

IN THE MATTER OF	*	BEFORE THE
MGJ PROPERTIES, LLC, LEGAL OWNER AND	*	BOARD OF APPEALS
PETITIONER FOR SPECIAL HEARING ON	*	
THE PROPERTY LOCATED AT	*	OF
1101 BOWLEY'S QUARTERS ROAD	*	
15 TH ELECTION DISTRICT	*	BALTIMORE COUNTY
6 TH COUNCILMANIC DISTRICT	*	
	*	Case No. 18-342-SPH

* * * * *

OPINION

This matter involves a Petition for Special hearing filed by MGJ Properties, L.L.C., (hereinafter "MGJ" or "Petitioner" or "the Company") seeking a declaration that the uses occurring on its commercial property located at 1101 Bowley's Quarters Road were proper. MGJ was represented by Lawrence Schmidt, Esquire. The Petition was opposed by numerous individuals who live in the area as well as by two local community associations (hereinafter collectively "Protestants"). Specifically, David Hash and Bowley's Quarters Improvement Association appeared pro se in opposition to the Petition. Allen Robertson, Carl and Siu Rossmark, and Kenneth Brickell were represented by J. Carroll Holzer, Esquire. Peter Max Zimmerman, Esquire, represented the Office of People's Counsel for Baltimore County, who also appeared in opposition to the Petition.

STATEMENT OF THE CASE

MGJ is a concrete contractor. It has maintained its corporate offices at the subject property since 2009. The property is zoned B.L. (Business Local). See Baltimore County Zoning Regulations ("BCZR") § 230.1.6.A. Office activity, and any accessory uses thereto, are permitted by right. It has been alleged that MGJ in recent years has been utilizing its property to store and maintain tools, equipment, and material associated with its concrete contracting business. A code enforcement citation was issued. Civil Citation No. CC1710981. That case

was heard on February 28, 2018, by Administrative Law Judge Lawrence Stahl. He sustained the violation by order dated March 19, 2018, and MGJ appealed to this Board. That appeal is captioned as CBA-18-028. As is the typical practice, resolution of the violation case was held in abeyance to allow MGJ to file a Petition for Special Hearing so that the larger legal and factual issues could be resolved.

The Petition for Special Hearing was initially heard by Administrative Law Judge John Beverungen who denied the Petition in an opinion dated November 1, 2018. This *de novo* appeal followed. This Board held four days of hearings, during which, numerous witnesses testified both in support of, and opposed to, the Petition. The matter was fully briefed by counsel. The Board held a virtual public deliberation on June 30, 2020, and at that proceeding, all three Board members concluded that the Petition should be denied.

FACTUAL AND LEGAL ISSUES PRESENTED

The essential factual question in this case is whether MGJ is doing (what we can call for shorthand purposes) storage facility activity. The essential legal question is the extent to which “accessory use,” as that term is utilized and interpreted in the Baltimore County Zoning Regulations (BCZR), permits the storage and maintenance of tools, equipment, and materials limited to any generic “office” or rather, whether it allows for the storage and maintenance of said tools, equipment, and materials for the business activity to which the office relates. In this instance, of course, the underlying business to which the office relates is that of a concrete contractor. As a graphic example, a bobcat is not a piece of equipment typically associated with office work. It is, however, typically associated with the concrete contracting business. In terms of that example, the question here is whether the storage and use of the bobcat exceeds the scope

of an accessory use of an office or whether it fits well within the accessory use of an office where that office serves a concrete contracting business.

The first question is a factual one: was MGJ was using its property to store tools, equipment, and materials in a manner roughly akin to, a "Building Materials Storage and Sales Yard," "Construction Equipment Storage Yard," and/or a "Contractor's Equipment Storage Yard," as those terms are defined in BCZR § 101.1. If the answer to that question is in the affirmative, it is then necessary to determine the legal issue. The legal issue is whether "accessory use" of a principal use office restricts the user to activities that are normally incidental to the operation of a generic office, or whether it permit wider activities that are incident to the underlying business to which the office relates.

In its public deliberation, the Board concluded by a preponderance of the evidence that MGJ was using its property to store and maintain tools, equipment, and materials associated with its contracting activities, and that that activity went well beyond that which could ever be rationally linked to an office use. Additionally, the Board ruled as a legal matter that "accessory use" is limited to office activity without regard to the nature of the underlying business to which the office activity relates.

THE ACTIVITY IN QUESTION

As indicated above, there were four days of testimony presented to the Board. Much of the testimony related to the nature and scope of the alleged activity involving storage yard activity. The property is approximately 1.79 acres. It is located at the intersection of Bowley's Quarters Road and Chestnut Road. It has frontage on both of those streets. As indicated above, the office use, and any accessory use thereto, are permitted by right because of the B.L. zoning.¹

¹ A small portion of the property is zoned RC 20, but that split zoning has no impact on this matter.

Petitioner purchased the property in 2009 and began using it for its corporate and administrative offices. The Company operates throughout the mid-Atlantic region. There are five buildings on the property. The front building closest to Bowley's Quarters Road is approximately 2,000 sq. ft. and serves as the main office. Approximately six to seven people work in that building. Their functions are what one typically associates with office activity: payroll, accounting, and other administrative white-collar tasks. The Company has approximately sixty other employees working on projects in the field. There is an additional 3,000 sq. ft. building which, according to Petitioner, contains an office, a bathroom and storage. There is a 400 sq. ft. building which Petitioners indicated is to be torn down, though that has not yet been done. There is also an 1,800 sq. ft. building which is similarly slated for demolition. Finally, there is an additional building in the back that Petitioner also stated was used for storage. There is a parking area between the office building and the street.

The Company's president, Mark Goloboski, testified that there is virtually no activity on the premises unrelated to what is commonly thought of as normal office activity. According to him, any trucks that go in and out are typically workers dropping off papers or picking up checks. There are no scrap materials left around, and nothing associated with concrete contracting is stored in any of the buildings. Mr. Goloboski testified that discarded rebar and concrete chunks on the perimeter of the property near an area of overgrown brush -- depicted in photographs presented by Protestants -- were left over from the prior operation which was a restaurant and crab house.

Mitchell Kellman, a professional planner called by Petitioner, also testified that he saw no evidence of any activity other than office activity. His testimony, however, was not probative

on this point because he was only on the property twice for short periods of time and, by his own admission, did not look inside any of the buildings other than the office. He acknowledged that he largely relied on information obtained from Mr. Goloboski. Mr. Kellman also testified as an expert in zoning that “accessory use” of an office embraced uses related to the nature of the office’s underlying business, in this case, concrete contracting. Therefore, according to Mr. Kellman, if there had been tools, equipment, and materials from the Company’s contracting activities on the premises (which Mr. Kellman denied seeing), the presence of those items was lawful. The Board rejected this opinion as discussed in more detail *infra* at p. 13.

The Petitioner called two other witnesses, one local resident and one former employee, to support its argument that there were no appreciable activities on the property that exceeded normal office uses. As a factual matter, Petitioner’s position was that the alleged storage activity was not occurring and the presence of any field workers or trucks was limited to employees driving to the site for brief interactions with office staff.

The Protestants called a stream of witnesses who lived in and around the area. One of these witnesses, Carl Rossmark, had kept a log over the course of months, which documented the construction related activity. Mr. Rossmark’s log was composed of entries, which he, himself, heard and saw. He also took photographs of much of the activity and these photographs were introduced into evidence. Mr. Rossmark’s testimony and the log that he presented document that the activity that was occurring was akin to that of a contractor’s storage yard.² On the whole, the log and photographs were convincing evidence.

² Mr. Rossmark himself was a licensed contractor though clearly not on the Company’s scale. Nonetheless, he does have enough firsthand familiarity with types of materials and equipment that typically characterize a contractor’s storage yard so as to make his testimony particularly credible.

Another credible witness was Kenneth Brickell who has lived in his home for sixteen years. He is a direct neighbor of the Company. He cannot see the property through the trees in the summer, but he can in the winter. He is also close enough to hear the workers talking. He works for the Department of Homeland Security and United States Coast Guard, supervising maintenance of diesel equipment, and as such, he is familiar with all types of construction equipment. He testified that in the past three years, he has seen construction rubble, rebar, construction equipment, wooden forms for pouring concrete, and other such items routinely stored on the Company's site. He can hear trucks backing up and trailers being unloaded, most often around 5:30 to 6:00 a.m. or in the late afternoons, including Saturdays. The timing and volume of this activity belies any claim that the truck activity and delivery and storage activity is simply to replenish computer paper supplies or other office-related materials.

Other Protestants presented dozens of photographs and videos which showed the unpermitted activity as it occurred. *See e.g.* Testimony of Siu Cheung Rossmark. The property is within the boundaries of the Bowley's Quarter's Community Association (BQCA). Allen Robertson, zoning chairman of the BQCA testified on behalf of that community group. The BQCA opposed the Petition because, in its view, the Petition sought a ruling that would greatly expand commercial uses in B.L. zones, which are often, as in this instance, closely proximate to residences. Though serviced by public water and sewer, this area is outside the Urban Rural Demarcation Line (URDL), and the area is something of a delicate waterfront environment. This means, according to Mr. Roberts, that enhanced commercial activity (which, for example, can generate fuel-soaked runoff) can negatively impact the Chesapeake Bay. David Hash of the Bowley's Quarters Improvement Association also testified to the ongoing activity and the ever-

increasing construction equipment and storage activities that created unsightly and discordant conditions at what was a gateway to a large residential waterfront community.

Among Protestants' photographs were those showing the storage of materials like rebar and other rubble, as well as the routine use and operation of bobcats. The storage shed, which Petitioner stated was used essentially as a garage for antique cars, appeared to be a storage facility for equipment and materials, including those used to fabricate forms for concrete. Though Petitioner states that the various piles of discarded rebar and rubble were left over from the prior owner, the Board is unwilling to accept that claim. Not only is this the type of discarded material associated with concrete contracting and the appearance and quantity seemed to vary over time, but even more, it would mean that Petitioner let the rubble remain unattended since Petitioner acquired the property in 2009. It seems more likely that Petitioner discarded the rubble only to remove after the litigation commenced (and after Protestants were able to take photographs).

The Protestants' eyewitness evidence showed the activity occurring over a broad period of time, including deliveries of large equipment and materials, noise, and relocation of machinery -- occurring on the property.³ Based on this collective testimony and the totality of the demonstrative evidence, including assessments of credibility by the factfinder, the Board easily concluded by a preponderance of the evidence that Petitioner was actively using the site for the fabrication and storage of materials and maintenance of equipment and tools used only in the underlying concrete contracting activities and not for the operation of its corporate offices at this

³ The Board knows from innumerable cases that the County zoning enforcement officials routinely instruct citizens to take photographs and keep diaries of activity to document possible zoning violations. No one enjoys this process. The picture taking in particular tends to aggravate the already strained relationships between neighbors. Given the County's limited resources for the investigation of these types of alleged violations, there is, unhappily, little alternative but for the concerned citizens to resort to that activity.

site. This factual conclusion resolves Petitioner's claim that it was not engaging in the activity.

LEGAL ANALYSIS

Because of how the Board resolves the factual question, the case then turns on the bare legal question of the meaning and scope of "accessory use." As stated above, Petitioner's position is that if it has engaged in that conduct, it is permitted to do so by right because the activity is an accessory use to an office where that office is the office of a concrete contractor. Protestants argue that that activity is, or is akin to, that which falls under the zoning categories of "Building Materials Storage and Sales Yard," "Construction Equipment Storage Yard," and/or "Contractor's Equipment Storage Yard," as those terms are defined in BCZR § 101.1. Whatever specific zoning classification may apply, Protestants' position is that the activity is not permitted as an accessory use to an office because office accessory uses relate only to, and are limited by, generic office activity without regard to the underlying business in which that office is engaged. In other words, rebar and bobcats cannot be routinely stored on the premises of an office whether the office is a concrete contractor's office or an accountant's office.

As indicated above, the MGJ property is zoned B.L. BCZR § 230.1.A.6. This section permits MGJ's office use by right. BCZR § 101.1 defines "Office" as a "building or portion of a building used for conducting the affairs of a business, profession, service, industry or government, including a medical office...." Building Materials Storage and Sales Yard," "Construction Equipment Storage Yard," and "Contractor's Equipment Storage Yard" are not permitted either by right or by special exception in a B.L. zone. BCZR §§ 230.1.A and 230.3. So, if MGJ is to conduct the activity in question here, it must do so as an accessory use.

"Accessory Use" is defined in BCZR § 101.1, in relevant part, as:

A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the

principal use or structure; (c) is located on the same lot **as the principal use or structure served**; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry **in the principal use or structure served**:...An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use. ⁴ (emphasis supplied)

However broad an accessory use may be in general, § 230.1.A.11 indicates that an accessory use specifically permitted in a B.L. zone is, in relevant part, an accessory use "including signs... garages and parking spaces for the use of owners, employees, tenants, and invitees. A maximum of six coin-operated children's rides are permitted as an accessory use." These definitions provide the starting point for the analysis, and it would appear, as a first step, that the plain language of the operative sections of the BCZR preclude Petitioner's interpretation.

The language of the definition of "accessory use" in BCZR § 101.1 clearly establishes that its components are conjunctive, meaning all of the requirements must be met in order to conclude that a particular use is accessory. The language of § 230.1.A.11 does not add any additional dimension to the meaning of accessory use. It is a basic rule of statutory construction that the word "including" by itself typically is used to describe similar entries in a list. In this instance, the list of "signs, garages, and parking spaces" language of § 230.1.A.11 cannot be construed to embrace storage of construction equipment and materials. For our purposes, therefore, the activity in question here, *i.e.*, the storage of equipment, tools, and material for concrete contracting, must be customarily incident **and** subordinate in area or extent to the principal use as reflected in the BCZR § 101.1 definition of accessory use.

The principal use, of course, is that of an office, albeit for a concrete contractor. Common sense dictates that storage of equipment, materials, and tools is not "customarily incident to" an

⁴ Section 101.1, in a somewhat circular and rather unhelpful fashion, defines "Principal Use" as: "A main use of land, as distinguished from an accessory use."

office use *per se*. However, even using Petitioner's interpretation that the principal use is not simply "office," but rather is "concrete contractor's office," it is clear that the area utilized for the storage of equipment and materials is not subordinate or incidental to the concrete contractor's office use. The principal use is still that of an office, and even a concrete contractor's office is an office. In this instance, the scope of the so-called accessory use is far greater than what even a concrete contractor's office can justify. The testimony established that the materials and equipment that MJG was storing utilized a far larger geographic area than the office building. Additionally, the large garage building, by inference, was used as a storage facility for tools and equipment. This was a building at least as large as the office itself. It certainly was not "subordinate" to the principal use, *i.e.* office use. So even if "accessory use" could relate to the business in which the office was engaged -- which the Board does not accept -- the size and scope of MGJ's activity far exceeded that which an accessory use could justify. To use a cliché that was mentioned on several occasions throughout the hearing, it would be the tail wagging the dog.

Finally, in this same vein, the fabrication (here of forms for pouring concrete off site), storage of materials and maintenance of equipment and tools are uses that are associated with a use that is always occurring on a site **different** than the site on which the office is located. These activities are not a "use in combination." The language makes clear that under the BCZR, a permitted accessory use should relate to and support a permitted principal use (here, office use) that exists on the **same** property.

To accept the premise that the accessory use here could include the storage of equipment, tools and materials for concrete contracting so long as the scope is limited begs the ultimate legal question, for it would permit MGJ's storage activity but at a reduced level. This is not this Board's ruling. So, even though the Board found that the activity here exceeded the scope of an

accessory use even if accessory use means what Petitioner says it means, that is not the end of, or even necessary to, the Board's ultimate conclusion. The Board's ruling is broader than that: it is simply that where the principal use is that of an office, it is irrelevant to what business that office relates.

Going back to the regulatory scheme, the activity in question is the storage, whether inside or outside of a building, of building materials, construction equipment, machinery, landscaping equipment, and associated materials. As such, it fits within the definitions of "Building Materials Storage and Sales Yard," "Construction Equipment Storage Yard," and "Contractor's Equipment Storage Yard," as those terms are defined in § 101.1. As indicated above, none of those uses are permitted by right or by special exception in a B.L. zone. A Building Materials Storage Yard is permitted by right in the B.R. (Business Roadside) zone subject to setback requirements. A Contractor's Equipment Storage Yard is permitted in B.R. by special exception in. *See* BCZR § 236.1(C) and 236.2. Building Materials Storage Yard and Construction Equipment Storage Yard are permitted by right in the M.L. (Manufacturing Light) zone, and with some limitations, in the M.H. (Manufacturing Heavy) zone. *See* BCZR, §§ 253.1B.2 and 256.1A.3. That there are identifiable zones to which these uses are expressly designated strongly supports the conclusion that those uses are **not** deeply embedded as a right where some office is supporting an underlying business that stores and uses equipment, tools, building materials and the like. All of those zones permit offices by right. If accessory use is not related to the generic "office," but rather to the business in which the office is engaged, then all one would have to do is open an office in the zones which permit offices by right, have that office be associated with a business not otherwise permitted in the zone, and then claim that the area in which the office is located has become an area where a non-permitted use such as construction storage yard, a contractor's storage yard, or

a building materials storage yard is now permitted by right. This would then make the special exception designation for Contractor's Equipment Storage Yard in the B.R. zone superfluous and unnecessary. In the same light, the M.L. zone expressly permits offices by right. *See* § 253.1(A)(34). It separately permits, again by right, both building materials storage yards and construction equipment storage yards. §§ 253.1(B)(2) and (3). If those latter uses were office accessory uses, then those latter two sections authorizing those specific uses would be, similarly, completely superfluous. Why bother identifying something as a permitted use by right or by special exception when an office oriented to the type of business that would utilize that use solves the problem? So, beyond the plain meaning of the BCZR, the simple logic of the regulatory structure undermines Petitioner's argument.

The plain meaning of the provision and its context in the overall regulatory scheme dictate this result. *Comptroller of Md. V. John C. Louis, Inc.*, 285 Md. 527, 538-39 (1979). Therefore, the analysis above arguably resolves the entire question. Petitioner has, however, asserted a construction of the word "office" in the BCZR to embrace the business in which the office is engaged. This is an overly broad interpretation, which, as indicated in the preceding paragraph, conflicts with, makes superfluous, and/or makes illogical the presence of other definitions in the BCZR (*e.g.* Contractor Equipment Storage Yard), other declarations of uses by right, and other specifically denoted special exceptions. Merely because a party asserts a contrary meaning to a statute or regulation does not make the provision in question ambiguous. The assertion must be reasonable. *Tidewater/Havre de Grace, Inc. v. Mayor and City Council of Havre de Grace*, 337 Md. 338, 345 (1995) ("We are not, in short, at liberty to create an ambiguity where none otherwise exists."). Nonetheless, assuming *arguendo* that an ambiguity in the word "office" justifies a debate about the relationship of an accessory use to a principal office use, the

interpretation by the agency charged with implementing that regulation is given great weight. *Md. Office of People's Counsel v. Public Service Commission*, 461 Md. 380, 393-94 (2018). In this instance, County Zoning Supervisor Carl Richards, who supervises the agency empowered to enforce the County zoning system, testified that storage of construction, building, and contractor's equipment and materials is not permissible as an adjunct to, or an accessory use of, an office. His agency has never permitted that practice to occur. The County Zoning Manual, which County employees use as a primary source for implementation of zoning requirements, supports this conclusion. *See e.g.* People's Counsel Exhibit 18. Mr. Richards could not have been more definitive. As to the relationship of accessory use to an office use, the Board can and does defer to his agency's interpretation.

Nothing said by Mitchell Kellman alters this conclusion. Mr. Kellman testified that "accessory use" is not limited to office activity but relates instead to the office's underlying business. This would mean, for example, that a concrete contractor with offices in center Towson, could first, use its parking area to store rebar, concrete chunks, bobcats, and other tools and equipment, and second, to move, stack, and arrange those materials with its bobcats and work crews throughout the course of the day. Indeed, Mr. Kellman conceded that very hypothetical. The Board views that conclusion as unsupported and without precedent. Moreover, he gave no sound explanation to justify the fact that the storage of equipment, tools, and material in this matter was to support activity occurring off-site. To accept Mr. Kellman's interpretation would turn the entire relationship of principal use and accessory use on its head. The fact that Petitioner's construction leads to an absurd result is yet one more factor supporting the Board's finding. *City of Bowie v. Prince George's County*, 384 Md. 413, 426 (2004). In short, there is

simply no basis to conclude that, as a matter of law, an office accessory use relates to the underlying business in which the office is engaged as opposed to generic office activity.

CONCLUSION

Based on the information presented in the four days of hearings, the Board concludes as follows: (1) Petitioner's property at issue here has been and can continue to function as its office site for its concrete contracting business; (2) Petitioner has been utilizing its property to store materials, equipment, and tools for its concrete contracting operation; (3) the storage of materials, equipment, and tools for a concrete contracting business is not a permitted accessory use associated with an office as the principal use; and (4) even if the storage activity were a permitted accessory use, the activity in question far exceeds that which would be allowed as an accessory use.

ORDER

THEREFORE, IT IS THIS 14th day of December, 2020 by the Board of Appeals of Baltimore County

ORDERED that, for the reasons stated in its Opinion of this date, it is not a lawful or permitted accessory use to a principal office use for Petitioner to store materials, equipment, and tools for its concrete contracting business at the subject property, 1101 Bowley's Quarters Road; and it is further

ORDERED that an accessory use of an office permits activities that are related to general office functioning and not to the underlying business to which the office relates; and it is further

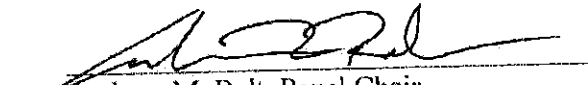
ORDERED that the Petition for Special Hearing seeking a determination that the storage of materials, equipment, and tools at the subject property as an accessory use is hereby **DENIED**.

ORDERED that an accessory use of an office permits activities that are related to general office functioning and not to the underlying business to which the office relates; and it is further

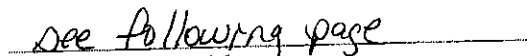
ORDERED that the Petition for Special Hearing seeking a determination that the storage of materials, equipment, and tools at the subject property as an accessory use is hereby **DENIED**.

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*.

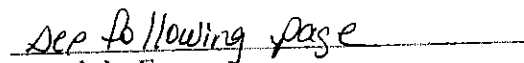
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Andrew M. Belt, Panel Chair



Deborah C. Dopkin



Joseph L. Evans

In the matter of: MGJ Properties, LLC
Case No: 18-342-SPH

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**

see previous page
Andrew M. Belt, Panel Chair

Deborah C. Dopkin
Deborah C. Dopkin

see following page
Joseph L. Evans

In the matter of: MGJ Properties, LLC

Case No: 18-342-SPH

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**

see previous page
Andrew M. Belt, Panel Chair

see previous page
Deborah C. Dopkin

Joseph L. Evans
Joseph L. Evans



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 14, 2020

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

J. Carroll Holzer, Esquire
J. Carroll Holzer, P.A.
508 Fairmount Avenue
Towson, Maryland 21286

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: *MGJ Properties, LLC*
Case No.: 18-342-SPH

Dear Counsel:

Enclosed please find a copy of the final 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, reading "Sunny Cannington Hay".

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Multiple Original Cover Letters

c: See Distribution List following

In the matter of: MGJ Properties, LLC
Case No.: 18-342-SPH
Distribution List
December 14, 2020

Mark Goloboski/MGJ Properties, LLC
Bowleys Quarters Improvement Association
David Hash
Allen Robertson
Kenneth and Kristen Brickell
Carl and Siu Cheung Rossmark
Paul and Kathy Paul
Rose and Joe Hession
Carol Dean
John Bolton
Paul M. Mayhew, Managing Administrative Law Judge
C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/PAI
Marissa Merrick, Assistant County Attorney/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

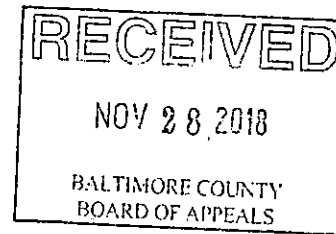


DONALD I. MOHLER III
County Executive

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

November 28, 2018

Lawrence E. Schmidt, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2018-0342-SPH
Property: 1101 Bowleys Quarters Road

Dear Mr. Schmidt:

Please be advised that an appeal of the above-referenced case was filed in this Office on November 27, 2018. 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 "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Managing Administrative Law Judge
for Baltimore County

JEB/sln

c: Allen Robertson, 1608 Holly Tree Road, Middle River, MD 21220
David Hash, 3804 Chestnut Road, Middle River, MD 21220
Baltimore County Board of Appeals
People's Counsel

APPEAL

**Petition for Special Hearing
(1101 Bowleys Quarters Road)
15th Election District – 6th Councilmanic District
Legal Owner: MGJ Properties, LLC
Case No. 2018-0342-SPH**

Petition for Variance Hearing (July 11, 2018)

Zoning Description of Property

Certificate of Posting –

1st Posting- October 8, 2018- Martin Ogle

October 8, 2018- Linda O’Keefe

2nd Posting- Re-Certification- October 28, 2018- Linda O’Keefe

Newspaper Advertisement – August 24, 2018- The Daily Record

Notice of Zoning Hearing – August 30, 2018 for October 29, 2018 Hearing

August 1, 2018 for September 13, 2018 Hearing- postponed

People’s Counsel Entry of Appearance –June 19, 2018

Zoning Advisory Committee Comments

Petitioner’s Sign-in Sheets – one sheet

Citizen’s Sign-in Sheets- two sheets

Petitioner(s) Exhibits –

1. Plan
2. Photos
3. 3A-3C Aerial photos
4. Letters of support

Protestants’ Exhibits –

1. 8-23-18 letter to Mr. Paul
2. 10-4-18 letter to ALJ Stahl
3. DVD-showing activities @ property
4. 5A-5I Photos
5. Log of misc. complaints
6. 7A-7B Google Photos
7. Envelope containing photos
8. 9A-9B Photos
9. 10-4-18 letter B. Kaufman
10. Letter & petitions in opposition of request

Miscellaneous (Not Marked as Exhibits)- Final Order for Code Enforcement case # CC1710981; letter from David O. Hash dated October 29, 2018; letter from Cathy Bevins dated October 4 2018; letter from David Hash dated August 15, 2018 requesting a postponement of September 13, 2018 hearing date; letter from Lawrence E. Schmidt, Esq. dated August 8, 2018; and miscellaneous e-mails.

Administrative Law Judge Order and Letter (DENIED November 1, 2018)

Notice of Appeal & Receipt – Lawrence E. Schmidt, Esq. November 27, 2018

SMITH, GILDEA & SCHMIDT_{LLC}

TO KL

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI



LAUREN D. BENJAMIN
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
CARMELO D. MORABITO
SARAH A. ZADROZNY

of counsel:

EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
STEPHEN J. NOLAN

*Admitted in MD, FL, PA

November 27, 2018

✓ Via Hand Delivery

Arnold Jablon, Esquire
Director
Baltimore County Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

Re: Notice of Appeal
Property: 1101 Bowleys Quarters Road
Case No. 2018-0342-SPH

RECEIVED

NOV 27 2018

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

Dear Mr. Jablon,

Enclosed herewith please find an original and four (4) copies of the Notice of Appeal on behalf of Appellant, MGJ Properties, LLC, to be filed in the above referenced matter. Please date stamp the copies and return the same to our courier. Also enclosed, please find a check in the amount of \$300.00 to cover the filing fee for such appeal.

Please contact me should you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt

LES/amf

Enclosures

cc: Administrative Law Judge John E. Beverungen
Peter Max Zimmerman, Esquire
Krysundra Cannington, Board of Appeals
Allen Robertson, 1608 Holly Tree Road, Middle River, MD 21220
David Hash, 3804 Chestnut Road, Middle River, MD 21220

IN RE:
PETITIONS FOR SPECIAL HEARING
1101 Bowleys Quarters Road

15th Election District
6th Councilmanic District

MGJ Properties, LLC, *Legal Owner*
Appellant

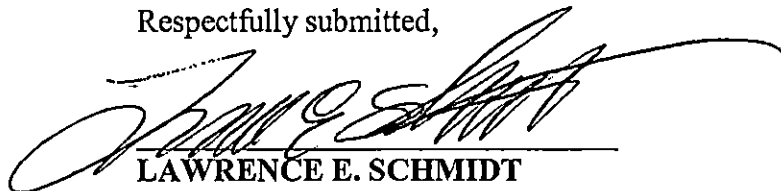
* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* **Case No.: 2018-0342-SPH**
*

* * * * *

NOTICE OF APPEAL

The Appellant, MGJ Properties, LLC, by and through its attorneys, Lawrence E. Schmidt and Smith, Gildea, and Schmidt, LLC, feeling aggrieved by the decision of the Administrative Law Judge for Baltimore County from the Opinion and Order dated November 1, 2018 in the above-captioned matter, hereby note this appeal to the County Board of Appeals for Baltimore County in accordance with Baltimore County Code §32-3-401 by filing this Notice of Appeal with the Director of the Baltimore County Department of Permits, Approvals & Inspections.

Respectfully submitted,



LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of November, 2018, a copy of the foregoing Notice of Appeal was mailed first-class pre-paid postage to:

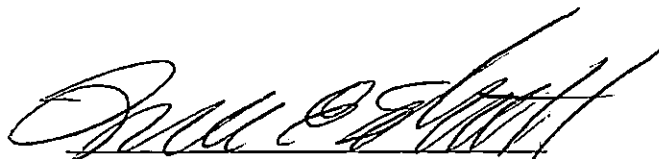
John E. Beverungen, Esquire
Administrative Law Judge
for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, MD 21204

Krysundra Cannington,
Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 205
Towson, MD 21204

Allen Robertson
1608 Holly Tree Road
Middle River, MD 21220

David Hash
3804 Chestnut Road
Middle River, MD 21220


LAWRENCE E. SCHMIDT

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(1101 Bowleys Quarters Road)		
15 th Election District	*	OFFICE OF
6 th Council District		
MGJ Properties, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2018-0342-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of MGJ Properties, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to permit an existing office and accessory indoor/outdoor storage as more particularly shown on the site plan. A petition for special hearing is in essence a proceeding for a declaratory judgment. *Antwerpen v. Baltimore County*, 163 Md. App. 194 (2005). That is, Petitioner seeks a determination that its activities are lawful under the BCZR. A site plan was marked and admitted as Petitioner's Exhibit 1.

Mark Goloboski appeared in support of the petition. Lawrence E. Schmidt, Esq. represented Petitioners. Numerous members of the community opposed the request. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Environmental Protection and Sustainability ("DEPS"), the Bureau of Development Plans Review ("DPR") and the Department of Planning ("DOP").

The subject property is 1.79 acres in size and zoned BL. Petitioner purchased the property in 2009 and has operated at the site the business/administrative office for his construction

ORDER RECEIVED FOR FILING

Date 11/1/18
By Sen

company, Bay Country Professional Concrete. Mr. Goloboski described the site and explained the nature of the work his firm performs. Neighbors testified that for several years they did not have any concerns with Petitioner's operation of the office at the subject property. However, they stated in the last 2-3 years there has been significant construction activity and vehicles at the site, along with an increase in noise.

Mr. Goloboski testified he will occasionally have concrete, steel and other raw materials delivered to the site if they are not needed at the conclusion of a project. He also testified there are occasionally "bobcats" and other pieces of construction equipment at the site, although he stated he did not like leaving such equipment idle for too long since it should be in the field generating revenue for his company. Several neighbors testified about the activities at the site, and they submitted photos and videos showing large construction vehicles being transported to/from the site by a tractor-trailer. Other photos showed individuals on the site working with or fabricating concrete or steel materials.

While there is some disagreement concerning the nature and scope of the activities at this property, it is clear a portion of the site is used for the storage of metal, concrete, wood and other items used in Petitioner's business, along with various construction vehicles like a bobcat or excavator. Petitioner contends these activities and storage of materials are "accessory" to the operation of the office, a use permitted by right in the BL zone. BCZR § 230.1.A.6.

The BCZR defines office as a "building or portion of a building for conducting the affairs of a business, profession, service, industry or government." BCZR §101.1. Mr. Goloboski testified he has several employees who work in the office at this site, and they perform payroll, billing and construction estimating functions for the business. These are clearly appropriate activities and fit within the definition of an office. The operative question is whether storage of construction

ORDER RECEIVED FOR FILING

Date 11/11/18

By Sen

materials and/or vehicles can be deemed “accessory” to that use.

Under BCZR Section 101.1, an “accessory use” is defined as follows:

ACCESSORY USE OR STRUCTURE

A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served.

In *Carroll County v. Zent*, 86 Md. App. 745 (1991), the court of special appeals conducted an exhaustive survey of out-of-state cases discussing accessory uses in a variety of land use categories. The court noted Connecticut has one of the “most restrictive definitions of accessory use” in that its ordinance requires the use to be “subordinate and customarily incidental to the main building and use on the same lot.” *Id.* at 767-68. As quoted above the BCZR defines accessory use in a similar manner, using nearly identical language. The *Zent* court used the restrictive Connecticut standard to determine whether the use in that case was in fact accessory under Maryland law.

In discussing whether a use is “customarily” incidental to the primary use on a property, the *Zent* court held a zoning board must determine “whether it is usual to maintain the use in question.” *Id.* at 768. Petitioner did not present testimony or evidence which would tend to establish that the storage of construction equipment and materials is usually found in connection with an office, and I do not believe it can be described as a customary practice. Indeed, the storage of such equipment and materials describes precisely the operation of a “contractor’s equipment storage yard” or “construction materials storage yard,” as defined in BCZR 101.1. Neither of these uses are permitted in the BL zone, which is the most restrictive of the business zones.

ORDER RECEIVED FOR FILING

Date 11/1/18
By sen

In describing the storage use at the site Mr. Goloboski testified that "materials from the job site sometimes make it back to the shop." While perhaps an offhand reference, it also demonstrates that the subject property is in fact considered a contractor's shop. Carl Rossmark, a neighbor who is himself a contractor, testified that every construction company needs a "shop" in which to store, repair and maintain materials and equipment. Mr. Goloboski owns a large and successful construction company, and in the absence of any evidence that the shop for the business is located at some other location, I believe the subject property is being used for that purpose.

Aside from this issue (which addresses whether the use is expected or customary) I also believe the special hearing must be denied since the storage of materials and equipment at the site is not "subordinate in area, extent or purpose to the principal use or structure." BCZR §101.1. The business office occupies only the 2,000 sq. ft. building adjacent to Chestnut Road. But the "outdoor storage area" shown on the plan encompasses a much larger portion of the site. There is also shown on the plan a newer 3,000 sq. ft. building used (at least in part) for storage. In these circumstances I do not believe the storage use in this case can be deemed accessory under the restrictive definition found in the BCZR.

THEREFORE, IT IS ORDERED this 1st day of **November, 2018** by this Administrative Law Judge, that the Petition for Special Hearing to permit, as uses accessory to the existing office, indoor/outdoor storage of materials and/or vehicles as more particularly shown on the site plan, be and is hereby DENIED.

ORDER RECEIVED FOR FILING

Date 11/1/18

By Sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 11/1/18
By sln



DONALD I. MOHLER III
County Executive

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

November 1, 2018

Lawrence E. Schmidt, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: Petitions for Special Hearing
Case No. 2018-0342-SPH
Property: 1101 Bowleys Quarters Road

Dear Mr. Schmidt:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal stroke extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Allen Robertson, 1608 Holly Tree Road, Middle River, MD 21220
David Hash, 3804 Chestnut Road, Middle River, MD 21220

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

7/12

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

Comment

7/5

DEPS

(if not received, date e-mail sent _____)

Comment

8/9

FIRE DEPARTMENT

PLANNING

(if not received, date e-mail sent _____)

Objects
w/ comments

6/18

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

10/4

County Council Cathy Bevins Opposed

ZONING VIOLATION

(Case No. CC170989)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

9/24/18

SIGN POSTING (1st)

Date:

10/8/18

by

Ogle

SIGN POSTING (2nd)

Date:

10/28/18

by

O'Keefe

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			
Tax Exempt:			Special Tax Recapture:						
Exempt Class:			NONE						
Account Identifier:			District - 15 Account Number - 1504350930						
Owner Information									
Owner Name:		MGJ PROPERTIES LLC			Use:		COMMERCIAL		
					Principal Residence:		NO		
Mailing Address:		3900 GOOSE HARBOR DR BALTIMORE MD 21220-4038			Deed Reference:		/28681/ 00286		
Location & Structure Information									
Premises Address:		1101 BOWLEYS QUARTERS RD 0-0000			Legal Description:		1101 BOWLEYS QUARTERS RD BOWLEYS QUARTERS		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0091	0022	0416		0000			1	2018	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	
1925		4078				1.7900 AC		06	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
1	NO	STANDARD UNIT			1 full				
Value Information									
			Base Value		Value		Phase-in Assessments		
					As of		As of		As of
					01/01/2018		07/01/2018		07/01/2019
Land:			163,900		163,900				
Improvements			156,000		153,400				
Total:			319,900		317,300		317,300		317,300
Preferential Land:			0						0
Transfer Information									
Seller: DISCHER JAMES				Date: 09/25/2009			Price: \$315,000		
Type: ARMS LENGTH IMPROVED				Deed1: /28681/ 00286			Deed2:		
Seller: DISCHER ESTELLE MAE				Date: 09/13/2006			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /24453/ 00602			Deed2:		
Seller: DISCHER FREDERICK W				Date: 10/24/2000			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /14768/ 00443			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2018		07/01/2019			
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:



COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

CATHY BEVINS
COUNCILWOMAN, SIXTH DISTRICT
COUNCIL6@BALTIMORECOUNTYMD.GOV

COUNCIL OFFICE: 410-887-3388
FAX: 410-887-5791
DISTRICT OFFICE:
7856 BELAIR ROAD
BALTIMORE, MARYLAND 21236
410-887-5223

October 4, 2018

Honorable Judge Lawrence M. Stahl
Office of Administrative Hearings
Jefferson Building, Suite 103
105 Chesapeake Avenue
Towson, Maryland 21204



Duplicates

RE: Case# 2018-0342-SPH

Dear Judge Stahl,

I am writing on behalf of the Bowleys Quarters Community regarding case 2018-0342-SPH. This case involves the property located at 1101 Bowleys Quarters Road. The property is zoned Business Local (B.L) and is owned by MGJ Properties, LLC (MGJ). MJG is a construction contractor company that has been using the above property for administrative office functions in compliance with the existing B.L. zoning.

MJG however has been storing its concrete and other heavy equipment on the property which is prohibited under the B.L. Zoning uses. MGJ was issued a citation (Civil Citation No. CC1710981) and fined \$1,000 by Baltimore County Code Enforcement for "Failure to cease non-permitted business ("contractor") in B.L. zone."

On March 19th, 2018 you as the Administrative Law Judge for Baltimore County up held the \$1,000 penalty and ordered that all violations shall be corrected and abated by March 30, 2018. On September 13, 2018 a Special Hearing was held to permit MJG an accessory storage use along with its existing office use.

I ask that you deny this request and any request by MJG to go around the existing B.L. zoning to allow the property to be used to store heavy concrete equipment. The property is zoned B.L. which prohibits storage of equipment. My office has received letters from both Bowleys Quarters associations opposing MJG's request to amend the properties zoning to allow the storage of construction equipment. If the property owners would like to use 1101 Bowleys Quarters Rd, they are able to apply for a zoning change during the 2020 Comprehensive Zoning Map Process (CZMP).

I look forward to you decision.

Thank you,

A handwritten signature in black ink that reads "Cathy Bevens". The script is fluid and cursive, with the first name "Cathy" and last name "Bevens" clearly legible.

Cathy Bevens
Baltimore County Council District 6



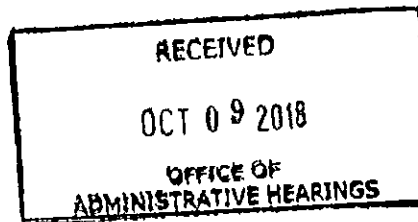
COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

CATHY BEVINS
COUNCILWOMAN, SIXTH DISTRICT
COUNCIL6@BALTIMORECOUNTYMD.GOV

COUNCIL OFFICE: 410-887-3388
FAX: 410-887-5791
DISTRICT OFFICE:
7856 BELAIR ROAD
BALTIMORE, MARYLAND 21236
410-887-5223

October 4, 2018

Honorable Judge Lawrence M. Stahl
Office of Administrative Hearings
Jefferson Building, Suite 103
105 Chesapeake Avenue
Towson, Maryland 21204



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I look forward to you decision.

Thank you,

A handwritten signature in black ink, reading "Cathy Bevin". The script is cursive and fluid, with the first name "Cathy" and last name "Bevin" clearly distinguishable.

Cathy Bevin
Baltimore County Council District 6

TO: THE DAILY RECORD
Friday, August 24, 2018 Issue

Please forward billing to:
Lawrence Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 2018-0342-SPH

1101 Bowleys Quarters Road

NE corner of Bowleys Quarters Road and Chestnut Road

15th Election District – 6th Councilmanic District

Legal Owners: MGJ Properties, LLC

Special Hearing to permit an existing office and accessory indoor/outdoor storage as more particularly shown on the site plan attached to the Petition; for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, September 13, 2018 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.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE MEMORANDUM

Duplicates

TO: Arnold Jablon
Deputy Administrator
Director of Permitting

DATE: 8/8/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-342

INFORMATION:

Property Address: 1101 Bowleys Quarters Road
Petitioner: Mark Goloboski, MGJ Properties, LLC
Zoning: BL, RC 20
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve an existing office and accessory indoor/outdoor storage.

A site visit was conducted on June 27, 2018. The property is the subject of Code Enforcement Case# CC1710981. There has been a history of complaints on this property regarding non-permitted business activity "contractor" in the BL zone. It should be noted that the property is located along a residential street that serves as the entrance to a small waterfront community and fronts on Bowleys Quarters Road, which is a designated Baltimore County Scenic Route.

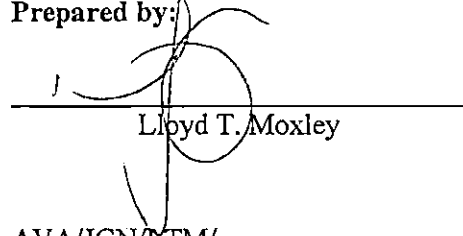
In a meeting held August 7, 2018 representatives from the community apprised the Department of activities they witnessed occurring on the subject site that may indicate the use of the property is other than for the purpose of an office.

The Department does not support granting the petitioned zoning relief until such time as the petitioners have successfully resolved Code Enforcement violation case# CC171098, to the satisfaction of the Administrative Law Judge, and have incorporated the following use conditions:

- Storage and display of materials, vehicles and equipment are permitted in the front yard but not more than five feet in front of the required front building line (40ft. – BL, BCZR Sec. 230.2).
- Construction equipment and machinery that are not licensed for on-road use shall not be stored on site.
- Submit a landscape plan subject to Baltimore County Landscape Architect for review and approval – Must adhere to the standards and conditions in Section G of the Baltimore County Landscape Manual regarding storage and loading areas. It should be noted that Bowleys Quarters Road is a designated Baltimore County Scenic Route.
- The parking area in support of the office use must adhere to the provisions of Section 409 of the Baltimore County Zoning Regulations (BCZR) – durable/dustless materials to be used and the spaces should be striped.
- The subject site is adjacent to residential uses. The Department recommends the commercial activity on site be limited to traditional daily office hours during the standard work week.

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

Prepared by:

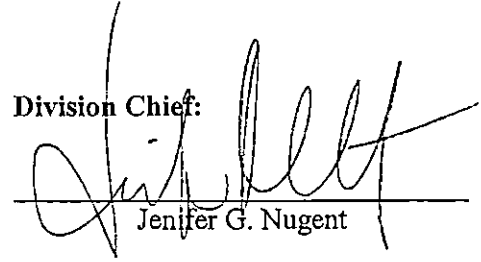


A handwritten signature in black ink, appearing to be 'L. Moxley', written over a horizontal line.

Lloyd T. Moxley

AVA/JGN/LTM/

Division Chief:



A handwritten signature in black ink, appearing to be 'Jennifer G. Nugent', written over a horizontal line.

Jennifer G. Nugent

c: Krystle Patchak
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

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: July 5, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0342-SPH
Address 1101 Bowleys Quarters Road
(MGJ Properties, LLC Property)

Zoning Advisory Committee Meeting of **June 25, 2018**.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to permit an existing office and accessory indoor/outdoor storage area. The lot is not waterfront, although there are wetlands on the adjacent lot, and all structures and uses are existing. It appears all structures and uses have been in existence since prior to the Critical Area regulations. Any proposed future development must meet all LDA requirements. Conversion of existing gravel parking to a durable/dustless surface does not affect the LDA requirements so long as the parking area is not expanded. Because the structures and uses are grandfathered and no new development activity is proposed, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property must meet all applicable Critical Area requirements for any new proposed development activity. No new development activity is proposed, and so this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

This is a grandfathered property. Given that no new development activity is proposed, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

JUL 09 2018

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

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

DATE: 7/5/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-342

INFORMATION:

Property Address: 1101 Bowleys Quarters Road
Petitioner: Mark Goloboski, MGJ Properties, LLC
Zoning: BL, RC 20
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve an existing office and accessory indoor/outdoor storage.

A site visit was conducted on June 27, 2018. The property is the subject of Code Enforcement Case# CC1710981. Bowleys Quarters Road is a designated Baltimore County Scenic Route.

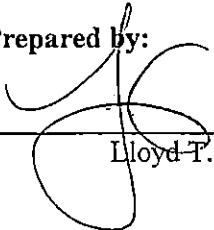
The Department of Planning has no objections to granting the petitioned zoning relief conditioned upon the following:

- Storage and display of materials, vehicles and equipment are permitted in the front yard but not more than five feet in front of the required front building line (40ft. – BL, BCZR Sec. 230.2).
- Construction equipment and machinery that are not licensed for on-road use should not be kept on site for longer than 24 hours.
- Submit a landscape plan subject to Baltimore County Landscape Architect for review and approval – Must adhere to the standards and conditions in Section G of the Baltimore County Landscape Manual regarding storage and loading areas. It should be noted that Bowleys Quarters Road is a designated Baltimore County Scenic Route.
- The parking area in support of the office use must adhere to the provisions of Section 409 of the Baltimore County Zoning Regulations (BCZR) – durable/dustless materials to be used and the spaces should be striped.
- Satisfy violation case# CC1710981

• Date: 7/5/2018
Subject: ZAC # 18-342
Page 2

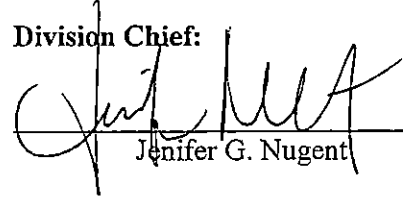
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jennifer G. Nugent

AVA/JGN/LTM/

c: Krystle Patchak
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County



CBCA

PETITION FOR ZONING HEARING(S)

Floor

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 1101 Bowleys Quarters Road

which is presently zoned BL and RC 20

Deed References: 28681/00286

10 Digit Tax Account # 1504350930

Property Owner(s) Printed Name(s) MGJ Properties LLC

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

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

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

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

3. ☐ a **Variance** from Section(s)

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

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200

Towson

MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

MGJ Properties, LLC

Mark Goloboski, Authorized Representative

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3900 Goose Harbor Drive

Baltimore

MD

Mailing Address

City

State

21220

410-335-4116

mgoloboski@baycountryconcrete.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200

Towson

MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0342-SPM

Filing Date 6/11/18

Do Not Schedule Dates:

Reviewer JS

ATTACHMENT TO PETITION FOR SPECIAL HEARING

1101 Bowleys Quarters Road
Tax Account No.: 1504350930
6th Councilmanic District
15th Election District

Special Hearing Relief:

1. To permit an existing office and accessory indoor/outdoor storage as more particularly shown on the site plan attached to this Petition; and,
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.



CBCA

PETITION FOR ZONING HEARING(S)

Flood

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 1101 Bowleys Quarters Road

which is presently zoned BL and RC 20

Deed References: 28681/00286

10 Digit Tax Account # 1504350930

Property Owner(s) Printed Name(s) MGJ Properties LLC

(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:

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

3. ☐ a **Variance** from Section(s)

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

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200

Towson

MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

MGJ Properties, LLC

Mark Goloboski, Authorized Representative

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3900 Goose Harbor Drive

Baltimore

MD

Mailing Address

City

State

21220

410-335-4116

mgoloboski@baycountryconcrete.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200

Towson

MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0342-SP4

Filing Date 6/11/18

Do Not Schedule Dates:

Reviewer JS

ATTACHMENT TO PETITION FOR SPECIAL HEARING

1101 Bowleys Quarters Road
Tax Account No.: 1504350930
6th Councilmanic District
15th Election District

Special Hearing Relief:

1. To permit an existing office and accessory indoor/outdoor storage as more particularly shown on the site plan attached to this Petition; and,
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Brian R. Dietz
Professional Land Surveyor #21080
7867 Oakdale Avenue, Baltimore, MD 21237
Phone 410-686-1198 Fax 410-682-6021

Zoning Description
For
1101 Bowleys Quarters Road
June 11, 2018

Beginning at the Northeast corner of Bowleys Quarters Road (40' wide), and Chestnut Road (40' wide), thence running with and binding on the North side of Bowleys Quarters Road

1. South 58 degrees 44 minutes East 180.00 feet, thence leaving Bowleys Quarters Road
2. North 31 degrees 16 minutes East 370.00 feet,
3. North 58 degrees 44 minutes West 292.90 feet, to the East side of Chestnut Road, thence running with and binding on the East side of said Road
4. South 07 degrees 37 minutes East 144.90 feet, and
5. South 26 degrees 23 minutes West 258.00 feet, to the place of beginning.

Containing 1.79 Ac. or 77,972 sq.ft. of land more or less.

Being known as 1101 Bowleys Quarters Road and located in the 15th Election District, 6th Councilmanic District.

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

No. **171744**

Date **6/11/18**

Rev Sub
 Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 500.00

Total

Rec

From: **MGJ PROPERTIES**

For

2018-0342-SPH

DISTRIBUTION

WHITE CASHIER

PINK AGENCY

YELLOW CUSTOMER

GOLD ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME QW
 5/11/2018 5/11/2018 09:23:19 3

MS03 VALUATION

CEIPT 171744 6/11/2018 073

5 526 2018 VALUATION

171744

Recd: 101 4500.00

4500.00 01 4500.00

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

**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: 2018-0342-SP4

Property Address: 1101 Bowleys Quarters Road

Property Description: _____

Legal Owners (Petitioners): MGJ Properties, LLC

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt

Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC

Address: 600 Washington Avenue, Suite 200

Towson, MD 21204

Telephone Number: 410-821-0070

Revised 7/9/2015

Case No.:

2018-0342-SPH

Exhibit Sheet

SLO
11-1-18Protestant's

Petitioner/Developer

Protestant

No. 1	Plan	8-23-18 letter to Mr. Paul
No. 2	Photos	10-4-18 letter to ALJ Stahl
No. 3	3A-3C Aerial photos	DVD = showing activities @ property
No. 4	Letters of support	4A-4F Photos
No. 5		5A-5I Photos
No. 6		Log of misc complaints
No. 7		7A > 7B > Google photos
No. 8		Envelope containing photos
No. 9		9A > 9B > photos
No. 10		10-4-18 letter B. Kaufman
No. 11		Letters + petitions in opposition to request
No. 12		

BAY COUNTRY
PROFESSIONAL CONCRETE, LLC

'A TEAM EFFORT'

Operations Office

1101 Bowleys Quarters Rd



BAY COUNTRY
PROFESSIONAL CONCRETE, LLC
A TEAM EFFORT
Operations Office
1101 Bowleys Quarters Rd





BAY COUNTRY
PROFESSIONAL CONCRETE, LLC
veni, vidi, vici
Operations Office











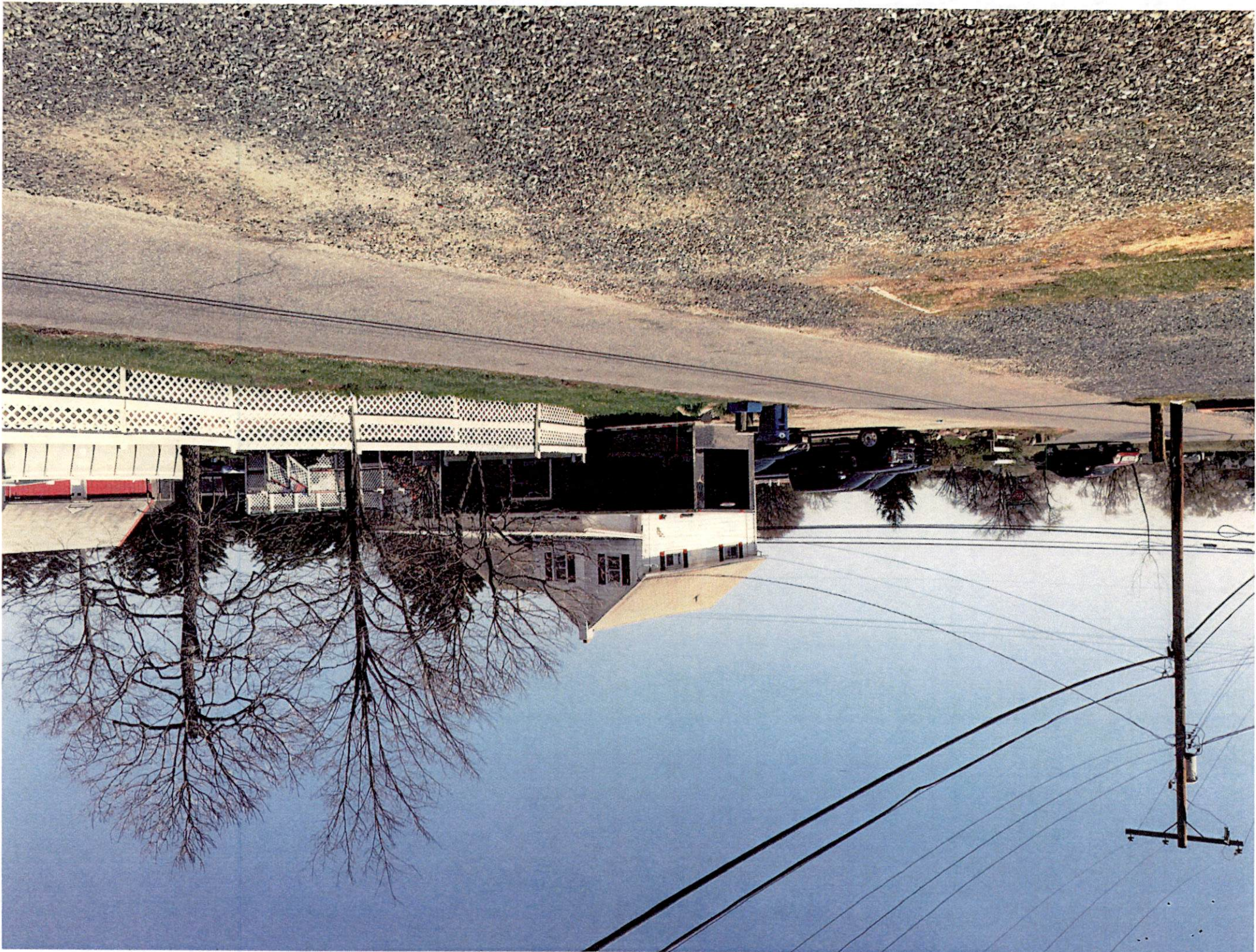




















Ref No 4

To whom it my concern I Thomas Thrasher Jr. have lived across the street from Bay Country Professional Concrete, LLC for four years. He's an upstanding neighbor and I've never had any issues or complaints with him. In the time I've been here he's constantly keeping his property clean and improving it. The Bowleys Quarters community will benefit from this company staying local and growing here.

Sincerely,
Thomas Thrasher Jr.

A handwritten signature in dark ink, appearing to read "Thomas Thrasher Jr.", written in a cursive style.

Gary Caligiuri
27 Penns Greene Drive
West Grove Pa 19390

9/19/2018

To Whom it may concern.

My family and I have been coming to the Bowleys quarters area for over 20 years. Going to Bowleys Quarters marina and then purchasing a property on Seneca road. The corner of Bowleys quarters road and Chestnut Rd has never looked as it does today. They have taken an eye sore and changed the entire corner for the better. Buildings in good condition and well cleaned up area. In our opinion Bay County Concrete llc has done a very nice job cleaning the area up and this will bring the values of everyone's property up. We would support anything new that Bay County Concrete would recommend as it can only increase the eye appeal and values for all property owners.

Sincerely



Gary & Lori Caligiuri
610-656-2765

Too whom it may concern ,
I have been a resident of Bowleys Quarters since 1962.
I was glad to see that someone was able too make the investment , too
clean up the property located at 1101 Bowleys Quarters rd ,Formally known
as Jeff's Bar. It had been neglected ,and in need of major repairs. I
welcome all improvements to our community

I reside at 1119 Bowleys Qtrs rd

Jeff Lark
9/18/2018



COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

CATHY BEVINS
COUNCILWOMAN, SIXTH DISTRICT
COUNCIL6@BALTIMORECOUNTYMD.GOV

COUNCIL OFFICE: 410-887-3388
FAX: 410-887-5791
DISTRICT OFFICE:
7856 BELAIR ROAD
BALTIMORE, MARYLAND 21236
410-887-5223

August 23, 2018

Paul A. Paul
Bowleys Quarters Community Association
P.O. Box 484
Chase, Maryland 21207

Dear Mr. Paul,

Thank you and the Bowleys Quarters Community Association for reaching out to me regarding the property located at 1101 Bowleys Quarters Road. I understand your concerns and I appreciate the opportunity to respond to your request that no special relief be granted to this property by the Administrative Law Judge.

I am familiar with this property and the issues surrounding it. Mr. Mark Goloboski contacted my office in March of this year and requested to meet with me to discuss the issues at 1101 Bowleys Quarters Rd. I met with him in late March, and he requested that I help him amend the zoning on the property. His property as you are aware is zoned Business Local (B.L.) and due to using concrete equipment on that property, which is not permitted with the B.L. zoning, he was cited by Baltimore County Code Enforcement.

I informed Mr. Goloboski that if he wanted to amend the zoning he would have to address the issue during the 2020 Comprehensive Zoning Map Process (CZMP). I informed him that I would not work to change the zoning before then. Mr. Goloboski then told me that he would work on getting letters from the surrounding community to support a zoning change at 1101 Bowleys Quarters Rd permitting him to use concrete equipment on the property.

I understand that his property has been cited for conducting non-permitted business activities and I am pleased that this issue is working its way through the proper administrative process. It is important to note that as a member of the County Council, I have no authority over the decisions of the Administrative Law Judge. The Office of Administrative Hearings is an independent judicial body within the Executive Branch. It is my hope that the Administrative Law Judge will take all of the facts and the community's comments into consideration prior to making a decision.

Prot. 1



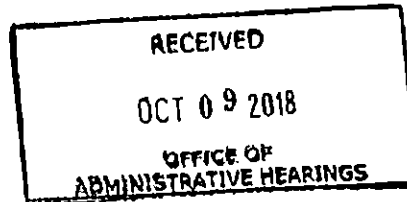
COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

CATHY BEVINS
COUNCILWOMAN, SIXTH DISTRICT
COUNCIL6@BALTIMORECOUNTYMD.GOV

COUNCIL OFFICE: 410-887-3388
FAX: 410-887-5791
DISTRICT OFFICE:
7856 BELAIR ROAD
BALTIMORE, MARYLAND 21236
410-887-5223

October 4, 2018

Honorable Judge Lawrence M. Stahl
Office of Administrative Hearings
Jefferson Building, Suite 103
105 Chesapeake Avenue
Towson, Maryland 21204



RE: Case# 2018-0342-SPH

Dear Judge Stahl,

I am writing on behalf of the Bowleys Quarters Community regarding case 2018-0342-SPH. This case involves the property located at 1101 Bowleys Quarters Road. The property is zoned Business Local (B.L) and is owned by MGJ Properties, LLC (MGJ). MJG is a construction contractor company that has been using the above property for administrative office functions in compliance with the existing B.L. zoning.

MJG however has been storing its concrete and other heavy equipment on the property which is prohibited under the B.L. Zoning uses. MGJ was issued a citation (Civil Citation No. CC1710981) and fined \$1,000 by Baltimore County Code Enforcement for "Failure to cease non-permitted business ("contractor") in B.L. zone."

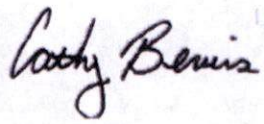
On March 19th, 2018 you as the Administrative Law Judge for Baltimore County up held the \$1,000 penalty and ordered that all violations shall be corrected and abated by March 30, 2018. On September 13, 2018 a Special Hearing was held to permit MJG an accessory storage use along with its existing office use.

I ask that you deny this request and any request by MJG to go around the existing B.L. zoning to allow the property to be used to store heavy concrete equipment. The property is zoned B.L. which prohibits storage of equipment. My office has received letters from both Bowleys Quarters associations opposing MJG's request to amend the properties zoning to allow the storage of construction equipment. If the property owners would like to use 1101 Bowleys Quarters Rd, they are able to apply for a zoning change during the 2020 Comprehensive Zoning Map Process (CZMP).

I look forward to you decision.

Thank you,

Prot. 2

A handwritten signature in black ink, reading "Cathy Bevin". The signature is written in a cursive style with a large, stylized 'C' and 'B'.

Cathy Bevin
Baltimore County Council District 6

bay country concrete

OBSERVATIONS FROM BAY COUNTRY PROFESSIONAL CONCRETE
1101 Bowleys Quarters Road
Middle River, MD 21220

Equipment trailers parked in driveway , material spread all over yard.

Smelled plastic burning on more than one occasion most likely the plastic wrapping the styrofoam insulation.

Tractor trailers blocking the road while heavy equipment is unloaded.

Multiple skid steers have been are parked there along with a large excavator

Unsightly rusty rebar laying all over.

May 16, 2017	~6:48a	Backup alarms woke me up
May 17, 2017	~6:58	Backup alarm woke me
June 7, 2017	~8:00	Backup alarms
June 22, 2017	08:00	Noise from loudspeaker
Aug 30, 2017	06:50	Backup alarms
Sun Sept 3, 2017	08:00	Backup alarms
Mon Sept 4, 2017	06:45	Backup alarms
Sept 12, 2017	07:18	Woke up to backup alarms
Oct 2, 2017	~07:00	Heard backup alarms going off
Oct 4, 2017	07:30	Heard backup alarms going off
Oct 12, 2017	~06:00-06:15	Power was off - backup alarms
Oct 18, 2017	07:16	Backup alarms
Oct 29, 2017	07:30	but probably earlier Backup alarms
Nov 10, 2017	before 08:00	Backup alarms and chainsaws
Nov 14, 2017		Loud noises
Dec 18, 2017	06:58a	Backup alarms woke me
Dec 19, 2017	07:45	Backup alarms woke me
Jan 9, 2018	07:40	Backup alarms

Google Maps

1101 Bowleys Quarters Rd

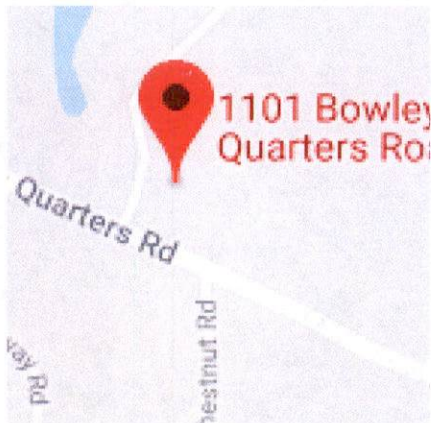


Image capture: Jul 2016 © 2018 Google

Middle River, Maryland

Google, Inc.

Street View - Jul 2016



7a

Untitled Map

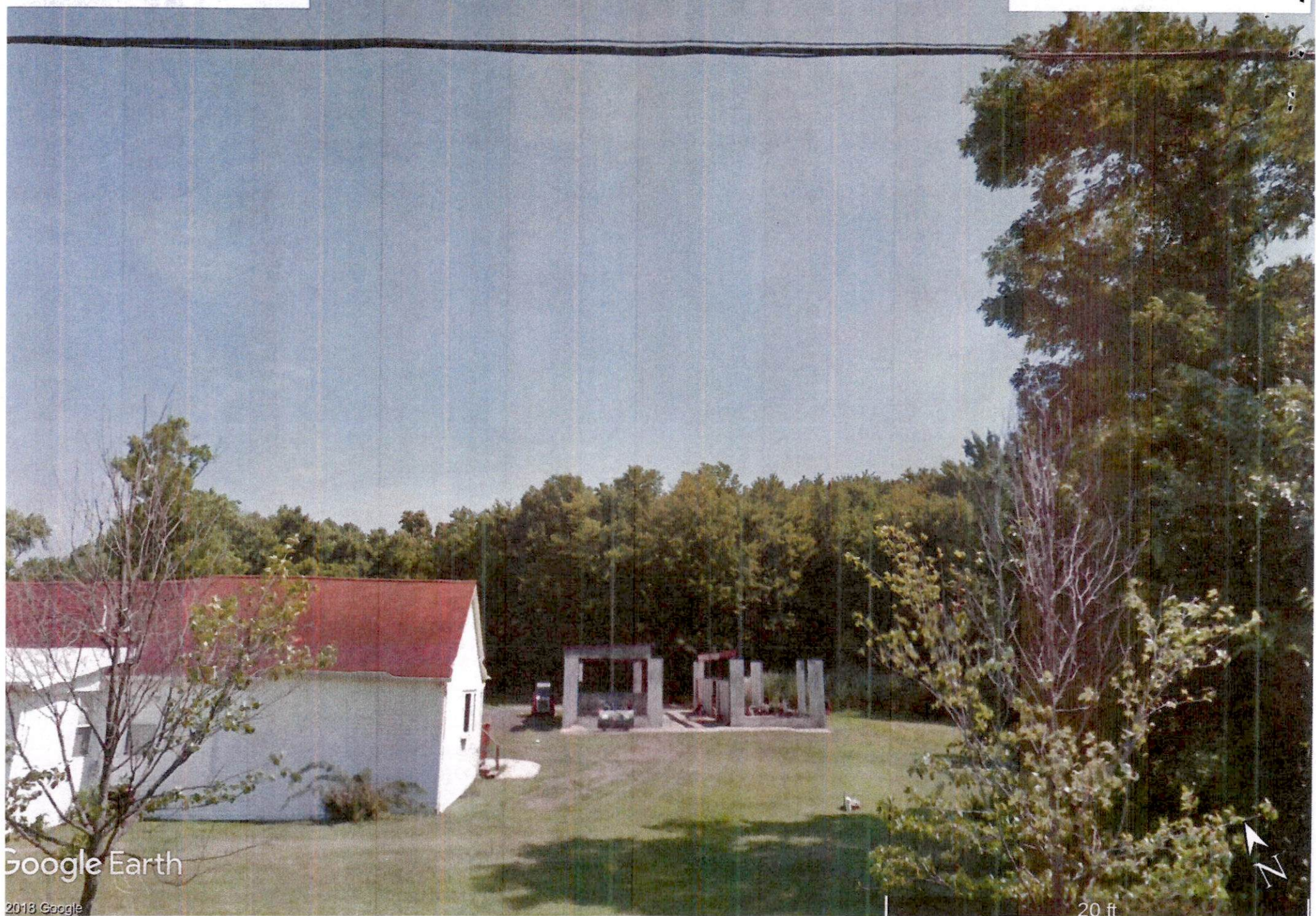
Write a description for your map.

Legend

7/2016



1101 Bowleys Quarters Rd



Google Earth

2018 Google

20 ft

KAUFFMAN AND FORMAN, P.A.

ATTORNEYS AND COUNSELORS AT LAW

406 W. PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204

<http://KauffmanandForman.com>

BRUCE E. KAUFFMAN
JEFFREY L. FORMAN

(410) 823-5700

FAX (410) 296-7349

BRAD E. KAUFFMAN
MICHAEL T. JORDAN

E-mail: beklaw@comcast.net

October 4, 2018

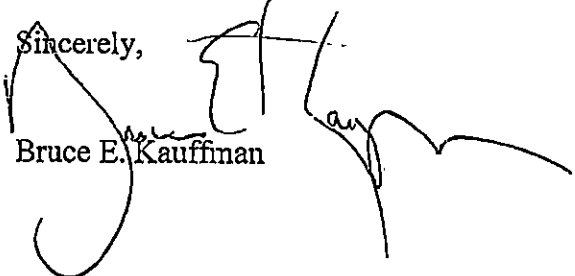
Siu Loong Cheung
3729 Chestnut Road
Middle River, MD 21220

Our Client: MGJ Properties ("MGJ")
Property: 1101 Bowleys Quarters Road
Middle River, Maryland 21220
(the "Property")

Dear Mrs. Cheung:

Please be advised that this law firm represents MGJ. My client has learned that you have asserted accusations that MGJ has committed zoning violations at the Property. My client believes that its Property is being used in compliance with all zoning and other applicable requirements. Your inaccurate communications which you have made to the community and governmental bodies include, but are not limited to, claiming that MGJ's tenant, Bay Country Professional Concrete, LLC ("Bay Country") has transported equipment or materials to and from the Property using heavy trucks or tractor trailers, Bay Country stores concrete mixing materials, and Bay Country has blocked roads surrounding the Property. Please furnish to my office any photographs or videos to support your accusations. Your accusations and interference with Bay Country's use of the Property has and will continue to damage and adversely affect both MGJ and Bay Country. Please be advised that unless you immediately cease and desist with your current conduct, my client has instructed me to immediately pursue all of its legal and equitable remedies. My client sincerely hopes that such a course of action will not be necessary. I suggest that either you or your attorney promptly contact me at my office to further discuss this matter.

Sincerely,


Bruce E. Kauffman

BEK:bal

Prot. 10

Board of Appeals

Case No: 18-342 SPH Case Name: M&J Properties

Exhibit List

Party: Protestant Date: June 4, 2019

Exhibit No:	Description:
✓ 1	(4 pages) Rule 8 Docs - Bowleys Quarters Impt. Assoc - ^{re: DAVID} DASH
✓ 2	12-13-18 Photo - Flatbed truck on Bowleys Quarters Road
✓ 3	Letter to Paul A Paul, 8-23-18, from Cathy Bevins
✓ 4	(from West on Chestnut) Photo - Truck on Bowleys Quarter Rd 12-13-18
✓ 5	Photo - " " " " " " (from Bowleys Qtr Rd)
✓ 6	Sign-in Sheets
IS ONLY ✓ 7A-B	
	VERIFIED BY _____ DATE: _____

KC
6/5/19

Board of Appeals

Case No: 18-342 SPH Case Name: MGS Properties

Exhibit List

Party: Protestants Date: Day 2
10-16-2019

Exhibit No:	Description:
✓ 7 ^{ID only} A-B	Printout Case information D-08-CV-19 002792 D-08-CV-19 002793
✓ 8 ^{admitted}	Letter 10-4-18 from Bevins to Stahl
✓ 9 A-M ^{admitted}	Photos - taken by Brickell
✓ 10 ^{admitted}	VIDEO DISC - 5 clips By Brickell
✓ 11 ^{admitted}	Log of ACTIVITIES by Brickell
✓ 12 A-H ^{admitted}	Photos - by Bohlen
✓ 13 ^{admitted}	Log by Rossmark
✓ 14 ^{admitted} A-N	Photos " " from 5-29-17 to Nov 22, 2018
✓ 15 ^{admitted} O-AB	Photos 12-18-18 to 6-22-19
✓ 16 ^{admitted} AC-AD	Photos 7-22-19 to 9-27-19
✓ 17 ^{admitted} AP-AS	Photos 10-2-19 to 10-7-19
✓ 18 ^{admitted}	National Flood Hazard Map
✓ 19 ^{admitted}	Sign in Sheet - day 2
VERIFIED BY <u>KC</u> DATE: <u>10/17/19</u>	

Board of Appeals

Case No: 18-342 SPH Case Name: M.G.J. - Properties

Exhibit List P. 2

Party: Protestant Date: 12-18-19 DAY 3

Exhibit No:	Description:
✓ 20	2016 slab & uprights unfinished GOOGLE MAP PHOTO OF 'REAR' BUILDING
✓ 21 ^{3pp}	Correction Notice & 3 Citation, Code enforcement & inspection citations
✓ 22	1101 Bowley's Quarter Road - Chronology
✓ 23	March 30, 2018 Case No. FINAL ORDER CIVIL CIT No CC1710981
✓ 24 ^{A-N}	Photos - Sept. 20-2018
✓ 24-P-X	Photos Sept 20-2018
✓ 25 A-J	Photos Dec -2018 thru March, 2019
✓ 26 A-G	Photos June, 2019 - Sept, 2019
✓ 27 A-J	Photos June, 2019 - Sept 2019
✓ 28	8cm CD-Video 10-24-2018 ; 12-2-2019 a.m., 10-29-18
✓ 29	Permit No B929835 - computer printout
^{ID ONLY} ✓ 30	Letter dated 5-11-2015 from DEPS to Petitioner - objection to admission
^{ID ONLY} ✓ 31	Definitions
^{admitted} ✓ 32	Aerial - Bowley's Quarters Peninsula & Imp Assoc Area
VERIFIED BY <u>KC</u> DATE: <u>12/23/19</u>	

Items
20-29
moved
&
admitted
30 - ID only
31

Board of Appeals

Case No: 18-342 SPH Case Name: MCJ - Properties

Exhibit List *p. 3*

Party: Protestant Date: 12-18-19

Exhibit No:	Description:
✓ 33	Letter dated 10-4-18 From Bruce Kauffman to Ms. Cheung
✓ 34	for Allen Robertson 1-22-19 Rule 8 Material - Bowleys Quarters Crty Assoc.
✓ 35	& URDL in pink Aerial of Peninsula showing Robertson property in Red
✓ 36	C.V. Christopher N. Jakubiat
✓ 37	Rule 8
✓ 38 2pp	(a) URDL - large & (b) small - showing site on (b)
✓ 39	Photograph
VERIFIED BY <u>KC</u> DATE: <u>2/14/2020</u>	

Bowleys Quarters Improvement Association

RESOLVED: That at the Special Meeting of the Bowleys Quarters Improvement Association held on Thursday, February 7th, it was decided by the Association that responsibility for review and action on all zoning matters for the period of February 12th, 2019 through February 14th, 2020 be placed with the Board of Directors consisting of the following members, each of whom is hereby authorized to testify on behalf of the Association before the County Board of Appeals or other duly constituted zoning agency, body, or commission:

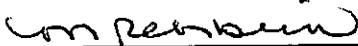
David O Hash.

Bowleys Quarters Improvement Association Zoning Chairman

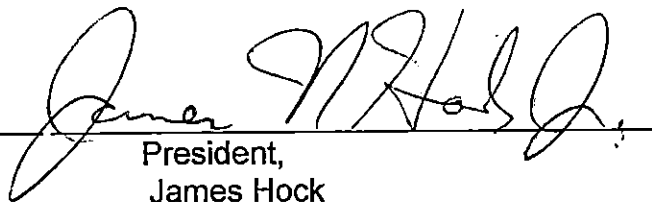
AS WITNESS OUR HANDS AND SEAL THIS 7th day of February, 2019.

ATTEST:

Bowleys Quarters Improvement Association



Secretary,
Mimi Rehbein


President,
James Hock

**Protestant
CBA Exhibit**

The Bowleys Quarters Improvement Association
1124 Bowleys Quarters Road
Middle River, MD 21220

RESOLVED: That the position of the Bowleys Quarters Improvement Association as adopted by its Board of Directors at a meeting on February 5th, 2019 on the zoning matter known as:

2018-0342-SPH 1101 Bowleys Quarters Road, Middle River, MD 21220

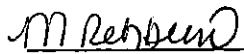
is as follows:

BQIA is on record as opposing the continuation of illegal uses on the subject property, including the storage of materials and equipment associated with the current operation of a concrete company construction yard. Furthermore, BQIA objects to any effort to recategorize these violations as accessory uses under the current BL zone.

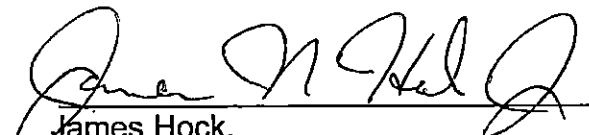
AS WITNESS OUR HANDS AND SEAL THIS 5th day of February, 2019.

ATTEST:

Bowleys Quarters Improvement Association



Mimi Rehbein,
Secretary



James Hock,
President

AFFIDAVIT

**STATE OF MARYLAND
BALTIMORE COUNTY, SS:**

TO WIT:

I hereby swear upon penalty of perjury that I, David O. Hash, am currently a duly elected member of the Board of Directors and serve as Chairman of the Zoning Committee of the Bowleys Quarters Improvement Association.



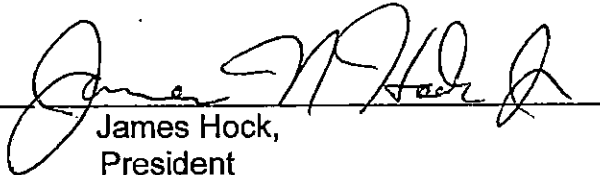
David O. Hash

ATTEST:

Bowleys Quarters Improvement Association



Mimi Rehbein,
Secretary



James Hock,
President

DATE: February 5, 2019

Bowleys Quarters Improvement Association





COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

CATHY BEVINS
COUNCILWOMAN, SIXTH DISTRICT
COUNCIL6@BALTIMORECOUNTYMD.GOV

COUNCIL OFFICE: 410-887-3388
FAX: 410-887-5791
DISTRICT OFFICE:
7856 BELAIR ROAD
BALTIMORE, MARYLAND 21236
410-887-5223

August 23, 2018

Paul A. Paul
Bowleys Quarters Community Association
P.O. Box 484
Chase, Maryland 21207

Dear Mr. Paul,

Thank you and the Bowleys Quarters Community Association for reaching out to me regarding the property located at 1101 Bowleys Quarters Road. I understand your concerns and I appreciate the opportunity to respond to your request that no special relief be granted to this property by the Administrative Law Judge.

I am familiar with this property and the issues surrounding it. Mr. Mark Goloboski contacted my office in March of this year and requested to meet with me to discuss the issues at 1101 Bowleys Quarters Rd. I met with him in late March, and he requested that I help him amend the zoning on the property. His property as you are aware is zoned Business Local (B.L.) and due to using concrete equipment on that property, which is not permitted with the B.L. zoning, he was cited by Baltimore County Code Enforcement.

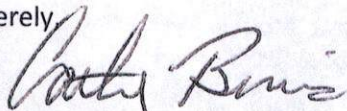
I informed Mr. Goloboski that if he wanted to amend the zoning he would have to address the issue during the 2020 Comprehensive Zoning Map Process (CZMP). I informed him that I would not work to change the zoning before then. Mr. Goloboski then told me that he would work on getting letters from the surrounding community to support a zoning change at 1101 Bowleys Quarters Rd permitting him to use concrete equipment on the property.

I understand that his property has been cited for conducting non-permitted business activities and I am pleased that this issue is working its way through the proper administrative process. It is important to note that as a member of the County Council, I have no authority over the decisions of the Administrative Law Judge. The Office of Administrative Hearings is an independent judicial body within the Executive Branch. It is my hope that the Administrative Law Judge will take all of the facts and the community's comments into consideration prior to making a decision.

Protestant
CBA Exhibit

Thank you again for contacting me. I always appreciate hearing from Community Associations. If you need further assistance, please contact me at 410-887-3388 or council6@baltimorecountymd.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Cathy Brown". The signature is fluid and cursive, with the first name "Cathy" and last name "Brown" clearly distinguishable.

Councilwoman
Baltimore County Council
Sixth District

Thank you again for contacting me. I always appreciate hearing from Community Associations. If you need further assistance, please contact me at 410-887-3388 or council6@baltimorecountymd.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy Brown". The signature is fluid and cursive, with the first name "Cathy" and last name "Brown" clearly distinguishable.

Councilwoman
Baltimore County Council
Sixth District

PLEASE PRINT CLEARLY

CASE: 2018-0342-SPH

4-Jun-19

CITIZENS'S SIGN IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	EMAIL ADDRESS
Kenny + Kristin Brickell	3727 Chestnut Rd.	Middle River, MD	kbrickell@yahoo.com
Marsha Ayres	1027 Cold Spring Rd.	Middle River MD.	
Charles B. Margetz	4621 Bay Drive	M.R. MD	Wanabuz11@aol.com
Fred Hylle	4605 Bay Drive	M.R. MD	fredhylle@gmail.com
Dave Hashy	3804 Chestnut Rd	M.R., MD	dhashy@jhu.edu
Christopher W. Johnson	3730 Chestnut Rd	M.R. MD	
Wendy W. Johnson	" " "	Middle River	CWISN@M@
PICK SYDBROOK	3728 CHESTNUT RD	" "	AMARYLAND.EDU
Siu Chung Rasmussen	3729 Chestnut Rd		globalonesin@comcast.net
DARLENE MELCHER	3533 BAY DRIVE	MIDDLE RIVER 21220	MELCHER@comcast.net
Rosalie Hession	1127 Cold Spring Rd	" 21220	RosHession@gmail.com
Kathy Paul	3803 Bay Drive	" "	KAMP@comcast.net
Paul G. Paul	3803 Bay Drive	" "	baydrive1@comcast.net
MICHAEL OSMEYER	3601 CHESTNUT ROAD	MIDDLE RIVER 21220	wrosmyer@aol.com
Mary Smith	1532 Bowley's Quarters Pl	21220	mescott@comcast.net
Allen Robertson	1608 Holly Tree Rd	21220	arbgq@hotmail.com
Nicole Miller	1434 Burke Road	21220	miller3times4@comcast.net
Carol Dean	925 Bowleys Qtr	21220	caroldea@ymail.com
Bethany Hoffman	1204 Seneca Rd Baltimore	21220	
Devon Hoffman	1204 Seneca Rd	21220	

Protestant
CBA Exhibit

6

CASE: 2018-0342-SPH

4-Jun-19

CITIZENS'S SIGN IN SHEET

[illegible]

DISTRICT OF MARYLAND

Case Information

[Go Back](#)Court System: **DISTRICT FOR BALTIMORE COUNTY - CIVIL SYSTEM**Case Number: **D-08-CV-19-002792** Case Status: **CLOSED**Case Type: **PEACE ORDER** Order Valid Thru: **07/19/2019**Filing Date: **06/19/2019**Defendant Name: **ROSSMARK, CARL**City: **MIDDLE RIVER** State: **MD**Hearing Date: **06/19/2019** Hearing Time: **12:00 AM** Room: **X1**Hearing Location: **8914 KELSO DRIVE, BALTIMORE, MD 21221**Served Date: **06/21/2019**Hearing Type: **INTERIM**Result: **COURT ORDERS
SHALL NOT ABUSE
SHALL NOT CONTACT
SHALL STAY AWAY FROM EMPLOYMENT**Hearing Date: **06/21/2019** Hearing Time: **10:21 AM** Room: **X01**Hearing Location: **8914 KELSO DRIVE, BALTIMORE, MD 21221**Served Date: **06/24/2019**Hearing Type: **TEMPORARY**Result: **COURT ORDERS:
SHALL NOT ABUSE
SHALL NOT CONTACT
SHALL NOT ENTER RESIDENCE
SHALL STAY AWAY FROM EMPLOYMENT**Hearing Date: **06/28/2019** Hearing Time: **9:09 AM** Room: **X01**Hearing Location: **8914 KELSO DRIVE, BALTIMORE, MD 21221**Served Date: **07/08/2019**Hearing Type: **TEMPORARY**Result: **COURT ORDERS
SHALL NOT ABUSE
SHALL NOT CONTACT
SHALL STAY AWAY FROM EMPLOYMENT**Hearing Date: **07/08/2019** Hearing Time: **9:45 AM** Room: **X01**Hearing Location: **8914 KELSO DRIVE, BALTIMORE, MD 21221**Served Date: **07/11/2019**Hearing Type: **TEMPORARY**Result: **COURT ORDERS
SHALL NOT ABUSE
SHALL NOT CONTACT
SHALL STAY AWAY FROM EMPLOYMENT**Hearing Date: **07/15/2019** Hearing Time: **9:20 AM** Room: **X01**Hearing Location: **8914 KELSO DRIVE, BALTIMORE, MD 21221**Served Date: **07/19/2019**Hearing Type: **TEMPORARY**Result: **COURT ORDERS
SHALL NOT ABUSE
SHALL NOT CONTACT
SHALL STAY AWAY FROM EMPLOYMENT**Hearing Date: **07/19/2019** Hearing Time: **9:51 AM** Room: **X01**Hearing Location: **8914 KELSO DRIVE, BALTIMORE, MD 21221**Hearing Type: **FINAL**Result: **DISMISSED: LACK OF SERVICE - EXCEEDED THE STATUTORY TIME LIMIT (30 DAYS)**

This is an electronic case record. Full case information cannot be made available either because of legal restrictions on access to case records found in Maryland Rules, or because of the practical difficulties inherent in reducing a case record into an electronic format.

10 ONLY
Protestant
CBA Exhibit
7A

DISTRICT COURT OF MARYLAND FOR Baltimore CountyLocated at 8914 Kelso Drive Baltimore, MD 21221

City/County

Case No. D-08-CV-19-002792John Paul Vitale

Court Address

vs. Carl Rossmark & Sibbony Cheung

Respondent (Person alleged to have committed the prohibited act)

3803 Bay Drive

Street Address, Apt. No.

Bowlers Quarters MD 21220

City, State, Zip

Home:

Work:

Telephone Number(s)

PETITION FOR PEACE ORDER

1. I (the Petitioner) am seeking protection from the Respondent Carl Rossmark & Sibbony Cheung for ☒ myself; ☐ a minor child of mine or over whom I have custody or guardianship _____; an adult over whom I have guardianship or Power of Attorney _____ as a result of the following act(s) committed by the Respondent within the last 30 days on the dates stated below. (check all that apply)
- ☐ shooting ☐ rape or other sexual offense (or attempt) ☐ hitting with object ☐ stabbing ☐ shoving ☐ threats of violence
- ☒ harassment ☒ stalking ☐ detaining against will ☒ trespass ☐ malicious destruction of property
- ☒ misuse of telephone facilities and equipment ☒ misuse of electronic communication or interactive computer service
- ☐ revenge porn ☒ visual surveillance ☐ other: _____

The details of what happened are: (Describe injuries, State the date(s) and place(s) where these acts occurred. Be as specific as you can.)

Respondent was taking unauthorized photo/video of myself & others (minor children) on property without consent, when confronted Respondent pulled away while Administering me to mind my own while @ my place of employment

2. I know of the following court cases involving the Respondent and the person(s) for whom I am seeking protection:

Court

Kind of Case

Year Filed

Results or Status (if you know)

3. Describe all other harm the Respondent has caused to the person(s) for whom you are seeking protection, and give date(s), if known:
- Harassment @ Place of employment causing issue w/ Employer & Ability to provide without undue stresses, Potentially has pictures of minors

4. I want the Respondent to be ordered:

☒ NOT to commit or threaten to commit any of the acts listed above against John Vitale or Associated Employees or Coworkers employed @ 1101 Bowlers Quarters MD

☒ NOT to contact, attempt to contact, or harass Aforementioned Above as Place of employment

☐ NOT to go to the residence(s) at _____

Address

☐ NOT to go to the school(s) at _____

Name of school and address

☒ NOT to go to the work place(s) at BayCountry Professional Concrete Projects or Offices

☐ To go to counseling. ☐ To go to mediation. ☐ To pay the filing fees and court costs.

☐ Other specific relief: _____

I solemnly affirm under the penalties of perjury that the contents of this Petition are true to the best of my knowledge, information, and belief.

6-19-19

Date

John P. Vitale

Petitioner

NOTICE TO PETITIONER

Any individual who knowingly provides false information in a Petition for Peace Order is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both.

SCANNED



☐ CIRCUIT COURT ☒ DISTRICT COURT OF MARYLAND FOR Baltimore
Located at 8914 Kelso Drive 21221 Case No. D-08-00-19-002792
City/County

Vitela, John Paul
Petitioner

vs. Rossmark, Carl
Respondent

ADDENDUM TO PETITION FOR PEACE ORDER

Failure to provide information on this Addendum may prevent law enforcement from processing the Court's Peace Order. This may endanger your safety or the safety of another protected party. Please provide as much information as possible.

DESCRIPTION OF RESPONDENT (Provided by Petitioner)

Full Name: <u>Carl Rossmark</u>		Date of Birth:		Approximate Age: <u>40-50</u>	
Race: <u>W</u>	Sex: <u>M</u>	Height: <u>5'8"</u>	Weight: <u>200+</u>	Hair Color: <u>Gray</u>	Eye Color:
Skin Tone (Light/Medium/Dark):					
Scars, Tattoos (where on body and description):					
Home Address: <u>3803 Bay Drive</u>					
City, State, Zip: <u>Bowleys Quarters MD</u>					
Telephone/Cell Phone Number:					
Employer:					Work Hours:
Work Address:					
City, State, Zip:					Telephone Number:
Vehicle/Make: <u>Ford F250</u>		Model/Color: <u>Red</u>		Year:	Tag #: <u>MD 31P 343</u>
Weapons:					
Other locations or information about Respondent:					

PETITIONER: (Person Requesting Assistance)

Full Name: <u>John Paul Vitela</u>		Date of Birth: <u>06-01-1978</u>		Age: <u>41</u>	
Race: <u>W</u>	Sex: <u>M</u>	Height: <u>6-01</u>	Weight: <u>180</u>		

6-19-19
Date

[Signature]
Petitioner's Signature



DISTRICT COURT OF MARYLAND FOR

Baltimore

Located at

8914 Kelsodrive 21221

Court Address

Case No.

City/County

D-08-CV-19-002792

John P. Vitale

Petitioner

vs.

Earl Rossmark

Respondent

PEACE ORDER SUPPLEMENT

Dating Violence

1. Do you contend that YOU are (or were) in a dating relationship whereby the respondent engaged in a course of conduct with the intent to kill, injure, intimidate, or harass you in a manner that placed you in a reasonable fear of death or physical harm?

Yes ☐

No ☐

Sexual Assault

2. Do you contend that the respondent engaged in a sexual assault against you and without your consent that placed you in fear of physical harm or danger?

Yes ☐

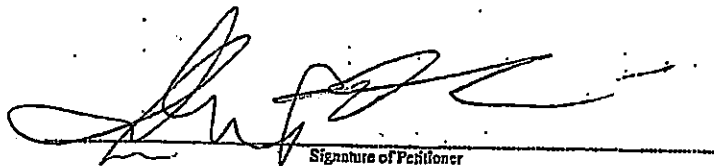
No ☐

Stalking

3. Do you contend that the respondent has engaged in a malicious course of conduct in which the respondent approached or pursued you with the intent to place you in reasonable fear of serious bodily injury or death?

Yes ☒

No ☐



Signature of Petitioner



District Court of Maryland for Baltimore County

8914 Kelso Drive, Baltimore, Maryland 21221



Case No.: D-08-CV-19-002792

Date: 06/19/2019 8:24 p.m.

JOHN PAUL VITELA vs CARL ROSSMARK

ADDENDUM TO PETITION FOR PEACE ORDER

Failure to provide information on this Addendum may prevent law enforcement from processing the Court's Peace Order. This may endanger your safety or the safety of another protected party. Please provide as much information as possible.

DESCRIPTION OF RESPONDENT

(Provided by Petitioner)

Full Name: ROSSMARK, CARL				Date of Birth:		Approximate Age: 40	
Race: 2	Sex: M	Height: 5'8"	Weight: 200	Hair Color: GRA	Eye Color:	Skin Tone (Light/ Medium/ Dark):	
Scars, Tattoos (where on body and description):							
Home Address 3803 BAY DRIVE							
City, State, Zip MIDDLE RIVER, MD 21220							
Telephone/Cell Number:							
Employer:						Work Hours:	
Work Address							
City, State, Zip						Telephone Number:	
Vehicle Make: RED FORD		Model/ Color: F250		Year:		Tag#: 31P343	
Weapons:							
Other locations or information about Respondent:							

PETITIONER

(Person Requesting Assistance)

Full Name: VITELA, JOHN PAUL				Date of Birth: 06/01/1978		Approximate Age: 41	
Race: 2	Sex: M	Height: 6'1"	Weight: 180				

Petitioner's Signature
CC-DC-PO-001A (Rev. 10/2015)

Date.....



SCANNED



DISTRICT COURT OF MARYLAND FOR

Baltimore

Located at

8914 Keiso Drive

Essex, MD

City/County

21221

Court Address

FEE NOTICE - PEACE ORDER

Case Number:

D-08-CV-19-002792

Petitioner:

Vitela, John Paul

Respondent:

Rossmark, Carl

☒ I have been advised that I am responsible, unless waived
by the Court, for a court fee of \$ 46.00 and a
service fee of \$ 40.00 for the Interim Peace Order.

JV
Petitioner Initials

☒ I understand that I am to appear at the clerk's office to
pay costs owed and to have a temporary hearing.

JV
Petitioner Initials

☒ The court fee may be paid in cash or by check payable to
District Court of Maryland. The service fee is to be paid by check
made payable to: District Court of Maryland

JV
Petitioner Initials

6-19-19

Date:

[Signature]

Petitioner Signature

6/19/19

Date:

[Signature]

Commissioner Signature



District Court of Maryland for Baltimore County

8914 Kelso Drive, Baltimore, Maryland 21221



Case No.: D-08-CV-19-002792

Date: 06/19/2019 8:24 p.m.

JOHN PAUL VITELA vs CARL ROSSMARK INTERIM PEACE ORDER

Considering the petition (which was filed when the office of the District Court was closed) and evidence, the Commissioner finds reasonable grounds to believe that Respondent:

1. Has committed the following act(s) against Petitioner within 30 days before the filing of the Petition:
Harassment
Visual surveillance

Based on the foregoing findings, the Court hereby ORDERS:

1. That the Respondent SHALL NOT commit or threaten to commit any of the following acts against Petitioner: an act which causes serious bodily harm; an act that places the Petitioner in fear of imminent serious bodily harm; assault; rape, attempted rape, sexual offense, or attempted sexual offense; false imprisonment; harassment; stalking; trespass; malicious destruction of property; misuse of telephone facilities and equipment; misuse of electronic communication or interactive computer service; revenge porn; or visual surveillance.
2. The Respondent SHALL NOT contact (in person, by telephone, in writing, or by any other means), attempt to contact, or harass the Petitioner.
3. The Respondent SHALL STAY AWAY from:
The Petitioner's place(s) of employment at: BAY COUNTRY PROFESSIONAL CONCRETE, 1101 BOWLEYS QUARTERS RD, MIDDLE RIVER, MD 21220
4. This Order is effective until the end of the second business day after the date of signing below, or the Temporary Peace Order hearing, whichever occurs first.

If the court is closed unexpectedly on the expiration date, this Order will remain in effect until the next day the court is open. The Temporary Peace Order hearing will be held at 09:00 AM.

6/19/19

Date

8:24pm

Time

Andrea Smith

8111

Commissioner

ID#

ANDREA SMITH

Printed Name

See Important Information on Page 2 of this Order

Important Information

Upcoming Court Hearings in this Case

Temporary Peace Order Hearing. This case is set for a Temporary Peace Order hearing before a District Court judge on 06/21/2019 at 09:00 AM at the District Court at 8914 Kelso Drive, Baltimore, Maryland 21221.

If the court is closed unexpectedly on the expiration date, this Order will remain in effect until the next day the court is open. The Temporary Peace Order hearing will be held at 09:00 AM.

Final Peace Order Hearing. If a judge signs a Temporary Peace Order, the **tentative** date and time of the Final Peace Order hearing is 06/28/2019 at 09:00 AM in the same location. Hearing dates and places are subject to change, and you should call the District Court Clerk's Office at (410)512-2300 to be sure you know when and where your hearing(s) will occur. You are responsible for knowing when and where hearings will occur. **NOTICE TO ALL PARTIES:** Please bring all photos, documents and other evidence that you may have with you to court on your hearing date.

If you fail to appear at a hearing, the judge may still issue an order or take other action that affects you and you are responsible for obeying any orders issued in your absence.

To request a foreign language interpreter or a reasonable accommodation under the Americans with Disabilities Act, please contact the Court immediately.

Possession and use of cell phones and other electronic devices may be limited or prohibited in designated areas of the court facility.

Communicating With The Court

Any communication you wish to have with the Court about this case should be filed in writing at the Clerk's Office during business hours. Do not contact a commissioner or judge directly.

The Clerk's Office will use the address shown on the petition to send and serve any future papers or orders in this case. You are responsible for advising the Court of your current address and telephone number and if your address or telephone numbers change, you must advise the Clerk in writing. The Post Office will not forward District Court mail to you.

Information about Peace Orders

If someone seeks a peace order when the Clerk's Office is closed, a commissioner may issue an Interim Peace Order. Interim orders usually last until the Temporary Peace Order hearing, but not beyond the second business day after issue unless the court is closed for unforeseen circumstances.

If someone seeks a peace order when the Clerk's Office is open, the petition goes before a judge for a Temporary Peace Order hearing.

Temporary Peace Orders last until the Final Peace Order hearing, but not beyond 30 days. A Final Peace Order may last as long as six (6) months and can be extended an additional six (6) months for good cause after notice to parties and a hearing.

Any peace order (Interim, Temporary or Final) may order a respondent: not to commit or threaten to commit any prohibited act; not to contact, attempt to contact, or harass; to refrain from entering a residence; to remain away from a school, workplace or temporary residence. A Final Peace Order may also order counseling and mediation, and that the Respondent pay costs.

Violation of a peace order is a crime. With probable cause to believe a violation has occurred, an officer shall arrest the respondent and take him/her into custody, with or without a warrant.



DISTRICT OF MARYLAND

Case Information

[Go Back](#)Court System: **DISTRICT FOR BALTIMORE COUNTY - CIVIL SYSTEM**Case Number: **D-08-CV-19-002793** Case Status: **CLOSED**Case Type: **PEACE ORDER** Order Valid Thru: **07/19/2019**Filing Date: **06/19/2019**Defendant Name: **CHEUNG, SIU LOONG**City: **MIDDLE RIVER** State: **MD**Hearing Date: **06/19/2019** Hearing Time: **12:00 AM** Room: **X1**Hearing Location: **8914 KELSO DRIVE, BALTIMORE, MD 21221**Served Date: **06/21/2019**Hearing Type: **INTERIM**Result: **COURT ORDERS
SHALL NOT ABUSE
SHALL NOT CONTACT
SHALL STAY AWAY FROM EMPLOYMENT**Hearing Date: **06/21/2019** Hearing Time: **10:22 AM** Room: **X01**Hearing Location: **8914 KELSO DRIVE, BALTIMORE, MD 21221**Served Date: **06/24/2019**Hearing Type: **TEMPORARY**Result: **COURT ORDERS:
SHALL NOT ABUSE
SHALL NOT CONTACT
SHALL NOT ENTER RESIDENCE
SHALL STAY AWAY FROM EMPLOYMENT**Hearing Date: **06/28/2019** Hearing Time: **9:10 AM** Room: **X01**Hearing Location: **8914 KELSO DRIVE, BALTIMORE, MD 21221**Served Date: **07/08/2019**Hearing Type: **TEMPORARY**Result: **COURT ORDERS
SHALL NOT ABUSE
SHALL NOT CONTACT
SHALL STAY AWAY FROM EMPLOYMENT**Hearing Date: **07/08/2019** Hearing Time: **9:41 AM** Room: **X01**Hearing Location: **8914 KELSO DRIVE, BALTIMORE, MD 21221**Served Date: **07/11/2019**Hearing Type: **TEMPORARY**Result: **COURT ORDERS
SHALL NOT ABUSE
SHALL NOT CONTACT
SHALL STAY AWAY FROM EMPLOYMENT**Hearing Date: **07/15/2019** Hearing Time: **9:21 AM** Room: **X01**Hearing Location: **8914 KELSO DRIVE, BALTIMORE, MD 21221**Served Date: **07/19/2019**Hearing Type: **TEMPORARY**Result: **COURT ORDERS
SHALL NOT ABUSE
SHALL NOT CONTACT
SHALL STAY AWAY FROM EMPLOYMENT**Hearing Date: **07/19/2019** Hearing Time: **9:50 AM** Room: **X01**Hearing Location: **8914 KELSO DRIVE, BALTIMORE, MD 21221**Hearing Type: **FINAL**Result: **DISMISSED: LACK OF SERVICE - EXCEEDED THE STATUTORY TIME LIMIT (30 DAYS)**

This is an electronic case record. Full case information cannot be made available either because of legal restrictions on access to case records found in Maryland Rules, or because of the practical difficulties inherent in reducing a case record into an electronic format.

10 ONLY
Protestant
CBA Exhibit
TB



DISTRICT COURT OF MARYLAND FOR Baltimore County

Located at: 8914 Kelso Drive Baltimore, MD 21221

City/County

Case No. D-08-CV-19-002793

John P. Vitale

Petitioner (Person seeking protection)

vs.

Siu Loong Cheong

Respondent (Person alleged to have committed the prohibited act)

Street Address, Apt. No.

Home:

City, State, Zip

Work:

Telephone Number(s)

Street Address, Apt. No.

3803 Bay Prior

City, State, Zip

Home:

Work:

Telephone Number(s)

PETITION FOR PEACE ORDER

1. I (the Petitioner) am seeking protection from the Respondent Siu Loong Cheong ☒ myself; ☐ a minor child of mine or over whom I have custody or guardianship _____; an adult over whom I have guardianship or Power of Attorney _____, as a result of the following act(s) committed by the Respondent within the last 30 days on the dates stated below. (check all that apply) ☐ kicking ☐ punching ☐ choking ☐ slapping ☐ shooting ☐ rape or other sexual offense (or attempt) ☐ hitting with object ☐ stabbing ☐ shoving ☐ threats of violence ☒ harassment ☒ stalking ☐ detaining against will ☒ trespass ☐ malicious destruction of property ☐ misuse of telephone facilities and equipment ☐ misuse of electronic communication or interactive computer service ☐ revenge porn ☒ visual surveillance ☐ other _____

The details of what happened are: (Describe injuries, state the date(s) and place(s) where these acts occurred. Be as specific as you can.): Respondent has been taking unauthorized video & photos of me @ my place of employment also taking photos of co workers

2. I know of the following court cases involving the Respondent and the person(s) for whom I am seeking protection:
- | Court | Kind of Case | Year Filed | Results or Status (if you know) |
|-------|--------------|------------|---------------------------------|
| | | | |

3. Describe all other harm the Respondent has caused to the person(s) for whom you are seeking protection, and give date(s), if known: Harassment @ Place of Employment causing issues w/ employees & undue stress @ work

4. I want the Respondent to be ordered:

☒ NOT to commit or threaten to commit any of the acts listed above against _____

Name

☒ NOT to contact, attempt to contact, or harass 1101 Bowleys Quarters RD Bowleys Parkers MD

Name

☐ NOT to go to the residence(s) at _____

Address

☐ NOT to go to the school(s) at _____

Name of school and address

☒ NOT to go to the work place(s) at All Bay Country Professional Concrete Projects or Offices

☐ To go to counseling... ☐ To go to mediation. ☐ To pay the filing fees and court costs.

☐ Other specific relief: _____

I solemnly affirm under the penalties of perjury that the contents of this Petition are true to the best of my knowledge, information, and belief.

6-19-19

Date

[Signature]
Petitioner

NOTICE TO PETITIONER

Any individual who knowingly provides false information in a Petition for Peace Order is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both.

MARYLAND



JUDICIARY

☐ CIRCUIT COURT ☒ DISTRICT COURT OF MARYLAND FOR Baltimore
Located at 8914 Kelso Drive 21221

Court Address

Case No. D-08-CV-19-002793

City/County

Vitela, John Paul

Petitioner

vs.

Cheung, Siu Loong

Respondent

ADDENDUM TO PETITION FOR PEACE ORDER

Failure to provide information on this Addendum may prevent law enforcement from processing the Court's Peace Order. This may endanger your safety or the safety of another protected party. Please provide as much information as possible.

DESCRIPTION OF RESPONDENT
(Provided by Petitioner)

Full Name: <u>Siu Loong Cheung</u>		Date of Birth:		Approximate Age: <u>40-50</u>	
Race: <u>Hispanic</u>	Sex: <u>F</u>	Height: <u>5-4</u>	Weight: <u>120</u>	Hair Color: <u>Black</u>	Eye Color: <u>Black</u>
Skin Tone (Light/Medium/Dark): <u>Medium</u>					
Scars, Tattoos (where on body and description):					
Home Address: <u>3803 Bay Drive</u>					
City, State, Zip: <u>Bowleys Quarters MD</u>					
Telephone/Cell Phone Number:					
Employer:				Work Hours:	
Work Address:					
City, State, Zip:				Telephone Number:	
Vehicle Make: <u>Ford F250</u>		Model/Color: <u>Red</u>		Year:	Tag #: <u>MD 31P 393</u>
Weapons:					
Other locations or information about Respondent:					

PETITIONER
(Person Requesting Assistance)

Full Name: <u>John Paul Vitela</u>		Date of Birth: <u>06-01-1970</u>		Age: <u>41</u>	
Race: <u>W</u>	Sex: <u>M</u>	Height: <u>6-01</u>	Weight: <u>180</u>		

6-19-19

Date

Petitioner's Signature



DISTRICT COURT OF MARYLAND FOR

Baltimore

Located at

8014 Reiso Drive 21221

Court Address

Case No.

D-08-CV-19-002793

John P. Vitek

Petitioner

vs.

Sui Loong Cheung

Respondent

PEACE ORDER SUPPLEMENT

Dating Violence

1. Do you contend that YOU are (or were) in a dating relationship whereby the respondent engaged in a course of conduct with the intent to kill, injure, intimidate, or harass you in a manner that placed you in a reasonable fear of death or physical harm?

Yes ☐

No ☐

Sexual Assault

2. Do you contend that the respondent engaged in a sexual assault against you and without your consent that placed you in fear of physical harm or danger?

Yes ☐

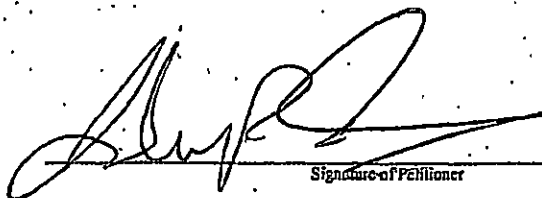
No ☐

Stalking

3. Do you contend that the respondent has engaged in a malicious course of conduct in which the respondent approached or pursued you with the intent to place you in reasonable fear of serious bodily injury or death?

Yes ☒

No ☐



Signature of Petitioner



District Court of Maryland for Baltimore County

8914 Kelso Drive, Baltimore, Maryland 21221



Case No.: D-08-CV-19-002793

Date: 06/19/2019 8:33 p.m.

JOHN P VITELA vs SIU LOONG CHEUNG

ADDENDUM TO PETITION FOR PEACE ORDER

Failure to provide information on this Addendum may prevent law enforcement from processing the Court's Peace Order.
This may endanger your safety or the safety of another protected party. Please provide as much information as possible.

DESCRIPTION OF RESPONDENT

(Provided by Petitioner)

Full Name: CHEUNG, SIU LOONG					Date of Birth:		Approximate Age: 40
Race: 3	Sex: F	Height: 5'4"	Weight: 120	Hair Color: BLK	Eye Color:	Skin Tone (Light/ Medium/ Dark):	
Scars, Tattoos (where on body and description):							
Home Address 3803 BAY DRIVE							
City, State, Zip MIDDLE RIVER, MD 21220							
Telephone/Cell Number:							
Employer:					Work Hours:		
Work Address							
City, State, Zip					Telephone Number:		
Vehicle Make: RED FORD		Model/ Color: F250		Year:	Tag#: 31P343		
Weapons:							
Other locations or information about Respondent:							

PETITIONER

(Person Requesting Assistance)

Full Name: VITELA, JOHN P				Date of Birth: 06/01/1978		Approximate Age: 41
Race: 2	Sex: M	Height: 6'1"	Weight: 180			

Petitioner's Signature
CC-DC-PO-001A (Rev. 10/2016)

Date:  **SCANNED**



DISTRICT COURT OF MARYLAND FOR

Baltimore

Located at

8414 KILSO DRIVE ESSEX, MD 21221

Court Address

FEE NOTICE - PEAC

D-08-CV-19-002793



Case Number:

Petitioner:

Vitela, John Paul

Respondent:

Cheung, Sin Loong

☒ I have been advised that I am responsible, unless waived
by the Court, for a court fee of \$ 46.00 and a
service fee of \$ 40.00 for the Interim Peace Order.

JV
Petitioner Initials

☒ I understand that I am to appear at the clerk's office to
pay costs owed and to have a temporary hearing.

JV
Petitioner Initials

☒ The court fee may be paid in cash or by check payable to
District Court of Maryland. The service fee is to be paid by check
made payable to: District Court of Maryland

JV
Petitioner Initials

6-19-19

Date:

6/19/19

Date:

[Signature]
Petitioner Signature

[Signature]

Commissioner Signature



District Court of Maryland for Baltimore County

8914 Kelso Drive, Baltimore, Maryland 21221

Case No.: D-08-CV-19-002793

Date: 06/19/2019 8:33 p.m.

JOHN P VITELA vs SIU LOONG CHEUNG INTERIM PEACE ORDER

Considering the petition (which was filed when the office of the District Court was closed) and evidence, the Commissioner finds reasonable grounds to believe that Respondent:

1. Has committed the following act(s) against Petitioner within 30 days before the filing of the Petition:
Harassment
Visual surveillance

Based on the foregoing findings, the Court hereby ORDERS:

1. That the Respondent SHALL NOT commit or threaten to commit any of the following acts against Petitioner: an act which causes serious bodily harm; an act that places the Petitioner in fear of imminent serious bodily harm; assault; rape, attempted rape, sexual offense, or attempted sexual offense; false imprisonment; harassment; stalking; trespass; malicious destruction of property; misuse of telephone facilities and equipment; misuse of electronic communication or interactive computer service; revenge porn; or visual surveillance.
2. The Respondent SHALL NOT contact (in person, by telephone, in writing, or by any other means), attempt to contact, or harass the Petitioner.
3. The Respondent SHALL STAY AWAY from:
The Petitioner's place(s) of employment at: BAY COUNTRY PROFESSIONAL CONCRETE, 1101 BOWLEYS QUARTERS RD, MIDDLE RIVER, MD 21220
4. This Order is effective until the end of the second business day after the date of signing below, or the Temporary Peace Order hearing, whichever occurs first.

If the court is closed unexpectedly on the expiration date, this Order will remain in effect until the next day the court is open. The Temporary Peace Order hearing will be held at 09:00 AM.

6/19/19
Date

8:33 pm
Time

Smith

8111

Commissioner

ID#

ANDREA SMITH

Printed Name

See Important Information on Page 2 of this Order



Important Information

Upcoming Court Hearings in this Case

Temporary Peace Order Hearing. This case is set for a Temporary Peace Order hearing hearing before a District Court judge on 06/21/2019 at 09:00 AM at the District Court at 8914 Kelso Drive, Baltimore, Maryland 21221.

If the court is closed unexpectedly on the expiration date, this Order will remain in effect until the next day the court is open. The Temporary Peace Order hearing will be held at 09:00 AM.

Final Peace Order Hearing. If a judge signs a Temporary Peace Order, the **tentative** date and time of the Final Peace Order hearing is 06/28/2019 at 09:00 AM in the same location. Hearing dates and places are subject to change, and you should call the District Court Clerk's Office at (410)512-2300 to be sure you know when and where your hearing(s) will occur. You are responsible for knowing when and where hearings will occur. **NOTICE TO ALL PARTIES:** Please bring all photos, documents and other evidence that you may have with you to court on your hearing date.

If you fail to appear at a hearing, the judge may still issue an order or take other action that affects you and you are responsible for obeying any orders issued in your absence.

To request a foreign language interpreter or a reasonable accommodation under the Americans with Disabilities Act, please contact the Court immediately.

Possession and use of cell phones and other electronic devices may be limited or prohibited in designated areas of the court facility.

Communicating With The Court

Any communication you wish to have with the Court about this case should be filed in writing at the Clerk's Office during business hours. Do not contact a commissioner or judge directly.

The Clerk's Office will use the address shown on the petition to send and serve any future papers or orders in this case. You are responsible for advising the Court of your current address and telephone number and if your address or telephone numbers change, you must advise the Clerk in writing. The Post Office will not forward District Court mail to you.

Information about Peace Orders

If someone seeks a peace order when the Clerk's Office is closed, a commissioner may issue an Interim Peace Order. Interim orders usually last until the Temporary Peace Order hearing, but not beyond the second business day after issue unless the court is closed for unforeseen circumstances.

If someone seeks a peace order when the Clerk's Office is open, the petition goes before a judge for a Temporary Peace Order hearing.

Temporary Peace Orders last until the Final Peace Order hearing, but not beyond 30 days. A Final Peace Order may last as long as six (6) months and can be extended an additional six (6) months for good cause after notice to parties and a hearing.

Any peace order (Interim, Temporary or Final) may order a respondent: not to commit or threaten to commit any prohibited act; not to contact, attempt to contact, or harass; to refrain from entering a residence; to remain away from a school, workplace or temporary residence. A Final Peace Order may also order counselling and mediation, and that the Respondent pay costs.

Violation of a peace order is a crime. With probable cause to believe a violation has occurred, an officer shall arrest the respondent and take him/her into custody, with or without a warrant.





J. Bohlen

9/5/19





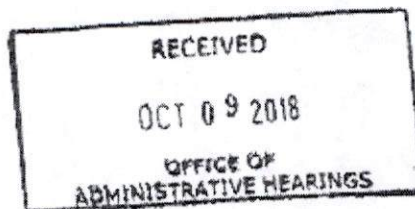
COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

CATHY BEVING
COUNCILWOMAN, SIXTH DISTRICT
COUNCIL6@BALTIMORECOUNTYMD.GOV

COUNCIL OFFICE: 410-887-3388
FAX: 410-887-8791
DISTRICT OFFICE:
7856 BELAIR ROAD
BALTIMORE, MARYLAND 21236
410-887-5223

October 4, 2018

Honorable Judge Lawrence M. Stahl
Office of Administrative Hearings
Jefferson Building, Suite 103
105 Chesapeake Avenue
Towson, Maryland 21204



RE: Case# 2018-0342-SPH

Dear Judge Stahl,

I am writing on behalf of the Bowleys Quarters Community regarding case 2018-0342-SPH. This case involves the property located at 1101 Bowleys Quarters Road. The property is zoned Business Local (B.L) and is owned by MJG Properties, LLC (MJG). MJG is a construction contractor company that has been using the above property for administrative office functions in compliance with the existing B.L. zoning.

