

IN THE MATTER OF THE APPLICATION OF BALTIMORE COUNTY, MARYLAND FOR A SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE ON PROPERTY LOCATED ON THE SOUTHWEST CORNER SHAWAN-ROAD AND BEAVER DAM ROAD (1201 SHAWAN ROAD) (Oregon General /Kurte Store) 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

OPINION AND ORDER

This case comes before the Board on appeal from a decision of the Deputy Zoning Commissioner regarding Petitions for Special Hearing, Special Exception and Variance. The subject property, known alternatively as the Oregon General Store or the Kurtz Store, consists of 2.63 acres, is zoned R.C. 4 and is owned by Baltimore County, the Petitioner herein. The property is subject to a long-term lease to Oregon, LLC, which proposed to renovate the existing improvements on site into a restaurant, all as more particularly shown on the Plat to Accompany the Petition which was submitted as Petitioner's Exhibit No. 1.

Appearing at the public hearing on behalf of the Petitioner were Theodore W. Bauer, a member of the Oregon, LLC, and tenant of the Oregon Store, and Ronald Schaeffer, Superintendent of the Department of Recreation and Parks for Baltimore County. Also appearing on behalf of the Petitioner was Edmond F. Halle, with the engineering firm Daft-McCune-Walker, Inc., that prepared the Site Plan. Mr. Bauer was represented by Robert A. Hoffman, Esquire, and the County, the Petitioner in the case, by County Attorney Stanley J. Schapiro. The Valley's Planning Council by its Executive

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Director, Margaret Worrall, appeared as a party appellant and was represented by J. Carroll Holzer, Esquire. Peter Max Zimmerman, People's Counsel for Baltimore County, also appeared.

Procedurally, this case is before the Board on appeals taken by Mr. Bauer and the Valley's Planning Council. The Petitioner's initial requests for Special Hearing, Special Exception and Variance were granted, subject to certain restrictions, by the Deputy Zoning Commissioner by Findings of Fact and Conclusions of Law, dated June 28, 1994. On July 27, 1994, the Deputy Zoning Commissioner issued an Amended Order dismissing the request for a parking variance and granting a variance to allow the existing and new parking area to be a crushed-stone or similar permeable surface.

Testimony began with Mr. Theodore W. Bauer. Mr. Bauer's testimony consisted of an in-depth history of the structure and description of the proposed restaurant. This testimony indicated that the restaurant would be an upscale establishment seating approximately 170 people and focusing on lunch and dinner meals. The restaurant would serve alcohol and include a lounge area and an outdoor seating area as shown on the floorplan submitted as Petitioner's Exhibit No. 2.

Mr. Bauer testified that sufficient parking would be provided on site and that he believed that the restaurant as proposed met the special exception requirements of Section 502.1 of the Baltimore County Zoning Regulations ("BCZR"). Mr. Bauer also testified that a restrictive covenant agreement had been reached

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between Oregon, LLC, and the Valley's Planning Council, a copy of which was submitted as Joint Exhibit No. 2. Finally, Mr. Bauer testified as to the signage proposed on site. This testimony indicated that three signs exist on site and the Oregon, LLC, has agreed that its signage for the proposed restaurant would be limited to the replacement of the amount and type of existing signage at the Store. This existing signage consists of two ground-mounted signs, at least one of which is illuminated, as well as a painted "mural" type of sign on the building itself.

The Board next heard testimony in support of the proposed zoning relief from Ronald Schaeffer, a superintendent with the Department of Recreation and Parks for Baltimore County. Mr. Schaeffer indicated that his department retains responsibility for the subject site, but cannot devote sufficient attention nor money to properly maintain it. Mr. Schaeffer further testified that the Department of Recreation and Parks felt that Mr. Bauer's restaurant proposal was a very appropriate use, and equally as important, was the only financially viable proposal they had received.

Margaret Worrall, Executive Director of the Valley's Planning Council, provided additional testimony as to the restrictive covenant agreement between the parties. Her testimony was that, with the restrictive covenant agreement in place, her organization supported the relief requested. Ms. Worrall's testimony further indicated, however, that the parties agreed that, should the use of the property ever deviate from that of a "standard restaurant" as defined in the zoning regulations, the Petitioner's special

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exception would then cease.

Testimony was then heard from the project engineer, Edmond F. Halle. Mr. Halle's testimony primarily involved the parking calculations on site. Mr. Halle noted that the parking calculations shown on the Site Plan failed to take into account the square footage of the outdoor dining area, which is approximately 1800 sq. ft. With this additional area taken into account, it was necessary to revise the parking calculations and to reinstate the parking variance originally requested by the Petitioner and approved by the Deputy Zoning Commissioner. This original request was for a variance of 48 spaces. With the revised calculations, a variance to allow 94 parking spaces in lieu of the required 145 spaces is necessitated -- a variance of 51 spaces. Mr. Halle testified in detail as to the site conditions and limitations regarding the available parking area. His testimony indicated that the Oregon Store property consisting of the historic building and its location within the Park is unique and peculiar to the other structures and land in the area and that a practical difficulty existed based upon the fact that there is simply no more space within the leased parcel for an additional 51 parking spaces. Mr. Halle's testimony and that of the other witnesses indicated compliance with the other requirements of Section 307 BCZR.

Opinion

After due consideration of the testimony and evidence presented regarding the proposed use, the Board finds that the Petitioner has met its burden of proof with regard to the special

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exception requirements contained in Section 502.1 BCZR. We think it clear from the testimony of all parties that the requested special exception will not cause any injury to the public health, safety or general welfare and is consistent with the spirit and intent of the zoning regulations.

With regard to the requested variance, we find that, based upon the testimony of all parties, a practical difficulty and unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject site (i.e., the historic nature of the subject site and the limitation imposed by its proximity to other of the park uses), and that the requirement from which the Petitioners seek relief will unduly restrict the use of the land due to these special conditions. In addition, the variance requested will not cause any injury to the public health, safety or general welfare.

ORDER

IT IS THEREFORE this 8th day of February, 1995 by the County Board of Appeals for Baltimore County

ORDERED that the Petition for Special Hearing be and is hereby DENIED; and it is further

ORDERED that the Petition for Special Exception to allow the use of the subject property as a restaurant be and is hereby GRANTED, in accordance with Petitioner's Exhibit 1, subject to the following restrictions:

1. Petitioner may apply for its building permit and be granted same upon receipt of this Board's order; however,

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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, the relief granted herein shall be rescinded.

2. In the event the Petitioner shall decide to install the outdoor dining area/patio on Petitioner's Exhibit 1, then the Petitioner shall be required to submit the plans for said outdoor dining area/patio to OZPM for their full review and approval.
3. The alternate outdoor dining area/patio locations, depicted on Petitioner's Exhibit 1, shall only be utilized for dining or pre-dinner cocktails, so long as patrons are subsequently served dinner, and shall be limited in quantity to 125 persons. There will be no outdoor bars, live music, tents, or similar overhead coverings on or serving the outdoor dining area. Music shall not be audible from any neighboring residences that exist as of the date of this Board's Order.
4. The Petitioner shall be prohibited from catering or hosting weddings or other similar events outside on the subject property. This paragraph shall not be interpreted to preclude activities permitted under Restriction No. 3.
5. The bar/lounge area will be located at the east end of the restaurant as shown on the floorplan submitted as Petitioner's Exhibit 2. This provision shall not preclude serving alcoholic beverages in other areas of the restaurant or establishing temporary bar areas inside the restaurant.
6. Petitioner shall be permitted to have dining and/or seating areas on the front porch of the Store.
7. No alteration or expansion of the exterior of the Store shall be permitted unless approved by the Baltimore County Landmarks Preservation Commission in accordance with Section 28-541 of the Baltimore County Code. Any expansion of the Store shall be limited to extensions of existing building features including porches and stairs or expansion of basement areas. This provision shall not preclude the establishment of an outdoor dining area, additional parking or relocation of the mini-barn as shown on Petitioner's Exhibit 1. There will be no additional buildings constructed on the property.
8. The existing signs for the Store may be replaced with signs of the same or smaller size.

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9. The parking area shall consist of a non-paved surface such as stone or a similar permeable surface unless otherwise required by law. All parking will be contained within the leased area.
10. Any new exterior lighting shall be of the same height, general design and intensity as that which exists on site as of the date of this Board's Order.
11. The special exception shall remain valid only so long as Petitioner, and its successors and assigns, utilize the property as a standard restaurant, as defined in Section 101 of the Baltimore County Zoning Regulations, and only in accordance with the restrictions hereinabove set forth.
12. When applying for any permits, the Site Plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Board's Order.

IT IS FURTHER ORDERED that the Petition for Variance to allow 94 parking spaces in lieu of the required 145 be and is hereby GRANTED.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William F. Mackett, Chairman
John H. [Signature]
S. Diane Lavoie



County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21284
(410) 887-3180

February 8, 1995

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 Allegheny Avenue
Towson, MD 21284
RE: Case No. 94-348-SPHXA
Baltimore County, MD -Petitioner
(Oregon General /Kurte Store)

Dear Mr. Hoffman:
Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,
Kathleen C. Weiden
Administrative Assistant

- encl.
- cc: Mr. Theodore W. Bauer
J. Carroll Holzer, Esquire
Ms. Margaret Worrall /Valley's Planning Council
Ed Halle /Daft-McCune-Walker
Mr. A. Doug McComas
Dr. Polly W. Wirth
Mr. Charles P. Merrick, III
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Scholtz
Timothy H. Kozzoco
W. Carl Richards, Jr. /ZADM
Docket Clark /ZADM
Arnold Jablon, Director /ZADM
John T. Weber, III /Recreation & Parks
Michael J. Moran, Assistant County Attorney

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION AND VARIANCE - * DEPUTY ZONING COMMISSIONER
SM/Corner Shawan Road and * OF BALTIMORE COUNTY
Rover Dam Road
1201 Shawan Road * Case No. 94-140-SPDXA
R18 Election District
3rd Councilmanic District
Baltimore County, Maryland
Petitioners

ANNOUNCED ORDER

This matter came before the Deputy Zoning Commissioner as Petitioners requested a modification of the order with respect to the parking variance that was granted, noting that this variance was initially requested in the event strict compliance with the paving requirements of the B.C.Z.R. was required. Inasmuch as the required number of parking spaces (92) will be provided within the parcel to be leased from Baltimore County, this request for variance is no longer needed. Therefore, by letter dated July 31, 1994, Counsel for the Petitioners requested that the Petition for Variance be withdrawn. However, so as not to disturb the natural state of the additional parking area to be provided, the Petitioner has requested that a variance be granted to permit the surface of same to be of crushed

stone or other permeable surface in lieu of the required paving. It is to be noted that the existing parking areas are not macadam paved but have a crushed stone surface.

Therefore, in consideration of the request for modification, IT IS ORDERED by the Deputy Zoning Commissioner this 27th day of July, 1994 that the Order issued June 28, 1994 in the above-captioned matter be and the same is hereby ANNOUNCED as follows:

The Petition for Variance seeking relief from Section 409.6.A.2 of the B.C.Z.R. to permit 44 parking spaces in lieu of the required 92 spaces be and is hereby DISMISSED and withdrawn as requested by Counsel for the Petitioners; and

IT IS FURTHER ORDERED that a variance from Section 409.6 of the B.C.Z.R. to permit a crushed stone or other permeable surface in lieu of the required paving for all parking areas on the subject property be and is hereby GRANTED.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued June 28, 1994 shall remain in full force and effect.

Anthony R. Kovacko
ANTHONY R. KOVACKO
Deputy Zoning Commissioner
for Baltimore County

TRK:bjc

- cc: John B. Howard, Esquire
- Robert A. Hoffman, Esquire
- Venable, Smith & Howard, 210 Allegheny Avenue, Towson, Md. 21284
- Ms. Margaret Morrell, Executive Director
- Valleys Planning Council, P.O. Box 3402, Towson, Md. 21285
- Mr. A. Doug McComas, P.O. Box 555, Brooklandville, Md. 21022
- Dr. Polly W. Wirth, 904 Greenleigh Road, Baltimore, Md. 21212
- Mr. Charles P. Merrick III, 13710 Cuba Road, Cockeysville, Md. 21030
- Michael Moran, Esquire - Office of Law
- Wayne R. Harmon, Director, Department of Recreation & Parks
- People's Council Case File

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IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION AND VARIANCE - * DEPUTY ZONING COMMISSIONER
SM/Corner Shawan Road and * OF BALTIMORE COUNTY
Rover Dam Road * Case No. 94-140-SPDXA
1201 Shawan Road * OF BALTIMORE COUNTY
R18 Election District
3rd Councilmanic District
Baltimore County, Maryland
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitioners requested a modification of the order with respect to the parking variance that was granted, noting that this variance was initially requested in the event strict compliance with the paving requirements of the B.C.Z.R. was required. Inasmuch as the required number of parking spaces (92) will be provided within the parcel to be leased from Baltimore County, this request for variance is no longer needed. Therefore, by letter dated July 31, 1994, Counsel for the Petitioners requested that the Petition for Variance be withdrawn. However, so as not to disturb the natural state of the additional parking area to be provided, the Petitioner has requested that a variance be granted to permit the surface of same to be of crushed stone or other permeable surface in lieu of the required paving. It is to be noted that the existing parking areas are not macadam paved but have a crushed stone surface.

Therefore, in consideration of the request for modification, IT IS ORDERED by the Deputy Zoning Commissioner this 27th day of July, 1994 that the Order issued June 28, 1994 in the above-captioned matter be and the same is hereby ANNOUNCED as follows:

The Petition for Variance seeking relief from Section 409.6.A.2 of the B.C.Z.R. to permit 44 parking spaces in lieu of the required 92 spaces. The subject property and relief sought are more particularly described on the plan submitted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitioners were Ted Bauer, Restaurateur, Ed Halls with Deft-McCune-Walker, Inc., Mickey Cornelius with the Traffic Group, Frederick Hunkhauser with Chesapeake Design

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Group, and their attorneys, John B. Howard, Esquire, and Robert A. Hoffman, Esquire. Appearing as Protestants in the matter were Margaret Morrell, Executive Director of the Valleys Planning Council, A. Doug McComas on behalf of the Falls Road Community Association, Polly Walker Wirth on behalf of the Oregon Ridge Nature Center Council, Harvey Miller and Patrick Tranter, nearby residents of the area, and Dave Horn.

