

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – E/S Falls Road, 88' N
Of the c/l Hillside Avenue
(10501 Falls Road)
9th Election District
2nd Council District

Valley Inn, Inc.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-006-SPHA
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Valley Inn, Inc., through their attorney, C. William Clark, Esquire. The Petitioners request a special hearing seeking approval of commercial parking in a residential zone, pursuant to Section 409.8.B.2.c of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow service vehicles to use part of the parking lot and dumpster location. In addition, the Petitioners request approval of a waiver to allow construction of an addition to the Valley Inn Restaurant, a historic structure, pursuant to Section 26-278 of the Baltimore County Code, without being subject to the requirements of Section 229.6 of the B.C.Z.R. (bulk and area standards for the B.L.R. zone). In addition the Petitioners request variance relief from the Residential Transition Area requirements of Sections 1B01.1.B.1(1) and 1B01.1.B.3(2) of the B.C.Z.R. to permit a 0-foot setback and buffer in lieu of the required 75-foot setback and 50-foot buffer. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were John A. Hatfield, Jr., President/Treasurer of the Valley Inn, Inc.; Catherine Warfield, Professional Engineer who prepared the site plan for this property; and C. William Clark, Esquire attorney for the

ORDER RECEIVED FOR FILING

Date

By

10/19/03
[Signature]

regarding existing and proposed use of the property and the proposed zoning change. Mr. Dillon, who appeared at the hearing, indicated that the Petitioners' plans for limited expansion were anticipated within that agreement. The Valleys Planning Council supports the instant Petitions for Special Hearing and Variance as being consistent with the Restrictive Covenant Agreement. The parties also request that the terms and conditions of that agreement be incorporated into any relief granted. A similar request was received from the Office of Planning in its Zoning Plans Advisory Committee (ZAC) comments.

The Petition for Special Hearing is necessitated by the D.R. zoning of the property. As noted above, the parking field is located within that part of the site zoned D.R.1. In addition to the parking area for customers, a portion of the parking area features a loading area for deliveries to the restaurant, as well as the dumpster. It was indicated that more than sufficient parking is available on site (172 spaces). Moreover, special hearing relief is requested to allow the proposed addition, due to the historic designation of the existing Valley Inn Restaurant building. As to the Petition for Variance, relief is requested from the RTA requirements. Again, these requirements are generated by this same owner's property that abuts this site to the north.

Based upon the testimony and evidence presented, I am easily persuaded to grant the requested relief. In my judgment, the proposed improvements and relief requested are consistent with the spirit and intent of the B.C.Z.R. and the agreement by and between the parties. As requested by the parties, the terms and conditions of the restrictive covenant agreement shall be incorporated as a condition to the grant of the relief. Additionally, the Baltimore County Landmarks Preservation Commission shall review and approve the details of the proposed addition prior to the issuance of a building permit.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of October 2003 that the Petition for Special Hearing seeking approval of

ORDER RECEIVED FOR FILING
Date 10/9/03
By [Signature]

commercial parking in a residential zone, pursuant to Section 409.8.B.2.c of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow service vehicles to use part of the parking lot and dumpster location, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval of a waiver to allow construction of a building addition to the Valley Inn Restaurant, a historic structure, pursuant to Section 26-278 of the Baltimore County Code, without being subject to the requirements of Section 229.6 of the B.C.Z.R. (bulk and area standards for the B.L.R. zone), 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 the Residential Transition Area requirements of Sections 1B01.1.B.1(1) and 1B01.1.B.3(2) of the B.C.Z.R. to permit a 0-foot setback and buffer in lieu of the required 75-foot setback and 50-foot buffer, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall comply with the terms and conditions of the Restrictive Covenant Agreement, which has been incorporated herein and made a part hereof.
- 3) Prior to the issuance of any permits, the Petitioners shall submit building elevation drawings of the proposed addition to the Landmarks Preservation Commission for review and approval.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

October 7, 2003

C. William Clark, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
E/S Falls Road, 88' N of the c/l Hillside Avenue
(10501 Falls Road)
9th Election District – 2nd Council District
Valley Inn, Inc. - Petitioners
Case No. 04-006-SPHA

Dear Mr. Clark:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. John A. Hatfield, Jr.
10512 Falls Road, Brooklandville, Md. 21022
Ms. Catherine Warfield, 4900 Kemp Road, Reisterstown, Md. 21136
Mr. Jack Dillon, Valleys Planning Council, 207 Courtland Avenue, Towson, Md. 21204
Office of Planning, Landmarks Preservation Comm.; People's Counsel; Case File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 10501 Falls Road
which is presently zoned DR 1

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Commercial Parking in a Residential Zone per 409.8B2c.BCZR* and a Building Addition to the Valley Inn Restaurant: Preservation of Historic Buildings per Section 26-278 BCC, and to allow construction of the future addition as shown on the footprint on this plan without being subject to BCZR Sect. 229.6 (Bulk and Area Standards BLR)

*TO ALLOW SERVICE VEHICLES TO USE PART OF THE LOT & A DUMPSTER LOCATION CW

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

C. William Clark

Name - Type or Print

Signature

Nolan, Plumhoff & Williams

Company

Address

502 Washington Avenue 410.823-7800

Telephone No.

Towson, Md. 21204

State

Zip Code

Legal Owner(s):

VALLEY INN, INC.

Name - Type or Print

John A. Hatfield, Jr.

President

Signature

John A. Hatfield, Jr.

Treasurer

See Attached

Name - Type or Print

Signature

10512 Falls Road

410.828.8080

Address

Telephone No.

Brooklandville, Md.

21022

City

State

Zip Code

Representative to be Contacted:

Catherine Warfield

Name

4900 Kemp Road

410.833.6233

Address

Telephone No.

REisterstown, Md. 21136

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

1HR

UNAVAILABLE FOR HEARING

Reviewed By

JL

Date

7/04/03

* AVAILABLE - AUGUST 7, 8, 12(P.M.), 14, 20, 21, 26, 27, 28

ORDER RECEIVED FOR FILING
Date 7/15/03
Case No. 04 006 SPHA
Date 9/15/98

ADDITIONAL OWNERS TO ACCOMPANY

PETITION FOR SPECIAL HEARING

to the Zoning Commissioner of Baltimore County

FOR PROPERTY LOCATED AT 10501 Falls Road – The Valley Inn

LEGAL OWNERS:

MARY LOU TRIMMINGHAM

Name

See Next Page

Signature

Tuckaway Paynters Road 2

Address

Tuckerstown, Bermuda HS02

City Country Zip Code

ELIZABETH H. PROUT - Secretary

Name

Elizabeth H. Prout

Signature

801 Duke of Suffolk Drive

Address

Virginia Beach, Virginia 23454

City State Zip Code

ADDITIONAL OWNERS TO ACCOMPANY

PETITION FOR SPECIAL HEARING

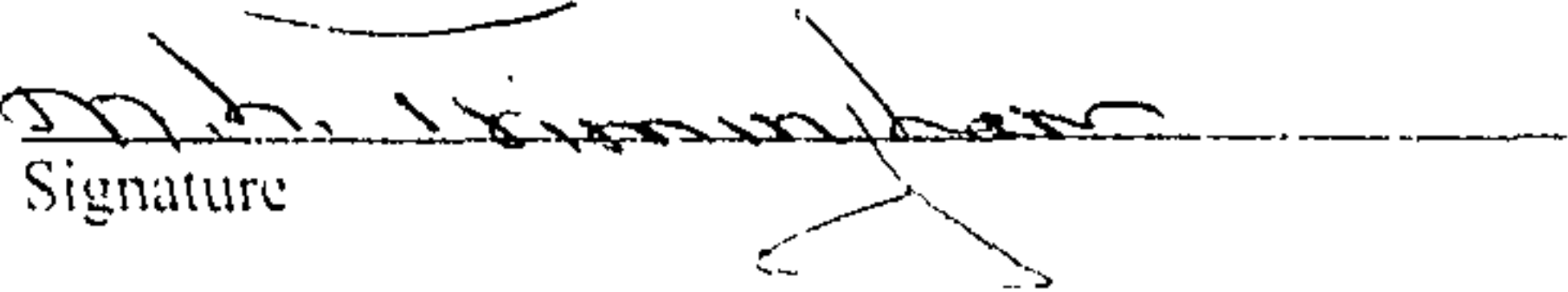
to the Zoning Commissioner of Baltimore County

FOR PROPERTY LOCATED AT 10501 Falls Road – The Valley Inn

LEGAL OWNERS:

MARY LOU TRIMMINGHAM

Name


Signature

Tuckaway Pavnters Road 2

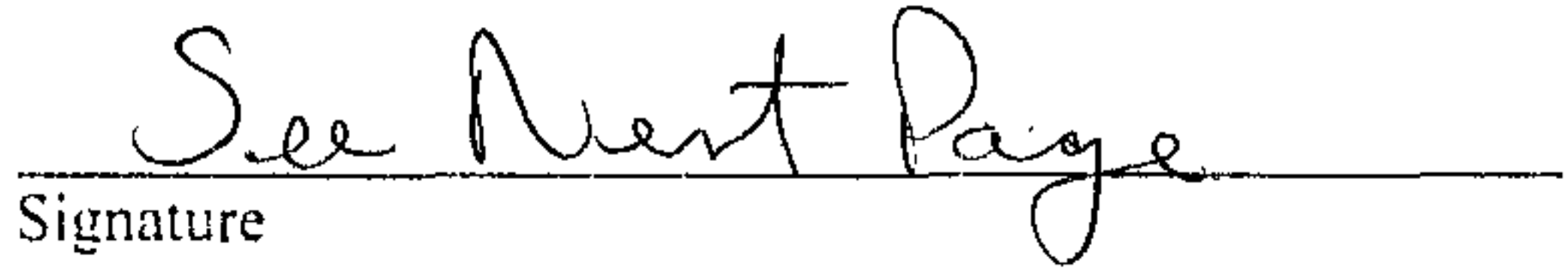
Address

Tuckerstown. Bermuda HS02

City Country Zip Code

ELIZABETH H. PROUT

Name


Signature

801 Duke of Suffolk Drive

Address

Virginia Beach. Virginia 23454

City State Zip Code



ORIGINAL KEEP IN FILE

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 10501 Falls Road
which is presently zoned DR 1

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B01.1B.1(1) Variance requested from Residential Transition Zone (RTA)
and 1B01.1B.e(2) for 0 setback and buffer in lieu of the required 75'
setback and 50' buffer in the RTA,

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be determined at a ~~Special~~ Hearing

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

C. William Clark
Name - Type or Print _____
Signature *C. William Clark* _____
Company Nolan, Plunhoffs & Williams
Address 502 Washington Ave. 410.823.7800
Towson, Md. 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

VALLEY INN, INC.
Name - Type or Print _____
Signature *John A. Hatfield, Jr.* President,
John A. Hatfield, Jr. Treasurer
See Attached
Name - Type or Print _____

Signature _____
10512 Falls Road 410.828.8080
Address _____ Telephone No. _____
Brooklandville, Md. 21022
City _____ State _____ Zip Code _____

Representative to be Contacted:

Catherine Warfield
Name _____
4900 Kemp Road 410.833.6233
Address _____ Telephone No. _____
Reisterstown, Md. 21136
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date _____

* AVAILABLE DATES AUGUST - 7, 8, 12(P.M.), 14, 20, 21, 26, 27, 28

ADDITIONAL OWNERS TO ACCOMPANY

PETITION FOR VARIANCE

to the Zoning Commissioner of Baltimore County

FOR PROPERTY LOCATED AT 10501 Falls Road – The Valley Inn

LEGAL OWNERS:

MARY LOU TRIMMINGHAM

Name

See next page

Signature

Tuckaway Paynters Road 2

Address

Tuckerstown, Bermuda HS02

City Country Zip Code

ELIZABETH H. PROUT - Secretary

Name

Elizabeth H. Prout

Signature

801 Duke of Suffolk Drive

Address

Virginia Beach, Virginia 23454

City State Zip Code

ADDITIONAL OWNERS TO ACCOMPANY

PETITION FOR VARIANCE

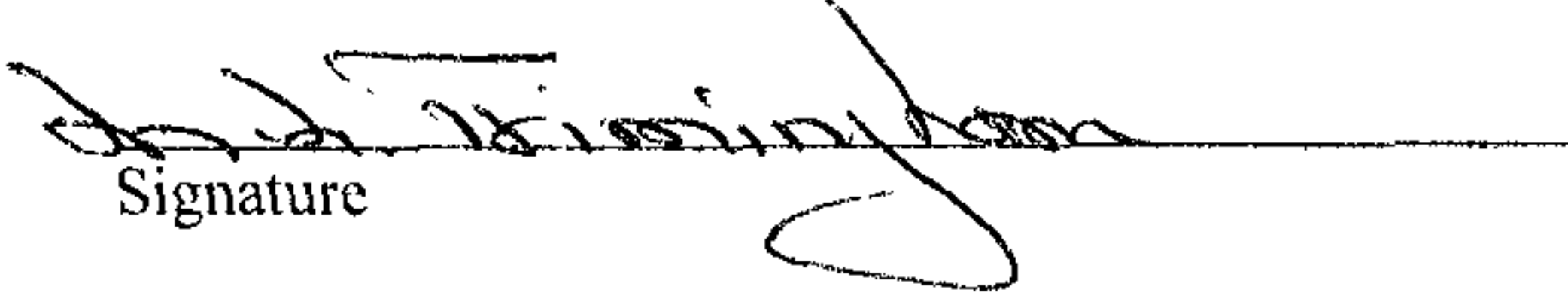
to the Zoning Commissioner of Baltimore County

FOR PROPERTY LOCATED AT 10501 Falls Road – The Valley Inn

LEGAL OWNERS:

MARY LOU TRIMMINGHAM

Name


Signature

Tuckaway Paynters Road 2

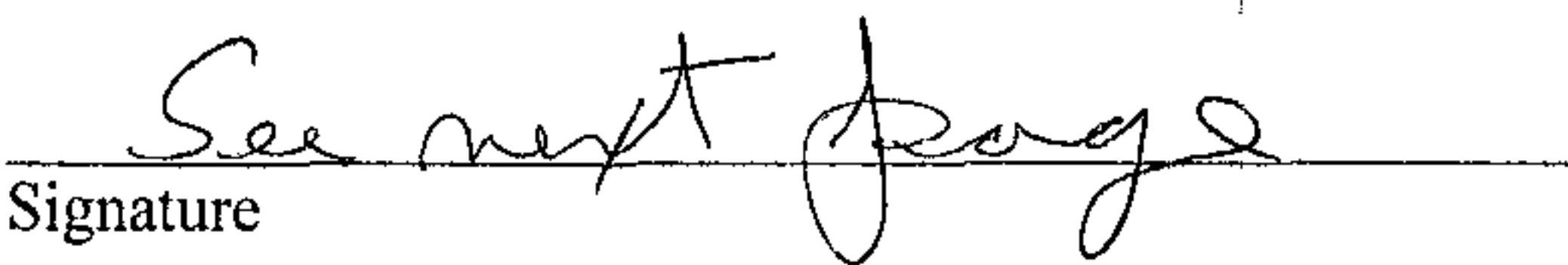
Address

Tuckerstown, Bermuda HS02

City Country Zip Code

ELIZABETH H. PROUT

Name


Signature

801 Duke of Suffolk Drive

Address

Virginia Beach, Virginia 23454

City State Zip Code

006

Survey Services, LLC.

Land Surveyors
752 Camberley Circle
Towson, MD. 21204
410-321-8692
Fax: 410-321-8693

10512 FALLS RD BROOKLANDVILLE, MD. 21022

Zoning Description - Not for any other Purpose
Description to Accompany Special Hearing
For Variance from BCZR Sections 409.8.B.2
and 26-171 of the Baltimore County Code
26-278

Containing 1.66 Ac. +/-

November 26, 2002

Revised: 3/04/03

Revised: 3/10/03

Page 1 of 2

Beginning for the same at a point on the east side of Falls Road, said point located N 02°09'50" E 88.09 feet from the point of intersection formed by the centerline of road extension of Hillside Avenue and the 14th line of a parcel of land described in a Deed dated February 15, 1984 between Hugh J. Monaghan II and John A. Hatfield, Jr., et al, recorded among the Land Records of Baltimore County, Maryland in Liber 6681 folio 726, thence leaving said point of beginning and running the sixteen following courses;

- 1) S 89°51'47" E 14.23 feet,
- 2) S 00°10'48" W 22.08 feet,
- 3) S 89°59'07" E 62.25 feet,
- 4) N 00°10'48" E 38.84 feet,
- 5) N 89°40'58" E 23.06 feet,
- 6) N 78°36'31" E 111.94 feet,
- 7) N 84°32'10" E 61.72 feet,
- 8) N 73°35'22" E 28.60 feet,
- 9) N 69°21'40" E 40.36 feet,
- 10) N 82°15'06" E 41.33 feet,
- 11) N 01°52'58" E 136.20 feet,
- 12) N 87°18'09" W 115.00 feet,
- 13) N 84°22'19" W 129.86 feet,
- 14) N 84°04'03" W 113.01 feet,
- 15) S 47°58'07" W 24.90 feet to a point on the east side of said Falls Road, running thence binding on the east side of said Falls Road;

Page 2

16) S 02°09'50" W 222.16 feet to the point of beginning.

Containing 1.66 acres of land, more or less.

For Title see: Deed dated February 15, 1984 between Hugh J. Monaghan II and John A. Hatfield, Jr., et al, recorded among the Land Records of Baltimore County, Maryland in Liber 6681 folio 726



RW Hays

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 25082

DATE

7/02/03

ACCOUNT

001 006 6150

AMOUNT

\$ 650.00

RECEIVED
FROM:

C.L. Wardlaw & Assoc.

FOR:

Capital SP4A.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACUM TIME

7/02/2003 7/02/2003 10:10:02

REC #005 WALKIN MEL WH

>> RECEIPT # 314293 7/02/2003

Dept 5 528 ZIMING VERIFICATION

CR NO. 025082

Receipt Tot \$650.00

650.00 OK .00 OK

Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #04-006-SPHA
10501 Falls Road
E/side of Falls Road, 88.09 feet north of Hillside Avenue
9th Election District - 2nd Councilmanic District
Legal Owner(s): Valley Inn, John Hatfield, Jr., President
Special Hearing: to permit commercial parking in a residential zone to allow service vehicles to use part of the lot and a dumpster location and a building addition to the Valley Inn Restaurant; Preservation of a Historic building. To allow construction of the future addition as shown on the footprint on this plan without being subject to BLR zoning. **Variance:** requested from Residential Transition Area (RTA) for 0 setback and buffer in lieu of the required 75 feet setback and 50 feet buffer in the RTA.
Hearing: Monday, September 15, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
8/28/04 Aug. 28 C623114

CERTIFICATE OF PUBLICATION

8/28/2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/28/2003.

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

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-006-SPHA

Petitioner/Developer: _____

JOHN HATFIELD

Date of Hearing/Closing: 9/15/03

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. BECKY HART

Ladies and Gentlemen:

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

10501 FALLS RD

The sign(s) were posted on _____

8/29/03

(Month, Day, Year)

Sincerely,

Richard E. Hoffman 8/29/03
(Signature of Sign Poster and Date)

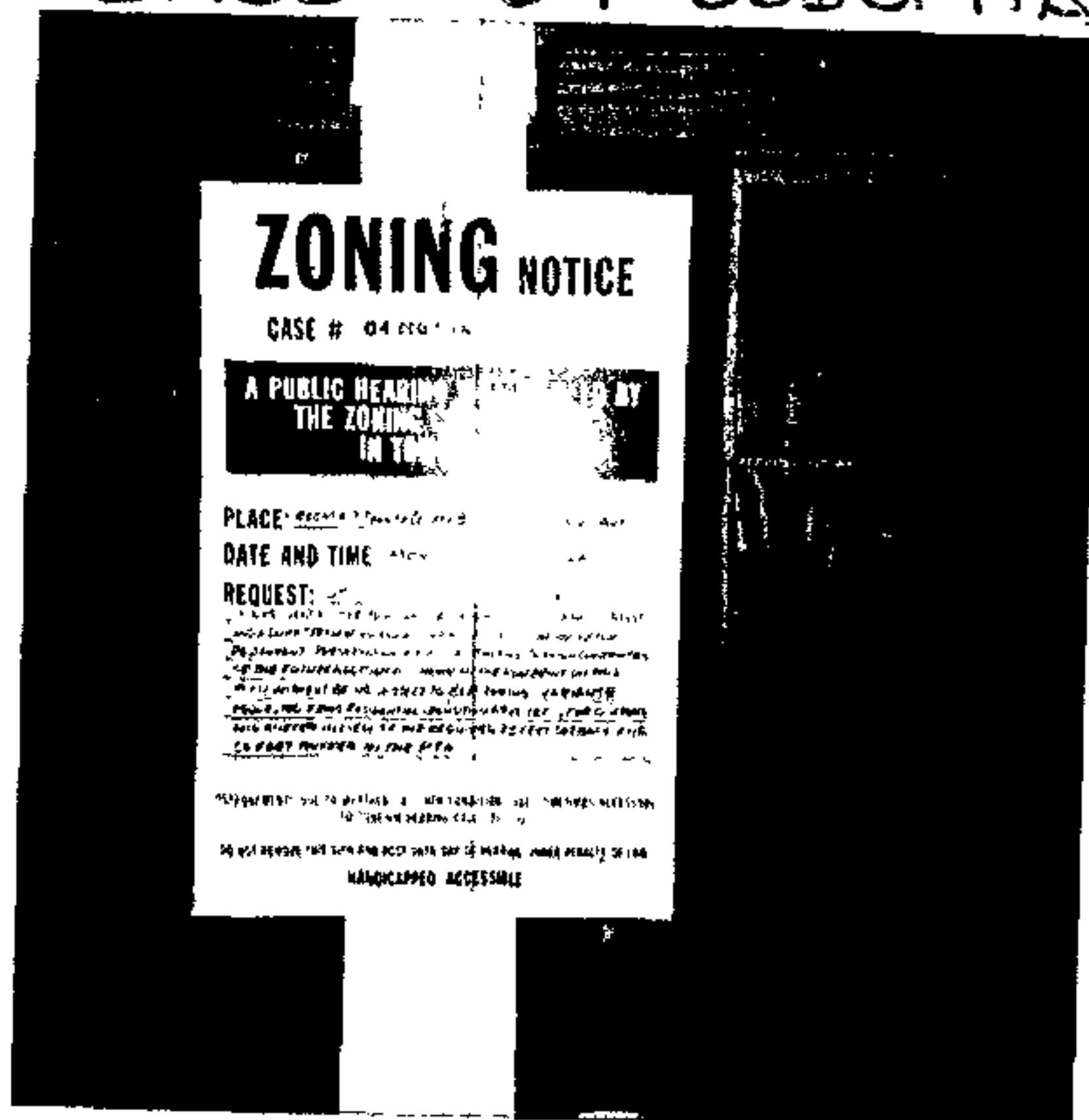
RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

CASE # 04-006-SPHA



10501 FALLS RD.

POSTED 8/29/03

Richard E. Hoffman 8/29/03

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 28, 2003 Issue - Jeffersonian

Please forward billing to:
John Hatfield, Jr.
10512 Falls Road
Brooklandville, MD 21022

410-828-8080

NOTICE OF ZONING HEARING

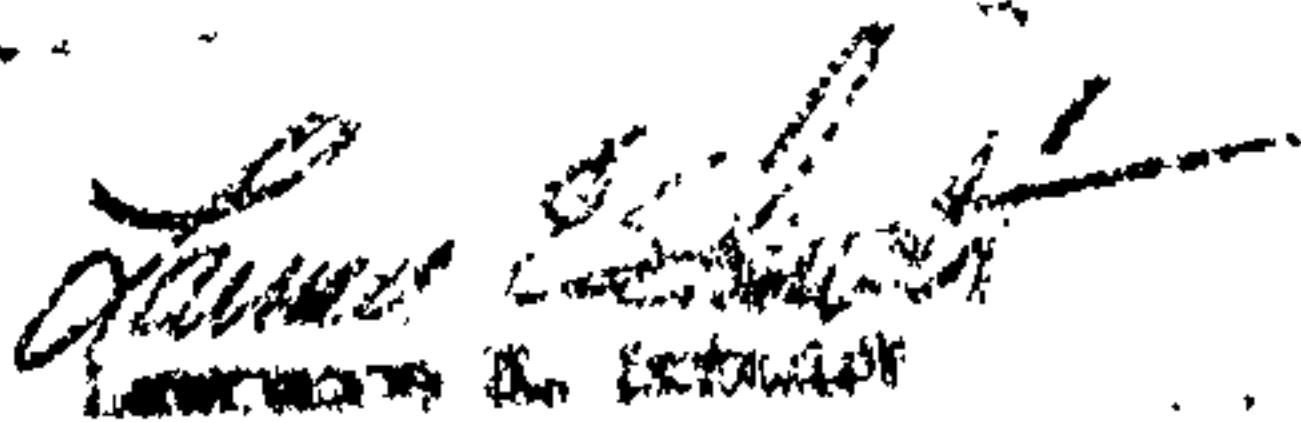
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-006-SPHA

10501 Falls Road
E/side of Falls Road, 88.09 feet north of Hillside Avenue
9th Election District -- 2nd Councilmanic District
Legal Owner: Valley Inn, John Hatfield, Jr., President

Special Hearing to permit commercial parking in a residential zone to allow service vehicles to use part of the lot and a dumpster location and a building addition to the Valley Inn Restaurant: Preservation of a Historic building. To allow construction of the future addition as shown on the footprint on this plan without being subject to BLR zoning. Variance requested from Residential Transition Area (RTA) for 0 setback and buffer in lieu of the required 75 feet setback and 50 feet buffer in the RTA.

Hearings: Monday, September 15, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: VALLEY INN, INC. 04-006-SPHA

Petitioner: JOHN A. HATFIELD

Address or Location: 10512 FALLS RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN A. HATFIELD, JR.

Address: 10512 FALLS RD

BROOKLANDVILLE, MD. 21022

Telephone Number: 410-828-8080

Revised 2/20/98 - SCJ

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7.16.03

Ms. Rebecca Hart
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 006 JL

Dear Ms. Hart:

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 affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

July 16, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: July 14, 2003

Item No.: 002-014 (004)

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

JA
9/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 28, 2003

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

SUBJECT: 10501 Falls Road

INFORMATION:

Item Number: 04-006

Petitioner: Valley Inn, Inc.

Zoning: BLR/DR 1

Requested Action: Variance

RECEIVED

SEP 10 2003

PLANNING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. The Baltimore County Landmarks Preservation Commission must review and approve the exact details of the proposed addition prior to issuance of a building permit.
2. The petitioner must comply with the restrictive covenant agreement established in conjunction with the rezoning of the property in the 2000 Comprehensive Zoning Map Process. Of primary concern is the stipulation that an easement shall be offered on 9.44 acres adjacent to the site for dedication to the Land Preservation Trust for preservation as a natural landscape buffer. In the event that the Land Preservation Trust does not accept the property, it shall be dedicated and preserved as an open space on any site plan associated with development.

Prepared by:

Martha Campbell

Section Chief:

John J. [Signature]

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 9, 2003

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For July 21, 2003
Item Nos. 001, 002, 003, 005, 006, 
007, 008, 009, 010, 011, 013, and 014

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
10501 Falls Road; E/side Falls Road, * ZONING COMMISSIONER
88.09' N Hillside Avenue *
9th Election & 2nd Councilmanic Districts * FOR
Legal Owner(s): Valley Inn, Inc, John A *
Hatfield, Pres, Treas, MaryLou Trimmingham,* BALTIMORE COUNTY
Elizabeth H. Prout, Secretary
Petitioner(s) * 04-006-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of July, 2003, a copy of the foregoing Entry of Appearance was mailed to Catherine Warfield, 4900 Kemp Road, Reisterstown, MD 21136 & to C. William Clark, 502 Washington Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JUL 22 2003

Per.....



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

- c. In D.R.5.5 Zones, subject to findings of compatibility by the hearing officer: group houses and multifamily buildings. **[Bill No. 85-1997]**
- d. In D.R.10.5 and D.R.16 Zones: group houses and multifamily buildings. **[Bill No. 85-1997]**
- e. In the case of housing for the elderly and assisted living facilities of fewer than four, see Section 432. **[Bill No. 36-1988]**
- 2. Trailers (Section 415).
- 3. Churches, other buildings for religious worship or other religious institutions.
- 4. Aboveground electrical-power, telephone, telegraph lines, except aboveground electrical power lines having a capacity of 35 kilovolts or more; pole-mounted transformers or transformer banks.
- 5. Other cables; conduits; gas, water or sewer mains; or storm-drain systems, all underground.
- 6. Excavations, uncontrolled (as defined in Section 101).
- 7. Farms, produce stand in association with a farm, or limited-acreage wholesale flower farms (see Section 404). **[Bill No. 41-1992]**
- 8. Garages, community.
- 9. Hospitals. **[Bill No. 37-1988]**
- 10. Local open space tracts or other common amenity open space.
- 11. Privately sponsored day care and nursery programs, as an ancillary use, within housing for the elderly projects, as defined in Section 101 of these regulations. **[Bill No. 47-1982]**
- 12. Class A group child care centers and Class B group child care centers providing for up to 40 children, if not located in a residential transition area, subject to the requirements of Section 424, and family child care homes, group child care centers and nursery schools. **[Bill No. 200-1990]**
- 13. Research institutes or laboratories in existence at the time of the adoption of Bill No. 122-1984, subject to the zoning regulations in effect at the time of the approval by Baltimore County of the institute or laboratory. **[Bill No. 122-1984]**
- 14. Schools, except business or trade schools or such schools as are permitted by special exception (Subsection C, below), but including schools for agricultural training. **[Bill Nos. 63-1980; 47-1982; 47-1985]**
- 15. Signs, nonaccessory, to the extent permitted under Section 413.
- 16. Antennas used by CATV systems operated by companies franchised under Title 8, Article II, Division 1, of the Baltimore County Code, 1988 Edition,

as revised, if situated on property owned by the county, state or federal government or by a governmental agency. [Bill No. 220-1981]

17. Transit facilities. [Bill No. 91-1990]
18. Accessory uses or buildings other than those permitted only by special exception, including, but not limited to:
 - a. Accessory radio or television receiving antennas.
 - b. Wireless transmitting and receiving structures, provided that any such structure: is a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission; if it is an independent structure, shall be subject to the same requirements as are applied to buildings under Section 400; if it is a rigid-structure antenna, shall be no higher than 50 feet above grade level and with no supporting structure thereof closer than 10 feet to any property line; and does not extend closer to the street on which the lot fronts than the front building line.¹
 - c. Home occupations, as defined in Section 101.²
 - d. Parking spaces, including accessory garage spaces.
 - e. Offices for the conduct of business incidental to the rental, operation, service or maintenance of apartment buildings.
 - f. Signs, subject to Section 450. [Bill No. 89-1997]
 - g. Swimming pools, tennis courts, garages, utility sheds, satellite receiving dishes (subject to Section 429) or other accessory structures or uses (all such accessory structures or uses subject to the height and area provisions for buildings as set forth in Section 400). [Bill No. 71-1987]
19. Commercial film production, subject to Section 435. [Bill No. 57-1990]
- B. Dwelling-type and other supplementary use restrictions based on existing subdivision and development characteristics. [Bill No. 124-1981]
 1. Residential transition areas and uses permitted therein. [Bill No. 2-1992]
 - a. Definitions and purpose. [Bill No. 2-1992]
 - (1) The residential transition area (RTA) is a one-hundred-foot area, including any public road or public right-of-way, extending from a D.R. zoned tract boundary into the site to be developed.

¹ Editor's Note: Former Item c, which followed this item and permitted automotive-service stations, was repealed by Bill No. 172-1993.

² Editor's Note: Former Item e, which followed this item and permitted offices of certain professional persons as an accessory use to their residences, was repealed by Bill No. 105-1972, effective 8-26-1982.

- (2) The purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types.

b. Generation of residential transition area. An RTA is generated if the property to be developed lies adjacent to land zoned D.R.1, D.R.2, D.R.3.5, D.R.5.5 or R.C. which: **[Bill No. 2-1992]**

(1) ~~Contains a single-family detached, semi-detached or duplex dwelling within 150 feet of the tract boundary; or~~

(2) Is vacant, less than two acres in size, and contains a buildable area at least 20 feet by 30 feet on which a dwelling meeting all required setbacks can be erected.

c. Variance of RTA. **[Bill No. 2-1992]**

(1) Notwithstanding the provisions of Section 307, the hearing officer, upon the recommendation of Public Works, Planning, Environmental Protection and Resource Management, Permits and Development Management, Recreation and Parks, Community Development or the Economic Development Commission, may determine the amount of RTA in cases where a single tract is more than two acres, is vacant, or contains no more than one single-family detached, semidetached or duplex dwelling.

(2) The RTA for a tract may be modified as directed by findings pursuant to Sections 26-206 and 26-282 of the Baltimore County Code, 1988 Edition, as revised. However, the hearing officer may not reduce the amount of RTA unless the officer specifically finds and determines that such a reduction will not adversely impact the residential community or development on the land adjacent to the property to be developed.

d. A residential transition use is any use: **[Bill No. 2-1992]**

(1) Permitted as of right under Section 1B01.1.A; or

(2) Any use permitted by special exception under Section 1B01.1.C, except an accessory use permitted only by special exception; or

(3) Any parking area permitted under Section 409.8.B, subject to the approval of a specific landscape plan for the buffer area which must meet the requirements for a Class A plan.

e. Conditions in residential transition areas. **[Bill No. 2-1992]**

(1) The RTA may contain single-family detached, semidetached or duplex dwellings.

(2) Group-house, back-to-back group houses, multifamily building and parking lots shall be set back from the tract boundary 75 feet and provide a fifty-foot RTA buffer.

This generates RTA

- (3) The fifty-foot RTA buffer shall remain an upgraded, uncleared, landscaped buffer unless otherwise directed by the hearing officer, based upon recommendations of the county. It shall not contain cleared drainage areas, stormwater management ponds or accessory structures, but it may be bisected by roads, paths and trails that are designed to connect to adjoining developments.
 - (4) The maximum height of any lighting fixtures in an RTA buffer area shall be 16 feet, except for public utility uses which must be of reasonable height. The fixtures shall be designed and placed so as to prevent the spillage of light into any adjoining dwelling or lot. The intensity of the fixture shall not exceed 0.2 candle at the tract boundary.
 - (5) Parking lots or structures, either as principal or accessory use, whether permitted by right, special exception or pursuant to Section 409.8.B, shall provide a fifty-foot buffer and seventy-five-foot setback, and a height not to exceed 35 feet within the one-hundred-foot transition area.
- f. Any subdivision of land or PUD that has received CRG approval or reclamation plan approval or has been accepted for filing prior to the date of adoption of Bill No. 2-92 or 3-92 is subject to the laws in effect at the time of the approval or filing. **[Bill No. 2-1992]**
- g. Exceptions to residential transition. The restrictions contained in Paragraphs a through e above, of this Subsection B.1, do not apply to: **[Bill Nos. 109-1982; 40-1992]**
- (1) A proposed dwelling to be placed in a RTA containing existing dwellings of the same type, or, if two or more types of dwellings exist, a proposed dwelling of the same type as the existing dwelling with the fewest number of dwelling units. Such dwellings shall be governed by the applicable laws, zoning regulations and policies otherwise applicable. As used herein, a "dwelling of the same type" means a dwelling which has the same or lesser number of dwelling units and party walls as the existing dwelling units. **[Bill Nos. 109-1982; 40-1992]**
 - (2) Public utility uses (except public utility service centers and storage yards). Such uses shall be governed by the provisions of Sections 411 and 502 and such other applicable sections of these regulations. **[Bill 40-1992]**
 - (3) Notwithstanding the provisions of Section 104, the reconstruction of an existing church, community building or other structure devoted to civic, social, recreational, fraternal or educational activity which is destroyed by fire or other casualty. However, such reconstruction may not increase the size or ground floor area

historically significant buildings or structures, including their settings, as identified in the Maryland Historical Trust Inventory. Any building or structure officially included on the preliminary or final list of the Landmarks Preservation Commission, or located within a county historic district, is also subject to Article X, Title 26, of the Baltimore County Code, 1988 Edition, as revised. The Director of Planning shall determine whether a historically or an architecturally significant building has been successfully integrated into the proposed site plan.

7. Whenever possible, neighborhood access via pedestrian walkways and bike paths should be provided.
 8. All proposed projects or site developments should be in accord with the general intent of the approved community plan for the area.
 9. All signage within a commercial development shall be compatible in design, color, materials and location.
 10. Uses may be located in separate freestanding buildings, provided the style and building materials used create a uniform architectural theme.
- B. Public spaces. Commercial developments greater than two acres shall provide public spaces that include such features as shade trees, lawns and, where appropriate, benches and tables. The public space shall have a total area of no less than 500 square feet, which may be broken down into two-hundred-fifty-square-foot areas; be conveniently located; and linked to existing and future pedestrian pathways.

229.4 Uses in the C.B. Zone. [Bill No. 180-1995]

A. Uses permitted by right:

1. Commercial uses:

Arts and crafts studios
Banks, with no drive-through lane
Barbershops, beauty shops and similar personal service establishments
Dry cleaner, laundromat and establishments which repair clothing or shoes
Offices and medical offices, except bail bondsman as defined by state law
Repair or rental of small appliances
Restaurants, carry-out or standard only
Retail uses, including but not limited to the sale of gifts, jewelry, hardware, drugs, groceries, baked goods, sporting equipment and antiques
Travel agent and similar personal service establishments
Video rental or sales

2. Residential and institutional uses:

Class A and Class B child care facilities
Elderly housing facilities
Nursing homes

Residences, including residences in a commercial building only above the first floor

3. Accessory uses:

Customary accessory uses associated with the uses permitted in Paragraphs 1 and 2, including signs, parking spaces and structures

B. Uses permitted by special exception:

Banks with no more than two drive-through lanes

229.5 Uses in the B.L.R. Zone. **[Bill No. 180-1995]**

A. Uses permitted by right:

Banks with drive-through lanes

Health and athletic clubs

Martial arts and dance studios

Restaurant, fast-food

Tavern

Uses permitted by right in the C.B. Zones

B. Uses permitted by special exception:

Arcades

Baseball batting range

Bowling alley

Miniature golf

Wireless transmitting or receiving structures 200 feet or less in height above grade level

229.6 Bulk and area regulations for Community Business Zones and Business Local Restricted Zones. **[Bill No. 180-1995]**

Permitted uses shall be subject to the following bulk and area regulations, except that the required setback, height and floor area restrictions do not apply to buildings that existed legally or which were approved by the county before the date of passage of Bill No. 180-1995.

A. Building size.

1. In any development plan proposed in a C.B. Zone, only one retail, restaurant or service use may have a gross floor area not to exceed 10,000 square feet. All other such uses in the proposed plan shall have a gross floor area not to exceed 5,000 square feet. No more than 25% of a commercial or office building's gross floor area may be occupied by medical office use.
2. In a B.L.R. Zone, any retail, restaurant or service establishment may have a gross floor area up to 80,000 square feet.
3. The maximum floor area ratio in the C.B. Zone and the B.L.R. Zone shall not exceed 0.33.

4. The maximum height of new buildings or additions shall be restricted to two stories and shall not exceed 35 feet.
- B. The front building setback shall be no less than 25 feet from the ultimate street right-of-way line, or the average of the front setbacks of the adjacent buildings within 100 feet of either side of the proposed building, whichever is less.
- C. The rear and side yard building setback shall be no less than 20 feet from the property line of a residentially zoned property and no less than 10 feet from the property line of a nonresidentially zoned property except as provided below:
 1. No side yard building setbacks are required for commercial uses on adjacent lots with shared driveways or with parking accessible from either lot.
 2. Subject to the provisions of Subsection A above, building setbacks will be reduced 25% for proposed additions if the structures existed prior to the passage of Bill No. 180-1995, provided the addition is in keeping with the intent of this legislation based upon the written recommendations of the Director of the Office of Planning.
 3. If a residential zone line is in a public right-of-way, the setback shall be not less than 10 feet from the ultimate street right-of-way.
- D. Service and loading areas, parking lot areas and interior drives shall be a minimum of 20 feet from the ultimate street right-of-way, a minimum of 20 feet from residentially zoned properties and a minimum of eight feet from properties not predominantly zoned for residential uses, except that the drive-through lane of a bank shall be at least 25 feet from residentially zoned property.
- E. The required setbacks, except for required access drives and walkways, shall be landscaped and screened in accordance with the Landscape Manual requirements for performance based business zones.
- F. Residential uses in commercial buildings shall be limited by the height, bulk and floor area requirements of the performance based business zones. If the building is limited to residential use, the height, bulk and floor area requirements shall be those permitted and as limited in the residential zone adjoining or nearest the performance based business zone.

**229.7 Signage standards for Community Business and Business Local Restricted Zones.
[Bill Nos. 180-1995; 89-1997]**

Signs are permitted, subject to Section 450.

restriction, a restrictive covenant or a binding contractual agreement, including a lease. Any plans approved are conditioned upon and subject to periodic review by the Director to ensure that adequate parking arrangements continue to exist. [Bill No. 144-1997]

409.8 Design standards.

A. Requirements for parking facilities in all zones. All off-street parking facilities shall be subject to the following requirements:

1. Design, screening and landscaping. Design, screening and landscaping shall be provided in accordance with the Landscape Manual and all other manuals adopted pursuant to Section 26-283 of the Baltimore County Code, 1988 Edition, as revised.
2. Surface. A durable and dustless surface shall be provided and shall be properly drained so as not to create any undesirable conditions.
3. Lighting. Any fixture used to illuminate any parking facility shall be so arranged as to reflect the light away from residential lots and public streets. Light standards shall be protected from vehicular traffic by curbing or landscaping.
4. Distance to street line. No parking space in a surface parking facility for a nonresidential use shall be closer than 10 feet to the right-of-way line of a public street, excluding vehicle overhang, except that in the C.T. District of Towson such setback is not required if the parking facility is screened from the street in accordance with the Landscape Manual.
5. Dead ends. All dead-end aisles shall be designed to provide sufficient backup area for the end parking spaces.
6. All parking spaces must be striped. Striping shall be maintained so as to remain visible.

B. Business or industrial parking in residential zones.

1. Upon application, the Zoning Commissioner may issue a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6, under the following procedure:
 - a. On the property in question, notice of the application for the use permit shall be conspicuously posted for a period of 15 days following the filing of the application.
 - b. Within the fifteen-day posting period, any interested person may file a formal request for a public hearing with the Zoning Commissioner in accordance with Section 500.7.
 - c. If a formal request for a public hearing is not filed, the Zoning Commissioner, without a public hearing, may grant a use permit for parking in a residential zone if the proposed use meets all the requirements of Section 409.8.B.2. The use permit may be issued with

such conditions or restrictions as determined appropriate by the Zoning Commissioner to satisfy the provisions of Section 409.8.B.2 below and to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community.

- d. If a formal request for a public hearing is filed, the Zoning Commissioner shall schedule a date for the public hearing, such hearing to be held not less than 30 days and not more than 90 days from the date of filing of the request for public hearing.
 - e. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:
 - (1) His findings following the public hearing;
 - (2) The character of the surrounding community and the anticipated impact of the proposed use on that community;
 - (3) The manner in which the requirements of Section 409.8.B.2 and other applicable requirements are met; and
 - (4) Any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of Section 502.1 of these regulations.
2. In addition to all other applicable requirements, such parking facilities shall be subject to the following conditions:
- a. The land so used must adjoin or be across an alley or street from the business or industry involved.
 - b. Only passenger vehicles, excluding buses, may use the parking facility.
 - c. No loading, service or any use other than parking shall be permitted.
 - d. Lighting shall be regulated as to location, direction, hours of illumination, glare and intensity, as required.
 - e. A satisfactory plan showing parking arrangement and vehicular access must be provided.
 - f. Method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required.
 - g. Any conditions not listed above which, in the judgment of the Zoning Commissioner, are necessary to ensure that the parking facility will not be detrimental to adjacent properties.
- C. Requirements for parking bays on a street. Parking bays on a street are subject to the following requirements and all applicable requirements of the Department of Public Works:

Memo to Zoning File

Case 04-006-SPHA

Attn: Zoning Commissioner

Subject: Zoning Review Filing Comments

From John Lewis/Carl Richards 

During the filing of the application for Special Hearing involving in part the proposed historic building addition, certain wording used on the petition form was discussed.

I advised the engineer who was filing the petition of the specific wording requirements for the historic waiver (see attached zoning work sheet). She stated that the wording being used was on the advice of Ms. Abe of the Office of Planning and that she felt comfortable proceeding as advised by Ms. Abe.

Mr. Richards directed me to place this memo to file in order to record the views of this office as to the wording as specified by the regulations (as indicated on the work sheet).

SPECIAL HEARING WORDING FOR WAIVER OF PRESERVATION OF HISTORIC BUILDINGS OR SITES

Special Hearing to approve a waiver pursuant to Sections 26-171,
26-172(b), BCC of Sections 26-203 (C)(8) and Section 26-278

to raze, alter or construct addition to building.
(indicate work here)

Baltimore County Code:

Sec. 26-171. Limited exemptions.

(a) The following development is exempt from division 2 of this article only. Compliance with divisions 3, 4 and 5 is required as is compliance with all applicable zoning regulations.

(b) The following development is exempt from the community input meeting and hearing officer's hearing pursuant to sections 26-202 and 26-206:

Sec. 26-172. Waivers.

(b) A waiver from the requirements of section 26-203 of this Code and from the hearing officer's hearing may be granted under the following conditions:

- (1) After consultation with appropriate county agencies the director finds:
 - a. That the size, scope, and nature of a proposed development does not justify strict compliance with these regulations; and
 - b. That a waiver would be within the scope, purpose, and intent of these regulations; and
 - c. That the proposed development complies with all other county laws, ordinances, and regulations.

Sec. 26-203. The development plan.

(a) The plan shall be filed within twelve (12) months after the final community input meeting is concluded. It shall be drawn to an appropriate scale in a clear and legible manner and shall be filed with the department of public works. Copies shall be transmitted to the known parties.

(b) The plan shall contain the following background information:

(c) The plan shall identify the following information concerning existing site conditions:

- (8) Identification of any building, property or site within or contiguous to the proposed development included on the Maryland Historical Trust Inventory of Historic Properties, the county preliminary or final landmarks list, the National Register of Historic Places, the Maryland Archeological Survey or identification of any county historic district, or national register district covering the proposed development;

Sec. 26-278. Preservation of natural or historic features.

Natural features (including watercourses, waterfalls, beaches and significant vegetation) and historic structures or sites identified on any of the lists referred to in section 26-203(b)(8) must be preserved. In particular, the county must find that an adequate method of protecting any known habitat of an endangered species has been proposed.
(Code 1978, § 22-100)

006

7-2-03

Carl Richards.

Several sections referenced under
your typical Special Hearing are
are deleted per advice from Kim Abe
as they do not apply for this petition

Contact for phone numbers for Prout & Trimmeringham
to be made through John A. Hatfield

Please call if any questions

Thank
Catherine Warfield
410-833-8707

email clwarfield@prodigy.net
fax 410-833-8944

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

July 15, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Room 111, Mail Stop # 1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 07/21/03 re: case numbers 04-1-SPH, 04-2-A, 04-3-SPHA, 4-4-SPH, 4-5-SPH, 4-6-SPHA, 4-7-SPHA, 4-8-A, 4-9-A, 4-10-SPHX, 4-11-SPHX, 4-12-SPH, 4-13-A, 4-14-SPHA

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 07/14/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'James R. Gatto', is written over a faint, larger signature that is partially obscured.

James R. Gatto
Manager
Metropolitan Planning
Planning Services

cc: Mike Nortrup

CASE NAME The VALLEY Inn
 CASE NUMBER 04-006 SPHA
 DATE 9-15-03

[illegible]

CASE NAME VALLEY INN
CASE NUMBER 04-006 SPHA
DATE 9/15/03

[illegible]

7. STATION

SITE

PARKING LOT

VALLEY
INN
BLR

POB

HILLSIDE AVE E

N 2° 09' 50" E
88.09'
E HILLSIDE AVE
TO POINT OF BEGINNING (POB)

D.R. 1

BOUNDARY

POB	1. S 89° 51' 47" E	14.23'
	2. S 00° 10' 48" W	22.08'
	3. S 89° 59' 07" E	62.25'
	4. N 00° 10' 48" E	38.84'
	5. N 89° 40' 58" E	25.06'
	6. N 78° 36' 31" E	111.94'
	7. N 84° 32' 10" E	61.72'
	8. N 73° 35' 22" E	28.60'
	9. N 69° 21' 40" E	40.36'
	10. N 82° 15' 06" E	41.33'
	11. N 01° 52' 58" E	136.20'
	12. N 87° 18' 09" W	115.00'
	13. N 84° 22' 19" W	129.86'
	14. N 84° 04' 03" W	113.01'
	15. S 47° 58' 07" W	24.90'
POB 16	S 02° 09' 50" W	222.16'

POINT OF BEGINNING (POB)

N 02° 09' 50" E FROM E HILLSIDE AVE
EXTENSION TO E.S. FALLS ROAD (NO R/W WIDTH)

ZONING
MAP
NW 11C

100'
SCALE

RESTRICTIVE COVENANT AGREEMENT

THIS AGREEMENT is entered into, as of the 10 day of October, 2000, by and between JOHN A. HATFIELD, JR., MARY LOU TRIMMINGHAM and ELIZABETH H. PROUT, ("HATFIELDS") Owners, and THE VALLEY'S PLANNING COUNCIL, INC. ("VPC").

A. The HATFIELDS are the owners of a lot of land (the "Land"), containing in the aggregate approximately acres, located in the 4th Councilmanic District of Baltimore County, Maryland, on the EAST side of Falls Road. The Land is more particularly described in a deed recorded among the Land Records of Baltimore County at Liber 6681, Folio 726, which states the property consists of 9.66 acres.

B. At the present time, the Land is zoned DR 1 (9.66 acres).

C. The Land is currently developed with a building housing a restaurant.

D. The HATFIELDS have submitted a request for change in zoning for the Land as a part of the 2000 Baltimore County Comprehensive Zoning Map process. The request seeks to have part of the Land reclassified from DR 1 to BL. The balance of the tract would remain zoned DR 1. If this Agreement is executed, the HATFIELDS intend to amend their request to request BLR zoning to reduce the area of the request to 9,260 square feet (.22 acres) of BLR, as shown on the attached Drawing marked "Amended Request", with the balance to remain DR 1 (9.44 acres). This requested zoning would enable the HATFIELDS to continue to operate the restaurant known as the Valley Inn, with the balance of the site being dedicated as Open Space (to remain in a natural state) and roadway.

F. VPC is an incorporated association of Baltimore County residents interested in preserving the existing character and quality of life of residential areas in the vicinity of the Land.

Id No 3

G. VPC desire to place certain restrictions on the Land and on the use thereof to assure that, in the event that it is rezoned to BLR as requested, future use does not have a deleterious effect on nearby residential areas.

H. The HATFIELDS , in recognition of the concerns of the VPC, are willing to place certain restrictions on the Land in return for the agreement of conditions described below.

I. In order to make the covenants, restrictions and conditions contained in this Agreement binding and fully effective on the Land, and on the present and future owners and occupants thereof, the parties have entered into this Agreement, to the end and with the intent that the HATFIELDS , and their successors and assigns, will hold, use, and hereafter convey the Land subject to the said covenants, restrictions, and conditions.

AGREEMENTS:

NOW THEREFORE, in consideration of the mutual agreements and understandings contained in this Agreement, and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

THE HATFIELDS, ON BEHALF OF THEMSELVES, AND THEIR SUCCESSORS AND ASSIGNS, AGREES AS FOLLOWS:

1. Use of Land. The BLR Land shall be used only for a restaurant, standard and accessory uses and related used to support said uses. It is further agreed that the BLR Land may be further used for a tavern, arts and crafts shop, an office on the second floor, not to exceed 1,200 square feet, antiques, art, crafts, and jewelry sales, and that the only expansion to be permitted shall be an expansion of the porch on the south side of the building not to exceed double its current size, which would add up to 15' to the south of the existing porch and up to 15' to the east of said porch, to be

added and used as interior space for the restaurant and kitchen. Any such expansion shall be designed and built in a style and fashion consistent with the historic nature of the existing building. The HATFIELDS agree to nominate and support the placement of the existing building housing the restaurant for inclusion on the list of land marked buildings for Baltimore County. A portion of the DR1 zoned land, presently improved with a parking lot designated as such on the amended request, shall remain as such and shall not be expanded. The HATFIELDS shall apply for a use permit to permit business parking in a residential zone. VPC shall affirmatively express its support for that permit application.

2. Open Space. It is further agreed that the area marked "Open Space, approximately 9.44 acres" as shown on the attached Drawing marked "Amended Request", shall be offered for dedication to The Land Preservation Trust, in easement so as to fulfill the spirit of this covenant that said area be preserved as a landscape buffer, and if said area is not accepted by The Land Preservation Trust, it shall be dedicated and preserved as an open space left in a natural state on any site plan associated with the development contemplated herein, and otherwise preserved and dedicated in such a manner so as to fulfill the spirit and intent of this covenant. Said "Open Space" shall remain zoned DR 1 and be established and maintained by the HATFIELDS, their successors and assigns, as open space without building rights.

VPC agrees not to oppose the amended application for changing to BLR zoning and to support a special hearing or special decision to allow the use of the present DR 1 parking for commercial use to support the restaurant subject to these covenants and easement.

CONDITION PRECEDENT:

The obligation of the HATFIELDS shall not become effective and binding upon it and the

Land unless and until the portion of the Land has been reclassified to BLR, as shown on the attached Drawing marked Amended Request, on the 2000 Comprehensive Zoning Map for Baltimore County, as that map is finally adopted.

BINDING EFFECT: DURATION

Immediately upon satisfaction of the condition precedent stated above, the HATFIELDS shall cause these covenants, easement, restrictions, and conditions to be recorded among the Land Records of Baltimore County, Maryland. The HATFIELDS shall then promptly deliver to VPC a copy of the covenant as recorded, together with evidence of their recordation. The covenants and easement shall run with and be binding upon the Land, and upon all present and future owners thereof, and shall inure to the benefit of each of the parties respectively, and their successors and assigns, in perpetuity; and to require adherence regarding maintenance of Open Space.

ENFORCEMENT:

If any party to this Agreement, or any party's successor, or any neighbor within one mile of the Land, is required to institute legal action to enforce the terms of this Agreement, and is successful thereafter (whether by judgment or by settlement) in obtaining enforcement of the Agreement, that party or successor shall be entitled to recover reasonable attorney's fees and other reasonable costs of the action from the person or entity against whom enforcement is obtained. However, as a prerequisite to the recovery of fees and costs under this paragraph, the person or entity seeking enforcement shall serve the alleged violator of the Agreement with written notice of the violation, and only if the alleged violator has failed to remedy or to make substantial progress toward remedying the violation within thirty (30) days after receipt of this notice may legal action be instituted.

In order to further ensure VPC of the enforcement of this Covenant, the HATFIELDS shall have the duty to provide in all sales contracts for his business and/or Land that the Buyer and their heirs and assigns be subject to and bound by these covenants and easements and the obligations herein, including, but not limited to, the foregoing "obligation to pay reasonable attorney's fees and costs" provision if enforcement of the covenants is successfully obtained.

AMENDMENTS:

Prior to its recordation among the Land Records of Baltimore County, Maryland, this Agreement may be amended only by a written instrument in recordable form, signed by all of the parties hereto. Following its recordation among the Land Records of Baltimore County, this Agreement may be amended only by a written instrument, signed by the HATFIELDS or their successor and by the VPC and LPT or their assigns, and recorded among the Land Records of Baltimore County, Maryland. If VPC and LPT are no longer in existence or otherwise defunct without assigns, the community consisting of neighbors within one mile of the Land are entitled to the appointment of a Trustee to act on their behalf upon application to a Court of Equity.

MISCELLANEOUS PROVISIONS:

The parties warrant and represent that they have taken all necessary action required to be taken by their respective charters, by-laws, or other organizational documents to authorize the execution of this Agreement.

This Agreement, which may be executed in counterparts, contains the entire understanding of the parties.

Each of the parties warrants that it has carefully read and understands this Agreement, is

cognizant of the terms hereof, and has had ample time to consult with counsel of choice regarding its respective rights and obligations in connection herewith.

Failure, in any instance, to enforce any of the covenants, restrictions, and conditions contained in this Agreement shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction or condition of this Agreement.

If any provision of this Agreement is found to be invalid, the remainder of the provisions of this Restrictive Covenant Agreement, and the application of such provision to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

All notices required by this Agreement shall be sent by certified mail, return receipt requested.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

WITNESS/ATTEST:

Theresa J. Cox

JOHN A. HATFIELD, JR.

John A. Hatfield, Jr. (SEAL)
By:

WITNESS/ATTEST:

MARY LOU TRIMMINGHAM

SEE ATTACHED SIGNATURE PAGES

By: (SEAL)

WITNESS/ATTEST:

ELIZABETH H. PROUT

SEE ATTACHED SIGNATURE PAGES

By: (SEAL)

its respective rights and obligations in connection herewith.

Failure, in any instance, to enforce any of the covenants, restrictions, and conditions contained in this Agreement shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction or condition of this Agreement.

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JOHN A. HATFIELD, JR.

(SEAL)

By:

WITNESS/ATTEST:

MARY LOU TRIMMINGHAM

(SEAL)

By:

WITNESS/ATTEST:

ELIZABETH H. PROUT

(SEAL)

By:

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IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

WITNESS/ATTEST:

JOHN A. HATFIELD, JR.

_____(SEAL)
By:

WITNESS/ATTEST:

MARY LOU TRIMMINGHAM

_____(SEAL)
By:

WITNESS/ATTEST:

W. J. Hatfield

ELIZABETH H. PROUT

Elizabeth H. Prout (SEAL)
By:

WITNESS/ATTEST:

THE VALLEY'S PLANNING COUNCIL,
INC.Charm ClareJack Dillon (SEAL)
By: Executive DirectorSTATE OF MARYLAND, COUNTY OF Harford, to wit:

I HEREBY CERTIFY, that on this 6th day of October, 2000, before me, the subscriber, a Notary Public of the State of Maryland, in and for the jurisdiction aforesaid, personally appeared John A. Hatfield Jr, the duly authorized agent of _____, and being so authorized, acknowledged the foregoing document to be the free and voluntary act of _____.

AS WITNESS my hand and Notarial Seal.

Theresa J. Cox
Notary PublicMy Commission Expires on: 4-1-04STATE OF MARYLAND, COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY, that on this 10 day of October, 2000, before me, the subscriber, a Notary Public of the State of Maryland, in and for the jurisdiction aforesaid, personally appeared Jack Dillon, the duly authorized agent of Valleys Planning Commi, and being so authorized, acknowledged the foregoing document to be the free and voluntary act of Valleys Planning Commi.

AS WITNESS my hand and Notarial Seal.

Charm Clare
Notary PublicMy Commission Expires on: 3/1/04

OPTIONAL FORM 175
MARCH 1975
DEPT. OF STATE
50175-101

CERTIFICATE OF ACKNOWLEDGMENT OF EXECUTION OF AN INSTRUMENT

HAMILTON, BERMUDA
(Country)

(County and/or other political division)

(County and/or other political division)

(Name of foreign service office)

I, ELIZABETH JONES

~~of the United States of America~~ at HAMILTON Bermuda,

duly commissioned and qualified, do hereby certify that on this 4th day of

June, 2001, before me personally appeared _____

MARY LOU TRIMMINGHAM, to me personally known, and

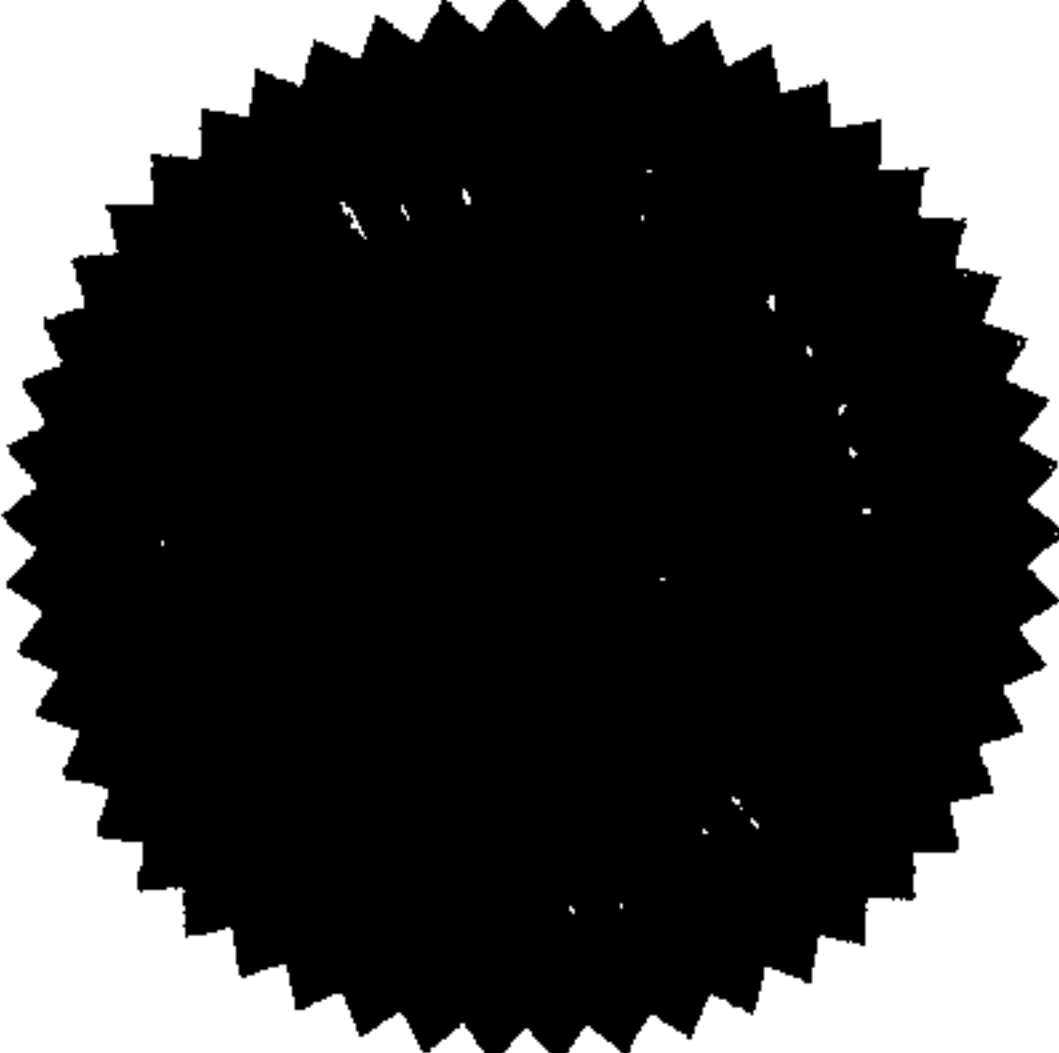
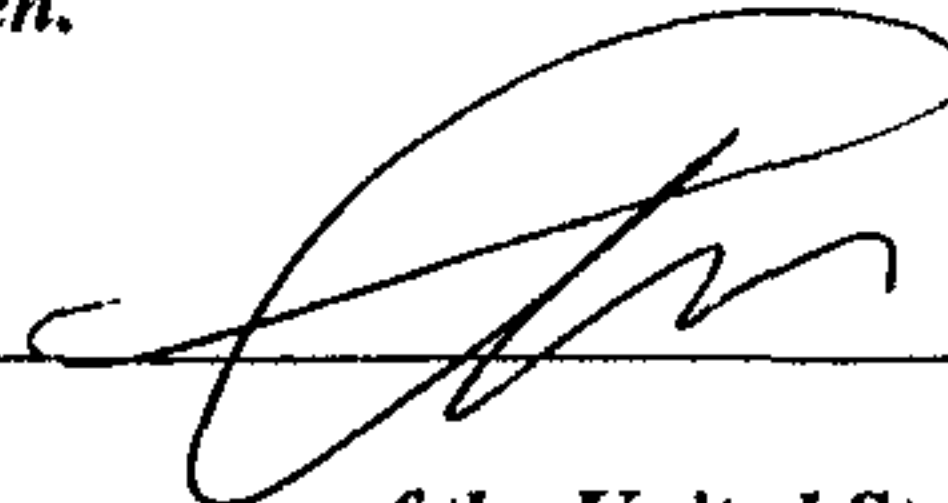
known to me to be the individual - described in, whose name is subscribed to, and who

executed the annexed instrument, and being informed by me of the contents of said

instrument she duly acknowledged to me that she executed the same freely and voluntarily for

the uses and purposes therein mentioned.

*In Witness Whereof, I have hereunto set my hand
and official seal the day and year last above
written.*

~~of the United States of America~~

Note: Wherever practicable all signatures to a document should be included in one certificate.

ELIZABETH L. JONES
MELLO JONES & MARTIN
P.O. BOX HM 1564
HAMILTON HM FX
BERMUDA

COMMONWEALTH OF VIRGINIA, ^{CITY}~~COUNTY~~ OF VIRGINIA BEACH, to wit:

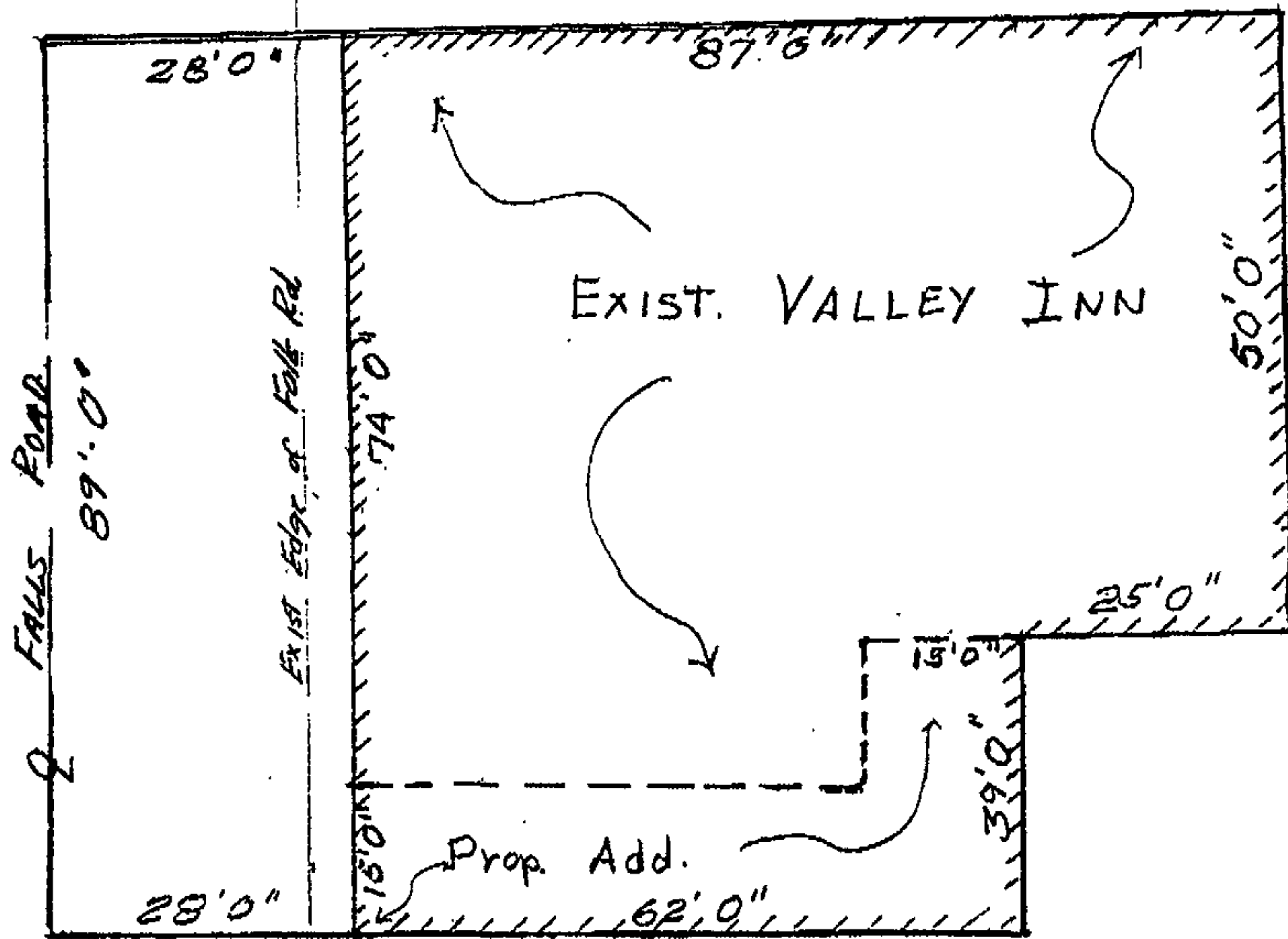
I HEREBY CERTIFY, that on this 28th day of May, 2001, before me, the subscriber, a Notary Public of the Commonwealth of Virginia, in and for the jurisdiction aforesaid, personally appeared Elizabeth Prout, and being so authorized, acknowledged the foregoing document to be her free and voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Lou N. Quikill
Notary Public

My Commission Expires on: 3-31-04

0015298 245

CZMP Zoning Issue 4-034

Scale: 1" = 20'

THE VALLEY INN 10501 Falls Road

Proposed Rezoning from DR1 to BLR to include only the existing building outline with proposed addition and area to centerline of Falls Road.

Total area with proposed addition included is 6768 sq. ft. and an additional 2,492 sq. ft. between the centerline of Falls Road and the building. Total area is 9,260 sq. ft.

October, 2000

RESTRICTIVE COVENANT AGREEMENT 5298 247

State of Maryland Land Instrument Intake Sheet
☐ Baltimore City ☒ County: BALTIMORE

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

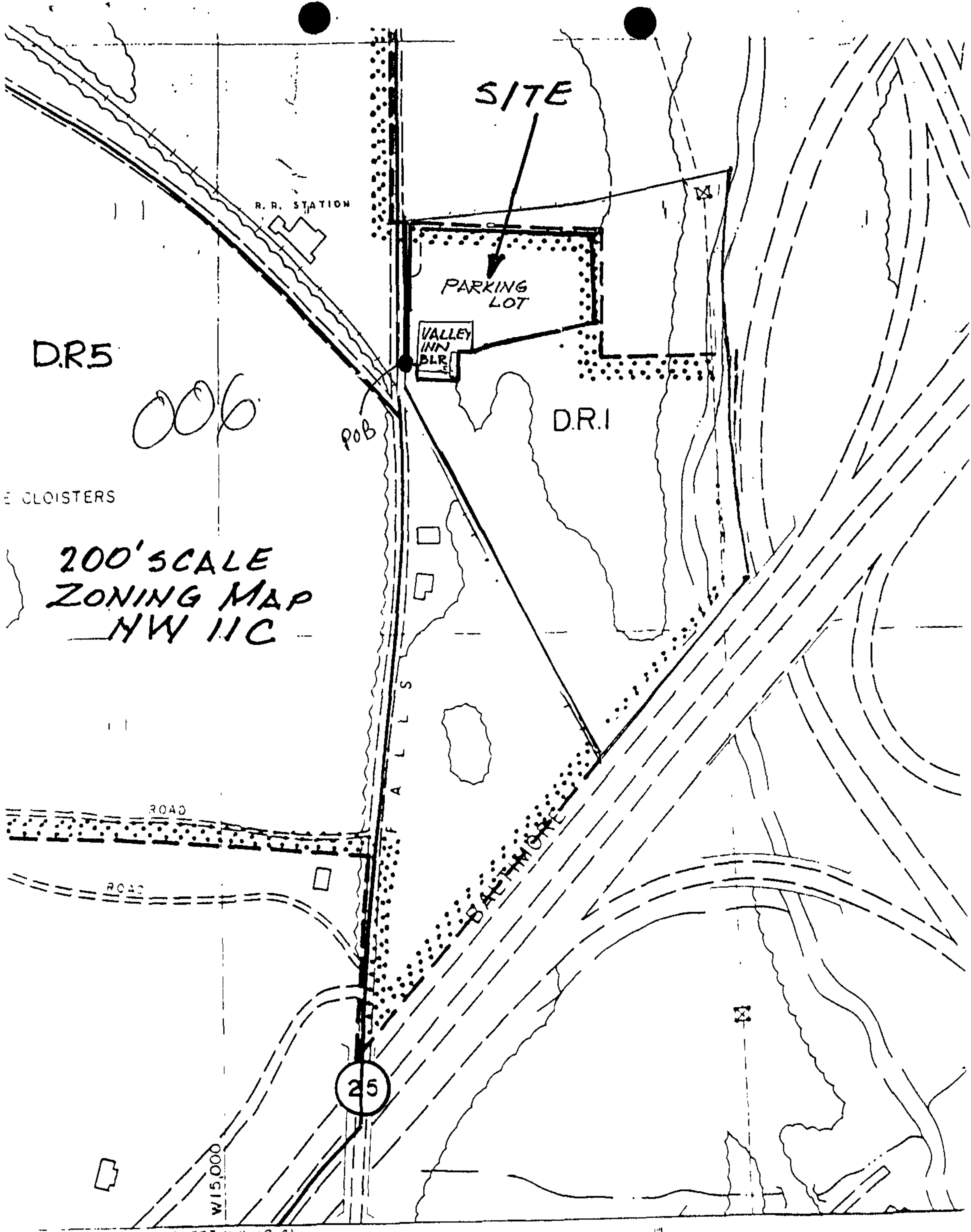
(☐ Check Box if Addendum Intake Form is Attached.)

1	Type(s) of Instruments	☐ Deed ☐ Deed of Trust ☐ Mortgage ☐ Lease ☒ Other <u>RESTRICTIVE COVENANT</u> ☐ Other			
2	Conveyance Type Check Box	☐ Improved Sale ☐ Arms-Length [1]	☐ Unimproved Sale ☐ Arms-Length [2]	☐ Multiple Accounts ☐ Arms-Length [3]	☐ Not an Arms-Length Sale [9]
3	Tax Exemptions (if Applicable)	Recordation ☐ State Transfer ☐ County Transfer ☐			
4	Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only	
		Purchase Price/Consideration	\$ -0-	Transfer and Recordation Tax Consideration	
		Any New Mortgage	\$	Transfer Tax Consideration	\$
		Balance of Existing Mortgage	\$	X () % =	\$
		Other:	\$	Less Exemption Amount -	\$
		Other:	\$	Total Transfer Tax =	\$
		Full Cash Value	\$	Recordation Tax Consideration	\$
				X () per \$500 =	\$
				TOTAL DUE	\$
5	Fees	Amount of Fees	Doc. 1	Doc. 2	Agent: <u>Be</u>
		Recording Charge	\$ 75.00	\$	Tax Bill:
		Surcharge	\$ 5.00	\$	C.B. Credit: <u>S</u>
		State Recordation Tax	\$	\$	Ag. Tax/Other:
		State Transfer Tax	\$	\$	
		County Transfer Tax	\$	\$	
		Other	\$	\$	
		Other	\$	\$	
6	Description of Property	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map
	SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	09	09-08-003420	6681/726	69
		Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)
		NS	-	-	-
		Location/Address of Property Being Conveyed (2)			
		10501 FALLS ROAD			
		Other Property Identifiers (if applicable)			Water Meter Account No.
		Residential ☐ or Non-Residential ☒	Fee Simple ☐ or Ground Rent ☐	Amount:	
		Partial Conveyance? ☐ Yes ☐ No	Description/Amt. of SqFt/Acreage Transferred:		
		If Partial Conveyance, List Improvements Conveyed:			
7	Transferred From	Doc. 1 - Grantor(s) Name(s)		Doc. 2 - Grantor(s) Name(s)	
		JOHN A HATFIELD JR, MARY LOU TRIMINGHAM, ELIZABETH H. PROUT			
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)		Doc. 2 - Owner(s) of Record, if Different from Grantor(s)	
8	Transferred To	Doc. 1 - Grantee(s) Name(s)		Doc. 2 - Grantee(s) Name(s)	
		THE VALLEY'S PLANNING COUNCIL, INC.			
		New Owner's (Grantee) Mailing Address			
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)		Doc. 2 - Additional Names to be Indexed (Optional)	
		RETURN TO:			
		LOIS HAGY, LEGAL ASST			
10	Contact/Mail Information	Name: 502 WASHINGTON AVE. SUITE 700		☐ Return to Contact Person	
		Firm: TOWSON, MD 21204		☒ Hold for Pickup	
		Address: (410) 923-7800		☐ Return Address Provided	
		Phone: ()			
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER				
	Assessment Information	Yes ☒ No Will the property being conveyed be the grantee's principal residence?			
		Yes ☒ No Does transfer include personal property? If yes, identify:			
		Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).			
		Assessment Use Only - Do Not Write Below This Line			
		☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification			
		Transfer Number:		Assigned Property No.:	
		Year	19	Geo.	Map
		Land		Zoning	Grid
		Buildings		Use	Parcel
		Total		Town Cd.	Ex. St.
		REMARKS:		Block	
				Sub	
				Plat	
				Section	
				Occ. Cd.	

IMPROVED SURVEY \$ 5.00
RECORDING FEE 75.00
TOTAL 80.00
Rcpt # 87692
Blk # 2058
01:03 PM
JUN 14, 2001

TRANSFER TAX NOT REQUIRED
DIRECTLY TO CLERK'S OFFICE
BALTIMORE COUNTY, MARYLAND
Per [Signature]
Authorized Signature
Date 6/14/01 Sec 33-139 AC

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
ACC 00 200 0 201



D.R.5

006

E CLOISTERS

200' SCALE
ZONING MAP
NW 11C

SITE

PARKING
LOT

VALLEY
INN
BLR

D.R.1

POB

A L L S

ROAD

ROAD

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W15,000

(SHEET NW 10-C)

The Valleys Planning Council, Inc.

207 Courtland Avenue, Towson, Maryland 21204
Mailing Address: P.O. Box 5402, Towson, Maryland 21285-5402
Phone: 410 337-6877, Fax: 410 296-5409

October 10, 2000

Hon. Wayne Skinner
Baltimore County Council
400 Washington Ave.
Towson, Maryland 21204

Re: Issue number 4 - 034, John A. Hatfield Jr. (The Valley Inn)

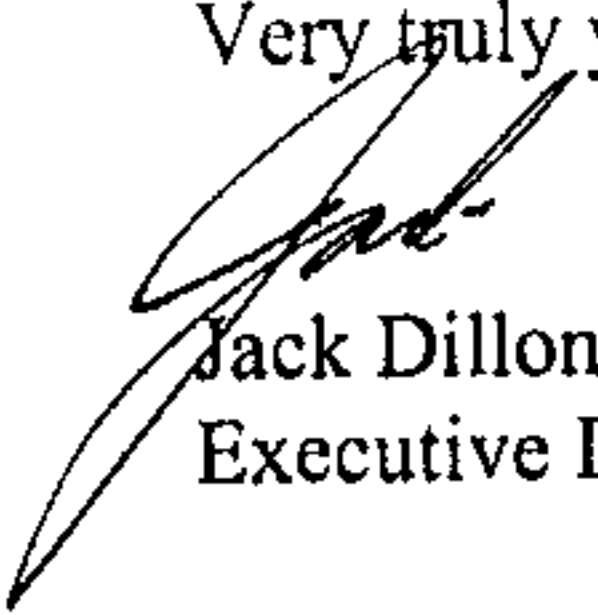
Dear Councilman Skinner,

The Valleys Planning Council, Inc. in consultation with the Ruxton Riderwood Association has negotiated a restrictive covenant agreement with the Hatfield family. This agreement will support the rezoning of the existing Valley Inn building, including an area for expansion, and the area that meets the zoning map procedure of zoning to the centerline of the street. Only this area is recommended for rezoning from DR1 to BLR (see attached exhibits). The remainder of the property will remain DR1. VPC agrees to support, if required, a Special Hearing for off street parking in a residential zone to accommodate the proposed expansion. The Hatfield family has agreed to place the existing building on the Baltimore County Landmark List and place the remainder of the property in a Land Preservation Trust Easement. This easement will limit the parking lot to its current size and the remainder of the land will remain in open space.

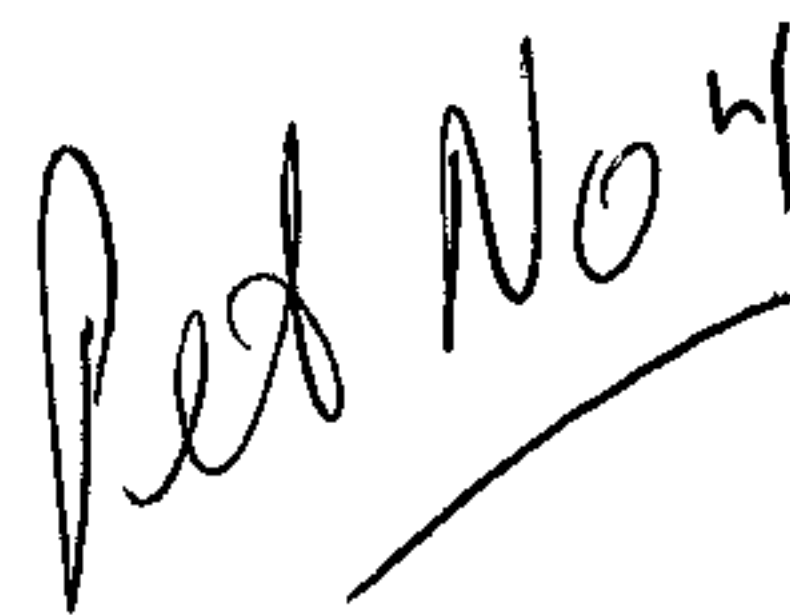
Although only two of the required signatures have been secured at this time we are willing to move ahead with the agreement with the assurance that the final signature will be secured and the Agreement and the LPT Easement will be executed and recorded.

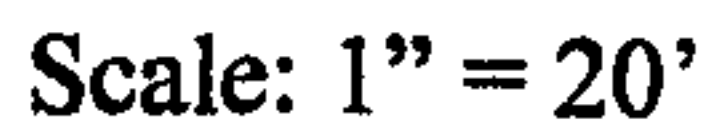
I hope that this will provide you with sufficient comfort in making your final decision on this issue.

Very truly yours,


Jack Dillon
Executive Director

cc: C. William Clark, Esq.
Doug Carroll
Sarah Lord



4
N

October, 2000

Hillside Rd

Ex. Parking lot

DR 1

Prop BLR

Open space

DR 1

FALLS ROAD

DR 1

Scale 1" = 200'

THE VALLEY INN

CZMP ISSUE 4-034

Oct. 2000

N

The Baltimore County Council

BALTIMORE COUNTY, MARYLAND NOTICE OF PUBLIC HEARING

NOTICE is hereby given pursuant to the provisions of the Baltimore County Charter and the Baltimore County Code that the County Council of Baltimore County will hold a public hearing at the date, time and place indicated below on the following issue:

FINAL HISTORICAL LANDMARKS LIST ADDITIONS

Catonsville Historical Society (or Robert Townsend House)
Union Chapel United Methodist Church
St. Luke's United Methodist Church
Spinster Hill (or Albert Woodruff House)
Hoflebower House
Valley Inn (or Brooklandville House)
Rainbow Hill (or Rainbow Hall)
Rest-Melby House
Castle Calder (and log outbuilding)
Wright House
Clynmalira

Red No 5

The public hearing will be held on:

DATE: MONDAY, OCTOBER 15, 2001
TIME: 7:30 P.M. (OR IMMEDIATELY FOLLOWING COUNCIL MEETING)
LOCATION: COUNTY COUNCIL HEARING CHAMBER
SECOND FLOOR - COURT HOUSE
TOWSON, MARYLAND 21204

*** SPEAKER REGISTRATION WILL BEGIN AT 6:30 P.M. ***

The proposed landmarks list is available for public inspection at the Office of Planning, County Courts Building, Towson, Maryland 21204; County Council Office, Second Floor, Court House, Towson, Maryland 21204 and in each Councilmanic District at the following locations:

1st District:	Catonsville Library
2nd District:	Randallstown and Pikesville Libraries
3rd District:	Reisterstown and Cockeysville Libraries
4th District:	Towson Library
5th District:	Essex and Perry Hall Libraries
6th District:	Parkville Library
7th District:	North Point Library

[Back To Council Home Page](#)

Added in Valley Inn

Petitioners

Ex. 2A-2K

04-006-SPNA

(photos)



Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204



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2A



Feb 13



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Feb 20



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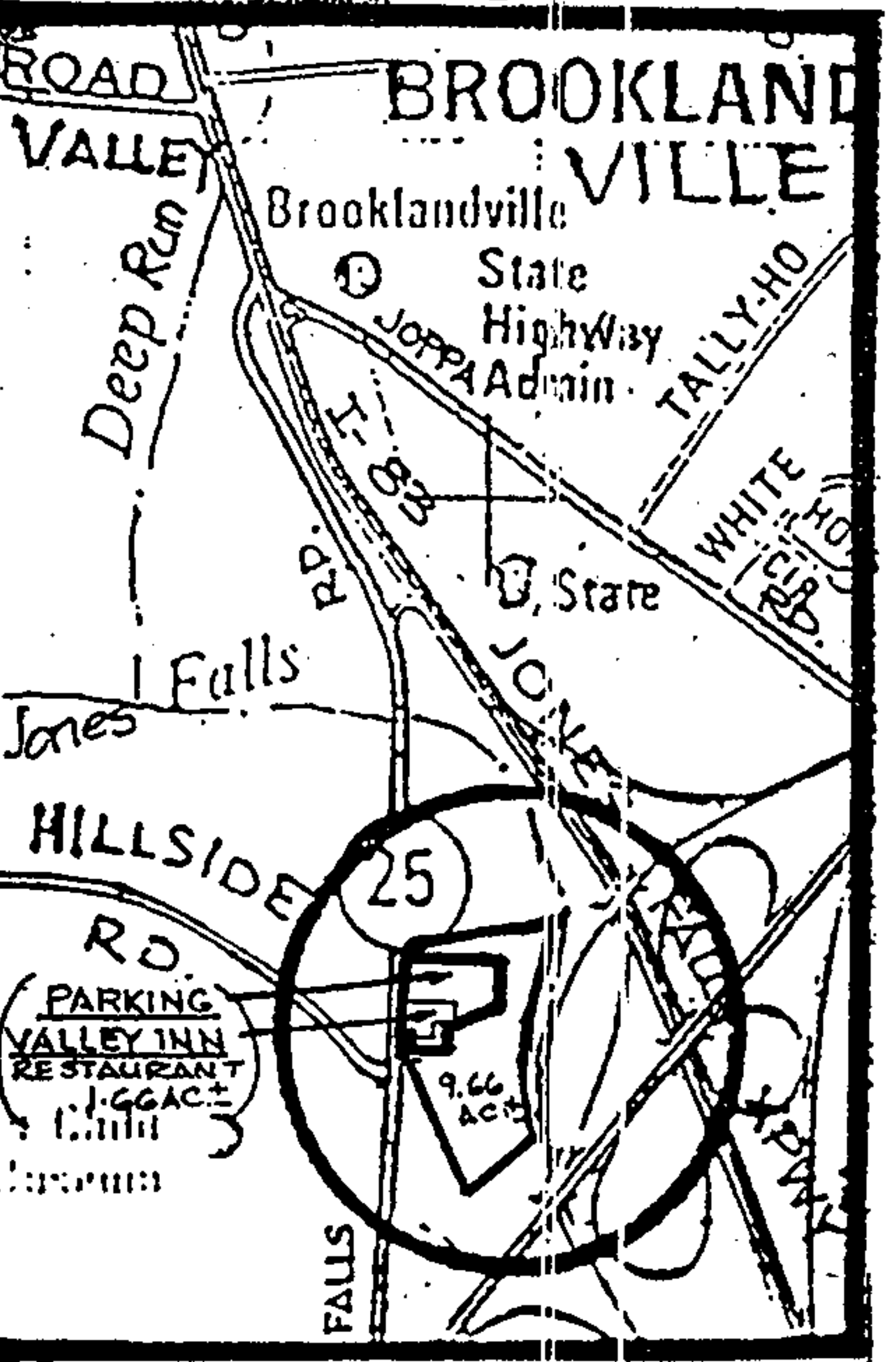
John A. Hatfield, Jr. 5596/344
Acct. # 03-1700004876 2.669 ac. +/-

JOHN A. HATFIELD, JR.
5017/608 1.5ac +/- Vacant
Acct. # 09-0908011860

John A. Hatfield, Jr. et ux
6681/726 9.66 Ac. +/-
Acct. No. 09-08003420

John A. Hatfield, Jr. et ux
6681/726 9.66 Ac. +/-
Acct. No. 09-08003420

John A. Hatfield, Jr. et ux
6681/726 9.66 Ac. +/-
Acct. No. 09-08003420



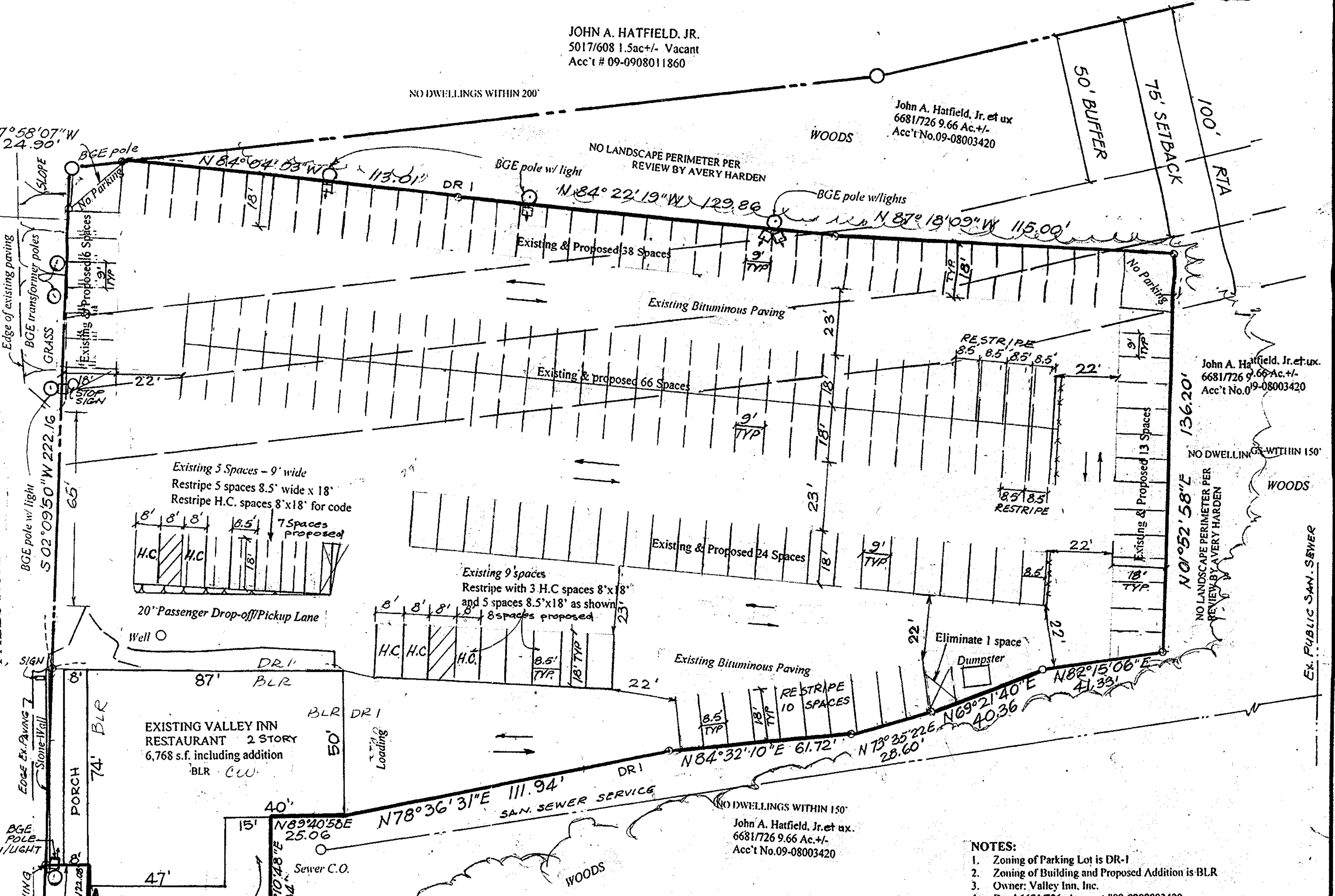
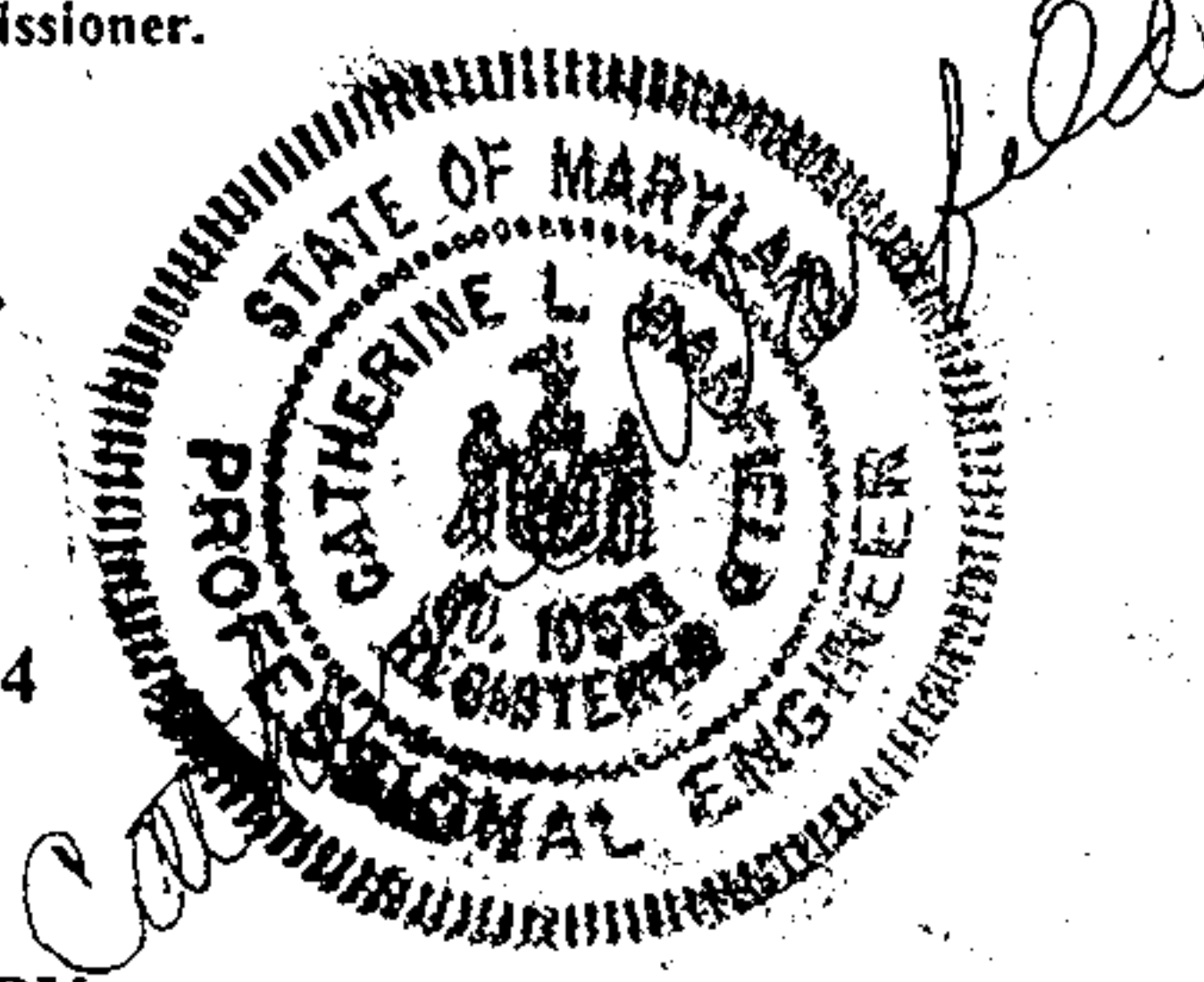
VICINITY MAP
Scale 1" = 1000'

PARKING REQUIREMENTS
BCZR 409.8B.2

- The land so used must adjoin or be across an alley or street from the business or industry involved. The land adjoins the business.
- Only passenger vehicles, excluding buses, may use the parking facility. Buses use spaces for parking purposes.
- No loading, service or any use other than parking shall be permitted. See variance.
- Lighting shall be regulated as to location, direction, hours of illumination, glare and intensity, as required. Existing lights are on BGE poles, directed entirely on the parking lot, and remain lit all night. See Note # 9 on plan.
- A satisfactory plan showing parking arrangement and vehicular access must be provided. See this plan.
- Method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required. See Note # 8.
- Any conditions not listed above which, in the judgement of the Zoning Commissioner are necessary to ensure that the parking facility will not be detrimental to the adjacent properties. To be determined by the Zoning Commissioner.

C. L. WARFIELD & ASSOC., INC.
Consulting Engineers
4900 KEMP ROAD
REISTERSTOWN, MD. 21136
PHONE: 410.833.6233 FAX 410.833.8944
email: clwarfield@prodigy.net

SURVEY and DESCRIPTION PREPARED BY
SURVEY SERVICES, LLC
752 Camberly Circle
Towson, Maryland 21204



ZONING ISSUES AND REMEDIES (In Bold) FOR CLARIFICATION SEE HEARING PETITION FORMS

1. 409.8B.2c. A Special Hearing is requested to allow service vehicles to use part of the parking lot for loading supplies a dumpster for collection of trash. Variance is requested to eliminate the RTA to 0 ft. setbacks in lieu of the The required 75 ft. and 50 ft. respectively.

PRESERVATION OF HISTORIC BUILDINGS ISSUES and REMEDIES (In Bold)

1. Sec. 26-278 BCC. Waiver is requested to construct one (1) story, 15' wide additions to the Valley Inn Restaurant as located on the plan as agreed to by the Valley's Planning Council, Inc. No architectural plans are available for the additions at this time; therefore we request approval by the Office of Planning for the addition footprints and construction of one story additions to be compatible with the existing structure, understanding that we will submit elevations for the Planning Office review prior to issuance of a building permit.

REQUIRED PARKING:

16 spaces/ 1000 s.f. 16 x 6,768 s.f. = 109 sp.

EXISTING PARKING

Parking spaces provided 172 sp.

PROPOSED PARKING

See modification notes on plan 172 sp.

Includes 5 H.C. spaces

FAR Calculations

Building area including additions 6,768 s.f. = 0.155 ac. +/-

Gross area of the property 9.66 ac. +/-

Floor to area ratio (FAR) = 0.016

AREA OF HEARING 1.66 ac. +/-

NOTES:

- Zoning of Parking Lot is DR-1
- Zoning of Building and Proposed Addition is BLR
- Owner: Valley Inn, Inc.
- Deed 6681/726 Account #09-0908003420
- Property known as The Valley Inn - built 1835
- The Valley Inn Restaurant building only - is # 00218 in the Md. 11 historic Trust Inventory
- Falls Road is State Road Rte. 25 - no right of way exists
- The Valley Inn is a restaurant - operating hours are 11 am to 12 pm
- Light standards do not reflect onto public streets or residential properties
- Public water is not available - a well serves the site
- The site is connected to public sanitary sewer
- No flood plains on the site
- There are no houses within 150' of the parking lot
- A vacant existing 1.5 ac. lot owned by John A Hatfield Binds this property on the north
- Zoning Case CZMP Issue 4-034 granted BLR zoning For the Valley Inn Restaurant and minor additions - 0.22 ac.
- A Restrictive Covenant Agreement with the Valley's Planning Council is recorded in 15298/234
- Total area of property is 9.66 ac. +/- Area of parking lot and the Building addition to be approved for Business Parking in a Residential Zone is 1.66 ac. +/-
- The existing parking lot is not subject to the Landscape Manual, Avery Harden, County Landscape Architect, was consulted to reach this determination. This satisfies 409.8 A.1
- The State does not own a defined right-of-way for Falls Road. Parking abutting Falls Road is a minimum of 15' from the edge of existing paving and lower than the road by several feet. This condition has existed since 1976 +/-
- All paving is bituminous with permanent striping.
- Minor adjustments will be made to striping of parking spaces to comply with parking regulations as shown on the plan.
- The Valley Inn has a Class B liquor license.

PLAT TO ACCOMPANY
SPECIAL HEARING AND VARIANCES
VALLEY INN RESTAURANT
10501 Falls Road Lutherville, Md. 21093
Election District 9/C-2 Baltimore County, Md.
Owner: Valley Inn, Inc.
10501 Falls Rd. Lutherville, Md. 21093
Scale: 1" = 30' March 3, 2003

Red No 1

04-006-SPHA



Baltimore County
Department of Permits and
Development Management

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

September 12, 2003

C. William Clark
Nolan, Plumhoff & Williams
502 Washington Avenue
Towson, MD 21204

Dear Mr. Clark:

RE: Case Number: 04-006-SPHA, 10501 Falls Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 4, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Valley Inn, Inc., John A Hatfield, 10512 Falls Road, Brooklandville 21022



Printed with Soybean Ink
on Recycled Paper

Visit the County's Website at www.baltimorecountyonline.info

CASE # 04-006 SPHA

ZONING NOTICE

CASE # 04-006 SubA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSION
IN TOWN

PLACE: Room 407 County Courthouse 100 N. 1st Ave
DATE AND TIME: May 1, 1968 10:00 AM

[illegible]

POSTSCRIPTS: ALL 16 INITIAL BOUND EQUATIONS ARE SUBSTITUTES NECESSARY
TO EQUATION NUMBER (A15) (A16)

DO NOT REMOVE THIS SIGN AND POST WITH SET OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

10501 FALLS RD.
POSTED 8/29/03
Rubel 82711 8/29/03



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

July 15, 2003

NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-006-SPHA

10501 Falls Road

E/side of Falls Road, 88.09 feet north of Hillside Avenue

9th Election District – 2nd Councilmanic District

Legal Owner: Valley Inn, John Hatfield, Jr., President

Special Hearing to permit commercial parking in a residential zone to allow service vehicles to use part of the lot and a dumpster location and a building addition to the Valley Inn Restaurant: Preservation of a Historic building. To allow construction of the future addition as shown on the footprint on this plan without being subject to BLR zoning. Variance requested from Residential Transition Area (RTA) for 0 setback and buffer in lieu of the required 75 feet setback and 50 feet buffer in the RTA.

Hearings: Monday, September 15, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Valley Inn, Inc., John Hatfield, Jr., 10512 Falls Rd., Brooklandville 21022
C. William Clark, Nolan, Plumhoff & Williams, 502 Washington Ave., Towson 21204
Catherine Warfield, 4900 Kemp Road, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 30, 2003.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

