

1/28/14
TO [initials]



IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
FOXLEIGH ENTERPRISES, INC

FOR JUDICIAL REVIEW OF THE OPINION OF
THE BOARD OF APPEALS
OF BALTIMORE COUNTY
JEFFERSON BUILDING – ROOM 203
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

CIVIL ACTION
NO. : 03-C-13-013521

IN THE MATTER OF:
FOXLEIGH ENTERPRISES, LLC – LEGAL
OWNER/PETITIONER FOR SPECIAL
VARIANCE ON THE PROPERTY LOCATED
AT 10749, 10751, 10803, 10805, AND 20089
FALLS ROAD

8TH ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

BOARD OF APPEALS CASE NO.: 12-060-SA

* * * * *

**PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW JUDGE
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY**

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits, Approvals and Inspections and the Board of Appeals of Baltimore County:

**ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
OF BALTIMORE COUNTY**

No. 12-060-SA

August 31, 2011	Petition for Special Variance from Sections 4A.02.4 to permit the proposed nonindustrial development/renovations where it has been determined that the capacity of the public facilities is necessary to accommodate same is less than necessary, pursuant to Section 4A.02.4.G; and for such other and further relief as may be deemed necessary by Zoning Commissioner for Baltimore County filed by Priscilla K. Carroll, Esquire on behalf of Foxleigh Enterprises, Inc.
September 13, 2011	Notice of Zoning Hearing. Scheduled for October 19, 2011.
September 16, 2011	Request for Postponement filed by Richard C. Burch, Esquire on behalf of Thomas F. Mullan, III; Norman Wilder; and Mr. Mullan's entities.
September 19, 2011	Entry of Appearance filed by People's Counsel for Baltimore County.
October 20, 2011	Certificate of Publication in newspaper
October 16, 2011	Certificate of Posting.
October 18, 2011	Request for Postponement filed by Michael R. McCann, Esquire on behalf of the Valleys Planning Council.
October 24, 2011	Objection to request for postponement filed by Priscilla K. Carroll, Esquire on behalf of Foxleigh Enterprises, Inc.
October 27, 2011	Notice of Zoning Hearing. Scheduled for December 8, 2011.
November 1, 2011	Entry of Appearance filed by K. Donald Proctor, Esquire on behalf of The Meadows of Green Spring Homeowner's Association, Inc.
December 6, 2011	Entry of Appearance filed by Matthew G. Hjortsberg, Esquire on behalf of Foxleigh Enterprises, Inc.
December 7, 2011	ZAC Comments
December 8, 2011	Hearing held before the Administrative Law Judge, Day 1.
December 13, 2011	Letter from Lawrence M. Stahl, Managing Administrative Law Judge indicating that this matter has been scheduled for further proceedings to occur on January 23, 2012 and January 31, 2012.
January 4, 2012	Letter from Priscilla K. Carroll, Esquire submitting documentation regarding a 1976 Zoning Matter.

January 13, 2012 Amended Comments filed by Andrea Van Arsdale, Director of Department of Planning.

January 23, 2012 Hearing held before Administrative Law Judge, Day 2.

January 31, 2012 Hearing held before Administrative Law Judge, Day 3.

Exhibits submitted at three days of hearings before the Administrative Law Judge:

Petitioner's Exhibit No.

- 1 – ZAC Comments from Andra Van Arsdale, Director of Planning Dated 12/7/11
- 2 – Certification of the absence of a public record dated 12/6/11
- 3 – Aerial view of Greenspring Station site
- 4 – Petition for Special Variance with Plan to Accompany
- 5 – Greenspring Racquet Club Renovation booklet
- 6 – Greenspring station retail renovation booklet
- 7 – Letter from Priscilla Carroll, Esquire to Arnold Jablon dated 1/4/12
- 8 – Amended ZAC Comments from Andrea Van Arsdale, Director of Department of Planning dated 1/13/12
- 9 – Curriculum Vitae of Wes Guckert
- 10 – Comparison of Volume Racquet Club and renovation
- 11 – Land use 491 description
- 12 – Summary trip generator dated 1/17/12
- 13 – Letter from Tom Peddy to Fred King dated 3/8/10
- 14 – St. Timothy Varsity Squash schedule
- 15 – McDonough Middle School Squash schedule
- 16 – McDonough School Junior Varsity Squash schedule
- 17 – McDonough School Varsity Squash schedule
- 18 – Computer page Greenspring Racquet Club Junior programs
- 19 – Letter from SHA to PAI dated 9/12/11
- 20 – Land Title Survey dated 6/8/06

Protestant – The Meadow's of Greenspring Homeowners Association's Exhibit No.

- 1 – Curriculum Vitae of Michael Friedman
- 2 – Lynn Brick web page
- 3 – County Code excerpts
- 4 – 2000 CZMP Issue 3-029 Map
- 5 – 2000 CZMP Issue 3-085 Map
- 6 – Letter from T. Bryan McIntire to Michael Friedman dated 10/3/11 FOR IDENTIFICATION PURPOSES ONLY

Protestant – The Valleys Planning Council's and Messer's Mullan and Wilder's
Exhibit No.

- 1 – Transcript excerpt of hearing before Deputy Zoning Commissioner dated 4/19/99
- 2 – Curriculum Vitae of Barry King
- 3 – ITE Trip Generator Volume 3 of 3, 8th edition
- 4 – Traffic use as prepared by Century Engineering dated 1/2012
LARGE EXHIBIT
- 5 – ITE Chart with Adjustments LARGE EXHIBIT
- 6 – Traffic Comparison LARGE EXHIBIT
- 7 – Curriculum Vitae of Robert Green
- 8 – Level of Service Definitions

March 26, 2012	Post Hearing Memorandum of Protestants filed by Richard C. Burch, Esquire on behalf of Thomas F. Mullan, III; Norman Wilder; and Mr. Mullan's entities.
March 26, 2012	Written Closing Argument in Support of Petition for Special Variance filed by Priscilla K. Carroll, Esquire on behalf of Foxleigh Enterprises, Inc.
March 26, 2012	Post Hearing Memorandum of Protestants Valleys Planning Council and Falls Road Community Association filed by Michael McCann, Esquire.
May 29, 2012	Opinion and Order of the Administrative Law Judge wherein the Petition for Special Variance was DENIED.
May 30, 2012	Notice of Appeal filed by Priscilla K. Carroll, Esquire on behalf of Foxleigh Enterprises, Inc.
June 18, 2012	Appeal received by Board.
June 25, 2012	Letter from Board to Counsel with proposed dates.
July 19, 2012	Notice of Assignment issued. Scheduled for October 23, 24 and 25, 2012.
September 21, 2012	Request for postponement and rescheduling filed by Richard C. Burch, Esquire on behalf of Thomas F. Mullan, III; Norman Wilder; and Mr. Mullan's entities.
September 24, 2012	Notice or Postponement and Reassignment issued. Scheduled for March 26, 27 and 28, 2013.