Testimony revealed that the subject property consists of 2.63 acres, more or less, zoned R.C. 4 and is improved with a one and one-half story structure known as either the Kurtz House or the Oregon Ridge General Store. As noted above, the property is owned by Baltimore County, Maryland and managed by the Department of Recreation and Parks. The Petitioners seek approval to use the property as a restaurant which will be operated by a private individual, Mr. Ted Bauer, who has owned the Mt. Washington Tavern for the past 15 years. Mr. Bauer testified that he is desirous of entering into a lease agreement with Baltimore County to operate a full service restaurant on the subject site within the existing building. The proposed restaurant will serve both lunch and dinner to a seating capacity of approximately 150 people. Mr. Bauer estimates that the business generated by this restaurant will be 80% food service and 20% beverage. He does propose to locate a small lounge within the facility as depicted on Petitioner's Exhibit 4, a schematic design of the interior of the existing structure. Mr. Bauer testified that there would be no exterior alterations to the subject site, but that an outdoor seating area is proposed for dining customers, only, which would take place on a small patio, located just west of the existing structure as depicted on Petitioner's Exhibit 1. The patio does not exist at this time; however, Mr. Bauer proposes to construct a patio approximately 30 feet by 60 feet in dimension out of

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stone slabs or interlocking bricks. Mr. Bauer testified that he proposes to allow special events, or weddings to take place outside on this patio area. He also proposes to add certain restrictions on these special events/weddings in order to attempt to mitigate any adverse effect they may have on the surrounding community. Mr. Bauer further testified that he does not propose to utilize the front porch of the structure for seating and that he would utilize the existing signs for his business.

Next called to testify was Mr. Larry Yeager who appeared on behalf of the Department of Environmental Protection and Resource Management (DEPRM). Mr. Yeager testified out of concern over the proposed patio. Mr. Yeager would like his Department to have an opportunity to review the location of the patio and the materials used to construct same. He has asked that any application for a permit to construct the patio be submitted to DEPRM for review and approval.

Mr. Frederick Hunkhauser was next called to testify. Mr. Hunkhauser is a licensed architect with the Chesapeake Design Group and is primarily responsible for the design and layout of the interior of the subject structure. Mr. Hunkhauser testified that he has been involved with the renovations to this building since the very beginning. He testified that when he first became involved, the building was in poor condition and literally falling apart. He testified that when renovations to the building were in the planning stages, they were done so with a restaurant use in mind. He further testified that he won a national award for the rehabilitation of this building. Mr. Hunkhauser is very concerned that the building will deteriorate by virtue of its underutilization and is in favor of the proposed restaurant use. Mr. Hunkhauser also believes that outdoor seating would be appropriate for this site.

Mr. Ed Halls, Professional Engineer with Deft-McCune-Walker, Inc., also testified on behalf of the Petitioners. Mr. Halls presented a review of the septic and water system proposed for this site. He testified that the septic system will be modified and improved to handle any increase as a result of the use proposed for this facility. He testified that the new utilities will be more than adequate to handle the proposed use.

Mr. Charlie Fisher, Deputy Director of the Department of Recreation and Parks, testified on behalf of the Petitioners. On behalf of his Department, Mr. Fisher testified that they are very much in favor of the proposed use of this site as a restaurant. The Department of Recreation and Parks is very concerned that the site will deteriorate over time due to its underutilization. Mr. Fisher testified that the upkeep and maintenance on the site is very expensive to Baltimore County and having a suitable tenant for the property would eliminate this burden.

Mr. Mickey Cornelius, an expert traffic engineer with the Traffic Group, appeared and testified on behalf of the Petitioners. Mr. Cornelius testified as to what, if any, adverse traffic impact would result from the use of the property as proposed. He testified that inasmuch as the use proposed is a "quality" restaurant, there would not be a high volume of traffic to and from the site. Mr. Cornelius stated that a typical patron of the proposed facility would spend a considerable amount of time at the site, engaging in a sit-down dinner. This is not a "fast-food" type of restaurant which would generate more in and out traffic.

Several individuals appeared in opposition to the Petitioner's request. Dr. Polly Wirth appeared on behalf of the Oregon Ridge Nature Center Council. Her Council is very active with the Nature Center associated with Oregon Ridge Park. Dr. Wirth testified that the Council voted

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not to oppose the use of the subject property as a restaurant, but "opposed" that they would rather the building be utilized as a park office. She did state, however, that her Council appreciated the fact that the type of facility proposed for this site is an upscale type of restaurant as opposed to a fast-food use. Dr. Wirth further testified that her Council was not aware of the proposed use of an outdoor patio for special events/weddings, or for dining purposes. She exhibited some concern over the patio's close proximity to a small stream that traverses the property. She further stated that her Council did not have time to consider the placement of this outdoor patio in the location shown on the plan.

Mrs. Margaret Morrell, Executive Director of the Valleys Planning Council, Inc. (VPC), appeared and testified in opposition to the Petitioner's request. Mrs. Morrell testified that her organization is opposed to this property being exempt from the requirements of the B.C.Z.R. She believes that in consideration of Mr. Bauer being a private individual operating a restaurant within this structure, he is subject to the requirements of the B.C.Z.R. Furthermore, Mrs. Morrell testified that the VPC has attempted to negotiate restrictive covenants governing the use of this structure as a restaurant. She testified that while progress had been made concerning these negotiations, a final draft of restrictive covenants had never been signed by the Petitioner. She testified that any outdoor dining at this facility would be incompatible with the property's zoning classification and would be a detriment to the surrounding community. Furthermore, she objected to the patio being added after the Zoning Advisory Committee comments were issued by the various County agencies. She testified that in her opinion, the property's zoning classification of R.C.4 does not permit the use of the patio as proposed. She cited previous

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Case No. R-91-115 in which the Manor Tavern proposed a similar type of use which was denied.

Mr. Doug McComas also testified in opposition to the Petitioner's request. Mr. McComas appeared on behalf of the Falls Road Community Association. Mr. McComas testified that his organization would prefer not to see any outdoor activities on the site. Mr. McComas is opposed to wedding receptions and tents being placed on the property as these types of activities would be visible from the adjacent roads.

Several requests have been made by this Petitioner. As stated previously, a special hearing has been requested to permit the subject property and improvements thereon to be exempt from the standards of the B.C.Z.R. The Petitioners argued that by virtue of Baltimore County being the Petitioner, the property is exempt from the B.C.Z.R. I disagree with the Petitioner in this respect and find that the property and its improvements are subject to the B.C.Z.R. by virtue of the fact that the property will be leased to a private individual for the operation of a restaurant thereon. Therefore, this portion of the special hearing request will be denied.

Also within the Petition for Special Hearing, the Petitioner requested I find that the conversion of the restored commercial store building to a tea room/restaurant is consistent with its preservation. I find, based upon the testimony and evidence presented at the hearing, particularly the testimony of Mr. Frederick Hunkhauser who was involved in the original renovation and redesign of this structure, that the conversion of the building to a tea room/restaurant is consistent with its preservation in that a restaurant use was in mind at the time the renovations were

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planned. Therefore, this portion of the special hearing request shall be granted.

As to the special exception relief sought, the Petitioner seeks permission to utilize the existing structure as a tea room/restaurant, pursuant to Section 1A03.3.B.4. and subject to Section 402.3 of the B.C.Z.R.

It is clear that the B.C.Z.R. permits the use proposed in an R.C.4 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. *Schultz v. Prillie*, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

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Based upon the testimony and evidence presented at the hearing, I find that the utilization of the Kurtz House/Oregon General Store as a restaurant will be conducted without any detriment upon the surrounding community and that the special exception should be granted. The testimony presented at the hearing was clear that this structure was redesigned with a restaurant use in mind. However, the real issue to be addressed concerns what activity, if any, can take place outside the structure. That issue will be dealt with later in this Order.

Finally, the Petitioner seeks relief from Section 409.6.A.2 of the B.C.Z.R. to permit 44 parking spaces in lieu of the required 92 spaces for the proposed restaurant use. The Petitioner has requested this variance, even though Petitioner's Exhibit 1 shows that 94 parking spaces are proposed for this site. Testimony indicated that the requested variance is sought to avoid disturbing the area necessary to install the required parking spaces. I believe it would be in the best interests of this site not to disturb the additional area needed to pave and install the required parking spaces. Therefore, the Petitioner's request for variance shall be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *Molann v. Solley*, 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

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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 variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

As previously stated, the greatest concern raised by the Protestants was what, if any, outdoor activity should be permitted to take place on the subject property. Mr. Bauer testified that he would like to have the ability to host special events or weddings outside the building on the patio area and asked that he be able to conduct up to 12 of these types of events per year. Mr. Bauer envisions tables being placed on the patio area to provide shade and/or protection from inclement weather, as well as food and beverage service taking place outside. Furthermore, it is envisioned

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that entertainment, such as live bands, or a DJ service, would also take place during these special events/weddings.

The Protestants in attendance were very much opposed to this type of activity taking place. They believe such activity would be detrimental to the quiet enjoyment of the surrounding area and would be detrimental to the adjacent property owners. Furthermore, they argued that this type of use borders on a catering facility, which is not permitted in an R.C.4 zone. I agree with the Protestants. I do not believe that catering private parties, special events or weddings outside should be permitted in the fashion proposed by Mr. Bauer. This simply would be too disruptive to the surrounding community. Therefore, there shall be no catered affairs taking place outside on the patio area.

However, I do believe that as an accessory use to the restaurant business, Mr. Bauer should be permitted to have an outdoor seating area for his restaurant guests. An accessory use is defined by the B.C.Z.R. as: "A use or structure which (a) is customarily incident and subordinate to and serves a principle use or structure; (b) is subordinate in area, extent, or purpose to the principle use or structure; (c) is located on the same lot as the principle use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupants, business or industry in the principle use or structure served." I believe, based on the definition provided by the B.C.Z.R., that the proposed outdoor seating area for dining purposes is a permissible accessory use to the principle use of the subject property as a restaurant.

It is quite common to see outdoor seating as accessory to a restaurant use in many areas of Baltimore County. Many of our County's restaurants provide tables with umbrellas just outside their establishment

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for their patrons. This type of activity is very common. I see no reason why this Petitioner should not be permitted to provide an outdoor seating area for his restaurant patrons. However, in order to insure that the proposed outdoor seating area is properly utilized, specific restrictions and conditions shall be placed upon this use and will be delineated at the end of this Order.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested shall be granted in part and denied in part.

THEFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27 day of June, 1994 that the subject property and improvements thereon are not exempt from the Baltimore County Zoning Regulations (B.C.Z.R.), and as such, this portion of the Petition for Special Hearing be and is hereby DENIED:

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve that an existing restored commercial store building and its conversion to a tea room/restaurant is consistent with its preservation be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to approve the conversion of the existing building to a restaurant as being consistent with the preserved general store building, subject to Section 1A03.3.B.4 (Section 402.3) of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6.A.2 of the B.C.Z.R. to permit 44 parking spaces in lieu of the required 92 spaces, be and is hereby GRANTED; and,

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IT IS FURTHER ORDERED that the relief granted herein is subject to the following conditions and 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.
- 2) In the event the Petitioner shall decide to install the patio depicted on Petitioner's Exhibit 1, then the Petitioner shall be required to submit the plans for said patio to DEPWR for their full review and approval.
- 3) In the event the Petitioner receives approval to construct the patio on the subject property, the use of said patio shall be limited to sit-down dining, only. This dining shall be necessary to the principal restaurant use. There shall be no tents, canopies, or other similar overhead covering permitted on the patio or elsewhere on the site. However, the Petitioner shall be permitted to have table umbrellas on the subject patio, which shall be provided for the convenience of those dining outside.
- 4) The Petitioner shall be prohibited from catering or hosting weddings or other similar events outside on the subject property.
- 5) All bar and lounge activity shall take place in that area depicted "Bar and Lounge" on Petitioner's Exhibit 4. There shall be no further expansion of the Bar and Lounge into other areas of the building or canopies outside the building. Alcoholic beverages are permitted to be served with all meals, regardless of where an individual may be seated.
- 6) There shall be no dining or seating areas permitted on the front porch of the existing building.
- 7) No alterations or modifications are permitted to the exterior of the existing building without first receiving the approval of the Baltimore County Landmarks Preservation Commission.
- 8) The Petitioner shall be permitted to erect a sign on the property no larger than the size of the existing sign for purposes of advertising his business. No additional outdoor signage is permitted.

- 12 -

ORDER RECEIVED FOR FILING
Date 6/27/94
By [Signature]

9) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

[Signature]
TIMOTHY R. BRIDCO
Deputy Zoning Commissioner
for Baltimore County

TWB:js

Baltimore County Government
Zoning Commission
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21284

June 28, 1994

(410) 887-4386

John R. Howard, Esquire
Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
SM/Corner Shuman Road and Beaver Dam Road
(1301 Shuman Road)
8th Election District - 3rd Councilmanic District
Baltimore County, Maryland - Petitioners
Case No. 94-248-SHMA

Dear Messrs. Howard and Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted in part and denied in part 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 807-3391.

