

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for A. Car Wash (Self Service)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above 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.

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

Owner(s) Name(s) Long Term Tenant:

Whiz Car Wash Corporation

(Type or Print Name)

Signature: Reuben Rice, President

Address: 8120 Liberty Road

Baltimore, MD. 21207

City and State

Attorney for Petitioner:

J. Norris Byrnes

Ernest C. Trimble

(Type or Print Name)

Address: 300 Lafayette Building

40 W. Chesapeake Avenue

Towson, MD. 21204

City and State

Attorney's Telephone No.: 825-5512

Legal Owner(s):

Frances M. Grace Hennessey

(Type or Print Name)

Signature: Frances M. Grace Hennessey

Address: 511 Surrey Road

252-1181

Phone No.

City and State: Timonium, MD. 21093

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

J. Norris Byrnes, Attorney

300 Lafayette Bldg., 40 W. Chesapeake Ave.

Towson, MD. 21204

825-5512

Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 17th day of September, 1985, 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 22nd day of October, 1985, at 9:30 o'clock

County on the 22nd day of October, 1985, at 9:30 o'clock

Carl J. Schmitt
Zoning Commissioner of Baltimore County.

(over)

MICROFILMED

It is clear that the BCZR permits the use requested by the Petitioner in a B.L. Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated in Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted. Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of October, 1985, that the Petition for Special Exception

- 3 -

MICROFILMED

IN RE: PETITION SPECIAL EXCEPTION
SE/corner of Old Harford and
Joppa Roads - 9th Election
District
Frances G. Hennessey,
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-171

AMENDED ORDER

Upon the failure of the herein Petitioner and Protestant to reach an agreement pursuant to Restriction 1 of the Zoning Commissioner's Order dated October 28, 1985, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 9th day of December, 1985, that the dumpster shall be located behind the building identified as the Village Sub Shop on Petitioner's Exhibit 1. Access to the dumpster and to the rear of that building shall be through the south end of the lease line separating the sub shop and car wash areas. Ingress and egress will be from Old Harford Road, through the sub shop parking lot onto the western part of the car wash lot, back to the rear and through the lease line to the building.

It is FURTHER ORDERED that a revised site plan with the aforementioned amendment shall be submitted for approval.

It is FURTHER ORDERED that if the Protestant should refuse to permit implementation of said changes, the Petitioner shall abide by Petitioner's Exhibit 1 until the Protestant vacates the premises.

J. Norris Byrnes, Esquire
James D. Wright, Esquire
People's Counsel

for a car wash be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- Whiz and Mr. Gill shall attempt to reach an agreement on the placement of the dumpster and a means of access for delivery vehicles to the rear of the sub shop. A revised site plan shall be submitted to the Zoning Commissioner for approval within 30 days from the date of this Order, with the appeal period running from the date the revised site plan is approved. Traffic Engineering shall approve any such agreement made by the parties hereto. If no agreement can be reached, the Zoning Commissioner shall review these concerns and make a determination.
- A building permit may be issued at that time; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

AJ/srl
cc: J. Norris Byrnes, Esquire
James D. Wright, Esquire
People's Counsel

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IN RE: PETITION SPECIAL EXCEPTION
SE/corner of Old Harford and
Joppa Roads - 9th Election
District
Frances G. Hennessey,
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-171

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a car wash, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Reuben Rice, President of Whiz Car Wash Corporation (Whiz), Sub-lessee, appeared and testified and was represented by Counsel. Ralph Warnock of Car Wash Specialists and Brian Jones, a registered engineer, testified on behalf of the Petitioner. William Gill testified in opposition and was represented by Counsel.

Testimony indicated that the subject property, zoned B.L.-C.S.-2 and consisting of 1.35 acres, is presently improved with a service station which has been abandoned for approximately eight years and a sub-shop restaurant. Whiz has entered into a long-term lease with B. P. Oil Company (BP), the Petitioner's Lessee. Mr. Gill, the owner of the sub shop, was a sub-lessee of BP and will become a sub-lessee of Whiz. The proposed car wash operation will be located on that portion of the property used by the service station and the sub shop will remain where it is, except its lease lines will change. In order to satisfy the Department of Traffic Engineering's concerns about the property, Whiz had to bring both portions of the property up to County standards, which included eliminating one of the two access points to the sub shop and arranging the parking configuration to comport with Traffic Engineering's recommendation.

The car wash will be located in a 29' x 133'4" building consisting of eight bays. There would be one employee to collect money, make change, and act as

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ORDER RECEIVED FOR FILING

DATE: October 28, 1985

BY: Carl J. Schmitt

WHITNEY, BAILEY, COX & MAGNANI
CONSULTING ENGINEERS

ALEXANDER WHITNEY, JR., P.E.
PAUL E. COX, P.E.
RICHARD W. MAGNANI, P.E.
DOUGLAS J. BAILEY, P.E.
ASSOCIATES
BETHANION BAILEY, III, P.E.
BARTON C. DAVIS, P.E.
BRAND D. JONES, P.E.
JAMES PETRYKA, P.E.
KARL J. RICHIE, P.E.

1850 YORK ROAD
TIMONIUM, MARYLAND 21093
PHONE: (301) 252-8080

DESCRIPTION OF PROPERTY
TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION

All that parcel of land in the Ninth Election District of Baltimore County described as follows:

Beginning for the same at a point on the southernmost right-of-way line of Joppa Road, 70-feet wide, said point also being located N83°58'37"E, 25 feet from the centerline intersection of said Joppa Road and Old Harford Road. Thence leaving the southernmost right-of-way line of Joppa Road and running (1) S01°57'00"E, 170.28 feet to a point located on the north lot line of lot 1, Block A, as shown on a plat entitled "Resubdivision, Section Two, Harwood Manor" as recorded among the land records of Baltimore County in Plat Book GLB 22 folio 76, thence running and binding along the northerly lot lines of part of lot 1, lots 2, 3 and part of 4, Block A (2) N85°09'05"E, 215.10 feet, thence running (3) N04°48'24"W, 174.30 feet to a pipe set on the southerly right-of-way line of Joppa Road, 80-feet wide, thence running and binding along said right-of-way line (4) S83°58'37"W, 206.66 feet to the point of beginning.

Containing 0.833 acres of land more or less.

Being also part of that parcel of land which conveyed from Martin T. Firor and wife to Charles P. Grace and wife by deed dated February 14, 1947 as recorded in the land records of Baltimore County in Liber J.W.B. 1531 folio 466.

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ORDER RECEIVED FOR FILING

DATE: October 28, 1985

BY: Carl J. Schmitt

PETITION FOR SPECIAL EXCEPTION
9th Election District

LOCATION: Southeast corner of Old Harford & Joppa Roads

DATE AND TIME: Wednesday, October 23, 1985 at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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 self-service car wash.

Being the property of Frances M. Grace Hennessey as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

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11-1237

LAW OFFICES
WHITEFORD, TAYLOR, PRESTON, TRIMBLE & JOHNSTON

300 LAFAYETTE BUILDING
40 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204-4861
301 825-5512
TELEX: 5101012334
FAX: 301 752-7092

2100 FIRST MARYLAND BUILDING
310 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201
TELEPHONE 301-752-0987

300 BALTIMORE BUILDING
808 17TH STREET, NW
WASHINGTON, D.C. 20006
TELEPHONE 202-451-0006

November 27, 1985

Arnold Edward Jablon, Esquire
Zoning Commissioner
Baltimore County Office of Planning
and Zoning
Towson, Maryland 21204

Re: Petition Special Exception SE/Corner of
Old Harford and Joppa Roads - 9 Election District
Case No. 86-171-X

Dear Mr. Jablon:

Messrs. Rice and Gill were unable to reach an agreement on either the placement of the dumpster or a means of access for delivery vehicles to the rear of Mr. Gill's sub shop. I would appreciate it therefore if you would make the necessary revisions and I will see to it that a revised site plan is submitted for your approval.

Thanking you for your continuing attention to this matter, I remain,

Very truly yours,
J. Norris Byrnes
JNB/laa

cc: Phyllis Cole Freidman, Esquire
James D. Wright, Esquire
Mr. Barney Rice

VENABLE, BAETNER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

WASHINGTON, D.C. OFFICE
SUITE 1000
1301 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004
202 462-4300

1800 MONTGOMERY BANK & TRUST BUILDING
PHILADELPHIA PLAZA
BALTIMORE, MARYLAND 21201
410 548-3500

VIRGINIA OFFICE
PLAZA SUITE THREE
441 NORTH HENDERSON ROAD
ARLINGTON, VIRGINIA 22203
(703) 462-3000

WITNESS MY HAND AND SEAL
THIS 30th DAY OF OCTOBER 1985

October 30, 1985

Mr. Arnold Jablon
Zoning Commissioner of Baltimore County
Room 113
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 86-171-X -
Hearing on Special Exception
for Car Wash on 10/23/85
for Frances M. G. Hennessey

Dear Mr. Jablon:

Enclosed herewith is a copy of Protestant's Exhibit 1 in the above-referenced hearing. At that hearing I, on behalf of the Protestant, William Gill, submitted the original of this plat and at the end of the hearing you afforded me the opportunity to take the original and have it xeroxed, and to substitute the copy in the record.

Very truly yours,
Jim Wright
James D. Wright

JDW/bh
Enc
cc: J. Norris Byrnes, Esq.
Mr. William Gill
1782W

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BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
April 17, 1985

J. Norris Byrnes, Esquire
40 W. Chesapeake Avenue
300 Lafayette Building
Towson, Maryland 21204

RE: Item No. 273
Frances M. G. Hennessey
Special Exception Petition
1812 CHAS. LUNN
15027

Dear Mr. Byrnes:

Recently a meeting was held with various members of this Committee in order to discuss the above referenced petition. At that time, it was verbally indicated that revised site plans and/or further information about this proposal would be required from the following departments:

Mr. Michael Flanagan - Traffic Engineering - 494-3554
Ms. Sue Carrell - Current Planning - 494-3335

In order to avoid any future delays in processing this petition, you should contact the representative from the above department(s) and discuss the required revisions and/or requested information. When discussing this petition, it should be referred to by the above referenced item number. After discussing this matter with the above representative(s), you should contact me at 494-3391 in order to determine the outcome of said discussion and what your future course of action will be. Until this matter is resolved, the petition will not be scheduled for a hearing.

Very truly yours,
Nicholas B. Commodari, Esq.
NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

NBC:bsc
cc: Whitney, Bailey, Cox & Magnani
1850 York Road
Timonium, MD. 21093

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BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2536
494-4500

April 4, 1985

Paul H. Reincke
Chief

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Frances M. G. Hennessey

Location: S/S Joppa Road 25' N/2 from c/l Old Harford Road

Item No.: 273 Zoning Agenda: Meeting of 3/26/85

Gentlemen:

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

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

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

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

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

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

Reviewed by: [Signature] Noted and [Signature]
Planning Group Approved: [Signature]
Special Inspection Division Fire Prevention Bureau

/mb

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BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Arnold Jablon
Zoning Commissioner
TO: [Blank] Date: October 3, 1985

Norman E. Gerber, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petition No. 86-171-X and 86-172-X

Assuming compliance with the comments of the Zoning Plans Advisory Committee, this office is not opposed to the granting of the subject requests.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:slm

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BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3010

April 11, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 273 Zoning Advisory Committee Meeting are as follows:

Property Owner: Frances M. G. Hennessey
Location: S/S Joppa Road 25' N/2 from c/l Old Harford Road
Existing Zoning: B/L-100-2
Proposed Zoning: Special exception for a car wash (self-serve)

Address: 0.833
District: 9th.

