

7/11/15

IN THE MATTER OF	*	BEFORE THE
<u>WILLIAMSBURG RESTAURANT AND</u>		
<u>MOTEL, LLC</u> – LEGAL OWNERS/PETITIONERS	*	BOARD OF APPEALS
PETITION FOR VARIANCE ON THE PROPERTY		
LOCATED ON THE S/E SIDE PULASKI	*	OF
HIGHWAY, 705' SW OF C/L OF STEVENS RD.		
(11131 PULASKI HIGHWAY)	*	BALTIMORE COUNTY
11 TH ELECTION DISTRICT		
6 TH COUNCILMANIC DISTRICT	*	CASE NO.: 14-048-A

* * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Howard L. Alderman, Jr., Esquire on behalf of Williamsburg Restaurant and Motel, LLC, Petitioner, from a decision of the Administrative Law Judge dated December 17, 2013 in which the requested Petition for Variance was granted in part and denied in part. Petitioner filed a Motion for Reconsideration and on January 29, 2014 the Administrative Law Judge issued a Ruling denying the Motion for Reconsideration. Protestant, Michael Pierce, was involved in this matter *pro se*.

WHEREAS, the Rules of Practice and Procedure of the Board of Appeals, Rule 3.b.1. states: "An appeal may be withdrawn or dismissed at any time prior to the conclusion of the hearing on said appeal;"

WHEREAS, said Counsel for Petitioners filed a Motion to Dismiss on June 10, 2015;

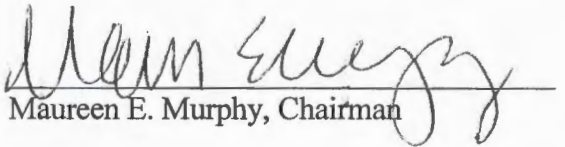
WHEREAS, said Protestant filed a Response to Petitioner's Motion to Dismiss on June 15, 2015;

WHEREAS, the Board convened for argument on the Motion to Dismiss and Response;

IT IS THEREFORE ORDERED this 11th day of September, 2015 by the Board of Appeals of Baltimore County that the Petitioner's Motion to Dismiss filed in Case No. 14-048-A be and the same is hereby **GRANTED** in accordance with Rule 3.b.1. of the Rules of

Practice and Procedure of the Board of Appeals of Baltimore County; the Petition for Variance in this matter is hereby **DISMISSED without prejudice**, thereby rendering the December 17, 2013 and January 29, 2014 Orders of the Administrative Law Judge as **null and void** in this matter.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman


James H. West



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 11, 2015

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
502 Washington Avenue, Suite 800
Towson, Maryland 21204

Michael Pierce
8448 Bradshaw Road
Kingsville, Maryland 21087

RE: In the Matter of: Williamsburg Restaurant and Motel, LLC
Case No.: 14-048-A

Dear Messrs. Alderman and Mr. Pierce:

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

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

Very truly yours,

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

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: Williamsburg Restaurant and Motel, LLC
Mitchell Kellman/DMW, Inc.
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney/Office of Law
Michael Field, County Attorney/Office of Law

Kathy McCourry
Sheree Opdyke
Barbara Pollitt

6/15/15

RECEIVED
JUN 15 2015

BALTIMORE COUNTY
BOARD OF APPEALS

IN RE: PETITION FOR VARIANCE
(11311 Pulaski Highway)
11th Election District
6th Councilmanic District

Williamsburg Restaurant and Motel, LLC
Owner/Appellant

BEFORE THE COUNTY
BOARD OF APPEALS FOR
BALTIMORE COUNTY

Case No: CBA 2014-0048-A

RESPONSE TO MOTION FOR DISMISSAL

Williamsburg Restaurant and Motel, LLC, by and through its legal counsel, has filed a Motion requesting Dismissal of the Limited Appeal which was originally filed on February 28, 2014. The undersigned, acting as an individual, respectfully submits the following response and hereby objects to the dismissal of this appeal without clarification of the result via a Board of Appeals Order. It would appear from the motion that the appellant is requesting a dismissal **with** prejudice, although the proposed Order states **without prejudice**.

1. While the appellant had originally requested a Limited Appeal, the intention of the undersigned was to object to this in the scheduled hearing. Since the original case pertained to two signs, and the issue and Order of the ALJ primarily concerned whether the existing two signs could both be retained, as well as both being oversized, an appeal of the decision that one sign had to be removed cannot be considered in isolation from the variance for the other to be more than twice the size of what would otherwise be allowed¹.

2. Appellant refers to the legislation passed by the County Council during the intervening period since the decision of the ALJ and claims that it renders the appeal moot. That legislation provides that nonconforming signs erected prior to 1960 would be exempt from the removal requirements. The existing BCZR in 450.8.C.8 already provided for an exemption for signs with

¹ It should be noted that, after the ALJ granted a generous size variance for the first and only sign, that pre-existing Williamsburg Inn sign that many had considered "iconic" was replaced with a modern sign with an electronic changeable copy component.

historical, cultural, or aesthetic value and stipulated that the Director of the Department of Planning makes the determination. This new legislation, in adding text just after that paragraph, did not specify how this new determination was to be made. Thus, it would appear that it should be the responsibility of the ALJ or, alternatively, the BoA.

3. Appellant's motion includes, as an attachment, a letter which claims that a determination was made based on two affidavits. That undated determination was signed by Mr. Leonard Wasilewski who does not have authority to make such determinations.²

4. On August 18, 2014 the undersigned delivered a letter to the office of the Director of PAI requesting that

... I be notified of the owner's submission so that I may examine the same, that I be given an opportunity to contest that evidence and its application in relation to the second sign at this property, and that I be invited to attend any meeting or discussion you or any member of your staff may have with the owner or his attorney relative to this matter.

No such notification was ever received, thus the undersigned was denied the opportunity to examine the claimed affidavits or other evidence. This is the purpose of a public hearing.

5. The present sign, which is the subject of this matter, still advertises the Williamsburg Inn, although the name of the business has already been changed to Parker's. The BCZR allows for such a sign, once approved, to be refaced in any way desired without a new permit. Further, the common practice would allow the owner to significantly improve or change the structure of the sign in the future without a new permit. The common practice would even allow a permit to be

² When previously asked for interpretations of the Sign Code, a letter from Mr. Wasilewski's, serving in the same position, while providing an opinion, included the disclaimer "The foregoing is merely an informal opinion. It is not an expert or legal opinion. It is not intended to be relied on as expert or legal advice," etc.

granted for such changes. Thus, the pre-1960 sign could essentially be completely replaced, unless specific restrictions were put in place. Again, it the responsibility of the ALJ or, alternatively, the BoA to address this issue and place appropriate restrictions on future changes to this sign, if it were allowed at all.

FOR THE FOREGOING REASONS, the undersigned objects to the Dismissal of this appeal and respectfully requests that the Board schedule a hearing to consider the issue, examine evidence, and hear arguments, after which it may:

A. Dismiss the case

B. Consider the matter in light of the intervening legislation

C. Remand the matter for the ALJ to consider the original case in light of the intervening legislation.

Respectfully submitted,

A handwritten signature in dark ink, reading "Michael A. Pierce". The signature is written in a cursive, flowing style.

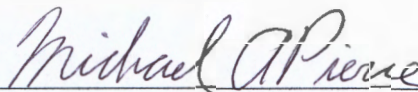
Michael A Pierce
7448 Bradshaw Rd
Kingsville, MN 21087

410.817.4795
410.599.2643 (cell)

CERIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of June, 2015, a copy of the foregoing Response to Motion for Dismissal was hand-delivered to the following:

Peter Max Zimmerman, People's Counsel for Baltimore County
Howard L Alderman, Jr, Levin & Gann, PA, 502 Washington Ave, Towson



Michael A Pierce

6/10/15

RECEIVED
JUN 12 2015

BALTIMORE COUNTY
BOARD OF APPEALS

**IN RE: PETITION FOR VARIANCE
(11131 Pulaski Highway)**

11th Election District

6th Councilmanic District

Williamsburg Restaurant and Motel, LLC,

Owner/Appellant

BEFORE THE

COUNTY BOARD OF

APPEALS FOR

BALTIMORE COUNTY

Case No.: CBA 2014-0048-A

MOTION FOR DISMISSAL

Williamsburg Restaurant and Motel, LLC (“Owner” or “Appellant”), a Maryland limited liability company by and through its undersigned legal counsel, in accordance with the *Rules of Practice and Procedure Baltimore County Board of Appeals*, hereby moves that this limited appeal and any hearing to be scheduled for the above-referenced, limited appeal be dismissed as **MOOT** and in support of its request, the Owner states as follows:

1. The Owner filed a Notice of **Limited** Appeal in the above-referenced matter, which Notice was received by the Board on February 28, 2014.
2. The Limited Appeal pertains to certain signage located on the property of the Owner; namely the “Motel” sign existing on the property of the Owner/Appellant.
3. The Baltimore County Administrative Law Judge (“ALJ”), in his Opinion and Order dated December 17, 2013, denied a variance request to maintain an existing, accessory, freestanding enterprise sign having a total area of 145 sq. ft. in lieu of the 110 sq. ft. allowed, pursuant to sign abatement policies of the *Baltimore County Zoning Regulations* (“BCZR”).

4. The variance relief denied by the ALJ was appealed to this Board.

5. On July 7, 2014, the Honorable Cathy Bevins, a Member of the County Council, introduced Council Bill No. 42-14 to exempt certain legally nonconforming signs from the sign abatement provisions of the BCZR as enacted in 1997.

6. At the Council's legislative session of August 4, 2014, Council Bill 42-14, as amended, was passed by an affirmative vote of five members of the County Council and it has now become law. (A copy of County Council Bill 42-14 is attached hereto and incorporated herein.)

7. The specific provisions of Council Bill 42-14 apply retroactively to legally nonconforming signs as provided therein.

8. Following the effective date of Council Bill 42-14, the Owner submitted to Baltimore County incontrovertible evidence of the sign at issue in this case having been erected prior to 1960, at the subject property which adjoins Pulaski Highway, a **"numbered U.S. Highway."**

9. A determination by Baltimore County has now been made that the sign at issue in this limited appeal qualifies under the provisions of Council Bill 42-14, and therefore "is exempt from the abatement provisions of BCZR § 450.8.D.1 **and may remain as located.** (See "Determination by Baltimore County" at the bottom of page two (2) of the letter, dated April 15, 2015, from the undersigned to Arnold Jablon, Director, Baltimore County Department of Permits, Approvals and Inspections, a copy of which is attached hereto and

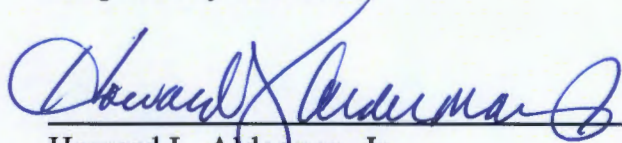
incorporated herein.)(Emphasis supplied.)

10. The above-referenced determination by Baltimore County, permitting the existing "Motel" sign to remain as located, not subject to any abatement requirement, renders the relief sought by this limited appeal moot.

FOR ALL OF THE FOREGOING REASONS, the Owner respectfully requests that the Board:

- A. GRANT this motion after having determined that the relief requested has been rendered **MOOT** by act of the Baltimore County Council; and
- B. Grant such further relief as the nature of this case may require.

Respectfully submitted,



Howard L. Alderman, Jr.
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
410.321.0600 [voice]
410.296.2801 [fax]
halderman@LevinGann.com [e-mail]
Attorneys for Owner/Appellant

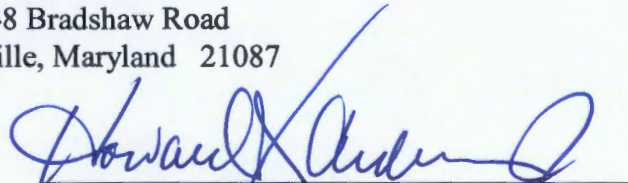
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of June, 2015, a copy of the foregoing Motion for Postponement was mailed, postage prepaid, First Class United States Mail to:

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

and

Mr. Michael A. Pierce
7448 Bradshaw Road
Kingsville, Maryland 21087


Howard L. Alderman, Jr.

IN RE: PETITION FOR VARIANCE
(11131 Pulaski Highway)
11th Election District
6th Councilmanic District

Williamsburg Restaurant and Motel, LLC,
Owner/Appellant

BEFORE THE
COUNTY BOARD OF
APPEALS FOR
BALTIMORE COUNTY
Case No.: CBA 2014-0048-A

ORDER

Upon consideration of the Motion for Dismissal filed on behalf of the Owner/Appellant in this matter and any response received in relation thereto, and after review of County Council Bill 42-14 and the Determination by Baltimore County that the sign at issue is exempt from the abatement provisions of BCZR § 450.8.D.1 and may remain as located, it is this _____ day of _____, 2015, ORDERED,

That the enactment of County Council Bill 42-14 and the subsequent determination by the Baltimore County Department of Permits, Approvals and Inspections that the sign at issue is exempt from the abatement provisions of BCZR § 450.8.D.1 and may remain as located, renders the issues on appeal MOOT and therefore this appeal is hereby DISMISSED without prejudice.

BOARD OF APPEALS FOR
BALTIMORE COUNTY

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

June 10, 2015

Krysundra Cannington, Administrator
County Board of Appeals for Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

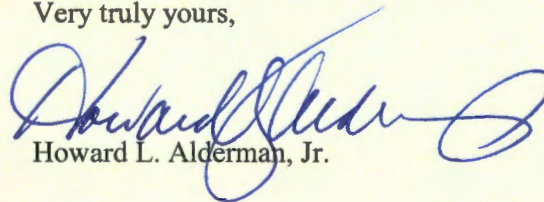
RE: Williamsburg Restaurant and Motel, LLC
Case No. 14-048-A
Motion for Dismissal & Proposed Order

Dear Ms. Carrington:

Regarding the above-referenced case as affected by the passage of County Council Bill No. 42-14 which amended Section 450.8.D.1 of the *Baltimore County Zoning Regulations*, I enclose herewith for filing a Motion for Dismissal and proposed Order. Attached to the Motion is the determination by the County that the 'Motel' sign which is the subject of the appeal taken by the Owner is now removed from the abatement requirements of the Zoning Regulations.

Should you or the Board desire any additional information in support of this Motion, please do not hesitate to contact me.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk
Enclosure
c (w/encl.): Williamsburg Restaurant and Motel, LLC
Mr. Michael Pearce
People's Counsel for Baltimore County

RECEIVED
JUN 12 2015

BALTIMORE COUNTY
BOARD OF APPEALS

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
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TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

April 15, 2015

Arnold Jablon, Director
Baltimore County Department of Permits
Approvals and Inspections
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

RE: *11131 Pulaski Highway, U.S. Route 40*
Non-Conforming Signage

Dear Mr. Jablon:

I represent the owner of the property at 11131 Pulaski Highway, home of the Williamsburg Motel and Parker's (formerly Williamsburg Inn). There exists on the property a Motel sign that has been there for many, many years. In a recent zoning hearing, resulting from a complaint by Mr. Michael Pierce, Judge Beverungen ruled that the Motel sign had to be removed. Although that decision is still on appeal, my client and other similarly situated clients approached the County Council for relief.

The Council passed Bill No. 42-14 which amended Section 450.8.D.1 of the *Baltimore County Zoning Regulations*. That legislation removed from the abatement requirement "legally nonconforming signs erected prior to 1960 along numbered U.S. Highways, excluding U.S. Route 1." My client's property is located on U.S. 40, also known as Pulaski Highway.

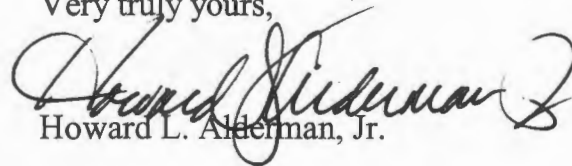
Enclosed are copies of affidavits of one Baltimore County resident and one Harford County resident that have historical familiarity of U.S. 40 and the Williamsburg Motel. Each Affiant has described their earliest recollection of the Motel sign on this property. Based upon the personal knowledge of each Affiant set forth on the enclosed, we request that you find the Williamsburg Motel sign is excluded from the above-described required abatement as a result of the specific language adopted by Bill No. 42-14. I have also enclosed a highlighted copy of the relevant section of the BCZR for your use and reference.

Arnold Jablon, Director
April 15, 2015
Page 2

Should you need any additional information in regard to this request, please do not hesitate to contact me. I have reviewed the Schedule of Fees posted on the County's website and did not see any fee regarding nonconforming uses. If such a fee is applicable, please let me know and I will have our client deliver a check promptly.

Thank you.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk
Enclosures

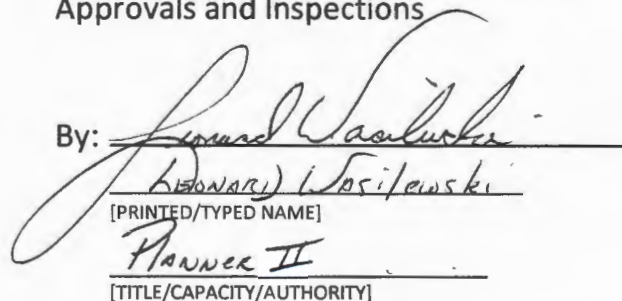
c (w/encl.): Williamsburg Restaurant and Motel LLC
The Honorable Cathy Bevins
The Honorable David Marks

Determination by Baltimore County:

Having reviewed the modifications to the *Baltimore County Zoning Regulations* ("BCZR") made by County Council Bill No. 42-14, together with the sworn affidavits of personal knowledge submitted with the above request, it is the determination of the Baltimore County Department of Permits, Approvals and Inspections that the "Motel" sign at the Williamsburg Inn is exempt from the abatement provisions of BCZR § 450.8.D.1 and may remain as located.

Baltimore County Department of Permits,
Approvals and Inspections

By:


LEONARD J. Sosilewski
[PRINTED/TYPED NAME]
Planner II
[TITLE/CAPACITY/AUTHORITY]

15-171

**AFFIDAVIT
WILLIAMSBURG MOTEL SIGN**

I, Patricia Guldau the undersigned Affiant, am over the age of eighteen,
am competent to make this affidavit and have personal knowledge of the following facts:

1. I have lived in Baltimore County since 1950.
2. I am familiar with Pulaski Highway, Maryland U.S. 40.
3. I am familiar with the Williamsburg Motel located on Pulaski Highway in White Marsh.
4. I am familiar with the sign, adjacent to U.S. 40 that has advertised the Williamsburg Motel
for many years.
5. I have, over the course of my life, travelled past the Williamsburg Motel on a frequent basis.
6. My earliest recollection of the sign advertising the Williamsburg Motel is 1950

and that sign has been continuously located on the property to advertise the existence of the motel to
passersby.

I do solemnly declare and affirm under the penalties of perjury that the above statements are true
and correct.

Patricia Guldau
Patricia Guldau
[TYPED/PRINTED NAME]

Date: 3/25/15

STATE OF MARYLAND, CITY/COUNTY OF Baltimore to wit:

I HEREBY CERTIFY, that on this 25 day of March, in the year 2015, before
me, the subscriber, a Notary Public for the state and city/county aforesaid, personally appeared
Patricia Guldau, the above-named Affiant, and acknowledged the foregoing
Affidavit to be his/her Act, under oath, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS my hand and notarial seal.

Rosemarie Weaver
NOTARY PUBLIC

My Commission Expires: 2/3/19



**AFFIDAVIT
WILLIAMSBURG MOTEL SIGN**

I, Joan K Geer, the undersigned Affiant, am over the age of eighteen,
am competent to make this affidavit and have personal knowledge of the following facts:

1. I have lived in HARFORD ~~Baltimore~~ County since 1930.
2. I am familiar with Pulaski Highway, Maryland U.S. 40.
3. I am familiar with the Williamsburg Motel located on Pulaski Highway in White Marsh.
4. I am familiar with the sign, adjacent to U.S. 40 that has advertised the Williamsburg Motel

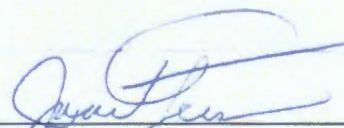
for many years.

