



DPZ office use only:  
 BA Case No.: BA-808-D  
 Date Submitted: 8/8/24

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 By \_\_\_\_\_

**PETITION OF APPEAL OF  
 HEARING EXAMINER DECISION  
 TO THE HOWARD COUNTY BOARD OF APPEALS**

A person who wishes to appeal a decision of the Hearing Examiner to the Board of Appeals must use this petition form. A person must have been a party to the original case before the Hearing Examiner in order to file an appeal. In addition, it is recommended that a person determine whether he/she can be acknowledged as being an aggrieved person.<sup>1</sup> The appellant must submit the completed form to the Department of Planning and Zoning within 30 days of the issuance of the Hearing Examiner decision.

1. **Name of Case** Cardone Capital, LLC  
 BA Case No. BA-808-D  
 Date Decision and Order Mailed July 9, 2024
  
2. **Reason for Appeal** The Hearing Examiner erred in finding that the Appellant was not aggrieved and that the Petition was not timely filed.
  
3. **Name of Appellant** Cardone Capital, LLC  
 Trading as (if applicable) \_\_\_\_\_  
 Mailing address 18909 NE 29th Avenue, Aventura, FL 33180  
 Phone number(s) See counsel information  
 Email See counsel information  
 Name of principal contact (if different) Edward L. Donohue
  
4. **Counsel for Appellant** Edward L. Donohue  
 Mailing Address 117 Oronoco Street, Alexandria, VA 22314  
 Phone number(s) 703-549-1123  
 Email Edonohue@dtm.law  
 Secondary contact for counsel (if any) \_\_\_\_\_

<sup>1</sup> As a brief explanation of this concept; "Generally speaking, ... a person 'aggrieved' ... is one whose personal or property rights are adversely affected by the decision .... The decision must not only affect a matter in which the protestant has a specific interest or property right, but his interest therein must be such that he is personally and specifically affected in a way different from that suffered by the public generally." The Department of Planning and Zoning does not advise persons on whether they may or may not qualify as being aggrieved. Persons intending to file an appeal may want to obtain separate legal advice on this issue because it may have an impact on the validity of the appeal.

5. **Declaration of Interest**

The Appellant is the original petitioner

The Appellant was a party to the original case

6. **Amended Petition (This section is to be completed only if the Appellant was the petitioner in the original case before the Hearing Examiner and the case was other than an administrative appeal)**

If the original petition was substantively amended during the hearing before the Hearing Examiner, the appeal will proceed on the amended petition unless the original petitioner elects to proceed on the original petition. If you are the original petitioner, complete one of the following:

I elect to proceed on the original petition

I agree to proceed on the amended petition

Note: This section does not apply to a case that came before the Hearing Examiner as an appeal of an administrative decision.

7. **Copies:** The Appellant must submit **one signed original and nine copies of the signed original**, for a total of **10 copies**, of this petition. If supplementary documents or other materials are included, **10 complete sets** must be submitted.

8. **Public Notice Requirements**

a. Posting: If the Appellant is the owner or has a beneficial interest in the subject property, the Appellant must (i) post the property in accordance with Section 2.203(b) of the Rules of Procedure of the Board of Appeals and (ii) file an Affidavit of Posting as required by Section 2.203(c).

If the Appellant is not the owner or does not have a beneficial interest in the subject property, the posting of the property is not required; however, the Appellant must send copies of the petition and notification of the public hearing to the property owner and the adjoining property owners in accordance with Section 2.203(e) of the Rules of Procedure of the Board of Appeals.

b. Advertising: The Appellant must (i) advertise the date, time and place of the initial public hearing of this appeal petition before the Howard County Board of Appeals in accordance with Section 2.203(a) of the Rules of Procedure of the Board of Appeals and (ii) file a Certificate of Advertising as required by Section 2.203(c).

c. Responsibility for Compliance: In accordance with Section 2.203(g), the Appellant is responsible for assuring compliance with the advertising and posting requirements of the Board of Appeals.



**PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION**

**County Website: [www.howardcountymd.gov](http://www.howardcountymd.gov)**

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DATE 8-7-24

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Howard County Dir. of Finance

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E.C. Donohue

FOR

Appeal BA-808-1)

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