

RE: PETITION FOR SPECIAL EXCEPTION
for a Car Wash
N/S Pope Avenue 147' 14" West of
Stemmers Run Road,
15th District
Mariano Grimaldi, et ux
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 68-46-X

OPINION

The petitioner in this case is appealing a decision of the Deputy Zoning Commissioner denying a request for a special exception to permit a Car Wash on the subject property. The petitioned property is located in Essex, in the Fifteenth Election District of Baltimore County. It is an unimproved, rectangular shaped parcel of land fronting 159 feet on the north side of Pope Avenue by 150 feet deep, lying 147 feet west of Stemmers Run Road.

The subject property is now zoned Business Roadside. The property directly across the street on the south side of Pope Avenue is zoned for residential apartments. Other properties which abut the subject to the east and to the west, are zoned Business Roadside. The property to the north, across Eastern Boulevard, is also zoned Business Roadside.

Testimony of the prospective lessee, Ernest Wagner, revealed that he plans to erect a one story, prefabricated metal building, having a base size of 76 feet by 30 feet, which will accommodate one automatic and three self service car wash bays. This would be a coin operated system and preferably never be closed. Thirty-eight cars per hour could conceivably be handled by the installation at maximum efficiency.

David Dallas, a professional engineer, testifying on the petitioner's behalf, stated that Pope Avenue presently is a 23 foot wide right-of-way at the site. The petitioner would widen the north side of Pope Avenue to 30 feet measuring from the center line of the existing right-of-way, thus providing a 42 foot wide right-of-way extending from the subject eastwardly 147 feet to Stemmers Run Road. The proposal is to pave this length to a width of 27 feet. However, he further stated that Baltimore County engineers prefer a 50 foot wide right-of-way, and that the required additional width would probably be acquired from properties on the south side of Pope Avenue. There was no testimony given for plans to widen Pope Avenue in a westwardly direction. Under cross-examination, Mr. Dallas replied that there is a storm drain problem at the site, and that he has not yet developed any definite storm drain plan. Disposal of waste waters from the operation must comply with County requirements.

There was further testimony that there is a church located at Eastern Boulevard and Pope Avenue several hundred feet west of the subject. Church traffic

Mariano Grimaldi, et ux - Case #68-46-X

uses Pope Avenue extensively for travel and for parking. Testimony also revealed that the proposed construction of the Southwestern Expressway will bisect Pope Avenue, causing Pope Avenue to become a dead end street at a point 50 feet or so west of the subject. As a result, there could no longer be any through traffic movements on Pope Avenue. All customers would have to enter and leave Pope Avenue by Stemmers Run Road on the east, creating a constant two way traffic flow along the aforementioned 147 feet of Pope Avenue.

Mr. William J. Drayner, who lives at 66 Stemmers Run Road, one block south of Pope Avenue, opposed the petition. He objected to a 24 hour, 7 day a week car wash operation and to the volume of traffic that it would generate. Stemmers Run Road is a very heavily traveled artery, and the intersection of Pope Avenue and Stemmers Run Road would become extremely hazardous.

The Board is of the opinion that plans for widening Pope Avenue are vague and incomplete, and that granting the petition would tend to create traffic congestion on Pope Avenue and on Stemmers Run Road. The Board finds that the petitioner failed to introduce sufficient testimony to satisfy the requirements of Section 502.1 of the Zoning Regulations. For these reasons, the Board unanimously concurs that the decision of the Deputy Zoning Commissioner denying the petition for special exception should be and is hereby upheld.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 3rd day of May, 1968 by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle 5 of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

John A. Slawik

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, Mariano and Mary D. Grimaldi, legal owner 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 (1) that the zoning status of the herein described property be re-classified pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone; 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 herein described property, for: car wash

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification 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 for Baltimore County.

Contract purchaser
Address
George D. Edwards
Petitioner's Attorney
6903 Dummaway, Balto., Md. 21222
Atwater 5-0800

Mariano Grimaldi
Mary D. Grimaldi
Legal Owner
Address
8225 Phelps Rd.
Ball 2-7006
Protestant's Attorney
Kenneth N. Mark
5831 N. River Road
25th

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1967, that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 166, County Office Building in Towson, Baltimore County, on the _____ day of August, 1967, at _____ o'clock.

Zoning Commissioner of Baltimore County

GEORGE D. EDWARDS
ATTORNEY AT LAW
PROFESSIONAL BUILDING
6903 DUMMWAY
BALTIMORE, MARYLAND 21222
ATWATER 5-0800

September 18, 1967



John G. Rose, Zoning Commissioner
for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Exception, No. 68-46-X
Mariano Grimaldi, Petitioner

Please enter an appeal to the County Board of Appeals from your order dated September 27, 1967, in the above captioned matter.

I am enclosing herewith by check in the amount of \$70.00 for the costs of law & fees.