MJG however has been storing its concrete and other heavy equipment on the property which is prohibited under the B.L. Zoning uses. MJG was issued a citation (Civil Citation No. CC1710981) and fined \$1,000 by Baltimore County Code Enforcement for "Failure to cease non-permitted business ("contractor") in B.L. zone."

On March 19th, 2018 you as the Administrative Law Judge for Baltimore County upheld the \$1,000 penalty and ordered that all violations shall be corrected and abated by March 30, 2018. On September 13, 2018 a Special Hearing was held to permit MJG an accessory storage use along with its existing office use.

I ask that you deny this request and any request by MJG to go around the existing B.L. zoning to allow the property to be used to store heavy concrete equipment. The property is zoned B.L. which prohibits storage of equipment. My office has received letters from both Bowleys Quarters associations opposing MJG's request to amend the properties zoning to allow the storage of construction equipment. If the property owners would like to use 1101 Bowleys Quarters Rd, they are able to apply for a zoning change during the 2020 Comprehensive Zoning Map Process (CZMP).

I look forward to your decision.

Thank you,

EXHIBIT
Protestant
CBA Exhibit

8



Cathy Bevins

Cathy Bevins
Baltimore County Council District 6

Activities at 1101 Bowleys Quarters Road, Baltimore MD 21220

Monday 7/10/2017

At 5:15 am back up beepers and noises

Tuesday 7/11/2017

At 5:20 am backup beepers and noises

Monday 8/2/2017

At 5:02 am backup beepers and loading of trailer and equipment

Monday 11/06/2017

At 4:50 am backup beepers and noises.

Tuesday 7/10/18 at 5:20 dropping wood

Thursday 9/20/18 at 7:15 am backup beeper from the Heavy equipment. same day as the owner of the business and his lawyer want to meet with us!

Tuesday 6:21 pm loading trailer with skid steer with material from the redone back building

Friday 12/07/18 morning at 5:17 am loading truck this morning sounds like forms and wood.

Saturday 12/08/18 at 8:14 am truck unloading a trailer full of equipment. Videoed

Saturday 12/22/18 at 11:37 two employees unloading a truck of lumber

Wednesday 12/26/2018 at 5:58 am employees loading a truck drop lumber

Saturday 12/29/2018 at 1:37 pm truck unloading trailer and bobcat

Friday 01/04/2019 at 12:29 pm truck loading material into building

Monday 01/07/2019 at 6:57 pm moving bobcat around unloading then backing into the building.

Tuesday 01/08/2019 at 6:45 pm sounds like wood being dropped truck backed into the building. Not sure if the truck is being loaded or unloaded.

Thursday 01/10/2019 at 6:47 pm truck backed into building not sure if it is being loaded or unloaded.

Thursday 01/24/2019 at 4:48 pm heavy equipment repair and maintenance truck in front of the garage.

I, Kenneth Brickell, certify that the above are the activities that I personally witness and true and accurate.


Kenneth Brickell
3727 Chestnut Road Baltimore, MD 21220

EXHIBIT
Protestant
CBA Exhibit 11

OBSERVATIONS FROM BAY COUNTRY PROFESSIONAL CONCRETE
1101 Bowleys Quarters Road
Middle River, MD 21220

Equipment trailers parked in driveway , material spread all over yard.

Smelled plastic burning on more than one occasion most likely the plastic wrapping the styrofoam insulation.

Tractor trailers blocking the road while heavy equipment is unloaded. Vendors working on heavy equipment.

Multiple skid steers have been are parked there along with a large excavator

Unightly rusty rebar laying all over. Materials being delivered.

May 16, 2017 ~6:48a Backup alarms woke me up

May 17, 2017 ~6:58 Backup alarm woke me

May 29, 2017 2 Photos – Material piled up almost to the roof
Equipment and trailer mounted equipment in parking lot

Exhibit

A + B

June 7, 2017 ~8:00a Backup alarms

June 22, 2017 08:00 Noise from loudspeaker

Aug 30, 2017 06:50a Backup alarms

Sun Sept 3, 2017 08:00 Backup alarms

Mon Sept 4, 2017 06:45a Backup alarms

Sept 12, 2017 07:18a Woke up to backup alarms

Oct 2, 2017 ~07:00a Heard backup alarms going off

Oct 4, 2017 07:30a Heard backup alarms going off

Oct 12, 2017 ~06:00-06:15a Power was off - backup alarms

Oct 18, 2017 07:16a Backup alarms

Oct 29, 2017 07:30a Backup alarms probably started earlier

Nov 10, 2017 before 08:00a Backup alarms and chainsaws

Nov 14, 2017 Loud noises

Dec 18, 2017 06:58a Backup alarms woke me

Dec 19, 2017 07:45a Backup alarms woke me

Jan 9, 2018 07:40a Backup alarms

Jan 16, 2018 07:30a Jackhammer sounded like it was taking out my front porch
saw air compressor mounted on trailer



Jan 18, 2018	08:50a	Noise from there drowned out tv news program
Jan 29, 2018	07:47a	Backup alarms
Feb 2, 2018	06:20a	Backup alarms possible tractor trailer
Feb 7, 2018	08:15a	Backup alarms
Feb 8, 2018	07:40a	Backup alarms
Sun Feb 18, 2018	09:09a	Backup alarms

Wed Feb 28, 2018 - Administrative Hearing regarding nearby property 1101 Bowleys Quarters Rd
Bay Country Concrete

Sat March 3, 2018	Truck loading
Thur Mar 22, 2018	09:04a Backup alarms
Fri Mar 23, 2018	06:48a Backup alarms woke me up
Sat Mar 31, 2018	06:54a Backup alarms
Sat Apr 7, 2018	08:30a Backup alarms
May 10, 2018	06:48a Backup alarms woke me
May 14, 2018	06:31a Backup alarms woke me
Sat May 19, 2018	07:23a Backup alarms
May 25, 2018	Supplier delivery HD White Cap truck – Photo
May 29, 2018	08:10a Backup alarms. Saw trailer getting hooked up More heavy equipment continues to show up - Photo
May 31, 2018	06:10a Backup alarms woke me
June 4, 2018	06:58a Backup alarms
June 6, 2018	06:19a Backup alarms woke me
June 13, 2018	Hearing #2 - nothing happened
June 18, 2018	06:14a Backup alarms
June 19, 2018	06:29a Backup alarms woke me
June 26, 2018	06:22a Backup alarms woke me
July 3, 2018	06:49a Backup alarms woke me
July 5, 2018	06:27a Backup alarms woke me
July 6, 2018	06:22a Backup alarms woke me and continued pas 08:00

Exhibit C

Exhibit D

July 11, 2018	07:55a Backup alarms	
July 26, 2018	07:42a Backup alarms on equipment including 18 wheeler blocking the road Got photo	Exhibit E
July 27, 2018	07:42a Backup alarms	
August 1, 2018	06:39a Backup alarms woke me and kept me from going back to sleep 07:58a Alarms again	
August 10, 2018	07:15a Backup alarms from equipment 07:30-07:45a Got photo of equipment being loaded onto trailer	
August 15, 2018	07:00a Backup alarms 07:10a Rode by got photos of guy ratcheting down equipment on a trailer	Exhibit F
August 22, 2018	06:51a Backup alarms - leaving for vacation	
August 31, 2018	Banging like on heavy equipment going on until 10a and it could be heard up at the street (Chestnut) more than 1/4 mile away	
Sept 8, 2018	11:30a Backup alarms	
Sept 20, 2018	07:00a Backup alarms, 07:25a Got photo of equipment going on trailer w/guy getting off 09:00a Meeting with property owner & lawyer	Exhibit G
Sept 26, 2018	Heard noises, got photo of backyard with fuel tank - allowed?	Exhibit H
Sept 27, 2018	07:15a Backup alarms and other noises Truck and trailer connected & backed up to shop being loaded with guy - Photo	
Oct 2, 2018	Alarms going off	
Oct 8, 2018	7:53 pm Columbus Day Heavy truck (P. Flanigan) parked in front of office	Exhibit I
Oct 13, 2018	08:10a Backup alarms going off 08:29a Got photo of equipment being loaded by skid steer onto trailer.	Exhibit J
Oct 15, 2018	05:44a Backup alarm woke me, very groggy 05:55a Got there at didn't see anything but someone definitely in office.	
Sun Oct 21, 2018	~07:40a Noises coming from property. Kenny has video of P. Flanigan truck there and noises from banging, welding, grinding coming from shop	
Oct 22, 2018	07:02a Backup alarms woke us. Got photo of guy on trailer. Employee or son come running out wanting to know what I was doing.	Exhibit K
Oct 23, 2018	Saw employees working in front of shop and pickup there. Saw at least three other employees working with skid steer along woods & BQ road. Got photo and skid steer is behind tree but identifiable.	

Oct 24, 2018	08:33a	Fabrication work going on at least three guys working in yard – Photo Exhibit	L
Oct 25, 2018	06:41a	Backup alarms	
Oct 26, 2018	10:12a	More fabrication work – Photo Exhibit	M
Oct 30, 2018		Day after hearing Backup alarms - Mike's Transport tractor picked up equipment trailer	
Nov 1, 2018	05:48a	Backup alarms woke me	
	06:58a	Backup alarms again woke me	
Nov 5, 2018	06:29a	Backup alarms woke us (raining out)	
Nov 13, 2018	09:50a	Witnessed HD White Cap large truck with large air tire forklift delivering materials	
Nov 15, 2018	06:35a	Backup alarms	
Sat Nov 17, 2018		Bobcat loader there	
Sun Nov 18, 2018	07:30a	Backup alarms	
	6:30(pm)	Trucks pulling in	
Thurs Nov 22, 2018		*** THANKSGIVING DAY *** Witnessed worker loading trailer - 4 photos, submitted 1 Photo Exhibit	N
Dec 8, 2018	1:39 pm	Witnessed heavy equipment on property - red bobcat (photo)	
Dec 14, 2018	10:13a	Witnessed unattended fire in barrel - photo	
Dec 17, 2018		Backup alarm	
Dec 18, 2018	10:08a	Loading of trailer from garage – Photo Exhibit	Q
		2019	
Jan 15, 2019	05:20a	Backup alarms	
Jan 16, 2019	06:58a	Backup alarms woke me. Truck hooking up trailer alarm went on for 20 mins (2 Photos)	
Jan 17, 2019	05:42a	Backup alarms woke me	
Jan 23, 2019	05:03a	Backup alarms woke me ran for 10 mins	
Jan 24, 2019	10:01a	Photo of trailer as well as work light trailer Exhibit	P
Jan 25, 2019	09:55a	Photo of equipment on trailer Backup alarms went on for 10 mins	
Jan 26, 2019	2:22 pm	Trailer mounted equipment & fuel tank for equipment – Photo Exhibit	Q
Jan 29, 2019	05:42a	Backup alarms woke us	
	06:52a	Backup alarms again	

Feb 2, 2019	11:59a Heavy truck from vendor P. Flanigan working on equipment in yard – Photo Exhibit	R
Feb 4, 2019	06:47a Backup alarms woke us 07:48a Backup alarms again 10:11a Vendor pickup (Hilti) - photo	
Feb 5, 2019	05:36a Backup alarms	
Feb 19, 2019	05:58a Backup alarms woke me	
March 20, 2019	06:34a Backup alarms	
March 21, 2019	06:30a Backup alarms	
March 23, 2019	1:35 pm Observed man loading truck & trailer in garage door in front of shop	
March 26, 2019	06:27a Backup alarms woke me.	
March 26, 2019	07:04a Observed two pickup trucks one connected to trailer mounted air compressor and the other near diesel fuel tank behind office. 3 Photos	
March 27, 2019	10:00a Code enforcement hearing 11:00a Special Exception hearing Court postponed after arriving in Towson due to a sick judge and no alternate could be found	
March 29, 2019	Shop door open – Photo	
April 10, 2019	Equipment around back - Photo	
April 28, 2019	Heavy equipment & rusting material and other junk around property – 2 Photos	
April 30, 2019	Heavy equipment – 2 Photos	
May 6, 2019	06:39a Backup alarms woke me	
May 9, 2019	Equipment on trailer	
May 10, 2019	10:02a Observed ~5-6 men working behind truck parked in front of garage door on shop.	
May 13, 2019	06:38a Backup alarms woke me.	
May 20, 2019	06:59a Backup alarms woke me.	
May 21, 2019	06:03a Backup alarms woke me.... continued for some time ~07:30a Rode by saw guy working in opening of garage door of shop.	
May 28, 2019	03:50a Backup alarms woke us Office lights on, dark or black Ford SUV there. Got photo depicting water trail leaving the property.	Exhibit S
June 10, 2019	10:00p Trailer hooked up to truck along shop. Another trailer along back of restaurant. Track loader along side small garage in dark.	
June 11, 2019	Everything is gone in the morning. Got 3 photos	

June 12, 2019	AM	One trailer there and one is gone.	
	PM	Two trailers are there again, none are connected. Truck parked out front full of tools & equipment. Shop lit up at night someone working inside. Got 3 photos	Exhibit
June 13, 2019	09:34a	Two trailers – photo	Exhibit
	8:58p	Truck loaded with tools & materials 3 photos	
June 14, 2019	AM & PM	One trailer beside small garage.	
June 15, 2019	AM & PM	One trailer with bobcat	
June 16, 2019	AM & PM	One trailer beside small garage.	
June 17, 2019	AM	One heavy equipment trailer beside garage.	
	PM	One trailer loaded along shop loaded with wire mesh.	
June 18, 2019	10:05a	Wire on trailer and behind garage, trailers gone in PM	Exhibit
June 19, 2019	7 a	No trailer wire rebar – Black Ford Escape there	
	09:30a	Trailer showed up	
	9:40p	Two trailers there	
June 20, 2019	08:55a	One heavy equipment trailer there	
	9:00p	One heavy equipment trailer beside garage	
June 21, 2019	2:30p	Full lot 8-10 pickups, some not Bay County Pro Concrete Photo's – 3	Exhibit
June 22, 2019	06:36a	One trailer & materials everywhere	Exhibit
June 24, 2019	AM	One heavy equipment trailer there	
	9:30p	No trailers there	
June 25, 2019	09:45a	Mini track loader on trailer	
	8:55p	No trailer or mini track loader	
June 26, 2019	AM	Trailers gone	
	9:30p	Nothing there	
June 27, 2019	AM	Nothing there	
	6:02p	One heavy equipment trailer there	
	8:52p	Two trailers there	
June 28, 2019	06:58a	Compressor noise coming from shop.	
	07:20a	Compressor noise heard from my back yard.	
July 1, 2019	AM/PM	Two trailers there	
July 2, 2019	9:37p	One heavy equipment trailer there	
July 3, 2019	AM	One trailer	
	09:47p	Two trailers there	
July 11, 2019	AM	Two trailers there	
	9:35p	Trailer hid between buildings is gone but heavy equipment trailer still there	
July 18, 2019	AM	All trailers gone	

T

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V-W

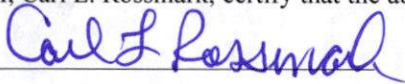
X, Y, Z
AA, AB

July 21, 2019	Two trailers back	
July 22, 2019	09:57a Skid steer by garage door plus 2 employees working and generator.	Exhibit AC
July 23, 2019	02:28a Two trailers there	
August 1, 2019	11:20p Trailer hid behind restaurant, mounted light rig connected to truck.	
August 7, 2019	10:20p One trailer hid behind restaurant.	
August 9, 2019	4:13p Bobcat on trailer	Exhibit AD
August 11, 2019	PM Trailer there.	
August 12, 2019	05:45a Backup alarms 09:30a Trailer gone	
August 13, 2019	AM No trailer 10:20p Trailer there.	
August 14, 2019	06:00a Backup alarms 08:56a Trailer gone. 10:08p Equipment on trailer beside restaurant. - photo	Exhibit AE
August 16, 2019	06:35a Backup alarms 08:55a No trailer	
August 18, 2019	9:20p Trailer hid behind restaurant	
August 19, 2019	7:40p Two trailers - photo	Exhibit AF
August 20, 2019	09:00a Two trailers 7:15p One trailer	
August 21, 2019	07:54 Backup alarms, drove down there. Shop door open, truck backed inside. Goofy woman saw me taking photo so she took one of me - I waved.	Exhibit AG, AH
August 22, 2019	8:17p White truck dually parked out front with trailer.	
August 26, 2019	7:07p Heavy equipment trailer by garage is gone	
August 28, 2019	07:40a Truck backed up near shop - loading - Photo 9:03p Truck parked next to garage equipment on trailer & hooked up - Photo	Exhibit AI, AJ
August 29, 2019	09:00a Trailers gone 7:55p Heavy equipment trailer back.	
September 3, 2019	09:11a Heard backup alarms but heavy equipment trailer is gone 5:50p Trailer is back	
September 8, 2019	1:31p Truck between buildings with light rig trailer connected	Exhibit AK
September 9, 2019	AM Backup alarms - trailer with equipment by building gone	
September 10, 2019	09:19a Backup alarms - Guys loading equipment but hidden between buildings Hard to see - Photo 8:58p Truck hidden along side of restaurant, trailer mounted air compressor is	

hooked up to truck.

September 13, 2019	AM	Heard backup alarms early, trailer gone when I went by.	Exhibit	AL
	09:11a	Heavy equipment there – Photo		
September 14, 2019	09:08a	Two trailers there – Photo	Exhibit	AM
September 19, 2019	09:22a	Trailers gone		
September 20, 2019	4:39p	Heavy equipment trailer beside garage gone this afternoon, there this morning.		
September 23, 2019	10:09p	Heavy duty trailer showed back up		
September 25, 2019		Backup alarms heard		
	10:00a	Heavy equipment trailer gone		
September 26, 2019	09:15a	Heavy equipment trailer back	Exhibit	AN
	9:08p	Heavy equipment trailer plus truck & trailer hookup up by shop		
September 27, 2019	07:29	Trailer loaded with materials – Photo	Exhibit	AO
September 30, 2019	07:32p	Two trailers there one between buildings		
October 2, 2019	09:20a	Trailer in contractor yard and truck being loaded/unloaded	Exhibit	AP
October 3, 2019	09:30a	Loading up		
	9:05p	Trailer between buildings gone		
October 4, 2019	09:02a	Shop door open working in shop and truck in yard.	Exhibit	AR
		Photo of guy resting outside shop door – 2 Photos		
October 7, 2019	10:36A	Bobcat loading equipment on trailer – Photo	Exhibit	AS
	4:48p	Trailer sitting beside garage - Photo		
October 8, 2019	10:17a	Two trailers in yard – Photo		
October 10, 2019	07:10a	Backup alarms		
	08:30a	Heavy trailer gone		
October 15, 2019	05:50a	Backup alarms woke us – Photo (by Siu)		
October 17, 2019		Court date cancelled (Mr Schmidt schedule)		

I, Carl L. Rossmark, certify that the above are the activities that I personally witness and true and accurate.

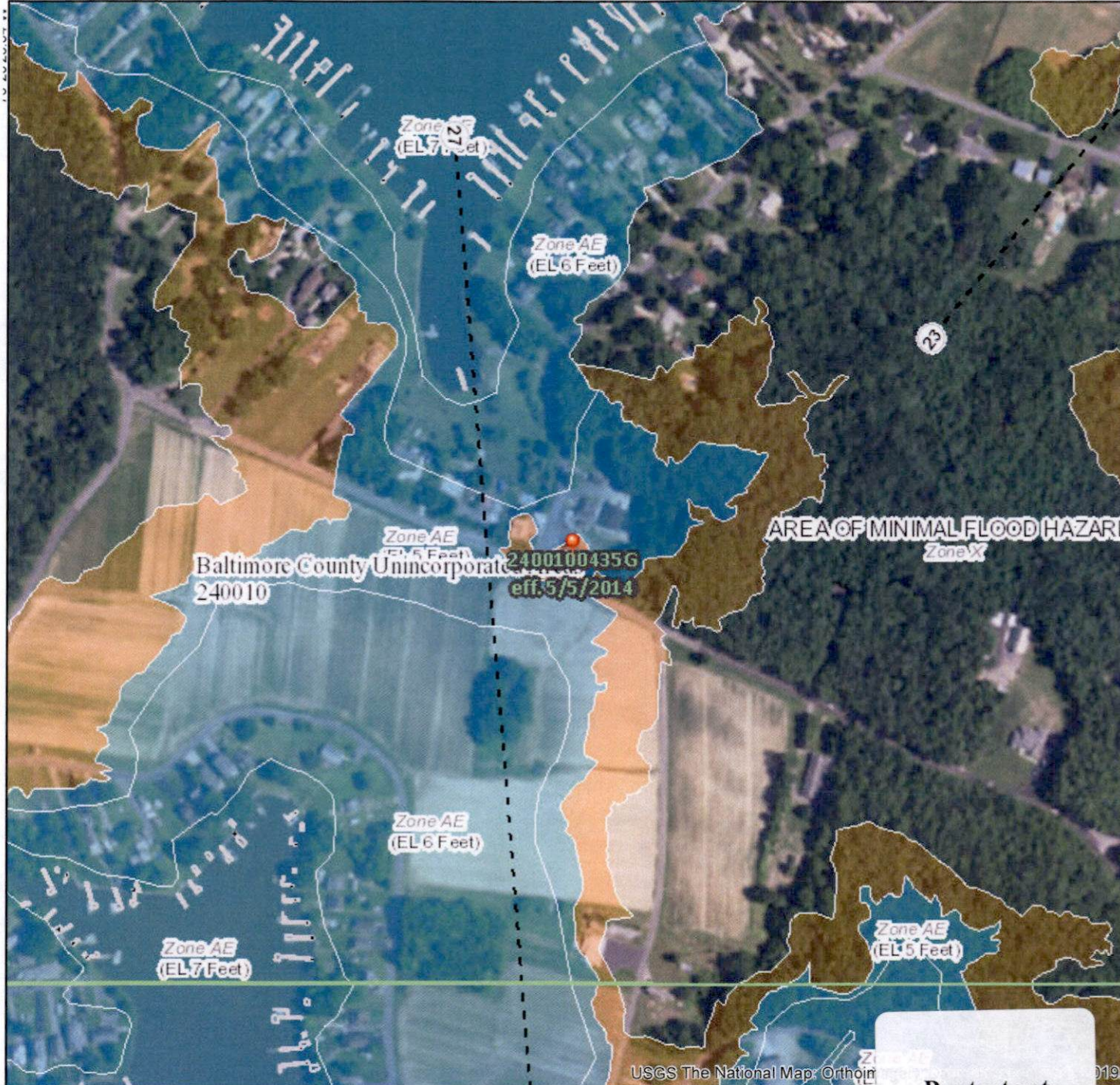


Carl L. Rossmark

National Flood Hazard Layer FIRMette



39°19'10.11"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone J
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone
		Channel, Culvert, or Storm Sewer
OTHER FEATURES		Levee, Dike, or Floodwall
		Cross Sections with 1% Annual Chance Water Surface Elevation
MAP PANELS		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/15/2019 at 8:21:53 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

USGS The National Map Ortho

Protestant
CBA Exhibit

0 250 500 1,000 1,500 2,000 Feet 1:6,000

76°22'49.39"W

27°N

PLEASE PRINT CLEARLY

CASE: 2018-0342-SPH

October 16, 2019

Page 1 of 2

CITIZENS'S SIGN IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	EMAIL ADDRESS
Carl Rossmann	3729 CHESTNUT RD	Barto MD 21220	
Siu Rossmann	3729 CHESTNUT RD	Barto MD 21220	
Kenny Brckell	3727 Chestnut Rd.	Middle River, MD 21220	Protestant CBA Exhibit 19
Kristin Brckell	3727 Chestnut Rd.	Middle River, MD 21220	
CHARLES KELLY	3733 CHESTNUT RD	MIDDLE RIVER MD 21220	
John Bohlen	3820 Chestnut Rd	Middle River MD 21220	
Marsha Ayres	1027 Cold Spring Rd.	Middle River MD 21220	
Mary Scott	1532 Bowleys Quarters Rd.	21220	mescott@comcast.net
Dave Hash	3804 Chestnut Rd	Middle River 21220	dhash@jhm1.edu
Allen Robertson	1608 Holly Tree Rd	Middle River 21220	arb9@hotmail.com
Devin Cuyun	7310 Gunpowder Rd	Middle River 21220	
FRANK Heppner	3920 New Section Rd	Middle River 21220	
Carol R. Dean	925 Bowleys Qtr Rd	Middle River 21220	
Ken Palmer	925 Bowleys Qtr Rd	Middle River 21220	
Kathy Paul	3803 Bay Dr.	Middle River 21220	
Rosalie Hession	1127 Cold Spring Rd	" " "	RtoHession@gmail.com
Paul G. Paul Jr	3803 Bay Drive	" " "	
MIKE VIVIRITO	3619 BAY DRIVE	" " "	mvivirito@comcast.net
John Schmidt	3833 Charles F. Rd	" "	
RICK SNDBROK	3728 CHESTNUT RD	" " "	suds19@live.com

Page 282

CITIZENS'S SIGN IN SHEET

[illegible]

Google Maps

1101 Bowleys Quarters Rd

July 2016



Image capture: Jul 2016 © 2019 Google

Middle River, Maryland

Google

Street View - Jul 2016



Protestant
CBA Exhibit

20

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



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

CODE ENFORCEMENT CORRECTION NOTICE

MGJ PROPERTIES LLC
 3900 GOOSE HARBOR DR
 BALTIMORE, MD 21220-4038

CASE NUMBER CC1710981	PROP. TAX ID 15-04-350930
VIOLATION ADDRESS 1101 BOWLEYS QUARTERS RD MIDDLE RIVER, MD 21220	

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

County Codes/Regulations	Inspector's Comments
Other Violation(s)	B.C.Z.R. SECTION 230: Business, Local (B.L.) Zone Use Regulations Our office has received complaints regarding non-permitted business at this B.L. property. Business operating as a "contractor" is not a permitted use in B.L. zone. Please cease non-permitted business activity at this property.

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

COMPLIANCE DATE: 10/31/2017	INSPECTOR ID: 119
	ISSUED DATE: 09/13/2017

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

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

Protestant
CBA Exhibit

21

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204



Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
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www.baltimorecountymd.gov/Agencies/permits/

CODE ENFORCEMENT & INSPECTION CITATION

MGJ PROPERTIES LLC
3900 GOOSE HARBOR DR
BALTIMORE, MD 21220-4038

CASE NUMBER CC1710981	PROP.TAX ID 15-04-350930
VIOLATION ADDRESS 1101 BOWLEYS QUARTERS RD MIDDLE RIVER, MD 21220	

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

County Codes/Regulations	Inspector's Comments
Other Violation(s)	B.C.Z.R. SECTION 230: Business, Local (B.L.) Zone Use Regulations Failure to cease non-permitted business ("contractor") in B.L. zone.

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated:

\$1000

A quasi-judicial hearing has been pre-scheduled in:
Jefferson Building, 105 W. Chesapeake Ave, Rm 205
Towson, Maryland, 21204

DATE: 01/31/2018 TIME: 09:00 A.M.

IF A VIOLATOR DOES NOT APPEAR AT THE CODE ENFORCEMENT HEARING, THE CITATION AND ANY CIVIL PENALTY ARE DEEMED A NON-APPEALABLE FINAL ORDER OF THE CODE OFFICIAL OR THE DIRECTOR.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Badge Number 119		Issued Date 01/12/2018
-------------------------------	--	---------------------------

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204



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

www.baltimorecountymd.gov/Agencies/permits/

CODE ENFORCEMENT & INSPECTION CITATION

MGJ PROPERTIES LLC
3900 GOOSE HARBOR DR
BALTIMORE, MD 21220-4038

CASE NUMBER CC1710981	PROP.TAX ID 15-04-350930
VIOLATION ADDRESS 1101 BOWLEYS QUARTERS RD MIDDLE RIVER, MD 21220	

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

County Codes/Regulations	Inspector's Comments
Other Violation(s)	B.C.Z.R. SECTION 230; Business, Local (B.L.) Zone Use Regulations Failure to cease non-permitted business ("contractor") in B.L. zone.

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Inspector Badge Number 119	Issued Date 01/12/2018
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Code Inspections & Enforcement
County Office Building, Rm. 213
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www.baltimorecountymd.gov/Agencies/permits/

CODE ENFORCEMENT & INSPECTION CITATION

MGJ PROPERTIES LLC
3900 GOOSE HARBOR DR
BALTIMORE, MD 21220-4038

CASE NUMBER	PROP. TAX ID
CC1710981	15-04-350930
VIOLATION ADDRESS	
1101 BOWLEYS QUARTERS RD MIDDLE RIVER, MD 21220	

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

County Codes/Regulations	Inspector's Comments
Other Violation(s)	B.C.Z.R. SECTION 230: Business, Local (B.L.) Zone Use Regulations Failure to cease non-permitted business ("contractor") in B.L. zone.

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated:

\$1000

A quasi-judicial hearing has been pre-scheduled in:
Jefferson Building, 106 W. Chesapeake Ave, Rm 205
Towson, Maryland, 21204

DATE: 02/28/2018 TIME: 09:00 A.M.

IF A VIOLATOR DOES NOT APPEAR AT THE CODE ENFORCEMENT HEARING, THE CITATION AND ANY CIVIL PENALTY ARE DEEMED A NON-APPEALABLE FINAL ORDER OF THE CODE OFFICIAL OR THE DIRECTOR.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Badge Number	Issued Date
119	01/12/2018

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
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Code Enforcement 410-887-3351
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Building Inspection 410-887-3953

CODE ENFORCEMENT & INSPECTION CITATION

MGJ PROPERTIES LLC
3900 GOOSE HARBOR DR
BALTIMORE, MD 21220-4038

CASE NUMBER
CC1710981

PROP.TAX ID
15-04-350930

VIOLATION ADDRESS
1101 BOWLEYS QUARTERS RD
MIDDLE RIVER, MD 21220

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

County Codes/Regulations	Inspector's Comments
Other Violation(s)	B.C.Z.R SECTION 230: BUSINESS, LOCAL (B.L) ZONE USE REGULATIONS FAILURE TO CEASE NON-PERMITTED BUSINESS ACTIVITY IN B.L. ZONE.

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated:

\$9000

A quasi-judicial hearing has been pre-scheduled in:
Jefferson Building, 105 W. Chesapeake Ave, Rm 205
Towson, Maryland, 21204

DATE: 06/13/2018 TIME: 09:00 A.M.

IF A VIOLATOR DOES NOT APPEAR AT THE CODE ENFORCEMENT HEARING, THE CITATION AND ANY CIVIL PENALTY ARE DEEMED A NON-APPEALABLE FINAL ORDER OF THE CODE OFFICIAL OR THE DIRECTOR.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Badge Number 119		Issued Date 05/17/2018
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Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204



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

www.baltimorecountymd.gov/Agencies/permits/

CODE ENFORCEMENT & INSPECTION CITATION

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

1. If unable to appear on the designated date, the violator may request in writing to the Code Official within fifteen (15) days from the date of this citation for a rescheduled hearing. If you require the assistance of an interpreter because you do not understand or speak the language in which the proceedings are being conducted you must ask for an interpreter within 72 hours of the court date.
2. At this hearing, you are entitled to be represented by an attorney, present witnesses, present evidence, and cross-examine any witnesses against you. An attorney can be helpful to you by (a) explaining the charges in this citation, (b) helping you at the hearing, and (c) helping you challenge the civil penalty, if found in violation.
3. If Administrative Law Judge finds that a violation has occurred, the Final Order may include (a) a civil penalty, (b) reasonable conditions as to time and manner of correction and (c) requirement to reimburse the County for any lien(s) or costs incurred to correct a violation.
4. (a) Civil penalty a lien.
 - (1) If a final order assesses a civil penalty or an order of the Board of Appeals affirms or modifies a final order that assesses a civil penalty and the violator does not pay the civil penalty within the time required by the order, the Code Official or the Director shall certify to the Director of Budget and Finance the amount owed.
 - (2) If a violator does not pay a civil penalty within the time required as specified in paragraph (1) of this subsection, the amount owed
 - (i) Become a lien on the property on which the violation existed and shall be collectible in the manner provided for the collection of real estate taxes; or
 - (ii) May be collected in the same manner as any civil money judgment or debt may be collected.
- (b) Code Official may procure performance. If a violator fails to comply with a final order or an order of the Board of Appeals, the Code Official or the Director may procure the performance of the work needed to correct the violation in accordance with the procedure authorized in 3-6-402 of this subtitle.
5. If you are the Owner of the property, failure to pay the assessed penalty shall constitute a lien on the property and shall be collectible in the same manner and to the same extent as real estate taxes. In addition, failure to correct the violation(s) shall result in appropriate judicial action for enforcement, including civil contempt, which could result in imprisonment.
6. Should the Violator disagree with the Final Order rendered by the Office of Administrative Law, an appeal may be taken to the Baltimore County Board of Appeals within fifteen (15) days of the date of the Order.
7. A filing fee of \$225.00 and a security in the amount of any civil penalty assessed in the Final Order must accompany the notice of appeal and petition. See Baltimore County Code: 3-6-302.
8. Inclement weather procedure: We follow the Baltimore County Circuit Court schedule. Should the Circuit Court be closed, all code enforcement hearings will be cancelled and rescheduled.
9. **If the violator wishes NOT to contest this citation, give up your right to a hearing and wish to pay the fine. Please remit the following: a copy of this citation, and a check or money order payable to: Baltimore County Office of Budget and Finance, 400 Washington Ave, Rm 150, Towson, MD 21204**

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204



Code Enforcement	410-887-3351
Electrical Inspection	410-887-3960
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www.baltimorecountymd.gov/Agencies/permits/

CODE ENFORCEMENT & INSPECTION CITATION

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2. At this hearing, you are entitled to be represented by an attorney, present witnesses, present evidence, and cross-examine any witnesses against you. An attorney can be helpful to you by (a) explaining the charges in this citation, (b) helping you at the hearing, and (c) helping you challenge the civil penalty, if found in violation.
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9. If the violator wishes **NOT** to contest this citation, give up your right to a hearing and wish to pay the fine. Please remit the following: a copy of this citation, and a check or money order payable to: Baltimore County Office of Budget and Finance, 400 Washington Ave, Rm 150, Towson, MD 21204

1101 Bowley's Quarter's Road, Middle River, MD 21220

Owner: MGJ Properties LLC

President: Mark Goloboski

Business: Bay Country Professional Concrete LLC

President: Mark Goloboski.

Purchased property: September 25, 2009

Zoned: Business Local (BL) & RC 20

09/13/2017: Citation issued by Inspector Goodwrich, Case number CC1710981 B.C.Z.R. SECTION 230: Business, Local (B.L.) Zone Use Regulations. Our office has received complaints regarding non-permitted business at this B.L. property. Business operating as a "contractor" is not a permitted use in B.L. zone. Please cease non-permitted business activity at this property. **Compliance Date: 10/31/2017**

01/12/2018: Citation issued by Inspector Goodwrich B.C.Z.R. SECTION 230: Business, Local (B.L.) Zone Use Regulations. Failure to cease non-permitted business ("contractor") in B.L. zone. **on 1/12/2018**
Court date 2/28/2018

2/28/2018: Hearing with Administrative Law Judge Lawrence M. Stahl (ALJ Stahl) "I find for the reasons stated at the conclusion of the hearing Baltimore County has proven by a preponderance of the evidence that Respondent(s) is in violation of the ordinances or regulations set forth in the civil Citation."

3/19/2018: Final Order issued by Administrative Law Judge Stahl "civil penalty of \$1,000.00 to be imposed; of which \$500.00 shall be suspended and \$500.00 shall be immediately imposed." ... "IT IS FURTHER ORDERED, that all violations shall be corrected and abated pursuant to this order by **March 30, 2018.**"

3/29/2018: Timothy M. Kotroco, attorney for respondent, filed Notice and Petition of Appeal claiming the Administrative Law Judge Stahl's final order was "vague".

05/17/2018: Citation issued by Inspector Goodwrich B.C.Z.R. SECTION 230: Business, Local (B.L.) Zone Use Regulations. Failure to cease non-permitted business ("contractor") in B.L. zone with a \$9,000.00 penalty. **Court date: 6/13/2018**

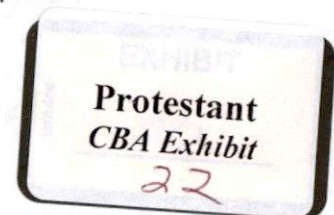
Lawrence Schmidt filed a Petition for Zoning Hearing requesting for "a Special Hearing Relief: 1. To permit an existing office and accessory indoor/outdoor storage as more particularly shown on the site plan attached to this Petition; and 2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

10/29/18: Special Hearing at 1:30 PM: Both community associations, BQIA and BQCA, 40+ residents from the community attended in opposition of the petition of special zoning relief. There were approximately 65 petitions and 10 letters in opposition.

11/1/18: Judge Beverungen's Opinion and Order: The petition "... to permit, as uses accessory to the existing office, indoor/outdoor storage of materials and/or vehicles..." was **DENIED**.

2/12/19: 10 am Hearing for both code enforcement and special zoning relief. (Hearing postponed by MGJ's attorney because he could not fly back in town in time for hearing.)

3/27/19: 10 am Hearing for both code enforcement and special zoning relief. (Hearing postponed because one of the 3 Judges had the flu.)



6/4/19: Appeal Hearings, 9 am appeal special zoning & 3pm code enforcement: Hearing continued for a second day. MGJ's case went til 1:25pm, short snack break until 2pm, hearing ended at 4:15pm so not enough time for community side to complete. Code enforcement case was not heard and will have to be re-scheduled.

8/22/19: 9 am in Towson Day 2 from June 4th appeal hearing for special zoning relief. Mr. Holzer had a medical emergency, hearing has to be re-scheduled.

10/16/19 (Day 2) and 10/17/19 (Day 3 if needed) : 9 am in Towson Day 2 &3 from June 4th appeal hearing for special zoning relief. Day 3 has been cancelled and if needed will need to re-schedule because Larry Schmidt has another court case on 10/17.

12/18/19: Day 3 - 9 am in Towson continued from Day 1, June 4th and Day 2 Oct. 16, 2019 appeal hearing for special zoning relief.

Other relevant facts: These complaints were on record prior to me researching this property.

04/08/2015: case number CG1500026 Grading compliant – Grading & filling over 5000 sq ft without a permit. Filling wetlands.

03/24/ 2010: case number CC99CO0074901 storage of heavy equipment on property.

Civil Citation No. CC1710981
(1101 Blowleys Quarters Road)

MGJ Properties LLC
3900 Goose Harbor Road
Baltimore, Maryland 21220

FINAL ORDER

The matter came before the Administrative Law Judge on February 28, 2018 for a hearing on a Code Inspections and Enforcement Citation ("Citation"), for specified violation(s) of the Baltimore County Code or Zoning Regulations. The Citation names the owners of record, as published in the Maryland State Tax Assessment Database, as Respondents. The Citation was served upon Respondent(s) in a manner consistent with Section 3-6-205(c)(2) of the Baltimore County Code ("BCC"). The Citation, which is included in the case file and is incorporated herein by reference, proposes a civil penalty in the amount of \$1,000.00.

The following persons appeared for the Hearing and testified: Tim Kotroco, Attorney, John Golovoski, Respondent, Inspector 119, Baltimore County Code Enforcement Officer, and Sue Rossmark, Carl Rossmark, Kristen Brickwell, and Kenneth Brickwell, Complainants.

Based on the testimony, photographs, documents and other exhibits I find for the reasons stated at the conclusion of the hearing Baltimore County has proven by a preponderance of the evidence that Respondent(s) is in violation of the ordinances or regulations set forth in the civil Citation.

THEREFORE, IT IS ORDERED this 19th day of March, 2018 by the Administrative Law Judge for Baltimore County that a civil penalty of \$1,000.00 be imposed; of which \$500.00 shall be suspended and \$500.00 shall be immediately imposed. If not paid within thirty (30) days of the

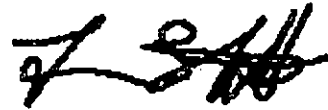
**Protestant
CBA Exhibit**

22

date hereof the civil penalty shall become a lien on the property on which the violation(s) existed and shall be collectible in the manner provided for the collection of real property taxes.

IT IS FURTHER ORDERED, that all violations shall be corrected and abated pursuant to this ORDER by March 30, 2018.

IT IS FURTHER ORDERED, that if the subject property is not brought into compliance pursuant to this Order by March 30, 2018, the suspended \$500.00 civil penalty may be imposed without need for further hearing or order; and, that Baltimore County shall be authorized to send an employee or authorized contractor to enter the property to correct the violation(s), the costs and expenses of which shall be assessed against Respondents.

A handwritten signature in black ink, appearing to read 'L Stahl', is written over a horizontal line.

LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

NOTICE: Pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent or Baltimore County may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order. Any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$225.00 and the posting of security in the amount of the penalty assessed.

Send payments to:

**Baltimore County Office of Budget and Finance
400 Washington Ave, Rm 150
Towson, MD 21204**

LMS/hmk

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LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

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Send payments to:

**Baltimore County Office of Budget and Finance
400 Washington Ave, Rm 150
Towson, MD 21204**

JMS/hmk

TIME: 12:42:53 AUTOMATED PERMIT TRACKING SYSTEM PANEL BP1004M
DATE: 02/06/2019 BUILDING DETAIL 1 LAST UPDATE 12/02/2016
AB 11:56:59

PERMIT # B929835 DRC#
PLANS: CONST 00 PLOT 0 PLAT 0 DATA 0 EL 2 PL 2
TENANT BAY COUNTRY PROFESSIONAL CONCRETE
BUILDING CODE: CONTR: TBD
IMPRV 4 ENGR:
USE 11 SELLR:

FOUNDATION BASE WORK: CBCA. REMOVE ROOF FROM EX STORAGE BLDG AND
REPLACE WITH PRE-FAB TRUSS SYSTEM 2412SF.
CONSTRUC FUEL SEWAGE WATER SEPARATE PERMIT REQ'D FOR ANY ADD'L WORK.
1E 1E CONST PLAN WAIVED, USING PRE-ENGINEER ROOF
CENTRAL AIR TRUSSES, NON- SUBSTANTIAL IMPROVEMENT:YAP
ESTIMATED COST NO CRANE PER APPLICANT: AKT
15K PROPOSED USE: BUSINESS STORAGE BLDG AND REPAIR
OWNERSHIP: 1 EXISTING USE: BUSINESS STORAGE BLDG

RESIDENTIAL CAT:
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:
1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

Protestant
CBA Exhibit

29



KEVIN KAMENETZ
County Executive

VINCENT J. GARDINA, *Director*
Department of Environmental Protection
and Sustainability

May 11, 2015

Mr. Mark Goloboski
MGJ Properties LLC
3900 Goose Harbor Drive
Baltimore, MD 21220-4038

RE: 1101 Bowleys Quarters Road Grading
Violation

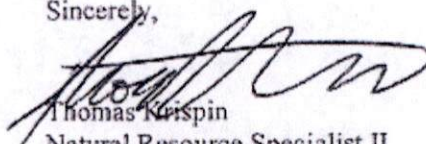
Dear Mr. Goloboski:

This letter is in reference to a complaint received by this office regarding grading work that has taken place on the above referenced parcel of property. Staff of the Environmental Impact Review Section (EIR) investigated the complaint in March of 2015 and spoke with you regarding the approximately 12,600 square feet of grading that occurred on your property.

EIR would like to bring to your attention that a grading permit should have been applied for and approved before the work on site began. During permit review for the proposed grading work, a wetland delineation would have been required at a minimum. The sediment and erosion control inspector also conducted a site visit and determined that a grading permit would be required based on a correction notice posted at the above address. Please note that a hearing has been set for June 17, 2015 because of your failure to comply with the correction notice. In addition to complying with the sediment and erosion control correction notice, you must also comply with Baltimore County Code Sections 33-2-206 and 33-2-302 by completely removing fill from areas within the forest and possible wetland areas, as shown on the attached map.

Failure to submit an application for a grading permit and removal of fill from the forest and possible wetland areas by June 17, 2015 will be considered a violation by this Department and will result in enforcement action by this Department, which will include the imposition of civil monetary penalties up to \$500 per day, as noted in Sections 33-2-901 through 33-2-906 of the Baltimore County Code. If you have questions or concerns regarding the above, please feel free to contact me at 410-887-3980.

Sincerely,


Thomas Kispin
Natural Resource Specialist II
Environmental Impact Review

Enclosure

J:\Tom K\Violation letters\1101bowleysquartersrdCA.doc

111 West Chesapeake Avenue, Main Office | Towson, Maryland 21204
www.baltimorecountymd.gov

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30



[Home](#) [Animal Complaint](#) [License](#) [Residential Parking Permits](#) [Land Management](#) [Code Complaint](#)

CZMP

[Submit a Complaint](#) [Search Complaints](#)

Record CG1500026:
Grading Complaint
Record Status: In Compliance

[Record Info](#) ▼

Property Location

1101 BOWLEYS QUARTERS RD
MIDDLE RIVER MD 21220

Application Details

Complaint Description:

Grading and filling over 5000 sqft w/out a permit. Filling wetlands



[Home](#) [Animal Complaint](#) [License](#) [Residential Parking Permits](#) [Land Management](#) **[Code Complaint](#)**

CZMP

[Submit a Complaint](#) [Search Complaints](#)

Record CG1500026:
Grading Complaint
Record Status: In Compliance

[Record Info](#) ▼

Property Location

1101 BOWLEYS QUARTERS RD
MIDDLE RIVER MD 21220

Application Details

Complaint Description:
Grading and filling over 5000 sqft w/out a permit. Filling wetlands

11

5/20 CA TP

APPLICATION FOR BUILDING PERMIT

PERMIT #: B878734 CONTROL #: GRC- DIST: 15 PREC: 01

LOCATION: 1101 BOWLEYS QUARTERS RD.
SUBDIVISION: BOWLEYS QUARTERS
TAX ASSESSMENT #: 1504350930

EIR 5/27/15

LDA - Not BMA - Not Waterfront

OWNERS INFORMATION

NAME: MGT PROPERTIES LLC
ADDR: 3900 GOOSE HARBOR DR 21220-4038

~~Land area~~
Land area 1.79 ac

APPLICANT INFORMATION

NAME: MARK BRANNON
COMPANY: BAY COUNTRY PROFESSIONAL CONCRETE, LLC
ADDR1: 1101 BOWLEYS QUARTERS RD
ADDR2: BALTIMORE, MD 21260
PHONE #: 410-335-4116 LICENSE #:

NOTES
AF

DRC#

PLANS: CONST 00 SLOT 8 PLAT 0 DATA 0 ELEM 00 ELEM NO

TENANT:

CONTR: OWNER

ENGR:

SELLR:

WORK: CECA. GRADING OF 11,150SF TO STABILIZE TERRAIN.
ALSO, GRADING AND RE-PAVING W/GRAVEL TO REPAIR
WATER LINE OF 1200SF. THIS PERMIT EXPIRES TWO
YEARS FROM ISSUE DATE.

PROPOSED USE: CONCRETE COMPANY AND GRADING
EXISTING USE: CONCRETE COMPANY

BLDG. CODE:

RESIDENTIAL CATEGORY:

OWNERSHIP: PRIVATELY OWNED

ESTIMATED COST OF MATERIAL AND LABOR: 2500.00

TYPE OF IMPRV: OTHER

USE: OTHER - NON-RESIDENTIAL

FOUNDATION:

SEWAGE: PUBLIC EXIST

CONSTRUCTION:

CENTRAL AIR:

BASINMENT:

WATER: PUBLIC EXIST

FUEL:

SINGLE FAMILY UNITS

TOTAL 1 FAMILY BEDROOMS

MULTI FAMILY UNITS

EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:

NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:

TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PERMIT #: B878734

DIMENSIONS - INSTALL FIXTURES

GARBAGE DISP: BUILDING SIZE
POWDER ROOMS: FLOOR: 12350SF
BATHROOMS: WIDTH:
KITCHENS: DEPTH:
HEIGHT:
STORIES:

LOT NOS: 1
CORNER LOT:

ZONING INFORMATION

DISTRICT: BLOCK:
PETITION: SECTION:
DATE: LIBER:
MAP: FOLIO:
CLASS: 06

LOT SIZE AND SETBACKS

SIZE: 1.790AC
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: NC
SIDE STR SETB:
REAR SETB: NC

ASSESSMENTS

LAND: 0163900.00
IMPROVEMENTS: 0156000.00
TOTAL ASSESSMENT:

PLANNING INFORMATION

MASTER PLAN AREA: SUBSEWERED: CRITICAL AREA:

DATE APPLIED: 05/20/2015 INSPECTOR INITIALS: 155
FEE: \$48.00 PAID: \$48.00 RECEIPT #: A719453
PAID BY: APPL

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

DATE

ADDRESS

AGENT
OWNER

SIGNATURE OF APPLICANT

PHONE

PERMIT #: B878734

DIMENSIONS - INSTALL FIXTURES

GARBAGE DISP: BUILDING SIZE
POWDER ROOMS: FLOOR: 12350SF
BATHROOMS: WIDTH:
KITCHENS: DEPTH:
HEIGHT:
STORIES:

LOT NOS: 1
CORNER LOT:

LOT SIZE AND SETBACKS

SIZE: 1.790AC
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: NC
SIDE STR SETB:
REAR SETB: NC

ZONING INFORMATION

DISTRICT:
PETITION:
DATE:
MAP:
BLOCK:
SECTION:
LIBER:
FOLIO:
CLASS: 06

ASSESSMENTS

LAND: 0163200.00
IMPROVEMENTS: 0156600.00
TOTAL ASSE:

PLANNING INFORMATION

MASTER PLAN AREA: SUBSEWERED: CRITICAL AREA:

DATE APPLIED: 05/20/2015 INSPECTOR INITIALS: 122
FEE: \$48.00 PAID: \$48.00 RECEIPT #: A710453
PAID BY: APPL

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

DATE

ADDRESS

AGENT
OWNER

SIGNATURE OF APPLICANT

PHONE

Zoning Regulations

educational, social, recreational or religious institution; recreational vehicle as defined in Section 101; trailer (or mobile home) as defined in Section 101; vanpool or historic vehicle as registered with the State Motor Vehicle Administration. As used herein, gross vehicle weight or gross combination weight means the weight recorded by the State Motor Vehicle Administration on the vehicle's registration certificate or recorded by the manufacturer on the certificate of origin if no specific weight is recorded on the registration certificate.

[Bill No. 70-1988] ⁽⁶⁾

COMMUNITY CARE CENTER — A small-scale facility, sponsored or operated by a private charitable organization or by a public agency and licensed by the Maryland State Department of Health and Mental Hygiene or by the Maryland State Department of Social Services, for the housing, counseling, supervision or rehabilitation of alcoholics or drug abusers or of physically or mentally (including emotionally) handicapped or abused individuals who are not subject to incarceration or in need of hospitalization.

[Bill No. 142-1979]

COMPARTMENTALIZED WAREHOUSE ESTABLISHMENT — A building consisting of individual, small, self-contained units that are leased or owned for self-service storage of business or household goods.

[Bill No. 46-1992]

CONSERVANCY AREA — The portion of a rural cluster development which contains significant natural or historic features and which has been dedicated through deed restriction and easements for continued farming, forestry or open space use in order to remain largely undisturbed.

[Bill No. 113-1992]

CONSERVATION BURIAL GROUND — Any property, permanently protected under a conservation easement, intended for use for the burial or permanent disposition of the remains of the dead, utilizing natural burial methods and biodegradable materials that permit the body to return naturally to the earth.

[Bill No. 6-2015]

CONSTRUCTION EQUIPMENT STORAGE YARD — The use of any space, whether inside or outside a building, for the storage of construction equipment or machinery, including landscaping equipment and associated materials.

[Bill No. 149-1987]

CONTINUING CARE FACILITY — A building or group of buildings that contains dwelling facilities for assisted living, and facilities for convalescent or nursing care on the same site, where occupancy of the facility is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older.

[Bill No. 36-1988]

CONTRACTOR'S EQUIPMENT STORAGE YARD — The use of any space, whether inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage or landscaping equipment and associated materials.

[Bill No. 149-1987]

CONTRACTOR'S OFFICE — A room or group of rooms for conducting the business affairs of a building trade.

[Bill No. 149-1987]

CONTRACTOR'S SHOPS — Establishments for trades involved in the installation and servicing of items whose use is related to the construction, improvement or maintenance of buildings or landscaping of grounds.

[Bill No. 149-1987]

CONTROLLED-ENVIRONMENT STRUCTURE — A temporary or permanent structure enclosed by glass or plastic, utilized exclusively to cultivate plants, to protect plants from the elements or to produce plants out of season.

[Bill No. 41-1992]

[Bill No. 178-1979]
Zoning Regulations



NUDITY — A state of dress in which a human buttock, anus, genitalia or female breast is completely bared.

[Bill No. 137-1990]

NUDITY, PARTIAL — A state of dress in which clothing covers no more than the genitals, pubic region and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

[Bill No. 137-1990]

NURSERY, HORTICULTURAL — An agricultural operation primarily engaged in the production and marketing of trees, shrubs and plants. The plant materials may be produced on the premises and may be purchased elsewhere at any stage of maturity for further production. Horticultural nurseries may engage in accessory uses such as storage of plant materials, sale of products necessary for the health of the nursery stock, and provision of limited landscape services. A nursery which sells plant materials grown exclusively on-site and which does not offer any of the accessory services permitted at horticultural nurseries shall be considered a farm.

[Bill No. 41-1992]

NURSERY SCHOOL — A school or a level within a school providing educational instruction for children between two and four years old.

[Bill No. 47-1985]

NURSING HOME (formerly "convalescent home") — A facility which provides board, shelter and nursing care to chronic or convalescent patients. This term also includes facilities which provide domiciliary care within a nursing home.

[Bill No. 37-1988]

OFFICE — A building or portion of a building used for conducting the affairs of a business, profession, service, industry or government, including a medical office. The term "office" does not include a bank, a post office, a veterinarian's office or an establishment where merchandise is stored on or sold from the premises.

[Bill Nos. 13-1980; 167-1980; 37-1988; 186-1994]

OFFICE BUILDING, CLASS A — A principal building that was originally constructed as a one-family or two-family detached dwelling and that is converted by proper permit to office use without any external enlargement for the purpose of creating the office space or otherwise accommodating the office use. For the purposes of this definition, enclosure of a porch of a house or the addition of an exterior stairway at the side or rear of the building does not constitute external enlargement.

[Bill Nos. 13-1980; 170-1991]

OFFICE BUILDING, CLASS B — A principal building used for offices and which is not a Class A office building.

[Bill Nos. 151-1988; 186-1994]

OPEN DUMP — Any land publicly or privately owned, other than a sanitary landfill, on which there is deposit and accumulation, either temporary or permanent, of any kind of organic or inorganic refuse, including but not limited to waste materials, waste products, wastepaper, garbage, empty cans, broken glass, rags and all other kinds of organic or inorganic refuse, but excluding scrap for use in manufacturing processes on the premises, or waste materials resulting from such processes, or resulting from the construction or elimination of facilities for such processes.

[Bill No. 140-1962]

OPEN SPACE, COMMON — Local open space, public parks or other parklike open space reserved for the public use and enjoyment, whether privately owned or owned by the county, state or federal government or other agencies. Space that lies within the boundaries of an area designated as common open space and is devoted to such recreational facilities as are customarily found in public parks is considered part of the common open space. Amenity open space (as defined elsewhere in this section) is not common open space unless it is so designated by the developer of the tract on which the space is located. Upon the adoption of appropriate standards pursuant to the authority of [Section 504](#), nontidal streams and lakes and other nontidal watercourses or bodies of water

[Bill No. 178-1979]
Zoning Regulations



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[Bill No. 37-1988]

OFFICE — A building or portion of a building used for conducting the affairs of a business, profession, service, industry or government, including a medical office. The term "office" does not include a bank, a post office, a veterinarian's office or an establishment where merchandise is stored on or sold from the premises.

[Bill Nos. 13-1980; 167-1980; 37-1988; 186-1994]

OFFICE BUILDING, CLASS A — A principal building that was originally constructed as a one-family or two-family detached dwelling and that is converted by proper permit to office use without any external enlargement for the purpose of creating the office space or otherwise accommodating the office use. For the purposes of this definition, enclosure of a porch of a house or the addition of an exterior stairway at the side or rear of the building does not constitute external enlargement.

[Bill Nos. 13-1980; 170-1991]

OFFICE BUILDING, CLASS B — A principal building used for offices and which is not a Class A office building.

[Bill Nos. 151-1988; 186-1994]

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[Bill No. 140-1962]

OPEN SPACE, COMMON — Local open space, public parks or other parklike open space reserved for the public use and enjoyment, whether privately owned or owned by the county, state or federal government or other agencies. Space that lies within the boundaries of an area designated as common open space and is devoted to such recreational facilities as are customarily found in public parks is considered part of the common open space. Amenity open space (as defined elsewhere in this section) is not common open space unless it is so designated by the developer of the tract on which the space is located. Upon the adoption of appropriate standards pursuant to the authority of Section 504, nontidal streams and lakes and other nontidal watercourses or bodies of water

§ 100.4. - Determination of zone boundaries.

The location of any zone boundary, unless indicated by dimensions shown on the Zoning Map, shall be determined by use of the map scale shown thereon and scaled to the nearest foot.

SECTION 101 - Definitions

[BCZR 1955]

§ 101.1. - Word usage; definitions.

[Bill No. 149-1987]

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of these regulations, certain terms and words are defined below.

Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged.

ACCESSORY APARTMENT — A second living quarters within a principal single-family detached dwelling or within an accessory building situated on the same lot as the principal single-family detached dwelling and in compliance with Section 400, with dedicated bathing and cooking facilities, and located on owner-occupied property, subject to the following:

[Bill No. 49-2011]

- A. The owner may occupy either the principal dwelling or the accessory apartment;
- B. The occupant(s) of the accessory apartment and the occupant(s) of the principal single-family detached dwelling shall be immediate family, related as grandparents, parents, or parents' children by blood, marriage or adoption;
- C. The accessory apartment is provided without compensation; and
- D. The accessory apartment, whether located within the principal dwelling or in the accessory building, shall comply with all laws, regulations, and codes affecting residential occupancy.

ACCESSORY BUILDING — One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. A structure connected to a principal building by a covered passageway or with one wall in common shall not be considered an accessory building.

ACCESSORY USE OR STRUCTURE — A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use.

[Bill Nos. 100-1970; 26-1988] ^[1]

AGRICULTURE, COMMERCIAL — The use of land, including ancillary structures and buildings, to cultivate plants or raise or keep animals for income, provided that the land also qualifies for farm or agricultural use assessment pursuant to § 8-209 of the Tax-Property Article of the Annotated Code of Maryland, as amended. Commercial agriculture includes the production of field crops, dairying, pasturage agriculture, horticulture, floriculture, aquiculture, apiculture, viticulture,

Baltimore County Zoning Report

Zoning Information for BL

Zone Description:

Business Local

Intent:

Business Local

Typical Uses Permitted by Right:

Retail Sales, Personal Services, Restaurant, Bank, Office, Tavern, Food Store, And Medical Clinic.

Typical Uses Permitted by Special Exception:

Arcade, Car Wash, Service Garage, Hotel/Motel, Funeral Establishment, Golf Course, Driving Range, Animal Boarding Place Class A, Theater.

Baltimore County Zoning Report

Zoning Information for RC 20

Zone Description:

Critical Area

Intent:

Critical Area

Typical Uses Permitted by Right:

Single-Family Dwelling, Fish And Wildlife Preserve, Agriculture, Aquaculture.

Typical Uses Permitted by Special Exception:

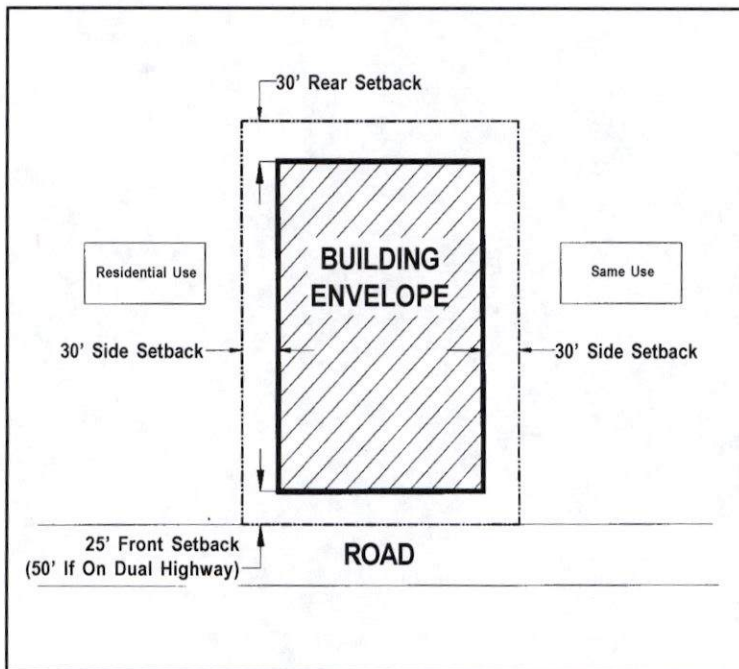
Wildlife Propagation, Farm Market, Nursery, Commercial Water-Dependent Facility, Agricultural Support

Note: The commercial zoning ,BL, for 1101 B Q Rd. was established several decades ago.

Had the property been undeveloped when Maryland established CRITICAL AREA legislation in 1984 and the current designation of RC 20 was applied, business establishment in critical areas would have not been permitted.

It would appear that the current RC20 designation would not allow a change in the commercial zoning from the current, grandfathered-in, commercial zoning level of BL.

BR Business Roadside



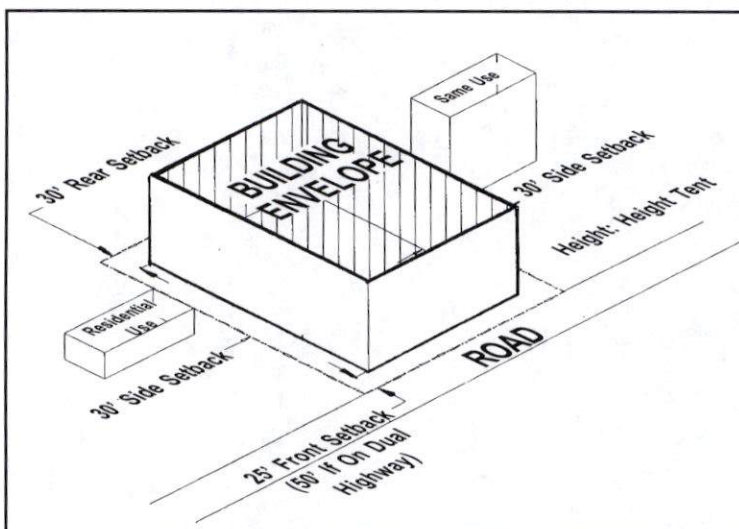
Intent: No intent statement in the regulations.

Typical Uses Permitted by Right:

Uses permitted in BM, kennel, greenhouse, lumber yard, printing company, brewery, hotel/motel.

Typical Uses Permitted by Special

Exception: Contractor's equipment storage yard, truck stop, airport, landfill, trailer park, shooting range, striptease business, used motor vehicle outdoors sales separated from sales agency building.



Height and Area Requirements

Manufacturing Zones

	MR	MLR	ML	MH
Permitted Uses	Bank, warehouses, laboratory, limited manufacturing, office/medical clinics, printing, research institute.	Uses permitted in MR zone (except heliport type II), car wash and fuel service stations in planned industrial parks with IM district.	Industrial uses requiring assembly, production, processing, packaging, or treatment of various elements; laboratories, office/medical clinics; excavations not using explosives; equipment/material storage yards; heliports.	Uses permitted in the MR Zone, animal boarding, place, commercial beach, community buildings and pools, outdoor recreation clubs, veterinarian's offices and with conditions any other manufacturing use.
Minimum Front Setback	75'	50' from a dual highway, 40' from any other street	50' from front property line if on dual highway, 25' elsewhere; 50' from center line of street other than a dual highway*	Same as ML
Minimum Side Setback	50'	30' with the sum of both sides shall not be less than 80'	30'*	Same as ML
Minimum Rear Setback	50'	40'	30'*	Same as ML
Floor Area Ratio	0.4	0.6	2.0	Same as ML
Height	Subject to height tent regulations	60'	Unlimited except if within 100' of a business or residential zone then 3 stories or 40'	Same as ML

* Setbacks are for non-residential buildings



Protestant
CBA Exhibit



KAUFFMAN AND FORMAN, P.A.

ATTORNEYS AND COUNSELORS AT LAW

406 W. PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204

<http://KauffmanandForman.com>

BRUCE E. KAUFFMAN

JEFFREY L. FORMAN

(410) 823-5700

FAX (410) 296-7349

BRAD E. KAUFFMAN

MICHAEL T. JORDAN

E-mail: beklaw@comcast.net

October 4, 2018

Siu Loong Cheung
3729 Chestnut Road
Middle River, MD 21220

Our Client: MGJ Properties ("MGJ")
Property: 1101 Bowleys Quarters Road
Middle River, Maryland 21220
(the "Property")

Dear Mrs. Cheung:

Please be advised that this law firm represents MGJ. My client has learned that you have asserted accusations that MGJ has committed zoning violations at the Property. My client believes that its Property is being used in compliance with all zoning and other applicable requirements. Your inaccurate communications which you have made to the community and governmental bodies include, but are not limited to, claiming that MGJ's tenant, Bay Country Professional Concrete, LLC ("Bay Country") has transported equipment or materials to and from the Property using heavy trucks or tractor trailers, Bay Country stores concrete mixing materials, and Bay Country has blocked roads surrounding the Property. Please furnish to my office any photographs or videos to support your accusations. Your accusations and interference with Bay Country's use of the Property has and will continue to damage and adversely affect both MGJ and Bay Country. Please be advised that unless you immediately cease and desist with your current conduct, my client has instructed me to immediately pursue all of its legal and equitable remedies. My client sincerely hopes that such a course of action will not be necessary. I suggest that either you or your attorney promptly contact me at my office to further discuss this matter.

Sincerely,

Bruce E. Kauffman

BEK:bal

Protestant
CBA Exhibit

33

Bowleys Quarters Community Association

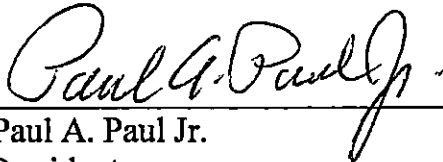
RESOLVED: That at the General Meeting of the Bowleys Quarters Community Association (BQCA) held on the 22nd of January, 2019, it was decided by the BQCA membership that responsibility for review and action on all zoning matters for the period of January 22, 2019 through February 29, 2020 be placed in Allen Robertson as the Zoning Chairman, who is authorized to testify on behalf of the Association before the County Board of Appeals or other duly constituted zoning agency, body, or commission:

AS WITNESS OUR HANDS AND SEAL THIS 22nd day of January, 2019.

ATTEST:



Kurt Kruger
Secretary
BQCA



Paul A. Paul Jr.
President
BQCA

Protestant
CBA Exhibit
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34



Protestant
CBA Exhibit



CHRISTOPHER N. JAKUBIAK, AICP

Jakubiak & Associates, Inc.
115 Yorkleigh Road
Towson, Maryland 21204
443-895-4240
cj@jakubiak.net

Christopher Jakubiak has 27 years of professional experience preparing zoning ordinances, comprehensive plans, master plans, land use studies, and negotiating development agreements. He founded Jakubiak & Associates, Inc. in 2000. Prior to that he served as Principal Planner for Calvert County, Maryland where he managed programs in transportation, land use, and town center master planning. He directed the work of the County's Board of Zoning Appeals and wrote the County's first transportation plan.

Immediately following graduate school, Mr. Jakubiak began his career as Principal Planner for the Southeastern Wisconsin Regional Planning Commission. He headed a special projects division at the Commission and authored the "Prospectus for the Study of the Impacts of Development on Bio-diversity in Environmental Corridors", which contributed to the then emerging concept of "green infrastructure". He updated the Commission's zoning guide, conducted land use planning and comprehensive rezoning for two rural townships, and wrote the 2010 Regional Transportation Plan.

While leading Jakubiak & Associates, Mr. Jakubiak has served as an instructor in the School of Architecture and Planning at The Catholic University of America and taught citizen planning commissioners and real estate professionals through the University of Maryland Urban Studies and Planning Program. He served four years as a member of the City of Annapolis Board of Appeals. He has advised municipal officials, and testified before House and Senate committees, on multiple bills that have shaped Maryland's planning statutes.

Mr. Jakubiak has provided testimony as an expert in planning and zoning in Baltimore County, Baltimore City, Anne Arundel County, Montgomery County and the City of Annapolis.

Education

Master's Degree in Urban and Regional Planning: 1992
University of Illinois, Urbana-Champaign
Practicum: Comprehensive Neighborhood Revitalization Plan, East St. Louis, IL
Award: American Institute of Certified Planners - Most Outstanding Graduate Planning Student

Bachelor of Arts in Political Science: 1990
University of Maryland, Baltimore County

Professional Affiliations

American Institute of Certified Planners (AICP)
American Planning Association (APA)
APA's Planning & Law Division
APA's New Urbanism Division

Work Experience

President and Principal, Jakubiak & Associates, Inc. (2000 – present)
Principal Planner, Calvert County Department of Planning and Zoning: (1996 – 2000)
Principal Planner, Southeastern Wisconsin Regional Planning Commission (1992 – 1996)
Urban Planning Instructor and Teaching/Research Assistant, University of Illinois (1990 – 1992)

Recent Speaking Engagements

"Annexation and Land Use Planning", Maryland Planning Commissioners Association, 2018
"Sustainable Urban Planning in Scandinavia", U.S. Green Building Council, Baltimore 2014, and Washington, DC 2013
"Due Process and Effective Decision Making", MD Planning Commissioners Association, 2013
"Climate Change Adaptation in Maryland", Gulf of Mexico, COCP, New Orleans, LA, 2012
"Development Proposals: The Role of Negotiation" Maryland Municipal League Conf., 2011
"Approaches to Addressing Compatible Infill" Maryland Municipal League Conf., 2008
"Negotiating Design Concepts for New Development", Maryland Municipal League Conf., 2004
"Toward a Walkable Downtown, Rebuilding La Plata", International IMCL Conference, Carmel, CA, 2003

Representative Projects, Christopher Jakubiak, AICP for Jakubiak & Associates, Inc.

-City Dock Master Plan, A Framework to Guide Redevelopment. A plan to promote redevelopment compatible with the historic context, create open spaces, improve pedestrian and traffic circulation, and address sea level rise. The work included drafting zoning standards to incentivize redevelopment while protecting the waterfront's historic and cultural values. City of Annapolis, Maryland.

-Bethesda Commons, Park and Urban Design Plan. A plan to address the impending encroachment of high-rise development in downtown Bethesda against the historic Chevy Chase neighborhood, featuring new patterns for massing high-rise buildings and the conversion of surface parking into a classic urban park with underground parking. The work is backed by detailed implementation programming. Town of Chevy Chase, Maryland.

-Downtown Reconstruction Planning. Following the 2002 tornado, prepared a downtown commercial and housing market analyses, and using its findings, negotiated re-building plans with individual land owners to guide land use development in concert with a vision plan. La Plata, Maryland.

-Farmland Preservation Plan. Prepared a market-driven and incentive-based farmland and scenic vista preservation program. Among other things, the work added a Purchase of Development Rights (TDR) program consisting of a criteria-based appraisal system for valuing conservation easements and development rights for public acquisition. Queen Anne's County, Maryland.

-Rezoning to Guide Student Housing Development. Designed zoning amendments to incentivize the private sector to develop student-housing nearer to Frostburg University. Also, studied land use patterns and evaluated local housing supply and the demand for off-campus housing. City of Frostburg, Maryland.

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-Comprehensive Planning. Prepared many comprehensive plans which are providing guidance's to cities and towns throughout Maryland on their long-term growth, development, and conservation, including Annapolis, Cambridge, Smithsburg, Oakland, Queenstown and Crisfield.

-Comprehensive Rezoning. Conducted land use studies and drafted zoning ordinances and zoning mapping for municipalities throughout Maryland with a focus on smart codes, infill development, and promoting compatibility between land uses including in North Beach, Cambridge, Chesapeake Beach and Thurmont.

-Design Standards for Compatible Residential Infill. Prepared standards to guide compatible redevelopment, addressing the issue of "mansionization" under new zoning authority enabled by Maryland statute. Towns of Chevy Chase and Chevy Chase View and the Village of Martin's Additions.

-Private Sector Land Planning. Such as preparing alternative commercial development plans to counter offers made through State Highway Administration condemnation proceeding, applying zoning and site development standards to demonstrate and assess the magnitude of property takings. Anne Arundel County, Maryland (interchange at Interstate Highway Route 97).

Representative Cases - Expert Testimony Before the Board of Appeals, Baltimore County

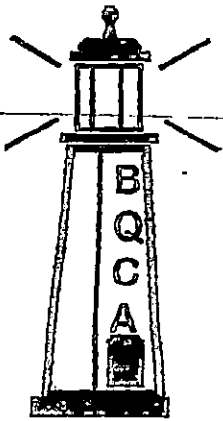
Case No. 16-099-SPH, Hunt Valley Presbyterian Church, Inc.

Case No. 15-239-SPH, 15-279 SPH Goldman and Congregation Ariel Russian Community Synagogue, Inc.

Case No. 14-131-SPHX, Riverwatch, LLC, Two Farms, Inc.

Case No. 15-__-SPHX, Hunt Valley Baptist Church

Case No. 16-335-SPHX, Donald & Kathleen Lippy



Bowleys Quarters Community Association

RESOLVED: That the position of the Bowleys Quarters Community Association as adopted by the (Board of Directors) (Zoning Committee) on the zoning matter known as:

Bay Country Concrete

is that: The requested use of the property located at 1101 Bowleys Quarters Road. for any use other than a business office is opposed by the BQCA.

AS WITNESS OUR HANDS AND SEAL THIS 28th day of January, 2020.

ATTEST:

Bowleys Quarters Community Association

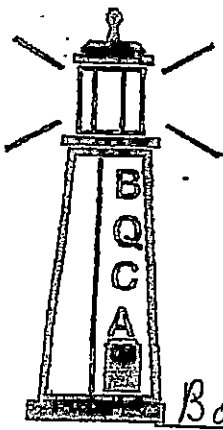
Kurt Kruger
Secretary

Allen Robertson
President

P. O. Box 484 Chase, Maryland 21027

www.BQCA.org

Protestant
CBA Exhibit



Bowleys Quarters Community Association

RESOLVED: That at the January General meeting of the Bowleys Quarters Community Association held on January 28, 2020 [DATE], it was decided by the Association that responsibility for review and action on all zoning matters for the period January 29, 2020 through Feb. 28, 2021 be placed in the (Board of Directors) (Zoning Committee) consisting of the following members, each of whom is hereby authorized to testify on behalf of the Association before the County Board of Appeals or other duly constituted zoning agency, body, or commission:

Allen Robertson

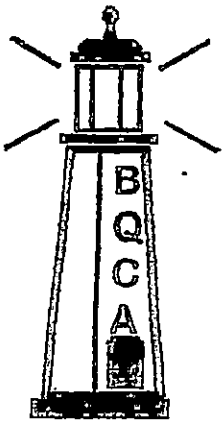
AS WITNESS OUR HANDS AND SEAL THIS 28th day of January, 2020

ATTEST:

Bowleys Quarters Community
Association

Kwe Kyu
Secretary

Allen Robertson
President



Bowleys Quarters Community Association

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

Allen Robertson,

I hereby swear upon penalty of perjury that I am currently a duly elected member of
the (Board of Directors) (Zoning Committee) of the
Bowleys Quarters Community Association.

ATTEST:

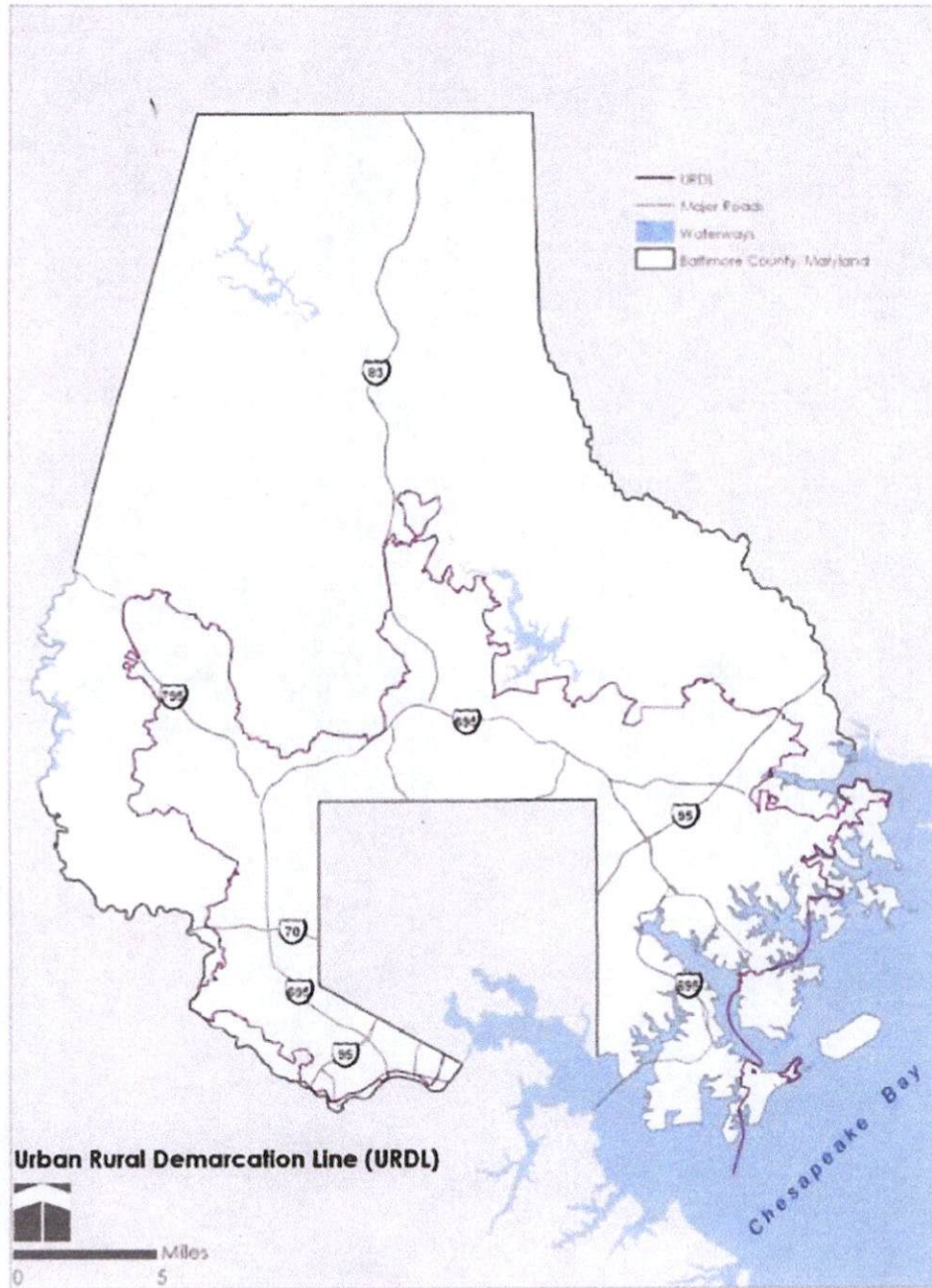
Bowleys Quarters Community Association

Kime Kyn
Secretary

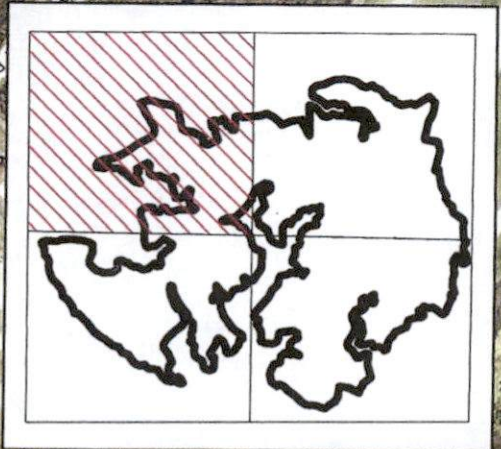
Allen Robertson
President

DATE: January 28, 2020

URDL as of 2010



Bowleys Quarters Plan Area Aerial Map: B1



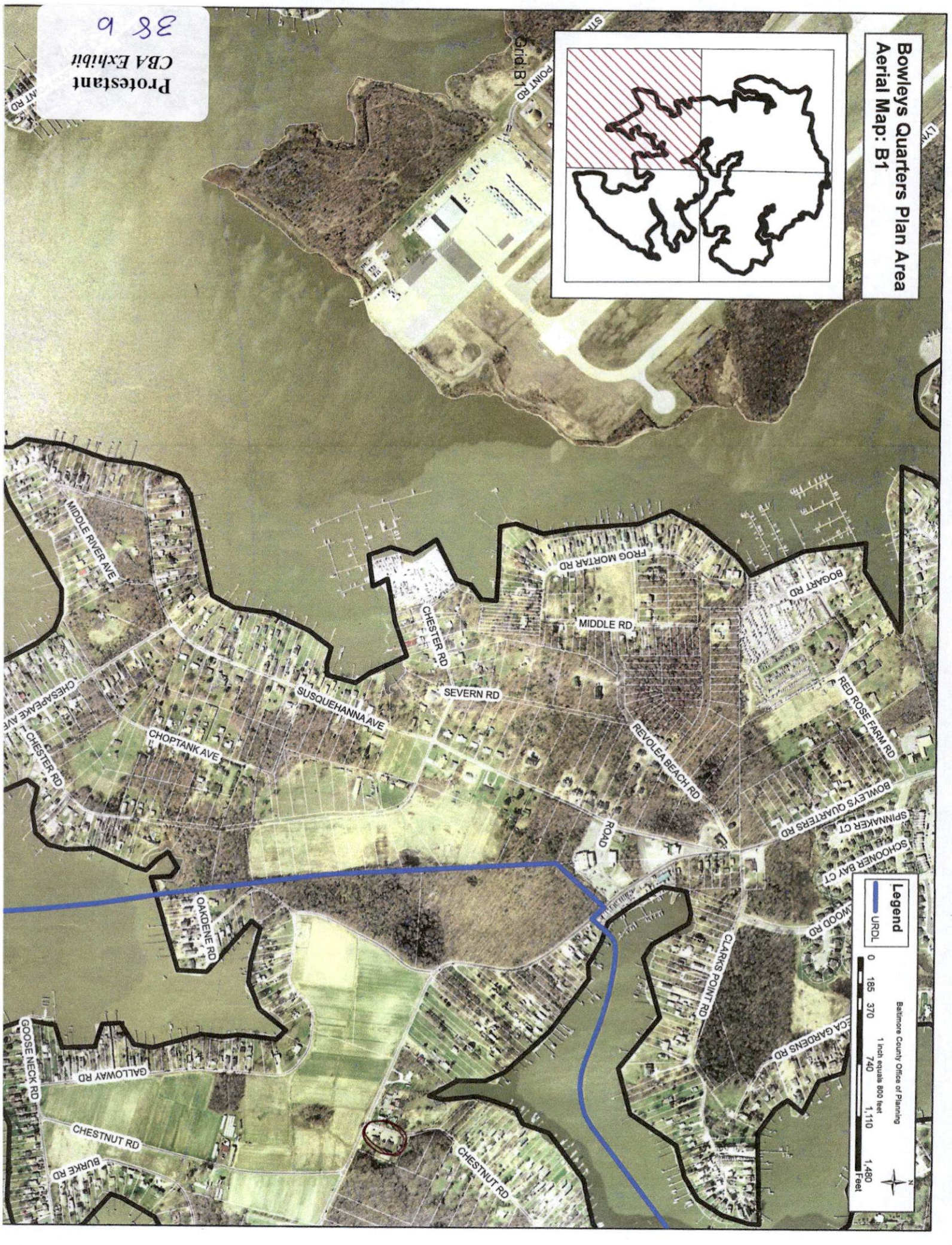
Legend

URDL

Baltimore County Office of Planning
1 inch equals 800 feet

0 185 370 740 1,110 1,480 feet

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LTE



October 2, 2019
9:20 AM

All Photos



Edit



Protestant
CBA Exhibit

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October 29, 2018

Reference case # 2018-0342-SPH

Zoning change for Bay Country Professional Concrete LLC

1101 Bowleys Quarters Road

Middle River Md. 21220

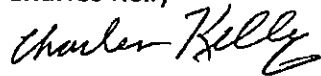
To whom it may concern,

My name is Charles Kelly and I have lived on Chestnut Road since 1961.

I am opposed to the proposed Zoning change for 1101 Bowleys Quarters Road for the following reasons :

1. The zoning sign is very vague and leaves open to many areas for interpretation.
2. The Bowleys Quarters area has always been a quiet waterfront area for homes and small farming areas and should stay that way.
3. If this type of zoning change is allowed it will set a precedent for future changes in the area to allow rules being bent based on the need of other business ventures.
4. Construction equipment stored on the corner of Chestnut Road and Bowleys Quarters Road will pose a traffic problem and will be a safety concern for the residents and their children that walk and are accustomed to a safe environment, especially when the equipment is moved in and out of the site.
5. If this zoning change happens I also feel that our property values will decrease.
6. Everyone in the area should remember that Earls Road most likely started with only one business venture. Do we want Bowleys Quarters Road to become another Earls road ?

Charles Kelly

A handwritten signature in black ink that reads "Charles Kelly". The signature is written in a cursive, flowing style with a large, stylized "K".

October 29,2018

To: Administrative Law Judge

Case number 2018-0342 5PH

Property : 1101 Bowley's Quarters Rd,

Middle River, Md 21220

Business :Bay Country Professional Concrete LLC

Please do NOT permit the zoning relief to this property owner. I have lived in Bowleys Quarters for over 35 years and have lived on Chestnut Rd for a majority of that time. I pass by 1101 Bowleys Quarters Rd a couple of times a day to get to my home. I have witnessed a large amount of growth in these 30 years. The two lane road has become very busy already and there are no sidewalks which makes it dangerous. So biking, walking, jogging are already impossible much less adding tractor trailers to the traffic coming down Bowleys Quarters road. Bowleys Quarters is a water- oriented community not an industrial zone. Please don't grant this request of zoning relief to our quiet little neighborhood.

I am here today to plead to you to decline this approval for this zoning.

Thank you

Brian J. Baynes

410-274-9747

October 29,2018

To: Administrative Law Judge

Case number 2018-0342 SPH

Property : 1101 Bowley's Quarters Rd,

Middle River, Md 21220

Business :Bay Country Professional Concrete LLC

Please do NOT permit the zoning relief to this property owner. I have lived in Bowleys Quarters for over 50 years and have lived on Seneca and Chestnut Rds. Our family was one of the original home owners in this community back more than a century ago. We have raised 5 generations here. My aunt owns the property across the street from this concrete company. This is where families belong not industrial companies. I pass by 1101 Bowleys Quarters Rd several times a day to get to my home. This property is located on the corner of Chestnut Rd and Bowleys Quarters road. It is a residential neighborhood not an industrial zone. There are children riding their bikes, school buses and folks walking their dogs on this street daily. The increase traffic on Bowleys Quarters road will not be tolerated. This is also a two lane road which cannot withstand a constant flow of heavy- truck traffic. Safety is very much a concern.

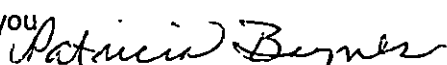
Changing this zoning will also be a disaster for the environment. Especially with their company being so close to the water's edge. There are inhabitants of large turtles who nest in the sea grasses on and next to this property which will likely be destroyed if the new constructions occurs. The residents know that the sea turtles are there and slow down and look out and stop to let these sea turtles pass from the grasses to the water. A large truck or heavy traffic would not even see these turtles.

There have been housing restrictions for building homes at heights significantly lower than the 50' tall building that Bay County wants to build their office building. I believe this had to do with the aircraft traffic patterns over Bowleys Quarters into Martin's airport.

This neighborhood will not tolerate this type of intrusion to our environment. Bowleys Quarters is a water- oriented community not an industrial zone. Please don't grant this request of zoning relief to our quiet little neighborhood.

In summary, the increase in noise and traffic, as well as safety and environmental issues and poor roads are all excellent reasons not to give this company zoning relief.

Thank you


Patricia Baynes

October 29,2018

To: Administrative Law Judge

Case number 2018-0342 5PH

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Middle River, Md 21220

Business :Bay Country Professional Concrete LLC

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Thank you


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October 29,2018

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I am here today to plead to you to decline this approval for this zoning.

Thank you

Brian J. Baynes

410-274-9747

October 26, 2018

I am writing in reference to case no. 2018-0342-SPH, the property at 1101 Bowley's Quarters Road.

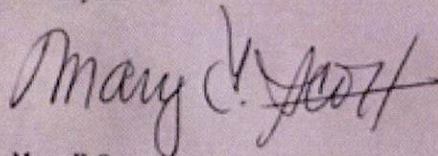
I will be out of town on October 29 and will not be able to make my testimony in person.

I do not support the special exception which this property owner is requesting. The current zoning violations have not been corrected and the operation of a concrete business with heavy equipment is continuing and appears to be expanding.

This sort of business is not appropriate in a watershed area which is also a residential neighborhood. It creates nuisances which range from early morning noise to road blockages by tractor trailers. The storage of concrete products in a wetland across from a body of water is an environmental hazard.

Please require the property owner to correct the current zoning violations. Please deny the special exception which is being requested.

Thank you.

A handwritten signature in dark ink, appearing to read "Mary E. Scott". The signature is fluid and cursive, with the first name "Mary" being the most prominent part.

Mary E. Scott
1532 Bowley's Quarters Road
Baltimore, MD 21220
mescott@comcast.net

To The Zoning Commission 10/28/2018

Please accept this written testament in lieu of our presence at this important hearing. We are in our 80's and find it difficult to get around. However we do not want this hearing to overlook our input into this situation. This company has ignored the citations issued to them. Is this not a violation of the law? And besides breaking the law, no exceptions should be issued to them. Because of the violations notices they have ignored, the whole area is being violated with the over-large trucks and equipment coming into this residential community. This presents a safety problem as well since our area is not designed to accommodate such large traffic vehicles and the noise and vibrations from them is invading our neighborhood and our family lives.

Please see that these violations are addressed and that our area

is cleaned up and reverts back
to the peaceful neighborhood we
once had and paid taxes to enjoy.

Thank You for accepting
our input and for reading
our statements.

Mrs & Mrs. Norman Geiselman
1003 Bowley Sts Rd
21220

Thank You Again

Norman Geiselman
NORMAN J. GEISELMAN

Patricia A. Geiselman
PATRICIA A. GEISELMAN

10/28/2018

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

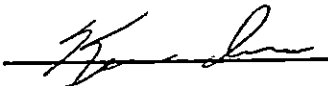
The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: KENNETH DEARDA

Address: 3910 BRIAR PT RD

BALTIMORE MD 21220

Signature:  Date: 10-25-2018

- THE ROADS ARE NOT WIDE ENOUGH FOR LARGE TRUCKS TO MAKE TURNS ON THE NARROW ROADWAYS.
- HAVING A LARGE STORAGE AREA FOR LARGE ROAD WORK SUPPLIES AND EQUIPMENT WILL NEGATIVELY ADD TO THE EXISTING CONGESTION ON THAT PARTICULAR CORNER.
- THIS AREA IS RURAL FARMS AND SINGLE HOMES. A ~~LARGE~~ LARGE CONSTRUCTION STORAGE FACILITY WILL TAKE AWAY FROM THE SERENITY THAT ENCOURAGED MANY, MANY CITIZENS TO PURCHASE PROPERTY IN THIS AREA.
- THIS MAY ALSO REDUCE PROPERTY VALUES THAT SURROUND THE FACILITY.

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Sylvia Lynn Anderson

Address: 1207 Seneca Rd
Balto, Md. 21220

Signature: Sylvia Anderson Date: 10/28/18

- Our roads aren't made for the added traffic. Our traffic is bad enough.
- Added noise all ready. Heavy equipment w/ beeping alarms in early morning.
- We are a waterfront community. The business will lower the value of our homes.
- Several times big trucks at the intersection blocking incoming/outgoing traffic.
- We are a residential community with farmland, waterways and wild animals. Such as deer & hawks.

Afraid Approval of this large building
Will set stage for more businesses
to come a ruin our beautiful community.

There are several other places that are
Zoned for Commercial business that this business
Can flourish & grow. Not In our Residential
AREA.

21/11/12

1201 Service Rd

06616 km, 01201

21/11/12

21/11/12

10/21/2018

To whom it May Concern,

This letter is in Reference to
Public Hearing Case # 2018-0342-SFH.

We oppose the Rezoning for the
Following Reasons:

- Heavy Equipment in a Residential Area.
- Noise Associated with Heavy Equipment.
- Commercial Traffic.

As a Resident of Bonhays Quarters for
the past 25 years, I do not Agree with
the Zoning Plan

Sincerely,

Mark Stachurski
1106 Seneca Road

BATON ROUGE, MD 21220

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name:

Wm F. Judek

Address:

1149 Seneca Rd

Ba He MD 21220

Signature:

William F. Judek

Date:

10/23/2018

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Nancy E. Sudek

Address: 1149 Seneca Rd
Gaithersburg MD 20878

Signature: Nancy E. Sudek Date: 10/23/2018

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name:

Georgia M. Eckert

Address:

1149 Seneca Rd
Balto MD 21220

Signature:

Georgia M. Eckert Date: 10/23/2018

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Theresa M. Elliott

Address: 1212 Seneca Rd.
Barto, MD 21228

Signature: Theresa M. Elliott Date: 10/13/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: MARK STACHOWSKI

Address: 1106 SENECA ROAD

BALTIMORE, MD 21220

Signature: Mark Stachowski Date: 10/21/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Dan Stachorowski

Address: 1106 Seneca Rd

Balto. MD 21220

Signature: Dan Stachorowski Date: 10/21/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

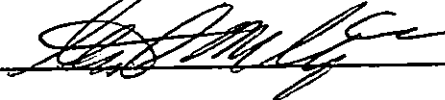
The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Stephen Clay Jr.

Address: 1219 Seneca Road

Middle River, Md 21220

Signature:  Date: 10/14/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Bethany Clay

Address: 1219 Seneca Road

Middle River, Maryland 21220

Signature: Bethany Clay Date: 10-14-18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: NANCY Lee CLAY

Address: 1219 Seneca Road

Middle River Md 21220

Signature: Nancy Lee Clay Date: 10-14-18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Stephen Morgan Clay Sr.

Address: 1219 Seneca Road

Middle River Md 21220

Signature:  Date: 10/14/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Michael A Clay

Address: 1224 Seneca Rd

Middle River Md 21220

Signature: Michael A Clay Date: 10/14/18

Property Address: **1101 Bowleys Quarters Road**

Zoning: **BL, RC 20**

Property Owner: **Mark Goloboski, MGJ Properties, LLC (MGJ)**

Business operating as: **Bay Country Professional Concrete, LLC**

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Stephen Paul Elliott

Address: 1212 Seneca Road

Balto MD 21220

Signature: Stephen P. Elliott Date: 10-19-2018

Property Address: **1101 Bowleys Quarters Road**

Zoning: **BL, RC 20**

Property Owner: **Mark Goloboski, MGJ Properties, LLC (MGJ)**

Business operating as: **Bay Country Professional Concrete, LLC**

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: MARK J ELLIOTT

Address: 1212 SENECA RD

BALTO MD, 21220

Signature: [Signature] Date: DEC 19, 2018

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Gerri L. Jackwood

Address: 1165 Seneca Rd

Middle River, MD 21220

Signature: [Signature] Date: 10/28/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: RAND JACKWOOD

Address: 1165 SENECA ROAD

MIDDLE RIVER, MD 21220

Signature: [Signature] Date: 10/28/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name:

Susan Hutton

Address:

1161 Olivia Road

Belts, MD 20737

Signature:



Date:

12/27/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Bernard Emil Eckert III

Address: 4048 Chestnut Rd

Balto MD 21220

Signature: Bernard Emil Eckert III Date: 10/26/18

Property Address: 1101 Bowleys Quarters Road

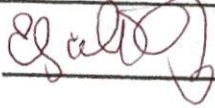
Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Elizabeth Schlitz
Address: 3812 Chestnut Rd
Balto MD 21220
Signature:  Date: 10-27-18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: GERALD F. KAMINSKI

Address: 1151 SEWEEA Rd.

BALTIMORE MD 21220

Signature: Gerald F. Kaminski Date: 10-28-18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: MARIA A. KAMINSKI

Address: 1151 SENECA ROAD
BALTIMORE, MD 21220

Signature: Maria A. Kaminski Date: 10-28-18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: William Sadek Jr.

Address: 3539 Bay Drive
Balto MD 21220

Signature: William Sadek Date: 10/26/18

Property Address: **1101 Bowleys Quarters Road**

Zoning: **BL, RC 20**

Property Owner: **Mark Goloboski, MGJ Properties, LLC (MGJ)**

Business operating as: **Bay Country Professional Concrete, LLC**

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: MARY MCLANE

Address: 3734 CHESTNUT RD.

MIDDLE RIVER, MD 21220

Signature: Mary McLane Date: 10/14/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Sandra Michael

Address: 401 Carrollwood RD

BALTIMORE MD 21220

Signature: Sandra Michael Date: 10/14/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Alan Michael

Address: 401 Carrollwood RD

BALTIMORE MD 21220

Signature: [Signature] Date: 10/14/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Cathie Fioramonti

Address: 3724 Chestnut Rd. 21220

Signature: Cathie Fioramonti Date: 10-14-18

Property Address: **1101 Bowleys Quarters Road**

Zoning: **BL, RC 20**

Property Owner: **Mark Goloboski, MGJ Properties, LLC (MGJ)**

Business operating as: **Bay Country Professional Concrete, LLC**

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Dr John Fioramonti

Address: 3724 Chestnut Rd

Signature: D. Fioramonti Date: 10/13/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Marcus G Strovel III

Address: 1236 Susquehanna Ave
Middle River Md. 21220

Signature: [Signature] Date: 10-23-2018

Property Address: **1101 Bowleys Quarters Road**

Zoning: **BL, RC 20**

Property Owner: **Mark Goloboski, MGJ Properties, LLC (MGJ)**

Business operating as: **Bay Country Professional Concrete, LLC**

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Bethany Hoffman

Address: 1204 Seneca Rd

Baltimore MD 21220

Signature:  Date: 23 OCT 18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Vincent Dimick Sr.

Address: 1205 Seneca Rd
Betho, MD 21220

Signature: Vincent Dimick Sr. Date: 10.24.18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Belinda Dimick

Address: 1205 Seneca Rd

Bethesda MD 20814

Signature: Belinda Dimick Date: 10-24-18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Vincent Dimick Jr.

Address: 1205 Seneca Rd

Baltimore MD 21220

Signature:  Date: 10.24.18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

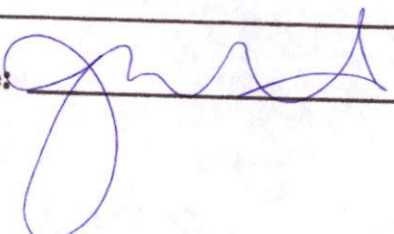
Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Jennifer Merritt

Address: 687 Kiltendale Circle Middle River 21220

Signature: 

Date: Oct 25, 2018

Property Address: **1101 Bowleys Quarters Road**

Zoning: **BL, RC 20**

Property Owner: **Mark Goloboski, MGJ Properties, LLC (MGJ)**

Business operating as: **Bay Country Professional Concrete, LLC**

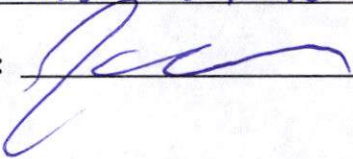
The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: JASON D. Panner

Address: 3810 Chestnut Rd.

Middle River MD 21220

Signature:  Date: 10-19-18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

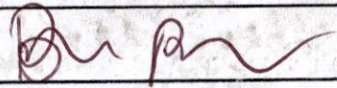
Print Full Name:

Brittney Panner

Address:

3810 Chestnut rd

Signature:



Date:

10/25/18



Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Deborah Darda

Address: 3910 Briar Point Rd. 21220

Signature: Deborah Darda Date: 10-25-2018

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Cathy Durbin

Address: 3900 Briar Pt. Rd. 21520

Signature: [Signature] Date: Oct 25, 2018

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: MELODY RADTKE

Address: 3 SCHOONER BAY CT
BALTO MD 21226

Signature: Melody Radtke Date: 10/25/18

Property Address: **1101 Bowleys Quarters Road**

Zoning: **BL, RC 20**

Property Owner: **Mark Goloboski, MGJ Properties, LLC (MGJ)**

Business operating as: **Bay Country Professional Concrete, LLC**

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Jay Shaneybrook

Address: 400 Crisfield Rd

21220

Signature: [Signature] Date: 10.24.18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Kimberly Sullivan

Address: 1530 Bowleys Quarters Road
Middle River, Md 21220

Signature: Kimberly Sullivan Date: 10/27/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Kimberly Connelly

Address: 3520 Galloway Rd

Balto MD 21228

Signature: Kimberly Connelly Date: Oct 25 2018

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: R. Terry Connelly Jr.

Address: 3520 Gallowsay Rd.

Baltimore MD 21220

Signature: [Handwritten Signature] Date: 10/25/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Karen Elizabeth Johlitz

Address: 1215 Seneca Rd
Middle River, MD 21100

Signature: Karen Johlitz Date: 10/27/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Millie B. Darrff

Address: 1328 Burke Rd

Balto MD 21220

Signature: Millie B Darrff Date: 8-28-18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Anthony J. Lombardi, Jr.

Address: 1328 Burke Rd

Baltimore MD 21220

Signature: Anthony J. Lombardi

Date:

8-28-2018

J. / nws
POA

The following is a list of the names of the persons who have been
 appointed to the various positions in the various departments of the
 Government of the State of New York, for the year 1900.

2. The second part of the document provides a detailed explanation of the various deductions available to taxpayers. It covers deductions for mortgage interest, state and local taxes, charitable contributions, and other allowable expenses. It also discusses the limitations on these deductions and the requirements for claiming them.

3. The third part of the document addresses the calculation of taxable income. It explains how to start with gross income, subtract allowable deductions, and arrive at the final taxable income figure. It also discusses the impact of tax credits on the final tax liability.

4. The fourth part of the document discusses the various tax rates and brackets that apply to different levels of income. It provides a clear overview of the progressive tax system and how it affects the amount of tax paid based on the taxpayer's income level.

6. The sixth part of the document discusses the various methods for paying taxes, including direct payment to the IRS, payment by check, and payment through a third-party service. It also provides information on how to request a refund if the taxpayer has overpaid.

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: MEUSSA REYNOLDS

Address: 1221 CHESAPEAKE AVE

MIDDLE RIVER MD 21220

Signature:  Date: 10/25/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Jeff Beal

Address: 954 Seneca Park Rd

Signature:  Date: 10/25/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

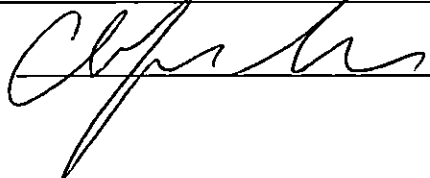
The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: CLIFFTON SMITH

Address: 831 Seneca Park RD

BALTO MD 21220

Signature:  Date: 10/25/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

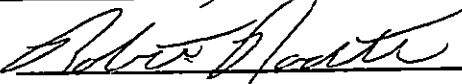
Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: ROBERT RADTKE

Address: 3 SCHOONER BAY CT
BALTO, MD 21220

Signature:  Date: 10-25-18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

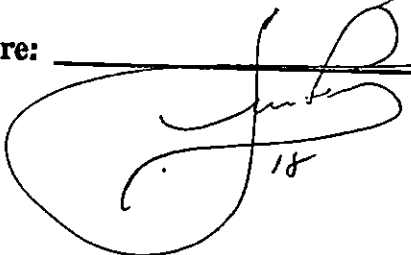
Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Julio C. Pera

Address: 1122 1/2 Susquehanna Ave,
Middle River MD 21220

Signature:  Date: 10/25/2018

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name:

LISA PERE

Address:

1122 SUSQUHANNA AVE
MIDDLE RIVER MD 21220

Signature:

Lisa Pere

Date:

10/25/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: DONNA L. ZIEGFELD

Address: 13211 E BREENBANK Rd

Middle River MD 21220

Signature: Donna L. Ziegfeld Date: 10/22/2018

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

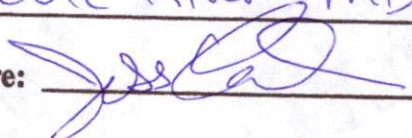
The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Jess Collins

Address: 3561 Edwards Lane

Middle River MD 21220

Signature:  Date: 10/29/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name:

Mark W Anderson

Address:

1207 Seneca Road Baltimore MD 21220

Baltimore

Signature:

[Signature]

Date:

10/28/2018

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: LAURA BETTER

Address: 1155 JEFFERSON

BALTO, MD, 21220

Signature: Laura Better Date: 11/27/18

Property Address: **1101 Bowleys Quarters Road**

Zoning: **BL, RC 20**

Property Owner: **Mark Goloboski, MGJ Properties, LLC (MGJ)**

Business operating as: **Bay Country Professional Concrete, LLC**

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Doreen Eckert

Address: 4048 Chestnut Rd

21220

Signature: Doreen Eckert Date: 10-26-18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name:

Jayne Marie Shannon

Address:

1153 Seneca Rd
Middle River, MD 21220

Signature:

Jayne M. Shannon

Date:

10-27-2018

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

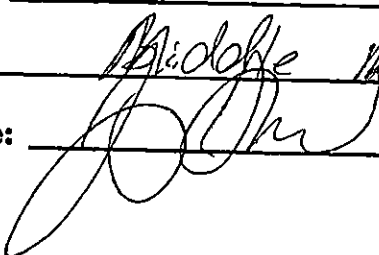
The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Timmy Shannon

Address: 1153 Seneca Rd

Midvale River Md. 21220

Signature:  Date: 10-26-2018

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: CHRISTINE T. ELLEN WISNOM

Address: 3730 CHESTNUT RD

BALTIMORE, MD. 21220

Signature: Christine Wisnom Date: 10-20-18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: WADE HAMATON WISNOM

Address: 3730 CHESTNUT RD.

ALTO, MD. 21220

Signature: Wade H. Wisnom Date: 10-20-18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: JESSE R. SUDBROK

Address: 3728 CHESTNUT Rd.

BALTO. MD. 21220

Signature: Jesse R. Sudbrook Date: 10/26/2018

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: DAVID OHMER HASH

Address: 3804 Chestnut Rd

Middle River, MD 21220

Signature:  Date: 10/29/18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name:

Michael Humphreys

Address:

3515 Bay Drive

Middle River M.D. 21550

Signature:

Michael Humphreys

Date:

10-26-18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Barbara A. Humphreys

Address: 3515 Bay Dr.

Middle River, MD. 21220

Signature: Barbara A. Humphreys Date: 10-26-18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: WADE HAMATON WISNOM

Address: 3730 CHESTNUT RD.

BALTO., MD. 21220

Signature: Wade H. Wisnom Date: 10-20-18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: CHRISTINE J. ELLEN WISNOM

Address: 3730 CHESTNUT RD
BALTIMORE, MD, 21220

Signature: Christine Wisnom Date: 10-20-18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: JESSE R. SUDBROK

Address: 3728 CHESTNUT Rd.

BALTO. MD. 21220

Signature: Jesse R. Sudbrook Date: 10/26/2018

Property Address: **1101 Bowleys Quarters Road**

Zoning: **BL, RC 20**

Property Owner: **Mark Goloboski, MGJ Properties, LLC (MGJ)**

Business operating as: **Bay Country Professional Concrete, LLC**

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: DAVID OHMER HASH

Address: 3804 Chestnut Rd

Middle River, MD 21220

Signature:  Date: 10/29/13

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name:

Michael Humphreys

Address:

3515 Bay Drive

Middle River M.D. 21220

Signature:

[Signature]

Date:

10-26-18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Barbara A. Humphreys

Address: 3515 Bay Dr.

Middle River, MD. 21220

Signature: Barbara A. Humphreys Date: 10-26-18

Property Address: 1101 Bowleys Quarters Road

Zoning: BL, RC 20

Property Owner: Mark Goloboski, MGJ Properties, LLC (MGJ)

Business operating as: Bay Country Professional Concrete, LLC

The property is zoned Business Local (BL), and the company has begun using the property for concrete contractor storage and related operations, creating noise from heavy equipment and vehicles, and using land for open storage of materials needed in its construction contracting. Such uses are prohibited in a BL zone.

We the undersigned support all efforts to enforce current BL zone, correct all violations and oppose MGJ obtaining zoning relief that would redefine the currently illegal uses as being allowed in the BL zone.

Print Full Name: Victoria Hupfeld

Address: 1114 Susquehanna Ave
Middle River MD 21220

Signature: Victoria Hupfeld Date: 10-25-18

Board of Appeals

Case No: 18-342SPH Case Name: MGT Properties

Exhibit List

Party: Peoples Counsel Date: June 4, 2019

Exhibit No:	Description:
✓ 1	Chronology of Case
✓ 2	ADC map P 76
✓ 3 A-1	Ba Co GIS aerial photos, Google Photos
✓ 4	My Neighborhood - Showing zoning of Property
✓ 5	SDAT - Data Sheet & tax map
10 only ✓ 6	Print Out Manta.Com (3 pages) - identification only
✓ 7	Ba Co Print Out - Grading Permit (2 pages) ²⁰¹⁵
✓ 8	Ba Co Print Out - Sign Permit 2017 (2 pages)
✓ 9	Print Out - MD Business Express - MGT - Articles of Organization
✓ 10	WIKIPEDIA ARTICLE - Bowley's Quarters - 3 pages
✓ 11	Aerial - large - Ba Co GIS - 2017 Imagery
✓ 12	Letter, undated, from Essex - MIDDLE RIVER Civic Council ^{to PAZ}
✓ 13	BCZR 101.1 EXCERPTS OF DEFINITIONS
✓ 14	Bill No 149-87 11-2-87 (as introduced)
VERIFIED BY <u>KC</u> DATE: <u>12/23/19</u>	

KC
6/5/19

DAY 3
12-18-19 admitted
12-714

Board of Appeals

Case No: 18-342 SPH Case Name: MGJ Properties

Exhibit List PZ

Party: People's Council Date: 12-18-19

Exhibit No:	Description:
✓ 15	EXCERPT - WEBSTER'S THIRD NEW INTJ Dictionary
✓ 16	Computer Page: Staples.com 2 pages
✓ 17	BILL 149-87 (as enacted) Sec 101
✓ 18	Zoning Commissioner's Policy Manual
✓ 19	Exhibit list reviewed by Carl Richards
✓ 20	CBA Case No 04-602 SPH
	VERIFIED BY <u>KC</u> DATE: <u>2/14/2020</u>

KC
12/23/19
DAY 4
2-12-20

MGJ Properties Litigation Chronology: Cases CBA 18-028 and 2018-342-SPH

Prepared by People's Counsel for June 4, 2019 County Board of Appeals Hearing

CBA Case 18-028

9/13/2017 Code Enforcement Correction Notice per Code Sec. 32-3-602 (CC 1710981) Business operation as "contractor" not permitted in B.L. Zone

1/12/2018 Code Enforcement and Inspection Civil Citation per Code Sec. 32-3-602, \$1000, Failure to cease non-permitted business ("contractor") in B.L. Zone

2/16/2018 Code enforcement photos uploaded

2/28/2018 ALJ hearing before Lawrence Stahl

3/19/2018 ALJ Stahl's Final Order

Parties: Complainants Sue and Rossmark, Kristen and Kenneth Blackwell
Baltimore County: Inspector 119
MGJ, John Golovoski represented by Timothy Kotroco

ALJ Finds violation, \$1000.00 penalty, \$500.00 suspended,
Violation shall be corrected and abated by March 30, 2018

Suspended \$500.00 penalty to be imposed if violation not corrected by
March 30, 2018

4/3/2018, MGJ files appeal, represented by Timothy Kotroco

4/11/2018 CBA assigns appeal hearing date 5/22/2018

4/26/2018 New counsel for MGJ, Lawrence Schmidt, writes to request
postponement, stating he has advised client to file petition for special hearing

5/9/2018 County Board of Appeals issues Notice of Postponement, pending
outcome of zoning hearing

CBA Case 2018-342-SPH

6/11/2018 MGJ files Petition for Special Hearing "to permit an existing and
accessory indoor/outdoor storage," represented by Lawrence Schmidt

11/1/2018 ALJ Hearing before John Beverungen

11/1/2018 ALJ Opinion and Order, 4 pages, denies petition for special hearing,
finding use to be impermissible contractor's equipment storage yard

11/27/2018 MGJ files notice of appeal

MGJ Properties Litigation Chronology: Cases CBA 18-028 and 2018-342-SPH, page 2

CBA Case 18-028

11/14/2018 CBA Notice of Assignment – Record Appeal, for 12/6/2018

Both Cases

11/27/2018 Lawrence Schmidt writes to request postponement of record appeal
hearing and consolidation with petition for special hearing

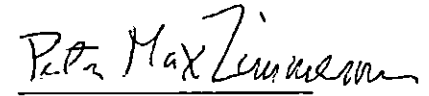
12/20/2018 CBA Notice of Reassignment, both cases, to 2/12/2019

2/11/2019 Mr. Schmidt's office e-mails CBA that he is stuck by weather in Lake
Tahoe, must request postponement

2/15/2019 CBA, after granting postponement, issues Notice of Reassignment of
both cases, back to back, for March 27, 2019

3/27/2019 CBA finds it necessary to postpone the case again, with June 4, 2019
set as new date

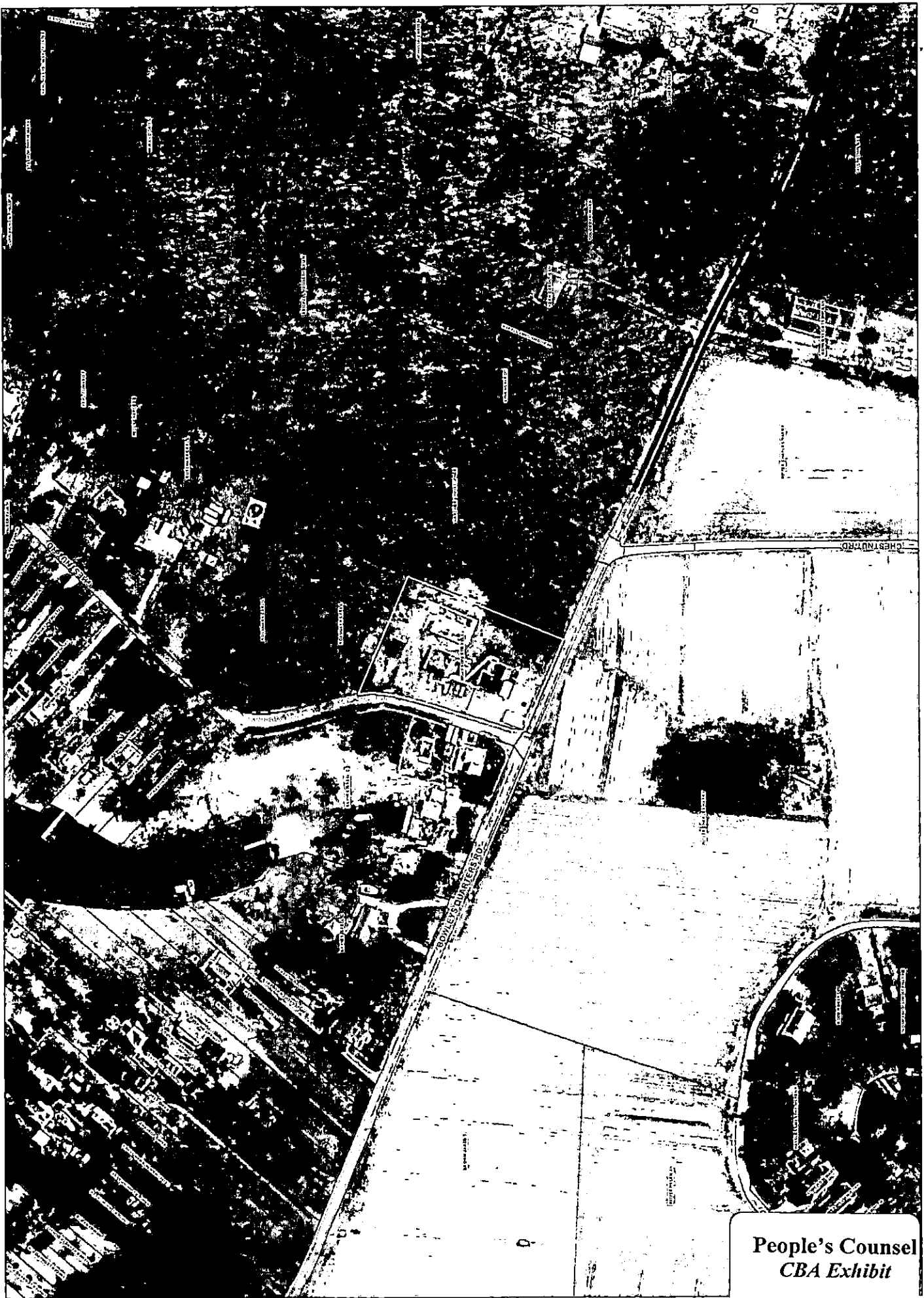
6/4/2019 Restart your engines.



