



KEVIN KAMENETZ
County Executive

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

March 15, 2012

Robert A. Hoffman, Esquire
Christopher Mudd, Esquire
Venable, LLP
210 West Pennsylvania Avenue
Suite 500
Towson, MD 21204

RE: Petition for Variance
Case No.: 2012-0175-A
Property: 10501 Falls Road

Dear Counsel:

Mr. Mudd, in a letter dated March 14, 2012, brought to my attention that there was an error contained in the Order for the above-captioned case. After consulting the recording of the proceeding, the undersigned agrees with counsel for the Developer. Therefore, this letter will serve as a **CORRECTIVE ORDER** regarding the decision rendered in the above-captioned case.

Specifically, on Page 3, line 1, of the March 7, 2012 Order, a shuttle bus was referenced to transport patrons to the restaurant, when, in fact, it should have read, "**Petitioner indicated he would accommodate parking onsite through the use of valet service and, if necessary, stadium parking.**" The March 7, 2012 Order is hereby corrected in this respect, and the balance of the Order shall remain unchanged.

Thank you for your consideration in this matter.

Very truly yours,

A blue ink signature of John E. Beverungen, written in a cursive style.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

C: People's Counsel; File

t 410.494.6365
f 410.821.0147
cdmudd@venable.com

March 14, 2012

VIA HAND DELIVERY

John E. Beverungen, Esquire
Administrative Law Judge
Office of Administrative Hearings
The Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED

MAR 14 2012

OFFICE OF ADMINISTRATIVE HEARINGS

Re: In Re: Petition for Variance
10501 Falls Road
Case No. 2012-0175-A

Dear Judge Beverungen:

I am in receipt of your Opinion and Order, dated March 7, 2012, in the above-referenced matter. I am writing to request that you please clarify one point that you made in the Opinion regarding the anticipated parking arrangements. At the hearing, I proffered that my client firmly believes that there is more than adequate room for parking onsite to accommodate the use, and that even on the busiest occasions parking would be accommodated onsite through the use of valets and "stadium parking," if necessary.

I respectfully request that you amend your Opinion to replace your statement, beginning on the top of page three, that "Petitioner indicated he would use a shuttle but to transport patrons to the restaurant" with the following: "Petitioner indicated that he would accommodate parking onsite through the use of valet service and, if necessary, 'stadium parking.'"

Thank you for your consideration of this request.

Very truly yours,



Christopher D. Mudd

CDM

TO1#309889v1

IN RE: **PETITION FOR VARIANCE**

E side of Falls Road; 98 feet N
of the c/l of Hillside Avenue
9th Election District
2nd Council District
(10501 Falls Road)

TVI Properties, LLC
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2012-0175-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by TVI Properties, LLC, the legal property owner. The Petition seeks variance relief as follows:

- From Section 409.6.A.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 180 parking spaces, in lieu of the required 312 spaces; and
- From Section 409.8.A.4 of the B.C.Z.R. to permit parking spaces to be as close as zero (0) feet to the right-of-way line of a public street in lieu of the required 10 feet.

The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requested relief was Theodore W. Bauer, Managing Member, TVI Properties, LLC, Tony Frascarella, P.E. and Michael J. Pieranunzi, RLA, both with Century Engineering. Robert Hoffman, Esquire and Christopher Mudd, Esquire appeared as attorneys for the Petitioner. There were no Protestants or other persons in attendance, and the file does not contain any letters of opposition or protest.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The Department of Environmental Protection and Sustainability (DEPS)

ORDER RECEIVED FOR FILING

Date 3-7-12

By 102

indicated that any development on the property must comply with applicable forest conservation and water quality regulations. In addition, the Department of Planning made certain suggestions regarding streetscaping and lighting, both of which can be addressed prior to the issuance of any building permits for the project.

The subject property contains the Valley Inn Restaurant, which is a registered landmark. The property is located off of Falls Road, and contains approximately 5 ½ acres total, 1.6 acres of which contain physical improvements. The Petitioner bought the property last year, and indicated he wants to "restore the restaurant to its original glory," and based on the proposed elevation drawings, it would appear the improvements would do just that. *See Exhibits 8 A-C.*

Petitioner indicated the Landmarks Preservation Commission approved the plans for the project, and the Valleys Planning Council also supports the requested variance relief. Exhibit 9.