The items checked below are applicable:

(X) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 State or Maryland Code for the Building and Code, and other applicable Codes.

(X) A building/structure or other permit shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

(X) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section 1407 and Table 1402, also Section 503.2.

F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s [Blank].

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

(X) Comments - A zoning permit is required for removal of existing structures including tanks.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Charles E. Burnham, Chief
Plans Review

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BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 273, Zoning Advisory Committee Meeting of March 26, 1985

Property Owner: Frances M. G. Hennessey

Location: S/S Joppa Road District 9

Water Supply public Sewage Disposal public

COMMENTS ARE AS FOLLOWS:

(X) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.

() Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

(X) A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

() A permit to construct from the Division of Air Pollution Control is required for any chiller/boiler operation which has a total cooking surface area of five (5) square feet or more.

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appendances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

() If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

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BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
October 4, 1985

County Office Bldg.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ooo

J. Norris Byrnes, Esquire
Ernest O. Trimble, Esquire
300 Lafayette Building
40 West Chesapeake Avenue
Towson, Maryland 21204

RE: Item No. 273 - Case No. 86-171-X
Petitioner - Frances M. Grace Hennessey
Special Exception Petition

Dear Sirs:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following 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 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.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dier, Esq.
JAMES E. DIER
Chairman
Zoning Plans Advisory Committee

JED:nfr

Enclosures.

cc: Whitney, Bailey, Cox & Magnani
1850 York Road
Timonium, Maryland 21093

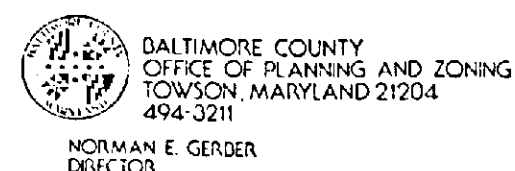
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Zoning Item # 273 Zoning Advisory Committee Meeting of March 26, 1985
Page 2

- (✓) Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- (✓) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been/must be) conducted.
() The results are valid until _____
() Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until _____
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- (✓) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- (✓) Others An approved wastewater recirculation system must be utilized in conjunction with the proposed car wash. Petitioner should contact this office at 494-3768 regarding this situation.

[Signature]
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1283 (2) R



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

SEPTEMBER 25, 1985

Re: Zoning Advisory Meeting of MARCH 26, 1985
Item # 273
Property Owner: FRANCES M. GRACE HENNESSEY
Location: SE CORNER OF OLD HARFORD & JOPPA RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
() A County Review Group Meeting is required.
() A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
() This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
() A record plat will be required and must be recorded prior to issuance of a building permit.
() The access is not satisfactory.
() The circulation on this site is not satisfactory.
() The parking arrangement is not satisfactory.
() Parking calculations must be shown on the plan.
() This property contains soils which are defined as wetlands, and development on these soils is prohibited.
() Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-38 of the Development Regulations.
() Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
() The amended Development Plan was approved by the Planning Board on _____.
(X) Landscaping: Must comply with Baltimore County Landscape Manual. The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
() The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 128-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
(X) Additional comments:
LAUNDER OF C.R.G. PLAN # W-85-119 K/A RICE
PLAN WAS GRANTED BY AN. B.O. ON
9/11/85

cc: James Hoswell

Eugene A. Bober
Chief, Current Planning and Development

MICROFILMED



HARRY J. PISTEL, P.E.
DIRECTOR

April 26, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #273 (1984-1985)
Property Owner: Frances M. G. Hennessey
S/S Joppa Rd. 25' N/E from centerline Old Harford Rd.
Acres: 0.833
District: 9th

Dear Mr. Jablon:

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.

General Comments:

Prior to removal of any existing curb for entrances, the Petitioner shall obtain a permit from the Bureau of Public Services, Attention: Mr. C. E. Brown, 494-3321.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

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.

Permits are required covering the water and sanitary sewer revisions.

Very truly yours,
[Signature]
JAMES A. MARKER, P.E., Chief
Bureau of Public Services

JAM:EAM:ROP:iss

cc: File



STEPHEN E. COLLINS
DIRECTOR

April 8, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 273 -ZAC- Meeting of March 26, 1985
Property Owner: Frances M.G. Hennessey
Location: S/S Joppa Road 25' N/E from c/1 Old Harford Road
Existing Zoning: B.L.-C.S.-2
Proposed Zoning: Special exception for a car wash (self-serve)

Acres: 0.833
District: 9th

Dear Mr. Jablon:

Attached is a sketch showing the recommended changes for this site.

[Signature]
Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/cem

Att.

MICROFILMED

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
SE/Corner of Old Harford and Joppa Rds., 9th District : OF BALTIMORE COUNTY
FRANCES M. GRACE HENNESSEY, : Case No. 86-171-X
Petitioner : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 24th day of September, 1985, a copy of the foregoing Entry of Appearance was mailed to J. Morris Byrnes, Esquire, and Ernest C. Trimble, Esquire, 300 Lafayette Building, 40 W. Chesapeake Ave., Towson, MD 21204, Attorneys for Petitioner.

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman

MICROFILMED

9/12/86

FROM ED SIEBERT, OFFICE OF LAW

TO: CARL RICHARDS

RE: CASE NO. 86-171-X

The Village Sub Shop is a tenant along with the Whiz Car Wash Corporation on a commercial tract located at the corner of Joppa Road and Harford Road in Baltimore County. In order to serve the needs of Whiz Car Wash, a new approved site plan was necessary. As a basis for the plan, Baltimore County Department of Traffic Engineering devised a parking plan for the site, which the Village Sub Shop felt was detrimental to their business.

Village Shop Sub Shop filed suit in the Circuit Court for Baltimore County against B.P. Oil, Whiz Car Wash Corporation and Baltimore County, Maryland in a Complaint requesting an injunction, prohibiting the implementation of the new site plan. The Office of Law answered the Complaint by claiming governmental immunity among other things.

The case, scheduled before Judge Wilner, resulted in the Court allowing time for the parties to get together in an effort to work out a suitable traffic plan acceptable to all parties even though Judge Wilner felt that Baltimore County was not a proper party to the Complaint he kept Baltimore County in the case to insure the County's good offices in bringing about the resolution of the problem.

The matter was ultimately settled between the parties after many conferences resulting in a final Consent Order executed by the Court.

WILLIAM N. GILL, * IN THE
T/A VILLAGE SUB SHOP * CIRCUIT COURT
Plaintiff * FOR
vs. * BALTIMORE COUNTY
B.P. OIL, INC., ET AL * 19/61/86CSP880
Defendants *

It is this 10th day of Sept, 1986, by the Circuit Court of Baltimore County,

ORDERED, that the Defendant, Baltimore County's exhibits 1, 2, 3 and 4 be returned to a representative of the Office of Zoning of Baltimore County upon substitution of certified photo-static copies of same with the Circuit Court file above.

[Signature]
JUDGE

[Handwritten note]
Shoreline
C. Morris Byrnes
10/1/86

RE: 86-171-X Frances M. G. Hennessey

7/17/86

I reviewed Clerk's File No. 86CSP880 in the Civil Special Proceedings area of the Circuit Court for Baltimore County. I ascertained that the original Order, the original Amended Order, and the original plats (4) from our file are filed away in the Clerk's file as Original Joint Exhibits.

I noted that:

3/18/86 - Complaint for Interlocutory Injunction was filed by William N. Gill, t/a Village Sub Shop against B. P. Oil, Inc., Whiz Car Wash, and Baltimore County, Maryland regarding the granting of the Special Exception in Case No. 76-171-X by the Zoning Office.

Ed Siebert of the Baltimore County Law Office, X4420 is handling this case on behalf of Baltimore County, Maryland.

B. du Bois, Zoning Office

FEB 24 1987

9/12/86
FROM ED SEIBERT, OFFICE OF LAW
TO: CARL RICHARDS
RE: CASE NO. 86-171-X

The Village Sub Shop is a tenant along with the Whiz Car Wash Corporation on a commercial tract located at the corner of Joppa Road and Harford Road in Baltimore County. In order to serve the needs of Whiz Car Wash, a new approved site plan was necessary. As a basis for the plan, Baltimore County Department of Traffic Engineering devised a parking plan for the site, which the Village Sub Shop felt was detrimental to their business.

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The case, scheduled before Judge Wilner, resulted in the Court allowing time for the parties to get together in an effort to work out a suitable traffic plan acceptable to all parties even though Judge Wilner felt that Baltimore County was not a proper party to the Complaint he kept Baltimore County in the case to insure the County's good offices in bringing about the resolution of the problem.

The matter was ultimately settled between the parties after many conferences resulting in a final Consent Order executed by the Court.

WILLIAM N. GILL,
T/A VILLAGE SUB SHOP
Plaintiff
vs.
B.P. OIL, INC., ET AL
Defendants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
19/61/86CSP880

It is this 10th day of Sept, 1986, by the Circuit Court of Baltimore County,

ORDERED, that the Defendant, Baltimore County's exhibits 1; 2, 3 and 4 be returned to a representative of the Office of Zoning of Baltimore County upon substitution of certified photo-static copies of same with the Circuit Court file above.

Shirley K. C. McQuay
14/8/86
JUDGE

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

July 25, 1986

JAMES H. COOK
JOHN B. HOWARD
DAVID E. DOWNES
ROBERT A. TRACY, JR.
JOHN F. FINE, JR.
JOSEPH E. WELCH, JR.
HENRY B. PECK, JR.
LEONARD E. COONAN, III
THOMAS L. HUDSON
C. GARY KELLEY, JR.
W. ANDREW HILL, III

GEORGE E. REYNOLDS, III
LAWRENCE L. HODGES, JR.
ROBERT A. WOFFORD
EDWARD E. DOPPEL
CHRISTOPHER A. WARD
ANTHONY E. LUDLOW, COX
KEVIN A. BANTA
J. MICHAEL BRIDGES
BARRY PETERSON, JR.

JAMES D. C. DOWNES
(1908-1978)
TELEPHONE
(301) 823-4111
TELECOPIER
(301) 821-0147

J. Morris Byrnes, Esquire
Whiteford, Taylor & Preston
300 Lafayette Building
40 W. Chesapeake Avenue
Towson, Maryland 21204

Richard A. Reid, Esquire
Royston, Mueller, McLean & Reid
Suite 600
102 Pennsylvania Avenue
Towson, Maryland 21204

Edward F. Seibert, Esquire
Office of Law
2nd Floor
County Courts Building
Towson, Maryland 21204

Dear Norris, Dick and Ed:

Please find enclosed copies of my letter to Judge Wilner, the proposed Order, an Order of Dismissal as to BP and Mike Flanigan's letter of July 16. I trust you have previously received a copy of my letter to Arnold Jablon regarding the dumpster.