**Peter Max Zimmerman,
People's Counsel for Baltimore County
3/27/2019**

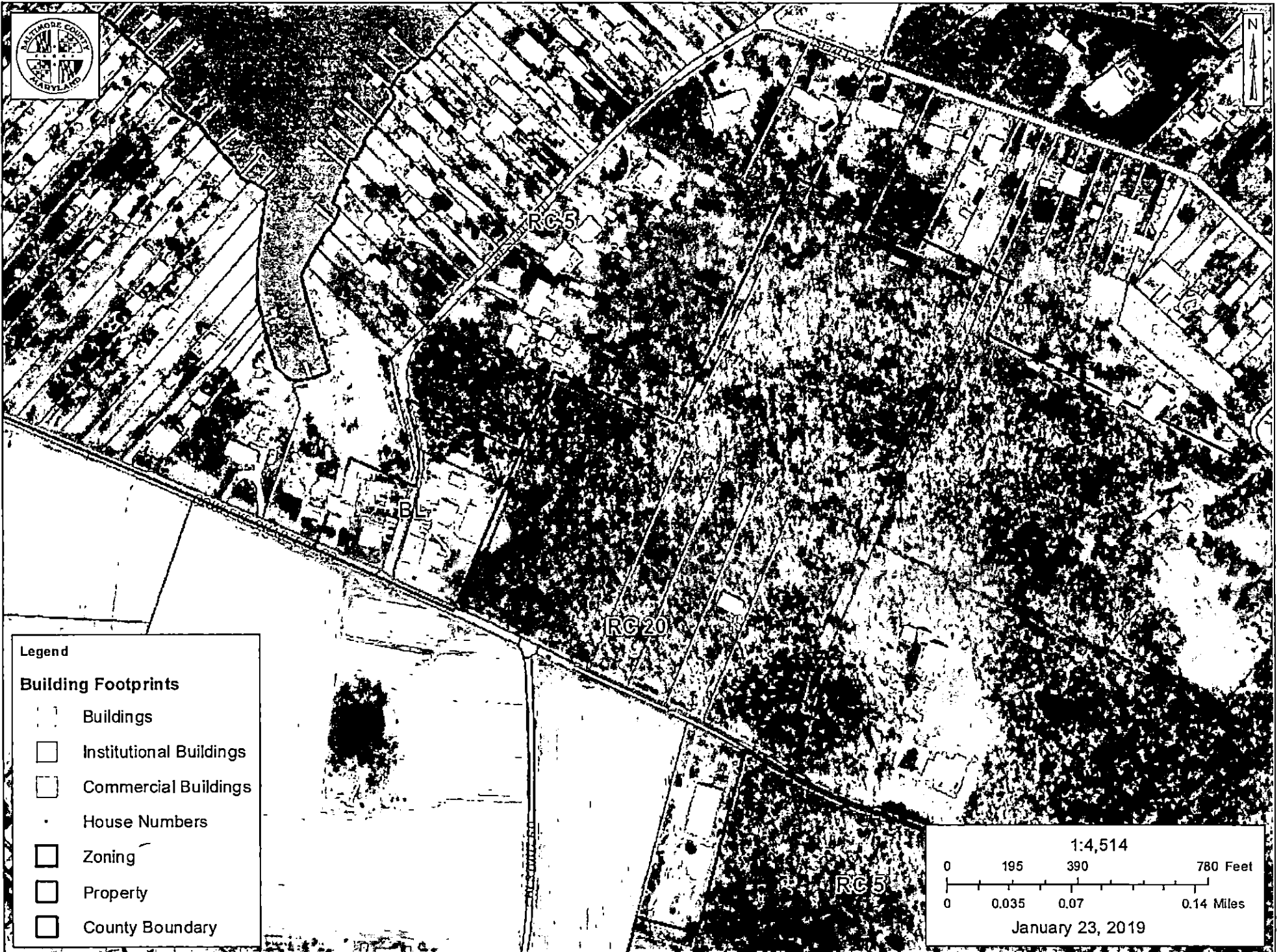


2

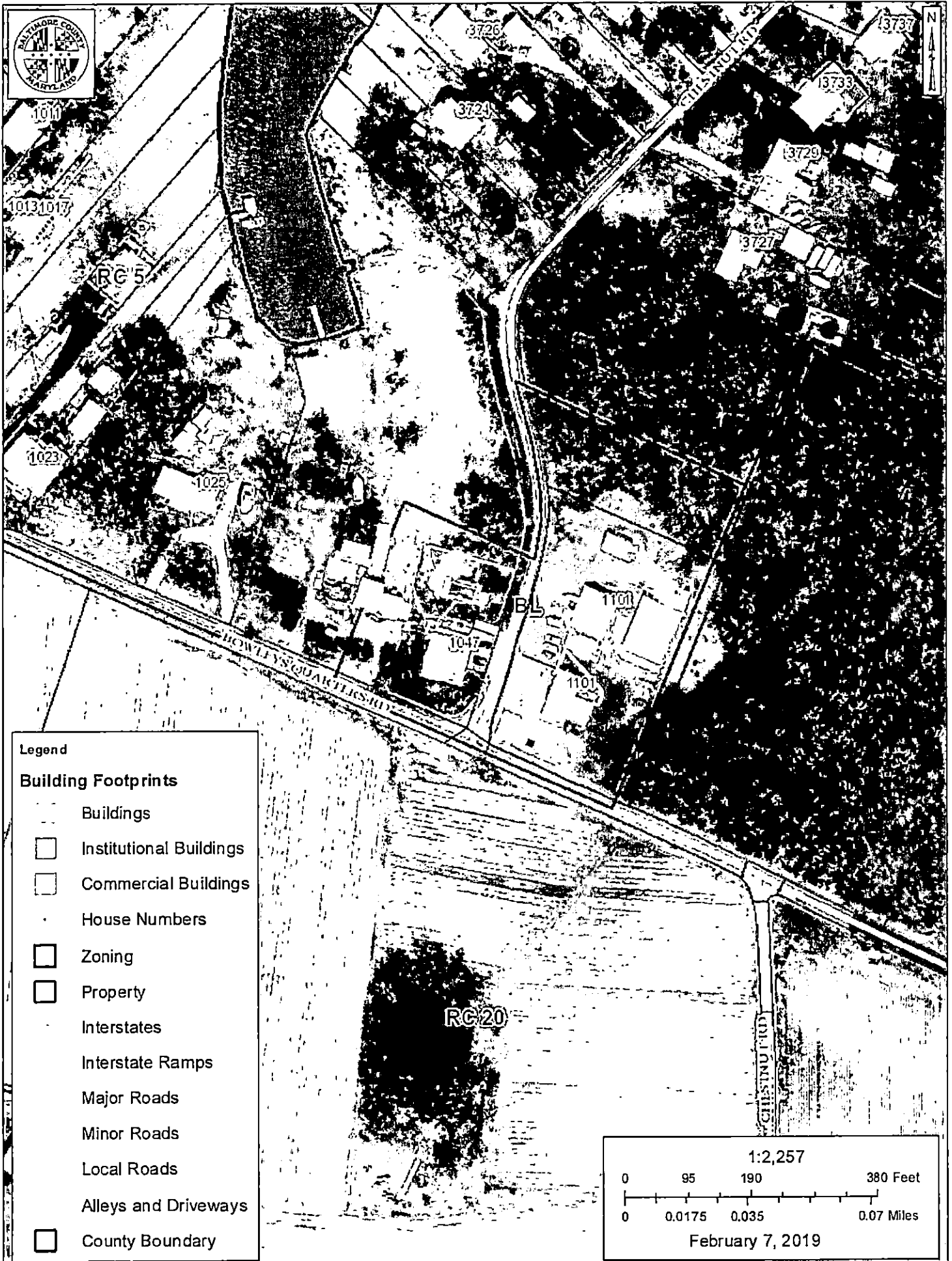


People's Counsel
CBA Exhibit

Baltimore County - My Neighborhood



Baltimore County - My Neighborhood



Google recommends using Chrome
Try a fast, secure browser with updates built in

NO THANKS

YES



Google Maps 1098 Bowleys Quarters Rd

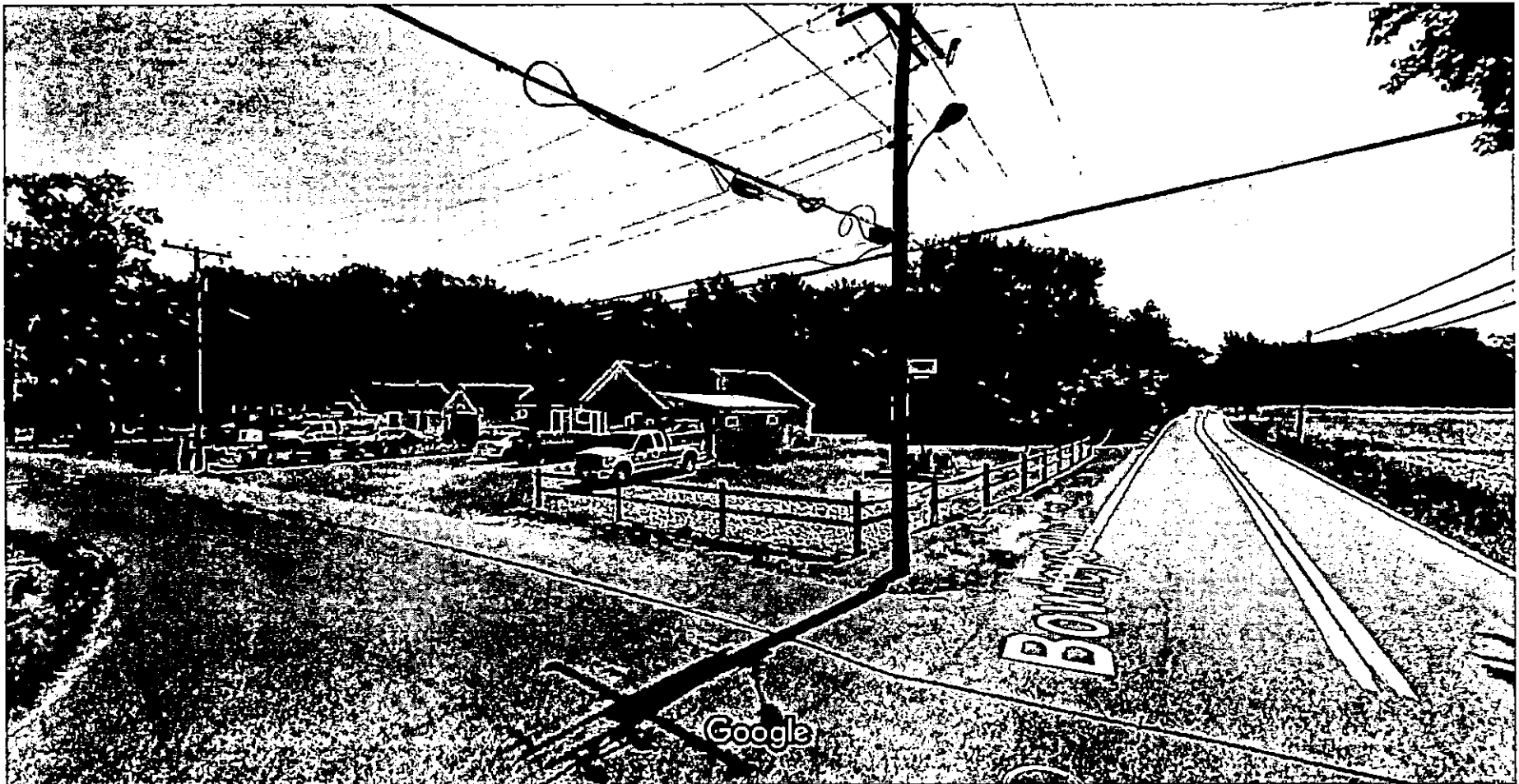


Image capture: Jul 2016 © 2019 Google

Middle River, Maryland

Google

Street View - Jul 2016





Google recommends using Chrome
Try a fast, secure browser with updates built in

NO THANKS

YES

1101 Bowleys Quarters Rd.



Google Maps 3701 Chestnut Rd

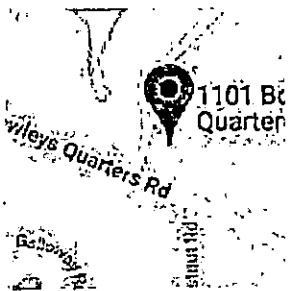


Image capture: Jul 2016 © 2019 Google

Middle River, Maryland

Google

Street View - Jul 2016





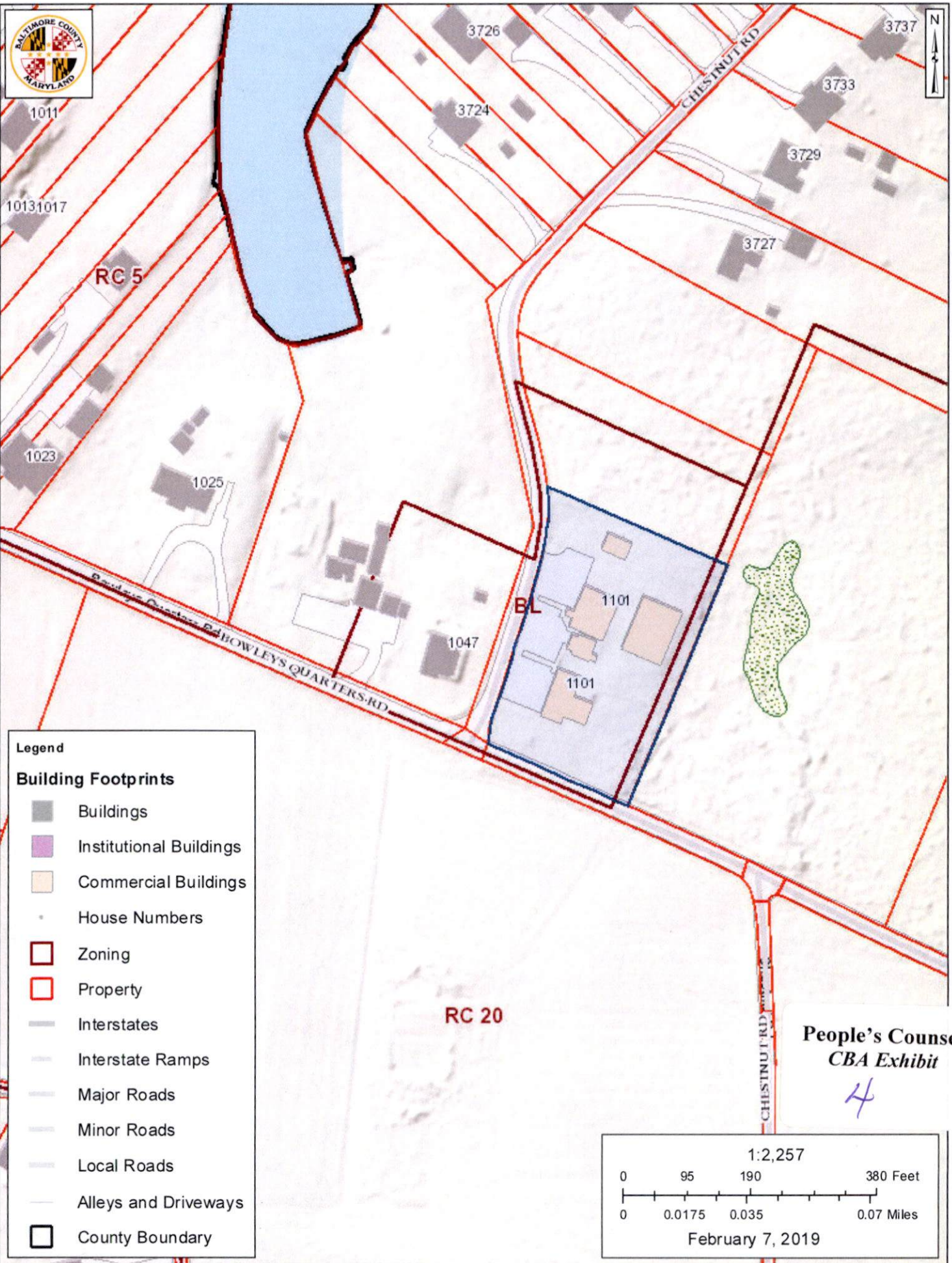
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NO THANKS

YES



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Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map				View GroundRent Redemption				View GroundRent Registration			
Tax Exempt:				Special Tax Recapture:							
Exempt Class:				NONE							
Account Identifier:				District - 15 Account Number - 1504350930							
Owner Information											
Owner Name:		MGJ PROPERTIES LLC				Use:		COMMERCIAL			
Mailing Address:		3900 GOOSE HARBOR DR BALTIMORE MD 21220-4038				Principal Residence:		NO			
						Deed Reference:		/28681/ 00286			
Location & Structure Information											
Premises Address:		1101 BOWLEYS QUARTERS RD 0-0000				Legal Description:		1101 BOWLEYS QUARTERS RD BOWLEYS QUARTERS			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:		
0091	0022	0416		0000			1	2018	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			
1925		4078				1.7900 AC		06			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation					
1	NO	STANDARD UNIT		1 full							
Value Information											
Base Value			Value			Phase-In Assessments					
			As of			As of		As of			
			01/01/2018			07/01/2018		07/01/2019			
Land:		163,900	163,900								
Improvements		156,000	153,400								
Total:		319,900	317,300		317,300		317,300				
Preferential Land:		0					0				
Transfer Information											
Seller: DISCHER JAMES				Date: 09/25/2009				Price: \$315,000			
Type: ARMS LENGTH IMPROVED				Deed1: /28681/ 00286				Deed2:			
Seller: DISCHER ESTELLE MAE				Date: 09/13/2006				Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /24453/ 00802				Deed2:			
Seller: DISCHER FREDERICK W				Date: 10/24/2000				Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /14768/ 00443				Deed2:			
Exemption Information											
Partial Exempt Assessments:		Class		07/01/2018		07/01/2019					
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:					

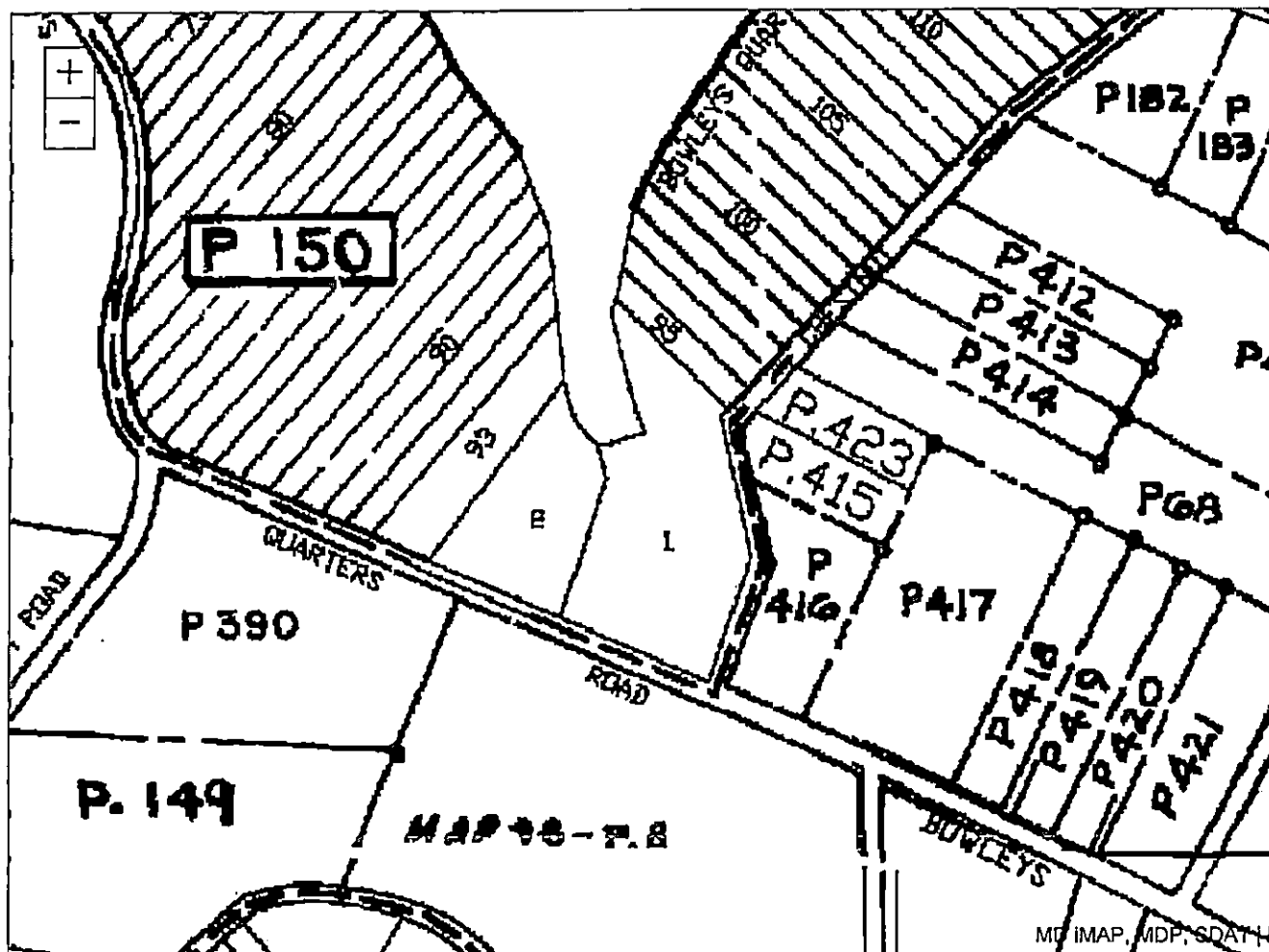
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5

Baltimore County

[New Search \(http://sdat.dat.maryland.gov/RealProperty/\)](http://sdat.dat.maryland.gov/RealProperty/)

District: 15 Account Number: 1504350930



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

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

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx> (<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>).

U.S. (/mb) > Baltimore, MD (/mb_51_ALL_BLK/baltimore_md) > Construction (/mb_53_E0_8LK/construction/baltimore_md)
 > Brick, Stone and Related Construction Materials (/mb_54_E0020_8LK/brick_stone_and_related_construction_materials/baltimore_md)
 > Concrete and Cinder Building Products (/mb_55_E00200DW_8LK/concrete_and_cinder_building_products/baltimore_md) > Bay Country Professional Concrete

Bay Country Professional Concrete (/c/mhk9tbn/bay-country-professional-concrete)

1101 Bowleys Quarters Road
 Baltimore, MD 21220

Phone: Show Number

Ad

Own This Business?

x

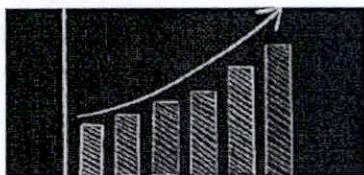
Great Work

Over 31 years of experince. Quaality Workmans ship. Amazing Crew and Clean up.
[facebook.com](#)

Bay Country Professional Concrete is a privately held company in Baltimore, MD and is a Single Location business.

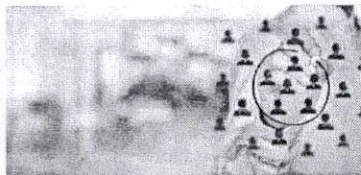
Categorized under Concrete and Cinder Building Products. Current estimates show this company has an annual revenue of 121333 and employs a staff of approximately 2.

Featured Content



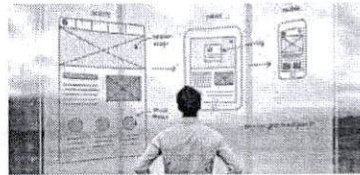
8 Essential Google Analytics Metrics You Need to Know

(<https://www.manta.com/resources/small-business-advice/8-essential-google-analytics/>)



The Ultimate Guide to Putting Facebook Ads to Work for Your Small Business

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Bay Country Professional Concrete

Phone: (410) 335-4116

Call Company (tel:4103354116)

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(<http://bridge.lga1.admarketplace.net/ct?version=16.0.0&key=1548344304101700010.1&ci=1548344304465.11961>)

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DIRECTIONS

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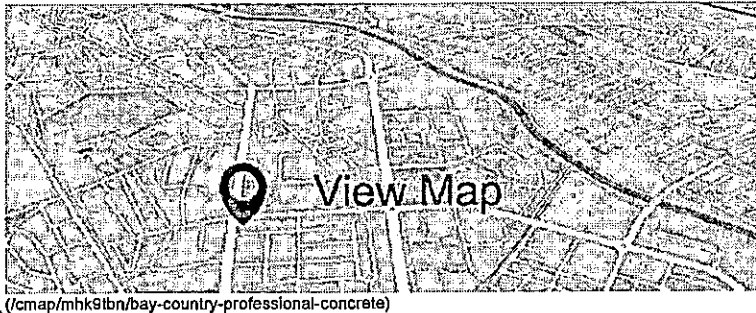
1D only 6

</c/mmydl82/rowen-concrete-inc>

Baltimore, MD
[Website \(/c/mmydl82/rowen-concrete-inc\)](#)
 Directions (/cmap/mmydl82/rowen-concrete-inc)
 Call (tel:4103276070)

Directions Is this your business? Claim This Profile

Bay Country Professional Concrete
</cmap/mhk9tbn/bay-country-professional-concrete>
 1101 Bowleys Quarters Road
 Baltimore, MD 21220

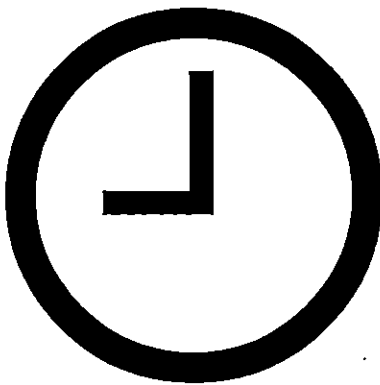




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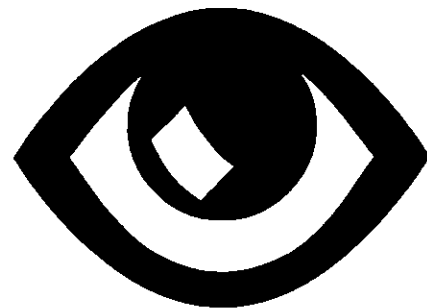


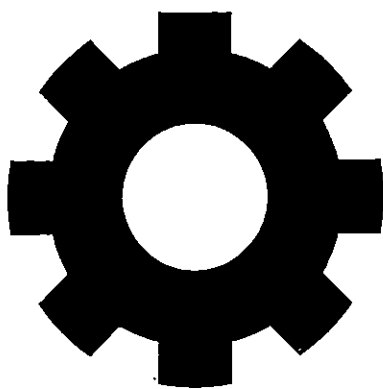
Hours of Operation

Online Visibility New for Business Owners

The Full Report for Bay Country Professional Concrete is Now Available.
 Local online listings for Bay Country Professional Concrete have ERRORS.

Sites Scanned	60+
Errors Found	Unlock free report 
Missing Info	Unlock free report 
Business Credit Score	View Business Credit Score (/build/c/mhk9tbn?seed=credit) 





⚙ Detailed Information

Location Type	Single Location
Year Established	2015
Annual Revenue Estimate	121333
Employees	2
SIC Code	5032, Brick, Stone and Related Construction Materials
NAICS Code	423320, Brick, Stone, and Related Construction Material Merchant Who
Business Categories	Concrete and Cinder Building Products in Baltimore, MD (/mb_55_E00200DW_8LK/concrete_and_cinder_building_products/balti Concrete and Cinder Building Products Whol Brick/Stone Material Concrete Contractor

📍 Nearby

U.S. (/mb) > Baltimore, MD (/mb_51_ALL_BLK/baltimore_md) > Construction (/mb_53_ED_BLK/construction/baltimore_md)
 > Brick, Stone and Related Construction Materials (/mb_54_E0020_8LK/brick_stone_and_related_construction_materials/baltimore_md)
 > Concrete and Cinder Building Products (/mb_55_E00200DW_8LK/concrete_and_cinder_building_products/baltimore_md) > Bay Country Professional Concrete

MORE BUSINESSES LIKE THIS

Rowen Concrete Inc (/c/mmydl82/rowen-concrete-inc)
 Concrete and Cinder Building Products in Baltimore, MD

Carroll Concrete Construction Company (/c/mttyqjp/carroll-concrete-construction-company)
 Concrete and Cinder Building Products in Baltimore, MD

Allied Concrete Corporation (/c/mtcb4jb/allied-concrete-corporation)
 Concrete and Cinder Building Products in Baltimore, MD

BROWSE BY CITY

Edgewood, MD 1
 Concrete and cinder building products
 (/mb_55_E00200DW_8P2/concrete_and_cinder_building_products/edgewood_md)

Hyattsville, MD 3
 Concrete and cinder building products
 (/mb_55_E00200DW_8R9/concrete_and_cinder_building_products/hyattsville_md)

Washington, DC 3
 Concrete and cinder building products
 (/mb_55_E00200DW_2Y5/concrete_and_cinder_building_products/washington_dc)

Nottingham, PA 1
 Concrete and cinder building products
 (/mb_55_E00200DW_IGV/concrete_and_cinder_building_products/nottingham_pa)

Elkton, MD 3
 Concrete and cinder building products
 (/mb_55_E00200DW_8P5/concrete_and_cinder_building_products/elkton_md)

BROWSE BY CATEGORY

Brick, Stone, and Related Material in Baltimore, MD 7
 (/mb_55_E00200DW_8LK/brick_stone_and_related_m)

Concrete and Cinder Building Products 6
 (/mb_55_E00200DW_8LK/concrete_and_cinder_built)

Wholesale Natural Marble 6
 (/mb_55_E00200B6_8LK/marble_building_stone/balti)

Stone, Crushed or Broken 3
 (/mb_55_E00207N8_8LK/stone_crushed_or_broken/t)

Tile and Clay Products 3
 (/mb_55_E002008C_8LK/tile_and_clay_products/balt)



Home Services Cost Calculator
 Estimate Costs for your next home improvement project

(<https://www.manta.com/costs>)

Data Source: homeyou (<https://www.homeyou.com>)

TIME: 14:22:13 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 05/20/2015
DATE: 01/23/2019 GENERAL PERMIT APPLICATION DATA AMF 10:17:58

PERMIT #: B878734 PROPERTY ADDRESS
RECEIPT #: A713453 1101 BOWLEYS QUARTERS RD
CONTROL #: GRC- SUBDIV: BOWLEYS QUARTERS
XREF #: B878734 TAX ACCOUNT #: 1504350930 DISTRICT/PRECINCT 15 01
OWNERS INFORMATION (LAST, FIRST)

FEE: 48.00 NAME: MGJ PROPERTIES LLC
PAID: 48.00 ADDR: 3900 GOOSE HARBOR DR 21220-4038
PAID BY: APPL

DATES APPLICANT INFORMATION
APPLIED: 05/20/2015 NAME: MARK BRANNON
ISSUED: 05/10/2016 COMPANY: BAY COUNTRY PROFESSIONAL CONCRETE, LLC
OCCPNY: ADDR1: 1101 BOWLEYS QUARTERS RD
FINAL INSPECT: ADDR2: BALTIMORE, MD 21220
INSPECTOR: 15C PHONE #: 410-335-4116 LICENSE #:
NOTES: AF

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

TIME: 14:21:51 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 05/20/2015
DATE: 01/23/2019 BUILDING DETAIL 1 AMF 10:19:33

DRC#

PERMIT # B878734 PLANS: CONST 00 PLOT 8 PLAT 0 DATA 0 EL 2 PL 2

TENANT

BUILDING CODE: CONTR: OWNER

IMPRV 7 ENGNR:

USE 23 SELLR:

FOUNDATION BASE WORK: CBCA. GRADING OF 11,150SF TO STABILIZE TERRAIN.
ALSO, GRADING AND RE-PAVING W/GRAVEL TO REPAIR
CONSTRUC FUEL SEWAGE WATER WATER LINE OF 1200SF. THIS PERMIT EXPIRES TWO
1E 1E YEARS FROM ISSUE DATE.

CENTRAL AIR

ESTIMATED COST

2500.00 PROPOSED USE: CONCRETE COMPANY AND GRADING

OWNERSHIP: 1 EXISTING USE: CONCRETE COMPANY

RESIDENTIAL CAT:

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:

1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

TIME: 14:19:31 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 08/17/2017
DATE: 01/23/2019 GENERAL PERMIT APPLICATION DATA PDM 16:12:20

PERMIT #: B939143 PROPERTY ADDRESS
RECEIPT #: A758956 1101 BOWLEYS QUARTER RD
CONTROL #: SI-1 SUBDIV: BOWLEYS QUARTERS
XREF #: B939143 TAX ACCOUNT #: 1504350930 DISTRICT/PRECINCT 01 01
OWNERS INFORMATION (LAST, FIRST)
FEE: 50.00 NAME: MARK GOLOBOSKI
PAID: 50.00 ADDR: 3900 GOOSE HARBOR DR, BALTIMORE MD 21220-4038
PAID BY:

DATES APPLICANT INFORMATION
APPLIED: 08/17/2017 NAME: GARY H
ISSUED: 08/17/2017 COMPANY: BAY COUNTY PROF CONCRETE LLC
OCCPNY: ADDR1:
FINAL INSPECT: ADDR2:
INSPECTOR: 01C PHONE #: 4103354116 LICENSE #:
NOTES: MI

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

TIME: 14:21:05 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 08/17/2017
 DATE: 01/23/2019 BUILDING DETAIL 1 PDM 16:12:18

DRC#

PERMIT # B939143 PLANS: CONST PLOT PLAT DATA EL PL

TENANT BAY COUNTY PROFESSIONAL CONCRETE

BUILDING CODE: CONTR: BAY COUNTRY PROF CONCRETE

IMPRV ENGR: SELLR:

USE SELLR:

FOUNDATION BASE WORK: 4'X9'=32SQF

CONSTRUC FUEL SEWAGE WATER

CENTRAL AIR

ESTIMATED COST

PROPOSED USE: CONCRETE SIGN ON BUILDING FRONT

OWNERSHIP: EXISTING USE:

RESIDENTIAL CAT:

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:

1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
 PF1 - GENERAL PERMIT, PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU



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MGJ PROPERTIES, LLC: W13227301

[General Information](#)[Filing History](#)[Annual Report/Personal Property](#)

General Information

Department ID Number: W13227301

Business Name: MGJ PROPERTIES, LLC

Principal Office: 1101 BOWLEYS QUARTERS RD.
BALTIMORE MD 21220Resident Agent: MARK GOLOBOSKI
1101 BOWLEYS QUARTERS RD.
BALTIMORE MD 21220

Status: ACTIVE

Good Standing: THIS BUSINESS IS IN GOOD STANDING
» [Order Certificate of Status](#)

Business Type: DOMESTIC LLC

Business Code: 20 ENTITIES OTHER THAN CORPORATIONS

Date of Formation/ Registration: 09/17/2009

State of Formation: MD

Stock Status: N/A

Close Status: N/A

[New Search](#)[Order Documents](#)[Privacy and Security Policy](#) | [Accessibility Policy](#)**FOR FILING AND BUSINESS RELATED QUESTIONS**

Maryland Department of Assessments & Taxation

410-767-1184 | Outside the Baltimore Metro Area: 888-246-5941

Maryland Relay: 800-735-2258

FOR TECHNICAL QUESTIONS AND SUPPORTNIC Maryland, eGov Services Partner of the Department of
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DB

ARTICLES OF ORGANIZATION

OF

MGJ PROPERTIES, LLC

The undersigned, being authorized to execute and file these Articles, hereby certifies that:

FIRST: The name of the limited liability company shall be:

MGJ PROPERTIES, LLC

SECOND: The purposes for which the Company is formed are as follows:

- (a) To purchase, own, rent, and sell real estate;
- (b) To do all acts which are necessary and/or advisable in the purchase, rental, and/or sale of real estate;
- (c) To carry on the business described above and any other related or unrelated business and activity in the State of Maryland, in any state, territory, district, or dependency of the United States, or in any foreign country.
- (d) To engage in and perform any activities or functions which may lawfully be performed by a limited liability company formed pursuant to the Act, as amended from time to time.

The foregoing enumerated purposes and objects shall in no way limit or restrict by reference to, or inference from, the terms of any other clause of this or any other section of these articles and each shall be regarded as independent; and they are intended to be and shall be construed as powers as well as purposes and objects of the Company and shall be in addition to and not in limitation of the general powers of limited liability companies organized under the laws of the State of Maryland.

THIRD: The principal office of the Company in the State of Maryland shall be located at 1101 Bowleys Quarters Road Baltimore, Maryland 21220. ✓

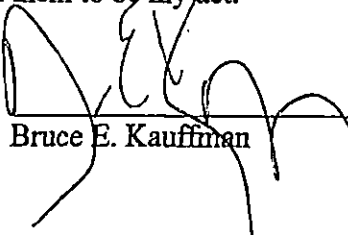
FOURTH: The name and address of the resident agent of the Company in the State of Maryland is: Mark Goloboski, 1101 Bowleys Quarters Road Baltimore, MD 21220. ✓

FIFTH: The relations of members of the Company and the affairs of the Company shall be governed by the Maryland Liability Company Act as well as a written Operating Agreement which may be amended from time to time as set forth therein.

SIXTH: Pursuant to Section 4A-401(a)(3) of the Maryland Limited Liability Company Act, no member of the Company shall be an agent of the Company solely by virtue of being a member, and no member shall have authority to act for the Company solely by virtue of being a member

IN WITNESS WHEREOF, I have signed these Articles of Organization the day of 9/15, 2009, and acknowledged them to be my Act.


Witness


Bruce E. Kauffman

CONSENT TO SERVE AS RESIDENT AGENT

I hereby consent to serve as Resident Agent for
MGJ PROPERTIES, LLC


Mark Goloboski

PLEASE RETURN TO

Bruce E. Kauffman
Kauffman and Forman, P.A.
406 West Pennsylvania Avenue
Towson, Maryland 21204

WIKIPEDIA

Bowleys Quarters, Maryland

Bowleys Quarters is an unincorporated community and census-designated place in Baltimore County, Maryland, United States, with a population of 6,755 at the 2010 census.^[1]

Contents

History

Geography

Demographics

References

History

Bowleys Quarters was named for Daniel Bowley, a merchant and sea captain who owned some 2,000 acres (8.1 km²) around Baltimore in the mid-18th century. Bowleys Quarters was used to house his slaves. The area later became a game preserve for waterfowl and a place where presidents and others, including Babe Ruth, came to hunt ducks. The area eventually became known as a vacation spot, and many summer homes were built along the water. Many blue-collar workers were attracted during the industrial boom of the 1920s through the 1950s. Many worked at the nearby Glenn L. Martin company (now Lockheed Martin) and Bethlehem Steel. The community experienced an economic downturn with downsizing of the Martin facility and other area businesses, and Bowleys Quarters became a mix of middle-class homes juxtaposed with modern waterfront homes. Increased interest in waterfront property in the 1990s, combined with the devastation of Hurricane Isabel, has led to revitalization, with some new homes selling for more than \$1 million. Once predominantly populated by low-income to middle-class families, the community is now highly desirable for waterfront living.

In September 2003, Bowleys Quarters was substantially damaged by Hurricane Isabel and the resulting flood. According to *The Baltimore Sun*, Isabel destroyed 210 houses in Bowleys Quarters and caused major damage to 632 others.^[2]

Geography

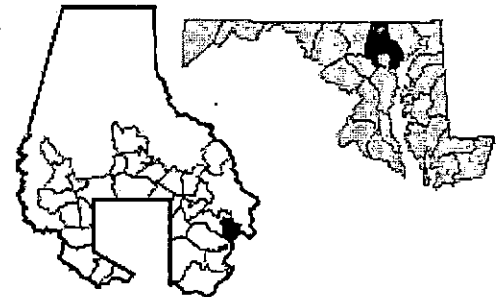
Bowleys Quarters is located at 39°19′17″N 76°23′18″W﻿ / ﻿39.32139°N 76.38833°W﻿ / 39.32139; -76.38833^[1]

Bowleys Quarters, Maryland

Census-designated place



Bowleys Quarters in September 2003, with damage from Hurricane Isabel visible.



Location of Bowleys Quarters, Maryland

Coordinates: 39°19′17″N 76°23′18″W﻿ / ﻿39.32139°N 76.38833°W﻿ / 39.32139; -76.38833

Country	 United States
State	 Maryland
County	 Baltimore

Area

• Total	6.1 sq mi (15.9 km ²)
• Land	3.2 sq mi (8.4 km ²)
• Water	2.9 sq mi (7.5 km ²)

Elevation	46 ft (14 m)
------------------	--------------

Population (2010)

• Total	6,755
• Density	1,100/sq mi (420/km ²)

Time zone	UTC−5 (Eastern (EST))
------------------	-----------------------

People's Counsel
CBA Exhibit

According to the United States Census Bureau, the CDP has a total area of 6.1 square miles (16 km²), of which 3.2 square miles (8.3 km²) is land and 2.9 square miles (7.5 km²), or 47.39%, is water.

• Summer (DST)	UTC−4 (EDT)
FIPS code	24-08800
GNIS feature ID	0589790

Demographics

As of the census^[s] of 2000, there were 6,314 people, 2,483 households, and 1,748 families residing in the CDP. The population density was 1,954.8 people per square mile (754.8/km²). There were 2,721 housing units at an average density of 842.4/sq mi (325.3/km²). The racial makeup of the CDP was 91.65% White, 6.13% African American, 0.21% Native American, 0.65% Asian, 0.05% Pacific Islander, 0.29% from other races, and 1.03% from two or more races. Hispanic or Latino of any race were 0.57% of the population.

Historical population		
Census	Pop.	%±
1990	5,595	—
2000	6,314	12.9%
2010	6,755	7.0%

source:^[1]^[4]

There were 2,483 households, of which 33.3% had children under the age of 18 living with them, 54.0% were married couples living together, 11.3% had a female householder with no husband present, and 29.6% were non-families. 22.3% of all households were made up of individuals and 6.6% had someone living alone who was 65 years of age or older. The average household size was 2.54 and the average family size was 2.98.

In the CDP, the population was spread out with 24.6% under the age of 18, 8.0% from 18 to 24, 34.0% from 25 to 44, 23.1% from 45 to 64, and 10.3% who were 65 years of age or older. The median age was 36 years. For every 100 females, there were 98.3 males. For every 100 females age 18 and over, there were 96.8 males.

The median income for a household in the CDP was \$52,250, and the median income for a family was \$61,024. Males had a median income of \$41,881 versus \$27,265 for females. The per capita income for the CDP was \$23,295. About 5.5% of families and 6.6% of the population were below the poverty line, including 7.8% of those under age 18 and 10.7% of those ages 65 or over.

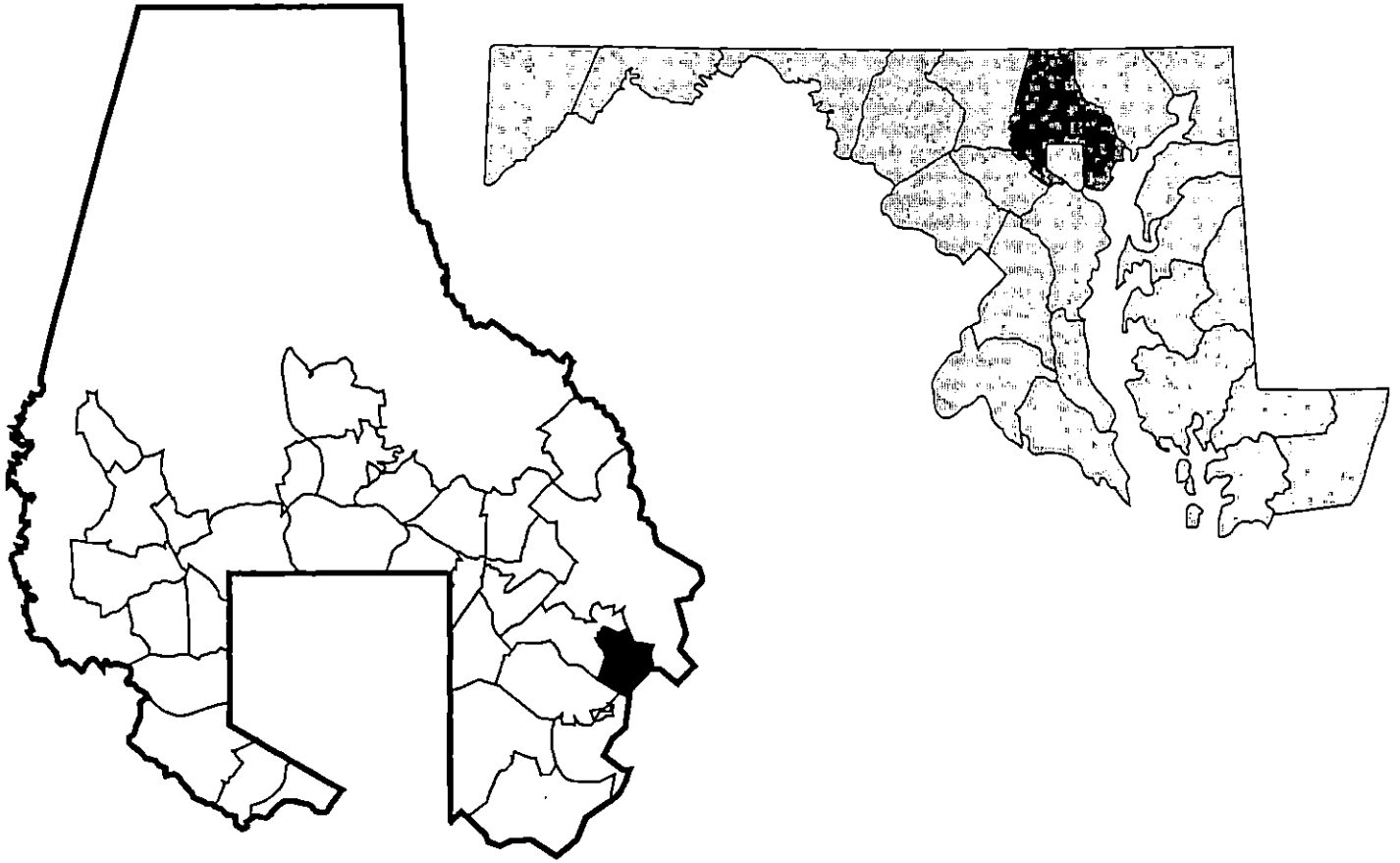
References

1. "Profile of General Population and Housing Characteristics: 2010 Demographic Profile Data (DP-1): Bowleys Quarters CDP, Maryland" (<https://web.archive.org/web/20130911234518/http://factfinder2.census.gov/>). U.S. Census Bureau, American Factfinder. Archived from the original (<http://factfinder2.census.gov>) on September 11, 2013. Retrieved February 22, 2012.
2. "Embracing Isabel's 'silver lining'" (<http://www.baltimoresun.com/news/weather/hurricane/bal-md.bowleys24oct24.1.7141457.story?coll=bal-hurricanes-storyutil>) by Joe Nawrozki, *Baltimore Sun*, October 24, 2005, retrieved April 18, 2006
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5. "American FactFinder" (<https://web.archive.org/web/20130911234518/http://factfinder2.census.gov/>). United States Census Bureau. Archived from the original (<http://factfinder2.census.gov>) on 2013-09-11. Retrieved 2008-01-31.

Retrieved from "https://en.wikipedia.org/w/index.php?title=Bowleys_Quarters,_Maryland&oldid=858076209"

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Essex Middle River Civic Council

Established 1960

"Serving the community for over fifty eight years"

Member Organizations

*Aero Acres Civic Improvement Assn
Balto Cnty Mobile Homeowners Assn Inc
Bird River Beach Community Assn
Biscayne Bay Village Assn
Bowleys Quarters Community Assn
Essex Community Assn
Harewood Park Community League
Hopewell Point Home Owners Assn
Oliver Beach Improvement Assn
Stemmers Run Civic Improvement Assn
Vincent Farm Bird River Neighborhood
Windlass Run Improvement Assn*

*Back River Restoration Committee.
Bird River Restoration Campaign
Bird River Road Neighborhood Assn
Bowerman Lorey Beach Comm Assn
Bowleys Quarters Improvement Assn
Goodwood Improvement Assn Inc
Hawthorne Civic Assn
Mirmar Landing Comm Assn
Rockaway Beach / Turkey Point
Sussex Community Assn
Wilson Point Civic Improvement Assn*

Dear Peter Zimmerman and others to whom it may concern:

The Essex Middle River Civic Council, an umbrella group representing over 20 area Community Associations, has been briefed on the issues related to the use of the BL zoned property at 1101 Bowleys Quarters Road for construction storage. At their 2-6-19 meeting, the EMRCC voted to support and agree with the Bowleys Quarters community associations in their opposition to the use of BL zoned property for construction storage at this location.

The site is outside the URDL and is inappropriate for storage and handling of construction materials due to its proximity to our tidal waters and the conservation land around the site. The roads around the site are not designed or built to handle the large truck traffic associated with this usage. The noise from the trucks and heavy equipment disturb the tranquility of the area and should not be permitted close to residential properties.

By the unanimous vote, our Council has decided to oppose the request by Bay County Concrete to establish any right to use the subject property for a construction materials warehouse, storage yard, or the placement of heavy equipment. Additionally, any activity currently violating zoning should be discontinued.

Robert Bendler, President

Essex Middle River Civic Council

**People's Counsel
CBA Exhibit**

[BCZR 1955]

§ 101.1. - Word usage; definitions.

[Bill No. 149-1987]

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of these regulations, certain terms and words are defined below.

Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged.

ACCESSORY APARTMENT — A second living quarters within a principal single-family detached dwelling or within an accessory building situated on the same lot as the principal single-family detached dwelling and in compliance with Section 400, with dedicated bathing and cooking facilities, and located on owner-occupied property, subject to the following:

[Bill No. 49-2011]

- A. The owner may occupy either the principal dwelling or the accessory apartment;
- B. The occupant(s) of the accessory apartment and the occupant(s) of the principal single-family detached dwelling shall be immediate family, related as grandparents, parents, or parents' children by blood, marriage or adoption;
- C. The accessory apartment is provided without compensation; and
- D. The accessory apartment, whether located within the principal dwelling or in the accessory building, shall comply with all laws, regulations, and codes affecting residential occupancy.

ACCESSORY BUILDING — One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. A structure connected to a principal building by a covered passageway or with one wall in common shall not be considered an accessory building.

ACCESSORY USE OR STRUCTURE — A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use.

[Bill Nos. 100-1970; 26-1988] ^[1]

AGRICULTURE, COMMERCIAL — The use of land, including ancillary structures and buildings, to cultivate plants or raise or keep animals for income, provided that the land also qualifies for farm or agricultural use assessment pursuant to § 8-209 of the Tax-Property Article of the Annotated Code of Maryland, as amended. Commercial agriculture includes the production of field crops, dairying, pasturage agriculture, horticulture, floriculture,

BREWERY, CLASS 8 — A brewery located on a minimum of ten acres with a Class 8 (farm brewery) license, which sells and delivers malt beverage manufactured in a facility on the licensed farm with an ingredient from a Maryland agricultural product grown thereon, and produces no more than 15,000 barrels of malt beverage per year.

[Bill No. 64-2015]

BUILDING — A structure enclosed within exterior walls or fire walls for the shelter, support or enclosure of persons, animals or property of any kind.

BUILDING HEIGHT — The height of the highest point on a building or other structure as measured by the vertical distance from the highest point on the structure to the horizontal projection of the closest point at exterior grade. In instances where it is obvious that the exterior grade has been artificially built up above natural or surrounding finished grade, the vertical distance will be measured by projecting the natural or surrounding finished exterior grade to the closest point (foundation wall).

[Bill No. 151-1988]

BUILDING LINE — The line established by law beyond which a building shall not extend.

BUILDING MATERIALS STORAGE AND SALES YARD — The use of any space, whether inside or outside a building used principally for the storage or sale of building materials or supplies.

[Bill No. 149-1987]

BUS SHELTER, CLASS A — A transit facility without advertising that is an inherent part of the Maryland Transit Administration's bus system that protects users from the weather while waiting for a bus.

[Bill No. 32-2004]

BUS SHELTER, CLASS B — A transit facility with advertising that is an inherent part of the Maryland Transit Administration's bus system that protects users from the weather while waiting for a bus.

[Bill No. 32-2004]

BUS TERMINAL — A station for common carrier vehicles having a carrying capacity of ten or more passengers. In addition to providing passenger services such as ticket sales, boarding and alighting, a bus terminal has areas for short-term storage of busses during layover

[Bill Nos. 176-1994; 21-1996; ~~29-2018~~]

COMMERCIAL VEHICLE — Any vehicle with a gross vehicle weight or gross combination weight over 10,000 pounds or any vehicle, regardless of weight, which: (1) is used for the transportation of materials, products, freight, other vehicles or equipment in furtherance of any commercial activity; (2) is used "for hire"; or (3) displays advertising thereon. Identification of the vehicle's manufacturer model or dealer shall not be considered as advertising. Commercial vehicles shall not be deemed to include any farm vehicle or farm equipment actually and regularly used on a farm, satellite farm or farmette; school or church vehicle located at a civic, educational, social, recreational or religious institution; recreational vehicle as defined in Section 101; trailer (or mobile home) as defined in Section 101; vanpool or historic vehicle as registered with the State Motor Vehicle Administration. As used herein, gross vehicle weight or gross combination weight means the weight recorded by the State Motor Vehicle Administration on the vehicle's registration certificate or recorded by the manufacturer on the certificate of origin if no specific weight is recorded on the registration certificate.

[Bill No. 70-1988] ^[6]

COMMUNITY CARE CENTER — A small-scale facility, sponsored or operated by a private charitable organization or by a public agency and licensed by the Maryland State Department of Health and Mental Hygiene or by the Maryland State Department of Social Services, for the housing, counseling, supervision or rehabilitation of alcoholics or drug abusers or of physically or mentally (including emotionally) handicapped or abused individuals who are not subject to incarceration or in need of hospitalization.

[Bill No. 142-1979]

COMPARTMENTALIZED WAREHOUSE ESTABLISHMENT — A building consisting of individual, small, self-contained units that are leased or owned for self-service storage of business or household goods.

[Bill No. 46-1992]

CONSERVANCY AREA — The portion of a rural cluster development which contains significant natural or historic features and which has been dedicated through deed restriction and easements for continued farming, forestry or open space use in order to remain largely undisturbed.

[Bill No. 113-1992]

CONSERVATION BURIAL GROUND — Any property, permanently protected under a conservation easement, intended for use for the burial or permanent disposition of the remains of the dead, utilizing natural burial methods and biodegradable materials that permit the body to return naturally to the earth.

[Bill No. 6-2015]

CONSTRUCTION EQUIPMENT STORAGE YARD — The use of any space, whether inside or outside a building, for the storage of construction equipment or machinery, including landscaping equipment and associated materials.

[Bill No. 149-1987]

CONTINUING CARE FACILITY — A building or group of buildings that contains dwelling facilities for assisted living, and facilities for convalescent or nursing care on the same site, where occupancy of the facility is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older.

[Bill No. 36-1988]

CONTRACTOR'S EQUIPMENT STORAGE YARD — The use of any space, whether inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage or landscaping equipment and associated materials.

[Bill No. 149-1987]

CONTRACTOR'S OFFICE — A room or group of rooms for conducting the business affairs of a building trade.

[Bill No. 149-1987]

CONTRACTOR'S SHOPS — Establishments for trades involved in the installation and servicing of items whose use is related to the construction, improvement or maintenance of buildings or landscaping of grounds.

[Bill No. 149-1987]

CONTROLLED-ENVIRONMENT STRUCTURE — A temporary or permanent structure enclosed by glass or plastic, utilized exclusively to cultivate plants, to protect plants from the elements or to produce plants out of season.

[Bill No. 41-1992]

CONVENIENCE STORE — A retail establishment which primarily sells refrigerated products, household items, carry-out food products or prepackaged frozen, chilled or scaled foods and meals, that may be heated by the customer at the premises, but are generally eaten off-site. A convenience store does not exceed a gross floor area of 6,000 square feet and is usually open for at least 12 hours in a 24-hour period.

[Bill No. 86-1994; 87-2016]

COUNTRY CLUB — A nine- or 18-hole golf course with a clubhouse and other appropriate facilities, which may include other recreational facilities (see Section 406A).

[Bill No. 62-1978] ^[7]

COUNTY TRUCKING-FACILITIES-DEVELOPMENT OFFICIALS — A committee consisting of the County Administrative Officer, as Chairman, the Director of Planning, the Director of Public Works, the Director of Permits, Approvals and Inspections and the Director of Economic and Workforce Development, or their respective designees.

[Bill Nos. 18-1976; 122-2010; 71-2013]

DAY CAMP — A plot of ground upon which children may engage in supervised recreational, educational, cultural or artistic activities outdoors during daylight hours, but day camp does not include schools or child care centers.

[Bill Nos. 73-2000; 74-2000]

DENSITY UNIT — An expression of extent or density of dwelling use as related to number of rooms in, or type of, dwelling unit, so that:

Each efficiency apartment is equivalent to 0.50 density unit;

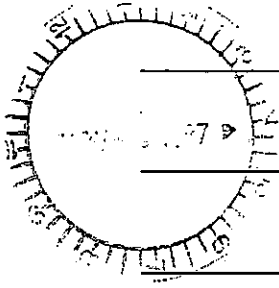
Each one-bedroom dwelling unit is equivalent to 0.75 density unit;

Each two-bedroom dwelling unit is equivalent to 1.00 density unit; and

Each dwelling unit with three or more bedrooms is equivalent to 1.50 density units.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1987, LEGISLATIVE DAY NO. 20

BILL NO. 149-87



MR. WILLIAM R. EVANS, COUNCILMAN

BY THE COUNTY COUNCIL, NOVEMBER 2, 1987

*Introduced
this date.*

A BILL ENTITLED

AN ACT concerning

Zoning Regulations - Definitions

FOR the purpose of adding certain definitions to the Baltimore County
Zoning Regulations and providing a source of reference for the
definition of words or terms not defined in the Regulations.

BY repealing and re-enacting, with amendments,

Section 101 - Definitions, by adding to the Section, alphabetically, the
definition of "Building Materials Storage and Sales Yard",
"Contractor's Equipment Storage Yard", "Contractor's Office",
"Contractor's Shops", and "Construction Equipment Storage Yard"
Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report from
the Planning Board concerning the subject legislation and has held a public
hearing thereon, now, therefore,

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY,
2. MARYLAND, that Section 101 - Definitions, of the Baltimore County Zoning
3. Regulations, as amended, be and it is hereby repealed and re-enacted, with
4. amendments, by adding, alphabetically, the definitions of "Building Materials
5. Storage and Sales yard", "Contractor's Equipment Storage Yard", "Contractor's
6. Office", "Contractor's Shops", and "Construction Equipment Storage Yard", to
7. read as follows:

8. Section 101 - DEFINITIONS

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Strike-out indicates matter stricken from bill.
Underlining indicates amendments to bill.

People's Counsel
CBA Exhibit

1. Words used in the present tense include the future; words in the
2. singular number include the plural number; the word "shall" is mandatory. For
3. the purposes of these Regulations, certain terms and words are defined [as
4. follows:] BELOW. ANY WORD OR TERM NOT DEFINED IN THIS SECTION SHALL HAVE THE
5. ORDINARILY ACCEPTED DEFINITION AS SET FORTH IN THE MOST RECENT EDITION OF
6. WEBSTERS THIRD NEW INTERNATIONAL DICTIONARY OF THE ENGLISH LANGUAGE,
7. UNABRIDGED.

8. BUILDING MATERIALS STORAGE AND SALES YARD: THE USE OF ANY SPACE,
9. WHETHER INSIDE OR OUTSIDE A BUILDING USED PRINCIPALLY FOR THE STORAGE OR SALE
10. OF BUILDING MATERIALS OR SUPPLIES.

11. CONTRACTOR'S EQUIPMENT STORAGE YARD: THE USE OF ANY SPACE, WHETHER
12. INSIDE OR OUTSIDE A BUILDING FOR THE STORAGE OR KEEPING OF CONTRACTOR'S
13. EQUIPMENT OR MACHINERY, INCLUDING BUILDING MATERIALS STORAGE, CONSTRUCTION
14. EQUIPMENT STORAGE, OR LANDSCAPING EQUIPMENT AND ASSOCIATED MATERIALS.

15. CONTRACTOR'S OFFICE: A ROOM OR GROUP OF ROOMS FOR CONDUCTING THE
16. BUSINESS AFFAIRS OF A BUILDING TRADE, EXCLUDING THE OUTSIDE STORAGE OF
17. EQUIPMENT, MATERIALS, MACHINES OR PARKING OF CONSTRUCTION VEHICLES.

18. CONTRACTOR'S SHOPS: ESTABLISHMENTS FOR TRADES INVOLVED IN THE
19. INSTALLATION AND SERVICING OF ITEMS WHOSE USE IS RELATED TO THE CONSTRUCTION,
20. IMPROVEMENT OR MAINTENANCE OF BUILDINGS OR LANDSCAPING OF GROUNDS, EXCLUDING
21. THE OUTSIDE KEEPING OF BUILDING MATERIAL, CONSTRUCTION EQUIPMENT, CONSTRUCTION
22. VEHICLES AND CONSTRUCTION SUPPLIES.

23. CONSTRUCTION EQUIPMENT STORAGE YARD: THE USE OF ANY SPACE, WHETHER
24. INSIDE OR OUTSIDE A BUILDING FOR THE STORAGE OF CONSTRUCTION EQUIPMENT OR
25. MACHINERY, INCLUDING LANDSCAPING EQUIPMENT AND ASSOCIATED MATERIALS.

26. SECTION 2. And be it further enacted, that this Act shall take effect
27. forty-five days after its enactment.

Webster's
Third
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OF THE ENGLISH LANGUAGE
UNABRIDGED

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 5. *Глава III. Результаты*
 6. *Глава IV. Заключение*
 7. *Литература*
 8. *Приложения*
 9. *Список сокращений*
 10. *Сведения об авторе*
 11. *Рецензия*
 12. *Послесловие*
 13. *Дополнения*
 14. *Иллюстрации*
 15. *Таблицы*
 16. *Ссылки*
 17. *Сведения о публикации*
 18. *Информация о заказе*
 19. *Условия приобретения*
 20. *Контактная информация*
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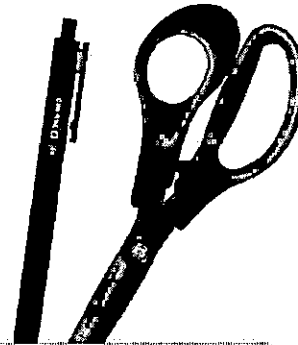
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COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1987, LEGISLATIVE DAY NO. 20

BILL NO. 149-87

MR. WILLIAM R. EVANS, COUNCILMAN

BY THE COUNTY COUNCIL, NOVEMBER 2, 1987

A BILL ENTITLED

AN ACT concerning

Zoning Regulations - Definitions

FOR the purpose of adding certain definitions to the Baltimore County
Zoning Regulations and providing a source of reference for the
definition of words or terms not defined in the Regulations.

BY repealing and re-enacting, with amendments,

Section 101 - Definitions, by adding to the Section, alphabetically, the
definition of "Building Materials Storage and Sales Yard",
"Contractor's Equipment Storage Yard", "Contractor's Office",
"Contractor's Shops", and "Construction Equipment Storage Yard"
Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report from
the Planning Board concerning the subject legislation and has held a public
hearing thereon, now, therefore,

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY,
2. MARYLAND, that Section 101 - Definitions, of the Baltimore County Zoning
3. Regulations, as amended, be and it is hereby repealed and re-enacted, with
4. amendments, by adding, alphabetically, the definitions of "Building Materials
5. Storage and Sales yard", "Contractor's Equipment Storage Yard", "Contractor's
6. Office", "Contractor's Shops", and "Construction Equipment Storage Yard", to
7. read as follows:

8. Section 101 - DEFINITIONS

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill

1. Words used in the present tense include the future; words in the
2. singular number include the plural number; the word "shall" is mandatory. For
3. the purposes of these Regulations, certain terms and words are defined (as
4. follows:) BELOW. ANY WORD OR TERM NOT DEFINED IN THIS SECTION SHALL HAVE THE
5. ORDINARILY ACCEPTED DEFINITION AS SET FORTH IN THE MOST RECENT EDITION OF
6. WEBSTERS THIRD NEW INTERNATIONAL DICTIONARY OF THE ENGLISH LANGUAGE, UNABRIDGED.

7. BUILDING MATERIALS STORAGE AND SALES YARD: THE USE OF ANY SPACE,
8. WHETHER INSIDE OR OUTSIDE A BUILDING USED PRINCIPALLY FOR THE STORAGE OR SALE
9. OF BUILDING MATERIALS OR SUPPLIES.

10. CONTRACTOR'S EQUIPMENT STORAGE YARD: THE USE OF ANY SPACE, WHETHER
11. INSIDE OR OUTSIDE A BUILDING FOR THE STORAGE OR KEEPING OF CONTRACTOR'S
12. EQUIPMENT OR MACHINERY, INCLUDING BUILDING MATERIALS STORAGE, CONSTRUCTION
13. EQUIPMENT STORAGE, OR LANDSCAPING EQUIPMENT AND ASSOCIATED MATERIALS.

14. CONTRACTOR'S OFFICE: A ROOM OR GROUP OF ROOMS FOR CONDUCTING THE
15. BUSINESS AFFAIRS OF A BUILDING TRADE, ~~EXCLUDING THE OUTSIDE STORAGE OF~~
16. ~~EQUIPMENT, MATERIALS, MACHINES OR PARKING OF CONSTRUCTION VEHICLES.~~

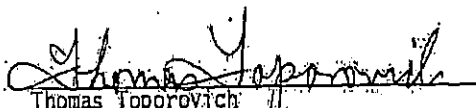
17. CONTRACTOR'S SHOPS: ESTABLISHMENTS FOR TRADES INVOLVED IN THE
18. INSTALLATION AND SERVICING OF ITEMS WHOSE USE IS RELATED TO THE CONSTRUCTION,
19. IMPROVEMENT OR MAINTENANCE OF BUILDINGS OR LANDSCAPING OF GROUNDS.
20. ~~EXCLUDING THE OUTSIDE KEEPING OF BUILDING MATERIAL, CONSTRUCTION EQUIPMENT,~~
21. ~~CONSTRUCTION VEHICLES AND CONSTRUCTION SUPPLIES.~~

22. CONSTRUCTION EQUIPMENT STORAGE YARD: THE USE OF ANY SPACE, WHETHER
23. INSIDE OR OUTSIDE A BUILDING FOR THE STORAGE OF CONSTRUCTION EQUIPMENT OR
24. MACHINERY, INCLUDING LANDSCAPING EQUIPMENT AND ASSOCIATED MATERIALS.

25. SECTION 2. And be it further enacted, that this Act shall take effect
26. forty-five days after its enactment.

READ AND PASSED this 7th day of December, 1987

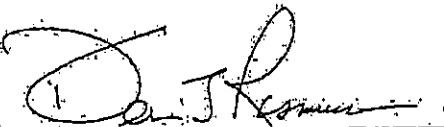
BY ORDER


Thomas Toporovich
Secretary

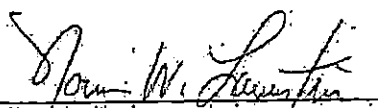
PRESENTED to the County Executive for his approval this 8th day
of December, 1987


Thomas Toporovich
Secretary

APPROVED AND ENACTED:

12/10/87

Dennis F. Rasmussen
County Executive

I HEREBY CERTIFY THAT BILL NO. 149-87 IS TRUE AND CORRECT AND TOOK
EFFECT ON January 24, 1988


Norman W. Lauenstein
Chairman, County Council

Chairman Lauenstein stated that the Council would now consider Miscellaneous #2.

G2. Res. No. 37-87 - Mr. Lauenstein (By Reg.) - Bethlehem Steel Corporation

At the direction of the Chairman, the Secretary read this Resolution authorizing the County Executive to execute a real estate option with Bethlehem Steel Corporation to allow the County to acquire certain property at Sparrows Point, Maryland and further authorize the County Executive to enter into an agreement with the State Highway Administration which will allow the State to accept ownership of certain roads, bridges and ramps to be upgraded and for the sharing of costs for same, all subject to final approval of Council. Mr. Carignan and Mr. Sheesley remained and were questioned by Councilmembers Mintz and Bachur. Thereafter, upon motion by Councilman Volz, seconded by Councilman Ruppertsberger, this Resolution was approved by the following roll call vote:

Aye - Mintz, Ruppertsberger, Bachur, Lauenstein, Evans, Volz
Nay - None
Abstain - Hickernell

BILL NO. 149-87, Zoning Regulations - Definitions, was called. Councilman Evans commented on this Bill, then moved to amend it with the following amendments:

1. On page 2, in line 16, strike ", EXCLUDING THE OUTSIDE STORAGE OF" and substitute a period; and strike line 17. 2. On page 2, in line 20, strike "EXCLUDING" and substitute a period; and strike lines 21 and 22.

Councilman Hickernell seconded the motion which passed by the following roll call vote:

Aye - Hickernell, Mintz, Ruppertsberger, Bachur, Lauenstein, Evans, Volz
Nay - None

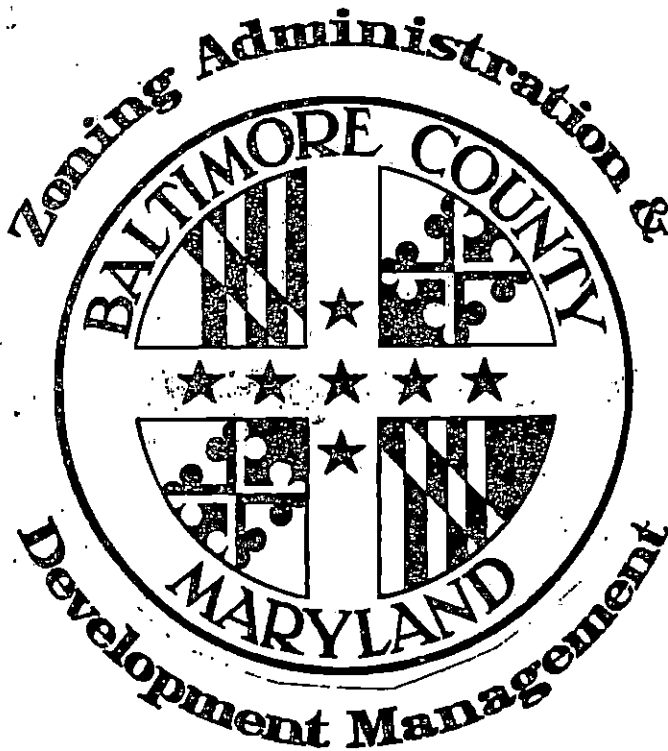
Thereafter, upon motion by Councilman Evans, seconded by Councilwoman Bachur, Bill 149-87, as amended, passed by the following roll call vote:

Aye - Hickernell, Mintz, Ruppertsberger, Bachur, Lauenstein, Evans, Volz
Nay - None

At this time the Chairman stated that Bills 156-87, 158-87, 160-87, 161-87 & 162-87 had been submitted with the request that the ten day rule be waived and they be called for final reading and vote. Councilwoman Bachur then moved to waive the ten day rule and call Bill 156-87 for final reading and vote. Councilman Evans seconded the motion which passed by the following roll call vote:

1992 Edition

Baltimore County Zoning Commissioner's Policy Manual



amended May 13, 1992

adopted May 21, 1991

Administrative Supplement to the Baltimore County Zoning

**Protestant
CBA Exhibit**

SECTION

101 CONCRETE, U-CART SALES

The mixing (or blending) of sand, gravel, cement, other ingredients and water into a concrete mixture on the premises. A small mixing or blending machine or plant is used and produces concrete which is sold and deposited into a towable trailer or U-Cart (usually loaned to the customer). The size of the batch that is mixed and sold, and the capacity of the trailer is usually 1 to 1 1/2 yards. It is considered manufacturing a product, even though it is a relatively small batch and it is not in its eventual hardened state. As a manufacturing use, this process must be located in a M.L. zone. See the following cases:

79-21V

80-96V

81-327V

CONTRACTOR'S EQUIPMENT STORAGE YARD: includes landscaping and tree service companies.

CONTRACTOR'S OFFICE: A contracting company that stores its materials, trucks, and other equipment at a permitted location elsewhere, a business office only, with parking for passenger vehicles may be located in zones where offices are allowed.

Exhibits for Review by Carl Richards – MGJ Properties, LLC

2018-342-SPH

PEOPLE'S COUNSEL

PC Exhibit 1

PC Exhibit 2

PC Exhibit 3 A-H

PETITIONER

Pet. Exhibit 8 A-B

PROTESTANT

Prot. Exhibit 9 A-H

Prot. Exhibit 11

Prot. Exhibit 12 A-H

Prot. Exhibit 13

Prot. Exhibit 14 A-N

Prot. Exhibit 15 O-AB

Prot. Exhibit 16 AC-AO

Prot. Exhibit 17 AP-AS

Prot. Exhibit 24 A-X

Prot. Exhibit 25 A-J

Prot. Exhibit 26 A-J

Prot. Exhibit 27 A-J

IN THE MATTER OF
THE APPLICATION OF
ROBERT & ISABEL BAYNES, SR. - LEGAL
OWNERS; ROBERT & BARBARA BAYNES,
JR. - C.P. FOR SPECIAL HEARING ON
PROPERTY LOCATED ON THE N/S OF
BOWLEY'S QUARTERS ROAD, 380' WEST
OF CHESTNUT ROAD
(1047 BOWLEYS QUARTERS RD)

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* * * * *

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 04-602-SPH

OPINION

This matter is before the Board on an appeal from a decision of the Deputy Zoning Commissioner in which the requested special hearing was denied. The Petition for Special Hearing was filed by the legal owners of the subject property, Isabel C. and Robert T. Baynes, Sr., and the lessees of the Property, Barbara and Robert Baynes, Jr. The Petitioners are requesting special hearing relief for the property located at 1047 Bowley's Quarters Road in the eastern area of Baltimore County. The special hearing request was filed pursuant to § 500.7 of the *Baltimore County Zoning Regulations* (BCZR) to permit the parking of six commercial vehicles with a weight exceeding 10,000 lbs. each in lieu of the permitted one 10,000 lbs. or under for each vehicle per § 431 of the BCZR.

At the hearing before the Board, the Petitioners amended their Petition to request the parking of two commercial vehicles with a weight exceeding 10,000 lbs. each in lieu of the permitted one 10,000 lbs. or under for each vehicle.

At the hearing before the Board, Tammy Eichorn, the daughter of Barbara Baynes and an officer of the company, "Barbie's Recycling and Hauling," represented the company *pro se*. Peter M. Zimmerman, People's Counsel for Baltimore County, entered his appearance and

participated fully. A hearing was held on May 26, 2005, and public deliberation was held on July 20, 2005.

Facts

Bruce Doak, land surveyor with the firm of Gerhold, Cross, and Etzel, a surveying firm that prepared the plan to accompany the request, testified before the Board. He stated that a subdivision was created in the mid-1990s on a lot of 1.667 acres and another of 3.228 acres. The 3.228-acre parcel was classified R.C. with a small portion of the southeast corner classified as B.L. The 1.667-acre lot was classified B.L. A trucking facility was in place at the time that the subdivision was created in the 1990s. The Baynes built a dwelling on the 1.667-acre lot, and there was also a dwelling on the 3.228-acre lot.

The property where the trucks are being parked is classified B.L. and is the only blacktop area. It is enclosed. Mr. Doak testified that the trucks that are to be parked weigh 26,000 lbs. empty and up to 70,000 lbs. when they are full.

Robert Baynes, Jr., testified that he had resided at the property for at least 50 years. He has been operating a dump truck business in that area for approximately 29 years. At the present time, the company stores trucks off of the property but they desire to store two trucks in the B.L. zone overnight in the garage which has been built for that purpose.

Mr. Baynes stated that, when he married his wife, she had a trucking business, "Barbie's Recycling and Hauling." They have a rented space at Sullivan's Operation where they store the trucks and do repair work if necessary. He stated that he began working in the business in 1970, and he has two trucks on the property. This is the first time he filed a zoning request for the use of the trucks. In response to a question by the Chairman, Mr. Baynes stated that he had one truck up until 1988 at which time he purchased another truck. He stated that there was no change in

the zoning in the area since he started working in the business. He stated that he thought the zoning has been the same since 1950.

Mrs. Baynes testified that she was in the trucking business prior to marrying her husband. She has lived at 1047 Bowley's Quarters Road for 5 years, since their marriage. When she married Mr. Baynes, she had one truck and bought four more trucks in the ensuing years. Mrs. Baynes and her daughter, Ms. Eichorn, drive the trucks when necessary.

Three neighbors, Melvin Bauerfeind, Marie Fraley, and John Larnantia, testified on behalf of the Petitioners that they live in the area and have for a number of years. They testified that they were not opposed to the trucks being parked on Petitioners' property and that they had never been disturbed by the trucks being parked there or utilizing the property as a trucking facility.

People's Counsel presented Mark Cunningham, a development review planner in the Baltimore County Office of Planning. Mr. Cunningham testified that he had reviewed the situation and felt that the request was for a Class II Trucking Facility, which would allow the parking of commercial vehicles over 10,000 lbs. He stated that this was not allowed by right or by special exception in an R.C. 2 or B.L. zone. It was allowed by right in an M.H. zone and by special exception in an M.L. zone. Mr. Cunningham stated that under § 431 of the BCZR no vehicle weighing 10,000 lbs. would be allowed on a residential lot. He stated it was his opinion that, even though the smaller lot was classified in the B.L. zone, there was a residence on the property and it would be considered a residential lot. It was his view that, even though there was only the intention to park two trucks on the property, this would still be considered a Class II Trucking Facility.

Anthony Sersen, a neighbor living ½ mile from the property, stated that he was opposed to the parking of the trucks on the property. In his opinion, the neighborhood had changed dramatically since Hurricane Isabel and property values had escalated. He felt that a trucking company was not compatible with the up-scale neighborhood which the area was becoming.

Clare Hash, another neighbor who lives approximately five to six houses down from the Baynes, stated that she was concerned with the trucks being parked there; that the diesel fumes would permeate the air in the Chesapeake Bay Critical Area. She stated that she felt that the trucking facility would cause property values to go down in the vicinity of the property in question.

Michael Vivirito, another neighbor living 1-½ miles from the property, testified on behalf of the Bowley's Quarters Improvement Association. He presented "Rule 8" papers which authorized him to testify on behalf of the Association. According to Mr. Vivirito, the Association's Board of Directors did not object to the parking of two trucks in the residential neighborhood if they were parked in the commercial area (the B.L. zone) and were in the garage.

Warring Justis, a Certified General Appraiser, also testified. He stated that he had lived in the area since 1980. He was concerned with the environmental issues as well as safety. There are no shoulders on the road, and the lanes are very narrow. He testified that the residential areas in the vicinity of the property in question have homes which are valued from \$350,000 to \$1,000,000. He had no problem with one truck being parked on the property, but he was against parking more than one truck on the property.

Decision

The *Baltimore County Zoning Regulations* define a trucking facility as follows:

TRUCKING FACILITY - A structure or land used or intended to be used primarily (a) to accommodate the transfer of goods or chattels from trucks or truck trailers to other trucks or truck trailers or to vehicles of other types in order to facilitate

the transportation of such goods or chattels; or (b) for truck or truck-trailer parking or storage. A trucking facility may include as incidental uses only sleeping quarters and other facilities for trucking personnel, facilities for the service or repair of vehicles or necessary space for the transitory storage of goods or chattels....

As used in this definition, the term "trucks," "truck-trailers," and "truck tractors" do not include any vehicle whose gross maximum gross weight is 10,000 lbs. or less as rated by the State Motor Vehicle Administration.

TRUCKING FACILITY, CLASS I (TRUCK TERMINAL) - A trucking facility whose primary purpose is to accommodate the transfer of goods or chattels from trucks or truck trailers to other trucks or truck trailers or to vehicles of other types, in order to facilitate the transportation of such goods or chattels.

TRUCKING FACILITY, CLASS II - A trucking facility other than a Class I trucking facility, including a truck yard (the primary purpose of which is to accommodate the parking or storage of trucks, truck trailers, or truck tractors.

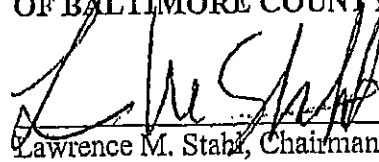
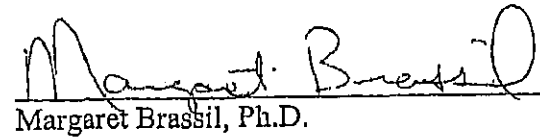
It is clear that the Baltimore County Office of Planning believes that the proposed parking of the trucks on the B.L. portion of the property in question would constitute a Class II Trucking Facility, which is not allowed in either an R.C. or B.L. zone. There is no question that the dump trucks to be parked on the property weigh 26,000 lbs. empty. Section 431 of the BCZR prohibits the parking of any vehicle weighing in excess of 10,000 lbs. on a residential lot for a period exceeding the time essential to the immediate use of the vehicle. In the opinion of Mr. Cunningham, even though the smaller lot was classified B.L., it was still a residential property since there was a residence constructed on the property. It is quite clear that the restrictions of the *Baltimore County Zoning Regulations* prohibit the parking of trucks in excess of 10,000 lbs. in the B.L. and R.C. zones even by special exception. The Board is mindful of the service which the Petitioners have performed for the residents in the Bowley's Quarters area; however, the Board is bound by the law and has no authority to allow the parking of the trucks as requested by the special hearing. Therefore, the special hearing must be denied.

ORDER

THEREFORE, IT IS THIS 28th day of September, 2005 by the
County Board of Appeals of Baltimore County

ORDERED that the Petitioners' request for special hearing relief pursuant to § 500.7 of the
Baltimore County Zoning Regulations (BCZR) to permit the parking of two commercial vehicles
with a weight exceeding 10,000 lbs. each in a B.L. zone, or to allow two vehicles in excess of
10,000 lbs. each to be parked in a residential lot in lieu of the permitted one vehicle weighing
10,000 lbs. or less under § 431 of the BCZR be and is hereby **DENIED**.

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*.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**
Lawrence M. Stahl, Chairman
Lawrence S. Wescott
Margaret Brassil, Ph.D.

Board of Appeals

Case No: 18-342SPH Case Name: MGT Properties

Exhibit List p. 1

Party: Owner/Petitioner
Appellant Date: June 4, 2019

Exhibit No:	Description:
✓ 1	SITE Plan
✓ 2	List of Current Jobs in Progress
✓ 3 A-E	Shipping Invoices (5) - ^{delivery} to job sites
✓ 4 A-E	Photos - ^{condition} at time of acquisition - 2 1/2 yrs ago
✓ 5 A-J	Photos - current projects -
✓ 6 A-H	Photos - other contractor ^{equipment} storage yards
✓ 7	M. Kellman C.V.
✓ 8 A-B	- Aerial photos - Google; My neighborhood w/ zoning
✓ 9 A-R	Photographs of site
✓ 10 A	A BCZR 101 - Definition Accessory Use.
✓ B	BCZR 101 - " Office, Office Bldg - A, B
✓ C	BCZR 230.1 Permitted Uses BL zone
✓ D	BCZR 230.1 " " " "
✓ E	" 230.2 Use conditions re: storage
VERIFIED BY <u>KC</u> DATE: <u>6/5/19</u>	

Board of Appeals

Case No: 18-342 SPH

Case Name: MB5 Properties

Exhibit List p.2

Party: Owner Petitioner

Date: June 4, 2019

Exhibit No:	Description:
KC 6/5/19 ✓ 10 only ✓ 11 A-B	Photos - 3800 Chestnut Rd. - impeachment purpose only
12-18-19 admitted ✓ 12	BCZR definition § 101 - Office
admitted ✓ 13	BCZR § 230.2 - EXCERPT
KC 12/23/19 10 only ✓ 14	Aerial Photograph - My Neighborhood #2216 PotSpung "
Day 4 2-12-20 admitted ✓ 15	Photo - Bobcat 927 Bowleys Qtrs Rd
admitted ✓ 16	" 1311 Bowley Quarters Rd
✓ 17	" 1310 Bowley Quarters Rd
✓ 18	" 1010 Bowley Qtrs Rd
✓ 19	Photos of subject property (61)
✓ 20	Photos 1-4 of rear of subject prop
✓ 21	1-7 Photos - Interior of large building
✓ 22	CD - Security Camera 10-entries
✓ 23	Still Photos (1-7) of site off security/cam's
✓ 24	1-4 Photos 318 Pennsylvania Ave
VERIFIED BY <u>KC</u> DATE: <u>2/14/2020</u>	

Rel Noz

GC	Job Name	Job Address
A-Del	Beebe South Coastal <i>Hosp. FNL</i>	32750 Roxana Rd. Frankford, DE 19945
Southway	104 University West Apartments	104 West University Pkwy, Balt, MD 21210
USC	Perry Point <i>U. P.</i>	Avenue D & 5th Street
Whiting-Turner	Roland Park Place	830 West 40th St
Whiting-Turner	Coastal Hospice at The Ocean	The Point at Ocean Pines, Berlin, MD 21811
Whiting-Turner	Elk River Manor	301 Elk River Manor Road, Northeast MD 21901
Whiting-Turner	Delaware Food Bank	222 Lake Drive, Newark, DE 19702
Whiting-Turner	Beebe Hybrid OR <i>Hosp. FNL</i>	424 Savannah Rd, Lewes, DE 19958
Whiting-Turner	Good Samaritan <i>Hosp. FNL</i>	5601 Loch Raven Blvd., Baltimore, MD 21239
Whiting-Turner	Notre Dame Steam Addition <i>school</i>	815 Hampton Lane, Towson, MD 21286
Whiting-Turner	Pepco	630 MLK Blvd Wilmington DE 19801
Whiting-Turner	Washington College	445 S Cross St, Chestertown, MD 21620
Whiting-Turner	Easton Elementary School	307 Glenwood Avenue, Easton, MD
Whiting-Turner	South Coastal Hospice-Beebe <i>Hosp. FNL</i>	32750 Roxana Rd. Frankford, DE 19945
Whiting-Turner	Bryn Mawr <i>school</i>	109 W. Melrose Ave., Baltimore, MD 21210
Whiting-Turner	Walter P. Carter <i>school</i>	820 E. 43rs Street, Baltimore, MD 21212
Whiting-Turner	Freetown Village Pasadena	7830 Levy Court, Pasadena, MD 21122
Whiting-Turner	Residence Inn by Marriott-Rehoboth	18964 John J. Williams Hwy, Rehoboth DE 19971
Whiting-Turner	PRMC-Fire Pump Room	100 East Carroll Street
MacKenzie	Royal Farms 008-Interior	1630 West Joppa Rd, Towson, MD 21204
MacKenzie	Starbucks-Kent Island	450 Thompson Creek Mall, Stevensville, MD 21666
MacKenzie	Royal Farms 12	5 East Timonium Rd, Timonium, MD 21666
MacKenzie	Remedi II	Yellow Brick Road, Baltimore, MD 21220
MacKenzie	Annapolis Marina	4th and Severn Avenue, Annapolis, MD 21403
MacKenzie	Benfield	565 Benfield Rd, Severna Park, MD 21146
Chesapeake Cont	Shops at Kenilworth	800 Kenilworth Drive, Towson MD
Obrecht	Bill Kidds Volvo	10630 York Rd, Cockeysville, MD 21030
Obrecht	Chesapeake Urology Salisbury	1111 Mt Herman Rd, Salisbury, MD 21804
Grauls Market	Grauls Market	Ruxton MD
Scheibel	GPO Concrete	732 North Capitol St, MW, Washington DC 20401

Petitioner
CBA Exhibit

2

**VICTORY STEEL CO., INC.**

6400 BECKLEY STREET
BALTIMORE, MD 21224
410-631-9123

Invoice

INVOICE: 107986 ✓
DATE: 01/18/19 ✓

Bill To:

BAY COUNTRY PROF CONCRETE
1101 BOWLEY'S QUARTERS RD
MIDDLE RIVER, MD 21220

Ship To:

EASTON ELEMENTARY SCHOOL ✓
EASTON, MD.

Customer	Rep	Terms	Ship Via	BOL No
BAYC	RC	1/2% 10, NET 30	OUR TRUCK	

Project U-9306 - EASTON ELEMENTARY SCHOOL

Description				QTY	U/M	Price Each	Amount
BLACK REBAR				18,178	LBS	.4800	8,725.44
Shop Order	Release	Type	Part Number				
199020	9020.	REBAR	B0360	106	LBS		
		REBAR	B0460	8,753	LBS		
		REBAR	B0560	8,640	LBS		
		REBAR	B0860	679	LBS		
6.000% (MARYLAND)							
Sub - Total						8,725.44	
Tax						523.53	
Invoice Total						9,248.97	✓

check #
12402
2/8/19

Petitioner
CBA Exhibit

3

Pol No 3
2/28/19

A

**VICTORY STEEL CO., INC.**6400 BECKLEY STREET
BALTIMORE, MD 21224
410-631-9123**Invoice**

INVOICE: 107403 ✓

DATE: 12/06/18 ✓

Bill To:BAY COUNTRY PROF CONCRETE
1101 BOWLEY'S QUARTERS RD
MIDDLE RIVER, MD 21220**Ship To:**EASTON ELEMENTARY SCHOOL ✓
EASTON, MD.

Customer	Rep	Terms	Ship Via	BOL No
BAYC	RC	1/2% 10, NET 30	OUR TRUCK	

Project U-9306 - EASTON ELEMENTARY SCHOOL

Description				QTY	U/M	Price Each	Amount
BLACK REBAR				18,897	LBS	.4800	9,070.56
Shop Order	Release	Type	Part Number				
188448	8448.	REBAR	B0360	203	LBS		
		REBAR	B0460	4,975	LBS		
		REBAR	B0560	11,812	LBS		
		REBAR	B0760	736	LBS		
		REBAR	B0860	1,171	LBS		
6.000% (MARYLAND)							
						Sub - Total	9,070.56
						Tax	544.23
						Invoice Total	9,614.79 ✓

Rec'd 12/11/18

B



VICTORY STEEL CO., INC.
6400 BECKLEY STREET
BALTIMORE, MD 21224
410-631-9123

Invoice

INVOICE: 107101 ✓
DATE: 11/08/18 ✓

Bill To:

BAY COUNTRY PROF CONCRETE
1101 BOWLEY'S QUARTERS RD
MIDDLE RIVER, MD 21220

Ship To:

EASTON ELEMENTARY SCHOOL ✓
EASTON, MD.

Customer	Rep	Terms	Ship Via	BOL No			
BAYC	RC	1/2% 10, NET 30	OUR TRUCK				
Project U-9306 - EASTON ELEMENTARY SCHOOL							
Description				QTY	U/M	Price Each	Amount
UNCOATED REBAR				47,090	LBS		22,020.00
Shop Order	Release	Type	Part Number				
188122	8122.	REBAR	B0360	680	LBS		
		REBAR	B0460	16,868	LBS		
		REBAR	B0560	15,141	LBS		
		REBAR	B0760	8,585	LBS		
		REBAR	B0860	5,816	LBS		
				</			

Check #
12012
11/27/18

Sub - Total 22,020.00
Tax 1,321.20
Invoice Total 23,341.20 ✓

Rec'd 11/13/18

11/15/18

C



SUPPLY & EQUIPMENT

110 COLUMBIA ROAD
SALISBURY, MD 21801
410-546-2900

Page: 1

Remit To:

1685 RIVER ROAD
NEW CASTLE, DE 19720

302-838-6333

Job Site:

BAY COUNTRY PROF CONCRETE LLC
3900 GOOSE HARBOR RD
BALTIMORE, MD 21220

C#: 410-335-4775 J#: 410-335-4775

Customer: 1278

BAY COUNTRY PROF CONCRETE LLC
3900 GOOSE HARBOR RD
BALTIMORE, MD 21220

SALES INVOICE

Invoice #... 597988-0001
System date. 12/11/18

Invoice date 12/11/18 7:11 AM
Job Loc..... EASTON ELEM
Job No..... EASTON, MD
P.O. #..... VERBAL
Ordered By.. MARK BRANNON
Terms..... Net 30 Days

Written by.. TS002GS

Qty	Item number	Unit	Price	Amount
1000	6X6-10/10 WIRE MESH MAT 5'X10' W EA 6610M ORIGINAL BACKORDER QUANTITY: 1000.0 CURRENT B/O QUANTITY: 1000.0 Send 1000 sheets beginning week of 12-10 send another 1000 week of 12-17, mon or tues.		6.190	6190.00
	DELIVERY CHARGE DELIVERY INSTRUCTIONS: 307 Glennwood Ave Easton, MD 21601 Ryan; 410-913-8218			
			Sub-total:	6190.00
			Tax:	371.40
			Total:	6561.40

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IF THE EQUIPMENT DOES NOT WORK
PROPERLY, NOTIFY THE OFFICE AT ONCE

MULTIPLE SHIFTS OR
OVERTIME RATES APPLY

CUSTOMER IS RESPONSIBLE FOR
REFUELING, DAMAGES OR REPAIRS

1. I, The undersigned renter, specifically acknowledge that I have received and understand the instructions regarding the use and operation of the rented equipment.
2. Renter further acknowledges that he has read and fully understands the within equipment rental contract and agrees to be bound by all of the terms, conditions and provisions hereof. THIS IS YOUR CONTRACT, READ BOTH SIDES BEFORE SIGNING.
3. Renter acknowledges that he has received a true and correct copy of this agreement at the time of execution hereof.

X

CUSTOMER SIGNATURE

DATE

NAME PRINTED

DELIVERED BY

DATE

Terms: Payment Due Net 30 - Delinquency charges, at the maximum monthly rate allowed by law, will apply 30 days from the date of invoice.

D

CHANEY

ENTERPRISES

P.O. Box 824896
Philadelphia, PA 19182-4896

INVOICE

INVOICE NUMBER	INVOICE DATE
219010633	1/31/2019
ACCOUNT NUMBER	INVOICE TOTAL
BAY025	11,368.07
SALES REP	
Traci Haas	
TERMS	
0 UNUSED 0 DAYS / NET 30 DAYS	

Billing Inquiry 301-632-3015
Sales Support 301-932-5032
Sales Support Fax 301-843-9123
Customer Service 1-888-4-CHANEY
Credit/Collections 301-932-5353

7260 1 AB 0.412 E0041X 10080 D4488808214 S2 P6117410 0001:0001



BAY COUNTRY PROFESSIONAL CONCR
3900 GOOSE HARBOR RD
BALTIMORE MD 21220-4038

						MATERIAL CHARGES		HAUL CHARGES		
DATE SHIPPED	REFERENCE TICKET	PURCHASE ORDER #	LOT #	PRODUCT #	PRODUCT DESCRIPTION	UNIT SHIPPED	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
ob #56 - EASTON ELEM BUILDING*S (Zone - EASTON)										
1/22/2019	3542291		25		#57 STONE	22.32	12.00	267.84	12.00	267.84
1/22/2019	3542296		25		#57 STONE	22.89	12.00	274.68	12.00	274.68
1/22/2019	3542298		25		#57 STONE	22.30	12.00	267.60	12.00	267.60
1/22/2019	3542300		25		#57 STONE	21.13	12.00	253.56	12.00	253.56
1/22/2019	3542307		25		#57 STONE	21.78	12.00	261.36	12.00	261.36
1/22/2019	3542308		25		#57 STONE	22.04	12.00	264.48	12.00	264.48
1/22/2019	3542310		25		#57 STONE	22.13	12.00	265.56	12.00	265.56
1/22/2019	3542324		25		#57 STONE	20.61	17.30	356.55	6.70	138.09
1/22/2019	3542334		25		#57 STONE	22.60	12.00	271.20	12.00	271.20
01/22/2019	3542374		25		#57 STONE	22.13	12.00	265.56	12.00	265.56
01/22/2019	3542428		25		#57 STONE	21.51	17.30	372.12	6.70	144.12
01/22/2019	3542537		25		#57 STONE	21.00	17.30	363.30	6.70	140.70
01/22/2019	3542632		25		#57 STONE	21.11	17.30	365.20	6.70	141.44
01/23/2019	3542862		25		#57 STONE	21.46	12.00	257.52	12.00	257.52
01/23/2019	3542935		25		#57 STONE	21.16	12.00	253.92	12.00	253.92
01/23/2019	3543036		25		#57 STONE	22.28	12.00	267.36	12.00	267.36
01/23/2019	3543038		25		#57 STONE	21.65	12.00	259.80	12.00	259.80
01/23/2019	3543040		25		#57 STONE	21.47	12.00	254.04	12.00	254.04
01/30/2019	3547114		25		#57 STONE	22.58	12.00	270.96	12.00	270.96
01/30/2019	3547125		25		#57 STONE	22.33	12.00	267.96	12.00	267.96
01/30/2019	3547193		25		#57 STONE	22.61	12.00	271.32	12.00	271.32



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PLEASE EXAMINE AND NOTIFY OF ANY CORRECTIONS.

