IN THE MATTER OF: GREGORY MANGUM, LEGAL OWNER AND PETITIONER FOR SPECIAL EXCEPTION AND VARIANCE ON THE PROPERTY LOCATED AT 1400 LONGNECKER ROAD	*	BEFORE THE BOARD OF APPEALS OF
4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	BALTIMORE COUNTY
	*	Case No.: 22-012-XA

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

OPINION

This case comes before the Board of Appeals of Baltimore County (the "Board") as an appeal, pursuant to Section 32-3-401 of the Baltimore County Code ("BCC"), of the Corrected Opinion and Order of the Administrative Law Judge ("ALJ") dated April 15, 2022, granting Petitioner's request for special exception approval for a landscape service operation as provided in Sections 1A01.2.C.16, 404.1 and 404.3 of the Baltimore County Zoning Regulations ("BCZR") and variance relief from BCZR § 404.1.A to permit an internal roadway to be located zero feet from a property line in lieu of the minimum required 25 feet.

The Board held a *de novo* hearing via WebEx on October 4, 2022, December 7, 2022, and December 22, 2022. Petitioner, the legal owner, Gregory Mangum was represented by Jason T. Vettori, Esquire and Smith, Gildea & Schmidt, LLC. Protestants and Appellants, Benjamin and Molly Smist, the owners of the neighboring property located at 14102 Longnecker Road, were represented by Dino C. La Fiandra, Esquire. A public deliberation was held on February 22, 2023.

BACKGROUND

The subject property 14100 Longnecker Road is located on the west side of Longnecker Road approximately 900 feet south of the intersection with Piney Grove Road and a mile and a

half north of the intersection with Butler Road.

For over a decade the Petitioner operated his landscape service operation business from a property approximately a mile and a half to the south of the subject site, 13224 Longnecker Road. He did not obtain special exception approval to run his business from this prior location and was compelled to stop operating from that location. In the interim, he purchased the subject property in May or June of 2021. The State Department of Assessments and Taxation records indicate the deed for Mr. Mangum's acquisition of 14100 Longnecker Road was not recorded until July 21, 2021, which is around when Protestants testified that they purchased their property, 14102 Longnecker Road. (Petitioner's Ex. 5.)

Petitioner's and Protestants properties were created by a subdivision in 1999. (Petitioner's Ex. 3/Protestants Ex. 18.) The subject site has no improvements on it. As indicated on the Minor Subdivision Plan (and corresponding deeds), the two properties are served by a private use-in-common easement for ingress, egress, maintenance and utilities which lies on the respective property owners' properties. (Petitioner's Exs. 3 & 4.) As further indicated on the Minor Subdivision Plan, both properties have Forest Conservation Easements and Forest Buffer Easements on the front and rear of them.

The testimony and evidence demonstrate that the immediate neighborhood, from the intersection of Piney Grove Road and Old Hanover Road to the west and Longnecker Road and Butler Road to the south, and beyond is more of a farming/horse riding community than a suburban residential community. The subject site consisting of a 9.86 acre +/- tract zoned RC 2 (Resource Conservation — Agricultural). (BCZR § 100.1.A.2.) The property is unique in that it does not have its own independent access to Longnecker Road, adjoins BGE power lines and has

steep topography. The only portion of the property without steep topography is the portion of the property around where the 6,000 square foot structure is being proposed.

Prior to Mr. Mangum's purchase of the property, and his communications with BGE regarding an alternative means of access to the subject property through BGE's property, the only means of ingress and egress was through the 25-foot-wide shared use-in-common easement. The use-in-common easement is presently improved with a mostly gravel driveway that is approximately 10 feet wide, despite the Minor Subdivision Plan indicating that the use-in-common easement was supposed to be improved with a 16-foot-wide driveway. The brick monument entrance feature at the end of the use-in-common easement at Longnecker Road is 16 feet and two inches wide. General Note #21 on the Minor Subdivision Plan provides that "[t]he private driveway shall be paved within one year of the issuance of the first occupancy permit of the last lot to be served, whichever comes first." This note is not clear regarding when it was to be paved but the driveway is not paved, nor is it 16 feet wide. Were the Petitioner and Protestants both willing to resolve this issue the access would be greatly improved.

Petitioner testified that he reached out to Protestants regarding his proposed use and how to make the use-in-common easement more functional for both property owners. Protestants are unwilling to cooperate with Petitioner to improve the shared driveway. As a result, he sought permission from BGE to obtain access to Longnecker Road through its property. However, it wasn't until after the ALJ issued his approval (April 15, 2022) that a License Agreement was executed to allow Mr. Mangum to utilize BGE's access to Longnecker Road (September 28, 2022). (Petitioner's Ex. 18/Protestants Ex. 25.) The original Plan to Accompany was amended to reflect subsequent changes regarding the proposed access through BGE's property and the location of the proposed 6,000 square foot building. (Petitioner's Ex. 20/Protestants Ex. 26;

Petitioner's Exs. 23 & 24.) In response to Mr. La Fiandra's question to him regarding how he knew the brick entrance to the driveway off of Longnecker Road is 16 feet 2 inches wide, Mr. Smist testified that "I have this thing called a tape measure."

Before the ALJ reviewed and approved the requested relief, and before the BGE License Agreement had been executed, County reviewing agencies which constitute what's known as the Zoning Advisory Committee ("ZAC") issued comments on the requested relief and accompanying plan. The respective agencies' comments collectively appear to support access through BGE's property rather than through the existing Forest Buffer Easement and Forest Conservation Easement on Mr. Mangum's property or the use-in-common easement. The Department of Planning indicated in its ZAC Comment that it does not oppose the Petitioner's request for relief. Planning further stated that "[t]he landowner's representative has noted that the public will not be coming to the property to purchase materials and the site will be used for storage and staging for work offsite. Access will be provided using an existing driveway through a shared access easement." (Petitioner's Ex. 9.) The Bureau of Development Plans Review ("DPR") issued a ZAC Comment wherein it stated that "[s]ince the proposed development is commercial, DPR recommends a separate commercial entrance from Longnecker Road. Access shall not be provided from an existing residential driveway on the adjacent property." (Petitioner's Ex. 11/Protestants Ex. 22.) The Department of Environmental Protection and Sustainability ("DEPS") issued a ZAC Comment wherein it stated that the development must comply with the Regulations for Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code)." DEPS' ZAC Comment added that "the propose[d] driveway shall not extend into the existing Forest Buffer Easement." (Petitioner's Ex. 10/Protestants Ex. 21.)

The Petitioner called seven witnesses in total. The Petitioner called four witnesses who testified about his business which operated for over a decade approximately a mile and a half south of the subject property who have a familiarity with the neighborhood. The Petitioner and two experts also offered testimony and evidence.

Virginia Marks, who lives at 4231 Butler Road, testified that she has known the Petitioner for approximately 10 years and she observed him operating his business at his previous location which is directly across the street from a produce stand she operates which is associated with her 71-acre farm. She testified that she's familiar with his operation as her produce stand has always been open from 8:30 a.m. to 7:00 p.m. She said the Petitioner's employees were always there for you, respectful, never traveled at excessive speed and were an invaluable member of the neighborhood.

Thea Williams, who lives at 13632 Longnecker Road, testified that she lives pretty much equidistant between the Petitioner's previous location and the subject property and that he is an essential part of the horse community in the area who goes out of his way to help everyone.

Henry "Tim" Clark, who lives at 4330 Butler Road, operates a 65-acre thoroughbred racehorse farm which is approximately ½ mile from the Petitioner's previous location and two miles from the subject property. He recounted how the Petitioner was particularly helpful to the community when a big storm came through the area a couple of months ago and trees needed to be cleared and fences mended.

Aris Melissaratos, who lives at 16225 Dark Hollow Road, which is approximately 5 ½ miles away in Upperco, testified that the Petitioner has taken care of most of the big-name people in the area for many years. Mr. Melissaratos, the grandfather of Mr. Mangum's wife, owned the

location from which Petitioner operated until approximately 2019 and, in his opinion, he kept it in immaculate condition.

Greg Mangum testified in detail regarding his landscape service operation and his efforts to work with his neighbors to limit the inherent adverse impacts of said use upon them. He testified regarding the geographic area where his clients are located and the kind of work he performs. He similarly detailed the number of vehicles he owns and utilizes and the equipment he uses. Mr. Mangum testified that most of his materials, mulch and the like, are delivered to the sites where he is performing work. Petitioner testified that he plans to exclusively utilize the BGE access for his business once he obtains all permits and approvals, so long as BGE doesn't preclude access on a given date. He further testified that BGE has allowed other businesses, such as Glyndon Gardens, to operate with a similar arrangement for decades. Mr. Mangum indicated that BGE was willing to work with him regarding changes to the License Agreement to accommodate access to his property. He offered an email from BGE indicating that they were willing to work with him to modify the License Agreement to address zoning, development and fire code issues. Richard Williams and Paul Cavanaugh provided expert testimony in support of the zoning relief requested.

Richard Williams was accepted as an expert in preparing and processing plans and the Baltimore County Zoning and Development Regulations. He testified regarding how he prepared the original Plan to Accompany, the redline plan and a blacklined plan (Petitioner's Exs. 1, 20 & 21, respectively) and reasons why the special exception and variance standards were satisfied and, in his expert opinion, why the relief requested should be granted. Paul Cavanaugh was accepted as an expert in engineering and zoning and development. They both explained the interaction between the zoning and development review and approval processes, namely that so

long as the setback requirements for the proposed structure, the outdoor storage area of materials used for landscaping purposes, the location of the vehicle parking and equipment storage area and the loading or unloading of vehicles for the purpose of shipping and receiving goods are complied with, the use would be deemed compatible as that term is defined in BCZR §§ 404.3.A and 404.3.C.2. They further presented competent evidence about how development issues such as stormwater management, the septic reserve area, landscaping, screening and an underground or above ground storage tank could be resolved as part of the development review and approval process. They had no concerns regarding the project as proposed being granted development approval following zoning approval.

Protestants called three witnesses besides the Protestants: Arturo "Art" Garcia, Lloyd Moxley, and Steve Warfield. Mr. Garcia testified regarding a correction notice he issued to Mr. Mangum regarding alleged violations to the Forest Buffer Easements ("FBE") and Forest Conservation Easements ("FCE") that largely predated his ownership of the property. (Protestants Ex. 34.) Mr. Garcia acknowledged that he inspected the property regarding an anonymous complaint and that the Protestants were issued a similar correction notice for impacts to the FBE and FCE areas on their property. Correction notices for such alleged violations are processed in accordance with Article 3, Title 6, Subtitle 2 of the BCC. Mr. Moxley, the Development Manager for the Office of Development Management, testified that the County would not process the Development Plan through the development review and approval process (Article 32, Title 4, Subtitle 2 of the BCC) until after zoning approval was issued, but assuming zoning relief was granted a limited exemption would likely be granted as provided in BCC § 32-4-106. Mr. Moxley testified that the limited exemption approval by the Director of the

Department of Permits, Approvals and Inspections and the substantive Development Plan approval would both be subject to appeals.

Protestants Molly and Benjamin Smist testified regarding their observations of Mr. Mangum's landscape operation, the grading of the subject property, and their concerns for their safety and the safety of their children. They were primarily concerned with the use-in-common easement being shared with a landscape service operation but intimated that they would likely oppose any alternative means of access, preferring the subject property remaining unimproved or improved with a dwelling (which would similarly require improvement of the shared driveway). Mr. Smist testified that he would challenge whether the use-in-common easement was being overburdened if the landscape service operation was granted zoning relief.

Protestants called Steve Warfield as their expert. Mr. Warfield was accepted as an expert in engineering, zoning, and development. Mr. Warfield is familiar with the area as his brother owns a property which adjoins Mr. Mangum's property to the southwest. He testified that the particular use proposed at the subject location would have adverse effects beyond those inherently associated with such a use. He noted that the existing driveway conditions, lack of water storage tanks, and fire truck turnarounds would create a potential hazard from fire, panic, or other danger (BCZR § 502.1.C). He testified how the driveway crossing any property line would be inconsistent with the purposes of the property's zoning classification and/or otherwise inconsistent with the spirit and intent of these Zoning Regulations (BCZR § 502.1.G) insofar as BCZR §§ 404.1.A & 404.3.C.1 are concerned. Lastly, he testified that the existence of a Tier II stream towards the rear of the property would cause the landscape service operation to be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2 Zone (BCZR § 502.1.I) without

differentiating this use from other landscape service operations. In fact, he did not articulate any potential adverse effects associated with a landscape service operation. He did, however, characterize this landscape service operation as moderately sized. Mr. Warfield did not opine whether or not the property was unique or that a practical difficulty or unreasonable hardship existed. He merely stated his opinion that the intent of BCZR §§ 404.1.A & 404.3.C.1 was to disallow driveways across property lines to protect existing neighboring dwellings and variance relief was therefore precluded from being granted.

Greg Mangum and Paul Cavanaugh presented rebuttal testimony. Mr. Mangum reiterated that he had spoken with BGE and that they would support his access through their property. He produced an email from BGE indicating that they were willing to increase the width of the access to his property to illustrate this point. He also contested much of the testimony of the Smists. Mr. Cavanaugh testified that the unfortunate grading that has taken place had not adversely impacted the stream in the rear of the property and once the project received development approval all of the impacts to date would be mitigated. He further testified that all the access issues through BGE's property can be resolved from an engineering perspective and, if necessary, the use-in-common easement access could similarly be resolved. This testimony coincides with Mr. Warfield's testimony that he too could resolve the issues regarding access, stormwater management, holding tanks for water for fire suppression and well and septic.

Letters of Support from community members were presented by Mr. Mangum. (Petitioner's Exs. 12 & 17.) Protestants submitted a petition signed by individuals opposed to the request for zoning relief. (Protestants Exs. 13 & 14.) Cricket Goodall, Executive Director of the Maryland Horse Breeders Association, submitted a letter of support directly to the Board which acknowledged that Mr. Mangum's company takes care of many of the properties of their

members in the area. The Board's rules of evidence are codified in Rule 6 of the Rules of Practice and Procedure of the Baltimore County Board of Appeals as adopted by Bill No. 12-22. Those rules are governed by the contested case provisions of the Administrative Procedure Act ("APA"), Maryland Code (1995 Repl. Vol., 1998 Supp.), State Government Article, §§ 10-201-10-227. Specifically, APA § 10-213 provides that, even if it constitutes hearsay, evidence which reasonable and prudent individuals commonly accept in the conduct of their affairs and give probative effect to may be admitted.

DECISION

The Board must evaluate the special exception and variance relief requested and determine whether they are supported by competent, material and substantial evidence.

As an initial matter, the Board finds that proposed use meets the definition of a landscape service operation as defined in BCZR § 101.1, which is "[a]n operation primarily engaged in the designing, installing, planting or maintaining of lawns, gardens or other plantings at off-site commercial or residential uses." The Board further finds there has not been any showing to overcome the presumptive validity of *Schultz,* and that the property meets the requirements of *Cromwell* for a unique property and substantial hardship if the variance in not granted.

The Court in *Alviani v. Dixon*, 365 Md. 95 (2001) held that a special exception and variances may be granted at the same time. In granting any special exception, the Board is governed by the principles and conditions codified in BCZR § 502. BCZR § 502.1 provides that "[b]efore any special exception may be granted, it must appear that the use for which the special exception is requested will not:

A. Be detrimental to the health, safety or general welfare of the locality involved;

B. Tend to create congestion in roads, streets or alleys therein;

C. Create a potential hazard from fire, panic or other danger;

D. Tend to overcrowd land and cause undue concentration of population;

E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;

F. Interfere with adequate light and air;

G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones.

The Board finds that the use for which the special exception is requested will not violate A-I of BCZR § 502.1.

The R.C. 2 regulations also require two additional findings by the Board above and beyond its evaluation of the special exception standards codified in BCZR § 502.1. First, as provided in BCZR § 1A01.2.C, the Board must find that "the use would not be detrimental to the primary agricultural uses in its vicinity". The Board finds it is not. Second, as provided in BCZR § 1A01.2.C.16, the Board must find that the landscape service operation satisfies "the provisions of Sections 404.1 and 404.3 [of the BCZR]". BCZR §§ 404.1 & 404.3 contain specific regulations which are applicable to landscape service operations.[1] The Board find that is does.

[1] A landscape service operation is defined in BCZR § 101.1 as "[a]n operation primarily engaged in the designing, installing, planting or maintaining of lawns, gardens or other plantings at off-site commercial or residential uses."

In addition to BCZR §§ 404.1, 404.3 and 502.1, the Board's review of a special exception request is governed by *Schultz v. Pritts*, 291 Md. 1 (1981), which "essentially adds language to statutory factors to be considered in evaluating proposed special exceptions." (*Mossburg v. Montgomery County*, 107 Md. App. 1, 21 (1995).) In *Schultz*, the Court of Appeals articulated a standard for assessing the degree to which a proposed use's adverse impact affects the outcome of a special exception request. (*Id.* at 11-15.) The Court further recognized that a special exception use, by virtue of its inclusion in the comprehensive zoning plan, is presumptively valid "unless there are strong and substantial existing facts or circumstances showing that the particularized proposed use has detrimental effects above and beyond the inherent ones ordinarily associated with such uses." (*Id.* at 11, 14 (quoting *Anderson v. Sawyer*, 23 Md. App. 612, 625 (1974)).) Here the Board finds there has not been any showing to overcome the presumptive validity of *Schultz*.

In granting any variance, the Board is governed by the authority codified in BCZR § 307.1 and *Cromwell v. Ward*, 102 Md. App. 691 (1995). BCZR § 307.1 provides:

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

The Board finds that the property meets the requirements of *Cromwell* for a unique property and substantial hardship if the variance is not granted.

I. The proposed landscape service operation satisfies the applicable special exception standard.

Petitioner presented testimony and evidence that the proposed landscape service operation will not have a detrimental impact greater than those effects inherently associated with a landscape service operation irrespective of its location within the zone. Protestants presented testimony and evidence that the landscape service operation will have impacts greater than those effects inherently associated with a landscape service operation irrespective of its location within the zone.

In *Turner v. Hammond*, 270 Md. 41, 54 (1973), the Court stated, "[o]ccasionally the bar and less often the bench lose sight of the concept that the conditional use or special exception, as it is generally called, is a part of the comprehensive zoning plan sharing the presumption that as such it is in the interest of the general welfare and, therefore, valid." (*See also Bd. of Cnty. Comm'rs of Wash. Cnty. v. Perennial Solar, LLC*, 464 Md. 610, 629 (2019)) (quoting *Schultz v. Pritts*, 291 Md. 1, 11 (1981), "the seminal case in Maryland on special exceptions").) If an "applicant demonstrates compliance with the prescribed standards and requirements set forth in the relevant statute or regulation, then there is a presumption that the use is in the interest of the general welfare, a presumption that may only be overcome by probative evidence of unique adverse effects." (*Clarksville Residents Against Mortuary Def. Fund, Inc. v. Donaldson Props.*, 453 Md. 516, 543 (2017).)

"If there is some evidence pointing in each direction, the issue is, by definition, 'fairly debatable,' and the decision of the administrative agency, whichever way it goes, may not be

reversed." *Futoryan v. Mayor of Baltimore*, 150 Md. App. 157, 172 (2003); see also *Prince George's County v. Meininger*, 264 Md. 148, 154 (1972) (appellate courts may not substitute their "judgment for that of the zoning authority, if . . . the issue decided is fairly debatable"). Petitioner presented testimony and evidence that the proposed landscape service operation will not have a detrimental impact greater than those effects inherently associated with a landscape service operation irrespective of its location within the zone. Protestants presented testimony and evidence that the landscape service operation will have impacts greater than those effects inherently associated with a landscape service operation irrespective of its location within the zone.

The Petitioners presented testimony regarding how they have a limited number of employees, have limited deliveries and pickups from the site and do not spend much time there daily. The employees arrive in the morning in their personal vehicles and leave in work vehicles with their equipment in tow for locations where they are working. During the course of the day, Mr. Mangum may come back to get some extra equipment as needed, but more often than not they are off-site all day until the workday is over and the work trucks return and the employees head home in their personal vehicles. Mr. Williams and Mr. Cavanaugh provided expert testimony that the particular use proposed at the location proposed would not have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Mr. Mangum has expressly stated that he is willing to make necessary improvements to improve access to the property, wherever the access would be provided.

- **The proposed use would not be detrimental to the health, safety or general welfare of the locality involved (BCZR § 502.1.A).**

Competent evidence exists to show that Mr. Mangum and his employees are considerate members of the community who aspire to help rather than harm anyone. With the proposed site improvements, any concerns regarding access to and from the location will be addressed. Mr. Warfield did not offer any expert testimony to rebut this presumption. A conditional use application "cannot be denied simply because the lot upon which the proposed use will be located is adjacent to residences." (*Montgomery County v. Butler*, 417 Md. at 308.) The Minor Subdivision plan states that the use-in-common easement should be paved and 16 feet wide. The Board has the authority to require the shared driveway to be 20 feet wide as the easement is 25 feet wide, as Petitioners broadly requested variance relief "[f]or such other and further relief as may be deemed necessary by the ALJ for Baltimore County" which would include BCZR § 409.4 (which requires driveways for two-way movements to be at least 20 feet in width). Protestants have expressed an intent to fight improvement of the shared driveway to accommodate additional traffic, the improvement of the BGE access and pretty much any other approval Petitioner may seek. They made it abundantly clear that they consider the use-in-common easement to be "their driveway" and have been unwilling to resolve the access issue which is the crux of this case.

- **The proposed use will not tend to create congestion in roads, streets or alleys therein (BCZR § 502.1.B).**

The Court in *Anderson*, 23 Md. App. 617-25 (a case that involved a funeral home seeking a special exception approval), reversed the Board's finding that the use would create traffic problems as there was no probative evidence to show "that the particularized proposed use has detrimental effects above and beyond the inherent ones ordinarily associated with such uses." Mr. Mangum has operated his business in the area for over a decade. Whether he operates from

this location or another one, he serves the people of this community and will be operating on the roads in the area. Longnecker Road is an unstriped public road that accommodates both farm equipment and passenger vehicles. The limited trips proposed by this landscape service operation will not have an increased effect on the roads above and beyond any other similar operation. Similarly, the limited trips on the possible accesses to Longnecker Road from the subject site could easily be addressed through reasonable improvements to them that can be worked out as part of the development review and approval process.

- **The proposed use will not create a potential hazard from fire, panic or other danger (BCZR § 502.1.C).**

Mr. Mangum's operation consists of vehicles and equipment and perhaps some containers holding debris and mulch. These are common occurrences for a landscape service operation. Following zoning approval, the Development Plan will be reviewed by various agencies, including the Fire Department, for compliance with the regulations for fire safety. Mr. Warfield acknowledged that he could lay out a development through the development review and approval process that complied with all applicable regulations. Mr. Moxley testified that review of such issues can only take place after zoning approval is issued.

- **The proposed use will not tend to overcrowd land and cause undue concentration of population (BCZR § 502.1.D).**

The subject site is just short of 10 acres. Mr. Mangum testified that he operated on a much smaller parcel for the past decade. Even with the FCEs and FBEs on the property, Mr. Warfield, in addition to Mr. Williams and Mr. Cavanaugh all acknowledged that there is adequate room for the proposed landscape service operation on the subject site.

- **The proposed use will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements (BCZR § 502.1.E).**

There will be no impact on schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements. Mr. Mangum has already operated in the area for over a decade and a landscape service operation has basically no impact on such public requirements, conveniences or improvements. In fact, he even went out and removed trees from Longnecker Road after the significant storm event that hit the area this summer. There was no probative evidence in opposition to this standard having been satisfied.

- **The proposed use will not interfere with adequate light and air (BCZR § 502.1.F).**

The building being proposed will have a maximum height of 35 feet. The Blacklined Plan, Petitioner's Ex. 21, indicated that it will be located 346.1 feet from the Smists property and 54.4 feet from BGE's property. There is no reason to believe that this would be more impactful than a similar use elsewhere in the neighborhood as no evidence presented to rebut the presumption of validity under Shultz.

- **The proposed use will not be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations (BCZR § 502.1.G).**

The proposed use is permitted by special exception in the RC 2 zone. As provided in BCZR § 1A01.2.C, the RC 2 regulations further require a finding that "The following uses, only, may be permitted by special exception in any R.C.2 Zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity". Witnesses in support of the Petitioner testified that Mr. Mangum is not only not a detriment to agricultural uses in the area but is actually an immense help in providing services to them. Ms. Goodall sent the Board a letter that Mr. Mangum takes care of many of the members of the Maryland Horse Breeders Association in the area. Mr.

Warfield's only testimony regarding how the presumption of validity is rebutted is that BCZR §§ 404.1 & 404.3 require an internal driveway to be located at least 25 feet from any property line and designed to insure protection of existing neighboring dwellings from noise, dust, glare and other nuisance factors, respectfully. Mr. Mangum has entered into a License Agreement with BGE to utilize their property as his primary means of access. Without access through BGE's property or a variance to impact the FBE and FCE on Mr. Mangum's property to obtain his own access, he would have no access to the subject property. As previously noted, the BCZR does not exclude the section covering the relevant special exception from being modified by variances. (*Alviani*, 365 Md. at 109.) Mr. Warfield testified that he could design the project in order to satisfy the applicable zoning and development regulations. Mr. Williams and Mr. Cavanaugh similarly testified that the outdoor storage area of materials used for landscaping purposes, the location of the vehicle parking and equipment storage area and the loading or unloading of vehicles for the purpose of shipping and receiving goods can be complied with, the use would be deemed compatible as that term is defined in BCZR §§ 404.1 and 404.3. BGE's access off of Longnecker Road already exists and they've given Mr. Mangum a license to utilize same. The testimony and evidence makes it clear that BGE is willing to work with him to modify the License Agreement to make the existing access work better.

- **The proposed use will not be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations (BCZR § 502.1.H).**

The extent of impermeable surface proposed is minimal and lies outside of the FBE and FCE areas. The FBE and FCE areas based upon the location of the streams are already established for the subject property. The Minor Subdivision plan authorizes a 16-foot-wide driveway for the existing shared driveway. The proposed access through BGE's property per the

License Agreement, which BGE as authorized to be increased to at least 12 feet already, will ensure that this prong of the special exception test is met. The proposed use will not be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone (BCZR § 502.1.I). As previously stated, the FBE and FCE areas based upon the location of the streams are already established for the subject property. Mr. Williams and Mr. Cavanaugh provided expert testimony that all development approvals, including but not limited to providing well and septic, stormwater management and the necessary development area, will be attainable once the Development Plan is reviewed. The review of the Development Plan is an iterative process and slight modifications to the plan may be necessary but so long as they comport with the landscape service operation area requirements, the use can be accommodated. Mr. Warfield acknowledged that he could design the project to meet all the regulations as well. In response to questions from the Board regarding how the use itself would impact environmental and natural resources of the site and vicinity above and beyond say a residential development, Mr. Warfield did not have an answer. Stated another way, he could not provide an answer regarding why the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use. Schutlz, 291 Md. at 15.

II. The variance should be approved.

The Board also concludes that Petitioner is entitled to variance relief in this case. Petitioner seeks relief from BCZR § 404.1.A to permit an internal roadway to be located 0 feet from a property line in lieu of the minimum required 25 feet.

In Baltimore County, the test for entitlement to zoning variances requires a two-pronged analysis showing that:

(1) The property is unique; and

(2) If variance relief is denied, petitioner will experience a practical difficulty or unreasonable hardship. BCZR § 307.1; Cromwell v. Ward, 102 Md. App. 691, 694-95 (1995).

A. The Property is Unique

To obtain a variance, Petitioner first must prove the uniqueness of the property. The Court in *Cromwell* defined the term "uniqueness" and stated:

> In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., it shape, topography, subsurface condition, environmental factors, historical significance, access or notaccess to navigable waters, practical restrictions imposed by abutting properties (such as obstruction) or other similar restrictions. *Cromwell*, 102 Md. App. at 703-722.

The site is uniquely shaped and the topography is steep, sloping towards both the front and rear of the property. It adjoins BGE power lines to the south. The undisputed evidence shows that the property has streams that run along both the front and rear boundaries of the property with easements for the attendant Forest Buffer and Forest Conservation areas. Its only means of access is through a use-in-common easement, a portion of which lies on the Protestants property following a minor subdivision approval in 2019.

The property is unique since any means of access to the property for the proposed use would necessitate variance relief. The use-in-common access and access through BGE's property would necessitate variance relief under BCZR § 404.1.A. If access were to be obtained on Petitioner's property, it would necessitate variance relief under BCC § 33-3-106. The particulars regarding access to this property constitute unique circumstances.

The only testimony offered by Protestants' expert was that variance approval cannot be granted because the intent of BCZR §§ 404.1.A & 404.3.C.1 was to disallow driveways across property lines to protect existing neighboring dwellings.

Petitioner responds that while the express intent of the legislature in BCZR makes it clear that variance relief cannot be granted under certain instances, statutory construction evidences the fact that variances can be granted in conjunction with the instant special exception request, as BCZR §§ 404.1.A & 404.3.C.1 contain no such limitation. (*Alviani*, 365 Md. at 109.) Therefore, the variance standard set forth in *Cromwell* applies. The Board agrees. Mr. Warfield's testimony regarding the streams, environmental protection easements and steep slopes affecting access to the subject property supports a finding that the property is unique.

The applicable provision from which relief is being sought is a specific regulation for limited acreage wholesale flower farms, horticultural nurseries and landscape service operations in BCZR § 404.1. Specifically, BCZR § 404.1.A provides that "[i]nternal roadways shall be located at least 25 feet from any property line other than a street right-of-way line." The intent of the regulation is to provide an adequate distance between adjoining properties for the ingress and egress to the use. At the time the Petition for Zoning Hearing was filed, Petitioner's only means of access to Longnecker Road was via the 25-foot private use-in-common easement. The subject property has frontage on Longnecker Road, but that entire frontage is encumbered by an existing Forest Buffer Easement. The property to the south is owned by BGE and is improved with power lines. Before the Board's consideration of the instant appeal, Petitioner obtained a license from BGE to utilize its access road to access his property. No other property in the immediate vicinity has the same access or non-access issues.

In order to obtain access to Longnecker Road, the Petitioner has to utilize the use-in-common easement established when the Petitioner's and Protestants' property were subdivided, obtain access through BGE's property or obtain an Alternatives Analysis to create his own access through his property. If access was obtained through BGE's property, as it was by way of a license with them, that access would necessitate the same relief (a zero-foot setback from a property line in lieu of the minimum required 25 feet) as was originally requested to utilize the use-in-common easement. To create his own access to Longnecker Road through his property, Petitioner would have to obtain Alternatives Analysis approval, pursuant to BCC § 33-3-112(c), for a stream crossing which would impact the existing Forest Buffer Easement. This is essentially a variance approval. The Director of DEPS has the sole and exclusive authority to grant both Forest Buffer Variances and an Alternatives Analysis approval under BCC § 33-3- 106 as follows:

> § 33-3-106. - SAME-VARIANCES.
> (a) Authority to grant. The Director of the Department may grant a variance:
> (1) For those projects or activities where strict compliance with the requirements of this title would result in practical difficulty or unreasonable hardship;
> (2) For those public improvement projects or activities where no feasible alternative is available;

DEPS clearly stated in its ZAC Comment that there should be no additional impact, such as an Alternatives Analysis approval, to the existing FBE. This makes sense, because in order for a road and bridge to literally cross the stream on the west side of Longnecker Road, the Director of DEPS would have to find that Petitioner has clearly demonstrated that no other feasible alternative exists and that minimal disturbance will take place as provided in BCC § 33-3-112(c). The Petitioner has access to his property through the use-in-common easement and, following the hearing before the ALJ and before the hearing before the Board, he has obtained a

license from BGE to gain access to his property. Improvements to those respective means of access could be made without creating a third access through the FBE.

The property is unique since any means of access to the property for the proposed use would necessitate variance relief. The use-in-common access and access through BGE's property would necessitate variance relief under BCZR § 404.1.A. If access were to be obtained on Petitioner's property, it would necessitate variance relief under BCC § 33-3-106. The particulars regarding access to this property constitute unique circumstances.

B. If The Variance Is Denied, Petitioner Will Experience A Practical Difficulty Or Unreasonable Hardship

Courts have interpreted the "practical difficulty or unreasonable hardship" standard to mean that satisfaction of either of the conditions may warrant a variance. (*Loyola Loan Ass'n v. Buschman*, 227 Md. 243, 250-51 (1961).) The Court in *McLean v. Soley*, 270 Md. 208, 214-15 (1973) established criteria for determining practical difficulty or unreasonable hardship:

> (1) Whether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
>
> (2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
>
> (3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Furthermore, the practical difficulty or unreasonable hardship must not be self-imposed. *Richard Roeser Prof'l Builder, Inc. v. Anne Arundel Cnty.*, 368 Md. 294, 314 (2002).

Given the unique facts associated with the three options for access to the subject site, there is competent evidence that the criteria have been met. Petitioner has indicated that he

intends to utilize the access that BGE presently has on its adjoining property for the proposed landscape service operation use. He testified that he would only utilize the use-in-common easement access if BGE was working on its property. The benefits of retaining the trees providing a buffer to the stream along Longnecker Road, rather than obtaining a variance from the forest buffer regulations to add a culvert and driveway to serve this property, would accrue to the general public. (*McLean*, 270 Md. at 215.) Having obtained a license agreement from BGE, that could be utilized as the primary means of access to the subject site, the variance relief requested satisfies the three criteria for determining practical difficulty or unreasonable hardship.

Finally, the testimony and evidence produced by Protestants regarding alleged violations within the Forest Conservation and Forest Buffer Easements (Protestants Ex. 34), the impact of the grading and filling on the previously approved septic reserve area (Protestants Ex. 35), and the need for Maryland Department of the Environment approval of Tier II water body discharge (Protestants Exs. 36 & 37) are not before this Board at this time.

ORDER

THEREFORE, IT IS THIS 27th day of April, 2023, by the Board of Appeals of Baltimore County hereby:

ORDERED that the conditional special exception approval and variance approval be and is **GRANTED** subject to the following conditions the Board places on this approval:

1. Mr. Mangum shall be entitled to utilize the use-in-common easement for his landscape service operation until such time as he receives approval to access his property through BGE's property and makes the necessary improvements. He shall also work with the Smists to pave at least a 16-foot-wide driveway in the use-in-common easement from Longnecker Road up to the fork in the driveway where it forks off onto his property as soon as possible. Mr. Mangum shall be solely responsible for the cost of paving this shared driveway.

2. Should County reviewers determine that BCZR § 409.4.A requires a 20-foot-wide access for a driveway with two-way movements serving the landscape service operation, a variance shall be considered granted to as little as 16 feet on the shared driveway with the Smists and as little as 12 feet on BGE's property, if those respective accesses are not deemed legal, nonconforming uses.

3. Once all permits for the landscape service operation have been issued, the access through BGE's property as illustrated in Petitioner's Ex. 23 (or as close to this alignment as possible) shall be the first improvement made.

4. Once access to Mr. Mangum's property through BGE's property has been established, it shall be the exclusive access for the landscape service operation, so long as BGE does not revoke its license. If there is a temporary interruption in access through BGE's property of more than one day, Mr. Mangum shall notify the Smists that the use-in-common easement will be used by the landscape service operation on a temporary basis. Should BGE notify Mr. Mangum that it intends to revoke its license, Mr. Mangum shall pursue obtaining his own access on his property by way of an Alternatives Analysis approval. Provided he obtains Alternatives Analysis approval, he shall proceed with reasonable diligence to construct said ingress/egress and use this as his exclusive access to his property for the landscape service operation. To minimize impacts to the 30 Forest Buffer and Forest Conservation Easements, he should seek approval for no more than a 16-foot-wide ingress/egress on this property to lessen the impact to the environmental features.

5. Mr. Mangum shall make every effort to notify anyone coming to his property that the use-in-common easement from Longnecker Road up to the fork in the driveway where it forks off onto his property is not the access to his property once an alternative primary access for the landscape service operation is established.

6. Petitioner shall submit for approval by the County Landscape Architect a Landscape and Lighting Plan that fully complies with both the Baltimore County Landscape Manual and BCZR §§ 404.1.C and 404.3. The County Landscape Architect shall work with Mr. Mangum to integrate Green Giant arborvitae or other kinds of evergreens that provide a year-round visual screen upon maturity as allowed by the County's Landscape Manual.

7. If the loading activities are not carried on within the proposed 6,000 square foot structure as shown on the Blacklined Plan (Petitioner's Ex. 21), which must be at least 50 feet from the property line adjoining BGE's property, then the loading or unloading of vehicles for the purpose of shipping and receiving goods shall take place at least 100 feet from any property line adjacent to a residentially zoned or used property and shall be screened with plantings that provide a year-round visual screen upon maturity as allowed by the County's Landscape Manual as part of his Landscape and Lighting Plan.

8. Mr. Mangum shall seek a waiver as part of the resolution of the correction notice from DEPS to plant evergreens in the FBE/FCE instead of native trees (oaks/maples) as permissible in order to provide additional screening. If possible, the evergreens should be Green Giant arborvitae which are at least 12 feet tall to expedite the screening.

9. Mr. Mangum shall obtain approval of well and septic locations to the satisfaction of the Office of Ground Water Management as part of the development review and approval process.

10. Mr. Mangum shall provide a water supply capable supplying the required fire flow for fire protection, which shall be placed underground if at all possible.

11. The gravel driveway shall be upgraded to meet county regulations for pavement width and thickness. The culvert over the stream at the entrance to the driveway shall be reinforced to support the loads of the Petitioner's landscape vehicles.

12. The Petitioner shall be required to provide adequate insurance against property damage, injury, or death resulting from the Petitioner's use of the Use-In-Common Easement for his business. The Protestants shall be named as additional insureds on any such insurance policy.

13. The Petitioner shall not conduct commercial business on the Subject Property on Sundays, with exception that landscape service operations as defined by BCZR 101.1 shall be permitted in emergency situations to clear snow, remove fallen trees, of cleanup debris from roadways or access roads, unless additional exceptions are otherwise agreed in writing by the parties.

14. The Petitioner shall not conduct any landscape service operations of any description on the Property outside of the hours of 7 a.m. to 8 p.m.

15. The Use-In-Common Easement shall be heavily and effectively screened with a combination of sycamore trees and arborvitae shrubs. In addition, the Use-In-Common Easement shall be lined with four board horse fencing, for the safety of the Protestants' young children.

16. There shall be no signage advertising the Petitioner's business at the entrance to the Use-In Common Easement at Longnecker Road.

17. The Petitioner shall apply to the Development Review Committee to amend the Minor Sub Plan to remove notes 7 and 17 and to show the proposed improvements thereon.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through 7-210 of the *Maryland Rules*.

BOARD OF APPEALS OF
BALTIMORE COUNTY

Adam T. Sampson

Adam T. Sampson, Panel Chair

Fred M. Lauer

Fred M. Lauer

Bryan T. Pennington

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 27, 2023

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Dino C. La Fiandra, Esquire
Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

RE: In the Matter of: *Gregory Mangum*
Case No.: 22-012-XA

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,

Sunny Cannington

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: Gregory Mangum
Renee Hamidi, Executive Director/Valleys Planning Council
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law
Benjamin and Molly Smist
Paul Merritt, President/Hanover Road Assn.
Patricia Fallon/Hanover Road Assn.
Vicki Kravitz
Aris Melissaratos
Richard B. Williams/Development Design

Tammy Zahner

From: Appeals Board
Sent: Monday, December 19, 2022 2:51 PM
To: Cricket Goodall
Subject: RE: Letter of support for Gregory Mangum case # 22-012-XA

Received.

Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
appealsboard@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

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From: Cricket Goodall <cricket@marylandthoroughbred.com>
Sent: Monday, December 19, 2022 12:37 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Letter of support for Gregory Mangum case # 22-012-XA

CAUTION: This message from cricket@marylandthoroughbred.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Please see attached

Cricket Goodall
Executive Director
Maryland Horse Breeders Association
410-252-2100 x 111
240-454-3878 direct
http://secure-web.cisco.com/1AEKxg77M_yyaTlvk7NEJWtTYL4TPisSgy8FC8t2-nIMwAcQEUmnoRIthm8mUWBhbKmV5xDxZ7tsuSsX9uM2wOfJGRHW23-ZFw36U-siQXntKp9Gy9eZxU3pM3yDfrLfGjTuHegDM8W9PCFowllDD0vYDTwl6BaMkWRalgrDsYkTSw51EQzT3PL8-rKcJ4vSh936svy0urm0gonndvcK1gtB2zWdtizYgqL8Of2pi1BSFy0bycWd753ukVAy75Czr1Uf-jik1GKa6VYv-_9mG1FV3-TN9KVvedp5XsJkLJE7C4stJFkBwaNO1xPXe9preA23RrkgB_DGuFvocaPXxVgVFljbBA7z-xCd9aKkfw1w1SgIxmIgYz9j4fqYe3ZZu5QRLWmRCtOWc3h14_EH55tXqsUC6_Svd9nGQhZeDbVFgW6l5YSCVQ8jadh_RqFOkXvrYU7Cgripvg0kc2Yl6oA/http%3A%2F%2Fwww.MarylandThoroughbred.com
http://secure-web.cisco.com/1ghAtJRnmapjxYfM_bpYM12-rJt1YQUKEriZKUUeZD767URbaM5u3P5YmqWTh2ndIYpo1u6QZhiwB2alcJCr-AjYM_xYve6Lv7Rosw_Y7ecoqINKhWIxgb3-

7kuLtQLrKygOcSdszzNcNpEmEilY3rJht7iVBKkHnKpn34iG9VJm7EGQePRoImcQGPd20Hb1v02ArmDRS54qaMsTG-Y7YpSEqiJ48Z4G1UrwFXBkxhh32AZ-bIKKh87EeENQYrSDxMWIY2bf-Tu3VbCqmRw6agy-IXy_EAfiLqWSxPbdnlBvVPbZUrkY7ImcfC_yzQVsItWSytQjWpA-N0ktw32P8EM3Nlkr6wktAfYGTmhDL02OcBdC6H6v2Wq1zh0u_qAEd6YpEVLB4xkyK7Azjz8GKUyXDtf9hxdOwKx7GOINPyahb6m-ikI_nsOlKJutD2yClAGxzuisECu50nVi83E3mzQ/http%3A%2F%2Fwww.MarylandMillion.com
www.Marylandhorse.com

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MARYLAND HORSE BREEDERS ASSOCIATION
Since 1929

December 19, 2022

In the Matter of:
Gregory Mangum
14100 Longnecker Road
Case No. 22-012-XA

Dear Board of Appeals,

I am writing to express support for the special exception and variance relief Mr. Mangum has requested in order to operate his landscape service operation at 14100 Longnecker Road.

As the Executive Director of the Maryland Horse Breeders Association, I want to confirm that Greenmount Lawn and Landscaping has done an excellent job to taking care of the grounds around our headquarters at 321 Main Street in Reisterstown. We have just opened the Maryland Horse Library and Education Center on the site, and it is important to have the greenspace around the building look good.

Mr. Mangum and Greenmount Lawn & Landscaping are reliable and have been very responsive when we have had unexpected needs such as storm damage and additional clean up. He has an excellent reputation in the community and came highly recommended. He and his company take care of many of the properties of our members in the area.

Sincerely,

Cricket Goodall
Executive Director

321 Main Street, Reisterstown, MD 21136 • 410.252.2100 • Fax 888-616-9797 • MarylandThoroughbred.com

IN RE: Petitions for Special Exception and Variance **14100 Longnecker Road** 4th Election District 3rd Councilmanic District **Gregory Mangum, Legal Owner**	)	**BEFORE** **THE OFFICE OF** **ADMINISTRATIVE HEARINGS** **OF** **BALTIMORE COUNTY** **CASE NO. 2022-0012-XA**

NOTICE OF APPEAL

Benjamin and Molly Smist, (collectively, the "Appellants"), feeling aggrieved by the final Decision and Order of the Administrative Law Judge dated April 15, 2022 in the above-captioned case (the "Decision"), pursuant to Baltimore County Code, §32-4-401, *et seq.*, hereby appeal to the County Board of Appeals. The Appellants appeal the Decision in its entirety, including without limitation, the granting of the Petition for Special Exception and the granting of the Petition for Variance, in all respects. A check in the amount of Seven Hundred Dollars ($700.00) payable to Baltimore County, Maryland is included herewith for the filing fee of this Notice of Appeal. Pursuant to Rule 3.A of the Rules of Practice and Procedure of the Baltimore County Board of Appeals, the address, telephone number and email address of the Appellants are:

14102 Longnecker Road
Reisterstown, Maryland 21071
Tel: 301-706-0869
Email: bnsmist@gmail.com

RECEIVED
MAY 12 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

Respectfully submitted,

May 12, 2022
Date

Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
443-204-3473
Attorney for Benjamin and Molly Smist
Appellants

Certificate of Service

I certify that on May 12, 2022, I sent a copy of the foregoing Notice of Appeal by email to Jason Vettori, Esquire at jvettori@sgs-law.com.

Dino C. La Fiandra

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

No. 203935

Date: 5-12-22

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0005		6150				700.00

Total: 700.00

Rec From: Nino La Fiandra, Esq.

For: Office of Admin. Hearings
Case No. 2022-0013-XA
14100 Longnecker Rd.
Hearing Date - 7-6-22
Check #. 1283

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

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
5/12/2022	5/13/2022	11:41:17	2

REG TR02 WALKIN MST
**RECEIPT # 001465 5/13/2022 OPEN
5 528 ZONING VERIFICATION
203735
Recpt Tot $ 700.00
700.00 CK .00 CA
Baltimore County, Maryland

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

No. 203935

Date: 5-12-22

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				700.00

Total: 700.00

Rec From: Dino La Fiandra, Esq.

For: Office of Admin. Hearings
Case No. 2022-0012-XA
14100 Longnecker Rd.
Hearing Date - 4-6-22
Check No. 1283

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

CASHIER'S VALIDATION

LAW OFFICE OF DINO C. LA FIANDRA, LLC
DINO C. LA FIANDRA
100 W. PENNSYLVANIA AVENUE STE 305
TOWSON, MD 21204

06-18

1283

65-343/550
22

DATE 5/12/2022

CHECK ARMOR

PAY TO THE ORDER OF Baltimore County, Maryland $ 700 00

Seven Hundred no/100 DOLLARS

Photo Safe Deposit® Details on back

HOWARD BANK
www.howardbank.com

FOR Appeal Fee - 2022-0012-XA Dino La Fiandra

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE
(14100 Longnecker Road)	*	OFFICE OF
4th Election District		
3rd Council District	*	ADMINISTRATIVE HEARINGS
Gregory Mangum,		
Legal Owner	*	FOR BALTIMORE COUNTY
Petitioner	*	**Case No. 2022-0012-XA**

* * * * * * * *

CORRECTED OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as Petitions for Special Exception and Variance filed for property located at 14100 Longnecker Road. The Petitions were filed on behalf of Gregory Mangum, legal owner of the subject property ("Petitioner"). The Special Exception petition requests relief under Baltimore County Zoning Regulation ("BCZR") §§ 1A01.2.C.16, 404.1 and 404.3 for a landscape service operation. In addition, Variance relief was requested from BCZR § 404.1, to permit an internal roadway to be located zero (0) ft. from a property line in lieu of the minimum required 25 ft, and for such other and further relief as may be deemed necessary by the ALJ ("ALJ") for Baltimore County.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Gregory Mangum appeared in support of the petition. Jason Vettori, Esquire of Smith, Gildea & Schmidt, LLC represented the Petitioner. Richard Williams of Development Design Consultants also appeared on behalf of the Petitioner. The site plan that his firm prepared and sealed was admitted as Petitioner's Exhibit 1. Several persons attended to voice their support for the requested relief, and numerous letters of support were received. The adjoining property owners, Molly and Ben Smist attended to oppose the requested relief. They were represented by Dino LaFiandra, Esquire. They

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By DM Ugron

submitted a Petition opposing the requested relief, signed by numerous community residents. It was admitted as Protestant's Exhibit 10. Also in attendance to oppose the requested relief was Renee Hamidi, Executive Director of the Valleys Planning Council ("VPC"). A letter of opposition was also received from Paul Merritt, President of the Hanover Road Association.

Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Environmental Protection and Sustainability Development Coordination ("DEPS"), the Department of Planning ("DOP"), the Bureau of Development Plans Review ("DPR"), and the Office of Zoning Review ("OZR"). They did not oppose the requested relief, subject to certain conditions.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The subject property is 9.86 acres and is zoned RC 2. It is on Longnecker Road in Glyndon. The area is a mix of agricultural and rural residential. By virtue of a "use in common" easement the Petitioner is entitled to use a portion of the driveway on the Smist's adjoining property for ingress and egress. Petitioner, Greg Mangum explained that he is the owner of Greenmount Lawn & Landscaping, LLC. He purchased this property in April 2021 and closed on it in June 2021. He was aware at the time of purchase that he would need a special exception to operate a landscape service business at this location. He explained that he has been in business since 2009 and his previous location was also on Longnecker Road but closer to its intersection with Butler Road. He stated that he currently has 8 full time employees. They do general landscaping and lawn care in addition to fence repair, tree work, and snow removal. He explained that he services a lot of the horse farms and other agricultural operations in the area, as well as doing residential work. He then described a "day in the life" of this business. He and his brother arrive at the site around 7 a.m. and start loading the trucks and trailers with the tools and materials they will need that day. His

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By DMugnon

employees typically arrive in their personal vehicles around 8 a.m. and help him finish loading equipment. He and the crews then leave shortly thereafter and proceed to their various job sites. They normally return in the late afternoon/early evening. He testified that he owns and uses the following equipment for his landscaping business: an F-250 with 20' trailer, an F-350 with 20' trailer, an F-450 dump truck, and a Bobcat Skidloader. He also owns and uses all the associated miscellaneous equipment, such as post hole augers, snow plows, riding mowers, push mowers, chain saws, etc. He also owns a vintage 1967 Caterpillar 955 bulldozer but it is not used in the business. Mr. Mangum further explained that he hopes to construct a 60' by 100' pole barn at the site to house these vehicles and equipment, as well as mulch and similar materials. He further explained that he has been cleaning up the property and clearing brush and therefore has had several dumpsters delivered and picked up. He stated that he has already planted 15 arborvitae trees to screen the barn site from the Smist's property and that he has 20 more on order. He has also planted some dogwood trees.

Mr. Mangum identified Petitioner's Exhibits 12 and 17 as letters of support he has garnered from clients and other community members, including numerous farmers and horse breeders. He stated that his neighbors, the Smists, moved in shortly after he purchased the property and that he had spoken regularly to Ben Smist about his operations and plans. He said the Smist had not voiced any opposition until very recently. He stressed that he intends to be a considerate neighbor and that he will make every effort not to unreasonably disturb the Smist's enjoyment of their property. On cross-examination Mr. Mangun acknowledged that he has done grading/earth moving at the site to create parking for vehicles and in anticipation of constructing the proposed pole barn. He stated that he does not believe he has graded more than 5000 sq. ft. and therefore believes he did not need a permit. He stated that he is usually at the site 6 to 7 days a week. On re-direct

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By DMangum

examination he stated that his vehicles and equipment are typical of any landscape/lawn care company. He also explained that he is in the process of trying to get permission from B.G.& E. to use an existing gravel driveway that they have constructed on the site pursuant to a utility access easement they possess. He explained that if he is able to obtain this permission that he will use this driveway for his trucks and equipment rather than the driveway that he shares with the Smists.

Richard Williams of Development Design Consultants testified next. He was accepted as an expert in land development and in the BCZR. He described the site plan and the requested relief. With regard to the variance request he explained that they cannot meet the 25 ft. setback for the driveway because the shared driveway is actually entirely within the Smist's adjoining property. He explained that these two adjoining lots were created in 1999 by a Minor Subdivision Plan known as the "Paul F. Wooden, Jr. Property." This Plan was admitted as Petitioner's Exhibit 3. The lot owned by the Petitioner is Lot 2 and the Smists property is Lot 1. The Deed for the subject property was admitted as Petitioner's Exhibit 4. The Deed states in relevant part that Lot Two is conveyed "TOGETHER WITH the use-in-common with Lot One, a private easement for ingress, egress, maintenance, and utilities . . ." Mr. Williams explained that this gives Mr. Mangum the lawful right to use this driveway to access his lot. He further explained that Mangum is precluded from constructing his own separate driveway because there is a Forest Conservation Easement along the entire length of his property on Longnecker Road. He noted that in their ZAC Comments DEPS stated that "the proposed driveway shall not extend into the existing Forest Buffer Easement." Mr. Williams went on to explain that there are Forest Buffer and Forest Conservation easements covering most of the property, as well as B.G.& E. utility and maintenance easements for overhead high voltage lines that traverse the property. These constraints generate the need for the driveway setback variance.

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By DRMangum

Mr. Williams was then questioned at length by Mr. Vettori about whether this Special Exception request meets the requirements of BCZR § 502.1 and Williams explained that in his expert opinion all the factors are met. He noted that because of the steep topography, the high voltage lines, and the substantial easements on the site that it is ill-suited for either agricultural use or residential development. He further explained that the proposed pole barn is much smaller than many existing barns in the area. He also noted that the barn and parking area will have no adverse environmental impacts because of the existing forest buffer and conservation easements covering most of the site. Finally, he explained that they will be required to submit for approval a Landscape and Lighting Plan that conforms to the Landscape Manual and that this will minimize any impacts on the adjoining Smist property. In sum, he stated that, in his opinion, the proposed landscape service business will have no greater impacts at this location than are inherent to this use. This concluded Petitioner's case in chief.

Molly Smist then testified as follows. She and her husband and four children moved into their house in July 2021. Her children are between 3 months and 5 years old. She stated that Mr. Mangum has been running his landscaping business since the beginning of the year. She said that her house is approximately 200 ft. from the common driveway. She said that five to nine men arrive each morning between 6:30 a.m. and 8 a.m. They use the Bobcat to load mulch onto the trucks and trailers and otherwise load tools and equipment. They usually leave between 9 a.m. and 10 a.m. She said that they then come and go throughout the day. She stated that the employees drive "carelessly." On cross-examination she acknowledged that there is a large farm operation adjoining her property to the west and that it was there when they moved in. An aerial photo of the farm and the Smist property was admitted as Petitioner's Exhibit 18.

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By D. Mignon

Ben Smist testified next. He said that Mr. Mangum began grading in August 2021 and finished in mid-September. He then covered the graded area with approximately 40 dump truck loads of asphalt millings. He estimates that the area Mr. Mangum graded is about the size of a football field. He further testified that Mr. Mangum has mulch delivered in dumpsters and usually has two dumpsters there at all times. When the mulch is emptied he fills the dumpsters with brush and other debris and has them hauled away and two more delivered. Mr. Smist identified Protestants' Exhibits 1 thru 4 as photographs that he took of this graded area and Mr. Mangum's equipment. Mr. Smist also testified that a truck making deliveries to Mr. Mangum's site damaged one of the brick pillars at the entrance to the common driveway on Longnecker Road. An invoice for the repair of the pillar was admitted as Protestant's Exhibit 8. He explained that the owners of the delivery truck paid the invoice. He also identified Protestants' Exhibits 5, 6, and 7 as photographs that he took of the driveway and of ruts adjacent to the driveway that he says were made by trucks coming to and from Mr. Mangum's property. This concluded Protestant's case.

Several members of the community then testified. On behalf of the Hanover Road Association Patricia Fallon explained that they would be strongly opposed to any incursion into the conservation easements on the site. A letter received from that Association also raises concerns about impacts this business may have on the rural roads and bridges in the area. Renee Hamidi, the Executive Director of the Valleys Planning Council ("VPC") testified that they believe the roads in this area are not suitable to support a landscape business and that this parcel would be better suited for farming. She did not explain how farming equipment would be less impactful than landscaping equipment. She also expressed concern about the environmental impacts this business may have on the streams on the property. These concerns are also expressed in a letter she submitted on VPC's behalf.

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By DMignon

Virginia Marks testified that she owns a farm on Butler Road adjacent to its intersection with Longnecker Road. She explained that she has run a farm stand at that intersection since 2005 and that she observed Mr. Mangum's operations first hand for many years because his previous location was on Greenmount Farm directly across the street. She testified that Mr. Mangum and his employees kept the premises in immaculate condition and were unfailingly courteous and helpful to all the neighbors. She never observed him or any of his employees speeding or driving recklessly in any respect.

Sabrina Moore testified next. She explained that her family owns GreenMount Farm, a horse breeding operation.[1] She explained that Mr. Mangum's landscape business was previously located on the farm and that he had been a great asset to their operations. She further explained that his operations were upslope from her horse barns and that there was never any problem with any pollutants of any kind emanating from his portion of the property.

Both these witnesses, as well as the letters of support submitted by Mr. Mangum, stressed that this landscaping business has been a great asset to the farms and horse breeders in the Valleys. They explained that Mr. Mangum provides regularly scheduled and emergency services including fence repairs, tree work, and snow plowing that are essential to their agricultural operations.

At the close of all testimony counsel for the parties were each allowed to make closing arguments.

[1] As a side note of interest, Ms. Moore explained that Greenmount Farm was named Maryland Breeder of the Year last year for producing "Knicks Go," the American Horse of the Year.

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This is an interesting and difficult case. I found all the witnesses to be credible, and the documentary evidence is straightforward. The case therefore comes down to a determination of whether the Special Exception and Variance should be granted under the controlling legal principles.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. And in *Montgomery County. v. Butler*, 417 Md. 271, 293–94 (2010), the court of appeals explained that "[a] special exception use 'in a zoning ordinance recognizes that the legislative body of a representative government has made a policy decision for all of the inhabitants of the particular governmental jurisdiction, that the exception or use is desirable and necessary in its zoning planning...." *citing, Mossburg v. Montgomery County,* 107 Md.App. 1, 7–8 (1995).

Based on this established law and the record evidence in this case, I find that the special exception should be granted. First, I note that that this site is in an RC 2 zone, which is specifically intended "to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County." BCZR § 1A01.1.B. And BCZR §1A01.2.C provides that special exceptions in the RC 2 zone are appropriate when "the hearing authority finds that the use

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would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses." In this case Petitioner's expert, Mr. Williams, testified that the subject site is *not* suitable for agricultural use because of its steep topography, the overhead high voltage power lines, and the extensive conservation easements. Further, the unrebutted testimony of Mr. Mangum, his witnesses, and the letters of support demonstrate that his landscaping business is well established in this farming community and that he provides essential services to the farmers and horse breeders throughout the Valleys. This special exception request is therefore on all fours with the legislative intent of the RC 2 zone.

Therefore, the only remaining question is whether this landscaping business "at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Schultz,* 291 Md. at 22-23. It is true that this location is somewhat unique in that the sole access for Mr. Mangum's proposed business[2] is the driveway he shares with the Smists by virtue of the use-in-common easement. It could therefore be argued that the business would have a greater impact here than in other locations in the RC 2 zone, where such an arrangement would not be required. On the other hand, narrow and winding country roads are the rule, not the exception in the RC 2 zones. Indeed, Longnecker Road itself is not much wider than the driveway in question, and large farm equipment presumably travel that road every day. In short, the Smists and all other residents in the RC 2 zones must expect that heavy trucks and equipment will be traveling in close proximity to their homes.

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[2] Mr. Mangum did not deny that he has been operating his business at this location since early this year without the grant of a special exception. He is therefore guilty of "begging for forgiveness rather than asking for permission," and this is not a practice to be condoned. It also seems clear from Mr. Smist's testimony and the photos in Protestants' Exhibits 1-4 that the area he has graded and filled is substantially greater than 5000 sq. ft. and that a permit should therefore have been obtained. However, there is no evidence in the record that he is currently the subject of any Code Enforcement proceedings so these issues are technically beyond the scope of this case.

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Further, the use in common portion of the driveway ends at a fork that is several hundred feet from the Smists' residence. From that point Mr. Mangum has a separate driveway that forks off onto his property and down to the proposed site of the pole barn. I am mindful that the use-in-common section of the driveway is entirely within the Smists' property, albeit the very edge of it. But the fact remains that, by virtue of the Minor Subdivision Plan and the Deed to Mr. Mangum's parcel, he has the absolute right to use this driveway for ingress and egress and there is no language in either document that limits that use. When the Smists purchased their property (after Mangum purchased his) they were aware of this easement. [3]

The Smists note that the Minor Subdivision Plan states that the intended use would be single family dwellings. And they argue that this proposed commercial use should therefore not be allowed. However, unlike a Final Development Plan, a Minor Subdivision Plan does not create such "reliance" or "expectancy" rights. Indeed, in addition to a dwelling, the RC 2 zoning on this site would allow 12 other uses by right, and 31 other uses by special exception, including this proposed landscape business. Further, BCZR § 1A01.5, captioned "Inconveniences arising from agricultural operations," contains the following notice to prospective residents in RC 2 zones:

> Any dwelling, business or use in or near an R.C.2 Zone may be subject to inconveniences or discomforts arising from agricultural operations, including but not limited to noise, odors, fumes, dust, the operations of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal of manure and the application, by spraying or otherwise, of chemical fertilizers, soil amendments, herbicides and pesticides.

Mr. LaFiandra argued that this regulation applies only to farms, and not to special exception uses like the landscaping business in this case. In my view "agricultural operations," has

[3] As briefly discussed at the hearing, it is possible to "overburden" an access easement. However, I don't believe the proposed landscape use will amount to that under the common law. *See, e.g., Bassett v. Harrison,* 146 Md. 600, 614-620 (2002). In any event, that question, while analogous, is beyond the scope of this zoning case.

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By DMugnan

a broader meaning when read within the entire context of the RC 2 regulations. To wit, as noted above, the preamble to the list of special exception uses states that a proposed special exception use should be approved "if the use would support the primary agricultural use in the area." BCZR § 1A01.2.C. Therefore, the regulations presume that support businesses such as this proposed landscaping company will be located in close proximity to the primary agricultural use. Persons residing near such support uses must therefore also expect to be subject to noise, dust, fumes, and etcetera. Further, the Smists purchased their property with full knowledge that a large scale farm lies immediately west of their property. The aerial photo admitted as Petitioner's Exhibit 18 shows massive barns, silos, and a myriad of trailers, trucks and farm equipment directly adjacent to the Smists property line. It is hard to see how Mr. Mangum's landscaping business will be anywhere near as impactful to the Smists as this farm operation, especially with the conditions provided below.

Mr. LaFiandra correctly points out that in addition to meeting the requirements of BCZR § 502.1 that landscaping businesses must also meet the requirements of BCZR §§ 404.1.C and 404.3, which in general require that they be sufficiently distant and screened from neighboring dwellings so that their impacts are minimized. Again, with the conditions imposed below I believe that this proposed use will comply with these regulations. In sum, although this is a close case, I believe the presumption in favor of special exceptions ultimately compels the grant of this one. In doing so I trust that Mr. Mangum will live up to his promise to be a considerate neighbor to the Smists, and that he will keep all disruptions to an absolute minimum.

VARIANCE

Under BCZR § 307, and Maryland common law, in order to be entitled to variance relief the Petitioners must satisfy a two-step legal analysis, summarized as follows:

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(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity is what necessitates the requested variance relief; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

The subject property is unique in several ways. It is irregularly shaped, has steep topography and is traversed by high voltage lines. It also has streams running through it that are protected by conservation easements that constrain a large percentage of the parcel. Further, one of these easements precludes the construction of an alternative driveway and therefore gives rise to the variance request. If the variance were denied the Petitioner would suffer practical difficulty and hardship because he would be unable to operate his proposed business. I find that the variance is within the spirit and intent of the BCZR and that it will not harm the public health, safety or welfare.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this **15th** day of **April**, **2022** that the Petition for Special Exception pursuant to BCZR §§ 1A01.2.C.16, 404.1 and 404.3 for a landscape service operation is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the Petition for Variance from BCZR §404.1, to permit an internal roadway to be located zero (0) ft. from a property line in lieu of the minimum required 25 ft., is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

- There shall be no commercial use of the site on Sunday.

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By JFMurphy

- Monday through Saturday business hours shall be strictly limited to from 6:30 a.m. to 9 p.m. and only security lighting will be allowed after 9 p.m.

- Petitioner shall submit for approval by the County Landscape Architect a Landscape and Lighting Plan that fully complies with both the Baltimore County Landscape Manual and BCZR §§ 404.1.C and 404.3.

- After construction of the pole barn is complete all sea containers shall be removed from the site.

- After construction of the pole barn is complete all vehicles and equipment (except for passenger size trucks and cars) shall be stored inside the pole barn when not in use.

- After construction of the pole barn no tractor-trailers are permitted to enter the use in common driveway for any reason.

- The delivery and retrieval of dumpsters shall be limited to no more than twice a month and there shall be no more than two dumpsters on site at any time.

- No more than 8 employee vehicles shall be allowed on site at any time.

- No vehicle associated with the landscape business will drive greater than 15 M.P.H. on the driveway.

- Petitioner shall be solely responsible for all necessary repairs and maintenance to the section of the driveway from Longnecker Road up to the fork in the driveway where it forks off onto Petitioner's own driveway. Petitioner shall also repair and maintain the shoulders of the driveway on this section.

- Petitioner shall comply with the ZAC Comments of DOP, DEPS and the Office of Zoning Review, copies of which are attached hereto and made a part hereof.

- This Special Exception and Variance relief shall terminate if and when Greenmount Lawn and Landscaping ceases to operate the business at this site.

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

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

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Date 4/15/22
By DMignon

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 3/15/2022

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 22-012

RECEIVED
MAR 17 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

INFORMATION:
Property Address: 14100 Longnecker Road
Petitioner: Gregory Mangum
Zoning: RC 2
Requested Action: Special Exception; Variance

The Department of Planning has reviewed the petition for the following:

Special Exception - For a landscape service operation as provided in BCZR Section 1A01.2.C.16, 404.1, & 404.3;

Variance – To permit an internal roadway to be located 0 feet from the property line in lieu of the minimum required 25 feet BCZR Section 404.1.A

The site is located in an area that is a mix of agriculture and rural residential. This site is currently vacant. The access is from a shared drive over the neighboring property.

The landowner's representative has noted that the public will not be coming to the property to purchase materials and the site will be used for storage and staging for work offsite. Access will be provided using an existing driveway through a shared access easement. The Department does not object to the request subject to the following conditions:

1. Signage should be limited so as to not negatively impact the rural character of the area
2. No outside storage of equipment or materials should be permitted
3. Outdoor lighting should be limited as to not interfere with neighboring properties

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP/

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Date 4/15/22
By DMignon

c: Joseph Wiley
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of Administrative Hearings
People's Counsel for Baltimore County

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Date 4/15/22
By DMugnon

RECEIVED
JAN 31 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: January 28, 2022

SUBJECT: DEPS Comment for Zoning Item: # 2022-0012-XA
Address: 14100 Longnecker Road
(Mangum Property)

Zoning Advisory Committee Meeting of **January 31, 2022**.

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

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

Additional Comments:
The propose driveway shall not extend into the existing Forest Buffer Easement.

Reviewer: Glenn Shaffer

Ground Water Management must review any proposed building permit, since this site is in an area that requires private well and septic

Reviewer: Dan Esser

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By DMignon

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BALTIMORE COUNTY, MARYLAND
NOTE TO ADMINISTRATIVE LAW JUDGE

DATE: January 14, 2022

TO: Administrative Law Judge and File

FROM: Zoning Review Office

SUBJECT: Petition for Special Exception & Variance
Case No. 2022-0912-XA
2300007333 & 2300007334
14100 Longnecker Road

Per section 404.1.C ; The loading or unloading of vehicles for the purpose of shipping and receiving goods shall take place at least 100 feet from any property line adjacent to a residentially zoned or used property and shall be screened with plantings that provide a year-round visual screen upon maturity. If the loading activities are carried on within a fully enclosed structure such activities may take place up to 50 feet from any property line.

Depending which of the two or both loading or unloading activities that are going to take place on site need to be shown on the site plan or addressed in the notes and also addressed in the petition forms. I brought this to the attention of the Representative for the petitioner a Jason Vettori.

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Date 1/15/22
By DMugnon

JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

April 15, 2022

Jason Vettori, Esquire – jvettori@sgs-law.com
Jason T. Vettori, Esq.
Smith, Gildea & Schmidt
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: CORRECTED OPINION AND ORDER
Case No. 2022-0012-XA
Property: 14100 Longnecker Road

Dear Mr. Vettori:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order 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,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure
c: Dino LaFiandra, Esq. – dcl@lafiandralw.com
Gregory Magnum – greenmountlawn@aol.com
Richard Williams – rwilliams@ddcinc.us
Renee Hamidi – renee@thevpc.org
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Rachel - rslax66@hotmail.com
Andrea - andreamooremua@gmail.com
Virginia d'Epagnier - smist124@comcast.net
Dave Kirby – Code Enforcement - dkirby@baltimorecountymd.gov

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE
(14100 Longnecker Road)	*	OFFICE OF
4th Election District		
3rd Council District	*	ADMINISTRATIVE HEARINGS
Gregory Mangum,		
Legal Owner	*	FOR BALTIMORE COUNTY
Petitioner	*	**Case No. 2022-0012-XA**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as Petitions for Special Exception and Variance filed for property located at 14100 Longnecker Road. The Petitions were filed on behalf Gregory Mangum, legal owner of the subject property ("Petitioner"). The Special Exception petition requests relief under Baltimore County Zoning Regulation ("BCZR") §§ 1A01.2.C.16, 404.1 and 404.3 for a landscape service operation. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County. In addition, a Variance relief was requested from BCZR § 404.1, to permit an internal roadway to be located zero (0) ft. from a property line in lieu of the minimum required 25 ft. For such other and further relief as may be deemed necessary by the ALJ ("ALJ") for Baltimore County.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Gregory Mangum appeared in support of the petition. Jason Vettori, Esquire of Smith, Gildea & Schmidt, LLC represented the Petitioner. Patrick ("Rick") Richardson also appeared on behalf of the Petitioner. The site plan that he prepared and sealed was admitted as Petitioner's Exhibit 2. Several persons attended to voice their support for the requested relief, and numerous letters of support were

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received. The adjoining property owners, Molly and Ben Smist attended to oppose the requested relief. They were represented by Dino LaFiandra, Esquire. They submitted a Petition opposing the requested relief, signed by numerous community residents. It was admitted as Protestant's Exhibit 10. Also in attendance to oppose the requested relief was Renee Hamidi, Executive Director of the Valleys Planning Council ("VPC"). A letter of opposition was also received from Paul Merritt, President of the Hanover Road Association.

Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Environmental Protection and Sustainability Development Coordination ("DEPS"), the Department of Planning ("DOP"), the Bureau of Development Plans Review ("DPR"), and the Office of Zoning Review ("OZR"). They did not oppose the requested relief, subject to certain conditions.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The subject property is 9.86 acres and is zoned RC 2. It is on Longnecker Road in Glyndon. The area is a mix of agricultural and rural residential. By virtue of a "use in common" easement the Petitioner is entitled to use a portion of the driveway on the Smist's adjoining property for ingress and egress. Petitioner, Greg Mangum explained that he is the owner of Greenmount Lawn & Landscaping, LLC. He purchased this property in April 2021 and closed on it in June 2021. He was aware at the time of purchase that he would need a special exception to operate a landscape service business at this location. He explained that he has been in business since 2009 and his previous location was also on Longnecker Road but closer to its intersection with Butler Road. He stated that he currently has 8 full time employees. They do general landscaping and lawn care in addition to fence repair, tree work, and snow removal. He explained that he services a lot of the horse farms and other agricultural operations in the area, as well as doing residential work. He then

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By DRMangum

described a "day in the life" of this business. He and his brother arrive at the site around 7 a.m. and start loading the trucks and trailers with the tools and materials they will need that day. His employees typically arrive in their personal vehicles around 8 a.m. and help him finish loading equipment. He and the crews then leave shortly thereafter and proceed to their various job sites. They normally return in the late afternoon/early evening. He testified that he owns and uses the following equipment for his landscaping business: an F-250 with 20' trailer, an F-350 with 20' trailer, an F-450 dump truck, and a Bobcat Skidloader. He also owns and uses all the associated miscellaneous equipment, such as post hole augers, snow plows, riding mowers, push mowers, chain saws, etc. He also owns a vintage 1967 Caterpillar 955 bulldozer but it is not used in the business. Mr. Mangum further explained that he hopes to construct a 60' by 100' pole barn at the site to house these vehicles and equipment, as well as mulch and similar materials. He further explained that he has been cleaning up the property and clearing brush and therefore has had several dumpsters delivered and picked up. He stated that he has already planted 15 arborvitae trees to screen the barn site from the Smist's property and that he has 20 more on order. He has also planted some dogwood trees.

Mr. Mangum identified Petitioner's Exhibits 12 and 17 as letters of support he has garnered from clients and other community members, including numerous farmers and horse breeders. He stated that his neighbors, the Smists, moved in shortly after he purchased the property and that he had spoken regularly to Ben Smist about his operations and plans. He said the Smists had not voiced any opposition until very recently. He stressed that he intends to be a considerate neighbor and that he will make every effort not to unreasonably disturb the Smist's enjoyment of their property. On cross-examination Mr. Mangun acknowledged that he has done grading/earth moving at the site to create parking for vehicles and in anticipation of constructing the proposed pole barn.

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By DMangum

He stated that he did not believe he has graded more than 5000 sq. ft. and therefore believes he did not need a permit. He stated that he is usually at the site 6 to 7 days a week. On re-direct examination he stated that his vehicles and equipment are typical of any landscape/lawn care company. He also explained that he is in the process of trying to get permission from B.G.& E. to use an existing gravel driveway that they have constructed on the site pursuant to a utility access easement they possess. He explained that if he is able to obtain this permission that he will use this driveway for his trucks and equipment rather than the driveway that he shares with the Smists.

Richard Williams of Development Design Consultants testified next. He was accepted as an expert in land development and in the BCZR. He described the site plan and the requested relief. With regard to the variance request he explained that they cannot meet the 25 ft. setback for the driveway because the shared driveway is actually entirely within the Smist's adjoining property. He explained that these two adjoining lots were created in 1999 by a Minor Subdivision Plan known as the "Paul F. Wooden, Jr. Property." This Plan was admitted as Petitioner's Exhibit 3. The lot owned by the Petitioner is Lot 2 and the Smists property is Lot 1. The Deed for the subject property was admitted as Petitioner's Exhibit 4. The Deed states in relevant part that Lot Two is conveyed "TOGETHER WITH the use-in-common with Lot One, a private easement for ingress, egress, maintenance, and utilities . . ." Mr. Williams explained that this gives Mr. Mangum the lawful right to use this driveway to access his lot. He further explained that Mangum is precluded from constructing his own separate driveway because there is a Forest Conservation Easement along the entire length of his property on Longnecker Road. He noted that in their ZAC Comments that DEPS stated that "the proposed driveway shall not extend into the existing Forest Buffer Easement." Mr. Williams went on to explain that there are Forest Buffer and Forest Conservation easements covering most of the property, as well as B.G.&E. utility and maintenance easements

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By

for overhead high voltage lines that traverse the property. These constraints generate the need for the driveway setback variance.

Mr. Williams was then questioned at length by Mr. Vettori about whether this Special Exception request meets the requirements of BCZR § 502.1 and Williams explained that in his expert opinion all the factors are met. He noted that because of the steep topography, the high voltage lines, and the substantial easements on the site that it is ill-suited for either agricultural use or residential development. He further explained that the proposed pole barn is much smaller than many existing barns in the area. He also noted that the barn and parking area will have no adverse environmental impacts because of the existing forest buffer and conservation easements covering most of the site. Finally, he explained that they will be required to submit for approval a Landscape and Lighting Plan that conforms to the Landscape Manual and that this will minimize any impacts on the adjoining Smist property. In sum, he stated that, in his opinion, the proposed landscape service business will have no greater impacts at this location than are inherent to this use. This concluded Petitioner's case in chief.

Molly Smist then testified as follows. She and her husband and four children moved into their house in July 2021. Her children are between 3 months and 5 years old. She stated that Mr. Mangum has been running his landscaping business since the beginning of the year. She said that her house is approximately 200 ft. from the common driveway. She said that five to nine men arrive each morning between 6:30 a.m. and 8 a.m. They use the Bobcat to load mulch onto the trucks and trailers and otherwise load tools and equipment. They usually leave between 9 a.m. and 10 a.m. She said that they then come and go throughout the day. She stated that the employees drive "carelessly." On cross-examination she acknowledged that there is a large farm operation

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By

adjoining her property to the west and that it was there when they moved in. An aerial photo of the farm and the Smist property was admitted as Petitioner's Exhibit 18.

Ben Smist testified next. He said that Mr. Mangum began grading in August 2021 and finished in mid-September. He then covered the graded area with approximately 40 dump truck loads of asphalt millings. He estimates that the area Mr. Mangum graded is about the size of a football field. He further testified that Mr. Mangum has mulch delivered in dumpsters and usually has two dumpsters there at all times. When the mulch is emptied he fills the dumpsters with brush and other debris and has them hauled away and two more delivered. Mr. Smist identified Protestants' Exhibits 1 thru 4 as photographs that he took of this graded area and Mr. Mangum's equipment. Mr. Smist also testified that a truck making deliveries to Mr. Mangum's site damaged one of the brick pillars at the entrance to the common driveway on Longnecker Road. An invoice for the repair of the pillar was admitted as Protestant's Exhibit 8. He explained that the owners of the delivery truck paid the invoice. He also identified Protestants' Exhibits 5, 6, and 7 as photographs that he took of the driveway and of ruts adjacent to the driveway that he says were made by trucks coming to and from Mr. Mangum's property. This concluded Protestant's case.

Several members of the community then testified. On behalf of the Hanover Road Association Patricia Fallon explained that they would be strongly opposed to any incursion into the conservation easements on the site. A letter received from that Association also raises concerns about impacts this business may have on the rural roads and bridges in the area. Renee Hamidi, the Executive Director of the Valleys Planning Council ("VPC") testified that they believe the roads in this area are not suitable to support a landscape business and that this parcel would be better suited for farming. She did not explain how farming equipment would be less impactful than landscaping equipment. She also expressed concern about the environmental impacts this business

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By DMynon

may have on the streams on the property. These concerns are also expressed in a letter she submitted on VPC's behalf.

Virginia Marks testified that she owns a farm on Butler Road adjacent to its intersection with Longnecker Road. She explained that she has run a farm stand at that intersection since 2005 and that she observed Mr. Mangum's operations first hand for many years because his previous location was on Greenmount Farm directly across the street. She testified that Mr. Mangum and his employees kept the premises in immaculate condition and were unfailingly courteous and helpful to all the neighbors. She never observed him or any of his employees speeding or driving recklessly in any respect.

Sabrina Moore testified next. She explained that her family owns Greenmount Farm, a horse breeding operation.[1] She explained that Mr. Mangum's landscape business was previously located on the farm and that he had been a great asset to their operations. She further explained that his operations were upslope from her horse barns and that there was never any problem with any pollutants of any kind emanating from his portion of the property.

Both these witnesses, as well as the letters of support submitted by Mr. Mangum, stressed that this landscaping business has been a great asset to the farms and horse breeders in the Valleys. They explained that Mr. Mangum provides regularly scheduled and emergency services including fence repairs, tree work, and snow plowing that are essential to their agricultural operations.

At the close of all testimony counsel for the parties were each allowed to make closing arguments.

[1] As a side note of interest, Ms. Moore explained that Greenmount Farm was named Maryland Breeder of the Year last year for producing "Knicks Go," the American Horse of the Year.

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By

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This is an interesting and difficult case. I found all the witnesses to be credible, and the documentary evidence is straightforward. The case therefore comes down to a determination of whether the Special Exception and Variance should be granted under the controlling legal principles.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. And in Montgomery *County. v. Butler*, 417 Md. 271, 293–94 (2010), the court of appeals explained that "[a] special exception use 'in a zoning ordinance recognizes that the legislative body of a representative government has made a policy decision for all of the inhabitants of the particular governmental jurisdiction, that the exception or use is desirable and necessary in its zoning planning...." *Mossburg v. Montgomery County,* 107 Md.App. 1, 7–8 (1995).

Based on this established law and the record evidence in this case, I find that the special exception should be granted. First, I note that that this site is in an RC 2 zone, which is specifically intended "to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County." BCZR § 1A01.1.B. And BCZR §1A01.2.C provides that special exceptions in the RC 2 zone are appropriate when "the hearing authority finds that the use

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By DMugnan

would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses." In this case Petitioner's expert, Mr. Williams, testified that the subject site is *not* suitable for agricultural use because of its steep topography, the overhead high voltage power lines, and the extensive conservation easements. Further, the unrebutted testimony of Mr. Mangum, his witnesses, and the letters of support demonstrate that his landscaping business is well established in this farming community and that he provides essential services to the farmers and horse breeders throughout the Valleys. This special exception request is therefore on all fours with the legislative intent of the RC 2 zone.

Therefore, the only remaining question is whether this landscaping business "at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Schultz, 291* Md. at 22-23. It is true that this location is somewhat unique in that the sole access for Mr. Mangum's proposed business[2] is the driveway he shares with the Smists by virtue of the use-in-common easement. It could therefore be argued that the business would have a greater impact here than in other locations in the RC 2 zone, where such an arrangement would not be required. On the other hand, narrow and winding country roads are the rule, not the exception in the RC 2 zones. Indeed, Longnecker Road itself is not much wider than the driveway in question, and large farm equipment presumably uses that road every day. In short, the Smists and all other residents in the RC 2 zones must expect that heavy trucks and equipment will be traveling in close proximity to their homes.

---

[2] Mr. Mangum did not deny that he has been operating his business at this location since early this year without the grant of a special exception. He is therefore guilty of "begging for forgiveness rather than asking for permission," and this is not a practice to be condoned. It also seems clear from Mr. Smist's testimony and the photos in Protestants' Exhibits 1-4 that the area he has graded and filled is substantially greater than 5000 sq. ft. and that a permit should therefore have been obtained. However, there is no evidence in the record that he is currently the subject of any Code Enforcement proceedings so these issues are technically beyond the scope of this case.

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By DMcgraw

Further, use in common portion of the driveway ends at a fork that is several hundred feet from the Smist's residence. From that point Mr. Mangum has a separate driveway that forks off onto his property and down to the proposed site of the pole barn. I am mindful that the use-in-common section of the driveway is entirely within the Smists' property, albeit the very edge of it. But the fact remains that, by virtue of the Minor Subdivision Plan and the Deed to Mr. Mangum's parcel, he has the absolute right to use this driveway for ingress and egress and there is no language in either document that limits that use. When the Smists purchased their property (after Mangum purchased his) they were aware of this easement. [3]

The Smists note that the Minor Subdivision Plan states that the intended use would be single family dwellings. And they argue that this proposed commercial use should therefore not be allowed. However, unlike a Final Development Plan, a Minor Subdivision Plan does not create such "reliance" or "expectancy" rights. Indeed, in addition to a dwelling, the RC 2 zoning on this site would allow 12 other uses by right, and 31 other uses by special exception, including this proposed landscape business. Further, BCZR § 1A01.5, captioned "Inconveniences arising from agricultural operations," contains the following notice to prospective residents in RC 2 zones:

> Any dwelling, business or use in or near an R.C.2 Zone may be subject to inconveniences or discomforts arising from agricultural operations, including but not limited to noise, odors, fumes, dust, the operations of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal of manure and the application, by spraying or otherwise, of chemical fertilizers, soil amendments, herbicides and pesticides.

Mr. LaFiandra argued that this regulation applies only to farms, and not to special exception uses like the landscaping business in this case. In my view "agricultural operations," has

[3] As briefly discussed at the hearing, it is possible to "overburden" an access easement. However, I don't believe the proposed landscape use will amount to that under the common law. *See, e.g., Bassett v. Harrison,* 146 Md. 600, 614-620 (2002). In any event that question, while analogous, is beyond the scope of this zoning case.

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a broader meaning when read within the entire context of the RC 2 regulations. To wit, as noted above, the preamble to the list of special exception uses states that a proposed special exception use should be approved "if the use would support the primary agricultural use in the area." BCZR § 1A01.2.C. Therefore, the regulations presume that support businesses such as this proposed landscaping company will be located in close proximity to the primary agricultural use. Persons residing near such support uses must therefore also expect to be subject to noise, dust, fumes, and etcetera. Further, the Smists purchased their property with full knowledge that a large scale farm lies immediately west of their property. The aerial photo admitted as Petitioner's Exhibit 18 shows massive barns, silos, and a myriad of trailers, trucks and farm equipment directly adjacent to the Smists property line. It is hard to see how Mr. Mangum's landscaping business will be anywhere near as impactful to the Smists as this farm operation, especially with the conditions provided below.

Mr. LaFiandra correctly points out that in addition to meeting the requirements of BCZR § 502.1 that landscaping businesses must also meet the requirements of BCZR §§ 404.1.C and 404.3, which in general require that they be sufficiently distant and screened from neighboring dwellings so that their impacts are minimized. Again, with the conditions imposed below I believe that this proposed use will comply with these regulations. In sum, although this is a close case, I believe the presumption in favor of special exceptions ultimately compels the grant of this one. In doing so I trust that Mr. Mangum will live up to his promise to be a considerate neighbor to the Smists, and that he will keep all disruptions to an absolute minimum.

VARIANCE

Under BCZR § 307, and Maryland common law, in order to be entitled to variance relief the Petitioners must satisfy a two-step legal analysis, summarized as follows:

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By DRMugnon

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity is what necessitates the requested variance relief; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

The subject property is unique in several ways. It is irregularly shaped, has steep topography and is traversed by high voltage lines. It also has streams running through it that are protected by conservation easements that constrain a large percentage of the parcel. Further, one of these easements precludes the construction of an alternative driveway and therefore gives rise to the variance request. If the variance were denied the Petitioner would suffer practical difficulty and hardship because he would be unable to operate his proposed business. I find that the variance is within the spirit and intent of the BCZR and that it will not harm the public health, safety or welfare.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this **15th** day of **April, 2022** that the Petition for Special Exception pursuant to BCZR §§ 1A01.2.C.16, 404.1 and 404.3 for a landscape service operation is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the Petition for Variance from BCZR §404.1, to permit an internal roadway to be located zero (0) ft. from a property line in lieu of the minimum required 25 ft., is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

- There shall be no commercial use of the site on Sunday.

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Date 4/15/22
By DMignon

- Monday through Saturday business hours shall be strictly limited to from 6:30 a.m. to 9 p.m. and only security lighting will be allowed after 9 p.m.

- Petitioner shall submit for approval by the County Landscape Architect a Landscape and Lighting Plan that fully complies with both the Baltimore County Landscape Manual and BCZR §§ 404.1.C and 404.3.

- After construction of the pole barn is complete all sea containers shall be removed from the site.

- After construction of the pole barn is complete all vehicles and equipment (except for passenger size trucks and cars) shall be stored inside the pole barn when not in use.

- After construction of the pole barn no tractor-trailers are permitted to enter the use in common driveway for any reason.

- The delivery and retrieval of dumpsters shall be limited to no more than twice a month and there shall be no more than two dumpsters on site at any time.

- No more than 8 employee vehicles shall be allowed on site at any time.

- No vehicle associated with the landscape business will drive greater than 15 M.P.H. on the driveway.

- Petitioner shall be solely responsible for all necessary repairs and maintenance to the section of the driveway from Longnecker Road up to the fork in the driveway where it forks off onto Petitioner's own driveway. Petitioner shall also repair and maintain the shoulders of the driveway on this section.

- Petitioner shall comply with the ZAC Comments of DOP, DEPS and the Office of Zoning Review, copies of which are attached hereto and made a part hereof.

- This Special Exception and Variance relief shall terminate if and when Greenmount Lawn and Landscaping ceases to operate the business at this site.

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

Paul M. Mayhew

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

ORDER RECEIVED FOR FILING
Date 4/15/22
By D Mignon

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 3/15/2022

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 22-012

RECEIVED
MAR 17 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

INFORMATION:
Property Address: 14100 Longnecker Road
Petitioner: Gregory Mangum
Zoning: RC 2
Requested Action: Special Exception; Variance

The Department of Planning has reviewed the petition for the following:

Special Exception - For a landscape service operation as provided in BCZR Section 1A01.2.C.16, 404.1, & 404.3;

Variance – To permit an internal roadway to be located 0 feet from the property line in lieu of the minimum required 25 feet BCZR Section 404.1.A

The site is located in an area that is a mix of agriculture and rural residential. This site is currently vacant. The access is from a shared drive over the neighboring property.

The landowner's representative has noted that the public will not be coming to the property to purchase materials and the site will be used for storage and staging for work offsite. Access will be provided using an existing driveway through a shared access easement. The Department does not object to the request subject to the following conditions:

1. Signage should be limited so as to not negatively impact the rural character of the area
2. No outside storage of equipment or materials should be permitted
3. Outdoor lighting should be limited as to not interfere with neighboring properties

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP/

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Date 4/15/22
By DMangan

c: Joseph Wiley
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of Administrative Hearings
People's Counsel for Baltimore County

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Date 4/15/22
By

RECEIVED
JAN 31 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: January 28, 2022

SUBJECT: DEPS Comment for Zoning Item: # 2022-0012-XA
Address: 14100 Longnecker Road
(Mangum Property)

Zoning Advisory Committee Meeting of **January 31, 2022**.

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

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

Additional Comments:
The propose driveway shall not extend into the existing Forest Buffer Easement.

Reviewer: Glenn Shaffer

Ground Water Management must review any proposed building permit, since this site is in an area that requires private well and septic

Reviewer: Dan Esser

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By DMignon

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BALTIMORE COUNTY, MARYLAND
NOTE TO ADMINISTRATIVE LAW JUDGE

DATE: January 14, 2022

TO: Administrative Law Judge and File

FROM: Zoning Review Office

SUBJECT: Petition for Special Exception & Variance
Case No. 2022-0912-XA
2300007333 & 2300007334
14100 Longnecker Road

Per section 404.1.C ; The loading or unloading of vehicles for the purpose of shipping and receiving goods shall take place at least 100 feet from any property line adjacent to a residentially zoned or used property and shall be screened with plantings that provide a year-round visual screen upon maturity. If the loading activities are carried on within a fully enclosed structure such activities may take place up to 50 feet from any property line.

Depending which of the two or both loading or unloading activities that are going to take place on site need to be shown on the site plan or addressed in the notes and also addressed in the petition forms. I brought this to the attention of the Representative for the petitioner a Jason Vettori.

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Date 4/15/22
By DMWagner

JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

April 15, 2022

Jason Vettori, Esquire – jvettori@sgs-law.com
Jason T. Vettori, Esq.
Smith, Gildea & Schmidt
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petition for Special Exception & Variance
Case No. 2022-0012-XA
Property: 14100 Longnecker Road

Dear Mr. Vettori:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order 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,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure
c: Dino LaFiandra, Esq. – dcl@lafiandralw.com
Gregory Magnum – greenmountlawn@aol.com
Richard Williams – rwilliams@ddcinc.us
Renee Hamidi – renee@thevpc.org
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JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

May 13, 2022

Jason Vettori, Esquire – jvettori@sgs-law.com
Smith, Gildea & Schmidt
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RECEIVED
MAY 13 2022
BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Exception and Variance
Case No. 2022-0012-XA
Property: 14100 Longnecker Road

Dear Mr. Vettori:

Please be advised that an appeal of the above-referenced case was filed in this Office on May 12, 2022. 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,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Attachment

c: Board of Appeals
People's Counsel

Dino LaFiandra, Esq. – dcl@lafiandrlaw.com
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APPEAL

Petition for Special Exception & Variance
Case No.: 2022-0012--XA
14100 Longnecker Road
4th Election District, 3rd Council District

Petition for Special Exception & Variance – 1/14/22

Zoning Description of Property (2 pages)

Notice of Webex Zoning Hearing – 3/11/22

Certification of Publication – *The Daily Record* Newspaper – 3/17/22

Certification of Posting by Linda O'Keefe – 3/17/22 and 4/4/22

Entry of Appearance by People's Counsel –1/25/22

Attendance Sheet (9 sheets)

Zoning Advisory Committee Comments:
Department of Planning – 3/15/22
Department of Environmental Protection and Sustainability – 1/28/22
Zoning Review Office – 1/14/22
Development Plans Review – 2/11/22

Petitioner's Exhibits:

Plan to Accompany Case No. 2022-0012-XA	1
Rick Williams Resume/CV	2
Minor Subdivision Plan – Paul F. Wooden, Jr. Property	3
Deed 14295/630	4
SDAT Printout for 14100 Longnecker Rd	5
Aerial of 14100 Longnecker Rd	6
Aerial of 13224 Longnecker Rd	7
Aerial of 14104 Longnecker Rd.Satellite Image	8

ZAC Comment-Planning	9
ZAC Comment-EPS	10
ZAC Comment-DPR	11
Support Letters/Emails	12
Certificate of Posting	13
Case No 71-253-X. Property rezoned to BL	14
Case No 72-0099-X. Property rezoned to ML	15
Case No. 88-210-SPH	16
Additional Letters of Support	17
Aerial of Property to the North of 14104 Longnecker	18

Protestants' Exhibits

1. Protestants' Exhibit 1 - Photo - 14100 Longnecker Road
2. Protestants' Exhibit 2 - Photos - 14100 Longnecker Road
3. Protestants' Exhibit 3 - Photos - Grading on 14100 Longnecker Road, Page 1
4. Protestants' Exhibit 4 - Photos - Grading on 14100 Longnecker Road, Page 2
5. Protestants' Exhibit 5 - Photos - Driveway & Entrance - 14102 Longnecker Road, Page 1
6. Protestants' Exhibit 6 - Photos - Driveway & Entrance - 14102 Longnecker Road, Page 2
7. Protestants' Exhibit 7 - Photos - Driveway & Entrance - 14102 Longnecker Road, Page 3
8. Protestants' Exhibit 8 - Photos - Driveway & Entrance - 14102 Longnecker Road, Page 4
9. Protestants' Exhibit 9 - Petition - Pages 1 and 2
10. Protestants' Exhibit 10 - Petition Page 3
11. Protestants' Exhibit 11- BGE Gate
12. Protestants' Exhibit 12 - Minor Subdivision Plan
13. Protestants' Exhibit 13 - Aerial Photo

Opposition Information from Renee Hamidi
Opposing letter from Paul Merritt

Miscellaneous correspondence, emails and web ex information

Cover Letter and Administrative Law Judge's Opinion and Order – 4/15/22 – by Judge Mayhew Granted

Corrected Opinion and Order from Judge Mayhew 4/15/22 – Granted

Notice of Appeal & Check No. 1283 for $700 - Received on 5/12/22 filed by Dino LaFiandra, Esq.

Cashier's Receipt No. 203935

Materials Sent to BOA – 5/13/22

IN RE: Petitions for Special Exception and Variance **14100 Longnecker Road** 4th Election District 3rd Councilmanic District **Gregory Mangum, Legal Owner**	)	**BEFORE** **THE OFFICE OF** **ADMINISTRATIVE HEARINGS** **OF** **BALTIMORE COUNTY** **CASE NO. 2022-0012-XA**

NOTICE OF APPEAL

Benjamin and Molly Smist, (collectively, the "Appellants"), feeling aggrieved by the final Decision and Order of the Administrative Law Judge dated April 15, 2022 in the above-captioned case (the "Decision"), pursuant to Baltimore County Code, §32-4-401, *et seq.*, hereby appeal to the County Board of Appeals. The Appellants appeal the Decision in its entirety, including without limitation, the granting of the Petition for Special Exception and the granting of the Petition for Variance, in all respects. A check in the amount of Seven Hundred Dollars ($700.00) payable to Baltimore County, Maryland is included herewith for the filing fee of this Notice of Appeal. Pursuant to Rule 3.A of the Rules of Practice and Procedure of the Baltimore County Board of Appeals, the address, telephone number and email address of the Appellants are:

14102 Longnecker Road
Reisterstown, Maryland 21071
Tel: 301-706-0869
Email: bnsmist@gmail.com

RECEIVED
MAY 12 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

Respectfully submitted,

May 12, 2022
Date

Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
443-204-3473
Attorney for Benjamin and Molly Smist
Appellants

Certificate of Service

I certify that on May 12, 2022, I sent a copy of the foregoing Notice of Appeal by email to Jason Vettori, Esquire at jvettori@sgs-law.com.

Dino C. La Fiandra

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

No. 203935

Date: 5-12-22

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
COK	806	000		4150				$100.00

Total: $100.00

Rec From: Dino La Fiandra, Esq.

For: Office of Admin. Hearings
Case No. 2022-COK-XA
14100 Longnecker Rd.
Hearing Date - 4-4-22
Check No. 1283

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

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
5/13/2022	5/13/2022	11:41:17	2

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RECEIPT # 001465 5/13/2022 OFLN
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203935
Receipt Tot $ 700.00
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Baltimore County, Maryland

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

No. 203935

Date: 5-12-22

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				700.00
							Total:	700.00

Rec From: Dino La Fiandra, Esq.

For: Office of Admin. Hearings
Case No. 2022-0012-XA
14100 Longnecker Rd.
Hearing Date - 4-6-22
Check No. 1283

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

CASHIER'S VALIDATION

LAW OFFICE OF DINO C. LA FIANDRA, LLC
DINO C. LA FIANDRA
100 W. PENNSYLVANIA AVENUE STE 305
TOWSON, MD 21204

06-18

1283

65-343/550
22

DATE 5/12/2022

CHECK ARMOR

PAY TO THE ORDER OF Baltimore County, Maryland $ 700 00

Seven Hundred no/100 DOLLARS

Photo Safe Deposit® Details on back

HOWARD BANK
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FOR Appeal Fee - 2022-0012-XA Dino La Fiandra

Donna Mignon

From: Administrative Hearings
Sent: Friday, April 15, 2022 10:22 AM
To: Jason Vettori
Cc: Dino La Fiandra; Gregory Magnum –; Richard Williams –; Renee Hamidi –; Paul Merritt –; Sabrina Moore –; Virginia Marks –; Jane Applegate –; Aris Melissaratos –; Laury Scharff -; Vickie Kravitz –; Angie Moore -; Molly Smist-; Patricia Fallon -; Erik Smist -; Virginia Smist -; Maranda Mangum -; Garrett Moore -; Rachel -; Andrea -; Virginia d'Epagnier -; David W Kirby; Debra Wiley; County Council (countycouncil@baltimorecountymd.gov); Henry Ayakwah; Jeffery Livingston (jlivingston@baltimorecountymd.gov); Jenifer G. Nugent; Peoples Counsel; Peter Max Zimmerman (pzimmerman@baltimorecountymd.gov); Rebecca Wheatley (rwheatley@baltimorecountymd.gov); Vishnubhai K Desai (vdesai@baltimorecountymd.gov)
Subject: CORRECTED ORDER - Case No: 2022-0012-XA 14100 Longnecker Road
Attachments: 2022-0012-XA - Corrected Opinion and Order.pdf

Good Morning,

Please find attached ALJ Mayhew's **CORRECTED** Opinion and Order in reference to the above matter. This Order replaces the earlier version and merely makes grammatical edits.

Have a great and safe day.

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

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE
(14100 Longnecker Road)	*	OFFICE OF
4th Election District		
3rd Council District	*	ADMINISTRATIVE HEARINGS
Gregory Mangum,		
Legal Owner	*	FOR BALTIMORE COUNTY
Petitioner	*	**Case No. 2022-0012-XA**

* * * * * * * *

CORRECTED OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as Petitions for Special Exception and Variance filed for property located at 14100 Longnecker Road. The Petitions were filed on behalf of Gregory Mangum, legal owner of the subject property ("Petitioner"). The Special Exception petition requests relief under Baltimore County Zoning Regulation ("BCZR") §§ 1A01.2.C.16, 404.1 and 404.3 for a landscape service operation. In addition, Variance relief was requested from BCZR § 404.1, to permit an internal roadway to be located zero (0) ft. from a property line in lieu of the minimum required 25 ft, and for such other and further relief as may be deemed necessary by the ALJ ("ALJ") for Baltimore County.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Gregory Mangum appeared in support of the petition. Jason Vettori, Esquire of Smith, Gildea & Schmidt, LLC represented the Petitioner. Richard Williams of Development Design Consultants also appeared on behalf of the Petitioner. The site plan that his firm prepared and sealed was admitted as Petitioner's Exhibit 1. Several persons attended to voice their support for the requested relief, and numerous letters of support were received. The adjoining property owners, Molly and Ben Smist attended to oppose the requested relief. They were represented by Dino LaFiandra, Esquire. They

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By DM Mignon

submitted a Petition opposing the requested relief, signed by numerous community residents. It was admitted as Protestant's Exhibit 10. Also in attendance to oppose the requested relief was Renee Hamidi, Executive Director of the Valleys Planning Council ("VPC"). A letter of opposition was also received from Paul Merritt, President of the Hanover Road Association.

Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Environmental Protection and Sustainability Development Coordination ("DEPS"), the Department of Planning ("DOP"), the Bureau of Development Plans Review ("DPR"), and the Office of Zoning Review ("OZR"). They did not oppose the requested relief, subject to certain conditions.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The subject property is 9.86 acres and is zoned RC 2. It is on Longnecker Road in Glyndon. The area is a mix of agricultural and rural residential. By virtue of a "use in common" easement the Petitioner is entitled to use a portion of the driveway on the Smist's adjoining property for ingress and egress. Petitioner, Greg Mangum explained that he is the owner of Greenmount Lawn & Landscaping, LLC. He purchased this property in April 2021 and closed on it in June 2021. He was aware at the time of purchase that he would need a special exception to operate a landscape service business at this location. He explained that he has been in business since 2009 and his previous location was also on Longnecker Road but closer to its intersection with Butler Road. He stated that he currently has 8 full time employees. They do general landscaping and lawn care in addition to fence repair, tree work, and snow removal. He explained that he services a lot of the horse farms and other agricultural operations in the area, as well as doing residential work. He then described a "day in the life" of this business. He and his brother arrive at the site around 7 a.m. and start loading the trucks and trailers with the tools and materials they will need that day. His

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By DMangum

employees typically arrive in their personal vehicles around 8 a.m. and help him finish loading equipment. He and the crews then leave shortly thereafter and proceed to their various job sites. They normally return in the late afternoon/early evening. He testified that he owns and uses the following equipment for his landscaping business: an F-250 with 20' trailer, an F-350 with 20' trailer, an F-450 dump truck, and a Bobcat Skidloader. He also owns and uses all the associated miscellaneous equipment, such as post hole augers, snow plows, riding mowers, push mowers, chain saws, etc. He also owns a vintage 1967 Caterpillar 955 bulldozer but it is not used in the business. Mr. Mangum further explained that he hopes to construct a 60' by 100' pole barn at the site to house these vehicles and equipment, as well as mulch and similar materials. He further explained that he has been cleaning up the property and clearing brush and therefore has had several dumpsters delivered and picked up. He stated that he has already planted 15 arborvitae trees to screen the barn site from the Smist's property and that he has 20 more on order. He has also planted some dogwood trees.

Mr. Mangum identified Petitioner's Exhibits 12 and 17 as letters of support he has garnered from clients and other community members, including numerous farmers and horse breeders. He stated that his neighbors, the Smists, moved in shortly after he purchased the property and that he had spoken regularly to Ben Smist about his operations and plans. He said the Smist had not voiced any opposition until very recently. He stressed that he intends to be a considerate neighbor and that he will make every effort not to unreasonably disturb the Smist's enjoyment of their property. On cross-examination Mr. Mangun acknowledged that he has done grading/earth moving at the site to create parking for vehicles and in anticipation of constructing the proposed pole barn. He stated that he does not believe he has graded more than 5000 sq. ft. and therefore believes he did not need a permit. He stated that he is usually at the site 6 to 7 days a week. On re-direct

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By D Mignon

examination he stated that his vehicles and equipment are typical of any landscape/lawn care company. He also explained that he is in the process of trying to get permission from B.G.& E. to use an existing gravel driveway that they have constructed on the site pursuant to a utility access easement they possess. He explained that if he is able to obtain this permission that he will use this driveway for his trucks and equipment rather than the driveway that he shares with the Smists.

Richard Williams of Development Design Consultants testified next. He was accepted as an expert in land development and in the BCZR. He described the site plan and the requested relief. With regard to the variance request he explained that they cannot meet the 25 ft. setback for the driveway because the shared driveway is actually entirely within the Smist's adjoining property. He explained that these two adjoining lots were created in 1999 by a Minor Subdivision Plan known as the "Paul F. Wooden, Jr. Property." This Plan was admitted as Petitioner's Exhibit 3. The lot owned by the Petitioner is Lot 2 and the Smists property is Lot 1. The Deed for the subject property was admitted as Petitioner's Exhibit 4. The Deed states in relevant part that Lot Two is conveyed "TOGETHER WITH the use-in-common with Lot One, a private easement for ingress, egress, maintenance, and utilities . . ." Mr. Williams explained that this gives Mr. Mangum the lawful right to use this driveway to access his lot. He further explained that Mangum is precluded from constructing his own separate driveway because there is a Forest Conservation Easement along the entire length of his property on Longnecker Road. He noted that in their ZAC Comments DEPS stated that "the proposed driveway shall not extend into the existing Forest Buffer Easement." Mr. Williams went on to explain that there are Forest Buffer and Forest Conservation easements covering most of the property, as well as B.G.& E. utility and maintenance easements for overhead high voltage lines that traverse the property. These constraints generate the need for the driveway setback variance.

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By DI Mugnan

Mr. Williams was then questioned at length by Mr. Vettori about whether this Special Exception request meets the requirements of BCZR § 502.1 and Williams explained that in his expert opinion all the factors are met. He noted that because of the steep topography, the high voltage lines, and the substantial easements on the site that it is ill-suited for either agricultural use or residential development. He further explained that the proposed pole barn is much smaller than many existing barns in the area. He also noted that the barn and parking area will have no adverse environmental impacts because of the existing forest buffer and conservation easements covering most of the site. Finally, he explained that they will be required to submit for approval a Landscape and Lighting Plan that conforms to the Landscape Manual and that this will minimize any impacts on the adjoining Smist property. In sum, he stated that, in his opinion, the proposed landscape service business will have no greater impacts at this location than are inherent to this use. This concluded Petitioner's case in chief.

Molly Smist then testified as follows. She and her husband and four children moved into their house in July 2021. Her children are between 3 months and 5 years old. She stated that Mr. Mangum has been running his landscaping business since the beginning of the year. She said that her house is approximately 200 ft. from the common driveway. She said that five to nine men arrive each morning between 6:30 a.m. and 8 a.m. They use the Bobcat to load mulch onto the trucks and trailers and otherwise load tools and equipment. They usually leave between 9 a.m. and 10 a.m. She said that they then come and go throughout the day. She stated that the employees drive "carelessly." On cross-examination she acknowledged that there is a large farm operation adjoining her property to the west and that it was there when they moved in. An aerial photo of the farm and the Smist property was admitted as Petitioner's Exhibit 18.

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Ben Smist testified next. He said that Mr. Mangum began grading in August 2021 and finished in mid-September. He then covered the graded area with approximately 40 dump truck loads of asphalt millings. He estimates that the area Mr. Mangum graded is about the size of a football field. He further testified that Mr. Mangum has mulch delivered in dumpsters and usually has two dumpsters there at all times. When the mulch is emptied he fills the dumpsters with brush and other debris and has them hauled away and two more delivered. Mr. Smist identified Protestants' Exhibits 1 thru 4 as photographs that he took of this graded area and Mr. Mangum's equipment. Mr. Smist also testified that a truck making deliveries to Mr. Mangum's site damaged one of the brick pillars at the entrance to the common driveway on Longnecker Road. An invoice for the repair of the pillar was admitted as Protestant's Exhibit 8. He explained that the owners of the delivery truck paid the invoice. He also identified Protestants' Exhibits 5, 6, and 7 as photographs that he took of the driveway and of ruts adjacent to the driveway that he says were made by trucks coming to and from Mr. Mangum's property. This concluded Protestant's case.

Several members of the community then testified. On behalf of the Hanover Road Association Patricia Fallon explained that they would be strongly opposed to any incursion into the conservation easements on the site. A letter received from that Association also raises concerns about impacts this business may have on the rural roads and bridges in the area. Renee Hamidi, the Executive Director of the Valleys Planning Council ("VPC") testified that they believe the roads in this area are not suitable to support a landscape business and that this parcel would be better suited for farming. She did not explain how farming equipment would be less impactful than landscaping equipment. She also expressed concern about the environmental impacts this business may have on the streams on the property. These concerns are also expressed in a letter she submitted on VPC's behalf.

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By DMignon

Virginia Marks testified that she owns a farm on Butler Road adjacent to its intersection with Longnecker Road. She explained that she has run a farm stand at that intersection since 2005 and that she observed Mr. Mangum's operations first hand for many years because his previous location was on Greenmount Farm directly across the street. She testified that Mr. Mangum and his employees kept the premises in immaculate condition and were unfailingly courteous and helpful to all the neighbors. She never observed him or any of his employees speeding or driving recklessly in any respect.

Sabrina Moore testified next. She explained that her family owns GreenMount Farm, a horse breeding operation.[1] She explained that Mr. Mangum's landscape business was previously located on the farm and that he had been a great asset to their operations. She further explained that his operations were upslope from her horse barns and that there was never any problem with any pollutants of any kind emanating from his portion of the property.

Both these witnesses, as well as the letters of support submitted by Mr. Mangum, stressed that this landscaping business has been a great asset to the farms and horse breeders in the Valleys. They explained that Mr. Mangum provides regularly scheduled and emergency services including fence repairs, tree work, and snow plowing that are essential to their agricultural operations.

At the close of all testimony counsel for the parties were each allowed to make closing arguments.

[1] As a side note of interest, Ms. Moore explained that Greenmount Farm was named Maryland Breeder of the Year last year for producing "Knicks Go," the American Horse of the Year.

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By

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This is an interesting and difficult case. I found all the witnesses to be credible, and the documentary evidence is straightforward. The case therefore comes down to a determination of whether the Special Exception and Variance should be granted under the controlling legal principles.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. And in *Montgomery County. v. Butler*, 417 Md. 271, 293–94 (2010), the court of appeals explained that "[a] special exception use 'in a zoning ordinance recognizes that the legislative body of a representative government has made a policy decision for all of the inhabitants of the particular governmental jurisdiction, that the exception or use is desirable and necessary in its zoning planning...." *citing, Mossburg v. Montgomery County,* 107 Md.App. 1, 7–8 (1995).

Based on this established law and the record evidence in this case, I find that the special exception should be granted. First, I note that that this site is in an RC 2 zone, which is specifically intended "to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County." BCZR § 1A01.1.B. And BCZR §1A01.2.C provides that special exceptions in the RC 2 zone are appropriate when "the hearing authority finds that the use

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By DMugnon

would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses." In this case Petitioner's expert, Mr. Williams, testified that the subject site is *not* suitable for agricultural use because of its steep topography, the overhead high voltage power lines, and the extensive conservation easements. Further, the unrebutted testimony of Mr. Mangum, his witnesses, and the letters of support demonstrate that his landscaping business is well established in this farming community and that he provides essential services to the farmers and horse breeders throughout the Valleys. This special exception request is therefore on all fours with the legislative intent of the RC 2 zone.

Therefore, the only remaining question is whether this landscaping business "at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Schultz,* 291 Md. at 22-23. It is true that this location is somewhat unique in that the sole access for Mr. Mangum's proposed business[2] is the driveway he shares with the Smists by virtue of the use-in-common easement. It could therefore be argued that the business would have a greater impact here than in other locations in the RC 2 zone, where such an arrangement would not be required. On the other hand, narrow and winding country roads are the rule, not the exception in the RC 2 zones. Indeed, Longnecker Road itself is not much wider than the driveway in question, and large farm equipment presumably travel that road every day. In short, the Smists and all other residents in the RC 2 zones must expect that heavy trucks and equipment will be traveling in close proximity to their homes.

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[2] Mr. Mangum did not deny that he has been operating his business at this location since early this year without the grant of a special exception. He is therefore guilty of "begging for forgiveness rather than asking for permission," and this is not a practice to be condoned. It also seems clear from Mr. Smist's testimony and the photos in Protestants' Exhibits 1-4 that the area he has graded and filled is substantially greater than 5000 sq. ft. and that a permit should therefore have been obtained. However, there is no evidence in the record that he is currently the subject of any Code Enforcement proceedings so these issues are technically beyond the scope of this case.

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By DMuglan

Further, the use in common portion of the driveway ends at a fork that is several hundred feet from the Smists' residence. From that point Mr. Mangum has a separate driveway that forks off onto his property and down to the proposed site of the pole barn. I am mindful that the use-in-common section of the driveway is entirely within the Smists' property, albeit the very edge of it. But the fact remains that, by virtue of the Minor Subdivision Plan and the Deed to Mr. Mangum's parcel, he has the absolute right to use this driveway for ingress and egress and there is no language in either document that limits that use. When the Smists purchased their property (after Mangum purchased his) they were aware of this easement. [3]

The Smists note that the Minor Subdivision Plan states that the intended use would be single family dwellings. And they argue that this proposed commercial use should therefore not be allowed. However, unlike a Final Development Plan, a Minor Subdivision Plan does not create such "reliance" or "expectancy" rights. Indeed, in addition to a dwelling, the RC 2 zoning on this site would allow 12 other uses by right, and 31 other uses by special exception, including this proposed landscape business. Further, BCZR § 1A01.5, captioned "Inconveniences arising from agricultural operations," contains the following notice to prospective residents in RC 2 zones:

> Any dwelling, business or use in or near an R.C.2 Zone may be subject to inconveniences or discomforts arising from agricultural operations, including but not limited to noise, odors, fumes, dust, the operations of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal of manure and the application, by spraying or otherwise, of chemical fertilizers, soil amendments, herbicides and pesticides.

Mr. LaFiandra argued that this regulation applies only to farms, and not to special exception uses like the landscaping business in this case. In my view "agricultural operations," has

[3] As briefly discussed at the hearing, it is possible to "overburden" an access easement. However, I don't believe the proposed landscape use will amount to that under the common law. *See, e.g., Bassett v. Harrison,* 146 Md. 600, 614-620 (2002). In any event, that question, while analogous, is beyond the scope of this zoning case.

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a broader meaning when read within the entire context of the RC 2 regulations. To wit, as noted above, the preamble to the list of special exception uses states that a proposed special exception use should be approved "if the use would support the primary agricultural use in the area." BCZR § 1A01.2.C. Therefore, the regulations presume that support businesses such as this proposed landscaping company will be located in close proximity to the primary agricultural use. Persons residing near such support uses must therefore also expect to be subject to noise, dust, fumes, and etcetera. Further, the Smists purchased their property with full knowledge that a large scale farm lies immediately west of their property. The aerial photo admitted as Petitioner's Exhibit 18 shows massive barns, silos, and a myriad of trailers, trucks and farm equipment directly adjacent to the Smists property line. It is hard to see how Mr. Mangum's landscaping business will be anywhere near as impactful to the Smists as this farm operation, especially with the conditions provided below.

Mr. LaFiandra correctly points out that in addition to meeting the requirements of BCZR § 502.1 that landscaping businesses must also meet the requirements of BCZR §§ 404.1.C and 404.3, which in general require that they be sufficiently distant and screened from neighboring dwellings so that their impacts are minimized. Again, with the conditions imposed below I believe that this proposed use will comply with these regulations. In sum, although this is a close case, I believe the presumption in favor of special exceptions ultimately compels the grant of this one. In doing so I trust that Mr. Mangum will live up to his promise to be a considerate neighbor to the Smists, and that he will keep all disruptions to an absolute minimum.

VARIANCE

Under BCZR § 307, and Maryland common law, in order to be entitled to variance relief the Petitioners must satisfy a two-step legal analysis, summarized as follows:

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By DM

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity is what necessitates the requested variance relief; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

The subject property is unique in several ways. It is irregularly shaped, has steep topography and is traversed by high voltage lines. It also has streams running through it that are protected by conservation easements that constrain a large percentage of the parcel. Further, one of these easements precludes the construction of an alternative driveway and therefore gives rise to the variance request. If the variance were denied the Petitioner would suffer practical difficulty and hardship because he would be unable to operate his proposed business. I find that the variance is within the spirit and intent of the BCZR and that it will not harm the public health, safety or welfare.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this **15th** day of **April, 2022** that the Petition for Special Exception pursuant to BCZR §§ 1A01.2.C.16, 404.1 and 404.3 for a landscape service operation is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the Petition for Variance from BCZR §404.1, to permit an internal roadway to be located zero (0) ft. from a property line in lieu of the minimum required 25 ft., is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

- There shall be no commercial use of the site on Sunday.

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By JFMuglan

- Monday through Saturday business hours shall be strictly limited to from 6:30 a.m. to 9 p.m. and only security lighting will be allowed after 9 p.m.

- Petitioner shall submit for approval by the County Landscape Architect a Landscape and Lighting Plan that fully complies with both the Baltimore County Landscape Manual and BCZR §§ 404.1.C and 404.3.

- After construction of the pole barn is complete all sea containers shall be removed from the site.

- After construction of the pole barn is complete all vehicles and equipment (except for passenger size trucks and cars) shall be stored inside the pole barn when not in use.

- After construction of the pole barn no tractor-trailers are permitted to enter the use in common driveway for any reason.

- The delivery and retrieval of dumpsters shall be limited to no more than twice a month and there shall be no more than two dumpsters on site at any time.

- No more than 8 employee vehicles shall be allowed on site at any time.

- No vehicle associated with the landscape business will drive greater than 15 M.P.H. on the driveway.

- Petitioner shall be solely responsible for all necessary repairs and maintenance to the section of the driveway from Longnecker Road up to the fork in the driveway where it forks off onto Petitioner's own driveway. Petitioner shall also repair and maintain the shoulders of the driveway on this section.

- Petitioner shall comply with the ZAC Comments of DOP, DEPS and the Office of Zoning Review, copies of which are attached hereto and made a part hereof.

- This Special Exception and Variance relief shall terminate if and when Greenmount Lawn and Landscaping ceases to operate the business at this site.

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

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

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Date 4/15/22
By DMignon

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 3/15/2022

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 22-012

RECEIVED
MAR 17 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

INFORMATION:
Property Address: 14100 Longnecker Road
Petitioner: Gregory Mangum
Zoning: RC 2
Requested Action: Special Exception; Variance

The Department of Planning has reviewed the petition for the following:

Special Exception - For a landscape service operation as provided in BCZR Section 1A01.2.C.16, 404.1, & 404.3;

Variance – To permit an internal roadway to be located 0 feet from the property line in lieu of the minimum required 25 feet BCZR Section 404.1.A

The site is located in an area that is a mix of agriculture and rural residential. This site is currently vacant. The access is from a shared drive over the neighboring property.

The landowner's representative has noted that the public will not be coming to the property to purchase materials and the site will be used for storage and staging for work offsite. Access will be provided using an existing driveway through a shared access easement. The Department does not object to the request subject to the following conditions:

1. Signage should be limited so as to not negatively impact the rural character of the area
2. No outside storage of equipment or materials should be permitted
3. Outdoor lighting should be limited as to not interfere with neighboring properties

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP/

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ORDER RECEIVED FOR FILING
Date 4/15/22
By DMignon

c: Joseph Wiley
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of Administrative Hearings
People's Counsel for Baltimore County

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RECEIVED
JAN 31 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: January 28, 2022

SUBJECT: DEPS Comment for Zoning Item: # 2022-0012-XA
Address: 14100 Longnecker Road
(Mangum Property)

Zoning Advisory Committee Meeting of **January 31, 2022**.

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

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

Additional Comments:
The propose driveway shall not extend into the existing Forest Buffer Easement.

Reviewer: Glenn Shaffer

Ground Water Management must review any proposed building permit, since this site is in an area that requires private well and septic

Reviewer: Dan Esser

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BALTIMORE COUNTY, MARYLAND
NOTE TO ADMINISTRATIVE LAW JUDGE

DATE: January 14, 2022

TO: Administrative Law Judge and File

FROM: Zoning Review Office

SUBJECT: Petition for Special Exception & Variance
Case No. 2022-0912-XA
2300007333 & 2300007334
14100 Longnecker Road

Per section 404.1.C ; The loading or unloading of vehicles for the purpose of shipping and receiving goods shall take place at least 100 feet from any property line adjacent to a residentially zoned or used property and shall be screened with plantings that provide a year-round visual screen upon maturity. If the loading activities are carried on within a fully enclosed structure such activities may take place up to 50 feet from any property line.

Depending which of the two or both loading or unloading activities that are going to take place on site need to be shown on the site plan or addressed in the notes and also addressed in the petition forms. I brought this to the attention of the Representative for the petitioner a Jason Vettori.

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JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

April 15, 2022

Jason Vettori, Esquire – jvettori@sgs-law.com
Jason T. Vettori, Esq.
Smith, Gildea & Schmidt
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: CORRECTED OPINION AND ORDER
Case No. 2022-0012-XA
Property: 14100 Longnecker Road

Dear Mr. Vettori:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order 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,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure
c: Dino LaFiandra, Esq. – dcl@lafiandralw.com
Gregory Magnum – greenmountlawn@aol.com
Richard Williams – rwilliams@ddcinc.us
Renee Hamidi – renee@thevpc.org
Paul Merritt – xl4100@aol.com
Sabrina Moore – sabrinamoore23@gmail.com

Virginia Marks – ginnymarks@aol.com
Jane Applegate – janeapplegate5@gmail.com
Aris Melissaratos – arismelissaratos@gmail.com
Laury Scharff - lgscharff@gmail.com
Vickie Kravitz – vkravitz@penguinrandomhouse.com
Angie Moore - angiemf@aol.com
Molly Smist- meapplegate3@gmail.com
Patricia Fallon - hanoverprf@comcast.net
Erik Smist - eas@press.jhu.edu
Virginia Smist - smist@comcast.net
Maranda Mangum - maranda6411@yahoo.com
Garrett Moore - garrett12@me.com
Rachel - rslax66@hotmail.com
Andrea - andreamooremua@gmail.com
Virginia d'Epagnier - smist124@comcast.net
Dave Kirby – Code Enforcement - dkirby@baltimorecountymd.gov

Donna Mignon

From: Donna Mignon
Sent: Friday, April 15, 2022 7:59 AM
To: 'Dino La Fiandra'
Subject: Case No: 2022-0012-XA 14100 Longnecker Road
Attachments: 2022-0012-XA.pdf

From: Administrative Hearings
Sent: Friday, April 15, 2022 7:57 AM
To: Jason Vettori <jvettori@sgs-law.com>
Cc: Dino LaFiandra, Esq. – <dcl@lafiandralw.com>; Gregory Magnum – <greenmountlawn@aol.com>; Richard Williams – <rwilliams@ddcinc.us>; Renee Hamidi – <renee@thevpc.org>; Paul Merritt – <xl4100@aol.com>; Sabrina Moore – <sabrinamoore23@gmail.com>; Virginia Marks – <ginnymarks@aol.com>; Jane Applegate – <janeapplegate5@gmail.com>; Aris Melissaratos – <arismelissaratos@gmail.com>; Laury Scharff - <lgscharff@gmail.com>; Vickie Kravitz – <vkravitz@penguinrandomhouse.com>; Angie Moore - <angiemf@aol.com>; Molly Smist- <meapplegate3@gmail.com>; Patricia Fallon - <hanoverprf@comcast.net>; Erik Smist - <eas@press.jhu.edu>; Virginia Smist - <smist@comcast.net>; Maranda Mangum - <maranda6411@yahoo.com>; Garrett Moore - <garrett12@me.com>; Rachel - <rslax66@hotmail.com>; Andrea - <andreamooremua@gmail.com>; Virginia d'Epagnier - <smist124@comcast.net>; David W Kirby <dkirby@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>; County Council (countycouncil@baltimorecountymd.gov) <countycouncil@baltimorecountymd.gov>; Henry Ayakwah <hayakwah@baltimorecountymd.gov>; Jeffery Livingston (jlivingston@baltimorecountymd.gov) <jlivingston@baltimorecountymd.gov>; Jenifer G. Nugent <jnugent@baltimorecountymd.gov>; Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Peter Max Zimmerman (pzimmerman@baltimorecountymd.gov) <pzimmerman@baltimorecountymd.gov>; Rebecca Wheatley (rwheatley@baltimorecountymd.gov) <rwheatley@baltimorecountymd.gov>; Vishnubhai K Desai (vdesai@baltimorecountymd.gov) <vdesai@baltimorecountymd.gov>
Subject: Case No: 2022-0012-XA 14100 Longnecker Road

Good Morning,

Please find attached ALJ Mayhew's Opinion and Order in reference to the above matter.

Have a great and safe day.

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

Donna Mignon

From: Administrative Hearings
Sent: Friday, April 15, 2022 7:57 AM
To: Jason Vettori
Cc: Dino LaFiandra, Esq. –; Gregory Magnum –; Richard Williams –; Renee Hamidi –; Paul Merritt –; Sabrina Moore –; Virginia Marks –; Jane Applegate –; Aris Melissaratos –; Laury Scharff -; Vickie Kravitz –; Angie Moore -; Molly Smist-; Patricia Fallon -; Erik Smist -; Virginia Smist -; Maranda Mangum -; Garrett Moore -; Rachel -; Andrea -; Virginia d'Epagnier -; David W Kirby; Debra Wiley; County Council (countycouncil@baltimorecountymd.gov); Henry Ayakwah; Jeffery Livingston (jlivingston@baltimorecountymd.gov); Jenifer G. Nugent; Peoples Counsel; Peter Max Zimmerman (pzimmerman@baltimorecountymd.gov); Rebecca Wheatley (rwheatley@baltimorecountymd.gov); Vishnubhai K Desai (vdesai@baltimorecountymd.gov)
Subject: Case No: 2022-0012-XA 14100 Longnecker Road
Attachments: 2022-0012-XA.pdf

Good Morning,

Please find attached ALJ Mayhew's Opinion and Order in reference to the above matter.

Have a great and safe day.

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

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE
(14100 Longnecker Road)	*	OFFICE OF
4th Election District		
3rd Council District	*	ADMINISTRATIVE HEARINGS
Gregory Mangum,		
Legal Owner	*	FOR BALTIMORE COUNTY
Petitioner	*	**Case No. 2022-0012-XA**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as Petitions for Special Exception and Variance filed for property located at 14100 Longnecker Road. The Petitions were filed on behalf Gregory Mangum, legal owner of the subject property ("Petitioner"). The Special Exception petition requests relief under Baltimore County Zoning Regulation ("BCZR") §§ 1A01.2.C.16, 404.1 and 404.3 for a landscape service operation. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County. In addition, a Variance relief was requested from BCZR § 404.1, to permit an internal roadway to be located zero (0) ft. from a property line in lieu of the minimum required 25 ft. For such other and further relief as may be deemed necessary by the ALJ ("ALJ") for Baltimore County.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Gregory Mangum appeared in support of the petition. Jason Vettori, Esquire of Smith, Gildea & Schmidt, LLC represented the Petitioner. Patrick ("Rick") Richardson also appeared on behalf of the Petitioner. The site plan that he prepared and sealed was admitted as Petitioner's Exhibit 2. Several persons attended to voice their support for the requested relief, and numerous letters of support were

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received. The adjoining property owners, Molly and Ben Smist attended to oppose the requested relief. They were represented by Dino LaFiandra, Esquire. They submitted a Petition opposing the requested relief, signed by numerous community residents. It was admitted as Protestant's Exhibit 10. Also in attendance to oppose the requested relief was Renee Hamidi, Executive Director of the Valleys Planning Council ("VPC"). A letter of opposition was also received from Paul Merritt, President of the Hanover Road Association.

Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Environmental Protection and Sustainability Development Coordination ("DEPS"), the Department of Planning ("DOP"), the Bureau of Development Plans Review ("DPR"), and the Office of Zoning Review ("OZR"). They did not oppose the requested relief, subject to certain conditions.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The subject property is 9.86 acres and is zoned RC 2. It is on Longnecker Road in Glyndon. The area is a mix of agricultural and rural residential. By virtue of a "use in common" easement the Petitioner is entitled to use a portion of the driveway on the Smist's adjoining property for ingress and egress. Petitioner, Greg Mangum explained that he is the owner of Greenmount Lawn & Landscaping, LLC. He purchased this property in April 2021 and closed on it in June 2021. He was aware at the time of purchase that he would need a special exception to operate a landscape service business at this location. He explained that he has been in business since 2009 and his previous location was also on Longnecker Road but closer to its intersection with Butler Road. He stated that he currently has 8 full time employees. They do general landscaping and lawn care in addition to fence repair, tree work, and snow removal. He explained that he services a lot of the horse farms and other agricultural operations in the area, as well as doing residential work. He then

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By DR Mangum

described a "day in the life" of this business. He and his brother arrive at the site around 7 a.m. and start loading the trucks and trailers with the tools and materials they will need that day. His employees typically arrive in their personal vehicles around 8 a.m. and help him finish loading equipment. He and the crews then leave shortly thereafter and proceed to their various job sites. They normally return in the late afternoon/early evening. He testified that he owns and uses the following equipment for his landscaping business: an F-250 with 20' trailer, an F-350 with 20' trailer, an F-450 dump truck, and a Bobcat Skidloader. He also owns and uses all the associated miscellaneous equipment, such as post hole augers, snow plows, riding mowers, push mowers, chain saws, etc. He also owns a vintage 1967 Caterpillar 955 bulldozer but it is not used in the business. Mr. Mangum further explained that he hopes to construct a 60' by 100' pole barn at the site to house these vehicles and equipment, as well as mulch and similar materials. He further explained that he has been cleaning up the property and clearing brush and therefore has had several dumpsters delivered and picked up. He stated that he has already planted 15 arborvitae trees to screen the barn site from the Smist's property and that he has 20 more on order. He has also planted some dogwood trees.