October 17, 2012	People's Counsel for Baltimore County's Motion to Dismiss.
November 14, 2012	Response in Support of People's Counsel for Baltimore County's Motion to Dismiss filed by Richard C. Burch, Esquire on behalf of Thomas F. Mullan, III; Norman Wilder; and Mr. Mullan's entities.
November 16, 2012	Petitioner/Appellant Foxleigh Enterprises, Inc.'s Opposition to People's Counsel for Baltimore County's Motion to Dismiss filed by Priscilla K. Carroll, Esquire on behalf of Foxleigh Enterprises, Inc.
November 19, 2012	Protestant's Motion to Dismiss filed by Michael R. McCann, Esquire on behalf of the Valleys Planning Council.
November 30, 2012	Petitioner/Appellant Foxleigh Enterprises, Inc.'s Supplemental Opposition In Response to the Response in Support of People's Counsel for Baltimore County's Motion to Dismiss filed by Priscilla K. Carroll, Esquire on behalf of Foxleigh Enterprises, Inc.
November 30, 2012	People's Counsel for Baltimore County's Reply on Motion to Dismiss.
December 19, 2012	Amended Notice of Assignment to reflect that March 26, 2013 has been changed to Argument Only on the Motion to Dismiss and to be immediately followed by a Public Deliberation.
December 28, 2012	Request for Postponement from People's Counsel for Baltimore County.
January 7, 2013	Notice of Postponement and Reassignment of the Argument on the Motion to Dismiss. Scheduled on March 28, 2013.
March 12, 2013	Request for Postponement filed by Priscilla K. Carroll, Esquire on behalf of Foxleigh Enterprises, Inc.
March 13, 2013	Notice of Postponement issued.
April 10, 2013	Second Reassignment Notice (Argument on Motion to Dismiss) scheduled for June 6, 2013.
June 6, 2013	Board convened for argument on the Motion to Dismiss.
June 6, 2013	Notice of Deliberation issued. Scheduled for July 9, 2013
July 8, 2013	Request for additional arguments prior to the public deliberation filed by Richard C. Burch, Esquire on behalf of Thomas F. Mullan, III; Norman Wilder; and Mr. Mullan's entities.

July 9, 2013	Letter objecting to request for additional arguments filed by Priscilla K. Carroll, Esquire on behalf of Foxleigh Enterprises, Inc.
July 9, 2013	Board convened for public deliberation.
July 31, 2013	Order issued by the Board of Appeals for Baltimore County wherein the Motion to Dismiss is hereby DENIED but the case shall be STAYED until such time as the Petitioner has a final development plan approved, or one that this Board can approve, and has filed for all other zoning relief and approvals, if any, which are necessary for consideration by this Board of the development issues pertaining to all renovation, redevelopment and/or expansion at Greenspring Station in order that this Board shall conduct a single hearing on all the requested relief; and it was further ordered, that a final Opinion will be issued by this Board after a hearing on the merits and a public deliberation, with no further action to be taken on this Ruling until such time as the Board's final decision is issued.
August 30, 2013	Petitioner/Appellant Foxleigh's Motion for Reconsideration filed by Priscilla K. Carroll, Esquire on behalf of Foxleigh Enterprises, Inc.
September 11, 2013	People's Counsel for Baltimore County's Reply on Motion for Reconsideration.
September 30, 2013	Protestant's Opposition to Foxleigh's Motion for Reconsideration filed by Richard C. Burch, Esquire on behalf of Thomas F. Mullan, III; Norman Wilder; and Mr. Mullan's entities, Michael R. McCann, Esquire on behalf of the Valleys Planning Council, and K. Donald Proctor, Esquire on behalf of The Meadows of Greenspring Homeowners' Association, Inc. and Michael Friedman.
October 15, 2013	Petitioner/Appellant Foxleigh's Reply to the Oppositions of People's Counsel for Baltimore County and Protestants to Foxleigh's Motion for Reconsideration of Board of Appeals Order Staying Appeal filed by Priscilla K. Carroll, Esquire on behalf of Foxleigh Enterprises, Inc.
October 15, 2013	Letter from K. Donald Proctor, Esquire objecting to Petitioner/Appellant Foxleigh's Reply to the Oppositions of People's Counsel for Baltimore County and Protestants to Foxleigh's Motion for Reconsideration of Board of Appeals Order Staying Appeal filed by Priscilla K. Carroll, Esquire on behalf of Foxleigh Enterprises, Inc.
October 16, 2013	Letter from Matthew G. Hjortsberg, Esquire objecting to the letter from K. Donald Proctor, Esquire objecting to Petitioner/Appellant Foxleigh's Reply to the Oppositions of People's Counsel for Baltimore County and Protestants to Foxleigh's Motion for Reconsideration of Board of Appeals

Order Staying Appeal filed by Priscilla K. Carroll, Esquire on behalf of Foxleigh Enterprises, Inc.

October 17, 2013 Board convened for Public Deliberation on Motion for Reconsideration.

November 1, 2013 Order of Petitioner's Motion for Reconsideration issued by the Board of Appeals for Baltimore County wherein it was ordered that the Petitioner's Motion for Reconsideration be, and it is hereby, **DENIED**; and it was further ordered, that a final Opinion will be issued by this Board after a hearing on the merits and a public deliberation, with no further action to be taken on this Order until such time as the Board's final decision is issued.

November 25, 2013 Petition for Judicial Review filed in the Circuit Court for Baltimore County by filed by Matthew Hjortsberg, Esquire and Priscilla K. Carroll, Esquire on behalf of Foxleigh Enterprises, Inc.

November 29, 2013 Copy of Petition for Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals.

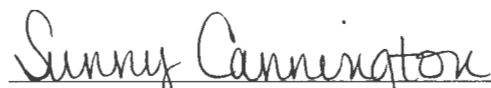
December 5, 2013 Certificate of Compliance sent to all parties and interested persons.

December 5, 2013 Response to Petition for Judicial Review received from People's Counsel for Baltimore County,

January 27, 2014 Transcript of testimony filed.

January 27, 2014 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.



Krysundra "Sunny" Cannington, Administrator
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Ave.
Towson, Maryland 21204
410-887-3180

C:

Foxleugh Enterprises, Inc.
Thomas Peddy, Vice President
Herb Fredeking
Priscilla K. Carroll, Esquire
Matthew G. Hjortsberg, Esquire
Vincent Guida, Esquire
Wes Guckert/The Traffic Group, Inc
K. Donald Proctor, Esquire
The Meadows of Greenspring Homeowners Association, Inc./c/o WPM Real Estate Group
Michael Friedman
Richard C. Burch, Esquire
Thomas F. Mullan, III
Mullan Pavilions, LP
Mullan Greenspring, LLLP
Norman Wilder
Michael R. McCann, Esquire
The Valleys Planning Council, Inc./c/o Teresa Moore
Falls Road Community Association
Barry R. King
J. Robert Green
Cheryl Aaron
Patrick Jarosinski
Tim Reuter
Paul Miller
Fritz Behlen
Stuart Kaplow
Mimi Yu, President/Joey Chiu's Greenspring Inn
Hannah Keys Rodewald/The Pleasure of Your Company, Inc.
Clay Wildey/The Nut Farm and Creamery
Magda Caleta
Renee Wilson/Bijoux, Ltd
Joppa-Green Limited Partnership, LLLP
Tark's Grill at the Station/Terry Arenson, Partner
Bridget Quinn Stickline/Wee Chic-a Baby Boutique
Michael Albo, Vice President/Maryland Financial Investors, Inc
Stuart A. Feldman, Member/Windy Valley, LLC
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



Petition for Special Variance

to the Zoning Commissioner of Baltimore County for the property located at 10749, 10751, 10803, 10805, and 20089 Falls Road and 2360 W. Joppa Road East Side of Falls Road and Greenspring Valley Road Intersection which is presently zoned 03, BM, 03BM/G, DR1, RO, BLCR, BLAS

Deed Reference:	Tax Account #
25604/740	1800003271
04897/235	1800002865
04897/227	0807060650
05868/533	0807060652
04755/128	0816017761
	1900010896
	0807060653
	1900010897
	2200005649

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 Special Variance from Section(s)

1. 4A.02.4 to permit the proposed nonindustrial development/renovations where it has been determined that the capacity of the public facilities necessary to accommodate same is less than necessary, pursuant to Section 4A.02.4.G; and
2. For such other and further relief as may be deemed necessary by Zoning Commissioner for Baltimore County.

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

1. That the demand or impact on the development proposed will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal;
2. That the granting of the petition will not adversely affect a person whose application was filed prior to the Petitioner's application in accordance with Section 4A.02.3.G.2.b; and
3. For such other reasons as will be offered at the Public Hearing for this matter.