Very truly yours,

[Signature]
TIMOTHY R. BRIDCO
Deputy Zoning Commissioner
for Baltimore County

TWB:js

cc: Ms. Margaret Morrell, Executive Director
Valleys Planning Council, P.O. Box 5402, Towson, MD 21285
Mr. A. Doug McCombs, P.O. Box 555, Brooklandville, Md. 21022
Dr. Polly M. Wirth, 804 Greenleigh Road, Baltimore, Md. 21212
Mr. Charles P. Merrick III, 13710 Cuba Road, Cockeysville, Md. 21030
Michael Moran, Esquire - Office of Law
Wayne R. Harman, Director, Department of Recreation & Parks
People's Counsel: *[Signature]*

- 13 -

Petition for Special Exception
to the Zoning Commission of Baltimore County
for the property located at 1201 SHAWAN ROAD
which is presently zoned RC-4

This petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property shown in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the named described property for:

CONVERSION OF EXISTING BUILDING TO RESTAURANT, CONSIDERED WITH THE PRESERVED GENERAL STORE BUILDING, AND SUBJECT TO SECTION 1402.3.B.4 (402.3) BCZR. THE PRESERVATION OF THE EXISTING BUILDING SHALL BE THE CENTREPIECE OF THE CONVERSION.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to any expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

ORDER RECEIVED FOR FILING
DATE: 3/11/94
BY: [Signature]

CONTACT PERSON(S):
NAME: [Signature]
ADDRESS: BALTIMORE COUNTY, MD
DEPT. OF REC & PARKS
WYNNE R. HARSHAW, DIRECTOR
* Wajid R. Hossain
301 WASHINGTON AVE. 887-3817
TOWSON, MD 21284
RECEIVED BY: LUCIE DATE: 3/11/94

Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at 1201 SHAWAN ROAD
which is presently zoned RC-4

This petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property shown 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 1007 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should apply:

OR CONFIRM THIS PROPERTY AND IMPROVEMENTS AS BEING EXEMPT FROM THE BCZR AND ALTERNATIVELY TO APPROVE AN EXISTING RESTORED COMMERCIAL STORE BUILDING AND THE CONVERSION TO A TEA ROOM/RESTAURANT AS BEING CONSISTENT WITH THE PRESERVATION, IF NECESSARY.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to any expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

ORDER RECEIVED FOR FILING
DATE: 3/11/94
BY: [Signature]

CONTACT PERSON(S):
NAME: [Signature]
ADDRESS: BALTIMORE COUNTY, MARYLAND
DEPT. OF REC & PARKS
WYNNE R. HARSHAW, DIRECTOR
* Wajid R. Hossain
301 WASHINGTON AVE. 887-3817
TOWSON, MD 21284
RECEIVED BY: LUCIE DATE: 3/11/94

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 1201 SHAWAN ROAD
which is presently zoned RC-4

This petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property shown 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):

409.1a.2 - IF NECESSARY, TO PERMIT 94 PARKING SPACES IN LIEU OF THE REQUIRED 92 PARKING SPACES.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to any expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

ORDER RECEIVED FOR FILING
DATE: 3/11/94
BY: [Signature]

CONTACT PERSON(S):
NAME: [Signature]
ADDRESS: BALTIMORE COUNTY, MD
DEPT. OF REC & PARKS
WYNNE R. HARSHAW, DIRECTOR
* Wajid R. Hossain
301 WASHINGTON AVE. 887-3817
TOWSON, MD 21284
RECEIVED BY: LUCIE DATE: 3/11/94

ZONING DESCRIPTION
OREGON GENERAL STORE
1201 SHAWAN ROAD
94-348-SPHXA

Beginning for the same on the south side of Shawan Road, as now constructed, at the beginning of the curved edge of paving which connects said south side of Shawan Road with the west side of Kurtz Lane, as now constructed, with leaving said place of beginning and running and binding on or near said curved edge of paving, as now constructed, referring all courses of this description to the Grid District, (1) southeasterly by a line running to the right with a radius of 50.00 feet for a distance of 101.23 feet, (the arc of said curve being subtended by a chord bearing South 38 degrees 45 minutes East 84.90 feet) to the west side of Kurtz Lane, thence running and binding distances viz: (2) South 19 degrees 15 minutes 00 seconds West 73.34 feet to a point of curve, thence (3) southwesterly by a line curving to the left with a radius of 500.00 feet for a distance of 106.90 feet to the arc of said curve being subtended by a chord bearing South 13 degrees 07 minutes and 10 seconds West 106.70 feet) to the arc of said curve being thence (4) South 07 degrees 00 minutes 00 seconds West 193.65 feet, thence leaving said west side of Kurtz Lane and running the four following courses and distances viz: (5) North 88 degrees 15 minutes 00 seconds West 97.00 feet, thence (6) North 02 degrees 15 minutes 00 seconds West 185.00 feet, thence (7) South 87 degrees 45 minutes 00 seconds West 248.65 feet, and thence (8) North 06 degrees 15 minutes 00 seconds West 208.01 feet to intersect the aforesaid south side of Shawan Road, thence running and binding thereon (9) North 83 degrees 15 minutes 00 seconds East 397.00 feet to the place of beginning.

Containing 2.6269 acres of land more or less as now surveyed by Datt-McCune-Walker, Inc. in September, 1995.

CERTIFICATE OF POSTING
COUNTY DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

DATE OF POSTING: 3/11/94
PLACE FOR POSTING: [Signature]
PETITIONER: [Signature]
LOCATION OF PROPERTY: [Signature]
LOCATION OF SIGN: [Signature]
REMARKS: [Signature]
DATE OF RETURN: 3/11/94

CERTIFICATE OF PUBLICATION
TOWSON, MD. March 24, 1994

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 1 successive weeks, the first publication appearing on March 24, 1994.

THE JEFFERSONIAN,
A. Hemison
LEGAL ATTORNEY
TOWSON, MARYLAND

| CHECK NO. | CASH CHECK NO. | ISSUE DATE | ISSUE AMOUNT | AMOUNT PAID | ORIGINAL STATE | NET CHECK AMOUNT |
|-----------|----------------|------------|--------------|-------------|----------------|------------------|
| 0002702 | | 7/27/94 | \$460.00 | | | |

BHORMORD 16549;99762 Bauer/Kurtz Store
Appeal Fee to Zoning Commissioner's decision in Case No. 94-348-SPHXA

BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 3/11/94 ACCOUNT: [Signature]
AMOUNT: \$460.00
RECEIVED BY: Douglas G. Marshall
FOR: [Signature]
VALUED AT: \$460.00
VENDOR: [Signature]

THE PLYMOUTH PUBLISHED COMPANY
March 24, 1994 Issue - advertisement

Finest Covered Billing Inc.
Baltimore County Zoning Administration
and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21286
887-3931

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 21286.

Room 118, 618 Courtroom, 400 Washington Avenue, Towson, Maryland 21286 as follows:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: PH Date of Posting: 3/11/94
Posted to: [Signature]
Petitioner: [Signature]
Location of property: [Signature]
Location of Sign: [Signature]
REMARKS: [Signature]
DATE OF RETURN: 3/11/94

receipt
94-348-SPHXA

Account: R-001-6150
Number: #365 (MCR)
Case: 894-348-SPHXA

NO FEES FOR MCR

Legal Owner: Baltimore County, Maryland
Oregon General Store
1201 Shawan Road
District: BC-3

BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 3/11/94 ACCOUNT: [Signature]
AMOUNT: \$460.00
RECEIVED BY: Douglas G. Marshall
FOR: [Signature]
VALUED AT: \$460.00
VENDOR: [Signature]

CLASS SHEETS: 94-348-SPHXA (Item 846)
1201 Shawan Road - Oregon General Store
BC Zoning Board and Zoning Act
106 Election District - 1st Commissioner
Petitioner(s): Baltimore County, Maryland
MCR# 894-348, APRIL 11, 1994 at 2:30 p.m. in Rm. 118 Old Courtroom.

Special Meeting to approve or confirm this property and improvements as being exempt from the BCZR and alternatively to approve an existing restored commercial store building with conversion to a tea room/restaurant as being consistent with the preservation, if necessary.
Special Exception for conversion of existing building to restaurant consistent with the preserved general store building, and subject to Section 1402.3.B.4 (402.3) BCZR. The preservation of the existing building shall be the centerpiece of the conversion.
If necessary, to permit 94 parking spaces in lieu of the required 92 parking spaces.

BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 3/11/94 ACCOUNT: [Signature]
AMOUNT: \$460.00
RECEIVED BY: [Signature]
FOR: [Signature]
VALUED AT: \$460.00
VENDOR: [Signature]

LARKER & SCOTT
REAL ESTATE CONSULTANTS FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE UNRECORDED PROCEEDINGS. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3551.
(2) FOR INFORMATION CONCERNING THE FILE NUMBER HEARING, PLEASE CALL 887-3551.

NOTICE OF HEARING

The Zoning Commission, on behalf of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified below in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21284.

Case Number: 94-348-SPPMA (Item # 1345)
1201 Shawen Road - Oregon General Store
340 Shawen Road and Beaver Dam Road
8th Election District - 3rd Councilmanic
Petitioner(s): Baltimore County, Maryland
HEARING: WEDNESDAY, MARCH 11, 1994 at 2:30 p.m. in Rm. 118 Old Courthouse.

Special hearing to approve or confirm this property and improvements as being exempt from the RCZ and restaurant as being consistent with the preservation, if necessary, to approve an existing restaurant commercial store building and the conversion to a tea room/restaurnent as being consistent with the preservation, if necessary, to approve an existing restaurant commercial store building and the conversion to a tea room/restaurnent as being consistent with the preservation, if necessary. Special Exception for conversion of existing building to restaurant consistent with the preserved general store building, and subject to Section 1803.1.B.4 (402.3) RCZ. The preservation of the existing building shall be the cornerstone of the conversion. Variance, if necessary, to permit 94 parking spaces in lieu of the required 92 parking spaces.

Arnold Jablon
Director

NOTES: (1) HEARING NOTICE A POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARING AND HEARING AGENDA ACCESSIBLE FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3333.
(3) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, CONTACT THIS OFFICE AT 887-3333.

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified below in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21284.

Case Number: 94-348-SPPMA (Item # 1345)
1201 Shawen Road - Oregon General Store
340 Shawen Road and Beaver Dam Road
8th Election District - 3rd Councilmanic
Petitioner(s): Baltimore County, Maryland
HEARING: WEDNESDAY, MARCH 11, 1994 at 2:30 p.m. in Rm. 118 Old Courthouse.

Special hearing to approve or confirm this property and improvements as being exempt from the RCZ and restaurant as being consistent with the preservation, if necessary, to approve an existing restaurant commercial store building and the conversion to a tea room/restaurnent as being consistent with the preservation, if necessary. Special Exception for conversion of existing building to restaurant consistent with the preserved general store building, and subject to Section 1803.1.B.4 (402.3) RCZ. The preservation of the existing building shall be the cornerstone of the conversion. Variance, if necessary, to permit 94 parking spaces in lieu of the required 92 parking spaces.

Arnold Jablon
Director

NOTES: (1) HEARING NOTICE A POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARING AND HEARING AGENDA ACCESSIBLE FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3333.
(3) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, CONTACT THIS OFFICE AT 887-3333.

NOTICE OF REASSIGNMENT

Case Number: 94-348-SPPMA (Item # 345)
1201 Shawen Road - Oregon General Store
340 Shawen Road and Beaver Dam Road
8th Election District - 3rd Councilmanic
Petitioner(s): Baltimore County, Maryland

Special hearing to approve or confirm this property and improvements as being exempt from the RCZ and restaurant as being consistent with the preservation, if necessary, to approve an existing restaurant commercial store building and the conversion to a tea room/restaurnent as being consistent with the preservation, if necessary. Special Exception for conversion of existing building to restaurant consistent with the preserved general store building, and subject to Section 1803.1.B.4 (402.3) RCZ. The preservation of the existing building shall be the cornerstone of the conversion. Variance, if necessary, to permit 94 parking spaces in lieu of the required 92 parking spaces.

HEARING: WEDNESDAY, MAY 18, 1994 at 2:00 p.m. in Room 106 County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

Arnold Jablon
Director

cc: Harry Miller/1377 Cube Road/Cockeysville/21030
A.D. McComas/12405 Falls Road/Cockeysville/21030
Margaret Murrell/J.O. Box 5402/Towson/21285-5402
Patrick Tranter, Esq./14010 Cube Road/Cockeysville/21030
Dave Hertz/22 W Pennsylvania Avenue/Towson 21204
Robert Hoffman, Esq./210 Allegheny Avenue/Towson 21204
Mike Mares, Esq./400 Washington Avenue/Towson 21204
Ted Bauer/14123 Mantua Hill Road/Glyndon/21071

Mr. Wayne R. Harnes, Director
Department of Recreation and Parks
301 Washington Avenue
Towson, MD 21284

RE: Case No. 94-348-SPPMA, Item No. 345
Petition for Special Hearing, Special Exception
and Variance:
Petitioner: Baltimore County, MD

Dear Mr. Harnes:

The above-referenced petition and accompanying plans were accepted for filing on March 11, 1994 and a hearing was scheduled accordingly. Respectively, the Zoning Advisory Committee (ZAC) has reviewed those plans. Enclosed are copies of the comments received to date from the reviewing agency/agencies offering or requesting information on the petition. These comments are not intended to indicate the appropriateness of the zoning action requested, but rather to ensure that all parties, i.e., zoning commissioner, attorney, and/or petitioner, are aware of any issues that may have a bearing on this case. Should we receive any additional informative comments, they will be forwarded to you immediately. (Comments that are not informative are placed in the case file; you will not receive a copy.)

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.

- The Director of the Office of Zoning Administration and Development Management has instituted a system whereby those zoning attorneys who regularly file petitions that comply with all aspects of the zoning regulations and petition(s) filing requirements can file their petition(s) with this office without the necessity of a preliminary review by zoning personnel. However, previous staff reviews and violations must be identified at that time.

- Any attorney choosing to file without preliminary review should be fully aware of their responsibility for accuracy and completeness. Any petition(s) filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. You should be aware that there may be insufficient time to correct the petition after the comments are made; and therefore, if the petition(s) were filed incorrectly, there is the possibility "ha" another hearing would be required or that the zoning commissioner would deny the petition.
 - Attorneys, engineers, and applicants who make appointments to file petitions on a regular basis and who fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time any further appointments are made. Failure to keep those appointments without 72-hour advance notice will result in the forfeiture of the filing fees.
- If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton at 887-3391 or the commenting agency.

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WRM:cmw
Enclosures

TO: Arnold Jablon, Director DATE: March 28, 1994
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21284
MAIL STOP-1105

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for March 28, 1994
Item No. 345

The Developers Engineering Section has reviewed the subject zoning item. The landscaping shown on the submitted plan should be installed as a condition of granting the request. Also, some additional onsite parking can be provided.

RMB:aw

DATE: 03/22/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21284
MAIL STOP-1105

RE: Property Owner: SEE BELOW
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

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.

- 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, 1991 edition prior to occupancy. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 336 AND 345.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-4881, RS-1106P

cc: File

Ms. Charlotte Minton RE: Baltimore County
Zoning Administration and Development Management Item No.: 7345 (WCR)
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Minton:
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 project.

Please contact Bob Small at 410-333-1350 if you have any questions.
Thank you for the opportunity to review this item.

Very truly yours,
DANN H. SANDERS, ACTING CHIEF
John C. Corbett, Chief
Engineering Access Permits
Division

BSV

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

April 20, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pithers, Jr.
Development Coordinator, DEPRM

SUBJECT: Zoning Item #345 - Oregon General Store
1201 Shawan Road
Zoning Advisory Committee Meeting of March 21, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Ground Water Management

The existing sewage disposal system is sized to handle approximately 520 gallons of sanitary wastewater per day.

Proposed usage will necessitate additional wastewater flow characterization detail. Additionally, soils evaluations will have to be made to further characterize the receiving capacities of the soils. Site suitability characterization for on-site sewage disposal components must be coordinated closely with Environmental Impact Review as both a water supply reservoir stream and forced stands will limit the available area.

It is recommended that these site development assessments be made prior to the Zoning Commissioner's findings being made.

JLP:SP
OREGON/DEPRM/EIR

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE



TO: Arnold Jablon, Director
Zoning Administration &
Development Management

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

DATE: March 29, 1994

SUBJECT: 1201 Shawan Road

ITEM NUMBER: 345

Petitioner: Baltimore County, Maryland

Property Size: _____

Zoning: P.C. 4

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

The Oregon Company Store (known as the Kirtz House) is located at the southeast corner of Shawan and Beaver Dam Road, and dates from about 1849. The site was voted onto the Baltimore County Final Landmarks List by action of the County Council in 1980. The store was also one of the significant buildings in the 1979 nomination of the park and surrounding region as part of the Western Run - Baltimore National Register Historic District. The building was restored in 1986 as a public-private partnership with Martin P. Anole, Inc.

