

IN THE MATTER OF
DIANA ERVIN – LEGAL OWNER
MICHAEL S. MILLER – CONTRACT PURCHASER
PETITION FOR VARIANCE FOR THE
PROPERTY LOCATED ON THE SE/COR OF
PHILADELPHIA RD AND NEW FORGE ROAD
(11565 PHILADELPHIA ROAD)

12TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. : 11-174-A

* * * * *

ORDER OF DISMISSAL

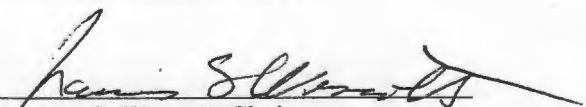
This matter comes to the Board of Appeals by way of an appeal filed by Michael S. Miller, Jr.,
Petitioner/Appellant, from a final decision of the Administrative Law Judge dated March 4, 2011, in which
the requested zoning relief was granted with conditions.

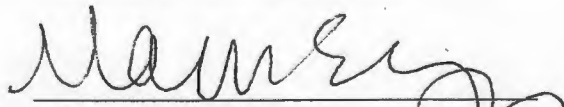
WHEREAS, the Board convened for a hearing on August 3, 2011; and

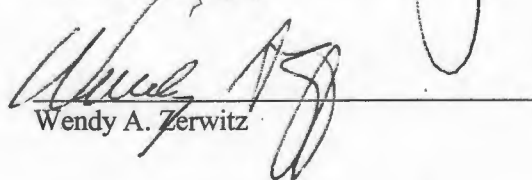
WHEREAS, said Petitioner /Appellant requested on the record that the appeal taken in this matter
be withdrawn and dismissed as of August 3, 2011,

IT IS ORDERED this 3rd day of August, 2011 by the Board of Appeals of
Baltimore County that the appeal taken in Case No. 11-174-A be and the same is hereby **DISMISSED with**
prejudice.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman


Marueen E. Murphy


Wendy A. Zerwitz

27/4/11
IN RE: PETITION FOR VARIANCE

SE corner of Philadelphia and
New Forge Roads
11th Election District
5th Councilmanic District
(11565 Philadelphia Road)

Donna Mite Inn, Inc.,
fka Ledfords Welding Co., Inc.
Petitioner and Legal Owner
Michael S. Miller
Contract Purchaser

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
*
* **CASE NO. 2011-0174-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by the legal owner of the subject property, Donna Mite Inn, Inc., fka Ledfords Welding Co., Inc. Petitioner is requesting Variance relief from Section 409.6 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 22 parking spaces in lieu of the required 40 parking spaces for a tavern, service garage and apartment. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

It should be noted that this matter came before me as a result of a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management¹. A Code Inspections and Enforcement Correction Notice was issued to Petitioner on July 8, 2010 for failure to obtain a building permit for a building on the side of the property and failure to obtain a change of occupancy permit for a different use. Hence, Petitioner filed the instant variance request.

¹ Case No: CO-78487

ORDER RECEIVED FOR FILING

Date 3-4-11

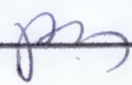
By [Signature]

Appearing at the requisite public hearing in support of the variance request were Petitioner Diana Ervin for Donna Mite Inn, Inc., fka Ledfords Welding Co., Inc., and Michael S. Miller, the contract purchaser. Also attending was David Billingsley, with Central Drafting & Design, Inc., the professional surveyor who prepared the site plan and is assisting the Petitioner through the permit process. Interested citizens attending the hearing were Tony Wolfe, Michael Pierce, Whitney Runk and Carolyn Malinowski.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated December 17, 2010 which indicates that the Office does not oppose the requested variance, but noted the following remarks. The need for the variance was triggered by a complaint about noise from the window tinting business that adjoins the existing tavern. The window tinting business would not generate much parking and the Zoning Regulations only require the business to have 2.3 parking spaces. The existing tavern is a non-conforming use on the property. The tavern generates over 35 parking spaces. Only 22 spaces can be legally designated as parking spaces on the site. On inspection, the existing paving of the site can generate much more than 22 parking spaces. Customers currently park on what appears to be part of the subject property which is actually Philadelphia Road. When the State Highway Administration expanded Philadelphia Road, the right-of-way extended into what originally was part of the subject property's parking lot. The site has a significant amount of unimproved area. However, the site is constrained by floodplains and buffers. The Department further noted that it appeared that a variance to the water quality regulations would be necessary to construct additional parking within the Forest Buffer Easement area. A comment was also received from the State Highway Administration requiring an access permit to be issued; the location of which access point was provided as Petitioner's Exhibit 14.

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Date 3-4-11

By 

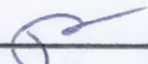
Comments received from the Department of Environmental Protection Resource Management dated December 22, 2010 indicate that development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains and must also comply with the Forest Conservation Regulations. It appears that a variance to the Water Quality Regulations will be necessary to construct the additional parking area within a Forest Buffer Easement area.

Mr. Billingsley, President of Central Drafting & Design, Inc., testified. He presented the plat of the site in question and described the property as .96 acres zoned BM and BR located at the intersection of Philadelphia Road (MD Route 7) and New Forge Road in the White Marsh area of Baltimore County. The site is presently improved by a two story apartment building, a one story tavern, a small "service garage" a separate office structure, for a total of 4,3075 square feet of space. A small snowball stand on the property was shown, but will be removed by the Petitioner. He related that the tavern and apartment building were of long history on the site and that the service garage and small office structure were utilized by the Petitioner for a car window tinting business.

He testified that on July 8, 2010, the Petitioner was cited by Code Enforcement as no permit had been obtained for the window tinting business to be located at the site. He related that a permit was requested on July 16, 2010, but that the Petitioner was informed that he first needed to obtain Development Review Committee approval. He stated that on August 16, 2010, the Petitioner was granted an A6 exemption to go directly to permit request. However, a site plan for parking was still required. It was determined that the three uses proposed (tavern, two story apartment house, and tinting business) generated the need for more parking under the regulations

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By 

than the property could accommodate. The instant Petition for Variance relative to those parking requirements resulted.

Mr. Billingsley referred to Petitioner's Exhibit 1, the Plat to Accompany the Petition for Variance and detailed the location of the proposed 21 spaces plus one in the bay of the tinting business for a total of 22 spaces. He noted that, for all three uses on the site, a total of 40 spaces would be required.

The witness further offered that a new adjacent residential development, Mayfield Estates, has required the expansion of New Forge Road. In addition, the State of Maryland widened the right-of-way of intersecting Route 7 (Philadelphia Road) reducing the frontage of the site from 80 feet to 66 feet. As a result, 9 perpendicular parking spaces previously located on that side of the site (Exhibit 16) were rendered unavailable. He admitted that tavern patrons still utilize these spaces perpendicular to Philadelphia Road, which has no curb or sidewalk to deter its use.

As part of the development of the plan for the site, the State Highway Administration (SHA) has stated that an entrance would be required onto Philadelphia Road as the only point of ingress or egress from the property. That agency also required that the said entrance be included in any Order arising out of this matter. The SHA mandated entrance is located adjacent to the parking spaces noted on Petitioner's plat and was entered as Petitioner's Exhibit 10. The witness related that the Planning Department has noted that the said previously appropriate perpendicular parking spaces on Philadelphia Road would likely be used until eventual curb and guttering was constructed on that section of Philadelphia Road. A landscape plan and other DEPS required approvals would, of course, be required before permit approval as part of the permitting process.

ORDER RECEIVED FOR FILING

Date 3-4-11

By [Signature]

The witness stated that prior to the widening of Philadelphia Road, the layout of the site had allowed for more parking spaces, although still not enough spaces to accommodate the number called for in the regulations.

The witness offered that the service garage called for 2.3 parking spaces, including one in the service bay and 1.3 on an outside parking space. He agreed that there would be no access onto New Forge Road allowed by the County and that parking would only be permitted on the west side of the site. He observed that the southern parts of the site, stretching from the western property line to New Forge Road was located on a 100 year flood plain and forest buffer easement areas; and was also subject to drainage and utility easements.

He concluded by reviewing once again the spaces required by each requested use and stating that, without the granting of the variance, the already existing long term uses of the site as well as the tinting garage would be rendered unable to continue.

Mr. Billingsley responded on cross examination that the tavern was a night and weekend business and that the tinting business was a weekday, Saturday and Sunday day business. There was, in his opinion, little or no overlap. Additionally, he proposed that cars to be worked on could be parked "stadium" style, as the keys to those vehicles would be in the possession of the garage employees.

Tony Wolfe spoke on his own behalf as a resident of the Mayfield Estates community. He testified that, as a result of the continued expansion of Mayfield Estates, traffic at the corner of New Forge Road and Philadelphia Road is becoming increasingly busy; and that the school buses for elementary and middle school pick up their students at the intersection. Based upon his observations, he considers the tavern a day time as well as night business, and related that his wife has also seen intoxicated persons, even in the morning hours, some becoming sick on the street

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By [Signature]

evidently from their activities at the tavern. He noted in addition that customers of the tavern are also parking on New Forge Road, a situation that will only become more difficult as time goes by.

He described the problems of traffic generated on Philadelphia Road as it approached New Forge Road. He stated that the backing out of vehicles parked perpendicular to Philadelphia Road in front of the tavern was dangerous as it emptied onto Philadelphia Road and oncoming traffic there. He described problems with traffic coming from businesses across Philadelphia Road from the subject site, but admitted those problems existed even before the instant site requests. On a different subject, he testified that he had seen boats and cars shown and advertised for sale from the subject site.

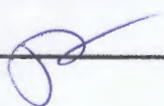
Finally, he communicated his deep concern that as an additional planned 175 homes are added to Mayfield Estates, traffic will certainly greatly increase on both New Forge Road and Philadelphia Road, thus significantly increasing the danger of automobile accidents and resultant injury.

Carolyn Malinowski, a resident on New Forge Road, also testified. Her main concern was the 9 now unpermitted parking spaces perpendicular to Philadelphia Road. She sited the danger posed by drivers backing out onto Philadelphia Road and feared an increasing number of accidents as a result. Although she noted that there have never been the number of parking places called for in the regulations on the subject site, she made clear that she was not asking that the regulations now be enforced to their full extent; but certainly did not want to see a reduction in the number of spots available nor an increase in the uses producing additional parking demand.

Michael Pierce, also a neighborhood resident, testified that allowing the traditional car tinting business merely takes up spaces that would otherwise have been available to the tavern and

ORDER RECEIVED FOR FILING

Date 3-4-11

By 

apartment building. He agreed that the variance was called for, but not beyond the tavern and the apartment houses uses.

Based upon the testimony and evidence presented, I find that there are special circumstances or conditions that exist that are peculiar and unique to the land which is the subject of this parking variance request. It is clear that the previously existing tavern and two story apartment structure have been supported for many years with less available parking spaces than called for by the applicable regulations. The subsequent loss of 9 of those existing spaces as a result of the State of Maryland's action in the widening of Philadelphia Road visited an additional blow to the existing parking availability. In addition, the site is severely constrained by flood plain and other buffers and easements. Although the comment by the Department of Environmental Protection and Sustainability notes that additional parking might be available as a result of a request for a variance to applicable the Water Quality Regulations, no such request has apparently be made. Nevertheless, it is clear that the tavern and apartment structure cannot continue to operate without the variance to allow less parking than the required minimum, and which has been the norm for many years.

Having gone thus far, other issues present more of a difficulty. Patrons still utilize the inappropriate perpendicular parking on Philadelphia Road. That situation is untenable and represents a continuing danger of accident and injury to the public. Access to these perpendicular parking spots from Philadelphia Road must be prevented, although parallel parking on the site in the area previously used for perpendicular parking to some extent could be presented to the responsible County agencies for approval.

For all of the above reasons, the continuing use of the site for the tinting business is problematic. Although it technically represents only 2.3 parking spaces under the regulations

ORDER RECEIVED FOR FILING

Date 3-4-11

By 

(including 1 in the "bay") I believe it would be naïve not to recognize that additional spaces would be utilized by patrons coming and going to the business, and inevitable queue of vehicles awaiting services, and parking for employees. It is also obvious that these inevitable parking uses would occur and carry over to all times of the day and night. The observation by Mr. Billingsley that "stadium" bumper to bumper parking could be used only serves as an acknowledgement on his part of the reality that the number of cars on the site relative to the tinting business would be considerably more than that assigned to that use under the regulations.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief for the tavern and apartment building ONLY, subject to the conditions set forth below. I further find that the granting of the relief as set forth herein can be accomplished without injury public health, safety, and general welfare. Therefore, in all manner and form, I find that the variance requested can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R. as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance request for a tavern and apartment ONLY should be granted.