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 bound 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
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

Priscilla K. Carroll, Esq.

Name - Type or Print
Signature
Bowie & Jensen, LLC
Company
29 W. Susquehanna Ave., Suite 600 443-921-4206
Address Telephone No.
Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

Common ownership or controlled by Foxleigh Enterprises, Inc.

Name - Type or Print
Signature By: Thomas L. Paddy, Vice President & Secretary
Name - Type or Print
Signature
10749 Falls Road, Suite 200 410-583-1919
Address Telephone No.
Lutherville MD 21093
City State Zip Code

Representative to be Contacted:

Priscilla K. Carroll, Esq.
Name
29 W. Susquehanna Ave., Suite 600 443-921-4206
Address Telephone No.
Towson, Maryland 21204
City State Zip Code

Case No. 2012-00605-A

REV 8/20/07

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by Date 8.31.11



Petition for Special Variance

to the Zoning Commissioner of Baltimore County for the property
located at 10749, 10751, 10803, 10805, and 20089 Falls Road and 2360 W. Joppa Road
-East Side of Falls Road and Greenspring Valley Road Intersection
which is presently zoned 03, BM, 03BM/G, DR1, RO, BLCR, BLAS

Deed Reference:	Tax Account #	1800003271	1800002865
25604/740	04897/235	0807060650	0807060651
04897/227	04897/224	0807060652	0816017761
05868/533	04897/230	1900010896	0807060653
04755/128		1900010897	2200005649

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 Special Variance from Section(s)

1. 4A.02.4 to permit the proposed nonindustrial development/renovations where it has been determined that the capacity of the public facilities necessary to accommodate same is less than necessary, pursuant to Section 4A.02.4.G; and
2. For such other and further relief as may be deemed necessary by Zoning Commissioner for Baltimore County.

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

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Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Priscilla K. Carroll, Esq.

Name - Type or Print

Signature
Priscilla K. Carroll

Bowie & Jensen, LLC

Company
29 W. Susquehanna Ave., Suite 600 443-921-4206

Address Telephone No.
Towson, Maryland 21204

City State Zip Code

Legal Owner(s):

Common ownership or controlled by Foxleigh Enterprises, Inc.

Name - Type or Print

Signature By: Thomas L. Peddy, Vice President & Secretary

Name - Type or Print
Thomas L. Peddy, V.P.

Signature

10749 Falls Road, Suite 200 410-583-1919

Address Telephone No.
Lutherville MD 21093

City State Zip Code

Representative to be Contacted:

Priscilla K. Carroll, Esq.

Name
29 W. Susquehanna Ave., Suite 600 443-921-4206

Address Telephone No.
Towson, Maryland 21204

City State Zip Code

Case No. 2012-00605-A

REV 8/20/07

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by [Signature] Date 8-31-11



July 12, 2011

**ZONING DESCRIPTION
10749 FALLS ROAD
8TH ELECTION DISTRICT AND THE 2ND COUNCILMANIC DISTRICT
OF BALTIMORE COUNTY, MARYLAND**

Beginning at a point located North 00°06'24" West a distance of 169'+/- from the intersection of Greenspring Valley Road and Jones Falls Expressway thence proceeding North 66°45'24" East a distance of 277.24'; thence North 68°47'27" East a distance of 57.72'; thence North 21°44'28" West a distance of 279.16'; thence South 71°26'06" West a distance of 20.03'; thence North 21°44'28" West a distance of 198.43'; thence North 68°15'32" East a distance of 422.75'; thence South 21°44'29" East a distance of 78.84'; thence North 68°15'32" East a distance of 189.11'; thence South 05°23'27" West a distance of 459.29'; thence North 68°47'35" East a distance of 73.81'; thence South 05°23'22" West a distance of 39.79'; thence South 05°23'27" West a distance of 569.50'; thence South 02°34'15" West a distance of 55.83'; thence South 02°34'15" West a distance of 324.92'; thence South 21°17'30" West a distance of 280.41'; thence North 47°34'09" West a distance of 56.23'; thence North 20°51'24" East a distance of 25.98'; thence North 47°20'00" West a distance of 2.66'; thence North 34°43'30" West a distance of 165.65'; thence North 34°43'30" West a distance of 88.86'; thence North 55°33'10" East a distance of 104.10'; thence North 02°47'50" East a distance of 53.82'; thence North 02°47'50" East a distance of 77.93'; thence South 85°36'15" West a distance of 131.28'; thence South 79°17'50" West a distance of 77.81'; thence South 79°17'50" West a distance of 16.69'; thence North 36°59'29" West a distance of 26.10'; thence North 45°09'00" West a distance of 79.81'; thence North 38°00'24" West a distance of 22.81'; thence North 19°17'12" West a distance of 21.59'; thence North 18°55'30" West a distance of 66.29'; thence South 71°04'30" West a distance of 5.00'; thence North 18°55'30" West a distance of 193.68'; thence North 78°34'59" East a distance of 7.36'; thence North 22°25'53" West a distance of 16.84'; thence North 22°04'24" West a distance of 129.17'; which is the point of beginning, having an area of 719,372.1 square feet, or 16.51 acres more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purpose of conveyance.

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

No. **73660**

Date: **8.31.11**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept	Obj	BS Acct	Amount
				Source/	Rev/						
001	806	0100		6150							385.00

Total: **385.00**

Rec
From:

FovLeigh, Inc.

For:

2012-0060-SH.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

**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: 2012-0060-Spec. V.

Petitioner: Foxleigh Enterprises, Inc. (Common owner or controller)

Address or Location: 10749, 10751, 10803, 10805, and 20089 Falls Road and 2360 W. Joppa Road
East Side of Falls Road and Greenspring Valley Road Intersection

PLEASE FORWARD ADVERTISING BILL TO:

Name: Thomas L. Peddy - Vice President & Secretary

Address: Foxleigh Enterprises, Inc.

10749 Falls Road, Suite 200

Lutherville, Maryland 21093

Telephone Number: 410-583-1919

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 4, 2011 Issue - Jeffersonian

Please forward billing to:

Thomas Peddy
Foxleigh Enterprises, Inc.
10749 Falls Road, Ste. 200
Lutherville, MD 21093

410-583-1919

NOTICE OF ZONING HEARING

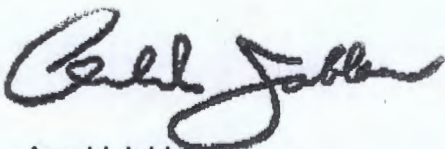
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0060-SA

10749, 10751, 10803, 10805 & 20089 Falls Road & 2360 W. Joppa Road
NE/s of Falls Road at its intersection with Greenspring Valley Road
8th Election District – 2nd Councilmanic District
Legal Owners: Foxleigh Enterprises, Inc.

Special Variance to the proposed nonindustrial development/renovations where it has been determined that the capacity of the public facilities necessary to accommodate same is less than necessary, pursuant to Section 4A.02.4.G and for such other and further relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Wednesday, October 19, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 18, 2011 Issue - Jeffersonian

Please forward billing to:

Thomas Peddy
Foxleigh Enterprises, Inc.
10749 Falls Road, Ste. 200
Lutherville, MD 21093

410-583-1919

NOTICE OF ZONING HEARING

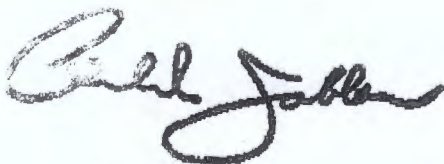
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0060-SA

10749, 10751, 10803, 10805 & 20089 Falls Road & 2360 W. Joppa Road
NE/s of Falls Road at its intersection with Greenspring Valley Road
8th Election District – 2nd Councilmanic District
Legal Owners: Foxleigh Enterprises, Inc.