Kind regards.

Very truly yours,

H.R.
Herbert R. O'Connor, III

HRO'C:bap

Enclosures

cc: John B. Alexander, Sr., Esquire

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

July 25, 1986

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JAMES D. C. DOWNES
(1908-1978)
TELEPHONE
(301) 823-4111
TELECOPIER
(301) 821-0147

The Honorable Alan M. Wilner
Judge, Court of Special Appeals
Mezzanine Level
County Courts Building
Towson, Maryland 21204

HAND DELIVERED

RE: William N. Gill v. BP Oil, Inc.
Case No. 86CSP880

Dear Judge Wilner:

Please find enclosed a proposed Order which has been signed by Norris Byrnes, Ed Seibert and myself and an Order of Dismissal as to BP Oil, Inc. I believe this matter is now ready for final consideration by you.

Ed Seibert has asked that I indicate he will visit your chambers to remove from the Court file those exhibits which constitute original documents taken from the file of the Zoning Office.

Thank you for your attention to this matter.

Very truly yours,

H.R.
Herbert R. O'Connor, III

HRO'C:bap

Enclosures

cc: Richard A. Reid, Esquire
J. Morris Byrnes, Esquire
Edward F. Seibert, Esquire

WILLIAM N. GILL,
T/A VILLAGE SUB SHOP
Plaintiff
v.
BP OIL INC., et al
Defendants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. 19/61/86CSP880

ORDER

This matter having come before the Court on Plaintiff's request for an Interlocutory Injunction on July 8, 1986 and after hearing testimony, the parties have agreed as follows:

- (1) The requirement for installation of curbs and concrete dividers, on the property leased by Plaintiff, has been waived by Baltimore County;
- (2) The improvements to the property leased by Plaintiff and by Whiz Car Wash Corp. will be made without any interruption of Plaintiff's business;
- (3) Whiz Car Wash Corp. will cooperate with Plaintiff in placing his dumpster at a point accessible to the hauling company;
- (4) Whiz Car Wash Corp. will cooperate in changing the site plan, if necessary to allow delivery trucks access to the rear of Plaintiff's building;
- (5) Plaintiff's request for an interlocutory and a permanent injunction is withdrawn.

Judge Alan M. Wilner
Specially Assigned

Herbert R. O'Connor, III
Herbert R. O'Connor, III
Attorney for Plaintiff,
William N. Gill

Richard A. Reid
Attorney for Defendant,
BP Oil, Inc.

J. Morris Byrnes
J. Morris Byrnes
Attorney for Defendant
Whiz Car Wash Corporation

Edward F. Seibert
Edward F. Seibert
Assistant County Attorney

WILLIAM N. GILL
T/A VILLAGE SUB SHOP
Plaintiff
v.
BP OIL, INC., et al
Defendants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Case No. 19/61/86CSP880

ORDER OF DISMISSAL

MR. CLERK:

Please enter this case as "dismissed with prejudice" as to BP Oil, Inc.

H.R.
Herbert R. O'Connor, III
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204
823-4111
Attorney for William N. Gill

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

July 16, 1986

Mr. Edward F. Seibert
Office of Law
Court House, 2nd Floor
Towson, Maryland 21204
Dear Mr. Seibert:

At your request, I have reviewed the site plan, attended the circuit court hearing, and listened to the testimony for the Rice Car Wash, located on Joppa Road, east of Old Harford Road.

The purpose of the review was to establish where the internal curbs are necessary on this site.

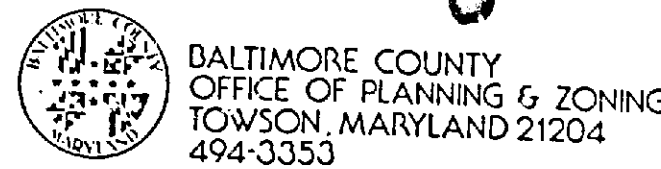
The Department of Traffic Engineering has no objections to the removal of the curbs on this site.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt

FEB 24 1987



ARNOLD JABLON
ZONING COMMISSIONER

October 17, 1985

J. Norris Byrnes, Esquire
300 Lafayette Building
40 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
SE/corner Old Harford & Joppa Rds.
9th Election District
Frances M. Grace Hennessey, Petitioner
Case No. 86-171-X

Dear Mr. Byrnes:

This is to advise you that \$47.84 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 012530
DATE 10-15-85 ACCOUNT R-01-615-000
AMOUNT \$ 47.84
RECEIVED BY J. Norris Byrnes
FOR: Advertising & Posting
B 0025*****47.84 \$256F
VALIDATION OR SIGNATURE OF CASHIER

LD JABLON
Zoning Commissioner
MICROFILMED

J. Norris Byrnes, Esquire
300 Lafayette Building
40 W. Chesapeake Ave.
Towson, Maryland 21204

September 20, 1985

NOTICE OF HEARING

RE: PETITION FOR SPECIAL EXCEPTION
SE/corner Old Harford & Joppa Rds.
9th Election District
Frances M. Grace Hennessey, Petitioner
Case No. 86-171-X

TIME: 9:30 a.m.

DATE: Wednesday, October 23, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 005300
DATE 10-15-85 ACCOUNT R-01-615-000
AMOUNT \$ 100.00
RECEIVED BY J. Norris Byrnes
FOR: Advertising & Posting
B 0025*****100.00 \$256F
VALIDATION OR SIGNATURE OF CASHIER

No. 005300

LD JABLON
Zoning Commissioner
MICROFILMED

WILLIAM N. GILL,
t/a VILLAGE SUB SHOP
Plaintiff
v.
BP OIL INC., et al
Defendants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. 19/61/86CSP880

ORDER

This matter having come before the Court on Plaintiff's request for an Interlocutory Injunction on July 8, 1986 and after hearing testimony, the parties have agreed as follows:

- (1) The requirement for installation of curbs and concrete dividers, on the property leased by Plaintiff, has been waived by Baltimore County;
- (2) The improvements to the property leased by Plaintiff and by Whiz Car Wash Corp. will be made without any interruption of Plaintiff's business;
- (3) Whiz Car Wash Corp. will cooperate with Plaintiff in placing his dumpster at a point accessible to the hauling company;
- (4) Whiz Car Wash Corp. will cooperate in changing the site plan, if necessary to allow delivery trucks access to the rear of Plaintiff's building;
- (5) Plaintiff's request for an interlocutory and a permanent injunction is withdrawn, and all other relief requested by Plaintiff, except as set forth in Paragraphs (1) through (4) of this Order, is denied.

Alan M. Gill
Judge Alan M. Gill
Specially Assigned
July 18, 1986

Richard A. Reid
Attorney for Defendant,
BP Oil, Inc.

J. Norris Byrnes
Attorney for Defendant
Whiz Car Wash Corporation

Edward F. Seibert
Assistant County Attorney

-2-

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 9/24/85
Posted for: Special Exception
Petitioner: Frances M. Grace Hennessey
Location of property: SE/corner Old Harford & Joppa Rds.
Location of Sign: Facing South Rd. Corner of Old Harford & Joppa Rds.
Remarks: As Petitioner
Posted by: J. Norris Byrnes
Number of Signs: 1

MICROFILMED

Petition
For Special Exception
9th Election District

LOCATION: Southeast corner of Old Harford & Joppa Rds.
DATE AND TIME: Wednesday, October 23, 1985 at 9:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West 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 on the above property for a self-service car wash.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
BY ORDER OF
Arnold Jablon
Zoning Commissioner
Of Baltimore County

The Times

Middle River, Md., Oct 3 1985
This is to certify, that the annexed
Petition
Reg. L. 83409
was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 3rd day of Oct, 1985.
James E. Dyer, Publisher.

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 3, 1985
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 3, 1985.

THE JEFFERSONIAN,

181 Kenton
Publisher
Cost of Advertising
22.00

MICROFILMED

PETITION FOR SPECIAL EXCEPTION
9th Election District
LOCATION: Southeast corner of Old Harford & Joppa Rds.
DATE AND TIME: Wednesday, October 23, 1985 at 9:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West 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 on the above property for a self-service car wash.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
BY ORDER OF
Arnold Jablon
Zoning Commissioner
Of Baltimore County

Case No. 86-171-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this 17th day of September, 1985.

Petitioner: Frances M. Grace Hennessey
Petitioner's J. Norris Byrnes, Esquire
Attorney: Ernest G. Trimble, Esquire

Received by: James E. Dyer, Chairman
Zoning Plans Advisory Committee

MICROFILMED

ARNOLD JABLON ZONING COMMISSIONER
BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204

RE: 86-171-X
ZONING FILE

PETITIONER'S EXHIBITS 2a - 2g - 7 color photographs



FEB 24 1987

Pursuant to the advertisement, posting of property, and public hearing on the Petition and its supporting data by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

BALTIMORE COUNTY
PLANNING AND ZONING
200 N. HANOVER ST. 2ND FLOOR
BALTIMORE, MD 21204

PAUL M. RENCKE
Clerk
Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

April 6, 1985

Attention: Nick Comolanti, Chairman
Zoning Plans Advisory Committee

Re: Property Owner: Frances M. G. Hennessey

Location: 5/5 Joppa Road 25' R/W from c/l Old Harford Road

Item No.: 273 Zoning Apprds: Meeting of 3/4/85

Certification:

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

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 200 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1974 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Noted and Approved: _____
Special Inspection Division

1/ab

IN RE: PETITION SPECIAL EXCEPTION
SE/corner of Old Harford and
Joppa Roads - 9th Election
District
Frances G. Hennessey,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-171-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a car wash, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Reuben Rice, President of Whis Car Wash Corporation (Whis), Sub-lessee, appeared and testified and was represented by Counsel. Ralph Wernick of Car Wash Specialists and Brian Jones, a registered engineer, testified on behalf of the Petitioner. William Gill testified in opposition and was represented by Counsel.

Testimony indicated that the subject property, zoned B-1.1-C-2 and consisting of 1.35 acres, is presently improved with a service station which has been abandoned for approximately eight years and a sub-shop restaurant. Whis has entered into a long-term lease with B. P. Oil Company (BP), the Petitioner's Lessee. Mr. Gill, the owner of the sub shop, was a sub-lessee of BP and will become a sub-lessee of Whis. The proposed car wash operation will be located on that portion of the property used by the service station and the sub shop will remain where it is, except its lease lines will change. In order to satisfy the Department of Traffic Engineering's concerns about the property, Whis had to bring both portions of the property up to County standards, which included eliminating one of the two access points to the sub shop and arranging the parking configuration to comport with Traffic Engineering's recommendation. The car wash will be located in a 29' x 133'4" building consisting of eight bays. There would be one employee to collect money, make change, and act as

ORDER RECEIVED FOR FILING

DATE _____ BY _____

DATE _____ BY _____

BALTIMORE COUNTY
PLANNING AND ZONING
200 N. HANOVER ST. 2ND FLOOR
BALTIMORE, MD 21204

April 11, 1985

TO: Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #273 Zoning Advisory Committee Meeting are as follows:

Property Owner: Frances M. G. Hennessey
Location: 5/5 Joppa Road 25' R/W from c/l Old Harford Road
Zoning District: B-1.1-C-2
Proposed Zoning: Special exception for a car wash (self-survey)

Item: 0.833
Metric: 9th.

