

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - E/S of Craddock Lane, 225' SE of Greenspring Valley Road (6 Craddock Lane) 3rd Election District - 3rd Councilmanic District Daniel Gordon, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing for a determination that a variance may be granted from Section 203.3A.2 to permit greater than 25% of the total adjusted gross floor area for medical offices; and variances from Section 203.3A.2 to permit a Class A office building to be 100% medical offices in lieu of the permitted 25%; from Section 409.4C to permit an aisle width of 12 feet in lieu of the requirements contained therein; from Section 409.8A.4 to permit a setback of 0 feet from the right-of-way in lieu of the required 10 feet; and from Section 409.8A.2 to permit a crusher run parking surface in lieu of the required paved surface, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition was Brent C. Petersen. Peter Zimmerman, People's Counsel for Baltimore County, appeared as an interested party regarding the issue presented in the Petition for Special Hearing. There were no Protestants.

Testimony indicated that the subject property, known as 6 Craddock Lane, consists of 0.575 acres zoned R.O. and is improved with a small stone building which was originally constructed in approximately 1745. Mr. Gordon and his wife, also known as Dr. Jean C. Posner, purchased the property in 1986, at which time the property was zoned Residence, D.R.1.

In the 1988 comprehensive map rezoning process, the property was rezoned R.O. Dr. Posner, who is a psychiatrist, is desirous of using the property as medical offices. Due to the size of the property and the limited size of the improved dwelling, testimony presented indicated that the property could not strictly comply with the requirements set forth in Section 203.3A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) which permits a maximum use of 25% of a Class A office building as medical offices. Dr. Posner testified that the dwelling is limited to two rooms on the first floor, one of which is used as a reception area and the other as a conference room, while the second floor contains a bathroom and another small room. Petitioners testified that to limit the building to the 25% maximum medical use would not permit the use proposed and that the limited size of the building prohibits its use as a residence.

Both Counsel for Petitioners, Eric DiNenna, Esquire, and People's Counsel argued that a variance to the 25% adjusted gross floor area for medical offices is an area variance and not a use permitted as set forth in Section 307 of the B.C.Z.R.

After consideration of the arguments presented, a review of Section 203.3A.2 and reference therein to percentage of floor area, relevant cases, the recent opinion of the Zoning Commissioner on the same issue in the case of In Re: Petitions for Special Hearing and Zoning Variance, Mark S. Blank, et ux, Case No. 89-554-SPHA, it is the opinion of the Deputy Zoning Commissioner that a variance may be granted in this instance. See Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974); Ballin v. County Board of Appeals of Baltimore County, Case No. 82-W-201 (Circuit Court for Baltimore County) in the matter of Emanuel Glasser, M.D., Case No. 85-282-XA.

The testimony and evidence presented substantiates to the appropriateness of the use of 100% of the Class A office building for medical offices, as hereinafter restricted. The limited size of the building and limited use by a sole practitioner/psychiatrist, as agreed by Petitioners, will insure that the spirit and intent of the regulations will be met.

With respect to the variances requested concerning the driveway entrance and surface of the parking area, Petitioners referred to the Zoning Plans Advisory Committee comments submitted by the Department of Environmental Protection and Resource Management's Bureau of Air Quality Management dated August 1, 1989 which recommends approval of a crusher run surface in lieu of the required durable and dustless paved surface. Further, Petitioners noted that to meet the technical requirements of the right-of-way setback would be impractical due to the unique characteristics of the subject property, including its grade and existing conditions. Testimony indicated that the granting of the variances will not result in any detriment to the health, safety or general welfare of the community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, or general welfare.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the Petitions for Special Hearing and Zoning Variance were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of November, 1989 that a variance may be granted from Section 203.3A.2 to permit greater than 25% of the total adjusted gross floor area for medical offices, and as such, the Petition for Special Hearing shall be GRANTED; and

IT IS FURTHER ORDERED that a variance from Section 203.3A.2 to permit a Class A office building to be 100% medical offices in lieu of the maximum permitted 25%; a variance from Section 409.4C to permit an aisle width of 12 feet in lieu of the requirements contained therein; a variance from Section 409.8A.4 to permit a setback of 0 feet from the right-of-way

in lieu of the required 10 feet; and a variance from Section 409.8A.2 to permit a crusher run parking surface in lieu of the required paved surface, and from Section 409.4C to permit an aisle width of 12 feet in lieu of the requirements contained therein; in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein will be rescinded.
- 2) Petitioners shall comply with the requirements of the Department of Environmental Protection and Resource Management's Bureau of Air Quality Management, as set forth in their comments dated August 1, 1989, attached hereto and made a part hereof.
- 3) The variance granted herein for 100% use of the subject building for medical offices shall be limited to the psychiatric practice of one licensed psychiatrist and one additional non-professional employee, which shall be either a secretary or a secretary/receptionist.
- 4) Petitioners shall comply with the requirements of the Department of Engineering Division as set forth in the comments dated June 20, 1989, attached hereto and made a part hereof.
- 5) Petitioners shall submit a revised site plan and landscaping plan which reference this case and set forth and address the restrictions and conditions of this Order within forty-five (45) days of the date of this Order.

ANN M. NASTROWICZ
Deputy Zoning Commissioner
for Baltimore County

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-57-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve and determine that a variance may be granted from Section 203.3A.2 to allow an increased percentage of medical office area than is limited therein.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Daniel Gordon (Type or Print Name) Signature: Daniel Gordon Address: 9 Crestline Court, Owings Mills, MD 21117 City and State: Maryland, MD 21117 Attorney for Petitioner: S. Eric DiNenna, Esquire (Type or Print Name) Signature: S. Eric DiNenna Address: P.O. Box 10508, Towson, MD 21285-0508 City and State: Maryland, MD 21285-0508 Attorney's Telephone No.: (301) 296-6820

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of June, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of June, 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING - 1/2 HR.
AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER DATE 5-23-89
REVIEWED BY: [Signature] DATE 5-23-89

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-57-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 203.3A.2 to allow a Class A office building to be 100% medical offices in lieu of the 25% maximum. Section 409.4C to permit an aisle width of 12 feet in lieu of the requirements therein; and from Section 409.8A.4 to permit a setback of 0 feet from the right-of-way in lieu of the required 10 feet; and from Section 409.8A.2 to permit a crusher run parking surface in lieu of the required paved surface.

(See Attachment) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Existing structure used as medical offices;
2. Preservations of historical building;
3. Such other and further reasons to be given at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Daniel Gordon (Type or Print Name) Signature: Daniel Gordon Address: 9 Crestline Court, Owings Mills, MD 21117 City and State: Maryland, MD 21117 Attorney for Petitioner: S. Eric DiNenna, Esquire (Type or Print Name) Signature: S. Eric DiNenna Address: P.O. Box 10508, Towson, MD 21285-0508 City and State: Maryland, MD 21285-0508 Attorney's Telephone No.: (301) 296-6820

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of June, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of June, 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

1. Section 409.8A.4 to permit "0" ft. set back from right of way in lieu of required 10 ft;
2. Section 409.8A.2 to permit crusher run parking surface in lieu of paved surface.