THEREFORE, IT IS ORDERED this 4th day of March, 2011 by this Administrative Law Judge that Petitioner's Variance request from Section 409.6 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 22 parking spaces in lieu of the required 40 parking spaces for a tavern and apartment ONLY be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. No activities other than that of the tavern and apartment building shall be permitted on the site.

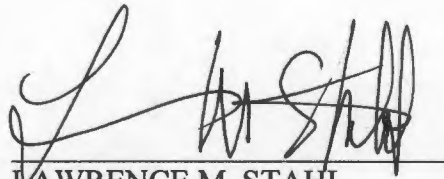
ORDER RECEIVED FOR FILING

Date 3-4-11 8

By JS

2. Appropriate barricades or traffic "chocks" shall be put in place to prevent perpendicular parking open to Philadelphia Road. That Petitioner must obtain a Maryland State Highway access permit for the site onto Philadelphia Road as required by the State Highway Administration.
3. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
4. 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).

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



LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

Date 3-4-11

By [Signature]



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

March 4, 2011

DIANA ERVIN
2300 TAYLOR AVENUE
BALTIMORE MD 21234

Re: Petition for Variance
Case No. 2011-0174-A
Property: 11565 Philadelphia Road

Dear Ms. Ervin:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the word "Sincerely,".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

c: Michael S. Miller, 51 Aberdeen Avenue, Aberdeen MD 21001
David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040
Carolyn Malinowski, 5625 New Forge Road, White Marsh MD 21162
Michael Pierce, 7448 Bradshaw Road, Kingsville MD 21087
Tony Wolfe, 11506 Lipscomb Way, White Marsh MD 21162
Whitney Runk, 5604 Aubree Lane, White Marsh MD 21162
Lew Mayer, Baltimore County Code Enforcement



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 11565 PHILADELPHIA ROAD
which is presently zoned BM & BR

Deed Reference: 65361331 Tax Account # 1700000481

This Petition shall be filed with the Department of Permits and Development Management. 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 Variance from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

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 Variance, 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.

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.

Contract Purchaser/Lessee:

Name - Type or Print MICHAEL S. MILLER
Signature [Signature]
Address 11565 PHILADELPHIA RD. (410) 870-0620
City WHITE MARSH State MD. Zip Code 21162

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Name - Type or Print DONNA MITE INN, INC.
Signature [Signature]
Address LEDFORDS WELDING CO., INC.
City DIANA State ERVIN Zip Code _____

Signature _____
Address 11565 PHILADELPHIA RD.
City WHITE MARSH State MD. Zip Code 21162

Representative to be Contacted:

Name DAVID BILLINGSLEY
Address CENTRAL DRAFTING & DESIGN, INC.
City 601 CHARWOOD CT. (410) 679-8719
State EDGEWOOD Zip Code MD. 21040

Case No. 2011-0174-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by [Signature] Date 11-10-10

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 3-4-11

By [Signature]

SECTION 409.6 (BCZR) TO PERMIT 22 PARKING SPACES IN LIEU OF THE REQUIRED
40 PARKING SPACES FOR A TAVERN, SERVICE GARAGE AND APARTMENT

ZONING DESCRIPTION

11565 PHILADELPHIA ROAD

Beginning at a point formed by the intersection of the south side of Philadelphia Road (Md. Rte. 7), 80 feet wide with the west side of New Forge Road, 80 feet wide, thence (1) S 47-17-20 E 152.88 feet (2) S 42-42-40 W 322.77 feet (3) N 14-51-30 W 181.24 feet and (4) N 42-42-40 E 225.42 to the place of beginning. Containing 41,997 square feet or 0.964 acre of land, more or less.

Being known as 11565 Philadelphia Road and being located in the 11TH Election District, 5TH Councilmanic District of Baltimore County

"Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the state of Maryland, License No. 15453, Expiration Date: July 2, 2011."



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

No. 61045

Date: 11.10.10

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
11/10/2010 11/10/2010 09:10:14 2

REC WSD'S WALKIN DOOL DND
>>RECEIPT # 552214 11/10/2010 DELN

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				325.00

5 528 ZONING VERIFICATION

NO. 061045

Recpt Tot \$325.00
\$325.00 OK \$1.00 CA
Baltimore County, Maryland

Total: 325.00

Rec From: MAD-CUSTOMER, INC.
For: 2011-0174-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

2011-
0174-A

2-3-11

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2011-0174-A

11565 Philadelphia Road
S/E corner of Philadelphia
Road and New Forge Roads
11th Election District
5th Councilmanic District
Legal Owner(s): Donna Mite
Inn, Inc., Donna Ervin
Contract Purchaser:
Michael S. Miller

Variance: to permit 22
parking spaces in lieu of the
required 40 parking spaces
for a tavern, service garage
and apartment.

**Hearing: Thursday, Febru-
ary 3, 2011 at 10:00 a.m.
in Room 205, Jefferson
Building, 105 West Ches-
apeake Avenue, Towson
21204.**

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

JT 1/667 Jan. 18

2/the

CERTIFICATE OF PUBLICATION

1/20/ 2011

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 1/18/ 2011.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 2011-074-A

Petitioner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing: 2/3/11

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 11565 PHILADELPHIA RD

This sign(s) were posted on January 17, 2011

Month, Day, Year
Sincerely,

Martin Ogle 1/17/11
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

CASE # 2011-0174-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 205 JEFFERSON BUILDING 105

PLACE: WEST CHESTER AVE, TOWSON 21204

THURSDAY, FEBRUARY 3, 2011

AT 10:00 A.M.

DATE AND TIME:

REQUEST: VARIANCE TO PERMIT 22 PINEAPPLE SPACES
IN LIEU OF THE REQUIRED 40 PINEAPPLE SPACES FOR A
TWOED, SERVICE GARAGE AND APARTMENT

FOR INFORMATION ONLY TO MEMBERS OF THE COMMISSION AND ZONING BOARD. NO ACTION
TO BE TAKEN UNTIL THE PUBLIC HEARING IS HELD. 199-687-3371

TO BE HEARD THE SAME DAY AND TIME, BUT AT ROOM UNDER POOLY OF LAND

MANICURED ACCESSIBILITY

01/17/2011

Handwritten signature
1/17/11

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2011-0174-A
11565 Philadelphia Road
S/E corner of Philadelphia
Road and New Forge Roads
11th Election District -
5th Councilmanic District
Legal Owner(s): Donna Mite
Inn, Inc., Donna Ervin
Contract Purchaser: Michael
S. Miller

Variance: To permit 22
parking spaces in lieu of the
required 40 parking spaces
for a tavern, service garage
and apartment.

Hearing: Friday, January
14, 2011 at 9:00 a.m. in
Room 106, County Office
Building, 111 West Chesa-
peake Avenue, Towson
21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

12/29/2010 Dec. 30 263963

CERTIFICATE OF PUBLICATION

12/30/, 2010

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 12/30/, 2010.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING



Lawrence M. Stahl, Managing Administrative Law Judge
Jeff Mayhew, Acting Director/Planning
Stephen E. Weber, Chief/Division of Traffic Engineering



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

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

May 12, 2011

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 11-174-A

IN THE MATTER OF: Diana Ervin / Legal Owner /Petitioner
Michael S. Miller, Jr., Contract Purchaser
11565 Philadelphia Rd./12th Election District; 5th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 40 parking spaces for a tavern, service garage and apartment

3/4/11 -Opinion and Order issued by Administrative Law Judge GRANTING Petition for Variance with restrictions.

which had been assigned to 6/7/2010 has been postponed and the matter has been re-assigned as follows:

RE- ASSIGNED FOR: WEDNESDAY, JUNE 29, 2011 AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: 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 have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Petitioner/Legal Owner
Appellant/Contract Purchaser

: Diana Ervin
: Michael S. Miller, Jr.

David Billingsley/Central Drafting & Design, Inc.
Tony Wolfe Michael Pierce
Carolyn Malinowski Whitney Runk

Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney
Michael Field, County Attorney
Lew Mayer, Code Enforcement
Lionel VanDommelen, Chief of Code Enforcement

Lawrence M. Stahl, Managing Administrative Law Judge
Jeff Mayhew, Acting Director/Planning

*pp
Held on the
no testimony*



County 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

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

April 28, 2011

NOTICE OF ASSIGNMENT

CASE #: 11-174-A

IN THE MATTER OF: Diana Ervin / Legal Owner /Petitioner
Michael S. Miller, Jr., Contract Purchaser
11565 Philadelphia Rd./12th Election District; 5th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 40 parking spaces for a tavern, service garage and apartment

3/4/11 -Opinion and Order issued by Administrative Law Judge GRANTING Petition for Variance with restrictions.

ASSIGNED FOR: TUESDAY, JUNE 7, 2011 AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: 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 have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c:	Petitioner/Legal Owner	: Diana Ervin
	Appellant/Contract Purchaser	: Michael S. Miller, Jr.

David Billingsley/Central Drafting & Design, Inc.
Tony Wolfe
Carolyn Malinowski

Michael Pierce
Whitney Runk

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Jeff Mayhew, Acting Director/Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney
Lew Mayer, Code Enforcement
Lionel VanDommelen, Chief of Code Enforcement

PC PP
not go down

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 30, 2010 Issue - Jeffersonian

Please forward billing to:

Michael Miller
11565 Philadelphia Road
White Marsh, MD 21162

410-870-0620

NOTICE OF ZONING HEARING

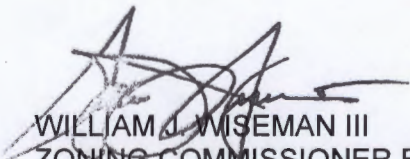
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0174-A

11565 Philadelphia Road
S/E corner of Philadelphia Road and New Forge Roads
11th Election District – 5th Councilmanic District
Legal Owners: Donna Mite Inn, Inc., Donna Ervin
Contract Purchaser: Michael S. Miller

Variance to permit 22 parking spaces in lieu of the required 40 parking spaces for a tavern, service garage and apartment.

Hearing: Friday, January 14, 2011 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.

January 11, 2011 County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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CASE NUMBER: 2011-0174-A

11565 Philadelphia Road
S/E corner of Philadelphia Road and New Forge Roads
11th Election District – 5th Councilmanic District
Legal Owners: Donna Mite Inn, Inc., Donna Ervin
Contract Purchaser: Michael S. Miller

Variance to permit 22 parking spaces in lieu of the required 40 parking spaces for a tavern, service garage and apartment.

Hearing: Thursday, February 3, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Michael Miller, 11565 Philadelphia Rd., White Marsh 21162
Donna Ervin, 11565 Philadelphia Rd., White Marsh 21162
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 18, 2010**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

December 21, 2010
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0174-A

11565 Philadelphia Road
S/E corner of Philadelphia Road and New Forge Roads
11th Election District – 5th Councilmanic District
Legal Owners: Donna Mite Inn, Inc., Donna Ervin
Contract Purchaser: Michael S. Miller

Variance to permit 22 parking spaces in lieu of the required 40 parking spaces for a tavern, service garage and apartment.

Hearing: Friday, January 14, 2011 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

George Klunk
Acting Director

AK:kl

C: Michael Miller, 11565 Philadelphia Rd., White Marsh 21162
Donna Ervin, 11565 Philadelphia Rd., White Marsh 21162
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, DECEMBER 30, 2010**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2011-0174-A
Petitioner: DONNA MITE INN, INC
Address or Location: 11565 PHILADELPHIA ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: MICHAEL S. MILLER
Address: 11565 PHILADELPHIA RD
WHITE MARSH, MD. 21162
Telephone Number: (410) 870-0620



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 26, 2011

Donna Mite Inn, Inc.
Ledfords Welding Co. Inc.
Diana Ervin
11565 Philadelphia Road
White Marsh, Maryland 21162

Dear Diana:

RE: Case Number 2011-0174-A Address 11565 Philadelphia Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 10, 2010. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc

Enclosures

c: People's Counsel
Central Drafting & Design, Inc. David Billingsley 601 Charwood Ct. Edgewood, Maryland 21040
Michael S. Miller 11565 Philadelphia Rd. White Marsh, Maryland 21162



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

January 6, 2011

Diana Ervin
Donna Mite Inn, Inc.
Ledfords Welding Co. Inc.
11565 Philadelphia Road
White Marsh, Maryland 21162

Dear Ms. Ervin:

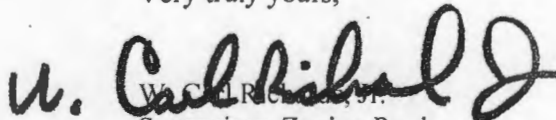
RE: 2011-0174- A Case Number, 11565 Philadelphia Rd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 10, 2010. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,


W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures

c: People's Counsel
David Billingsley Central Drafting & Design, Inc. 601 Charwood Ct. Edgewood MD 21040
Michael S. Miller 11565 Philadelphia Rd White Marsh MD 21162

PP-1410

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: George Klunk, Interim Director
Department of Permits and
Development Management

DATE: December 17, 2010

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

RECEIVED

SUBJECT: 11565 Philadelphia Road

JAN 10 2011

Item Number: 11-174

Petitioner: Donna Minte Inn, Inc.

