\* BEFORE THE \* ZONING COMMISSIONER

\* OF BAUTIMORE COUNTY

3rd Councilmanic District \* Case No. 94-81-A Windy Valley, LLC Petitioners

\* \* \* \* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 2350 West Joppa Road in Eutherville. Said property is the site of the well-known Windy Valley Restaurant, Which has existed at this location for many years. The Petition was filed by the owners of the subject property, Windy Valley Limited Liability Corporation (LLC). As originally filed, the Petitioners sought relief from Section 409.4 of the Baltimore County Zening Regulations (B.C.Z.R.) to permit 38 parking spaces in lieu of the required 56 spaces, and from Section 409.8 of the B.C.Z.R. to permit off-street parking, 3 feet from a street rightof-way line in lieu of the required 10 feet. However, at the public hearing held in this matter, the Petition was amended. Specifically, the request for relief from Section 409.8 was withdrawn. Thus, the only matter before me for consideration is the requested parking variance from Section 409.4 of the B.C.Z.R. An amended site plan was submitted at the hearing, which was received into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitioners was Morton W. Feldman and his son. Stuart A. Feldman, stockholders of Windy Valley LLC. Also appearing in support of the Petition was Vincent J. Moskunas, Project Engineer with M & H Development Engineers, Inc. The Petitioners were represented by Newton A. Williams, Esquire. Although a representative of the Valleys

Planning Council was present, there was no opposition expressed.

The amended site plan shows that the subject property is .5657 acres in size and is zoned B.M. It is served by public utilities, including sewer and water. The property is located at the head of the Jones Falls Expressway, near the intersection of Falls and Joppa Roads. Greenspring Valley is located immediately to the north and west of the subject site. As noted above, the site has been the home of the Windy Valley Restaurant for many years. It is well-known to many of the residents of Baltimore County as a place where light meals, excellent home-made ice cream and pony rides for children can be enjoyed. The surrounding land uses are also significant. It was not too far long ago that Windy Valley was one of the fee commercial uses in this vicinity. However, the surrounding properties have been significantly developed in recent years. Immediately to the front of the property, across Joppa Road, is an Exxon gasoline service station. The Greenspring Inn is located north of the site as is the Greenspring Station shopping center. To the rear of the property are numerous office and commercial uses, and to the south is a Maryland National Bank.

Mr. Morton "Buddy" Feldman testified that he and his family acquired the subject property in January, 1993. They recognize the commercial value of the property and since their acquisition, have made improvements to the property and buildings thereon. Specifically, much of the interior of the restaurant has been renovated and modernized. Additionally, the exterior has been improved and painted. Mr. Feldman testified that he and his family will continue efforts to upgrade the site. Chief among the proposed improvements is the construction of a small convenience store on the rear of the site. The proposed convenience store building

- 2-

will be approximately 30  $\times$  40 feet in dimension (1200 sq.ft. in area). He anticipates selling milk, bread and similar necessity items at the store. As a result of the proposed improvements to the site, the requested parking variance is necessary.

Mr. Feldman testified as to current operations on the site. He testified that the restaurant opens at approximately 6:00 AM daily and enjoys a rather large breakfast business between the time of opening and approximately 10:30 AM. Mr. Feldman estimated that between 250 and 300 breakfast sales occur during those hours. He indicated that a number of regular customers have been coming to Windy Valley for many years. Moreover, he stated that the restaurant seating is limited to 28 people. The vast majority of the patrons in the morning purchase their food as carryout. Mr. Feldman noted that the State Highway Administration is nearby and a large volume of construction and State workers purchase breakfast on a carry-out basis from Windy Valley. The business also has a large lunch trade. In this respect, nearly 400 patrons are served daily. Many of the patrons come from the nearby offices, shopping center and other commercial businesses which have recently moved into the surrounding landscape. The other large volume of the Petitioner's business comes from its weekend and evening ide-droam trade. Although dinner is served, the restaurant generally closes at approximately 8:00 PM. However, many families come for the famous Windy Valley home-made ice cream, which this Zoning Commissioner has himself enjoyed through the years.