Special Variance to the proposed nonindustrial development/renovations where it has been determined that the capacity of the public facilities necessary to accommodate same is less than necessary, pursuant to Section 4A.02.4.G and for such other and further relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Wednesday, November 2, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

September 13, 2011

NOTICE OF ZONING HEARING

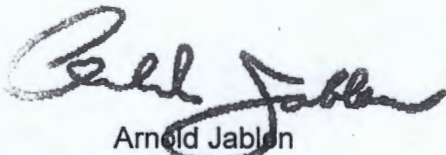
The Administrative Law Judges Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0060-SA

10749, 10751, 10803, 10805 & 20089 Falls Road & 2360 W. Joppa Road
NE/s of Falls Road at its intersection with Greenspring Valley Road
8th Election District – 2nd Councilmanic District
Legal Owners: Foxleigh Enterprises, Inc.

Special Variance to the proposed nonindustrial development/renovations where it has been determined that the capacity of the public facilities necessary to accommodate same is less than necessary, pursuant to Section 4A.02.4.G and for such other and further relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Wednesday, November 2, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Priscilla Carroll, Bowie & Jensen, LLC, 29 Susquehanna Avenue, Ste. 600, Towson 21204
Thomas Peddy, Foxleigh Enterprises, 10749 Falls Rd., Ste. 200, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 18, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

duplicate

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 22, 2011 Issue - Jeffersonian

Please forward billing to:

Thomas Peddy
Foxleigh Enterprises, Inc.
10749 Falls Road, Ste. 200
Lutherville, MD 21093

410-583-1919

NOTICE OF ZONING HEARING

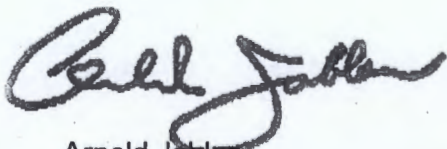
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0060-SA

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Hearing: Thursday, December 8, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

November 29, 2011

Thomas Peddy, Vice President/Secretary
Foxleigh Enterprises, Inc.
10749 Falls Road, Suite 200
Lutherville, MD 21093

RE: Case Number 2012-0060-S-A, 1049, 10751, 10803, 10805, & 20089 Falls Road and
2360 W. Joppa Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 31, 2011. 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.", is written over a circular official stamp.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Priscilla Carroll, Esq., 29 W. Susquehanna Avenue, Suite 600, Towson, MD 21204

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Item No. 2012-0060-SA

DATE: December 6, 2011

duplicate

The Director of Public Works and staff have reviewed the traffic impact analysis submitted by The Traffic Group in support of the proposed redevelopment of the Green Spring Racquet Club.

The Green Spring Station developer is asking to be allowed to proceed with the proposed redevelopment in an 'F', or failing, trafficshed. If traditional (ITE) trip generation rates are assumed for this, the result will be a net increase in the traffic using the failing intersection.

The Traffic Group's analysis assumes very specific uses of the proposed buildings, and utilizes non-traditional trip generation rates based on other sites they have studied or analyzed. They also suggest a strong synergy between the proposed development and the adjacent, remaining businesses in the Green Spring Station complex, which reduces the number of 'new' traffic trips on the adjacent road system. Based on these assumptions, the proposed development would result in no net increase in traffic.

DAK
cc:file
ZAC-ITEM NO 12-0060-12062011.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: December 7, 2011

FROM: Andrea Van Arsdale
Director, Department of Planning

duplicate

SUBJECT: 10749, 10751, 10803, 10805 and 20089 Falls Road

RECEIVED

DEC 07 2011

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Item Number: 12-060

Petitioner: Foxleigh Enterprises Inc.

Zoning: BL-CR, BL-AS, RO, BM, O-3 and O-3 BM/G

Requested Action: Special Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner owns the shopping center known as Greenspring Station, located in the traffic shed of Falls and Joppa Roads, which has been operating at an "F" Level of Service since 2003. It should be noted that 2012 Comprehensive Zoning Map Process (CZMP) Issue 2-020 has been filed to rezone 5.67 acres within limits of the requested special variance.

The petitioner's request is to raze the two existing tennis barns, currently operating under a special exception for a community building (Case No. 76-167x) and construct an office building and wellness center on the approximate foot print of the rear tennis barn. Additionally, the petitioner proposes the addition of parking in the area occupied by the front tennis barn. Lastly, the submitted site plan also shows a 5,000 square foot retail addition to the front of the Joppa and Falls Concourse Building.

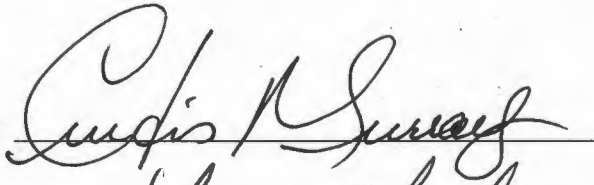
The petition for special variance must demonstrate pursuant to Baltimore County Zoning Regulations (BCZR) § 4A02.4.G.1.a "*That the demand or impact of the development proposed will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal*"; and b "*That the granting of the petition will not adversely affect a person whose application was filed prior to the petitioner's application in accordance with BCZR § 4A02.3.G.2.b.*"

The Department of Planning shall give a report on the petition to the Administrative Law Judge formerly known as the "Zoning Commissioner" prior to his consideration of the petition in accordance with BCZR § 4A02.4.G.2. As such this Department offers the aforementioned and the following:

- The Department of Planning defers to the Department of Public Works' comment on the traffic impact analysis submitted by the Traffic Group in support of the proposed redevelopment of the Greenspring Racquet Club.
- The Department of Planning has no record of any other application for reserve capacity use certification for any project within the traffic shed of the following intersections operating at an 'F' level of service: Falls and Joppa Roads, Falls and Greenspring Valley Roads and Seminary Avenue and Falls Road.

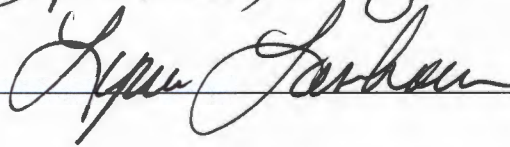
For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:



Division Chief:

AVA/LL: CM





JUN 19 2012

KEVIN KAMENETZ
County Executive

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

June 18, 2012

PRISCILLA K. CARROLL, ESQUIRE
MATT HJORTSBERG, ESQUIRE
VINCENT M. GUIDA, JR., ESQUIRE
BOWIE & JENSEN, LLC
29 WEST SUSQUEHANNA AVE. #600
TOWSON MD 21204

Re: **Case Number: 2012-0060-SA**
Location: 10749, 10751, 10803, 10805, and 20089 Falls Road

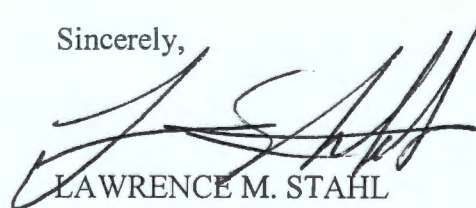
Dear Ms. Carroll, Mr. Hjortsberg and Mr. Guida:

Please be advised that an appeal of the above-referenced case was filed in this Office on May 30, 2012. 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 contact the Board at 410-887-3180.

Sincerely,



LAWRENCE M. STAHL
Managing Administrative Law Judge
For Baltimore County

LMS:pz

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Arnold Jablon, Director of Permits, Approvals and Inspections
K. Donald Proctor, Esquire, Proctor & McKee PA, 102 West Pennsylvania Avenue, #505, Towson MD 21204
Richard C. Burch, Esquire, Mudd, Harrison & Burch LLP, 401 Washington Avenue, #900, Towson MD 21204
Michael R. McCann, Esquire, 118 West Pennsylvania Avenue, Towson MD 21204

APPEAL

Petition for Special Variance

Case No.: 2012-0060-SA

NE side of Falls Road at intersection

with Greenspring Valley Road

8th Election District, 2nd Council District

Address: 10749, 10751, 10803, 10805, and 20089 Falls Road

Petitioners: Common Ownership or Controlled by Foxleigh Enterprises, Inc.

