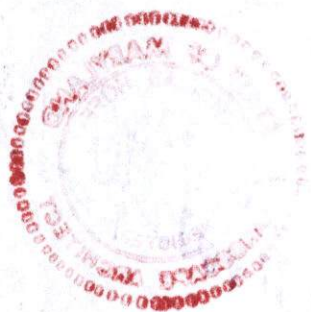
Containing 5.479 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



Item #0297



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

Nº 153055

Date: May 4 2017

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$1000.00

Total: \$1000.00

Rec From: Apex Ground Properties
 For: Zoning Hearing - case # 2017-0297-SPHA

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME BRN
 5/04/2017 5/04/2017 10:10:18 3

REG MS03 WALKIN CAN
 >>RECEIPT # 724897 5/04/2017 OFLN
 Dept 5 529 ZONING VERIFICATION
 CR NO. 153055

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

**CASHIER'S
 VALIDATION**

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

No 143345

Date:

9/25/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	000		6150				530.00

Total:

530.00

Rec From:

Greater Patapsco Comm Assoc CK# 1000

For:

Carl & Mary Wolfson CK# 26500

2017-0297-SPHA

71400 Dogwood Rd

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME

9/25/2017 9/25/2017 11:53:49

REG 4501 WALKIN LIR

>>RECEIPT # 752218 9/25/2017 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 143345

Rec'd Tot 4530.00

4530.00 CR 4.00 CA

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2017-0297-SPHA

PETITIONER/DEVELOPER

Tom Hoff

DATE OF HEARING/CLOSING:

6/30/17

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

ATTENTION:

LADIES AND GENTLEMEN:

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

7400 DOGWOOD RD

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

June 10, 2017

SINCERELY,

Martin Ogle 6/10/17
SIGNATURE OF SIGN POSTER AND DATE

MARTIN OGLE

(SIGN POSTER)

~~60 CHELMSFORD COURT~~ 9912 MAIDBROOK RD

BALTIMORE, MD ~~21220~~ 21234

(ADDRESS)

PHONE NUMBER: 443-629-3411



12/10/17
Superior



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 4999945

Sold To:

APEX Ground Properties LLC - CU00600679
PO Box 304
Woodstock, MD 211630304

Bill To:

APEX Ground Properties LLC - CU00600679
PO Box 304
Woodstock, MD 211630304

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

Jun 08, 2017

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: # 2017-0297-SPHA
7400 Dogwood Road
N/s Dogwood Road, 1400 ft. E/of Ridge Road
2nd Election District - 4th Councilmanic District
Legal Owner(s) APEX Ground Properties, LLC

Special Hearing to amend the previously approved plan in Case No. 2013-0267-SPHXA.

Variance to permit 16% (33504 sq. ft.) of the lot area in a RC-6 zone to be covered by impervious surfaces in lieu of the permitted 10% (21597 sq. ft.) To permit loading and unloading within a fully enclosed structure of a landscape service operation within 20 ft. of a property line in lieu of the permitted 50 ft.

Hearing: Friday, June 30, 2017 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.

6/023 June 8 4999945

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising



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 4970479

Sold To:

APEX Groud Properties LLC - CU00600679
PO Box 304
Woodstock, MD 21163-0304

Bill To:

APEX Groud Properties LLC - CU00600679
PO Box 304
Woodstock, MD 21163-0304

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

May 25, 2017

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: # 2017-0297-SPHA
7400 Dogwood Road
N/s Dogwood Road, 1400 ft. E/of Ridge Road
2nd Election District - 4th Councilmanic District
Legal Owner(s) APEX Groud Properties, LLC

Special Hearing to amend the previously approved plan in Case No. 2013-0267-SPHXA.

Variance to permit 16% (33504 sq. ft.) of the lot area in a RC-6 zone to be covered by impervious surfaces in lieu of the permitted 10% (21597 sq. ft.) To permit loading and unloading within a fully enclosed structure of a landscape service operation within 20 ft. of a property line in lieu of the permitted 50 ft.

Hearing: Friday, June 16, 2017 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.

5/140 May 25 4970479

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

**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: 2017-0297-SPHA

Property Address: 7400 DOGWOOD RD

Property Description: north side of Dogwood Rd, +/-1410' east
of Ridge Rd

Legal Owners (Petitioners): APEC GROUND PROPERTIES, LLC

Contract Purchaser/Lessee: N/A APEX

PLEASE FORWARD ADVERTISING BILL TO:

Name: ALLEN TERRILL, JR. APEX

Company/Firm (if applicable): APEC GROUND PROPERTIES, LLC

Address: PO BOX 304

WOODSTOCK, MD 21163

Telephone Number: 410-365-5276

Revised 5/20/2014

clarity Ct



KEVIN KAMENETZ
County Executive

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

May 16, 2017

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 NUMBER: 2017-0297-SPHA

7400 Dogwood Road

N/s Dogwood Road, 1400 ft. E/of Ridge Road

2nd Election District – 4th Councilmanic District

Legal Owners: APEX Ground Properties, LLC

Special Hearing to amend the previously approved plan in Case No. 2013-0267-SPHXA.

Variance to permit 16% (33504 sq. ft.) of the lot area in a RC-6 zone to be covered by impervious surfaces in lieu of the permitted 10% (21597 sq. ft.) To permit loading and unloading within a fully enclosed structure of a landscape service operation within 20 ft. of a property line in lieu of the permitted 50 ft.

Hearing: Friday, June 16, 2017 at 1:40 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

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

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 27, 2017.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 25, 2017 Issue - Jeffersonian

Please forward billing to:

Allen Terrill, Jr.
APEX Ground Properties, LLC
P.O. Box 304
Woodstock, MD 21163

410-365-5276

CORRECTED NOTICE OF ZONING HEARING

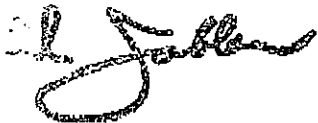
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Hearing: Friday, June 16, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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.



KEVIN KAMENETZ
County Executive

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

May 17, 2017

CORRECTED 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 NUMBER: 2017-0297-SPHA
7400 Dogwood Road
N/s Dogwood Road, 1400 ft. E/of Ridge Road
2nd Election District – 4th Councilmanic District
Legal Owners: APEX Ground Properties, LLC

Special Hearing to amend the previously approved plan in Case No. 2013-0267-SPHXA.
Variance to permit 16% (33504 sq. ft.) of the lot area in a RC-6 zone to be covered by impervious surfaces in lieu of the permitted 10% (21597 sq. ft.) To permit loading and unloading within a fully enclosed structure of a landscape service operation within 20 ft. of a property line in lieu of the permitted 50 ft.