Its listing on the Final Landmarks List means that any external changes would have to be approved by the Landmarks Preservation Commission. The Commission welcomes adaptive reuse, but has no concern with interior arrangements.

Based upon a review of the information provided, staff supports the applicant's proposed reuse of this historic structure subject to the following:

Prior to the issuance of permits, the applicant should meet with the Office of Planning and Zoning for approval of any sign to ensure the rural character of the area will be reflected in the design of any such sign.

Prepared by: *Jiffy M. Day*

Division Chief: *Pat Keller*

PK/SL:lv

ZAC:345/PZOMR/ZAC1

Pg. 1

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Wayne R. Harman, Director
Recreation and Parks
March 14, 1994

FROM: Arnold Jablon, Director
ZACM

SUBJECT: Oregon Store Zoning Petitions
Item #345 Case #94-348-SPEXA

Attached please find copies of the petitions for special hearing, special exception, and variance for the Oregon Store. I have also forwarded copies of these petitions to Stanley Schapiro in the Office of Law.

The hearing for Oregon Store is scheduled for Monday, April 11, 1994 at 2:30 p.m. in Room 118 of the Old Courthouse. Please assign someone from your office to present this matter to the zoning commissioner. We will help in any way we can.

AJ:sc

c: Stanley Schapiro

Attachments

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21284

April 21, 1994

(410) 867-3353

Wayne R. Harman, Director
Department of Recreation and Parks
301 Washington Avenue
Towson, Maryland 21284

RE: Case No. 94-348-SPEXA, Item No.345
Petitions for Special Hearing, Special Exception and Variance

Dear Mr. Harman:

Enclosed are copies of comments received from April 21, 1994 of Environmental Protection and Resource Management on the above-referenced case.

If there are any questions, please do not hesitate to call me at 867-3391.

Sincerely,

Charlotte Kinton
Charlotte Kinton

Enclosure



Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21284

(410) 867-3353

April 5, 1994

Wayne R. Harman, Director
Department of Recreation and Parks
301 Washington Avenue
Towson, Maryland 21284

RE: Case No. 94-348-SPEXA, Item No.345
Petitions for Special Hearing, Special Exception and Variance

Dear Mr. Harman:

Enclosed are copies of comments received from the Office of Planning and Zoning on April 4, 1994 for the above-referenced case. If there are any questions, please do not hesitate to call me at 867-3391.

Sincerely,
Charlotte Kinton
Charlotte Kinton

Enclosure

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: The Board of Appeals
August 29, 1994

FROM: Helene E. Fahringer
ZACM

RE: Case No. 94-348-SPEXA
Appealed on July 27, 1994
Oregon General Store (Kirtz Store)

As per telephone conversation with Charlotte Redcliffe on August 29, 1994, regarding the above referenced case, attached is a copy of the letter, from Robert A. Hoffman (dated August 25, 1994) for inclusion in the previously submitted appeal case.

/s/
Attachment

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21284

(410) 867-3353

August 1, 1994

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517

RE: Petition for Special Hearing, Special Exception and Variance
89/Corner Shawan Road and Beaver Dam Road
(1201 Shawan Road)
8th Election District
3rd Councilmanic District
Baltimore County, Maryland-Petitioner
Case No. 94-348-SPEXA

Dear Mr. Hoffman:

Please be advised that an appeal of the above-referenced case, special exception portion only, was filed in this office on July 29, 1994 by Margaret Morrall on behalf of the Valley Planning Council. All materials relative to this case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winarski at 867-3391.

Sincerely,
Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw
c: Mr. A. Doug McComas
Dr. Polly M. Wirth
Mr. Charles F. Merrick, III
Michael Moran, Esquire
Wayne R. Harman
People's Counsel

APPEAL
Petition for Special Hearing, Special Exception and Variance
89/Corner Shawan Road and Beaver Dam Road
(1201 Shawan Road)
8th Election District - 3rd Councilmanic District
Baltimore County, Maryland-PETITIONER
Case No. 94-348-SPEXA

Petition(s) for Special Hearing, Special Exception and Variance
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel
Zoning Plans Advisory Committee Comments
Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Oregon General Store Plan
2 - One photograph
3 - One photograph
4 - Oregon General Store floor layout
5 - No Exhibit Marked No. 5
6 - Proposed Restriction for Use of the Oregon Stores as a Restaurant

Protestant's Exhibits: 1 - Letter to Timothy Kotroff from the Valley Planning Council dated May 10, 1994

Agreement of Lease by and between Baltimore County, Maryland and Oregon General Store Limited Partnership

Four miscellaneous letters.
Deputy Zoning Commissioner's Order dated June 28, 1994 (SPN portion-denied, portions granted and Special Exception and Variance-granted)

Deputy Zoning Commissioner's Amended Order dated July 27, 1994 (parking variances dismissed and paving requirement for parking area-granted)

Notice of Appeal received on July 28, 1994 from Robert A. Hoffman, Esquire on behalf of Theodore W. Bauer.

Notice of Appeal received on July 29, 1994 from Margaret Morrall on behalf of the Valley Planning Council.

c: Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21285
Ms. Margaret Morrall, The Valley Planning Council, 100 - 212 Washington Avenue, P.O. Box 5402, Towson, MD 21285-5402
Mr. A. Doug McComas, P.O. Box 555, Brookland, MD 21022
Dr. Polly M. Wirth, 304 Greenleigh Road, Baltimore, MD 21212
Mr. Charles F. Merrick, III, 13710 Ocha Road, Cockeysville, 21030
People's Counsel of Baltimore County, P.O. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Timothy M. Kotroff, Deputy Zoning Commissioner
Docket Clerk
Arnold Jablon, Director of ZAP
Michael Moran, Assistant County Attorney
Wayne R. Harman, Director of Rec & Parks



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94 AUG 31 11 31



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: May 16, 1995

FROM: Charlotte E. Redcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. 94-348-SPXHA
BALTIMORE COUNTY, MARYLAND
(Oregon Ridge / Kurtz Store)
Rtn # 3rd C

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

Form with handwritten notes: "Rtn 5", "3/4", "8098", "stopped by to see you re Oregon Ridge Store", "Return Call.", "Needs any kind of plat on the site and description of base for OK Oregon Ridge Store - dated 1985.", "Working on project in house 3 pm - 3:45 - 3/19/95".

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Baltimore County, Maryland; Kurtz Store (Oregon Ridge General Store)
Case No. 94-348-SPXHA

DATE: December 14, 1994 /at conclusion of hearing

BOARD / PANEL: William T. Hackett, Chairman (WTH)
Judson H. Lipowicz (JHL)
S. Diane Levero (SDL)

Those present included Robert A. Hoffman, Esquire, Counsel for Theodore W. Bauer; County Attorney Stanley J. Schapiro, on behalf of Petitioner, Baltimore County; J. Carroll Holzer, Esquire, representing Valleys Planning Council; and Peter Max Zimmerman, People's Counsel for Baltimore County.

PURPOSE --to deliberate issues and matter of Petitions for Special Hearing, Special Exception and Variance; deliberate and immediately following conclusion of hearing in this matter.

Upon deliberation of testimony and evidence, following is final decision of Board:

WTH: Petition for Special Exception granted; restrict use; agrees with it as proposed. Parking variance - granted.

SDL: Agrees with WTH.

JHL: No additional comment.

Written opinion and order to be issued by the Board reflecting final decision.

Above minutes prepared in final form by:

Kathleen C. Weldenhammer
Kathleen C. Weldenhammer
Administrative Assistant

9/07/94 --notice of Assignment for hearing scheduled for Wednesday, December 14, 1994 at 10:00 a.m. sent to following:

- Robert A. Hoffman, Esquire
- Mr. Theodore W. Bauer
- Ed Nalle /Deft-McCune-Walker
- Ms. Margaret Morrall /Valleys Planning Council
- Mr. A. Doug McComas
- Dr. Polly M. Wirth
- Mr. Charles P. Merrick, III
- People's Counsel for Balto. County
- Pat Keller
- Lawrence E. Schmidt
- Timothy H. Kotroco
- W. Carl Richards, Jr. /ZADM
- Docket Clerk /ZADM
- Arnold Jablon, Director /ZADM
- Wayne R. Harman, Rec. & Parks
- Michael J. Moran, Asst. Co. Atty.

12/14/94 -Agreement reached by parties as to facts, use, etc. on records testimony received on to special exception request, etc. at conclusion of meeting. Board (W.T.H.) deliberated publicly, and granted requested petition. Proposed opinion/order to be prepared by Counsel for Petitioner for review by all counsel to be submitted to CBA for final execution and issuance.

1/18/95 -Proposed opinion and order submitted to CBA copies simultaneously sent to other parties for review and comment by R. Hoffman, hearing comm., etc.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -
Room 49, Old Courthouse

September 7, 1994

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c). COUNTY COUNCIL BILL NO. 52-79.

CASE NO. 94-348-SPXHA OREGON RIDGE GENERAL STORE (KURTZ STORE)
Baltimore County, MD -Property Owner
59/Corner Shawan Road and Beaver Dam Road
(1201 Shawan Road)
8th Election District
3rd Councilmanic District

SPH -To confirm subject property exempt from BCR:
SE -Existing store as restaurant; and
VAR -Parking

6/28/94 -D.Z.C.'s Order in which portion of special hearing denied /portion granted; special exception and variance granted.
7/27/94 -D.Z.C.'s Amended Order in which parking variance denied and paving requirement for parking area granted.

ASSIGNED FOR: WEDNESDAY, DECEMBER 14, 1994 at 10:00 a.m.

cc: Robert A. Hoffman, Esquire Counsel for Appellant /Petitioner
Mr. Theodore W. Bauer Appellant /Petitioner
(as to SPH and SE only)
Ed Nalle /Deft-McCune-Walker Appellant /Protestant
Ms. Margaret Morrall /Valleys Planning Council (as to SE only)

Mr. A. Doug McComas Docket Clerk /ZADM
Dr. Polly M. Wirth Arnold Jablon, Director /ZADM
Mr. Charles P. Merrick, III Wayne R. Harman, Rec. & Parks
Pat Keller Michael J. Moran, Asst. Co. Atty.
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM

Added 9/08/94: Mrs. James C. Alban, III

Kathleen C. Weldenhammer
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.

Baltimore County Government
Office of Law

400 Washington Avenue
Towson, MD 21284

(410) 887-4420
Fax (410) 296-0931

September 22, 1994

Ms. Kathleen Weldenhammer
Administrative Assistant
Baltimore County Board of Appeals
Room 49, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Oregon Ridge General Store
CBA No.: 94-348-SPXHA

Dear Kathi:

Please enter my appearance in the captioned matter on behalf of Baltimore County, Maryland.

Thank you for your assistance in this regard.

Very truly yours,

Michael J. Moran
Michael J. Moran
Assistant County Attorney

NUN/jd

14 30 11 23 25 95
TOWSON, MARYLAND 21286

PETITION FOR: 1. REFORMED
SPECIAL HEARING, SPECIAL EXCEPTION, 2. ZONING COMMISSIONER
and Variance 3. OF BALTIMORE COUNTY

PETITIONER: 1. CASE NO.: 94-348-SPXHA
BALTIMORE COUNTY, MD 1 1 1 1 1

ENTER OF APPEARANCE

Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Dentilo
Carole S. Dentilo
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 14 day of Sep 1, 1994, a copy of the foregoing Entry of Appearance was mailed to Baltimore County, MD, Department of Recreation & Parks, Wayne E. Harman, Director, 301 Washington Avenue, Towson, MD 21204.

Peter Max Zimmerman
Peter Max Zimmerman

RECEIVED
APR 14 1994
ZADM

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5482
Towson, Maryland 21285-5482
410-337-6877
410-296-5489 (FAX)

July 28, 1994

William Hackett
Baltimore County Board of Appeals
400 Washington Avenue
Towson, MD 21204

Re: Petition for Special Hearing, Special Exception and Variance
1201 Shawan Road
Case No. 94-348-SPXHA
Petitioners: Baltimore County, Maryland

Dear Mr. Hackett:

On behalf of The Valleys Planning Council, please note an appeal to the above referenced case.

Thank you.

Sincerely,
Margaret Morrall
Margaret Morrall
Executive Director

PLANNING COUNCIL

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-4077
410-296-5409 (FAX)

July 28, 1994

William Hackett
Baltimore County Board of Appeals
400 Washington Avenue
Towson, MD 21204

Re: Petition for Special
Exception
1201 Shawan Road
Case No. 94-348-SPXZA
Petitioners: Baltimore County,
Maryland

Dear Mr. Hackett:
On behalf of The Valleys Planning Council, please note an appeal to the above referenced case.

Thank you.

Sincerely,
Margaret Worrall
Margaret Worrall
Executive Director

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-4077
410-296-5409 (FAX)

Minutes
Executive Committee
May 16, 1994

Present: Dick Buck, Kathie Pontone, Skip Cochran, Loretta Eaton, George Doub, Margaret Worrall

Executive Director, Margaret Worrall, called this meeting of the executive committee expressly to discuss the zoning problems along Shawan Road, specifically Ted Bauer's request for a special exception for a restaurant in the Oregon Ridge Store and the apparent zoning violations at John Brown's Store.

Because Venable, Baetjer & Howard represent these two business interests, George Doub accused himself.

The committee reviewed first the proposed restrictive covenant term sheet as prepared by Bauer's attorney, Rob Hoffman.

Discussion followed and Pontone made the following motion:

The Valleys Planning Council opposes any use of outdoor dining and catering facilities at the Oregon General Store site as well as the activities which would occur there.

Further, the VPC opposes any restaurant special exception use on the site unless a restrictive covenant agreement is agreed to and signed before the special exception hearing scheduled for May 19, 1994, at 2 P.M.

Cochran seconded the motion which carried unanimously.

Next the letter from the lessees of John Brown's Store, Ted Bauer and Bob Shriver, was reviewed.

Discussion followed and Cochran proposed the following:

The VPC wishes the John Brown's Store to come into compliance with their R.C.C. zoning especially as regarding non-permitted signs and an outside weekend pit heat catering stand, both of which we believe are illegal.

Morrall was directed by Buck to inform Bauer and Shriver that we wish them to comply voluntarily, but we are prepared to enter a zoning complaint if the store does not take action to obey the R.C.C. zoning laws.

All present concurred.

The meeting was adjourned at 9:35 a.m.