DISCOUNT	TAXABLE	NON TAXABLE	HAUL	SALES TAX	TOTAL DUE
0.00	5,951.89	0.00	5,059.07	357.11	11,368.07

A Finance Charge of 1.5% Per Month Will Be Added To All Items Which Are Over 30 Days Old

Billing Inquiry 301-632-3015
Sales Support 301-932-5032

ACCOUNT #
BAY025

INVOICE #
219010633



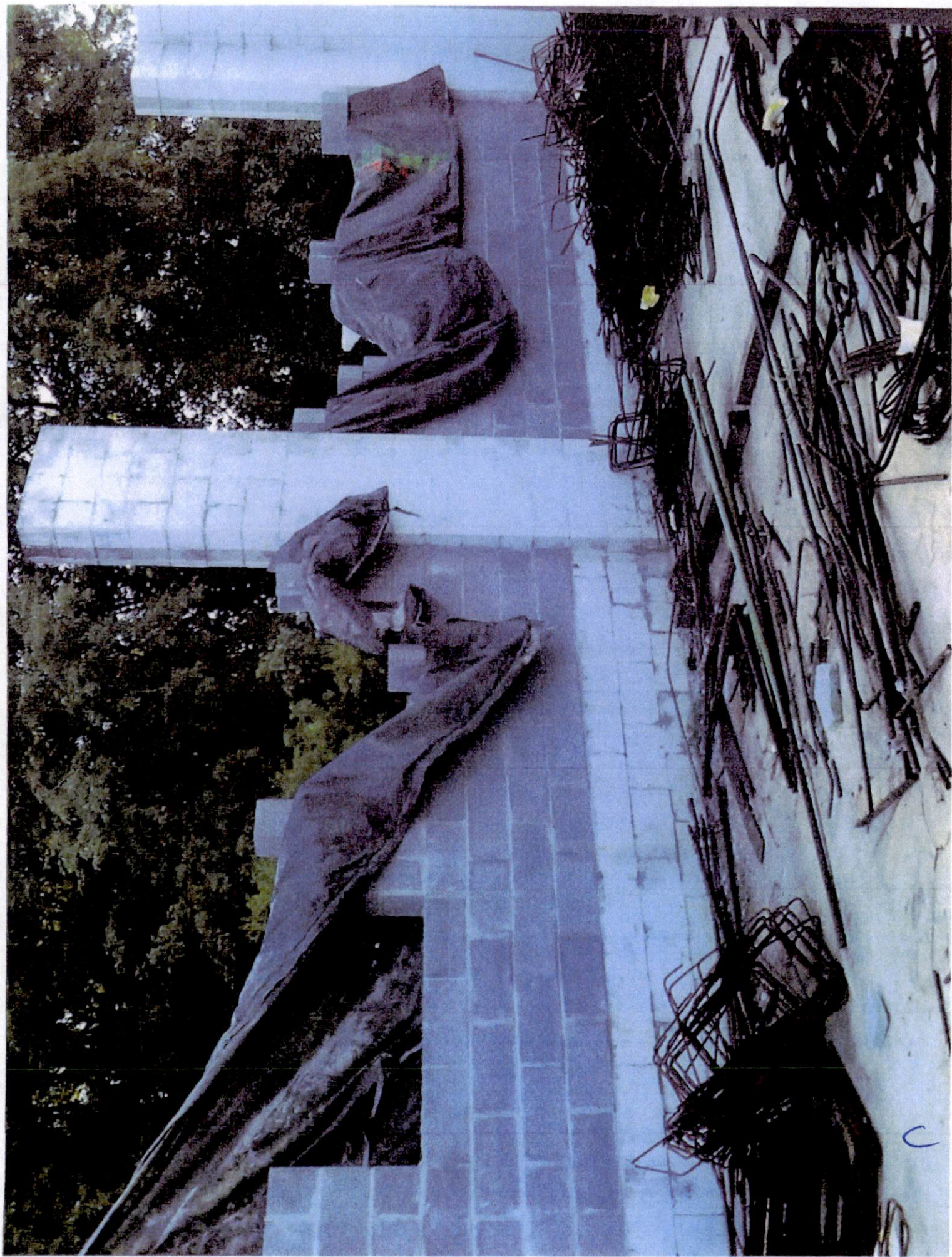
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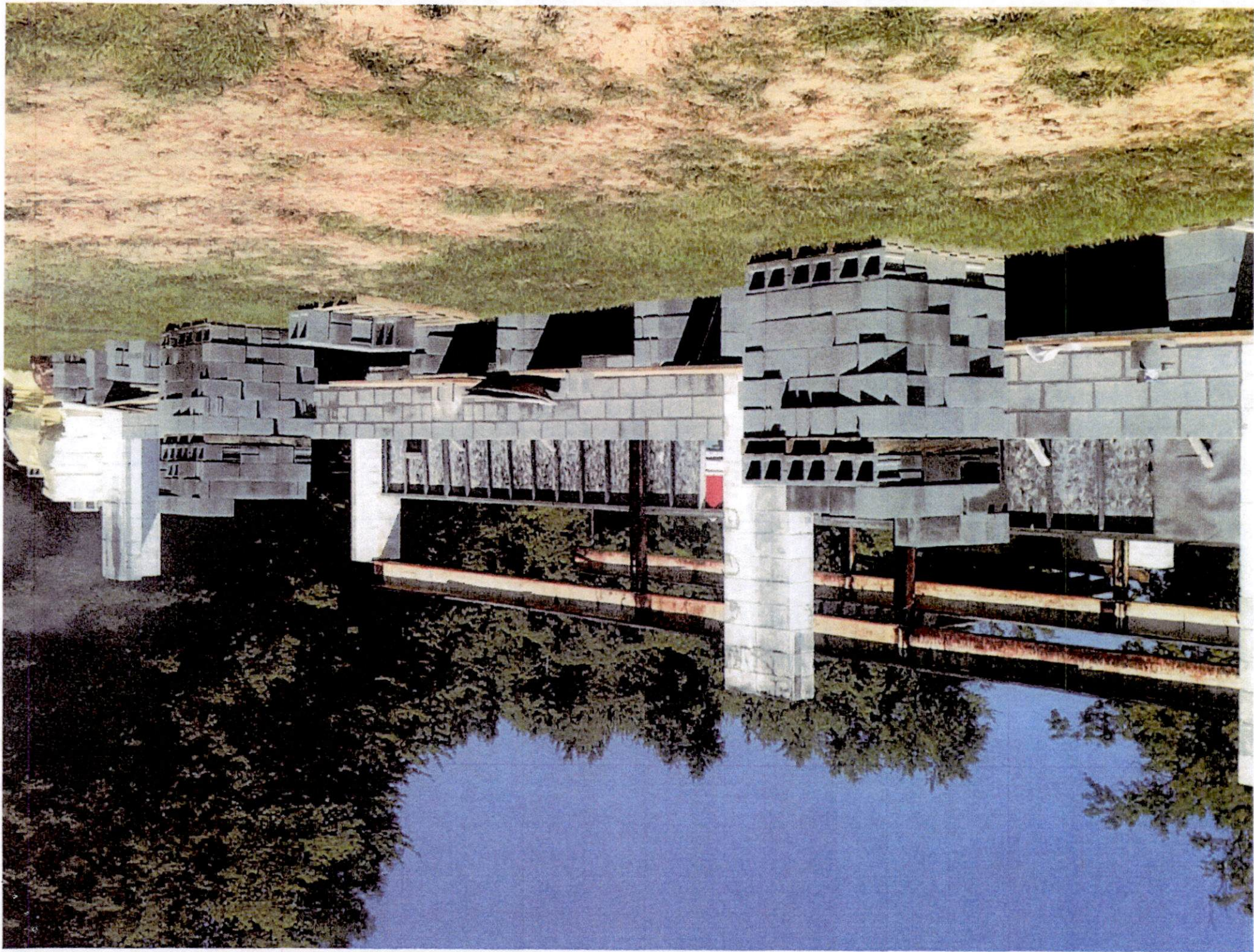
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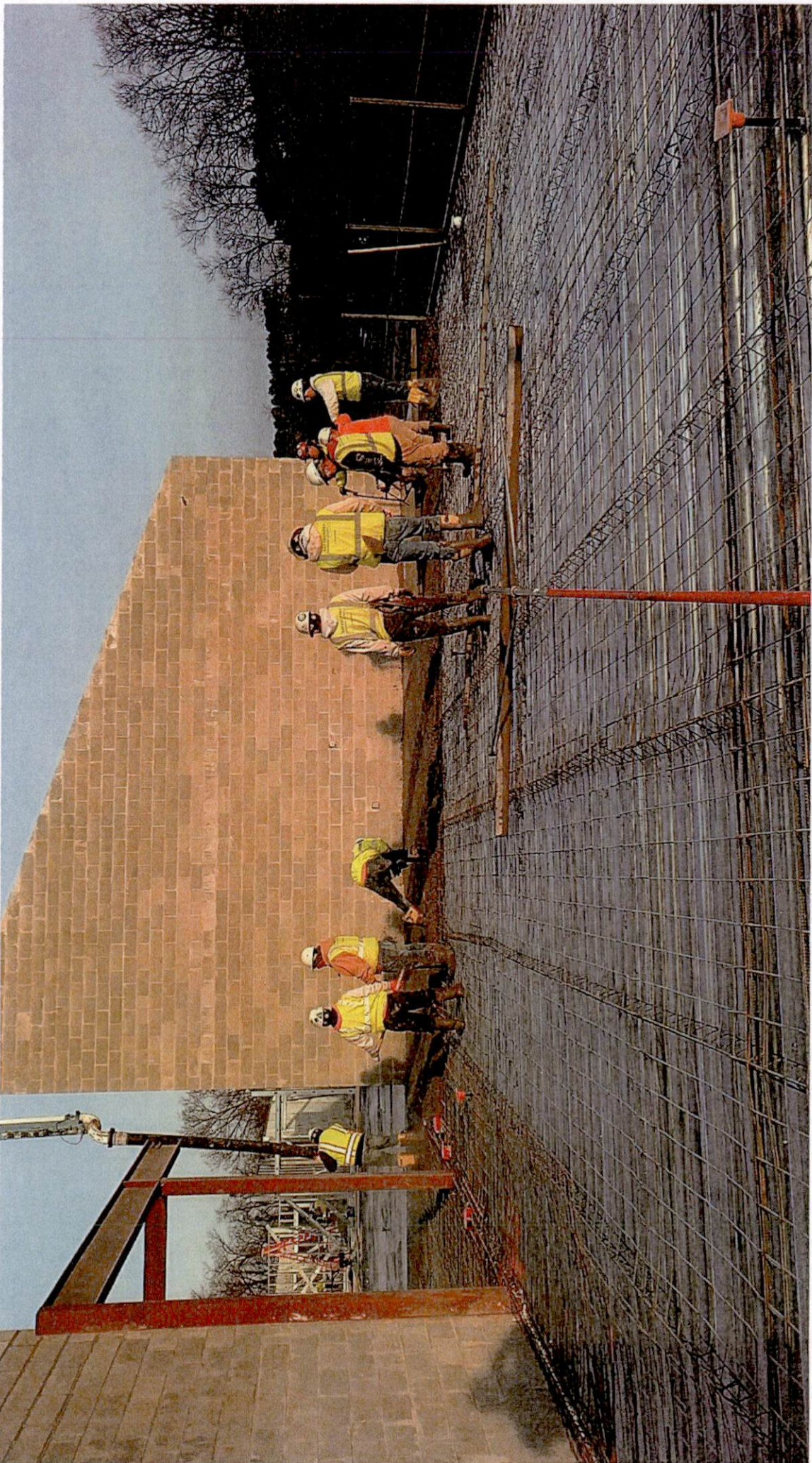
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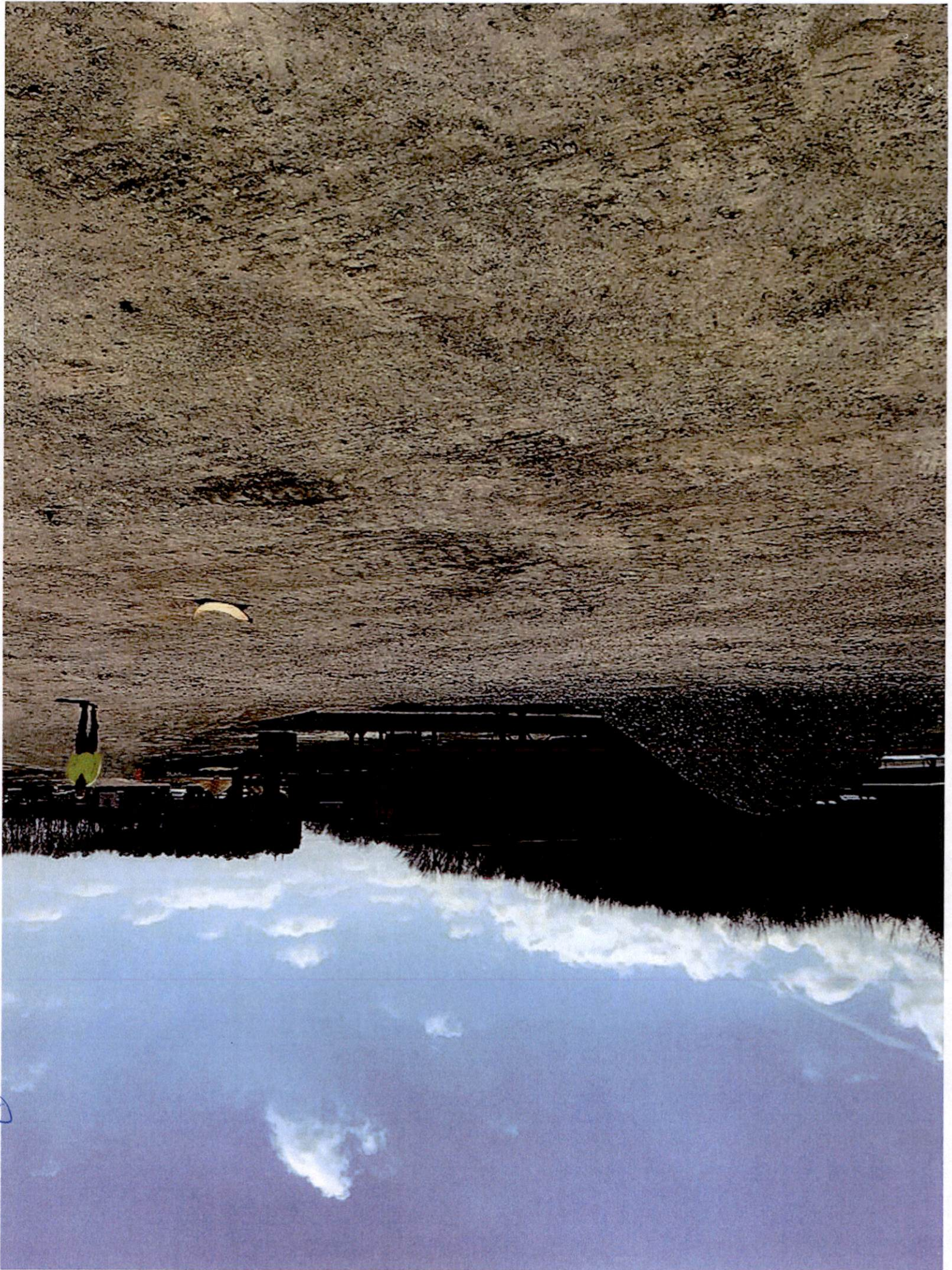
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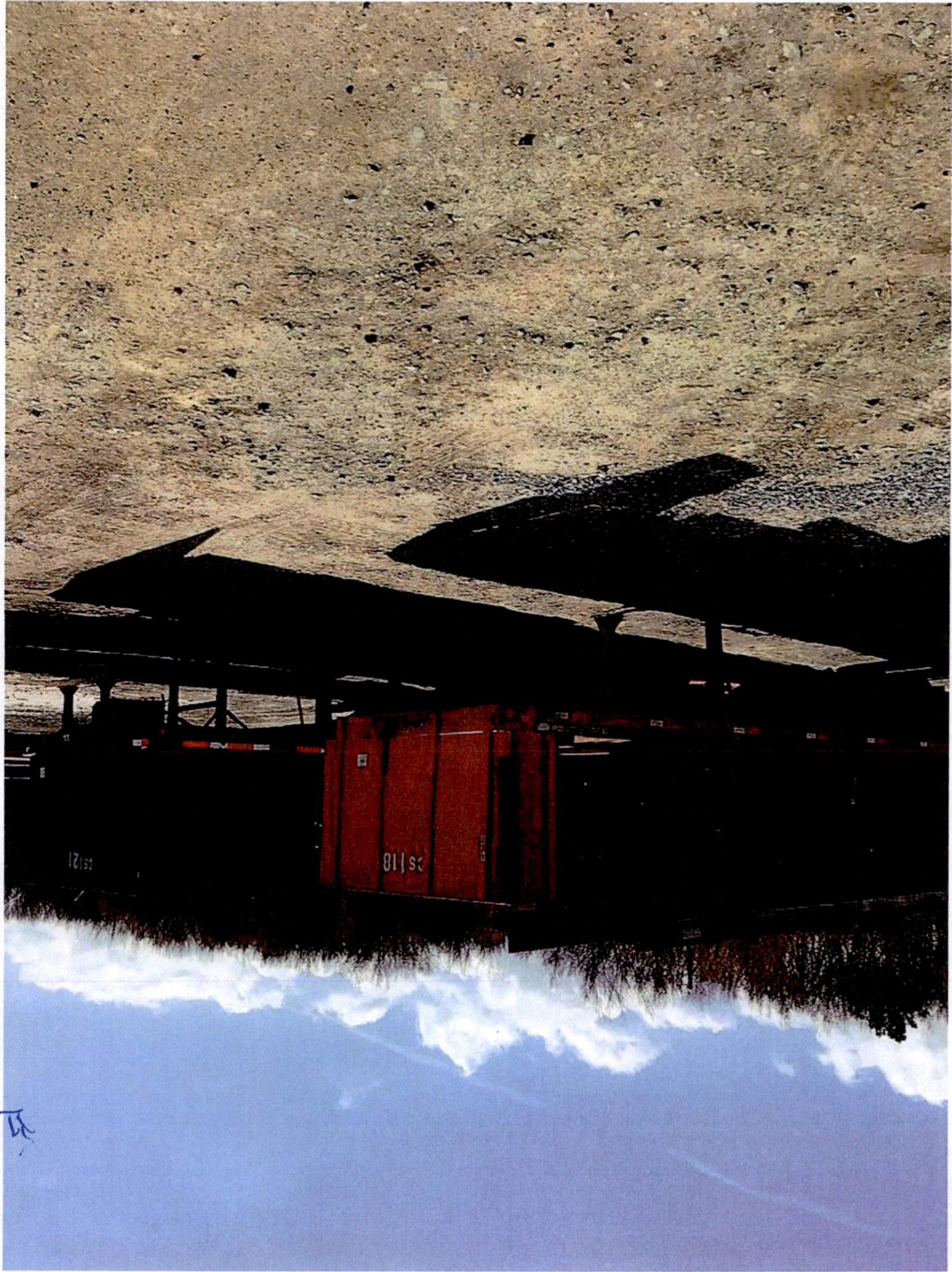


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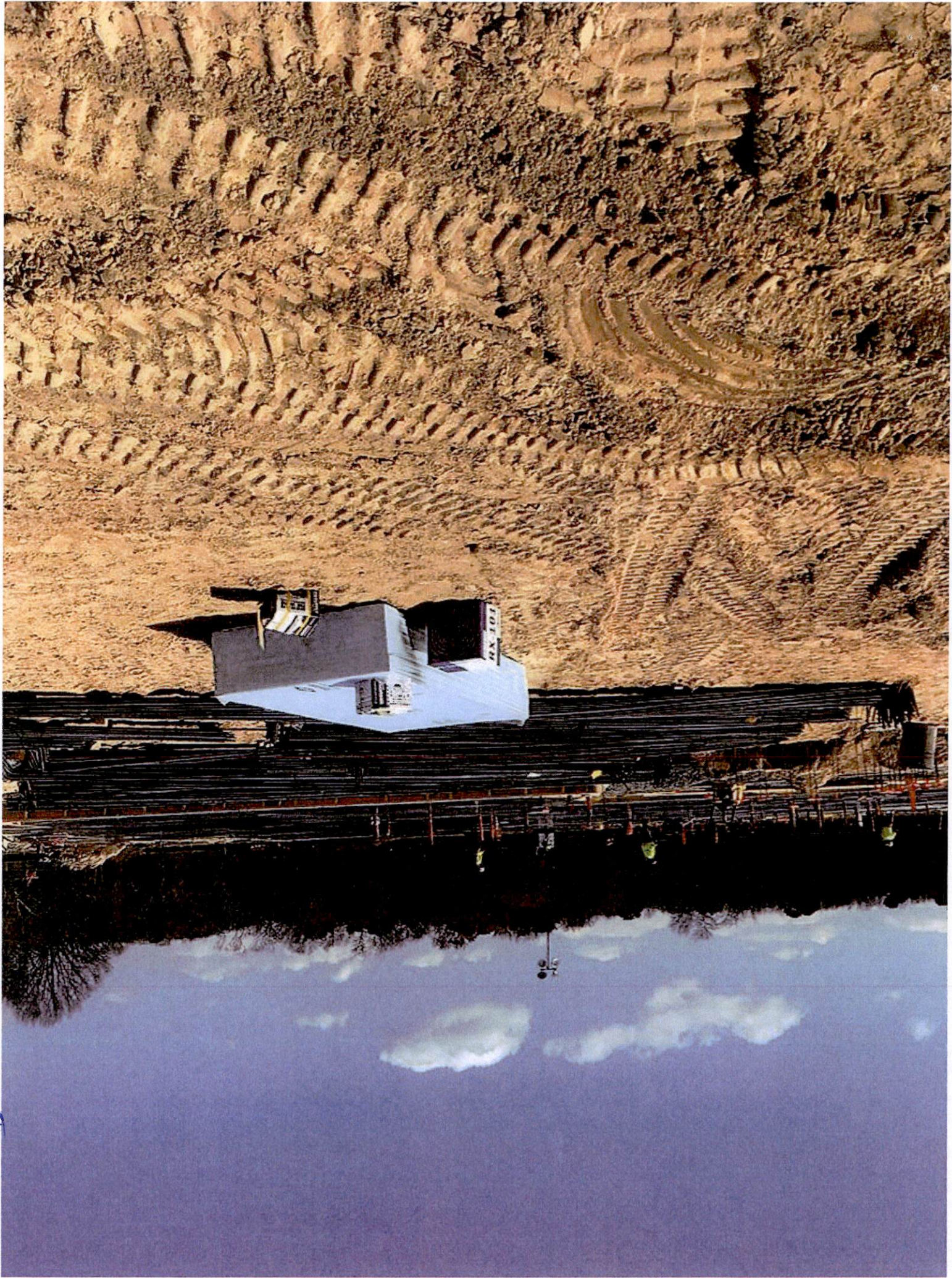


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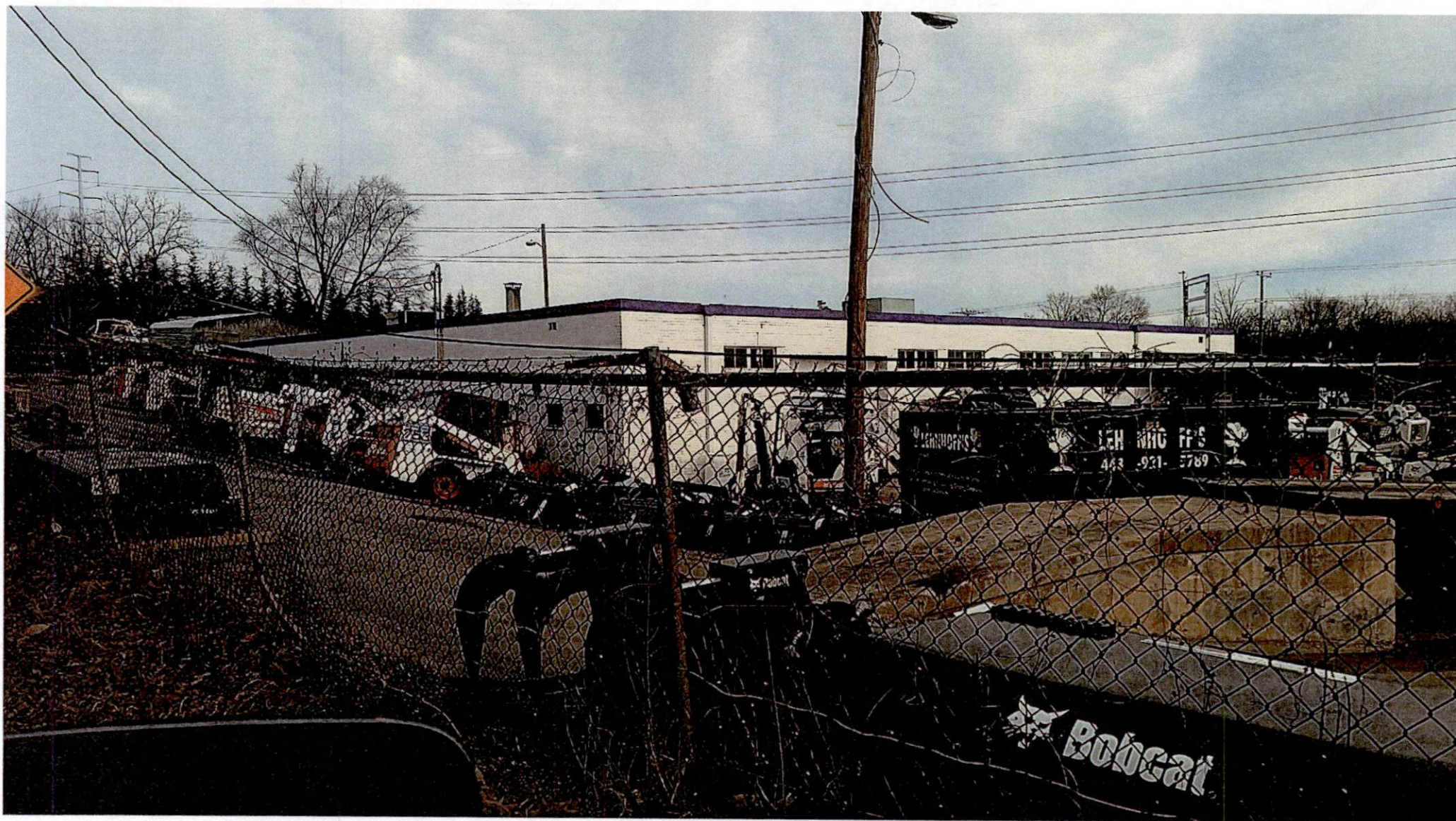
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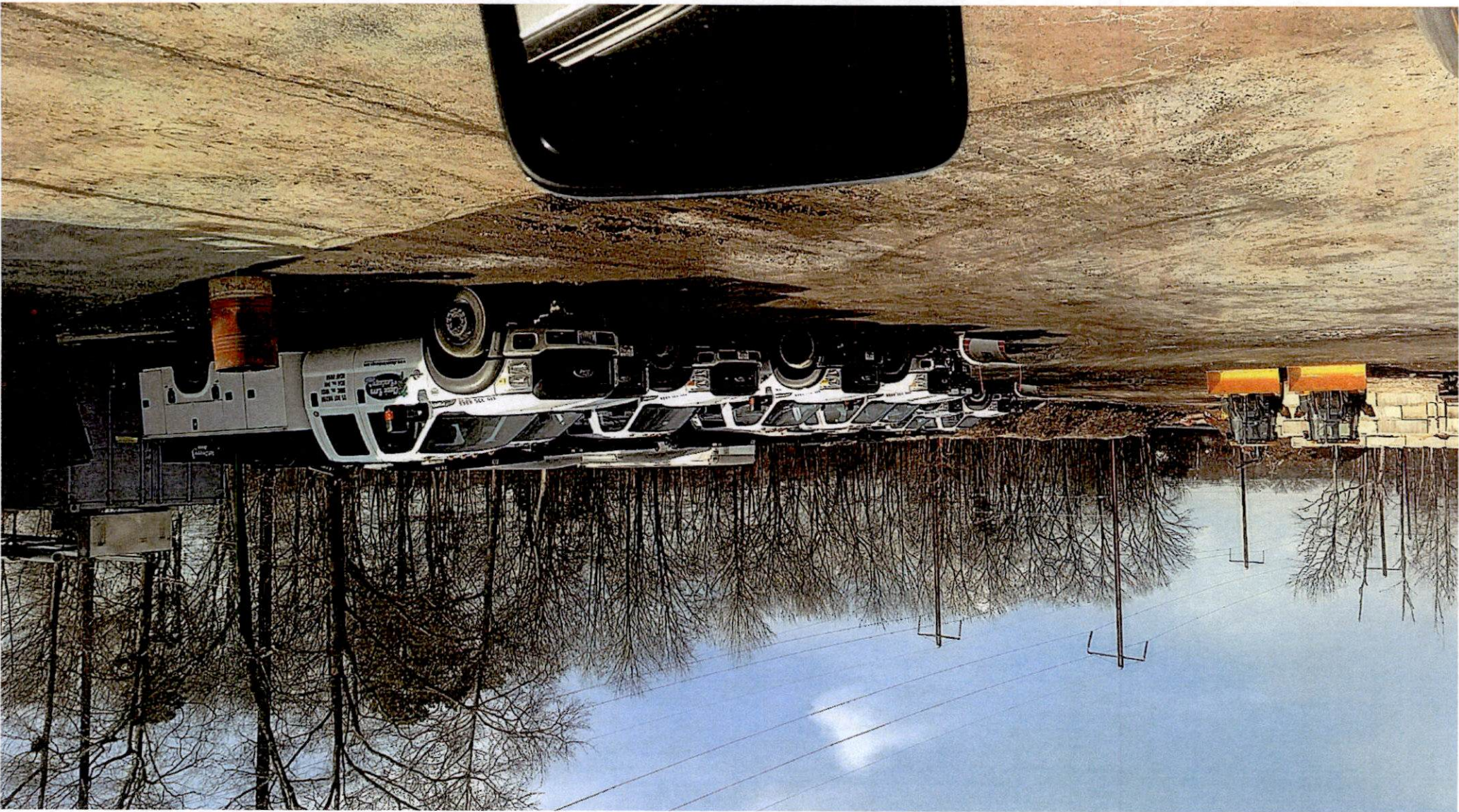


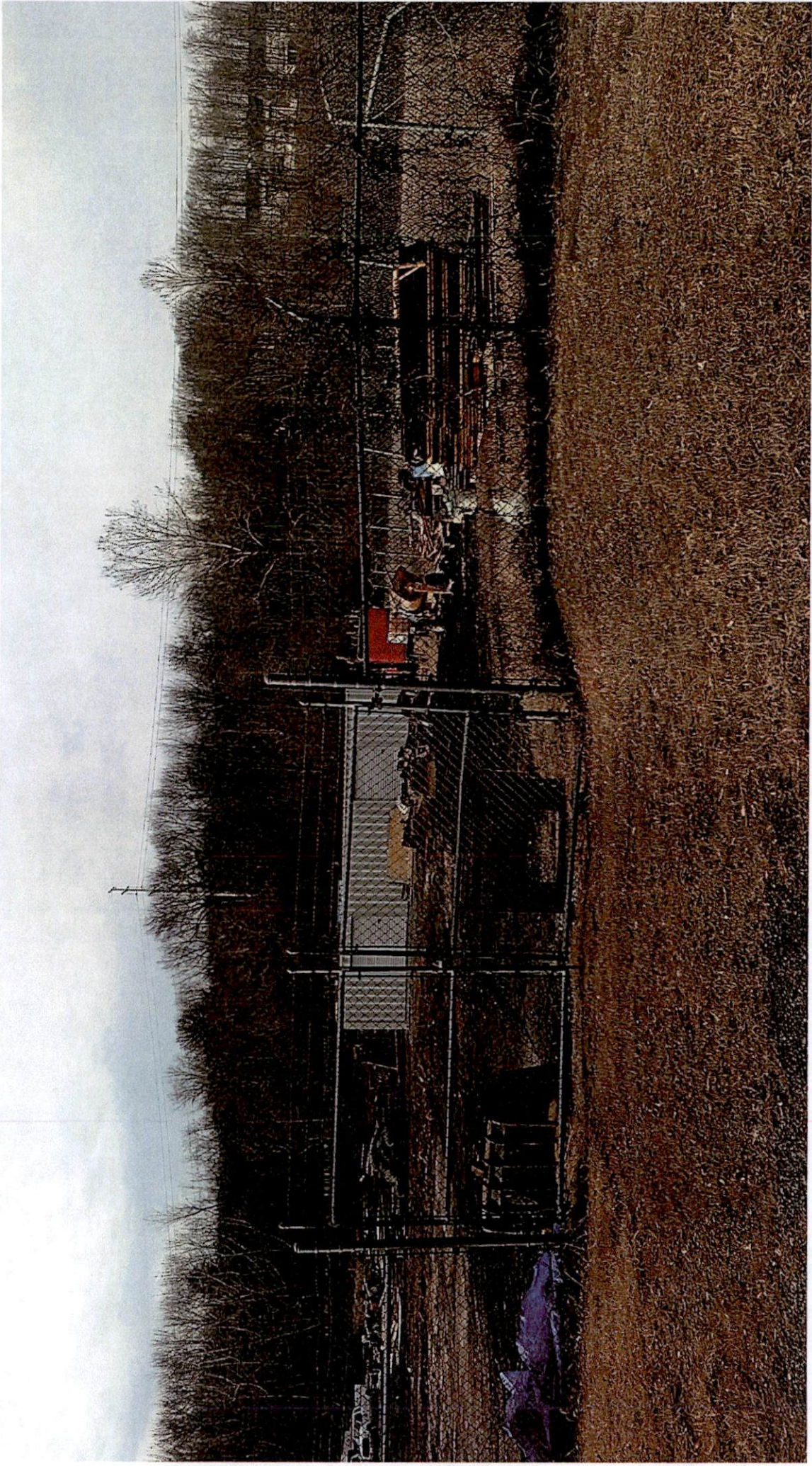
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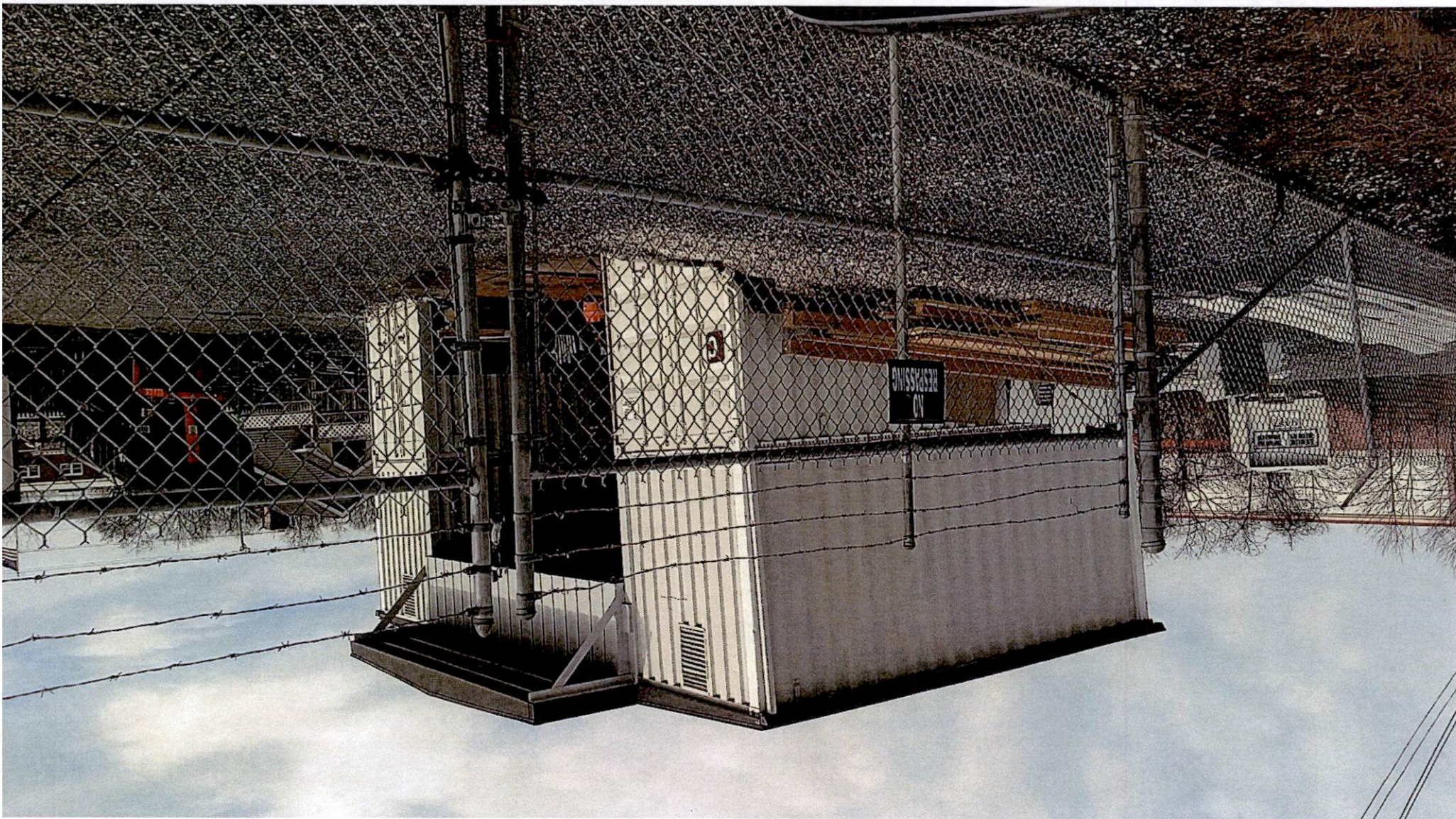


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+1





MITCHELL J. KELLMAN

VICE PRESIDENT | DIRECTOR OF ZONING SERVICES

Education

Towson University, BA, Geography and Environmental Planning, Urban Planning

Towson University, Masters, Geography and Environmental Planning, Urban Planning

Professional Summary

Mr. Kellman has over 30 years of experience working in zoning, subdivision, and development regulations for the public and private sector; 15 of those years were with the Baltimore County Office of Planning and Zoning. His responsibilities included review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and the public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working for DMW, he has extensive experience in testifying before the Baltimore County Zoning Commissioner, Hearing Officer, Administrative Law Judges, and Board of Appeals. He also regularly represents the company at the Baltimore County Development Review Committee meetings. He is also a member of Baltimore County's Design Review Panel, which formulates design recommendations to the Planning staff and Administrative Law Judges, and the Landmarks Preservation Commission.

Partial List of Projects

Delight Quarry, Baltimore County, MD
Hunt Valley Towne Centre, Baltimore County, MD
Charlestown Retirement Community, Baltimore County, MD
Goucher College, Baltimore County, MD
Greenspring Quarry, Baltimore County, MD
Loveton Business Center, Baltimore County, MD
Oakcrest Village Retirement Community, Baltimore County, MD
Sheppard and Enoch Pratt Hospital, Baltimore County, MD
Sparks Corporate Center, Baltimore County, MD
Towson Town Center, Baltimore County, MD

Memberships and Associations

Baltimore County Landmarks Commission, 2014, 2015, 2016, 2017, 2018, 2019
Baltimore County Design Review Panel, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019
Greater Towson Committee, Planning & Development Sub-Committee, 2012, 2013, 2014, 2015, 2016, 2017, 2018
Greater Towson Committee, Government Relations Sub-Committee Chair, 2013, 2014, 2015
Greater Towson Committee Board of Directors - Secretary, 2014, 2015, 2016, 2017, 2018, 2019
Leadership Baltimore County, 2013
Leadership Baltimore County, Class Interviewer, Member, 2015

Professional Experience

Daft-McCune-Walker, Inc., Towson, MD: 2000-Present
Baltimore County Zoning Review Office, Towson, MD: 1985-2000

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Imagery ©2019 DigitalGlobe, Map data ©2019 Google 50 ft

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Commonwealth of Virginia, Microsoft

B



Petitioner
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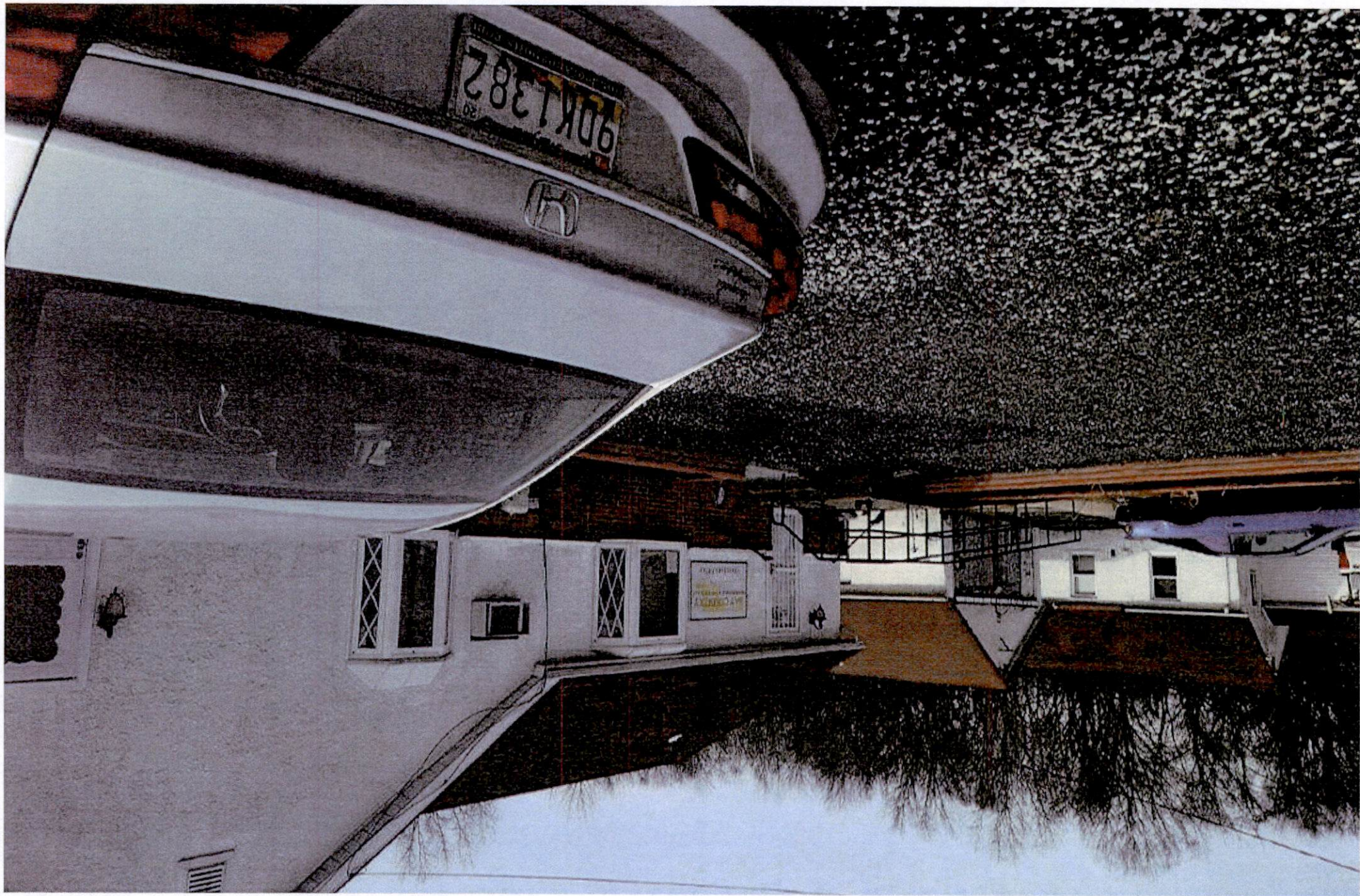




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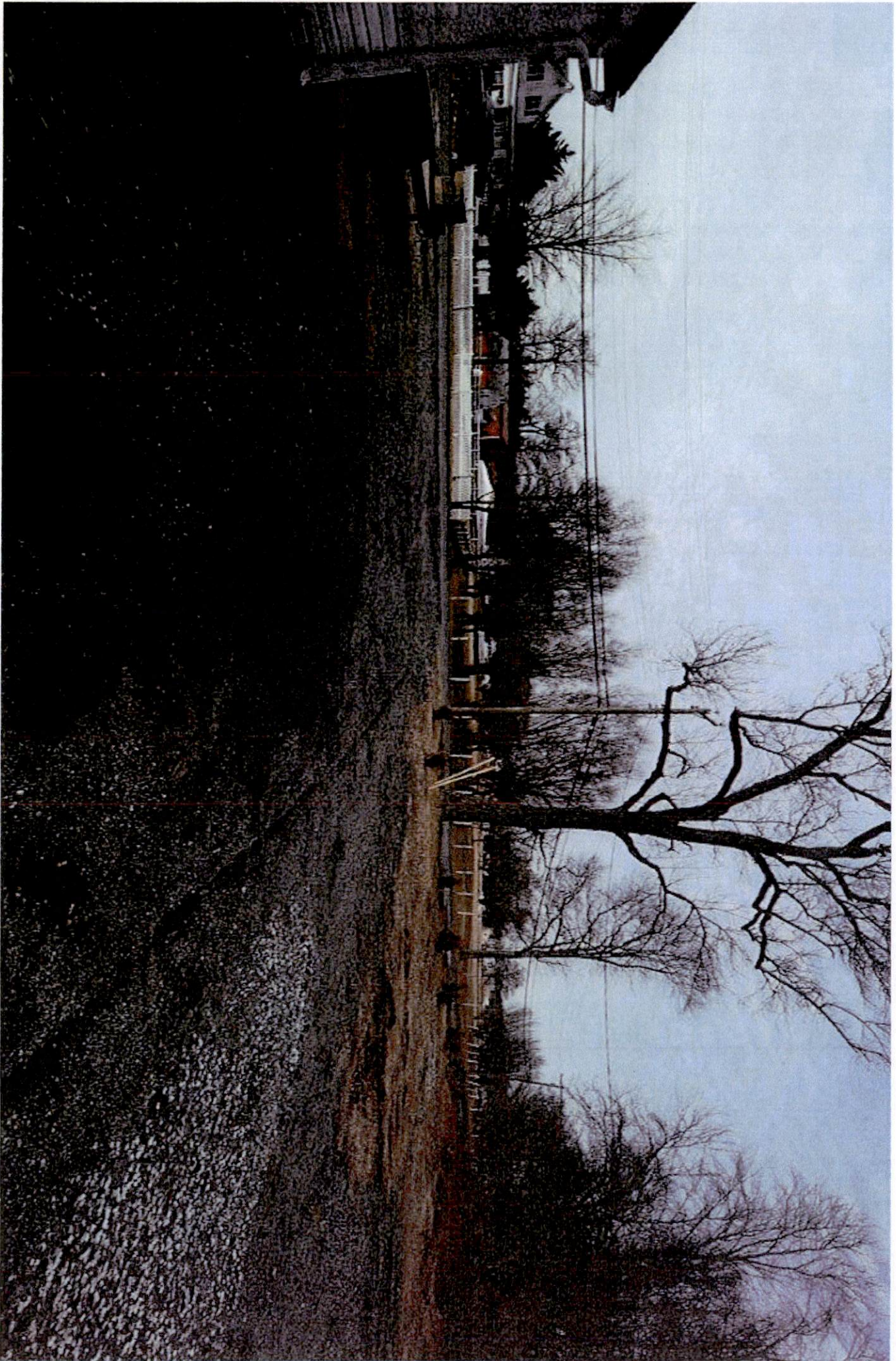


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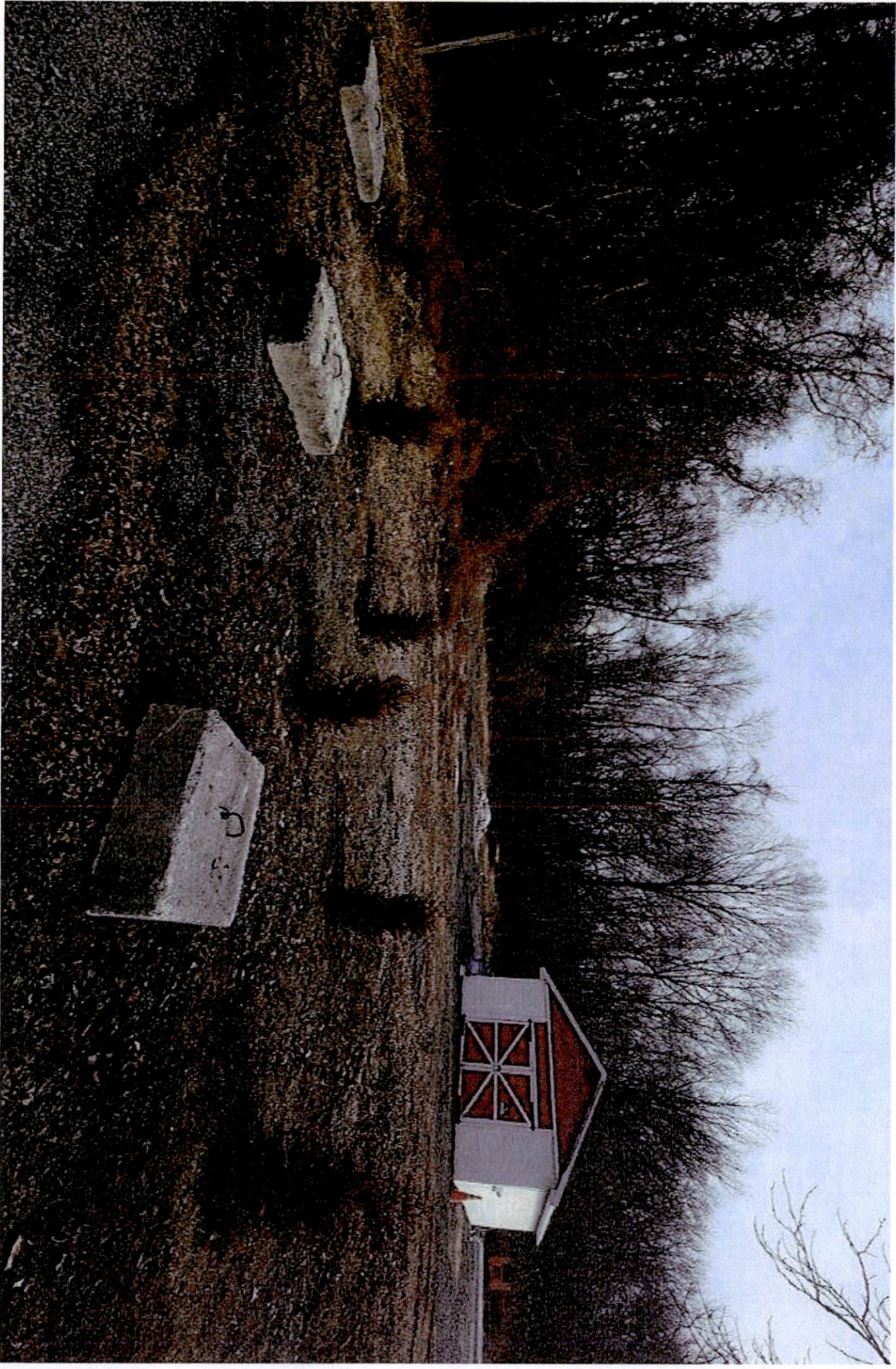


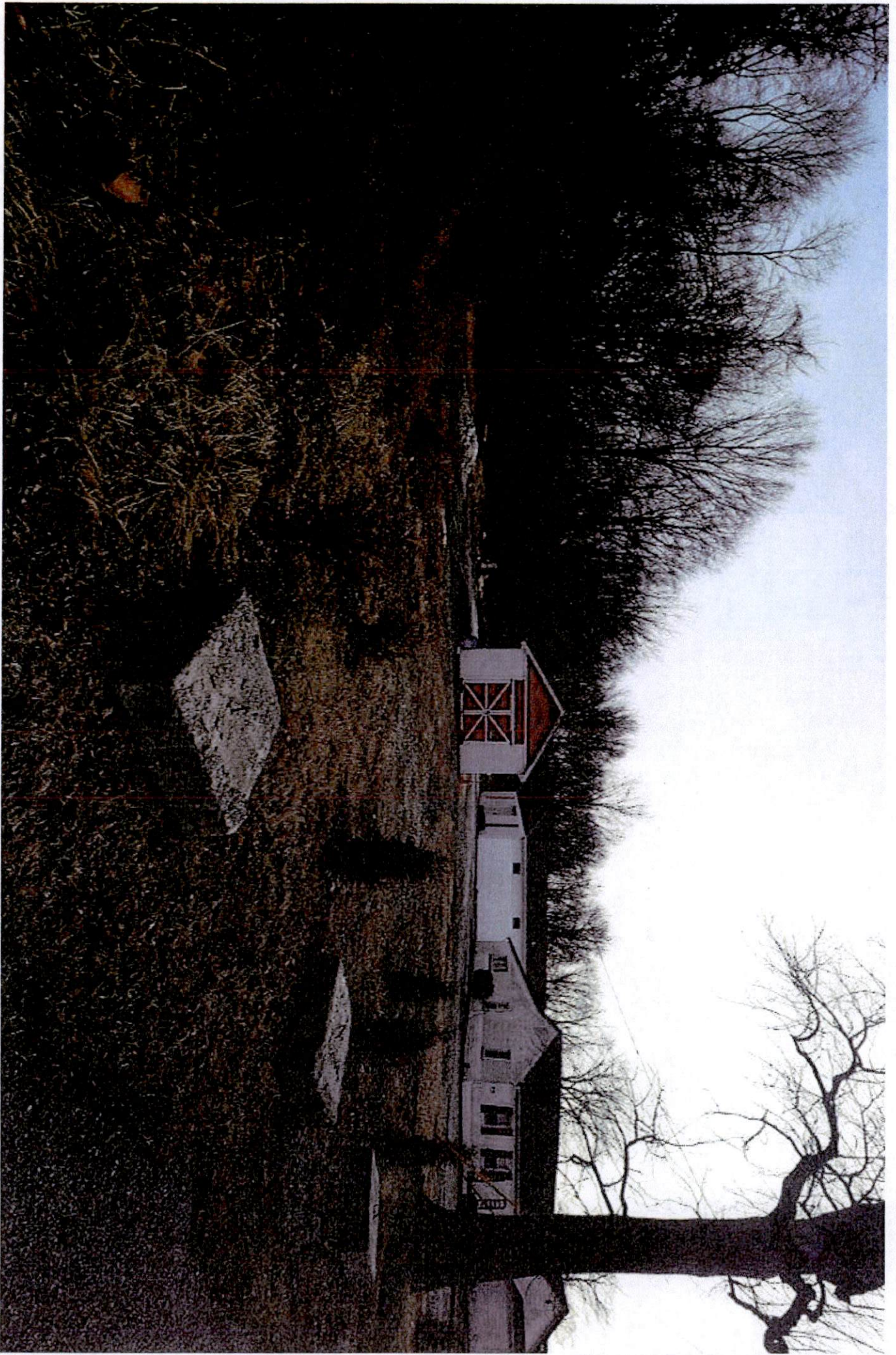
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§ 101.1. - Word usage; definitions.

[Bill No. 149-1987]

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of these regulations, certain terms and words are defined below.

Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged.

ACCESSORY APARTMENT — A second living quarters within a principal single-family detached dwelling or within an accessory building situated on the same lot as the principal single-family detached dwelling and in compliance with Section 400, with dedicated bathing and cooking facilities, and located on owner-occupied property, subject to the following:

[Bill No. 49-2011]

- A. The owner may occupy either the principal dwelling or the accessory apartment;
- B. The occupant(s) of the accessory apartment and the occupant(s) of the principal single-family detached dwelling shall be immediate family, related as grandparents, parents, or parents' children by blood, marriage or adoption;
- C. The accessory apartment is provided without compensation; and
- D. The accessory apartment, whether located within the principal dwelling or in the accessory building, shall comply with all laws, regulations, and codes affecting residential occupancy.

ACCESSORY BUILDING — One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. A structure connected to a principal building by a covered passageway or with one wall in common shall not be considered an accessory building.

ACCESSORY USE OR STRUCTURE — A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use.

[Bill Nos. 100-1970; 26-1988] ^[1]

AGRICULTURE, COMMERCIAL — The use of land, including ancillary structures and buildings, to cultivate plants or raise or keep animals for income, provided that the land also qualifies for farm or agricultural use assessment pursuant to § 8-209 of the Tax-Property Article of the Annotated Code of Maryland, as amended. Commercial agriculture includes the production of field crops, dairying, pasturage agriculture, horticulture, floriculture, aquiculture, apiculture, viticulture, forestry, animal and poultry husbandry, the operation of an equestrian center, horse breeding and horse training and also includes ancillary activities such as processing, packing, storing, financing, managing, marketing or distributing, provided that any such activity shall be secondary to the principal agricultural operations.

[Bill Nos. 51-1993; 24-2002]

AIRPORT — Any area of land or water designed and set aside for landing or taking off of aircraft.

ALLEY — A right-of-way 20 feet or less in width, designated as an alley on either an unrecorded or recorded plat or dedicated as such by deed, which provides service access for vehicles to the side or rear of abutting property.

AMATEUR ATHLETIC ASSOCIATION — A nonprofit association formed for the purpose of promoting and advancing amateur sports. Such use may include administrative offices; classrooms and other facilities for player, coach, and referee training; research facilities; meeting rooms and multiday conference facilities; exhibits; indoor or outdoor recreational space and fields, including accommodations for public spectators; and any similar activities related to the amateur sport.

[Bill No. 61-2012]

AMBULATORY — A roofed area, leading to but outside of the main entrance of a nonresidential building, which may be enclosed for purposes of energy conservation and which may be used only as a passageway.

[Bill No. 85-1983] ^[2]

AMENITY OPEN SPACE — The available open space on a lot minus the area used for vehicular traffic, maneuvering and parking. In addition to uncovered ground area, the term includes such usable uncovered open area of buildings suitably improved as open space and designated by the owner for the use of occupants or the public and, in enclosed malls in designated town centers, such usable covered open area than parking areas, suitably improved as open space and designated by the owner for the use of occupants or the public.

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MUSEUM — A building or buildings serving as a repository for a collection of natural, scientific, historic, artistic, or literary objects designed to be viewed by members of the public, which collection has an appraised value in excess of \$20,000,000.00. The following activities are included in the definition of a museum: acquisition, conservation, documentation, study, exhibition, and educational interpretation of such objects.

[Bill No. 6-2008]

NANOBREWERY — An establishment that produces and bottles, on site, no more than 3,000 barrels of malt beverages annually for self-distribution, and no more than 500 barrels annually for on-site consumption.

[Bill No. 19-2015]

NEIGHBORHOOD CAR RENTAL AGENCY — The principal use of land for the rental of motor vehicles weighing 7,000 pounds (GVW) or less, including the parking of no more than 25 such vehicles on the premises. The term does not include a business that rents or leases motor vehicles as an accessory use, or rents or leases trailers, or trucks weighing over 7,000 pounds (GVW), or supplies limousines for hire, or that is a taxicab service. (See also "garage, service.")

[Bill No. 122-2005]

NIGHTCLUB — A tavern or other commercial establishment which provides live or recorded entertainment, with or without a dance floor, and which is categorized as a nightclub by the Building Code of Baltimore County.

[Bill No. 110-1993]

NONCONFORMING USE — A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective "nonconforming" is a nonconforming use.

[Bill No. 18-1976]

NONINDUSTRIAL USE — Any use other than an industrial, quasi-industrial or industry-related use.

[Bill No. 178-1979]

NUDITY — A state of dress in which a human buttock, anus, genitalia or female breast is completely bared.

[Bill No. 137-1990]

NUDITY, PARTIAL — A state of dress in which clothing covers no more than the genitals, pubic region and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

[Bill No. 137-1990]

NURSERY, HORTICULTURAL — An agricultural operation primarily engaged in the production and marketing of trees, shrubs and plants. The plant materials may be produced on the premises and may be purchased elsewhere at any stage of maturity for further production. Horticultural nurseries may engage in accessory uses such as storage of plant materials, sale of products necessary for the health of the nursery stock, and provision of limited landscape services. A nursery which sells plant materials grown exclusively on-site and which does not offer any of the accessory services permitted at horticultural nurseries shall be considered a farm.

[Bill No. 41-1992]

NURSERY SCHOOL — A school or a level within a school providing educational instruction for children between two and four years old.

[Bill No. 47-1985]

NURSING HOME (formerly "convalescent home") — A facility which provides board, shelter and nursing care to chronic or convalescent patients. This term also includes facilities which provide domiciliary care within a nursing home.

[Bill No. 37-1988]

OFFICE — A building or portion of a building used for conducting the affairs of a business, profession, service, industry or government, including a medical office. The term "office" does not include a bank, a post office, a veterinarian's office or an establishment where merchandise is stored on or sold from the premises.

[Bill Nos. 13-1980; 167-1980; 37-1988; 186-1994]

OFFICE BUILDING, CLASS A — A principal building that was originally constructed as a one-family or two-family detached dwelling and that is converted by proper permit to office use without any external enlargement for the purpose of creating the office space or otherwise accommodating the office use. For the purposes of this definition, enclosure of a porch of a house or the addition of an exterior stairway at the side or rear of the building does not constitute external enlargement.

[Bill Nos. 13-1980; 170-1991]

OFFICE BUILDING, CLASS B — A principal building used for offices and which is not a Class A office building.

§ 230.1. - Permitted uses.

A. The following uses only are permitted (See Section 230.2):

1. Uses permitted and as limited in the residential zone immediately adjoining, except that animal boarding place, Class A, is permitted only as a special exception and kennel is prohibited.

[Bill No. 85-1967]

2. Convalescent home.
3. Tourist home, boarding or rooming houses.
4. Fast-food, drive-through-only restaurant, carry-out restaurant, fast-food restaurant, and standard restaurant, tearoom, convenience store and dairy barn.

[Bill Nos. 40-1967; 110-1993; 86-1994; 27-2003; 49-2016]

5. Bank, building and loan association.
6. **Offices and office buildings.**
7. Private colleges, dancing schools, conservatory for music and the arts, dormitories and fraternity and sorority houses.

[Resolution of 11-21-1956; Bill No. 47-1985]

8. Business and trade schools.
9. Alcoholic beverage package store
Amusement devices, subject to the provisions of Section 422

[Bill No. 29-1982]

Animal grooming facility

[Bill No. 93-2006]

Antique shop

Arborist, licensed, located in the Parkville Commercial Revitalization District, and provided that no active tree work is performed, no retail sales occur, and no materials including tree limbs, firewood, mulch, wood chips or similar materials are kept or stored, upon the premises. In addition, appropriate screening of the property shall be installed, to the extent possible, in accordance with the Baltimore County Landscape Manual.

[Bill No. 23-2017]Arcade, subject to the provisions of Section 423. A

[Bill No. 29-1982]

Automobile accessory shop

Automobile parking lot

Bakery, but goods baked on the premises must be sold only at retail on the premises, except that wholesale operations are permitted if the bakery is located in a commercial revitalization district and if the retail component of the bakery fronts the street and the wholesale operations are limited to no more than 30 percent of the building's square footage

[Bill No. 86-2009]

Barbershops and beauty shops

[Bill No. 9-1999]

Billiard and pool rooms

[Bill Nos. 61-1967; 85-1967]

Bowling alley

[Resolution of 11-21-1956; Bill Nos. 58-1957; 85-1967]

Temporary or occasional outdoor sales of cut flowers or live plants (not in connection with florists' establishments), provided that the sales area does not exceed 200 square feet and that the sales are carried on for no more than 120 days per year. Before approving an application for any license required, the Zoning Commissioner must approve a site plan for the premises, showing the sales area and the dates on which flowers or plants are to be sold. Any provision of these regulations to the contrary notwithstanding, the Zoning Commissioner's approval of such a license shall expire one year after its issuance; however, such a license may be reapproved annually upon request of the licensee

[Bill No. 174-1981]

Theater, if located in a Commercial Revitalization District on a site formerly used as a theater

[Bill No. 21-2013]

Transit facilities

[Bill No. 91-1990]

Vapor lounge

[Bill No. 16-2014]

Variety and dry goods store

Veterinarian's office

[Bill No. 85-1967]

Veterinarian

[Bill No. 85-1967]

Wireless telecommunications antennas or wireless telecommunications towers, subject to Section 426.

[Bill Nos. 64-1986; 30-1998]

10. Combinations of the above uses.

[Bill No. 111-1968]

11. Accessory uses or structures, including signs (See Section 450), garages and parking spaces for the use of owners, employees, tenants and invitees. A maximum of six coin-operated children's rides are permitted as an accessory use.

[Bill Nos. 111-1968; 29-1982; 89-1997]

12. Nanobrewery.

[Bill No. 19-2015]

§ 230.2. - Permitted use conditions.

All the above uses in Section 230.1 are subject to the following conditions:

- A. They shall be contained, except for signs, restaurants, swimming pools, outdoor sales or display areas, parking lots, helistops or picnic groves within completely enclosed buildings.

[Bill No. 85-1967]

- B. Not more than five persons shall be engaged in the repair or fabrication of goods on the premises.
- C. Not more than five horsepower shall be employed in the operation of any one machine used in repair or fabrication, and not more than 15 horsepower in the operation of all such machines.
- D. Storage and display of materials, vehicles and equipment are permitted in the front yard, but not more than five feet in front of the required front building line.
- E. In case any property line of a commercially zoned corner lot abuts a residential zone on a side street, no separate and distinct commercial use may be made of that portion of the lot which abuts on the side street unless a site plan for the entire corner lot as a commercial unit shall have been approved by the Baltimore County Department of Planning and the Baltimore County Bureau of Engineering, Department of Public Works. Any division of ownership of such lots shall be a subdivision and require approval of the Department of Planning.

[Resolution of 11-21-1956; Bill No. 55-2011]

- F. Where the requirements in Section 230.2.A, B or C would create an undue hardship, the Zoning Commissioner may approve a modified plan upon petition and public hearing thereon. ⁽⁴⁾
- G. A recreational vehicle parking lot is permitted with a use permit, subject to the following:

[Bill No. 102-2006]

1. The recreational vehicle parking lot shall be affiliated with and located within 1,000 feet of a recreational vehicle sales facility.
2. A site plan shall be submitted indicating location and type of structure on the lot in question, ingress and egress, parking arrangement and proximity of buildings on adjacent lots.
3. On the property in question, notice of the application for the use permit shall be conspicuously posted by the Zoning Commissioner for a period of 30 days following the filing of the application.
4. Within the 30-day posting period, any occupant or owner of real property within 1,000 feet of the lot in question may file a formal request for a public hearing with the Zoning Commissioner in accordance with Section 500.7.
5. If a formal request for a public hearing is not filed, the Zoning Commissioner, without a public hearing, may grant a use permit for a recreational vehicle parking lot if the proposed use meets all the requirements of this subsection and any other applicable requirements. The use permit may be issued with such conditions or restrictions as determined appropriate by the Zoning Commissioner to satisfy the provisions of this section and to ensure that the recreational vehicle parking lot is not detrimental to the health, safety or general welfare of the surrounding community.
6. If a formal request for a public hearing is filed, the Zoning Commissioner shall schedule a date for the public hearing to be held not less than 15 days following public notice of such hearing in two newspapers of general circulation and not more than 60 days from the date of filing of the request for public hearing. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:
 - a. His findings following the public hearing; and
 - b. The manner in which the requirements of this section and other applicable requirements are met and any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the recreational vehicle parking lot is not detrimental to the health, safety or general welfare of the surrounding community.
7. Signs are permitted, subject to Section 450.

H. Nanobrewery.

[Bill No. 19-2015]

1. A nanobrewery may sell retail prepackaged beer and growlers for off-site consumption.
2. A nanobrewery may apply for a temporary use permit for an off-site event not exceeding three consecutive days in duration.
3. Food may not be prepared, cooked, sold, or dispensed in any manner on the premises of a nanobrewery. Food purchased off site may be brought onto the premises, if permitted by the establishment.
4. Alcoholic beverages, other than those purchased at a nanobrewery, may not be brought onto or consumed on the premises.

OFFICE — A building or portion of a building used for conducting the affairs of a business, profession, service, industry or government, including a medical office. The term "office" does not include a bank, a post office, a veterinarian's office or an establishment where merchandise is stored on or sold from the premises.

§ 230.2. - Permitted use conditions.

All the above uses in Section 230.1 are subject to the following conditions:

- A. They shall be contained, except for signs, restaurants, swimming pools, outdoor sales or display areas, parking lots, helistops or picnic groves within completely enclosed buildings.

[Bill No. 85-1967]

- B. Not more than five persons shall be engaged in the repair or fabrication of goods on the premises.
- C. Not more than five horsepower shall be employed in the operation of any one machine used in repair or fabrication, and not more than 15 horsepower in the operation of all such machines.
- D. Storage and display of materials, vehicles and equipment are permitted in the front yard, but not more than five feet in front of the required front building line.
- E. In case any property line of a commercially zoned corner lot abuts a residential zone on a side street, no separate and distinct commercial use may be made of that portion of the lot which abuts on the side street unless a site plan for the entire corner lot as a commercial unit shall have been approved by the Baltimore County Department of Planning and the Baltimore County Bureau of Engineering, Department of Public Works. Any division of ownership of such lots shall be a subdivision and require approval of the Department of Planning.

[Resolution of 11-21-1956; Bill No. 55-2011]

- F. Where the requirements in Section 230.2.A, B or C would create an undue hardship, the Zoning Commissioner may approve a modified plan upon petition and public hearing thereon. ^[4]
- G. A recreational vehicle parking lot is permitted with a use permit, subject to the following:

[Bill No. 102-2006]

1. The recreational vehicle parking lot shall be affiliated with and located within 1,000 feet of a recreational vehicle sales facility.
2. A site plan shall be submitted indicating location and type of structure on the lot in question, ingress and egress, parking arrangement and proximity of buildings on adjacent lots.
3. On the property in question, notice of the application for the use permit shall be conspicuously posted by the Zoning Commissioner for a period of 30 days following the filing of the application.
4. Within the 30-day posting period, any occupant or owner of real property,

Petitioner
CBA Exhibit

1,000 feet of the lot in question may file a formal request for a public hearing with the Zoning Commissioner in accordance with Section 500.7.

5. If a formal request for a public hearing is not filed, the Zoning Commissioner, without a public hearing, may grant a use permit for a recreational vehicle parking lot if the proposed use meets all the requirements of this subsection and any other applicable requirements. The use permit may be issued with such conditions or restrictions as determined appropriate by the Zoning Commissioner to satisfy the provisions of this section and to ensure that the recreational vehicle parking lot is not detrimental to the health, safety or general welfare of the surrounding community.
6. If a formal request for a public hearing is filed, the Zoning Commissioner shall schedule a date for the public hearing to be held not less than 15 days following public notice of such hearing in two newspapers of general circulation and not more than 60 days from the date of filing of the request for public hearing. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:
 - a. His findings following the public hearing; and
 - b. The manner in which the requirements of this section and other applicable requirements are met and any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the recreational vehicle parking lot is not detrimental to the health, safety or general welfare of the surrounding community.
7. Signs are permitted, subject to Section 450.

H. Nanobrewery.

[Bill No. 19-2015]

1. A nanobrewery may sell retail prepackaged beer and growlers for off-site consumption.
2. A nanobrewery may apply for a temporary use permit for an off-site event not exceeding three consecutive days in duration.
3. Food may not be prepared, cooked, sold, or dispensed in any manner on the premises of a nanobrewery. Food purchased off site may be brought onto the premises, if permitted by the establishment.
4. Alcoholic beverages, other than those purchased at a nanobrewery, may not be brought onto or consumed on the premises.

Footnotes:

--- (4) ---

4. *Editor's Note— Former Section 230.12G, regarding dog grooming facilities, added by Bill No. 30-2006 and which immediately followed, was repealed by Bill No. 93-2006.*



927 Bowleys Quarters Rd
Zoned: RC 5

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15



1311 Bowlers Quarters Road
Zoned: RC 20

Petitioner
CBA Exhibit

16



1310 Bowleys Quarters Road
Zoned RC 20

Petitioner
CBA Exhibit

17



1010 Bowleys Quarters Road / Coastal
Zoned: RC20

Petitioner
CBA Exhibit

18



11/11/19

Petitioner
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19 (1-61)



11/11/11



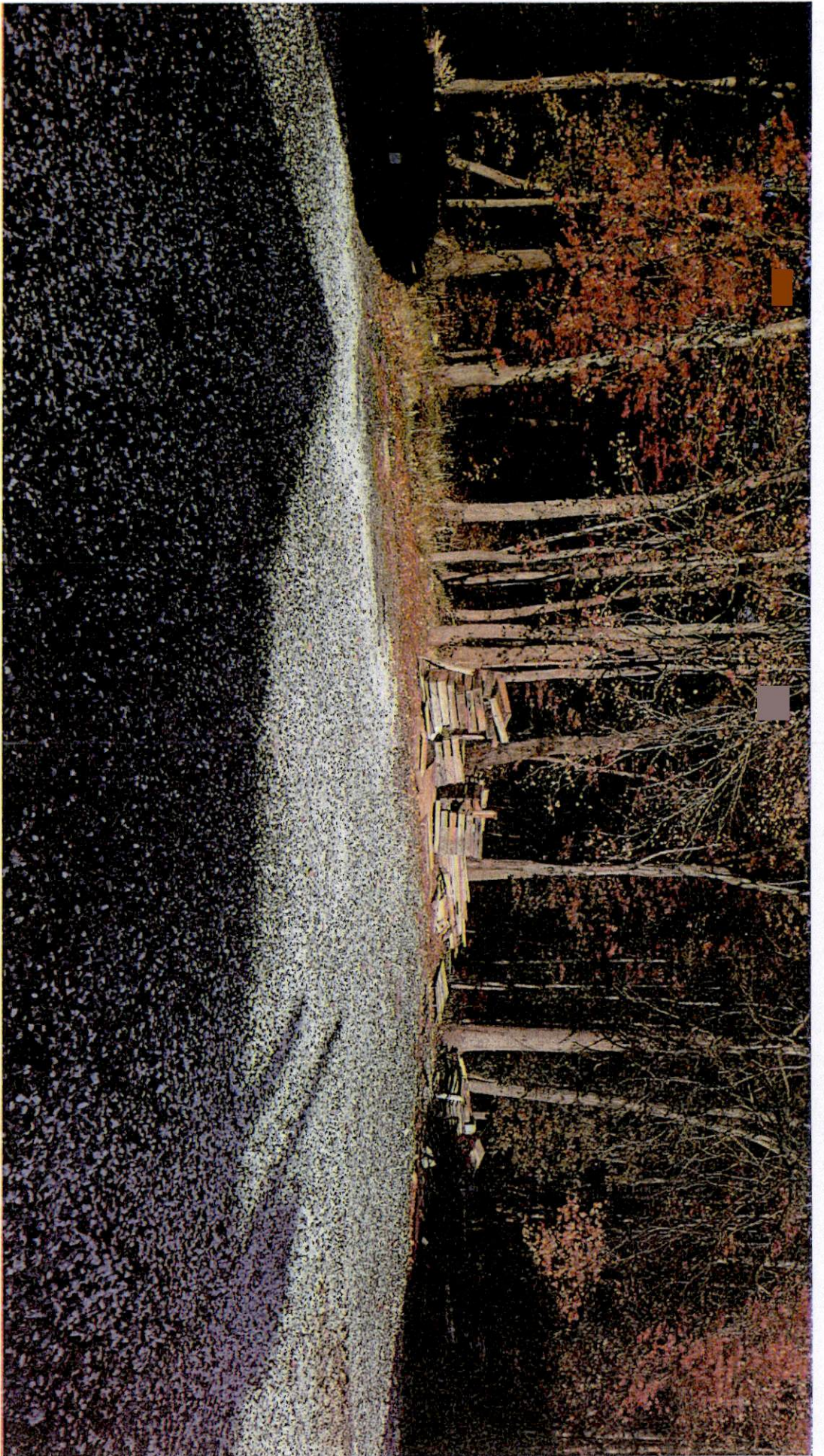
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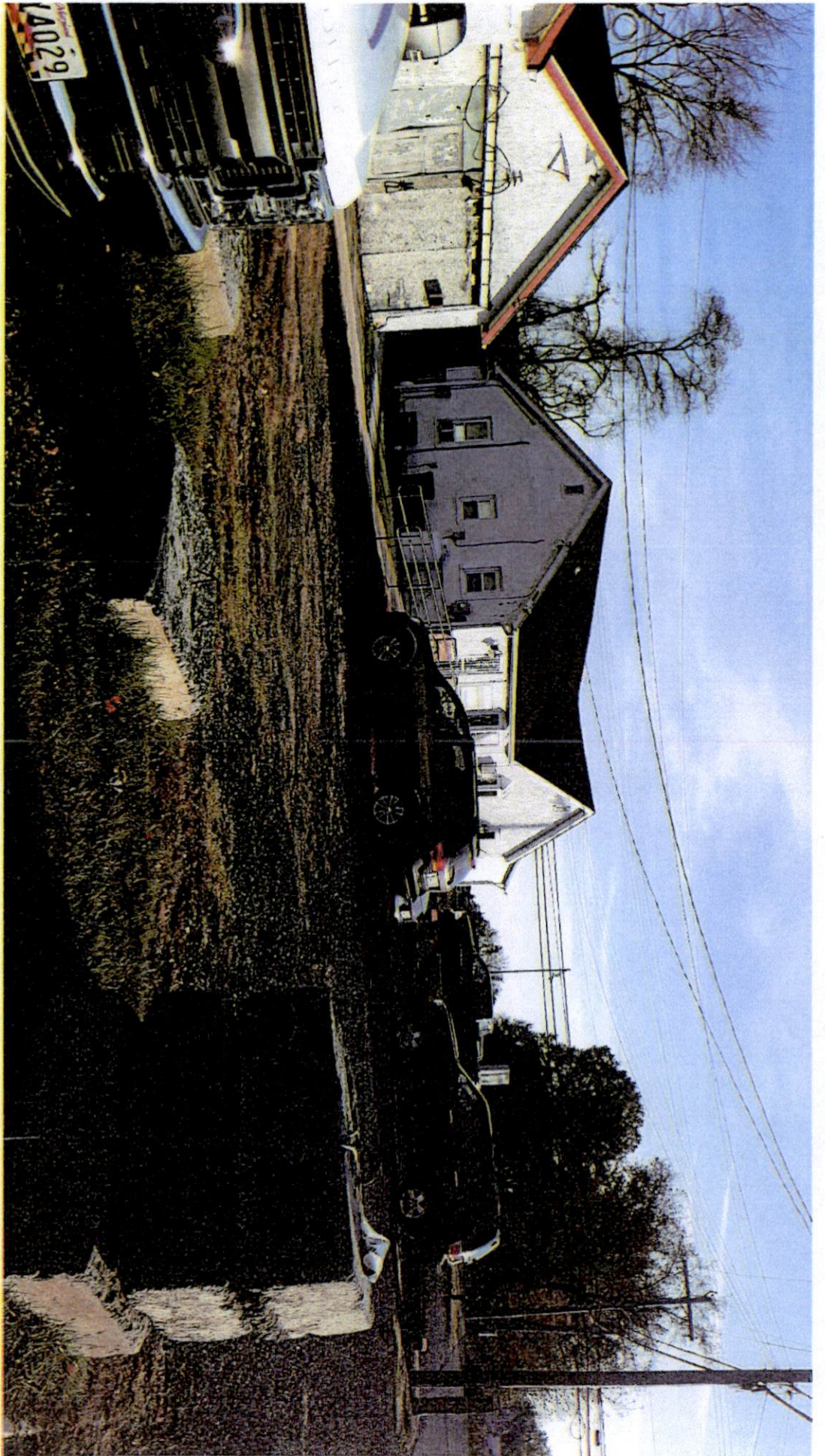
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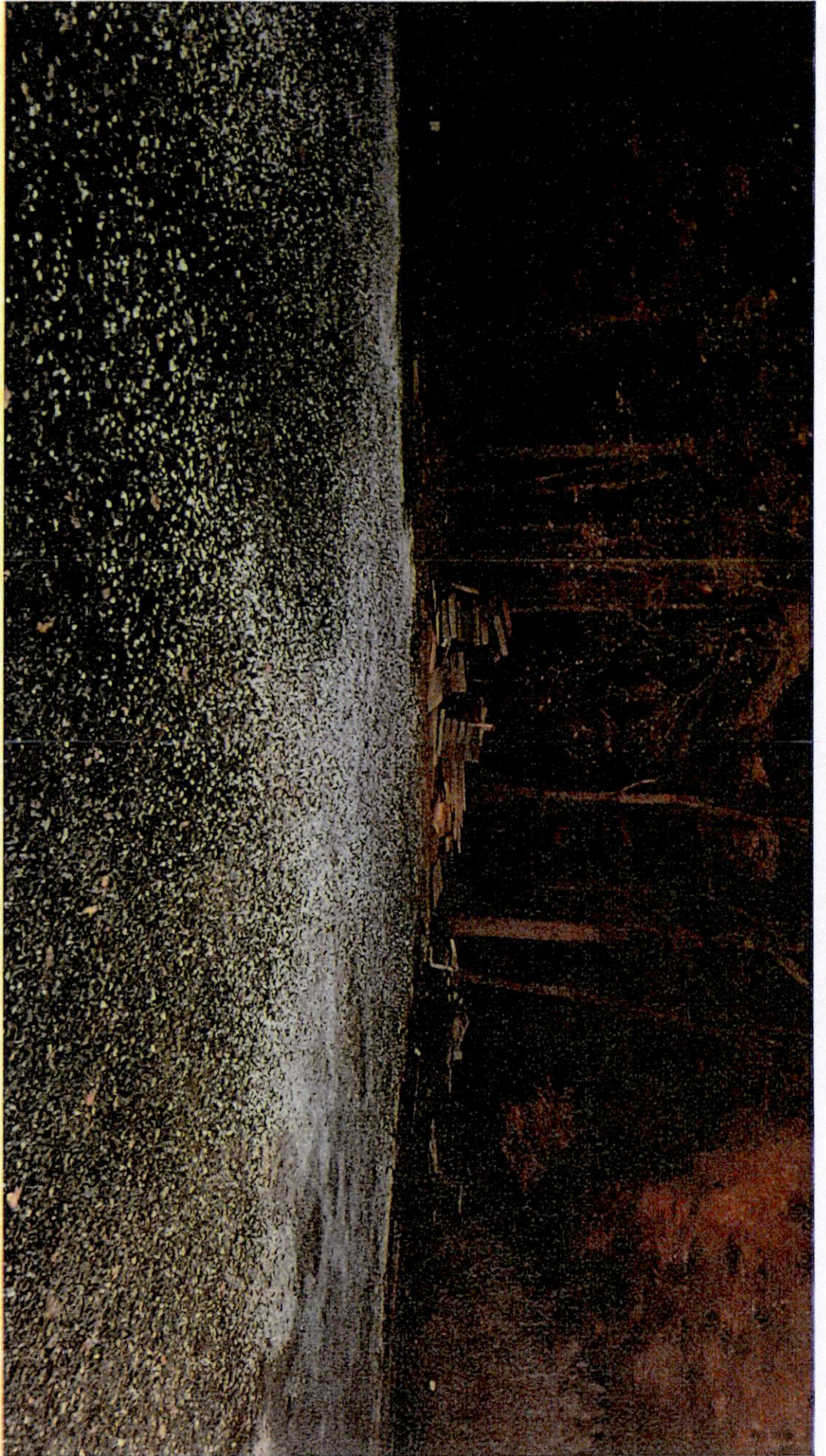


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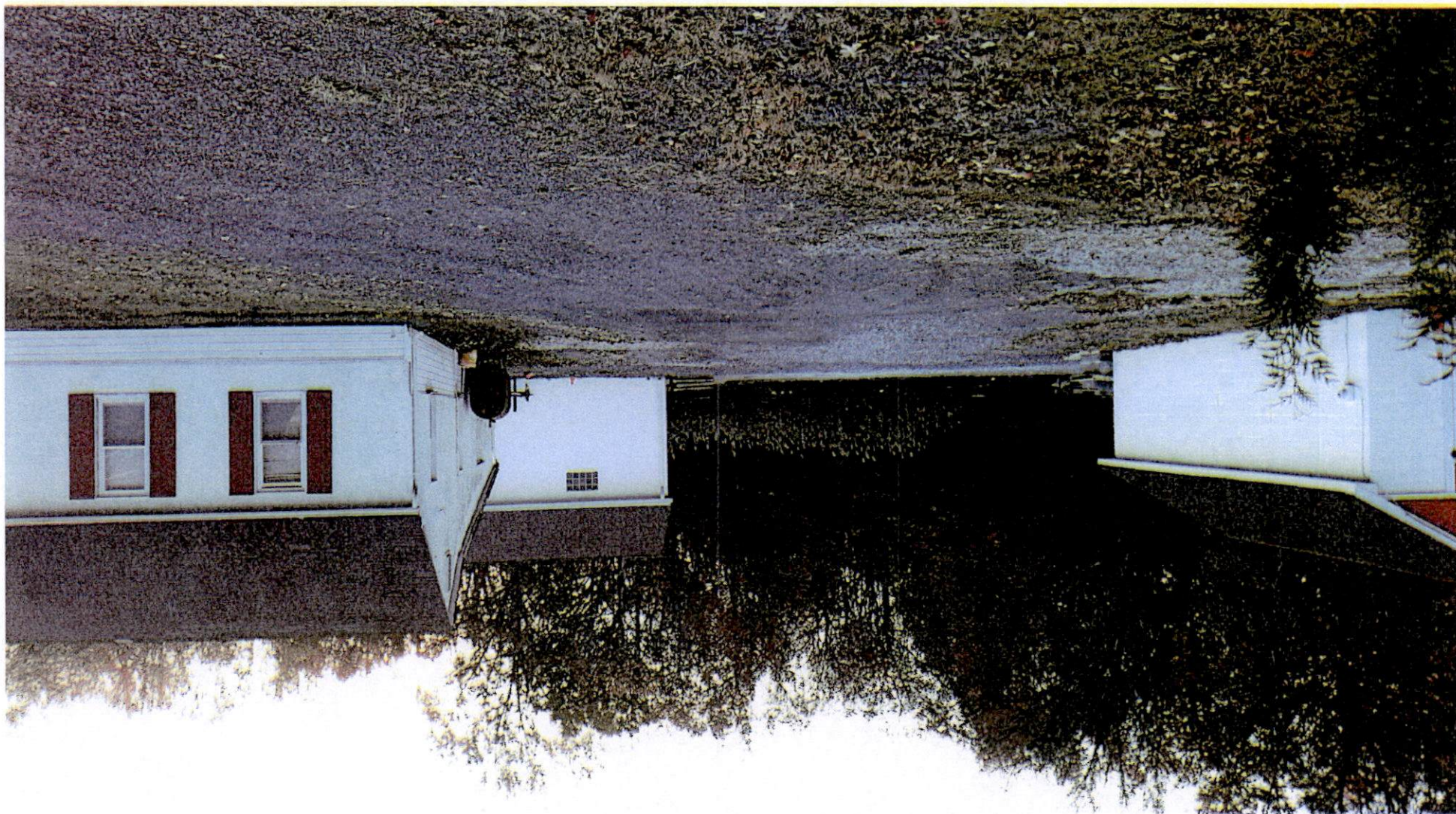


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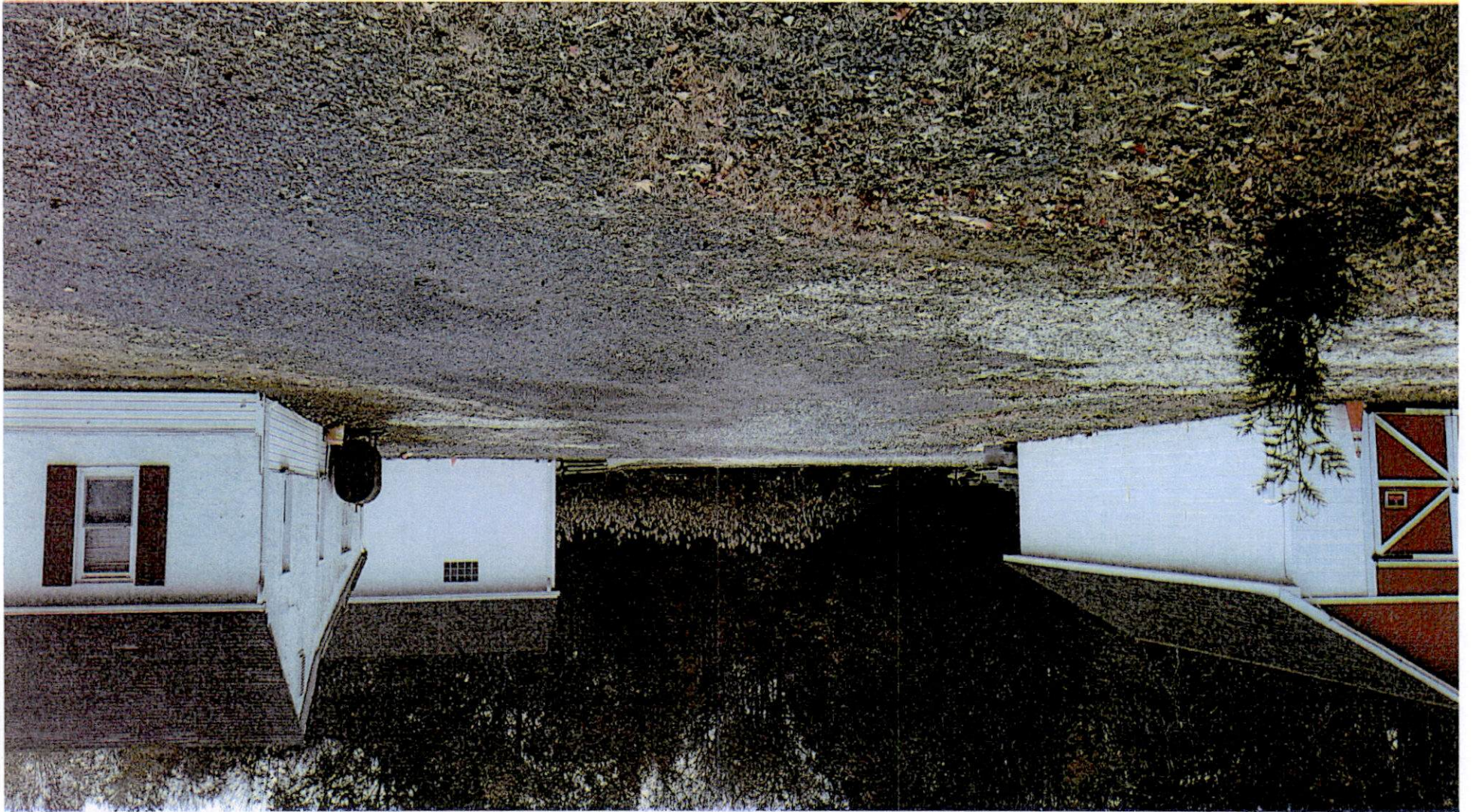
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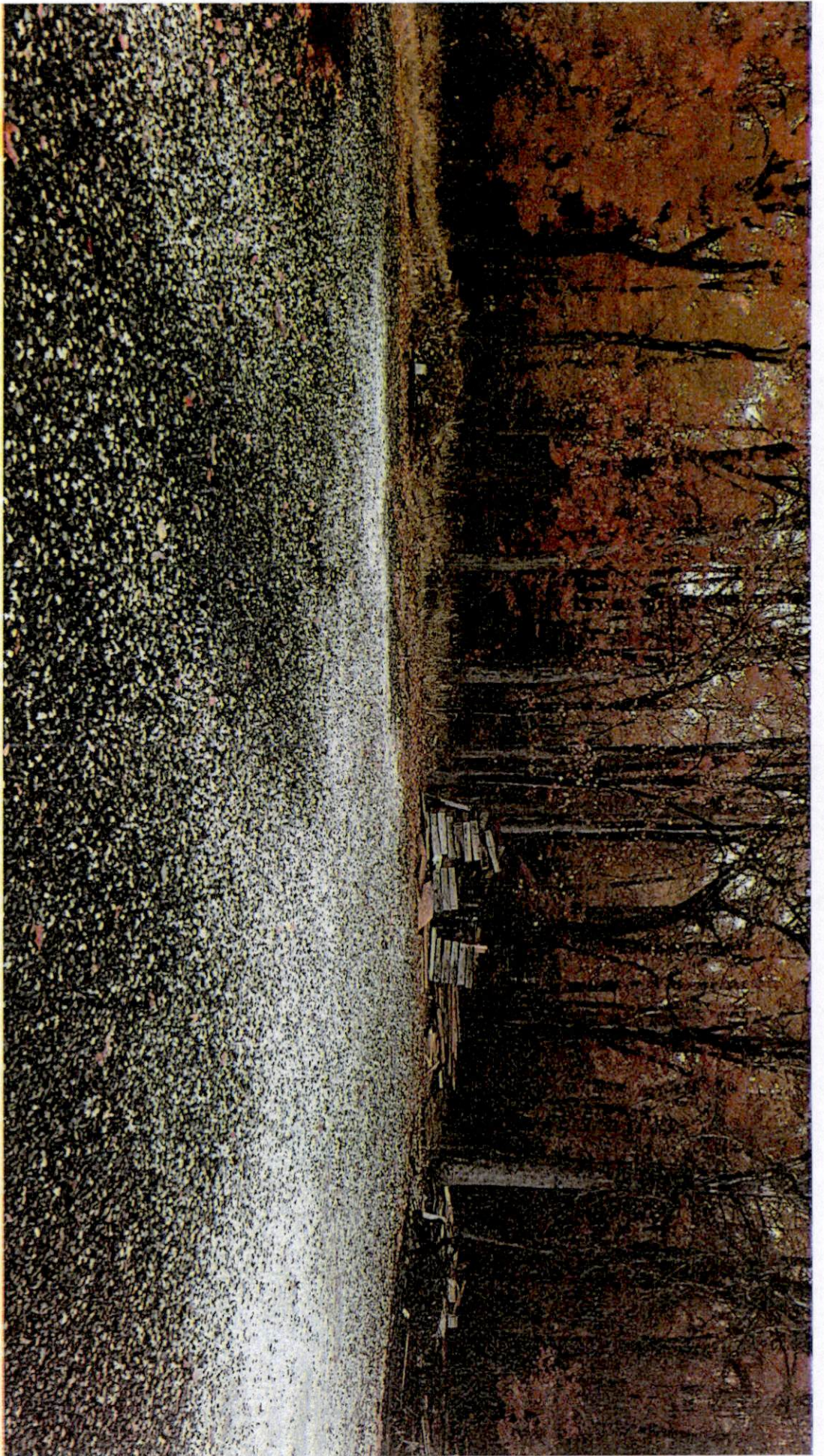


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12/03/19



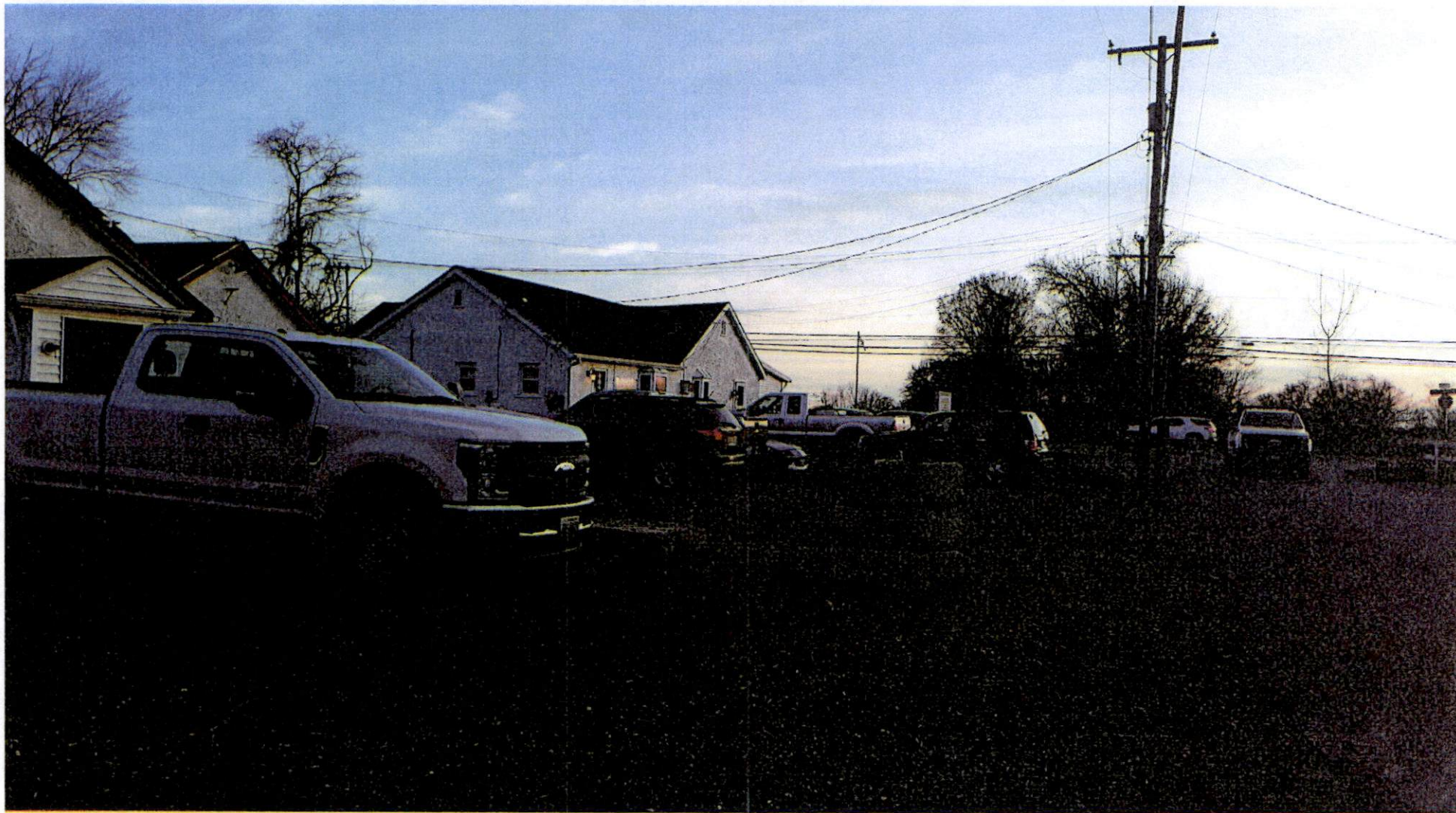
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12/04/19



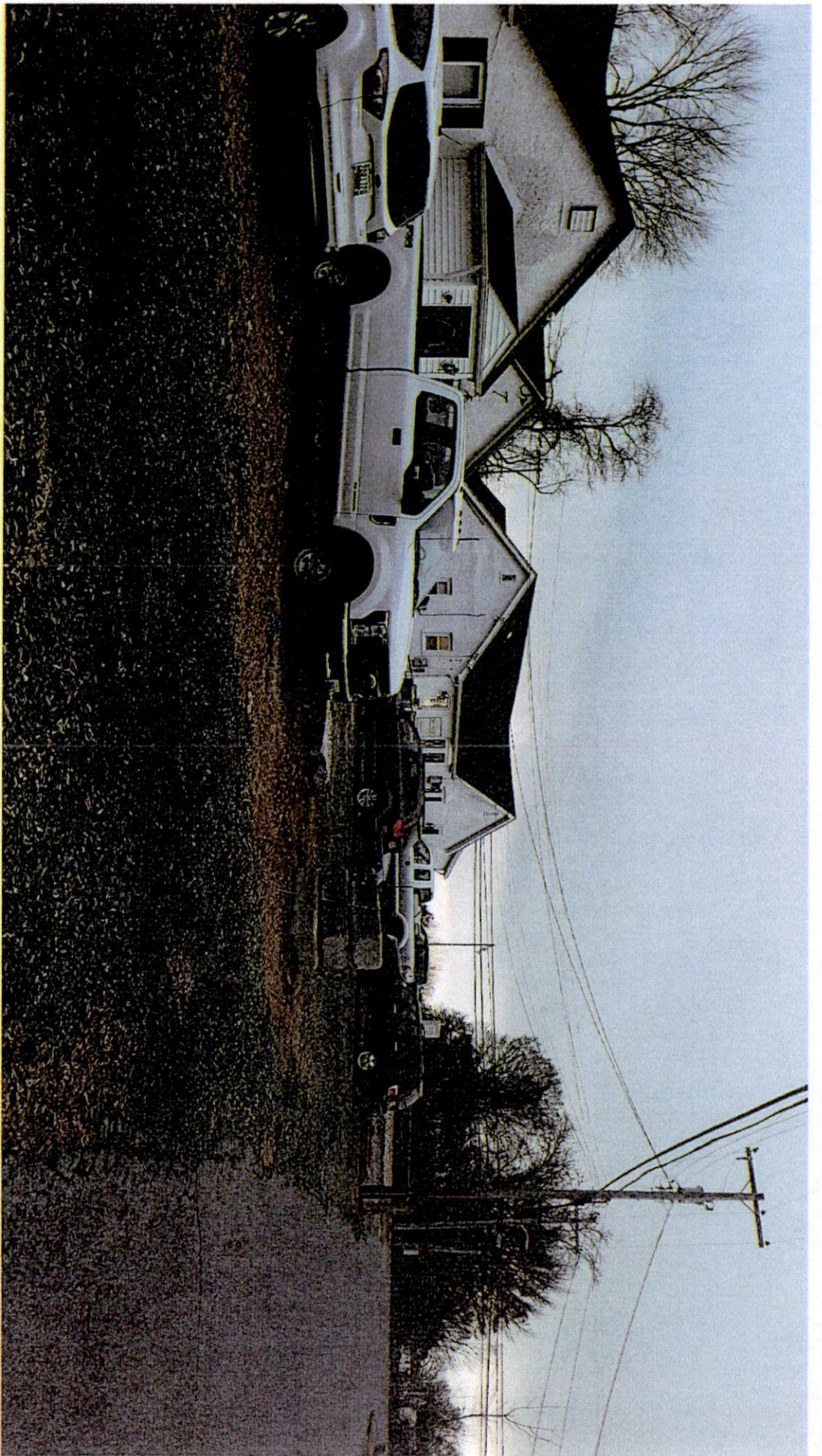
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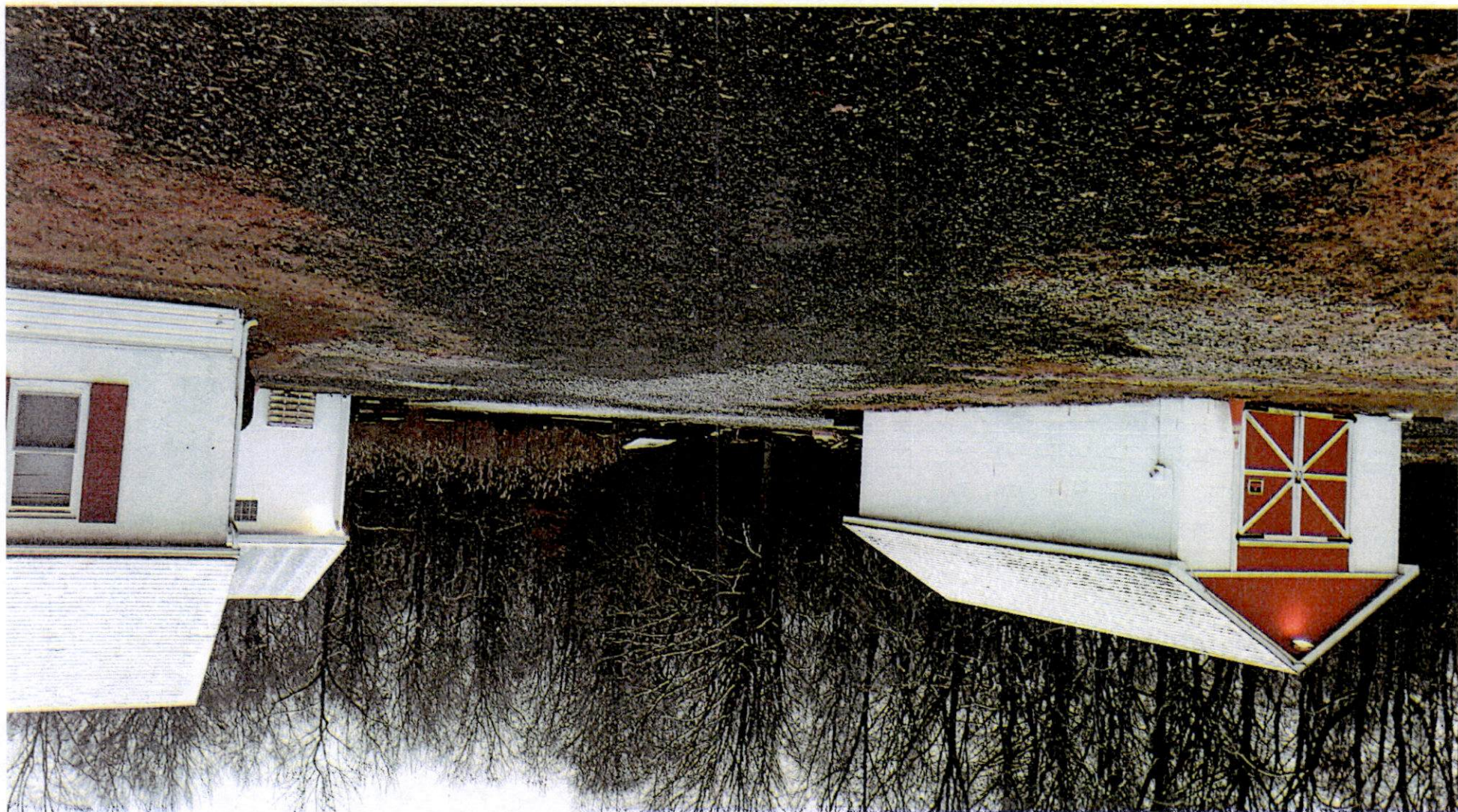


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Petitioner
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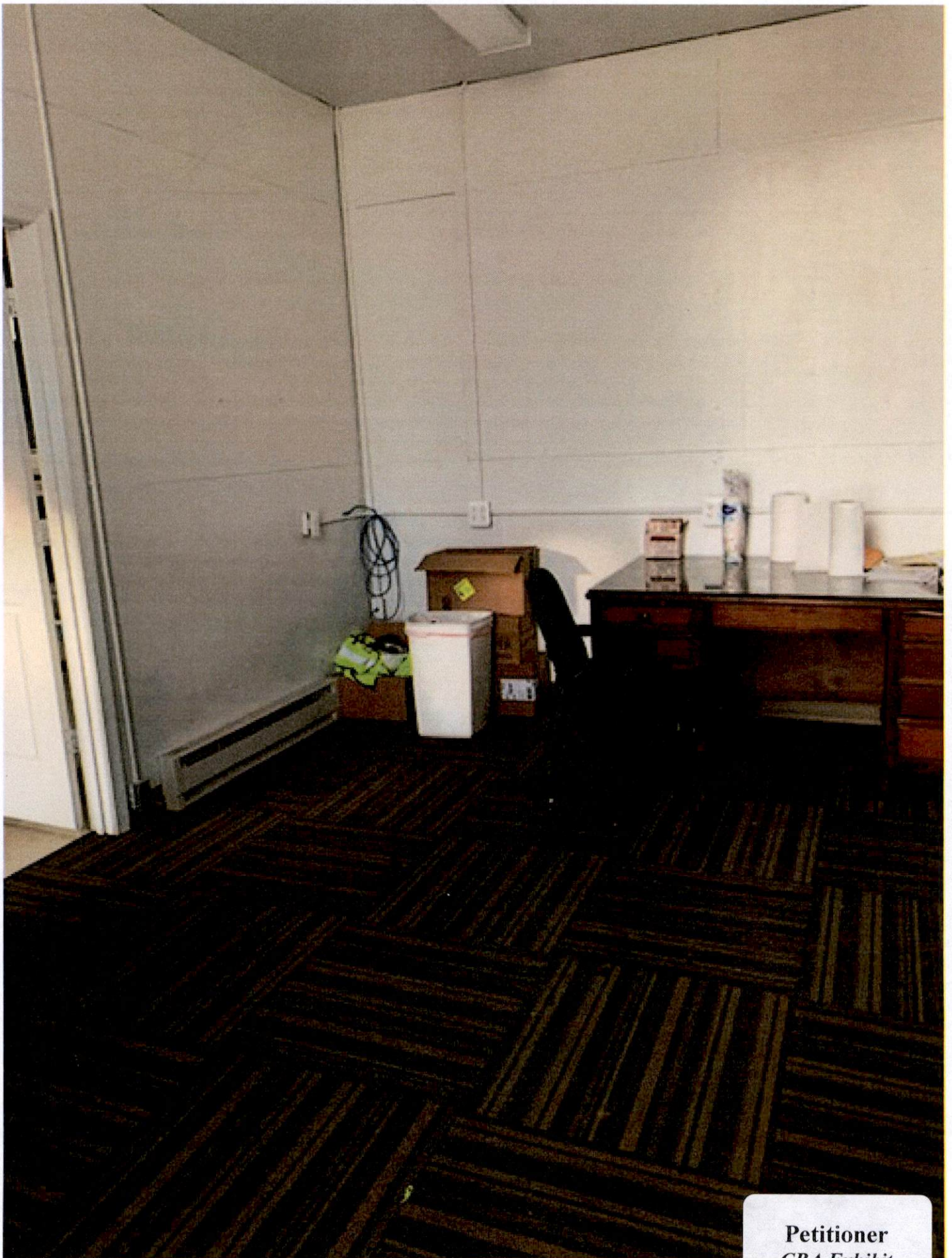
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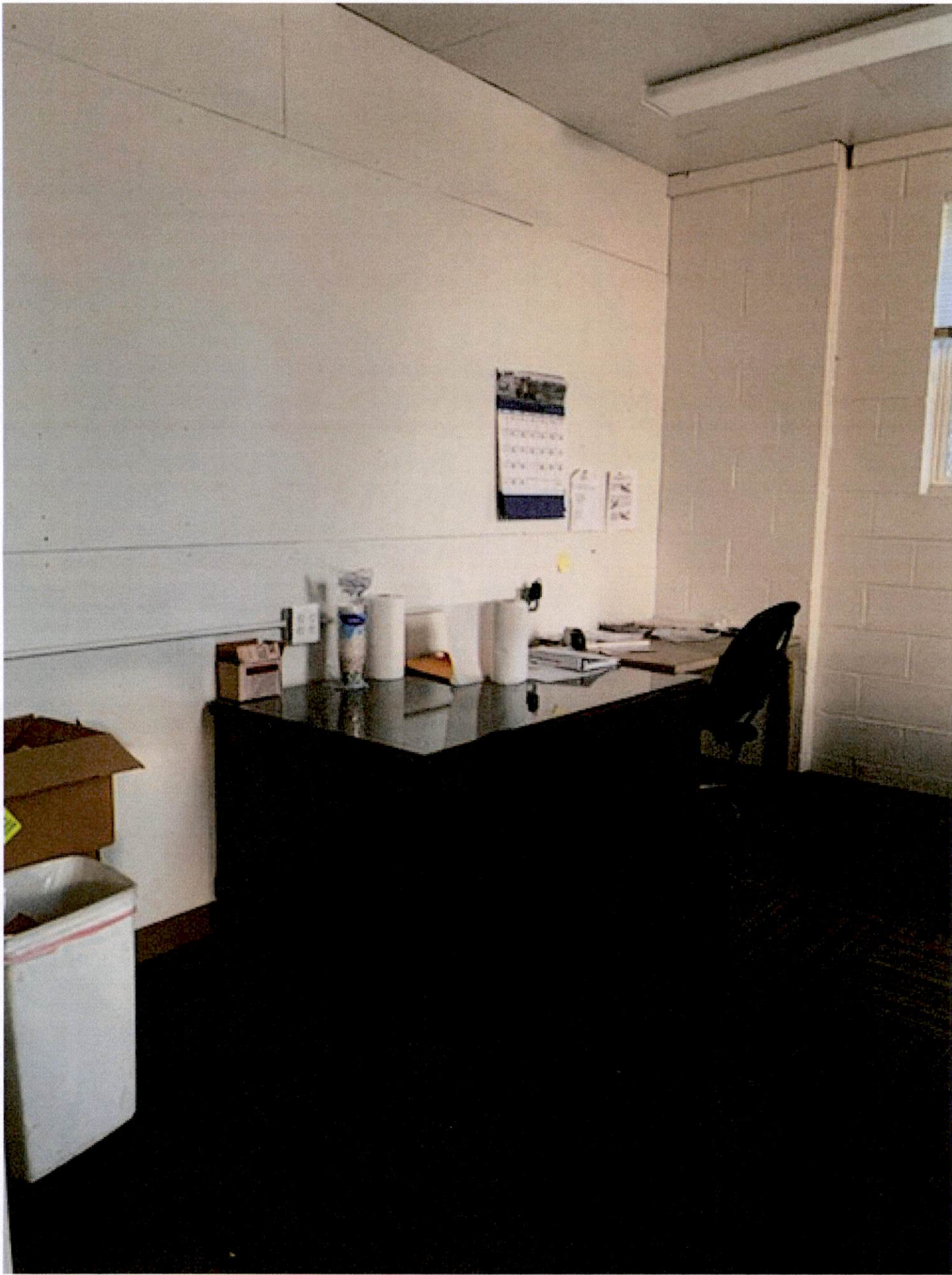


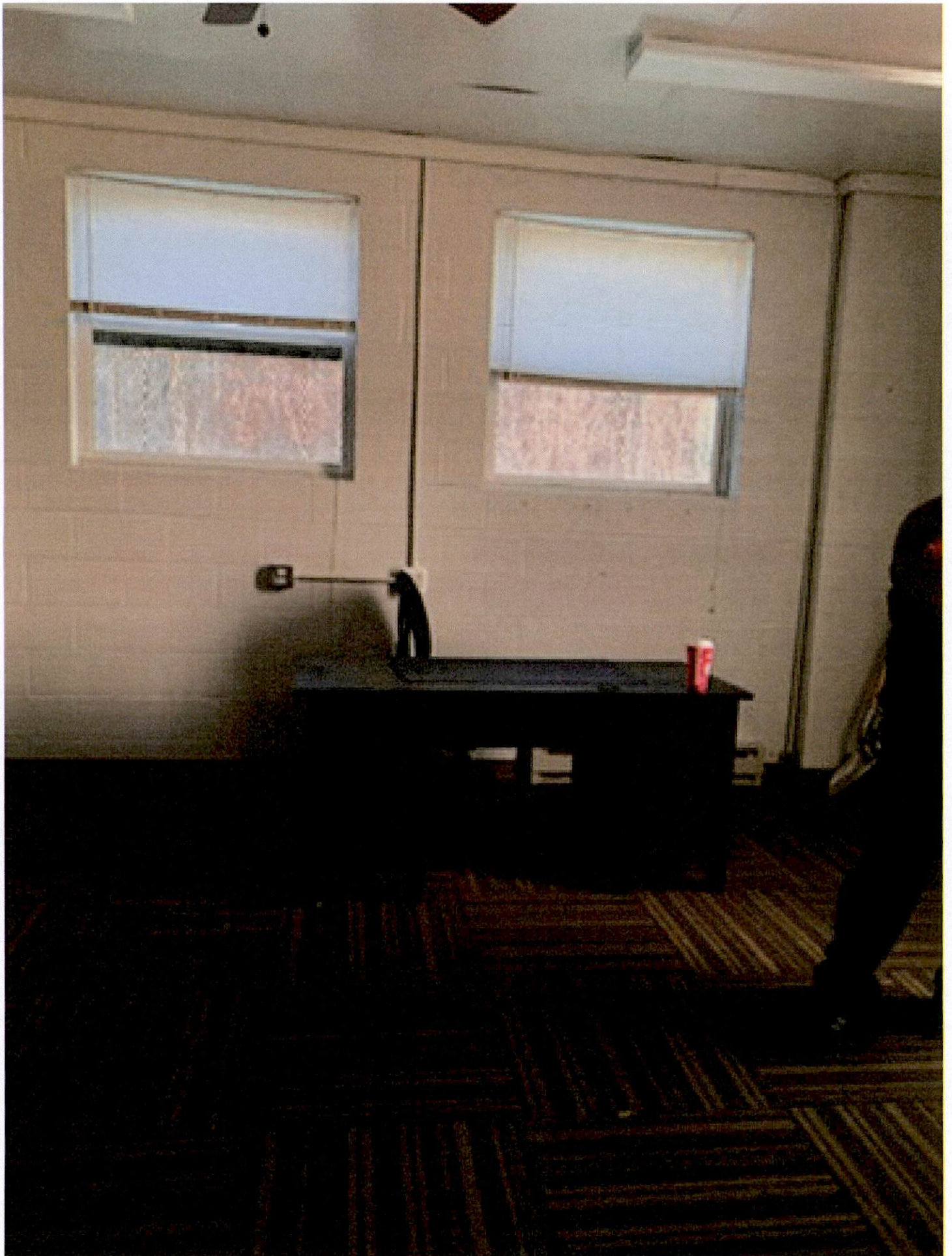


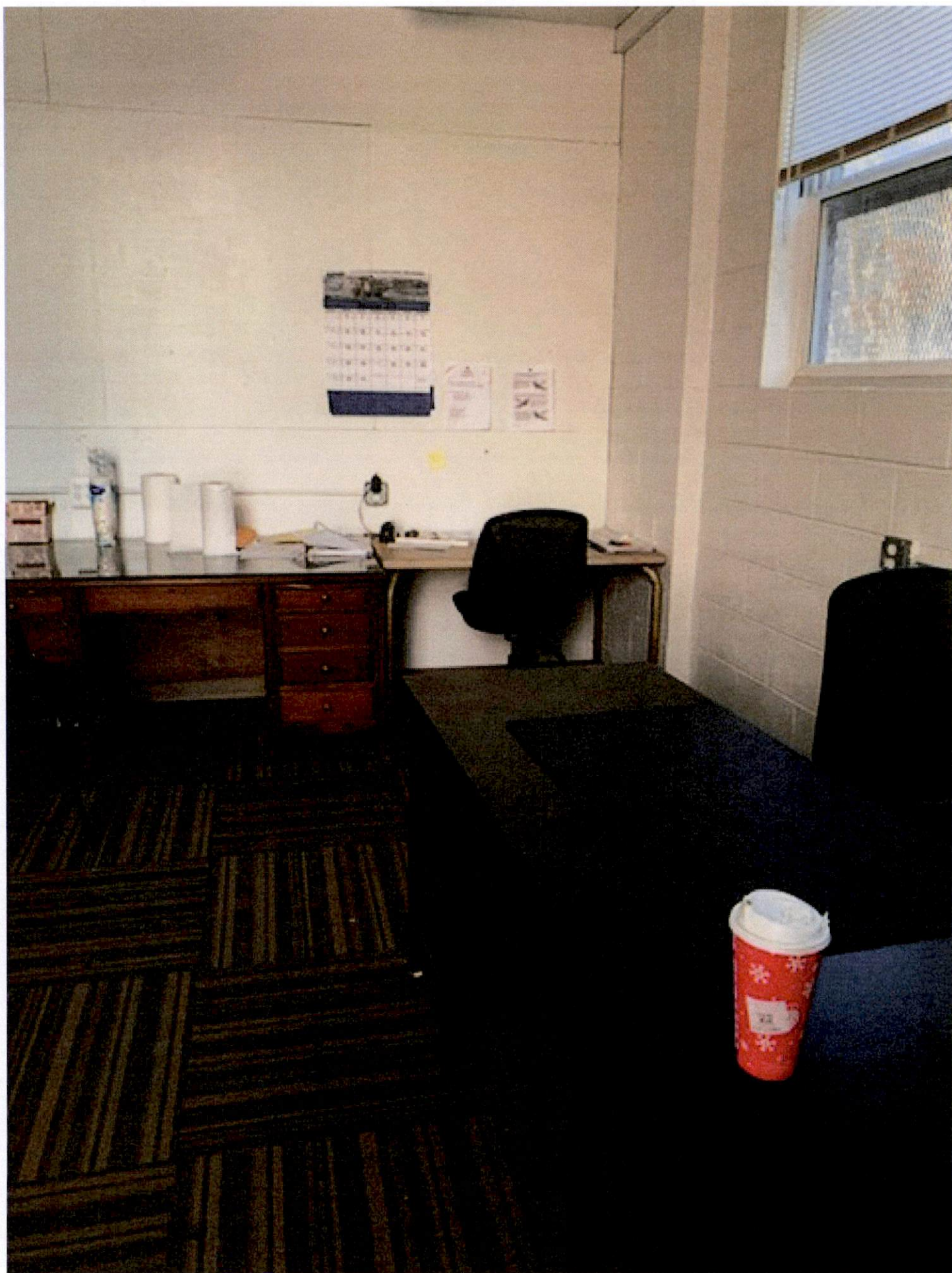


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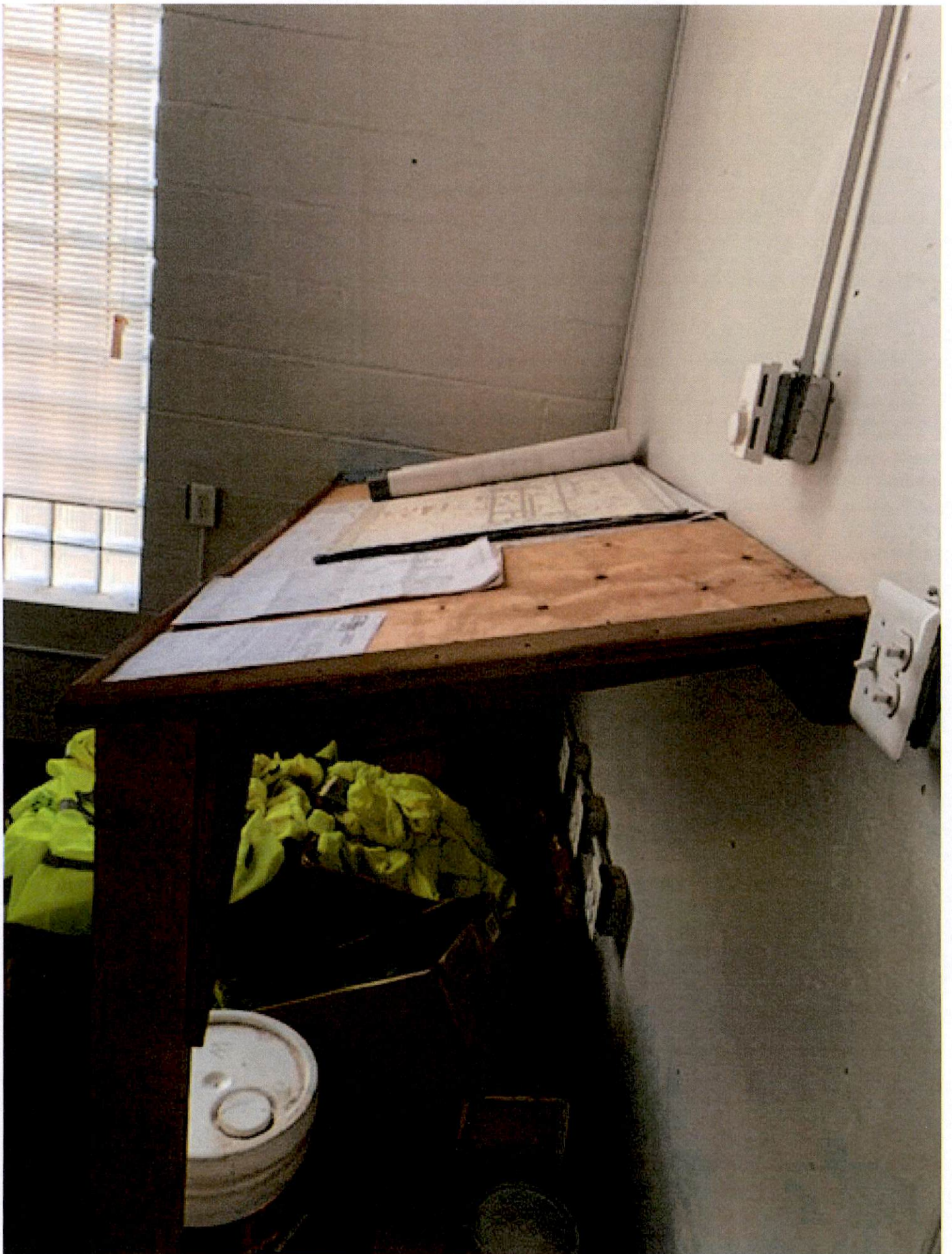
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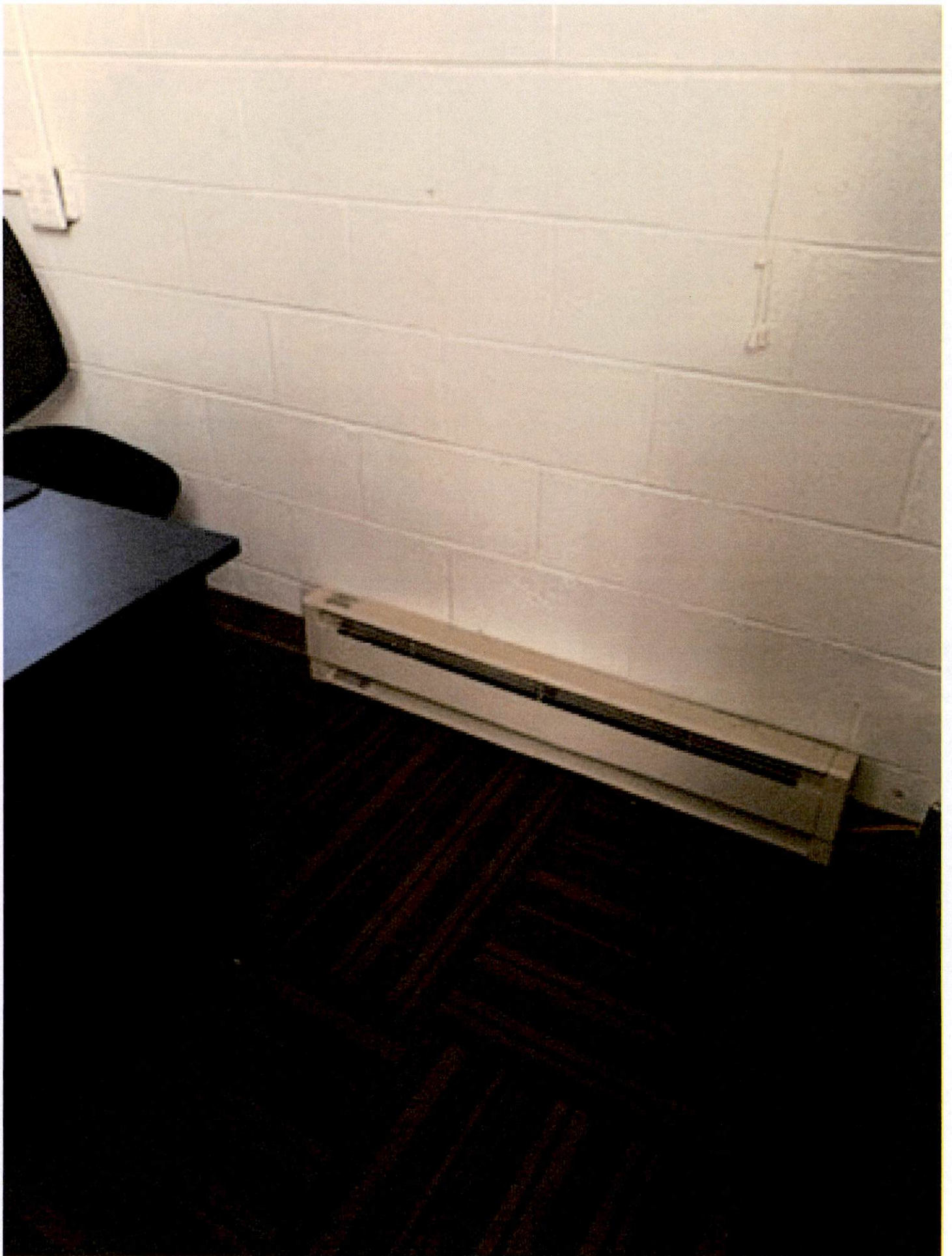












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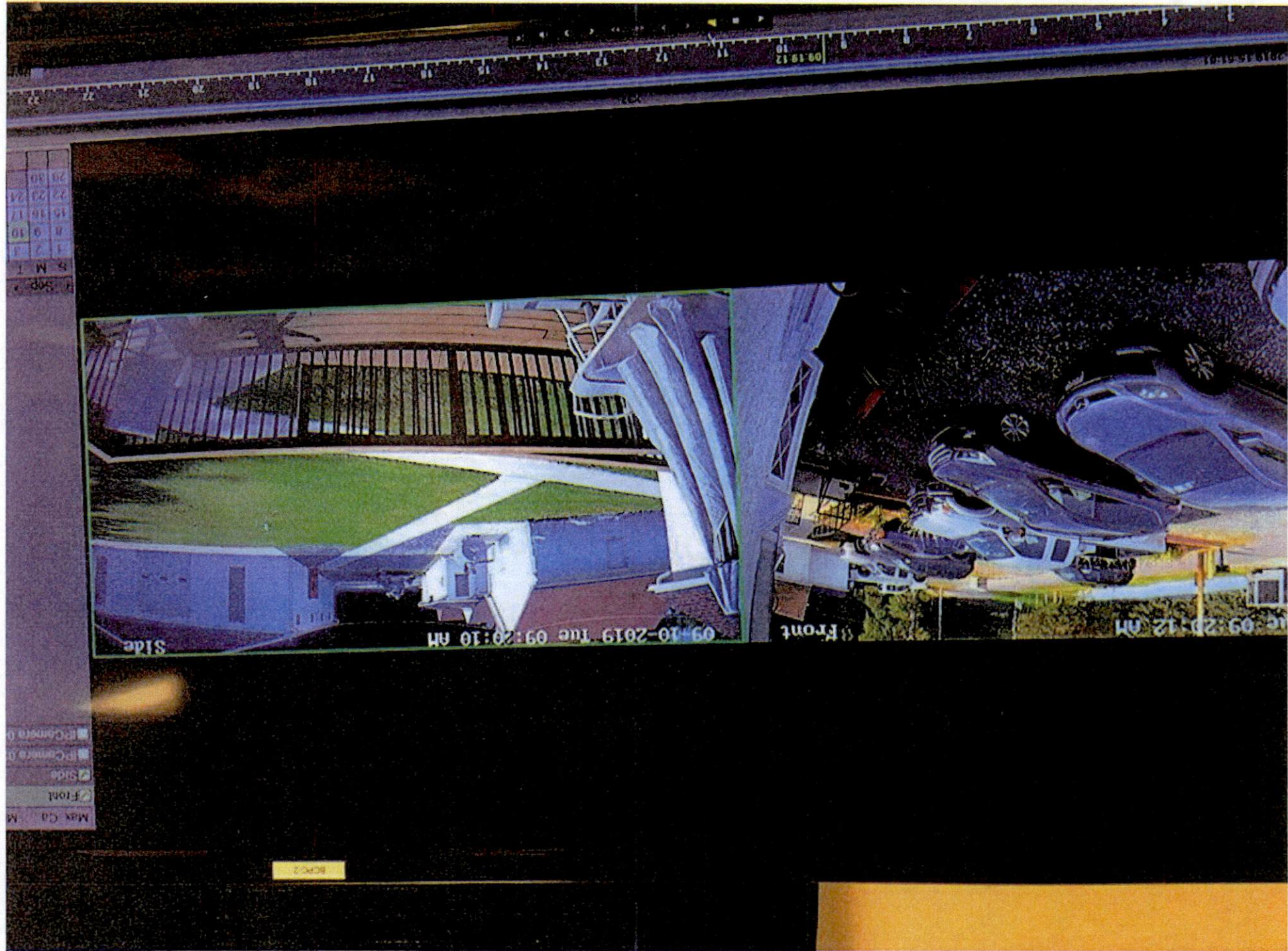
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Petitioner
CBA Exhibit

23 (1-7)



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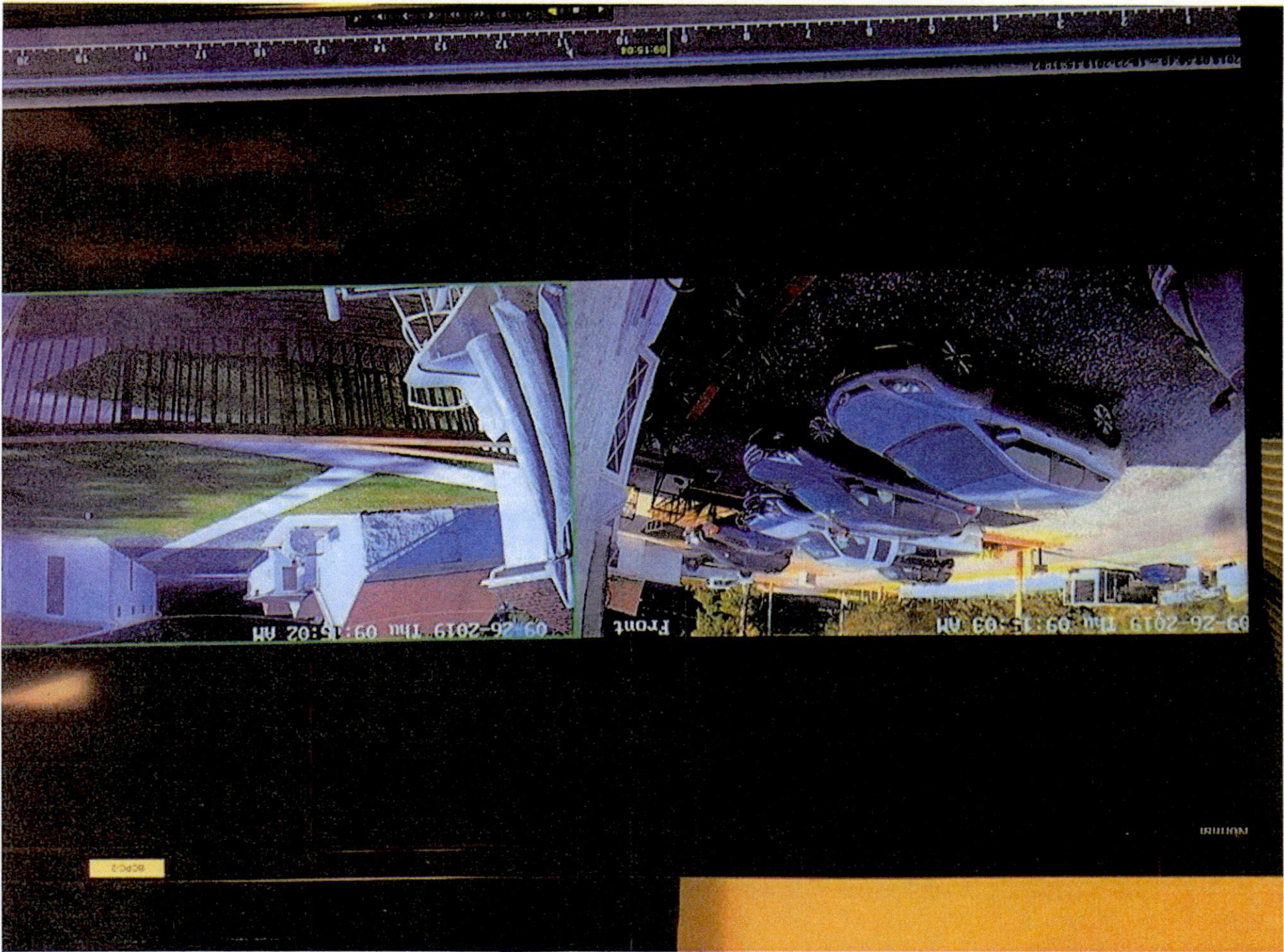
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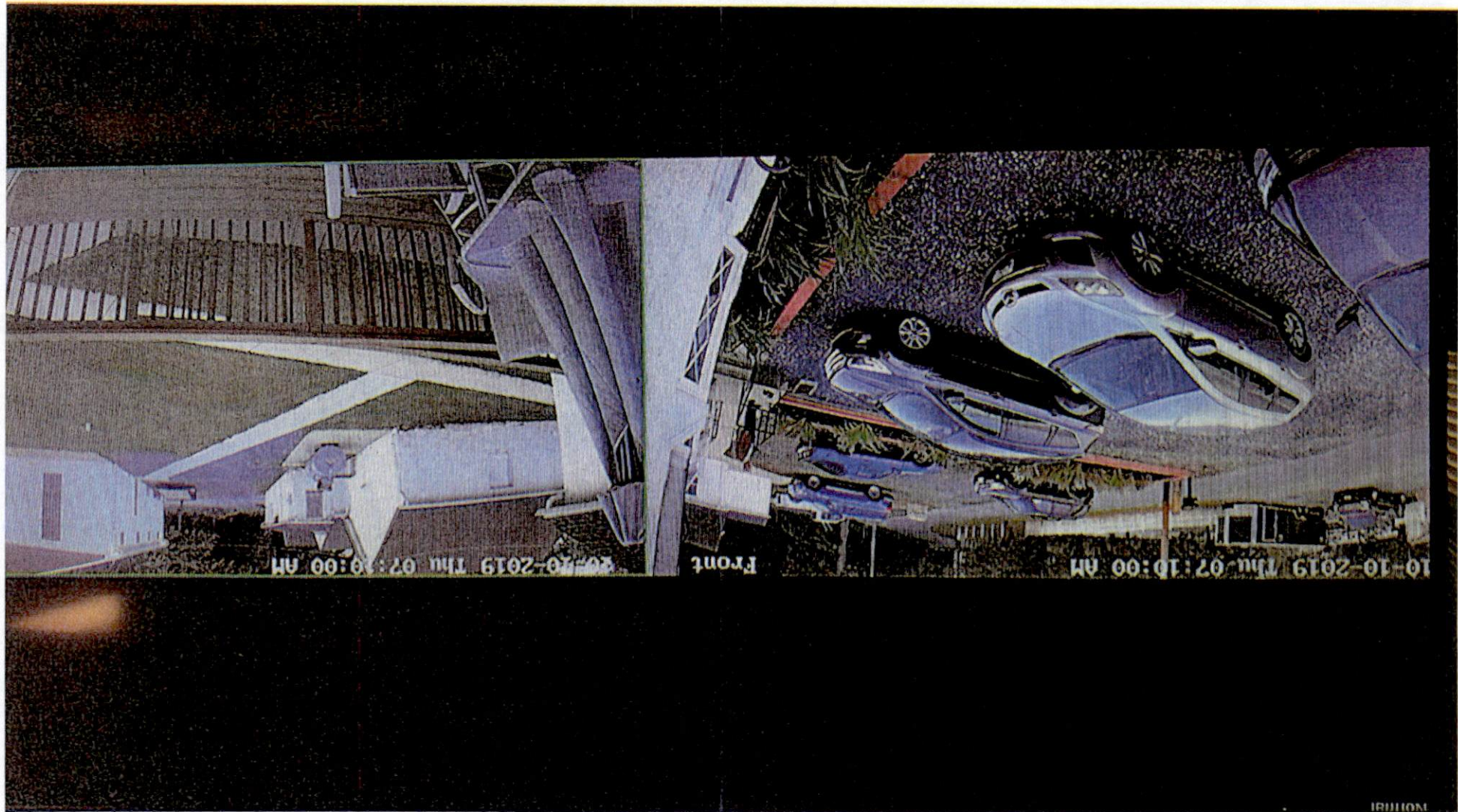
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NOTICE

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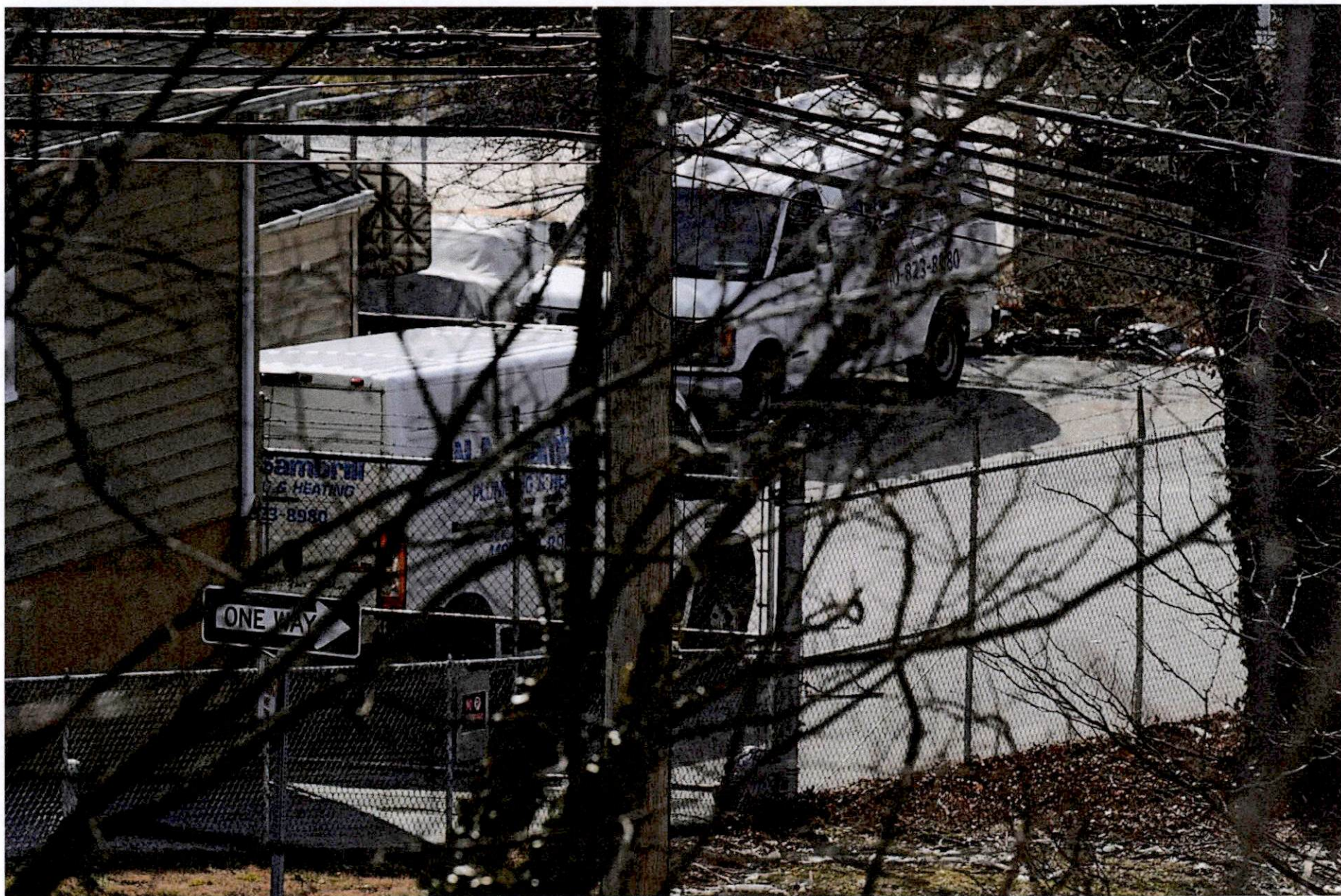
318 Pennsylvania Avenue, Towson, MD
Zoned: ROA

Petitioner
CBA Exhibit

24



318 Pennsylvania Avenue, Towson, MD
Zoned: ROA



318 Pennsylvania Avenue, Towson, MD
Zoned: ROA



318 Pennsylvania Avenue, Towson, MD
Zoned: ROA



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 14, 2020

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

J. Carroll Holzer, Esquire
J. Carroll Holzer, P.A.
508 Fairmount Avenue
Towson, Maryland 21286

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: *MGJ Properties, LLC*
Case No.: 18-342-SPH

Dear Counsel:

Enclosed please find a copy of the final 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, reading "Sunny Cannington", is written over the typed name.

