

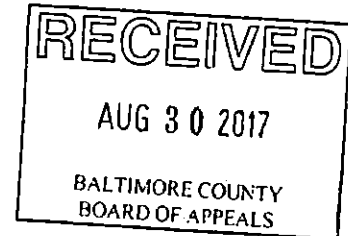


KEVIN KAMENETZ
County Executive

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

August 30, 2017

David H. Karceski, Esq.
Adam M. Rosenblatt, Esq.
Venable
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204



RE: APPEAL TO BOARD OF APPEALS
Case No. 2017-0302-SPHA
Location: 7458 German Hill Road

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this Office on August 28, 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 read "L. Stahl", written over the printed name "LAWRENCE M. STAHL".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County



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

July 13, 2018

David H. Karceski, Esquire
Adam M. Rosenblatt, Esquire
Venable LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

RE: In the Matter of: *CGX Life Sciences, Inc.*
Case No.: 17-302-SPHA

Dear Counsel:

Enclosed please find a copy of the Opinion and Order 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,

A handwritten signature in cursive script that reads "Sunny Cannington Haz".

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: CGX Life Sciences, Inc.
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:
CGX LIFE SCIENCES, INC.
LEGAL OWNERS

PETITIONS FOR
SPECIAL HEARING
AND VARIANCE

4th Election District
3rd Council District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
*
* Case No. 2017-0302-SPHA
*

* * * * *

OPINION

This matter comes before the Board of Appeals as a *de novo* appeal from the July 13, 2017 and August 21, 2017 decisions of the Baltimore County Administrative Law Judge ("ALJ"). In his July 13, 2017 decision, the ALJ denied the petitions filed by CGX Life Sciences, Inc. (the "Petitioner"). Petitioner filed a Motion for Reconsideration, which the ALJ denied on August 21, 2017. Petitioner filed an appeal of the ALJ decisions to this Board.

The Board held a public hearing and publicly deliberated on June 12, 2018. During the proceedings before the Board, David H. Karceski and Adam M. Rosenblatt of Venable LLP represented the Petitioner. Bill Huber, General Manager of Maryland Operations for the Petitioner, and Patrick Richardson, Jr., Engineer for the Petitioner, appeared in support of the petitions. Carole Demilio, Esquire appeared on behalf of People's Counsel for Baltimore County. There were no protestants or other interested citizens in attendance at the hearing.

At the outset of the hearing, Mr. Karceski explained that the Petitioner worked with certain County reviewing agencies and the Office of People's Counsel between the ALJ hearings and the hearing before the Board to revise and reduce the relief requested in these petitions. A site plan reflecting the revised relief was marked and accepted into evidence as Petitioner's Exhibit 1. As

the Plan reveals, the relief being sought by the Petitioner was reduced to the following: Special Hearing pursuant to BCZR Section 409.8.B.1 to permit business parking in a residential zone (DR 10.5); and Variance from Section 409.4.C for a one-way drive aisle of 12.25 feet in lieu of the required 16 feet for 60 degree angled parking spaces. People's Counsel had no objection to Petitioner revising the requested relief, which can be characterized as a "lesser included" version of the original zoning petition. As such, the Board was satisfied that the petition did not constitute a substantive change requiring a separate petition, notice and hearing at the ALJ level. *See e.g. McLean v. Soley*, 270 Md. 208 (1973).

BACKGROUND

The property at issue in this case is known as 7458 German Hill Road and is located in the Dundalk area of Baltimore County (the "Property"). The Property contains approximately .344 gross acres of land that is split-zoned with the southern half of the Property zoned BL and the northern half zoned DR 10.5. A two-story commercial brick building, which was originally constructed in 1955, is centrally located on the Property. Vehicular access is provided off of German Hill Road for parking spaces along the Property's frontage. An existing drive aisle along the western side of the Property provides access to additional parking spaces in the rear of the Property in the DR 10.5 zone. An aerial photograph marked and accepted as Petitioner's Exhibit 4 confirms that the Property is surrounded by a cemetery to the south, a convenience store to the west, a county park to the north, and townhomes and an alley to the east. Additional Photographs of the Property and surrounding area were marked and accepted into evidence as Petitioner's Exhibit 5.

At the hearing, Petitioner submitted both its revised site plan (Exhibit 1) and the site plan originally presented to the ALJ in this case (Exhibit 3). When originally presented, Petitioner

was seeking zoning relief to allow a medical cannabis facility on the Property. Petitioner initially sought general variance relief from Baltimore County's landscape manual and an additional variance for a deficiency in the drive aisle along the western side of the Property that was to be caused by a proposed addition to the existing building. *See* Exhibit 3. As reflected in the Board's file, the Department of Planning and Development Plans Review Bureau issued Zoning Advisory Committee (ZAC) comments opposing the requested relief.

After the ALJ proceedings, Petitioner selected another location for the proposed medical cannabis dispensary and is no longer seeking relief to permit that use on the Property. Note 30 on the revised site plan confirms that the Property will be used for any use permitted in the BL zone with the exception of a medical cannabis dispensary. *See* Exhibit 1, Note 30.

Petitioner also removed two of the variances initially sought in this case. First, the proposed additions to the building were eliminated, keeping the drive aisle along the western side of the Property in compliance with the circulation requirements contained in BCZR § 409. Second, Petitioner worked with the County's landscape architect to obtain approval of a final landscape plan, thereby eliminating the need for any zoning relief related to landscape plantings. A copy of the approved final landscape plan was marked and accepted into evidence as Petitioner's Exhibit 6.

With respect to the variance relief that is currently being sought, the Petitioner worked with the Department of Planning to reconfigure the front of the Property to create a one-way drive-aisle along the Property's frontage to serve five parking spaces. Variance relief is required to permit the resulting drive aisle to be a width of 12.25 feet in lieu of the required 16 feet. This relief is being sought from BCZR § 409.4.C, the same section that was at issue in the petition initially filed with the ALJ. Revised ZAC comments from the Department of Planning and

Development Plans Review Bureau were marked and accepted into evidence as Petitioner's Exhibit 7A-B. The revised comments confirm that the agencies reviewed the revised layout and relief and have no objection to the petitions for special hearing and variance. While Ms. Demilio appeared at the hearing, the Office of People's Counsel did not express any opposition to the requested relief.

DECISION

I. Special Hearing

Petitioner requests special hearing relief to use the parking spaces in the rear of the Property that is zoned DR 10.5 for business parking. This request is governed by BCZR § 409.8.B, which requires compliance with a number of factors, including the objectives outlined in BCZR § 502.1. Testimony was provided by Patrick Richardson, Jr., a professional engineer who was accepted as an expert in the BCZR as they pertain to the requested relief. Mr. Richardson's resume was marked and accepted into evidence as Petitioner's Exhibit 2.

Mr. Richardson testified that the Property has functioned in its current configuration for many years. In accordance with BCZR § 409.8.B.1.e(2), he does not believe that the parking spaces in the rear of the Property in the configuration shown on Petitioner's Exhibit 1 will have any impact on the surrounding community. The intended removal of an existing shed in the northeast corner of the Property and installation of landscaping along the eastern and northeastern sides of the Property will improve the view for residents to the east of the Property. Again, the remaining adjacent uses include a park, cemetery, and convenience store, which will not be impacted by the use of the rear of this Property. In fact, the two commercial properties to the west of the Property are similarly split-zoned and utilize all of their land for commercial purposes.

Mr. Richardson added Note Nos. 24-29 to the site plan to address the requirements contained in BCZR § 409.8.B.2. Specifically, the site plan confirms that the parking spaces in the rear of the Property will only be used for passenger vehicles. The loading space is located on the west side of the existing building outside of the residential zone. No loading or servicing will take place in the rear of the Property. With respect to lighting, all proposed lighting fixtures will be located and arranged to reflect light away from the adjacent residential properties, and a lighting plan will be reviewed and approved by Baltimore County. As the site plan indicates, the hours of operation for the proposed business will be from 7:00 a.m. – 11:00 p.m.

Mr. Richardson also testified that he is familiar with the requirements of BCZR § 502.1 and believes that this petition satisfies all applicable requirements. Mr. Richardson confirmed that the proposed use will not have any negative impact on the surrounding area, and the Board concurs.

Based on the testimony and evidence presented at the hearing, the Board is persuaded to grant the requested relief. This request legitimizes existing conditions of the Property and allows the Petitioner to use the Property for commercial purposes.

II. Variance

Petitioner seeks variance relief to permit a one-way drive aisle along the front of the Property to be a width of 12.25 feet in lieu of the required 16 feet. The Court of Special Appeals has set forth the two-step process for considering a request for a variance:

The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is - in and of itself - unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship. If that first step results in a supportable finding of uniqueness or unusualness, then a second step is

taken in the process, i.e., a determination of whether practical difficulty and/or unreasonable hardship, resulting from the disproportionate impact of the ordinance caused by the property's uniqueness, exists.

Cromwell v. Ward, 102 Md. App. 691, 694-95 (1995).

The Board concludes that the Petitioner has satisfied the requirements established in *Cromwell* to obtain the variance. Specifically, the Property is irregularly shaped and adjoins German Hill Road on an angle, making it difficult to design a drive aisle that meets the requirements of the BCZR. Testimony confirmed that the size and location of the building make it virtually impossible for the Petitioner to make any use of the front of the Property absent a variance. The reconfigured one-way drive aisle, which was reviewed by the Department of Planning, minimizes the requested variance relief and provides safe and effective use of the Property's frontage. This appears to be a case where a building was constructed in the 1950s and the current, more stringent regulations have a disproportionate impact on the Property. Accordingly, the Board finds that a practical difficulty will result if the variance is denied, and that the variance is in the spirit and intent of the BCZR and can be granted without having any negative impact on the health, safety, and welfare of the surrounding community.

ORDER

THEREFORE IT IS THIS 13th day of July, 2018 by the
Board of Appeals of Baltimore County:

ORDERED that the Petition for Special Hearing pursuant to BCZR Section 409.8.B.1 to permit business parking in a residential zone (DR 10.5) be and is hereby **GRANTED**; and it is further

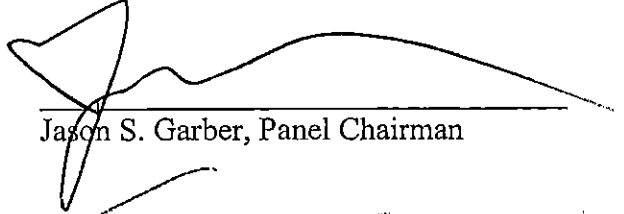
ORDERED that the Petition for Variance from Section 409.4.C for a one-way drive aisle of 12.25 feet in lieu of the required 16 feet for 60 degree angled parking spaces be and is hereby **GRANTED**.

The relief granted herein is subject to the following conditions:

- a. Any and all dumpsters shall be located on the western half of the Property and, if reasonably practical, in the BL-zoned portion of the Property. Similarly, any and all dumpster/recycling service and/or collection shall occur on the western half of the Property and, if reasonably practical, in the BL-zoned portion of the Property.
- b. A lighting plan must be reviewed and approved by the Landscape Architect for Baltimore County or his designee. Townhome lots are located to the east of the Property and the Landscape Architect should be aware of these residential lots during his review and approval of the lighting plan.
- c. The site shall not be used for a medical cannabis dispensary.

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*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Jason S. Garber, Panel Chairman



Andrew M. Belt



Maureen E. Murphy

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: CGX Life Sciences, Inc.

17-302-SPHA

DATE: June 12, 2018

BOARD/PANEL: Jason S. Garber, Chairman
Maureen E. Murphy
Andrew M. Belt

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the revised/reduced relief requested in the red-lined Petition and red-lined site plan, as follows:

- Petition for Special Hearing pursuant to BCZR § 409.8.B.1 to permit business parking in a residential zone (D.R. 10.5); and
- Petition for Variance from § 409.4.C for a one-way drive aisle of 12.25 feet in lieu of the required 16 feet for 60 degree angled parking spaced.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

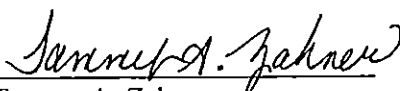
DISCUSSION:

- The Board convened for a hearing in the above referenced matter, and immediately following the hearing held a public deliberation.
- At the hearing, counsel for Petitioner presented the revised request. Mr. Richardson presented expert testimony in support of the revised Petition. The Board was satisfied with the evidence presented, and People's Counsel had no objection.
- The Board finds that the red-lined plan meets all requirements of BCZR § 409.8 and the Special Exception requirements contained in § 502.1. The Board also finds that the proposal meets the *Cromwell v. Ward* variance standard, and find the Petitioner would suffer a practical difficulty or undue hardship if forced to comply with current parking requirements.
- The Board will impose conditions regarding lighting, and the location of the dumpster, in order to minimize the impact on the neighboring residential property. The Order will also contain a restriction that the property cannot be used as a medical cannabis dispensary.
- Counsel for Petitioner is to submit a draft Order to People's Counsel for approval, and then submit to the Board.

CONCLUSION: After thorough review of the stipulated facts and evidence, and applicable law in the matter, the Board unanimously agreed to GRANT the Petition for Special Hearing and Variance, as revised, subject to conditions.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Tammy A. Zahner



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

May 23, 2018

AMENDED NOTICE OF REASSIGNMENT

IN THE MATTER OF: CGX Life Sciences, Inc.
7458 German Hill Road
17-302-SPHA 12th Election District; 7th Councilmanic District

Re: Petition for Special Hearing pursuant to § 500.7 of the BCZR as follows:
- From § 409.8.B.1 to permit use of land in a residential zone (DR 10.5) for a business parking facility; and
- For such other and further relief as may be required

Petition for Variance as follows:

- From 409.4.C to provide a two-way drive aisle with a width of 14 ft. in lieu of the required 22 ft. for the existing parking spaces; and
- From 409.8.A.1 to provide design, screening and landscaping to the extent possible where it is not able to conform to the Landscape Manual; and
- For such other and further relief as may be required

7/13/17 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DISMISSED WITHOUT PREJUDICE; and the Petition for Variance was DENIED.

8/21/17 Opinion and Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Petitioner's Motion for Reconsideration was DENIED.

5/18/18 Letter received from Petitioner's Counsel explaining the revised/reduced relief, attaching a red-lined petition, and attaching a red-lined site plan. Relief revised to:
Petition for Special Hearing pursuant to BCZR Section 409.8.B.1 to permit business parking in a residential zone (D.R. 10.5); and
Petition for Variance from Section 409.4.C for a one-way drive aisle of 12.25 feet in lieu of the required 16 feet for 60 degree angled parking spaces.

ASSIGNED FOR: **JUNE 12, 2018 AT 9:00 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.
- 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.

Amended Notice of Reassignment
In the matter of: CGX Life Sciences, Inc.
Case number: 17-302-SPHA
May 23, 2018
Page 2

- 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

c: Counsel for Petitioner

Petitioner

: David H. Karceski, Esquire and
Adam M. Rosenblatt, Esquire
: CGX Life Sciences, Inc.

Carole Demilio, Deputy People's Counsel

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney



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

May 14, 2018

NOTICE OF REASSIGNMENT

IN THE MATTER OF: CGX Life Sciences, Inc.
7458 German Hill Road
17-302-SPHA 12th Election District; 7th Councilmanic District

Re: Petition for Special Hearing pursuant to § 500.7 of the BCZR as follows:
- From § 409.8.B.1 to permit use of land in a residential zone (DR 10.5) for a business parking facility; and
- For such other and further relief as may be required

Petition for Variance as follows:

- From 409.4.C to provide a two-way drive aisle with a width of 14 ft. in lieu of the required 22 ft. for the existing parking spaces; and
- From 409.8.A.1 to provide design, screening and landscaping to the extent possible where it is not able to conform to the Landscape Manual; and
- For such other and further relief as may be required

7/13/17 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DISMISSED WITHOUT PREJUDICE; and the Petition for Variance was DENIED.

8/21/17 Opinion and Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Petitioner's Motion for Reconsideration was DENIED.

ASSIGNED FOR: **JUNE 12, 2018 AT 9:00 A.M.**

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

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Krysundra "Sunny" Cannington, Administrator

Notice of Reassignment
In the matter of: CGX Life Sciences, Inc.
Case number: 17-302-SPHA
May 14, 2018
Page 2

c: Counsel for Petitioner
Petitioner

: David H. Karceski, Esquire and
Adam M. Rosenblatt, Esquire
: CGX Life Sciences, Inc.

Carole Demilio, Deputy People's Counsel

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney

Krysundra Cannington

From: Krysundra Cannington
Sent: Tuesday, May 08, 2018 1:43 PM
To: David Karceski, Esquire; Peoples Counsel
Cc: Adam Rosenblatt Esquire; Wheatley, Rebecca
Subject: CGX Life Sciences

Good afternoon,

In an effort to schedule the above referenced matter, I offered possible dates of June 5, 7, 19, and 21. Upon return from my vacation, I had a message that June 7 worked best for Mr. Karceski. After checking with People's Counsel, it appears their office is not available on June 5 or 7th.

Please advise if June 19 or 21 are available.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

Confidentiality Statement

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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 27, 2017

AMENDED NOTICE OF ASSIGNMENT

IN THE MATTER OF: CGX Life Sciences, Inc.
7458 German Hill Road
17-302-SPHA 12th Election District; 7th Councilmanic District

Re: Petition for Special Hearing pursuant to § 500.7 of the BCZR as follows:
- From § 409.8.B.1 to permit use of land in a residential zone (DR 10.5) for a business parking facility; and
- For such other and further relief as may be required

Petition for Variance as follows:

- From 409.4.C to provide a two-way drive aisle with a width of 14 ft. in lieu of the required 22 ft. for the existing parking spaces; and
- From 409.8.A.1 to provide design, screening and landscaping to the extent possible where it is not able to conform to the Landscape Manual; and
- For such other and further relief as may be required

7/13/17 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DISMISSED WITHOUT PREJUDICE; and the Petition for Variance was DENIED.

8/21/17 Opinion and Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Petitioner's Motion for Reconsideration was DENIED.

The hearing scheduled on October 4, 2017 has been postponed. This matter will convene for hearing as

ASSIGNED ON: **OCTOBER 18, 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.
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Krysundra "Sunny" Cannington, Administrator

Amended Notice of Assignment
In the matter of: CGX Life Sciences, Inc.
Case number: 17-302-SPHA
September 14, 2017
Page 2

c: Counsel for Petitioner

Petitioner

: David H. Karceski, Esquire and
Adam M. Rosenblatt, Esquire
: CGX Life Sciences, Inc.

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

Krysundra Cannington

From: Krysundra Cannington
Sent: Wednesday, September 27, 2017 8:36 AM
To: David Karceski, Esquire; Carole Demilio
Cc: Peoples Counsel
Subject: CGX Life Sciences, Inc.
Attachments: Ltr to Counsel re postponement.pdf; Amended Assignment Notice.pdf

Good morning Counsel,

Attached please find the cover letter and Amended Assignment Notice.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

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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 27, 2017

SENT VIA EMAIL AND REGULAR MAIL

David Karceski, Esquire
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, MD 21204

Re: In the matter of: CGX Life Sciences, Inc.
Case No: 17-302-SPHA

Dear Mr. Karceski:

We are in receipt of your letter requesting that the hearing on October 4, 2017 be postponed. You also requested that the hearing on October 18, 2017 in this matter remain scheduled.

We are also in receipt of Ms. Demilio's letter offering no objection to the October 4th postponement and reserving her right to object to the October 18th hearing pending review of your revisions to the site plan.

Please be advised that your request for postponement of the October 4th hearing is granted. At this time, we will keep the October 18, 2017 hearing as scheduled. Enclosed please find an Amended Notice of Assignment.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

cc: Carole S. Demilio, Esquire/Deputy People's Counsel for Baltimore County (via email and hand delivery)



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

September 26, 2017

HAND DELIVERED

Andrew Belt, Chairman
Board of Appeals of Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

Re: CGX Life Sciences
7458 German Hill Road
Case No.: 2017-302-SPHA



Dear Chairman Belt,

We have met with Mr. Karceski and spoken with an interested citizen about this case. Our office does not oppose the October 4th postponement.

We do reserve the right to comment, or object, to proceeding on October 18th with the proposed revisions to the site plan, depending on the extent of the revisions, and the position of the interested citizens and Community Association.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Carole S. Demilio".

Carole S. Demilio
Deputy People's Counsel for Baltimore County

cc: David Karceski, Esquire (sent via email)
Nora Boblitz

David H. Karceski

t 410.494.6285
f 410.821.0147
dhkarceski@venable.com

September 26, 2017

HAND-DELIVERED

Andrew M. Belt, Chairman
County Board of Appeals for Baltimore County
Suite 203, Jefferson Building
105 West Chesapeake Avenue
Towson, MD 21204



Re: CBA Case No. 17-302-SPHA
Property: 7458 German Hill Road
12th Election District, 7th Councilmanic District

Dear Mr. Belt:

On behalf of my client CGX Life Sciences, Inc., I am writing to request a postponement of the above-captioned matter, which is scheduled to be heard by the Board of Appeals on October 4 and 18, 2017. My client is in the process of revising the site plan that will be presented for the Board's consideration in this case and would like some additional time to discuss the site plan with the Berkshire Community Association ("Berkshire"). I, therefore, am respectfully requesting that the Board postpone the hearing to October 18th to allow my client time to work on the site plan and discuss it with Berkshire.

Thank you for your consideration of this request.

Very truly yours,

A handwritten signature in dark ink, appearing to read "David H. Karceski", written over a horizontal line.

David H. Karceski

DHK/lct

cc: Carole S. Demilio, Office of People's Counsel
Krysundra Cannington, Administrator for
County Board of Appeals for Baltimore County
Adam M. Rosenblatt, Esquire

Krysundra Cannington

From: Karceski, David H. <DKarceski@Venable.com>
Sent: Tuesday, September 26, 2017 9:34 AM
To: Krysundra Cannington
Cc: Rosenblatt, Adam M.; Peoples Counsel
Subject: Case No. 17-302-SPHA (7458 German Hill Road)

Hello Sunny

Attached is my request for postponement in the above-referenced matter.

My understanding is that Ms. Demilio and her office do not object to this request. I have copied her on this e-mail.

Thank you,

David

David Karceski, Esq. | Venable LLP
t 410.494.6285 | f 410.821.0147 | m 443.956.7425
Towson: 210 W. Pennsylvania Avenue, Ste. 500, Towson, MD 21204
Baltimore: 750 East Pratt Street, Ste. 900, Baltimore, MD 21201

This electronic mail transmission may contain confidential or privileged information. If
you believe you have received this message in error, please notify the sender by reply
transmission and delete the message without copying or disclosing it.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE BOARD
AND VARIANCE *
7458 German Hill Road; N/S German Hill Rd,* OF APPEALS
335' from c/line Loalan Avenue
12th Election & 7th Councilmanic Districts * FOR
Legal Owner(s): CGX Life Sciences Inc *
Petitioner(s) * BALTIMORE COUNTY
* 2017-302-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.



