PETITION OR ZONING RE-CLAS IFICATION 49 89-1 AND/OR SPECIAL EXCEPTION

unty, to use the herein described property, for. A COT Wish.

Property is to be posted and advertised as prescribed by Zoning Regulation Frogery is to see posses and soverance as prescribed by Johnny aggustones.

L, or we, agree to pay expens, of above machinalination matrix. Special Exception advertising, etting, etc., upon filing of this petition, and further agree to and are to be bound by the making guistions and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore.

Mary & Brichardy (SEAL) CLAN DEVELOPMENT CORPORATION Address C/o Milton S. Goldbloom, Esq. 1020 Munaey Building Calvert & Fayette Stroats Battimore; Maryland 21902 6615 Reisterstown Road-301 Baltimone, Maryland 21215 K. CINSBERG Petitioner's Attorney CARDIN & MEINSTEIN, P.A. 6615 Ruisterstown Road - 301 Baltimore, Maryland 21215 338-74-11

ORDERED By The Zueing Commissi ., 197 8, 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 Poom 198, County Office Building in Townon, Baltimore County, on the____18th

ORDER RE

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER NE/S of Reisterstown Rd., 100' SE of Reinters MIII Rd., 4th District OF BALTIMORE COUNTY

WILLIAM C RECKENDINGS at IN . Com No. 70-80-Y

ORDER FOR APPEAL

Many ante de gracel from your decision in the above-entitled matter umber 14, 1978, to the County Board of Appeals and forward ection therewith to said Board for hearing.

Feter Max Peter Max Zimmerm

I HEREBY CERTIFY that on this 9th day of January, 1979, a copy of the aforegoing Order for Appeal was mailed to Milton S. Goldbloom, Esquire, 1020 Manage Building, Calvert & Favette Streets, Baltimore, Maryland 21202; ce K. Ginsberg, Esquire, Cardin & Weinstein, P.A., 6615 Reisterstown Road - 301, Baltimore, Maryland 21215; and Mrs. Alice LeGrande, 25 Olive Lane. Owings Mills. Maryland 21117.

John W. Hessian, III



NE/S of Reisterstown Rd., 100' SE of Painters Mill Rd., 4th District

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

WILLIAM C. BRECKENRIDGE, at IN . Core No. 79-89-Y

ORDER

Upon the foregoing Motion by the People's Counsel for Boltimore County the Board having noted that there are no other Appellants of record in said case. it is, this 21st day of June , 1979, by the County Board of Appeals

ORDERED that the foregoing Appeal of the People's Counsel for Boltimore County herein be and it is hereby DISMISSED with prejudice.

> COUNTY BOARD OF ARREAUS OF BALTIMORE COUNTY

hely Aspermen

Patricia Millhour

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS NE/S of Roisterstown Rd., 100' SE of Pointers Mill Rd., 4th District

OF BALTIMORE COUNTY

WILLIAM C. BRECKENRIDGE, et ux : Case No. 79-89-X

......

MOTION FOR DISMISSAL

To the Honombie Mambau of Calif Read

The Motion of the People's Counsel for Baltimore County respectfully represents,

- 1. That by his Order under date of December 14, 1973, the Zoning Commissione for Baltimore County granted a Special Exception for a cor wash on the site involved
- 2. That because of the concern of the State Highway Administration, Maryland Department of Transportation, expressed in its comment of July 18, 1978, to the Zoning Commissioner of Baltimore County, a photostatic copy thereof being attached nereto, marked "Petitioner's Exhibit No. 1," your petitioner on or about January 9, 1979. filed an Annual from the said decision of the Zonina Commissioner to this Board
- 3. That thereafter, your petitioner was advised by counsel for the property er that certain amendments to its proposal had been made with the result that the State Highway Administration was now satisfied that the proposed operation would not create the difficulty anticipated when the original proposal was reviewed: the original of a letter under date of May 21, 1979, from the Bureau of Engineering State Highway Administration, addressed to this petitioner, and marked "Petitioner's Exhibit No. 2," is attached hereto.
- 4. That in view of the foregoing, your petitic ier is now content that the public interest no longer requires prosecution of this appeal and respectfully prays

ABRAHAM L. ADLER, P.A.