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Multiple Original Cover Letters

c: See Distribution List following

In the matter of: MGJ Properties, LLC
Case No.: 18-342-SPH
Distribution List
December 14, 2020

Mark Goloboski/MGJ Properties, LLC
Bowleys Quarters Improvement Association
David Hash
Allen Robertson
Kenneth and Kristen Brickell
Carl and Siu Cheung Rossmark
Paul and Kathy Paul
Rose and Joe Hession
Carol Dean
John Bolton
Paul M. Mayhew, Managing Administrative Law Judge
C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/PAI
Marissa Merrick, Assistant County Attorney/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

IN THE MATTER OF	*	BEFORE THE
MGJ PROPERTIES, LLC, LEGAL OWNER AND	*	BOARD OF APPEALS
PETITIONER FOR SPECIAL HEARING ON	*	
THE PROPERTY LOCATED AT	*	OF
1101 BOWLEY'S QUARTERS ROAD	*	
15 TH ELECTION DISTRICT	*	BALTIMORE COUNTY
6 TH COUNCILMANIC DISTRICT	*	
	*	Case No. 18-342-SPH

* * * * *

OPINION

This matter involves a Petition for Special hearing filed by MGJ Properties, L.L.C., (hereinafter "MGJ" or "Petitioner" or "the Company") seeking a declaration that the uses occurring on its commercial property located at 1101 Bowley's Quarters Road were proper. MGJ was represented by Lawrence Schmidt, Esquire. The Petition was opposed by numerous individuals who live in the area as well as by two local community associations (hereinafter collectively "Protestants"). Specifically, David Hash and Bowley's Quarters Improvement Association appeared pro se in opposition to the Petition. Allen Robertson, Carl and Siu Rossmark, and Kenneth Brickell were represented by J. Carroll Holzer, Esquire. Peter Max Zimmerman, Esquire, represented the Office of People's Counsel for Baltimore County, who also appeared in opposition to the Petition.

STATEMENT OF THE CASE

MGJ is a concrete contractor. It has maintained its corporate offices at the subject property since 2009. The property is zoned B.L. (Business Local). *See* Baltimore County Zoning Regulations ("BCZR") § 230.1.6.A. Office activity, and any accessory uses thereto, are permitted by right. It has been alleged that MGJ in recent years has been utilizing its property to store and maintain tools, equipment, and material associated with its concrete contracting business. A code enforcement citation was issued. Civil Citation No. CC1710981. That case

was heard on February 28, 2018, by Administrative Law Judge Lawrence Stahl. He sustained the violation by order dated March 19, 2018, and MGJ appealed to this Board. That appeal is captioned as CBA-18-028. As is the typical practice, resolution of the violation case was held in abeyance to allow MGJ to file a Petition for Special Hearing so that the larger legal and factual issues could be resolved.

The Petition for Special Hearing was initially heard by Administrative Law Judge John Beverungen who denied the Petition in an opinion dated November 1, 2018. This *de novo* appeal followed. This Board held four days of hearings, during which, numerous witnesses testified both in support of, and opposed to, the Petition. The matter was fully briefed by counsel. The Board held a virtual public deliberation on June 30, 2020, and at that proceeding, all three Board members concluded that the Petition should be denied.

FACTUAL AND LEGAL ISSUES PRESENTED

The essential factual question in this case is whether MGJ is doing (what we can call for shorthand purposes) storage facility activity. The essential legal question is the extent to which "accessory use," as that term is utilized and interpreted in the Baltimore County Zoning Regulations (BCZR), permits the storage and maintenance of tools, equipment, and materials limited to any generic "office" or rather, whether it allows for the storage and maintenance of said tools, equipment, and materials for the business activity to which the office relates. In this instance, of course, the underlying business to which the office relates is that of a concrete contractor. As a graphic example, a bobcat is not a piece of equipment typically associated with office work. It is, however, typically associated with the concrete contracting business. In terms of that example, the question here is whether the storage and use of the bobcat exceeds the scope

of an accessory use of an office or whether it fits well within the accessory use of an office where that office serves a concrete contracting business.

The first question is a factual one: was MGJ was using its property to store tools, equipment, and materials in a manner roughly akin to, a "Building Materials Storage and Sales Yard," "Construction Equipment Storage Yard," and/or a "Contractor's Equipment Storage Yard," as those terms are defined in BCZR § 101.1. If the answer to that question is in the affirmative, it is then necessary to determine the legal issue. The legal issue is whether "accessory use" of a principal use office restricts the user to activities that are normally incidental to the operation of a generic office, or whether it permit wider activities that are incident to the underlying business to which the office relates.

In its public deliberation, the Board concluded by a preponderance of the evidence that MGJ was using its property to store and maintain tools, equipment, and materials associated with its contracting activities, and that that activity went well beyond that which could ever be rationally linked to an office use. Additionally, the Board ruled as a legal matter that "accessory use" is limited to office activity without regard to the nature of the underlying business to which the office activity relates.

THE ACTIVITY IN QUESTION

As indicated above, there were four days of testimony presented to the Board. Much of the testimony related to the nature and scope of the alleged activity involving storage yard activity. The property is approximately 1.79 acres. It is located at the intersection of Bowley's Quarters Road and Chestnut Road. It has frontage on both of those streets. As indicated above, the office use, and any accessory use thereto, are permitted by right because of the B.L. zoning.¹

¹ A small portion of the property is zoned RC 20, but that split zoning has no impact on this matter.

Petitioner purchased the property in 2009 and began using it for its corporate and administrative offices. The Company operates throughout the mid-Atlantic region. There are five buildings on the property. The front building closest to Bowley's Quarters Road is approximately 2,000 sq. ft. and serves as the main office. Approximately six to seven people work in that building. Their functions are what one typically associates with office activity: payroll, accounting, and other administrative white-collar tasks. The Company has approximately sixty other employees working on projects in the field. There is an additional 3,000 sq. ft. building which, according to Petitioner, contains an office, a bathroom and storage. There is a 400 sq. ft. building which Petitioners indicated is to be torn down, though that has not yet been done. There is also an 1,800 sq. ft. building which is similarly slated for demolition. Finally, there is an additional building in the back that Petitioner also stated was used for storage. There is a parking area between the office building and the street.

The Company's president, Mark Goloboski, testified that there is virtually no activity on the premises unrelated to what is commonly thought of as normal office activity. According to him, any trucks that go in and out are typically workers dropping off papers or picking up checks. There are no scrap materials left around, and nothing associated with concrete contracting is stored in any of the buildings. Mr. Goloboski testified that discarded rebar and concrete chunks on the perimeter of the property near an area of overgrown brush -- depicted in photographs presented by Protestants -- were left over from the prior operation which was a restaurant and crab house.

Mitchell Kellman, a professional planner called by Petitioner, also testified that he saw no evidence of any activity other than office activity. His testimony, however, was not probative

on this point because he was only on the property twice for short periods of time and, by his own admission, did not look inside any of the buildings other than the office. He acknowledged that he largely relied on information obtained from Mr. Goloboski. Mr. Kellman also testified as an expert in zoning that "accessory use" of an office embraced uses related to the nature of the office's underlying business, in this case, concrete contracting. Therefore, according to Mr. Kellman, if there had been tools, equipment, and materials from the Company's contracting activities on the premises (which Mr. Kellman denied seeing), the presence of those items was lawful. The Board rejected this opinion as discussed in more detail *infra* at p. 13.

The Petitioner called two other witnesses, one local resident and one former employee, to support its argument that there were no appreciable activities on the property that exceeded normal office uses. As a factual matter, Petitioner's position was that the alleged storage activity was not occurring and the presence of any field workers or trucks was limited to employees driving to the site for brief interactions with office staff.

The Protestants called a stream of witnesses who lived in and around the area. One of these witnesses, Carl Rossmark, had kept a log over the course of months, which documented the construction related activity. Mr. Rossmark's log was composed of entries, which he, himself, heard and saw. He also took photographs of much of the activity and these photographs were introduced into evidence. Mr. Rossmark's testimony and the log that he presented document that the activity that was occurring was akin to that of a contractor's storage yard.² On the whole, the log and photographs were convincing evidence.

² Mr. Rossmark himself was a licensed contractor though clearly not on the Company's scale. Nonetheless, he does have enough firsthand familiarity with types of materials and equipment that typically characterize a contractor's storage yard so as to make his testimony particularly credible.

Another credible witness was Kenneth Brickell who has lived in his home for sixteen years. He is a direct neighbor of the Company. He cannot see the property through the trees in the summer, but he can in the winter. He is also close enough to hear the workers talking. He works for the Department of Homeland Security and United States Coast Guard, supervising maintenance of diesel equipment, and as such, he is familiar with all types of construction equipment. He testified that in the past three years, he has seen construction rubble, rebar, construction equipment, wooden forms for pouring concrete, and other such items routinely stored on the Company's site. He can hear trucks backing up and trailers being unloaded, most often around 5:30 to 6:00 a.m. or in the late afternoons, including Saturdays. The timing and volume of this activity belies any claim that the truck activity and delivery and storage activity is simply to replenish computer paper supplies or other office-related materials.

Other Protestants presented dozens of photographs and videos which showed the unpermitted activity as it occurred. *See e.g.* Testimony of Siu Cheung Rossmark. The property is within the boundaries of the Bowley's Quarter's Community Association (BQCA). Allen Robertson, zoning chairman of the BQCA testified on behalf of that community group. The BQCA opposed the Petition because, in its view, the Petition sought a ruling that would greatly expand commercial uses in B.L. zones, which are often, as in this instance, closely proximate to residences. Though serviced by public water and sewer, this area is outside the Urban Rural Demarcation Line (URDL), and the area is something of a delicate waterfront environment. This means, according to Mr. Roberts, that enhanced commercial activity (which, for example, can generate fuel-soaked runoff) can negatively impact the Chesapeake Bay. David Hash of the Bowley's Quarters Improvement Association also testified to the ongoing activity and the ever-

increasing construction equipment and storage activities that created unsightly and discordant conditions at what was a gateway to a large residential waterfront community.

Among Protestants' photographs were those showing the storage of materials like rebar and other rubble, as well as the routine use and operation of bobcats. The storage shed, which Petitioner stated was used essentially as a garage for antique cars, appeared to be a storage facility for equipment and materials, including those used to fabricate forms for concrete. Though Petitioner states that the various piles of discarded rebar and rubble were left over from the prior owner, the Board is unwilling to accept that claim. Not only is this the type of discarded material associated with concrete contracting and the appearance and quantity seemed to vary over time, but even more, it would mean that Petitioner let the rubble remain unattended since Petitioner acquired the property in 2009. It seems more likely that Petitioner discarded the rubble only to remove after the litigation commenced (and after Protestants were able to take photographs).

The Protestants' eyewitness evidence showed the activity occurring over a broad period of time, including deliveries of large equipment and materials, noise, and relocation of machinery -- occurring on the property.³ Based on this collective testimony and the totality of the demonstrative evidence, including assessments of credibility by the factfinder, the Board easily concluded by a preponderance of the evidence that Petitioner was actively using the site for the fabrication and storage of materials and maintenance of equipment and tools used only in the underlying concrete contracting activities and not for the operation of its corporate offices at this

³ The Board knows from innumerable cases that the County zoning enforcement officials routinely instruct citizens to take photographs and keep diaries of activity to document possible zoning violations. No one enjoys this process. The picture taking in particular tends to aggravate the already strained relationships between neighbors. Given the County's limited resources for the investigation of these types of alleged violations, there is, unhappily, little alternative but for the concerned citizens to resort to that activity.

site. This factual conclusion resolves Petitioner's claim that it was not engaging in the activity.

LEGAL ANALYSIS

Because of how the Board resolves the factual question, the case then turns on the bare legal question of the meaning and scope of "accessory use." As stated above, Petitioner's position is that if it has engaged in that conduct, it is permitted to do so by right because the activity is an accessory use to an office where that office is the office of a concrete contractor. Protestants argue that that activity is, or is akin to, that which falls under the zoning categories of "Building Materials Storage and Sales Yard," "Construction Equipment Storage Yard," and/or "Contractor's Equipment Storage Yard," as those terms are defined in BCZR § 101.1. Whatever specific zoning classification may apply, Protestants' position is that the activity is not permitted as an accessory use to an office because office accessory uses relate only to, and are limited by, generic office activity without regard to the underlying business in which that office is engaged. In other words, rebar and bobcats cannot be routinely stored on the premises of an office whether the office is a concrete contractor's office or an accountant's office.

As indicated above, the MGJ property is zoned B.L. BCZR § 230.1.A.6. This section permits MGJ's office use by right. BCZR § 101.1 defines "Office" as a "building or portion of a building used for conducting the affairs of a business, profession, service, industry or government, including a medical office...." Building Materials Storage and Sales Yard," "Construction Equipment Storage Yard," and "Contractor's Equipment Storage Yard" are not permitted either by right or by special exception in a B.L. zone. BCZR §§ 230.1.A and 230.3. So, if MGJ is to conduct the activity in question here, it must do so as an accessory use.

"Accessory Use" is defined in BCZR § 101.1, in relevant part, as:

A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the

principal use or structure; (c) is located on the same lot **as the principal use or structure served**; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry **in the principal use or structure served**:...An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use. ⁴ (emphasis supplied)

However broad an accessory use may be in general, § 230.1.A.11 indicates that an accessory use specifically permitted in a B.L. zone is, in relevant part, an accessory use "including signs... garages and parking spaces for the use of owners, employees, tenants, and invitees. A maximum of six coin-operated children's rides are permitted as an accessory use." These definitions provide the starting point for the analysis, and it would appear, as a first step, that the plain language of the operative sections of the BCZR preclude Petitioner's interpretation.

The language of the definition of "accessory use" in BCZR § 101.1 clearly establishes that its components are conjunctive, meaning all of the requirements must be met in order to conclude that a particular use is accessory. The language of § 230.1.A.11 does not add any additional dimension to the meaning of accessory use. It is a basic rule of statutory construction that the word "including" by itself typically is used to describe similar entries in a list. In this instance, the list of "signs, garages, and parking spaces" language of § 230.1.A.11 cannot be construed to embrace storage of construction equipment and materials. For our purposes, therefore, the activity in question here, *i.e.*, the storage of equipment, tools, and material for concrete contracting, must be customarily incident **and** subordinate in area or extent to the principal use as reflected in the BCZR § 101.1 definition of accessory use.

The principal use, of course, is that of an office, albeit for a concrete contractor. Common sense dictates that storage of equipment, materials, and tools is not "customarily incident to" an

⁴ Section 101.1, in a somewhat circular and rather unhelpful fashion, defines "Principal Use" as: "A main use of land, as distinguished from an accessory use."

office use *per se*. However, even using Petitioner's interpretation that the principal use is not simply "office," but rather is "concrete contractor's office," it is clear that the area utilized for the storage of equipment and materials is not subordinate or incidental to the concrete contractor's office use. The principal use is still that of an office, and even a concrete contractor's office is an office. In this instance, the scope of the so-called accessory use is far greater than what even a concrete contractor's office can justify. The testimony established that the materials and equipment that MJG was storing utilized a far larger geographic area than the office building. Additionally, the large garage building, by inference, was used as a storage facility for tools and equipment. This was a building at least as large as the office itself. It certainly was not "subordinate" to the principal use, *i.e.* office use. So even if "accessory use" could relate to the business in which the office was engaged -- which the Board does not accept -- the size and scope of MGJ's activity far exceeded that which an accessory use could justify. To use a cliché that was mentioned on several occasions throughout the hearing, it would be the tail wagging the dog.

Finally, in this same vein, the fabrication (here of forms for pouring concrete off site), storage of materials and maintenance of equipment and tools are uses that are associated with a use that is always occurring on a site **different** than the site on which the office is located. These activities are not a "use in combination." The language makes clear that under the BCZR, a permitted accessory use should relate to and support a permitted principal use (here, office use) that exists on the **same** property.

To accept the premise that the accessory use here could include the storage of equipment, tools and materials for concrete contracting so long as the scope is limited begs the ultimate legal question, for it would permit MGJ's storage activity but at a reduced level. This is not this Board's ruling. So, even though the Board found that the activity here exceeded the scope of an

accessory use even if accessory use means what Petitioner says it means, that is not the end of, or even necessary to, the Board's ultimate conclusion. The Board's ruling is broader than that: it is simply that where the principal use is that of an office, it is irrelevant to what business that office relates.

Going back to the regulatory scheme, the activity in question is the storage, whether inside or outside of a building, of building materials, construction equipment, machinery, landscaping equipment, and associated materials. As such, it fits within the definitions of "Building Materials Storage and Sales Yard," "Construction Equipment Storage Yard," and "Contractor's Equipment Storage Yard," as those terms are defined in § 101.1. As indicated above, none of those uses are permitted by right or by special exception in a B.L. zone. A Building Materials Storage Yard is permitted by right in the B.R. (Business Roadside) zone subject to setback requirements. A Contractor's Equipment Storage Yard is permitted in B.R. by special exception in. *See* BCZR § 236.1(C) and 236.2. Building Materials Storage Yard and Construction Equipment Storage Yard are permitted by right in the M.L. (Manufacturing Light) zone, and with some limitations, in the M.H. (Manufacturing Heavy) zone. *See* BCZR, §§ 253.1B.2 and 256.1A.3. That there are identifiable zones to which these uses are expressly designated strongly supports the conclusion that those uses are **not** deeply embedded as a right where some office is supporting an underlying business that stores and uses equipment, tools, building materials and the like. All of those zones permit offices by right. If accessory use is not related to the generic "office," but rather to the business in which the office is engaged, then all one would have to do is open an office in the zones which permit offices by right, have that office be associated with a business not otherwise permitted in the zone, and then claim that the area in which the office is located has become an area where a non-permitted use such as construction storage yard, a contractor's storage yard, or

a building materials storage yard is now permitted by right. This would then make the special exception designation for Contractor's Equipment Storage Yard in the B.R. zone superfluous and unnecessary. In the same light, the M.L. zone expressly permits offices by right. *See* § 253.1(A)(34). It separately permits, again by right, both building materials storage yards and construction equipment storage yards. §§ 253.1(B)(2) and (3). If those latter uses were office accessory uses, then those latter two sections authorizing those specific uses would be, similarly, completely superfluous. Why bother identifying something as a permitted use by right or by special exception when an office oriented to the type of business that would utilize that use solves the problem? So, beyond the plain meaning of the BCZR, the simple logic of the regulatory structure undermines Petitioner's argument.

The plain meaning of the provision and its context in the overall regulatory scheme dictate this result. *Comptroller of Md. V. John C. Louis, Inc.*, 285 Md. 527, 538-39 (1979). Therefore, the analysis above arguably resolves the entire question. Petitioner has, however, asserted a construction of the word "office" in the BCZR to embrace the business in which the office is engaged. This is an overly broad interpretation, which, as indicated in the preceding paragraph, conflicts with, makes superfluous, and/or makes illogical the presence of other definitions in the BCZR (*e.g.* Contractor Equipment Storage Yard), other declarations of uses by right, and other specifically denoted special exceptions. Merely because a party asserts a contrary meaning to a statute or regulation does not make the provision in question ambiguous. The assertion must be reasonable. *Tidewater/Havre de Grace, Inc. v. Mayor and City Council of Havre de Grace*, 337 Md. 338, 345 (1995) ("We are not, in short, at liberty to create an ambiguity where none otherwise exists."). Nonetheless, assuming *arguendo* that an ambiguity in the word "office" justifies a debate about the relationship of an accessory use to a principal office use, the

interpretation by the agency charged with implementing that regulation is given great weight. *Md. Office of People's Counsel v. Public Service Commission*, 461 Md. 380, 393-94 (2018). In this instance, County Zoning Supervisor Carl Richards, who supervises the agency empowered to enforce the County zoning system, testified that storage of construction, building, and contractor's equipment and materials is not permissible as an adjunct to, or an accessory use of, an office. His agency has never permitted that practice to occur. The County Zoning Manual, which County employees use as a primary source for implementation of zoning requirements, supports this conclusion. *See e.g.* People's Counsel Exhibit 18. Mr. Richards could not have been more definitive. As to the relationship of accessory use to an office use, the Board can and does defer to his agency's interpretation.

Nothing said by Mitchell Kellman alters this conclusion. Mr. Kellman testified that "accessory use" is not limited to office activity but relates instead to the office's underlying business. This would mean, for example, that a concrete contractor with offices in center Towson, could first, use its parking area to store rebar, concrete chunks, bobcats, and other tools and equipment, and second, to move, stack, and arrange those materials with its bobcats and work crews throughout the course of the day. Indeed, Mr. Kellman conceded that very hypothetical. The Board views that conclusion as unsupported and without precedent. Moreover, he gave no sound explanation to justify the fact that the storage of equipment, tools, and material in this matter was to support activity occurring off-site. To accept Mr. Kellman's interpretation would turn the entire relationship of principal use and accessory use on its head. The fact that Petitioner's construction leads to an absurd result is yet one more factor supporting the Board's finding. *City of Bowie v. Prince George's County*, 384 Md. 413, 426 (2004). In short, there is

simply no basis to conclude that, as a matter of law, an office accessory use relates to the underlying business in which the office is engaged as opposed to generic office activity.

CONCLUSION

Based on the information presented in the four days of hearings, the Board concludes as follows: (1) Petitioner's property at issue here has been and can continue to function as its office site for its concrete contracting business; (2) Petitioner has been utilizing its property to store materials, equipment, and tools for its concrete contracting operation; (3) the storage of materials, equipment, and tools for a concrete contracting business is not a permitted accessory use associated with an office as the principal use; and (4) even if the storage activity were a permitted accessory use, the activity in question far exceeds that which would be allowed as an accessory use.

ORDER

THEREFORE, IT IS THIS 14th day of December, 2020 by the Board
of Appeals of Baltimore County

ORDERED that, for the reasons stated in its Opinion of this date, it is not a lawful or permitted accessory use to a principal office use for Petitioner to store materials, equipment, and tools for its concrete contracting business at the subject property, 1101 Bowley's Quarters Road; and it is further

ORDERED that an accessory use of an office permits activities that are related to general office functioning and not to the underlying business to which the office relates; and it is further

ORDERED that the Petition for Special Hearing seeking a determination that the storage of materials, equipment, and tools at the subject property as an accessory use is hereby **DENIED**.

ORDERED that an accessory use of an office permits activities that are related to general office functioning and not to the underlying business to which the office relates; and it is further

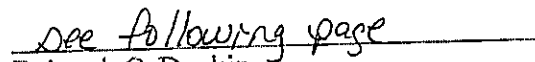
ORDERED that the Petition for Special Hearing seeking a determination that the storage of materials, equipment, and tools at the subject property as an accessory use is hereby **DENIED**.

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*.

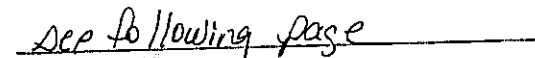
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Andrew M. Belt, Panel Chair



Deborah C. Dopkin



Joseph L. Evans

In the matter of: MGJ Properties, LLC
Case No: 18-342-SPH

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**

see previous page
Andrew M. Belt, Panel Chair

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**BOARD OF APPEALS
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see previous page
Andrew M. Belt, Panel Chair

see previous page
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Joseph L. Evans
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BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: MGJ Properties, LLC

18-342-SPH

DATE: June 30, 2020

BOARD/PANEL: Andrew M. Belt, Panel Chair
Deborah C. Dopkin
Joseph L. Evans

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the following:

Petition for Special Hearing pursuant to BCZR Section 500.7 to permit an existing office and accessory indoor/outdoor storage in a BL zone.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

DISCUSSION

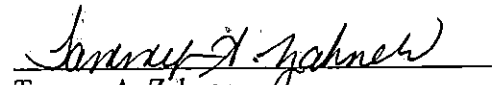
- The Board held four days of hearings during which they heard testimony from the parties and experts, and received a lot of evidence much in the form of pictures and video. Closing Briefs were submitted.
- The Board noted that of importance are the BCZR definitions of 'office' defined as "building or portion of a building for conducting the affairs of the business, profession, service, industry or government"; and 'accessory' which is defined as "customarily incident and subordinate to and serves a principal use or structure."
- The Board stated they are to determine if the use is in excess of what is permitted, and what uses are allowed at the location.
- The Board heard contradictory testimony from the experts regarding what uses are accessory to an office. The Board refers to the County agency when in doubt. Testimony from Carl Richards of the zoning office was that the activity onsite is not accessory to an office use and is not permitted.
- The Board noted that the Petitioner purchased the property in 2009, but the complaints did not begin until 2017. The Protestants allege the activity on the property has become more intense over time and there were numerous photographs in evidence which vary in intensity. A witness for the Petitioner even referred to the property as the shop. Petitioner alleges the activity is accessory to a contractor's office which is permitted in the BL zone. The Board noted there is large machinery maintenance, washing of bobcats and equipment, and storage of rebar on the property. The Board found that the activities on site exceed those normally accessory to an office and found the activities are not permitted.

- The Board discussed the Petitioner's argument that as enacted Bill 149-87 excluded "the outside storage of equipment, materials, machines or parking of construction vehicles", in its definition of a contractor's office, and accordingly the activity is allowed. The Board also reviewed the Zoning Commissioner's Policy Manual which supports the Protestants view of a contractor's office. The Board noted they are the fact finders and when there is ambiguity they look to the agency to see how they apply. Testimony from Carl Richards in the zoning office was that the activity onsite is not accessory to an office use and is not permitted.
- The Board noted that uses associated with an office such as deliveries, employee visits to pick-up paychecks and other paperwork, will generate noise and are permitted during normal business hours.

CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the Petition for Special Hearing.

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

June 4, 2020

NOTICE OF DELIBERATION

IN THE MATTER OF: MGJ Properties, LLC
1101 Bowley's Quarters Road
18-342-SPH 15th Election District; 6th Councilmanic District

RE: Petition for Special Hearing pursuant to BCZR Section 500.7 to permit an existing office and accessory indoor/outdoor storage in a BL zone.

11/1/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to permit, as uses accessory to the existing office, indoor/outdoor storage of materials and/or vehicles was DENIED.

This matter having been heard June 4, October 16, December 18, 2019 and concluded on February 12, 2020, a public deliberation has been scheduled for the following:

DATE AND TIME: **JUNE 30, 2020 AT 9:00 A.M.**

The above scheduled public deliberation will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the public deliberation will be posted on our web calendar the night before at www.baltimorecountymd.gov/Agencies/appeals/index.html.**

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

If you do not have access to a computing device, please contact our office for the call-in information the day before the scheduled deliberation.

Krysundra Cannington, Administrator

Notice of Public Deliberation
In the matter of: MGJ Properties, LLC
Case No: 18-342-SPH
June 4, 2020
Page 2

c.	Counsel for Petitioner	: Lawrence E. Schmidt, Esquire
	Petitioner	: Mark Goloboski/MGJ Properties, LLC
	Counsel for Protestants	: J. Carroll Holzer, Esquire
	Protestants	: Bowleys Quarters Improvement Association, David Hash, Allen Robertson, Kenneth Brickell, Carl and Siu Rossmark
	People's Counsel for Baltimore County	: Peter M. Zimmerman, Esquire
	C. Pete Gutwald, Director/Department of Planning	
	James R. Benjamin, Jr., County Attorney	
	Michael D. Mallinoff, Director/Department of Permits Approvals and Inspections	
	Nancy C. West, Assistant County Attorney	
	Paul M. Mayhew, Managing Administrative Law Judge	



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

March 30, 2020

To whom it may concern:

Due to concerns about COVID-19, all Board of Appeals hearings and deliberations are being cancelled through May 1, 2020. Including but not limited to the matters of:

MGJ Properties, LLC, Case No.: 18-342-SPH;
Donna Bair, Case No.: 19-342-SPHA;
Robb Cohen and Gail Schwartz, Case No.: CBA-20-013;
NPR, LLC, Case No.: 19-364-XA;

We will continue to evaluate and adjust as the situation progresses. All hearings and deliberations will be reassigned as soon as possible. Notices will be sent upon rescheduling and our website, www.baltimorecountymd.gov/Agencies/appeals/index.html, will be updated with any changes.

We kindly request that you forward this letter to the parties, or anyone else you know involved in this matter.

Please contact our office with any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Krysundra Cannington".

Krysundra Cannington
Administrator

IN THE MATTER OF:
MGJ Properties, LLC
Legal Owner
1101 Bowley's Quarters Road

15th Election District
6th Councilmanic District

RE: PETITION FOR SPECIAL HEARING

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: 2018-342-SPH



* * * * *

PETITIONER'S CLOSING MEMORANDUM IN LIEU OF CLOSING ARGUMENT

The property owner, MGJ Properties, LLC (hereinafter "Petitioner), by and through their attorneys, Lawrence E. Schmidt and Smith, Gildea & Schmidt, LLC, submit this Closing Memorandum in Lieu of Closing Argument in support of the Petition for Special Hearing for the above referenced matter and respectfully state:

STATEMENT OF THE CASE

This matter comes before the County Board of Appeals (the "Board") as a *de novo* appeal of Administrative Law Judge ("ALJ") John Beverungen's denial (on November 1, 2018) of a Petition for Special Hearing for the property located at 1101 Bowley's Quarters Road (hereinafter the "Property"). In applying the *de novo* standard, the Board's findings of fact and conclusions of law will be the record made before it.

The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to obtain a determination of whether the existing use of the subject property is compliant with the BCZR. A petition for special hearing relief is, in essence, a proceeding for a declaratory judgment. *Antwerpen v. Baltimore County*, 163 Md. App. 194 (2005). By written Opinion and Order dated November 1, 2018, ALJ

Beverungen denied the requested Special Hearing relief. On November 27, 2018, Petitioner filed a timely appeal to the Board of the ALJ's decision in accordance with Baltimore County Code ("BCC") § 32-3-401.

The public hearing before the Board consumed four non-consecutive days on June 4, 2019, September 16, 2019, December 18, 2019, and February 12, 2020. The relevant facts and testimony will be recounted as appropriate herein.

STATEMENT OF THE FACTS

The Property bears the address 1101 Bowley's Quarters Road and is located in the Bowley's Quarters community of eastern Baltimore County. The Property is located at the intersection of Bowley's Quarters Road and Chestnut Road, with frontage on both of those public streets. The Property is approximately 1.79 acres in area and zoned BL (Business, Local), which, in addition to permitting various commercial uses by right, permits offices by right. There is a small area of the Property that is zoned RC 20 (Resource Conservation 20). Often, County zoning lines do not precisely match property lines and that is the case here. The split zoning of the Property has no impact on the discussion and conclusions below. The Property lies outside the Urban Rural Demarcation Line ("URDL") but is nonetheless served by public water and sewer. The Property is presently improved with 5 buildings, along with associated gravel parking/outdoor storage areas.

The business zoning of the Property reflects its long standing commercial (i.e. non-residential) use. For many years the Property was used as a restaurant/tavern. The original Bowley's Quarters Volunteer Fire house was also located on the Property. In

fact, the non-residential zoning and use of the Property are at the core of the neighbors' objections. They do not like such a use in what they feel is their residential neighborhood.¹ But this position belies the fact that the Property has been used commercially for many years (prior to the neighbors' occupancy of their houses) and the zoning is consistent with the existing and historic use of the site.

The Property was purchased by the Petitioner from James Discher, as reflected in a deed dated September 22, 2009, which is recorded in the Land Records of Baltimore County in Liber 2868, Folio 00286. Since 2009, Petitioner has used the Property for the corporate/administrative offices for its concrete company, Bay Country Professional Concrete, LLC ("Bay Country").

In way of background, sometime in mid-2017, residents of the neighborhood filed on going complaints regarding Petitioner's use of the Property to the Code Enforcement Division of Baltimore County's Department of Permits, Approvals and Inspections ("PAI"). Indeed, in the past three years, the neighbors are constantly filming and watching over the Property, to the consternation of the Petitioner. The neighbor's obsession with prohibiting a reasonable use of the Property consistent with its zoning is alarming. Ultimately, after constant dunning by the neighbors, a civil code citation was issued to the Petitioner by the County. The civil code violation case was heard by the County Code Citation Hearing Officer, and a minor violation of the Code was

¹ In fact, that Protestants have badgered the Petitioner and Baltimore County for years, ever since Bay Country has occupied the Property. The complaints made to Code Enforcement have even alleged that a "bar operates on the property." Most of the complaints have been investigated and dismissed as having no basis.

determined. Concurrently with that case, Petitioner filed a Petition for Special Hearing relief with the ALJ to determine the extent of business activity allowed on the Property and specifically seeking approval for the existing office and accessory indoor/outdoor storage on the Property. Both the citation case (Case No. CC1710981) and Special Hearing case (Case No. 2018-342-SPH) were appealed to this Board. The Board has stayed Case No. CC1710981, pending the resolution of Case No. 2018-342-SPH.

Lawrence E. Schmidt represented the Petitioner during the hearings before the Board. The Petitioner offered extensive testimony by Mark Goloboski, (President of Bay Country), Mitch Kellman (professional planner and zoning expert), Pete Kegel (Project Engineer with Bay Country) and Tom Thrasher, an immediate neighbor. The Property history and details of the office use and accessory storage were described largely through the testimony of Mr. Goloboski. As explained by him, Bay Country is a commercial concrete company established in 2003 and conducts much of its business in the Baltimore Metropolitan area, the Eastern shore of Maryland/Delaware and in northern Virginia. Mr. Goloboski described with particularity the nature of the company's business (concrete installation work) which is conducted entirely at job locations off-site. There is no concrete manufacturing or processing at the Property. Construction equipment, concrete, steel, and other raw materials are delivered directly to the job site where the mixing and installation/pouring of the concrete is handled. Likewise, the construction workers employed by the Company report directly to the job site and not to the Property. Job sites typically include large construction projects such as schools, hospitals, shopping centers, parking garages, etc.

Mr. Goloboski testified that two of the buildings on the Property, as indicated on the Site Plan (Petitioner's Exhibit 1), serve as Bay Country's corporate and administrative offices. The remaining buildings are either in a state of disrepair or contain office related supplies and materials/equipment. In this regard, Mr. Goloboski has extensively improved the Property since his acquisition, replacing a deteriorated structure with a new building. He proposes to make further improvements by either removing or replacing the old buildings on the Property but has deferred those plans until the zoning matters are resolved. He candidly fears that any construction on the Property (which was the case last time a new building was built), will result in a new round of complaints by his neighbors to the County.

Bay Country employs approximately 60-70 employees. Between 6-7 employees work at the Property performing payroll, billing and construction estimating functions for the business, with the remaining employees working in the field at job locations. Mr. Goloboski testified that occasional excess materials are delivered to the Property at the conclusion of a job, awaiting either future use or recycle. Such excess material is distinct and separate from the rebar and associated material/debris located towards the side of the Property furthest from Bowley's Quarters Road, which existed at the time Petitioner bought the Property in 2009. As shown in Petitioner's Exhibit 20 (current photos) and as testified to by Mr. Goloboski, Petitioner has since cleaned up and removed such material. Mr. Goloboski further testified that there is an occasional "bobcat" or other piece of construction equipment at the Property. Previous evidence of heavy equipment and machinery use on the Property was associated with a validly issued building permit for

the demolition and reconstruction of a building on the Property. Mr. Goloboski explained that employees driving larger passenger type vehicles (e.g. Ford 250 pickup trucks) may occasionally stop in to pick up invoices or paychecks. However, there is no frequent ingress/egress of truck and construction equipment activity. The Property is unlike a construction/contractor's equipment storage yard in that there is no substantial storage of equipment, vehicles or material; no fenced in area for secure storage and no frequent "in and out" of employees, deliveries, "drop off" or "pick up" of materials and equipment. Like any business, employees and visitors come and go, all related to the nature of the operation. However, this Property bears no resemblance to the typical construction/equipment storage yard (See Photos of examples, Petitioner's Exhibit 6 A-H)

Mr. Kellman testified on behalf of the Petitioner and was accepted as an expert witness in the field of planning and interpretation of the BCZR. He reviewed the Site Plan (Petitioner's Exhibit 1) and generally described the neighborhood and Property, including the current improvements on the Property. The Property contains 5 existing buildings. The building closest to Bowley's Quarters Road is approximately 2,000 sf. and serves as the main offices for Bay Country. There is an existing 3,000 sf. building which presently contains an office, a bathroom, and associated storage. There is an existing 400 sf. building proposed to be razed. There is an existing 1,800 sf. building proposed to be razed. The building/shed furthest from Bowley's Quarters Road contains storage. The Property contains no streams or wetlands.

Mr. Kellman opined that the principle use of the Property is an office and is permitted by right in the BL zone. As will be explained hereinafter in further detail, Mr. Kellman explained that a “contractor’s office” is a use that falls within the general office use classification; meaning that if a zone permits an office use, then it permits a contractor’s office use. Additionally, Mr. Kellman testified that the indoor/outdoor storage on the Property was accessory in nature and permitted by right in the BL zone as it satisfied the criteria for an accessory use in BCZR § 101.1.

Mr. Kegel testified on behalf of the Petitioner and introduced security video evidence refuting certain time log entries offered by the opposition (Petitioner’s Exhibits 22, 23). He further presented photos depicting the consistent conditions of the Property and Petitioner’s efforts to clean and remove debris on the Property (Petitioner’s Exhibits 19, 20). Thomas Thrasher also testified. He is the closest and most immediate neighbor to the Property, occupying the property immediately across Chestnut Road. His testimony contradicted the testimony of the Protestants as he stated that the Property does not generate noise and there is not substantial activity on the site. Certainly, any business operation will have occasional “business activity” associated with the Property on which the business is located. But many of the Protestants complaints were, for example, based on sounds that they “think” came from the subject Property or assumed (in the case of larger trucks) were associated with Bay Country. Mr. Thrasher said that the Property does not disrupt the enjoyment of his Property.

Several neighbors appeared in opposition to the Petition and were represented by attorney J. Carroll Holzer during the proceedings before the Board (the “Protestants”).

The Protestants indicated that their primary concerns were traffic and noise generated from the Property (along with some minor environmental concerns). The Protestants testified to the activities on the Property, and submitted photos and videos purporting to show large construction vehicles at or near the Property. But much of their testimony was speculative and did not actually relate to the Property and Bay Country, but general conditions on the Bowley's Quarters peninsula. For example, Rose Hession testified that she saw an 18-wheel tractor trailer parked on Bowley's Quarter Road near the Property. When questioned further, she acknowledged that the 18-wheeler she described had no markings associated with Bay Country and that there was no other indication that it was in any way associated with Bay Country, Mrs. Hession *assumed* it was involved with activity at the Property. She saw it near, but not on, the Property. Carl Rossmark introduced time logs documenting noises generated in the neighborhood (Protestants' Exhibit 13). However, he did not witness activity on Bay Country; instead heard it only and assumed the sounds were generated by activities on the Property. Some of the Protestants testimony was simply silly; for example, seeing vehicles with their engines running in the parking lot, or employees with hard hats and safety vests entering the building. What would one expect to see at the office of a concrete contractor? In contrast, Mr. Tom Thrasher indicated that the activity on the Property was minimal and in fact identified other construction activities in the area (house construction) that could have been the source of the noise.

Protestants' counsel presented as a witness Chris Jakubiak, an expert land use planner. Mr. Jakubiak testified to the residential nature of the neighborhood and the use

of the Property. Specifically, he opined that the use of the Property is considered a contractor's office, which he defined as a distinct and different use than the "office" permitted in the BL zone. Further, he opined that a contractor's office was not permitted by right nor by special exception in not only the BL zone, but (because it is not designated in any zone) is not permitted in Baltimore County at all. Clearly, such a contention is a misapplication of the of the BCZR and his and conclusions and credibility are questionable based upon such an untenable opinion.

People's Counsel (Peter Max Zimmerman) appeared in opposition to the Petition and called Carl Richards, Supervisor with the Baltimore County Zoning Office, to testify to the use of the Property. Mr. Richards testified that he reviewed the photos produced by the Protestants and believes the use of the Property is a contractor's equipment yard and/or construction equipment yard and that such uses are not permitted in the BL zone. On cross examination, Mr. Richards contradicted Mr. Jakubiak and stated that the BL zone does permit a contractor's office because such use falls within the general office use. Mr. Richards also testified, without basis and in complete disregard to the plain wording in BCZR § 230.2.D, that an Office use cannot have outdoor storage of vehicles, equipment and/or material.

While there is some disagreement concerning the nature and scope of the activities at the Property, it is clear that the Property is primarily used for offices with some component of material and equipment storage. Petitioner contends these activities and storage of materials are "accessory" to the operation of the office, a use permitted by right

in the BL zone or, in the alternative, that they are part and parcel of the underlying contractor's office use.

ARGUMENT

The Petitioner's fundamental argument is that the principal use of the Property is an office with an accessory storage of materials and equipment and is thus permitted in the BL zone. As noted in *Antwerpen, supra* a special hearing is a type of declaratory judgment requiring an interpretation of the zoning regulations. The case turns on whether the zoning regulations provide for the relief requested in the Petition. This is a legal issue where the decision does not necessarily depend on an determination of the facts but rather whether the regulations permit the use as the facts depict it. This is not a special exception case where the Board is required to adjudge the impacts of the use. It is either allowed, or it is not. Whether the activity disrupts the neighborhood is not the issue. The BCZR plainly permits office uses and accessory uses in the BL zone. As discussed in detail below, the BL zone permits storage of equipment and materials as an accessory use. Not only do the Zoning Regulations explicitly permit storage and display of materials, vehicles and equipment in the BL zone, but the facts also demonstrate that such storage is, itself, an accessory use to Petitioner's principal office use. Consequently, this Board should grant Petitioner's Special Hearing relief.

I. The Property's principal use is an office and permitted as of right in the BL zone

There is no dispute that an office is permitted as of right in the BL zone pursuant to BCZR § 230.1.A.6. The BCZR defines office as a "building or portion of a building for

conducting the affairs of a business, profession, service, industry or government.” BCZR § 101.1. The Property contains the administrative offices of Bay Country where employees perform payroll, billing and construction estimating functions for the business. Typical offices hours include 6am – 5pm. These are clearly appropriate activities and fit within the definition of an office. Unlike the administrative functions, the construction operations of Bay Country include concrete mixing, which is a complex process involving the refinement of stone, gravel aggregate, sand, and asphalt cement and concrete pouring (construction). As testified to by Mr. Goloboski, Bay Country does not batch or mix concrete on the Property, but rather such functions are performed at job site locations. This is evident by various invoices and receipts (Petitioner’s Exhibit 3 A-E) showing the quantity of materials (thousands of pounds) and delivery addresses of job sites. Moreover, it would make no logical sense to bring raw materials to the Property, only then to transport them to the job/construction site.

Although the fact Petitioner is using the Property for the administrative/corporate offices of Bay Country is self-evident, the Protestants apparently question the permissible nature of the office use. As argued by People’s Counsel and testified to by Mr. Jakubiak, the use of the Property purportedly satisfies the “contractor’s office” definition in BCZR § 101.1 rather than the “office” definition in BCZR § 101.1. Accordingly, the use of the Property is illegal because the Zoning Regulations do not permit contractor’s offices in the BL zone. This proposition is nonsensical and contrary to County Council intent and case precedent. Like a “lawyer’s office” or an “engineer’s office”, the Petitioner’s “concrete contractor’s office” is not a specific permitted use listed in any zone. This does

not mean Baltimore County does not permit such uses, but rather such specific offices fall within the general office classification. As is the case here, if a zone permits an office, it allows various types of offices such as an administrative office serving a commercial concrete company. The concrete company's office is "subsumed" into the office definition. As testified by both Mr. Richards (People's Counsel's own witness) and Mr. Kellman, for purposes of the Zoning Regulations, specific office uses are functionally identical to the general office use which is permitted as of right in the BL zone.² As such, because the BL zone permits an office use, it also permits specific office types including a contractor's office, an engineer's office, a lawyer's office, etc.

A "principal use" is defined in BCZR § 101 as "A main use of land, as distinguished from an accessory use." The testimony and evidence before the Board reveals the character and extent of Bay County's offices on the Property. There is nothing incidental, subordinate, or casual about the office use on the Property. As such, the Property has and continues to principally function as the corporate and administrative offices of Bay Country.

II. The storage of materials and equipment is a permitted accessory use to an office in the BL zone.

The storage of materials and equipment is permitted in the BL zone as an accessory use to an office. BCZR § 230.1 provides for a list of principal and accessory uses permitted as of right in the BL zone. As previously stated, BCZR § 230.1.A.6 permits offices as of

² The Board should take judicial notice of this fact as the alternative would reason that Baltimore County does not permit contractor's offices in the County.

right as a principle use in the BL zone. Pursuant to BCZR § 230.1.A.11, accessory uses are permitted as of right in the BL zone.

BCZR Section 230.1.A. provides:

“The following uses only are permitted:”

“11. *Accessory uses or structures, including* signs, garages and parking spaces for the use of owners, employees, tenants and invitees. A maximum of six coin-operated children’s rides are permitted as an accessory use.” (emphasis added)

BCZR Section 101 defines “accessory use or structure” to be:

A use or structure which: (a) is customarily incident and subordinate to and serves a principle use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served...

The accessory use terminology in BCZR § 230.1.A.11 incorporates the phrase “*including*.” This coupled with the definition of “accessory use or structure” in BCZR § 101.1 illustrates the expansive nature of appropriate secondary uses considered to be accessory. Distinct from other use definitions, not every specific accessory use is defined or listed. Appropriate accessory uses require consideration of the BCZR § 101.1 definition, the zone, and the underlying principal use. The County Council clearly understood that accessory uses could not exhaustively be listed.

Unlike residential and resource conservation zones, the BL zone provides for small scale commercial uses such as restaurants, banks, retail, offices, etc. Of the principal uses listed in BCZR § 230.1., there is no specifically enumerated use permitting the “storage of materials and equipment.” Petitioner submits that the BL zone permits as of right the

“storage of materials and equipment” as an accessory use rather than a principal use. This is because BCZR § 230.2 provides further insight into uses permitted as of right in the BL zone.

BCZR § 230.2 provides

“*All* the above uses in Section 230.1 are subject to the following conditions:” (emphasis added)

“D. *Storage and display of materials, vehicles and equipment* are permitted in the front yard, but not more than five feet in front of the required front building line.” (emphasis added)

Unlike BCZR § 230.2.A., which specifically provides for certain uses,³ BCZR § 230.2.D. applies to all uses listed in § 230.1, including all principal (i.e. offices) and accessory uses.⁴ Given that the “storage and display of materials, vehicles and equipment” is not a permitted principal use in the BL zone, such use must be a contemplated accessory use in the BL zone provided it satisfies the definition of an accessory use in BCZR § 101.1. Any contrary interpretation would render BCZR § 230.2.D completely useless. As is well settled, statutory interpretation requires an examination of interpretive consequences, avoiding an absurd or unreasonable reading. *Kaczorowski v. City of Baltimore*, 309 Md. 505, 513, 516 (1987). “...[W]e ‘avoid constructions that are illogical, unreasonable, or inconsistent with common sense..., and instead interpret and harmonize statutes as a whole, giving meaning and effect to all parts of the statutory

³ BCZR § 230.2.A. provides: “They shall be contained, except for signs, restaurants, swimming pools, outdoor sales or display areas, parking lots, helistops or picnic groves within completely enclosed buildings.”

⁴ The presence of the word “all” directly refutes Mr. Richards’s contention that an office use cannot have outside storage of equipment, materials and vehicles.

language and refraining from interpretations that render any part of a law surplusage or contradictory.” *Physicians v. Mullan*, 381 Md. 157, 168 (2004).

In *County Comm'rs. Of Carroll County v. Zent*, 86 Md.App. 745, 587 A.2d 1205 (1990), the Court conducted a thorough analysis of what constitutes an accessory use. In that case, a milk trucking and distribution business in Carroll County was storing its decommissioned trucks on its property for parts. Neighboring residents thought it was junk, and the zoning board determined that the storage of the vehicles amounted to a nonconforming use as a junkyard. The Circuit court reversed, finding that the storage of the junked vehicles had always been incidental to the business. *Id.* at 748-50. In affirming the Circuit Court, the Court of Special Appeals first noted that an accessory use is regarded as “a use which is dependent on or pertains to the principal or main use.” *Id.* at 758. The Court then quoted from cases from other jurisdictions for the propositions that the accessory use must not “achieve the status of an additional co-equal use” and has to be subordinate in terms of “scale, volume and intensity” (*Id.* at 761, quoting, *Ferry v. City of Bellingham*, 41 Wash.App. 839, 706 P.2d 1103 (1985)); that the accessory use “must be related to the principal use,” and “must be subordinate and clearly incidental to the principal use.” 86 Md.App. at 762, quoting, *Redfearn v. Creppel*, 455 So.2d 1356 (La. 1984).

The Court of Special Appeals subsequently decided a Baltimore City accessory use case in *Eastern Service Centers, Inc. v. Cloverland Farms Dairy, Inc.*, 130 Md. App. 1 (2000). As was the case in *Zent*, in *Eastern*, the test that was applied by the Court was whether the accessory use changes the basic nature of the primary permitted use and is truly incidental to, and supports the use. *Id.* at 12.

The storage of materials and equipment on the Property satisfies the condition provided in BCZR § 230.2.D and squarely fits within the definition of an “accessory use or structure” in BCZR § 101.1. In fact, Mr. Kellman, recognized by the Board as an expert in the BCZR, walked through each of the four-part definition and confirmed this for the Board. The storage of materials and equipment satisfies the first factor as it is customarily incident and subordinate to the office of a commercial concrete company. The use of the word “incident” means the accessory use is a common complement to the office use and must serve the office use. But such storage is not equal to the office use because it must be “subordinate.”

Petitioner anticipates that Protestants/People’s Counsel will likely argue that in order to be accessory to an “office,” the accessory storage must be of pens, paper, computers, phones, or similar office supplies. That is, the appropriate types of storage must relate to typical office functions. However, this anticipated interpretation ignores BCZR § 230.2.D, which permits the “storage and display of materials, vehicles and equipment...” BCZR § 230.2.D should be read to allow storage of items related to the business pursuit of that specific office. The primary focus and use of the Property is the administrative and corporate offices for a commercial concrete/contractor company. The temporary and limited storage of materials and equipment is a natural incident of the business of the office and thus customarily. As Mr. Goloboski testified, the storage of materials and equipment on the Property is infrequent as Bay Country orders/delivers material/equipment directly off-site at the clients’ properties. Clearly, the storage use is subservient to the principal office use. Medical offices might store X-rays and medical

equipment and law office might store papers and law books. An electrical contractor (specifically permitted in the BL zone) might store wire and conduit. But a concrete company stores vehicles and equipment associated with its business. To contend that only the pens and pencils associated with an office can be stored (and ignore the nature of the business of that office) is an inappropriate limitation of the accessory use permitted.

Within the second part of the accessory use definition, the storage must be subordination in area, extent *or* purpose to the principal use or structure of the Property. This means that the second factor is satisfied so long as the storage is subordinate to either the office in any one of the following ways: area, extent or purpose. The Property consists of 1.79 acres of land containing 5 structures. Two of the structures are in a state of disrepair and are proposed to be razed. The entirety of the 2,000 sf. building and a portion of the 3,000 sf. building are used as offices. Storage is exclusively used in the shed building located in the side yard of the Property. Additional minor storage is located within the 3,000 sf. building. All outdoor storage has been minimized. Therefore, the operation of the storage is clearly subordinate in extent and purpose to the office.

As to the third factor, the Site Plan (Petitioner's Exhibit 1) and testimony shows that the storage is located on the same lot as the office. With regard to the fourth factor, the storage contributes to the comfort, convenience and necessity of the office, in that occasional excess materials will remain at the Property awaiting either future use or recycle. That storage of material and equipment can be an accessory use is obvious. It squarely meets each of the four components of the definition. The question in this case is one of degree.

It is controverted that the office is the principal use of the Property. The test which the Maryland Appellate Courts have utilized when analyzing whether an accessory use is "customarily incidental and subordination" to a principal use overwhelmingly supports a finding by the Board that, in the instant case, the proposed accessory use constitutes accessory uses which are permitted by law.

III. In the alternative, the Property's principal use is a contractor's office, which allows storage of material and equipment, and is permitted as of right in the BL zone

In the alternative, Petitioner asks this Board to find that the existing office and storage of materials and equipment use on the Property is defined as a "contractor's office" which is permitted as of right in the BL zone. As stated earlier, because the BL zone permits an office use, it also permits specific office types including a "contractor's office."

BCZR § 101.1 defines a "contractor's office" as:

"A room or group of rooms for conducting the *business affairs* of a building trade." (emphasis added)

As described above, the Property is principally used as the corporate/administrative offices for Bay Country. As such, the offices contain rooms where employees conduct the business affairs (i.e. payroll, billing, estimating etc.) of a concrete company. Therefore, the use of the Property can be defined as "contractor's office."

Along with conducting the administrative functions of a building trade, the term "*business affairs*" includes the storage of associated material and equipment relating to

the business trade. Of course, when interpreting the meaning of a county or local zoning code, we should attempt to ascertain the intention of the drafters from the plain meaning of the words of the ordinance and we apply the canons of statutory construction when necessary to elucidate the meaning of the language. *State v. Brantner*, 360 Md. 314, 758 A.2d 84 (2000); *Resper v. State*, 354 Md. 611, 732 A.2d 863 (1999). While neither the BCZR nor Black Law's Dictionary define the term "business affairs," Law Insider defines the term as meaning "the **business assets**, affairs, liability, financial condition and results of operations...." (emphasis added). Business assets span many categories and include tangible goods such as materials and equipment. The storage of materials and equipment is a natural incident of contractor activity and thus would be permissible via a contractor's office. That is, a contractor's office includes not only the administrative function of operation, but also storage as a component of the business.

When interpreting a statute, a court does not read statutory language in a vacuum, nor does it confine strictly its interpretation of a statute's plain language to the isolated section alone; rather, the plain language must be viewed within the context of the statutory scheme to which it belongs, considering the purpose, aim, or policy of the legislature in enacting the statute. *State v. Bey*, 452 Md. 255, 156 A.3d 873 (2017). The "contractor's office" definition was codified in 1987 by the enactment of Bill 149-87. The definitional differences of the "contractor's office" between Bill 149-87 (as introduced) and Bill 149-87 (as enacted) is significant for determining legislative intent.

Bill 149-87 (as introduced) defined a "contractor's office" as:

"A room or group of rooms for conducting the business affairs of a building trade, excluding the outside storage of equipment, materials, machines or parking of construction vehicles."(emphasis added)

Bill 149-87 (as enacted) defined a "contractor's office" as:

"A room or group of rooms for conducting the business affairs of a building trade"

The intention of the County Council is readily revealed by the deletion of "excluding the outside storage of equipment, materials, machines or parking of construction vehicles."

It is apparent that the County Council intended to allow the outside storage of equipment, materials, machines or parking of construction vehicles when it deleted the outdoor storage of such material from the excluding language in the definition. *Foor v. Juvenile Servs. Admin.*, 78 Md.App., 151, 162-63, 552 A.2d 947 (interpreting that the legislature's omission of terminology they used in earlier counterpart provisions was not the "product of inadvertence"). Therefore, the existing office and storage of materials and equipment use on the Property is defined as a "contractor's office" and permitted as of right in the BL zone.

Petitioner anticipates that Protestants/People's Counsel will argue that the definition of a "contractor's office" in the Zoning Commissioner's Policy Manual ("ZCPM") controls and prohibits the storage of materials and equipment on the Property.

ZCPM § 101 defines a "contractor's office" as:

"A contracting company that stores its materials, trucks, and other equipment at a permitted location elsewhere, a business office only, with parking for passenger vehicles may be located in zones where offices are allowed."

Simply stated, the definition of a “contractor’s office” in the ZCPM is inconsistent with the definition provided in the BCZR. As such, the BCZR definition controls and the ZCPM definition has no legal effect. BCC § 32-3-105 (previously codified as BCC § 26-135), authorized the Director of Permits, Approvals and Inspections (“Director”) to adopt the ZCMP. BCC § 32-3-105(a)(1) emphasizes, however, that the policies must be “(i) [n]ecessary and proper to carry out and enforce the provisions of this title; and (ii) [c]onsistent with this article.” Nothing in the BCZR nor the BCC authorizes the Director to alter or change a statutory definition enacted by the County Council. “Administrative agencies ... are arms of the legislature and derive all their authority from the legislative branch” *Annapolis Waterfront Co.*, 284 Md. At 394. Administrative bodies are to execute policy of zoning ordinance only “under specified procedural guidelines.” *Montgomery County v. Woodward & Lothrop, Inc.*, 280 Md. 686, 717 (1977). BCC § 32-3-105 simply means that the Director may adopt policies on a certain subject *if* the applicable ordinance grants the authority to adopt regulations on that subject.

Under the plain language of BCZR § 101, there is no limitation on the term “contractor’s office.” The County Council, however, did remove a limitation when it adopted the definition in Bill 149-87. If the drafters of the BCZR had wanted to define “contractor’s office” as being limited, it is logical to believe that it would have used language similar to that employed in ZCPM § 101. Because the drafters did not limit the term “contractor’s office” in this fashion, we interpret the term to permit the storage of materials and equipment.

IV. The Property is not a contractor's equipment storage yard or construction equipment storage yard

Protestants and People's Counsel allege that Petitioner's use of the Property is a "contractor's equipment storage yard" and/or "construction equipment storage yard," and pursuant to BCZR §§ 230.1 and 230.3, such uses are not permitted in the BL zone either by right or by special exception.

BCZR § 101.1 defines a contractor's equipment storage yard as:

"The use of any space, whether inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage or landscaping equipment and associated materials."

BCZR § 101.1 defines a construction equipment storage yard as:

"The use of any space, whether inside or outside a building, for the storage of construction equipment or machinery, including landscaping equipment and associated materials."

Protestants/People's Counsel contend that the mere presence of any of the above characteristics on the Property converts the office use to a contractor's equipment storage yard/construction equipment storage yard. Accordingly, the storage of 1 block of wood or a single piece of rebar would convert the principal office use to a storage yard. Mr. Richards inexplicably testified that if an employee driving a tractor trailer parks at the Property to retrieve a paycheck, the use of the Property immediately converts to a storage yard or even a trucking facility. This position is both absurd and nonsensical.

Contrary to Protestants/People's Counsel's proposition, a principal use as compared to an accessory use is one of degree. For example, the above storage yard

definitions include the storage of landscaping equipment. The mere presence or storage of a lawnmower on a residential property does not convert the residential use to a storage yard. The problem with Protestants/People's Counsel's argument is it disregards the difference between accessory and principal uses. It is not simply the occasional presence of a bobcat or rebar that turns the Property into a storage yard, but the occurrence of a significant number of characteristics (i.e. frequency of storage, quantity of storage) that would convert the office use of the Property. Obviously, it depends upon the scope and extent of the activity; to wit, is the storage of material and equipment the main focus of the Property; or is it merely an accessory component of the Property. That an office may store materials and minor equipment without becoming a storage yard is manifest. The Zoning Regulations provide as much. In fact, one would be hard pressed to find an office that does not provide some form of storage.

By way of analogy, there are a multitude of accessory uses which exist to serve a principle or primary use in a business or institutional (i.e. non-residential) setting. There are "service garages" (defined in the BCZR as businesses where mechanical or body repairs are made to motor vehicles) that rent vehicles or trailers; and on some occasions sell vehicles. Does this make these operations a vehicle rental business (like Hertz?) or a car dealership? Of course not, they are garages with an accessory rental and sales component. Similarly, many churches have pre-schools or day care operations. Are they considered or regulated as schools or day care operations from a zoning standpoint? No, they are churches with an accessory education or service ministry. The question is thus; is the storage component the primary or accessory operation or focus?

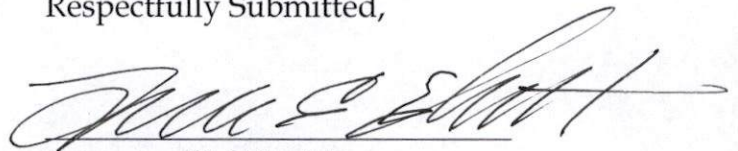
As shown in photos depicting other contractor's/construction equipment storage yards, (Petitioner's Exhibit 6 A-H), such a use is typically characterized by the presence of equipment such as backhoes, air compressors, bulldozers, trailers, heavy machinery, stacks of material, etc.; all of which contain perimeter fencing for security purposes. Simply state, the activity on the Property is not what occurs on contractor's/construction equipment storage yards. A contractor's office and/or an office serving a commercial concrete company is permitted to infrequently store materials and equipment not in use, but not when the number of pieces of heavy equipment stored and/or material was so large as to fail the test of customary incidence, as well as constitute a prohibited storage yard.

CONCLUSION

For these reasons, the Board should grant the Petition for Special Hearing. Certainly, the Board has authority to limit the areas of storage and to impose other reasonable conditions. For example, the Board may direct that the Petitioner store all material indoor; or in a defined outdoor area of the Property. The Board may likewise require fencing or other screening. But the Protestants objections go to far. They do not want trucks to even visit the Property! This is notwithstanding that trucks and large vehicles of all sort (product delivery, oil delivery, moving vans, school buses, etc.) are in residential neighborhoods. The Petitioner conducts its business at construction sites. It is uneconomical and impractical for the Petitioner to deliver materials or equipment to the Property and it does not do so. Construction employees, other than to pick up paperwork and perform other administrative tasks, do not visit the site and there are infrequently

"work vehicles" on the Property. The Protestants insistence and contention that any such visit or storage transforms the Property to a construction/contractors storage yard is both a violation of the Petitioner's private property rights to use its commercially zoned property for a permitted purpose; and presents an interpretation of the BCZR which cannot be legally sustained. This is a property that is zoned BL (Business-Local). It should be able to be used as such.

Respectfully Submitted,



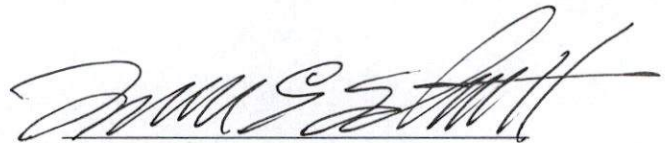
Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
lschmidt@sgs-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 12th day of March, 2020, a copy of the foregoing Memorandum was mailed, postage pre-paid, to:

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21204

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Ave., Room 204
Towson, MD 21204



LAWRENCE E. SCHMIDT

IN THE MATTER OF:
MGJ PROPERTIES, LLC
Legal Owner

1101 Bowley's Quarters Road
Middle River, Maryland 21220

6th Councilmanic District
15th Election District

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
*
* Case No.: 18-342 SPH
*
*

* * * * *

PROTESTANTS' MEMORANDUM TO
BALTIMORE COUNTY BOARD OF APPEALS

The Protestants, The Bowley's Quarters Community Association,
Allen Robertson, 1608 Holly Tree Road; Bowley's Quarters Improvement Association,
Dave Hash, 3804 Chestnut Road; *Kenneth & Kristen Brickell*, 3727 Chestnut Road;
Carl Rossmark and Siu Cheung Rossmark, 3729 Chestnut Road; *Paul and Kathy Paul*,
3803 Bay Drive; *Rose and Joe Hession*, 1127 Cold Spring Road; *Carol Dean*,
925 Bowley's Quarters Road; and *John Bolton*, 3820 Chestnut Road, all of
Middle River, Maryland 21221, by and through their attorney, *J. Carroll Holzer*,
Esquire, hereby submit this Memorandum in lieu of Final Argument and state the
following:



LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

I.

OVERVIEW

This matter comes before the Board of Appeals from a Decision of the of the Administrative Law Office for Baltimore County wherein the Petition for Special Hearing to permit, as uses accessory to the existing office, indoor/outdoor storage of materials and/or vehicles as more particularly shown on the site plan, which was **DENIED** and subsequently was appealed to this Board. Hearings were conducted on June 4, 2019, October 16, 2019, December 18, 2019 and February 12, 2020. People's Counsel of Baltimore County oppose this special zoning relief and there is a pending appeal to the code enforcement case.

The subject property is 1.79 acres in size and zoned R.C. 20 and B.L. with a portion of the property designated as wetlands. The Petitioner purchased the property in 2009 and has operated the business/administrative office at the site in question for his concrete company, Bay Country Professional Concrete. Neighbors testified that for several years they did not have any concerns with Petitioner's usage of the office at the subject property. However, they stated in the last three (3) to four (4) years the office use has been modified to become more of a contractor's shop and storage yard. This has been exemplified by significant contractor's operation activity including but not limited to the daily loading and unloading of materials, the storage of heavy construction vehicles

such as bobcats, backhoes, excavators, and the both indoor and outdoor storage of material, along with a significant increase in noise. The sound of beeping from the backing up of trucks and heavy equipment from early morning, frequently as early as 5:00 a.m. and on occasion before 4:00 a.m. This not only occurred on weekdays, but also on weekends and holidays.

II.

PROTESTANTS AGRUMENTS

A. TESTIMONY OF DAVE HASH.

Dave Hash, who is the Chairman for the Bowley's Quarters Improvement Association (BQIA) zoning committee and testified on behalf of BQIA in opposition of the Petitioner. He stated the owner is now attempting to make the current violations go away by changing the definition of what can take place on the property, which, if approved, would all of a sudden make these currently illegal uses OK, by calling them "accessory" uses. To take this action would disregard the fundamental purpose of the B.L. Zoning designation and its stipulated prohibited activities, further ignoring the degradation of the quality of life in the adjoining Resource Conservation zone that must be protected. Several neighbors have reported negative impacts from these prohibited activities, including noise from vehicles and equipment in the early morning hours. Clearly, what was initially a compatible business office use has expanded to include

operations of a contractor yard. BQIA opposes the request for zoning relief and urges the Appeals Board to uphold the Opinion and Order of the Administrative Law Judge handed down on this matter on November 1, 2018. Further, BQIA does not support any change to the rules to accommodate contractor storage yard and operations not allowed under the B.L. Zone. BQIA wants the current zoning adjacent to our R.C. Zones to be upheld.

B. TESTIMONY OF MULTIPLE NEIGHBORS.

Paul A Paul, Kathy Paul, Rose Hession, Carol Dean and John Bohlen are several of the neighbors that testified to their observations of flatbed tractor trailers and large commercial trucks blocking traffic and parking of these vehicles on both Bowley's Quarters Road and Chestnut Road. Some trucks were from vendors such as Hilti (supplier), P. Flanigan & Sons (construction and equipment repair), HD White Cap (material supplier) and Steve's Hauling (heavy equipment hauler). Mr. Bohlen submitted pictures which documented the use of the large building in the rear of the property, the "shop", as containing stacks of concrete construction material. Ms. Dean's testimony included her interactions with Councilwoman Cathy Bevins and submitted a letter documenting Councilwoman Bevin's opposition to the request by the Petitioner.

C. TESTIMONY OF KENNY BRICKELL.

Kenny Brickell resides at the first house adjacent to the site. Mr. Brickell testified to the change in use of the property, in that past two (2) to three (3) years, from an office to a contractor's manufacturing shop, supply warehouse/holding facility for heavy equipment, bobcats, excavators, trailers, and compressors. He heard noises coming from activities such as concrete being knocked off of steel forms, wood being dropped and loaded onto trucks/trailers, backup warning buzzers, and the noises from loading and unloading rebar by the bobcats. He provided many pictures and videos to support his observations that the property is now being misused. Mr. Brickell said that the photos, videos and his log which covers about two (2) years are just a sampling of the constant activities.

D. TESTIMONY OF CARL ROSSMARK.

Carl Rossmark has resided at the second house from the property for over fifty (50) years and noted the change of usage of the property in the recent years. Mr. Rossmark's life and health has been greatly degraded by the loud beeping noise that wakes him up in the early mornings including weekends and holidays. Mr. Rossmark started documenting the noise disturbance and activities occurring at the site. This log not only contains the dates and time he heard the noise, but he physically went to verify

the source of the noise. He wanted to be able to under oath testify that the noise actually came from this site and not some other site. He also took a lot of pictures which documented that supported his noise and activity log. Mr. Rossmark, who is a licensed contractor himself, testified that every construction company needs a “shop” in which to store, repair and maintain materials and equipment. He discovered the storage of construction materials and presented a log of the times his family was awakened by the flatbed trucks delivering and picking up materials and heavy equipment from the site. His documentation proves these activities are neither incidental or occasional.

E. TESTIMONY OF SIU CHEUNG ROSSMARK.

Siu Cheung Rossmark also resides at the second house from the site and is a licensed real estate broker, practicing both residential and commercial real estate for almost thirty (30) years. Ms. Cheung Rossmark gave a history of her observations and her substantial research of the Baltimore County zoning regulations. She described the frequent noise from construction equipment in early morning hours that caused sleep deprivation and related health issues. She presented four (4) sets of photographs in evidence, showing the storage of construction equipment and materials used in the concrete business. She also presented five (5) videos depicting trucks blocking Chestnut Road and other activities on the property. She pointed out that much investment has gone into upgrading Baynes Cove, just across the street, in keeping with preserving

Open Space and the rural waterfront character surrounding this property. She emphasized that the observed activities are not occasional, and that since the violations there has never been a day when all the materials have been removed. Even the “clean photos” that the Petitioner recently took are staged and that the “open dump site” continues. She stated the operations at this location are not that of an office. The one small building that was used by the previous owner’s residence is now the “office”. The back building, the “shop” is three thousand (3,000) square feet in the back building, plus the outside storage area, and the old firehouse which is being used as storage. The subordinate use is the office as the primary use is a contractor’s storage yard and shop. In all her years of experience, offices do not have numerous pieces of heavy equipment, construction materials storage, daily loading and unloading of materials onto trucks, fabrication and construction men working on site and storage of debris “open dump site”.

F. TESTIMONY OF ALLEN ROBERTSON.

Allen Robertson is the zoning chairman for the Bowley’s Quarters Community Association and testified on behalf of the organization that opposes the change of use from an administrative office to include maintenance of equipment and the storage of building materials. The Community opposes the more intensive use because of the location outside of the URDL and the proximity to residential homes as well as the negative impacts to the environment and specifically the Chesapeake Bay.

G. TESTIMONY OF CHRIS JUKUBIAK.

Christopher Jakubiak, AICP, accepted as a zoning and planning expert, testified in opposition to the special hearing request and in favor of the enforcement of the current Baltimore County zoning regulations.

Mr. Jakubiak testified that he visited the property and observed the neighborhood along Chestnut and Bowley Quarters Roads. He has attended previous hearing sessions and listened to the testimony of the Petitioner. He also heard the witnesses' expressing their concerns regarding the neighborhood and reviewed their photographs. He describes the area as being rural. The areas along the waterfront are described as being of residential use with single-family detached houses, which includes Chestnut Road, which is in the vicinity of the subject property. He described the operation of the subject property as that of a concrete construction contractor. He summarized his understanding that the Petitioner's business uses part of the property for an office function but that a much larger part is used for activities such as storing construction machinery and materials both outside and inside of some buildings. He also noted that fabrication of materials was occurring on the site, and that large vehicles, trucks, and heavy equipment frequent the site, and that the maintenance of vehicles and equipment occurs on the site.

Mr. Jakubiak testified to his knowledge of the Business Local (B.L.) Zone. He opined that the B.L. designation is the most restrictive of the County's business zones. The typical permitted uses in this zone are not as intrusive to neighborhood properties as those uses allowed in the more intensive business zones, such as the Business Roadside zone. When Mr. Jakubiak was asked to describe the activities associated with the land use term "office", he noted first that office activities are contained within a building and are focused on the operations and management of a professional practice or business including clerical and financial operations. He described an office's typical land use impacts -- traffic at normal business hours, parking of cars, visits by mail and package delivery services, and visits by clients, patients, or associates of the business -- as quite minimal and indicated therefore that offices tend to fit compatibly within or near residential areas.

Mr. Jakubiak testified that the storage of construction materials and heavy equipment are not customarily associated with or incidental to an office. He noted that these uses are definitely not accessory to an office's use of land. He testified that the storage and activities associated with the equipment constitute a separate use of land, different from the usage of an "office". He testified that these uses are not even listed as a permitted use or as a possible special exception in the B.L. Zone, meaning therefore they are not allowed as either principal or accessory. He noted that it is the B.R. (Business Roadside) Zone that actually permits the petitioner's land use activities, but even there only as a special exception.

Mr. Jakubiak testified that the classification of construction material and equipment storage as accessory use in the B.L. Zone would distort the integrity of the Baltimore County Zoning Regulations. In this regard he gave four reasons. First, he said that an accessory use cannot be more impactful than the principal use to which it is accessory; that the very definition of the term “accessory” which is set forth elsewhere in his memorandum (Appendix A), precludes an accessory use from being more impactful than its principal use. Second, he noted that zoning separates uses based largely on their impacts to adjoining areas and the goal of promoting general compatibility between and among land uses of neighboring properties. In Baltimore County, it is the Business Roadside (B.R.) Zone which permits (but only as a special exception) the outdoor storage of construction materials and equipment. Third, he noted that if the storage of construction materials and equipment is somehow considered accessory to an office, the petitioner will have been conferred a right to a use that is actually prohibited in the underlying zone, counter to the intent of zoning. Fourth, if these uses are considered accessory to an office in the B.L. Zone, they would continue to negatively impact the neighborhood, again defeating the central premise and intention of the separation of uses provided for by the zoning regulations.

H. TESTIMONY OF CARL RICHARDS.

Carl Richards has worked for Baltimore County for over fifty-three (53) years and is currently the Zoning Supervisor at Baltimore County. Mr. Richards established his credentials as a long-time zoning professional who is extremely knowledgeable of the zoning code, definitions, and policies. He stated very explicitly that a contractor equipment storage yard was not allowed in the B.L. Zone, noting that *any accessory use must be related to the principal use, in this case: Office.* Therefore, since the storage of equipment and materials had nothing to do with being accessory to the office, they were illegal under the zoning regulations. Under cross-examination, Mr. Richards continued to hold firm that such storage either on the outside or inside of a building was not allowed. After being shown numerous photos taken by the owner after "cleaning up" the property, Mr. Richards noted materials stored and he stated that even a small amount was illegal. He reiterated that none of the uses on the property involving storage of contractor materials and equipment are accessory to an office use, thus they are by definition, in violation of zoning.

III.

ISSUES

The area in which the site is located is rural in nature with the infrastructure designed to only support residential use.

1. The area in which the site is located is rural in nature with the infrastructure designed to only support residential use.
2. Other than farming, the predominate use of the interior area is resource conservation (R.C.) with significant restrictions.
3. Business Local (B.L.) Zoning at this site is in itself an exception to this area. More intrusive usage of this property is inappropriate and violates the intent of the zoning in this area.
4. The intrusive effect of a construction yard placed in a water-front residential community is an affront to the tranquil atmosphere and is disruptive to the lifestyle of the residents which will also negatively impact the property value of the neighborhood. A Contractor's shop and storage has become the primary use with the office as the accessory use.
5. The granting of any construction uses even with restrictions would place an unnecessary burden on the community. The allowed restrictions would be virtually unenforceable. Even the partial granting of the Petitioner's request would degrade the current "definition" of zoning and undermine the zoning restrictions.

6. Flaws and concerns with the Petitioner's testimony and presentation.

IV.

PROTESTANTS LEGAL ARGUMENTS

The area in which the site is located is rural in nature with the infrastructure designed to only support residential use.

1. The area in which the site is located outside of the URDL with mostly unlined narrow rural roads. The zoning of most of the surrounding properties outside of the URDL are designated R.C. 5 and R.C. 20 and this area has been designated as Limited Development Area (LDA) by Baltimore County.

2. Other than farming, the predominate use of the interior area is resource conservation (R.C.) with significant restrictions.

A large portion of the area is forested and includes several areas of wetlands. This site is located within 300 feet of tidal water and the water run-off drains unfiltered into Seneca Creek which is a tidal tributary of the Chesapeake Bay. Based upon the Petitioner's testimony, he will continue to transport the equipment to this location to be power washed and maintained at least weekly, which would have an additional negative environmental impact. By bringing back the heavy equipment to this location all of the varieties of materials including oil, grease, clay, debris, cement residue, etc. from construction sites are being washed and drained to the Chesapeake Bay.

3. Business local (B.L.) Zoning at this site is in itself an exception to this area. More intrusive usage of this property is inappropriate and violates the intent of the zoning in this area.

This site was originally a residential use that was converted into a neighborhood restaurant under a special exception, hence the later assignment of B.L. Zone to bring it into compliance with zoning. Other than marinas there are no other active commercial locations or sites outside the URDL in Bowley's Quarters. Marinas are allowed this usage since they are water dependent facilities. However, a contractor's storage yard **IS NOT** a water dependent usage and should not be allowed to operate outside of the URDL.

4. The intrusive effect of a construction yard placed in a water-front residential community is an affront to the tranquil atmosphere and is disruptive to the lifestyle of the residents which will also negatively impact the property value of the neighborhood. The Petitioner is currently using this property primarily as a Contractor's shop and storage yard and the office has become the accessory use.

Large tractor trailers and flatbed trucks not only illegally parked on Chestnut Road, a residential side road, but also on Bowley's Quarters road, which is a main road consisting of one lane in each direction road, and is the ONLY way in and out of the lower peninsula. Noise from trucks backing up and disruption of blocking a lane

of traffic has negatively impacted the resident's lifestyle. To load and unload the trucks, the "construction level" back up beepers disrupts the surrounding homes. Even neighbors' sleep has been disrupted because of the early morning beeping noise that awakens the neighbors, multiple times per week. The granting of permission to operate a construction yard at this location will further increase a problem that should not exist in the first place. The actual ownership of the trucks is not a valid issue, it's the misuse of the property that provides for the reasons why the trucks are there. Specifically, heavy equipment, bobcats, and large trucks are more intrusive than the residential delivery trucks due to the volume of the sound and length of time they remain in the area. The frequency, degree and timing are the major issues.

5. The granting of any construction uses even with restrictions would place an unnecessary burden on the community because the allowed restrictions would be virtually unenforceable. Even the partial granting of the petitioner's request would degrade the current definition of zoning and undermine the zoning restrictions.

The unwillingness of the owner to comply with the existing laws during his attempt to get approval for his requested changes is a prime example of his lack of cooperation and consideration which is shown by the prolonged violations during the appeal process. Even partial granting of permission would negatively impact the neighborhood since there is no way to effectively enforce it because any usage

complained about would be identified by the Petitioner as the limited amount that would be allowed. The neighbors and the county do not have the time, authority or resources to accurately monitor the volume of activity. Mr. Richards testified that one piece of construction equipment would be a violation of the B.L. Zone and is not permitted as a special exception.

V.

FLAWS AND ERRORS IN THE PETITIONERS CASE

A. Mr. Kegel, who was a former employee of the Petitioner, during his brief rebuttal testimony, twice referred to the rebuilt large garage as a “**shop**” which prompted their counsel to inform the witness that he should refer to this structure as the “**back building**”. Mr. Kegel’s testimony was an attempt to rebut the evidence that was documented on Mr. Rossmark’s noise and activities log. He used pictures and a video, created by two (2) security cameras without sound, which show no illegal activities during some of the times listed in the log. One specific example of no activity was on October 20, 2019 at 9:20 a.m. During the cross examination of the witness, a photograph Mr. Rossmark provided of the exact date and time stamped (which was stamped on the picture) of a truck on a portion of the property not within the limited viewshed of the security cameras. Therefore, Mr. Kegel’s testimony is wrong that the security camera nullifies the accuracy of the log due to its limited scope and his

misconceived conclusion that the pictures would have captured any of the illegal activities at the site. Mr. Kegel then admitted that the cameras only showed a portion of the property which negates his prior conclusion that only twenty-five percent (25%) of this log was accurate based on his security camera evidence. Additionally, he could only check two (2) months record of the three (3) year log since they do not retain more than two (2) months of coverage.

B. Mitchell Kellman was presented an expert rebuttal witness.

Mr. Kellman did not agree with Mr. Richards's contention that the equipment and materials storage uses were a code violation. It should be noted that code enforcement notice, and subsequently levied a fine, which was upheld by ALJ Stahl when the fine was appealed. This would indicate that Mr. Kellman's position is wrong.

Mr. Kellman offered up a different theory on what constitutes an "accessory use". In his view, such a use is permitted in his book as long as it is accessory to the business associated with the principal office use, not the office use itself. Therefore, an office belonging to a contractor would be allowed to have all manner of storage of materials and equipment, as long as it is related to the particular business of that contractor. Under cross from Mr. Zimmerman, he said even if a contractor's office were located in an office park, it would be permitted for that business to have bobcats and materials stored on the parking lot. Ergo, a concrete construction

company's office in a B.L. Zone opens the door for "accessory" storage of rebar, forms, heavy equipment, trucks, and any other concrete construction materials related to its business. There is something very wrong with this picture and his opinion. The best way to characterize this preposterous theory is to apply it to any number of contractor office uses and their businesses. A simple example: What if the office was occupied by a bridge construction contractor? Would it be OK then for this property to have storage of trusses, steel joists, beams, decking, pile drivers, and anything else used in building of bridges?

C. Using potential zoning violations of neighbors to justify his violations is obscene and an example of warped reasoning. First and foremost, violations need to be corrected not used for justification for other violations. The violations of some neighbors were subsequently corrected once the neighbors were notified, unlike the Petitioner. Not only has the Petitioner not corrected his violations, he actively and intentionally continues to misuse the property and he has not paid the subsequent fines. The Petitioner's violations are a greater negative impact to the neighborhood due to their physical disruption and the negative environmental impacts as well the unfavorable visual impact. The neighbors he cited were subjected to more restricted zoning limitations and their violations were primarily visual impacts as compared to his violations.

D. The credibility of the Petitioner's testimony is questionable due to the contradictions of his remarks made on various dates of the appeal hearing. One example is that on Day 1, he claimed to not having heavy equipment or trucks at the site and later changed his position to occasional and then eventually after seeing the overwhelming evidence he admitted the trucks are there, however he claimed they are not his trucks. He failed to acknowledge his activity and illegal operation are the reasons for the trucks to be at the site. The explanation of pickup trucks driven by employees "stopping by the office" appeared to be a failed smokescreen in an attempt to explain away the inappropriate activity of the huge flatbed tractor trailers and the transporting of bobcats and other equipment. Although the use of the construction equipment during the rebuilding of "the shop" on the rear of the property was a temporary allowable situation, once the rebuilding was completed the construction equipment beyond the shop renovations are violations and must be discontinued.

During his rebuttal testimony, Petitioner said he recently had four (4) tons of rebar was removed from his property. He admitted the four (4) tons of rebar are a collection of surplus materials from various jobs sites. This contradicts his prior testimony that the rebar was left over from the previous property owner when he brought the property ten (10) years ago. He admitted he would continue to bring back surplus material for storage and when questioned about a time frame for removal he could not

provide a specific time frame. He said this recent removal took him four (4) years and used this as an example that it could take this long or whenever he felt liked it and said "he didn't know when he was going to die" so how he can know when he would have it removed. When asked in rebuttal, if granted, what type of activities would occur on the property if he was granted permission. Petitioner stated he would weekly bring back bobcats and other equipment to be power washed and maintained, the bobcats would be trailered to the site, therefore there will be trailers on the site, and storage of surplus materials from job sites.

VI.

CONCLUSION

Based on the overwhelming evidence, law and testimony, the activities that have been documented as occurring over several years cannot even remotely be considered as "occasional". Even though there were hundreds of photos by different witnesses they were NOT of the same occurrence. The presence of an office would allow incidental uses of an office but not the incidental uses of a construction shop and storage yard. The requested use of this site for a contractor's shop and storage yard is not allowed in B.L. Zoning and the special relief from zoning would distort the essences of the code and the allowable use within the zone. This not only has been opposed by the both

Community Associations, Baltimore County code enforcement, Judge Stahl at a code enforcement hearing, the Administrative Law Judge Beverungen in the special zoning relief hearing in Baltimore County, People's Counsel, but also the ultimate expert, Baltimore County zoning supervisor Carl Richards with over fifty-three (53) years in zoning experience. Mr. Richards confirmed that the zoning code, with respect to what constitutes an accessory use, would not allow any accessory use in a B.L. Zone unless it was accessory to the principal use, in this case, an office use. Contractor materials and equipment are clearly not accessory to an office use. Even the District Council representative for the area stated that this process is the not right venue for this type of request. Therefore, there is no need to second guess what the intentions of the County Council by suggesting a distorted opinion of the code. As a result, we strongly implore you to completely deny the request of the Petitioner.

Respectfully submitted,



J. CARROLL HOLZER, Esquire
J. CARROLL HOLZER, P.A.
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
jcholzer38@gmail.com
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of March, 2020, a copy of the foregoing Protestants Memo to the Baltimore County Board of Appeals was mailed first class, postage pre-paid to the following:

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue,
Suite 200
Towson, Maryland 21204

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



J. CARROLL HOLZER, Esquire

RE: PETITION FOR SPECIAL HEARING * BEFORE THE BOARD
 1101 Bowleys Quarters Road; NE corner of *
 Bowleys Quarters Road & Chestnut Road * OF APPEALS
 15th Election & 6th Councilmanic Districts *
 Legal Owner: MGJ Properties LLC * FOR
 Petitioner(s) * BALTIMORE COUNTY
 * 2018-342-SPH



* * * * *

MEMORANDUM OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

TABLE OF CONTENTS

The Past Is Never Dead, It's Not Even Past	1
Geography 101: The Offsite Outlier.....	2
CSI Bowleys Quarters Road: In the Language Lab	3
Talking About the B.L. Zone.....	4
The View from the Bridge.....	5
Qualitative Quagmire: Absurd Consequences.....	6
Quantitative Quarks: Definitional Contrasts	6
"Just the Facts, Ma'am, Just the Facts"	7
Better Call Carl.....	9
Mitch's Pitch.....	10
Don't Dismiss Chris	11
The Slippery Slope; Camel's Nose; An Adequate Margin of Safety	12
MGJ's Construction Uses Are Not Accessory Uses, Not Even Close	13
When the Designated Prohibited Principal Use Fits, You Must Submit.....	15
No Bobcats or Scrap Allowed: Closing Pandora's Box	17
Hail Mary: MGJ's Last Gasp "Others Do It" Defense.....	18
The Ghost of James Riffin.....	19
Conclusion	21

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE BOARD
1101 Bowleys Quarters Road; NE corner of		
Bowleys Quarters Road & Chestnut Road	*	OF APPEALS
15 th Election & 6 th Councilmanic Districts		
Legal Owner: MGJ Properties LLC	*	FOR
Petitioner(s)		
	*	BALTIMORE COUNTY
	*	2018-342-SPH

* * * * *

MEMORANDUM OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

"The Past Is Never Dead, It's Not Even Past"

William Faulkner, Requiem for a Nun

A special hearing petition (SPH) is effectively a declaratory judgment proceeding to determine an issue of law. Antwerpen v. Baltimore County 163 Md. App. 194, 209 (2005). This is such a case.

It began with a citizen complaint about MGJ's construction equipment storage and activity. This led to a 9/13/2017 correction notice and citation. There followed ALJ Stahl's 3/19/2018 Order finding a violation and imposing a \$1000.00 fine, \$500.00 suspended. Prot. Exh, 21-23. MGJ's appealed this Order.

MGJ then filed on 6/11/2018 this SPH petition to claim lawful accessory office use. ALJ Beverungen issued opinion and order denying the petition on 11/1/2018. There followed MGJ's present appeal. We provided a detailed chronology in P.C. Exh. 1. At this writing, the litigation has endured for 30 months.

The CBA held four days of *de novo* trial hearing on the SPH case. The violation case is deferred pending the SPH outcome. There has been conflicting evidence on the scope and intensity of MGJ's construction activities. Nevertheless, this case turns on a pure matter of law. Whether the scope and degree of the undisputed activity are "minor," as MGJ pretends, or overwhelming, as Protestants demonstrate very convincingly, the activity is impermissible. It cannot properly be clothed or rationalized as an adjunct to office use.

When citizens make a zoning complaint, it is usually about something serious. They have better things to do than spend their time on litigation. MGJ got caught with a major

violation. They want to get away with it. To try to do that, they manufacture an incredible fiction. Their accessory use game is a charade. Their emperor has no clothes.

Geography 101: The Offsite Outlier

We begin with an introductory geographic discussion and analysis.

- (1) The interpretation of zoning use definitions involves evaluation of law and language and also applies to the differentiation of accessory and principal uses.
- (2) Under zoning law, to be permitted, a use or structure must be enumerated as permitted by right or special exception in the particular zone. BCZR Sec. 102.1.
- (3) The accessory use definition's first core conjunctive criterion --- "is customarily incidental and subordinate to and serves a principal use or structure" --- means that the accessory use relates to the principal use onsite, such as the office here, not to any related offsite business, whether construction or other. BCZR Sec. 101.1(a).¹
- (4) The accessory use definition's second criterion --- "is subordinate in area, extent or purpose to the principal use or structure" --- reinforces that the accessory use must relate directly to the onsite use, not some indirectly related offsite use. BCZR Sec. 101.1(b).
- (5) The accessory use definition's fourth criterion confirms the accessory use must relate directly to the onsite use --- "contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure served; ..." 101.1(d).

¹ The full definitions of Accessory Use or Structure and Principal Use are:

"ACCESSORY USE OR STRUCTURE: A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use."

"PRINCIPAL USE: A main use of land, as distinguished from an accessory use."

The B.L. (Business-Local) Zone permits offices as principal uses by right. BCZR Sec. 230.1.A.6.² An accessory use, by definition, must satisfy each of the four criteria, which are stated in the conjunctive. MGJ's construction storage and activity here fails to satisfy three of the four criteria because they relate to the offsite regional construction business, not to the office use or occupants.³ It does not matter whether it involves one bobcat or 100; once a day, week, or year; morning or night; occasionally or all the time. The activity is disallowed. Whether called minor, major, or other, such activity by any name conflicts irreconcilably with the law.

CSI Bowleys Quarters Road: In the Language Lab

The iconic CSI television series and spinoffs involve crime scene investigations. While the litigation here remains civil, we can do forensic linguistics. We investigate the Sec. 101.1(a) elements: (1) customarily; (2) subordinate; and (3) incidental. We connect them to the requirement in (b) that they be subordinate to the principal use on the same lot. This is our CSI Bowleys Quarters Road language lab.

BCZR Sec. 101.1 refers us to Webster's Third New International Dictionary where there are no specific BCZR definitions. We provided these in P.C. Exhibit 15. This agrees with the judicial use of dictionary definitions to construe statutory text. Blue v. Prince George's County 434 Md. 681, 690 (2013).

Let us begin with "customarily."⁴ It is palpable from the entire record, and common knowledge, that MGJ's construction activity is extraordinary and outside the bounds of any common or familiar office use. This alone is cause for disqualification.

² The B.L. Zone does not permit construction or contractor's equipment storage yards, which are designated for other zones. We review these on page 5 below.

³ MGJ produced a list of 30 current jobs across Maryland and Delaware. Pet. Exh. 2.

⁴ "customarily by custom : in a customary manner;" "customary ...2 : agreeing with custom : established by custom : commonly practiced, used, or observed : familiar through long use or acquaintance ...;" "custom ...1 a : a form or course of action characteristically repeated under like circumstances : a usage or practice that is common to many or to a particular place or class or is habitual with an individual"

Next, we look at “subordinate.”⁵ Its characteristic lower or inferior position is qualitative and hierarchical, again involving a relationship. There is no way that the MGJ construction use is subordinate to the onsite office use. If it is subordinate to anything, it is to the offsite construction business.

We turn to “incidental.”⁶ It is akin to subordinate but conveys even a lesser nonessential position. There is nothing in this record to place the MGJ activity properly as a minor concomitance to office use on the lot.

Talking About the B.L. Zone

The B.L. Zone allows specific “Accessory uses “including” signs, garages, parking spaces for owners, employees, tenants and invitees, and up to six coin-operated children’s rides. BCZR Sec. 230.1.A.11.⁷ The word “including” is ordinarily illustrative. Housing Authority v. Bennett 359 Md. 356, 371 (2000). There is no reasonable way to stretch these itemize uses to allow construction activity, any construction activity.

There was byplay about the B.L. Zone condition relating to outdoor storage and display of materials and vehicles. BCZR Sec. 230.2.D.⁸ But this does not predicate construction activity because contextually and structurally pertinent to permitted principal uses. This is not a back door for importation of prohibited construction use.

CBA panel member Deborah Dopkin inquired whether grocery stores or retail outlets could have outside storage of equipment, vehicles or products. The answer is

⁵ “**subordinate** ...placed in a lower order, class, or rank : holding a lower or inferior position.”

⁶ “**incidental** ... *adj* ... 1 subordinate, nonessential, or attendant in position or significance as a occurring merely by chance or without intention or calculation : occurring as a minor concomitant.

⁷ BCZR Sec. 230.1.A.11 states: “Accessory uses or structures, including signs (See Section 450), garages and parking spaces for the use of owners, employees, tenants and invitees. A maximum of six coin-operated children’s rides are permitted as an accessory use.”

⁸ BCZR Sec. 230.2.D states: “Storage and display of materials, vehicles and equipment are permitted in the front yard, but not more than five feet in front of the required front building line.”

affirmative because such uses, subject to the Sec. BCZR 230.2.D area condition, relate directly to their permitted principal use. They do not relate to some offsite business, which is prohibited in the zone. Therefore, the apples vs. oranges metaphor applies.

The View from the Bridge, Arthur Miller

Attention must be paid to statutory context and scheme. BCZR Sec. 101.1 provides definitions for Building Materials Storage and Sales Yard; Construction Equipment Storage Yard and Contractor's Equipment Storage Yard.⁹ Bill 149-87. P.C. Exh. 17. A Contractor's Equipment Storage Yard is allowed only by special exception in the B.R. (Business Roadside) Zone, BCZR Sec. 236.2. Both Building Materials Storage and Sales Yard and Construction Equipment Storage Yard are permitted by right in the M.L. (Manufacturing-Light) Zone, BCZR 253.1.B.2, 3. Subject to specified setbacks, these M.L. uses are also permitted in the M.H. (Manufacturing, Heavy) Zone. BCZR Sec.256.1.A.3.

Another canon of statutory construction instructs that the specific prevails over the general, even where they arguably cover the same matter. Clarksville Residents v. Donaldson Properties 453 Md. 516, 538-39 (2017). We highlight the relevant zoning case law on pages 15-16 below. These show that a use specifically designated for other zones may not be imported or parlayed into a prohibited zone by disguising it as a more general use, whether principal or accessory.

⁹ The BCZR Sec. 101.1 definitions are as follows:

BUILDING MATERIALS STORAGE AND SALES YARD— The use of any space, whether inside or outside a building used principally for the storage or sale of building materials or supplies.

CONSTRUCTION EQUIPMENT STORAGE YARD— The use of any space, whether inside or outside a building, for the storage of construction equipment or machinery, including landscaping equipment and associated materials.

CONTRACTOR'S EQUIPMENT STORAGE YARD— The use of any space, whether inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage or landscaping equipment and associated materials.

Qualitative Quagmire: Absurd Consequences

“It’s a Jungle Out There.” Burkhard Dallwitz, The Underbelly Theme

It is elementary statutory construction that “absurd results ... are to be shunned,” City of Bowie v. Prince George’s County 384 Md. 413, 426 (2004). If MGJ’s thesis were valid, the B.L. Zone would be submerged under or transformed into manufacturing and other zones. The office headquarters for M.H. Zone special exceptions --- BCZR Sec. 256.2 --- chemical manufacturers, excavators, junkyards, oil refineries, scrap metal processing, shooting ranges, slaughterhouses, and sludge disposal businesses could combine storage and work on their various businesses in their yards as purported accessories. The office headquarters for an M.L. Zone trucking facility could work on trucks and leave them overnight. There are 152 M.L. Zone uses, about 68 M.H. Zone uses, and B.M. and B.R. Zone uses which present similar problems. MGJ itself could rent space in the Towson PNC Bank highrise office building or upscale Hunt Valley office buildings and place construction equipment storage and activity in the parking lots.

MGJ’s theory effectively conflates or even reverses the relationship between accessory and principal uses. It would destroy the bedrock structure of zoning law.

Quantitative Quarks: Definitional Contrasts

The construction and contractor’s equipment storage yard definitions do not state any minimum number for amount of equipment, materials, times, or duration. Nor do they specify a minimum intensity. They describe broadly the storage as inside or outside, and cover any type of equipment and materials. This contrasts with many BCZR Sec. 101 definitions, which do refer to numbers for various aspects of the uses.¹⁰ This reflects that the law disallows storing even one piece of construction equipment or any materials.

¹⁰ Assisted Living Facilities I,II, and III; Brewery Class 5A, 5B, 6-8; Commercial Vehicle; Convenience Store; Drive-In Cluster, Planned; Duplicating Service Business; Equestrian Center; Expressway; Floodplain, 100 Year; Group Child Care Center, Class A, Class B; Heliport, Type I, Type II; Helistop; Hookah Lounge; Multifamily Building; Museum; Nanobrewery; Neighborhood Car Rental Agency; Private Kennel; Scrap Metal Processing Facility; Shopping Center; Shopping Center, Regional Outlet; Street; Striptease Business; Town Center; Trucking Facility; Vapor Lounge.

“Just the Facts, Ma’am, Just the Facts”

Joe Friday, Dragnet

Our preceding argument has assumed the facts in the light more favorable presented by MGJ, an occasional wash of a single bobcat and a smidge of construction forms, rebar, and scraps. Having said that, the overwhelming testimony and photographic evidence shows that MGJ’s factual posture is also implausible and incredible.

The CBA has patiently listened to four days of evidence. The area citizens produced a massive amount of probative evidence to demonstrate the intensity, magnitude, and severity of the constructive equipment activity, inside and outside, from every perspective. We leave it mainly to Protestants’ counsel to detail the intense usage, but shall provide a summary here.

The subject property occupies 1.79 acres at the corner of Bowleys Quarters Road and Chestnut Avenue. A perusal of the site plan showed the construction storage and work occupies at least 70% of the site, perhaps more, with the office building and office parking area taking up just about 30%. The office building, one of five buildings on the site, is the only building devoted to significant office use.

David Hash, 3894 Chestnut Road, also representing the Bowleys Quarters Improvement Association, was the first Protestants’ witness. He began with a macro perspective, stressing the incompatibility of the construction activity with the surrounding residential and rural area, including much property zoned for resource conservation. He described the worsening situation of unsightliness, noise, traffic of large vehicles at all hours, nuisance backups to Chestnut Road, and scattered rebar and plywood on the ground. In answer to Chairman Belt, he said the problems persisted. Hash underlined that the MGJ corner property is the gateway to a Chestnut Road residential waterfront area of about 50-60 homes, with access to Bowleys Quarters Road only at this intersection.