Mr. Mangum identified Petitioner's Exhibits 12 and 17 as letters of support he has garnered from clients and other community members, including numerous farmers and horse breeders. He stated that his neighbors, the Smists, moved in shortly after he purchased the property and that he had spoken regularly to Ben Smist about his operations and plans. He said the Smists had not voiced any opposition until very recently. He stressed that he intends to be a considerate neighbor and that he will make every effort not to unreasonably disturb the Smist's enjoyment of their property. On cross-examination Mr. Mangun acknowledged that he has done grading/earth moving at the site to create parking for vehicles and in anticipation of constructing the proposed pole barn.

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By DMangum

He stated that he did not believe he has graded more than 5000 sq. ft. and therefore believes he did not need a permit. He stated that he is usually at the site 6 to 7 days a week. On re-direct examination he stated that his vehicles and equipment are typical of any landscape/lawn care company. He also explained that he is in the process of trying to get permission from B.G.& E. to use an existing gravel driveway that they have constructed on the site pursuant to a utility access easement they possess. He explained that if he is able to obtain this permission that he will use this driveway for his trucks and equipment rather than the driveway that he shares with the Smists.

Richard Williams of Development Design Consultants testified next. He was accepted as an expert in land development and in the BCZR. He described the site plan and the requested relief. With regard to the variance request he explained that they cannot meet the 25 ft. setback for the driveway because the shared driveway is actually entirely within the Smist's adjoining property. He explained that these two adjoining lots were created in 1999 by a Minor Subdivision Plan known as the "Paul F. Wooden, Jr. Property." This Plan was admitted as Petitioner's Exhibit 3. The lot owned by the Petitioner is Lot 2 and the Smists property is Lot 1. The Deed for the subject property was admitted as Petitioner's Exhibit 4. The Deed states in relevant part that Lot Two is conveyed "TOGETHER WITH the use-in-common with Lot One, a private easement for ingress, egress, maintenance, and utilities . . ." Mr. Williams explained that this gives Mr. Mangum the lawful right to use this driveway to access his lot. He further explained that Mangum is precluded from constructing his own separate driveway because there is a Forest Conservation Easement along the entire length of his property on Longnecker Road. He noted that in their ZAC Comments that DEPS stated that "the proposed driveway shall not extend into the existing Forest Buffer Easement." Mr. Williams went on to explain that there are Forest Buffer and Forest Conservation easements covering most of the property, as well as B.G.&E. utility and maintenance easements

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for overhead high voltage lines that traverse the property. These constraints generate the need for the driveway setback variance.

Mr. Williams was then questioned at length by Mr. Vettori about whether this Special Exception request meets the requirements of BCZR § 502.1 and Williams explained that in his expert opinion all the factors are met. He noted that because of the steep topography, the high voltage lines, and the substantial easements on the site that it is ill-suited for either agricultural use or residential development. He further explained that the proposed pole barn is much smaller than many existing barns in the area. He also noted that the barn and parking area will have no adverse environmental impacts because of the existing forest buffer and conservation easements covering most of the site. Finally, he explained that they will be required to submit for approval a Landscape and Lighting Plan that conforms to the Landscape Manual and that this will minimize any impacts on the adjoining Smist property. In sum, he stated that, in his opinion, the proposed landscape service business will have no greater impacts at this location than are inherent to this use. This concluded Petitioner's case in chief.

Molly Smist then testified as follows. She and her husband and four children moved into their house in July 2021. Her children are between 3 months and 5 years old. She stated that Mr. Mangum has been running his landscaping business since the beginning of the year. She said that her house is approximately 200 ft. from the common driveway. She said that five to nine men arrive each morning between 6:30 a.m. and 8 a.m. They use the Bobcat to load mulch onto the trucks and trailers and otherwise load tools and equipment. They usually leave between 9 a.m. and 10 a.m. She said that they then come and go throughout the day. She stated that the employees drive "carelessly." On cross-examination she acknowledged that there is a large farm operation

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adjoining her property to the west and that it was there when they moved in. An aerial photo of the farm and the Smist property was admitted as Petitioner's Exhibit 18.

Ben Smist testified next. He said that Mr. Mangum began grading in August 2021 and finished in mid-September. He then covered the graded area with approximately 40 dump truck loads of asphalt millings. He estimates that the area Mr. Mangum graded is about the size of a football field. He further testified that Mr. Mangum has mulch delivered in dumpsters and usually has two dumpsters there at all times. When the mulch is emptied he fills the dumpsters with brush and other debris and has them hauled away and two more delivered. Mr. Smist identified Protestants' Exhibits 1 thru 4 as photographs that he took of this graded area and Mr. Mangum's equipment. Mr. Smist also testified that a truck making deliveries to Mr. Mangum's site damaged one of the brick pillars at the entrance to the common driveway on Longnecker Road. An invoice for the repair of the pillar was admitted as Protestant's Exhibit 8. He explained that the owners of the delivery truck paid the invoice. He also identified Protestants' Exhibits 5, 6, and 7 as photographs that he took of the driveway and of ruts adjacent to the driveway that he says were made by trucks coming to and from Mr. Mangum's property. This concluded Protestant's case.

Several members of the community then testified. On behalf of the Hanover Road Association Patricia Fallon explained that they would be strongly opposed to any incursion into the conservation easements on the site. A letter received from that Association also raises concerns about impacts this business may have on the rural roads and bridges in the area. Renee Hamidi, the Executive Director of the Valleys Planning Council ("VPC") testified that they believe the roads in this area are not suitable to support a landscape business and that this parcel would be better suited for farming. She did not explain how farming equipment would be less impactful than landscaping equipment. She also expressed concern about the environmental impacts this business

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By DMignon

may have on the streams on the property. These concerns are also expressed in a letter she submitted on VPC's behalf.

Virginia Marks testified that she owns a farm on Butler Road adjacent to its intersection with Longnecker Road. She explained that she has run a farm stand at that intersection since 2005 and that she observed Mr. Mangum's operations first hand for many years because his previous location was on Greenmount Farm directly across the street. She testified that Mr. Mangum and his employees kept the premises in immaculate condition and were unfailingly courteous and helpful to all the neighbors. She never observed him or any of his employees speeding or driving recklessly in any respect.

Sabrina Moore testified next. She explained that her family owns Greenmount Farm, a horse breeding operation.[1] She explained that Mr. Mangum's landscape business was previously located on the farm and that he had been a great asset to their operations. She further explained that his operations were upslope from her horse barns and that there was never any problem with any pollutants of any kind emanating from his portion of the property.

Both these witnesses, as well as the letters of support submitted by Mr. Mangum, stressed that this landscaping business has been a great asset to the farms and horse breeders in the Valleys. They explained that Mr. Mangum provides regularly scheduled and emergency services including fence repairs, tree work, and snow plowing that are essential to their agricultural operations.

At the close of all testimony counsel for the parties were each allowed to make closing arguments.

[1] As a side note of interest, Ms. Moore explained that Greenmount Farm was named Maryland Breeder of the Year last year for producing "Knicks Go," the American Horse of the Year.

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This is an interesting and difficult case. I found all the witnesses to be credible, and the documentary evidence is straightforward. The case therefore comes down to a determination of whether the Special Exception and Variance should be granted under the controlling legal principles.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. And in Montgomery *County. v. Butler*, 417 Md. 271, 293–94 (2010), the court of appeals explained that "[a] special exception use 'in a zoning ordinance recognizes that the legislative body of a representative government has made a policy decision for all of the inhabitants of the particular governmental jurisdiction, that the exception or use is desirable and necessary in its zoning planning...." *Mossburg v. Montgomery County,* 107 Md.App. 1, 7–8 (1995).

Based on this established law and the record evidence in this case, I find that the special exception should be granted. First, I note that that this site is in an RC 2 zone, which is specifically intended "to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County." BCZR § 1A01.1.B. And BCZR §1A01.2.C provides that special exceptions in the RC 2 zone are appropriate when "the hearing authority finds that the use

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would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses." In this case Petitioner's expert, Mr. Williams, testified that the subject site is *not* suitable for agricultural use because of its steep topography, the overhead high voltage power lines, and the extensive conservation easements. Further, the unrebutted testimony of Mr. Mangum, his witnesses, and the letters of support demonstrate that his landscaping business is well established in this farming community and that he provides essential services to the farmers and horse breeders throughout the Valleys. This special exception request is therefore on all fours with the legislative intent of the RC 2 zone.

Therefore, the only remaining question is whether this landscaping business "at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Schultz, 291* Md. at 22-23. It is true that this location is somewhat unique in that the sole access for Mr. Mangum's proposed business[2] is the driveway he shares with the Smists by virtue of the use-in-common easement. It could therefore be argued that the business would have a greater impact here than in other locations in the RC 2 zone, where such an arrangement would not be required. On the other hand, narrow and winding country roads are the rule, not the exception in the RC 2 zones. Indeed, Longnecker Road itself is not much wider than the driveway in question, and large farm equipment presumably uses that road every day. In short, the Smists and all other residents in the RC 2 zones must expect that heavy trucks and equipment will be traveling in close proximity to their homes.

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[2] Mr. Mangum did not deny that he has been operating his business at this location since early this year without the grant of a special exception. He is therefore guilty of "begging for forgiveness rather than asking for permission," and this is not a practice to be condoned. It also seems clear from Mr. Smist's testimony and the photos in Protestants' Exhibits 1-4 that the area he has graded and filled is substantially greater than 5000 sq. ft. and that a permit should therefore have been obtained. However, there is no evidence in the record that he is currently the subject of any Code Enforcement proceedings so these issues are technically beyond the scope of this case.

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Further, use in common portion of the driveway ends at a fork that is several hundred feet from the Smist's residence. From that point Mr. Mangum has a separate driveway that forks off onto his property and down to the proposed site of the pole barn. I am mindful that the use-in-common section of the driveway is entirely within the Smists' property, albeit the very edge of it. But the fact remains that, by virtue of the Minor Subdivision Plan and the Deed to Mr. Mangum's parcel, he has the absolute right to use this driveway for ingress and egress and there is no language in either document that limits that use. When the Smists purchased their property (after Mangum purchased his) they were aware of this easement. [3]

The Smists note that the Minor Subdivision Plan states that the intended use would be single family dwellings. And they argue that this proposed commercial use should therefore not be allowed. However, unlike a Final Development Plan, a Minor Subdivision Plan does not create such "reliance" or "expectancy" rights. Indeed, in addition to a dwelling, the RC 2 zoning on this site would allow 12 other uses by right, and 31 other uses by special exception, including this proposed landscape business. Further, BCZR § 1A01.5, captioned "Inconveniences arising from agricultural operations," contains the following notice to prospective residents in RC 2 zones:

> Any dwelling, business or use in or near an R.C.2 Zone may be subject to inconveniences or discomforts arising from agricultural operations, including but not limited to noise, odors, fumes, dust, the operations of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal of manure and the application, by spraying or otherwise, of chemical fertilizers, soil amendments, herbicides and pesticides.

Mr. LaFiandra argued that this regulation applies only to farms, and not to special exception uses like the landscaping business in this case. In my view "agricultural operations," has

[3] As briefly discussed at the hearing, it is possible to "overburden" an access easement. However, I don't believe the proposed landscape use will amount to that under the common law. *See, e.g., Bassett v. Harrison,* 146 Md. 600, 614-620 (2002). In any event that question, while analogous, is beyond the scope of this zoning case.

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a broader meaning when read within the entire context of the RC 2 regulations. To wit, as noted above, the preamble to the list of special exception uses states that a proposed special exception use should be approved "if the use would support the primary agricultural use in the area." BCZR § 1A01.2.C. Therefore, the regulations presume that support businesses such as this proposed landscaping company will be located in close proximity to the primary agricultural use. Persons residing near such support uses must therefore also expect to be subject to noise, dust, fumes, and etcetera. Further, the Smists purchased their property with full knowledge that a large scale farm lies immediately west of their property. The aerial photo admitted as Petitioner's Exhibit 18 shows massive barns, silos, and a myriad of trailers, trucks and farm equipment directly adjacent to the Smists property line. It is hard to see how Mr. Mangum's landscaping business will be anywhere near as impactful to the Smists as this farm operation, especially with the conditions provided below.

Mr. LaFiandra correctly points out that in addition to meeting the requirements of BCZR § 502.1 that landscaping businesses must also meet the requirements of BCZR §§ 404.1.C and 404.3, which in general require that they be sufficiently distant and screened from neighboring dwellings so that their impacts are minimized. Again, with the conditions imposed below I believe that this proposed use will comply with these regulations. In sum, although this is a close case, I believe the presumption in favor of special exceptions ultimately compels the grant of this one. In doing so I trust that Mr. Mangum will live up to his promise to be a considerate neighbor to the Smists, and that he will keep all disruptions to an absolute minimum.

VARIANCE

Under BCZR § 307, and Maryland common law, in order to be entitled to variance relief the Petitioners must satisfy a two-step legal analysis, summarized as follows:

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By DMugnon

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity is what necessitates the requested variance relief; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

The subject property is unique in several ways. It is irregularly shaped, has steep topography and is traversed by high voltage lines. It also has streams running through it that are protected by conservation easements that constrain a large percentage of the parcel. Further, one of these easements precludes the construction of an alternative driveway and therefore gives rise to the variance request. If the variance were denied the Petitioner would suffer practical difficulty and hardship because he would be unable to operate his proposed business. I find that the variance is within the spirit and intent of the BCZR and that it will not harm the public health, safety or welfare.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this **15th** day of **April**, **2022** that the Petition for Special Exception pursuant to BCZR §§ 1A01.2.C.16, 404.1 and 404.3 for a landscape service operation is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the Petition for Variance from BCZR §404.1, to permit an internal roadway to be located zero (0) ft. from a property line in lieu of the minimum required 25 ft., is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

- There shall be no commercial use of the site on Sunday.

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Date 4/15/22
By DMignan

- Monday through Saturday business hours shall be strictly limited to from 6:30 a.m. to 9 p.m. and only security lighting will be allowed after 9 p.m.

- Petitioner shall submit for approval by the County Landscape Architect a Landscape and Lighting Plan that fully complies with both the Baltimore County Landscape Manual and BCZR §§ 404.1.C and 404.3.

- After construction of the pole barn is complete all sea containers shall be removed from the site.

- After construction of the pole barn is complete all vehicles and equipment (except for passenger size trucks and cars) shall be stored inside the pole barn when not in use.

- After construction of the pole barn no tractor-trailers are permitted to enter the use in common driveway for any reason.

- The delivery and retrieval of dumpsters shall be limited to no more than twice a month and there shall be no more than two dumpsters on site at any time.

- No more than 8 employee vehicles shall be allowed on site at any time.

- No vehicle associated with the landscape business will drive greater than 15 M.P.H. on the driveway.

- Petitioner shall be solely responsible for all necessary repairs and maintenance to the section of the driveway from Longnecker Road up to the fork in the driveway where it forks off onto Petitioner's own driveway. Petitioner shall also repair and maintain the shoulders of the driveway on this section.

- Petitioner shall comply with the ZAC Comments of DOP, DEPS and the Office of Zoning Review, copies of which are attached hereto and made a part hereof.

- This Special Exception and Variance relief shall terminate if and when Greenmount Lawn and Landscaping ceases to operate the business at this site.

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

Paul M. Mayhew

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

ORDER RECEIVED FOR FILING
Date 4/15/22
By D Mignon

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 3/15/2022

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 22-012

RECEIVED
MAR 17 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

INFORMATION:
Property Address: 14100 Longnecker Road
Petitioner: Gregory Mangum
Zoning: RC 2
Requested Action: Special Exception; Variance

The Department of Planning has reviewed the petition for the following:

Special Exception - For a landscape service operation as provided in BCZR Section 1A01.2.C.16, 404.1, & 404.3;

Variance – To permit an internal roadway to be located 0 feet from the property line in lieu of the minimum required 25 feet BCZR Section 404.1.A

The site is located in an area that is a mix of agriculture and rural residential. This site is currently vacant. The access is from a shared drive over the neighboring property.

The landowner's representative has noted that the public will not be coming to the property to purchase materials and the site will be used for storage and staging for work offsite. Access will be provided using an existing driveway through a shared access easement. The Department does not object to the request subject to the following conditions:

1. Signage should be limited so as to not negatively impact the rural character of the area
2. No outside storage of equipment or materials should be permitted
3. Outdoor lighting should be limited as to not interfere with neighboring properties

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP/

s:\planning\dev rev\zac\zacs 2022\due 01-28\22-012-xa joe 01-28\shell\22-012.docx

ORDER RECEIVED FOR FILING
Date 4/15/22
By DMugnon

c: Joseph Wiley
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING
Date 4/15/22
By DMugron

RECEIVED
JAN 31 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: January 28, 2022

SUBJECT: DEPS Comment for Zoning Item: # 2022-0012-XA
Address: 14100 Longnecker Road
(Mangum Property)

Zoning Advisory Committee Meeting of **January 31, 2022**.

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

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

Additional Comments:
The propose driveway shall not extend into the existing Forest Buffer Easement.

Reviewer: Glenn Shaffer

Ground Water Management must review any proposed building permit, since this site is in an area that requires private well and septic

Reviewer: Dan Esser

ORDER RECEIVED FOR FILING
Date 4/15/22
By DMignon

C:\Users\dmignon\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\5F14KYMH\ZAC 22-0012-XA 14100 Longnecker Rd.docx

BALTIMORE COUNTY, MARYLAND
NOTE TO ADMINISTRATIVE LAW JUDGE

DATE: January 14, 2022

TO: Administrative Law Judge and File

FROM: Zoning Review Office

SUBJECT: Petition for Special Exception & Variance
Case No. 2022-0012-XA
2300007333 & 2300007334
14100 Longnecker Road

Per section 404.1.C ; The loading or unloading of vehicles for the purpose of shipping and receiving goods shall take place at least 100 feet from any property line adjacent to a residentially zoned or used property and shall be screened with plantings that provide a year-round visual screen upon maturity. If the loading activities are carried on within a fully enclosed structure such activities may take place up to 50 feet from any property line.

Depending which of the two or both loading or unloading activities that are going to take place on site need to be shown on the site plan or addressed in the notes and also addressed in the petition forms. I brought this to the attention of the Representative for the petitioner a Jason Vettori.

ORDER RECEIVED FOR FILING
Date 4/15/22
By DMWagner

JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

April 15, 2022

Jason Vettori, Esquire – jvettori@sgs-law.com
Jason T. Vettori, Esq.
Smith, Gildea & Schmidt
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petition for Special Exception & Variance
Case No. 2022-0012-XA
Property: 14100 Longnecker Road

Dear Mr. Vettori:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order 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,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure
c: Dino LaFiandra, Esq. – dcl@lafiandralw.com
Gregory Magnum – greenmountlawn@aol.com
Richard Williams – rwilliams@ddcinc.us
Renee Hamidi – renee@thevpc.org
Paul Merritt – xl4100@aol.com
Sabrina Moore – sabrinamoore23@gmail.com

Virginia Marks – ginnymarks@aol.com
Jane Applegate – janeapplegate5@gmail.com
Aris Melissaratos – arismelissaratos@gmail.com
Laury Scharff - lgscharff@gmail.com
Vickie Kravitz – vkravitz@penguinrandomhouse.com
Angie Moore - angiemf@aol.com
Molly Smist- meapplegate3@gmail.com
Patricia Fallon - hanoverprf@comcast.net
Erik Smist - eas@press.jhu.edu
Virginia Smist - smist@comcast.net
Maranda Mangum - maranda6411@yahoo.com
Garrett Moore - garrett12@me.com
Rachel - rslax66@hotmail.com
Andrea - andreamooremua@gmail.com
Virginia d'Epagnier - smist124@comcast.net
Dave Kirby – Code Enforcement - dkirby@baltimorecountymd.gov

Donna Mignon

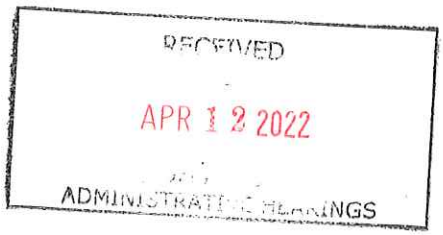
From: xl4100@aol.com
Sent: Tuesday, April 12, 2022 9:39 AM
To: Debra Wiley
Cc: Administrative Hearings
Subject: 2022-0012-XA-14100 Longnecker Road- Hanover Road Association Input
Attachments: Longnecker Rd 2022-0012-XA-14100.pdf

CAUTION: This message from xl4100@aol.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 Morning,

Attached is the Hanover Road Associations position on the special exception hearing of Longnecker Road as I was not allowed to speak during the hearing.

Thank you,
Paul Merritt



2022-0012-XA-14100 Longnecker Road

I, Paul Merritt President of the Hanover Road Association in representation of the membership and associated land owners, would like to ask that due consideration be taken on our opinions of this matter.

We have previously submitted a letter in support of the various agency decisions as they apply to the property pertaining to accessibility. We have also stated our concerns of public safety.

We believe that the forest conservation easement and buffer should remain undisturbed as they were provided as a condition of a previous subdivision. The Hanover Road Association is in support of these offsets being protected in earnest by Baltimore County Government once they have been created.

We also do not support this type of activity where the owner does not reside at the property subject to the request. To our knowledge, all of the special exception landscape operators in our area are owner occupied.

We would also have concern for incidental run-off from the parking area that would be necessary to navigate multiple trucks in excess of 45 feet in length. Also of concern would be any on-site fuel and chemical storage with the presence of drinking water wells and close proximity to Slade Run.

The Hanover Road Association does not support the use of Longnecker Rd and Piney Grove Rd as an ingress and egress of a commercial operation of this scope. These narrow and winding roads are not conducive to day to day commercial use. Longnecker Road averages 16 feet or less with soft shoulders and has a pavement section of 4-6 inches in depth. The subject property is positioned approximately 1 3/4 miles from the nearest roadway suitable for consistent commercial traffic of the proposed intensity. Seasonal farm use is about the maximum burden these roads should be subject to. Longnecker and Piney Grove Roads are not suitable for trucks and trailers averaging 50 feet in length.

The Hanover Road Association has great concern for the safety of the bridges that exist on the routes to the subject property. On Longnecker Rd there is the bridge over Slade Run that is a light weight concrete County bridge that commercial use is most likely beyond it's design expectations. Continuing onto Piney Grove Rd, the bridge over the CSX rail line causes even greater concern. This particular bridge is a single lane steel bridge with a wooden deck and was not intended for daily commercial truck traffic. Regretfully we have not gotten any information back from the Counties Bureau of Highways on the status of any inspections of these bridges

The Hanover Road Association believes the nature of the surrounding roads create a public safety issue to the traveling public that should be cause for the exception.

Thank you,

Paul Merritt

Donna Mignon

From: Debra Wiley
Sent: Monday, April 11, 2022 8:54 AM
To: PAUL MERRITT EXC
Cc: Administrative Hearings
Subject: RE: 2022-0012-XA-14100 Longnecker Road

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning,

Please send as quickly as you can as the judge may have already started working on his Order.

Thank you.

From: PAUL MERRITT EXC <xl4100@aol.com>
Sent: Monday, April 11, 2022 8:49 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Cc: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Re: 2022-0012-XA-14100 Longnecker Road

CAUTION: This message from xl4100@aol.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. Wiley,

Good morning, thank you for the opportunity to let the community voice be heard. I will have my submission in by tomorrow morning as I will have an opportunity to convert my notes to text later this afternoon.

Thank you,
Paul Merritt-Hanover Road Association

Sent from my iPad

On Apr 7, 2022, at 12:16 PM, Debra Wiley <dwiley@baltimorecountymd.gov> wrote:

> Good Afternoon,
>
> Yes, please submit any correspondence to our general email box administrativehearings@baltimorecountymd.gov and we will make sure the judge receives and it's included in the case file.
>
> Thank you.
>
> **From:** xl4100@aol.com <xl4100@aol.com>
> **Sent:** Thursday, April 7, 2022 12:13 PM

To: Debra Wiley <dwiley@baltimorecountymd.gov>
Cc: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: 2022-0012-XA-14100 Longnecker Road

CAUTION: This message from xl4100@aol.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 was signed up to speak and due to technical issues beyond my control was not able to do so. I would like to send my organizations statement and concerns to the judge and have them recorded into the record. Please let me know if this would be allowable.

Thank you,

Paul Merritt
President Hanover Road Association

On Thursday, April 7, 2022, 08:11:41 AM EDT, Debra Wiley <dwiley@baltimorecountymd.gov> wrote:

Good Morning,

Unfortunately, I was participating in this hearing yesterday and was unavailable via email and telephone.

I am sorry to hear that you were not able to get into the hearing.

Our office will make sure you receive (via email) the judge's decision once it's completed.

Thank you.

From: xl4100@aol.com <xl4100@aol.com>
Sent: Wednesday, April 6, 2022 4:45 PM

To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Current case

CAUTION: This message from xl4100@aol.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,

Had signed up to speak, this is the problem with this being remote.

<image001.jpg>

Get your COVID-19 vaccine today.

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<~WRD000.jpg><~WRD000.jpg><~WRD000.jpg><~WRD000.jpg><~WRD000.jpg><~WRD000.jpg>

www.baltimorecountymd.gov

Debra Wiley

From: Debra Wiley
Sent: Thursday, April 7, 2022 12:16 PM
To: xl4100@aol.com
Cc: Administrative Hearings
Subject: RE: 2022-0012-XA-14100 Longnecker Road

addee for order A-7 DW

Good Afternoon,

Yes, please submit any correspondence to our general email box administrativehearings@baltimorecountymd.gov and we will make sure the judge receives and it's included in the case file.

Thank you.

From: xl4100@aol.com <xl4100@aol.com>
Sent: Thursday, April 7, 2022 12:13 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Cc: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: 2022-0012-XA-14100 Longnecker Road

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President Hanover Road Association

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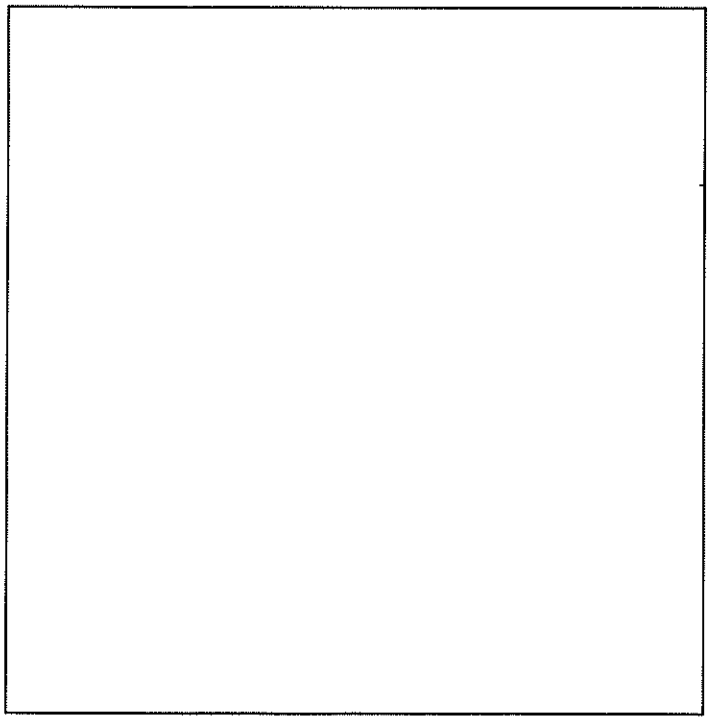
Thank you.

From: xl4100@aol.com <xl4100@aol.com>
Sent: Wednesday, April 6, 2022 4:45 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Current case

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Debra Wiley

From: xl4100@aol.com
Sent: Thursday, April 7, 2022 12:13 PM
To: Debra Wiley
Cc: Administrative Hearings
Subject: 2022-0012-XA-14100 Longnecker Road

CAUTION: This message from xl4100@aol.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,

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Thank you,

Paul Merritt
President Hanover Road Association

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Thank you.

From: xl4100@aol.com <xl4100@aol.com>
Sent: Wednesday, April 6, 2022 4:45 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Current case

CAUTION: This message from xl4100@aol.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,

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Debra Wiley

From: Debra Wiley
Sent: Thursday, April 7, 2022 8:12 AM
To: xl4100@aol.com
Cc: Administrative Hearings
Subject: RE: Current case

Good Morning,

Unfortunately, I was participating in this hearing yesterday and was unavailable via email and telephone.

I am sorry to hear that you were not able to get into the hearing.

Our office will make sure you receive (via email) the judge's decision once it's completed.

Thank you.

From: xl4100@aol.com <xl4100@aol.com>
Sent: Wednesday, April 6, 2022 4:45 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Current case

CAUTION: This message from xl4100@aol.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,
Had signed up to speak, this is the problem with this being remote.

Donna Mignon

From: Donna Mignon
Sent: Tuesday, April 5, 2022 3:03 PM
To: Renee Hamidi
Cc: Debra Wiley
Subject: RE: Webex webinar invitation: Zoning Hearing - Case No: 2022-0012-XA- 14100 Longnecker Road - Owners: Gregory Mangum

Hi Renee,
We have not heard anything about this case being cancelled. We still have this case on for tomorrow at 1:30 p.m.

Have a great day.

From: Renee Hamidi <renee@thevpc.org>
Sent: Tuesday, April 5, 2022 3:02 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: Re: Webex webinar invitation: Zoning Hearing - Case No: 2022-0012-XA- 14100 Longnecker Road - Owners: Gregory Mangum

CAUTION: This message from renee@thevpc.org originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi Donna, I heard through the grapevine that this webex has been canceled for tomorrow's hearing on case 2022-0012-XA. Is that true? if true, can you tell me why? Thanks for any help you can provide.

Sincerely,
Renée

VPC

Renée Hamidi
Executive Director
The Valleys Planning Council

(410) 337-6877
renee@thevpc.org

From: Donna Mignon <messenger@webex.com> on behalf of Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Thursday, March 31, 2022 3:26 PM
To: Renee Hamidi <renee@thevpc.org>
Subject: Webex webinar invitation: Zoning Hearing - Case No: 2022-0012-XA- 14100 Longnecker Road - Owners: Gregory Mangum
When: Wednesday, April 6, 2022 1:30 PM-2:30 PM.

Where:
https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=md2f0e2cef8fa2dba8eacfef021a29e85

Zoning Hearing
Case No: 2022-0012-XA
Address: 14100 Longnecker Road
Owners: Gregory Mangum

Donna Mignon is inviting you to a scheduled Webex webinar.

Wednesday, April 6, 2022
1:30 PM | (UTC-04:00) Eastern Time (US & Canada) | 1 hr

Add to calendar Google · O365

Join webinar

More ways to join:

Join from the webinar link

https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=md2f0e2cef8fa2dba8eacfef021a29e85

Join by the webinar number

Webinar number (access code): 2315 655 5710

Webinar password: 1234 (1234 from phones)

Panelist password: JsFx2bfGD72 (57392234 from phones and video systems)

Tap to join from a mobile device (attendees only)

+1-415-655-0001,,23156555710#1234# US Toll

Some mobile devices may ask attendees to enter a numeric password.

Join by phone

+1-415-655-0001 US Toll

Global call-in numbers

Join from a video system or application

Dial 23156555710@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your webinar number.

Join using Microsoft Lync or Microsoft Skype for Business

Dial 23156555710.baltimorecountymd@lync.webex.com

Need help? Go to https://help.webex.com

The Law Office of Dino C. La Fiandra, LLC
100 West Pennsylvania Avenue | Suite 305 | Towson, Maryland 21204
443-204-3473 • dcl@LaFiandraLaw.com • LaFiandraLaw.com

Transmittal

DATE: April 4, 2022

TO: Office of Administrative Hearings

FROM: Dino La Fiandra

SUBJECT: Exhibit List and Exhibits
Case 2022-0012XA
Protestant Smist

RECEIVED
APR 04 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

Enclosed herewith please find an Protestants Smists' Exhibit List and Exhibits 1 through 13 in the above-referenced case. Please let me know if you have any questions or require any additional information.

Donna Mignon

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Sunday, April 3, 2022 12:56 AM
To: Administrative Hearings
Subject: Certifications
Attachments: York Rd. Cert. .jpeg; York Rd. Photos.docx; Longnecker Rd. Cert. .jpeg; Longnecker Rd. Photos .docx; Ridge Rd. Cert..jpeg; Ridge Rd. Photos.docx

CAUTION: This message from luckylinda1954@yahoo.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 Donna,

I am attaching the Second Certifications for Case # 2022-0006-SPHA @ 6336 York Rd. ~ Case # 2022-0012-XA @ 14100 Longnecker Road & Case # 2022-0007-X @ 2406 Ridge Road along with background photos for your records. It sure was a pretty day to go out and take pictures.
Thank you,

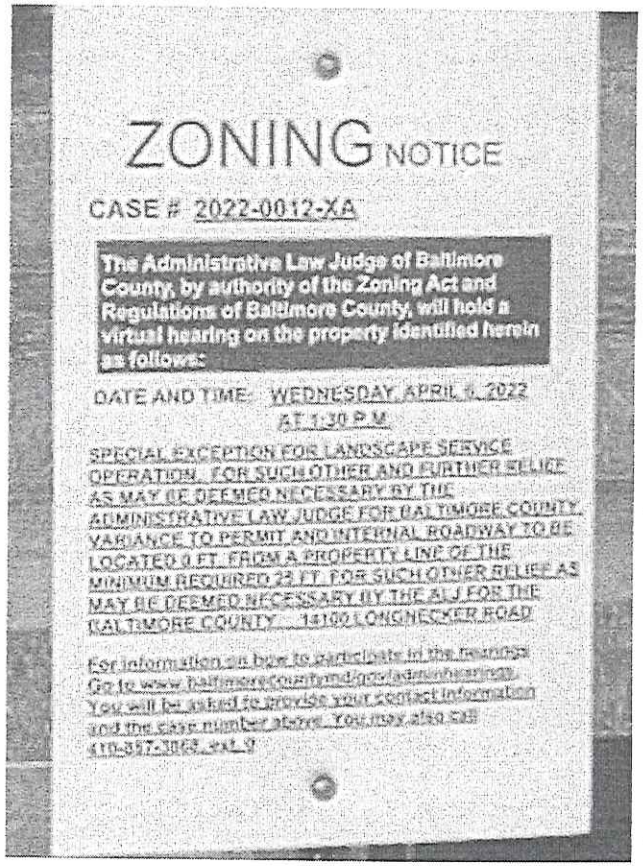
Linda

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

ATTENTION: DONNA MIGNON
DATE: 4/2/2022
Case Number: 2022-0012-XA
Petitioner / Developer: JASON VETTORI, ESQ. ~ GREGORY MANGUM
Date of Hearing: APRIL 6, 2022

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:
14100 LONGNECKER ROAD

The sign(s) were posted on: MARCH 17, 2022
The sign(s) were re-photographed on: APRIL 4, 2022



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)



Re-Photographed 1st Sign @ 14100 Longnecker Road ~ 4/2/2022



Re-Photographed 2nd Sign @ 14100 Longnecker Road ~ 4/2/2022

CASE # 2022-0012-XA

Donna Mignon

From: Renee Hamidi <renee@thevpc.org>
Sent: Thursday, March 31, 2022 4:00 PM
To: Administrative Hearings
Subject: Case 2022-0012-XA
Attachments: doc_20220331155624.pdf

CAUTION: This message from renee@thevpc.org originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Thank you for allowing me to participate in the April 6 hearing. I'm attaching some information related to the case.

Regards,
Renée

VPC

Renée Hamidi
Executive Director
The Valleys Planning Council

(410) 337-6877
renee@thevpc.org

THE VALLEYS
PLANNING COUNCIL INC

March 31, 2022
Regarding Case 2022-0012-XA

To Whom It May Concern:

The Valleys Planning Council opposes the request for a special exception for a landscape service operation at 14100 Longnecker Road and for a variance to permit an internal roadway with a 0 foot setback in lieu of the minimum required 25 foot setback.

The property is not a suitable location for a landscape service operation for the following reasons:

- It shares a driveway with a residential property, so large trucks must travel on the residential property. One truck has already damaged the mailbox post of the residence. Truck traffic is causing more-than-normal wear-and-tear on the shared driveway.

-The property is located on Longnecker Road, a rural road that measures 18 feet wide where it fronts the property and neighboring properties. This is very narrow for trucks to be entering and leaving the property.

-14100 Longenecker Road is zoned RC2. It includes approximately 2.5 acres of Manor loam, a soil classified as "farmland of statewide importance", as well as approximately one acre of Glenelg loam, a soil classified as prime farmland. Farming the property is a better use than a landscape services operation.

-The property is bisected by two unnamed tributaries of Slade Run and the property includes forest conservation easements and forest buffer easements. It's not clear if there will be more runoff or more pollutants entering the streams.

For these and other reasons, having a landscape service operation on this parcel would have a greater negative effect on the neighbors and the environment compared to the same operation located on a different parcel.

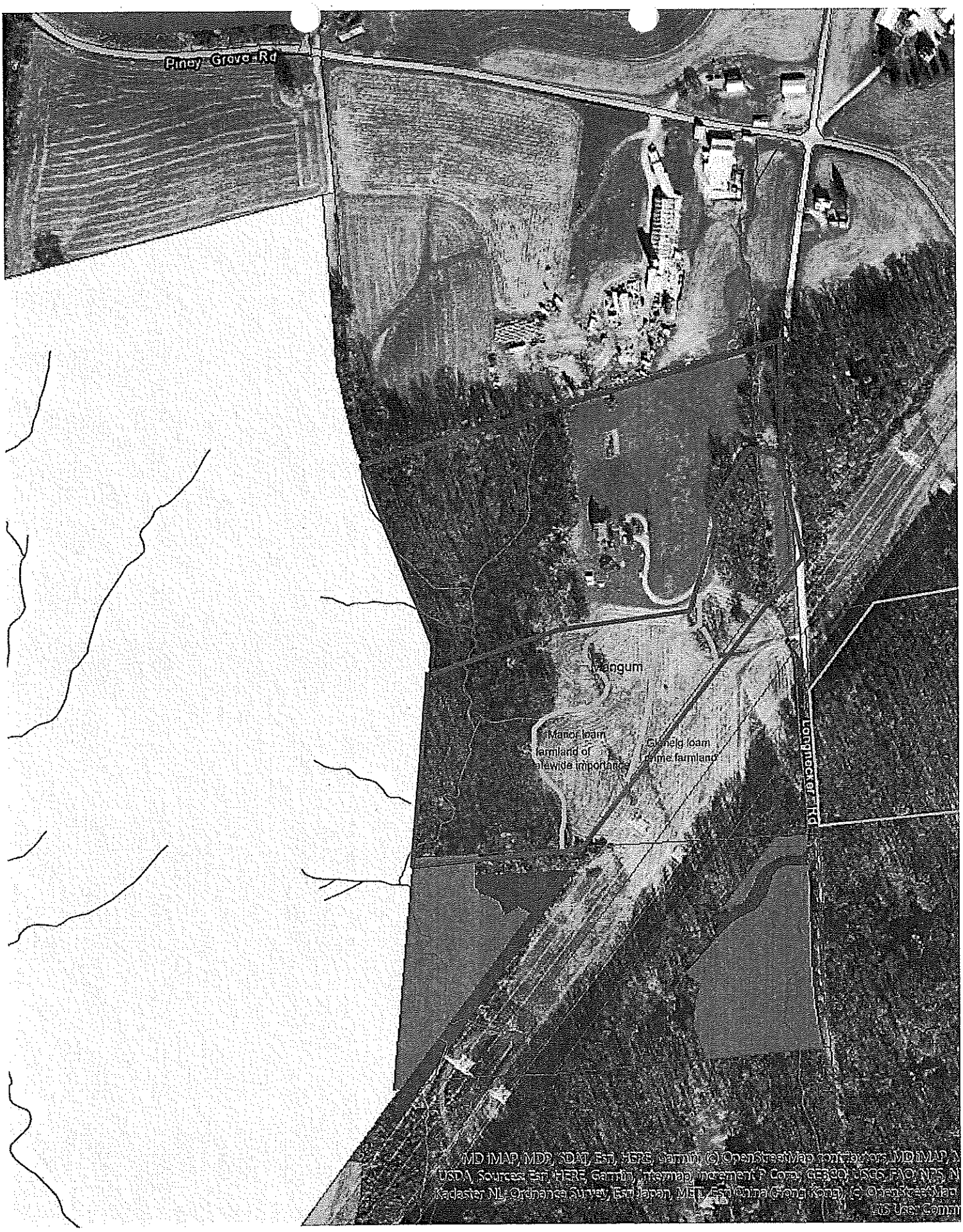
Thank you for your consideration.

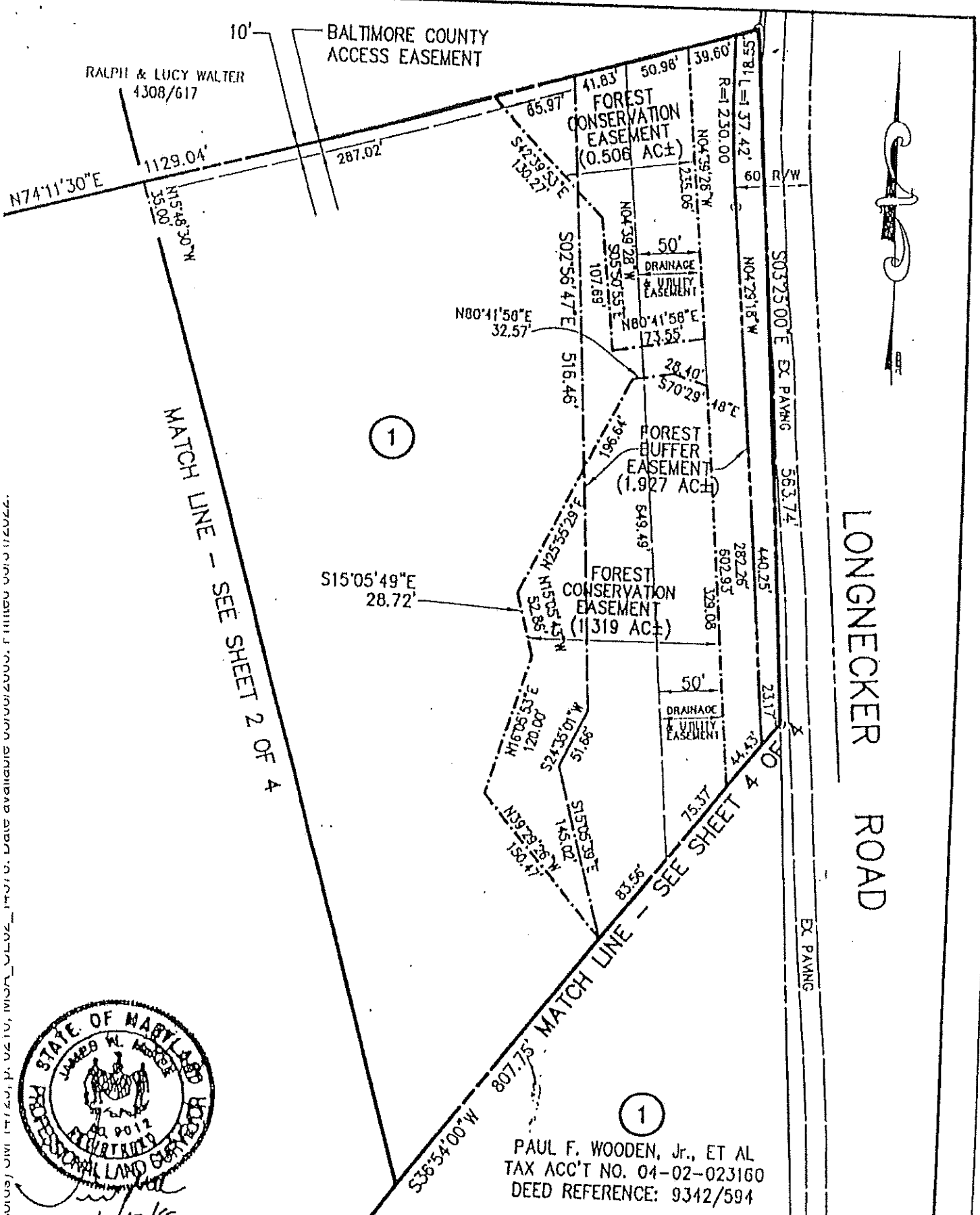
Sincerely,

Renée Hamidi

Renée Hamidi, Executive director

118 W. Pennsylvania Avenue Towson, Maryland 21204
Mailing Address: P.O. Box 5402 Towson, Maryland 21285-5402
Phone: 410-337-6877 *Fax:* 410-296-5409


Piney Grove Rd
Langum
Manor loam
farmland of
statewide importance
Chenneby loam
prime farmland
Longbaker Rd



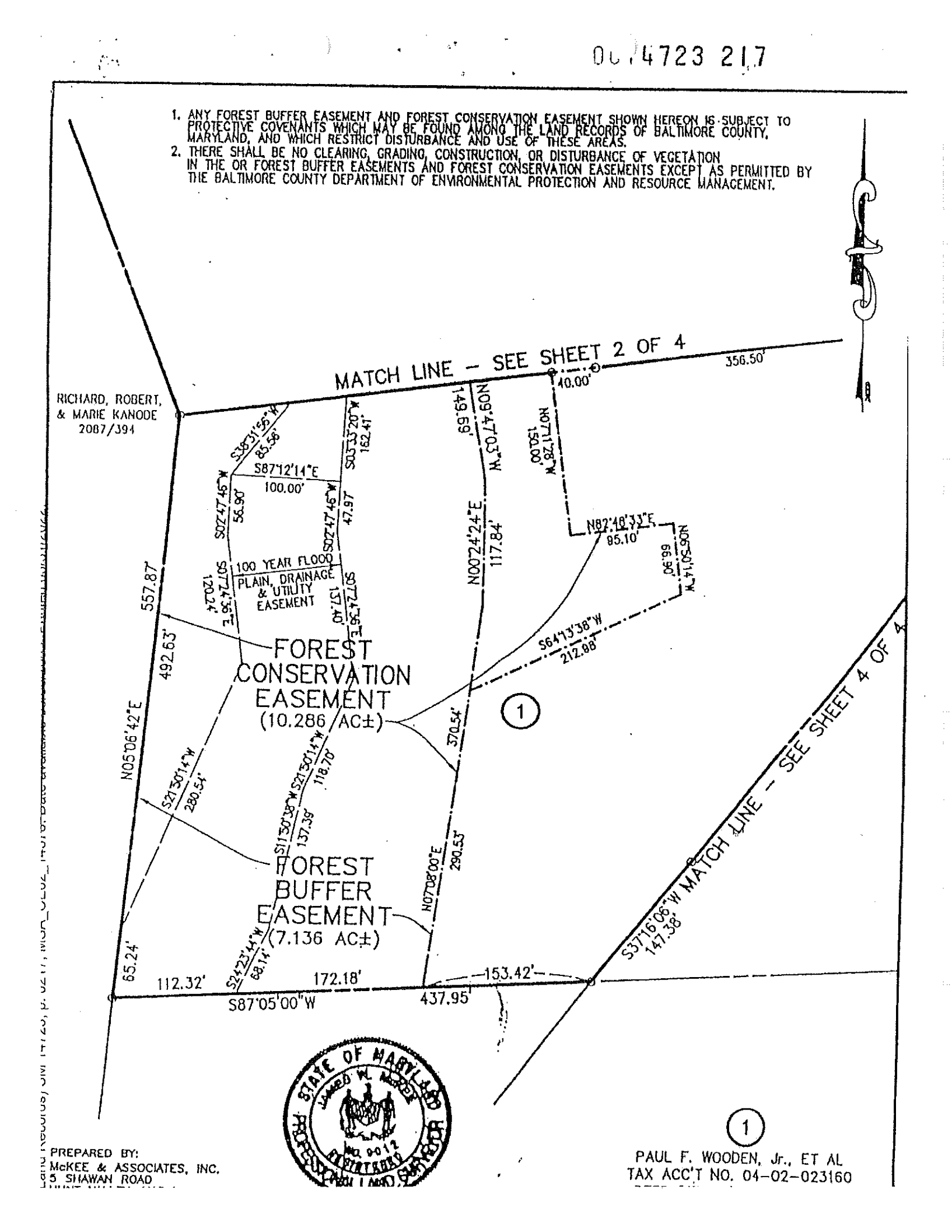
STATE OF MARYLAND
JAMES W. MOORE
No. 9012
REGISTERED
PROFESSIONAL LAND SURVEYOR

10/17/95

DED BY:
& ASSOCIATES, INC.
AN ROAD
LLEY, MARYLAND

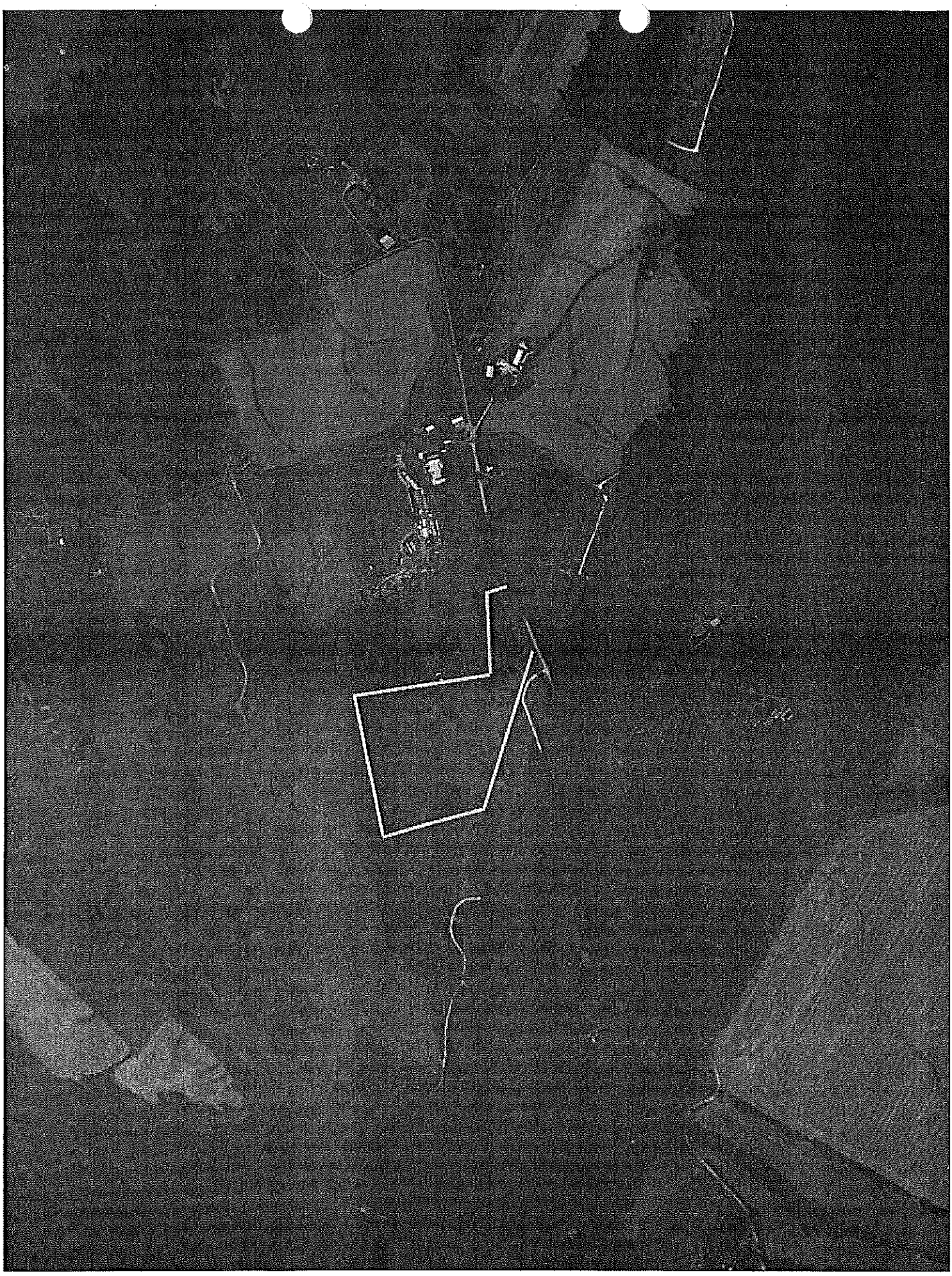
1. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
2. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR

1. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
2. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE OR FOREST BUFFER EASEMENTS AND FOREST CONSERVATION EASEMENTS EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.



PREPARED BY:
McKEE & ASSOCIATES, INC.
5 SHAWAN ROAD

1
PAUL F. WOODEN, Jr., ET AL
TAX ACC'T NO. 04-02-023160



1. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
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MATCH LINE - SEE SHEET 3 OF 4

S36°54'00"W 807.75'

618.23'

EX. PAVING

LONGNECKER ROAD

400' BALTIMORE GAS & ELECTRIC R/W (DEED REF. 4936/361)

EX. OH POWER LINES

EX. PAVING

150' PARCEL 'A'

150' EX. R/W

100' PARCEL 'B'

S37°16'06"W 147.38'

522.00'

S36°54'00"W 149.49'

S03°24'59"E 114.82'

S87°05'00"W 96.72'

1

EX. OH POWER LINES

FOREST BUFFER/FOREST CONSERVATION EASEMENT 0.127 AC±

EX. PAVING

1

PAUL F. WOODEN, Jr., ET AL
TAX ACC'T NO. 04-02-023160

PREPARED BY:
McKEE & ASSOCIATES, INC.
5 SHAWAN ROAD

PETITION FOR ZONING HEARING	)	**BEFORE THE**
	)	
14100 Longnecker Road	)	**BALTIMORE COUNTY**
	)	
Greg Mangum, Legal Owner	)	**OFFICE OF**
	)	
3rd Councilmanic District 4th Election District	)	**ADMINISTRATIVE HEARINGS**
	)	
	)	**CASE NO. 2022-0012-XA**
	)	

Entry of Appearance of Counsel

Please enter the appearance of Dino C. La Fiandra, Esquire and The Law Office of Dino C. La Fiandra, LLC, as counsel for Benjamin N. Smist and Molly E. Smist in the above-captioned matter.

Respectfully submitted,

March 30, 2022
Date

Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
443-204-3473
dcl@lafiandralaw.com
Attorney for Benjamin and Molly Smist

Certificate of Service

I certify that on March 30, 2022, I sent a copy of the foregoing Entry of Appearance by email, to: Jason Vettori, Esquire, counsel for the Petitioner, at jvettori@sgs-law.com.

Dino C. La Fiandra

RECEIVED
MAR 30 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

Donna Mignon

From: Administrative Hearings
Sent: Tuesday, March 29, 2022 8:55 AM
To: 'Jason Vettori'
Cc: 'Kelly Benton'; Debra Wiley
Subject: Case No: 2022-0012-XA 14100 Longnecker Road

Good Morning:

As you are aware, a virtual Webex hearing has been scheduled for April 6, 2022 at 1:30 p.m. You should have received an invitation in an email which invited you to this hearing when the event was created on or about March 11, 2022.

Please email any and all hearing exhibits, documents, site plans, photographs or evidence of any kind that you wish to present at the hearing to our office . The documents must be submitted in PDF format at **least two full business days** in advance of the hearing to : Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov

These exhibits will be displayed on a computer screen as you explain at the hearing what you are seeking in your case. Please note that these documents are in addition to any paperwork submitted when you originally filed your petition with the Office of Zoning Review.

Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit.

You can find more information on our website at: https://www.baltimorecountymd.gov/departments/adminhearings/devzoninghearings.html

Please bring a hard copy of all exhibits and drop off in our lobby (address below) at least two full business days before the hearing date.

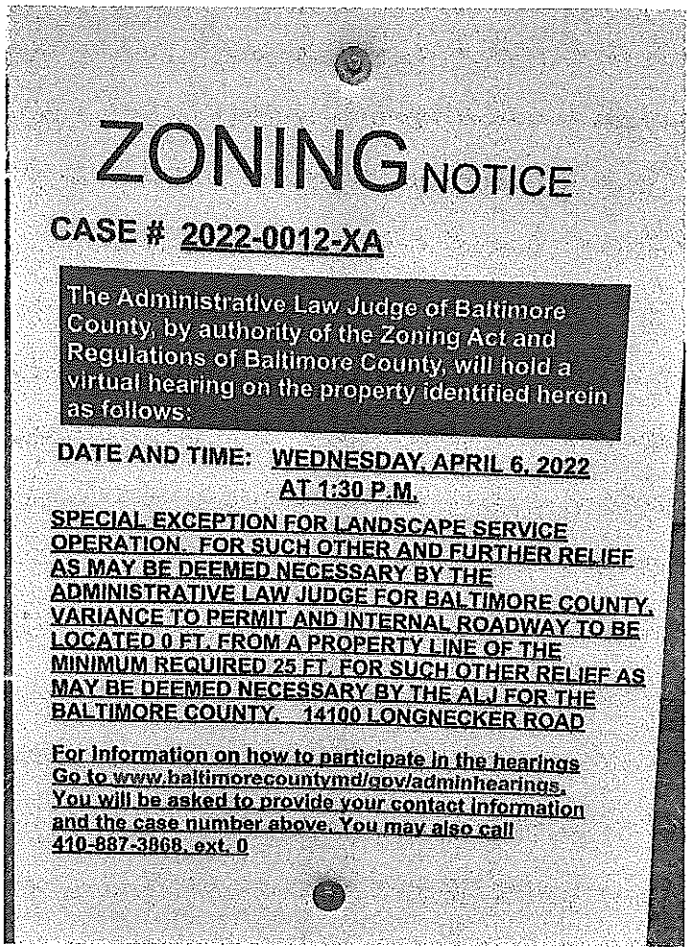
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204
410-887-3868

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS
DATE: 3/17/2022
Case Number: 2022-0012-XA
Petitioner / Developer: JASON VETTORI, ESQ. ~ GREGORY MANGUM
Date of Hearing: APRIL 6, 2022

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:
14100 LONGNECKER ROAD

The sign(s) were posted on: MARCH 17, 2022



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, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)



Background Photo 1st Sign @ 14100 Longnecker Road ~ 3/17/2022



Background Photo 2nd Sign @ 14100 Longnecker Road ~ 3/17/2022

CASE # 2022-0012-XA

The Daily Record

200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

Order #: 12099478
Case #: 2022-0012-XA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2022-0012-XA

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:

3/17/2022

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2022-0012-XA

14100 Longnecker Road

West side of Longnecker Road, South 900 ft. centerline Piney Grove Road

4th Election District - 3rd Councilmanic District

Legal Owners: Gregory Mangum

Special Exception for landscape service operation. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. Variance to permit an internal roadway to be located 0 ft. from a property line of the minimum required 25 ft. For such other relief as may be deemed necessary by the ALJ for the Baltimore County.

Hearing: Wednesday, April 6, 2022 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Pete Gutwald
Director of Permits, Approvals and Inspections for Baltimore County

mh17

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 3/15/2022

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 22-012

RECEIVED
MAR 17 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

INFORMATION:
Property Address: 14100 Longnecker Road
Petitioner: Gregory Mangum
Zoning: RC 2
Requested Action: Special Exception; Variance

The Department of Planning has reviewed the petition for the following:

Special Exception - For a landscape service operation as provided in BCZR Section 1A01.2.C.16, 404.1, & 404.3;

Variance – To permit an internal roadway to be located 0 feet from the property line in lieu of the minimum required 25 feet BCZR Section 404.1.A

The site is located in an area that is a mix of agriculture and rural residential. This site is currently vacant. The access is from a shared drive over the neighboring property.

The landowner's representative has noted that the public will not be coming to the property to purchase materials and the site will be used for storage and staging for work offsite. Access will be provided using an existing driveway through a shared access easement. The Department does not object to the request subject to the following conditions:

1. Signage should be limited so as to not negatively impact the rural character of the area
2. No outside storage of equipment or materials should be permitted
3. Outdoor lighting should be limited as to not interfere with neighboring properties

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP/

S:\planning\dev rev\zac\zacs 2022\due 01-28\22-012-xa joe 01-28\shell\22-012.docx

c: Joseph Wiley
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: Feb 11, 2022

EFC for VKD

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 31, 2022
Item No. 2022-0012-XA

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

If Special Exception and Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

Since the proposed development is commercial, DPR recommends a separate commercial entrance from Longnecker Road. Access shall not be provided from an existing residential driveway on the adjacent property.

Owner/Developer shall determine if there is an existing floodplain on-site. If so, a flood study must be completed in accordance with Baltimore County regulations.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
JAN 31 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: January 28, 2022

SUBJECT: DEPS Comment for Zoning Item: # 2022-0012-XA
Address: 14100 Longnecker Road
(Mangum Property)

Zoning Advisory Committee Meeting of **January 31, 2022**.

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

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

Additional Comments:
The propose driveway shall not extend into the existing Forest Buffer Easement.

Reviewer: Glenn Shaffer

Ground Water Management must review any proposed building permit, since this site is in an area that requires private well and septic

Reviewer: Dan Esser

BALTIMORE COUNTY, MARYLAND
NOTE TO ADMINISTRATIVE LAW JUDGE

DATE: January 14, 2022

TO: Administrative Law Judge and File

FROM: Zoning Review Office

SUBJECT: Petition for Special Exception & Variance
Case No. 2022-0912-XA
2300007333 & 2300007334
14100 Longnecker Road

Per section 404.1.C ; The loading or unloading of vehicles for the purpose of shipping and receiving goods shall take place at least 100 feet from any property line adjacent to a residentially zoned or used property and shall be screened with plantings that provide a year-round visual screen upon maturity. If the loading activities are carried on within a fully enclosed structure such activities may take place up to 50 feet from any property line.

Depending which of the two or both loading or unloading activities that are going to take place on site need to be shown on the site plan or addressed in the notes and also addressed in the petition forms. I brought this to the attention of the Representative for the petitioner a Jason Vettori.

TO: THE DAILY RECORD
Thursday, March 17, 2022 - Issue

Please forward billing to:
Jason Vettori 410-821-0070
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2022-0012-XA
14100 Longnecker Road
West side of Longnecker Road, South 900 ft. centerline Piney Grove Road
4th Election District – 3rd Councilmanic District
Legal Owners: Gregory Mangum

Special Exception for landscape service operation. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. Variance to permit an internal roadway to be located 0 ft. from a property line of the minimum required 25 ft. For such other relief as may be deemed necessary by the ALJ for the Baltimore County.

Hearing: Wednesday, April 6, 2022 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Pete Gutwald
Director of Permits, Approvals and Inspections for Baltimore County

JOHN A. OLSZEWSKI, JR.
County Executive

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

March 11, 2022

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 virtual hearing on the property identified herein as follows:

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14100 Longnecker Road
West side of Longnecker Road, South 900 ft. centerline Piney Grove Road
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Legal Owners: Gregory Mangum

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Hearing: Wednesday, April 6, 2022 at 1:30 p.m.

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Pete Gutwald
Director

PW/kl

C: Jason Vetttori, 600 Washington Avenue, Ste. 200, Towson 21204
Gregory Mangum, 12845 Dover Road, Reisterstown 21136

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THUR., MARCH 17, 2022**

RE:	PETITION FOR SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE OFFICE
	14100 Longnecker Road; W/S of Longnecker Road, S 900' to Piney Grove Road	*	OF ADMINSTRATIVE
	4th Election & 3rd Councilmanic Districts	*	HEARINGS FOR
	Legal Owner(s): Gregory Mangum Petitioner(s)	*	BALTIMORE COUNTY
		*	2022-012-XA

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

ENTRY OF APPEARANCE

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

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of Janaury, 2022, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, jvettori@sgs-law.com, Attorney for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PETITION FOR ZONING HEARING(S)

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

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

Address 14100 Longnecker Road **which is presently zoned** RC 2

Deed References: 45146/00275 10 Digit Tax Account # 2300007333 & 2300007334

Property Owner(s) Printed Name(s) Gregory Mangum 2300007334

(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

Please see attached.

3. ✓ **a Variance** from Section(s)

Please see attached.

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

TO BE PRESENTED AT HEARING.

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

Legal Owners (Petitioners):

Gregory Mangum /

Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2

12845 Dover Road Reisterstown MD

Mailing Address City State

21136 (443)536-6351 greenmountlawn@aol.com

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 1/14/22
By

Attorney for Petitioner:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 jvettori@sgs-law.com

Zip Code Telephone # Email Address

Representative to be contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name – Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 jvettori@sgs-law.com

Zip Code Telephone # Email Address

CASE NUMBER 2022-0012-XA **Filing Date** 1/14/22 **Do Not Schedule Dates:** _____ **Reviewer** GM

REV. 10/4/11

ATTACHMENT TO PETITION FOR ZONING HEARING

14100 Longnecker Pike

Case No.: 2022-_____-____

Special Exception relief for:

1. A landscape service operation as provided in BCZR §§ 1A01.2.C.16, 404.1 & 404.3; and

2. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

Variance relief from Section(s):

1. 404.1.A to permit an internal roadway to be located 0 feet from a property line in lieu of the minimum required 25 feet; and

2. For such other and further relief as may be deemed necessary by the ALJ for Baltimore County.

2022-0012-XA

Description

To Accompany Petition for Special Exception

9.861± Acre Parcel

West side of Longnecker Road 900± feet south of Piney Grove Road

14100 Longnecker Road

Fourth Election District, Baltimore County, Maryland

BEGINNING FOR THE SAME at a point on the west side of Longnecker Road as now laid out sixty feet wide, said point being 900± feet south of the intersection of Longnecker Road and Piney Grove Road, then running and binding on said west side,
referring the bearings to the first line of the first parcel of ground described in a deed dated August 18, 1992 from John A. Ebert to Paul F. Wooden, Jr. and Deborah I. Wooden recorded among the Land Records of Baltimore County, Maryland in Liber 9342, Page 594.

1. South 04° 29' 18" East 282.26 feet to the northernmost corner of Parcel 'A' of the Baltimore Gas and Electric Company right-of-way as set forth in a deed dated November 2, 1968 from Joseph Derricks Berry and Ruth J. Berry, his wife unto Bankers Trust Company and Baltimore Gas and Electric Company, said deed being recorded among the Land Records of Baltimore County, Maryland in Liber 4936 page 036, thence running with and binding on the northwest side of said Parcel 'A' the following two courses;

2. South 36 ° 54' 00" West 784.58 feet, thence;

3. South 37° 16' 06" West 147.38 feet to a point; thence;

4. South 87° 05' 00" West a distance of 437.95 feet to a point, thence

5. North 05° 06' 42" East 467.87 feet to a point, thence,

6. North 69° 11' 46" East 373.61 feet to a point; thence

7. North 82° 48' 33" East 356.50 feet to a point; thence

8. North 16° 05' 53" East 224.56 feet to a point; thence

9. North 15° 05' 43" West 28.72 feet to a point; thence

10. North 25° 55' 29" East 196.64 feet to a point; thence

11. North 80° 41' 58" East 32.57 feet to a point; thence

12. South 70° 29' 48" East 61.62 feet to the point of beginning.

CONTAINING 9.861 acres of land, more or less

2022-0012-XA

Being Lot Two as shown on Minor Subdivision Plan, Paul F. Wooden, Jr. Property, Baltimore County Minor Subdivision No. 99-017M.

Together with the use-in-common of a private easement for ingress, egress, maintenance, and utilities as shown on Minor Subdivision Plan, Paul F. Wooden, Jr. Property, Baltimore County Minor Subdivision No. 99-017M.

Being all of that parcel of land described as Parcel 1 in the deed dated June 24, 2021 from Robert E. Lee and Carol Jean Lee to Gregory Mangum, recorded among the Land Records of Baltimore County, Maryland in Liber 45146, Page 275.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.



I hereby certify that I either personally prepared or was in responsible charge over the preparation of this description, and that I am a duly licensed Professional Land Surveyor under the laws of the State of Maryland, License No. 11039, Expiration date: September 16, 2022.

2022-0012-XA

BALTIMORE COUNTY, MARYLAND
NOTE TO ADMINISTRATIVE LAW JUDGE

DATE: January 14, 2022

TO: Administrative Law Judge and File

FROM: Zoning Review Office

SUBJECT: Petition for Special Exception & Variance
Case No. 2022-0912-XA
2300007333 & 2300007334
14100 Longnecker Road

Per section 404.1.C ; The loading or unloading of vehicles for the purpose of shipping and receiving goods shall take place at least 100 feet from any property line adjacent to a residentially zoned or used property and shall be screened with plantings that provide a year-round visual screen upon maturity. If the loading activities are carried on within a fully enclosed structure such activities may take place up to 50 feet from any property line.

Depending which of the two or both loading or unloading activities that are going to take place on site need to be shown on the site plan or addressed in the notes and also addressed in the petition forms. I brought this to the attention of the Representative for the petitioner a Jason Vettori.

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING January 24, 2022
FORMAL OR INFORMAL RESPONSE DUE AT January 31, 2022 Meeting

* Agenda Only
\+ Agenda and Petition
& Agenda and Plat
# Agenda, Petition and Plat

Distribution:

* Administrative Law Judge, Commissioner (Paul M. Mayhew), MS #4103, dwiley@baltimorecountymd.gov; dmignon@baltimorecountymd.gov
* PAI, Zoning Review H.O. Hearing File (Kristen Lewis), klewis@baltimorecountymd.gov
* PAI, Zoning Review DRC/ZAC Meeting File (Jeff Perlow), JPerlow@baltimorecountymd.gov
* PAI, Development Management (Lloyd Moxley), MS # 1105, lmoxley@baltimorecountymd.gov
* PAI, Code Enforcement (Lisa Henson), MS # 1105, lhenson@baltimorecountymd.go
* PAI, Building Inspection (Matt Gawel), mg@baltimorecountymd.gov
* Economic Development Commission, Business Develop. (Stanley Jacobs), MS # 4300, sjacobs@baltimorecountymd.gov
* Highways (Tom Hargis), MS #1003 thargis@baltimorecountymd.gov
* Neighborhood Improvements (Marcia Williams), MS #4201, myneighborhoodimprovment@baltimorecountymd.gov
* County Council, District 3, (Tom Bostwick), MS #2201, council1@baltimorecountymd.gov tbostwick@baltimorecountymd.gov
* Mike Ruby (Newspaper), mildmanneredcomm@aol.com
\+ People's Counsel, rwheatley@baltimorecountymd.gov
\+ IF CRITICAL AREA, Maryland Office of Planning (Joseph Griffiths), joseph.griffiths@maryland.gov
\+ Kathy Are, kare@baltimorecountymd.gov
& State Highway Administration, Access Permits Division (Steven Autry), SAutry@mdot.maryland.gov
& Fire Department (Inspector Muddiman), MS # 1102F, dmuddiman@baltimorecountymd.gov
& PAI, Development Plans Review (Vishnu Desai), vdesai@baltimorecountymd.gov
# People's Counsel (Peter Zimmerman), MS #4204 pzimmerman@baltimorecountymd.gov
# Planning Office (Jenifer Nugent), MS # 4101, jnugent@baltimorecountymd.gov; Henry Ayakwah hayakwah@baltimorecountymd.gov; Taylor Bensley tbensley@baltimorecountymd.gov
# DEPS (Jeff Livingston) – 2 copies of each, MS # 1319, jlivingston@baltimorecountymd.gov; Steve Ford, sford@baltimorecountymd.gov
# IF FLOODPLAIN, Maryland Department of the Environment, kevin.wagner@maryland.gov
# Public Works (Terry Curtis), MS #1315, tcurtis@baltimorecountymd.gov
* IF ELDERLY HOUSING, Community Development, MS #1102M
* IF TOWER, Tower Coordinator, c/o OIT, MS #2007
# IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
# IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder), MS #1102E

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Lewis

If you have any questions regarding a particular zoning petition, please contact the Zoning Review Planner (see initials after item number) at 410-887-3391.

ZAC AGENDA

Case Number: 2022-0012-XA **Reviewer:** Gary Hucik
Existng Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: SPECIAL EXCEPTION, VARIANCE
Legal Owner: Gregory Mangum
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 4 **Council Dist:** 3

Property Address: 14100 LONGNECKER RD
Location: Property located on the West side of Longnecker Rd., South 900 feet to centerline Piney Grove Rd.

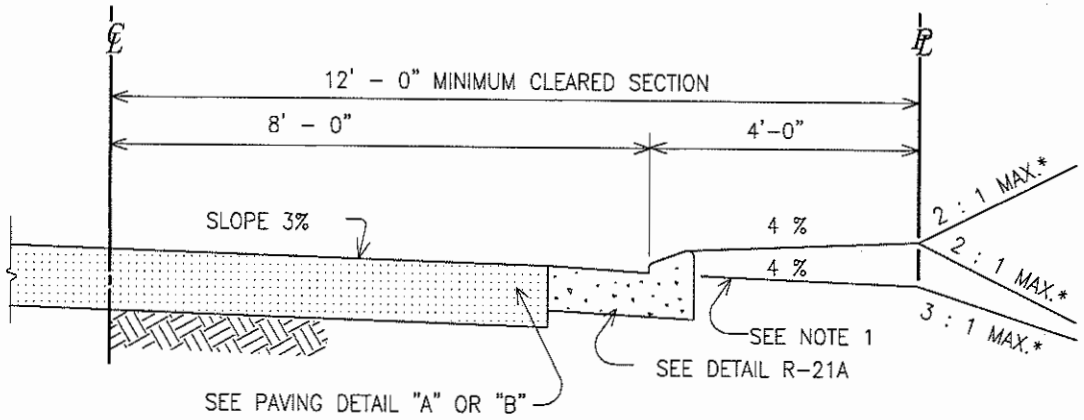
Existing Zoning: RC 2 **Area:** 9.86 ACRES
Proposed Zoning:
SPECIAL EXCEPTION:
BCZR 1A01.2.C.16, 404.1 and 404.3: A landscape service operation.

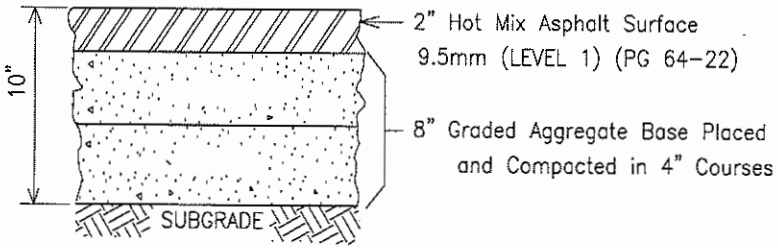
For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

VARIANCE:
BCZR 404.1: To permit an internal roadway to be located 0 feet from a property line in lieu of the minimum required 25 feet.

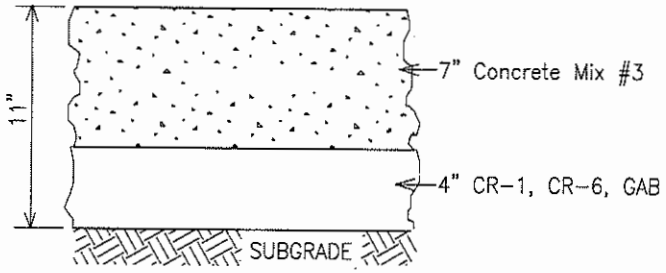
For such other and further relief as may be deemed necessary by the ALJ for Baltimore County.
Attorney: Jason T. Vettori
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date:

Miscellaneous Notes:
See note to ALJ in case folder.





DETAIL "A"



DETAIL "B"

NOTES

1. STORM WATER FROM DRIVEWAY MAY BE REMOVED BY INSTALLATION OF COMBINATION INLETS CONNECTED TO THE CULVERT UNDER THE DRIVEWAY, OR BY USE OF CURB TURNOUTS SIMILAR TO DETAIL PLATE D–5.03, DISCHARGING TO A STABILIZED DRAINAGE SWALE.
2. MINIMUM HORIZONTAL CURVATURE = 30 FOOT ℄ RADIUS
3. MAXIMUM ABRUPT CHANGE IN GRADE ℄ AT ROAD R/W LINE = 8° OR 13%.
4. MAXIMUM VERTICAL CURVATURE ON ℄ PROFILE SHALL BE ESTABLISHED BY PLOTTING A 3–1/2" RADIUS CIRCULAR CURVE ON A 5 FOOT VERTICAL SCALE BY 50 FOOT HORIZONTAL SCALE PROFILE (20 MILE / HOUR DESIGN SPEED).
5. SIDEWALKS MAY BE DEPRESSED 4 INCHES BELOW STANDARD GRADE THROUGH PANHANDLE PROFILE.
6. MAXIMUM GRADE = 14%.
7. A RURAL PANHANDLE DESIGN (SEE PLATE R–Q) MAY BE PERMITTED WHEN DRAINAGE AND OTHER CONDITIONS NOT ADVERSE TO RESIDENTIAL CONSTRUCTION ARE FOUND TO ENCOURAGE DISPERSION AND/OR INFILTRATION OF RUNOFF.
8. LIMIT GROUND IRON BLAST FURNACE SLAG CONTENT TO 35% MAXIMUM IN MIX #3 CONCRETE.

* CUT & FILL SLOPE GRADES SHALL BE IN ACCORDANCE WITH RECOMMENDATIONS OF A REGISTERED GEOTECHNICAL ENGINEER.

DEPARTMENT OF PUBLIC WORKS
STANDARD ROAD & STREET DESIGN

PANHANDLE DRIVEWAY / USE-IN-COMMON DRIVEWAY

URBAN ZONING

ISSUED: AUGUST, 1997
REVISED: MARCH, 2002
REVISED: NOVEMBER, 2005

PLATE

R-P

8/25/2008 1:55 PM

R-P.DWG

IN THE MATTER OF: GREGORY MANGUM – Legal Owner/Applicant	*	BEFORE THE
	*	BOARD OF APPEALS
14100 Longnecker Road 4th Election District 3rd Council District	*	OF
	*	BALTIMORE COUNTY
Re: Appeal of Corrected Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and Variance was Granted, with conditions	*	**Case No. 22-012-XA**
	*	

* *

LEGAL OWNER/APPLICANT'S MEMORANDUM TO THE BOARD OF APPEALS

The legal owner/appellee, Gregory Mangum ("Petitioner"), by and through his attorneys, Jason T. Vettori and Smith, Gildea & Schmidt, LLC, submits this Memorandum to the Board of Appeals for the above referenced matter.

This case comes before the County Board of Appeals (the "Board") as an appeal, pursuant to Section 32-3-401 of the Baltimore County Code ("BCC"), of the Corrected Opinion and Order of the Administrative Law Judge ("ALJ") dated April 15, 2022[1] granting Petitioner's request for special exception approval for a landscape service operation as provided in Sections 1A01.2.C.16, 404.1 & 404.3 of the Baltimore County Zoning Regulations ("BCZR") and variance relief from BCZR § 404.1.A to permit an internal roadway to be located zero feet from a property line in lieu of the minimum required 25 feet from same.

As provided in BCC § 32-3-401(d), the Board's role is to "hear and dispose of the appeal as provided in the charter and the rules of procedure established by the Board of

[1] The original decision was also dated April 15, 2022. Shortly after having e-mailed the original decision on April 15, 2022, the ALJ sent the Corrected Opinion and Order.

Appeals."[2] The *de novo*[3] hearing transpired over the course of three days, October 4, 2022, December 7, 2022, and December 22, 2022.[4] Protestants, Benjamin and Molly Smist, the owners of the neighboring property located at 14102 Longnecker Road, appeared in opposition. The Smists were represented by counsel, Dino C. La Fiandra, Esquire. The Board requested that the Appellants and the Petitioner submit Briefs proposing findings of fact and conclusions of law regarding the relief requested. A public deliberation has been scheduled for February 22, 2023.

STANDARD OF REVIEW

The Court in *Alviani v. Dixon*, 365 Md. 95 (2001) held that a special exception and variances may be granted at the same time.

In granting any special exception, the Board is governed by the principles and conditions codified in BCZR § 502. BCZR § 502.1 provides that "[b]efore any special exception may be granted, it must appear that the use for which the special exception is requested will not:"

A. Be detrimental to the health, safety or general welfare of the locality involved;
B. Tend to create congestion in roads, streets or alleys therein;
C. Create a potential hazard from fire, panic or other danger;
D. Tend to overcrowd land and cause undue concentration of population;

[2] The Rules of Practice and Procedure of the Board of Appeals were recently repealed and re-enacted, with amendments by Bill No. 12-22.

[3] Pursuant to Section 602 of the Charter of Baltimore County, Maryland, "[a]ll hearings held by the board shall be heard de novo, unless otherwise provided by legislative act of the County Council." Unlike with appeals of development plans pursuant to BCC § 32-4-281, BCC § 32-3-401 is silent on the de novo standard. BCZR § 501.6 expressly provides that appeals from the Zoning Commissioner shall be heard by the Board de novo. This is an appeal from a decision of the ALJ sitting as the Zoning Commissioner so the de novo standard applies.

[4] Despite Protestants opposition to same, the original hearing date of August 31, 2022 was postponed at the request of Petitioner due to a vital witness being unavailable on account of a surgery days before that scheduled date.

E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
F. Interfere with adequate light and air;
G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones.

The RC 2 regulations also require two additional findings by the Board above and beyond its evaluation of the special exception standards codified in BCZR § 502.1. First, as provided in BCZR § 1A01.2.C, the Board must find that "the use would not be detrimental to the primary agricultural uses in its vicinity". Second, as provided in BCZR § 1A01.2.C.16, the Board must find that the landscape service operation satisfies "the provisions of Sections 404.1 and 404.3 [of the BCZR]". BCZR §§ 404.1 & 404.3 contain specific regulations which are applicable to landscape service operations.[5]

In addition to BCZR §§ 404.1, 404.3 & 502.1, the Board's review of a special exception request is governed by *Schultz v. Pritts*, 291 Md. 1 (1981). In *Schultz*, the Court of Appeals articulated a standard for assessing the degree to which a proposed use's adverse impact affects the outcome of a special exception request. *Id*. at 11-15. The Court explained that:

[5] A landscape service operation is defined in BCZR § 101.1 as "[a]n operation primarily engaged in the designing, installing, planting or maintaining of lawns, gardens or other plantings at off-site commercial or residential uses."

> the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

Id. at 15. The Court further recognized that a special exception use, by virtue of its inclusion in the comprehensive zoning plan, is presumptively valid "unless there are strong and substantial existing facts or circumstances showing that the particularized proposed use has detrimental effects above and beyond the inherent ones ordinarily associated with such uses." *Id*. at 11, 14 (quoting *Anderson v. Sawyer*, 23 Md. App. 612, 625 (1974)).

The *Schultz* standard "essentially adds language to statutory factors to be considered in evaluating proposed special exceptions." *Mossburg v. Montgomery County*, 107 Md. App. 1, 21 (1995). It "is not a second, separate test (in addition to the statutory requirements) that an applicant must meet in order to qualify for the grant of a special exception." *People's Counsel for Baltimore County v. Loyola College*, 406 Md. 54, 69 (2008). Rather, it overlays or "exists within a county's regulatory scheme governing [special exceptions]." *Clarksville Residents Against Mortuary Def. Fund, Inc. v. Donaldson Props*., 453 Md. 516, 551 (2017). The Court explained in a subsequent decision, "absent some clear legislative direction to the contrary, if a particular kind of impact is required to be taken into account in considering a special exception, the impact is to be measured by the test enunciated in *Schultz*." *Montgomery County v. Butler*, 417 Md. 271, 302 (2010) (quoting *Gotach Ctr. for Health v. Bd. of County Comm'rs*, 60 Md. App. 477, 485 (1984)).

The Court clarified that the disqualifying adverse effect on the surrounding properties "'must be more than mere annoyance' because by classifying such uses as . . . conditional uses, [as opposed to permitted uses,] the legislature assumes that those uses will include some adverse impacts" when applying the *Schultz* standard. *Clarksville*, 453 Md. at 541 (quoting *Mayor of Rockville v. Rylyns Enters., Inc.*, 372 Md. 514, 542 (2002)).

In granting any variance, the Board is governed by the authority codified in BCZR § 307.1 and *Cromwell v. Ward*, 102 Md. App. 691 (1995). BCZR § 307.1 provides:

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

The Court, in *Alviani*, 365 Md. at 111-12, explained that where a "local legislative body clearly knew it could except certain parts of the [Zoning Regulations] from the application of the variance provisions", and the special exception provision was not one of the sections that was excepted, additional exceptions should not be implied under the rule of statutory construction. Baltimore County's Zoning

Regulations contain several instances where the County Council exempted certain provisions from the variance provisions of BCZR § 307.1, including BCZR § 404.13.D, which lies within Section 404 of the BCZR (the very section from which variance relief is being sought in the instant matter). See also BCZR §§ 202.3.C.2.d, 204.3.B.2, 259.7.F, 259.8, 259.9.C.1.b, 259.9.C.4, 259.9.C.5, 406A.3, 418.1, 418.2.A.2, and 418.2.B.2.a. As such, no limitation on a variance being granted in conjunction with a special exception approval applies to BCZR § 404.1.A.

BACKGROUND

The subject property under consideration, 14100 Longnecker Road, is located on the west side of Longnecker Road approximately 900 feet south of the intersection with Piney Grove Road and a mile and a half north of the intersection with Butler Road.

The Petitioner operated his landscape service operation business from a property approximately a mile and a half to the south of the subject site, 13224 Longnecker Road, for over a decade. He did not obtain special exception approval to run his business from this prior location and at some point was compelled to stop operating from there. In the interim, he purchased the subject property in May or June of 2021. The State Department of Assessments and Taxation records indicate the deed for Mr. Mangum's acquisition of 14100 Longnecker Road was not recorded until July 21, 2021, which is around when Protestants testified that they purchased their property, 14102 Longnecker Road. Petitioner's Ex. 5.

Petitioner's and Protestants properties were created by a subdivision in 1999. Petitioner's Ex. 3/Protestants Ex. 18. The subject site has no improvements on it. As indicated on the Minor Subdivision Plan (and corresponding deeds), the two properties are served by a private use-in-common easement for ingress, egress, maintenance and utilities which lies on the respective property owners' properties. Petitioner's Exs. 3 & 4. As further indicated on the Minor Subdivision Plan, both properties have Forest Conservation Easements and Forest Buffer Easements on the front and rear of them.

The testimony and evidence clearly demonstrates that the immediate neighborhood, from the intersection of Piney Grove Road and Old Hanover Road to the west and Longnecker Road and Butler Road to the south, and beyond is more of a farming/horse riding community than a suburban residential community. The subject site is a 9.86 acre +/- tract which is zoned RC 2 (Resource Conservation – Agricultural). BCZR § 100.1.A.2. The property is unique in that it does not have its own independent access to Longnecker Road, adjoins BGE power lines and has steep topography. The only portion of the property without steep topography is the portion of the property around where the 6,000 square foot structure is being proposed.

Prior to Mr. Mangum's purchase of the property, and his communications with BGE regarding an alternative means of access to the subject property through BGE's property, the only means of ingress and egress was through the 25 foot wide shared use-in-common easement. The 25 foot use-in-common easement is presently improved with a mostly gravel driveway that is approximately 10 feet wide, despite the Minor Subdivision Plan indicating that the use-in-common easement was supposed to be

improved with a 16 foot wide driveway. The brick monument entrance feature at the end of the use-in-common easement at Longnecker Road is 16 feet and two inches wide.[6] General Note #21 on the Minor Subdivision Plan provides that "[t]he private driveway shall be paved within one year of the issuance of the first occupancy permit of the last lot to be served, whichever comes first." This note is not at all clear regarding when it was to be paved. What is clear is that the driveway is not paved, nor is it 16 feet wide. Were the Petitioner and Protestants both willing to resolve this issue the access would be greatly improved.

Petitioner testified that he reached out to Protestants regarding his proposed use and how to make the use-in-common easement more functional for both property owners. Protestants are unwilling to cooperate with Petitioner to improve the shared driveway. As a result, he sought permission from BGE to obtain access to Longnecker Road through its property. However, it wasn't until well after the ALJ issued his approval (April 15, 2022) that a License Agreement was executed to allow Mr. Mangum to utilize BGE's access to Longnecker Road (September 28, 2022). Petitioner's Ex. 18/Protestants Ex. 25. The original Plan to Accompany was amended to reflect subsequent changes regarding the proposed access through BGE's property and the location of the proposed 6,000 square foot building. Petitioner's Ex. 20/Protestants Ex. 26; Petitioner's Exs. 23 & 24.

[6] In response to Mr. LaFiandra's question to him regarding how he knew the brick entrance to the driveway off of Longnecker Road is 16'2" wide, Mr. Smist testified that "I have this thing called a tape measure."

Before the ALJ reviewed and approved the requested relief, and before the BGE License Agreement had been executed, County reviewing agencies which constitute what's known as the Zoning Advisory Committee ("ZAC") issued comments on the requested relief and accompanying plan. The respective agencies comments collectively appear to support access through BGE's property rather than through the existing Forest Buffer Easement and Forest Conservation Easement on Mr. Mangum's property or the use-in-common easement. The Department of Planning indicated in its ZAC Comment that it does not oppose the Petitioner's request for relief. Planning further stated that "[t]he landowner's representative has noted that the public will not be coming to the property to purchase materials and the site will be used for storage and staging for work offsite. Access will be provided using an existing driveway through a shared access easement." Petitioner's Ex. 9. The Bureau of Development Plans Review ("DPR") issued a ZAC Comment wherein it stated that "[s]ince the proposed development is commercial, DPR recommends a separate commercial entrance from Longnecker Road. Access shall not be provided from an existing residential driveway on the adjacent property." Petitioner's Ex. 11/Protestants Ex. 22. The Department of Environmental Protection and Sustainability ("DEPS") issued a ZAC Comment wherein it stated that the development must comply with the Regulations for Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code)." DEPS' ZAC Comment added that "the propose[d] driveway shall not extend into the existing Forest Buffer Easement." Petitioner's Ex. 10/Protestants Ex. 21.

The Petitioner called seven witnesses in total. The Petitioner called four witnesses who testified about his business which operated for over a decade approximately a mile and a half south of the subject property who have a familiarity with the neighborhood. The Petitioner and two experts also offered testimony and evidence.

Virginia Marks, who lives at 4231 Butler Road, testified that she has known the Petitioner for approximately 10 years and she observed him operating his business at his previous location which is directly across the street from a produce stand she operates which is associated with her 71 acre farm. She testified that she's familiar with his operation as her produce stand has always been open from 8:30 a.m. to 7:00 p.m. She said the Petitioner's employees were always there for you, respectful, never traveled at excessive speed and were an invaluable member of the neighborhood.

Thea Williams, who lives at 13632 Longnecker Road, testified that she lives pretty much equidistant between the Petitioner's previous location and the subject property and that he is an essential part of the horse community in the area who goes out of his way to help everyone.

Henry "Tim" Clark, who lives at 4330 Butler Road, operates a 65 acre thoroughbred racehorse farm which is approximately ½ mile from the Petitioner's previous location and two miles from the subject property. He recounted how the Petitioner was particularly helpful to the community when a big storm came through the area a couple of months ago and trees needed to be cleared and fences mended.

Aris Melissaratos, who lives at 16225 Dark Hollow Road, which is approximately 5 ½ miles away in Upperco, testified that the Petitioner has taken care of most of the big name people in the area for many years. Mr. Melissaratos, the grandfather of Mr. Mangum's wife, owned the location from which Petitioner operated until approximately 2019 and, in his opinion, he kept it in immaculate condition.

Greg Mangum testified in great detail regarding his landscape service operation and his efforts to work with his neighbors to limit the inherent adverse impacts of said use upon them. He testified regarding the geographic area where his clients are located and the kind of work he performs. He similarly detailed the number of vehicles he owns and utilizes and the equipment he uses. Mr. Mangum testified that most of his materials, mulch and the like, are delivered to the sites where he is performing work. Most notably, Petitioner testified that he plans to exclusively utilize the BGE access for his business once he obtains all permits and approvals, so long as BGE doesn't preclude access on a given date. He further testified that BGE has allowed other businesses, such as Glyndon Gardens, to operate with a similar arrangement for decades. Mr. Mangum indicated that BGE was willing to work with him regarding changes to the License Agreement to accommodate access to his property. He offered an email from BGE indicating that they were willing to work with him to modify the License Agreement to address zoning, development and fire code issues.

Richard Williams and Paul Cavanaugh provided expert testimony in support of the zoning relief requested. Richard Williams was accepted as an expert in preparing and processing plans and the Baltimore County Zoning and Development Regulations.

He testified regarding how he prepared the original Plan to Accompany, the redilined plan and a blacklined plan (Petitioner's Exs. 1, 20 & 21, respectively) and reasons why the special exception and variance standards were satisfied and, in his expert opinion, why the relief requested should be granted. Paul Cavanaugh was accepted as an expert in engineering and zoning and development. They both explained the interaction between the zoning and development review and approval processes, namely that so long as the setback requirements for the proposed structure, the outdoor storage area of materials used for landscaping purposes, the location of the vehicle parking and equipment storage area and the loading or unloading of vehicles for the purpose of shipping and receiving goods are complied with, the use would be deemed compatible as that term is defined in BCZR §§ 404.3.A and 404.3.C.2. They further presented competent evidence about how development issues such as stormwater management, the septic reserve area, landscaping, screening and an underground or above ground storage tank could be resolved as part of the development review and approval process. They had no concerns regarding the project as proposed being granted development approval following zoning approval.

Protestants attorney called three witnesses besides the Protestants, Arturo "Art" Garcia, Lloyd Moxley and Steve Warfield. Mr. Garcia testified regarding a correction notice he issued to Mr. Mangum regarding alleged violations to the Forest Buffer Easements (FBE) and Forest Conservation Easements (FCE) that largely predated his ownership of the property. Protestants Ex. 34. Mr. Garcia acknowledged that he inspected the property in regard to an anonymous complaint and that the Protestants

were issued a similar correction notice for impacts to the FBE and FCE areas on their property. Correction notices for such alleged violations are processed in accordance with Article 3, Title 6, Subtitle 2 of the BCC. Mr. Moxley, the Development Manager for the Office of Development Management, testified that the County would not process the Development Plan through the development review and approval process (Article 32, Title 4, Subtitle 2 of the BCC) until after zoning approval was issued, but assuming zoning relief was granted a limited exemption would likely be granted as provided in BCC § 32-4-106. Mr. Moxley testified that the limited exemption approval by the Director of the Department of Permits, Approvals and Inspections and the substantive Development Plan approval would both be subject to appeals.

Protestants Molly and Benjamin Smist testified regarding their observations regarding Mr. Mangum's landscape operation, the grading of the subject property and their concerns for their safety and the safety of their children. They were primarily concerned with the use-in-common easement being shared with a landscape service operation but intimated that they would likely oppose any alternative means of access, preferring the subject property remaining unimproved or improved with a dwelling (which would similarly require improvement of the shared driveway). Mr. Smist testified that he would challenge whether the use-in-common easement was being overburdened if the landscape service operation was granted zoning relief.

Protestants called Steve Warfield as their expert. Mr. Warfield was accepted as an expert in engineering, zoning and development. Mr. Warfield is familiar with the area as his brother owns a property which adjoins Mr. Mangum's property to the

southwest. He testified regarding why he felt the particular use proposed at the particular location proposed would have adverse effects above and beyond those inherently associated with such a use. He noted that the existing driveway conditions, lack of water storage tanks and fire truck turnarounds would create a potential hazard from fire, panic or other danger (BCZR § 502.1.C). He testified how the driveway crossing any property line would be inconsistent with the purposes of the property's zoning classification and/or otherwise inconsistent with the spirit and intent of these Zoning Regulations (BCZR § 502.1.G) insofar as BCZR §§ 404.1.A & 404.3.C.1 are concerned. Lastly, he testified that the existence of a Tier II stream towards the rear of the property would cause the landscape service operation to be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2 Zone (BCZR § 502.1.I) without differentiating this use from other landscape service operations. In fact, he did not articulate any potential adverse effects associated with a landscape service operation. He did, however, characterize this landscape service operation as moderately sized. Mr. Warfield did not opine whether the property was unique or not or that a practical difficulty or unreasonable hardship existed. He merely stated his opinion that the intent of BCZR §§ 404.1.A & 404.3.C.1 was to disallow driveways across property lines to protect existing neighboring dwellings and variance relief was therefore precluded from being granted.

Greg Mangum and Paul Cavanaugh presented rebuttal testimony. Mr. Mangum reiterated that he had spoken with BGE and that they would support his access through

their property. He produced an email from BGE indicating that they were willing to increase the width of the access to his property to illustrate this point.[7] He also contested much of the testimony of the Smists. Mr. Cavanaugh testified that the unfortunate grading that has taken place had not adversely impacted the stream in the rear of the property and once the project received development approval all of the impacts to date would be mitigated. He further testified that all the access issues through BGE's property can be resolved from an engineering perspective and, if necessary, the use-in-common easement access could similarly be resolved. This testimony coincides with Mr. Warfield's testimony that he too could resolve the issues regarding access, stormwater management, holding tanks for water for fire suppression and well and septic.

Letters of Support from community members were presented by Mr. Mangum. Petitioner's Exs. 12 & 17. Protestants submitted a petition signed by individuals opposed to the request for zoning relief. Protestants Exs. 13 & 14. Cricket Goodall, Executive Director of the Maryland Horse Breeders Association, submitted a letter of support directly to the Board which acknowledged that Mr. Mangum's company takes care of many of the properties of their members in the area.

DECISION

[7] The Board's rules of evidence are codified in Rule 6 of the Rules of Practice and Procedure of the Baltimore County Board of Appeals as adopted by Bill No. 12-22. Those rules are governed by the contested case provisions of the Administrative Procedure Act ("APA"), Maryland Code (1995 Repl. Vol., 1998 Supp.), State Government Article, §§ 10-201-10-227. Specifically, APA § 10-213 provides that, even if it constitutes hearsay, evidence which reasonable and prudent individuals commonly accept in the conduct of their affairs and give probative effect to may be admitted.

The Board must evaluate the special exception and variance relief requested and determine whether they are supported by competent, material and substantial evidence.

Question #1
The proposed landscape service operation satisfies the applicable special exception standard.

In *Turner v. Hammond*, 270 Md. 41, 54 (1973), the Court stated, "[o]ccasionally the bar and less often the bench lose sight of the concept that the conditional use or special exception, as it is generally called, is a part of the comprehensive zoning plan sharing the presumption that as such it is in the interest of the general welfare and, therefore, valid." See also *Bd. of Cnty. Comm'rs of Wash. Cnty. v. Perennial Solar, LLC*, 464 Md. 610, 629 (2019)) (quoting *Schultz v. Pritts*, 291 Md. 1, 11 (1981), "the seminal case in Maryland on special exceptions"). If an "applicant demonstrates compliance with the prescribed standards and requirements set forth in the relevant statute or regulation, then there is a presumption that the use is in the interest of the general welfare, a presumption that may only be overcome by probative evidence of unique adverse effects." *Clarksville Residents Against Mortuary Def. Fund, Inc. v. Donaldson Props*., 453 Md. 516, 543 (2017).

"If there is some evidence pointing in each direction, the issue is, by definition, 'fairly debatable,' and the decision of the administrative agency, whichever way it goes, may not be reversed." *Futoryan v. Mayor of Baltimore*, 150 Md. App. 157, 172 (2003); *see also Prince George's County v. Meininger*, 264 Md. 148, 154 (1972) (appellate courts may not substitute their "judgment for that of the zoning authority, if . . . the issue decided is fairly debatable"). Petitioner presented testimony and evidence that the proposed landscape service operation will not have a detrimental impact greater than those

effects inherently associated with a landscape service operation irrespective of its location within the zone. Protestants presented testimony and evidence that the landscape service operation will have impacts greater than those effects inherently associated with a landscape service operation irrespective of its location within the zone.

The Petitioners presented testimony regarding how they have a limited number of employees, have limited deliveries and pickups from the site and do not spend much time there daily. The employees arrive in the morning in their personal vehicles and leave for locations where they are working in work vehicles with their equipment in tow. During the course of the day, Mr. Mangum may come back to get some extra equipment as needed, but more often than not they are off-site all day until the workday is over and the work trucks return and the employees head home in their personal vehicles. Mr. Williams and Mr. Cavanaugh provided expert testimony that the particular use proposed at the particular location proposed would not have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Mr. Mangum has expressly stated that he is willing to make necessary improvements to improve access to the property, wherever said access would be provided.

The proposed use would not be detrimental to the health, safety or general welfare of the locality involve (BCZR § 502.1.A). Competent evidence exists to show that Mr. Mangum and his employees are considerate members of the community who aspire to help rather than harm anyone. With the proposed site improvements, any

concerns regarding access to and from the location will be addressed. Mr. Warfield did not offer any expert testimony to rebut this presumption. A conditional use application "cannot be denied simply because the lot upon which the proposed use will be located is adjacent to residences." *Montgomery County v. Butler*, 417 Md. at 308. The Minor Subdivision plan states that the use-in-common easement should be paved and 16 feet wide. The Board has the authority to require the shared driveway to be 20 feet wide as the easement is 25 feet wide, as Petitioners broadly requested variance relief "[f]or such other and further relief as may be deemed necessary by the ALJ for Baltimore County" which would include BCZR § 409.4 (which requires driveways for two-way movements to be at least 20 feet in width). Protestants have expressed an intent to fight improvement of the shared driveway to accommodate additional traffic, the improvement of the BGE access and pretty much any other approval Petitioner may seek. They made it abundantly clear that they consider the use-in-common easement to be "their driveway" and have been unwilling to resolve the access issue which is the crux of this case.

The proposed use will not tend to create congestion in roads, streets or alleys therein (BCZR § 502.1.B). The Court in *Anderson*, 23 Md. App. 617-25 (a case that involved a funeral home seeking a special exception approval), reversed the Board's finding that the use would create traffic problems as there was no probative evidence to show "that the particularized proposed use has detrimental effects above and beyond the inherent ones ordinarily associated with such uses." Mr. Mangum has operated his business in the area for over a decade. Whether he operates from this location or

another one, he serves the people of this community and will be operating on the roads in the area. Longnecker Road is an unstriped public road that accommodates both farm equipment and passenger vehicles. The limited trips proposed by this landscape service operation will not have an increased effect on the roads above and beyond any other similar operation. Similarly, the limited trips on the possible accesses to Longnecker Road from the subject site could easily be addressed through reasonable improvements to same that can be worked out as part of the development review and approval process.

The proposed use will not create a potential hazard from fire, panic or other danger (BCZR § 502.1.C). Mr. Mangum's operation consists of vehicles and equipment and perhaps some containers holding debris and mulch. These are common occurrences for a landscape service operation. Following zoning approval, the Development Plan will be reviewed by various agencies, including the Fire Department, for compliance with the regulations for fire safety. Mr. Warfield acknowledged that he could lay out a development through the development review and approval process that complied with all applicable regulations. Mr. Moxley testified that review of such issues can only take place after zoning approval is issued.

The proposed use will not tend to overcrowd land and cause undue concentration of population (BCZR § 502.1.D). The subject site is just short of 10 acres. Mr. Mangum testified that he operated on a much smaller parcel for the past decade. Even with the FCEs and FBEs on the property, Mr. Warfield, in addition to Mr.

Williams and Mr. Cavanaugh all acknowledged that there is adequate room for the proposed landscape service operation on the subject site.

The proposed use will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements (BCZR § 502.1.E). There will be no impact on schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements. Mr. Mangum has already operated in the area for over a decade and a landscape service operation has basically no impact on such public requirements, conveniences or improvements. In fact, he even went out and removed trees from Longnecker Road after the significant storm event that hit the area this summer. There was no probative evidence in opposition to this standard having been satisfied.

The proposed use will not interfere with adequate light and air (BCZR § 502.1.F). The building being proposed will have a maximum height of 35 feet. The Blacklined Plan, Petitioner's Ex. 21, indicated that it will be located 346.1 feet from the Smists property and 54.4 feet from BGE's property. There is no reason to believe that this would be more impactful than a similar use elsewhere in the neighborhood as no evidence presented to rebut the presumption of validity under *Shultz*.

The proposed use will not be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations (BCZR § 502.1.G). The proposed use is permitted by special exception in the RC 2 zone. As provided in BCZR § 1A01.2.C, the RC 2 regulations further require a finding that "The following uses, only, may be permitted by special

exception in any R.C.2 Zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity". Witnesses in support of the Petitioner testified that Mr. Mangum is not only not a detriment to agricultural uses in the area but is actually an immense help in providing services to them. Ms. Goodall sent the Board a letter that Mr. Mangum takes care of many of the members of the Maryland Horse Breeders Association in the area. Mr. Warfield's only testimony regarding how the presumption of validity is rebutted is that BCZR §§ 404.1 & 404.3 require internal driveway to be located at least 25 feet from any property line and designed to insure protection of existing neighboring dwellings from noise, dust, glare and other nuisance factors, respectfully. Mr. Mangum has entered into a License Agreement with BGE to utilize their property as his primary means of access. Without access through BGE's property or a variance to impact the FBE and FCE on Mr. Mangum's property to obtain his own access, he would have no access to the subject property. As previously noted, the BCZR does not exclude the section covering the relevant special exception from being modified by variances. *Alviani*, 365 Md. at 109. Mr. Warfield testified that he could design the project in order to satisfy the applicable zoning and development regulations. Mr. Williams and Mr. Cavanaugh similarly testified that the outdoor storage area of materials used for landscaping purposes, the location of the vehicle parking and equipment storage area and the loading or unloading of vehicles for the purpose of shipping and receiving goods can be complied with, the use would be deemed compatible as that term is defined in BCZR §§ 404.1 and 404.3. BGE's access off

of Longnecker Road already exists and they've given Mr. Mangum a license to utilize same. The testimony and evidence makes it clear that they BGE is willing to work with him to modify the License Agreement to make the existing access work better.

The proposed use will not be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations (BCZR § 502.1.H). The extent of impermeable surface proposed is minimal and lies outside of the FBE and FCE areas. The FBE and FCE areas based upon the location of the streams are already established for the subject property. The Minor Subdivision plan authorizes a 16 foot wide driveway for the existing shared driveway. The proposed access through BGE's property per the License Agreement, which BGE as authorized to be increased to at least 12 feet already, will ensure that this prong of the special exception test is met.

The proposed use will not be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone (BCZR § 502.1.I). As previously stated, the FBE and FCE areas based upon the location of the streams are already established for the subject property. Mr. Williams and Mr. Cavanaugh provided expert testimony that all development approvals, including but not limited to providing well and septic, stormwater management and the necessary development area, will be attainable once the Development Plan is reviewed. The review of the Development Plan is an iterative process and slight modifications to the plan may be necessary but so long as they comport with the landscape service operation area requirements, the use can be accommodated. Mr. Warfield acknowledged that he could design the project to meet all

the regulations as well. In response to questions from the Board regarding how the use itself would impact environmental and natural resources of the site and vicinity above and beyond say a residential development, Mr. Warfield did not have an answer. Stated another way, he could not provide an answer regarding why the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use. *Schutlz*, 291 Md. at 15.

Question #2
The variance should be approved.

The Board should also conclude that Petitioner is entitled to variance relief in the instant case. Petitioner seeks relief from BCZR § 404.1.A to permit an internal roadway to be located 0 feet from a property line in lieu of the minimum required 25 feet.

In Baltimore County, the test for entitlement to zoning variances requires a two-pronged analysis showing that:

(1) The property is unique; and

(2) If variance relief is denied, petitioner will experience a practical difficulty or unreasonable hardship. BCZR § 307.1; *Cromwell v. Ward*, 102 Md. App. 691, 694-95 (1995).

A. The Property is Unique

In order to obtain a variance in this instance, Petitioner first must prove the uniqueness of the property. The Court in *Cromwell* defined the term "uniqueness" and stated:

> In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., it shape, topography, subsurface condition, environmental factors, historical significance, access or not-access to navigable waters, practical restrictions imposed by abutting properties (such as obstruction) or other similar restrictions. *Cromwell*, 102 Md. App. at 703-722.

The site is uniquely shaped and the topography is steep, sloping towards both the front and rear of the property. It adjoins BGE power lines to the south. The testimony and evidence are uncontroverted that the property has streams that run along both the front and rear boundaries of the property with easements for the attendant Forest Buffer and Forest Conservation areas. It's only means of access is through a use-in-common easement, a portion of which lies on the Protestants property following a minor subdivision approval in 2019.

The only testimony offered by Protestants' expert was that variance approval cannot be granted because the intent of BCZR §§ 404.1.A & 404.3.C.1 was to disallow driveways across property lines in order to protect existing neighboring dwellings. While the express intent of the legislature in BCZR makes it clear that variance relief cannot be granted under certain instances, statutory construction evidences the fact that variances can be granted in conjunction with the instant special exception request, as BCZR §§ 404.1.A & 404.3.C.1 contain no such limitation. *Alviani*, 365 Md. at 109. Therefore, the variance standard set forth in *Cromwell* applies. Mr. Warfield's testimony regarding the streams, environmental protection easements and steep slopes effecting access to the subject property supports a finding that the property is unique.

The applicable provision from which relief is being sought is a specific regulation for limited acreage wholesale flower farms, horticultural nurseries and landscape service operations in BCZR § 404.1. Specifically, BCZR § 404.1.A provides that "[i]nternal roadways shall be located at least 25 feet from any property line other than a street right-of-way line." The intent of the regulation is to provide an adequate distance between adjoining properties for the ingress and egress to the use. At the time the Petition for Zoning Hearing was filed, Petitioner's only means of access to Longnecker Road was via the 25 foot private use-in-common easement. The subject property has frontage on Longnecker Road, but that entire frontage is encumbered by an existing Forest Buffer Easement. The property to the south is owned by BGE and is improved with power lines. Before the Board's consideration of the instant appeal, Petitioner obtained a license from BGE to utilize its access road to access his property. No other property in the immediate vicinity has the same access or non-access issues.

In order to obtain access to Longnecker Road, the Petitioner has to utilize the use-in-common easement established when the Petitioner's and Protestants' property were subdivided, obtain access through BGE's property or obtain an Alternatives Analysis to create his own access through his property. If access was obtained through BGE's property, as it was by way of a license with them, that access would necessitate the same relief (a zero foot setback from a property line in lieu of the minimum required 25 feet) as was originally requested to utilize the use-in-common easement. In order to create his own access to Longnecker Road through his property, Petitioner would have to obtain Alternatives Analysis approval, pursuant to BCC § 33-3-112(c), for a stream

crossing which would impact the existing Forest Buffer Easement. This is essentially a variance approval. The Director of DEPS has the sole and exclusive authority to grant both Forest Buffer Variances and an Alternatives Analysis approval under BCC § 33-3-106 as follows:

> § 33-3-106. - SAME-VARIANCES.
> (a) Authority to grant. The Director of the Department may grant a variance:
> (1) For those projects or activities where strict compliance with the requirements of this title would result in practical difficulty or unreasonable hardship;
> (2) For those public improvement projects or activities where no feasible alternative is available;

DEPS clearly stated in its ZAC Comment that there should be no additional impact, such as an Alternatives Analysis approval, to the existing FBE. This makes sense, because in order for a road and bridge to literally cross the stream on the west side of Longnecker Road, the Director of DEPS would have to find that Petitioner has clearly demonstrated that no other feasible alternative exists and that minimal disturbance will take place as provided in BCC § 33-3-112(c). The Petitioner has access to his property through the use-in-common easement and, following the hearing before the ALJ and before the hearing before the Board, he has obtained a license from BGE to gain access to his property. Improvements to those respective means of access could be made without creating a third access through the FBE.

The property is clearly unique on account of the fact that any means of access to the property for the proposed use would necessitate variance relief. The use-in-common access and access through BGE's property would necessitate variance relief under

BCZR § 404.1.A. If access were to be obtained on Petitioner's property, it would necessitate variance relief under BCC § 33-3-106. Clearly the particulars regarding access to this property constitute unique circumstances.

B. If The Variance Is Denied, Petitioner Will Experience A Practical Difficulty Or Unreasonable Hardship

Courts have interpreted the "practical difficulty or unreasonable hardship" standard to be disjunctive, meaning that satisfaction of either of the conditions may warrant a variance. *Loyola Loan Ass'n v. Buschman*, 227 Md. 243, 250-51 (1961). The Court in *McLean v. Soley*, 270 Md. 208, 214-15 (1973) established criteria for determining practical difficulty or unreasonable hardship:

> (1) Whether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
> (2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
> (3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Furthermore, the practical difficulty or unreasonable hardship must not be self-imposed. *Richard Roeser Prof'l Builder, Inc. v. Anne Arundel Cnty.*, 368 Md. 294, 314 (2002).

Given the unique facts associated with the three options for access to the subject site, there is competent evidence that the criteria have been met. Petitioner has clearly indicated that he intends to utilize the access that BGE presently has on its adjoining property for the proposed landscape service operation use. He testified that he would

only utilize the use-in-common easement access if BGE was working on its property. The benefits of retaining the trees providing a buffer to the stream along Longnecker Road, rather than obtaining a variance from the forest buffer regulations to add a culvert and driveway to serve this property, would accrue to the general public. *McLean*, 270 Md. at 215. Having obtained a license agreement from BGE, that could be utilized as the primary means of access to the subject site, the variance relief requested satisfies the three criteria for determining practical difficulty or unreasonable hardship.

CONCLUSION

The record overwhelmingly supports a finding that conditional special exception approval and variance approval should be granted. Testimony and evidence produced by Protestants regarding alleged violations within the Forest Conservation and Forest Buffer Easements (Protestants Ex. 34), the impact of the grading and filling on the previously approved septic reserve area (Protestants Ex. 35), and the need for Maryland Department of the Environment approval of Tier II water body discharge (Protestants Exs. 36 & 37) are simply not before this Board at this time.[8] Appropriate conditions to be placed on this approval are as follows:

1. Mr. Mangum shall be entitled to utilize the use-in-common easement for his landscape service operation until such time as he receives approval to access his property through BGE's property and makes the necessary improvements. He shall also work with the Smists to pave at least a 16 foot wide driveway in the

[8] A claim must be ripe to be decided by courts. "Where an issue is not ripe, the issue is not justiciable and, thus, a court will not entertain the claim." *State Ctr., LLC v. Lexington Charles Ltd. P'ship*, 438 Md. 451, 592 (2014).

use-in-common easement from Longnecker Road up to the fork in the driveway where it forks off onto his property as soon as possible. Mr. Mangum shall be solely responsible for the cost of paving this shared driveway.

2. Should County reviewers feel that BCZR § 409.4.A requires a 20 foot wide access for a driveway with two-way movements serving the landscape service operation, a variance shall be considered granted to as little as 16 feet on the shared driveway with the Smists and as little as 12 feet on BGE's property, if those respective accesses are not deemed legal, nonconforming uses.
3. Once all permits for the landscape service operation have been issued, the access through BGE's property as illustrated in Petitioner's Ex. 23 (or as close to this alignment as possible) shall be the first improvement made.
4. Once access to Mr. Mangum's property through BGE's property has been established, it shall be the exclusive access for the landscape service operation, so long as BGE does not revoke its license. If there is a temporary interruption in access through BGE's property of more than one day, Mr. Mangum shall notify the Smists that the use-in-common easement will be used by the landscape service operation on a temporary basis. Should BGE notify Mr. Mangum that it intends to revoke its license, Mr. Mangum shall pursue obtaining his own access on his property by way of an Alternatives Analysis approval. Provided he obtains Alternatives Analysis approval, he shall proceed with reasonable diligence to construct said ingress/egress and use this as his exclusive access to his property for the landscape service operation. To minimize impacts to the

Forest Buffer and Forest Conservation Easements, he should seek approval for no more than a 16 foot wide ingress/egress on this property to lessen the impact to the environmental features.

5. Mr. Mangum shall make every effort to notify anyone coming to his property that the use-in-common easement from Longnecker Road up to the fork in the driveway where it forks off onto his property is not the access to his property once an alternative primary access for the landscape service operation is established.
6. Petitioner shall submit for approval by the County Landscape Architect a Landscape and Lighting Plan that fully complies with both the Baltimore County Landscape Manual and BCZR §§ 404.1.C and 404.3. The County Landscape Architect shall work with Mr. Mangum to integrate Green Giant arborvitae or other kinds of evergreens that provide a year-round visual screen upon maturity as allowed by the County's Landscape Manual.
7. If the loading activities are not carried on within the proposed 6,000 square foot structure as shown on the Blacklined Plan (Petitioner's Ex. 21), which must be at least 50 feet from the property line adjoining BGE's property, then the loading or unloading of vehicles for the purpose of shipping and receiving goods shall take place at least 100 feet from any property line adjacent to a residentially zoned or used property and shall be screened with plantings that provide a year-round visual screen upon maturity as allowed by the County's Landscape Manual as part of his Landscape and Lighting Plan.

8. Mr. Mangum shall seek a waiver as part of the resolution of the correction notice from DEPS to plant evergreens in the FBE/FCE instead of native trees (oaks/maples) as permissible in order to provide additional screening. If possible, the evergreens should be Green Giant arborvitae which are at least 12 feet tall to expedite the screening.
9. Mr. Mangum shall obtain approval of well and septic locations to the satisfaction of the Office of Ground Water Management as part of the development review and approval process.
10. Mr. Mangum shall provide a water supply capable supplying the required fire flow for fire protection, which shall be placed underground if at all possible.

Respectfully Submitted,



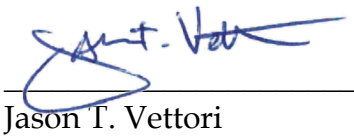
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 25th day of January 2023, a copy of the foregoing Memorandum was emailed to:

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Attorney for Appellants Benjamin and Molly Smist



Jason T. Vettori

Tammy Zahner

From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Wednesday, January 25, 2023 1:56 PM
To: Appeals Board
Cc: Jason Vettori
Subject: Mangum/14100 Longnecker Road (Case No. 22-012-XA)
Attachments: Brief to the Board of Appeals.PDF; Brief to the Board of Appeals.docx

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Good afternoon,

Please see the attached to be filed in the above referenced matter. Thank you!

SGS SMITH GILDEA & SCHMIDT LLC ;45

Alyssa F. Moyers
SENIOR PARALEGAL

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Tammy Zahner

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Wednesday, January 25, 2023 2:50 PM
To: Appeals Board
Subject: Case 22-012-XA - 14100 Longnecker Road
Attachments: Brief in Lieu of Closing Argument 012523.pdf

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Good afternoon,

Please find the Protestants' Brief in Lieu of Closing Argument attached. Thanks.

Regards,
Dino

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LaFiandralaw.com
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From:	Pat Fallon
To:	Appeals Board
Cc:	xl4100@aol.com; Pat Fallon
Subject:	Letter Opposing SPX 22-0012-XA
Date:	Monday, September 26, 2022 1:22:19 PM
Attachments:	Board of Appeals HRA Letter.docx

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Baltimore County Board of Appeals
400 Washington Ave.
Towson Md 21204

Re: Special Exception Case# 2022-0012-XA

Dear Sir/Madam,

Attached is a letter from the Hanover Road Association opposing the Special Exception for a Landscaping Operation at 14100 Longnecker Road SPX 22-0012-XA.

Thank you,

Patty Fallon
HRA, Secretary
Hanover Road Association
PO Box 121
Upperco, MD 21155

Tammy Zahner

From: Appeals Board
Sent: Tuesday, December 20, 2022 1:44 PM
To: 'Alyssa Moyers'
Subject: RE: 14100 Longnecker Road (Case No. 22-012-XA)

Thanks Alyssa. You do *not* need to drop off paper copies.

Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
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Towson, Maryland 21204
appealsboard@baltimorecountymd.gov
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(410) 887-3182 Fax

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From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Tuesday, December 20, 2022 10:01 AM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Cc: Jason Vettori <jvettori@sgs-law.com>
Subject: 14100 Longnecker Road (Case No. 22-012-XA)

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Tammy/Sunny,

Attached please find two additional exhibits, and an updated exhibit list, that Mr. Vettori introduced at Day 2 for the above captioned matter.

Please let me know if you require hard copies of the attached. Thanks so much,

SGS SMITH GILDEA & SCHMIDT LLC
Alyssa F. Moyers
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amoyers@sgs-law.com
http://secure-web.cisco.com/1M4CM1-ovJVHoH2RldSgo4JxdWTiUil3j-6aLsrdVWs42z6hvEOWOqkFiju6sOk3dDLk3I2Of9zv4c2Q2IibuOAlSS1uaRwLfGPytfS6S4Zy5wK9dwTEZ-ExdRQFSZ6D-zoA06tJk55D0mW6lRn3453REfhzGJr9NQBzXlI03ymUOoVib47fDKnAL9uN5tHtacL70QA2aURrokjYIBVQnK-AIieokzs6ce6xRFm6aK-jtkSsnP41qEbIiR7ZBW8BoVRe03BRqnl13Gc6WhnAFe7dYvuQK9zcavpykVUmj73svu9-qEupeBjclGcUnRR4myaV1fKA3EVZT38-yoKiUpOY0d2HXbvMvUHlNbil5m-8WD8nw31DLTRyzJuPb3zO1ULwQooECXaz4P-AMjoHlVORcBJws366ozWKQQCyjsQ6lZy3FcCupt8kaXGHBQQru-65T3EeRJBNp5o8TQGB9yA/http%3A%2F%2Fwww.sgs-law.com

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Please consider the environment before printing this email.

JOHN A. OLSZEWSKI, JR.
County Executive

JAMES R. BENJAMIN, JR., *County Attorney*
Office of Law

December 5, 2022

VIA EMAIL:
appealsboard@baltimorecountymd.gov

Board of Appeals of Baltimore County
Jefferson Building, Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204
Attn: Kysundra L. Cannington

Re: ***In the Matter of: Gregory Mangum – 14100 Longnecker Road***
Petitions for Special Exception and Variance
4th Election District – 3rd Councilmanic District
Case No.: 22-012-XA

Dear Ms. Cannington:

Please enter my appearance as counsel in the above referenced matter on behalf of Baltimore County Department of Environmental Protection and Sustainability. All future notices regarding this matter should be sent to my attention.

Thank you for your attention to this matter. Please let me know if you require any additional information.

Very truly yours,

/s/ Lisa J. Smith
Lisa J. Smith
Assistant County Attorney

LJS/mls

cc: Dino C. LaFiandra, Esq.
Via Email: dcl@LaFiandraLaw.com
Jason Vettori, Esq.
Via Email: jvettori@sgs-law.com

14100 Longnecker Road
Case No. 22-012-XA
Petitioner's Exhibit List

Description	**Exhibit**
Plan to Accompany Case No. 2022-0012-XA	1
Rick Williams Resume/CV	2
Minor Subdivision Plan – Paul F. Wooden, Jr. Property	3
Deed 14295/630	4
SDAT Printout for 14100 Longnecker Rd	5
Aerial of 14100 Longnecker Rd	6
Aerial of 13224 Longnecker Rd	7
Aerial of 14104 Longnecker Rd.Satellite Image	8
ZAC Comment-Planning	9
ZAC Comment-EPS	10
ZAC Comment-DPR	11
Support Letters/Emails	12
Certificate of Posting	13
Case No 71-253-X. Property rezoned to BL	14
Case No 72-0099-X. Property rezoned to ML	15
Case No. 88-210-SPH	16
Additional Letters of Support	17
License Agreement	18
BGE Longnecker Road Access AA 1.7.22	19

Redlined Plan to Accompany Case No. 2022-0012-XA	20
Blacklined Redlined Plan to Accompany Case No. 2022-0012-XA	21
Resume of Paul Cavanaugh	22
BGE Access Exhibit	23
BGE Email	24
Photos	25A-O
Northwest Recycling Letter of Support	26
Green Giant Invoice	27
Letter of Support from Maryland Horse Breeders Association	28

14100 Longnecker Road
Case No. 22-012-XA
Petitioner's Exhibit List

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Plan to Accompany Case No. 2022-0012-XA	1
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14100 Longnecker Road
Case No. 22-012-XA
Petitioner's Exhibit List

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14100 Longnecker Road
Case No. 22-012-XA
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Case No. 88-210-SPH	16
Additional Letters of Support	17

Tammy Zahner

From: Bryan@BPenningtonlaw.com
Sent: Wednesday, January 4, 2023 1:24 PM
To: Tammy Zahner
Subject: Mangum

CAUTION: This message from SRS0=tblVdP=5B=bpenningtonlaw.com=Bryan@eigbox.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Forgot to send these

Exhibits admitted:

Petitioner 1-6, 10-28
Protestants 1-22, 24-31, 34-37

Bryan T. Pennington
Law Offices of Bryan T. Pennington
6914 Holabird Ave.
Baltimore, MD 21222
410-633-5400
410-633-5454 (fax)
Bryan@Bpenningtonlaw.com

Tammy Zahner

From: Bryan@BPenningtonlaw.com
Sent: Wednesday, January 11, 2023 11:27 AM
To: Tammy Zahner
Subject: RE: Mangum Exhibits Question

CAUTION: This message from SRS0=KWB5Hp=5I=bpenningtonlaw.com=Bryan@eigbox.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Yes, there were additions. Sorry I thought he sent an updated list

22 – Cavanagh resume
23 – Realigned driveway
24 – emails w/ bge
25 – pictures (a-o)
26 – email from Northwest recycling
27 – Invoice for trees
28 – Letter from MD horsebreeders

Bryan T. Pennington
Law Offices of Bryan T. Pennington
6914 Holabird Ave.
Baltimore, MD 21222
410-633-5400
410-633-5454 (fax)
Bryan@Bpenningtonlaw.com

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 7, 2022

NOTICE OF ASSIGNMENT
Days 2 and 3

IN THE MATTER OF: Gregory Mangum
14100 Longnecker Road
22-012-XA 4th Election District; 3rd Council District

Re: Petition for Special Exception relief under BCZR §§ 1A01.2.C.16, 404.1 and 404.3 for a landscape service operation; and

Petition for Variance relief from BCZR § 404.1 to permit an internal roadway to be located zero (0) ft. from a property line in lieu of the minimum required 25 ft.

4/15/22 Corrected Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and Variance was GRANTED, with conditions.

4/15/22 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and Variance was GRANTED, with conditions.

ASSIGNED FOR: **DECEMBER 7, 2022, AT 10:00 A.M. – Day 2**
and **DECEMBER 22, 2022, AT 10:00 A.M. – Day 3**

The above scheduled hearing will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the hearing will be posted on our web calendar at** www.baltimorecountymd.gov/departments/appeals **the night before.**

A complete set of **exhibits must be emailed** at least **48 hours before the hearing** to **appealsboard@baltimorecountymd.gov** in a format that complies with MDEC (Maryland Electronic Court) standards.

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.

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled hearing.

Krysundra Cannington, Administrator

c. Counsel for Petitioner/Legal Owner : Jason T. Vettori, Esquire
Petitioner/Legal Owner : Gregory Mangum

Counsel for Protestants/Appellants : Dino C. La Fiandra, Esquire
Protestants/Appellants : Benjamin and Molly Smist

Renee Hamidi, Executive Director/Valleys Planning Council
Paul Merritt, President/Hanover Road Association
Patricia Fallon, Hanover Road Association
Vickie Kravitz
Aris Melissaratos
Richard B. Williams, Development Design Consultants

Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

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 9, 2022

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Gregory Mangum
14100 Longnecker Road
22-012-XA 4th Election District; 3rd Council District

Re: Petition for Special Exception relief under BCZR §§ 1A01.2.C.16, 404.1 and 404.3 for a landscape service operation; and

Petition for Variance relief from BCZR § 404.1 to permit an internal roadway to be located zero (0) ft. from a property line in lieu of the minimum required 25 ft.

4/15/22 Corrected Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and Variance was GRANTED, with conditions.

4/15/22 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and Variance was GRANTED, with conditions.

ASSIGNED FOR: AUGUST 31, 2022, AT 10:00 A.M.

The above scheduled hearing will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the hearing will be posted on our web calendar at** www.baltimorecountymd.gov/departments/appeals **the night before.**

A complete set of **exhibits must be emailed** at least **48 hours before the hearing** to **appealsboard@baltimorecountymd.gov** in a format that complies with MDEC (Maryland Electronic Court) standards.

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
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- If you require special accommodations, please contact this office at least one week prior to hearing date.

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled hearing.

Krysundra Cannington, Administrator

c. Counsel for Petitioner/Legal Owner : Jason T. Vettori, Esquire
Petitioner/Legal Owner : Gregory Mangum

Counsel for Protestants/Appellants : Dino C. La Fiandra, Esquire
Protestants/Appellants : Benjamin and Molly Smist

Renee Hamidi, Executive Director/Valleys Planning Council
Paul Merritt, President/Hanover Road Association
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Board of Appeals of Baltimore County

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410-887-3180
FAX: 410-887-3182

January 9, 2023

CORRECTED NOTICE OF DELIBERATION
As to due date for closing briefs only

IN THE MATTER OF: Gregory Mangum
14100 Longnecker Road
22-012-XA 4th Election District; 3rd Council District

Re: Petition for Special Exception relief under BCZR §§ 1A01.2.C.16, 404.1 and 404.3 for a landscape service operation; and

Petition for Variance relief from BCZR § 404.1 to permit an internal roadway to be located zero (0) ft. from a property line in lieu of the minimum required 25 ft.

4/15/22 Corrected Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and Variance was GRANTED, with conditions.

4/15/22 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and Variance was GRANTED, with conditions.

This matter having been heard October 4, 2022, December 7, 2022, and concluded on December 22, 2022, a public deliberation has been

ASSIGNED FOR: FEBRUARY 22, 2023, AT 10:00 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/departments/appeals.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.

NOTE: Closing briefs are due on **January 25, 2023 no later than 3:00 p.m.**
(Electronic copy emailed to: appealsboard@baltimorecountymd.gov)

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled deliberation.