As to the proposed improvements, Mr. Feldman noted the dirth of convenience stores in this area. The closest are some miles away and he believes that a small convenience store at this location would serve a public need. He stated that the use proposed will not compete with the

restaurant business and that he and his family will continue to operate the restaurant as before. Further, he noted the charges character of the area, including the expansion of retain office area. The econymic area store will occupy a new variant portion of the nate where property r  $qe_{n} = qe_{n}$ previously available. Unfortunately for the children in the area, the pony rides will no longer be offered. In addition to the proposed output nience store, the Petitioners propose the resovation of the grounds and parking area. It is to be particularly roted that the Recutioner's course nal site plan has been modified. That is, an originarry proposed, a manufic am area was to be retained in front of the restaurant building. Sowever, the Petitioner has aftered its plans to bring same into comparance wit certain of the suggestions offered within the Zoning Franciadviking Commun. tee (ZAC) comments submitted by the Department of Popula Works (SFW). As shown on the amended plan, nightificant fandscaping around the building and perimeter of the property is proposed. This revision to the site plan had eliminated the need for the variance from Section 409.5 of the RIC.Z.R. As shown on the plan, a 10-foot street right-of-way betback will be main

As previously stated, the only variance which is now requested relates to the number of parking spaces required. As nown or the plas, 38 parking spaces are proposed. Due to the high volume of carry out tobalness, the Petitioner believes that more than enough spaces exist. The Petitioners also note that the enactment of Bill No. 196-99 by the Reltimore County Council has recently redefined restaurant uses. The Petition ers argue that if Windy Valley was considered a carry-out restaurant. than even fewer spaces would be required. That is, the extent of the variance would be reduced in the event the restaurant were considered a carry-out.

than to add an additional row of parking. Further, to adopt DPW's request would result in back-to-back parking spaces. That is, the southernmost spaces would be land-locked in the event the spaces immediately adjacent thereto are used. Although DPW suggests that the southern spaces be limited to employees only, the practical implications of such an arrangement are questionable. For these reasons, I will not require compliance with

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested shall be granted.

THEREFORE. IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of October, 1993 that the Petition for Variance requesting relief from Section 409.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 38 parking spaces in lieu of the required 56 spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANT-ED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, 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 shall be rescinded.

IT IS FURTHER ORDERED that the Petition for Variance requesting relief from Section 409.8 of the B.C.Z.R. to permit off-street parking, 3 feet from a street right-of-way line in lieu of the required 10 feet, be and is hereby DISMISSED.

Zoning Commissioner for Baltimore County **Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

October 12, 1993

(410) 887-4386

Newton A. Williams, Esquire Suite 700 Court Towers 210 W. Pennsylvania Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE NE/S West Joppa Road, 247' N of the c/l of Falls Road (2350 W. Joppa Road) 8th Election District - 3rd Councilmanic District Windy Valley LLC - Petitioners Case No. 94-81-A

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has 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 the Zoning Administration and Development Management office at 887-3391.

Zoning Commissioner for Baltimore County

cc: Mr. Morton W. Feldman 2350 W. Joppa Road, Lutherville, Md. 21093

People's Counsel

Towson, Maryland 21204

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 2350 W. Joppa Road

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) (409.4 to permit 36 spaces for the required 56 spaces, and a variance from section 409.8 to permit off street parking, 3 feet for the required 10 feet from street right of way line.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons. Endicate hardship or See Exhibit A attached hereto.

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 tiling 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

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Pact Pachasent osses	(egat - Neverts)
e or Print Name}	Windy Valley, LLC
	winny ill there
	MORTON IN PULL MAN
Education 2 (Free No.	Figure
ney hir Petitioner	

Newton A. Williams, Esquire NOLAN PLUMMOFF & WILLIAMS, CHTD. 2350 W. Joppa Road 33/~5566

Newton A. Williams

700 Court Towers 210. W. Pennsylvania Avenue 823-7800

which is presently round

DWM of a safe-maply identifier and efform content the general existing in the case in each of the content of th

property. Thus, I am persuaded that the Petitioner has satisfied the standards for an area variance as set forth in Section 307 of the B.C.Z.R. Further comment is in order as to the ZAC comments offered by the Department of Public Works (DPW). As noted above, the Petitioners withdrew their request for a second variance relating to the street right-of-way setback. thereby rendering moot DPW's objection to same. Moreover, the Petitioner has proposed additional landscaping as requested. This landscaping is shown on the amended site plan and appears appropriate. The final comment from the Department of Public Works suggests an additional row of "employee parking" on the south side of the subject site. This would add seven (7) parking spaces to the proposed arrangement. Based upon the Petitioners' testimony, I do not believe that the seven (7) addi-

tional parking spaces are necessary or are warranted. Moreover, I think

it more beneficial to retain a larger driveway (31 feet versus 22 feet)