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 13th day of September, 2017, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire & Adam Rosenblatt, Esquire, Venable LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 14, 2017

AMENDED NOTICE OF ASSIGNMENT

IN THE MATTER OF: CGX Life Sciences, Inc.
7458 German Hill Road
17-302-SPHA 12th Election District; 7th Councilmanic District

Re: Petition for Special Hearing pursuant to § 500.7 of the BCZR as follows:

- From § 409.8.B.1 to permit use of land in a residential zone (DR 10.5) for a business parking facility; and
- For such other and further relief as may be required

Petition for Variance as follows:

- From 409.4.C to provide a two-way drive aisle with a width of 14 ft. in lieu of the required 22 ft. for the existing parking spaces; and
- From 409.8.A.1 to provide design, screening and landscaping to the extent possible where it is not able to conform to the Landscape Manual; and
- For such other and further relief as may be required

7/13/17 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DISMISSED WITHOUT PREJUDICE; and the Petition for Variance was DENIED.

8/21/17 Opinion and Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Petitioner's Motion for Reconsideration was DENIED.

ASSIGNED FOR: **OCTOBER 4, 2017, at 10:00 a.m. – Day 1 and**
OCTOBER 18, 2017, at 10:00 a.m. – Day 2

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.
- 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.
- 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

Amended Notice of Assign
In the matter of: CGX Life Sciences, Inc.
Case number: 17-302-SPHA
September 14, 2017
Page 2

c:	Counsel for Petitioner	:	David H. Karceski, Esquire and Adam M. Rosenblatt, Esquire
	Petitioner	:	CGX Life Sciences, Inc.

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



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 1, 2017

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

CGX Life Sciences, Inc.
7458 German Hill Road
17-302-SPHA 12th Election District; 7th Councilmanic District

Re: Petition for Special Hearing pursuant to § 500.7 of the BCZR as follows:

- From § 409.8.B.1 to permit use of land in a residential zone (DR 10.5) for a business parking facility; and
- For such other and further relief as may be required

Petition for Variance as follows:

- From 409.4.C to provide a two-way drive aisle with a width of 14 ft. in lieu of the required 22 ft. for the existing parking spaces; and
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- For such other and further relief as may be required

7/13/17 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DISMISSED WITHOUT PREJUDICE; and the Petition for Variance was DENIED.

8/21/17 Opinion and Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Petitioner's Motion for Reconsideration was DENIED.

ASSIGNED FOR:

OCTOBER 4, 2017, at 10:00 a.m. – Day 1 and
OCTOBER 5, 2017, at 10:00 a.m. – Day 2

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.
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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: CGX Life Sciences, Inc.
Case number: 17-302-SPHA
September 1, 2017
Page 2

c: Counsel for Petitioner

Petitioner

: David H. Karceski, Esquire and
Adam M. Rosenblatt, Esquire
: CGX Life Sciences, Inc.

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



KEVIN KAMENETZ
County Executive

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

August 30, 2017

David H. Karceski, Esq.
Adam M. Rosenblatt, Esq.
Venable
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204



RE: **APPEAL TO BOARD OF APPEALS**
Case No. 2017-0302-SPHA
Location: 7458 German Hill Road

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this Office on August 28, 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 read "L. Stahl", written over the printed name "LAWRENCE M. STAHL".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County



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

(7458 German Hill Road)

**12th Election District
7th Council District**

**CGX Life Sciences, Inc.
*Legal Owner / Petitioner***

* **BEFORE THE**
* **OFFICE OF**
* **ADMINISTRATIVE HEARINGS**
* **FOR BALTIMORE COUNTY**

*
* **Case No. 2017-0302-SPHA**

*

*

* * * * *

NOTICE OF APPEAL

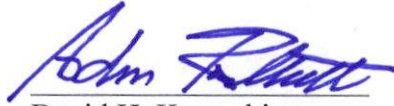
Appellant CGX Life Sciences, Inc., by undersigned counsel, in accordance with Section 32-3-401 of the Baltimore County Code, files this Notice of Appeal from the final decision of the Administrative Law Judge ("ALJ") denying Appellant's Petition for Special Hearing and Variance as outlined in the Administrative Law Judge's Opinion and Order dated July 13, 2017 and in the Opinion and Order on Motion for Reconsideration dated August 21, 2017. The Orders are attached hereto and incorporated herein as Exhibit A.

1. In compliance with Rule 3(a) of the Rules of Practice and Procedure of County Board of Appeals, Appellant states its name and mailing address as follows:

CGX Life Sciences, Inc.
8 Sailors Way
Red Bank, NJ 07701

2. Appellant files concurrently with this Notice of Appeal a check made payable to Baltimore County to cover the costs of the appeal.

Respectfully submitted



David H. Karceski
Adam M. Rosenblatt
Venable, LLP
210 W. Pennsylvania Avenue
Suite 500
Towson, Maryland 21204
(410) 494-6200
Attorneys for Appellant

EXHIBIT A

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(7458 German Hill Road)	*	OFFICE OF
12 th Election District		
7 th Council District	*	ADMINISTRATIVE HEARINGS
CGX Life Sciences, Inc.	*	FOR BALTIMORE COUNTY
Legal Owner		
Petitioner	*	Case No. 2017-0302-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 CGX Life Sciences, Inc., legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) From § 409.8.B.1 to permit use of land in a residential zone (DR 10.5) for a business parking facility; and (2) For such other and further relief as may be required by the Administrative Law Judge for Baltimore County. In addition, a Petition for Variance was filed seeking the following: (1) From § 409.4.C to provide a two-way drive aisle with a width of 14 ft. in lieu of the required 22 ft. for the existing parking spaces; (2) From § 409.8.A.1 to provide design, screening and landscaping to the extent possible where it is not able to conform to the Landscape Manual; and (3) For such other and further relief as may be required by the Administrative Law Judge for Baltimore County. A site plan was marked and accepted into evidence as Petitioner's Exhibit 2.

Professional engineer Rick Richardson appeared in support of the requests. Andrew H. Robinson, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from

the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Both agencies opposed one or more of the zoning requests.

The subject property is 14,999 sq. ft. (0.344 acres) in size and split-zoned BL, DR 10.5 and DR 1. The site is improved with a two-story brick building which was constructed in 1955. The history of the site is not entirely clear, although Mr. Richardson believes a barber shop was operated at the property in the not-too-distant past. Petitioner proposes to operate a cannabis dispensary at the site, although zoning relief is required before it may do so.

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).

Mr. Richardson, a professional engineer accepted as an expert, was the sole witness in Petitioner's case. While he explained in detail the site plan he prepared for this project, and documented with photographs (Petitioner's Exhibit 4) the existing conditions and environs, he did not provide testimony which would satisfy the requirements for variance relief under *Cromwell* and similar case law. Under Maryland law, variances should be granted "sparingly" since it is "an authorization for [that] ...which is prohibited by a zoning ordinance." *Cromwell*, 102 Md. App. at 699. In the absence of such evidence the petition for variance must be denied. The petition for special hearing will be dismissed without prejudice in light of the variance denial.

THEREFORE, IT IS ORDERED this 13th 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 permit use of land in a residential zone (DR 10.5) for a business parking facility, be and is hereby DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Petition for Variance filed pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) From § 409.4.C to provide a two-way drive aisle with a width of 14 ft. in lieu of the required 22 ft. for the existing parking spaces; and (2) From § 409.8.A.1 to provide design, screening and landscaping to the extent possible where it is not able to conform to the Landscape Manual, be and is hereby DENIED.

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

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(7458 German Hill Road)	*	OFFICE OF
12 th Election District		
7 th Council District	*	ADMINISTRATIVE HEARINGS
CGX Life Sciences, Inc.	*	FOR BALTIMORE COUNTY
<i>Legal Owner</i>		
Petitioner	*	Case No. 2017-0302-SPHA

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is Petitioner's Motion for Reconsideration of the July 13, 2017 Order which denied zoning relief.

In its motion, Petitioner contends it has reconfigured the site which allows it to withdraw the variance requests in the original petition. In essence, the drive aisles and landscaping required by B.C.Z.R. §409 now satisfy County requirements, although to do so Petitioner removed five parking spaces at the front of the site. Petitioner now states it will use only the first floor of the existing two-story building on site, which resulted in a revised parking calculation as shown on the revised plan. Petitioner has submitted a revised site plan and approved final landscape plan containing these proposed changes.

Given the scope of the changes, I do not believe I can consider the amended plan and other exhibits submitted with the motion without a public hearing. Maryland State Police v. Zeigler, 330 Md. 540, 560 (1993). I am also concerned that the proposed parking is inadequate for this facility. While it appears the first floor of the building would require only 8 spaces (while 13 spaces are proposed) that does not account for the second story of the structure. Section 409.6 provides that for a retail use "5 [spaces] per 1,000 square feet of gross area" must be provided. While Petitioner contends it will not use the second floor of the structure, I am unaware of any

regulation which would exclude that space from the “gross floor area” of the parking calculations. Therefore, I believe a variance for the number of parking spaces would likely be required.

Finally, the site plan admitted as Exhibit 2 in the original case provides a different deed reference (Note 5) for the subject property than is shown on the approved final landscape plan attached to the motion as Exhibit D. More importantly, Note 4 in the original plan listed “existing building coverage” as 3,139 sq. ft., while the revised plan states the “existing” is 1,922 sq. ft. No explanation is provided for this discrepancy. Originally the proposed floor area for the dispensary was 3,154 sq. ft., while the revised plan states it is now just 1,217 sq. ft. As such, the scope of the enterprise is a little more than one-third the size as originally proposed. In these circumstances I do not believe the motion can be granted.

WHEREFORE, for the foregoing reasons, it is this 21st day of **August, 2017**, by the Administrative Law Judge ordered that Petitioner’s 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.

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln



KEVIN KAMENETZ
County Executive

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

August 21, 2017

David H. Karceski, Esq.
Adam M. Rosenblatt, Esq.
Venable
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: Motion for Reconsideration
Case No. 2017-0302-SPHA
Property: 7458 German Hill 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 a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

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

(7458 German Hill Road) *
12th Election District *
7th Council District *

CGX Life Sciences, Inc. *
Legal Owner *
Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2017-0302-SPHA

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is Petitioner's Motion for Reconsideration of the July 13, 2017 Order which denied zoning relief.

In its motion, Petitioner contends it has reconfigured the site which allows it to withdraw the variance requests in the original petition. In essence, the drive aisles and landscaping required by B.C.Z.R. §409 now satisfy County requirements, although to do so Petitioner removed five parking spaces at the front of the site. Petitioner now states it will use only the first floor of the existing two-story building on site, which resulted in a revised parking calculation as shown on the revised plan. Petitioner has submitted a revised site plan and approved final landscape plan containing these proposed changes.

Given the scope of the changes, I do not believe I can consider the amended plan and other exhibits submitted with the motion without a public hearing. Maryland State Police v. Zeigler, 330 Md. 540, 560 (1993). I am also concerned that the proposed parking is inadequate for this facility. While it appears the first floor of the building would require only 8 spaces (while 13 spaces are proposed) that does not account for the second story of the structure. Section 409.6 provides that for a retail use "5 [spaces] per 1,000 square feet of gross area" must be provided. While Petitioner contends it will not use the second floor of the structure, I am unaware of any

ORDER RECEIVED FOR FILING

Date 8/21/17

By Sen

regulation which would exclude that space from the "gross floor area" of the parking calculations. Therefore, I believe a variance for the number of parking spaces would likely be required.

Finally, the site plan admitted as Exhibit 2 in the original case provides a different deed reference (Note 5) for the subject property than is shown on the approved final landscape plan attached to the motion as Exhibit D. More importantly, Note 4 in the original plan listed "existing building coverage" as 3,139 sq. ft., while the revised plan states the "existing" is 1,922 sq. ft. No explanation is provided for this discrepancy. Originally the proposed floor area for the dispensary was 3,154 sq. ft., while the revised plan states it is now just 1,217 sq. ft. As such, the scope of the enterprise is a little more than one-third the size as originally proposed. In these circumstances I do not believe the motion can be granted.

WHEREFORE, for the foregoing reasons, it is this 21st day of **August, 2017**, by the Administrative Law Judge ordered that Petitioner's 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 8/21/17
By slh



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

(7458 German Hill Road)

**12th Election District
7th Council District**

**CGX Life Sciences, Inc.
*Legal Owner / Petitioner***

* **BEFORE THE**
* **OFFICE OF**
* **ADMINISTRATIVE HEARINGS**
* **FOR BALTIMORE COUNTY**
*
* **Case No. 2017-0302-SPHA**

* * * * *

PETITIONER'S MOTION FOR RECONSIDERATION

Pursuant to Rule 4K of Appendix G of the Baltimore County Zoning Regulations ("BCZR"), Petitioner hereby moves for reconsideration of the July 13, 2017 Order of the Office of Administrative Hearings ("OAH") in the above-captioned matter and states as follows:

INTRODUCTION

This matter came before OAH on July 10, 2017 for consideration of petitions for special hearing and variance for the property known as 7458 German Hill Road (the "Property"). The petition, as presented, requested special hearing relief as follows: (1) From § 409.8.B.1 to permit use of land in a residential zone (DR 10.5) for a business parking facility; and (2) For such other and further relief as may be required by the Administrative Law Judge ("ALJ") for Baltimore County. The variance relief that was requested was three-fold: (1) From § 409.4.C to provide two-way drive aisle with a width of 14 feet in lieu of the required 22 feet for the existing parking spaces; (2) From § 409.8.A.1 to provide design, screening and landscaping to

the extent possible where it is not able to conform to the Landscape Manual; and (3) For such other and further relief as may be required by the ALJ.

Following the hearing, OAH issued a decision that denied the variance requests and, based on the denial of the variances, dismissed the petition for special hearing without prejudice. While there were no Protestants or other interested citizens present at the hearing, the Department of Planning (“DOP”) and Development Plans Review Bureau (“DPR”) issued negative Zoning Advisory Comments that related to the petition for variances. This pleading responds to the OAH Order and proposes an overall solution to the issues raised by the County agencies with respect to this petition.

PROPOSED SOLUTION

I. Withdrawal of Petition for Variances

a. Request for drive aisle variances

As filed, the variance petition sought relief from § 409.4.C of the BCZR for a two-way drive aisle with a width of 14 feet in lieu of the required 22 feet for the existing parking spaces in the front of the Property along German Hill Road. The DOP opposed this request, and the relief was denied by the ALJ. Rather than ask the ALJ to reconsider this decision, Petitioner has reconfigured the site plan to provide the minimum drive aisle widths required by § 409.4.C of the BCZR. *See* Exhibit A. While the plan presented at the hearing depicted a 14-foot access strip off of German Hill Road, the revised site plan shows a 22-foot access strip as well as a 20-foot drive aisle around the side of the existing building and a 22-foot drive aisle between the parking spaces in the rear of the Property. All of the drive aisles on the revised plan comply with Section 409.4.C of the BCZR. Accordingly, Petitioner is withdrawing this request for variance. *See* Revised Petition attached hereto as Exhibit B.

b. Request for Landscaping Variance

A concern shared by the DOP and DPR in this case was that, without sharing the exact plans or details, Petitioner sought a variance to provide landscaping/screening "to the extent possible" where Petitioner is not able to comply with the technical requirements of the Baltimore County Landscape Manual. When Petitioner did not have a landscape plan signed by the Baltimore County Landscape Architect at the public hearing, the ALJ was left without the ability to assess the potential impact of the reduced landscaping requirement and/or whether the proposed landscaping would satisfy the County agencies.

Rather than ask OAH to reconsider its denial of this variance, Petitioner worked with Baltimore County's Landscape Architect to obtain a waiver of certain standards contained in the Baltimore County Landscape Manual. In addition to the approved waiver, the Landscape Architect approved Petitioner's Final Landscape Plan. The approved waiver application and Final Landscape Plan are respectively attached hereto as Exhibits C and D. As the County's Landscape Architect has now reviewed and approved the proposed landscaping for the Property, as shown on the attached exhibits, Petitioner is able to withdraw its request for variance from § 409.8.A.1 of the BCZR. The revised petition therefore removes all of the variances that were previously sought by the Petitioner. *See Exhibit B.*

II. Reconsideration of the Petition for Special Hearing

After denying the variances that are no longer requested by the Petitioner, the ALJ denied the special hearing portion of this petition without prejudice. The special hearing relief concerned a request for business parking in a residential zone. There are a number of requirements contained in § 409.8.B.2 of the BCZR that must be met in order to obtain this relief. Each of these requirements is individually addressed below.

a. The land so used adjoins and is part of the Property

As required by § 409.8.B.2.a, the proposed parking is located on the Property as the Property is split-zoned. The rear half of the Property is zoned DR 10.5, and, as such, the request in this case involves a portion of the Property rather than an off-site location.

b. Only passenger vehicles will use the facility

The use proposed for the Property is a medical cannabis dispensary, which is permitted by right in the BL zone. *See* BCZR § 4D-102. As required by § 409.8.B.2.b, the proposed parking is for passenger vehicles of employees and patients of the proposed facility. The only vehicles that will park in the residentially zoned portion of the Property are passenger vehicles utilizing the proposed medical cannabis dispensary.

c. No loading, service or any use other than parking shall be permitted.

As shown on the revised site plan, the proposed “Loading Space” is located in the BL zoned portion of the Property on the west side of the existing building. *See* Exhibit A. No loading, service, or any other use other than parking will take place in the residentially-zoned portion of the Property. The entire building that will house the dispensary is located in the commercially-zoned portion of the Property.

d. Lighting shall be regulated as to location, direction, hours of illumination, glare and intensity.

In its Zoning Advisory Comment, DPR requested that if the zoning relief is granted, a Lighting Plan be required for the Property. Petitioner has no objection to this requirement being made a condition of the relief in this case. The lighting for this facility will meet current standards to ensure that the illumination, glare and intensity of the lighting are controlled to minimize impact on the surrounding properties.

e. The revised site plan shows a parking arrangement and vehicular access that complies with all zoning regulations.

Petitioner is now proposing to conduct its operations in 1,217+/- square feet of the existing building space. As indicated in Note 13 on the revised site plan, Petitioner is no longer proposing to utilize the second floor of the existing building. *See Exhibit A.* The parking proposed in the DR 10.5 portion of the Property will be used to satisfy the requirements of Section 409.6 of the BCZR. The proposed parking arrangement and vehicular access meet all zoning requirements and do not require any other relief from Baltimore County. Accordingly, Petitioner respectfully submits that this requirement has been met.

f. Method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required.

As stated at the hearing, the hours of operation for the proposed facility are 9:00 a.m. to 8:00 p.m. Monday through Sunday. *See Exhibit A.* The parking area will only be used during this time period, and will be maintained to ensure that employee and customer vehicles can safely and effectively use the parking area on the Property.

g. The request meets the requirements of § 409.8.B and should be granted.

For the reasons stated above, Petitioner respectfully requests that the ALJ reconsider the decision to deny the petition for special hearing without prejudice and grant the requested relief.

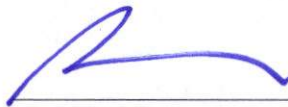
CONCLUSION

The revised petition and site plan offer a solution to the issues raised by the County agencies in their Zoning Advisory Comments. The revised plan relies only on a special hearing to approve the use of the rear of the split-zoned Property for parking to serve the commercially-zoned front of the Property. Petitioner respectfully submits that, as demonstrated in this

pleading and testified to in part at the public hearing, the requirements for a business parking facility in a residential zone have been met and the relief should be granted.

If, however, the ALJ does not believe that this pleading provides sufficient information on which to grant the requested special hearing, Petitioner respectfully requests that, pursuant to the authority granted to the ALJ by Rule 4.K, OAH set this matter in for an additional hearing where testimony can be provided in support of the revised site plan and petition for special hearing.

Respectfully submitted,



David H. Karceski
Adam M. Rosenblatt
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204
(410) 494-6825
dkarceski@venable.com

**REVISED ATTACHMENT TO
PETITION FOR SPECIAL HEARING**

RELIEF REQUESTED

1. Special Hearing pursuant to BCZR Section 409.8.B.1 to permit business parking in a residential zone (DR 10.5); and
2. Also, for such further relief as the Administrative Law Judge may require.

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

AND VARIANCE

(7458 German Hill Road) *

12th Election District *

7th Council District *

CGX Life Sciences, Inc. *

Legal Owner

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2017-0302-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 CGX Life Sciences, Inc., legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) From § 409.8.B.1 to permit use of land in a residential zone (DR 10.5) for a business parking facility; and (2) For such other and further relief as may be required by the Administrative Law Judge for Baltimore County. In addition, a Petition for Variance was filed seeking the following: (1) From § 409.4.C to provide a two-way drive aisle with a width of 14 ft. in lieu of the required 22 ft. for the existing parking spaces; (2) From § 409.8.A.1 to provide design, screening and landscaping to the extent possible where it is not able to conform to the Landscape Manual; and (3) For such other and further relief as may be required by the Administrative Law Judge for Baltimore County. A site plan was marked and accepted into evidence as Petitioner's Exhibit 2.

Professional engineer Rick Richardson appeared in support of the requests. Andrew H. Robinson, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from

ORDER RECEIVED FOR FILING

Date

7/13/17

By

ser

the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Both agencies opposed one or more of the zoning requests.

The subject property is 14,999 sq. ft. (0.344 acres) in size and split-zoned BL, DR 10.5 and DR 1. The site is improved with a two-story brick building which was constructed in 1955. The history of the site is not entirely clear, although Mr. Richardson believes a barber shop was operated at the property in the not-too-distant past. Petitioner proposes to operate a cannabis dispensary at the site, although zoning relief is required before it may do so.

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).

Mr. Richardson, a professional engineer accepted as an expert, was the sole witness in Petitioner's case. While he explained in detail the site plan he prepared for this project, and documented with photographs (Petitioner's Exhibit 4) the existing conditions and environs, he did not provide testimony which would satisfy the requirements for variance relief under *Cromwell* and similar case law. Under Maryland law, variances should be granted "sparingly" since it is "an authorization for [that] ...which is prohibited by a zoning ordinance." *Cromwell*, 102 Md. App. at 699. In the absence of such evidence the petition for variance must be denied. The petition for special hearing will be dismissed without prejudice in light of the variance denial.

THEREFORE, IT IS ORDERED this 13th day of **July, 2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County

ORDER RECEIVED FOR FILING

Date 7/13/17
By sen

Zoning Regulations ("B.C.Z.R.") to permit use of land in a residential zone (DR 10.5) for a business parking facility, be and is hereby DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Petition for Variance filed pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) From § 409.4.C to provide a two-way drive aisle with a width of 14 ft. in lieu of the required 22 ft. for the existing parking spaces; and (2) From § 409.8.A.1 to provide design, screening and landscaping to the extent possible where it is not able to conform to the Landscape Manual, 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

7/13/17

By

slh



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 7458 West German Hill Road which is presently zoned DR 10.5/B.L.
Deed References: 35726/37*** 10 Digit Tax Account # 12-12-060-182
Property Owner(s) Printed Name(s) CGX Life Sciences, Inc.