Ken Brickell, 3727 Chestnut Road, is a 28-year veteran of the Coast Guard, with work experience at a supervisory level involving boats and construction equipment. He described the experience over the last three years with MGJ’s excavators, many bobcats, induction heaters, generators, compressors and surface finishers, usually behind the

warehouse and outbuildings. He saw steel forms for making concrete, rubble, and rebar outside and welding work inside the warehouse. He observed the accompanying truck loading activity, including backup beepers. He said the activity occurred early morning, late afternoon, and on Saturdays and holidays. He produced 13 photos, a video, and a log of activity. Prot. Exh. 9-11.

Carl Rossmark produced a log, Prot. Exh. 13, and 45 photos, spanning from May, 2017 to October, 2019. Prot. Exh. 14-17. It is hard to imagine more convincing evidence of the industrial activity involving construction equipment and effectively a junkyard as well. Rossmark related many of his photos to highlighted dates on his log.

Siu Cheung Rossmark, 3729 Chestnut Road, is a real estate broker. She presented a detailed history of the construction and materials storage and activity, including open dumping and heavy truck transportation and usage. She produced and narrated over 50 photographs of the site from 2018 to late 2019. Prot. Exh. 24-27. She also screened an illustrative video showing activity on October, 2018 and December, 2019. Prot. Exh. 28.

She furnished a map of the Bowleys Quarters peninsula, showing the prominence of the intersection here, Prot. Exh. 32. She expressed concern that all this construction work onsite related to offsite work, over 50% of which was not even local. She confirmed the undisputed fact that such activity does not customarily relate to onsite office use.

There were several other area witnesses earlier in the hearing. These were Paul Allen Paul, Kathy Paul, Rosalie Hession, and Carol Dean. They also gave convincing testimony about the major industrial activity. Allen Robertson of the Bowleys Quarters Community Association also made a significant contribution. We expect Protestants' memorandum to have more details.

Indeed, it defies common sense to believe Protestants would engage in exhaustive and stressful litigation if the use were as minimal and superficial as MGJ presents.

MGJ tried to rebut Protestants' witnesses with a few selective photos arranged to suggest a lack of construction activity. To say the least, this rebuttal was unimpressive and unconvincing. More to the point, it was manipulative, deceptive, and shameless.

The bottom line is that from any factual perspective, MGJ's construction use is impermissible. Having said that, we believe Protestants' evidence shows beyond a reasonable doubt that the use is major and injurious to public safety, health, and welfare.

Better Call Carl

County Zoning Supervisor, Carl Richards described his office's interpretation and practice.¹¹ He explained his office's longstanding view and practice, which holds that construction equipment is not permissible as an adjunct to office use in the B.L. Zone or other zones which permit offices but not construction or contractors' equipment storage yards. He cited the "tail wag the dog" metaphor.

When cross-examined about the absence of any explicit prohibition of construction activity in the B.L. Zone, Richards observed that a use must be listed affirmatively in a zone to be permitted there. Moreover, if every prohibition had to be listed explicitly, the zoning regulations would take up a bookcase.¹²

Richards' undisputed review and well-reasoned justification of the Zoning Office's longstanding interpretation deserves judicial deference. This is effectively ratified by subsequent legislative acquiescence. Skidmore v. Swift & Co. 323 U.S. 134, 140 (1944); Comptroller v. John Louis Co. 285 Md. 527, 544 (1979); Maryland Department of Environment v. Co. Comm'rs of Carroll County 465 Md. 169, 206 (2019). The 1992 Zoning Commissioner's Policy Manual is in accord.¹³

¹¹ The CBA has recently relied on Richards' explanations of administrative interpretation and practice. Wadkins Construction 2017-313-A (2019); Lion Bros., 2019-202-SPH (2020).

¹² Similarly, when questioned about the Contractor's Office definition in Bill 149-87 as introduced, and deletion of the initial prohibition of outside storage from the final bill, Richards posited the Council likely found it unnecessary. The Bill as enacted lacks any affirmative basis to import or transplant construction equipment storage and activity into zones where not listed as uses permitted by right or special exception.

¹³ The Manual further defines a "Contractor's Office" as "A contracting company that stores its materials, trucks, and other equipment as a permitted location elsewhere, a business office only with parking for passenger vehicles may be located in zones where offices are allowed." BCZR Sec. 101, ZCPM 1-10. P.C. Exh. 18.

Mitch's Pitch

MGJ called Mitchell Kellman as a zoning expert. After his stint in the zoning office, Kellman became a consultant for developers and property owners with DMW. Where opportune, he presents favorable opinions for petitioners in zoning cases. While he has a working knowledge of the zoning regulations and possibly some zoning office past practices, there are limits to his expertise. It is beyond the scope of his training to engage in statutory construction. Nevertheless, the CBA generously allowed him to express his opinion on the ultimate issues in this case.

Petitioners' often employ consultants who may be engineers, surveyors, landscape architects, or former County zoning employees. Petitioners sometimes engage them to give opinion testimony on the ultimate legal issues in a case. Such consultants invariably support the requested zoning at virtually 100% and run through the paces of a favorable script.

But an expert's opinion must be predicated sufficiently on both the facts and law.¹⁴ Kellman's opinions here satisfy neither prong. Just because consultants work with the zoning regulations and can prepare or discuss a site plan does not mean they are equipped to do legal analysis or statutory construction. Just because the CBA has allowed them to testify in other cases does not give them *carte blanche* to pontificate on legal issues for which they have no training.

¹⁴ Every expert opinion must have a valid factual and legal predicate. This is a frequent problem in zoning cases, where such opinions tend to be subjective. In People's Counsel v. Beachwood 107 Md. App. 627, 649-50 (1995), cert. denied 342 Md. 472 (1996), the Court rejected several "expert" planning opinions. Judge Charles Moylan wrote,

"A part of that *Boyce v. Sembly* opinion, ... not yet discussed in this opinion, and quoted with approval by the *Dorsey* opinion, observed,

The Court of Appeals and this Court have stated than an opinion, even that of an expert, is not evidence strong or substantial enough to show some error in the comprehensive rezoning unless the reasons given by the witness as the basis for his opinion, or other supporting facts relied on by him, are themselves substantial and strong enough to do so. ..." Internal citations omitted.

The acquisition of some level of expertise does not mean the scope is unbounded or infinite. A doctor board-certified in internal medicine may not be qualified to give an opinion on epidemiology or surgery. A civil engineer's expertise does not extend to electrical engineering. The situation warrants even stricter scrutiny for zoning consultants promoting subjective opinions.

Kellman spun his law as he went along. His primary goal was to help MGJ secure a favorable result. To begin, Kellman made superficial and unsubstantiated assumptions about the facts. He assumed there to be one bobcat at a time and maybe nominal construction materials. He based this on a few visits and whatever he was told by MGJ. This led him to call the use minor and conclude it is "accessory." However implausible and contrary to Protestants' overwhelming evidence, we will assume for the moment that his factual premises were accurate.

Kellman refused to recognize that the accessory definition consistently frames the accessory use as related to the onsite use, not the offsite business, in this case regional. In response to Chairman Belt's inquiry, he was unable to articulate any principle to control how many pieces of construction equipment or how much construction use is allowed before his accessory use limit is crossed. When eventually asked by undersigned People's Counsel if he could cite any sources for his opinion, he could not do so.

Nor did he dispute Carl Richards' description of the history of the zoning office's policy and practice. Indeed, he worked for Mr. Richards during his years there.

If Kellman were a dictator or Roman Emperor, he could eyeball each situation and give a thumbs up or thumbs down. But this is not his position. We have a republic, if we can keep it. The County Council enacts the laws. It is not for Kellman to make up the rules as he goes along, and to usurp the legislative function under the guise of so-called "expert" interpretation. He made his pitch, and we have to send it out of the ballpark.

Don't Dismiss Chris

Protestants' called Chris Jakubiak. While we express the same caution about expert opinions on legal interpretation, Jakubiak has an impressive academic background, experience as an instructor, and work on zoning guides, legislation and master plans. Prot.

Exh. 36. Suffice it to say he accurately and capably focused on the BCZR Sec. 101.1 definition of accessory use and its constituent elements. His discussion of customary, subordinate, and incidental parallels our CSI forensic linguistic analysis and citation of the Webster's dictionary definitions. He contrasted the heavy equipment and activity here with classic accessory uses, such as a garden shed or doghouse accessory to a dwelling.

The Slippery Slope; Camel's Nose; An Adequate Margin of Safety

If the door is opened to "singular" or "minor" construction activity, there is no principled way to draw the line. Panel Chair Andrew Belt pointedly asked MGJ's Mitchell Kellman essentially how many bobcats MGJ have before the use became a construction equipment yard. There is no good answer to this question, nor did Kellman have one.

The current law does not allow some "minor" degree of construction activity to be labeled a lawful accessory use. The CBA would be usurping legislative authority if it fashioned some sort of sliding scale to allow minor activity on a case-by-case basis.

MGJ seems to suggest that our office's interpretation is too harsh, and may encompass inoffensive uses as well as offensive uses. But it often occurs with police power laws that they do so to provide an adequate margin of safety. The United States Supreme Court emphasized this point in the landmark case to approve comprehensive zoning. Village of Euclid v. Ambler Realty Co. 272 U.S. 365, 388-89 (1926).¹⁵

¹⁵ Mr. Justice Sutherland explained, "Here, however, the exclusion is in general terms of all industrial establishments, and it may thereby happen that not only offensive or dangerous industries will be excluded, but those which are neither offensive nor dangerous will share the same fate. But this is no more than happens in respect of many practice-forbidding laws which this court has upheld, although drawn in general terms so as to include individual cases that may turn out to be innocuous in themselves. The inclusion of a reasonable margin, to insure effective enforcement, will not put upon a law, otherwise valid, the stamp of invalidity. Such laws may also find their justification in the fact that, in some fields, the bad fades into the good by such insensible degrees that the two are not capable of being readily distinguished and separated in terms of legislation. In the light of these considerations, we are not prepared to say that the end in view was not sufficient to justify the general rule of the ordinance, although some industries of an innocent character might fall within the proscribed class. It cannot be said that the ordinance in this respect 'passes the bounds of reason and assumes the character of a merely arbitrary fiat.' Moreover, the restrictive provisions of the ordinance in this particular may be sustained upon the principles applicable to the broader exclusion from residential districts of all business and trade structures, presently to be discussed." Internal citations omitted.

MGJ's putative "minor" use generates a slippery slope. It is the proverbial camel's nose in the tent. It also brings to mind that enforcement is difficult enough when there is a bright line prohibition. It would be impossible on a murky case-by-case basis.

MGJ's Construction Uses Are Not Accessory Uses, Not Even Close

Confucius advised that the first thing to be done to administer government well is to name things correctly. We must use language in accordance with the truth of things. Confucius, Analects, Book 13, Verse 3. It is called the Rectification of Names.

Let us also remember that petitioners have the burden of proof. Grasslands Plantation v. Frizz-King Enterprises 410 Md. 191, 204-17 (2009); Turner v. Hammond 270 Md. 41, 54-55 (1974). This would come into play if the MGJ produce more than a scintilla of a case. But they have not. Their petition fails as a matter of law. The MGJ uses at issue are impermissible from any perspective.

The interpretation of zoning use definitions involves evaluation of law and language. This also applies to differentiate accessory and principal uses. Arundel Supply Co. v. Cason 265 Md. 371, 377-78 (1972); Smith v. Miller 249 Md. 390, 394-95 (1968); St. Clair v. Colonial Pipeline Co. 235 Md. 578, 582-83 (1964); Kenyon v. Board of Zoning Appeals 235 Md. 388, 394 (1964); Kowalski v. Lamar 25 Md. App. 493, 496-501 (1975); United Parcel Service v. People's Counsel 93 Md. App. 59, 71-74 ((1993), rev'd on other grounds 336 Md. 569 (1994).

To be permitted, a use or structure must be enumerated as permitted by right or special exception in the particular zone. BCZR Sec. 102.1 states,

"No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations and this shall include any extension of a lawful nonconforming use."

See Kowalski v. Lamar 25 Md. App. 493, 496-501 (1975); People's Counsel for Baltimore County v. Surina 400 Md. 662, 688 (2007).

We have reviewed the BCZR Sec. 101.1 "Accessory Use" definition and constituent elements. As we explained, the MGJ's construction equipment and materials storage and

activity fail to qualify because they relate to their offsite business, not the onsite office. They also fail to satisfy the criteria quantitatively based on area and magnitude.

They also fail to pass our CSI linguistic test qualitatively because they are not (a) “customarily incident and subordinate to ... the principal use.” They are not (b) “subordinate in area, extent, or purpose.” Moreover, such use does not (d) “contribute to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served. Rather, the situation is akin to the BCZR Sec. 101.1 definition of “Principal Use: [a] main use of land, as distinguished from an accessory use.”

Suffice it to say here that it does not require a doctorate in molecular biology or quantum physics to know that construction activity and office use are discordant and different in character. They do not habitually go together, and there is zero evidence that the construction activity is integral to the office use. See 2 Rathkopf’s Law of Planning and Zoning Sec. 33:4 (4th Ed.).

It is equally implausible to describe construction activity as subordinate to office use. To repeat, the activity serves the offsite business. If anything is subordinate onsite, it is conversely the office use which serves the regional offsite construction business.

There is nothing “incidental,” or “appertaining, subordinate, or casual” from any perspective. In Dampman v. City of Baltimore 231 Md. 280 (1963), the Court analyzed the meaning of “incidental” where the ordinance allowed an “incidental” addition to a legal nonconforming use. The Court held that a second-floor addition, 12 feet wide and 22 feet long was not incidental, and wrote,

“The statute in requiring that the use be ‘incidental’ does not, we think, contemplate a major addition to or a major expansion of the nonconforming use, but rather one appertaining, subordinate or casual thereto.” 231 Md. at 286.

Here, the magnitude and impacts of the various uses are also of sufficient magnitude to exceed the framework of “accessory uses.” But even if they were as “minor” as MGJ posits, they would not meet the qualitative test.

We also examined the B.L. Zone accessory uses and analyzed the conditional allowance for storage. These confirmed the prohibition of MGJ's operations. They fail to fit the permitted accessory uses and fail to connect with any permitted principal uses.

Long ago, the Court of Appeals held in Maurer v. Snyder 199 Md. 55, 562-63 (1952) that a crabbing business on a waterfront property could not, as a matter of law, be construed as a home occupation accessory use in a residential district. Judge Markell wrote,

"If an owner wishes to use her residence as a beauty parlor, Dobres v. Schwartzman, 191 Md. 19, 59 A.2d 684, or a funeral parlor, Ullrich v. State, 186 Md. 353, 46 A.2d 637, 165 A.L.R. 1107, the properties so used are none the less a beauty parlor or a funeral parlor, because also used as a residence, and within express prohibition of such uses in a residential district."

* * *

"The proviso in the regulation relating to 'home occupation' does not broaden but narrows the definition of 'home occupation'. It does not include as a 'home occupation' any commercial enterprise which can be conducted on a lot 565 feet deep without 'usurping' the primary use of the dwelling. If it could be so construed, the residential character of a 'cottage residence' district would have little meaning or legal protection."

Similarly, the B.L. Zone here would have little meaning or protection if eroded and effectively destroyed by an elastic and loose aggrandizement of "accessory use."

When the Designated Prohibited Principal Use Fits, You Must Submit

This is confirmed and reinforced, as we observed, by the relevant separately defined uses for "Building Materials Storage and Sales Yard;" "Construction Equipment Storage yard;" Contractor's Equipment Storage Yard." As noted, these definitions do not contain any minimum or lower limit for numbers and area. Carl Richards described the consistent zoning office practice and policy to the same effect.

In this context, where zoning regulations define specifically a use or structure which fits the one in question, the use may not be rationalized under the guise of another more general use, whether "principal" or "accessory." To illustrate, in Smith v. Miller, 249 Md. 390 (1968), the Harford County Board of Appeals had granted a special exception for a sawmill operation in an agricultural zone. A special exception was permitted for "Processing of . . . farm products." But the law explicitly listed "sawmill" as a permitted use in a manufacturing zone. The Zoning Board and Circuit Court had reasoned that

“timber is a farm product; a sawmill processes it; therefore, Mr. Miller is entitled to build a sawmill in an agricultural district.” The Court of Appeals reversed, as a matter of law,

“The testimony before the Board reveals the character of Mr. Miller’s operation. . . This can scarcely be regarded as consistent with the other conditional uses possible under Section 702. To take any other view would open the county’s agricultural district to any industrial development remotely connected with the processing of dairy and farm products . . . and would make meaningless the provision of the Ordinance which attempts to confine sawmills, . . . to a general industrial district.” 249 Md. at 393-4.

“The provisions of the Ordinance must be considered as an entirety, and we do not think the Board could rely on a conditional use provision to permit in an agricultural use district a use which the Ordinance manifestly intended to confine to a general industrial district.” 249 Md. at 395.

Subsequently, in Arundel Supply Corp. v. Cason, 265 Md. 371, 378 (1972), the Court rejected the argument that washing and screening of gravel from other sites was accessory to a permitted gravel pit use. Judge McWilliams wrote,

“We are not persuaded that this is so any more than we could be persuaded that a commercial bakery in an agricultural zone could be said to be a use accessory to the raising of wheat.”

To reach this conclusion, there was also this observation,

“The plausibility of what we have said is enhanced by the fact that under the 1948 ordinance washing, screening and batching required a highly restrictive special exception.”

The CBA decision in Baynes, 1047 Bowleys Quarters Road, No. 04-602-SPH (2005) is also apt. P.C. Exh. 20. As amended, Petitioners sought approval for overnight parking of two 26,000 pound dump trucks on their nearby 1.667 acre B.L. Zone lot where they lived. The trucks served their offsite trucking business. Petitioners tried to justify their use with expert testimony from well-known consultant Bruce Doak. Nevertheless, as a matter of law, the CBA found the use to fit the BCZR Sec. 101.1 definition of trucking facility, and so not permitted. While not decided explicit under the rubric of accessory use, the CBA implicitly determined that such uses were not properly accessory.

Here, the uses fit the definitions for building, construction and contractor's yards and even the "junkyard" definition.¹⁶ The MGJ uses are thus not accessory to the principal onsite office use but rather involve impermissible offsite construction and junk uses.

No Bobcats or Scrap Allowed: Closing Pandora's Box

There was a lot of time spent at the present hearing with evidence about MGJ's activities. MGJ downplayed them as much as possible, trying to portray them as innocuous and minor. The area citizens showed a major and persistent nuisance.

In any event, the law does not allow a single bobcat, not one, and no scrap metal, wood forms, crushed concrete or anything else. We have explained step by step our legal analysis and shall supplement it with a more detailed discussion of the case.

The strict prohibition is in line with the Supreme Court's message in Euclid about land use laws which provide an adequate margin of safety. It is noteworthy that almost any zoning law or mapping decision may be criticized for including something that might be problematic or excluding something offensive. Laws do not have to be perfect.

In the present situation, the absolute prohibition is salutary. If there were to be a soft rule to allow some "minor" degree of storage and activity, there would be an even greater enforcement nightmare than exists already. It would be "Katie, bar the door." The construction equipment and activity train would be out of the station. The reprobates would have open season with their consultants to minimize their activities.

For several years, MGJ has made the lives of nearby Bowleys Quarters residents miserable. With the potential for judicial and appellate review, and enforcement beyond

¹⁶ JUNKYARD— Any land used commercially or industrially for storage or for sale of scrap metal, wastepaper, rags or other junk, and any land, except as provided for by Section 428, used for the storage of unlicensed or inoperative motor vehicles, dismantling or storage of such vehicles or parts thereof, or used machinery, regardless of whether repair or any other type of commercial operation occurs, but excluding scrap for use in manufacturing processes on the premises or waste materials resulting from such processes or resulting from the construction or elimination of facilities for such processes. The term does not include unlicensed motor vehicles located at automotive service stations, service garages or new or used motor vehicle outdoor sales areas, or any vehicle stored pursuant to Section 405A.

that, the faraway end is not yet in sight. So far, enforcement has given a slap on the wrist and otherwise been passive as this petition proceeds.

MGJ could choose to move its construction equipment and activity elsewhere, whether to a regional jobsite or properly zoned property. It may be convenient or profitable for them to do what they are doing, at the expense of neighbors. But it is against the law. The time has come for Pandora's box to close. Since Pandora won't do it, the CBA must do its part, deny MGJ's petition, and post an important milestone on this journey.

Hail Mary: MGJ's Last Gasp "Others Do It" Defense

MGJ's rebuttal included a few photographs of a van and pickup truck apparently at a plumbing office site zoned ROA in Towson. Pet. Exh. 24. There was no evidence of the history and context. These photographs did not show activities similar in character or magnitude to the activities or situation in the present case.

Anyway, this is irrelevant as a matter of law. The Court of Appeals long ago held that previous approval of an exception for an arguably similar use could not justify a subsequent approval contrary to the law. Heath v. Mayor and City Council 190 Md. 478 (1948). Whether nonconforming, in violation, or even approved in other cases as exceptions, they do not justify the granting of a new approval. The Court explained this in Easter v. Mayor & City Council 195 Md. 395, 400 (1950).¹⁷ See, e.g. Park Shopping Center v. Lexington Park Theatre Co. 216 Md. 271 (1958).

¹⁷ The Court stated, "The fact that the lot is irregular has no bearing on the question, nor is it material that three buildings, some distance to the north, extend to the building line. These may have been built before the passage of the Ordinance, or they may have been built under permit or without permit. As was said in Potts v. Board of Adjustment, 133 N.J.L. 230, 43 A.2d 850, 854: 'Prior exceptions granted by the adjustment board are not in themselves controlling. Ill-advised or illegal variances do not furnish grounds for a repetition of the wrong. If that were not so, one variation would sustain if it did not compel others, and thus the general regulation eventually would be nullified. The annulment of zoning is a legislative function that is beyond the domain of the zoning board.'"

The Ghost of James Riffin

There comes to mind Geddes v. People's Counsel unreported, 232 Md. App. 726, 2017 WL 1193781, cert. denied 455 Md. 443 (2017) and 138 S.Ct. 2683 (2018). We attach the 2014 CBA and 2017 Court of Special Appeals opinions.

This case involved the uniquely colorful and indefatigable James Riffin. He brought in his friend Will Geddes and took the case all the way to the United States Supreme Court, finishing with a denial of certiorari.

Riffin's special hearing petition to determine a putative accessory use came in the wake of county enforcement proceedings and an agreement with the County Office of Law. At his large residential property in the rural R.C. 6 Zone, he tried to escape his impermissible construction equipment storage yard and junkyard activity by branding them as accessory to permitted agricultural forestry and residential recreational uses.

Unlike the present case, Riffin's claim did pertain to an alleged onsite use, however unpersuasive. It is also different in that there was not a single neighbor who showed up to protest Riffin's use on his well-screened property. Indeed, Riffin provided friendly snow-clearing services to his neighbors in the winter.

So, there was no charade involving an offsite business and there was no nuisance. Nevertheless, we had to defend the law. The CBA had to evaluate some factual issues to resolve that Riffin was not engaging in forestry but rather had construction and junk uses. It would have been a situation of a sympathetic case making bad law and precedent if the CBA had agreed with Riffin. In contrast, MGJ's activities are highly offensive. This is a nice case to confirm the law and feel good about it.

Let us draw on and quote from the CBA Geddes opinion dated November 7, 2014. The CBA Panel included Chairman Belt, along with Richard Wisner and Wayne Gioioso.

The CBA wrote, in pertinent part, pages 7-10,

"SPECIAL HEARING PETITIONS

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"Special Hearing petitions under BCZR Sec. 500.7 relate either to determination, and application of zoning law to particular situations or to determination of nonconforming use status. The present case is the former. In Antwerpen v. Baltimore County 163 Md. App.

194. 209 (2005), Judge Salmon found that a Special Hearing is analogous to a declaratory judgment proceeding. It is the CBA's function to declare the rights of the parties under the law.

"As argued by People's Counsel, the interpretation of zoning use definitions involves evaluation of law and language and also applies to the differentiation of accessory and principal uses. Arundel Supply Co. v. Cason 265 Md. 371, 377-78 (1972); Smith v. Miller 249 Md. 390, 394-95 (1968); St. Clair v. Colonial Pipeline Co. 235 Md. 578, 582-83 (1964); Kenyon v. Board of Zoning Appeals 235 Md. 388, 394 (1964); Kowalski v. Lamar 25 Md. App. 493, 496-501 (1975); United Parcel Service v. People's Counsel 93 Md. App. 59, 71-74 ((1993), rev'd on other grounds 336 Md. 569 (1994).

"Under zoning law, to be permitted, a use or structure must be enumerated as permitted by right or special exception in the particular zone. BCZR Sec. 102.1 states,

'No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations and this shall include any extension of a lawful nonconforming use.'

See Kowalski v. Lamar 25 Md. App. 493, 496-501 (1975); People's Counsel for Baltimore County v. Surina 400 Md. 662, 688 (2007).

* * *

"As noted by People's Counsel, the burden of proof is on the petitioners. See Grasslands Plantation v. Frizz-King Enterprises 410 Md. 191, 204-17 (2009); Turner v. Hammond 270 Md. 41, 54-55 (1974).

* * *

"BCZR §101.1 defines "accessory use or structure" and "principal use." Apx. 19:

"ACCESSORY USE OR STRUCTURE: A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use."

"PRINCIPAL USE: A main use of land, as distinguished from an accessory use."

“As noted by People’s Counsel, here, the size, scope, and character of the various uses are of sufficient magnitude to exceed the framework of “accessory uses.” The proposed uses do not meet the “accessory use or structure” definitional criterion of (a) “customarily incident and subordinate to ... the principal use.” Nor are they (b) “subordinate in area, extent, or purpose” Rather, they are akin to a “principal use.” It is “[a] main use of land, as distinguished from an accessory use.”

“There is nothing “incidental,” or “appertaining, subordinate, or casual,” about this use or structure either in size or character. In Dampman v. City of Baltimore 231 Md. 280 (1963), the Court analyzed the meaning of “incidental” where the ordinance allowed an “incidental” addition to a legal nonconforming use. The Court held that a second-floor addition, 12 feet wide and 22 feet long was not incidental, and wrote,

‘The statute in requiring that the use be ‘incidental’ does not, we think, contemplate a major addition to or a major expansion of the nonconforming use, but rather one appertaining, subordinate or casual thereto.’ 231 Md. at 286.

“Here, the uses of Mr. Riffin’s property are more in line with the BCZR 101.1 definitions of “contractor’s equipment storage yard” and “junkyard.” As noted by ALJ Beverungen many of these items are more akin to thing found in a “contactor’s equipment storage yard” not on a residential property. As the Webster’s 3rd New International Dictionary defines “farm equipment” as including combines, farm tractors, plows, harrows, seeders, balers and spreaders, this Board is not persuaded that any of the items found on Mr. Riffin’s property meet this definition either.

“In sum, the various uses are not accessory to the principal residential use and are not recreational residential uses.

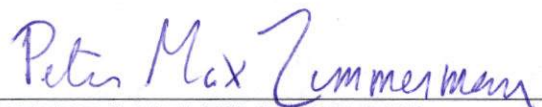
The Court of Special Appeals sustained the CBA’s excellent decision.

At the same time, Judge Salmon noted that Geddes had standing. He felt aggrieved by the ruling against Riffin because Riffin used his bobcat to help him remove ice and snow from his driveway, and his crane to remove trees which fell on his property. Page 5. Not a single resident appeared to object to Riffin’s use. Nevertheless, justice is blind and the law prevailed.

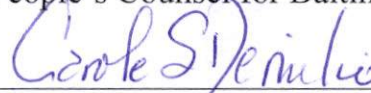
Here, as we have shown, the principal use is office use rather than residential or alleged agricultural use. The construction equipment storage yard and, to some extent junkyard uses are not only impermissible as a matter of law but so far over the limits for accessory uses and so offensive that it shocks the conscience.

Conclusion

The County Board of Appeals should deny MGJ's petition for special hearing and determine that MGJ's construction equipment and materials storage and activity uses are not permitted at all, and so are prohibited. This case may be on a journey to judicial review. But the CBA's decision will be a crucial milestone on the road to law and justice.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of March, 2020, a copy of the foregoing Memorandum of People's Counsel for Baltimore County was mailed to J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Maryland 21286 and Lawrence E. Schmidt, Esquire, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
11019 Gateview Road; E/end of Gateview	*	BOARD OF APPEALS
Road, 140' E of Norgate Court	*	
8 th Election & 3 rd Councilmanic Districts	*	FOR
Legal Owner(s): James & Karole Riffin	*	BALTIMORE COUNTY
Petitioner(s)	*	
	*	2014-094-SPH

* * * * *

OPINION

Background

This case comes to the Board of Appeals for Baltimore County (CBA) as an appeal from a Petition for Special Hearing heard before Administrative Law Judge John Beverungen (ALJ) pursuant to a October 9, 2013 Complete and Comprehensive Settlement Agreement (the Agreement) between the County and the Petitioners. The Agreement and subsequent hearing before ALJ Beverungen grows out of County Zoning Enforcement proceedings brought against James and Karole Riffin. The issues presented during the hearing before ALJ Beverungen related to the legality of several land uses at their residential property at 11019 Gateview Road in the northern county. In exchange for the County staying enforcement of several citations related to the Riffin property, the Riffins agreed to allow ALJ Beverungen to make a legal determination as to legality of machinery located on the property. The Riffins also agreed to waive their right to appeal the ALJ's findings.

The Agreement enabled the Riffins to file a Petition for Special Hearing, during which time the county would suspend enforcement proceedings, pending a decision by the Administrative Law Judge. The County agreed also that the County Attorney's Office would not participate in the proceedings. The Riffins agreed, in turn, that they would abide by and comply with the ALJ decision. As stated in the Agreement:

"James and Karole Riffin agree that the Order of the Administrative Law Judge is a final Order and they will forego any right to appeal or otherwise contest the Order."

On October 15, 2013, as contemplated by the Agreement, the Riffins filed a Petition for Special Hearing to determine the legitimacy of many controversial uses on their property.

After a hearing, ALJ John Beverungen denied the petition by opinion and order dated January 7, 2014. Upon review of Petitioners' Motion for Reconsideration, ALJ Beverungen issued his final order denying the motion on February 25th 2014. As agreed, the County Attorney's office did not appear in the proceedings.

The Petitioners, James and Karole Riffin, did not appeal. But a neighbor, Will Geddes, filed an appeal. Despite the agreement with County, Mr. Riffin filed a memorandum in Mr. Geddes' appeal before this Board and appeared as a participant at the hearing. Both Mr. Riffin and Mr. Geddes appeared without counsel. Peter Max Zimmerman appeared on behalf of People's Counsel. Baltimore County did not participate in the hearing.

PRELIMINARY MOTIONS

Prior to the Board's hearing of this matter, Mr. Riffin filed motions contesting People's Counsel's standing to participate in this appeal and requested that the appeal before the Board be on the record and not held *de novo*.

1. Does People's Counsel have standing to participate in the case at bar?

People's Counsel for Baltimore County argues that it appears in zoning cases to defend the comprehensive zoning maps and master plan in the public interest. Baltimore County Charter Sec. 524.1 People's Counsel further states that the office's function and responsibility extends broadly to zoning and related cases, including special hearings and development cases with zoning issues.

Section 524.1(a)(3)A, it states in pertinent part,

"Powers and duties. The People's Counsel shall have the following powers and duties:

He shall appear as a party before the zoning commissioner of Baltimore County, his deputy, the county board of appeals, the planning board, and the courts on behalf of the interests of the public in general to defend any duly enacted master plan and/or comprehensive zoning maps as adopted by the county council, and in any matter or proceeding now pending or hereafter brought involving zoning reclassification and/or variance from or special exception under the Baltimore County Zoning Regulations as now or hereafter in force or effect, in which he may deem the public interest to be involved."

People's Counsel cites People's Counsel v. A.V. Williams 45 Md. App. 617 (1980), a zoning reclassification case, where the appellate courts approved and recognized People's Counsel's participation and standing. Additionally, People's Counsel notes that in 1989, the Court of Appeals recognized the authority of People's Counsel to participate in special hearing cases. People's Counsel v. Maryland Marine Mfg. Co. 316 Md. 491 (1989), determination of geographic extension of zoning lines into navigable waters; Board of Child Care v. Harker 316 Md. 683 (1989), zoning of child care facilities, including preemption and immunity issues.

In 1992, upholding People's Counsel's participation in development cases where zoning issues are involved, the Court of Appeals discussed the office's "broad charge to protect the public interest in zoning and related matters." People's Counsel v. Crown Development Corp. 328 Md. 303, 317 (1992). The case arose in a County Review Group residential development proceeding, but also involved a zoning issue relating to transfer of density. Judge McAuliffe wrote:

"People's Counsel has been given a broad charge to protect the public interest in zoning and related matters. See Baltimore County Charter Sec. 524.1. Density regulation is an important part of the zoning process. West Mont. Assn. V. MNCP & P Com'n 309 Md. 183 (1987). Although participation in the development process may often be outside the intended ambit of People's Counsel's authority, where protection against a violation of a density regulation is involved, People's Counsel has a legitimate interest."

In the case at bar, Petitioners James and Karole Riffin request a determination as to whether various uses at their Gateview Road property are permitted under Baltimore County Zoning Law. Consequently, the following regulations become applicable: BCZR Section 102.1

relating to permitted uses generally; BCZR 1B01 for the D.R. 1 (Density Residential) Zone; BCZR Sec. 1A07 for the R.C. 6 (Rural Conservation and Residential) Zone; BCZR 101.1 for definitions of principal and accessory uses; and several other provisions of the zoning law. In light of the plethora of cases cited by People's Counsel and the standard practice of this Board, the Board is convinced that these issues are directly within the purview of People's Counsel's charter authority and that its participation in this matter is appropriate.

2. Is the Petitioner's Appeal to be heard *de novo*?

County Charter Section 603 states, in relevant part,

"All hearings held by the board shall be *novo*, unless otherwise provided by legislative act of the County Council, and shall be open to the public."

The appellate courts have recognized this provision Pollard's Towing v. Berman's Body Frame & Mechanical 137 Md. App. 277, 289 (2001). In Pollard's Towing, Judge Moylan explained the contours of the *de novo* process,

"Sect. 603 of the Baltimore County Charter provides:

All hearings held by the board shall be held *de novo*. Boehm v. Anne Arundel County, 54 Md.App. 497, 511, 459 A.2d 590 (1983), elaborated on a *de novo* hearing:

A trial or hearing '*de novo*' means trying the matter anew as if it had not been heard before and as if no decision had been previously rendered.

BCZR Sec. 501.6 is consistent with this framework, in that it begins,

"Appeals from the Zoning Commissioner shall be heard by the Board of Zoning Appeals *de novo*."

The reference to the Zoning Commissioner translates to the Administrative Law Judge, who functions in zoning cases in the capacity of zoning commissioner. See Bill 123-10, Code Sec. 3-12-104(b).

As pointed out by People's Counsel, the pertinent provision for appeals of ALJ decisions in zoning cases is Code Section 32-3-401. It does not "otherwise provide" for an appeal process different from that set by the County Charter as *de novo*.

Based on the wealth of case law, precedent and standard practice of this Board, it is clear and well-established that the case at bar shall be heard *de novo*.

3. May Riffin Contest ALJ Beverungen's final Order

While Mr. Riffin raised the issues of the People's Counsel's standing and the Board's power to hear this matter *de novo*, People's Counsel raised the issue as to whether Mr. Riffin could participate in this matter in the first place. As was previously noted, the Riffins made the commitment in the Agreement that they would not appeal or contest ALJ Beverungen's final Order.

In arguing his position before the Board, Mr. Riffin acknowledged that he was a signatory to the agreement and was bound by it. Mr. Riffin attempted to explain his participation in the hearing before the Board by arguing that the Board of Appeals was not an appellate body and that what he was participating was not an "appeal". As previously discussed, the role of the Board of Appeals in Baltimore County is well established and Mr. Riffin's arguments to the contrary are without merit. Consequently, it is clear that Mr. Riffin was participating in a proceeding that he admitted he was precluded from pursuing by agreement. The agreement between the Riffins and the County was entered into for purposes of equity and judicial economy. Enforcing such agreements is in the interest of sound public policy and should not be disregarded lightly. As Mr. Riffin offered no testimony that he was in anyway mislead or forced into this agreement, this Board will hold him to its conditions and finds that he is precluded from pursuing an appeal of this matter.

While it is clear that Mr. Riffin entered into an agreement with the County which waived his right to appeal, his neighbor Will Geddes made no such agreement and is permitted to pursue an appeal pursuant to statute.

BCC §32-3-401(a) *In general.* A person aggrieved or feeling aggrieved by a decision of the Zoning Commissioner or the Director of Permits, Approvals, and Inspections may appeal the decision or order to the Board of Appeals.

In light of BCC §32-3-401(a), Mr. Geddes clearly testified that he felt "aggrieved" by ALJ Beverungen's decision. Despite the fact that this Board finds that Mr. Geddes' appeal is contrary to the spirit of the Agreement between the Riffins and the County, we are obligated to allow him to proceed as the Appellant in that he was not a signatory to the Agreement.

DISCUSSION

After a clarification of the issues, this case then went forward on the merits of the proposed land uses with Mr. Geddes acting as the Appellant. Mr. Geddes testified personally and called James Riffin as a witness, who often took the opportunity to answer fact questions with legal arguments. People's Counsel called Inspector Phillip Mills, who testified to his two site visits in July and September, 2013. He produced an array of 108 photos correlated with "zones" delineated on a GIS aerial photo of the property. P.C. Ex. 4, 5A-U, 6A-F. Mr. Riffin objected. Mr. Riffin contended either that Mr. Mills' evidence somehow violated the County Attorney's promise not to participate or that his "search" was improper. This objection was overruled. Inspector Mills' testimony and photos provide the only pictorial evidence of the actual site conditions and uses.

During the hearing, it was clearly established through Mr. Geddes' testimony that he had been instructed to "sign" an Appeal drafted by Mr. Riffin, with Mr. Riffin also paying the appeal fee. Mr. Geddes testified additionally that Mr. Riffin plows his driveway in the winter, and, as

far as he is concerned, Mr. Riffin's uses are not objectionable to him. Mr. Geddes was not familiar with the nature of the issues involved in the Petition for Special Hearing.

SPECIAL HEARING PETITIONS

Despite the unique procedural issues present in the case at bar, the actual purpose of the Appeal before the Board is to determine the questions presented in the Request for Special Hearing as previously done by ALJ Beverungen.

Special Hearing petitions under BCZR Sec. 500.7 relate either to determination, and application of zoning law to particular situations or to determination of nonconforming use status. The present case is the former. In Antwerpen v. Baltimore County 165 Md. App. 194, 209 (2005), Judge Salmon found that a Special Hearing is analogous to a declaratory judgment proceeding. It is the CBA's function to declare the rights of the parties under the law.

As argued by People's Counsel, the interpretation of zoning use definitions involves evaluation of law and language and also applies to the differentiation of accessory and principal uses. Arundel Supply Co. v. Cason 265 Md. 371, 377-78 (1972); Smith v. Miller 249 Md. 390, 394-95 (1968); St. Clair v. Colonial Pipeline Co. 235 Md. 578, 582-83 (1964); Kenyon v. Board of Zoning Appeals 235 Md. 388, 394 (1964); Kowalski v. Lamar 25 Md. App. 493, 496-501 (1975); United Parcel Service v. People's Counsel 93 Md. App. 59, 71-74 ((1993), rev'd on other grounds 336 Md. 569 (1994).

Under zoning law, to be permitted, a use or structure must be enumerated as permitted by right or special exception in the particular zone. BCZR Sec. 102.1 states,

"No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations and this shall include any extension of a lawful nonconforming use." Apx. 25.

See Kowalski v. Lamar 25 Md. App. 493, 496-501 (1975); People's Counsel for Baltimore County v. Surina 400 Md. 662, 688 (2007).

The uses at issue are located in the main R.C. 6 Zone section of the split-zoned property. The R.C. 6 Zone permitted uses are listed in BCZR Sec. 1A07.3. As noted by People's Counsel, none of Riffins' uses, described earlier, are listed as permitted uses, either by right or special exception. The uses are likewise not among the uses permitted by right or special exception in D.R. (Density-Residential) Zones. BCZR Sec. 1B01.1.A, C.

The Appellant, through the testimony of Mr. Riffin, argues his uses are either accessory to farming, recreational, or part of his hobbies. As to farm use, he says he is growing trees for eventual sale for use as "mast" grade lumber. He contends that such lumber is marketable for use as ship masts. There was no evidence presented of any current sales or active agricultural activities. Mr. Riffin testified that it would be several years before his trees would be ready for sale and could not recall any past sales.

As noted by People's Counsel, the burden of proof is on the petitioners. See Grasslands Plantation v. Frizz-King Enterprises 410 Md. 191, 204-17 (2009); Turner v. Hammond 270 Md. 41, 54-55 (1974). Unfortunately, neither Mr. Geddes nor Mr. Riffin provided any testimony that would lead to that burden being met. Mr. Geddes' testimony had nothing to do with the issues. Mr. Riffin went through a catalog of his uses and stated his case for their legitimacy. He said some of the equipment was used to trim trees which eventually might be sold years from now. But he did not provide specifics.

As Mr. Riffin clarified, the crane and railroad equipment were imported relatively recently from Mr. Riffin's industrial properties on Greenspring Dr. and Beaver Dam Road. The State Department of Assessments Real Property data sheet entered into evidence by Peoples Counsel identifies the Gateview Road property as residential.

People's Counsel called Inspector Mills as a witness to provide personal observations and photographic evidence of the specific land uses.

Through the aerial photography provided by People's Counsel and the testimony of Inspector Mills, the property appears to be residential use; there is a significant wooded area; and there are the various items of construction equipment; railroad cars, tracks, and material; and trucks, buses, and automobiles.

BCZR §101.1 defines "accessory use or structure" and "principal use." Apx. 19:

"ACCESSORY USE OR STRUCTURE: A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use."

"PRINCIPAL USE: A main use of land, as distinguished from an accessory use."

As noted by People's Counsel, here, the size, scope, and character of the various uses are of sufficient magnitude to exceed the framework of "accessory uses." The proposed uses do not meet the "accessory use or structure" definitional criterion of (a) "customarily incident and subordinate to ... the principal use." Nor are they (b) "subordinate in area, extent, or purpose." Rather, they are akin to a "principal use." It is "[a] main use of land, as distinguished from an accessory use."

There is nothing "incidental," or "appertaining, subordinate, or casual," about this use or structure either in size or character. In Dampman v. City of Baltimore 231 Md. 280 (1963), the Court analyzed the meaning of "incidental" where the ordinance allowed an "incidental" addition to a legal nonconforming use. The Court held that a second-floor addition, 12 feet wide and 22 feet long was not incidental, and wrote,

In the matter of James Riffin 14-094-SPH

"The statute in requiring that the use be 'incidental' does not, we think, contemplate a major addition to or a major expansion of the nonconforming use, but rather one appertaining, subordinate or casual thereto." 231 Md. at 286.

Here, the uses of Mr. Riffin's property are more in line with the BCZR 101.1 definitions of "contractor's equipment storage yard" and "junkyard." As noted by ALJ Beverungen many of these items are more akin to things found in a "contractor's equipment storage yard" not on a residential property. As the Webster's 3rd New International Dictionary defines "farm equipment" as including combines, farm tractors, plows, harrows, seeders, balers and spreaders, this Board is not persuaded that any of the items found on Mr. Riffin's property meet this definition either.

In sum, the various uses are not accessory to the principal residential use and are not recreational residential uses.

In regards to the Appellant's question as to whether a County Code Inspector can enter onto private land, this Board concurs with ALJ Beverungen that such a question is beyond the jurisdictional scope of the OAH, and thus is beyond the jurisdictional scope of the Board of Appeals. Both the B.C.C. and the B.C.Z.R. provide that the Zoning Commissioner may interpret the zoning regulations, however, the Zoning Commissioner is not given the power to construe or interpret the B.C.C. in the context of a Special Hearing. Accordingly, the Board will not address this issue.

Consequently, Appellant's Special Hearing Request should be dismissed without prejudice with respect to the Code Inspector issue and DENIED with respect to the proposed uses and storage of enumerated equipment in the DR and RC zone.

ORDER

THEREFORE, IT IS THIS 7th day of November, 2014 by the

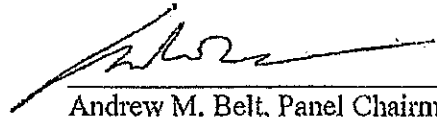
In the matter of James Riffin 14-094-SPH

Board of Appeals of Baltimore County

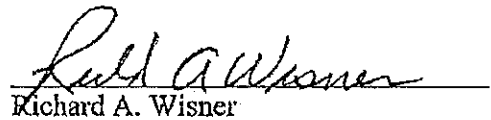
ORDERED that the Petition for Special Hearing to determine which uses are permitted in a DR-1, RC-6, zone and which are non-conforming be and is hereby **DENIED**.

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
FOR BALTIMORE COUNTY**



Andrew M. Belt, Panel Chairman



Richard A. Wisner

Wayne R. Gioioso, Jr. was a Panel member at the hearing on July 15, 2014 and public deliberation on August 5, 2014. He resigned effective October 11, 2014.

2017 WL 1193781

Only the Westlaw citation is currently available.

UNREPORTED

Court of Special Appeals of Maryland.

William GEDDES, et al.,

v.

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY, et al.

No. 2755, Sept. Term, 2015

March 31, 2017

Eyler, Deborah S., Nazarian, James P. Salmon, (Senior Judge,
Specially Assigned), JJ.

Opinion

Salmon, J.

*1 This case arises out of a dispute over the permitted uses for a parcel of property in Baltimore County known as 11019 Gateview Road, which is the primary residence of James and Karole Riffin, appellants.

On October 15, 2013, the Riffins filed with the Office of Administrative Hearings for Baltimore County a petition for special hearing to determine: 1) whether various uses on their property were permitted under Baltimore County zoning law; and 2) when is it lawful for a county code enforcement officer to enter upon private land.¹ By agreement, Baltimore County did not participate in that action but the People's Counsel for Baltimore County did participate.² After a public hearing, an Administrative Law Judge ("ALJ") issued a written opinion and order dated January 7, 2014, finding that the uses proposed by the Riffins were not permitted. The ALJ dismissed the claim pertaining to the issue of whether an inspector had a right to enter upon private land. Mr. Riffin filed a motion for reconsideration, which was denied.

Pursuant to a prior agreement with Baltimore County in which the Riffins agreed not to "appeal or otherwise contest" the ALJ's decision, the Riffins did not appeal, but their neighbor, Will Geddes, who is an appellant in the instant case, filed an appeal with the Baltimore County Board of Appeals ("the Board").³ Despite the prior agreement with

Baltimore County, Mr. Riffin participated in Mr. Geddes's appeal as a self-styled "petitioner," filed a memorandum, and gave testimony at the hearing. Mr. Riffin argued, among other things, that because the Board of Appeals was not an appellate body, he was not participating in an appeal and was therefore not in violation of his agreement with Baltimore County. The Board ultimately determined that Mr. Riffin was precluded from pursuing the appeal.

In addition to Mr. Geddes and Mr. Riffin, the People's Counsel appeared and participated in the hearing before the Board. An Assistant County Attorney for Baltimore County was seated in the courtroom gallery but did not participate in the case before the Board.

*2 In a written order dated November 7, 2014, the Board determined that the proposed uses and storage of equipment on the Riffins' property were unlawful, denied the special hearing request, and dismissed the claim that a code inspector did not have the right to enter upon private property.

After losing before the Board of Appeals, Mr. Geddes and the Riffins filed in the Circuit Court for Baltimore County a petition for judicial review. A hearing was held on December 2, 2015. The circuit court dismissed the petition for judicial review as to Ms. Riffin, determined that Baltimore County's motion to intervene was moot, denied a motion to strike Baltimore County's pleadings, and affirmed the decision of the Board. Thereafter, Mr. Geddes and the Riffins, *pro se*, filed this timely appeal.

QUESTIONS PRESENTED

Mr. Geddes and the Riffins present numerous questions⁴ for our consideration, which we have consolidated and rephrased as follows:

I. Did the agreement between Baltimore County and the Riffins preclude the Riffins from participating as parties in the actions before the Board, the Circuit Court for Baltimore County, and this Court?

II. Was there substantial evidence in the record to support the Board's denial of the petition for special hearing?

III. Is Baltimore County a party to this action?

IV. Did the Board err in determining that it was without jurisdiction to rule on the constitutionality of a Baltimore

County Code Inspector's warrantless entry onto private property?

V. Did the Board err in failing to address issues pertaining to *de novo* hearings?

VI. Did the Board fail to consider whether the Riffins' property was eligible for Agricultural Assessment?

For the reasons set forth below, we shall dismiss the appeals of Mr. and Mrs. Riffin and affirm the judgment of the circuit court in all other respects.

I.

FACTUAL AND PROCEDURAL BACKGROUND

*3 The basic facts of the case are not in dispute. The Riffins' property is about 13 acres and includes the Riffins' residence and significant wooded areas. The property is split around RC-6 (Rural Conservation and Residential) and DR-1 (Density Residential). At issue is the legality of several land uses at the Riffins' property, particularly the storage by the Riffins of various pieces of construction equipment, trucks, buses, automobiles, railroad cars, and railroad track.

In September 2013, Baltimore County issued a code enforcement violation and correction notice to the Riffins alleging illegal use of their property (under both the Baltimore County Zoning Regulations and the Baltimore County Code) resulting from the storage of heavy industrial equipment. Before issuing the citation, the inspector visited the property twice and took photographs of items stored there. The Riffins maintained, among other things, that most of their uses of the property were permitted as accessory to farm use, that the inoperable buses were used as residential sheds, and that the railroad cars and tracks were recreational.

In early October 2013, Baltimore County and the Riffins entered into a comprehensive settlement agreement pursuant to which the Riffins agreed to file a petition for special hearing to obtain a determination of whether their uses of the property were in compliance with the zoning regulations. Baltimore County agreed to suspend its code enforcement proceeding and refrain from imposing any fines or other penalties until after the Office of Administrative Hearings ("OAH") issued a decision on the petition for special hearing. In addition, the County agreed to refrain from having an

Assistant County Attorney appear at the proceedings on the petition for special hearing and the Riffins agreed that if the ALJ denied any portion of their petition and determined that any of the activities on the property violated the County's zoning regulations, or any other state or local law, they would "immediately cease any unlawful activities and ... remove, without exception, any prohibited items" from the property within six months of the date of the ALJ's order. The Riffins specifically agreed that the order of the ALJ would be "a final Order and they will forego any right to appeal or otherwise contest the Order."

The Riffins filed a petition for special hearing seeking to determine whether their proposed principal and accessory uses, which were listed in the petition, were lawful and whether, and under what circumstances, a Baltimore County code inspector and enforcement officer could enter upon their private property. Mr. Riffin and his neighbor, Mr. Geddes, attended the public hearing on the petition. It is unclear if Mrs. Riffin attended the hearing, but she did not testify.

Mr. Riffin testified that on July 26 and September 16, 2013, Baltimore County Code Enforcement Officer Phillip Mills entered onto his property and took photographs, without his permission, and in violation of no trespassing signs that were posted on the property. Mr. Riffin further testified that he once owned a railroad and hoped to acquire another one. He kept on his property railroad equipment, tracks, a caboose, and other items, including a crane, two highboy trailers, one low trailer, a bobcat, two extendable semi-trailers, a man lift, an air compressor, and water storage tanks. Mr. Riffin kept the caboose for recreational purposes and used some of the other items to maintain trees that he claimed to be cultivating for future sale as ship masts. Mr. Riffin also testified that "[e]verything that I have is used in connection with my farming activities, one way or another[.]"

*4 Mr. Geddes, a neighbor who owns property abutting the Riffins' property, had been on the Riffins' property and seen some of the items kept there. He testified that he did not have any objection to the items being kept on the Riffins' property.

The ALJ concluded that the principal use of the property was for residential dwelling purposes, that "it is plausible (though not free from doubt) that the [Riffins] utilize the property for residential agricultural purposes, as an accessory use," and that such a use was permitted. The ALJ further concluded that the railroad cars, tracks, ties, and related equipment could not lawfully be kept on property zoned DR-1 and RC-5.⁵ Nor

could the Riffins keep untagged motor vehicles or commercial vehicles stored outside on the property. With respect to certain other equipment, the ALJ said:

Mr. Riffin also testified that he has a large crane, man lift, 70' tractor trailer and trucks. He indicated that these items are "very handy" and that he uses them "a lot" to pull pipes out of wells, assist in harvesting trees or to help his neighbors. Again, such heavy equipment and materials are not customarily used for residential or even agricultural purposes. No evidence was presented that any of the vehicles or equipment were registered as "farm vehicles" with the State of Maryland. These items, as alleged by Baltimore County, are items that must be stored in a "contractor's equipment storage yard," and not on residential property. That term is defined as follows in the [Baltimore County Zoning Regulations ("BCZR")]:

"The use of any space, whether inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage or landscaping equipment and associated materials."

I find that Petitioners are in fact using the property for such a purpose, which is permitted by special exception only in commercial zones. As such, I do not believe these items can be lawfully kept on the premises.

After making these findings, the ALJ denied the request for special hearing. Mr. Riffin filed a motion for reconsideration, which was denied. Mr. Geddes filed a notice of appeal.

At the hearing before the Board of Appeals, Mr. Geddes was identified as the appellant and Mr. Riffin identified himself as one of the "petitioners." The Board recognized that the Riffins had agreed not to file an appeal or otherwise contest the ALJ's decision and therefore precluded Riffin from pursuing the appeal.

Mr. Geddes was not a signatory to the agreement between the Riffins and Baltimore County. He testified that he felt aggrieved by the ALJ's decision. Although the Board described Mr. Geddes's appeal as "contrary to the spirit of the

Agreement between the Riffins and the County," it permitted him to proceed with the appeal of the ALJ's decision pursuant to § 32-3-401(a) of the Baltimore County Code, which provided:

In general. A person aggrieved or feeling aggrieved by a decision of the Zoning Commissioner or the Director of Permits, Approvals, and Inspections may appeal the decision or order to the Board of Appeals.

*5 Mr. Geddes acknowledged that Mr. Riffin asked him to file the appeal but testified that it was in his interest to do so as Mr. Riffin plows his driveway when it snows.

Mr. Geddes called Mr. Riffin as a witness, and the latter testified that he obtained signed affidavits from many of his neighbors who claimed not to have any problem with the equipment being kept on his property. Mr. Riffin acknowledged that he kept a significant amount of equipment on his property including, but not limited to, a rough terrain crane that weighed over 80,000 pounds, had a boom length of 92 feet, and could pick up 60,000 pounds. In addition to the crane, Mr. Riffin kept other equipment on his property including, but not limited to: a bobcat, a dump truck, an excavator, two 70 to 80 foot semi-trailers, a man lift, a boom truck, air compressors, jack hammers, generators, light towers, a chipping machine, and numerous trucks and trailers, all of which he claimed were used in conjunction with his tree farming operations and forestry activities. Mr. Riffin also kept a "large quantity of railroad equipment," all of which was functional, and railroad tracks, which he used for the trains to ride upon. Mr. Riffin testified that, on occasion, he invited children to play on the railroad equipment.

Mr. Riffin admitted that some of the vehicles were not tagged, but claimed he used them as utility sheds. He also acknowledged that he previously had three storage buildings and "a large quantity of that material that I used to store in those buildings is now sitting on my property because I don't have any other place to put it."

The People's Counsel called Baltimore County Code Enforcement Officer Phillip Mills as a witness. Mr. Mills went to the Riffins' property on July 26 and September 16, 2013, and took photographs on both occasions. He walked off the Riffins' driveway and saw what he described as an "open dump and junk yard conditions." He observed, among other things: cranes, trains, bobcats, large cylinders, tires, buckets, inoperable vehicles, untagged cars, front end loaders, school

buses, compressors, lots of ladders, concrete, trailers, junk, trash, and debris.

Ultimately, the Board rejected Mr. Riffin's argument that the items on his property were either accessory to farming or recreational. The Board noted that there was no evidence of any current sales or active agricultural activities on the property; that it would be years before Mr. Riffin's trees would be ready to sell; and that there was no specific evidence about how the equipment was being used to trim trees on the property. The Board also rejected the idea that Mr. Riffin's equipment constituted an accessory use or structure, and concluded that the uses of the property were "more in line with" a contractor's equipment storage yard and a junkyard. The Board determined that the proposed uses and storage of equipment on the Riffins' property were unlawful, and denied the special hearing request. The Board determined that it did not have jurisdiction to address the issue of whether a county code inspector can enter onto private land.

Following the Board's decision, Mr. Geddes and the Riffins filed a petition for judicial review. At a hearing on December 2, 2015, Mr. Geddes and Mr. Riffin each appeared without counsel. The People's Counsel also appeared, and Baltimore County moved to intervene in the proceeding. Mr. Riffin opposed the County's motion to intervene on the ground that it had not participated in the underlying proceedings.

*6 In a written memorandum opinion and order, the circuit court dismissed the petition for judicial review as to Mrs. Riffin, who did not appear at the December 2nd hearing. The court affirmed the decision of the Board and determined that there was substantial evidence to support the Board's conclusion that the Riffins' uses of the property were not permitted in RC-6 or DR-1 zoned land. With respect to the issue of whether a county code inspector may enter onto private property, the court recognized that the Baltimore County Code permits inspectors to enter upon private land in the performance of their duties, which included enforcing the county's zoning regulations and inspecting property for enforcement purposes. Nevertheless, the court held that that issue was "beyond the jurisdictional scope of the Board." The court also held that the exclusionary rule does not apply to civil proceedings and that the photographs taken by Inspector Mills were properly admitted. Finally, the court declined to address the conditions under which a county code inspector may enter upon private land, on the ground that it sought an advisory legal opinion. In a separate order, the court denied Baltimore County's motion to intervene on the ground that

it was moot and denied Geddes's motion to strike Baltimore County's pleadings.

STANDARD OF REVIEW

We review the decision of an administrative agency under the same statutory standards as the circuit court, meaning we evaluate the decision of the agency directly, not the decision of the lower court. *People's Counsel for Baltimore County v. Surina*, 400 Md. 662, 681 (2007); *Gigeous v. Eastern Correctional Inst.*, 363 Md. 481, 495-96 (2001). Our role is "limited to determining if there is substantial evidence in the record as a whole to support the agency's findings and conclusions, and to determine if the administrative decision is premised upon an erroneous conclusion of law." *Grasslands Plantation, Inc. v. Fritz-King Enterprises, LLC*, 410 Md. 191, 203 (2009) (quoting *United Parcel Service, Inc. v. People's Counsel for Baltimore County*, 336 Md. 569, 577 (1994)). Substantial evidence is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Md. State Police v. Warwick Supply & Equip. Co., Inc.*, 330 Md. 474, 494 (1993) (citations omitted). We may not substitute our judgment for that of the Board of Appeals unless the agency's conclusions were not supported by substantial evidence or were premised on an error of law. *Stansbury v. Jones*, 372 Md. 172, 182-83 (2002).

DISCUSSION

I.

The first issue to be resolved is whether Mr. and Mrs. Riffin and Mr. Geddes are properly before this Court as appellants. The petition for judicial review in the circuit court and the notice of appeal to this Court were filed by Mr. and Mrs. Riffin and Mr. Geddes. On October 2, 2013, however, Mr. and Mrs. Riffin entered into a "Complete and Comprehensive Settlement Agreement" with Baltimore County, pursuant to which they agreed that if any portion of their petition for special hearing was denied and the ALJ determined that any of the activities on their property violated the Baltimore County Code, zoning regulations, or other state or local law, they would "immediately cease any unlawful activities," "remove, without exception, any prohibited items from the [p]roperty within six (6) months" of the date of the ALJ's

order, and "forego any right to appeal or otherwise contest" the ALJ's order.

There is no dispute that the Riffins' petition for special hearing was denied and that the ALJ concluded that "neither the principal [n]or accessory use of the property entitles the Petitioners to keep on the property those items described in the petition." The ALJ held that the railroad cars, tracks, ties and related equipment could not "be lawfully kept on DR 1 and RC 5 [sic] zoned property," and that the Riffins' "large crane, man lift, 70' tractor trailer and trucks" must be stored in a "contractor's equipment storage yard," and cannot be kept on the Riffins' property. The ALJ also rejected the Riffins' contention that untagged motor vehicles on their property were being used as utility sheds. The ALJ held that the outside storage of untagged motor vehicles and commercial vehicles on the property was unlawful and rejected the idea that any of the vehicles or equipment at issue fell within an exception for farm equipment. In light of these rulings, Mr. and Mrs. Riffin were required by their agreement with Baltimore County to "immediately cease any unlawful activities" and "remove, without exception, any prohibited items from the [p]roperty within six (6) months."

*7 Mr. Geddes contends that it was "arbitrary, capricious, unreasonable, or contrary to law" for the Board to interpret, or rely upon, the terms and conditions contained in the private contract between the Riffins and Baltimore County and to bar the Riffins from fully participating in the hearing before the Board. We disagree. At the hearing before the Board, Mr. Riffin acknowledged that he was bound by the agreement. By accepting the terms of their agreement with Baltimore County, and in light of the ALJ's decision, the Riffins waived their right to appeal. Waiver "includes the intentional relinquishment of a known right, or such conduct as warrants an inference of the relinquishment of such right, and may result from an express agreement or be inferred from circumstances." *Gould v. Transamerican Assoc.*, 224 Md. 285, 294 (1961) (footnote omitted). "The doctrine of acquiescence—or waiver—is that 'a voluntary act of a party which is inconsistent with the assignment of errors on appeal normally precludes that party from obtaining appellate review.'" *Board of Physician Quality Assurance v. Levitsky*, 353 Md. 188, 199 (1999) (quoting *Franzen v. Dubinok*, 290 Md. 65, 69 (1981)) (emphasis in original); accord *Downtown Brewing Co., Inc. v. Mayor of Ocean City*, 370 Md. 145, 149–51 (2002). Here, by the terms of their agreement with Baltimore County, both Mr. and Mrs. Riffin consented to the ALJ's decision and waived their right to

challenge that decision on appeal or to "otherwise" contest the ALJ's decision. Accordingly, we shall dismiss this appeal with respect to both Mr. and Mrs. Riffin.

Mr. Geddes, who availed himself of the language contained in § 32–3–401(a) of the Baltimore County Code, proffered to the Board that he felt aggrieved by the ALJ's decision because Mr. Riffin's ability to keep on his property at least some of the equipment at issue was very helpful to him. Mr. Riffin had used his bobcat to remove ice and snow from Mr. Geddes's driveway. In addition, if necessary, Mr. Riffin could use his crane to move trees that fell on Mr. Geddes's property. Assuming, without deciding, that Mr. Geddes's feelings of being aggrieved were sufficient to permit him to appeal, he was the sole appellant before the Board and is the only person who has a right to file this appeal.

II.

Having determined that Mr. Geddes was the sole appellant appropriately before the Board, and accepting for purposes of this appeal that Mr. Geddes was aggrieved by the administrative decision regarding the uses on the Riffins' property, we must determine whether there was substantial evidence in the record to support the Board's denial of the Riffins' petition for special hearing. Our review of the record convinces us that there was.

With regard to the contention that the Riffins' equipment was used in farming or agricultural activities on their property, we recognize that farms are permitted in RC-5 and DR-1 zones. See Baltimore County Zoning Regulations ("BCZR") §§ 1A07.3A(2) and 1B01.1A(7). The term "farm" is defined, in relevant part, as "[t]hree acres or more of land, and any improvements thereon, used primarily for commercial agriculture, as defined in these regulations, or for residential and associated agricultural uses." BCZR § 101.1. Although Mr. Riffin testified that he used all of his equipment in the cultivation and culling of trees he is growing on his property, and that he hopes one day to sell the trees to be used as ship masts, there was no evidence of any current agricultural activities, sales, or other commercial activities relating to agricultural uses on the property. In fact, Mr. Riffin acknowledged that he last sold wood from his trees three years before the hearing and that he was "not in the market of selling right now[.]" In addition, Inspector Mill's testimony about the equipment and materials on the Riffins' property supported the Board's conclusion that those items were not

farm equipment, but were consistent with equipment found in a junkyard or contractor's storage yard. A "junkyard" is defined as:

Any land used commercially or industrially for storage or for sale of scrap metal, wastepaper, rags or other junk, and any land, except as provided for by Section 428, used for the storage of unlicensed or inoperative motor vehicles, dismantling or storage of such vehicles or parts thereof, or used machinery, regardless of whether repair or any other type of commercial operation occurs, but excluding scrap for use in manufacturing processes on the premises or waste materials resulting from such processes or resulting from the construction or elimination of facilities for such processes. The term does not include unlicensed motor vehicles located at automotive service stations, service garages or new or used motor vehicle outdoor sales areas, or any vehicle stored pursuant to Section 405A.

*8 BCZR § 101.1. A contractor's equipment storage yard is defined as "[t]he use of any space, whether inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage or landscaping equipment and associated materials." BCZR § 101.1. In light of these zoning regulations and the evidence presented, a reasonable mind could reasonably have concluded that the Riffins' equipment did not meet the definition of farm equipment.

As for the railroad equipment, Mr. Riffin testified that it was used for recreational purposes, but that it is not a permitted use on the property by right or special exception. BCZR §§ 1A07.3 and 1B01.1. Nor were the Riffins' uses permissible as accessory uses or structures under BCZR §§ 1A07.3A(7) or 1B01.1A(13). An "accessory use or structure" is defined, in relevant part, as one that:

(a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served[.]

BCZR § 101.1. There was substantial evidence to support the Board's conclusion that the Riffins' uses did not meet that definition. The evidence presented to the Board established the presence of an enormous quantity of heavy equipment and vehicles on the property, including, but not limited to: trains, trucks, a crane, a bobcat, a front-end loader, buses, untagged and inoperable motor vehicles, and trailers. The Board properly concluded that the untagged and unlicensed vehicles on the property could not be converted into utility sheds, which are permitted on DR zoned property, simply by filling them with personal belongings or household items, as such a use would be contrary to the purpose of the Baltimore County Zoning Regulations.

III.

Mr. Geddes argues that Baltimore County "does not have the right, nor standing, to intervene" in this matter. Baltimore County did not participate in the proceedings before the OAH or the Board, although an Assistant County Attorney observed the proceedings before the Board. The circuit court concluded that the presence of the Assistant County Attorney at the hearing before the Board was sufficient to establish the county as a party in the petition for judicial review, but denied the county's motion to intervene on the ground that it was moot. We need not resolve the issue of whether Baltimore County had the right to intervene. Baltimore County did not attempt to intervene in the proceeding before the Board. Our task in this appeal is limited to determining if there was substantial evidence in the record as a whole to support the agency's findings and conclusions, and to determine if the administrative decision was premised upon an erroneous conclusion of law. *Grasslands Plantation, Inc.*, 410 Md. at 203. We have already determined that there was substantial

evidence to support the Board's findings and conclusions, and that determination would not be affected in any way by a determination of the county's right to intervene. As the issue is moot, we shall not address it.

IV.

Mr. Geddes contends that the Board erred in determining that it was without jurisdiction to determine the conditions under which a code inspection and enforcement officer may enter upon private property. We need not reach this issue. Given the unusual procedural history of this case, the question before us is raised by Mr. Geddes, who does not own the property upon which the county inspection and enforcement officer entered. As a general rule, in a civil case, in order to demonstrate reversible error, the appellant must not only establish error, but also that the error was prejudicial. *Flores v. Bell*, 398 Md. 27, 33 (2007). Mr. Geddes did not establish that he suffered any prejudicial effect from the Board's determination that it was without jurisdiction to address the conditions under which a code inspection and enforcement officer could enter upon the Riffins' property.

*9 Moreover, in their petition for special hearing, the Riffins raised this issue generally, asking under what conditions a county code inspector may enter upon private land. Any decision on that particular issue would be advisory in nature. The role of an appellate court is not to render advisory opinions. *Altan v. State*, 433 Md. 275, 285 (2013) (ordinarily, courts will not decide moot or abstract questions, or render advisory opinions); *Montgomery County Career Fire Fighters Ass'n v. Montgomery County*, 210 Md. App. 200, 209 (2013) (role of appellate court is not to render advisory opinions).

Even if Mr. Geddes had standing to challenge the specific issue of Inspector Mills's entry onto the Riffins' property, reversal would not be warranted. The Baltimore County Code permits open land inspections. See Baltimore County Code, § 32-3-602(b)(2). The inspections of the uses in question did not involve any protected curtilage and the few photographs taken close to the Riffins' residence did not pertain to any of the uses in controversy and were not considered by the Board. As to the evidence that was presented, we note that contrary to the appellants' argument, the Exclusionary Rule, which is based upon the Fourth Amendment to the United States Constitution, does not apply to civil proceedings. See, e.g., *Coleman v.*

Anne Arundel County Police Dept., 136 Md. App. 419, 444 (2001) ("exclusionary rule applies only to criminal proceedings and forfeiture cases") (citing *Sheetz v. Mayor and City Council of Baltimore*, 315 Md. 208, 212 (1989)).

V.

Mr. Geddes presents the following three questions pertaining to *de novo* hearings: (1) "[w]hat is the nature of a *de novo* hearing?" (2) "[m]ay the right to a *de novo* hearing be waived," and (3) whether new notice must be given "when having a *de novo* hearing." Preliminarily, we note that Mr. Geddes did not raise before the Board any issue pertaining to *de novo* hearings. Those issues were raised only by Mr. Riffin, who was a witness, not a party, in the action before the Board. To the extent Mr. Geddes contends that proper notice was not provided for the hearing before the Board, the docket entries reveal that notice was provided. No additional public posting was required.

Finally, the questions presented concerning generally the nature of *de novo* hearings, the right to waive them, and whether new notice must be given, all seek advisory opinions. As we have already noted, our role is not to render advisory opinions, and we decline to do so. See *Altan*, 433 Md. at 285; *Montgomery County Career Fire Fighters Ass'n*, 210 Md. App. at 209.

VI.

Lastly, Mr. Geddes contends that the Board failed to consider whether the Riffins' property was eligible for an agricultural assessment. This contention is without merit. The Riffins did not include in their petition for special hearing, a request for a determination as to their eligibility for an agricultural assessment. Moreover, in the Board of Appeals proceeding, Mr. Geddes did not raise any issue pertaining to the eligibility of the Riffins' property for agricultural assessment, nor would he have had standing to do so.

APPEAL DISMISSED AS TO KAROLE AND JAMES RIFFIN; CASE AFFIRMED IN ALL OTHER RESPECTS. COSTS TO BE PAID BY JAMES RIFFIN, KAROLE RIFFIN AND WILLIAM GEDDES, JOINTLY AND SEVERALLY.

All Citations

Not Reported in A.3d, 2017 WL 1193781

Footnotes

- 1 For clarity, we note that since 2011, "[a]ny reference to the Zoning Commission for Baltimore County Zoning Regulations shall be deemed to be a reference to the Office of Administrative Hearings." Baltimore County Code, § 3-12-104(b). "All references in law to the board of zoning appeals shall be construed to refer to the county board of appeals." Baltimore County Charter, § 602.
- 2 The People's Counsel for Baltimore County is an independent organization, separate from Baltimore County, with the "specific public interest function" of defending the comprehensive zoning maps and master plan in a variety of cases, including special hearings. See generally Baltimore County Charter, § 524.1(a)(3)A.
- 3 Mr. Geddes was permitted to appeal pursuant to § 32-3-401(a) of the Baltimore County Code which, provides that "[e] person aggrieved or feeling aggrieved by a decision of the Zoning Commissioner or the Director of Permits, Approvals, and Inspections may appeal the decision or order to the Board of Appeals." The Board determined that Mr. Geddes "clearly testified that he felt 'aggrieved' by [the ALJ's] decision."
- 4 In their Brief, Mr. and Mrs. Riffin and Mr. Geddes set forth the following questions for our consideration:
Was it arbitrary, capricious, unreasonable, or contrary to law:
A. For the Circuit Court to permit Baltimore County to Intervene?
B. What is the nature of a *de novo* hearing?
C. For the Board to interpret, or rely upon, the terms and conditions contained in a private contract between Riffin and Baltimore County, Maryland?
D. For the Board to bar Riffin from fully participating at the Board hearing?
E. For the Board to fail to consider whether Riffins' property was 'eligible for Agricultural Assessment?'
F. For the Board to consider issues/admit evidence on issues that were not raised/argued before the ALJ, and/or were not appealed?
G. For the Board to hold that it did not have the jurisdiction to rule on the Constitutional issue of whether Baltimore County Code Inspector Mills ("Mills" or "Inspector Mills") violated Riffin's 4th Amendment Right barring warrantless searches and seizures?
H. Was there 'substantial evidence' in the record before the Board to support the Board's holding that none of the uses enumerated by Riffin, were permitted in a DR-1 or RC-6 zone?
I. May the right to a *de novo* hearing be waived?
J. Must new notice be given when having a *de novo* hearing?
In addition, the appellants state "[t]he Joint Memorandum contains a number of additional issues, and argument thereon, none of which are waived, all of which are incorporated by reference herein. Due to the Rule's word limitation of 8,100 words, this brief will focus on the more egregious errors committed by the Board."
- 5 In addressing Mr. Riffin's motion for reconsideration, the ALJ acknowledged that he mistakenly referred to the property as being zoned RC-5 rather than RC-6.

End of Document

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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

February 21, 2020

NOTICE OF DELIBERATION

IN THE MATTER OF: MGJ Properties, LLC
1101 Bowley's Quarters Road
18-342-SPH 15th Election District; 6th Councilmanic District

RE: Petition for Special Hearing pursuant to BCZR Section 500.7 to permit an existing office and accessory indoor/outdoor storage in a BL zone.

11/1/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to permit, as uses accessory to the existing office, indoor/outdoor storage of materials and/or vehicles was DENIED.

This matter having been heard June 4, October 16, December 18, 2019 and concluded on February 12, 2020, a public deliberation has been scheduled for the following:

DATE AND TIME: **APRIL 7, 2020 AT 9:00 A.M.**

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

NOTE: Closing briefs are due on **March 12, 2020 no later than 3:00 p.m.**
(One Original and three copies)

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

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

Krysundra Cannington
Administrator

Notice of Public Deliberation
In the matter of: MGJ Properties, LLC
Case No: 18-342-SPH
February 21, 2020
Page 2

c.	Counsel for Petitioner	: Lawrence E. Schmidt, Esquire
	Petitioner	: Mark Goloboski/MGJ Properties, LLC
	Counsel for Protestants	: J. Carroll Holzer, Esquire
	Protestants	: Bowleys Quarters Improvement Association, David Hash, Allen Robertson, Kenneth Brickell, Carl and Siu Rossmark
	People's Counsel for Baltimore County	: Peter M. Zimmerman, Esquire
	C. Pete Gutwald, Director/Department of Planning	
	James R. Benjamin, Jr., County Attorney	
	Michael D. Mallinoff, Director/Department of Permits Approvals and Inspections	
	Nancy C. West, Assistant County Attorney	
	Paul M. Mayhew, Managing Administrative Law Judge	

CASE: 2018-0342-SPH

February 12, 2020

CITIZENS'S SIGN IN SHEET

[illegible]



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

January 3, 2020

NOTICE OF ASSIGNMENT - Day 4

IN THE MATTER OF: MGJ Properties, LLC
1101 Bowley's Quarters Road
18-342-SPH 15th Election District; 6th Councilmanic District

RE: Petition for Special Hearing pursuant to BCZR Section 500.7 to permit an existing office and accessory indoor/outdoor storage in a BL zone.

11/1/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to permit, as uses accessory to the existing office, indoor/outdoor storage of materials and/or vehicles was DENIED.

This matter has had hearings on June 4, 2019, October 16, 2019, and December 18, 2019 and has not yet concluded. Day four of hearings in this matter has been

ASSIGNED FOR: FEBRUARY 12, 2020 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 require 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 with the Board unless otherwise requested.
- Please contact our office for information regarding projection equipment.

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

Krysundra Cannington
Administrator

Notice of Assignment - Day ..
In the matter of: MGJ Properties, LLC
Case number: 18-342-SPH
January 3, 2020
Page 2

c.	Counsel for Petitioner	: Lawrence E. Schmidt, Esquire
	Petitioner	: Mark Goloboski/MGJ Properties, LLC
	Counsel for Protestants	: J. Carroll Holzer, Esquire
	Protestants	: Bowleys Quarters Improvement Association,
		David Hash, Allen Robertson, Kenneth
		Brickell, Carl and Siu Rossmark
	People's Counsel for Baltimore County	: Peter M. Zimmerman, Esquire
	C. Pete Gutwald, Director/Department of Planning	
	James R. Benjamin, Jr., County Attorney	
	Michael D. Mallinoff, Director/Department of Permits Approvals and Inspections	
	Nancy C. West, Assistant County Attorney	
	Paul M. Mayhew, Managing Administrative Law Judge	

Krysundra Cannington

From: Peter Max Zimmerman
Sent: Thursday, January 2, 2020 12:15 PM
To: Krysundra Cannington
Cc: Schmidt, Lawrence; Carroll Holzer (jcholzer38@gmail.com); Carl Richards Jr
Subject: RE: MGJ Properties - Day #4

Sunny,

Our office has confirmed, we are available for February 12th.

Upon further review of the case, we find it necessary, appropriate and helpful to call Carl Richards as a witness to testify relating to the administrative practice, policy and interpretation of the zoning office.

Sincerely,
Peter Max Zimmerman

From: Carroll Holzer <jcholzer38@gmail.com>
Sent: Friday, December 27, 2019 2:55 PM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Cc: Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>; Schmidt, Lawrence <lschmidt@sgs-law.com>
Subject: MGJ Properties - Day #4

CAUTION: This message from jcholzer38@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.
--

Dear Sunny:

My clients and I are available on *Tuesday, February 11th and Wednesday, February 12, 2020.*

Very truly yours,

J. Carroll Holzer

Krysundra Cannington

From: Carroll Holzer <jcholzer38@gmail.com>
Sent: Friday, December 27, 2019 2:55 PM
To: Krysundra Cannington
Cc: Peter Max Zimmerman; Schmidt, Lawrence
Subject: MGJ Properties - Day #4

CAUTION: This message from jcholzer38@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Sunny:

My clients and I are available on *Tuesday, February 11th and Wednesday, February 12, 2020.*

Very truly yours,

J. Carroll Holzer

Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Monday, December 23, 2019 2:33 PM
To: Krysundra Cannington; J. Carroll Holzer, Esquire (jcholzer38@gmail.com); Peter Max Zimmerman
Cc: Kelly Benton; Peoples Counsel
Subject: RE: MGJ Properties Day 4

CAUTION: This message from lschmidt@sgs-law.com originated from a non-Baltimore County Government or non-BCPL email system. Hover over any links before clicking and use caution opening attachments.

Ny: I checked my schedule as well as with my client and my witnesses and we are good on February 12, 13, 18 and 19. We have some vacation conflicts in January and some other hearing conflicts but those dates work for the Petitioners (all on that team).

Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

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From: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Sent: Monday, December 23, 2019 10:32 AM
To: Lawrence Schmidt <lschmidt@sgs-law.com>; J. Carroll Holzer, Esquire (jcholzer38@gmail.com) <jcholzer38@gmail.com>; Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>
Cc: Kelly Benton <kbenton@sgs-law.com>; Peoples Counsel <peoplescounsel@baltimorecountymd.gov>
Subject: MGJ Properties Day 4

Good morning,

As you are aware, the matter of MGJ Properties did not conclude on December 18, 2019. The following dates are available on the Board's calendar: January 16, 21, 22, 29, 30, February 4, 5, 11, 12, 13, 18, 19, 20. I am also checking these dates with the Board members. The hearing will be scheduled to begin at 9:00 a.m.

Please be advised due to the holiday, the office will be closed on Wednesday December 25 and Wednesday January 1. Otherwise, I will be available and checking email.

Thank you and Happy Holidays.

Sunny

Krysundra "Sunny" Cannington

Krysundra Cannington

From: Krysundra Cannington
Sent: Monday, December 23, 2019 10:32 AM
To: Lawrence Schmidt, Esquire; J. Carroll Holzer, Esquire (jcholzer38@gmail.com); Peter Max Zimmerman
Cc: 'Kelly Benton'; Peoples Counsel
Subject: MGJ Properties Day 4

Good morning,

As you are aware, the matter of MGJ Properties did not conclude on December 18, 2019. The following dates are available on the Board's calendar: January 16, 21, 22, 29, 30, February 4, 5, 11, 12, 13, 18, 19, 20. I am also checking these dates with the Board members. The hearing will be scheduled to begin at 9:00 a.m.

Please be advised due to the holiday, the office will be closed on Wednesday December 25 and Wednesday January 1. Otherwise, I will be available and checking email.

Thank you and Happy Holidays.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

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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

December 20, 2019

HAND DELIVERED

Andrew M. Belt, Panel Chairman
Deborah C. Dopkin, Panel Member
Joseph L. Evans, Panel Member
Board of Appeals of Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204



Re: MGJ Properties, LLC
1101 Bowleys Quarters Road
Case Nos.: 2018-342-SPH

Dear Chairman Belt:

At the end of the December 18 hearing day, I said I would investigate the difference in language between our office's file copy of Bill 149-87, and that in BCZR Sec. 101.1: the absence in the latter of the clause in the former which excludes outside storage of equipment, materials, machines or parking of construction vehicles.

Upon review with Thomas Bostwick, Esquire, Legislative Counsel/Secretary to the County Council, I learned that our office's file copy is the Bill as introduced, but not the final signed version. Before enactment, the County Council amended Bill 149-87 to delete the exclusion clause. The Council did the same thing with the "Contractor's Shop's" definition. The final Bill is enclosed, along with the amendment minutes. I shall offer at the next hearing day as People's Counsel's Exhibit 17. I had assumed that our office's copy reflected the Bill as enacted; I had not focused on the discrepancy. I appreciate the opportunity to make this clarification and correction.

Upon this review, I also learned of a relevant section of the Zoning Commissioner's Policy Manual (ZCPM), as revised, 1992. The ZCPM includes, on page 1-10, a regulatory interpretation of "Contractor's Office" which speaks for itself. It is enclosed and shall be offered as People's Counsel's Exhibit 18. In essence, it restricts such use to office use, with storage to occur elsewhere. The ZCPM was authorized by Baltimore County Code Sec. 26-135 of the 1988 Code --- now Sec. 32-3-105, 2015 Code. See Antwerpen v. Baltimore County 163 Md. App. 194, 197 (2005).

Andrew M. Belt, Panel Chairman
Deborah C. Dopkin, Panel Member
Joseph L. Evans, Panel Member
December 20, 2019
Page 2

I have not learned of any subsequent legislative or regulatory amendments relating to the Bill 149-87 definitions. If anyone can find any additional relevant sources, they are welcome to submit them. I am also sending a copy of this letter to W. Carl Richards, Zoning Supervisor, as well as to counsel for the parties.

I thank Mr. Bostwick for his help in clarifying the legislative and regulatory history.

Sincerely,

A handwritten signature in black ink that reads "Peter Max Zimmerman". The signature is fluid and cursive, with the first name "Peter" and last name "Zimmerman" clearly distinguishable.

Peter Max Zimmerman
People's Counsel for Baltimore County

cc: Lawrence Schmidt, Attorney for MGJ Properties, LLC, sent via email
J. Carroll Holzer, Esquire, sent via email
Thomas H. Bostwick, Legislative Counsel/Secretary, sent via email
W. Carl Richards, Jr., Zoning Supervisor, sent via email

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1987, LEGISLATIVE DAY NO. 20
BILL NO. 149-87

MR. WILLIAM R. EVANS, COUNCILMAN

BY THE COUNTY COUNCIL, NOVEMBER 2, 1987

A BILL ENTITLED

AN ACT concerning

Zoning Regulations - Definitions

FOR the purpose of adding certain definitions to the Baltimore County
Zoning Regulations and providing a source of reference for the
definition of words or terms not defined in the Regulations.

BY repealing and re-enacting, with amendments,

Section 101 - Definitions, by adding to the Section, alphabetically, the
"definition of "Building Materials Storage and Sales Yard",
"Contractor's Equipment Storage Yard", "Contractor's Office",
"Contractor's Shops", and "Construction Equipment Storage Yard"
Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report from
the Planning Board concerning the subject legislation and has held a public
hearing thereon, now, therefore,

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY,
2. MARYLAND, that Section 101 - Definitions, of the Baltimore County Zoning
3. Regulations, as amended, be and it is hereby repealed and re-enacted, with
4. amendments, by adding, alphabetically, the definitions of "Building Materials
5. Storage and Sales yard", "Contractor's Equipment Storage Yard", "Contractor's
6. Office", "Contractor's Shops", and "Construction Equipment Storage Yard", to
7. read as follows:

8. Section 101 - DEFINITIONS

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1. Words used in the present tense include the future; words in the
2. singular number include the plural number; the word "shall" is mandatory. For
3. the purposes of these Regulations, certain terms and words are defined (as
4. follows:) BELOW. ANY WORD OR TERM NOT DEFINED IN THIS SECTION SHALL HAVE THE
5. ORDINARILY ACCEPTED DEFINITION AS SET FORTH IN THE MOST RECENT EDITION OF
6. WEBSTERS THIRD NEW INTERNATIONAL DICTIONARY OF THE ENGLISH LANGUAGE, UNABRIDGED.

7. BUILDING MATERIALS STORAGE AND SALES YARD: THE USE OF ANY SPACE,
8. WHETHER INSIDE OR OUTSIDE A BUILDING USED PRINCIPALLY FOR THE STORAGE OR SALE
9. OF BUILDING MATERIALS OR SUPPLIES.

10. CONTRACTOR'S EQUIPMENT STORAGE YARD: THE USE OF ANY SPACE, WHETHER
11. INSIDE OR OUTSIDE A BUILDING FOR THE STORAGE OR KEEPING OF CONTRACTOR'S
12. EQUIPMENT OR MACHINERY, INCLUDING BUILDING MATERIALS STORAGE, CONSTRUCTION
13. EQUIPMENT STORAGE, OR LANDSCAPING EQUIPMENT AND ASSOCIATED MATERIALS.

14. CONTRACTOR'S OFFICE: A ROOM OR GROUP OF ROOMS FOR CONDUCTING THE
15. BUSINESS AFFAIRS OF A BUILDING TRADE. ~~7. EXCLUDING THE OUTSIDE STORAGE OF~~
16. ~~EQUIPMENT, MATERIALS, MACHINES OR PARKING OF CONSTRUCTION VEHICLES.~~

17. CONTRACTOR'S SHOPS: ESTABLISHMENTS FOR TRADES INVOLVED IN THE
18. INSTALLATION AND SERVICING OF ITEMS WHOSE USE IS RELATED TO THE CONSTRUCTION,
19. IMPROVEMENT OR MAINTENANCE OF BUILDINGS OR LANDSCAPING OF GROUNDS. 7
20. ~~EXCLUDING THE OUTSIDE KEEPING OF BUILDING MATERIAL, CONSTRUCTION EQUIPMENT,~~
21. ~~CONSTRUCTION VEHICLES AND CONSTRUCTION SUPPLIES.~~

22. CONSTRUCTION EQUIPMENT STORAGE YARD: THE USE OF ANY SPACE, WHETHER
23. INSIDE OR OUTSIDE A BUILDING FOR THE STORAGE OF CONSTRUCTION EQUIPMENT OR
24. MACHINERY, INCLUDING LANDSCAPING EQUIPMENT AND ASSOCIATED MATERIALS.

25. SECTION 2. And be it further enacted, that this Act shall take effect
26. forty-five days after its enactment.

READ AND PASSED this 7th day of December, 1987

BY ORDER

Thomas Toporovich
Thomas Toporovich
Secretary

PRESENTED to the County Executive for his approval this 8th day
of December, 1987

Thomas Toporovich
Thomas Toporovich
Secretary

APPROVED AND ENACTED:

12/10/87

Dennis F. Rasmussen
Dennis F. Rasmussen
County Executive

I HEREBY CERTIFY THAT BILL NO. 149-87 IS TRUE AND CORRECT AND TOOK
EFFECT ON January 24 1988.

Norman W. Lauenstein
Norman W. Lauenstein
Chairman, County Council

Chairman Lauenstein stated that the Council would now consider Miscellaneous #2.

G2. Res. No. 37-87 - Mr. Lauenstein (By Req.) - Bethlehem Steel Corporation

At the direction of the Chairman, the Secretary read this Resolution authorizing the County Executive to execute a real estate option with Bethlehem Steel Corporation to allow the County to acquire certain property at Sparrows Point, Maryland and further authorize the County Executive to enter into an agreement with the State Highway Administration which will allow the State to accept ownership of certain roads, bridges and ramps to be upgraded and for the sharing of costs for same, all subject to final approval of Council. Mr. Carignan and Mr. Sheesley remained and were questioned by Councilmembers Mintz and Bachur. Thereafter, upon motion by Councilman Volz, seconded by Councilman Ruppertsberger, this Resolution was approved by the following roll call vote:

Aye - Mintz, Ruppertsberger, Bachur, Lauenstein, Evans, Volz
Nay - None
Abstain - Hickernell

BILL NO. 149-87, Zoning Regulations - Definitions, was called. Councilman Evans commented on this Bill, then moved to amend it with the following amendments:

1. On page 2, in line 16, strike ", EXCLUDING THE OUTSIDE STORAGE OF" and substitute a period; and strike line 17. 2. On page 2, in line 20, strike "EXCLUDING" and substitute a period; and strike lines 21 and 22.

Councilman Hickernell seconded the motion which passed by the following roll call vote:

Aye - Hickernell, Mintz, Ruppertsberger, Bachur, Lauenstein, Evans, Volz
Nay - None

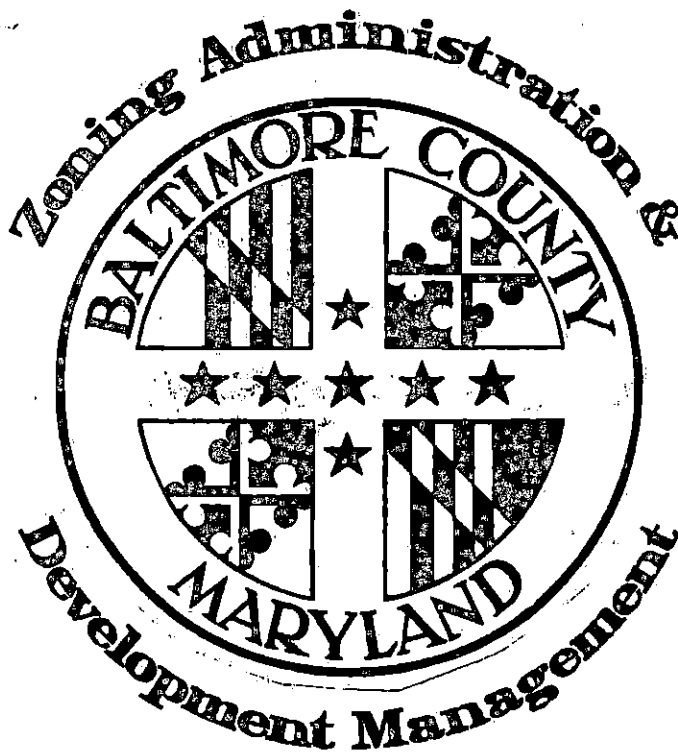
Thereafter, upon motion by Councilman Evans, seconded by Councilwoman Bachur, Bill 149-87, as amended, passed by the following roll call vote:

Aye - Hickernell, Mintz, Ruppertsberger, Bachur, Lauenstein, Evans, Volz
Nay - None

At this time the Chairman stated that Bills 156-87, 158-87, 160-87, 161-87 & 162-87 had been submitted with the request that the ten day rule be waived and they be called for final reading and vote. Councilwoman Bachur then moved to waive the ten day rule and call Bill 156-87 for final reading and vote. Councilman Evans seconded the motion which passed by the following roll call vote:

1992 Edition

Baltimore County Zoning Commissioner's Policy Manual



amended May 13, 1992

adopted May 21, 1991

Administrative Supplement to the Baltimore County Zoning Regulations

SECTION

101 CONCRETE, U-CART SALES

The mixing (or blending) of sand, gravel, cement, other ingredients and water into a concrete mixture on the premises. A small mixing or blending machine or plant is used and produces concrete which is sold and deposited into a towable trailer or U-Card (usually loaned to the customer). The size of the batch that is mixed and sold, and the capacity of the trailer is usually 1 to 1 1/2 yards. It is considered manufacturing a product, even though it is a relatively small batch and it is not in its eventual hardened state. As a manufacturing use, this process must be located in a M.L. zone. See the following cases:

79-21V

80-96V

81-327V

CONTRACTOR'S EQUIPMENT STORAGE YARD: includes landscaping and tree service companies.

CONTRACTOR'S OFFICE: A contracting company that stores its materials, trucks, and other equipment at a permitted location elsewhere, a business office only, with parking for passenger vehicles may be located in zones where offices are allowed.



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 30, 2019

NOTICE OF REASSIGNMENT

IN THE MATTER OF: MGJ Properties, LLC
1101 Bowley's Quarters Road
18-342-SPH 15th Election District; 6th Councilmanic District

RE: Petition for Special Hearing pursuant to BCZR Section 500.7 to permit an existing office and accessory indoor/outdoor storage in a BL zone.

11/1/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to permit, as uses accessory to the existing office, indoor/outdoor storage of materials and/or vehicles was DENIED.

This matter has had hearings on June 4, 2019 and October 16, 2019 and has not yet concluded. Day three of hearings in this matter has been

ASSIGNED FOR: DECEMBER 18, 2019 AT 9:00 A.M. - Day 3

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 with the Board unless otherwise requested.
- Please contact our office for information regarding projection equipment.

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

Krysundra Cannington
Administrator

Notice of Reassignment
In the matter of: MGJ Properties, LLC
Case number: 18-342-SPH
September 3, 2019
Page 2

c.	Counsel for Petitioner	: Lawrence E. Schmidt, Esquire
	Petitioner	: Mark Goloboski/MGJ Properties, LLC
	Counsel for Protestants	: J. Carroll Holzer, Esquire
	Protestants	: Bowleys Quarters Improvement Association, David Hash, Allen Robertson, Kenneth Brickell

People's Counsel for Baltimore County	: Peter M. Zimmerman, Esquire
---------------------------------------	-------------------------------

C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/Department of Permits Approvals and Inspections
Michael Field, County Attorney
Nancy C. West, Assistant County Attorney
Paul M. Mayhew, Managing Administrative Law Judge

Tammy Zahner

18-342-sph

From: Kelly Benton <kbenton@sgs-law.com>
Sent: Tuesday, October 29, 2019 2:57 PM
To: Appeals Board
Cc: Lawrence Schmidt; Zachary J. Wilkins
Subject: MGJ Properties, LLC - 1101 Bowley's Quarters Road

CAUTION: This message from kbenton@sgs-law.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good afternoon,

I need to request the recording only, for Hearing Day 2 (October 16) for the above matter.

Please let me know when it is ready and the cost for the disc and I will arrange pickup and payment.

Thank you,
Kelly

Kelly Benton | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
kbenton@sgs-law.com | www.sgs-law.com

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Krysundra Cannington

From: Carroll Holzer <jcholzer38@gmail.com>
Sent: Monday, October 28, 2019 12:03 PM
To: Krysundra Cannington
Cc: Siu Cheung
Subject: Case No.: MGJ Properties 18-342-XPB

CAUTION: This message from jcholzer38@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Ms. Cannington:

I am unable to attend:

October 31, 2019 - Due to a prior commitment

November 5, 2019 - I am in the City of Hyattsville

November 7, 2019 - Day 2 of Woodley Park before the ALJ

My clients and I can make *December 13th and 18, 2019.*

Thank you for your patience.

Very truly yours,

J. Carroll Holzer

Holzer called

11:57am

MGJ

10/28/19

no 10/31, 11/5, 11/7

OK 12/13 & 12/18

asked him
to send email

Krysundra Cannington

From: Carroll Holzer <jcholzer38@gmail.com>
Sent: Friday, October 25, 2019 12:33 PM
To: Krysundra Cannington
Subject: Re: MGJ Properties 18-342-XPB

CAUTION: This message from jcholzer38@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny

Thanks for the update. Will get back to you no later than Monday.

Very truly yours,

J. Carroll Holzer

On Fri, Oct 25, 2019 at 9:08 AM Krysundra Cannington <kcannington@baltimorecountymd.gov> wrote:

Good morning Mr. Holzer,

Below is the last response I received from you. Please advise if you have heard back from your clients. I have been out sick this week so I have been unable to follow up with you until now.

Please let me know asap.

If I have not heard from you by the end of the day Monday, October 28th, I will assume that you are available on all dates Mr. Schmidt and Mr. Zimmerman have indicated they are available.

Thank you,

Sunny

Krysundra Cannington

From: Krysundra Cannington
Sent: Friday, October 25, 2019 9:09 AM
To: 'Carroll Holzer'
Cc: Lawrence Schmidt, Esquire; Peter Max Zimmerman; Alyssa Moyers (amoyers@sgs-law.com); Rebecca Wheatley
Subject: RE: MGJ Properties 18-342-XPB

Good morning Mr. Holzer,

Below is the last response I received from you. Please advise if you have heard back from your clients. I have been out sick this week so I have been unable to follow up with you until now.

Please let me know asap.

If I have not heard from you by the end of the day Monday, October 28th, I will assume that you are available on all dates Mr. Schmidt and Mr. Zimmerman have indicated they are available.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

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From: Carroll Holzer <jcholzer38@gmail.com>
Sent: Thursday, October 17, 2019 2:01 PM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Cc: Lawrence Schmidt, Esquire <lschmidt@sgs-law.com>; Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>; Alyssa Moyers (amoyers@sgs-law.com) <amoyers@sgs-law.com>; Rebecca Wheatley <rwheatley@baltimorecountymd.gov>
Subject: Re: MGJ Properties 18-342-XPB

CAUTION: This message from jcholzer38@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.
--

Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Friday, October 18, 2019 9:35 AM
To: Krysundra Cannington; J. Carroll Holzer, Esquire (jcholzer38@gmail.com); Peter Max Zimmerman
Cc: Alyssa Moyers; Rebecca Wheatley; Kelly Benton
Subject: RE: MGJ Properties 18-342-XPB

CAUTION: This message from lschmidt@sgs-law.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny: It appears that December 4, 17, 18 and 19 work for all. They are ok with me and my witnesses/client. And I believe that they are ok with Mr. Holzer and Mr. Zimmerman.

By the way, my paralegal Alyssa gave birth to a baby girl earlier this morning. Finley Grace Moyers arrived shortly after midnight at 6 lbs. 6 oz. A couple weeks early. I am advised that Mom and baby are well. I know you speak with Alyssa frequently about cases in my office and wanted to pass along the news.

Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

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From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Thursday, October 17, 2019 8:01 AM
To: Lawrence Schmidt; J. Carroll Holzer, Esquire (jcholzer38@gmail.com); Peter Max Zimmerman
Cc: Alyssa Moyers; Rebecca Wheatley
Subject: MGJ Properties 18-342-XPB

Good morning Counsel,

It is my understanding that the hearing yesterday did not conclude. The following dates are available on our docket. I will be checking these dates with the Board members today as well. October 31, November 5, 7, 13, 20, 26, 27, December 4, 12, 17, 18, and 19.

Krysundra Cannington

From: amoyers@sgs-law.com
Sent: Thursday, October 17, 2019 2:31 PM

We are still awaiting confirmation from our client of their availability but based on Larry's calendar and the other dates thrown out by counsel I believe we are down to the following:

November 13 or 20
December 4, 17, 18 and 19

I will update you as soon as I have a response from our clients.

- *Alyssa*
Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
amoyers@sgs-law.com | www.sgs-law.com

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 *Please consider the environment before printing this email.*

From: Carroll Holzer [mailto:jcholzer38@gmail.com]
Sent: Thursday, October 17, 2019 2:01 PM
To: Krysundra Cannington
Cc: Lawrence Schmidt; Peter Max Zimmerman; Alyssa Moyers; Rebecca Wheatley
Subject: Re: MGJ Properties 18-342-XPB

Folks

I am not available Oct 31 and Nov. 5. I am available all other dates at present time. However, I have not yet heard from my clients. Will let you know when I hear from them.

Very truly yours,

J. Carroll Holzer

On Thu, Oct 17, 2019 at 8:01 AM Krysundra Cannington <kcannington@baltimorecountymd.gov> wrote:

Good morning Counsel,

Krysundra Cannington

From: Carroll Holzer <jcholzer38@gmail.com>
Sent: Thursday, October 17, 2019 2:01 PM
To: Krysundra Cannington
Cc: Lawrence Schmidt, Esquire; Peter Max Zimmerman; Alyssa Moyers (amoyers@sgs-law.com); Rebecca Wheatley
Subject: Re: MGJ Properties 18-342-XPB

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Folks

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Very truly yours,

J. Carroll Holzer

On Thu, Oct 17, 2019 at 8:01 AM Krysundra Cannington <kcannington@baltimorecountymd.gov> wrote:

Good morning Counsel,

It is my understanding that the hearing yesterday did not conclude. The following dates are available on our docket. I will be checking these dates with the Board members today as well. October 31, November 5, 7, 13, 20, 26, 27, December 4, 12, 17, 18, and 19.

If you want to hold the hearing on October 31, I need to know today so I can get the notice out today. Otherwise, please advise no later than close of business Monday.

Thank you,

Sunny

Krysundra Cannington

From: Peter Max Zimmerman
Sent: Thursday, October 17, 2019 1:42 PM
To: Krysundra Cannington; Lawrence Schmidt, Esquire; J. Carroll Holzer, Esquire (jcholzer38@gmail.com)
Cc: Alyssa Moyers (amoyers@sgs-law.com)
Subject: RE: MGJ Properties 18-342-XPB

Good Afternoon,

Our office is available the following dates:

October 31
November 7, 13, 20,
December 4, 12, 17, 18, and 19.

Thank you for your consideration.

Rebecca Wheatley, Legal Secretary
Office of People's Counsel

From: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Sent: Thursday, October 17, 2019 8:01 AM
To: Lawrence Schmidt, Esquire <lschmidt@sgs-law.com>; J. Carroll Holzer, Esquire (jcholzer38@gmail.com) <jcholzer38@gmail.com>; Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>
Cc: Alyssa Moyers (amoyers@sgs-law.com) <amoyers@sgs-law.com>; Rebecca Wheatley <rwheatley@baltimorecountymd.gov>
Subject: MGJ Properties 18-342-XPB

Good morning Counsel,

It is my understanding that the hearing yesterday did not conclude. The following dates are available on our docket. I will be checking these dates with the Board members today as well.

If you want to hold the hearing on October 31, I need to know today so I can get the notice out today. Otherwise, please advise no later than close of business Monday.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

Confidentiality Statement

Krysundra Cannington

From: Carroll Holzer <jcholzer38@gmail.com>
Sent: Thursday, October 17, 2019 10:28 AM
To: Krysundra Cannington
Cc: Lawrence Schmidt, Esquire; Peter Max Zimmerman; Alyssa Moyers (amoyers@sgs-law.com); Rebecca Wheatley
Subject: Re: MGJ Properties 18-342-XPB

CAUTION: This message from jcholzer38@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny

Thanks for sharing the dates with us.

Very truly yours,

J. Carroll Holzer

On Thu, Oct 17, 2019 at 8:01 AM Krysundra Cannington <kcannington@baltimorecountymd.gov> wrote:

Good morning Counsel,

It is my understanding that the hearing yesterday did not conclude. The following dates are available on our docket. I will be checking these dates with the Board members today as well. October 31, November 5, 7, 13, 20, 26, 27, December 4, 12, 17, 18, and 19.

If you want to hold the hearing on October 31, I need to know today so I can get the notice out today. Otherwise, please advise no later than close of business Monday.

Thank you,

Sunny

Krysundra "Sunny" Cannington

Krysundra Cannington

From: Krysundra Cannington
Sent: Thursday, October 17, 2019 8:01 AM
To: Lawrence Schmidt, Esquire; J. Carroll Holzer, Esquire (jcholzer38@gmail.com); Peter Max Zimmerman
Cc: Alyssa Moyers (amoyers@sgs-law.com); Wheatley, Rebecca
Subject: MGJ Properties 18-342-XPB

Good morning Counsel,

It is my understanding that the hearing yesterday did not conclude. The following dates are available on our docket. I will be checking these dates with the Board members today as well. October 31, November 5, 7, 13, 20, 26, 27, December 4, 12, 17, 18, and 19.

If you want to hold the hearing on October 31, I need to know today so I can get the notice out today. Otherwise, please advise no later than close of business Monday.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

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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 3, 2019

NOTICE OF REASSIGNMENT

IN THE MATTER OF: MGJ Properties, LLC
1101 Bowley's Quarters Road
18-342-SPH 15th Election District; 6th Councilmanic District

RE: Petition for Special Hearing pursuant to BCZR Section 500.7 to permit an existing office and accessory indoor/outdoor storage in a BL zone.

11/1/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to permit, as uses accessory to the existing office, indoor/outdoor storage of materials and/or vehicles was DENIED.

This matter was postponed by request of counsel. This matter has been

REASSIGNED FOR: OCTOBER 16, 2019 AT 9:00 A.M. - Day 2

And

~~OCTOBER 17, 2019 AT 9:00 A.M. - Day 3~~
(if necessary)

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 with the Board unless otherwise requested.
- Please contact our office for information regarding projection equipment.

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 : Lawrence E. Schmidt, Esquire
Petitioner : Mark Goloboski/MGJ Properties, LLC
- Counsel for Protestants : J. Carroll Holzer, Esquire
Protestants : Bowleys Quarters Improvement Association,
David Hash, Allen Robertson, Kenneth
Brickell
- People's Counsel for Baltimore County : Peter M. Zimmerman, Esquire
- C. Pete Gutwald, Director/Department of Planning
Lawrence Stahl, Managing Administrative Law Judge
Michael D. Mallinoff, Director/Department of Permits Approvals and Inspections
Michael Field, County Attorney
Nancy C. West, Assistant County Attorney

Krysundra Cannington

From: Krysundra Cannington
Sent: Thursday, October 10, 2019 11:48 AM
To: Lawrence Schmidt; Carroll Holzer (jcholzer38@gmail.com); Peoples Counsel; Marissa Merrick
Cc: Zachary J. Wilkins; 'Alyssa Moyers'
Subject: RE: MGJ Properties/18-342-SPH

Good morning Counsel,

I discussed this matter with the Board. There is concern that Larry will not be able to make it here at all on the 17th. Therefore the Board has decided that the best course of action at this time is to cancel the hearing on the 17th.

Additionally, while the zoning and code cases were scheduled on the same day for judicial economy, the Board has decided that the Code Enforcement matter should be delayed pending completion of the zoning matter. Therefore the Code enforcement matter on the 16th shall also be cancelled.

The Board will convene on October 16th with regard to the MGJ Properties zoning matter Case No: 18-342-SPH only.

Please do not hesitate to contact me with any questions.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

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From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Tuesday, October 8, 2019 2:17 PM
To: Carroll Holzer (jcholzer38@gmail.com) <jcholzer38@gmail.com>; Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Marissa Merrick <mmerrick@baltimorecountymd.gov>; Krysundra Cannington <kcannington@baltimorecountymd.gov>
Cc: Lawrence Schmidt <lschmidt@sgs-law.com>; Zachary J. Wilkins <zwilkins@sgs-law.com>
Subject: MGJ Properties/18-342-SPH

Krysundra Cannington

From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Tuesday, October 8, 2019 2:17 PM
To: Carroll Holzer (jcholzer38@gmail.com); Peoples Counsel; Marissa Merrick; Krysundra Cannington
Cc: Lawrence Schmidt; Zachary J. Wilkins
Subject: MGJ Properties/18-342-SPH

CAUTION: This message from amoyers@sgs-law.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

All –

I am writing in advance of next week's hearing dates of October 16th and 17th scheduled in the above referenced matter beginning at 9am.

This morning we were advised by the US District Court in a the matter of Hunt Valley Baptist Church, Inc. v. Baltimore County Maryland et al (Case No. 1:17-cv-00804-SAG) that a Motions Hearing has been set for Thursday, October 17th at 10am. A new judge was recently assigned to this matter and co-counsel has agreed that Larry must attend.

As the notice indicates, the October 17th hearing date was scheduled if necessary. So in the event that the MGJ Properties hearing is not concluded on Wednesday, October 16th, we would propose the hearing on October 17th begin at 1pm.

I apologize for any inconvenience this scheduling has caused, but appreciate your understanding. Please confirm if we do not conclude the hearing on October 16th, that you are agreeable to a start time of 1pm on October 17th. I have copied Sunny at the BOA to keep her in the loop. Assuming everyone is agreeable, I would ask that she confirm the Board's concurrence to the change in time on October 17th.

Thank you again.

– *Alyssa*

Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
amoyers@sgs-law.com | www.sgs-law.com

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Please consider the environment before printing this email.

Krysundra Cannington

From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Wednesday, August 28, 2019 8:23 AM
To: Lawrence Schmidt
Cc: Krysundra Cannington
Subject: RE: Lion Brothers and MGJ Properties
Attachments: ATT00001.txt; ATT00002.htm

Hey Sunny –

I was out of the office yesterday and am just getting through emails.

Here is Larry's calendar conflicts for the next few weeks:

Sept 16-18
Sept. 19, 24 & 25
Oct. 2-11
Nov. 7, 28 & 29

Please avoid these dates when rescheduling. Thanks!

- *Alyssa*

Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
amoyers@sgs-law.com | www.sgs-law.com

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Please consider the environment before printing this email.

From: Lawrence Schmidt
Sent: Tuesday, August 27, 2019 12:20 PM
To: Alyssa Moyers
Cc: Cannington, Krysundra
Subject: FW: Lion Brothers and MGJ Properties

Alyssa: please send Sunny my calendar. I previously advised her when I was going to be out of town. We should give her other conflicts that we know of (other cases, commitments, etc.) I would think through November.

Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

Krysundra Cannington

From: Marissa Merrick
Sent: Tuesday, August 27, 2019 12:55 PM
To: Peoples Counsel; Krysundra Cannington; Dino La Fiandra
Cc: J. Carroll Holzer, Esquire (jcholzer38@gmail.com); Lawrence Schmidt, Esquire
Subject: RE: Lion Brothers and MGJ Properties

Good Afternoon Sunny,

My unavailable dates are September 10, 13, 16
October 11, 14, 15
November 12, 29

Marissa

From: Peoples Counsel
Sent: Tuesday, August 27, 2019 12:37 PM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>; Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Dino La Fiandra <dcl@lafiandralaw.com>; Marissa Merrick <mmerrick@baltimorecountymd.gov>
Cc: J. Carroll Holzer, Esquire (jcholzer38@gmail.com) <jcholzer38@gmail.com>; Lawrence Schmidt, Esquire <lschmidt@sgs-law.com>
Subject: RE: Lion Brothers and MGJ Properties

Sunny,

Mr. Zimmerman is UNAVAILABLE the following dates of September, October and November

September 10
September 16 – October 7
November 5
November 14
November 25-November 29

Thank you for your consideration.

Rebecca Wheatley, Legal Secretary
Office of People's Counsel

From: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Sent: Tuesday, August 27, 2019 10:47 AM
To: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Dino La Fiandra <dcl@lafiandralaw.com>; Marissa Merrick <mmerrick@baltimorecountymd.gov>
Cc: J. Carroll Holzer, Esquire (jcholzer38@gmail.com) <jcholzer38@gmail.com>; Lawrence Schmidt, Esquire <lschmidt@sgs-law.com>
Subject: Lion Brothers and MGJ Properties

Good morning,

Krysundra Cannington

From: Peoples Counsel
Sent: Tuesday, August 27, 2019 12:37 PM
To: Krysundra Cannington; Peoples Counsel; Dino La Fiandra; Marissa Merrick
Cc: J. Carroll Holzer, Esquire (jcholzer38@gmail.com); Lawrence Schmidt, Esquire
Subject: RE: Lion Brothers and MGJ Properties

Sunny,

Mr. Zimmerman is UNAVAILABLE the following dates of September, October and November

September 10
September 16 – October 7
November 5
November 14
November 25-November 29

Thank you for your consideration.

Rebecca Wheatley, Legal Secretary
Office of People's Counsel

From: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Sent: Tuesday, August 27, 2019 10:47 AM
To: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Dino La Fiandra <dcl@lafiandralaw.com>; Marissa Merrick <mmerrick@baltimorecountymd.gov>
Cc: J. Carroll Holzer, Esquire (jcholzer38@gmail.com) <jcholzer38@gmail.com>; Lawrence Schmidt, Esquire <lschmidt@sgs-law.com>
Subject: Lion Brothers and MGJ Properties

Good morning,

Mr. Holzer has provided his availability for the rescheduling of the above referenced matters. I have also received a response from Mr. Schmidt. At this time I request that, if you have any dates you know you are not available, please send them to me so I can work with the Board to reset these matters.

If I have not heard from you by the close of business on Friday, August 30, 2019, I will reschedule these matters on dates most convenient for the Board.

Thank you for your attention and prompt response.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Tuesday, August 27, 2019 12:20 PM
To: Alyssa Moyers
Cc: Krysundra Cannington
Subject: FW: Lion Brothers and MGJ Properties

CAUTION: This message from lschmidt@sgs-law.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Alyssa: please send Sunny my calendar. I previously advised her when I was going to be out of town. We should give her other conflicts that we know of (other cases, commitments, etc.) I would think through November.

Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

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From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Tuesday, August 27, 2019 10:47 AM
To: Peoples Counsel; Dino La Fiandra; Marissa Merrick
Cc: J. Carroll Holzer, Esquire (jcholzer38@gmail.com); Lawrence Schmidt
Subject: Lion Brothers and MGJ Properties

Good morning,

Mr. Holzer has provided his availability for the rescheduling of the above referenced matters. I have also received a response from Mr. Schmidt. At this time I request that, if you have any dates you know you are not available, please send them to me so I can work with the Board to reset these matters.

If I have not heard from you by the close of business on Friday, August 30, 2019, I will reschedule these matters on dates most convenient for the Board.

Thank you for your attention and prompt response.