RE: Petition for Special Exception, NE/S of Reisterstown Rd., 100' SE of Painters Mill Rd. Milliam C. Breckenridge, et uc - Petitioners Case No. 79-89-X Hearing: 10/18/78, 10:00 A.M.

Pleans be advised that I represent Herb Alper's Clean-A-Car, Inc. who wishes to enter a protest to the granting of the Special Exception applied for in the above matter.

Please enter my appearance on behalf of the protestor.

Mr. S. Eric DiNenna, Zoning Commissioner of Baltimore County County Office Building, Towson, Meryland 21:04

COUNTY BOARD RECEIVED TIMORE COUN

October 6, 1978

Dear Mr. DiNenna:

Wery truly yours,

cc: Lawrence K. Ginsberg, Esquire cc: Mr. Herb Alper

AND AS IN DUTY BOUND, etc..

John 70, Descion III John W. Hessian, III People's Counsel for Baltimore County

max

10/18/78

11 -4H

I HEREBY CERTIFY that on this 15th day of June, 1979, a copy of the aforegoing Motion for Dismisral with attached Exhibits 1 and 2, as well as the accompanying Order was mailed to Lawrence K. Ginshern, Fusuire, Cardin & Weinstein, P.A., 6615 Reisterstown Road, Baltimore, Maryland 21215, Attorney for Petitioners; and Mrs. Alice LeGrand, 25 Olive Lane, Owings Mills, Maryland 21117.

- 2 -

den Te), Herrian, IF

RE: PETITION FOR SPECIAL EXC. '71ON : BEFORE THE ZONING COMMISSION ER
NE/S of Reisterstown Rd., 100'
SE of Painters Mill Rd., 4th District : OF BALTIMORE COUNTY WILLIAM C. BRECKENRIDGE, et ux, : Case No. 79-89-X

ORDER TO ENTER APPEARANCE

Pursuant to the authority contained in Section 524.1 of the Baltimore Count Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Leter May Bimmerman Peter Max Zimmerman

John W. Hessian, III
People's Counsel
County Office bilding
Townon, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 22nd day of September, 1978, a copy of the foregoing Order was mailed to Lawrence K. Ginsberg, Esquire, Cardin & Weinstein, P.A., own Road, Baltimore, Maryland 21215, Attorney for Petitioners.

John W. Hessian III

THIS ASSIGNMENT, made this 6th day of October, 1978, by the Club Development Corporation.

WITNESSETH, that in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the said Club Development Corporation, does hereby grant and assign unto Club Car Wash, Inc., all of its right, title and interest in a certain Agreement of Purchase and Sale dated April 10, 1978 AS WITNESS its hand and seal the day and year first above written.

WITNESS:

Hannelove Carroll

CLUB DEVELOPMENT CORPORATION

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 6th day of October, 1978. before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appear Lawrence K. Ginsberg, as President for Club Development Corporation, and he acknowledged the foregoing Assignment for the purposes therein contained by signing in my presence his name as President for said corporation

AS WITNESS my hand and Notarial Seal.

My commission expires: 7/1/82

CARDIN AND V EING/EIN, P.A. ATTOMAT'S AT LAW SUITE 201 1. TOUSTRETOWN BOAL THROME, NO. 21215

AUG 2 8 1979

Pursuant to the advertisement, posting of property, and public hearing on the t appearing that be reason of the requirements of Section 502, 1 of the Baltimore County Zoning Regulations having been met, the Special Exception for a car __December___, 197 &, that the herein Petition for Special Exception for a ash should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning. it to the advertisement, posting of property and public hearing on the above petition the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ... 197 that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and zone: and/or the Special Exception for... be and the same is hereby DENIED. Zoning Commissioner of Baltimore County

> Mr. Ginsberg September 29, 1978

33

ORDER

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

> Very truly yours. Nutro B Commoder NICHOLAS B. COMMODARI

Zoning Clans Advisory Committee

Enclosure

cc: D.S. Thaler and Associates 3809 Clarkes Lane Baltimore, Maryland 21215



Mr. S. Eric DiNenna Zoning Commissioner County Office Building Townen, Maryland 21204

> Re: Item #1 (1978-1979) Itom #1 (1978-1579)
> Property Omner: Milliam C. & Mury E. Breckenridge
> N/ES Relaterstown Rd. 100' S/E Painters Mill Rd.
> Existing Soning: BL
> Proposed Zoning: Special Exception for a car wash.
> Acres: 1,037 District: 4th

Dear Mr. Di Nenna

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

misteratown Road (U.S. 140) is a State Road; therefore, all improvements, inter-sections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland Island Highery Administration. Any untility construction within the State Road right-oc-very will be subject to the standards, specifications and approval of the State in addition to those of Bailtons Council.