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ 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 Attached

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

3. ☒ a **Variance** from Section(s)

See Attached

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

***Deed reference is for the previous owner. Current Deed reference is unavailable as of the date of filing.

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

Legal Owners (Petitioners):

CGX Life Sciences, Inc.

By: Elizabeth Stavola

N/A

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

P.O. Box 468,

Rumson,

New Jersey

Mailing Address

City

State

07760

Zip Code

Telephone #

132-233-1758

Email Address

Attorney for Petitioner:

Andrew H. Robinson, Esq., Offit Kurman, PA

Name- Type or Print

Signature

8171 Maple Lawn Blvd, Fulton, MD

Mailing Address

City

State

20759

Zip Code

301-575-0321

Telephone #

arobinson@offitkurman.com

Email Address

Representative to be contacted:

Andrew H. Robinson, Esq., Offit Kurman, PA

Name - Type or Print

Signature

8171 Maple Lawn Blvd, Fulton, MD

Mailing Address

City

State

20759

Zip Code

301-575-0321

Telephone #

arobinson@offitkurman.com

Email Address

CASE NUMBER

2017-0302-SP4D

Filing Date

5/9/17

Do Not Schedule Dates:

Reviewer

JP

**ATTACHMENT TO PETITION
FOR
SPECIAL HEARING AND VARIANCE**

7458 West German Hill Road
12th Election District

Special Hearing Relief:

1. To permit use of land in a residential zone (DR 10.5) for a business parking facility pursuant to BCZR § 409.8.B.1.
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Variance Relief:

1. To provide a two-way drive aisle with a width of ¹⁴~~18~~ in lieu of the required 22' for the existing parking spaces pursuant BCZR § 409.4.C.
2. To provide design, screening, and landscaping to the extent possible where it is not able to conform to Landscape Manual pursuant to BCZR § 409.8.A.1.

~~3. To permit the proposed nonresidential parking facility to have a setback of 0' in lieu of the required 10' to the right-of-way line of a public street pursuant to BCZR § 409.8.A.4.~~

- 3**~~4.~~ For such other and further relief as may be required by the Administrative Law Judge for Baltimore County

**ZONING DESCRIPTION FOR
7458 GERMAN HILL ROAD
12TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the North side of German Hill Road (57' wide) 335 feet from the centerline intersection of Loalan Avenue, thence binding on the north side right-of-way of German Hill Road; (1) South 77 degrees 18 minutes 55 seconds West 86.96 feet; thence leaving said right-of-way for the following courses and distances (2) North 61 degrees 52 minutes 55 seconds East 83.82 feet; (3) South 28 degrees 07 minutes 05 seconds East 160.95 feet to the point of beginning;

Containing a net area of 12,521 square feet, or 0.287 acres of land, more or less.



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF
MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2017.



KEVIN KAMENETZ
County Executive

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

June 8, 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: 2017-0302-SPHA

7458 West German Hill Road
12th Election District – 7th Councilmanic District
Legal Owners: CGX Life Sciences, Inc.

Special Hearing to permit use of a land in a residential zone (DR 10.5) for a business parking facility; for such other and further relief as may be required by the Administrative Law Judge for Baltimore County. **Variance** to provide a two-way drive aisle with a width of 14 ft. in lieu of the required 22 ft. for the existing parking spaces; and to provide design, screening and landscaping to the extent possible where it is not able to conform to Landscape Manual; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, July 10, 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 circular stamp.

Arnold Jablon
Director

AJ:kl

C: Andrew Robinson, 8171 Maple Law Blvd., Fulton 20759
Elizabeth Stavola, P.O. Box 468, Rumson, New Jersey 07760

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 20, 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.**



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 5019764

Sold To:

CGX Life Sciences Inc - CU00605109
PO Box 468
Rumson, NJ 07760-0468

Bill To:

CGX Life Sciences Inc - CU00605109
PO Box 468
Rumson, NJ 07760-0468

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

Jun 20, 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: # 2017-0302-SPHA
7458 West German Hill Road

12th Election District - 7th Councilmanic District
Legal Owner(s) CGX Life Sciences, Inc.

Special Hearing to permit use of a land in a residential zone (DR 10.5) for a business parking facility; for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Variance to provide a two-way drive aisle with a width of 14 ft. in lieu of the required 22 ft. for the existing parking spaces; and to provide design, screening and landscaping to the extent possible where it is not able to conform to Landscape Manual; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, July 10, 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.

JT 6/703 June 20 5019764

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

2017-0302-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

CGX Life Sciences, Inc.

July 10, 2017

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

7458 West German Hill Road

June 20, 2017

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

June 20, 2017

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

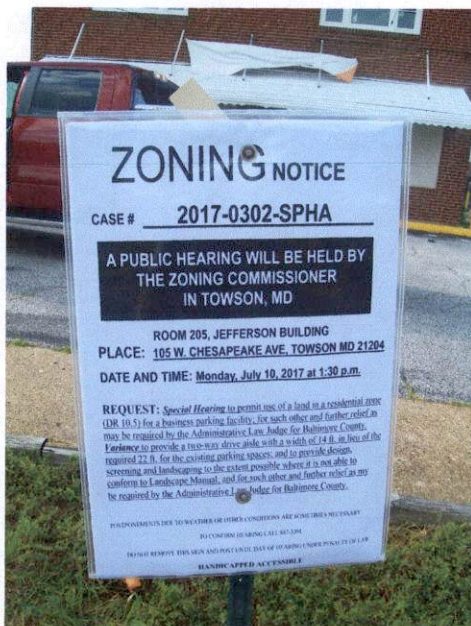
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
7458 German Hill Road; N/S German Hill Rd,	*	OF ADMINISTRATIVE
335' from c/line Loalan Avenue		
12 th Election & 7 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): CGX Life Sciences Inc		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2017-302-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.

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

RECEIVED

MAY 16 2017

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 Andrew H. Robinson, Esquire, Offit Kurman, P.A., 8171 Maple Lawn Blvd, Fulton, Maryland 20759, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**ZONING DESCRIPTION FOR
7458 GERMAN HILL ROAD
12TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the North side of German Hill Road (57' wide) 335 feet from the centerline intersection of Loalan Avenue, thence binding on the north side right-of-way of German Hill Road; (1) South 77 degrees 18 minutes 55 seconds West 86.96 feet; thence leaving said right-of-way for the following courses and distances (2) North 61 degrees 52 minutes 55 seconds East 83.82 feet; (3) South 28 degrees 07 minutes 05 seconds East 160.95 feet to the point of beginning;

Containing a net area of 12,521 square feet, or 0.287 acres of land, more or less.



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF
MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2017.

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

№ 153062

Date: 5/9/17

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS	Acct	Amount
				Source/	Rev/					
001	800	0000		615						1,000

Total: 1,000

Rec From: E/12-15-47 Staveland

For: 7458 MI-st 6-10000 1471 Def.
Case # 2017-0302-0000

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
5/09/2017 5/09/2017 11:10:16 2
REG W002 WALKIN JEE
>>RECEIPT # 009020 5/09/2017 QFLM
Dept 5 528 ZONING VERIFICATION
CR NO. 153062
Recpt Tot \$1,000.00
\$1,000.00 CR \$0.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

July 3, 2017

Elizabeth Stavola
P O Box 468
Rumson NJ 07760

RE: Case Number: 2017-0302 SPHA, Address: 7458 West German Hill Road

Dear Ms. Stavola:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 9, 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.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Andrew H Robinson, Esquire, Offit Kurman, PA, 8171 Maple Lawn Boulevard
Fulton MD 20759

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. 2017-0302-SPHA

*Special Hearing, Variance
CGX Life Sciences, Inc, Elizabeth Strevola
7458 Germantown Hill Road W.*

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

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 # 2017-0302-SPHA
Address 7458 German Hill Road
(CGX Life Sciences, Inc. Property)

Zoning Advisory Committee Meeting of May 22, 2017

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

Reviewer: Steve Ford Date: 5-17-2017

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 22, 2017
Item No. 2017-0302

DATE: May 31, 2017

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

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

Variance # 2 (related to Landscaping) is not acceptable or supported.

* * * * *

VKD: CEN
cc:file
ZAC-ITEM NO 17-0302-05222017.doc

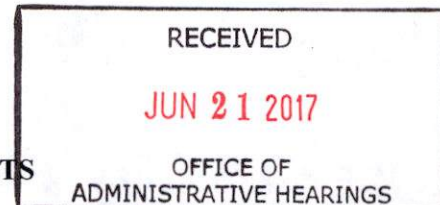
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 6/16/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-302



INFORMATION:

Property Address: 7458 German Hill Road
Petitioner: Elizabeth Stavola
Zoning: BL, DR 10.5, DR 1
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve the use of land for business parking in a residential zone and the petition for variance to provide a two-way drive aisle with a width of 14' in lieu of the required 22' and to provide design, screening, and landscaping to the extent possible where it is not able to conform to Baltimore County Landscape Manual.

A site visit was conducted on May 23, 2017. The immediate environs include a single family attached dwelling contiguously located to the east being 40 feet more or less removed building to building, a Baltimore County recreational site to the north containing tennis courts and a playground, cemetery use to the south with a convenience store immediately to the west. Proceeding another 85 feet more or less further west of the subject property is situated 7448 German Hill Road, site of the Merritt Hill Plaza accommodating a church and children's learning center.

The Department cannot support granting the petitioned zoning relief.

The Petitioner seeks variance relief to the requirements of the Baltimore County Landscape Manual and instead proposes providing design, screening and landscaping "to the extent possible". That notwithstanding, no proposed design, screening and landscaping of any kind is shown on the submitted site plan. By seeking to establish commercial parking in the residential zone, the petitioner's proposal will diminish the minimal separation now existent adjacent to the Baltimore County recreational site. The Department cannot evaluate the requested zoning relief without a proposed landscape plan to assess the impacts of the proposed non-residential parking. With the requested landscape relief, the resulting landscaping should still serve to mitigate the impacts from the non-residential use on the immediately adjacent residential and park uses.

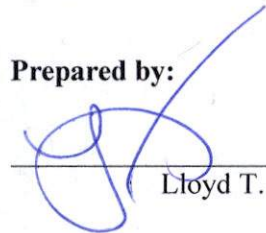
The plan proposes two points where the drive aisle width is to be less than the required 22'. The Department cannot support a 20' wide drive aisle at the side of the building as that is a self-imposed hardship due to the location of the proposed addition. Lacking an understanding of any proposed landscaping layout further prevents the Department from making recommendation on the requested variance relief on the 14' drive aisle width. It is the observation of the Department that a single entrance is sufficient to provide ingress and egress to the site. By eliminating an entrance, more opportunity is

afforded for landscaping. The plan indicates signage will conform to the Baltimore County Zoning Regulations (BCZR). Freestanding enterprise signs are permitted in the BL zone. Lacking any indication of sign type and location the Department cannot recommend that the location of signage in the area of the reduced 14' wide drive aisle would not adversely constrict vehicular movement possible causing safety issues in the travelway.

Through inquiry, staff has confirmed that the proposed principal use of the property will be as a Medical Cannabis Dispensary. The site plan submitted in support of the instant petition is successful in identifying adjacent uses but fails to identify the proposed principal Medical Cannabis Dispensary use of the subject site. The indication of existing and proposed uses is a requirement on all site plans submitted for public hearing. This serves to inform the citizens of Baltimore County of land use proposals in their community. BCZR Art. 4D, addressing said Medical Cannabis Dispensary use, establishes specific separation criteria between the subject dispensary and any public or private elementary, middle or high school and other medical cannabis dispensaries. The submitted site plan fails to certify these locational requirements are being met.

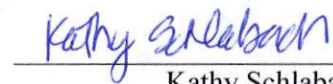
For further information concerning the matters stated herein, please contact Lloyd T. Moxley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Josephine Selvakumar

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Andrew H. Robinson, Esquire

Office of the Administrative Hearings

People's Counsel for Baltimore County

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

No 143340

Date:

8/28/17

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

Total:

530.00

Rec
From:

Verable LLP

For:

7458 Germantown Hill Rd

2017-0302-SPHA

CK# 467311

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME BRW

8/30/2017 8/28/2017 14:33:24 5

REG MS05 WALKIN LRB

>>RECEIPT # 914766 8/28/2017 OFLN

Rept 5 528 ZONING VERIFICATION

CR NO. 1433470

Recpt Tot \$530.00

\$530.00 CK \$1.00 CA

Baltimore County, Maryland

CASHIER'S
VALIDATION

CASE NAME 2017-302
CASE NUMBER _____
DATE July 10, 2017

[illegible]

Case No.:

2017-0302-SPHA

Exhibit Sheet

7-13-17
Sen

Petitioner/Developer

Protestants

No. 1	Richardson CV	
No. 2	Site plan (redline)	
No. 3	Zoning verif. letter	
No. 4	Photos	
No. 5	Final landscape plan	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Patrick C. Richardson, Jr., PE

EDUCATION

BSCE University of Delaware, 1982

Professional Engineer in Maryland 1988, Virginia 1993, Washington DC 1997, Delaware 1997

WORK EXPERIENCE

October 1999 to Present, Richardson Engineering, LLC

Owner of engineering firm specializing in Commercial and Residential Land Development. Work includes preparation of zoning plats, site development plans and project management for site development projects. Projects including: Cockeysville Elementary School PAL Center, Soukup Arena Recreation Center in Honeygo, Club House for Roland Run Club, Pizza Hut Stores in Baltimore and Anne Arundel Counties, Giant Food Stores in Baltimore City and County, Krispy Kreme Stores in Maryland, Verizon switch station expansions in Maryland, Parkway 100 and Techwood Center in Anne Arundel County, and Columbia Technology Campus in Howard County, Elkridge Crossing mixed use development in Howard County.

July 1999 to September 1999, Purdum and Jeschke, LLC

Chief engineer responsible for preparation of layout and construction documents for commercial land developments. Work included preparation of zoning plats, site development plans and project management for sites in Maryland. Projects including: Loyola College play fields, Baltimore City, Md.; St Paul's Lutheran Church, Baltimore Co.; Red Star Yeast, Baltimore City; Giant Food Stores in Baltimore City.

February 1997 to June 1999, William Monk, Inc.

Chief engineer responsible for preparation of layout and construction documents for commercial land developments. Work included preparation of zoning plats, site development plans and project management for sites in Maryland and Washington DC.

Major projects including: Edmondson Square Shopping Center, Baltimore City, Md. Amoco Oil Company, sites in Baltimore, Anne Arundel, Prince George's, Howard and Baltimore City. Chick-fil-A Restaurant, Baltimore, Anne Arundel and Frederick Co., Md. International Trade Center Office Warehouse, Anne Arundel Co. Md. KFC Restaurants in Maryland and Washington DC.

April 1986 to Jan. 1997, STV Incorporated

Project Manager in the Site Development Department. Responsible for supervision of the preparation of design documents for the department, including review and sealing all documents submitted to reviewing agencies.

Major projects including: The New International Terminal at BWI Airport: Responsible for management of the civil aspects of the site construction including airfield taxiway and hardstand construction, reconstruction of the existing roadways and extension of the upper level roadway bridge to service the building addition. FILA Warehouse - 650,000 SF warehouse in Brandon Woods Industrial Park, Anne Arundel County, Md. Work included coordination with ongoing infrastructure grading, utilities, construction and sediment control for the adjacent activities. FILA Warehouse - 500,000 SF warehouse in Holabird Industrial Park, Baltimore City, Md. Work included getting permission to construct across Municipal Utilities, and Chesapeake Bay Critical Area mitigation. Amoco Oil Company Convenience Mart on Route 140 and Sandymount Road, Carroll County, Md. Blockbuster Video - New store in Jacksonville, Baltimore County, Md. EXXON Company USA - Demolish and Rebuild Belvedere and



York Roads, Baltimore City, Md. Parkway Crossing Shopping Center - Work included reconstruction for several stores, and a new culvert and access from Perring Parkway including a State Highway Access Permit and WRA approval. Old Dominion Freight Lines - 25,000 SF Addition to existing warehouse, Howard County, Md. Ashton Meadows 300 unit apartment complex in Howard County, Md. Sunrise House of Towson 56 unit three story assisted living facility, Baltimore County, Md. SCM Chemicals Hawkins Point Plant Numerous projects including (2) million gallon tanks and secondary containment, chlorinator replacement, railroad track improvements, technical center building addition and secondary containment for existing tanks. Work included a stormwater management master plan for the facility, Chesapeake Bay Critical Area mitigation and railroad track design. National Gypsum - Canton Plant expansion including dock improvements, storm water management for the Chesapeake Bay Critical Area, grading, utilities, and sediment control. Bayview Medical Campus - Design of infrastructure for the first phase of development of the campus including 0.6 mile road and utilities, and a 19 acre park with a pond.

February 1985 to March 1986, Spellman, Larson and Associates
Engineer/Designer/Draftsman for land development projects in Baltimore County

May 1982 to January 1985, CBI Industries
Engineer for construction of steel plate structures. Field engineer responsible for layout of materials, and coordination with field personnel. Worked on the Peach Bottom No. 2 Recirculation and Reheat Piping Replacement preparing procedures and policies for the construction and field supervision of the work.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 3/22/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-302

INFORMATION:

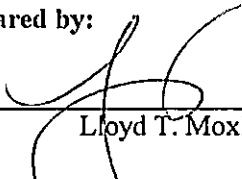
Property Address: 7458 German Hill Road
Petitioner: Elizabeth Stavola
Zoning: BL, DR 10.5, DR 1
Requested Action: Special Hearing, Variance

The Department of Planning is in receipt of a revised "Plan to Accompany Zoning Petition" dated 10-13-2017 accompanied by an approved Landscape Plan and cover letter from Adam Rosenblatt, Esq.

The Department has no objection to granting variance relief to allow a one-way drive aisle to have a width of 12.25 feet in lieu of the required 16' when proposing 60-degree angled parking and the special hearing to approve the use of land in a residential zone (DR 10.5) for a business parking facility pursuant to BCZR 409.8.B.1. as presented on the revised plan dated 10-13-2017.

For further information concerning the matters stated herein, please contact Lloyd T. Moxley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Josephine Selvakumar

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Adam Rosenblatt, Esquire

Office of the Administrative Hearings

People's Counsel for Baltimore County

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. 2017-0302

DATE: Revised April 18, 2018
May 31, 2017

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

These are **revised comments** based on the Revised "Plan to Accompany Zoning Petition dated 10-13-17 and the Department of Planning updated comments dated 3-22-18.

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

* * * * *

VKD: CEN
cc:file
ZAC-ITEM NO 17-0302-05222017.doc

Petitioner
CBA Exhibit

7B

Board of Appeals

Case No: 17-302 SPHA Case Name: CGX Life Sciences

Exhibit List

Party: Petitioner Date: 6/12/18

Exhibit No:	Description:
✓1	Corvet Plan / Redlined
✓2	Patrick Richardson, CU
✓3	- Former Plan Reel by ALJ
✓4	- Aerial Photo
✓5	Photos a'
✓6	Landscape Plan
✓7A	County Comments
✓7B	County Comments
	VERIFIED BY <u>KC</u> DATE: <u>6/12/18</u>

Human & Rohde, Inc.
landscape architects/land planners

JOHN C. ROHDE, RLA
SALLY MALENA, RLA
LYNETTE PINHEY, RLA
DEVIN LEARY, RLA

512 VIRGINIA AVENUE
TOWSON, MD 21286
TEL: (410) 825-3885
FAX: (410) 825-3887

July 27, 2017

Mr. Arnold Jablon, Director, Deputy Administrative Officer
Department of Permits, Approval & Inspections
111 West Chesapeake Avenue, Room 119
Towson, Maryland 21204

Re: Request for Modification to the Landscape Manual / Greenmart – 7458 German Hill Road

Dear Mr. Jablon:

We are requesting a modification to the General Standards of the Landscape Manual for the above referenced project. The proposed use is a medical marijuana dispensary. There is a commercial building on-site which will remain unchanged and the remainder of the site is paved with an existing garage to the rear. The proposal will remove paving at the front of the building and provide greenspace including lawn areas and landscaping which will greatly improve the condition of the street frontage. This removal of paving and parking along the frontage is in response to County Agency comments. The garage at the rear of the site is in poor condition and will be removed to allow for an additional three parking spaces to offset parking lost along the frontage. The three proposed spaces will align with existing parking along the rear property line. There is currently no landscape buffer between the existing parking and the adjacent park property to the north.

A 10 foot wide landscape strip is required between the three new parking spaces and the adjacent property. With site constraints including the existing building and aligning with existing parking it is not possible to meet the setback requirement. We are requesting a modification to allow a landscape strip width of 4' to 10' feet adjacent to the rear property line. Landscaping is provided within the available area and a 6' fence is also proposed. Additional planting is also provided throughout the site to improve the overall aesthetic. We believe the design solution that we are proposing addresses the intent of the landscape manual.

Approval Signature:


Mr. Arnold Jablon
Director of Permits, Approvals and Inspections
Deputy County Administration Officer

8/2/17
Date

Sincerely,


Devin Leary, ASLA PLA
Human & Rohde, Inc.

RECEIVED

JUL 28 2017

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

Human & Rohde, Inc.
landscape architects/land planners

JOHN C. ROHDE, RLA
SALLY MALENA, RLA
LYNETTE PINHEY, RLA

512 VIRGINIA AVENUE
TOWSON, MD 21286
TEL: (410) 825-3885
FAX: (410) 825-3887

July 27, 2017

APPROVED Final Landscape Plans
Baltimore County
Dept. of Permits, Approvals & Inspections

LANDSCAPE COST ESTIMATE

GREENMART
7458 German Hill Road
Dundalk, MD 21222

 
Name _____ Date _____

Planting Costs

	<u>Qty.</u>	<u>Unit Price</u>	<u>Subtotal</u>
Major deciduous:	4	\$400	\$ 1,600
Minor deciduous trees:	4	\$200	\$ 800
Evergreen trees:	3	\$180	\$ 540
Shrubs:	129	\$60	\$ 7,740
Groundcover	165	\$4	<u>\$ 660</u>
		TOTAL:	\$11,340



RECEIVED
JUL 28 2017
DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

Krysundra Cannington

From: Krysundra Cannington
Sent: Wednesday, December 27, 2017 10:02 AM
To: 'Rosenblatt, Adam M.'
Subject: RE: Case No. 17-302-SPHA

Hi Adam,

Thank you for your email.

Happy holidays!

Sunny

From: Rosenblatt, Adam M. [mailto:AMRosenblatt@Venable.com]
Sent: Wednesday, December 27, 2017 9:17 AM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Cc: Karceski, David H. <DKarceski@Venable.com>
Subject: CGX: Case No. 17-302-SPHA

Hi Sunny,

I wanted to let you know that we are working with the County agencies on a revised plan and will be ready to schedule this case in the near future.

Thank you for your patience, and please feel free to contact us any time for an update.