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 808, TOWSON, MARYLAND 21204

Description of Gordon Property at #6 Craddock Lane.
Beginning at a point on the west right of way line of Craddock Lane at the end of a course South 13° 39' 28" East 225 feet from the intersection of Craddock Lane and Greenspring Valley Road, thence leaving said point of beginning and binding on the west right of way line of Craddock Lane
1) South 24° East 211.22 feet; thence leaving said right of way line
2) Due West 166.30 feet; thence
3) North 23° 24' 34" West 119.58 feet; thence
4) North 56° 56' 47" East 152.29 feet to the point of beginning.
Containing 0.575 acres of land as shown on the 2nd amended plat of "Queen Anne Village Addition", recorded among the Plat Records of Baltimore County in Plat Book E.B.K., Jr. No. 144, Folio 115.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 1, 1989

S. Eric DiNenna, Esquire
P.O. Box 10508
Towson, Maryland 21285-0508
RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE E/S Craddock Lane, 225' SE of Greenspring Valley Road (6 Craddock Lane) 3rd Election District - 3rd Councilmanic District Daniel Gordon, et ux - Petitioners Case No. 90-57-SPHA

Dear Mr. DiNenna:
Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

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 Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs
cc: People's Counsel
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-57-SPHA

District: 3rd
Posted for: Special Hearing and Variance
Petitioner: Daniel Gordon et ux
Location of property: W. Craddock Lane, 225' SE Greenspring Valley Road
Location of Sign: In front of 6 Craddock Lane
Remarks:
Posted by: E.J. Posner
Number of Signs: 2
Date of return: July 28, 1989

ing, 111 W. L...
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
SCHEMATIC RECEIPT
DATE: 8/18/89 ACCOUNT: 101615000
AMOUNT: 134.45
RECEIVED: C. Jean Posner
P.A. for 8/19/89 90-57-SPHA
B 105*****1246518 5212F

CERTIFICATE OF PUBLICATION
TOWSON, MD. July 31, 1989
THIS IS TO CERTIFY, that the aforesaid advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on July 27, 1989.
THE JEFFERSONIAN,
S. Zate Olin
Publisher
PO 13753
NY 113059
ca 90-57-SPHA
price \$49.25

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

July 13, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-57-SPHA
ES Craddock Lane, 225' SE Greenspring Valley Road
3rd Election District - 3rd Councilmember
Petitioner(s): Daniel Gordon, et ux
HEARING SCHEDULED: FRIDAY, AUGUST 18, 1989 at 2:00 p.m.

Special Hearings To determine that a Variance may be granted to allow an increased percentage of medical office area than is limited therein.
Within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner
BALTIMORE COUNTY, MARYLAND

JRH:gs
cc: Mr. & Mrs. Daniel Gordon
S. Eric DiNenna, Esq.
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner

TO: _____ Date: June 8, 1989

FROM: Brooks F. Stafford BFS/LJS

SUBJECT: COMMENTS ON ZONING ADVISORY COMMITTEE MEETING

ITEM #508 - DANIEL GORDON et ux

This office does not recommend approval of the variance to permit a crusher run parking surface in lieu of a paved surface. By increasing the vehicle traffic onto the site by allowing 100% medical offices in lieu of the 25% maximum, continual compliance with COMAR 26.11.06.03 D may prove difficult. This regulation requires that roads not be used without taking reasonable precautions to prevent particulate matter from becoming airborne.

In addition, an air quality Permit to Construct must be obtained from this office prior to the installation of fuel burning equipment with a heat input of one million BTU per hour and greater.

The property owner and tenants should also be aware that the State of Maryland has regulations on the handling and disposal of medical waste. The Division of Waste Management should be contacted for information on these regulations.

WVK:jms/BHS

RECEIVED
JUN 8 1989
ZONING OFFICE

CPS-008

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
DANIEL GORDON	9 CRESTLINE COURT
JEAN GORDON (C. JEAN POSNER, M.D.)	OWINGS MILLS MD. 21117
JEAN C. POSNER	9 CRESTLINE COURT
	OWINGS MILLS, MD. 21117
	CLARSTHILL LANE
	BALTIMORE MD 21234

Also Copy to:

Jeannette Posner
Owings Mills Times
409 Washington Ave.
Towson 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 7, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

S. Eric DiNenna, Esquire
P.O. Box 10508
Towson, MD 21285-0508

RE: Item No. 508, Case No. 90-57-SPHA
Petitioner: Daniel Gordon, et ux
Petition for Zoning Variance and Special Hearing

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the date of the file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

cc: Mr. & Mrs. Daniel Gordon
9 Crestline Court
Owings Mills, MD 21117

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 24, 1989

RECEIVED
AUG 3 1989
ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 407, 417, 502, 503, 504, 505, 506, 507, 509, 510 and 512.

Very truly yours,
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

Your petition has been received and accepted for filing this 7th day of June, 1989.

J. Robert Haines
Zoning Commissioner

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Daniel Gordon, et ux
Petitioner's Attorney: S. Eric DiNenna, Esquire

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

July 24, 1989

RECEIVED
AUG 3 1989
ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 407, 417, 502, 503, 504, 505, 506, 507, 509, 510 and 512.

Very truly yours,
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

Baltimore County
Fire Department
300 East Road
Towson, Maryland 21204-2525
(301) 587-4500
Paul H. Haines
Chief

JUNE 12, 1989



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: DANIEL GORDON
Location: 86 CRADDOCK LANE
Item No.: 508 Zoning Agenda: JUNE 6, 1989

Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl Smith* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KER

Baltimore County
Department of Environmental Protection
& Resource Management
County Courts Building
401 Rocky Lane
Towson, Maryland 21204
(301) 587-5200
Robert W. Sherry
Director

August 1, 1989



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:
Comments on Zoning Advisory Committee meeting, Item #508, are as follows:

Property Owner: Daniel Gordon
Location: Six Craddock Lane
Existing Zoning: R0
Proposed Zoning: R0
Area: 575 acres
District: 3rd Election District

This office recommends approval of a stone paving surface in lieu of the required durable and dustless surface. All ingress-egress roads are to have the appropriate amount of stone (crusher-run) applied and maintained in addition to the parking areas.

All traffic and parking areas must be treated as stated in Environment Article 26.11.06.04 D (2) in order to prevent particulate matter from becoming airborne.

No less than once a year, crusher-run is to be added to or replenished to insure existing stone surfaces are treated in accordance with control of airborne particulate regulations and policy.

Very truly yours,

Robert C. Merrey, Jr.

Robert C. Merrey, Jr., Director
Division of Support Services
Bureau of Air Quality Management

tk

RECEIVED
AUG 4 1989
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 20, 1989
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting for June 6, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 502, 503, 505, 506, 507, 509, and 512.