The time shown herein are applicable:

(X) All structures shall conform to the Baltimore County Building Code 1974/2001

(X) All structures shall conform to the Baltimore County Building Code 1974/2001

(X) A building/structure shall be required before beginning construction.

(X) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal and stamp. Non-engineered walls and foundations are required as Plans and Technical Data.

(X) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer seal and stamp are required to file a permit application.

(X) An exterior wall covered within 4'0" for commercial use or 3'0" for residential use shall be constructed of masonry or concrete. Non-engineered walls and foundations are required as Plans and Technical Data.

(X) An exterior wall covered within 4'0" for commercial use or 3'0" for residential use shall be constructed of masonry or concrete. Non-engineered walls and foundations are required as Plans and Technical Data.

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: October 1, 1985

FROM: Norman E. Gerber, Director
Office of Planning and Zoning

SUBJECT: Zoning Petition No. 86-171-X and 86-172-X

Assuming compliance with the comments of the Zoning Plans Advisory Committee, this office is not opposed to the granting of the subject requests.

Norman E. Gerber, Director
Office of Planning and Zoning

NEC:JCT:10

for a car wash and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. This and Mr. Gill shall attempt to reach an agreement on the placement of the dumpster and a means of access for delivery vehicles to the rear of the sub shop. A revised site plan shall be submitted to the Zoning Commissioner for approval within 30 days from the date of this Order, with the appeal period running from the date the revised site plan is approved. Traffic Engineering shall approve any such agreement made by the parties hereto. If no agreement can be reached, the Zoning Commissioner shall review these concerns and make a determination.
2. A building permit may be issued at that time, however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appeals process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Norman E. Gerber, Director
Office of Planning and Zoning

NEC:JCT:10

cc: J. Morris Byrnes, Esquire

James E. Wright, Esquire

People's Counsel

ORDER RECEIVED FOR FILING

DATE _____ BY _____

DATE _____ BY _____

ORDER RECEIVED FOR FILING

DATE _____ BY _____

DATE _____ BY _____

11-7257
LAW OFFICES
WHITEFORD, TAYLOR, FREEMAN & JENNINGS
300 LAFAYETTE BUILDING
40 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
PH 825-1312
TR 510-0134
FAX 801-752-7092

November 27, 1985

Arnold Edward Jablon, Esquire
Zoning Commissioner
Baltimore County Office of Planning
and Zoning
Towson, Maryland 21204

Re: Petition Special Exception SE/Corner of
Old Harford and Joppa Roads - 9th Election District
Case No. 86-171-X

Dear Mr. Jablon:

Messrs. Rice and Gill were unable to reach an agreement on either the placement of the dumpster or a means of access for delivery vehicles to the rear of Mr. Gill's sub shop. I would appreciate it therefore if you would make the necessary revisions and I will see to it that a revised site plan is submitted for your approval.

Thanking you for your continuing attention to this matter, I remain,

Yours very truly,
James D. Wright
James D. Wright, Esquire
People's Counsel

JNB/lia

cc: Phyllis Cole Friedman, Esquire
James D. Wright, Esquire
Mr. Barney Rice

IN RE: PETITION SPECIAL EXCEPTION
SE/Corner of Old Harford and
Joppa Roads - 9th Election
District
Petitioner
FRANCIS M. GRACE HENNESSY

APPROVED BY THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-171-X

November 27, 1985

Upon the failure of the herein petitioner and respondent to reach an agreement pursuant to Restriction 1 of the Zoning Ordinance's Order dated October 28, 1985, it is ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of November, 1985, that the dumpster shall be located behind the building identified as the Village Sub Shop on Petitioner's Exhibit 1. Access to the dumpster and to the rear of that building shall be through the south end of the lane line separating the sub shop and car wash areas. Access and egress will be from Old Harford Road, through the sub shop parking lot onto the western part of the car wash lot, back to the rear and through the lane line to the building.

It is FURTHER ORDERED that a revised site plan with the stipulated amendment shall be submitted for approval.

It is FURTHER ORDERED that if the respondent should refuse to permit implementation of said changes, the petitioner shall abide by Petitioner's Restriction 1 until the respondent vacates the premises.

James D. Wright
James D. Wright, Esquire
People's Counsel

WHITNEY, BAILEY, COX & MAGNANI
CONSULTING ENGINEERS

DESCRIPTION OF PROPERTY
TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION

All that parcel of land in the Ninth Election District of Baltimore County described as follows:

Beginning for the same at a point on the southernmost right-of-way line of Joppa Road, 10-foot wide, said point also being located 883'58"37"E, 25 feet from the centerline intersection of said Joppa Road and Old Harford Road. Thence leaving the southernmost right-of-way line of Joppa Road and running (1) S01°57'00"E, 170.28 feet to a point located on the north lot line of lot 1, Block A, as shown on a plat entitled "Resubdivision, Section Two, Harwood Manor" as recorded among the land records of Baltimore County in Plat Book GLB 22 folio 76; thence running and binding along the northerly lot line of lot 1 of lot 1, lots 2,3 and part of 4, Block A (2) S88°05'05"E, 215.10 feet, thence running (3) N04°48'24"W, 174.30 feet to a pipe set on the southerly right-of-way line of Joppa Road, 80-foot wide, thence running and binding along said right-of-way line (4) S81°58'37"W, 206.66 feet to the point of beginning.

Containing 0.833 acres of land more or less.

Being also part of that parcel of land which conveyed from Martin T. Firor and wife to Charles P. Grace and wife by deed dated February 14, 1947 as recorded in the land records of Baltimore County in Liber J.W.B. 1531 folio 466.

PETITION FOR SPECIAL EXCEPTION
9th Election District

LOCATION: Southeast corner of Old Harford & Joppa Roads

DATE AND TIME: Wednesday, October 23, 1985 at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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:

Petition for Special Exception for a self-service car wash.

Being the property of Francis M. Grace Hennessy as shown on the plat filed with the Zoning Office.

In the event that the Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, determine any request for stay of the issuance of said permit during this period for good cause shown. Any request must be received in writing by the date of the hearing set above or at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL EXCEPTION
SE/Corner of Old Harford and
Joppa Roads, 9th District
FRANCIS M. GRACE HENNESSY,
Petitioner

OF BALTIMORE COUNTY
Case No. 86-171-X

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing date or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Elmsman
Peter Max Elmsman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 24th day of September, 1985, a copy of the foregoing Entry of Appearance was mailed to J. Morris Byrnes, Esquire, and Ernest C. Trimble, Esquire, 300 Lafayette Building, 40 W. Chesapeake Ave., Towson, MD 21204, Attorneys for Petitioner.

Peter Max Elmsman
Peter Max Elmsman

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
100 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204
494-3333

ATWOOD HOUSE
ZONING COMMISSIONER

October 17, 1985

J. Morris Byrnes, Esquire
300 Lafayette Building
40 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
SE/Corner Old Harford & Joppa Rd.,
9th Election District
Francis M. Grace Hennessy, Petitioner
Case No. 86-171-X

Dear Mr. Byrnes:

This is to advise you that \$47.04 is due for advertising and posting of the above property. This fee must be paid before an order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

012530

J. Morris Byrnes
J. Morris Byrnes
Zoning Commissioner

September 20, 1985

NOTICE OF HEARING
RE: PETITION FOR SPECIAL EXCEPTION
SE/Corner Old Harford & Joppa Rd.,
9th Election District
Francis M. Grace Hennessy, Petitioner
Case No. 86-171-X

TIME: 9:30 a.m.

DATE: Wednesday, October 23, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

005300

James D. Wright
James D. Wright
People's Counsel

WHITNEY, BAILEY, COX & MAGNANI
CONSULTING ENGINEERS

December 20, 1985

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Amended Order
Case No. 86-171-X
PETITION SPECIAL EXCEPTION
SE/Corner of Old Harford and
Joppa Roads
9th Election District
MCN Job No. 86027

Dear Mr. Jablon:

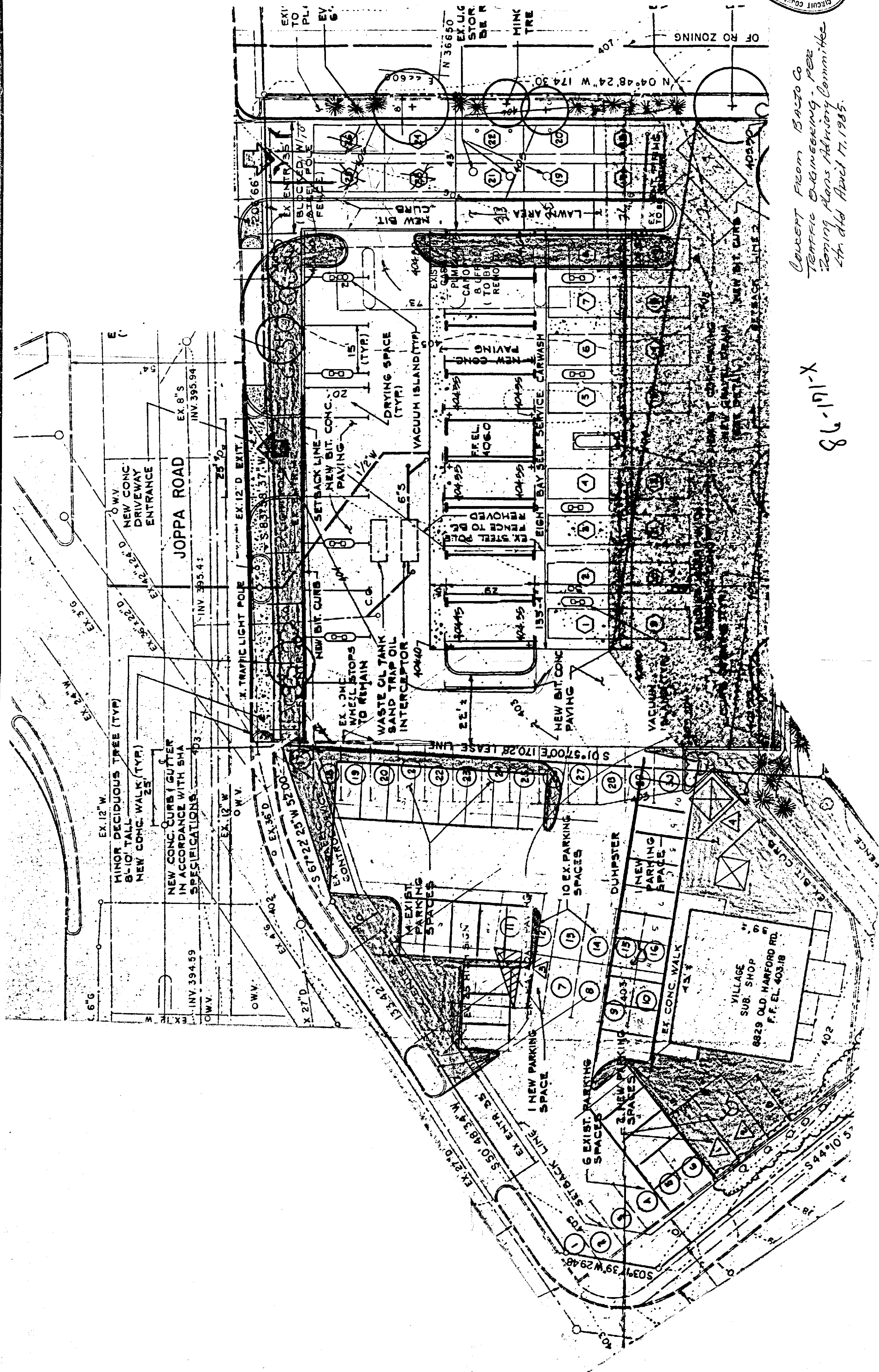
In accordance with the referenced amended order dated December 9, 1985, we are enclosing herewith for approval, one (1) copy of the site plan, as revised December 18, 1985, to show the relocated dumpster pad on the East side of the Village Sub Shop with access thereto generally as stipulated in your order. In addition we have provided a suitable concrete curb adjacent to the west side of the Village Sub Shop for vehicular access as may be required, thus maintaining freedom of movement as it presently exists.