Hearing: Friday, June 16, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

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

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 27, 2017.**
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(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

LAW OFFICES OF
ANTHONY J. DIPAULA, P.A.
ATTORNEYS AT LAW

5/24/17
OK
J

Anthony J. DiPaula
ajdipaula@dipaualaw.com

34 South Main Street
Bel Air, Maryland 21014

Telephone: 410-893-4255
Fax: 410-893-4277

May 23, 2017

Zoning Review
County Office Building
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

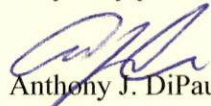
Re: 7400 Dogwood Road Zoning Hearing
Case Number: 2017-0297-SPHA
Hearing: Friday, June 16, 2017 at 1:30pm.

Dear Clerk:

Please treat this as a formal request for postponement for the above referenced hearing as I am scheduled to be out of town from June 14-17, 2017 for the Maryland State Bar Annual Meeting, all of which has already been paid for, receipts attached. When Mr. Hoff filed the Petitions, I expected to be consulted with respect to the hearing date to avoid conflicts with court hearings, etc. and unfortunately we miscommunicated. The dates for which I am unavailable in the month of July are as follows: 7/7, 7/14 afternoon, 7/20 through 7/26 (vacation).

Thank you.

Very truly yours,


Anthony J. DiPaula

AJD/gms
Enclosures

cc: Thomas Hoff
Apex Ground Properties, LLC

S:\das\ajd\Apex Ground Properties.1\Zoning.ltr.1

Anthony J DiPaula

From: Wanda A. Calvin Claiborne <wclaiborne@msba.org>
Sent: Friday, May 12, 2017 6:15 PM
To: Anthony DiPaula
Subject: Registration Confirmed - MSBA 2017 Annual Meeting



Anthony DiPaula

Your registration has been confirmed for the
2017 MSBA Annual Meeting.

June 14-17, 2017

Clarion Resort Fontainebleau
10100 Coastal Highway
Ocean City, Maryland 21842

CONFIRMATION NUMBER: PTN9YKKLWT9

Registration Information:

Registered For

Anthony
DiPaula Regular Conference Registration | Wednesday to Saturday

Please let us know your menu selection for the SOLO DAY BOXED LUNCH on Friday, June 16, 2017:

N/A - Did not order a Solo Day Boxed Lunch

Optional Items

Anthony
DiPaula YOUNG LAWYERS SUN RUN Quantity: 1

Additional Information

Anthony I am a MSBA member

DiPaula Lawyer

My guest

is a non MSBA member spouse/guest

Full Name

Margaret DiPaula

Emergency Contact - Name

Margaret DiPaula

Emergency Contact - Phone Number

410-925-7284

Is this your first annual meeting?

No

Please check here if, under the Americans with Disabilities Act, you require specific aids or services during your visit to the Conference.

N/A

EDUCATIONAL MATERIALS: Please visit the conference website for your **EDUCATIONAL MATERIALS**. - You may download the materials to your electronic devices or print what is needed. The materials are scheduled to be posted mid May! Your password is **MSBA2017Annual**.

[Click here](#) to view or modify your registration.

I look forward to seeing you down the Ocean Hon!

Wanda

Wanda A. Calvin Claiborne, CMP
Director of Meetings & Bar Liaison
Maryland State Bar Association, Inc.
[Contact Me](#)

Having trouble with the link? Simply copy and paste the entire address listed below into your web browser:
http://www.cvent.com/d/0iq_i5HgBkOuzim8cp10lw/6lqg/P1/1Q?

If you no longer want to receive emails from Wanda A. Calvin Claiborne please click the link below:
[Opt-Out](#)

Anthony J DiPaula

From: Wanda A. Calvin Claiborne <wclaiborne@msba.org>
Sent: Friday, May 12, 2017 6:15 PM
To: Anthony DiPaula
Subject: Payment Confirmation/Receipt for MSBA 2017 Annual Meeting

Your payment for the MSBA 2017 Annual Meeting event has been successfully processed. Please save this email for your records.

Transaction Information:

Item	Transaction Information	Quantity	Amount
Regular Conference Registration Wednesday to Saturday	\$300.00	1	\$300.00
Transaction Total:			\$300.00

Registration Confirmation Number: PTN9YKKLWT9

[View your registration](#)

If you have any questions about this transaction or email, please contact Wanda A. Calvin Claiborne directly at wclaiborne@msba.org.



TO: PATUXENT PUBLISHING COMPANY
Thursday, June 8, 2017 Issue - Jeffersonian

Please forward billing to:

Allen Terrill, Jr.
APEX Ground Properties, LLC
P.O. Box 304
Woodstock, MD 21163

410-365-5276

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 NUMBER: 2017-0297-SPHA

7400 Dogwood Road
N/s Dogwood Road, 1400 ft. E/of Ridge Road
2nd Election District – 4th Councilmanic District
Legal Owners: APEX Ground Properties, LLC

Special Hearing to amend the previously approved plan in Case No. 2013-0267-SPHXA.
Variance to permit 16% (33504 sq. ft.) of the lot area in a RC-6 zone to be covered by impervious surfaces in lieu of the permitted 10% (21597 sq. ft.) To permit loading and unloading within a fully enclosed structure of a landscape service operation within 20 ft. of a property line in lieu of the permitted 50 ft.

Hearing: Friday, June 30, 2017 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.



KEVIN KAMENETZ
County Executive

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

May 25, 2017

NEW 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 NUMBER: 2017-0297-SPHA

7400 Dogwood Road

N/s Dogwood Road, 1400 ft. E/of Ridge Road

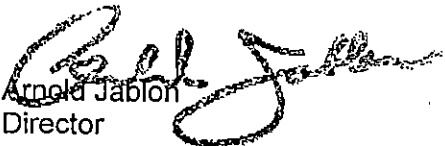
2nd Election District – 4th Councilmanic District

Legal Owners: APEX Ground Properties, LLC

Special Hearing to amend the previously approved plan in Case No. 2013-0267-SPHXA.

Variance to permit 16% (33504 sq. ft.) of the lot area in a RC-6 zone to be covered by impervious surfaces in lieu of the permitted 10% (21597 sq. ft.) To permit loading and unloading within a fully enclosed structure of a landscape service operation within 20 ft. of a property line in lieu of the permitted 50 ft.