- 5-

Upon due consideration of the testimony and evidence presented, I

am persuaded that the relief requested should be granted. I particularly

note the favorable recommendation offered by the Office of Planning and

Zoning. It is clear that the Petitioner's plans and revitalization of

this site are to be commended. Retention and renovation of this restaurant

use on the property, which is almost an institution within the surrounding

community, is to be applauded. I am persuaded that sufficient parking

exists based on the current and intended operation of both the restaurant

and proposed convenience store. Clearly, the granting of the variance

will not be detrimental to the welfare of the surrounding locale and will

be consistent with the spirit and intent of the B.C.Z.R. To deny the

requested variance would be to prohibit a permitted use on the subject

property and constitute a practical difficulty upon the Petitioner and his

LES:bjs

- 6-

EXHIBIT A 74-51-A

1. The restaurant is primarily a carry-out with some lunch sit downs.

2. There is no convenience store in the vicinity, and one is

needed.

3. The convenience store will overlap well with the restaurant and will not create new road trips and will combine with existing, shortened trips.

4. That the site will work well, and without the requested variance the Petitioner will sustain practical difficulty and unreasonable hardship, is in harmony with the spirit and intent of the Regulations, and will foster the health, safety and general welfare of the area involved.

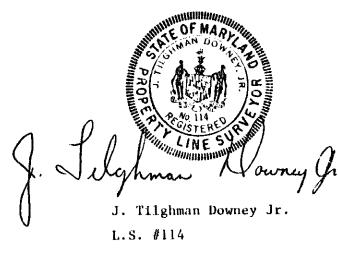
M. & H. DEVELOPMENT ENGINEERS, INC.
200 EAST JOPPA ROAD

200 EAST JOPPA ROAD ROOM 101, SHELL BUILDING TOWSON, MARYLAND 21204 August 10,1993

ZONING DESCRIPTION FOR

2350 WEST JOPPA ROAD

BEGINNING at a point on the northeast side of West Joppa Road which 18 60 foot of right of way wide at the distance of 247°± northwest of centerline of Falls Road, which right of way varies in width. Being Lot No. 2 remaining after widening of Joppa Road, as shown on Plat entitled "Windy Valley," as recorded in Baltimore County Plat Book E.H.K. Jr. No. 44, folio 40, containing 0.5657 of an acre, more or less. Also known as 2350 West Joppa Road and located in the 8th Election District.



Towson Office Malcolm E. Hudkins Registered Surveyor

Phone 828-9060

19

ZONING DEPARTMENT OF BALTIMORE COUNTY 91-81-4

Posted for: 10 m dy 10 1/34 1  Location of property: 2550 10 feery	Date of Posting 9/17/93
Posted for: Variation	
Potitioner: Windy 19 1/24 1	<i>I-C</i>
Location of property: 2550 16 Fee	a KS, E/S, 747' N/folk Pes
Location of Signs: Lacing Youd in	ay Don fromty of politioner
Remarks:	
Posted by Marky	Date of return: 9/21/93
Signature Number of Signa:	

THIS IS TO CENTURY AND A 19 23

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 1993.

THE JEFFERSONIAN.

A. Hemilesan
LEGAL AD. - TOWSON

EMPLISHED

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue

Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations 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 and placement of a notice in at least one

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

newspaper of general circulation in the County.

 Posting fees will be accessed and paid to this office at the time of filing.

 Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

BAYO., MC. 21093,
PHONE NUMBER: 337-5566

AJ:ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
September 2, 1993 Issue - Jeffersonian

Please foward billing to:

Windy Valley, LLC 2350 W. Joppa Road Baltimore, Maryland 21093 410-337-5566 COPY

NOTICE OF HEARING

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-81-A (Item 79)
2350 W. Joppa Road
E/S Joppa Road, 247' N of Falls Road
8th Election District - 3rd Councilmanic
Petitioner(s): Windy Valley, LLC
HEARING: WEDNESDAY, OCTOBER 6, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit 38 spaces for the required 56 spaces; and to permit off-street parking 3 feet for the required 10 feet from street right-of-way line.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

AUGUST 27, 1993

The Zoning Commissioner of Battimore County, by authority of the Zoning Act and Regulations of Battimore County will hold a

br battimore County will note a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #94-81-A (Item 79) 2350 W. Joppa Road E/S Joppa Road, 247' N of Falts Road 8th Election District

Variance to permit 38 spaces for the required 56 spaces; and to permit off-street parking 3 feet for the required 10 feet from street right-of-way line.