Painters Mill Road, an existing County road, west of Reistarstown Road, is proposed to be extended north-castarly through the northerity (reamont) portion of this proporty, as a dati lane roadesy with closed sections on an 87-60 corr right-of-way. Highway right-of-way, including any necessary rewerthin easements for alopes will be repaired in commonction this may greating or building permit application.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards,

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan. Public storm drainage together with a drainage and utility easement will be required inconjunction with further developes:

BALFINORE COUNTY OFFICE OF PLANNING & SONING

Your Perition has been received and accepted for filing this 25th day of August 1978.

, .

Bicholas B. Competer

Lawrence K. Ginsberg, Esquire 6615 Reisterstown Road-301 Baltimore, Maryland 21215

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

HEMATES. Bureau of

Department of Traffic Engineering State Foads Commissio

Bureau of Fire frevention Health Department Project Planning Building Consesses Board of Education Soning Adminis

RE: Special Exception Item No. 1
Petitioner - Breckenridge

September 29, 1978

Dear Mr. Ginsberg:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on-site filled inspection of the groperty. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure tuck all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Located on the northeast side of Reinterstown Road approximately Located on the northeast side of Reinterstown Road approximates, 100° southeast of Painters Mill Road in the 4th Election District, the subject property, currently zoned B. L., and D. R. 3, 5, is improved with an existing two story frame dwelling and shed. Immediately adjacant properties to the north and wouth are improved with a bank and restaurant.

Because of your client's proposal to raze the existing building and construct a car wash facility on this property, this S, ecial Exception is required. As a result of the large drainage ditch which traverses the southeasterly portion of this site along Reisterstown Read, the en-trance must be altered in order to comply with the requirements of the State Highway Administration. The site plan must be revised prior to the scheduled hearing to include all the requested revisions from this department as well as an indication of the location of the porposed extensi of Painters Mill Road, which is indicated in the comments of the Bureau of Engineering, and the proposed landscaping of the property.

Item #1 (1978-1979) Property Owner: William C. & Mary E. Breckenrides Page 2 August 10, 1978

Storm Drains: (Cont'd)

In accordance with the drainage policy, the Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

There are several drains contributing offsite storm water and drainage to this six, which then flows via an open drainage course within this property, to the indicated culvert beneath U.S. Boute 140.

The Petitioner must provide necessary drainage fucilities ('emporary or permanent) to prevent creating any misances or damages to adjacent properties, semecially by the concentration of surface waters. Correction of any prolies which may insult, due to improper grading or improper (natallation of drainage facilities, would be the fall responsibility of the Petitions).

Water and Sanitary Sewer:

Public water supply and sanitary sewerage exist in Reisterstown Road.

Ellaworth N. Diver, P.E. Com Miss Chief, Bureau of Engineering

T-SE Key Sheet 43 £ 44 kW 30 Pos. Sheet NW 11 H Topo 58 £ 67 Tax Maps

M. S. Catrider

July 18, 1978

Mr. George J. Martinak Deputy Zening Commissioner County Office Bldg. Towson, Maryland 21204

Attention: Mr. N. Commodari

Re. Z.A.C. Neeting, July 11, 1978 ITEM: 1 Property Owner: William C. 6 Mary E. Breckenridge Could to the Company of the Country of the Mill Rd. (Route 100) SE Painters Mill Rd. Existing Zoning: P.L. Proposed Zoning: Special Exception for a car wash. Acres: 1,07 District: 4th

Dear Mr. Martinak:

The proposed entrance is at the location of a large culvert cross in the transport of the control of a large culvert cross in the highest at large combination curb opening and grate type control of the large combination curb opening and grate type control of the control of th

The plan must be revised to indicate the entire frontage to be improved with curb and gutter and sidewalk. The low point and proposed inlet must be indicated. The entrance must be indicated elect of the inlet and in accordance with State Highway Administration standards; a minimum of 5° from the property line to the beginning of the radius return. The radius must also be indicated. Same detail of the proposed plping of the ditch must also be shown.