Krysundra Cannington, Administrator

c.	Counsel for Petitioner/Legal Owner	: Jason T. Vettori, Esquire
	Petitioner/Legal Owner	: Gregory Mangum
	Counsel for Protestants/Appellants	: Dino C. La Fiandra, Esquire
	Protestants/Appellants	: Benjamin and Molly Smist

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Board of Appeals of Baltimore County

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

August 19, 2022

VIA EMAIL AND REGULAR MAIL TO:

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

Dino C. La Fiandra, Esquire
Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, MD 21204

Re: In the matter of: Gregory Mangum
Case No.: 22-012-XA

Dear Counsel:

We are in receipt of the request for postponement from Mr. Vettori and the objection from Mr. La Fiandra. Please be advised that this matter is being postponed from August 31, 2022 over the objection of Mr. La Fiandra. Enclosed please find the Notice of Postponement.

In an effort to reschedule this matter to a mutually agreeable date as soon as possible, the following dates are currently available on the docket:

September 7, 21, 22, October 4, 5, 13, 18, 19, 20, 25, 26, and 27, 2022.

Any hearing scheduled would begin at 10:00 a.m. Please advise as to which dates work best for you. Please respond as soon as possible as our docket is filling quickly.

Please do not hesitate to contact us with any questions.

Very truly yours,

Sunny Cannington

Krysundra Cannington
Administrator

Enclosure

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
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September 27, 2022

NOTICE OF POSTPONEMENT AS TO DAY 2 ONLY

IN THE MATTER OF: Gregory Mangum
14100 Longnecker Road
22-012-XA 4th Election District; 3rd Council District

Re: Petition for Special Exception relief under BCZR §§ 1A01.2.C.16, 404.1 and 404.3 for a landscape service operation; and

Petition for Variance relief from BCZR § 404.1 to permit an internal roadway to be located zero (0) ft. from a property line in lieu of the minimum required 25 ft.

4/15/22 Corrected Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and Variance was GRANTED, with conditions.

4/15/22 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and Variance was GRANTED, with conditions.

Day 2 of this matter was scheduled for October 18, 2022 and is being postponed by the Board. Day 1 will proceed as scheduled and Day 2 will be rescheduled to a later date if necessary.

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.
- 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.

Krysundra Cannington, Administrator

c. Counsel for Petitioner/Legal Owner : Jason T. Vettori, Esquire
Petitioner/Legal Owner : Gregory Mangum

Counsel for Protestants/Appellants : Dino C. La Fiandra, Esquire
Protestants/Appellants : Benjamin and Molly Smist

Renee Hamidi, Executive Director/Valleys Planning Council
Paul Merritt, President/Hanover Road Association
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Board of Appeals of Baltimore County

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410-887-3180
FAX: 410-887-3182

January 3, 2023

NOTICE OF DELIBERATION

IN THE MATTER OF: Gregory Mangum
14100 Longnecker Road
22-012-XA 4th Election District; 3rd Council District

Re: Petition for Special Exception relief under BCZR §§ 1A01.2.C.16, 404.1 and 404.3 for a landscape service operation; and

Petition for Variance relief from BCZR § 404.1 to permit an internal roadway to be located zero (0) ft. from a property line in lieu of the minimum required 25 ft.

4/15/22 Corrected Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and Variance was GRANTED, with conditions.

4/15/22 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and Variance was GRANTED, with conditions.

This matter having been heard October 4, 2022, December 7, 2022, and concluded on December 22, 2022, a public deliberation has been

ASSIGNED FOR: FEBRUARY 22, 2023, AT 10:00 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/departments/appeals.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.

NOTE: Closing briefs are due on **January 23, 2023 no later than 3:00 p.m.**
(Electronic copy emailed to: appealsboard@baltimorecountymd.gov)

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled deliberation.

Krysundra Cannington, Administrator

c. Counsel for Petitioner/Legal Owner : Jason T. Vettori, Esquire
Petitioner/Legal Owner : Gregory Mangum

Counsel for Protestants/Appellants : Dino C. La Fiandra, Esquire
Protestants/Appellants : Benjamin and Molly Smist

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Board of Appeals of Baltimore County

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410-887-3180
FAX: 410-887-3182

August 19, 2022

NOTICE OF POSTPONEMENT

IN THE MATTER OF: Gregory Mangum
14100 Longnecker Road
22-012-XA 4th Election District; 3rd Council District

Re: Petition for Special Exception relief under BCZR §§ 1A01.2.C.16, 404.1 and 404.3 for a landscape service operation; and

Petition for Variance relief from BCZR § 404.1 to permit an internal roadway to be located zero (0) ft. from a property line in lieu of the minimum required 25 ft.

4/15/22 Corrected Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and Variance was GRANTED, with conditions.

4/15/22 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and Variance was GRANTED, with conditions.

This matter was assigned for hearing on August 31, 2022 and has been postponed by request of Petitioner's Counsel, over the objection of Protestants' Counsel. This matter will be reassigned to a later date.

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure.
- 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.

Krysundra Cannington, Administrator

c. Counsel for Petitioner/Legal Owner : Jason T. Vettori, Esquire
Petitioner/Legal Owner : Gregory Mangum

Counsel for Protestants/Appellants : Dino C. La Fiandra, Esquire
Protestants/Appellants : Benjamin and Molly Smist

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Board of Appeals of Baltimore County

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410-887-3180
FAX: 410-887-3182

September 1, 2022

NOTICE OF REASSIGNMENT

IN THE MATTER OF: Gregory Mangum
14100 Longnecker Road
22-012-XA 4th Election District; 3rd Council District

Re: Petition for Special Exception relief under BCZR §§ 1A01.2.C.16, 404.1 and 404.3 for a landscape service operation; and

Petition for Variance relief from BCZR § 404.1 to permit an internal roadway to be located zero (0) ft. from a property line in lieu of the minimum required 25 ft.

4/15/22 Corrected Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and Variance was GRANTED, with conditions.

4/15/22 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and Variance was GRANTED, with conditions.

ASSIGNED FOR: **OCTOBER 4, 2022, AT 10:00 A.M. – Day 1**
OCTOBER 18, 2022, AT 10:00 A.M. – Day 2

The above scheduled hearing will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the hearing will be posted on our web calendar at** www.baltimorecountymd.gov/departments/appeals **the night before.**

A complete set of **exhibits must be emailed** at least **48 hours before the hearing** to **appealsboard@baltimorecountymd.gov** in a format that complies with MDEC (Maryland Electronic Court) standards.

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- If you require special accommodations, please contact this office at least one week prior to hearing date.

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled hearing.

Krysundra Cannington, Administrator

c. Counsel for Petitioner/Legal Owner : Jason T. Vettori, Esquire
Petitioner/Legal Owner : Gregory Mangum

Counsel for Protestants/Appellants : Dino C. La Fiandra, Esquire
Protestants/Appellants : Benjamin and Molly Smist

Renee Hamidi, Executive Director/Valleys Planning Council
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Patricia Fallon, Hanover Road Association
Vickie Kravitz
Aris Melissaratos
Richard B. Williams, Development Design Consultants

Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/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**
	)	
14100 Longnecker Road	)	**BOARD OF APPEALS**
	)	
Greg Mangum, Legal Owner	)	**FOR**
	)	
	)	**BALTIMORE COUNTY**
4th Election District	)	
3rd Council District	)	**Case No.: 2022-0012-XA**

Opposition to Request for Postponement

Protestants Benjamin and Molly Smist (the "Smists") by and through their attorney, Dino C. La Fiandra and the Law Office of Dino C. La Fiandra, LLC, submits this opposition to the Petitioner's Request for Postponement, and state:

1. The hearing in this matter is scheduled for August 31, 2022. The Petitioner has requested a postponement of the hearing.
2. Board Rule 2(b) provides,

   The Board in its discretion may grant a continuance or postponement on its own initiative or on written request of a party of record or the requesting party's counsel setting forth good and sufficient reasons for the requested postponement. A written request shall be addressed to the Board and shall certify that the request was sent to all parties and counsel entitled to receive notice.

3. The Petitioner's request for postponement is based on its statement that, "A vital witness for the Appellee [Petitioner] has recently found out that they must have surgery on August 17, 2022 and are unable to work until a follow up appointment with their doctor on September 1, 2022."
4. The Petitioner's request does not identify the witness whose presence the Petitioner claims to be vital to the hearing. Furthermore, the Petitioner is not forthcoming with any particulars about the nature of the witness's anticipated testimony for the Board to determine whether "good and sufficient reasons" exist for the postponement, including

such things as a) whether the witness is expected to provide factual testimony or opinion testimony, b) why or how the witness's testimony is vital to the Petitioner's case, c) whether any efforts have been made to secure substitute testimony from other qualified witnesses, d) whether the witness's surgery is elective or non-elective surgery, or when it was scheduled, e) whether it is likely that the witness will be able to testify after the September 1, 2022 follow up, or if further postponements will be requested. The Petitioner essentially is asking the Board to "take his word for it" that the witness's testimony is "vital".

5. In addition, the Request for Postponement does not contain the required certification under Board Rule 2(b) that it was "sent to all parties and counsel entitled to receive notice". Rule 2(e) of the Board Rules provides,

> In appeals from decisions of the zoning commissioner, formal notice of hearings, continuances and decisions of the board will be provided only to those persons entitled to receive same in accordance with § 500.11 of the Baltimore County Zoning Regulations.

BCZR, §500.11, in turn, provides,

> Duties of Commissioner Upon Appeal. Upon such appeal, the Zoning Commissioner shall present to the County Board of Appeals all pertinent papers in connection therewith. Notice of such appeal, and the date of hearing or continuance thereof, shall be given to the attorneys for the respective parties, if any, or to such person, or persons, as may be designated at the original hearing to receive such notice.

The ALJ's decision reflects that it was sent to at least 18 other individuals who are entitled to receive notice of the same, not including the undersigned attorney for the Smists, the Petitioner Mr. Mangum, or county personnel. Likewise, the Board of Appeals Notice of Assignment reflects that it was sent to the parties, their counsel, plus at least six other individuals entitled to receive notice, not including county personnel. Nonetheless, the Petitioner's Request for Postponement is certified only to have been sent to the undersigned attorney for Benjamin and Molly Smist. The Request for

Postponement is deficient under Board Rule 2(b) in that it was not sent to any of the other parties entitled under the Rules to receive it. If for no other reason, the request should be denied due to this deficiency.

6. Furthermore, if granted, a postponement will be very prejudicial to Smists. The Smists and their four young children (all less than 6 years old) live on the property immediately adjacent to the Petitioner's property. As shown on the site plan which was submitted with the Petition, the only means of access from the public road to the Petitioner's property is via a 600 foot long use-in-common driveway through the Smists' property. The Petitioner has been operating his *commercial* landscape service operation, utilizing a private right of way over the Smists' *residential* property, since well before the ALJ's hearing or decision, from which the Smists appeal to this Board. The Petitioner employs a staff of at least eight, all of whom traverse the Smists' property multiple times per day just to get to and leave from work. In addition, landscape service vehicles and other heavy equipment traverse the private residential driveway many times throughout the day as they go to and return from their landscape jobs. As the attached photographs of the driveway demonstrate, it is completely inappropriate for shared use with a commercial landscape service business. The driveway goes right across the Smists' front yard and except for a short, paved segment, it is mostly just gravel. The driveway is unlighted. It is windy and steep (14% grade) in some areas, and merely 10 feet wide. Well beyond a mere inconvenience or nuisance, the Smists' property has been physically damaged by the Petitioner's commercial use of the residential driveway, which has also created serious traffic and safety concerns for Smists and their four young children. A postponement of the hearing will allow this situation to persist and worsen into the fall and perhaps the winter months, with shorter days and worsening weather.
7. The Smists are prepared to move forward with the hearing on August 31, 2022. They have incurred very significant expenses associated with this litigation in their effort to

protect their property and their young children from the hazards of the Petitioner's use of the driveway, including attorney's fees and other costs of preparation for the ALJ hearing and the Board hearing. A postponement without the required showing of "good and sufficient cause" will perpetuate these expenses to the Smists' detriment while at the same time allowing the Petitioner's use of his property and the common driveway to continue without the review or approval by the Board. For these reasons, the Smists emphatically oppose a postponement.

WHEREFORE, Protestants Benjamin and Molly Smist, respectfully request the Board deny the Request for Postponement.

Respectfully submitted,

8/17/2022
Date

Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473
Email: dcl@lafiandralaw.com
Attorney for Benjamin and Molly Smist

Certificate of Service

I certify that on August 17, 2022, I sent a copy of the foregoing Opposition to Request for Postponement by email to Jason Vettori, Attorney for the Petitioner, to jvettori@sgs-law.com.

Dino C. La Fiandra

14102 Longnecker Road - Driveway & Entrance, Page 1





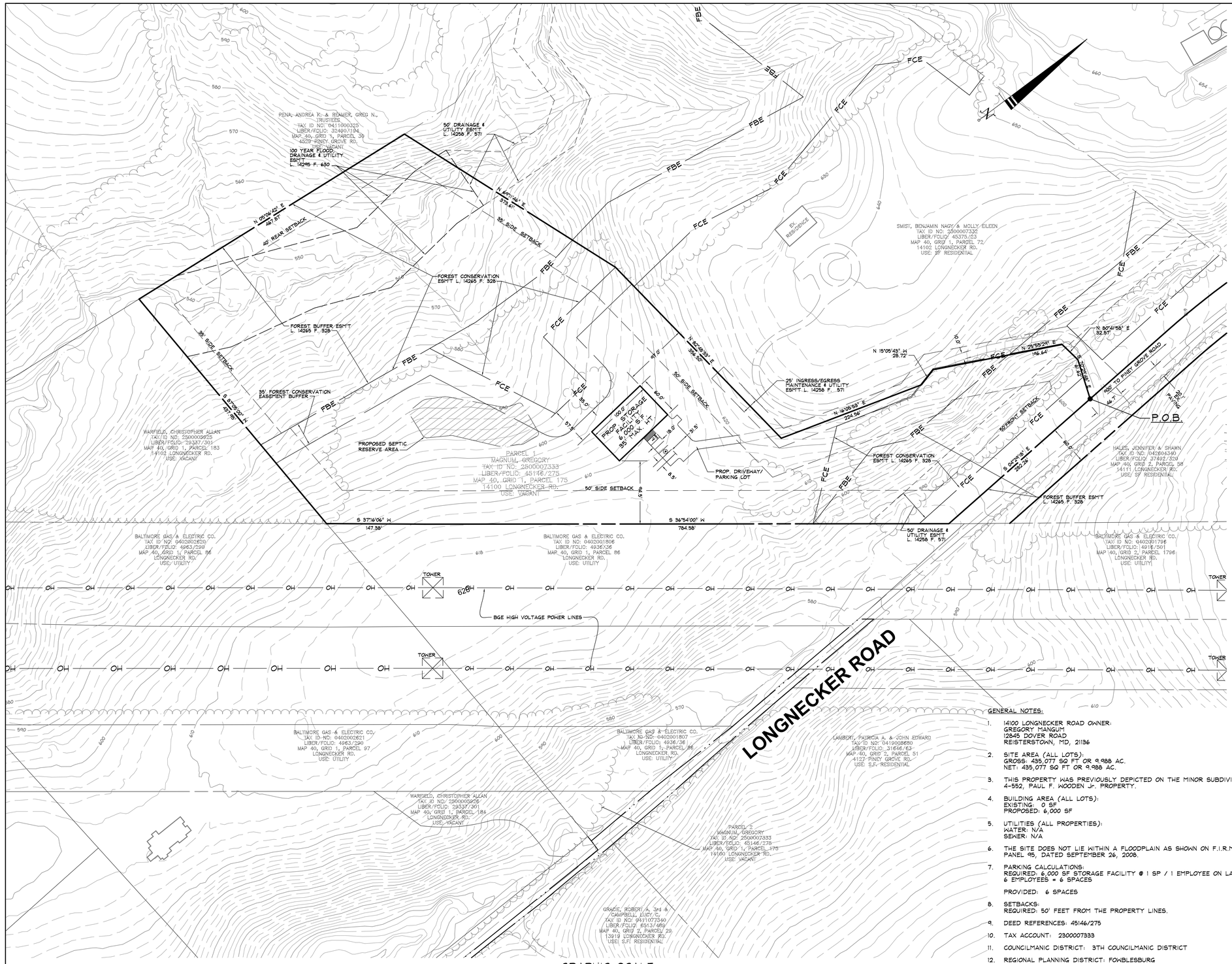


14102 Longnecker Road - Driveway & Entrance, Page 2



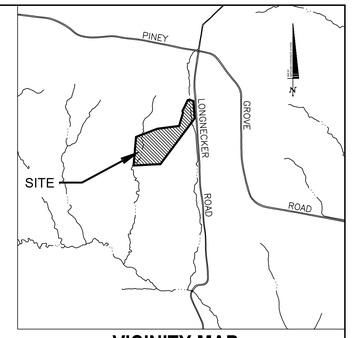






GRAPHIC SCALE

60 0 60 120 180



VICINITY MAP

SCALE: 1" = 1000'

DRAWING LEGEND

- EXISTING MINOR CONTOUR (2' INTERVAL)
- EXISTING MAJOR CONTOUR (10' INTERVAL)
- ADJACENT PROPERTY BOUNDARY
- EXISTING PROPERTY BOUNDARY
- EX. ROAD / EDGE OF PAVING
- EX. SEWER LINE & MANHOLES, CLEAN-OUTS
- EX. OVERHEAD ELECTRIC & UTILITY POLES
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- EXISTING ROAD/DRIVE CENTERLINE
- EXISTING TREES
- EX. BUILDING

ATTACHMENT TO PETITION FOR ZONING HEARING
14100 LONGNECKER ROAD
4th Councilmanic District
2nd Election District

Special Exception Relief for:

1. A landscape service operation, as provided in BCZR §1A01.2C.16, §404.1 & § 404.3; and

2. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Variance relief from Sections(s):

1. 404.1.A to permit an internal roadway to be located 0 feet from a property line in lieu of the minimum required 25 feet; and

2. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

PURPOSE NOTE:

THIS PLAN HAS BEEN PREPARED BECAUSE THE OWNER OF 14100 LONGNECKER ROAD INTENDS TO ACQUIRE A SPECIAL EXCEPTION FOR A LANDSCAPE SERVICE OPERATION.

DATA SOURCES:

EX. TOPOGRAPHY AND BOUNDARY SHOWN PER BALTIMORE COUNTY GIT/GIS DOWNLOADED DECEMBER, 2021. LOCATIONS SHOWN HEREON ARE APPROXIMATE AND ARE FOR ZONING PURPOSES ONLY.

GENERAL NOTES:

1. 14100 LONGNECKER ROAD OWNER:
GREGORY MANGUM
12845 DOVER ROAD
REISTERSTOWN, MD, 21136
2. SITE AREA (ALL LOTS):
GROSS: 435,077 SQ FT OR 9.988 AC.
NET: 435,077 SQ FT OR 9.988 AC.
3. THIS PROPERTY WAS PREVIOUSLY DEPICTED ON THE MINOR SUBDIVISION PLAN 4-552, PAUL F. WOODEN Jr. PROPERTY.
4. BUILDING AREA (ALL LOTS):
EXISTING: 0 SF
PROPOSED: 6,000 SF
5. UTILITIES (ALL PROPERTIES):
WATER: N/A
SEWER: N/A
6. THE SITE DOES NOT LIE WITHIN A FLOODPLAIN AS SHOWN ON F.I.R.M. 2400100095F, PANEL 95, DATED SEPTEMBER 26, 2008.
7. PARKING CALCULATIONS:
REQUIRED: 6,000 SF STORAGE FACILITY @ 1 SP / 1 EMPLOYEE ON LARGEST SHIFT
6 EMPLOYEES = 6 SPACES
PROVIDED: 6 SPACES
8. SETBACKS:
REQUIRED: 50' FEET FROM THE PROPERTY LINES.
9. DEED REFERENCES: 45146/275
10. TAX ACCOUNT: 2300007333
11. COUNCILMANIC DISTRICT: 3TH COUNCILMANIC DISTRICT
12. REGIONAL PLANNING DISTRICT: FOWBLESBURG
13. CENSUS TRACT: 4046
14. WATERSHED: LOCH RAVEN RESERVOIR
15. ZONING: RC-2 (PER MAP TILE 040A1)
16. PREVIOUS ZONING CASES ON FILE:
1971-0253-X: FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF A 500 KV ELECTRIC TRANSMISSION LINE- GRANTED.
1972-0099-X: FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF A 500 KV ELECTRIC TRANSMISSION LINE- GRANTED.
1988-0210-SPH: TO AMEND CASE 71-253-X FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF A 115 KV OVERHEAD ELECTRIC TRANSMISSION LINE- GRANTED.
17. PERMITS ON FILE: NONE
18. FLOOR AREA FOR RC-2: NO MORE THAN ONE PRINCIPAL RESIDENCE PER LOT.
19. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
20. THIS AREA HAS NO PUBLIC WATER SERVICE, SO THERE IS NO NEARBY FIRE HYDRANT.
21. THE SITE IS NOT WITHIN ANY FAILING AREA ON THE BASIC SERVICES MAPS.
22. 14100 LONGNECKER ROAD IS NOT LOCATED WITHIN A COMMERCIAL REVITALIZATION AREA.

01/12/2022
DATE

STATE OF MARYLAND · ANDREW JAMES STINE · 3222 · LANDSCAPE ARCHITECT

ANDREW J. STINE
LANDSCAPE ARCHITECT NO. 3222

DDC inc.
Development Design Consultants
Planners
Surveyors
Engineers
Landscape Architects
192 East Main Street
Westminster, MD 21157
410.386.0560
410.386.0564 (Fax)
DDC@DDCinc.us
www.DDCinc.us

OWNER:
MANGUM, GREGORY
14845 DOVER ROAD
REISTERSTOWN, MD 21136

DEVELOPER:
SAME AS OWNER

SITE ADDRESS:
14100 LONGNECKER ROAD
REISTERSTOWN, MD 21136

14100 LONGNECKER ROAD
PLAN TO ACCOMPANY APPLICATION FOR SPECIAL EXCEPTION

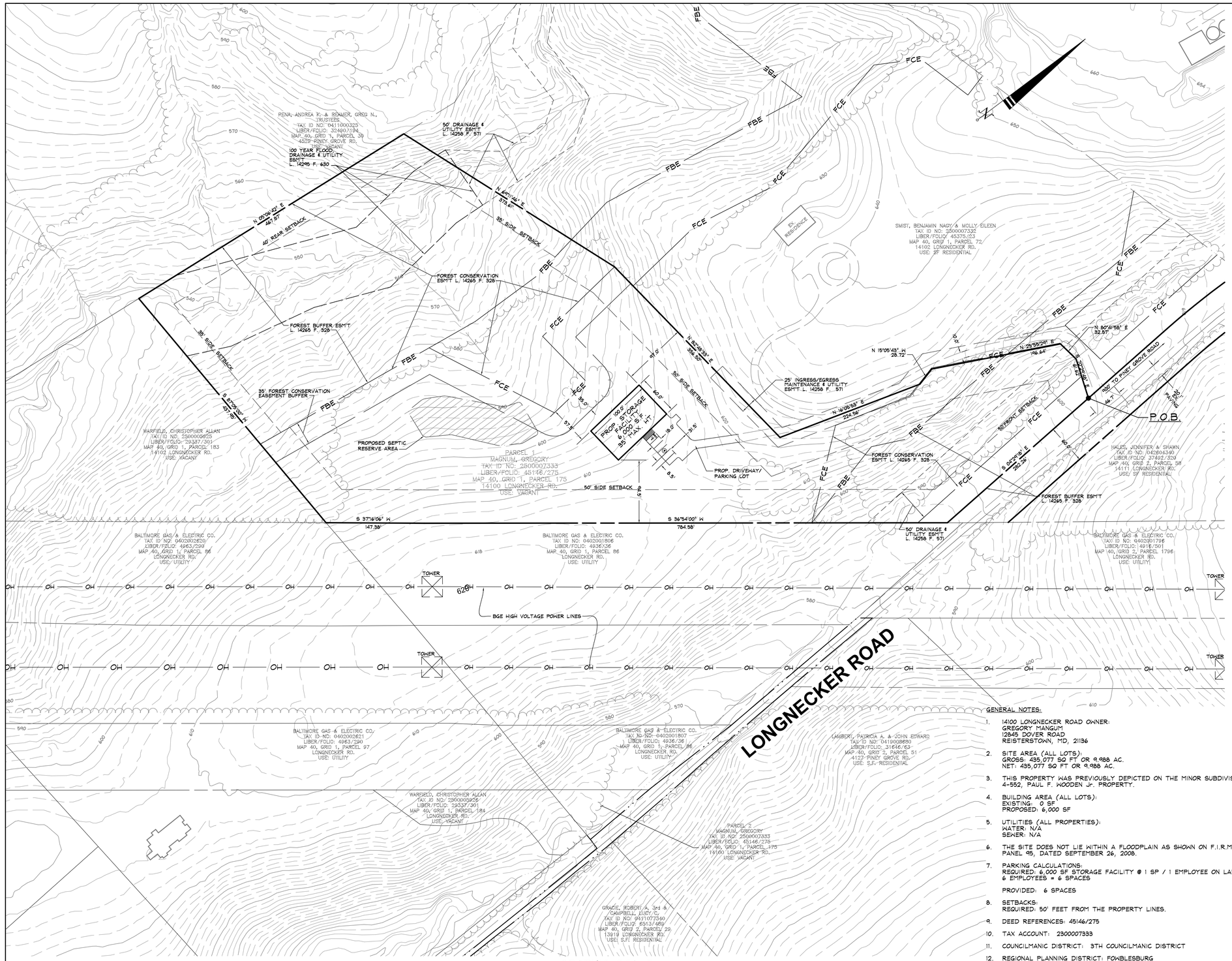
3RD COUNCILMANIC DISTRICT
4TH ELECTION DISTRICT BALTIMORE COUNTY

REVISIONS

NO.	DESCRIPTION OF REVISION	DATE APPROVED

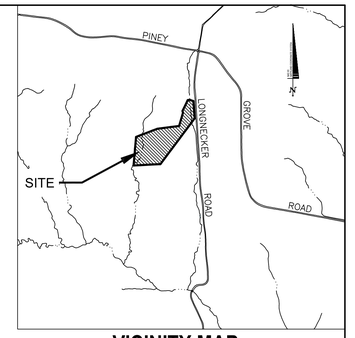
Petitioner's Exhibit 1

CO. FILE #: N/A	DES. BY: DDC
TAX ACC. #: 1200007333	DRN. BY: CWJ
TAX MAP: 40	CHK. BY: AJS
BLOCK / GRID: 001	DATE: 01/12/2022
PARCEL #: 175	DDC JOB#: 21041.1
ZONE / USE: RC-2	SHEET NUMBER: 1 of 1
DWG. SCALE: 1"=60'	



GRAPHIC SCALE

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01/12/2022
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DEVELOPER:
SAME AS OWNER

SITE ADDRESS:
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14100 LONGNECKER ROAD
PLAN TO ACCOMPANY APPLICATION FOR SPECIAL EXCEPTION

3RD COUNCILMANIC DISTRICT
4TH ELECTION DISTRICT — BALTIMORE COUNTY

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DWG. SCALE: 1"=60'	

Richard B Williams
Principal

Education:
St. Michaels Seminary
Masters in Divinity
Loyola College
Baltimore, MD
B.A. Business Management

Experience (years):
Development Design Group, Ltd 7
KCI Technology (CLSI) 5
Daft-McCune-Walker, Inc. 3
Development Design Consultants 19

Summary of Qualifications:

Mr. Williams is responsible for overall production of designs at DDC. He has extensive experience in the land development field including planning, civil engineering and environmental projects. His projects include industrial, commercial, retail, recreational, institutional, educational and residential endeavors for private and public clients. Mr. Williams has practical experience, having worked on both sides of the development industry, progressively as a designer, engineer, project manager and principal.

Mr. Williams has processed numerous plans through Baltimore, Carroll and Howard County agencies. He regularly attends the County's monthly engineer's meeting so that he is able to stay current with the latest regulations and guidelines. Mr. Williams has enough experience to guide projects through the permit process with preparing the proper level of details for each step of the way. Mr. Williams is familiar with how to assemble a set of drawings that address the little issues that could otherwise impact the project's schedule.

Mr. Williams began preparing and processing plans in 1982 for Development Design Group, Ltd. While at DDG he was the project manager of a number of JSPCA plans in Baltimore County. Cunninghill Cove, and portions of Village of Pawnee were just a few of the residential subdivisions that Mr. Williams worked on in Baltimore County prior to the commencement of the County Review Group process. Mr. Williams prepared and processed a portion of Village of Pawnee (135 unit townhouse project), Cromwell Station (122 townhouse project), and Blue Mount Glen (9 single family unit project) under the CRG process while at Development Design Group, Ltd.

While at KCI Technologies in Westminster, Maryland Mr. Williams prepared and processed a number of minor subdivisions through the Baltimore County process.

Beginning in 2000 Mr. Williams was a project manager with Daft-McCune-Walker of Towson, Maryland. While at DMW Mr. Williams prepared and processed numerous plans through the Baltimore County Development process. Kent-Mar a mixed use project of condominiums and office in Owings Mills, Maryland was processed through Development Plan by Mr. Williams. Mr. Williams attended the concept plan conference, community input meeting, development plan conference and Hearing Officer's Hearing. Along with Kent-Mar, Mr. Williams was also the project manager of Long Farm a 45 single family lot subdivision and the Jones Property a 9 lot subdivision.

Mr. Williams also processed CRG refinements for Sheppard Pratt student housing and Temple's Delight while at DMW.

Quad Avenue Baltimore County

Petitioner's Exhibit 2

Processed construction drawings and development plan for 650,000 square foot building in Baltimore County, Maryland for Trammell Crow.

Long Farm

Processed Development Plan and Construction Drawings for 45 lot subdivision in Baltimore County, Maryland.

Baltimore Crossroads Area 9 (Two Flex Buildings, One 300,000 square Feet, Two 130,000 square feet)
Management of preparation of plans including but not limited to Grading Plan, Sediment and Erosion Control Plans, Stormwater Management Plan, Private Utilities Plan, Site Plan, and Public Water Meter Plan. Processed said plans as well as Environmental Agreement, Grading, and Stormwater Management Permits, Utility Agreement.

Baltimore Crossroads Area 6
Assisted in management of project and processing (use Andy's description)

Baltimore Crossroads Area 8
Assisted in processing of Amended Development Plan, Environmental Agreement, Amended SWM and SEC Plans, Grading and SWM Permit

Baltimore Crossroads Area 10
Assisted in management of project and processing (Use Andy's description)

Ferguson Hollins Ferry
Assisted in management of project and processing(Use Andy's description)

Revitz/Emerson
Prepared and processed Revitz/Emerson commercial and residential subdivisions located in Howard County

Pumphrey Substation for Baltimore Gas and Electric
Managed A-7 Exemption process for Pumphrey Substation located in Baltimore County just south of Baltimore City. This includes but is not limited to waiver of SWM, Grading Plan, Sediment and Erosion Control Plan, negotiations regarding Critical Area, Grading Permit, and Environmental Agreement

Christian Athletic Association Gym
Managed the A-7 Exemption process for the gymnasium to be located adjacent to Bishop Cummins Church in Catonsville. This includes but is not limited to Grading Plan, SWM Plan, Sediment and Erosion Control Plan, Environmental Agreement, Grading and SWM Permit

Moser Property (Office Building in O-3 Zone)
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Richard B Williams
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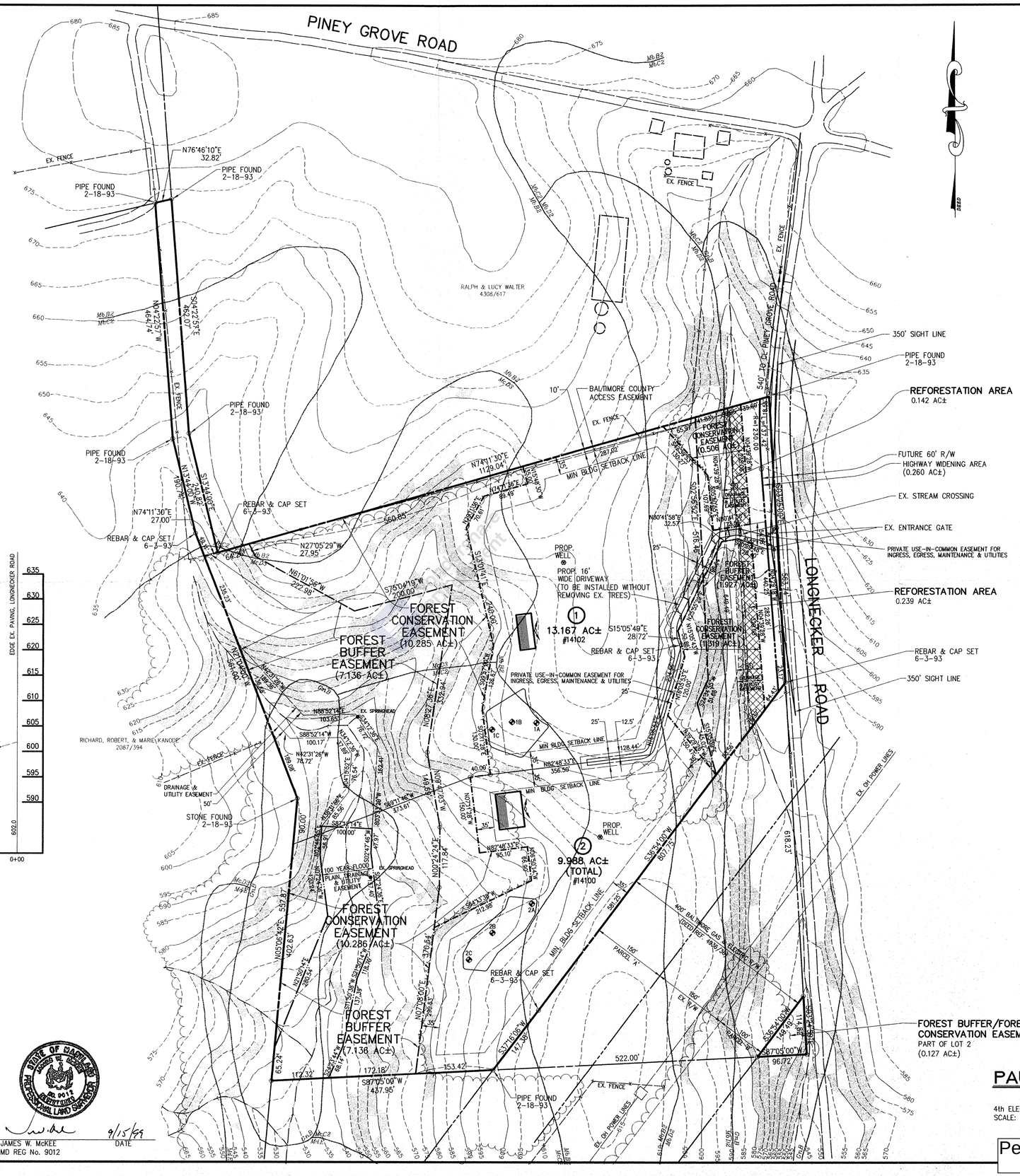
GENERAL NOTES

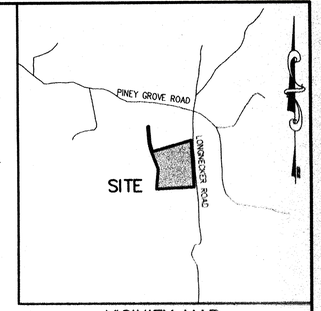
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6. OPEN SPACE NOT REQUIRED IN RC ZONES.
7. LOT IS FOR SALE AND FOR SINGLE FAMILY DWELLINGS.
8. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE PRIOR TO 1966. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT THE PLAN HAS NEVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
9. THERE ARE NO EXISTING OR PROPOSED WELLS OR SEPTIC SYSTEMS WITHIN 100' OF THE PROPERTY UNLESS OTHERWISE SHOWN.
10. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
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13. THERE ARE NO ZONING LINES WITHIN 200 FEET OF THIS PROPERTY UNLESS OTHERWISE SHOWN.
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15. THERE ARE NO KNOWN PRIOR ZONING CASES FOR THE PROPERTY.
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24. TOPOGRAPHY, FENCES, STREAMS, AND FOREST AREAS ARE TAKEN FROM BALTIMORE COUNTY PLANIMETRIC AND AERIAL MAPS ONLY, AND ARE FOR INFORMATIONAL PURPOSES ONLY.

RC-4 AGRICULTURAL USE NOTE

1A03.8 INCONVENIENCES ARISING FROM AGRICULTURAL OPERATIONS.
(BILLS No. 113, 1992; No. 107, 1994)

ANY DWELLING IN AN RC-4 ZONE MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO NOISE, ODORS, FUMES, DUST, THE OPERATION OF MACHINERY OF ANY KIND DURING ANY 24-HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES, AND PESTICIDES. THE COUNTY SHALL NOT CONSIDER AN AGRICULTURAL OPERATION TO BE A PUBLIC OR PRIVATE NUISANCE, IF THE OPERATION COMPLIES WITH THESE REGULATIONS AND ALL FEDERAL, STATE, OR COUNTY HEALTH OR ENVIRONMENTAL REQUIREMENTS.





VICINITY MAP
SCALE: 1" = 2000'

SITE DATA

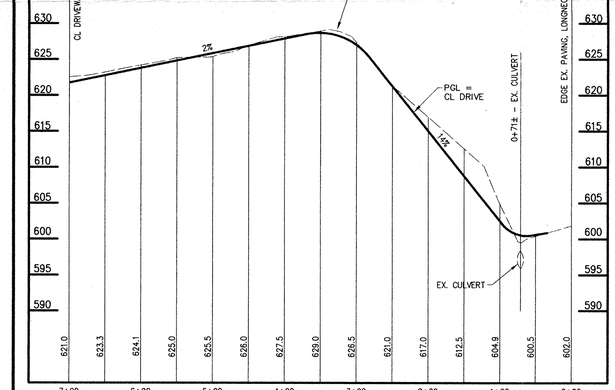
GROSS AREA OF SITE = 23.415 AC±
NET AREA OF SITE = 23.415 AC±
HIGHWAY WIDENING AREA = 0.260 AC±
DEED REFERENCE: 9342/594
TAX ACCOUNT NO.: 04-02-02.3160
TAX MAP 40, GRID 1, PARCEL NO. 72
CENSUS TRACT: 4047
REGIONAL PLANNING DISTRICT: 303
SCHOOL DISTRICT: FRANKLIN ELEMENTARY
WATERSHED: 12
SUBSEWERSHED: 81
EX. ZONING: RC-2 AS SHOWN ON MAP NW 20 I
COUNCILMANIC DISTRICT: 3rd
DENSITY CALCULATIONS:
No. OF LOTS ALLOWED: RC-2 @ 2.5 AC = 2
No. OF LOTS PROPOSED: 2

OWNER/DEVELOPER INFORMATION:

PAUL F. WOODEN, Jr., ET AL
4800 CLIFF SULLIVAN ROAD
BALTIMORE, MARYLAND 21136
PH: 410-472-4340

LEGEND

EX. CONTOURS
SLOPES > 25%
EX. STREAM
WELL (EXISTING / PROPOSED)
PERC TEST (PASSED / FAILED / NOT DUG)
PROP. SEPTIC AREA
SOIL TYPES
FOREST BUFFER EASEMENT
FOREST CONSERVATION EASEMENT
LIMIT OF WETLANDS
EX. WOODS LINE
PROP. WOODS LINE
PROP. HOUSE SITE w/ HOUSE DIRECTION
REFORESTATION AREA



PROFILE - PROP. DRIVEWAY
SCALE: HORZ - 1" = 100'
VERT - 1" = 10'

SOILS LIMITATION CHART

MAP SYMBOL	SOIL SERIES	HOMESITES: LIMITATIONS	SEPTIC SYSTEMS LIMITATIONS	HYDRIC	'K' VALUE	CAPABILITY UNIT
GnB	GLENVILLE	SEVERE: WATER	SEVERE: WATER	NO	0.32	IIe-16
MbB2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37	IIe-25
MbC2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37	IIIe-25
MbD2	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37	IVe-25
McC2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37	IIIe-25
McD2	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37	IVe-25
McD3	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37	VIe-3
MdE	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37	IVe-25

McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying
Natural Resource Planning - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD — HUNT VALLEY, MARYLAND 21030
TELEPHONE: (410) 527-1555 — FACSIMILE: (410) 527-1563

STATE OF MARYLAND — JAMES W. McKEE — No. 9012 — REGISTERED PROFESSIONAL LAND SURVEYOR

9/15/99
JAMES W. McKEE — MD REG No. 9012 — DATE

RECEIVED
SEP 17 1999
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

BALTIMORE COUNTY MINOR SUBDIVISION
PROJECT No. 99-017 M
DEVELOPMENT REGULATIONS:
☐ EXEMPT FROM DIVISION 2
☑ PANHANDLE, EXEMPT FROM SECTIONS 26-202 & 26-206
PDM CERTIFICATION:
☐ APPROVED ☐ DISAPPROVED
BY: _____ DATE 9.20.99
APPROVED, DEPRM:
BY: _____ DATE 11-18-99

MINOR SUBDIVISION PLAN

PAUL F. WOODEN, Jr. PROPERTY

LONGNECKER ROAD

4th ELECTION DISTRICT — BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 100' — DATE: JANUARY 21, 1999
REV. 5-18-99 AS PER INITIAL AGENCY COMMENTS
REV. 8-31-99 } PER CONTRACT
REV. 9-14-99 } PURCHASER

Petitioner's Exhibit 3

4-552

P:\SDSK\Proj\98202\Dwg\MINORSUB-PLAN.dwg Wed Sep 15 08:56:41 1999

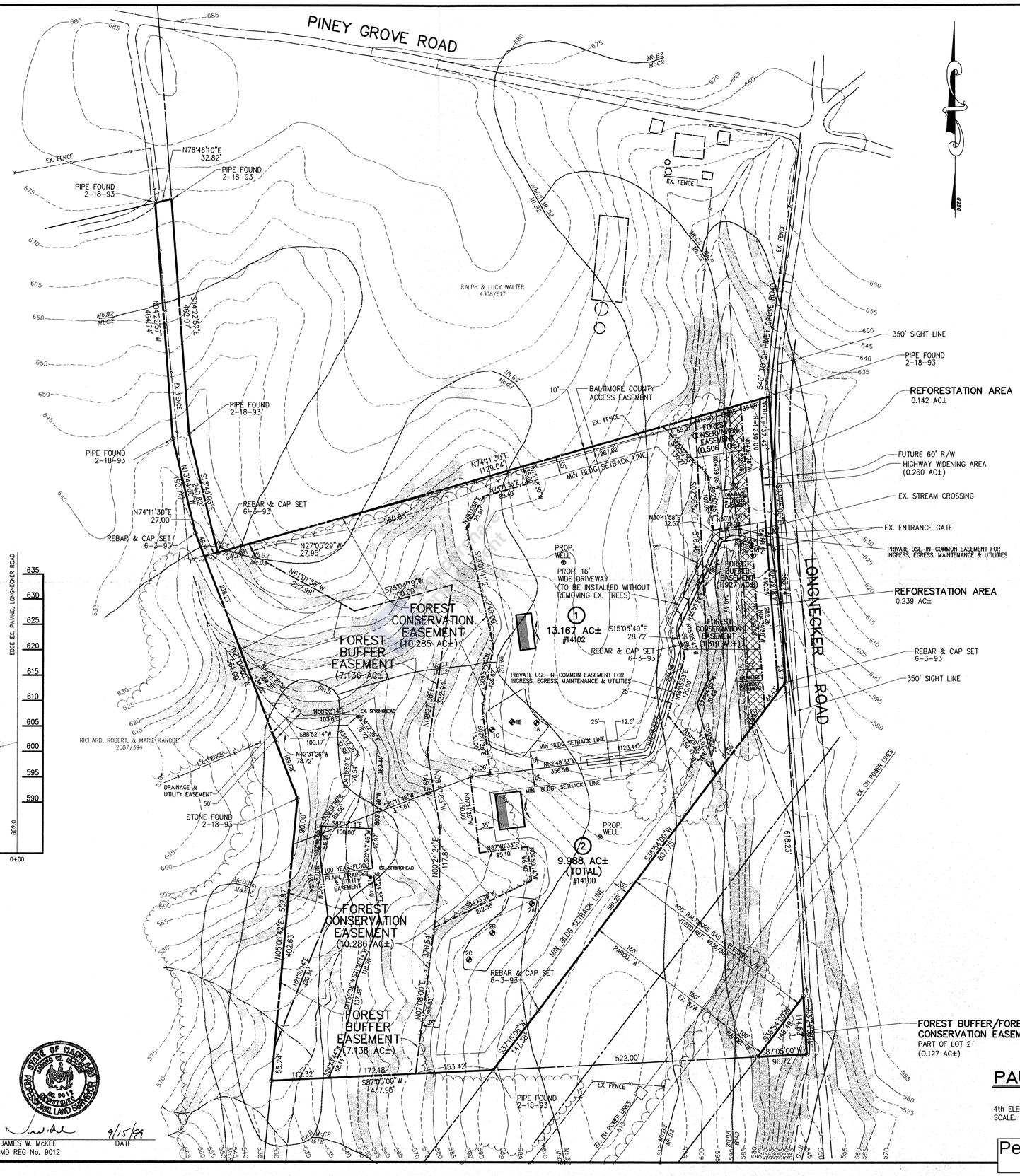
GENERAL NOTES

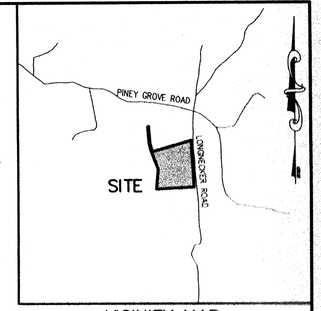
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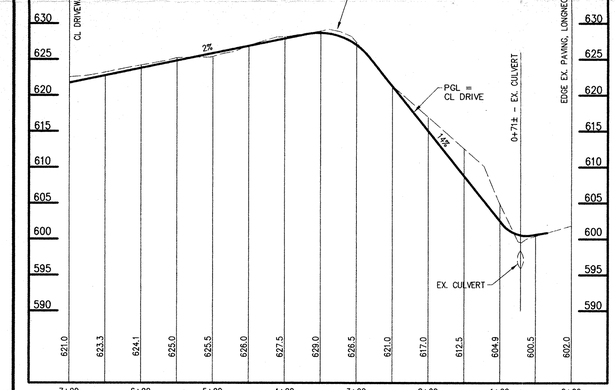
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TAX MAP 40, GRID 1, PARCEL NO. 72
CENSUS TRACT: 4047
REGIONAL PLANNING DISTRICT: 303
SCHOOL DISTRICT: FRANKLIN ELEMENTARY
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No. OF LOTS PROPOSED: 2

OWNER/DEVELOPER INFORMATION:

PAUL F. WOODEN, Jr., ET AL
4800 CLIFF SULLIVAN ROAD
BALTIMORE, MARYLAND 21136
PH: 410-472-4340

LEGEND

EX. CONTOURS
SLOPES > 25%
EX. STREAM
WELL (EXISTING / PROPOSED)
PERC TEST (PASSED / FAILED / NOT DUG)
PROP. SEPTIC AREA
SOIL TYPES
FOREST BUFFER EASEMENT
FOREST CONSERVATION EASEMENT
LIMIT OF WETLANDS
EX. WOODS LINE
PROP. WOODS LINE
PROP. HOUSE SITE w/ HOUSE DIRECTION
REFORESTATION AREA



PROFILE - PROP. DRIVEWAY
SCALE: HORZ - 1" = 100'
VERT - 1" = 10'

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McD3	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37	VIe-3
MdE	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37	IVe-25

McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying
Natural Resource Planning - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD — HUNT VALLEY, MARYLAND 21030
TELEPHONE: (410) 527-1555 — FACSIMILE: (410) 527-1563

STATE OF MARYLAND — JAMES W. McKEE — No. 9012 — REGISTERED PROFESSIONAL LAND SURVEYOR

9/15/99
JAMES W. McKEE — DATE
MD REG No. 9012

RECEIVED
SEP 17 1999
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

BALTIMORE COUNTY MINOR SUBDIVISION
PROJECT No. 99-017 M
DEVELOPMENT REGULATIONS:
☐ EXEMPT FROM DIVISION 2
☑ PANHANDLE, EXEMPT FROM SECTIONS 26-202 & 26-206
PDM CERTIFICATION:
☐ APPROVED ☐ DISAPPROVED
BY: _____ DATE 9.20.99
APPROVED, DEPRM:
BY: _____ DATE 11-18-99

MINOR SUBDIVISION PLAN

PAUL F. WOODEN, Jr. PROPERTY

LONGNECKER ROAD

4th ELECTION DISTRICT
SCALE: 1" = 100'

BALTIMORE COUNTY, MARYLAND
DATE: JANUARY 21, 1999
REV. 5-18-99 AS PER INITIAL AGENCY COMMENTS
REV. 8-31-99 } PER CONTRACT
REV. 9-14-99 } PURCHASER

Petitioner's Exhibit 3

4-552

P:\SDSK\Proj\98202\Dwg\MINORSUB-PLAN.dwg Wed Sep 15 08:56:41 1999

0014295 630

Return To: MGR 1999-171
Stoner, Preston & Boswell, Chtd.
188 East Main Street, P.O. Box 389
Westminster, MD 21158-0389

DEED

THIS DEED, made this 21st day of JANUARY, in the year two thousand, by and between **PAUL F. WOODEN, JR.** and **DEBORAH I. WOODEN**, his wife, Grantors; and **BRADLEY D. RUBY** and **HEATHER MATHIAS RUBY**, his wife, Grantees.

WITNESSETH, that for and in consideration of the sum of **EIGHTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS ($87,500.00)** and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the said **PAUL F. WOODEN, JR.** and **DEBORAH I. WOODEN**, his wife, do hereby grant and convey unto **BRADLEY D. RUBY** and **HEATHER MATHIAS RUBY**, his wife, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor of them, forever in fee simple, all that tract or parcel of land, situate, lying and being on Longnecker Road, in the Fourth (4th) Election District of Baltimore County, Maryland, known and designated as Lot 2, as shown on a Minor Subdivision Plan of the " PAUL F. WOODEN, JR. PROPERTY", and which according to a description by McKee & Associates, Inc., is more particularly described as follows:

See Attached **EXHIBIT A**

BEING A PORTION of all that tract or parcel of land described in a Deed from John A. Ebert unto Paul F. Wooden, Jr. and Deborah I. Wooden, his wife, dated August 28, 1992 and recorded among the Land Records of Baltimore County in Liber No. 9342, folio 594, etc.

TOGETHER with the buildings and improvements thereon, and all and singular the rights, roads, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described property unto **BRADLEY D. RUBY** and **HEATHER MATHIAS RUBY**, his wife, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor of them, forever in fee simple; SUBJECT, HOWEVER, to the following:

AGRICULTURAL TRANSFER TAX DUE
AMOUNT $ 3500.00 DATE 2/1/00
SIGNATURE CR
CODED F

REVIEWED SDAT
BY SG
DATE 2/3/00

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0630, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.

Petitioner's Exhibit 4

1. Deed and Agreement between Paul F. Wooden, Jr., et al. and Baltimore County, Maryland, regarding the right to lay, construct and maintain municipal utilities, intended to be recorded among the Land Records of Baltimore County.

2. Forest Buffer and Forest Conservation Declaration of Protective Covenants, Conditions and Restrictions, by Paul F. Wooden, Jr., et al., and Baltimore County, Maryland, intended to be recorded among the Land Records of Baltimore County.

3. Notes, conditions, easements and restrictions as shown on Minor Subdivision Plan, "Paul F. Wooden, Jr. Property".

AND the said Grantors hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed; and that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

AS WITNESS the hands and seals of the Grantors herein.

Witness: _____ _____ (SEAL)
PAUL F. WOODEN, JR.

Witness: _____ Deborah I Wooden (SEAL)
DEBORAH I. WOODEN

STATE OF MARYLAND, Carroll COUNTY, to wit:

I HEREBY CERTIFY that on this 21st day of JANUARY, 2000, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared **PAUL F. WOODEN, JR.**, the Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained and further acknowledged that the consideration paid or to be paid is $87,500.00.

AS WITNESS my hand and Notarial Seal.

_____
Notary Public

MICHAEL C. PITCHER NOTARY PUBLIC CARROLL COUNTY, MD.

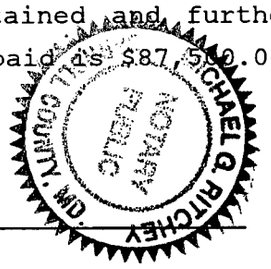
My commission expires:
3/12/2002

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0631, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.

STATE OF MARYLAND, Carroll COUNTY, to wit:

I HEREBY CERTIFY that on this 21 day of JANUARY, 2000, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared **DEBORAH I. WOODEN**, the Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained and further acknowledged that the consideration paid or to be paid is $87,500.00.

AS WITNESS my hand and Notarial Seal.



Notary Public

My commission expires: 3/14/2002

THIS IS TO CERTIFY THAT THE WITHIN INSTRUMENT HAS BEEN PREPARED UNDER THE SUPERVISION OF THE UNDERSIGNED MARYLAND ATTORNEY.

MICHAEL G. RITCHEY, ESQUIRE

rdm\files\wooden\ruby -p- wooden\deed

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0632, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0633, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.

McKEE & ASSOCIATES, INC.
Engineering • Surveying • Environmental Planning
Real Estate Development



NOVEMBER 15, 1999

DESCRIPTION OF 9.988 ACRES OF LAND
LOT 2, MINOR SUBDIVISION-PAUL F. WOODEN, Jr. PROPERTY
14100 LONGNECKER ROAD
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE FIRST at a pipe found on the northwest side of Parcel 'A' of the Baltimore Gas and Electric Company right-of-way as set forth in a deed dated November 2, 1968 from Joseph Derricks Berry and Ruth J. Berry, his wife unto Bankers Trust Company and Baltimore Gas and Electric Company, said deed being recorded among the Land Records of Baltimore County, Maryland in Liber 4936, Page 036, said point also being in the fourth line of a deed dated February 16, 1982 from Charles O. Walter and Anna M. Sprinkle, Personal Representatives for the Estate of Mary B. Walter, deceased to Robert B. Walter and Nancy E. Walter, his wife, said deed being recorded among the aforementioned Land Records in Liber 6370, Page 308; then leaving said point and running reversely with and binding on said fourth line as surveyed by McKee & Associates, Inc., referring the bearings of said survey to the first line of the first parcel of ground described in a deed dated August 18, 1992 from John A. Ebert to Paul F. Wooden, Jr. and Deborah I. Wooden, his wife, said deed being recorded among the aforementioned Land Records in Liber 9342, Page 594,

1) South 87 degrees 05 minutes 00 seconds West, a distance of 437.95 feet to a pipe found in the third or North 13 ½ degrees East 70.8 perches line of the second parcel of a deed dated March 19, 1952 from Joseph J. Azzarello and Rosalee M. Azzarello, his wife to Richard W. Kanode, unmarried and Robert C. Kanode and Marie B. Kanode, his wife, said deed being recorded among the aforementioned Land Records in Liber 2087, Page 334; then running with and binding on said third line
2) North 05 degrees 06 minutes 42 seconds East, a distance of 467.87 feet to a point, said point being distant 90.00 feet from a stone found at the end of said third line; then leaving said third line and running for new lines of division over, across, and through that land of which this is a part, the following eight courses:
3) North 69 degrees 11 minutes 46 seconds East, a distance of 373.61 feet to a rebar and cap now set; then
4) North 82 degrees 48 minutes 33 seconds East, a distance of 356.50 feet to a rebar and cap now set; then
5) North 16 degrees 05 minutes 53 seconds East, a distance of 224.56 feet to a rebar and cap now set; then
6) North 15 degrees 05 minutes 43 seconds West, a distance of 28.72 feet to point; then
7) North 25 degrees 55 minutes 29 seconds East, a distance of 196.64 feet to point; then
8) North 80 degrees 41 minutes 58 seconds East, a distance of 32.57 feet to point; then
9) South 70 degrees 29 minutes 48 seconds East, a distance of 61.62 feet to point on the west side of Longnecker Road as now laid out sixty feet wide, then running with and binding on said west side
10) South 04 degrees 29 minutes 18 seconds East, a distance of 282.26 feet to a rebar and cap set at the northernmost corner of the aforesaid Parcel 'A' of the Baltimore Gas and Electric Company right-of-way then running with and binding on the northwest side of said Parcel 'A' the following two courses:
11) South 36 degrees 54 minutes 00 seconds West, a distance of 784.58 feet to a rebar and cap set, then
12) South 37 degrees 16 minutes 06 seconds West, a distance of 147.38 feet to the point of beginning.

CONTAINING 9.861 acres of land, more or less.

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

DESCRIPTION OF 9.988 ACRES OF LAND
LOT 2, MINOR SUBDIVISION-PAUL F. WOODEN, Jr. PROPERTY
14100 LONGNECKER ROAD
Page Two

BEING a part of the first parcel of ground described in a deed dated August 18, 1992 from John A. Ebert to Paul F. Wooden, Jr. and Deborah I. Wooden, his wife, said deed being recorded among the Land Records of Baltimore County, Maryland in Liber 9342, Page 594.

BEING Lot Two as shown on Minor Subdivision Plan, Paul F. Wooden, Jr. Property, Baltimore County Minor Subdivision No. 99-017M.

TOGETHER WITH the use-in-common with Lot One, a private easement for ingress, egress, maintenance, and utilities as shown on Minor Subdivision Plan, Paul F. Wooden, Jr. Property, Baltimore County Minor Subdivision No. 99-017M.

BEGINNING FOR THE SECOND at a point being situated at the beginning of the first or South 30 degrees West 29½ perches line of the secondly described parcel of a deed dated February 16, 1982 from Charles O. Walter and Anna M. Sprinkle, Personal Representatives for the Estate of Mary B. Walter, deceased to Robert B. Walter and Nancy E. Walter, his wife, said deed being recorded among the Land Records aforesaid in Liber 6370, Page 308; then leaving said point and running reversely with and binding on the fourth line of the above mentioned deed as surveyed by McKee & Associates, Inc., referring the bearings of said survey to the first line of the first parcel of ground described in a deed dated August 18, 1992 from John A. Ebert to Paul F. Wooden, Jr. and Deborah I. Wooden, his wife, said deed being recorded among the aforementioned Land Records in Liber 9342, Page 594,

1) South 87 degrees 05 minutes 00 seconds West, a distance of 96.72 feet to a point being situated at the southernmost corner of Parcel 'B' of the Baltimore Gas and Electric Company right-of-way as set forth in a deed dated November 2, 1968 from Joseph Derricks Berry and Ruth J. Berry, his wife unto Bankers Trust Company and Baltimore Gas and Electric Company, said deed being recorded among the aforementioned Land Records in Liber 4936, Page 036, then running with and binding on the southeasternmost side of Parcel 'B',
2) North 36 degrees 54 minutes 00 seconds East, a distance of 149.49 feet to a rebar and cap set on the west side of Longnecker Road; the running with and binding on said west side
3) South 03 degrees 24 minutes 59 seconds East, a distance of 114.82 feet to the point of beginning.

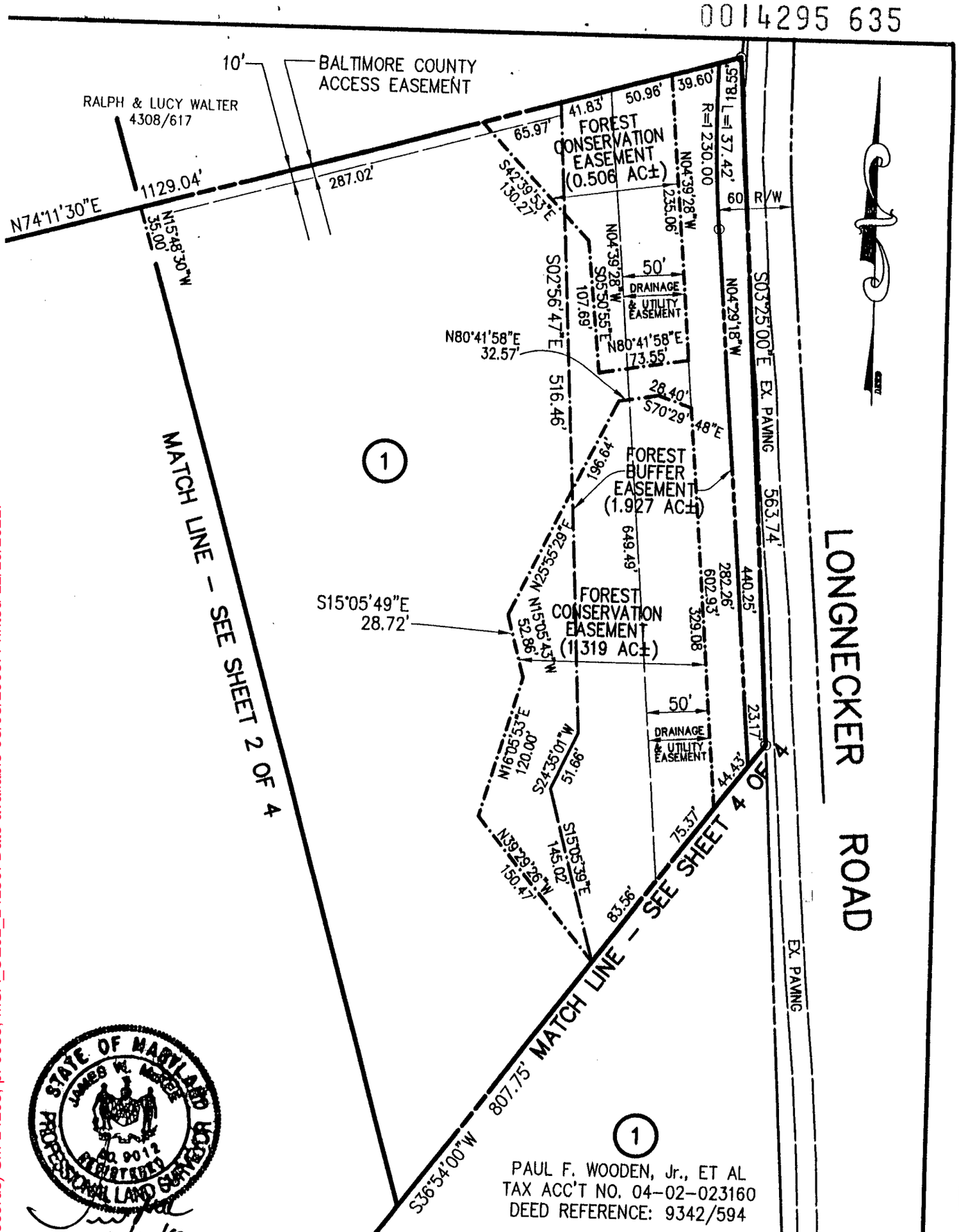
CONTAINING 0.127 acres of land, more or less.

BEING all of the second parcel of ground described in a deed dated August 18, 1992 from John A. Ebert to Paul F. Wooden, Jr. and Deborah I. Wooden, his wife, said deed being recorded among the Land Records of Baltimore County, Maryland in Liber 9342, Page 594.

BEING ALSO known as Part of Lot Two, as shown on Minor Subdivision Plan, Paul F. Wooden, Jr. Property, Baltimore County Minor Subdivision No. 99-017M.

THE ABOVE TWO DESCRIBED PARCELS OF GROUND BEING SUBJECT TO the Forest Buffer Easement(s), Forest Conservation Easement(s), Drainage and Utility Easement(s), 100 Year Flood Plain, and Baltimore County Access Easement(s) intended to be acquired by Baltimore County, Maryland as shown on Minor Subdivision Plan, Paul F. Wooden, Jr. Property, Baltimore County Minor Subdivision No. 99-017M. Said areas also being shown on the Baltimore County, Department of Permits and Development Management, Bureau of Land Acquisition Drawings (sheets 1-4 of 4) attached hereto and made a part thereof.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0634, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.



PAUL F. WOODEN, Jr., ET AL
TAX ACC'T NO. 04-02-023160
DEED REFERENCE: 9342/594

STATE OF MARYLAND
JAMES W. MCKEE
No. 9012
REGISTERED
PROFESSIONAL LAND SURVEYOR

10/17/96

PARED BY:
EE & ASSOCIATES, INC.
HAWAN ROAD
T VALLEY, MARYLAND
-527-1555

1. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
2. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE OR FOREST BUFFER EASEMENTS AND FOREST CONSERVATION EASEMENTS EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

IMORE COUNTY — DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT — BUREAU OF LAND ACQUISITION

NO. 4 C 3 | POSITION SHEET NO. | CONSTRUCTION PLAN NO. | FEDERAL PROJECT NO. | MARYLAND PROJECT NO.

DIRECTOR OF PUBLIC WORKS

CHIEF, BUREAU OF LAND ACQUISITION

SUPERVISOR, DIVISION OF DRAFTING

AREA TO BE ACQUIRED
EXISTING COUNTY R/W
REVERTIBLE SLOPE EASEMENT
AREA TO BE RELEASED
TEMPORARY CONSTRUCTION AREA
TEMPORARY SLOPE EASEMENT

SURVEYOR
DATE REG. NO.

ITEM NO.	RECORDED

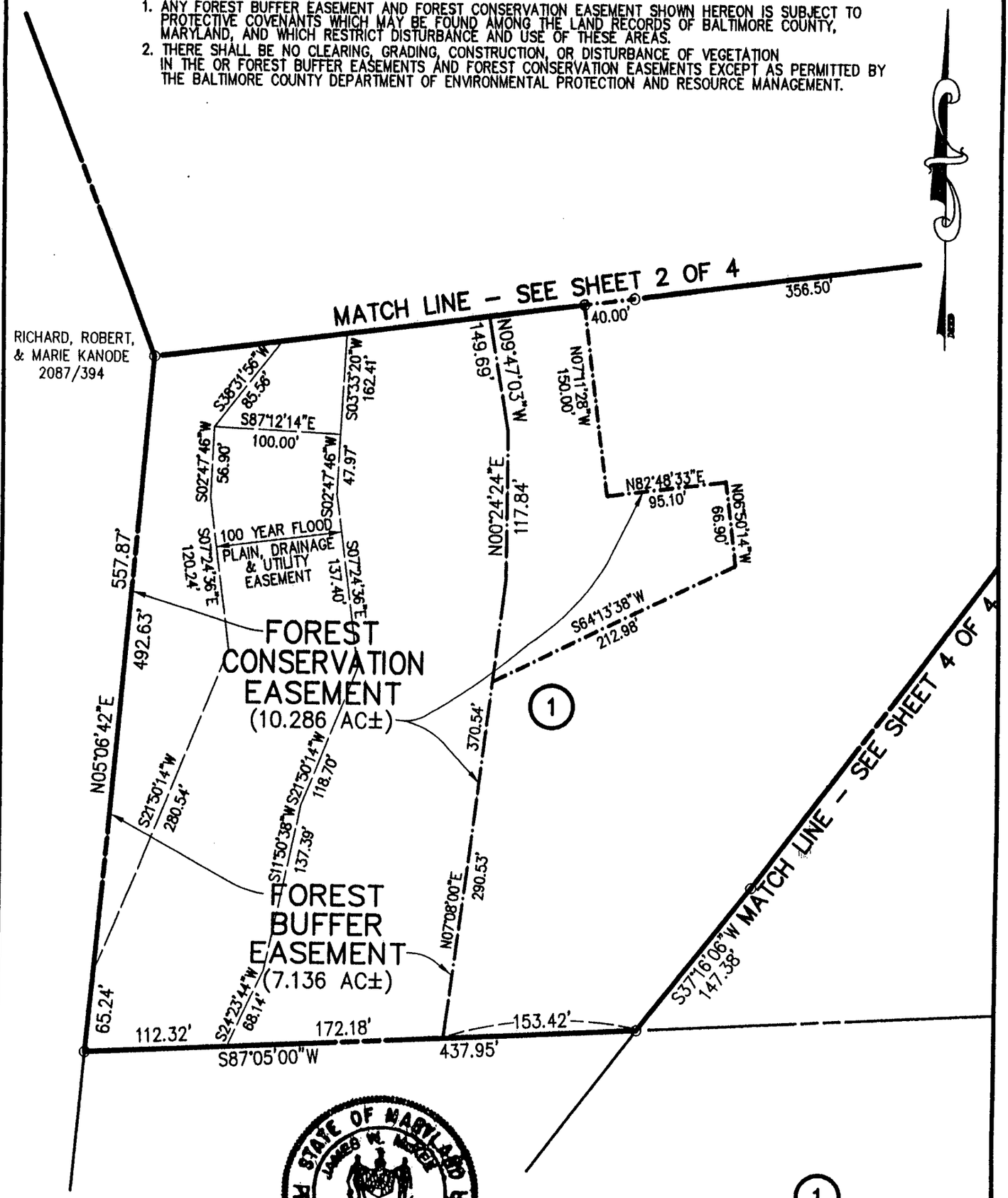
DRAWN BY	JLC
PLAT CHECKED	JDG
AREA CHECKED	JDG
TITLE CHECKED	

SHEET 1 of 4
SCALE: 1" = 100'
B.C. JOB ORDER NO.

REVISIONS

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0635, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.

1. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
2. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE OR FOREST BUFFER EASEMENTS AND FOREST CONSERVATION EASEMENTS EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.



STATE OF MARYLAND
JAMES W. McKEE
No. 5012
REGISTERED
PROFESSIONAL LAND SURVEYOR
10/7/99

PREPARED BY:
McKEE & ASSOCIATES, INC.
5 SHAWAN ROAD
HUNT VALLEY, MARYLAND
410-527-1555

1
PAUL F. WOODEN, Jr., ET AL
TAX ACC'T NO. 04-02-023160
DEED REFERENCE: 9342/594

BALTIMORE COUNTY — DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT — BUREAU OF LAND ACQUISITION

DISTRICT NO. 4 C 3
POSITION SHEET NO.
CONSTRUCTION PLAN NO.
FEDERAL PROJECT NO.
MARYLAND PROJECT NO.

APPROVED DIRECTOR OF PUBLIC WORKS — DATE
APPROVED CHIEF, BUREAU OF LAND ACQUISITION — DATE
APPROVED SUPERVISOR, DIVISION OF DRAFTING — DATE

AREA TO BE ACQUIRED
EXISTING COUNTY R/W
REVERTIBLE SLOPE EASEMENT
AREA TO BE RELEASED
TEMPORARY CONSTRUCTION AREA
TEMPORARY SLOPE EASEMENT

SURVEYOR — DATE — REG. NO.

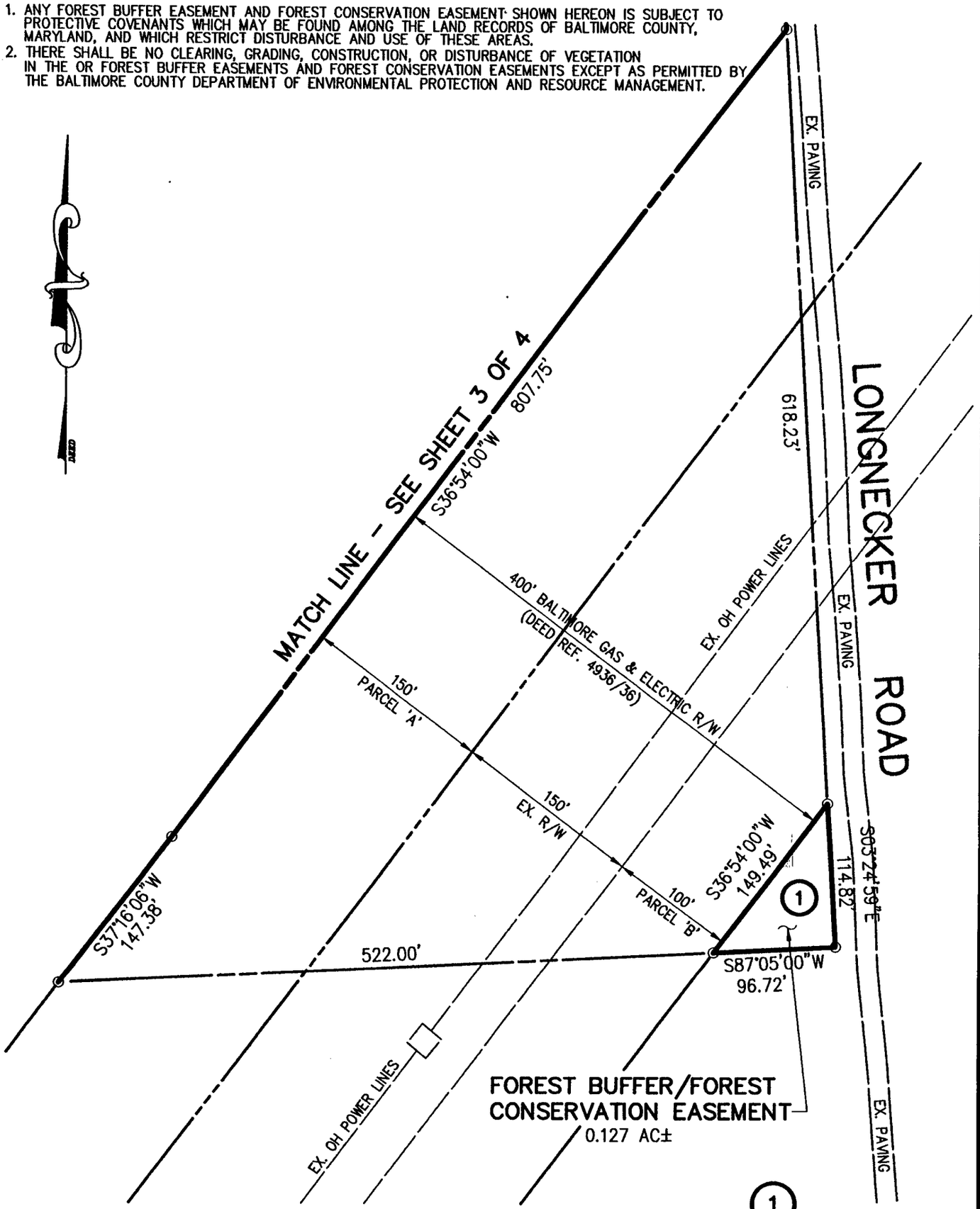
ITEM NO.	RECORDED

DRAWN BY	JLC
PLAT CHECKED	JDG
AREA CHECKED	JDG
TITLE CHECKED	

SHEET 3 of 4
SCALE: 1" = 100'
B.C. JOB ORDER NO.
REVISIONS

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0636, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.

1. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
2. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE OR FOREST BUFFER EASEMENTS AND FOREST CONSERVATION EASEMENTS EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.



PREPARED BY:
McKEE & ASSOCIATES, INC.
5 SHAWAN ROAD
HUNT VALLEY, MARYLAND
410-527-1555

PAUL F. WOODEN, Jr., ET AL
TAX ACC'T NO. 04-02-023160
DEED REFERENCE: 9342/594

BALTIMORE COUNTY — DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT — BUREAU OF LAND ACQUISITION

DISTRICT NO. 4 C 3
POSITION SHEET NO.
CONSTRUCTION PLAN NO.
FEDERAL PROJECT NO.
MARYLAND PROJECT NO.

APPROVED ... DIRECTOR OF PUBLIC WORKS
DATE ...

APPROVED ... CHIEF, BUREAU OF LAND ACQUISITION
DATE ...

APPROVED ... SUPERVISOR, DIVISION OF DRAFTING
DATE ...

AREA TO BE ACQUIRED
EXISTING COUNTY R/W
REVERTIBLE SLOPE EASEMENT
AREA TO BE RELEASED
TEMPORARY CONSTRUCTION AREA
TEMPORARY SLOPE EASEMENT

ITEM NO.	RECORDED

DRAWN BY	JLC
PLAT CHECKED	JDG
AREA CHECKED	JDG
TITLE CHECKED	

SURVEYOR
DATE ... REG. NO.

SHEET 4 of 4
SCALE: 1" = 100'
B.C. JOB ORDER NO.

REVISIONS

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0637, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0638, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.

0014295 638

GENERAL NOTES

1. ALL LOTS SHOWN HEREON TO BE SERVED BY A PRIVATE WELL AND SEPTIC SYSTEM.
2. SOIL TYPES TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NUMBER 15.
3. THERE ARE NO UNDERGROUND FUEL STORAGE TANKS ON THE SITE.
4. MAXIMUM BUILDING HEIGHT PERMITTED FOR PRINCIPAL STRUCTURES IN RC-2 ZONING IS 35 FEET.
5. A.D.T.'s 2 x 12.4 = 24.8
6. OPEN SPACE NOT REQUIRED IN RC ZONES.
7. LOT IS FOR SALE AND FOR SINGLE FAMILY DWELLINGS.
8. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE PRIOR TO 1996. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT THE PLAN HAS NEVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
9. THERE ARE NO EXISTING OR PROPOSED WELLS OR SEPTIC SYSTEMS WITHIN 100' OF THE PROPERTY UNLESS OTHERWISE SHOWN.
10. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
11. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE OR FOREST BUFFER EASEMENTS AND FOREST CONSERVATION EASEMENTS EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
12. SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
13. THERE ARE NO ZONING LINES WITHIN 300 FEET OF THIS PROPERTY UNLESS OTHERWISE SHOWN.
14. EXISTING LAND COVER IS FOREST AND MEADOW/BRUSH.
15. THERE ARE NO KNOWN PRIOR ZONING CASES FOR THIS PROPERTY.
16. PRIVATE DRIVEWAY ENTRANCES SHALL CONFORM WITH BALTIMORE COUNTY STANDARD DETAIL PLATE R-15, DATED 1977 FOR "TYPICAL DRIVEWAY ENTRANCE FROM ROAD WITHOUT CURB & GUTTER".
17. EXISTING SITE USE IS VACANT. PROPOSED USE IS SINGLE FAMILY DWELLINGS.
18. BALTIMORE COUNTY MAKES NO WARRANTS, EXPRESSED OR IMPLIED, AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN HEREON TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INGRESS, EGRESS, REGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, AND MAINTAINING UTILITIES SUCH AS, BUT NOT LIMITED TO, WATER, SEWER, ELECTRICAL, TELEPHONE, OR CABLE TELEVISION.
19. THE PROPOSED PANHANDLE DRIVES MUST MEET THE URBAN/RURAL BALTIMORE COUNTY STANDARDS FOR PAVING TYPE, WIDTH, AND BEARING CAPACITY.
20. THERE ARE NO ACCESSORY STRUCTURES ON THIS SITE.
21. THE PRIVATE DRIVEWAY SHALL BE PAVED WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED, WHICHEVER COMES FIRST.
22. THE PROPERTY OWNERS SHALL HOLD FREE AND HARMLESS, BALTIMORE COUNTY GOVERNMENT FROM ANY AND ALL DAMAGE THAT MAY RESULT FROM ITS USE OF THE 10 FOOT WIDE ACCESS EASEMENT TO THE FOREST CONSERVATION/FOREST BUFFER EASEMENT AREA.
23. THE AREAS BETWEEN THE 350' SIGHT LINES AND THE CLOSE LINE SHALL BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
24. TOPOGRAPHY, FENCES, STREAMS, AND FOREST AREAS ARE TAKEN FROM BALTIMORE COUNTY PLANIMETRIC AND AERIAL MAPS ONLY, AND ARE FOR INFORMATIONAL PURPOSES ONLY.

RC-4 AGRICULTURAL USE NOTE

1A03.3.B INCONVENIENCES ARISING FROM AGRICULTURAL OPERATIONS.
(BILLS No. 113, 1992; No. 107, 1994)

ANY DWELLING IN AN RC-4 ZONE MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO, NOISE, ODORS, FUMES, DUST, THE OPERATION OF MACHINERY OF ANY KIND DURING ANY 24-HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES, AND PESTICIDES. THE COUNTY SHALL NOT CONSIDER AN AGRICULTURAL OPERATION TO BE A PUBLIC OR PRIVATE NUISANCE, IF THE OPERATION COMPLIES WITH THESE REGULATIONS AND ALL FEDERAL, STATE, OR COUNTY HEALTH OR ENVIRONMENTAL REQUIREMENTS.

PROFILE – PROP. DRIVEWAY

SCALE: HORZ = 1" = 100'
VERT = 1" = 10'

SOILS LIMITATION CHART

MAP SYMBOL	SOIL SERIES	HOMESITE LIMITATIONS	SEPTIC SYSTEMS LIMITATIONS	HYDRIC 'X' VALUE	CAPABILITY UNIT
CeB	GLENVILLE	SEVERE: WATER	SEVERE: WATER	NO	0.32 IIe-18
MaB2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37 IIe-25
MaC2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37 IIIe-25
MaD2	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37 IVe-25
MaC2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37 IIIe-25
MaD2	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37 IVe-25
MaE3	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37 VIe-3
MaE	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37 VIe-25

McKEE & ASSOCIATES, INC.
Engineering – Land Planning – Land Surveying
Natural Resource Planning – Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563

STATE OF MARYLAND — JAMES W. McKEE — No. 9012 — REGISTERED PROFESSIONAL LAND SURVEYOR

JAMES W. McKEE
MD REG No. 9012

9/15/99
DATE



VICINITY MAP

SCALE: 1" = 2000'

SITE DATA

GROSS AREA OF SITE = 23.415 AC±
NET AREA OF SITE = 23.415 AC±
HIGHWAY WIDENING AREA = 0.280 AC±
DEED REFERENCE: 9342/584
TAX ACCOUNT NO.: 04-02-0025160
TAX MAP 40, GRID 1, PARCEL NO. 72
CENSUS TRACT: 4047
REGIONAL PLANNING DISTRICT: 303
SCHOOL DISTRICT: FRANKLIN ELEMENTARY
WATERSHED: 12
SUBSEWERSHED: 81
EX. ZONING: RC-2 AS SHOWN ON MAP NW 20 I
COUNCILMANIC DISTRICT: 3rd
DENSITY CALCULATIONS:
No. OF LOTS ALLOWED: RC-2 @ 23.415 AC = 2
No. OF LOTS PROPOSED: 2

OWNER/DEVELOPER INFORMATION:
PAUL F. WOODEN, Jr., ET AL
4800 CLIFF SULLIVAN ROAD
BALTIMORE, MARYLAND 21136
PH: 410-472-4340

LEGEND

EX. CONTOURS 361
SLOPES > 25%
EX. STREAM
WELL EXISTING PROPOSED
PERC TEST PASSED FAILED NOT DUG
PROP. SEPTIC AREA
SOIL TYPES CeB MaB2
FOREST BUFFER EASEMENT
FOREST CONSERVATION EASEMENT
LIMIT OF WETLANDS
EX. WOODS LINE
PROP. WOODS LINE
PROP. HOUSE SITE w/ HOUSE DIRECTION
REFORESTATION AREA

BALTIMORE COUNTY MINOR SUBDIVISION
PROJECT No. 99-017 M
DEVELOPMENT REGULATIONS:
☐ EXEMPT FROM DIVISION 2
☒ REMAINDER, EXEMPT FROM SECTIONS 26-202 & 26-206
PDM CERTIFICATION:
☐ APPROVED ☐ DISAPPROVED
BY: DATE 9-20-99
APPROVED, DEPRM:
BY: DATE 11-18-99

MINOR SUBDIVISION PLAN

PAUL F. WOODEN, Jr. PROPERTY

LONGNECKER ROAD

4th ELECTION DISTRICT
SCALE: 1" = 100'

BALTIMORE COUNTY, MARYLAND
DATE: JANUARY 21, 1999
REV. 5-18-99 AS PER INITIAL AGENCY COMMENTS
REV. 8-31-99 PER CONTRACT PURCHASER
REV. 9-14-99 PURCHASER

P:\SDSK\Proj\98020\Dwg\WINDROB-PLAN.dwg Wed Sep 15 08:56:41 1999

0014295 639

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: BALTIMORE

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Voucher

1 Type(s) of Instruments (☐ Check Box if Addendum Intake Form is Attached.)

1 Deed	☐ Mortgage	☐ Other	☐ Other
2 Deed of Trust	☐ Lease		

2 Conveyance Type Check Box

☐ Improved Sale Arms-Length [1]	☐ Unimproved Sale Arms-Length [2]	☐ Multiple Accounts Arms-Length [3]	☐ Not an Arms-Length Sale [9]

3 Tax Exemptions (if Applicable) Cite or Explain Authority

Recordation	
State Transfer	N/A
County Transfer	

4 Consideration and Tax Calculations

Consideration Amount	
Purchase Price/Consideration	$ 87500 —
Any New Mortgage	$ 62500 —
Balance of Existing Mortgage	$
Other:	$
Other:	$
Full Cash Value	$

Finance Office Use Only — Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	$
X ( ) % =	$
Less Exemption Amount —	$
Total Transfer Tax =	$
Recordation Tax Consideration	$
X ( ) per $500 =	$
TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 20 —	$ 75 —
Surcharge	$ 5 —	$ 5 —
State Recordation Tax	$ 437.50	$
State Transfer Tax	$ 437.50	$
County Transfer Tax	$ 1312.50	$
Other AG TAX	$ 3500 —	$
Other	$	$

Agent:

Tax Bill:

C.B. Credit:

Ag. Tax/Other:

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
04	04-02-023160	9342-594	40	12	☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)
PAUL F WOODEN JR PROPERTY	2				SEE BELOW

Location/Address of Property Being Conveyed (2): LONGNECKER RIAD

Other Property Identifiers (if applicable) | Water Meter Account No.:

Residential ☑ or Non-Residential ☐ | Fee Simple ☑ or Ground Rent ☐ | Amount:

Partial Conveyance? ☑ Yes ☐ No | Description/Amt. of SqFt/Acreage Transferred: 9.988ac. m/l

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
WOODEN PAUL F JR.	RUBY BRADLEY D.
WOODEN DEBORAH I.	RUBY HEATHER MATHIAS
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 - Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
RUBY BRADLEY D.	BOSLEY JAMES R JR. TRUSTEE
RUBY HEATHER MATHIAS	LEWIS CHERYL L TRUSTEE

New Owner's (Grantee) Mailing Address: 9411 HANNAH'S MILL DRIVE OWINGS MILLS MD 21117

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: ONEIDA

Firm: STONER PRESTON & BASSMAN CHTD

Address: PO BOX 399 WESTMINSTER MD 21158-0399

Phone: (410 876 7371

☒ Return to Contact Person

☐ Hold for Pickup

☒ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☒ No Will the property being conveyed be the grantee's principal residence?

☐ Yes ☒ No Does transfer include personal property? If yes, identify:

☒ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required). w/deed

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification

Transfer Number: Date Received: Deed Reference: Assigned Property No.:

Year	19	19	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer

Space Reserved for Circuit Court Clerk Recording Voucher

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0639, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021

031103 FEB-38 0014295 640

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: BALTIMORE

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

IMP FD SURE $ 5.00
RECORDING FEE 20.00
RECORDATION T 437.50
TR TAX STATE 437.50
TOTAL 900.00
Rcpt # 64510
Blk # 715
Feb 04, 2000 02:15 PM

Baltimore County Circuit Court Clerk Recording Validation

1 Type(s) of Instruments (☐ Check Box if Addendum Intake Form is Attached.)

1 Deed	☐ Mortgage	☐ Other	☐ Other
2 Deed of Trust	☐ Lease		

2 Conveyance Type Check Box

☐ Improved Sale Arms-Length [1]	☐ Unimproved Sale Arms-Length [2]	☐ Multiple Accounts Arms-Length [3]	☐ Not an Arms-Length Sale [9]

3 Tax Exemptions (if Applicable) Cite or Explain Authority

Recordation	
State Transfer	N/A
County Transfer	

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only — Transfer and Recordation Tax Consideration	
Purchase Price/Consideration	$ 87500 —	Transfer Tax Consideration	$ 8750000
Any New Mortgage	$ 62500 —	X ( ) % =	$ 1312.50
Balance of Existing Mortgage	$	Less Exemption Amount −	$ —
Other:	$	Total Transfer Tax =	$ 1312.50
Other:	$	Recordation Tax Consideration	$
		X ( ) per $500 =	$
Full Cash Value	$	TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 20 —	$ 15 —
Surcharge	$ 5 —	$ 5 —
State Recordation Tax	$ 437.50	$
State Transfer Tax	$ 437.50	$
County Transfer Tax	$ 1312.50	$
Other AG TAX	$ 3500 —	$
Other	$	$

Agent: BL
Tax Bill:
C.B. Credit: pd
Ag. Tax/Other: 3500.00

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
04	04-02-023160	9342-594	40	72	☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)
PAUL F WOODEN JR PROPERTY	2				SEE BELOW

Location/Address of Property Being Conveyed (2): LONGNECKER ROAD

Other Property Identifiers (if applicable) | Water Meter Account No.: 5

Residential ☒ or Non-Residential ☐ | Fee Simple ☒ or Ground Rent ☐ | Amount: 20

Partial Conveyance? ☒ Yes ☐ No | Description/Amt. of SqFt/Acreage Transferred: 9.988ac. m/l 437.50

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
WOODEN PAUL F JR	RUBY BRADLEY D.
WOODEN DEBORAH I.	RUBY HEATHER MATHIAS
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 - Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
RUBY BRADLEY D.	BOSLEY JAMES R JR. TRUSTEE
RUBY HEATHER MATHIAS	LEWIS CHERYL L TRUSTEE

New Owner's (Grantee) Mailing Address: 9411 HANNAH'S MILL DRIVE OWINGS MILLS MD 21117

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person
Name: ONEIDA
Firm: STONER PLATON & BOSWELL CHTD
Address: PO BOX 389 WESTMINSTER MD 21158-0389
Phone: (410 876 7371

☒ Return to Contact Person
☐ Hold for Pickup
☒ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☒ No Will the property being conveyed be the grantee's principal residence?
☐ Yes ☒ No Does transfer include personal property? If yes, identify:
☒ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required). w/deed

Assessment Use Only - Do Not Write Below This Line

☐ Original Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification

Transfer Number: Date Received: Deed Reference: Assigned Property No.:

	19	19				
Year			Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Building			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

PAID RECEIPT
PAYMENT ACTUAL TIME
2/04/2000 2/03/2000 15:32:51
REG W501 CASHIER JRIC JMR DRAWER
Dept 7 700 TITLE TRANSFER TAX
Rcpt Tot 1,312.50 CA
ACCOUNT NO 04023160 .00 CK
BALTIMORE COUNTY, MARYLAND

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0640, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.

0014295 630

Return To: MGR 1999-171
Stoner, Preston & Boswell, Chtd.
188 East Main Street, P.O. Box 389
Westminster, MD 21158-0389

DEED

THIS DEED, made this 21st day of JANUARY, in the year two thousand, by and between **PAUL F. WOODEN, JR.** and **DEBORAH I. WOODEN**, his wife, Grantors; and **BRADLEY D. RUBY** and **HEATHER MATHIAS RUBY**, his wife, Grantees.

WITNESSETH, that for and in consideration of the sum of **EIGHTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS ($87,500.00)** and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the said **PAUL F. WOODEN, JR.** and **DEBORAH I. WOODEN**, his wife, do hereby grant and convey unto **BRADLEY D. RUBY** and **HEATHER MATHIAS RUBY**, his wife, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor of them, forever in fee simple, all that tract or parcel of land, situate, lying and being on Longnecker Road, in the Fourth (4th) Election District of Baltimore County, Maryland, known and designated as Lot 2, as shown on a Minor Subdivision Plan of the " PAUL F. WOODEN, JR. PROPERTY", and which according to a description by McKee & Associates, Inc., is more particularly described as follows:

See Attached **EXHIBIT A**

BEING A PORTION of all that tract or parcel of land described in a Deed from John A. Ebert unto Paul F. Wooden, Jr. and Deborah I. Wooden, his wife, dated August 28, 1992 and recorded among the Land Records of Baltimore County in Liber No. 9342, folio 594, etc.

TOGETHER with the buildings and improvements thereon, and all and singular the rights, roads, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described property unto **BRADLEY D. RUBY** and **HEATHER MATHIAS RUBY**, his wife, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor of them, forever in fee simple; SUBJECT, HOWEVER, to the following:

AGRICULTURAL TRANSFER TAX DUE
AMOUNT $ 3500.00 DATE 2/1/00
SIGNATURE CR
CODED F

REVIEWED SDAT
BY SG
DATE 2/3/00

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0630, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.

Petitioner's Exhibit 4

1. Deed and Agreement between Paul F. Wooden, Jr., et al. and Baltimore County, Maryland, regarding the right to lay, construct and maintain municipal utilities, intended to be recorded among the Land Records of Baltimore County.

2. Forest Buffer and Forest Conservation Declaration of Protective Covenants, Conditions and Restrictions, by Paul F. Wooden, Jr., et al., and Baltimore County, Maryland, intended to be recorded among the Land Records of Baltimore County.

3. Notes, conditions, easements and restrictions as shown on Minor Subdivision Plan, "Paul F. Wooden, Jr. Property".

AND the said Grantors hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed; and that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

AS WITNESS the hands and seals of the Grantors herein.

Witness: _____ _____ (SEAL)
PAUL F. WOODEN, JR.

Witness: _____ Deborah I Wooden (SEAL)
DEBORAH I. WOODEN

STATE OF MARYLAND, Carroll COUNTY, to wit:

I HEREBY CERTIFY that on this 21st day of JANUARY, 2000, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared **PAUL F. WOODEN, JR.**, the Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained and further acknowledged that the consideration paid or to be paid is $87,500.00.

AS WITNESS my hand and Notarial Seal.

_____
Notary Public

MICHAEL C. PITCHER NOTARY PUBLIC CARROLL COUNTY, MD.

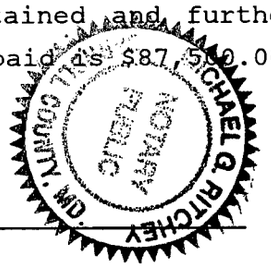
My commission expires:
3/12/2002

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0631, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.

STATE OF MARYLAND, Carroll COUNTY, to wit:

I HEREBY CERTIFY that on this 21 day of JANUARY, 2000, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared **DEBORAH I. WOODEN**, the Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained and further acknowledged that the consideration paid or to be paid is $87,500.00.

AS WITNESS my hand and Notarial Seal.



Notary Public

My commission expires: 3/14/2002

THIS IS TO CERTIFY THAT THE WITHIN INSTRUMENT HAS BEEN PREPARED UNDER THE SUPERVISION OF THE UNDERSIGNED MARYLAND ATTORNEY.

MICHAEL G. RITCHEY, ESQUIRE

rdm\files\wooden\ruby -p- wooden\deed

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0632, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0633, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.

McKEE & ASSOCIATES, INC.
Engineering • Surveying • Environmental Planning
Real Estate Development



NOVEMBER 15, 1999

DESCRIPTION OF 9.988 ACRES OF LAND
LOT 2, MINOR SUBDIVISION-PAUL F. WOODEN, Jr. PROPERTY
14100 LONGNECKER ROAD
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE FIRST at a pipe found on the northwest side of Parcel 'A' of the Baltimore Gas and Electric Company right-of-way as set forth in a deed dated November 2, 1968 from Joseph Derricks Berry and Ruth J. Berry, his wife unto Bankers Trust Company and Baltimore Gas and Electric Company, said deed being recorded among the Land Records of Baltimore County, Maryland in Liber 4936, Page 036, said point also being in the fourth line of a deed dated February 16, 1982 from Charles O. Walter and Anna M. Sprinkle, Personal Representatives for the Estate of Mary B. Walter, deceased to Robert B. Walter and Nancy E. Walter, his wife, said deed being recorded among the aforementioned Land Records in Liber 6370, Page 308; then leaving said point and running reversely with and binding on said fourth line as surveyed by McKee & Associates, Inc., referring the bearings of said survey to the first line of the first parcel of ground described in a deed dated August 18, 1992 from John A. Ebert to Paul F. Wooden, Jr. and Deborah I. Wooden, his wife, said deed being recorded among the aforementioned Land Records in Liber 9342, Page 594,

1) South 87 degrees 05 minutes 00 seconds West, a distance of 437.95 feet to a pipe found in the third or North 13 ½ degrees East 70.8 perches line of the second parcel of a deed dated March 19, 1952 from Joseph J. Azzarello and Rosalee M. Azzarello, his wife to Richard W. Kanode, unmarried and Robert C. Kanode and Marie B. Kanode, his wife, said deed being recorded among the aforementioned Land Records in Liber 2087, Page 334; then running with and binding on said third line
2) North 05 degrees 06 minutes 42 seconds East, a distance of 467.87 feet to a point, said point being distant 90.00 feet from a stone found at the end of said third line; then leaving said third line and running for new lines of division over, across, and through that land of which this is a part, the following eight courses:
3) North 69 degrees 11 minutes 46 seconds East, a distance of 373.61 feet to a rebar and cap now set; then
4) North 82 degrees 48 minutes 33 seconds East, a distance of 356.50 feet to a rebar and cap now set; then
5) North 16 degrees 05 minutes 53 seconds East, a distance of 224.56 feet to a rebar and cap now set; then
6) North 15 degrees 05 minutes 43 seconds West, a distance of 28.72 feet to point; then
7) North 25 degrees 55 minutes 29 seconds East, a distance of 196.64 feet to point; then
8) North 80 degrees 41 minutes 58 seconds East, a distance of 32.57 feet to point; then
9) South 70 degrees 29 minutes 48 seconds East, a distance of 61.62 feet to point on the west side of Longnecker Road as now laid out sixty feet wide, then running with and binding on said west side
10) South 04 degrees 29 minutes 18 seconds East, a distance of 282.26 feet to a rebar and cap set at the northernmost corner of the aforesaid Parcel 'A' of the Baltimore Gas and Electric Company right-of-way then running with and binding on the northwest side of said Parcel 'A' the following two courses:
11) South 36 degrees 54 minutes 00 seconds West, a distance of 784.58 feet to a rebar and cap set, then
12) South 37 degrees 16 minutes 06 seconds West, a distance of 147.38 feet to the point of beginning.

CONTAINING 9.861 acres of land, more or less.

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

DESCRIPTION OF 9.988 ACRES OF LAND
LOT 2, MINOR SUBDIVISION-PAUL F. WOODEN, Jr. PROPERTY
14100 LONGNECKER ROAD
Page Two

BEING a part of the first parcel of ground described in a deed dated August 18, 1992 from John A. Ebert to Paul F. Wooden, Jr. and Deborah I. Wooden, his wife, said deed being recorded among the Land Records of Baltimore County, Maryland in Liber 9342, Page 594.

BEING Lot Two as shown on Minor Subdivision Plan, Paul F. Wooden, Jr. Property, Baltimore County Minor Subdivision No. 99-017M.

TOGETHER WITH the use-in-common with Lot One, a private easement for ingress, egress, maintenance, and utilities as shown on Minor Subdivision Plan, Paul F. Wooden, Jr. Property, Baltimore County Minor Subdivision No. 99-017M.

BEGINNING FOR THE SECOND at a point being situated at the beginning of the first or South 30 degrees West 29½ perches line of the secondly described parcel of a deed dated February 16, 1982 from Charles O. Walter and Anna M. Sprinkle, Personal Representatives for the Estate of Mary B. Walter, deceased to Robert B. Walter and Nancy E. Walter, his wife, said deed being recorded among the Land Records aforesaid in Liber 6370, Page 308; then leaving said point and running reversely with and binding on the fourth line of the above mentioned deed as surveyed by McKee & Associates, Inc., referring the bearings of said survey to the first line of the first parcel of ground described in a deed dated August 18, 1992 from John A. Ebert to Paul F. Wooden, Jr. and Deborah I. Wooden, his wife, said deed being recorded among the aforementioned Land Records in Liber 9342, Page 594,

1) South 87 degrees 05 minutes 00 seconds West, a distance of 96.72 feet to a point being situated at the southernmost corner of Parcel 'B' of the Baltimore Gas and Electric Company right-of-way as set forth in a deed dated November 2, 1968 from Joseph Derricks Berry and Ruth J. Berry, his wife unto Bankers Trust Company and Baltimore Gas and Electric Company, said deed being recorded among the aforementioned Land Records in Liber 4936, Page 036, then running with and binding on the southeasternmost side of Parcel 'B',
2) North 36 degrees 54 minutes 00 seconds East, a distance of 149.49 feet to a rebar and cap set on the west side of Longnecker Road; the running with and binding on said west side
3) South 03 degrees 24 minutes 59 seconds East, a distance of 114.82 feet to the point of beginning.

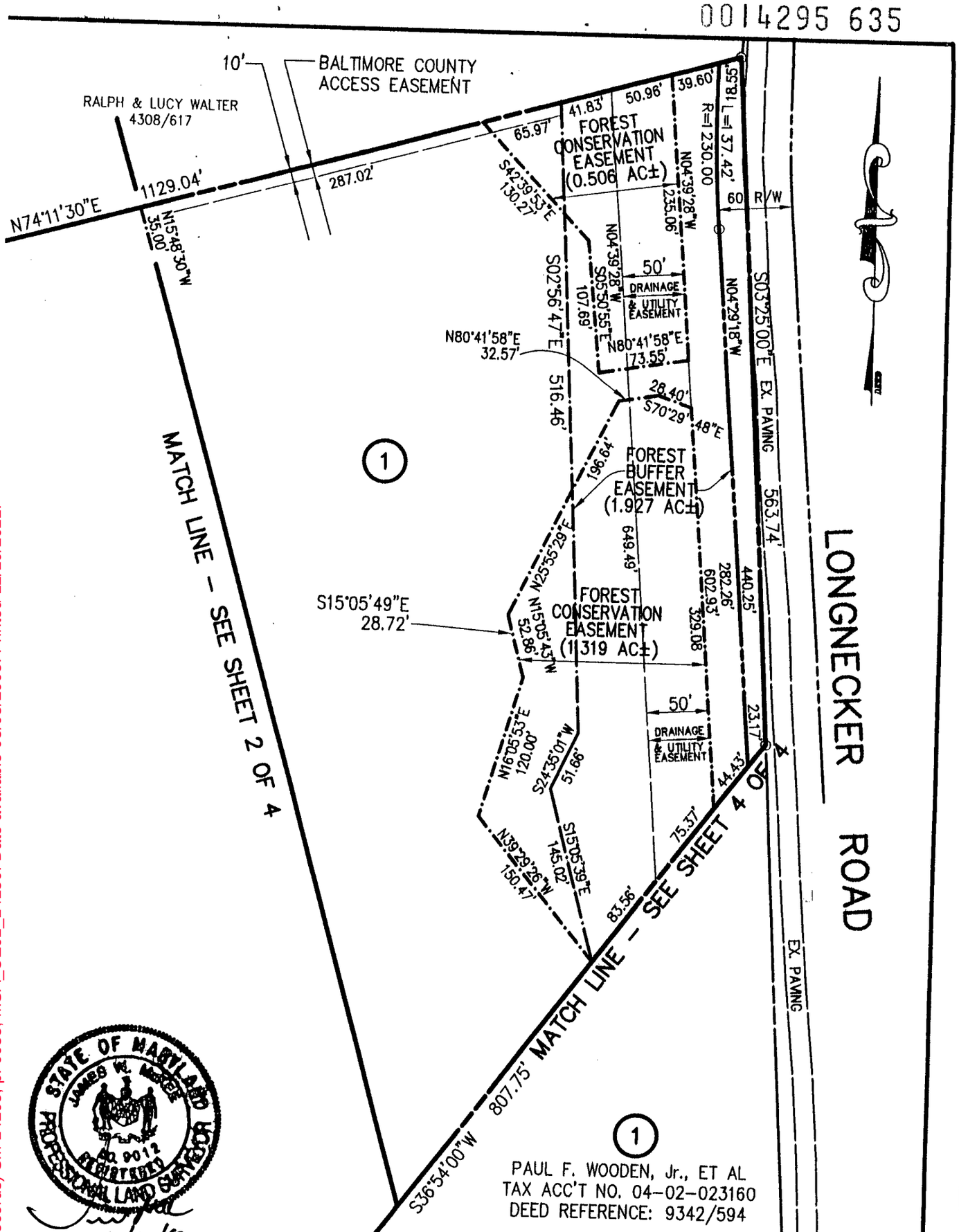
CONTAINING 0.127 acres of land, more or less.

BEING all of the second parcel of ground described in a deed dated August 18, 1992 from John A. Ebert to Paul F. Wooden, Jr. and Deborah I. Wooden, his wife, said deed being recorded among the Land Records of Baltimore County, Maryland in Liber 9342, Page 594.

BEING ALSO known as Part of Lot Two, as shown on Minor Subdivision Plan, Paul F. Wooden, Jr. Property, Baltimore County Minor Subdivision No. 99-017M.

THE ABOVE TWO DESCRIBED PARCELS OF GROUND BEING SUBJECT TO the Forest Buffer Easement(s), Forest Conservation Easement(s), Drainage and Utility Easement(s), 100 Year Flood Plain, and Baltimore County Access Easement(s) intended to be acquired by Baltimore County, Maryland as shown on Minor Subdivision Plan, Paul F. Wooden, Jr. Property, Baltimore County Minor Subdivision No. 99-017M. Said areas also being shown on the Baltimore County, Department of Permits and Development Management, Bureau of Land Acquisition Drawings (sheets 1-4 of 4) attached hereto and made a part thereof.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0634, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.



PAUL F. WOODEN, Jr., ET AL
TAX ACC'T NO. 04-02-023160
DEED REFERENCE: 9342/594

STATE OF MARYLAND
JAMES W. MCKEE
No. 9012
REGISTERED
PROFESSIONAL LAND SURVEYOR

10/17/96

PARED BY:
EE & ASSOCIATES, INC.
HAWAN ROAD
T VALLEY, MARYLAND
-527-1555

1. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
2. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE OR FOREST BUFFER EASEMENTS AND FOREST CONSERVATION EASEMENTS EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

IMORE COUNTY — DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT — BUREAU OF LAND ACQUISITION

NO. 4 C 3 | POSITION SHEET NO. | CONSTRUCTION PLAN NO. | FEDERAL PROJECT NO. | MARYLAND PROJECT NO.

DIRECTOR OF PUBLIC WORKS

CHIEF, BUREAU OF LAND ACQUISITION

SUPERVISOR, DIVISION OF DRAFTING

AREA TO BE ACQUIRED
EXISTING COUNTY R/W
REVERTIBLE SLOPE EASEMENT
AREA TO BE RELEASED
TEMPORARY CONSTRUCTION AREA
TEMPORARY SLOPE EASEMENT

SURVEYOR
DATE REG. NO.

ITEM NO.	RECORDED

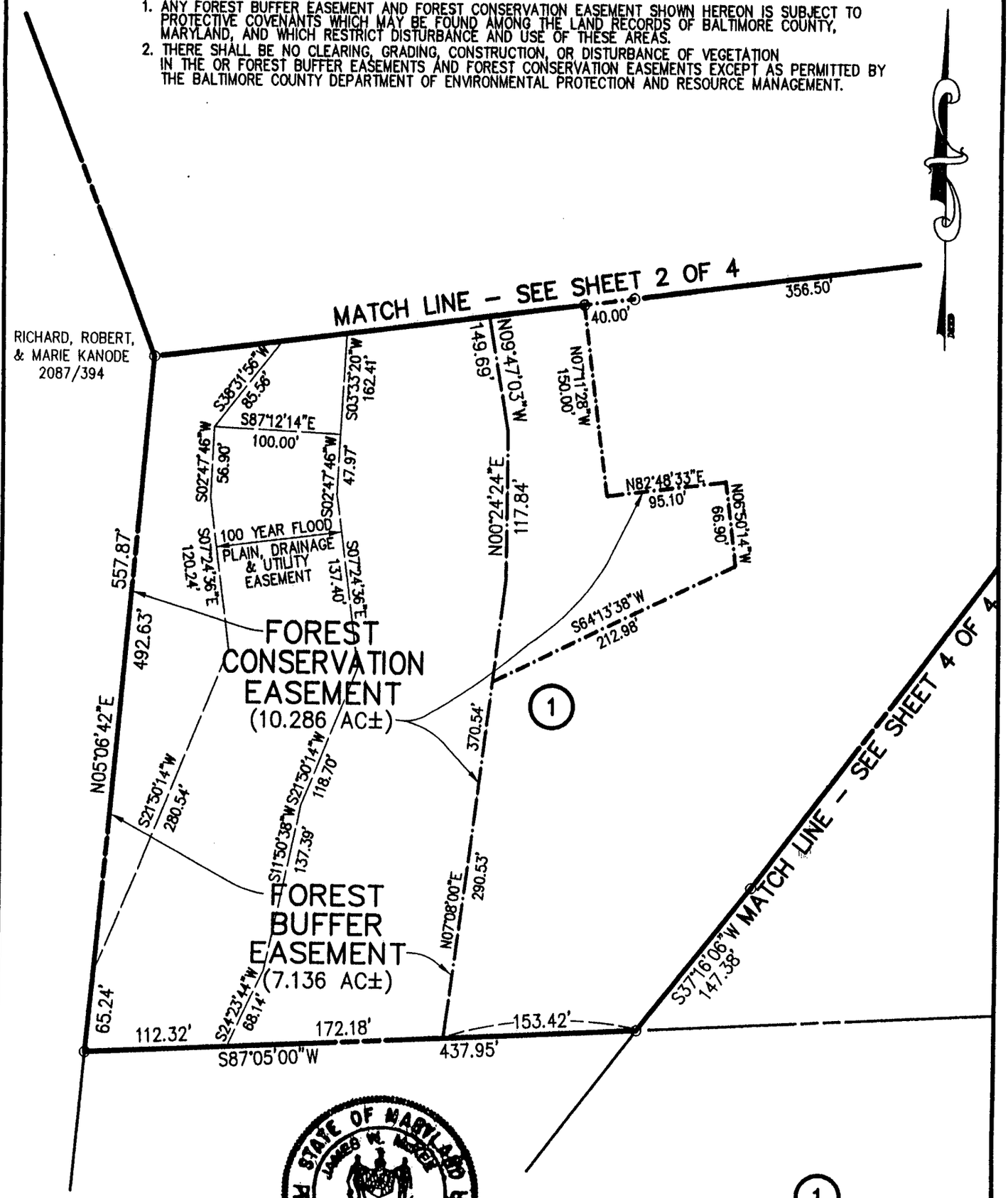
DRAWN BY	JLC
PLAT CHECKED	JDG
AREA CHECKED	JDG
TITLE CHECKED	

SHEET 1 of 4
SCALE: 1" = 100'
B.C. JOB ORDER NO.

REVISIONS

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0635, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.

1. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
2. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE OR FOREST BUFFER EASEMENTS AND FOREST CONSERVATION EASEMENTS EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.



STATE OF MARYLAND
JAMES W. McKEE
No. 5012
REGISTERED
PROFESSIONAL LAND SURVEYOR
10/7/99

PREPARED BY:
McKEE & ASSOCIATES, INC.
5 SHAWAN ROAD
HUNT VALLEY, MARYLAND
410-527-1555

1
PAUL F. WOODEN, Jr., ET AL
TAX ACC'T NO. 04-02-023160
DEED REFERENCE: 9342/594

BALTIMORE COUNTY — DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT — BUREAU OF LAND ACQUISITION

DISTRICT NO. 4 C 3
POSITION SHEET NO.
CONSTRUCTION PLAN NO.
FEDERAL PROJECT NO.
MARYLAND PROJECT NO.

APPROVED DIRECTOR OF PUBLIC WORKS — DATE
APPROVED CHIEF, BUREAU OF LAND ACQUISITION — DATE
APPROVED SUPERVISOR, DIVISION OF DRAFTING — DATE

AREA TO BE ACQUIRED
EXISTING COUNTY R/W
REVERTIBLE SLOPE EASEMENT
AREA TO BE RELEASED
TEMPORARY CONSTRUCTION AREA
TEMPORARY SLOPE EASEMENT

SURVEYOR — DATE — REG. NO.

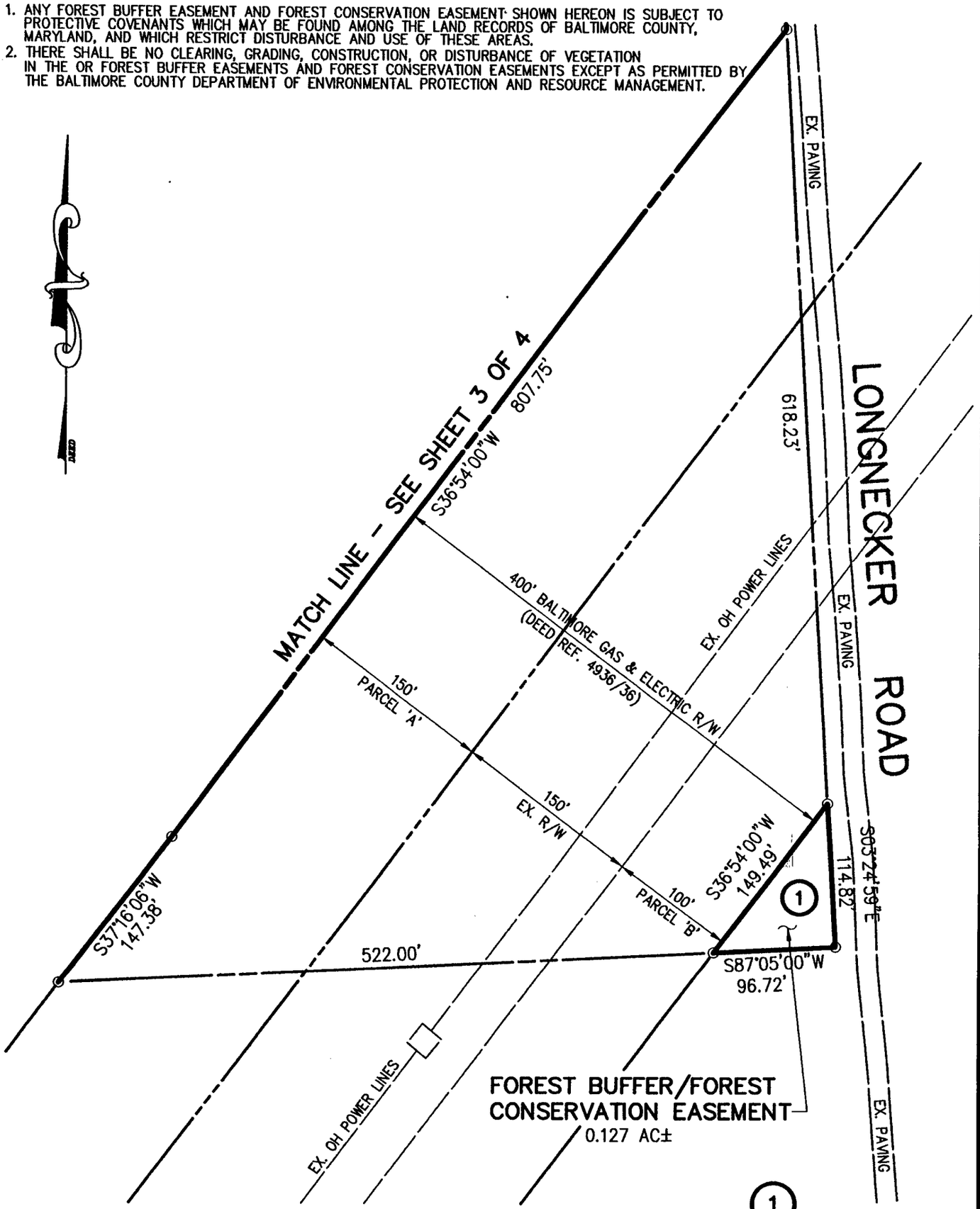
ITEM NO.	RECORDED

DRAWN BY	JLC
PLAT CHECKED	JDG
AREA CHECKED	JDG
TITLE CHECKED	

SHEET 3 of 4
SCALE: 1" = 100'
B.C. JOB ORDER NO.
REVISIONS

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0636, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.

1. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
2. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE OR FOREST BUFFER EASEMENTS AND FOREST CONSERVATION EASEMENTS EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.



PREPARED BY:
McKEE & ASSOCIATES, INC.
5 SHAWAN ROAD
HUNT VALLEY, MARYLAND
410-527-1555

PAUL F. WOODEN, Jr., ET AL
TAX ACC'T NO. 04-02-023160
DEED REFERENCE: 9342/594

BALTIMORE COUNTY — DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT — BUREAU OF LAND ACQUISITION

DISTRICT NO. 4 C 3
POSITION SHEET NO.
CONSTRUCTION PLAN NO.
FEDERAL PROJECT NO.
MARYLAND PROJECT NO.

APPROVED ... DIRECTOR OF PUBLIC WORKS
DATE ...

APPROVED ... CHIEF, BUREAU OF LAND ACQUISITION
DATE ...

APPROVED ... SUPERVISOR, DIVISION OF DRAFTING
DATE ...

AREA TO BE ACQUIRED
EXISTING COUNTY R/W
REVERTIBLE SLOPE EASEMENT
AREA TO BE RELEASED
TEMPORARY CONSTRUCTION AREA
TEMPORARY SLOPE EASEMENT

ITEM NO.	RECORDED

DRAWN BY	JLC
PLAT CHECKED	JDG
AREA CHECKED	JDG
TITLE CHECKED	

SURVEYOR
DATE ... REG. NO.

SHEET 4 of 4
SCALE: 1" = 100'
B.C. JOB ORDER NO.

REVISIONS

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0637, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0638, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.

0014295 638

GENERAL NOTES

1. ALL LOTS SHOWN HEREON TO BE SERVED BY A PRIVATE WELL AND SEPTIC SYSTEM.
2. SOIL TYPES TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NUMBER 15.
3. THERE ARE NO UNDERGROUND FUEL STORAGE TANKS ON THE SITE.
4. MAXIMUM BUILDING HEIGHT PERMITTED FOR PRINCIPAL STRUCTURES IN RC-2 ZONING IS 35 FEET.
5. A.D.T.'s 2 x 12.4 = 24.8
6. OPEN SPACE NOT REQUIRED IN RC ZONES.
7. LOT IS FOR SALE AND FOR SINGLE FAMILY DWELLINGS.
8. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE PRIOR TO 1996. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT THE PLAN HAS NEVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
9. THERE ARE NO EXISTING OR PROPOSED WELLS OR SEPTIC SYSTEMS WITHIN 100' OF THE PROPERTY UNLESS OTHERWISE SHOWN.
10. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
11. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE OR FOREST BUFFER EASEMENTS AND FOREST CONSERVATION EASEMENTS EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
12. SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
13. THERE ARE NO ZONING LINES WITHIN 300 FEET OF THIS PROPERTY UNLESS OTHERWISE SHOWN.
14. EXISTING LAND COVER IS FOREST AND MEADOW/BRUSH.
15. THERE ARE NO KNOWN PRIOR ZONING CASES FOR THIS PROPERTY.
16. PRIVATE DRIVEWAY ENTRANCES SHALL CONFORM WITH BALTIMORE COUNTY STANDARD DETAIL PLATE R-15, DATED 1977 FOR "TYPICAL DRIVEWAY ENTRANCE FROM ROAD WITHOUT CURB & GUTTER".
17. EXISTING SITE USE IS VACANT. PROPOSED USE IS SINGLE FAMILY DWELLINGS.
18. BALTIMORE COUNTY MAKES NO WARRANTS, EXPRESSED OR IMPLIED, AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN HEREON TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INGRESS, EGRESS, REGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, AND MAINTAINING UTILITIES SUCH AS, BUT NOT LIMITED TO, WATER, SEWER, ELECTRICAL, TELEPHONE, OR CABLE TELEVISION.
19. THE PROPOSED PANHANDLE DRIVES MUST MEET THE URBAN/RURAL BALTIMORE COUNTY STANDARDS FOR PAVING TYPE, WIDTH, AND BEARING CAPACITY.
20. THERE ARE NO ACCESSORY STRUCTURES ON THIS SITE.
21. THE PRIVATE DRIVEWAY SHALL BE PAVED WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED, WHICHEVER COMES FIRST.
22. THE PROPERTY OWNERS SHALL HOLD FREE AND HARMLESS, BALTIMORE COUNTY GOVERNMENT FROM ANY AND ALL DAMAGE THAT MAY RESULT FROM ITS USE OF THE 10 FOOT WIDE ACCESS EASEMENT TO THE FOREST CONSERVATION/FOREST BUFFER EASEMENT AREA.
23. THE AREAS BETWEEN THE 350' SIGHT LINES AND THE CLOSE LINE SHALL BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
24. TOPOGRAPHY, FENCES, STREAMS, AND FOREST AREAS ARE TAKEN FROM BALTIMORE COUNTY PLANIMETRIC AND AERIAL MAPS ONLY, AND ARE FOR INFORMATIONAL PURPOSES ONLY.

RC-4 AGRICULTURAL USE NOTE

1A03.3.B INCONVENIENCES ARISING FROM AGRICULTURAL OPERATIONS.
(BILLS No. 113, 1992; No. 107, 1994)

ANY DWELLING IN AN RC-4 ZONE MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO, NOISE, ODORS, FUMES, DUST, THE OPERATION OF MACHINERY OF ANY KIND DURING ANY 24-HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES, AND PESTICIDES. THE COUNTY SHALL NOT CONSIDER AN AGRICULTURAL OPERATION TO BE A PUBLIC OR PRIVATE NUISANCE, IF THE OPERATION COMPLIES WITH THESE REGULATIONS AND ALL FEDERAL, STATE, OR COUNTY HEALTH OR ENVIRONMENTAL REQUIREMENTS.

PROFILE – PROP. DRIVEWAY

SCALE: HORZ = 1" = 100'
VERT = 1" = 10'

SOILS LIMITATION CHART

MAP SYMBOL	SOIL SERIES	HOMESITE LIMITATIONS	SEPTIC SYSTEMS LIMITATIONS	HYDRIC 'X' VALUE	CAPABILITY UNIT
CeB	GLENVILLE	SEVERE: WATER	SEVERE: WATER	NO	0.32 IIe-18
MaB2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37 IIe-25
MaC2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37 IIIe-25
MaD2	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37 IVe-25
MaC2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37 IIIe-25
MaD2	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37 IVe-25
MaE3	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37 VIe-3
MaE	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37 VIe-25

McKEE & ASSOCIATES, INC.
Engineering – Land Planning – Land Surveying
Natural Resource Planning – Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563

STATE OF MARYLAND — JAMES W. McKEE — No. 9012 — REGISTERED PROFESSIONAL LAND SURVEYOR

JAMES W. McKEE
MD REG No. 9012

9/15/99
DATE



VICINITY MAP

SCALE: 1" = 2000'

SITE DATA

GROSS AREA OF SITE = 23.415 AC±
NET AREA OF SITE = 23.415 AC±
HIGHWAY WIDENING AREA = 0.280 AC±
DEED REFERENCE: 9342/584
TAX ACCOUNT NO.: 04-02-0025160
TAX MAP 40, GRID 1, PARCEL NO. 72
CENSUS TRACT: 4047
REGIONAL PLANNING DISTRICT: 303
SCHOOL DISTRICT: FRANKLIN ELEMENTARY
WATERSHED: 12
SUBSEWERSHED: 81
EX. ZONING: RC-2 AS SHOWN ON MAP NW 20 I
COUNCILMANIC DISTRICT: 3rd
DENSITY CALCULATIONS:
No. OF LOTS ALLOWED: RC-2 @ 23.415 AC = 2
No. OF LOTS PROPOSED: 2

OWNER/DEVELOPER INFORMATION:
PAUL F. WOODEN, Jr., ET AL
4800 CLIFF SULLIVAN ROAD
BALTIMORE, MARYLAND 21136
PH: 410-472-4340

LEGEND

EX. CONTOURS 361
SLOPES > 25%
EX. STREAM
WELL EXISTING PROPOSED
PERC TEST PASSED FAILED NOT DUG
PROP. SEPTIC AREA
SOIL TYPES CeB MaB2
FOREST BUFFER EASEMENT
FOREST CONSERVATION EASEMENT
LIMIT OF WETLANDS
EX. WOODS LINE
PROP. WOODS LINE
PROP. HOUSE SITE w/ HOUSE DIRECTION
REFORESTATION AREA

BALTIMORE COUNTY MINOR SUBDIVISION
PROJECT No. 99-017 M
DEVELOPMENT REGULATIONS:
☐ EXEMPT FROM DIVISION 2
☒ REMAINDER, EXEMPT FROM SECTIONS 26-202 & 26-206
PDM CERTIFICATION:
☐ APPROVED ☐ DISAPPROVED
BY: DATE 9-20-99
APPROVED, DEPRM:
BY: DATE 11-18-99

MINOR SUBDIVISION PLAN

PAUL F. WOODEN, Jr. PROPERTY

LONGNECKER ROAD

4th ELECTION DISTRICT
SCALE: 1" = 100'

BALTIMORE COUNTY, MARYLAND
DATE: JANUARY 21, 1999
REV. 5-18-99 AS PER INITIAL AGENCY COMMENTS
REV. 8-31-99 PER CONTRACT PURCHASER
REV. 9-14-99 PURCHASER

P:\SDSK\Proj\98020\Dwg\WINDROB-PLAN.dwg Wed Sep 15 08:56:41 1999

0014295 639

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: BALTIMORE

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Voucher

1 Type(s) of Instruments (☐ Check Box if Addendum Intake Form is Attached.)

1 Deed	☐ Mortgage	☐ Other	☐ Other
2 Deed of Trust	☐ Lease		

2 Conveyance Type Check Box

☐ Improved Sale Arms-Length [1]	☐ Unimproved Sale Arms-Length [2]	☐ Multiple Accounts Arms-Length [3]	☐ Not an Arms-Length Sale [9]

3 Tax Exemptions (if Applicable) Cite or Explain Authority

Recordation	
State Transfer	N/A
County Transfer	

4 Consideration and Tax Calculations

Consideration Amount	
Purchase Price/Consideration	$ 87500 —
Any New Mortgage	$ 62500 —
Balance of Existing Mortgage	$
Other:	$
Other:	$
Full Cash Value	$

Finance Office Use Only — Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	$
X ( ) % =	$
Less Exemption Amount —	$
Total Transfer Tax =	$
Recordation Tax Consideration	$
X ( ) per $500 =	$
TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 20 —	$ 75 —
Surcharge	$ 5 —	$ 5 —
State Recordation Tax	$ 437.50	$
State Transfer Tax	$ 437.50	$
County Transfer Tax	$ 1312.50	$
Other AG TAX	$ 3500 —	$
Other	$	$

Agent:

Tax Bill:

C.B. Credit:

Ag. Tax/Other:

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
04	04-02-023160	9342-594	40	12	☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)
PAUL F WOODEN JR PROPERTY	2				SEE BELOW

Location/Address of Property Being Conveyed (2): LONGNECKER RIAD

Other Property Identifiers (if applicable) | Water Meter Account No.:

Residential ☑ or Non-Residential ☐ | Fee Simple ☑ or Ground Rent ☐ | Amount:

Partial Conveyance? ☑ Yes ☐ No | Description/Amt. of SqFt/Acreage Transferred: 9.988ac. m/l

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
WOODEN PAUL F JR.	RUBY BRADLEY D.
WOODEN DEBORAH I.	RUBY HEATHER MATHIAS
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 - Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
RUBY BRADLEY D.	BOSLEY JAMES R JR. TRUSTEE
RUBY HEATHER MATHIAS	LEWIS CHERYL L TRUSTEE

New Owner's (Grantee) Mailing Address: 9411 HANNAH'S MILL DRIVE OWINGS MILLS MD 21117

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: ONEIDA

Firm: STONER PRESTON & BASSMAN CHTD

Address: PO BOX 399 WESTMINSTER MD 21158-0399

Phone: (410 876 7371

☒ Return to Contact Person

☐ Hold for Pickup

☒ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☒ No Will the property being conveyed be the grantee's principal residence?

☐ Yes ☒ No Does transfer include personal property? If yes, identify:

☒ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required). w/deed

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification

Transfer Number: Date Received: Deed Reference: Assigned Property No.:

Year	19	19	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer

Space Reserved for Circuit Court Clerk Recording Voucher

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0639, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021

031103 FEB-38 0014295 640

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: BALTIMORE

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

IMP FD SURE $ 5.00
RECORDING FEE 20.00
RECORDATION T 437.50
TR TAX STATE 437.50
TOTAL 900.00
Rcpt # 64510
Blk # 715
Feb 04, 2000 02:15 PM

Baltimore County Circuit Court Clerk Recording Validation

1 Type(s) of Instruments (☐ Check Box if Addendum Intake Form is Attached.)

1 Deed	☐ Mortgage	☐ Other	☐ Other
2 Deed of Trust	☐ Lease		

2 Conveyance Type Check Box

☐ Improved Sale Arms-Length [1]	☐ Unimproved Sale Arms-Length [2]	☐ Multiple Accounts Arms-Length [3]	☐ Not an Arms-Length Sale [9]

3 Tax Exemptions (if Applicable) Cite or Explain Authority

Recordation	
State Transfer	N/A
County Transfer	

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only — Transfer and Recordation Tax Consideration	
Purchase Price/Consideration	$ 87500 —	Transfer Tax Consideration	$ 8750000
Any New Mortgage	$ 62500 —	X ( ) % =	$ 1312.50
Balance of Existing Mortgage	$	Less Exemption Amount −	$ —
Other:	$	Total Transfer Tax =	$ 1312.50
Other:	$	Recordation Tax Consideration	$
		X ( ) per $500 =	$
Full Cash Value	$	TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 20 —	$ 15 —
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State Recordation Tax	$ 437.50	$
State Transfer Tax	$ 437.50	$
County Transfer Tax	$ 1312.50	$
Other AG TAX	$ 3500 —	$
Other	$	$

Agent: BL
Tax Bill:
C.B. Credit: pd
Ag. Tax/Other: 3500.00

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
04	04-02-023160	9342-594	40	72	☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)
PAUL F WOODEN JR PROPERTY	2				SEE BELOW

Location/Address of Property Being Conveyed (2): LONGNECKER ROAD

Other Property Identifiers (if applicable) | Water Meter Account No.: 5

Residential ☒ or Non-Residential ☐ | Fee Simple ☒ or Ground Rent ☐ | Amount: 20

Partial Conveyance? ☒ Yes ☐ No | Description/Amt. of SqFt/Acreage Transferred: 9.988ac. m/l 437.50

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
WOODEN PAUL F JR	RUBY BRADLEY D.
WOODEN DEBORAH I.	RUBY HEATHER MATHIAS
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 - Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
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RUBY HEATHER MATHIAS	LEWIS CHERYL L TRUSTEE

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Instrument Submitted By or Contact Person
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Firm: STONER PLATON & BOSWELL CHTD
Address: PO BOX 389 WESTMINSTER MD 21158-0389
Phone: (410 876 7371

☒ Return to Contact Person
☐ Hold for Pickup
☒ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☒ No Will the property being conveyed be the grantee's principal residence?
☐ Yes ☒ No Does transfer include personal property? If yes, identify:
☒ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required). w/deed

Assessment Use Only - Do Not Write Below This Line

☐ Original Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification

Transfer Number: Date Received: Deed Reference: Assigned Property No.:

	19	19				
Year			Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Building			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

PAID RECEIPT
PAYMENT ACTUAL TIME
2/04/2000 2/03/2000 15:32:51
REG W501 CASHIER JRIC JMR DRAWER
Dept 7 700 TITLE TRANSFER TAX
Rcpt Tot 1,312.50 CA
ACCOUNT NO 04023160 .00 CK
BALTIMORE COUNTY, MARYLAND

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 14295, p. 0640, MSA_CE62_14150. Date available 03/08/2005. Printed 12/10/2021.