Adam M. Rosenblatt, Esq. | Venable LLP
t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | http://secure-web.cisco.com/1wo7R9lty9fJApWlhoCMIwYY-pnShsAa_0mvpMGMJ8nHPalgZ4yXYxkVz8XWZUKPXA1H1M-tmrIaMAiLIVUiC1Qo-yJfa8ZatCvEw7SPHhVGBKpLwmYn0qXCHrhMHd7ijBQFP0Sod4Wt7P9CpHbYSDwgOePMUjqJPyNcfnGZ3uwzivnB3LO3XBTIDnPFcVrjojobzXjhMjNXRYOrP4rKse5GCPXo_fWe8OX8AIM_hMR0N1EGSBF-ECRY25Yfm-TOloQ_yUEs-PyO9G1_smguCBgZ3loUBnIX83hWxz4OPy_m0KSkZSGfFfPnbdqkQdi8GZ91w_tQR2uOB23agXw4LDPxAqcFVPf5KfBhVxR-Bu6o4Slt8sAxaQs92hoAn_20RUWfAvx58y68l7YBDn2DxLegVZL19JHSo222Co3WgINJTALPDHYsax9ObiualB9OK8TCsTR2TgSDTv8W5t2RPA/htp%3A%2F%2Fwww.Venable.com

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Krysundra Cannington

From: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Sent: Wednesday, December 27, 2017 9:17 AM
To: Krysundra Cannington
Cc: Karceski, David H.
Subject: CGX: Case No. 17-302-SPHA

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t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | http://secure-web.cisco.com/1wo7R9lty9fJApWlhoCMIwYY-pnShsAa_0mvpMGMJ8nHPalgZ4yXYxkVz8XWZUkPXA1H1M-tmrlaMAiLIVUic1Qo-yJfa8ZatCyEw7SPHVGbKpLwmYn0qXCHrhMHd7ijBQFP0Sod4Wt7P9CpHbYSDwgOePMUjqJPYNcfhGZ3uwzivnB3LO3XBTIDnPFcVrjojobzXjhMjNXRYOrP4rKse5GCPXo_fWe8OX8AIM_hMR0N1EGSBF-ECRY25Yfm-TOLoQ_yUEs-PyO9G1_smguCBgZ3loUBnlX83hWxz4OPy_m0KSkZSGfFfPnbdqkQdi8GZ91w_tQR2uOB23agXw4LDPxAqcFVPf5KfBhVxR-Bu6o4Slf8sAxaQs92hoAn_20RUWfAvx58y68l7YBDn2DxLegVZL19JHSo222Co3WglNJTALPDHYsax9ObiualB9OK8TCsTR2TqSDTv8W5t2RPA/htp%3A%2F%2Fwww.Venable.com

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Krysundra Cannington

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To: Krysundra Cannington
Cc: Karceski, David H.
Subject: CGX: Case No. 17-302-SPHA

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Thank you for your patience, and please feel free to contact us any time for an update.

Adam M. Rosenblatt, Esq. | Venable LLP
t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | http://secure-web.cisco.com/1wo7R9lty9fJApWlhoCMIwYY-pnShsAa_0mvpMGMJ8nHPalqZ4yXYxkVz8XWZUkPXA1H1M-tmrIaMAiLIVUic1Qo-yJfa8ZatCvEw7SPHVGbKpLwmYn0qXCHrhMHd7ijBQFP0Sod4Wt7P9CpHbYSDwgOePMUjqJPyNcfGZ3uwzivnB3LO3XBTIDnPFcVrjojobzXjhMjNXRYOrP4rkse5GCPXo_fWe8OX8AIM_hMR0N1EGSBF-ECRY25Yfm-TOlOQ_yUEs-PyO9G1_smguCBgZ3loUBnIX83hWxz4OPy_m0KSkZSGIFfPnbdqkQdi8GZ91w_tQR2uOB23agXw4LDPxAqcFVPf5KfBhVxR-Bu6o4SI8sAxaQs92hoAn_20RUWfAvx58y68I7YBDn2DxLegVZL19JHSo222Co3WqIJTALPDHYsax9ObiualB9OK8TCsTR2TqSDTv8W5t2RPA/htp%3A%2F%2Fwww.Venable.com

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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

December 7, 2017

David Karceski, Esquire
Adam M. Rosenblatt, Esquire
Venable, LLP
210 W. Pennsylvania Avenue, Ste 500
Towson, Maryland 21204

Re: In the Matter of: CGX Life Sciences, Inc.
Case No.: 17-302-SPHA

Dear Counsel:

The above referenced matter, was scheduled to be heard beginning October 4, 2017 and was postponed to allow time for the reconfiguration of your case.

The purpose of this letter is to request the current status and to determine if the matter needs to be set in for a hearing.

Thanking you in advance for your time and assistance in this matter. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Sunny Cannington

Krysundra "Sunny" Cannington
Administrator

c: People's Counsel for Baltimore County

Tammy Zahner

From: Tammy Zahner
Sent: Thursday, October 12, 2017 2:09 PM
To: 'Maureen Murphy'; 'Jay West'; 'Joseph Evans'
Subject: CGX Life Sciences - POSTPONED

Panel,

The CGX Life Science case scheduled for Wednesday, October 18, 2017 has been POSTPONED at the request of counsel. Sunny will be in touch when she returns about rescheduling.

Please let me know if you have any questions.

Tammy A. Zahner, Legal Secretary
Board of Appeals of Baltimore County
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
(410) 887-3182 (Fax)

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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 13, 2017

NOTICE OF POSTPONEMENT

IN THE MATTER OF: CGX Life Sciences, Inc.
7458 German Hill Road
17-302-SPHA 12th Election District; 7th Councilmanic District

Re: Petition for Special Hearing pursuant to § 500.7 of the BCZR as follows:

- From § 409.8.B.1 to permit use of land in a residential zone (DR 10.5) for a business parking facility; and
- For such other and further relief as may be required

Petition for Variance as follows:

- From 409.4.C to provide a two-way drive aisle with a width of 14 ft. in lieu of the required 22 ft. for the existing parking spaces; and
- From 409.8.A.1 to provide design, screening and landscaping to the extent possible where it is not able to conform to the Landscape Manual; and
- For such other and further relief as may be required

7/13/17 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DISMISSED WITHOUT PREJUDICE; and the Petition for Variance was DENIED.

8/21/17 Opinion and Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Petitioner's Motion for Reconsideration was DENIED.

This matter was assigned for Wednesday, October 18, 2017 and has been postponed. It will be rescheduled to a later date.

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.
- 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.
- 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 Postponement
In the matter of: CGX Life Sciences, Inc.
Case number: 17-302-SPHA
October 13, 2017
Page 2

c: Counsel for Petitioner

Petitioner

: David H. Karceski, Esquire and
Adam M. Rosenblatt, Esquire
: CGX Life Sciences, Inc.

Office of People's Counsel
Andrea Van Arsdale, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
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

Tammy Zahner

From: Maureen Murphy <maureen@murphyslaw.bz>
Sent: Thursday, October 12, 2017 1:36 PM
To: Tammy Zahner
Subject: RE: CGX Life Sciences

No objection! Postpone away.....

Maureen E. Murphy, Esquire
Murphy & Murphy, LLC
14 North Rolling Road
Catonsville, MD 21228
(410)744-4967

From: Tammy Zahner [mailto:tzahner@baltimorecountymd.gov]
Sent: Thursday, October 12, 2017 1:33 PM
To: Maureen Murphy
Subject: CGX Life Sciences

Hi Maureen,

Attached is a request to postpone the October 18th hearing for CGX Life Sciences due to a change in use (no longer a Medical Cannabis Dispensary).

I don't want to wait for Sunny to return Monday since the hearing is Wednesday. You are the panel chair – do you have any objections? If not, I will get the postponement notice out in tomorrow's mail.

Tammy A. Zahner, Legal Secretary
Board of Appeals of Baltimore County
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
(410) 887-3182 (Fax)

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CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

T 410.494.6825
F 410.821.0147
dkarceski@venable.com

October 12, 2017

Via Hand Delivery

Krysundra "Sunny" Cannington
Board of Appeals of Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204



Re: CGX Life Sciences, Inc.
Case No. 2017-0302-SPHA

Dear Ms. Cannington:

We are writing to request a postponement of the above-referenced case, which was previously set for a hearing on Wednesday October 18, 2017.

The Owner/Petitioner was originally proposing zoning relief to redevelop the site for use as a Medical Cannabis Dispensary. We no longer are proposing this use, and are simply seeking zoning relief to accommodate retail uses on the property.

As such, we are in the process of reconfiguring portions of the site plan and meeting with the County agencies to confirm that the redesigned plan is acceptable to Baltimore County. While the change in use should make the hearing much more simple and straightforward, we will not be able to finalize the site plan and have the necessary meetings before October 18.

Accordingly, we are respectfully requesting a brief postponement of the hearing in this case. We will require approximately two weeks to accomplish our tasks, so this matter can be set for the first hearing date that is available to the Board.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Adam Rosenblatt".

David H. Karceski
Adam M. Rosenblatt

cc: Carole Demilio

T 410.494.6271
F 410.821.0147
amrosenblatt@venable.com

May 18, 2018

Via Hand Delivery

Krysundra "Sunny" Cannington
Board of Appeals of Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

Re: CGX Life Sciences, Inc.
7458 German Hill Road
12th Election District, 7th Council District

Dear Ms. Cannington:

I am writing to explain the revised/reduced relief that the petitioner is requesting in the above-referenced matter. I am attaching a red-lined petition showing that one of the requested variances is eliminated and the other variance is reconfigured to improve the layout of the property. This revision was the result of meetings with the Department of Planning and coordination with the Office of People's Counsel. I am also attaching a revised site plan that reconfigures the parking spaces in the front of the property and a revised ZAC comment from the Department of Planning supporting the relief requested in this petition.

When the Notice of Reassignment is issued and posted, the Notice should reflect the changes to the requested relief.

Thank you for your time and attention.

Very truly yours,



David H. Karceski
Adam M. Rosenblatt

cc: Carole Demilio, Esq., w/enclosures



**REVISED ATTACHMENT TO
PETITION FOR SPECIAL HEARING AND VARIANCE**

SPECIAL HEARING RELIEF REQUESTED

1. Special Hearing pursuant to BCZR Section 409.8.B.1 to permit business parking in a residential zone (DR 10.5); and
2. Also, for such further relief as the Administrative Law Judge may require.

VARIANCE RELIEF REQUESTED

- ~~1. From § 409.4.C to provide a two-way driving aisle with a width of 14 ft. in lieu of the required 22 ft. for the existing spaces.~~
- ~~2. From § 409.8.A.1 to provide design, screening and landscaping to the extent possible where it is not able to conform to the Landscape Manual~~
3. Variance from Section 409.4.C for a one-way drive aisle of 12.25 feet in lieu of the required 16 feet for 60 degree angled parking spaces.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 3/22/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-302

INFORMATION:

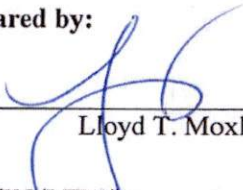
Property Address: 7458 German Hill Road
Petitioner: Elizabeth Stavola
Zoning: BL, DR 10.5, DR 1
Requested Action: Special Hearing, Variance

The Department of Planning is in receipt of a revised "Plan to Accompany Zoning Petition" dated 10-13-2017 accompanied by an approved Landscape Plan and cover letter from Adam Rosenblatt, Esq.

The Department has no objection to granting variance relief to allow a one-way drive aisle to have a width of 12.25 feet in lieu of the required 16' when proposing 60-degree angled parking and the special hearing to approve the use of land in a residential zone (DR 10.5) for a business parking facility pursuant to BCZR 409.8.B.1. as presented on the revised plan dated 10-13-2017.

For further information concerning the matters stated herein, please contact Lloyd T. Moxley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Josephine Selvakumar

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Adam Rosenblatt, Esquire

Office of the Administrative Hearings

People's Counsel for Baltimore County

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>5-31</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>5-17</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
<u>6-16</u>	PLANNING (if not received, date e-mail sent _____)	<u>Cannot Support</u>
<u>5-15</u>	STATE HIGHWAY ADMINISTRATION	<u>No obj.</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>6-20-17</u>	
SIGN POSTING	Date: <u>6-20-17</u> by <u>Black</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Account Identifier:		District - 12 Account Number - 1212060182								
Owner Information										
Owner Name:		CGX LIFE SCIENCES INC			Use:		COMMERCIAL			
Mailing Address:		8 SAILORS WAY RED BANK NJ 07701-			Principal Residence:		NO			
					Deed Reference:		/38931/ 00022			
Location & Structure Information										
Premises Address:		7458 GERMAN HILL RD DUNDALK 21222-			Legal Description:		.343 AC NS GERMAN HILL RD 5280 E OF BEVERLY RD			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0103	0005	0537		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		
1955		2416				12,288 SF		06		
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation			
		RETAIL STORE								
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2016		07/01/2016		07/01/2017		
Land:		122,800		122,800						
Improvements		113,000		122,600						
Total:		235,800		245,400		239,000		242,200		
Preferential Land:		0						0		
Transfer Information										
Seller: LUKAS STANLEY				Date: 05/05/2017		Price: \$500,000				
Type: ARMS LENGTH IMPROVED				Deed1: /38931/ 00022		Deed2:				
Seller: LOUCAS WILLIAM E				Date: 01/06/2015		Price: \$200,000				
Type: NON-ARMS LENGTH OTHER				Deed1: /35726/ 00037		Deed2:				
Seller: LOUCAS WILLIAM E				Date: 12/13/1996		Price: \$0				
Type: NON-ARMS LENGTH OTHER				Deed1: /11939/ 00691		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						
Homestead Application Information										
Homestead Application Status: No Application										

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No
Application

Date:

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 20, 2017 Issue - Jeffersonian

Please forward billing to:
Elizabeth Stavola
CGX Life Sciences, Inc.
P.O. Box 468
Rumson, New Jersey 07760

732-233-1758

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: 2017-0302-SPHA

7458 West German Hill Road
12th Election District – 7th Councilmanic District
Legal Owners: CGX Life Sciences, Inc.

Special Hearing to permit use of a land in a residential zone (DR 10.5) for a business parking facility; for such other and further relief as may be required by the Administrative Law Judge for Baltimore County. **Variance** to provide a two-way drive aisle with a width of 14 ft. in lieu of the required 22 ft. for the existing parking spaces; and to provide design, screening and landscaping to the extent possible where it is not able to conform to Landscape Manual; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, July 10, 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.

**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 twenty (20) 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: 2017-0302-SPH A

Property Address: 7458 W. German Hill Rd, Dundalk, MD 21222

Property Description: N/S of W. German Will Rd, 1,100 feet west of Merritt Blvd

Legal Owners (Petitioners): CGX Life Sciences, Inc.

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Elizabeth Stavola

Company/Firm (if applicable): CGX Life Sciences, Inc.

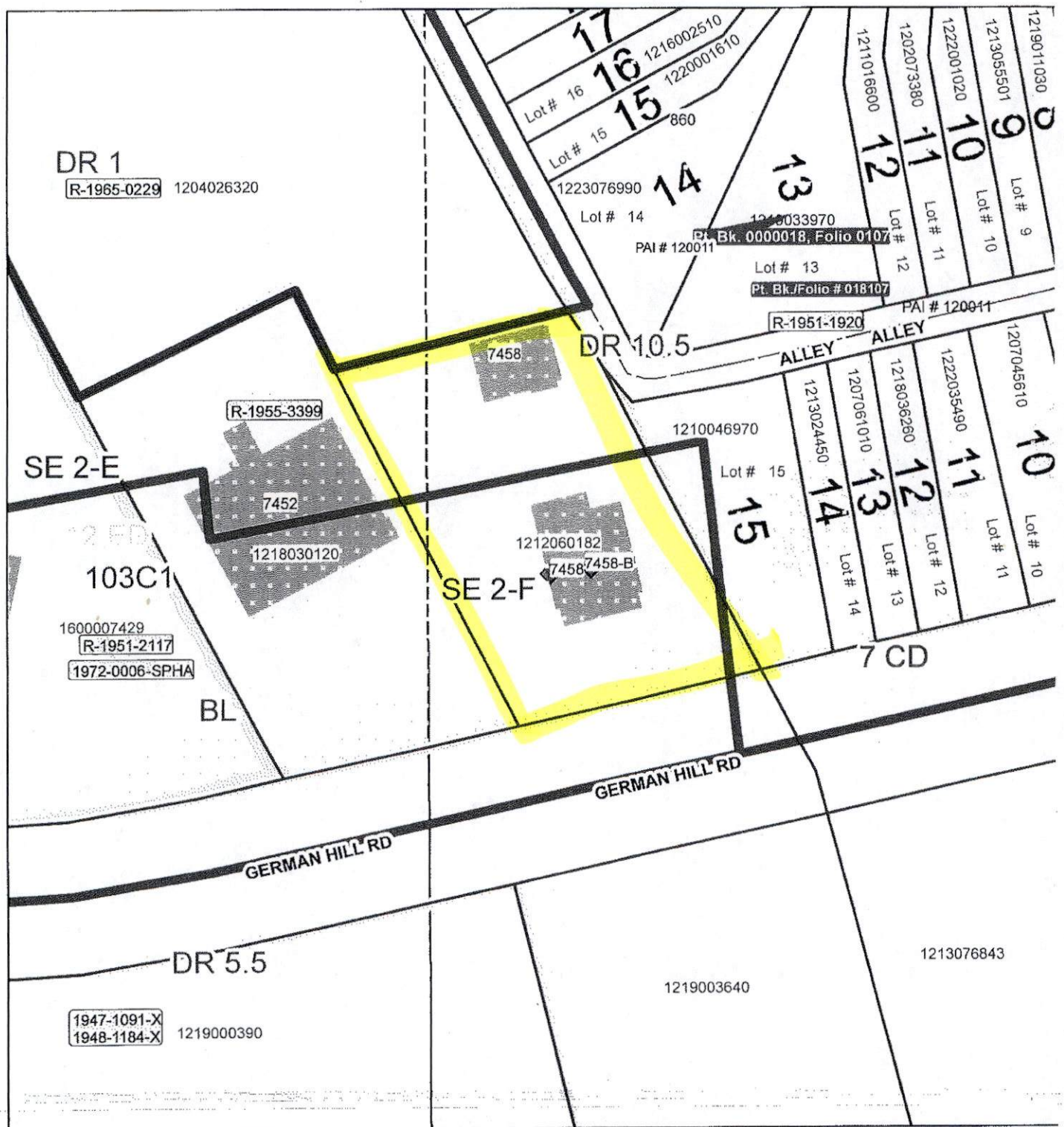
Address: P.O. Box 468

Rumson, New Jersey 07760

Telephone Number: 732-233-1758

Revised 7/9/2015

7458 West German Hill Road, Tax #12-12-060-182



Publication Date: 2/16/2017



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



0 12.525 50 75 100 Feet

1 inch = 50 feet

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

tel. 410-560-1502
fax 443-901-1208

Patrick C. Richardson, Jr., PE

Petitioner
CBA Exhibit

EDUCATION

BSCE University of Delaware, 1982

Professional Engineer in Maryland 1988, Virginia 1993, Washington DC 1997, Delaware 1997

WORK EXPERIENCE

October 1999 to Present, Richardson Engineering, LLC

Owner of engineering firm specializing in Commercial and Residential Land Development. Work includes preparation of zoning plats, site development plans and project management for site development projects. Projects including: Cockeysville Elementary School PAL Center, Soukup Arena Recreation Center in Honeygo, Club House for Roland Run Club, Pizza Hut Stores in Baltimore and Anne Arundel Counties, Giant Food Stores in Baltimore City and County, Krispy Kreme Stores in Maryland, Verizon switch station expansions in Maryland, Parkway 100 and Techwood Center in Anne Arundel County, and Columbia Technology Campus in Howard County, Elkridge Crossing mixed use development in Howard County.

July 1999 to September 1999, Purdum and Jeschke, LLC

Chief engineer responsible for preparation of layout and construction documents for commercial land developments. Work included preparation of zoning plats, site development plans and project management for sites in Maryland. Projects including: Loyola College play fields, Baltimore City, Md.; St Paul's Lutheran Church, Baltimore Co.; Red Star Yeast, Baltimore City; Giant Food Stores in Baltimore City.

February 1997 to June 1999, William Monk, Inc.

Chief engineer responsible for preparation of layout and construction documents for commercial land developments. Work included preparation of zoning plats, site development plans and project management for sites in Maryland and Washington DC.

Major projects including: Edmondson Square Shopping Center, Baltimore City, Md. Amoco Oil Company, sites in Baltimore, Anne Arundel, Prince George's, Howard and Baltimore City. Chick-fil-A Restaurant, Baltimore, Anne Arundel and Frederick Co., Md. International Trade Center Office Warehouse, Anne Arundel Co. Md. KFC Restaurants in Maryland and Washington DC.

April 1986 to Jan. 1997, STV Incorporated

Project Manager in the Site Development Department. Responsible for supervision of the preparation of design documents for the department, including review and sealing all documents submitted to reviewing agencies.

Major projects including: The New International Terminal at BWI Airport: Responsible for management of the civil aspects of the site construction including airfield taxiway and hardstand construction, reconstruction of the existing roadways and extension of the upper level roadway bridge to service the building addition. FILA Warehouse - 650,000 SF warehouse in Brandon Woods Industrial Park, Anne Arundel County, Md. Work included coordination with ongoing infrastructure grading, utilities, construction and sediment control for the adjacent activities. FILA Warehouse - 500,000 SF warehouse in Holabird Industrial Park, Baltimore City, Md. Work included getting permission to construct across Municipal Utilities, and Chesapeake Bay Critical Area mitigation. Amoco Oil Company Convenience Mart on Route 140 and Sandymount Road, Carroll County, Md. Blockbuster Video - New store in Jacksonville, Baltimore County, Md. EXXON Company USA - Demolish and Rebuild Belvedere and

6/12/18 17-302-SPHA

PET. Ex. No. 2

York Roads, Baltimore City, Md. Parkway Crossing Shopping Center - Work included reconstruction for several stores, and a new culvert and access from Perring Parkway including a State Highway Access Permit and WRA approval. Old Dominion Freight Lines - 25,000 SF Addition to existing warehouse, Howard County, Md. Ashton Meadows 300 unit apartment complex in Howard County, Md. Sunrise House of Towson 56 unit three story assisted living facility, Baltimore County, Md. SCM Chemicals Hawkins Point Plant Numerous projects including (2) million gallon tanks and secondary containment, chlorinator replacement, railroad track improvements, technical center building addition and secondary containment for existing tanks. Work included a stormwater management master plan for the facility, Chesapeake Bay Critical Area mitigation and railroad track design. National Gypsum - Canton Plant expansion including dock improvements, storm water management for the Chesapeake Bay Critical Area, grading, utilities, and sediment control. Bayview Medical Campus - Design of infrastructure for the first phase of development of the campus including 0.6 mile road and utilities, and a 19 acre park with a pond.

February 1985 to March 1986, Spellman, Larson and Associates

Engineer/Designer/Draftsman for land development projects in Baltimore County

May 1982 to January 1985, CBI Industries

Engineer for construction of steel plate structures. Field engineer responsible for layout of materials, and coordination with field personnel. Worked on the Peach Bottom No. 2 Recirculation and Reheat Piping Replacement preparing procedures and policies for the construction and field supervision of the work.