The plan must be revised prior to a hearing date being assigned.

Very truly yours,

Charles Lee, Chicf Bureau of Engineering Access Permits By: John E. Meyers

CL:JEM:vrd

P.O. Box 717 / 300 West Freston Street, Baltimore, Maryland 21203



DIRECTOR

August 25, 1978

Mr. Fric S. Di Nenna, Zonina Commissiones Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building Towson Maryland 21204

Dear Mr. DiNenna:

Comments on Item *1. Zoning Advisory Committee Meeting, July 11, 1978, are as follows:

Property Owner: William C. and Mary E. Breckenridge Location: NE/S Reiste Town Road 100' SF Painters Mill Road Existing Zoning: B.L.
Proceed Zoning: Special Exception for a car wash
Acres: 1.037

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition

Landscaping should be provided for the property.

Mr. S. Eric DiNenna, Joning Commissions

1.037

Comments on Item #1 Zoning Advisory Committee Maeting, July 11, 1978

Property Omer: William C. & Mary E. Breckenridge Location: R/R/S Reisterstown Road 100' SE Painters Mill Road Proposed Fonder C.

Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.

I R. A building negut shall be required before construction can begin

D. Building shall be upgraded to new use - requires alteration permit.

E. Three sets of construction drawings will be required to file an application for a building permit.

X G. Wood frame walls are not permitted within 3'0" of a property line Contact Building Department if distance is between 3'0" and 6'0" of property line

B. Requested setback variance conflicts with the Baltimore County Building Code. See Section

X F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.

X C. Additional change of Occupancy Fermits shall be required.

Special Exception for a car wash

Dear Mr. DiNerman

Very truly yours.

August 15, 1978

Current Planning and Developmen

STEPHEN E. COLLINS

July 21 . 1978

Mr. S. Eric FiMenna Zoning Com : ssioner County Office Building

Item No. 1 - EAC - July 11, 1978
Property Owner William C. 6 Mary E. Breckenridge
Location: ME/S Ediciseration Rd. 100' SE Painters Mill Rd.
Existing Enning: B.L.
Proposed Sming: Special Exception for a car wash

The proposed Special Exception for a car wash is not expected any major traffic problems.

The existing on site storm drain may cause problems and plans must be submitted showing how the drainage problem will be taken care of.

Stepher Elite

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: July 10, 1978

Mr. S. Eric DiNenna Zoning Commissioner Baltimore County Office Building Towson, Maryland 21204

Z.A.C. Meeting of: July 11, 1978

RE: Item No: 1 Property Owner: Milliam C. & Mary E. Breckenridge Location: NE/S Reisterstown Rd. 100' SE Painters Mill Rd Present Zoning: B.L.
Proposed Zoning:Special Exception for a car wash

District: No. Acres:

No bearing on student population.

Very truly yours, V. Wil hund W. Nick Petrovich.

MNP/bp

TOWSON MARYLAND 2120

August 28, 1978

Mr. S. Eric DiNenna Office of Planning and Zoning County Office Building Towson, Maryland 21204

Dear Mr. DiNenna

Comments on Item #1, Zoning Advisory Committee Meeting of July 11,

Property Owners Existing Zoning: Proposed Zoning: Districts

William C. & Mary E. Breckenridge HE/S Reisterstown Ed. 100' SE Painters Mill Ed. B.L. Special Exception for a car wash

Metropolitan water and sewer exist, therefore no health hazards

A permit to construct will be required for underground gasoline age tank/s (5,000 gallons or more) and any other equipment or process a exhausts into the atmosphere.

Any new installation of fuel burning equipment should contart the Division of Air Pcllution Control, k0k-3775, to obtain requirements for such installation before work begins.

Very truly yours, Thomas H. Devlin, Director

December 14, 1978

RE: Petition for Special Exception NE/S of Reisterstown Road, 100°

Petitioners NO. 79-89-X (Item No. 1)

Election District William C. Breckenridge, et ux -

I have this date passed my Order in the above referenced matter.