5. I have, over the course of my life, travelled past the Williamsburg Motel on a frequent basis.

6. My earliest recollection of the sign advertising the Williamsburg Motel is 1962

and that sign has been continuously located on the property to advertise the existence of the motel to passersby.

I do solemnly declare and affirm under the penalties of perjury that the above statements are true and correct.

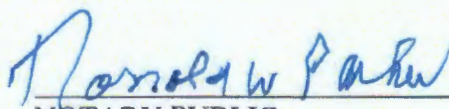

Joan K Geer
[TYPED/PRINTED NAME]

Date: 3/30/2015

STATE OF MARYLAND, CITY/COUNTY OF _____, to wit:

I HEREBY CERTIFY, that on this 30th day of MARCH, in the year 2014, before me, the subscriber, a Notary Public for the state and city/county aforesaid, personally appeared JOAN K GEER, the above-named Affiant, and acknowledged the foregoing Affidavit to be his/her Act, under oath, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS my hand and notarial seal.



NOTARY PUBLIC

My Commission Expires: 7-1-16

D. Abatement.

1. Because the indefinite continuation of many nonconforming signs would perpetuate conditions contrary to the policies expressed in Section 450.1.A, all nonconforming signs except as provided herein must be brought into compliance or be removed within a certain time limit. Fairness will be enhanced in the future through uniform application of these regulations. Sign owners will be encouraged to comply with Section 450 and will be given a reasonable time period to recover their investments in existing signage. Therefore, except for enterprise signs in residential zones, temporary signs, and legally nonconforming signs erected prior to 1960 along numbered U.S. Highways, excluding U.S. Route 1, all legally nonconforming signs, including those approved by variance pursuant to Section 307 of these regulations, must be removed, at no expense to the County, no later than 15 years from the effective date of Bill No. 89-1997.

[Bill No. 42-2014 *Editor's Note: Section 2 of Bill No. 42-2014 stated that it would take effect 8-18-2014 and would apply retroactively to legally nonconforming signs, as provided in the bill.]*

2/28/14
IN RE: PETITION FOR VARIANCE
(11131 Pulaski Highway)
11th Election District
6th Councilmanic District

Williamsburg Restaurant and Motel, LLC,

Petitioner/Owner

BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
Case No.: 2014-0048-A

NOTICE OF **LIMITED** APPEAL

Williamsburg Restaurant and Motel, LLC, Owner of the above-referenced property and a party in the above-captioned case, by and through its attorneys, Howard L. Alderman, Jr., and Levin and Gann, P.A., hereby notes a **limited** appeal to the County Board of Appeals for Baltimore County of the Opinion and Order of the Administrative Law Judge rendered on December 17, 2013 and the denial of the Owner's Motion for Reconsideration denied January 29, 2014 (setting the appeal time) (collectively the "Opinion and Order"), a copy of each being attached hereto and incorporated herein. This appeal is **limited** to only the following portions of the Opinion and Order: i) only the characterization as an "Enterprise Sign" instead of a "Joint Identification Sign" of the otherwise approved (and not appealed hereby) replacement, accessory, illuminated, freestanding sign together with an integrated changeable copy sign, having a total area of 208 sq. ft.; and ii) the denial of the variance to "retain an existing, accessory, freestanding Enterprise sign having a total area of 145 sq. ft. in lieu of the 110 sq. ft. allowed. No other portions of the Opinion and Order are appealed hereby, rather the Owner is appealing only those portions specifically described herein.

RESPECTFULLY SUBMITTED



HOWARD L. ALDERMAN, JR.

Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600
410-296-2801 (Fax)
Attorneys for Appellant

RECEIVED

FEB 28 2014

OFFICE OF ADMINISTRATIVE HEARINGS

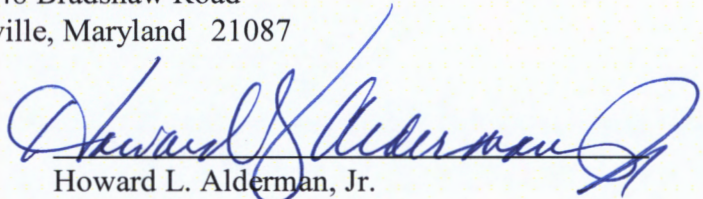
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of February 2014, a copy of the foregoing Notice of *Limited* Appeal was mailed, postage prepaid, First Class United States Mail to:

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

and

Mr. Michael A. Pierce
7448 Bradshaw Road
Kingsville, Maryland 21087



Howard L. Alderman, Jr.

1/29/14

IN RE: PETITION FOR VARIANCE

(11131 Pulaski Highway)

11th Election District

6th Councilman District

Williamsburg Restaurant and Motel, LLC

Petitioner

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0048-A

ORDER ON MOTION FOR RECONSIDERATION

Now pending is the Petitioner's motion for reconsideration, and an opposition thereto has been filed by Michael Pierce. As an initial matter, it seems clear that under long-standing Maryland law Mr. Pierce has sufficient "standing" to enable him to contest the zoning relief. In Dorsey v. Bethel A.M.E. Church, 375 Md. 59, 72 (2003), the court of appeals held that the "requirements for administrative standing under Maryland law are not very strict." Essentially, one who attends and testifies or advances arguments at an administrative hearing (regardless of their proximity to the property at issue) has sufficient standing to participate in the proceedings. As such, I do not believe that issue merits any additional discussion.

The crux of this case turns on whether the Petitioner can have both a joint identification and enterprise sign on the property, under the theory that the restaurant and lounge are two separate "uses" within one building (and are entitled to a joint identification sign), while the motel is an entirely separate use housed in a freestanding building on site (entitled to an enterprise sign). The regulations, as is often the case, are not especially helpful in resolving the question. Petitioner's counsel notes that the Zoning Commissioner's Policy Manual (ZCPM), which was referenced in the December 17, 2013 Order, is inapplicable in this scenario, given that the sign regulations were revised after the ZCPM was adopted. I think that point is probably well taken,

ORDER RECEIVED FOR FILING

Date

By

1/29/14

Den

but I do not believe it alters the outcome of this case.

I also do not believe that the Lan Lea Realty case attached to Petitioner's motion is particularly helpful or relevant. As Mr. Pierce notes, that case did not involve the same issue. It is also clear that in the strip shopping center at issue in that case, the Best Buy store is a separate entity/use/occupant, and the Petco store is the second such entity/use/occupant in the center. But here, there is only one legal entity (the LLC which filed the Petition), although there may very well be 3 separate "uses" on the property; i.e., motel, restaurant & lounge.

The BCZR, however, does not refer to either "uses" or "users" when it defines a joint identification sign. Instead, it provides that such a sign is "an accessory sign displaying the identity of a multi-occupant nonresidential development such as a shopping center, office building or office park." BCZR §450.4, Table.

Here, as noted in the original order, I do not believe there are multiple "occupants" on the site. There may indeed be separate uses, but the regulations do not make reference to "uses" in defining the joint-identification sign. To the extent there is ambiguity on the point, I think the doctrine of ejusdem generis would compel a similar result.

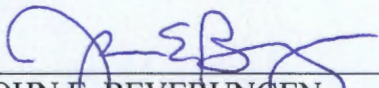
Specifically, the BCZR provides three examples of when a joint identification sign may be warranted: shopping centers, office buildings and office parks. While it does not state that this is an exhaustive list, the statutory construction principle of ejusdem generis indicates that the regulation should be interpreted to include things "of the same class or general nature as those specifically antecedently mentioned." Rucker v. Harford County, 316 Md 275, 295 (1989). Here, I do not believe the Petitioner's business operation bears any resemblance to the types of enterprises listed in the definition.

THEREFORE, IT IS ORDERED, this 29th day of January, 2014, by the Administrative Law Judge for Baltimore County, for the foregoing reasons, that Petitioner's Motion for Reconsideration be

ORDER RECEIVED FOR FILING
Date 1/29/14
By SEN

and is hereby DENIED.

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:sln

ORDER RECEIVED FOR FILING

Date 1/29/14
By sln

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

January 29, 2014

Howard L. Alderman, Jr., Esq.
Levin & Gann, PA
502 Washington Avenue, Suite 800
Towson, Maryland 21204

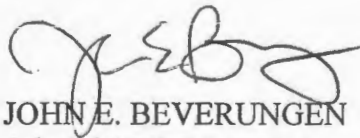
RE: **Motion for Reconsideration** - Petition for Variance
Case No.: 2014-0048-A
Property: 11131 Pulaski Highway

Dear Mr. Alderman:

Enclosed please find a copy of the Motion for Reconsideration Opinion and Order 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 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Ron Parker, 11450 Pulaski Highway, White Marsh, MD 21162
Barbara Pollitt, 718 Girard Street, Havre de Grace, MD 21078
Kathy McCourry, 7306 Pulaski Highway, Baltimore, MD 21237
Sheree Opdyke, 10099 Bird River Road, Baltimore, MD 21220
Mitchell J. Kellman, DMW, 200 E. Pennsylvania Avenue, Towson, MD 21286
Mike Pierce, 7448 Bradshaw Road, Kingsville, MD 21087

1/23/14

IN RE: PETITION FOR VARIANCE
(11311 Pulaski Highway)
11th Election District
5th Councilmanic District

Williamsburg Restaurant and Motel, LLC
Petitioner/Owner

BEFORE THE OFFICE
OF ADMINISITRATIVE
HEARINGS FOR
BALTIMORE COUNTY

Case No: 2014-0048-A

RECEIVED

JAN 23 2014

OFFICE OF ADMINISTRATIVE HEARINGS

**RESPONSE TO MOTION FOR RECONSIDERATION
AND TO ALTER/AMEND ORDER**

Williamsburg Restaurant and Motel, LLC, by and through its legal counsel, has filed a Motion requesting a reconsideration of the *Opinion and Order* of the Administrative Law Judge in this case. Protestant, functioning as an individual, respectfully submits the following response to points in that Motion and to reiterate issues raised during the hearing.

1. Petitioner again seems to be questioning, at 7, protestant's standing to contest this variance by living "over ten miles from the subject property". For the record, Protestant lives 4 miles distant, and 5 miles by road. Since Baltimore County, in its present configuration, was formed without local jurisdictions, one must conclude that all residents have an interest in all issues county-wide. In fact, Protestant has had an active role in several past sign cases, one, 2012-0136-A, actually being nearly ten miles distance. It should be noted that the objection is not based on the usual neighborhood issues of impact to local property values, increased traffic, noise, etc., but rather, general defense of the county's Sign Code.

2. Petitioner, in its Motion at 2, makes note that these signs have been there for "more than fifty years", although this was not substantiated, implying that this has some bearing on the case by making them "grandfathered". When the Council County passed Bill 89-1997 to completely revamp the Sign Code, thus repealing the previous Section 413, as Petitioner relates (but mis-identifies in Petitioner's Motion at 3 as Bill 97-1988), it included a very generous 15-year

abatement period, but stipulated in 450.8.D.1 that, after that time, all signs must be brought into conformance or removed. Thus, it should be clear that they intended for there to be no "grandfathering" of any non-compliant sign. It even voided previous variances. The 15-year abatement period ended in October 2012, and the "policy" of the Zoning Department to then require compliance is reflected in a letter dated 4 Sept 2008 (attached) regarding another property.

3. As part of demonstrating the practical difficulty and hardship if the variances were not granted, Petitioner mentioned two competitors, Mo's to the south and House of Rock to the north. For the record, Mo's is 2.75 miles distant and House of Rock is nearly a mile. The testimony included a statement that these two competitors each had a changeable-copy sign. In fact, both have a single free-standing sign and neither has an electronic changeable copy sign. Mo's has manual changeable copy on the freestanding sign and House of Rock has a small freestanding sign and a wall sign with manual changeable letters. Neither has requested a variance for a larger sign¹

4. The Zoning Commissioner's Policy Manual ("ZCPM") presents an interesting conundrum. Although it is certainly a logical argument that the revision of the Sign Code in 1997 should have completely replaced and rescinded the ZCPM Section on signs, such did not happen. No legislative or administration action has ever occurred to do so. The authority of the ZCPM was recognized in *Antwerpen v. Baltimore County*, 163 Md. App 194, 197 (2005), and its continued validity has been recognized in numerous Zoning cases.

¹ This writer is of the opinion that the success of such a business is more a function of the service and product than of the size of the signs. Following a visit for dinner, it appears that the Williamsburg Inn will have no trouble succeeding and that the House of Rock, or whatever it is called this month, is not even in the same league.)

5. Petitioner presented an interesting argument that the property contains 3 uses, viz., a motel, a restaurant, and a bar. Their Motion refers to the "uninformed and unsubstantiated comments" made by the Protestant that the owner of the subject property was the "sole occupant", as if it were the Protestant's responsibility to disprove an assertion being made without its own substantiation. In a variance hearing, it is the Petitioner's responsibility to demonstrate the need and substantiate the claims based on facts or expert testimony.

Firstly, the notion that the bar and restaurant are separate and distinct uses is fanciful, at best. The two operate under a single liquor license, a common name, and a common entrance. That license, dated April 30, 2013 allows "to keep for sale, and to sell all alcoholic beverages at retail at the hotel or restaurant herein described".²

Secondly, is the motel separate and distinct from the restaurant/bar? Again, they operate under a common trade name "Williamsburg Inn" as was registered by the owner on June 23, 2012, with the description of the business as "Restaurant and Motel" (attached). They share, not only a single building entrance, but a common front desk. Again, the liquor license covers both.

Whatever the determination on this question, the requirement in the ZCPM that there be separate and distinct entrances still stands, although Petitioner is apparently correct that the requirement is "two", not "three" to meet this "multi-tenant" rule. This practice of requiring separate entrances as the basis for allowing other signage continues in Section 450 of the BCZR. Section 5(d) in the Table of Permanent Signs limits wall signs for "multi-tenant" to one per entity

² Note that the Petition for Reconsideration is being made by "Williamsburg Restaurant and Motel, LLC" clearly as a single entity.

with a "separate exterior customer entrance". It is not a contradiction between the BCZR and the ZCPM for the latter to continue to stipulate this requirement.

6. This case revolves mostly around the question of whether this is a "multi-tenant" situation or not. Petitioner seems to be arguing that it is both, thus that they are entitled to both types of signs. It is puzzling why the Petitioner, at 16, refers to Case 98-244-SPHXA as supporting their contention that the subject property is entitled to both a Joint Identification and an Enterprise sign. No such mention can be found in that referenced case which was initially about a requested variance (besides the one wall sign) for one freestanding Joint Identification sign of 150 sq ft in lieu of two freestanding Enterprise signs of 100 sq ft each. It was ruled moot, since they were already allowed what they wanted, i.e., one joint identification sign.³

As stated in Zoning Case 98-244-SPHXA, attached to Petitioner's Motion, while ruling that the subject property was "multi-tenant", it did not allow for two freestanding signs. In fact, the letter from Mr. Arnold Keller of February 25, 1998, also attached to the Petitioner's Motion, while opining that two tenants is sufficient to be called "multi-tenant" thus entitled such a property to the larger joint identification sign, he notes that "a freestanding enterprise sign for each tenant is *not* permitted" (his emphasis).

Further, it should be noted that the definitions of the applicable terms and the specified use, as contained in the Table of Permanent Sign Types (BCZR 450), is as follows: firstly in 5. (b) Enterprise: Freestanding, BM, "excluding Multi-tenant office, retail or industrial building", and secondly in 7: "Joint Identification, meaning an accessory sign displaying the identity of a multi-occupant nonresidential development such as a shopping center, office building, or office

³ There is, as of today, one freestanding sign on this property, identifying both Best Buy and Petco, two distinctly different businesses. Each has a wall sign (and a separate entrance).

park."⁴ It should be clear that these definitions make these two sign types mutually exclusive and that it was never the intention to allow both on one property. The letter from Mr. Keller supports this argument.

7. The determination of whether the present case is a multi-tenant or single-tenant situation should decide whether it is permitted a Joint Identification sign, with a maximum 150 sq ft, or an Enterprise sign, with a maximum of 100 sq ft, respectively. Given the testimony and findings, the question is moot. It would only determine whether the variance granted for 206 sq ft is "very generous" or "very, very generous".⁵

FOR ALL OF THE FOREGOING REASONS, the respondent respectfully requests that the ALJ sustain the original Opinion and Order issued of December 17, 2013 granting substantial variances but not permitting the second freestanding sign.

Respectfully submitted,



Michael A Pierce
7448 Bradshaw Rd
Kingsville, MD 21087
410.817.4795
mpiercel@aol.com

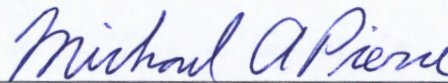
⁴ One could certainly make the case that the subject property does not fit this definition, but it would only be an academic exercise, not impacting the outcome. One could also argue that a Joint Identification sign is not intended to display any advertising, only the identity, while only an Enterprise sign may "advertise products or services".

⁵ The plan presented was actually for a 224 sq ft sign, measured in the standard manner with a single rectangle encompassing the entire sign, as done by the Zoning office.

CERIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of January, 2014, a copy of the foregoing Response to Motion for Reconsideration and exhibits attached thereto were hand-delivered to the following:

Peter Max Zimmerman, People's Counsel for Baltimore County
Carole S Demillio, Deputy People's Counsel for Baltimore County
Howard L Alderman, Jr, Levin & Gann, PA, 502 Washington Ave, Towson



Michael A Pierce



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

September 4, 2008

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

The Greater Kingsville Civic Association
P.O. Box 221
Kingsville, MD 21087
Attention: Leigh Keller, President

RE: Letter Dated June 19, 2008
Castle Motors Sports
11717 Belair Road
Baltimore, MD 21087
11th Election District
5th Councilmanic District

Dear Ms Keller,

Your recent letter to Councilman McIntire, regarding the above referenced property was forwarded to me for reply. Based upon the information provided therein and my review of the available zoning records, the following has been determined:

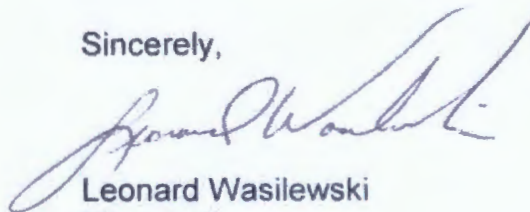
The property at 11717 Belair Road, also known as Castle Motor Sports, has a zoning classification of BM-CR, as per the official Baltimore County Zoning Map 064A1, (copy enclosed). The aforementioned building, type of use and structure were present prior to the enactment of Bill NO. 103-1988 therefore, pursuant to Section 259.3.F of the Baltimore County Zoning Regulations (BCZR), they are non-conforming to the sign restrictions located in Section 259.3.C.7 (BCZR).

Additionally, the property enjoys a non-conforming use to the current sign regulations, Section 450, as a result of its legal roof sign erected under Section 413 of the BCZR prior to October 19, 1997. As long as the building and type of use remain the same, a mixture of the prior regulations with the current regulations will not be allowed. Therefore, the entire site will continue to be controlled by Section 413 until either the roof sign is permanently removed or until October 19, 2012 when the non-conformity to the sign regulations expires.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the questions. If you disagree with the information provided above a Special Hearing may be initiated pursuant to Section 500.7(BCZR). If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

THE FOREGOING IS MERELY AN INFORMAL OPINION. IT IS NOT AN EXPERT OR LEGAL OPINION. IT IS NOT INTENDED TO BE RELIED ON AS EXPERT OR LEGAL ADVICE, AND IS NOT LEGALLY OR FACTUALLY BINDING ON BALTIMORE COUNTY OR ANY OF ITS OFFICIALS, AGENTS, OR EMPLOYEES. BALTIMORE COUNTY EXPRESSLY DISCLAIMS ANY AND ALL LIABILITY ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THE INFORMATION PROVIDED IN THIS DOCUMENT, OR ANY INTERPRETATION THEREOF.