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District -** 04 **Account Number -** 2300007333

Owner Information

Owner Name: MANGUM GREGORY
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 12845 DOVER RD
REISTERSTOWN MD 21136-
Deed Reference: /45146/ 00275

Location & Structure Information

Premises Address: 14100 LONGNECKER RD
REISTERSTOWN 21136-
Legal Description: 9.861 AC
14100 LONGNECKER RD WS
900 FT S PINEY GROVE RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	MS
0040	0001	0175	4020022.04	0000			2	2022	Plat Ref:	

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			9.8600 AC	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
			/				

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2022	As of 07/01/2021	As of 07/01/2022
Land:	92,300	92,300		
Improvements	0	0		
Total:	92,300	92,300	92,300	92,300
Preferential Land:	0	0		

Transfer Information

Seller: LEE ROBERT E
Type: ARMS LENGTH MULTIPLE
Date: 07/21/2021
Deed1: /45146/ 00275
Price: $215,000
Deed2:

Seller: LEE JONATHAN E
Type: ARMS LENGTH MULTIPLE
Date: 11/15/2011
Deed1: /31396/ 00361
Price: $200,000
Deed2:

Seller: RUBY BRADLEY D
Type: ARMS LENGTH MULTIPLE
Date: 09/28/2000
Deed1: /14723/ 00211
Price: $110,000
Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2021	07/01/2022
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

Petitioner's Exhibit 5

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District -** 04 **Account Number -** 2300007333

Owner Information

Owner Name: MANGUM GREGORY
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 12845 DOVER RD
REISTERSTOWN MD 21136-
Deed Reference: /45146/ 00275

Location & Structure Information

Premises Address: 14100 LONGNECKER RD
REISTERSTOWN 21136-
Legal Description: 9.861 AC
14100 LONGNECKER RD WS
900 FT S PINEY GROVE RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	MS
0040	0001	0175	4020022.04	0000			2	2022	Plat Ref:	

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			9.8600 AC	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
			/				

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2022	As of 07/01/2021	As of 07/01/2022
Land:	92,300	92,300		
Improvements	0	0		
Total:	92,300	92,300	92,300	92,300
Preferential Land:	0	0		

Transfer Information

Seller: LEE ROBERT E
Type: ARMS LENGTH MULTIPLE
Date: 07/21/2021
Deed1: /45146/ 00275
Price: $215,000
Deed2:

Seller: LEE JONATHAN E
Type: ARMS LENGTH MULTIPLE
Date: 11/15/2011
Deed1: /31396/ 00361
Price: $200,000
Deed2:

Seller: RUBY BRADLEY D
Type: ARMS LENGTH MULTIPLE
Date: 09/28/2000
Deed1: /14723/ 00211
Price: $110,000
Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2021	07/01/2022
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Special Tax Recapture: None

Homestead Application Information

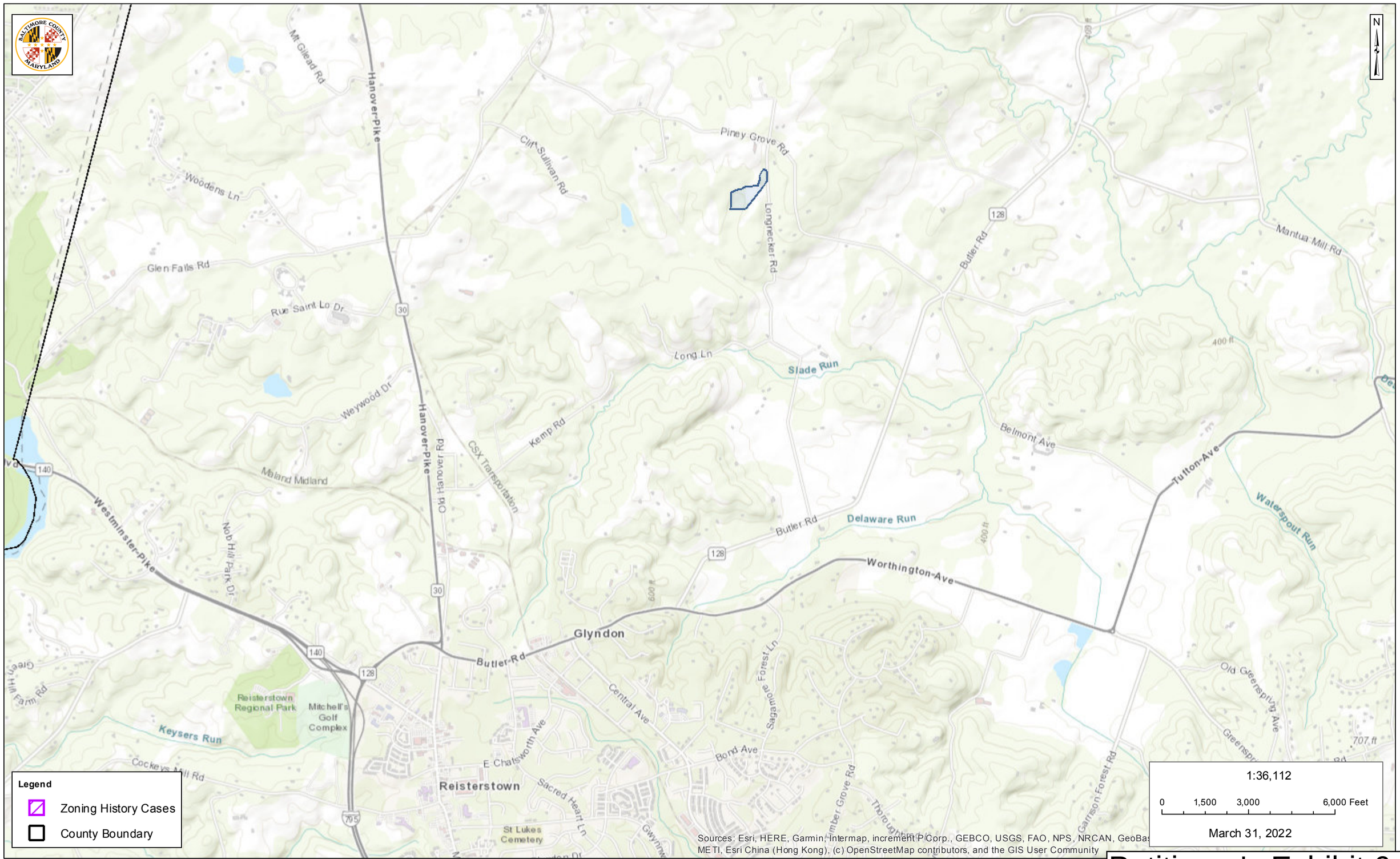
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

Petitioner's Exhibit 5

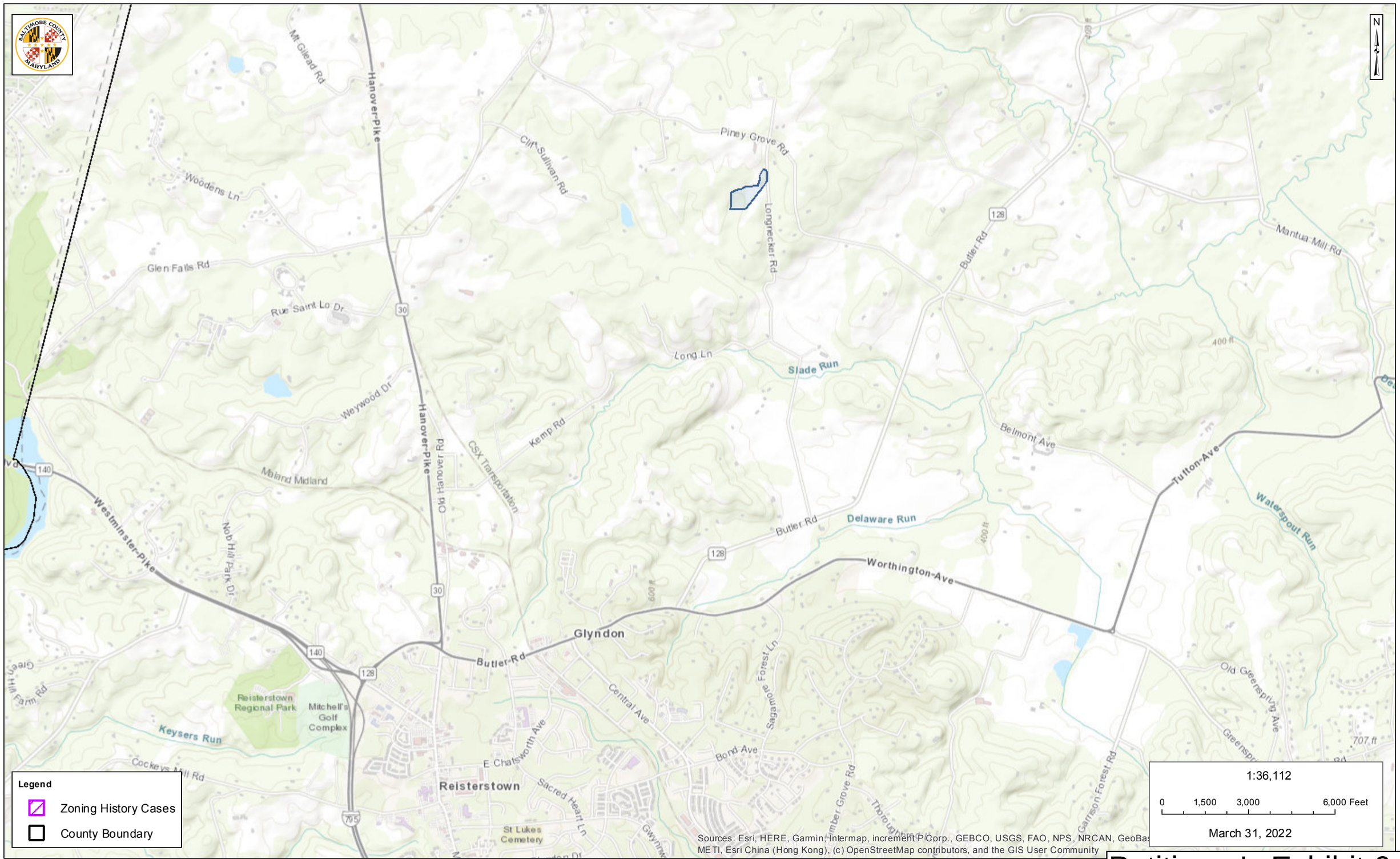
Baltimore County - My Neighborhood



Baltimore County Government, Carroll County, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, METI/NASA, EPA, USDA |

Petitioner's Exhibit 6

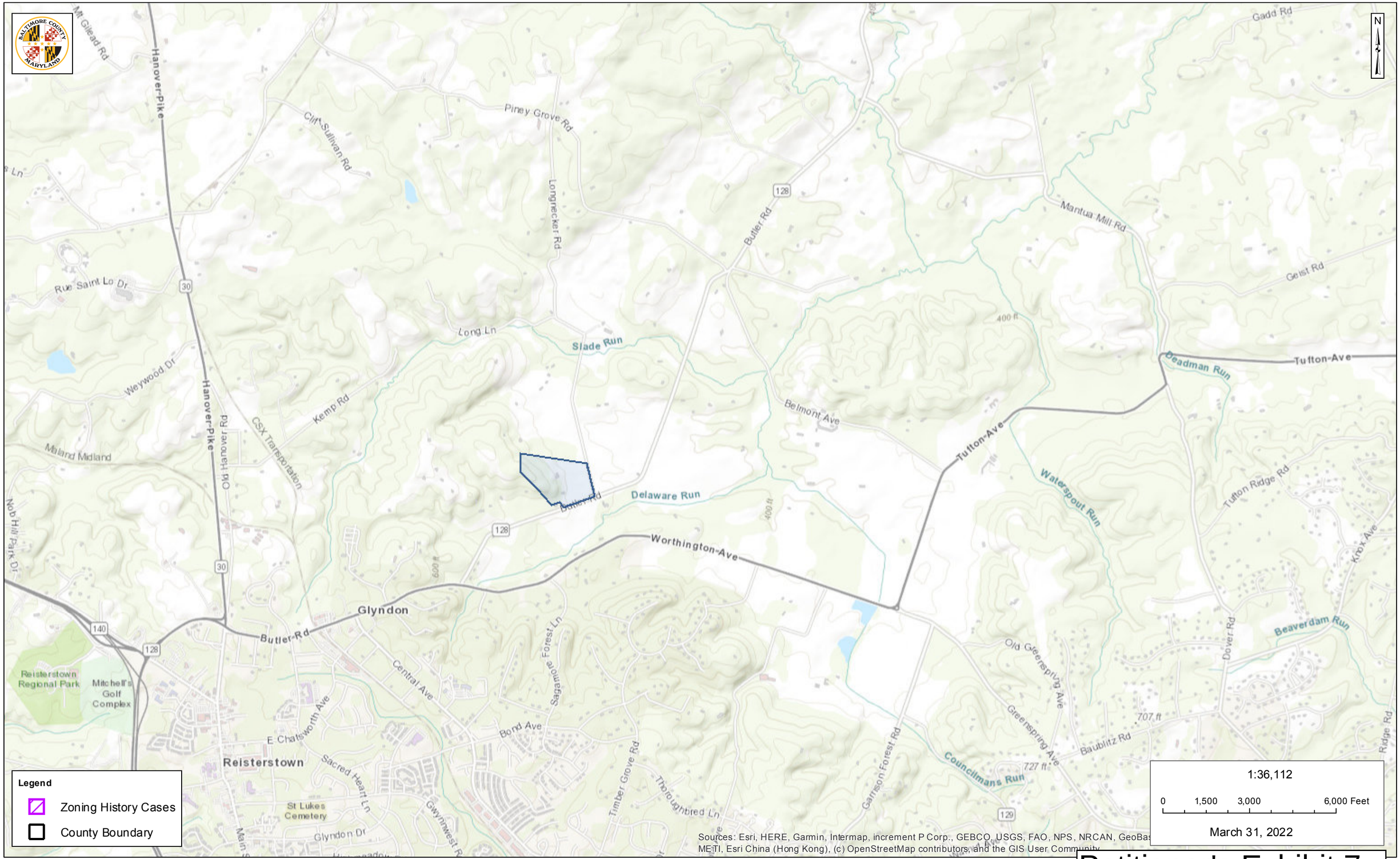
Baltimore County - My Neighborhood



Baltimore County Government, Carroll County, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, METI/NASA, EPA, USDA |

Petitioner's Exhibit 6

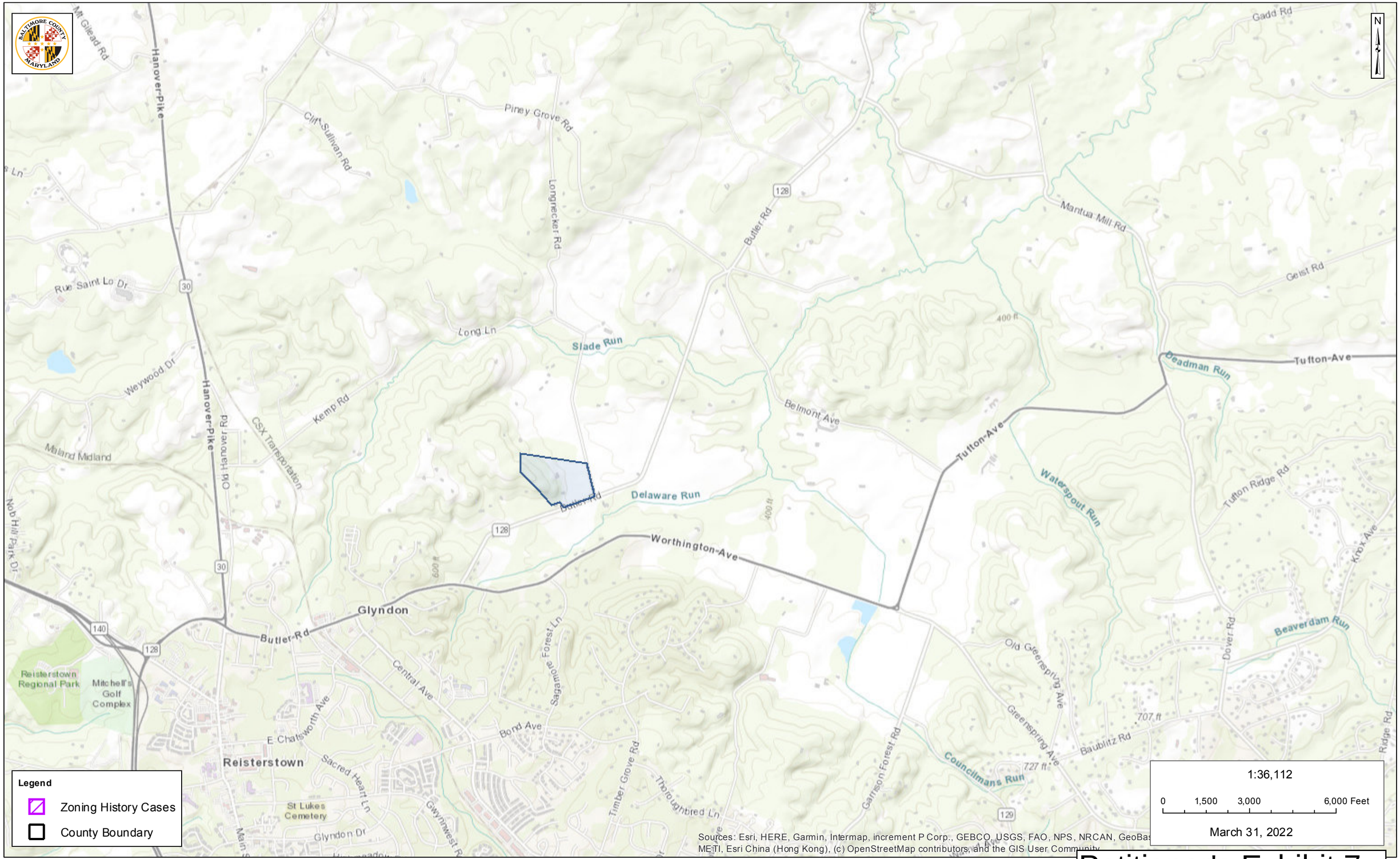
Baltimore County - My Neighborhood



Baltimore County Government, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, METI/NASA, EPA, USDA |

Petitioner's Exhibit 7

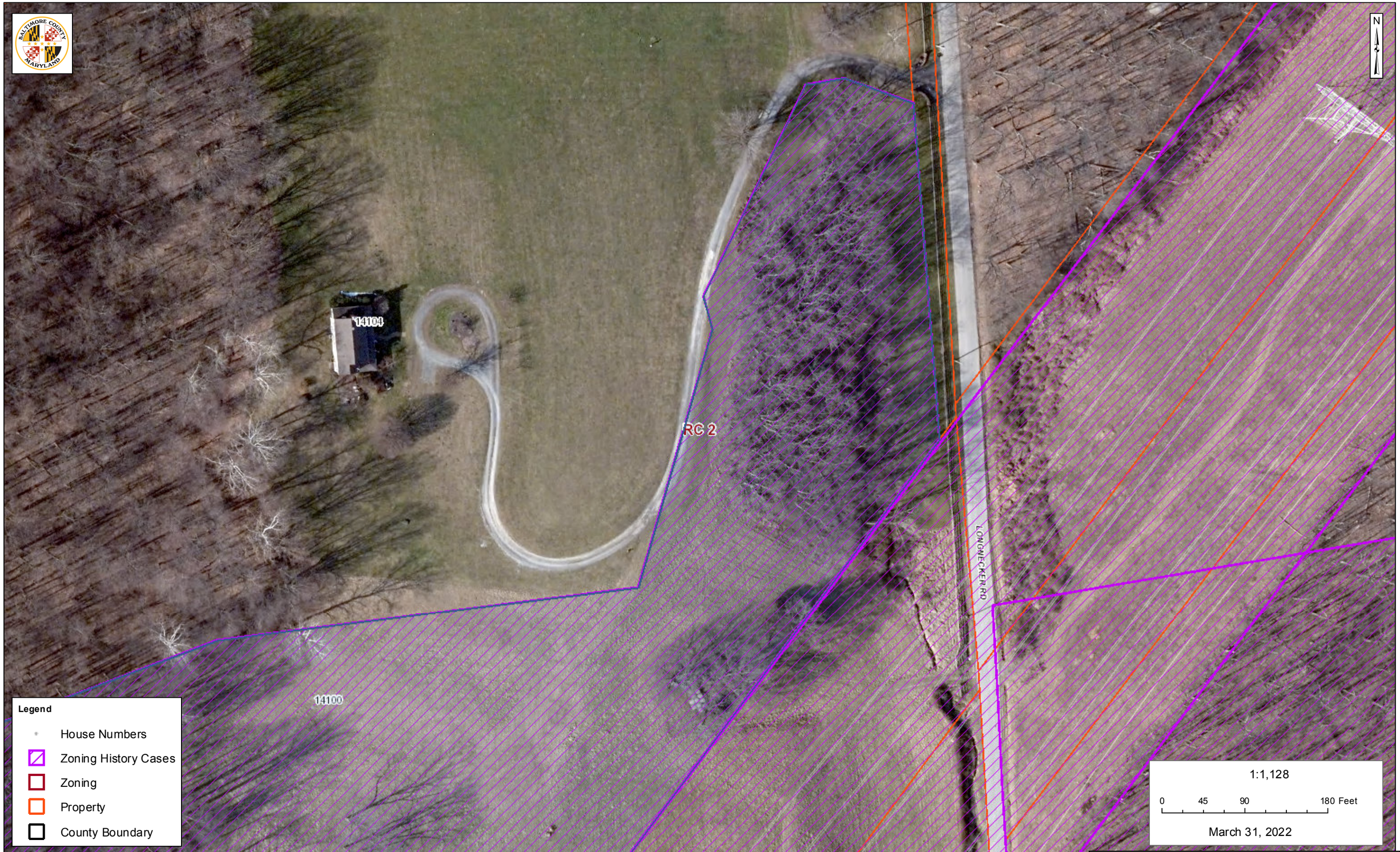
Baltimore County - My Neighborhood



Baltimore County Government, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, METI/NASA, EPA, USDA |

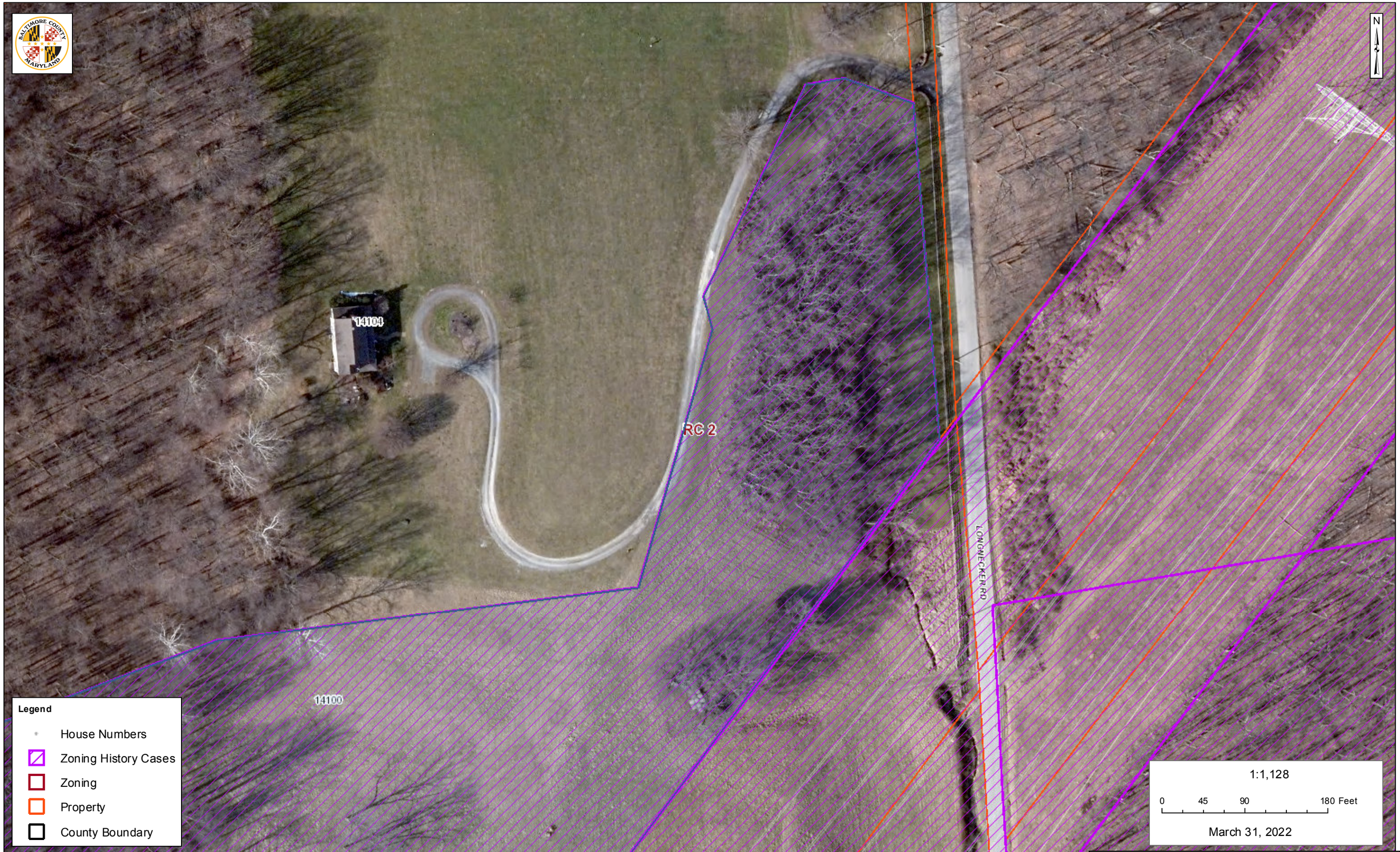
Petitioner's Exhibit 7

Baltimore County - My Neighborhood



Petitioner's Exhibit 8

Baltimore County - My Neighborhood



Petitioner's Exhibit 8

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald **DATE:** 3/15/2022
Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number**:** 22-012

INFORMATION:
Property Address: 14100 Longnecker Road
Petitioner: Gregory Mangum
Zoning: RC 2
Requested Action: Special Exception; Variance

The Department of Planning has reviewed the petition for the following:

Special Exception - For a landscape service operation as provided in BCZR Section 1A01.2.C.16, 404.1, & 404.3;

Variance – To permit an internal roadway to be located 0 feet from the property line in lieu of the minimum required 25 feet BCZR Section 404.1.A

The site is located in an area that is a mix of agriculture and rural residential. This site is currently vacant. The access is from a shared drive over the neighboring property.

The landowner's representative has noted that the public will not be coming to the property to purchase materials and the site will be used for storage and staging for work offsite. Access will be provided using an existing driveway through a shared access easement. The Department does not object to the request subject to the following conditions:

1. Signage should be limited so as to not negatively impact the rural character of the area
2. No outside storage of equipment or materials should be permitted
3. Outdoor lighting should be limited as to not interfere with neighboring properties

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

Prepared by: **Division Chief:**

Krystle Patchak Jenifer G. Nugent

SL/JGN/KP/

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Petitioner's Exhibit 9

c: Joseph Wiley
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald **DATE:** 3/15/2022
Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number**:** 22-012

INFORMATION:
Property Address: 14100 Longnecker Road
Petitioner: Gregory Mangum
Zoning: RC 2
Requested Action: Special Exception; Variance

The Department of Planning has reviewed the petition for the following:

Special Exception - For a landscape service operation as provided in BCZR Section 1A01.2.C.16, 404.1, & 404.3;

Variance – To permit an internal roadway to be located 0 feet from the property line in lieu of the minimum required 25 feet BCZR Section 404.1.A

The site is located in an area that is a mix of agriculture and rural residential. This site is currently vacant. The access is from a shared drive over the neighboring property.

The landowner's representative has noted that the public will not be coming to the property to purchase materials and the site will be used for storage and staging for work offsite. Access will be provided using an existing driveway through a shared access easement. The Department does not object to the request subject to the following conditions:

1. Signage should be limited so as to not negatively impact the rural character of the area
2. No outside storage of equipment or materials should be permitted
3. Outdoor lighting should be limited as to not interfere with neighboring properties

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

Prepared by: **Division Chief:**

Krystle Patchak Jenifer G. Nugent

SL/JGN/KP/

S:\planning\dev rev\zac\zacs 2022\due 01-28\22-012-xa joe 01-28\shell\22-012.docx

Petitioner's Exhibit 9

c: Joseph Wiley
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: January 28, 2022

SUBJECT: DEPS Comment for Zoning Item: # 2022-0012-XA
Address: 14100 Longnecker Road
(Mangum Property)

Zoning Advisory Committee Meeting of **January 31, 2022**.

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

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

Additional Comments:
The propose driveway shall not extend into the existing Forest Buffer Easement.

Reviewer: Glenn Shaffer

Ground Water Management must review any proposed building permit, since this site is in an area that requires private well and septic

Reviewer: Dan Esser

Petitioner's Exhibit 10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: January 28, 2022

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Reviewer: Glenn Shaffer

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Reviewer: Dan Esser

Petitioner's Exhibit 10

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: Feb 11, 2022

EFC for VKD

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 31, 2022
Item No. 2022-0012-XA

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

If Special Exception and Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

Since the proposed development is commercial, DPR recommends a separate commercial entrance from Longnecker Road. Access shall not be provided from an existing residential driveway on the adjacent property.

Owner/Developer shall determine if there is an existing floodplain on-site. If so, a flood study must be completed in accordance with Baltimore County regulations.

* * * * *

VKD: cen
cc: file

Petitioner's Exhibit 11

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: Feb 11, 2022

EFC for VKD

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 31, 2022
Item No. 2022-0012-XA

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

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Owner/Developer shall determine if there is an existing floodplain on-site. If so, a flood study must be completed in accordance with Baltimore County regulations.

* * * * *

VKD: cen
cc: file

Petitioner's Exhibit 11

Exhibit 12
Letters of Support

Barry D. Lyon	3700 Shuger Hill Rd
Brian Kowitz	1657 Bullock Circle
Charles Bradley / Chestnut Ridge Market	12124 Greenspring Ave
Clarinda & Rafiqul Islam	13224 Longnecker Dr
Cristina Aramayo-Eckart	3520 Belmont Ave
Daniel & Jessica Kallaugher	12657 Greenspring Ave
Diane Katlic	
Carmine Mistichelli / Fidelity Mechanical Services	
Jeremy Scheinker	2519 Deer Meadow Court
Jill Garfinkle	2309 Shaded Brook Dr
Kasey Simon / United Work & Travel	12403 Dover Rd
Ken Venick	Berans Rd
Kristin Finkelstein	2307 A Ridge Road
Lawrence Kurtz	4303 Butler Rd
Linda & Roger Michel	12314 Greenspring Avenue
Mitch Levy / GPCA	
Pamela Becker	24 Chatsworth Ave
Priscilla Hoblitzell	Mantua Mill Rd
Roberta Schulman	2307 Ridge Rd
Stephen L. Freedman	12513 Valley Pines Drive
Stephen Geppi Sr	1825 Ridge Rd
Thea Williams	13632 Longnecker Rd
James Trupe	13706 Longnecker Rd
John & Judith DiNatale	3773 Butler Rd
Daniel Brooks	13541 Longnecker Rd
Margaret Blakey	13401 Longnecker Rd
Rachel Blakey	13401 Longnecker Rd

Barry D. Lyon
3700 Shuger Hill Road
Baltimore, Maryland 21208

March 29, 2022

To Whom It May Concern:

I am very pleased to write a letter of support for Mr. Greg Mangum.

Greg has been caring for this property for approximately fifteen years. I have found him to be reliable, honest, highly skilled, and deeply concerned about how his work will affect the environment.

I've used Greg's business for a number of different jobs including regular lawn maintenance, tree removal, patio construction, and planting. I have always been satisfied with the quality or his work and his reliability. I consider him a valuable resource.

Sincerely,

Barry Lyon

HELLER KOWITZ
INSURANCE ADVISORS

Greg Magnum and Greenmount Landscaping have been doing work for my family and I for many years. They have helped me with weekly lawn cutting, landscaping, and even various maintenance work around the house. He does all this work at very reasonable prices and exceptional quality. He is also prompt and on time with his jobs and keeps his word. He makes sure the work gets done right. His staff is courteous and responsible. I highly recommend Greenmount to anyone looking for landscaping work. He is a very important part of helping me and my family maintain our property, so it is always in the best of shape.

Please contact me if you have any further questions about Greg or Greenmount.

Sincerely,



Brian Kowitz

Greenspring Station – 2330 West Joppa Rd Suite 103 – Lutherville MD 21093
410-526-6690 w – 443-904-4475 c – brian@hellerkowitz.com

3/31/2022

To whom it may Concern!

We would like to express what a great asset Greenmount Lawn and Landscaping is to our community. I am a small business owner, one of only two in our little area (Green Spring Valley). On Several occasion without any solicitation, during bad weather (Snow). When they are in my area, they would always plow through our parking lot, so we can get open safely. They do it every time without charging for their service. They are friendly and very professional. Through their generosity and great work we have build up a good relationship and friendship. They have gained the trust of my business, and other businesses in the area. With my reference and at least two dozen customers from my business as well.

.

I know many others that use their services and are as happy with this company as I am. In my opinion, they have the nicest equipment, it is well kept and properly uniformed. They deliver great service, and do it very professionally. The Greenmount Lawn and Landscape company is well establish and solid in our Community.

Sincerly,
Charles Bradley

CB 3/31/22

Owner of Chestnut Ridge Market
12124 Greenspring Ave
Owings Mills 21117
Since 2004

March 31, 2021

Clarinda Islam

Rafiqul Islam

13224 Longnecker Dr

Glyndon, MD 21136

480-370-8668

To Whom It May Concern

I am writing with regards to Greg Mangum and Greenmount Lawn & Landscaping. They have been a part of the local business community for over 10 years. They have been a business provider for the community. The initial place of business for Greenmount Lawn & Landscaping was on our current property. While a tenant on our property, he has consistently maintained the buildings and immediate area and kept the equipment and vehicles orderly within and around the property.

It would be a great service to the community if Greg and Greenmount Landscaping can continue to operate. We feel that their presence strengthens the local business environment and adds value to our community.

Please feel free to contact us should you need additional information.

Sincerely,

Rafiq Islam

Rafiqul Islam

Clarinda Islam

From: greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Friday, April 1, 2022 9:39 AM
To: Jason Vettori <jvettori@sgs-law.com>
Subject: Fw: Gregory character letter

----- Forwarded Message -----
From: Christopher Eckart <christophereckart7@icloud.com>
To: "greenmountlawn@aol.com" <greenmountlawn@aol.com>
Sent: Friday, April 1, 2022, 09:26:31 AM EDT
Subject: Fwd: Gregory letter

Sent from my iPhone

Begin forwarded message:

From: Cristina Eckart <eckartfamily@yahoo.com>
Date: April 1, 2565 BE at 9:21:27 AM EDT
To: Christopher Eckart <christophereckart7@icloud.com>
Subject: Gregory

To whom it may concern,

My name is Cristina Aramayo-Eckart and I am a Clinical Pharmacy Technician who works at GBMC Hospital. It is my pleasure to speak to the talents and moral character of Gregory Mangum. In the 15 years I've known him, I have never met anyone as dedicated to great customer service and hardworking (quality, Custom, Experienced, Dependable etc.). I personally meet Mr. Gregory when I was just a cashier in a Gas station right at the beginning of him starting his landscaping company and I have seen him flourish in to in outstanding young man and business owner who become very good friend with my now Husband, we recently purchase a home in Westminster Maryland but before that we use to leave up the road between Longenecker an Butler Rd, we use to see him on the daily driving down the road and working around the area him and his crow are the most respectable guys you will ever meet.

I as an Immigrant witness a lot of hart full thing but I always remember good people, my Good customers at my first job in the Shell Dash in and is safe to say Gregory always made my day by been the kind hearted guy that will always ask me how my day is going and he was just Kind, that's how I know him and until today he still is.

You can learn a lot about a person's character based on their work habits. Gregory is always punctual, alert, and ready to dive into whatever the day brings. He always thrives to go above and beyond for his customer satisfaction and always taking care of his crew. He embraces every culture and helps anyone he can, I have never meet anyone else as hardworking like he is with the exaptation of My Husband.

I am happy to say that Gregory is a Friend to our family and to the people that count on him to support their families. Thank you so much for your time on reading this letter. Please feel free to contact me if you have any further questions.

Sincerely,

Cristina Aramayo-Eckart
"Cristina from Argentina"
Clinical Pharmacy Technician,
Nationally Certified (ExCPT & PTCB)
State Certified, CPR Certified, IMZ Certified
Walmart Bilingual Certified
(410) 375-6562
eckartfamily@yahoo.com

"And this instinct to humiliate, when it's modeled by someone in a higher position, by someone powerful, it filters down into everybody's life, because it kinda gives permission for other people to do the same thing. Disrespect invites disrespect, violence incites violence. And when the powerful use their position to bully others we all lose."
- Meryl Streep

Letter of Support

To Whom it May Concern,

We are writing a letter in support of Greg Magnum and Greenmount Lawn. He and his company provide an excellent service to the surrounding community. They have been providing our lawn care, exterior landscaping, and tree services for the past two years. They consistently do an excellent job at a great value. Recently, Greg and his team constructed a tree house for us, which will provide family memories for years to come. We are very much in support of Greenmount Lawn staying close by in the Reisterstown community.

Daniel and Jessica Kallaugher
Daniel and Jessica Kallaugher

From: greenmountlawn@aol.com
Date: March 31, 2022 at 7:48:36 PM EDT
To: Jason Vettori <jvettori@sgs-law.com>
Subject: Fw: Greg Magnum,Greenmount Lawn Co. /Letter of Recommendation

----- Forwarded Message -----
From: Diane K Katlic <dkkatlic@msn.com>
To: Greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Thursday, March 31, 2022, 07:38:13 PM EDT
Subject: Greg Magnum,Greenmount Lawn Co. /Letter of Recommendation

I have been asked to submit a letter of recommendation in support of Greenmount Lawn Co remaining at their existing location on Butler Road.

I have employed Greg and his company for the last 3 years. They have always been very responsible and accommodating in terms of offering snow removal and ice control on our property's driveway at all times requested. This is very important as my husband is a surgeon and must have the ability to get to the hospital at varied ,and sometimes unanticipated times, including times Very early in the morning. We are very appreciative that we can rely on his very professional performance to assist my husband's ability to fulfill the demands of his profession.

I hope that this will satisfy the needs for this information. If I can provide any further information, please feel free to contact me at any time .

Respectfully, Diane Katlic

Sent from my Verizon, Samsung Galaxy smartphone

FIDELITY SINCE 1945
MECHANICAL SERVICES
A FIDELITY ENGINEERING COMPANY

March 31, 2022

To Whom It May Concern:

I am writing to personally recommend Greg Mangum owner of Greenmount Lawn & Landscaping, LLC as a true professional, strong leader and above all honest. I've had the pleasure of working with Greg for years at my home in Cockeysville and my business in Sparks, Maryland.

At Fidelity, our approach to proactive, world-class service means that we will always anticipate the needs of customers, deliver exceptional services and guarantee premier performance. We understand that these elements are crucial to ensuring the longevity of our business relationships, as well as our reputation in the business community. Greg's strong leadership skills put this approach into action every day, influencing everyone around him to do the same. He is a diligent person, very fair, great neighbor who helps all and his attitude and characteristics make him a role model for all.

I consider Greg and his company a true asset to myself, neighbors, colleagues, and all residents of Baltimore County.

Sincerely,



Carmine Mistichelli
President/Partner
Fidelity Mechanical Services
410.891.1547

From: greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Thursday, March 31, 2022 12:14 PM
To: Jason Vettori <jvettori@sgs-law.com>
Subject: Fw: Letter of Support for Mr. Greg Mangum and Greenmount Landscaping

----- Forwarded Message -----
From: Jeremy Scheinker <jeremys310@gmail.com>
To: "greenmountlawn@aol.com" <greenmountlawn@aol.com>
Sent: Wednesday, March 30, 2022, 08:08:31 AM EDT
Subject: Letter of Support for Mr. Greg Mangum and Greenmount Landscaping

TO: Whom it May Concern
RE: Letter of Support for Mr. Greg Mangum and Greenmount Landscaping

I have been a customer of Mr. Mangum for over six years and he always makes my home beautiful. He and his employees do excellent work and are respectful, even taking care to close the gate behind them just in case my dogs are in the yard. Mr. Mangum also makes himself available by phone or text at all times should his services be needed urgently.
As a firefighter/EMT and Emergency Manager, I am often called to duty during severe weather. Because Mr. Mangum keeps his equipment close I am able to call him at all hours to clear snow and ice from my driveway so I may get to the firehouse safely. He also came when called late on a weekend night to cut up and remove a tree that fell against my fence.
This speaks volumes for Mr. Mangum's dedication to the community in which he lives and works. He cares about his customers and his neighbors and his ability to respond quickly with the right equipment to unplanned issues is of the utmost importance.
I appreciate Mr. Mangum's efforts to beautify our County as well as ensure the members of our community feel safe.

Respectfully,

Jeremy Scheinker
2519 Deer Meadow Court
Reisterstown, MD 21136

March 29, 2022

To Whom it May Concern:

We have engaged Greenmount Lawn & Landscaping to perform multiple services at our home over the last several years. We are glad to have been able to develop a relationship with a local company, and we always appreciate the work they do. Greenmount always provides reliable and fully transparent estimates for the cost of their services, and the work they perform is of a very reliably solid quality. Further, the employees are hardworking and friendly, and we very much enjoy working with them. As we are always glad to support local businesses, we are glad to have Greenmount in our community and very much appreciate that we can always call on them so easily. We look forward to continuing to work with them over many years to come.

Warmly,



Jill Garfinkle

Owings Mills, MD

3/30/2022

Re: Greenmount Lawn and Landscaping, LLC
C/O Gregory Mangum

To whom it may concern:

I am writing this letter in support of both Mr. Gregory Mangum and Greenmount Lawn and Landscaping, LLC. Greg and his organization have proved to be a benefit to our local community. The outdoor services provided go far and beyond just basic grass cutting. This organization goes out of their way to accommodate each customer and their outdoor wants and needs. While at the same time, supporting the environment and architectural landscape of each community where they work.

Greg and his team are responsible, respectful, professional, and safe at all times. They prioritize compliance and safety and are always quick to offer assistance or advice when needed.

Greenmount Lawn and Landscaping, LLC is an asset to this local community and we look forward to working with them for many years to come.

If you have any further questions, please do not hesitate to ask.

Kind regards-



Kasey Simon (Reisterstown Resident)
President
United Work and Travel, Inc.
(443) 858-9124
ksimon@unitedworkandtravel.com

03/29/22

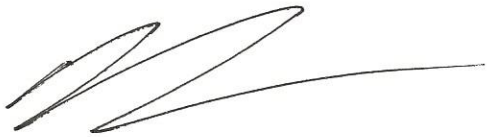
To Whom it may concern:

I have lived on Berans Rd in Owings Mills for about 25 years. We seemed to go through lawn and snow management companies every 2 or 3 years. From unreliability to overbilling it was always a battle. About 10 years ago I met Greg Mangum from Greenmount Lawn and Landscape, initially he was reluctant to work for us as he had no other clients in the immediate area and was worried, he could not service us properly. I talked him into trying and we would see what happens.

Since that time, I have had zero worries or concerns about anything outside of my home as Greg and his team always took excellent care of it at a very fair price. Here we are in 2022 and every day I see his trucks in our neighborhood. His hard work has built him a very good reputation in the community which is a bit ironic as he was worried about service levels and now, they are always around.

Greg is always upgrading his equipment, so it does not breakdown, trucks are always very clean. They are a welcome addition to this community!

Best Regards,



Ken Venick

From: greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Thursday, March 31, 2022 12:16 PM
To: Jason Vettori <jvettori@sgs-law.com>
Subject: Fw: Letter

----- Forwarded Message -----
From: Kristin Finkelstein <kkushlan@gmail.com>
To: Greg Mangum <greenmountlawn@aol.com>
Sent: Tuesday, March 29, 2022, 01:02:36 PM EDT
Subject: Letter

To whom it may concern,

Greenmount Lawn has been doing my landscaping for the past many years in Reisterstown, Maryland, and has recently begun working at our second property in Owings Mills, Maryland.

They provide me with essential services including lawn care, bed care, tree care, tree trimming and removal when we have storms, and snow plowing. They are always available to plow our driveway right away so that we can safely get our children out of the home if needed during a winter storm. They quickly arrive to remove dead tree limbs after summer storms that are in danger of falling on our children. They always go above and beyond, and are available quickly and reliably.

All of their employees do wonderful work, and we depend on this local business for the maintenance of our family home and the outdoor safety of our four young children.

Thanks so much,
Kristin Finkelstein
410-703-8133

March 28, 2022
Lawrence Kurtz
4303 Butler Rd
Glyndon, MD 21071

Dear Zoning Committee Members,

My name is Lawrence Kurtz, I reside at 4303 Butler Rd. Glyndon, MD 21071. In short I am writing to show my support and non-objection of the applicant regarding the owner himself, the variance request, and the proposed plan of the landscape operation. I personally have lived by the last location of the business a minimum of 15 years. In no way shape or form has it negatively impacted the surrounding area to my knowledge. The relocation of the business in my opinion should not bring about concerns to any nearby neighbors due to the fact that we are already aware of what it entails. My point is that if it were in any way detrimental or posed any risk to the area or community it would be known by now. We are lucky to have good small business' like Greenmount Lawn and Landscaping LLC in our community, and it would be great to have them continuing to be local. I appreciate the board members time and the opportunity to have my voice be heard and matter, thank you. If you have any further questions, please do not hesitate to contact me.

Respectfully ,
Lawrence Kurtz
410-998-7353 (mobile)
410-833-8840 (home)

From: greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Thursday, March 31, 2022 12:14 PM
To: Jason Vettori <jvettori@sgs-law.com>
Subject: Fw: Recommendation

----- Forwarded Message -----
From: Linda B Michel <lindabmichel@comcast.net>
To: "greenmountlawn@aol.com" <greenmountlawn@aol.com>
Sent: Tuesday, March 29, 2022, 08:16:03 PM EDT
Subject: Recommendation

Linda and Roger Michel
12314 Greenspring Avenue
Owings Mills, MD 211117

To Whom it May Concern

We've had a wonderful working relationship with Greenmount Lawn Service for many many years. The competent and reliable work done by this company to care for our property; mowing, trimming, and beautifying, occasionally helping with our farm animals, as well as repairs to our home and hearth, have been beyond reproach! It's been reassuring to know that Greenmount is part of our community and ready to help with and ALL services around our home and farm. The employees have been so helpful, reliable, courteous through the years, and we have complete confidence in their expertise.
Amazing to have them in our midst!

Sincerely,
Linda and Roger Michel
Greenspring area residents for 38 years.

From: greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Thursday, March 31, 2022 12:18 PM
To: Jason Vettori <jvettori@sgs-law.com>
Subject: Fw: reference

----- Forwarded Message -----
From: mitch levy <mitchlevy1@gmail.com>
To: greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Tuesday, March 29, 2022, 09:17:15 AM EDT
Subject: reference

To whom this may concern,

The Glyndon Park Chautauqua Association has been employing Greenmount Lawn to do leaf removal in our 12 acre park for several years. Being able to build a relationship with a locally owned company is a benefit to the community and to their homeowners. The work they do for us every year is of excellent quality as it is for other HOAs that I speak with. As the crew is consistent we welcome them onto our property as we know they will do a great job, be respectful to our property and to our homeowners. Having a local company as Greenmount makes them part of our Glyndon community. We know that when we need them they are there.

Sincerely,

Mitchell Levy

President, GPCA

24 Chatsworth Avenue
Glyndon, Maryland 21071

March 29, 2022

RE: Greenmount Lawn & Landscaping

To Whom It May Concern:

Since 2020, Greg Mangum and his company Greenmount Lawn & Landscaping have done general garden cleanup and mulching at my home. During that time, they have removed and/or trimmed various large trees and shrubs in my yard. Not only did their expertise ensure that no damage occurred to my historic home but they also played a large part in keeping my Glyndon neighborhood picturesque. Greg Mangum also works for several of my neighbors in keeping their lawns and very large trees beautiful and healthy.

Sincerely,

/s/ Pamela Becker

Pamela Becker

March 31, 2022

To Whom It May Concern:

My name is Priscilla Hoblitzell, and I have resided on Mantua Mill Road for over 15 years. I understand that Greenmount Lawn & Landscaping is under a zoning review, and would like to describe my interaction with Mr. Greg Mangum, the owner of Greenmount Lawn & Landscaping.

Greg Mangum has provided snowplow and salting services for me for the past two years, and I hope to be able to use his services for many years to come. My west-facing driveway goes up a fairly steep hill, and if snow or ice are able to accumulate, it becomes impossible to navigate. The weather has been unpredictable, and we have had freezing rain and snow numerous times each winter. Weather at times has deteriorated rapidly and unpredictably. It is critical for my safety and the safety of others navigating my driveway in the winter (private trash collection service, delivery trucks, etc) that my driveway be either cleared or salted when necessary. Mr. Mangum has been incredibly helpful and courteous, and responds quickly when contacted for assistance. The fact that he is located nearby in the community enables him to reach me and others in the community quickly and on short notice. Mr. Mangum makes members of the community, such as myself, a priority during unpleasant winter weather, regardless of the conditions, or whether it is a weekday or the weekend.

I am very grateful that Mr. Mangum is located nearby in the community and is willing to take care of his clients in the winter with the high level of service that he currently provides.

Sincerely,

Priscilla S. Hoblitzell

From: greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Thursday, March 31, 2022 12:19 PM
To: Jason Vettori <jvettori@sgs-law.com>
Subject: Fw: re Greg Mangum

----- Forwarded Message -----
From: Roberta Schulman <bobbischulman@icloud.com>
To: Greg Mangum <greenmountlawn@aol.com>
Sent: Monday, March 28, 2022, 09:38:23 PM EDT
Subject: re Greg Mangum

To Whom it May Concern,
I'm writing on behalf of Greg Mangum, owner of Greenmount Lawn and Landscaping, LLC. Mr. Mangum is a conscientious, thorough, hard-working professional of great character who has worked for us for several years. He does excellent work, takes great pride in his work, and is always available when needed. Mr. Mangum has an exceptional group of people working with him who, like Mr. Mangum, show respect and kindness with the homeowners/clients and who take great pride in their work. Mr. Mangum and his crew are punctual and do not leave a job until it is completely finished. Their work is 1st class; our landscaping and lawn look incredible and we always know that Mr. Mangum and his crew will do a great job. It is a pleasure working with Mr. Mangum and we look forward to many years of continued service with Greenmount lawn and Landscaping, LLC.

Please feel free to contact me with any questions.

Roberta Schulman
443-956-5694
2307 Ridge Road
Reisterstown MD 21136

Sent from my iPhone

The Law Offices of
Michael A. Freedman, P.A.

Michael A. Freedman
Stephen L. Freedman
Rachel Alpert Freedman*
*Also Admitted in FL

March 29, 2022

Baltimore County Zoning Board

Re: Greenmount Lawn

Dear Sir/Madam:

My name is Stephen Freedman and I am an attorney who works in Owings Mills and lives in Reistertsown. I have been a customer of Greenmount Lawn for over a decade. Greg Magnum, the owner, provides terrific customer service and is local, so he and his employees respond quickly in the event of a problem or emergency. As a business owner, I know the importance of providing excellent customer service and Greg and his team go above and beyond. Most of my neighborhood is serviced by Greenmount Lawn, and we love the company, customer service and the close ties to our community.

If you require any additional information about Greenmount Lawn or Greg Magnum, please feel free to call me directly at (410) 363-6848.

Thank you for your consideration.

Very truly yours,

Stephen L Freedman

SLF/sm

☑ 110 Painters Mill Road, Suite 100, Owings Mills, Maryland 21117 / (410) 363-6848
☐ Empire Towers / 7310 Ritchie Highway / Suite 415 / Glen Burnie, MD 21061 / (410) 590-6848
Toll Free: (800) 782-7203 / Fax: (410) 581-9420 / E-mail: advice@maflaw.com / Website: maflaw.com

March 29, 2022

To Whom It May Concern:

Greenmount Lawn and Landscaping Services has been providing both landscaping and snow removal services at my home for almost five years. During those five years I have found them to be extremely professional and responsive. They show great pride in their work and my property always looks well kept.

Greenmount has always supported the community and is quite well-known. As a matter of fact, they were recommended to me by a neighbor and have handled my property ever since.

Sincerely,

Stephen Geppi

Stephen Geppi Sr.

1825 Ridge Road

Reisterstown, MD 21136

From: greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Thursday, March 31, 2022 12:12 PM
To: Jason Vettori <jvettori@sgs-law.com>
Subject: Fw: Greenmount Lawn & Landscaping

----- Forwarded Message -----
From: Thea Williams <thea.will21@gmail.com>
To: "greenmountlawn@aol.com" <greenmountlawn@aol.com>
Sent: Thursday, March 31, 2022, 09:53:34 AM EDT
Subject: Fwd: Greenmount Lawn & Landscaping

>
>>>
>>> To Whom it May Concern,
>>>
>>> As a 18 year resident in Glyndon, I am very grateful to have Greenmount Lawn & Landscaping as part of our community. Greg Mangum, his family and his business have been my neighbors for many years and I have always found them have the qualities you want in a good neighbor including being friendly, helpful and respectful.
>>>
>>> As a result of having these qualities, I hired Greenmount a few years ago to take care of the increasing lawn/landscaping needs around my farm. The one mistake I made was not hiring Greenmount earlier. Greg and his team have consistently proven to be helpful, knowledgable, reliable and respectful; always working to achieve client satisfaction. Their attention to detail is impressive and has resulted in my lawn looking its best.
>>>
>>> More importantly, I have had the need to travel over the past few years for weeks at a time. In my absence and without asking, Greg has taken the initiative to monitor my property and make me aware of concerns on several occasions. In the case of fallen trees that needed to be addressed, Greenmount was immediately responsive. I continue to recommended Greenmount to friends and neighbors.
>>>
>>> "Great neighbors work to make their communities friendlier and safer, while improving the overall quality of life for themselves and those who surround them." We are fortunate to have Greenmount Landscaping as part of our community which we all take such great pride in.
>>>
>>> Thea Williams
>>> 13632 Longnecker Road
>>> Glyndon, MD 21071
>>
>

I, James Trupe support the zoning of GreenMount Lawn & Landscaping at 14100 Longnecker Road, Reisterstown, MD 21136.

Signature: _____ Date: 4/4/2022

James Trupe

Address: 13706 Longnecker Rd
Glyndon, MD 21136

Addition Comments: No concerns about the landscaping operation!

greenmountlawn@aol.com

I, John Judith DiNatale support the zoning of GreenMount Lawn & Landscaping at 14100 Longnecker Road, Reisterstown, MD 21136.

Signature: [signature] Date: 3/31/22

Address: 3773 Butler Rd
Reisterstown. MD 21132

Addition Comments: _____

11:31 LTE
Done SKM_36822040416350.pdf

I, Donald L. Brooks Jr. support the zoning of GreenMount Lawn & Landscaping at 14100 Longnecker Road, Reisterstown, MD 21136.

Signature: [signature] Date: 9-4-22

Address: 13542 Longnecker Rd Glyndon MD 21136

Addition Comments: This Company provides great Service to the community. We would like them to remain in our neighborhood.



[share icon]

I, MARGARET BLAKEY support the zoning of GreenMount Lawn & Landscaping at 14100 Longnecker Road, Reisterstown, MD 21136.

Signature: Margaret Blakey Date: _____

Address: 13401 LONGNECKER RD
REISTERSTOWN, MD 21136

Addition Comments: _____

I, Robin Blakely support the zoning of GreenMount Lawn & Landscaping at 14100 Longnecker Road, Reisterstown, MD 21136.

Signature: Robin Blakely Date: 4/4/22

Address: 13401 Longnecker Road
Reisterstown MD 21136

Addition Comments:

I fully support this family.

Exhibit 12
Letters of Support

Barry D. Lyon	3700 Shuger Hill Rd
Brian Kowitz	1657 Bullock Circle
Charles Bradley / Chestnut Ridge Market	12124 Greenspring Ave
Clarinda & Rafiqul Islam	13224 Longnecker Dr
Cristina Aramayo-Eckart	3520 Belmont Ave
Daniel & Jessica Kallaugher	12657 Greenspring Ave
Diane Katlic	
Carmine Mistichelli / Fidelity Mechanical Services	
Jeremy Scheinker	2519 Deer Meadow Court
Jill Garfinkle	2309 Shaded Brook Dr
Kasey Simon / United Work & Travel	12403 Dover Rd
Ken Venick	Berans Rd
Kristin Finkelstein	2307 A Ridge Road
Lawrence Kurtz	4303 Butler Rd
Linda & Roger Michel	12314 Greenspring Avenue
Mitch Levy / GPCA	
Pamela Becker	24 Chatsworth Ave
Priscilla Hoblitzell	Mantua Mill Rd
Roberta Schulman	2307 Ridge Rd
Stephen L. Freedman	12513 Valley Pines Drive
Stephen Geppi Sr	1825 Ridge Rd
Thea Williams	13632 Longnecker Rd
James Trupe	13706 Longnecker Rd
John & Judith DiNatale	3773 Butler Rd
Daniel Brooks	13541 Longnecker Rd
Margaret Blakey	13401 Longnecker Rd
Rachel Blakey	13401 Longnecker Rd

Barry D. Lyon
3700 Shuger Hill Road
Baltimore, Maryland 21208

March 29, 2022

To Whom It May Concern:

I am very pleased to write a letter of support for Mr. Greg Mangum.

Greg has been caring for this property for approximately fifteen years. I have found him to be reliable, honest, highly skilled, and deeply concerned about how his work will affect the environment.

I've used Greg's business for a number of different jobs including regular lawn maintenance, tree removal, patio construction, and planting. I have always been satisfied with the quality or his work and his reliability. I consider him a valuable resource.

Sincerely,

Barry Lyon

HELLER KOWITZ
INSURANCE ADVISORS

Greg Magnum and Greenmount Landscaping have been doing work for my family and I for many years. They have helped me with weekly lawn cutting, landscaping, and even various maintenance work around the house. He does all this work at very reasonable prices and exceptional quality. He is also prompt and on time with his jobs and keeps his word. He makes sure the work gets done right. His staff is courteous and responsible. I highly recommend Greenmount to anyone looking for landscaping work. He is a very important part of helping me and my family maintain our property, so it is always in the best of shape.

Please contact me if you have any further questions about Greg or Greenmount.

Sincerely,



Brian Kowitz

Greenspring Station – 2330 West Joppa Rd Suite 103 – Lutherville MD 21093
410-526-6690 w – 443-904-4475 c – brian@hellerkowitz.com

3/31/2022

To whom it may Concern!

We would like to express what a great asset Greenmount Lawn and Landscaping is to our community. I am a small business owner, one of only two in our little area (Green Spring Valley). On Several occasion without any solicitation, during bad weather (Snow). When they are in my area, they would always plow through our parking lot, so we can get open safely. They do it every time without charging for their service. They are friendly and very professional. Through their generosity and great work we have build up a good relationship and friendship. They have gained the trust of my business, and other businesses in the area. With my reference and at least two dozen customers from my business as well.

.

I know many others that use their services and are as happy with this company as I am. In my opinion, they have the nicest equipment, it is well kept and properly uniformed. They deliver great service, and do it very professionally. The Greenmount Lawn and Landscape company is well establish and solid in our Community.

Sincerly,
Charles Bradley

CB 3/31/22

Owner of Chestnut Ridge Market
12124 Greenspring Ave
Owings Mills 21117
Since 2004

March 31, 2021

Clarinda Islam

Rafiqul Islam

13224 Longnecker Dr

Glyndon, MD 21136

480-370-8668

To Whom It May Concern

I am writing with regards to Greg Mangum and Greenmount Lawn & Landscaping. They have been a part of the local business community for over 10 years. They have been a business provider for the community. The initial place of business for Greenmount Lawn & Landscaping was on our current property. While a tenant on our property, he has consistently maintained the buildings and immediate area and kept the equipment and vehicles orderly within and around the property.

It would be a great service to the community if Greg and Greenmount Landscaping can continue to operate. We feel that their presence strengthens the local business environment and adds value to our community.

Please feel free to contact us should you need additional information.

Sincerely,

Rafiq Islam

Rafiqul Islam

Clarinda Islam

From: greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Friday, April 1, 2022 9:39 AM
To: Jason Vettori <jvettori@sgs-law.com>
Subject: Fw: Gregory character letter

----- Forwarded Message -----
From: Christopher Eckart <christophereckart7@icloud.com>
To: "greenmountlawn@aol.com" <greenmountlawn@aol.com>
Sent: Friday, April 1, 2022, 09:26:31 AM EDT
Subject: Fwd: Gregory letter

Sent from my iPhone

Begin forwarded message:

From: Cristina Eckart <eckartfamily@yahoo.com>
Date: April 1, 2565 BE at 9:21:27 AM EDT
To: Christopher Eckart <christophereckart7@icloud.com>
Subject: Gregory

To whom it may concern,

My name is Cristina Aramayo-Eckart and I am a Clinical Pharmacy Technician who works at GBMC Hospital. It is my pleasure to speak to the talents and moral character of Gregory Mangum. In the 15 years I've known him, I have never met anyone as dedicated to great customer service and hardworking (quality, Custom, Experienced, Dependable etc.). I personally meet Mr. Gregory when I was just a cashier in a Gas station right at the beginning of him starting his landscaping company and I have seen him flourish in to in outstanding young man and business owner who become very good friend with my now Husband, we recently purchase a home in Westminster Maryland but before that we use to leave up the road between Longenecker an Butler Rd, we use to see him on the daily driving down the road and working around the area him and his crow are the most respectable guys you will ever meet.

I as an Immigrant witness a lot of hart full thing but I always remember good people, my Good customers at my first job in the Shell Dash in and is safe to say Gregory always made my day by been the kind hearted guy that will always ask me how my day is going and he was just Kind, that's how I know him and until today he still is.

You can learn a lot about a person's character based on their work habits. Gregory is always punctual, alert, and ready to dive into whatever the day brings. He always thrives to go above and beyond for his customer satisfaction and always taking care of his crew. He embraces every culture and helps anyone he can, I have never meet anyone else as hardworking like he is with the exaptation of My Husband.

I am happy to say that Gregory is a Friend to our family and to the people that count on him to support their families. Thank you so much for your time on reading this letter. Please feel free to contact me if you have any further questions.

Sincerely,

Cristina Aramayo-Eckart
"Cristina from Argentina"
Clinical Pharmacy Technician,
Nationally Certified (ExCPT & PTCB)
State Certified, CPR Certified, IMZ Certified
Walmart Bilingual Certified
(410) 375-6562
eckartfamily@yahoo.com

"And this instinct to humiliate, when it's modeled by someone in a higher position, by someone powerful, it filters down into everybody's life, because it kinda gives permission for other people to do the same thing. Disrespect invites disrespect, violence incites violence. And when the powerful use their position to bully others we all lose."
- Meryl Streep

Letter of Support

To Whom it May Concern,

We are writing a letter in support of Greg Magnum and Greenmount Lawn. He and his company provide an excellent service to the surrounding community. They have been providing our lawn care, exterior landscaping, and tree services for the past two years. They consistently do an excellent job at a great value. Recently, Greg and his team constructed a tree house for us, which will provide family memories for years to come. We are very much in support of Greenmount Lawn staying close by in the Reisterstown community.

Daniel and Jessica Kallaugher
Daniel and Jessica Kallaugher

From: greenmountlawn@aol.com
Date: March 31, 2022 at 7:48:36 PM EDT
To: Jason Vettori <jvettori@sgs-law.com>
Subject: Fw: Greg Magnum,Greenmount Lawn Co. /Letter of Recommendation

----- Forwarded Message -----
From: Diane K Katlic <dkkatlic@msn.com>
To: Greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Thursday, March 31, 2022, 07:38:13 PM EDT
Subject: Greg Magnum,Greenmount Lawn Co. /Letter of Recommendation

I have been asked to submit a letter of recommendation in support of Greenmount Lawn Co remaining at their existing location on Butler Road.

I have employed Greg and his company for the last 3 years. They have always been very responsible and accommodating in terms of offering snow removal and ice control on our property's driveway at all times requested. This is very important as my husband is a surgeon and must have the ability to get to the hospital at varied ,and sometimes unanticipated times, including times Very early in the morning. We are very appreciative that we can rely on his very professional performance to assist my husband's ability to fulfill the demands of his profession.

I hope that this will satisfy the needs for this information. If I can provide any further information, please feel free to contact me at any time .

Respectfully, Diane Katlic

Sent from my Verizon, Samsung Galaxy smartphone

FIDELITY SINCE 1945
MECHANICAL SERVICES
A FIDELITY ENGINEERING COMPANY

March 31, 2022

To Whom It May Concern:

I am writing to personally recommend Greg Mangum owner of Greenmount Lawn & Landscaping, LLC as a true professional, strong leader and above all honest. I've had the pleasure of working with Greg for years at my home in Cockeysville and my business in Sparks, Maryland.

At Fidelity, our approach to proactive, world-class service means that we will always anticipate the needs of customers, deliver exceptional services and guarantee premier performance. We understand that these elements are crucial to ensuring the longevity of our business relationships, as well as our reputation in the business community. Greg's strong leadership skills put this approach into action every day, influencing everyone around him to do the same. He is a diligent person, very fair, great neighbor who helps all and his attitude and characteristics make him a role model for all.

I consider Greg and his company a true asset to myself, neighbors, colleagues, and all residents of Baltimore County.

Sincerely,



Carmine Mistichelli
President/Partner
Fidelity Mechanical Services
410.891.1547

From: greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Thursday, March 31, 2022 12:14 PM
To: Jason Vettori <jvettori@sgs-law.com>
Subject: Fw: Letter of Support for Mr. Greg Mangum and Greenmount Landscaping

----- Forwarded Message -----
From: Jeremy Scheinker <jeremys310@gmail.com>
To: "greenmountlawn@aol.com" <greenmountlawn@aol.com>
Sent: Wednesday, March 30, 2022, 08:08:31 AM EDT
Subject: Letter of Support for Mr. Greg Mangum and Greenmount Landscaping

TO: Whom it May Concern
RE: Letter of Support for Mr. Greg Mangum and Greenmount Landscaping

I have been a customer of Mr. Mangum for over six years and he always makes my home beautiful. He and his employees do excellent work and are respectful, even taking care to close the gate behind them just in case my dogs are in the yard. Mr. Mangum also makes himself available by phone or text at all times should his services be needed urgently.
As a firefighter/EMT and Emergency Manager, I am often called to duty during severe weather. Because Mr. Mangum keeps his equipment close I am able to call him at all hours to clear snow and ice from my driveway so I may get to the firehouse safely. He also came when called late on a weekend night to cut up and remove a tree that fell against my fence.
This speaks volumes for Mr. Mangum's dedication to the community in which he lives and works. He cares about his customers and his neighbors and his ability to respond quickly with the right equipment to unplanned issues is of the utmost importance.
I appreciate Mr. Mangum's efforts to beautify our County as well as ensure the members of our community feel safe.

Respectfully,

Jeremy Scheinker
2519 Deer Meadow Court
Reisterstown, MD 21136

March 29, 2022

To Whom it May Concern:

We have engaged Greenmount Lawn & Landscaping to perform multiple services at our home over the last several years. We are glad to have been able to develop a relationship with a local company, and we always appreciate the work they do. Greenmount always provides reliable and fully transparent estimates for the cost of their services, and the work they perform is of a very reliably solid quality. Further, the employees are hardworking and friendly, and we very much enjoy working with them. As we are always glad to support local businesses, we are glad to have Greenmount in our community and very much appreciate that we can always call on them so easily. We look forward to continuing to work with them over many years to come.

Warmly,



Jill Garfinkle

Owings Mills, MD

3/30/2022

Re: Greenmount Lawn and Landscaping, LLC
C/O Gregory Mangum

To whom it may concern:

I am writing this letter in support of both Mr. Gregory Mangum and Greenmount Lawn and Landscaping, LLC. Greg and his organization have proved to be a benefit to our local community. The outdoor services provided go far and beyond just basic grass cutting. This organization goes out of their way to accommodate each customer and their outdoor wants and needs. While at the same time, supporting the environment and architectural landscape of each community where they work.

Greg and his team are responsible, respectful, professional, and safe at all times. They prioritize compliance and safety and are always quick to offer assistance or advice when needed.

Greenmount Lawn and Landscaping, LLC is an asset to this local community and we look forward to working with them for many years to come.

If you have any further questions, please do not hesitate to ask.

Kind regards-



Kasey Simon (Reisterstown Resident)
President
United Work and Travel, Inc.
(443) 858-9124
ksimon@unitedworkandtravel.com

03/29/22

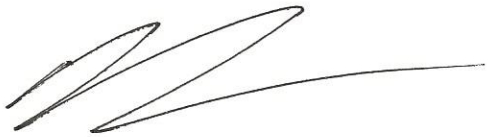
To Whom it may concern:

I have lived on Berans Rd in Owings Mills for about 25 years. We seemed to go through lawn and snow management companies every 2 or 3 years. From unreliability to overbilling it was always a battle. About 10 years ago I met Greg Mangum from Greenmount Lawn and Landscape, initially he was reluctant to work for us as he had no other clients in the immediate area and was worried, he could not service us properly. I talked him into trying and we would see what happens.

Since that time, I have had zero worries or concerns about anything outside of my home as Greg and his team always took excellent care of it at a very fair price. Here we are in 2022 and every day I see his trucks in our neighborhood. His hard work has built him a very good reputation in the community which is a bit ironic as he was worried about service levels and now, they are always around.

Greg is always upgrading his equipment, so it does not breakdown, trucks are always very clean. They are a welcome addition to this community!

Best Regards,



Ken Venick

From: greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Thursday, March 31, 2022 12:16 PM
To: Jason Vettori <jvettori@sgs-law.com>
Subject: Fw: Letter

----- Forwarded Message -----
From: Kristin Finkelstein <kkushlan@gmail.com>
To: Greg Mangum <greenmountlawn@aol.com>
Sent: Tuesday, March 29, 2022, 01:02:36 PM EDT
Subject: Letter

To whom it may concern,

Greenmount Lawn has been doing my landscaping for the past many years in Reisterstown, Maryland, and has recently begun working at our second property in Owings Mills, Maryland.

They provide me with essential services including lawn care, bed care, tree care, tree trimming and removal when we have storms, and snow plowing. They are always available to plow our driveway right away so that we can safely get our children out of the home if needed during a winter storm. They quickly arrive to remove dead tree limbs after summer storms that are in danger of falling on our children. They always go above and beyond, and are available quickly and reliably.

All of their employees do wonderful work, and we depend on this local business for the maintenance of our family home and the outdoor safety of our four young children.

Thanks so much,
Kristin Finkelstein
410-703-8133

March 28, 2022
Lawrence Kurtz
4303 Butler Rd
Glyndon, MD 21071

Dear Zoning Committee Members,

My name is Lawrence Kurtz, I reside at 4303 Butler Rd. Glyndon, MD 21071. In short I am writing to show my support and non-objection of the applicant regarding the owner himself, the variance request, and the proposed plan of the landscape operation. I personally have lived by the last location of the business a minimum of 15 years. In no way shape or form has it negatively impacted the surrounding area to my knowledge. The relocation of the business in my opinion should not bring about concerns to any nearby neighbors due to the fact that we are already aware of what it entails. My point is that if it were in any way detrimental or posed any risk to the area or community it would be known by now. We are lucky to have good small business' like Greenmount Lawn and Landscaping LLC in our community, and it would be great to have them continuing to be local. I appreciate the board members time and the opportunity to have my voice be heard and matter, thank you. If you have any further questions, please do not hesitate to contact me.

Respectfully ,
Lawrence Kurtz
410-998-7353 (mobile)
410-833-8840 (home)

From: greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Thursday, March 31, 2022 12:14 PM
To: Jason Vettori <jvettori@sgs-law.com>
Subject: Fw: Recommendation

----- Forwarded Message -----
From: Linda B Michel <lindabmichel@comcast.net>
To: "greenmountlawn@aol.com" <greenmountlawn@aol.com>
Sent: Tuesday, March 29, 2022, 08:16:03 PM EDT
Subject: Recommendation

Linda and Roger Michel
12314 Greenspring Avenue
Owings Mills, MD 211117

To Whom it May Concern

We've had a wonderful working relationship with Greenmount Lawn Service for many many years. The competent and reliable work done by this company to care for our property; mowing, trimming, and beautifying, occasionally helping with our farm animals, as well as repairs to our home and hearth, have been beyond reproach! It's been reassuring to know that Greenmount is part of our community and ready to help with and ALL services around our home and farm. The employees have been so helpful, reliable, courteous through the years, and we have complete confidence in their expertise.
Amazing to have them in our midst!

Sincerely,
Linda and Roger Michel
Greenspring area residents for 38 years.

From: greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Thursday, March 31, 2022 12:18 PM
To: Jason Vettori <jvettori@sgs-law.com>
Subject: Fw: reference

----- Forwarded Message -----
From: mitch levy <mitchlevy1@gmail.com>
To: greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Tuesday, March 29, 2022, 09:17:15 AM EDT
Subject: reference

To whom this may concern,

The Glyndon Park Chautauqua Association has been employing Greenmount Lawn to do leaf removal in our 12 acre park for several years. Being able to build a relationship with a locally owned company is a benefit to the community and to their homeowners. The work they do for us every year is of excellent quality as it is for other HOAs that I speak with. As the crew is consistent we welcome them onto our property as we know they will do a great job, be respectful to our property and to our homeowners. Having a local company as Greenmount makes them part of our Glyndon community. We know that when we need them they are there.

Sincerely,

Mitchell Levy

President, GPCA

24 Chatsworth Avenue
Glyndon, Maryland 21071

March 29, 2022

RE: Greenmount Lawn & Landscaping

To Whom It May Concern:

Since 2020, Greg Mangum and his company Greenmount Lawn & Landscaping have done general garden cleanup and mulching at my home. During that time, they have removed and/or trimmed various large trees and shrubs in my yard. Not only did their expertise ensure that no damage occurred to my historic home but they also played a large part in keeping my Glyndon neighborhood picturesque. Greg Mangum also works for several of my neighbors in keeping their lawns and very large trees beautiful and healthy.

Sincerely,

/s/ Pamela Becker

Pamela Becker

March 31, 2022

To Whom It May Concern:

My name is Priscilla Hoblitzell, and I have resided on Mantua Mill Road for over 15 years. I understand that Greenmount Lawn & Landscaping is under a zoning review, and would like to describe my interaction with Mr. Greg Mangum, the owner of Greenmount Lawn & Landscaping.

Greg Mangum has provided snowplow and salting services for me for the past two years, and I hope to be able to use his services for many years to come. My west-facing driveway goes up a fairly steep hill, and if snow or ice are able to accumulate, it becomes impossible to navigate. The weather has been unpredictable, and we have had freezing rain and snow numerous times each winter. Weather at times has deteriorated rapidly and unpredictably. It is critical for my safety and the safety of others navigating my driveway in the winter (private trash collection service, delivery trucks, etc) that my driveway be either cleared or salted when necessary. Mr. Mangum has been incredibly helpful and courteous, and responds quickly when contacted for assistance. The fact that he is located nearby in the community enables him to reach me and others in the community quickly and on short notice. Mr. Mangum makes members of the community, such as myself, a priority during unpleasant winter weather, regardless of the conditions, or whether it is a weekday or the weekend.

I am very grateful that Mr. Mangum is located nearby in the community and is willing to take care of his clients in the winter with the high level of service that he currently provides.

Sincerely,

Priscilla S. Hoblitzell

From: greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Thursday, March 31, 2022 12:19 PM
To: Jason Vettori <jvettori@sgs-law.com>
Subject: Fw: re Greg Mangum

----- Forwarded Message -----
From: Roberta Schulman <bobbischulman@icloud.com>
To: Greg Mangum <greenmountlawn@aol.com>
Sent: Monday, March 28, 2022, 09:38:23 PM EDT
Subject: re Greg Mangum

To Whom it May Concern,
I'm writing on behalf of Greg Mangum, owner of Greenmount Lawn and Landscaping, LLC. Mr. Mangum is a conscientious, thorough, hard-working professional of great character who has worked for us for several years. He does excellent work, takes great pride in his work, and is always available when needed. Mr. Mangum has an exceptional group of people working with him who, like Mr. Mangum, show respect and kindness with the homeowners/clients and who take great pride in their work. Mr. Mangum and his crew are punctual and do not leave a job until it is completely finished. Their work is 1st class; our landscaping and lawn look incredible and we always know that Mr. Mangum and his crew will do a great job. It is a pleasure working with Mr. Mangum and we look forward to many years of continued service with Greenmount lawn and Landscaping, LLC.

Please feel free to contact me with any questions.

Roberta Schulman
443-956-5694
2307 Ridge Road
Reisterstown MD 21136

Sent from my iPhone

The Law Offices of
Michael A. Freedman, P.A.

Michael A. Freedman
Stephen L. Freedman
Rachel Alpert Freedman*
*Also Admitted in FL

March 29, 2022

Baltimore County Zoning Board

Re: Greenmount Lawn

Dear Sir/Madam:

My name is Stephen Freedman and I am an attorney who works in Owings Mills and lives in Reistertsown. I have been a customer of Greenmount Lawn for over a decade. Greg Magnum, the owner, provides terrific customer service and is local, so he and his employees respond quickly in the event of a problem or emergency. As a business owner, I know the importance of providing excellent customer service and Greg and his team go above and beyond. Most of my neighborhood is serviced by Greenmount Lawn, and we love the company, customer service and the close ties to our community.

If you require any additional information about Greenmount Lawn or Greg Magnum, please feel free to call me directly at (410) 363-6848.

Thank you for your consideration.

Very truly yours,

Stephen L Freedman

SLF/sm

☑ 110 Painters Mill Road, Suite 100, Owings Mills, Maryland 21117 / (410) 363-6848
☐ Empire Towers / 7310 Ritchie Highway / Suite 415 / Glen Burnie, MD 21061 / (410) 590-6848
Toll Free: (800) 782-7203 / Fax: (410) 581-9420 / E-mail: advice@maflaw.com / Website: maflaw.com

March 29, 2022

To Whom It May Concern:

Greenmount Lawn and Landscaping Services has been providing both landscaping and snow removal services at my home for almost five years. During those five years I have found them to be extremely professional and responsive. They show great pride in their work and my property always looks well kept.

Greenmount has always supported the community and is quite well-known. As a matter of fact, they were recommended to me by a neighbor and have handled my property ever since.

Sincerely,

Stephen Geppi

Stephen Geppi Sr.

1825 Ridge Road

Reisterstown, MD 21136

From: greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Thursday, March 31, 2022 12:12 PM
To: Jason Vettori <jvettori@sgs-law.com>
Subject: Fw: Greenmount Lawn & Landscaping

----- Forwarded Message -----
From: Thea Williams <thea.will21@gmail.com>
To: "greenmountlawn@aol.com" <greenmountlawn@aol.com>
Sent: Thursday, March 31, 2022, 09:53:34 AM EDT
Subject: Fwd: Greenmount Lawn & Landscaping

>
>>>
>>> To Whom it May Concern,
>>>
>>> As a 18 year resident in Glyndon, I am very grateful to have Greenmount Lawn & Landscaping as part of our community. Greg Mangum, his family and his business have been my neighbors for many years and I have always found them have the qualities you want in a good neighbor including being friendly, helpful and respectful.
>>>
>>> As a result of having these qualities, I hired Greenmount a few years ago to take care of the increasing lawn/landscaping needs around my farm. The one mistake I made was not hiring Greenmount earlier. Greg and his team have consistently proven to be helpful, knowledgable, reliable and respectful; always working to achieve client satisfaction. Their attention to detail is impressive and has resulted in my lawn looking its best.
>>>
>>> More importantly, I have had the need to travel over the past few years for weeks at a time. In my absence and without asking, Greg has taken the initiative to monitor my property and make me aware of concerns on several occasions. In the case of fallen trees that needed to be addressed, Greenmount was immediately responsive. I continue to recommended Greenmount to friends and neighbors.
>>>
>>> "Great neighbors work to make their communities friendlier and safer, while improving the overall quality of life for themselves and those who surround them." We are fortunate to have Greenmount Landscaping as part of our community which we all take such great pride in.
>>>
>>> Thea Williams
>>> 13632 Longnecker Road
>>> Glyndon, MD 21071
>>
>

I, James Trupe support the zoning of GreenMount Lawn & Landscaping at 14100 Longnecker Road, Reisterstown, MD 21136.

Signature: _____ Date: 4/4/2022

James Trupe

Address: 13706 Longnecker Rd
Glyndon, MD 21136

Addition Comments: No concerns about the landscaping operation!

greenmountlawn@aol.com

I, John Judith DiNatale support the zoning of GreenMount Lawn & Landscaping at 14100 Longnecker Road, Reisterstown, MD 21136.

Signature: [signature] Date: 3/31/22

Address: 3773 Butler Rd
Reisterstown. MD 21132

Addition Comments: _____

11:31 LTE
Done SKM_36822040416350.pdf

I, Donald L. Brooks Jr. support the zoning of GreenMount Lawn & Landscaping at 14100 Longnecker Road, Reisterstown, MD 21136.

Signature: [signature] Date: 9-4-22

Address: 13542 Longnecker Rd Glyndon MD 21136

Addition Comments: This Company provides great Service to the community. We would like them to remain in our neighborhood.



[share icon]

I, MARGARET BLAKEY support the zoning of GreenMount Lawn & Landscaping at 14100 Longnecker Road, Reisterstown, MD 21136.

Signature: Margaret Blakey Date: _____

Address: 13401 LONGNECKER RD
REISTERSTOWN, MD 21136

Addition Comments: _____

I, Robin Blakely support the zoning of GreenMount Lawn & Landscaping at 14100 Longnecker Road, Reisterstown, MD 21136.

Signature: Robin Blakely Date: 4/4/22

Address: 13401 Longnecker Road
Reisterstown MD 21136

Addition Comments:

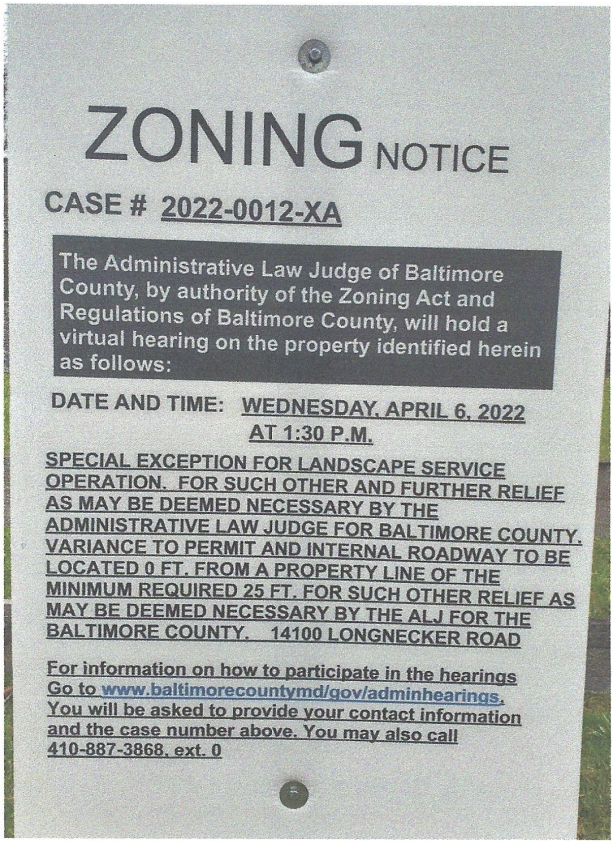
I fully support this family.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS
DATE: 3/17/2022
Case Number: 2022-0012-XA
Petitioner / Developer: JASON VETTORI, ESQ. ~ GREGORY MANGUM
Date of Hearing: APRIL 6, 2022

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:
14100 LONGNECKER ROAD

The sign(s) were posted on: MARCH 17, 2022



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, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

Petitioner's Exhibit 13



Background Photo 1st Sign @ 14100 Longnecker Road ~ 3/17/2022



Background Photo 2nd Sign @ 14100 Longnecker Road ~ 3/17/2022

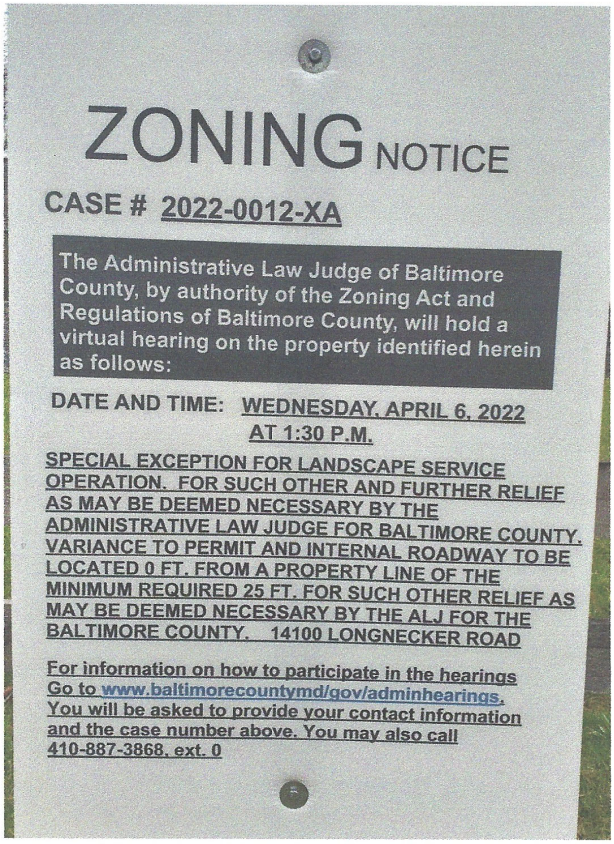
CASE # 2022-0012-XA

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(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

Petitioner's Exhibit 13



Background Photo 1st Sign @ 14100 Longnecker Road ~ 3/17/2022



Background Photo 2nd Sign @ 14100 Longnecker Road ~ 3/17/2022

CASE # 2022-0012-XA

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

#71-253X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Baltimore Gas and Electric Company

~~(Name)~~ legal owner~~s~~ of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, ~~hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant~~ ~~to the Zoning Law of Baltimore County, from an~~ ~~and~~ ~~for the following reasons~~

#4-1-D
#4-2-D
#5-3F-1
#5-2-E
#7-2-F
#7-2-G

"X"

See attached description

~~and~~ for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for the construction, operation and maintenance of 500 KV electric transmission lines.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Baltimore Gas and Electric Company
By: [signature]
Vice President

Contract purchaser

Legal Owner

Address

Address: Gas and Electric Building
Baltimore, Maryland - 21203

[signature]
John B. Howard
22 W. Pennsylvania Avenue
Towson, Maryland - 21204

Petitioner's Attorney

Protestant's Attorney

Address

William E. Colburn
1700 Gas and Electric Bldg., Baltimore, Maryland - 21203

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day of February, 1971, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 28th day of April, 1971, at 10:00 o'clock A. M.

[signature]
Zoning Commissioner of Baltimore County.

(over)

Petitioner's Exhibit 14

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met,

the construction, operation and maintenance a Special Exception for 500 KV Electric Transmission Lines should be granted

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 16 day of May, 1972, that the construction, operation and maintenance a Special Exception for 500 KV Electric Transmission Lines should be and the same is granted, from and after the date of this order, subject to the approval of the site plan by the State Roads Commission, the Bureau of Public Services and the Office of Planning and Zoning.

Deputy Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1972, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a zone; and/or the Special Exception for be and the same is hereby DENIED

Zoning Commissioner of Baltimore County

IN THE MATTER OF THE APPLICATION OF BALTIMORE GAS AND ELECTRIC COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OVERHEAD CONSTRUCTION ON WOOD POLES OF A SINGLE CIRCUIT 115 KV TRANSMISSION LINE FOR A DISTANCE OF 3.14 MILES FROM NORTHEAST SUBSTATION LOCATED ON BIRD RIVER ROAD, APPROXIMATELY 1000 FEET WEST OF VINCENT ROAD, TO MIDDLE RIVER SUBSTATION LOCATED ON KINGSTON ROAD, APPROXIMATELY 200 FEET SOUTH OF EASTERN BOULEVARD, BALTIMORE COUNTY, MARYLAND.	BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND Case No.

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

TO THE HONORABLE, THE PUBLIC SERVICE COMMISSION OF MARYLAND:

Baltimore Gas and Electric Company (the "Applicant") hereby submits this Application for a Certificate of Public Convenience and Necessity pursuant to the provisions of Section 54A of Article 78 of the Annotated Code of Maryland and respectfully shows:

1. The Applicant is Baltimore Gas and Electric Company, a Maryland corporation engaged in the generation, transmission, and distribution of electricity to the general public, the address of its principal business office being Gas and Electric Building, Baltimore, Maryland 21203.

2. The name, title, and address of the person authorized to receive notices and communications in respect to this Application is James A. Biddison, Jr., Esq., General Counsel of the Applicant, 17th Floor Gas and Electric Building, Baltimore, Maryland 21203.

3. This Application for a Certificate of Public Convenience and Necessity is submitted for the overhead construction on wood poles of a single circuit 115 KV transmission line (hereinafter referred to as "the Project") for a distance of 3.14 miles from Northeast Substation located on Bird River Road, approximately 1,000 feet west of Vincent Road, to Middle River Substation located on Kingston Road, approximately 200 feet south of Eastern Boulevard, Baltimore County, Maryland, as shown by broken lines on Exhibit "B" attached hereto and thereby made a part hereof.

4. The estimated cost of the Project is $216,000.00 of which $210,000.00 will be expended for the transmission line and $6,000.00 will be expended for easements. In addition, the estimated cost of the substation facilities associated with the Project is $1,150,000.00.

5. The Project will be financed by internally generated funds, short-term borrowings, and through the issuance of securities, the nature and amount of which are not now known and will depend upon market conditions and other factors in existence at the time.

6. The Project is required to supply the rapidly growing electric load in Middle River, Essex, and the surrounding areas. The existing supply facilities will be substantially overloaded by the summer of 1973.

7. The Project is expected to increase the Company's operating expenses, maintenance expenses, depreciation expense, and taxes other than income taxes by a total of $12,175.00 per year, as set forth in Exhibit "A" attached hereto and thereby made a part hereof.

8. The Project will improve system stability and reliability by increasing the supply to, and the capability of, Middle River Substation.

9. It will be necessary for Applicant to obtain easements from approximately 90 property owners. None had been obtained at the time of filing this Application.

10. Other governmental agencies having requirements which must be met in connection with the construction and operation of the Project are as follows:

(a) Baltimore County Office of Planning and Zoning. A zoning special exception will be required for the Project, and a Petition will be filed after the necessary easements have been acquired.

(b) Maryland State Roads Commission. Before construction of the Project, Applicant must obtain approval of road crossings.

(c) The Federal Aviation Administration and Maryland State Aviation Commission. Applicant must obtain certification of both Agencies that the Project will not affect aviation safety. No part of the Project will be constructed within one mile of either end of any public airport runway.

(d) The U.S. Department of Interior, Soil Conservation Agent: Wallace Knight, Baltimore County District Conservationist, County Agriculture Building, 9811 Van Buren Lane, Cockeysville, Maryland 21030. A permit will be obtained before construction of the Project.

11. No franchise is required for the Project.

12. (a) The Project will be 3.14 miles long and will be located entirely within Baltimore County. Except for small segments near the substations, it will be constructed adjacent to Bird River Road and Wampler Road as shown on Exhibit "B" attached hereto.

(b) The Project will be in a residential area.

(c) Applicant has conducted an appropriate investigation to ascertain if there are scenic or historic sites along or near the route of the Project, and on the basis of information presently available is of the opinion, and therefore alleges, that there are no scenic or historic sites along or near the route of the Project as hereinafter described.

WHEREFORE, the Applicant prays that this Commission issue a Certificate of Public Convenience and Necessity authorizing (1) construction of the Project as more particularly described in this Application and as shown on Exhibit "B" attached hereto, and (2) if required, to exercise its statutory right of condemnation to acquire the necessary land for the Project.

Respectfully submitted,

BALTIMORE GAS AND ELECTRIC COMPANY

By _____
W. J. Wipfe, Vice President

_____
James A. Biddison, Jr.

_____
W. Robert Buchanan

Attorneys for Applicant
17th Floor Gas and Electric Building
Baltimore, Maryland 21203
234-5602

STATE OF MARYLAND:
: TO WIT:
CITY OF BALTIMORE:

I HEREBY CERTIFY that on this 28th day of April, 1971, before me, a Notary Public of the said State and City, personally appeared W. J. WITTE, Vice President - Electric Operations, of Baltimore Gas and Electric Company, the Applicant herein, and made oath in due form of law that he is authorized to make an affidavit on behalf of said Company and that the matters and facts set forth in the foregoing Application are true to the best of his knowledge, information, and belief.

AS WITNESS my hand and notarial seal.

William E. Gruber
Notary Public

My Commission expires 7/1/74.

I HEREBY CERTIFY that on this 28th day of April, 1971, a copy of the foregoing Application was mailed to the following persons and agencies: Hon. Dale Anderson, County Executive, County Office Building, Towson, Maryland 21204; County Council of Baltimore County, County Office Building, Towson, Maryland 21204; Office of Planning and Zoning, County Office Building, Towson, Maryland 21204; Maryland State Department of Health, 301 West Preston Street, Baltimore, Maryland 21201, attention of Dr. Jean J. Schoenman; Maryland State Department of Water Resources, State Office

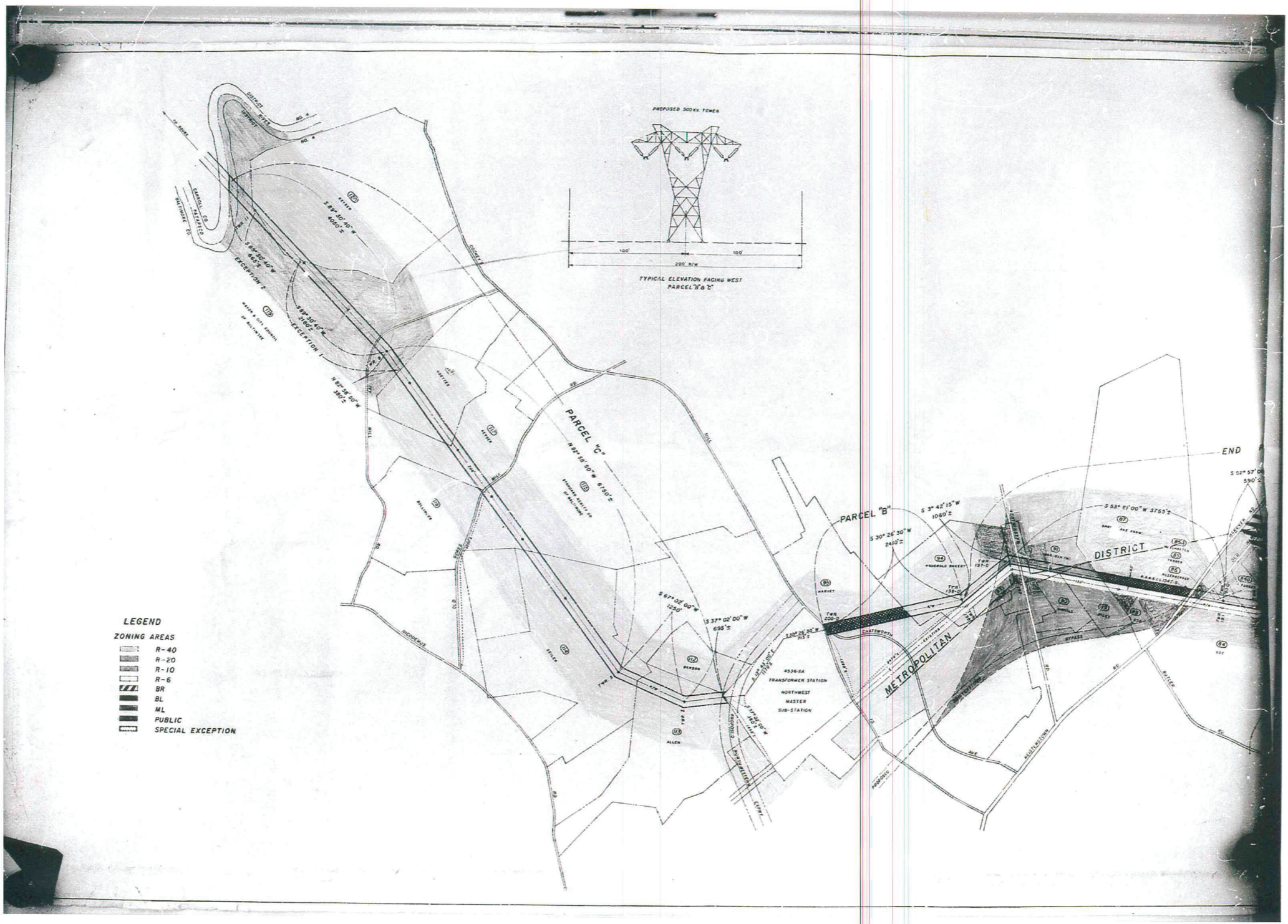
Building, Annapolis, Maryland 21204; Maryland Board of Natural Resources, State Office Building, Annapolis, Maryland 21404; Maryland State Roads Commission, 300 West Preston Street, Baltimore, Maryland 21201, attention of Nolan H. Rogers, Esq.; Maryland Historical Trust, Box 1704, Annapolis Maryland 21404, attention of Mrs. Preston Parish; United States Department of Interior, Office of the Secretary, Washington, D.C. 20240; Federal Power Commission, General Accounting Office Building, 441 "G" Street, N.W., Washington, D.C. 20426; Mr. L. I. Pearce, Chief, Air Traffic Branch, Federal Aviation Administration, Washington Area Office, 900 South Washington Street, Falls Church, Virginia 22046; Mr. David B. Snyder, Director, State Aviation Commission, State Office Building, 300 West Preston Street, Baltimore, Maryland 21201; Wallace Knight, Baltimore County District Conservationist, County Agriculture Building, 9811 Van Buren Lane, Cockeysville, Maryland 21030.

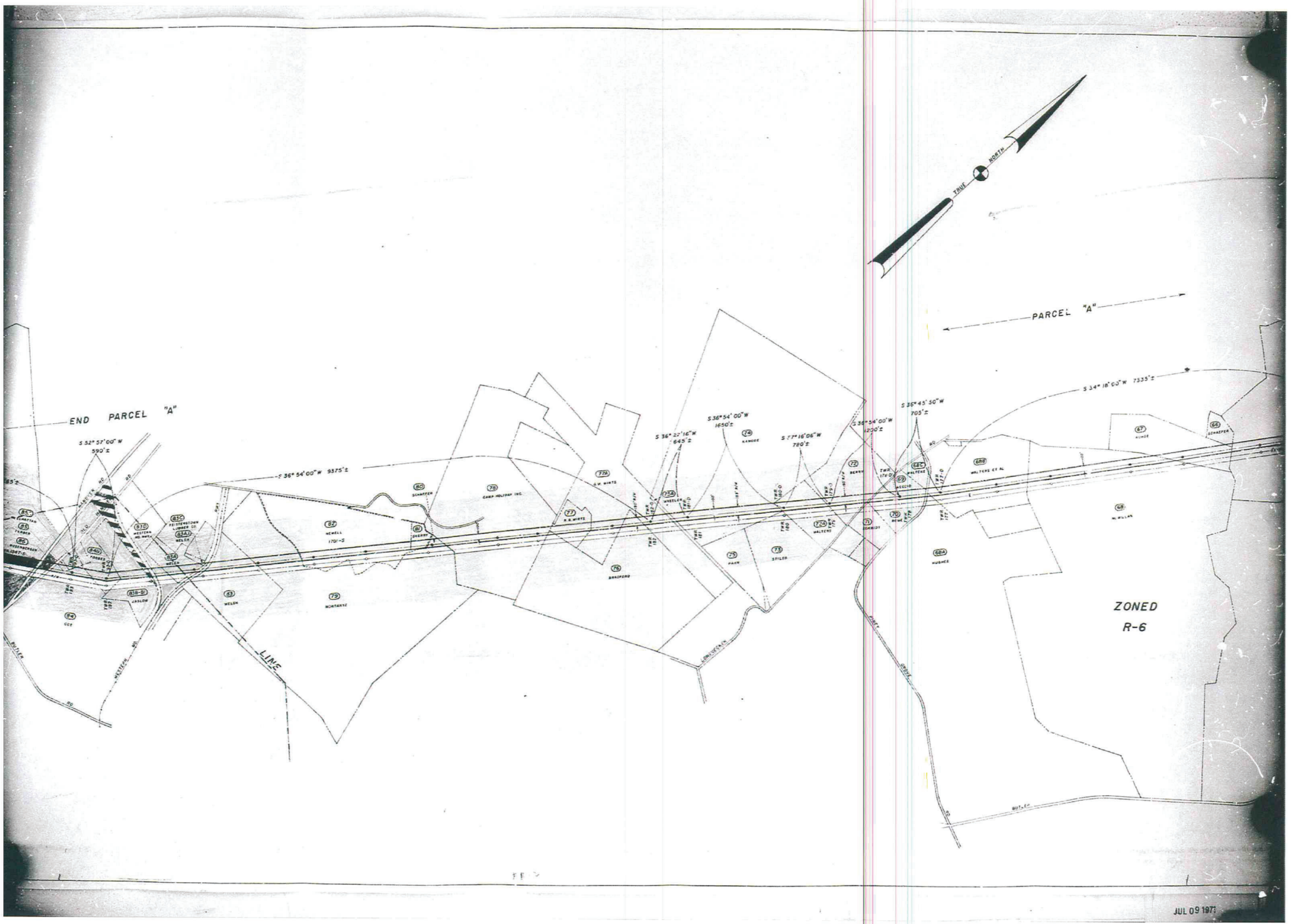
James A. Biddison, Jr.
Counsel for
Baltimore Gas and Electric Company

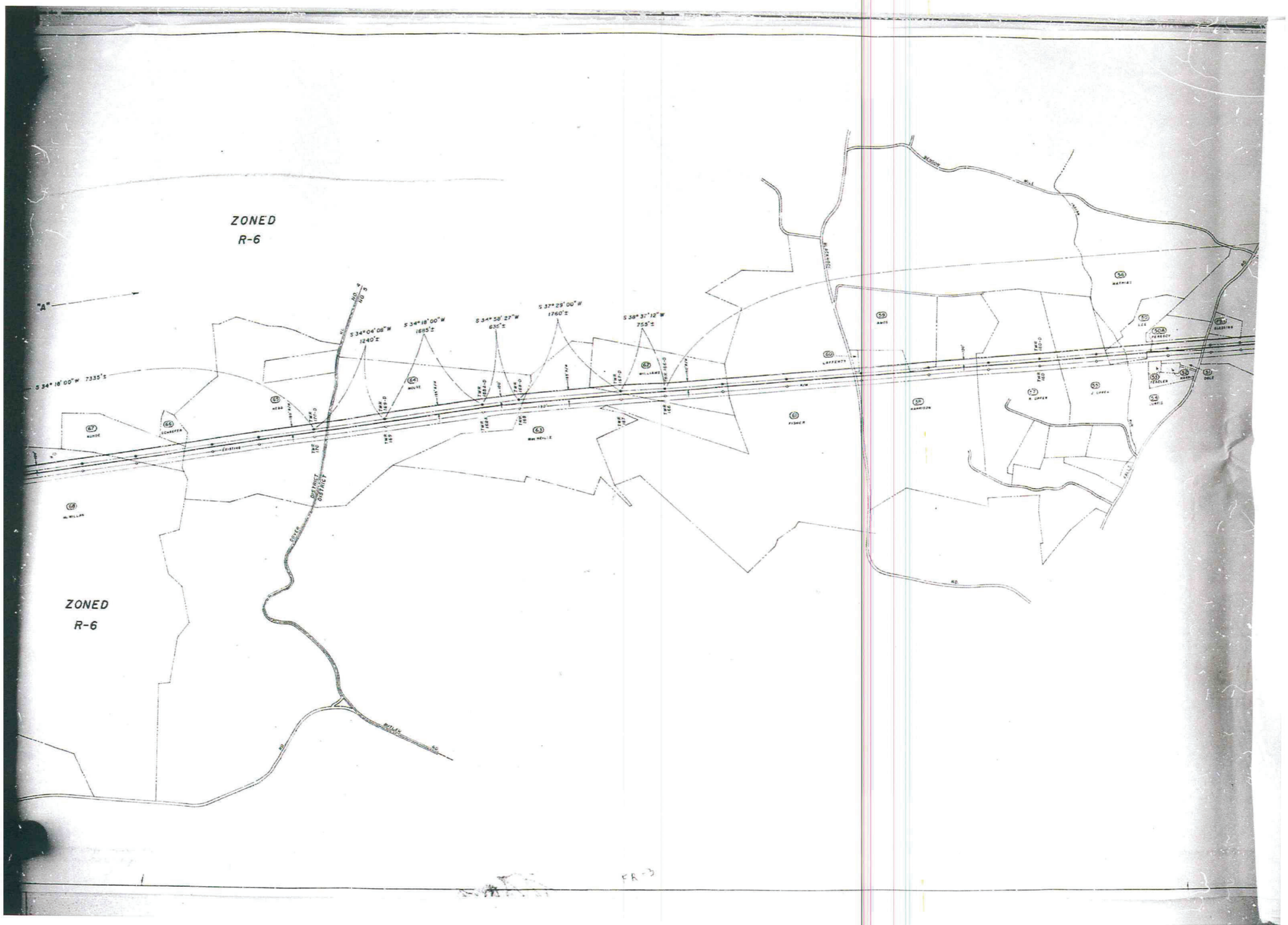
EXHIBIT "A"

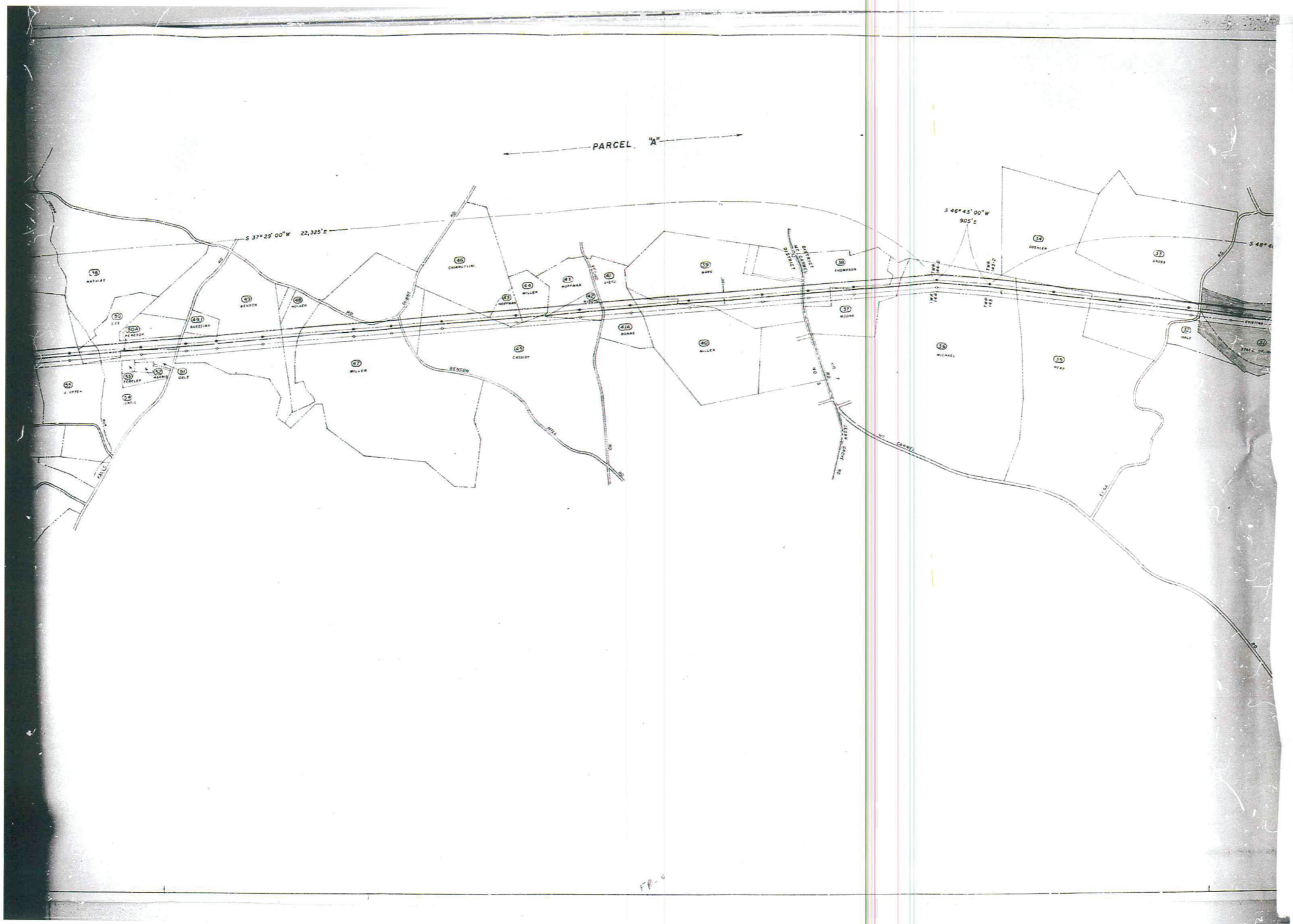
Estimated Annual Increase in
Expenses and Taxes as a Result of the Project

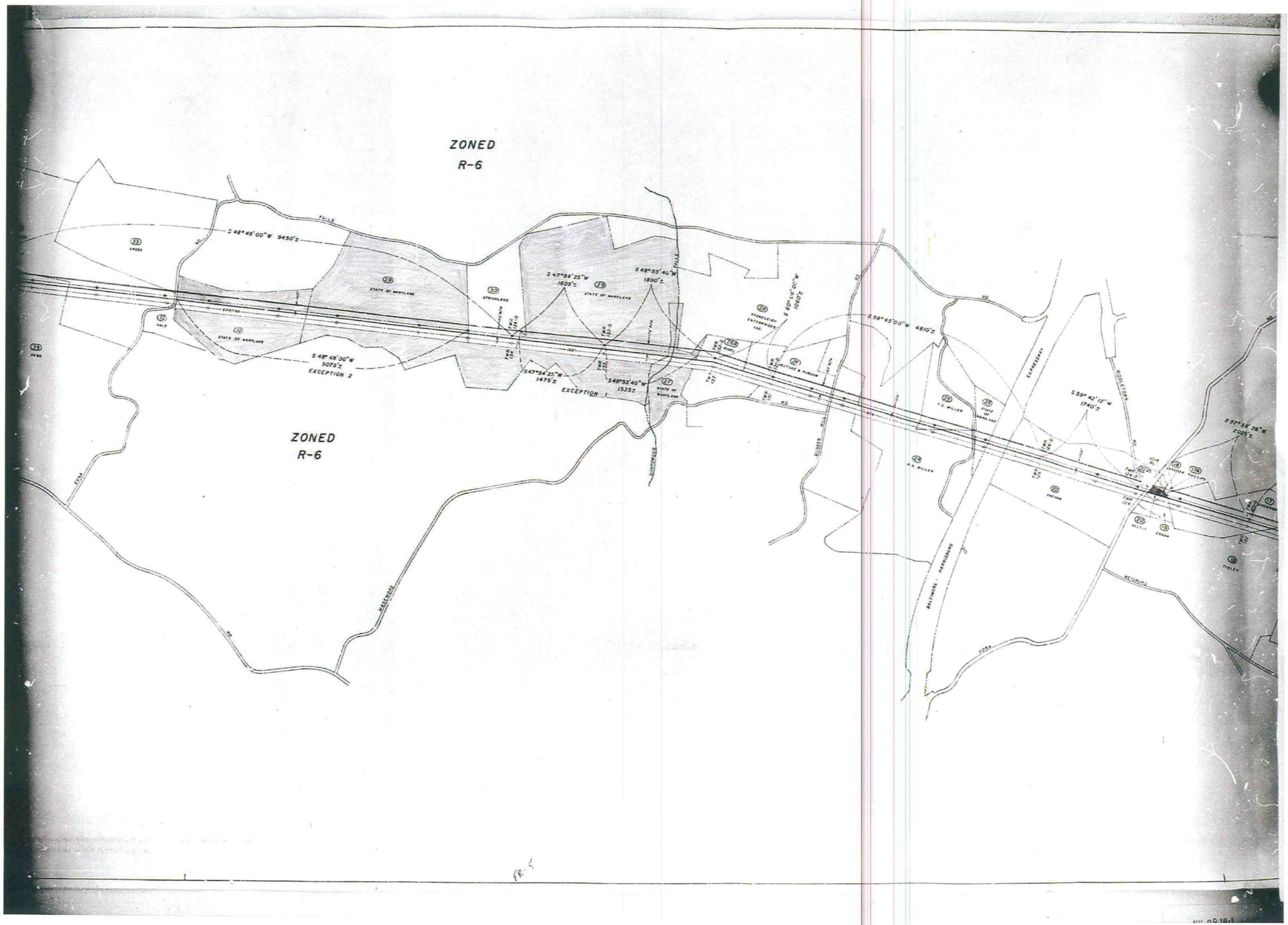
Operating Expenses	$ 50.00
Maintenance Expenses	625.00
Depreciation Expense	6,000.00
Taxes Other Than Income Taxes	5,500.00
TOTAL	$12,175.00

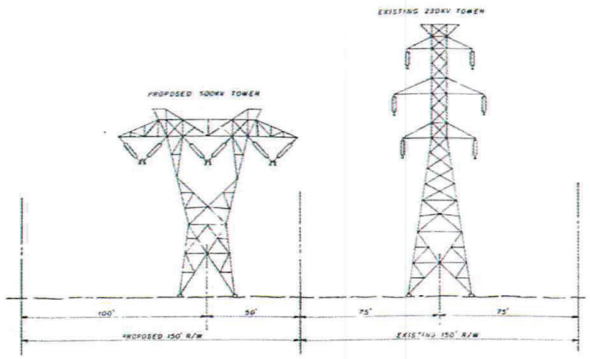

PROPOSED 500 Kv. TOWER
100'
100'
200' R/W
TYPICAL ELEVATION FACING WEST
PARCEL "B" & "C"
PARCEL "C"
N 89° 58' 40" W 8150'±
PARCEL "B"
S 3° 42' 15" W 1060'±
S 30° 26' 30" W 2410'±
S 53° 51' 00" W 3755'±
END
S 52° 57' 00"
590'±
S 67° 02' 00" W 1250'
S 37° 02' 00" W 695'±
S 89° 58' 40" W 1170'±
S 89° 30' 40" W 4250'±
S 89° 58' 40" W 465'±
EXCEPTION 2
S 89° 30' 40" W 2140'±
EXCEPTION 1
N 82° 38' 50" W 380'±
4536-KA
TRANSFORMER STATION
NORTHWEST
MASTER
SUB-STATION
PROPOSED 500 Kv. TRANSMISSION LINES
DISTRICT
METROPOLITAN
CHATSWORTH
BYPASS
LEGEND
ZONING AREAS
R-40
R-20
R-10
R-6
BR
BL
ML
PUBLIC
SPECIAL EXCEPTION


TRUE NORTH
PARCEL "A"
END PARCEL "A"
S 32° 57' 00" W 590'±
S 36° 54' 00" W 9375'±
S 36° 22' 16" W 645'±
S 36° 54' 00" W 1650'±
S 77° 16' 06" W 780'±
S 36° 54' 00" W 1200'±
S 36° 45' 50" W 705'±
S 34° 18' 00" W 7335'±
LINE
ZONED
R-6
JUL 09 1973


ZONED
R-6
"A"
S 34° 18' 00" W 7335'±
S 34° 04' 08" W
1240'±
S 34° 18' 00" W
1685'±
S 34° 38' 27" W
630'±
S 37° 29' 00" W
1760'±
S 38° 37' 12" W
755'±
ZONED
R-6
EXISTING
R/W
DRIVE
MILLER RD.
MATHIAS
HARRISON
FISHER
LAFFERTY
WILLIAMS
MOORE
SCHAEFER
KUNDE
McMILLAN
McNELLY
AMOS
FENSLER
DOLE
HARE
SLABBING
LEE
LEWIS
R. UPPER
J. UPPER
FR-3


PARCEL "A"
S 37° 25' 00" W 22,325' ±
S 46° 45' 00" W
905' ±
MT. CARMEL
DISTRICT
MILLER
BENSON
HOFFMAN
CASSIDY
MOORE
THOMPSON
MILCHAEL
HALE
GROSS
QUEHLEN
MEAD
BOARE
DIETZ
HAYS
DALE
BLEDSOE
ICKELEY
LEE
MATHIAS
CHAMBLYNG
HOLMEN
SEGUR CREEK RD
MT. CARMEL RD
EXISTING


ZONED
R-6
ZONED
R-6
S 48° 48' 00" W 9450'±
S 47° 54' 25" W 1605'±
S 48° 53' 40" W 1890'±
S 60° 14' 00" W 1060'±
S 58° 45' 00" W 4810'±
S 48° 48' 00" W 5075'±
EXCEPTION 2
S 47° 54' 25" W 1475'±
S 48° 53' 40" W 1535'±
EXCEPTION 1
S 59° 42' 12" W 1740'±
S 59° 58' 38" W 2028'±
EXISTING
PROP.
RD
FALLS
MARLEDGE
BUNKHOUSE
BUSSER
EXPRESSWAY
MIDDLETOWN
BALTIMORE - HARRISBURG
WEVERTOWN
STATE OF MARYLAND
STRICKLAND
HALT
SNOOS
R. E. MILLER
R. N. MILLER
SMITH
HELTZEL
ERDEN
PHILLIPS
STONEBRAKER ENTERPRISES, INC.
CRESTVIEW FARMS
TWP. 124.0
TWP. 124.5
TWP. 125.0
TWP. 125.5
TWP. 126.0
TWP. 126.5
TWP. 127.0
TWP. 127.5
TWP. 128.0
TWP. 128.5
TWP. 129.0
TWP. 129.5
TWP. 130.0
TWP. 130.5
TWP. 131.0
TWP. 131.5
TWP. 132.0
TWP. 132.5
TWP. 133.0
TWP. 133.5
TWP.



TYPICAL ELEVATION FACING NORTH
PARCEL "A"

ZONED
R-6

PARCEL "A"

S 57°56'36"W 2025'±

S 58°45'00"W 1470'±

S 58°28'00"W 1543'±

S 20°52'00"W 16,565'±

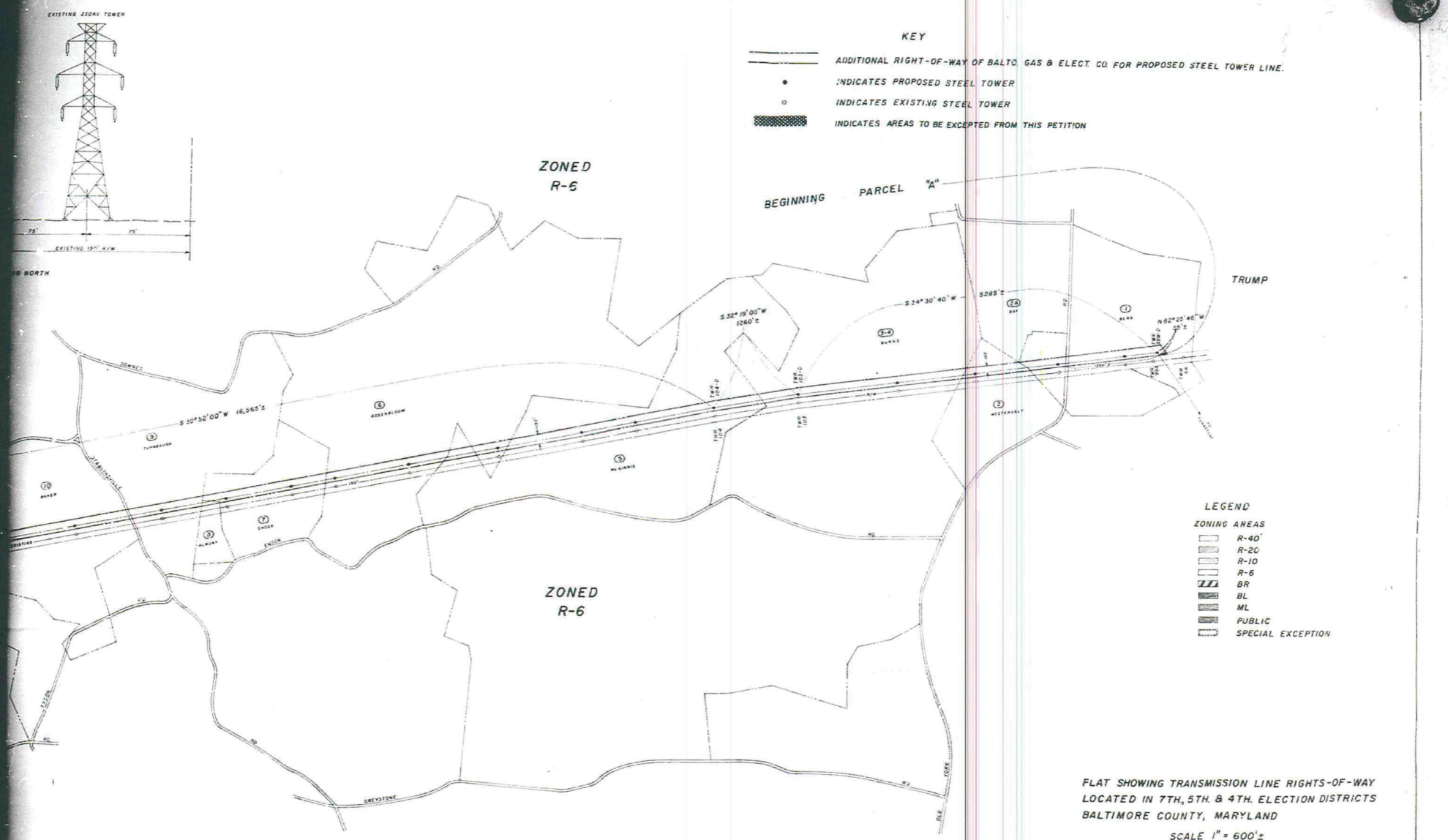
S 32°15'00"W 1260'±

ZONED
R-6

NOTE

PARCEL A,B:
BEARINGS SHOWN HEREON
MERIDIAN AS ESTABLISHED
TRANSMISSION COMPANY

PARCEL C:
BEARINGS SHOWN HER
OF MARYLAND GRID MER



NOTE

PARCEL A, B:
BEARINGS SHOWN HEREON REFER TO THE TRUE MERIDIAN AS ESTABLISHED BY THE SUSQUEHANNA TRANSMISSION COMPANY OF MARYLAND IN 1931

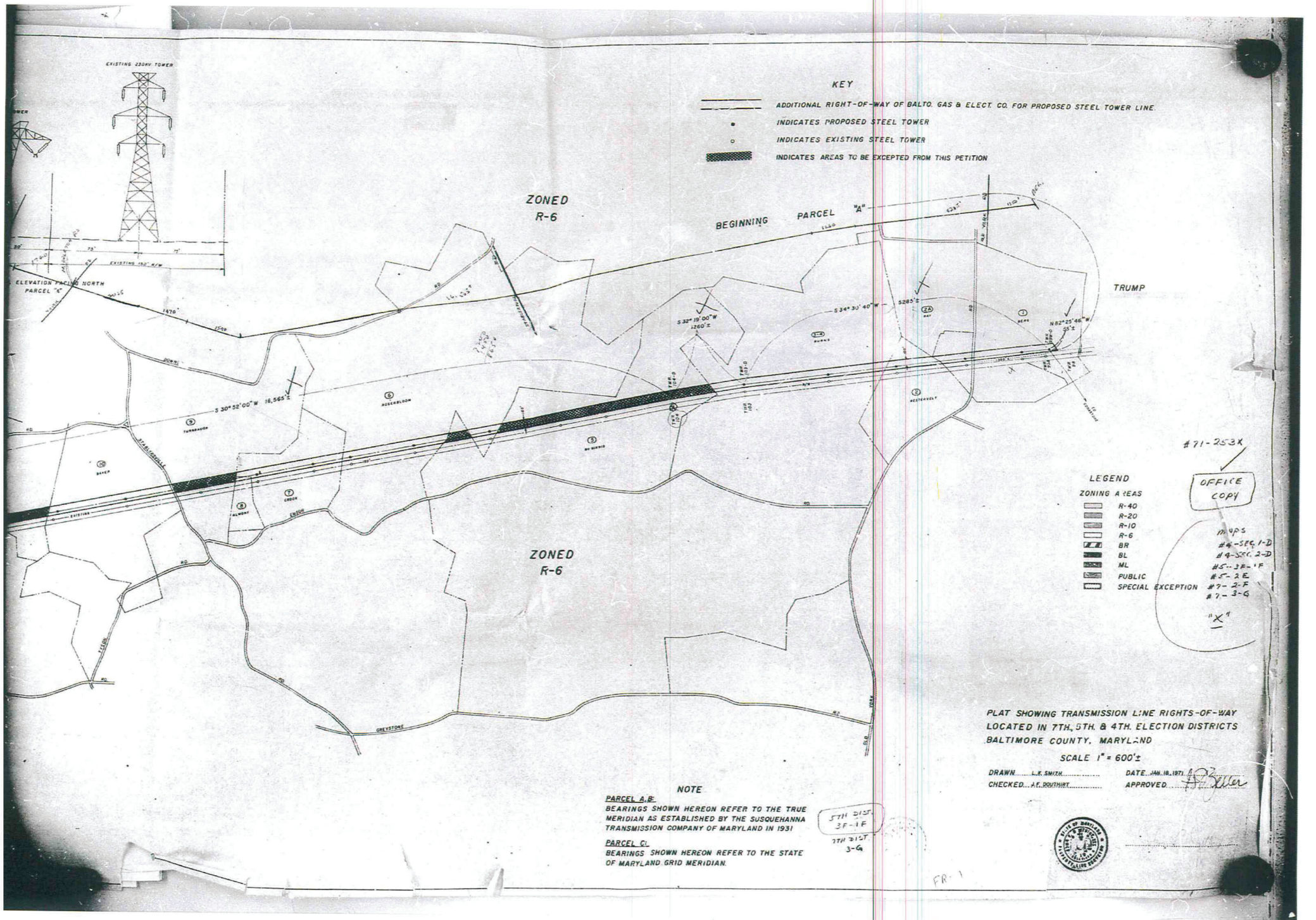
PARCEL C:
BEARINGS SHOWN HEREON REFER TO THE STATE OF MARYLAND GRID MERIDIAN.

