

RE: PETITION FOR SPECIAL EXCEPTION
For a Garage, Service
SE corner Reisterstown Road &
Roaches Lane
4th District
Violet B. Smith, Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 65-157-X
SEC. 1-D
2-D
"X"

OPINION

The subject hearing arose as a result of a petition by Violet B. Smith, Charles Hughes and Gene Hughes, Petitioners, for a special exception for a service garage (auto car wash) on the southeast corner of Reisterstown Road and Roaches Lane in the Fourth Election District of Baltimore County.

The property in question is presently classified in a Business Local Zone, fronting on Reisterstown Road, which is a four-lane highway with 33 feet of Macadam paved surface at its intersection with Roaches Lane, which runs diagonally north and south with Reisterstown Road. Roaches Lane is a substandard-width county road, 8 - 10 feet wide at its narrowest point, servicing 10-15 residences to the north of Reisterstown Road. It culminates approximately 1000 feet from Reisterstown Road after making a right-angle turn at the half-way point.

The Petitioners propose to erect a masonry building, 107 feet long and 32 feet wide, wherein a car-wash service, with 10-12 persons employed in and about the building, would be conducted with its entrance and exit on Reisterstown Road. The car-wash would have storage facilities to accommodate approximately 40 cars in its storage area with about 3 cars in the building, and 1 or 2 cars in the final area being dried.

Testimony by W. Worthington Ewell, a recognized traffic engineer, was to the effect that the proposed car-wash business would not constitute a traffic hazard as defined in Section 502.1 of the Zoning Regulations of Baltimore County.

This contention was not effectively refuted by the Protestants in this matter, although there was testimony by two of the residents of Roaches Lane that there is some difficulty in entering Reisterstown Road from Roaches Lane at the present time. The Board feels that this condition, if it exists, is an inconvenience rather than a hazard as defined and interpreted within the meaning of the controlling regulations in this case.

The proposed car-wash is to be erected on approximately 1.15 acres of ground located on an essentially rural area on Reisterstown Road. The Board is convinced that the objections in regard to traffic, raised by the Protestants, are concerned with Roaches Lane rather than Reisterstown Road.

RE: PETITION FOR SPECIAL EXCEPTION
For a Garage, Service - SE/Cor.
Reisterstown Road and Roach's
Lane, 4th District - Violet B.
Smith, Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 65-157-X

ORDER TO NOTE APPEAL TO BALTIMORE COUNTY BOARD OF APPEALS

Honorable John C. Rose,
Zoning Commissioner
of Baltimore County:

Charles O. Hughes, Gene Hughes and Violet B. Smith, Petitioners, by
L. Robert Evans, their attorney, hereby enter their appeal to the County Board
of Appeals from the Order and decision dated November 25th, 1964 denying
Petitioners' Petition for a Special Exception for a garage, service (an auto-
mobile car-wash) in the above entitled matter.

Dated: November 27, 1964.

L. ROBERT EVANS
Attorney for Petitioners
Jefferson Building
Towson, Md. 21204

CC: County Board of Appeals

Baltimore County, Maryland
Department of Public Works
County Office Building
COUNTY OFFICE BUILDING
Session 4, Maryland

January 25, 1965

Baltimore County Board of Appeals
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
References: Board of Appeals Case #65-157X
Petition of Violet Smith, et al

Gentlemen:

In accordance with the attached letter from L. Robert Evans,
Attorney, representing the petitioners for the case mentioned above,
we have determined that the construction of a car wash at Reisterstown
Road and Roaches Lane will not impose any unusual demands on the
water and sewer facilities at the location.

Our conclusions, of course, were based on the demands
furnished Mr. Rose and Mr. Bellettri by the petitioners.

In accordance with normal County procedures the appli-
cants will be advised of their responsibility for all costs
involved with the provision of water and sewer facilities at
this site at the time they submit an application for a building
permit. We will assume that the above information will satisfy
your request to Mr. Evans.

Very truly yours,

ELLSWORTH S. DIVER, Chief
Bureau of Engineering

ESD/S&H/JRWg

Enclosures: 1 letter

There were no obvious contentions by the Protestants that the proposed car-
wash failed to meet any of the other requirements of Section 502.1 of the Regulations.