For items 417 and 510 the previous County Review Group comments are still valid.

Comments are attached for item 407.

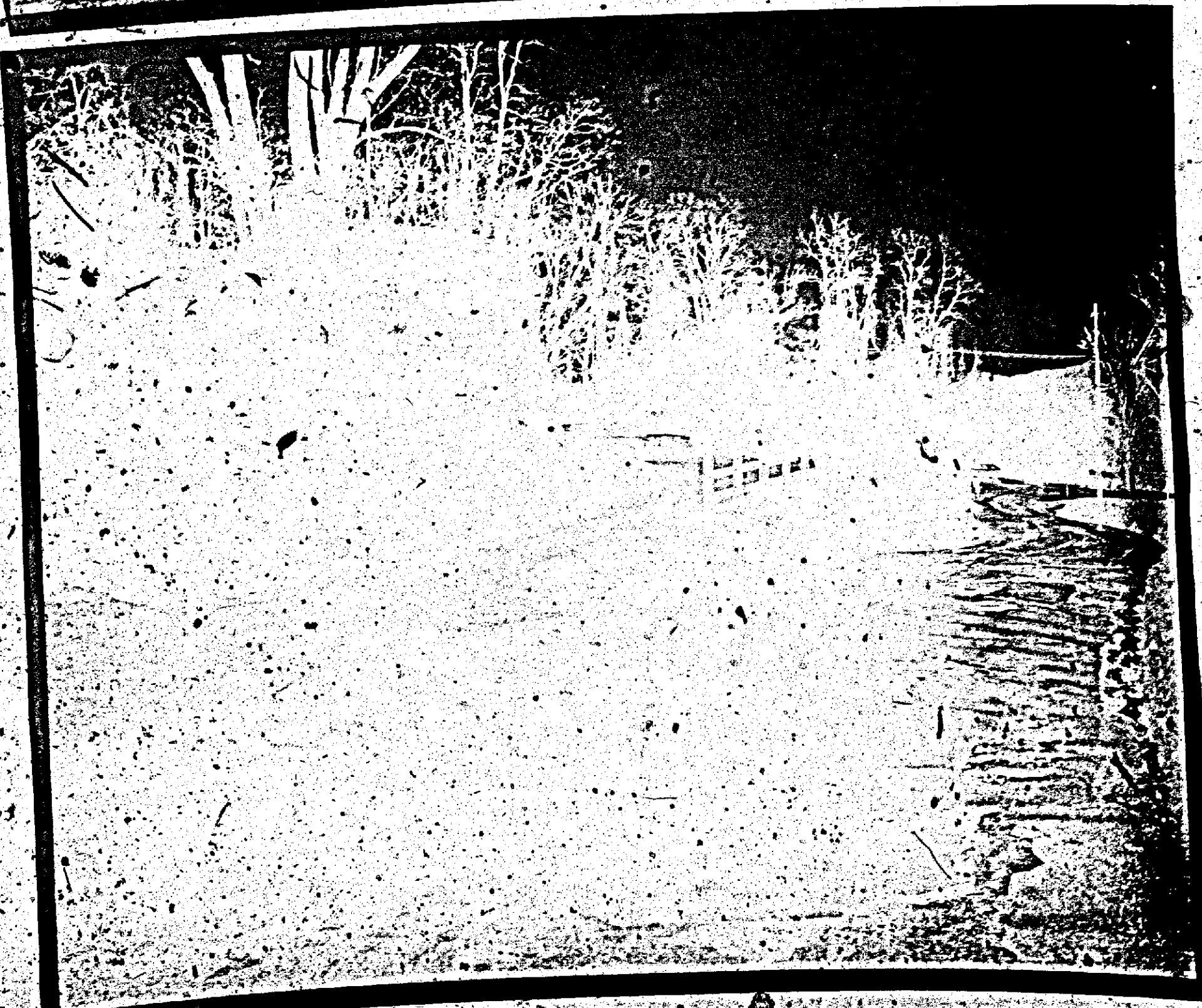
For item 504, Oak Avenue shall ultimately be improved as a 30-foot street cross-section on a 50-foot right-of-way.

For item 505 parking shall not be set up to back out onto future Craddock Lane.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Encl.



BA 687
Gayley House
Griddock's Lane
Odings Mills, Md.
private

Research suggests that this small stone house may have been built about 1740. Its stone walls are in very good condition, attesting to the skill and care with which it was built, allowing the assumption that the house may have been the "stone doctor's shop" which is described on a 1798 tax list. The house is being restored for rental purposes.

#7
Page 2

CRANDOCK LANE STONE HOUSE BA # 687

surrounds the room, beaded top and bottom. Walls are plastered on the stone, the ceiling is covered with plywood and there are no other early details. The stair rises straight and enclosed against the north wall immediately north of the east room, then turns to the south to reach the second floor near its ridge line. The single room there, with sloping ceiling beneath the roof, has a very small fireplace in its west end. A few loose floorboards reveal nails with wrought heads on cut shafts, whitewashed straight-sawn joists and whitewashed undersides of the floorboards.

In the dirt-floored cellar the first floor joists are logs. A recess beneath the fireplace suggests a fireplace but it seems to have no flue. The exterior entrance to the cellar in the easterly bay of the south front retains a board door with long strap hinges, the only early door on the premises.



BA# 687

KAYLE HOUSE

Clark and Ann Mackenzie bought the little stone house with .575 acres on the corner of Cradock Lane and Green Springs Valley Road on December 12, 1879 from Ralph DeChiaro. They are presently restoring it for rental purposes.² Ralph DeChiaro has owned this house together with the major part of the former Cradock Estate, which is now Queens Village, since September 10, 1975 when he purchased it from Harry Waller.³ Harry Waller in turn had purchased this particular parcel of land, together with the entire Cradock estate, December 9, 1960 from Arthur Cradock.⁴ His sister, Miss Katherine Cradock owned the estate before him until her death January 13, 1953. She had inherited it from her father, Thomas Cradock, June 7, 1886 with provision that her mother, Sallie Cradock, retain residency for her lifetime.

