

# O'Malley, Miles, Nysten & Gilmore, P.A.

Attorneys & Counselors at Law

## Administrative Law & Government Relations Practice Group



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The attorneys of the Administrative Law & Government Relations Practice Group represent our clients at all levels of State, County, Municipal and local governmental authorities and agencies. We are engaged to assist our clients in obtaining project approvals through the administrative and legislative process as necessary to achieve their business objectives. Our attorneys have extensive experience working with agency professional staff and appearing before a myriad of governmental and quasi-governmental regulatory bodies. The Administrative Law & Government Relations Practice Group is configured into four (4) major categories: Land Use & Zoning; Government Relations and Lobbying; Administrative and Regulatory Proceedings; Alcoholic Beverage and Business Licenses.

### Land Use and Zoning

Our attorneys diligently represent our clients' interests to achieve their business goals in the land use and zoning arena. We have extensive experience in all levels of the review and approval process required to achieve plan approvals and bring projects to fruition, including the following:

### Zoning

The zoning process may include representation of clients' interests through the comprehensive zoning, or Master Plan process, including comprehensive rezoning, or in individual piecemeal rezoning applications. Our attorneys have the knowledge and experience to advise our clients as to zoning objectives and strategies that will be most advantageous for their development projects. We are also experienced in analyzing the complexities of the Zoning Ordinance to address issues that may arise in the application of the Ordinance to specific properties. We are prepared to work with you and your development team to accomplish your goals.

Dean Armstrong, AICP  
*Land Planner*

O'Malley, Miles, Nysten & Gilmore, P.A.

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## Subdivision

The subdivision of land is a necessary component of the development process. In addition to establishing legal boundaries of lots and parcels, this process also deals with other significant issues such as road and open space dedication and compliance with adequate public facilities ordinances. We are prepared to assist you in evaluating issues likely to be raised in your subdivision application and working with you through the approval of the both the preliminary plan and final plat of subdivision.

## Site Plans

Site Plans may consist of conceptual site plans, detailed site plans, comprehensive design plans, or specific design plans. Typically these plans will address issues including project design, zoning regulations, environmental compliance, parking and circulation, landscaping, and architecture. Whether you are pursuing a small retail center or a major mixed-use, transit-oriented development, we are ready to assist in the preparation, negotiation, and completion of the project site plan process. Through project team meetings to initial staff review and all the way through final appeals, our attorneys are ready to assist you.

## Special Exceptions

Some uses are permitted in various zones, but are subject to approval of a special exception. We have represented many businesses through this process, including sand and gravel operations; rubble fills; and car washes. Each case is unique, and we are prepared to help you evaluate your particular circumstances and to develop and implement the strategy to most effectively and efficiently achieve your goal.

## Environmental

Some projects require specialized environmental approvals involving federal, state, or local agencies. Our attorneys have successfully assisted our clients to obtain approvals for impacts to Maryland's designated Critical Area; non-tidal and tidal wetlands; endangered species; forests; and other environmentally sensitive matters. We have experience representing our clients in negotiations with the Maryland Department of the Environment; the Maryland Department of Natural Resources; the Critical Area Commission; the Board of Public Works; and other federal and local agencies.

## Historic Preservation & Archeology

We have extensive experience in the field of Historic Preservation and Archeology as it relates to the development process. We frequently represent our clients in issues concerning historic resources and historic site designations, delineation of appropriate environmental settings and issues related to preservation of historic cemeteries. We have frequent interaction on behalf of our clients with local historic preservation staff and Historic Preservation Commissions as well as with the Maryland Historical Trust at the State level. We are frequently able to resolve issues concerning Historic Preservation and Archeology in a manner which enables proposed developments to proceed while satisfying the requirements of applicable ordinances and regulations.

## Green Building & Sustainability Practices

Several of our attorneys are United States Green Building Council LEED (Leadership in Energy and Environmental Design) accredited professionals. As LEED AP's, they possess the knowledge to help clients evaluate the requirements and benefits of sustainable building practices and counsel owners, construction consultants, and others involved in the development, construction, and financing of sustainable buildings. See analysis of environmental laws, green standards, and sustainability issues impacting Maryland from the perspective of the land development and building industry at [www.buildingagreenmaryland.com](http://www.buildingagreenmaryland.com).

## Nonconforming Use Certification

Certain uses are rendered non-compliant with the Zoning Ordinance as regulations change over time. When this occurs, in order to preserve a project's grandfathered status, you may be required to obtain a certification of a non-conforming use. This process may proceed administratively or may require public hearings. In either case, we are prepared to assist you in gathering the necessary documentation and pursuing the approvals required to obtain a valid occupancy permit for a non-conforming use. This type of approval is often required by lenders when refinancing projects, or may be required to preserve the ability to rebuild the project in the event of a casualty loss.

## Variances & Departures

Occasionally, due to unique site conditions or project requirements, it is not possible to satisfy all regulations within the Zoning Ordinance. Examples include setbacks, buffer yards, parking and loading space requirements. As part of the review process, we will work with your team to determine the necessary variances or departures that may be required for your project, and build the legal arguments to justify the granting of necessary waivers or adjustments.

## Permit Issuance & Compliance

Once a project is fully approved with all necessary entitlements, the development process shifts focus to permit review and issuance. In most cases, extensive involvement by legal counsel is not required at this stage of the project. Specific issues may arise, however, that threaten to delay the progress of construction. Our attorneys are experienced in assisting clients to resolve permit review problems, use classification issues, bond and letter of credit matters, and site inspection and zoning violation issues.

## Due Diligence Reviews

Lenders and contract purchasers often need assistance in determining the status of zoning and subdivision approvals for a particular project. We are prepared to assist in due diligence analysis which may include review of zoning and subdivision approvals, environmental and historic preservation reports, and other land use issues. This may include gathering records from various public files and investigating a project's approval status, including a review of the numerous conditions of approval that are often included with plan approvals. We will work with you and your team to assess the status of the entitlement approvals for a specific property and help you clarify areas of confusion in the project's approval status.

## Government Relations and Lobbying

O'Malley, Miles, Nylen & Gilmore, P.A. has a long and respected history representing and lobbying for clients before federal, state and local regulatory agencies and legislative bodies. We represent large companies, real estate development companies, local businesses, trade organizations, and municipalities. We represent our clients in government contract proposals for major government initiatives such as tax increment financing, and we also coordinate our clients' efforts to file and pursue government requests for proposals (RFP's) for joint development proposals.

## Administrative and Regulatory Proceedings

O'Malley, Miles, Nylen & Gilmore, P.A. has served as legal counsel to governmental authorities on a variety of issues. Our attorneys represent our clients' interests before regional, municipal, county and state agencies, in matters including Maryland Occupational Safety and Health issues (MOSHA), health care related processes, and appearances before local licensing boards.

## Alcoholic Beverage and Business Licenses

The firm represents clients' interests in alcoholic beverage licensing matters in numerous jurisdictions throughout the Baltimore/Washington metropolitan area. Areas of representation include obtaining new and renewal licenses, transferring licenses, and monitoring licenses to ensure compliance with applicable regulations. Our attorneys are also experienced in defending our clients who are charged with license regulation violations.

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