We trust this will negate any further objections by the Petitioner.

If we can be of further service, please let us know.

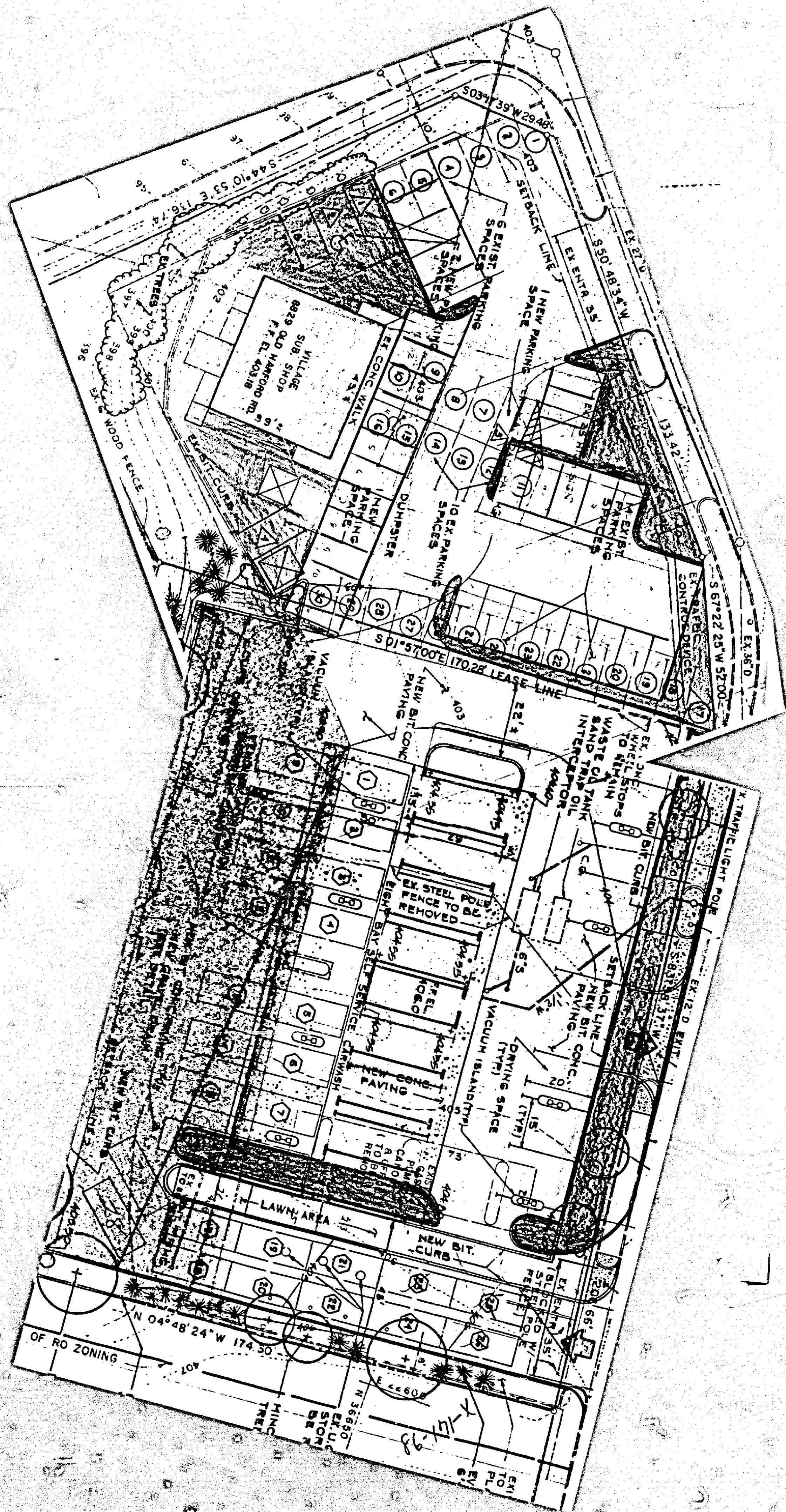
Very truly yours,
WHITNEY, BAILEY, COX & MAGNANI
James D. Wright
James D. Wright, Esq.

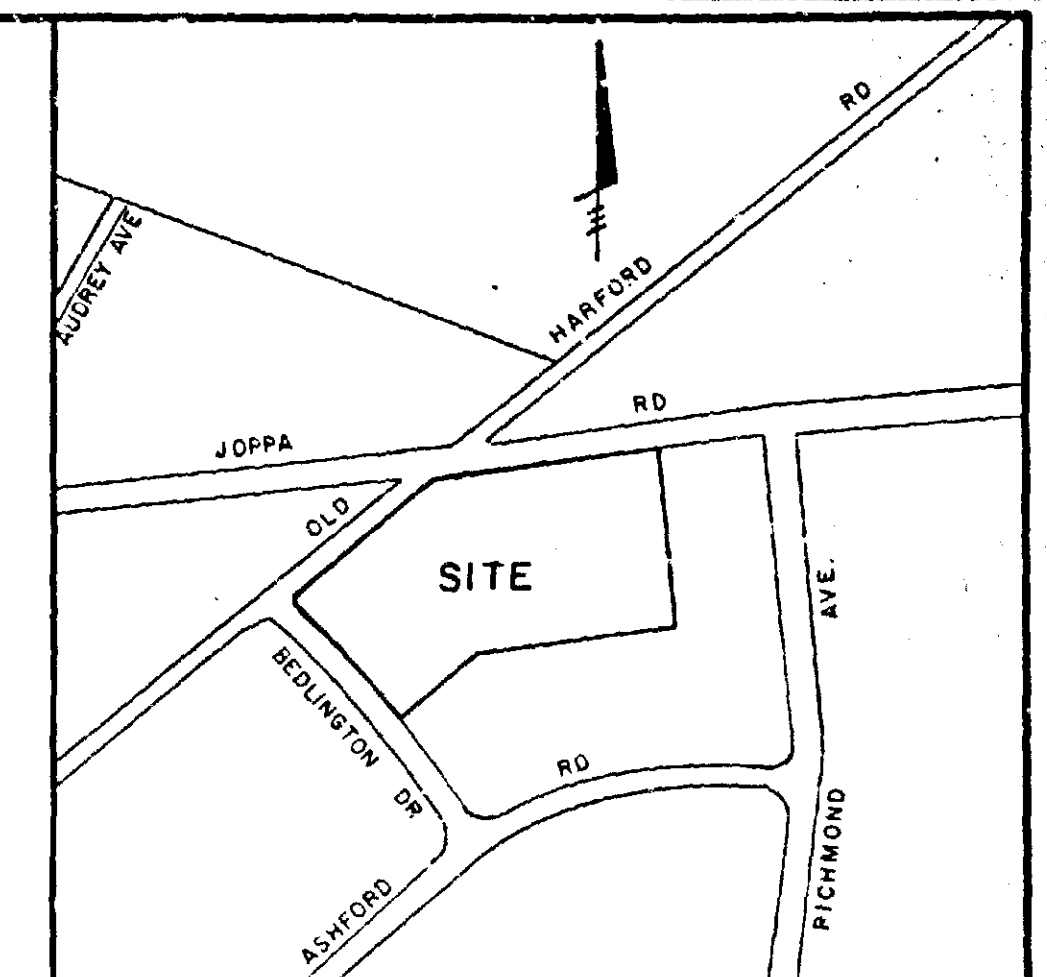
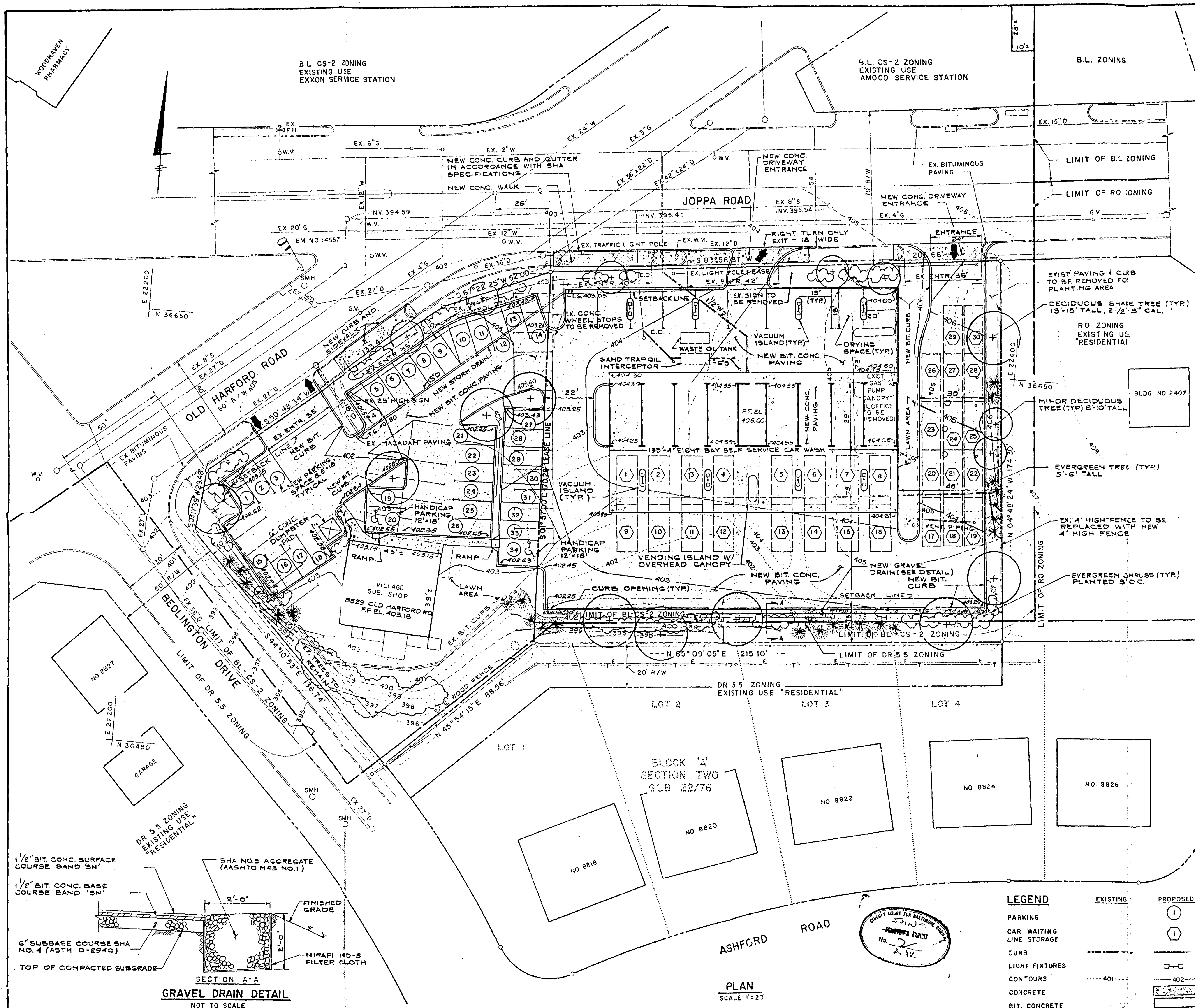
BAJ/mc
Enclosure
cc: Mr. Barney Rice
Mr. J. Morris Byrnes, Esq.