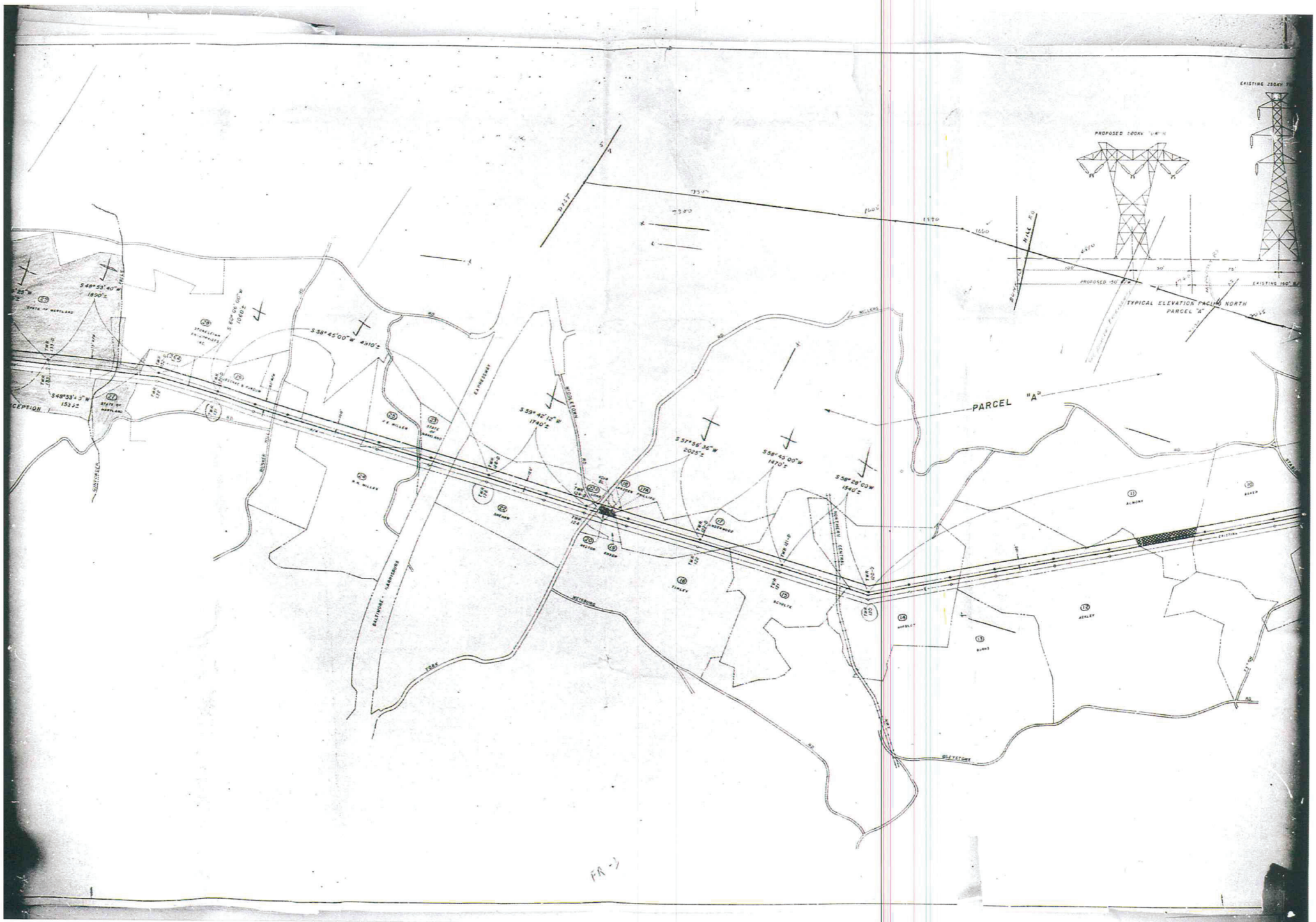
REVISED 3-29-71
TO INCLUDE THE FOLLOWING PARCELS
5 - MCGINNIS
9 - SUNBAUGH
42 - MACNEILLE
44B - FORBES
39 - MAYS

FLAT SHOWING TRANSMISSION LINE RIGHTS-OF-WAY
LOCATED IN 7TH, 5TH. & 4TH. ELECTION DISTRICTS
BALTIMORE COUNTY, MARYLAND
SCALE 1" = 600'±

DRAWN L.K. SMITH DATE JAN. 18, 1971
CHECKED J.F. DOUTHAT APPROVED

MICROFILMED


EXISTING 230KV. TOWER
KEY
ADDITIONAL RIGHT-OF-WAY OF BALTO. GAS & ELECT. CO. FOR PROPOSED STEEL TOWER LINE.
INDICATES PROPOSED STEEL TOWER
INDICATES EXISTING STEEL TOWER
INDICATES AREAS TO BE EXCEPTED FROM THIS PETITION
ZONED R-6
BEGINNING PARCEL "A"
TRUMP
ELEVATION FACING NORTH PARCEL "C"
S 32° 19' 00" W 1260'±
S 34° 30' 40" W 5285'±
N 82° 25' 46" W 55'±
S 30° 52' 00" W 16,565'±
ZONED R-6
#71-253X
OFFICE COPY
LEGEND
ZONING AREAS
R-40
R-20
R-10
R-6
BR
BL
ML
PUBLIC
SPECIAL EXCEPTION
MAPS
#4-SEC. 1-D
#4-SEC. 2-D
#5-3F-1F
#5-2E
#7-2-F
#7-3-G
"X"
NOTE
PARCEL A,B:
BEARINGS SHOWN HEREON REFER TO THE TRUE MERIDIAN AS ESTABLISHED BY THE SUSQUEHANNA TRANSMISSION COMPANY OF MARYLAND IN 1931
PARCEL C:
BEARINGS SHOWN HEREON REFER TO THE STATE OF MARYLAND GRID MERIDIAN.
5TH DIST. 3F-1F
7TH DIST. 3-G
PLAT SHOWING TRANSMISSION LINE RIGHTS-OF-WAY LOCATED IN 7TH, 5TH & 4TH. ELECTION DISTRICTS BALTIMORE COUNTY, MARYLAND
SCALE 1" = 600'±
DRAWN L.K. SMITH
DATE JAN. 18, 1971
CHECKED A.F. DOUTHIRT
APPROVED


PROPOSED 230KV
EXISTING 230KV
PROPOSED 150' R/W
EXISTING 150' R/W
TYPICAL ELEVATION FACING NORTH
PARCEL "A"
PARCEL "A"
S 48°53'40" W 1890'±
S 38°45'00" W 4310'±
S 39°42'12" W 1740'±
S 57°56'36" W 2025'±
S 58°45'00" W 1470'±
S 58°28'03" W 1540'±
S 48°53'40" W 1890'±
S 48°53'40" W 1533±
EXISTING
PROPOSED
BALTIMORE - HARRISBURG
WILLSBORO
GETTYSBURG
MIDDLETOWN
HANOVER
YORK
FR-1

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

#71-253X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Baltimore Gas and Electric Company

~~(Name)~~ legal owner~~s~~ of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, ~~hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant~~ ~~to the Zoning Law of Baltimore County, from an~~ ~~and~~ ~~for the following reasons~~

#4-1-D
#4-2-D
#5-3F-1
#5-2-E
#7-2-F
#7-2-G

"X"

See attached description

~~and~~ for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for the construction, operation and maintenance of 500 KV electric transmission lines.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Baltimore Gas and Electric Company
By: [signature]
Vice President

Contract purchaser

Legal Owner

Address

Address: Gas and Electric Building
Baltimore, Maryland - 21203

[signature]
John B. Howard
22 W. Pennsylvania Avenue
Towson, Maryland - 21204

Petitioner's Attorney

Protestant's Attorney

Address

William E. Colburn
1700 Gas and Electric Bldg., Baltimore, Maryland - 21203

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day of February, 1971, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 28th day of April, 1971, at 10:00 o'clock A. M.

[signature]
Zoning Commissioner of Baltimore County.

(over)

Petitioner's Exhibit 14

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met,

the construction, operation and maintenance a Special Exception for 500 KV Electric Transmission Lines should be granted

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 16 day of May, 1972, that the construction, operation and maintenance a Special Exception for 500 KV Electric Transmission Lines should be and the same is granted, from and after the date of this order, subject to the approval of the site plan by the State Roads Commission, the Bureau of Public Services and the Office of Planning and Zoning.

Deputy Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1972, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a zone; and/or the Special Exception for be and the same is hereby DENIED

Zoning Commissioner of Baltimore County

IN THE MATTER OF THE APPLICATION OF BALTIMORE GAS AND ELECTRIC COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OVERHEAD CONSTRUCTION ON WOOD POLES OF A SINGLE CIRCUIT 115 KV TRANSMISSION LINE FOR A DISTANCE OF 3.14 MILES FROM NORTHEAST SUBSTATION LOCATED ON BIRD RIVER ROAD, APPROXIMATELY 1000 FEET WEST OF VINCENT ROAD, TO MIDDLE RIVER SUBSTATION LOCATED ON KINGSTON ROAD, APPROXIMATELY 200 FEET SOUTH OF EASTERN BOULEVARD, BALTIMORE COUNTY, MARYLAND.	BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND Case No.

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

TO THE HONORABLE, THE PUBLIC SERVICE COMMISSION OF MARYLAND:

Baltimore Gas and Electric Company (the "Applicant") hereby submits this Application for a Certificate of Public Convenience and Necessity pursuant to the provisions of Section 54A of Article 78 of the Annotated Code of Maryland and respectfully shows:

1. The Applicant is Baltimore Gas and Electric Company, a Maryland corporation engaged in the generation, transmission, and distribution of electricity to the general public, the address of its principal business office being Gas and Electric Building, Baltimore, Maryland 21203.

2. The name, title, and address of the person authorized to receive notices and communications in respect to this Application is James A. Biddison, Jr., Esq., General Counsel of the Applicant, 17th Floor Gas and Electric Building, Baltimore, Maryland 21203.

3. This Application for a Certificate of Public Convenience and Necessity is submitted for the overhead construction on wood poles of a single circuit 115 KV transmission line (hereinafter referred to as "the Project") for a distance of 3.14 miles from Northeast Substation located on Bird River Road, approximately 1,000 feet west of Vincent Road, to Middle River Substation located on Kingston Road, approximately 200 feet south of Eastern Boulevard, Baltimore County, Maryland, as shown by broken lines on Exhibit "B" attached hereto and thereby made a part hereof.

4. The estimated cost of the Project is $216,000.00 of which $210,000.00 will be expended for the transmission line and $6,000.00 will be expended for easements. In addition, the estimated cost of the substation facilities associated with the Project is $1,150,000.00.

5. The Project will be financed by internally generated funds, short-term borrowings, and through the issuance of securities, the nature and amount of which are not now known and will depend upon market conditions and other factors in existence at the time.

6. The Project is required to supply the rapidly growing electric load in Middle River, Essex, and the surrounding areas. The existing supply facilities will be substantially overloaded by the summer of 1973.

7. The Project is expected to increase the Company's operating expenses, maintenance expenses, depreciation expense, and taxes other than income taxes by a total of $12,175.00 per year, as set forth in Exhibit "A" attached hereto and thereby made a part hereof.

8. The Project will improve system stability and reliability by increasing the supply to, and the capability of, Middle River Substation.

9. It will be necessary for Applicant to obtain easements from approximately 90 property owners. None had been obtained at the time of filing this Application.

10. Other governmental agencies having requirements which must be met in connection with the construction and operation of the Project are as follows:

(a) Baltimore County Office of Planning and Zoning. A zoning special exception will be required for the Project, and a Petition will be filed after the necessary easements have been acquired.

(b) Maryland State Roads Commission. Before construction of the Project, Applicant must obtain approval of road crossings.

(c) The Federal Aviation Administration and Maryland State Aviation Commission. Applicant must obtain certification of both Agencies that the Project will not affect aviation safety. No part of the Project will be constructed within one mile of either end of any public airport runway.

(d) The U.S. Department of Interior, Soil Conservation Agent: Wallace Knight, Baltimore County District Conservationist, County Agriculture Building, 9811 Van Buren Lane, Cockeysville, Maryland 21030. A permit will be obtained before construction of the Project.

11. No franchise is required for the Project.

12. (a) The Project will be 3.14 miles long and will be located entirely within Baltimore County. Except for small segments near the substations, it will be constructed adjacent to Bird River Road and Wampler Road as shown on Exhibit "B" attached hereto.

(b) The Project will be in a residential area.

(c) Applicant has conducted an appropriate investigation to ascertain if there are scenic or historic sites along or near the route of the Project, and on the basis of information presently available is of the opinion, and therefore alleges, that there are no scenic or historic sites along or near the route of the Project as hereinafter described.

WHEREFORE, the Applicant prays that this Commission issue a Certificate of Public Convenience and Necessity authorizing (1) construction of the Project as more particularly described in this Application and as shown on Exhibit "B" attached hereto, and (2) if required, to exercise its statutory right of condemnation to acquire the necessary land for the Project.

Respectfully submitted,

BALTIMORE GAS AND ELECTRIC COMPANY

By _____
W. J. Wipfe, Vice President

_____
James A. Biddison, Jr.

_____
W. Robert Buchanan

Attorneys for Applicant
17th Floor Gas and Electric Building
Baltimore, Maryland 21203
234-5602

STATE OF MARYLAND:
: TO WIT:
CITY OF BALTIMORE:

I HEREBY CERTIFY that on this 28th day of April, 1971, before me, a Notary Public of the said State and City, personally appeared W. J. WITTE, Vice President - Electric Operations, of Baltimore Gas and Electric Company, the Applicant herein, and made oath in due form of law that he is authorized to make an affidavit on behalf of said Company and that the matters and facts set forth in the foregoing Application are true to the best of his knowledge, information, and belief.

AS WITNESS my hand and notarial seal.

William E. Gruber
Notary Public

My Commission expires 7/1/74.

I HEREBY CERTIFY that on this 28th day of April, 1971, a copy of the foregoing Application was mailed to the following persons and agencies: Hon. Dale Anderson, County Executive, County Office Building, Towson, Maryland 21204; County Council of Baltimore County, County Office Building, Towson, Maryland 21204; Office of Planning and Zoning, County Office Building, Towson, Maryland 21204; Maryland State Department of Health, 301 West Preston Street, Baltimore, Maryland 21201, attention of Dr. Jean J. Schoenman; Maryland State Department of Water Resources, State Office

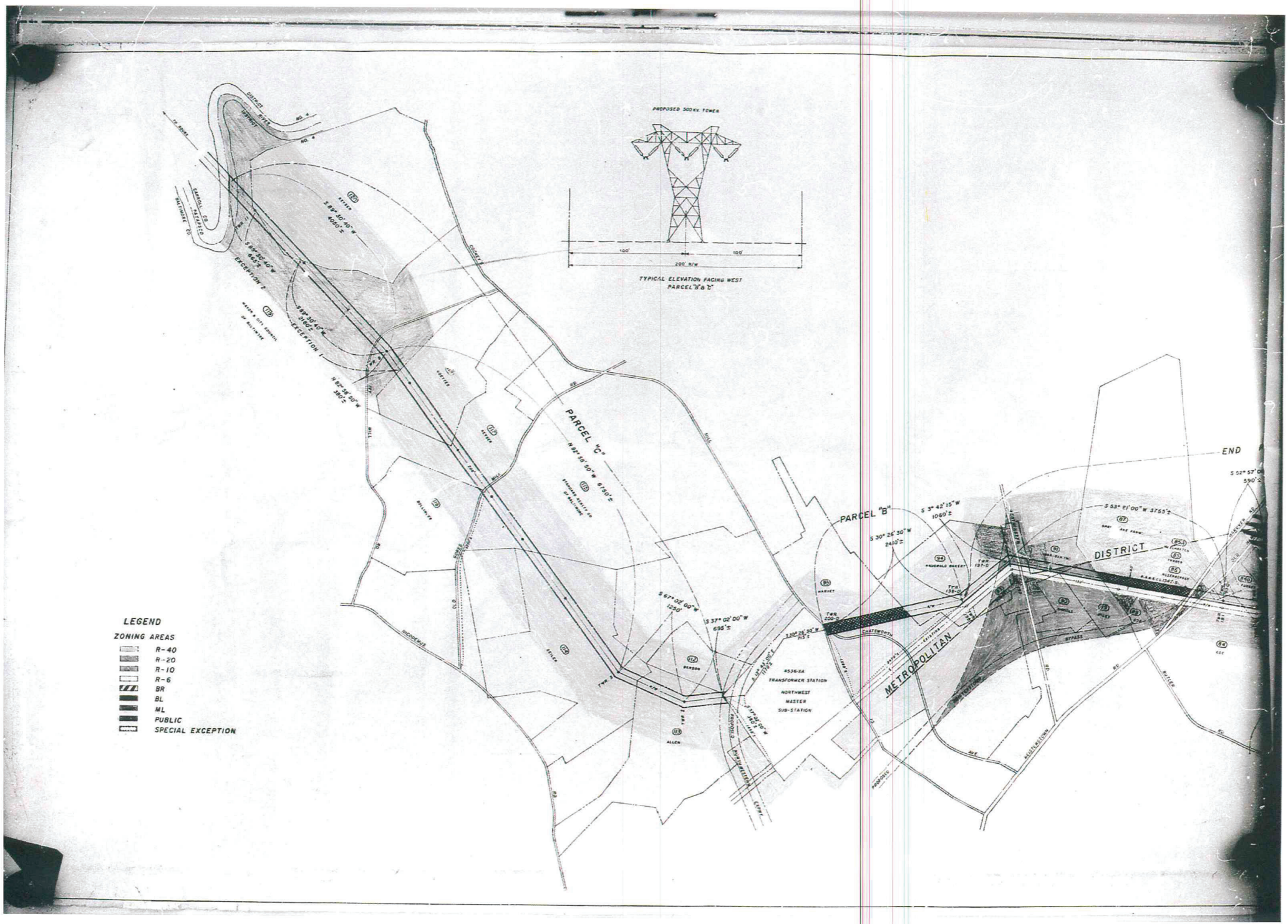
Building, Annapolis, Maryland 21204; Maryland Board of Natural Resources, State Office Building, Annapolis, Maryland 21404; Maryland State Roads Commission, 300 West Preston Street, Baltimore, Maryland 21201, attention of Nolan H. Rogers, Esq.; Maryland Historical Trust, Box 1704, Annapolis Maryland 21404, attention of Mrs. Preston Parish; United States Department of Interior, Office of the Secretary, Washington, D.C. 20240; Federal Power Commission, General Accounting Office Building, 441 "G" Street, N.W., Washington, D.C. 20426; Mr. L. I. Pearce, Chief, Air Traffic Branch, Federal Aviation Administration, Washington Area Office, 900 South Washington Street, Falls Church, Virginia 22046; Mr. David B. Snyder, Director, State Aviation Commission, State Office Building, 300 West Preston Street, Baltimore, Maryland 21201; Wallace Knight, Baltimore County District Conservationist, County Agriculture Building, 9811 Van Buren Lane, Cockeysville, Maryland 21030.

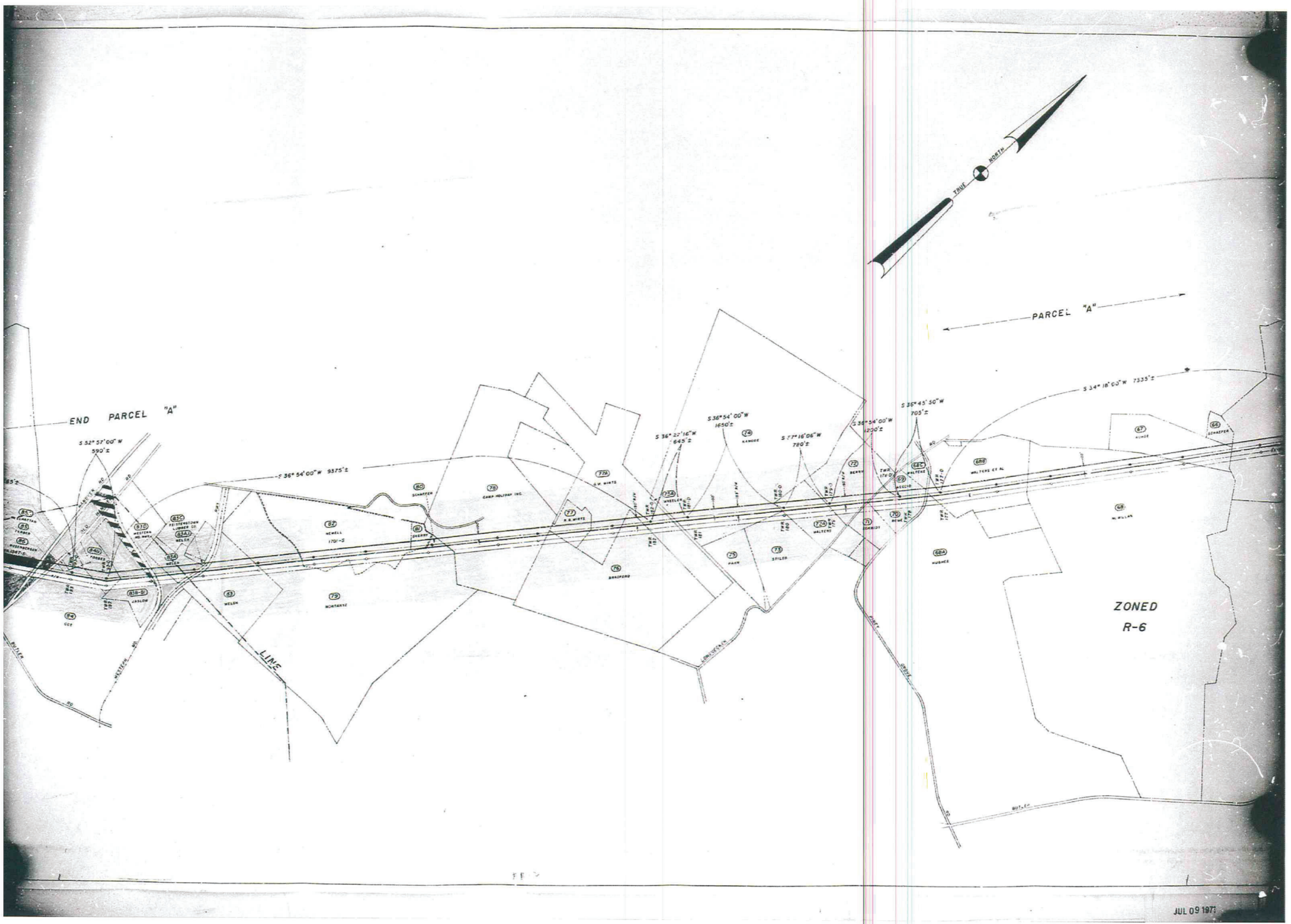
James A. Biddison, Jr.
Counsel for
Baltimore Gas and Electric Company

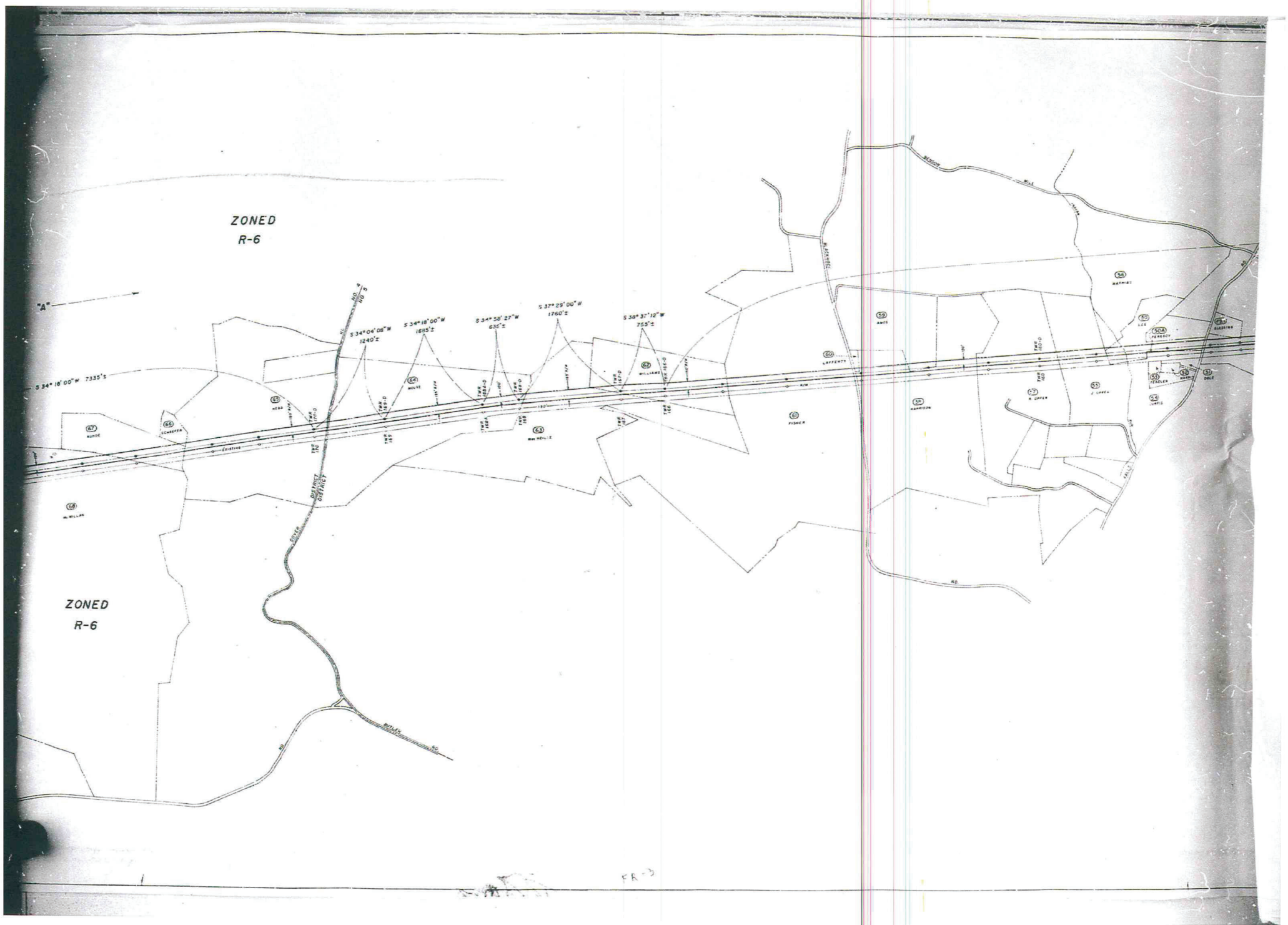
EXHIBIT "A"

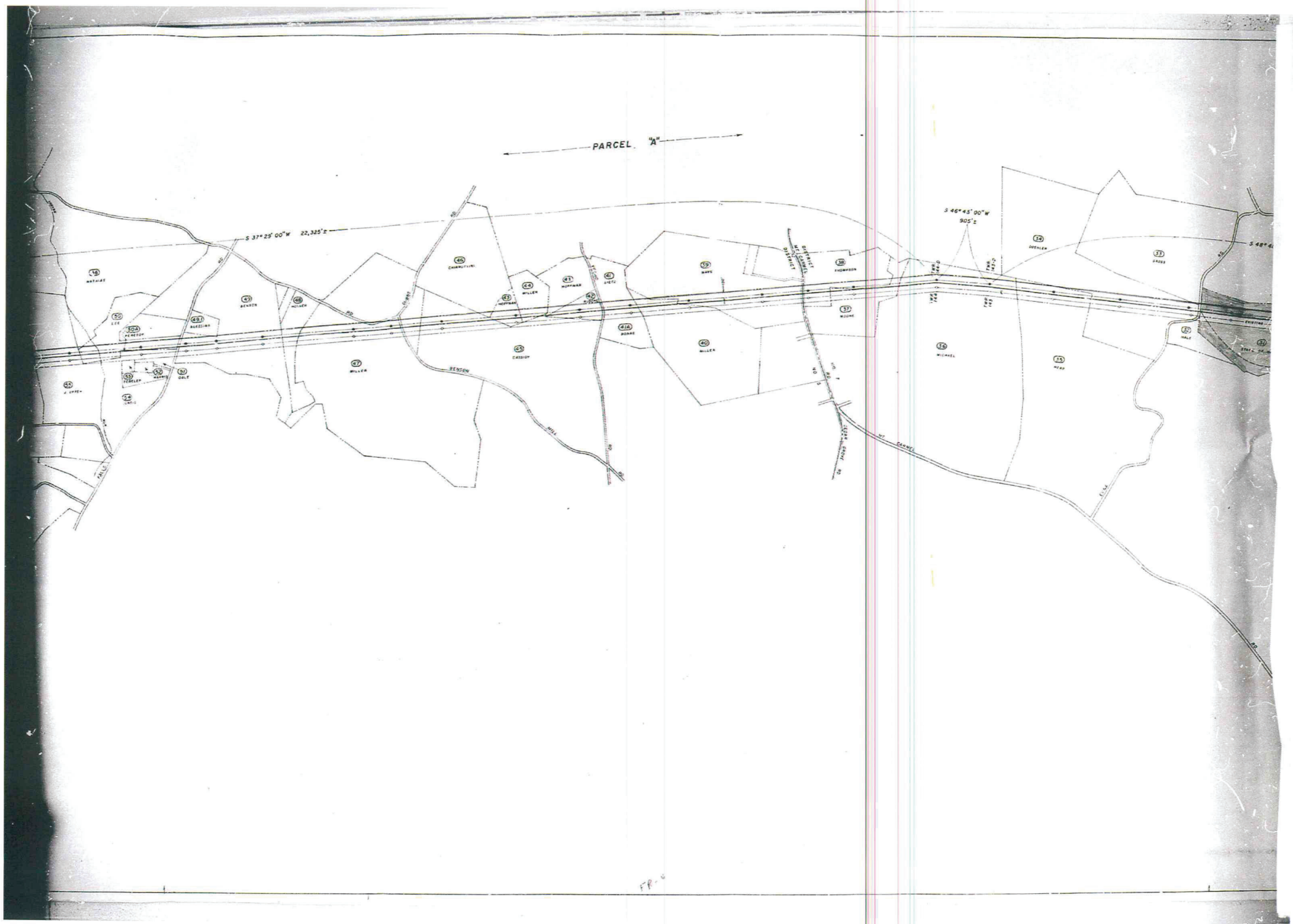
Estimated Annual Increase in
Expenses and Taxes as a Result of the Project

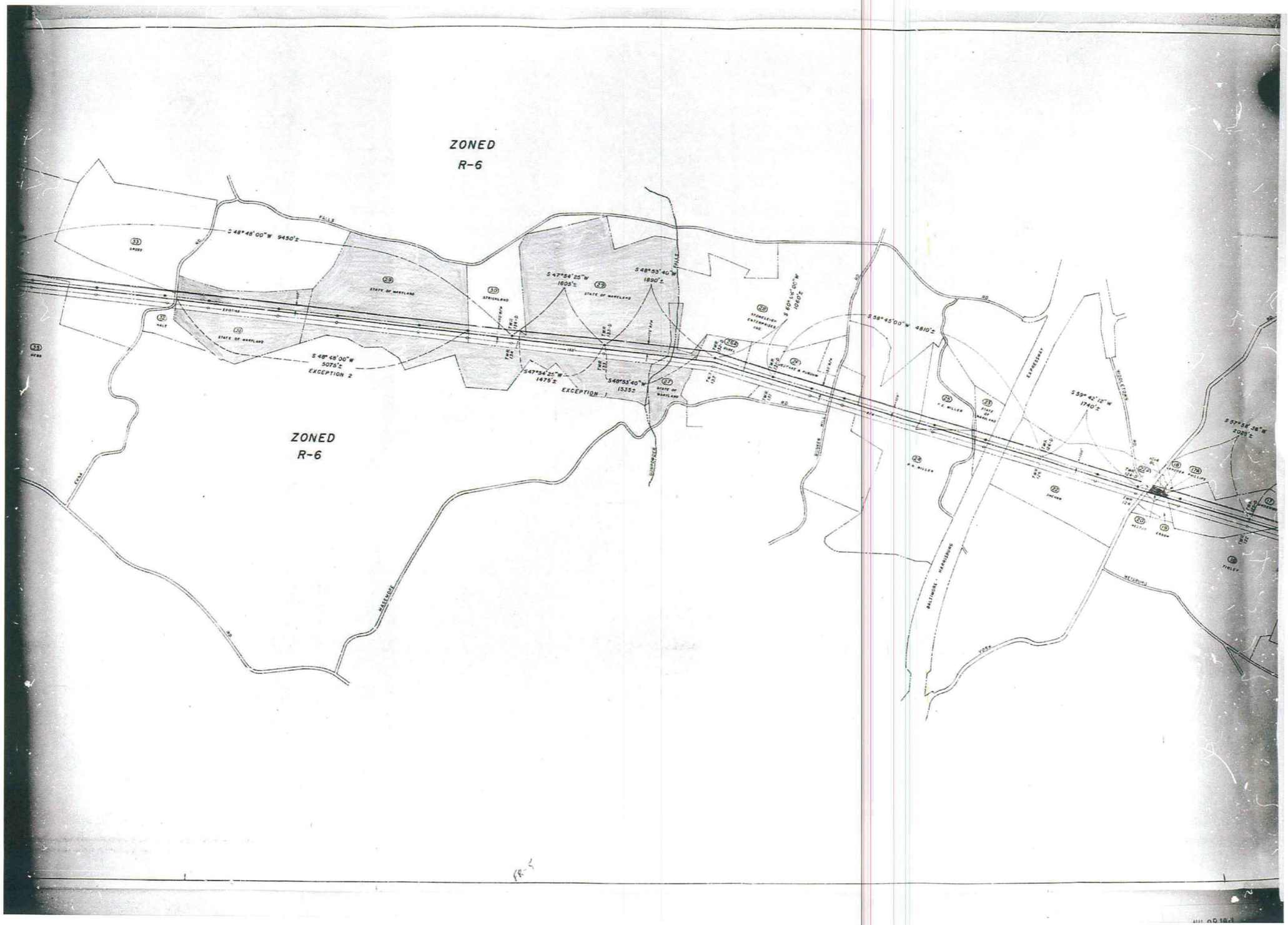
Operating Expenses	$ 50.00
Maintenance Expenses	625.00
Depreciation Expense	6,000.00
Taxes Other Than Income Taxes	5,500.00
TOTAL	$12,175.00

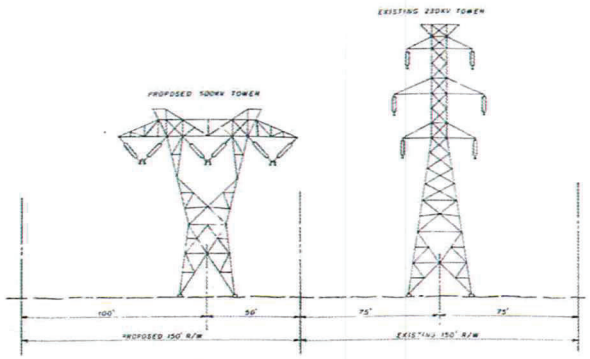

PROPOSED 500 Kv. TOWER
100'
100'
200' R/W
TYPICAL ELEVATION FACING WEST
PARCEL "B" & "C"
PARCEL "C"
N 89° 58' 40" W 8150'±
PARCEL "B"
S 3° 42' 15" W 1060'±
S 30° 26' 30" W 2410'±
S 53° 51' 00" W 3755'±
END
S 52° 57' 00"
590'±
S 67° 02' 00" W 1250'
S 37° 02' 00" W 695'±
S 89° 58' 40" W 1170'±
S 89° 30' 40" W 4250'±
S 89° 58' 40" W 465'±
EXCEPTION 2
S 89° 30' 40" W 2140'±
EXCEPTION 1
N 82° 38' 50" W 380'±
4536-KA
TRANSFORMER STATION
NORTHWEST
MASTER
SUB-STATION
PROPOSED 500 Kv. TRANSMISSION LINES
DISTRICT
METROPOLITAN
CHATSWORTH
BYPASS
LEGEND
ZONING AREAS
R-40
R-20
R-10
R-6
BR
BL
ML
PUBLIC
SPECIAL EXCEPTION


TRUE NORTH
PARCEL "A"
END PARCEL "A"
S 32° 57' 00" W 590'±
S 36° 54' 00" W 9375'±
S 36° 22' 16" W 645'±
S 36° 54' 00" W 1650'±
S 77° 16' 06" W 780'±
S 36° 54' 00" W 1200'±
S 36° 45' 50" W 705'±
S 34° 18' 00" W 7335'±
LINE
ZONED
R-6
JUL 09 1973


ZONED
R-6
"A"
S 34° 18' 00" W 7335'±
S 34° 04' 08" W
1240'±
S 34° 18' 00" W
1685'±
S 34° 38' 27" W
630'±
S 37° 29' 00" W
1760'±
S 38° 37' 12" W
755'±
ZONED
R-6
EXISTING
R/W
DRIVE
MILLER RD.
MATHIAS
HARRISON
FISHER
LAFFERTY
WILLIAMS
MOORE
SCHAEFER
KUNDE
McMILLAN
McNELLY
AMOS
FENSLER
DOLE
HARE
SLABBING
LEE
LEWIS
R. UPPER
J. UPPER
FR-3


PARCEL "A"
S 37° 25' 00" W 22,325' ±
S 46° 45' 00" W
905' ±
MT. CARMEL
DISTRICT
MILLER
BENSON
HOFFMAN
CASSIDY
MOORE
THOMPSON
MILCHAEL
HALE
GROSS
QUEHLEN
MEAD
BOARE
DIETZ
HAYS
DALE
BLEDSOE
ICKELEY
LEE
MATHIAS
CHAMBLYNG
HOLMEN
SEGUR CREEK RD
MT. CARMEL RD
EXISTING


ZONED
R-6
ZONED
R-6
S 48° 48' 00" W 9450'±
S 47° 54' 25" W 1605'±
S 48° 53' 40" W 1890'±
S 60° 14' 00" W 1060'±
S 58° 45' 00" W 4810'±
S 48° 48' 00" W 5075'±
EXCEPTION 2
S 47° 54' 25" W 1475'±
S 48° 53' 40" W 1535'±
EXCEPTION 1
S 59° 42' 12" W 1740'±
S 59° 58' 38" W 2028'±
EXISTING
PROP.
RD
FALLS
MARLEDGE
BUNKHOUSE
BUSSER
EXPRESSWAY
MIDDLETOWN
BALTIMORE - HARRISBURG
WEVERTOWN
STATE OF MARYLAND
STRICKLAND
HALT
SNOOS
R. E. MILLER
R. N. MILLER
SMITH
HELTZEL
ERDEN
PHILLIPS
STONEBRAKER ENTERPRISES, INC.
CRESTVIEW FARMS
TWP. 124.0
TWP. 124.5
TWP. 125.0
TWP. 125.5
TWP. 126.0
TWP. 126.5
TWP. 127.0
TWP. 127.5
TWP. 128.0
TWP. 128.5
TWP. 129.0
TWP. 129.5
TWP. 130.0
TWP. 130.5
TWP. 131.0
TWP. 131.5
TWP. 132.0
TWP. 132.5
TWP. 133.0
TWP. 133.5
TWP.



TYPICAL ELEVATION FACING NORTH
PARCEL "A"

ZONED
R-6

PARCEL "A"

S 57°56'36"W 2025'±

S 58°45'00"W 1470'±

S 58°28'00"W 1543'±

S 20°52'00"W 16,565'±

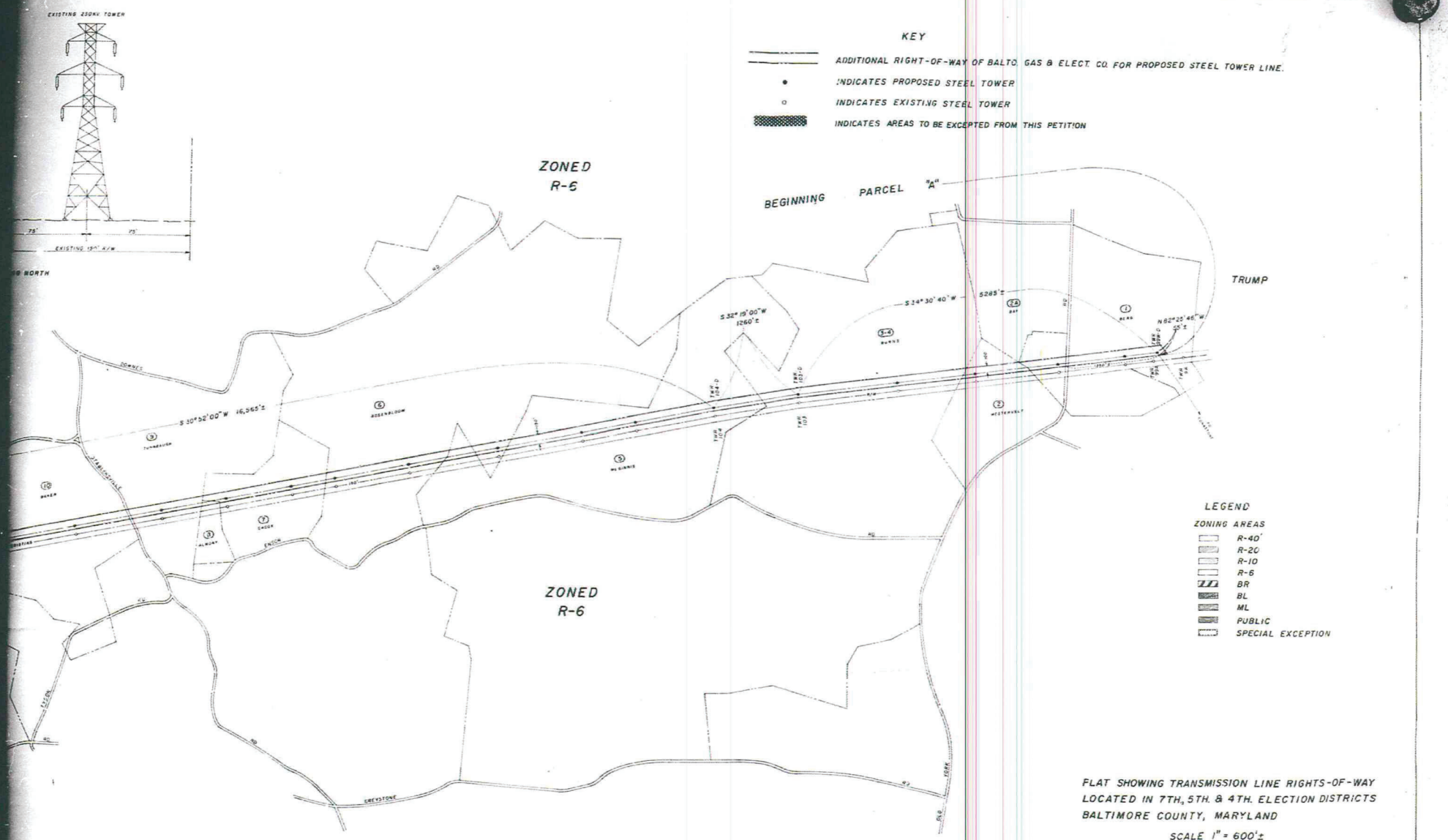
S 32°15'00"W 1260'±

ZONED
R-6

NOTE

PARCEL A,B:
BEARINGS SHOWN HEREON
MERIDIAN AS ESTABLISHED
TRANSMISSION COMPANY

PARCEL C:
BEARINGS SHOWN HER
OF MARYLAND GRID MER



NOTE

PARCEL A, B:
BEARINGS SHOWN HEREON REFER TO THE TRUE MERIDIAN AS ESTABLISHED BY THE SUSQUEHANNA TRANSMISSION COMPANY OF MARYLAND IN 1931

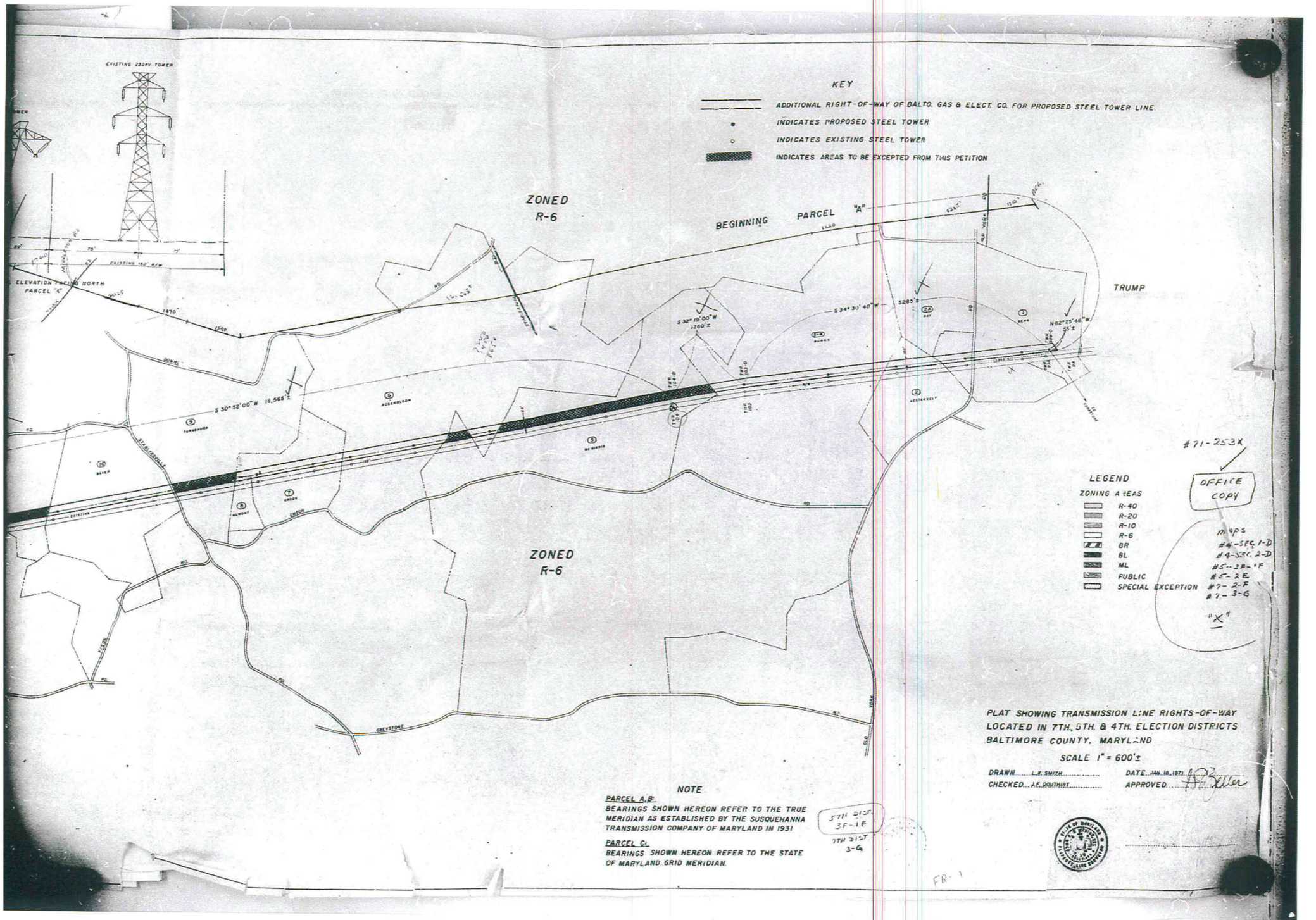
PARCEL C:
BEARINGS SHOWN HEREON REFER TO THE STATE OF MARYLAND GRID MERIDIAN.

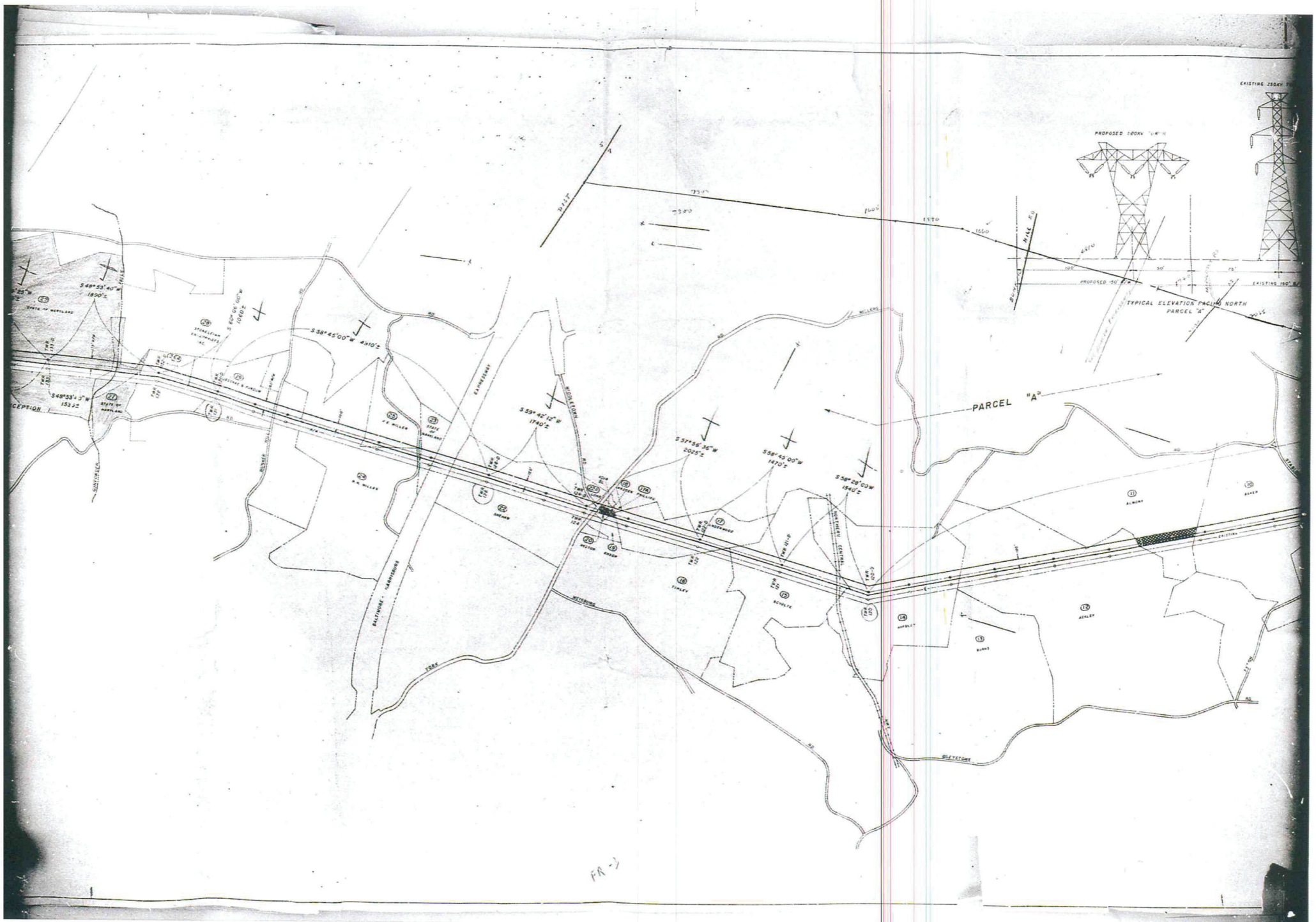
REVISED 3-29-71
TO INCLUDE THE FOLLOWING PARCELS
5 - MCGINNIS
9 - SUNBAUGH
42 - MACNEILLE
44B - FORBES
39 - MAYS

FLAT SHOWING TRANSMISSION LINE RIGHTS-OF-WAY
LOCATED IN 7TH, 5TH. & 4TH. ELECTION DISTRICTS
BALTIMORE COUNTY, MARYLAND
SCALE 1" = 600'±

DRAWN L.K. SMITH DATE JAN. 18, 1971
CHECKED J.F. DOUTHAT APPROVED

MICROFILMED


EXISTING 230KV. TOWER
KEY
ADDITIONAL RIGHT-OF-WAY OF BALTO. GAS & ELECT. CO. FOR PROPOSED STEEL TOWER LINE.
INDICATES PROPOSED STEEL TOWER
INDICATES EXISTING STEEL TOWER
INDICATES AREAS TO BE EXCEPTED FROM THIS PETITION
ZONED R-6
BEGINNING PARCEL "A"
TRUMP
ELEVATION FACING NORTH PARCEL "C"
S 32° 19' 00" W 1260'±
S 34° 30' 40" W 5285'±
N 82° 25' 46" W 55'±
S 30° 52' 00" W 16,565'±
ZONED R-6
#71-253X
OFFICE COPY
LEGEND
ZONING AREAS
R-40
R-20
R-10
R-6
BR
BL
ML
PUBLIC
SPECIAL EXCEPTION
MAPS
#4-SEC. 1-D
#4-SEC. 2-D
#5-3F-1F
#5-2E
#7-2-F
#7-3-G
"X"
NOTE
PARCEL A,B:
BEARINGS SHOWN HEREON REFER TO THE TRUE MERIDIAN AS ESTABLISHED BY THE SUSQUEHANNA TRANSMISSION COMPANY OF MARYLAND IN 1931
PARCEL C:
BEARINGS SHOWN HEREON REFER TO THE STATE OF MARYLAND GRID MERIDIAN.
5TH DIST. 3F-1F
7TH DIST. 3-G
PLAT SHOWING TRANSMISSION LINE RIGHTS-OF-WAY LOCATED IN 7TH, 5TH & 4TH. ELECTION DISTRICTS BALTIMORE COUNTY, MARYLAND
SCALE 1" = 600'±
DRAWN L.K. SMITH
DATE JAN. 18, 1971
CHECKED A.F. DOUTHIRT
APPROVED


PROPOSED 230KV
EXISTING 230KV
PROPOSED 150' R/W
EXISTING 150' R/W
TYPICAL ELEVATION FACING NORTH
PARCEL "A"
PARCEL "A"
S 48°53'40" W 1890'±
S 38°45'00" W 4310'±
S 39°42'12" W 1740'±
S 57°56'36" W 2025'±
S 58°45'00" W 1470'±
S 58°28'03" W 1540'±
S 48°53'40" W 1890'±
S 48°53'40" W 1533±
EXISTING
PROPOSED
BALTIMORE - HARRISBURG
WILLSBORO
GETTYSBURG
MIDDLETOWN
HANOVER
YORK
FR-1

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

72-99-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

BALTIMORE GAS AND ELECTRIC COMPANY

legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition

See attached description

for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for construction, operation, and maintenance of 500 KV electric transmission lines.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

BALTIMORE GAS AND ELECTRIC COMPANY

By: William T. Stuart
Vice President

Contract purchaser

Legal Owner

Address: Gas and Electric Building, Baltimore, Maryland 21203

John B. Howard
Mercantile-Towson Bldg., Towson, Maryland 21204

Petitioner's Attorney

Protestant's Attorney

William E. Colburn
17th Floor Gas & Elec. Bldg., Baltimore, Maryland 21203

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of September, 197 1, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 18th day of October, 197 1, at 10:00 o'clock

Zoning Commissioner of Baltimore County

(over)

Petitioner's Exhibit 15

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that the petitioner has complied with the requirements of Section 502.1 of the Baltimore County Zoning Regulations, a special exception for the construction, operation and maintenance of 500 KV Electric Transmission Line, should be GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 19 day of October, 1971, that construction, operation and maintenance of a Special Exception for a 500 KV. Elec. Trans. Line should be and the same is granted, from and after the date of this order, subject to approval of site plan by the Bureau of Public Services and Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE
BY
ADMINISTRATIVE ASSISTANT

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 197 , that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a rone; and/or the Special Exception for be and the same is hereby DENIED.

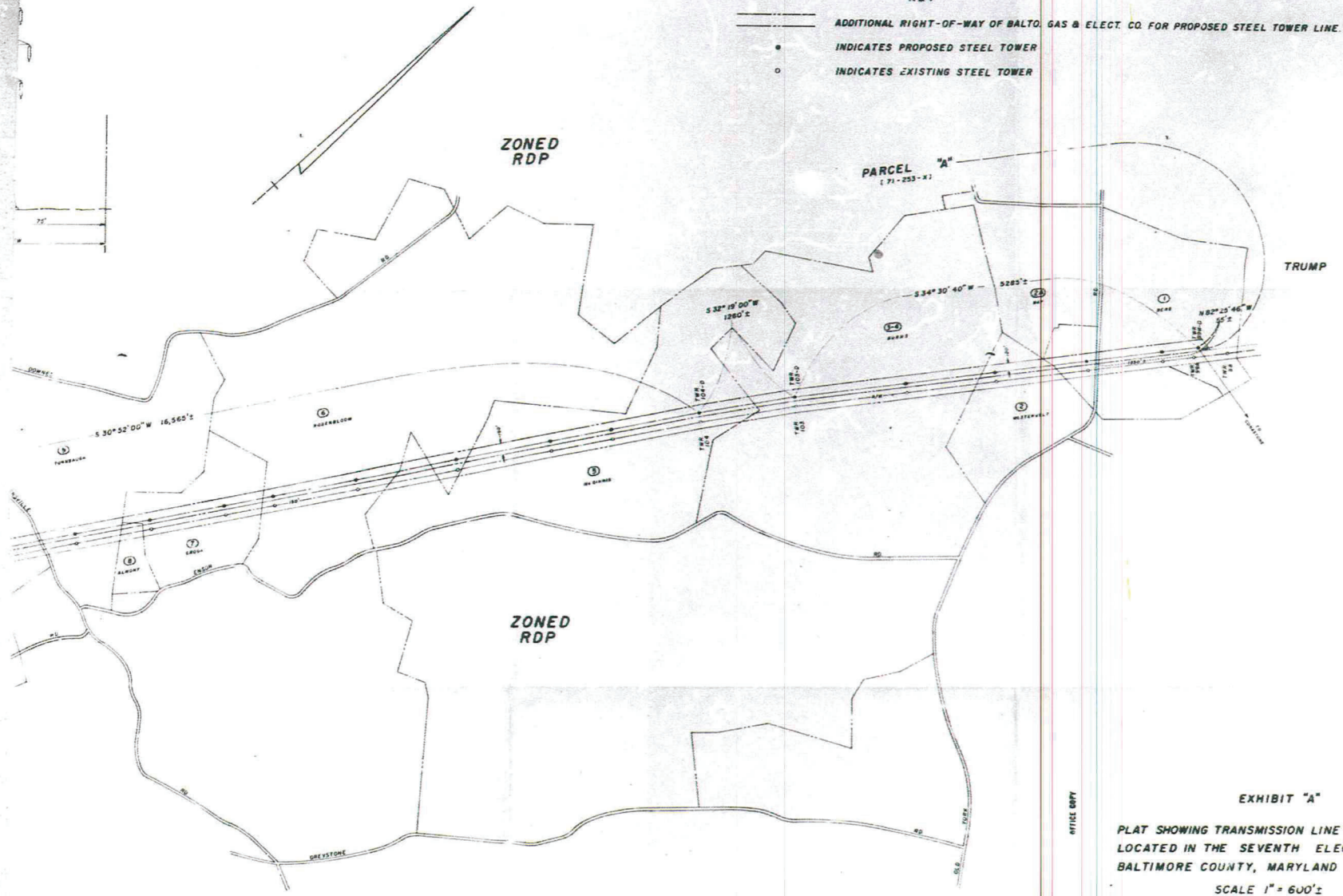
Zoning Commissioner of Baltimore County

KEY

ADDITIONAL RIGHT-OF-WAY OF BALTO. GAS & ELECT. CO. FOR PROPOSED STEEL TOWER LINE.

INDICATES PROPOSED STEEL TOWER

INDICATES EXISTING STEEL TOWER



NOTE

PARCEL A

BEARINGS SHOWN HEREON REFER TO THE TRUE MERIDIAN AS ESTABLISHED BY THE SUSQUEHANNA TRANSMISSION COMPANY OF MARYLAND IN 1931

FOR REFERENCE SEE PLAT SUBMITTED WITH PETITION FOR SPECIAL EXCEPTION NO. IV-138 X, GRANTED MAY 10, '67.

OFFICE COPY

EXHIBIT "A"

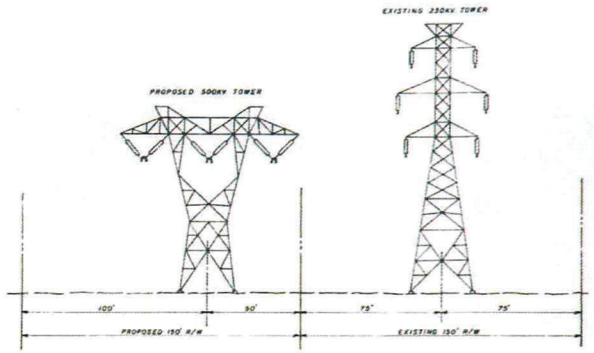
PLAT SHOWING TRANSMISSION LINE RIGHTS-OF-WAY LOCATED IN THE SEVENTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

SCALE 1" = 600'±

DRAWN L.K. SMITH DATE

CHECKED J.F. SOUTHART APPROVED

DEC 01 1971



TYPICAL ELEVATION FACING NORTH
PARCEL "A"

KEY

ADDITIONAL RIGHT-OF-WAY OF B

INDICATES PROPOSED STEEL TO

INDICATES EXISTING STEEL TOW

ZONED RDP

PARCEL "A"
(71-253-X)

PARCEL "A"
(71-253-X)

S 30° 52' 00" W 16,565'±

S 32° 19' 00" W
1260'±

S 54° 30' 40" W

BEGINNING

S 30° 52' 00" W
1005'±

S 30° 52' 00" W - 2200'±

EXISTING

ZONED RDP

MILLERS

DONNEL

TURNBAUGH

ROSENBLOOM

ALBERT

BAKER

ALBERT

FROCK

HIPSLEY

ASHLEY

BURNS

TRANSMISSION

GREYSTONE

GREYSTONE

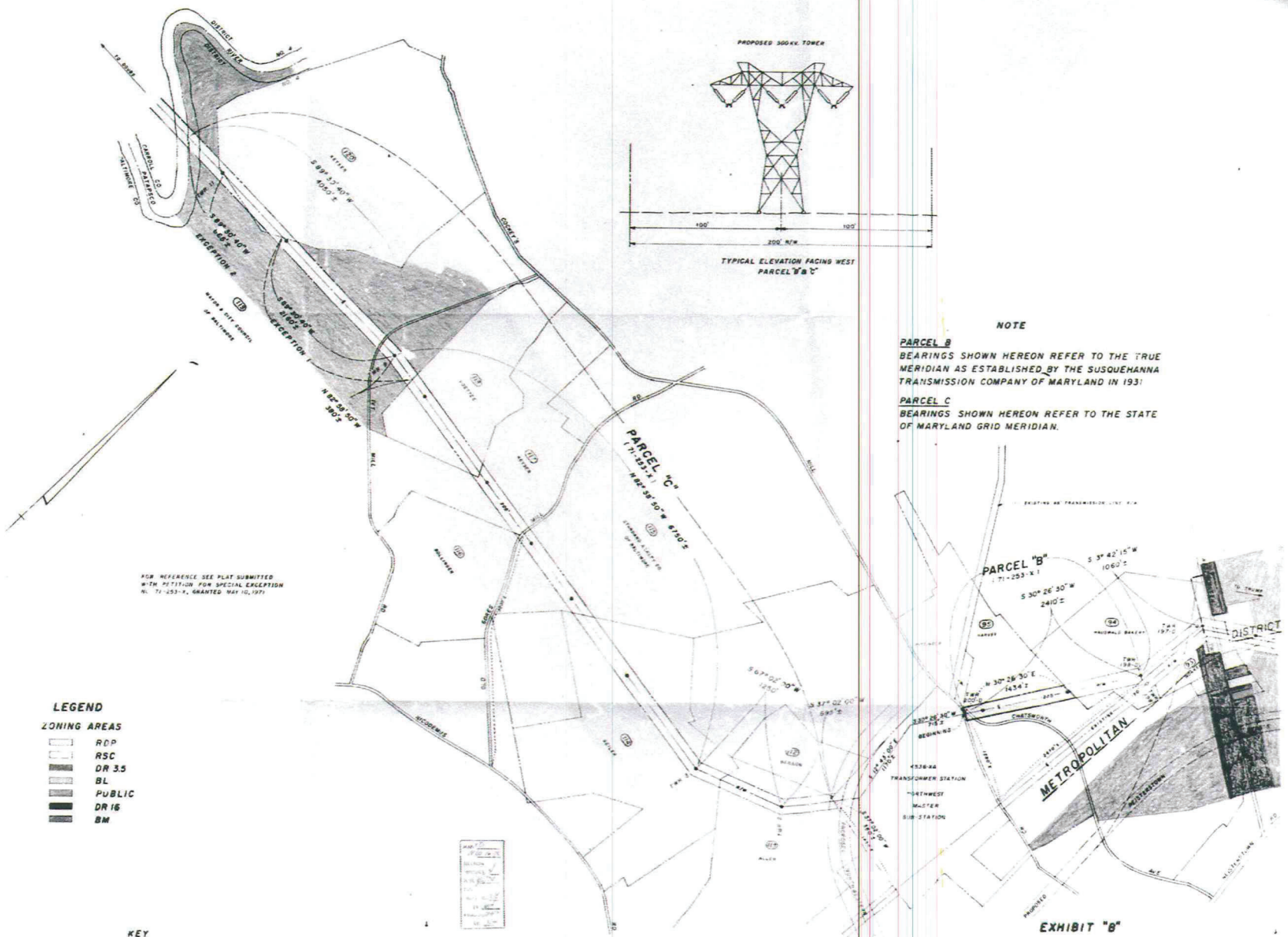
NOTE

PARCEL A

BEARINGS SHOWN HEREON REFER TO THE TRUE MERIDIAN AS ESTABLISHED BY THE SUSQUEHANNA TRANSMISSION COMPANY OF MARYLAND IN 1931

FOR REFERENCE S
WITH PETITION FO
No. 71-253-X, 1971

DEC 01 1970



LEGEND

ZONING AREAS

- RDP
- RSC
- DR 3.5
- BL
- PUBLIC
- DR 16
- BM

KEY

- ADDITIONAL RIGHT-OF-WAY OF BALTO. GAS & ELECT. CO. FOR PROPOSED STEEL TOWER LINE
- ● INDICATES PROPOSED STEEL TOWER
- ○ INDICATES EXISTING STEEL TOWER

NOTE

PARCEL B

BEARINGS SHOWN HEREON REFER TO THE TRUE MERIDIAN AS ESTABLISHED BY THE SUSQUEHANNA TRANSMISSION COMPANY OF MARYLAND IN 1931

PARCEL C

BEARINGS SHOWN HEREON REFER TO THE STATE OF MARYLAND GRID MERIDIAN.

EXHIBIT "B"

PLAT SHOWING TRANSMISSION LINE RIGHTS-OF-WAY LOCATED IN THE FOURTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

SCALE 1" = 600'±

DRAWN L.A. SMITH DATE JULY 9, 19

CHECKED J.F. DOUTHIRT APPROVED

OFFICE COPY

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

72-99-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

BALTIMORE GAS AND ELECTRIC COMPANY

legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition

See attached description

for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for construction, operation, and maintenance of 500 KV electric transmission lines.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

BALTIMORE GAS AND ELECTRIC COMPANY

By: William T. Stuart
Vice President

Contract purchaser

Legal Owner

Address: Gas and Electric Building, Baltimore, Maryland 21203

John B. Howard
Mercantile-Towson Bldg., Towson, Maryland 21204

Petitioner's Attorney

Protestant's Attorney

William E. Colburn
17th Floor Gas & Elec. Bldg., Baltimore, Maryland 21203

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of September, 197 1, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 18th day of October, 197 1, at 10:00 o'clock

Zoning Commissioner of Baltimore County

(over)

Petitioner's Exhibit 15

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that the petitioner has complied with the requirements of Section 502.1 of the Baltimore County Zoning Regulations, a special exception for the construction, operation and maintenance of 500 KV Electric Transmission Line, should be GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 19 day of October, 1971, that construction, operation and maintenance of a Special Exception for a 500 KV. Elec. Trans. Line should be and the same is granted, from and after the date of this order, subject to approval of site plan by the Bureau of Public Services and Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE
BY
ADMINISTRATIVE ASSISTANT

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 197 , that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a rone; and/or the Special Exception for be and the same is hereby DENIED.

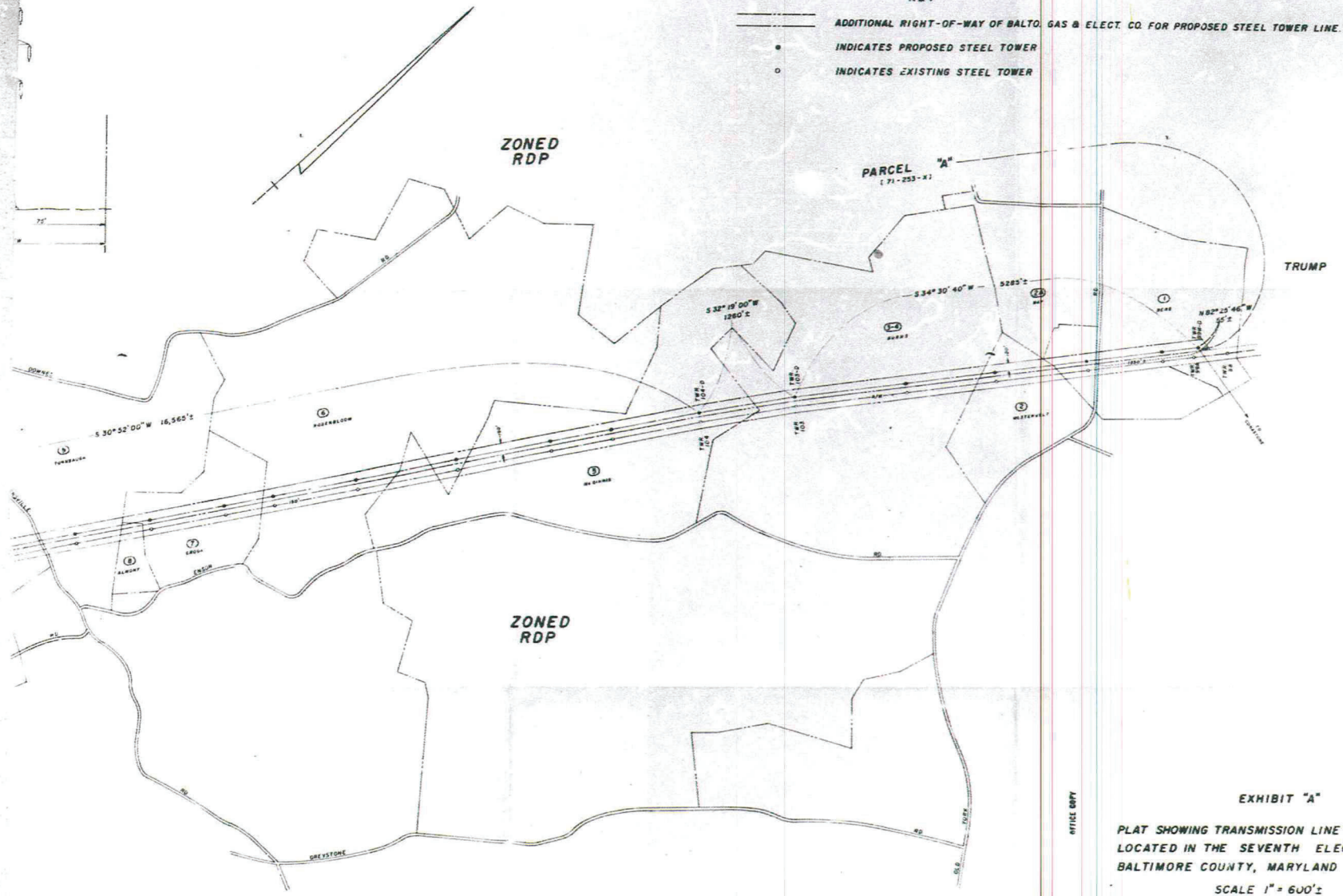
Zoning Commissioner of Baltimore County

KEY

ADDITIONAL RIGHT-OF-WAY OF BALTO. GAS & ELECT. CO. FOR PROPOSED STEEL TOWER LINE.

INDICATES PROPOSED STEEL TOWER

INDICATES EXISTING STEEL TOWER



NOTE

PARCEL A

BEARINGS SHOWN HEREON REFER TO THE TRUE MERIDIAN AS ESTABLISHED BY THE SUSQUEHANNA TRANSMISSION COMPANY OF MARYLAND IN 1931

FOR REFERENCE SEE PLAT SUBMITTED WITH PETITION FOR SPECIAL EXCEPTION NO. IV-138 X, GRANTED MAY 10, '67.

OFFICE COPY

EXHIBIT "A"

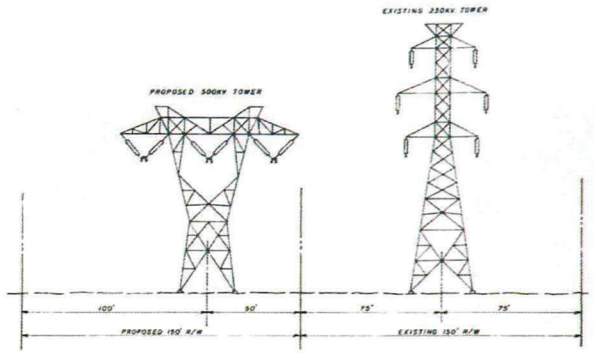
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SCALE 1" = 600'±

DRAWN L.K. SMITH DATE

CHECKED J.F. SOUTHART APPROVED

DEC 01 1971



TYPICAL ELEVATION FACING NORTH
PARCEL "A"

KEY

ADDITIONAL RIGHT-OF-WAY OF B

INDICATES PROPOSED STEEL TO

INDICATES EXISTING STEEL TOW

ZONED RDP

PARCEL "A"
(71-253-X)

PARCEL "A"
(71-253-X)

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1260'±

S 54° 30' 40" W

BEGINNING

S 30° 52' 00" W
1005'±

S 30° 52' 00" W - 2200'±

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MILLERS

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BAKER

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FROCK

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GREYSTONE

GREYSTONE

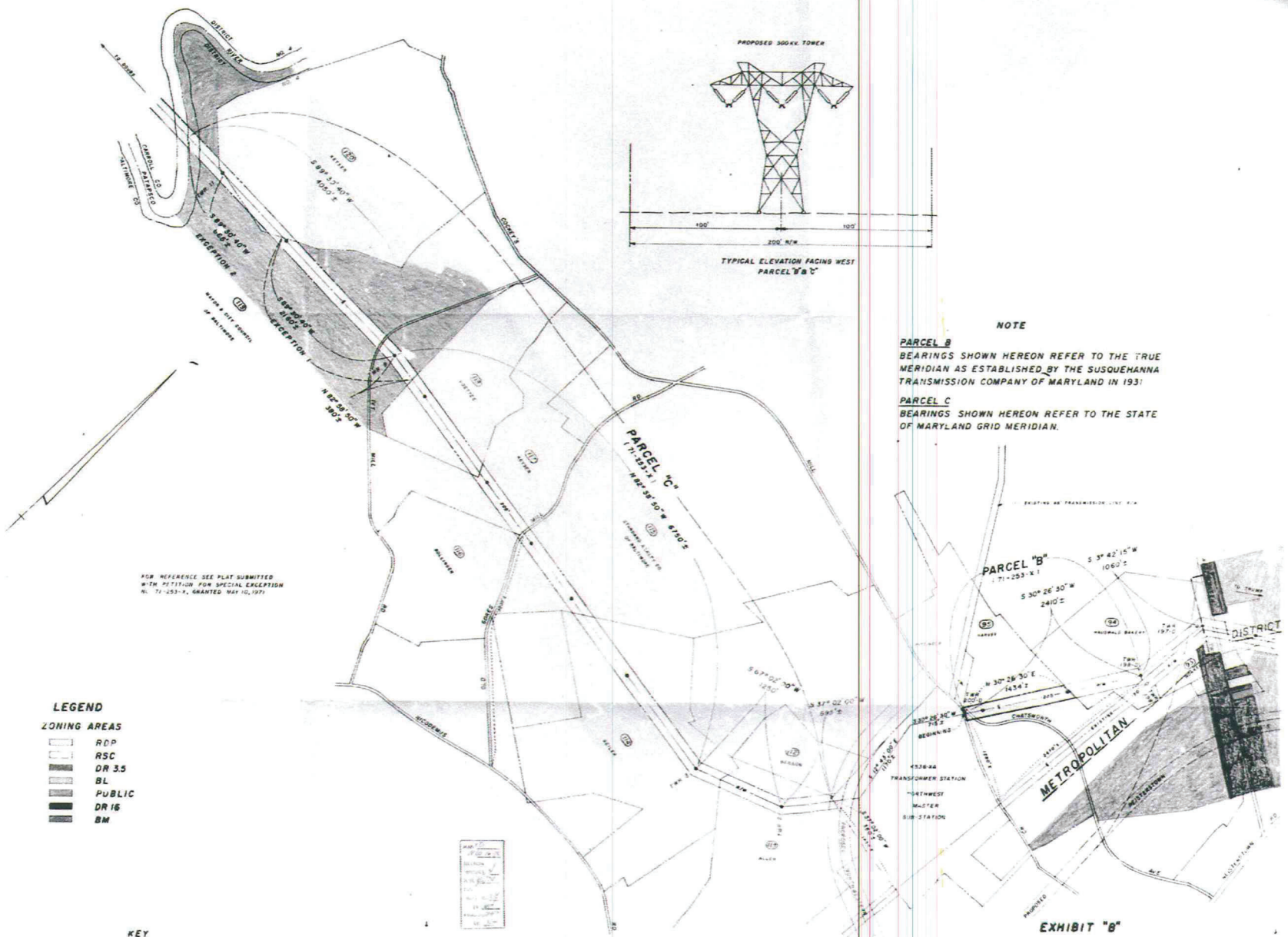
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FOR REFERENCE S
WITH PETITION FO
No. 71-253-X, 1971

DEC 01 1970



LEGEND

ZONING AREAS

- RDP
- RSC
- DR 3.5
- BL
- PUBLIC
- DR 16
- BM

KEY

- ADDITIONAL RIGHT-OF-WAY OF BALTO. GAS & ELECT. CO. FOR PROPOSED STEEL TOWER LINE
- ● INDICATES PROPOSED STEEL TOWER
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NOTE

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PARCEL C

BEARINGS SHOWN HEREON REFER TO THE STATE OF MARYLAND GRID MERIDIAN.

EXHIBIT "B"

PLAT SHOWING TRANSMISSION LINE RIGHTS-OF-WAY LOCATED IN THE FOURTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

SCALE 1" = 600'±

DRAWN L.A. SMITH DATE JULY 9, 19

CHECKED J.F. DOUTHIRT APPROVED

OFFICE COPY

53

PETITION FOR SPECIAL HEARING

88-210-SPH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special hearing under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Approximation, operation and maintenance of a 115 kV overhead electric transmission line, and for such other and further zoning relief as may be deemed necessary by the Zoning Commissioner.

71-253 X

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do 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 Petition.

Attorney for Petitioner

Contract Purchaser:

John B. Howard
(Type or Print Name)

Signature

210 Allegheny Avenue
Address

Towson, Maryland 21204
City and State Telephone No. 823-4111

Attorney for Petitioner:

Martha A. Dolsa
(Type or Print Name)

Martha A. Dolsa
Signature

17th fl., Gas and Electric Bldg.
Address

P. O. Box 1475
Baltimore, Maryland 21203
City and State

Attorney's Telephone No.: 234-5697

Legal Owner(s):

Baltimore Gas and Electric Company
(Type or Print Name)

By: George D. England - Vice President

(Type or Print Name)

Signature

Gas and Electric Bldg.
P. O. Box 1475 234-5697
Address Phone No.

Baltimore, Maryland 21203
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

John B. Howard, Esquire
Name

210 Allegheny Ave. 823-4111
Address Phone No.
Towson, Maryland 21204

MAP NW 15C
E.D. 4th
Date 2-8-88
200 BF
1000 BF
ZP

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of October, 1987 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2nd day of December, 19 87 at 2:00 o'clock P. M.

ORDER RECEIVED FOR FILING
Date 10/30/87
By Kathi Schultz

Zoning Commissioner of Baltimore County

ZCO—No. 1 (over)

ALLOWED LENGTH OF HEARING
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: [illegible] DATE 8/5/87

Petitioner's Exhibit 16

IN RE: PETITION FOR SPECIAL HEARING for the Construction, Operation, and Maintenance of a 115-KV Overhead Electric Transmission Line and to Amend the Special Exception Previously Granted in Case No. 71-253-X on Property Located along a 200-foot-wide Right-of-Way in the Fourth Election District of Baltimore County,	*	BEFORE THE
	*	DEPUTY ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 88-210-SPH
	*	
	*	
BALTIMORE GAS AND ELECTRIC COMPANY,	*	
Petitioner	*	

* * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner in this case, Baltimore Gas and Electric Company ("BG&E"), has filed a petition for special hearing to obtain approval for an amendment to the special exception previously granted in Case No. 71-253-X. The previous special exception was granted pursuant to Section 1A03.3.B.8 of the Baltimore County Zoning Regulations ("BCZR") and authorized BG&E to construct, operate, and maintain a 500-KV overhead electric transmission line and towers within a 200-foot-wide right-of-way, known as the Conastone to Dobbs Transmission Line Right-of-Way, in the Fourth Election District of Baltimore County. BG&E here seeks to amend the special exception so that it may construct, operate, and maintain a new 115-KV overhead electric transmission line in the same right-of-way.

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Date 10/11/88
By

BG&E was represented at the special hearing by John B. Howard, Esquire and Martha A. Delea, Esquire. Appearing as witnesses for BG&E were Edward J. Schultz, Jr., a planning engineer for the company; Lawrence A. Rectanus, a principal engineer in the distribution and transmission engineering department of the company; and Walter A. Reiter, Jr., a licensed real estate appraiser associated with the firm of Real Property Consultants, Inc. There were no protestants or counsel for protestants present.

Testimony proffered by counsel for BG&E indicates that the right-of-way involved in this case is 200 feet wide and extends for a distance of approximately 2.7 miles. It lies entirely beyond the Metropolitan District of Baltimore County. The land within the right-of-way is zoned RC 4. It is currently occupied by a 500-KV overhead electric transmission line and towers, in accordance with BG&E's previous special exception.

BG&E is proposing to construct, operate, and maintain a 115-KV electric transmission line within the right-of-way on wooden poles of much smaller dimensions than the large metal towers carrying the existing 500-KV line. The record indicates that the proposed line would provide essential service to BG&E's White Rock substation in Carroll County. Although that substation is now served by one transmission line, the proposed line would routinely carry

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Date 10/12/82
By ...

part of the load, and would act as a necessary "backup" line to carry all of the load in case of emergency.

The evidence proffered by BG&E's expert witnesses tends to establish that the requirements of both Section 411.1 and Section 502.1, BCZR, have been complied with. That evidence shows that the proposed transmission line is needed for the rendition of BG&E's service and that the location of the line would not seriously impair the value or use of neighboring property. The evidence also shows that the line would not have any of the adverse consequences listed in Section 502.1.

The issues raised when a special exception is amended are the same issues presented when the special exception was initially granted. A special exception use is a part of the comprehensive zoning plan sharing the presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1, 11, 432 A.2d 1319 (1981). The appropriate standard to be used in determining whether the petition should be denied is "whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." 291 Md. at 15.

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Date
By

To meet its burden, a petitioner need only show to the satisfaction of the Zoning Commissioner that the proposed use would be conducted without real detriment to the community and would not actually adversely affect the public interest. See Turner v. Hammond, 270 Md. 41, 55, 310 A.2d 543 (1973). When the petitioner produces credible and probative evidence on all of the specific issues established by the zoning regulations, then a special exception should be granted.

In this case, BG&E has shown that the proposed transmission line would be maintained without real detriment to the community and would not adversely affect the public interest. The evidence, as well as the fact that no protestant appeared, tends to show that the presently existing special exception use (the 500-KV transmission line) has not adversely impacted the community any more than such a transmission line would in any other location within the RC 4 zone. Indeed, because the poles supporting the new line would be much smaller in dimension than the towers carrying the existing line, the impact of the new line would be less adverse than that of the existing line.

In this case, there is no evidence whatsoever that the proposed transmission line will be detrimental to the health, safety, or general welfare of the locality, that it will tend to create congestion in the roads, streets, or

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Date 4/17/80
By [signature]

alleys therein, that it will create a potential hazard, that it will overcrowd land or cause undue concentration of population, that it will interfere with adequate provisions for public requirements, conveniences, or improvements or with adequate light and air, that it will be inconsistent with impermeable surface and vegetative retention provisions of the BCZR, or that it will be inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit and intent of the BCZR.

Pursuant to advertisement, posting of the property, and a public hearing held, and it appearing after due consideration of the evidence proffered that the requirements of Sections 411.1 and 502.1, BCZR, have been met and that the health, safety, and general welfare of the community would not be adversely affected, the request made in the Petition for Special Hearing should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 17th day of October, 1987, that the request of the Baltimore Gas and Electric Company for permission to construct, operate, and maintain a 115-KV overhead electric transmission line, as included in the company's Petition for Special Hearing, is hereby GRANTED, subject to the following:

1. The construction of the transmission line shall be in accordance with the site plan that was submitted

ORDER RECEIVED FOR FILING
Date 10/17/87
By Kathi L. Schlaefer

by BG&E at the special hearing and that was labelled Petitioner's Exhibit 2.

Ann M. Nastarowicz
Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
Date 4/10/89
By Kathi Schlaefer

7977 42

STATE OF MARYLAND
PUBLIC SERVICE COMMISSION

ORDER NO. 67854

IN THE MATTER OF THE APPLICATION OF BALTIMORE GAS AND ELECTRIC COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF A SINGLE CIRCUIT 115 KV TRANSMISSION LINE FROM ITS NORTHWEST SUBSTATION, LOCATED ON THE SOUTH SIDE OF OCCIDENTS MILL ROAD, 0.5 OF A MILE WEST OF REISTERSTOWN ROAD IN BALTIMORE COUNTY, IN A WESTERLY DIRECTION APPROXIMATELY 9.5 MILES TO LIBERTY ROAD THEN IN A SOUTHEASTERLY DIRECTION APPROXIMATELY 1.3 MILES ALONG LIBERTY ROAD THEN IN A SOUTHWESTERLY DIRECTION APPROXIMATELY 0.7 OF A MILE TO ITS WHITE ROCK SUBSTATION LOCATED APPROXIMATELY 0.2 OF A MILE WEST OF WHITE ROCK ROAD IN CARROLL COUNTY, MARYLAND.	*	BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND CASE NO. 7977

PROPOSED ORDER OF HEARING EXAMINER

Appearances:

Martha A. Dales, for Baltimore Gas and Electric Company.

Carla G. Pettus, for the Staff of the Public Service Commission.

Brian J. Fisher, for the Office of People's Counsel.

Robert H. Clarke, pro se.

Larry Halmbrick, pro se.

William O'Brien Finch, pro se.

This case comes before the Commission by Application filed by the Baltimore Gas and Electric Company (hereinafter referred to as "BG&E" or "Company") on August 12, 1986. The Application requests a Certificate

FILED
AUG 25 1987
PUBLIC SERVICE COMM'N
OF MARYLAND

Pettus's
5

of Public Convenience and Necessity, pursuant to Section 5A of The Public Service Commission Law,[1] ("the PSC Law") for the overhead construction of a single circuit 115 kV transmission line in Baltimore and Carroll Counties, Maryland as more specifically set forth in the caption of this proceeding.

According to the Application, 10.2 miles of the proposed new 115 kV transmission line will be located on the Company's existing transmission line rights-of-way and the remaining 1.3 mile portion will be constructed on private property on a new right-of-way (to be acquired by the Company) adjacent to Liberty Road in Carroll County. The transmission line will use a combination of steel and wood pole structures.

The Application further states that the estimated cost of the project is $3,457,300 of which $3,387,300 will be expended for the transmission line and an estimated $70,000 for property rights and/or land acquisitions. In addition, the estimated cost of substation work associated with the project is $2,212,700. The project, according to the Application, will be financed as an integral part of the Company's total construction program in the same manner as other additions to the Company's facilities are financed. This includes internally generated funds, short-term borrowings and the issuance of securities. The estimated effect of the project will be to increase the average annual operating, maintenance, depreciation expenses and taxes (other than income taxes) by a total of $172,090.

---

[1] Md. Ann. Code art. 78 (1984 Cum. Supp.).

The Application notes that the proposed transmission line is needed to make firm the existing master substation at White Rock and alleviate the substandard voltage levels occurring during emergency conditions at the Liberty substation. The project will reinforce the 115 kV transmission supply to the Carroll County portion of the Company's electric system, eliminate equipment overloads during emergency conditions and electrical flow problems during normal operation, according to the Application. Thus, the project will improve reliability in the Carroll County portion of BG&E's electric system by providing a second supply circuit to the White Rock substation.

Finally, the Application states that one alternate route for the proposed transmission line was considered and rejected by the Company. The route is basically the same as the route being proposed except that a portion of it would use the Company's 115 kV transmission line right-of-way located between London Bridge Road and Liberty Road that supplies service to Colonial Pipeline Company's facilities and the White Rock substation. This route was rejected because the Company would not be able to obtain the necessary outages on the existing 115 kV transmission line that are needed during construction of the new line.

By letter dated December 15, 1986, the Department of Natural Resources ("DNR") forwarded its initial recommendations to the Commission with respect to BG&E's application. According to the letter, DNR recommended that, given demonstration of need, a Certificate of Public Convenience and Necessity be granted subject to the following conditions:

1. The sedimentation and erosion control plan which must be approved by the Baltimore and Carroll Soil Conservation Districts shall include provisions for seeding and mulching in the vicinity of all waterway crossings.

2. Construction within the floodplain of Norris Run shall not be permitted between October 1 and April 30.

3. The location of structures at each waterway crossing shall be reviewed by the Department of Natural Resources. This shall be coordinated through the Power Plant Research Program after the preparation of final engineering plans.

4. Right-of-way clearing within 100 feet of each waterway crossing shall be conducted by hand labor.

5. With the exception of danger trees, no vegetation within 100 feet of any waterway shall be removed. Any exceptions to this must be approved in writing by the Department of Natural Resources.

6. Prior to beginning construction, the applicant shall obtain a temporary waterway construction permit from the Water Resources Administration.

7. The applicant shall conduct an archeological survey of the proposed route, submit the results to the State Archeologist for review prior to construction, and take reasonable steps necessary to protect any significant archeological resources identified.

With regard to recommendation No. 2 above, the letter noted:

Much of the proposed route, particularly in the vicinity of waterway crossings, is characterized by steep terrain. Because of this, erosion and sediment control is of particular concern along the route. This is especially true in the vicinity of Norris Run, which is a Class III stream (Natural Trout Waters) supporting a population of native brook trout. The Department is therefore recommending that construction in the floodplain of this stream not be permitted from October 1 through April 30.

A hearing on the proposed transmission line was held on December 15, 1986, in Westminster, Maryland after due notice was published in newspapers in general circulation in the area which would be affected by the project. Persons owning land which would be crossed by the transmission line were notified by certified mail of the date, time and place of the hearing. The County Commissioners of Carroll County and the Baltimore County Executive and County Council, the local governing bodies of the area in which the project would be located, did not participate in the hearing. By letter dated October 27, 1986, the President of the Board of Carroll County Commissioners noted to this Hearing Examiner that the County's Planning Commission had reviewed the proposal and had no objection to its implementation. By letter dated November 3, 1986, the Baltimore County Executive noted to this Hearing Examiner that the petitioner should be advised that a Special Exception will be required through the zoning process.

At the hearing, four witnesses testified in support of the Company's Application. The first witness was Edward J. Schultz, Jr., who stated that he is a senior engineer in the planning unit of the distribution and transmission engineering department. His major duties are to plan the subtransmission system and master substations.

Mr. Schultz testified that the proposed transmission line was necessary in order to make firm the Company's White Hook master substation. In explaining this point further, Mr. Schultz testified that BG&E's normal installation at a master substation requires two transmission lines and two transformers to supply the electrical load. This is so that if either transmission line or transformer is lost, the load could be

carried on the remaining transmission line and transformer. Currently, the White Rock master substation has a single transformer supplied by an existing single 115 kV line. The consequences of not installing this transmission line, according to Mr. Schultz, will be substandard voltage levels in the Eldersburg/Sykesville area, as well as damage to BG&E facilities resulting in longer term outages to the customers in the area. In concluding, Mr. Schultz stated that the proposed project will have no adverse impact on system stability, but will increase reliability considerably to the Sykesville/Eldersburg service area.

The next witness to testify was Lawrence A. Rectanus, a principal engineer in the distribution and transmission engineering department responsible for the routing and design of overhead and underground transmission facilities.

Mr. Rectanus explained that the Company proposes to construct a single circuit 115 kV line from its northwest master substation in Baltimore County, Maryland in a westerly direction 2.7 miles along the southern property line of its existing 500 kV transmission line to the Baltimore/Carroll County line and then continuing along the edge of the existing 500 kV transmission line an additional seven and a half miles to Liberty Road. At that point, it would then follow the north side of Liberty Road for approximately eight-tenths of a mile. Then it would cross over Liberty Road to the south side for approximately half a mile, then intersecting an existing 115 kV transmission line right-of-way, and in a southwestly direction, continue seven-tenths of a mile adjacent to the existing 115 kV line to the Company's White Rock substation.

According to the witness, the line would typically be a single pole structure made of either wood or steel varying in a height from 65 to 95 feet. The minimum ground clearance of the line will be 30 feet.

In describing the type of tree clearance proposed by the Company, the witness stated that selective clearing would be done along the route maintaining clearances below and adjacent to the line. The Company will trim, tap or cut any danger trees which might fall upon the line.

Mr. Reetanus also stated that one alternate route was extensively studied and subsequently rejected for a number of reasons. The alternate route is the existing 115 kV line right-of-way which currently supplies White Rock substation and the Colonial Pipeline distribution station at Morgan. The primary reason this alternate route was rejected was because the Company would not be able to obtain the necessary outages on the existing 115 kV line that are needed during construction of the new line. Secondly, the witness pointed out the severe disruption and inconvenience that would occur to residents in several developments that the existing right-of-way now traverses. The existing right-of-way is being utilized by these residents as back yards, play areas, garden plots and so on. Finally, the clearing that would be necessary to build new roads and gain access to the right-of-way for construction would increase soil and sedimentation erosion control concerns. Thus, in conclusion, in the opinion of the Company, the proposed route would affect a lesser number of people and would cause less environmental impact to the area.

Mr. Rectanus also testified that the proposed project is not in line with or is not within one mile of any public airport runway. He also stated that the project will not have any effect on air or water quality nor radio and television reception. Further, there are no historic or archeological sites within the vicinity of the proposed transmission line. Finally, introduced into evidence through this witness, were letters from various state agencies which indicated that the project would not be inconsistent with the individual agencies' plans.

The next witness for BG&E was John E. Ringsdorf, Jr., supervisor of plant accounting records. The witness estimated the following effect upon the Company's average annual expenses and taxes: operating expenses will increase by $1,532; maintenance expenses will increase by $17,653; depreciation expenses will increase by $104,905; and taxes other than income taxes will increase by $48,000. The total net estimated average annual increase in expenses is $172,090. Mr. Ringsdorf stated that the project will be financed by internally generated funds, short-term borrowings and the issuance of securities, the nature and amount of which are not known and will be dependent upon market conditions and certain other factors existing at the time of issuance.

The final witness for BG&E was Walter A. Reiter, Jr., a real estate appraiser retained by the Company to inspect the route of the proposed transmission line and the general vicinity and to present testimony regarding his findings.

Regarding the 1.3 mile portion of the line that will require acquisition of new rights-of-way, the witness stated that 13 properties will be crossed. The witness noted that where the proposed line veers off

from the existing 500 kV line there are two unimproved parcels of land that are zoned industrial restricted. The next property crossed by the proposed line is a small right-of-way entrance to the Carroll County Gun Club. Next the proposed line passes by four lots in an industrial park each one being zoned industrial restricted. Two of those lots are developed and two are undeveloped. The line passes within a 50-foot building setback and also within an area reserved for utilities according to the witness. Next, the line passes over two properties zoned business general, both of which are vacant. After that, the line passes over a residential property but there are no trees in the area and the residence is well set back from the road. Finally, the line crosses to the south side of Liberty Road and continues along a farm property zoned conservation, then passes in front of another residence and another farm property. At this point, the line turns southerly down along the existing Colonial Pipeline right-of-way.

In the concluding opinion of Mr. Reiter, none of the 13 properties will be impacted. In explaining further, Mr. Reiter noted that in the after situation, none of the remainders will suffer any loss in market value.

Mr. Richard Hollis, Staff Engineer with the Commission since 1971, testified for the Commission's Staff. In his pre-filed testimony, Mr. Hollis noted that the proposed line will provide a second source of 115 kV power into the White Rock substation. The witness stated that without a second 115 kV line, an outage of the existing 115 kV line into White Rock will result in unacceptably low voltages in the White Rock area

by as early as 1988. Testifying further, Mr. Hollis stated that the Harrisonville and Finksburg substations now provide 34.5 kV emergency backup supply for the White Rock load, that is, certain 34.5 kV feeders from these two substations supply emergency power to customers served by White Rock in case the existing 115 kV line supply is interrupted. By 1988 these feeders will not be sufficient to provide such emergency supply. A second 115 kV circuit into White Rock substation will relieve this potential overload scenario.

Mr. Hollis further testified that the existing 115 kV line from Deer Park into White Rock substation provides power to the White Rock substation which is then stepped down to subtransmission and distribution voltages for the Company's retail customers. In addition, this line supplies power to the pumping and distribution facilities of the Colonial Pipeline Company on Morgan Run Road in Carroll County. The witness noted that the Colonial Pipeline facilities do not have an alternate source of power. He stated that according to the Company, the Colonial Pipeline load represents too large a load to be served by the 34.5 kV feeders which provide emergency back-up supply for the White Rock area. Continuing, Mr. Hollis testified that with a second 115 kV line into the White Rock substation, an outage can be sustained on either 115 kV line without interrupting power into the Colonial Pipeline facilities. Also, the additional line will serve as an alternate source to allow maintenance on either line without disruption to Colonial Pipeline, according to the witness. Mr. Hollis noted, however, that Colonial Pipeline will remain susceptible to interruptions from outages on the dedicated part of the 115 kV line from White Rock to the Colonial Pipeline facilities.

Next, Mr. Hollis expressed his concern over the fact that the center line of the pole route will lie three feet from the edge of State Highway property, along the Liberty Road portion of the proposed route. Mr. Hollis noted that placement of the line on structures so close to Liberty Road raises concern as to its vulnerability to vehicular accidents. Thus, he suggested that if the proposed line routing is approved that the Company be required to determine the feasibility of erecting vehicular barriers at those pole locations which are susceptible to accidents.

Finally, Mr. Hollis recommends approval of the Company's Application, but he also recommends that the Company be directed to study the feasibility of a line routing along Route 850 as opposed to Route 26. Essentially, Mr. Hollis suggests this routing change for several reasons set forth as follows:

a) There will be a reduction in the visual impact of this line to vehicular traffic along Route 26, particularly in the section between Dorsey Crossroads and the intersection of Routes 26 and 850.

b) There will be a reduction in the vulnerability of the pole structures to vehicular accidents. Route 850 serves local traffic.

c) The Company's distribution lines in this area are routed along the original or older part of Liberty Road. This routing will permit both the proposed transmission line and the existing transmission lines to be placed on a common corridor. It may be possible to place all these lines on a common pole structure as well. In fact, the Company currently uses structures with both types of circuits.

The final witness to testify in this proceeding was Mr. William O. Finch, Jr., Chairman of the Board of O'Brien Holding Company. O'Brien Holding Company is a family-owned corporation whose shareholders are comprised of Mr. Finch and his brothers and sister. The O'Brien Holding Company owns one of the four lots over which the line will pass (described by Mr. Reiter in his testimony above) in the new industrial park located on the north side of Liberty Road just west of Klees Mill Road.

Mr. Finch objects to the routing of this line passing by his property for several reasons. In his opinion, the visual impact of the line will be obtrusive when advertising his business. He also expressed his belief that the line will detract considerably from the aesthetic value of his lot. While noting that he does not question the need for a new transmission line in the area, Mr. Finch argued that the Company should be required to use the alternative route within its existing easement along the 115 kV Deer Park-White Rock line which lies between London Bridge Road and Liberty Road thereby avoiding any impact upon commercial builders or homeowners either on Liberty Road or Route 805. Mr. Finch further noted his objection to Witness Rectanus' testimony that to use this alternative route would inconvenience existing homeowners and would necessitate construction of a maintenance road over their properties. Mr. Finch argued that since these reasons against the alternative route were not articulated in BG&E's application, the Commission should not consider them because he was not prepared to respond to them. He stated his belief that the Company had not fully explored the alternative route, and should therefore be directed to do so.

Mr. Finch's final objection is that the PSC Law requires an application for a project such as this to be filed two years prior to commencement of construction unless good cause is shown otherwise.

Finally, written comments were submitted by several affected property owners all of whom protested the proposed routing of the line over their respective properties. It is also noted that by letter dated January 19, 1987 DNR forwarded its final recommendations to the Commission with respect to BG&E's application. In its letter DNR reaffirmed its preference for the Applicant's proposed route. However, DNR withdrew its initial recommendation number 7 that an archeological survey of the proposed route be conducted to be replaced with the following:

> 7. Because no known or predicted archeological resources will be affected by this project an archeological survey is not required. If, however, archeological resources are encountered during construction, the Maryland Geological Survey, Division of Archeology should be notified immediately.

In addition, by letter dated January 29, 1987, the U.S. Fish and Wildlife Service ("F&S") recommended numerous conditions regarding Wetlands and Vegetation Removal which it felt should be incorporated in the construction plans of BG&E. On March 16, 1987, BG&E responded by letter to F&S's recommendations noting that while it finds the wetlands recommendations acceptable, the recommendations concerning vegetation removal will pose service problems.

Discussion and Findings

In determining whether a certificate of public convenience and necessity shall be granted, the Commission must give:

> . . . due consideration of . . . [the local] governing bodies, the need to meet present and future demands for service, effect on system stability and reliability, economics, aesthetics, historic sites, aviation safety as determined by the State Aviation Administration and the administrator of the Federal Aviation Administration, and, when applicable, the effect on air and water pollution.[2/]

According to the uncontroverted evidence on the record, the proposed transmission line is necessary in order to make firm the existing master substation at White Rock and alleviate the substandard voltage levels occurring during emergency conditions at the substation, as well as damage to BG&E facilities resulting in longer term outages to customers in the Eldersburg/Sykesville area.

Regarding the proposed project's effect on system stability and reliability, Company witness Schultz stated that the line will have no adverse impact on system stability, but will increase reliability considerably to the Eldersburg/Sykesville area.

The economics of the proposed project, as described by Company witness Ringsdorf, appear to be reasonable. The Company's testimonial evidence that there will be no adverse impact upon historic sites,

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2/ Md. Ann. Code art. 78, § 54A (1984 Cum. Supp.).

aviation safety and air or water quality was not controverted. Except for the concern expressed by several property owners and Mr. Hollis regarding the route of the proposed line along Route 26, there was no evidence that the proposed project will have an adverse impact upon aesthetics. Letters from various state agencies introduced into evidence indicated that the project would not be inconsistent with the individual agencies' plans. No recommendations were received from the local governing bodies of Baltimore and Carroll Counties, but, upon review, Carroll County's Planning Commission had no objection to the Company's proposal.

Although Staff's concern of the proposed line along Liberty Road being vulnerable to vehicular accidents is obviously well-meaning, there is no record support for any action to be taken. Company witness Rectanus testified that the pole structures along Liberty Road will be approximately 25 to 30 feet from the edge of the roadway. Nothing in the record indicates that such a distance from the roadway causes a pole structure to be more or less vulnerable to vehicular accidents. In the Examiner's opinion, a bare expression of concern by a party does not require an action to be taken unless that concern is supported by sufficient evidence in the record or, by its very nature, requires some action to be taken. Accordingly, Staff's suggestion to require the Company to determine the feasibility of erecting vehicular barriers is denied.

With respect to Staff's recommendation that the Company study the alternative of routing the proposed line along Route 850 as opposed to Route 26, I find that the record evidence is persuasive that the alternative is not in the public interest and, therefore, such a study is unnecessary.

As noted hereinabove, Mr. Hollis cited three reasons for suggesting the routing change. The first reason is that there will be a reduction in the visual impact of the line to vehicular traffic along Route 26. However, the alternative route along Route 850 will increase the visual impact of the line not only to vehicular traffic along that route, but to numerous residences as well. The record reflects that approximately 21 residential homes are located on the stretch of Route 850 suggested as an alternative route by Staff. Considering this fact, I find that the proposed route along Route 26 is the least intrusive visually and therefore the preferable choice.

Mr. Hollis' second reason for suggesting the alternative route is that there will be a reduction in the vulnerability of the pole structures to vehicular accidents since Route 850 serves local traffic. However, the record indicates that pole structures built along Route 850 would only be approximately 8 to 9 feet from the paved roadway as opposed to the approximate 30 foot offset for poles along Route 26. The reason the poles are required to be so close to Route 850 is due to the fact that several of the residences are located only 20 to 30 feet off the paved roadway. Thus, while there may be less vulnerability of the pole structures on Route 850 to vehicular accidents because of the possibly slower, less voluminous local traffic, logic dictates that vulnerability nevertheless increases due to the closer proximity of the pole structures to the roadway.

Staff's final reason is that since the Company already has distribution lines along this alternative route, the proposed transmission line can be placed in the same common corridor, perhaps even using a

common pole for both lines. However, Company witnesses Nectarus and Reiter noted several significant problems with this alternative route. Mr. Nectarus testified that:

> We have numerous concerns relative to the Staff recommendation. The first concern involves the extension of the line adjacent to the 500-kV line south of point B or across Liberty Road. This area is an interchange, future interchange area for the proposed widening of Route 26. And at the present time we are in the process of relocating several of our facilities because the state and federal governments have adopted policies of not permitting lines to remain inside of right-of-way lines of through highways.
>
> So that our feeling is that if we were to continue directly through that interchange at this point in time, if we were able to get the state's permission, and we would question as to whether they would give us that permission at this time, but if we were to do that, we feel that it is just a question of time until we would be required to relocate that line out of the state highway right-of-way. So that our first concern would be that we feel as though from point B we would still have to bring the line in an easterly direction three feet off the state road right-of-way down to Liberty Road as we are currently planning on doing. At that point we would then head south across Liberty Road and if we would go straight across Liberty Road, we would have to go through some properties that are residential homes in order to get down to the distribution line that is on Route 850.
>
> The other possibility is to continue to go around the state road right-of-way back to the 500-kV line which would move our line -- in other words, we would come 800 feet east, go around the interchange, 800 feet west down to 850 and then head east again. That would lengthen the line. It would increase the number of poles. It would increase the angles. It would increase the cost. We feel that there would be little benefit derived from that.
>
> Once you get down to 850 the question then is one of rebuilding the existing line for 115-kV with the underbuild that is there. So you have the concerns of maintaining the service, maintaining those existing circuits that are there. The constructability of

that line would be difficult because of maintaining the service. And as I have already testified, Route 650 is a 20-foot wide roadway. There are no shoulders on the road. So that any construction equipment or any equipment at all that is on the road is seriously going to hamper any traffic that exists on that road at that point in time.

As I have testified, there are six homes on the north side. There are approximately 15 homes and a garage on the south side. It is a residential area. The south side is totally wooded, heavily wooded. The north side has a few trees which would be impacted by this line. But we would have an impact on approximately 21 residential units west of Kleer Mill Road. East of Kleer Mill Road we would have the same problem in maintaining the service, the constructability of the line if we would follow the Staff's request.

In addition to that, east of Kleer Mill Road the existing distribution line is within the state road right-of-way, the future taking. So that as a result that when Maryland Route 26 is dualized, we would be required to move as will our distribution facilities be required to move. It is on the north side of the old road which in essence has been abandoned because of the new road and is used as a service road. But that line and that old road is in the future lane of dualized Route 26. So that for us to rebuild in that area at this time we feel would be of little value because we would have to ultimately move and we would be back for another commission certificate at a later date.

So that we feel that the constructability is a problem. We feel that the line west of Kleer Mill Road would be approximately eight feet off the traveled way. We don't feel that that is a sufficient amount of clearance.

Mr. Leiter testified that:

> Mr. in the route proposed by Mr. Hollis you have 19 instead of 13 properties and you have I would say six to eight properties that could suffer damage in the remainder as opposed to none in my opinion in the company's proposal.

1/ See Transcript pages 37 through 40.

2/ Id., at p. 106.

In summary, the witness stated:

> Well, in my opinion, and of course mine is limited to the real estate aspects of it only, there is no question that as it affects real estate the line is better placed along the line proposed by the Company than it is along the line proposed by Mr. Hollis.[5]

Therefore, after careful consideration of the record evidence, I find that the Company's proposed route is clearly preferable to Staff's suggested alternative route. Additionally, based upon the testimony of Company witnesses Schultz, Rectenwald and Reiter, I find that the Company's proposed route is clearly preferable to the alternative route within its existing easement along the 115 kv Deer Park-White Rock line which lies between London Bridge Road and Liberty Road. As made clear by the Company witnesses, the proposed route would affect a lesser number of people, cause less environmental impact to the area and result in less disruptive outages during its construction, than the alternatives suggested.

In sum, after due consideration of the various factors set forth in Section 5-4A of the PSC Law, it is my finding that the construction of the 115 kV transmission line, as proposed in this proceeding, is in the public interest.

The conditions for granting the Certificate which were recommended by the DNR were not contested by the Company; since they appear to be reasonable they will be accepted. PWS's wetlands

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5/ Id. at p. 110.

recommendations were not objected to by the Company and they also will be accepted. However, after considering the Company's response to FWS's vegetation removal recommendations, I agree with the Company that its proposed plans are a more acceptable solution in light of the service problems posed by FWS's recommendations.

With regard to Mr. Finch's objection that the PSC Law requires an application for a project such as this to be filed two years prior to commencement of construction unless good cause is shown otherwise, I find that good cause was shown by the Company through witness Schultz's testimony, and the two-year provision is, accordingly, waived.

As a final matter, several property owners expressed concern both orally and in writing as to the effect of the proposed project upon the use and/or value of their property. It is the Examiner's sincere hope that the concerns of these property owners are satisfactorily resolved by the Company during negotiations for purchase of easements and rights-of-way. It should be noted, however, that the courts of Maryland are the final determiner regarding the issue of just compensation.

IT IS, THEREFORE, this 24th day of July, in the year Nineteen Hundred and Eighty-seven,

ORDERED: (1) That a Certificate of Public Convenience and Necessity be granted to the Baltimore Gas and Electric Company for the construction of a 115 kV transmission line along the route set forth in the Company's Application.

(2) That the folowing conditions are made part of the said Certificate of Public Convenience and Necessity:

a) The sedimentation and erosion control plan which must be approved by the Baltimore and Carroll Soil Conservation Districts shall include provisions for seeding and mulching in the vicinity of all waterway crossings.

b) Construction within the floodplain of Morris Run shall not be permitted between October 1 and April 30.

c) The location of structures at each waterway crossing shall be reviewed by the Department of Natural Resources. This shall be coordinated through the Power Plant Research Program after the preparation of final engineering plans.

d) Right-of-way clearing within 100 feet of each waterway crossing shall be conducted by hand labor.

e) With the exception of danger trees, no vegetation within 100 feet of any waterway shall be removed. Any exceptions to this must be approved in writing by the Department of Natural Resources.

f) Prior to beginning construction, the applicant shall obtain a temporary waterway construction permit from the Water Resources Administration.

g) Because no known or predicted archeological resources will be affected by this project an archeological survey is not required. If, however, archeological resources are encountered during construction, the Maryland Geological Survey, Division of Archeology should be notified immediately.

h) Some of the forested wetlands within the workplan area have a seasonal or temporary water regime. It is important that work performed in these areas is scheduled only during dry periods.

i) No excavated material will be stockpiled within intermittent streams or other wetlands.

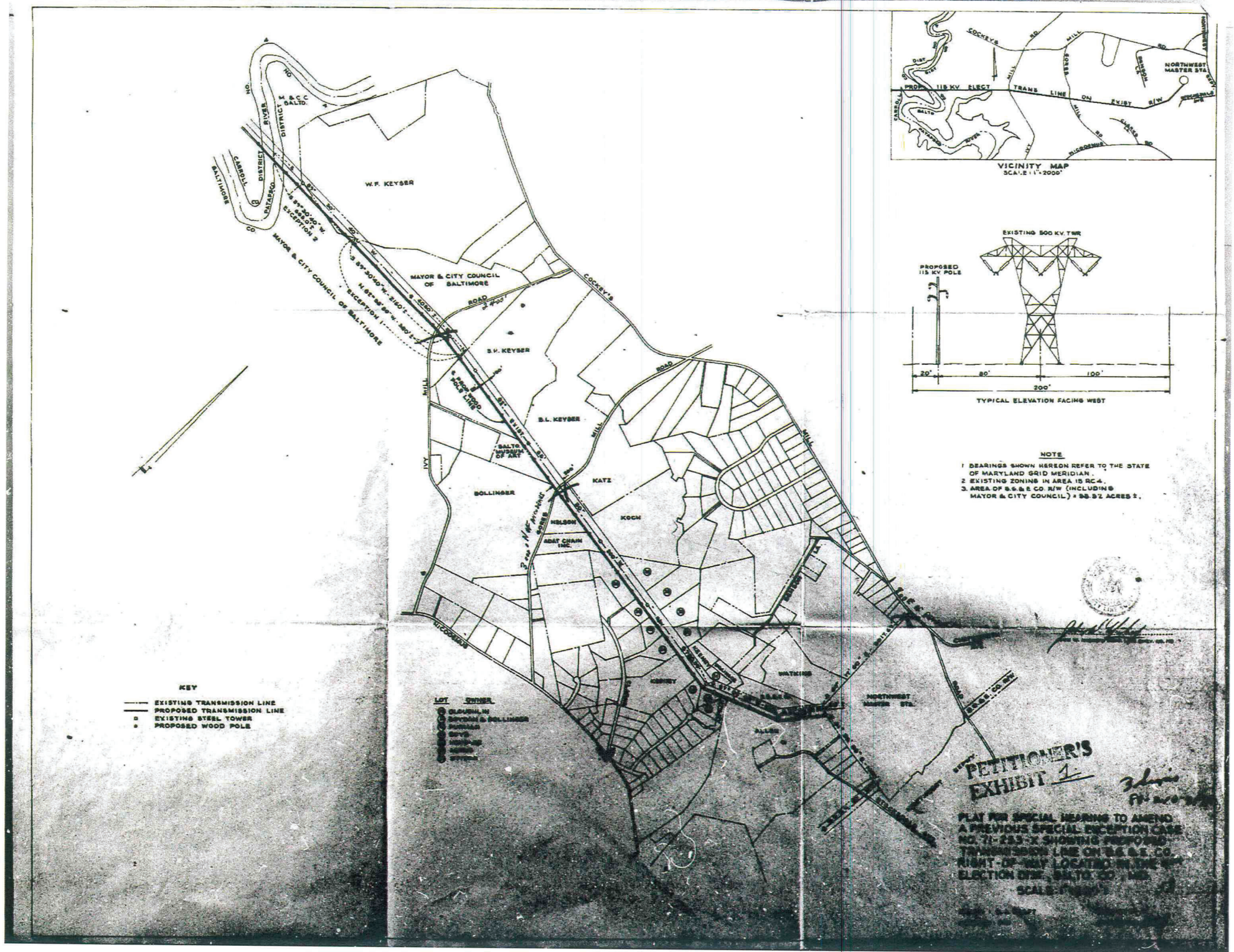
j) Seeding and mulching should immediately follow soil exposure.

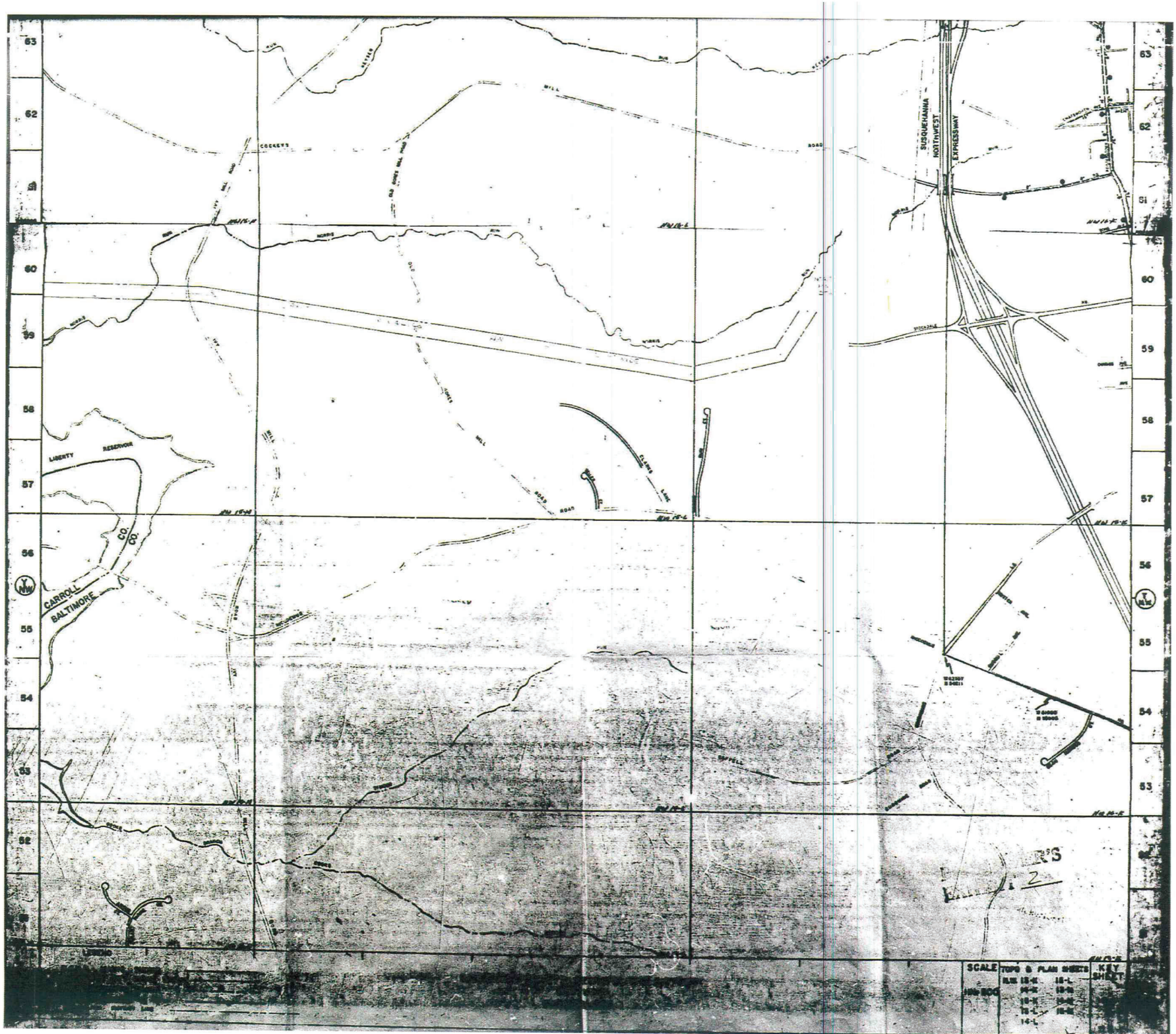
(3) That this Proposed Order shall become a final order of the Commission on August 25, 1987, unless before that date an appeal is noted with the Commission by any party to this proceeding, as provided in Section 20(c) of The Public Service Commission Law, or the Commission modifies or reverses the Proposed Order or initiates further proceedings in this matter as provided in Section 86(d) of The Public Service Commission Law.

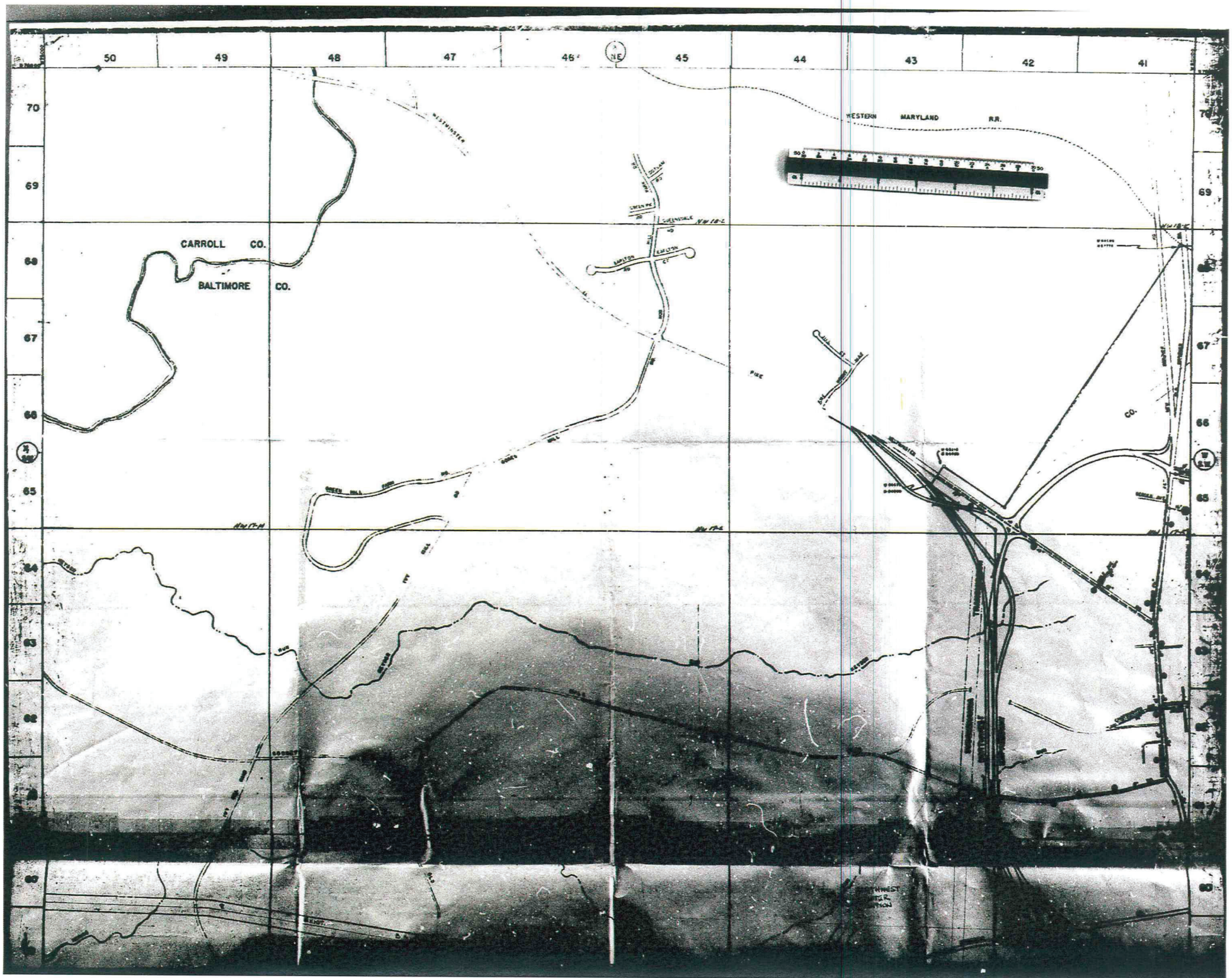
Thomas E. Dewberry

Thomas E. Dewberry
Hearing Examiner
Public Service Commission of Maryland

FILED
AUG 25 1987
PUBLIC SERVICE COM'N
OF MARYLAND


VICINITY MAP
SCALE 1" = 2000'
COCKEY'S MILL RD.
NORTHWEST MASTER STA.
PROP. 115 KV ELECT. TRANS. LINE ON EXIST. R/W
EXISTING 500 KV. TWR.
PROPOSED 115 KV POLE
20'
80'
100'
200'
TYPICAL ELEVATION FACING WEST
NOTE
1 BEARINGS SHOWN HEREON REFER TO THE STATE OF MARYLAND GRID MERIDIAN.
2 EXISTING ZONING IN AREA IS RC 4.
3. AREA OF B.G.&E. CO. R/W (INCLUDING MAYOR & CITY COUNCIL) = 98.32 ACRES ±.
KEY
EXISTING TRANSMISSION LINE
PROPOSED TRANSMISSION LINE
EXISTING STEEL TOWER
PROPOSED WOOD POLE
LOT OWNER
W.F. KEYSER
S.P. KEYSER
S.L. KEYSER
MAYOR & CITY COUNCIL OF BALTIMORE
BOLLINGER
KATZ
KOCH
NELSON
BOAT CHAIN INC.
WATKINS
KENNEY
NORTHWEST MASTER STA.
ALLARD
B.G.&E. CO. R/W
EXCEPTION 1
EXCEPTION 2
PETITIONER'S EXHIBIT 1
PLAT FOR SPECIAL HEARING TO AMEND A PREVIOUS SPECIAL EXCEPTION CASE NO. 71-253-X SHOWING PROPOSED TRANSMISSION LINE ON B.G.&E. CO. RIGHT-OF-WAY LOCATED IN THE 4TH ELECTION DIST., BALTO. CO., MD.
SCALE: 1" = 200'


SUSQUEHANNA
NORTHWEST
EXPRESSWAY
LIBERTY
RESERVOIR
CARROLL
BALTIMORE
CO.
CO.
SCALE
1000 500
TOPO & PLAN SHEETS
KEY SHEET


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CARROLL CO.
BALTIMORE CO.
WESTERN MARYLAND R.R.
WESTMINSTER
GREEN MILL RUN
CO.

53

PETITION FOR SPECIAL HEARING

88-210-SPH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special hearing under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Approximation, operation and maintenance of a 115 kV overhead electric transmission line, and for such other and further zoning relief as may be deemed necessary by the Zoning Commissioner.

71-253 X

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do 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 Petition.

Attorney for Petitioner

Contract Purchaser:

John B. Howard
(Type or Print Name)

Signature

210 Allegheny Avenue
Address

Towson, Maryland 21204
City and State Telephone No. 823-4111

Attorney for Petitioner:

Martha A. Dolsa
(Type or Print Name)

Martha A. Dolsa
Signature

17th fl., Gas and Electric Bldg.
Address

P. O. Box 1475
Baltimore, Maryland 21203
City and State

Attorney's Telephone No.: 234-5697

Legal Owner(s):

Baltimore Gas and Electric Company
(Type or Print Name)

By: George D. England - Vice President

(Type or Print Name)

Signature

Gas and Electric Bldg.
P. O. Box 1475 234-5697
Address Phone No.

Baltimore, Maryland 21203
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

John B. Howard, Esquire
Name

210 Allegheny Ave. 823-4111
Address Phone No.
Towson, Maryland 21204

MAP NW 15C
E.D. 4th
Date 2-8-88
200 BF
1000 BF
ZP

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of October, 1987 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2nd day of December, 19 87 at 2:00 o'clock P. M.

ORDER RECEIVED FOR FILING
Date 10/30/87
By Kathi Schultz

Zoning Commissioner of Baltimore County

ZCO—No. 1 (over)

ALLOWED LENGTH OF HEARING
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: [illegible] DATE 8/5/87

Petitioner's Exhibit 16

IN RE: PETITION FOR SPECIAL HEARING for the Construction, Operation, and Maintenance of a 115-KV Overhead Electric Transmission Line and to Amend the Special Exception Previously Granted in Case No. 71-253-X on Property Located along a 200-foot-wide Right-of-Way in the Fourth Election District of Baltimore County,	*	BEFORE THE
	*	DEPUTY ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 88-210-SPH
	*	
	*	
BALTIMORE GAS AND ELECTRIC COMPANY,	*	
Petitioner	*	

* * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner in this case, Baltimore Gas and Electric Company ("BG&E"), has filed a petition for special hearing to obtain approval for an amendment to the special exception previously granted in Case No. 71-253-X. The previous special exception was granted pursuant to Section 1A03.3.B.8 of the Baltimore County Zoning Regulations ("BCZR") and authorized BG&E to construct, operate, and maintain a 500-KV overhead electric transmission line and towers within a 200-foot-wide right-of-way, known as the Conastone to Dobbs Transmission Line Right-of-Way, in the Fourth Election District of Baltimore County. BG&E here seeks to amend the special exception so that it may construct, operate, and maintain a new 115-KV overhead electric transmission line in the same right-of-way.

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Date 10/11/88
By

BG&E was represented at the special hearing by John B. Howard, Esquire and Martha A. Delea, Esquire. Appearing as witnesses for BG&E were Edward J. Schultz, Jr., a planning engineer for the company; Lawrence A. Rectanus, a principal engineer in the distribution and transmission engineering department of the company; and Walter A. Reiter, Jr., a licensed real estate appraiser associated with the firm of Real Property Consultants, Inc. There were no protestants or counsel for protestants present.

Testimony proffered by counsel for BG&E indicates that the right-of-way involved in this case is 200 feet wide and extends for a distance of approximately 2.7 miles. It lies entirely beyond the Metropolitan District of Baltimore County. The land within the right-of-way is zoned RC 4. It is currently occupied by a 500-KV overhead electric transmission line and towers, in accordance with BG&E's previous special exception.

BG&E is proposing to construct, operate, and maintain a 115-KV electric transmission line within the right-of-way on wooden poles of much smaller dimensions than the large metal towers carrying the existing 500-KV line. The record indicates that the proposed line would provide essential service to BG&E's White Rock substation in Carroll County. Although that substation is now served by one transmission line, the proposed line would routinely carry

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Date 10/12/82
By ...

part of the load, and would act as a necessary "backup" line to carry all of the load in case of emergency.

The evidence proffered by BG&E's expert witnesses tends to establish that the requirements of both Section 411.1 and Section 502.1, BCZR, have been complied with. That evidence shows that the proposed transmission line is needed for the rendition of BG&E's service and that the location of the line would not seriously impair the value or use of neighboring property. The evidence also shows that the line would not have any of the adverse consequences listed in Section 502.1.

The issues raised when a special exception is amended are the same issues presented when the special exception was initially granted. A special exception use is a part of the comprehensive zoning plan sharing the presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1, 11, 432 A.2d 1319 (1981). The appropriate standard to be used in determining whether the petition should be denied is "whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." 291 Md. at 15.

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Date
By

To meet its burden, a petitioner need only show to the satisfaction of the Zoning Commissioner that the proposed use would be conducted without real detriment to the community and would not actually adversely affect the public interest. See Turner v. Hammond, 270 Md. 41, 55, 310 A.2d 543 (1973). When the petitioner produces credible and probative evidence on all of the specific issues established by the zoning regulations, then a special exception should be granted.