KEVIN KAMENETZ
County Executive

February 27, 2017

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

Lindsay C. Schube
Gammage & Burnham, P.L.C.
Two North Central Avenue, 15th Floor
Phoenix, Arizona 85004-4470

Re: Zoning Verification, 7458 West German Hill Road, 12th Election District
Tax ID No. 12-12-060-182

To whom it may concern:

Your recent letter to this office regarding the above referenced property was forwarded to me for reply. Based upon the information provided and my review of the available zoning records, the following has been determined.

The subject property is currently zoned B.L. (Business Local) and DR 10.5 (Density Residential – 10.5 dwelling units per acre) as shown on the official 2016 Baltimore County zoning map 103C1 (copy enclosed). The property is not located within a Commercial Revitalization District. A medical cannabis dispensary is permitted by right in the BL zone as per Section 4D-102.A.1 of the BCZR. The north half of the property is zoned DR 10.5. The use of medical cannabis dispensary in the DR 10.5 is not permitted and commercial parking in residential zone need a petition for Special Hearing. Off-street parking for a medical cannabis dispensary is calculated as 5 parking spaces per 1000 sq. ft. gross floor area of the building. On street parking does not count towards the required off-street parking.

The Division of Code Inspections and Enforcement has indicated that there are no current or outstanding violations associated with the subject address at this time. If you require additional information regarding code violations, you may call 410-887-3351. Provided the property was developed and occupied in accordance with a Baltimore County approved development plan, and all subsequent construction permit applications adhered to the approved development plan, then all current uses, parking, and structures meet the requirements of the BCZR and the present uses and structures on the property are in compliance with the applicable zoning regulations. Please contact Mr. Glen Berry at 410-887-3953 regarding Certificate of Occupancy.

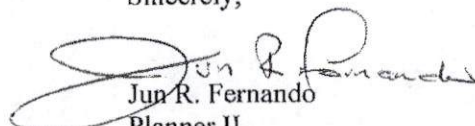
Pursuant to Section 104 and Section 305 of the BCZR, any structure damaged to any extent or destroyed by fire or other casualty may be restored within two years after such destruction. In the event that the building is non-conforming, then the structures can be rebuilt as was but may not be enlarged.

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

I trust that the information set forth in this letter is sufficiently detailed and responsive to your request. If you need further information or have any questions, I can be reached at 410-887-3391.



Sincerely,


Jun R. Fernando
Planner II
Zoning Review

JRF/klEnclosure

Zoning Review | County Office Building

111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048

www.baltimorecountymd.gov



tabbles[®] EXHIBIT
- 16





EXHIBIT

tabbles

- 2





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EXHIBIT
- 4



EXHIBIT
-5





EXHIBIT
-7

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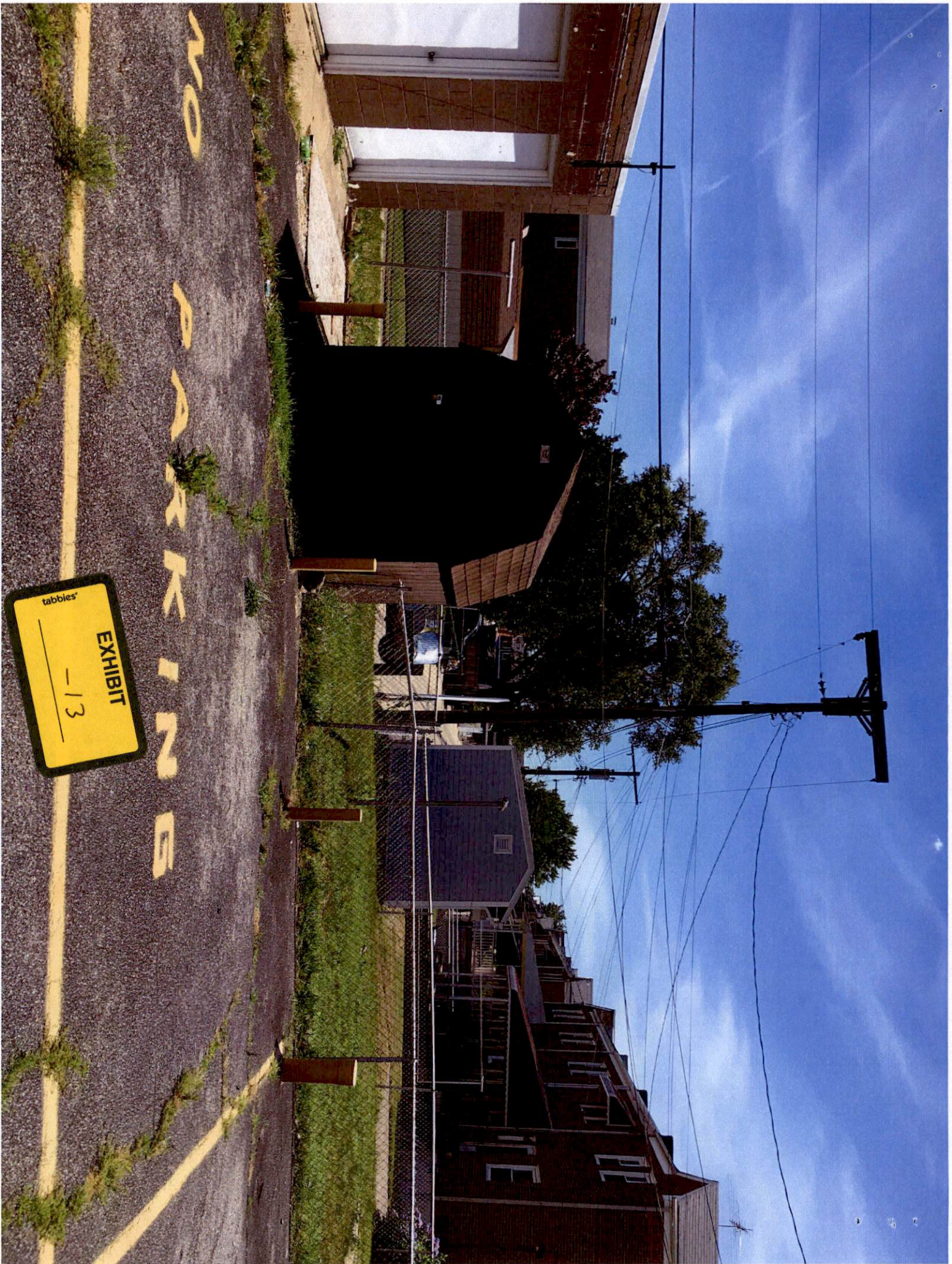
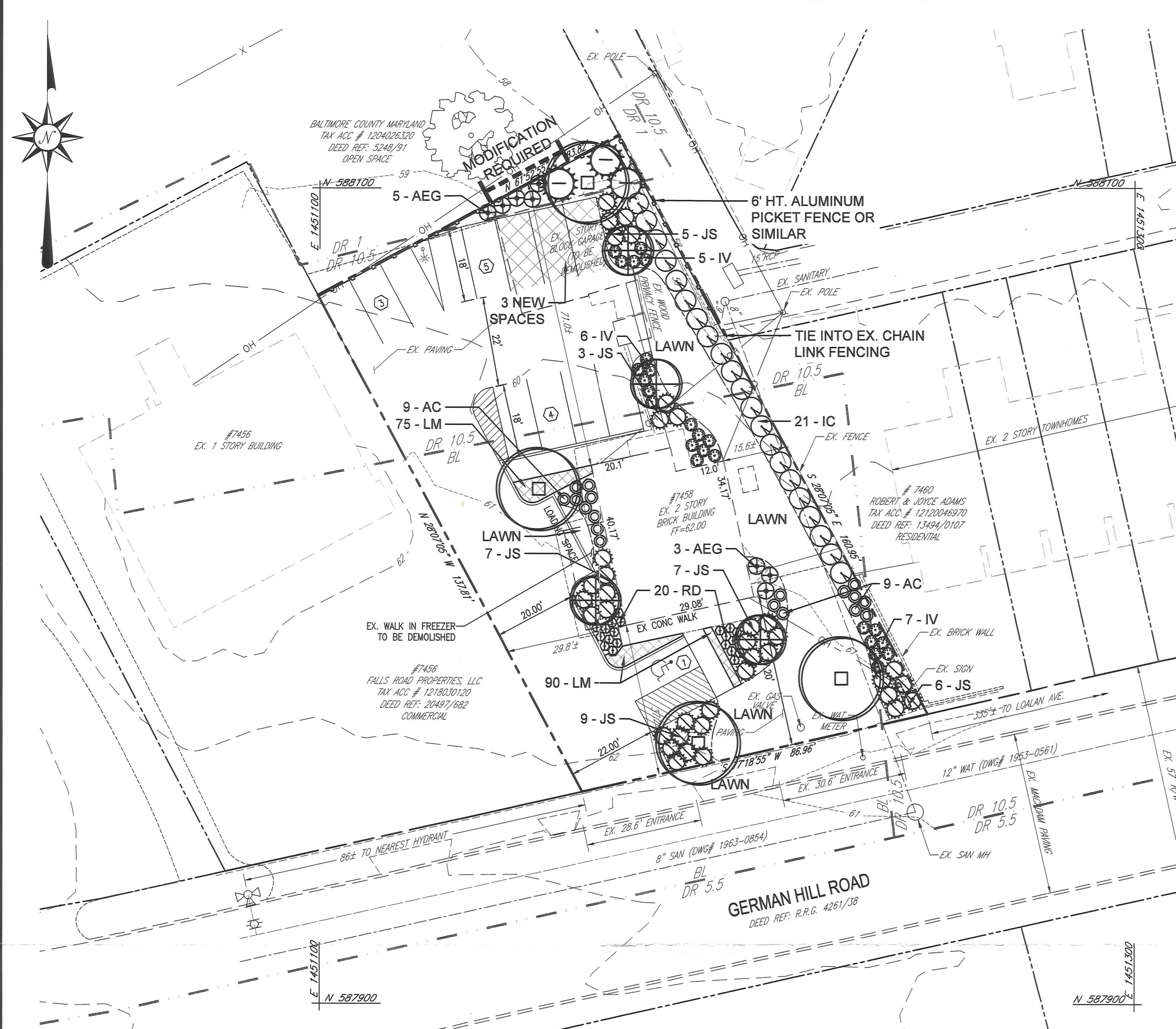




EXHIBIT
-14





LANDSCAPE PLAN



PLANTING SCHEDULE

KEY	QTY.	BOTANICAL NAME COMMON NAME	SIZE	COND.	REMARKS
	4	ACER X FREEMANII 'AUTUMN BLAZE' AUTUMN BLAZE RED MAPLE	2" - 2 1/2" CAL.	B&B	FULL SPECIMEN HEADED TO 6' HT
	3	ILEX 'NELLIE R. STEVENS' NELLIE STEVENS HOLLY	8'-9" HT.	B&B	FULL, HEAVY SPACED 8' O.C.
	4	LAGERSTROEMIA X 'MIAMI' MIAMI CRAPE MYRTLE	9-10' HT.	B&B	FULL SPECIMEN HEADED TO 6' HT
	8	ABELIA X 'EDWARD GOUCHER' EDWARD GOUCHER ABELIA	24 - 30" HT.	CONT.	4' O.C.
	18	AZALEA 'AUTUMN CHEER' AUTUMN CHEER ENCORE AZALEA	24 - 30" HT.	#5	3' O.C.
	21	ILEX CORNUTA 'DWARF BURFORD' DWARF BURFORD HOLLY	30-36" HT.	B&B	5' O.C.
	25	ITEA VIRGINICA 'LITTLE HENRY' LITTLE HENRY SWEETSPICE	24 - 30" HT.	#5	3' O.C.
	37	JUNIPERUS CHINENSIS var. SARGENTII SARGENT JUNIPER	#3	CONT.	4' O.C.
	20	ROSA 'DRIFT PINK' PINK DRIFT ROSE	#3	CONT.	2' O.C.
	165	LIRIOPE MUSCARI 'ROYAL PURPLE' ROYAL PURPLE LIRIOPE	SP#4	CONT.	12" O.C.

LANDSCAPE PLANTING UNIT CALCULATIONS:

B: PARKING LOTS
ADJACENT TO INSTITUTIONAL / RESIDENTIAL: 10' LANDSCAPE STRIP WITH

CLASS "A" SCREENING: 67 LF @ 1 PU / 15 LF = **4.5 PU**

INTERIOR LANDSCAPING: 1 PU / 12 PARKING SPACES - MIN. 7% GREENSPACE

INTERIOR LANDSCAPING: 3 SPACES* / 12 = **0.3 PU**

INTERIOR GREENSPACE REQUIRED: 713 SF PARKING X 7% = 50 SF
GREENSPACE PROVIDED: 92 SF = 12.9%

TOTAL PLANTING UNITS REQUIRED: 7.2
TOTAL PLANTING UNITS PROVIDED: 20.8

* 3 NEW PARKING SPACES AT REAR OF PROPERTY

LANDSCAPE NOTES

1 - LANDSCAPE CALCULATIONS ARE BASED ON NEW PARKING SPACES ONLY. PROPOSED IMPROVEMENTS ARE LESS THAN 50% OF THE EXISTING SITE ELEMENTS.

2 - LIGHTING PLAN WILL FOLLOW DURING PROJECT PERMITTING.

SELECTIVELY PRUNE CROSSING, BROKEN, OR DAMAGED LIMBS. RETAIN NATURAL FORM OF TREE. DO NOT PRUNE CENTRAL LEADER. HEIGHT OF BRANCHING TO BE A MINIMUM OF 6'

#12 GALVANIZED WIRE GUYS, TWISTED
TWO (2) 6' HT. 2"x2" OAK STAKES, NOTCH STAKES TO HOLD WIRE
6" EXPOSED SOIL AT ROOT FLARE
NO MULCH
REMOVE ANY COVERING AND TYING FROM TOP OF ROOT BALL AND TRUNK
*STAKES AND WIRE ARE TO BE REMOVED AT THE COMPLETION OF ONE FULL GROWING SEASON

PLANTING DETAIL FOR DECIDUOUS AND EVERGREEN TREES* - 1 - 4" CALIPER

SPECIFICATIONS FOR PLANTING

PLANT IDENTIFICATION:
All plants shall be identified in accordance with the latest edition of Hortus Third, by "The Staff of the Hortorium".

LIST OF PLANT MATERIALS:
The contractor will verify plant quantities prior to bidding and any discrepancies shall be brought to the attention of the Landscape Architect. The Contractor shall furnish and plant all plants required to complete the work as shown on the drawings. Substitutions shall not be made without the written approval of the Landscape Architect. This contract will be based on the bidder having verified, prior to bidding, the availability of the required plant materials as specified on the Plant List.

PLANT QUANTITY:
All shrubs shall be dense, heavy to the ground, and well grown, showing evidence of having been sheared regularly, and sound, free of plant disease or insect eggs, and shall have a healthy, normal root system. Plants shall be nursery grown. Plants shall not be pruned prior to delivery. The shape of the plant shall be in general conform to its natural growth proportions unless otherwise specified. All plants, including container grown shall conform to American Standard for Nursery Stock (ANSI z60.1, latest edition), and shall have a well-shaped, heavy branch structure for the species. Evergreen trees are to have an internode no greater than 24" and shall be uniformly well-shaped. All plant sizes shall average at least the middle of the range given in the plant list.

PLANT SPACING:
Plant spacing is to scale on the plan or as shown on the plant list.

SOIL MIX:
Soil mix will be 2/3 existing soil and 1/3 LEAFGRO or equal organic material, thoroughly mixed and homogenized.

BALL SIZE:
The ball size shall conform to the American Association of Nurserymen's publication entitled American Standard For Nursery Stock, ANSI z60.1, latest edition.

Minimum Landscape Maintenance Requirements

- Lawn areas shall be mowed to a height of 2 to 3 inches and not allowed to reach a height of 4 inches before mowing.
- All curbs and walks shall be edged as needed.
- All lawn areas adjacent to building faces or structures shall be trimmed.
- A slow release nitrogen balanced fertilizer with a 2-1-1 ratio shall be applied at a rate of 2 pounds of nitrogen per 1000 square feet in September, October and February.
- Lime shall be applied at the rate determined by a soils report.
- It is recommended that lawn areas be treated in mid-March to early April with pre-emergent herbicide (Betasan) or equal applied at the manufacturer's recommended rate.
- A post-emergent herbicide (Trimec) or equal is recommended to be sprayed on lawn areas in the late spring or the early fall. Follow manufacturer's rates and recommendations.
- Insecticides and fungicides are recommended for insect and disease control.
- Reseed bare areas of lawn as necessary. Yearly aeration is recommended.
- All trash, litter, and debris shall be removed from lawn areas, parking lots, and shrub beds as needed.
- Mulch all shrub and groundcover beds yearly with 3 inches of shredded hardwood bark.
- Permit shrubs and trees to grow and enlarge to their design size. Consult project landscape architect for details.
- Prune trees in accordance with Landscape Specification Guidelines for Baltimore-Washington Metropolitan Areas.

EXCAVATION:
Holes for all plants shall be 18" larger in diameter than size of ball or container and shall have vertical sides. Hedges shall be planted in a trench 12" wider than ball diameter. Beds for mass planting shall be entirely retolited to a depth of 8" and shall be 18" beyond the average outside edge of plant balls. A 2" layer of organic material (i.e., LEAFGRO) will be incorporated into plant beds by tilling again.

PLANTING:
Backfilling shall be done with soil mix, reasonably free of stones, subsoil, clay, lumps, stumps, roots, weeds, Bermuda grass, litter, toxic substances, or any other material which may be harmful to plant growth or hinder grading, planting, or maintenance operations. Should any unforeseen or unsuitable planting conditions arise, such as faulty soil drainage or chemical residues, they should be called to the attention of the Landscape Architect and Owner for adjustments before planting. The plant shall be set plumb and straight and shall be staked at the time of planting. Backfill shall be well worked about the roots and settled by watering. Plants will be planted higher than surrounding grade. Shrubs will be 1" higher and trees will be 3" higher. Remove rope from around tree trunks and lay back burlap from top of all B&B material. Nylon or vinyl rope and/or burlap will be completely removed from all plant material prior to planting.

TRANSPLANTING TREES BY TREE MACHINES:
Trees shall be moved by machines that provide a minimum of 6" per 1" of tree caliper. Holes are to be dug by the same size machine as the one transporting the plant. The plant material shall be transplanted in approximately the same growing condition as it is presently growing, in terms of soil type and moisture content. Fertilize and guy as described in these plans and specifications.

CULTIVATION:

All trenches and shrub beds shall be cultivated, edged and mulched to a depth of 3" with shredded hardwood. The area around isolated plants shall be mulched to at least 6" greater diameter than that of the hole. Plant beds adjacent to buildings shall be mulched to the building wall.

PLANTING DETAIL FOR EVERGREEN AND DECIDUOUS SHRUBS

NOT TO SCALE

PLANTING NOTES

- THE CONTRACTOR IS TO NOTIFY MISS UTILITY A MINIMUM OF 72 HOURS PRIOR TO DIGGING. TELEPHONE: 1-800-251-7777.
- THE LANDSCAPE ARCHITECT IS TO BE NOTIFIED 48 HOURS BEFORE PLANTING BEGINS. THE LOCATION OF ALL PLANT MATERIAL IS TO BE APPROVED IN THE FIELD BY THE LANDSCAPE ARCHITECT.
- THIS PLAN IS FOR PLANTING ONLY.
- NO TREE OR SHRUB PLANTING PITS ARE TO BE LEFT OPEN OR UNATTENDED.
- SHRUBS ARE TO BE GROUPED INTO MULCHED BEDS. BEDS ARE TO BE EDGED AND THE GRASS IS TO BE KILLED OR REMOVED PRIOR TO MULCHING.

FERTILIZER:

The Contractor shall apply granular fertilizer to the soil mix with 10-6-4 analysis, 50% organic, at the following rates: Trees @ 2-3 lbs. per caliper inch; Shrub Beds @ 3-5 lbs per 100 sq.ft.; and Groundcover Beds @ 2-3 lbs. per 100 sq.ft.

GROUND COVER:

All areas of groundcover shall be retolited to a depth of 6". Apply 2" of organic material and rototill until thoroughly mixed. Apply fertilizer as stated above.

GUARANTEE AND REPLACEMENT:

All material shall be unconditionally guaranteed for one (1) year. The Contractor is responsible for watering but not for losses or damage caused by mechanical injury or vandalism.

APPROVED Final Landscape Plans
Baltimore County
Dept. of Permits, Approvals & Inspections

Name: Beth Stavola Date: 8/4/17
Pending Zoning Hearing Approved
and to Amend by adding Zoning Order to Plan.