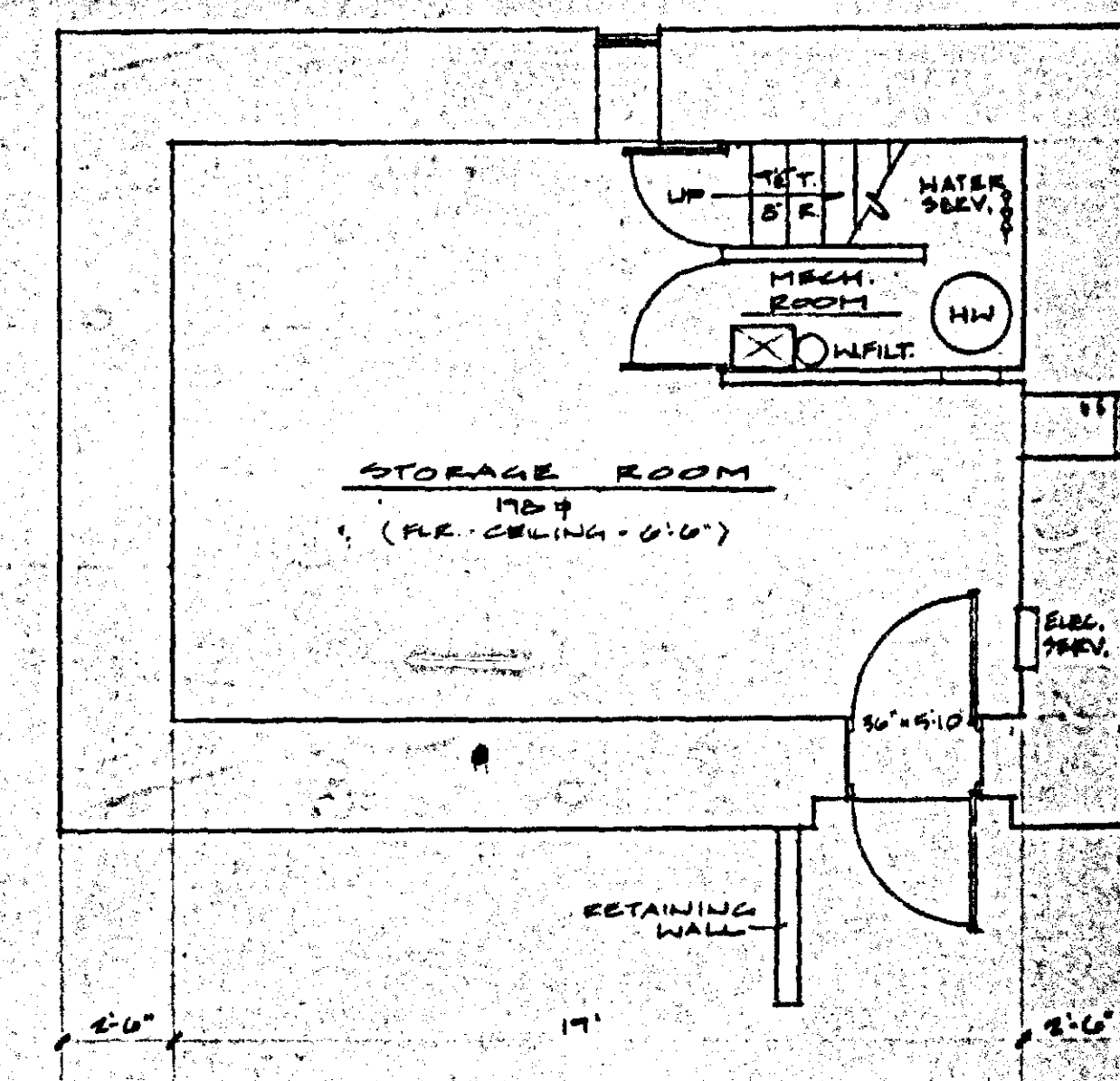
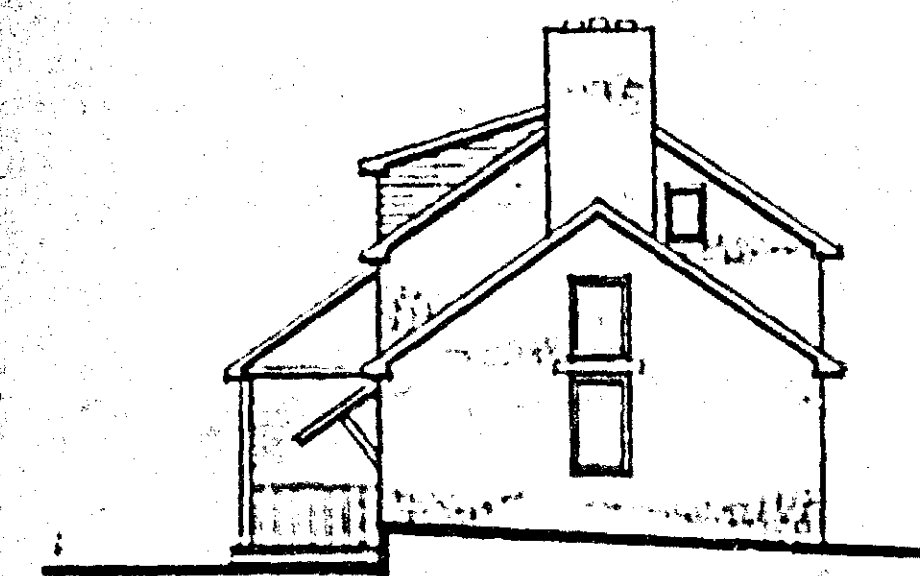
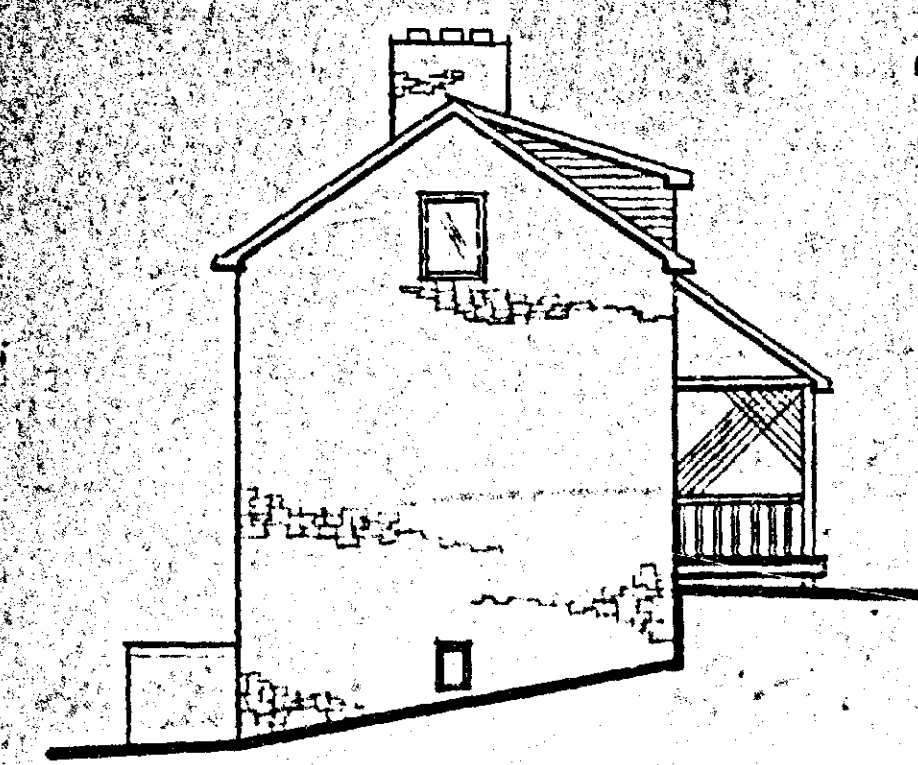
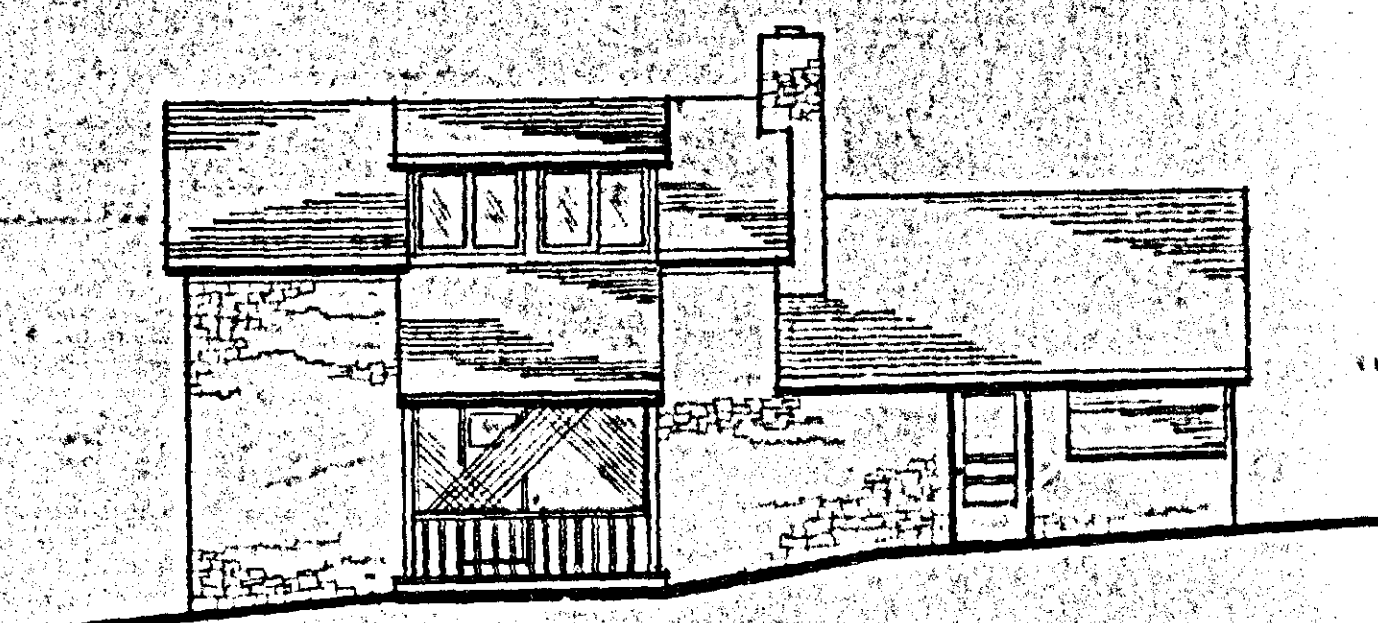
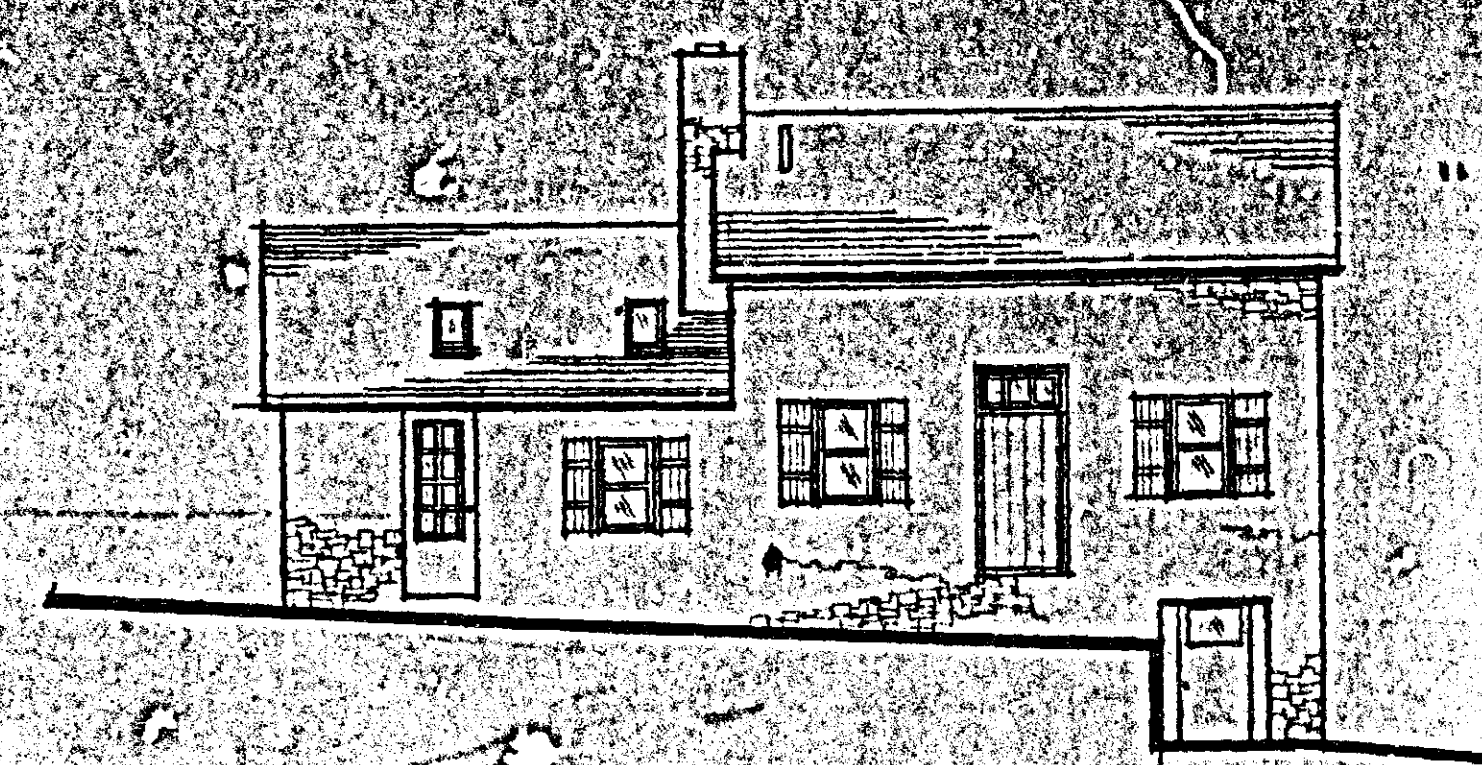
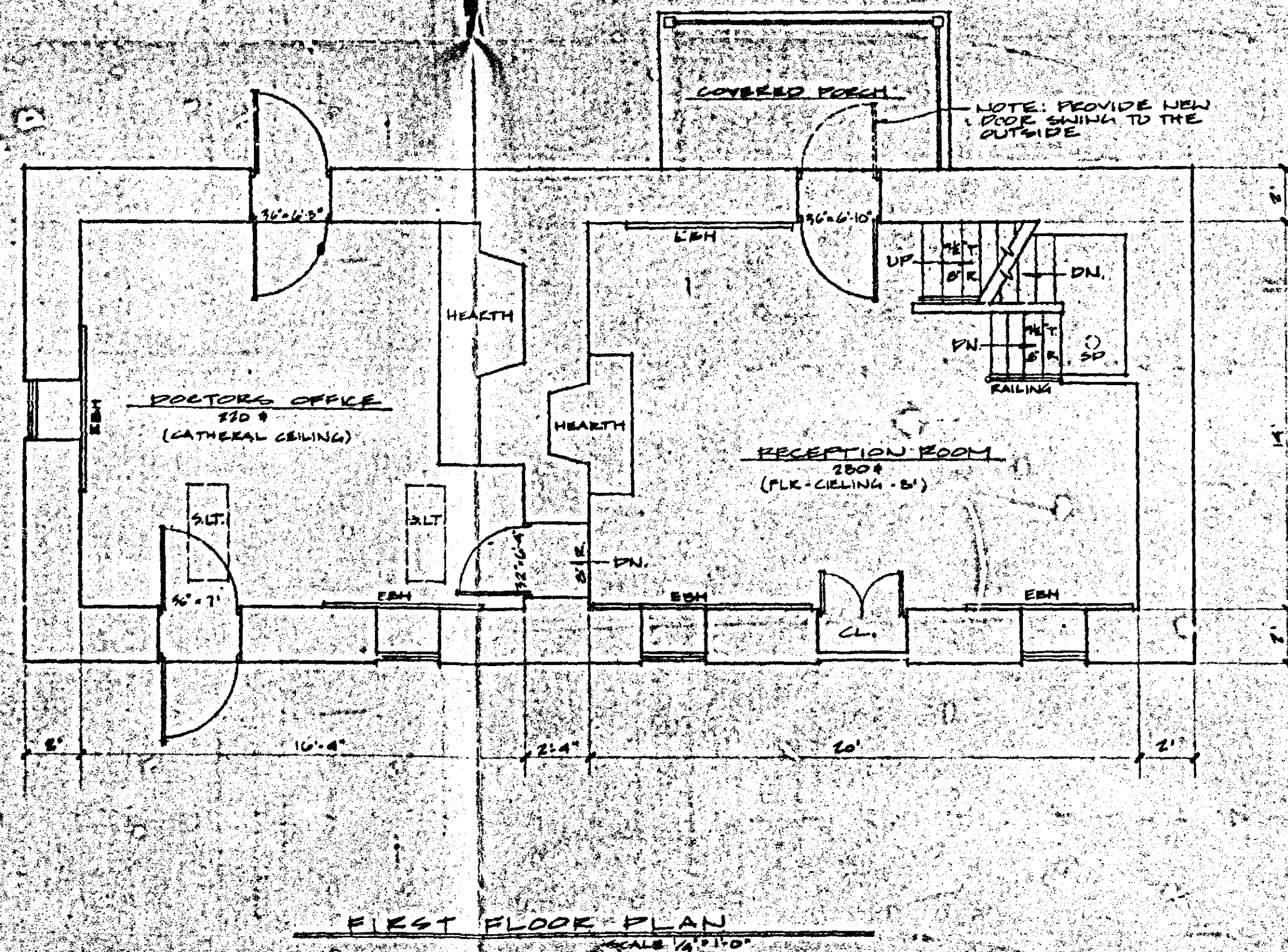
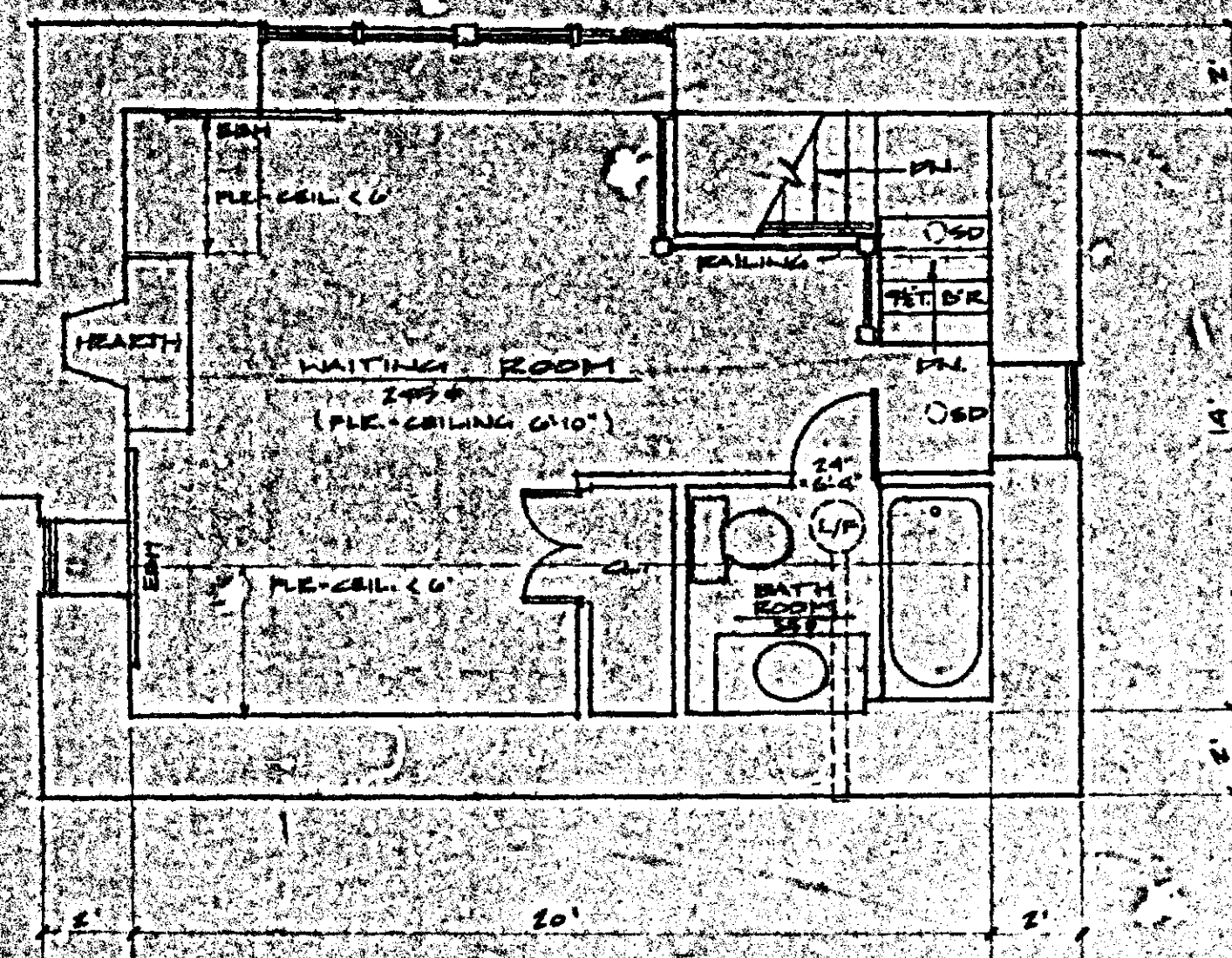
This small stone house does appear on the 1877 map of the 3rd District which is the earliest defining it found to date; however, due to the architect's description, there is reason to believe the house could be 100 years older. The Cradocks had many buildings and tenant houses on the estate and as maps of the late 18th century are not available, our only source has been tax assessment lists which do not specify exactly could be the one in question. Both measure 20 x 20 according to the list and I present owner says that the original part of the house is close to the one taken in construction, an excellent craftsman was probably the builder and a "stone Doctor's Shop" measuring 20 x 20 is described on the 1798 tax list.