In this case, BG&E has shown that the proposed transmission line would be maintained without real detriment to the community and would not adversely affect the public interest. The evidence, as well as the fact that no protestant appeared, tends to show that the presently existing special exception use (the 500-KV transmission line) has not adversely impacted the community any more than such a transmission line would in any other location within the RC 4 zone. Indeed, because the poles supporting the new line would be much smaller in dimension than the towers carrying the existing line, the impact of the new line would be less adverse than that of the existing line.

In this case, there is no evidence whatsoever that the proposed transmission line will be detrimental to the health, safety, or general welfare of the locality, that it will tend to create congestion in the roads, streets, or

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alleys therein, that it will create a potential hazard, that it will overcrowd land or cause undue concentration of population, that it will interfere with adequate provisions for public requirements, conveniences, or improvements or with adequate light and air, that it will be inconsistent with impermeable surface and vegetative retention provisions of the BCZR, or that it will be inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit and intent of the BCZR.

Pursuant to advertisement, posting of the property, and a public hearing held, and it appearing after due consideration of the evidence proffered that the requirements of Sections 411.1 and 502.1, BCZR, have been met and that the health, safety, and general welfare of the community would not be adversely affected, the request made in the Petition for Special Hearing should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 17th day of October, 1987, that the request of the Baltimore Gas and Electric Company for permission to construct, operate, and maintain a 115-KV overhead electric transmission line, as included in the company's Petition for Special Hearing, is hereby GRANTED, subject to the following:

1. The construction of the transmission line shall be in accordance with the site plan that was submitted

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by BG&E at the special hearing and that was labelled Petitioner's Exhibit 2.

Ann M. Nastarowicz
Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
Date 4/10/89
By Kathi Schlaefer

7977

STATE OF MARYLAND
PUBLIC SERVICE COMMISSION

ORDER NO. 67854

IN THE MATTER OF THE APPLICATION OF BALTIMORE GAS AND ELECTRIC COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF A SINGLE CIRCUIT 115 KV TRANSMISSION LINE FROM ITS NORTHWEST SUBSTATION, LOCATED ON THE SOUTH SIDE OF COCKEYS MILL ROAD, 0.5 OF A MILE WEST OF REISTERSTOWN ROAD IN BALTIMORE COUNTY, IN A WESTERLY DIRECTION APPROXIMATELY 9.5 MILES TO LIBERTY ROAD THEN IN A SOUTHEASTERLY DIRECTION APPROXIMATELY 1.3 MILES ALONG LIBERTY ROAD THEN IN A SOUTHWESTERLY DIRECTION APPROXIMATELY 0.7 OF A MILE TO ITS WHITE ROCK SUBSTATION LOCATED APPROXIMATELY 0.2 OF A MILE WEST OF WHITE ROCK ROAD IN CARROLL COUNTY, MARYLAND.	*	BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND
	*	CASE NO. 7977

PROPOSED ORDER OF HEARING EXAMINER

Appearances:

Martha A. Dales, for Baltimore Gas and Electric Company.

Carla G. Pettus, for the Staff of the Public Service Commission.

Brian J. Fisher, for the Office of People's Counsel.

Robert H. Clarke, pro se.

Larry Halmbrick, pro se.

William O'Brien Finch, pro se.

This case comes before the Commission by Application filed by the Baltimore Gas and Electric Company (hereinafter referred to as "BG&E" or "Company") on August 12, 1986. The Application requests a Certificate

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of Public Convenience and Necessity, pursuant to Section 5A of The Public Service Commission Law,[1] ("the PSC Law") for the overhead construction of a single circuit 115 kV transmission line in Baltimore and Carroll Counties, Maryland as more specifically set forth in the caption of this proceeding.

According to the Application, 10.2 miles of the proposed new 115 kV transmission line will be located on the Company's existing transmission line rights-of-way and the remaining 1.3 mile portion will be constructed on private property on a new right-of-way (to be acquired by the Company) adjacent to Liberty Road in Carroll County. The transmission line will use a combination of steel and wood pole structures.

The Application further states that the estimated cost of the project is $3,457,300 of which $3,387,300 will be expended for the transmission line and an estimated $70,000 for property rights and/or land acquisitions. In addition, the estimated cost of substation work associated with the project is $2,212,700. The project, according to the Application, will be financed as an integral part of the Company's total construction program in the same manner as other additions to the Company's facilities are financed. This includes internally generated funds, short-term borrowings and the issuance of securities. The estimated effect of the project will be to increase the average annual operating, maintenance, depreciation expenses and taxes (other than income taxes) by a total of $172,090.

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[1] Md. Ann. Code art. 78 (1984 Cum. Supp.).

The Application notes that the proposed transmission line is needed to make firm the existing master substation at White Rock and alleviate the substandard voltage levels occurring during emergency conditions at the Liberty substation. The project will reinforce the 115 kV transmission supply to the Carroll County portion of the Company's electric system, eliminate equipment overloads during emergency conditions and electrical flow problems during normal operation, according to the Application. Thus, the project will improve reliability in the Carroll County portion of BG&E's electric system by providing a second supply circuit to the White Rock substation.

Finally, the Application states that one alternate route for the proposed transmission line was considered and rejected by the Company. The route is basically the same as the route being proposed except that a portion of it would use the Company's 115 kV transmission line right-of-way located between London Bridge Road and Liberty Road that supplies service to Colonial Pipeline Company's facilities and the White Rock substation. This route was rejected because the Company would not be able to obtain the necessary outages on the existing 115 kV transmission line that are needed during construction of the new line.

By letter dated December 15, 1986, the Department of Natural Resources ("DNR") forwarded its initial recommendations to the Commission with respect to BG&E's application. According to the letter, DNR recommended that, given demonstration of need, a Certificate of Public Convenience and Necessity be granted subject to the following conditions:

1. The sedimentation and erosion control plan which must be approved by the Baltimore and Carroll Soil Conservation Districts shall include provisions for seeding and mulching in the vicinity of all waterway crossings.

2. Construction within the floodplain of Norris Run shall not be permitted between October 1 and April 30.

3. The location of structures at each waterway crossing shall be reviewed by the Department of Natural Resources. This shall be coordinated through the Power Plant Research Program after the preparation of final engineering plans.

4. Right-of-way clearing within 100 feet of each waterway crossing shall be conducted by hand labor.

5. With the exception of danger trees, no vegetation within 100 feet of any waterway shall be removed. Any exceptions to this must be approved in writing by the Department of Natural Resources.

6. Prior to beginning construction, the applicant shall obtain a temporary waterway construction permit from the Water Resources Administration.

7. The applicant shall conduct an archeological survey of the proposed route, submit the results to the State Archeologist for review prior to construction, and take reasonable steps necessary to protect any significant archeological resources identified.

With regard to recommendation No. 2 above, the letter noted:

Much of the proposed route, particularly in the vicinity of waterway crossings, is characterized by steep terrain. Because of this, erosion and sediment control is of particular concern along the route. This is especially true in the vicinity of Norris Run, which is a Class III stream (Natural Trout Waters) supporting a population of native brook trout. The Department is therefore recommending that construction in the floodplain of this stream not be permitted from October 1 through April 30.

A hearing on the proposed transmission line was held on December 15, 1986, in Westminster, Maryland after due notice was published in newspapers in general circulation in the area which would be affected by the project. Persons owning land which would be crossed by the transmission line were notified by certified mail of the date, time and place of the hearing. The County Commissioners of Carroll County and the Baltimore County Executive and County Council, the local governing bodies of the area in which the project would be located, did not participate in the hearing. By letter dated October 27, 1986, the President of the Board of Carroll County Commissioners noted to this Hearing Examiner that the County's Planning Commission had reviewed the proposal and had no objection to its implementation. By letter dated November 3, 1986, the Baltimore County Executive noted to this Hearing Examiner that the petitioner should be advised that a Special Exception will be required through the zoning process.

At the hearing, four witnesses testified in support of the Company's Application. The first witness was Edward J. Schultz, Jr., who stated that he is a senior engineer in the planning unit of the distribution and transmission engineering department. His major duties are to plan the subtransmission system and master substations.

Mr. Schultz testified that the proposed transmission line was necessary in order to make firm the Company's White Hook master substation. In explaining this point further, Mr. Schultz testified that BG&E's normal installation at a master substation requires two transmission lines and two transformers to supply the electrical load. This is so that if either transmission line or transformer is lost, the load could be

carried on the remaining transmission line and transformer. Currently, the White Rock master substation has a single transformer supplied by an existing single 115 kV line. The consequences of not installing this transmission line, according to Mr. Schultz, will be substandard voltage levels in the Eldersburg/Sykesville area, as well as damage to BG&E facilities resulting in longer term outages to the customers in the area. In concluding, Mr. Schultz stated that the proposed project will have no adverse impact on system stability, but will increase reliability considerably to the Sykesville/Eldersburg service area.

The next witness to testify was Lawrence A. Rectanus, a principal engineer in the distribution and transmission engineering department responsible for the routing and design of overhead and underground transmission facilities.

Mr. Rectanus explained that the Company proposes to construct a single circuit 115 kV line from its northwest master substation in Baltimore County, Maryland in a westerly direction 2.7 miles along the southern property line of its existing 500 kV transmission line to the Baltimore/Carroll County line and then continuing along the edge of the existing 500 kV transmission line an additional seven and a half miles to Liberty Road. At that point, it would then follow the north side of Liberty Road for approximately eight-tenths of a mile. Then it would cross over Liberty Road to the south side for approximately half a mile, then intersecting an existing 115 kV transmission line right-of-way, and in a southwestly direction, continue seven-tenths of a mile adjacent to the existing 115 kV line to the Company's White Rock substation.

According to the witness, the line would typically be a single pole structure made of either wood or steel varying in a height from 65 to 95 feet. The minimum ground clearance of the line will be 30 feet.

In describing the type of tree clearance proposed by the Company, the witness stated that selective clearing would be done along the route maintaining clearances below and adjacent to the line. The Company will trim, tap or cut any danger trees which might fall upon the line.

Mr. Reetanus also stated that one alternate route was extensively studied and subsequently rejected for a number of reasons. The alternate route is the existing 115 kV line right-of-way which currently supplies White Rock substation and the Colonial Pipeline distribution station at Morgan. The primary reason this alternate route was rejected was because the Company would not be able to obtain the necessary outages on the existing 115 kV line that are needed during construction of the new line. Secondly, the witness pointed out the severe disruption and inconvenience that would occur to residents in several developments that the existing right-of-way now traverses. The existing right-of-way is being utilized by these residents as back yards, play areas, garden plots and so on. Finally, the clearing that would be necessary to build new roads and gain access to the right-of-way for construction would increase soil and sedimentation erosion control concerns. Thus, in conclusion, in the opinion of the Company, the proposed route would affect a lesser number of people and would cause less environmental impact to the area.

Mr. Rectanus also testified that the proposed project is not in line with or is not within one mile of any public airport runway. He also stated that the project will not have any effect on air or water quality nor radio and television reception. Further, there are no historic or archeological sites within the vicinity of the proposed transmission line. Finally, introduced into evidence through this witness, were letters from various state agencies which indicated that the project would not be inconsistent with the individual agencies' plans.

The next witness for BG&E was John E. Ringsdorf, Jr., supervisor of plant accounting records. The witness estimated the following effect upon the Company's average annual expenses and taxes: operating expenses will increase by $1,532; maintenance expenses will increase by $17,653; depreciation expenses will increase by $104,905; and taxes other than income taxes will increase by $48,000. The total net estimated average annual increase in expenses is $172,090. Mr. Ringsdorf stated that the project will be financed by internally generated funds, short-term borrowings and the issuance of securities, the nature and amount of which are not known and will be dependent upon market conditions and certain other factors existing at the time of issuance.

The final witness for BG&E was Walter A. Reiter, Jr., a real estate appraiser retained by the Company to inspect the route of the proposed transmission line and the general vicinity and to present testimony regarding his findings.

Regarding the 1.3 mile portion of the line that will require acquisition of new rights-of-way, the witness stated that 13 properties will be crossed. The witness noted that where the proposed line veers off

from the existing 500 kV line there are two unimproved parcels of land that are zoned industrial restricted. The next property crossed by the proposed line is a small right-of-way entrance to the Carroll County Gun Club. Next the proposed line passes by four lots in an industrial park each one being zoned industrial restricted. Two of those lots are developed and two are undeveloped. The line passes within a 50-foot building setback and also within an area reserved for utilities according to the witness. Next, the line passes over two properties zoned business general, both of which are vacant. After that, the line passes over a residential property but there are no trees in the area and the residence is well set back from the road. Finally, the line crosses to the south side of Liberty Road and continues along a farm property zoned conservation, then passes in front of another residence and another farm property. At this point, the line turns southerly down along the existing Colonial Pipeline right-of-way.

In the concluding opinion of Mr. Reiter, none of the 13 properties will be impacted. In explaining further, Mr. Reiter noted that in the after situation, none of the remainders will suffer any loss in market value.

Mr. Richard Hollis, Staff Engineer with the Commission since 1971, testified for the Commission's Staff. In his pre-filed testimony, Mr. Hollis noted that the proposed line will provide a second source of 115 kV power into the White Rock substation. The witness stated that without a second 115 kV line, an outage of the existing 115 kV line into White Rock will result in unacceptably low voltages in the White Rock area

by as early as 1988. Testifying further, Mr. Hollis stated that the Harrisonville and Finksburg substations now provide 34.5 kV emergency backup supply for the White Rock load, that is, certain 34.5 kV feeders from these two substations supply emergency power to customers served by White Rock in case the existing 115 kV line supply is interrupted. By 1988 these feeders will not be sufficient to provide such emergency supply. A second 115 kV circuit into White Rock substation will relieve this potential overload scenario.

Mr. Hollis further testified that the existing 115 kV line from Deer Park into White Rock substation provides power to the White Rock substation which is then stepped down to subtransmission and distribution voltages for the Company's retail customers. In addition, this line supplies power to the pumping and distribution facilities of the Colonial Pipeline Company on Morgan Run Road in Carroll County. The witness noted that the Colonial Pipeline facilities do not have an alternate source of power. He stated that according to the Company, the Colonial Pipeline load represents too large a load to be served by the 34.5 kV feeders which provide emergency back-up supply for the White Rock area. Continuing, Mr. Hollis testified that with a second 115 kV line into the White Rock substation, an outage can be sustained on either 115 kV line without interrupting power into the Colonial Pipeline facilities. Also, the additional line will serve as an alternate source to allow maintenance on either line without disruption to Colonial Pipeline, according to the witness. Mr. Hollis noted, however, that Colonial Pipeline will remain susceptible to interruptions from outages on the dedicated part of the 115 kV line from White Rock to the Colonial Pipeline facilities.

Next, Mr. Hollis expressed his concern over the fact that the center line of the pole route will lie three feet from the edge of State Highway property, along the Liberty Road portion of the proposed route. Mr. Hollis noted that placement of the line on structures so close to Liberty Road raises concern as to its vulnerability to vehicular accidents. Thus, he suggested that if the proposed line routing is approved that the Company be required to determine the feasibility of erecting vehicular barriers at those pole locations which are susceptible to accidents.

Finally, Mr. Hollis recommends approval of the Company's Application, but he also recommends that the Company be directed to study the feasibility of a line routing along Route 850 as opposed to Route 26. Essentially, Mr. Hollis suggests this routing change for several reasons set forth as follows:

a) There will be a reduction in the visual impact of this line to vehicular traffic along Route 26, particularly in the section between Dorsey Crossroads and the intersection of Routes 26 and 850.

b) There will be a reduction in the vulnerability of the pole structures to vehicular accidents. Route 850 serves local traffic.

c) The Company's distribution lines in this area are routed along the original or older part of Liberty Road. This routing will permit both the proposed transmission line and the existing transmission lines to be placed on a common corridor. It may be possible to place all these lines on a common pole structure as well. In fact, the Company currently uses structures with both types of circuits.

The final witness to testify in this proceeding was Mr. William O. Finch, Jr., Chairman of the Board of O'Brien Holding Company. O'Brien Holding Company is a family-owned corporation whose shareholders are comprised of Mr. Finch and his brothers and sister. The O'Brien Holding Company owns one of the four lots over which the line will pass (described by Mr. Reiter in his testimony above) in the new industrial park located on the north side of Liberty Road just west of Klees Mill Road.

Mr. Finch objects to the routing of this line passing by his property for several reasons. In his opinion, the visual impact of the line will be obtrusive when advertising his business. He also expressed his belief that the line will detract considerably from the aesthetic value of his lot. While noting that he does not question the need for a new transmission line in the area, Mr. Finch argued that the Company should be required to use the alternative route within its existing easement along the 115 kV Deer Park-White Rock line which lies between London Bridge Road and Liberty Road thereby avoiding any impact upon commercial builders or homeowners either on Liberty Road or Route 805. Mr. Finch further noted his objection to Witness Rectanus' testimony that to use this alternative route would inconvenience existing homeowners and would necessitate construction of a maintenance road over their properties. Mr. Finch argued that since these reasons against the alternative route were not articulated in BG&E's application, the Commission should not consider them because he was not prepared to respond to them. He stated his belief that the Company had not fully explored the alternative route, and should therefore be directed to do so.

Mr. Finch's final objection is that the PSC Law requires an application for a project such as this to be filed two years prior to commencement of construction unless good cause is shown otherwise.

Finally, written comments were submitted by several affected property owners all of whom protested the proposed routing of the line over their respective properties. It is also noted that by letter dated January 19, 1987 DNR forwarded its final recommendations to the Commission with respect to BG&E's application. In its letter DNR reaffirmed its preference for the Applicant's proposed route. However, DNR withdrew its initial recommendation number 7 that an archeological survey of the proposed route be conducted to be replaced with the following:

> 7. Because no known or predicted archeological resources will be affected by this project an archeological survey is not required. If, however, archeological resources are encountered during construction, the Maryland Geological Survey, Division of Archeology should be notified immediately.

In addition, by letter dated January 29, 1987, the U.S. Fish and Wildlife Service ("F&S") recommended numerous conditions regarding Wetlands and Vegetation Removal which it felt should be incorporated in the construction plans of BG&E. On March 16, 1987, BG&E responded by letter to F&S's recommendations noting that while it finds the wetlands recommendations acceptable, the recommendations concerning vegetation removal will pose service problems.

Discussion and Findings

In determining whether a certificate of public convenience and necessity shall be granted, the Commission must give:

> . . . due consideration of . . . [the local] governing bodies, the need to meet present and future demands for service, effect on system stability and reliability, economics, aesthetics, historic sites, aviation safety as determined by the State Aviation Administration and the administrator of the Federal Aviation Administration, and, when applicable, the effect on air and water pollution.[2/]

According to the uncontroverted evidence on the record, the proposed transmission line is necessary in order to make firm the existing master substation at White Rock and alleviate the substandard voltage levels occurring during emergency conditions at the substation, as well as damage to BG&E facilities resulting in longer term outages to customers in the Eldersburg/Sykesville area.

Regarding the proposed project's effect on system stability and reliability, Company witness Schultz stated that the line will have no adverse impact on system stability, but will increase reliability considerably to the Eldersburg/Sykesville area.

The economics of the proposed project, as described by Company witness Ringsdorf, appear to be reasonable. The Company's testimonial evidence that there will be no adverse impact upon historic sites,

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2/ Md. Ann. Code art. 78, § 54A (1984 Cum. Supp.).

aviation safety and air or water quality was not controverted. Except for the concern expressed by several property owners and Mr. Hollis regarding the route of the proposed line along Route 26, there was no evidence that the proposed project will have an adverse impact upon aesthetics. Letters from various state agencies introduced into evidence indicated that the project would not be inconsistent with the individual agencies' plans. No recommendations were received from the local governing bodies of Baltimore and Carroll Counties, but, upon review, Carroll County's Planning Commission had no objection to the Company's proposal.

Although Staff's concern of the proposed line along Liberty Road being vulnerable to vehicular accidents is obviously well-meaning, there is no record support for any action to be taken. Company witness Rectanus testified that the pole structures along Liberty Road will be approximately 25 to 30 feet from the edge of the roadway. Nothing in the record indicates that such a distance from the roadway causes a pole structure to be more or less vulnerable to vehicular accidents. In the Examiner's opinion, a bare expression of concern by a party does not require an action to be taken unless that concern is supported by sufficient evidence in the record or, by its very nature, requires some action to be taken. Accordingly, Staff's suggestion to require the Company to determine the feasibility of erecting vehicular barriers is denied.

With respect to Staff's recommendation that the Company study the alternative of routing the proposed line along Route 850 as opposed to Route 26, I find that the record evidence is persuasive that the alternative is not in the public interest and, therefore, such a study is unnecessary.

As noted hereinabove, Mr. Hollis cited three reasons for suggesting the routing change. The first reason is that there will be a reduction in the visual impact of the line to vehicular traffic along Route 26. However, the alternative route along Route 850 will increase the visual impact of the line not only to vehicular traffic along that route, but to numerous residences as well. The record reflects that approximately 21 residential homes are located on the stretch of Route 850 suggested as an alternative route by Staff. Considering this fact, I find that the proposed route along Route 26 is the least intrusive visually and therefore the preferable choice.

Mr. Hollis' second reason for suggesting the alternative route is that there will be a reduction in the vulnerability of the pole structures to vehicular accidents since Route 850 serves local traffic. However, the record indicates that pole structures built along Route 850 would only be approximately 8 to 9 feet from the paved roadway as opposed to the approximate 30 foot offset for poles along Route 26. The reason the poles are required to be so close to Route 850 is due to the fact that several of the residences are located only 20 to 30 feet off the paved roadway. Thus, while there may be less vulnerability of the pole structures on Route 850 to vehicular accidents because of the possibly slower, less voluminous local traffic, logic dictates that vulnerability nevertheless increases due to the closer proximity of the pole structures to the roadway.

Staff's final reason is that since the Company already has distribution lines along this alternative route, the proposed transmission line can be placed in the same common corridor, perhaps even using a

common pole for both lines. However, Company witnesses Nectarus and Reiter noted several significant problems with this alternative route. Mr. Nectarus testified that:

> We have numerous concerns relative to the Staff recommendation. The first concern involves the extension of the line adjacent to the 500-kV line south of point B or across Liberty Road. This area is an interchange, future interchange area for the proposed widening of Route 26. And at the present time we are in the process of relocating several of our facilities because the state and federal governments have adopted policies of not permitting lines to remain inside of right-of-way lines of through highways.
>
> So that our feeling is that if we were to continue directly through that interchange at this point in time, if we were able to get the state's permission, and we would question as to whether they would give us that permission at this time, but if we were to do that, we feel that it is just a question of time until we would be required to relocate that line out of the state highway right-of-way. So that our first concern would be that we feel as though from point B we would still have to bring the line in an easterly direction three feet off the state road right-of-way down to Liberty Road as we are currently planning on doing. At that point we would then head south across Liberty Road and if we would go straight across Liberty Road, we would have to go through some properties that are residential homes in order to get down to the distribution line that is on Route 850.
>
> The other possibility is to continue to go around the state road right-of-way back to the 500-kV line which would move our line -- in other words, we would come 800 feet east, go around the interchange, 800 feet west down to 850 and then head east again. That would lengthen the line. It would increase the number of poles. It would increase the angles. It would increase the cost. We feel that there would be little benefit derived from that.
>
> Once you get down to 850 the question then is one of rebuilding the existing line for 115-kV with the underbuild that is there. So you have the concerns of maintaining the service, maintaining those existing circuits that are there. The constructability of

that line would be difficult because of maintaining the service. And as I have already testified, Route 650 is a 20-foot wide roadway. There are no shoulders on the road. So that any construction equipment or any equipment at all that is on the road is seriously going to hamper any traffic that exists on that road at that point in time.

As I have testified, there are six homes on the north side. There are approximately 15 homes and a garage on the south side. It is a residential area. The south side is totally wooded, heavily wooded. The north side has a few trees which would be impacted by this line. But we would have an impact on approximately 21 residential units west of Kleer Mill Road. East of Kleer Mill Road we would have the same problem in maintaining the service, the constructability of the line if we would follow the Staff's request.

In addition to that, east of Kleer Mill Road the existing distribution line is within the state road right-of-way, the future taking. So that as a result that when Maryland Route 26 is dualized, we would be required to move as will our distribution facilities be required to move. It is on the north side of the old road which in essence has been abandoned because of the new road and is used as a service road. But that line and that old road is in the future lane of dualized Route 26. So that for us to rebuild in that area at this time we feel would be of little value because we would have to ultimately move and we would be back for another commission certificate at a later date.

So that we feel that the constructability is a problem. We feel that the line west of Kleer Mill Road would be approximately eight feet off the traveled way. We don't feel that that is a sufficient amount of clearance.

Mr. Leiter testified that:

> Mr. in the route proposed by Mr. Hollis you have 19 instead of 13 properties and you have I would say six to eight properties that could suffer damage in the remainder as opposed to none in my opinion in the company's proposal.

1/ See Transcript pages 37 through 40.

2/ Id., at p. 106.

In summary, the witness stated:

> Well, in my opinion, and of course mine is limited to the real estate aspects of it only, there is no question that as it affects real estate the line is better placed along the line proposed by the Company than it is along the line proposed by Mr. Hollis.[5]

Therefore, after careful consideration of the record evidence, I find that the Company's proposed route is clearly preferable to Staff's suggested alternative route. Additionally, based upon the testimony of Company witnesses Schultz, Rectenwald and Reiter, I find that the Company's proposed route is clearly preferable to the alternative route within its existing easement along the 115 kv Deer Park-White Rock line which lies between London Bridge Road and Liberty Road. As made clear by the Company witnesses, the proposed route would affect a lesser number of people, cause less environmental impact to the area and result in less disruptive outages during its construction, than the alternatives suggested.

In sum, after due consideration of the various factors set forth in Section 5-4A of the PSC Law, it is my finding that the construction of the 115 kV transmission line, as proposed in this proceeding, is in the public interest.

The conditions for granting the Certificate which were recommended by the DNR were not contested by the Company; since they appear to be reasonable they will be accepted. PWS's wetlands

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5/ Id. at p. 110.

recommendations were not objected to by the Company and they also will be accepted. However, after considering the Company's response to FWS's vegetation removal recommendations, I agree with the Company that its proposed plans are a more acceptable solution in light of the service problems posed by FWS's recommendations.

With regard to Mr. Finch's objection that the PSC Law requires an application for a project such as this to be filed two years prior to commencement of construction unless good cause is shown otherwise, I find that good cause was shown by the Company through witness Schultz's testimony, and the two-year provision is, accordingly, waived.

As a final matter, several property owners expressed concern both orally and in writing as to the effect of the proposed project upon the use and/or value of their property. It is the Examiner's sincere hope that the concerns of these property owners are satisfactorily resolved by the Company during negotiations for purchase of easements and rights-of-way. It should be noted, however, that the courts of Maryland are the final determiner regarding the issue of just compensation.

IT IS, THEREFORE, this 24th day of July, in the year Nineteen Hundred and Eighty-seven,

ORDERED: (1) That a Certificate of Public Convenience and Necessity be granted to the Baltimore Gas and Electric Company for the construction of a 115 kV transmission line along the route set forth in the Company's Application.

(2) That the folowing conditions are made part of the said Certificate of Public Convenience and Necessity:

a) The sedimentation and erosion control plan which must be approved by the Baltimore and Carroll Soil Conservation Districts shall include provisions for seeding and mulching in the vicinity of all waterway crossings.

b) Construction within the floodplain of Morris Run shall not be permitted between October 1 and April 30.

c) The location of structures at each waterway crossing shall be reviewed by the Department of Natural Resources. This shall be coordinated through the Power Plant Research Program after the preparation of final engineering plans.

d) Right-of-way clearing within 100 feet of each waterway crossing shall be conducted by hand labor.

e) With the exception of danger trees, no vegetation within 100 feet of any waterway shall be removed. Any exceptions to this must be approved in writing by the Department of Natural Resources.

f) Prior to beginning construction, the applicant shall obtain a temporary waterway construction permit from the Water Resources Administration.

g) Because no known or predicted archeological resources will be affected by this project an archeological survey is not required. If, however, archeological resources are encountered during construction, the Maryland Geological Survey, Division of Archeology should be notified immediately.

h) Some of the forested wetlands within the workplan area have a seasonal or temporary water regime. It is important that work performed in these areas is scheduled only during dry periods.

i) No excavated material will be stockpiled within intermittent streams or other wetlands.

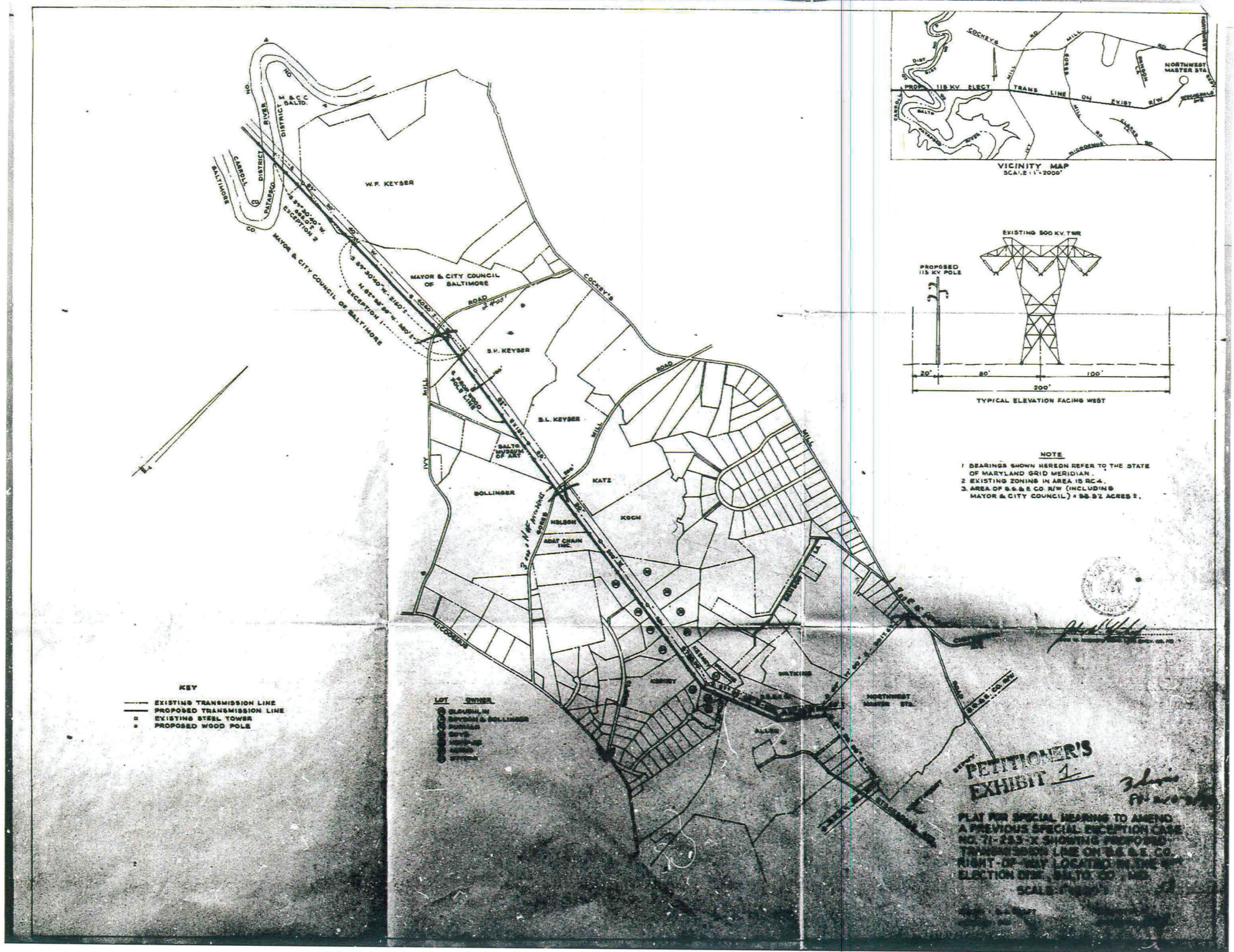
j) Seeding and mulching should immediately follow soil exposure.

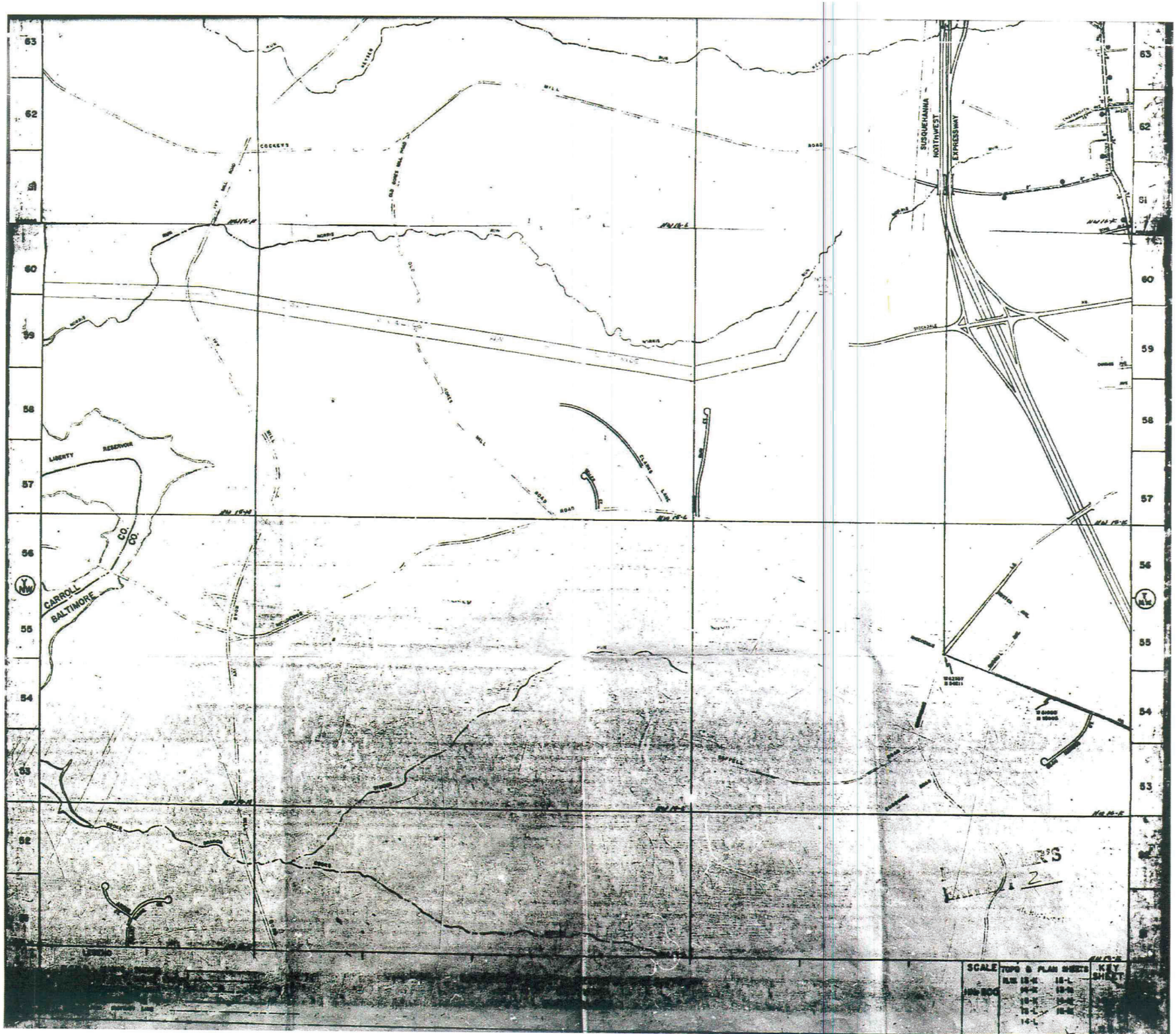
(3) That this Proposed Order shall become a final order of the Commission on August 25, 1987, unless before that date an appeal is noted with the Commission by any party to this proceeding, as provided in Section 20(c) of The Public Service Commission Law, or the Commission modifies or reverses the Proposed Order or initiates further proceedings in this matter as provided in Section 86(d) of The Public Service Commission Law.

Thomas E. Dewberry

Thomas E. Dewberry
Hearing Examiner
Public Service Commission of Maryland

FILED
AUG 25 1987
PUBLIC SERVICE COM'N
OF MARYLAND


VICINITY MAP
SCALE 1" = 2000'
COCKEY'S MILL RD.
NORTHWEST MASTER STA.
PROP. 115 KV ELECT. TRANS. LINE ON EXIST. R/W
EXISTING 500 KV. TWR.
PROPOSED 115 KV POLE
20'
80'
100'
200'
TYPICAL ELEVATION FACING WEST
NOTE
1 BEARINGS SHOWN HEREON REFER TO THE STATE OF MARYLAND GRID MERIDIAN.
2 EXISTING ZONING IN AREA IS RC 4.
3. AREA OF B.G.&E. CO. R/W (INCLUDING MAYOR & CITY COUNCIL) = 98.32 ACRES ±.
KEY
EXISTING TRANSMISSION LINE
PROPOSED TRANSMISSION LINE
EXISTING STEEL TOWER
PROPOSED WOOD POLE
LOT OWNER
W.F. KEYSER
S.P. KEYSER
S.L. KEYSER
MAYOR & CITY COUNCIL OF BALTIMORE
BOLLINGER
KATZ
KOCH
NELSON
BOAT CHAIN INC.
WATKINS
KENNEY
NORTHWEST MASTER STA.
ALLARD
B.G.&E. CO. R/W
EXCEPTION 1
EXCEPTION 2
PETITIONER'S EXHIBIT 1
PLAT FOR SPECIAL HEARING TO AMEND A PREVIOUS SPECIAL EXCEPTION CASE NO. 71-253-X SHOWING PROPOSED TRANSMISSION LINE ON B.G.&E. CO. RIGHT-OF-WAY LOCATED IN THE 4TH ELECTION DIST., BALTO. CO., MD.
SCALE: 1" = 200'


SUSQUEHANNA
NORTHWEST
EXPRESSWAY
LIBERTY
RESERVOIR
CARROLL
BALTIMORE
CO.
CO.
SCALE
1000 500
TOPO & PLAN SHEETS
KEY SHEET

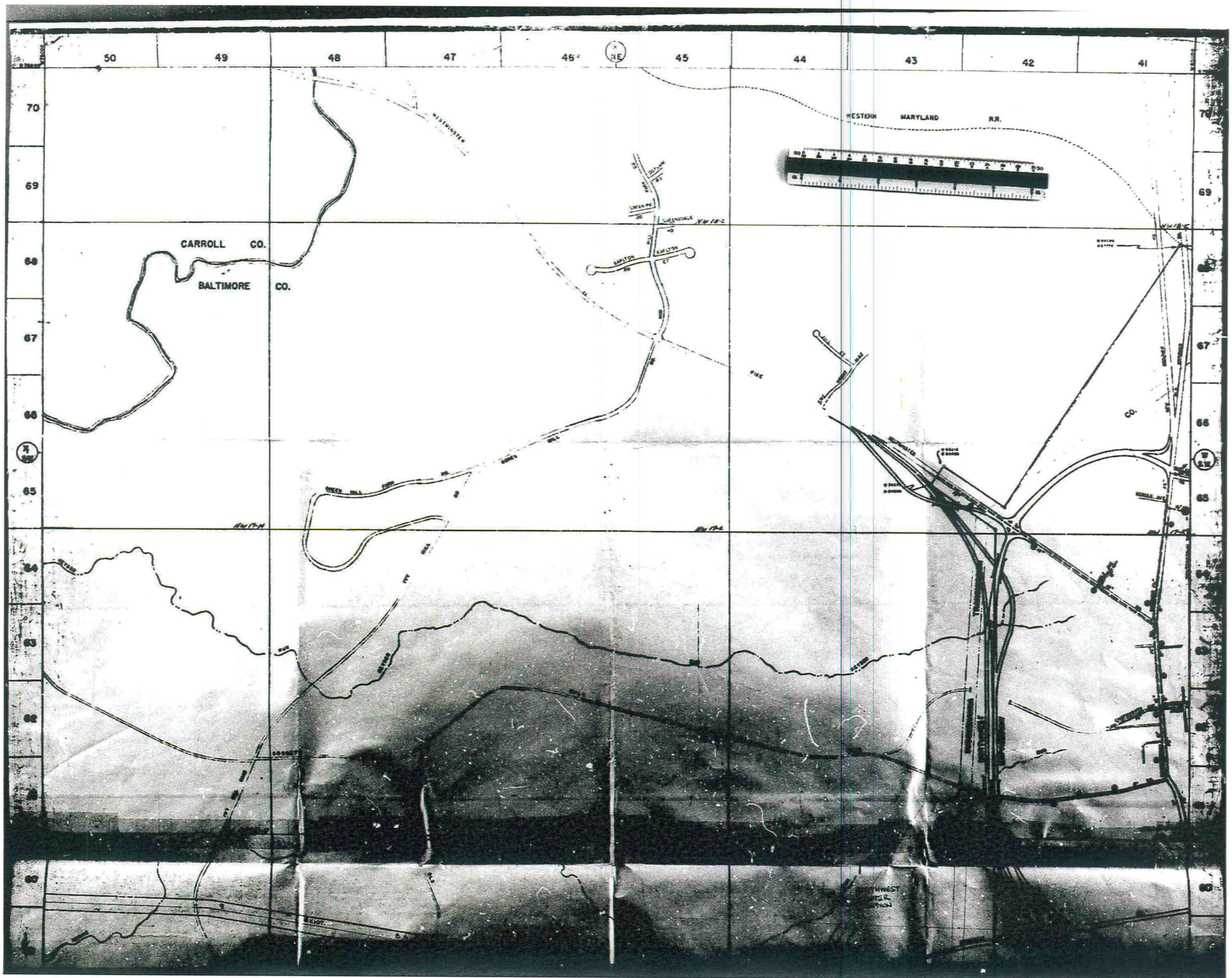

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CARROLL CO.
BALTIMORE CO.
WESTERN MARYLAND R.R.
WESTMINSTER
GREEN MILL RUN
CO.

Exhibit 17
Additional Letters of Support

Bruce Fenwick	3100 Tufton Ave
Ralph Walters	4240 Piney Grove Rd
Sabrina Moore	13224 Longnecker Rd
Aris Melissaratos	16225 Dark Hollow Rd
David L. Brooks, II	13541 Longnecker Rd

April 1, 2022
Bruce Fenwick
3100 Tufton Avenue
Reisterstown, MD 21136

To whom it may concern,

I Bruce Fenwick owner of Belmont Farm would like to say that Greenmount Lawn and Landscaping LLC is an indispensable part of our community. Horse farming needs such as tree removal and fence repair are never ending. Snow removal as well. These services have to be local, accessible, and reasonably priced! Greg Mangum and his hard working crew are always minutes away. Commercial real estate prices prohibit these kind of reasonably priced services. Greg's services are necessary for our agricultural services.

Thank you for listening,
H. Bruce. Fenwick
410-833-9091

March 30, 2022
Ralph Walters
4240 Piney Grove Rd.
Reisterstown, Md 21136

To whom it may concern,

I Ralph Walters, residing at 4240 Piney Grove Rd. Reisterstown Md, 21136 am the neighboring property to both Gregory Mangum and Benjamin Smist. I would like to express my support of the Variance Request for the proposed project at 14100 Longnecker Rd. Reisterstown Md, 21136.

I am aware of the plans for the property, and in no way am I concerned about the impact to our surrounding community. The applicant has been running a successful business that serves a large part of the Valley area for many years, operating on this exact road. If there were to be any adverse effects to our neighborhood we would have long heard of them by now. If anything the new location should only appeal to the community. As the property is off of any main road, nor visible from Longnecker road.

Mr. Mangum, the land owner, also uses the property for Greenmount Landscaping to grow hay in which my neighboring farm manages which remains true and reflects the agricultural character, rural feel of the area, and both utilizing and supporting other small local businesses.

Thank you to for taking the time hear my voice and take my words into consideration. It would be great to continue having Greenmount Lawn and Landscaping LLC as a neighbor and local small business. Please let me know if I can be of anymore assistance.

Appreciatively,
Ralph Walters
443-375-6837

April 1, 2022
Sabrina Moore
13224 Longnecker Rd.
Reisterstown, MD 21136

To whom it may concern,

Greg Mangum and I have been co-op in our businesses for the past 16 years. We have shared a driveway, and outbuildings. Greg has been in charge of maintaining 40 acres of farmland including manure removal, grass cutting, picking up any fallen limbs or trees, fence maintenance, as well as stepping in when I need any help with horses.

During our time in co-op we have the same operating hours. I have four employees, and as close as our businesses have been, traffic and logistics have never been an issue even with combining both of our businesses. I'm very particular about the safety of my employees and horses and even during both of our busiest season his operation has never been a concern for the safety and well-being of either of those. That includes storing up any chemicals that could be hazardous to my land or livestock.

Greg has been an outstanding member of the community always willing to help even with things that do not fall under his job description. His crew has always been extremely respectful.

As I'm sure you may be aware of, owning and running a horse operation is a labor of love and rarely a profitable business. Without Greg's help I would've never been able to keep my business A foot as long as I have, and being what has of late become prime example and success of owning a farm and breeding thoroughbreds in Maryland.

As a member of the horse community, we all know how important it is to back and support each other and Greg has been my upmost biggest supporter. Without his help and support I would not be able to have produced many of the champions off of my farm that has made Maryland so proud, Also with allowing me to support many of the horse businesses around here such as hay, feed, farrier, veterinarian businesses, employees, etc.

During our 16 years on Longnecker I have never received a complaint or concern from any of the neighbors. After this has become quite the discussion a lot of the close neighbors are very concerned for him leaving and quite upset since I know what an impact he has on my farm as well as the community.

Thank you for your consideration of this matter. Please feel free to reach out if I can be of anymore assistance.

Respectfully,
Sabrina Moore
410-303-4049

April 1, 2022
Aris Melissaratos
16225 Dark Hollow Rd.
Upperco, MD 21155

To whom it may concern,

My name is Aris Melissaratos, and I am writing in support of Greg Mangum's request for variance on his property at 14100 Longnecker Rd. Reisterstown, MD 21136. I have lived on Longnecker Rd for 15 years prior to my move further north in Baltimore County to Dark Hollow Rd in Upperco.

Greg Mangum and Greenmount Lawn and Landscaping LLC took care of my 43 acre farm keeping the lawns trees and landscaping in immaculate postcard worthy perfection. I often visited his shop where he kept his supplies and shiny very professional trucks and equipment. It was always clean and in go order and never appeared to degrade the area. I did not notice any traffic problems or unusual hours of activity. He was always careful to satisfy all the neighbor and it appeared they all loved doing business with both him and his employees. I watched his small business grow and he seems to be taken care of some of the highest visibility properties in the horse valleys of Glyndon Reisterstown Owings Mills and Hunt Valley.

He is a hardworking, respectful, conscientious young man who is totally responsive to his customers needs and by far the hardest working man I've ever met. He deserves to be allowed this variance to continue his business without any concern that he will negatively impact the area. I have seen no signs of his business impacting negatively either the traffic or the appearance of the neighborhood and region.

Therefore I respectively request that you consider positively his variance request and please feel free to call me with any questions or other reinforcing statements.

Sincerely,
Aris Melissaratos
410-850-4158

I, David L. Brooks II support the zoning of GreenMount Lawn & Landscaping at 14100 Longnecker Road, Reisterstown, MD 21136.

Signature: [signature] Date: 9-4-22

Address: 13541 Longnecker Rd Glyndon MD 21136

Addition Comments: This Company provides great farm Services to the Community. We would like them to remain in our neighborhood.

Exhibit 17
Additional Letters of Support

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Sincerely,
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Signature: [signature] Date: 9-4-22

Address: 13541 Longnecker Rd Glyndon MD 21136

Addition Comments: This Company provides great farm Services to the Community. We would like them to remain in our neighborhood.

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (the "License"), made this 28th day of September, 2022, by and between BALTIMORE GAS AND ELECTRIC COMPANY ("Licensor") and GREGORY MANGUM ("Licensee").

RECITALS

1. Licensor owns real property acquired by Deed dated November 06, 1968 and recorded among the Land Records of Baltimore County, Maryland in Liber No. 4936, folio 0036 which property is used as a right of way for electric transmission (the "BGE Land").

2. Licensee owns real property situate at 14100 Longnecker Road, Reisterstown, MD, 21136, immediately adjacent to the BGE Land, which Licensee acquired by Deed dated July 21, 2021 and recorded in Liber 45146, Folio 275, and which is also known as Baltimore County Tax Map 0040, Parcel 175, Lot 02 (the "Licensee Land").

3. Licensee wishes to utilize the BGE Land in the location shown on attached **Exhibit A** (the "Licensed Area") for ingress and egress to his landscape service operation.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE FOREGOING, and for the payment of Zero Dollars ($0.00) and other good and valuable consideration, the receipt and adequacy of which are acknowledged by each party, the parties agree as follows:

1. **Grant**.

(a) Licensor hereby grants to Licensee, and the Licensee hereby accepts, a non-exclusive license to enter onto the BGE Land as may be reasonably necessary from time to time for ingress and egress to the Licensee Land. Licensee shall maintain the Licensed Area at his sole cost. If Licensee does not maintain the Licensed Area to the satisfaction of Licensor, Licensor may perform the work on behalf of Licensee and the work performed by Licensor shall be paid for by Licensee. The Licensed Area shall not be used by Licensee for any other purpose inconsistent with this License.

(b) Licensee may not lease, sublet, rent or otherwise grant permission for the Licensed Area to any third party without the written permission of the Licensor, which may be withheld.

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(c) Licensee shall be responsible for obtaining any consents, licenses and/or approvals that may be required in connection with Licensee's use of any real property other than the BGE Land.

2. **Term**.

(a) The term of this License (the "Term") shall be for as long as Licensee owns 14100 Longnecker Road, and subject to revocation as provided in paragraph (b).

(b) Notwithstanding the foregoing, Licensor may revoke the license granted hereunder at any time upon at least thirty (30) days written notice if, in the commercially reasonable judgment of Licensor, Licensor should require use of the Licensed Area for access, maintenance, construction or expansion of its facilities within the Licensed Area, or as necessary to protect the safe and reliable transmission of electricity, or for any other business purpose of Licensor. If Licensor revokes this License, Licensor shall upon completion of its work within the Licensed Area, and if the uses permitted by this License would at that time not interfere with the safety and reliability of the Licensor's transmission facilities, reinstate this License on substantially the same terms.

3. **Licensor Rights and Liability**. Licensor retains all rights of ownership and use of the BGE Land and the Licensed Area, including without limitation those of construction, reconstruction, patrol, repair and maintenance of said electric transmission line, the right to survey the land and the right to manage or clear vegetation if, in the Licensor's commercially reasonable judgment, the work performed by Licensee would adversely impact the safety or reliability of Licensor's transmission facilities.

4. **Licensee Obligations**. As part of its consideration for the grant of this License, Licensee hereby agrees to:

(a) accept the Licensed Area in its present condition for the right and privilege hereby given;

(b) perform all work associated with the maintenance of the access route across the Licensed Area at his sole cost;

(c) comply with the Licensor's standard Terms and Conditions, as attached to this License as **Exhibit B**, and comply with all present and future applicable laws and requirements of public authorities in respect to its use of the Licensed Area; and

(d) Maintain during the Term, at Licensee's expense, and require any contractors to maintain insurance, including commercial general liability insurance in the minimum amount of $1,000,000 per occurrence and $2,000,000

aggregate with the policy endorsed to show Licensor as an additional insured. If Licensee's operations involve the use of automobiles or other motorized vehicles, Licensee shall maintain automobile liability insurance with limits of at least $1,000,000 per accident. If subject to the Worker's Compensation statute in Maryland, Licensee shall maintain Worker's Compensation and Employer's Liability Insurance the latter of which shall have limits of at least $1,000,000 per accident and disease. Licensee's insurance shall be primary and any insurance carried by Licensor shall be excess of and noncontributing with insurance afforded by this policy. As evidence of the insurance, the Licensee shall file with Licensor a certificate of insurance certifying all of the above insurances. The certificate shall indicate that Licensor has been named as an additional insured under the commercial general liability insurance, and provide that Licensor shall receive thirty (30) days prior written notice of non-renewal, cancellation of or modification to the policy, and indicate that the policies have been endorsed as described above. All insurance shall be placed and maintained with insurers authorized to do business in the State of Maryland and who have an A.M. Best rating of A or better unless otherwise approved by Licensor.

5. **Non-disclosure**. Licensee agrees to keep confidential all terms and conditions of this License, except to the extent necessary to disclose the information to its successors and to service professionals such as attorneys or surveyors. Licensee agrees to make all successors and service professionals aware of this non-disclosure requirement, and use its reasonable efforts to cause its service professionals to agree to the same. Licensor expressly authorizes Licensee to disclose this License Agreement as part of his pending request for certain zoning relief associated with the proposed landscape service operation use approval. Any breach by Licensee of this non-disclosure requirement shall be grounds for immediate termination of the license by Licensor.

6. **Notices**. It is agreed that all notices that are required to be given by either party may be either personally delivered or sent by registered or certified mail, return receipt requested, properly addressed and postage prepaid to the addressee listed below, unless another address shall have been substituted for such by notice in writing. Such notice shall be addressed to:

Licensor: Baltimore Gas and Electric Company
1068 N. Front Street, Room 302
Baltimore, Maryland 21202
Attn: Supervisor, Real Estate

copy to: Baltimore Gas and Electric Company
1068 N. Front Street, Room 302
Baltimore, Maryland 21202
Attn: Supervisor, Forestry Operations

Licensee: Gregory Mangum
12845 Dover Road
Reisterstown, MD 21236

Notices shall be deemed to have been given on the second business day after the same has been mailed by registered or certified mail, return receipt requested, or on the day when hand delivered against receipt.

7. **General**.

(a) The License hereunder shall be construed in accordance with the laws of the State of Maryland.

(b) In the event of a waiver at any time by the Licensor of any condition of this License, the waiver shall extend to the particular incident or case only and in the manner specified, and the waiver shall not be construed as applying to any further or other rights hereunder.

(c) If any provision of this License shall be determined to be void by any court of competent jurisdiction, then such determination shall not affect any other provision of this License, all of which other provisions shall remain in full force and effect. It is the intention of the parties that if any provision of this License is capable of two constructions, one of which would render the provision void and the other of which would render the provision valid, then the provision shall have the meaning which renders it valid.

(d) This License, including the Exhibits, shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this License shall not be binding upon either party except to the extent incorporated in this License. Any modification of this License or additional obligation assumed by either party in connection with this License shall be binding only if evidenced in writing signed by each party.

IN WITNESS WHEREOF, the parties have caused this License to be duly executed the day and year first above written.

[Signatures on following page]

WITNESS:

BALTIMORE GAS AND ELECTRIC COMPANY

By: _____(SEAL)
J. Gary Bowers
Manager, Real Estate

WITNESS:

By: _____(SEAL)
Gregory Mangum

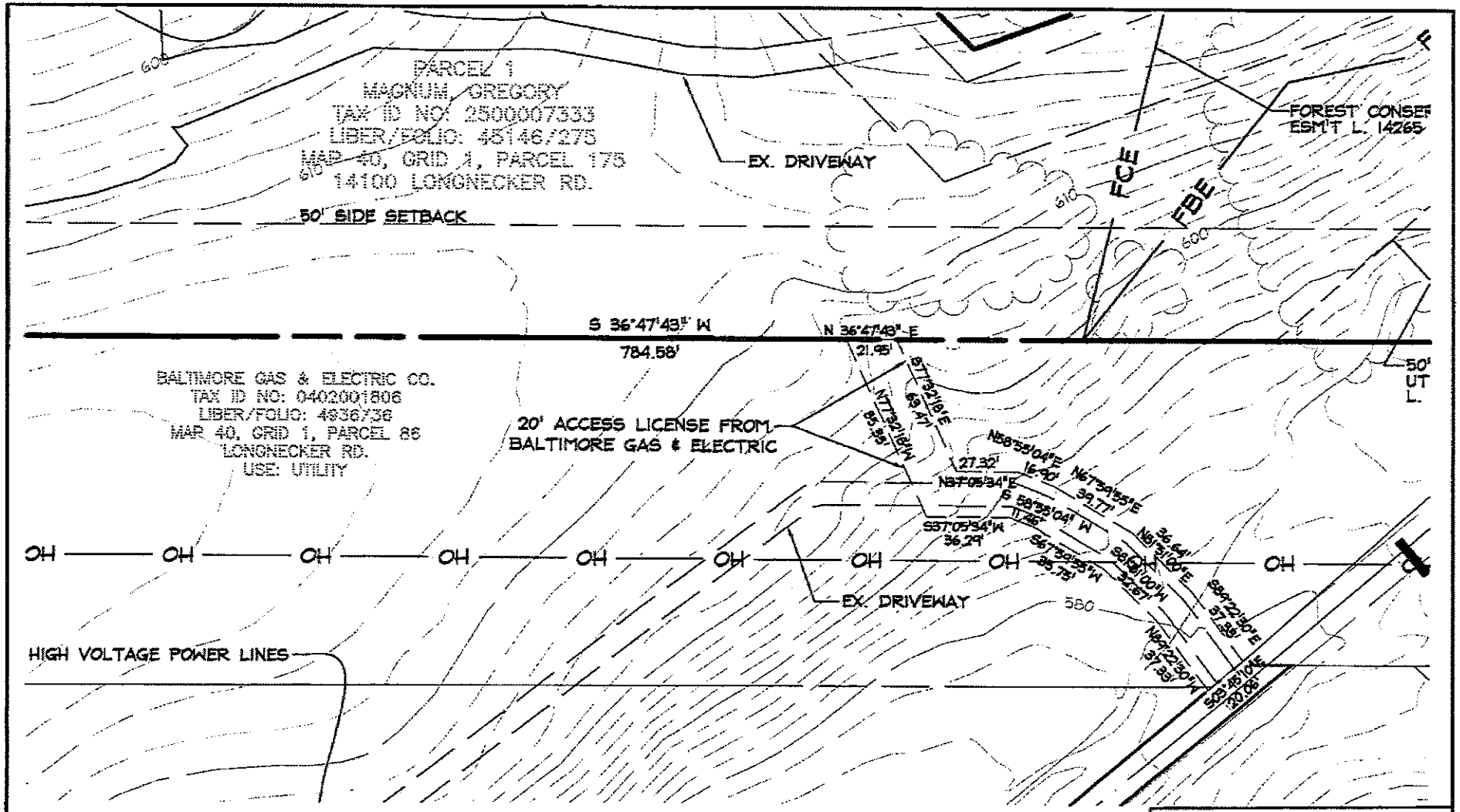


EXHIBIT 'A'

20' ACCESS LICENSE FROM BALTIMORE GAS & ELECTRIC

DDC JOB#:	21041.1
DATE:	9/18/22
SCALE:	1" = 60'
CHK. BY:	RBW
DRN. BY:	LJC

DDC INC
Development Design Consultants

Planners
Surveyors
Engineers
Landscape Architects

192 East Main Street
Westminster, MD 21157
410.386.0560
410.386.0564 (Fax)
DDC@DDCinc.us
www.DDCinc.us

EXHIBIT B

Terms, Conditions, Limitations and Reservations
Governing Property of the Baltimore Gas and Electric Company ("BGE")

1. The term "Licensee" as used herein shall refer to Gregory Mangum.

2. Full access to and from BGE's structures and facilities must be maintained at all times and BGE must not be impaired from performing any emergency operations, maintenance or construction work. If existing access to and along BGE's fee simple and/or easement property or access to BGE's facilities is denied due to the Licensee's construction or other activities, the Licensee will provide temporary access during construction and permanent access thereafter or reimburse BGE for access obtained by BGE after prior approval by the Licensee of said cost (and where applicable, the approval of other governmental agencies). Where any access road is relocated and/or disturbed, the road shall be thoroughly compacted and restored to a condition equal to or better than its present condition.

3. To the fullest extent permitted by law, Licensee agrees to indemnify, defend, protect, and hold harmless BGE, its successors and assigns, against and from any and all costs, liabilities, and expenses in respect of any and all loss of life or property, or injury or damage to persons or property of any person, firm or corporation (including the parties hereto, their respective officers, agents and employees) and against and from any and all claims, demands, and actions in respect to such loss, injury, or damage, caused by or growing out of the existence or the installation, construction, reconstruction, maintenance, repair, operation and/or inspection of Licensee's facility, provided that such loss, injury, or damage is not caused by the vehicular traffic of the general public after completion of construction of the Licensee's facility.

4. BGE reserves the right for itself, its successors and assigns, to construct, reconstruct, operate, and maintain present and/or future gas, electric and/or communication facilities, cables, pipes, wires and mains, and appurtenant facilities including, but not limited to, steam, sewer, oil, and water lines under and over the herein described parcel(s) of land together with (a) the right of BGE, its successors and assigns, to cut, trim, and top and keep cut, trimmed and topped any trees, which in the sole judgment of BGE, its successors and assigns, might interfere with or fall upon BGE's facilities, and (b) such rights of ingress and egress as are necessary to exercise all of the above rights. Any future installations or improvements by BGE pursuant to this reservation are to be accomplished after prior notice to the Licensee and under such satisfactory and coordinated arrangements between BGE and Licensee as will not interfere with the rights granted herein.

5. The Licensee shall be responsible for obtaining any and all permits required by law before performing any work upon BGE's premises.

6. No grading, digging or excavating is permitted on BGE Land. The Licensee agrees to notify "Miss Utility" at 1-800-257-7777 at least forty-eight (48) hours prior to commencement of any digging or excavation on any land adjacent to the BGE Land.

7. Five (5) working days' notice must be given before the start of the work of construction and of any future maintenance which will affect BGE's fee simple or easement property or BGE's facilities by telephoning Alvis Dickerson at 410-470 - 6722-between the hours of 7:00 AM and 3:30 PM so that arrangements can be made to send BGE's representative to the site of such work. When the Licensee's agents, servants, employees, and/or contractors call for this notification, please be sure to refer to this **Job Number ROE 22-102.**

8. Every precaution, including the grounding of the Licensee's equipment and materials, must be used while working near BGE's facilities. Maximum working height of any vehicle or equipment on BGE Land shall be fourteen (14) feet. Under no circumstances should the Licensee's equipment maintain less than twenty (20) feet clearance from any overhead transmission wires or less than fifteen (15) feet clearance from any other overhead electric wires. In addition to these clearances required by BGE, the Licensee, its employees, agents, and contractors shall be subject to and must comply with those applicable provisions of the High Voltage Line Act, (Title 6 of the Labor and Employment Article of the Annotated Code of Maryland), as amended from time to time, and the Occupational Safety and Health Act Standards contained in Title 29 CFR Parts 1910 and 1926 and the Maryland Occupational Safety and Health Act, all as amended from time to time. In the event any grounding system is damaged, please contact BGE Transmission Engineering, at 410-470-6824 immediately to arrange for repair.

9. No vertical structures and/or elements, including but not limited to signs, poles, light standards and trees, shall be allowed to be constructed, raised or placed by Licensee anywhere within any BGE's fee simple and /or easement area without the written consent of BGE.

10. The Licensee shall not construct any buildings or structures on BGE's fee simple and/or easement property, except as expressly permitted in the Lease, Easement Agreement, Right of Entry or License to which these Terms, Conditions, Limitations and Reservations are attached.

11. Clearances between BGE's electric overhead wires and the finished grade of any construction shall be maintained in conformity with accepted good engineering practice and BGE's standards.

12. Clearances between BGE's underground facilities shall be maintained in conformity with accepted good engineering practice to avoid damage during construction and provide clearance for future maintenance. A minimum

horizontal clearance of five (5) feet and a vertical clearance of twelve (12) inches must be maintained with underground facilities, unless greater clearances or special protective measures are stipulated by BGE.

13. The Licensee, at its expense, will protect and support all BGE's facilities, install sheathing, and air ram the back fill of excavations including the use of select back fill materials as directed by BGE's representative, in order to avoid settlement which may result from the Licensee's construction. Hand excavation shall be required when working within three (3) feet of any of BGE's underground facilities.

14. No blasting within BGE's fee simple or easement property and/or within forty (40) feet of BGE's facilities will be permitted without prior approval by, and under arrangements satisfactory to, BGE. BGE shall be fully reimbursed in the event any damages occur as the result of such operations. BGE must be notified as provided for in Section 7 at least five (5) working days in advance of any blasting in order that it may arrange to have a representative on the job site.

15. No heavy equipment is to be moved by Licensee over BGE's underground facilities without its approval.

16. No change in grade is to be made that will reduce the cover over the underground facilities of BGE to less than three (3) feet or increase it to more than five (5) feet without requiring rearrangement of the said facilities or as otherwise approved by BGE.

17. No work will be permitted on BGE's fee simple and/or easement property within fifty (50) feet of any tower or steel pole foundation or within ten (10) feet of any wood pole existing as of the time of such work. Extreme care must be used when in proximity to BGE's towers.

18. Any undesirable sediment, erosion and/or drainage conditions or ponding of water on BGE's fee simple and/or easement property caused by acts of the Licensee, its agents and employees, which will adversely affect BGE's property or facilities, shall be the responsibility of the Licensee to correct.

19. Should any rearrangement, repairs, replacement, modification or protection of BGE's existing or planned facilities be necessitated by the construction of the Licensee, as determined by BGE, the Licensee will reimburse BGE for such expenses incurred. However, prior to performing such work, BGE will notify the Licensee of the estimated cost and will wait for instructions from the Licensee to proceed. It is agreed that should such work be required, BGE will be given a reasonable amount of time within which to complete said work.

20. In the event any rearrangement of BGE's facilities is required under Section 19 above, BGE must be given reasonable notice so that adequate time may be had in which the rearrangement of BGE's facilities may be accomplished.

21. BGE's fee simple and/or easement property, if disturbed by construction or future maintenance operations, shall be restored to an acceptable condition including necessary screening and landscaping, if applicable, subject to BGE's approval.

22. The Licensee shall notify its agents, servants, employees, and/or contractors performing the installation and maintenance of the Licensee's facilities of all conditions and provisions set forth herein.

23. Any increase in property taxes caused by the improvements placed on BGE's fee simple property by the Licensee will be paid by the Licensee. The Licensee agrees to pay such increase within thirty (30) days after receiving notification from BGE.

24. Licensee agrees to obtain approval from BGE prior to analyzing the soil through drilling or boring. Neither the installation of groundwater wells nor the siting of above-ground tanks or underground storage tanks is permitted on BGE's fee simple and/or easement property. Licensee further agrees to refrain from storing any waste materials or chemicals on BGE's fee simple and/or easement property which are deemed to be hazardous or toxic by either Federal or State regulatory entities. Licensee also agrees to be responsible for any offsets or other land restrictions, arising from Licensee's activities, which may be placed on BGE's fee simple and/or easement property as a result of the Chesapeake Bay Critical Areas requirements or any other applicable environmental laws or regulations. Licensee further agrees to reimburse, indemnify and hold harmless BGE, its officers, employees, agents, successors and assigns from and against any damage, liability, loss, penalty, charge, cost, deficiency (including, but not limited to, costs and expenses incident to monitorings, remedial actions, proceedings or investigations or the defense of any claim) arising out of, resulting from or related to any failure of the Licensee to duly perform or observe any term or provision to be performed or observed by the grantee as set forth in this paragraph and to pay BGE, its officers, employees, agents, successors and assigns on demand the full amount of any sum which BGE, its offices, employees, agents, successors and assigns pays or becomes obligated to pay on account of any such failure of the Licensee.

25. BGE's use of the R/W takes presidency over the adjacent property owner using the R/W for driveway access and is revokable whenever BGE sees fit. The driveway must be gravel and cannot exceed 8' in width. The proposed gravel driveway must conform to the existing contours and grading of the R/W and cannot rise above the existing grade. which could create ponding of water and prevent BGE's trucks and equipment from driving back and forth on the R/W. The requestor is responsible for any damage to the gravel driveway even if the damage is done by BGE's trucks. equipment or their contractors truck and equipment. The driveway for access purpose only and not to be used for parking of vehicles. storage of vehicles. RV's boats or equipment. Vehicles and/or equipment cannot exceed the height of (14') fourteen feet. The requestor assumes all liabilities of personal injury and vehicle damage. BGE needs 24/7/365 access across the R/w which may force BGE to close the driveway for to emergent situations and the requestor will need to find another way off of their property.

JOHN A. OLSZEWSKI, JR.
County Executive

DAVID V. LYKENS, *Director*
Department of Environmental Protection and Sustainability

January 7, 2022

Ms. Emily R. Fask, P.E.
Wetland Studies and Solutions, Inc.
1131 Benfield Boulevard, Suite L
Millersville, Maryland 21108

Re: BGE Longnecker Road Access-Replacement Culvert
Alternatives Analysis

Dear Ms. Fask:

On December 2, 2021, Environmental Impact Review (EIR) received the above referenced alternatives analysis to study the best means of replacing a stream crossing of a first order tributary to Slade Run (Use III) while minimizing impacts to this stream and its buffer.

The analysis examined the no-build option versus replacing the culvert with a larger HDPE pipe as well as how to minimize impacts to the stream and wetland buffer. The no-build option is not feasible due to the failing culvert and need to maintain viable access for emergency and routine repairs to the transmission lines thus ensuring reliable electrical service. The applicant's preferred alternative of replacing the culvert in-kind would entail the following impacts according to the impacts table in the application package:

- 143 sf temporary to stream
- 335 sf of temporary to 25-ft wetland buffer

However, the entire limit of disturbance (LOD) is within the Forest Buffer enforced by EIR, although the impact exhibit indicates no forest buffer impact. Therefore, total buffer impact equals the disturbed area. Moreover, there is no consideration given to protecting the wetlands and buffer at the Longnecker Road entrance.

Given the mitigative measures proposed and fact that there would be no additional permanent impact to the stream and wetlands, EIR concurs with your preferred alternative of replacing the culvert with a wider, countersunk culvert pipe. However, that is provided that temporarily impacted wetland and buffer areas are restored with native vegetation including shrubs. Consequently, EIR finds that the impacts associated with the necessary improvements are unavoidable and will be minimized inasmuch as possible by the preferred alternative, although those impacts are greater than indicated in the analysis.

Petitioner's Exhibit 19

Therefore, EIR hereby approves the preferred alternative for the replacement culvert in accordance with Section 33-3-112 of the County Code with the following conditions:

1. The replacement culvert shall be depressed at least one foot below stream invert. Consequently, the size of the pipe may have to be enlarged accordingly. Stream channel protection at either end of the proposed culvert shall be designed and constructed to not impede food drift of the stream.

2. All temporarily disturbed portions of vegetated Forest Buffer shall be replanted with native woody shrubs as indicated on an EIR-approved FBP. A diverse, native, herbaceous seed mix shall be used throughout the disturbed buffer area at the rate prescribed by the manufacturer.

3. A Forest Buffer Protection Plan (FBP) detailing restoration of the disturbed buffer area shall be approved by EIR prior to or concurrently with grading and sediment control plan approval. That FBP must include an itemized cost estimate for EIR approval.

4. A FBP performance security in the amount equal to 110% of the aforementioned cost estimate shall be posted with EPS. In no instance shall this security be less than twenty five (25) cents per square foot of required area to be planted. The security shall be posted prior to issuance of any permits via an Environmental Agreement.

5. The following note must be on all plans and plats for this development:

   - An alternatives analysis for the replacement stream crossing was approved by EPS on January 7, 2022 in accordance with Section 33-3-112 of the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains. Conditions were placed on this approval to minimize impacts to water quality including but not limited to, restoration of any temporarily disturbed stream channel and planting of the Forest Buffer with native species of shrubs.

It is the intent of this Department to approve this alternatives analysis subject to the above conditions. Any changes to design may require EIR approval of revised plans and a new alternatives analysis.

Please have the appropriate BGE representative sign this letter as provided on the following page and return a signed copy of this letter to the Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project

If you have any questions regarding this correspondence, please call me at (410) 887-3980.

Sincerely yours,

Glenn Shaffer, Supervisor
Environmental Impact Review

c. Mr. Glenn Wilson, BGE Environmental Management Unit

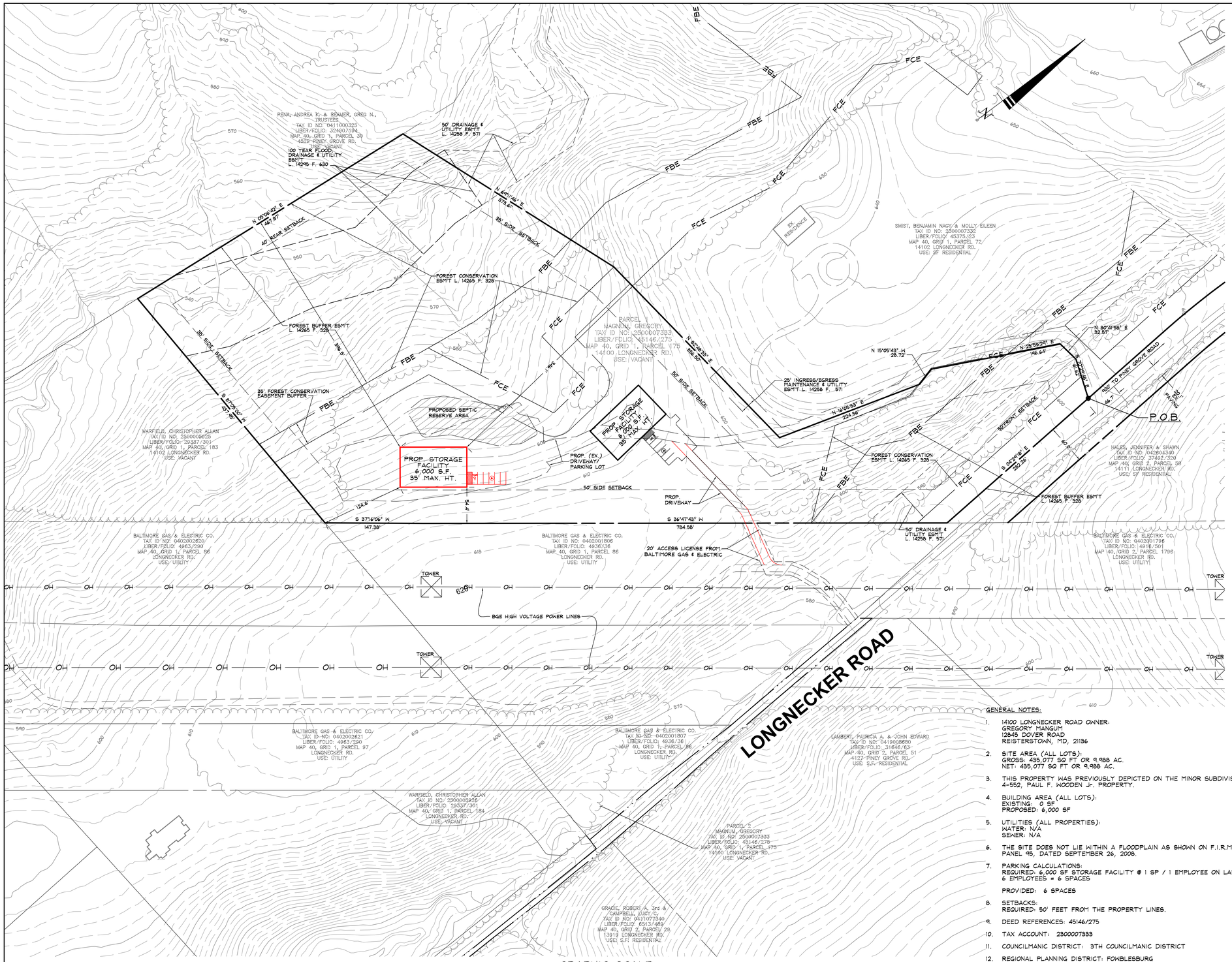
I/we agree to the above conditions to bring my/our property into compliance with Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

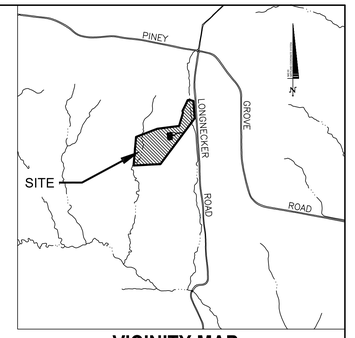
_____

BGE Representative's Signature Date

_____

BGE Representative's Printed Name





VICINITY MAP

SCALE: 1" = 1000'

DRAWING LEGEND

- EXISTING MINOR CONTOUR (2' INTERVAL)
- EXISTING MAJOR CONTOUR (10' INTERVAL)
- ADJACENT PROPERTY LINE
- EXISTING PROPERTY BOUNDARY
- EX. ROAD / EDGE OF PAVING
- EX. SEWER LINE & MANHOLES, CLEAN-OUTS
- EX. OVERHEAD ELECTRIC & UTILITY POLES
- PROPOSED MINOR CONTOUR (2' INTERVAL)
- PROPOSED MAJOR CONTOUR (10' INTERVAL)
- EX. CURB AND GUTTER/PROP. CURB & GUTTER
- EXISTING ROAD/DRIVE CENTERLINE
- EXISTING TREES
- EX. BUILDING

ATTACHMENT TO PETITION FOR ZONING HEARING
14100 LONGNECKER ROAD
4th Councilmanic District
2nd Election District

Special Exception Relief for:

1. A landscape service operation, as provided in BCZR §1A01.2C.16, §404.1 & § 404.3; and
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Variance relief from Sections(s):

1. 404.1.A to permit an internal roadway to be located 0 feet from a property line in lieu of the minimum required 25 feet; and
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

PURPOSE NOTE:

THIS PLAN HAS BEEN PREPARED BECAUSE THE OWNER OF 14100 LONGNECKER ROAD INTENDS TO ACQUIRE A SPECIAL EXCEPTION FOR A LANDSCAPE SERVICE OPERATION.

DATA SOURCES:

EX. TOPOGRAPHY AND BOUNDARY SHOWN PER BALTIMORE COUNTY GIS DOWNLOADED DECEMBER, 2021. LOCATIONS SHOWN HEREON ARE APPROXIMATE AND ARE FOR ZONING PURPOSES ONLY.

GENERAL NOTES:

1. 14100 LONGNECKER ROAD OWNER:
GREGORY MANGUM
12845 DOVER ROAD
REISTERSTOWN, MD, 21136
2. SITE AREA (ALL LOTS):
GROSS: 435,077 SQ FT OR 9.988 AC.
NET: 435,077 SQ FT OR 9.988 AC.
3. THIS PROPERTY WAS PREVIOUSLY DEPICTED ON THE MINOR SUBDIVISION PLAN 4-552, PAUL F. WOODEN Jr. PROPERTY.
4. BUILDING AREA (ALL LOTS):
EXISTING: 0 SF
PROPOSED: 6,000 SF
5. UTILITIES (ALL PROPERTIES):
WATER: N/A
SEWER: N/A
6. THE SITE DOES NOT LIE WITHIN A FLOODPLAIN AS SHOWN ON F.I.R.M. 24001C0095F, PANEL 95, DATED SEPTEMBER 26, 2008.
7. PARKING CALCULATIONS:
REQUIRED: 6,000 SF STORAGE FACILITY @ 1 SP / 1 EMPLOYEE ON LARGEST SHIFT
6 EMPLOYEES = 6 SPACES
PROVIDED: 6 SPACES
8. SETBACKS:
REQUIRED: 50' FEET FROM THE PROPERTY LINES.
9. DEED REFERENCES: 45146/275
10. TAX ACCOUNT: 2300007333
11. COUNCILMANIC DISTRICT: 3TH COUNCILMANIC DISTRICT
12. REGIONAL PLANNING DISTRICT: FOWBLESBURG
13. CENSUS TRACT: 4046
14. WATERSHED: LOCH RAVEN RESERVOIR
15. ZONING: RC-2 (PER MAP TILE 040A1)
16. PREVIOUS ZONING CASES ON FILE:
1971-0253-X: FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF A 500 KV ELECTRIC TRANSMISSION LINE- GRANTED.
1972-0098-X: FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF A 500 KV ELECTRIC TRANSMISSION LINE- GRANTED.
1988-0210-SPH: TO AMEND CASE 71-253-X FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF A 115 KV OVERHEAD ELECTRIC TRANSMISSION LINE- GRANTED.
17. PERMITS ON FILE: NONE
18. FLOOR AREA FOR RC-2: NO MORE THAN ONE PRINCIPAL RESIDENCE PER LOT.
19. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
20. THIS AREA HAS NO PUBLIC WATER SERVICE, SO THERE IS NO NEARBY FIRE HYDRANT.
21. THE SITE IS NOT WITHIN ANY FAILING AREA ON THE BASIC SERVICES MAPS.
22. 14100 LONGNECKER ROAD IS NOT LOCATED WITHIN A COMMERCIAL REVITALIZATION AREA.

XXX

REDLINE

9/29/2022
DATE

ANDREW J. STINE
LANDSCAPE ARCHITECT NO. 3222

DDC inc.
Development Design Consultants
Planners
Surveyors
Engineers
Landscape Architects
192 East Main Street
Westminster, MD 21157
410.386.0560
410.386.0564 (Fax)
DDC@DDCinc.us
www.DDCinc.us

OWNER:
MANGUM, GREGORY
14845 DOVER ROAD
REISTERSTOWN, MD 21136

DEVELOPER:
SAME AS OWNER

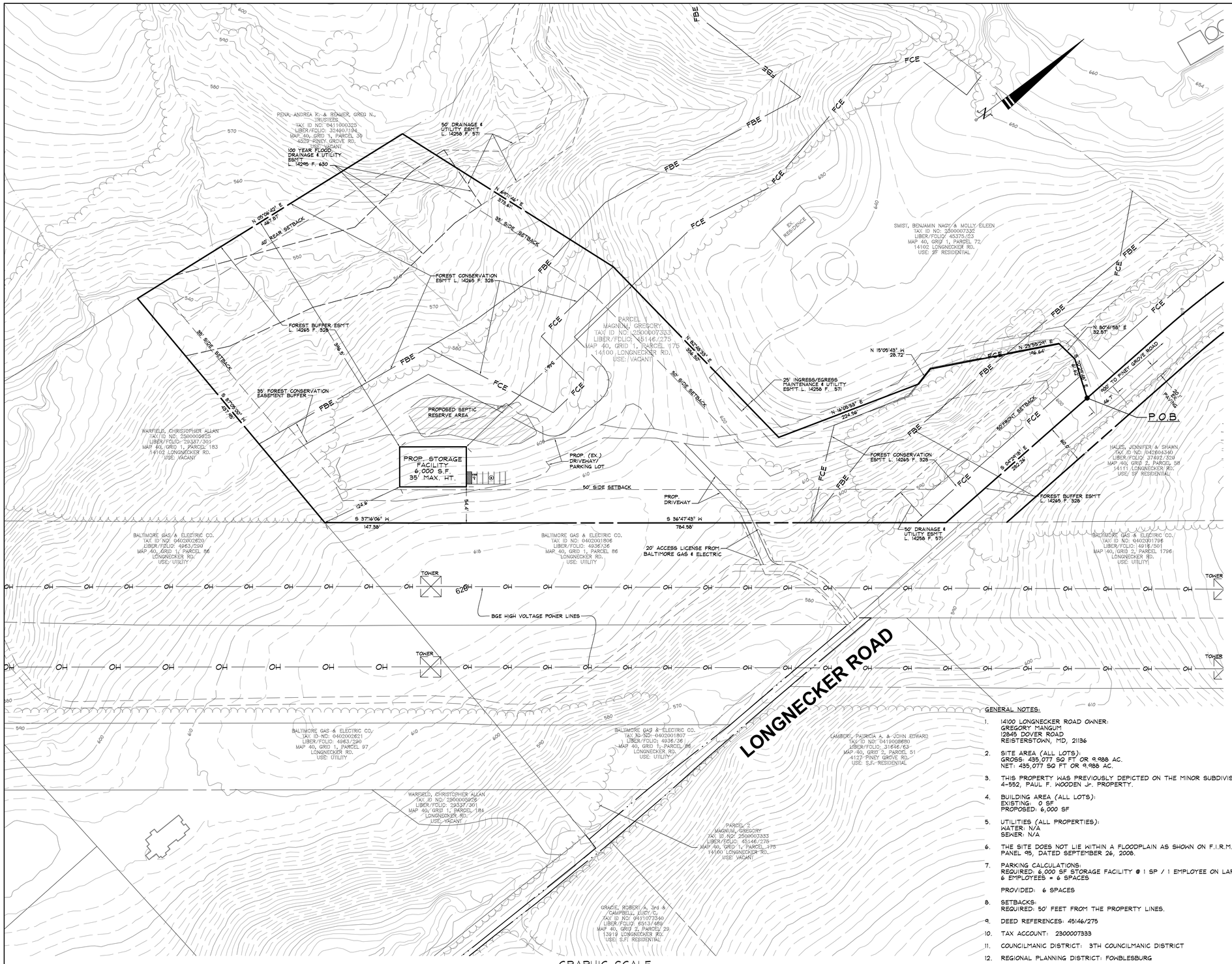
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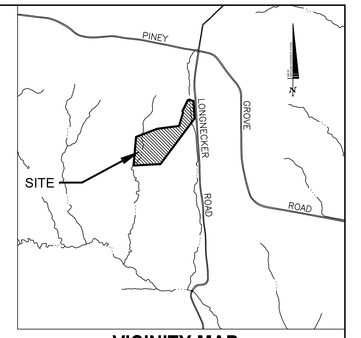
14100 LONGNECKER ROAD
PLAN TO ACCOMPANY APPLICATION FOR SPECIAL EXCEPTION

3RD COUNCILMANIC DISTRICT
4TH ELECTION DISTRICT BALTIMORE COUNTY

REVISIONS			
NO.	DESCRIPTION OF CHANGES	DRN.	REV. DATE

CO. FILE #: N/A	DES. BY: DDC
TAX ACC. #: 1200007333	DRN. BY: CWJ
TAX MAP: 40	CHK. BY: AJS
BLOCK / GRID: 001	DATE: 09/29/2022
PARCEL #: 175	DDC JOB#: 21041.1
ZONE / USE: RC-2	SHEET NUMBER: 1 of 1
DWG. SCALE: 1"=60'	





VICINITY MAP

SCALE: 1" = 1000'

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REISTERSTOWN, MD 21136

14100 LONGNECKER ROAD

PLAN TO ACCOMPANY APPLICATION FOR SPECIAL EXCEPTION

3RD COUNCILMANIC DISTRICT
4TH ELECTION DISTRICT — BALTIMORE COUNTY

REVISIONS

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ZONE / USE: RC-2	SHEET NUMBER: 1 of 1
DWG. SCALE: 1"=60'	

Petitioner's Exhibit 21

FISHER, COLLINS & CARTER, INC.

CIVIL ENGINEERING CONSULTANTS and LAND SURVEYORS

Terrell A. Fisher, P.E., L.S.
Earl D. Collins, P.E.
Charles J. Crovo, Sr. P.E, L.S.

Paul W. Kriebel, P.E.
Mark L. Robel, P.L.S.
Aldo M. Vitucci, P.E.
Frank J. Manalansan II, L.S.

Paul G. Cavanaugh, P.E.

Senior Vice President, Director of Engineering and Construction

Education:

Bachelor of Science, Civil Engineering
University of Maryland College Park

Registration:

Professional Engineer – MD #27020

Prior Relevant Experience:

Contractor and Developer, Including The Howard Research and Development Corp. – 12 ½ Yrs
Engineering and Consulting, Including STV, DDC, DMW – 13 ½ Yrs
Fisher Collins and Carter, Inc – 2 Yrs

Summary of Qualifications:

Mr. Cavanaugh is responsible for site investigations, zoning analysis, site layout, site grading, construction detailing and utility design at Fisher Collins and Carter (FCC), Inc. He has worked on projects including institutional, commercial, and industrial sites, as well as individual residences and 200+ lot residential subdivisions throughout the Baltimore Metropolitan Area.

Mr. Cavanaugh is a Licensed Professional Engineer and has offered testimony in matters of engineering, planning and zoning.

His Relevant Project Experience Includes:

Glyndon Gardens, Baltimore County, Glyndon MD

Senior Vice President. Mr. Cavanaugh served as the lead engineer for the Special Exception and Variance petition for improvements to the Garden Center. FCC provided support for the grading and building permitting, along with engineering support for the property.

Fields at Worthington, Baltimore County, Reisterstown MD

General Manager. Oversaw the design and acted as the lead engineer of the single family home development from Concept Stage through Final approval for site layout, grading, sediment and erosion control, landscaping, stormwater management and MDE permitting; including reviewing design for compliance with Baltimore County agency approvals. Stormwater Management include on lot treatment for the homes and a grass sand filter for the road.

CENTENNIAL SQUARE OFFICE PARK · 10272 BALTIMORE NATIONAL PIKE · ELLICOTT CITY, MARYLAND 21042 · PHONE (410) 461-2855 · FAX (410) 750-3784

Emerson Community, Howard County, MD. Various Phases

Senior Engineer / Construction Manager. Emerson is a 570 acre Mixed-use Community with over 1200 residential units. Overall, the Emerson residential and commercial properties are served by 18 Stormwater Management Ponds, a Wetland Mitigation area, over 5 miles of water and sewer mains and over 100 acres of Forest Conservation. Managed entitlements and oversaw design from Concept Stage through Final approval for site layout, grading, utility extensions, sediment and erosion control, landscaping, and stormwater management; including reviewing design for compliance with owners direction and agency approvals for multiphase project. Met all Maryland Department of the Environment requirements for wetland mitigation, stream crossings, and floodplain encroachments. Also directed the bidding, award and construction of over 400 acres of residential, commercial, and recreational land.

Pot Spring, Baltimore County, Cockeysville MD

General Manager. Oversaw design as lead engineer at DDC from Concept Stage through Final approval for site layout, grading, utility extensions, sediment and erosion control, landscaping, flood plain and stormwater management; including reviewing design for compliance with Baltimore County agency approvals. Stormwater Management included safely conveying runoff to the proposed Bioretention Facility. Utility design included the low pressure sanitary sewer, water main extension and storm drain system.

Baltimore Crossroads at 95 – Areas 6, 8, & 10, Middle River, MD

General Manager. Mr. Cavanaugh served as lead engineer at DDC for the development of 1,693,000 SF of industrial and manufacturing space in the Baltimore Crossroads at 95 Business development, near the intersection of I-95 and Maryland Route 43 in Baltimore County, Maryland. Mr. Cavanaugh was responsible for site lay-out, zoning compliance, site grading, plan processing, and engineering design for five buildings in Areas 6 & 10, along with associated loading and parking in those areas. Notable tenants include Reliable-Churchill, BGE, and Ruxton Chocolates/Mary Sue Candies. Construction is currently ongoing.

Gateway Overlook, Howard County, Maryland

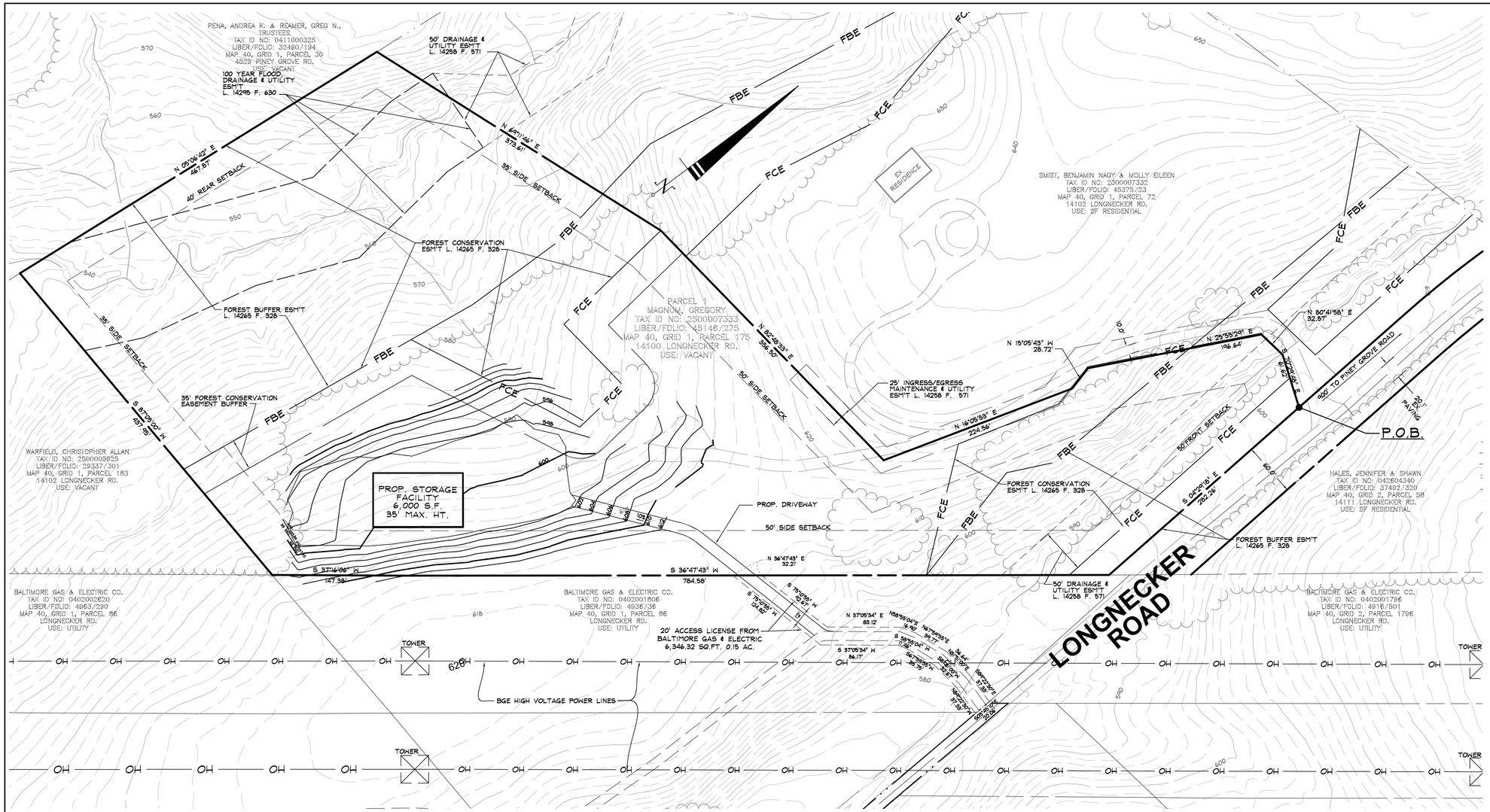
Project Manager. Oversaw entitlement and design from Concept Stage through Final approval for site layout, grading, utility extensions, sediment and erosion control, landscaping, and stormwater management; including reviewing design for compliance with Howard County and State Highway Administration agency approvals. Infrastructure improvements included widening Maryland Route 175 and Route 108. Directed the bidding, award and construction of over 120 acres.

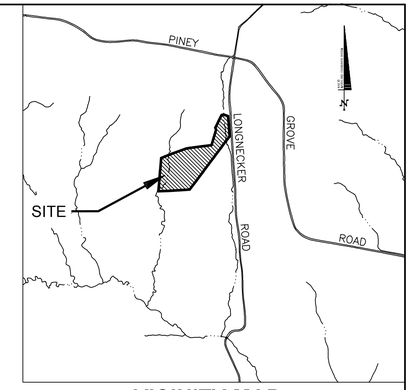
Gateway Commerce Center, Howard County, Maryland

Project Manager. Oversaw entitlement and design from Concept Stage through Final approval for several areas of the Business Park. The Parcels included John McAdams Drive, Benjamin Franklin Drive and Lee DeForest Drive. Each section included site layout, grading, utility extensions, sediment and erosion control, landscaping, and stormwater management; including reviewing design for compliance with Howard County agency approvals. Directed the bidding, award and construction of over 200 acres.

Maryland Dam Safety, November 2016.

General Manager. As a speaker during MDE's seminar for Emergency Action Plans and Dam Breach, prepared and provided a presentation for Dam Owners, Engineers, and Inspectors covering the analysis required to determine the classification of a Dam and the relationship to the Emergency Action Plan.





VICINITY MAP

SCALE: 1" = 1000'

DRAWING LEGEND

- EXISTING MINOR CONTOUR (2')
- EXISTING MAJOR CONTOUR (10')
- ADJACENT PROPERTY LINE
- EXISTING PROPERTY BOUNDARY
- SOIL DELINEATION LINE
- EXISTING FLOODPLAIN
- EX. ROAD / EDGE OF PAVING
- EX. SEWER LINE & MANHOLES, CLEAN-OUTS
- EX. OVERHEAD ELECTRIC & UTILITY POLES
- EX. BUILDING
- PROPOSED BUILDING
- PROP. STANDARD CURB & GUTTER
- FCE — FOREST CONSERVATION EASEMENT LIMIT LINE
- EXISTING TREELINE OR FOREST EDGE
- 25% AND GREATER SLOPES
- 25% AND GREATER SLOPES
- EXISTING SEPTIC RESERVE AREA
- PROPOSED LIMIT OF DISTURBANCE

DATA SOURCES:

EX. TOPOGRAPHY AND BOUNDARY SHOWN PER BALTIMORE COUNTY OIT/GIS DOWNLOADED DECEMBER, 2021.

GENERAL NOTES:

1. 14100 LONGNECKER ROAD OWNER: GREGORY MANGUM
   12845 DOVER ROAD
   REISTERSTOWN, MD, 21136
2. SITE AREA: 9.86 AC.
3. THIS PROPERTY WAS PREVIOUSLY DEPICTED ON THE MINOR SUBDIVISION PLAN 4-552, PAUL F. WOODEN Jr. PROPERTY.
4. THE SITE DOES NOT LIE WITHIN A FLOODPLAIN AS SHOWN ON F.I.R.M. 2400100095F, PANEL 95, DATED SEPTEMBER 26, 2008.
5. SETBACKS REQUIRED: 50' FEET FROM THE PROPERTY LINES.
6. DEED REFERENCES: 45146/275
7. TAX ACCOUNT: 2900007333
8. COUNCILMANIC DISTRICT: 3TH COUNCILMANIC DISTRICT
9. REGIONAL PLANNING DISTRICT: FOWBLESBURG
10. CENSUS TRACT: 4046
11. WATERSHED: LOCH RAVEN RESERVOIR
12. ZONING: RC-2 (PER MAP TILE 040A1)
13. PREVIOUS ZONING CASES ON FILE.
    1971-0253-X: FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF A 500 KV ELECTRIC TRANSMISSION LINE- GRANTED.
    1972-0099-X: FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF A 500 KV ELECTRIC TRANSMISSION LINE- GRANTED.
    1988-0210-SPH: TO AMEND CASE 71-253-X FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF A 115 KV OVERHEAD ELECTRIC TRANSMISSION LINE- GRANTED.
14. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
15. THIS AREA HAS NO PUBLIC WATER SERVICE, SO THERE IS NO NEARBY FIRE HYDRANT.
16. THE SITE IS NOT WITHIN ANY FAILING AREA ON THE BASIC SERVICES MAPS.
17. 14100 LONGNECKER ROAD IS NOT LOCATED WITHIN A COMMERCIAL REVITALIZATION AREA.

GENERAL NOTES

1. THE PROPOSED GRADING SHOWN ON THIS PLAN MEETS THE REQUIREMENTS SET FORTH BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY AND COMPLIES WITH ARTICLE 33, TITLE 5 OF THE BALTIMORE COUNTY CODE. HOWEVER, DUE TO BUILDING TYPES AND LAYOUT, SOME FIELD ADJUSTMENTS MAY BE REQUIRED. ALL CHANGES MUST COMPLY WITH THE ABOVE MENTIONED REQUIREMENTS.
2. ALL SWALES HAVE BEEN DESIGNED BY THE ENGINEER TO CONVEY RUNOFF ACCORDING TO BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS DESIGN STANDARDS.
3. PROTECTIVE COVENANTS NOTE:

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

   THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT, FOREST CONSERVATION EASEMENT, OR FOREST BUFFER AND FOREST CONSERVATION EASEMENT AREA EXCEPT AS PERMITTED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY.
5. NO STOCKPILES, PARKING AREAS, EQUIPMENT CLEANING AREAS, ETC., SHALL OCCUR WITHIN AREAS DESIGNATED AS FOREST BUFFER EASEMENTS, FOREST CONSERVATION EASEMENTS AND/OR FOREST CONSERVATION EASEMENTS.

NOTE: PRIOR TO REMOVING SEDIMENT CONTROL MEASURES, CONTRACTOR TO REMOVE TRASH AND ALL BUILDING MATERIALS FROM WITHIN FOREST CONSERVATION EASEMENTS PER THE DAILY STABILIZATION NOTES ON THE APPROVED SEDIMENT AND EROSION CONTROL PLANS.

TOTAL AREA OF SITE: 9.86 AC.
TOTAL DISTURBED AREA: 75,929 SQ. FT. / 1.74 AC.

GRAPHIC SCALE

60 0 60 120 180

DDC inc
Development Design Consultants

Planners
Surveyors
Engineers
Landscape Architects

192 East Main Street
Westminster, MD 21157
410.386.0560
410.386.0564 (Fax)
DDC@DDCinc.us
www.DDCinc.us

OWNER:
MANGUM, GREGORY
12845 DOVER ROAD
REISTERSTOWN, MD 21136

DEVELOPER:
SAME AS OWNER

SITE ADDRESS:
14100 LONGNECKER ROAD
REISTERSTOWN, MD 21136

14100 LONGNECKER ROAD

ZONING EXHIBIT

3RD COUNCILMANIC DISTRICT
4TH ELECTION DISTRICT BALTIMORE COUNTY

NO.	DESCRIPTION OF CHANGES	DRN.	REV.	DATE
	REVISIONS			

CO. FILE #:	N/A	DES. BY:	DDC
TAX ACC. #:	1200007333	DRN. BY:	CWJ/LJC
TAX MAP:	40	CHK. BY:	RBW
BLOCK / GRID:	001	DATE:	11/15/2022
PARCEL #:	175	DDC JOB#:	21041.1
ZONE / USE:	RC-2	SHEET NUMBER:	
DWG. SCALE:	1" = 60'	1 of 1	

Jason Vettori

From: greenmountlawn@aol.com
Sent: Wednesday, December 21, 2022 12:38 PM
To: Jason Vettori
Subject: Fw: Request

----- Forwarded Message -----
From: Dickerson, Alvis L:(BGE) <alvis.dickerson@bge.com>
To: Greg Mangum <greenmountlawn@aol.com>
Sent: Wednesday, December 21, 2022, 08:26:48 AM EST
Subject: Request

Hello Mr. Mangum,

Your request to have the entrance off the access road increase to 12 feet wide has been approved.

Happy Holidays!

Alvis

This Email message and any attachment may contain information that is proprietary, legally privileged, confidential and/or subject to copyright belonging to Exelon Corporation or its affiliates ("Exelon"). This Email is intended solely for the use of the person(s) to which it is addressed. If you are not an intended recipient, or the employee or agent responsible for delivery of this Email to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this Email is strictly prohibited. If you have received this message in error, please immediately notify the sender and permanently delete this Email and any copies. Exelon policies expressly prohibit employees from making defamatory or offensive statements and infringing any copyright or any other legal right by Email communication. Exelon will not accept any liability in respect of such communications. -EXCIP

Petitioner's
Exhibit 24



Petitioner's Exhibit 25A



Petitioner's
Exhibit 25B


Petitioner's Exhibit 25C



Petitioner's
Exhibit 25D

Petitioner's
Exhibit 25E


NO TRESPASSING
WARNING
NO TRESPASSING
BALTIMORE GAS AND ELECTRIC CO.
Petitioner's Exhibit 25F



Petitioner's
Exhibit 25G

Petitioner's Exhibit 25H


Petitioner's Exhibit 25I



Petitioner's Exhibit 25J


Petitioner's Exhibit 25K

Petitioner's
Exhibit 25L

Petitioner's
Exhibit 25M


Petitioner's
Exhibit 25N

Petitioner's
Exhibit 25 O

212 Cockeys Mill Road
Reisterstown, MD 21136

NORTHWEST RECYCLING, LLC

mulch topsoil stone dumpsters

410-833-9369
410-833-3963

To the Board of Appeals

As owner of Northwest Recycling, we have a close relationship with Greg Mangum and Greenmount lawn and landscaping. As of April 2022, we have been aware of his zoning and variance hearings. I am writing this letter just to confirm that as the suppliers of the dumpsters for debris at 14100 Longnecker Rd., Mr. Mangum has not had more than two dumpsters emptied within a month. He has also not had more than two dumpsters at a time on the premises. Lastly any pickups of the dumpsters have been between the hours of 730 and 430 which is our normal Monday through Friday working hours and is never outside of that.
Mr. Mangum is an honest and hard-working guy and does his best to help within the community and after hearing some of the comments at the last hearing I just wanted to confirm these statements.

Thanks very much,

Neil Miller
Debora Mays Miller
Northwest Recycling LLC

Petitioner's Exhibit 26

Manor View Farm
Wholesale Nursery, Growers Distributers
15601 Manor Road
Monkton MD 21111
Phone: (410) 771-4700 Fax: (410) 771-8246
sales@manorview.com

INVOICE

ORDER	SI-237785

DATE **PAGE**
Page 1 of 1

BILL TO:

GREENMOUNT LAWN &
LANDSCAPING LLC
12845 DOVER ROAD
REISTERSTOWN MD 21136

SHIP TO:

Delivery 10/25
14100 LONGNECKER RD
REISTERSTOWN MD 21136
(443) 536-6351

SHIP DATE	SHIP VIA	Customer #	TERMS
10/25/2021	Delivery	4449	Cash/check
PO NUMBER	**ORDER DATE**	**SALESPERSON**	**Initials**
	12/21/2022	Johnson, Ty	

PRODUCT ID	QTY	DESCRIPTION	SIZE	UNIT PRICE	DISC%	NET PRICE	EXT. PRICE
T197H12	16	THUJA X 'GREEN GIANT' GIANT ARBORVITAE	12 FT	575.00	0.00	575.00	$9,200.00

Signature _____ Date _____

Unless Otherwise Noted Under Terms,

TERMS AND CONDITIONS OF PAYMENT: Terms are Cash/check from invoice date

A finance charge of 1.5% will be charged monthly on all past due invoices. In the event it becomes necessary for Manor View Farm, Inc. to file suit to enforce payment of past due amounts Manor View Farm, Inc. shall be entitled to collection fees, court cost and interest at 18% annum.

Subtotal:	**$9,200.00**
Sales Tax:	**$552.00**
Discount:	**$0.00**
Additional Charges:	**$0.00**
Freight:	**$250.00**
Fuel Surcharge:	**$0.00**
Amount Due:	**$10,002.00**

Petitioner's
Exhibit 27

MARYLAND HORSE BREEDERS ASSOCIATION
Since 1929

December 19, 2022

In the Matter of:
Gregory Mangum
14100 Longnecker Road
Case No. 22-012-XA

Dear Board of Appeals,

I am writing to express support for the special exception and variance relief Mr. Mangum has requested in order to operate his landscape service operation at 14100 Longnecker Road.

As the Executive Director of the Maryland Horse Breeders Association, I want to confirm that Greenmount Lawn and Landscaping has done an excellent job to taking care of the grounds around our headquarters at 321 Main Street in Reisterstown. We have just opened the Maryland Horse Library and Education Center on the site, and it is important to have the greenspace around the building look good.

Mr. Mangum and Greenmount Lawn & Landscaping are reliable and have been very responsive when we have had unexpected needs such as storm damage and additional clean up. He has an excellent reputation in the community and came highly recommended. He and his company take care of many of the properties of our members in the area.

Sincerely,

Cricket Goodall
Executive Director

321 Main Street, Reisterstown, MD 21136 • 410.252.2100 • Fax 888-616-9797 • MarylandThoroughbred.com

Case No. 2022-0012-XA
14100 Longnecker Road
Hearing Date: Tuesday, October 4, 2022

Protestants' (Smist) Exhibit List

1. Protestants' Exhibit 1 - Photo - 14100 Longnecker Road
2. Protestants' Exhibit 2 - Photos - 14100 Longnecker Road
3. Protestants' Exhibit 3 - Photos - Grading on 14100 Longnecker Road, Page 1
4. Protestants' Exhibit 4 - Photos - Grading on 14100 Longnecker Road, Page 2
5. Protestants' Exhibit 5 -Debris
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28. Protestants' Exhibit 28 - Soil Map
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31. Protestants' Exhibit 31 - Survey with Aerial (10/3/22)
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34. Protestants' Exhibit 34 - FB / FCE Violation Letter
35. Protestants' Exhibit 35 - Septic Reserve Area Revocation Letter
36. Protestants' Exhibit 36 - Delaware Run I Tier II Watershed
37. Protestants' Exhibit 37 - MDE Tier II Antidegradation Review Form

Case No. 2022-0012-XA
14100 Longnecker Road
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14100 Longnecker Road
Hearing Date: Tuesday, October 4, 2022

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Case No. 2022-0012-XA
14100 Longnecker Road
Hearing Date: Tuesday, October 4, 2022

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Case No. 2022-0012-XA
14100 Longnecker Road
Hearing Date: Tuesday, October 4, 2022

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Case No. 2022-0012-XA
14100 Longnecker Road
Hearing Date: Wednesday April 6, 2022 @ 1:30 pm

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IN THE MATTER OF: **PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE** 14100 Longnecker Road 4th Election District 3rd Councilmanic District Gregory Mangum, Legal Owner, *Petitioner*	)	**BEFORE THE** **BOARD OF APPEALS** **OF** **BALTIMORE COUNTY** **Case No: 22-012-XA**

PROTESTANTS' BRIEF IN LIEU OF CLOSING ARGUMENT

Protestants, Ben and Molly Smist, by and through their attorney, Dino C. La Fiandra, Esquire and The Law Office of Dino C. La Fiandra, LLC, submit this brief in lieu of closing argument, and state:

Statement of the Case

The Petitions for Zoning Hearing in this matter seek a special exception for a landscape service operation and a variance for an internal roadway to be located zero feet from a property line in lieu of the minimum required 25 feet. The Petitioner, Greg Mangum ("Mangum" or "Petitioner"), is the owner of the subject property, which is located at 14100 Longnecker Road (the "Subject Property"). The Administrative Law Judge (ALJ) granted the relief in a decision dated April 15, 2022. Adjoining property owners, Ben and Molly Smist (the "Smists" or "Protestants"), appealed to the Board of Appeals. Pursuant to Baltimore County Code, §603, the Board hears and decides this case *de novo*.

The Board held a hearing in this matter on October 4, December 7, and December 22, 2022. At the conclusion of the hearing, the Board invited closing briefs.

Background

The site plan of which the Petitioner seeks approval is shown on Petitioner's Exhibit 21 / Protestants' Exhibit 27. This plan differs from the site plan filed with the Petition and approved

by the ALJ. The original site plan is shown on Petitioner's Exhibit 1. The differences between the original plan and the revised plan are shown on Petitioner's Exhibit 20 / Protestants' Exhibit 26. The Subject Property measures 9.98 acres and is entirely within the RC 2 zone.

The Protestants, Ben and Molly Smist, are adjoining property owners and own the property at 14102 Longnecker Road. The Smists have 4 young children, under the age of 5. They use their adjoining property as their residence.

Following a discussion of the law applicable to this case, this memorandum sets forth proposed findings of fact and proposed conclusions of law.

Applicable Law

The Petitioner seeks a special exception for a landscape service operation. The Baltimore County Zoning Regulations define a landscape service operation as, "An operation primarily engaged in the designing, installing, planting or maintaining of lawns, gardens or other plantings at off-site commercial or residential uses." BCZR, §101.1

Special exceptions are governed by BCZR, §502.1, which provides,

> §502.1 Conditions for Granting of Special Exception
>
> Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:
>
> A. Be detrimental to the health, safety or general welfare of the locality involved;
>
> B. Tend to create congestion in roads, streets or alleys therein;
>
> C. Create a potential hazard from fire, panic or other danger;
>
> D. Tend to overcrowd land and cause undue concentration of population;
>
> E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
>
> F. Interfere with adequate light and air;
>
> G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
>
> H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones.

The appropriate standard to be used in used by the Board of Appeals in applying the regulatory requirements of BCZR, §502.I has been the subject of many Court of Appeals and Court of Special Appeals cases, perhaps most notably, *Shultz v. Pritts*, 291 Md. 1 (1981). *Mills v. Godlove*, 200 Md.App. 213 (2011), a special exception case decided by the Court of Special Appeals, reviewed *Shultz* and stated the following:

> In Maryland, *Schultz v. Pritts,* 291 Md. 1, 432 A.2d 1319 (1981) is the seminal case regarding special exceptions. In *Schultz,* the Court of Appeals articulated the standard for reviewing an application for special exception, and explained:
>
> > [T]he special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible *absent any fact or circumstance negating the presumption.* The duties given the [zoning authority] are to judge whether the *neighboring properties in the general neighborhood would be adversely affected* and whether the use in the particular case is in harmony with the general purpose and intent of the plan.
> >
> > Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the [zoning authority] that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. [I]f there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal. [Internal citations omitted.] These standards dictate that if a requested special exception use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied.
>
> After reviewing the existing standard, in an oft-quoted paragraph, the *Schultz* Court held:
>
> > [T]he appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular

> use proposed at the particular location proposed would have any adverse effects above and beyond those [adverse effects] inherently associated with such a special exception use irrespective of its location within the zone.
>
> The standard in *Schultz* has been reviewed and analyzed many times. In a particularly relevant review, Judge Harrell in *Loyola, supra*, clarified that "the *Schultz* standard ... requires that the adverse effect 'inherent' in a proposed use be determined without recourse to a comparative geographic analysis." *. . .* In so doing, Judge Harrell noted that *Schultz* requires that a zoning authority review "the effects of a proposed use irrespective of its location within the zone," but does not require an applicant to compare the adverse effects of a proposed use against "a reasonable selection representative sampling of other sites within the same zone throughout the district or jurisdiction, *taking into account* the particular characteristics of the areas surrounding those other test sites." * * *
>
> *Mills v. Godlove*, 200 Md.App 213, 230-232 (2011) [Italics in original; underscoring added; internal citations omitted].

In *Mills v. Godlove*, the Court of Special Appeals affirmed the Circuit Court's reversal of the Washington County Board of Zoning Appeals grant of a special exception. The Court of Special Appeals and the Circuit Court determined that the Board in that case failed to discuss the inherent adverse effects associated with the proposed special exception use, a contractor's yard, and whether a special exception for that use at the proposed location would generate adverse effects above and beyond the expected or typical adverse effects of such a use. In order to approval a special exception, the Board must identify and discuss the inherent adverse effects associated with the proposed use and determine that the adverse effects generated by the proposed use are not greater than the adverse effects inherently associated with the proposed use.

In addition to the special exception requirements of BCZR, §502.1, landscape service operations are governed by BCZR, §404, which contains the following requirements in relevant part:

> § 404.1. General regulations.
>
> > Limited acreage wholesale flower farms, horticultural nurseries and landscape service operations [underscore added] are subject to the following requirements:

A. Internal roadways shall be located at least 25 feet from any property line other than a street right-of-way line.

B. * * *

C. The loading or unloading of vehicles for the purpose of shipping and receiving goods shall take place at least 100 feet from any property line adjacent to a residentially zoned or used property and shall be screened with plantings that provide a year-round visual screen upon maturity. If the loading activities are carried on within a fully enclosed structure, such activities may take place up to 50 feet from any property line.

* * *

§ 404.3. Landscape service operations.

A landscape service operation is subject to the following regulations:

A. The outdoor storage area of materials used for landscaping purposes, including but not limited to, tools, drainage pipes, railroad ties, decorative stones, mulch and fertilizers shall be compatible with surrounding uses and screened from residentially zoned or used properties as specified in Section 404.1C.

B. * * *

C. Landscape service operations require a special exception approval in R.C.2, R.C.3 and R.C.4 and R.C.6 Zones and shall meet the requirements outlined in Section 502.1 of these regulations. In addition to these requirements, a landscape service operation is subject to the following standards:

1. The site shall be of sufficient size and properly designed to insure protection of existing neighboring dwellings from noise, dust, glare and other nuisance factors.

2. Location of the vehicle parking and equipment storage area shall be compatible with surrounding uses and shall be screened from residentially zoned or used properties as specified in Section 404.1.C.

Lastly, the Petitioner seeks a variance for an internal roadway of a landscape service operation to be located zero feet from a property line in lieu of 25 feet as required by BCZR, §404.1.A. Variances are governed by BCZR, §307.1, which states,

§ 307.1. - Authority to grant variances; procedures and restrictions.

> The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. * * * Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant any other variances. * * * [Underscoring added.]

Pursuant to BCZR, §307.1 and *Cromwell v. Ward*, 102 Md.App. 695 (1995), a variance may be granted where the property is unique, the failure to grant the variance will result in a practical difficulty, and the variance can be granted in "strict harmony" with the spirit and intent of the regulation and without injury public health, safety and general welfare.

Proposed Findings of Relevant Fact

A. The Petitioner's Landscape Service Operation.

The Petitioner operated a landscape service operation for many years at a different location about 1.5 miles from the Subject Property at the intersection of Butler Road and Longnecker Road. The Petitioner's landscape service operation is a year-round operation focusing on all forms of landscaping and lawn care during spring, summer and fall, and snow removal during the winter months. The Petitioner employs 8 to 10 employees and has clients along Longnecker Road and in the nearby area. The Petitioner operates his business as Greenmount Lawn & Landscaping, LLC. Under cross-examination, the Petitioner admitted that the LLC's charter has been forfeited due to failure to file a personal property tax return. The Petitioner placed the blame for the forfeiture on his accountant, but the Petitioner could not explain why the charter has not been revived, despite his knowing of the forfeiture since at least March, 2021 when it was pointed out to him during the ALJ's hearing on this Petition.

With regard to Mr. Mangum's conduct of the landscape service operation since the ALJ's April 15, 2022 decision, the Board finds, based on the testimony of Mrs. Smist and Exhibit 16 and 17 (photographs), Mr. Mangum has engaged in commercial activity on the Subject Property on Sundays, in contravention of the conditions placed by the ALJ on his approval. On cross-examination by Mr. La Fiandra, Mr. Mangum stated he can do whatever he wants on his property and the evidence clearly shows his trucks entering and leaving the site multiple times during the day on September 18, which was a Sunday.

B. Relocation of the Business to the Subject Property.

In 2021, the Petitioner purchased the Subject Property to relocate his landscape service operation to this site. It is undisputed that within a few months of acquiring the Subject Property, the Petitioner commenced to grade the site without having obtained a grading permit. Protestants' Exhibits 3, 4. The Petitioner initially claimed that there was less than 5000 square feet of grading, which does not require a grading permit under county regulations. Nonetheless, the Board finds based on the testimony of Mr. Williams and Mr. Warfield that the area graded without a permit was well in excess of 5000 square feet and a permit was required for this work. Mr. Warfield measured the amount of grading to be about 80,000 square feet.

When the grading was completed, the Petitioner commenced to use the Subject Property for his business, without first having received zoning approval.

The Petitioner uses the Subject Property for storage of his landscape equipment, for storage of mulch and stone which is delivered to the Subject Property, and as a headquarters for his business. The landscape service operation typical has between 8 and 10 employees that arrive at the Subject Property somewhere between 7:00 and 8:00 a.m. The employees prepare for the landscape jobs of the day. The employees leave the site for off-site landscape jobs prior to 9:00 a.m. Mr. Mangum and his employees return to and depart from the site periodically

during the day. The workday typically ends after 6 pm and sometimes much later during spring and summer when there is more landscaping work to be done.

The Petitioner has at least 6 large trucks that he uses in conjunction with his landscape service operation. In addition there are numerous trailers, freight containers and other pieces of equipment used in conjunction with the landscape service operation. Equipment and materials are delivered to the site.

C. Development History of the Subject Property and the Protestants' Property.

The Subject Property resulted from a minor subdivision of the Paul F. Wooden, Jr. Property and is shown as Lot 2 on Minor Subdivision Plan M-99-017, which was admitted as Petitioner's Exhibit 3 / Protestants' Exhibit 18 (the "Minor Sub Plan"). The Minor Sub Plan shows that both the Petitioner's Subject Property and the Protestants' property resulted from the Wooden subdivision, the Subject Property being Lot 2 on the Minor Sub Plan, and the Protestants' property being Lot 1. Based on the testimony of Mr. Moxley, the Board finds that the Minor Sub Plan is a "development plan" in the context of the Baltimore County Development Regulations.

The Minor Sub Plan contains several provisions which are relevant to this case. First, pursuant to Notes 7 and 17 on the Minor Subdivision Plan and the testimony of Mr. Moxley, the Board finds that the subdivision of the Wooden property was for residential purposes. Note 7 states, "Lot is for sale and for single family dwellings." Note 17 states, "Existing site use is vacant. Proposed use is single family dwellings." Mr. Moxley testified that a minor subdivision is exempt from the CIM and HOH requirements of the Baltimore County Development Regulations, pursuant to BCC, §32-4-106(b)(5), "The subdivision of land into three or fewer lots for residential single-family dwellings."

Second, the Minor Sub Plan provides for a use-in-common easement (the "Use-In-Common Easement") for the use of both the Petitioner and the Protestants. The Use-In-

Common Easement is shown on the Minor Sub Plan (and on the site plans in this case). It is mostly located on the Protestants' property, though parts of it are located on the Petitioner's Subject Property as well. The Use-In-Common Easement is 25 feet wide.

D. Existing Access to the Subject Property.

The Subject Property does not have any direct access to Longnecker Road or any other public road. The only existing means of access to the Subject Property from Longnecker Road is via the Use-In-Common Easement. There is an existing gravel driveway within the Use-In-Common Easement that used by both the Petitioner and the Protestants. It is undisputed that the gravel driveway is 10 to 12 feet wide through most of its length with the exception of a wider area measuring about 16.5 feet at the gate where the driveway intersects with Longnecker Road. The evidence establishes that, leading from Longnecker Road, the driveway crosses a stream at the front of the Smist Property, turns left and there is a 14% running grade before it levels off. The driveway measures approximately 600 feet from Longnecker Road to the Subject Property, most of which is on the Protestants' property. See Protestants' Exhibits 6, 7, 8, 9, 10 11, and 12.

The Board finds that, consistent with the approval of the Minor Sub Plan for residential purposes, the existing gravel driveway is a residential driveway and not appropriate for commercial use. As a preliminary matter, the zoning regulations require 20 feet in pavement width for two-way traffic. BCZR, §409.4.A. This driveway at 10 to 12 feet falls short of those requirements. The narrowness of the driveway and the entry gate create a hazard for damage, as was the case when a truck making deliveries to the Subject Property collided with the entry gate causing substantial damage which took months to repair. See, Protestants' Exhibit 10 and 11. In addition, the Board cannot ignore the fact that the driveway is gravel, which is inappropriate for the heavy landscaping trucks used by the Petitioner. Furthermore, this finding is supported by the ZAC Comment of the Bureau of Development Plans Review, (Petitioner's

Exhibit 11/ Protestants' Exhibit 22), which states, "Access shall not be provided *from an existing residential driveway* on the adjacent property."

E. The BGE License.

In addition to this existing access, the Petitioner has secured a License from BGE to use alternative access over the BGE property adjoining the Petitioner's property (Petitioner's Exhibit 18 / Protestants' Exhibit 25). The License area is shown graphically on an exhibit to the License Agreement. The License area is a maximum of 20 feet in width leading from Longnecker Road through the BGE property, and meets the Subject Property on the southeast side of the Subject Property. The Petitioner proposes to use this BGE License area as an alternative access to the Subject Property in addition to the access provided by the Use-In-Common Easement. The alignment of the access through the BGE License is shown on the site plan, Petitioner's Exhibit 21 / Protestants' Exhibit 27.

The Board finds several aspects of the BGE License render it inappropriate for commercial use in this instance. First, the BGE License is merely a License, not an easement, and it is revocable by BGE on 30 days notice. BGE License, Section 2 (b). Furthermore, the Petitioner is not entitled to grade or pave the License area. A driveway installed by the Petitioner within the License area may be only gravel on existing grade and the gravel area may not exceed 8 feet in width. BGE License, Exhibit B, paragraph 25. The BGE property over which the Petitioner has a license for access is shown on Protestants' Exhibit 15. The unrebutted testimony of Mr. Warfield establishes that the maximum running slope of the BGE License area is 36% and the maximum cross-slope is 30%, which exceeds county requirements for commercial access. The Board finds that an 8 foot wide gravel driveway on existing grade with slopes well in excess of 14% is inappropriate for commercial use for the Petitioner's landscape service operation. It is too narrow and too steep for the heavy-duty trucks and trailers used on a daily basis by the Petitioner, it is revocable by BGE, it is not finished with an

all-weather surface, and it is not designed to support the load of fire apparatus that may need to access the Subject Property. To allow the Petitioner to utilize this access in conjunction with its landscape service operation will set the Petitioner up for failure and then his only access is via the Use-In-Common Easement, which as discussed earlier, is not appropriate for commercial use either.

In its rebuttal case, the Petitioner presented an yet another alternate access over the BGE property, Petitioner's Exhibit 23. Although the Petitioner was hopeful that BGE will amend the License to allow for the alternative access shown on Petitioner's Exhibit 23, as of the close of the evidence, BGE had not yet amended the License Agreement. In addition, the alternate BGE access will have running slopes well in excess of 14%, and it will have the same problems as the original BGE access in terms of being gravel not to exceed 8 feet in width on existing grade. Not only is this proposed alternate access irrelevant because the BGE License has not been amended to allow it, but the Board finds even if the License were amended, the access is inappropriate for commercial use due to the limitations placed on it by BGE in the License Agreement.

F. Natural Resources on the Site.

The site plan, the Minor Sub Plan, and the unrebutted testimony of Mr. Warfield establish the presence of natural and environmental resources on the Subject Property. There are significant wooded areas, floodplains, wetlands, and the Delaware Run stream. Because the Subject Property resulted from a minor subdivision there are a number of environmental easements on the Subject Property including a Forest Buffer easement intended to protect the Delaware Run, a Forest Conservation Easement intended to preserve existing forest area and other vegetation, and drainage, utility, floodplain and wetland easements. The Board finds that Delaware Run is a high-quality Tier II stream under MDE's Anti-Degradation regulations. See, Protestants' Exhibit 36 and COMAR, §26.08.02.04 ("Certain waters of this State possess an

existing quality that is better than the water quality standards established for them. The quality of these waters shall be maintained[.] * * *.")

The Board further finds that Mr. Mangum's use of the Subject Property for his landscape service operation, in the manner in which he has done so, has been detrimental to the quality of the natural resources on site. Mr. Mangum graded approximately 2 acres without a grading permit and without silt fencing to contain sedimentation and erosion. Protestants' Exhibit 3, 4. By doing so, he removed the topsoil which had been high quality topsoil, suitable for farming. Protestants' Exhibit 28, 29. There are no stormwater management controls whatsoever on the Subject Property, despite the large graded area. In addition, aerial photography and eye level photography clearly shows that Mr. Mangum graded within the Forest Conservation Easement area. Protestants' Exhibits 5, 31, 32, 33. There are large rills and visible erosion leading from the graded area, into the Forest Conservation Easement area, down the slope leading to the Delaware Run stream. His unpermitted grading also resulted in his grading over the approved septic reserve area. The approval for the septic reserve area has been revoked (Protestant's Exhibit 35) and he has received a correction notice for disturbance to the Forest Buffer and Forest Conservation Easement areas (Protestants' Exhibit 34). The Board finds that the unpermitted grading, the lack of stormwater management, the disruption to the Forest Buffer and the Forest Conservation Easement areas, and the rills and erosion pose a substantial threat to the quality of Delaware Run, which is entitled to enhanced protection under State law. The Board notes that, as a Tier II high-quality stream, development within the watershed of Delaware Run (Protestants' Exhibit 36) is subject to additional regulations and approval by the Maryland Department of the Environment. In order to obtain such approval the Petitioner will need to demonstrate that he explored the suitability of other site not within a Tier II watershed for his use. It is undisputed that the Petitioner did not explore any other sites. While the Board is not charged with administering or enforcing the MDE regulations, the status of Delaware Run

as a protected stream under these regulations speaks to the quality of the stream. The Petitioner's failure to explore the suitability of other sites not within a Tier II watershed speaks to both his both his ability to obtain the MDE approval, and his willingness to comply with regulation. The unrebutted testimony of Mr. Warfield establishes that the stream has no "Assimilative Capacity" to accept additional pollutants without degrading the stream to the point that it will no longer qualify as a Tier II high quality stream. The Board finds Mr. Mangum has been a poor steward of the natural resources of Subject Property, he has been unable or unwilling to comply with basic regulatory requirements intended to protect these natural resources, and there is no indication in the record that his practices will be any different on a forward-looking basis.

Proposed Conclusions of Law

Based on the proposed findings of relevant fact set out above, the Protestants propose the following Conclusions of Law:

A. Petitioner Fails to Meet its Burden of Demonstrating the Proposed Use will Meet All Applicable Requirements

The Petitioner has not demonstrated that the proposed use will meet the prescribed standards and requirements for a landscape service operation under BCZR, § 404. As set forth in *Shultz v. Pritts*, the Petitioner has the burden of adducing testimony that his proposed use meets the requirements set forth for a landscape service operation under BCZR, §404. *Shultz*, 291 Md., at 11. The Court of Appeals reiterated this holding in *Attar v. DMS Tollgate*, 451 Md. 272 (2017), wherein the Court stated:

> It is undisputed that both the burden of production and the burden of persuasion on the issue of whether the special exception should be granted fall on the applicant, whereby the applicant must persuade the Board by a preponderance of the evidence that the special exception will conform to all applicable requirements.