887-3391. 9/052 Sept. 2.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

(410) 887-3353

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Petitioner(s): Windy Valley, LLC

Arnold Jabion Director

cc: Windy Valley, LLC Newton A. Williams, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353.

(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

receipt

01A01#0395HICHRC EA COD2:22FH08-19-93

September 27, 1993

Zoning Administration & Development Managraneist
111 West Chesopeaks Avenue

OWNER WINDY VALLEY LLC

2350 WEST VOPPA RD.

(ODE 020 / NOW RES VAK FILING 250.00
"" 080 / SIGN POSTING 35.00

TOTAL 285.00

Please Make Checks Payable To: Battlmore County

Date 8/19/93

Cashier Validation

Towson, Maryland 21204

RE: Case No. 94-81-A, Item No. 79
Petitioner: Windy Valley, Inc.
Petition for Variance

Dear Mr. Williams:

Newton A. Williams, Esquire

210 W. Pennsylvania Avenue

Nolan, Plumhoff & Williams, Chtd.

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zening commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 19, 1991, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zening regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

y Trinted with Soybean inh

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORREREONDENCE TO: Arnold Jablon, Director DATE: September 7, 1998 Coning Administration and Development Management FROM O Bert W. Bouling, Senior Engineer

Development Clan Review Section Moring Advisory Committee Mesting for September 7, 1993 1tom Nõ. 79

The Povelopment Plan Review Section has reviewed the aubject coning item. We recommend denial of the 3-foot setback request. The Landscape Manual and the Conins Regulations require a 10-fast setback. This site is subject to the Landscape Manual. See the enclosed rod line plan to see where the paving should be removed and the landscaping provided. A Landscape plan prepared by a registered landscape architect is required prior to release of the

permit:

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESTONDENCE

TO: Arnold Jablon, Director DATE: September 13, 1993 ming Administration and Development Management FROM Wobert W. Bowling, Senior Engineer

Development Flan Review Section RE: Zoning Advisory Committee Meeting for September 13, 1993 Item No. 79

The Davelopment Plan Review Section has reviewed the subject zoning item. The southern accors and the northern access need to be 24 feet and 16 feet wide. respectively. Seven (7) additional parking spaces along the southern property can be added and labelled as "employee" parking only." The existing paving in front of the building needs to be removed and a landscaping area added. Finally, It is recommended that the requested variance be denied unless the above comments are addressed.

State Highway Administration

O. James Lighthizer Secretary

Hal Kassoff Administrator

8-26-93

Re: Baltimore County Item No.: 4 14 (5711)

Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towers, Maryland 21204

Ms. Helene Kehring

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

for John Contestabile, Chief Engineering Access Permits Division

My telephone number is \_\_\_\_\_\_ Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

HALFIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: December 21, 1993

Mr. Stewart - EIRD Carol Brown - ZADM, Development Management (2) Mr. Richards - ZADM, Development Control Ms. Rorke - ZADM, Street Names & House Numbers Capt. Pauli - Fire Dept. - M.S. 1102 F Mr. Grossman - Rec N Parks

Mr. Small - SHA Mr. McDaniel - Strategic Plan., Development Review (3)

Donald T. Rascoe, Development Manager F18OM:  $z \land b \land m$ 

SUBJECT:

TYPR:SDW:bje

c: File

Project Name: Windy Valley Project No.: 931852 Joppa ROAD ZADM No.: VIII-631 District: 8 Engineer: M & H

Phone No.: 828-9060 ACTION REQUESTED: Waived CRG Meeting CRG Plan Refinement CRG Non Material Amendment X Limited Exemption (26-171.b.9)

Waived Hearing Officer Hearing Please review the attached plan for compliance with current regulations and return comments to our office by January 13, 19984 If you have no communits or do not need to review this plan, please indicate by placing your initials here / CYCL. (This procedure is similar to the waived CRG meeting procedure.) NONRESPONSIVENESS BY THE AFOREMENTIONED DATE IS CONSIDERED TO BE