Sincerely,



Leonard Wasilewski
Planner II
Zoning Review

CC: Councilman T. Brian McIntire
Tim Kotroco, Director of Permits and Development Management
Carl Richards, Zoning Supervisor
John Lewis, Planner II
Enforcement Case # 08-3634

State of Maryland
Department of Assessments and Taxation
Charter Division

TRADE NAME APPLICATION

NON EXPEDITED FEE: \$25.00
EXPEDITED FEE: ADDITIONAL \$50.00 | TOTAL EXPEDITED SERVICE: \$75.00
(Make checks payable to Department of Assessments and Taxation)

1) **TRADE NAME:** (Only one trade name may appear on this line)
Williamsburg Inn

2) **STREET ADDRESS(ES) WHERE NAME IS USED:** 11131 Pulaski Highway

CITY: White Marsh **STATE:** MD **ZIP:** 21162

Post office box number is only accepted when part of the physical address.

3) **FULL LEGAL NAME OF OWNER OF BUSINESS OR INDIVIDUAL USING THE TRADE NAME:** K & M Realty Corporation

If more than one owner, attach an additional sheet listing each owner with his/her address. Be sure each owner signs this form.

4) If the owner is an individual or general partnership, do they have a personal property account (an "L" number)?
Circle one: YES NO

IF YES, WHAT IS THAT NUMBER? _____

IF NO, see item 4 of the Trade Name Application Instructions.

5) **ADDRESS OF OWNER:** 11450 Pulaski Highway

CITY: White Marsh **STATE:** MD **ZIP:** 21162

Post office box number is only accepted when part of the physical address.

6) **DESCRIPTION OF BUSINESS:** Restaurant and Motel

I affirm and acknowledge under penalties of perjury that the foregoing is true and correct to the best of my knowledge.

Kenneth W. Parks President
SIGNATURE OF OWNER (AUTHORIZED TITLE)

SIGNATURE OF OWNER (AUTHORIZED TITLE)

CUST ID: 0002773148
WORK ORDER: 0003989728
DATE: 06-25-2012 04:26 PM
AMT. PAID: \$75.00

1/14/14

IN RE: PETITION FOR VARIANCE

(11131 Pulaski Highway)

11th Election District

6th Councilmanic District

Williamsburg Restaurant and Motel, LLC,

Petitioner/Owner

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

Case No.: 2014-0048-A

MOTION FOR RECONSIDERATION
AND TO ALTER/AMEND ORDER

Williamsburg Restaurant and Motel, LLC (“**Owner**” or “**Petitioner**”) by and through its undersigned legal counsel, in accordance with the *Code of Baltimore County Regulations*, Title 2, Chapter 1, Rule 4K., hereby moves that the *Opinion and Order* of the Administrative Law Judge (“**ALJ**”), dated December 17, 2013 (the “**Order**”), be reconsidered, altered and/or amended. In support of its request, the Owner states as follows:

1. The ALJ for Baltimore County granted in part and denied in part Petitioner’s requested variance relief for a replacement, accessory, illuminated, freestanding Joint Identification Sign together with an integrated changeable copy and retention of an existing, accessory, illuminated freestanding Enterprise sign as described in the Petition for Variance as filed and as shown more particularly on the site plan that accompanied the Petition for the property owned by the Petitioner (the “**subject property**”).

2. The signs to be replaced have been in existence for more than fifty (50) years

on the subject property.

3. In denying Petitioner's requested relief and granting altered relief, the ALJ relied on the Zoning Commissioner's Policy Manual ("ZCPM") "Joint Identification Signs (Class 14)" (the "JIS Policy") as promulgated prior to the adoption of County Council Bill No. 97-1988 ("Bill 97").

4. Bill 97 repealed all of the *Baltimore County Zoning Regulations* ("BCZR") pertaining to signs, including the regulations for which the JIS Policy was developed.

5. Bill 97 adopted entirely new and revamped regulations pertaining to signs, codified in BCZR § 450, as amended. None of the policies in the ZCPM were revised to apply to the new sign regulations created by Bill 97.

6. Reliance on policies of the ZCPM developed to assist in the interpretation and application of now repealed regulations is misplaced and unwarranted.

7. The ALJ concluded, erroneously, based on uninformed and unsubstantiated comments from a Protestant that lives over ten (10) miles from the subject property and contrary to the evidence presented by the Petitioner, that the Owner of the subject property was also the "sole occupant" of the subject property. [Order at 2.]

8. The uncontradicted evidence presented was that there are numerous buildings and three (3) separate uses on the subject property; the restaurant, the tavern and the motel.

9. The uncontradicted evidence presented by the Petitioner is that two uses occupy portions of one of the buildings (restaurant and tavern) and the motel use is located

in several buildings, the office in one and motel rooms in several other buildings.

10. The ALJ rejected Petitioner's argument that multiple uses on one property, even when the real property is owned by a single entity, are permitted to have both a joint identification sign for one building with two or more uses and a separate enterprise sign for a use conducted in a separate building as authorized by the BCZR.

11. The Department of Planning recognized this new Owner's change of "business model" for the uses on the subject property to provide a new use/venue for live music and entertainment. [Department of Planning's ZAC Comment, dated October 2, 1013]

12. The Department [Office] of Planning has recognized and opined on behalf of the County that the new sign regulations [BCZR § 450] permit signs, not based solely on the number of buildings, but on the basis of uses and that the term "multi-tenant" applies to a building with "two or more uses". [Inter-Office Correspondence, from Planning to Permits and Development Management, dated February 25, 1998; copy attached and incorporated herein.]

13. Determinations of signage based on uses or users, was enunciated and clarified by the Deputy Zoning Commissioner for Baltimore County applying the new sign regulations shortly after their adoption, in Case No. 98-244-SPHXA, dated February 3, 1998, *Lan Lea Realty Company*, Petitioner. [Copy attached and incorporated herein.]

14. Deference to an agency's decision has long been recognized, especially when the matter in dispute involves areas within that agency's particular realm of expertise.

People's Counsel for Baltimore County v. Dorothy Surina, 400 Md. 662, 681 (2007)

15. Judicial deference to agency expertise is less deferential on issues of law. *Charles County Department of Social Services v. Vann*, 382 Md. 286, 295 (2004). “Even with conclusions of law, however, an agency’s legal interpretation of the statute it administers or of its own regulations is entitled to some deference from the courts. *Id.* at 295-96. That deference to the position of the administrative agency is warranted because it is that agency’s task:

to interpret the ordinances and regulations the agency itself promulgated. Thus, “[e]ven though the decision of the Board of Appeals was based on the law, its expertise should be taken into consideration and its decision should be afforded appropriate deference in our analysis of whether it was ‘premised upon an erroneous conclusion of law.’” *Surina*, 400 Md. at 682-683 (citations omitted).

16. The Department of Planning’s expertise and interpretation of BCZR § 450 that, for a building, like that housing the restaurant and the tavern [including live music and entertainment] uses on the subject property, a “freestanding **joint identification sign is permitted**” [emphasis supplied], but a freestanding enterprise sign is not permitted for each of those separate uses is directly on point and should be afforded all appropriate deference in the legal analysis of the relief requested by the Petitioner. The motel use on the subject property is in separate buildings and a wholly separate use and as such is entitled to a separate enterprise sign. (See, Lan Lea Realty Case No. 98-244-SPHXA)

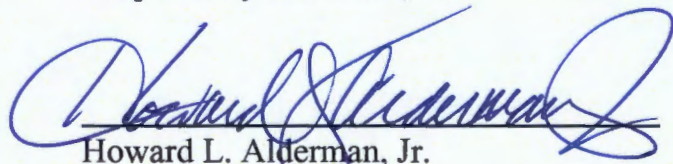
17. Unlike the Petitioner, Protestant Pearce provided no credible or expert

testimony or evidence, beyond his bald supposition, regarding the separate uses modified or established on the subject property since the Owner took title to the land.

FOR ALL OF THE FOREGOING REASONS, the Owner respectfully requests that the ALJ:

- A. Reconsider the Order issued December 17, 2013; and
- B. Revise, alter and amend the Order, by granting the requested Variance relief requested for: (i) a replacement, accessory, illuminated, freestanding Joint Identification Sign together with an integrated changeable copy sign having a total area of 208 sq. ft. (replacing existing signage of 160 sq. ft.) in lieu of the allowable 150 sq. ft.; and (ii) retention of an existing, accessory, illuminated freestanding Enterprise sign having a total area of 145 sq. ft. in lieu of the 110 sq. ft. allowed, together with such further relief as the nature of this case may require.

Respectfully submitted,

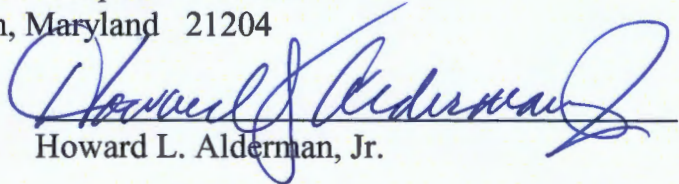


Howard L. Alderman, Jr.
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
410.321.0600 [voice]
410.296.2801 [fax]
halderman@LevinGann.com [e-mail]
Attorneys for Petitioner/Owner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of January, 2014, a copy of the foregoing Motion for Reconsideration and to Alter/Amend Order and the exhibits attached thereto were mailed via First-Class, United States Mail to the following:

Peter Max Zimmerman, People's Counsel for Baltimore County
Carole S. Demilio, Deputy People's Counsel for Baltimore County
Jefferson Building, Suite 204
105 West Chesapeake Avenue
Towson, Maryland 21204


Howard L. Alderman, Jr.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl Richards
Permits & Development Management

DATE: February 25, 1998

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Sign Classes 5a and 5b (Enterprise Signs for Shopping Centers and Multi-tenant Buildings)

The Office of Planning would like to bring to your attention two issues regarding how the County interprets the term "multi-tenant building." The County's interpretation affects implementation of the new sign regulations. It is important to clarify Sec. 450.a and 450.5b, that signs are permitted on the basis of the shopping center designation and not the number of buildings at the shopping center.

Second, it is our understanding that the word "multi-tenant" applies to a building with two or more uses. The Zoning Regulations defines "shopping center" as a "group of three or more commercial uses under common ownership." When Council amended Bill 89-97, the intent of substituting the term "multi-tenant" for "shopping center" was to clarify that if a building has two or more tenants, a freestanding joint identification sign is permitted but a freestanding enterprise sign for each tenant is *not* permitted.

The County's interpretation of a "multi-tenant" to mean a building with three or more uses will defeat Council's intent to include buildings with two or more uses. Since the Webster's Third International Dictionary includes both two or more, or three or more, as the definition of "multi," the County can interpret the word based on the Council's intent that a multi-tenant building is a building with two or more tenants. The Deputy Zoning Commissioner's opinion on Lan Lea (98-244 SPH XA) reflects this interpretation.

Thank you for your help and consideration of this issue.

Pat Keller
Arnold F. 'Pat' Keller, III

AFK:HSM:rlh

Post-It® Fax Note	7871	Date	1-11-00	# of pages	1
To	John Lewis	From	J. MacMillan		
Co./Dept.		Co.			
Phone #	3391	Phone #	3495		
Fax #	5708	Fax #	5862		

IN RE.	PETITIONS FOR SPECIAL HEARING,	* BEFORE THE
	SPECIAL EXCEPTION AND VARIANCE -	
	E/S York Road, 570' S of	* DEPUTY ZONING COMMISSIONER
	Ridgely Road	
	(1725 York Road)	* OF BALTIMORE COUNTY
	8th Election District	
	4th Councilmanic District	* Case No. 98-244-SPHXA
	Lan Lea Realty Company	*
	Petitioner	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, Lan Lea Realty Company, by Robert E. Morrow, President of Royal York Realty Corporation, a General Partner, through their attorney, Robert A. Hoffman, Esquire. The Petitioner seeks approval of an amendment to the previously approved site plan for the subject property in prior Case No. 98-63-SPH and a special exception to permit a service garage use (for the installation of car radios, telephones and similar electronic equipment). In addition to the special hearing and special exception requests, the Petitioner seeks variance relief from Section 450 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a wall-mounted enterprise sign of 390 sq.ft. in lieu of the maximum permitted 150 sq.ft., and one (1) freestanding enterprise sign of 150 sq.ft. total in lieu of the permitted two signs of 100 sq.ft. total each. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Robert Morrow, General Partner, Robert A. Hoffman, Esquire, attorney for the Petitioner, Charles Main, II and Mitchell Kellman, representatives of

ORDER RECEIVED FOR FILING

Date 2/3/98

By [Signature]

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

January 14, 2014

HAND DELIVERED

The Honorable John E. Beverungen,
Administrative Law Judge
Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

JAN 14 2014

OFFICE OF ADMINISTRATIVE HEARINGS

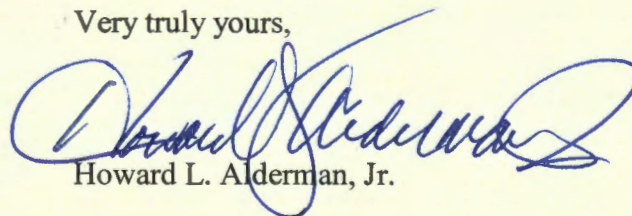
RE: 11131 Pulaski Highway
Williamsburg Restaurant and Motel, LLC/Petitioner
Case No. 2014-0048-A
Motion for Reconsideration

Dear Judge Beverungen:

Enclosed, please accept for filing the enclosed Motion for Reconsideration and to Alter/Amend Order in the above-referenced case. A separate copy is enclosed for your use. This Motion is filed within thirty (30) days of your Order, issued December 17, 2013. Therefore, the filing of this Motion, in accordance with the *Code of Baltimore County Regulations*, Title 2, Chapter 1, Rule 4K., shall stay all further proceedings in the matter, including the time limits/deadlines for the filing of an appeal.

Should you need any additional information in this regard, please do not hesitate to contact me.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk
Enclosure
c (w/encl.): Williamsburg Restaurant and Motel, LLC
People's Counsel for Baltimore County

12/17/13

IN RE: PETITION FOR VARIANCE

(11131 Pulaski Highway)

11th Election District

6th Councilman District

Williamsburg Restaurant and Motel, LLC

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0048-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Howard L. Alderman, Esq., on behalf of the legal owner of the subject property, Williamsburg Restaurant and Motel, LLC. The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.), Sections 450.4.E and 450.4, Attachment 1, #7(b), as follows: (1) For a replacement, accessory, illuminated, freestanding Joint Identification Sign together with as integrated changeable copy sign having a total area of 208 sq. ft. (replacing existing signage of 160 sq. ft.) in lieu of the allowable 150 sq. ft., (2) Retention of an existing, accessory, illuminated freestanding Enterprise sign having a total area of 145 sq. ft in lieu of the 110 sq. ft. allowed; and (3) For such additional relief as the Plan to accompany this Petition and the nature of this case may require. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the public hearing in support of the requests was Ron Parker, Barbara Pollitt, Kathy McCourry, Sheree Opdyke, and Mitchell J. Kellman, with Daft McCune and Walker, whose firm prepared the site plan. Howard L. Alderman, Esq. with Levin & Gann, PA appeared and represented the Petitioner. Mike Pierce attended the hearing and opposed the relief. The

ORDER RECEIVED FOR FILING

Date 12-17-13

By 15W

Petition was advertised and posted as required by the Baltimore County Zoning Regulations.

Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Department of Environmental Protection and Sustainability (DEPS). Neither agency opposed the relief.

Testimony and evidence revealed that the subject property is approximately 7.06 acres and is zoned BM. The Petitioner recently purchased the business, and has invested over \$700,000 in renovations. The Petitioner indicated that it requires updated and additional signage (i.e., a changeable copy sign) in order to attract customers, but variance relief is required.

The case presents an interesting legal issue: whether a joint identification and an enterprise sign (on the same premises owned by the same legal entity) are mutually exclusive under the B.C.Z.R. Mr. Pierce contends that the Petitioner is a business entity (an LLC) and that there are not separate tenants or businesses operating on the property. As such, he does not believe a "joint" identification sign is permitted, and that Petitioner is entitled to an enterprise sign of 100 square feet, though he conceded the site layout would justify a sign of at least twice this size.

Mr. Alderman contends that the motel on site is entirely separate from the tavern/restaurant operation, and is entitled to its own enterprise sign (i.e., the existing motel sign shown on the Plan, Exhibit 2). Counsel argues that the restaurant and tavern are also separate uses, which justifies the joint identification sign depicted on the Plan

I believe that Mr. Pierce has the better of the argument here. The entire parcel and the business thereon are owned by one business entity: Williamsburg Restaurant and Motel, LLC. The table of sign regulations indicates a "joint identification" sign is one "displaying the identity of a multi-occupant nonresidential development such as a shopping center" Here, as noted, I believe the LLC is the sole occupant. In addition, the Zoning Commissioner's Policy Manual (ZCPM) notes that there must be a "minimum of three separate and distinct uses" to qualify for a

ORDER RECEIVED FOR FILING

Date 12-17-13

2

By [Signature]

joint identification sign. ZCPM, p. 4-69.6.

Finally, it is frequently the case that a hotel/motel will also have an adjoining restaurant and/or lounge on the premises. If Petitioner's argument was adopted, it would then mean that a multitude of signs could be erected on such premises, which would clearly be contrary to the intent of the sign regulations. I believe the sign referenced in the first variance request is in fact an Enterprise Sign (with a changeable copy component), and it will be referred to as such in the Order which follows. Only one Enterprise sign is permitted "per frontage."

Having resolved that issue, I will grant (in part) the petition for variance. To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test. Mr. Kellman noted the large property is shaped like a trapezoid, and is improved with iconic buildings known throughout the community. He opined it was therefore unique. I agree.

If the B.C.Z.R. were strictly interpreted, the Petitioner would indeed suffer a practical difficulty, given it would be unable to attract patrons to its business. 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 demonstrated by the lack of County agency opposition, and the support of business and civic groups in the area. Exhibit 8A – 8C.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted in part and denied in part.

ORDER RECEIVED FOR FILING

Date 12-17-13

3

By bw

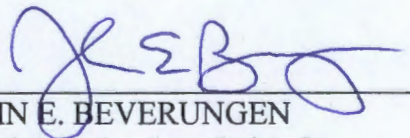
THEREFORE, IT IS ORDERED, this 17th day of December, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) For a replacement, accessory, illuminated, freestanding Enterprise Sign, together with an integrated changeable copy sign, having a total area of 208 sq. ft. (replacing existing signage of 160 sq. ft.) in lieu of the allowable 100 sq. ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking to retain an existing, accessory, illuminated freestanding Enterprise sign having a total area of 145 sq. ft in lieu of the 110 sq. ft. allowed, be and is hereby DENIED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permit 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 such time as the 30-day appellate process from 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.
- Petitioner must remove within thirty (30) days of the date hereof (or obtain variance relief for same) the directional sign on the premises, depicted in Protestant's Exhibit 1.

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 12-17-13 4

By dlw

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

December 17, 2013

Howard L. Alderman, Jr., Esq.
Levin & Gann, PA
502 Washington Avenue, Suite 800
Towson, Maryland 21204

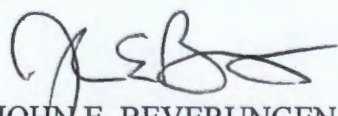
RE: Petition for Variance
Property: 11131 Pulaski Highway
Case No.: 2014-0048-A

Dear Mr. Alderman:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Ron Parker, 11450 Pulaski Highway, White Marsh, MD 21162
Barbara Pollitt, 718 Girard Street, Havre de Grace, MD 21078
Kathy McCourry, 7306 Pulaski Highway, Baltimore, MD 21237
Sheree Opdyke, 10099 Bird River Road, Baltimore, MD 21220
Mitchell J. Kellman, DMW, 200 E. Pennsylvania Avenue, Towson, MD 21286
Mike Pierce, 7448 Bradshaw Road, Kingsville, MD 21087



CBA

FLOOD

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 11131 PULASKI HIGHWAY

which is presently zoned BM

Deed References: 32253 / 0001

10 Digit Tax Account # 1111056000

Property Owner(s) Printed Name(s) WILLIAMSBURG RESTAURANT AND MOTEL LLC

(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)

SEE ATTACHED

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 THE TIME OF THE 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:

N/A

Name- Type or Print

Signature

Date

Mailing Address

City

State

By

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Howard L. Alderman, Jr., Esq. / Levin & Gann, PA

Name- Type or Print

Signature

502 Washington Avenue, STE 800 Towson MD

Mailing Address

City

State

21204 / 4103210600

halderman@levingann.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

WILLIAMSBURG RESTAURANT AND MOTEL LLC, N/A

Name #1 - Type or Print

Name #2 - Type or Print

By:

Signature #1

Signature #2

11450 PULASKI HIGHWAY WHITE MARSH MD

Mailing Address

City

State

21162 / (410) 335-3800

ron@parker-pallett.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Mitchell J. Kellman / DMW Inc.