The Petitioners brought to light at this hearing the fact that there was some
question as to whether a car-wash could be considered as an allowable use with a special
exception under a Business Local classification. They further pointed out that the Balti-
more County Council had recently enacted a bill authorizing car-washes with a special
exception in a Business Local Zone, however, the necessary 45 days had not expired by the
time of this hearing. The new car-wash regulations are in effect on the date of this
Opinion. The Board finds, as a matter of fact, that the Petitioners were effectively able
to prove their case under the old as well as the new regulations, and further finds that the
Petitioners' proposal constitutes a reasonable and proper use of land for a needed facility in
this area of Baltimore County. The Board arrives at this decision as a result of the testi-
mony before it in addition to a personal inspection of the property, as agreed to by all
parties, taking into consideration all of the evidence before it and not disregarding any
testimony or evidence to the contrary.

Therefore, the Board approves the subject petition as presented, with the
following restrictions:

1. All accesses are to be approved by the Planning Department
of Baltimore County, and the proposed building is to be
located substantially in accordance with the Petitioners'
plot exhibit in this case provided, however, that there
shall be no ingress or egress located on Roaches Lane
2. Screening shrubbery not less than four (4) feet in height
and not less than four (4) feet apart shall be planted on
the northern boundary of the subject property as shown on
the plot exhibit
3. That the building to be erected shall not be painted more
than two colors, being one basic color and another color,
if desired, for the trim
4. There shall be no lettering pointed on the sides of the
building itself
5. That the hours of operation shall be restricted from 9:00 a.m.
to 7:30 p.m. on weekdays, and from 1:00 p.m. to 6:00 p.m.
on Sundays

ORDER

For the reasons set forth in the foregoing Opinion, it is this 23rd
day of February, 1965 by the County Board of Appeals, ORDERED that the special exception
petitioned for, be and the same is hereby granted, subject to the aforementioned restrictions.

Any appeal from this decision must be in accordance with Chapter 1100, Hq.
subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

G. Mitchell Austin, Chairman
W. Giles Parker
William S. Baldwin

RE: PETITION FOR SPECIAL EXCEPTION
For a Garage, Service - SE/Cor.
Reisterstown Road and Roach's
Lane, 4th District - Violet B.
Smith, Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 65-157-X

The petitioner has requested a special exception for a
Garage, Service, (Automobile car-wash), in the above matter. In
addition to that request for a special exception the attorneys for
the petitioner have requested a ruling on whether or not an Automobile
Car-wash is permitted by the Baltimore County Zoning Regulations as
Garage, Service.

First of all the site owned by the petitioner is so
situated that traffic approaching from the south on Reisterstown Road
comes over a crest on the road so consistently that it is difficult
for one car to leave the proposed site and proceed either northerly
or southerly. The plot submitted with the petition indicates that
a car should leave the area every three minutes if the property is
used as a Car-Wash.

The petition does not meet the requirements of Section
502.1 for a special exception for either a garage or car-wash as set

- "a. Be detrimental to the health, safety, or general
welfare of the locality involved;
- b. Tend to create congestion in roads, streets or
alleys therein";

therefore, the special exception should be denied.

Secondly, the proposed building will house a Car-Wash
only and, therefore, the said Car-Wash could not be considered an
adjunct of a Garage, Service, and is not a permitted use under the
requested special exception.

For the above reasons the special exception is hereby
DENIED.

It is this 25th day of November, 1964, by the
Zoning Commissioner of Baltimore County, ORDERED that the special
exception for a Garage, Service, be and the same is hereby DENIED.
Car-Wash is not permitted under a special exception for a Garage, Service.

Zoning Commissioner of
Baltimore County

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, VIOLET B. SMITH, legal owner, of the property situate in Baltimore
County and which is described in the description and plot attached hereto and made a part hereof, do
hereby petition (1) that the zoning status of the hereto described property be reclassified; pursuant
to the Zoning Law of Baltimore County; from an INDUSTRIAL ZONE to an AM
for the following reasons:

see attached Description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore
County, to use the hereto described property, for A GARAGE, SERVICE.

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

Charles O. Hughes Violet B. Smith
Gene Hughes Violet B. Smith
Contract purchaser Legal Owner
Address: 001308 Road Address: Cochran's Hill Road
Reisterstown, Md. Reisterstown, Md.
L. Robert Evans, Jefferson Bldg - 4 (Ph: 2-8455)
William H. Hanks, Hanks-Temple Bldg.
Address: Reisterstown, Md. (Ph: 2-2415)
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd
day of October, 1964, that the subject matter of this petition be advertised, as
required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
out Baltimore County, that property be posted, and that the public hearing be held before the Zoning
Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore
County, on the 22nd day of November, 1964, at 10:00 o'clock
A.M.