CONCURRENCE BY YOUR OFFICE OF THE PLAN. Thank you for your timely attention to our request. LTD. EXT MITTION TOWN AFFUD FIRST DON'TONTE DULE WITH TEAM AND ORPER IN CONNECTISE 91-81-A

WINDYVAL/ZADM/TXTBJE

TO: JLL

To: 355- ASAP LAW OFFICES 2/14/94 402 Rosolio, Silverman & Kotz, P. A. SUITE 220, NOTTINGHAM CENTRE 502 WASHINGTON AVENUE TOWSON, MARYLAND, 21204-4513 February 9, 1994 TELEPHONE 410 -339 -7100

735 94

FAX NO. 410 - 3:39 - 2102

Arnold Jablon, Esquire, Director Department of Zoning Administration and Development Management 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: The Valley Centre Zoning Maps N.W. 10-G and 10-H Plat Book 55, page 116 Baltimore County, Maryland

Dear Mr. Jablon:

I represent First Washington Management, Inc., contract purchaser of the above caption property (the "Property"), which is located on Reisterstown Road at Tobin Lane, in the third election district of Baltimore County, with a street address of 9616 Reisterstown Road. The Property is currently being used as a shopping center and movie theater complex.

Closing of this transaction requires that certain matters be verified with respect to the zoning and use of the Property. The study period in which this information must be verified expires shortly, I would appreciate your expediting this inquiry and responding to me on or before February 15, 1994.

Please confirm, by return correspondence, the following matters:

- a. the Property is located in the BM, BR-IM and BM-IM zoning districts;
- b. the subject property and its uses were approved pursuant to the following zoning cases:
  - i. 89-59A (Variance for a sing of 375 square feet in lieu of permitted 150 feet)
  - ii. R-87-255 (Reclassification from ML and ML-IM to
- iii. 2355-S (Petition for a drive-in movie and reclassification) applicable to the prior use of the site, and no longer in effect

Arnold Jablon, Esquire ROSOLIO, SILVERMAN & KOTZ, P.A. Page 2

- c. all subdivision approvals, or waivers thereof, required for the existing use, and for a proposed drive-in freestanding bank use have been granted pursuant to the following:
  - i. CRG Plan No. III-270, May 16, 1985;
  - ii. Amended CRG, April 16, 1986;
  - iii. W-86-235: Waiver of CRG plan, November 20, 1986;
  - iv. W-87-296: Waiver of CRG plan and meeting, October 15, 1987;
  - v. W-88-180: Waiver of CRG meeting on second amendment of plan, July 21, 1988; plan approval, December 21,
  - vi. W-89-208: Waiver of CRG meeting on re-subdivision of Lot 2, September 21, 1989;
  - vii. W-90-292: (copy to be forwarded upon receipt);
  - viii. DRC Approval No. 7193G, July 19, 1993, approving the construction of a free-standing drive-through bank on Parcel No. 2.
- d. a retail shopping center, movie theater complex, freestanding drive-through bank, and the uses accessory thereto, constitute uses permitted in the BM, BR-IM and BM-IM zones;
- e. there are no outstanding zoning violations against the Property;
- f. the Property complies with applicable subdivision regulations, and no further steps must be taken under the subdivision regulations of Baltimore County to effect a transfer of the entire Property by the terms of the proposed transaction as described above;
- the subject property is not affected by any special exceptions, variances, conditional uses or planned unit developments, other than those listed above.

Enclosed for your convenience is a copy of a survey plat of the Property. Also enclosed is the required fee of \$40.00, made payable to Baltimore County, Maryland. If I may provide further

INTER-OFFICE CORPESPONDENCE TO: Arnold Jablon, Director Zoning Administration & Development Management

BALTIMORE COUNTY, MARY

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

DATE: August 31, 1993

SUBJECT: 2350 W. Joppa Road INFORMATION:

Item Number:

Petitioner: Windy Valley, LLC Property Size: Zoning:

Requested Action: Hearing Date:

SUMMARY OF RECOMMENDATIONS

The site is currently improved with an existing restaurant and a small area dewoted to horse rides for children. A convenience store is planned for the site and this project is currently in the development process.