Name - Type or Print

Signature

200 E. Pennsylvania Avenue Towson MD

Mailing Address

City

State

21286 / 410-296-3333

mkellman@dmw.com

Zip Code

Telephone #

Email Address

CASE NUMBER

2014-0048-A

Filing Date

8/23/2013

Do Not Schedule Dates:

Reviewer

CASE NO: 2014-- 0047-A

Address: 11131 Pulaski Highway

Legal Owner: Williamsburg Restaurant and Motel LLC

Present Zoning: BM

PETITION FOR VARIANCE

REQUESTED RELIEF:

A Variance from Section 450.4E: i) and §450.4/Attachment 1 #7.(b) for a replacement, accessory, illuminated, freestanding Joint Identification Sign together with an integrated changeable copy sign having a total area of 208 sq. ft. (replacing existing signage of 160 sq. ft.) in lieu of the allowable 150 sq. ft.; ii) and §450.4/Attachment 1 #5.(b) retention of an existing, accessory, illuminated freestanding Enterprise sign having a total area of 145 sq. ft. in lieu of the 110 sq. ft. allowed; and iii) for such additional relief as the Plan to accompany this Petition and the nature of this case may require.

For Additional Information Contact:

100

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
Nottingham Centre
502 Washington Centre
8th Floor
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801

halderman@LevinGann.com



Description
To Accompany Petition
For a Variance
Pulaski Highway
Baltimore County, Maryland

Commencing for the same a point formed by the intersection of the centerline of Stevens Road with the centerline of Pulaski Highway (U.S Route 40) thence running with said Pulaski Highway centerline Southwesterly 675 feet, more or less, thence leaving said centerline Southeasterly 76 feet to the point of beginning, said point of beginning being the beginning of the second or South 07 degrees 13 minutes 00 seconds East 779.52 foot line first described parcel of land conveyed by Geer Family, Inc., formerly known as K.& M. Realty Corporation to Williamsburg Restaurant and Motel, LLC by a deed dated June 20, 2012 and recorded among the Land Records of Baltimore County in Liber 32253, Folio 1, thence leaving said point of beginning and running with and binding on a portion of said second line and referring all courses of this description to the Maryland Coordinate System (NAD 83): (1) South 07 degrees 13 minutes 00 seconds East 710.22 feet; thence (2) South 52 degrees 27 minutes 00 seconds West 344.62 feet; thence (3) North 44 degrees 34 minutes 00 seconds West 522.48 feet; thence (4) North 45 degrees 25 minutes 59 seconds East 772.92 feet; to the point of beginning; containing 307,543 square feet, or 7.060 acres of land, more or less.

2014-0048-A

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS
NOT INTENDED TO BE USED FOR CONVEYANCE.

July 17, 2013

Project No. 13026 (L13026-1)



0047-A

**CASHIER'S
VALIDATION**

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

No.

9463

Date:

2/28/14

PAID RECEIPT

BUSINESS ACTUAL TIME PER
 1/04/2014 2/28/2014 15:39:09 5

REF: WALKIN WBS LRB

RECEIPT # 727312 2/28/2014 OFH

5. S20 CONING VERIFICATION

NO. 094633

Receipt Tot \$265.00

\$265.00 CR \$0.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	000		6150				265.00

Total:

265.00

Rec

From:

Kevin E Mann, P.A.

For:

1131 Pulaski Hwy

2014-0048-A

CK# 17954

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

November 21, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on November 21, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0048-A

11131 Pulaski Highway

Southeasterly side of Pulaski Highway, 705 ft. SW of centerline of Stevens Road

11th Election District - 6th Councilmanic District

Legal Owner(s): Williamsburg Restaurant and Motel, LLC

Variance for a replacement, accessory, illuminated, freestanding Joint Identification Sign together with an integrated changeable copy sign having a total area of 208 sq. ft. (replacing existing signage of 160 sq. ft.) in lieu of the allowable 150 sq. ft.; retention of an existing, accessory, illuminated freestanding Enterprise sign having a total area of 145 sq. ft. in lieu of the 110 sq. ft. allowed; and for such additional relief as the Plan to accompany this petition and the nature of this case may require.

Hearing: Friday, December 13, 2013 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.

11/240 November 21

958657

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/24/2013

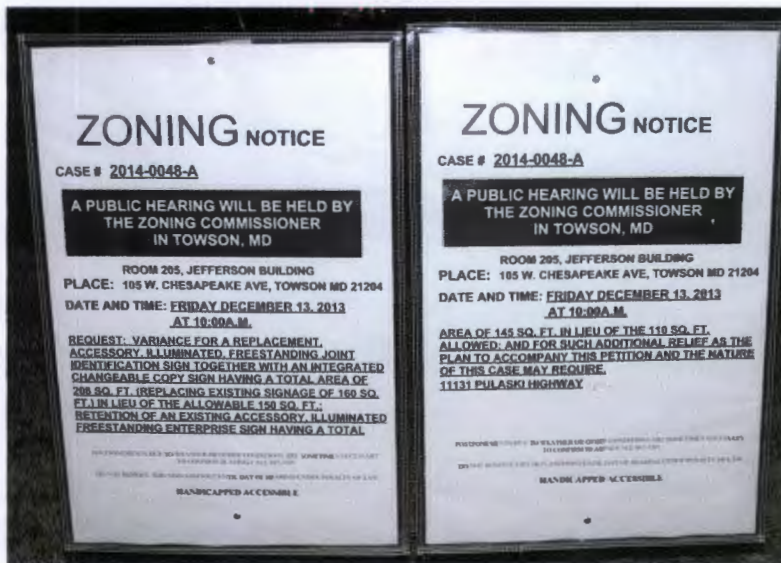
Case Number: 2014-0048-A

Petitioner / Developer: HOWARD ALDERMAN JR., ESQ.~
RONALD PARKER~MITCHELL KELLMAN

Date of Hearing (Closing): DECEMBER 13, 2013

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
11131 PULASKI HIGHWAY

The sign(s) were posted on: **NOVEMBER 22, 2013**



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

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:

2014-0048-A

Petitioner:

Ronald Parker

Address or Location:

11131 Alaska Hwy

PLEASE FORWARD ADVERTISING BILL TO:

Name:

Howard Alderman Jr Esquire

Address:

502 Washington Centre

8th Floor

Powson MD 21204

Telephone Number:

410-321-0600

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

October 9, 2013

HAND DELIVERED

The Honorable Lawrence M. Stahl,
Managing Administrative Law Judge
Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue, 1st Floor
Towson, Maryland 21204

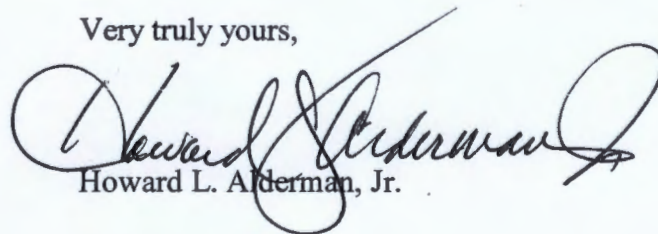
RE: Petition for Variance
11131 Pulaski Highway
Case No. 2014-0048-A
Request for Postponement and Rescheduling

Dear Mr. Stahl:

Please accept for filing the enclosed Request for Postponement and Rescheduling the of the hearing in the above-referenced case. Upon learning this morning of the unavailability of the Member of the legal Owner, this Request was prepared promptly and hand-delivered to your office for consideration.

Should you need any additional information in regard to this property or the Owner/Petitioner, please do not hesitate to contact me.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk
Enclosure
c (w/encl.): Williamsburg Restaurant and Motel, LLC
People's Counsel for Baltimore County
Kristen Lewis, Docket Clerk

BEFORE THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY

RE: PETITION FOR VARIANCE
11131 Pulaski Highway
S/E side of Pulaski Highway, 750 ft.
SW of c/l of Stevens Road

11th Election District
5th Councilmanic District

Williamsburg Restaurant and Motel, LLC,
Legal Owner.

Case No.: 2014-0048-A

REQUEST FOR POSTPONEMENT and RESCHEDULING

Williamsburg Restaurant and Motel, LLC, legal Owner, by its attorney, Howard L. Alderman, Jr., respectfully moves that the Administrative Law Judge for Baltimore County postpone the hearing in this case until the next available, regularly scheduled date **after November 11, 2013** and in support thereof states as follows:

1. The hearing before the Administrative Law Judge is presently scheduled for Wednesday, November 6, 2013 at 2:30 p.m.
2. Upon receipt of the Notice of Zoning Hearing by the undersigned, a copy thereof was distributed to the Member of the Owner and witnesses.
3. The Owner's Member advised this morning that he will be out of the United States from November 2, 2013 through and including November 9, 2013.
4. The legal Owner is entitled to be present and testify at the hearing on this Petition.
5. Unless the hearing is postponed, the legal Owner's rights and interests in its real property may be irreparably jeopardized.

BEFORE THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY

RE: PETITION FOR VARIANCE
11131 Pulaski Highway
S/E side of Pulaski Highway, 750 ft.
SW of c/l of Stevens Road

11th Election District
5th Councilmanic District

Williamsburg Restaurant and Motel, LLC,
Legal Owner.

Case No.: 2014-0048-A

ORDER

After consideration of the Request for Postponement filed by the legal Owner in this case, it is by the Administrative Law Judge for Baltimore County this ____ day of October, 2013,

ORDERED that the Request for Postponement be and it is hereby GRANTED, and the Administrative Law Judge hereby directs that the hearing be rescheduled for the next available, regularly scheduled date **following November 11, 2013.**

Administrative Law Judge for Baltimore County

Copies to:

Peter Max Zimmerman, Esquire
Carole S. DeMilio, Esquire
Baltimore County Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 17, 2013 Issue - Jeffersonian

Please forward billing to:

Howard Alderman, Jr.
Levin & Gann, P.A.
502 Washington Ave., Ste. 800
Towson, MD 21204

410-321-0600

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2014-0048-A

11131 Pulaski Highway

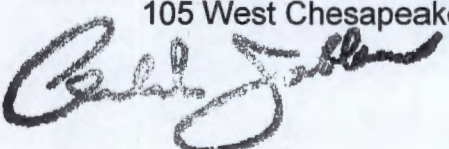
Southeasterly side of Pulaski Highway, 705 ft. SW of centerline of Stevens Road

11th Election District – 6th Councilmanic District

Legal Owners: Williamsburg Restaurant and Motel, LLC

Variance for a replacement, accessory, illuminated, freestanding Joint Identification Sign together with an integrated changeable copy sign having a total area of 208 sq. ft. (replacing existing signage of 160 sq. ft.) in lieu of the allowable 150 sq. ft.; retention of an existing, accessory, illuminated freestanding Enterprise sign having a total area of 145 sq. ft. in lieu of the 110 sq. ft. allowed; and for such additional relief as the Plan to accompany this petition and the nature of this case may require.

Hearing: Wednesday, November 6, 2013 at 2:30 p.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

September 23, 2013

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

NOTICE OF ZONING HEARING

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11131 Pulaski Highway

Southeasterly side of Pulaski Highway, 705 ft. SW of centerline of Stevens Road

11th Election District – 6th Councilmanic District

Legal Owners: Williamsburg Restaurant and Motel, LLC

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Hearing: Wednesday, November 6, 2013 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a circular stamp that contains the word "Director".

Arnold Jablon
Director

AJ:kl

C: Howard Alderman, Jr., 502 Washington Ave., Ste. 800, Towson 21204
Ronald Parker, 11450 Pulaski Highway, White Marsh 21162
Mitchell Kellman, 200 E. Pennsylvania Avenue, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURS., OCTOBER 17, 2013.**
- (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.

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

October 9, 2013

RECEIVED

OCT 09 2013

HAND DELIVERED

The Honorable Lawrence M. Stahl,
Managing Administrative Law Judge
Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue, 1st Floor
Towson, Maryland 21204

OFFICE OF ADMINISTRATIVE HEARINGS

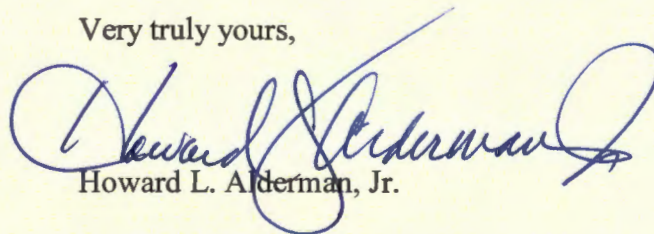
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11131 Pulaski Highway
Case No. 2014-0048-A
Request for Postponement and Rescheduling

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Should you need any additional information in regard to this property or the Owner/Petitioner, please do not hesitate to contact me.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk
Enclosure

c (w/encl.): Williamsburg Restaurant and Motel, LLC
People's Counsel for Baltimore County
Kristen Lewis, Docket Clerk

BEFORE THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY

RE: PETITION FOR VARIANCE
11131 Pulaski Highway
S/E side of Pulaski Highway, 750 ft.
SW of c/l of Stevens Road

11th Election District
5th Councilmanic District

Williamsburg Restaurant and Motel, LLC,
Legal Owner.

Case No.: 2014-0048-A

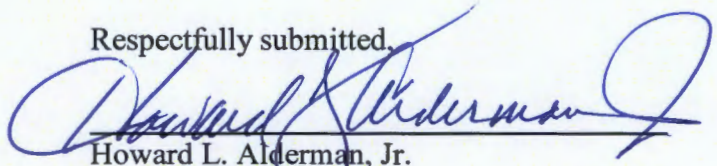
REQUEST FOR POSTPONEMENT and RESCHEDULING

Williamsburg Restaurant and Motel, LLC, legal Owner, by its attorney, Howard L. Alderman, Jr., respectfully moves that the Administrative Law Judge for Baltimore County postpone the hearing in this case until the next available, regularly scheduled date **after November 11, 2013** and in support thereof states as follows:

1. The hearing before the Administrative Law Judge is presently scheduled for Wednesday, November 6, 2013 at 2:30 p.m.
2. Upon receipt of the Notice of Zoning Hearing by the undersigned, a copy thereof was distributed to the Member of the Owner and witnesses.
3. The Owner's Member advised this morning that he will be out of the United States from November 2, 2013 through and including November 9, 2013.
4. The legal Owner is entitled to be present and testify at the hearing on this Petition.
5. Unless the hearing is postponed, the legal Owner's rights and interests in its real property may be irreparably jeopardized.

WHEREFORE, the legal Owner respectfully requests that the Administrative Law Judge grant a postponement of the hearing in this case until the next available, regularly scheduled date following November 11, 2013.

Respectfully submitted,



Howard L. Alderman, Jr.

Levin & Gann, P.A.

8th Floor, Nottingham Centre

502 Washington Avenue

Towson, Maryland 21204

410.321.0600 [voice]

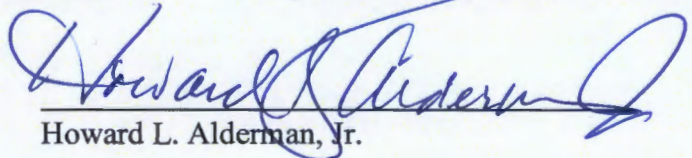
410.296.2801 [fax]

halderman@LevinGann.com [e-mail]

Attorney for legal Owner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of October, 2013, a copy of the foregoing Request for Postponement, together with a proposed Order, was mailed via First-Class, United States Mail to: Peter Max Zimmerman, Esquire and Carole S. DeMilio, Esquire, both of Baltimore County Office of People's Counsel, The Jefferson Building, 105 W. Chesapeake Avenue, Suite 204, Towson, Maryland 21204.



Howard L. Alderman, Jr.

BEFORE THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY

RE: PETITION FOR VARIANCE
11131 Pulaski Highway
S/E side of Pulaski Highway, 750 ft.
SW of c/l of Stevens Road

11th Election District
5th Councilmanic District

Williamsburg Restaurant and Motel, LLC,
Legal Owner.

Case No.: 2014-0048-A

ORDER

After consideration of the Request for Postponement filed by the legal Owner in this case, it is by the Administrative Law Judge for Baltimore County this ____ day of October, 2013,

ORDERED that the Request for Postponement be and it is hereby GRANTED, and the Administrative Law Judge hereby directs that the hearing be rescheduled for the next available, regularly scheduled date **following November 11, 2013.**

Administrative Law Judge for Baltimore County

Copies to:

Peter Max Zimmerman, Esquire
Carole S. DeMilio, Esquire
Baltimore County Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 21, 2013 Issue - Jeffersonian

Please forward billing to:

Howard Alderman, Jr.
Levin & Gann, P.A.
502 Washington Ave., Ste. 800
Towson, MD 21204

410-321-0600

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2014-0048-A

11131 Pulaski Highway

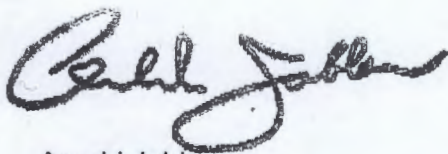
Southeasterly side of Pulaski Highway, 705 ft. SW of centerline of Stevens Road

11th Election District – 6th Councilmanic District

Legal Owners: Williamsburg Restaurant and Motel, LLC

Variance for a replacement, accessory, illuminated, freestanding Joint Identification Sign together with an integrated changeable copy sign having a total area of 208 sq. ft. (replacing existing signage of 160 sq. ft.) in lieu of the allowable 150 sq. ft.; retention of an existing, accessory, illuminated freestanding Enterprise sign having a total area of 145 sq. ft. in lieu of the 110 sq. ft. allowed; and for such additional relief as the Plan to accompany this petition and the nature of this case may require.

Hearing: Friday, December 13, 2013 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

October 28, 2013

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

NEW 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: 2014-0048-A

11131 Pulaski Highway

Southeasterly side of Pulaski Highway, 705 ft. SW of centerline of Stevens Road

11th Election District – 6th Councilmanic District

Legal Owners: Williamsburg Restaurant and Motel, LLC

Variance for a replacement, accessory, illuminated, freestanding Joint Identification Sign together with an integrated changeable copy sign having a total area of 208 sq. ft. (replacing existing signage of 160 sq. ft.) in lieu of the allowable 150 sq. ft.; retention of an existing, accessory, illuminated freestanding Enterprise sign having a total area of 145 sq. ft. in lieu of the 110 sq. ft. allowed; and for such additional relief as the Plan to accompany this petition and the nature of this case may require.

Hearing: Friday, December 13, 2013 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: Howard Alderman, Jr., 502 Washington Ave., Ste. 800, Towson 21204
Ronald Parker, 11450 Pulaski Highway, White Marsh 21162
Mitchell Kellman, 200 E. Pennsylvania Avenue, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., NOVEMBER 23, 2013.**
- (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.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204

410-887-3180

FAX: 410-887-3182
March 27, 2014

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

14-048-A

Williamsburg Restaurant and Motel, LLC
SE/s Pulaski Highway, 705 ft SW of c/l Stevens Rd
11131 Pulaski Highway
11th Election District; 6th Councilmanic District

RE: Petition for Variance for:

- 1) A replacement, accessory, illuminated, freestanding Joint Identification Sign together with an integrated changeable copy sign having a total area of 208 sq ft (replacing existing signage of 160 sq ft) in lieu of the allowable 150 sq ft; and
- 2) Retention of an existing, accessory, illuminated freestanding Enterprise sign having a total area of 145 sq ft, in lieu of the 110 sq ft allowed.

12/17/13 Opinion and Order of the Administrative Law Judge wherein the requested relief was granted in part and denied in part.

1/29/14 Ruling on Motion for Reconsideration issued by Administrative Law Judge wherein the Motion was Denied.