ZONING COMMISSIONER

Zoning: BM, BR

Requested Action: Variance

The petitioner seeks a variance to permit 22 parking spaces in lieu of the required 40 parking spaces for an existing tavern, service garage and apartment.

SUMMARY OF RECOMMENDATIONS:

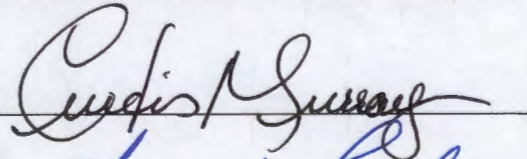
The Office of Planning does not oppose the subject variance for the following reasons:

1. The need for the variance was triggered by a complaint about noise from the window tinting business that adjoins the existing tavern. The Window tinting business would not generate much parking and the zoning regulations only require the business to have 2.3 parking spaces.
2. The existing tavern is non-conforming use on the property. The tavern generates over 35 parking spaces. Only 22 spaces can be legally designated as parking spaces on the site.
3. On inspection, the existing paving of the site can generate much more than 22 parking spaces. Customers currently park on what appears to be part of the subject property, which is actually Philadelphia Road. When the State Highway Administration expanded Philadelphia Road the right-of-way extended into what originally was part of the subject property's parking lot.
4. The site has a significant amount of unimproved area. However, the site is constrained by flood plains and buffers.

Provided the variance request is granted, the applicant should prepare a final landscape plan for the site.

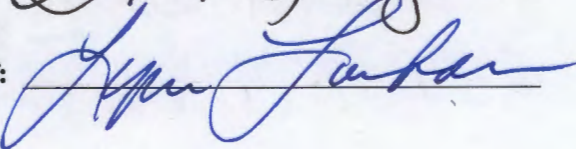
For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

Prepared by:



Division Chief:

MJM/LL: CM



1/14 9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 23 2010

ZONING COMMISSIONER

TO: Zoning Commissioner's Office

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: December 22, 2010

SUBJECT: Zoning Item # 11-174-A
Address 11565 Philadelphia Road
(Donna Mite, Inc. Property)

Zoning Advisory Committee Meeting of November 15, 2010.

X The Department of Environmental Protection and Resource Management 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).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

It appears that a variance to the Water Quality Regulations will be necessary to construct the additional parking area within a Forest Buffer Easement area.

Reviewer: Glenn Shaffer

Date: December 6, 2010

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

November 24, 2010

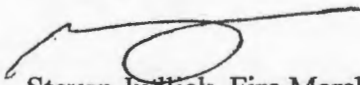
Dept of PDM
Room 111, County Office Building
111 West Chesapeake Ave.
Towson, MD 21204
MS #1105

Attention Kristen Matthews

The Fire Marshal's office has no comment on the following zoning cases:

2011-0159-A, 2011-0160-A, 2011-0161-A, 2011-0162-A, 2011-0163-A, 2011-0163-A,
2011-0165-A, 2011-0166-A, 2011-0167-A, 2011-0168-SPH, 2011-0169-A, 2011-0170-A
2011-0171-XA, 2011-0172-A, 2011-0173-SPH, 2011-0174-A, 2011-0175-A,
2011-0176-SPH, 2011-0177-A, 2011-0178-A, 2011-0179-A.

Thank you,



Steven Judlick, Fire Marshal
Baltimore County Fire Department
Office of the Fire Marshal
410-887-4880

Visit the County's Website at www.baltimorecountyonline.info



Printed on Recycled Paper



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

November 24, 2010

Ms. Kristen Matthews.
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

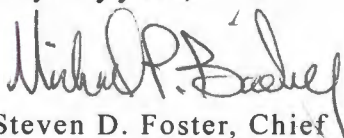
RE: Baltimore County
Item No. 2011-0174-A
MD 7 (Philadelphia RD)
Donna Mite Inn, Inc.
1565 Philadelphia Road
Variance -

Dear Ms. Matthews:

Thank you for the opportunity to review the ZAC Agenda Case Number 2011-0174-A for the above captioned, which was received on November 22, 2010. We have completed a review of the referenced plan and as well as a field inspection. The results of the review reveal that an access permit is necessary for the proposed improvements along the property fronting MD 7. We recommend that as a condition of Donna Mite Inn, Inc. Variance approval the owner/developer be required to obtain a State Highway Access Permit.

Please include our comments in staff report to the Zoning Hearing Officer. Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,


for Steven D. Foster, Chief
Access Management Division

SDF/mb
Enclosure

Cc: Donna Mite Inn, Inc., Owner
Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA
Mr. Geoffrey A. Tizard, II, Engineer, central Drafting & Design, Inc.

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: November 29, 2010

FROM: Dennis A. Kennedy^{DMR}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 29, 2010
Item Nos. 2011- 160, 161, 162, 163,
164, 165, 166, 167, 168, 169, 170,
171, 173, 174, 175, 177, 178 and 179

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:cab
cc: File
G:\DevPlanRev\ZAC -No Comments\ZAC-11292010 -NO COMMENTS.doc

RE: PETITION FOR VARIANCE * BEFORE THE
11565 Philadelphia Road; SE corner of * ZONING COMMISSIONER
Philadelphia & New Forge Roads *
11th Election & 5th Councilmanic Districts * FOR
Legal Owner(s): Donna Mite Inn, Inc * BALTIMORE COUNTY
Contract Purchaser(s): Michael S. Miller *
Petitioner(s) * 2011-174-A

* * * * *

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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

DEC 08 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of December, 2010, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

April 20, 2011

Diana Ervin
2300 Taylor Avenue
Baltimore, MD 21234

RE: Case: 2011-0174 A, 11565 Philadelphia Road

Dear Ms. Ervin,

Please be advised that an appeal of the above-referenced case was filed in this office on April 4, 2011 by Michael Miller, Jr. 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 call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with the first name "Arnold" and last name "Jablon" clearly distinguishable.

Arnold Jablon
Director of PAI

AJ:mcn

c: Administrative Law Judge
Arnold Jablon, Director of PAI
People's Counsel
Michael S. Miller, Jr., 51 Aberdeen Avenue, Aberdeen, MD 21001
David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood, MD 21040
Carolyn Malinowski, 5625 New Forge Road, White Marsh, MD 21162
Michael Pierce, 7448 Bradshaw Road, Kingsville, MD 21087
Tony Wolfe, 11506 Lipscomb Way, White Marsh, MD 21162
Whitney Runk, 5604 Aubree Lane, White Marsh, MD 21162

APPEAL

Petition for Variance
11565 Philadelphia Road
S/E corner of Philadelphia Road and New Forge Road
12th Election District – 5th Councilmanic District
Legal Owner: Diana Ervin
Contract Purchaser: Michael S. Miller

Case No.: 2011-0174-A

✓ Petition for Variance November 10, 2010

Zoning Description of Property (N/A)

✓ Notice of Zoning Hearing (Thursday, February 3, 2011)

✓ Certification of Publication (1) January 18, 2011

✓ Certificate of Posting (1) by Dave Billingsley – January 17, 2011

✓ Entry of Appearance by People's Counsel (1) December 8, 2010

✓ Petitioner(s) Sign-In Sheet (1)

Protestant(s) Sign-In Sheet (None)

✓ Citizen(s) Sign-In Sheet (1)

✓ Zoning Advisory Committee Comments (6)

- ✓ a. Office of Planning
- ✓ b. DEPRM
- ✓ c. Baltimore County Fire Department
- ✓ d. State Highway Administration
- ✓ e. Bureau of Development Plans
- ✓ f. Division of Code Inspections & Enforcement

RECEIVED

APR 21 2011

BALTIMORE COUNTY
BOARD OF APPEALS

Petitioners' Exhibit (16)

- ✓ a. Plat to accompany petition
- ✓ b. SDAT Title sheet – 11565 Philadelphia Road
- ✓ c. Deed for site
- ✓ d. Baltimore County Zoning map
- ✓ e. Photo of front of site (Philadelphia Road)
- ✓ f. Photo of service garage and office (Philadelphia Road)
- ✓ g. Photo of parking lot
- ✓ h. Copy of correspondence notice – July 8, 2010
- ✓ i. DRC Action Report
- ✓ j. DRC Letter August 17, 2010
- ✓ k. Filing Receipt – November 10, 2010
- ✓ l. Arial photo of site
- ✓ m. Photo of parking lot (Philadelphia Road)
- ✓ n. Photo from parking lot
- ✓ o. Photo from New Forge Road
- ✓ p. SHA Comments with attached plat
- ✓ q. Application for permit – July 16, 2010
- ✓ r. Plat of previously used spaces

Protestants' Exhibits: None

✓ Miscellaneous (Not Marked as Exhibit) Letter ^{to}~~from~~ Lawrence M. Stahl - February 14, 2011

✓ Administrative Law Judge Order (1) GRANTED – March 4, 2011

✓ Notice of Appeal received on – Michael S. Miller, Jr. – April 4, 2011

c: People's Counsel of Baltimore County, MS #2010
Administrative Law Judge
Arnold Jablon, Director of PAI

April 20, 2011/mcn

Address List

Petitioners:

Diana Ervin
2300 Taylor Avenue
Baltimore, MD 21234

Michael Miller, *S. JR.*
51 Aberdeen Avenue
Aberdeen, MD 21001

David Billingsley
Central Drafting & Design, Inc.
601 Charwood Court
Edgewood, MD 21040

*Interested Persons **

Tony Wolfe
11506 Lipscomb Way
White Marsh, MD 21162

Michael Pierce
7448 Bradshaw Road
Kingsville, MD 21087

Carolyn Malinowski
5625 New Forge Road
White Marsh, MD 21162

Whitney Runk
5604 Aubree Lane
White Marsh, MD 21162

Interoffice:

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Jeff Mayhew, Acting Director/Planning
Michael Field, County Attorney + *Nancy Holt*
Lew Mayer, Code Enforcement
Lionel VanDommelen, Chief of Code Enforcement

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE:

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2011-0174A
Legal Owner/Petitioner:
Contract Purchaser:
Property Address: 11565 PHILADELPHIA RD
Location Description: 1015 SE ALLENDOR RD

VIOLATION INFORMATION: Case No. C 00078487
Defendants:

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME Lewis MAYER ADDRESS Rm 6.21
BUILDING INSPECTOR 111 W. Chesapeake Ave

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☒ 1. Complaint letter/memo/email/fax (if applicable)
- ☒ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☒ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☐ 8. Photographs including dates taken
- ☒ 9. Correction Notice/Code Violation Notice
- ☒ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☒ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/

C: Code Enforcement Officer



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

OFFICE HOURS: 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Plumbing Inspection:

410-887-3620

Electrical Inspection:

410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No.	Property No.	File No.
CO 78487	1700000481	FA209719

Name(s): LEDFORDS WELDING CO INC
Mike Mincer 443-617-1395

Address: 11565 PHILADELPHIA RD, WHITE MARSH

Violation Location: 11565 PHILADELPHIA RD 21162

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BCC 35-2-304 BSC 105.1-109.1

FAILURE TO OBTAIN BUILDING PERMIT
FOR BUILDING ON SIDE OF PROPERTY
FAILURE TO OBTAIN CHANGE OF
OCCUPANCY PERMIT FOR DIFFERENT USE
OF BUSINESSES NEXT TO PRIMARY BUSINESS

OBTAIN BUILDING PERMIT AND
CHANGE OF OCCUPANCY FOR
BUILDING AND BUSINESS ON SIDE OF
PROPERTY

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 7/23/10 DATE ISSUED: 7/15/10
FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR
EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER
VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: Lewis Mayer

INSPECTOR: Lewis Mayer

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK
UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN
RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT.
THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: _____ DATE ISSUED: _____

INSPECTOR: _____



Permits & Development Management Complaint Report

Report Criteria:
Complaint Record ID: CO0078487

Record ID	AS/400 Case	Assigned To	Assigned Date	Scheduled Time	Received By	Received Date	Status	Hearing Date	ADC Grid
CO0078487		Lewis Mayer	07/02/2010		Mark Gawel	05/26/2010	Open - Normal		30B5

Complaint Description: NEW GARAGE BUILDING NO PERMIT

Facility:	Owner :	Complainant:
FA0209719 PDM 1700000481 11565 PHILADELPHIA RD WHITE MARSH, MD 21162	LEDFORDS WELDING CO INC 11565 PHILADELPHIA RD WHITE MARSH MD 21162	ERIC RUNK WORK: 4437908024

Daily Activity Details

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0069092	Karen Hopkins	07/08/2010	INITIAL INSPECTION	NOT IN COMPLIANCE	CORRECTION NOTICE ISSUED

Inspector Notes: 07/06/10 VISITED SITE. OBSERVED NEW ALUMINUM GARAGE STRUCTURE ON SIDE OF PROP. PRINCIPAL BUSINESS IS A TAVERN. SIGN ON NEW STRUCTURE INDICATES ITS AN AUTO REPAIR RELATED BUSINESS. ISSUED A CORR. NO. TO OWNER TO OBTAIN A BLDG. PERMIT FOR THE NEW STRUCTURE & A CHANGE OF OCCUPANCY FOR THE NEW BUSINESS USE. NOTIFIED COMPL. OF ACTION TAKEN. P/U 07/23/10. L.MAYER/KH.