Hearing: Friday, June 30, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

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

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JUNE 10, 2017.**
- (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.**



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 28, 2017

NOTICE OF ASSIGNMENT

IN THE MATTER OF: APEX Ground Properties, LLC
7400 Dogwood Road
17-297-SPHA 2nd Election District; 4th Councilmanic District

Re: Petition for Special Hearing pursuant to § 500.7 of the BCZR to amend the previously approved plan in Case No. 2013-0267-SPHXA.

Petition for Variance as follows:

1. To permit 16% (33,504 sq. ft.) of the lot area in a RC-6 zone to be covered by impervious surfaces in lieu of the permitted 10% (21,597 sq. ft.); and
2. To permit loading and unloading within a fully enclosed structure of a landscape service operation within 20 ft. of a property line in lieu of the permitted 50 ft.

7/3/17 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was GRANTED; and the Petition for Variance was GRANTED, with conditions.

8/25/17 Opinion and Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Protestants' Motion for Reconsideration was DENIED.

ASSIGNED FOR: **NOVEMBER 21, 2017, AT 10:00 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

NEW! Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.

NEW! Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington, Administrator

Notice of Assignment
In the matter of: APEX Ground Properties, LLC
Case number: 17-297-SPHA
September 28
Page 2

c: Counsel for Petitioner
Petitioner

: Anthony J. DiPaula, Esquire
: APEX Ground Properties, LLC

Protestants/Appellants

: Cathy Wolfson, President/Greater Patapsco
Community Association, Inc., Brittany Karabanoff, and
Kathleen S. Skullney, Esquire

Thomas J. Hoff
Denise Maranto
Vincent Maranto
Rona Desser

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael E. Field, County Attorney/Office of Law
Nancy C. West, Assistant County Attorney/Office of Law
Office of People's Counsel



KEVIN KAMENETZ
County Executive

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

June 21, 2017

APEC Ground Properties LLC
Allen E Terrill, Jr.
P O Box 304
Woodstock MD 21163

RE: Case Number: 2017-0297 SPHA, Address: 7400 Dogwood Road

Dear Mr. Terrill:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 4, 2017. 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

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

Date: 5/15/17

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. 2017-0297-SPHA

Special Hearing - Variance
APEC Grand Properties, Allen E. Terrill, Jr.
7400 Dogwood 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,

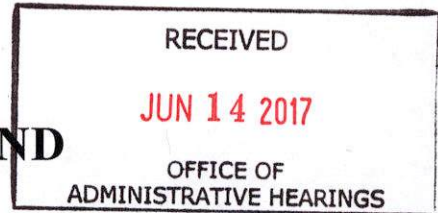


Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

6-30

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: 6/9/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-297

INFORMATION:

Property Address: 7400 Dogwood Road
Petitioner: Apex Ground Properties, LLC
Allen E. Terrill, Jr. Member
Zoning: RC 6
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to amend the previously approved plan in case no. 2013-0267-SPHXA and petition for variance to permit 16% (33,504 square feet) of the lot area in a RC-6 zone to be covered by impervious surface and to permit loading and unloading within a fully enclosed structure of a landscape service operation within 20 feet of a property line in lieu of the permitted 10% (21,597 square feet) and 50 feet respectively.

A site visit was conducted on May 23, 2017. The subject property abuts the Urban Rural Demarcation Line (URDL). The property was the subject of prior zoning case 2013-0267-SPHXA.

The Department finds that the plan is consistent with the spirit and intent of BCZR § 1A07 and has no objection to granting the petitioned zoning relief conditioned upon the following:

- There shall be no repair of vehicles or equipment not directly employed by the on-site landscape service operation.
- Any repair of vehicles or equipment directly employed by the on-site landscape service operation shall be conducted within an enclosed structure and not outside.
- There shall be no permanent outside storage of equipment or parts thereof.
- Site stormwater management facilities shall be subject to the performance standards found in BCZR § 1A07.8.C.1

RECEIVED

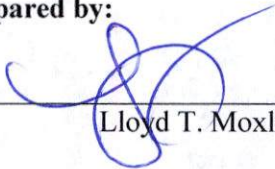
NOV 19 1964

ALTERNATIVE HEAVINGS
OFFICE

Date: 6/9/2017
Subject: ZAC #17-297
Page 2

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Keeve Brine
Anthony J. DiPaula, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



duplicate

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 17, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0297-SPHA
Address 7400 Dogwood Road
(APEC Ground Properties Property)

Zoning Advisory Committee Meeting of May 22, 2017

- X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
 - X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

The property is not in compliance with the terms of the 10/26/12 forest buffer variance, and violations of Section 33-3-112 exist on this property. Moreover, the site is not in compliance with its approved Forest Conservation Plan. EIR will not approve any plan or permit for this project until it is brought into compliance with all applicable regulations.

Reviewer: Glenn Shaffer

Date: May 17, 2017

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 22, 2017
Item No. 2017-0297

DATE: May 31, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comment.

Landscape- If Zoning Relief is granted, Landscape and Lighting Plans are required per the requirements of the Landscape Manual.

Rec & Parks – Residential Greenway Easement is required.

* * * * *

VKD: CEN
cc:file
ZAC-ITEM NO 17-0297-05222017.doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
7400 Dogwood Road; N/S Dogwood Road, * OF ADMINISTRATIVE
1400' E of c/line with Ridge Road *
2nd Election & 4th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): APEC Ground Properties, LLC *
Petitioner(s) * BALTIMORE COUNTY
* 2017-297-SPHA

* * * * *

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 16 2017

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 16th day of May, 2017, a copy of the foregoing Entry of Appearance was mailed to Thomas J. Hoff, 512 Virginia Avenue, Towson, Maryland 21204 and Anthony DiPaula, Esquire, 34 S. Main Street, Bel Air, Maryland 21014, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

September 26, 2017

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

Anthony J. DiPaula, Esq.
34 South Main Street
Bel Air, MD 21014

RE: **APPEAL TO BOARD OF APPEALS**
Case No. 2017-0297-SPHA
Location: 7400 Dogwood Road



Dear Mr. DiPaula:

Please be advised that an appeal of the above-referenced case was filed in this Office on September 25, 2017. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to be "L. Stahl".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Denise Maranto, 3101 Rices Lane, Windsor Mill, MD 21244
Vincent Maranto, 1826 Yakona Road, Parkville, MD 21234
Rona Desser, 3126 Rices Lane, Windsor Mill, MD 21244
Brittany Karabanoff, 8100 Dogwood Road, Windsor Mill, MD 21244
Kathleen Skullney, 10813 Davis Avenue, Granite, MD 21163
Cathy Wolfson, 8434 Dogwood Road, Windsor Mill, MD 21244