PETER WIGHT
13808 CUBA ROAD
COCKEYSVILLE MD 21030



June 29, 1994

Mr. Ted Bauer
14123 Manna Mill Road
Glyndon, MD 21071

Dear Mr. Bauer,

As a long term resident of Cuba Road and living less than a mile from the Shawan/Cuba/Bauer Man Roads intersection, we wish to express our strong personal opposition to your desired plans for a restaurant in the "Oregon Ridge Store".

While the letter of May 18, 1994 from The Valleys Planning Council to Timothy Kotroco give the data and legal reasons for opposing your petition for special exceptions on this property, we wish to express our personal feeling to you as a "Neighbor" and someone we assume is sensitive to the concerns of our neighborhood specifically and our rural area in general.

Any additions to the exterior or any increase in the parking lot facilities will create a very, very undesirable situation for our neighborhood.

We will back the suggestions of the Valleys Planning Council and trust you - as a neighbor - will do the same.

Sincerely,

Peter Wight
Peter Wight

Josephine Wight
Josephine Wight

cc Timothy Kotroco
Wayne Harman
Dutch Ruppenberger
Roger B. Hayden

CHARLES P. MERRICK III
13710 CUBA ROAD
COCKEYSVILLE, MARYLAND 21030

June 11, 1994

Mr. Theodore Bauer
14123 Manna Mill Road
Glyndon, MD 21071

Dear Mr. Bauer:

I understand that you are proposing to operate a restaurant at the Oregon Ridge Store site. Being a close neighbor I have an interest in what happens in the Oregon Ridge area, including your proposal.

Generally speaking, the Valleys Planning Council does an excellent job of representing the views of the residents of the Worthington Valley as development matters. The constant advocacy of the VPC to do what is right and proper is indeed one of the main reasons the Worthington Valley remains such an attractive, well preserved, wonderful place to live, and one of Baltimore County's greatest assets.

Having said that the VPC generally represents my views, I do make the following specific observations regarding your proposal:

- I do not favor a non-park use of the historic building known as the Oregon Ridge Store. However, I do not oppose a restaurant use so long as a restrictive covenant agreement is reached with the VPC. Crucial to the agreement is that all restaurant activities must be contained inside the building.
- There should be no expansion or addition to the existing buildings/structures on the site, and no new building constructed for any use. Similarly, the area to be used should not be expanded beyond what is designated in the special exception request.
- Any outside catering of weddings, parties, etc., is in conflict with the Master Plan which designates this as an agricultural preservation zone.

*In a food operation you are the...
I understand that you are proposing to operate a restaurant at the Oregon Ridge Store site. Being a close neighbor I have an interest in what happens in the Oregon Ridge area, including your proposal.*

VENABLE
BAETJER AND HOWARD
ATTORNEYS AT LAW

210 Alabama Avenue
Towson, Maryland 21286-1007
410-576-2200
410-576-2202

Robert A. Hoffman
(410) 494-4242

January 18, 1995

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 94-348-SPXZA
Application of Baltimore County, Maryland
The Oregon Store

Dear Mr. Hackett:

Enclosed is a proposed Opinion and Order in the referenced case which I am simultaneously sending to the other parties for their review and comment.

Thank you for your time and consideration in this matter.

Yours truly,
Robert A. Hoffman

Robert A. Hoffman

RAH/clc
Enclosure

cc: J. Carroll Holzer, Esquire (w/ encl.)
Stanley J. Schapiro, County Attorney (w/ encl.)
Peter Max Zimmerman, People's Counsel (w/ encl.)

VENABLE BAETJER AND HOWARD
ATTORNEYS AT LAW

210 ALABAMA AVENUE
TOWSON, MARYLAND 21286
410-576-2200
410-576-2202

Robert A. Hoffman
August 25, 1994

Arnold Jablon, Director
Baltimore County
Office Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Property of Baltimore County, Maryland
Oregon General Store (Kurtz Store)
Annual of Banded Order in Case No. 94-348-SPXZA

Dear Mr. Jablon:

On Wednesday, July 27, 1994, we filed an appeal on behalf of our client, Mr. Theodore B. Bauer, whose address is 14123 Manna Mill Road, Glyndon, MD 21071, with regard to the Order in the above-referenced zoning case. That same day, the Deputy Zoning Commissioner issued an Amended Order in this case. Accordingly, we hereby note that the steps of our appeal of this case should include both the original and amended Orders.

Should you have any questions, please do not hesitate to call. Thank you for your cooperation.

Yours Truly,

Robert A. Hoffman
Robert A. Hoffman

GFW/dok
enclosure

cc: Theodore W. Bauer
John B. Howard, Esquire



ZADM

VENABLE, BAETJER AND HOWARD

BALTIMORE, MD
WASHINGTON, D.C.
BETHESDA, MD
FREDERICK, MD
ROBERT A. HOFFMAN

July 13, 1994



HAND-DELIVERED
Timothy M. Kotroco, Deputy Zoning
Commissioner for Baltimore County
Old Courthouse, Suite 113
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 94-348-SPXHA
Southwest Corner, Shawan Road and Beaver Dam Road

Dear Mr. Kotroco:

I have reviewed the Findings of Facts and Conclusions of Law in the referenced case. At page 8 and 11 of your Opinion you have granted relief from section 406.5.A.3 of the Baltimore County Zoning Regulations to permit 42 parking spaces in lieu of the required 92 parking spaces for the proposed restaurant use. You may recall from testimony and the site plan presented at the hearing that the area for 92 parking spaces will be provided within the parcel to be leased from Baltimore County, Maryland. It was also pointed out that the parking spaces to be provided would be constructed in the same way as the existing parking spaces (i.e. crushed stone or other permeable surface). The additional parking is necessary for the restaurant use and, except for a variance to permit a crushed stone or similar surface, the variance to the required parking is unnecessary.

Accordingly, it is respectfully requested on behalf of the tenant for the Oregon Store, that the Opinion be revised since the variance granted is, in major part, not required.

VENABLE, BAETJER AND HOWARD

BALTIMORE, MD
WASHINGTON, D.C.
BETHESDA, MD
FREDERICK, MD
ROBERT A. HOFFMAN

July 27, 1994

Mr. Arnold Jablon, Director
Baltimore County
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Property of Baltimore County, Maryland
Oregon General Store (Kurtz Store)
Subject of Case No. 94-348-SPXHA

Dear Mr. Jablon:

On behalf of our client, Mr. Theodor W. Bauer, whose address is 14123 Mantua Mill Road, Glyndon, Maryland 21071, I hereby note an appeal from the decision of the Deputy Zoning Commissioner with respect to the special exception and special hearing in above-referenced zoning case.

Enclosed is a check payable to Baltimore County in the amount of \$460.00 to cover the cost of this appeal (\$250.00 for appeal of special exception, \$175.00 for appeal of special hearing and \$35.00 for posting of the property). Thank you for your cooperation.

Yours Truly,
Robert A. Hoffman, Esq.
Robert A. Hoffman

GPH/doh
enclosure
cc: Theodor W. Bauer
John B. Howard, Esquire
JABLON@GW



PLEASE PRINT CLEARLY

NAME
Heleny On Lee
A. D. McComas
Margaret Womall
TERRIE TRANTER, ESQ.
Jill
Teresa Hoyle

ADDRESS
12722 Cedar Rd. - 21206
12405 Falls Dr. - 21206
VDC P.O. Box 5102 - 21045-5102
14010 Cuba Road, Catonsville
21030
2147 Forest Ave. - 21104

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
Rob Hoffman
Jane Linnard
Ted Bauer

ADDRESS
210 N. Gayley Ave 21204
4th Waverly Ave. 21204
14123 Mantua Mill Rd 21071

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Malcolm Aldrich, Director
TO: ROZARLAW, A. BARRIS
Malcolm F. Spicer, Jr.,
FROM: County Attorney

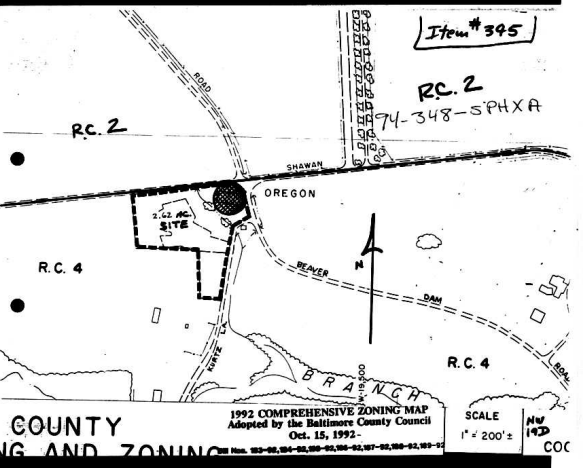
Date: June 28, 1995

SUBJECT: Kurtz Store

Enclosed herewith please find one (1) copy of the fully executed lease regarding Oregon Ridge - Kurtz Store. You may retain this copy for your files.

Malcolm F. Spicer, Jr.
County Attorney

MFSJR:gh
Attachment.



IN THE MATTER OF THE APPLICATION OF MARK GREENE (MANOR TAVERN) FOR A ZONING RECLASSIFICATION FROM R.C. 2 TO R.C.C. ON PROPERTY LOCATED ON THE NORTHWEST SIDE OLD YORK RD., OPPOSITE MONTON ROAD (15819 OLD YORK ROAD), 10TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CASE NO. R-91-115 Item #9, CYCLE IV 1990-1991 (Documented Site Plan)

OPINION

Petitioner, Manor Tavern, Inc., contends that the Baltimore County Council in 1988 erred in imposing R.C. 2 zoning on at least 1.316 acres of the Petitioner's property instead of rezoning the property to the newly created Rural Conservation Commercial (R.C.C.) zone. Second, the Petitioner seeks two variances pursuant to Section 2-58.1(p) Baltimore County Code to permit 168 parking spaces in lieu of the required 224 parking spaces and that a number of these parking spaces be located off of the proposed R.C.C. zone which would otherwise be required to be located within the R.C.C. zone pursuant to Section 1A06.2.C.4 Baltimore County Zoning Regulations (hereinafter "BCZR"). Finally, the Petitioner filed a request for a Special Hearing to determine if the R.C.C. zoning classification permits the proposed use of a seasonal reception garden.

The Manor Tavern property consists of 5.64 acres located on the northeast side of Manor Road, at Manor Road's intersection with Old York Road and Monton Road, in the Tenth Election District and Third Councilmanic District of Baltimore County. As shown on Petitioner's Exhibit 1, the Monk Site Plan, revised April 3, 1991, the subject property is zoned B.L.-C.R. as to 2.12 acres along the

Petitioners Sign-In

John Howard 210 Alleyly Ave
Kob Hoffman 210 Alleyly Ave
Ed Halle 21204
204W
Ard Epa Ave 210
574 Andy P.
F.W. PROVIATORS CDG. APPLICANTS 611N ROTUNDA ST.
MICKEY CARBONUS THE TRAFFIC GROUP 40 W. Chesapeake Ave
SUITE 600 BALTIMORE

Protestants Sign In

Margaret Womall VPC P.O. Box 5102
Towson, MD 21285
A. D. McComas P.O. Box 555
BROOKHAVENVILLE 21022
Polly Wecker W. 174 904 E. Greenleaf rd.
Belt Md 21212

AGREEMENT OF LEASE

by and between
BALTIMORE COUNTY, MARYLAND
and
OREGON GENERAL STORE LIMITED PARTNERSHIP

EXHIBIT B

Instruments and Matters Affecting Title

To be supplied.

PROPOSED RESTRICTIONS
CASE NO. 94-248-SPEXA

1. Petitioner may apply for its building permit and be granted same upon receipt of this Board's 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, the relief granted herein shall be reinstated.
2. In the event the Petitioner shall decide to install the outdoor dining area/patio on Petitioner's Exhibit 1, then the Petitioner shall be required to submit the plans for said outdoor dining area/patio to DEPDM for their full review and approval.
3. The alternate outdoor dining area/patio locations, depicted on Petitioner's Exhibit 1, shall only be utilized for dining or pre-dinner cocktails, so long as patrons are subsequently served dinner, and shall be limited in quantity to 125 persons. There will be no outdoor bars, live music, tents, or similar overhead coverings on or serving the outdoor dining area. Music shall not be audible from any neighboring residences that exist as of the date of this Board's Order.
4. The Petitioner shall be prohibited from catering or hosting weddings or other similar events outside on the subject property. This paragraph shall not be interpreted to preclude activities permitted under Restriction No. 3.
5. The bar/lounge area will be located at the east end of the restaurant as shown on the floorplan submitted as Petitioner's Exhibit 2. This provision shall not preclude serving alcoholic beverages in other areas of the restaurant or establishing temporary bar areas inside the restaurant.
6. Petitioner shall be permitted to have dining and/or seating areas on the front porch of the Store.
7. No alteration or expansion of the exterior of the Store shall be permitted unless approved by the Baltimore County Landmarks Preservation Commission in accordance with Section 36-741 of the Baltimore County Code. Any expansion of the Store shall be limited to enclosures of existing building features including porches and stairs or expansion of basement areas. This provision shall not preclude the establishment of an outdoor dining area, additional parking or relocation of the sign-barn as shown on Petitioner's Exhibit 1. There will be no additional buildings constructed on the property.
8. The existing sign for the Store may be replaced with a sign of the same or smaller size.

1

DRAFT TERM SHEET OF
PROPOSED RESTRICTIONS FOR USE OF THE
OREGON STORES AS A RESTAURANT

April 28, 1994

1. Bauer agrees that an extension of public water and public sewer will not be requested of any local, state or federal authority. This provision shall not preclude the establishment of any individual on-site system that does not discharge into a stream as may be available in the future.
2. No alterations to the exterior of the building shall be permitted unless approved by the Baltimore County Landmarks Preservation Commission. Any expansion of the existing structure shall not be utilized for additional seating or bar area for the restaurant. This provision shall not preclude the establishment of an outdoor dining area (including existing porches) or additional parking.
3. The bar/lounge area will be located at the east end of the building as shown on the attached exhibit. This provision shall not preclude serving alcoholic beverages in other areas of the restaurant or establishing temporary bar areas associated with special events.
4. The parking areas shall be a non-paved surface such as stone or similar permeable surface.
5. Any new exterior lighting shall be of the same height, general design and intensity as that which exists on site today unless different lighting is approved by the parties to this agreement.
6. The existing sign for the Oregon Stores shall be replaced with a sign of the same or smaller size.
7. The communities agree to not oppose the establishment of the restaurant by Bauer, so long as it is consistent with the terms of this agreement.
8. Bauer agrees to pay reasonable attorneys' fees necessary to review a Restrictive Covenant Agreement, consistent with the terms herein, provided the fees do not exceed \$2,500.