Consent from Board of
Zoning Planning Committee
dated April 17, 1985.

86-17-X





VICINITY MAP
SCALE: 1"=200'

- SUMMARY INFORMATION**
- TOTAL SITE AREA: 1.35 ACRES
 - SITE AREA OF PROPOSED CAR WASH: 0.83 ACRES
 - SITE AREA LEASED FOR RESTAURANT: 0.52 ACRES
 - DEED REFERENCE: LIBER J.W.B. 1531 FOLIO 466
 - LEASE REFERENCE: O.T.G. 5072/486
 - ZONING: B.L.-CS-2
 - ELECTION DISTRICT: 9TH
 - EXISTING USE: RESTAURANT AND ABANDONED GAS STATION
 - PROPOSED USE: RESTAURANT AND CAR WASH
 - PROPOSED BUILDING HEIGHT: 17'
 - TAX ACCOUNT NO.: 0907-585-740

- PARKING DATA**
- PARKING REQUIRED: 1,677 SF RESTAURANT @ 1 SPACE/50 SF = 34 SPACES
- PARKING PROVIDED: 32 STANDARD SPACES
+ 2 HANDICAP SPACES
34 SPACES PROVIDED

- CAR WAITING LINE STORAGE**
- STORAGE REQUIRED: 2 CARS/BAY X 8 BAYS = 16 CARS SERVED IN 1/2 HOUR
+ 10 ADDITIONAL CARS
26 CARS
- STORAGE PROVIDED: 30 CARS

- PLANTING REQUIREMENTS**
- REQUIRED: 572 L.F., ROAD +40 = 14 TREES
34 PARKING SPACES +12 = 3 TREES
17 TREES
- * SCREEN ALL PARKING & STORAGE AREAS
- PROVIDED: 10 MAJOR DECIDUOUS TREES
7 MINOR DECIDUOUS TREES
26 EVERGREEN TREES

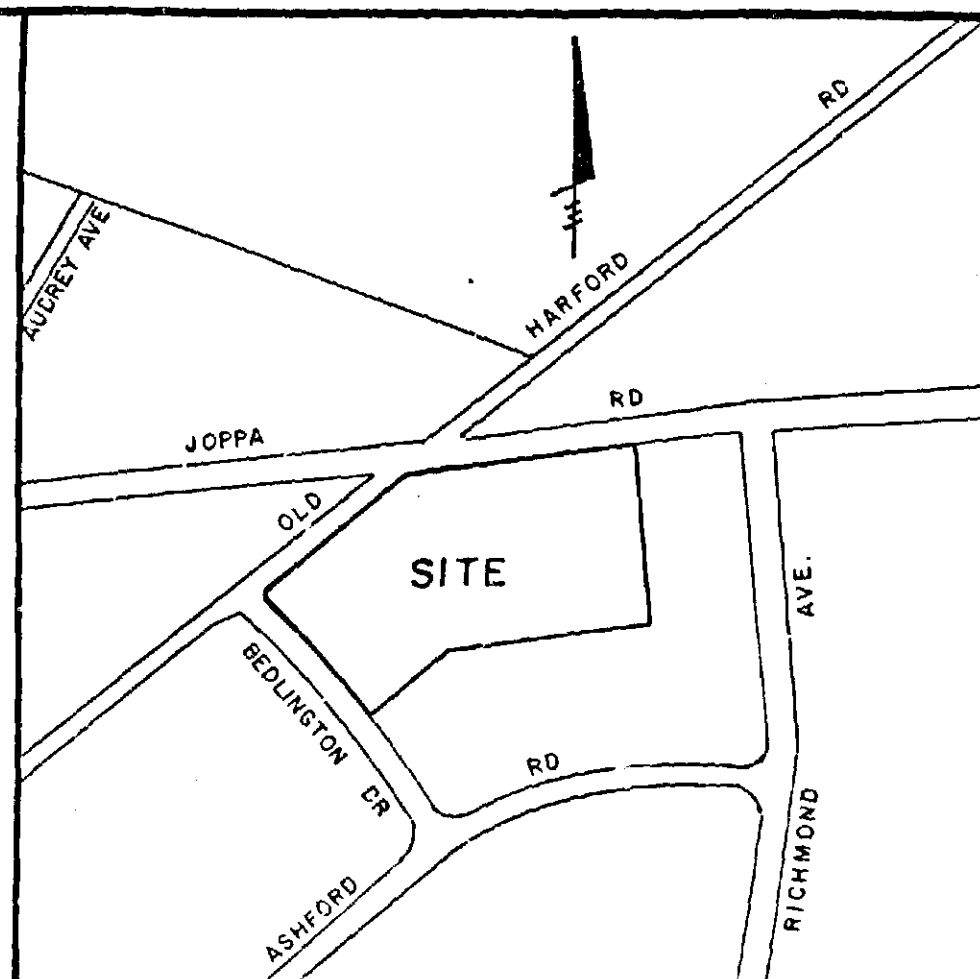
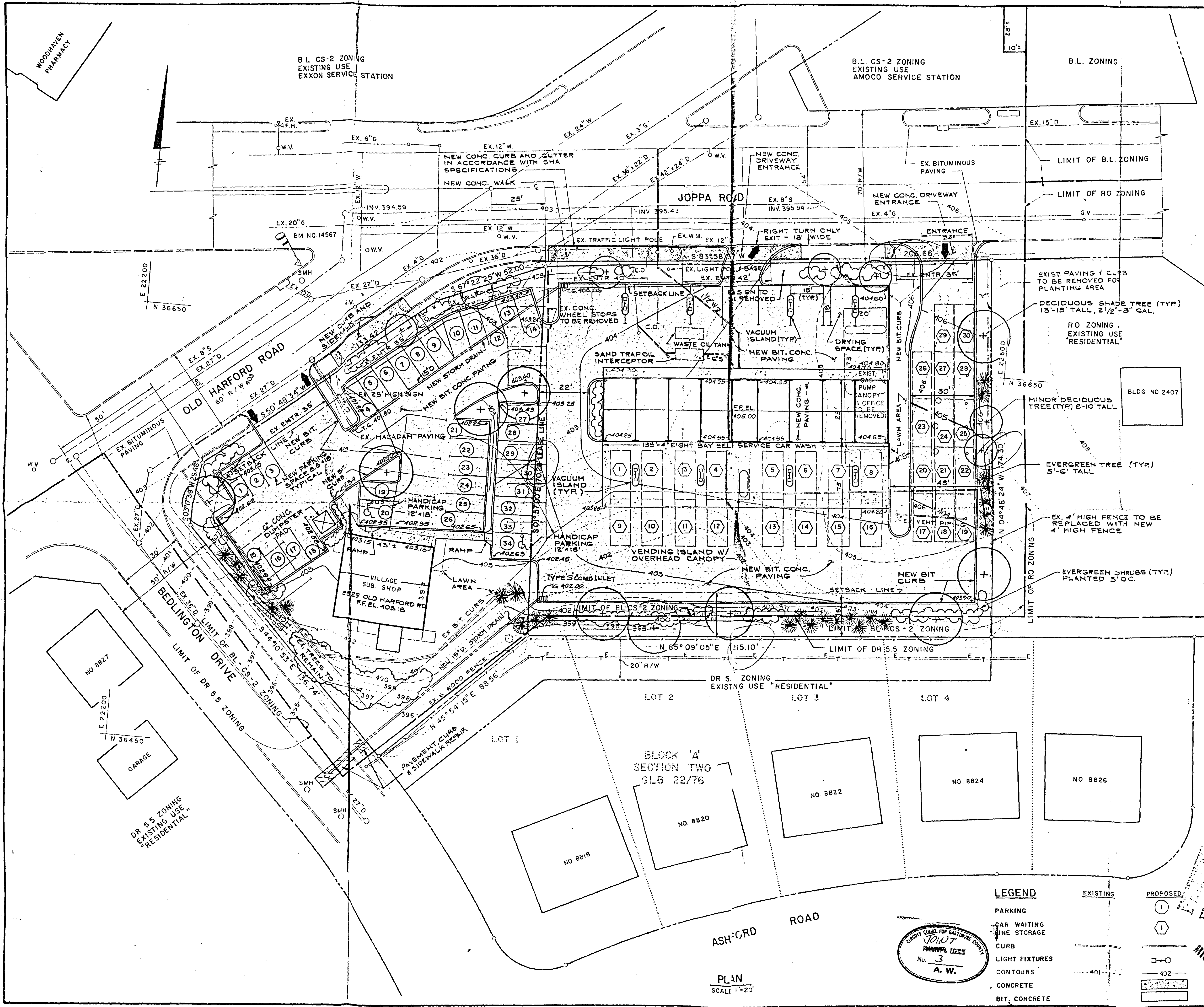
- GENERAL NOTES**
- BENCH MARK FOR CONSTRUCTION: BALTO. CO. 814567
ELEV. 402.84
 - EXISTING FUEL OIL STORAGE TANKS (3 EA), TO BE REMOVED AND/OR ABANDONED IN PLACE (FILLED WITH SAND); EXISTING SERVICE STATION OFFICE & FUEL OIL VENT LINES TO BE REMOVED. WAIVER FOR STORM WATER MANAGEMENT OF PROPOSED CAR WASH SITE WILL BE REQUESTED.
 - PROPOSED LIGHTING: TYPE - 150 W. H.P. SODIUM VAPOR (GARDCO A 1423)
LOCATION - 2 LIGHTS PER BAY (16 REQ'D)
HEIGHT - 8 FT. (GARDCO HC47)
 - PRESENT OWNER: FRANCES M. G. HENNESSEY
CONTRACT PURCHASER: RICHIE RICE