Based on the evidence presented, I find that the variances 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). I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Specifically, the 5 ½ acre lot is irregularly shaped, and the Petitioner must contend with existing site conditions in constructing the proposed improvements. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is amply demonstrated by the support of the Valleys Planning Council and the lack of community opposition. In addition, in the unlikely event that parking was insufficient

ORDER RECEIVED FOR FILING

Date 3-7-12

By SW

for a particularly busy occasion (i.e., Mother's Day), Petitioner indicated he would use a shuttle bus to transport patrons to the restaurant.

Pursuant to the advertisement, posting of the property and public hearing, and after considering the testimony and evidence offered, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County this 7 day of March, 2012 that the Petition for Variance relief as follows:

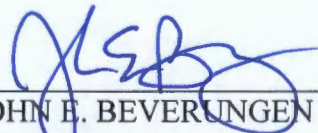
- From Section 409.6.A.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 180 parking spaces, in lieu of the required 312 spaces; and
- From Section 409.8.A.4 of the B.C.Z.R. to permit parking spaces to be as close as zero (0) feet to the right-of-way line of a public street in lieu of the required 10 feet,

be and is hereby GRANTED.

The relief granted herein is subject to the following condition:

1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

ORDER RECEIVED FOR FILING

Date 3-7-12

By DW



KEVIN KAMENETZ
County Executive

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

March 7, 2012

Robert A. Hoffman, Esquire
Christopher Mudd, Esquire
Venable, LLP
210 West Pennsylvania Avenue
Suite 500
Towson, MD 21204

RE: Petition for Variance
Case No.: 2012-0175-A
Property: 10501 Falls Road

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 10501 Falls Road which is presently zoned BLR, DR 1
Deed References: 31174/122 10 Digit Tax Account # 0 9 0 8 0 0 3 4 2 0
Property Owner(s) Printed Name(s) _____

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. **X** a **Variance** from Section(s)

409.6.A.2 of the Baltimore County Zoning Regulations to permit 180 parking spaces, in lieu of the required 312 spaces

409.8.A.4 of the Baltimore County Zoning Regulations to permit parking spaces to be as close as 0 feet to the right-of-way line of a public street, in lieu of the required 10 feet

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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 petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Christopher Mudd

Name- Type or Print _____

Signature _____

210 W. Pennsylvania Ave Towson MD
Mailing Address _____ City _____ State _____

21204 / 410-494-6365 / cdmudd@venable.com
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

SEE ATTACHED

Name #1 - Type or Print _____ Name #2 - Type or Print _____

Signature #1 _____ Signature #2 _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Christopher Mudd

Name - Type or Print _____

Signature _____

210 W. Pennsylvania Ave Towson MD
Mailing Address _____ City _____ State _____

21204 / 410-494-6365 / cdmudd@venable.com
Zip Code _____ Telephone # _____ Email Address _____

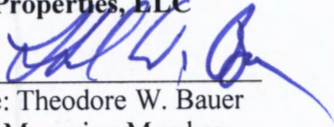
CASE NUMBER 2012-0175-A Filing Date 1/25/12 Do Not Schedule Dates: _____ Reviewer JCM

**PETITION FOR SPECIAL HEARING AND VARIANCE
ATTACHED SHEET**

10501 Falls Road

Legal Owner:

TVI Properties, LLC

By: 

Name: Theodore W. Bauer

Title: Managing Member

1201 Shawan Road

Hunt Valley, MD 21030

(410) 771-0505

**ZONING DESCRIPTION
HATFIELD PROPERTY
VALLEY INN RESTAURANT**

Beginning for the same on the east side of Falls Road, 98'+/- north of the centerline of Hillside Avenue, thence leaving the east side of Falls Road and running, the seventeen following courses and distances, viz.

