

PETITION FOR ZONING EXCEPTION AND/OR SPECIAL EXCEPTION & VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, Kelly Properties Corporation, the 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 NC-2-C zone to an NC-10-C zone, for the following reasons:

SECTION 238.2 To Permit a sideyard setback of one foot along the 1222 40'00" W 162' N line and 0' along the East side of Lackawanna Avenue instead of the required 30'.

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.

Kelly Properties Corporation

Contract purchaser By: Donald E. Kelly (President)

Address 1722 E. Joppa Road
Baltimore, Maryland 21234

Protestant's Attorney
John H. Mudd

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of September 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 property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 3rd day of October 1967, at 10:00 o'clock A.M.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Edward D. Hardesty Date: December 7, 1967
FROM: Albert B. Kaltenbach
SUBJECT: Petition No. 68-87-XA
South Side Joppa Road, East of Lackawanna Avenue



Your correspondence with reference to the above subject has been investigated by our personnel assigned to the Analyst's Office at the Ashburton, Baltimore City Bureau of Water Supply Office. The results of this investigation are outlined in the attached memorandum and its accompanying location map. As a matter of supplementary information, we wish to advise that bids will be received on December 28, 1967, for construction of the Towson Pump Station Discharge Main referred to in the attached memorandum. Completion of this project is scheduled for Spring of 1968, in advance of the period of high water demands. It is also our opinion that the existing water lines in Joppa Road are of sufficient size to provide adequate flow for the car wash facilities without adversely affecting the supply of adjoining areas.

Albert B. Kaltenbach
ALBERT B. KALTENBACH, P. E.
Director, Department of Public Works

END:JFL:ild

Attachment

cc: J. F. Lons
A. B. Kaltenbach

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21286

John H. Mudd, Esq.,
c/o Semmes, Rowland & Semmes
Suite 1750, 10 Light Street
Baltimore, Maryland 21202

Dear Sir:

The Zoning Advisory Committee has reviewed the subject petition and has the following comments to offer:
REVISED

BUREAU OF ENGINEERING:
Road - Joppa Road is to be developed as a minimum 66' road on a 70' 1/4". This appears that it will eliminate at least one parking space.

HEALTH DEPARTMENT: Public utilities must be shown on revised plans prior to the hearing.

BUREAU OF TRAFFIC ENGINEERING: The plan we shown appears satisfactory, provided there is no access to the alley to the rear of the property.

ZONING ADMINISTRATIVE DIVISION: The following items must be indicated on revised plans prior to the hearing: hours of operation for the proposed car wash; any proposed lighting and direction of flow illumination; location of proposed sign.

If the petition is granted, no occupancy may be made until such time as plans have been submitted and approved and the property inspected for compliance to the approved plan.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

The following members had no comment to offer:

Project Planning Division
Bureau of Fire Prevention
Building Engineer
Board of Education
Industrial Development
State Roads Commission

Very truly yours,

John H. Mudd, Principal
Zoning Technician

cc: Carlyle Brown - Bureau of Engrg.; William Greenwalt - Health Dept.; G. Richard Moore - Traffic Eng.; John Weyers - State Roads Commission

RE: PETITION FOR SPECIAL EXCEPTION :
for Car Wash and :
VARIANCE FROM SECTION 238.2 :
of Baltimore County Zoning Regulations :
S/S of Joppa Road 132.51 feet E. of :
Lackawanna Avenue :
9th District :
BALTIMORE COUNTY

OPINION

This case comes before the Board on an appeal by the Protestants from a decision of the Deputy Zoning Commissioner granting the captioned petition.

The subject property is located in the 9th Election District of Baltimore County, on the east side of Lackawanna Avenue approximately 132 feet south of Joppa Road, being also approximately 700 feet east of Loch Raven Boulevard. The site comprises an undeveloped lot roughly 70 feet wide by 165 feet long, containing approximately 0.27 acres (See plat, Petitioner's Exhibit #1). The existing zoning is B.R. A car wash is permitted use as a special exception in a B.R. zone. The Petitioner proposes to construct a four bay self-service, coin operated car wash establishment, open twenty-four hours a day. To construct such a building he requests a variance from side yard setbacks of 30 feet to a zero foot setback on the east property line, and a one foot setback on the west property line.