Petition for Special Variance accepted on August 31, 2012 by the Zoning Review Office (1 page)

Zoning Description of Property (1 page)

Notice of Zoning Hearing - September 13, 2011 (1 page) and October 27, 2011 (1 page)

Certification of Publication – from *The Jeffersonian* - published October 18, 2011 (1 page) and November 22, 2011 (1 page)

Certification of Posting by Linda O'Keefe on October 15, 2011 (1 page) and November 20, 2011 (1 page)

Entry of Appearance by People's Counsel – September 19, 2011 (1 page)

Petitioner(s) Sign-In Sheets (3 pages)

Citizen(s) Sign-In Sheets (3 pages)

Zoning Advisory Committee Comments:

1. Bureau of Development Plans Review – December 6, 2011 (2 pages)
2. Department of Environmental Protection and Sustainability – September 19, 2011 (1 page)
3. Department of Planning – December 7, 2011 (2 pages)
4. Department of Planning – Amended Comments – January 13, 2012 – (2 pages)
5. Maryland Department of Transportation State Highway Administration – September 12, 2011 (1 page)

Petitioner's Exhibits:

1. Department of Planning Memorandum – December 7, 2011 (2 pages)
2. Certification of the Absence of a Public Record – December 6, 2011 (3 pages)
3. Aerial View of Greenspring Station (1 page)
4. Petition for Special Variance (3 pages), site plan (2 sheets)
5. Greenspring Racquet Club Renovation – Foxleigh Enterprises, Inc. (11 pages)
6. Greenspring Station Renovate and Refurbish the North Façade Incorporating New Retail - Foxleigh Enterprises, Inc. (11 pages)
7. Letter with Attachments - Priscilla K. Carroll, Esquire, Bowie & Jensen, LLC – January 4, 2012 (7 pages)
8. Department of Planning Memorandum – January 13, 2012 – Amended Comments (2 pages)
9. Curriculum Vitae of Wes Guckert, PTP (1 page double sided)
10. Greenspring Racquet/Fitness Center Traffic Volume Comparison (3 pages)
11. Land Uses: 491 Racquet/Tennis Club (3 pages)
12. Summary of Trip Generation Calculation (4 pages)
13. Tom Teddy e-mail dated March 8, 2012 (2 pages)
14. St. Timothy's School Varsity Squash Schedule (1 page)
15. McDonogh School Middle School Coed Squash Schedule (2 pages)
16. McDonogh School Junior Varsity Coed B Team Squash Schedule (1 page)
17. McDonogh School Varsity Girls Squash Schedule (2 pages)
18. Greenspring.com programs (7 pages)
19. Maryland Department of Transportation State Highway Administration – September 12, 2011 Letter (1 page)
20. ALTA/ACSM Land Title Survey 10803 Falls Road (1 page)

Protestant's Exhibits:

The Meadows of Greenspring Homeowners Association, Inc.

1. Curriculum Vitae of Michael J. Friedman (2 pages)
2. Lynn Brick Web pages (3 pages)
3. Excerpts from the Baltimore County Code (3 pages)
4. Issue 3-029 Map 2000 CZMP (1 page)
5. Issue 3-085 Map 2000 CZMP (1 page)
6. Letter dated October 3, 2011 – to Michael J. Friedman from T. Bryan McIntire (1 page)
(sustained objection to letter)

Protestants:

1. Transcript Excerpt – April 19, 1999 – Petition for Special Hearing before Deputy Zoning Commissioner (10 pages)
2. Curriculum Vitae of Barry R. King, TSOS (2 pages)
3. ITE Trip Generation Report – 8th Edition Volume 3 of 3 (16 pages)
4. POSTER BOARD – Traffic Use Century 1-12
5. POSTER BOARD – ITE Chart #4 with Adjustments
6. POSTER BOARD – Traffic Comparison
7. Curriculum Vitae of J. Robert Green, P.E. (1 page)
8. Bureau of Traffic Engineering and Transportation Planning Definitions (2 pages)

Miscellaneous:

- Letters of Support (12 pages)
- Letter from Lawrence M. Stahl dated December 13, 2011 to Bowie & Jenson, LLC, et al – matter scheduled for further proceedings (2 pages)
- Mudd, Harrison & Burch, LLP – September 16, 2011 – Entry of Appearance (2 pages)
- Proctor & McKee, PA – November 1, 2011 – Entry of Appearance (1 page)
- Bowie & Jenson, LLC – December 6, 2011 – Entry of Appearance (3 pages)
- Letter from Michael R. McCann, P.A. – October 18, 2011 – Request for Postponement (1 page)
- Letter from Bowie & Jenson, LLC – October 24, 2011 – Objection to Request for Postponement (2 pages)
- Letter from Michael R. McCann, P.A. – October 24, 2011 – Response to Objection to Request for Postponement (2 pages)
- Bowie & Jenson, LLC – October 24, 2011 – Request under Public Information Act (2 pages)
- Response to Request under Public Information Act – January 18, 2012 by Department of Public Works (16 pages)
- Letter from Bowie & Jenson, LLC – January 4, 2012 – Supplement to Note D of the Petition Plan (Exhibit A and Exhibit B) (6 pages)
- Subpoena – November 30, 2011 – to the Department of Planning (1 page)

Memorandum

Bowie & Jenson, LLC – March 26, 2012 – Written Closing Argument in Support of Petition for Special Variance (29 pages)

Packet tabbed A through L

Official Transcripts of Proceedings – Hearing – December 8, 2011 (38 pages)

Hearing – January 23, 2012 (92 pages)

Hearing – January 31, 2012 (79 pages)

Mudd, Harrison & Burch, LLP – March 26, 2012 – Post-Hearing Memorandum (28 pages)

Michael R. McCann, P.A. – March 26, 2012 – Post-Hearing Memorandum of Protestants Valleys Planning Council and Falls Road Community (...join and incorporate herein the Post-Hearing Memorandum of Protestants Thomas F. Mullan III, Mullan Greenspring LLP, Mullan Pavilions, LP, and Norman Wilder (2 pages)

Lawrence M. Stahl, Managing Administrative Law Judge, Cover Letter and Order - Denied -
Issued May 29, 2012

Notice of Appeal Received – May 30, 2012 - filed by Matthew G. Hjortsberg, Esquire and
Priscilla K. Carroll, Esquire with Bowie & Jensen, LLC (3 pages)

Cashier's Receipt No. 74987 - \$265.00 – Dated May 30, 2012 (1 page_

c: People's Counsel for Baltimore County
Baltimore County Board of Appeals
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director of Permits, Approvals and Inspections

Debra Wiley - ZAC Comments

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 9/20/2011 2:10 PM
Subject: ZAC Comments

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

Thanks and feel free to contact me should you have any questions or concerns.

2012-0060-SA - 10749, 10751, 10803, 10805, 20089 Falls Rd.
Hearing Date: 10/19/11 @ 10 AM

2012-0061-A - 5108 Morning Dove Way
Administrative Variance: Closing 9/26/11

2012-0062-SPHA - 9402 Belair Road
Hearing Date: None in data base as of 9/20

2012-0063-A - 907 Catherine Avenue
Administrative Variance: Closing 9/26/11

2012-0064-A - 1701 Twin Springs Road
Hearing Date: None in data base as of 9/20

2012-0065-A - 7655 Old Battle Grove Road (CBCA)
Hearing Date: None in data base as of 9/20

2012-0066-SPH - 6630 Ebenezer Road
Hearing Date: None in data base as of 9/20

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Kristen Lewis - FW: Zoning Case No: 2012-0060 SA, Green Spring Station

From: Priscilla Carroll <carroll@Bowie-Jensen.com>
To: "klewis@baltimorecountymd.gov" <klewis@baltimorecountymd.gov>
Date: 9/22/2011 1:49 PM
Subject: FW: Zoning Case No: 2012-0060 SA, Green Spring Station

Whoops.