Trentham, as the Cradock estate was called has been designated as an Historic Site for 5 years prior to the construction of the union in 1750, the Cradocks lived in a one-room house it, was the main route from Baltimore to Reisterstown; the present Reisterstown Pike not having been constructed until about 1750.⁵ Therefore, it is highly possible that due to the location of this house, it was the first house on the property and dates to at least 1745.

Footnotes

- ¹ Baltimore County Land Records (BCLR), County Courts Building, Towson, Md. Liber, LRB 6114, folio 390.
- ² Conversation with owner, February 12, 1980.
- ³ BCLR, Liber 4731, folio 105.
- ⁴ BCLR, Liber 5187, folio 388.
- ⁵ BCLR, will Liber JFC 64, folio 486.
- ⁶ BCLR, Liber SFC 46, folio 513.
- ⁷ BCLR, Liber 149, folio 589.
- ⁸ 1877 Atlas. BCLR. C.M. Hopkins, Philadelphia.
- ⁹ Maryland Historical Trust. State Historic Site Survey Inventory Form, Trentham.
- ¹⁰ ibid.
- ¹¹ 1787 sketch map of Old road and new proposed Reisterstown Pike, Reisterstown Library.

[illegible]



- GENERAL NOTES**
1. PROPERTY LINED & D.
 2. PROPOSED USE - CLASS A OFFICE, MEDICAL SINGLE TENANT OCCUPANCY
 3. CONSTRUCTION - STONE CATEROCK - 8" x 10" WOOD FRAME INTERIOR WALLS - 4" INTERIOR FINISH - GWS/STONE
 4. WATER - ON SITE WELL
 5. SEWER - PUMPED
 6. ELECTRIC SERVICE - 110/240V. 200A
 7. GROSS FLOOR AREA - 1675 S.F.
ADJUSTED GROSS FLOOR AREA FOR PARKING - 1675 S.F.
- 402 S.F. BASEMENT FLOOR AREA
- 315 S.F. FLOOR COVERING AREA
1000 S.F.

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 825-8120

EXISTING FLOOR PLANS & ELEVATIONS

GORDON PROPERTY
*6 LEADDOCK LANE
OWINGS MILLS, MARYLAND 21117

SCALE AS SHOWN
DATE: 12-16-80
SHEET NO. 2 OF 2

DN 8839

COPY

RESTRICTIVE COVENANT AGREEMENT
This Restrictive Covenant Agreement ("Agreement") is made as of this 24th day of September, 1988, by and between Daniel Gordon and Jean Gordon, his wife (hereinafter referred to as "Gordon"), and Valleys Planning Council, Inc. (hereinafter referred to as the "Grantor"), the Bank of Loyola Federal Savings & Loan Association and Kenneth R. Gift and Raymond A. Brookhart, Trustees (hereinafter referred to as "Bank"), Thomas D. Washburne, Jr. and Katharine M. Washburne (hereinafter referred to as "Neighbors").

WHEREAS, Daniel Gordon and Jean Gordon, his wife, are the fee simple owners of approximately 0.57 acres of land, more or less, located on the southwest corner of the intersection of Craddock Lane and Greenspring Valley Road, also known as 16 Craddock Lane, being described in a Deed from Richard H. Green and Laurie B. Green, his wife to Gordon by Deed dated February 28, 1986 and recorded among the Land Records of Baltimore County in Liber EHK, Jr. No. 7105, folio 397 (the "Property"); and

WHEREAS, the Bank of Loyola Federal Savings & Loan Association is the beneficiary of a Deed of Trust, dated February 28, 1986, on the Property which Deed of Trust is recorded among the Land Records of Baltimore County at Liber 7105, folio 399 and the parties of the Second Part join in this Declaration solely for the purpose of consenting to and subordinating the lien of said Deed of Trust to the Covenants,

Agreements and Restrictions hereinafter set forth and for that purpose only, fully retaining the lien of said Deed of Trust on the property, as the case may be described in said Deed of Trust; and

WHEREAS, Thomas D. Washburne, Jr. (Neighbor) is the owner of 0.988 acres of land at the southwest corner of Greenspring Valley Road and Craddock Lane, known as 111 Greenspring Valley Road, and has an interest in the use and development of the Property; and

WHEREAS, Katharine M. Washburne (Neighbor) is the owner of Property north of the intersection of Craddock Lane and Greenspring Valley Road, and has an interest in the use and development of the Property; and

WHEREAS, Gordon intends to utilize the Property and the improvements thereon for the purpose of conducting psychiatric medicine from an office at said location, and

WHEREAS, Gordon has requested R-O Zoning designation for said Property, which zoning would permit the conduct of a psychiatric medicine practice at such location. And the Grantor and Neighbors believe it is important to have certain restrictions placed upon the development and use of the Property to assure that Gordon's use and development is not inconsistent with the interests of Grantor and the Neighbors; and

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WHEREAS, the Grantor and Neighbors are willing to support the zoning applied for, provided that Gordon will place certain restrictions upon the development and use of the Property as provided herein; and

WHEREAS, in order to have the Restrictions and Covenants on the Property in this Agreement binding and in full force in effect upon Gordon and its successors and assigns, the parties have entered into this Agreement with the intent that Gordon's, its successors and assigns, will hold, utilize and thereafter convey the Property subject to the Covenants, Restrictions, and Conditions hereinafter contained and that these Covenants and Restrictions shall run with and be binding on the Property.