- 1) Line curving to the right with a radius of 1525.25' for an arc distance of 12'+/-
- 2) South 89 degrees 51 minutes 47 seconds East 8'+/-
- 3) South 00 degrees 10 minutes 48 seconds West 14'+/-
- 4) Line curving to the right with a radius of 1525.25' for an arc distance of 7'+/-
- 5) South 89 degrees 59 minutes 07 seconds East 75'+/-
- 6) North 00 degrees 10 minutes 48 seconds East 40'+/-
- 7) North 89 degrees 40 minutes 58 seconds East 4'+/-
- 8) North 78 degrees 36 minutes 31 seconds East 111.94'
- 9) North 84 degrees 32 minutes 10 seconds East 61.72'
- 10) North 73 degrees 35 minutes 22 seconds East 28.60'
- 11) North 69 degrees 21 minutes 40 seconds East 40.36'
- 12) North 82 degrees 15 minutes 06 seconds East 41.33'
- 13) North 01 degree 52 minutes 58 seconds East 136.20'
- 14) North 87 degrees 18 minutes 09 seconds West 115.00'
- 15) North 84 degrees 22 minutes 19 seconds West 129.86'
- 16) North 84 degrees 04 minutes 03 seconds West 113.01' and
- 17) South 47 degrees 58 minutes 07 seconds West 24.90' to the east side of Falls Road, thence binding on the east side of Falls Road
- 18) South 02 degrees 09 minutes 50 seconds West 212'+/- to the point of beginning.

Containing 1.6 acres, more or less.

Also known as #10501 Falls Road and located in the 9th Election District, 2nd Councilmanic District.

This description only satisfies the requirements of the Office of Zoning and should not be used for conveyance purposes.

Professional Certification.

I hereby certify that this description was prepared by me or under my responsible charge, and that I am a duly licensed professional land surveyor under the laws of the State of Maryland, License No. 21139, Expiration Date June 20, 2012.



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

No. **74461**

Date: **1/25/12**

PAID RECEIPT

BUSINESS: CHRY TIME DIV
 1/24/2012 1/25/2012 09:11:32 5
 0503 WALKTH R009 1R0
 RECEIPT # 575821 1/25/2012 DELH
 5: S28: 201100 VERIFICATION
 074461

Recpt Tot 1385.00
 1385.00 CL 6.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000	6150							385.00

Total: **385.00**

Rec From: **TVI Prep, Inc LLC**

For: **2012-0175-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

DI FASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

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: # 2012-0175-A

10501 Falls Road

E/s of Falls Road, 98 feet (+/-) of centerline of Hillside Avenue

9th Election District -2nd Councilmanic District

Legal Owner(s): TVI Properties, LLC

Variance: to permit 180 parking spaces in lieu of the required 312 spaces; to permit parking spaces to be as close as 0 feet to the right-of-way of a public street, in lieu of the required 10 feet.

Hearing: Thursday, March 1, 2012 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 accommodations 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.

Y637 February 14

296795

CERTIFICATE OF PUBLICATION

3/1/12
TK
2/16/, 2012

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 2/14/, 2012.

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

RECEIVED

FEB 28 2012

OFFICE OF ADMINISTRATIVE HEARINGS

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2012-0175-A

RE: Case No.: _____

Petitioner/Developer: _____

TVI Properties, LLC

March 1, 2012

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

10501 Falls Road

February 15, 2012

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

February 15, 2012

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

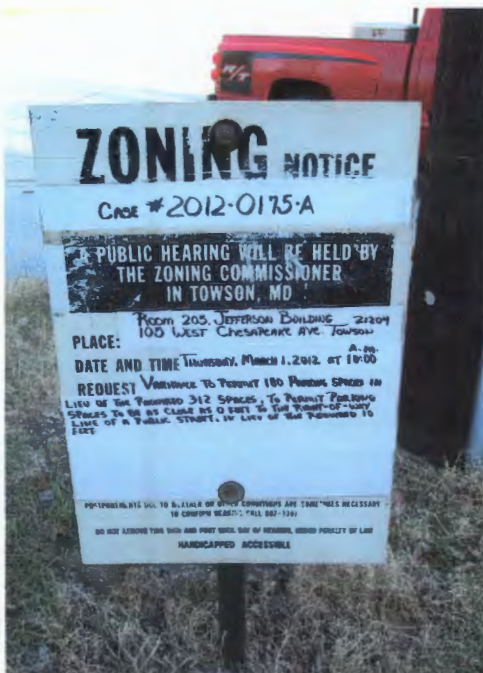
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





KEVIN KAMENETZ
County Executive

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

February 6, 2012

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: 2012-0175-A

10501 Falls Road

E/s of Falls Road, 98 feet (+/-) of centerline of Hillside Avenue

9th Election District – 2nd Councilmanic District

Legal Owners: TVI Properties, LLC

Variance to permit 180 parking spaces in lieu of the required 312 spaces; to permit parking spaces to be as close as 0 feet to the right-of-way line of a public street, in lieu of the required 10 feet.