In describing the surroundings there was testimony that the Petitioner owns a parcel adjacent to the north of the subject that fronts along the south side of Joppa Road, which is zoned B.R., and where he conducts a small ice cream business known as the Shake Shop. The land across Joppa Road and to the east and west of the subject property is also in commercial zoning and use. To the south across an alley is a one thousand home group house development.

County authorities testified that public sewer and water utilities are more than adequate to service the proposal; however, the Protestants complained of having experienced occasions of low water pressure servicing their homes.

PETITION FOR SPECIAL EXCEPTION AND VARIANCES :
S/S Joppa Road 132.51' E of :
Lackawanna Avenue - 9th District :
Kelly Properties Corp., Petitioner :
NO. 68-87-XA :
COMMISSIONER :
OF :
BALTIMORE COUNTY

This is a Petition for a Special Exception to use the subject property for a car wash. The Petitioner also requests a Variance for side yard setbacks.

Plans call for the operation of a four bay self-service car wash which will be constructed in the form of a pre-fabricated metal wash immediately next door but did not impose any restrictions other than the requirement of four foot high screening along the rear property line and at turns. There was evidence of several other car washes in the general area.

The Petitioner in this instance also owns an ice cream store situated on the same tract facing Joppa Road. Even the Protestants conceded that he is an excellent businessman and conducts an orderly operation. Notwithstanding the other car washes in the area, the Petitioner feels there is a need for yet another car wash in that the other car washes cannot now satisfactorily handle the business they have. The property is presently zoned B.R. in which many types of commercial enterprises could be located. Numerous residents on Yakona Road, which backs up to the subject tract, signed a petition favoring the granting of the Special Exception and Variance.

There was testimony to the effect a six foot high fence would be constructed so as to shield neighboring residential properties along the rear line. There will be no music playing at any hour of the day or night.

Protestants based their opposition on the fear that the car wash would create a traffic hazard. However, the Bureau of Traffic Engineering for Baltimore County has approved the site plan submitted in this matter provided there be no access to the alley to the rear of the property. The Protestants also complained of water pressure problems in the immediate area and felt that the construction of another car wash would aggravate the water pressure problem. The Deputy Zoning Commissioner took up this matter with the Department of Public Works of Baltimore County and was advised by its Director that bids were received on December 28, 1967, for the construction of the Towson Pump Station Discharge Main and the completion of this project is scheduled for the spring of 1968. It is the Director's opinion that the existing water lines in Joppa Road are of sufficient size to provide adequate pressure. A memorandum under date of November 13, 1967, from the Baltimore County Analyst's Staff to Mr. John Lons, Chief of

ORDER RECEIVED FOR FILING

DATE Jan 29 1968
BY Robert S. Anderson
ASSISTANT CLERK

Kelly Properties Corporation

Protestants living in the neighborhood testified that they find the existing car wash operation next to the subject very objectionable, particularly because of loud motor noise at all hours of the night, traffic congestion, light glare, and accumulation of trash, which objections will be compounded by granting this petition. They testified that Baltimore Transit #3 bus line uses Lackawanna Avenue at Joppa Road as a terminus, and often buses are parked three deep along Lackawanna Avenue, impeding traffic movement. Traffic on Lackawanna Avenue is often very heavy, since motorists use this route to connect Joppa Road and Loch Raven Boulevard in order to bypass the traffic light at the intersection of Loch Raven Boulevard and Joppa Road. They claimed that their property values would be affected adversely by the granting of the petition.

A personal tour of the area convinced the Board that the owners and operators of commercial activities in the neighborhood have little regard for control of trash and litter that is accumulating to the rear of their establishment, and which is spreading onto adjacent residential properties.