Id., at 286 [Underscore added; Internal quote and citation omitted].

A landscape service operation contains numerous operational requirements set forth in BCZR, §404. Among these requirements are the following:

1. The loading and unloading areas must be located at least 100 feet from any property line adjacent to a residentially zoned or used property and must be screened with plantings that provide year-round visual screen. BCZR, § 404.1.C.

Because the neither the site plan (Petitioner's Exhibit 21) nor the testimony of Mr. Mangum or Mr. Williams established where loading and unloading will take place, the Petitioner has failed to meet his evidentiary burden of production or of persuasion *by a preponderance of the evidence* that his proposed use will meet this requirement. Indeed, the developable area within the Subject Property where the landscape service operation is proposed is *immediately* adjacent to three residentially zoned properties: the Smist Property, the Warfield Property, and the BGE Property. Each of these residentially zoned properties creates a 100-foot setback wherein loading and unloading may not occur. These setbacks are not noted on the site plan, and they render a large area within the Subject Property unusable for loading and unloading. Likewise, not only are the loading and unloading areas not shown on the site plan, but there is no landscaping shown on the site plan either. Accordingly, it is not possible for the Board to determine whether the loading and unloading areas will be adequately screened from adjacent residential properties. The Petitioner states that the location of loading and unloading areas and the screening of these areas may be determined later. However, the Board is responsible for determining whether these requirements are effectively met. The Petitioner failed to meet its burdens of production and persuasion on this requirement, which leaves the Board unable to determine whether the requirements would be met or can be met.

2. Outdoor storage areas of materials used for landscaping purposes, including but not limited to decorative stones and mulch, *and* the location of equipment storage

shall be compatible with surrounding uses and screened with plantings that provide year-round visual screen. BCZR, §404.3.A and §404.3.C.2.

Neither the site plan nor the testimony of Mr. Mangum or Mr. Williams establish where on the site outdoor storage of materials or equipment will take place. The Petitioner's evidence fails to show that these areas will be compatible with the adjacent residentially zoned or used properties. The Petitioner offered no evidence through the site plan nor through testimony regarding compatibility whatsoever. The Board rejects the testimony of Mr. Williams that the issue compatibility of these areas may be decided by another zoning official at a later time when other plans are processed. As required by the zoning regulations and recognized by the Court of Appeals in both *Shultz* and *Attar*, the Petitioner is required to meet a burden of production and of persuasion by a preponderance of the evidence that these requirements are met. This is because the Petitioner is seeking a special exception for which these items are specifically required. Perhaps, consistent with Mr. Williams testimony, in other types of cases compliance with such requirements may be at a later time. However, that is not the case here, as required by the BCZR and the case law. Because the Petitioner failed to present any evidence on the location of loading and unloading areas, of landscaping or screening of these area, or of compatibility of these areas with surrounding uses, the Board concludes the Petitioner has failed to meet its burden of demonstrating the proposed use meets the prescribed standards.

3. The site must be of sufficient size and properly designed to insure protection of existing neighboring dwellings from noise, dust, glare, and other nuisance factors. BCZR, §404.3.C.1

Numerous aspects of the evidence presented in this case demonstrate that the site is not properly designed to ensure the protection of the Smist property from the nuisances created by joint use of the common driveway serving the Smist property and the Subject Property. The Board concludes that at a basic level, there is the nuisance created by commercial use by landscape service trucks and trailers of a residential driveway. The Board is aware that the

Petitioner may have the right to use the driveway under principles of property law that are outside the scope of this proceeding. Nonetheless, the Board is charged with ensuring that *use* of the driveway in conjunction with the Petitioner's landscape service operation does not create a nuisance to the Smists. The Petitioner repeated relies on his right to use the driveway but fails to address the issue of proper design of the site, or of nuisances created by the joint use of the driveway. Mrs. Smist provided unrebutted testimony of nuisances and inconveniences created by the Petitioner's use of the driveway. She described instances where she has been sandwiched between landscape trucks seeking to enter the property *and* leave the property simultaneously, leaving her with no choice but to depart the driveway and let the trucks pass. In addition, unrebutted testimony by the Smists showed that the Petitioner's use of the driveway has resulted in significant damage to the entrance gate and of deterioration of the driveway caused by commercial use in excess of normal wear and tear that would be caused by residential use, both of which are surely a nuisance. Likewise, as Mr. Warfield testified, the proper design of the site would eliminate use of the residential driveway for commercial purposes. This conclusion is supported by the regulatory requirement of BCZR, § 404.1.A that internal roadways servicing a landscape service operation must be located at least 25 feet from any property line. *Implicit in this requirement is that internal service roadways may not be <u>located</u> on adjoining properties*. The Board is aware that there may be instances where the shared use of a driveway would not result in nuisances to the adjoining property owner. Perhaps in such cases, a shared driveway may be utilized. Nonetheless, that is not the case here. The Board concludes that the proposed use may only be approved once the Petitioner establishes that the site is properly designed to protect the Smists from the nuisances created by the use. The Petitioner failed to address the issue of proper design or mitigation of nuisance factors. The evidence advanced by the Protestants establishes the site is in fact not properly design to protect the Smists from nuisances. The Smists are experiencing nuisances on a

regular basis. Accordingly, the Board concludes that the Petitioner has failed to meet its burden regarding this requirement.

Because the Board has concluded that the Petitioner has failed to meet its burden of production and of persuasion by a preponderance of the evidence that the proposed use will meet the prescribed standards of BCZR, § 404, the Petition for Special Exception must be denied.

B. Petitioner Fails to Show the Proposed Use Meets Requirements of BCZR, §502.1

In evaluating the evidence to determine whether a special exception may be granted, the Board turns to BCZR, § 502.1. This section states that if the proposed special exception use, such as a landscape service operation in a RC 2 zone, creates an adverse effect in any one of nine categories identified in the section, the special exception must be denied. Nonetheless, because the special exception use is a legislatively permitted use in the absence of facts or circumstances establishing any such adverse effect, "it is presumed to be in the interest of the general welfare, and . . . enjoys a presumption of validity." *Shultz*, 291 Md., at 11. Fundamentally, "[t]he *Schultz* special exception test considers whether the proposed use will have a greater impact here than one would ordinarily expect." *Attar*, 451 Md., at 289. Accordingly, the presumption of validity is rebutted and the special exception must be denied when ""facts and circumstances [pertaining to the factors identified in BCZR, §502.1] show that the particular use proposed at the particular location proposed would have *any adverse effects above and beyond those inherently associated with such a special exception use[.]*" *Attar*, 451 Md., at 289 (quoting *Shultz*; italics in original). The factors identified in BCZR, §502.1 (detrimental to health, safety and general welfare; traffic; potential hazard from fire; etc.) must be evaluated through the lens of *Shultz*, *Attar*, and their progeny.

1. The Petitioner failed to provide evidence of the adverse effects typically associated with a landscape service operation.

Shultz and *Attar* make clear that in evaluating the adverse effects generated by the proposed use, the Board compares the adverse effects of the proposed use at the proposed location to the adverse effects typically associated with the proposed use. In this case, the Board is required to compare the adverse effects of the proposed landscape service operation to the adverse effects typically generated by a landscape service operation. It is incumbent upon the applicant to "persuade the Board by a preponderance of the evidence that the special exception will conform to all applicable requirements." *Attar*, 451 Md., at 272.

The Board notes that in this case, the Petitioner failed to produce any evidence of the adverse effects typically associated with a landscape service operation. The only basis of comparison offered by the Petitioner was through Mr. Williams, who testified that he had worked for a company that serviced septic tanks, and the truck traffic for the septic tank business was not troublesome, so the truck traffic from the proposed landscape service operation would not be troublesome either. Mr. Williams's testimony does not provide a basis for the Board to compare the actual adverse effects of this proposed landscape service operation to the adverse effects typically associated with a landscape service operation. The Board notes that Mr. La Fiandra objected many times to this line of questioning, on the basis of relevance and foundation. The Board overruled these objections and admitted the evidence subject to the Board's determination of weight. At the same time, the Board suggested the Petitioner may heed Mr. La Fiandra's objection and present a proper basis of comparison for the adverse effects typically generated by a landscape service operation. The Petitioner failed to do so. This leaves the Board without a basis of comparison in determining whether the adverse effects generated by the proposed use at the proposed location will exceed the adverse effects typically associated with a landscape service operation. Accordingly, the Board finds the Petitioner did not carry his burden of establishing by a preponderance of the evidence the typical adverse

effects of a landscape service operation. Therefore, the Board is without a basis of comparison for the adverse effects in this case. Because the Board must evaluate whether the adverse effects of the proposed landscape service operation are above and beyond the adverse effects typically associated with a landscape service operation, *People's Counsel v. Loyola*, 406 Md. 54, 105 (2008); *Mills v. Godlove*, 200 Md.App. 213, 230-232 (2011), the Board cannot make this comparison, and the Petition for Special Exception must be denied.

2. The Proposed Use at the Proposed Location will Create a Potential Hazard from Fire, Panic or Other Danger

There was extensive testimony regarding the various access routes between the Subject Property and Longnecker Road. The Subject Property has frontage along Longnecker Road, but not direct access to Longnecker Road. The Petitioner has a Use-In-Common Easement over the Protestants' property. In addition, the Petitioner has secured a License for access over the adjoining BGE property. These access routes are too steep, too narrow, unpaved, and cannot support fire fighting apparatus. NFPA Code, §18.2.3.5 (Protestants' Exhibit 24), adopted by Baltimore County, contain numerous design requirements for fire access roads in terms of width (must be at least 20 feet in width, unobstructed), surface (must be able to support the loads of fire apparatus and be finished in an all-weather surface), grade (may not exceed 1 foot drop in 20 feet (5%)) and must contain a turn-around for fire equipment. The proposed access roads meet none of these requirements. Likewise, NPFA, §18.2.3.6 requires an adequate water supply. However, there is no well or other water supply even proposed on the site plan, let alone adequate for firefighting purposes. Because of these deficiencies, the Board concludes that the proposed use at the proposed location will create adverse effects in the context of potential hazard from fire or other panic above and beyond the adverse effects typically associated with a landscape service operation.

3. The Proposed Use at the Proposed Location is Inconsistent with the Spirit and Intent of the Zoning Regulations

BCZR, §404 contains numerous provisions intended to protect adjoining residential properties from the adverse effects of a landscape service operation. The site of a landscaping service operation must be of sufficient size and properly designed to protect existing neighboring dwellings from nuisance factors generated by the use; outdoor storage areas for materials and equipment must be compatible with and screened from residentially zoned properties; "internal" roads servicing a landscape service operation must be setback at least 25 feet from a property line that is not a street right of way line. Obviously, the intent of these regulations is to insulate nearby residential uses from the adverse effects generated by the landscape service operation.

The Petitioner in this case, however, seeks to use the Use-In-Common Easement over the Protestants' land for access to his landscape service operation. This aspect of the proposal flies in the face of the many regulatory provisions intended to protect the Protestants' property. Not only is the Petitioner proposing an internal service road as close as zero feet from the Protestants' property, but also, he is proposing to use the Protestants' property in conjunction with his landscape service operation. The Petitioner may have the property right of access over the Protestants' property, but he does not have the right to co-opt the Protestants' property for his landscape service operation under the guise of the Use-In-Common Easement. The situation arguably would have been different if the Petition for Special Exception included the Use-In-Common Easement on the Smists' property, and the Smists joined in the Petition for Special Exception.

In addition, the Petitioner has proposed no mitigation of the adverse effects of using the Use-In-Common Easement – no screening, no buffering, no landscaping – indeed, the Petitioner does not even propose that he will improve the driveway to accommodate his use of it for commercial purposes.

Because the obvious spirit and intent of BCZR, §404 is to protect nearby residential uses from the adverse effects of the landscape service operation, and because the Petitioner's proposal not only fails to protect the Smist property, but actually utilizes part of it for the landscape service operation without the Smists' consent, the Board concludes that the proposed use may not be approved within the spirit and intent of the BCZR.

4. The Proposed Use at the Proposed Location will be Detrimental to the Environmental and Natural Resources of the Site

Because the proposed use is located in the RC 2 zone, the Board must examine whether and to what extend the proposed use will be detrimental to the environmental and natural resources of the site, under BCZR, §502.1.I. As with all special exception analyses, the question is not whether the proposed use will be detrimental to the natural resources in absolute terms – every use is presumed to result in adverse effects of some type. The question is whether the proposed use at the proposed location – this landscape service operation proposed at 14100 Longnecker Road – will create any adverse environmental effects above and beyond those adverse effects typically associated with landscape service operation.

The Petitioner's history with this property demonstrates he is a proponent of "asking for forgiveness instead of permission". He began grading the site shortly after acquiring the property in 2021, without having received a grading permit. After the site was fully graded, he began using the site for his landscape service operation prior to having received zoning approval to do so, knowing that zoning approval is necessary. He graded over the septic reserve area and into the forest conservation area and has received correction letters from DEPS for these actions. There is no stormwater management on-site *or proposed on the site plan*. The unpermitted grading and use of the large parking area and within the forest conservation area, in the absence of any existing or proposed stormwater controls, has created an environmental hazard on the site with erosion and rills plainly evident from both aerial and eye level photography.

The environmental hazard created by the grading, the degradation of the forest conservation area, and the lack of stormwater controls is exacerbated by the presence of Delaware Run, the high quality stream at the rear of the property. As noted by Mr. Warfield, this stream is a Tier II stream under the MDE regulations, and it has no assimilative capacity remaining to accept additional pollutants and retain its high quality.

This combination of factors – the Petitioner's history with the site, his grading without a permit, his disregard for existing environmental easements on site, his lack of compliance with even the most basic environmental regulations at both the county and the state level, the absence of environmental controls proposed on the site, and the presence of a high quality stream regulated by the State of Maryland on the site – leads the Board to conclude that the Petitioner's proposed use at the proposed location will be detrimental to the environmental and natural resources of the site, including forests, streams, wetlands, and floodplains, all of which are present on site, and all of which have undoubtedly been negatively affected by erosion, sedimentation, and infiltration of other contaminants resulting from the Petitioners existing use of the site. The Board further concludes that these detrimental effects at this location will be above and beyond the adverse effects typically associated with a landscape service operation because of the presence of the Tier II stream – Delaware Run – at the rear of the property. The Petitioner and his witnesses repeatedly stated that stormwater management, forest protections, grading plans, and other administrative approvals for the proposed use of the site may come later, after zoning approval by the Board. But in this case these factors are a requirement of this special exception approval specifically because of the requirements in BCZR, §502.1.I. The Petitioner's failure to present this information on the site plan or at the hearing leaves the Board with no indication of whether these protections can be provided in a way that will adequately protect these natural resources. The site plan proposes no stormwater management. There are obvious negative environmental effects occurring from the Petitioner's use of the property.

The protection of these environmental and natural resources is the obligation of the Board under BCZR, §502.1.I, and the Board would be abrogating this responsibility if it were to simply state that another administrative agency may have the final word on the adequacy of these measures at some later time.

C. The Variance Cannot be Granted within the Spirit & Intent of the BCZR.

The Petitioner seeks a variance for an internal roadway servicing a landscape service operation to be located zero feet from a property line (other than a street right of way) in lieu of 25 feet required. As a preliminary matter, the zoning regulations do not permit a variance from this type of requirement. BCZR, §307.1 provides that the Board may grant variances "from height and area regulations, from off-street parking regulations, and from sign regulations" and "[t]hey shall have no power to grant any other variances." The requirement that an interior service road in conjunction with a landscape service operation be located at least 25 feet from a property line is not a height or area regulation that may be the subject of a variance. It is an operational requirement in the zoning code which is expressly outside of the variance jurisdiction of the Board of Appeals. Throughout the BCZR, height and area regulations pertain to such things are building height, building area, setbacks between buildings and property lines, and other factors related to the building itself. The Board is without authority to grant the variance in this case.

Furthermore, the regulation at issue – internal service roadways must be located at least 25 feet from a property line – obviously is intended to insulate adjoining properties from the negative effects of the landscape service operation, particularly as they relate to landscape vehicles traversing the service roadway. However, as previously stated, in this case, the Petitioner seeks not only to have this internal service roadway as close as zero feet from the Smists' property, but he also seeks to use the easement through their property as "internal

service roadway", co-opting it for his commercial use without the Smists' consent. As pointed out by Mr. Warfield in his testimony, this is not within the spirit and intent of the regulations.

Because the Board may only grant a variance if it finds "only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare", even if the variance at issue were within the jurisdiction of the Board of Appeals, the Board would be compelled to deny it, because it is not within the spirit and intent of the regulation itself, and it cannot be granted without injury to the general welfare.

D. The Board is Without Authority to Impose Conditions that Would Require Improvements Within the Protestants' Property.

When a petitioner files a Petition for Zoning Hearing, the petitioner is required to identify the property that is subject to the jurisdiction of the ALJ or, on appeal, of the Board of Appeals. This identification is made in several ways. It is listed on the Petition form itself. It is shown on the site plan to accompany the Petition. The Petitioner submits with the application a Zoning Description of the property that is the subject of the case. The Petitioner submits a zoning map with the property outlined on it. In this case, the only property identified as part of this zoning case is the Subject Property belonging to Mr. Mangum at 14100 Longnecker Road. This is the address listed on the Petition form. The Subject Property is identified with a heavy bold outline on the site plan. The required Zoning Description only includes the Subject Property. The zoning map submitted with the Petition only identified the Subject Property. The Protestants' property is not identified as part of the zoning case in any of these submittals. This is probably the case because, in order to include the Protestants' property within the scope of the zoning case, the Protestants would have had to consent by signing the Petition form. Nonetheless, the Protestants' property is not subject to the jurisdiction of the Board. That being the case, the

Board is without authority to impose conditions in its decision of this case that would require improvements to the Protestants' property without their consent.

The Board notes that the Use-In-Common Easement shared by the Petitioner and the Protestants is identified as "Private Use-In-Common Easement for Ingress, Egress, Maintenance and Utilities" on the Minor Sub Plan. The easement does not by its terms permit the Petitioner to construct any improvements on the Protestants' property. The easement is merely a right of passage for the Petitioner, for purposes contemplated in the grant of the easement. *Gregg Neck Yacht Club v. Kent County*, 137 Md.App. 732, 754 (2001). The Use-In-Common Easement does not grant the Petitioner the right to build or place anything within the easement area. Under these circumstances the Board cannot impose a condition on the approval that the Petitioner is not legally capable of carrying out or complying with. Instead, the proper course of action is for the Board to deny the Petition.

Furthermore, the Board notes that its authority to impose any conditions on the grant of a special exception is contained in BCZR, §502.2. This section states, in relevant part,

> § 502.2. Protection of surrounding properties; agreement governing special exception.
>
> In granting any special exception, the Zoning Commissioner or the Board of Appeals, upon appeal, shall impose such conditions, restrictions or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties. *The owners, lessees or tenants of the property for which a special exception is granted*, if required by the Zoning Commissioner, or Board of Appeals, upon appeal, shall enter into an agreement in writing with said Zoning Commissioner and/or the County Commissioners of Baltimore County stipulating the conditions, restrictions or regulations governing such special exception, the same to be recorded among the land records of Baltimore County. The cost of such agreement and the cost of recording thereof shall be borne by the party requesting such special exception. When so recorded, said agreement shall govern the exercise of the special exception as granted, as to such property, by any person, firm or corporation, regardless of subsequent sale, lease, assignment or other transfer. [Italics added.]

This grant of authority speaks to conditions <u>applicable to the property for which the special exception is granted</u>. This does not permit conditions to be placed on the property of others, such as an adjoining property owner. Any such conditions are outside the statutory authority of the Board to impose conditions, particularly where, as here, the Protestants'

property is not within the jurisdiction of the Board, as identified on the papers submitted by the Petitioner.[1]

Finally, the Board notes that the Petitioner has a poor record of complying with requirements imposed by regulation or in the ALJ's decision and order. Under these circumstances, the Board is not inclined to grant the relief subject to conditions to which the Board is not confident the Petitioner will adhere, particularly when the proper course of action is for the Board to deny the requested relief.

[1] The Protestants' position is that the Special Exception and Variance should be denied, and that even if granted, conditions may not be imposed which would require physical improvements within the Use-In-Common Easement area on the Protestants' property. If, despite these arguments, the Board is inclined to grant the Petition, the Protestants propose the following conditions. In offering these proposals, the Protestants expressly reserve all rights and arguments that Petition should be denied, and conditions imposed by the Board may not require physical improvements to the Protestants' Property:

1. If any physical improvements, including paving, landscaping, grading, erection of retaining walls, or similar improvements are required on the Protestants' property, the work shall be completed at the sole cost and expense of the Petitioner by a contractor of Protestants' choice.
2. No improvements on the Protestants' property shall be required or permitted outside of the Use-In-Common Easement.
3. The gravel driveway shall be upgraded to meet county regulations for pavement width and thickness. The culvert over the stream at the entrance to the driveway shall be reinforced to support the loads of the Petitioner's landscape vehicles.
4. The Petitioner shall be required to indemnify and hold harmless the Protestants for any damage, injury or death resulting from the Petitioner's use of the Use-In-Common Easement.
5. The Petitioner shall be required to provide adequate insurance against property damage, injury, or death resulting from the Petitioner's use of the Use-In-Common Easement for his business. The Protestants shall be named as additional insureds on any such insurance policy.
6. The Petitioner shall be required to provide the name, address, and drivers license information for all Petitioner's employees and to keep such information current.
7. The Petitioner shall not conduct any landscape service operations of any description on the Subject Property on Sundays.
8. The Petitioner shall not conduct any landscape service operations of any description on the Property outside of the hours of 7 a.m. to 8 p.m.
9. The Use-In-Common Easement shall be heavily and effectively screened with a combination of sycamore trees and arborvitae shrubs. In addition, the Use-In-Common Easement shall be lined with four board horse fencing, for the safety of the Protestants' young children.
10. There shall be no signage advertising the Petitioner's business at the entrance to the Use-In-Common Easement at Longnecker Road.
11. Before any commercial use of the Subject Property may be made, the Petitioner shall apply to the Development Review Committee to amend the Minor Sub Plan to remove notes 7 and 17 and to show the proposed improvements thereon.

Conclusion

The Petitioner has failed to demonstrate by a preponderance of the evidence that he meets all standards and requirements for the requested relief. Any presumption of validity afforded to the proposed use has been rebutted by substantial evidence presented by the Protestants. The relief may not be granted in the spirit and intent of the zoning regulations. For these reasons as well as those expressed elsewhere in this memorandum, the Petitions for Special Exception and Variance must be denied.

Respectfully submitted,

1/25/2023
Date

Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
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Towson, Maryland 21204
Tel: 443-204-3473
Email: dcl@lafiandralaw.com
Attorney for Protestants' Ben & Molly Smist

Certificate of Service

I certify that on January 25, 2023, I sent a copy of the foregoing Memorandum by email to jvettori@sgs-law.com, counsel for the Petitioner.

Dino C. La Fiandra

14100 Longnecker Road

Protestants'
Exhibit 1



14100 Longnecker Road

Protestants'
Exhibit 1



Protestants'
Exhibit 2

14100 Longnecker Road





Protestants'
Exhibit 2

14100 Longnecker Road





Protestants'
Exhibit 3

Grading on 14100 Longnecker Road, Page 1









Protestants'
Exhibit 3

Grading on 14100 Longnecker Road, Page 1









Protestants'
Exhibit 4

Grading on 14100 Longnecker Road, Page 2







Protestants'
Exhibit 4

Grading on 14100 Longnecker Road, Page 2







14100 Longnecker Road - Debris

Protestants'
Exhibit 5



Protestants' Exhibit 5

14102 Longnecker Road - Driveway & Entrance, Page 1







Protestants' Exhibit 6

14102 Longnecker Road - Driveway & Entrance, Page 1







Protestants'
Exhibit 6

14102 Longnecker Road - Driveway & Entrance, Page 2







Protestants'
Exhibit 7

14102 Longnecker Road - Driveway & Entrance, Page 2







Protestants'
Exhibit 7

14102 Longnecker Road - Driveway & Entrance, Page 3







Protestants'
Exhibit 8

14102 Longnecker Road - Driveway & Entrance, Page 3







Protestants' Exhibit 8

14102 Longnecker Road - Driveway & Entrance, Page 4



INVOICE NO. 079954

Invoice

SOLD TO Ben
ADDRESS 14102 Longnecker Rd
CITY, STATE, ZIP

SHIPPED TO Pedro Garcia.
ADDRESS 228 Parkholme Cir
CITY, STATE, ZIP Reisterstown. MD 21136.

VIA

CUSTOMER ORDER NO. | SOLD BY | TERMS | F.O.B. | DATE March 15, 2022

Materials	607.25
Delivery Fee	150.00
Labor	750.00
Demo Fee	300.00
Total: $	1807.25

adams SCP8740 01-11

Protestants' Exhibit 9

14102 Longnecker Road - Driveway & Entrance, Page 4



INVOICE NO. 079954

Invoice

SOLD TO	Ben	SHIPPED TO	Pedro Garcia.
ADDRESS	14102 Longnecker Rd	ADDRESS	228 Parkholme Cir
CITY, STATE, ZIP		CITY, STATE, ZIP	Reisterstown. MD 21136.

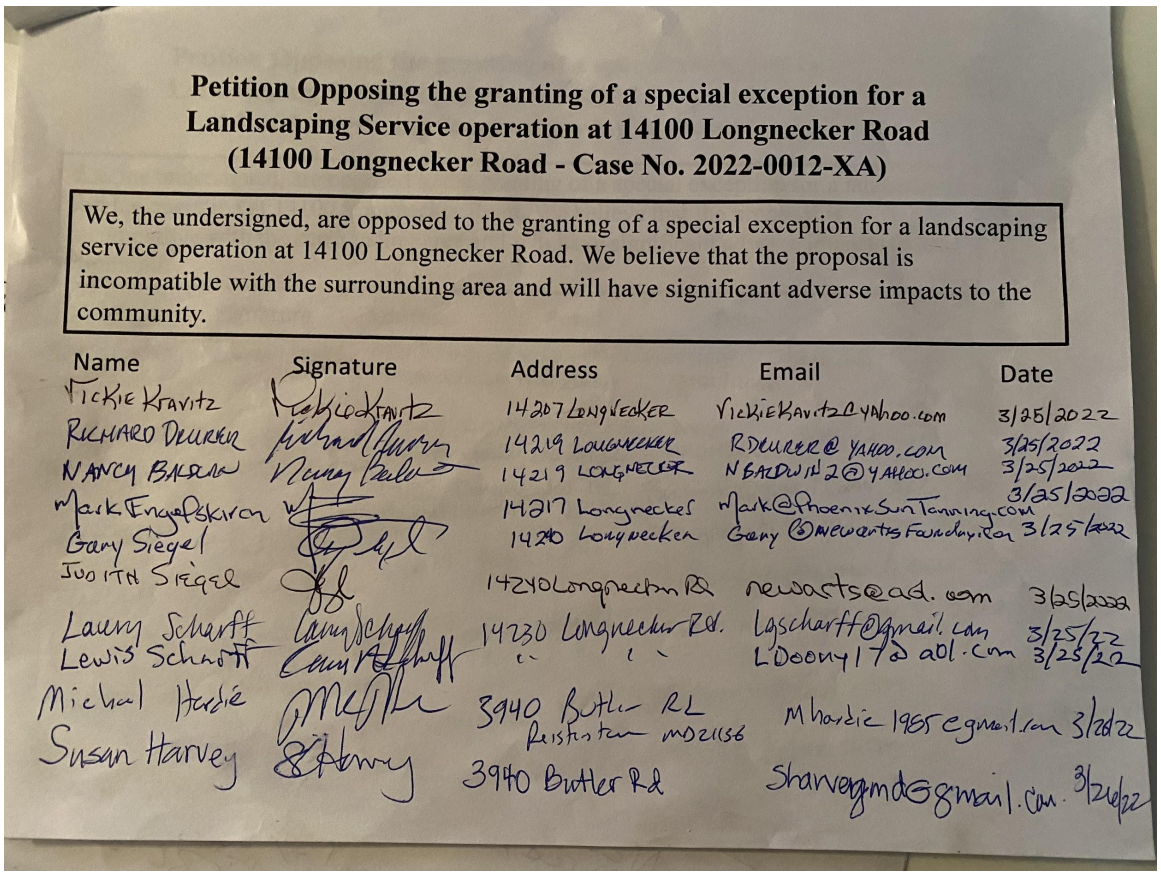
CUSTOMER ORDER NO.	SOLD BY	TERMS	F.O.B.	DATE
				March 15, 2022

Materials		607.25
Delivery Fee		150.00
Labor		750.00
Demo Fee		300.00
	Total: $	1807.25

adams SCD8740 01-11

Protestants' Exhibit 9

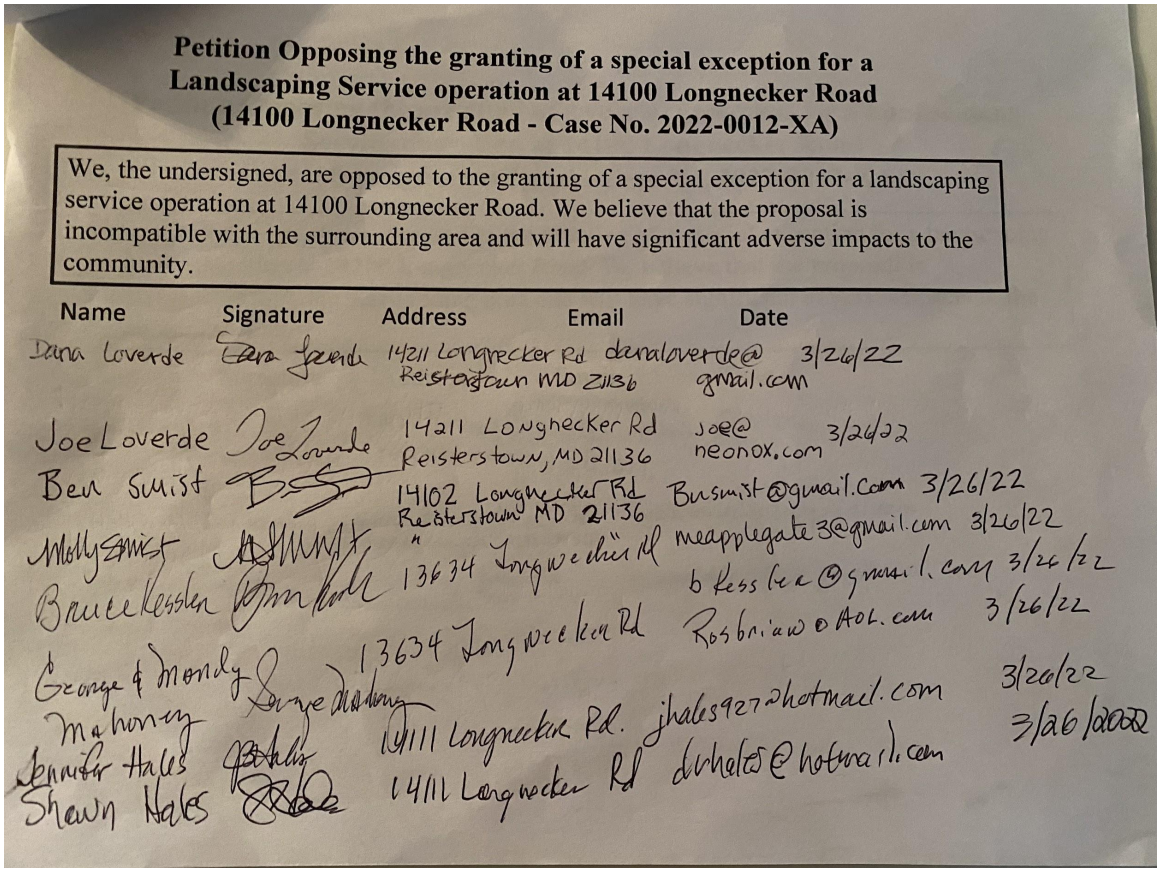
Petition, Pages 1 and 2



Petition Opposing the granting of a special exception for a Landscaping Service operation at 14100 Longnecker Road (14100 Longnecker Road - Case No. 2022-0012-XA)

We, the undersigned, are opposed to the granting of a special exception for a landscaping service operation at 14100 Longnecker Road. We believe that the proposal is incompatible with the surrounding area and will have significant adverse impacts to the community.

Name	Signature	Address	Email	Date
Vickie Kravitz		14207 Longnecker	VickieKavitz@yahoo.com	3/25/2022
Richard Deurker		14219 Longnecker	RDeurker@yahoo.com	3/25/2022
Nancy Baldwin		14219 Longnecker	NBaldwin2@yahoo.com	3/25/2022
Mark Engelskirchen		14217 Longnecker	Mark@PhoenixSunTanning.com	3/25/2022
Gary Siegel		14240 Longnecker	Gary@NewcastleFoundation.com	3/25/2022
Judith Siegel		14240 Longnecker Rd	newarts@aol.com	3/25/2022
Laury Scharff		14230 Longnecker Rd.	Lgscharff@gmail.com	3/25/22
Lewis Scharff		" "	LDoony17@aol.com	3/25/22
Michael Hardie		3940 Butler Rd Reisterstown MD 21136	Mhardie1985@gmail.com	3/26/22
Susan Harvey		3940 Butler Rd	Sharveygmd@gmail.com	3/26/22



Petition Opposing the granting of a special exception for a Landscaping Service operation at 14100 Longnecker Road (14100 Longnecker Road - Case No. 2022-0012-XA)

We, the undersigned, are opposed to the granting of a special exception for a landscaping service operation at 14100 Longnecker Road. We believe that the proposal is incompatible with the surrounding area and will have significant adverse impacts to the community.

Name	Signature	Address	Email	Date
Dana Loverde		14211 Longnecker Rd Reisterstown MD 21136	danaloverde@gmail.com	3/26/22
Joe Loverde		14211 Longnecker Rd Reisterstown, MD 21136	joe@neonox.com	3/26/22
Ben Smist		14102 Longnecker Rd Reisterstown MD 21136	Busmist@gmail.com	3/26/22
Molly Smist		"	meapplegate3@gmail.com	3/26/22
Bruce Kessler		13634 Longneckerl Rd	bkessler@gmail.com	3/26/22
George & Mandy Mahoney		13634 Longneckerl Rd	Rosbrian@AOL.com	3/26/22
Jennifer Hales		14111 Longnecker Rd.	jhales927@hotmail.com	3/26/2022
Shawn Hales		14111 Longnecker Rd	dvhales@hotmail.com	3/26/2022

Protestants' Exhibit 10

14102 Longnecker Road - Driveway & Entrance, Page 5





Protestants' Exhibit 10

Petition Opposing the granting of a special exception for a Landscaping Service operation at 14100 Longnecker Road
(14100 Longnecker Road - Case No. 2022-0012-XA)

We, the undersigned, are opposed to the granting of a special exception for a landscapi service operation at 14100 Longnecker Road. We believe that the proposal is incompatible with the surrounding area and will have significant adverse impacts to th community.

Name	Signature	Address	Email	Date
Andrea Peña	Andrea Peña	4611 Piney Grove RD Reisterstown MD 21136	aplongmeadow@yahoo.com	3/30/2022
Colleen B. DiRaddo		4816 Piney Grove Rd. Reisterstown, MD 21136	cgbdiraddo21136@gmail.com	
Emmelie P. Bolte		4816 Piney Grove Rd. Reisterstown, MD 21136	cgbdiraddo21136@gmail.com	
Michael Barnes		4617 Piney Grove RD Reisterstown, MD, 21136	mike@fallmikes.com	

Protestants'
Exhibit 11

BGE Gate





Protestants'
Exhibit 11





14102 Longnecker Road - Driveway & Entrance, Page 7







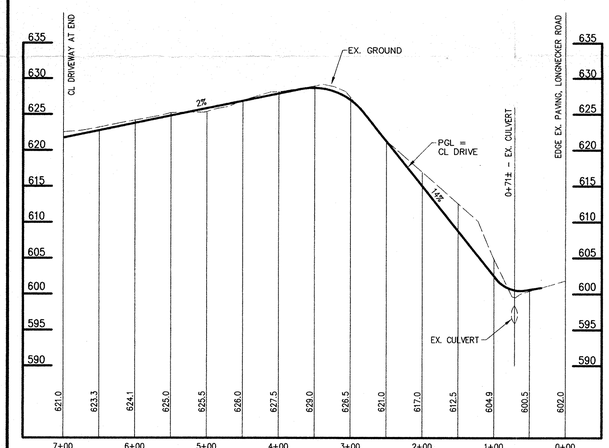
GENERAL NOTES

1. ALL LOTS SHOWN HEREON TO BE SERVED BY A PRIVATE WELL AND SEPTIC SYSTEM.
2. SOIL TYPES TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NUMBER 15.
3. THERE ARE NO UNDERGROUND FUEL STORAGE TANKS ON THE SITE.
4. MAXIMUM BUILDING HEIGHT PERMITTED FOR PRINCIPAL STRUCTURES IN RC-2 ZONING IS 35 FEET.
5. A.D.T.'s: 2 x 12.4 = 24.8
6. OPEN SPACE NOT REQUIRED IN RC ZONES.
7. LOT IS FOR SALE AND FOR SINGLE FAMILY DWELLINGS.
8. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE PRIOR TO 1966. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT THE PLAN HAS NEVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
9. THERE ARE NO EXISTING OR PROPOSED WELLS OR SEPTIC SYSTEMS WITHIN 100' OF THE PROPERTY UNLESS OTHERWISE SHOWN.
10. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
11. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE OR FOREST BUFFER EASEMENTS AND FOREST CONSERVATION EASEMENTS EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
12. SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
13. THERE ARE NO ZONING LINES WITHIN 200 FEET OF THIS PROPERTY UNLESS OTHERWISE SHOWN.
14. EXISTING LAND COVER IS FOREST AND MEADOW/BRUSH.
15. THERE ARE NO KNOWN PRIOR ZONING CASES FOR THE PROPERTY.
16. PRIVATE DRIVEWAY ENTRANCES SHALL CONFORM WITH BALTIMORE COUNTY STANDARD DETAIL PLATE R-15, DATED 1977 FOR "TYPICAL DRIVEWAY ENTRANCE FROM ROAD WITHOUT CURB & GUTTER".
17. EXISTING SITE USE IS VACANT. PROPOSED USE IS SINGLE FAMILY DWELLINGS.
18. BALTIMORE COUNTY MAKES NO WARRANTY, EXPRESSED OR IMPLIED, AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN HEREON TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INGRESS, EGRESS, REGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, AND MAINTAINING UTILITIES SUCH AS, BUT NOT LIMITED TO, WATER, SEWER, ELECTRICAL, TELEPHONE, OR CABLE TELEVISION.
19. THE PROPOSED PANHANDLE DRIVES MUST MEET THE MINIMUM BALTIMORE COUNTY STANDARDS FOR PAVING TYPE, WIDTH, AND BEARING CAPACITY.
20. THERE ARE NO ACCESSORY STRUCTURES ON THIS SITE.
21. THE PRIVATE DRIVEWAY SHALL BE PAVED WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED, WHICHEVER COMES FIRST.
22. THE PROPERTY OWNERS SHALL HOLD FREE AND HARMLESS, BALTIMORE COUNTY GOVERNMENT FROM ANY AND ALL DAMAGE THAT MAY RESULT FROM ITS USE OF THE 10 FOOT WIDE ACCESS EASEMENT TO THE FOREST CONSERVATION/FOREST BUFFER EASEMENT AREA.
23. THE AREAS BETWEEN THE 350' SIGHT LINES AND THE CURB LINE SHALL BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
24. TOPOGRAPHY, FENCES, STREAMS, AND FOREST AREAS ARE TAKEN FROM BALTIMORE COUNTY PLANIMETRIC AND AERIAL MAPS ONLY, AND ARE FOR INFORMATIONAL PURPOSES ONLY.

RC-4 AGRICULTURAL USE NOTE

1A03.8 INCONVENIENCES ARISING FROM AGRICULTURAL OPERATIONS.
(BILLS No. 113, 1992; No. 107, 1994)

ANY DWELLING IN AN RC-4 ZONE MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO NOISE, ODORS, FUMES, DUST, THE OPERATION OF MACHINERY OF ANY KIND DURING ANY 24-HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES, AND PESTICIDES. THE COUNTY SHALL NOT CONSIDER AN AGRICULTURAL OPERATION TO BE A PUBLIC OR PRIVATE NUISANCE, IF THE OPERATION COMPLIES WITH THESE REGULATIONS AND ALL FEDERAL, STATE, OR COUNTY HEALTH OR ENVIRONMENTAL REQUIREMENTS.

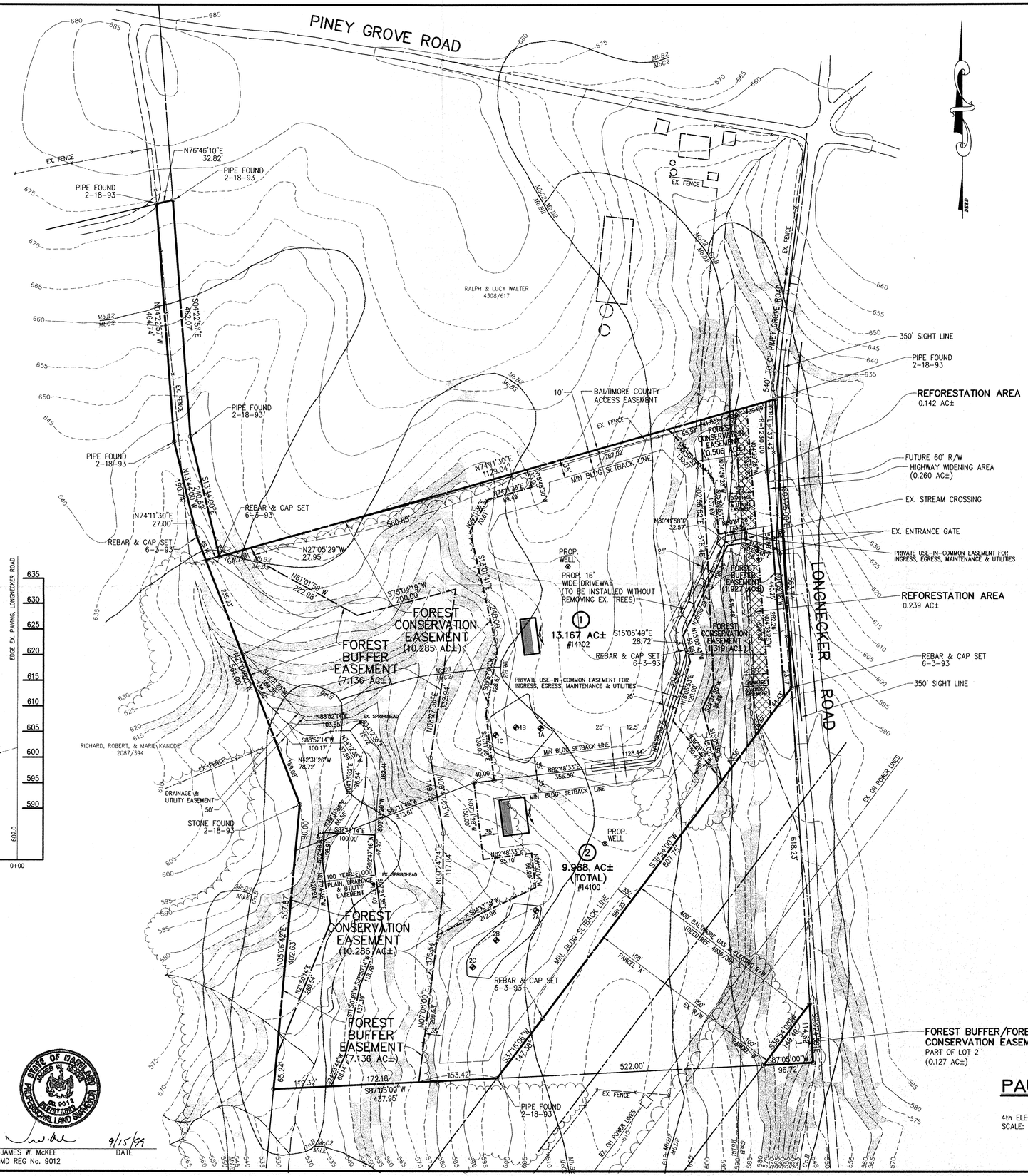


PROFILE - PROP. DRIVEWAY

SCALE: HORZ - 1" = 100'
VERT - 1" = 10'

SOILS LIMITATION CHART

MAP SYMBOL	SOIL SERIES	HOMESITES: LIMITATIONS	SEPTIC SYSTEMS LIMITATIONS	HYDRIC	'K' VALUE	CAPABILITY UNIT
GnB	GLENVILLE	SEVERE: WATER	SEVERE: WATER	NO	0.32	IIe-16
MbB2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37	IIe-25
MbC2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37	IIe-25
MbD2	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37	IVe-25
McC2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37	IIIe-25
McD2	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37	IVe-25
McD3	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37	VIe-3
MdE	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37	IVe-25


PINEY GROVE ROAD
LONGNECKER ROAD
N76°46'10"E 32.82'
PIPE FOUND 2-18-93
EX. FENCE
RALPH & LUCY WALTER 4308/617
N13°22'57"W 467.74'
S14°22'57"E 462.07'
10' BALTIMORE COUNTY ACCESS EASEMENT
54' 20' PINEY GROVE ROAD
350' SIGHT LINE
REFORESTATION AREA 0.142 AC±
FOREST CONSERVATION EASEMENT (0.508 AC±)
FUTURE 60' R/W HIGHWAY WIDENING AREA (0.260 AC±)
EX. STREAM CROSSING
EX. ENTRANCE GATE
PRIVATE USE-IN-COMMON EASEMENT FOR INGRESS, EGRESS, MAINTENANCE & UTILITIES
REFORESTATION AREA 0.239 AC±
FOREST BUFFER EASEMENT (1.927 AC±)
FOREST CONSERVATION EASEMENT (1.319 AC±)
N74°11'30"E 1129.04'
MIN BLDG SETBACK LINE
287.02'
N74°11'30"E 27.00'
REBAR & CAP SET 6-3-93
560.85'
N27°05'29"W 27.95'
N61°01'56"W 292.98'
S75°04'19"W 200.00'
PROP. WELL
PROP. 16' WIDE DRIVEWAY (TO BE INSTALLED WITHOUT REMOVING EX. TREES)
13.167 AC± #14102
S15°05'49"E 28.72'
FOREST CONSERVATION EASEMENT (10.285 AC±)
FOREST BUFFER EASEMENT (7.136 AC±)
PRIVATE USE-IN-COMMON EASEMENT FOR INGRESS, EGRESS, MAINTENANCE & UTILITIES
N27°05'29"W 236.23'
N61°01'56"W 292.98'
N88°52'14"E 103.65'
EX. SPRINGHEAD
S88°52'14"W 100.17'
N42°25'58"W 78.72'
N42°25'58"W 78.72'
N42°31'26"W 78.72'
N27°05'29"W 186.98'
N27°05'29"W 186.98'
RICHARD, ROBERT, & MARIE KANODE 2087/394
DRAINAGE & UTILITY EASEMENT
50'
STONE FOUND 2-18-93
S82°23'14"E 100.00'
N07°36'46"W 90.00'
100 YEAR FLOOD PLAIN, DRAINAGE & UTILITY EASEMENT
N82°23'14"W 100.00'
S07°36'46"E 90.00'
N07°36'46"W 473.61'
N82°48'33"E 356.56'
MIN BLDG SETBACK LINE
40.00'
35'
N82°48'33"E 95.10'
N00°24'24"E 117.84'
PROP. WELL
9.988 AC± (TOTAL) #14100
S36°54'00"W 807.75'
S41°31'39"W 212.88'
N05°06'42"E 537.87'
N05°06'42"E 402.63'
FOREST CONSERVATION EASEMENT (10.286 AC±)
REBAR & CAP SET 6-3-93
N02°08'00"E 370.84'
N02°08'00"E 288.63'
FOREST BUFFER EASEMENT (7.136 AC±)
S71°16'06"W 147.38'
65.24'
172.32'
172.18'
S87°05'00"W 457.95'
153.42'
522.00'
PIPE FOUND 2-18-93
EX. OH POWER LINES
616.23'
400' BALTIMORE GAS & ELECTRIC R/W (DEEDED) 4308/394
150' PARCEL 'A'
150' EX. R/W
S36°54'00"W 149.40'
S87°05'00"W 96.72'
FOREST BUFFER/FOREST CONSERVATION EASEMENT PART OF LOT 2 (0.127 AC±)
N74°11'30"E 27.00'
N80°41'58"E 32.57'
S02°25'52"E 576.40'
S15°58'30"E 70.61'
N15°58'30"W 70.61'
N74°11'30"E 287.02'
N74°11'30"E 99.49'
N24°16'15"E 99.49'
S02°25'52"E 107.89'
N74°11'30"E 287.02

14100 & 14102 Longnecker Road



14100 & 14102 Longnecker Road



Protestants' Exhibit 13

Petition, Pages 1 and 2

Petition Opposing the granting of a special exception for a Landscaping Service operation at 14100 Longnecker Road (14100 Longnecker Road - Case No. 2022-0012-XA)

We, the undersigned, are opposed to the granting of a special exception for a landscaping service operation at 14100 Longnecker Road. We believe that the proposal is incompatible with the surrounding area and will have significant adverse impacts to the community.

Name	Signature	Address	Email	Date
Vickie Kravitz		14207 Longnecker	VickieKavitz@yahoo.com	3/25/2022
Richard Deurker		14219 Longnecker	RDeurker@yahoo.com	3/25/2022
Nancy Baldwin		14219 Longnecker	NBaldwin2@yahoo.com	3/25/2022
Mark Engelskirchen		14217 Longnecker	Mark@PhoenixSunTanning.com	3/25/2022
Gary Siegel		14240 Longnecker	Gary@NewcastleFoundation.com	3/25/2022
Judith Siegel		14240 Longnecker Rd	newarts@aol.com	3/25/2022
Laury Scharff		14230 Longnecker Rd.	Lgscharff@gmail.com	3/25/22
Lewis Scharff		" "	LDoony17@aol.com	3/25/22
Michael Hardie		3940 Butler Rd Reisterstown MD 21136	Mhardie1985@gmail.com	3/26/22
Susan Harvey		3940 Butler Rd	Sharveygmd@gmail.com	3/26/22

Petition Opposing the granting of a special exception for a Landscaping Service operation at 14100 Longnecker Road (14100 Longnecker Road - Case No. 2022-0012-XA)

We, the undersigned, are opposed to the granting of a special exception for a landscaping service operation at 14100 Longnecker Road. We believe that the proposal is incompatible with the surrounding area and will have significant adverse impacts to the community.

Name	Signature	Address	Email	Date
Dana Loverde		14211 Longnecker Rd Reisterstown MD 21136	daralloverde@gmail.com	3/26/22
Joe Loverde		14211 Longnecker Rd Reisterstown, MD 21136	joe@neonox.com	3/26/22
Ben Smist		14102 Longnecker Rd Reisterstown MD 21136	Busmist@gmail.com	3/26/22
Molly Smist		"	meapplegate3@gmail.com	3/26/22
Bruce Kessler		13634 Longnecker Rd	bkessler@gmail.com	3/26/22
George & Mandy Mahoney		13634 Longnecker Rd	Rosbrian@AOL.com	3/26/22
Jennifer Hales		14111 Longnecker Rd.	jhales927@hotmail.com	3/26/2022
Shawn Hales		14111 Longnecker Rd	dirhales@hotmail.com	

Protestants' Exhibit 14

Petition Opposing the granting of a special exception for a Landscaping Service operation at 14100 Longnecker Road
(14100 Longnecker Road - Case No. 2022-0012-XA)

We, the undersigned, are opposed to the granting of a special exception for a landscapi service operation at 14100 Longnecker Road. We believe that the proposal is incompatible with the surrounding area and will have significant adverse impacts to th community.

Name	Signature	Address	Email	Date
Andrea Peña	Andrea Peña	4611 Piney Grove RD Reisterstown MD 21136	aplongmeadow@yahoo.com	3/30/2022
Colleen B. DiRaddo		4816 Piney Grove Rd. Reisterstown, MD 21136	cgbdiraddo21136@gmail.com	
Emmelie P. Bolte		4816 Piney Grove Rd. Reisterstown, MD 21136	cgbdiraddo21136@gmail.com	
Michael Barnes		4617 Piney Grove RD Reisterstown, MD, 21136	mike@fullmikes.com	

Protestants'
Exhibit 15

BGE Gate





Protestants'
Exhibit 16

Sunday September 18, 2022








DEJANA
877-335-2621
38 °C / 100 °F 09/18/2022 14:52:36


GREENMOUNT
LAWN & LANDSCAPING LLC
443-536-6351
40 °C / 104 °F 09/18/2022 15:02:19


GREENMOUNT
LAWN & LANDSCAPING LLC
443-536-6351
35 °C / 95 °F 09/18/2022 17:24:49

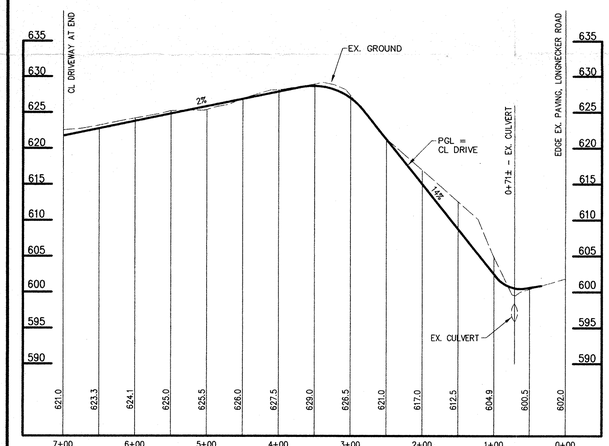
GENERAL NOTES

1. ALL LOTS SHOWN HEREON TO BE SERVED BY A PRIVATE WELL AND SEPTIC SYSTEM.
2. SOIL TYPES TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NUMBER 15.
3. THERE ARE NO UNDERGROUND FUEL STORAGE TANKS ON THE SITE.
4. MAXIMUM BUILDING HEIGHT PERMITTED FOR PRINCIPAL STRUCTURES IN RC-2 ZONING IS 35 FEET.
5. A.D.T.'s: 2 x 12.4 = 24.8
6. OPEN SPACE NOT REQUIRED IN RC ZONES.
7. LOT IS FOR SALE AND FOR SINGLE FAMILY DWELLINGS.
8. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE PRIOR TO 1966. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT THE PLAN HAS NEVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
9. THERE ARE NO EXISTING OR PROPOSED WELLS OR SEPTIC SYSTEMS WITHIN 100' OF THE PROPERTY UNLESS OTHERWISE SHOWN.
10. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
11. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE OR FOREST BUFFER EASEMENTS AND FOREST CONSERVATION EASEMENTS EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
12. SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
13. THERE ARE NO ZONING LINES WITHIN 200 FEET OF THIS PROPERTY UNLESS OTHERWISE SHOWN.
14. EXISTING LAND COVER IS FOREST AND MEADOW/BRUSH.
15. THERE ARE NO KNOWN PRIOR ZONING CASES FOR THE PROPERTY.
16. PRIVATE DRIVEWAY ENTRANCES SHALL CONFORM WITH BALTIMORE COUNTY STANDARD DETAIL PLATE R-15, DATED 1977 FOR "TYPICAL DRIVEWAY ENTRANCE FROM ROAD WITHOUT CURB & GUTTER".
17. EXISTING SITE USE IS VACANT. PROPOSED USE IS SINGLE FAMILY DWELLINGS.
18. BALTIMORE COUNTY MAKES NO WARRANTY, EXPRESSED OR IMPLIED, AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN HEREON TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INGRESS, EGRESS, REGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, AND MAINTAINING UTILITIES SUCH AS, BUT NOT LIMITED TO, WATER, SEWER, ELECTRICAL, TELEPHONE, OR CABLE TELEVISION.
19. THE PROPOSED PANHANDLE DRIVES MUST MEET THE MINIMUM BALTIMORE COUNTY STANDARDS FOR PAVING TYPE, WIDTH, AND BEARING CAPACITY.
20. THERE ARE NO ACCESSORY STRUCTURES ON THIS SITE.
21. THE PRIVATE DRIVEWAY SHALL BE PAVED WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED, WHICHEVER COMES FIRST.
22. THE PROPERTY OWNERS SHALL HOLD FREE AND HARMLESS, BALTIMORE COUNTY GOVERNMENT FROM ANY AND ALL DAMAGE THAT MAY RESULT FROM ITS USE OF THE 10 FOOT WIDE ACCESS EASEMENT TO THE FOREST CONSERVATION/FOREST BUFFER EASEMENT AREA.
23. THE AREAS BETWEEN THE 350' SIGHT LINES AND THE CURB LINE SHALL BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
24. TOPOGRAPHY, FENCES, STREAMS, AND FOREST AREAS ARE TAKEN FROM BALTIMORE COUNTY PLANIMETRIC AND AERIAL MAPS ONLY, AND ARE FOR INFORMATIONAL PURPOSES ONLY.

RC-4 AGRICULTURAL USE NOTE

1A03.8 INCONVENIENCES ARISING FROM AGRICULTURAL OPERATIONS.
(BILLS No. 113, 1992; No. 107, 1994)

ANY DWELLING IN AN RC-4 ZONE MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO NOISE, ODORS, FUMES, DUST, THE OPERATION OF MACHINERY OF ANY KIND DURING ANY 24-HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES, AND PESTICIDES. THE COUNTY SHALL NOT CONSIDER AN AGRICULTURAL OPERATION TO BE A PUBLIC OR PRIVATE NUISANCE, IF THE OPERATION COMPLIES WITH THESE REGULATIONS AND ALL FEDERAL, STATE, OR COUNTY HEALTH OR ENVIRONMENTAL REQUIREMENTS.

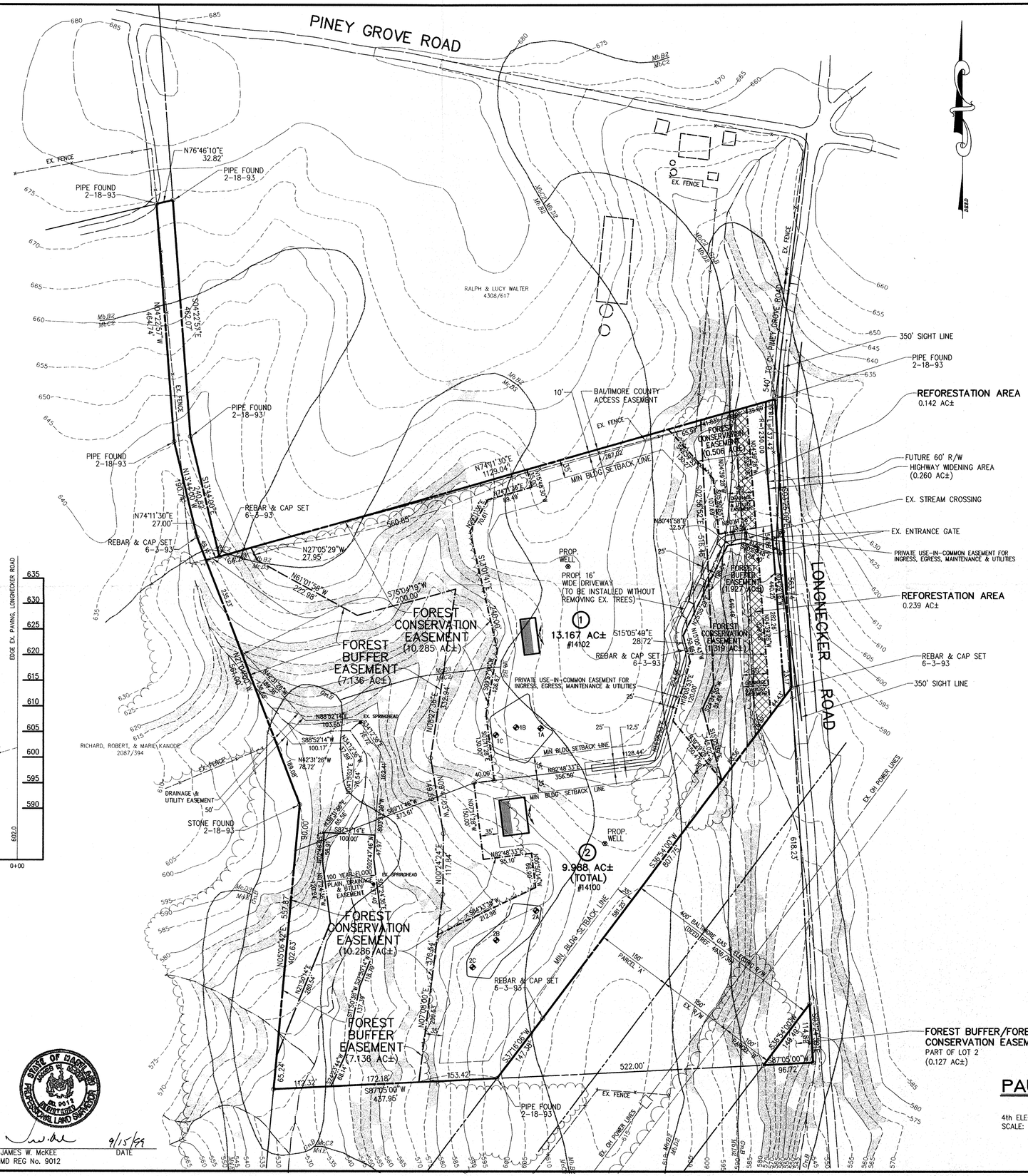


PROFILE - PROP. DRIVEWAY

SCALE: HORZ - 1" = 100'
VERT - 1" = 10'

SOILS LIMITATION CHART

MAP SYMBOL	SOIL SERIES	HOMESITES: LIMITATIONS	SEPTIC SYSTEMS LIMITATIONS	HYDRIC	'K' VALUE	CAPABILITY UNIT
GnB	GLENVILLE	SEVERE: WATER	SEVERE: WATER	NO	0.32	IIe-16
MbB2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37	IIe-25
MbC2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37	IIIe-25
MbD2	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37	IVe-25
McC2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37	IIIe-25
McD2	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37	IVe-25
McD3	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37	VIe-3
MdE	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37	IVe-25


PINEY GROVE ROAD
LONGNECKER ROAD
N76°46'10"E 32.82'
PIPE FOUND 2-18-93
EX. FENCE
RALPH & LUCY WALTER 4308/617
N43°22'57"W 467.74'
S43°22'57"E 462.07'
REBAR & CAP SET 6-3-93
N74°11'30"E 27.00'
N74°11'30"E 1129.04'
N27°05'29"W 27.95'
N61°01'56"W 222.98'
S75°04'19"W 200.00'
N27°05'29"W 235.23'
FOREST CONSERVATION EASEMENT (10.285 AC±)
FOREST BUFFER EASEMENT (7.136 AC±)
13.167 AC± #14102
S15°05'49"E 28.72'
PROP. WELL
PROP. 16' WIDE DRIVEWAY (TO BE INSTALLED WITHOUT REMOVING EX. TREES)
PRIVATE USE-IN-COMMON EASEMENT FOR INGRESS, EGRESS, MAINTENANCE & UTILITIES
RICHARD, ROBERT, & MARIE KANODE 2087/394
DRAINAGE & UTILITY EASEMENT
STONE FOUND 2-18-93
100 YEAR FLOOD PLAIN, DRAINAGE & UTILITY EASEMENT
FOREST CONSERVATION EASEMENT (10.286 AC±)
FOREST BUFFER EASEMENT (7.136 AC±)
9.988 AC± (TOTAL) #14100
MIN. BLDG. SETBACK LINE
BALTIMORE COUNTY ACCESS EASEMENT
FOREST CONSERVATION EASEMENT (0.508 AC±)
FOREST CONSERVATION EASEMENT (1.927 AC±)
FOREST CONSERVATION EASEMENT (1.319 AC±)
FOREST BUFFER EASEMENT (1.927 AC±)
REFORESTATION AREA 0.142 AC±
REFORESTATION AREA 0.239 AC±
FUTURE 60' R/W HIGHWAY WIDENING AREA (0.260 AC±)
EX. STREAM CROSSING
EX. ENTRANCE GATE
350' SIGHT LINE
PIPE FOUND 2-18-93
REBAR & CAP SET 6-3-93
FOREST BUFFER/FOREST CONSERVATION EASEMENT PART OF LOT 2 (0.127 AC±)
PARCEL 'A'
400' BALTIMORE GAS & ELECTRIC R/W
EX. OH POWER LINES
PIPE FOUND 2-18-93
EX. SPRINGHEAD
EX. CULVERT
522.00'
153.42'
172.18'
S87°05'00"W 457.95'
S87°05'00"W 96.72'
S36°54'00"W 807.75'
S36°54'00"W 149.40'
N36°54'00"E 616.23'
N36°54'00"E 150.00'
N36°54'00"E 467.75'
N36°54'00"E 95.10'
N36°54'00"E 212.88'
N36°54'00"E 370.84'
N36°54'00"E 287.02'
N36°54'00"E 32.57'
N36°54'00"E 576.40'
N36°54'00"E 707.89'
N36°54'00"E 707.89'
N36°54'00"E 707.89

14100 & 14102 Longnecker Road



Protestants' Exhibit 20

Stephen A. Warfield, P.E.
954 Ridgebrook Road, Suite 120
Sparks, MD 21152
(410) 683-7004

Professional Registration

Registered Professional Engineer - Civil Engineering 1995 - Maryland P.E. # 21162

Education

B.S. Civil Engineering - 1990 - University of Maryland, College Park
Master of Environmental Engineering - 1994- Johns Hopkins University

Professional Experience

12/94-Present	Matis Warfield, Inc.; 954 Ridgebrook Road, Suite 120, Sparks, MD 21152: Currently employed as a principal at Matis Warfield, Inc. Responsible for civil engineering services for the development community. Responsibilities include; planning, design, permitting feasibility studies, concept plans, development plans, zoning plans, expert witness testimony, floodplain studies, open channels, stormwater management facilities, storm drain systems, erosion and sediment control plans, highways, pumping stations, utilities, specification development, cost estimating, grading, alternatives analysis, critical area analysis, project management, marketing, administration, client relations, etc. for site development projects.
5/91-12/94	Gannett Fleming, Inc.; Suite 200; East Quadrangle; The Village of Cross Keys; Baltimore, Maryland 21210: Supervisors: Fred Wagner-Project Manager, and Dave Ross-Office Manager Employed as a project engineer by Gannett Fleming, Inc., Baltimore Maryland. Responsible for design and specification development for water treatment plant process design, wastewater treatment plant process and site design, pumping station design, open channel design, stormwater management design, erosion and sediment control design, drainage studies, alternatives analysis, and highway designs.
6/90-5/91	George William Stephens, & Associates, Inc.; 658 Kenilworth Drive; Towson, Maryland 21204: Supervisor: Tapobrata Chakrabarti, Partner Employed as a design engineer by George William Stephens Jr. & Associates, Inc., Towson, Maryland. Performed floodplain studies, designed stormwater management facilities, and designed open channel flow systems for residential, commercial, and industrial development projects. Responsibilities also included development of computer programs to aid stormwater management design.

Professional Affiliations

Baltimore County Engineers Association
Home Builders Association of Maryland
Maryland Society of Professional Engineers

Protestants' Exhibit 21

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: January 28, 2022

SUBJECT: DEPS Comment for Zoning Item: # 2022-0012-XA
Address: 14100 Longnecker Road
(Mangum Property)

Zoning Advisory Committee Meeting of **January 31, 2022**.

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

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

Additional Comments:
The propose driveway shall not extend into the existing Forest Buffer Easement.

Reviewer: Glenn Shaffer

Ground Water Management must review any proposed building permit, since this site is in an area that requires private well and septic

Reviewer: Dan Esser

Protestants' Exhibit 22

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: Feb 11, 2022

EPC for VKD

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 31, 2022
Item No. 2022-0012-XA

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

If Special Exception and Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

Since the proposed development is commercial, DPR recommends a separate commercial entrance from Longnecker Road. Access shall not be provided from an existing residential driveway on the adjacent property.

Owner/Developer shall determine if there is an existing floodplain on-site. If so, a flood study must be completed in accordance with Baltimore County regulations.

* * * * *

VKD: cen
cc: file

Protestants' Exhibit 23

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 3/15/2022

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 22-012

INFORMATION:
Property Address: 14100 Longnecker Road
Petitioner: Gregory Mangum
Zoning: RC 2
Requested Action: Special Exception; Variance

The Department of Planning has reviewed the petition for the following:

Special Exception - For a landscape service operation as provided in BCZR Section 1A01.2.C.16, 404.1, & 404.3;

Variance – To permit an internal roadway to be located 0 feet from the property line in lieu of the minimum required 25 feet BCZR Section 404.1.A

The site is located in an area that is a mix of agriculture and rural residential. This site is currently vacant. The access is from a shared drive over the neighboring property.

The landowner's representative has noted that the public will not be coming to the property to purchase materials and the site will be used for storage and staging for work offsite. Access will be provided using an existing driveway through a shared access easement. The Department does not object to the request subject to the following conditions:

1. Signage should be limited so as to not negatively impact the rural character of the area
2. No outside storage of equipment or materials should be permitted
3. Outdoor lighting should be limited as to not interfere with neighboring properties

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP/

s:\planning\dev rev\zac\zacs 2022\due 01-28\22-012-xa joe 01-28\shell\22-012.docx

c: Joseph Wiley
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of Administrative Hearings
People's Counsel for Baltimore County

Protestants' Exhibit 24

NFPA 1

Fire Code

2018 Edition

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NOTICE: An asterisk (*) following the number or letter designating a paragraph indicates that explanatory material on the paragraph can be found in Annex A.

A reference in brackets [ ] following a section or paragraph indicates material that has been extracted from another NFPA document. As an aid to the user, the complete title and edition of the source documents for extracts in mandatory sections of the document are given in Chapter 2 and those for extracts in informational sections are given in Annex G. Extracted text may be edited for consistency and style and may include the revision of internal paragraph references and other references as appropriate. Requests for interpretations or revisions of extracted text shall be sent to the technical committee responsible for the source document.

Information on referenced publications can be found in Chapter 2 and Annex G.

Chapter 1 Administration

1.1 Scope.

1.1.1 The scope includes, but is not limited to, the following:

(1) Inspection of permanent and temporary buildings, processes, equipment, systems, and other fire and related life safety situations
(2) Investigation of fires, explosions, hazardous materials incidents, and other related emergency incidents
(3) Review of construction plans, drawings, and specifications for life safety systems, fire protection systems, access, water supplies, processes, hazardous materials, and other fire and life safety issues
(4) Fire and life safety education of fire brigades, employees, responsible parties, and the general public
(5) Existing occupancies and conditions, the design and construction of new buildings, remodeling of existing buildings, and additions to existing buildings
(6) Design, installation, alteration, modification, construction, maintenance, repairs, servicing, and testing of fire protection systems and equipment
(7) Installation, use, storage, and handling of medical gas systems
(8) Access requirements for fire department operations
(9) Hazards from outside fires in vegetation, trash, building debris, and other materials
(10) Regulation and control of special events including, but not limited to, assemblage of people, exhibits, trade shows, amusement parks, haunted houses, outdoor events, and other similar special temporary and permanent occupancies
(11) Interior finish, decorations, furnishings, and other combustibles that contribute to fire spread, fire load, and smoke production
(12) Storage, use, processing, handling, and on-site transportation of flammable and combustible gases, liquids, and solids
(13) Storage, use, processing, handling, and on-site transportation of hazardous materials
(14) Control of emergency operations and scenes
(15) Conditions affecting fire fighter safety
(16) Arrangement, design, construction, and alteration of new and existing means of egress

1.1.2 Title. The title of this *Code* shall be NFPA 1, *Fire Code*, of the National Fire Protection Association (NFPA).

1.2* Purpose. The purpose of this *Code* is to prescribe minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire, explosion, and dangerous conditions.

1.3 Application.

1.3.1 This *Code* shall apply to both new and existing conditions.

1.3.2* Referenced Standards.

1.3.2.1 Details regarding processes, methods, specifications, equipment testing and maintenance, design standards, performance, installation, or other pertinent criteria contained in those codes and standards listed in Chapter 2 of this *Code* shall be considered a part of this *Code*.

1.3.2.2* Where no applicable codes, standards, or requirements are set forth in this *Code* or contained within other laws, codes, regulations, ordinances, or bylaws adopted by the authority having jurisdiction (AHJ), compliance with applicable codes and standards of NFPA or other nationally recognized standards, as are approved, or approved performance-based options in accordance with Chapter 5, shall be deemed as prima facie evidence of compliance with the intent of this *Code*.

1.3.2.3 Nothing herein shall diminish the authority of the AHJ to determine compliance with codes or standards for those activities or installations within the AHJ's responsibility.

1.3.2.4 Retroactivity of Referenced Standards to Existing Conditions. Unless otherwise specified by 1.3.2.4.1 through 1.3.2.4.3, the current provisions of the referenced standards shall not apply to facilities, equipment, structures, or installations that existed or were approved for construction or installation prior to the effective date of this *Code*.

17.3.5.2.1.4 Vegetation under trees within the fuel modification area shall be maintained at a height that will preclude ground fire from spreading in the tree crown. [**1144:**6.2.4]

17.3.5.2.1.5* Tree crowns within the structure ignition zone shall be spaced to prevent structure ignition from radiant heat. [**1144:**6.2.5]

17.3.5.2.1.6 The fuel modification plan shall include a maintenance element identifying and defining the responsibility for continued and periodic maintenance. [**1144:**6.2.6]

17.3.5.2.1.7 Chimneys and Flues.

17.3.5.2.1.7.1 Every fireplace and wood stove chimney and flue shall be provided with an approved spark arrester constructed of a minimum 12-gauge welded wire or woven wire mesh, with openings not exceeding ½ in. (12.7 mm). [**1144:**5.8.1]

17.3.5.2.1.7.2 Vegetation shall not be allowed within 10 ft (3 m) of a chimney outlet. [**1144:**5.8.2]

17.3.5.2.1.8* Accessory Structure(s). Accessory structures shall be constructed to meet the requirements of Chapter 5 of NFPA 1144 or shall be separated from the main structure by a minimum of 30 ft (9 m). [**1144:**5.9]

17.3.5.2.1.9 Mobile and Manufactured Homes.

17.3.5.2.1.9.1 Permanently located mobile and manufactured homes with an open space beneath shall have a skirt of noncombustible materials, exterior fire-retardant-treated wood, or other ignition-resistant material. [**1144:**5.10.1]

17.3.5.2.1.9.2 Any enclosed space beneath the mobile or manufactured home shall be vented according to 5.2.2 of NFPA 1144. [**1144:**5.10.2]

17.3.5.2.1.10 Vehicle Parking Areas. Vehicle parking areas within the immediate landscaped zone shall be maintained free of dry grasses and fine fuels that could be ignited by hot exhaust systems or firebrands. [**1144:**5.11]

17.3.5.2.1.11 Exterior Exposure Hazards.

17.3.5.2.1.11.1* Heat and flame sources that are unprotected or unsupervised shall not be permitted within 30 ft (9 m) of the primary structure. [**1144:**5.12.1]

17.3.5.2.1.11.2 Incinerators, outdoor fireplaces, permanent barbecues, and grills shall not be built, installed, or maintained in hazardous fire areas without prior approval of the AHJ. [**1144:**5.12.2]

17.3.5.2.1.11.3 Openings in incinerators, outdoor fireplaces, permanent barbecues, and grills shall be provided with an approved spark arrester, screen, or door. [**1144:**5.12.3]

17.3.5.2.1.11.4 Propane tanks and other combustible liquids storage shall conform to NFPA 58 and the wildland fire hazard mitigation plan required in 17.1.10. [**1144:**5.12.4]

17.3.5.2.1.11.5 Other combustible materials within 30 ft (9 m) of any structure shall be removed or stored in conformance with the wildland fire hazard mitigation plan as approved by the AHJ. [**1144:**5.12.5]

17.3.5.2.2 Where required by the AHJ because of extra hazardous conditions, additional areas shall be maintained to include additional defensible space from buildings or structures, trees adjacent to or overhanging a building shall be maintained free of deadwood, and the roof of a structure shall be free of leaves, needles, or other dead vegetative growth.

17.3.5.3 Roadways. Areas within 10 ft (3 m) on each side of portions of highways and private streets shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire.

17.3.6 Unusual Circumstances. The AHJ shall determine that difficult terrain, danger of erosion, or other unusual circumstances could require additional safeguards.

17.3.7 Fire Roads, Firebreaks, and Emergency Access.

17.3.7.1 The provisions of 17.3.7 and Section 18.2 shall be used to determine the design, clearances, and provisions for emergency access (ingress and egress).

17.3.7.2 Unauthorized vehicles shall not be driven upon fire roads or firebreaks. Vehicles shall not be parked in a manner that obstructs the entrance to a fire road or firebreak.

17.3.7.3 Radio and television aerials, guy wires, and other obstructions shall not be installed or maintained on fire roads or firebreaks unless the vertical clearance is sufficient to allow the movement of fire and emergency apparatus.

17.3.7.4 Motorcycles, motor scooters, and motor vehicles shall not be operated within hazardous fire areas, except upon clearly established public or private roads.

17.3.8 Tampering with Fire Safety Equipment. See Section 10.7 for requirements on tampering with fire safety equipment.

17.3.9 Maintenance. See 4.5.8 for requirements on maintenance.

Chapter 18 Fire Department Access and Water Supply

18.1 General. Fire department access and water supplies shall comply with this chapter.

18.1.1 Application.

18.1.1.1 This chapter shall apply to public and privately owned fire apparatus access roads.

18.1.1.2 This chapter shall apply to public and privately owned fire hydrant systems.

18.1.2 Permits. Permits, where required, shall comply with Section 1.12.

18.1.3 Plans.

18.1.3.1 Fire Apparatus Access. Plans for fire apparatus access roads shall be submitted to the AHJ for review and approval prior to construction.

18.1.3.2 Fire Hydrant Systems. Plans and specifications for fire hydrant systems shall be submitted to the AHJ for review and approval prior to construction.

18.2 Fire Department Access.

18.2.1 Fire department access and fire department access roads shall be provided and maintained in accordance with Section 18.2.

18.2.2* Access to Structures or Areas.

18.2.2.1 Access Box(es). The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security. The access box(es) shall be of an approved type listed in accordance with UL 1037.

18.2.2.2 Access to Gated Subdivisions or Developments. The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system.

18.2.2.3 Access Maintenance. The owner or occupant of a structure or area, with required fire department access as specified in 18.2.2.1 or 18.2.2.2, shall notify the AHJ when the access is modified in a manner that could prevent fire department access.

18.2.3 Fire Department Access Roads.

18.2.3.1 Required Access.

18.2.3.1.1 Approved fire department access roads shall be provided for every facility, building, or portion of a building hereafter constructed or relocated.

18.2.3.1.2 Fire department access roads shall consist of roadways, fire lanes, parking lot lanes, or a combination thereof.

18.2.3.1.3* The provisions of 18.2.3.1 through 18.2.3.2.2.1 shall be permitted to be modified by the AHJ where any of the following conditions exists:

(1) One- and two-family dwellings protected by an approved automatic sprinkler system in accordance with Section 13.1
(2) Existing one- and two-family dwellings
(3) Private garages having an area not exceeding 400 ft^2
(4) Carports having an area not exceeding 400 ft^2
(5) Agricultural buildings having an area not exceeding 400 ft^2
(6) Sheds and other detached buildings having an area not exceeding 400 ft^2

18.2.3.1.4 When fire department access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades, or other similar conditions, the AHJ shall be authorized to require additional fire protection features.

18.2.3.2 Access to Building.

18.2.3.2.1 A fire department access road shall extend to within 50 ft (15 m) of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.

18.2.3.2.1.1 Where a one- or two-family dwelling, or townhouse, is protected with an approved automatic sprinkler system that is installed in accordance with Section 13.3, the distance in 18.2.3.2.1 shall be permitted to be increased to 150 ft (46 m).

18.2.3.2.2 Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads as measured by an approved route around the exterior of the building or facility.

18.2.3.2.2.1 When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, the distance in 18.2.3.2.2 shall be permitted to be increased to 450 ft (137 m).

18.2.3.3* Multiple Access Roads. More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climate conditions, or other factors that could limit access.

18.2.3.4 Traffic Signal Pre-emption. Where fire department apparatus are equipped with traffic signal pre-emption devices, newly installed traffic signals shall be equipped with traffic signal pre-emption.

18.2.3.5 Specifications.

18.2.3.5.1 Dimensions.

18.2.3.5.1.1* Fire department access roads shall have an unobstructed width of not less than 20 ft (6.1 m).

18.2.3.5.1.1.1* Where approved by the AHJ, the width of fire department access roads shall be permitted to be less than the minimum specified in 18.2.3.5.1.1.

18.2.3.5.1.1.2 The width of fire department access roads shall be increased when the minimum width specified in 18.2.3.5.1.1 is not adequate to accommodate fire apparatus.

18.2.3.5.1.2 Fire department access roads shall have an unobstructed vertical clearance of not less than 13 ft 6 in. (4.1 m).

18.2.3.5.1.2.1 Vertical clearance shall be permitted to be reduced where approved by the AHJ, provided such reduction does not impair access by fire apparatus, and approved signs are installed and maintained indicating the established vertical clearance when approved.

18.2.3.5.1.2.2 Vertical clearances shall be increased when vertical clearances are not adequate to accommodate fire apparatus.

18.2.3.5.2* Surface. Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

18.2.3.5.3 Turning Radius.

18.2.3.5.3.1 The turning radius of a fire department access road shall be as approved by the AHJ.

18.2.3.5.3.2 Turns in fire department access roads shall maintain the minimum road width.

18.2.3.5.3.3 Fire department access roads connecting to roadways shall be provided with curb cuts extending at least 2 ft (0.61 m) beyond each edge of the fire department access road.

18.2.3.5.4 Dead Ends. Dead-end fire department access roads in excess of 150 ft (46 m) in length shall be provided with approved provisions for the fire apparatus to turn around.

18.2.3.5.5 Bridges.

18.2.3.5.5.1 When a bridge is required to be used as part of a fire department access road, it shall be constructed and maintained in accordance with nationally recognized standards.

18.2.3.5.5.2 The bridge shall be designed for a live load sufficient to carry the imposed loads of fire apparatus.

18.2.3.5.5.3 Vehicle load limits shall be posted at both entrances to bridges where required by the AHJ.

18.2.3.5.6 Grade.

18.2.3.5.6.1 The gradient for a fire department access road shall not exceed the design limitations of the fire apparatus of the fire department and shall be subject to approval by the AHJ.

18.2.3.5.6.2* The angle of approach and departure for any means of fire department access road shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m) or the design limitations of the fire apparatus of the fire department, and shall be subject to approval by the AHJ.

18.2.3.5.7 Traffic Calming Devices. The design and use of traffic calming devices shall be approved by the AHJ.

18.2.3.6 Marking of Fire Apparatus Access Road.

18.2.3.6.1 Where required by the AHJ, approved signs, approved roadway surface markings, or other approved notices shall be provided and maintained to identify fire department access roads or to prohibit the obstruction thereof or both.

18.2.3.6.2 A marked fire apparatus access road shall also be known as a fire lane.

18.2.4* Obstruction and Control of Fire Department Access Road.

18.2.4.1 General.

18.2.4.1.1 The required width of a fire department access road shall not be obstructed in any manner, including by the parking of vehicles.

18.2.4.1.2 Minimum required widths and clearances established under 18.2.3.5 shall be maintained at all times.

18.2.4.1.3* Facilities and structures shall be maintained in a manner that does not impair or impede accessibility for fire department operations.

18.2.4.1.4 Entrances to fire department access roads that have been closed with gates and barriers in accordance with 18.2.4.2.1 shall not be obstructed by parked vehicles.

18.2.4.2 Closure of Accessways.

18.2.4.2.1 The AHJ shall be authorized to require the installation and maintenance of gates or other approved barricades across roads, trails, or other accessways not including public streets, alleys, or highways.

18.2.4.2.2 Where required, gates and barricades shall be secured in an approved manner.

18.2.4.2.3 Roads, trails, and other accessways that have been closed and obstructed in the manner prescribed by 18.2.4.2.1 shall not be trespassed upon or used unless authorized by the owner and the AHJ.

18.2.4.2.4 Public officers acting within their scope of duty shall be permitted to access restricted property identified in 18.2.4.2.1.

18.2.4.2.5 Locks, gates, doors, barricades, chains, enclosures, signs, tags, or seals that have been installed by the fire department or by its order or under its control shall not be removed, unlocked, destroyed, tampered with, or otherwise vandalized in any manner.

18.2.4.2.6 Gates shall comply with 18.2.4.2.6.1 and 18.2.4.2.6.2.

18.2.4.2.6.1 Electric gate operators and systems, where provided, shall be installed, maintained, listed, and labeled in accordance with UL 325, *Door, Drapery, Gate, Louver, and Window Operators and Systems.*

18.2.4.2.6.2 Gates intended for automatic operation shall be designed, constructed, installed, and maintained to comply with ASTM F2200, *Standard Specification for Automated Vehicular Gate Construction.*

18.2.4.2.7 When authorized by the AHJ, public officers acting within their scope of duty shall be permitted to obtain access through secured means identified in 18.2.4.2.1.

18.3 Water Supplies.

18.3.1* An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into the jurisdiction. The approved water supply shall be in accordance with Section 18.4.

18.3.1.1* Where no adequate or reliable water distribution system exists, approved reservoirs, pressure tanks, elevated tanks, fire department tanker shuttles, or other approved systems capable of providing the required fire flow shall be permitted.

18.4 Fire Flow Requirements for Buildings.

18.4.1* Scope.

18.4.1.1* The procedure determining fire flow requirements for buildings hereafter constructed or moved into the jurisdiction shall be in accordance with Section 18.4.

18.4.1.2 Section 18.4 shall not apply to structures other than buildings.

18.4.2 Definitions. See definitions 3.3.14.4, Fire Flow Area, and 3.3.120, Fire Flow.

18.4.3 Modifications.

18.4.3.1 Decreases in Fire Flow Requirements.

18.4.3.1.1* Fire flow requirements shall be permitted to be decreased by the AHJ for isolated buildings or a group of buildings in rural areas or suburban areas where the development of full fire flow requirements is impractical as determined by the AHJ.

18.4.3.1.2 The AHJ shall be authorized to establish conditions on fire flow reductions approved in accordance with 18.4.3.1.1 including, but not limited to, fire sprinkler protection, type of construction of the building, occupancy, development density, building size, and setbacks.

Protestants' Exhibit 25

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (the "License"), made this 28th day of September, 2022, by and between BALTIMORE GAS AND ELECTRIC COMPANY ("Licensor") and GREGORY MANGUM ("Licensee").

RECITALS

1. Licensor owns real property acquired by Deed dated November 06, 1968 and recorded among the Land Records of Baltimore County, Maryland in Liber No. 4936, folio 0036 which property is used as a right of way for electric transmission (the "BGE Land").

2. Licensee owns real property situate at 14100 Longnecker Road, Reisterstown, MD, 21136, immediately adjacent to the BGE Land, which Licensee acquired by Deed dated July 21, 2021 and recorded in Liber 45146, Folio 275, and which is also known as Baltimore County Tax Map 0040, Parcel 175, Lot 02 (the "Licensee Land").

3. Licensee wishes to utilize the BGE Land in the location shown on attached **Exhibit A** (the "Licensed Area") for ingress and egress to his landscape service operation.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE FOREGOING, and for the payment of Zero Dollars ($0.00) and other good and valuable consideration, the receipt and adequacy of which are acknowledged by each party, the parties agree as follows:

1. **Grant**.

(a) Licensor hereby grants to Licensee, and the Licensee hereby accepts, a non-exclusive license to enter onto the BGE Land as may be reasonably necessary from time to time for ingress and egress to the Licensee Land. Licensee shall maintain the Licensed Area at his sole cost. If Licensee does not maintain the Licensed Area to the satisfaction of Licensor, Licensor may perform the work on behalf of Licensee and the work performed by Licensor shall be paid for by Licensee. The Licensed Area shall not be used by Licensee for any other purpose inconsistent with this License.

(b) Licensee may not lease, sublet, rent or otherwise grant permission for the Licensed Area to any third party without the written permission of the Licensor, which may be withheld.

(c) Licensee shall be responsible for obtaining any consents, licenses and/or approvals that may be required in connection with Licensee's use of any real property other than the BGE Land.

2. **Term**.

(a) The term of this License (the "Term") shall be for as long as Licensee owns 14100 Longnecker Road, and subject to revocation as provided in paragraph (b).

(b) Notwithstanding the foregoing, Licensor may revoke the license granted hereunder at any time upon at least thirty (30) days written notice if, in the commercially reasonable judgment of Licensor, Licensor should require use of the Licensed Area for access, maintenance, construction or expansion of its facilities within the Licensed Area, or as necessary to protect the safe and reliable transmission of electricity, or for any other business purpose of Licensor. If Licensor revokes this License, Licensor shall upon completion of its work within the Licensed Area, and if the uses permitted by this License would at that time not interfere with the safety and reliability of the Licensor's transmission facilities, reinstate this License on substantially the same terms.

3. **Licensor Rights and Liability**. Licensor retains all rights of ownership and use of the BGE Land and the Licensed Area, including without limitation those of construction, reconstruction, patrol, repair and maintenance of said electric transmission line, the right to survey the land and the right to manage or clear vegetation if, in the Licensor's commercially reasonable judgment, the work performed by Licensee would adversely impact the safety or reliability of Licensor's transmission facilities.

4. **Licensee Obligations**. As part of its consideration for the grant of this License, Licensee hereby agrees to:

(a) accept the Licensed Area in its present condition for the right and privilege hereby given;

(b) perform all work associated with the maintenance of the access route across the Licensed Area at his sole cost;

(c) comply with the Licensor's standard Terms and Conditions, as attached to this License as **Exhibit B**, and comply with all present and future applicable laws and requirements of public authorities in respect to its use of the Licensed Area; and

(d) Maintain during the Term, at Licensee's expense, and require any contractors to maintain insurance, including commercial general liability insurance in the minimum amount of $1,000,000 per occurrence and $2,000,000

aggregate with the policy endorsed to show Licensor as an additional insured. If Licensee's operations involve the use of automobiles or other motorized vehicles, Licensee shall maintain automobile liability insurance with limits of at least $1,000,000 per accident. If subject to the Worker's Compensation statute in Maryland, Licensee shall maintain Worker's Compensation and Employer's Liability Insurance the latter of which shall have limits of at least $1,000,000 per accident and disease. Licensee's insurance shall be primary and any insurance carried by Licensor shall be excess of and noncontributing with insurance afforded by this policy. As evidence of the insurance, the Licensee shall file with Licensor a certificate of insurance certifying all of the above insurances. The certificate shall indicate that Licensor has been named as an additional insured under the commercial general liability insurance, and provide that Licensor shall receive thirty (30) days prior written notice of non-renewal, cancellation of or modification to the policy, and indicate that the policies have been endorsed as described above. All insurance shall be placed and maintained with insurers authorized to do business in the State of Maryland and who have an A.M. Best rating of A or better unless otherwise approved by Licensor.

5. **Non-disclosure**. Licensee agrees to keep confidential all terms and conditions of this License, except to the extent necessary to disclose the information to its successors and to service professionals such as attorneys or surveyors. Licensee agrees to make all successors and service professionals aware of this non-disclosure requirement, and use its reasonable efforts to cause its service professionals to agree to the same. Licensor expressly authorizes Licensee to disclose this License Agreement as part of his pending request for certain zoning relief associated with the proposed landscape service operation use approval. Any breach by Licensee of this non-disclosure requirement shall be grounds for immediate termination of the license by Licensor.

6. **Notices**. It is agreed that all notices that are required to be given by either party may be either personally delivered or sent by registered or certified mail, return receipt requested, properly addressed and postage prepaid to the addressee listed below, unless another address shall have been substituted for such by notice in writing. Such notice shall be addressed to:

Licensor: Baltimore Gas and Electric Company
1068 N. Front Street, Room 302
Baltimore, Maryland 21202
Attn: Supervisor, Real Estate

copy to: Baltimore Gas and Electric Company
1068 N. Front Street, Room 302
Baltimore, Maryland 21202
Attn: Supervisor, Forestry Operations

Licensee: Gregory Mangum
12845 Dover Road
Reisterstown, MD 21236

Notices shall be deemed to have been given on the second business day after the same has been mailed by registered or certified mail, return receipt requested, or on the day when hand delivered against receipt.

7. **General**.

(a) The License hereunder shall be construed in accordance with the laws of the State of Maryland.

(b) In the event of a waiver at any time by the Licensor of any condition of this License, the waiver shall extend to the particular incident or case only and in the manner specified, and the waiver shall not be construed as applying to any further or other rights hereunder.

(c) If any provision of this License shall be determined to be void by any court of competent jurisdiction, then such determination shall not affect any other provision of this License, all of which other provisions shall remain in full force and effect. It is the intention of the parties that if any provision of this License is capable of two constructions, one of which would render the provision void and the other of which would render the provision valid, then the provision shall have the meaning which renders it valid.

(d) This License, including the Exhibits, shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this License shall not be binding upon either party except to the extent incorporated in this License. Any modification of this License or additional obligation assumed by either party in connection with this License shall be binding only if evidenced in writing signed by each party.

IN WITNESS WHEREOF, the parties have caused this License to be duly executed the day and year first above written.

[Signatures on following page]

WITNESS:

BALTIMORE GAS AND ELECTRIC COMPANY

By: _____(SEAL)
J. Gary Bowers
Manager, Real Estate

WITNESS:

By: _____(SEAL)
Gregory Mangum

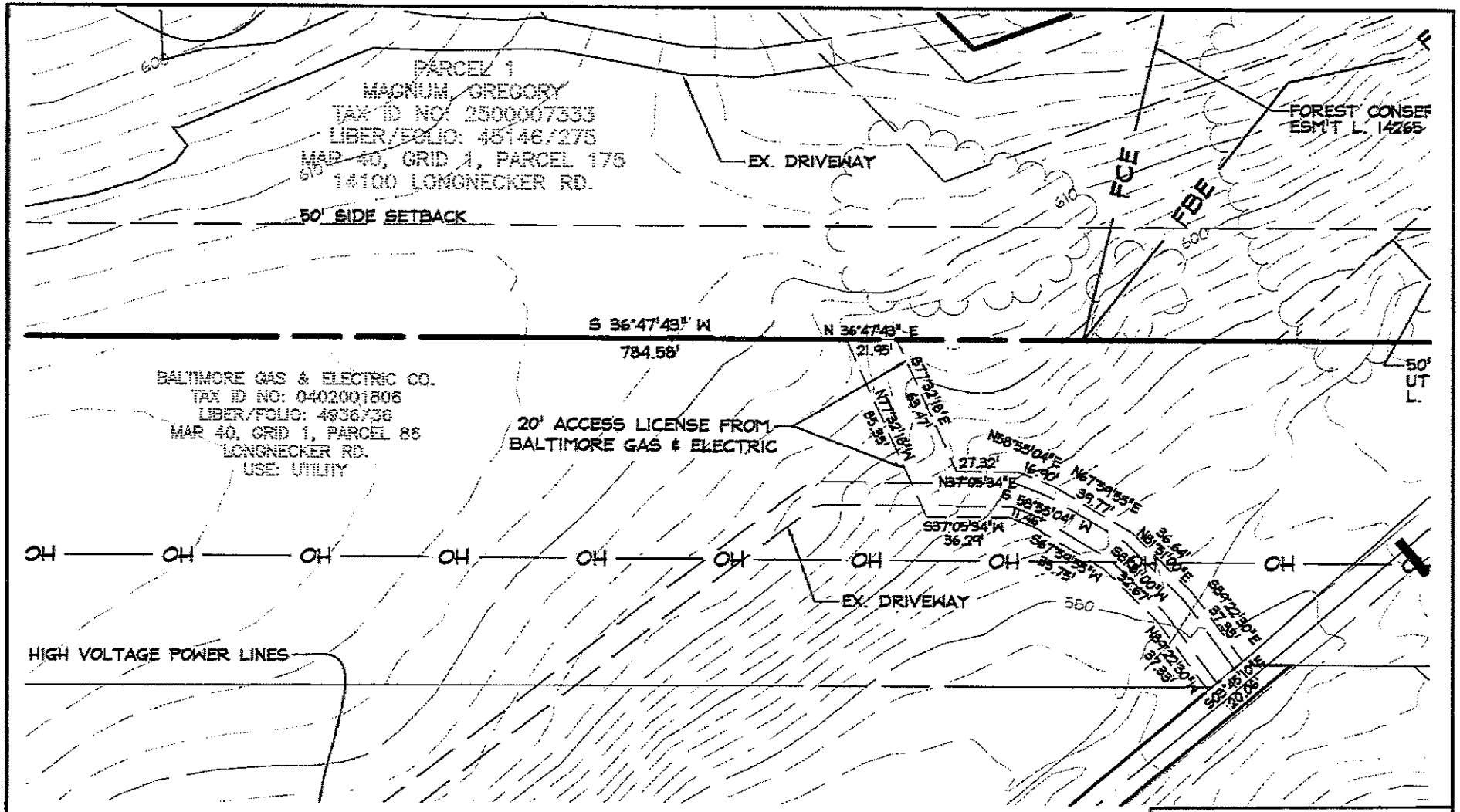


EXHIBIT 'A'

20' ACCESS LICENSE FROM BALTIMORE GAS & ELECTRIC

DDC JOB#:	21041.1
DATE:	9/18/22
SCALE:	1" = 60'
CHK. BY:	RBW
DRN. BY:	LJC

DDC INC
Development Design Consultants

Planners
Surveyors
Engineers
Landscape Architects

192 East Main Street
Westminster, MD 21157
410.386.0560
410.386.0564 (Fax)
DDC@DDCinc.us
www.DDCinc.us

EXHIBIT B

Terms, Conditions, Limitations and Reservations
Governing Property of the Baltimore Gas and Electric Company ("BGE")

1. The term "Licensee" as used herein shall refer to Gregory Mangum.

2. Full access to and from BGE's structures and facilities must be maintained at all times and BGE must not be impaired from performing any emergency operations, maintenance or construction work. If existing access to and along BGE's fee simple and/or easement property or access to BGE's facilities is denied due to the Licensee's construction or other activities, the Licensee will provide temporary access during construction and permanent access thereafter or reimburse BGE for access obtained by BGE after prior approval by the Licensee of said cost (and where applicable, the approval of other governmental agencies). Where any access road is relocated and/or disturbed, the road shall be thoroughly compacted and restored to a condition equal to or better than its present condition.

3. To the fullest extent permitted by law, Licensee agrees to indemnify, defend, protect, and hold harmless BGE, its successors and assigns, against and from any and all costs, liabilities, and expenses in respect of any and all loss of life or property, or injury or damage to persons or property of any person, firm or corporation (including the parties hereto, their respective officers, agents and employees) and against and from any and all claims, demands, and actions in respect to such loss, injury, or damage, caused by or growing out of the existence or the installation, construction, reconstruction, maintenance, repair, operation and/or inspection of Licensee's facility, provided that such loss, injury, or damage is not caused by the vehicular traffic of the general public after completion of construction of the Licensee's facility.

4. BGE reserves the right for itself, its successors and assigns, to construct, reconstruct, operate, and maintain present and/or future gas, electric and/or communication facilities, cables, pipes, wires and mains, and appurtenant facilities including, but not limited to, steam, sewer, oil, and water lines under and over the herein described parcel(s) of land together with (a) the right of BGE, its successors and assigns, to cut, trim, and top and keep cut, trimmed and topped any trees, which in the sole judgment of BGE, its successors and assigns, might interfere with or fall upon BGE's facilities, and (b) such rights of ingress and egress as are necessary to exercise all of the above rights. Any future installations or improvements by BGE pursuant to this reservation are to be accomplished after prior notice to the Licensee and under such satisfactory and coordinated arrangements between BGE and Licensee as will not interfere with the rights granted herein.

5. The Licensee shall be responsible for obtaining any and all permits required by law before performing any work upon BGE's premises.

6. No grading, digging or excavating is permitted on BGE Land. The Licensee agrees to notify "Miss Utility" at 1-800-257-7777 at least forty-eight (48) hours prior to commencement of any digging or excavation on any land adjacent to the BGE Land.

7. Five (5) working days' notice must be given before the start of the work of construction and of any future maintenance which will affect BGE's fee simple or easement property or BGE's facilities by telephoning Alvis Dickerson at 410-470 - 6722-between the hours of 7:00 AM and 3:30 PM so that arrangements can be made to send BGE's representative to the site of such work. When the Licensee's agents, servants, employees, and/or contractors call for this notification, please be sure to refer to this **Job Number ROE 22-102.**

8. Every precaution, including the grounding of the Licensee's equipment and materials, must be used while working near BGE's facilities. Maximum working height of any vehicle or equipment on BGE Land shall be fourteen (14) feet. Under no circumstances should the Licensee's equipment maintain less than twenty (20) feet clearance from any overhead transmission wires or less than fifteen (15) feet clearance from any other overhead electric wires. In addition to these clearances required by BGE, the Licensee, its employees, agents, and contractors shall be subject to and must comply with those applicable provisions of the High Voltage Line Act, (Title 6 of the Labor and Employment Article of the Annotated Code of Maryland), as amended from time to time, and the Occupational Safety and Health Act Standards contained in Title 29 CFR Parts 1910 and 1926 and the Maryland Occupational Safety and Health Act, all as amended from time to time. In the event any grounding system is damaged, please contact BGE Transmission Engineering, at 410-470-6824 immediately to arrange for repair.

9. No vertical structures and/or elements, including but not limited to signs, poles, light standards and trees, shall be allowed to be constructed, raised or placed by Licensee anywhere within any BGE's fee simple and /or easement area without the written consent of BGE.

10. The Licensee shall not construct any buildings or structures on BGE's fee simple and/or easement property, except as expressly permitted in the Lease, Easement Agreement, Right of Entry or License to which these Terms, Conditions, Limitations and Reservations are attached.

11. Clearances between BGE's electric overhead wires and the finished grade of any construction shall be maintained in conformity with accepted good engineering practice and BGE's standards.

12. Clearances between BGE's underground facilities shall be maintained in conformity with accepted good engineering practice to avoid damage during construction and provide clearance for future maintenance. A minimum

horizontal clearance of five (5) feet and a vertical clearance of twelve (12) inches must be maintained with underground facilities, unless greater clearances or special protective measures are stipulated by BGE.

13. The Licensee, at its expense, will protect and support all BGE's facilities, install sheathing, and air ram the back fill of excavations including the use of select back fill materials as directed by BGE's representative, in order to avoid settlement which may result from the Licensee's construction. Hand excavation shall be required when working within three (3) feet of any of BGE's underground facilities.

14. No blasting within BGE's fee simple or easement property and/or within forty (40) feet of BGE's facilities will be permitted without prior approval by, and under arrangements satisfactory to, BGE. BGE shall be fully reimbursed in the event any damages occur as the result of such operations. BGE must be notified as provided for in Section 7 at least five (5) working days in advance of any blasting in order that it may arrange to have a representative on the job site.

15. No heavy equipment is to be moved by Licensee over BGE's underground facilities without its approval.

16. No change in grade is to be made that will reduce the cover over the underground facilities of BGE to less than three (3) feet or increase it to more than five (5) feet without requiring rearrangement of the said facilities or as otherwise approved by BGE.

17. No work will be permitted on BGE's fee simple and/or easement property within fifty (50) feet of any tower or steel pole foundation or within ten (10) feet of any wood pole existing as of the time of such work. Extreme care must be used when in proximity to BGE's towers.

18. Any undesirable sediment, erosion and/or drainage conditions or ponding of water on BGE's fee simple and/or easement property caused by acts of the Licensee, its agents and employees, which will adversely affect BGE's property or facilities, shall be the responsibility of the Licensee to correct.

19. Should any rearrangement, repairs, replacement, modification or protection of BGE's existing or planned facilities be necessitated by the construction of the Licensee, as determined by BGE, the Licensee will reimburse BGE for such expenses incurred. However, prior to performing such work, BGE will notify the Licensee of the estimated cost and will wait for instructions from the Licensee to proceed. It is agreed that should such work be required, BGE will be given a reasonable amount of time within which to complete said work.

20. In the event any rearrangement of BGE's facilities is required under Section 19 above, BGE must be given reasonable notice so that adequate time may be had in which the rearrangement of BGE's facilities may be accomplished.

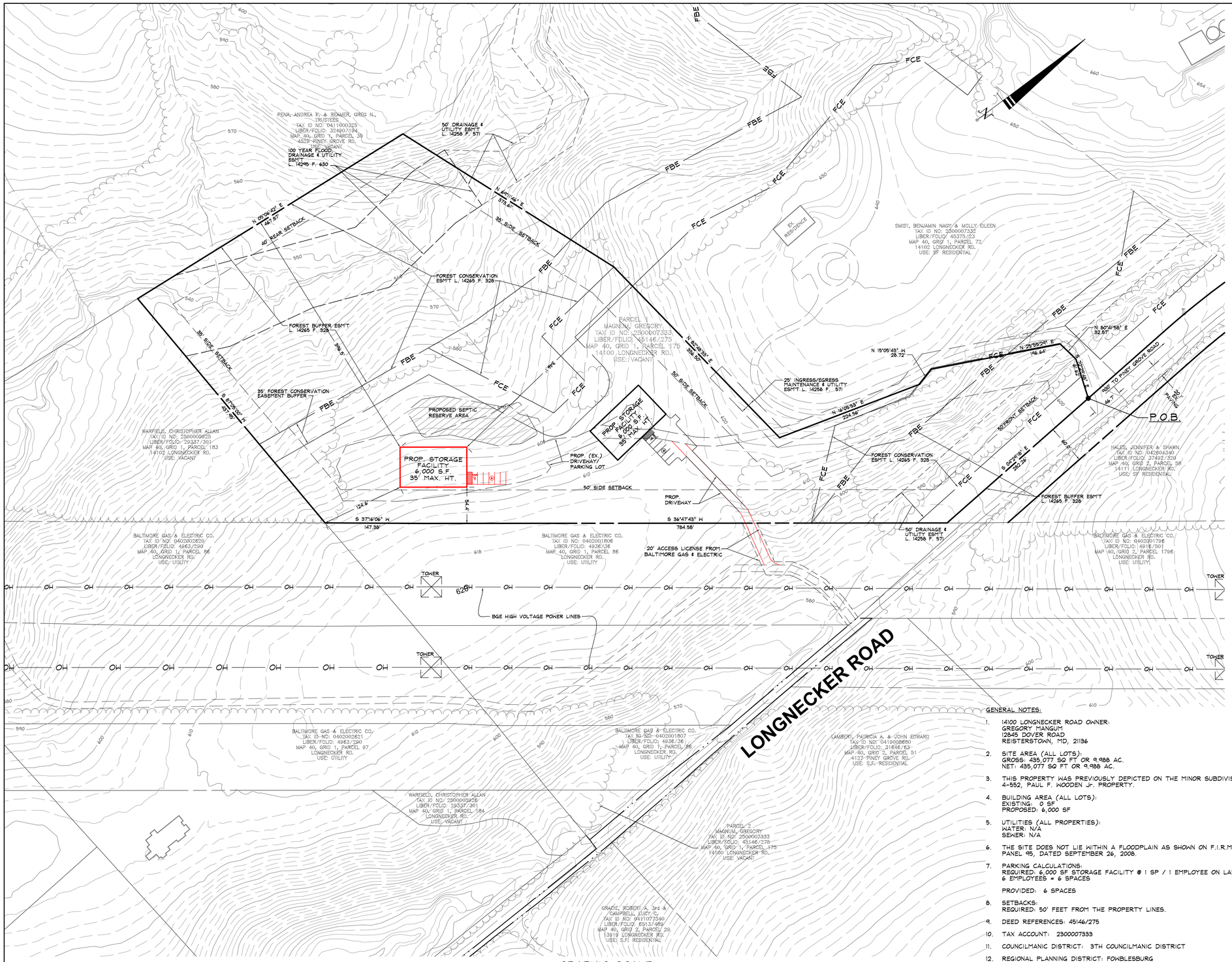
21. BGE's fee simple and/or easement property, if disturbed by construction or future maintenance operations, shall be restored to an acceptable condition including necessary screening and landscaping, if applicable, subject to BGE's approval.

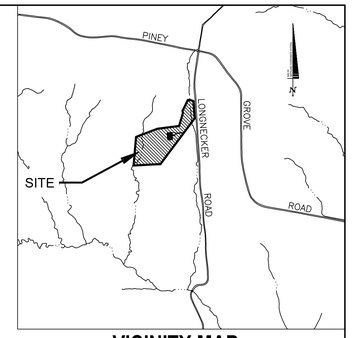
22. The Licensee shall notify its agents, servants, employees, and/or contractors performing the installation and maintenance of the Licensee's facilities of all conditions and provisions set forth herein.

23. Any increase in property taxes caused by the improvements placed on BGE's fee simple property by the Licensee will be paid by the Licensee. The Licensee agrees to pay such increase within thirty (30) days after receiving notification from BGE.

24. Licensee agrees to obtain approval from BGE prior to analyzing the soil through drilling or boring. Neither the installation of groundwater wells nor the siting of above-ground tanks or underground storage tanks is permitted on BGE's fee simple and/or easement property. Licensee further agrees to refrain from storing any waste materials or chemicals on BGE's fee simple and/or easement property which are deemed to be hazardous or toxic by either Federal or State regulatory entities. Licensee also agrees to be responsible for any offsets or other land restrictions, arising from Licensee's activities, which may be placed on BGE's fee simple and/or easement property as a result of the Chesapeake Bay Critical Areas requirements or any other applicable environmental laws or regulations. Licensee further agrees to reimburse, indemnify and hold harmless BGE, its officers, employees, agents, successors and assigns from and against any damage, liability, loss, penalty, charge, cost, deficiency (including, but not limited to, costs and expenses incident to monitorings, remedial actions, proceedings or investigations or the defense of any claim) arising out of, resulting from or related to any failure of the Licensee to duly perform or observe any term or provision to be performed or observed by the grantee as set forth in this paragraph and to pay BGE, its officers, employees, agents, successors and assigns on demand the full amount of any sum which BGE, its offices, employees, agents, successors and assigns pays or becomes obligated to pay on account of any such failure of the Licensee.

25. BGE's use of the R/W takes presidency over the adjacent property owner using the R/W for driveway access and is revokable whenever BGE sees fit. The driveway must be gravel and cannot exceed 8' in width. The proposed gravel driveway must conform to the existing contours and grading of the R/W and cannot rise above the existing grade. which could create ponding of water and prevent BGE's trucks and equipment from driving back and forth on the R/W. The requestor is responsible for any damage to the gravel driveway even if the damage is done by BGE's trucks. equipment or their contractors truck and equipment. The driveway for access purpose only and not to be used for parking of vehicles. storage of vehicles. RV's boats or equipment. Vehicles and/or equipment cannot exceed the height of (14') fourteen feet. The requestor assumes all liabilities of personal injury and vehicle damage. BGE needs 24/7/365 access across the R/w which may force BGE to close the driveway for to emergent situations and the requestor will need to find another way off of their property.





VICINITY MAP

SCALE: 1" = 1000'

Protestants' Exhibit 26

DRAWING LEGEND

- EXISTING MINOR CONTOUR (2' INTERVAL)
- EXISTING MAJOR CONTOUR (10' INTERVAL)
- ADJACENT PROPERTY LINE
- EXISTING PROPERTY BOUNDARY
- EX. ROAD / EDGE OF PAVING
- EX. SEWER LINE & MANHOLES, CLEAN-OUTS
- EX. OVERHEAD ELECTRIC & UTILITY POLES
- PROPOSED MINOR CONTOUR (2' INTERVAL)
- PROPOSED MAJOR CONTOUR (10' INTERVAL)
- EX. CURB AND GUTTER/PROP. CURB & GUTTER
- EXISTING ROAD/DRIVE CENTERLINE
- EXISTING TREES
- EX. BUILDING

ATTACHMENT TO PETITION FOR ZONING HEARING
14100 LONGNECKER ROAD
4th Councilmanic District
2nd Election District

Special Exception Relief for:

1. A landscape service operation, as provided in BCZR §1A01.2C.16, §404.1 & § 404.3; and
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Variance relief from Sections(s):

1. 404.1.A to permit an internal roadway to be located 0 feet from a property line in lieu of the minimum required 25 feet; and
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

PURPOSE NOTE:

THIS PLAN HAS BEEN PREPARED BECAUSE THE OWNER OF 14100 LONGNECKER ROAD INTENDS TO ACQUIRE A SPECIAL EXCEPTION FOR A LANDSCAPE SERVICE OPERATION.

DATA SOURCES:

EX. TOPOGRAPHY AND BOUNDARY SHOWN PER BALTIMORE COUNTY GIS DOWNLOADED DECEMBER, 2021. LOCATIONS SHOWN HEREON ARE APPROXIMATE AND ARE FOR ZONING PURPOSES ONLY.

GENERAL NOTES:

1. 14100 LONGNECKER ROAD OWNER:
   GREGORY MANGUM
   12845 DOVER ROAD
   REISTERSTOWN, MD, 21136
2. SITE AREA (ALL LOTS):
   GROSS: 435,077 SQ FT OR 9.988 AC.
   NET: 435,077 SQ FT OR 9.988 AC.
3. THIS PROPERTY WAS PREVIOUSLY DEPICTED ON THE MINOR SUBDIVISION PLAN 4-552, PAUL F. WOODEN Jr. PROPERTY.
4. BUILDING AREA (ALL LOTS):
   EXISTING: 0 SF
   PROPOSED: 6,000 SF
5. UTILITIES (ALL PROPERTIES):
   WATER: N/A
   SEWER: N/A
6. THE SITE DOES NOT LIE WITHIN A FLOODPLAIN AS SHOWN ON F.I.R.M. 24001C0095F, PANEL 95, DATED SEPTEMBER 26, 2008.
7. PARKING CALCULATIONS:
   REQUIRED: 6,000 SF STORAGE FACILITY @ 1 SP / 1 EMPLOYEE ON LARGEST SHIFT
   6 EMPLOYEES = 6 SPACES
   PROVIDED: 6 SPACES
8. SETBACKS:
   REQUIRED: 50' FEET FROM THE PROPERTY LINES.
9. DEED REFERENCES: 45146/275
10. TAX ACCOUNT: 2300007333
11. COUNCILMANIC DISTRICT: 3TH COUNCILMANIC DISTRICT
12. REGIONAL PLANNING DISTRICT: FOWBLESBURG
13. CENSUS TRACT: 4046
14. WATERSHED: LOCH RAVEN RESERVOIR
15. ZONING: RC-2 (PER MAP TILE 040A1)
16. PREVIOUS ZONING CASES ON FILE:
    1971-0253-X: FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF A 500 KV ELECTRIC TRANSMISSION LINE- GRANTED.
    1972-0098-X: FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF A 500 KV ELECTRIC TRANSMISSION LINE- GRANTED.
    1988-0210-SPH: TO AMEND CASE 71-253-X FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF A 115 KV OVERHEAD ELECTRIC TRANSMISSION LINE- GRANTED.
17. PERMITS ON FILE: NONE
18. FLOOR AREA FOR RC-2: NO MORE THAN ONE PRINCIPAL RESIDENCE PER LOT.
19. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
20. THIS AREA HAS NO PUBLIC WATER SERVICE, SO THERE IS NO NEARBY FIRE HYDRANT.
21. THE SITE IS NOT WITHIN ANY FAILING AREA ON THE BASIC SERVICES MAPS.
22. 14100 LONGNECKER ROAD IS NOT LOCATED WITHIN A COMMERCIAL REVITALIZATION AREA.

REDLINE

9/29/2022
DATE

STATE OF MARYLAND · ANDREW JAMES STINE · 3222 · LANDSCAPE ARCHITECT

ANDREW J. STINE
LANDSCAPE ARCHITECT NO. 3222

DDC inc.
Development Design Consultants
Planners
Surveyors
Engineers
Landscape Architects
192 East Main Street
Westminster, MD 21157
410.386.0560
410.386.0564 (Fax)
DDC@DDCinc.us
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OWNER:
MANGUM, GREGORY
14845 DOVER ROAD
REISTERSTOWN, MD 21136

DEVELOPER:
SAME AS OWNER

SITE ADDRESS:
14100 LONGNECKER ROAD
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14100 LONGNECKER ROAD

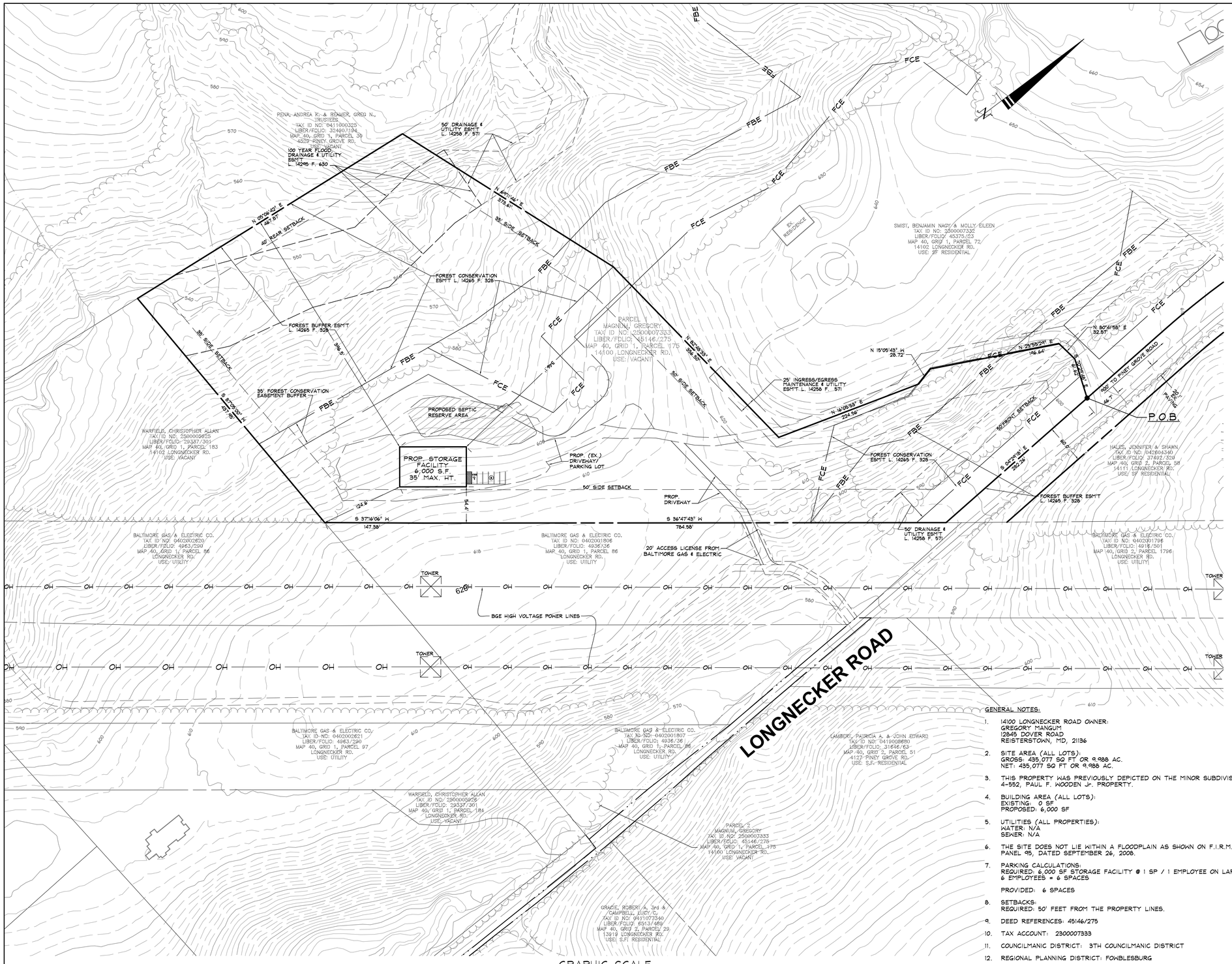
PLAN TO ACCOMPANY APPLICATION FOR SPECIAL EXCEPTION

3RD COUNCILMANIC DISTRICT
4TH ELECTION DISTRICT BALTIMORE COUNTY

REVISIONS

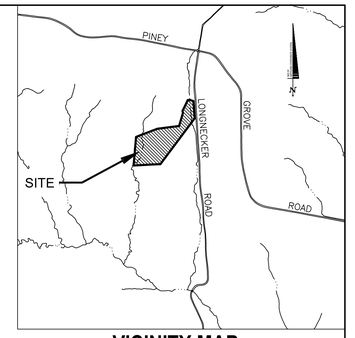
NO.	DESCRIPTION OF CHANGES	DRN.	REV.	DATE

CO. FILE #: N/A	DES. BY: DDC
TAX ACC. #: 1200007333	DRN. BY: CWJ
TAX MAP: 40	CHK. BY: AJS
BLOCK / GRID: 001	DATE: 09/29/2022
PARCEL #: 175	DDC JOB#: 21041.1
ZONE / USE: RC-2	SHEET NUMBER: 1 of 1
DWG. SCALE: 1"=60'	



GRAPHIC SCALE

60 0 60 120 180



VICINITY MAP

SCALE: 1" = 1000'

Protestants' Exhibit 27

DRAWING LEGEND

- EXISTING MINOR CONTOUR (2' INTERVAL)
- EXISTING MAJOR CONTOUR (10' INTERVAL)
- ADJACENT PROPERTY LINE
- EXISTING PROPERTY BOUNDARY
- EX. ROAD / EDGE OF PAVING
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- EX. OVERHEAD ELECTRIC & UTILITY POLES
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- PROPOSED MAJOR CONTOUR (10' INTERVAL)
- EX. CURB AND GUTTER/PROP. CURB & GUTTER
- EXISTING ROAD/DRIVE CENTERLINE
- EXISTING TREES
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ATTACHMENT TO PETITION FOR ZONING HEARING
14100 LONGNECKER ROAD
4th Councilmanic District
2nd Election District

Special Exception Relief for:

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9/29/2022
DATE

STATE OF MARYLAND · ANDREW JAMES STINE · 3222 · LANDSCAPE ARCHITECT

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DEVELOPER:
SAME AS OWNER

SITE ADDRESS:
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REISTERSTOWN, MD 21136

14100 LONGNECKER ROAD

PLAN TO ACCOMPANY APPLICATION FOR SPECIAL EXCEPTION

3RD COUNCILMANIC DISTRICT
4TH ELECTION DISTRICT — BALTIMORE COUNTY

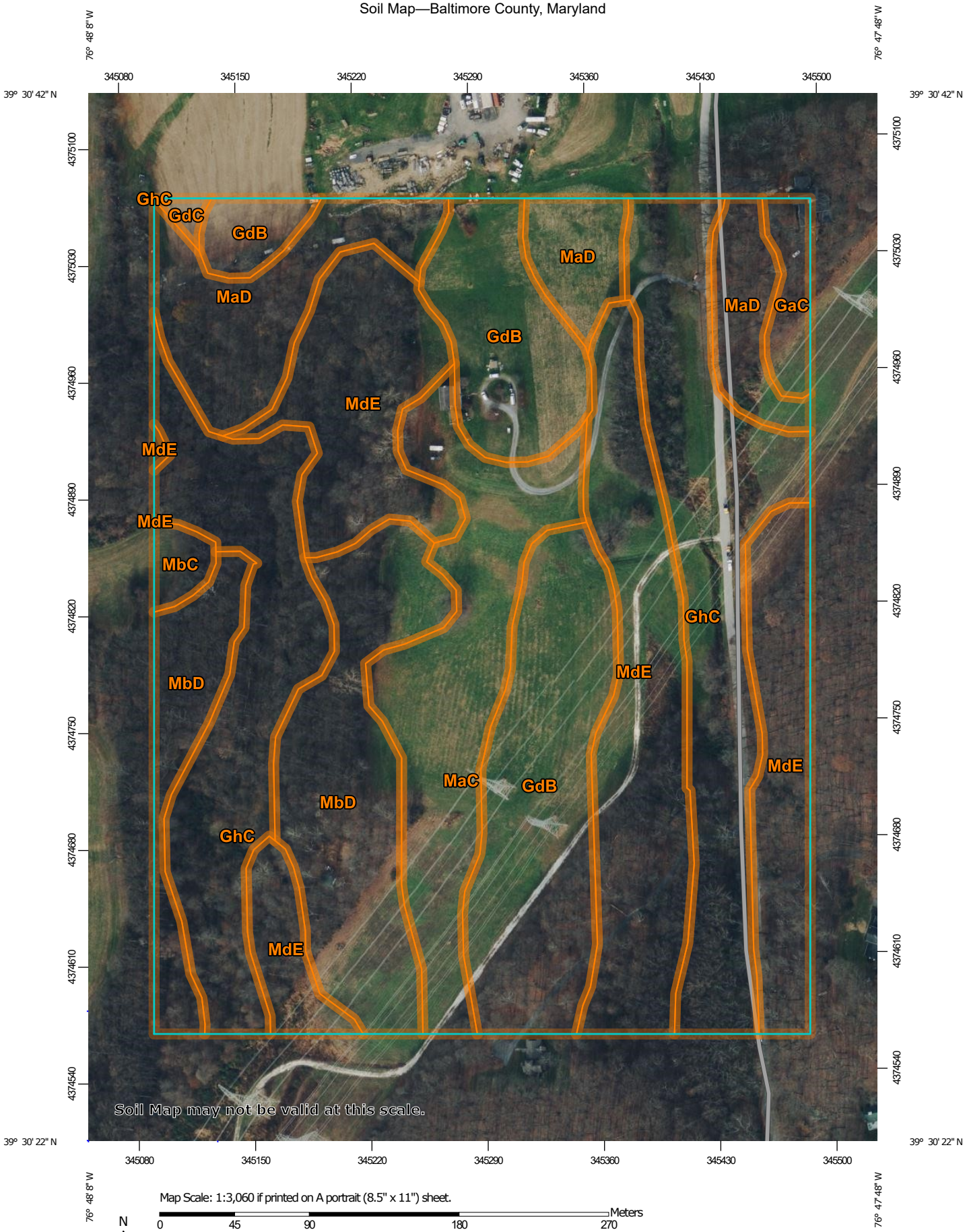
REVISIONS

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PARCEL #: 175	DDC JOB#: 21041.1
ZONE / USE: RC-2	SHEET NUMBER: 1 of 1
DWG. SCALE: 1"=60'	

Protestants' Exhibit 28

Soil Map—Baltimore County, Maryland



MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features

- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Baltimore County, Maryland
Survey Area Data: Version 16, Aug 26, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 23, 2020—Nov 20, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
GaC	Gaila loam, 8 to 15 percent slopes	0.7	1.4%
GdB	Glenelg loam, 3 to 8 percent slopes	8.2	16.8%
GdC	Glenelg loam, 8 to 15 percent slopes	0.1	0.3%
GhC	Glenville silt loam, somewhat poorly drained, 8 to 15 percent slopes	11.2	22.8%
MaC	Manor loam, 8 to 15 percent slopes	4.9	10.1%
MaD	Manor loam, 15 to 25 percent slopes	4.9	10.1%
MbC	Manor channery loam, 8 to 15 percent slopes	0.4	0.8%
MbD	Manor channery loam, 15 to 25 percent slopes	6.5	13.2%
MdE	Manor-Brinklow complex, 25 to 45 percent slopes, very rocky	12.1	24.6%
Totals for Area of Interest		**49.1**	**100.0%**

Protestants'
Exhibit 29

14100 Longnecker Road - 2010 Aerial Photo



SURVEYOR'S CERTIFICATE

This is to certify that this Boundary & Location Survey was personally prepared by me or that I was in responsible charge over it's preparation and the surveying work reflected in it and that this Survey is in compliance with COMAR Sections 09.13.06.12 of the Minimum Standards of Practice as now adopted by the board for Professional Land Surveyors.

Scott M. Landis — 10/03/2022 — DATE

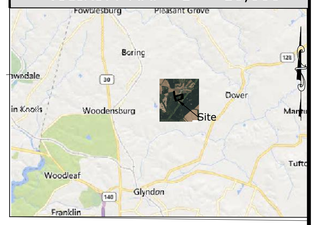
Scott M. Landis
Professional Land Surveyor, Maryland No. 21613
Expires/Renews: 8-18-2023

STATE OF MARYLAND · SCOTT M. LANDIS · NO. 21613 · PROFESSIONAL LAND SURVEYOR

60 0 60 120
Scale: 1 inch = 60 feet

NAD 83/11 (Maryland State Grid)

VICINITY MAP - 1" = 10,000'



ZONING INFORMATION

*Zoning Information is provided from ZONING REGULATIONS of BALTIMORE COUNTY, MARYLAND Codified through Bill No. 13-2022, adopted March 28, 2022. (Supp. No. 5) (Online content updated on June 23, 2022.)

1. Zoning District: RC-2 "Rural Conservation-Agriculture"

2. Current Use: "Single Family Residential"

3. Section 1A01.3. - Height and area regulations.

   A. Height regulation. No structure hereafter erected in an R.C.2 Zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.B.Area regulations. [Bill No. 178-1979]

   B. Setback requirements. No principal structure or dwelling (whether or not it's a principal structure) in an RC2 Zone may be situated within 75 ft of the center line of any street or within 35 feet of any lot line other than a street line.

   C. Principal dwellings per lot. No more than one principal dwelling is permitted on any lot in an R.C.2 Zone.

4. Site is in compliance with current Baltimore County Zoning Ordinance and there are no known Zoning Violations.

MISCELLANEOUS NOTES

GENERAL NOTES

1. This survey was prepared without the benefit of a Title Report, which may reveal additional County Easements, Right-of-Ways, and Building Restriction Lines that are not shown hereon.