APPEAL

**Petitions for Special Hearing and Variance
(7400 Dogwood Road)
2nd Election District – 4th Councilmanic District
Legal Owners: APEC Ground Properties
Case No. 2017-0297-SPHA**

Petition for Variance Hearing (May 4, 2017)

Zoning Description of Property

Notice of Zoning Hearing (May 16, 2017)

Corrected Notice of Hearing (May 17, 2017)

New Notice of Hearing (May 25, 2017)

Certificate of Publication (June 8, 2017 and May 25, 2017)

Certificate of Posting (June 10, 2017) –Martin Ogle

Entry of Appearance by People's Counsel – May 16, 2017

Petitioner(s) Sign-in Sheet – One

Citizen(s) Sign-in Sheet – One

Zoning Advisory Committee (ZAC) Comments

Petitioner(s) Exhibits:

1. Site Plan
2. 2A-2C Photos

Protestants' Exhibits: None

Miscellaneous (Not Marked as Exhibits)-

Administrative Law Judge Order and Letter (GRANTED July 3, 2017)

Motion for Reconsideration (August 1, 2017) Kathleen S. Skullney, Cathy Wolfson & Brittany Karabanoff

Petitioner's Response to Motion for Reconsideration (August 18, 2017) Anthony DiPaula

Administrative Law Judge Order and Letter (DENIED August 25, 2017)

Notice of Appeal – Kathleen S. Skullney (August 25, 2017)



Address List

Petitioner:

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

Anthony J. DiPaula, Esquire
Law Offices of Anthony J. DiPaula, P.A.
34 South Main Street
Bel Air, MD 21014

Thomas J. Hoff
512 Virginia Avenue
Towson, MD 21286
(Landscape Architects and
Land Development Consultants)

Protestants/Appellants:

Cathy Wolfson, President
Greater Patapsco Community Association, Inc.
8434 Dogwood Road
Windsor Mill, MD 21244

Brittany Karabanoff
8100 Dogwood Road
Windsor Mill, MD 21244

Kathleen S. Skullney, Esquire
10813 Davis Avenue
Granite, MD 21163

Interested Persons:

Denise Maranto
3101 Rices Lane
Windsor Mill, MD 21244

Vincent Maranto
1826 Yakona Road
Parkville, MD 21234

Rona Desser
3126 Rices Lane
Windsor Mill, MD 21244

Interoffice:

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

RECEIVED

SEP 25 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

**IN RE: PETITIONS FOR SPECIAL
HEARING AND VARIANCES**

(7400 Dogwood Road)
2nd Election District
4th Council District

Apex Ground Properties, LLC
Owner/Petitioner

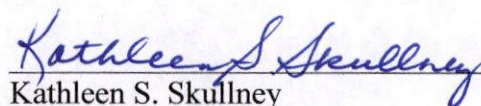
* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Zoning Case No. 2017-0297-SPHA**
*

* * * * *

NOTICE OF APPEAL

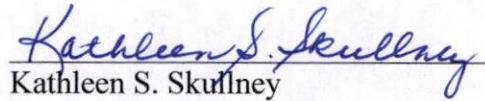
Greater Patapsco Community Association, Inc., (GPCA), Cathy Wolfson, Kathleen S. Skullney, and Brittany Karabanoff, Protestants in the above captioned case, hereby file this Notice of Appeal from Administrative Law Judge Beverungen's grant of said Petitions and subsequent denial of Protestants' Motion for Reconsideration as stated in his Opinion and Order on Motion for Reconsideration.

Respectfully submitted,


Kathleen S. Skullney
10813 Davis Avenue
Granite, MD 21163
410-465-9116
Attorney for Protestants

CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2017 a copy of the foregoing Notice of Appeal was mailed first class postage paid to Anthony J. DiPaula, Esq., Attorney for Petitioner, at 34 South Main Street, Bel Air, MD 21014, and hand delivered to Peter Max Zimmerman, People's Counsel for Baltimore County at 105 West Jefferson Avenue, Room 204, Towson, MD 21204.


Kathleen S. Skulley

John E. Beverungen

From: John E. Beverungen
Sent: Tuesday, August 08, 2017 11:22 AM
To: 'ajdipaula@dipaulalaw.com'
Cc: Sherry Nuffer (snuffer@baltimorecountymd.gov); 'Kathleen Skullney'
Subject: Zoning Case # 2017-0297-SPHA

Mr. DiPaula,

I trust you have received the motion for reconsideration filed by Petitioners. I am required by the Rules to issue an order within 30 days of the filing date. Please let me know if you intend to file a response. If you do, please do so no later than August 18, 2017.