Hearing: Thursday, March 1, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Christopher Mudd, 210 W. Pennsylvania Avenue, Towson 21204
Theodore Bauer, 1201 Shawan Road, Hunt Valley 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 15, 2012.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 14, 2012 Issue - Jeffersonian

Please forward billing to:
Barbara Lukasevich
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6200

NOTICE OF ZONING HEARING

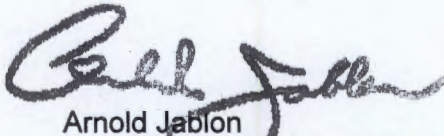
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0175-A

10501 Falls Road
E/s of Falls Road, 98 feet (+/-) of centerline of Hillside Avenue
9th Election District – 2nd Councilmanic District
Legal Owners: TVI Properties, LLC

Variance to permit 180 parking spaces in lieu of the required 312 spaces; to permit parking spaces to be as close as 0 feet to the right-of-way line of a public street, in lieu of the required 10 feet.

Hearing: Thursday, March 1, 2012 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.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0175-A
Petitioner: TVI PROPERTIES, LLC
Address or Location: 10501 FALLS ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: BARBARA LUKASEVICH
Address: 210 W. PENNSYLVANIA AVE
SUITE 500
TOWSON, MD 21204
Telephone Number: 410-494-6200

Revised 2/17/11 DT



KEVIN KAMENETZ
County Executive

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

February 22, 2012

Theodore W. Bauer, Managing Member
1201 Shawan Road
Hunt Valley MD 21030

RE: Case Number 2012-0175A, 10501 Falls Road

Dear Mr. Bauer:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 25, 2012. 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 the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Christopher Mudd, 210 W. Pennsylvania Avenue, Towson MD 21204

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 2-1-12

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

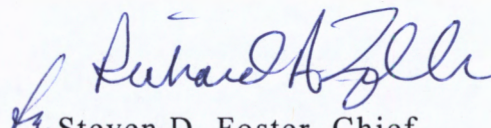
RE: Baltimore County
Item No. 2012-0175-A
Variance
TVI Properties, Inc.
10501 Falls Road
MD25

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 1-30-12. A field inspection and internal review reveals that an entrance onto MD25 consistent with current State Highway Administration guidelines is required. As a condition of approval for Variance, Case Number 20120175 the applicant must contact the State Highway Administration to obtain an entrance permit.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/raz

\cc: Mr. Michael Pasquariello, Utility Engineer, SHA
Mr. David Peake, District Engineer, SHA

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 06, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For February 13, 2012
Item Nos. 2012-166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176
And 177.

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-02132012-NO COMMENTS.doc

3-1 10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 27, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 10501 Falls Road

RECEIVED

INFORMATION:

FEB 29 2012

Item Number: 12-175

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: TVI Properties LLC

Zoning: BLR and DR 1

Requested Action: Variance

The Valley Inn is on the final Landmark list, known as the Brooklandville House, BA 218, #197. The Baltimore County Landmarks Preservation commission has reviewed the architectural elevations and approved the changes to the structure at their January 12, 2012 meeting.

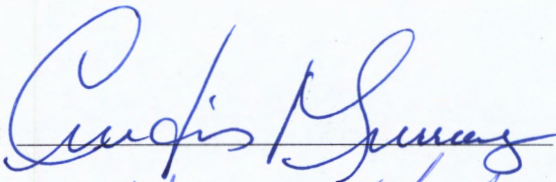
SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the requested relief subject to the following:

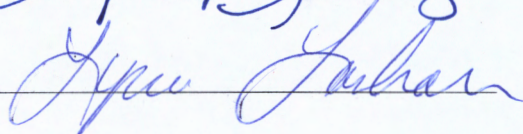
1. Any future modifications to the building must be reviewed and approved by the Baltimore County Landmarks Preservation Commission.
2. Prior to the issuance of any permits, the petitioner must provide a plan for review that details streetscape planting along Falls Road, where feasible, taking into account the physical constraints, utilities and rights of way on the Falls Road frontage.
3. Prior to the issuance of any permits, the petitioner must provide a lighting plan for the parking lot for review, using dark sky compliant light fixtures.

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

Prepared by:



Division Chief:
AVA/LL: CM



3-1-12 JB

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: February 15, 2012

SUBJECT: DEPS Comment for Zoning Item # 0175-A
Address 10501 Falls Road
(TVI Properties)

Zoning Advisory Committee Meeting of January 30, 2012.

X The Department of Environmental Protection and Sustainability 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:

1. Conditions of the Forest Buffer Variance and Forest Conservation Variance approved by DEPS on 1/21/11 must be adhered to, in the redevelopment of this site.

Reviewer: *J. Russo; Environmental Impact Review*

RECEIVED

FEB 15 2012

OFFICE OF ADMINISTRATIVE HEARINGS

M E M O R A N D U M

DATE: April 9, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0175-A – Appeal Period Expired

The appeal period for the above-referenced case expired on April 6, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

RE: PETITION FOR VARIANCE
10501 Falls Road; E/S Falls Road,
98' c/line of Hillside Avenue
9th Election & 2nd Councilmanic Districts
Legal Owner(s): TVI Properties, Inc
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-175-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.

RECEIVED

FEB 06 2012

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of February, 2012, a copy of the foregoing Entry of Appearance was mailed to Christopher Mudd, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Patricia Zook - 2012-0175-A - Appeal Due

From: Debra Wiley
To: Adams, Sarah; Wiley, Debra; Zook, Patricia
Date: 4/6/2012
Due: 4/6/2012
Subject: 2012-0175-A - Appeal Due

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 - Cases 2012-0175-A, 2012-0176-SPHA and 2012-0177-A - all on Monday, March 1

From: Patricia Zook
To: Lewis, Kristen
Date: 2/24/2012 10:04 AM
Subject: Cases 2012-0175-A, 2012-0176-SPHA and 2012-0177-A - all on Monday, March 1
CC: Wiley, Debra

Good morning Kristen -

All three case files are missing the required certificates of posting and advertising. If the postings are there, please have someone deliver to our office as the fax copies are often very hard to decipher.

Thanks for your help.

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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3/1
10AM - 205

Debra Wiley - ZAC Comments - Distribution Mtg. of 1/30/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 1/30/2012 3:40 PM
Subject: ZAC Comments - Distribution Mtg. of 1/30/12

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.

2012-0166-A - 825 W. Padonia Rd.
(Administrative Variance - Closing Date: 2/13/12)

2012-0167-A - 6901 Copperbend Lane
(Administrative Variance - Closing Date: 2/13/12)

2012-0168-A - 3901 Schroeder Avenue
(Administrative Variance - Closing Date: 2/20/12)

2012-0169-X - 3 Harko Circle
(No hearing date assigned)

2012-0170-A - 8322 Bletzer Road - **CBCA**
(Administrative Variance - Closing Date: 2/20/12)

2012-0171-A - 3402 Hiss Avenue
(Administrative Variance - Closing Date: 2/20/12)

2012-0172-A - 7312 Wenig Avenue
(Administrative Variance - Closing Date: 2/20/12)

2012-0173-SPH - 14120 Jarrettsville Pike
(No hearing date assigned)

2012-0174-SPH - 14200 Jarrettsville Pike
(No hearing date assigned)

2012-0175-A - 10501 Falls Road
(No hearing date assigned)

2012-0176-SPHA - 5661 Gunpowder Road
(No hearing date assigned)

2012-0177-A - 56 W. Timonium Road
(No hearing date assigned)

CASE NAME LOSA Falsco.
CASE NUMBER 2012-0175-A
DATE 3-1-12 10am

[illegible]

Case No.: 2012-0175-A

Exhibit Sheet

Petitioner/Developer

Protestants

No. 1	Site Plan	
No. 2	Michael P CV	
No. 3	Anthony CV	
No. 4	Zoning Aerial	
No. 5	Photos	
No. 6	Photos	
No. 7	Photos	
No. 8 A-C	Sketches	
No. 9	VPC Email	
No. 10		
No. 11		
No. 12		

JB 3-1-12
10 AM

DW 3-2-12

4/9/12
PZ

Michael J. Pieranunzi, RLA, LEED AP

Landscape Architect

BEGAN WITH CENTURY: 2006, October

YEARS WITH CENTURY: 5

YEARS WITH OTHER FIRMS: 19

EDUCATION

1987 B.S. Landscape Architecture, West Virginia University

PROFESSIONAL REGISTRATION:

1991 RLA Maryland Registered #1008 (exp 10)

2009 March LEED Accredited Professional (LEED AP)

WORK BACKGROUND:

Century Engineering

Hunt Valley, MD

Oct. 2006 – present

Daft-McCune-Walker, Inc.

Towson, Maryland

1997 – 2006

Clark, Finefrock & Sackett, Inc.

Columbia, Maryland

1987 – 1997

ASSOCIATIONS

American Society of Landscape Architects

Howard County Association of Landscape Architects - Past Vice President

Howard County Homebuilders Association

Howard County Chamber of Commerce

SIGNIFICANT PROJECTS

Baltimore Crossroads Area 6

Middle River, Maryland

BGE Riverside

Dundalk, Maryland

CP Crane Power Plant

Middle River, Maryland

Maryvale Preparatory School

Timonium, Maryland

Northwest Hospital

Randallstown, Maryland



ANTHONY R. FRASCARELLA, P.E.
VICE PRESIDENT/PROJECT MANAGER

ENGINEERING EXPERIENCE BEGAN 1984

YEARS WITH CENTURY: 22

YEARS WITH OTHER FIRMS: 6

EDUCATION

B.S. 1984 Civil and Environmental Engineering, Clarkson University
M.B.A. 1994 Loyola College in Baltimore

PROFESSIONAL REGISTRATION

1989 P.E. New York Registered #066038
1990 P.E. Maryland Registered #18001
1996 P.E. West Virginia Registered #13160
1997 P.E. Pennsylvania Registered #PE-052603-E
1998 P.E. Virginia Registered #032263
2010 P.E. New Jersey Registered #24GE04886900
2011 P.E. Delaware Registered #16885

PROFESSIONAL ASSOCIATIONS

American Society of Civil Engineers
American Society of Highway Engineers
National Society of Professional Engineers
County Engineers Association of Maryland
Maryland Association of Engineers
Design-Build Institute of America

CONTINUING EDUCATION

ASCE Context Sensitive Highway Design Workshop, 6/99
SHA Integrating Highway Development With Communities and the Environment, 11/99
ACEC Business of Design Consulting, 1/00
FHWA Roundabout Planning & Design, 7/01
Management Program for Transportation & Highway Engineers, Penn State University, 9/02
SHA Environmental Justice and Public Involvement Training Seminar, 10/02
SHA Partnering in Planning and Design Training, 2/03
SHA Community Impact Assessment/Public Involvement Training, 4/04

WORK BACKGROUND

1996-Present	Vice President/Project Manager Century Engineering, Inc. Towson, MD 21204
1990-1996	Project Engineer Century Engineering, Inc. Towson, MD 21204
1986-1990	Civil Engineer I New York State Department of Transportation Albany, New York





PETITIONER'S EXHIBIT

4



My Neighborhood Map

Created By
Baltimore County
My Neighborhood

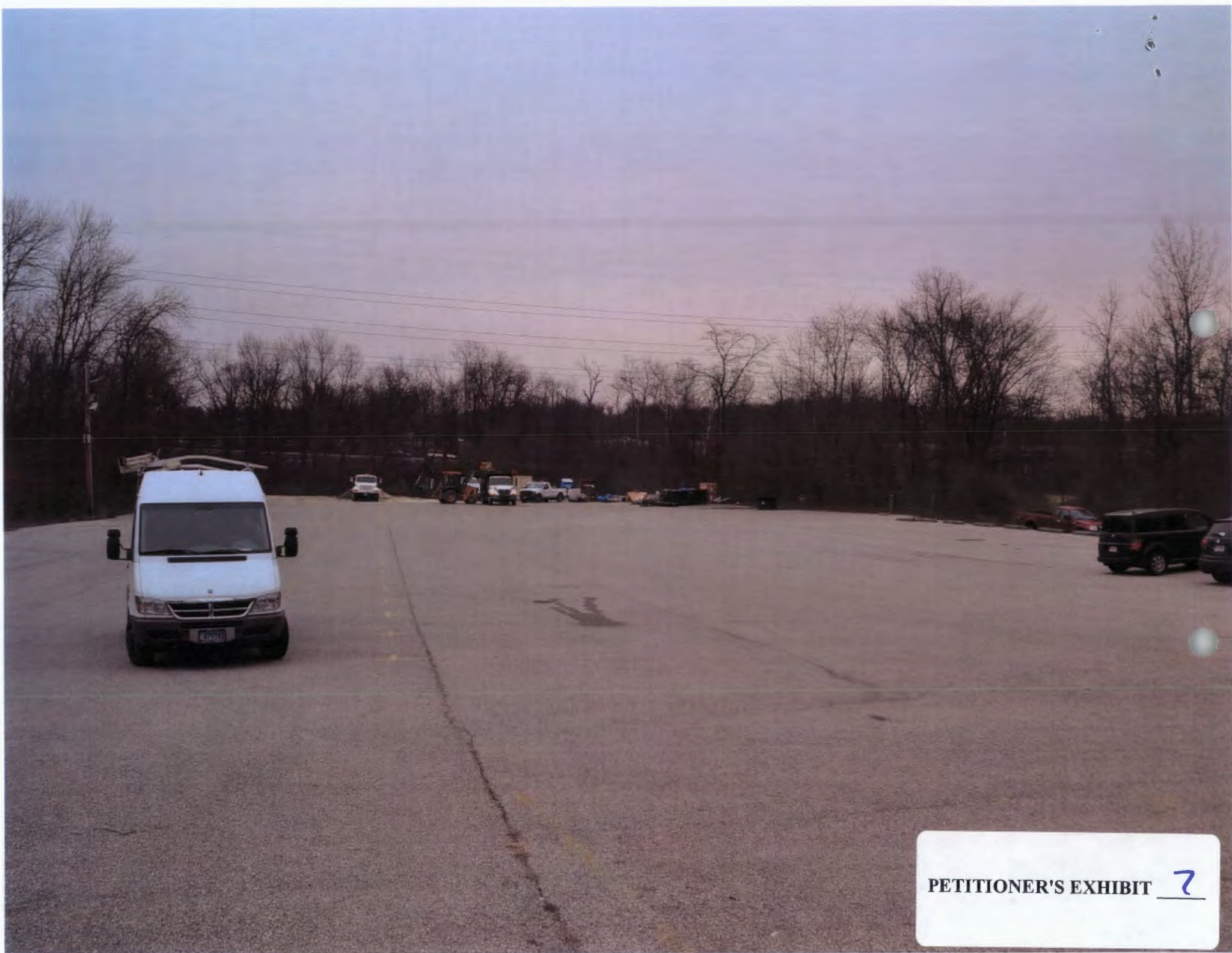


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Printed 2/22/2012







PETITIONER'S EXHIBIT 7

Mudd, Christopher D.

From: Teresa Moore <moorevpc@comcast.net>
Sent: Monday, February 27, 2012 12:18 PM
To: Mudd, Christopher D.
Subject: Variance Case No. 2012-0175-A.

Dear Chris,

Thank you for continuing to consult with the Valleys Planning Council regarding planned renovations to the Valley Inn. At its February 21 meeting, the VPC discussed the upcoming variance requested by your client (case No. 2012-0175-A), which would allow the business to operate with fewer parking spaces than what is called for in the zoning regulations. The VPC voted to support the request for this variance.

Teresa Moore
Executive Director
The Valleys Planning Council
PO Box 5402
Towson MD 21285
410-337-6877 *phone*
410-296-5409 *fax*