



For DPZ Office use only:

BA Case No. BA - 815D

Date Submitted: 2/28/25

ADMINISTRATIVE APPEAL PETITION TO THE HOWARD COUNTY HEARING AUTHORITY

A person who wishes to appeal a departmental decision must use this petition form. It is recommended that a person determine whether he/she can be acknowledged as being an aggrieved person¹. The appellant must submit the completed form to the Department of Planning and Zoning within 30 days of issuance of the departmental ruling or action.



1. APPEAL REQUEST

BRIEF DESCRIPTION OF RULING OR ACTION FROM WHICH THIS APPEAL IS

TAKEN: The Department of Planning and Zoning's ("DPZ") January 30, 2025 Decision Letter (the "Decision Letter") determining SDP 23-013 to be technically complete and granting tentative allocations for 242 housing units. The Decision Letter is attached hereto and incorporated herein.

DATE OF RULING OR ACTION: January 30, 2025

BRIEF DESCRIPTION OF ERROR OF FACT, OR LAW, IF ANY, PRESENTED BY THIS

APPEAL: DPZ's decision was clearly erroneous, arbitrary and capricious, and contrary to law because it failed to consider, among other things, the project's lack of sewer capacity. Appellant reserves the right to raise additional issues at the hearing on this matter.

MANNER IN WHICH THE APPELLANT IS AGGRIEVED BY THE RULING OR

ACTION: Appellant is an adjoining, nearby, and confronting property owner whose property rights are specially impacted by the decision.

OTHER FACTORS WHICH THE APPELLANT WISHES THE HEARING AUTHORITY

TO CONSIDER: To be set forth at the hearing on this matter.

¹ 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.

2. **APPELLANT'S NAME** Corridor Square LLC
TRADING AS (IF APPLICABLE) _____
ADDRESS 6800 Deerpath Road, Elkridge, Maryland 21075
PHONE NO. (H) (410) 579 2442 **(W)** _____
EMAIL amnmial@aol.com

3. **COUNSEL FOR APPELLANT** None
COUNSEL'S ADDRESS _____
COUNSEL'S PHONE NO. _____
EMAIL _____

4. **RESPONDENT** O'Donnell Properties LLC
RESPONDENT'S ADDRESS c/o Steve O'Donnell, 5 Longwood Rd., Baltimore, MD 21210

5. **PROPERTY IDENTIFICATION (IF REAL PROPERTY IS INVOLVED)**
ADDRESS OF SUBJECT PROPERTY 6724 W, 6728 Dorsey Road, and 6718 Binder Lane
Elkridge, Maryland 21075
TOTAL ACREAGE OF PROPERTY 5.29 acres more or less
PROPERTY LOCATION Binder Lane South of Washington Blvd.
COUNCIL DISTRICT 3rd **ELECTION DISTRICT** 1st **ZONING DISTRICT** TOD
TAX MAP # 37 **GRID #** 23 **PARCEL/LOT #** Parcels 276, 277, 278,
280, 283. Lots 1, 2, 6-11
& 13

6. **APPELLANT'S INTEREST IN SUBJECT PROPERTY**
☒ **OWNER** (Including joint ownership) ☐ **OTHER** (Describe and give name and address of owner) Appellant is the fee-simple owner of the adjoining property as indicated above.
Respondent is the fee-simple property owner of the property that is the subject of this appeal.

7. **ADDITIONAL MATERIAL, FEES, POSTING, AND ADVERTISING**
A) The Appellant must submit one (1) signed original and nine (9) copies of the signed original, for a total of ten (10) copies, of this petition. If supplementary documents or other materials are included, ten (10) complete sets must be submitted.
B) The appellant is advised to consult the Rules of Procedure of the Board of Appeals. In accordance with Section 2.210(b) of that document, an "on the record" appeal requires that within 30 days of filing an administrative appeal, the appellant file a record transcript of the hearing being appealed. In addition, within 15 days of filing the transcript, the appellant must file a Memorandum addressing the points of law upon which the appeal is based.

- C) The undersigned agrees in matters involving land use, except in administrative appeals from the issuance of a notice of violation of County laws or regulations, to properly post the property at least thirty (30) days immediately prior to the hearing and to maintain the posters as required and submit an affidavit of posting at, or before the time of the hearing. 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.
- D) The undersigned also agrees in matters involving land use, except in administrative appeals from the issuance of a notice of violation of County laws or regulations, to insert legal notices, to be published one (1) time in at least two (2) newspapers of general circulation in Howard County, as prepared and approved by the Department of Planning and Zoning, within at least thirty (30) days prior to the hearing, and to pay for such advertising costs; and further agrees to submit (2) approved certificates of the text and publication date(s) of the advertisement at or before the time of the hearing.
- E) The undersigned also agrees to furnish such additional plats, reports, plans, or other materials as may be required by the Department of Planning and Zoning and/or the Hearing Authority in connection with the filing of this petition.
The undersigned agrees to pay all costs in accordance with the current schedule of fees.

8. SIGNATURES

The undersigned hereby affirms that all of the statements and information contained in, or filed with, this petition are true and correct.

The undersigned has read the instructions on this form, filing herewith all of the required accompanying information.