Therefore, based on the testimony presented, and the above mentioned information, the Board concludes that the Petitioner has failed to satisfy the requirements of Section 502.1 of the Zoning Regulations, and that another car wash operation in such close proximity to an existing one would be detrimental to the health, safety and general welfare of the locality involved.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 7th day of July, 1967, by the County Board of Appeals ORDERED, that the special exception and variances petitioned for be and the same are 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
William S. Baldwin, Chairman

W. Giles Parker
W. Giles Parker

John A. Slowik
John A. Slowik

The Water Design Group of Baltimore County setting forth plans for improvements of water pressure conditions in Joppa Road and Lackawanna Avenue is attached hereto and is hereby incorporated as a part of this opinion. It would appear at this time that the granting of this Petition for a Special Exception will not have an adverse effect on water pressure in the immediate area.

Practical difficulty and unreasonable hardship having been shown, a Variance for side yard setbacks should be granted. The requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met, a Special Exception for a car wash should be granted.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 21st day of January, 1968, that a Special Exception for a car wash should be and the same is granted. A Variance to provide a side yard setback of one foot along the N 22 40' 00" W 162' N line and a side yard setback of one foot along the East side of Lackawanna Avenue instead of the required 30 feet, be and the same is granted, from and after the date of this Order, subject to approval of the site plan by the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning.

Edward D. Hardesty
Deputy Zoning Commissioner

October 4, 1967

John H. Madd, Esq.
Suite 1750
10 Light St.
Baltimore, Md.
31202

NOTICE OF HEARING

Re: Petition for Special Exception & Variance For Kelly Properties Corp. #68-87-XA

TIME: 10:00 A.M.
DATE: Monday, October 23, 1967
PLACE: ROOM 100 COUNTY OFFICE BUILDING, 111 W. Chesapeake TOWSON, MARYLAND

John G. Rose
ZONING COMMISSIONER OF BALTIMORE COUNTY

MEMORANDUM
TO: Mr. John F. Loos, Chief, Water Design Group
Baltimore County, Bureau of Engineering
FROM: The Baltimore County Analyzer Staff
SUBJECT: Adequacy of water pressure in the vicinity of Joppa Road and Lackawanna Avenue.
(Proposed four bay carwash - Zoning Petition No. 68 - 87 - XA.)

An investigation of the adequacy of water pressures in the vicinity of Joppa Road and Lackawanna Avenue has revealed that this area was converted from the Eastern Third Zone of service to the Towson Fourth Zone of service on July 13, 1965. (See Figure 1.) This conversion was made because pressure during the summer consistently fell below the desirable minimum pressure of 30 psi. At the present time, pressures in this area range between 60 to 80 psi under normal operating conditions in the Towson Fourth Zone.

In early 1965 the eastern portion of the Towson Fourth Zone was strengthened by the construction of a 20-inch main in Joppa Road, which extends through the subject area. This main is part of an improvement program that included the construction of the Keys Chapel Reservoir and the increase of pumping capacity in the Towson Pumping Station. Another part of this program is the construction of a 48-inch and 24-inch discharge main from the Towson Pumping Station to Fairmount Avenue, which is now in progress.

There is a possibility that a lowering of pressures may have occurred in the subject area during the June 10 through June 13, 1967 period of peak demands. When the Towson Pumping Station discharge main is completed early in 1968, there should be no further difficulty in maintaining adequate pressures throughout the entire Towson Fourth Zone.

William J. Herberich
William J. Herberich
November 13, 1967

REQUEST FOR SPECIAL EXCEPTION AND VARIANCE FOR CAR WASH PROPERTIES IN THE BOARD OF ZONING APPEALS Case No. 68-87 XA

Please enter my appearance as Attorney for Joppa Developments, Inc., a Protestant in the above captioned case.

Frank E. Ciccone
Ronald J. Kearns
1160 Eastern Boulevard
Baltimore, Maryland 21221
686-8585
Attorney for Joppa Developments, Inc.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

John H. Madd, Esquire
c/o Commerce, James P. Commerce
Suite 1750, 10 Light Street
Baltimore, Maryland 21202

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

Your petition has been received and accepted for filing this 19th day of September 1967

John G. Rose
John G. Rose,
Zoning Commissioner

Petitioner: Kelly Properties Corporation
Petitioner's Attorney: John H. Madd
Reviewed by: *James P. Commerce*
Chairman of Advisory Com.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: Oct 5, 1967
Posted for: Hearing Monday, Oct 23, 1967 at 10:00 A.M.
Petitioner: Kelly Properties Corporation
Location of property: 132.51' E. of Lackawanna Ave.
Location of Sign: 1 Sign posted approx. 132.51' E. of Lackawanna Ave. Each of 100' or more interval.
Remarks:
Posted by: *Mark X. Hines* Date of return: Oct 12, 1967

FRANK E. CICONE

Attorney At Law

FIRST NATIONAL BANK BLDG.