Violation Details

Violation Record ID: IV0037454	Comply By: 07/23/2010	Complied On: 09/09/2010	Status: NOT IN COMPLIANCE
Program Category/Section Source: Building Inspection/IBC		Violation Description: IBC Violation	
Correction Text:			
Violation Text:			
Violation Comment:			

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0071716	Karen Hopkins	07/26/2010	REINSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 07/26/10 SPOKE W/OWNER OF BUSINESS, MIKE MILLER. HE INFORMED ME HE WAS WORKING ON A VARIANCE & PERMIT. HE HAD A DEATH RELATED TO THE BUSINESS & WOULD PROCEED ASAP. P/U 08/03/10. L.MAYER/KH.

Violation Details

Violation Record ID: IV0038686	Comply By: 08/03/2010	Complied On: 09/09/2010	Status: NOT IN COMPLIANCE
Program Category/Section Source: Building Inspection/IBC		Violation Description: IBC Violation	
Correction Text:			
Violation Text:			
Violation Comment:			

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0073138	Karen Hopkins	08/05/2010	REINSPECTION	FACT FINDING	MONITOR

Inspector Notes: 08/04/10 OWNER HAS MEETING W/DRC THIS WEEK. WILL CALL ME W/RESULTS. P/U 08/11/10. L.MAYER/KH.

Violation Details - No Data

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0076995	Karen Hopkins	09/01/2010	REINSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 09/01/10 DAVE BILLINGSLEY WORKING ON PERMIT & VARIANCE. P/U 09/20/10. L.MAYER/KH.

Violation Details

Permits & Development Management Complaint Report

Report Criteria:
Complaint Record ID: CO0078487

Violation Record ID: IV0041505 Comply By: 02/01/2011 Complied On: Status: NOT IN COMPLIANCE
Program Category/Section Source: Building Inspection/IBC Violation Description IBC Violation
Correction Text:
Violation Text:
Violation Comment:

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0080113	Lewis Mayer	09/21/2010	REINSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 9/21/10 SPOKE WITH DAVE BILLINGSLEY. HE IS FILING FOR VARIANCE ON 9/23/10. P/U 9/30/10 FOR VARIANCE CASE NUMBER. L.MAYER/NS***

Violation Details - No Data

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0082568	Lewis Mayer	10/13/2010	REINSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 10/13/10 VARIANCE APPLICATION DATE WAS CANCELLED. NO PERMIT APPLIED FOR. ISSUED CIVIL CITATION TO OWNER. MAILED COPY TO VIO. ADDRESS & RESIDENT AGENT ADDRESS. HEAR. DATE IS 11/17/10. P/U 11/16/10. L.MAYER/KH.

Violation Details - No Data

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0085735	Lewis Mayer	11/12/2010	REINSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 11/12/10 POSTPONE HEARING. VARIANCE CASE - # IS 2011-0174-a. P/U 12/17/10 FOR HEARING DATE. L.MAYER/KH.

Violation Details - No Data

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0088531	Lewis Mayer	12/16/2010	REINSPECTION	FACT FINDING	MONITOR

Inspector Notes: 12/16/10 NO DATE SET FOR VARIANCE HEARING. P/U 1/5/10 L.MAYER/NS***

Violation Details - No Data

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0089460	Chip Raynor	12/29/2010	REINSPECTION	FACT FINDING	MONITOR

Inspector Notes: 12/28/10 *****PLEASE CONTACT ERIC RUNK, 443-790-8024, REGARDING VAR. DATE. HE IS HOA PRES. AND HAS SUBMITTED A LETTER, WANTS TO ATTEND HEARING*****

Violation Details - No Data

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0090100	Lewis Mayer	01/06/2011	REINSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 01/06/11 VAR. HEARING DATE IS 01/14/11. NOTICED N.O.A. PRESIDENT OF HEARING DATE. P/U 02/01/11 FOR DECISION. L.MAYER/KH.

Violation Details - No Data

Comment Details - No Comments

Lien Information - None



CODE ENFORCEMENT & INSPECTIONS CITATION

CASE NUMBER: C078487	PROPERTY TAX ID: 17 000 00 481	ZONE: FA209719
--------------------------------	--	--------------------------

NAME(S):

LEDFORDS WELDING CO. INC

DIANA HOWARD - Resident Agent

MAILING ADDRESS:

11565 PHILADELPHIA RD

CITY

White MARSH

STATE

MD

ZIP CODE

21162

VIOLATION ADDRESS:

11565 PHILADELPHIA RD

CITY

White MARSH

STATE

MARYLAND

ZIP CODE

21162

VIOLATION DATES:

7/6/10 through 10/13/10 105

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BALT. COUNTY CODE 35-2-301, 304; 105.1; 109.1

**FAILURE TO OBTAIN BUILDING PERMIT
FOR BUILDING ON SIDE OF PROPERTY**

**FAILURE TO OBTAIN CHANGE OF OCCUPANCY
FOR DIFFERENT USE NEXT TO PRIMARY
BUSINESS - AUTO + MOTORCYCLE REPAIR
AND SALE**

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated:

\$ 7000.00

A quasi-judicial hearing has been pre-scheduled in room 116, 111 W. Chesapeake Ave, Towson, Maryland, 21204, for:

DATE: **11 / 17 / 10**

TIME: **9 00** **(A.M.)** / P.M.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Printed Name:

Lewis Mayer

INSPECTOR SIGNATURE: _____

Date: ____/____/____

PRINT NAME

AGENCY

DATE: 01/10/2011

STANDARD ASSESSMENT INQUIRY (1)

TIME: 12:29:58

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
17 00 000481	11	1-0	06-00	N	NO		11/03/10

LEDFORDS WELDING CO INC

DESC-1.. IMPS1.160 AC

DESC-2.. 1015FT SE ALLENDER RD

11565 PHILADELPHIA RD

PREMISE. 11565 PHILADELPHIA RD

00000-0000

WHITE MARSH

MD 21162-0000 FORMER OWNER: MAYFIELD ALBERT S

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
				FCV	ASSESS	ASSESS
LAND:	324,000	294,200				
IMPV:	131,700	144,500	TOTAL..	438,700	438,700	438,700
TOTL:	455,700	438,700	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0

DATE: 09/06 09/09

---- TAXABLE BASIS ---- FM DATE

ASSESS: 438,700 11/16/09

ASSESS: 438,700

ASSESS: 0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

November 8, 2010

File
02-09719

To Whom It May Concern,

We are writing this letter in reference to 11565 Philadelphia Road (the Donna Mite Inn/Illegal Auto Tint Business/Used Car Sale Business). We live in Mayfield Estates, the neighborhood directly behind this "establishment" and have many concerns.

About 8 months ago, a large portable shed/trailer was put up in the parking lot of the Donna Mite Inn. A group of young men started up a window tint business in the shed, hung signs and started to advertise. From that point on, there have been many issues. This is an illegal establishment. Code Enforcement & Zoning has been contacted several times regarding the business and, to our knowledge, it does not meet the approved county site plan on file for this address. It is not zoned for a used car sale business, but continues to operate. It violates the approved use and occupancy for this property. In addition, a few months ago the business was raided by police. The repair of engines and severe noise from revving their engines up at night is not what we paid several hundreds of thousands of dollars to have as neighbors. It is extremely loud and very disturbing. I understand the police monitor the noise pollution but if the auto repair business wasn't present the noise of engines would not exist. A couple of months ago, they started to sell used cars in the parking. Not there personal cars with a "for sale sign," they are untagged cars with price on the window, again, not approved and allowed in this zone. This operation also has a port-o-potty in the parking lot for the use of a bathroom without running water. Nobody wants to live next to bar, but the addition of the window tint/auto repair and sales business is adding an element that can greatly increase the chance of crime to occur in our neighborhood and to the businesses close by.

Something needs to be done about this business. The noise is extremely disturbing, it is an eyesore, is ILLEGAL, and it attracts a bad crowd. We have paid way too much money to live in a new neighborhood and have a trashy illegal establishment move in and cause such ruckus. Prior to the tint shop opening up, there wasn't too much noise and the residents of the neighborhood were not concerned about crime. This establishment is a detriment to our neighborhood and needs to go, with respect to the law. We are requesting the owners of this property to follow the law, that's it. Follow the law in all aspects, if they wanted a car business, check with zoning, start the process, hold a variance hearing or DRC. The reason this hasn't been done already is, it wouldn't be approved. This is extremely serious and we hope that you can help remedy this matter as soon as possible with a civil penalty on the property and an order to remove or cease the operation until all permits, site plans and structures are approved.

Regards,

The Residents of Mayfield Estates

[Main Menu](#) | [Security Interest Filings \(UCC\)](#) | [Business Entity Information \(Charter/Personal Property\)](#)
[New Search](#) | [Rate Stabilization Notices](#) | [Get Forms](#) | [Certificate of Status](#) | [SDAT Home](#)

Taxpayer Services Division

Entity Name: LEDFORD WELDING COMPANY, INC.
Dept ID #: D00369694

General Information Amendments Personal Property Certificate of Status

Principal Office 11565 PHILADELPHIA ROAD
(Current): WHITE MARSH, MD 21162

Resident Agent DIANA HOWARD
(Current): 2300 TAYLOR AVENUE
BALTIMORE, MD 21234

Status: REVIVED

Good Standing: No

Business Code: Ordinary Business - Stock

Date of Formation 01/03/1972
or Registration:

State of MD
Formation:

Stock/Nonstock: Stock

Close/Not Close: Unknown

Link Definition

General Information	General information about this entity
Amendments	Original and subsequent documents filed
Personal Property	Personal Property Return Filing Information and Property Assessments
Certificate of Status	Get a Certificate of Good Standing for this entity

February 13, 2011

Lawrence M. Stahl
Administrative Law Judge
105 W Chesapeake Ave, Suite 103
Towson, MD 21204

RECEIVED

FEB 14 2011

ZONING COMMISSIONER

Re: Petition for Variance, Case No: 2011-0174-A
Donna Mite Inn Inc, formerly Ledford's Welding Inc, Legal Owners;
Lessee, Michael Miller
11565 Philadelphia Rd

Dear Judge Stahl,

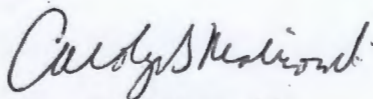
At the hearing for the subject case held February 3, the undersigned testified as protestants opposed to the granting of this variance as requested. A number of concerns were expressed, related to both current and potential future problems caused by the insufficient parking space at this property, including the parking of cars of tavern customers on the streets of the residential area immediately behind this property and at the shopping plaza across Philadelphia Road.

Since the tavern and apartment apparently predate the specific parking requirements of the Zoning Regulations, it is likely that you would be persuaded to grant some relief from the 40 parking spaces. As noted in the testimony, it should be the practice to not grant relief for a condition which the property owner themselves caused. The petitioner's testimony clearly showed that the Service Garage use was recently added, thus leading to this variance request. Any variance for this property must be conditional on there being no additional use of this property which would exacerbate the very condition for which relief is being sought. In fact, you made this very point regarding the parking of a boat on the premises. Therefore, only the tavern and apartment should be allowed. Since they can apparently continue to operate as is without any variance, the case should be withdrawn by the petitioners. If not, it should be denied..

Comments from Stephen Weber, Baltimore County Chief of Traffic Engineering, which were submitted subsequent to the hearing, have echoed these same concerns.