Very truly yours,

L. W. ER

ERIC DI NENNA

SE of Painters Mill Road - 4th

THD/JRP/fthcog: W. L. Phillips

allimore county office of planning and zon TOWSON, MARYLAND 21206 (201) 494-1263

Milton S. Goldbloom, Esquire

Calvert & Fayette Streets Baltimore, Marviand 21202

1020 Munsey Building

Dear Mr. Goldbloom:

SED:nr

in accordance with the attached.

George J. Martinak

Deputy Zoning Commissioner

TOWSON, MARYLAND 21204 (301) 825-7310

Office of Planning and Zoning Baltimore County Office Building

Attention: N. Commodari, Chairman Zoning Adivsory Committee

Re: Property Owner: William C. & Mary E. Breckenridge

Location: NE/S Reisterstown Rd. 100' SE Printers Mill Rd. Zoning Agenda Meeting of 07/11/78

Item No. 1

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" ore applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shill be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Vortes.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at EXCERDS the maximum allowed by the Fire Department.

() i. The site shall be made to comply with all applicable parts of the Pire Provention Code prior to occupancy or beginning of operations.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Piro Protection Association Disabated No. 101 "Life Saiety Code", 1976 Edition prior to company.

() 6. Site plans are approved as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

ROYIDARH The Kill for the Approved Legge M. Weggened Approved Expected Bytelion

June 21, 1979

John W. Hession, III, Esq.

*eople's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204

Ret File No. 70-00-X

Enclosed herewith is a copy of the Motion for Dismissoi

and Order passed today by the County Board of Appects in the above entitled

Very truly yours,

Muriel E. Buddemeier

ccs Milton S. Goldbloom, Esq. Lawrence K. Cirsberg, Esq. Mr. and Mrs. William C. Abraham L. Adler, Esq. Mrs. Alice LeGrande Mr. William F. Ho Mr. Janes Dyer Mr. Leslie Graef

CEBITT

Charles E. Burnham Plans Review Chief

My freces

JOSEPH N. "ICGOWAN, PRESIDENT

ALVIN LORECK

Attachmente cc: Lawrence K. Ginsberg, Esquire 6615 Reisterstown Road, Suite 301 Baltimore, Maryland 21215

Mrs. Alice LeGrande 25 Olive Lane Owings Mills, Maryland 21117

'John W. Hessian, III, Esquire People's Counsel

D. S. THALER & ASSOCIATES

OMEGA INDUSTRIES, INCORPORATED 09 CLARKS LANE . BALTIMORE, MD. 21215 . 301 - 356-1800

June 27, 1978

DESCRIPTION OF THE BRECKENRIDGE PROPERTY

Beginning for the same at an iron pipe set on the northeastern most right of way line of Rei sterstown Road, 66 feet wide, approximately 100 feet as measured southeasterly from the centerline of Painters Mill Road as now existing, and also being at the end of the 6th or South 41°51'30" West 668.32 toot line described in a deed to Regal Savings and Loan Association, dated July 17, 1973 and recorded at ong the land records of Baltimore County, Maryland in Liber E.H.K. Jr. 5378 folio 861 and running thence and reversely with said 6th line, as now surveyed North 42033'32" East 667,82 feet to an iron pipe set and to intersect the 2nd or North 44022* West 554,26 foot line described in a deed to Hal B. Lucas and Bessie Lucas his wife, dated April 1, 1971 and recorded among the aforesaid land records in Liber O.T.G 5178 folio 807, and running thence and reversely with part of the said 2nd line as now surveyed South 47951'54" East 69.30 feet to an iron pipe set, thence leaving said 2nd line and running reversely with the North 41°57'42" East 668.65 foot line shown on a plat entitled "Subdivision Plat of Lawrence H. Goodman Property," recorded on February 24, 1970 in the aforesaid land records in Liber O.T.G. 34 folio 11 as now surveyed, South 42°50'30" West 668.37 feet to an iron pipe set and to intersect the northeastern most right of way line of Reisterstown Road, and running with and binding on said right of way line as now surveyed, North 47°24'49" CIVIL ENGINEERS . SITE PLANNERS

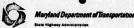
Description of the Breckenridge Property June 27, 1978

West 66,00 feet to the place of beginning

Containing 1.037 acres of land more or less.

Saving and excepting there from all that portion of land zoned DR 3.5 and comprising approximately 0.51 of an acre.