TOWSON, MARYLAND 21204

February 28, 1968



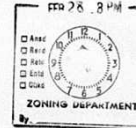
Mr. John G. Rose
Zoning Commissioner
Baltimore County Office
of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Rose: Re: Petition for Special Exception and Variances
S/S Joppa Road - 132.51' E of
Lackawanna Avenue - 9th District
Kelly Properties Corp.,
Petitioner
No. 68-87-XA

We hereby take an appeal to the County Board of Appeals on behalf of Mr. and Mrs. Joseph P. Phoebus, 1748 Yakona Road, Baltimore, Maryland, 21234, Mr. and Mrs. George Stearns, 1756 Yakona Road, Baltimore, Maryland, 21234, and Mr. Louis Fritz, 503 Sunmyfield Road, Baltimore, Maryland, 21136, Protestants, to the Order rendered in the above-entitled case on January 29, 1968. I am enclosing herewith a check in the amount of Seventy-Five Dollars (\$75.00), covering the cost of this appeal.

Very truly yours,
Frank E. Ciccone
Frank E. Ciccone
Attorney for Protestants

FEC:bill
Encl.
CC: James Nolan, Esquire



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY #68-87-XA
Towson, Maryland

District: 9th Date of Posting: Nov 8-68
Posted for: Kelly Properties
Location of property: 132.51' E. of Lackawanna Ave.
Location of Sign: 1 Sign posted approx. 132.51' E. of Lackawanna Ave. Each of 100' or more interval.
Remarks:
Posted by: *Mark X. Hines* Date of return: March 15, 68

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

To: Kelly Shale Stone
505 Windwood Road
Baltimore, Md. 21212

Section for Special Exception & Variance for Kelly Properties Corp. #68-87-XA \$25.00

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John C. Rose, Zoning Commissioner Date: October 13, 1967
FROM: George E. Gavelis, Director of Planning
SUBJECT: Petition #68-87-XA, South side of Joppa Road 132.51 feet East of Lackawanna Ave. Petition for Special Exception for a Car Wash. Petition for Variance to permit a side yard of Zero Feet on the East and West sides instead of the required 30 feet. Kelly Properties Corporation - Petitioners.
9th District
Monday, Oct. 23, 1967 (10:00 A.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offer the following comments:

- 1. With regard to the special exception requested, we note that another car wash is already located very near the subject property. Would establishment of a second car wash result in a wastage of commercial land resources? Is another car wash needed?
- 2. Subsection 419.1 of the Zoning Regulations requires that "A site plan shall be submitted showing... the manufacturer rated hourly production capacity of the equipment to be installed, if available, or other evidence of the capacity of the equipment...". The site plan submitted, however, does not indicate any evidence of the car-washing equipment's capacity. Further, the circled numbers of waiting spaces shown on the site plan are not the same as would be required under Subsection 419.3 of the Zoning Regulations.
- 3. We object to the variance requested on Lackawanna Avenue in that it would permit an overcrowding of land.

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

To: Frank E. Ciccone, Esq.
First National Bank Bldg.,
Towson, Md. 21204

DEBIT TO ACCOUNT NO. 01-622	RETURN TO US PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT
QUANTITY	DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	COST
Cost of appeal - property of Kelly Properties Corp. No. 68-87-XA	1 sign	\$75.00

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

To: Kelly Shale Stone
505 Windwood Road
Baltimore, Md. 21212

DEBIT TO ACCOUNT NO. 01-622	RETURN TO US PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT
QUANTITY	DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	COST
Submitting and posting of property #68-87-XA		\$25.00

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

PETITION FOR SPECIAL EXCEPTION AND VARIANCE
9th DISTRICT
ZONING: Petition for Special Exception for a Car Wash
LOCATION: South side of Joppa Road 132.11 feet East of Lackawanna Avenue.
DATE & TIME: MONDAY, OCTOBER 23, 1947 at 10:00 A.M.