In addition, it is noted that Peter Max Zimmerman's letter to you dated February 7 indicates that, since the tavern is a nonconforming use, no expansion of uses is permissible. Thus, with or without a parking variance, the Service Garage use must cease. While the question of allowing this use is not a part of the decision you are being asked to render, independent action by the protestants through Code Enforcement should effect the removal of this additional use.

Regards,



Carolyn Malinowski
5625 New Forge Rd
White Marsh, MD 21162



Michael Pierce
7448 Bradshaw Rd
Kingsville, MD 21087

cc: Donna-Mite Inn, Inc. (Diana Ervin), owner
Michael Miller, Lessee
David Billingsley, Representative
Peter Max Zimmerman



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

RECEIVED

FEB 07 2011

ZONING COMMISSIONER

CAROLE S. DEMILIO
Deputy People's Counsel

PETER MAX ZIMMERMAN
People's Counsel

February 7, 2011

HAND DELIVERED

Lawrence Stahl, Managing Administrative Law Judge/ Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: PETITION FOR VARIANCE

Donna Mite Inn, Ledfords Welding, Inc. – Legal Owners; Lessee, Michael Miller
11565 Philadelphia Road, Case No: 11-174-A

Dear Judge Stahl,

We asked Stephen E. Weber, Chief of Traffic Engineering, to review the petition and site plan for any traffic/parking issues. He sent the enclosed e-mail dated February 4, 2011. As is our custom, we forward it to your office. We understand the hearing occurred February 3, 2011. Nevertheless, Mr. Weber describes such significant concerns as to warrant consideration. Mr. Weber discusses the site plan, parking calculations, parking lot organization, and, most significantly, the additional service garage use. He shows patrons of this site already cross over to Honeygo Square Shopping Center. This poses parking problems and pedestrian safety hazards. The bottom line is that "the property is already short of the parking needed for the tavern use alone. Allowing any other use, and particularly an automotive service use, significantly compounds the parking shortage."

Also, Office of Planning note states the tavern is a nonconforming use. If so, then an expansion of uses on the property is impermissible under BCZR Section 104.1.

Sincerely,

Peter Max Zimmerman
People's Counsel for Baltimore County

cc: Donna-Mite, Inn (Diana Ervin); Michael Miller, Lessee
David Billingsley, Representative
Stephen E. Weber, Division of Traffic Engineering
Curtis Murray, Office of Planning and Zoning

People's Counsel - Fwd: Donna Mite Inn, Inc, Case No.: 2011-174-A

From: Stephen Weber
To: People's Counsel
Date: 2/4/2011 9:21 PM
Subject: Fwd: Donna Mite Inn, Inc, Case No.: 2011-174-A
CC: Dennis Kennedy
Attachments: 20110111131408.PDF; 11565 Philadelphia Rd.BMP; 11565 Philadelphia Rd.JPG; 11565 Philadelphia Rd 5.JPG; 11565 Philadelphia Rd 6.JPG; 11565 Philadelphia Rd 7.JPG; 11565 Philadelphia Rd 8.JPG; 11565 Philadelphia Rd 4.JPG

Dear Mr. Zimmerman:

Benjamin removed

We have reviewed the requested parking variance for the subject property for 22 spaces in lieu of the required 40 spaces and we do have concerns with the requested parking variance for this site. Currently on the site is an existing 2-story apartment house, a 1-story tavern, the small 312 sq. ft. building ("C") noted on the site plan as a Service Garage Office, and the 378 sq. ft. building ("D") noted on the site plan as a Service Garage. Therefore the site plan generally reflects the existing conditions. The site plan doesn't recognize or call out the existence of an additional small building to the north of Building "C" which has been used as a snowball stand during the summer months. Attached in a aerial photograph taken of the property some time ago when there used to be a larger trailer on the south end of the property and prior to when Building "C" was placed on the property. (Be advised that New Forge Rd has been built south of Philadelphia Rd since this photograph was taken, so the adjacent intersection is now a 4-way intersection.) In addition, attached are six recent photographs taken from various locations of the area primarily to the south of the tavern.

We are aware that the tavern use and the adjacent house is there, and more recently the car detailing business was also located on the property, known as Mad Customz. According to the parking calculations the tavern and apartments alone would require 38 parking spaces, which the existing site does not have. You will also note on the existing site that the parking lot goes out to Philadelphia Rd with the entire frontage of the property having full direct access to Philadelphia Rd (no curbed access points) and the parking lot is not painted or organized in any way. Therefore, patrons can really pull into and park on the site wherever they would like.

Our concern is not as much with the historic existing use of the tavern but is with the addition of a Service Garage. While the existing garage is small in size, we have had quite a number of service garages create parking problems because of the number of vehicles that are left on the site in various stages of being worked on and/or stored. While the Service Garage use only adds 2 additional parking spaces into the zoning parking calculations, even a small use is going to result in additional vehicles sitting on the property which will take away available parking spaces from tavern patrons. Seeing even small Service Garages in the County with 10 or so vehicles parked on the property is not uncommon and periodic observations of this specific site has indicated several vehicles parked on the site related to the service and detailing work. Therefore, when the Service Garage is located on a parcel of land where the existing use already has less than the required amount of parking, adding another use to the property that will result in a number of existing parking spaces being lost to the new use makes the shortage of parking for the tavern even greater. Then the addition of a snowball stand operation during the warmer months, a use which has been operating on the site but which is not shown on the site plan, causes an even greater demand for parking and results in a further deficit of available parking for the tavern and service garage uses.

When looking at nearby locations where patrons might go if they run into a parking problem, we note the presence of the Honeygo Square shopping center directly across Philadelphia Rd with parking spaces adjacent to Philadelphia Rd. Observations of the subject site indicate that patrons of this zoning site are already periodically crossing Philadelphia Rd and parking their vehicles in the shopping center parking lot. This indicates that the existing tavern/service garage cannot contain their own patrons on their site because they have an

existing shortage of parking. When patrons cross this busy road on foot, which carries about 11,500 vehicles per day, that introduces definite safety concerns, particularly when they are tavern patrons. The nearby Pulaski Hwy corridor is a high pedestrian accident corridor and we note that a high percentage of these accidents involve pedestrians under the influence of alcohol. Unfortunately pedestrians under the influence oftentimes misjudge the presence and speed of approaching vehicles and therefore they end up placing themselves in the path of oncoming vehicles whose drivers are unable to stop due to the unpredictable nature of such pedestrians.

Therefore, given that observations of the existing site indicate the owners have inadequate parking to support the existing uses, that their patrons are crossing Philadelphia Rd to trespass on the shopping center to park their cars on someone else's property because of the lack of existing parking, that pedestrians crossing Philadelphia Rd in this area present increased hazards to pedestrians and motorists, and compounding this with the fact that some of the patrons may be under the influence of alcohol due to the nature of the tavern business, that the business is located in a corridor already known for a high pedestrian accident rate significantly contributed to by the fact that many of the pedestrians are under the influence, we feel that there should be no granting of an operation of any automotive services on this property. What portions of the property that are available for parking need to be kept open for parking of the tavern patrons. The property is already short of the parking needed simply for the tavern use alone. Allowing any other use, and particularly an automotive services use, significantly compounds this parking shortage.

Should you have any questions regarding our comments and observations, or wish to discuss the matter further, please feel free to contact me.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

>>> People's Counsel 1/11/11 12:12 PM >>>
Mr. Weber,

Please review the attached Petition for Variance. This case involves substantial parking variances for an apartment, tavern and proposed service garage.

Thank you in advance for your consideration.

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax



⊖ ⊕ | ▼ Bird's eye



11565 philadelphia rd (3648x2736x24b jpeg)



11565 philadelphia rd 5 (3648x2736x24b jpeg)



11565 philadelphia rd 6 (3648x2736x24b jpeg)



11565 philadelphia rd 7 (3648x2736x24b jpeg)





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

May 12, 2011

Peter Max Zimmerman
People's Counsel for
Baltimore County
Suite 204, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Re: In the Matter of: Diana Ervin / Legal Owner /Petitioner
Michael S. Miller, Jr., Contract Purchaser
Case No.: 11-174-A

Dear Mr. Zimmerman:

This will acknowledge receipt of your hand delivered correspondence dated May 11, 2011, in which a continuance has been requested of the June 7, 2011 hearing in the subject matter. The continuance is granted.

The Board sits on Tuesday, Wednesday and Thursday of each week. The docket is currently scheduled through June 28, 2011. This matter has been re-assigned to the first available date on the docket, which is Wednesday, June 29, 2011.

Enclosed is the Notice of Postponement and Re-Assignment.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

A handwritten signature in cursive script, reading "Theresa R. Shelton".

Theresa R. Shelton
Administrator

Encl.: Notice of Postponement and Re-Assignment

c (w/Encl.): Diana Ervin - Petitioner/Legal Owner
Michael S. Miller, Jr./Appellant/Contract Purchaser



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 11, 2011

Theresa Shelton, Administrator
County Board of Appeals
of Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 204
Towson, MD 21204

Re: In the Matter of Diana Ervin/Legal Owner
and Michael Miller, Jr./Contract Purchaser
Case No: 2011-174-A

Dear Ms. Shelton:

I am writing to request a postponement of the hearing set for June 7, 2011 at 10:00 a.m with regard to the above-reference case. I will be out of town on vacation during that week and will return on June 16, 2011. We will kindly work with your office to find a new agreeable date for all parties.

Thank you in advance for your anticipated consideration.

Sincerely,

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZrmw

cc: Diane Ervin, Legal Owner
Michael Miller, Jr., Contract Purchaser
Tony Wolfe
Michael Pierce
Carolyn Malinowski
Whitney Runk
David Billingsley

RECEIVED

MAY 11 2011

**BALTIMORE COUNTY
BOARD OF APPEALS**

From: Theresa Shelton
To: Zimmerman, Peter
Date: 7/5/2011 10:06 AM
Subject: Diana Ervin - 11-174-A

Pete:

Could you please let me know, as soon as you know, if the tentative date of August 3 is okay?

As soon as I hear from you, the Notice of Reassignment will be issued.

Thank you.

T
Semper Fi

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

"I took the Green @ Work Energy Challenge Pledge."

Confidentiality Statement

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From: Theresa Shelton
To: dthurston@dthurstonlaw.com; lewescott@comcast.net; maureen@murphyslaw.bz
Date: 5/11/2011 11:45 AM
Subject: June 7 case will be postponed

Good Afternoon.

Just a note to let you know that the case scheduled for Tuesday, June 7, 2011 @ 10 am is going to be postponed. It will be re-assigned.

The Notice of Postponement will be issued later in the week. Just wanted to give you a heads up, so you can remove this case from your calendars.

Have a great day.

Theresa
Semper Fi

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

"I took the Green @ Work Energy Challenge Pledge."

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Kristen Lewis - Fw: 11565 Philadelphia Road Case No. 2011-0174-A

From: David Billingsley <dwb0209@yahoo.com>
To: Kristen Lewis <klewis@baltimorecountymd.gov>
Date: 1/7/2011 4:11 PM
Subject: Fw: 11565 Philadelphia Road Case No. 2011-0174-A

Kristen

I am forwarding the email I sent on December 30 to your old email address. Sorry for the confusion. Have a good weekend

Thanks

Dave Billingsley
Central Drafting and Design, Inc.
(410) 679-8719

----- Forwarded Message -----

From: David Billingsley <dwb0209@yahoo.com>
To: Kristen Matthews <kmatthews@baltimorecountymd.gov>
Sent: Thu, December 30, 2010 12:17:28 PM
Subject: 11565 Philadelphia Road Case No. 2011-0174-A

Kristen

I will not be available on the date of the scheduled hearing (January 14, 2011, 9 AM). Please reschedule. I will not be available from February 4TH thru February 16TH. If you need to re-advertise, have the invoice sent to me. Thanks and HAPPY NEW YEAR !!!!

Dave Billingsley
Central Drafting and Design, Inc.
(410) 679-8719

Date 4/1/11

CASE NO. 2011-0174-A

I Michael S Miller Jr, owner/president of MAD Customz Inc. Located at 11565 Philadelphia Rd. in White Marsh MD 21162, Wish to file an appeal in regards to case # 2011-0174-A which was heard in February 4, 2011 and denied on March 4, 2011

Please find my check enclosed for \$ 265.00 to cover appeal fees.

Thanking you in advance.