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

FINAL LANDSCAPE PLAN FOR

GREENMART

RECEIVED

JUL 28 2017

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

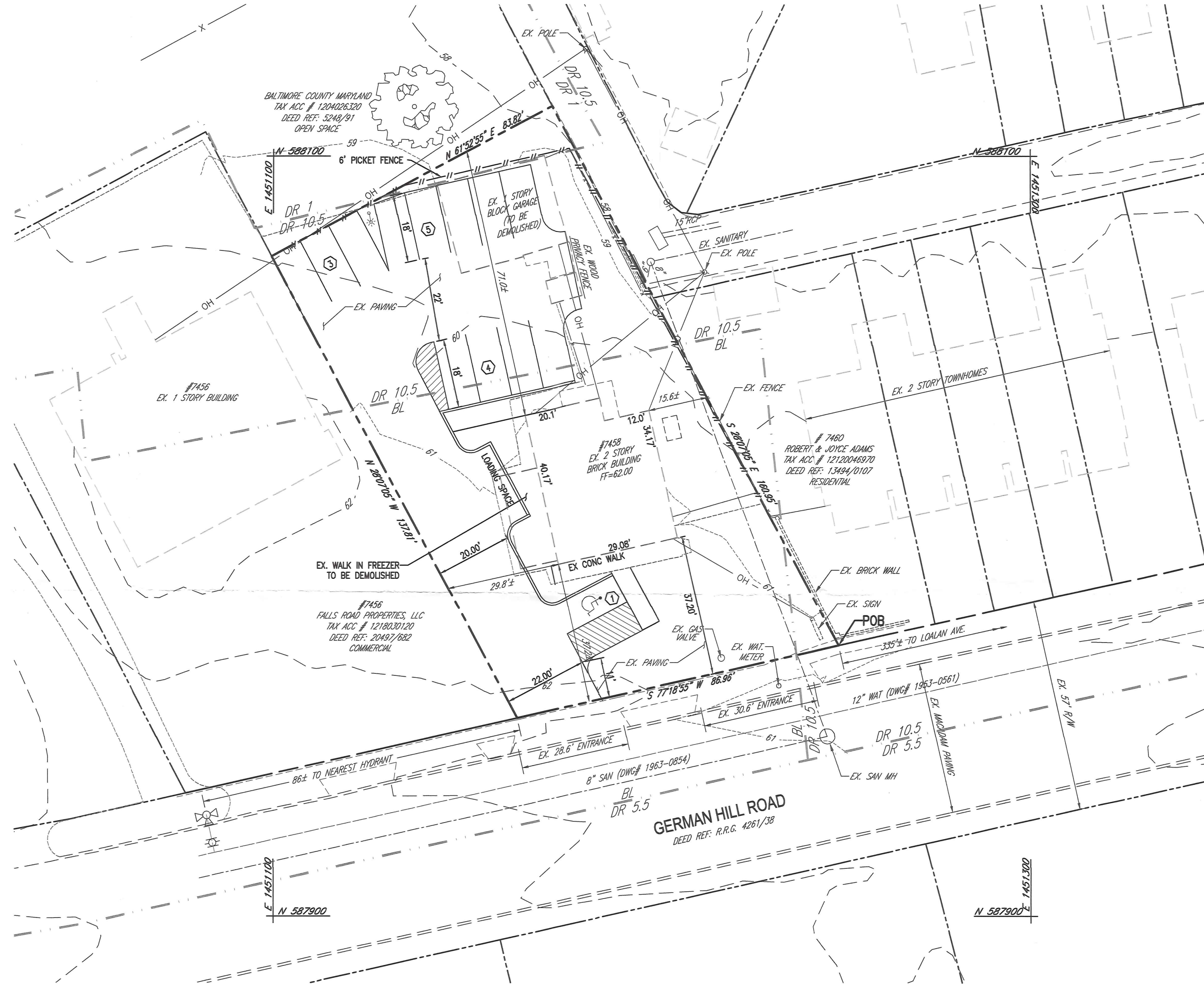
7458 GERMAN HILL ROAD

12TH ELECTION DISTRICT

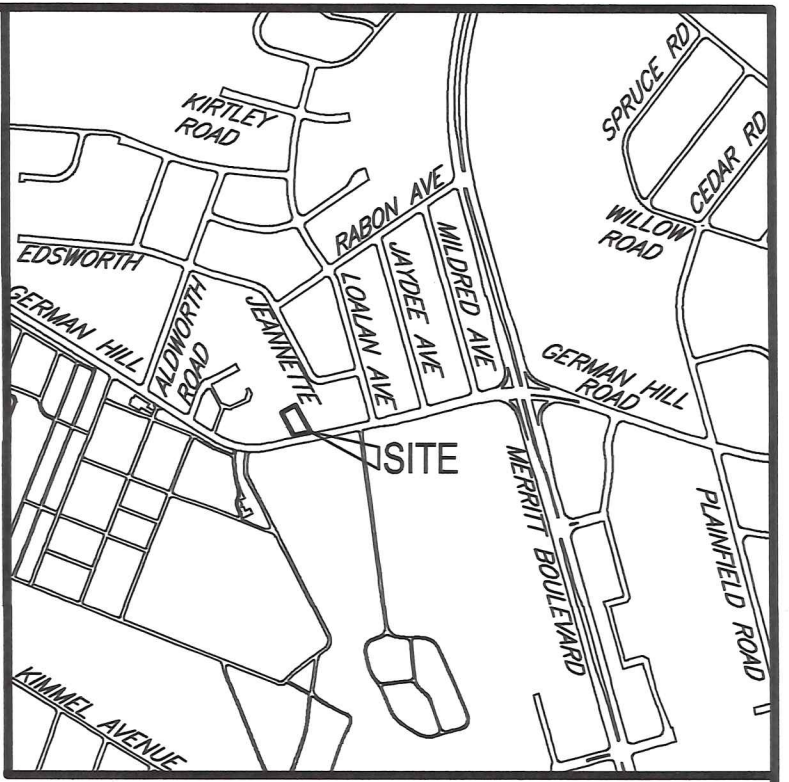
BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	MRV	DML	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	07-27-17	17032	1 OF 1

PETITIONER'S EXHIBIT



PLAN
SCALE: 1" = 20'



LOCATION MAP
SCALE: 1" = 1,000'

GENERAL NOTES:

- OWNER/DEVELOPER:
CGX LIFE SCIENCES INC.
P.O. BOX 468
RUMSON, NJ 07760
- SITE AREA
GROSS: 14,999 SF OR 0.344 AC±
NET: 12,521 SF OR 0.287 AC±
- UTILITIES:
PUBLIC WATER & SEWER
- BUILDING COVERAGE
EXISTING: 1,922 SF
PROPOSED: 1,217 SF
- DEED REFERENCE: 35726/0037
- TAX ACCOUNT # 1212060182
- COUNCILMANIC DISTRICT: 7TH
- ZONING: BL, DR 10.5 & DR 1
(PER 1"=200' ZONING MAP 103C01)
- TAX MAP #103, GRID #5, PARCEL #537.
- PREVIOUS ZONING CASES
ZONING PETITION FOR A RECLASSIFICATION FROM AN "A" RESIDENCE
ZONE TO AN "E" COMMERCIAL ZONE - PETITION NO. 3399, GRANTED
MAY 19, 1955.
- THERE ARE NO KNOWN ZONING VIOLATIONS EXISTING ON THE PROPERTY.
- PREVIOUS PERMITS; NO KNOWN PERMITS ON FILE.
- PARKING CALCULATIONS
REQUIRED: RETAIL: 1,217 SF @ 5 SPACES /1000 SF = 8 SPACES
PROPOSED: = 13 SPACES
- *SECOND FLOOR TO REMAIN VACANT. NO USE IS PROPOSED AT THIS
TIME. ACCESS TO BE PROVIDED FOR EMERGENCY PURPOSES ONLY
THE SITE IS NOT HISTORIC.
- THE SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- NO 100 YEAR FLOOD PLAINS EXISTS ON SITE.
- CENSUS TRACT: 420600
- WATERSHED: BACK RIVER.
- THERE ARE NO KNOWN HAZARDOUS MATERIALS ONSITE.
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BCZR; SECTION 450.
- FLOOR AREA RATIO
MAXIMUM PERMITTED: 3.0
EXISTING: 3,139/14,999 = 0.21
PROPOSED: 2,434/14,999 = 0.16
- SETBACKS FOR BL:

	REQUIRED	PROVIDED
FRONT	10'	37.2'±
SIDE	10'	15.6'±
REAR	20'	71.1'±
- BASIC SERVICES MAP (2016)

TYPE	DEFICIENT (Y/N)
WATER	N
SEWER	N
TRANSPORTATION	N

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR

GREENMART

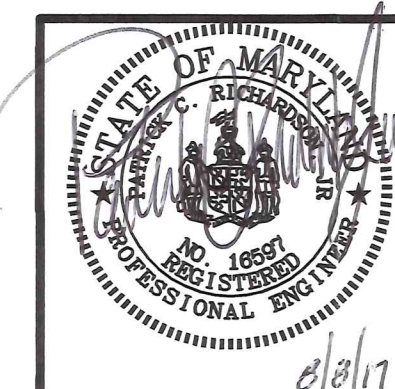
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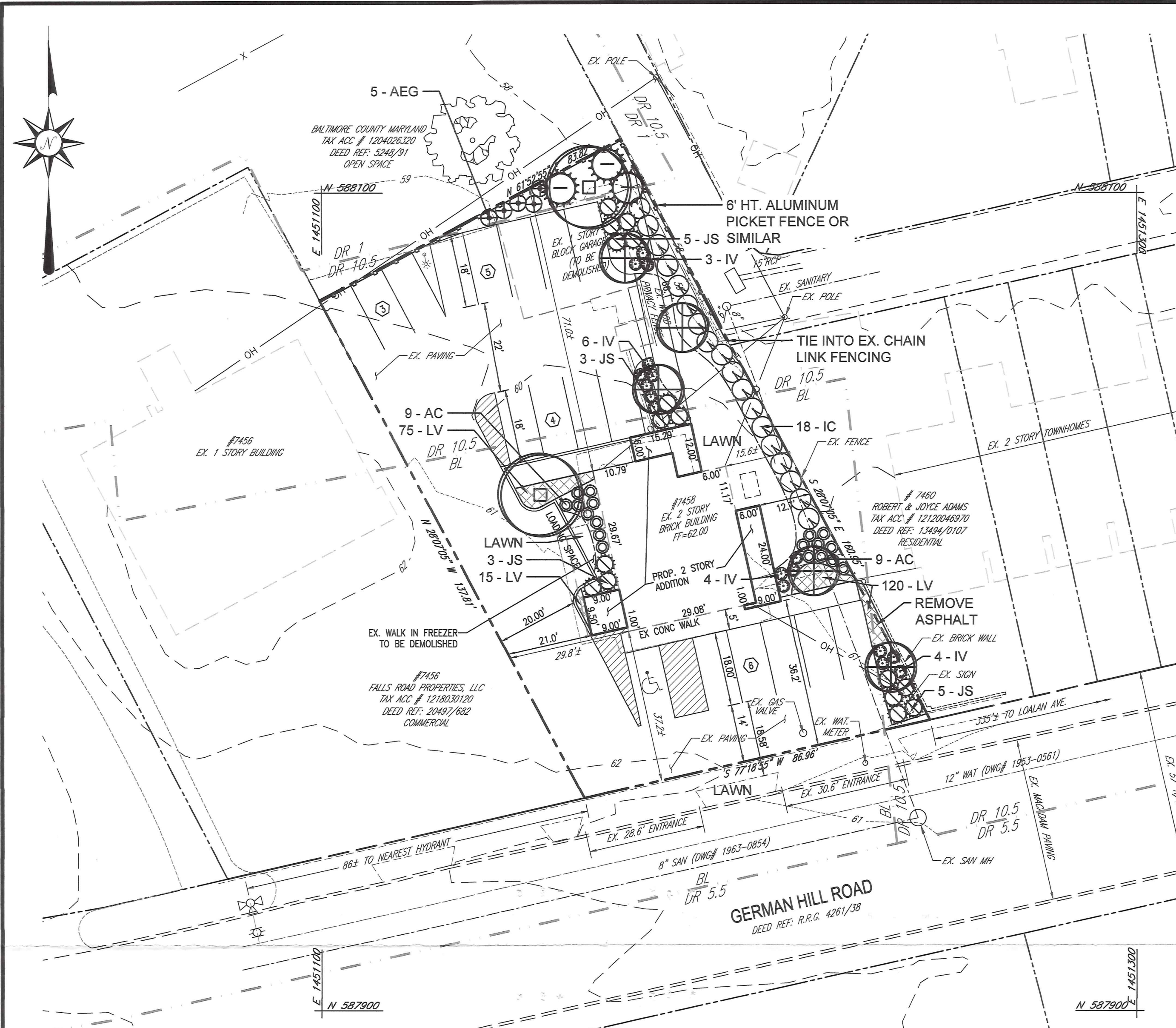
7458 GERMAN HILL ROAD

12TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

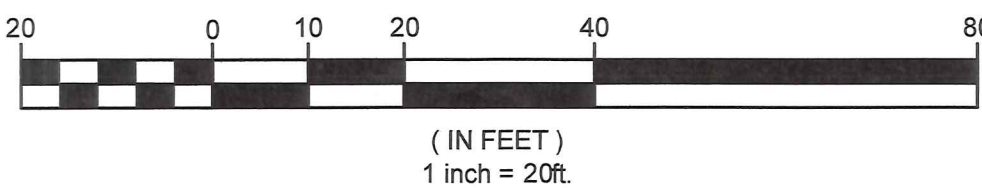
REVISIONS	DRAWN BY: DNM	CHECKED BY: DNM	SCALE: 1" = 20'
PETITIONER'S EXHIBIT A	DATE: 05-02-17	JOB NO.: 17032	SHEET NO.: 1 OF 1

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 08-15-2019





LANDSCAPE PLAN



PLANTING SCHEDULE

TREES					
KEY	QTY.	BOTANICAL NAME COMMON NAME	SIZE	COND.	REMARKS
	2	ACER X FREEMANII 'AUTUMN BLAZE' AUTUMN BLAZE RED MAPLE	2" - 2 1/2" CAL.	B&B	FULL SPECIMEN HEADED TO 6' HT
	3	ILEX 'NELLIE R. STEVENS' NELLIE STEVENS HOLLY	8'-9" HT.	B&B	FULL, HEAVY SPACED 8' O.C.
	5	LAGERSTROEMIA x 'MIAMI' MIAMI CRAPE MYRTLE	9-10' HT.	B&B	FULL SPECIMEN HEADED TO 6' HT
	5	ABELIA x 'EDWARD GOUCHER' EDWARD GOUCHER ABELIA	24 - 30" HT.	CONT.	4" O.C.
	18	AZALEA 'AUTUMN CHEER' AUTUMN CHEER ENCORE AZALEA	24 - 30" HT.	#5	3' O.C.
	18	ILEX CORNUTA 'DWARF BURFORD' DWARF BURFORD HOLLY	30-36" HT.	B&B	5' O.C.
	17	ITEA VIRGINICA 'LITTLE HENRY' LITTLE HENRY SWEETSPICE	24 - 30" HT.	#5	3' O.C.
	16	JUNIPERUS CHINENSIS var. SARGENTII SARGENT JUNIPER	#3	CONT.	4" O.C.
	210	LIRIODENDRON MUSCARI 'VARIEGATA' VARIEGATED LIRIOPE	SP#4	CONT.	12" O.C.

LANDSCAPE PLANTING UNIT CALCULATIONS:

B: PARKING LOTS
ADJACENT TO INSTITUTIONAL / RESIDENTIAL: 10' LANDSCAPE STRIP WITH

CLASS "A" SCREENING: 67 LF @ 1 PU / 15 LF = 4.5 PU

INTERIOR LANDSCAPING: 1 PU / 12 PARKING SPACES - MIN. 7% GREENSPACE

INTERIOR GREENSPACE REQUIRED: 713 SF PARKING X 7% = 50 SF
GREENSPACE PROVIDED: 92 SF = 12.9%

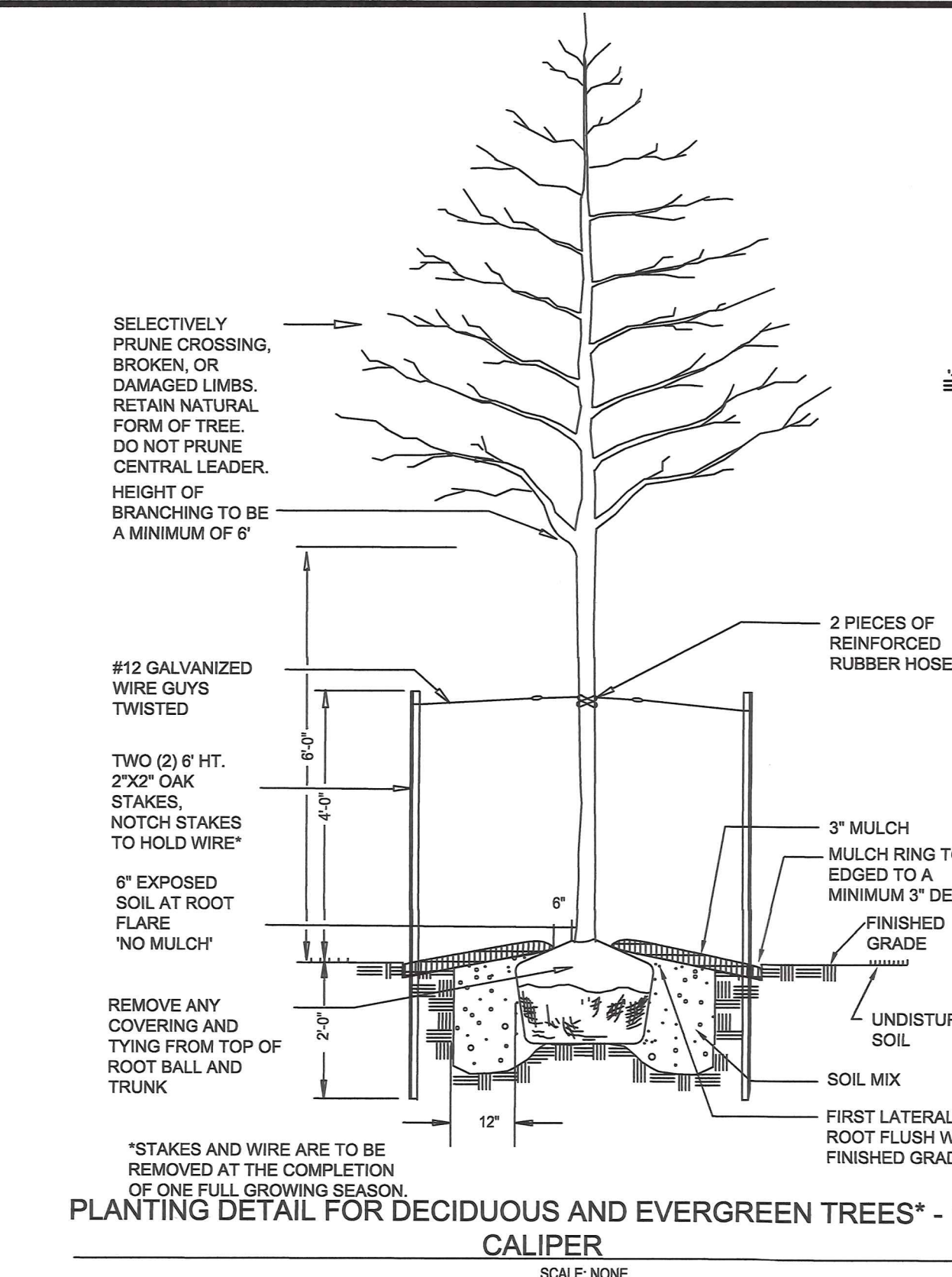
E: NONRESIDENTIAL BUILDINGS
ADJACENT TO RESIDENTIAL: CLASS "A"

SCREENING: 36 LF @ 1 PU / 15 LF = 2.4 PU
6' HT. SCREEN FENCE PROVIDED

TOTAL PLANTING UNITS REQUIRED: 7.2
TOTAL PLANTING UNITS PROVIDED: 20.8

LANDSCAPE NOTES

- 1 - LANDSCAPE CALCULATIONS ARE BASED ON NEW PARKING LOT AND NEW BUILDING ONLY. PROPOSED IMPROVEMENTS ARE LESS THAN 50% OF THE EXISTING SITE ELEMENTS.
- 2 - LIGHTING PLAN WILL FOLLOW DURING PROJECT PERMITTING.



SPECIFICATIONS FOR PLANTING

PLANT IDENTIFICATION:
All plants shall be identified in accordance with the latest edition of Hortus Third, by "The Staff of the Hortum".

LIST OF PLANT MATERIALS:
The contractor will verify plant quantities prior to bidding and any discrepancies shall be brought to the attention of the Landscape Architect. The Contractor shall furnish and plant all plants required to complete the work as shown on the drawings. Substitutions shall not be made without the written approval of the Landscape Architect. This contract will be based on the bidder having verified, prior to bidding, the availability of the required plant materials as specified on the Plant List.

PLANT QUANTITY:
All shrubs shall be dense, heavy to the ground, and well grown, showing evidence of having been sheared regularly, and sound, free of plant disease or insect eggs, and shall have a healthy, normal root system. Plants shall be nursery grown. Plants shall not be pruned prior to delivery. The shape of the plant shall in general conform to its natural growth proportions unless otherwise specified. All plants including container grown shall conform to American Standard for Nursery Stock (ANSI z60.1, latest edition), and shall have a well-shaped, heavy branch structure for the species. Evergreen trees are to have an internode no greater than 24" and shall be uniformly well-shaped. All plant sizes shall average at least the middle of the range given in the plant list.

PLANT SPACING:
Plant spacing is to scale on the plan or as shown on the plant list.

SOIL MIX:
Soil mix will be 2/3 existing soil and 1/3 LEAFGR0 or equal organic material, thoroughly mixed and homogenized.

BALL SIZE:
The ball size shall conform to the American Association of Nurserymen's publication entitled American Standard For Nursery Stock, ANSI z60.1, latest edition.

EXCAVATION:
Holes for all plants shall be 18" larger in diameter than size of ball or container and shall have vertical sides. Hedges shall be planted in a trench 12" wider than ball diameter. Beds for mass planting shall be entirely retolled to a depth of 8" and shall be 18" beyond the average outside edge of plant balls. A 2" layer of organic material (i.e., LEAFGR0) will be incorporated into plant beds by tilling again.

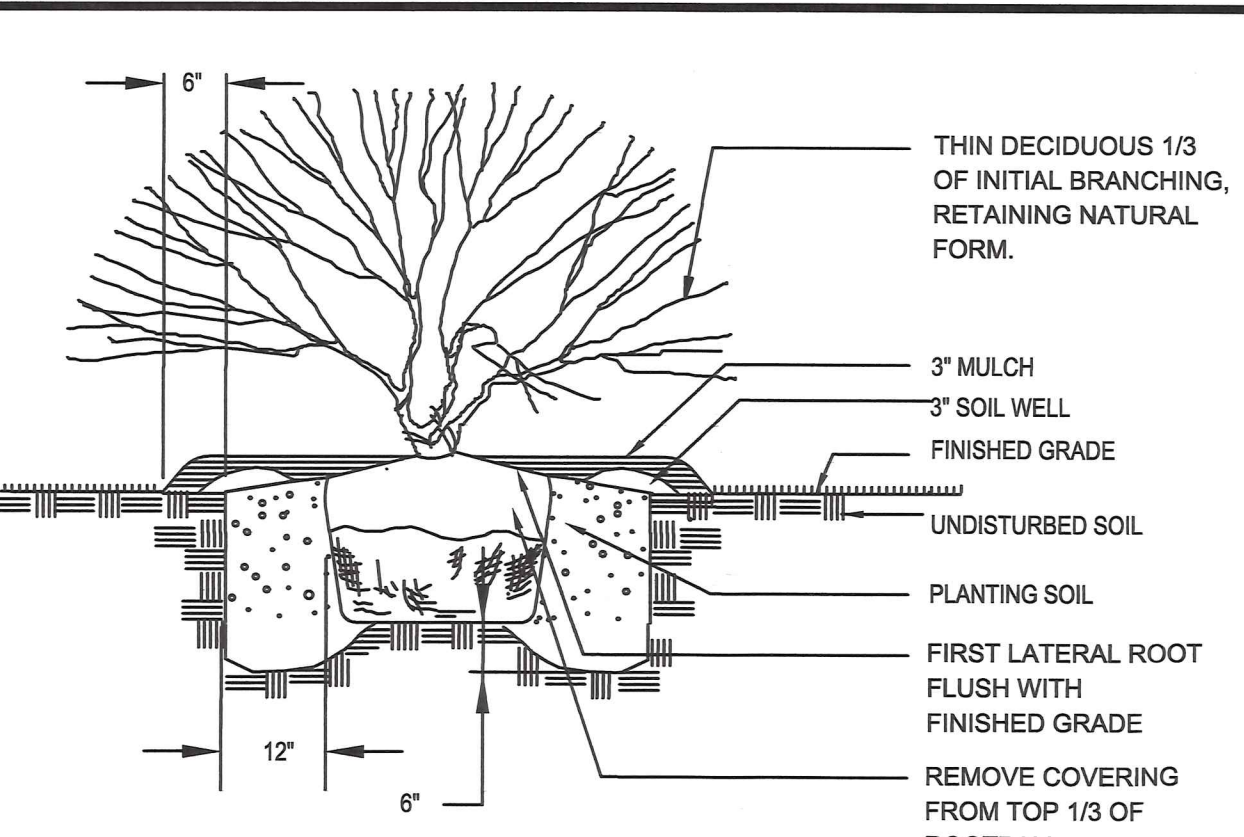
PLANTING:
Backfilling shall be done with soil mix, reasonably free of stones, subsoil, clay, lumps, stumps, roots, weeds, Bermuda grass, litter, toxic substances, or any other material which may be harmful to plant growth or hinder grading, planting, or maintenance operations. Should any unforeseen or unsuitable planting conditions arise, such as faulty soil drainage or chemical residues, they should be called to the attention of the Landscape Architect and Owner for adjustments before planting. The plant shall be set plumb and straight and shall be staked at the time of planting. Backfill shall be well worked about the roots and settled by watering. Plants will be planted higher than surrounding grade. Shrubs will be 1" higher and trees will be 3" higher. Remove rope from around tree trunks and lay back burlap from top of all B&B material. Nylon or vinyl rope and/or burlap will be completely removed from all plant material prior to planting.