N/A

Signature of Attorney

Signature of Appellant

For DPZ office use only: (Filing fee is \$1,500.00 plus \$50.00 per poster)

Hearing Fee: \$ _____

Poster Fee: \$ _____

TOTAL: \$ _____

Receipt No. _____

(Make check payable to "Director of Finance")

County Website: howardcountymd.gov

**PLEASE READ CAREFULLY
DATA TO ACCOMPANY PETITION**

Drawings: Where a parcel of land and/or building(s) as defined in the Zoning Regulations is involved in that which is being appealed, petition forms must be accompanied by **(10) copies of required drawings** showing the following information:

- ☐ (a) Courses and distances of outline boundary lines and the size of the property
- ☐ (b) North arrow
- ☐ (c) Existing zoning of subject property and adjoining property
- ☐ (d) Location, extent, boundary lines and area of any current use and proposed change in use
- ☐ (e) Any existing or proposed building(s), structures, signs, points of access, natural features, landscaping, parking, and other objects and/or uses on subject property which may be relevant to the petition
- ☐ (f) Same as (e) above, if any, of adjoining property which may be required in the proper examination of the petition
- ☐ (g) Location of subject property in relation, by approximate dimension, to nearest intersection of two public roads
- ☐ (h) Ownership of effected roads
- ☐ (i) Election District in which the subject property is located
- ☐ (j) Tax Map number on which the subject property is located
- ☐ (k) Name and local community in which the subject property is located or name of nearby community
- ☐ (l) Name, mailing address, telephone number (and e-mail address, if any) of the appellant
- ☐ (m) Name, mailing address, telephone number (and e-mail address, if any) of attorney, if any
- ☐ (n) Name and mailing address of property owner
- ☐ (o) Any other information as may be necessary for full and proper consideration of the appeal.

BA Case # _____

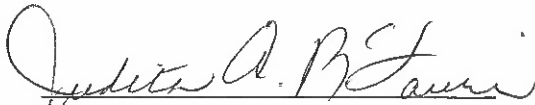
PETITIONER: _____

ADDRESS: _____

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended.

THE UNDERSIGNED DOES HEREBY DECLARE THAT NO OFFICER OR EMPLOYEE OF HOWARD COUNTY, WHETHER ELECTED OR APPOINTED, HAS RECEIVED PRIOR HERETO OR WILL RECEIVE SUBSEQUENT HERETO, ANY MONETARY OR MATERIAL CONSIDERATION, ANY SERVICE OR THING OF VALUE, DIRECTLY OR INDIRECTLY, UPON MORE FAVORABLE TERMS THAN THOSE GRANTED TO THE PUBLIC GENERALLY IN CONNECTION WITH THE SUBMISSION, PROCESSING, ISSUANCE, GRANT OR AWARD OF THE WITHIN APPLICATION OR PETITION IN BA CASE # _____ FOR A ZONING CHANGE AS REQUESTED.

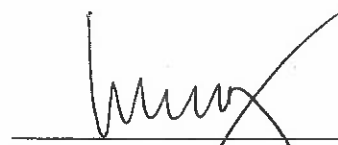
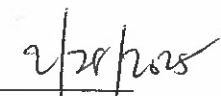
I, WE, DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE AFOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY, OUR, KNOWLEDGE, INFORMATION AND BELIEF.



Witness

Witness

Witness

Signature Date

Signature

Date

Signature

Date

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

County Website: www.howardcountymd.gov



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

■ Ellicott City, Maryland 21043

■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

January 30, 2025

O'Donnell Properties LLC
Attn: Steve O'Donnell
5 Longwood Rd.
Baltimore, MD 21210
Sent via email to steve@tin-us.org

RE: SDP-23-013 O'Donnell Properties

Dear Mr. O'Donnell:

The Subdivision Review Committee has determined the above referenced plan to be **technically complete**, subject to the ProjectDox plan markups and attached conditions. Resolution of the concerns of the Division of Land Development directly with that agency within **2 weeks** of the date of this letter (**on or before February 13, 2025**). Confirmation of resolution of comments from those agencies listed must accompany your electronic submission. If you have any questions regarding a specific comment, please contact the review agency prior to submitting the electronic original site development plan. If, in responding to those comments, design changes are made which could affect another SRC agency, you are advised to consult with the appropriate agency prior to the submission of the electronic originals to the Department of Planning and Zoning for signature.

The Department of Planning and Zoning hereby grants tentative allocations for 242 housing units (285 units – 43 onsite MIHU) for this site development plan for the Activity Centers Allocation Area and the year 2027.

However, processing of your site development plan has been placed on hold temporarily for the following reason.

This project failed a preliminary assessment of the Adequate Public Facilities test as your site development plan is located in a closed school region, elementary school district, middle school district and/or high school district. The site development plan has been placed on hold temporarily awaiting the school region, the elementary school, middle school district and/or the high school district to become open.

This site development plan is located in the Northeast School Region, the Hanover Hills Elementary School District, the Thomas Viaduct Middle School District and the Oakland Mills High School District.

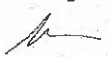
This site development plan could be delayed up to a maximum of 4 years for reason of inadequate school facilities. However, if the school region or district is not declared open within four (4) years, the site development plan will be allowed to proceed to signature approval. Your site development plan will be retested each year when the new Open/Closed School Chart is adopted by the Howard County Council.

You will be notified by letter when the site development plan passes the adequate school test. You will then be authorized to proceed through the site development plan process to signature of the plan. Do not submit the electronic site development plan originals until notified.

Although your site development plan is on hold, your consultant should address, through a direct plan submission, the issues of the Division of Land Development within 2 weeks from the date of this letter (on or before February 13, 2025).

If you have any questions, please contact Julia Sauer at (410) 313-4342 or email at jsauer@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22B49A...

Anthony Cataldo, Chief
Division of Land Development

cc: Research
Department of Assessments and Taxation
Real Estate Services
Jared Spahn, Old Town Construction (jspahn@5304dorsey.com)
Jonathan Norman, Pennoni Associates Inc. (jnorman@pennoni.com)
Peter Stone, Pennoni Associates Inc. (pstone@pennoni.com)