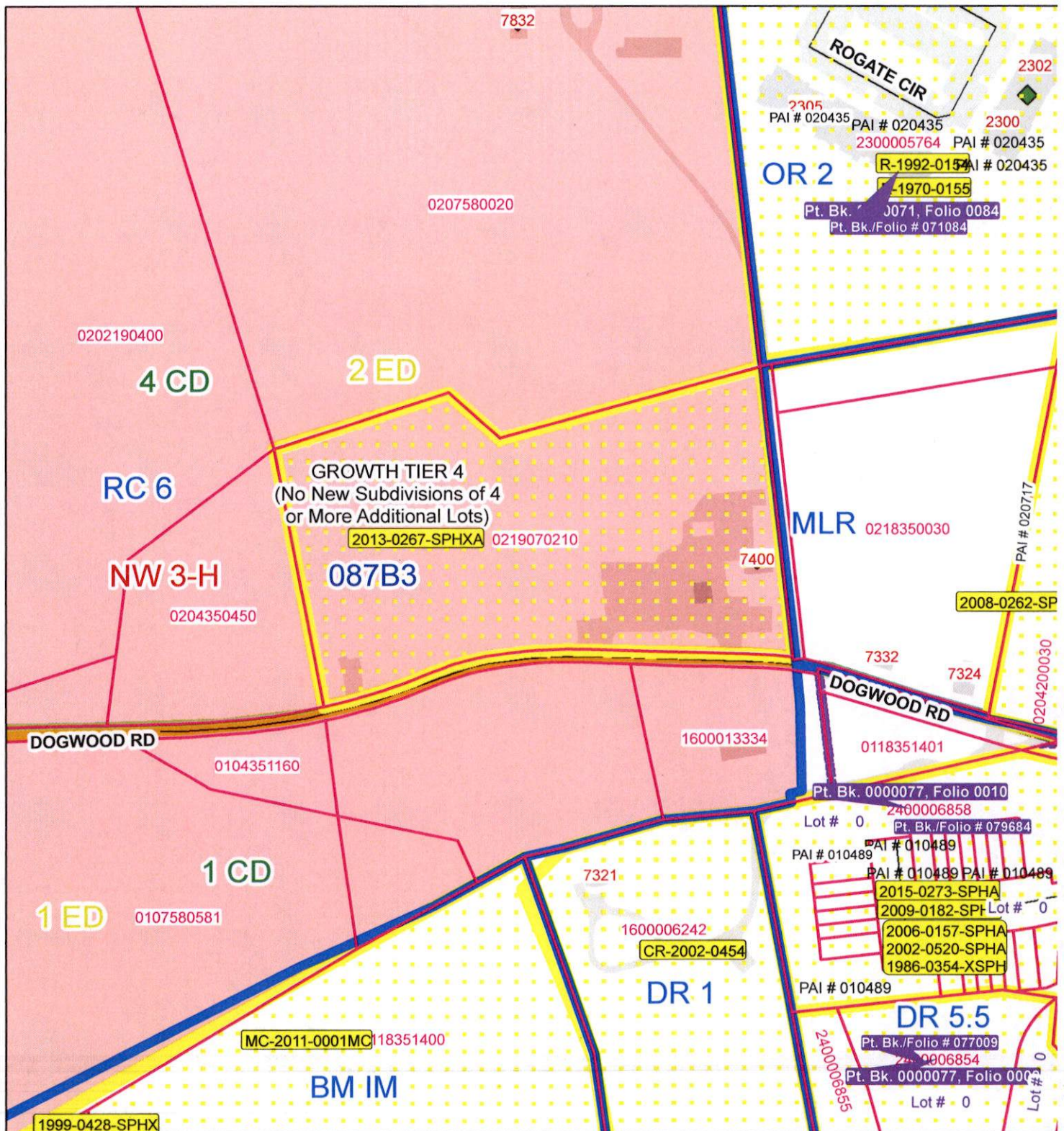
John Beverungen
ALJ

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 02 Account Number - 0219070210							
Owner Information									
Owner Name:		APEX GROUND PROPERTIES LLC			Use:		RESIDENTIAL		
Mailing Address:		P.O BOX 304 WOODSTOCK MD 21163-0304			Principal Residence:		NO		
					Deed Reference:		/21313/ 00174		
Location & Structure Information									
Premises Address:		7400 DOGWOOD RD BALTIMORE 21244-1807			Legal Description:		5.394 AC 7400 DOGWOOD RD 2640 FT W ROLLING RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0087	0022	0306		0000				2016	Plat Ref:
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1952		1,115 SF				5.3900 AC		04	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage		Last Major Renovation	
1	YES	STANDARD UNIT		BLOCK	1 full	1 Detached			
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of 01/01/2016		As of 07/01/2016		As of 07/01/2017	
Land:		122,200		122,200					
Improvements		66,800		92,400					
Total:		189,000		214,600		197,533		206,067	
Preferential Land:		0						0	
Transfer Information									
Seller: SCHISLER MARY E				Date: 01/24/2005		Price: \$300,000			
Type: ARMS LENGTH IMPROVED				Deed1: /21313/ 00174		Deed2:			
Seller: SCHISLER ROLAND M				Date: 03/16/1992		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /07535/ 00409		Deed2:			
Seller:				Date:		Price:			
Type:				Deed1:		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017			
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					

7400 Dogwood Road



Publication Date: 5/4/2017



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



0 55 110 220 330 440 Fee

1 inch = 200 feet

Item #0297

CASE NAME Apex Ground
CASE NUMBER _____
DATE _____

[illegible]

CASE NAME APEX GROUND
CASE NUMBER 2017-297
DATE 6/30/17

[illegible]

JB
7-1-13

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(7400 Dogwood Road) *
2nd Election District *
4th Councilmanic District *
Apex Ground Properties, LLC *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0267-SPHXA

* * * * *

OPINION AND ORDER

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

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

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

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

SPECIAL HEARING

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

6/30

1:30 PM

Case No.: 2017-0297 - SPHA - 7400 Dogwood Rd.

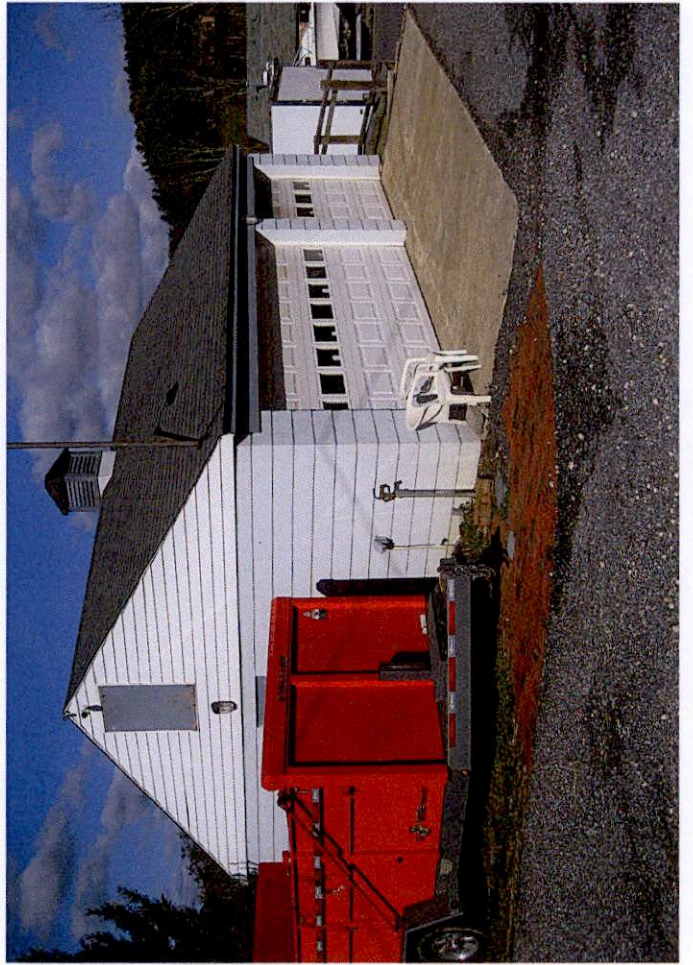
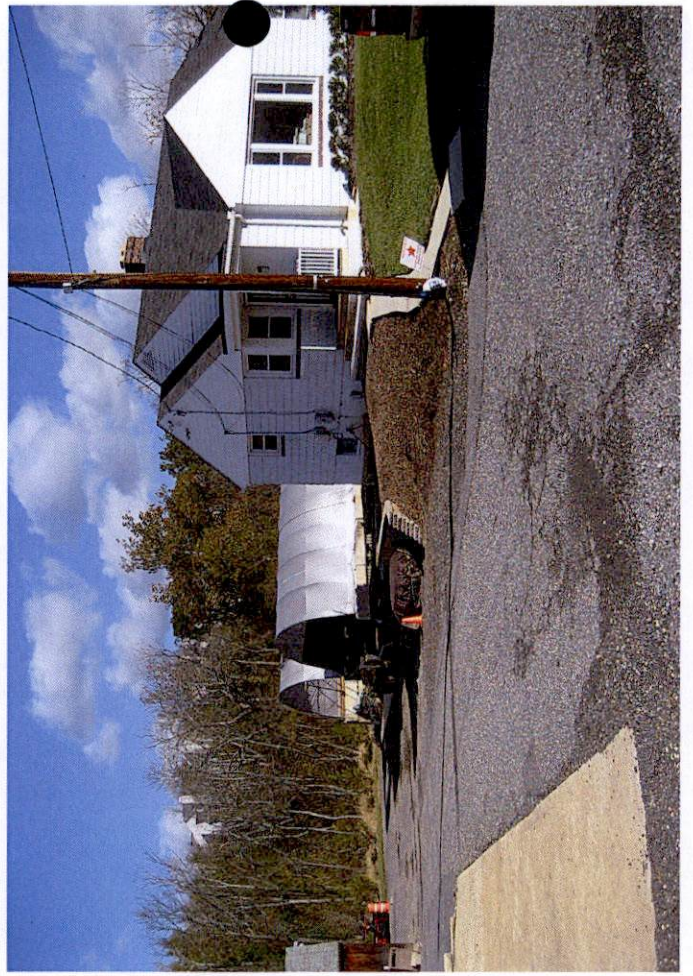
Exhibit Sheet