TRANSPLANTING TREES BY TREE MACHINES:
Trees shall be moved by machines that provide a minimum of 9" per 1" of tree caliper. Holes are to be dug by the same size machine as the one transporting the plant. The plant material shall be transplanted in approximately the same growing condition as it is presently growing, in terms of soil type and moisture content. Fertilize and guy as described in these plans and specifications.

CULTIVATION:
All trenches and shrub beds shall be cultivated, edged and mulched to a depth of 3" with shredded hardwood. The area around isolated plants shall be mulched to at least 6" greater diameter than that of the hole. Plant beds adjacent to buildings shall be mulched to the building wall.

Minimum Landscape Maintenance Requirements

1. Lawn areas shall be mowed to a height of 2 to 3 inches and not allowed to reach a height of 4 inches before mowing.
2. All curbs and walks shall be edged as needed.
3. All lawn areas adjacent to building faces or structures shall be trimmed.
4. A slow release nitrogen balanced fertilizer with a 2-1-1 ratio shall be applied at a rate of 2 pounds of nitrogen per 1000 square feet in September, October and February.
5. Lime shall be applied at the rate determined by a soils report.
6. It is recommended that lawn areas be treated in mid-March to early April with pre-emergent herbicide (Betasan) or equal applied at the manufacturer's recommended rate.
7. A post-emergent herbicide (Trimec) or equal is recommended to be sprayed on lawn areas in the late spring or the early fall. Follow manufacturer's rates and recommendations.
8. Insecticides and fungicides are recommended for insect and disease control.
9. Reseed bare areas of lawn as necessary. Yearly aeration is recommended.
10. All trash, litter, and debris shall be removed from lawn areas, parking lots, and shrub beds as needed.
11. Mulch all shrub and groundcover beds yearly with 3 inches of shredded hardwood bark.
12. Permit shrubs and trees to grow and enlarge to their design size. Consult project landscape architect for details.
13. Prune trees in accordance with Landscape Specification Guidelines for Baltimore-Washington Metropolitan Areas.



PLANTING DETAIL FOR EVERGREEN AND DECIDUOUS SHRUBS

NOT TO SCALE

PLANTING NOTES

1. THE CONTRACTOR IS TO NOTIFY MISS UTILITY A MINIMUM OF 72 HOURS PRIOR TO DIGGING. TELEPHONE: 1-800-257-7777.
2. THE LANDSCAPE ARCHITECT IS TO BE NOTIFIED 48 HOURS BEFORE PLANTING BEGINS. THE LOCATION OF ALL PLANT MATERIAL IS TO BE APPROVED IN THE FIELD BY THE LANDSCAPE ARCHITECT.
3. THIS PLAN IS FOR PLANTING ONLY.
4. NO TREE OR SHRUB PLANTING PITS ARE TO BE LEFT OPEN OR UNATTENDED.
5. SHRUBS ARE TO BE GROUPED INTO MULCHED BEDS. BEDS ARE TO BE EDGED AND THE GRASS IS TO BE KILLED OR REMOVED PRIOR TO MULCHING.

MAINTENANCE:
The Contractor shall be responsible during the contract and up to the time of acceptance for keeping the planting and work incidental thereto in good condition, by replanting, plant replacement, watering, weeding, cultivating, pruning and spraying, restaking and cleaning up and by performing all other necessary operations of care for promotion of good plant growth so that all work is in satisfactory condition at time of acceptance, at no additional cost to the Owner.

FERTILIZER:
The Contractor shall apply granular fertilizer to the soil mix with 10-6-4 analysis, 50% organic, at the following rates: Trees @ 2-3 lbs. per caliper inch; Shrub Beds @ 3-5 lbs. per 100 sq.ft.; and Groundcover Beds @ 2-3 lbs. per 100 sq.ft.

GROUND COVER:
All areas of groundcover shall be retolled to a depth of 6". Apply 2" of organic material and retoll until thoroughly mixed. Apply fertilizer as stated above.

GUARANTEE AND REPLACEMENT:
The Contractor is responsible for watering but not for losses or damage caused by mechanical injury or vandalism.

LANDSCAPE PLAN PREPARED BY:

Human & Rohde, Inc.
landscape architects
512 VIRGINIA AVENUE
TOWSON, MD 21286
410-825-3885

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

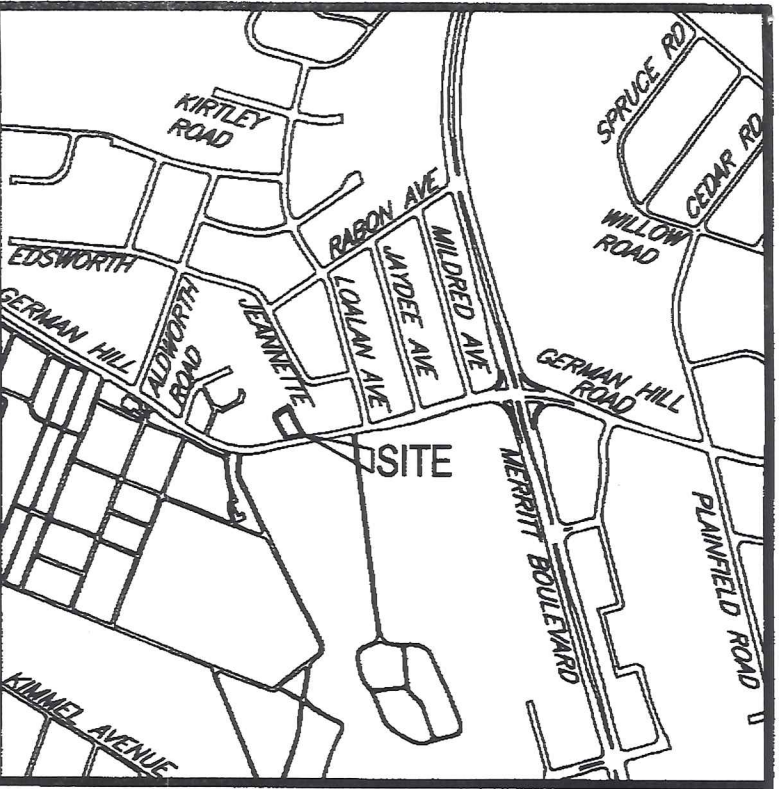
FINAL LANDSCAPE PLAN FOR

GREENMART

7458 GERMAN HILL ROAD
12TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	MRV	DML	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	07-05-17	17032	1 OF 1





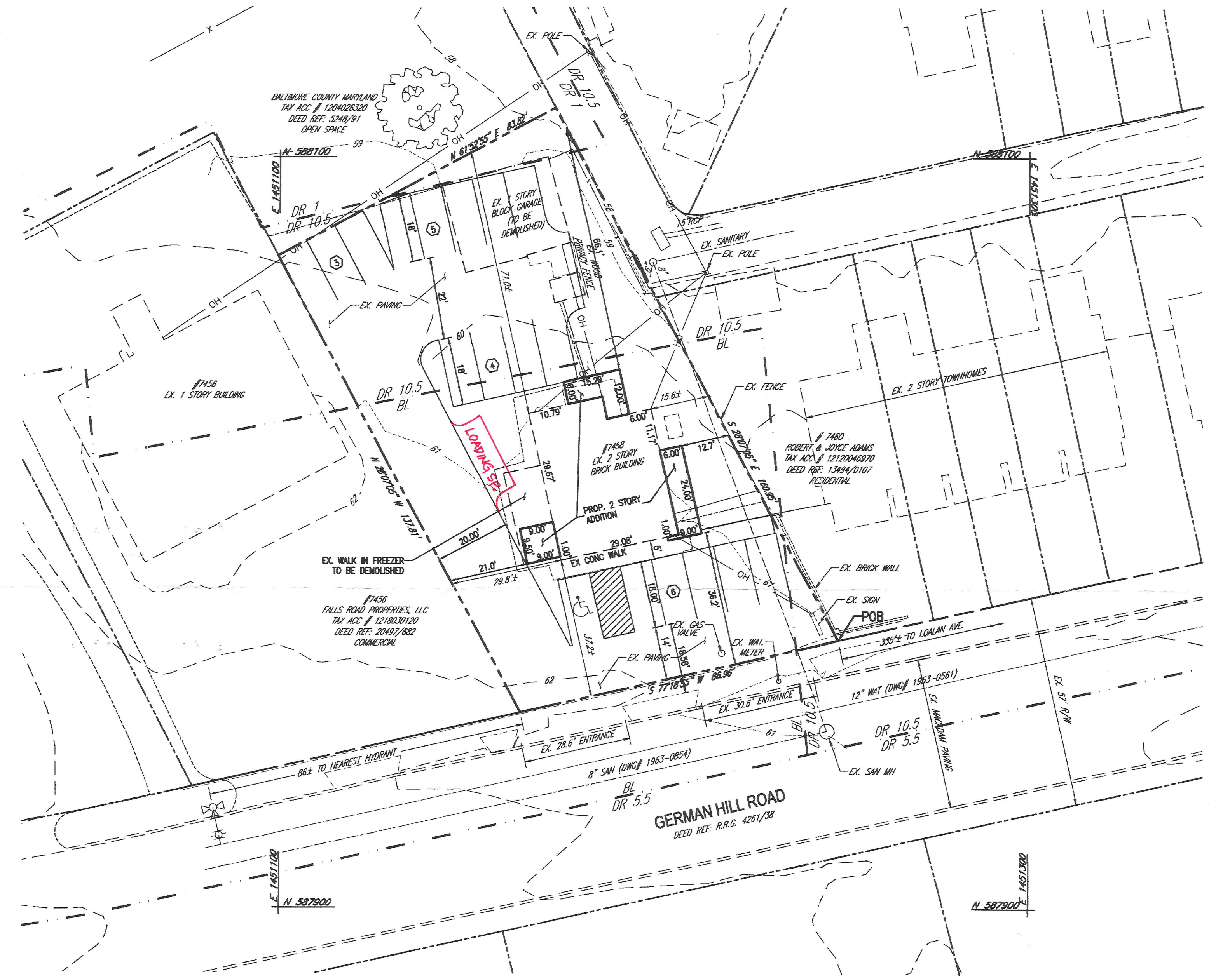
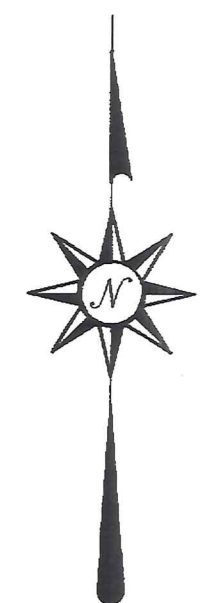
LOCATION MAP
SCALE: 1" = 1,000'

GENERAL NOTES:

- OWNER/DEVELOPER:
CGX LIFE SCIENCES INC.
P.O. BOX 468
RUMSON, NJ 07760
- SITE AREA
GROSS: 14,999 SF OR 0.344 AC.±
NET: 12,521 SF OR 0.287 AC.±
- UTILITIES:
PUBLIC WATER & SEWER
- BUILDING COVERAGE
EXISTING: 3,139 SF
PROPOSED: 3,154 SF
- DEED REFERENCE: 35726/0037
- TAX ACCOUNT # 1212080182
- COUNCILMANIC DISTRICT: 7TH
- ZONING: BL, DR 10.5 & DR 1
(PER 1"=200' ZONING MAP 103C01)
- TAX MAP #103, GRID #5, PARCEL #537.
- PREVIOUS ZONING CASES
ZONING PETITION FOR A RECLASSIFICATION FROM AN "A" RESIDENCE
ZONE TO AN "E" COMMERCIAL ZONE - PETITION NO. 3399. GRANTED
MAY 19, 1955.
- THERE ARE NO KNOWN ZONING VIOLATIONS EXISTING ON THE PROPERTY.
- PREVIOUS PERMITS: NO KNOWN PERMITS ON FILE.
- PARKING CALCULATIONS
REQUIRED: RETAIL: 3,154 SF @ 5 SPACES / 1000 SF = 16 SPACES
PROPOSED: = 18 SPACES
- THE SITE IS NOT HISTORIC.
- THE SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- NO 100 YEAR FLOOD PLAINS EXISTS ON SITE.
- CENSUS TRACT: 420600
- WATERSHED: BACK RIVER.
- THERE ARE NO KNOWN HAZARDOUS MATERIALS ONSITE.
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BCZR, SECTION 450.
- FLOOR AREA RATIO
MAXIMUM PERMITTED: 3.0
EXISTING: 3,139/14,999 = 0.21
PROPOSED: 3,154/14,999 = 0.21
- SETBACKS FOR BL:

	REQUIRED	PROVIDED
FRONT	10'	38.2'±
SIDE	10'	12.7'±
REAR	20'	66.1'±
- BASIC SERVICES MAP (2016)

TYPE	DEFICIENT (Y/N)
WATER	N
SEWER	N
TRANSPORTATION	N



PLAN
SCALE: 1" = 20'

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

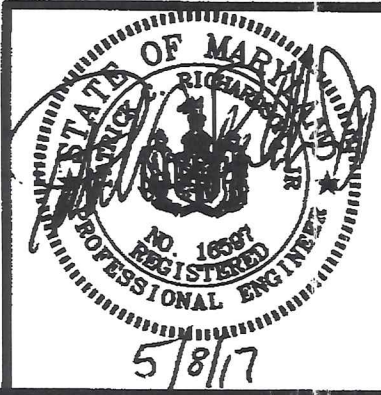
PLAN TO ACCOMPANY ZONING PETITION
FOR

GREENMART



7458 GERMAN HILL ROAD
12TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY: DNM	CHECKED BY: DNM	SCALE: 1" = 20'
	DATE: 05-02-17	JOB NO.: 17032	SHEET NO.: 1 OF 1



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 08-15-2017

REVISIONS	DRAWN BY: MRV	CHECKED BY: DML	SCALE: 1" = 20'
	DATE: 11-02-17	JOB NO.: 17032	SHEET NO.: 1 OF 1



Petitioner
CBA Exhibit

5















Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

VICINITY PLAN
FOR
GREENMART

7458 GERMAN HILL ROAD
12TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS

NO4

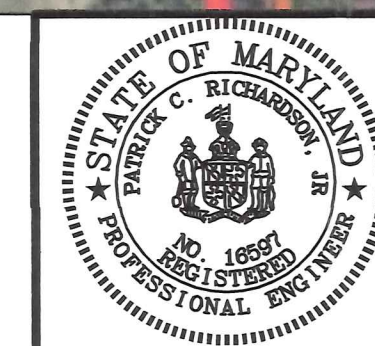
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06-11-18	17032	1 OF 1

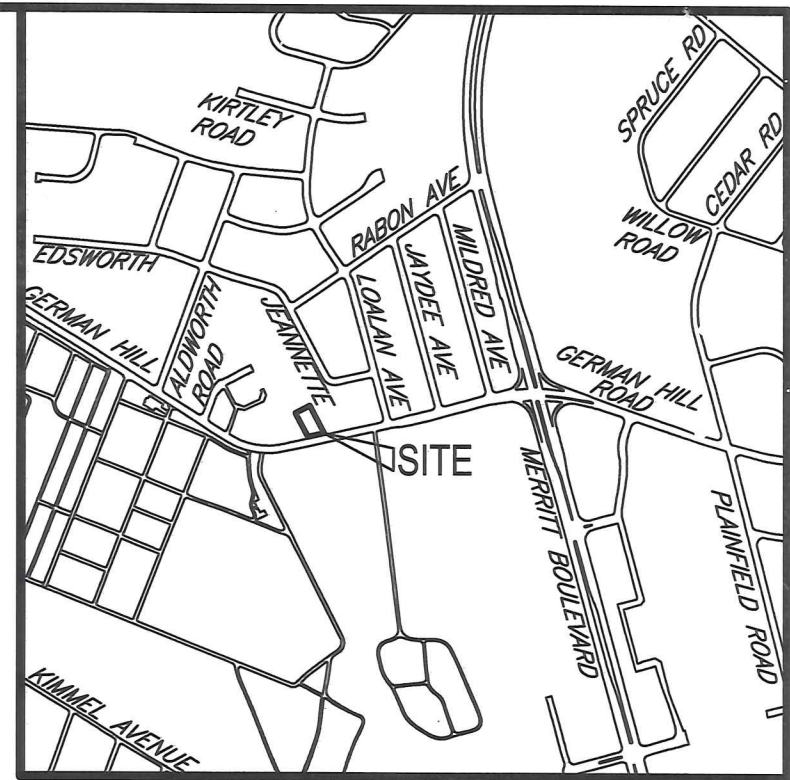
Pet. Ex. No.

Petitioner
CBA Exhibit

4

ONAL CERTIFICATION:
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APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16587, EXPIRATION DATE: 06-15-2019





LOCATION MAP

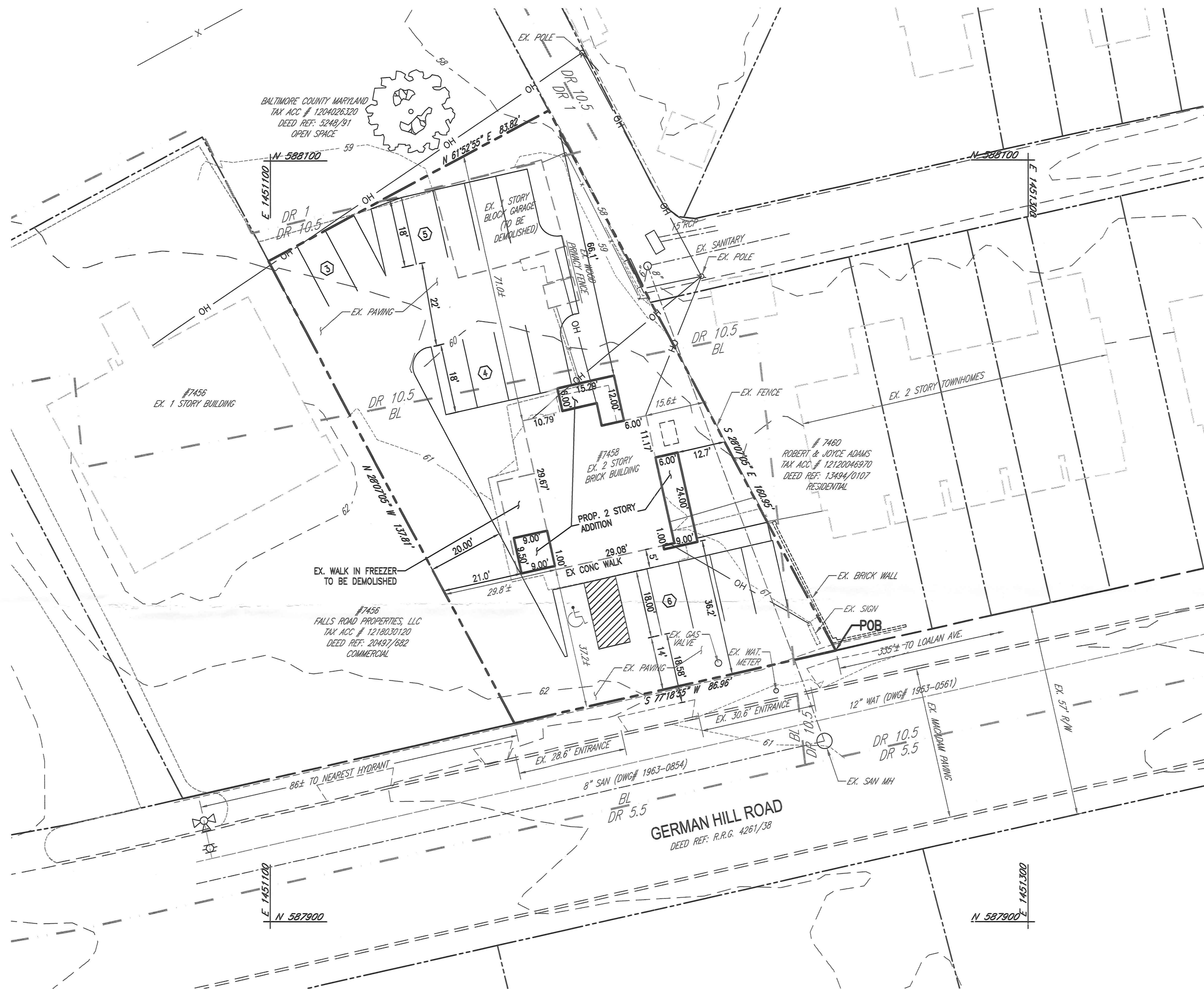
SCALE: 1" = 1,000'

GENERAL NOTES:

- OWNER/DEVELOPER:
CGX LIFE SCIENCES INC.
P.O. BOX 468
RUMSON, NJ 07760
- SITE AREA
GROSS: 14,999 SF OR 0.344 AC.±
NET: 12,521 SF OR 0.287 AC.±
- UTILITIES:
PUBLIC WATER & SEWER
- BUILDING COVERAGE
EXISTING: 3,139 SF
PROPOSED: 3,154 SF
- DEED REFERENCE: 35726/0037
- TAX ACCOUNT # 1212060182
- COUNCILMANIC DISTRICT: 7TH
- ZONING: BL, DR 10.5 & DR 1
(PER 1"=200' ZONING MAP 103C01)
- TAX MAP #103, GRID #5, PARCEL #537,
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MAY 19, 1955.
- THERE ARE NO KNOWN ZONING VIOLATIONS EXISTING ON THE PROPERTY.
- PREVIOUS PERMITS: NO KNOWN PERMITS ON FILE.
- PARKING CALCULATIONS
REQUIRED: RETAIL: 3,154 SF @ 5 SPACES / 1000 SF = 16 SPACES
PROPOSED: = 18 SPACES
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- THE SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- NO 100 YEAR FLOOD PLAINS EXISTS ON SITE.
- CENSUS TRACT: 420800
- WATERSHED: BACK RIVER.
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MAXIMUM PERMITTED: 3.0
EXISTING: 3,139/14,999 = 0.21
PROPOSED: 3,154/14,999 = 0.21
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	REQUIRED	PROVIDED
FRONT	10'	35.2'±
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REAR	20'	66.1'±
- BASIC SERVICES MAP (2016):