ASSIGNED FOR:

TUESDAY, JUNE 3, 2014, AT 10:00 A.M.

LOCATION:

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

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

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

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioner/Legal Owner
Petitioner/LO

: Howard L. Alderman, Jr., Esquire
: Williamsburg Restaurant and Motel, LLC

Protestant

: Michael Pierce

Mitchell Kellman/DMW, Inc
Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Barbara Pollitt

Kathy McCourry
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law

Sheree Opdyke

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

June 2, 2014

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

RECEIVED

JUN 02 2014

BALTIMORE COUNTY
BOARD OF APPEALS

HAND DELIVERED

David L. Thurston, Chairman
County Board of Appeals for Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

RE: *Williamsburg Restaurant and Motel, LLC*
Limited Appeal - Petition for Zoning Variance
Case No.: CBA 2014-0048-A
Hearing: Tuesday, June 3, 2014

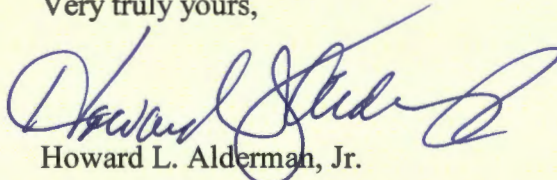
Dear Mr. Thurston:

The enclosed Motion for Postponement is filed in accordance with Board of Appeals Rule 2.c. As outlined in the Motion, the extraordinary circumstances justifying this request are the heart attack suffered by my client on April 27, 2014, the subsequent after-effects and his re-admission to the hospital this weekend.

I am delivering a copy of this letter, the Motion, Exhibits and proposed Order to all parties via email (copy of transmitting message is enclosed and incorporated herein) and regular mail. Should you or any member of the Board desire any additional information or justification in support of this Motion, please have Sunny give me a call immediately.

Thank you for your consideration of this request.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk
Enclosures

c (w/encl.): People's Counsel for Baltimore County
Mr. Michael Pierce

Howard Alderman

From: Howard Alderman
Sent: Monday, June 02, 2014 9:31 AM
To: Peter Zimmerman; 'mpierce1@aol.com'
Cc: Mitch Kellman (mkellman@dmw.com); 'Barbara Pollitt'
Subject: BOA: Parker-Williamsburg Motion
Attachments: Parker-Williamsburg Motion for Postponement.pdf
Importance: High

Mr. Zimmerman/Mr. Pierce:

Attached is a scan of the Motion, Exhibits and Proposed Order being filed with the Board of Appeals this morning and sent to you also via regular mail. Mr. Parker had a heart attack on 4/27, has suffered effects requiring 911 medical attention since then and, as I learned last night, was readmitted to the hospital on Saturday.

Please call me with any questions,
Howard

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com



Provide Feedback at <http://tinyurl.com/HLA-AVVO>

[Find me on Completely E-Legal](#)



Recognized as One
Of Maryland's
Super Lawyers

This email is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error or are not the named recipient(s), please notify immediately the sender at 410-321-0600 and delete this email message from your computer as any and all unauthorized distribution or use of this message is strictly prohibited. Thank you.

Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

IN RE: PETITION FOR VARIANCE
(11131 Pulaski Highway)
11th Election District
6th Councilmanic District

Williamsburg Restaurant and Motel, LLC,
Owner/Appellant

BEFORE THE
COUNTY BOARD OF
APPEALS FOR
BALTIMORE COUNTY
Case No.: CBA 2014-0048-A

MOTION FOR POSTPONEMENT

Williamsburg Restaurant and Motel, LLC (“**Owner**” or “**Appellant**”), a Maryland limited liability company by and through its undersigned legal counsel, in accordance with the *Rules of Practice and Procedure Baltimore County Board of Appeals*, Rule 2 b. & c., hereby moves that the hearing scheduled for the above-referenced, limited appeal on Tuesday, June 3, 2014, be postponed and in support of its request, the Owner states as follows:

1. The Owner is a limited liability company with one member and owns the real property which is the subject of this limited appeal.
2. Ronald W. Parker is the sole member of the Owner.
3. Undersigned counsel learned on Friday, May 30th that on April 27, 2014, Mr. Parker suffered a severe heart attack.
4. Since being discharged from the hospital, Mr. Parker has suffered several bouts of after effects requiring calls to 911.

5. Attached are copies of Mr. Parker's medical records related to this most unfortunate event. (Attached and incorporated herein as Exhibit "A".)

6. Mr. Parker, as the sole member of the Owner, is absolutely necessary at the hearing on the above-referenced limited appeal. This is a hearing of record and Mr. Parker's knowledge of the business interests, uses and tenants at the subject property is manifestly required for adjudication of the issues raised on appeal.

7. Unless postponed, the stress involved with attending and participating in the hearing on this matter may result in further severe consequences to Mr. Parker.

8. Undersigned counsel met with Mr. Parker late last Friday afternoon (May 30th) to go over his testimony and exhibits in preparation for the hearing and learned, at that time, of Mr. Parker's medical condition. Due to his elevated blood pressure and inability to concentrate on the issues we were unable to discuss preparation for the scheduled hearing.

9. Last evening I received the attached email message from Julie O'Brien, Mr. Parker's daughter, that her father was re-admitted to the hospital on Saturday, May 31st, and was still in the hospital at 8:19 p.m. last evening. (Attached and incorporated herein as Exhibit "B".)

10. Mr. Parker's health, interests in the Owner and rights in this limited appeal will be impaired unless the presently scheduled hearing is postponed.

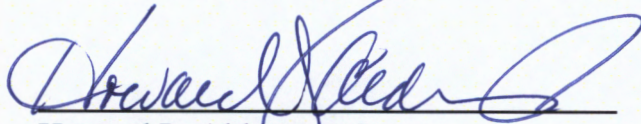
11. It is respectfully requested that the hearing on this appeal be rescheduled at least eight (8) weeks following the presently scheduled hearing to enable Mr. Parker to

recover to the point that he can participate in the hearing without jeopardizing his health.

FOR ALL OF THE FOREGOING REASONS, the Owner respectfully requests that the Board:

- A. Postpone the hearing presently scheduled for tomorrow, June 3, 2014; and
- B. Reschedule the hearing on this appeal not less than eight (8) weeks following June 3, 2014 and that the rescheduling be coordinated with all parties involved in this matter; and
- C. Grant such further relief as the nature of this case may require.

Respectfully submitted,



Howard L. Alderman, Jr.
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
410.321.0600 [voice]
410.296.2801 [fax]
halderman@LevinGann.com [e-mail]
Attorneys for Owner/Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of June, 2014, a copy of the foregoing Motion for Postponement was **sent via attachment to email message** and mailed, postage prepaid, First Class United States Mail to:

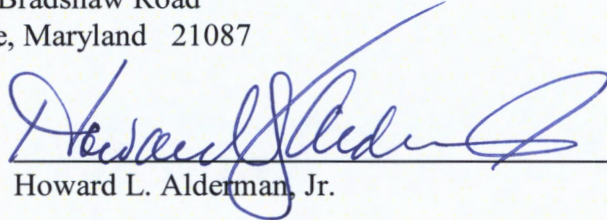
Peter Zimmerman <pzimmerman@baltimorecountymd.gov>

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

and

mpierce1@aol.com

Mr. Michael A. Pierce
7448 Bradshaw Road
Kingsville, Maryland 21087



Howard L. Alderman, Jr.

IN RE: PETITION FOR VARIANCE
(11131 Pulaski Highway)
11th Election District
6th Councilmanic District

Williamsburg Restaurant and Motel, LLC,
Owner/Appellant

BEFORE THE
COUNTY BOARD OF
APPEALS FOR
BALTIMORE COUNTY

Case No.: CBA 2014-0048-A

ORDER

Upon consideration of the Motion for Postponement filed on behalf of the Owner/Appellant in this matter and after review of the extraordinary circumstances which the Board has found are satisfactory in nature to justify the requests contained in the Motion, it is this _____ day of June, 2014, ORDERED,

- A. The hearing presently scheduled for Tuesday, June 3, 2014 in this matter is hereby POSTPONED;
- B. The rescheduled hearing on this matter shall be set for not less than eight (8) weeks following the date of this Order and the date shall be coordinated among all parties of record.

BOARD OF APPEALS FOR
BALTIMORE COUNTY

410-296-2801

MedStar Franklin Square Medical Center

9000 Franklin Square Drive Baltimore, MD 21237

Phone: (443) 777-7000

www.franklinsquare.org

ATTN: Howard
Alderman.**Patient Discharge Instructions**Name: **PARKER, RONALD WARREN**DOB: **01/18/1947**Admit Date: **4/27/2014 8:10 PM**Discharge Date: **04/29/2014**Hospital Doctor: **Shilipi Ahmed, MD**Diagnosis: **Acute myocardial infarction, initial episode of care**

Comment:

Surgical Procedure:

Return if:

This is your list of follow-up instructions, prescriptions leaflets, and patient education materials:
Follow-up Instructions:

Your identified primary care provider is

Special services at discharge (if any):

Comment:

Please bring these discharge instructions and the medication list to your first physician follow-up visit.

Discharge Instructions:

Allergies

penicillins; amoxicillin; erythromycin

Immunizations received during hospital stay:

Medication Instructions as of 04/29/14 12:22:38

START taking the following medications:

Howard Alderman

From: Julie O'Brien <julobrien@gmail.com>
Sent: Sunday, June 01, 2014 8:19 PM
To: Howard Alderman
Subject: Ron

Ron is in the hospital right now and has been since yesterday. This makes it more impossible for him to come on Tuesday. Let me know if you need any paperwork stating this. Thanks. Julie





Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

June 19, 2014

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: Williamsburg Restaurant and Motel, LLC
SE/s Pulaski Highway, 705 ft SW of c/l Stevens Rd
14-048-A 11131 Pulaski Highway
11th Election District; 6th Councilmanic District

RE: Petition for Variance for:

- 1) A replacement, accessory, illuminated, freestanding Joint Identification Sign together with an integrated changeable copy sign having a total area of 208 sq ft (replacing existing signage of 160 sq ft) in lieu of the allowable 150 sq ft; and
- 2) Retention of an existing, accessory, illuminated freestanding Enterprise sign having a total area of 145 sq ft, in lieu of the 110 sq ft allowed.

12/17/13 Opinion and Order of the Administrative Law Judge wherein the requested relief was granted in part and denied in part.

1/29/14 Ruling on Motion for Reconsideration issued by Administrative Law Judge wherein the Motion was Denied.

This matter was scheduled for Tuesday, June 3, 2014 and was postponed by Counsel. It has been

REASSIGNED FOR: WEDNESDAY, AUGUST 27, 2014, AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioner/Legal Owner
Petitioner/LO

: Howard L. Alderman, Jr., Esquire
: Williamsburg Restaurant and Motel, LLC

Protestant

: Michael Pierce

Mitchell Kellman/DMW, Inc
Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Barbara Pollitt

Kathy McCourry
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law
Sheree Opdyke



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 13, 2015

NOTICE OF ASSIGNMENT **ARGUMENT ONLY ON MOTION TO DISMISS**

IN THE MATTER OF: Williamsburg Restaurant and Motel, LLC
14-048-A SE/s Pulaski Highway, 705 ft SW of c/l Stevens Rd
11131 Pulaski Highway
11th Election District; 6th Councilmanic District

RE: Petition for Variance for:

- 1) A replacement, accessory, illuminated, freestanding Joint Identification Sign together with an integrated changeable copy sign having a total area of 208 sq ft (replacing existing signage of 160 sq ft) in lieu of the allowable 150 sq ft; and
- 2) Retention of an existing, accessory, illuminated freestanding Enterprise sign having a total area of 145 sq ft, in lieu of the 110 sq ft allowed.

12/17/13 Opinion and Order of the Administrative Law Judge wherein the requested relief was granted in part and denied in part.

1/29/14 Ruling on Motion for Reconsideration issued by Administrative Law Judge wherein the Motion was Denied.

ASSIGNED FOR: **WEDNESDAY, AUGUST 12, 2015, AT 10:00 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This will be a **MOTION ONLY HEARING** at which time the Board will hear argument only on the subject Motion to Dismiss, with no evidence or testimony as to the merits of the case to be received at that time.

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

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c : See attached Distribution List

Williamsburg Restaurant and Motel, LLC

Case No: 14-048-A

Notice of Assignment

Distribution List

July 13, 2015

Page 2

c: Counsel for Petitioner/Legal Owner
Petitioner/LO

: Howard L. Alderman, Jr., Esquire
: Williamsburg Restaurant and Motel, LLC

Protestant

: Michael Pierce

Mitchell Kellman/DMW, Inc

Barbara Pollitt

Kathy McCourry

Sheree Opdyke

Office of People's Counsel

Lawrence M. Stahl, Managing Administrative Law Judge

Arnold Jablon, Director/PAI

Andrea Van Arsdale, Director/Department of Planning

Nancy West, Assistant County Attorney

Michael Field, County Attorney, Office of Law

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

August 12, 2014

RECEIVED
AUG 12 2014

BALTIMORE COUNTY
BOARD OF APPEALS

HAND DELIVERED

David L. Thurston, Chairman
County Board of Appeals for Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

RE: *Williamsburg Restaurant and Motel, LLC*
Limited Appeal - Petition for Zoning Variance
Case No.: CBA 2014-0048-A
Hearing: Wednesday, August 27, 2014

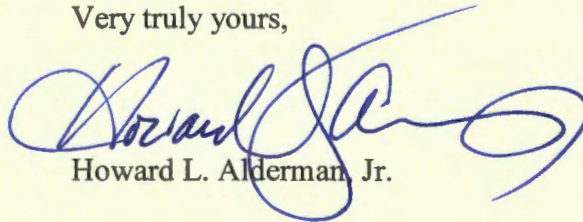
Dear Mr. Thurston:

The enclosed Motion for Postponement is filed in accordance with Board of Appeals Rule 2.c. As outlined in the Motion, the August 4th legislative act of the Baltimore County Council may very well render the issues appealed moot, enabling the Owner to withdraw the limited appeal.

Should you or any member of the Board desire any additional information or justification in support of this Motion, please have Sunny give me a call immediately.

Thank you for your consideration of this request.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk
Enclosures

c (w/encl.): People's Counsel for Baltimore County
Mr. Michael Pierce



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 13, 2014

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
502 Washington Avenue, Ste 800
Towson, MD 21204

Re: In the Matter of: Williamsburg Restaurant and Motel, LLC
Case No: 14-048-A

Dear Mr. Alderman:

I am in receipt of your Motion for Postponement dated August 12, 2014. This letter is to advise you that your request for a postponement of the hearing scheduled for August 27, 2014 has been granted.

Enclosed please find a Notice of Postponement for your file.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact this office.

Very truly yours,

Sunny Cannington

Krysundra "Sunny" Cannington
Administrator

cc: Michael Pierce
Peter Max Zimmerman, People's Counsel for Baltimore County (via Hand Delivery)

RECEIVED
AUG 12 2014

BALTIMORE COUNTY
BOARD OF APPEALS

IN RE: PETITION FOR VARIANCE
(11131 Pulaski Highway)
11th Election District
6th Councilmanic District

Williamsburg Restaurant and Motel, LLC,

Owner/Appellant

BEFORE THE

COUNTY BOARD OF

APPEALS FOR

BALTIMORE COUNTY

Case No.: CBA 2014-0048-A

MOTION FOR POSTPONEMENT

Williamsburg Restaurant and Motel, LLC (“Owner” or “Appellant”), a Maryland limited liability company by and through its undersigned legal counsel, in accordance with the *Rules of Practice and Procedure Baltimore County Board of Appeals*, Rule 2 b. & c., hereby moves that the hearing scheduled for the above-referenced, limited appeal on Wednesday, August 27, 2014, be postponed and in support of its request, the Owner states as follows:

1. The Owner filed a Notice of **Limited** Appeal in the above-referenced matter, which Notice was received by the Board on February 28, 2014.
2. The Limited Appeal pertains to certain signage located on the property of the Owner.
3. The Baltimore County Administrative Law Judge (“ALJ”), in his Opinion and Order dated December 17, 2013, denied a variance request to maintain an existing, accessory, freestanding enterprise sign having a total area of 145 sq. ft. in lieu of the 110 sq. ft. allowed,

pursuant to sign abatement policies of the *Baltimore County Zoning Regulations* ("BCZR").

4. The variance relief denied by the ALJ was appealed to this Board; the variance relief granted by the ALJ in this case was not appealed.

5. On July 7, 2014, the Honorable Cathy Bevins, a Member of the County Council, introduced Council Bill No. 42-14 to exempt certain legally nonconforming signs from the sign abatement provisions of the BCZR as enacted in 1997.

6. At the Council's legislative session of August 4, 2014, Council Bill 42-14, as amended, was passed by an affirmative vote of five members of the County Council. [A copy of Bill 42-14 as passed is attached hereto and incorporated herein.]

7. The provisions of Council Bill 42-14 take effect on August 18, 2014 and apply retroactively to legally nonconforming signs as provided therein.

8. Following the effective date of Council Bill 42-14, the Owner will submit to Baltimore County incontrovertible evidence of the sign at issue in this case having been erected prior to 1960, at the subject property which adjoins Pulaski Highway, a "**numbered U.S. Highway.**"

9. A determination by Baltimore County that the sign at issue in this limited appeal qualifies under the provisions of Council Bill 42-14 may enable the Owner's limited appeal to this Board to be withdrawn.

10. In the interest of judicial economy and practicality, this matter should be postponed in light of the recent legislative act of the County Council protecting signs such

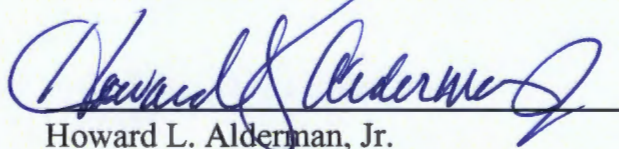
as the one at issue in this limited appeal.

11. It is respectfully requested that the hearing on this appeal be rescheduled at least (8) weeks following the presently scheduled hearing to enable submission of all information required by Baltimore County to enable a favorable determination pursuant to the provisions of Council Bill 42-14.

FOR ALL OF THE FOREGOING REASONS, the Owner respectfully requests that the Board:

- A. Postpone the hearing presently scheduled for August 27, 2014; and
- B. Reschedule the hearing on this appeal not less than eight (8) weeks following August 27, 2014 and that the rescheduling be coordinated with all parties involved in this matter; and
- C. Grant such further relief as the nature of this case may require.

Respectfully submitted,



Howard L. Alderman, Jr.
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
410.321.0600 [voice]
410.296.2801 [fax]
halderman@LevinGann.com [e-mail]
Attorneys for Owner/Appellant

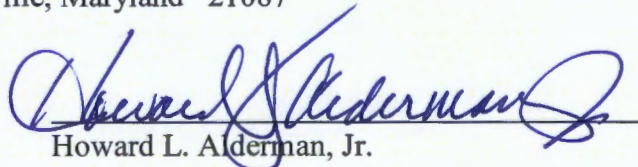
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of August, 2014, a copy of the foregoing Motion for Postponement was mailed, postage prepaid, First Class United States Mail to:

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

and

Mr. Michael A. Pierce
7448 Bradshaw Road
Kingsville, Maryland 21087


Howard L. Alderman, Jr.

IN RE: PETITION FOR VARIANCE
(11131 Pulaski Highway)
11th Election District
6th Councilmanic District

Williamsburg Restaurant and Motel, LLC,

Owner/Appellant

BEFORE THE
COUNTY BOARD OF
APPEALS FOR
BALTIMORE COUNTY
Case No.: CBA 2014-0048-A

ORDER

Upon consideration of the Motion for Postponement filed on behalf of the Owner/Appellant in this matter and after review of the extraordinary circumstances which the Board has found are satisfactory in nature to justify the requests contained in the Motion, it is this _____ day of August, 2014, ORDERED,

- A. The hearing presently scheduled for Wednesday, August 27, 2014 in this matter is hereby POSTPONED;
- B. The rescheduled hearing on this matter shall be set for not less than eight (8) weeks following the date of this Order and the date shall be coordinated among all parties of record.