Date 4/1/11

Signature:

Michael S Miller Jr

Ristrick # 1: Have Activities For Service
Garage + Tavern and Apartment building
on the property. If parking is advanced
to more parking. Thanks

RECEIVED

APR - 4 2011

[illegible]

CASE NAME 11565 PHILADELPHIA RD
CASE NUMBER 2011-0174-A
DATE 2/3/11

[illegible]

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN-IN SHEET

[illegible]

People's Counsel Sign-In Sheet

Case Name: Diana Ervin / Donna Mite Inn

Case No.: 2011-174-A

Date: 8/3/2011

The Office of People's Counsel was created by the County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns, whether they have their own attorney or not. If you wish to be assisted by People's Counsel, please sign below.

[illegible]

Case No.: 2011-0174-A

Exhibit Sheet

Petitioner/Developer

~~Protestant~~

No. 1	Plat to accompany Petition	<u>NO. 14</u> SHA COMMENTS w/ATTACHED PLAT
No. 2	SDAT TITLE SHEET 11565 Phila. Rd	<u>NO. 15</u> APPLICATION FOR PERMIT 7-16-10
No. 3	DEED FOR SITE	<u>NO. 16</u> PLAT OF PREVIOUSLY USED SPACES
No. 4	BALTO. CO. ZONING MAP	
No. 5	PHOTO OF FRONT OF SITE CPHILA. Rd	
No. 6	A - PHOTO OF SERVICE GARAGE + OFFICE - (CPHILA. Rd) B - SAME (PARKING LOT)	
No. 7	COPY OF CORP. NOTICE 7-8-10	
No. 8	8-A DRC ACTION REPORT 8B-DRC LETTER - 8-17-10	
No. 9	FILING RECEIPT 11-10-10	
No. 10	AERIAL PHOTO OF SITE	
No. 11	PHOTO OF PARKING LOT CPHILA. Rd	
No. 12	PHOTO FROM PARKING LOT	

NO. 13 PHOTO FROM NEW FORD RD

PETITIONER'S EXHIBITS

**11565 PHILADELPHIA ROAD
CASE NO. 2011-0174-A**

1. PLAT TO ACCOMPANY PETITION FOR VARIANCE DATED OCTOBER 4, 2010 (NO CHANGES) ✓
2. SDAT REAL PROPERTY DATA SEARCH ✓
3. DEED OF RECORD: LIBER 6536 FOLIO 331 ✓
4. BALTIMORE COUNTY ZONING MAP 073A1 SHOWING SITE OUTLINED IN RED ✓
5. PHOTO OF SITE FROM PHILADELPHIA ROAD LOOKING NORTHEASTERLY ✓
- 6a. PHOTO OF SERVICE GARAGE BUILDING AND OFFICE (GREEN) FROM PHILADELPHIA ROAD ✓
- 6b. PHOTO OF SERVICE GARAGE BUILDING AND OFFICE (GREEN) FROM PARKING LOT ✓
7. COPY OF CORRECTION NOTICE DATED JULY 8, 2010 ✓
8. COPY OF DEVELOPMENT REVIEW COMMITTEE ACTION FOR AUGUST 10, 2010 AND SUBSEQUENT APPROVAL LETTER DATED AUGUST 17, 2010 APPROVING REQUEST FOR A LIMITED EXEMPTION (DRC 081010B) ✓
9. COPY OF RECEIPT FOR FILING OF CASE NO. 2011-0174-A DATED NOVEMBER 10, 2010 ✓
10. AERIAL PHOTO OF SITE AND SURROUNDING NEIGHBORHOOD
11. PHOTO OF AREA OF PARKING LOT FROM TAKEN PHILADELPHIA ROAD LOOKING SOUTHEASTERLY TOWARD MAYFIELD / DAY SUBDIVISION
12. PHOTO TAKEN FROM END OF PARKING LOT LOOKING NORTHWESTERLY TOWARD PHILADELPHIA ROAD
13. PHOTO TAKEN FROM NEW FORGE ROAD (ENTRANCE TO MAYFIELD / DAY SUBDIVISION) LOOKING SOUTHWESTERLY TOWARD SITE
14. COPY OF STATE HIGHWAY ADMINISTRATION COMMENTS SHOWING REQUESTED ENTRANCE IN RED

15
16

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 11 Account Number - 1700000481

Owner Information

Owner Name: LEDFORDS WELDING CO INC **Use:** COMMERCIAL
Principal Residence: NO
Mailing Address: 11565 PHILADELPHIA RD **Deed Reference:** 1) / 6536/ 331
WHITE MARSH MD 21162 2)

Location & Structure Information

Premises Address **Legal Description**
11565 PHILADELPHIA RD 1.160 AC
SES PHILADELPHIA RD
1015FT SE ALLENDER RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
73	2	57						1	

Special Tax Areas **Town Ad Valorem Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000	3,300 SF	1.16 AC	06

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of 01/01/2010	As Of 07/01/2010	As Of 07/01/2011
Land	324,000	294,200		
Improvements:	131,700	144,500		
Total:	455,700	438,700	438,700	438,700
Preferential Land:	0	0	0	0

Transfer Information

Seller: MAYFIELD ALBERT S	Date: 06/07/1983	Price: \$75,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 6536/ 331	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	
Municipal	000	0	

**PETITIONER'S
EXHIBIT NO. 2**

THIS DEED, Made this 14th day of April in the year one thousand nine hundred and eighty-three, by and between ALBERT S. MAYFIELD and EVELYN A. MAYFIELD, his wife, of Baltimore County, in the State of Maryland, of the first part, and LEDFORD'S WELDING CO., INC., of the second part.

Witnesseth, That in consideration of the sum of Seventy-Five Thousand Dollars (\$75,000.00), the receipt of which is hereby acknowledged the said Grantors, do grant and convey unto the said Ledford's Welding Co., Inc., a body corporate of the State of Maryland, in fee simple, all that lot of ground, situate, lying and being in the Eleventh Election District of Baltimore County, aforesaid, and described as follows, that is to say:

BEGINNING for the same at a point in the center of Philadelphia Road (Route 7), said point being at the beginning of the land, which by deed dated March 24, 1933 and recorded among the Land Records of Baltimore County in Liber L.McLM No. 918 folio 359, was conveyed by the Real Estate Development Company to Rose M. Pensel, thence leaving Philadelphia Road and binding on a part of the 1st or S21 degrees E 30 perch and 23 link line of the aforesaid deed, as now surveyed, S14 degrees, 51'30" E 228.93', thence leaving said outline and running for lines of division through the property of the Grantors herein, N42 degrees 42'40" E 322.77' and N 47 degrees 17'20" W 193.22' to the center of Philadelphia Road and to intersect the 4th line of the aforesaid deed at the distance of 200.00' from the end of said 4th line, running thence on the center of Philadelphia Road and binding on a part of said 4th line, as now surveyed, S 42 degrees 42'40" W 200.00' to the place of beginning.

Containing 1.160 acres of land of which 0.160 acres lies within the Right of Way of Philadelphia Road, leaving 1.000 acres free and clear of said Road.

Being the same lot of ground which by deed dated November 27, 1974 and recorded among the Land Records of Baltimore County, Liber 5494, folio 949 was granted and conveyed by Elizabeth L. Coster, attorney in fact for Rose M. Pensel to the Grantors herein.

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenance and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Ledford's Welding Co., Inc. in fee simple.

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

S. Mitchell Austin
REG. CLERK BALTO
COUNTY, MARYLAND 21221
(410) 574-9306

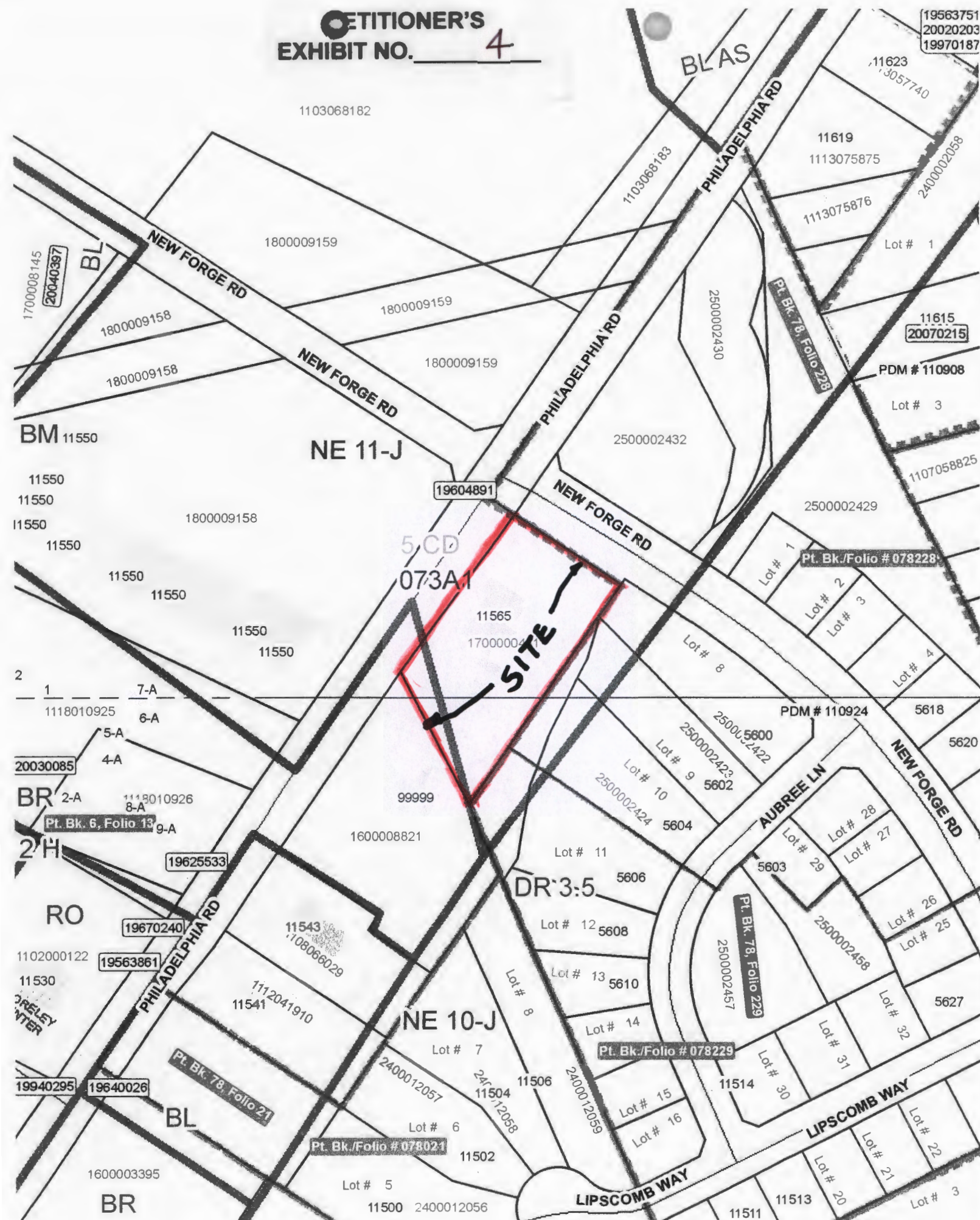
CLERK DATE
Raymond

SIGNATURE DATE
Ben

PETITIONER'S

B 8133****1125001a 8078A

EXHIBIT NO. 3





PETITIONER'S
EXHIBIT NO. 5



PETITIONER'S

EXHIBIT NO. _____



PETITIONER'S
EXHIBIT NO. 6



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

OFFICE HOURS: 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Plumbing Inspection:

410-887-3620

Electrical Inspection:

410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No.	Property No.	Agency
10 78487	1700000481	FA209719

Name(s): LED FORDS WELDING CO INC
Mike Mauer 410-617-1395

Address: 11565 PHILADELPHIA RD, WHITE MARSH

Violation Location: 11565 PHILADELPHIA RD 21162

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BCC 35-2-304 13C1051-109.1

FAILURE TO OBTAIN BUILDING PERMIT
FOR BUILDING ON SIDE OF PROPERTY

FAILURE TO OBTAIN CHANGE OF
OCCUPANCY PERMIT FOR DIFFERENT USE
OF BUSINESSES NEXT TO PRIMARY BUSINESS

OBTAIN BUILDING PERMIT AND
CHANGE OF OCCUPANCY FOR
BUILDING AND BUSINESS ON SIDE OF
PROPERTY

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE:	DATE ISSUED:
<u>7/23/10</u>	<u>7/16/10</u>

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: Lewis Mayer

INSPECTOR: Lewis Mayer

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE:	DATE ISSUED:
---------------	--------------

INSPECTOR: _____

Rev. 7/09

AGENCY

PETITIONER'S
EXHIBIT NO. 7

Development Review Committee Actions

July 1, 2010 - February 2, 2011 DRC Actions

Council District 5

Action Date	DRC#	Election District	Location	Project	Request	Action
8/10/10	081010B	11	11565 Philadelphia Road	MAD Customz	The request is to place a prefabricated building on the site.	a-1-vi
7/20/10	072010K	9	1021 Dulaney Valley Road	Goucher College/3rd Refinement	The request is for a CRG refinement for two expansions.	B-2 CRG Refinement
7/20/10	072010L	11	11550 Philadelphia Road	New Forge Business Park, Phase 1	The request is for a subdivision for financing purposes only.	No Action finance only

PETITIONER'S
EXHIBIT NO. 8A

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Avenue
Towson, MD 21204

410-887-3335

August 17, 2010

Michael Miller, Jr.
51 Aberdeen Avenue
Aberdeen, MD 21001

RE: MAD Customz
11565 Philadelphia Road
DRC Number: 081010B Dist. 11C5

Dear Mr. Miller:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106 and Section 32-4-262 of the Baltimore County Code, and to make recommendations to the Director, Department of Permits and Development Management (PDM).

The DRC has, in fact, met in an open meeting on August 10, 2010, and made the following recommendations:

✓ The DRC has determined, that your project meets the requirements of a limited exemption under Section 32-4-106(a)(1)(vi).

✓ Now that you have received this limited exemption, please proceed with building permit application.

DEFINITION EXHIBIT NO. 8B

Michael Miller, Jr.

Mike C. Miller

August 17, 2010

Page 2

A copy of the site plan must be provided with the zoning application, site plan, and/or when applying for a building permit.

Please note that compliance with sections 3, 4 and 5 of Title 4, Article 32, Baltimore County Code, is required, as is compliance with all applicable zoning regulations. Phase 2 review fees may apply, depending on the amount of site plan, and/or the requirement of a Public Works Agreement. Also, sidewalks are required whenever the site is within the Metropolitan District.

Herein, find a commercial site plan checklist that will serve as a guide when preparing plans for building permit applications. Please be advised, plans not meeting minimum checklist requirements will not be accepted for filing. This will consequently delay building permit approval. Please note, the "conceptual" plan required for DRC review, does not necessarily meet the checklist guidelines. Therefore, it should not be assumed that the DRC plan is acceptable for building permit applications.

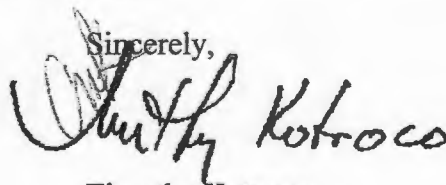
Should you have any questions regarding the above, please contact the Zoning Review Section at 410-887-3391.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 17th day of August 2010, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permit that may be required for this project, your application will be processed subject to the conditions set forth above, and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Additionally, this project is located on a state road; therefore, the State Highway Administration requires the plan to be reviewed prior to the permit approval. For further information, contact Mike Bailey at 410-545-5600.

Sincerely,



Timothy Kotroco
Director

TK: CMK:dak

c: File

Mike Bailey

Visit the County's Website at www.baltimorecountymd.gov

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

No. **61045**

Date: **11.10.10**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 11/10/2010 11/10/2010 09:10:14 2

REG WSO5 WALKIN DDOL DMD
 >>RECEIPT # 552214 11/10/2010 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000	-	6150				325.-

Dept: 5 528 ZONING VERIFICATION

CR NO. 061045

Recpt Tot \$325.00
 \$325.00 CK \$0.00 CA
 Baltimore County, Maryland

Total: **325.-**

Rec From: **MAD-CUSTOMER, INC.**

For: **2011-0174-A**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

**PETITIONER'S
 EXHIBIT NO. 9**

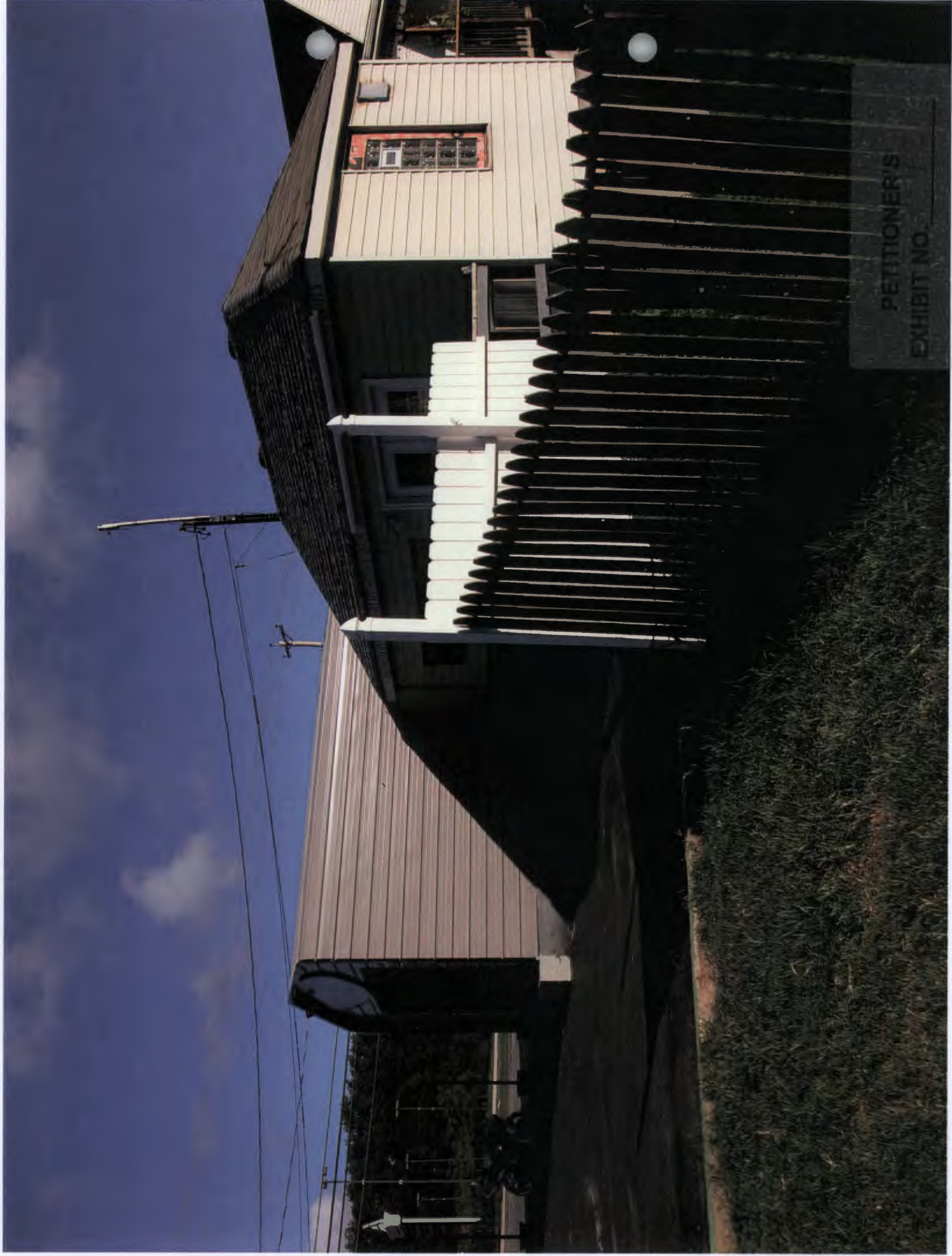
Baltimore County - My Neighborhood



PETITIONER'S
EXHIBIT NO. 10



PETITIONER'S
EXHIBIT NO. 7



PETITIONER'S
EXHIBIT NO. 1



PETITIONER'S
EXHIBIT NO. 13



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

November 24, 2010

Ms. Kristen Matthews.
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

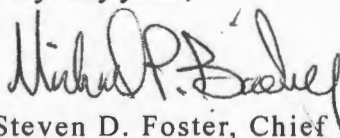
RE: Baltimore County
Item No. 2011-0174-A
MD 7 (Philadelphia RD)
Donna Mite Inn, Inc.
1565 Philadelphia Road
Variance -

Dear Ms. Matthews:

Thank you for the opportunity to review the ZAC Agenda Case Number 2011-0174-A for the above captioned, which was received on November 22, 2010. We have completed a review of the referenced plan and as well as a field inspection. The results of the review reveal that an access permit is necessary for the proposed improvements along the property fronting MD 7. We recommend that as a condition of Donna Mite Inn, Inc. Variance approval the owner/developer be required to obtain a State Highway Access Permit.

Please include our comments in staff report to the Zoning Hearing Officer. Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (m Bailey@sha.state.md.us). Thank you for your attention.

Very truly yours,


for Steven D. Foster, Chief
Access Management Division

SDF/mb
Enclosure

Cc: Donna Mite Inn, Inc., Owner
Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA
Mr. Geoffrey A. Tizard, II, Engineer, central Drafting & Design, Inc.

**PETITIONER'S
EXHIBIT NO. 14**

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 7/16/10
OEA: me/

HISTORIC DISTRICT/BLDG.

PERMIT #: B
RECEIPT #: A
CONTROL #: C
XREF #:

PROPERTY ADDRESS 11665 Philadelphia Rd.
SUITE/SPACE/FLOOR
SUBDIV: 1015 SE Atlanta Rd.
TAX ACCOUNT #: 1700000481
OWNER'S INFORMATION (LAST, FIRST)
NAME: Michael S Miller Sr
ADDR: 51 Aberdeen Ave.

FEE: 160 954 175
PAID: 182.00
PAID BY: app/

INSPECTOR: [Signature]
I HAVE CAREFULLY READ THIS APPLICATION
AND KNOW THE SAME IS CORRECT AND TRUE,
AND THAT IN DOING THIS WORK ALL PROVI-
SIONS OF THE BALTIMORE COUNTY CODE AND
APPROPRIATE STATE REGULATIONS WILL BE
COMPLIED WITH WHETHER HEREIN SPECIFIED
OR NOT AND WILL REQUEST ALL REQUIRED
INSPECTIONS.

APPLICANT INFORMATION

NAME: Michael S Miller Sr
COMPANY: M&D Custom2 Inc.
STREET: 11665 Philadelphia Rd.
CITY, ST, ZIP: White Marsh MD 21162
PHONE #: 410-443-6173
APPLICANT: [Signature]
SIGNATURE: [Signature] DR#
PLANS: CONST 2 PLOT 10 PLAT 0 DATA 3 EL 1 PL 2
TENANT
CONTR: [Signature]
ENGR: [Signature]
SELLR:

DOES THIS BLDG.
HAVE SPRINKLERS
YES - NO -

TYPE OF IMPROVEMENT

1. NEW BLDG CONST
2. ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING
6. MOVING
7. OTHER

DESCRIBE PROPOSED WORK: Const. 1stly Bldg for
window tinting business
18X21X13=378 SF

TYPE OF USE

RESIDENTIAL

01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
(ENTER NO UNITS)
05. SWIMMING POOL
06. GARAGE
07. OTHER

TYPE FOUNDATION

1. SLAB
2. BLOCK
3. CONCRETE

BASEMENT

1. FULL
2. PARTIAL
3. NONE

NON-RESIDENTIAL

08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH HEIGHT)
11. INDUSTRIAL, STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE MERCANTILE RESTAURANT
SPECIFY TYPE
20. SWIMMING POOL
SPECIFY TYPE
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. OTHER Window tinting business

TYPE OF CONSTRUCTION

1. MASONRY
2. WOOD FRAME
3. STRUCTURE STEEL
4. REINF. CONCRETE

TYPE OF HEATING FUEL

1. GAS
2. OIL
3. ELECTRICITY
4. COAL

TYPE OF SEWAGE DISPOSAL

1. PUBLIC SEWER EXISTS PROPOSED
2. PRIVATE SYSTEM
SEPTIC EXISTS PROPOSED
PRIVY EXISTS PROPOSED

CENTRAL AIR: 1. 2.

ESTIMATED COST: \$4,000
OF MATERIALS AND LABOR

EXISTING USE: Window tinting business - new Bldg.