Priscilla K. Carroll, Esq.
Bowie & Jensen, LLC
29 West Susquehanna Avenue
Suite 600
Baltimore, MD 21204
Direct Dial (443) 921-4206
Cell (443) 257-6683
carroll@bowie-jensen.com

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From: Priscilla Carroll
Sent: Thursday, September 22, 2011 1:46 PM
To: 'Richard Burch (rcb@mhblaw.com)'; 'Kristen Lewis (klewis@baltimorecounty.gov)'
Cc: Vincent M. Guida
Subject: Zoning Case No: 2012-0060 SA, Green Spring Station

Dear Richard and Kristen, This will confirm that Richard and I have agreed that the proposed Hearing time and date for the above-captioned matter on Wednesday, November 2 @ 10:00 is acceptable to us and to our clients.

Kristen, I will also call you to confirm. Thanks for all your help! Priscilla

Priscilla K. Carroll, Esq.
Bowie & Jensen, LLC
29 West Susquehanna Avenue
Suite 600
Baltimore, MD 21204
Direct Dial (443) 921-4206
Cell (443) 257-6683
carroll@bowie-jensen.com

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Debra Wiley - Re: 2012-0060-SA

From: Kristen Lewis
To: Wiley, Debra
Date: 10/26/2011 3:32 PM
Subject: Re: 2012-0060-SA

your welcome

>>> Debra Wiley 10/26/2011 3:31 PM >>>
ok, thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

>>> Kristen Lewis 10/26/2011 3:21 PM >>>

It was previously scheduled for November 2nd but there had been a postponement request that came in yesterday afternoon, and we were waiting for the involved parties to come up with a new date, so it is now scheduled for December 8th. I will mark it postponed on the November calendar.

>>> Debra Wiley 10/26/2011 2:23 PM >>>
Hi Kristen,

Can you confirm when this is scheduled? Patti said your last email indicated Dec. 8th; however, in making assignments in the group wise calendar, it is reflected for Wed., November 2nd.

Please advise. Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Debra Wiley - Nov. 2nd @ 10 AM

From: Debra Wiley
To: OAH Staff
Date: 10/26/2011 3:38 PM
Subject: Nov. 2nd @ 10 AM

Hi,

The 10:00 AM case scheduled for November 2nd has been postponed til December. Please mark your calendar accordingly.

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Patricia Zook - Case 2012-0060-SA - hearing is Thurs. Dec 8 - comment?

From: Patricia Zook
To: Kennedy, Dennis
Date: 12/2/2011 10:14 AM
Subject: Case 2012-0060-SA - hearing is Thurs. Dec 8 - comment?

Hello Dennis -

The below-described case file is missing a comment from your office.

If you don't have a comment, just reply to this e-mail and I'll place it in the file.

CASE NUMBER: 2012-0060-SA

Falls Road

Location: NE side of Falls Road at its intersection with Greenspring Valley Road.

8th Election District, 2nd Council District

Legal owner: Common Ownership or controlled by Foxleigh Enterprises, Inc.

SPECIAL VARIANCE 1) To permit the proposed non-industrial development/renovations where it has been determined that the capacity of the public facilities necessary to accommodate same is less than necessary, pursuant to Section 4A.02.4 G; 2) For such other and further relief as may be deemed necessary by Zoning Commissioner for Baltimore County.

Hearing Thursday, 12/8/2011, 10:00:00 AM Jefferson Building, 105 West Chesapeake Avenue, Room 205, Towson, MD 21204

Thank you.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

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Patricia Zook - Case 2012-0060-SA - hearing on Thursday, December 8 - file is missing the site plans

From: Patricia Zook
To: Beverungen, John; Lewis, Kristen
Date: 12/2/2011 10:28 AM
Subject: Case 2012-0060-SA - hearing on Thursday, December 8 - file is missing the site plans
CC: Wiley, Debra

John and Kristen-

The case file was brought to our office yesterday. I just discovered that this case file is missing the site plans.

I contacted the Petitioner's attorney, Priscilla Carroll of Bowie & Jenson, and left a voice mail message that we need site plans for the hearing.

Kristen, please see if someone has the site plans on their desk.

Thank you.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

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From: Patricia Zook
To: carroll@bowie-jensen.com; guida@bowie-jensen.com; hjortsberg@bowie-jen...
Date: 12/7/2011 3:11 PM
Subject: Case 2012-0060-SA - Dept. of Planning Comments
Attachments: 12-060.doc

Good afternoon -

The attached comments from the Dept. of Planning were just e-mailed to me. The 'hard copy' will be signed later today.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

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From: Patricia Zook
To: Lewis, Kristen
CC: Wiley, Debra
Date: 12/13/2011 4:01 PM
Subject: Case No. 2012-0060-SA - letter re: further proceedings (file being returned to ZRO)
Attachments: Ltr-2012-0060-SA - further mtgs.doc

Kristen -

Attached is a letter that we sent out today confirming further hearings in January for the above-referenced case.

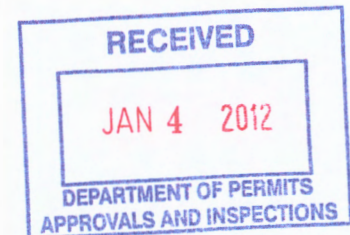
The file is being returned to your office for safekeeping until the January hearing.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

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BOWIE & JENSEN, LLC

ATTORNEYS AT LAW
29 W. SUSQUEHANNA AVENUE, 6TH FLOOR
TOWSON, MARYLAND 21204
(410) 583-2400
FAX (410) 583-2437
JANUARY 4, 2012



PRISCILLA K. CARROLL
CARROLL@BOWIE-JENSEN.COM
DIRECT DIAL (443) 921-4206
CELL (443) 257-6683

VIA HAND DELIVERY

Arnold Jablon, Director
Department of Permits, Approvals, and Inspections
111 West Chesapeake Avenue, Suite 105
Towson, Maryland 21204

Re: Case No: 2012-0060-SA

Location: 10749, 10751, 10803, 10805 and 20089 Falls Road, and 2360 W. Joppa Road

Dear Mr. Jablon:

On December 7, 2011, Andrea Van Arsdale, Director of the Department of Planning, submitted Inter-Office Correspondence related to the above-referenced matter ("the Planning Correspondence"). The Planning Correspondence mentioned a 1976 zoning case (Case No. 76-167- X) affecting the Green Spring Racquet Club ("the 1976 Zoning Matter").

Site Resources, Inc. prepared the Plan to Accompany Petition for Special Variance in the above-referenced matter (the "Petition Plan"). On the Petition Plan under Note D, Site Resources listed Select Zoning Hearings, CRG, DRC and Waiver matters affecting the property described in the Petition for Special Variance. Site Resources did not list the 1976 Zoning Matter referenced in the Planning Department Correspondence because the zoning map provided by Baltimore County erroneously assigned the 1976 Zoning Matter to a neighboring property. See map attached hereto as **Exhibit A**, with erroneous entry circled.

Therefore, Petitioners have enclosed for filing in the above-referenced matter a supplement to Note D of the Petition Plan, adding the 1976 Zoning Matter. See supplement to Note D, attached hereto as **Exhibit B**.

Very truly yours,

A handwritten signature in cursive script that reads "Priscilla K. Carroll".

Priscilla K. Carroll
Attorney for Petitioners Foxleigh Enterprises, Inc.

duplicate - originals to B.O.A.