Petitioner/Developer

Protestants

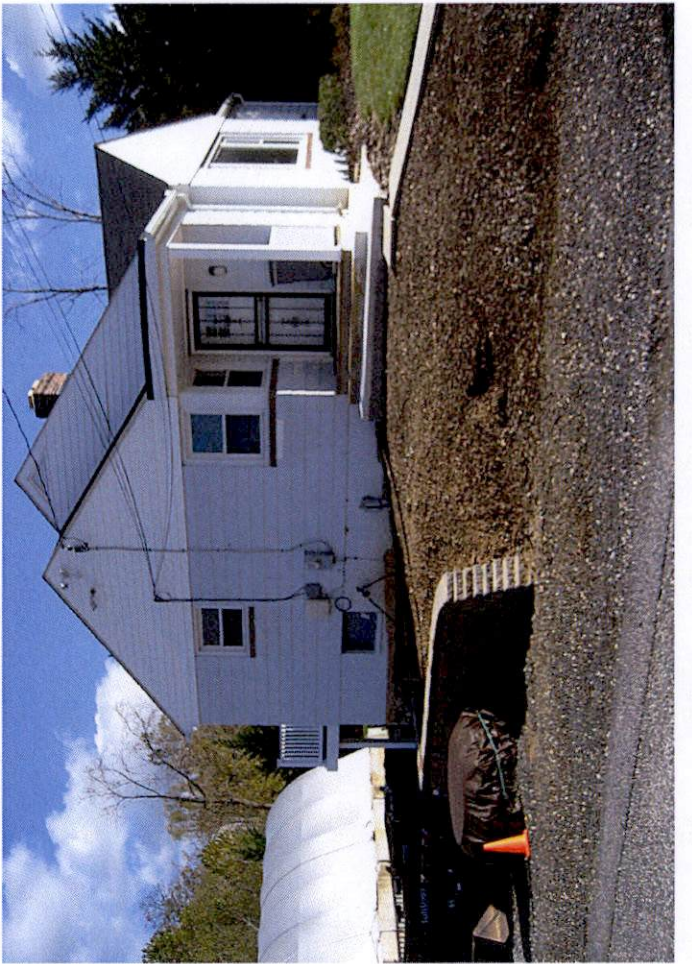
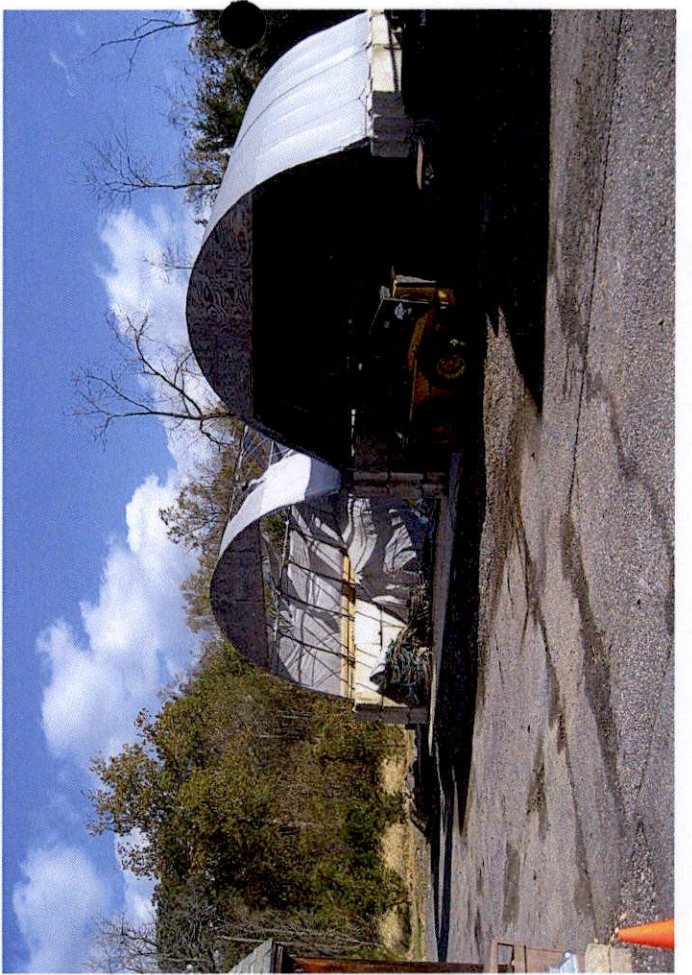
DW
7-3-17

No. 1	site plan	
No. 2	2A-2E photos	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