Thank you for your cooperation.

Very truly yours,

George D. Edwards

Enclosed please find check for \$70.00 for the costs of law & fees.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner
FROM: George D. Edwards, Director of Planning
SUBJECT: Petition #68-46-X. North side of Pope Ave. 147.14 feet West of Stemmers Run Road. Petition for Special Exception for a Car Wash. Mariano Grimaldi - Petitioner
15th District
HEARING: Monday, August 28, 1967. (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for Special Exception for a car wash. It offers no comment on the Special Exception request itself. If granted, the granting should be conditioned upon approval of site plans including lighting and screening.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 49627
DATE: Oct. 13, 1967

TO: George D. Edwards, Esq.
6903 Dummaway
Baltimore, Md. 21222

REPORT TO ACCOUNT NO. 01-622
QUANTITY

QUANTITY	DETAILS ALONG PERFORM YOUR AND KEEP THIS PORTION FOR YOUR RECORDS	TOTAL AMOUNT \$
cost of Appeal - Mariano Grimaldi #68-46-X		75.00
		75.00
		75.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 48444
DATE: Aug. 29, 1967

TO: George D. Edwards, Esq.
6903 Dummaway
Baltimore, Md. 21222

REPORT TO ACCOUNT NO. 01-622
QUANTITY

QUANTITY	DETAILS ALONG PERFORM YOUR AND KEEP THIS PORTION FOR YOUR RECORDS	TOTAL AMOUNT \$
Advertising and posting of property for Mariano Grimaldi #68-46-X		49.28
		49.28
		49.28

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

George D. Edwards, Esq.
6903 Dummaway
Baltimore, Maryland 21222

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this _____ day of _____, 1967.

John G. Rose, Zoning Commissioner

Petitioner: Mariano Grimaldi
Petitioner's Attorney: George D. Edwards
Reviewed by: [Signature]
Chairman of Advisory Committee

George D. Edwards, Esq.
6903 Dummaway
Baltimore, Md. 21222

Dear Sir:

The Joint Advisory Committee has reviewed the subject petition and makes the following comments:

1. The plan as shown is satisfactory.

2. The plan as shown is satisfactory.

3. The plan as shown is satisfactory.

4. The plan as shown is satisfactory.

5. The plan as shown is satisfactory.

6. The plan as shown is satisfactory.

7. The plan as shown is satisfactory.

8. The plan as shown is satisfactory.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204
DATE: Aug. 4, 1967
FILED
Stamp Dept. of Public Works

George S. Schmitt, Esq.
4900 Community
Beltsville, Md. 21053

REPORT TO ACCOUNT NO. 88-282
QUANTITY
1-70
1-70
TOTAL AMOUNT
\$50.00
\$50.00

Position for Special Exception for Mariano Grimaldi
#88-282

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 154
Date of Posting: Aug. 16, 1967
Posted for: Maria Grimaldi, et al.
Petitioner: Mariano Grimaldi
Location of property: N/5 of Section 14, 14th St. of Baltimore County, Md.
Location of Signs: On Post Office Bldg. 14th St. & Baltimore Ave. at Baltimore Ave. and 14th St. from 14th St.
Remarks: Petitioner's name is on the map.
Posted by: Michael H. Kline, Zoning Commissioner

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 154
Date of Posting: 10/12/67
Posted for: Mariano Grimaldi, et al.
Petitioner: Mariano Grimaldi, et al.
Location of property: N/5 of Section 14, 14th St. of Baltimore County, Md.
Location of Signs: On Post Office Bldg. 14th St. & Baltimore Ave. at Baltimore Ave. and 14th St. from 14th St.
Remarks: Petitioner's name is on the map.
Posted by: Michael H. Kline, Zoning Commissioner

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 154
Date of Posting: March 1, 1968
Posted for: Mariano Grimaldi, et al.
Petitioner: Mariano Grimaldi, et al.
Location of property: N/5 of Section 14, 14th St. of Baltimore County, Md.
Location of Signs: On Post Office Bldg. 14th St. & Baltimore Ave. at Baltimore Ave. and 14th St. from 14th St.
Remarks: Petitioner's name is on the map.
Posted by: Michael H. Kline, Zoning Commissioner