TYPE	DEFICIENT (Y/N)
WATER	N
SEWER	N
TRANSPORTATION	N



PLAN

SCALE: 1" = 20'

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30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION FOR

GREENMART

PET. Ex. N:

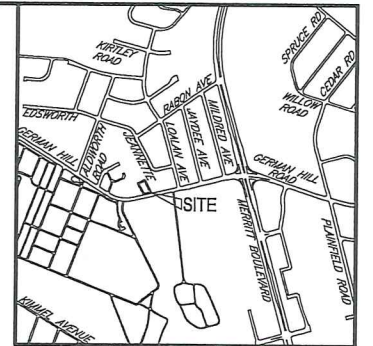
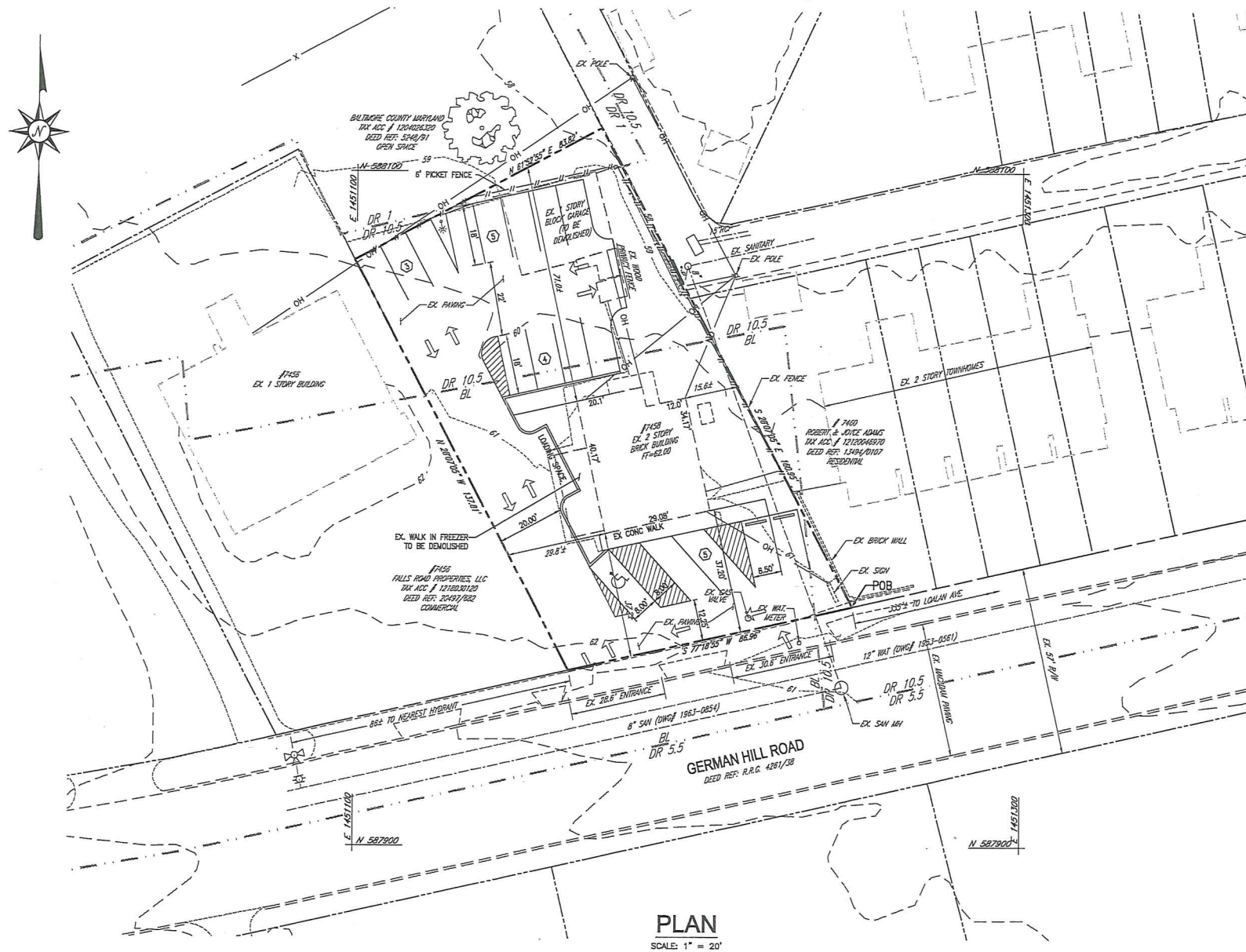
Petitioner
CBA Exhibit

7458 GERMAN HILL ROAD
12TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND



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ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 08-15-2017

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	DNM	DNM	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	05-02-17	17032	1 OF 1



LOCATION MAP

SCALE: 1" = 1,000'

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	REQUIRED	PROVIDED
FRONT	10'	36.2'±
SIDE	10'	12.7'±
REAR	20'	66.1'±
- BASIC SERVICES MAP (2016)

TYPE	DEFICIENT (Y/N)
WATER	N
SEWER	N
TRANSPORTATION	N
- ALL PROPOSED PARKING SPACES IN THE DR ZONE TO BE USED FOR PASSENGER VEHICLES ONLY.
- NO LOADING, SERVICE OR ANY USE OTHER THAN PARKING FOR PASSENGER VEHICLES WILL BE ALLOWED.
- ALL PROPOSED LIGHTING FIXTURES SHALL BE LOCATED AND ARRANGED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC STREETS.
- PARKING ARRANGEMENT AND VEHICULAR ACCESS WILL BE AS PROVIDED ON THIS SITE PLAN.
- HOURS OF OPERATION:
- OTHER CONDITIONS OF PARKING, IF ANY, TO BE DETERMINED AT THE PUBLIC HEARING BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY.
- USES FOR THIS SITE WILL BE IN ACCORDANCE WITH THE PERMITTED USES IN THE BL ZONE WITH THE EXCEPTION OF A MEDICAL CANNABIS DISPENSARY.

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

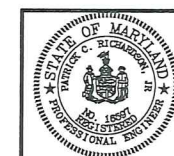
PLAN TO ACCOMPANY ZONING PETITION
FOR

GREENMART

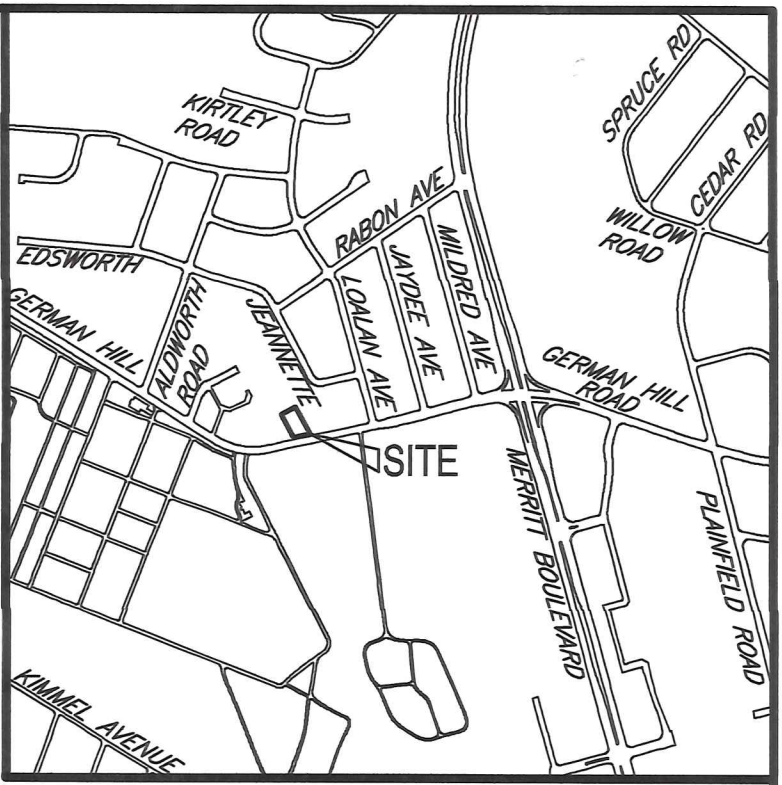
7458 GERMAN HILL ROAD

12TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS		DRAWN BY:	CHECKED BY:	SCALE:
		DNM	PCR	1" = 20'
		DATE:	JOB NO.:	SHEET NO.:
		10-13-17	17032	1 OF 1



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 08-15-2019



LOCATION MAP

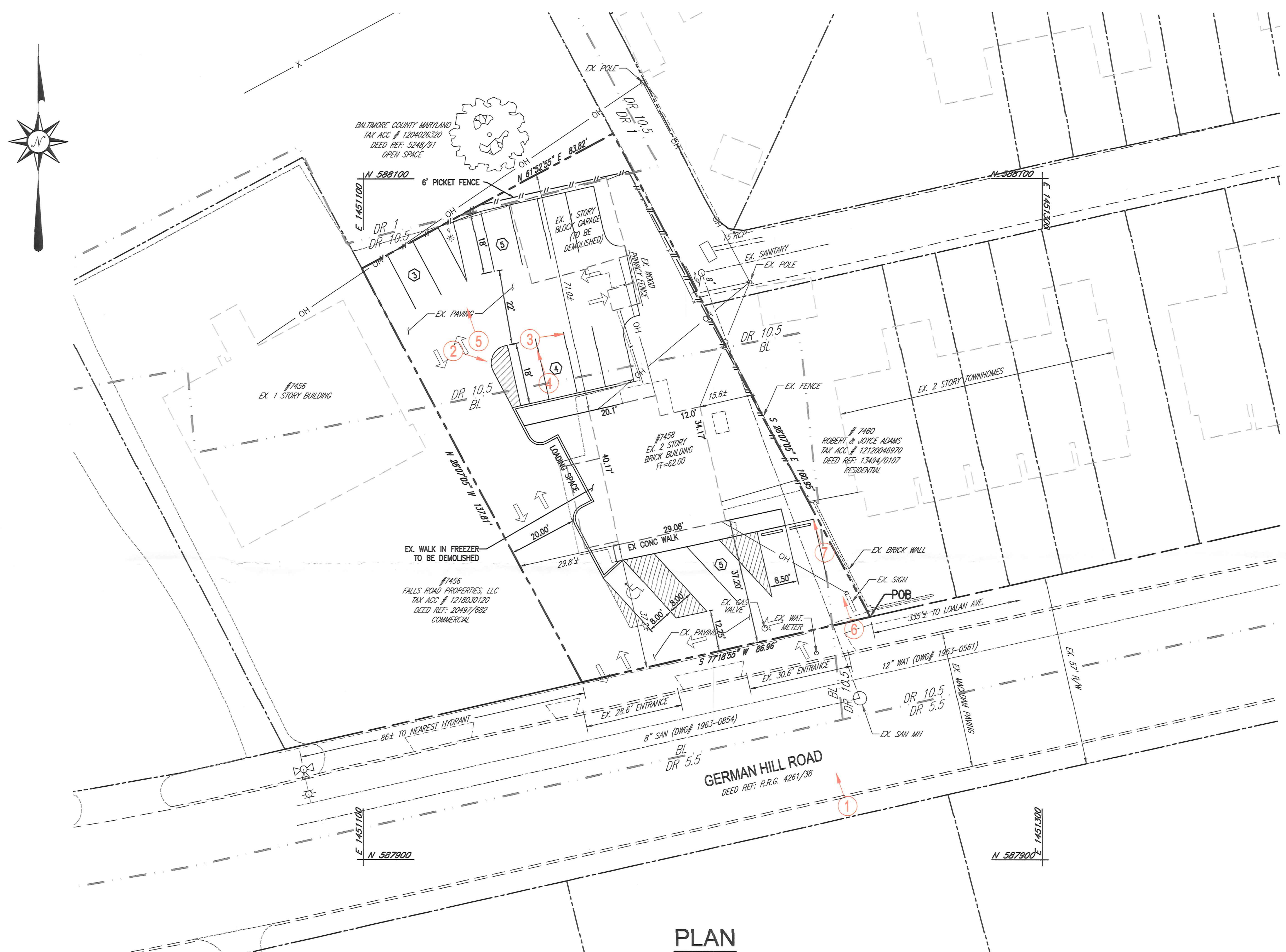
SCALE: 1" = 1,000'

GENERAL NOTES:

- OWNER/DEVELOPER:
CGX LIFE SCIENCES INC.
P.O. BOX 468
RUMSON, NJ 07760
- SITE AREA
GROSS: 14,999 SF OR 0.344 AC.±
NET: 12,521 SF OR 0.287 AC.±
- UTILITIES:
PUBLIC WATER & SEWER
- BUILDING COVERAGE
EXISTING: 3,139 SF
PROPOSED: 2,434 SF
- DEED REFERENCE: 35726/0037
- TAX ACCOUNT # 1212060182
- COUNCILMANIC DISTRICT: 7TH
- ZONING: BL, DR 10.5 & DR 1
(PER 1"=200' ZONING MAP 103C01)
- TAX MAP #103, GRID #5, PARCEL #537.
- PREVIOUS ZONING CASES
ZONING PETITION FOR A RECLASSIFICATION FROM AN "A" RESIDENCE
ZONE TO AN "E" COMMERCIAL ZONE - PETITION NO. 3399. GRANTED
MAY 19, 1955.
- THERE ARE NO KNOWN ZONING VIOLATIONS EXISTING ON THE PROPERTY.
- PREVIOUS PERMITS: NO KNOWN PERMITS ON FILE.
- PARKING CALCULATIONS
REQUIRED: RETAIL: 2,434 SF @ 5 SPACES /1000 SF = 13 SPACES
PROPOSED: = 17 SPACES
- THE SITE IS NOT HISTORIC.
- THE SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- NO 100 YEAR FLOOD PLAINS EXISTS ON SITE.
- CENSUS TRACT: 420600
- WATERSHED: BACK RIVER.
- THERE ARE NO KNOWN HAZARDOUS MATERIALS ONSITE.
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BC2R; SECTION 450.
- FLOOR AREA RATIO
MAXIMUM PERMITTED: 3.0
EXISTING: 3,139/14,999 = 0.21
PROPOSED: 2,434/14,999 = 0.16
- SETBACKS FOR BL:

	REQUIRED	PROVIDED
FRONT	10'	36.2'±
SIDE	10'	12.7'±
REAR	20'	66.1'±
- BASIC SERVICES MAP (2016)

TYPE	DEFICIENT (Y/N)
WATER	N
SEWER	N
TRANSPORTATION	N
- ALL PROPOSED PARKING SPACES IN THE DR ZONE TO BE USED FOR PASSENGER VEHICLES ONLY
- NO LOADING, SERVICE OR ANY USE OTHER THAN PARKING FOR PASSENGER VEHICLES WILL BE ALLOWED IN THE DR ZONE
- ALL PROPOSED LIGHTING FIXTURES SHALL BE LOCATED AND ARRANGED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC STREETS.
- PARKING ARRANGEMENT AND VEHICULAR ACCESS WILL BE AS PROVIDED ON THIS SITE PLAN
- HOURS OF OPERATION:
SUNDAY TO SATURDAY: 7AM TO 11PM
- OTHER CONDITIONS OF PARKING, IF ANY, TO BE DETERMINED AT THE PUBLIC HEARING BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY.
- USES FOR THIS SITE WILL BE IN ACCORDANCE WITH THE PERMITTED USES IN THE BL ZONE WITH THE EXCEPTION OF A MEDICAL CANNABIS DISPENSARY.



PLAN

SCALE: 1" = 20'

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR

GREENMART

Petitioner
CBA Exhibit

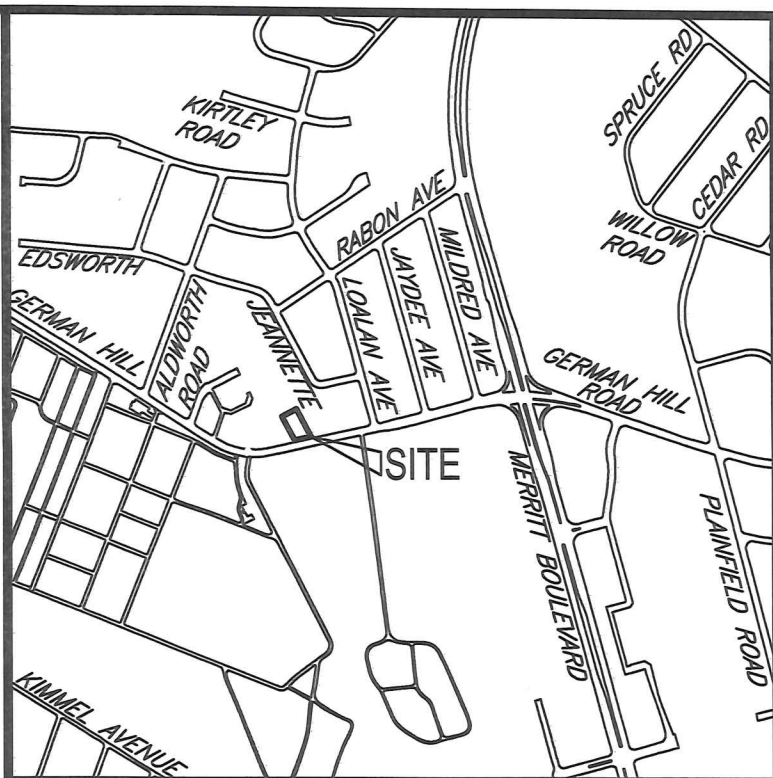
Pet. Ex. No. 1

7458 GERMAN HILL ROAD
12TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

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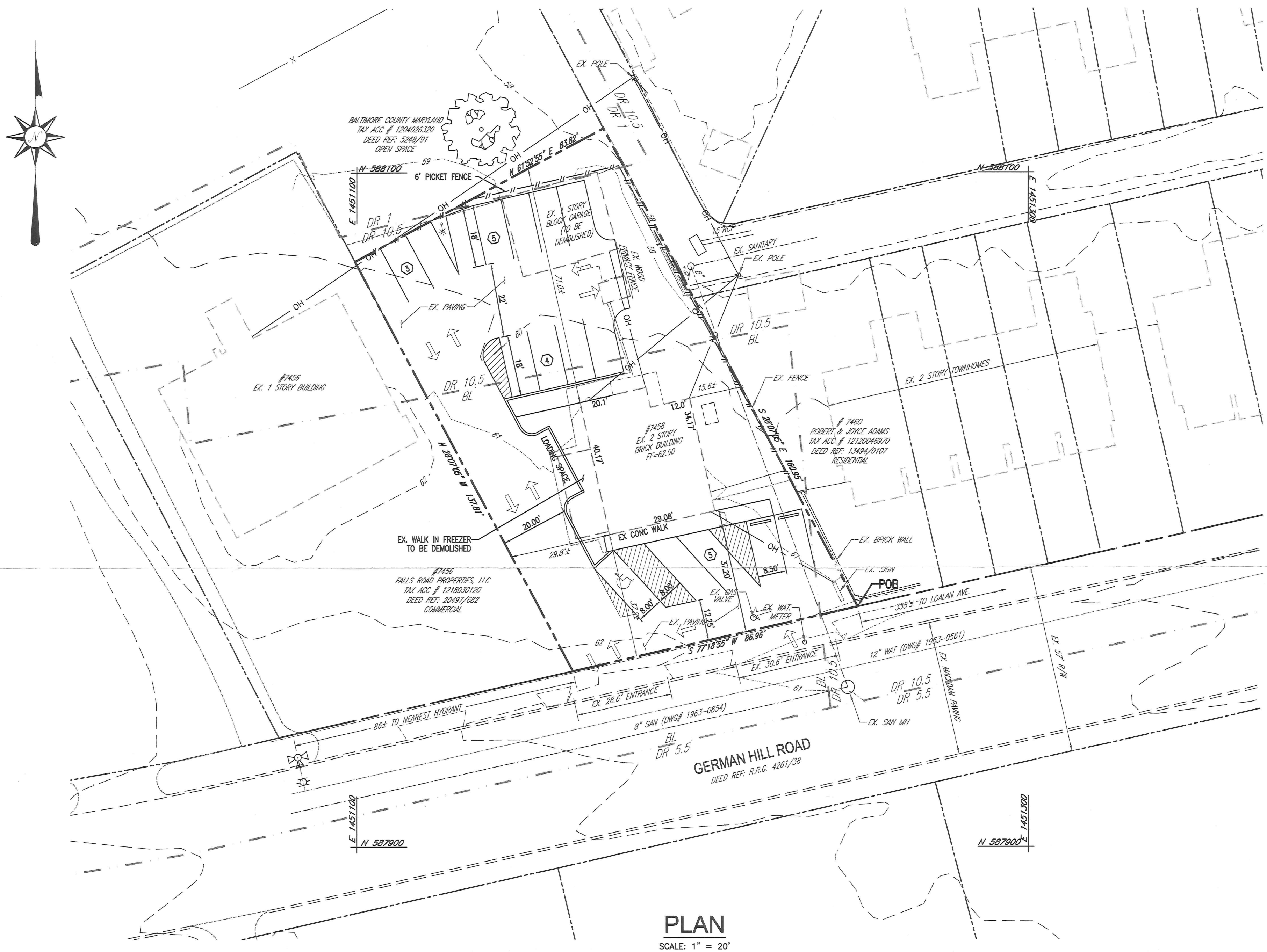


LOCATION MAP
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NET: 12,521 SF OR 0.287 AC±
- UTILITIES:
PUBLIC WATER & SEWER
- BUILDING COVERAGE
EXISTING: 3,139 SF
PROPOSED: 3,154 SF
- DEED REFERENCE: 35726/0037
- TAX ACCOUNT # 1212060182
- COUNCILMANIC DISTRICT: 7TH
- ZONING: BL, DR 10.5 & DR 1
(PER 1"=200' ZONING MAP 103C01)
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MAY 19, 1955.
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- PREVIOUS PERMITS: NO KNOWN PERMITS ON FILE.
- PARKING CALCULATIONS
REQUIRED: RETAIL: 3,154 SF @ 5 SPACES /1000 SF = 16 SPACES
PROPOSED: = 17 SPACES
- THE SITE IS NOT HISTORIC.
- THE SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- NO 100 YEAR FLOOD PLAINS EXISTS ON SITE.
- CENSUS TRACT: 420600
- WATERSHED: BACK RIVER.
- THERE ARE NO KNOWN HAZARDOUS MATERIALS ONSITE.
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- FLOOR AREA RATIO
MAXIMUM PERMITTED: 3.0
EXISTING: 3,139/14,999 = 0.21
PROPOSED: 3,154/14,999 = 0.21
- SETBACKS FOR BL:

	REQUIRED	PROVIDED
FRONT	10'	36.2'±
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REAR	20'	66.1'±
- BASIC SERVICES MAP (2016)
TYPE DEFICIENT (Y/N)
WATER N
SEWER N
TRANSPORTATION N



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