7/30/85		SHOW CONC. DRAINER PAD, REVISE NOTES	
DATE	NO.	REVISION	
PROJECT:			
RICE CAR WASH PROPERTY 9TH ELECTION DISTRICT BALTIMORE CO. MD.			
TITLE:			
PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION CAR WASH IN B.L. ZONE			
ENGINEERS: WHITNEY, BAILEY, COX & MAGNANI CONSULTING ENGINEERS 1850 YORK ROAD TIMONIUM, MARYLAND 21093 237-6060			
DATE:	7-17-85	DESIGNED:	S.H.
		DRAWN:	G.G.
		CHECKED:	B.D.J.
		PROJECT NO.:	85027
		DATE:	JULY 17, 1985
		SCALE:	AS SHOWN
		DRAWING NO.:	1 OF 1

- LEGEND**
- | EXISTING | PROPOSED |
|--------------------------|----------|
| PARKING | ① |
| CAR WAITING LINE STORAGE | ② |
| CURB | — |
| LIGHT FIXTURES | □ |
| CONTOURS | — 401 — |
| CONCRETE | — 402 — |
| BIT. CONCRETE | — 403 — |

SECTION A-A
GRAVEL DRAIN DETAIL
NOT TO SCALE

PLAN
SCALE: 1"=20'



VICINITY MAP
SCALE: 1"=200'

SUMMARY INFORMATION

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- STORAGE PROVIDED: 30 CARS

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34 PARKING SPACES +12 = 3 TREES
17 TREES
- * SCREEN ALL PARKING & STORAGE AREAS
- PROVIDED: 10 MAJOR DECIDUOUS TREES
7 MINOR DECIDUOUS TREES
26 EVERGREEN TREES

GENERAL NOTES

1. BENCH MARK FOR CONSTRUCTION: BALTO. CO. 114567 ELEV. 402.84
2. EXISTING FUEL OIL STORAGE TANKS (3 EA), TO BE REMOVED AND/OR ABANDONED IN PLACE (FILLED WITH SAND); EXISTING SERVICE STATION OFFICE & FUEL OIL VENT LINES TO BE REMOVED. WAIVER FOR STORM WATER MANAGEMENT OF PROPOSED CAR WASH SITE WILL BE REQUESTED.
3. PROPOSED LIGHTING: TYPE - 150 W. H.P. SODIUM VAPOR (GARDCO A 1423) LOCATION - 2 LIGHTS PER POLE (16 REQ'D) 1 POLE PER VACUUM ISLAND HEIGHT - 8 FT. (GARDCO #C47)
5. PRESENT OWNER: FRANCES M. G. HENNESSEY CONTRACT PURCHASER: RUPEN RICE

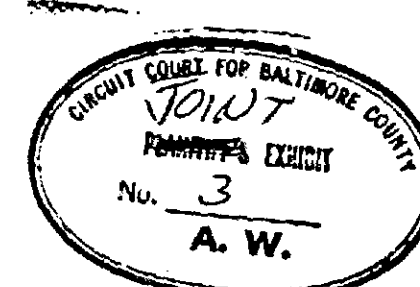
9/4/85	2	ADD STORM DRAIN INLET, REMOVE GRAVEL
7/30/85	1	SHOW CONC. DUMPSTER PAD, REVISE NOTES
DATE	NO.	REVISION
PROJECT:		
RICE CAR WASH PROPERTY 9TH ELECTION DISTRICT BALTIMORE CO. MD.		
TITLE:		
PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION CAR WASH IN B.L. ZONE		
ENGINEERS: WHITNEY, BAILEY, COX & MAGNANI CONSULTING ENGINEERS 1850 YORK ROAD TIMONIUM, MARYLAND 21093 252-6060		
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		PROJECT NO.: 85027
		DATE: JULY 17, 1985
		SCALE: AS SHOWN
		DRAWING NO.: 1 OF 1
PROFESSIONAL ENGR. NO. 6515		

LEGEND

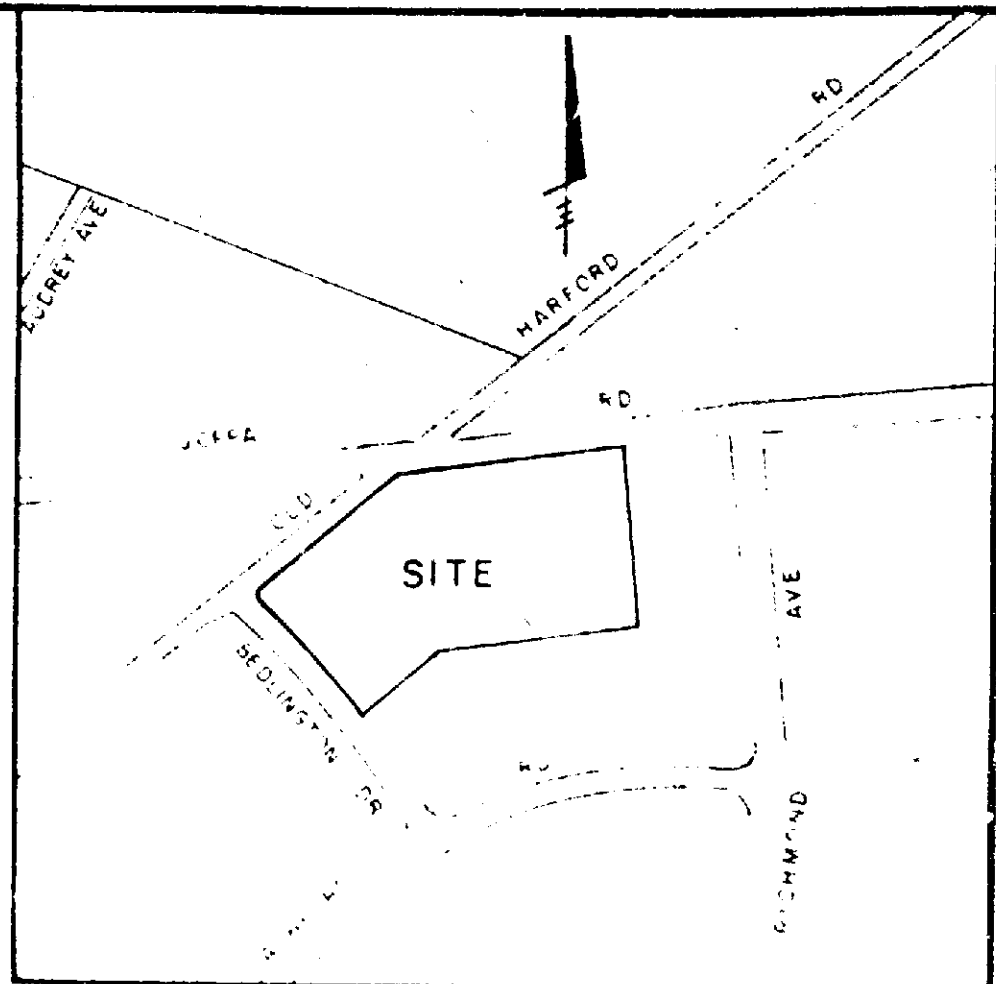
- PARKING
- CAR WAITING
- LINE STORAGE
- CURB
- LIGHT FIXTURES
- CONTOURS
- CONCRETE
- BIT. CONCRETE

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PLAN
SCALE 1"=20'



SCALE 1" = 200'

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2. SITE AREA OF PROPOSED CAR WASH: 0.83 ACRES
3. SITE AREA LEASED FOR RESTAURANT: 0.52 ACRES
4. DEED REFERENCE: LIBER J.W.B 1531 FOLIO 466
5. LEASE REFERENCE: 07-66 5072/486
6. ZONING: B.U.L.-C5-2
7. ELECTION DISTRICT: 9TH
8. EXISTING USE: RESTAURANT AND ABANDONED GAS STATION
9. PROPOSED USE: RESTAURANT AND CAR WASH
10. PROPOSED BUILDING HEIGHT: 17'
11. TAX ACCOUNT NO.: 0907-585-740

PARKING DATA

PARKING
REQUIRED: 1,677 SF RESTAURANT @ 1 SPACE/50 SF = 34 SPACES

PARKING 32 STANDARD SPACES
PROVIDED: + 2 HANDICAP SPACES
34 SPACES PROVIDED

CAR WAITING LINE STORAGE

STORAGE 2 CARS/BAY X 8 BAYS = 16 CARS SERVED IN 1/2 HOUR
REQUIRED: +10 ADDITIONAL CARS
26 CARS

STORAGE PROVIDED: 30 CARS

PLANTING REQUIREMENTS

REQUIRED: 572 L.F., ROAD +40 = 14 TREES
34 PARKING SPACES +12 = 3 TREES
17 TREES

22 SCREEN ALL PARKING & STORAGE AREAS

PROVIDED: 10 MAJOR DECIDUOUS TREES
7 MINOR DECIDUOUS TREES
26 EVERGREEN TREES

GENERAL NOTES

1. BENCH MARK FOR CONSTRUCTION: BALTO. CO. #4567
ELEV. 402.84
2. EXISTING FUEL OIL STORAGE TANKS (3 EA), TO BE REMOVED AND/OR
ABANDONED IN PLACE (FILLED WITH SAND); EXISTING SERVICE
STATION OFFICE & FUEL OIL VENT LINES TO BE REMOVED.
3. WAVEFLOP FOR SLOW WATER MANAGEMENT OF PROPOSED CAR WASH SITE
WILL BE REQUESTED.
4. PROPOSED LIGHTING: TYPE - 150 W. H.P. SODIUM VAPOR
(GARDCO A 1423)
LOCATION - 2 LIGHTS PER POLE (16 REQ'D)
HEIGHT - 1 POLE PER VACUUM ISLAND
HEIGHT - 8 FT. (GARDCO #477)
5. PRESENT OWNER: FRANCES M. G. HANNESSEY
CONTRACT PLACED BY: RUBEN RICE

12/13/64	REVIEW LUMISTER PAL, ZINING COMM. SERIES 12/7/64, CASE NO. 88-171-X REVIEW LUMISTER PAL, ZINING COMM. REVIEW LUMISTER PAL, ZINING COMM.
DATE	REVISION

PROBET

RICE CAR WASH PROPERTY
9th ELECTION DISTRICT
BALTIMORE CO. MD

PLAT TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION
CAR WASH IN B.L. ZONE

ENGINEERS
WHITNEY, BAILEY, COX & MAGNAN
CONSULTING ENGINEERS
1850 YORK ROAD
TIMONUM, MARYLAND 21093

DATE	7-17-85	DESIGNED	S.H.P.
		DRAWN	G.G.
		CHECKED	B.D.J.
		PROJECT NO	85027
		DATE	JULY 17, 1985
		SCALE	AS SHOWN
PROJECT NO. 6515		DRAWING NO.	1 OF 1

FLANG APPROVED
BY: *Angela H. H. H.*
DATE: *1/17/86*

LEGEND

PARKING
CAR WAITING
LINE STORAGE
DOFF
LIGHT FIXTURE
CONCRETE
BIT. CONCRETE

EXISTING

PROPOSED

—

]