CC: Matthew G. Hjortsberg, Esq.
Vincent M. Guida, Esq.
Richard Burch, Esq.
Michael McMann, Esq.
Donald Proctor, Esq.
Lawrence M. Stahl, Managing Administrative Law Judge
Kristen Matthews, Baltimore County Zoning Review Office
Peter Zimmerman, People's Counsel of Baltimore County
Please See Attached List

HERB FREDEKING AND TOM PEDDY
FOXLEIGH ENTERPRISES, INC.
10749 FALLS ROAD, SUITE 200
LUTHERVILLE MD 21093

WES GUCKERT
THE TRAFFIC GROUP, INC.
9900 FRANKLIN SQUARE DR., SUITE H
BALTIMORE, MD 21236

TERESA MOORE
PO BOX 5402
TOWSON MD 21285

PATRICK JAROSINSKI
7800 OVERBROOK ROAD
RUXTON MD 21204

BARRY R. KING & J. ROBERT GREEN
CENTURY ENGINEERING
10710 GILROY ROAD
HUNT VALLEY MD 21031

MICHAEL FRIEDMAN
1 BLUESTONE ROAD
LUTHERVILLE MD 21093

TIM REUTER
2343 WEST JOPPA ROAD
BROOKLANDVILLE MD 21022

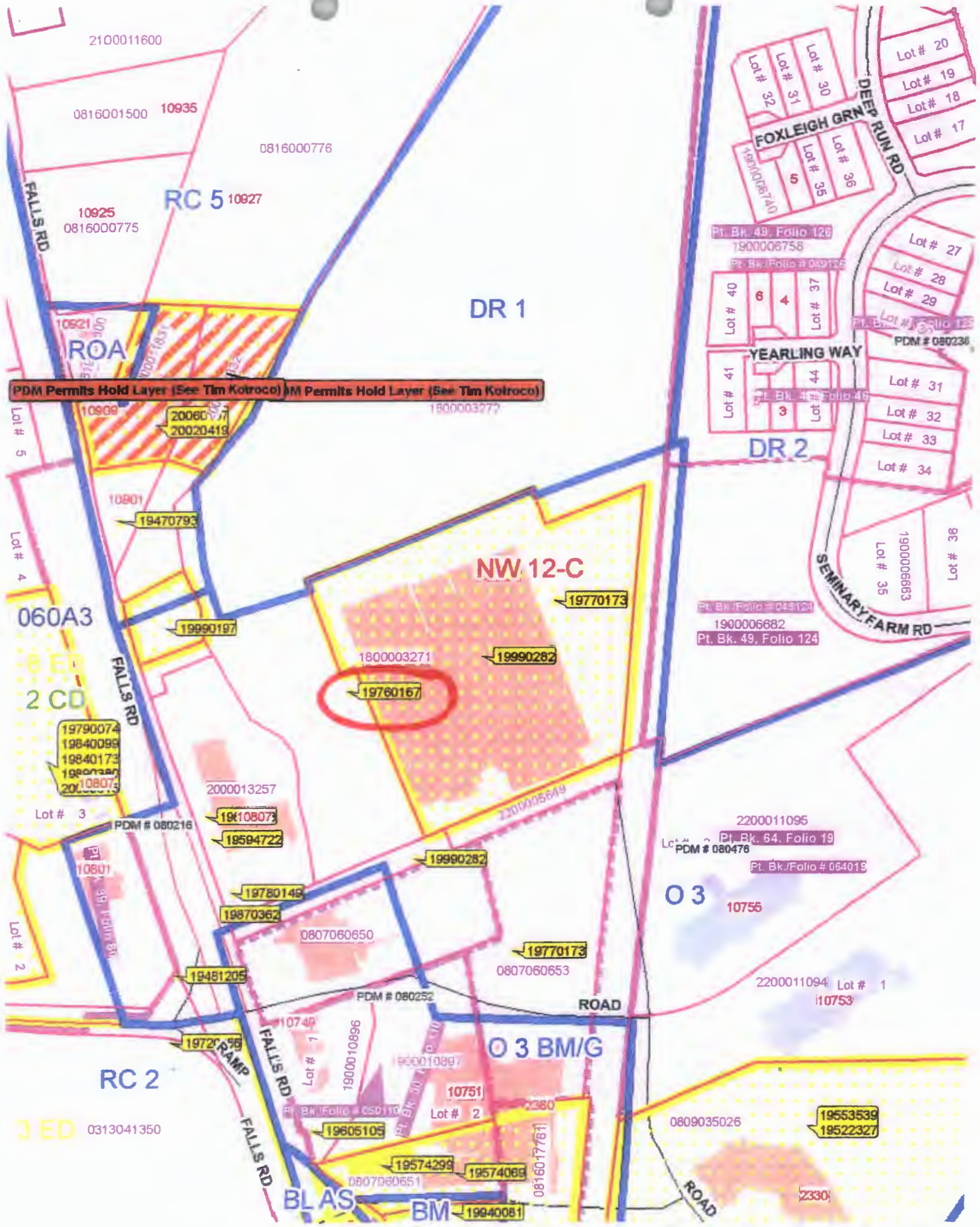
NORMAN W. WILDER
2330 WEST JOPPA ROAD #210
LUTHERVILLE MD 21093

CHERYL AARON
121 ST. THOMAS LANE
OWINGS MILLS MD 21117

STUART A. FELDMAN, MEMBER
WINDY VALLEY LLC
2346-2350 W. JOPPA RD
C/O PO BOX 170
STEVENSON MD 21153

MICHAEL ALBO, VICE PRESIDENT
MARYLAND FINANCIAL INVESTORS INC.
10807 FALLS ROAD
C/O 2800 QUARRY LAKE DR #340
BALTIMORE MD 21209

PAUL MILLER
11203 FALLS ROAD
LUTHERVILLE MD 21093



PUBLICATION DATE 4-25-2011
1"=200'



December 23, 2011

The following supplements note D, "Zoning Select Hearing, CRG, DRC, Waivers, of the Plan to Accompany Petition for Special Variance dated August 29, 2011.

Case#: 76-167-X – "Therefore IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County the 15th day of March, 1976, that the Special Exception for a community building in a R.D.P. Zone should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works, State Highway Administration, and the Office of Planning and Zoning."



A handwritten signature in black ink, appearing to read "Fredrick Behlen", is written over the printed name.