Some improvements have been made to the existing building and according to the owner, Mr. Morton Feldman, subsequent improvements are planned in the future. When these changes to the restaurant are made and provided the convenience store is constructed in a manner consistent with the built environment of the Green Spring Station complex, the subject property should begin to function visually as an integral part of the Green Spring Station.

Based upon a review of the information provided, staff recommends the applicant's request be granted.

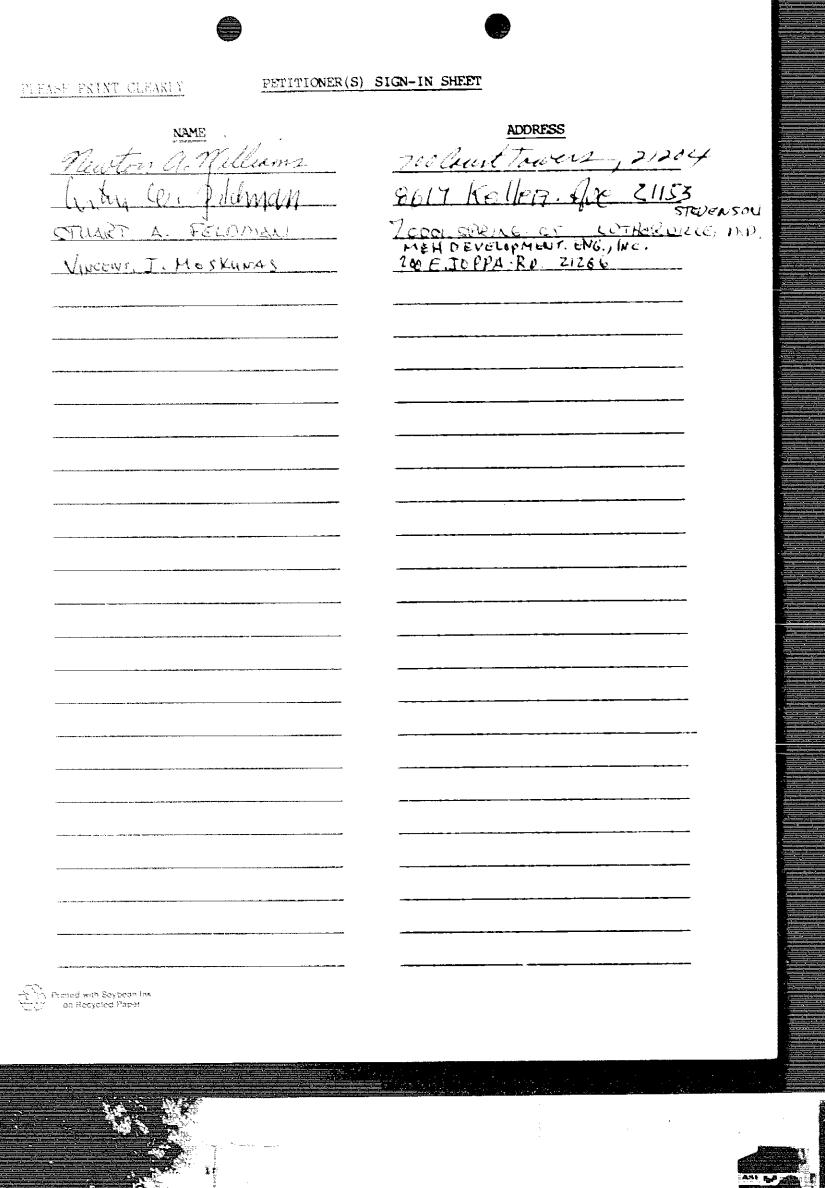
Arnold Jablon, Esquire ROSOHO, SHVERMAN & KOTZ, P. A. February 9, 1994