PUBLIC HEARING: Room 104, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
 The Zoning Commission of Baltimore County, in conformity with the provisions of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Special Exception for a Car Wash.

Petition for Variance from the Zoning Regulations of Baltimore County: to authorize the use of the East side of Lackawanna Avenue for a car wash instead of the required 30 feet.

The Zoning Regulation to be excepted as follows:
 Section 23A.2 - Side and Rear Yards - 30 feet.
 All that parcel of land in the Ninth District of Baltimore County.

REASONING for the same on the northeast side of Lackawanna Avenue, 40 feet wide, said parcel being 122.11 feet measured southeasterly along said northeast side of Lackawanna Avenue from the southeast side of Joppa Road, thence bearing said plus or minus and running and binding on said northeast side of Lackawanna Avenue South 22 degrees 40 minutes 00 seconds East 122.00 feet, thence bearing said north- east side of Lackawanna Avenue and running the following courses and distances, to-wit: North 41 degrees 23 minutes 00 seconds East 70.37 feet, thence North 22 degrees 40 minutes 00 seconds East 122.00 feet and thence South 67 degrees 20 minutes West 70.80 feet to the place of beginning, containing 0.27 acres of land more or less.

Being the property of Kelly Properties Corporation, as shown on plat filed with the Zoning Department.
Hearing Date: Monday, October 23, 1947 at 10:00 A.M.
Public Hearing: Room 104, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
JOHN C. BOSE
ZONING COMMISSIONER OF BALTIMORE COUNTY.
 Oct. 5.

PETITION FOR SPECIAL EXCEPTION AND VARIANCE
9th DISTRICT
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LOCATION: South side of Joppa Road 132.11 feet East of Lackawanna Avenue.
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Hearing Date: Monday, October 23, 1947 at 10:00 A.M.
Public Hearing: Room 104, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
JOHN C. BOSE
ZONING COMMISSIONER OF BALTIMORE COUNTY.
 Oct. 5.

OFFICE OF THE BALTIMORE COUNTY COMMUNITY NEWS
 Rutherford, Md.
THE HERALD-ARGUS
 Catonsville, Md.

No. 1 Newburg Avenue
 CATONSVILLE, MD.

October 5, 19 47

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County was inserted in THE BALTIMORE COUNTY, a group of these weekly newspapers published in Baltimore County, Maryland, once a week for one successive week before the 5th day of October, 19 47, that is to say the same was inserted in the issues of