THEREFORE, in consideration of the mutual agreements, restrictions and conditions contained and other good and valuable consideration, the receipt and sufficiency which is hereby mutually acknowledged, the parties hereto agree to enter into these presents and to have the same recorded among the Land Records of Baltimore County and that, subject to the provisions hereof, the covenants, restrictions and conditions shall be binding upon the Property and shall in order to the benefit of the parties hereto, their successors, personal representatives and permitted assigns as follows:

1. The Property shall be used only as a single family residential dwelling or, as an office for the practice of psychiatric medicine by one licensed psychiatrist, provided

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that no other person shall practice any form of medicine, or other profession at the Property and provided that such psychiatrist shall have only one employee at such Property, which shall be a secretary and/or receptionist.

2. The improvement to the Property and parking lot adjacent thereto, shall not be enlarged or extended or improved in any fashion; the dwelling and adjacent parking lot shall remain as they exist on September 15, 1988.

3. No building, fence, wall or garage, greenhouse, shed or structure of any kind (hereinafter "structures") shall be commenced, erected or maintained other than the existing dwelling, nor shall any addition, (including awnings), change or alterations to the existing dwelling of the Property be made. The existing landscaping shall be maintained; however, the Gordon's have the right to add additional trees, shrubs, etc. to supplement the existing condition.

4. Outdoor lighting shall be limited to no more than four (4) flood lights and one residential street lamp, not more than ten (10) feet in height to be located between the house and the driveway; said light shall be of a filament type and not mercury vapor or fluorescent; no automatic outdoor lighting shall be eliminated on the Property after 10:00 p.m., other than the residential street lamp.

5. Neither Gordon nor any agent, successor and assign, personal representative or successor in any interest shall seek any further zoning change, special exception,

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variance, special hearing or institute any other judicial or administrative proceeding, which would permit the Property to be used for any purpose other than a single family residential dwelling, or the office of psychiatrist or psychotherapist.

6. Gordon shall utilize their best efforts to have the Property placed upon and remain on the National Historic Register, and the Baltimore County Landmarks List.

7. Gordon shall not place any signs of any kind on the Property which indicates that the Property is being used for the practice of psychiatry, or is other than residential.

8. Gordon shall maintain a residential appearance of the Property consistent with the other residential dwellings on Greenspring Valley Road within one-half mile to the east and west of the Craddock Lane intersection of Greenspring Valley Road, including, but not limited to, maintaining the unpainted stone of the exterior of the dwelling.

9. The Bank of Loyola Federal Savings & Loan Association, as the beneficiary of the Deed of Trust on the Property, and the parties of the Second Part hereby consent to and agree to be bound by the terms of this Agreement.

10. Gordon hereby agrees that these covenants, restrictions and conditions once recorded among the Land Records of Baltimore County, shall run with and be binding on the Property and in order to the benefit of the successors' interest, and in order to the benefit of the Grantee, the Neighbors and their successors in interest.

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11. Any failure to enforce any of the covenants, restrictions and conditions herein contained in an instance shall in no event constitute a waiver of estoppel of the right to enforce the same or any other covenants, restrictions or conditions in the event of another violation occurring prior or subsequent thereto.

12. In the event, any or more of the covenants, restrictions and conditions contained for any reason should be declared invalid, the remaining covenants, restrictions and conditions will continue in full force of the

13. In the event the Grantee, files a suit in a Court of Competent Jurisdiction, for the purpose of enforcing this Agreement against Gordon, and the Court renders judgment in favor of the Grantee, Gordon agrees to reimburse the Grantee for its court costs and reasonable attorneys fees incurred in the prosecution of the case.

14. Gordon agreed to bear the cost of recording this Agreement among the Land Records of Baltimore County, Maryland.

15. This Agreement contains the entire understanding of the parties and each of the parties hereto warrants that it has carefully read and understands this Agreement and is aware of the terms hereof; initially each party has had the opportunity to seek legal review by an attorney of their own choosing with respect to their rights and obligations concerning all matters involved in this Agreement.

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16. This Agreement shall remain and continue in full force in effect in perpetuity.

IN WITNESS WHEREOF, the parties have caused this Restrictive Covenant Agreement to be executed on the day and year first above written.

WITNESSES:
[Signature] Daniel Gordon, Owner
[Signature] Jean Gordon, Owner
[Signature] Thomas D. Washburne, Jr.
[Signature] Katharine M. Washburne

LOYOLO FEDERAL SAVINGS & LOAN ASSOCIATION
[Signature] Kenneth R. Gift, Trustee
[Signature] Raymond A. Brookhart, Trustee

VALLEYS PLANNING COUNCIL, INC.
By: *[Signature]* Richard B. Buck, President

[Signature] Thomas D. Washburne

[Signature] Daniel Gordon

[Signature] Jean Gordon

[Signature] Thomas D. Washburne, Jr.

[Signature] Katharine M. Washburne

[Signature] Kenneth R. Gift, Trustee

[Signature] Raymond A. Brookhart, Trustee

[Signature] Richard B. Buck, President

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[Signature] Raymond A. Brookhart, Trustee

[Signature] Richard B. Buck, President

[Signature] Thomas D. Washburne

STATE OF MARYLAND, COUNTY OF CARROLL to wit: John
I HEREBY CERTIFY that on this 7th day of September,
1988, before me, the subscriber, a Notary Public, the State
of Maryland, in and for the County aforesaid, personally
appeared MARTIN W. WABSHAW and JOHN A. DODD and form of
witness that the parties thereto set forth in the foregoing
Restrictive Covenant Agreement and acknowledged said Agreement
to be true to the best of her knowledge and belief.
AS WITNESS my hand and Notarial Seal.

Martin W. Wabshaw (SEAL)
Notary Public
My Commission Expires: 7/1/90

STATE OF MARYLAND, COUNTY OF _____

to wit: John

I HEREBY CERTIFY that on this 6th day of September, 1988, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Kenneth R. Gist, Trustee and made oath to the truth of the contents of the foregoing instrument, and that he is a party to the same. I am satisfied from the foregoing that the matters and facts set forth in the foregoing Restrictive Covenant are true and correct, and acknowledged said Agreement to be true to the best of his knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Richard L. Gist Notary Public

STATE OF MARYLAND, COUNTY OF Chesapeake District
I HEREBY CERTIFY that on this 7th day of September,
1988, before me, the subscriber, a Notary Public of the State
of Maryland, and for the County aforesaid, personally
appeared RICHARD B. BUCKS, President of Valleys Planning Council
Inc. and made oath in due form of law that the matters and
facts set forth in the foregoing Restrictive Covenant
Agreement and acknowledged said Agreement to be true to the
best of his knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Margaret G. [Signature] (SE)
Notary Public

My Commission Expires: 2/1/90

Ibid. Item 8, page 2
Ibid. Item 8, page 2.

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

hundred feet distant on Cradock Lane, a dilapidated historic building, several because it was "zoned out of usefulness," has already been rezoned to RO to save it from extinction. The "Mansion" and the "Doctor's Shop," both built by the Cradock family, were maintained and inherited as part of the entire Cradock estate, which

[illegible]

P.E.# 6