BOARD OF APPEALS FOR
BALTIMORE COUNTY



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 13, 2014

NOTICE OF POSTPONEMENT

IN THE MATTER OF:

14-048-A

Williamsburg Restaurant and Motel, LLC
SE/s Pulaski Highway, 705 ft SW of c/l Stevens Rd
11131 Pulaski Highway
11th Election District; 6th Councilmanic District

RE: Petition for Variance for:

- 1) A replacement, accessory, illuminated, freestanding Joint Identification Sign together with an integrated changeable copy sign having a total area of 208 sq ft (replacing existing signage of 160 sq ft) in lieu of the allowable 150 sq ft; and
- 2) Retention of an existing, accessory, illuminated freestanding Enterprise sign having a total area of 145 sq ft, in lieu of the 110 sq ft allowed.

12/17/13 Opinion and Order of the Administrative Law Judge wherein the requested relief was granted in part and denied in part.

1/29/14 Ruling on Motion for Reconsideration issued by Administrative Law Judge wherein the Motion was Denied.

This matter was assigned for Wednesday, August 27, 2014 and has been postponed. It will be rescheduled to a later date.

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

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

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

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

For further information, including our inclement weather policy, please visit our website
www.baltimorecountymd.gov/Agencies/appeals/index.html

**Krysundra "Sunny" Cannington
Administrator**

c: Counsel for Petitioner/Legal Owner
Petitioner/LO

: Howard L. Alderman, Jr., Esquire
: Williamsburg Restaurant and Motel, LLC

Protestant

: Michael Pierce

Mitchell Kellman/DMW, Inc
Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Barbara Pollitt

Kathy McCourry
Sheree Opdyke
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 18, 2015

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
502 Washington Avenue, Ste 800
Towson, MD 21204

Michael Pierce
7448 Bradshaw Road
Kingsville, MD 21087

Re: In the Matter of: Williamsburg Restaurant and Motel, LLC
Case No.: 14-048-A

Dear Messrs. Alderman and Pierce:

On August 13, 2014, Mr. Alderman's request for postponement was granted. It is my understanding that legislation was passed by the County Council which may have an effect on this matter. However, there seems to be some question as to what effect that legislation should have.

At this time, I am requesting a formal update on this matter so the Board can determine how best to proceed.

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

Very truly yours,

Sunny Cannington
Krysundra "Sunny" Cannington
Administrator

Duplicate Original

c: People's Counsel for Baltimore County



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 15, 2015

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
502 Washington Avenue, Ste 800
Towson, MD 21204

Michael Pierce
7448 Bradshaw Road
Kingsville, MD 21087

Re: In the Matter of: Williamsburg Restaurant and Motel, LLC
Case No.: 14-048-A

Dear Messrs. Alderman and Pierce:

On August 13, 2014, Mr. Alderman's request for postponement was granted. It is my understanding that legislation was passed by the County Council which may have an effect on this matter. However, there seems to be some question as to what effect that legislation should have.

Pursuant to my letter dated March 18, 2015, I am again requesting a formal update on this matter so the Board can determine how best to proceed.

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

Very truly yours,

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

Krysundra "Sunny" Cannington
Administrator

Duplicate Original

c: People's Counsel for Baltimore County
Williamsburg Restaurant and Motel, LLC



KEVIN KAMENETZ
County Executive

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

December 3, 2013

Williamsburg Restaurant and Motel LLC
Ronald Parker
11450 Pulaski Highway
White Marsh 21162

RE: Case Number: 2014-0048 A, Address: 11131 Pulaski Highway

Dear Mr. Parker:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 23, 2013. 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: jaf

Enclosures

c: People's Counsel
Mitchell J Kellman/ DMW Inc., 200 E Pennsylvania Avenue, Towson MD 21286
Howard L Alderman Jr., Esquire 502 Washington Avenue, Suite 800, Towson MD 21204

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

DEC 12 2013



OFFICE OF ADMINISTRATIVE HEARINGS

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: October 22, 2013

SUBJECT: DEPS Comment for Zoning Item # 2014-0048-A
Address 11131 Pulaski Highway
(Williamsburg Restaurant and Motel, LLC Property)

Zoning Advisory Committee Meeting of September 9, 2013.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) and is subject to Critical Area requirements. The applicant is requesting to permit an illuminated, freestanding replacement sign on an existing parking lot. No new impervious surface is proposed. The lot is developed with a motel, restaurant, parking, and other buildings. Because there is no new development activity, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

The change proposed does not include any new development activity. Therefore fish, plant, and wildlife habitat in the Chesapeake Bay will be conserved.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

There are no restrictions on signs placed on existing paved areas in the IDA. Therefore the relief requested will be consistent with established land-use policies.

Reviewer: *Regina Esslinger – Environmental Impact Review (EIR)*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 2, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 11131 Pulaski Highway

OCT 02 2013

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Item Number: 14-048

Petitioner: Williamsburg Restaurant and Motel, LLC

Zoning: BM

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests a variance to permit a replacement freestanding sign with an attached changeable copy sign that will total 208 square feet, an increase from the existing 160 square foot sign and over all sign square footage.

It is the understanding of the Department of Planning that the petitioner plans to change the business model and now be a venue for live music and entertainment. The Department of Planning is not opposed to this change as it may be an improvement to this portion of the Pulaski Highway corridor.

The proposed replacement sign is similar to that of the existing sign and therefore the Department of Planning does not oppose the requested variance. Furthermore, the addition of the changeable copy component is appropriate in this case as the site is zoned BM and this portion of Pulaski Highway, a high speed arterial, is commercial in character and is not adjacent to any residential uses.

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

Prepared By:

Division Chief:
AVA/LL:cjm

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 13, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For September 16, 2013
Item No. 2014-0047, 0048, 0049, 0050, 0051, 0052, 0054, 0055, 0056,
0057, 0058 and 0059

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

DAK:CEN
Cc: file

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



Maryland Department of Transportation

James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 9-12-13

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

RE: Baltimore County
Item No. 2014-0048-A
Variance
Williamsburg Restaurant and
Motel LLC
11131 Pulaski Highway
US 40

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 9-9-13. A field inspection and internal review reveals that an entrance onto US 40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2014-0048-A.

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 email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".
Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

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

RE: PETITION FOR VARIANCE
11131 Pulaski Highway; SE/S Pulaski
Highway, 705' SW c/line Stevens Lane
11th Election & 6th Councilmanic Districts
Legal Owner(s): Williamsburg Restaurant
& Motel LLC

Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-048-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

SEP 11 2013

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of September, 2013, a copy of the foregoing Entry of Appearance was mailed to Mitch Kellman, DMW, Inc, 200 E. Pennsylvania Avenue, Towson, Maryland 21286 and Howard Alderman, Esquire, Levin & Gann, 502 Washington Avenue, 8th Floor, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

March 5, 2014

Howard L. Alderman, Jr., Esq.
Levin & Gann, PA
502 Washington Avenue
Suite 800
Towson, Maryland 21204

RE: **APPEAL TO BOARD OF APPEALS**
Case No. 2014-0048-A
Location: 11131 Pulaski Highway



Dear Mr. Alderman:

Please be advised that an appeal of the above-referenced case was filed in this Office on February 28, 2014. 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,

A handwritten signature in black ink, appearing to be "L. Stahl", written over the name Lawrence M. Stahl.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:slh

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County
Ron Parker, 11450 Pulaski Highway, White Marsh, MD 21162
Barbara Pollitt, 718 Girard Street, Havre de Grace, MD 21078

Kathy McCourry, 7306 Pulaski Highway, Baltimore, MD 21237

Sheree Opdyke, 10099 Bird River Road, Baltimore, MD 21220

Mitchell J. Kellman, DMW, 200 E. Pennsylvania Avenue, Towson, MD 21286

Mike Pierce, 7448 Bradshaw Road, Kingsville, MD 21087

APPEAL

**Petition for Variance
(11131 Pulaski Highway)
11th Election District – 6th Councilmanic District
Legal Owner: Williamsburg Restaurant and Motel, LLC
Case No. 2014-0048-A**

- ✓ Petition for Variance (August 23, 2013)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (October 28, 2013)
- ✓ Certificate of Publication (The Jeffersonian – November 21, 2013)
- ✓ Certificate of Posting (November 26, 2013) by Linda O'Keefe
- ✓ Entry of Appearance by People's Counsel (September 11, 2013)
- ✓ Petitioner(s) Sign-in Sheet – One (1) Sheet
- ✓ Citizen(s) Sign-in Sheet- One (1) Sheet
- ✓ Zoning Advisory Committee Comments

Petitioner(s) Exhibits

- ✓ 1. Kellman CV
- ✓ 2. Plan
- ✓ 3. Zoning map
- ✓ 4. Zoning map with annotations
- ✓ 5. Sign elevation
- ✓ 6. Existing motel sign-photo
- ✓ 7. ZAC comments
- ✓ 8. 8A-8C-Letters from Business Groups
- ✓ 9. Large Overhead photo

Protestant(s) Exhibits

- ✓ 1. Photo-directional sign
- ✓ Miscellaneous (Not Marked as Exhibits) – E-mails and letter from Howard Alderman, Jr. (Request for Postponement and Rescheduling)
- ✓ Administrative Law Judge Order (GRANTED in part/DENIED in part- December 17, 2013)
- ✓ Request for Motion for Reconsideration from: Howard L. Alderman, Jr.
- ✓ Response to Motion for Reconsideration and to Alter/Amend Order from Michael Pierce
- ✓ Order on Motion for Reconsideration- (Denied- January 29, 2014)
- ✓ Notice of Appeal received on February 28, 2014 from Howard L. Alderman, Jr. Attorney for Petitioner

Address List

Petitioner:

Howard Alderman, Esquire
Levin & Gann, P.A.
502 Washington Avenue, Ste 800
Towson, MD 21204

Williamsburg Restaurant and Motel, LLC
Attention: Ronald L. Parker
11450 Pulaski Highway
White Marsh, MD 21162

Mitchell Kellman
DMW, Inc.
200 E. Pennsylvania Avenue
Towson, MD 21286

Protestant:

Mike Pierce
7448 Bradshaw Road
Kingsville, MD 21087

Interested Persons:

Barbara Pollitt
718 Girard Street
Havre de Grace, MD 21078

Kathy McCourry
7306 Pulaski Highway
Baltimore, MD 21237

Sheree Opdyke
10099 Bird River Road
Baltimore, MD 21220

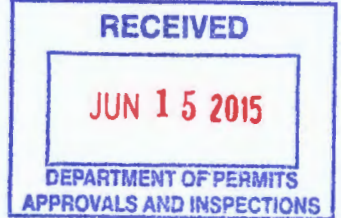
Interoffice:

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Christina Frink, Code Enforcement/PAI
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



6/16/15
TO LW ?

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS APPROVALS AND INSPECTIONS
111 W. Chesapeake Avenue, Room 105
Towson, Maryland 21204
410-887-3353



Public Information Act (PIA) Request for Information Form

DATE OF REQUEST: June 15, 2015

REQUESTER INFORMATION

Name (First, Mi, Last) Michael A Pierce *Michael A Pierce*

Title _____

Organization none

Category ☐ Attorney ☒ Citizen ☐ Interest Group
☐ Consultant ☐ Media ☐ Student ☐ Other

Street Address 7448 Bradshaw Rd
City Kingsville State MD Zip 21087 Country US
Telephone 410-817-4795 Email Address MPIERCE1@AOL.COM

Billing address (if different than above)

Street Address _____
City _____ State _____ Zip _____ Country _____
Telephone _____ Email Address _____

PROPERTY/FACILITY FOR WHICH INFORMATION IS REQUESTED

Facility Name "Parker's" fka Williamsburg Inn

Street Address 11131 Pulaski Hwy

Subdivision _____

Tax Map 73 Grid 19 Parcel 86 Lot # _____ Tax ID# 11-11056000

Case No.: CBA 14-0048-A

OFFICE USE ONLY

Bureau: _____
of photocopies # _____
payment received _____
process date ____/____/_____
processed by (initials) _____

Please check the PAI program from which you are seeking records.

- ☐ Building Inspections
- ☒ Building Permits
- ☐ Building Plans Review
- ☐ Code Enforcement
- ☐ Development Management
- ☐ Development Plans Review
- ☐ Electrical Inspections
- ☐ Land Acquisition
- ☐ Licensing
- ☐ Plumbing Inspections
- ☐ Zoning Review

Please specify what information is being requested:

Affidavits referred to in the attached, undated "determination" appended
to Mr Alderman's letter of April 15.

- ☒ I will pick this information up after being called and notified that it is ready.
- ☐ I wish this information to be mailed at my expense.

PLEASE NOTE: Under the Public Information Act, the Department of Permits Approvals and Inspections has 30 (thirty) days to fulfill this request for information, whereupon, if the request cannot be honored, you will be notified within 10 (ten) days regarding the denial.

FEE INFORMATION: Photocopies are \$0.50 per page. Postage will be added to the photocopy fee for items mailed. Staff time is charged at \$25 per hour after the first two hours.

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Williamsburg Restaurant and Motel, LLC

14-048-A

DATE: August 12, 2015

BOARD/PANEL: Maureen E. Murphy, Panel Chairman
James H. West

RECORDED BY: Tammy A. McDiarmid, Legal Secretary

PURPOSE: To deliberate the Motion to Dismiss made by Howard Alderman, Esquire on behalf of Petitioner/Appellant.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

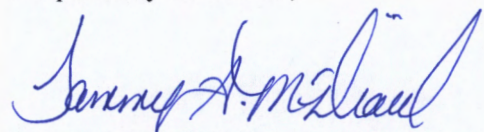
STANDING

- The Board noted that a Motion to Dismiss was filed by Mr. Alderman on behalf of Petitioner, and a Response to the Motion to Dismiss filed by Mike Pearce. The Board convened for argument on said Motions, then conducted this Public Deliberation.
- The Board noted that Rule 3B of the Board of Appeals, Rules of Practice and Procedure, allows an appeal to be withdrawn or dismissed at any time prior to the conclusion of the hearing on the appeal.
- The Board finds that the issue before the Board has been resolved due to the appeal being withdrawn.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the Motion to Dismiss, and dismiss the case without prejudice.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,



Tammy A. McDiarmid

Re: Williamsburg
Lnn

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2014, Legislative Day No. 12

Bill No. 42-14

Mrs. Cathy Bevins, Councilwoman

By the County Council, July 7, 2014

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations – Signs

FOR the purpose exempting certain legally nonconforming signs from the abatement provisions of Bill 89-1997; and generally relating to signs.

BY repealing and re-enacting, with amendments

Section 450.8.D.1

Baltimore County Zoning Regulations, as amended

WHEREAS, County Council Bill No. 89-1997 repealed sign regulations that had been in effect for decades and adopted comprehensive sign regulations designed to require removal of excess signage and to eliminate and restrict signs which constitute a potential or actual distraction to the safe operation of motor vehicles or the safe passage of pedestrians, including without limitation, all legally erected nonconforming signs; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law.

~~Strike out~~ indicates matter stricken from bill.

Underlining indicates amendments to bill.

WHEREAS, County Council Bill No. 89-1997 provided that all legally nonconforming signs could continue to exist, subject to mandatory compliance or abatement of all such signs irrespective of the specific facts and circumstances applicable to their lawful erection or contribution to the overall development of the County along its major thoroughfares; and

WHEREAS, prior to the construction and opening of major interstate highways such as Interstates 70 and 95 in the 1950's and 1960's, numbered U.S. highways, including Route 40 ~~and Route 1~~, had for decades been the major travel-way through the County, around which many iconic or long-lasting businesses were developed and advertised to the motoring public by means of signs that, themselves, have become part of the fabric and identification of such businesses; and

WHEREAS, County Council Bill No. 89-1997 failed to adequately address and account for legally nonconforming signs erected in conjunction with such business structures along numbered U.S. highways in the County; and

WHEREAS, the required compliance or abatement of such legally nonconforming signs, especially those erected more than 50 years ago during a period when travel along interstate highways was not as prevalent, would alter the nature and significance of these businesses and their settings; and

WHEREAS, in light of the above, the County Council has reviewed and reconsidered the actual and potential impacts of the previous policy of total compliance or abatement pursuant to Bill 89-1997; now therefore

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

1 SECTION 450

2 Signs

3 § 450.8. Administration and compliance.

4 D. Abatement.

5 1. Because THE indefinite continuation of MANY nonconforming signs would perpetuate
6 conditions contrary to the policies expressed in Section 450.1.A, all nonconforming signs EXCEPT AS
7 PROVIDED HEREIN must be brought into compliance or be removed within a certain time limit.
8 Fairness will be enhanced in the future through uniform application of these regulations. Sign owners will
9 be encouraged to comply with Section 450 and will be given a reasonable time period to recover their
10 investments in existing signage. Therefore, except for enterprise signs in residential zones [and],
11 temporary signs, AND LEGALLY NONCONFORMING SIGNS ERECTED PRIOR TO 1960 ALONG
12 NUMBERED U.S. HIGHWAYS, EXCLUDING U.S. ROUTE 1, all legally nonconforming signs,
13 including those approved by variance pursuant to Section 307 of these regulations, must be removed, at
14 no expense to the county, no later than 15 years from the effective date of Bill 89-1997.

15
16 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by the
17 affirmative vote of five members of the County Council, shall take effect on August 18, 2014, and shall
18 apply retroactively to legally nonconforming signs as specifically provided herein.

Julie Sanders - 2014-0048-A

From: John Beverungen
To: halderman@levingann.com
Date: 10/9/2013 12:10 PM
Subject: 2014-0048-A
CC: Julie Sanders; Kristen Lewis; Peter Zimmerman; Sherry Nuffer
Attachments: 20131009114713277.pdf

OK, but they have
to pay the costs
of advertising + they
put notice
of "postponement"
in the paper sign

Mr. Alderman,

I was just given a copy of your request for postponement (a copy of which is attached) in the above matter, presently scheduled for November 6, 2013. Given that the request was filed more than 5 business days prior to the hearing date, the Rules indicate that the Director of the Dept. of PAI will determine whether to grant the postponement. To avoid delaying things, I have forwarded to Mr. Jablon's office a copy of your filing.

John Beverungen
ALJ

They have to pay
post sign
Add a strip!

Set for 12/13 @ 10 AM
per data base
search on 11-13-13

Sherry Nuffer - 2014-0048-A

11/6 ?

From: John Beverungen
To: halderman@levingann.com
Date: 10/9/2013 12:10 PM
Subject: 2014-0048-A
CC: Julie Sanders; Kristen Lewis; Peter Zimmerman; Sherry Nuffer
Attachments: 20131009114713277.pdf

Mr. Alderman,

I was just given a copy of your request for postponement (a copy of which is attached) in the above matter, presently scheduled for November 6, 2013. Given that the request was filed more than 5 business days prior to the hearing date, the Rules indicate that the Director of the Dept. of PAI will determine whether to grant the postponement. To avoid delaying things, I have forwarded to Mr. Jablon's office a copy of your filing.

John Beverungen
ALJ

Debra Wiley - 2014-0048-A - 12/13

12/13 10 km

2013-0048-A

From: Debra Wiley
To: Lewis, Kristen
Date: 12/6/2013 10:17 AM
Subject: 2014-0048-A - 12/13
Attachments: 20131206100216316.pdf

Hi Kristen,

Per our conversation, please see attached request from Alderman and Beverungen's response.

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

>>> <officeofhearings@baltimorecountymd.gov> 12/6/2013 10:02 AM >>>
This E-mail was sent from "zoneprt1" (Aficio MP 2852).

Scan Date: 12.06.2013 10:02:16 (-0500)
Queries to: officeofhearings@baltimorecountymd.gov

Debra Wiley - 2014-0048-A - 12/13 @ 10 AM

From: Debra Wiley
To: Livingston, Jeffrey
Date: 12/12/2013 1:06 PM
Subject: 2014-0048-A - 12/13 @ 10 AM
CC: Nuffer, Sherry

Hi Jeff,

The above referenced case is scheduled for tomorrow at 10 AM in Room 205 and is in the CBCA. In reviewing the file, it appears we do not have a ZAC comment.

Please let us know if you're planning to comment as we should have this before the hearing to share. For your convenience, please see case description below.

Thanks.