THE BALTIMORE COUNTY

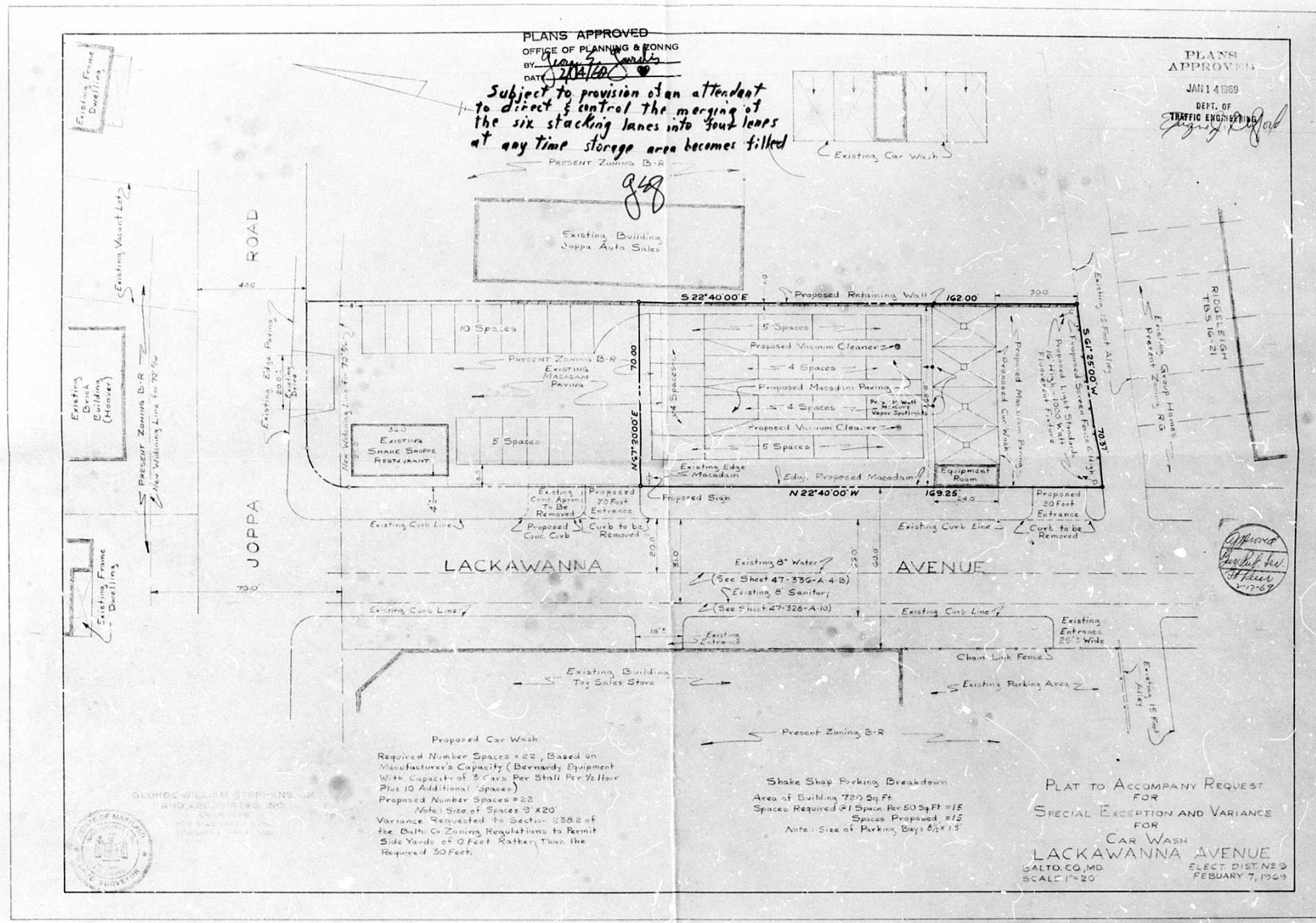
By *Paul J. Morgan*
 Editor and Manager
 R.M.

CERTIFICATE OF PUBLICATION

TOWSON, MD. October 5th 19 47
 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 008 1100 successive weeks before the 23rd day of October, 19 47, the first publication appearing on the 5th day of October 19 47.

THE JEFFERSONIAN,
L. Frank Stutts
 Manager.

Cost of Advertisement, \$.....



GEORGE WILLIAM STEPHENS, JR.
 AND ASSOCIATES, INC.
 ARCHITECTS

Proposed Car Wash
 Required Number Spaces = 22 (Based on Manufacturer's Capacity (Bernardy Equipment With Capacity of 3 Cars Per Stall Per 1/2 Hour Plus 10 Additional Spaces)
 Proposed Number Spaces = 22
 Note: Size of Spaces 9 X 20
 Variance Requested to Section 23B.2 of the Baltimore Zoning Regulations to Permit 50 Feet of 0 Feet Rather Than the Required 30 Feet.

Shake Shop Parking Breakdown
 Area of Building 720 Sq. Ft.
 Spaces Required 47 Spaces Per 50 Sq. Ft. = 15
 Spaces Proposed = 15
 Note: Size of Parking Bays 6 1/2 X 12

PLAT TO ACCOMPANY REQUEST FOR SPECIAL EXCEPTION AND VARIANCE FOR CAR WASH LACKAWANNA AVENUE
 BALTO. CO., MD.
 SCALE 1" = 20'
 ELECT. DIST. NS 3
 FEBRUARY 7, 1949