2. For reference see:
   Tax Map 29 Grid 16, Parcel 72
   Deed Reference: Liber 45375, Folio 23.

3. Property address is: 14102 Longnecker Rd Reisterstown, MD 21071-4805 (from record documents and as observed in the field)

4. The Topographic Survey for this plat was completed in September, 2022, by BPR, LLC, Westminster, MD.

5. The Horizontal Datum is NAD83/11 MD State Grid and is based on Baltimore County Survey Control Points AZ-2188, and GIS-188.

6. The Vertical Datum is NAVD/88 and is based on the same Baltimore County Survey Control Points.

7. 27 ft Denotes approximate place of and the Building height measurement. All Heights are measured from the ground to the top of roof, at the location noted on plan.

8. Existing Utility Locations are approximate. They are based upon best available records and/or field location. They need to be verified prior to construction.
   For Reference See: Baltimore County GIS

LEGEND OF SYMBOLS & ABBREVIATIONS

SURVEY LEGEND OF SYMBOLS & ABBREVIATIONS

BENCH MARK SYMBOL (1000)
CONC. CURB & GUTTER
STORM-DRAIN PIPE
EXISTING BUILDING
METAL FENCE LINE
WOODEN FENCE LINE
BOUNDARY
ADJOINING BOUNDARY
MINOR CONTOURS
MAJOR CONTOURS
STORM DRAIN MANHOLE (S)
STORM DRAIN INLET
STORMWATER INVERT
UTILITY POLE
GUY WIRE
LIGHT POLE
STREET LIGHT POLE
DECIDUOUS TREE
CONIFEROUS TREE
CONCRETE BOLLARD
CLEAN OUT
SANITARY MANHOLE (S)
UTILITY VAULT (V)
FLAG POLE
ADA PARKING
BOUNDARY CORNER
MAILBOX
FIRE HYDRANT
WATER VALVE
MONITORING WELL (MW)
GAS VALVE
GAS METER (GM)
HVAC

(R) RECORD
(M) MEASURED
(C) CALCULATED
SSWR SANITARY SEWER
BRL BLDG. RESTRICTION LINE
MBSL MINIMUM BLDG. SETBACK LINE
CL CENTERLINE
IPF IRON PIPE FND.
IPS IRON PIPE SET
RBCF REBAR & CAP FND.
RBCS REBAR & CAP SET
DB DEED BOOK
PB PLAT BOOK
PG PAGE
POB POINT OF BEGINNING
SD STORM DRAIN
DIG DROP INLET GRATE
COG CURB OPENING GRATE
ROW RIGHT OF WAY
ESMT EASEMENT

Protestants' Exhibit 30

SURVEYOR'S CERTIFICATE

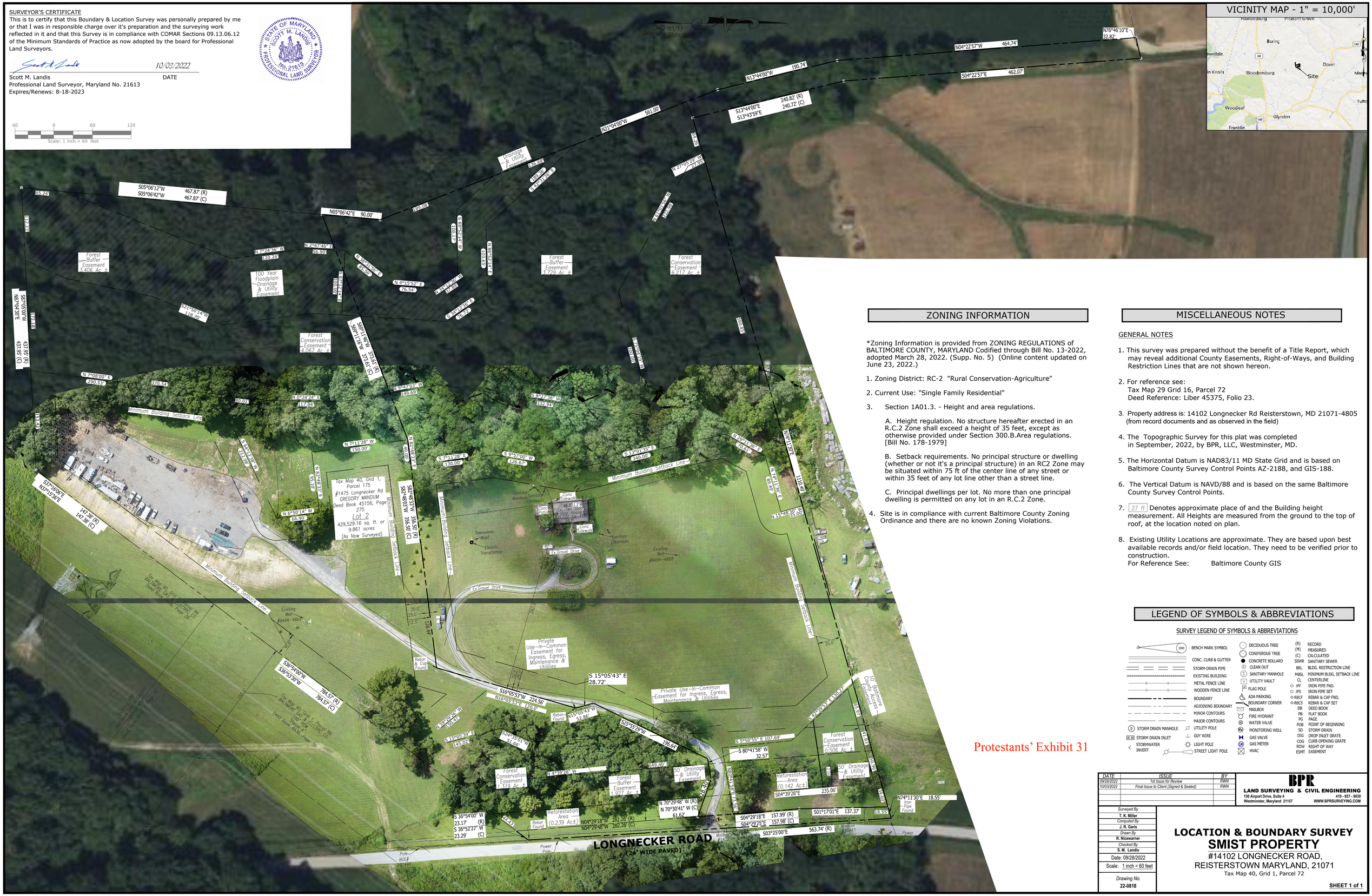
This is to certify that this Boundary & Location Survey was personally prepared by me or that I was in responsible charge over it's preparation and the surveying work reflected in it and that this Survey is in compliance with COMAR Sections 09.13.06.12 of the Minimum Standards of Practice as now adopted by the board for Professional Land Surveyors.

STATE OF MARYLAND
SCOTT M. LANDIS
No. 21613
PROFESSIONAL LAND SURVEYOR

10/03/2022
DATE

Scott M. Landis
Professional Land Surveyor, Maryland No. 21613
Expires/Renews: 8-18-2023

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Scale: 1 inch = 60 feet



VICINITY MAP - 1" = 10,000'

ZONING INFORMATION

*Zoning Information is provided from ZONING REGULATIONS of BALTIMORE COUNTY, MARYLAND Codified through Bill No. 13-2022, adopted March 28, 2022. (Supp. No. 5) (Online content updated on June 23, 2022.)

1. Zoning District: RC-2 "Rural Conservation-Agriculture"

2. Current Use: "Single Family Residential"

3. Section 1A01.3. - Height and area regulations.

   A. Height regulation. No structure hereafter erected in an R.C.2 Zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.B.Area regulations. [Bill No. 178-1979]

   B. Setback requirements. No principal structure or dwelling (whether or not it's a principal structure) in an RC2 Zone may be situated within 75 ft of the center line of any street or within 35 feet of any lot line other than a street line.

   C. Principal dwellings per lot. No more than one principal dwelling is permitted on any lot in an R.C.2 Zone.

4. Site is in compliance with current Baltimore County Zoning Ordinance and there are no known Zoning Violations.

MISCELLANEOUS NOTES

GENERAL NOTES

1. This survey was prepared without the benefit of a Title Report, which may reveal additional County Easements, Right-of-Ways, and Building Restriction Lines that are not shown hereon.

2. For reference see:
   Tax Map 29 Grid 16, Parcel 72
   Deed Reference: Liber 45375, Folio 23.

3. Property address is: 14102 Longnecker Rd Reisterstown, MD 21071-4805 (from record documents and as observed in the field)

4. The Topographic Survey for this plat was completed in September, 2022, by BPR, LLC, Westminster, MD.

5. The Horizontal Datum is NAD83/11 MD State Grid and is based on Baltimore County Survey Control Points AZ-2188, and GIS-188.

6. The Vertical Datum is NAVD/88 and is based on the same Baltimore County Survey Control Points.

7. 27 ft Denotes approximate place of and the Building height measurement. All Heights are measured from the ground to the top of roof, at the location noted on plan.

8. Existing Utility Locations are approximate. They are based upon best available records and/or field location. They need to be verified prior to construction.
   For Reference See: Baltimore County GIS

LEGEND OF SYMBOLS & ABBREVIATIONS

SURVEY LEGEND OF SYMBOLS & ABBREVIATIONS

1000	BENCH MARK SYMBOL		DECIDUOUS TREE	(R)	RECORD
	CONC. CURB & GUTTER		CONIFEROUS TREE	(M)	MEASURED
	STORM-DRAIN PIPE		CONCRETE BOLLARD	(C)	CALCULATED
	EXISTING BUILDING		CLEAN OUT	SSWR	SANITARY SEWER
	METAL FENCE LINE		SANITARY MANHOLE	BRL	BLDG. RESTRICTION LINE
	WOODEN FENCE LINE		UTILITY VAULT	MBSL	MINIMUM BLDG. SETBACK LINE
	BOUNDARY		FLAG POLE	CL	CENTERLINE
	ADJOINING BOUNDARY		ADA PARKING	IPF	IRON PIPE FND.
	MINOR CONTOURS		BOUNDARY CORNER	IPS	IRON PIPE SET
	MAJOR CONTOURS		MAILBOX	RBCF	REBAR & CAP FND.
D	STORM DRAIN MANHOLE		FIRE HYDRANT	RBCS	REBAR & CAP SET
	STORM DRAIN INLET		WATER VALVE	DB	DEED BOOK
	STORMWATER INVERT		UTILITY POLE	PB	PLAT BOOK
			GUY WIRE	PG	PAGE
			MONITORING WELL	POB	POINT OF BEGINNING
			LIGHT POLE	SD	STORM DRAIN
			GAS VALVE	DIG	DROP INLET GRATE
			STREET LIGHT POLE	COG	CURB OPENING GRATE
			GAS METER	ROW	RIGHT OF WAY
			HVAC	ESMT	EASEMENT

Protestants' Exhibit 31

DATE	ISSUE	BY
09/28/2022	1st Issue for Review	RWN
10/03/2022	Final Issue to Client (Signed & Sealed)	RWN

BPR
LAND SURVEYING & CIVIL ENGINEERING
150 Airport Drive, Suite 4 410 - 857 - 9030
Westminster, Maryland 21157 WWW.BPRSURVEYING.COM

Surveyed By	T. K. Miller
Computed By	J. R. Garis
Drawn By	R. Nicewarner
Checked By	S. M. Landis
Date: 09/28/2022	
Scale: 1 inch = 60 feet	
Drawing No.	22-0818

LOCATION & BOUNDARY SURVEY
SMIST PROPERTY
#14102 LONGNECKER ROAD,
REISTERSTOWN MARYLAND, 21071
Tax Map 40, Grid 1, Parcel 72

SHEET 1 of 1

14100 Longnecker Road - Aerial Photo April 2022

Protestants' Exhibit 32



14100 Longnecker Road - Aerial Photo April 2022

Protestants' Exhibit 33



Protestants' Exhibit 34

JOHN A. OLSZEWSKI, JR.
County Executive

DAVID V. LYKENS, *Director*
Department of Environmental Protection and Sustainability

October 24, 2022

Mr. Gregory Mangum
12845 Dover Road
Reisterstown, MD 21136

CORRECTION NOTICE
RE: 14100 Longnecker Road – Correction Notice

Dear Landowner:

During an easement inspection on October 11, 2022, representatives of Environmental Impact Review (EIR) found violations within the Forest Conservation and Forest Buffer Easements (FC/FBE) on your property. These buffers are "non-disturbance" areas intended to protect stream systems by filtering nutrients and toxins, reducing stream bank erosion, controlling sedimentation, providing infiltration of storm water runoff, and establishing and/or protecting riparian habitat among other functions. Any disturbance of the FC/FBE area requires written permission from this Department. "Disturbance" includes, but is not limited to, cutting of vegetation, grading, filling, or placement of any structures.

Visual inspection noted trees and vegetation had been removed from within the easement and approximately 20,000 square feet of the FC/FBE is being maintained as lawn. Recent grading and filling was also present on site, but outside of the FC/FBE. Runoff from the grading is going into the FC/FBE. This is in violation of Baltimore County Code (BCC) Article 33, Title 3, Subsection 112 (Protection of Water Quality, Streams, Wetlands and Floodplains), Article 33 Title 6, Subsection 11(c)(3), as well as the Declaration of Protective Covenants, Conditions, and Restrictions recorded in the Land Records of Baltimore County in liber 14265, folio 328 (see enclosed).

In order to bring your property into compliance with the Baltimore County environmental regulations, you are hereby ordered to:

1. Immediately cease all mowing and other disturbance within the FC/FBE;
2. Submit a Restoration Plan to return the disturbed area to its pre-disturbance condition, including grading plan and a planting plan. The planting plan should be submitted with the grading plan under grading permit CEN22-000199. Planting should be at a density of 200 stems per acre of 1" caliper stock. Planting will require a posted security and a three year maintenance period;
3. Install twenty (20) protective signs, per the enclosed site map.

This correction notice is issued pursuant to BCC § 33-3-115(a) and § 3-6. Failure to abide by the deadline listed above may result in the issuance of a citation seeking civil monetary penalties for each violation. See BCC § 33-6-101 *et. seq.* The civil penalties will be assessed at Five Hundred Dollars ($500.00) per day, per violation, with each day constituting a separate offense. See B.C.C. § 1-2-217(b)(2), (c).

Please sign the statement below agreeing to meet these restoration requirements and return this entire countersigned letter to EIR.

Thank you in advance for your cooperation. If you have questions regarding your property and Forest Buffer regulations, contact me at agarcia@baltimorecountymd.gov or 410-887-3980.

Sincerely,

Art Garcia
Natural Resource Specialist
Environmental Impact Review

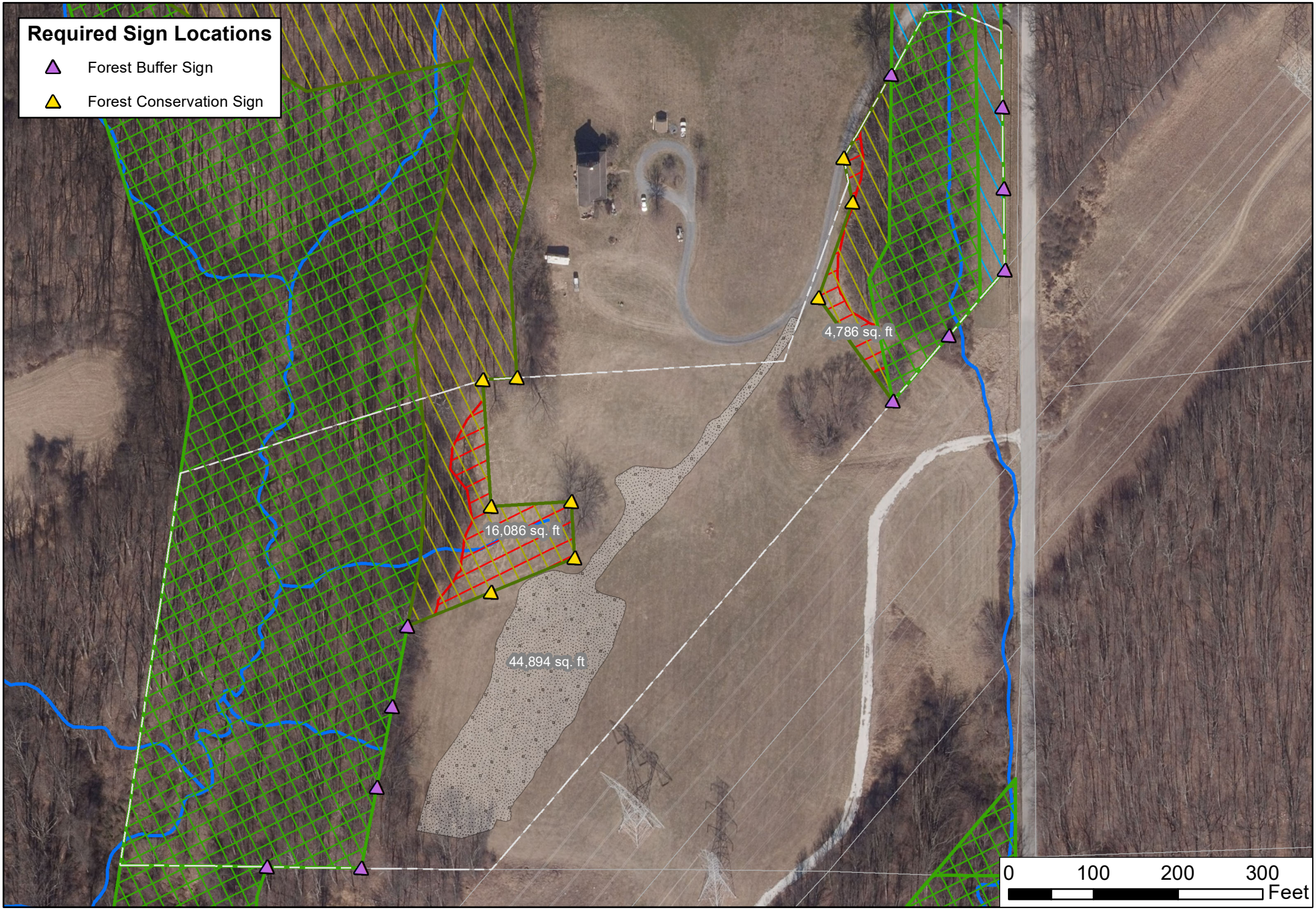
c: Kritty Udhin, Baltimore County DEPS
Kevin Koepenick, Baltimore County DEPS
Stephen Warfield, Matis Warfield, Inc.

Enclosures (3): 14100 Longnecker Road – Violation Map with Signs.pdf
Covenant 14265-328.pdf
Easement Sign Suppliers – All.pdf

I/we agree to the meet the requirements above to bring my/our property into compliance with both the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains and the Forest Conservation Law.

Owner's Signature Date

Owner's Printed Name and Title



14100 Longnecker Road
Reisterstown, MD 21136
Image Year: 2020

Forest Buffer Easement
Forest Conservation & Forest Buffer Easement
Forest Conservation Easement
Gravel
Easement Violation

Total Easement Disturbance: 20,872 sq. ft.

The cadastral information on this plot was compiled from existing deed information. This information is not to be considered authoritative. This survey information was not field checked and certified by a licensed land surveyor.

Print Date: 10/20/2022 **Prepared by:** ayg

N

Easement Sign Specifications & Suppliers

The companies listed below have agreed to stock signs for the "Forest Conservation Area" on your property. The specifications include:

6" x 8" size
.040 ga. Aluminum
green on white background
center hole top & bottom
wording that includes EPS's name & EIR's phone #



***SIGNS SHALL BE POSITIONED APPROXIMATELY 4-FEET OFF THE GROUND ON METAL POSTS.**
***AFFIX SIGNS USING METAL BOLTS.**

COMPANIES

Shannon-Baum Signs, 105 Competitive Goals Dr., Eldersburg, MD 21784 410/781-4000

Signsations, 126 Church Ln., Cockeysville, MD 21030 410/453-9003

The Tree Company, 20 N. Beaumont Ave., Catonsville, MD 21228 800/880-6295

The Forest Conservation Area must be posted with protective signs as shown on the approved Forest Conservation Plan, Forest Buffer Protection Plan, and/or building permit (as applicable or as required by EPS). Each sign shall be attached with two (2) bolts to a heavy gauge metal "U" post (weight 1.12 lbs./ft.). The above-ground portion of each sign/post shall be 4 feet high and each post shall be installed to a depth of 2 feet below grade. Please be advised that all protective signage is permanent and shall remain after all construction is complete.

0014265 328

RW 99-234
J-0-5-1-7500
#1 FBC District 4C3

FOREST BUFFER AND FOREST CONSERVATION
DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS

THIS DECLARATION, made this 11th day of January, ~~1999~~ 2010, by **PAUL F. WOODEN, JR.** and **DEBORAH I. WOODEN**, his wife, Owners, **JONATHAN E. LEE** and **TONIA M. LEE**, his wife, and **BRADLEY D. RUBY** and **HEATHER M. RUBY**, his wife, Contract Purchasers (collectively the "Declarants"); and **BALTIMORE COUNTY, MARYLAND**, a body corporate and politic (the "County").

WHEREAS, the Owners are the owner in fee simple of all that property situate and lying in the Fourth (4th) Election District of Baltimore County, Maryland, and more particularly described in a Deed dated August 18, 1992, and recorded among the Land Records of Baltimore County in Liber 9342, folio 594, from John A. Ebert to Paul F. Wooden, Jr. and Deborah I. Wooden, his wife, the Owners, (the "Property"); and

WHEREAS, Contract Purchasers have entered into Agreements to purchase Lots 1 and 2 on a Minor Subdivision Plan for "Paul F. Wooden Property"; and

WHEREAS, in order to protect the environmental quality of the areas of the Property, said areas being designated as follows: the areas containing1.319 acres, 0.506 acres, and 10.286 acres, more or less, as designated as the "Forest Conservation Easement", the areas containing 1.927 acres and 7.136 acres, more or less, as designated as the "Forest Buffer Easement", and the area containing 0.127 acres, more or less as designated as the "Forest Buffer/Forest Conservation Easement", which areas are shown on Baltimore County Bureau of Land Acquisition Drawings No. RW 99-234-1, 2, 3 & 4, which are attached hereto and made a part hereof, the Declarants desire to protect said Forest Buffer, Forest Conservation and Forest Buffer/Forest Conservation Easements by imposing covenants, conditions and restrictions which will bind the lots and the present and future owners thereof. The County shall have the legal right to enforce the covenants, conditions and restrictions as set forth herein together with the enforcement rights referenced in Section 4.

NOW, THEREFORE, in consideration of the benefits derived by the Declarants and their successors in interest, the said Declarants, for themselves, their successors and assigns, do hereby agree as follows:

1. a. Existing vegetation within the Forest Buffer and Forest Conservation Easement shall not be disturbed except as provided pursuant to Baltimore County Code, 1988, as amended (hereafter referred to as "the Code"), Section 14-342 and Section 14-409. This includes, but is not limited to, disturbance by tree removal, shrub removal, clearing, mowing, burning, spraying, and grazing;

b. Soil disturbance shall not take place within the Forest Buffer and Forest Conversation Easement by grading, stripping of topsoil, plowing, cultivating, or other practices;

c. Filling or dumping shall not occur within the Forest Buffer and Forest Conservation Easement;

d. Except as permitted by the Baltimore County Department of

BA CIRCUIT COURT (Land Records) [MSA CE 62-14120] SM 14265, p. 0328. Printed 08/24/2010. Online 03/08/2005.

Environmental Proteection and Resource Management ("DEPRM"), the Forest Buffer and Forest Conservation Easement shall not be drained by ditching, underdrains, or other drainage systems;

e. Pesticides shall not be stored, used, or applied within the Forest Buffer and Forest Conservation Easement, except for the spot spraying of noxious weeds consistent with the recommendations of the University of Maryland Cooperative Extension Service;

f. Animals shall not be housed, grazed, or otherwise maintained within the Forest Buffer and Forest Conservation Easement;

g. Motorized vehicles shall not be stored or operated within the Forest Buffer and Forest Conservation Easement, except for maintenance and emergency use approve by DEPRM;

h. Materials shall not be stored within the Forest Buffer and Forest Conservation Easement.

2. Waiver by DEPRM. The aforementioned covenants, conditions and restrictions may be waived or modified by variance only by DEPRM as provided in Section 14-334 and Section 14-415 of the Code.

3. Easement for Access. Declarants hereby grant to Baltimore County, Maryland, as easement of access to the Forest Buffer and Forest Conservation Easement as shown and indicated "ACCESS EASEMENT" on Baltimore County Bureau of land Acquisition Drawing No. RW 99-234-1, which is attached hereto and made a part hereof , for the limited purposes of inspecting and maintaining the Forest Buffer and Forest Conservation Easement and providing for the abatement and correction of water pollution, erosion, and sedimentation of stream channels, wetland, and flood plains, and for the purpose of ensuring compliance with the Forest Conservation Plan and the provisions of Section 14-401 through Section 14-422 of the Code and for no other purposes.

4. Miscellaneous.

a. Enforcement shall be pursuant to the Enforcement Procedures of Section 14-345 and Section 14-418 of the Code. Invalidation of any one or more of these covenants by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

b. Any failure by any party entitled to enforce any of the covenants, conditions and restrictions herein contained, shall in no event be deemed a waiver of the right to do so thereafter as to the same breach, or as to one occurring prior to, or subsequent thereto.

c. These covenants shall run with and be binding upon the Property and shall inure to the benefit of and be binding upon the Declarants, their successors and assigns. These covenants and the

BA CIRCUIT COURT (Land Records) [MSA CE 62-14120] SM 14265, p. 0329. Printed 08/24/2010. Online 03/08/2005.

rights and liabilities arising hereunder are governed by and shall be determined in accordance with the laws of the State of Maryland.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement at of the day and year first above written.

ATTEST/WITNESS

Lori A. Olszewski

Lori A. Olszewski

Tina M. Martin

Tina M. Martin

Lori A. Olszewski

Lori A. Olszewski

DECLARANTS:

(SEAL)
PAUL F. WOODEN, JR.

(SEAL)
DEBORAH I. WOODEN

(SEAL)
JONATHAN E. LEE

Tonia M Lee (SEAL)
TONIA M. LEE

(SEAL)
BRADLEY D. RUBY

(SEAL)
HEATHER M. RUBY

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 1st day of September, in the year 1999, before me, the subscriber, a Notary Public, personally appeared **PAUL F. WOODEN, JR.**, and acknowledged the foregoing Deed to be his act, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS My Hand and Notarial Seal.

Lawrence J. Hitchcock
Notary Public

My Commission Expires: 3/1/02

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

BA CIRCUIT COURT (Land Records) [MSA CE 62-14120] SM 14265, p. 0330. Printed 08/24/2010. Online 03/08/2005.

I HEREBY CERTIFY, that on this 1st day of September, in the year 1999, before me, the subscriber, a Notary Public, personally appeared **DEBORAH I. WOODEN**, and acknowledged the foregoing Deed to be her act, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS My Hand and Notarial Seal.

Lawrence J. Hitchcock
Notary Public

My Commission Expires: 7/1/01

STATE OF MARYLAND, COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY, that on this 24 day of September, in the year 1999, before me, the subscriber, a Notary Public, personally appeared **JONATHAN E. LEE**, and acknowledged the foregoing Deed to be his act, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS My Hand and Notarial Seal.

Tina M. Martin
Notary Public

My Commission Expires:
3-12-2005

TINA M. MARTIN NOTARY PUBLIC CARROLL COUNTY, MD

STATE OF MARYLAND, COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY, that on this 24 day of September, in the year 1999, before me, the subscriber, a Notary Public, personally appeared **TONIA M. LEE**, and acknowledged the foregoing Deed to be her act, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

BA CIRCUIT COURT (Land Records) [MSA CE 62-14120] SM 14265, p. 0331. Printed 08/24/2010. Online 03/08/2005.

AS WITNESS My Hand and Notarial Seal.

Tina M. Martin
Notary Public

My Commission Expires:
3-12-2003

TINA M. MARTIN NOTARY PUBLIC CARROLL COUNTY, MD.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 29th day of SEPTEMBER, in the year 1999, before me, the subscriber, a Notary Public, personally appeared **BRADLEY D. RUBY**, and acknowledged the foregoing Deed to be his act, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS My Hand and Notarial Seal.

Lawrence D. Hitchcock
Notary Public

My Commission Expires: 3/1/01

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 29th day of SEPTEMBER, in the year 1999, before me, the subscriber, a Notary Public, personally appeared **HEATHER M. RUBY**, and acknowledged the foregoing Deed to be her act, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS My Hand and Notarial Seal.

Lawrence D. Hitchcock
Notary Public

My Commission Expires: 3/1/01

BA CIRCUIT COURT (Land Records) [MSA CE 62-14120] SM 14265, p. 0332. Printed 08/24/2010. Online 03/08/2005.

JOINDER BY TRUSTEES/MORTGAGEE

See Purchase Money Mortgage, dated August 28, 1992, from the Declarants for the benefit of JOHN A. EBERT, and recorded among the Land Records of Baltimore County, Maryland, in Liber No. 9342, folio 597. The undersigned JOHN A. EBERT, Mortgagee joins herein to assent to the terms and provisions of this Declaration of Covenants, Conditions, and Restrictions and assent to waive and subordinate the lien of said Mortgage to the legal operation and effect of the interest being acquired by BALTIMORE COUNTY under this Declaration of Covenants, Conditions, and Restrictions.

Witness:

_____ _____ (SEAL)
JOHN A. EBERT

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 7th day of September, in the year 1999, before me, the subscriber, a Notary Public, personally appeared **JOHN A. EBERT**, Mortgagee, and he acknowledged the foregoing Deed to be his act as said Mortgagee, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS My Hand and Notarial Seal.

_____
Notary Public

My Commission Expires: 3/1/01

APPROVED:

_____
Department of Environmental
Protection and Resource Management

BA CIRCUIT COURT (Land Records) [MSA CE 62-14120] SM 14265, p. 0333. Printed 08/24/2010. Online 03/08/2005.

APPROVED FOR LEGAL FORM AND SUFFICIENCY*
(Subject to Execution by the Duly Authorized Administrative Official and/or Chairman of the County Council, as indicated)

OFFICE OF THE COUNTY ATTORNEY 2160
(*Approval of Legal Form and Sufficiency Does Not Convey Approval or Disapproval of the Substantive Nature of This Transaction. Approval is Base Upon Typeset Document All Modifications Require RE-Approval.)

APPROVED and ACCEPTED this 11th day of JANUARY, ~~1999~~ 2000.

ATTEST:

Donna Morrison

BALTIMORE COUNTY, MARYLAND

BY: John A. Wash

County Administrative Officer

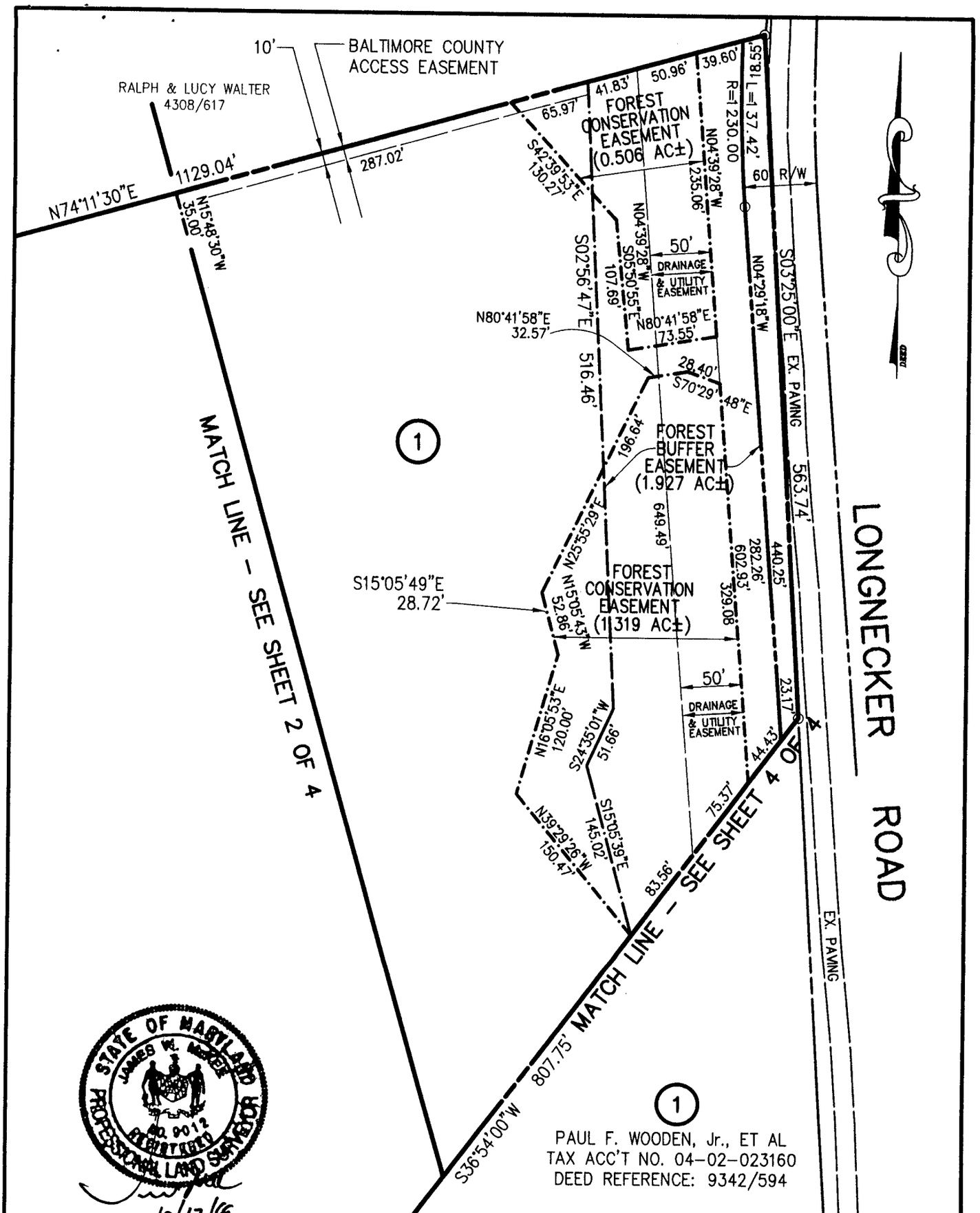
THIS IS TO CERTIFY THAT THE WITHIN INSTRUMENT WAS PREPARED BY AN ATTORNEY ADMITTED TO PRACTICE BEFORE THE COURT OF APPEALS OF MARYLAND.

MICHAEL G. RITCHEY, ESQUIRE

rdm\files\wooden\Forest Buffer-Conservation balt co

BA CIRCUIT COURT (Land Records) [MSA CE 62-14120] SM 14265, p. 0334. Printed 08/24/2010. Online 03/08/2005.

0014265 335



STATE OF MARYLAND
JAMES W. McKEE
NO. 9012
REGISTERED
PROFESSIONAL LAND SURVEYOR

10/17/99

PREPARED BY:
McKEE & ASSOCIATES, INC.
5 SHAWAN ROAD
HUNT VALLEY, MARYLAND
410-527-1555

1. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
2. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE OR FOREST BUFFER EASEMENTS AND FOREST CONSERVATION EASEMENTS EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

BALTIMORE COUNTY — DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT — BUREAU OF LAND ACQUISITION

DISTRICT NO. 4 C 3
POSITION SHEET NO.
CONSTRUCTION PLAN NO.
FEDERAL PROJECT NO.
MARYLAND PROJECT NO.

APPROVED DIRECTOR OF PUBLIC WORKS
DATE

APPROVED CHIEF, BUREAU OF LAND ACQUISITION
DATE

APPROVED SUPERVISOR, DIVISION OF DRAFTING
DATE

AREA TO BE ACQUIRED
EXISTING COUNTY R/W
REVERTIBLE SLOPE EASEMENT
AREA TO BE RELEASED
TEMPORARY CONSTRUCTION AREA
TEMPORARY SLOPE EASEMENT

ITEM NO.	RECORDED

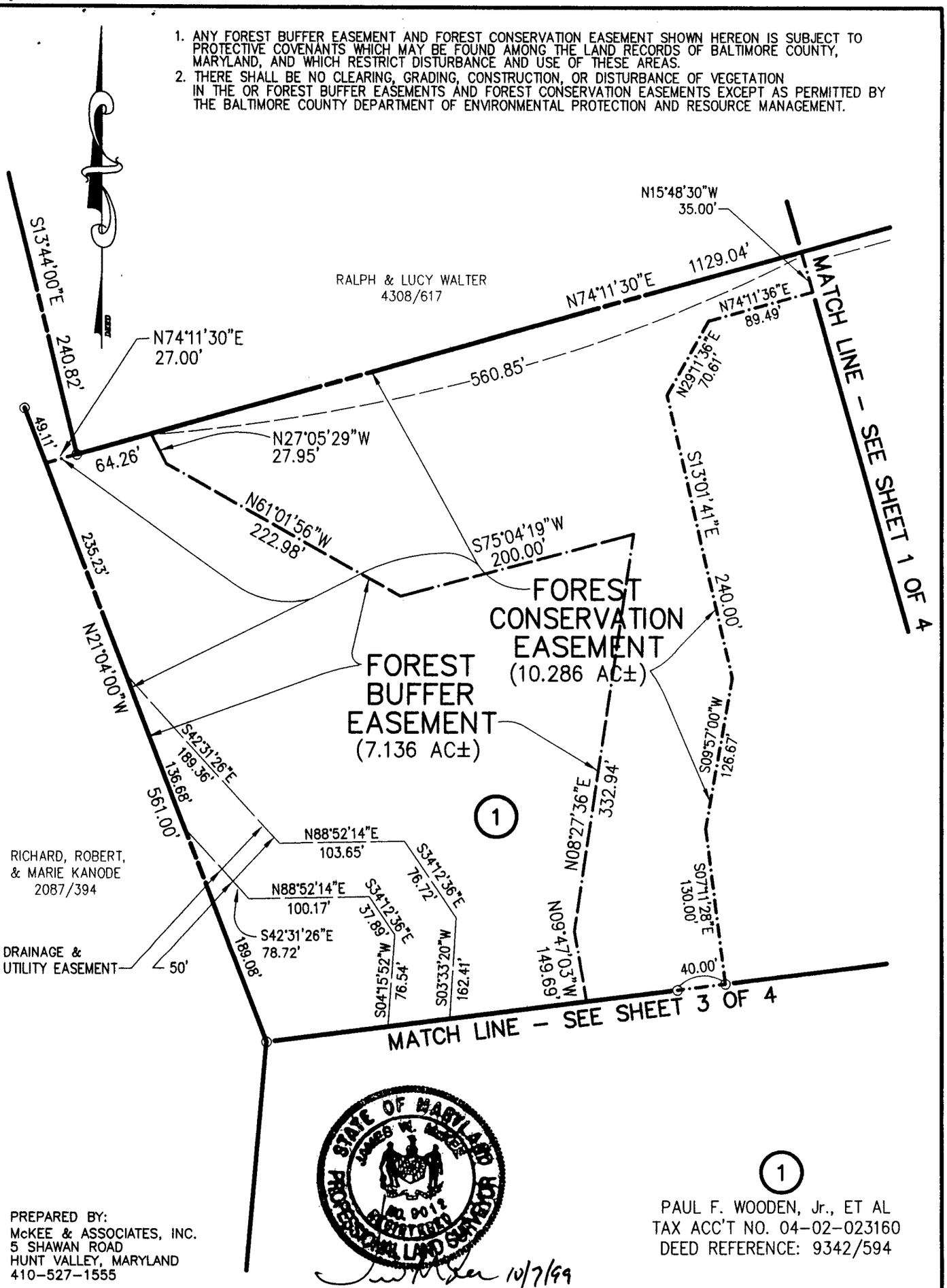
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PLAT CHECKED	JDG
AREA CHECKED	JDG
TITLE CHECKED	

SURVEYOR
DATE REG. NO.

SHEET 1 of 4
SCALE: 1" = 100'
B.C. JOB ORDER NO. 5-1-7500
REVISIONS
REV 99-234-1

BARCUIT COURT (Land Records) [MSA_CE 62-14120] SM 14265, p. 0335. Printed 08/02/2010. Online 03/08/2010.

1. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
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STATE OF MARYLAND
JAMES W. McKEE
NO. 9012
REGISTERED
PROFESSIONAL LAND SURVEYOR

10/7/99

PREPARED BY:
McKEE & ASSOCIATES, INC.
5 SHAWAN ROAD
HUNT VALLEY, MARYLAND
410-527-1555

1

PAUL F. WOODEN, Jr., ET AL
TAX ACC'T NO. 04-02-023160
DEED REFERENCE: 9342/594

BALTIMORE COUNTY — DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT — BUREAU OF LAND ACQUISITION

DISTRICT NO. 4 C 3

POSITION SHEET NO.
CONSTRUCTION PLAN NO.
FEDERAL PROJECT NO.
MARYLAND PROJECT NO.

APPROVED DIRECTOR OF PUBLIC WORKS
DATE

APPROVED CHIEF, BUREAU OF LAND ACQUISITION
DATE

APPROVED SUPERVISOR, DIVISION OF DRAFTING
DATE

AREA TO BE ACQUIRED
EXISTING COUNTY R/W
REVERTIBLE SLOPE EASEMENT
AREA TO BE RELEASED
TEMPORARY CONSTRUCTION AREA
TEMPORARY SLOPE EASEMENT

ITEM NO.	RECORDED

SURVEYOR
DATE REG. NO.

SHEET 2 of 4

SCALE: 1" = 100'

B.C. JOB ORDER NO. 5-1-7500

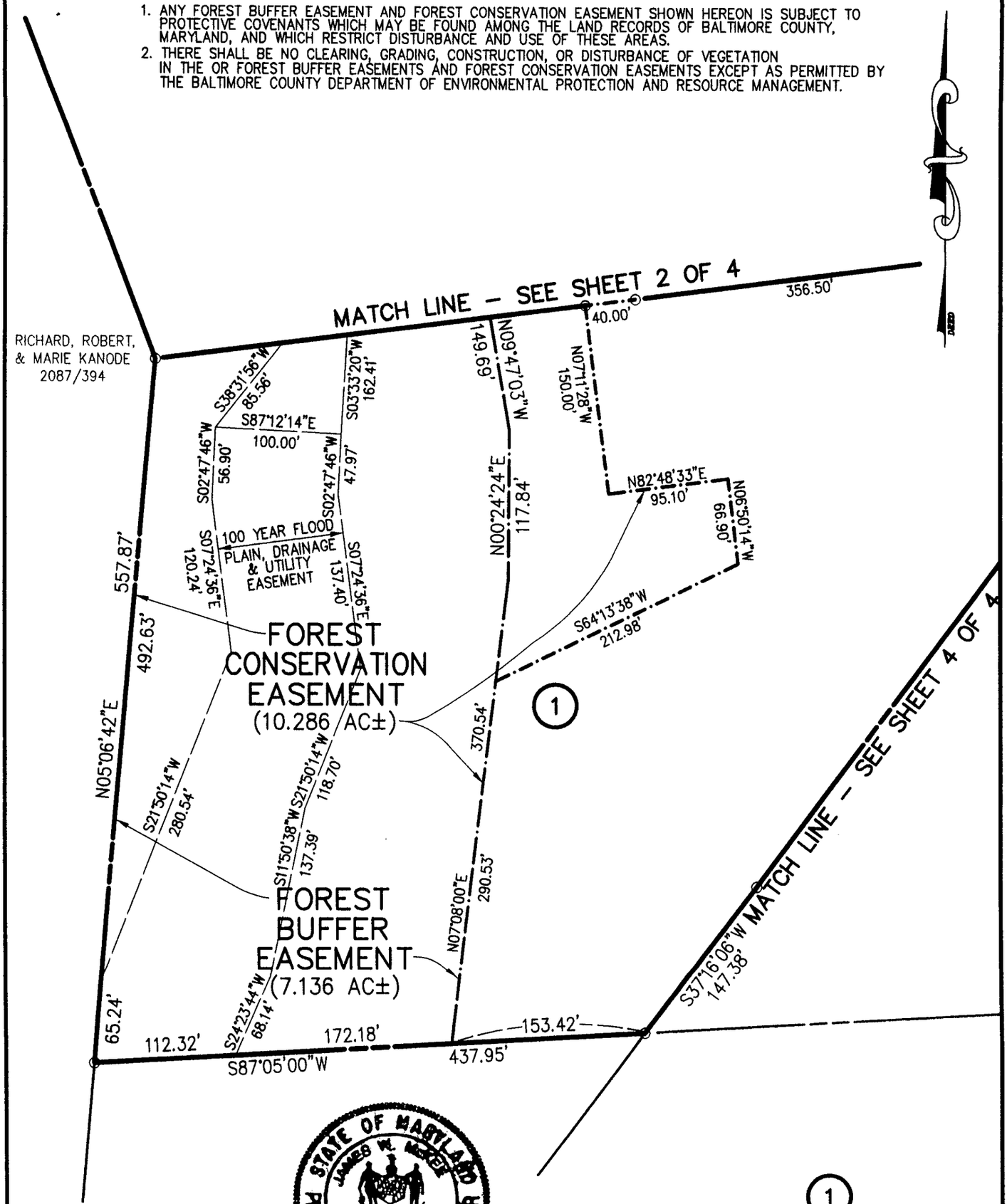
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AREA CHECKED	JDG
TITLE CHECKED	

REVISIONS

Rev 99-234-2

BALTIMORE CIRCUIT COURT (Land Records) [MSA CE 62-14120] SM 14265, p. 0336. Printed 08/24/2010 Online 03/08/2005

1. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
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STATE OF MARYLAND
JAMES M. McKEE
NO. 9012
REGISTERED
PROFESSIONAL LAND SURVEYOR
10/7/99

PREPARED BY:
McKEE & ASSOCIATES, INC.
5 SHAWAN ROAD
HUNT VALLEY, MARYLAND
410-527-1555

1
PAUL F. WOODEN, Jr., ET AL
TAX ACC'T NO. 04-02-023160
DEED REFERENCE: 9342/594

BALTIMORE COUNTY — DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT — BUREAU OF LAND ACQUISITION

DISTRICT NO. 4 C 3
POSITION SHEET NO.
CONSTRUCTION PLAN NO.
FEDERAL PROJECT NO.
MARYLAND PROJECT NO.

APPROVED ... DIRECTOR OF PUBLIC WORKS
DATE ...

APPROVED ... CHIEF, BUREAU OF LAND ACQUISITION
DATE ...

APPROVED ... SUPERVISOR, DIVISION OF DRAFTING
DATE ...

AREA TO BE ACQUIRED
EXISTING COUNTY R/W
REVERTIBLE SLOPE EASEMENT
AREA TO BE RELEASED
TEMPORARY CONSTRUCTION AREA
TEMPORARY SLOPE EASEMENT

ITEM NO.	RECORDED

DRAWN BY	JLC
PLAT CHECKED	JDG
AREA CHECKED	JDG
TITLE CHECKED	

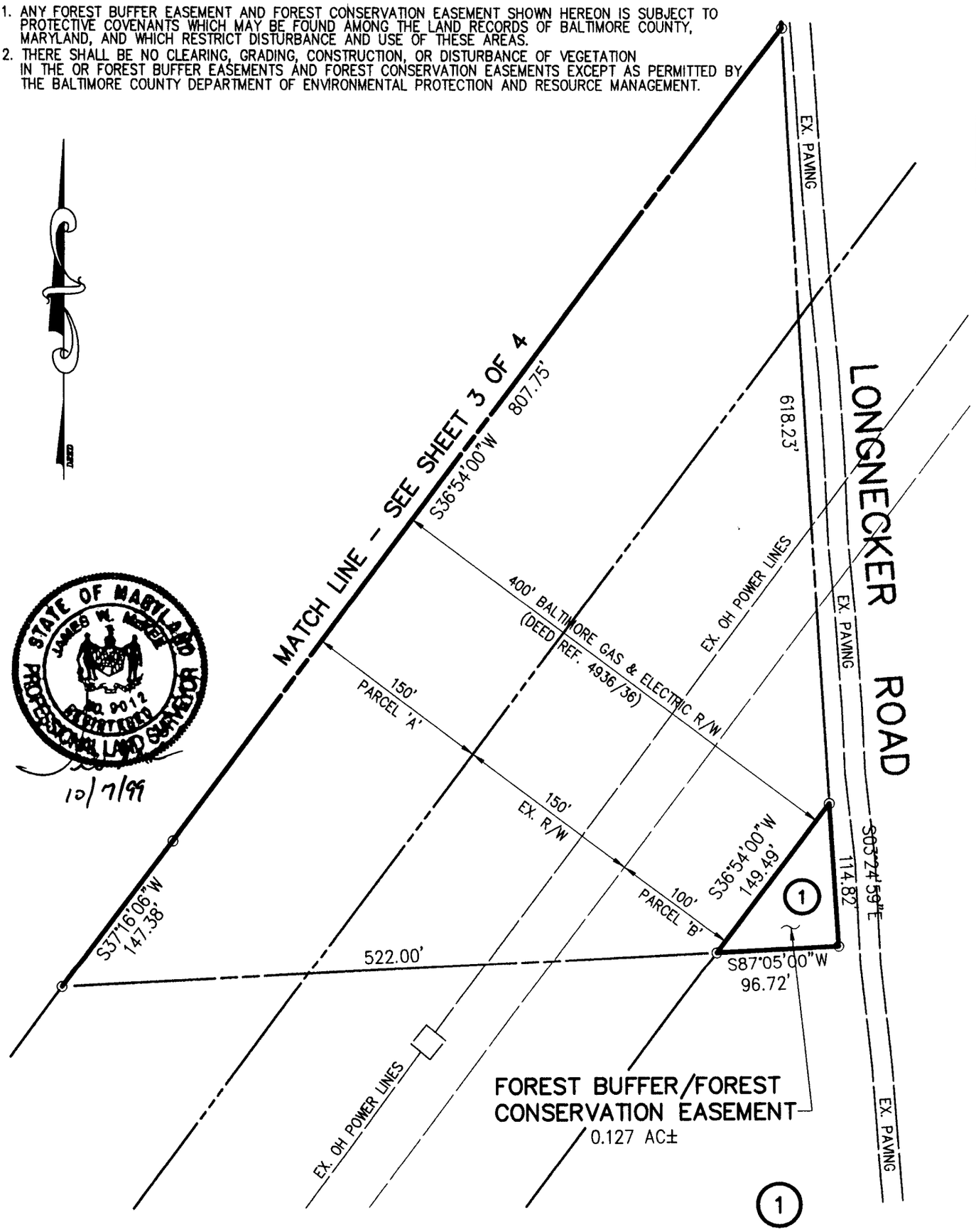
SURVEYOR
DATE ... REG. NO.

SHEET 3 of 4
SCALE: 1" = 100'
B.C. JOB ORDER NO. 5-1-7500
RW 99-234-3

REVISIONS

BA CIRCUIT COURT (Land Records) [MSA CE 62-14120] SM 14265, p. 0337. Printed 08/2[illegible] Online 03/08/2005.

1. ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
2. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE OR FOREST BUFFER EASEMENTS AND FOREST CONSERVATION EASEMENTS EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.



STATE OF MARYLAND
JAMES W. McKEE
NO. 9012
REGISTERED
PROFESSIONAL LAND SURVEYOR

10/7/99

PREPARED BY:
McKEE & ASSOCIATES, INC.
5 SHAWAN ROAD
HUNT VALLEY, MARYLAND
410-527-1555

1
PAUL F. WOODEN, Jr., ET AL
TAX ACC'T NO. 04-02-023160
DEED REFERENCE: 9342/594

BALTIMORE COUNTY	DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT	BUREAU OF LAND ACQUISITION
DISTRICT NO. 4 C 3	POSITION SHEET NO. / CONSTRUCTION PLAN NO.	FEDERAL PROJECT NO. / MARYLAND PROJECT NO.

APPROVED ____ DIRECTOR OF PUBLIC WORKS
DATE ____

APPROVED ____ CHIEF, BUREAU OF LAND ACQUISITION
DATE ____

APPROVED ____ SUPERVISOR, DIVISION OF DRAFTING
DATE ____

AREA TO BE ACQUIRED | EXISTING COUNTY R/W
REVERTIBLE SLOPE EASEMENT | AREA TO BE RELEASED
TEMPORARY CONSTRUCTION AREA | TEMPORARY SLOPE EASEMENT

ITEM NO.	RECORDED

DRAWN BY	JLC
PLAT CHECKED	JDG
AREA CHECKED	JDG
TITLE CHECKED	

SURVEYOR
DATE ____ REG. NO. ____

SHEET 4 of 4
SCALE: 1" = 100'
B.C. JOB ORDER NO. 5-1-7500
SW 99-234-4

REVISIONS

BA CIRCUIT COURT (Land Records) [MSA CE 62-14120] SM 14265, p. 0338. Printed 08/24/2010. Online 03/08/2005.

0014265 339

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☑ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

SM RAB3 Jan 14, 2000 04:16 pm

1 Type(s) of Instruments (☐ Check Box if Addendum Intake Form is Attached.)

☐ Deed ☐ Deed of Trust | ☐ Mortgage ☐ Lease | ☑ Other DEED | ☐ Other

2 Conveyance Type Check Box

☐ Improved Sale Arms-Length [1] | ☐ Unimproved Sale Arms-Length [2] | ☐ Multiple Accounts Arms-Length [3] | ☐ Not an Arms-Length Sale [9]

3 Tax Exemptions (if Applicable) Cite or Explain Authority

Recordation	
State Transfer	
County Transfer	

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only — Transfer and Recordation Tax Consideration	
Purchase Price/Consideration	$ 0	Transfer Tax Consideration	$
Any New Mortgage	$	X ( ) % =	$
Balance of Existing Mortgage	$	Less Exemption Amount –	$
Other:	$	Total Transfer Tax =	$
Other:	$	Recordation Tax Consideration	$
		X ( ) per $500 =	$
Full Cash Value	$ 0	TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 0	$
Surcharge	$	$
State Recordation Tax	$	$
State Transfer Tax	$	$
County Transfer Tax	$	$
Other	$	$
Other	$ 0	$

Agent:

Tax Bill:

C.B. Credit:

Ag. Tax/Other:

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG ☐ (5)
4	EASEMENT	9342/594			

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)

Location/Address of Property Being Conveyed (2)

Other Property Identifiers (if applicable) | Water Meter Account No.

Residential ☐ or Non-Residential ☐ | Fee Simple ☐ or Grount Rent ☐ | Amount:

Partial Conveyance? ☐ Yes ☐ No | Description/Amt. of SqFt/Acreage Transferred: FOREST + BUFFER/ FOREST CONSERVATION EASEMENT

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
Paul F. Wooden JR Deborah I. Wooden	
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 - Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
Baltimore County MD	

New Owner's (Grantee) Mailing Address

Courthouse TOWSON MD 21204

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: Bureau of LAND Acquisition

Firm: Baltimore County MD

Address: COB

TOWSON MD Phone: ( ) 3284

☐ Return to Contact Person

☒ Hold for Pickup

☐ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☒ No Will the property being conveyed be the grantee's principal residence?

☐ Yes ☒ No Does transfer include personal property? If yes, identify:

☐ Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification

Transfer Number: Date Received: Deed Reference: Assigned Property No.:

Year	19	19	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

TRANSFER TAX NOT REQUIRED
Director of Budget and Finance
BALTIMORE COUNTY, MARYLAND
Per: Authorized Signature
Date 1/12/00
Sec 33-139

Space Reserved for County Validation

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
~~ADC-CC-300 (6/95)~~

BA CIRCUIT COURT (Land Records) [MSA CE 62-14120] SM 14265, p. 0339. Printed 08/24/2010. Online 03/08/2005.

Protestants' Exhibit 35

JOHN A. OLSZEWSKI, JR.
County Executive

DAVID V. LYKENS, *Director*
Department of Environmental Protection and Sustainability

November 21, 2022

Gregory Magnum
12845 Dover Rd
Reisterstown, MD 21136

RE: Wooden Property, Lot 2, 14100 Longnecker Rd, Election District - 4

Dear Mr. Lee,

On November 19, 2021, the Office of Ground Water Management was notified that a substantial portion of the subject property had been graded and filled during the construction of a large equipment parking area. This activity has compromised the septic reserve area (SRA) originally approved by our office, and as such the percolation test approval dated August 18, 2020 has been voided.

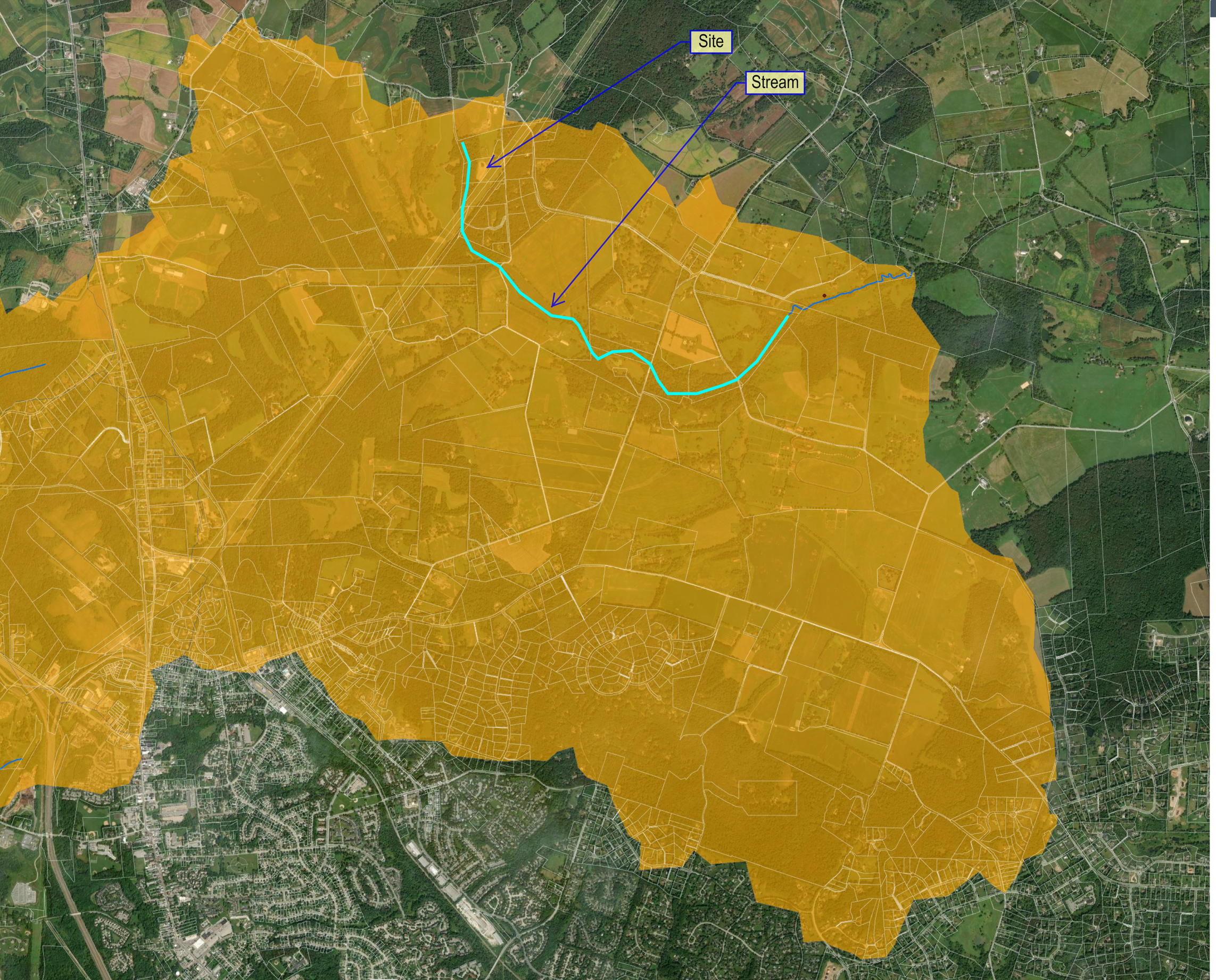
Prior to any future submission of building permits on this property, a percolation test application must be submitted to establish a new SRA for the property. The property will not be considered buildable going forward until such time as a satisfactory SRA can be re-established in this manner.

A percolation test application must be accompanied by a plan with field-run topography that delineates the full extent of the grading and fill that occurred on site.

If you have any questions regarding this matter, please contact this office at 410-887-2762, or via email at groundwater@baltimorecountymd.gov.

Sincerely,

Allison Diviney, L.E.H.S.
Supervisor, Soil Evaluation Program
EPS-Ground Water Mgmt. Section



Protestants' Exhibit 36

Protestants' Exhibit 37

Maryland Department of the Environment

Antidegradation Review Report Form

Alternatives Analysis - No Discharge Alternative

Purpose

This form is designed to help applicants assemble a complete Tier II Review report. This form specifically addresses evaluating alternatives that avoid impacts to Tier II watersheds and streams. It is strongly recommended that applicants complete this analysis as early in the project planning stages as possible, during initial property site search and screening analysis of purchase and feasibility alternatives.

The Department will use this information to determine whether or not an adequate alternatives analysis was conducted, and to help determine if a reasonable alternative to the proposed activity is available. MDE may provide additional comments during the course of the review.

Fill in all that apply:

1. **Project Name:** _____
2. **County ESC Plan Identifier:** _____
3. **Nontidal Wetlands & Waterways Construction Tracking Number: 20206_ _ _ _**
4. **General Permit Number:** _____
5. **Other Application Type and Number:** _____

_____

Applicant Signature: _____ **Date Complete:** _____

Background

Code of Maryland Regulations (COMAR) 26.08.02.04-1 (G(1)) states that "If a Tier II antidegradation review is required, the applicant shall provide an analysis of reasonable alternatives that do not require direct discharge to a Tier II water body (no-discharge alternative). The analysis shall include cost data and estimates to determine the cost effectiveness of the alternatives".

For land disturbing projects that result in permanent land use change, this 'no discharge' analysis specifically evaluates the reasonability of other sites or alternate routes which could be developed to meet the project purpose, but are located *outside* of the Tier II watershed. Reasonability considerations, as applicable, may take into account property availability, site constraints, natural resource concerns, size, accessibility, and cost to make the property suitable for the project. This analysis shall be performed regardless of whether or not the applicant has ownership or lease agreements to a preferred property or route.

Information from this analysis may be used to inform minimization analysis.

Instructions and Notes

1. Complete the analysis for each Tier II watershed impacted.
2. Review the information in this document carefully. Prepare a report to address all of the analyses required by this document. Submit all Tier II analysis and documentation at one time.
3. To help improve review efficiency and avoid delays, do not leave any response blank. Please use "N/A" for any questions or sections that are not applicable.
4. Provide sufficient supporting documentation for narratives.
5. The level of analysis necessary, and amount of documentation that may be needed to make a decision is dependent upon project size, scope, and scale of relative impacts to Tier II resources. Please develop responses accordingly.
6. Reports/responses shall be submitted in electronic format, as well as paper. Full plans are not required unless requested over the course of the review.
7. Direct any questions regarding this form to Angel Valdez at angel.valdez@maryland.gov, or by phone at 410-537-3606.

No Discharge Alternative Analysis Final Documentation Checklist

- ☐ Signed & Dated MDE Tier II Alternatives Analysis – No Discharge Alternative form (page 1)
- ☐ Qualifying Exemptions with supporting documentation
- ☐ General Project Purpose Statement with relevant definitions
- ☐ Alternative Site Reasonability Analysis
  - ☐ Results of initial site search
  - ☐ Map of alternatives relative to preferred site and Tier II streams/catchment
  - ☐ Alternative Sites Summary Analysis Table Supplementary Information (per site)
  - ☐ Detailed Narrative of Alternate Analysis Outcome
- ☐ Alternative Route Reasonability Analysis
  - ☐ Results of initial site search
  - ☐ Map of all alternatives relative to preferred route and Tier II streams/catchment
  - ☐ Alternative Sites Summary Analysis Table Supplementary Information (per site)
  - ☐ Detailed Narrative of Alternate Analysis Outcome
- ☐ Narrative rationale for final decision of reasonableness

Qualifying Exemptions

For the purposes of the no discharge analysis for land disturbing activities, extenuating circumstances may apply to projects that are developed to address a specific need, may be linked to special funding, or linked to a specific location. Supporting documentation is required before consideration. Please read the following examples and determine whether or not a given situation is applicable.

The applicant must get concurrence from MDE as to the applicability of any special circumstances prior to completing the no discharge alternatives analysis. It is at the Department's discretion to determine whether a special circumstance applies, and whether or not this applicability means that there is not a reasonable alternative that avoids the Tier II watershed.

If none of the special circumstances apply, check "**Not Applicable**".

☐ **Not Applicable**

☐ **Situation 1:** Project is linked to unique or special incentives for State, County, or Municipality

Example: County needs for 1000 units of low-income senior housing in legislative district 7. Documentation must include the request for proposals (RFP) or similar missive to meet the housing need, and unique benefits or incentives lost if the project is moved outside of legislative district 7.

Example: Project is located in a State Designated Priority Funding Area, State Designated Enterprise Zone, or similar area targeted by the State for economic growth, business development, or investment.

☐ **Situation 2:** Project has location specific limitations

Example: College campus extension. Education capital funding limits development to sites that are within 5 miles of the main campus. Documentation should include the RFP or similar documentation.

Example: Project is taking place in an existing right of way, or using an area that is currently operational. Such projects include replacing transmission lines, expanding operations on a working farm or business center.

☐ **Situation 3:** Military project (or similar) with restrictions due to national security, etc.

Example: Construct a new runway and hangar for Air Force 1. The military may identify a certain location or base where this construction shall occur due to existing facilities, support personnel, and security concerns.

☐ **Situation 4:** Project has little to no resource impacts.

Example: Repair or replacement of existing structures, road resurfacing, bridge maintenance using scaffolding, General Waterways Construction Permits, habitat restoration, rehabilitation, and stabilization.

☐ **Situation 5:** Project is a "Grandfathered" development, that meets the specifications within Chapter 1.2, in the *Maryland Model Stormwater Management Ordinance, June 2009 & April 2010*

Administrative waivers, extension documentation, etc. are required documentation.

Note -This exemption does not apply to linear projects like roads or pipelines. Grandfathered projects are not exempt from the minimization alternatives analysis.

General Project Purpose Statement

1. Define the overall project purpose and site selection criteria. To result in a fair and meaningful analysis for the antidegradation review the site selection criteria must fall into the following parameters:
    a. The statement must not be so narrowly constructed as to limit the results to one site with no other possible alternatives, or
    b. Likewise, the statement cannot be too broadly written creating too many alternatives to effectively consider.

2. Example Statements
    a. Too Narrow: To develop a high density residential housing complex consisting of 1000 living units on a 200 acre site adjacent to the Mall of Maryland. –- The likelihood that there are multiple properties other than the desired alternative available are unlikely, and this eliminates the possibility of properties outside of the Tier II watershed.
    b. Too Broad: To develop a residential housing complex in Charles County. –- This will yield hundreds of results, creating a burdensome and unrealistic amount of work to evaluate each alternative.**
    c. Reasonable: To develop a residential housing complex near a major shopping center in Northern Charles County. –- This will reduce the number of available properties to a more manageable amount, while still meeting the overall purpose of providing housing near a retail center in a target geographic area. The applicant can further refine the statement by defining "near", "major shopping center", and "Northern Charles County".

3. The applicant must craft a statement that yields at least 3 available alternative properties for further evaluation.

4. The level of detail for the alternative analysis process should appropriately match the complexity of the project taking into consideration factors such as resource impacts to Tier II watersheds in terms of impervious cover, forest cover loss, riparian buffer impacts, public comment, etc. For example, the amount of documentation provided for 3 alternatives to place a single dwelling on one acre is expected to be significantly less than the documentation expected for a 300 acre mixed-use development.

    **Based on comments received during the review or other mitigating circumstances, the Department may require the applicant to evaluate additional alternatives, or provide a more in-depth analysis.

Table 1: Alternative Site Evaluation Summary Analysis Table			
Evaluate each criteria listed in the left hand column for each alternative site. Populate each box with the appropriate conditions, i.e. either yes/no, or by listing one or more of the options provided (a, b, c…), such as types of utilities available at a given site.			
	Site 1	**Site 2**	**Site 3**
Availability: a. Owned by applicant b. For sale c. Special, please explain (example: remediation required)			
Sizing appropriate: a. As is b. Purchase of adjoining property/ROW required			
Accessible Utilities: a. Electric b. Water c. Sewer d. Site access (existing road/bridge, etc.). e. None			
Development Resources: a. Existing SWM b. Existing buildings/structures c. Site cleared			
Zoning: a. Appropriate b. Waiver required			
Resource Impacts: a. Streams b. Forest c. Wetlands/wetlands buffer d. 100-yr flood plain			
Cost to Acquire is Reasonable: Yes or No			

Alternative Sites Summary Analysis Table Supplementary Information:

1. Explanation of site search criteria and rationale.
    a. Relate project requirements to the criteria in Table 1.
    b. Include any additional critical criteria not identified in the above table.

2. Results of initial site search.
    a. List the available sites for consideration before the applicant chose 3 for further evaluation.
    b. Include a brief narrative description of each site.
    c. Include a table listing basic site address, lot size, parcel and map.
    d. Include an overview map showing sites and their relative location to the preferred property.
    e. If available, include Real Property Search Data (From Maryland Department of Assessments and Taxation (http://sdat.dat.maryland.gov/RealProperty/Pages/default.aspx), or MLS (Multiple Listing Service) information.

3. Expand upon the responses in Table 1.
    a. Include a narrative that clearly explains how the applicant determined the final 3 sites for further consideration in Table 1.
    b. Provide basic information about each site, i.e. land use, land cover, unique features, on-site resources such as streams, wetlands, relevant geology and/or hydrology, etc.
    c. Discuss specific resource impacts.
        i. Include a table that further breaks down the resource impacts associated with the 3 alternative sites.
        ii. Include a narrative that further details whether resources could be avoided. For example, an on-site stream that will most likely be crossed to accommodate site access would make that site less favorable when compared to another option.

4. Justify final site decision.

Table 1: Alternative Route Evaluation Summary Analysis Table (use for linear projects such as roads, utility lines, etc)			
Evaluate each criteria listed in the left hand column for each alternative site. Populate each box with the appropriate conditions, i.e. either yes/no, or by listing one or more of the options provided (a, b, c…), such as types of utilities available at a given site.			
	Site 1	**Site 2**	**Site 3**
Availability: a. ROW Owned by applicant b. ROW can be acquired or leased c. Other, please explain			
Accessible Utilities (i.e. where connecting infrastructure is required): a. Electric b. Water c. Sewer or pipeline d. Site access (existing road/bridge, etc.). e. None			
Zoning: a. Appropriate b. Waiver required			
Resource Impacts: a. Streams b. Forest c. Wetlands/wetlands buffer d. 100-yr flood plain			
Cost to Acquire is Reasonable: Yes or No			

Alternative Route Summary Analysis Table Supplementary Information:

1. Explanation of route search criteria and rationale.
    a. Relate project requirements to the criteria in Table 1.
    b. Include any additional critical criteria not identified in the above table. For example, if the purpose of the project is to improve public safety, documentation must be provided to support this claim. For a new road this may include data on accidents, visibility issues, or geometric design issues that can complicate travel.

2. Results of initial route search.
    a. List the available routes for consideration before the applicant chose 3 for further evaluation.
    b. Include a brief narrative description of each route.
    c. Include a table listing route start and end addresses, parcel and map, land use (i.e. residential neighborhood, commercial district, etc.)
    d. Include an overview map showing results and their relative location within the impacted Tier II watershed.

3. Expand upon the responses in Table 1.
    a. Include a narrative that clearly explains how the applicant determined the final 3 sites for further consideration in Table 1.
    b. Provide basic information about each site, i.e. land use, land cover, unique features, on-site resources such as streams, wetlands, etc.
    c. Discuss specific resource impacts.
        i. Include a table that further breaks down the resource impacts associated with the 3 alternative routes. For example identify the number of streams on-site, potential forest loss for site clearing, etc.
        ii. Include a narrative that further details whether resources could be avoided. For example, an on-site stream that will most likely be crossed to accommodate site access would make that site less favorable when compared to another option. Note: In making a final decision, MDE may take into consideration whether or not the project can avoid the impact by going over it (i.e. bridge) or under it (i.e. drilling). Consider this in the resource impact evaluation. The method of crossing may be a special permit condition.

4. Justify final route decision.

Provide a hardcopy responses to:

Maryland Department of the Environment
Environmental Assessment and Standards Program
Antidegradation Implementation Coordinator
ATTN: Angel D. Valdez
1800 Washington Blvd
Baltimore, Maryland 21230

Provide an electronic response, by CD to the address above, or a way to download the response from secure cloud-based site, email: to Angel Valdez at angel.valdez@maryland.gov.

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
JASON T. VETTORI
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH**
* Admitted in MD, PA, FL
** Admitted in MD, NC

CAROLYN C. GILDE
AMY L. HICKS GROSSI
CARMELO D. MORABITO
ELIZABETH K. PLATT
senior counsel:
ERIC R. HARLAN
of counsel:
EUGENE A. ARBAUGH, JR.
STEPHEN J. NOLAN

August 15, 2022

Sent Via Email
Chairperson of the County Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

Re: In the Matter of: Gregory Mangum – 14100 Longnecker Road
Case No. 2022-012-XA

Dear Chairperson,

Enclosed please find a Request for Postponement to be filed in the above referenced matter. Should you have any questions, please do not hesitate to contact me. Thank you for your consideration.

Very truly yours,

Jason T. Vettori

JTV/am
Enclosure
cc: Dino C. La Fiandra, Esquire

IN THE MATTER OF: Gregory Mangum 14100 Longnecker Road 4th Election District 3rd Council District	*	BEFORE THE BOARD OF APPEALS OF
Re: Appeal of Zoning Commissioner Approval	*	BALTIMORE COUNTY
	*	**Case No. 2022-012-XA**

* *

Request for Postponement

The Owner/Petitioner/Appellee, Gregory Mangum ("Appellee"), by and through his attorneys, Jason T. Vettori and Smith, Gildea & Schmidt, LLC, submits this Request for Postponement pursuant to Rule 2(b) of the Rules of Practice and Procedure of the Baltimore County Board of Appeals.

This matter has been scheduled for a hearing on August 31, 2022 beginning at 10:00 a.m. A vital witness for the Appellee has recently found out that they must have surgery on August 17, 2022 and are unable to work until a follow up appointment with their doctor on September 1, 2022. As such, I am respectfully requesting a postponement for what I anticipate (thankfully) to be a short period of time.

Respectfully Submitted,

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
jvettori@sgs-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 15th day of August 2022, a copy of the foregoing Request for Postponement was emailed to:

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473
Email: dcl@lafiandralaw.com

Attorney for Appellants Benjamin and Molly Smist

JASON T. VETTORI

IN THE MATTER OF:	*	BEFORE THE
GREGORY MANGUM 14100 LONGNECKER ROAD	*	BOARD OF APPEALS
	*	OF
4TH ELECTION DISTRICT 3RD COUNCIL DISTRICT	*	BALTIMORE COUNTY
	*	CASE NO.: 22-012-XA

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Board of Appeals of Baltimore County at the hearing for the above captioned matter currently scheduled on Tuesday, October 4, 2022, at 10:00 a.m. and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

The above scheduled hearing will be held remotely using WebEx for audio and video participation. Call-in information and a link to the hearing will be posted the night before on the Board of Appeals calendar found at www.baltimorecountymd.gov/Agencies/appeals/index.html. If you do not have access to a computer or smart device, please contact the Board of Appeals at 410-887-3180 for the call-in information the day before the scheduled hearing.

Witness: Lloyd Moxley
Address: County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Requested by:

Name: Jason T. Vettori, Esquire
Firm: Smith, Gildea & Schmidt, LLC
Address: 600 Washington Avenue, Suite 200
Towson, MD 21204

The witness named above is hereby ORDERED to so appear before the Board of Appeals of Baltimore County. The Board requests (____) the Sheriff, (____) Private Process Server, to issue the summons set forth herein.

RECEIVED
SEP 30 2022
BALTIMORE COUNTY
BOARD OF APPEALS

Sunny Cannington
Board of Appeals for Baltimore County

IN THE MATTER OF:	*	BEFORE THE
GREGORY MANGUM 14100 LONGNECKER ROAD	*	BOARD OF APPEALS
	*	OF
4TH ELECTION DISTRICT 3RD COUNCIL DISTRICT	*	BALTIMORE COUNTY
	*	CASE NO.: 22-012-XA

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

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Witness: Jeff Perlow
Address: County Office Building, Room 124
111 West Chesapeake Avenue
Towson, MD 21204

Requested by:

Name: Jason T. Vettori, Esquire
Firm: Smith, Gildea & Schmidt, LLC
Address: 600 Washington Avenue, Suite 200
Towson, MD 21204

The witness named above is hereby ORDERED to so appear before the Board of Appeals of Baltimore County. The Board requests (____) the Sheriff, (____) Private Process Server, to issue the summons set forth herein.

Sunny Cannington
Board of Appeals for Baltimore County

RECEIVED
SEP 30 2022
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF: Gregory Mangum 14100 Longnecker Road Petitions for Special Exception and Variance 4th Election District 3rd Councilmanic District	)	**BEFORE THE** **BOARD OF APPEALS** **FOR** **BALTIMORE COUNTY** **Case No.: 22-012-XA**

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: Kevin Koepenick
Baltimore County Department of Environmental Protection and Sustainability (the "Department")
111 W. Chesapeake Avenue, Room 305
Towson, Maryland 21204

YOU ARE COMMANDED TO APPEAR at the hearing in the above-captioned matter currently scheduled on December 7, 2022 and December 22, 2022 at 10:00 a.m. The hearing will be conducted via Webex and you will receive a link by email to participate in advance of the hearing.

YOU ARE FURTHER ORDERED TO PRODUCE all documents in your possession, custody or control with respect to the property located at 14100 Longnecker Road (also known as Wooden Property, Lot 2) (the "Property"), including but not limited to the letter dated November 21, 2022 from the Department to Gregory Mangum pertaining to the Septic Reserve Area located on the Property, any response from Mr. Mangum or his representatives, and any percolation test applications submitted by Mr. Mangum or his representatives pertaining to the Property. The attorney identified below will contact you about obtaining the responsive documents in advance of the hearing for electronic delivery to the Board.

Requested by: Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473
Attorney for Ben & Molly Smist, Appellants and Adjoining Property Owners

The witness named above is hereby ORDERED to so appear and produce the documents to the Board of Appeals of Baltimore County.



Sonny A. Zahner
Board of Appeals of Baltimore County

IN THE MATTER OF: Gregory Mangum 14100 Longnecker Road Petitions for Special Exception and Variance 4th Election District 3rd Councilmanic District	)	**BEFORE THE** **BOARD OF APPEALS** **FOR** **BALTIMORE COUNTY** **Case No.: 22-012-XA**

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: Arturo Garcia
Baltimore County Department of Environmental Protection and Sustainability (the "Department")
111 W. Chesapeake Avenue, Room 305
Towson, Maryland 21204

YOU ARE COMMANDED TO APPEAR at the hearing in the above-captioned matter currently scheduled on December 7, 2022 and December 22, 2022 at 10:00 a.m. The hearing will be conducted via Webex and you will receive a link by email to participate in advance of the hearing.

YOU ARE FURTHER ORDERED TO PRODUCE all documents in your possession, custody or control with respect to the property located at 14100 Longnecker Road (also known as Wooden Property, Lot 2) (the "Property"), including but not limited to the letter dated October 24, 2022 from the Department to Gregory Mangum pertaining to violations of the Forest Conservation and Forest Buffer Easements and other code violations on the Property and any response from Mr. Mangum or his representatives. The attorney identified below will contact you about obtaining the responsive documents in advance of the hearing for electronic delivery to the Board.

Requested by: Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473
Attorney for Ben & Molly Smist, Appellants and Adjoining Property Owners

The witness named above is hereby ORDERED to so appear and produce the documents to the Board of Appeals of Baltimore County.



Board of Appeals of Baltimore County

Attendance Sheet

Webinar Name	Webinar Start Time	Webinar End Time
Zoning Hearing - Case No: 2022-0012-XA- 14100 Longnecker Road - Owners: Gregory Mangum	2022-04-06 13:30:00	2022-04-06 14:30:00
Zoning Hearing - Case No: 2022-0012-XA- 14100 Longnecker Road - Owners: Gregory Mangum	2022-04-06 13:30:00	2022-04-06 14:30:00
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Name	Attendee Email	Join Time	Leave Time	Attendance Duration
Debra Wiley	dwiley@baltimorecountymd.gov	2022-04-06 13:11:45	2022-04-06 17:08:17	237 mins
Richard Williams	rwilliams@ddcinc.us	2022-04-06 13:17:07	2022-04-06 17:08:11	232 mins
Gregory mangum	greenmountlawn@aol.com	2022-04-06 13:20:43	2022-04-06 17:08:17	228 mins
Jason Vettori	jvettori@sgs-law.com	2022-04-06 13:21:54	2022-04-06 17:08:07	227 mins
Renee Hamidi	renee@thevpc.org	2022-04-06 13:25:05	2022-04-06 17:08:17	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins

Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Sabrina Moore	sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
Molly Smist	meapplegate3@gmail.com	2022-04-06 13:26:18	2022-04-06 17:08:17	222 mins
Call-in User_3 (443254****)		2022-04-06 13:28:58	2022-04-06 17:08:12	220 mins
Call-in User_4 (410599****)		2022-04-06 13:31:17	2022-04-06 17:08:12	217 mins
Dino La Fiandra	dcl@lafiandralaw.com	2022-04-06 13:31:32	2022-04-06 17:08:03	217 mins
Paul Mayhew	pmayhew@baltimorecountymd.gov	2022-04-06 13:31:53	2022-04-06 17:08:17	217 mins
virginia marks	ginnymarks@aol.com	2022-04-06 13:32:57	2022-04-06 17:08:03	216 mins
Call-in User_5 (410850****)		2022-04-06 13:34:00	2022-04-06 17:08:12	215 mins
Jane Applegate	janeapplegate5@gmail.com	2022-04-06 13:38:57	2022-04-06 17:08:17	210 mins
Patricia Fallon	hanoverprf@comcast.net	2022-04-06 13:38:22	2022-04-06 17:08:17	210 mins
Erik Smist	eas@press.jhu.edu	2022-04-06 13:45:34	2022-04-06 17:08:01	203 mins
Call-in User_6 (443201****)		2022-04-06 13:49:14	2022-04-06 17:08:12	199 mins
Laury Scharff	lgscharff@gmail.com	2022-04-06 13:26:33	2022-04-06 16:37:47	192 mins
virginia Smist	smist@comcast.net	2022-04-06 14:02:05	2022-04-06 17:08:17	187 mins
Kravitz, Vickie	vkravitz@penguinrandomhouse.com	2022-04-06 13:20:12	2022-04-06 15:58:44	159 mins
Angie Moore	angiegmf@aol.com	2022-04-06 13:21:29	2022-04-06 15:54:18	153 mins
Angie Moore	angiegmf@aol.com	2022-04-06 13:21:29	2022-04-06 15:54:18	153 mins
Angie Moore	angiegmf@aol.com	2022-04-06 13:21:29	2022-04-06 15:54:18	153 mins
Angie Moore	angiegmf@aol.com	2022-04-06 13:21:29	2022-04-06 15:54:18	153 mins
maranda mangum	maranda6411@yahoo.com	2022-04-06 13:29:16	2022-04-06 15:27:06	118 mins
Aris Melissaratos	arismelissaratos@gmail.com	2022-04-06 15:33:01	2022-04-06 17:08:17	96 mins
maranda mangum	maranda6411@yahoo.com	2022-04-06 15:32:20	2022-04-06 17:08:11	96 mins
Angie Moore	angiegmf@aol.com	2022-04-06 15:56:49	2022-04-06 17:08:11	72 mins
Garrett Moore	garrett12@me.com	2022-04-06 16:19:04	2022-04-06 17:08:17	50 mins
Garrett Moore	garrett12@me.com	2022-04-06 16:19:04	2022-04-06 17:08:17	50 mins
Kravitz, Vickie	vkravitz@penguinrandomhouse.com	2022-04-06 16:21:01	2022-04-06 17:05:01	44 mins
Call-in User_7 (410599****)		2022-04-06 16:40:36	2022-04-06 17:08:12	28 mins
Rachel	rslax66@hotmail.com	2022-04-06 15:52:16	2022-04-06 16:19:32	28 mins
Rachel	rslax66@hotmail.com	2022-04-06 16:46:42	2022-04-06 17:08:09	22 mins
Kravitz, Vickie	vkravitz@penguinrandomhouse.com	2022-04-06 16:03:06	2022-04-06 16:15:52	13 mins

maranda mangum	maranda6411@yahoo.com	2022-04-06 13:25:28	2022-04-06 13:28:51	4 mins
maranda mangum	maranda6411@yahoo.com	2022-04-06 13:25:28	2022-04-06 13:28:51	4 mins
Andrea	andreamooremua@gmail.com	2022-04-06 13:26:31	2022-04-06 13:27:16	1 mins
Virginia d'Epagnier	smist124@comcast.net	2022-04-06 13:21:22	2022-04-06 13:22:08	1 mins

Connection Type
Desktop app
Desktop app
Mobile app
Desktop app
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Webinar Name

Zoning Hearing - Case No: 2022-0012-XA- 14100 Longnecker Road - Owners: Gregory Mangum

Zoning Hearing - Case No: 2022-0012-XA- 14100 Longnecker Road - Owners: Gregory Mangum
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Webinar Start Time	Webinar End Time	Name
2022-04-06 13:30:00	2022-04-06 14:30:00	Debra Wiley
2022-04-06 13:30:00	2022-04-06 14:30:00	Richard Williams
2022-04-06 13:30:00	2022-04-06 14:30:00	Gregory mangum
2022-04-06 13:30:00	2022-04-06 14:30:00	Jason Vettori
2022-04-06 13:30:00	2022-04-06 14:30:00	Renee Hamidi
2022-04-06 13:30:00	2022-04-06 14:30:00	Sabrina Moore
2022-04-06 13:30:00	2022-04-06 14:30:00	Sabrina Moore
2022-04-06 13:30:00	2022-04-06 14:30:00	Sabrina Moore
2022-04-06 13:30:00	2022-04-06 14:30:00	Sabrina Moore
2022-04-06 13:30:00	2022-04-06 14:30:00	Sabrina Moore
2022-04-06 13:30:00	2022-04-06 14:30:00	Sabrina Moore
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2022-04-06 13:30:00	2022-04-06 14:30:00	Sabrina Moore
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2022-04-06 13:30:00	2022-04-06 14:30:00	Sabrina Moore
2022-04-06 13:30:00	2022-04-06 14:30:00	Sabrina Moore
2022-04-06 13:30:00	2022-04-06 14:30:00	Molly Smist
2022-04-06 13:30:00	2022-04-06 14:30:00	Call-in User_3 (443254****)
2022-04-06 13:30:00	2022-04-06 14:30:00	Call-in User_4 (410599****)
2022-04-06 13:30:00	2022-04-06 14:30:00	Dino La Fiandra
2022-04-06 13:30:00	2022-04-06 14:30:00	Paul Mayhew
2022-04-06 13:30:00	2022-04-06 14:30:00	virginia marks
2022-04-06 13:30:00	2022-04-06 14:30:00	Call-in User_5 (410850****)
2022-04-06 13:30:00	2022-04-06 14:30:00	Jane Applegate

2022-04-06 13:30:00	2022-04-06 14:30:00	Patricia Fallon
2022-04-06 13:30:00	2022-04-06 14:30:00	Erik Smist
2022-04-06 13:30:00	2022-04-06 14:30:00	Call-in User_6 (443201****)
2022-04-06 13:30:00	2022-04-06 14:30:00	Laury Scharff
2022-04-06 13:30:00	2022-04-06 14:30:00	virginia Smist
2022-04-06 13:30:00	2022-04-06 14:30:00	Kravitz, Vickie
2022-04-06 13:30:00	2022-04-06 14:30:00	Angie Moore
2022-04-06 13:30:00	2022-04-06 14:30:00	Angie Moore
2022-04-06 13:30:00	2022-04-06 14:30:00	Angie Moore
2022-04-06 13:30:00	2022-04-06 14:30:00	Angie Moore
2022-04-06 13:30:00	2022-04-06 14:30:00	maranda mangum
2022-04-06 13:30:00	2022-04-06 14:30:00	Aris Melissaratos
2022-04-06 13:30:00	2022-04-06 14:30:00	maranda mangum
2022-04-06 13:30:00	2022-04-06 14:30:00	Angie Moore
2022-04-06 13:30:00	2022-04-06 14:30:00	Garrett Moore
2022-04-06 13:30:00	2022-04-06 14:30:00	Garrett Moore
2022-04-06 13:30:00	2022-04-06 14:30:00	Kravitz, Vickie
2022-04-06 13:30:00	2022-04-06 14:30:00	Call-in User_7 (410599****)
2022-04-06 13:30:00	2022-04-06 14:30:00	Rachel
2022-04-06 13:30:00	2022-04-06 14:30:00	Rachel
2022-04-06 13:30:00	2022-04-06 14:30:00	Kravitz, Vickie
2022-04-06 13:30:00	2022-04-06 14:30:00	maranda mangum
2022-04-06 13:30:00	2022-04-06 14:30:00	maranda mangum
2022-04-06 13:30:00	2022-04-06 14:30:00	Andrea
2022-04-06 13:30:00	2022-04-06 14:30:00	Virginia d'Epagnier

Attendee Email	Join Time	Leave Time	Attendance Duration
dwiley@baltimorecountymd.gov	2022-04-06 13:11:45	2022-04-06 17:08:17	237 mins
rwilliams@ddcinc.us	2022-04-06 13:17:07	2022-04-06 17:08:11	232 mins
greenmountlawn@aol.com	2022-04-06 13:20:43	2022-04-06 17:08:17	228 mins
jvettori@sgs-law.com	2022-04-06 13:21:54	2022-04-06 17:08:07	227 mins
renee@thevpc.org	2022-04-06 13:25:05	2022-04-06 17:08:17	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
sabrinamoore23@gmail.com	2022-04-06 13:24:32	2022-04-06 17:08:12	224 mins
meapplegate3@gmail.com	2022-04-06 13:26:18	2022-04-06 17:08:17	222 mins
	2022-04-06 13:28:58	2022-04-06 17:08:12	220 mins
	2022-04-06 13:31:17	2022-04-06 17:08:12	217 mins
dcl@lafiandralaw.com	2022-04-06 13:31:32	2022-04-06 17:08:03	217 mins
pmayhew@baltimorecountymd.gov	2022-04-06 13:31:53	2022-04-06 17:08:17	217 mins
ginnymarks@aol.com	2022-04-06 13:32:57	2022-04-06 17:08:03	216 mins
	2022-04-06 13:34:00	2022-04-06 17:08:12	215 mins
janeapplegate5@gmail.com	2022-04-06 13:38:57	2022-04-06 17:08:17	210 mins

hanoverprf@comcast.net	2022-04-06 13:38:22	2022-04-06 17:08:17	210 mins
eas@press.jhu.edu	2022-04-06 13:45:34	2022-04-06 17:08:01	203 mins
	2022-04-06 13:49:14	2022-04-06 17:08:12	199 mins
lgscharff@gmail.com	2022-04-06 13:26:33	2022-04-06 16:37:47	192 mins
smist@comcast.net	2022-04-06 14:02:05	2022-04-06 17:08:17	187 mins
vkravitz@penguinrandomhouse.com	2022-04-06 13:20:12	2022-04-06 15:58:44	159 mins
angiegmf@aol.com	2022-04-06 13:21:29	2022-04-06 15:54:18	153 mins
angiegmf@aol.com	2022-04-06 13:21:29	2022-04-06 15:54:18	153 mins
angiegmf@aol.com	2022-04-06 13:21:29	2022-04-06 15:54:18	153 mins
angiegmf@aol.com	2022-04-06 13:21:29	2022-04-06 15:54:18	153 mins
maranda6411@yahoo.com	2022-04-06 13:29:16	2022-04-06 15:27:06	118 mins
arismelissaratos@gmail.com	2022-04-06 15:33:01	2022-04-06 17:08:17	96 mins
maranda6411@yahoo.com	2022-04-06 15:32:20	2022-04-06 17:08:11	96 mins
angiegmf@aol.com	2022-04-06 15:56:49	2022-04-06 17:08:11	72 mins
garrett12@me.com	2022-04-06 16:19:04	2022-04-06 17:08:17	50 mins
garrett12@me.com	2022-04-06 16:19:04	2022-04-06 17:08:17	50 mins
vkravitz@penguinrandomhouse.com	2022-04-06 16:21:01	2022-04-06 17:05:01	44 mins
	2022-04-06 16:40:36	2022-04-06 17:08:12	28 mins
rslax66@hotmail.com	2022-04-06 15:52:16	2022-04-06 16:19:32	28 mins
rslax66@hotmail.com	2022-04-06 16:46:42	2022-04-06 17:08:09	22 mins
vkravitz@penguinrandomhouse.com	2022-04-06 16:03:06	2022-04-06 16:15:52	13 mins
maranda6411@yahoo.com	2022-04-06 13:25:28	2022-04-06 13:28:51	4 mins
maranda6411@yahoo.com	2022-04-06 13:25:28	2022-04-06 13:28:51	4 mins
andreamooremua@gmail.com	2022-04-06 13:26:31	2022-04-06 13:27:16	1 mins
smist124@comcast.net	2022-04-06 13:21:22	2022-04-06 13:22:08	1 mins

Connection Type
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PANELISTS FOR CASE No 2022-0012-XA as of 4/4/2022 at 12:57 PM

bnsmist@gmail.com

dcl@lafiandralaw.com

Debra Wiley

Cohost

greenmountlawn@aol.com

hanoverprf@comcast.net

jvettori@sgs-law.com

meapplegate3@gmail.com

Maureen E Murphy

Cohost

Paul Mayhew

Cohost

renee@thevpc.org

arismelissaratos@gmail.com

renee@thevpc.org

rwilliams@ddcinc.us

sabrinamoore23@gmail.com

vickiekravitz@yahoo.com

Attendees

Edit

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PANELISTS FOR CASE No 2022-0012-XA as of 4/4/2022 at 12:51 PM

bnsmist@gmail.com

dcl@lafiandralaw.com

Debra Wiley

Cohost

greenmountlawn@aol.com

hanoverprf@comcast.net

jvettori@sgs-law.com

meapplegate3@gmail.com

Maureen E Murphy

Cohost

Paul Mayhew

Cohost

renee@thevpc.org

sabrinamoore23@gmail.com

rwilliams@ddcinc.us

sabrinamoore23@gmail.com

vickiekravitz@yahoo.com

arismelissaratos@gmail.com

bnsmist@gmail.com

dcl@lafiandralaw.com

Debra Wiley
Cohost

greenmountlawn@aol.com

hanoverprf@comcast.net

jvettori@sgs-law.com

meapplegate3@gmail.com

Maureen E Murphy
Cohost

Paul Mayhew
Cohost

ginnymarks@aol.com

Paul Mayhew
Cohost

renee@thevpc.org

rwilliams@ddcinc.us

sabrinamoore23@gmail.com

vickiekravitz@yahoo.com

xl4100@aol.com

Debra Wiley

From: webmaster@baltimorecountymd.gov
Sent: Tuesday, April 5, 2022 8:31 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Virginia
Last Name	B Marks
Email	ginnymarks@aol.com
Phone	4436681551
Address	4151- 4231 Butler Road
City	Reisterstown
State	Maryland
ZIP Code	21136
Case Number	2022-0012-XA
Scheduled Hearing Date	4/6/22

f-6-22
2022-0012-XA

Richard Williams- rwilliams@ddcinc.us

Gregory magnum - greenmountlawn@aol.com

Renee Hamidi - renee@thevpc.org

Sabrina Moore- sabrinamoore23@gmail.com

Molly Smist- meapplegate3@gmail.com

Virginia marks- ginnymarks@aol.com

Jane Applegate janeapplegate5@gmail.com

Patricia Fallon hanoverprf@comcast.net

Erik Smist eas@press.jhu.edu

Laury Scharff lgscharff@gmail.com

Virginia Smist smist@comcast.net

Kravitz, Vickie vkravitz@penguinrandomhouse.com

Angie Moore angiegmf@aol.com

Maranda Mangum maranda6411@yahoo.com

Aris Melissaratos arismelissaratos@gmail.com

Garrett Moore garrett12@me.com

Rachel rslax66@hotmail.com

Andrea andreamooremua@gmail.com

Virginia d'Epagnier smist124@comcast.net

Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Monday, April 4, 2022 12:56 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Aris
Last Name	Melissaratos
Email	arismelissaratos@gmail.com
Phone	4108504158
Address	16225 Dark Hollow RD
City	Upperco
State	Maryland
ZIP Code	21155
Case Number	2022-0012-XA
Scheduled Hearing Date	Wednesday 4/6 1:30 pm

Donna Mignon

From: Administrative Hearings
Sent: Monday, April 4, 2022 12:45 PM
To: greenmountlawn@aol.com; Administrative Hearings
Subject: RE: Case No: 2022-0012-XA (14100 Longnecker Road) Hearing on Wed, 4/6 @ 1:30 p.m.

Good Afternoon,
Please see the below link. Please click on the link and fill out the Request to Testify form. Once we receive the form, we will send you an invite to the hearing.
https://www.baltimorecountymd.gov/departments/adminhearings/devzoninghearings.html

Thank you. Have a great day.

From: greenmountlawn@aol.com <greenmountlawn@aol.com>
Sent: Monday, April 4, 2022 12:43 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Case No: 2022-0012-XA (14100 Longnecker Road) Hearing on Wed, 4/6 @ 1:30 p.m.

CAUTION: This message from greenmountlawn@aol.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 my name is Gregory Mangum and I am registering as the owner of the property (14100 Longnecker Rd.), and applicant of the actual variance request/special exception to participate/testify in the upcoming hearing on Wednesday April 6 at 1:30pm
Thank you,
Gregory Mangum
443-536-6351

Donna Mignon

From: greenmountlawn@aol.com
Sent: Monday, April 4, 2022 12:36 PM
To: Administrative Hearings
Subject: Case No: 2022-0012-XA (14100 Longnecker Road) Hearing on Wed, 4/6 @ 1:30 p.m.

CAUTION: This message from greenmountlawn@aol.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 my name is Gregory Mangum and I am registering as the owner of the property (14100 Longnecker Rd.), and applicant of the actual variance request/special exception to participate/testify in the upcoming hearing on Wednesday April 6 at 1:30pm
Thank you,
Gregory Mangum
443-536-6351

Debra Wiley

From: webmaster@baltimorecountymd.gov
Sent: Monday, April 4, 2022 10:59 AM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Paul
Last Name	Merritt
Email	xl4100@aol.com
Phone	4105991206
Address	P.O. Box 37
City	Boring
State	Maryland
ZIP Code	21020
Case Number	2022-0012-XA-14100
Scheduled Hearing Date	04-06-2022

bnsmist@gmail.com

dcl@lafiandralaw.com

Debra Wiley
Cohost

greenmountlawn@aol.com

hanoverprf@comcast.net

jvettori@sgs-law.com

meapplegate3@gmail.com

Maureen E Murphy
Cohost

Paul Mayhew
Cohost

renee@thevpc.org

xl4100@aol.com

rwilliams@ddcinc.us

vickiekravitz@yahoo.com

xl4100@aol.com

Donna Mignon

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Sent: Monday, April 4, 2022 11:45 AM
To: Virginia Marks; Administrative Hearings
Subject: RE: Case No: 2022-0012-XA (14100 Longnecker Road) Hearing on Wed, 4/6@1:30PM)

Dear Ms. Marks,
Please go to the below link and fill out the Request to Testify form. Thank you.

https://www.baltimorecountymd.gov/departments/adminhearings/testimonyrequest.html

Have a great day.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204
410-887-3868

-----Original Message-----
From: Virginia Marks <ginnymarks@aol.com>
Sent: Monday, April 4, 2022 11:43 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Case No: 2022-0012-XA (14100 Longnecker Road) Hearing on Wed, 4/6@1:30PM)

CAUTION: This message from ginnymarks@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Your Honor,

My name is Virginia B. Marks.
I would like to testify in support of the petition for zoning relief in the aforementioned hearing.

Respectfully,
Virginia (Ginny) Marks
443-668-1551

Sent from my iPhone

Donna Mignon

From: Virginia Marks <ginnymarks@aol.com>
Sent: Monday, April 4, 2022 11:43 AM
To: Administrative Hearings
Subject: Case No: 2022-0012-XA (14100 Longnecker Road) Hearing on Wed, 4/6@1:30PM)

CAUTION: This message from ginnymarks@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Your Honor,

My name is Virginia B. Marks.
I would like to testify in support of the petition for zoning relief in the aforementioned hearing.

Respectfully,
Virginia (Ginny) Marks
443-668-1551

Sent from my iPhone

Donna Mignon

From: Administrative Hearings
Sent: Monday, April 4, 2022 11:34 AM
To: Sabrina Moore; Administrative Hearings
Subject: RE: Attending case 2022-0012-XA

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Moore,
Please go to the below link and fill out the Request to Testify form. Thank you.

https://www.baltimorecountymd.gov/departments/adminhearings/testimonyrequest.html

From: Sabrina Moore <sabrinamoore23@gmail.com>
Sent: Monday, April 4, 2022 11:31 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Attending case 2022-0012-XA

CAUTION: This message from sabrinamoore23@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.

My name is Sabrina Morris, and I would like to attend and testify and support of the zoning hearing for Gregory mangum.

administrativehearings@baltimorecountymd.gov

Sabrina Moore
410-303-4049

Donna Mignon

From: Sabrina Moore <sabrinamoore23@gmail.com>
Sent: Monday, April 4, 2022 11:31 AM
To: Administrative Hearings
Subject: Attending case 2022-0012-XA

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This message from sabrinamoore23@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.

My name is Sabrina Morris, and I would like to attend and testify and support of the zoning hearing for Gregory mangum.

administrativehearings@baltimorecountymd.gov

Sabrina Moore
410-303-4049

Panelists List 2022-0012-XA 4/6/22 - updated 4/3/22 at 8:33 p.m.

bnsmist@gmail.com

dcl@lafiandralaw.com

Debra Wiley

Cohost

greenmountlawn@aol.com

jvettori@sgs-law.com

meapplegate3@gmail.com

Maureen E Murphy

Cohost

Paul Mayhew

Cohost

renee@thevpc.org

rwilliams@ddcinc.us

hanoverprf@comcast.net

vickiekravitz@yahoo.com

rwilliams@ddcinc.us

vickiekravitz@yahoo.com

Attendees

Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Sunday, April 3, 2022 7:15 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Vickie
Last Name	Kravitz
Email	vickiekravitz@yahoo.com
Phone	4108337272
Address	14207 Longnecker Rd
City	Reisterstown
State	Maryland
ZIP Code	21136
Case Number	2022-0112-XA
Scheduled Hearing Date	04/06/2022

Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Sunday, April 3, 2022 7:49 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Patricia
Last Name	Fallon
Email	hanoverprf@comcast.net
Phone	4103360282
Address	14823 Hanover Pike
City	Upperco
State	Maryland
ZIP Code	21155
Case Number	2022-0012-XA
Scheduled Hearing Date	April 6

Panelists as of 3/31/22 – Case No: 2022-0012-XA

bnsmist@gmail.com

dcl@lafiandralaw.com

Debra Wiley

Cohost

greenmountlawn@aol.com

jvettori@sgs-law.com

meapplegate3@gmail.com

Maureen E Murphy

Cohost

Paul Mayhew

Cohost

rwilliams@ddcinc.us

renee@thevpc.org

Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Thursday, March 31, 2022 3:23 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Renee
Last Name	Hamidi
Email	renee@thevpc.org
Phone	410 3376877
Address	118 W. Pennsylvania |Avenue
City	Towson
State	Maryland
ZIP Code	21204
Case Number	2022-0012-XA
Scheduled Hearing Date	April 6, 2022

Panelists as of 3/30/22

Debra Wiley

Cohost

greenmountlawn@aol.com

jvettori@sgs-law.com

Maureen E Murphy

Cohost

Paul Mayhew

Cohost

rwilliams@ddcinc.us

dcl@lafiandralaw.com

bnsmist@gmail.com

meapplegate3@gmail.com

Case No: 2022-0012-XA

Panelists List as of 3/30/22

Debra Wiley

Cohost

greenmountlawn@aol.com

jvettori@sgs-law.com

Maureen E Murphy

Cohost

Paul Mayhew

Cohost

rwilliams@ddcinc.us

dcl@lafiandralaw.com

Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Wednesday, March 30, 2022 1:26 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Benjamin
Last Name	Smist
Email	Bnsmist@gmail.com
Phone	3017060869
Address	14102 Longnecker rd
City	Reisterstown
State	Maryland
ZIP Code	21136
Case Number	2022-0012-XA
Scheduled Hearing Date	Wednesday, April 6, 2022 at 1:30 P.M

Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Wednesday, March 30, 2022 1:19 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Dino
Last Name	La Fiandra
Email	dcl@lafiandralaw.com
Phone	4432043473
Address	100 W. Pennsylvania Avenue, Suite 305
City	Towson
State	Maryland
ZIP Code	21204
Case Number	2022-0012-XA
Scheduled Hearing Date	April 6, 2022

Donna Mignon

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Sent: Wednesday, March 30, 2022 1:33 PM
To: Dino La Fiandra
Subject: RE: Case 2022-0012-XA / 14100 Longnecker Road

I received one from Mr. Smist but will send one to Ms. Smist. Thank you.

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Wednesday, March 30, 2022 1:31 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Re: Case 2022-0012-XA / 14100 Longnecker Road

CAUTION: This message from dcl@lafiandralaw.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 believe my folks are registering themselves for the hearing through the registration link, but just in case, here are their names and email addresses. I would appreciate it if you would invite them. Thanks.

Ben Smist: bnsmist@gmail.com
Molly Smist: meapplegate3@gmail.com

Thanks.

Dino

DCL

On Wed, Mar 30, 2022 at 1:27 PM Administrative Hearings <administrativehearings@baltimorecountymd.gov> wrote:

> Hi Dino,
>
> Received.
>
> Send me names and email addresses that you need invited to this hearing. Thank you.

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Wednesday, March 30, 2022 1:25 PM

To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Jason Vettori <jvettori@sgs-law.com>
Subject: Case 2022-0012-XA / 14100 Longnecker Road

CAUTION: This message from dcl@lafiandralaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Attached please find an Entry of Appearance of Counsel in the above-referenced case.

Regards,

Dino

Dino C. La Fiandra, Esquire

The Law Office of Dino C. La Fiandra, LLC

100 W. Pennsylvania Avenue, Suite 305

Towson, Maryland 21204

Tel: 443-204-3473

LaFiandralaw.com

vCard



Get your COVID-19 vaccine today.

CONNECT WITH BALTIMORE COUNTY

Donna Mignon

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Wednesday, March 30, 2022 1:31 PM
To: Administrative Hearings
Subject: Re: Case 2022-0012-XA / 14100 Longnecker Road

CAUTION: This message from dcl@lafiandralaw.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 believe my folks are registering themselves for the hearing through the registration link, but just in case, here are their names and email addresses. I would appreciate it if you would invite them. Thanks.

Ben Smist: bnsmist@gmail.com
Molly Smist: meapplegate3@gmail.com

Thanks.

Dino

DCL

On Wed, Mar 30, 2022 at 1:27 PM Administrative Hearings <administrativehearings@baltimorecountymd.gov> wrote:

Hi Dino,

Received.

Send me names and email addresses that you need invited to this hearing. Thank you.

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Wednesday, March 30, 2022 1:25 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Jason Vettori <jvettori@sgs-law.com>
Subject: Case 2022-0012-XA / 14100 Longnecker Road

CAUTION: This message from dcl@lafiandralaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Attached please find an Entry of Appearance of Counsel in the above-referenced case.

Regards,

Dino

Dino C. La Fiandra, Esquire

The Law Office of Dino C. La Fiandra, LLC

100 W. Pennsylvania Avenue, Suite 305

Towson, Maryland 21204

Tel: 443-204-3473

LaFiandralaw.com

vCard



Get your COVID-19 vaccine today.

CONNECT WITH BALTIMORE COUNTY

www.baltimorecountymd.gov

Donna Mignon

From: Donna Mignon
Sent: Wednesday, March 30, 2022 1:32 PM
To: Dino La Fiandra
Subject: Case No: 2022-0012-XA 14100 Longnecker Road

Good Afternoon:

As you are aware, a virtual Webex hearing has been scheduled for April 6, 2022 at 1:30 p.m. You should have received an invitation today for the hearing.

Please email any and all hearing exhibits, documents, site plans, photographs or evidence of any kind that you wish to present at the hearing to our office . The documents must be submitted in PDF format at **least two full business days** in advance of the hearing to : Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov

These exhibits will be displayed on a computer screen as you explain at the hearing what you are seeking in your case. Please note that these documents are in addition to any paperwork submitted when you originally filed your petition with the Office of Zoning Review.

Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit.

You can find more information on our website at: https://www.baltimorecountymd.gov/departments/adminhearings/devzoninghearings.html

Please bring a hard copy of all exhibits and drop off in our lobby (address below) at least two full business days before the hearing date.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204
410-887-3868

Dino is representing Benjamin & Molly Smisk

Donna Mignon

From: Kristen L Lewis
Sent: Friday, March 11, 2022 12:30 PM
To: Debra Wiley; Donna Mignon
Subject: Webex 2022-0012-XA

Good afternoon,

Below is a new case needing a webex created. Thank you.

Case 2022-0012-XA
14100 Longnecker Road
Owners: Gregory Mangum – greenmountlawn@aol.com
Richard Williams – rwilliams@ddcinc.us
Jason Vettori – jvettori@sgs-law.com
4/6/22 at 1:30 p.m.

Kristen Lewis-Coles
Legal Secretary
PAI – Zoning Review

Donna Mignon

From: Donna Mignon
Sent: Friday, March 11, 2022 12:42 PM
To: Kristen L Lewis; Debra Wiley
Subject: LINK; - RE: Webex 2022-0012-XA

Hi Kristen,
The Link is a little different since we are now scheduling in Webinar. Thank you.
See below.

Webinar topic:
Zoning Hearing - Case No: 2022-0012-XA- 14100 Longnecker Road - Owners: Gregory Mangum

Date and time:
Wednesday, Apr 6, 2022 1:30 pm | (UTC-05:00) Eastern Time (US & Canada)

Join link:
https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=mff8f5469c63d76b53536cf521ade4bf3

Webinar number:
2315 655 5710

Webinar password:
1234 (1234 from phones)

Join by phone
+1-415-655-0001 US Toll

Access code: 231 565 55710

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Friday, March 11, 2022 12:30 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: Webex 2022-0012-XA

Good afternoon,

Below is a new case needing a webex created. Thank you.

Case 2022-0012-XA
14100 Longnecker Road
Owners: Gregory Mangum – greenmountlawn@aol.com
Richard Williams – rwilliams@ddcinc.us
Jason Vettori – jvettori@sgs-law.com
4/6/22 at 1:30 p.m.

Kristen Lewis-Coles
Legal Secretary
PAI – Zoning Review

Donna Mignon

Subject:	Zoning Hearing - Case No: 2022-0012-XA- 14100 Longnecker Road - Owners: Gregory Mangum
Location:	https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=mff8f5469c63d76b53536cf521ade4bf3
Start:	Wed 4/6/2022 1:30 PM
End:	Wed 4/6/2022 2:30 PM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Donna Mignon

CAUTION: This message from messenger@webex.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Zoning Hearing
Case No: 2022-0012-XA
Address: 14100 Longnecker Road
Owners: Gregory Mangum

Donna Mignon is inviting you to a scheduled Webex webinar.

Wednesday, April 6, 2022
1:30 PM | (UTC-05:00) Eastern Time (US & Canada) | 1 hr

View webinar information

Add to calendar Google · O365

Join webinar

More ways to join:

Join from the webinar link

https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=mff8f5469c63d76b53536cf521ade4bf3

Join by the webinar number

Webinar number (access code): 2315 655 5710

Webinar password: 1234 (1234 from phones)

Tap to join from a mobile device (attendees only)

+1-415-655-0001,,23156555710#1234# US Toll

Some mobile devices may ask attendees to enter a numeric password.

Join by phone

+1-415-655-0001 US Toll

Global call-in numbers

Join from a video system or application

Dial 23156555710@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your webinar number.

Need help? Go to https://help.webex.com

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 3/15/2022

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 22-012

RECEIVED
MAR 17 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

INFORMATION:
Property Address: 14100 Longnecker Road
Petitioner: Gregory Mangum
Zoning: RC 2
Requested Action: Special Exception; Variance

The Department of Planning has reviewed the petition for the following:

Special Exception - For a landscape service operation as provided in BCZR Section 1A01.2.C.16, 404.1, & 404.3;

Variance – To permit an internal roadway to be located 0 feet from the property line in lieu of the minimum required 25 feet BCZR Section 404.1.A

The site is located in an area that is a mix of agriculture and rural residential. This site is currently vacant. The access is from a shared drive over the neighboring property.

The landowner's representative has noted that the public will not be coming to the property to purchase materials and the site will be used for storage and staging for work offsite. Access will be provided using an existing driveway through a shared access easement. The Department does not object to the request subject to the following conditions:

1. Signage should be limited so as to not negatively impact the rural character of the area
2. No outside storage of equipment or materials should be permitted
3. Outdoor lighting should be limited as to not interfere with neighboring properties

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP/

S:\planning\dev rev\zac\zacs 2022\due 01-28\22-012-xa joe 01-28\shell\22-012.docx

c: Joseph Wiley
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: Feb 11, 2022

EFC for VKD

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 31, 2022
Item No. 2022-0012-XA

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

If Special Exception and Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

Since the proposed development is commercial, DPR recommends a separate commercial entrance from Longnecker Road. Access shall not be provided from an existing residential driveway on the adjacent property.

Owner/Developer shall determine if there is an existing floodplain on-site. If so, a flood study must be completed in accordance with Baltimore County regulations.

* * * * *

VKD: cen
cc: file

RECEIVED
JAN 31 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: January 28, 2022

SUBJECT: DEPS Comment for Zoning Item: # 2022-0012-XA
Address: 14100 Longnecker Road
(Mangum Property)

Zoning Advisory Committee Meeting of **January 31, 2022**.

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

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

Additional Comments:
The propose driveway shall not extend into the existing Forest Buffer Easement.

Reviewer: Glenn Shaffer

Ground Water Management must review any proposed building permit, since this site is in an area that requires private well and septic

Reviewer: Dan Esser

BALTIMORE COUNTY, MARYLAND
NOTE TO ADMINISTRATIVE LAW JUDGE

DATE: January 14, 2022

TO: Administrative Law Judge and File

FROM: Zoning Review Office

SUBJECT: Petition for Special Exception & Variance
Case No. 2022-0912-XA
2300007333 & 2300007334
14100 Longnecker Road

Per section 404.1.C ; The loading or unloading of vehicles for the purpose of shipping and receiving goods shall take place at least 100 feet from any property line adjacent to a residentially zoned or used property and shall be screened with plantings that provide a year-round visual screen upon maturity. If the loading activities are carried on within a fully enclosed structure such activities may take place up to 50 feet from any property line.

Depending which of the two or both loading or unloading activities that are going to take place on site need to be shown on the site plan or addressed in the notes and also addressed in the petition forms. I brought this to the attention of the Representative for the petitioner a Jason Vettori.

PETITION FOR ZONING HEARING(S)

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

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

Address 14100 Longnecker Road **which is presently zoned** RC 2

Deed References: 45146/00275 10 Digit Tax Account # 2300007333 & 2300007334

Property Owner(s) Printed Name(s) Gregory Mangum 2300007334

(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

Please see attached.

3. ✓ **a Variance** from Section(s)

Please see attached.

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

TO BE PRESENTED AT HEARING.

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:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 / (410) 821-0070 / jvettori@sgs-law.com

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 1/25/22
By

Legal Owners (Petitioners):

Gregory Mangum /

Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2

12845 Dover Road Reisterstown MD

Mailing Address City State

21136 / (443)536-6351 / greenmountlawn@aol.com

Zip Code Telephone # Email Address

Representative to be contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name – Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 / (410) 821-0070 / jvettori@sgs-law.com

Zip Code Telephone # Email Address

CASE NUMBER 2022-0012-XA **Filing Date** 1/14/22 **Do Not Schedule Dates:** _____ **Reviewer** GN

REV. 10/4/11

ATTACHMENT TO PETITION FOR ZONING HEARING

14100 Longnecker Pike

Case No.: 2022-_____-____

Special Exception relief for:

1. A landscape service operation as provided in BCZR §§ 1A01.2.C.16, 404.1 & 404.3; and

2. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

Variance relief from Section(s):

1. 404.1.A to permit an internal roadway to be located 0 feet from a property line in lieu of the minimum required 25 feet; and

2. For such other and further relief as may be deemed necessary by the ALJ for Baltimore County.

2022-0012-XA

Description

To Accompany Petition for Special Exception

9.861± Acre Parcel

West side of Longnecker Road 900± feet south of Piney Grove Road

14100 Longnecker Road

Fourth Election District, Baltimore County, Maryland

BEGINNING FOR THE SAME at a point on the west side of Longnecker Road as now laid out sixty feet wide, said point being 900± feet south of the intersection of Longnecker Road and Piney Grove Road, then running and binding on said west side,
referring the bearings to the first line of the first parcel of ground described in a deed dated August 18, 1992 from John A. Ebert to Paul F. Wooden, Jr. and Deborah I. Wooden recorded among the Land Records of Baltimore County, Maryland in Liber 9342, Page 594.

1. South 04° 29' 18" East 282.26 feet to the northernmost corner of Parcel 'A' of the Baltimore Gas and Electric Company right-of-way as set forth in a deed dated November 2, 1968 from Joseph Derricks Berry and Ruth J. Berry, his wife unto Bankers Trust Company and Baltimore Gas and Electric Company, said deed being recorded among the Land Records of Baltimore County, Maryland in Liber 4936 page 036, thence running with and binding on the northwest side of said Parcel 'A' the following two courses;

2. South 36 ° 54' 00" West 784.58 feet, thence;

3. South 37° 16' 06" West 147.38 feet to a point; thence;

4. South 87° 05' 00" West a distance of 437.95 feet to a point, thence

5. North 05° 06' 42" East 467.87 feet to a point, thence,

6. North 69° 11' 46" East 373.61 feet to a point; thence

7. North 82° 48' 33" East 356.50 feet to a point; thence

8. North 16° 05' 53" East 224.56 feet to a point; thence

9. North 15° 05' 43" West 28.72 feet to a point; thence

10. North 25° 55' 29" East 196.64 feet to a point; thence

11. North 80° 41' 58" East 32.57 feet to a point; thence

12. South 70° 29' 48" East 61.62 feet to the point of beginning.

CONTAINING 9.861 acres of land, more or less

2022-0012-XA

Being Lot Two as shown on Minor Subdivision Plan, Paul F. Wooden, Jr. Property, Baltimore County Minor Subdivision No. 99-017M.

Together with the use-in-common of a private easement for ingress, egress, maintenance, and utilities as shown on Minor Subdivision Plan, Paul F. Wooden, Jr. Property, Baltimore County Minor Subdivision No. 99-017M.

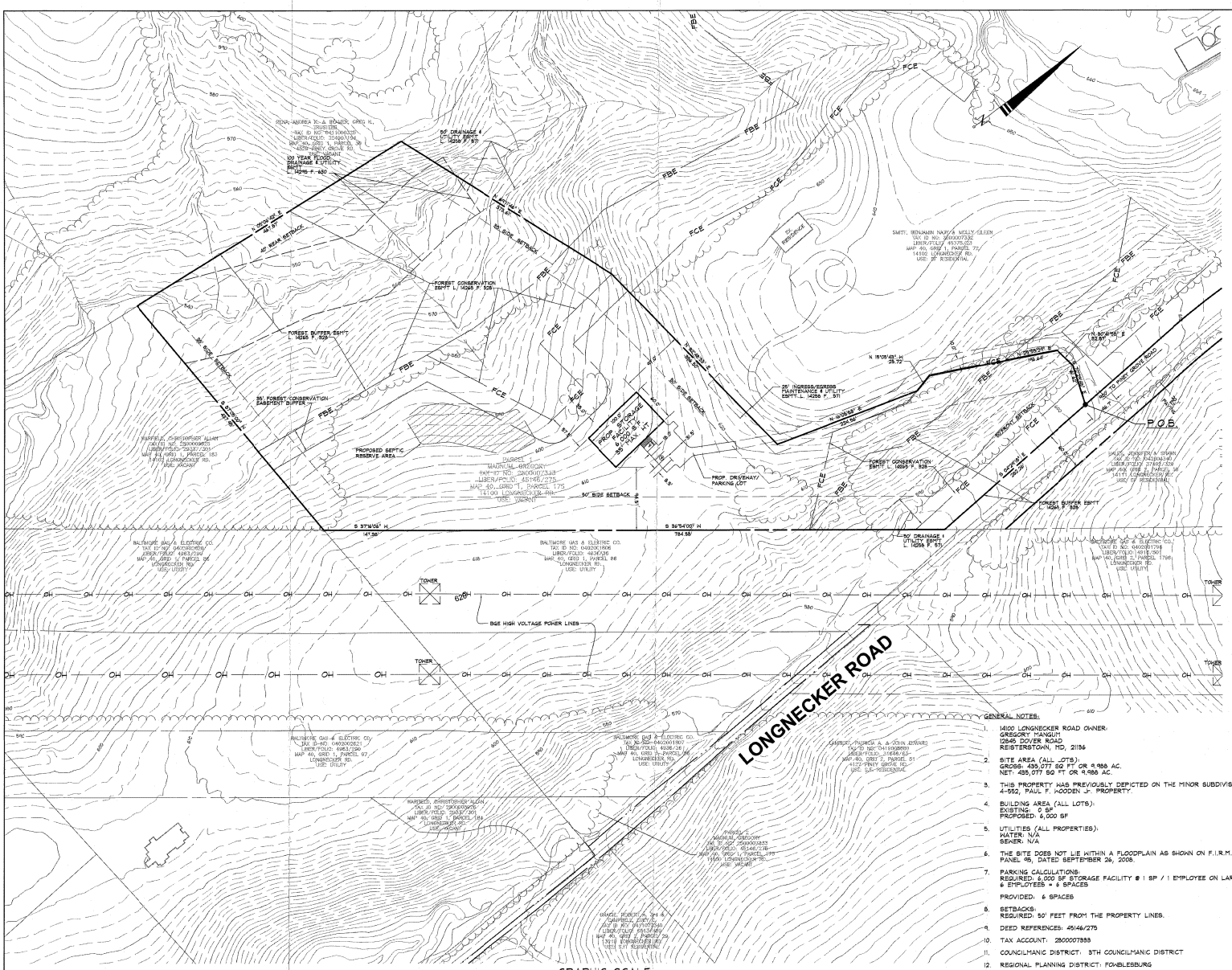
Being all of that parcel of land described as Parcel 1 in the deed dated June 24, 2021 from Robert E. Lee and Carol Jean Lee to Gregory Mangum, recorded among the Land Records of Baltimore County, Maryland in Liber 45146, Page 275.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.



I hereby certify that I either personally prepared or was in responsible charge over the preparation of this description, and that I am a duly licensed Professional Land Surveyor under the laws of the State of Maryland, License No. 11039, Expiration date: September 16, 2022.

2022-0012-XA



VICINITY MAP

SCALE: 1" = 1000'

DRAWING LEGEND

- EXISTING MINOR CONTOUR (2' INTERVAL)
- EXISTING MAJOR CONTOUR (10' INTERVAL)
- ADJACENT PROPERTY LINE
- EXISTING PROPERTY BOUNDARY
- EX. ROAD / EDGE OF PAVING
- EX. SEWER LINE & MANHOLES, CLEAN-OUTS
- EX. OVERHEAD ELECTRIC & UTILITY POLES
- PROPOSED MINOR CONTOUR (2' INTERVAL)
- PROPOSED MAJOR CONTOUR (10' INTERVAL)
- EX. CURB AND GUTTER/PROP. CURB & GUTTER
- EXISTING ROAD/DRIVE CENTERLINE
- EXISTING TREES
- EX. BUILDING

ATTACHMENT TO PETITION FOR ZONING HEARING
14100 LONGNECKER ROAD
4th Councilmanic District
2nd Election District

Special Exception Relief for:

1. A landscape service operation, as provided in BCZR §1A01.2C.16, §404.1 & § 404.5; and
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Variance relief from Sections(s):

1. 404.1.A to permit an internal roadway to be located 0 feet from a property line in lieu of the minimum required 25 feet; and
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

PURPOSE NOTE:

THIS PLAN HAS BEEN PREPARED BECAUSE THE OWNER OF 14100 LONGNECKER ROAD INTENDS TO ACQUIRE A SPECIAL EXCEPTION FOR A LANDSCAPE SERVICE OPERATION.

DATA SOURCES:

EX. TOPOGRAPHY AND BOUNDARY SHOWN PER BALTIMORE COUNTY GIS DATA DOWNLOADED DECEMBER, 2021. EXISTING SIGNS SHOWN HEREIN ARE APPROXIMATE AND ARE FOR ZONING PURPOSES ONLY.

GENERAL NOTES:

1. 14100 LONGNECKER ROAD OWNER:
   GREGORY MANGUM
   12645 DOVER ROAD
   REISTERSTOWN, MD, 21136
2. SITE AREA (ALL LOTS):
   GROSS: 435,077 SQ FT OR 9.988 AC.
   NET: 435,077 SQ FT OR 9.988 AC.
3. THIS PROPERTY HAS PREVIOUSLY DEPICTED ON THE MINOR SUBDIVISION PLAN 4-552, PAUL F. WOODEN JR. PROPERTY.
4. BUILDING AREA (ALL LOTS):
   EXISTING: 0 SF
   PROPOSED: 6,000 SF
5. UTILITIES (ALL PROPERTIES):
   WATER: N/A
   SEWER: N/A
6. THE SITE DOES NOT LIE WITHIN A FLOODPLAIN AS SHOWN ON F.I.R.M. 24001C0095F, PANEL 95, DATED SEPTEMBER 26, 2008.
7. PARKING CALCULATIONS:
   REQUIRED: 6,000 SF STORAGE FACILITY @ 1 SP / 1 EMPLOYEE ON LARGEST SHIFT
   6 EMPLOYEES = 6 SPACES
   PROVIDED: 6 SPACES
8. SETBACKS:
   REQUIRED: 50' FEET FROM THE PROPERTY LINES.
9. DEED REFERENCES: 45146/275
10. TAX ACCOUNT: 2800007333
11. COUNCILMANIC DISTRICT: 5TH COUNCILMANIC DISTRICT
12. REGIONAL PLANNING DISTRICT: FOWBLESBURG
13. CENSUS TRACT: 4046
14. WATERSHED: LOCH RAVEN RESERVOIR
15. ZONING: RC-2 (PER MAP TILE 040A1)
16. PREVIOUS ZONING CASES ON FILE:
    1971-0253-X- FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF A 500 KV ELECTRIC TRANSMISSION LINE- GRANTED.
    1972-0098-X- FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF A 500 KV ELECTRIC TRANSMISSION LINE- GRANTED.
    1988-0202-SPH- TO AMEND CASE 71-258-X FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF A 115 KV OVERHEAD ELECTRIC TRANSMISSION LINE- GRANTED.
17. PERMITS ON FILE: NONE
18. FLOOR AREA FOR RC-2: NO MORE THAN ONE PRINCIPAL RESIDENCE PER LOT.
19. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
20. THIS AREA HAS NO PUBLIC WATER SERVICE, SO THERE IS NO NEARBY FIRE HYDRANT.
21. THE SITE IS NOT WITHIN ANY FAILING AREA ON THE BASIC SERVICES MAPS.
22. 14100 LONGNECKER ROAD IS NOT LOCATED WITHIN A COMMERCIAL REVITALIZATION AREA.

01/12/2022
DATE

STATE OF MARYLAND — ANDREW JAMES STINE — LANDSCAPE ARCHITECT

ANDREW J. STINE
LANDSCAPE ARCHITECT NO. 3222

DDC
Development Design Consultants
Planners
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Engineers
Landscape Architects
192 East Main Street
Westminster, MD 21157
410.386.8560
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DDC@DDCinc.us
www.DDCinc.us

OWNER:
MANGUM, GREGORY
16845 DOVER ROAD
REISTERSTOWN, MD 21136

DEVELOPER:
SAME AS OWNER

SITE ADDRESS:
14100 LONGNECKER ROAD
REISTERSTOWN, MD 21136

14100 LONGNECKER ROAD

PLAN TO ACCOMPANY APPLICATION FOR SPECIAL EXCEPTION

3RD COUNCILMANIC DISTRICT
4TH ELECTION DISTRICT — BALTIMORE COUNTY

REVISIONS			
NO.	DESCRIPTION OF CHANGES	DRN.	REV. DATE

CO. FILE #: N/A	DES. BY: DDC
TAX ACC. #: 1200007333	DRN. BY: CWJ
TAX MAP: 40	CHK. BY: AJS
BLOCK / GRID: 001	DATE: 01/12/2022
PARCEL #: 175	DDC JOB#: 21041.1
ZONE / USE: RC-2	SHEET NUMBER: 1 of 1
DWG. SCALE: 1"=60'	

2022-0012-XA