CASE NUMBER: 2014-0048-A

11131 PULASKI HWY.

Location: Southeasterly side of Pulaski Highway, 705 ft. +/- SW of the c/line of Stevens Road

11th Election District, 6th Council District

Legal owner: Williamsburg Restaurant and Motel, LLC

VARIANCE (1) For a replacement, accessory, illuminated, freestanding Joint Identification Sign together with as integrated changeable copy sign having a total area of 208 sq. ft. (replacing existing signage of 160 sq. ft.) in lieu of the allowable 150 sq. ft.; (2) Retention of an existing, accessory, illuminated freestanding Enterprise sign having a total area of 145 sq. ft in lieu of the 110 sq. ft. allowed; and (3) For such additional relief as the Plan to accompany this Petition and the nature of this case may require.

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

John Beverungen - Williamsburg Motel

From: John Beverungen
To: Leonard Wasilewski
Date: 12/13/2013 11:10 AM
Subject: Williamsburg Motel

Mr. Wasilewski,

I just had a zoning hearing for the Williamsburg Motel. Howard Alderman represented the Petitioner, and Mike Pierce appeared in opposition. Mr. Pierce's primary argument was that the owner cannot have 2 signs. He contends that the owner cannot have a joint identification sign (only an enterprise sign) because there is only one legal owner on the site, and that there are not separate tenants which is required for a joint identification sign. Mr. Alderman said he spoke with you, and that you believed the motel was a separate use entirely (justifying its own enterprise sign) and that the tavern/restaurant portion were separate uses such that a joint identification (with changeable copy portion) sign was permitted.

I told the parties I was going to contact you after the hearing. Can you please let me know if in fact the above is an accurate statement of your interpretation in this case.

Thanks,

John Beverungen
ALJ

John Beverungen - Re: Williamsburg Motel

From: Leonard Wasilewski
To: Beverungen, John
Date: 12/13/2013 11:48 AM
Subject: Re: Williamsburg Motel

As I recall the petition was filed for a Joint ID sign and an Enterprise sign. There are two different businesses on the property which normally would require a Joint ID sign. However, if the Two businesses are under one LLC they could be considered as one. Then the variance should be for two enterprise signs in lieu of an Enterprise Sign and a Joint ID. However, I believe the that Joint Id sign and an Enterprise sign is more appropriate than two Enterprise signs in this case.

If you have anymore questions, please feel free to call me.

Lenny

410-887-3391

>>> John Beverungen 12/13/2013 11:10 AM >>>

Mr. Wasilewski,

I just had a zoning hearing for the Williamsburg Motel. Howard Alderman represented the Petitioner, and Mike Pierce appeared in opposition. Mr. Pierce's primary argument was that the owner cannot have 2 signs. He contends that the owner cannot have a joint identification sign (only an enterprise sign) because there is only one legal owner on the site, and that there are not separate tenants which is required for a joint identification sign. Mr. Alderman said he spoke with you, and that you believed the motel was a separate use entirely (justifying its own enterprise sign) and that the tavern/restaurant portion were separate uses such that a joint identification (with changeable copy portion) sign was permitted.

I told the parties I was going to contact you after the hearing. Can you please let me know if in fact the above is an accurate statement of your interpretation in this case.

Thanks,

John Beverungen
ALJ

John Beverungen - RE: 11131 Pulaski Highway

From: Howard Alderman <halderman@levingann.com>
To: 'Leonard Wasilewski' <lwasilewski@baltimorecountymd.gov>
Date: 12/13/2013 1:59 PM
Subject: RE: 11131 Pulaski Highway
CC: "'Mitch Kellman (mkellman@dmw.com)'" <mkellman@dmw.com>, 'John Beverunge...'
Attachments: image003.jpg

Apparently, I misunderstood Mitch Kellman's conversation with Len Wasilewski. If so, I sincerely apologize. Otherwise, the relief prayed is the relief shown on the attachment to my prior email message.

~~~~~  
 Howard L. Alderman, Jr., Esquire  
 Levin & Gann, PA  
 Nottingham Centre, 8<sup>th</sup> Floor  
 502 Washington Avenue  
 Towson, Maryland 21204  
410-321-0600 (voice)  
410-296-2801 (fax)  
410-456-8501 (cell)  
 Email: [halderman@LevinGann.com](mailto:halderman@LevinGann.com)  
 Website: [www.LevinGann.com](http://www.LevinGann.com)




---

**From:** Howard Alderman  
**Sent:** Friday, December 13, 2013 1:45 PM  
**To:** Leonard Wasilewski  
**Cc:** Mitch Kellman (mkellman@dmw.com); 'John Beverungen'  
**Subject:** 11131 Pulaski Highway  
**Importance:** High

NOTE TO JUDGE BEVERUNGEN – I DO NOT HAVE THE EMAIL ADDRESS OF MR. MICHAEL PEARCE

Lenny:

I just learned from Mitch Kellman that you stated you advised me that the 2<sup>nd</sup> sign on the 11131 Pulaski Highway property (Williamsburg Inn) was a "joint identification" versus an 'enterprise' sign.

Attached is a print of the relief I drafted; you suggested we meet so that you could be sure everything needed was being requested properly.

Please note, in your handwriting, regarding the **enterprise** sign, your required reference to BCZR Section 450.4 Attachment 1 #5.(b). You agreed that it was an enterprise sign, but wanted the specific section cited. I retained the attached in case any question arose.

Noted below is the relief filed with the Petition:

and §450.4/Attachment 1 #5.(b) retention of an existing, accessory, illuminated freestanding Enterprise

sign having a total area of 145 sq. ft. in lieu of the 110 sq. ft. allowed

There is absolutely no scenario where I would stand in front of a judge and represent anything other than the truth. I represented to Judge Beverungen that we had met, you had modified my proposed relief and it was filed with your modifications. Because of that, I had absolutely no objection to the Judge contacting you after the hearing.

Please review the attached and advise Judge Beverungen accordingly.

Thank you,  
Howard Alderman

~~~~~  
Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com



Provide Feedback at <http://tinyurl.com/HLA-AVVO>

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NOTE: If a file in Adobe/PDF format is attached to this message and you do not have the software to open it, you may download and install the software at no cost from the following:

<http://www.adobe.com/products/acrobat/readstep2.html>

John Beverungen - Re: Case No. 2014-0048-A

From: <Mpierce1@aol.com>
To: <jbeverungen@baltimorecountymd.gov>
Date: 1/15/2014 10:59 PM
Subject: Re: Case No. 2014-0048-A
CC: <snuffer@baltimorecountymd.gov>, <halderman@levingann.com>

In a message dated 1/15/2014 2:16:45 PM Eastern Standard Time, jbeverungen@baltimorecountymd.gov writes:

The Petitioner filed the attached motion for reconsideration with this Office. Please let me know if you would like to file a written response to this motion, and if so, please file such paper on or before January 30, 2014.

Mr. Beverungen,

Yes, I will provide a written response prior to Jan 30. Thanks for letting me know about this matter. I intend to get it to your office well before Jan 30, to avoid any unnecessary delay for the petitioner.

Mike Pierce

John Beverungen - Case No. 2014-0048-A

From: John Beverungen
To: mpierce1@aol.com
Date: 1/15/2014 2:16 PM
Subject: Case No. 2014-0048-A
CC: Howard Alderman; Sherry Nuffer
Attachments: 20140115135812059.pdf

Mr. Pierce,

The Petitioner filed the attached motion for reconsideration with this Office. Please let me know if you would like to file a written response to this motion, and if so, please file such paper on or before January 30, 2014.

John Beverungen

ALJ

From: Krysundra Cannington
To: Alderman, Howard
CC: mpierce1@aol.com
Date: 6/2/2014 10:29 AM
Subject: Re: Fwd: BOA: Parker-Williamsburg Motion

Howard and Michael,

Just to confirm: The Board of Appeals has granted the postponement request in this matter. It will be rescheduled to the next available date. Expect a notice in the near future.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
(410) 887-3180

>>> Howard Alderman <halderman@levingann.com> 6/2/2014 9:58 AM >>>

Howard L. Alderman, Jr.
Sent from my iPhone
See my regular email for applicable disclosures.

Begin forwarded message:

From: "Howard Alderman" <halderman@levingann.com<<mailto:halderman@levingann.com>>>
To: "Peter Zimmerman"
<pzimmerman@baltimorecountymd.gov<<mailto:pzimmerman@baltimorecountymd.gov>>>, "mpierce1@aol.com<<mailto:mpierce1@aol.com>>>" <mpierce1@aol.com<<mailto:mpierce1@aol.com>>>
Cc: "Mitch Kellman (mkelman@dmw.com<<mailto:mkelman@dmw.com>>)" <mkelman@dmw.com<<mailto:mkelman@dmw.com>>>, "Barbara Pollitt" <pollitt2@comcast.net<<mailto:pollitt2@comcast.net>>>
Subject: BOA: Parker-Williamsburg Motion

Mr. Zimmerman/Mr. Pierce:

Attached is a scan of the Motion, Exhibits and Proposed Order being filed with the Board of Appeals this morning and sent to you also via regular mail. Mr. Parker had a heart attack on 4/27, has suffered effects requiring 911 medical attention since then and, as I learned last night, was readmitted to the hospital on Saturday.

Please call me with any questions,
Howard

~~~~~  
Howard L. Alderman, Jr., Esquire  
Levin & Gann, PA

Nottingham Centre, 8th Floor  
502 Washington Avenue  
Towson, Maryland 21204  
410-321-0600 (voice)  
410-296-2801 (fax)  
410-456-8501 (cell)

Email:

[halderman@LevinGann.com](mailto:halderman@LevinGann.com)<mailto:[halderman@LevinGann.com](mailto:halderman@LevinGann.com)><mailto:[halderman@LevinGann.com](mailto:halderman@LevinGann.com)>

Website: [www.LevinGann.com](http://www.LevinGann.com)<<http://www.LevinGann.com>><<http://www.levingann.com/>>

[cid:image001.png@01CDFFC1.21489BB0]

Provide Feedback at <http://tinyurl.com/HLA-AVVO>

Find me on Completely E-Legal [Description: EmailSignature]

<<http://completelylegal.com/profile/HowardLAldermanJr>>

[Description: Listed\_In\_Best\_Lawyers\_Web.gif]

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Of

Maryland's<<http://www.superlawyers.com/maryland/lawyer/Howard-L-Alderman-Jr/eb89007c-d02e-4386-9777-3a6dca40af03.html>>

[Description:

cid:image001.png@01CC5D72.6F42F460]<<http://www.superlawyers.com/maryland/lawyer/Lee-J-Eidelberg/a7954261-b136-4e16-8e7c-61d42a06b51c.html>>

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<http://www.adobe.com/products/acrobat/readstep2.html>



**From:** Howard Alderman <halderman@levingann.com>  
**To:** 'Krysundra Cannington' <kcannington@baltimorecountymd.gov>  
**Date:** 6/2/2014 11:15 AM  
**Subject:** RE: Fwd: BOA: Parker-Williamsburg Motion

Sunny,

In the proposed Order attached to the Motion, I included what Ms. O'Brien indicated her father's doctors suggested -- a minimum of 8 weeks.

To assist in scheduling, here are the dates that I AM NOT AVAILABLE (as of this morning) (I'm assuming the hearing will be scheduled after 6/15):

6/16[all day]  
6/18 8 am till 11 am  
6/19 through and including 6/30 [all day; each day]  
7/14 [all day]  
8/1 through and including 8/11[all day; each day]

Again, I am NOT available during these days/times

Thank you,  
Howard

~~~~~  
Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com

-----Original Message-----

From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Monday, June 02, 2014 10:29 AM
To: Howard Alderman
Cc: mpierce1@aol.com
Subject: Re: Fwd: BOA: Parker-Williamsburg Motion

Howard and Michael,

Just to confirm: The Board of Appeals has granted the postponement request in this matter. It will be rescheduled to the next available date. Expect a notice in the near future.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
(410) 887-3180

>>> Howard Alderman <halderman@levingann.com> 6/2/2014 9:58 AM >>>

Howard L. Alderman, Jr.
Sent from my iPhone
See my regular email for applicable disclosures.

Begin forwarded message:

From: "Howard Alderman"
<halderman@levingann.com<mailto:halderman@levingann.com>>
To: "Peter Zimmerman"
<pzimmerman@baltimorecountymd.gov<mailto:pzimmerman@baltimorecountymd.gov>>, "
mpierce1@aol.com<mailto:mpierce1@aol.com>"
<mpierce1@aol.com<mailto:mpierce1@aol.com>>
Cc: "Mitch Kellman (mkellman@dmw.com<mailto:mkellman@dmw.com>)"
<mkellman@dmw.com<mailto:mkellman@dmw.com>>, "Barbara Pollitt"
<pollitt2@comcast.net<mailto:pollitt2@comcast.net>>
Subject: BOA: Parker-Williamsburg Motion

Mr. Zimmerman/Mr. Pierce:

Attached is a scan of the Motion, Exhibits and Proposed Order being filed with the Board of Appeals this morning and sent to you also via regular mail. Mr. Parker had a heart attack on 4/27, has suffered effects requiring 911 medical attention since then and, as I learned last night, was readmitted to the hospital on Saturday.

Please call me with any questions,
Howard

~~~~~  
Howard L. Alderman, Jr., Esquire  
Levin & Gann, PA  
Nottingham Centre, 8th Floor  
502 Washington Avenue  
Towson, Maryland 21204  
410-321-0600 (voice)  
410-296-2801 (fax)  
410-456-8501 (cell)  
Email:  
halderman@LevinGann.com<mailto:halderman@LevinGann.com><mailto:halderman@LevinGann.com>  
Website:  
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[cid:image001.png@01CDFFC1.21489BB0]

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Of

Maryland's<<http://www.superlawyers.com/maryland/lawyer/Howard-L-Alderman-Jr/eb89007c-d02e-4386-9777-3a6dca40af03.html>>

[Description:

cid:image001.png@01CC6D72.6F42F460]<<http://www.superlawyers.com/maryland/lawyer/Lee-J-Eidelberg/a7954261-b136-4e16-867c-61d42a06b51c.html>>

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(ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

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<http://www.adobe.com/products/acrobat/readstep2.html>

**Krysundra Cannington - Fwd: BOA: Parker-Williamsburg Motion**

---

**From:** Howard Alderman <halderman@levingann.com>  
**To:** "kcannington@baltimorecountymd.gov" <kcannington@baltimorecountymd.gov>  
**Date:** 6/2/2014 9:57 AM  
**Subject:** Fwd: BOA: Parker-Williamsburg Motion

---

Howard L. Alderman, Jr.  
Sent from my iPhone  
See my regular email for applicable disclosures.

Begin forwarded message:

**From:** <Mpiercel@aol.com>  
**Date:** June 2, 2014 at 9:43:53 AM EDT  
**To:** <halderman@levingann.com>, <pzimmerman@baltimorecountymd.gov>  
**Cc:** <mkellman@dmw.com>, <pollitt2@comcast.net>  
**Subject:** Re: BOA: Parker-Williamsburg Motion

This is to acknowledge receipt of the motion for postponement in the subject case. Under the circumstances, the postponement must be granted.

Please forward my best wishes to Mr Parker for his speedy recovery.

Micheal Pierce



**Krysundra Cannington - Re: BOA: Parker-Williamsburg Motion**

---

**From:** <Mpierce1@aol.com>  
**To:** <kcannington@baltimorecountymd.gov>  
**Date:** 6/4/2014 5:24 PM  
**Subject:** Re: BOA: Parker-Williamsburg Motion

---

In a message dated 6/4/2014 3:32:53 PM Eastern Daylight Time, kcannington@baltimorecountymd.gov writes:

Tuesday, August 26, 2014 at 10:00 a.m.  
Wednesday, August 27, 2014 at 10:00 a.m.; and  
Thursday, August 28, 2014 at 10:00.

I should be okay with all of these dates.

Mike Pierce

**From:** Krysundra Cannington  
**To:** Alderman, Howard  
**CC:** Counsel, People's; mpierce1@aol.com  
**Date:** 6/4/2014 12:37 PM  
**Subject:** Re: Fwd: BOA: Parker-Williamsburg Motion

Good afternoon,

The matter of Williamsburg Inn and Restaurant needs to be reassigned to a mutually agreeable date.

Pending confirmation from you, as to availability, I will hold the following dates:

Tuesday, August 26, 2014 at 10:00 a.m.  
Wednesday, August 27, 2014 at 10:00 a.m.; and  
Thursday, August 28, 2014 at 10:00.

Upon notification from you as to which date works for everyone, a notice will be sent, reassigning to the confirmed date. Please contact this office to confirm availability.

Thanking you in advance for your time and cooperation in this matter. Should you have any questions, please call me at 410-887-3180.

Sunny

Krysundra "Sunny" Cannington  
Administrator  
Board of Appeals of Baltimore County  
Jefferson Building, Suite 203  
105 W. Chesapeake Avenue  
Towson, MD 21204  
(410) 887-3180

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**From:** Howard Alderman <halderman@levingann.com>  
**To:** 'Krysundra Cannington' <kcannington@baltimorecountymd.gov>  
**CC:** "mpierce1@aol.com" <mpierce1@aol.com>, People's Counsel <peoplescounsel@...  
**Date:** 6/17/2014 11:06 AM  
**Subject:** RE: Fwd: BOA: Parker-Williamsburg Motion

Sunny,  
At this time, any of the three dates will work for the Petitioner.  
Thank you,  
Howard

~~~~~  
Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
410-456-8501 (cell)
Email: halderman@LevinGann.com
Website: www.LevinGann.com

-----Original Message-----

From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Wednesday, June 04, 2014 12:37 PM
To: Howard Alderman
Cc: mpierce1@aol.com; People's Counsel
Subject: Re: Fwd: BOA: Parker-Williamsburg Motion

Good afternoon,

The matter of Williamsburg Inn and Restaurant needs to be reassigned to a mutually agreeable date.

Pending confirmation from you, as to availability, I will hold the following dates:

Tuesday, August 26, 2014 at 10:00 a.m.
Wednesday, August 27, 2014 at 10:00 a.m.; and Thursday, August 28, 2014 at 10:00.

Upon notification from you as to which date works for everyone, a notice will be sent, reassigning to the confirmed date. Please contact this office to confirm availability.

Thanking you in advance for your time and cooperation in this matter. Should you have any questions, please call me at 410-887-3180.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
(410) 887-3180

Confidentiality Statement

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HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

May 19, 2015

Krysundra Cannington, Administrator
County Board of Appeals for Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

RE: Williamsburg Restaurant and Motel, LLC
Case No. 14-048-A

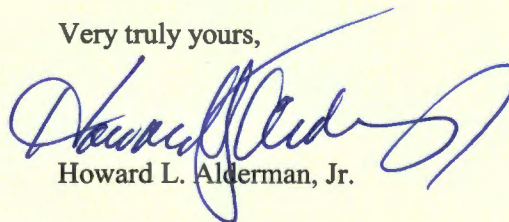
Dear Ms. Carrington:

I am in receipt of your letter, dated May 15, 2015, regarding the above-referenced case as affected by the passage of County Council Bill No. 42-14 which amended Section 450.8.D.1 of the *Baltimore County Zoning Regulations*. That legislation removed from the abatement requirement "legally nonconforming signs erected prior to 1960 along numbered U.S. Highways, excluding U.S. Route 1." The subject sign/property is located on U.S. 40, also known as Pulaski Highway.

On April 15, 2015, we delivered to Director Arnold Jablon's office, a request that the County find the Williamsburg "Motel" sign is excluded from the above-described required abatement as a result of the specific language adopted by Bill No. 42-14. The subject sign/property was one of the specific properties that the County Council intended to address by that legislation. We are awaiting a reply from Mr. Jablon's Department in response to our request which was supported with affidavits from persons with actual knowledge regarding the long existence of the "Motel" sign at its current location.