ZONING DEPARTMENT

AUGUSTINE T. MILLER
CLERK OF COURT

MULLER, RAPHAEL & ASSOCIATES, INC.
PROFESSIONAL ENGINEERS, LAND SURVEYORS & ARCHITECTS
801 EISENHAUER AVENUE, TOWSON 4, MARYLAND
VALLEY 8-3553

ZONING DESCRIPTION
PETER W. SMITH

BEGINNING for the same at a point formed by the intersection of the northeast side of Roaches Lane and the northeast side of Reisterstown Road, said point being at the end of the 3rd or S2-3/4°W 114° line of the land which by deed dated April 14, 1942 and recorded among the Land Records of Baltimore County in Liber CHK 1226, Folio 107, was conveyed by Francis T. Peach, assignee, to Peter W. Smith and wife, running thence and binding on the northeast side of Reisterstown Road and running thence leaving the northeast side of Reisterstown Road and running thence to the northeast side of Roaches Lane, running thence and binding on the northeast side of Roaches Lane, S6°34'00"W 43.72' to the place of beginning.

CONTAINING 1.15 acres of land more or less.

BEING all of the first and second parcels of land which by deed dated April 14, 1942 and recorded among the Land Records of Baltimore County in Liber CHK 1226, Folio 107, was conveyed by Francis T. Peach, assignee, to Peter W. Smith and wife.

SUBJECT to a right-of-way 10' wide as shown on Baltimore County Bureau of Land Acquisition Plat RW 59-132-5.

A. J. Muller #1391

LAND SURVEYS • LOTS • FARMS • BOUNDARY • TOPOGRAPHICAL • LOCATION • SUBDIVISIONS • ROADS • UTILITIES
DRAINAGE • SEWER • WATER • MAPS • ZONING CONSULTATION • CONTRACTORS SERVICE • TESTIMONY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: John G. Rose, Zoning Commissioner Date: November 13, 1964

FROM: George E. Gavrilis, Director

SUBJECT: A65-157-X, Special Exception for a Garage, Service - Southeast corner of Reisterstown Road and Roaches Lane. Being property of Violet R. Smith.

4th District

HEARING: Tuesday, November 24, 1964 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for a Special Exception for a service garage and has the following advisory comments to make with respect to pertinent planning factors:

1. The subject petition requests under the provisions of a service garage a Special Exception for a car wash facility. It appears that the site is sufficiently large so as to provide adequate storage for vehicles during peak hours. As filed, the plan is unsatisfactory in that it does not accommodate provisions for widening Roaches Lane. Ingress and egress as shown is not satisfactory.

GE:lmh

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 4TH Date of Posting: Dec 5, 1964
Posted for: A.P.E.A.L.
Petitioner: Violet R. Smith
Location of property: SE Corner Reisterstown Rd. & Roaches Lane
Location of Sign: 4th Roaches Lane, 35' E. of Reisterstown Rd.
@ N.E. 1/2 Reisterstown Rd. 100' E. 36' of Roaches Lane
Remarks:
Posted by: J.S. Rose Signature Date of return: Nov. 10, 1964
2 signs

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 6, 1964
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once each week, at 11:00 A.M., on the 5th day of November, 1964, the first publication appearing on the 6th day of November, 1964.
THE JEFFERSONIAN
L. Frank Johnston
Manager
Cost of Advertisement, \$.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 27605
DATE 11/21/64

To: L. Robert Evans, Esq.,
Jefferson Building
Towson 4, Md.
Office of Planning & Zoning
119 County Office Bldg.,
Towson 4, Md.

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
01-621	Cost of appeal - Violet R. Smith, Petitioner No. 65-157-X 2 signs	\$70.00 10.00 \$80.00
PAID - Baltimore County, Md. - Office of Finance		
11-2764 1165 • 27605 11P-		\$80.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 27536
DATE 10/29/64
To: William M. Rankin, Esq.,
Hammock Temple Building
Hale Street
Reisterstown, Md.
BILLED BY: Zoning Department of Balto. Co.

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01-622	Petition for Special Exception for Violet R. Smith #65-157-X	\$50.00
PAID - Baltimore County, Md. - Office of Finance		
10-2064 2333 • 27536 11P-		\$50.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 27596
DATE 11/20/64
To: Charles Hughes & Son
214 Delight Road
Reisterstown, Md. 21136
BILLED BY: Zoning Department of Balto. Co.

