

IN THE MATTER OF	*	BEFORE THE
DONALD AND KATHLEEN LIPPY, LEGAL OWNERS	*	BOARD OF APPEALS
AND PETITIONERS FOR SPECIAL HEARING AND	*	OF
VARIANCE ON THE PROPERTY LOCATED AT	*	BALTIMORE COUNTY
15700 HANOVER PIKE	*	CASE NO. 18-052-XA
4 <sup>TH</sup> ELECTION DISTRICT	*	
3 <sup>RD</sup> COUNCILMANIC DISTRICT	*	

\* \* \* \* \*

**ORDER OF DISMISSAL**


This matter comes to the Board of Appeals by way of an appeal filed by Michael R. McCann, Esquire on behalf of the Hanover Road Association, Santo and Debra Mirabili and John M. Couls, Protestants/Appellants, from a decision of Administrative Law Judge, John Beverungen, dated October 13, 2017, in which the requested zoning relief was granted with conditions.

**WHEREAS**, the Board is in receipt of a Request to Withdraw Petition filed by Lawrence E. Schmidt, Esquire on behalf of Donald and Kathleen Lippy, Petitioners (a copy of which is attached hereto and made a part hereof); and

**WHEREAS**, said Petitioner requests that the Petitions for Special Hearing and Variance that are the subject matter of this appeal be withdrawn and dismissed,

**IT IS THEREFORE ORDERED** this 29<sup>th</sup> day of September, 2018 by the Board of Appeals of Baltimore County that, in accordance with Board of Appeals Rules of Practice and Procedure, Rule 3.b.2, the Petition for Special Hearing and Variance filed in Case No. 18-052-XA be and the same is hereby **WITHDRAWN AND DISMISSED with prejudice.**

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
\_\_\_\_\_  
Jason S. Garber, Chairman

**SMITH, GILDEA & SCHMIDT** LLC

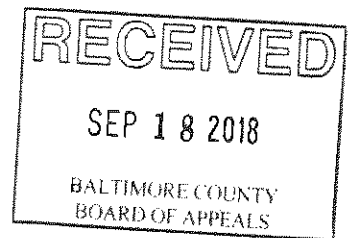
MICHAEL PAUL SMITH  
DAVID K. GILDEA  
LAWRENCE E. SCHMIDT  
MICHAEL G. DEHAVEN  
JASON T. VETTORI

MARIELA C. D'ALESSIO\*  
MELISSA L. ENGLISH  
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SARAH A. ZADROZNY  
*of counsel:*  
EUGENE A. ARBAUGH, JR.  
DAVID T. LAMPTON  
MARY G. LOKER  
\*Admitted in MD, FL, PA

September 14, 2018

**Sent Via Email and First Class Mail**

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



**In the Matter of: Donald E. and Kathleen Lippy  
Hanover Pike  
4<sup>th</sup> Election District, 3<sup>rd</sup> Councilmanic District  
Case No. 2018-052-XA**

Dear Sunny,

Please accept this letter as notice of withdrawal of the Petitioner for Special Hearing and Variance in the above matter. The Petitioner no longer wishes to pursue this matter.

Thank you for your courtesy.

Very truly yours,

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

Lawrence E. Schmidt

LES/amf

cc: Michael R. McCann, Esquire  
Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County



## Board of Appeals of Baltimore County

JEFFERSON BUILDING  
SECOND FLOOR, SUITE 203  
105 WEST CHESAPEAKE AVENUE  
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September 28, 2018

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

Michael R. McCann, Esquire  
Michael R. McCann, P.A.  
118 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: *In the Matter of: Donald and Kathleen Lippy – Legal Owners*  
Case No.: 18-052-XA

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review** filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

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

Krysundra "Sunny" Cannington  
**Administrator**

KLC/taz  
Enclosure  
Duplicate Original Cover Letter

c: Donald and Kathleen Lippy  
John Lemmerman/RTF Associates, Inc.  
Ken Donithan/Earth & Air Technologies, LLC  
Office of People's Counsel  
Lawrence M. Stahl, Managing Administrative Law Judge  
Andrea Van Arsdale, Director/Department of Planning  
Arnold Jablon, Deputy Administrative Officer and Director/PAI  
Nancy C. West, Assistant County Attorney/Office of Law  
Michael E. Field, County Attorney/Office of Law

Hanover Road Association  
Santo and Debra Mirabili  
John Couls