Fredrick Behlen, ASLA Senior Associate

mtg:
3pm
Oct 25th

10/20/11
8
js - call + set up
meeting

BOWIE & JENSEN, LLC
ATTORNEYS AT LAW
29 W. SUSQUEHANNA AVENUE, 6TH FLOOR
BALTIMORE, MARYLAND 21204
(410) 583-2400
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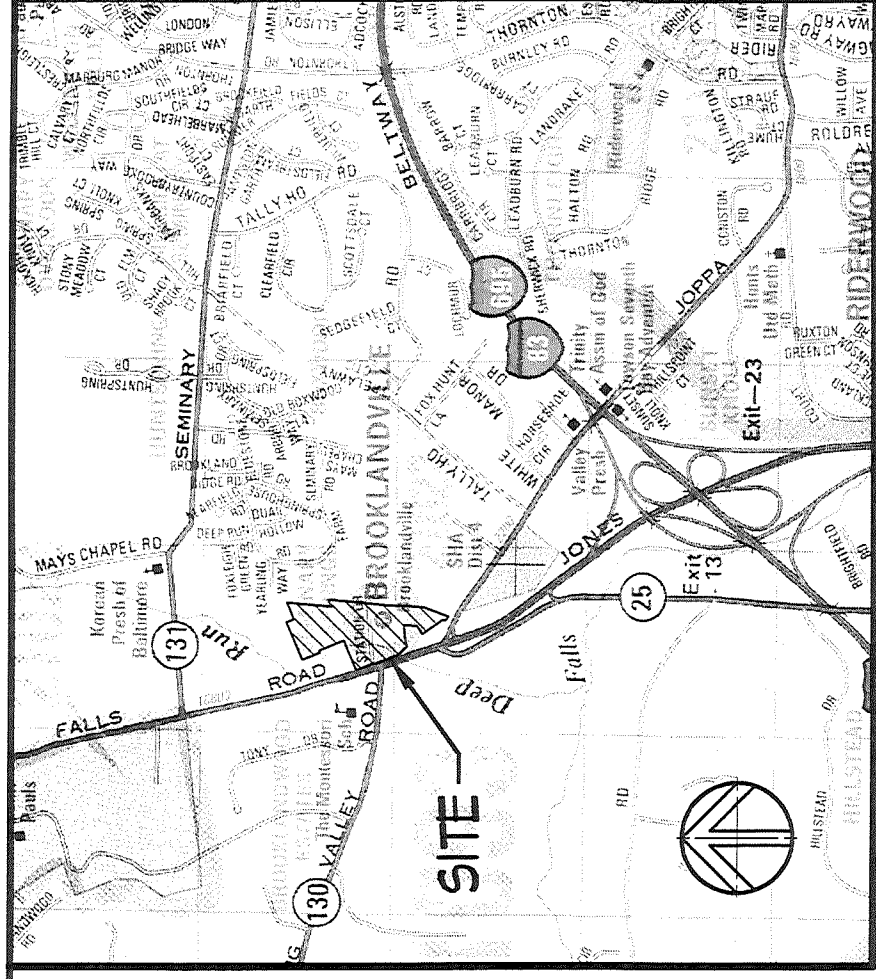
October 19, 2011

Dear Mr. Jablon,

If your schedule permits, I would really appreciate a few moments of your time to introduce myself to you and to bring you up to date on Green Spring Station. As you know, my clients, the owners of Green Spring Station, are seeking a Special Variance and our hearing is scheduled for November 2. The case seems to be going quite well, but I'd love to have your thoughts on the matter.

If you have any time available, I can just pop over on a moment's notice. Please feel free to call me on my cell or direct line (above). Thank you so much for your consideration of my request. I look forward to meeting you -

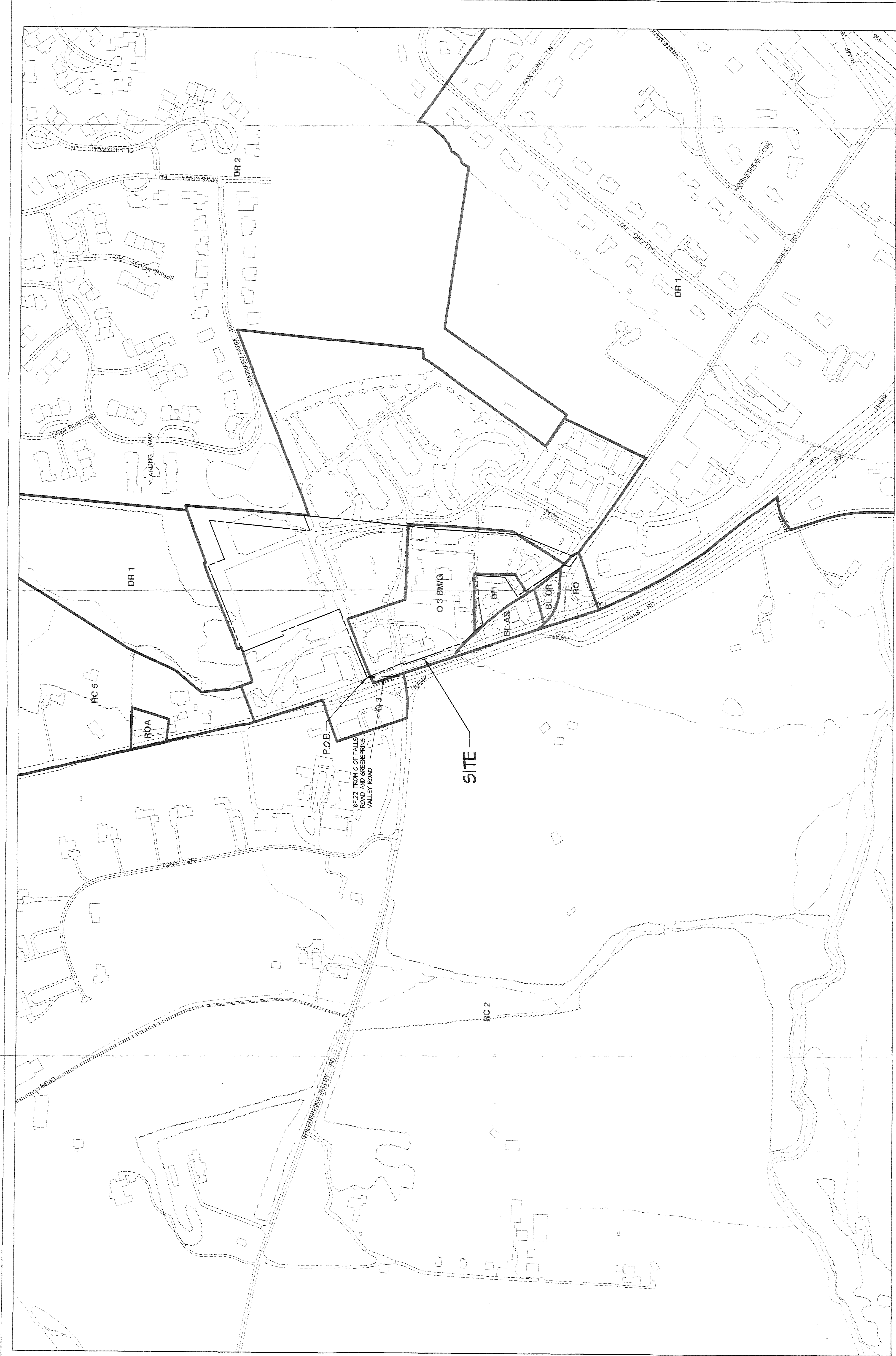
Very Truly,
Priscilla Carroll



VICINITY MAP

1"=2000'

© Copyright AEC, The Map People
Permitted Use Under 2056468



Plan Sheet: 06013

Note:
The zoning depicted in this application incorporates the actions associated with the 2008 Comprehensive Zoning Map Process, zoning actions approved by the Baltimore County Board of Appeals actions through December 31, 2008.

Legend

- Buildings
- Zoning

- Streams
- Roads
- Vegetation
- Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

Scale
1" = 200'

0 100 200 400 Feet

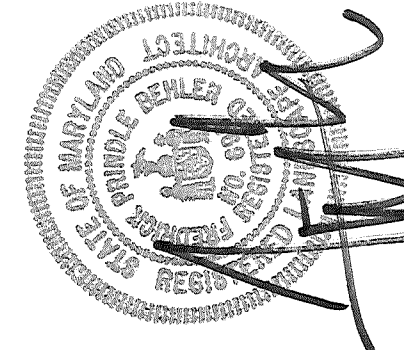
Data Sources:
Baltimore County
OT/CIS Services Unit
1:2400 from 1999/06 photography
1:2400 from 2001/06 photography
1:2400, 2008

PLAN TO ACCOMPANY PETITION
FOR SPECIAL VARIANCE

REQUEST FOR SPECIAL VARIANCE RELIEF FROM BASIC SERVICES MAPING
TRANSFORMATION STANDARDS WHERE ADJACENT INTERSECTIONS ARE AT "T"

GREEN SPRING STATION

REV/ISSUES



SITE RESOURCES
14000 Green Spring Road, Suite 100
Baltimore, Maryland 21104
(410) 885-3800 • Fax (410) 885-3800

DRAWN BY: AM
DESIGNED BY: FFB
CHECKED BY: FFB
DATE: JULY 12, 2011
SHEET: 0002
2 OF 2