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
01-622	Advertising and posting of property for Violet Smith #65-157-X	\$47.20
PAID - Baltimore County, Md. - Office of Finance		
11-2064 6693 • 27596 11P-		\$47.20

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 4TH Date of Posting: Nov 7, 1964
Posted for: Special Exception for Garage, Service
Petitioner: Violet R. Smith
Location of property: SE Cor. Reisterstown Rd. & Roaches Lane
Location of Sign: 35' from Reisterstown Rd. 35' E. of Roaches Lane
@ N.E. 1/2 Reisterstown Rd. 30' E. of Roaches Lane
Remarks:
Posted by: J.S. Rose Signature Date of return: Nov. 21, 1964
2 signs

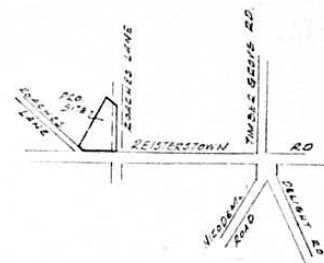
PETITION FOR SPECIAL EXCEPTION

ZONING: Petition for Special Exception for a Garage, Service - Southeast corner of Reisterstown Road and Roaches Lane.
DATE & TIME: TUESDAY, NOVEMBER 24, 1964 at 10:00 A.M.
PUBLIC HEARING: Baltimore County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

Special Exception for a Garage, Service
All that parcel of land in the Fourth District of Baltimore County
BEGINNING for the same at a point formed by the intersection of the northeast side of Reisterstown Road and the northeast side of Roaches Lane, S6°34'00"W 43.72' to the place of beginning, leaving the northeast side of Reisterstown Road and running thence and binding on the northeast side of Roaches Lane, S6°34'00"W 43.72' to the place of beginning, containing 1.15 acres of land more or less.
BEING all of the first and second parcels of land which by deed dated April 14, 1942 and recorded among the Land Records of Baltimore County in Liber CHK 1226, Folio 107, was conveyed by Francis T. Peach, assignee, to Peter W. Smith and wife, running thence and binding on the northeast side of Roaches Lane, S6°34'00"W 43.72' to the place of beginning, containing 1.15 acres of land more or less.

CERTIFICATE OF PUBLICATION

OFFICE OF
The Community Press
DUNDALK, MD., November 6,
THIS IS TO CERTIFY that the annexed advertisement was inserted in THE COMMUNITY PRESS, a weekly paper published in Baltimore County, Maryland, once for 1 successive week, on the 3rd day of November, 1964; that the same was inserted in the issues of 11-4-64
Stronberg Publications,
Publ
By: Mrs. Palmer Price
Mrs. Palmer Price



NOTE 1: The proposed building will not be painted more than two(2) colors, being one basic color & another color, if desired, for trim.

NOTE 2: No lettering will be painted on the sides of the building.

NOTE 3: The hours of operation will be restricted from 9:00 AM. to 7:00 P.M. on WEEK days, & from 1:00 PM. to 6:00 P.M. on SUNDAYS.

Approved Plan
7/16/65

PRELIMINARY PLAN
PROPOSED CAR-WASH

BY _____
DATE _____

BY Johnson
DATE 7/16/65
BY [Signature]
DATE 7/19/65

MATZ, CHILDS & ASSOCIATES			
1020 CROMWELL BRIDGE ROAD			
BALTIMORE, MARYLAND 21204			
J. O. NO.	DRAWN BY	TRACED BY	CHECKED BY
65-029	PL	PL	PL

GREENHOUSE

HOUSE &
OFFICE

ROACHES LANE

FINAL AREA
CAR LEAVES
EVERY 3 MIN.

PROPOSED BUILDING

PAVING

10' UTILITY EASEMENT

EASE TO SINGLE
LANE

585°00'W 336.30'

R10
N154°E 89.00'

N154°49'45"E 267.42'

R10

DWG

#65-157X

WMP
#4

SEC. 1-D
2-D

REISTERSTOWN RD.

PARKING DATA
MINIMUM STORAGE OF 70-80 CARS
WITH ONE LEAVING EVERY 3 MINUTES

AREA OF PROP. - 11.5 AC±
EXIST. USE OF PROP. - VACANT
PROP. USE OF PROP. - CAR WASH
EXIST. ZONING OF PROP. - BL
PROP. ZONING OF PROP. - BL, SP EXCEPT.

PLAT TO ACCOMPANY ZONING PETITION
4TH ELECT. DIST BALTO CO, MD.
SCALE: 1" = 40' SEPT. 8, 1964

MULLER, RAPHEL & ASSOCIATES, INC.
REG. ENGINEERS & SURVEYORS
201 COURTLAND AVE.
TOWSON 4, MARYLAND