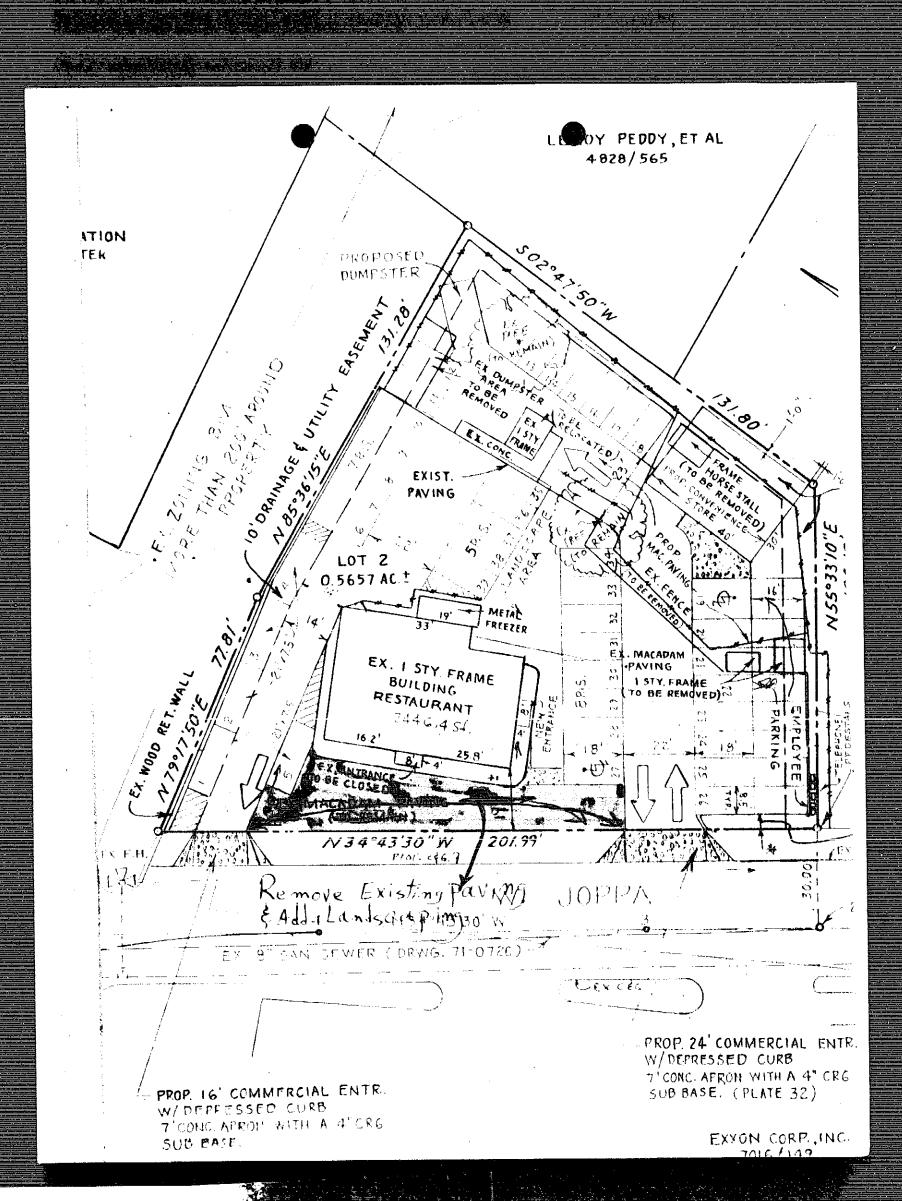
information, please contact me. Thank you for your prompt attention to this matter.

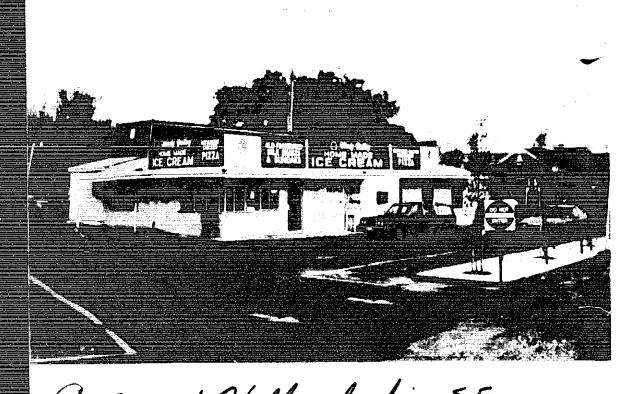
Sincerely,

ROSOLIO, SILVERMAN & KOTZ Deborah C. Dopkin

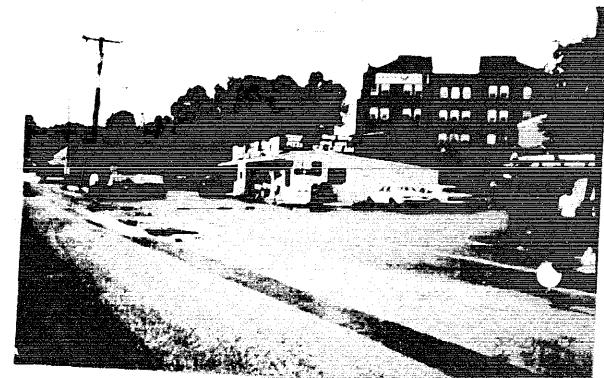
DOCS/DCD/ZONING/VALLEYON LTR







a. Windy Valley looking 5 E from Joppa Rd.