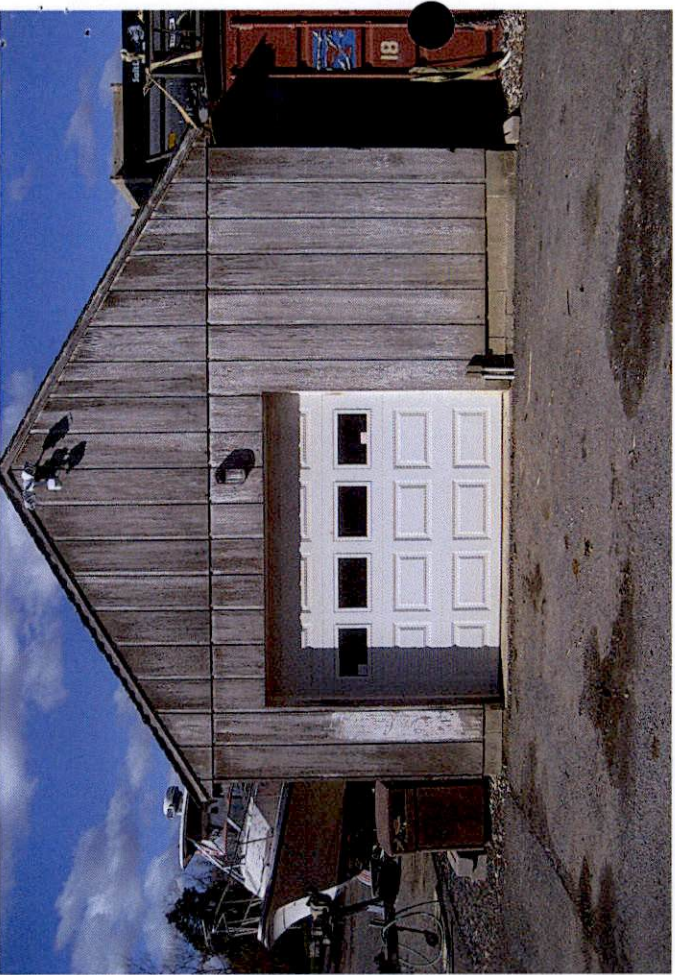


2A

PET. No. 2



20



26



CASE NO. 2013-0267-SPHXA

THEREFORE, IT IS ORDERED this 1st day of July, 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing filed pursuant to § 500.7

of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the planting of horticultural materials in a Secondary Conservancy area in an RC 6 zone as part of a landscape service operation under B.C.Z.R. §404.3, be and is hereby GRANTED.

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

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

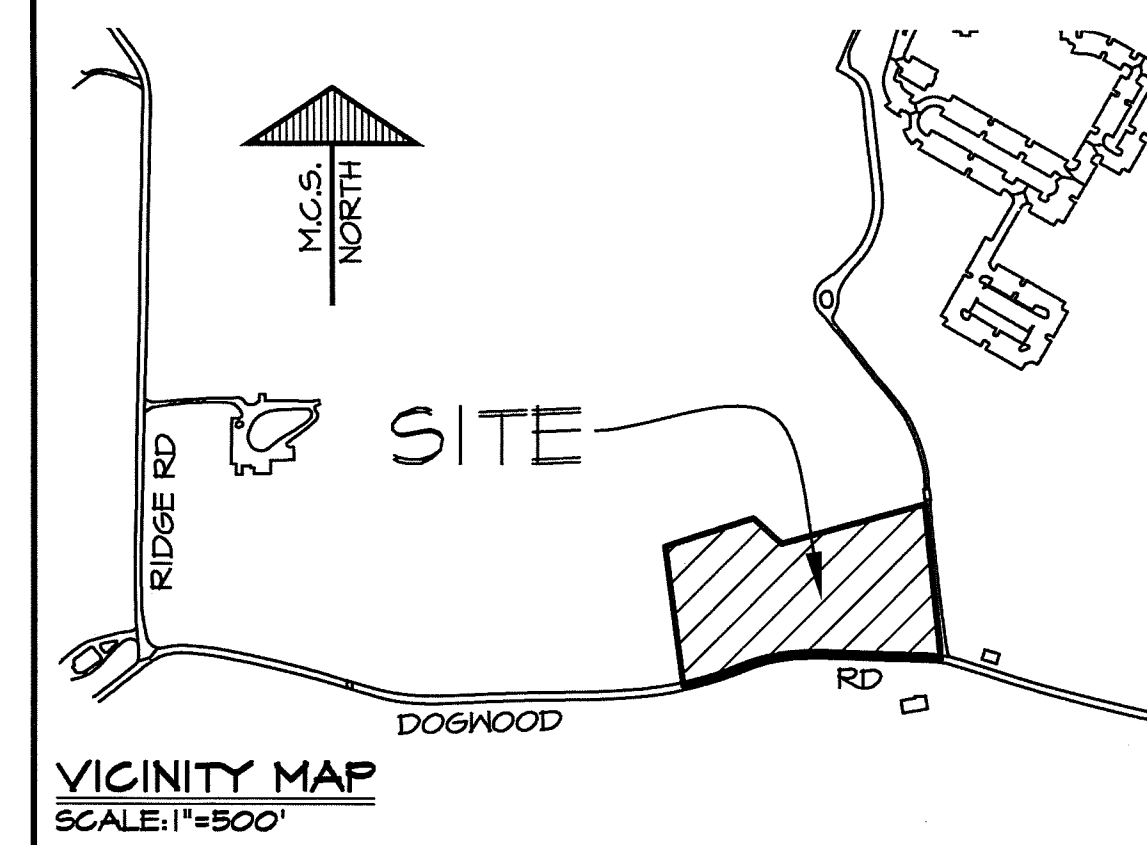
The relief granted herein shall be subject to the following:

1. Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner must comply with the three (3) conditions set forth in the DOP ZAC comment, a copy of which is attached hereto.
3. The Petitioner must comply with the requirements set forth in the DEPS ZAC comment, a copy of which is attached hereto.

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

JOHN B. BEVERUNGEN
Administrative Law Judge
for Baltimore County

IEB/sla



SITE DATA:
GROSS SITE AREA 5.471 AC.±, 238,682 SF±
HIGHWAY WIDENING DOGWOOD RD 0.323 AC.±, 14,043 SF±
FUTURE FAIRBROOK RD 0.148 AC.±, 6,621 SF±
NET SITE AREA 4.958 AC.±, 215,968 SF±
EXISTING ZONING RC-6

RC-6 AREA CALCULATIONS:
PRIMARY CONSERVANCY AREA 2.471 AC.±, 107,985 SF±
SECONDARY CONSERVANCY AREA 1.240 AC.±, 54,013 SF±
DEVELOPABLE AREA 1.239 AC.±, 53,964 SF±

EXISTING USE: LANDSCAPE SERVICE OPERATION & HORTICULTURAL NURSERY

BUILDING AREA
EXISTING BLDG 1,125 SF±
PROPOSED STORAGE BLDG 4,800 SF±

PARKING REQUIRED
OFFICE 1,125 SF @ 3.3 SPACES/1000 SF 3.7 : 4

PARKING PROVIDED 5 SPACES, INCLUDING 1 VAN ACCESSIBLE SPACE

ZONING HEARINGS:
THIS PROPERTY WAS THE SUBJECT OF A ZONING CASE NO. 2013-0267-SHXA. SEE ZONING ORDER, THIS SHEET.