M. S. Coloridor

July 18, 1978

Mr. George J. Martinak Deputy Zoning Commissioner County Office Bldg. Towson, 'Laryland 21204

Attention: Mr. N. Commodar

Z.A.C. Meeting, July 11, 1978 ITEM: 1 Re: Property Owner: William C. & Mary E. Breckenridge Location: NE/S Reisterstown Rd. (Route 140) 100' SE Painters Mill kd.
Existing Zoning: B.L.
Proposed Zoning: Special
Exception for a car wash
Acres: 1.037
District: 4th

Dear Mr. Martinak:

The proposed entrance is at the location of a large culvert cross in the highest and a the highest head a few points the highway. A large combination curb opening and grate type inlet will be required at the low point. Since the entrance must be clear of the inlet, it must be reduced in width. Any appreciation of the inlet, it must be reduced in width. Any appreciation of the considering the type of business proposed, the high volume of traffic on keisterstown Road, and the close proximity to Painters Mill Road. Joinly, a car wash should have two points of access.

The plan must be revised to indicate the entire frontage to be improved with curb and gutter and ideealk. The low point and proposed inlet must be indicated. The entrance must be indicated clear of the inlet so I an accordance with State Highway Administrated the contract of the property of the radius return. The radius must also be indicated, some detail of the proposed piping of the indicated the proposed piping of the ditch must also be shown.

The plan must be revised prior to a hearing date being assigned.

Very truly yours,

Charles Lee, Chief Bureau of Engineering Access Permits

PETITIONER'S EXHIBIT NO. 1 CL:JEM:vrd

By: John E. Mevers

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203



Maryland Department of Transportation

James J. O'Donnell M. S. Caltride

MAY 2 4 1979 >

May 21, 1979

Mr. John Hessian Peoples Counsel County Office Bldg. Towson, Maryland 21204 Re: Breckenridge Property Zoning Petition, Item 1, July 1978 Reisterstown Rd. (Route 140) S. of Painters Mill Road Special Exception for a Car wash

Dear Mr. Hessian

CI . IFM . wrd

We are in receipt of a plan of the subject site, revised April 11, 1979, that indicates proposed extrance and storm drain that are generally acceptable to the State Highway Administration.

Very truly yours,

Charles Lee, Chief Bureau of Engineering Access Permits

John & muce By: John E. Meyers

cc: Mr. W. Duvall

PETITIONER'S EXHIBIT NO. 2

My telephone number is (301) 383-4320

P.O. Bez 717 / 300 West Preston Street, Baltimore, Maryland 21203

BALTIMORE COUNTY, MAR LAND

INTER-OFFICE CORRESPO

S. Eric DiNenna Zoning Commissione Leslie H. Groef PROM Director of Planning

SUBJECT_ Petition #79-89-X. Item #1 Petition for Special Exception for a car wash Northeast side of Reisterstown Road, 100 feet Southeast of Painters Mill Road Petitioner - William C. and Mary E. Breckenridge

4th District

HEARING: Wednesday, October 18, 1978 (10:00 A.M.)

This office is concerned by the location of a car wash in such close proximity to the intersection of Pointers Mill and Reisterstown Roads. It is this office's coinion that other uses permitted in a B.L. zone would be more appropriate

October 13, 1978

LHG:JGH:rw

D. S. THALER & ASSOCIATES

A DIVISION OF

OMEGA INDUSTRIES, INCORPORATED 3800 CLARES LANE + BALTIMORE, MD. 21215 + 301 - 358-1800

> PROFESSIONAL QUALIFICATIONS OF DAVID S. THALER, P.E.

EDUCATION

Lehigh University

Baltimore Polytechnic Institute Lehigh University Lehigh University Lehigh University

BS(Civil Engineering) 1970 MRA (Management) 1971 MA (Economics) ,978 PhD (Completed all but dissertation)

PROFESSIONAL ENGINEER

Pennsylvania

PROPESSIONAL MEMBERSHIPS

National Society of Professional Engineers

Maryland Society of Professional Engineers Engineering Society of Laltimore Society of American Military Engineers American Society of Civil Engineers American Economic Association Royal Economic Society American Real Estate and Urban Economics Association Mctropolitan Association of Urban Designers and Environmental Planners Beta Gamma Sigma (National Business Honorary) Home Builders Association of Maryland Urban Land Institute American Institute of Timber Construction Board of Directors of the Baltimore Chapter, Maryland Home Builders Association

HISTORICAL SOCIETY MEMBERSHIPS

Maryland Historical Society Society for the Preservation of Maryland Antiquities

CIVIL ENGINEERS · SITE PLANNERS

Professional Qualifications of David S. Thaler P.F.