BAW/LS

PETITIONER'S
EXHIBIT NO. 6

1

Joint Ex 2

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5462
Towson, Maryland 21285-5462
410/337-6877
301/296-5469 (FAX)

Prot. Ex. 1

February 1, 1991

To Whom It May Concern:

Margaret Murrall is the Executive Director of The Valleys Planning Council, Inc. As such she is authorized to represent the views of the organization. She is authorized to speak at public meetings, before the County Council, and in legal proceedings before the Zoning Commissioner, the Board of Appeals, in District of Circuit Court and in any other proceeding in which The Valleys Planning Council may have an interest.

Richard B. Baux
Richard B. Baux
President

Kathleen Pontone
Kathleen Pontone
Secretary

RESTRICTIVE COVENANT AGREEMENT

THIS AGREEMENT has been entered into on this ___ day of December, 1994, by and among OREGON, LLC (the "Declarant") and THE VALLEYS PLANNING COUNCIL, INC. (the "Community").

RECITALS:

A. Baltimore County, Maryland ("Baltimore County") is the owner of approximately 2.63 acres of land currently zoned R.C. 4 and situated at the southeast intersection of Shawsen Road and Bauer's Dam Road in Baltimore County, Maryland (the "Property"), as more fully shown on the site plan attached hereto as Exhibit 1. The Property is currently improved by the buildings known as the Oregon General Store (the "Leased Buildings").

B. Baltimore County entered into an Agreement of Lease of the Property with Oregon General Store Limited Partnership (the "Lessee") in June, 1985 and a Memorandum and Amendment of Agreement of Lease, dated September 7, 1985, and recorded among the Land Records of Baltimore County, Maryland in Liber 7031, folio 004 (collectively, the "Lease").

C. Declarant and Lessee, with Baltimore County's written consent as landlord, have entered into an Assignment of Lease (the "Assignment"), dated February 1, 1994, as part of the sale and transfer of Lessee's assets to Declarant, pursuant to an Asset Purchase Agreement between Lessee and Theodore W. Bauer (which Bauer has assigned to Declarant), dated March 31, 1994 (the "Purchase Agreement").

D. Declarant intends to convert the Property and improvements thereon to a full service restaurant and lounge.

E. The Community is willing to support the use of the Property as a restaurant and lounge, but requests that the Property be limited to use as a restaurant and lounge, as hereinafter set forth.

WITNESSETH:

NOW, THEREFORE, IN CONSIDERATION of the premises described in the foregoing recitals, which recitals are fully incorporated as part of this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

1. **RESTRICTIVE COVENANT.** Declarant hereby agrees, on behalf of itself, and its successors and assigns, that, during the term of this Agreement, the Property will be used as a standard restaurant, as defined in Section 101 of the Baltimore County Zoning Regulations, and lounge, and only in accordance with the terms, conditions, and restrictions hereinafter set forth:

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5462
Towson, Maryland 21285-5462
410-337-6877
410-296-5469 (FAX)

PROTESTANT'S
EXHIBIT NO. 1

May 16, 1994

Timothy Kotrocco
Deputy Zoning Commissioner
400 Washington Avenue
Towson, MD 21284

Re: Oregon General Store
(a.k.a. Kurtz Store)
94-248-SPEXA - Item 345

Dear Mr. Kotrocco:

On behalf of The Valleys Planning Council, I wish to express our strong opposition to the petition for a special exception for conversion of the existing building to a restaurant consistent with the preserved general store building, known as Kurtz House or Oregon General Store.

In addition, we oppose the approval of this property and improvements as being exempt from the Baltimore County Zoning Regulations.

Over the past several months we have attempted to negotiate a restrictive covenant agreement with the proposed lessee, Theodore Bauer, in order to find a use for this property which is compatible with the Oregon Ridge Park and the surrounding rural community.

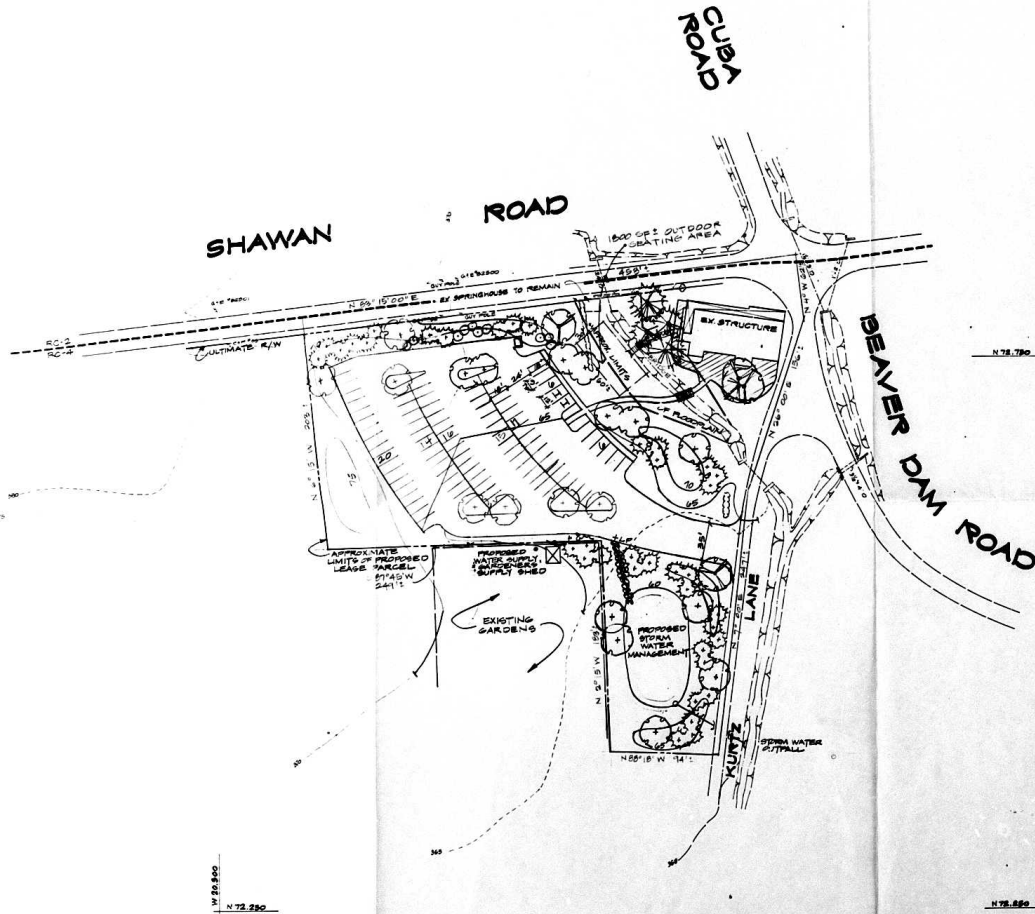
It is our understanding that the property is subject to a lease agreement with Baltimore County in return for the restoration of the historic structure on the 2.63 acre parcel.

We have been told by Charles Fisher of Baltimore County Department of Recreation and Parks that the county cannot afford to maintain the property and therefore, is willing to lease the area to Mr. Bauer for a commercial restaurant to be located in the historic structure.

Accordingly, Mr. Bauer appears willing to covenant with the community that there will not be alterations or additions to the historic structures on the site, unless approved by the Baltimore County Landmarks Commission. And, further, that there will be no additional buildings constructed on the leased area and no expansion of any other existing structures on the site.

The interior use of the structure will be according to a documented site plan including and limiting the bar/lounge area to





General Notes

1. Applicant: Baltimore County, MD, Department of Recreation and Parks, 201 Washington Avenue, Towson, MD 21284
2. Election district 8; Councilmatic district 3; Census tract 4083.
3. Watershed 11; Subwatershed 36.
4. Current zoning: RC-4

Estimated acreage of leasehold parcel:
2.03 A±

Proposed use: TBA ROOM/RESTAURANT

(Basement: 1,540 S.F. STORAGE ONLY)
First Floor: 3,456 S.F.
Second Floor: 1,116 S.F.
Basement: = 30 S.F.
Total = 5,702 S.F.

Parking:
Required: 5,702 SF @ 10/1000 = 90 SP

Provided: 74 SP

Landscape Requirements

5. There are no public utilities serving the site. The development will be served by a well, proposed to be located near Shawan Road, and a septic area to be in conformance with Baltimore County Health Department standards.
6. Soils:

| Series & Symbol | Soils Classification | With Basements | Without Basements | Streets & Parking |
|------------------|----------------------|----------------|-------------------|-------------------|
| Hagerstown (S&S) | S | slight | slight | slight |
| (S&S2) | S | slight | slight | moderate slope; |
7. There are no slopes in excess of 25%.
8. The existing building is listed as "The Oregon Furnace Store (Burt's House)" on the Baltimore County Final Landmarks List.
9. The proposed lease hold parcel lies within the Oregon Ridge Park which is owned by Baltimore County; deed reference 5036/650. Property number 08-07-019011.
10. Stormwater will be managed by a dry pond located south of the entrance drive, along Quarry Lane, as shown on the plan.
11. There are no known wetlands (hydric areas), critical areas, and endangered species habitats or hazardous materials on the site.
12. See Commercial Permit Nos.

| | |
|--------------|-----------------------------|
| 9760 | C of O - Road to Hair Salon |
| 9761 | and Interior Alterations |
| 6C-156-07 | Issued 6/4/97 |
| 8227 | Parking Lot |
| 628C-1073-05 | |
| 7736 | Remediation |
| 6C-857-05 | |
| 6C-702-80 | SWM |

PLAN TO ACCOMPANY PETITION FOR ZONING SPECIAL EXCEPTION, SPH AND VARIANCE

REVISIONS BY BALTIMORE CO. ZADM FOR ZONING PETITION PURPOSES ONLY.
3/11/94 NOTES 1,4,10 TITLE METES & BOUNDS, PERMIT NOS., GARDBENCH PARKING REDUCED

ITEM 345
94-348-SPHX

PETITIONER'S EXHIBIT NO. 1

PRINTED
MAY 10 1994
DAFT-McCUNE-WALKER, INC.

DAFT · McCUNE · WALKER · INC.
LAND PLANNING DESIGN/ARTISTS
LANDSCAPE ARCHITECTS
ENGINEERS
300 EAST FREDERICK AVENUE
TOWSON, MD 21286
TELEPHONE 811-380-3333

THE OREGON GENERAL STORE
1201 SHAWAN RD.
8TH ELECTION DISTRICT BALTIMORE CO., MD.

SEAL OF BALTIMORE COUNTY
OFFICIAL

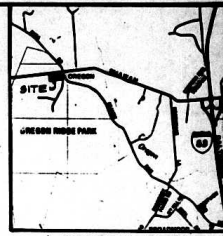
| DATE | REVISIONS |
|---------|--|
| 5.11.94 | NOTE 4 ADDED PARKING 1 OUTDOOR SEATING |
| | |
| | |
| | |

SCALE: 1" = 50'

JOB ORDER NO. 88040.A

ISSUE DATE MARCH 11, 1994

Petitioner's
Ex 1



LOCATION PLAN
SCALE: 1"=500'

General Notes

- Applicant: Baltimore County, Md.
Department of Recreation and Parks
301 Washington Avenue
Towson, MD 21286
- Election district 8; Councilmatic district 3; Census tract 4083.
- Watershed 11; Subwatershed 36.
- Current zoning: RC-4
- Estimated acreage of leasehold parcel:
2.03 A.c.

Proposed use: TBA ROOM/RESTAURANT

(Basement: 1,560 S.F.
First Floor: 3,436 S.F.
Second Floor: 1,116 S.F.
Mezzanine: 130 S.F.
Total: 6,242 S.F.

7242
1800
4800
9042

Required: 6700 S.F. @ 14/1000 = 92.5 P.
9042 = 145

Provides: 94 sp.

Landscape Requirements

- There are no public utilities serving the site. The development will be served by a well, proposed to be located near Shawan Road, and a septic area to be in conformance with Baltimore County Health Department standards.
- Soils:

| Series & Symbol | Soils Classification | With | Without | Screen & Parking |
|-----------------|----------------------|--------|---------|------------------|
| Hagerstown (Sd) | S | slight | slight | slight |
| (Sd2) | S | slight | slight | moderate slope; |
- There are no slopes in excess of 15%.
- The existing building is listed on the Oregon Parkers Stone (Burr's House) on the Baltimore County Final Landmarks List.
- The proposed lease hold parcel lies within the Oregon Ridge Park which is owned by Baltimore County; Good reference 5034/59. Property number 08-02-019311.

PLAN TO ACCOMPANY PETITION FOR ZONING SPECIAL EXCEPTION, SPH AND VARIANCE

REVISIONS BY BALTIMORE CO. ZADM FOR ZONING PETITION PURPOSES ONLY.
3/11/94 NOTES 1, 4, 10 TITLE METES & BOUNDS, PERMIT NOS., GARDENER PARKING REDUCED

ITEM 345
94-348-SPHX

- Stormwater will be managed by a dry pond located south of the entrance drive, along Burr's Lane, as shown on the plan.
- There are no known wetlands (biotic areas), critical areas, endangered species habitats or hazardous materials on the site.
- See Committed Permit Nos.

| | |
|-------------|-----------------------------|
| 9960 | C of O - Road to Hill House |
| 9961 | and Inventory Alterations |
| C-388-87 | Issued 8/14/87 |
| 8227 | Parking Lot |
| C2C-1673-88 | |
| 7736 | Remediation |
| C-857-89 | |
| C-78-80 | SPH |
- OUTDOOR SEATING AREA SHALL NOT EXCEED 125 SEATS and may be landscaped and/or fenced



THE OREGON GENERAL STORE
1201 SHAWAN RD.
8TH ELECTION DISTRICT BALTIMORE CO., MD.