PETITION FOR SPECIAL EXCEPTION
15th DISTRICT
ZONING: Petition for special exception for a Car Wash.
LOCATION: North side of Pope Avenue 147.14 feet West of Summers Run Road.
DATE & TIME: MONDAY, AUGUST 14, 1967 at 10:00 A.M.
PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.
Petition for Special Exception for a Car Wash.
All that parcel of land in the Fifteenth District of Baltimore County.
BEGINNING for the same is the center of Pope Avenue (224.1 feet wide) at a point distant 117.14 feet south 62 degrees 56 minutes west from the west side of Summers Run Road, thence heading on the center of said Pope Avenue as shown on the plat of subdivision of Lot 7 Block 21 Section B F as shown among the Land Records of Baltimore County in Liber TBS No. 1724 folio 501 etc. was covered by The Title Holding Company to Mariano Grimaldi and wife south 62 degrees 56 minutes west 150.00 feet, thence heading said road and heading on the third line of said deed and on the east side of Lot 14 as shown on said plat north 21 degrees 04 minutes west 150.15 feet, thence heading on a part of the fourth line of said deed north 69 degrees 56 minutes east 129.00 feet, thence heading said line and running for a line of division south 73 degrees 01 minutes east 150.15 feet to the place of beginning.
CONTAINING 2.468 acres of land more or less.
BEING part of that tract of land which by deed dated June 15, 1949 and recorded among the Land Records of Baltimore County in Liber TBS No. 1724 folio 501 etc. was covered by The Title Holding Company to Mariano Grimaldi and wife.
Being the property of Mariano Grimaldi and Mary D. Grimaldi, as shown on plat filed with the Zoning Department.
Hearing Date: Monday, August 27, 1967 at 10:00 A.M.
Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.
BY ORDER OF
JUDITH B. ROSE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION
OFFICE OF
The Community Press
DUNDALK, MD. August 9, 19 67
THIS IS TO CERTIFY, that the annexed advertisement of "Mariano Grimaldi" was inserted in THE COMMUNITY PRESS, a weekly newspaper published in Baltimore County, Maryland, once a week for 1 successive weeks before the 8th day of August 19 67; that is to say, the same was inserted in the issues of 8-9-67
Stromberg Publications, Inc.
Publisher.
By Mrs. Palmer Price
Mrs. Palmer Price

CERTIFICATE OF PUBLICATION
TOWSON, MD. August 10, 19 67
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 in each of one successive weeks before the 28th day of August 19 67, the first publication appearing on the 10th day of August 19 67.
THE JEFFERSONIAN
L. Leach, Jr.
Manager.
Cost of Advertisement, \$.

ZONING DESCRIPTION

#68-46X

SPECIAL EXCEPTION FOR A CAR WASH IN BR ZONE

BEGINNING for the same in the center of Pope Avenue (23.41 feet wide) at a point distant 147.14 feet south 68 degrees 56 minutes west from the west side of Stemmers Run Road, thence binding on the center of said Pope Avenue as shown on the plat of subdivision of Lot 7 Block H Section B Essex as filed among the Land Records of Baltimore County in Plat Book 7 folio 21 and on a part of the second or south 68 degrees 56 minutes west 348.01 foot line of that tract of land which by deed dated June 15, 1949 and recorded among the Land Records of Baltimore County in Liber TBS No. 1754 folio 501 etc. was conveyed by The Title Holding Company to Mariano Grimaldi and wife south 68 degrees 56 minutes west 159.00 feet, thence leaving said road and binding on the third line of said deed and on the east side of Lot 14 as shown on said plat north 21 degrees 04 minutes west 150.15 feet, thence binding on a part of the fourth line of said deed north 68 degrees 56 minutes east 159.00 feet, thence leaving said line and running for a line of division south 21 degrees 04 minutes east 150.15 feet to the place of beginning.

CONTAINING 0.548 acres of land more or less.

BEING part of that tract of land which by deed dated June 15, 1949 and recorded among the Land Records of Baltimore County in Liber TBS No. 1754 folio 501 etc. was conveyed by The Title Holding Company to Mariano Grimaldi and wife.



David W. Dallas, Jr.
 DAVID W. DALLAS, JR.
 CIVIL ENGINEER

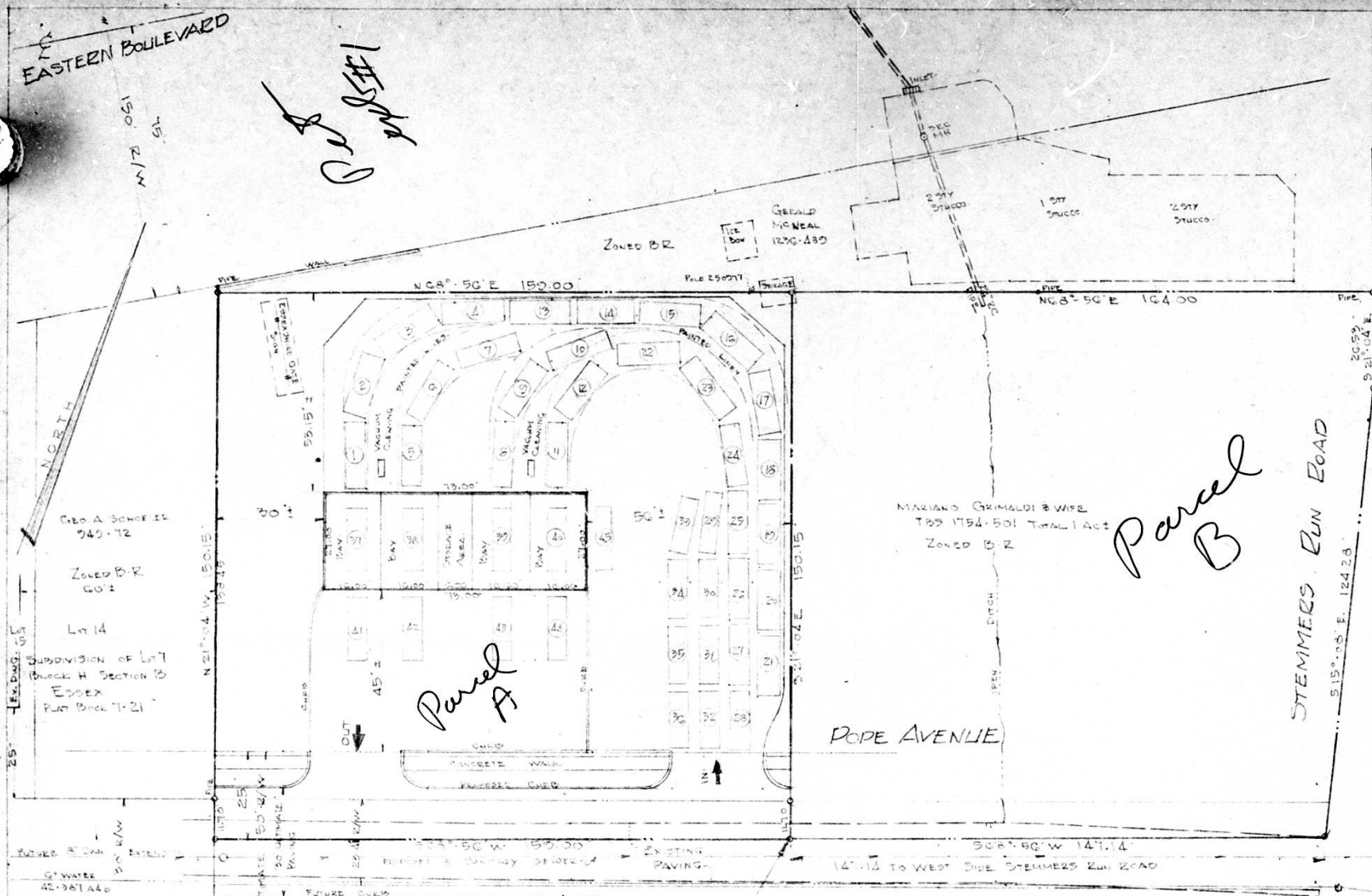
8713 OLD HARFORD RD. BALTO., 14, MD.
 NO 5-7422

June 30, 1967

EASTERN BOULEVARD

1st

Det
Feb 11



Parcel A

Parcel B

ZONING PLAT FOR CAR WASH

PROPERTY OF
MARIANO GRIMALDI AND WIFE TDS 1754-501
BY GEORGE D. EDWARDS
ATTORNEY AT LAW
PROFESSIONAL BUILDING
6009 DUNNWAY
BALTO MD 21222
PHONE AT 5-0800

15TH ELECTION DISTRICT BALTIMORE COUNTY MD
JUNE 22, 1967
SCALE 1"=20'
REV. JULY 27, 1967

BEGINNING OF ZONING DESCRIPTION

- ZONING DATA
- EXISTING ZONING OF TRACT BR
 - PROPOSED ZONING OF TRACT BR WITH SPECIAL EXCEPTION FOR CAR WASH & SELF SERVICE TYPE
 - GROSS AREA OF TRACT 23,474 SF OF 0.5481 ACRES
 - AREA OF PROPOSED IMPROVING TRUCK 3075 SF
 - NET ACRES OF TRACT 19,399 SF 0.4571 ACRES
 - PROPOSED NUMBER OF SERVICE DAYS 4 DAYS
 - REQUIRED NUMBER OF PARKING SPACES

3 DAYS AT 3 CARS/1/2 HR.	9 SPACES
1 DAY AT 10 CARS/1/2 HR.	10 SPACES
10 EXTRA STORAGE	10 SPACES
	29 SPACES REQUIRED
 - PROPOSED PARKING SPACES

WAITING LINE & VACUUM CLEAN	30
WASHING IN BAY	4
DRYING AREA	4
OWNER PARKING	1
	45 SPACES TOTAL
 - ALL UTILITIES AVAILABLE: PROPOSED PAVING - BIT CONG SURFACE COURSE



DAVID W. DALLAS, JR.
CIVIL ENGINEER
1010 OLD HARBOR RD. BALTO, MD.
NO. 57422