Sunny

Krysundra Cannington

From: Krysundra Cannington
Sent: Tuesday, August 27, 2019 10:47 AM
To: Peoples Counsel; Dino La Fiandra; Marissa Merrick
Cc: J. Carroll Holzer, Esquire (jcholzer38@gmail.com); Lawrence Schmidt, Esquire
Subject: Lion Brothers and MGJ Properties

Good morning, ,

Mr. Holzer has provided his availability for the rescheduling of the above referenced matters. I have also received a response from Mr. Schmidt. At this time I request that, if you have any dates you know you are not available, please send them to me so I can work with the Board to reset these matters.

If I have not heard from you by the close of business on Friday, August 30, 2019, I will reschedule these matters on dates most convenient for the Board.

Thank you for your attention and prompt response.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

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Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Monday, August 26, 2019 9:37 AM
To: 'Carroll Holzer'; Krysundra Cannington
Cc: Peoples Counsel; Alyssa Moyers
Subject: RE: Lion Brothers and MGJ Properties postponements

CAUTION: This message from lschmidt@sgs-law.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi Sunny: I received the below email from Mr. Holzer regarding his availability over the next several months in view of his health issues and related appointments. Insofar as my schedule, I know that I have two trips out of state scheduled between now and the end of the year. I will be out September 16, 17 and 18 (a Monday, Tuesday and Wednesday) and unavailable then. In October, I will be out the 3rd (a Thursday) through the following week (Friday the 11th). I am back in the office on Monday the 14th.

Other than that, I should be around (in terms of being in the office) although I have the usual other hearings scheduled and other typical matters. But I thought I'd want to give you these dates as I know that it has been a struggle to get this hearing (MGJ) scheduled.

As always, you can coordinate with Alyssa in my office as she has my calendar.

Thanks.

Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

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From: Carroll Holzer [mailto:jcholzer38@gmail.com]
Sent: Sunday, August 25, 2019 7:32 PM
To: Krysundra Cannington
Cc: Dino La Fiandra; Lawrence Schmidt; Peoples Counsel
Subject: Re: Lion Brothers and MGJ Properties postponements

Krysundra Cannington

From: Carroll Holzer <jcholzer38@gmail.com>
Sent: Sunday, August 25, 2019 7:32 PM
To: Krysundra Cannington
Cc: Dino La Fiandra; Schmidt, Lawrence; Peoples Counsel
Subject: Re: Lion Brothers and MGJ Properties postponements

CAUTION: This message from jcholzer38@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Ms. Cannington:

Thank you for being patient in regard to the rescheduling of the above-captioned cases. I finally received the doctor's schedule for my surgery and schedule of my follow-up and I can now provide you my schedule along with the necessary witnesses in the above-captioned cases.

I will **not** be available due to medical appointments on the following days:

Friday, September 6, 2019

Wednesday, September 11, 2019

Monday, September 16th through Thursday, September 26, 2019

Thursday, October 24th and Friday, October 25, 2019

Thursday, November 7, 2019 - Circuit Court, PG County

In the **Lion Brothers** case, my expert witness, James Patton will be **unavailable** from ***Friday, September 13th through Wednesday, October 2, 2019*** and ***Wednesday, October 23rd through Saturday, October 28, 2019***.

In the **MGJ Properties**, my clients are **unavailable** on ***Tuesday, October 1st, Monday, October 14th, Friday, October 18th and Thursday, October 31, 2019***.

Obviously, my availabilities are the same in both the Lion Brothers and MGJ Properties.

Thanks for your patience.

Very truly yours,

J. Carroll Holzer

On Mon, Aug 19, 2019 at 8:19 AM Krysundra Cannington <kcannington@baltimorecountymd.gov> wrote:

Good morning Mr. Holzer,

Just following up with you to see if you know when you might be available for hearings in the Lion Brothers and MGJ Properties matters. I would like to get these matters rescheduled and it would be helpful to have a ballpark of when you should be "back up and running" – as they say.

Thank you.

Sunny

Krysundra "Sunny" Cannington

Administrator

Board of Appeals of Baltimore County

410-887-3180

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Krysundra Cannington

From: Krysundra Cannington
Sent: Monday, August 19, 2019 8:19 AM
To: J. Carroll Holzer, Esquire (jcholzer38@gmail.com)
Cc: Dino La Fiandra; Lawrence Schmidt, Esquire; Peoples Counsel; Marissa Merrick
Subject: Lion Brothers and MGJ Properties postponements

Good morning Mr. Holzer,

Just following up with you to see if you know when you might be available for hearings in the Lion Brothers and MGJ Properties matters. I would like to get these matters rescheduled and it would be helpful to have a ballpark of when you should be "back up and running" – as they say.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

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8/6/19 - Alyssa

No response - on MGJ

Larry has dates in
Sept & Oct where he is
away. Please coordinate
dates.



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

August 7, 2019

NOTICE OF POSTPONEMENT

IN THE MATTER OF: MGJ Properties, LLC
1101 Bowley's Quarters Road
18-342-SPH 15th Election District; 6th Councilmanic District

RE: Petition for Special Hearing pursuant to BCZR Section 500.7 to permit an existing office and accessory indoor/outdoor storage in a BL zone.

11/1/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to permit, as uses accessory to the existing office, indoor/outdoor storage of materials and/or vehicles was DENIED.

This matter was assigned for a second day of hearing on August 22, 2019 and has been postponed by request of counsel. This matter will be reassigned to a later date.

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

Notice of Postponement
In the matter of: MGJ Properties, LLC
Case number: 18-342-SPH
August 7, 2019
Page 2

c.	Counsel for Petitioner	: Lawrence E. Schmidt, Esquire
	Petitioner	: Mark Goloboski/MGJ Properties, LLC
	Counsel for Protestants	: J. Carroll Holzer, Esquire
	Protestants	: Carl and Siu Rossmark, Kenneth Brickell, and Allen Robertson
	Protestants (<i>Pro Se</i>)	: Bowleys Quarters Improvement Association and David Hash

C. Pete Gutwald, Director/Department of Planning
Lawrence Stahl, Managing Administrative Law Judge
Michael D. Mallinoff, Director/Department of Permits Approvals and Inspections
Michael Field, County Attorney
Nancy C. West, Assistant County Attorney
Office of People's Counsel

Krysundra Cannington

From: Carroll Holzer <jcholzer38@gmail.com>
Sent: Friday, August 2, 2019 12:55 PM
To: Krysundra Cannington
Cc: Schmidt, Lawrence; Alyssa Moyers; Peoples Counsel
Subject: MGJ Properties

CAUTION: This message from jcholzer38@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny

This is a follow up to our conversation about the postponement of the Valvoline case scheduled for Aug. 13 due to Mr. Holzer's need for minor surgery upon his return from vacation. As I said in my earlier e-mail regarding Valvoline, we respectfully request a postponement of the MGJ Properties, LLC matter scheduled for Aug. 22 because I don't think Mr. Holzer will be recovered from surgery to prep and conduct a hearing. Maybe the Board can schedule a hearing during mid or later in Sept. in the MGJ case provided counsel & witnesses are available.

As I mentioned previously, I will be in Maine next week and we both will return on Monday, August 12. Sorry for the inconvenience. Appreciate your help.
Best regards,

Sterling



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

June 24, 2019

NOTICE OF ASSIGNMENT **Day 2**

IN THE MATTER OF: MGJ Properties, LLC
1101 Bowley's Quarters Road
18-342-SPH 15th Election District; 6th Councilmanic District

RE: Petition for Special Hearing pursuant to BCZR Section 500.7 to permit an existing office and accessory indoor/outdoor storage in a BL zone.

11/1/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to permit, as uses accessory to the existing office, indoor/outdoor storage of materials and/or vehicles was DENIED.

ASSIGNED FOR: **AUGUST 22, 2019, 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 with the Board unless otherwise requested.
- Please contact our office for information regarding projection equipment.

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 - Da
In the matter of: MGJ Properties, LLC
Case number: 18-342-SPH
June 24, 2019
Page 2

c.	Counsel for Petitioner	: Lawrence E. Schmidt, Esquire
	Petitioner	: Mark Goloboski/MGJ Properties, LLC
	Counsel for Protestants	: J. Carroll Holzer, Esquire
	Protestants	: Bowleys Quarters Improvement Association, David Hash, Allen Robertson, Kenneth Brickell

People's Counsel for Baltimore County	: Peter M. Zimmerman, Esquire
---------------------------------------	-------------------------------

C. Pete Gutwald, Director/Department of Planning
Lawrence Stahl, Managing Administrative Law Judge
Michael D. Mallinoff, Director/Department of Permits Approvals and Inspections
Michael Field, County Attorney
Nancy C. West, Assistant County Attorney

Tammy Zahner

From: Tammy Zahner
Sent: Wednesday, May 8, 2019 2:07 PM
To: 'Alyssa Fiore'
Subject: FW: MGJ Transcript

Just a reminder that the fee is \$50.00

From: Tammy Zahner
Sent: Wednesday, May 8, 2019 2:06 PM
To: 'Alyssa Moyers' <amoyers@sgs-law.com>
Subject: RE: MGJ Transcript

Hi Alyssa,

I will write it up now – so whenever you are ready.

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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From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Wednesday, May 8, 2019 1:20 PM
To: Tammy Zahner <tzahner@baltimorecountymd.gov>
Subject: RE: MGJ Transcript

CAUTION: This message from amoyers@sgs-law.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hey Tammy! I was out of the office for the past few days. Larry said we will just get the CD and worry about transcribing it later, if needed.

Let me know when you have a receipt written up and I can come over and pick it up ☺ Thanks!

- *Alyssa*

Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
amoyers@sgs-law.com | www.sgs-law.com

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Please consider the environment before printing this email.

From: Tammy Zahner [<mailto:tzahner@baltimorecountymd.gov>]
Sent: Monday, May 06, 2019 2:37 PM
To: Alyssa Moyers
Subject: MGJ Transcript

Hi Alyssa,

We sent the disc to Chris Leary for transcription and she has advised me that she is unable to transcribe due to the poor quality of the hearing CD. She is going to send the CD back to me. We have had this problem before with recordings in the ALJ hearing room. They have replaced the recording system in the room, but unfortunately this recording was prior to the replacement.

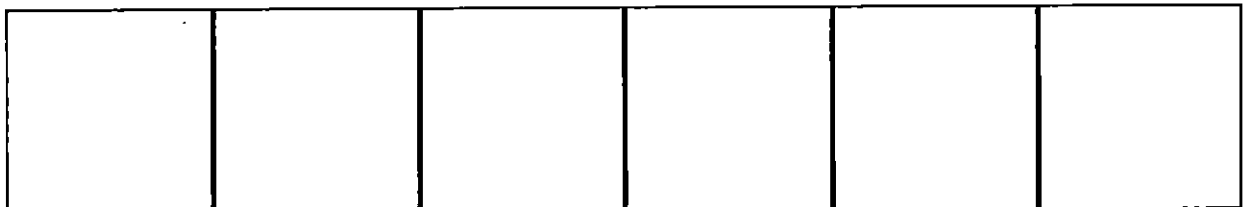
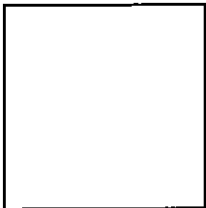
Is there someone else you want me to try?

Tammy A. Zahner, Legal Secretary
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CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Tammy Zahner

From: Tammy Zahner
Sent: Monday, May 6, 2019 2:37 PM
To: 'Alyssa Fiore'
Subject: MGJ Transcript

Hi Alyssa,

We sent the disc to Chris Leary for transcription and she has advised me that she is unable to transcribe due to the poor quality of the hearing CD. She is going to send the CD back to me. We have had this problem before with recordings in the ALJ hearing room. They have replaced the recording system in the room, but unfortunately this recording was prior to the replacement.

Is there someone else you want me to try?

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Tammy Zahner

From: CHRISTIN LEARY <crleary1@comcast.net>
Sent: Sunday, May 5, 2019 12:12 PM
To: Tammy Zahner
Subject: TRANSCRIPT - MGJ Properties, LLC

Tammy:

I'm returning this CD to you via mail. I still cannot understand this well enough to transcribe. I can hear the ALJ for the most part, it seems to be on a loop, he starts out loud, fades off, becomes loud again, fades off. But when the attorney introduced himself I could not make out anything he said.

Sorry!

Chris

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County

Phone: 410-887-3180

Fax: 410-887-3182

To: Chris Leary

From: Tammy Zahner, Legal Secretary

Date: April 24, 2019

Re: In the matter of: MGJ Properties, LLC
Board of Appeals Case No.: CBA-18-028
Civil Citation No.: CC1710981

Attached is the recording from the Code Enforcement hearing held in the above-referenced case. The hearing was about 30 minutes, and begins around 9:01:45. Everything prior is procedural matters.

I have enclosed a copy of the Address List for your convenience, as well as a copy of the OAH Order. At the time of the Code Enforcement hearing MGJ Properties was represented by Timothy Kotroco, Esquire.

The transcript has been requested by Lawrence Schmidt, Esquire. His contact information is below. Please check with his Paralegal Alyssa as to the due date for the transcript. The hearing before the Board is scheduled for June 4th.

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

Thank you,



Tammy Zahner

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 220
Towson, MD 21204
(410) 821-0070
Contact Alyssa Moyers
Amoyers@sgs-law.com

Civil Citation No. CC1710981
(1101 Blowleys Quarters Road)

MGJ Properties LLC
3900 Goose Harbor Road
Baltimore, Maryland 21220

FINAL ORDER

The matter came before the Administrative Law Judge on February 28, 2018 for a hearing on a Code Inspections and Enforcement Citation ("Citation"), for specified violation(s) of the Baltimore County Code or Zoning Regulations. The Citation names the owners of record, as published in the Maryland State Tax Assessment Database, as Respondents. The Citation was served upon Respondent(s) in a manner consistent with Section 3-6-205(c)(2) of the Baltimore County Code ("BCC"). The Citation, which is included in the case file and is incorporated herein by reference, proposes a civil penalty in the amount of \$1,000.00.

The following persons appeared for the Hearing and testified: Tim Kotroco, Attorney, John Golovoski, Respondent, Inspector 119, Baltimore County Code Enforcement Officer, and Sue Rossmark, Carl Rossmark, Kristen Brickwell, and Kenneth Brickwell, Complainants.

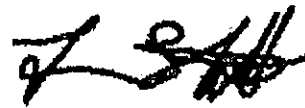
Based on the testimony, photographs, documents and other exhibits I find for the reasons stated at the conclusion of the hearing Baltimore County has proven by a preponderance of the evidence that Respondent(s) is in violation of the ordinances or regulations set forth in the civil Citation.

THEREFORE, IT IS ORDERED this 19th day of March, 2018 by the Administrative Law Judge for Baltimore County that a civil penalty of \$1,000.00 be imposed; of which \$500.00 shall be suspended and \$500.00 shall be immediately imposed. If not paid within thirty (30) days of

the date hereof the civil penalty shall become a lien on the property on which the violation(s) existed and shall be collectible in the manner provided for the collection of real property taxes.

IT IS FURTHER ORDERED, that all violations shall be corrected and abated pursuant to this ORDER by March 30, 3018.

IT IS FURTHER ORDERED, that if the subject property is not brought into compliance pursuant to this Order by March 30, 2018, the suspended \$500.00 civil penalty may be imposed without need for further hearing or order; and, that Baltimore County shall be authorized to send an employee or authorized contractor to enter the property to correct the violation(s), the costs and expenses of which shall be assessed against Respondents.



LAWRENCE M. STAHL

Administrative Law Judge

for Baltimore County

NOTICE: Pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent or Baltimore County may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order. Any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$225.00 and the posting of security in the amount of the penalty assessed.

Send payments to:

Baltimore County Office of Budget and Finance

400 Washington Ave, Rm 150

Towson, MD 21204

message

FOR Sunny
FROM Carroll Holzer
TIME 1:00 pm DATE 6/12
PHONE _____

☐ URGENT!

Re: MSA Properties
Day 2

Larry Schmidt said
he is available
8/21 & 8/22

Holzer's expert
package is only
available 8/22 -
He will have Sterling
send an e-mail.

J

Krysundra Cannington

From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Friday, June 7, 2019 1:19 PM
To: Peter Max Zimmerman; Marissa Merrick; Krysundra Cannington; Lawrence Schmidt; J. Carroll Holzer, Esquire (jcholzer38@gmail.com)
Subject: RE: MGJ Properties, LLC 18-342-SPH and CBA-18-028

CAUTION: This message from amoyers@sgs-law.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny –

Based on our team's calendars, it appears we are only available August 21st or 22nd.

Thank you!

- *Alyssa*
Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
amoyers@sgs-law.com | www.sgs-law.com

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Please consider the environment before printing this email.

From: Peter Max Zimmerman [mailto:pzimmerman@baltimorecountymd.gov]
Sent: Friday, June 07, 2019 1:13 PM
To: Marissa Merrick; Krysundra Cannington; Lawrence Schmidt; J. Carroll Holzer, Esquire (jcholzer38@gmail.com); Peter Max Zimmerman
Cc: Alyssa Moyers
Subject: RE: MGJ Properties, LLC 18-342-SPH and CBA-18-028

Sunny,

All the dates work for our office EXCEPT August 7 & 8.

Rebecca M. Wheatley, Legal Secretary
Office of People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2188 – Office
(410) 823-4236 - Fax

Krysundra Cannington

From: Peter Max Zimmerman
Sent: Friday, June 7, 2019 1:13 PM
To: Marissa Merrick; Krysundra Cannington; Lawrence Schmidt, Esquire; J. Carroll Holzer, Esquire (jcholzer38@gmail.com); Peter Max Zimmerman
Cc: Alyssa Moyers (amoyers@sgs-law.com)
Subject: RE: MGJ Properties, LLC 18-342-SPH and CBA-18-028

Sunny,

All the dates work for our office EXCEPT August 7 & 8.

Rebecca M. Wheatley, Legal Secretary
Office of People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2188 – Office
(410) 823-4236 - Fax

From: Marissa Merrick <mmerrick@baltimorecountymd.gov>
Sent: Friday, June 7, 2019 10:44 AM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>; Lawrence Schmidt, Esquire <lschmidt@sgs-law.com>; J. Carroll Holzer, Esquire (jcholzer38@gmail.com) <jcholzer38@gmail.com>; Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>
Cc: Alyssa Moyers (amoyers@sgs-law.com) <amoyers@sgs-law.com>; Rebecca Wheatley <rwheatley@baltimorecountymd.gov>
Subject: RE: MGJ Properties, LLC 18-342-SPH and CBA-18-028

Unfortunately, I don't have my August calendar yet. I will make myself available for whatever date is selected.

Marissa

From: Krysundra Cannington
Sent: Friday, June 07, 2019 9:27 AM
To: Lawrence Schmidt, Esquire <lschmidt@sgs-law.com>; J. Carroll Holzer, Esquire (jcholzer38@gmail.com) <jcholzer38@gmail.com>; Marissa Merrick <mmerrick@baltimorecountymd.gov>; Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>
Cc: Alyssa Moyers (amoyers@sgs-law.com) <amoyers@sgs-law.com>; Rebecca Wheatley <rwheatley@baltimorecountymd.gov>
Subject: MGJ Properties, LLC 18-342-SPH and CBA-18-028

Good morning,

Having heard from all of you, it appears none of the dates offered through the end of July. We currently have August 7, 8, 13, 14, 15, 20, 21, 22, 27, 28 and 29 available on our calendar. Please note, I have not yet checked these dates with the panel.

Krysundra Cannington

From: Krysundra Cannington
Sent: Friday, June 7, 2019 9:27 AM
To: Lawrence Schmidt, Esquire; J. Carroll Holzer, Esquire (jcholzer38@gmail.com); Marissa Merrick; Peter Max Zimmerman
Cc: Alyssa Moyers (amoyers@sgs-law.com); Wheatley, Rebecca
Subject: MGJ Properties, LLC 18-342-SPH and CBA-18-028

Good morning,

Having heard from all of you, it appears none of the dates offered through the end of July. We currently have August 7, 8, 13, 14, 15, 20, 21, 22, 27, 28 and 29 available on our calendar. Please note, I have not yet checked these dates with the panel.

Please advise as soon as possible regarding these dates.

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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Krysundra Cannington

From: Krysundra Cannington
Sent: Friday, June 7, 2019 9:27 AM
To: Lawrence Schmidt, Esquire; J. Carroll Holzer, Esquire (jcholzer38@gmail.com); Marissa Merrick; Peter Max Zimmerman
Cc: Alyssa Moyers (amoyers@sgs-law.com); Wheatley, Rebecca
Subject: MGJ Properties, LLC 18-342-SPH and CBA-18-028

Good morning,

Having heard from all of you, it appears none of the dates offered through the end of July. We currently have August 7, 8, 13, 14, 15, 20, 21, 22, 27, 28 and 29 available on our calendar. Please note, I have not yet checked these dates with the panel.

Please advise as soon as possible regarding these dates.

Thank you,

Sunny

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Krysundra Cannington

From: amoyers@sgs-law.com
Sent: Thursday, June 6, 2019 10:43 AM

All,

Unfortunately, Larry is out of the County the last two weeks of June. Of the dates provided, our team would only be available on July 17 or 18.

- *Alyssa*
Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
amoyers@sgs-law.com | www.sgs-law.com

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 **Please consider the environment before printing this email.**

From: Lawrence Schmidt
Sent: Thursday, June 06, 2019 10:36 AM
To: Alyssa Moyers
Subject: FW: MGJ Properties 18-342-SPH and CBA-18-028

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

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From: Peter Max Zimmerman [mailto:pzimmerman@baltimorecountymd.gov]
Sent: Thursday, June 06, 2019 10:29 AM
To: Krysundra Cannington; Lawrence Schmidt; J. Carroll Holzer, Esquire (jcholzer38@gmail.com); Peter Max Zimmerman; Marissa Merrick
Subject: RE: MGJ Properties 18-342-SPH and CBA-18-028

Good Morning,

After checking Mr. Zimmerman's calendar, at this point ONLY June 25 and June 26 would work for our office.

Krysundra Cannington

From: Peter Max Zimmerman
Sent: Thursday, June 6, 2019 10:29 AM
To: Krysundra Cannington; Lawrence Schmidt, Esquire; J. Carroll Holzer, Esquire (jcholzer38@gmail.com); Peter Max Zimmerman; Marissa Merrick
Subject: RE: MGJ Properties 18-342-SPH and CBA-18-028

Good Morning,

After checking Mr. Zimmerman's calendar, at this point ONLY June 25 and June 26 would work for our office.

Thank you for your consideration.

Rebecca M. Wheatley, Legal Secretary
Office of People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2188 – Office
(410) 823-4236 - Fax

From: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Sent: Wednesday, June 5, 2019 11:46 AM
To: Lawrence Schmidt, Esquire <lschmidt@sgs-law.com>; J. Carroll Holzer, Esquire (jcholzer38@gmail.com) <jcholzer38@gmail.com>; Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>; Marissa Merrick <mmerrick@baltimorecountymd.gov>
Subject: MGJ Properties 18-342-SPH and CBA-18-028

Good morning,

As you know, the hearing yesterday did not conclude. Presently I am checking the following dates with the Board members: June 25, 26, July 10, 11, 17 and 18. Please advise whether you are available on these dates.

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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Krysundra Cannington

From: Marissa Merrick
Sent: Wednesday, June 5, 2019 12:23 PM
To: Krysundra Cannington; Lawrence Schmidt, Esquire; J. Carroll Holzer, Esquire (jcholzer38@gmail.com); Peter Max Zimmerman
Subject: RE: MGJ Properties 18-342-SPH and CBA-18-028

I am available on all dates except the morning of June 25th.

Marissa

From: Krysundra Cannington
Sent: Wednesday, June 05, 2019 11:46 AM
To: Lawrence Schmidt, Esquire <lschmidt@sgs-law.com>; J. Carroll Holzer, Esquire (jcholzer38@gmail.com) <jcholzer38@gmail.com>; Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>; Marissa Merrick <mmerrick@baltimorecountymd.gov>
Subject: MGJ Properties 18-342-SPH and CBA-18-028

Good morning,

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Thank you,

Sunny

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Towson, MD 21204
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6/5/19 1:06pm

Carroll Holzer

- OK on 6/25 & 6/26
- not sure on July dates
- will send letter about setting Code Enf separately.

6/6 - Holzer
No 6/25

Krysundra Cannington

From: Krysundra Cannington
Sent: Wednesday, June 5, 2019 11:46 AM
To: Lawrence Schmidt, Esquire; J. Carroll Holzer, Esquire (jcholz38@gmail.com); Peter Max Zimmerman; Marissa Merrick
Subject: MGJ Properties 18-342-SPH and CBA-18-028

Good morning,

As you know, the hearing yesterday did not conclude. Presently I am checking the following dates with the Board members: June 25, 26, July 10, 11, 17 and 18. Please advise whether you are available on these dates.

Thank you,

Sunny

Krysundra "Sunny" Cannington
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18-342-SPH

5/28/19

11:40 a.m.

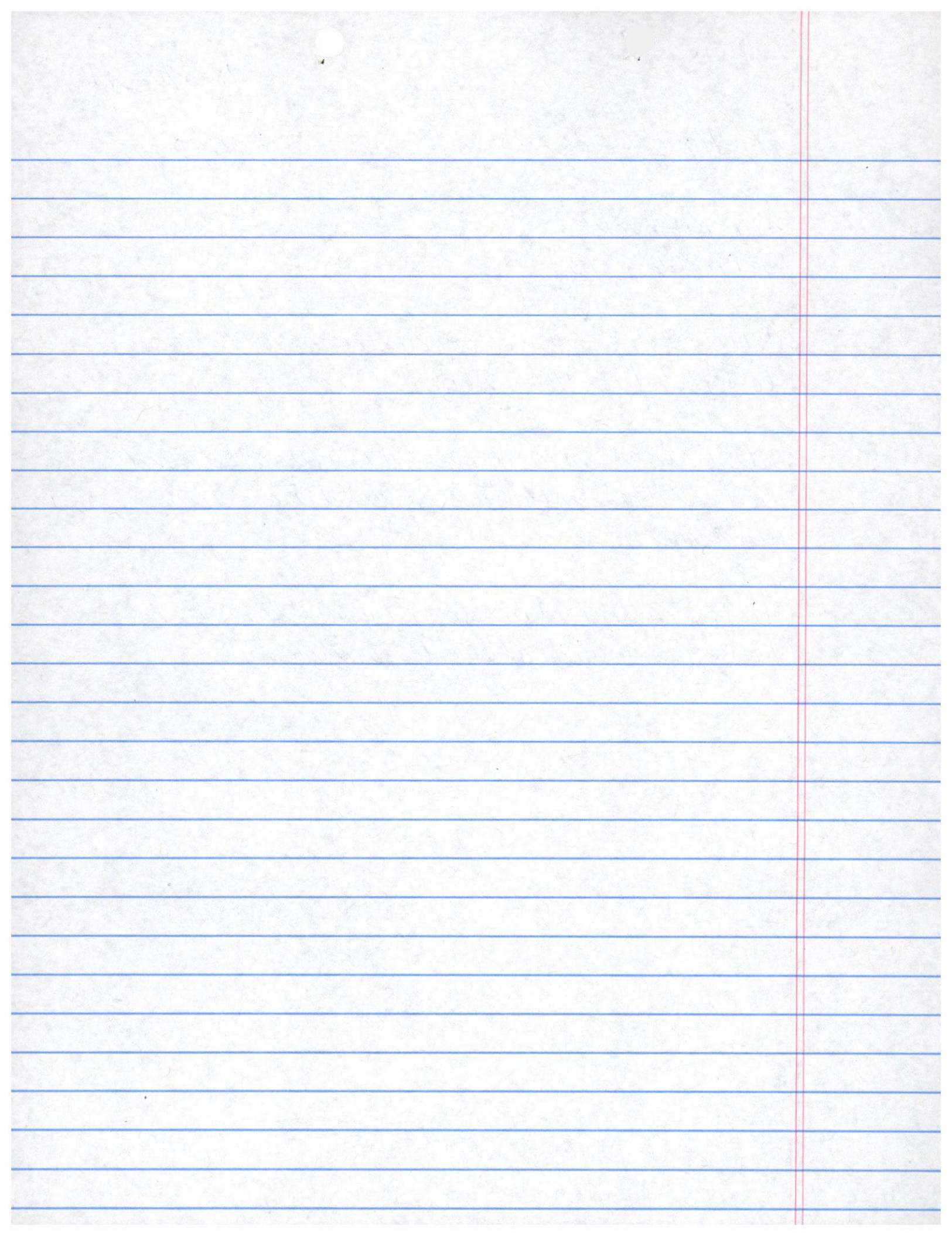
Siu Rossmark
(301) 806-8893

Called to reserve a projector and laptop
for the June 4th 9:00 am hearing.

Called to reserve from IT. Was advised
laptop does not have a CD drive - uses
Windows 10.

Sunny called Siu to advise. She will
bring CD's and also USB Drive.

J





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 10, 2019

AMENDED NOTICE OF REASSIGNMENT **AMENDED AS TO TIME ONLY**

IN THE MATTER OF: MGJ Properties, LLC
1101 Bowley's Quarters Road
18-342-SPH 15th Election District; 6th Councilmanic District

RE: Petition for Special Hearing pursuant to BCZR Section 500.7 to permit an existing office and accessory indoor/outdoor storage in a BL zone.

11/1/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to permit, as uses accessory to the existing office, indoor/outdoor storage of materials and/or vehicles was DENIED.

ASSIGNED FOR: **JUNE 4, 2019 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.
- 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 Reassignment
In the matter of: MGJ Properties, LLC
Case number: 18-342-SPH
May 10, 2019
Page 2

c. Counsel for Petitioner : Lawrence E. Schmidt, Esquire
Petitioner : Mark Goloboski/MGJ Properties, LLC

Counsel for Protestant : J. Carroll Holzer, Esquire
Protestants : Bowleys Quarters Improvement Association,
David Hash, Allen Robertson

People's Counsel for Baltimore County : Peter M. Zimmerman, Esquire

C. Pete Gutwald, Director/Department of Planning
Lawrence Stahl, Managing Administrative Law Judge
Michael Field, County Attorney
Michael Mallinoff, Director/Department of Permits, Approvals and Inspections
Nancy C. West, Assistant County Attorney

Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Wednesday, May 8, 2019 3:48 PM
To: Marissa Merrick; Krysundra Cannington; 'Carroll Holzer'
Cc: Peoples Counsel; Alyssa Moyers
Subject: RE: FW: Bay Country Concrete

CAUTION: This message from lschmidt@sgs-law.com originated from a non-Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

I am all in favor of moving the hearing to 9:00, in hopes that we can get it done in one day. We'll handle the Code Enforcement appeal when Marissa gets there.

Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

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From: Marissa Merrick [mailto:mmerrick@baltimorecountymd.gov]
Sent: Wednesday, May 08, 2019 3:46 PM
To: Krysundra Cannington; Lawrence Schmidt; 'Carroll Holzer'
Cc: Peoples Counsel; Alyssa Moyers
Subject: RE: FW: Bay Country Concrete

Yes, I should be back by then.
Marissa

From: Krysundra Cannington
Sent: Wednesday, May 08, 2019 3:42 PM
To: Lawrence Schmidt <lschmidt@sgs-law.com>; 'Carroll Holzer' <jcholzer38@gmail.com>
Cc: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Marissa Merrick <mmerrick@baltimorecountymd.gov>; Alyssa Moyers <amoyers@sgs-law.com>
Subject: RE: FW: Bay Country Concrete

...Ok... Do we want to have a 9 a.m. start time for the zoning case? We could move the code enforcement case to the afternoon that day. Maybe 2:30 or 3:00. I hate having to bring everyone back on a separate day.

Sunny

Krysundra Cannington

From: Marissa Merrick
Sent: Wednesday, May 8, 2019 3:46 PM
To: Krysundra Cannington; Lawrence Schmidt; 'Carroll Holzer'
Cc: Peoples Counsel; Alyssa Moyers
Subject: RE: FW: Bay Country Concrete

Yes, I should be back by then.
Marissa

From: Krysundra Cannington
Sent: Wednesday, May 08, 2019 3:42 PM
To: Lawrence Schmidt <lschmidt@sgs-law.com>; 'Carroll Holzer' <jcholzer38@gmail.com>
Cc: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Marissa Merrick <mmerrick@baltimorecountymd.gov>; Alyssa Moyers <amoyers@sgs-law.com>
Subject: RE: FW: Bay Country Concrete

...Ok... Do we want to have a 9 a.m. start time for the zoning case? We could move the code enforcement case to the afternoon that day. Maybe 2:30 or 3:00. I hate having to bring everyone back on a separate day.

Sunny

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Wednesday, May 8, 2019 2:40 PM
To: 'Carroll Holzer' <jcholzer38@gmail.com>
Cc: Krysundra Cannington <kcannington@baltimorecountymd.gov>; Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Marissa Merrick <mmerrick@baltimorecountymd.gov>; Alyssa Moyers <amoyers@sgs-law.com>
Subject: RE: FW: Bay Country Concrete

CAUTION: This message from lschmidt@sgs-law.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny: Given the complications from all, please withdraw my request for postponement and keep this matter on the June 4th docket.

Marissa, I would agree that the Code Enforcement appeal is contingent upon the decision on the petition for special hearing. We can therefore do that appeal of the appeal later on the 4th (late afternoon after the special hearing case) or defer it to another day after a decision is reached. I'll leave it to you and the Board as to how that should be handled but if you have another hearing that morning, we can most certainly defer to later that day.

Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

Krysundra Cannington

From: Krysundra Cannington
Sent: Wednesday, May 8, 2019 3:42 PM
To: 'Lawrence Schmidt'; 'Carroll Holzer'
Cc: Peoples Counsel; Marissa Merrick; Alyssa Moyers
Subject: RE: FW: Bay Country Concrete

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Sunny

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Wednesday, May 8, 2019 2:40 PM
To: 'Carroll Holzer' <jcholzer38@gmail.com>
Cc: Krysundra Cannington <kcannington@baltimorecountymd.gov>; Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Marissa Merrick <mmerrick@baltimorecountymd.gov>; Alyssa Moyers <amoyers@sgs-law.com>
Subject: RE: FW: Bay Country Concrete

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Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

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Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Wednesday, May 8, 2019 2:40 PM
To: 'Carroll Holzer'
Cc: Krysundra Cannington; Peoples Counsel; Marissa Merrick; Alyssa Moyers
Subject: RE: FW: Bay Country Concrete

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Sunny: Given the complications from all, please withdraw my request for postponement and keep this matter on the June 4th docket.

Marissa, I would agree that the Code Enforcement appeal is contingent upon the decision on the petition for special hearing. We can therefore do that appeal of the appeal later on the 4th (late afternoon after the special hearing case) or defer it to another day after a decision is reached. I'll leave it to you and the Board as to how that should be handled but if you have another hearing that morning, we can most certainly defer to later that day.

Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

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From: Carroll Holzer [mailto:jcholzer38@gmail.com]
Sent: Wednesday, May 08, 2019 1:45 PM
To: Lawrence Schmidt
Cc: Krysundra Cannington; Peoples Counsel; Marissa Merrick; Alyssa Moyers
Subject: Re: FW: Bay Country Concrete

Sunny and others:

I have reviewed my calendar and am only available June 25 & 26. I also checked with my clients and they have advised me that THEY are NOT available June 25 & 26.

Krysundra Cannington

From: Carroll Holzer <jcholzer38@gmail.com>
Sent: Wednesday, May 8, 2019 1:45 PM
To: Lawrence Schmidt
Cc: Krysundra Cannington; Peoples Counsel; Marissa Merrick; Alyssa Moyers
Subject: Re: FW: Bay Country Concrete

CAUTION: This message from jcholzer38@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny and others:

I have reviewed my calendar and am only available June 25 & 26. I also checked with my clients and they have advised me that THEY are NOT available June 25 & 26.

Therefore, we respectfully request that June 4 NOT be postponed.
Very truly yours,

J. Carroll Holzer

On Tue, May 7, 2019 at 11:59 AM Lawrence Schmidt <lschmidt@sgs-law.com> wrote:

Ok.

Lawrence E. Schmidt | Partner

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

lschmidt@sgs-law.com | www.sgs-law.com

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Krysundra Cannington

From: Carroll Holzer <jcholzer38@gmail.com>
Sent: Wednesday, May 8, 2019 1:05 PM
To: Marissa Merrick
Cc: Lawrence Schmidt; Krysundra Cannington; Peoples Counsel; Alyssa Moyers
Subject: Re: Tuesday, June 4, 2019 Hearing on Bay Concrete

CAUTION: This message from jcholzer38@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Folks

I am available only on June 25 & 26.

Very truly yours,

J. Carroll Holzer

On Wed, May 8, 2019 at 1:02 PM Marissa Merrick <mmerrick@baltimorecountymd.gov> wrote:

To be clear, I am only weighing in on the request to reschedule the *Code Enforcement* appeal. I am not sure Larry whether you are asking for the Code case to be rescheduled along with the Special Hearing appeal, or if you want to generally continue the Code case to be reset only upon request (if needed after the ruling of the Special Hearing appeal). Could you please clarify?

In either case, I have no objection. I am available on May 21, June 19, June 25, June 26. I am not available May 28th.

Marissa L. Merrick

Assistant County Attorney

Baltimore County Permits, Approvals and Inspections

111 W. Chesapeake Avenue

Towson, MD 21204

410.887.3351

Krysundra Cannington

From: Marissa Merrick
Sent: Wednesday, May 8, 2019 1:02 PM
To: Lawrence Schmidt; Krysundra Cannington; 'Carroll Holzer'
Cc: Peoples Counsel; Alyssa Moyers
Subject: RE: Tuesday, June 4, 2019 Hearing on Bay Concrete

To be clear, I am only weighing in on the request to reschedule the *Code Enforcement* appeal. I am not sure Larry whether you are asking for the Code case to be rescheduled along with the Special Hearing appeal, or if you want to generally continue the Code case to be reset only upon request (if needed after the ruling of the Special Hearing appeal). Could you please clarify?

In either case, I have no objection. I am available on May 21, June 19, June 25, June 26. I am not available May 28th.

Marissa L. Merrick
Assistant County Attorney
Baltimore County Permits, Approvals and Inspections
111 W. Chesapeake Avenue
Towson, MD 21204
410.887.3351

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From: Lawrence Schmidt [mailto:lschmidt@sgs-law.com]
Sent: Wednesday, May 08, 2019 12:13 PM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>; 'Carroll Holzer' <jcholzer38@gmail.com>
Cc: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Marissa Merrick <mmerrick@baltimorecountymd.gov>; Alyssa Moyers <amoyers@sgs-law.com>
Subject: RE: Tuesday, June 4, 2019 Hearing on Bay Concrete

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--

Thank you Sunny. I will check the dates with everyone on my side and let you know by the end of the day.

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Wednesday, May 8, 2019 12:13 PM
To: Krysundra Cannington; 'Carroll Holzer'
Cc: Peoples Counsel; Marissa Merrick; Alyssa Moyers
Subject: RE: Tuesday, June 4, 2019 Hearing on Bay Concrete

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Thank you Sunny. I will check the dates with everyone on my side and let you know by the end of the day.

Lawrence E. Schmidt | Partner
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600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
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From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Wednesday, May 08, 2019 11:34 AM
To: Lawrence Schmidt; 'Carroll Holzer'
Cc: Peoples Counsel; Marissa Merrick; Alyssa Moyers
Subject: RE: Tuesday, June 4, 2019 Hearing on Bay Concrete

Mr. Schmidt,

I respectfully disagree with your characterization of scheduling at the Board vs. ALJ. Judge Beverungen holds a full-time position with Baltimore County while the Board members hold part-time positions. Each of our members is an attorney and most have active, full-time, legal practices. Similar to your case before the ALJ, this matter involves scheduling four attorneys, their clients and witnesses. Unlike your case before the ALJ, we also have to schedule three part-time Board members. As you know, the more people one tries to coordinate, the more conflicts arise.

If you will recall, when this matter was scheduled in March and our Board member was ill, we offered available dates on the Board's calendar while you were all here. At that time, June 4 was one of the few dates that worked for everyone. This matter was set for that date and a notice issued.

That being said, we have the following dates available on our calendar: May 21, 28, June 19, 25, and 26. We can only use the May dates if everyone is in agreement and waives the notice requirement.

Krysundra Cannington

From: Krysundra Cannington
Sent: Wednesday, May 8, 2019 11:34 AM
To: 'Lawrence Schmidt'; 'Carroll Holzer'
Cc: Peoples Counsel; Marissa Merrick; Alyssa Moyers
Subject: RE: Tuesday, June 4, 2019 Hearing on Bay Concrete

Mr. Schmidt,

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If you will recall, when this matter was scheduled in March and our Board member was ill, we offered available dates on the Board's calendar while you were all here. At that time, June 4 was one of the few dates that worked for everyone. This matter was set for that date and a notice issued.

That being said, we have the following dates available on our calendar: May 21, 28, June 19, 25, and 26. We can only use the May dates if everyone is in agreement and waives the notice requirement.

I kindly ask that all counsel please advise immediately as to all dates you are available.

Thank you,

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

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From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Tuesday, May 7, 2019 3:45 PM
To: 'Carroll Holzer' <jcholzer38@gmail.com>; Krysundra Cannington <kcannington@baltimorecountymd.gov>
Cc: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Marissa Merrick

Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Tuesday, May 7, 2019 3:45 PM
To: 'Carroll Holzer'; Krysundra Cannington
Cc: Peoples Counsel; Marissa Merrick; Alyssa Moyers
Subject: RE: Tuesday, June 4, 2019 Hearing on Bay Concrete

CAUTION: This message from lschmidt@sgs-law.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Ms. Cannington: If I may be permitted to do so, I would like to submit my request for postponement via this email. If you require a more formal request, via letter or otherwise, please advise and I will do so. My request is summarized in the email that I submitted to Council (Mr. Holzer and Ms. Merrick) and is reprinted immediately below. After that, please read on and I will further address Mr. Holzer's recent comments.

Carroll/Marissa: I apologize in advance for making the following request (given the history of this case) but I write asking if you would object to a continuance of the hearing schedule for the above matter (June 4). I know that this matter has been scheduled a couple of times but circumstances have arisen that cause me to make this request.

Specifically, I am counsel in a matter presently before ALJ Beverungen involving a complicated development plan hearing. That matter relates to a proposed retail center, office complex and apartment building mixed use development on Falls Road. The matter is known as CPC Falls Road, Case Number 09-0861. That matter has already had two days of hearings and the parties have requested four additional days. The largest complication are that there are four counsel participating (me for the developer, Michael McCann for certain neighbors, Dino LaFiandra for a nearby property owner/business and Robert Smith for a nearby community association.) As you can no doubt understand, scheduling this matter (with four attorneys calendars, expert witnesses, etc.) for additional hearing dates has been a nightmare.

Of the entire month of June, there are two days (June 4 and 13) that all the other parties, counsel and witnesses can attend. And that are available on Mr. Beverungen's calendar.

Complicating the issue is the fact that (as you may know) Mr. Beverungen's term of office ends in June. I do not know if he will stay or retire. The rumors that I have heard is that he will probably leave. But they are not substantiated.

In the other case, we are all concerned about him leaving before the case is completed (we've already completed two hearing days) and (perish the thought) of having to start over with another/new hearing officer.

Under the circumstances, I would like to move the Bay Country case. I am willing to give it priority on my calendar to reschedule and will do whatever I can to get promptly rescheduled. I talked to the Board secretary (Sunny Cannington) and she suggested that I contact you both to see if you are willing to give me this courtesy. If there is anything I can do to lessen the inconvenience on your clients (Carroll) or the County (Marissa), please let me know. Thanks for your consideration. I appreciate whatever courtesy you can give me.

Larry

Insofar as Mr. Holzer's email below, if there is another date prior to June 4, 2019, then I would make every effort to be available and have the case heard then. Even if the postponement is for a short time *after* June 4, 2019, I will make every effort to clear my calendar. Second, I am not prioritizing one case over the other. They are both vitally important to the parties involved. But the reality of the situation is that Judge Beverungen is a single individual whose term of office expires in June, 2019. The Board, on the other hand, is comprised of seven individuals and there is obviously more flexibility with the Board's scheduling. Moreover, the Board members terms expire, I believe, on April 30 so that none of the current Board members will not be facing the expiration of a term at this time. Finally, as the proponent of the action is the special hearing case, it is my client who is prejudiced (in terms of being unable to secure the relief requested) by any postponement. The violation case (on appeal) has been resolved below. ALJ Stahl entered a decision, the appeal is whether that decision is correct and whether the fine imposed is proper. There have been no additional citations issued, the County has filed no action seeking a judicial order (injunction) to cease all activity on the property. I appreciate Mr. Holzer's position and respect the views of his clients. I make this case due to the unusual circumstances presented. I have copied Ms. Merrick and Mr. Zimmerman so that they can likewise offer input, if desired. Thank you for your consideration.

Larry Schmidt

Lawrence E. Schmidt | Partner

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

lschmidt@sgs-law.com | www.sgs-law.com

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From: Carroll Holzer [mailto:jcholzer38@gmail.com]

Sent: Tuesday, May 07, 2019 3:01 PM

To: Cannington, Krysundra

Cc: Lawrence Schmidt; Peoples Counsel; Marissa Merrick

Subject: Tuesday, June 4, 2019 Hearing on Bay Concrete

Dear Ms. Cannington:

Now that you have received a formal postponement request for ***Tuesday, June 4, 2019***, I want to provide reasons why this case should not be

postponed. It has previously been postponed in February and March 2019 based upon the request of Mr. Schmidt. I did not oppose those postponement requests at the time for valid reasons. Unfortunately, this matter was scheduled for ***Tuesday, June 4, 2019***, upon agreement of all Counsel. My clients have vehemently opposed this postponement for the reasons that violations by the Applicant are still plaguing the neighborhood. In addition, July and August are months that traditionally all of the Protestants take vacations or are away from home and thus, it will negatively impact their presentation of their case.

Finally, it appears that Mr. Schmidt is placing priority over his case before the Administrative Law Judge rather than the Board. My clients are therefore very perturbed and opposed to this postponement request.

As I stated on the phone to you, if there are ***dates prior*** to Tuesday, June 4, 2019 that might be available, I would like to take those dates back to my clients to see if they would agree.

Thank you very much for your efforts in this matter.

Very truly yours,

J. Carroll Holzer

10:00 5/7/19 Holzer

Re: MGJ

→ Will call Schmidt

message

FOR Sunny
FROM Carroll Holzer
TIME 2:35 pm DATE 5/6
PHONE 410-825-6961

☐ URGENT!

please call Tuesday
around 10:00 if possible
re: Mdf Properties.

This clients don't want a
postponement. Would it
will drag out all summer
and they are all available
6/4. Mdf is still
operating & disturbing the
neighbors.

J



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

April 10, 2019

NOTICE OF SECOND REASSIGNMENT

IN THE MATTER OF: MGJ Properties, LLC
1101 Bowley's Quarters Road
18-342-SPH 15th Election District; 6th Councilmanic District

RE: Petition for Special Hearing pursuant to BCZR Section 500.7 to permit an existing office and accessory indoor/outdoor storage in a BL zone.

11/1/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to permit, as uses accessory to the existing office, indoor/outdoor storage of materials and/or vehicles was DENIED.

This matter was assigned for hearing on March 27, 2019 and was postponed. By agreement of counsel, this matter has been

REASSIGNED FOR: JUNE 4, 2019, AT 11:00 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.
- 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	: Lawrence E. Schmidt, Esquire
	Petitioner	: Mark Goloboski/MGJ Properties, LLC
	Counsel for Protestants	: J. Carroll Holzer, Esquire
	Protestants	: Carl and Siu Rossmark, Kenneth Brickell, and Allen Robertson
	Protestants (<i>Pro Se</i>)	: Bowleys Quarters Improvement Association and David Hash

Jeff Mayhew, Acting Director/Department of Planning
Lawrence Stahl, Managing Administrative Law Judge
Michael Field, County Attorney
Michael Mohler, Acting Director/Department of Permits Approvals and Inspections
Nancy C. West, Assistant County Attorney
Office of People's Counsel

Krysundra Cannington

From: Carroll Holzer <jcholzer38@gmail.com>
Sent: Thursday, March 28, 2019 9:36 AM
To: Krysundra Cannington
Subject: Re: MGJ Properties CBA-18-028 and 18-342-SPH

Dear Sunny:

I am available and prefer *Tuesday, June 4, 2019* and *Wednesday, June 5, 2019*.

I am also available on *Wednesday, May 15, 2019* and *Wednesday, May 22, 2019*.

Very truly yours,

J. Carroll Holzer

On Wed, Mar 27, 2019 at 11:34 AM Krysundra Cannington <kcannington@baltimorecountymd.gov> wrote:

Good morning Counsel,

We apologize again for the delay in this matter and we thank you for your compassion. The dates that are currently available on the Board calendar for rescheduling are April 24, May 7, May 15, May 22, June 4, June 5, and June 12, 2019.

Please let me know all the dates you are available so we can find the two that work best for everyone.

Thank you again,

Sunny

Krysundra Cannington

From: Peter Max Zimmerman
Sent: Wednesday, March 27, 2019 1:03 PM
To: Krysundra Cannington
Cc: Carroll Holzer (jcholzer38@gmail.com); Lawrence Schmidt; Peter Max Zimmerman; Marissa Merrick; Alyssa Moyers
Subject: RE: MGJ Properties CBA-18-028 and 18-342-SPH

Sunny,

Pete is available April 24, May 15, 22 and June 4, 5 & 12.

Rebecca M. Wheatley, Legal Secretary
Office of People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2188 - Office
(410) 823-4236 - Fax

From: Alyssa Moyers [mailto:amoyers@sgs-law.com]
Sent: Wednesday, March 27, 2019 12:25 PM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Cc: Carroll Holzer (jcholzer38@gmail.com) <jcholzer38@gmail.com>; Lawrence Schmidt <lschmidt@sgs-law.com>; Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>; Marissa Merrick <mmerrick@baltimorecountymd.gov>
Subject: RE: MGJ Properties CBA-18-028 and 18-342-SPH

I apologize for hitting send prior to adding all counsel to this email! Please see my response below. Thanks.

- *Alyssa*

Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
amoyers@sgs-law.com | www.sgs-law.com

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Please consider the environment before printing this email.

From: Alyssa Moyers
Sent: Wednesday, March 27, 2019 12:21 PM
To: Krysundra Cannington
Subject: RE: MGJ Properties CBA-18-028 and 18-342-SPH

Sunny,

Krysundra Cannington

From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Wednesday, March 27, 2019 12:25 PM
To: Krysundra Cannington
Cc: Carroll Holzer (jcholzer38@gmail.com); Lawrence Schmidt; Peter Max Zimmerman; Marissa Merrick
Subject: RE: MGJ Properties CBA-18-028 and 18-342-SPH

I apologize for hitting send prior to adding all counsel to this email! Please see my response below. Thanks.

- *Alyssa*

Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
amoyers@sgs-law.com | www.sgs-law.com

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 **Please consider the environment before printing this email.**

From: Alyssa Moyers
Sent: Wednesday, March 27, 2019 12:21 PM
To: Krysundra Cannington
Subject: RE: MGJ Properties CBA-18-028 and 18-342-SPH

Sunny,

Larry is available: April 24, May 7, May 15, May 22, June 4, June 5, and June 12, 2019.

Thanks.

- *Alyssa*

Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
amoyers@sgs-law.com | www.sgs-law.com

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 **Please consider the environment before printing this email.**

From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Wednesday, March 27, 2019 11:34 AM

Krysundra Cannington

From: Marissa Merrick
Sent: Wednesday, March 27, 2019 12:00 PM
To: Krysundra Cannington
Subject: RE: MGJ Properties CBA-18-028 and 18-342-SPH

Hello Sunny, I am available all dates.

Marissa

Marissa L. Merrick
Assistant County Attorney
Baltimore County Permits, Approvals and Inspections
111 W. Chesapeake Avenue
Towson, MD 21204
410.887.7423

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From: Krysundra Cannington
Sent: Wednesday, March 27, 2019 11:34 AM
To: Marissa Merrick <mmerrick@baltimorecountymd.gov>; Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>; Lawrence Schmidt, Esquire <lschmidt@sgs-law.com>; J. Carroll Holzer, Esquire (jcholzer38@gmail.com) <jcholzer38@gmail.com>
Subject: MGJ Properties CBA-18-028 and 18-342-SPH

Good morning Counsel,

We apologize again for the delay in this matter and we thank you for your compassion. The dates that are currently available on the Board calendar for rescheduling are April 24, May 7, May 15, May 22, June 4, June 5, and June 12, 2019.

Please let me know all the dates you are available so we can find the two that work best for everyone.

Thank you again,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

Schmidt (OK
dates)

4/24

6/4

5/7

6/5

5/15

6/12

5/22

CASE: 2018-0342-SPH

27-Mar-19

CITIZENS'S SIGN IN SHEET

[illegible]

CASE: 2018-0342-SPH

27-Mar-19

CITIZENS'S SIGN IN SHEET

[illegible]

27-Mar-19

[illegible]



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

February 15, 2019

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: MGJ Properties, LLC
1101 Bowley's Quarters Road
18-342-SPH 15th Election District; 6th Councilmanic District

RE: Petition for Special Hearing pursuant to BCZR Section 500.7 to permit an existing office and accessory indoor/outdoor storage in a BL zone.

11/1/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to permit, as uses accessory to the existing office, indoor/outdoor storage of materials and/or vehicles was DENIED.

This matter was assigned for hearing on February 12, 2019 and was postponed by request of Counsel. This matter has been

REASSIGNED FOR: MARCH 27, 2019, AT 11:00 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.
- 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.

Notice of Postponement and Assignment
In the matter of: MGJ Properties, LLC
Case number: 18-342-SPH
February 15, 2019
Page 2

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	: Lawrence E. Schmidt, Esquire
	Petitioner	: Mark Goloboski/MGJ Properties, LLC
	Counsel for Protestants	: J. Carroll Holzer, Esquire
	Protestants	: Carl and Siu Rossmark, Kenneth Brickell, and Allen Robertson
	Protestants (<i>Pro Se</i>)	: Bowleys Quarters Improvement Association and David Hash

Jeff Mayhew, Acting Director/Department of Planning
Lawrence Stahl, Managing Administrative Law Judge
Michael Field, County Attorney
Michael Mohler, Acting Director/Department of Permits Approvals and Inspections
Nancy C. West, Assistant County Attorney
Office of People’s Counsel

Krysundra Cannington

From: Appeals Board
Sent: Friday, February 15, 2019 3:17 PM
To: Bradley Kroner
Subject: RE: Inquiry re: MGJ properties case

Hello Mr. Kroner,

The Notices are going out in today's mail and our web calendar will be updated this afternoon. These cases have been rescheduled for March 27, 2019 at 10 and 11 a.m. respectively.

Please note, these matters were postponed because Lawrence Schmidt, Esquire, attorney for MGJ Properties, was stranded out of state due to inclement weather; not due to the County's delayed opening.

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

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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From: Bradley Kroner
Sent: Friday, February 15, 2019 10:26 AM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Inquiry re: MGJ properties case

Hello,

On Tuesday, two cases were scheduled to be heard regarding MGJ Properties -- CBA-18-028 and 18-342-SPH. They were cancelled due to inclement weather delaying Baltimore County's opening. Have they been rescheduled?

Krysundra Cannington

From: Bradley Kroner
Sent: Friday, February 15, 2019 10:26 AM
To: Appeals Board
Subject: Inquiry re: MGJ properties case

Hello,

On Tuesday, two cases were scheduled to be heard regarding MGJ Properties -- CBA-18-028 and 18-342-SPH. They were cancelled due to inclement weather delaying Baltimore County's opening. Have they been rescheduled?

Thank you,

Brad Kroner
Outreach Coordinator
Office of Baltimore County Executive
Historic Courthouse
400 Washington Avenue,
Towson, Maryland 21204
Office: (410) 887-0954
Cell: (410) 371-9731

IN THE MATTER OF:

**PETITION FOR SPECIAL HEARING
(1101 Bowleys Quarters Road)**

15th Election District
6th Councilmanic District

MGJ Properties, LLC, Petitioner
Legal Owner

* BEFORE
* THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
*
* Case No.:
2018-0342-SPH
*

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of J. Carroll Holzer, Esquire on behalf of Protestants **CARL ROSSMARK, SIU CHEUNG ROSSMARK, KENNETH BRICKELL,** and **ALLEN ROBERTSON** in the above-captioned matter. Notice should be sent of any hearings, motions and other proceedings in this matter, and of the passage of any preliminary or final Order to undersigned counsel's address contained herein. All parties should copy *J. Carroll Holzer, Esquire* on all correspondence and documents sent in the instant matter.

Respectfully submitted,




J. CARROLL HOLZER, Esquire
J. CARROLL HOLZER, P.A.
508 Fairmount Avenue
Towson, Maryland 21286
410-285-6961
Attorney for Petitioners

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of February, 2019 a copy of the foregoing Entry of Appearance was mailed, first class, postage prepaid to:

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

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, Maryland 21204



J. CARROLL HOLZER, Esquire

Tammy Zahner

From: Tammy Zahner
Sent: Monday, February 11, 2019 12:25 PM
To: 'lschmidt@sgs-law.com'; 'Carroll Holzer'; Peter Max Zimmerman; Marissa Merrick
Cc: 'Alyssa Moyers'; Rebecca Wheatley; Krysundra Cannington; 'zwilkins@sgs-law.com'
Subject: MGJ Properties

Importance: High

Counsel:

The Board has GRANTED Mr. Schmidt's postponement request for MGJ Properties scheduled for tomorrow. Please contact your clients to advise of the postponement. Ms. Cannington will be in touch with you to reschedule.

Please let us 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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Tammy Zahner

From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Monday, February 11, 2019 11:16 AM
To: Appeals Board
Cc: Tammy Zahner; Krysundra Cannington; Lawrence Schmidt; Carroll Holzer (jcholzer38@gmail.com); Marissa Merrick; Zachary J. Wilkins
Subject: MGJ Properties 1101 Bowley's Quarters Rd

Good morning.

Please accept this as Petitioner's formal request to postpone the hearing scheduled before the Board of Appeals tomorrow, February 12, 2019 beginning at 10am.

Mr. Schmidt was out of town this weekend attending a wedding on the west coast. Between the weather there and here in Baltimore, his flight has been canceled and was told no flights are scheduled to arrive in Baltimore today. The earliest flight he could book is tomorrow but he will not arrive in time to appear at a hearing.

I have reached out to both Mr. Holzer and Ms. Merrick this morning to advise of this unforeseen conflict. Mr. Holzer has advised he is not opposed to this postponement request. I have not yet heard from Ms. Merrick. They are both copied on this email.

We appreciate your understanding of this last minute request and are happy to assist with the coordination of rescheduling this matter. Thank you.

- *Alyssa*

Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
amoyers@sgs-law.com | www.sgs-law.com

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 Please consider the environment before printing this email.



Tammy Zahner

From: Marissa Merrick
Sent: Monday, February 11, 2019 11:17 AM
To: Alyssa Moyers; Appeals Board
Cc: Tammy Zahner; Krysundra Cannington; Lawrence Schmidt; Carroll Holzer (jcholzer38@gmail.com); Zachary J. Wilkins
Subject: RE: MGJ Properties 1101 Bowley's Quarters Rd

Good Morning, I have no objection to the postponement.

Thanks,

Marissa L. Merrick
Assistant County Attorney
Baltimore County Permits, Approvals and Inspections
111 W. Chesapeake Avenue
Towson, MD 21204
410.887.7423
410.887.3351



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From: Alyssa Moyers [mailto:amoyers@sgs-law.com]
Sent: Monday, February 11, 2019 11:16 AM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Cc: Tammy Zahner <tzahner@baltimorecountymd.gov>; Krysundra Cannington <kcannington@baltimorecountymd.gov>; Lawrence Schmidt <lschmidt@sgs-law.com>; Carroll Holzer (jcholzer38@gmail.com) <jcholzer38@gmail.com>; Marissa Merrick <mmerrick@baltimorecountymd.gov>; Zachary J. Wilkins <zwilkins@sgs-law.com>
Subject: MGJ Properties 1101 Bowley's Quarters Rd

Good morning.

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I have reached out to both Mr. Holzer and Ms. Merrick this morning to advise of this unforeseen conflict. Mr. Holzer has advised he is not opposed to this postponement request. I have not yet heard from Ms. Merrick. They are both copied on this email.

We appreciate your understanding of this last minute request and are happy to assist with the coordination of rescheduling this matter. Thank you.

- *Alyssa*

Alyssa Fiore Moyers | Paralegal

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

amoyers@sgs-law.com | www.sgs-law.com

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Please consider the environment before printing this email.

IN THE MATTER OF:

**PETITION FOR SPECIAL HEARING
(1101 Bowleys Quarters Road)**

15th Election District
6th Councilmanic District

MGJ Properties, LLC, Petitioner
Legal Owner

* BEFORE
* THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
*
* Case No.:
2018-0342-SPH
*

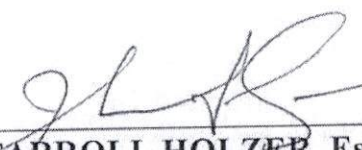
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of J. Carroll Holzer, Esquire on behalf of Protestants **CARL ROSSMARK, SIU CHEUNG ROSSMARK, KENNETH BRICKELL, and ALLEN ROBERTSON** in the above-captioned matter. Notice should be sent of any hearings, motions and other proceedings in this matter, and of the passage of any preliminary or final Order to undersigned counsel's address contained herein. All parties should copy *J. Carroll Holzer, Esquire* on all correspondence and documents sent in the instant matter.

Respectfully submitted,





J. CARROLL HOLZER, Esquire
J. CARROLL HOLZER, P.A.
508 Fairmount Avenue
Towson, Maryland 21286
410-285-6961
Attorney for Petitioners

LAW OFFICE
HOLZER AND LEE
THE 808 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of February, 2019 a copy of the foregoing Entry of Appearance was mailed, first class, postage prepaid to:

- Peter Max Zimmerman, Esquire
- People's Counsel for
Baltimore County
Jefferson Building
105 West Chesapeake Avenue
Room 204
Towson, Maryland 21204

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, Maryland 21204


J. CARROLL HOLZER, Esquire

Tammy Zahner

From: Peoples Counsel
Sent: Monday, February 11, 2019 9:13 AM
To: Tammy Zahner
Subject: FW: Cheung Entry of Appearance
Attachments: Cheung - 2-8-19.pdf

Tammy,

Here is the email.

Rebecca

From: Carroll Holzer [mailto:jcholzer38@gmail.com]
Sent: Friday, February 08, 2019 2:27 PM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Cc: Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>; Schmidt, Lawrence <lschmidt@sgs-law.com>
Subject: Cheung Entry of Appearance

Dear Ms. Cannington, Pete and Larry:

Attached please find the Entry of Appearance scheduled for ***Tuesday, February 12, 2019.***

Very truly yours,

J. Carroll Holzer



Tammy Zahner

From: Dave Hash <dhash@jhmi.edu>
Sent: Friday, February 08, 2019 10:25 AM
To: Peter Max Zimmerman
Cc: Appeals Board; 'James Hock'; Siu Cheung (globalonesiu@gmail.com)
Subject: RE: Rule 8 documents

Peter...The BQIA Board and membership have taken the necessary actions to comply with Rule 8 in connection with the hearing on 2018-0342-SPH scheduled for 11 AM, Tuesday, February 12th, 2019. I plan to hand-deliver the signed documents to your office later today. Please advise if any other actions are needed by your office or the Administrator of the Board of Appeals. Thank you for your continuing assistance on this pending matter so important to our community...Dave

From: Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>
Sent: Tuesday, January 29, 2019 11:17 AM
To: Dave Hash <dhash@jhmi.edu>
Subject: RE: Rule 8 documents

Dave,

The Rule 8 documents are time-sensitive as to who are the officers, who is entitled to speak, and the specific position on the case. 3 documents. You can check online in Appendix H of the Zoning Regulations where the Rules are.

Siu Cheng has a copy of the documents. But you will have to show current meetings and positions. So there is work to do if BQIA wants to take a position and have you or any other officer testify.

Peter

From: Dave Hash [<mailto:dhash@jhmi.edu>]
Sent: Monday, January 28, 2019 5:11 PM
To: Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>
Cc: Siu Cheung (globalonesiu@gmail.com) <globalonesiu@gmail.com>
Subject: Rule 8 documents

Peter...As you may recall, I went through all the necessary documentation and approvals with BQIA's board and membership back when I spoke before the BOA on the Lagna matter. Since those approvals were not case-specific, I trust I do not need to go through all of that again...Dave

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov





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 20, 2018

NOTICE OF ASSIGNMENT

IN THE MATTER OF: MGJ Properties, LLC
1101 Bowley's Quarters Road
18-342-SPH 15th Election District; 6th Councilmanic District

RE: Petition for Special Hearing pursuant to BCZR Section 500.7 to permit an existing office and accessory indoor/outdoor storage in a BL zone.

11/1/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to permit, as uses accessory to the existing office, indoor/outdoor storage of materials and/or vehicles was DENIED.

ASSIGNED FOR: **FEBRUARY 12, 2019, AT 11:00 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.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

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

Krysundra "Sunny" Cannington
Administrator

Notice of Assignment
In the matter of: MGJ Properties, LLC
Case number: 18-342-SPH
December 20, 2018
Page 2

c.	Counsel for Petitioner	: Lawrence E. Schmidt, Esquire
	Petitioner	: Mark Goloboski/MGJ Properties, LLC
	Protestants	: Bowleys Quarters Improvement Association, David Hash, Allen Robertson

Andrea VanArsdale, Director/Department of Planning
Arnold Jablon, Director/Department of Permits Approvals and Inspections
Lawrence Stahl, Managing Administrative Law Judge
Michael Field, County Attorney
Nancy C. West, Assistant County Attorney
Office of People's Counsel



DONALD I. MOHLER III
County Executive

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

November 28, 2018

Lawrence E. Schmidt, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2018-0342-SPH
Property: 1101 Bowleys Quarters Road

Dear Mr. Schmidt:

Please be advised that an appeal of the above-referenced case was filed in this Office on November 27, 2018. 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 "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Managing Administrative Law Judge
for Baltimore County

JEB/sln

c: Allen Robertson, 1608 Holly Tree Road, Middle River, MD 21220
David Hash, 3804 Chestnut Road, Middle River, MD 21220
Baltimore County Board of Appeals
People's Counsel

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

No. **174803**

Date: **11/27/18**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					
001	806	000		16150						300.00

Total: **300.00**

Rec From: **Lawrence E. Schmitt, Esq.**

For: **1101 Bowleys QUARTERS Road**

2018-0342-SPH

Appeal fee CK # 3224

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW

11/26/2018 11/27/2018 14:08:15 1

REC WSDI WALTON LJR

RECEIPT # 021800 11/27/2018 OFLN

DEPT 806 326 ZONING VERIFICATION

ER NO. 174803

Recpt Tot \$300.00

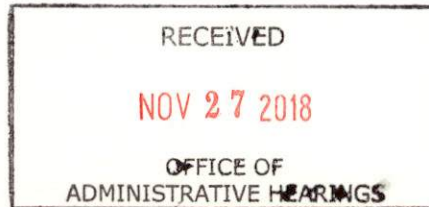
\$300.00 CK \$1.00 CA

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

SOUTH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI



LAUREN D. BENJAMIN
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
CARMELO D. MORABITO
SARAH A. ZADROZNY

of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
STEPHEN J. NOLAN
*Admitted in MD, FL, PA

November 27, 2018

Via Hand Delivery

Arnold Jablon, Esquire
Director
Baltimore County Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

Re: Notice of Appeal
Property: 1101 Bowleys Quarters Road
Case No. 2018-0342-SPH

Dear Mr. Jablon,

Enclosed herewith please find an original and four (4) copies of the Notice of Appeal on behalf of Appellant, MGJ Properties, LLC, to be filed in the above referenced matter. Please date stamp the copies and return the same to our courier. Also enclosed, please find a check in the amount of \$300.00 to cover the filing fee for such appeal.

Please contact me should you have any questions.

Very truly yours,

Lawrence E. Schmidt

LES/amf
Enclosures

cc: Administrative Law Judge John E. Beverungen
Peter Max Zimmerman, Esquire
Krysundra Cannington, Board of Appeals
Allen Robertson, 1608 Holly Tree Road, Middle River, MD 21220
David Hash, 3804 Chestnut Road, Middle River, MD 21220

IN RE:
PETITIONS FOR SPECIAL HEARING
1101 Bowleys Quarters Road

15th Election District
6th Councilmanic District

MGJ Properties, LLC, *Legal Owner*
Appellant

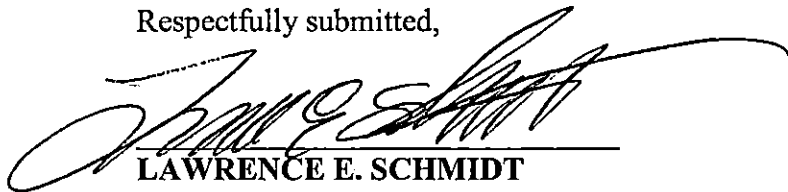
* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: 2018-0342-SPH
*

* * * * *

NOTICE OF APPEAL

The Appellant, MGJ Properties, LLC, by and through its attorneys, Lawrence E. Schmidt and Smith, Gildea, and Schmidt, LLC, feeling aggrieved by the decision of the Administrative Law Judge for Baltimore County from the Opinion and Order dated November 1, 2018 in the above-captioned matter, hereby note this appeal to the County Board of Appeals for Baltimore County in accordance with Baltimore County Code §32-3-401 by filing this Notice of Appeal with the Director of the Baltimore County Department of Permits, Approvals & Inspections.

Respectfully submitted,



LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
Attorney for Appellant

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this **27th** day of **November, 2018**, a copy of the foregoing Notice of Appeal was mailed first-class pre-paid postage to:

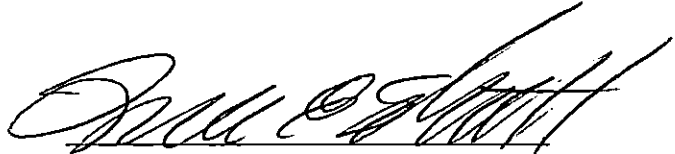
John E. Beverungen, Esquire
Administrative Law Judge
for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, MD 21204

Krysundra Cannington,
Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 205
Towson, MD 21204

Allen Robertson
1608 Holly Tree Road
Middle River, MD 21220

David Hash
3804 Chestnut Road
Middle River, MD 21220


LAWRENCE E. SCHMIDT

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(1101 Bowleys Quarters Road)		
15 th Election District	*	OFFICE OF
6 th Council District		
MGJ Properties, LLC	*	ADMINISTRATIVE HEARINGS
Legal Owner		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2018-0342-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of MGJ Properties, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to permit an existing office and accessory indoor/outdoor storage as more particularly shown on the site plan. A petition for special hearing is in essence a proceeding for a declaratory judgment. *Antwerpen v. Baltimore County*, 163 Md. App. 194 (2005). That is, Petitioner seeks a determination that its activities are lawful under the BCZR. A site plan was marked and admitted as Petitioner's Exhibit 1.

Mark Goloboski appeared in support of the petition. Lawrence E. Schmidt, Esq. represented Petitioners. Numerous members of the community opposed the request. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Environmental Protection and Sustainability ("DEPS"), the Bureau of Development Plans Review ("DPR") and the Department of Planning ("DOP").

The subject property is 1.79 acres in size and zoned BL. Petitioner purchased the property in 2009 and has operated at the site the business/administrative office for his construction

company, Bay Country Professional Concrete. Mr. Goloboski described the site and explained the nature of the work his firm performs. Neighbors testified that for several years they did not have any concerns with Petitioner's operation of the office at the subject property. However, they stated in the last 2-3 years there has been significant construction activity and vehicles at the site, along with an increase in noise.

Mr. Goloboski testified he will occasionally have concrete, steel and other raw materials delivered to the site if they are not needed at the conclusion of a project. He also testified there are occasionally "bobcats" and other pieces of construction equipment at the site, although he stated he did not like leaving such equipment idle for too long since it should be in the field generating revenue for his company. Several neighbors testified about the activities at the site, and they submitted photos and videos showing large construction vehicles being transported to/from the site by a tractor-trailer. Other photos showed individuals on the site working with or fabricating concrete or steel materials.

While there is some disagreement concerning the nature and scope of the activities at this property, it is clear a portion of the site is used for the storage of metal, concrete, wood and other items used in Petitioner's business, along with various construction vehicles like a bobcat or excavator. Petitioner contends these activities and storage of materials are "accessory" to the operation of the office, a use permitted by right in the BL zone. BCZR § 230.1.A.6.

The BCZR defines office as a "building or portion of a building for conducting the affairs of a business, profession, service, industry or government." BCZR §101.1. Mr. Goloboski testified he has several employees who work in the office at this site, and they perform payroll, billing and construction estimating functions for the business. These are clearly appropriate activities and fit within the definition of an office. The operative question is whether storage of construction

materials and/or vehicles can be deemed "accessory" to that use.

Under BCZR Section 101.1, an "accessory use" is defined as follows:

ACCESSORY USE OR STRUCTURE

A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served.

In *Carroll County v. Zent*, 86 Md. App. 745 (1991), the court of special appeals conducted an exhaustive survey of out-of-state cases discussing accessory uses in a variety of land use categories. The court noted Connecticut has one of the "most restrictive definitions of accessory use" in that its ordinance requires the use to be "subordinate and customarily incidental to the main building and use on the same lot." *Id.* at 767-68. As quoted above the BCZR defines accessory use in a similar manner, using nearly identical language. The *Zent* court used the restrictive Connecticut standard to determine whether the use in that case was in fact accessory under Maryland law.

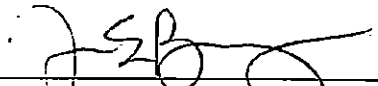
In discussing whether a use is "customarily" incidental to the primary use on a property, the *Zent* court held a zoning board must determine "whether it is usual to maintain the use in question." *Id.* at 768. Petitioner did not present testimony or evidence which would tend to establish that the storage of construction equipment and materials is usually found in connection with an office, and I do not believe it can be described as a customary practice. Indeed, the storage of such equipment and materials describes precisely the operation of a "contractor's equipment storage yard" or "construction materials storage yard," as defined in BCZR 101.1. Neither of these uses are permitted in the BL zone, which is the most restrictive of the business zones.

In describing the storage use at the site Mr. Goloboski testified that “materials from the job site sometimes make it back to the shop.” While perhaps an offhand reference, it also demonstrates that the subject property is in fact considered a contractor’s shop. Carl Rossmark, a neighbor who is himself a contractor, testified that every construction company needs a “shop” in which to store, repair and maintain materials and equipment. Mr. Goloboski owns a large and successful construction company, and in the absence of any evidence that the shop for the business is located at some other location, I believe the subject property is being used for that purpose.

Aside from this issue (which addresses whether the use is expected or customary) I also believe the special hearing must be denied since the storage of materials and equipment at the site is not “subordinate in area, extent or purpose to the principal use or structure.” BCZR §101.1. The business office occupies only the 2,000 sq. ft. building adjacent to Chestnut Road. But the “outdoor storage area” shown on the plan encompasses a much larger portion of the site. There is also shown on the plan a newer 3,000 sq. ft. building used (at least in part) for storage. In these circumstances I do not believe the storage use in this case can be deemed accessory under the restrictive definition found in the BCZR.

THEREFORE, IT IS ORDERED this 1st day of November, 2018 by this Administrative Law Judge, that the Petition for Special Hearing to permit, as uses accessory to the existing office, indoor/outdoor storage of materials and/or vehicles as more particularly shown on the site plan, be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slm

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI



LAUREN D. BENJAMIN
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
CARMELO D. MORABITO
SARAH A. ZADROZNY
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
STEPHEN J. NOLAN
*Admitted in MD, FL, PA

November 27, 2018

Via Hand Delivery

Arnold Jablon, Esquire
Director
Baltimore County Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

Re: Notice of Appeal
Property: 1101 Bowleys Quarters Road
Case No. 2018-0342-SPH



Dear Mr. Jablon,

Enclosed herewith please find an original and four (4) copies of the Notice of Appeal on behalf of Appellant, MGJ Properties, LLC, to be filed in the above referenced matter. Please date stamp the copies and return the same to our courier. Also enclosed, please find a check in the amount of \$300.00 to cover the filing fee for such appeal.

Please contact me should you have any questions.

Very truly yours,

Lawrence E. Schmidt

LES/amf
Enclosures

cc: Administrative Law Judge John E. Beverungen
Peter Max Zimmerman, Esquire
Krysundra Cannington, Board of Appeals
Allen Robertson, 1608 Holly Tree Road, Middle River, MD 21220
David Hash, 3804 Chestnut Road, Middle River, MD 21220

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI

LAUREN D. BENJAMIN
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
CARMELO D. MORABITO
SARAH A. ZADROZNY

of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
STEPHEN J. NOLAN
*Admitted in MD, FL, PA

November 27, 2018

Sent Hand Delivery

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



Re: In the Matter of: MGJ Properties, LLC
Property: 1101 Bowley's Quarters Road
Case No. CBA-18-028 and 2018-0342-SPH

Dear Sunny,

Enclosed please find a Notice of Appeal of the Opinion and Order dated November 1, 2018 in the matter before the Administrative Law Judge (case number 2018-0342-SPH) filed on behalf of Appellant, MGJ Properties, LLC.

As you know, there is a pending matter before the Board regarding an appeal of a Civil Citation No. CC1710981 for violation of Baltimore County Zoning Regulations Section 230. I understand that this matter has been scheduled for an hour hearing before the Board on December 6, 2018 beginning at 9:00 a.m.

MGJ Properties, LLC filed their Petition for zoning relief before the Administrative Law Judge to seek a remedy to the alleged violations raised by Citation No. CC1710981. As such, I respectfully request that these two matters be consolidated for a hearing before the Board of Appeals. I further request that a new date be scheduled to hear this matter as I believe it will take more than one hour to hear these matters on December 6, 2018.

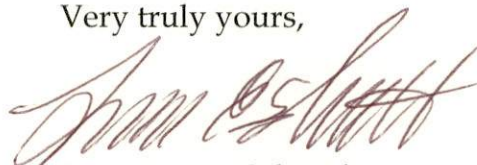
Ms. Krysundra L. Cannington, Administrator

November 27, 2018

Page 2

Thank you for your courtesy.

Very truly yours,



Lawrence E. Schmidt

LES/afm

Enclosures

cc: Allen Robertson, 1608 Holly Tree Road, Middle River, MD 21220
David Hash, 3804 Chestnut Road, Middle River, MD 21220
Carl and Siu Rossmark, 4004 Chestnut Road, Middle River, MD 21220
Peter Max Zimmerman, Esquire (via email)
Arnold Jablon, Director/PAI (via email)
Brady Locher, Assistant County Attorney (via email)
Lawrence M. Stahm, Managing ALJ (via email)
Lionel VanDommelen, Chief, Code Enforcement/PAI (via email)
Marissa Merrick, Assistant County Attorney (via email)
Michael Field, County Attorney, Office of Law (via email)
Nancy C. West, Assistant County Attorney (via email)

**IN RE:
PETITIONS FOR SPECIAL HEARING
1101 Bowleys Quarters Road**

15th Election District
6th Councilmanic District

MGJ Properties, LLC, *Legal Owner*
Appellant

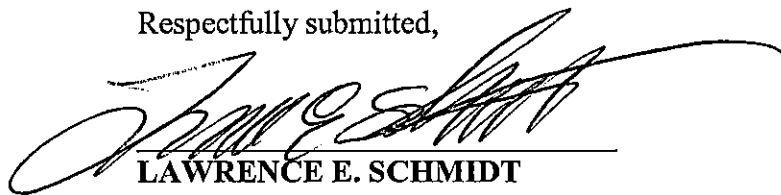
* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* **Case No.: 2018-0342-SPH**
*

* * * * *

NOTICE OF APPEAL

The Appellant, MGJ Properties, LLC, by and through its attorneys, Lawrence E. Schmidt and Smith, Gildea, and Schmidt, LLC, feeling aggrieved by the decision of the Administrative Law Judge for Baltimore County from the Opinion and Order dated November 1, 2018 in the above-captioned matter, hereby note this appeal to the County Board of Appeals for Baltimore County in accordance with Baltimore County Code §32-3-401 by filing this Notice of Appeal with the Director of the Baltimore County Department of Permits, Approvals & Inspections.

Respectfully submitted,



LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of November, 2018, a copy of the foregoing Notice of Appeal was mailed first-class pre-paid postage to:

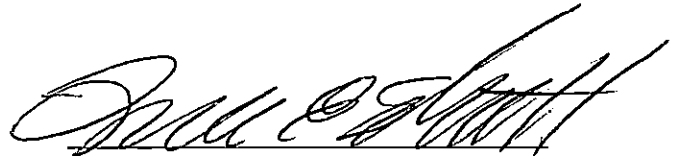
John E. Beverungen, Esquire
Administrative Law Judge
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LAWRENCE E. SCHMIDT

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(1101 Bowleys Quarters Road)		
15 th Election District	*	OFFICE OF
6 th Council District		
MGJ Properties, LLC	*	ADMINISTRATIVE HEARINGS
Legal Owner		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2018-0342-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of MGJ Properties, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to permit an existing office and accessory indoor/outdoor storage as more particularly shown on the site plan. A petition for special hearing is in essence a proceeding for a declaratory judgment. *Antwerpen v. Baltimore County*, 163 Md. App. 194 (2005). That is, Petitioner seeks a determination that its activities are lawful under the BCZR. A site plan was marked and admitted as Petitioner's Exhibit 1.

Mark Goloboski appeared in support of the petition. Lawrence E. Schmidt, Esq. represented Petitioners. Numerous members of the community opposed the request. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Environmental Protection and Sustainability ("DEPS"), the Bureau of Development Plans Review ("DPR") and the Department of Planning ("DOP").

The subject property is 1.79 acres in size and zoned BL. Petitioner purchased the property in 2009 and has operated at the site the business/administrative office for his construction

company, Bay Country Professional Concrete. Mr. Goloboski described the site and explained the nature of the work his firm performs. Neighbors testified that for several years they did not have any concerns with Petitioner's operation of the office at the subject property. However, they stated in the last 2-3 years there has been significant construction activity and vehicles at the site, along with an increase in noise.

Mr. Goloboski testified he will occasionally have concrete, steel and other raw materials delivered to the site if they are not needed at the conclusion of a project. He also testified there are occasionally "bobcats" and other pieces of construction equipment at the site, although he stated he did not like leaving such equipment idle for too long since it should be in the field generating revenue for his company. Several neighbors testified about the activities at the site, and they submitted photos and videos showing large construction vehicles being transported to/from the site by a tractor-trailer. Other photos showed individuals on the site working with or fabricating concrete or steel materials.

While there is some disagreement concerning the nature and scope of the activities at this property, it is clear a portion of the site is used for the storage of metal, concrete, wood and other items used in Petitioner's business, along with various construction vehicles like a bobcat or excavator. Petitioner contends these activities and storage of materials are "accessory" to the operation of the office, a use permitted by right in the BL zone. BCZR § 230.1.A.6.

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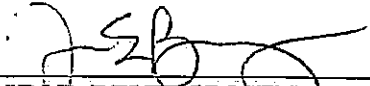
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In describing the storage use at the site Mr. Goloboski testified that "materials from the job site sometimes make it back to the shop." While perhaps an offhand reference, it also demonstrates that the subject property is in fact considered a contractor's shop. Carl Rossmark, a neighbor who is himself a contractor, testified that every construction company needs a "shop" in which to store, repair and maintain materials and equipment. Mr. Goloboski owns a large and successful construction company, and in the absence of any evidence that the shop for the business is located at some other location, I believe the subject property is being used for that purpose.

Aside from this issue (which addresses whether the use is expected or customary) I also believe the special hearing must be denied since the storage of materials and equipment at the site is not "subordinate in area, extent or purpose to the principal use or structure." BCZR §101.1. The business office occupies only the 2,000 sq. ft. building adjacent to Chestnut Road. But the "outdoor storage area" shown on the plan encompasses a much larger portion of the site. There is also shown on the plan a newer 3,000 sq. ft. building used (at least in part) for storage. In these circumstances I do not believe the storage use in this case can be deemed accessory under the restrictive definition found in the BCZR.

THEREFORE, IT IS ORDERED this 1st day of November, 2018 by this Administrative Law Judge, that the Petition for Special Hearing to permit, as uses accessory to the existing office, indoor/outdoor storage of materials and/or vehicles as more particularly shown on the site plan, be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh



DONALD I. MOHLER III
County Executive

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

November 1, 2018

Lawrence E. Schmidt, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: Petitions for Special Hearing
Case No. 2018-0342-SPH
Property: 1101 Bowleys Quarters Road

Dear Mr. Schmidt:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal stroke extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Allen Robertson, 1608 Holly Tree Road, Middle River, MD 21220
David Hash, 3804 Chestnut Road, Middle River, MD 21220

IN RE: **PETITION FOR SPECIAL HEARING** *
(1101 Bowleys Quarters Road)
15th Election District *
6th Council District *
MGJ Properties, LLC *
Legal Owner *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0342-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of MGJ Properties, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to permit an existing office and accessory indoor/outdoor storage as more particularly shown on the site plan. A petition for special hearing is in essence a proceeding for a declaratory judgment. *Antwerpen v. Baltimore County*, 163 Md. App. 194 (2005). That is, Petitioner seeks a determination that its activities are lawful under the BCZR. A site plan was marked and admitted as Petitioner's Exhibit 1.

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ORDER RECEIVED FOR FILING

Date 11/1/18
By sen

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Date 11/11/18

By Sen

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Date 11/1/18
By slr

In describing the storage use at the site Mr. Goloboski testified that "materials from the job site sometimes make it back to the shop." While perhaps an offhand reference, it also demonstrates that the subject property is in fact considered a contractor's shop. Carl Rossmark, a neighbor who is himself a contractor, testified that every construction company needs a "shop" in which to store, repair and maintain materials and equipment. Mr. Goloboski owns a large and successful construction company, and in the absence of any evidence that the shop for the business is located at some other location, I believe the subject property is being used for that purpose.

Aside from this issue (which addresses whether the use is expected or customary) I also believe the special hearing must be denied since the storage of materials and equipment at the site is not "subordinate in area, extent or purpose to the principal use or structure." BCZR §101.1. The business office occupies only the 2,000 sq. ft. building adjacent to Chestnut Road. But the "outdoor storage area" shown on the plan encompasses a much larger portion of the site. There is also shown on the plan a newer 3,000 sq. ft. building used (at least in part) for storage. In these circumstances I do not believe the storage use in this case can be deemed accessory under the restrictive definition found in the BCZR.

THEREFORE, IT IS ORDERED this 1st day of **November, 2018** by this Administrative Law Judge, that the Petition for Special Hearing to permit, as uses accessory to the existing office, indoor/outdoor storage of materials and/or vehicles as more particularly shown on the site plan, be and is hereby DENIED.

ORDER RECEIVED FOR FILING

Date 11/1/18

By Sen

Any appeal of this decision must be filed 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 11/1/18
By slh

October 29, 2018

Testimony of Mr. David O. Hash before The Honorable John E. Beverungen,
Administrative Law Judge, Baltimore County Office of Administrative Hearings

Subject: **Case Number 2018-0342-SPH 1101 Bowleys Quarters Road**

My name is David Hash, and I am here today speaking on behalf of the Bowleys Quarters Improvement Association (BQIA), as chair of its Zoning Committee.

BQIA just celebrated its 80th anniversary serving the many neighborhoods overlooking Middle River, Seneca Creek, and other tributaries of the Chesapeake Bay. We have been stewards of our Resource Conservation zones that comprise much of the main peninsula, and we work hard to ensure that these largely rural areas are not adversely affected by adjoining business uses.

The property in question, zoned Business Local (BL), is completely surrounded by RC-20 and RC-5 zoning. It has been utilized by the owner as the office headquarters for his concrete construction company for several years, and up until recently, has not been cited for zoning violations. When we learned that the owner had received code violation notices for activities that were prohibited in the BL zone, our association took the position that the property should be brought into compliance with current zoning. The violations include open storage of materials utilized in concrete construction elsewhere, and on-site parking of heavy construction equipment. Several neighbors have reported negative impacts from these prohibited activities, including noise from vehicles and equipment in the early morning hours. Clearly, what was initially a compatible business office use has expanded to include operations of a contractor yard.

Apparently the enforcement of the outstanding code violations has been suspended, pending the outcome of this, and perhaps subsequent hearings. The owner is now attempting to make the current violations go away by changing the definition of what can take place on the property, which, if approved, would all of a sudden make these currently illegal uses OK, by calling them "accessory" uses. To take this action would disregard the fundamental purpose of the BL zoning designation and its stipulated prohibited activities, further ignoring the degradation of the quality of life in the adjoining Resource Conservation zone that must be protected.

The BQIA greatly appreciates the efforts of the Baltimore County code enforcement office in citing the property for code violations, which remain outstanding. Accordingly, we oppose the request for zoning relief before you today and urge you to not change the rules to accommodate contractor operations not envisioned under the BL zone. We want the current zoning adjacent to our RC zones to be upheld and all outstanding code violations corrected promptly.

Sincerely,



David O. Hash, BQIA Zoning Committee Chairman

3804 Chestnut Rd, Middle River, MD 21220

CASE NAME Boy coming out
CASE NUMBER 2018-342-SF14
DATE 10/29/18

[illegible]

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER

DATE

2018-0342

10/29/18

CITIZEN'S SIGN - IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

Allen Robertson	1608 Holly Tree Rd	Middle River Md 21220	arbq@hotmail.com
RON WALPER	1123 CHESTER RD	MIDDLE RIVER MD 21220	
Bethany Hoffman	1204 Seneca Rd	Middle River MD 21220	
Sylvia Anderson	1207 Seneca Rd	Middle River, MD 21220	Sylvia e gmail.c
Dynne Martini	3515 Bay Drive	Middle River, MD 21220	lmartini68@yahoo.com
Theresa Blissett	1212 Seneca Rd	Baltimore, MD 21220	
Rosalie Hession	1127 Cold Spring Rd	Baltimore, MD 21220	Rosalie Hession@gmail.com
Joseph Hession	"	"	Rosalie Hession@gmail.com
David Hash	3804 Chestnut Rd	Middle River, MD 21220	dhash@jhm.edu
Chuck Taylor	3821 New Section Rd	Middle River - MD 21220	ChuckandNance@gmail.com
NANCY TAYLOR	"	"	"
Clare Hask	3804 Chestnut Rd	Middle River MD	chash54@verizon.net
Geni Hylla	4005 Bay Dr.	" " " 21220	genihylla@gmail.com
ESRA LIVINGSTON	109 HUGHES SHORE CO.	MIDDLE RIVER MD 21220	WELTASHINSHOREAOL.COM
RICH FITZ	808 COLD SPRING RD	Baltimore, MD 21220	FITZ808@COMCAST.NET
Mike Vivinto	3619 BAY DR. 21220	" " "	
Chris & Greg Lehman	1037 Chester Rd 21220	Middle River, MD	freepart5@verizon.net
STEVE HAMILTON	1157 SENECA RD	" " "	
Jay Mettee	3726 Chestnut Rd. 21220	Middle River, MD	jmettee@icloud.com
Paul Scidenzahl, Sr.	" " "	" " "	
S. McIntosh-Hutton	1161 Seneca Road, Baltimore 21220	" " " "	scotthutton94@gmail.com
FRANK HEPNER	3926 New Section Rd 21220	" " "	fhepner@comcast.net
RICK SUBBROK	3728 CHESTNUT RD 21220	Middle River Md.	subbrok@LVB.COM

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

JB 10-29-18
1:30pm

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Sunday, October 28, 2018 10:54 PM
To: Administrative Hearings
Subject: Bowleys Quarters Rd. Cert. Case # 2018-0342-SPH
Attachments: Bowleys Quarters Cert..jpeg; Bowleys Quarters Photos.docx

Hi Sherry,

I have attached the Second Certification and photos for Case # 2018-0342-SPH @ 1101 Bowleys Quarters Rd.

Please let me know that you got this.

Thank you,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com



SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

DATE: 10/28/2018

Case Number: 2018-0342-SPH

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~

MGJ PROPERTIES ~ DAVE HASH

Date of Hearing: OCTOBER 29, 2018

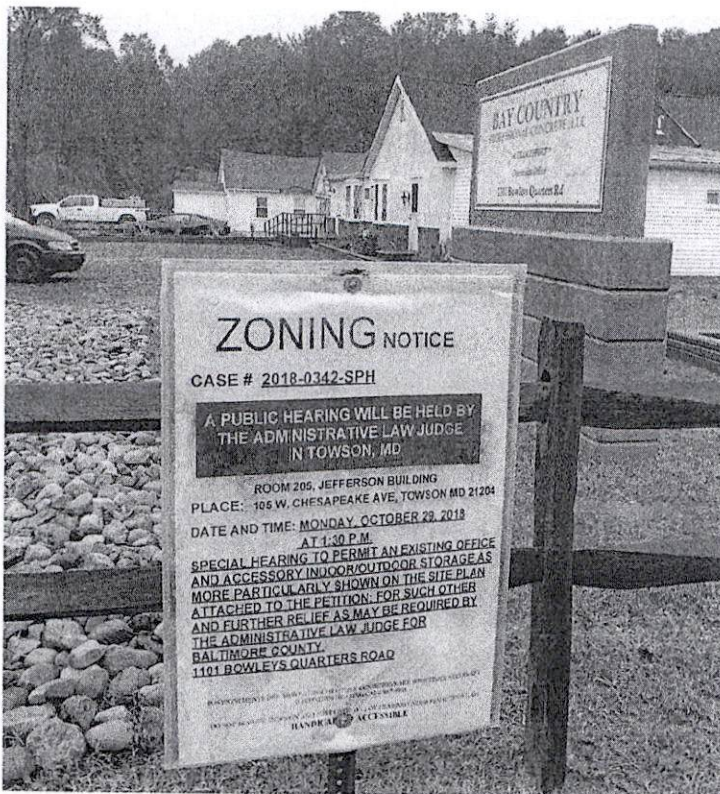
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

(1) SIGN @ 1101 BOWLEYS QUARTERS ROAD

(1) SIGN @ CHESTNUT ROAD (ON-SITE) – CORNER LOT

The sign(s) were posted on: **OCTOBER 8, 2018**

The sign(s) were re-photographed on: **OCTOBER 28, 2018**



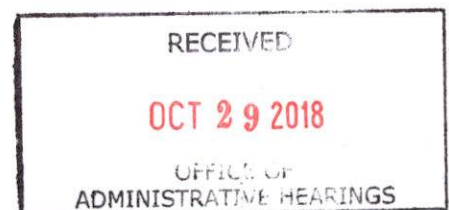
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

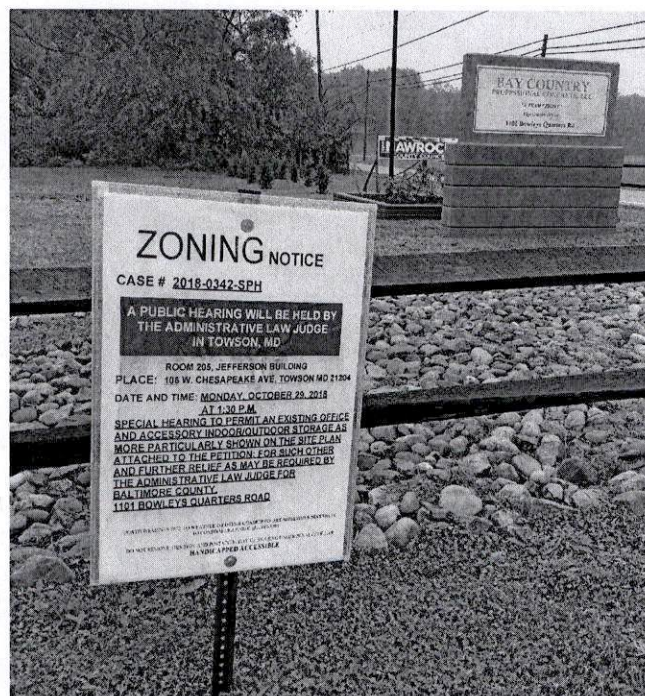
Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 – 666 – 5366
(Telephone Number of Sign Poster)





1st Sign Re-photographed @ 1101 Bowley's Quarters Rd. 10/28/2018



2nd Sign Re-photographed @ Chestnut Rd. (On-Site) 10/28/2018
CASE # 2018-0342-SPH





DONALD I. MOHLER III
County Executive

October 25, 2018

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

Mark Goloboski
3900 Goose Harbor Dr.
Baltimore, MD 21220

Dear Mr. Goloboski:

RE: Case Number: 2018-0342SPH, Address: 1101 Bowleys Quarters Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 11, 2018. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC 600 Washington Ave. Ste 200 Towson, MD 21204



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 6/18/18

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

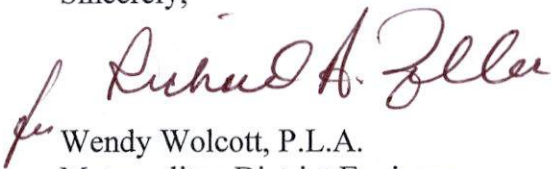
Dear Ms. Lewis:

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. 2018-0342-SPH

Special Hearing
MGT Properties LLC, Mark Goloboski
1101 Bowleys Quarters Road-

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

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 8/8/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-342



INFORMATION:

Property Address: 1101 Bowleys Quarters Road
Petitioner: Mark Goloboski, MGJ Properties, LLC
Zoning: BL, RC 20
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve an existing office and accessory indoor/outdoor storage.

A site visit was conducted on June 27, 2018. The property is the subject of Code Enforcement Case# CC1710981. There has been a history of complaints on this property regarding non-permitted business activity "contractor" in the BL zone. It should be noted that the property is located along a residential street that serves as the entrance to a small waterfront community and fronts on Bowleys Quarters Road, which is a designated Baltimore County Scenic Route.

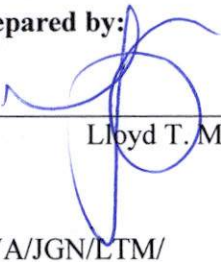
In a meeting held August 7, 2018 representatives from the community apprised the Department of activities they witnessed occurring on the subject site that may indicate the use of the property is other than for the purpose of an office.

The Department does not support granting the petitioned zoning relief until such time as the petitioners have successfully resolved Code Enforcement violation case# CC171098, to the satisfaction of the Administrative Law Judge, and have incorporated the following use conditions:

- Storage and display of materials, vehicles and equipment are permitted in the front yard but not more than five feet in front of the required front building line (40ft. – BL, BCZR Sec. 230.2).
- Construction equipment and machinery that are not licensed for on-road use shall not be stored on site.
- Submit a landscape plan subject to Baltimore County Landscape Architect for review and approval – Must adhere to the standards and conditions in Section G of the Baltimore County Landscape Manual regarding storage and loading areas. It should be noted that Bowleys Quarters Road is a designated Baltimore County Scenic Route.
- The parking area in support of the office use must adhere to the provisions of Section 409 of the Baltimore County Zoning Regulations (BCZR) – durable/dustless materials to be used and the spaces should be striped.
- The subject site is adjacent to residential uses. The Department recommends the commercial activity on site be limited to traditional daily office hours during the standard work week.

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

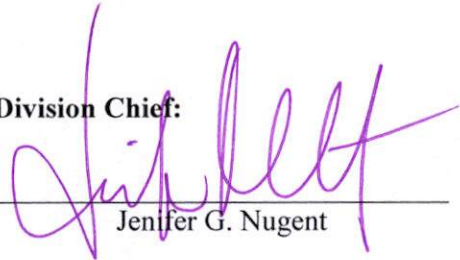
Prepared by:



Lloyd T. Moxley

AVA/JGN/LTM/

Division Chief:



Jennifer G. Nugent

c: Krystle Patchak
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-342

DATE: 7/5/2018



INFORMATION:

Property Address: 1101 Bowleys Quarters Road
Petitioner: Mark Goloboski, MGJ Properties, LLC
Zoning: BL, RC 20
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve an existing office and accessory indoor/outdoor storage.

A site visit was conducted on June 27, 2018. The property is the subject of Code Enforcement Case# CC1710981. Bowleys Quarters Road is a designated Baltimore County Scenic Route.

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

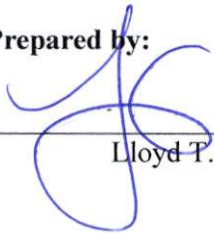
- Storage and display of materials, vehicles and equipment are permitted in the front yard but not more than five feet in front of the required front building line (40ft. – BL, BCZR Sec. 230.2).
- Construction equipment and machinery that are not licensed for on-road use should not be kept on site for longer than 24 hours.
- Submit a landscape plan subject to Baltimore County Landscape Architect for review and approval – Must adhere to the standards and conditions in Section G of the Baltimore County Landscape Manual regarding storage and loading areas. It should be noted that Bowleys Quarters Road is a designated Baltimore County Scenic Route.
- The parking area in support of the office use must adhere to the provisions of Section 409 of the Baltimore County Zoning Regulations (BCZR) – durable/dustless materials to be used and the spaces should be striped.
- Satisfy violation case# CC1710981

RECEIVED
TO OFFICE OF
GENERAL INVESTIGATION

Date: 7/5/2018
Subject: ZAC # 18-342
Page 2

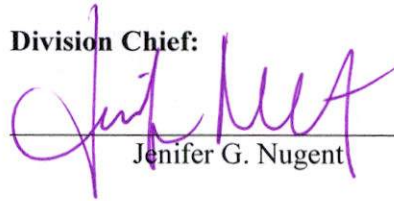
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Krystle Patchak

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUL 05 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

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

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

DATE: July 5, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0342-SPH
Address 1101 Bowleys Quarters Road
(MGJ Properties, LLC Property)

Zoning Advisory Committee Meeting of **June 25, 2018**.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to permit an existing office and accessory indoor/outdoor storage area. The lot is not waterfront, although there are wetlands on the adjacent lot, and all structures and uses are existing. It appears all structures and uses have been in existence since prior to the Critical Area regulations. Any proposed future development must meet all LDA requirements. Conversion of existing gravel parking to a durable/dustless surface does not affect the LDA requirements so long as the parking area is not expanded. Because the structures and uses are grandfathered and no new development activity is proposed, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property must meet all applicable Critical Area requirements for any new proposed development activity. No new development activity is proposed, and so this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

This is a grandfathered property. Given that no new development activity is proposed, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: ^{For EFC} Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 25, 2018
Item No. 2018-0342-SPH

DATE: July 12, 2018

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

If Special Hearing/Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A lighting Plan is also required.

*

*

*

*

*

VKD: cen
cc: file

CERTIFICATE OF POSTING

CASE NO. 2018-0342-SPH

PETITIONER/DEVELOPER

DAVE HASH

DATE OF HEARING/CLOSING

10/29/18

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

LADIES AND GENTLEMAN :

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

1101 BOWLEYS QUARTERS RD

SIGN # 1

THIS SIGN(S) POSTED ON

October 8, 2018

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 10/8/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411



Walter S. 10/8/18

CERTIFICATE OF POSTING

CASE NO. 2018-0342-SP14

PETITIONER/DEVELOPER

DAVE HASH

DATE OF HEARING/CLOSING

10/29/18

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

LADIES AND GENTLEMAN :

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

1101 BOWLEYS QUARTERS RD

SIGN #2

THIS SIGN(S) POSTED ON

October 8, 2018

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 10/8/18

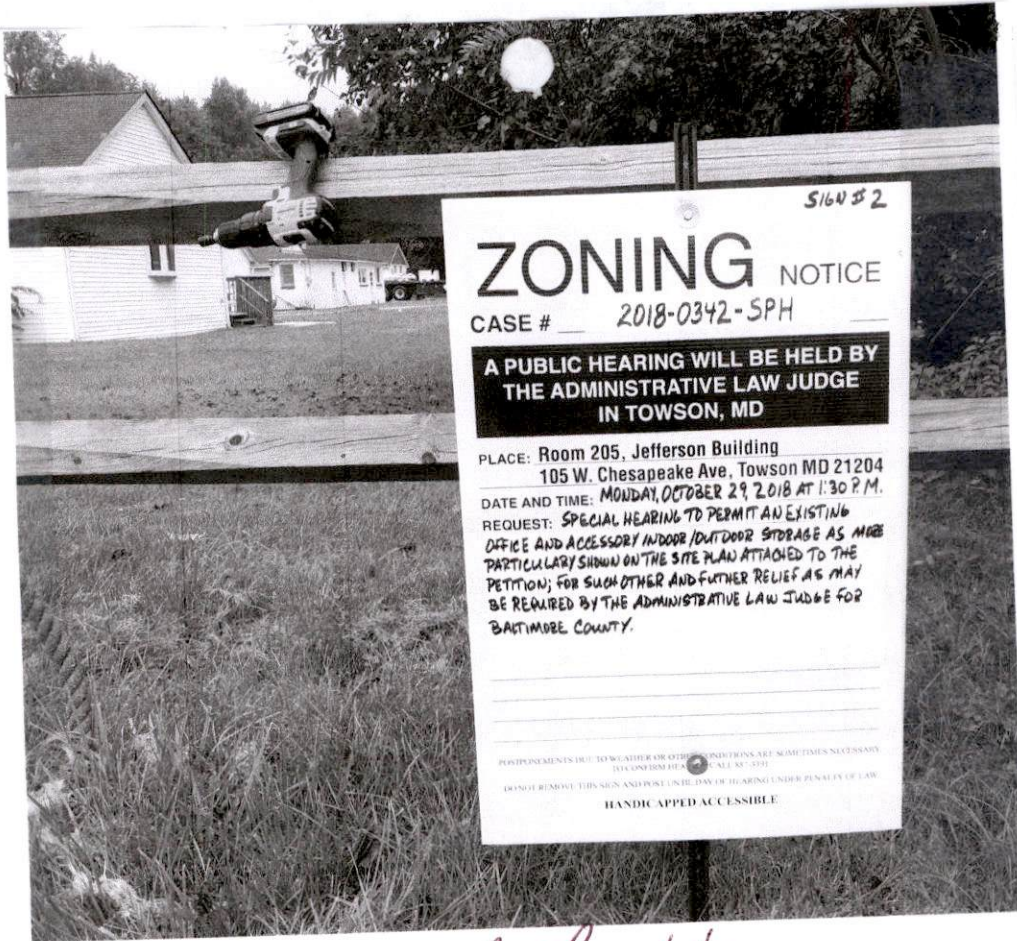
SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411



S16482

ZONING NOTICE

CASE # 2018-0342-SPH

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

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave, Towson MD 21204
DATE AND TIME: MONDAY, OCTOBER 29, 2018 AT 1:30 P.M.
REQUEST: SPECIAL HEARING TO PERMIT AN EXISTING
OFFICE AND ACCESSORY INDOOR/OUTDOOR STORAGE AS MORE
PARTICULARLY SHOWN ON THE SITE PLAN ATTACHED TO THE
PETITION; FOR SUCH OTHER AND FURTHER RELIEF AS MAY
BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR
BALTIMORE COUNTY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CIRCUMSTANCES ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING DATE, CALL 410-331-5500.
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW.

HANDICAPPED ACCESSIBLE

Meeting 10/8/18

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 10/8/2018

Case Number: 2018-0342-SPH

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~

MGJ PROPERTIES, LLC ~ DAVE HASH

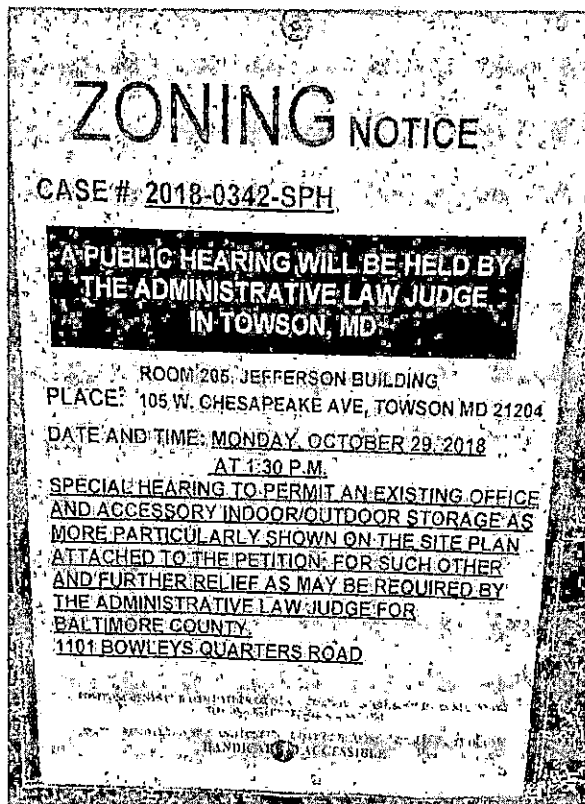
Date of Hearing: OCTOBER 29, 2018

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

(1) SIGN @ 1101 BOWLEYS QUARTERS ROAD

(1) SIGN @ CHESTNUT ROAD (ON-SITE) – CORNER LOT

The sign(s) were posted on: **OCTOBER 8, 2018**



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



1st Sign Posted @ 1101 Bowleys Quarters Road 10/8/2018



2nd Sign Posted @ Chestnut Road (On-Site) 10/8/2018
CASE # 2018-0342-SPH



COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

CATHY BEVINS
COUNCILWOMAN, SIXTH DISTRICT
COUNCIL6@BALTIMORECOUNTYMD.GOV

COUNCIL OFFICE: 410-887-3388
FAX: 410-887-5791
DISTRICT OFFICE:
7856 BELAIR ROAD
BALTIMORE, MARYLAND 21236
410-887-5223

October 4, 2018

Honorable Judge Lawrence M. Stahl
Office of Administrative Hearings
Jefferson Building, Suite 103
105 Chesapeake Avenue
Towson, Maryland 21204



RE: Case# 2018-0342-SPH

Dear Judge Stahl,

I am writing on behalf of the Bowleys Quarters Community regarding case 2018-0342-SPH. This case involves the property located at 1101 Bowleys Quarters Road. The property is zoned Business Local (B.L) and is owned by MGJ Properties, LLC (MGJ). MJG is a construction contractor company that has been using the above property for administrative office functions in compliance with the existing B.L. zoning.

MJG however has been storing its concrete and other heavy equipment on the property which is prohibited under the B.L. Zoning uses. MGJ was issued a citation (Civil Citation No. CC1710981) and fined \$1,000 by Baltimore County Code Enforcement for "Failure to cease non-permitted business ("contractor") in B.L. zone."

On March 19th, 2018 you as the Administrative Law Judge for Baltimore County up held the \$1,000 penalty and ordered that all violations shall be corrected and abated by March 30, 2018. On September 13, 2018 a Special Hearing was held to permit MJG an accessory storage use along with its existing office use.

I ask that you deny this request and any request by MJG to go around the existing B.L. zoning to allow the property to be used to store heavy concrete equipment. The property is zoned B.L. which prohibits storage of equipment. My office has received letters from both Bowleys Quarters associations opposing MJG's request to amend the properties zoning to allow the storage of construction equipment. If the property owners would like to use 1101 Bowleys Quarters Rd, they are able to apply for a zoning change during the 2020 Comprehensive Zoning Map Process (CZMP).

I look forward to you decision.

Thank you,

ΠΡΟΤΥΠΟ ΕΛΛΗΝΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ
ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ
ΥΠΟΥΡΓΕΙΟ ΠΑΙΔΕΙΑΣ ΚΑΙ ΘΡΗΣΚΕΥΜΑΤΩΝ
ΙΝΣΤΙΤΟΥΤΟ ΤΕΧΝΟΛΟΓΙΑΣ ΥΠΟΛΟΓΙΣΤΩΝ ΚΑΙ ΕΚΔΟΣΕΩΝ
ΔΙΔΑΚΤΙΚΑ ΒΙΒΛΙΑ

A handwritten signature in black ink, reading "Cathy Bevins". The script is cursive and fluid, with the first name "Cathy" and last name "Bevins" clearly distinguishable.

Cathy Bevins
Baltimore County Council District 6

Debra Wiley

From: Debra Wiley
Sent: Tuesday, October 09, 2018 10:11 AM
To: Kristen L Lewis; Madison Knoll
Cc: Sherry Nuffer (snuffer@baltimorecountymd.gov)
Subject: Case No. 2018-0342-SPH (10/29 @ 1:30 PM)
Attachments: 20181009094702203.pdf

Good Morning,

Could you please place the following correspondence from Councilwoman Bevins in the case file so that anyone who reviews the file will be privy to this information.

Thank you.

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Tuesday, October 09, 2018 9:47 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

This E-mail was sent from "RNP002673F6C9D3" (MP 3055).

Scan Date: 10.09.2018 09:47:02 (-0400)

Queries to: adminhearingscpr@baltimorecountymd.gov



DONALD I. MOHLER III
County Executive

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

August 30, 2018

NEW NOTICE OF ZONING HEARING

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

CASE NUMBER: 2018-0342-SPH

1101 Bowleys Quarters Road
NE corner of Bowleys Quarters Road and Chestnut Road
15th Election District – 6th Councilmanic District
Legal Owners: MGJ Properties, LLC

Special Hearing to permit an existing office and accessory indoor/outdoor storage as more particularly shown on the site plan attached to the Petition; for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, October 29, 2018 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".

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
MGJ Properties, LLC, 3900 Goose Harbor Drive, Baltimore 21220
Dave Hash, 3804 Chester Road, Middle River 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 9, 2018.**
- (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.

The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

8/24/2018

Order #: 11598992
Case #: 2018-0342-SPH
Description:

Case Number: 2018-0342-SPH - Notice of Zoning Hearing



Darlene Miller, Public Notice Coordinator
(Representative Signature)

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: 2018-0342-SPH

1101 Bowleys Quarters Road

NE corner of Bowleys Quarters Road and Chestnut Road

15th Election District - 6th Councilmanic District

Legal Owners: MGJ Properties, LLC

Special Hearing to permit an existing office and accessory indoor/outdoor storage as more particularly shown on the site plan attached to the Petition; for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, September 13, 2018 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.

au24

Kristen L Lewis

From: Dave Hash <dhash@jhmi.edu>
Sent: Tuesday, August 28, 2018 11:29 AM
To: Kristen L Lewis
Cc: 'lschmidt@sgs-law.com'
Subject: RE: Case No. 2018-0342-SPH 1101 Bowleys Quarters Rd. Middle River, MD 21220

Hi Kristen...I just returned from a trip to Canada, and got your vm about getting dates from our group that might work for an October rescheduling of this hearing. I left a mssg for you earlier this am, but thought this email might help you in the process.