B. Windy Velley looking NE from Joppa Rd.

2. C. Pet 2. A

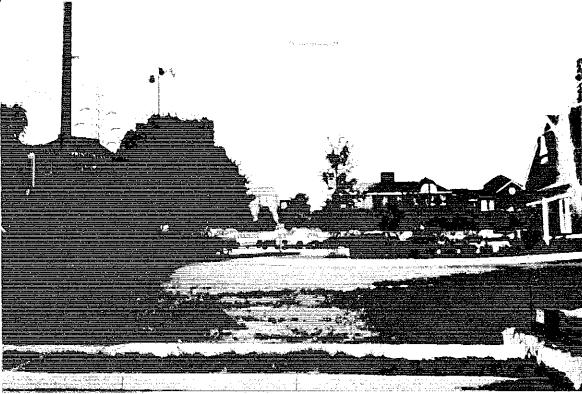
Windy Valley, Inc. Case No. 94-81-A.



C. Looking SW from Windy Valley
across Joppa Rd.



O. Looking NE at rear of Windy Valley.

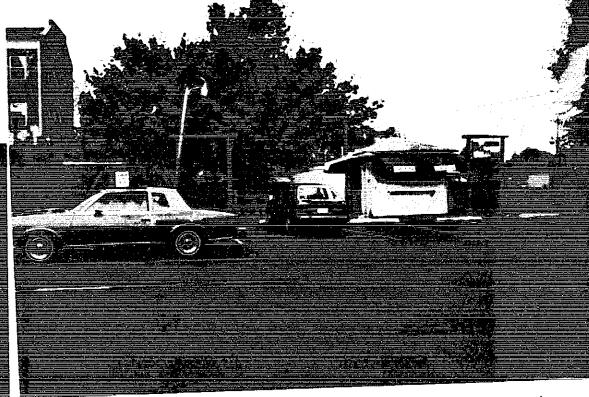


6. Bank and drive the the 5

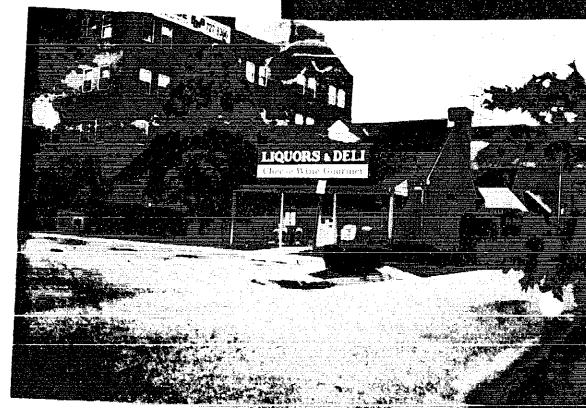


H. Bonk to the 5 of Winds Valley.

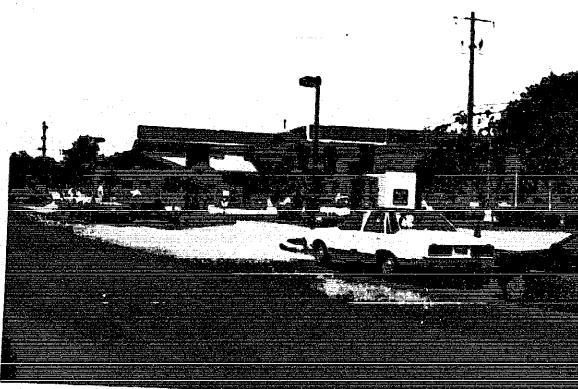
On E/5 of Joppa Rd.



E. Present NE/C of Windy Valley
Zot - Pony Ride aus



F. Lynor Store to North at end of Joppa Rd.



I. Service Station on W/S of Juppa Rd.

between Juppa Rd. and Falla Rd.
Jones Falla Expressions

All.