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

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

SIGNAGE:
ALL SIGNS WILL COMPLY WITH SECTION 450 BCZR.

OWNER:
APEX GROUND PROPERTIES, LLC
PO BOX 304
WOODSTOCK, MD 21163
DEED REF 21313/14
TAX#0219070210

- ZONING RELIEF REQUESTED:**
1. A SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED PLAN IN CASE NO. 2013-0267-SPHXA.
 2. A VARIANCE UNDER BCZR SECTION 1A07.8.B.6 TO PERMIT 16% (33,504 SF) OF THE LOT AREA IN A RC-6 ZONE TO BE COVERED BY IMPERVIOUS SURFACES IN LIEU OF THE PERMITTED 10% (21,547 SF).
 3. A VARIANCE UNDER BCZR SECTION 404.1.C. TO PERMIT LOADING AND UNLOADING WITHIN A FULLY ENCLOSED STRUCTURE OF A LANDSCAPE SERVICE OPERATION WITHIN 20' OF A PROPERTY LINE IN LIEU OF THE PERMITTED 50'.

#2017-0297-SPHA

**SITE PLAN TO ACCOMPANY
PETITION FOR VARIANCES &
SPECIAL HEARING
1400 DOGWOOD ROAD**

ZONING MAP 8TB3
2nd ELECTION DISTRICT, 4th COUNCILMANIC, BALTIMORE COUNTY, MD

THOMAS J. HOFF

LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS

512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410-296-3668 FAX 410-825-3887

REVISIONS:

Rev. No. 1

THIS DRAWING WAS MADE IN THE USA

SCALE: AS SHOWN

DATE: 05/03/17

JOB NO.: 0553-01

DESIGNED: TJH

DRAWN: TJH

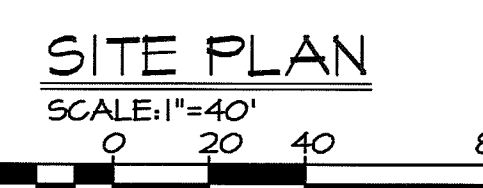
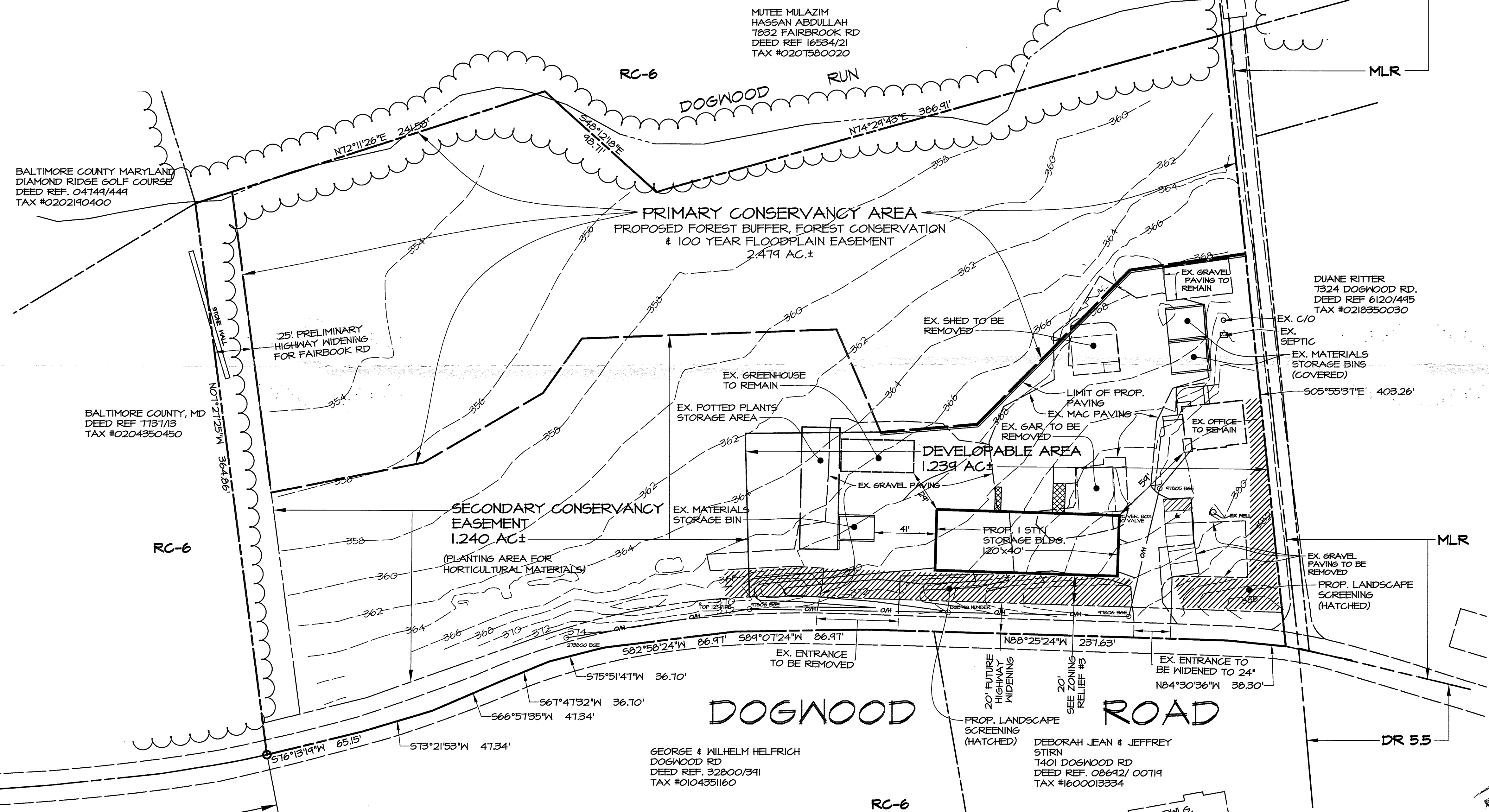
DRAWING NUMBER:

ZP-1

SHEET 1 OF 1



THIS PLAN IS IN THE MARYLAND COORDINATE SYSTEM



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

Ex. 1