After checking with a few of my neighbors, here is what works (or not) per our schedules for October:

Mondays...all open
Tuesdays...all open except Oct 9th
Wednesdays...all open except Oct 10th
Thursdays...only one we can do is Oct 4th
Fridays...all of us are booked

I hope you can work with this. Thanks again for all your help...Dave

From: Dave Hash
Sent: Wednesday, August 15, 2018 11:22 AM
To: 'klewis@baltimorecountymd.gov' <klewis@baltimorecountymd.gov>
Cc: 'lschmidt@sgs-law.com' <lschmidt@sgs-law.com>; 'James Hock' <james.n.hock@gmail.com>; 'Peter Max Zimmerman' <pzimmerman@baltimorecountymd.gov>
Subject: Case No. 2018-0342-SPH 1101 Bowleys Quarters Rd. Middle River, MD 21220

Hi Kristen...Thank you so much for your direction on how to properly request a new hearing date for this case. Attached is my request letter that you can forward to Mr. Jablon. The cc's on this email are also the cc's on my letter. Let me know if you need anything else, and whether I also need to send the letter by USPS. Regards...Dave Hash 410-335-6288 cell 410-491-7844

Kristen L Lewis

From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Monday, August 20, 2018 2:28 PM
To: Kristen L Lewis; Lawrence Schmidt; Arnold Jablon
Cc: Lionel Van Dommelen; Robyn C Clark
Subject: RE: 2018-342

Kristen:

When rescheduling, please note that our team is not available on the following days in October:

Tuesday, October 2nd
Thursday, October 4th
Thursday, October 11th
Tuesday, October 23rd
Tuesday, October 30th
Wednesday, October 31st
Thursday, November 1st.

Please let me know if there is anything I can do to expedite the rescheduling. Thanks!

Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
amoyers@sgs-law.com | www.sgs-law.com

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 **Please consider the environment before printing this email.**

From: Kristen L Lewis [mailto:klewis@baltimorecountymd.gov]
Sent: Monday, August 20, 2018 12:45 PM
To: Lawrence Schmidt; Arnold Jablon
Cc: Lionel Van Dommelen; Robyn C Clark; Alyssa Moyers
Subject: RE: 2018-342

Ok I will have to reset this for October, I hope to be able to have Judge Beverungen's availability by the end of the week. Larry, if you would like to provide me with non-available dates in advance that would be fine. I will also ask the same from Mr. Hash, and will provide him with your information to contact you.

Kristen Lewis
PAI - Zoning Review
410-887-3391

From: Lawrence Schmidt [mailto:lschmidt@sgs-law.com]
Sent: Monday, August 20, 2018 11:07 AM

To: Arnold Jablon <ajablon@baltimorecountymd.gov>

Cc: Kristen L Lewis <klewis@baltimorecountymd.gov>; Lionel Van Dommelen

<lvandommelen@baltimorecountymd.gov>; Robyn C Clark <rcclark@baltimorecountymd.gov>; Alyssa Moyers <amoyers@sgs-law.com>

Subject: RE: 2018-342

Thanks Arnold.

Kristen, ask Mr. Hash to call or email me. I'd like to discuss with him and see if there is any room for compromise.

I'll wait to hear from you (Kristen) about a date to make sure that I am available. I know that I am on vacation and out of the office the week of September 24.

Larry

Lawrence E. Schmidt | Partner

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

lschmidt@sgs-law.com | www.sgs-law.com

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From: Arnold Jablon [<mailto:ajablon@baltimorecountymd.gov>]

Sent: Monday, August 20, 2018 11:03 AM

To: Lawrence Schmidt

Cc: Kristen L Lewis; Lionel Van Dommelen; Robyn C Clark

Subject: RE: 2018-342

Ok, I'll agree to pp.

Kristin, notify Mr. Hash that I will pp. Check John's schedule, see when the earliest dates are available, give this priority in scheduling. Tell Mr Hash to contact Larry immediately, and agree to a date. Advise him I require this to be re-set as soon as possible. Advise him, BQIA will have to pay for the reposting but will not have to re-advertise. Kristin, please let Robyn know of the new date. Robyn, please notify the complaining witnesses of the new date.

From: Lawrence Schmidt [<mailto:lschmidt@sgs-law.com>]

Sent: Monday, August 20, 2018 10:50 AM

To: Arnold Jablon <ajablon@baltimorecountymd.gov>

Cc: Kristen L Lewis <klewis@baltimorecountymd.gov>

Subject: RE: 2018-342

I told Hash that I would consent to a reasonable postponement. As I understand it, he is out of town over that week. And he said he'd have to come back from out of town to attend. There is a Code Violation that is pending and that has been put on hold until the zoning case plays itself out. The inspector is Dave Goodwich. As part of the violation case, I actually appeared before Stahl and he granted a postponement pending the zoning case. He required that I notify (by mail) the three complaining witnesses which I have done. My letter is attached if Kristen wants to send them a copy of the new notice. Or I can notify if you want.

I think that it is appropriate about them paying for the re-post.

Larry

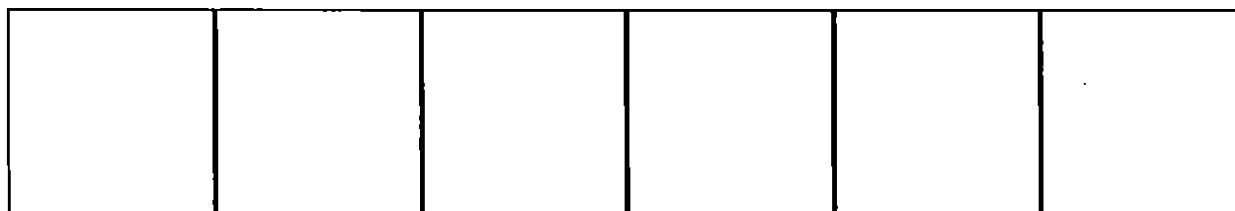
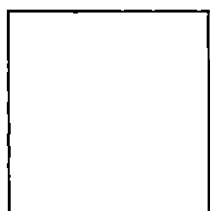
Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

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From: Arnold Jablon [<mailto:ajablon@baltimorecountymd.gov>]
Sent: Monday, August 20, 2018 10:30 AM
To: Lawrence Schmidt
Cc: Kristen L Lewis
Subject: 2018-342

Larry, I received a letter from Bowleys Q IA by which a pp is requested for the above matter. The letter indicates you were called. Does your client oppose? My initial reaction is to grant the pp, however a new date must be agreed upon as quickly as the ALJ's calendar permits. Mr. Hash would be informed I would not permit this to be dragged out. A new date has to be set. Let me know your thoughts. FYI, a new advertisement would not be required and the re-posting would have to be paid by the party requesting the pp.

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

August 15, 2018

Mr. Arnold Jablon, Director
Department of Permits, Approvals, and Inspections
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

Subject: Case No. **2018-0342-SPH**
1101 Bowleys Quarters Road
Middle River, MD 21220

Dear Mr. Jablon,

I am writing you to request that the hearing date for this case, currently scheduled for September 13, 2018 at 1:30 PM, be rescheduled as soon as possible after September 16.

I am the chair of the Planning and Zoning committee of the Bowleys Quarters Improvement Association (BQIA) and have been involved in monitoring and reporting on this case to my association over the past year, beginning last September when the property was cited by your office for zoning violations. Unfortunately, I have an out-of-state vacation scheduled for the week beginning September 9th, and thus will not be able to attend the hearing on September 13th. This would create a hardship for the group of us that has been involved for so long in trying to make sure the property complies with BL zoning.

As instructed by Kristen Lewis of your office yesterday when I called about rescheduling, she directed me to contact the attorney for the owner of the property, which I did. I spoke to Larry Schmidt late yesterday afternoon, and he advised me that he needed to speak to his client and he would get back to me by email. He stated further (as did Ms. Lewis) that I would still need to write you to make the request to reschedule.

Thank you for considering my request on behalf of BQIA and my neighbors who live near the property.

Respectfully,

David O. Hash
Planning and Zoning chair
BQIA

3804 Chestnut Rd.
Middle River, MD 21220 410-335-6288

Cc's Larry Schmidt, Atty; James Hock, President of BQIA;

KL
OK
advise Mr. & Larry
must get new date
include my email
to Larry in file

8/21
Left message about
Oct. date
w/ Mr. Hash.

SMITH, GILDEA & SCHMIDT_{LLC}

10-29

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI



MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
DUKE MAY, V
CARMELO D. MORABITO
SARAH A. ZADROZNY
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
*Admitted in MD, FL, PA

August 8, 2018

Sent via First Regular Mail

Carl L. Rossmark
3729 Chestnut Road
Baltimore, MD 21220

Sent via First Regular Mail

Kenneth & Kristen Brickell
3727 Chestnut Road
Baltimore, MD 21220

Sent via First Regular Mail

Paul A. Paul
3803 Bay Drive
Baltimore, MD 21220

Re: MGJ Properties, LLC - 1101 Bowley's Quarters Road
Case No.: 2018-0342-SPH

Dear Mr. Rossmark, Mr. and Mrs. Brickell and Mr. Paul:

As requested by Administrative Law Judge Lawrence Stahl at the Code Enforcement hearing, enclosed please find the Notice of Zoning Hearing from the Baltimore County Department of Permits, Approvals and Inspections. The Zoning Hearing will be held on Thursday, September 13, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue in Towson.

With kind regards, I remain

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt

LES/amf

Enclosure

CC: ☒ Administrative Law Judge Lawrence Stahl
Mark Goloboski, MGJ Properties, LLC
Brian Dietz, Dietz Surveying



KEVIN KAMENETZ
County Executive

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

August 1, 2018

NOTICE OF ZONING HEARING

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1101 Bowleys Quarters Road
NE corner of Bowleys Quarters Road and Chestnut Road
15th Election District – 6th Councilmanic District
Legal Owners: MGJ Properties, LLC

Special Hearing to permit an existing office and accessory indoor/outdoor storage as more particularly shown on the site plan attached to the Petition; for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, September 13, 2018 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".

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
MGJ Properties, LLC, 3900 Goose Harbor Drive, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, AUGUST 24, 2018.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**



KEVIN KAMENETZ
County Executive

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

August 1, 2018

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Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
MGJ Properties, LLC, 3900 Goose Harbor Drive, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, AUGUST 24, 2018.**
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- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
1101 Bowleys Quarters Road; NE corner of *
Bowleys Quarters Road & Chestnut Road * OF ADMINISTRATIVE
15th Election & 6th Councilmanic Districts *
Legal Owner: MGJ Properties LLC * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2018-342-SPH

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JUN 19 2018

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 19th day of June, 2018, a copy of the foregoing Entry of Appearance was mailed to Lawrence E. Schmidt, Esquire, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CBCA

PETITION FOR ZONING HEARING(S)

flood

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 1101 Bowleys Quarters Road

which is presently zoned BL and RC 20

Deed References: 28681/00286

10 Digit Tax Account # 1504350930

Property Owner(s) Printed Name(s) MGJ Properties LLC

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

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

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

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

3. ☐ a **Variance** from Section(s)

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

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Date

Telephone #

Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200

Towson

MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

MGJ Properties, LLC

Mark Goloboski, Authorized Representative

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3900 Goose Harbor Drive

Baltimore

MD

Mailing Address

City

State

21220

410-335-4116

mgoloboski@baycountryconcrete.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200

Towson

MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0342-SP4

Filing Date 6/11/18

Do Not Schedule Dates:

Reviewer

10017

10017

ATTACHMENT TO PETITION FOR SPECIAL HEARING

1101 Bowleys Quarters Road
Tax Account No.: 1504350930
6th Councilmanic District
15th Election District

Special Hearing Relief:

1. To permit an existing office and accessory indoor/outdoor storage as more particularly shown on the site plan attached to this Petition; and,
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Brian R. Dietz
Professional Land Surveyor #21080
7867 Oakdale Avenue, Baltimore, MD 21237
Phone 410-686-1198 Fax 410-682-6021

Zoning Description
For
1101 Bowleys Quarters Road
June 11, 2018

Beginning at the Northeast corner of Bowleys Quarters Road (40' wide), and Chestnut Road (40' wide), thence running with and binding on the North side of Bowleys Quarters Road

1. South 58 degrees 44 minutes East 180.00 feet, thence leaving Bowleys Quarters Road
2. North 31 degrees 16 minutes East 370.00 feet,
3. North 58 degrees 44 minutes West 292.90 feet, to the East side of Chestnut Road, thence running with and binding on the East side of said Road
4. South 07 degrees 37 minutes East 144.90 feet, and
5. South 26 degrees 23 minutes West 258.00 feet, to the place of beginning.

Containing 1.79 Ac. or 77,972 sq.ft. of land more or less.

Being known as 1101 Bowleys Quarters Road and located in the 15th Election District, 6th Councilmanic District.

Civil Citation No. CC1710981
(1101 Blowleys Quarters Road)

MGI Properties LLC
3900 Goose Harbor Road
Baltimore, Maryland 21220

FINAL ORDER

The matter came before the Administrative Law Judge on February 28, 2018 for a hearing on a Code Inspections and Enforcement Citation ("Citation"), for specified violation(s) of the Baltimore County Code or Zoning Regulations. The Citation names the owners of record, as published in the Maryland State Tax Assessment Database, as Respondents. The Citation was served upon Respondent(s) in a manner consistent with Section 3-6-205(c)(2) of the Baltimore County Code ("BCC"). The Citation, which is included in the case file and is incorporated herein by reference, proposes a civil penalty in the amount of \$1,000.00.

The following persons appeared for the Hearing and testified: Tim Kotroco, Attorney, John Golovoski, Respondent, Inspector 119, Baltimore County Code Enforcement Officer, and Sue Rossmark, Carl Rossmark, Kristen Brickwell, and Kenneth Brickwell, Complainants.

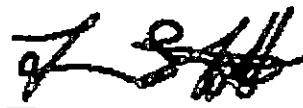
Based on the testimony, photographs, documents and other exhibits I find for the reasons stated at the conclusion of the hearing Baltimore County has proven by a preponderance of the evidence that Respondent(s) is in violation of the ordinances or regulations set forth in the civil Citation.

THEREFORE, IT IS ORDERED this 19th day of March, 2018 by the Administrative Law Judge for Baltimore County that a civil penalty of \$1,000.00 be imposed; of which \$500.00 shall be suspended and \$500.00 shall be immediately imposed. If not paid within thirty (30) days of

the date hereof the civil penalty shall become a lien on the property on which the violation(s) existed and shall be collectible in the manner provided for the collection of real property taxes.

IT IS FURTHER ORDERED, that all violations shall be corrected and abated pursuant to this ORDER by March 30, 2018.

IT IS FURTHER ORDERED, that if the subject property is not brought into compliance pursuant to this Order by March 30, 2018, the suspended \$500.00 civil penalty may be imposed without need for further hearing or order; and, that Baltimore County shall be authorized to send an employee or authorized contractor to enter the property to correct the violation(s), the costs and expenses of which shall be assessed against Respondents.



LAWRENCE M. STAHL

Administrative Law Judge

for Baltimore County

NOTICE: Pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent or Baltimore County may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order. Any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$225.00 and the posting of security in the amount of the penalty assessed.

Send payments to:

Baltimore County Office of Budget and Finance

400 Washington Ave, Rm 150

Towson, MD 21204

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204

www.baltimorecountymd.gov/Agencies/permits/



Code Enforcement
Electrical Inspection 410-887-3550
Plumbing Inspection 410-887-3550
Building Inspection 410-887-3553

CODE ENFORCEMENT & INSPECTION CITATION

MGJ PROPERTIES LLC
3900 GOOSE HARBOR DR
BALTIMORE, MD 21220-4038

CASE NUMBER
CC1710981

PROP.TAX ID
15-04-350930

VIOLATION ADDRESS
1101 BOWLEYS QUARTERS RD
MIDDLE RIVER, MD 21220

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

County Codes/Regulations	Inspector's Comments
Other Violation(s)	B.C.Z.R. SECTION 230: Business, Local (B.L.) Zone Use Regulations Failure to cease non-permitted business ("contractor") in B.L. zone.

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated:

\$1000

A quasi-judicial hearing has been pre-scheduled in:
Jefferson Building, 105 W. Chesapeake Ave, Rm 205
Towson, Maryland, 21204

DATE: 01/31/2018 TIME: 09:00 A.M.

IF A VIOLATOR DOES NOT APPEAR AT THE CODE ENFORCEMENT HEARING, THE CITATION AND ANY CIVIL PENALTY ARE DEEMED A NON-APPEALABLE FINAL ORDER OF THE CODE OFFICIAL OR THE DIRECTOR.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Badge Number 119	Issued Date 01/12/2018
-------------------------------	---------------------------



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

April 11, 2018

NOTICE OF ASSIGNMENT ON THE RECORD APPEAL

IN THE MATTER OF: MGJ Properties, LLC
3900 Goose Harbor Drive
Baltimore, Maryland 21220

CBA-18-028

Violation Address: 1101 Bowley's Quarters Road

RE: Appeal of Civil Citation No. CC1710981 for violation of BCZR Section 230: Business, Local (B.L.) Zone Use Regulations – Failure to cease non-permitted business ("contractor") in B.L. zone.
Civil Penalty of \$1,000.00

3/19/18

Final Order of the Administrative Law Judge issued wherein it was found by a preponderance of evidence that the Respondent was in violation of the ordinances or regulations set forth in the civil citation, and it was Ordered

that a civil penalty of \$1,000.00 be imposed, with \$500.00 to be suspended and \$500.00 immediately imposed. If not paid within thirty days, the civil penalty shall become a lien on the property; and

that all violations shall be corrected and abated by March 30, 2018; and

that if the subject property is not brought into compliance by March 30, 2018, the suspended \$500.00 civil penalty may be imposed without need for further hearing or order; and Baltimore County shall be authorized to send an employee or authorized contractor to enter the property to correct the violation(s), the costs and expenses of which shall be assessed against Respondent.

ASSIGNED FOR:

MAY 22, 2018, at 10:00 a.m.

LOCATION:

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

NOTICE: This matter has been assigned for hearing in accordance with Section 3-6-301(b), *Baltimore County Code*; and Section 3-6-303(a) "the Board of Appeals hearing shall be limited to the record created before the Hearing Officer."

NOTICE:

- 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).



15

360236840-1 34+ (> Cheung, Siu
360236840-1 IMG_7735.JPG

9/20/18
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65

360236840-1 45+ (>) Cheung, Siu
360236840-1 IMG_7738.JPG

9/20/18

SCR



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360236840-1 83/107+ (>) Cheung, Siu
360236840-1 IMG_7751.JPG

9/20/18
SCR



54.

360236840-1 71/107+ <> Cheung, Siu
360236840-1 IMG_7747.JPG

9/20/18
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360236840-1 65/107+ (<) Cheung, Siu
360236840-1 IMG_7745.JPG

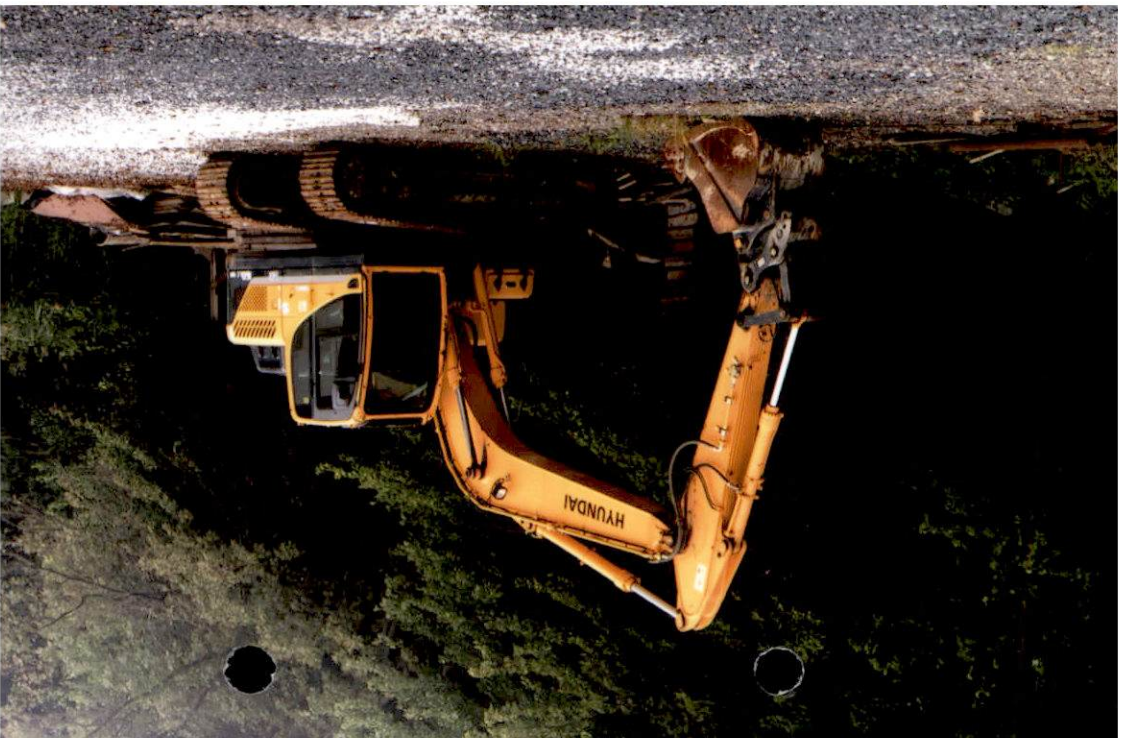
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360236840-1 20+ (> Cheung, Siu
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9/20/18
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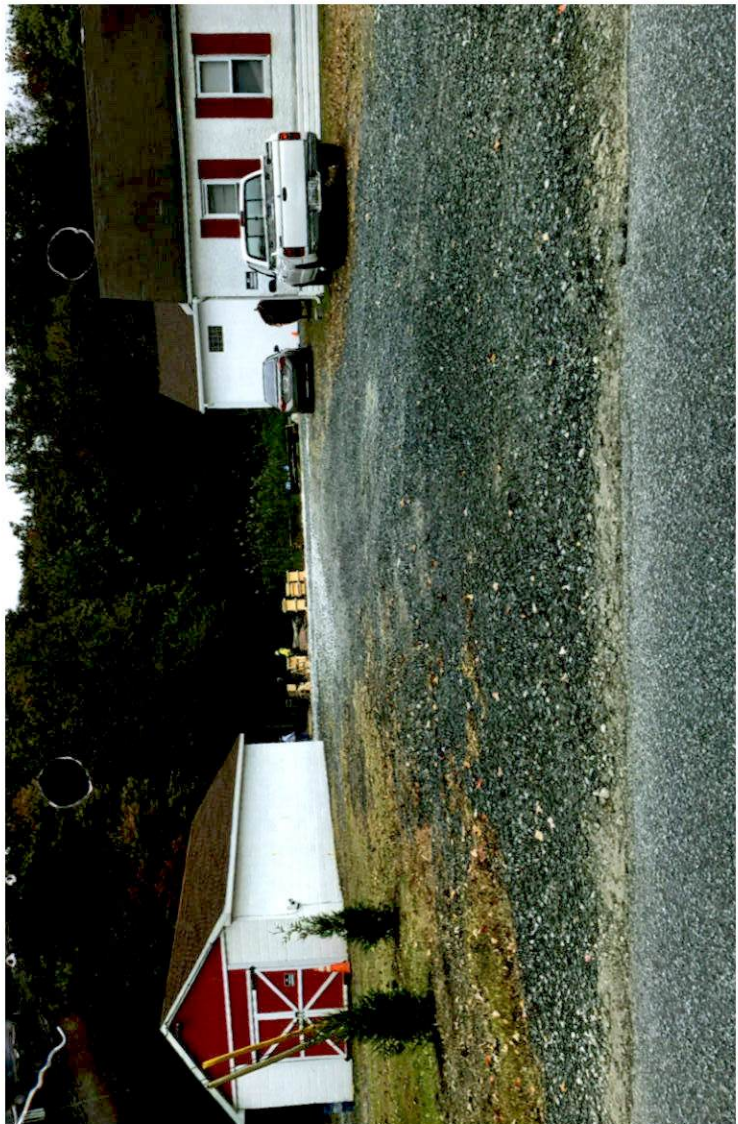


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9/20/2018



10/26/18
2:48

Kenny Brickell

44



10/26/18
2:48

Kenny Brickell

4/10



5/2/18
2:57

Lenny Brockell

35-012462-1 22/70+ (> Cheung, Siu
35-012462-1 IMG_0850.JPG



ph

Kenny Bockel

300012462-1 26/70+ <> Cheuns, Siu
300012462-1 IMG_0851.JPG

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2:57



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Kenny Brock

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Kenny Brockel

5/2/18

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256012462-1 IMG_0852.JPG

47



Protestant
CBA Exhibit

2

Paul A Paul
12/13/2010





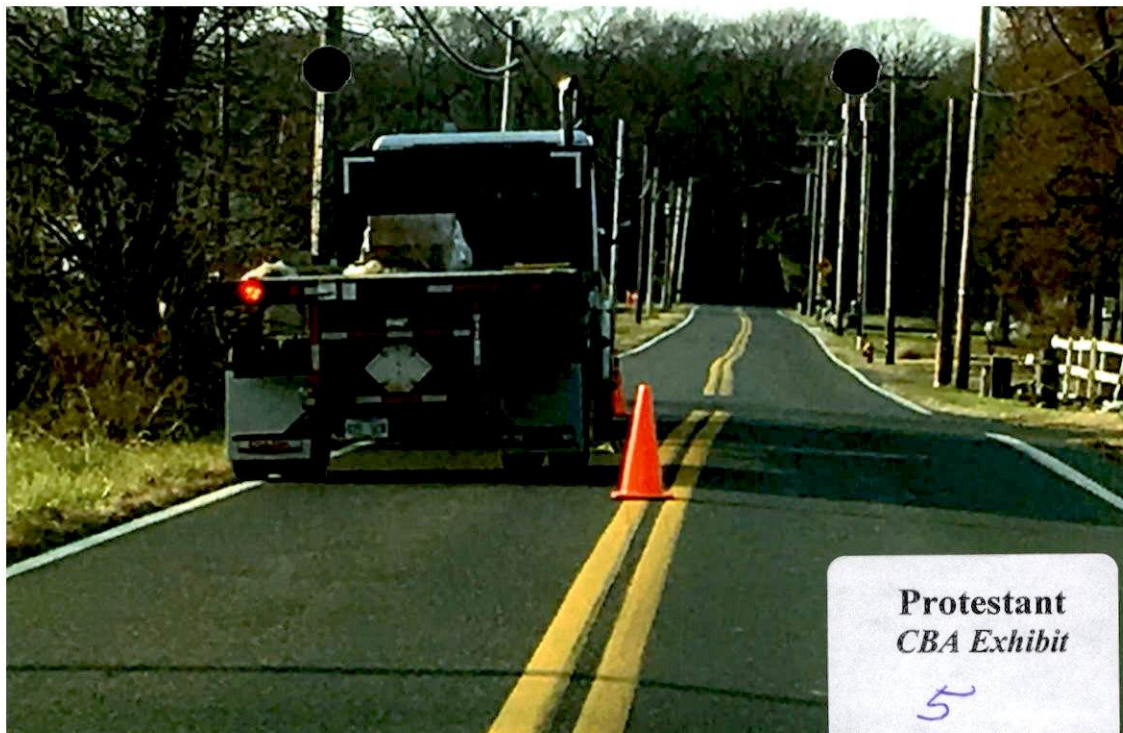
Protestant
CBA Exhibit

4

Kathy Paul

12/13/18





Protestant
CBA Exhibit

5

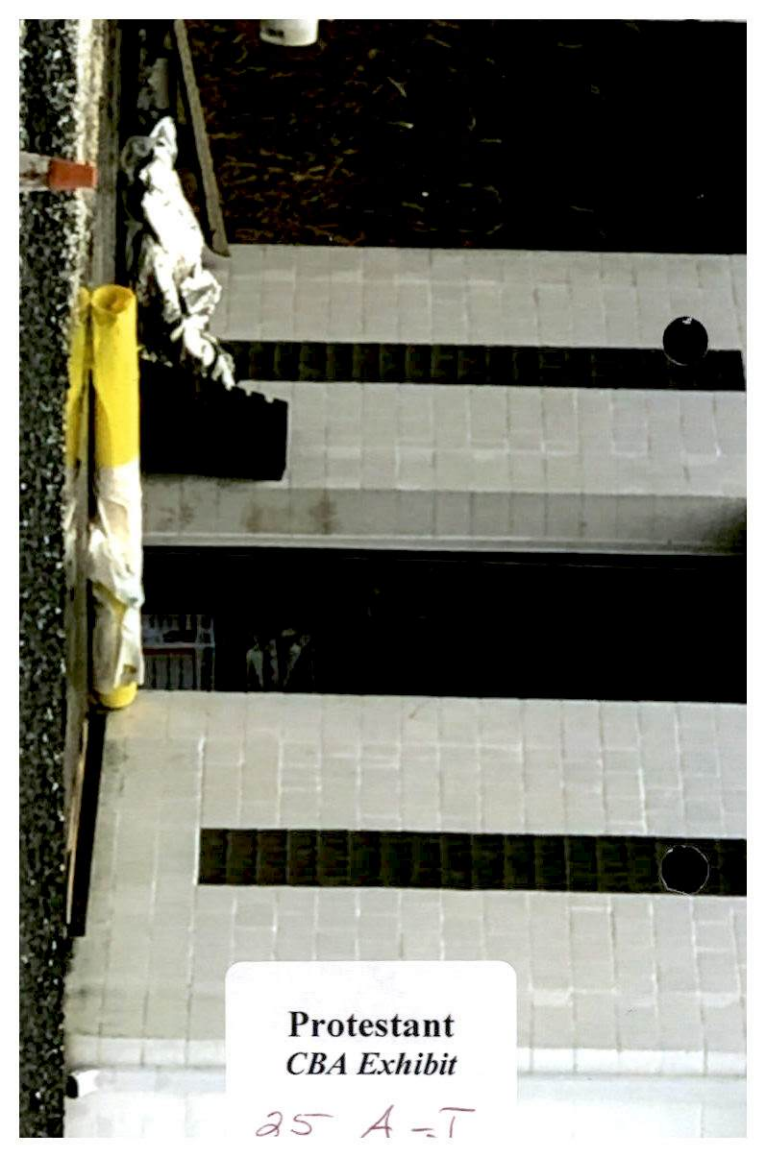
Kathy Paul

12/13/18

EXHIBIT

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Protestant
CBA Exhibit

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1/7/21 }

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JAN. 28, 2019

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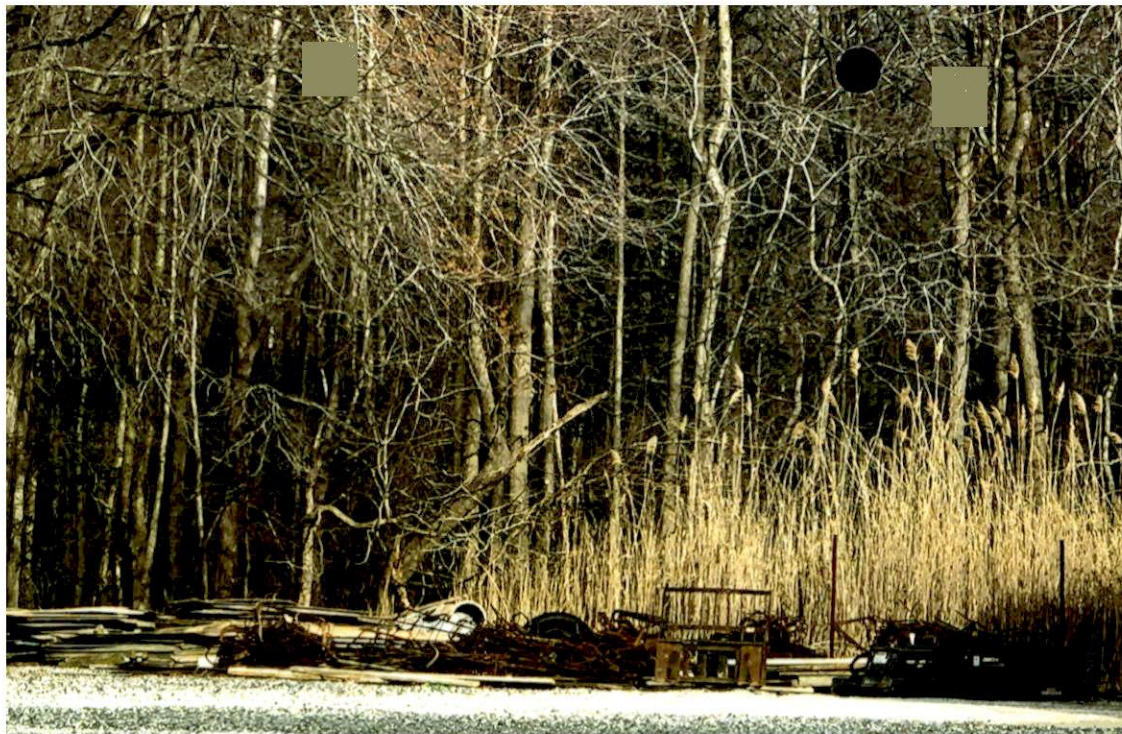






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Sunday,
3/24/19





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Sunday,
3/24/19





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Sunday,
3/24/19





SCR

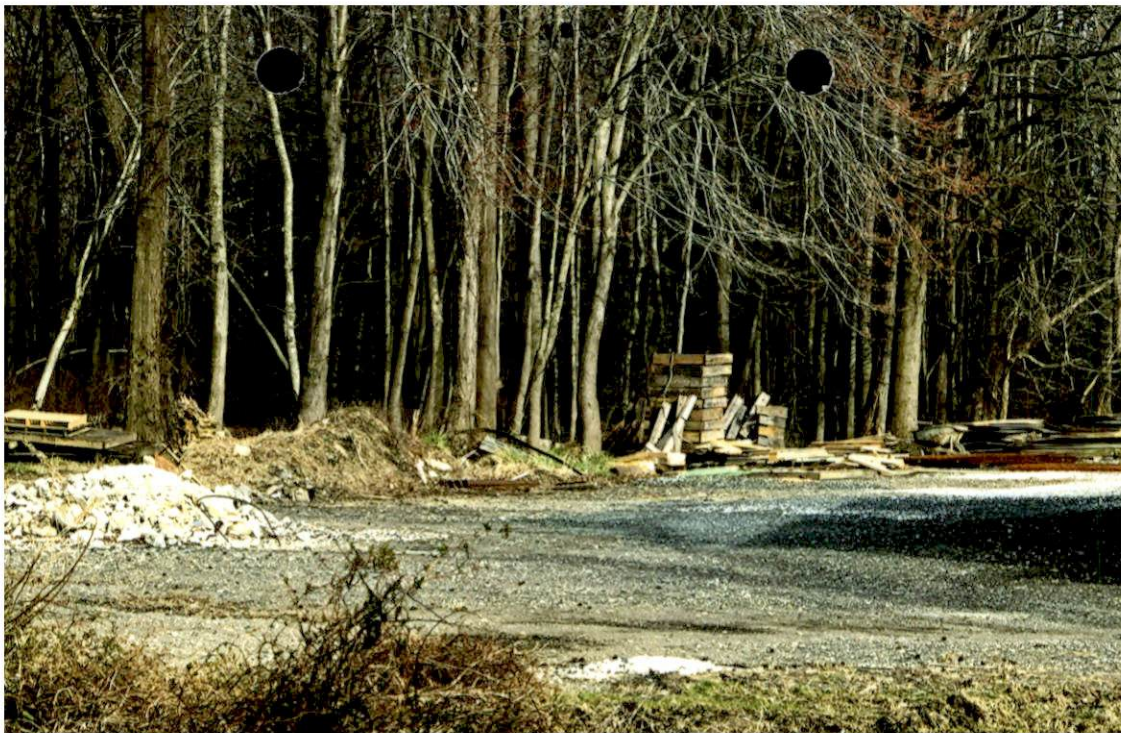
Sunday,
3/24/19





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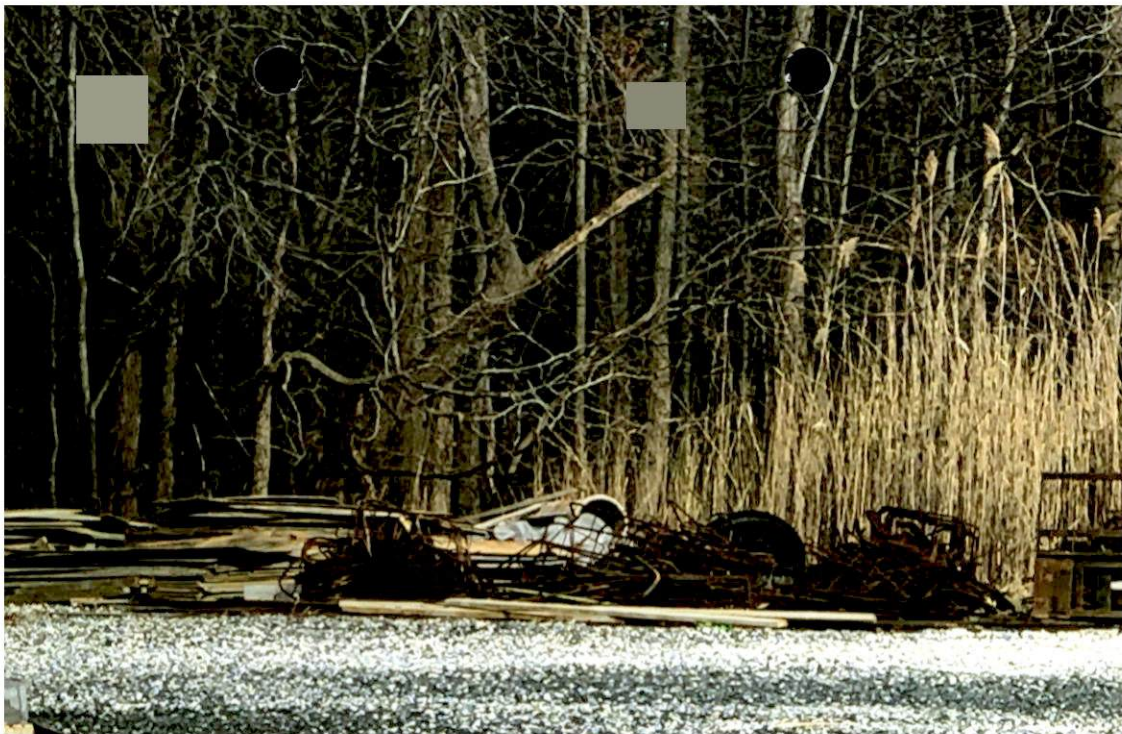
Sunday,
3/24/19





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Sunday,
3/24/19





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Sunday,
3/24/19



Protestant
CBA Exhibit 26

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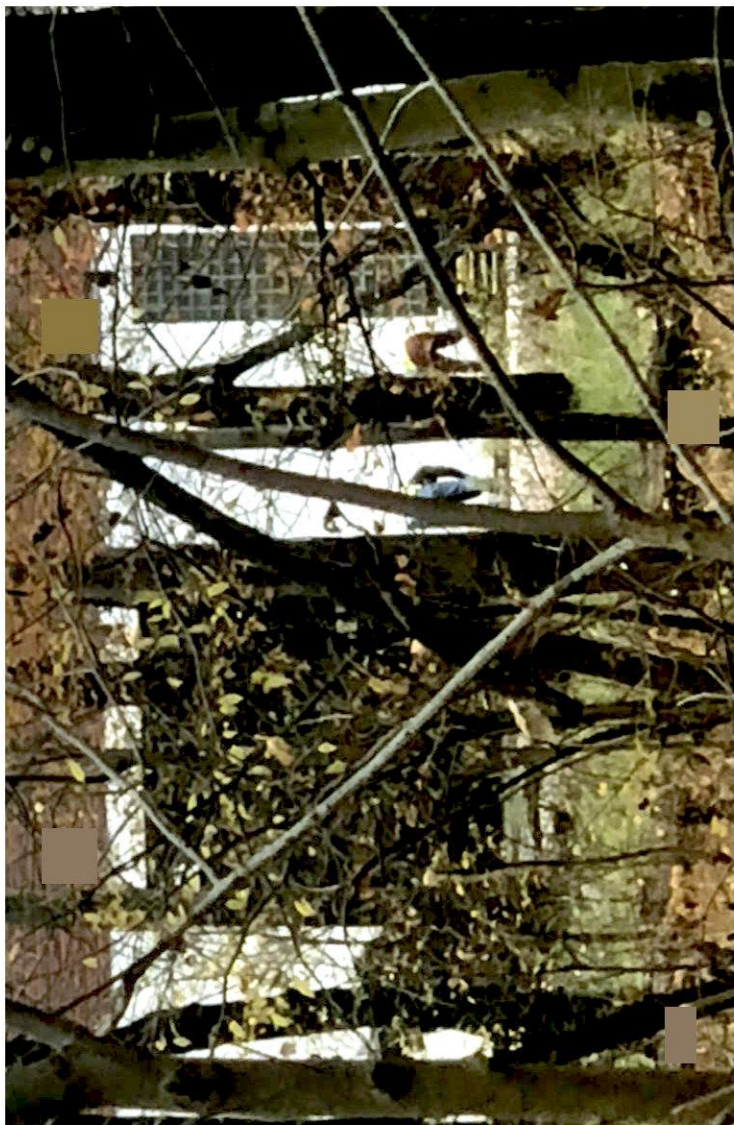
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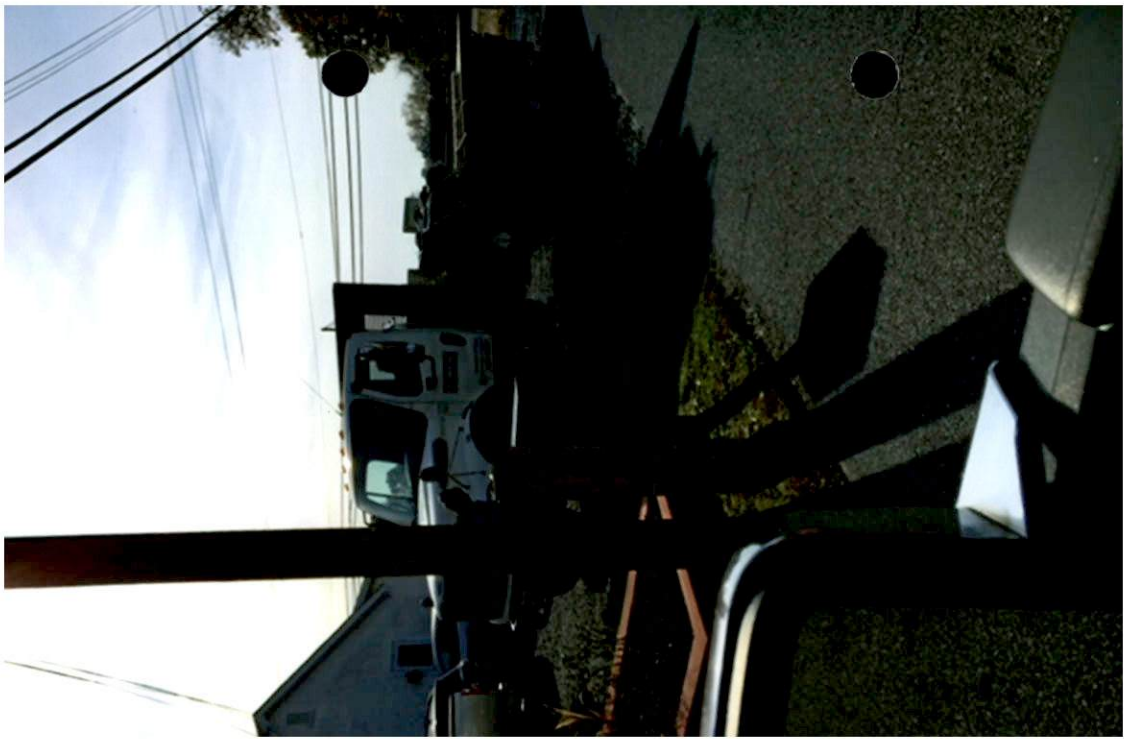
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A photograph of a wooded area. In the foreground, there is a gravel path. To the left, there is a pile of wooden debris, including planks and a stack of wooden pallets. To the right, there are two blue barrels. In the background, there are large trees with green foliage. The photo is taken from a slightly elevated position, looking down at the path.

Protestant
CBA Exhibit

260 A-I

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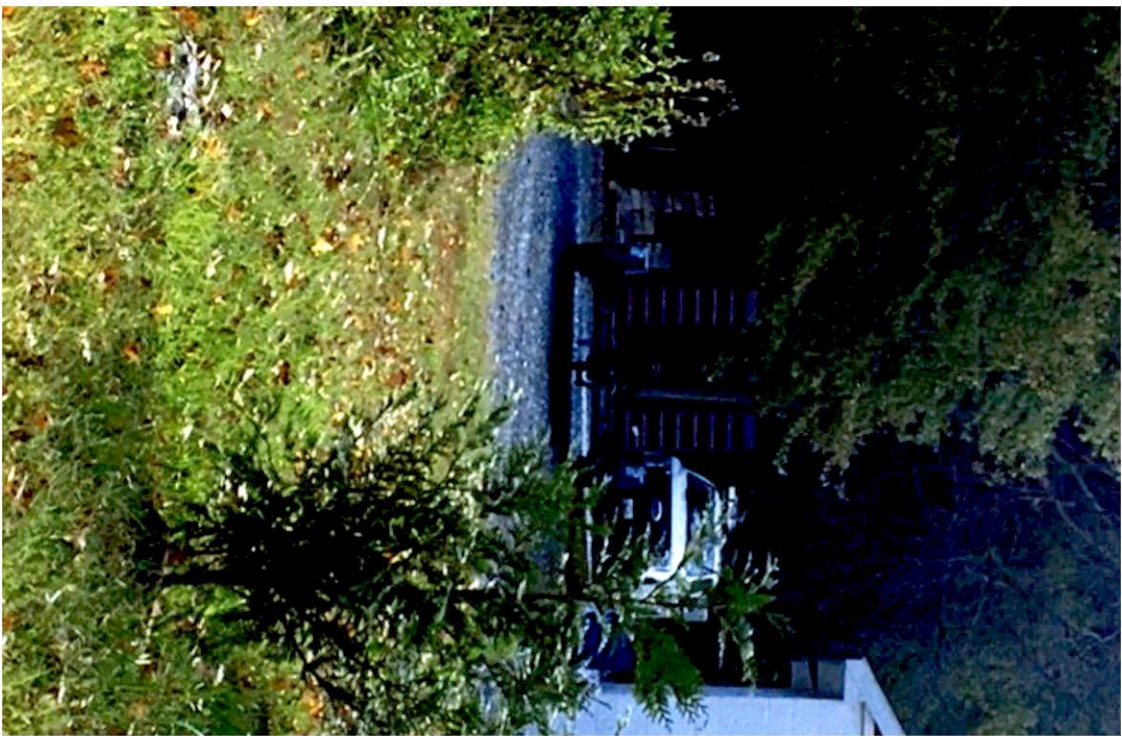
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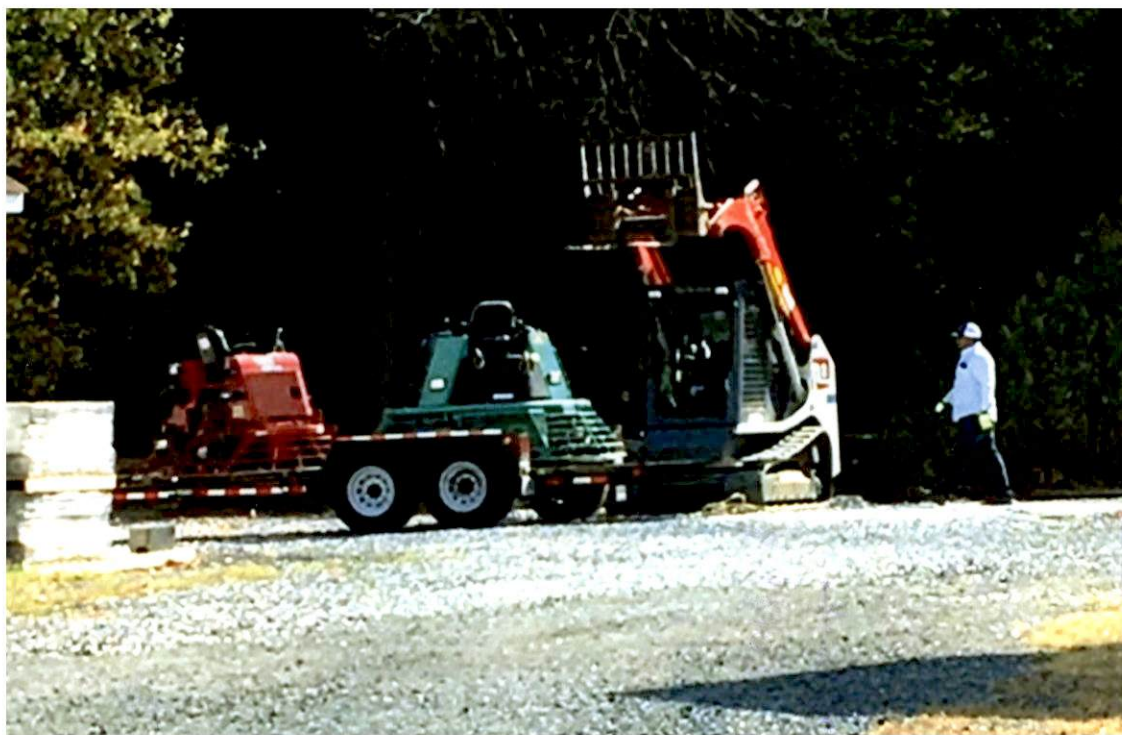
CUR

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10/7/19

EXHIBIT

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7/22/18

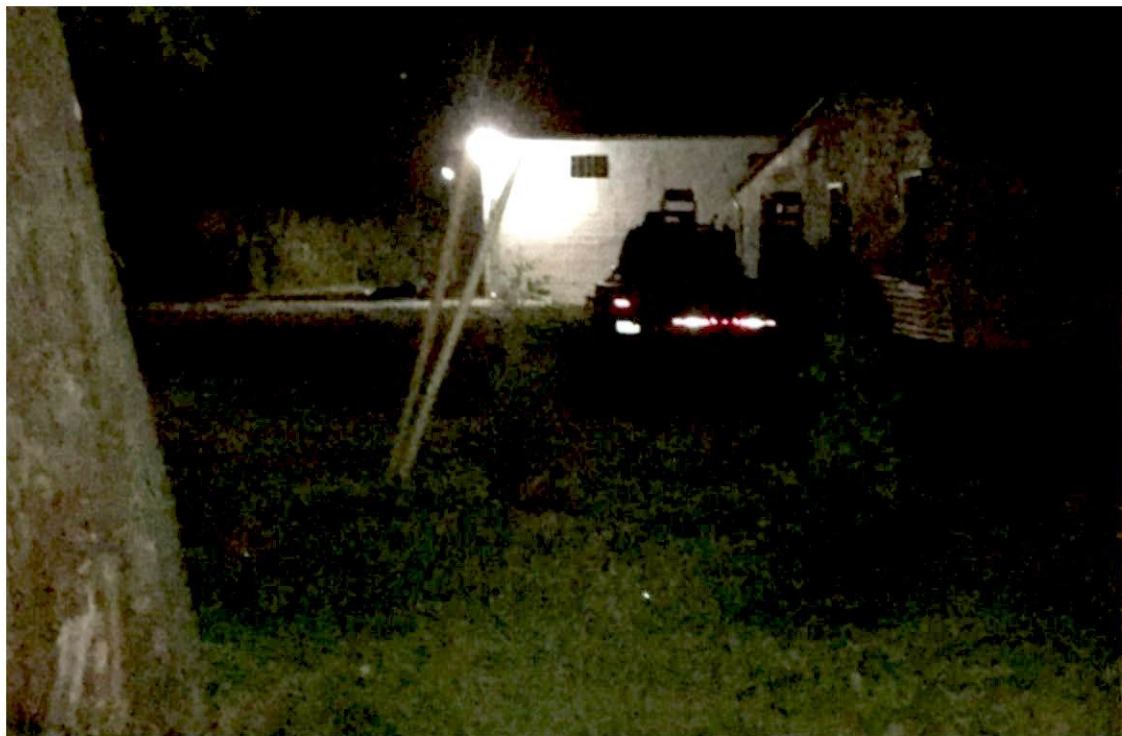
AC



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8/9/19

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CUA

8/14/19

THE UNIVERSITY OF CHICAGO

Yours truly,
J. Edgar Hoover

12-11-1999
 12-11-1999

AE



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8/19/19

AF



CAR
8/21/19

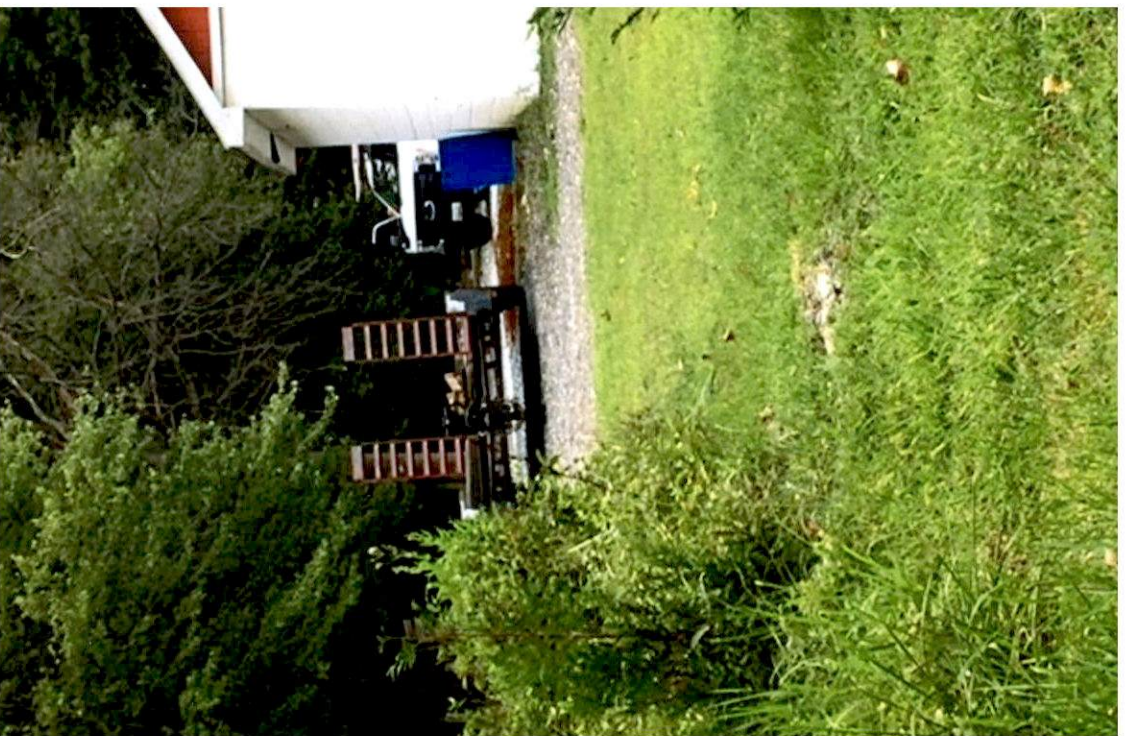
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8/28/19

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CLR
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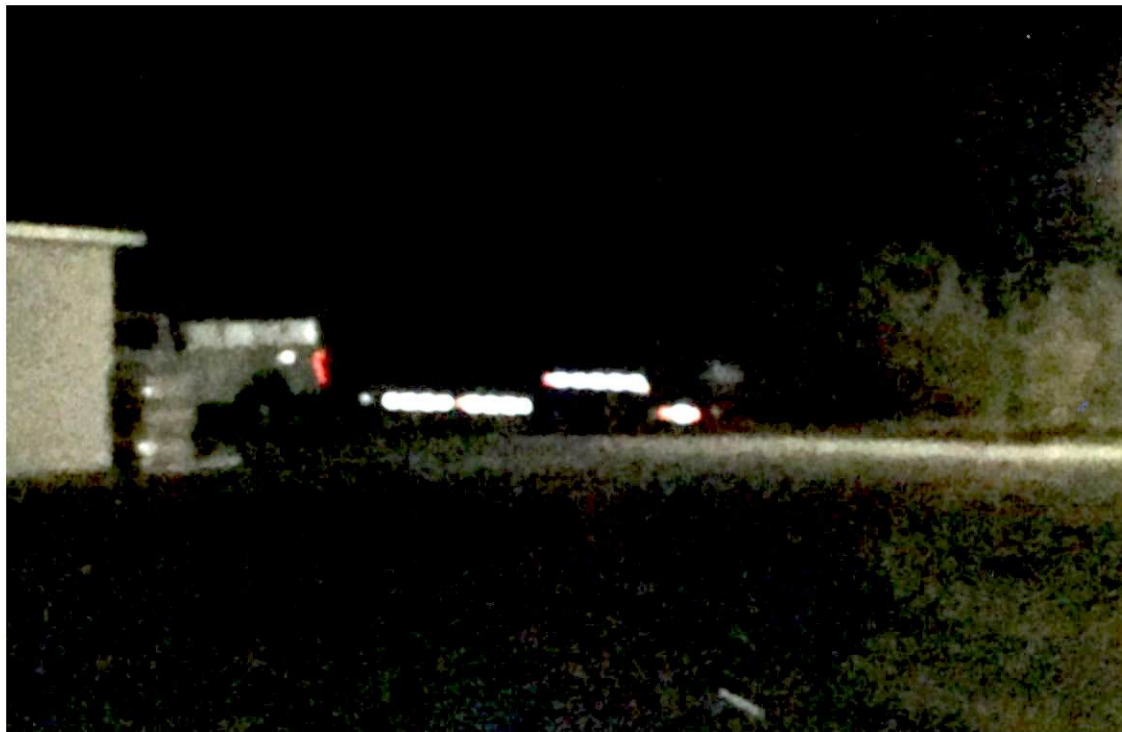
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CARL ROSSMARK
9/14/19

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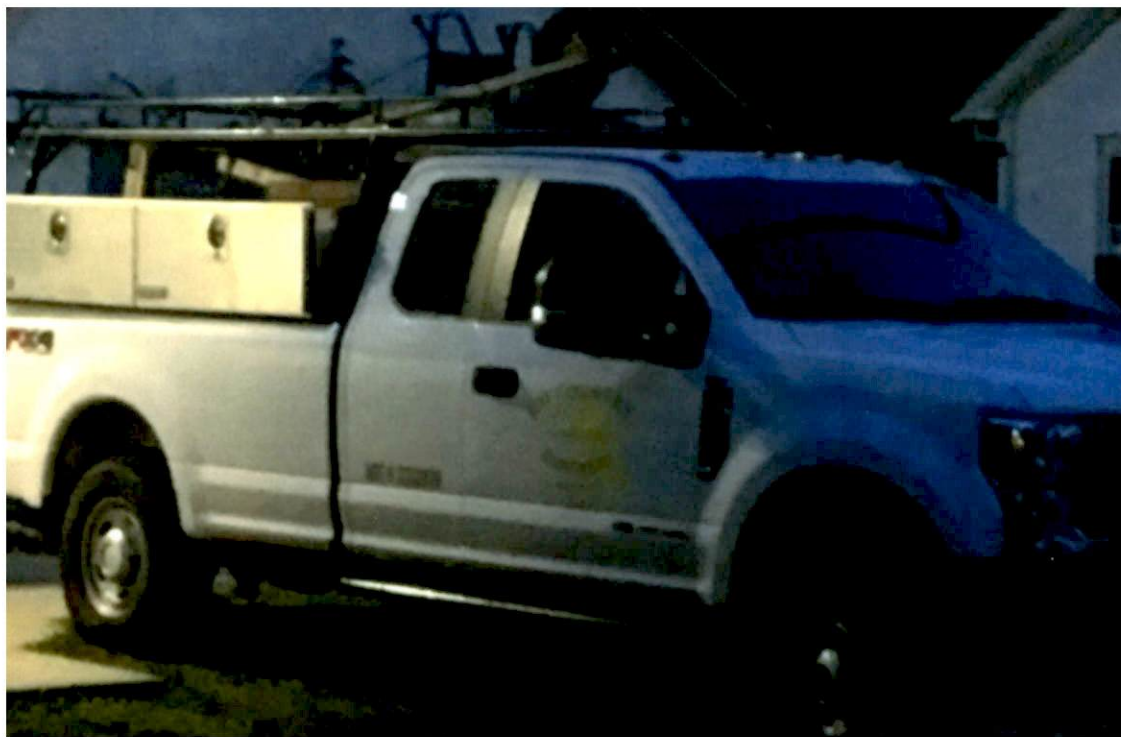
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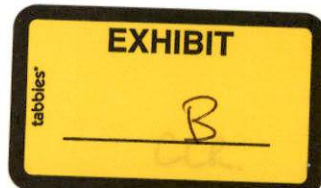
6/22/19

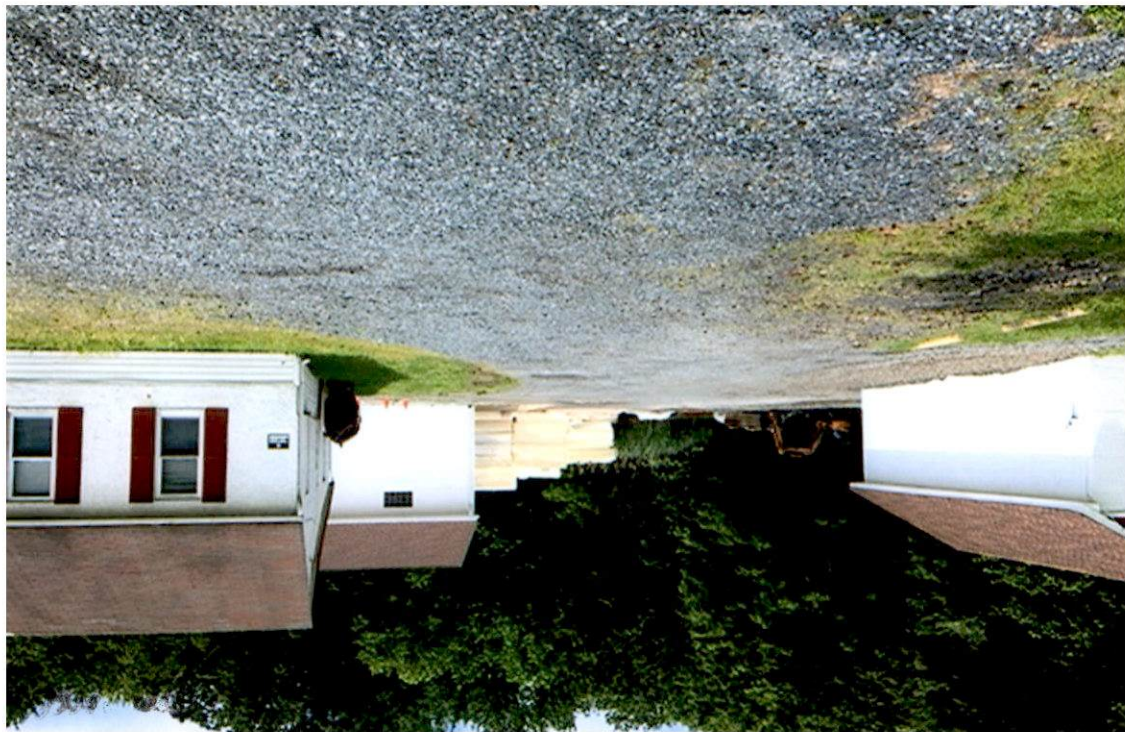
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may 29, 2017

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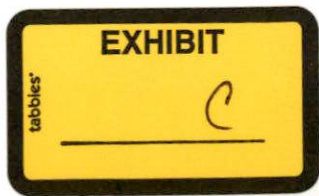
MAY 29, 2017

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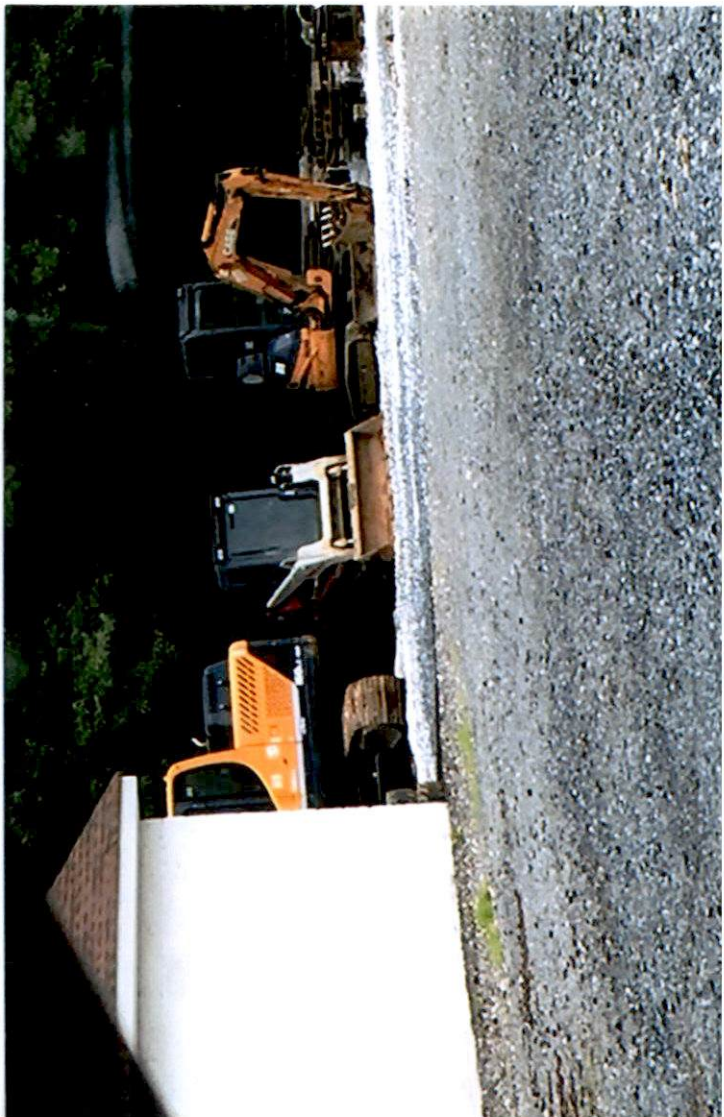
MAY 25, 2018
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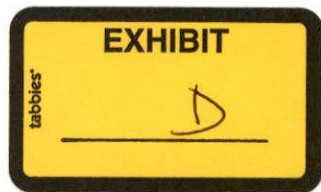
MAY 25, 2018

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5/29/18

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July 26, 2018
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AUG 15, 2018

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SEPT 20, 2018

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SEPT 26, 2018
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OCT 8, 2018

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Columbus Day



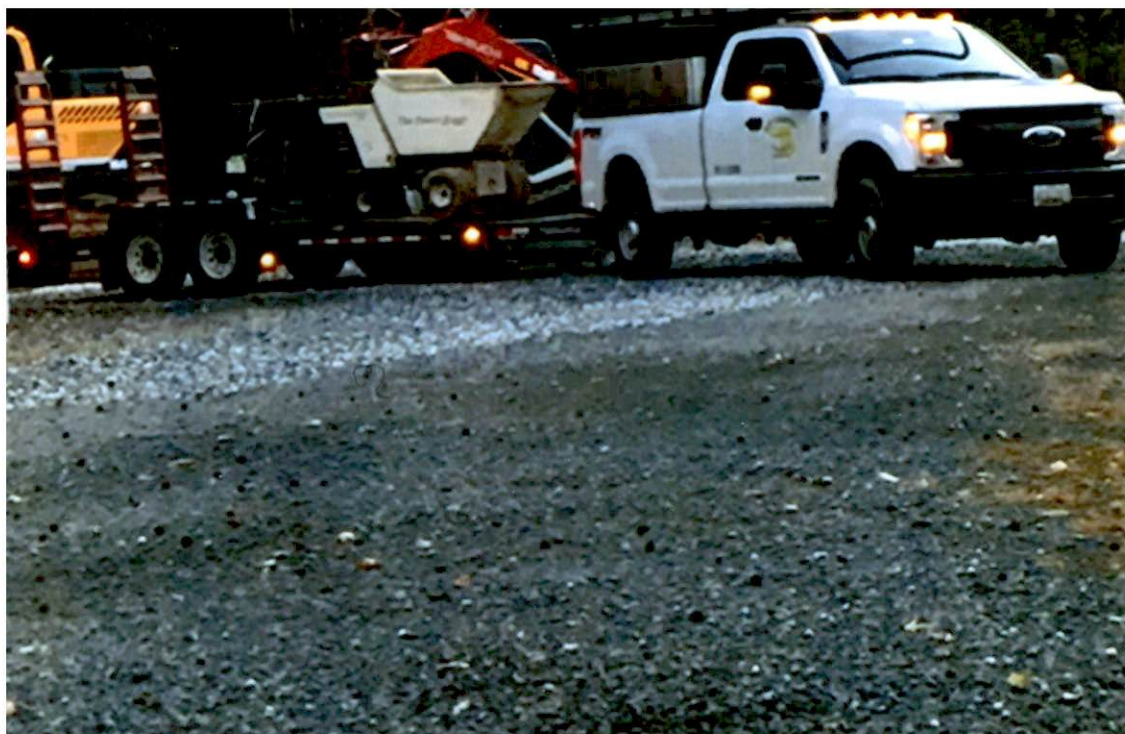


OCT 13, 2018

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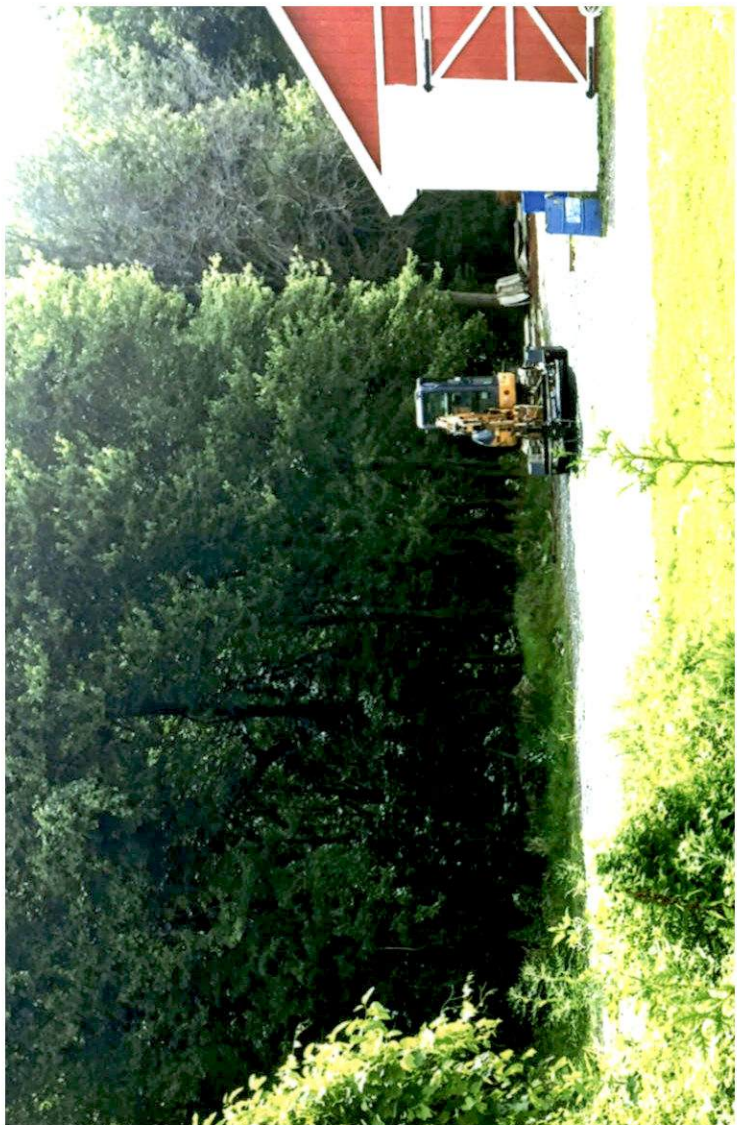
J. Bohlen
4/4/19





John Bohler
6/25/19





John Bohler

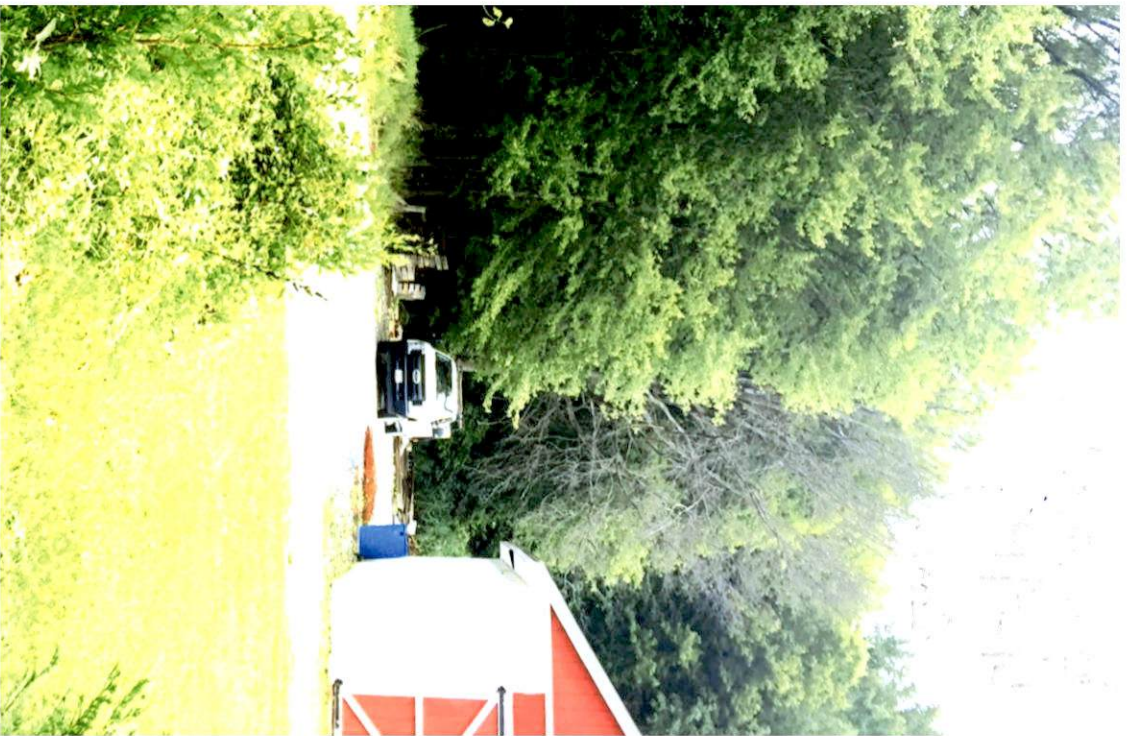
6/25/19

2 of 2

EXHIBIT

BC

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J. Bohlen

8/27/19





J. Bolhen

8/27/19



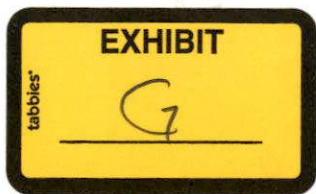


John Bohlen
8/27/19





John Bohlen
8/27/19





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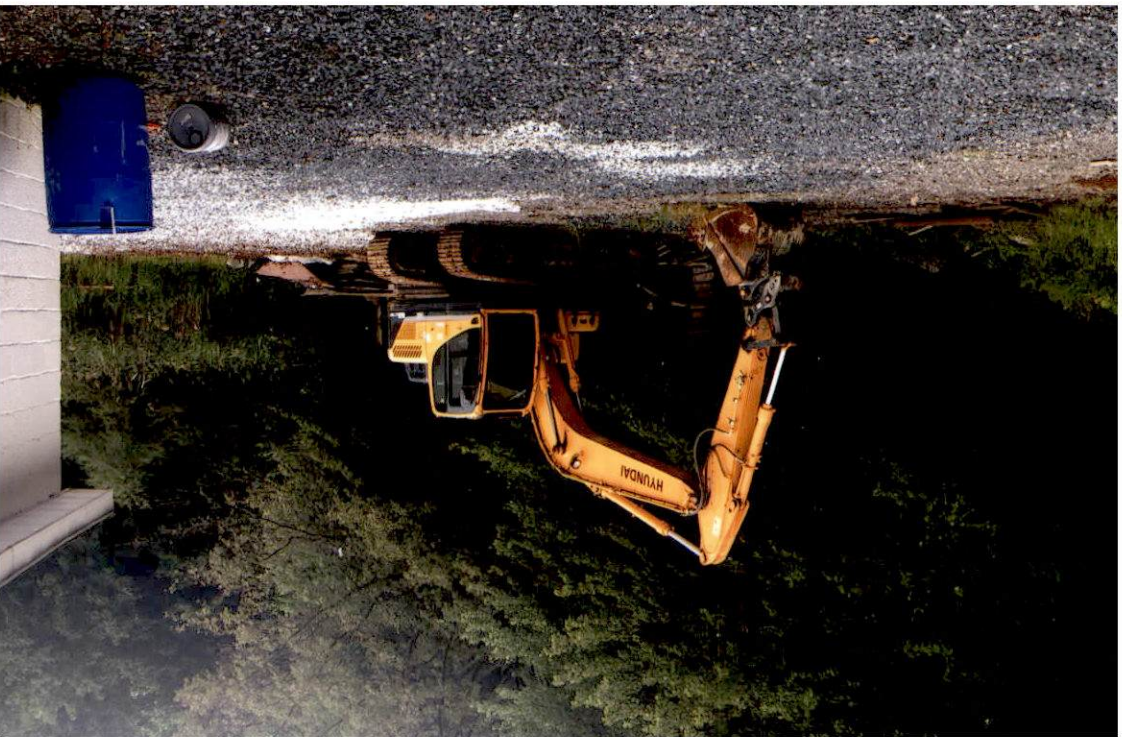
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360236840-1 17+ < > Cheung, Siu
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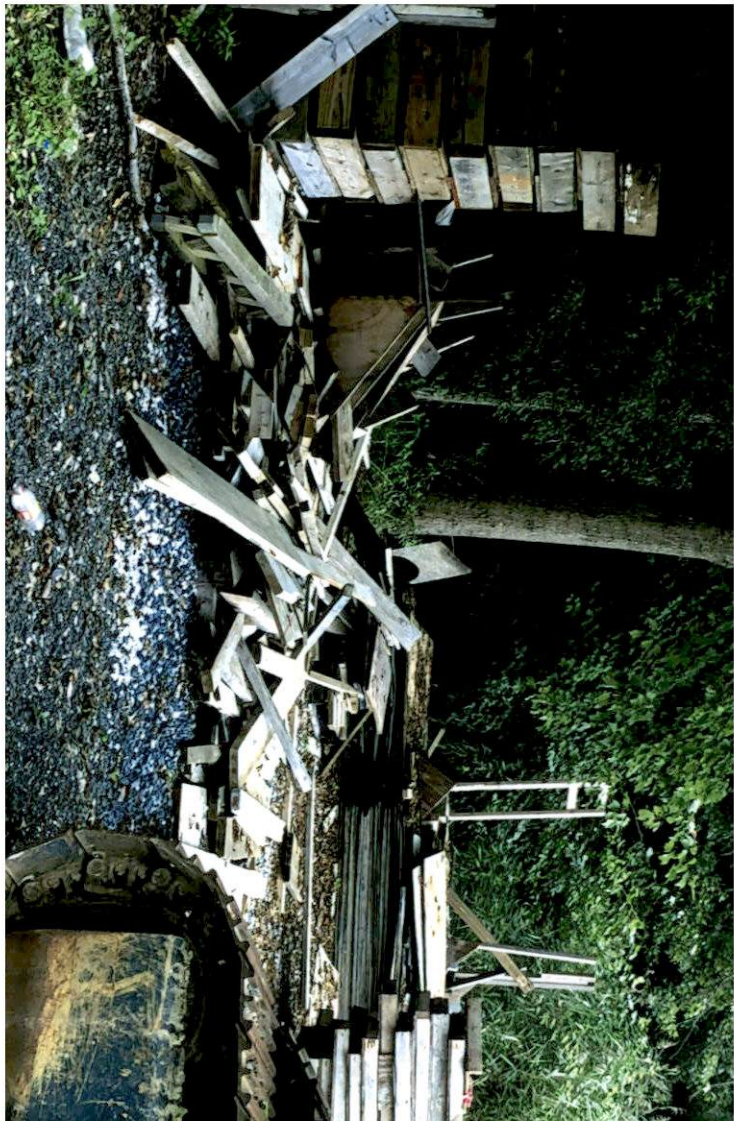
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360236840-1 50+ (>) Cheung, Siu
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1. *Chlorophyll*
 2. *Chlorophyll*

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THE UNIVERSITY OF CHICAGO

(Signature)

8/10/21/8
WOS



14B13

Wednesday,
5/2/18

A



14BB

Wednesday,
5/2/18





14B3

Wednesday,
5/2/18





KBB

Saturday
11/3/18

12:30 p.m.





1CBB

Sunday,
11/18/18
10:14 a.m.





KBB

Saturday
1/5/19
10:56 a.m.





14BB

Saturday,
2/2/9
1:04p.m.





FLANIGAN

SINCE ★ 1885

BALTIMORE, MD

DOT 965835

MC 900110

KBB

Saturday
2/2/19

1:04p.m.





KBB

~~Don~~ Wednesday
12/26/18

6:23am





KBB

Thursday
12/27/18
4:30p.m.





KBB

Saturday
12/29/18
1:36 p.m.

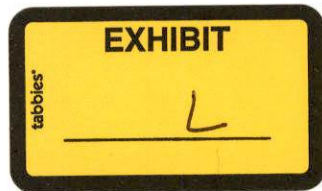




1CB3

Saturday
12/29/18

1:37 p.m.







Kenny Bridle
9/10/19



Welcome to
**Bowley's
Quarters**

A Chesapeake Bay Critical Area
PLEASE Be kind to our environment

10/29/18

SR

BAY COUNTRY
PROFESSIONAL CONCRETE, LLC

"A TEAM EFFORT"

Operations Office

1101 Bowleys Quarters Rd

OCT 27, 2018

cin

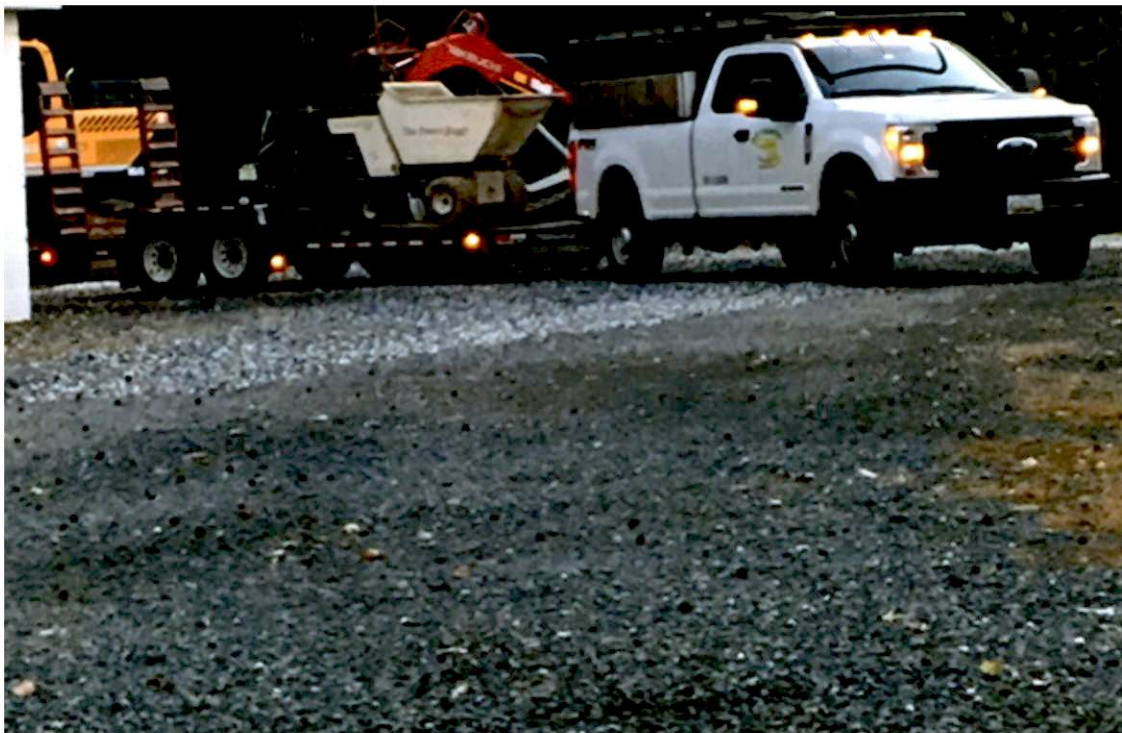


Oct 20, 2018



OCT 18, 2018

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OCT 22, 2018

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OCT 16. 2018

360236801-1 115/119+ (>) Cheung, Siu
360236801-1 IMG_2994.JPG

C. H.



360236801-1 109/119+ (>) Cheung, Siu
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OCT 13, 2018

CL-2



Oct 13. 2018

08:31A

360236801-1 106/119+ (> Cheung, Siu
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360236801-1 103/119+ <> Cheung, Siu
360236801-1 IMG_2969.JPG

OCT 12. 2018

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360236801-1 IMG_2967.JPG

OCT 12, 2018



OCT 12, 2018

360236801-1 98/119+ (>) Cheung, Siu
360236801-1 IMG_2966.JPG

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OCT 8, 2018

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360236801-1 95/119+ (>) Cheung, Siu
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Sept 20, 2018

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360236801-1 IMG_2899.JPG

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SEP 27.2018

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See 27, 2018



SEPT 26, 2018

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Start 20, 2018

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Aug 15, 2018

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Aug 15, 2018

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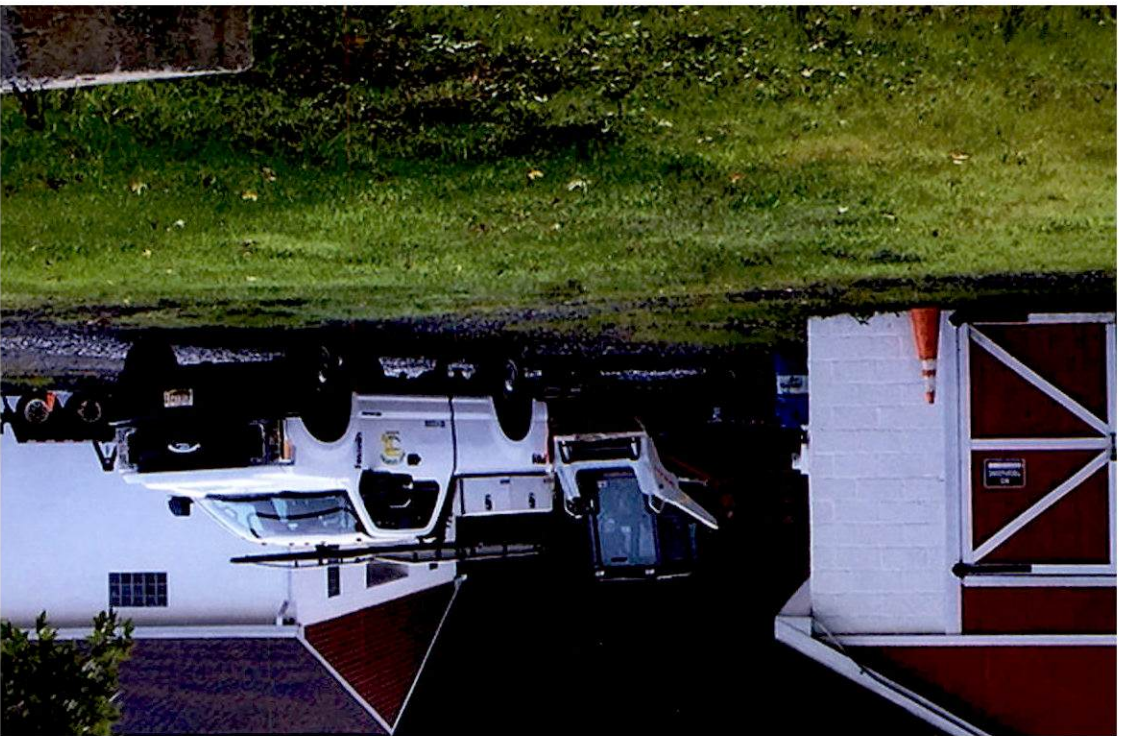
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Aug 15, 2018



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Aug 10, 2018



July 26, 2018

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July 26, 2018

360236801-1 33/119+ (>) Cheung, Siu
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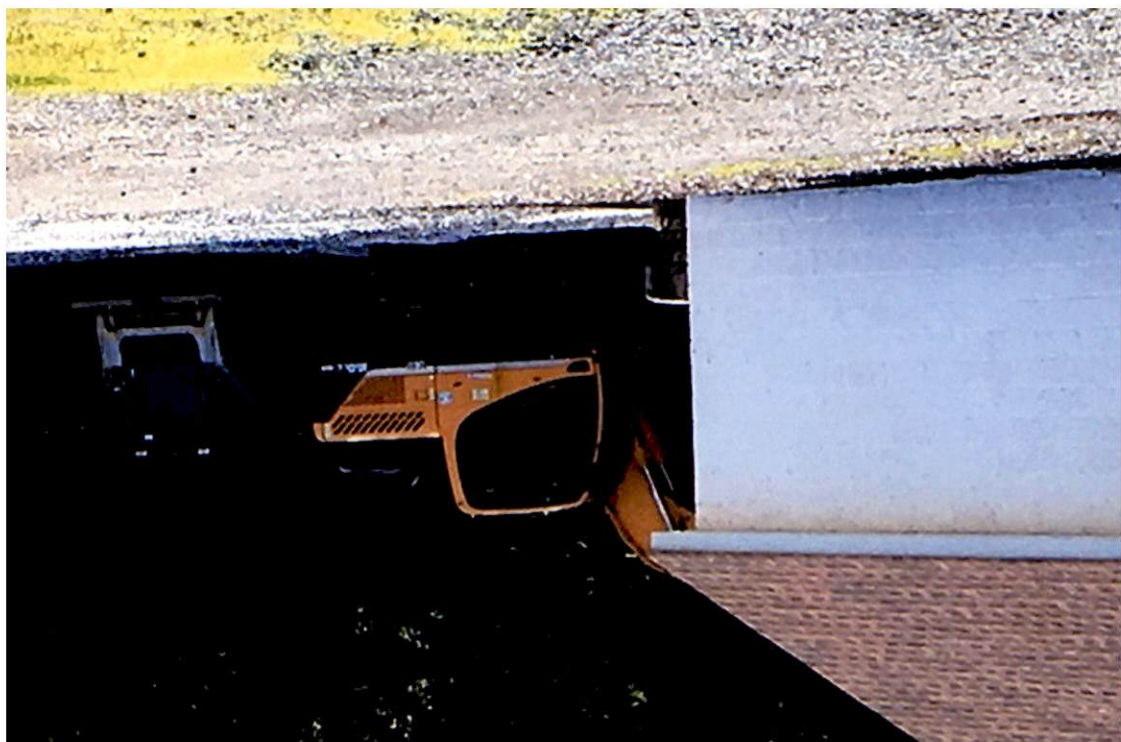


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July 24. 2018

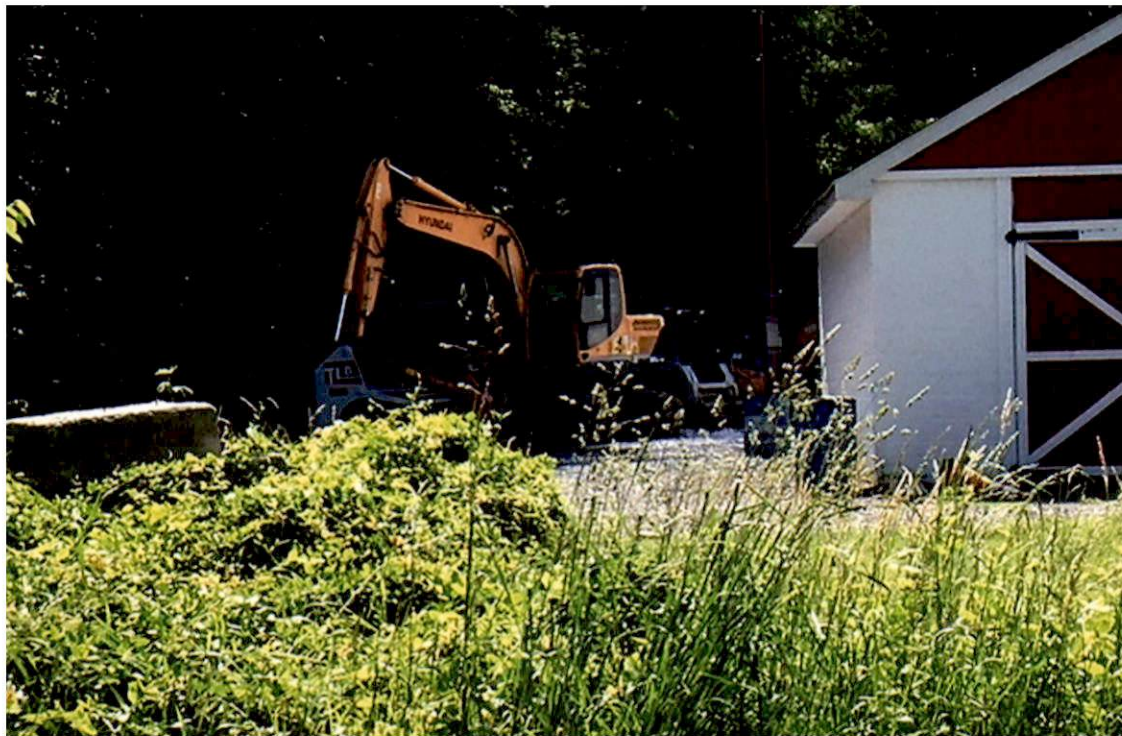
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360236801-1 23/119+ (>) Cheung, Siu
360236801-1 IMG_2355.JPG

JUNE 6. 2018

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360236801-1 19/119+ <> Cheung, Siu
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June 6, 2018

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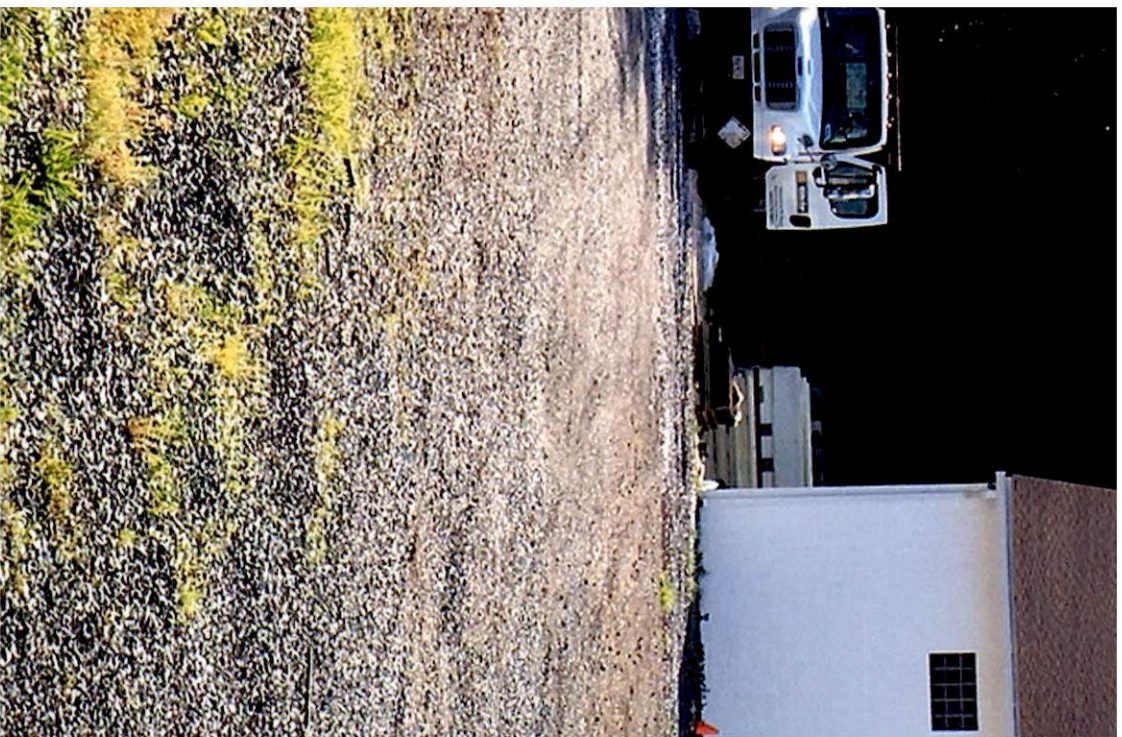
MAY 29, 2018



Car

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MAY 29, 2018



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MAY 25, 2018



360236801-1 9/119+ <> Cheung, Siu
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360236801-1 4/119+ (>) Cheung, Siu
360236801-1 IMG_1330.JPG

MAY 29, 2017

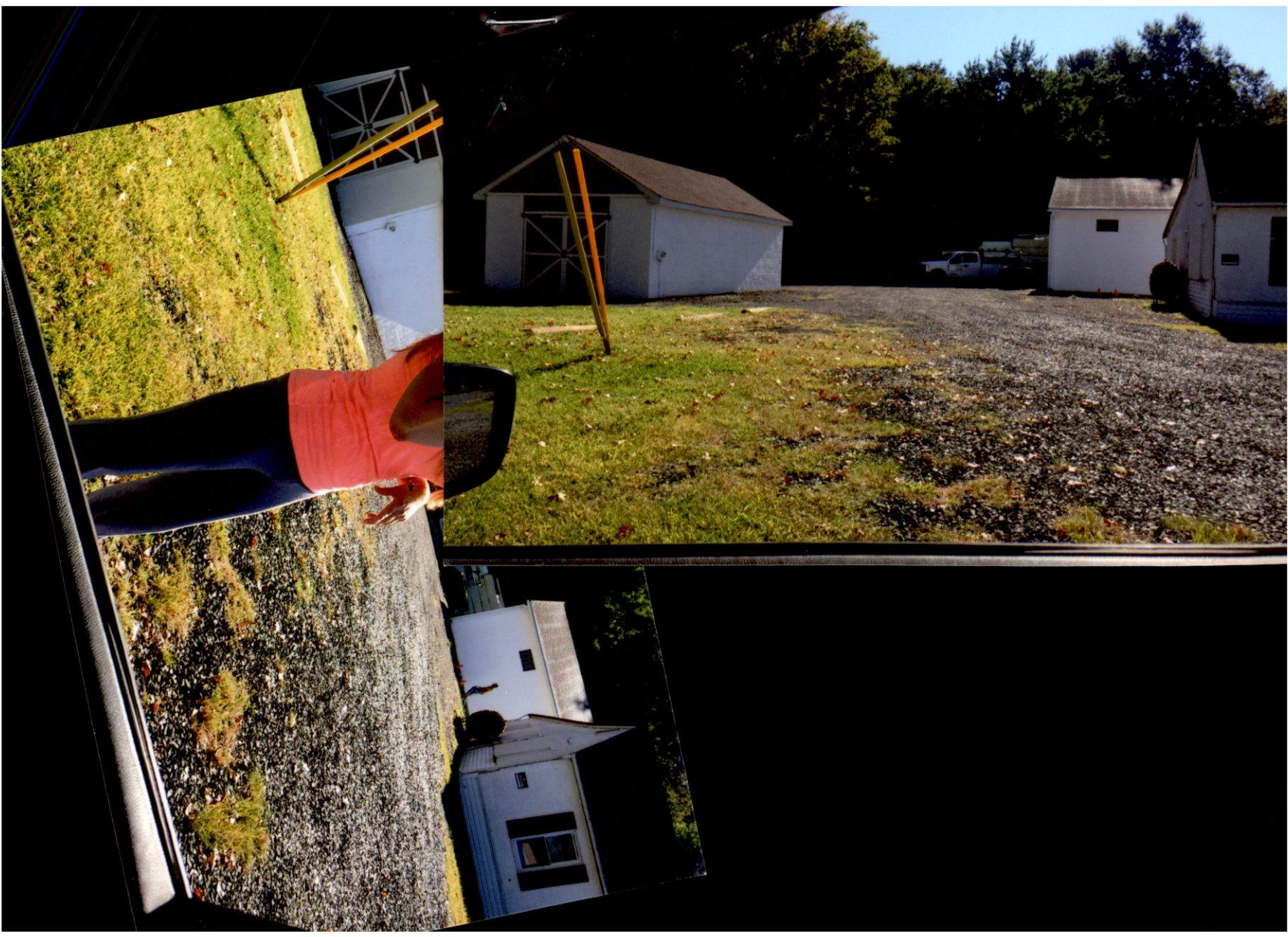
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MAY 29, 2017

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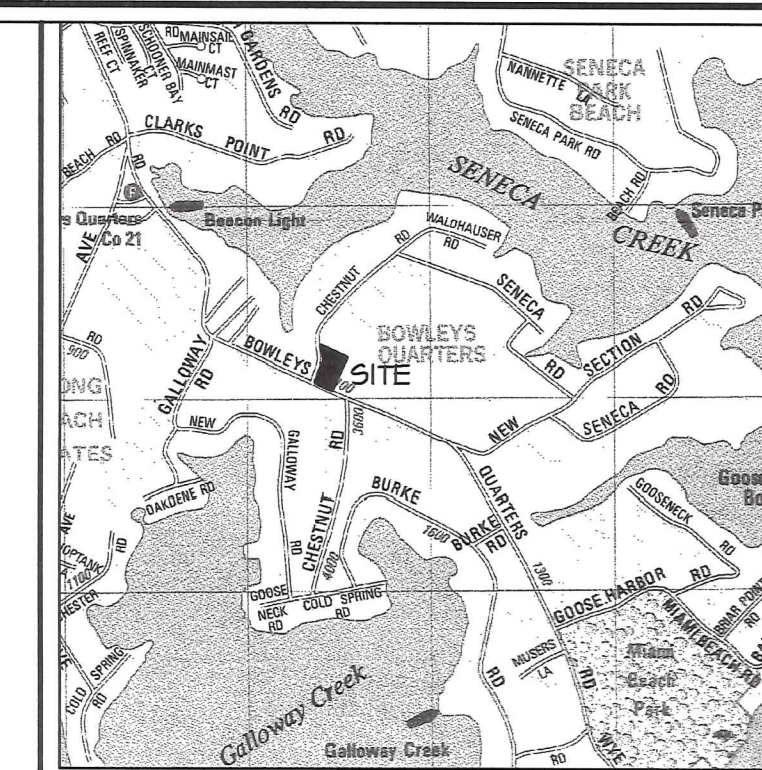
9/15/2017
Sin Cheung Rosemark

356012462-1 64/70+ < Cheung, Sin
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9/15/2017
Sin Cheung Rosemark

356012462-1 67/70+ < Cheung, Sin
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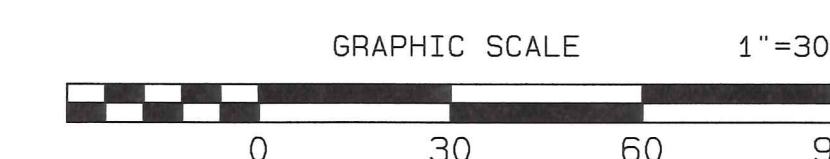
Exh 9a



Vicinity Map Scale: 1" = 2000'

Notes

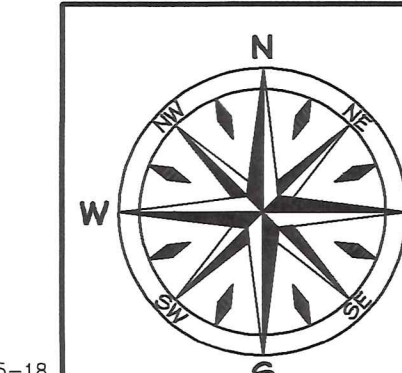
1. Owner: MGJ PROPERTIES LLC
5900 Goose Harbor Drive
Baltimore, MD 21220
2. Deed: 28681/286
3. Area= 77,972 +/- sq.ft. or 1.79 Ac. ±
4. Tax # 1504350930
5. Zoned: BL and RC 20.
6. This site is in the Chesapeake Bay Critical Area.
7. This site is partially in the 100 year flood plain, as shown on FIRM Map 2400100435G dated May 5, 2014. BFE = 5' (NAVD-88)
8. There are no underground fuel tanks.
9. This is not a historic property/building.
10. This site is serviced by public water and sewer.
11. Prior Zoning Hearings: 1968-0012, to re-zone the property from R-40 to BL; Denied
12. On site Topography and improvements are based on a field survey on 1-6-2018. Off site Topography and Improvements are based on Baltimore County GIS.
13. Utilities shown hereon were taken from plans.
14. All signage will comply with BCCR Section 450.
15. The property is not within any deficient or failed area as shown on the 2018 Basic Services Maps.
16. EXISTING F.A.R. = 0.9.
PROPOSED F.A.R. = 0.14.



PLAT TO ACCOMPANY A ZONING PETITION

of
MGJ PROPERTIES LLC

1101 Bowleys Quarters Road
Baltimore County, Maryland
Tax # 1504350930
Tax Map 91, Grid 22, Parcel 416
15th Election District, 6th councilmanic District
Scale: 1"=30' May 5, 2018

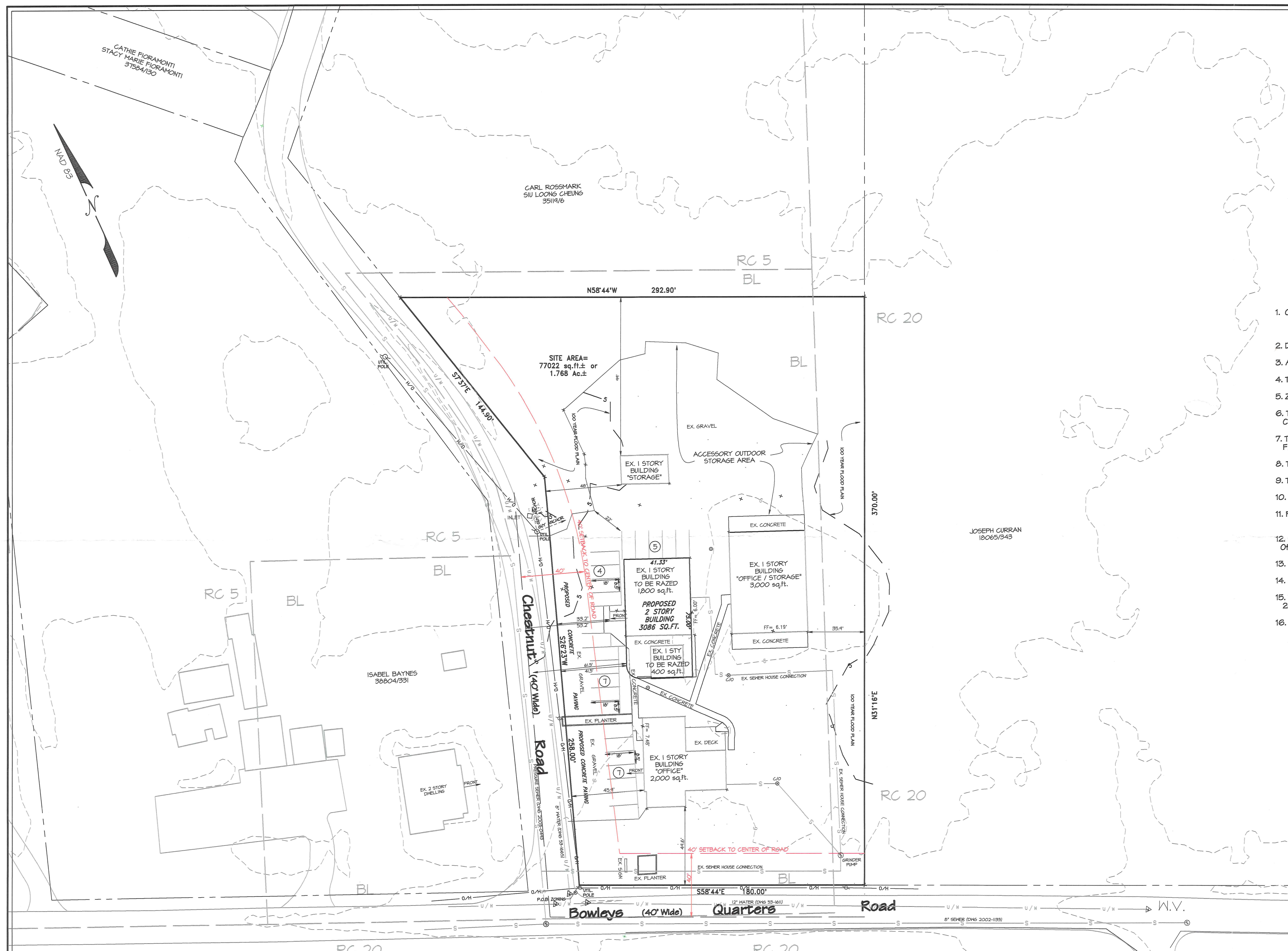


Dietz Surveying Co.
Land Surveying and Land Planning
8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsurveying.net



ADD 40' SETBACK TO CENTER OF ROAD
ADD PROPOSED BUILDING AND PAVED PARKING
Revisions
10-29-18

Date	Plot Date: 10/29/2018	FIELD: BRD	DRAWN: BRD	Job No. 09161
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PARKING REQUIREMENTS

3.3 SPACES PER 1,000 SQ.FT.
6900 SQ.FT. TOTAL OFFICE SPACE = 23 SPACES REQUIRED
23 SPACES PROVIDED

Baltimore County - My Neighborhood

33



Baltimore County - My Neighborhood

Feb 3A



30

Baltimore County - My Neighborhood



Legend

- House Numbers
- Zoning History Cases
- Zoning
- Property
- County Boundary

1:1,128

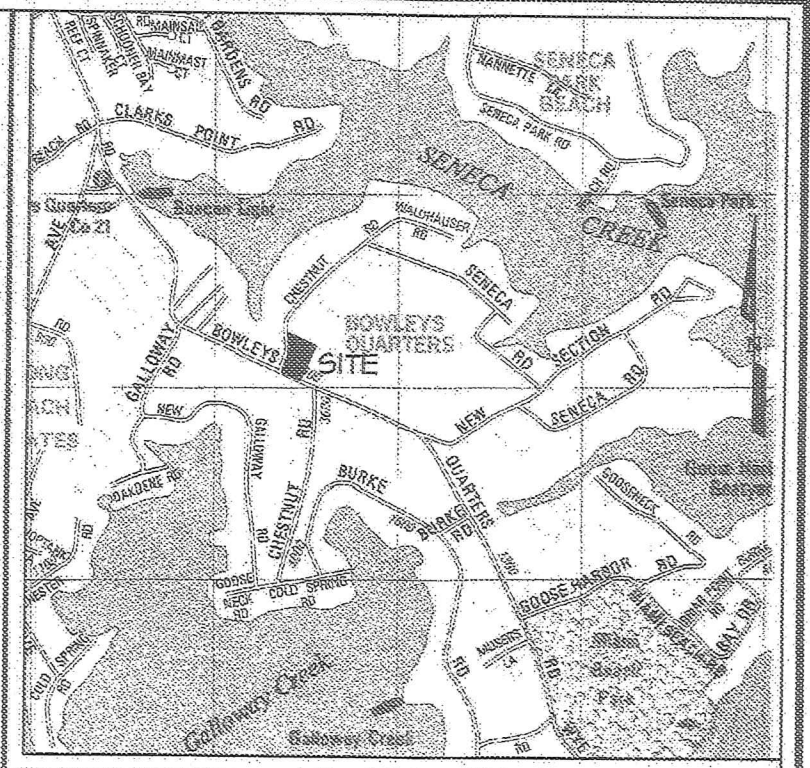
0 45 90 180 Feet

0 0.0075 0.015 0.03 Miles

October 26, 2018

Baltimore County - My Neighborhood



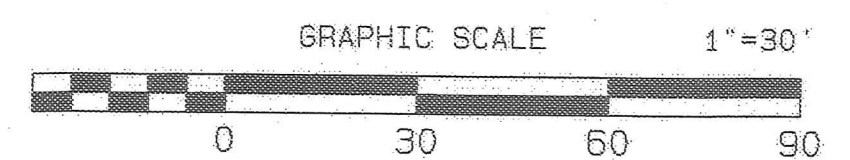


Vicinity Map Scale: 1" = 2000'

Notes

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14. All signage will comply with BCZR Section 450.
15. The property is not within any deficient or failed area as shown on the 2018 Basic Services Maps.
16. F.A.R. = 0.9

2018-0342-S1H



PLAT TO ACCOMPANY A ZONING PETITION

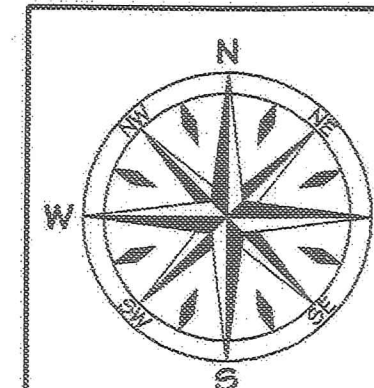
of
MGJ PROPERTIES LLC

1101 Bowleys Quarters Road
Baltimore County, Maryland

Tax # 1504350930

Tax Map 91, Grid 22, Parcel 416

15th Election District, 6th councilmanic District
Scale: 1"=30' May 5, 2018



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www.dietzsurveying.net

Revisions	Date	Plot Date: 6/7/2018	FIELD: BRD	DRAWN: BRD	JOB No. 09181
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PARKING REQUIREMENTS

3.3 SPACES PER 1,000 SQ.FT.
6900 SQ.FT. TOTAL OFFICE SPACE = 23 SPACES REQUIRED
23 SPACES PROVIDED



Petitioner
CBA Exhibit
10
004 11 A



Petitioner
CBA Exhibit
ID
0044
I B

2216 Pot Spring Road