Upon receipt of the reply from the Department of Permits, Approvals and Inspections (also copied on this letter), I will advise you and the Board promptly. Should you need any additional information in this regard, please do not hesitate to contact me.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk

c: Williamsburg Restaurant and Motel, LLC
Mr. Michael Pearce
People's Counsel for Baltimore County

RECEIVED
MAY 21 2015

BALTIMORE COUNTY
BOARD OF APPEALS

CASE NAME Williamsburg Restaurant
CASE NUMBER 2014-0048-A
DATE 12-13-13

[illegible]

CASE NAME Williamsburg Motel
CASE NUMBER 2014-0048-A
DATE 12-13-13

[illegible]

Case No.: 2014-0048-A

Exhibit Sheet

Petitioner/Developer

Protestants

BSW 12-17-1

No. 1	Kellman CV	Photo - directional sign
No. 2	Plan	
No. 3	zoning map	
No. 4	zoning map w/ annotations	
No. 5	Sign elevation	
No. 6	existing metal sign-photo	
No. 7	ZAC comments	
No. 8	8A-8C Letters from Business Groups	
No. 9	Large Overhead photo	
No. 10		
No. 11		
No. 12		

MITCHELL J. KELLMAN
DIRECTOR OF ZONING SERVICES

Education

Towson University, BA, Geography and Environmental Planning, Urban Planning
Towson University, Masters, Geography and Environmental Planning, Urban Planning

Professional Summary

Mr. Kellman has over 24 years of experience working in zoning, subdivision, and development regulations for the public and private sector; 12 of those years were with the Baltimore County Office of Planning and Zoning. His responsibilities included review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and the public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working for DMW, he has extensive experience in testifying before the Baltimore County Zoning Commissioner, Hearing Officer, Administrative Law Judges, and Board of Appeals. He also regularly represents the company at the Baltimore County Development Review Committee meetings. He is also a member of Baltimore County's Design Review Panel which formulates design recommendations to the Planning staff and Administrative Law Judges.

Partial List of Projects

Delight Quarry, Baltimore County, MD
Hunt Valley Business Community, Baltimore County, MD
Hunt Valley Towne Centre, Baltimore County, MD
Charlestown Retirement Community, Baltimore County, MD
GBMC, Baltimore County, MD
Goucher College, Baltimore County, MD
Greenspring Quarry, Baltimore County, MD
Hopewell Point, Baltimore County, MD
Loveton Business Center, Baltimore County, MD
Notre Dame Preparatory School, Baltimore County, MD
Oakcrest Village Retirement Community, Baltimore County, MD
Sheppard and Enoch Pratt Hospital, Baltimore County, MD
Sparks Corporate Center, Baltimore County, MD
Towson Town Center, Baltimore County, MD

Professional Experience

Daft-McCune-Walker, Inc., Towson, MD: 2000-Present
Baltimore County Office of Planning and Zoning, Permits and Development Management – Zoning Office, Development Control, 1988-2000
Baltimore County Design Review Panel, 2012, 2013
Greater Towson Committee, Planning and Development Sub-Committee, 2012, 2013
Greater Towson Committee, Government Relations Sub-Committee Chair, 2013
Leadership Baltimore County, 2013





KEVIN KAMENETZ
County Executive

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

December 3, 2013

Williamsburg Restaurant and Motel LLC
Ronald Parker
11450 Pulaski Highway
White Marsh 21162

RE: Case Number: 2014-0048 A, Address: 11131 Pulaski Highway

Dear Mr. Parker:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 23, 2013. 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,

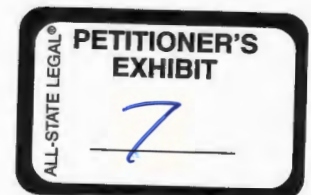
A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Mitchell J Kellman/ DMW Inc., 200 E Pennsylvania Avenue, Towson MD 21286
Howard L Alderman Jr., Esquire 502 Washington Avenue, Suite 800, Towson MD 21204





December 9, 2013

To Whom It May Concern:

RE: Williamsburg Inn

The Pulaski Highway Business Association wishes to provide its support of Mr. Ron Parker to maintain the existing signage for The Williamsburg Inn located at 11131 Pulaski Highway in White Marsh, MD 21162.

Mr. Parker is a member of our business association. We have been very supportive and pleased by improvements he has made to previously failing business in this community. Signage is vital to increase business. The variance requested by Mr. Parker is reasonable and we agree with his plans to proceed for the future.

The Pulaski Highway Business Association respectfully requests that you approve the variance relief and alterations proposed by Mr. Ron Parker on behalf of the The Williamsburg Inn.

Sincerely,

Kathy McCourry
President

Pulaski Highway Business Association



WHITE MARSH BUSINESSMEN'S ASSOCIATION

11237 Philadelphia Road
White Marsh, Maryland 21162

Telephone: 410-335-3161

December 4, 2013

Lawrence M. Stahl, Managing ALJ
Baltimore County Office of
Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

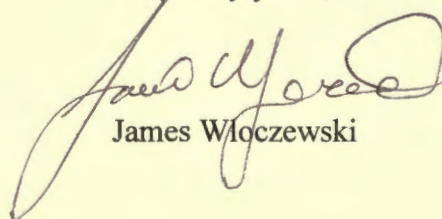
**RE: *The Williamsburg Inn* Sign Variance
11131 Pulaski Highway
Case No. 2014-0048-A**

Dear Judge Stahl:

Please be advised that our business association is in full support of the sign variance for *The Williamsburg Inn*; it has been a landmark in the county for over 50 years. In order for the restaurant to be successful, they need to be able to advertise their upcoming events and specials.

Thank you for your attention and consideration to this letter.

Very truly yours,



James Wloczewski





Protestant's
Exhibit 1

2014-0048-A



ALL-STATE LEGAL®
PETITIONER'S
EXHIBIT
9



192"

11131

*Williamsburg
Inn*

120"

25' OVERALL HEIGHT
SIGN BOX HAS HIGH OUTPUT LAMPS
WITH ELECTRONIC, LOW VOLTAGE, BALLASTS
120 VOLTS
DEPTH OF SIGN 18"
LEXAN SIGN FACE WITH TRANSLUCENT LETTERS
FOR WILLIAMSBURG INN
BOTTOM SECTION HAS AN ELECTRONIC SIGN

LUNCH & DINNER SERVED DAILY
FINE WINES
4'X12' ELECTRONIC SIGN

8" SQUARE STEEL POLES



1113 Pulaski Highway 2010-0047-A



Publication Date: 8/23/2013



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 37.5 75 150 225 300 Feet

1 inch = 150 feet

MLR

COUNTRY FARM RD

DR3.5

ML

DR3.5

MLAS

AFFELD RD

PULASKI HWY

BR

BRAS

BM

MLAS

RC5

BAKER AVE

BL

BEACH RD

RC2

ML

TECHNOLOGYWAY

PULASKI HWY

MLAS

BR

MLAS

BR

BM

ALL-STATE LEGAL®
PETITIONER'S
EXHIBIT
3

BL

BIRD RIVER GROVE RD

RC 50

BL

746 Feet



11131 Pulaski Highway

Created By
Baltimore County
My Neighborhood



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Printed 7/18/2013



11131 Pulaski Highway

Created By
Baltimore County
My Neighborhood



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ALL-STATE LEGAL

PETITIONER'S
EXHIBIT

4

Printed 12/10/2013

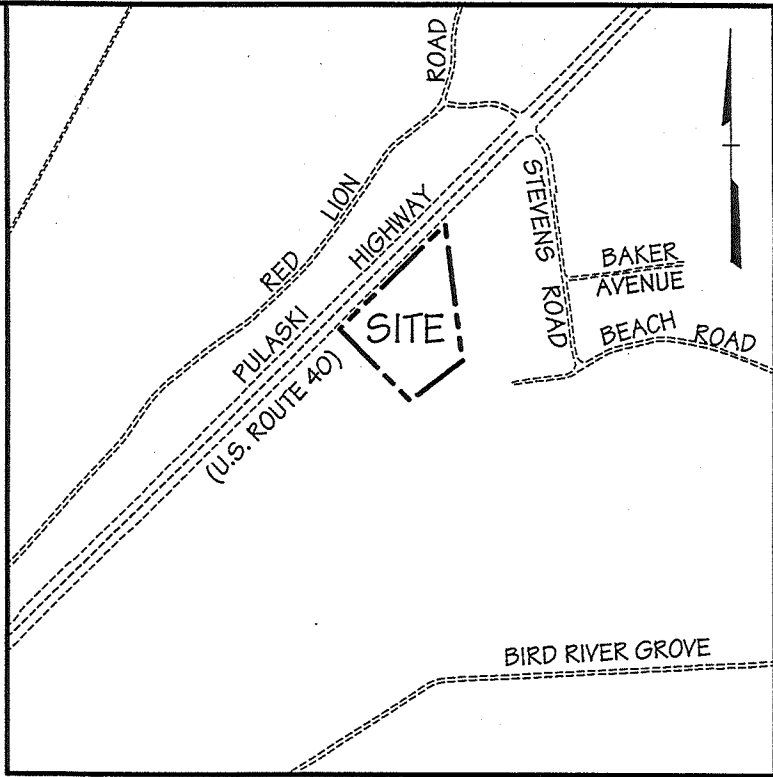
GENERAL NOTES: (CONT.)

9. THE SITE IS NOT WITHIN A BALTIMORE COUNTY/NATIONAL REGISTER HISTORIC DISTRICT, AND THERE ARE NO ON-SITE BUILDINGS ON THE BALTIMORE COUNTY LANDMARKS LIST (BASED ON CURRENT COUNTY GIS).
10. THE SOUTHEAST PORTION OF THE SITE IS WITHIN A FLOOD HAZARD AREA, AS SHOWN ON THE FIRM MAP NUMBER 2400100299F.
- 10a. THE ENTIRE SITE IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA, IDA DESIGNATION.
11. RESIDENTIAL TRANSITION AREA (RTA) DOES NOT APPLY TO THE SITE/USE.
12. THERE ARE NO ZONING ORDERS OR DEVELOPMENT PROCESS ACTIONS ON THE PROPERTY (CRG, JSPC, DEVELOPMENT PLAN), BASED ON COUNTY GIS.
13. MAXIMUM BUILDING HEIGHT IS 40 FEET.
14. WATER IS PUBLIC, SEWER IS PUBLIC.
15. THERE ARE NO KNOWN BASIC SERVICE MAP ISSUES ON/FOR THE PROPERTY.
16. ALL EXISTING AND/OR PROPOSED SIGNS WILL COMPLY WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS, UNLESS A VARIANCE IS GRANTED.
17. NO BUILDINGS/ADDITIONS ARE PROPOSED WITH THIS REQUEST; THEREFOR FLOOR AREA RATIO (FAR) DOES NOT APPLY, AMENITY OPEN SPACE (AOS) DOES NOT APPLY TO THE SITE.
18. THERE IS NO CHANGE TO PARKING (REQUIRED & PROPOSED) AND BUILDING AREA.



(EXISTING SIGN TO REMAIN)

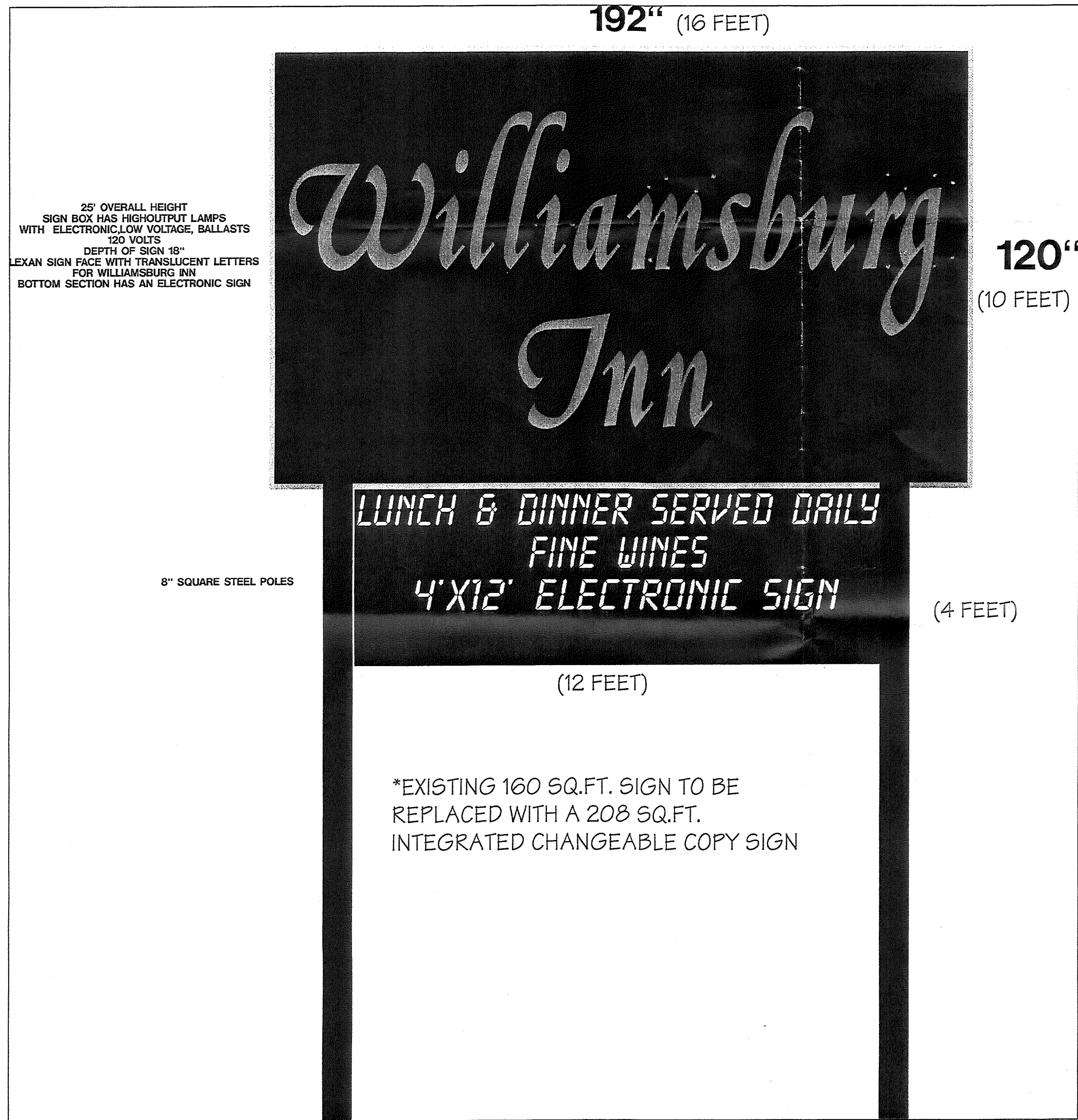
EXISTING SIGN
DETAIL
SCALE: N.T.S.



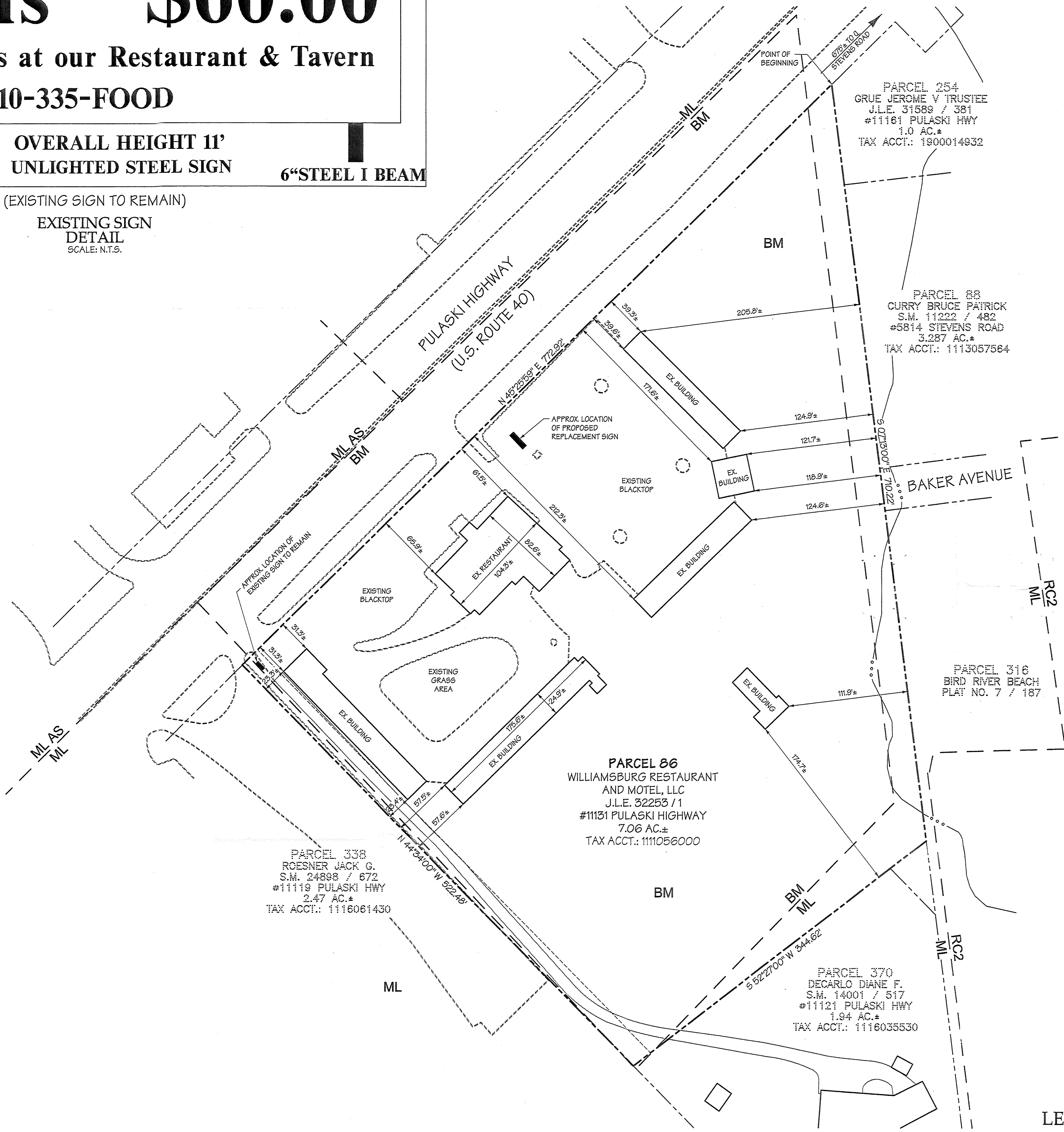
VICINITY MAP
SCALE: 1" = 1000'

GENERAL NOTES:

1. OWNER: WILLIAMSBURG RESTAURANT AND MOTEL, LLC
#11480 PULASKI HIGHWAY
WHITE MARSH, MARYLAND 21162
2. SITE ADDRESS: #11131 PULASKI HIGHWAY
WHITE MARSH, MARYLAND 21162
3. DEED REFERENCE: J.L.E. 32253 / 1
4. TAX MAP 73, GRID 19, PARCEL 06
5. ACREAGE: 7.06 AC.±
6. TAX ACCOUNT NUMBERS: 1111056000
7. ELECTION DISTRICT 11, COUNCILMANIC DISTRICT 5
8. ZONING CLASSIFICATION: BM & ML
200 SCALE GRID: 075A3



PROPOSED
SIGN DETAIL
SCALE: N.T.S.



LEGEND:

- RC2 ML ZONING LINE
- PROPERTY LINE



DMW
DAFT MCCUNE WALKER INC
200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM
A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

PLAN TO ACCOMPANY
VARIANCE REQUEST
FOR

WILLIAMSBURG RESTAURANT
AND MOTEL, LLC

#11131 PULASKI HIGHWAY
WHITE MARSH, MARYLAND 21162
TAX MAP 73, GRID 19, PARCEL 06

STATE OF MARYLAND
MICHAEL DAVID
JUL 23 2013
THIS PLAN IS SEALED FOR ZONING PURPOSES
ONLY AND ILLUSTRATES INFORMATION OBTAINED
BY DEED AND BALTIMORE COUNTY GIS

PETITIONER'S
EXHIBIT
2

DATE	BY	REVISIONS

Scale: 1"=60'

Date: 08/23/2013

Project No: 13026.00

Field Crew:
Processed by: R.C.
Drawn by: R.C.
Project Manager: M.D.M.
Checked by: Date: