



JOHN A. OLSZEWSKI, JR.  
*County Executive*

MAUREEN E. MURPHY  
Chief Administrative Law Judge  
ANDREW M. BELT  
Administrative Law Judge  
DEREK J. BAUMGARDNER  
Administrative Law Judge

January 21, 2025

Christopher D. Mudd, Esquire – [cdmudd@venable.com](mailto:cdmudd@venable.com)  
Patsy Malone, Esquire – [pamalone@venable.com](mailto:pamalone@venable.com)  
Venable, LLP  
210 w. Pennsylvania Avenue  
Towson, MD 21204

RE: Petitions for Special Hearing and Variance  
Case No. 2024-0252-SPH  
Property: 1201 Shawan Road

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is fluid and cursive.

MAUREEN E. MURPHY  
Chief Administrative Law Judge  
for Baltimore County

MEM:dlm  
Enclosure  
c: *See next page –*

- c: Michael McCann, Esq. - [michael@mmccannlaw.net](mailto:michael@mmccannlaw.net)  
Alex Smith - [afsmith11@gmail.com](mailto:afsmith11@gmail.com)  
Anthony Snyder - [asnyder@baltimorecountymd.gov](mailto:asnyder@baltimorecountymd.gov)  
Eric Hadaway - [ehadaway@dmw.com](mailto:ehadaway@dmw.com)  
Michael McCann - [michael@mmccannlaw.net](mailto:michael@mmccannlaw.net)  
Renee Hamidi - [renee@thevpc.org](mailto:renee@thevpc.org)

|                                            |   |                               |
|--------------------------------------------|---|-------------------------------|
| IN RE: <b>PETITION FOR SPECIAL HEARING</b> | * | BEFORE THE                    |
| <b>(1201 Shawan Road)</b>                  |   |                               |
| 8 <sup>th</sup> Election District          | * | OFFICE OF                     |
| 3 <sup>rd</sup> Council District           |   |                               |
| Baltimore County, MD, D'Andrea Walker      | * | ADMINISTRATIVE HEARINGS       |
| CAO                                        |   |                               |
| <i>Legal Owner</i>                         | * | FOR BALTIMORE COUNTY          |
| Atlas Oregon Ridge, LLC                    |   |                               |
| <i>Lessee</i>                              | * | <b>Case No. 2024-0252-SPH</b> |
| <b>Petitioners</b>                         | * |                               |

\* \* \* \* \*

### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Hearing filed by the legal owner, Baltimore County, MD, and the lessee, Atlas Oregon Ridge, LLC (the “Petitioners”) for the property known as 1201 Shawan Rd., Hunt Valley (the “Property”). The Petition for Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”), §500.7 to amend the Opinion and Order of the Board of Appeals of Baltimore County, dated February 8, 1995, in Case No. 94-348-SPHXA by replacing the conditions imposed in that Order with newly negotiated conditions, and to approve the use of the property (1201 Shawan Rd.) in a manner consistent with the revised conditions.

A virtual Webex hearing was conducted on January 14, 2025. The Petition was properly advertised and posted. Alexander F. Smith, President and CEO of Atlas Oregon Ridge, LLC attended the hearing along with Eric Haddaway, Vice President and Director of Environmental Services for Daft, McCune and Walker, the civil engineering firm who prepared a site plan (the “Site Plan”), and a redlined site plan (the “Redlined Site Plan”) (Pet. Ex. 2, 2A). Christopher Mudd, Esquire and Venable, LLP represented the Petitioners. Michael McCann, Esquire and

Renee Hamidi, Executive Director for The Valleys Planning Council (“VPC”) also participated in the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and Development Plans Review (“DPR”)/Department of Public Works and Transportation (“DPWT”) which agencies did not oppose the requested relief. Department of Environmental Protection and Sustainability (“DEPS”) provided comments from Environmental Impact Review (“EIR”), Groundwater Management (“GWM”), and Stormwater Management (“SWM”) dated December 12, 2024 raising various issues. However, by email dated January 13, 2024, DEPS requested that the ZAC comments for all 3 sections be withdrawn. (See File).

The Property is 2.63 acres +/- (114,428 sf +/-) located at the intersection of Shawan Road, Beaver Dam Road, Kultz Lane and Cuba Road. The Property is owned by Baltimore County and is currently being leased by Atlas Oregon Ridge, LLC for the operation of the Oregon Grille Restaurant (“Atlas”). The Property is split-zoned Business, Local (BL), Resource Conservation, Watershed Protection (RC 4) and Resource Conservation, Resource Preservation (RC 7). The surrounding area and all the lands are owned by Baltimore County, with Oregon Ridge Park to the south, and agricultural, rural residential and a private golf course in the area.

The Property was the subject of an Opinion and Order of the Board of Appeals dated February 8, 1995, in Case No. 94-348-SPHXA. (Pet. Ex. 3). As explained in the Board’s Opinion, historically the building was known as the ‘Oregon General Store’ or the ‘Kurtz Store’. The Property is located within the Western Run-Belfast National Register Historic District and the building is listed on the Baltimore County Final Landmarks List (BA-269). In the Board’s case, the previous tenant, Oregon, LLC, was granted a Special Exception and Variance relief to operate



a standard restaurant. As part of that Case, Oregon, LLC and VPC reached an agreement as to restrictions and conditions of use which were set forth therein.

In or about 2022, Atlas purchased the restaurant business from Oregon, LLC and became the lessee under the lease with Baltimore County, either by assignment or otherwise. Atlas and VPC now desire to jointly confirm the existing and future operation of the restaurant by entering into the Agreement dated April 25, 2024 (the "Agreement"). (Pet. Ex. 4). Specifically, Atlas and VPC have agreed to new restrictions and conditions as set forth in the Agreement, which they jointly request be incorporated into the Order. Counsel for both parties acknowledged the same on the record at the hearing. A modified version of the Agreement was submitted by the Parties post-hearing adding a provision for recordation of the Agreement in the Land Records of Baltimore County. (Pet. Ex. 4).

#### SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, § 500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would

be compatible with the community and generally consistent with the spirit and intent of the regulations.” *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

Upon review of the evidence and the Agreement of the Parties in this Case, I find that the Special Hearing relief should be granted. It was uncontroverted that the Parties had worked diligently to come to a mutually beneficial Agreement that would support the continued operation of the Oregon Grille while simultaneously meeting certain restrictions requested by the VPC. I find that the Special Hearing relief will be compatible with the community and generally consistent with the spirit and intent of the regulations, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED this **21st** day of **January, 2025** by this Administrative Law Judge that the Petition for Special Hearing from BCZR”), §500.7, to amend the Opinion and Order of the Board of Appeals of Baltimore County, dated February 8, 1995, in Case No. 94-348-SPHXA by replacing the conditions imposed in that Order with newly negotiated conditions set forth below and attached hereto, and to approve the use of the property (1201 Shawan Rd.) in a manner consistent with the revised conditions be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. The Redlined Site Plan (Pet Ex. 2A), a copy of which is attached hereto, is incorporated herein.
3. The Agreement dated April 25, 2024 by and between Atlas Oregon Ridge, LLC and The Valleys Planning Council, Inc., (Pet. Ex. 4), a copy of which is attached hereto and incorporated herein in its entirety provides the following terms and conditions which shall be enforceable herein:

1. Petitioner may apply for its building permit, if applicable, and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2. The “outdoor dining/patio,” labeled and shown on Petitioner’s Exhibit 1 (Plan to Accompany Petition for Zoning Hearing), may be utilized for outdoor dining and bar service and may be improved with a single bar, including an awning covering the bar, and with televisions, bar seating, high-top tables, and firepit areas. The outdoor bar and dining area shall have a maximum of 125 seats (total) for food and bar service.

3. Petitioner shall be prohibited from catering or hosting weddings or other similar events outside on the Property. For purposes of this restriction, an “event” is a gathering that involves the rental or reservation of more than half of the outdoor seating area for a private party or affair. This paragraph shall not be interpreted to preclude activities permitted under Restriction No. 2, and this restriction shall not prevent customers from reserving tables or a portion of the outdoor dining/patio for a private gathering while regular dining and/or bar service takes place on the remainder of the patio.

4. The indoor bar/lounge area is located at the east end of the restaurant. Alcoholic beverages may be served in other indoor areas of the restaurant, and smaller temporary bar areas may be established elsewhere inside the restaurant. A bar area shall be considered “temporary” if it exists for a period of time not to exceed seven consecutive days. A “temporary bar” may not be established in the same location more than fifteen days in any given calendar month.

5. No alteration to the exterior façade of the building or expansion of the footprint of the building shall be permitted unless approved by The Valley’s Planning Council, Inc. (“VPC”) and the Baltimore County Landmarks Preservation Commission in accordance with Article 32, Title 7, Subtitle

4 of the Baltimore County Code. Any expansion of the building shall be limited to enclosures of existing building features, including porches and stairs, or expansion of basement areas. This provision does not preclude the improvements referenced in Paragraph 2. There will be no additional buildings constructed on the Property.

6. The existing signs for the restaurant may be replaced with signs of the same or smaller size.

7. The parking lot area as depicted and labeled in Petitioner's Exhibit 1 shall not be expanded.

8. Any new exterior lighting within the parking lot area as shown in Petitioner's Exhibit 1 shall be of the same height, general design, and intensity as that which exists on site as of the date of this Order. This provision shall not prohibit the installation of ornamental "string lighting" within the boundaries of the outdoor dining/patio. Any additional lighting in the outdoor dining/patio shall be approved in advance by the VPC.

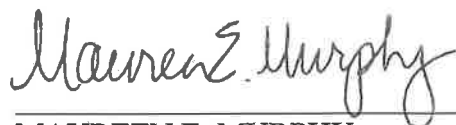
9. Pre-recorded background music shall be permitted to be played through outdoor speakers on the outdoor dining/patio. Live music shall also be permitted on the outdoor patio area with the following limitations: (i) only acoustic instruments may be utilized (e.g., no electric guitars or other electric instruments and no drums); (ii) the music shall not generate levels of noise in excess of the maximum residential levels permitted under COMAR 26.02.03.02.B(1) as measured from the residential receiving property; and (iii) all music shall cease by 10:00 p.m. Monday through Thursday and 11:00 p.m. Friday through Sunday.

10. 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.

11. When applying for any permits, any associated site plan and/or landscaping plan filed must reference this case

and must set forth and address the restrictions contained in this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

A handwritten signature in cursive script, reading "Maureen E. Murphy". The signature is written in dark ink and is positioned above a horizontal line.

MAUREEN E. MURPHY  
Chief Administrative Law Judge  
for Baltimore County

MEM/dlm

## AGREEMENT

THIS AGREEMENT (the "Agreement") is entered into, as of the 25 day of April, 2024 (the "Effective Date"), by and between ATLAS OREGON RIDGE, LLC, a Maryland limited liability company, ("Atlas" or "Tenant") and THE VALLEYS PLANNING COUNCIL, INC., a non-profit membership organization, ("VPC" or "Council"). Atlas and VPC are each a "Party" and are, hereinafter, collectively referred to as "the Parties."

### **RECITALS:**

- A. By operation of an Assignment and Assumption of Lease, Atlas is the tenant of the 2.63± acre property located at 1201 Shawan Road in Baltimore County (the "Property"). The Property is currently improved with a structure that is utilized as a restaurant. This structure is listed on the Baltimore County Final Landmarks List (BA-269).
- B. In 1995, Atlas's predecessor in interest obtained zoning relief to permit the use of the Property for purposes of a restaurant. *See* Case No. 94-348-SPHXA (the "1994 Case") - County Board of Appeals of Baltimore County Opinion and Order, dated February 8, 1994. In granting the relief, the Board of Appeals imposed certain restrictions on the use of the Property (the "1994 Restrictions").
- C. VPC is a non-profit organization whose mission is to preserve the rural character of northeastern Baltimore County. VPC participated in the 1994 Case and in the negotiations of the 1994 Restrictions, and it remains interested in the upkeep of the Property and the operation of the restaurant.
- D. Atlas has worked with the VPC to facilitate some changes to the Property, including adding a bar to the outdoor dining/patio area. These improvements would require that the 1994 Restrictions be amended. Any change to the 1994 Restrictions would require presentation to and approval of the Office of Administrative Hearing ("OAH") for Baltimore County.
- E. Atlas has discussed its proposed plans for the restaurant with VPC, and the Parties have agreed to seek approval of amendments to the 1994 Restrictions, which are outlined in this Agreement. The intention is for these amended restrictions to supersede and replace the restrictions imposed by the Board of Appeals in Case No. 94-348-SPHXA, through the filing of a Petition for Special Hearing with the OAH.
- F. It is anticipated and expected that this Agreement will be recorded among the Land Records of Baltimore County. In 2020, Atlas' predecessor in interest recorded a certain Declaration of Covenants and Restrictions relating to the Property among the Land Records at Liber 43400, folio 79 (the "Declaration"). The Parties intend for the terms of this Agreement to supersede the terms of the Declaration and run with and bind the Property.

**WITNESSETH:**

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:

1. **Agreements.**

A. The foregoing Recitals are true and correct and are incorporated herein by reference.

B. Tenant Agreements.

i. Tenant agrees to file a zoning Petition for Special Hearing requesting amendments to the 1994 Case and approval of its proposed changes to the Property and/or use and the associated Plan to Accompany Petition for Zoning Hearing ("the Zoning Request"). The Zoning Request will also ask that the restrictions outlined below ("New Restrictions") be imposed as a condition to that approval and that the Order indicate that the New Restrictions will supersede and replace the Restrictions. The new Restrictions are as follows:

1. Petitioner may apply for its building permit, if applicable, and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
2. The "outdoor dining/patio," labeled and shown on Petitioner's Exhibit 1 (Plan to Accompany Petition for Zoning Hearing), may be utilized for outdoor dining and bar service and may be improved with a single bar, including an awning covering the bar, and with televisions, bar seating, high-top tables, and firepit areas. The outdoor bar and dining area shall have a maximum of 125 seats (total) for food and bar service.
3. Petitioner shall be prohibited from catering or hosting weddings or other similar events outside on the Property. For purposes of this restriction, an "event" is a gathering that involves the rental or reservation of more than half of the outdoor seating area for a private party or affair. This paragraph shall not be interpreted to preclude activities permitted under Restriction No. 2, and this restriction shall not prevent customers from reserving tables or a portion of the outdoor dining/patio for a private gathering while regular dining and/or bar service takes place on the remainder of the patio.
4. The indoor bar/lounge area is located at the east end of the restaurant. Alcoholic beverages may be served in other indoor areas of the restaurant, and smaller temporary bar areas may be established elsewhere inside the restaurant. A bar area shall be considered "temporary" if it exists for a period of time not to exceed seven consecutive days. A "temporary bar" may not be established in the same location more than fifteen days in any given calendar month.
5. No alteration to the exterior façade of the building or expansion of the footprint of the building shall be permitted unless approved by The Valley's Planning Council, Inc. ("VPC") and the Baltimore County Landmarks Preservation Commission in accordance with Article 32, Title 7, Subtitle 4 of the Baltimore County Code. Any expansion of the building shall be limited to enclosures of existing building features, including porches and stairs, or expansion of basement areas. This provision does not preclude the improvements referenced in Paragraph 2. There will be no additional buildings constructed on the Property.

6. The existing signs for the restaurant may be replaced with signs of the same or smaller size.
7. The parking lot area as depicted and labeled in Petitioner's Exhibit 1 shall not be expanded.
8. Any new exterior lighting within the parking lot area as shown in Petitioner's Exhibit 1 shall be of the same height, general design, and intensity as that which exists on site as of the date of this Order. This provision shall not prohibit the installation of ornamental "string lighting" within the boundaries of the outdoor dining/patio. Any additional lighting in the outdoor dining/patio shall be approved in advance by the VPC.
9. Pre-recorded background music shall be permitted to be played through outdoor speakers on the outdoor dining/patio. Live music shall also be permitted on the outdoor patio area with the following limitations: (i) only acoustic instruments may be utilized (e.g., no electric guitars or other electric instruments and no drums); (ii) the music shall not generate levels of noise in excess of the maximum residential levels permitted under COMAR 26.02.03.02.B(1) as measured from the residential receiving property; and (iii) all music shall cease by 10:00 p.m. Monday through Thursday and 11:00 p.m. Friday through Sunday.
10. 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.
11. When applying for any permits, any associated site plan and/or landscaping plan filed must reference this case and must set forth and address the restrictions contained in this Order.

ii. Upon final, unappealable approval of the Zoning Request as filed, Tenant agrees that it will comply with the Order and the New Restrictions unless amended by the Parties pursuant to Paragraph 5 below and approved by the Office of Administrative Hearings.

C. VPC Agreements.

i. VPC agrees to support the Zoning Request so long as the request and the Plan to Accompany Petition for Zoning Hearing is consistent with the terms of this Agreement. Upon request, VPC agrees to provide that support in writing and/or through appearance at the hearing on the Zoning Request before the Office of Administrative Hearings.

ii. Upon final, unappealable approval of the Zoning Request as filed, VPC agrees to work in good faith with Tenant to resolve any issues with operation of the restaurant or upkeep of the Property in accordance with this Agreement that arise in the future.

2. **Termination.** Unless Tenant obtains final, unappealable approval of the Zoning Request as filed within one (1) year of the effective date of this Agreement, the Agreement shall automatically terminate and be of no further force and effect.

3. **Enforcement.** If a Party is required to institute any judicial or code enforcement action to enforce the terms of this Agreement or the New Restrictions and is successful thereafter (whether by judgment or by settlement) in obtaining enforcement of this Agreement or the New Restrictions, the successful Party shall be entitled to recover reasonable attorneys' fees and other reasonable costs of the action from the Party against whom enforcement is obtained. However,



as a prerequisite to recovery of fees and costs under this paragraph, the Party 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 make substantial progress toward remedying the violation within thirty (30) days after receipt of this notice may legal action be instituted. Failure in any instance to enforce any of the covenants, restrictions, and conditions contained in this Agreement shall in no way constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction, or condition of this Agreement.

4. **Notices.** All notices required by this Agreement shall be hand-delivered or sent by certified mail, postage prepaid, return receipt requested or by nationally recognized overnight delivery service, to the following addresses:

**Tenant:** Atlas Oregon Ridge, LLC  
c/o Atlas Restaurant Group  
650 S. Exeter Street #1095  
Baltimore, Maryland 21202  
Attn: Alex Smith, President

**Council:** The Valleys Planning Council, Inc.  
118 W. Pennsylvania Avenue  
Towson, Maryland 21204  
Attn: Renee Hamidi, Executive Director  
(or current Executive Director)

5. **Amendment.** This Agreement may be amended only by written instrument signed by the Parties or their successors and assigns.

6. **Miscellaneous.**

A. Each of the Parties hereto warrants and represents, if applicable, that it has taken all necessary action required to be taken by its charters, bylaws or other organizational documents to authorize the execution and delivery of this Agreement.

B. This Agreement, which may be executed in separate counterparts, contains the entire understanding of the Parties.

C. Each of the Parties warrants that it has carefully read and understands this Agreement, is cognizant of its terms, and has had ample time to consult with counsel of its choice regarding its respective rights and obligations in connection herewith.

IN WITNESS THEREOF, the Parties have executed this Agreement as of the date of the last acknowledgement.

TENANT:

ATLAS OREGON RIDGE, LLC  
a Maryland limited liability company

By:   
Name: Alexander F. Smith  
Title: President / CEO

STATE OF MARYLAND : ss  
COUNTY OF BALTIMORE :

I HEREBY CERTIFY THAT on this the 25 day of April, 2024, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Alexander Smith, who acknowledged himself/herself to be the President / CEO of ATLAS OREGON RIDGE, LLC, and that he/she, being authorized so to do, executed the foregoing instrument for the purposes therein contained in this document by signing the name of the limited liability company in such capacity.

IN WITNESS MY Hand and Notarial Seal.

CHRISTINA G SUMMERS  
Notary Public - State of Maryland  
Baltimore City  
My Commission Expires Dec 30, 2025

[SEAL]

Notary Public

My Commission Expires: 12/30/2025

[Signatures continue on the following page]

VPC:

THE VALLEYS PLANNING COUNCIL, INC.,  
a Maryland 501(c)(3) corporation

By [Signature]  
Name: Christopher C. Bennett  
Title: President

STATE OF MARYLAND : ss  
COUNTY OF BALTIMORE :

I HEREBY CERTIFY THAT on this the 3rd day of May, 2024, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared CHRISTOPHER C. BENNETT, who acknowledged himself/herself to be the PRESIDENT of THE VALLEY'S PLANNING COUNCIL, INC, and that he/she, being authorized so to do, executed the foregoing instrument for the purposes therein contained in this document by signing the name of the corporation in such capacity.

IN WITNESS MY Hand and Notarial Seal.



[Signature] [SEAL]  
Notary Public

My Commission Expires: 10/19/25



## PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1201 Shawan Road which is presently zoned BL, RC4, RC7

Deed References: See Attachment A 10 Digit Tax Account # 2000007364

Property Owner(s) Printed Name(s) See Attachment A

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See Attachment A

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☐ a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:  
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

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

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

### Contract Purchaser/Lessee:

See Attachment A

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

### Attorney for Petitioner:

Christopher D. Mudd, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494- 6365 cdmudd@venable.com

Zip Code Telephone # Email Address

### Legal Owners (Petitioners):

See Attachment A

Name #1 - Type or Print Name #2 - Type or Print

Signature #1

Signature # 2

Mailing Address City State

Zip Code Telephone # Email Address

### Representative to be contacted:

Christopher D. Mudd, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494- 6365 cdmudd@@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2024-0252-SPH Filing Date 11/20/2024 Do Not Schedule Dates: Reviewer CP

REV. 10/4/11

## **ATTACHMENT A**

### **PROPERTY DESCRIPTION**

ADDRESS: 1201 SHAWAN ROAD

ZONES: BL & RC-4 & RC-7

PARCEL: 145

TAX MAP: 41

TAX ACCT # 2000007364

OWNER: BALTIMORE COUNTY, MARYLAND

LIBER 5056, FOLIO 650

LESSEE: ATLAS OREGON RIDGE, LLC

LIBER 7031, FOLIO 004

## **PETITION FOR SPECIAL HEARING**

To amend the Opinion and Order of the Board of Appeals of Baltimore County, dated February 8, 1995, in Case No. 94-348-SPHXA, by replacing the conditions imposed in that Order with newly negotiated conditions and to approve the use of the property (1201 Shawan Road) in a manner consistent with the revised conditions.



# SIGNATURE SHEET

1201 SHAWAN ROAD

## PETITION FOR SPECIAL HEARING

### OWNER:

Baltimore County, Maryland  
ATTN: Chief, Property Management  
12200 Long Green Pike  
Glen Arm, Maryland 21057  
email address

By:   
NAME D'Andrea L. Walker  
dwalker2@baltimorecountymd.gov

Title: CAO

Phone No.: 410-887-2450

### LESSEE:

Atlas Oregon Ridge, LLC  
ATTN: Alexander F. Smith  
650 South Exeter Street #1095  
Baltimore, Maryland 21202  
afsmith11@gmail.com

By: \_\_\_\_\_  
Alexander F. Smith

Title: President & CEO

Phone No.: \_\_\_\_\_

63316389/1

# **SIGNATURE SHEET**

**1201 SHAWAN ROAD**

## **PETITION FOR SPECIAL HEARING**

### **OWNER:**

Baltimore County, Maryland  
ATTN: Chief, Property Management  
12200 Long Green Pike  
Glen Arm, Maryland 21057  
email address

By: \_\_\_\_\_  
NAME

Title: \_\_\_\_\_

Phone No.: \_\_\_\_\_

### **LESSEE:**

Atlas Oregon Ridge, LLC  
ATTN: Alexander F. Smith  
650 South Exeter Street #1095  
Baltimore, Maryland 21202  
afsmith11@gmail.com

By: \_\_\_\_\_  
Alexander F. Smith

Title: President & CEO

Phone No.: 443-682-8950



## **PETITION FOR SPECIAL HEARING**

To amend the Opinion and Order of the Board of Appeals of Baltimore County, dated February 8, 1995, in Case No. 94-348-SPHXA, by replacing the conditions imposed in that Order with newly negotiated conditions and to approve the use of the property (1201 Shawan Road) in a manner consistent with the revised conditions. (Copies of the original 1994 conditions and the replacement conditions are available in the file maintained in the Office of Zoning Review.)

## AGREEMENT AS TO REPLACEMENT CONDITIONS

Tenant agrees to file a zoning Petition for Special Hearing requesting amendments to the 1994 Case and approval of its proposed changes to the Property and/or use and the associated Plan to Accompany Petition for Zoning Hearing ("the Zoning Request"). The Zoning Request will also ask that the restrictions outlined below ("New Restrictions") be imposed as a condition to that approval and that the Order indicate that the New Restrictions will supersede and replace the Restrictions. The new Restrictions are as follows:

1. Petitioner may apply for its building permit, if applicable, and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
2. The "outdoor dining/patio," labeled and shown on Petitioner's Exhibit 1 (Plan to Accompany Petition for Zoning Hearing), may be utilized for outdoor dining and bar service and may be improved with a single bar, including an awning covering the bar, and with televisions, bar seating, high-top tables, and firepit areas. The outdoor bar and dining area shall have a maximum of 125 seats (total) for food and bar service.
3. Petitioner shall be prohibited from catering or hosting weddings or other similar events outside on the Property. For purposes of this restriction, an "event" is a gathering that involves the rental or reservation of more than half of the outdoor seating area for a private party or affair. This paragraph shall not be interpreted to preclude activities permitted under Restriction No. 2, and this restriction shall not prevent customers from reserving tables or a portion of the outdoor dining/patio for a private gathering while regular dining and/or bar service takes place on the remainder of the patio.
4. The indoor bar/lounge area is located at the east end of the restaurant. Alcoholic beverages may be served in other indoor areas of the restaurant, and smaller temporary bar areas may be established elsewhere inside the restaurant. A bar area shall be considered "temporary" if it exists for a period of time not to exceed seven consecutive days. A "temporary bar" may not be established in the same location more than fifteen days in any given calendar month.
5. No alteration to the exterior façade of the building or expansion of the footprint of the building shall be permitted unless approved by The Valley's Planning Council, Inc. ("VPC") and the Baltimore County Landmarks Preservation Commission in accordance with Article 32, Title 7, Subtitle 4 of the Baltimore County Code. Any expansion of the building shall be limited to enclosures of existing building features, including porches and stairs, or expansion of basement areas. This provision does not preclude the improvements referenced in Paragraph 2. There will be no additional buildings constructed on the Property.
6. The existing signs for the restaurant may be replaced with signs of the same or smaller size.
7. The parking lot area as depicted and labeled in Petitioner's Exhibit 1 shall not be expanded.
8. Any new exterior lighting within the parking lot area as shown in Petitioner's Exhibit 1 shall be of the same height, general design, and intensity as that which exists on site as of the date of this Order. This provision shall not prohibit the installation of ornamental "string lighting" within the boundaries of the outdoor dining/patio. Any additional lighting in the outdoor dining/patio shall be approved in advance by the VPC.

2024-0252-SPA

9. Pre-recorded background music shall be permitted to be played through outdoor speakers on the outdoor dining/patio. Live music shall also be permitted on the outdoor patio area with the following limitations: (i) only acoustic instruments may be utilized (e.g., no electric guitars or other electric instruments and no drums); (ii) the music shall not generate levels of noise in excess of the maximum residential levels permitted under COMAR 26.02.03.02.B(1) as measured from the residential receiving property; and (iii) all music shall cease by 10:00 p.m. Monday through Thursday and 11:00 p.m. Friday through Sunday.
10. 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.
11. When applying for any permits, any associated site plan and/or landscaping plan filed must reference this case and must set forth and address the restrictions contained in this Order.

2024-0252-SPH





**Zoning Description**  
**To Accompany a Petition for Zoning Variance**  
**Tax Map 41, Part of Parcel 145**  
**THE OREGON GRILLE**  
**Baltimore County, Maryland**

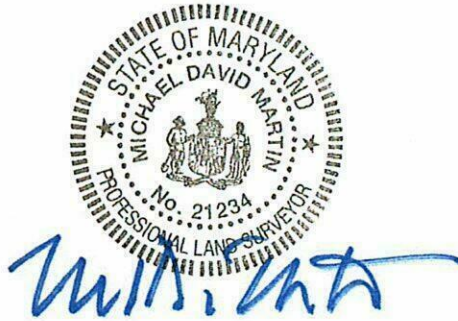
Commencing for the same at the intersection point of the centerlines of Shawan Road and Beaver Dam Road, thence running southwesterly with the centerline of Shawan Road approximately 61 feet, thence southerly approximately 25 feet to the point of beginning of this description; thence binding on and running with the outline of a portion of Parcel 41 of Tax Map 145, in Baltimore County, referring all courses of this description to the Maryland Coordinate System (NAD83/2011) adjustment; (1) Southeasterly by a line curving to right with a radius of 50 feet for a distance of 101.23 feet, (the arc of said curve being subtended by a chord South 39 degrees 39 minutes 40 seconds East 84.81 feet) to the west side of Kurtz Lane, thence running with and binding hereon, as now constructed, the three following courses and distances viz; (2) South 18 degrees 20 minutes 25 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 (the arc of said curve being subtended by a chord bearing South 12 degrees 12 minutes 50 seconds West 106.70 feet) to the end of said curve; thence (4) South 06 degrees 05 minutes 25 seconds West 193.65 feet; thence leaving said west side of Kurtz Lane and running the four following courses and distances viz; (5) North 89 degrees 09 minutes 35 seconds West 97.00 feet; thence (6) North 03 degrees 09 minutes 35 seconds West 185.00 feet; thence (7) South 86 degrees 50 minutes 25 seconds West 248.65 feet; thence (8) North 07 degrees 09 minutes 35 seconds West 208.01 feet;

thence (9) North 82 degrees 20minutes 25 seconds East 397.00 feet to the point of beginning; containing 114,428 square feet or 2.63 acres of land, more or less, as now described by Daft- McCune-Walker, Inc.

THIS DESCRIPTION IS BASED ON THE CURRENT DEEDS / PLATS OF RECORD  
AND IS FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR  
ANY TYPE OF PROPERTY CONVEYANCE.

June 26, 2024

Project No. 85040.00 (L85040.00)



**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Peter Gutwald, Director  
Department of Permits, Approvals

**DATE:** December 2, 2024

**FROM:** Vishnu Desai, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
Case 2024-0252-SPH

*The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.*

**DPR:** No comment.

**DPW-T:** No exception taken.

**Landscaping:** If Special Hearing is approved a Landscape Plan is required per the Baltimore County Landscape Manual and a Lighting Plan is also required.

**Recreations & Parks:** No comment LOS & No Greenways affected.

## BALTIMORE COUNTY, MARYLAND

### Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge  
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and  
Sustainability (EPS) - Development Coordination

DATE: December 12, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0252-SPH  
Address: 1201 SHAWAN ROAD  
Legal Owner: Baltimore County, MD. – D’Andrea Walker, CAO

Zoning Advisory Committee Meeting of December 3, 2024.

  X   The Department of Environmental Protection and Sustainability (DEPS) offers the following comments on the above-referenced zoning item:

  X   Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (i.e., the Forest Buffer Law) (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

#### Additional Comments:

There are outstanding structures and uses/disturbances occurring in the Forest Buffer (FB) on this property that have been expanded over time and which are not in accordance with the original 1994 agreement. The extent of infringements, the majority of which occurred under a prior owner, shall be documented and a FB variance shall be submitted in accordance with Section 33-3-106 of the Baltimore County Code to legitimize current uses. Furthermore, approved FB Protection Plan 23- 010 for mitigation associated with C22-03372 has yet to be implemented and shall be done so prior to both April 7, 2025 and any additional approvals for this project. Note that submission of the aforementioned FB variance request does not ensure that it will be granted by the Department Director or his designee. Should the variance be granted, it may come with conditions.

Reviewer: Michael S. Kulis, NRS  
Environmental Impact Review of DEPS

Ground Water Management (GWM) is concerned that the proposal to allow up to 125 seats for the outdoor dining and bar area will surpass the design and permit limitations of the onsite sewage disposal system (OSDS). In 2023, GWM conducted an evaluation of the existing OSDS and water supply for a proposed outdoor bar area that would allow up to 75 outdoor seats in addition to the pre-existing 170 indoor seats (dining and bar area). Approval was granted contingent upon the operator providing water meter data for a period of 6 months (post construction) to verify if the daily wastewater flows were within the designed capacity of the OSDS. The data provided by the operator indicated that while average flows were generally within the rated design capacity, the peak daily wastewater flows were very close to or exceeded the rated design capacity on at least two occasions (it should be noted that peak daily flow data was only provided for 4 weekends during the 6-month period—the rest was weekly average flow data which does not accurately reflect what the peak daily flows might be). The permission to allow an additional 75 seats beyond what was already approved by this office for the outdoor bar area will likely exceed the rated design capacity for the system more frequently and possibly trigger a requirement to obtain a ground water discharge permit from Maryland Department of the Environment (MDE) and expand the design capacity of the OSDS. Obtaining a ground water discharge permit is an expensive and time-consuming process that, in this case, would also have implications for Baltimore County since the sewage disposal area is located on county property. In summary, GWM recommends that the seating capacity be limited to the previously approved **170 indoor and 75 outdoor seats** for dining and bar areas.

Reviewer: Kevin Koepenick, L.E.H.S

The Tenant shall upgrade the existing stormwater management facility per the private agreement with the Valleys Planning Council (VPC) prior to the issuance of any permits.

Reviewer: Kritty Udhin, P.E., LEED Green Associate



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

**TO:** C. Pete Gutwald  
Director, Department of Permits, Approvals and Inspections

**DATE:** 12/4/2024

**FROM:** Steve Lafferty  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 2024-0252-SPH

**INFORMATION:**

**Property Address:** 1201 Shawan Road  
**Petitioner:** Atlas Oregon Ridge, LLC  
**Zoning:** BL, RC 4 and RC 7  
**Requested Action:** Special Hearing

The Department of Planning has reviewed the petition for the following:

*Special Hearing* - To amend the Opinion and Order of the Board of Appeals of Baltimore County, dated February 8, 1995, in Case No. 94-348-SPHXA, by replacing the conditions imposed in that Order with newly negotiated conditions and to approve the use of the property (1201 Shawan Road) in a manner consistent with the revised conditions.

The subject property spans 2.62 acres located at the intersection of Shawan Road, Beaver Dam Road, Kultz Lane and Cuba Road). The property is owned by Baltimore County but is leased to Atlas Oregon Ridge, LLC who is petitioning for the special hearing. The proposed property is split zoned, BL, RC 4 and RC 7. The surrounding area and all the lands are owned by Baltimore County, with Oregon Ridge Park to the south, and agricultural, rural residential, and a private golf course in the area. The Oregon Grille, also known as the Kurtz House, is designated as Baltimore County Landmark #49 and is listed in the Maryland Inventory of Historic Properties as BA-269. It was officially added to the Baltimore County landmarks list on October 27, 1980, through County Council Bill No. 157-80.

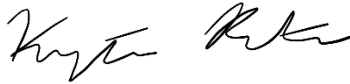
While the intent of the RC 4 is watershed protection and to prevent unsuitable types or levels of development in the reservoir watersheds, Special Exception case 94-348 allowed the use of the restaurant in the RC 4 zone. The BL was added to the property during the 2020 CZMP. There are three prior zoning cases 1965-0025-X, 1994-0348-SPHXA, and 2002-0461-SPHXA. Many conditions were put into place during the appeal to the 1994 case by The Valleys Planning Council. Planning did not object to the change of use.

The applicant is requesting amendments to the restrictions outlined in the order of Case 1994-0348-SPHXA. Prior to the submitting of this petition, the lessee and The Valleys Planning Council came to an agreement to change the conditions. This agreement, which includes the requested amendments to the restriction in order of Case 1994-0348-SPHXA, was signed on April 25, 2024.

The Department of Planning supports the change in the conditions. This support is reinforced by a signed document received from the petitioner signed by them and VPC. Given that the community is in agreement with these changes, the Department of Planning aligns its position accordingly.

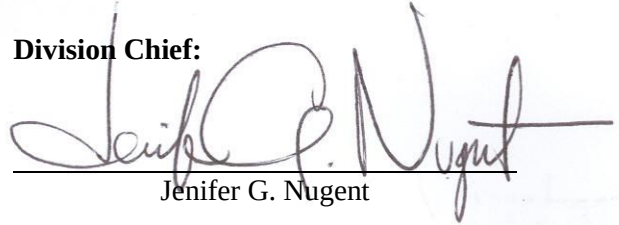
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

**Prepared by:**



Krystle Patchak

**Division Chief:**



Jenifer G. Nugent

SL/JGN/KP

c: Christopher Mudd Esq.  
Joseph Wiley, Community Planner  
Jeff Perlow, Zoning Review  
Kristen Lewis, Zoning Review  
Office of Administrative Hearings  
People's Counsel for Baltimore County

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

## ZONING REVIEW OFFICE

### 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 **two** signs on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.\*

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2024-0252-SPH

Property Address: 1201 Shawan Road

Legal Owners (Petitioners): Baltimore County, Maryland

Contract Purchaser/Lessee: Atlas Oregon Ridge, LLC

##### PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Christopher D. Mudd, Esq

Address: Variable LLP  
210 W. Penn. Ave, Suite 500  
Towson MD 21204

Telephone Number: 410-494-6200

\*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.



## Certificate of Posting

Case# 2023-0252-SPHA  
 Petitioner/Developer  
Matt Kotroco

Date of Hearing/Closing  
January 29, 2024

Baltimore County Department of Permits and Management  
 County Office Building Room 111; 111 West Chesapeake Ave. Towson Md. 21204  
 Attention:

Ladies and Gentlemen:

This is to certify under penalties of perjury that the necessary sign/signs required by law were posted conspicuously on the [property located at 18707 Upper Beckleysville Rd. on January 7, 2024 Signs 1A & 1B

Sincerely, Martin Ogle

Martin Ogle  
 9912 Maidbrook Road  
 Parkville, Md. 21234  
 443-629-3411



|                                   |   |                         |
|-----------------------------------|---|-------------------------|
| IN THE MATTER OF THE              | * | BEFORE THE              |
| THE APPLICATION OF                | * | COUNTY BOARD OF APPEALS |
| <u>BALTIMORE COUNTY, MARYLAND</u> | * |                         |
| FOR A SPECIAL HEARING,            | * | OF                      |
| SPECIAL EXCEPTION AND             | * |                         |
| VARIANCE ON PROPERTY LOCATED      | * | BALTIMORE COUNTY        |
| ON THE SOUTHWEST CORNER SHAWAN*   | * |                         |
| ROAD AND BEAVER DAM ROAD          | * | CASE NO. 94-348-SPHXA   |
| (1201 SHAWAN ROAD)                | * |                         |
| (Oregon General /Kurtz 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. Haile, 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

2024-0252-SPH

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

2024-0252-SAH



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

2024-0252-SPH



exception would then cease.

Testimony was then heard from the project engineer, Edmond F. Haile. Mr. Haile's testimony primarily involved the parking calculations on site. Mr. Haile 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. Haile 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. Haile'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

2024-0252-SPH

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,

2024-0252-SAH



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 DEPRM 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 26-541 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 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.

2024-0252-SPH



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 T. Hackett  
William T. Hackett, Chairman

Judson H. Lipowitz  
Judson H. Lipowitz

S. Diane Levero  
S. Diane Levero

2024-0252-SP14

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

No. 234296

Date: 10-11-2024

| Fund | Dept | Unit | Sub Unit | Rev     | Sub  | Dept | Obj | BS Acct | Amount |
|------|------|------|----------|---------|------|------|-----|---------|--------|
|      |      |      |          | Source/ | Rev/ |      |     |         |        |
| 001  | 806  | 0000 |          | 6150    |      |      |     |         | 500.00 |
|      |      |      |          |         |      |      |     |         |        |
|      |      |      |          |         |      |      |     |         |        |
|      |      |      |          |         |      |      |     |         |        |
|      |      |      |          |         |      |      |     |         |        |

Total: 500.00

Rec

From: 1201 Shawan Rd

For:

2024-0252-SPA

RL4; BL; RL7

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S  
VALIDATION

CF 24-0989

Barbara A. Lukasev 10/09/24-PAM

10/09/2024

Atlas/Oregon Court - Filing fee for special hearing.

500.00

Check Total:

500.00



PNC, N.A. Bank 040  
Maryland

VENABLE LLP

750 E. Pratt Street Suite 900  
Baltimore, Maryland 21202

Operating Account

15-3  
540

F 546622

DATE

October 09, 2024

AMOUNT

\$500.00

\*\*\*\*\*FIVE HUNDRED AND 00/100

Baltimore County, Maryland  
Office of Budget and Finance  
400 Washington Avenue, Room 152  
Towson, MD 21204-4665

AUTHORIZED SIGNATURE

VOID AFTER 180 DAYS

AUTHORIZED SIGNATURE  
(TWO SIGNATURES REQUIRED OVER \$25,000)



Real Property Data Search ( )  
Search Result for BALTIMORE COUNTY

|                          |                                            |                                              |
|--------------------------|--------------------------------------------|----------------------------------------------|
| <a href="#">View Map</a> | <a href="#">View GroundRent Redemption</a> | <a href="#">View GroundRent Registration</a> |
|--------------------------|--------------------------------------------|----------------------------------------------|

Special Tax Recapture: None

Account Identifier: District - 08 Account Number - 2000007364

**Owner Information**

Owner Name: BALTIMORE COUNTY LEASED TO OREGON GENERAL STORE LTD PRTSHP  
Mailing Address: C/O THEODORE W BAUER  
1201 SHAWAN RD  
COCKEYSVILLE MD 21030-1216  
Use: COMMERCIAL  
Principal Residence: NO  
Deed Reference: /07031/ 00004

**Location & Structure Information**

Premises Address: SHAWAN RD  
0-0000  
Legal Description: 2.6269 AC SS SHAWAN  
SW COR BEAVER DAM RD

|            |       |         |               |              |          |        |      |                  |           |
|------------|-------|---------|---------------|--------------|----------|--------|------|------------------|-----------|
| Map:       | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No:  |
| 0041       | 0012  | 0145    | 20000.04      | 0000         |          |        |      | 2023             |           |
| Town: None |       |         |               |              |          |        |      |                  | Plat Ref: |

|                         |                         |                        |                    |            |
|-------------------------|-------------------------|------------------------|--------------------|------------|
| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|                         | 4,833 SF                |                        | 2.6200 AC          | 06         |

|         |          |            |          |         |                |        |                                   |
|---------|----------|------------|----------|---------|----------------|--------|-----------------------------------|
| Stories | Basement | Type       | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|         |          | RESTAURANT | /        | C4      |                |        |                                   |

**Value Information**

|                    | Base Value | Value      | Phase-in Assessments |            |
|--------------------|------------|------------|----------------------|------------|
|                    |            | As of      | As of                | As of      |
|                    |            | 01/01/2023 | 07/01/2024           | 07/01/2025 |
| Land:              | 473,200    | 473,200    |                      |            |
| Improvements       | 486,200    | 571,900    |                      |            |
| Total:             | 959,400    | 1,045,100  | 1,016,533            | 1,045,100  |
| Preferential Land: | 0          | 0          |                      |            |

**Transfer Information**

|                             |                      |            |
|-----------------------------|----------------------|------------|
| Seller: BALTIMORE COUNTY    | Date: 10/21/1985     | Price: \$0 |
| Type: NON-ARMS LENGTH OTHER | Deed1: /07031/ 00004 | Deed2:     |
| Seller:                     | Date:                | Price:     |
| Type:                       | Deed1:               | Deed2:     |
| Seller:                     | Date:                | Price:     |
| Type:                       | Deed1:               | Deed2:     |

**Exemption Information**

|                             |       |            |            |
|-----------------------------|-------|------------|------------|
| Partial Exempt Assessments: | Class | 07/01/2024 | 07/01/2025 |
| County:                     | 000   | 0.00       |            |
| State:                      | 000   | 0.00       |            |
| Municipal:                  | 000   | 0.00 0.00  | 0.00 0.00  |

Special Tax Recapture: None

**Homestead Application Information**

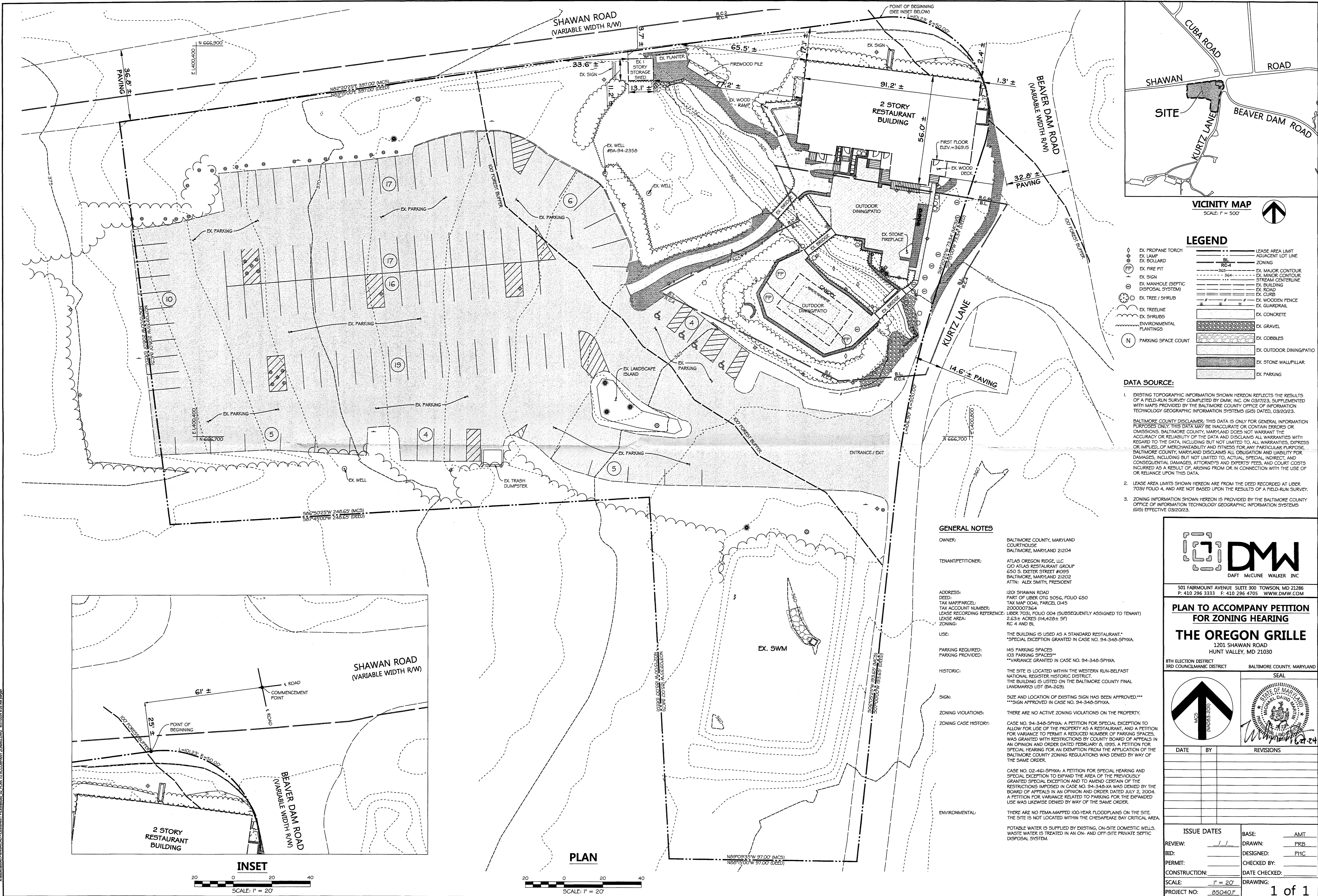
Homestead Application Status: No Application

**Homeowners' Tax Credit Application Information**

Homeowners' Tax Credit Application Status: No Application Date:

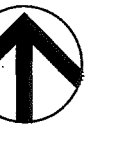
2024-0252-SP4





VICINITY MAP

SCALE: 1" = 500'



LEGEND

- EX. PROpane TOWER
- EX. LAMP
- EX. DOLLARD
- EX. FIRE PIT
- EX. SIGN
- EX. MANHOLE (SEPTIC DISPOSAL SYSTEM)
- EX. TREE / SHRUB
- EX. TREELINE
- EX. SHRUBS
- ENVIRONMENTAL PLANTINGS
- PARKING SPACE COUNT
- LEASE AREA LIMIT
- ADJACENT LOT LINE
- ZONING
- EX. MAJOR CONTOUR
- EX. MINOR CONTOUR
- EX. BUILDING
- EX. CURB
- EX. ROAD
- EX. GUARDRAIL
- EX. WOODEN FENCE
- EX. CONCRETE
- EX. GRAVEL
- EX. COBBLES
- EX. OUTDOOR DINING PATIO
- EX. STONE WALL/PILLAR
- EX. PARKING

DATA SOURCE:

- EXISTING TOPOGRAPHIC INFORMATION SHOWN HEREON REFLECTS THE RESULTS OF A FIELD-RUN SURVEY COMPLETED BY DMW, INC. ON 03/17/23, SUPPLEMENTED WITH MAPS PROVIDED BY THE BALTIMORE COUNTY OFFICE OF INFORMATION TECHNOLOGY GEOGRAPHIC INFORMATION SYSTEMS (GIS) DATED, 03/20/23.
- LEASE AREA LIMITS SHOWN HEREON ARE FROM THE DEED RECORDED AT LIBER 7031 FOLIO 4, AND ARE NOT BASED UPON THE RESULTS OF A FIELD-RUN SURVEY.
- ZONING INFORMATION SHOWN HEREON IS PROVIDED BY THE BALTIMORE COUNTY OFFICE OF INFORMATION TECHNOLOGY GEOGRAPHIC INFORMATION SYSTEMS (GIS) EFFECTIVE 03/20/23.



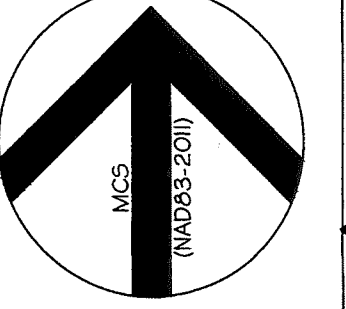
501 FAIRMOUNT AVENUE SUITE 300 TOWSON, MD 21286  
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

PLAN TO ACCOMPANY PETITION FOR ZONING HEARING

THE OREGON GRILLE

1201 SHAWAN ROAD  
HUNT VALLEY, MD 21030

8TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND



| DATE | BY | REVISIONS |
|------|----|-----------|
|      |    |           |
|      |    |           |
|      |    |           |
|      |    |           |
|      |    |           |
|      |    |           |
|      |    |           |
|      |    |           |
|      |    |           |

| ISSUE DATES         | BASE:         |
|---------------------|---------------|
| REVIEW:             | AMT           |
| BID:                | DRAWN: PRB    |
| PERMIT:             | DESIGNED: PHC |
| CONSTRUCTION:       | CHECKED BY:   |
| SCALE: 1" = 20'     | DATE CHECKED: |
| PROJECT NO: 85040.F | DRAWING:      |









RC 2

R-1971-0116  
R-1971-0116

0002408

CUBA RD

SHAWAN RD

SHAWAN RD

KURTZ LN

BEAVER DAM RD

SITE

RC 4

3 ED

NW 19-D

2000007364

041C2

3 CD

BL

1201

1965-0025-X  
1994-0348-SPHXA  
2002-0461-SPHXA

GROWTH TIER 4  
(No New Subdivisions of 4  
or More Additional Lots)

RC 7

0802019031

2024-02-25/2-SPH