STATE OF MARYLAND COMMISSION MEMBERSHIPS

Advisory Commission of Energy Utilization in Buffdings Committee of the Maryland Building Code for Handicapped and Aged

LECTURER

. ...

John Hopkins University - Seminar in Marketing Management Lehigh University - Senior Civil Engineering Seminar

"The Herzberg Dual Factor Theory - Consistency VS. Method Dependency Journal of Personnel Psychology, 1973

"Optimal Marketing Cost in Residential Housing" Journal of Land Economics.

CURRENT POSITIONS

President Omega Land Development Corporation (Home Builders and Land Developers)

Chairman of the Board

Omega Industries, Incorporated (General Contractors) Principal

D.S. Thaler & Associates, Inc. (Civil Engineering and Site

EXPERIENCE

Direct responsibility for the construction of approximately 2,500 homes since 1970. Direct responsibility for the construction of shopping centers, apartments, and industrial complexes. Complete responsibility for the design of hundreds of engineering projects.

JEROME S. CARDIN

Cardin and Weinstein, P. A. ATTORNEYS AT LAW SUITE 301 BALTIMORE, MARYLAND 21215

LAMBENCE K. GINSBER

ZONING LE ERINA October 18, 1978

OCT 19'78 AM

Mr. S. Eric DiNenna Mr. S. Eric Dimenna Zoning Commissioner Department of Planning and Zoning County Office Building 111 W. Chescpeake Avenue Towson, Maryland 21204

> Re: N/ES Reisterstown Road 100' S/E Painters Mill Road Request: Zoning Special Exception for a Car W. CASE NO. 79-89-X LM. C. ARE GROUND OF, day

Dear Mr. DiNenna:

Pursuant to your request for several cases indicating that once an applicant has met the requirements of the Zoning Ordinance, the hearing officer must grant the application - please see the enclosed photocopies from Abrams Guide to Maryland Zoning Decisions and The Maryland Digest.

There are many, many cases indicated that once the requirements are met, the hearing officer or board must g_{\perp} int the application.

If there are any further questions or if there is anything that you may need with regard to this case, please do not hesitate to contact me.

Thanking you for your immediate attention and cooperation in this matter, I am,

Very truly yours,

LKG:hc

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Anderson v. Navyv. 22 MA App. 612 (1974)

"The cond-timal use or special exception is a part of the successive using plan sharing the presumption that, as such, is the interest of the general welfars, and therefore, valid. The special exception is a valid soning mechanism that designate to an ambinistrative board a limited authority of solder enumerated uses which the persumption of the presumption of the pre Appeals of Statismic Venture 2 and the Court is existed that as expert, is not reduces arong or everything the control of the court is experted as the basis for court given by the expert as the basis for strong enough to do not not previous of opposite that the court is experted as the court of the cour e n constructed on adjoining prope of County Comm'rs for Prince George of Pockville v. Henley, 268 Md. 469 0 defining a funeral home as an appropriate use by way of esseption, the legislature of Baltimore County has, in section that such uses, if they satisfy the other specific ed expert testimony including the tric infeasibility" are insufficient to 47 BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Your Petition has been received * this 28 day of 1978. Filing Fee \$ 50 __. Received __Check Petitioner May , Willia Bredwardy Submitted by Kle Petitioner's Attorney This is not to be interpreted as acceptance of the Petition for assignment of a hearing date. PETITION MAPPING PROGRESS SHEET FUNCTION Descriptions checked and 7-1. 412 outline plotted on map Petition number added to

Revised Plans:

Map # NW1/-H

Change in outline or description____Yes

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RE TO REZONE:

outline Denied Granted by ZC, BA, CC, CA

Reviewed by: 615

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CHAPTER 11

RELATED AREAS

son v. Sawyer, 24 Md. App. 612 (1974)

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| requirements of the ordinance, do promote the health, andry and provided the control of the comprehensive state of the control | which they seen and neighboring Page 180. The 180 are count gauge. The continue of the later cauchy and the later | ss the subject same in the purpose i |
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MARYLAND ZONING DECISIONS

that parcel of land to the District of Bulliner re Cour

CERTIFICATE OF PUBLICATION TOWSON, MD..... THIS IS TO CERTIFY, that the annexed advertisement was appearing on the ______20tb__day of ______ September Cost of Advertisement \$

No. 76082

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provide that the conditional use sought is permissible in the zone in which the land involved is situate, and that the floating zone rule has nothing 'o do with the granting or denial of a special exception."