OWNERSHIP

1. PRIVATELY OWNED
2. PUBLICLY OWNED
3. SALE
4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS 6. HIRISE

1 FAMILY BEDROOMS

GARBAGE DISPOSAL 1. Y 2. N BATHROOMS

POWDER ROOMS

KITCHENS

CLASS 06

LIBER

FOLIO

APPROVAL SIGNATURES

BUILDING SIZE LOT SIZE AND SETBACKS

FLOOR 318 SIZE 1.160 ac

WIDTH 15 FRONT STREET

DEPTH 21 SIDE STREET

HEIGHT 13 FRONT SETBK 50

STORIES 1 SIDE SETBK 5

LOT #'S 1 SIDE STR SETBK

CORNER LOT REAR SETBK

1. YES 2. NO ZONING

BLD INSP : : : : : : :

BLD PLAN : : : : : : :

FIRE : : : : : : :

SEDI CTR : : : : : : :

ZONING : : : : : : :

PUB SERV : : : : : : :

ENVRNT : : : : : : :

PLANNING : : : : : : :

PERMITS : : : : : : :

PROTESTANT'S

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERI

EXHIBIT NO. 15

Private sewer Rev MPOI

DRC #112

PROTESTANT'S

EXHIBIT NO. 16

EX. RETAIL STORES #11550

EX. PARKING LOT

PHILADELPHIA ROAD (MD. RTE. 7)

PHILADELPHIA

EX. 8" S.

EX. 16" W.

EX. CURB

EX. PAVING

CBM

BR

N 42° 42' 40" E 225.42

FUT. R/W LINE

(148)

(146)

N/F BURKE & BANGERT
L. 9242 F. 452
1600008821

EX. COMMERCIAL TRAILER (VACANT)

EX. PAVING

LOADING SPACE

COY. POR.

PORCH

EX. 2 STORY APART.

EX. 1 STY. TAVERN

#11565

WOOD DECK

(140)

(136)

(134)

(132)

(130)

(128)

(126)

(124)

(122)

(120)

(118)

(116)

(114)

(112)

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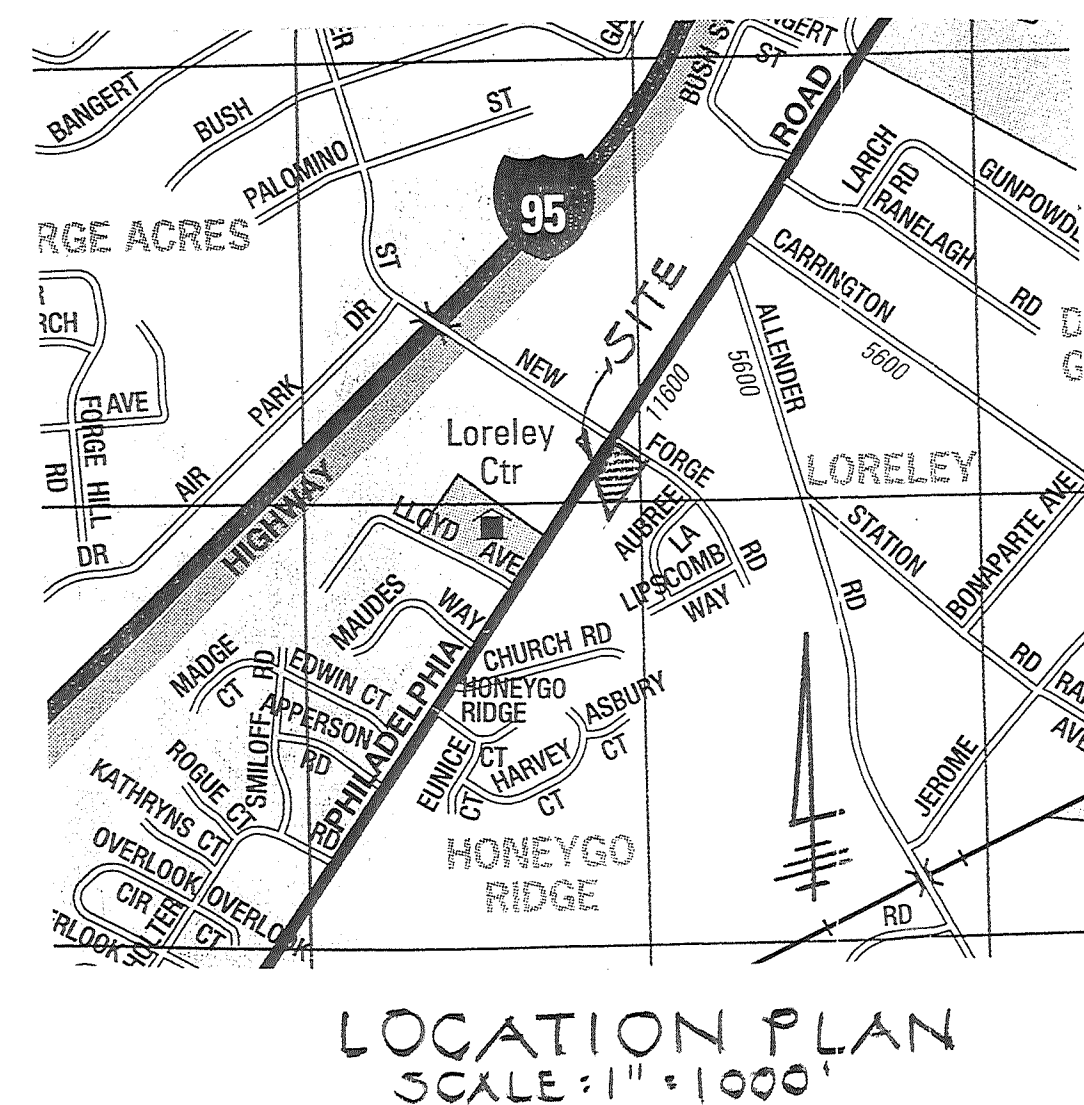
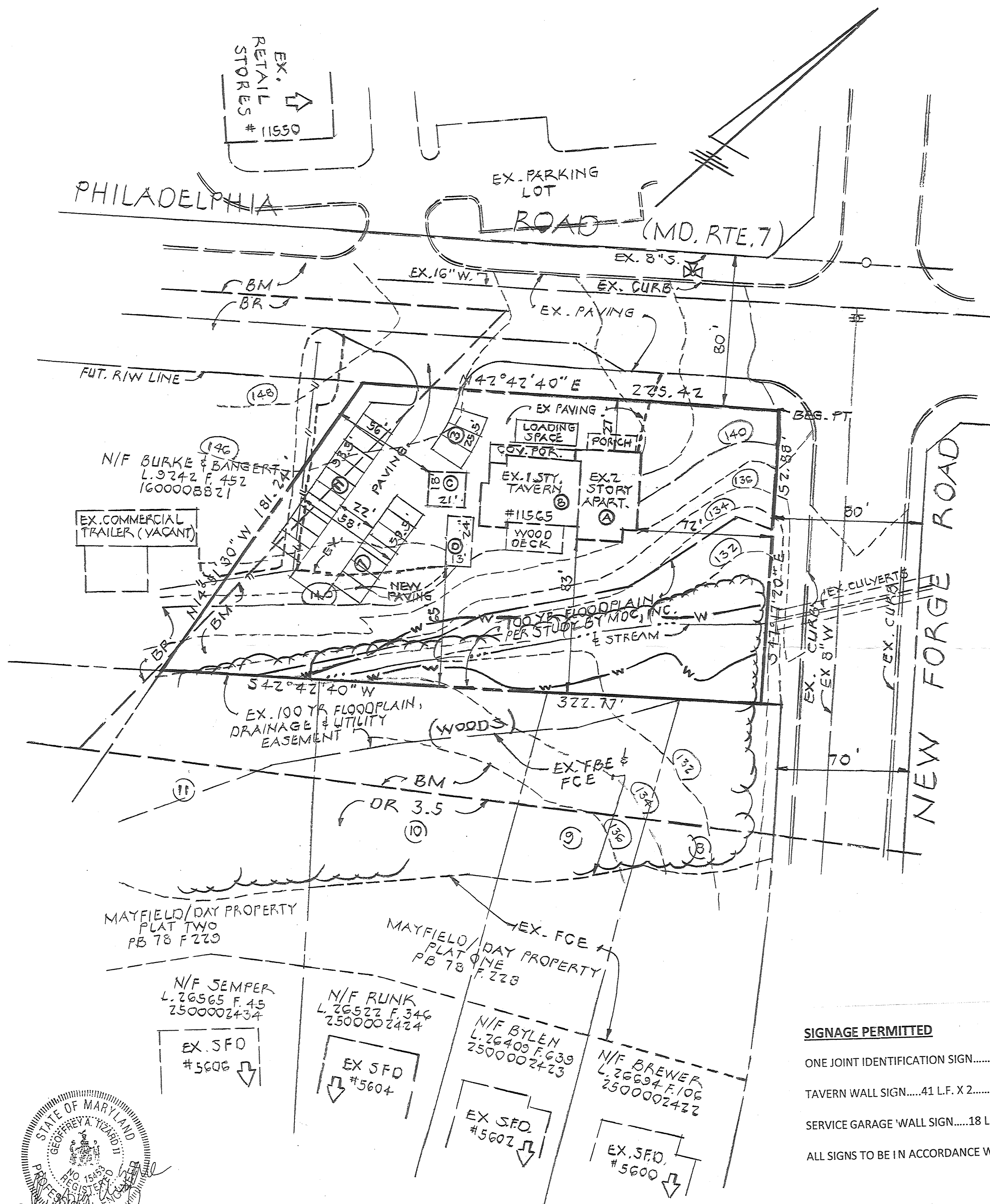
(8)

(6)

(4)

(2)

(0)



NOTES

1. ZONING.....BM AND BR (MAP NO. 073A1)
2. AREA OF SITE.....41,997 S.F. = 0.964 ACRE +/-
3. BUILDING USES AND AREAS

A. 2 STORY APARTMENT.....	1920 S.F.
B. 1 STORY TAVERN.....	1765 S.F.
C. SERVICE GARAGE.....	378 S.F.
D. SERVICE GARAGE OFFICE.....	312 S.F.
TOTAL.....	4375 S.F.
FLOOR AREA RATIO.....	0.104
4. PUBLIC WATER AND SEWER IS AVAILABLE
5. A PORTION OF THIS SITE IS LOCATED IN A 100 YEAR RIVERINE FLOOD ZONE
6. THIS SITE IS NOT LOCATED IN THE CBCA
7. TO THE PREPARER'S KNOWLEDGE, NO UNDERGROUND FUEL STORAGE TANKS, HISTORIC STRUCTURES OR ARCHEOLOGIC SITES EXIST.
8. HOURS OF OPERATION

TAVERN.....	11 AM TO 2 AM
SERVICE GARAGE.....	MON. - SAT. 8 AM TO 9 PM
	SUN.....10 AM TO 6 PM
9. SEE DRC NO. 081010B AND VIOLATION CO 78487. NO PREVIOUS ZONING HISTORY IS KNOWN.
10. ALL LIGHTING SHALL BE DIRECTED DOWNWARD AND AWAY FROM PUBLIC RIGHTS OF WAYS AND RESIDENTIAL PROPERTIES
11. A FINAL LANDSCAPE PLAN SHALL BE APPROVED PRIOR TO ISSUANCE OF A BUILDING PERMIT

OFFSTREET PARKING CALCULATIONS

APARTMENT.....	2 SPACES
TAVERN.....1765 S.F. @ 20 SP. / 1000 S.F.....	35.3 SPACES
SERVICE GARAGE.....690 S.F. @ 3.3 SP. / 1000 S.F.....	2.3 SPACES
TOTAL REQUIRED.....	40 SPACES
TOTAL PROVIDED.....21 SPACES + 1 BAY.....	22 SPACES
ALL SPACES TO BE 8.5' X 18' MIN. ALL PARKING SPACES AND ACCESS AISLES TO BE PAVED AND PERMANENTLY STRIPED	

SIGNAGE PERMITTED

- ONE JOINT IDENTIFICATION SIGN.....75 S.F. MAX. EACH SIDE
- TAVERN WALL SIGN.....41 L.F. X 2.....84 S.F. MAX.
- SERVICE GARAGE WALL SIGN.....18 L.F. X 2.....36 S.F. MAX.
- ALL SIGNS TO BE IN ACCORDANCE WITH SECTION 450 (BCZR)

PETITIONER'S
EXHIBIT NO. _____

PLAT TO ACCOMPANY PETITION FOR VARIANCE

OWNER
LEDFORDS WELDING CO. INC
NOW KNOWN AS DONNA MITE INN. INC.
11565 PHILADELPHIA ROAD
WHITE MARSH, MD. 21162
DEED REF : L. 6536 F. 331
ACCOUNT NO. 1700000481

11565 PHILADELPHIA ROAD (MD. RTE. 7)
ELECTION DISTRICT 11C5
BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 40 FEET OCTOBER 4, 2010

"Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the state of Maryland, License No. 15453, Expiration Date: July 2, 2011."

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719