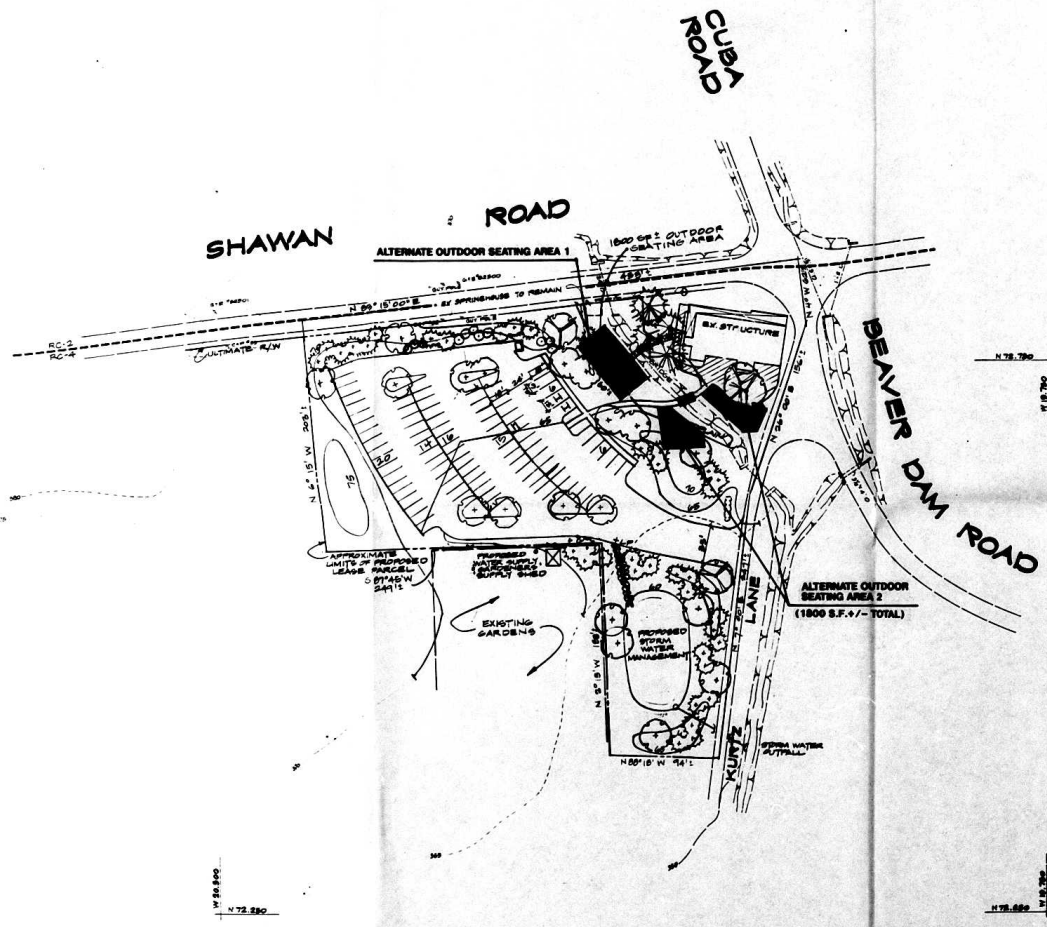


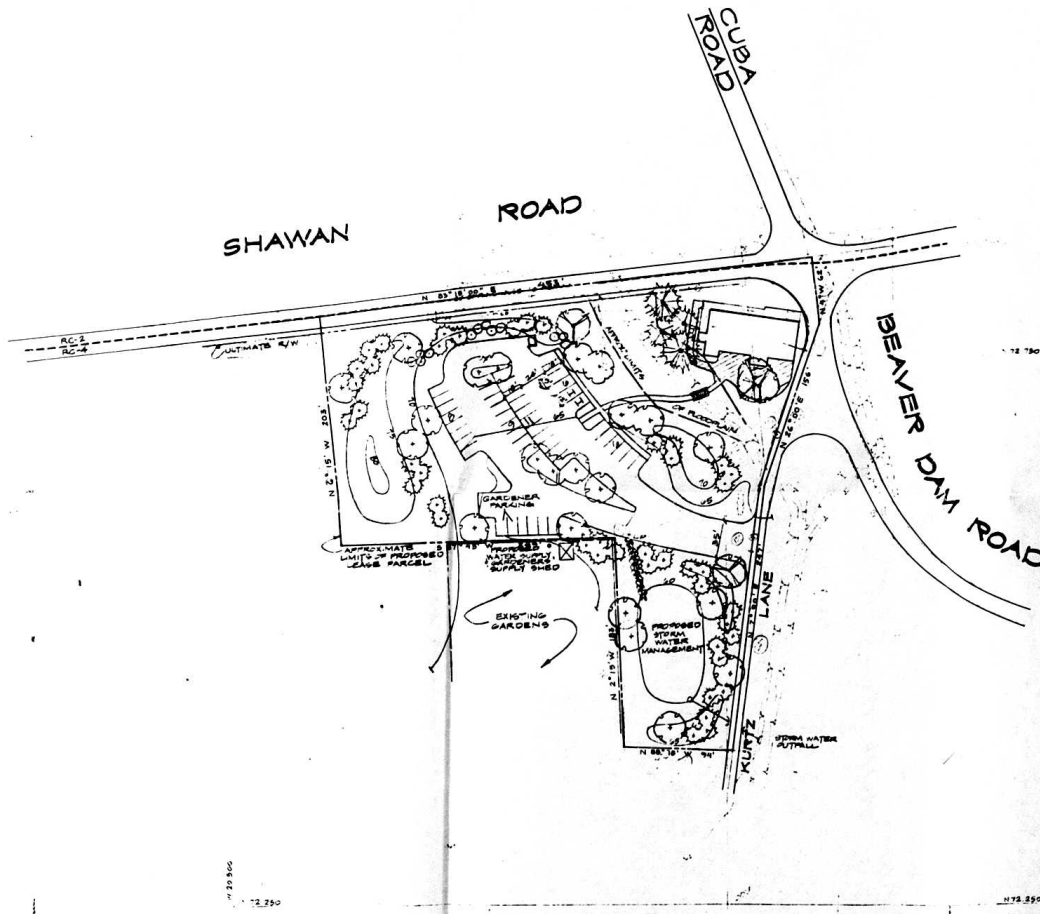
| DATE | REVISIONS |
|----------|---------------------------|
| 3.11.94 | NOTE 4, ADD SPH, CHANGE 1 |
| 12/17/93 | OUTDOOR SEATING |
| | PL. BOUNDING |

SCALE: 1"=50'

JOB ORDER NO.
85040.A

DATE
MARCH 11, 1994





94-348-SPHXA

General Notes

1. Applicant: Baltimore County, Md
Dept. of Rec. & Parks
301 Washington Ave. Towson, Md 21204
2. Election District 8; Councilman's district 3; Census tract 4083.
3. Watershed 11: Subwatershed 3B.
4. Current zoning: RC-6

Estimated acreage of leasehold parcel:
2.6269 AC.

Proposed use: Tea Room / Restaurant

Basement: 1,500 S.F. Storage only.
First Floor: 3,450 S.F.
Second Floor: 1,710 S.F.
Mezzanine: 130 S.F.
Total = 5,790 x 1000 = 5,792
Parking: x 10 = 91.25 or 92

Required: 44

Provided: 44

Landscape Requirements:

5. There are no public utilities serving the site. The development will be served by a well, proposed to be located near Shawan Road, and a septic area to be in conformance with Baltimore County Health Department standards.
6. Soils:

| Series & Symbol | Soils Classification | With Seepage | Without Seepage | Streets & Parking |
|-----------------|----------------------|--------------|-----------------|-------------------|
| Yagerstown (Ss) | S | slight | slight | slight |
| (Rz2) | S | slight | slight | moderate slope |
7. There are no slopes in excess of 25%.
8. The existing building is listed as The Oregon Petcare Store (Bureau Name) on the Baltimore County Final Landmarks List.
9. The proposed lease hold parcel lies within the Oregon Ridge Park which is owned by Baltimore County and reference 3034/50. Property number 30-02-019031.
10. Stormwater will be managed by a dry pond located south of the entrance drive, along Rantz Lane, as shown on the plan.
11. There are no known wetlands (hydric areas), critical areas, endangered species habitats or hazardous materials on the site.

12. SEE COMMERCIAL PERMIT NOS.

97640 C of O - RETAIL TO HAIR SALON
97641 & INTERIOR ALTERATIONS
(C-1586-87) ISSUED 8/6/87

80227 (GRC-1473-85) PARKING LOT
77246 (C-837-85) RESTORATION
C-C-762-86) SWM



**PLAN TO ACCOMPANY
PETITION FOR ZONING
SPECIAL EXCEPTION,
SPH AND VARIANCE**

REVISIONS BY BALTIMORE CO. EADM
FOR ZONING PETITION PURPOSES
ONLY.
3/11/94 NOTES 1,4,10 TITLE
METES & BOUNDS, PERMIT NOS.,
GARDENER PARKING REDUCED

ITEM 345
94-348-SPHXA

DAFF - MCCLURE - WALKER INC.
LAND PLANNING CONSULTANTS
1201 SHAWAN ROAD
TOWSON, MD 21286
TELEPHONE 781-3600 FAX

**THE OREGON
GENERAL STORE**
1201 SHAWAN ROAD
8th ELECTION DISTRICT BALTIMORE CO. MD

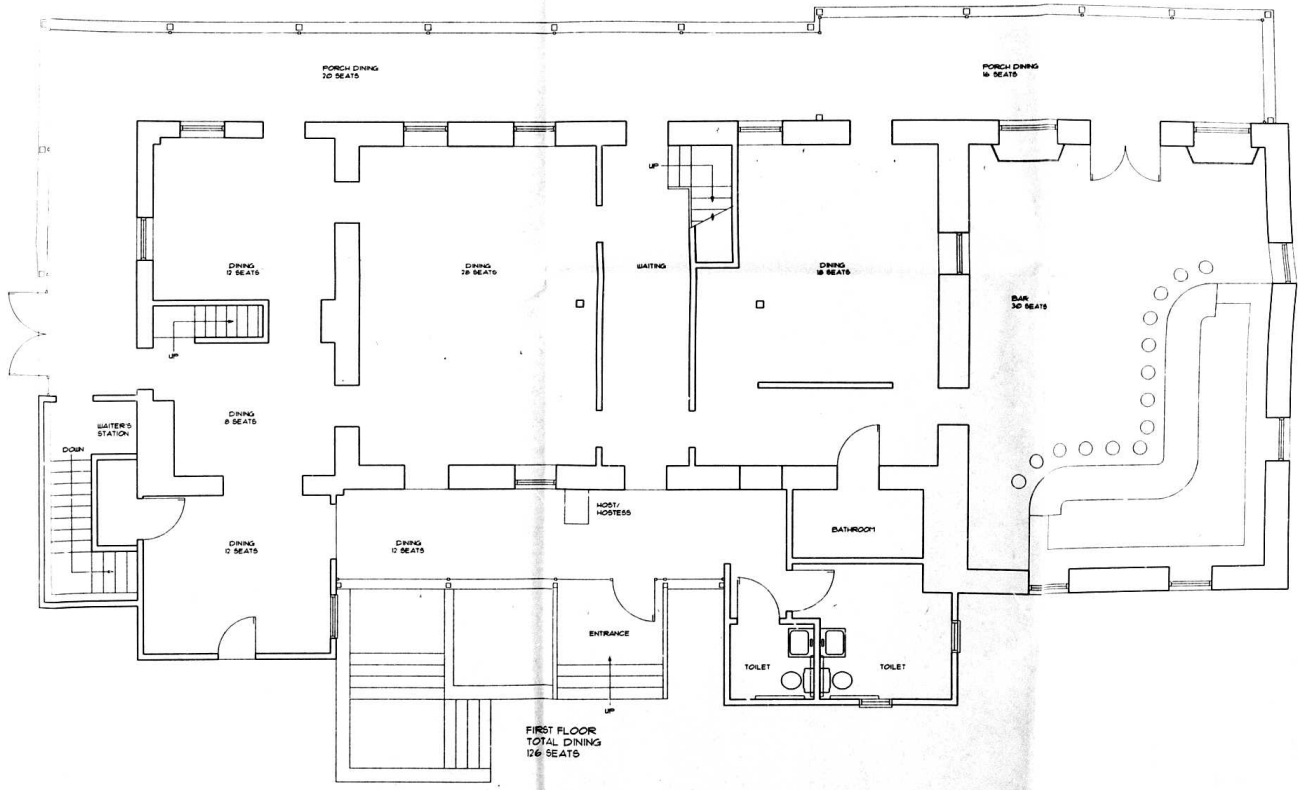
DATE: 8-20-85
REVISIONS: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

SCALE: 1"=50'

JOB ORDER NO. 85040

ISSUE DATE MARCH 15, 1985

Ref Plans
EX 2



FIRST FLOOR
TOTAL DINING
126 SEATS

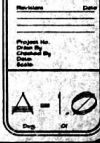
1 First Floor Plan Approx. Seating
Scale: 1/4"=1'-0"

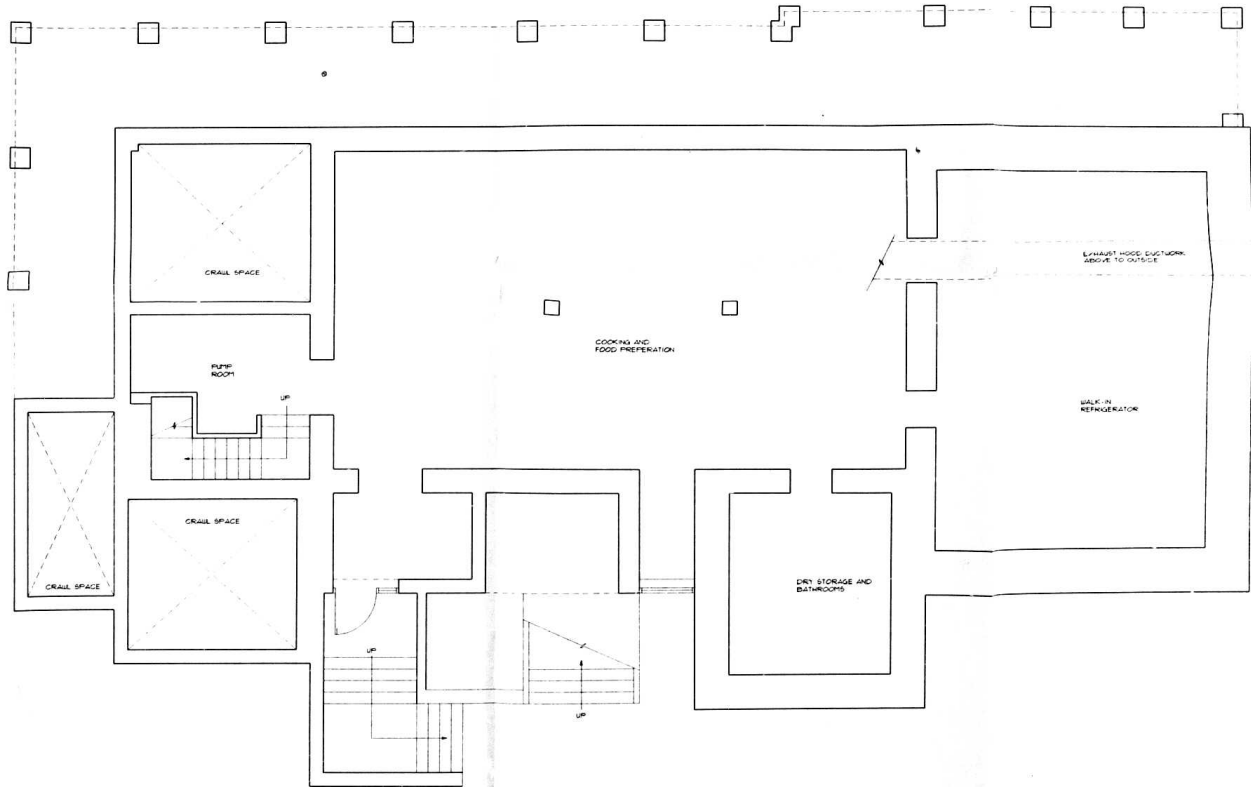
15 MAR 2022 14:02:24X.DWG 05/19/24

CDG

The Chesapeake Design Group, Inc./Architects
4 North West Street, Baltimore, MD 21201
410-939-3422