A special exception or conditional use is a part of a

comprehensive zoning plan sharing the presumption that as such it is in the interest of the general welfare

unat as sucn it is in the interest of the general welfare and, therefore, valid. It is a zoning mechanism that delegates to an administrative board a limited authority to permit enumerated uses the legislature has determined can be allowed absent any facts or

circumstances negating the presumption.

The burden of proof on the applicant and the duties

The burden of proof on the applicant and the duties of the administrative body are explained, thusly: "While the applicant has the burden of adducing testimony which will show that his use meets the

testimony which will show that mis use meets in prescribed standards and requirements he does not have the burden of showing affirmatively that his proposed use accords with the general welfare. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not a tually

adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material but if

there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors

causing disharmony to the functioning of the

cial exception is arbitrary, capricious and illegal."

ALTIMORE COUNTY, MARYLAND

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on Posting & Advertising for Case No. 79-89-1

William C. Brookenridge, Petitioner

Turner v. Hammond, 270 Md. 41 (1973)

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See also Rockville Fuel & Feed Co. v. Board of Appeals of the City of Gaithersbury, 257 Md. 183, 187 (1970); Montgomery County v. Merlands Cluo, Inc., 202 Md. 279, 287 (1953).

Redden v. Montgomery County Council, 270 Md. 668

In a special exception proceeding an administrative ha a special exception proceeding an auministrative body considering such a request must make specific findings on each requirement and not merely present a ecitation of facts or report the language of the zoning

Pistorio v. Zoning Bd. of Howard County, 268 Md. 558

In either a zoning reclassification or special exception request a comprehensive record of what transpired at the public hearing should be maintained. since in the absence of a record of such evidence, the zoning authority as well as the reviewing court cannot properly perform their respective duties.

Cohen v. Willett, 269 Md. 1. (1973)

A circuit court upon reviewing an administrative appeal of a grant of a special exception exceeded its power when it remands a case to an administrative board for the taking of additional evidence without finding as required by local law that the action of the board was not in accordance with the law.

Skipjack Cove Marina, Inc. v. Board of County Comm'rs of Cecil County, 264 Md. 381 (1972)

Under local zoning ordinance provisions, a Board of Appeals is authorized to prescribe appropriate

OFFICE OF

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR SPECIAL EXCEPTION - WILLIAM C. Breckenridge was inserted in the following:

☐ Catonsville Times ☐ Towson Times ☐ Dundalk Times

☐ Essex Times ☐ Suburban Times East Community Times

or a week for one successive weeks before the 29th day of September 9 78, that is to say, the same was ir erted in the issues of September 28. 1978

> STROMBERG PUBLICATIONS, INC. By Dethe Burge

| ALTIMORE COUNTY, MARYLAND FFICE OF MANCE REVENUE DIVISION ISCELLANDUS CASH RECEIPT | |
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TOWSON, MD. 21204 September 28

☐ Arbutus Times

☐ Suburban Times West

weekly newspapers published in Baltimore, County, Maryland,

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE INSCRIPTION OF THE COUNTY O















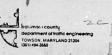












STEPHEN E. COLLINS DIRECTOR

Mr. S. Eric DiNanna Zoning Commissioner County Office Building Towson, Maryland 21204

Item No. 1 - ZMC - July 11, 1978
Property Owner: William C. & Mary E. Brockenridge
Location: NE/S Backerstown Rd. 100° SE Painters Mill Rd.
Existing Zoning: B.L.
Proposed Zoning: Special Exception for a car wash

Acres: District:

Dear Mr. DiNenna:

The proposed Special Exception for a car wash is not expected, to cause any major traffic problems.

The existing on site storm drain may cause problems and plans must be submitted showing how the drainage problem will be taken care of.

Stephen E. Weber Engineer I