OREGON
Shawan & Beaver Dam Roads
Hunt Valley, MD





Basement / Kitchen Floor Plan
Scale 1/4" = 1'-0"

PETITIONER'S
EXHIBIT NO. 4

CDG

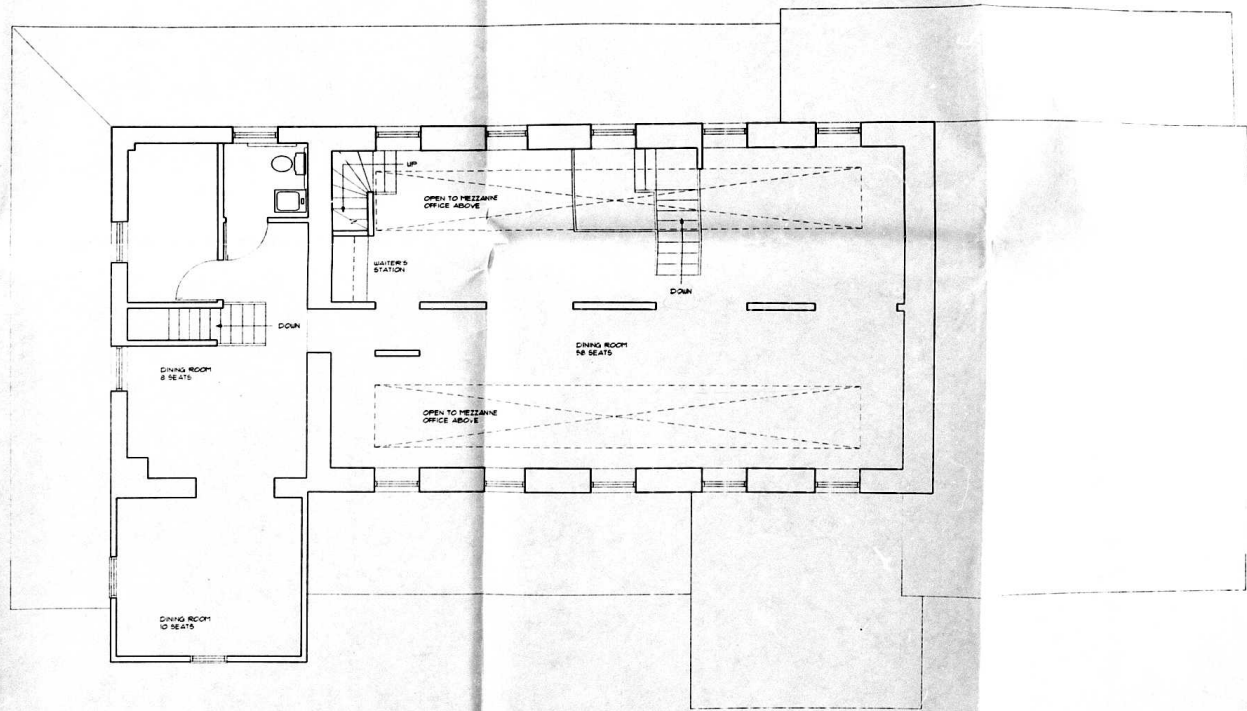
The Creechlake Design Group, Inc. Architects
611 North East Beaver Dam Road
40-287-2622

OREGON
Shawn & Beaver Dam Roads
Hurt Valley, MD

| REVISION | DATE |
|----------|------|
| | |
| | |
| | |
| | |

Project No.
Drawn by
Checked by
Scale

A-10



1 Second Floor Plan
 Scale 1/4"=1'-0"

CDG

The Chesapeake Design Group Inc./Architects
 611 North Main Street, Baltimore MD 21201
 410-531-3027

OREGON
 Shuman & Beaver Dam Resos
 Hunt Valley MD

DATE: 11/11/01
 DRAWN BY: J. [unclear]
 CHECKED BY: [unclear]
 PROJECT NO.: [unclear]
 SHEET NO.: 12
 OF 12



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 25, 1996

Mr. Edmund F. Haile
Daft McCune Walker, Inc.
200 East Pennsylvania Avenue
Towson, MD 21286

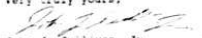
RE: Zoning Verification
1201 Shawan Road
The Oregon Grille
Permit #B-287445
Zoning Case #94-348-SPHXA
8th Election District

Dear Mr. Haile:

I am in receipt of your letter dated November 20, 1996. Your request is for an addition of 200 square feet to the existing building on both the basement and 1st floors (total 400 square feet) and an addition of 6 parking spaces (increasing the total to 100). This matter has been reviewed and it has been determined that this request is within the spirit and intent of granted zoning case #94-348-SPHXA.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 867-3391.

Very truly yours,


John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:rye

cc: zoning case 94-348-SPHXA

Enclosure

BALTIMORE COUNTY, MARYLAND
OFFICE OF PERMITS - SERVICE DIVISION
INCORPORATION CASE RECEIPT

NO. 029833

DATE 11/22/96 AMOUNT \$ 76.00 (TAX)

RECEIVED BY Edmund Haile

ZONING VERIFICATION
1201 SHAWAN ROAD

DIAG00021210101C 940.00
ON COLL#231011-25-96

RECEIVED BY DEPARTMENT OF PERMITS RYL

November 20, 1996

Mr. John Sullivan
Baltimore County
Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

RE: The Oregon Grille
Building Permit No. B287445
Project No. 85040.B


Dear John:

We are requesting that certain adjustments to The Oregon Grille Plan be considered as in accordance with the spirit and intent of the Zoning Commissioner's order in Case Number 94-348-SPHXA. The adjustments are:

1. Addition of 200 s.f. to the existing building on both the basement and first floors (400 s.f. total).
2. The addition of six parking spaces, increasing the total to 100 spaces, to account for the building addition and outdoor seating area.

It is our belief that these modifications are in accordance with the spirit and intent of the Zoning Commissioner's order. We are submitting a copy of the Building Permit Plan showing these adjustments.

Sincerely,


Edmund F. Haile
President

EFH/mls

Enclosures

cc: Mr. Ted Bauer
Mr. Williams Baukhages

DMW

Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

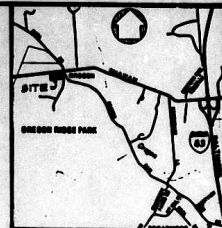
Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals



LOCATION PLAN
SCALE: 1"=500'

1. OWNER: Baltimore County, Md.
Department of Recreation & Parks
200 Frederick Avenue
Baltimore, MD 21201
2. Election District 8; Councilman's District 3; Census tract 4083.
3. Watershed II; Subwatershed 35.
4. Current zoning: EC-4
- Estimated acreage of leasehold parcel:
2.65 A ±

Proposed Use: Ten Room / Restaurant
 Basement: 1,740 s.f. (storage only)
 First Floor: 3,696 s.f.
 Second Floor: 1,716 s.f.
 Miscareuse: 530 s.f.
 Outdoor Seating: 1,800 s.f.
 Total: 9,442 s.f.

Parking:
 Required: 9,442 s.f. @ 16 / 100' = 151 spaces
 55 spaces from variance
 100 spaces

Landscape Requirements

5. There are no public utilities serving the site. The development will be served by a well, proposed to be located near Shawan Road, and a septic area to be in accordance with Baltimore County Health Department standards.
6. Soils:

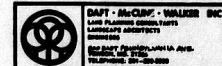
| Series & Symbol | Soils Classification | With Stormwater Runoff | Without Stormwater Runoff | Streets & Parking |
|-----------------|----------------------|------------------------|---------------------------|-------------------|
| Superton (Sst) | S | slight | slight | slight |
| Shelburne (Sh) | S | slight | slight | moderate slope |
7. There are no slopes in excess of 3%.
8. The existing building is listed on The Oregon Purcuse Store (Berta House) on the Baltimore County Final Landmarks List.
9. The proposed lease hold parcel lies within the Oregon Ridge Park which is owned by Baltimore County; deed reference 303A/6A. Property number 09-01-019211.
10. Floor area ratio calculations: N/A
11. Amenity Open Space: N/A
12. Height determination: less than 40 feet.
13. Stormwater will be managed by a dry pond located south of the entrance drive, along Berta Lane, as shown on the plan.
14. There are no known wetlands (hydric areas), critical areas, endangered species habitats or hazardous materials on the site.
15. See Comammal Panel No.
- | | |
|------------|-----------------------------|
| 9700 | C of O - Road to Hair Salon |
| 9701 | and Laundry Alterations |
| EC-100-07 | Issued 5/16/87 |
| 8827 | Parking Lot |
| CBC-673-88 | Rezonation |
| 7736 | 8/2/88 |
| EC-700-88 | 8/2/88 |
16. Special Hearing, Special Exception and Zoning Variance Case No. 94-348-SP/KA
17. Site to be stabilized at the end of each workday day.

PLAN TO ACCOMPANY
BUILDING PERMIT
APPLICATION

PRINTED
MAY 20 1994

DAFT-McCUNE-WALKER, INC.

LIMIT OF DISTURBANCE = 12,630 S.F.



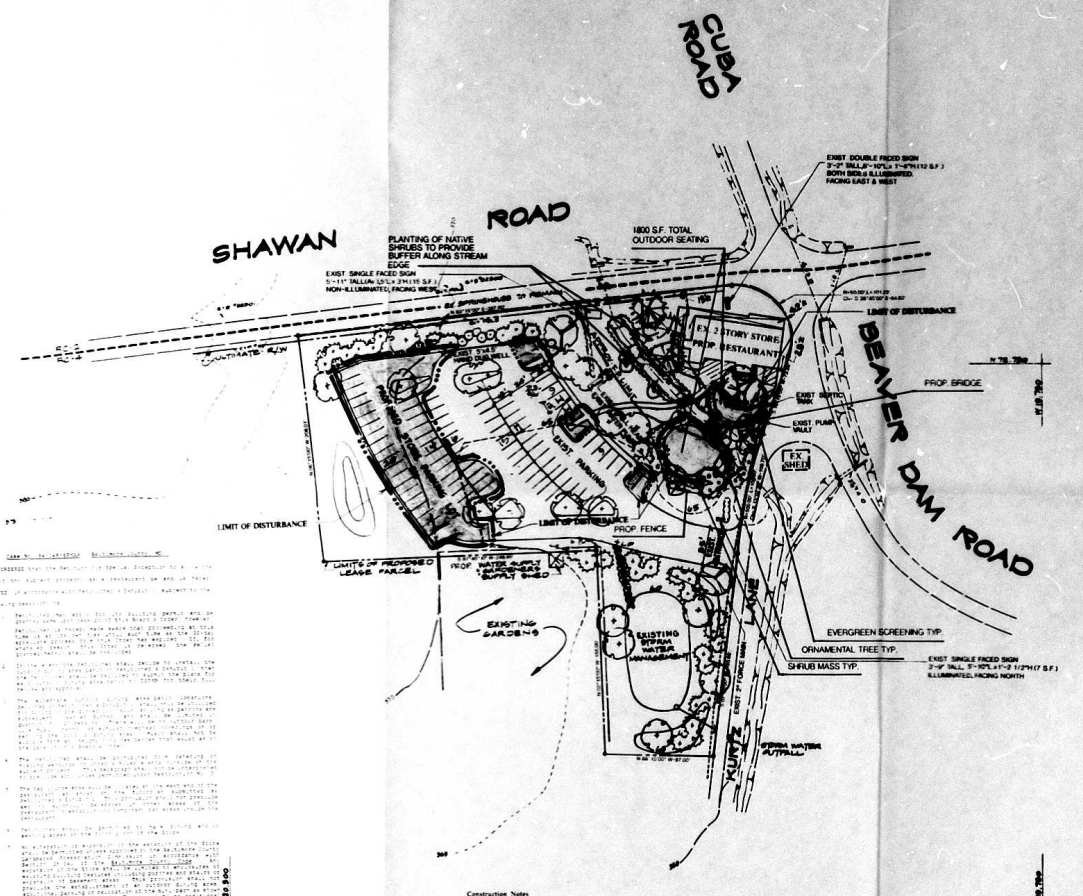
THE OREGON
GRILLE
1201 SHAWAN RD.

8TH ELECTION DISTRICT BALTIMORE, MD.



| DATE | REVISIONS |
|----------|---|
| 11.14.94 | ADD parking spaces, show build to addition, locate parking Total Area |
| | |
| | |
| | |

SCALE:
1"=50'
JOB ORDER NO.
85040.B
ISSUE DATE
FEB.21, 1994



1. The proposed development is located on a parcel of 2.65 acres, bounded by Shawan Road to the north, Beaver Dam Road to the east, and Cuba Road to the south. The parcel is currently zoned EC-4 (Executive Commercial).

2. The proposed development consists of a two-story stone building, a parking lot, and outdoor seating areas. The total area of the development is 9,442 square feet.

3. The proposed development is located within the Oregon Ridge Park, which is owned by Baltimore County. The development is located within the watershed II, subwatershed 35.

4. The proposed development is located within the 8th Election District, Councilman's District 3, and Census Tract 4083.

5. The proposed development is located within the Watershed II, Subwatershed 35.

6. The proposed development is located within the current zoning of EC-4.

7. The proposed development is located within the estimated acreage of leasehold parcel of 2.65 acres.

8. The proposed development is located within the proposed use of Ten Room / Restaurant.

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18. The proposed development is located within the proposed use of Ten Room / Restaurant.

19. The proposed development is located within the estimated acreage of leasehold parcel of 2.65 acres.

20. The proposed development is located within the proposed use of Ten Room / Restaurant.

Construction Notes

Existing utilities shown on this plan are from field investigation of visible surface features and previous information drawings. Contractor to verify location of all existing utilities before beginning work.

Contractor shall notify Mass Utility (1-800-257-7777) at least five days prior to construction.

All construction shall follow the latest Baltimore County Department of Public Works Standard Specifications and Details of Construction and Baltimore County Plumbing Code or as detailed on the drawings.

Existing utilities not designated to be removed shall remain operational at all times.

Contractor will obtain all necessary permits.

Electric, telephone, gas, and water design by others.

Contractor to extend all house connections to within 5 feet of the building.

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