□-□

10

Year	Estimated 2000 Value	Estimated 2001 Value
2000	2.2	2.2
2001	2.2	2.2

Figure 1. *Phylogenetic tree of the 16S rDNA sequences of the 10 isolates. The scale bar represents 0.01 substitutions per site.*

86-191-X

MAP 9C
NF 10-1)

ELECTION

DISTRICT 9DATE 3/20TYPE
HCAENGL YBY AC

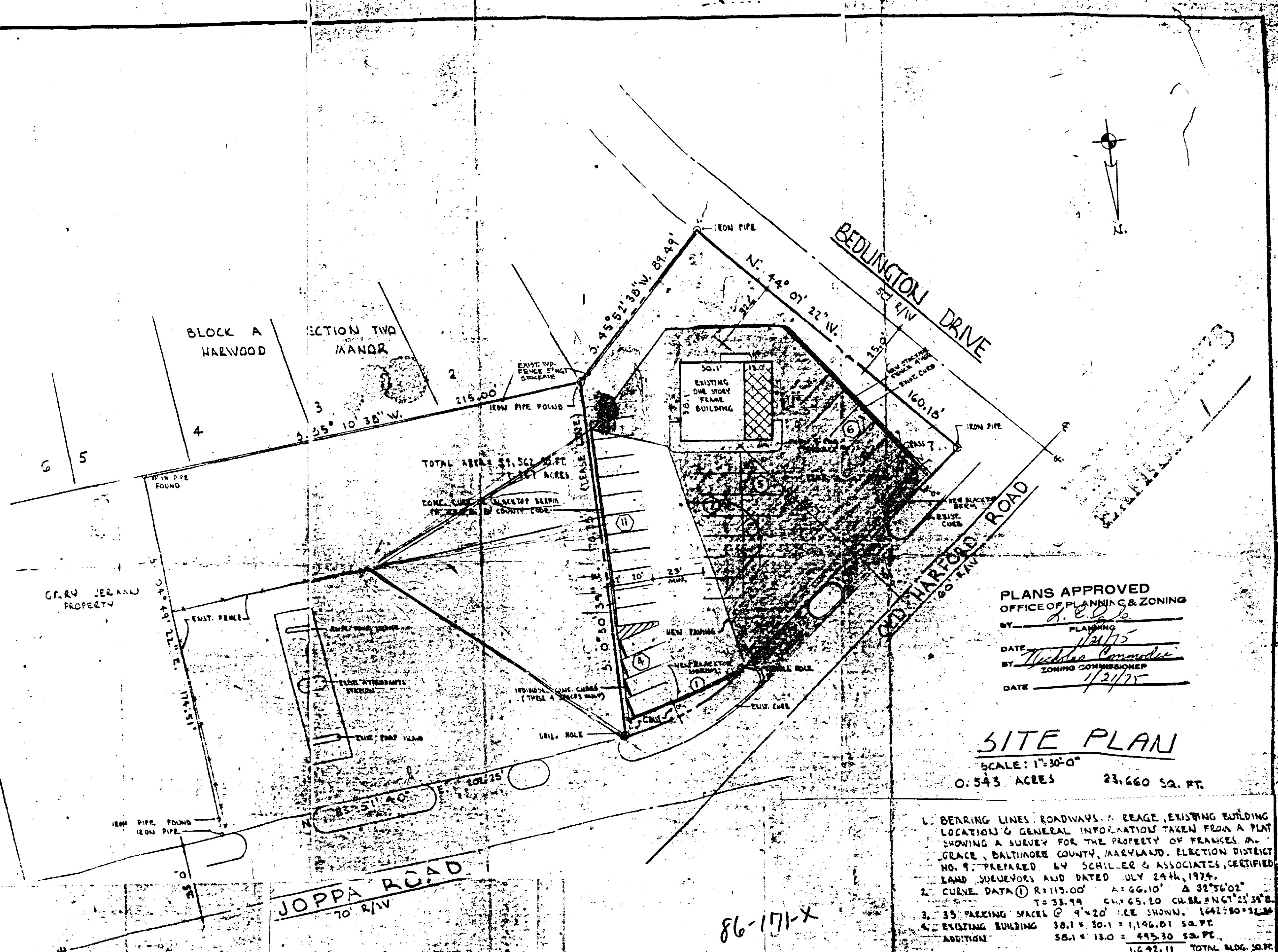
FINAL

1310

MICROFILMED

FEH 24, 1985

B.T. TRENCH
 6" CBL (25'x3')
 2" B.T. (36'x6')



PLANS APPROVED
 OFFICE OF PLANNING & ZONING
 BY D. E. G. 12/1/75
 DATE 12/1/75
 BY William C. Connolly
 ZONING COMMISSIONER
 DATE 1/21/76

SITE PLAN

SCALE: 1"=30'-0"
 0.543 ACRES 23,660 SQ. FT.

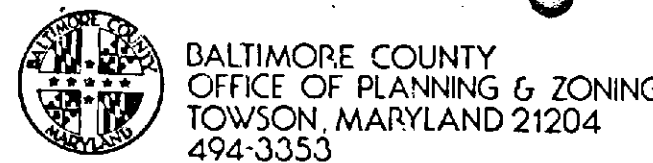
1. BEARING LINES, ROADWAYS, A BEAGE, EXISTING BUILDING LOCATION & GENERAL INFORMATION TAKEN FROM A PLAT SHOWING A SURVEY FOR THE PROPERTY OF FRANCES M. GRACE, BALTIMORE COUNTY, MARYLAND, ELECTION DISTRICT NO. 9, PREPARED BY SCHILLER & ASSOCIATES, CERTIFIED LAND SURVEYORS AND DATED JULY 24th, 1974.
2. CURVE DATA ① R=115.00' A=66.10' Δ 32°56'02" T=33.99 CH=65.20 CB=ENGT 23°34'E
3. 33' PARKING SPACES @ 9'x20' SEE SHOWN. 1642.80 SQ. FT.
4. EXISTING BUILDING 38.1 x 30.1 = 1,146.01 SQ. FT.
 ADDITION 38.1 x 13.0 = 495.30 SQ. FT.
 TOTAL BLDG. SQ. FT. 1,641.31

86-171-X

MICROFILMED

DATE	REVISIONS
1-17-75	TO BALTIMORE COUNTY CODE
1-21-75	TO BALTIMORE COUNTY CODE

VILLAGE SUB SHOP	
JOPPA & OLD HARTFORD ROADS @ BEDLINGTON DRIVE	
BALTIMORE COUNTY, MARYLAND	
SCALE AS NOTED	APPROVED BY: <u>F. J. R.</u>
DATE 12-31-74	
FRANK X. RILEY, III, A.I.D., Interior Designer	
125 HARTFORD RD. JOPPA, MD. 21091	
DRAWING NO. 391	



ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

September 25, 1986

J. Norris Byrnes, Esquire
300 Lafayette Building
40 West Chesapeake Avenue
Towson, Maryland 21204-4861

RE: Case No. 86-171-X
Frances M. Grace
Hennessey, Petitioner

Dear Mr. Byrnes:

It seems that we are all confused about the impact the Circuit Court decision has had on mine with regard to the above-referenced case.

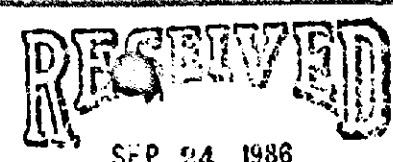
There are now three distinct plans on file in this office, each one different from the other. I have no objection to the change in location of the dumpster, which was the question posed to me by Mr. O'Connor, but I do object when the plan presented at the hearing, the revised plan submitted as required by my Order, and the plan submitted for the building permit all differ.

I need to know which plan is correct, which one is agreed to by all parties, I do not believe that I am bound by the decision rendered by Circuit Court; however, I am willing to accept whatever compromises are reached by and between the parties. I only need to know if, where, and how those compromises impact my decision.

Sincerely,
Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/srl

cc: Herbert R. O'Connor, III, Esquire



LAW OFFICES

WHITEFORD, TAYLOR & PRESTON

ZONING OFFICE

300 LAFAYETTE BUILDING
40 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204-4861
301 823-5512

TELEX: 5101012334
FAX: 301 752-7092

SUITE 100
SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21201
TELEPHONE 301-341-4100

September 23, 1985

Arnold Edward Jablon, Esquire
Zoning Commissioner
Baltimore County Office of Planning
and Zoning
Towson, Maryland 21204

HAND DELIVERED

Re: Petition Special Exception SE/Corner of
Old Harford and Joppa Roads - 9 Election District
Case No. 86-171-X

Dear Mr. Jablon:

Mr. Rice, of Whiz Car Wash Corporation, called and indicated that he was having trouble getting his permits because the Department of Planning and Zoning wanted him to submit another plan. This apparently arose out of the Order signed by Judge Wilner in the suit filed against Whiz and others by Mr. Gill.

I have enclosed a copy of that Order, and as you will see, it does not change in any significant way the plan originally approved by you. If my memory serves me correctly, the plan presently before you includes the dumpster site. The waiver by the County of the requirement for curbs and concrete dividers does not seem to me to be of such a moment to require Mr. Rice to go through the expense of another plan. Finally, I do not believe that the delivery problem originally mentioned by Mr. Gill requires the changing of the plan which you have before you. If I am mistaken in any of this I would appreciate your letting me know, and I am also inviting Herb O'Connor to let me know whether or not I have overlooked something.

Arnold Edward Jablon, Esquire
September 23, 1986
Page 2

Mr. Rice is most anxious to move forward on this project. The delay has cost him a considerable amount of money and I am sure you appreciate his need to get moving with construction.

Thanking you for your continuing cooperation I remain,

Yours very truly,

Norris
J. Norris Byrnes

JNB/rfp

cc: Herbert R. O'Connor, III, Esquire



LAW OFFICES

COOK, HOWARD, DOWNES & TRACY

ZONING OFFICE

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

September 23, 1986

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL C. TRACY, JR.
JOHN A. DOWNES
JOSEPH C. WICK, JR.
HERBERT R. O'CONNOR, III
THOMAS A. WILSON
C. CAROL DELLEY, JR.
N. HILL, JR.

GEORGE A. RETHOLDS, III
LAWRENCE L. HOPKINS, JR.
ROBERT A. HOFFMAN
DEBORAH C. BODMAN
CYNTHIA W. JAMES
PATRICIA BALLOU, COO
MICHAEL BRENNAN
J. MICHAEL BRENNAN
J. MICHAEL BRENNAN
J. MICHAEL BRENNAN
J. MICHAEL BRENNAN

HAND DELIVERED

RE: Petition Special Exception SE/Corner of
Old Harford and Joppa Roads -
9 Election District
Case No. 86-171-X

Dear Mr. Jablon:

Norris Byrnes corresponded with you on September 23 about the above matter. I certainly agree with his comments. You will recall that we discussed this matter on July 23. Enclosed is a copy of my letter confirming our telephone conversation.

Also enclosed is a copy of Mike Flanigan's letter of July 16. Ed Seibert represented the County in the suit which I filed on behalf of William Gill. One of our goals in concluding the suit was to avoid further review of the plat by the County as the few changes were of no consequence to the County. If you have any questions, I suggest you speak with Mr. Seibert.

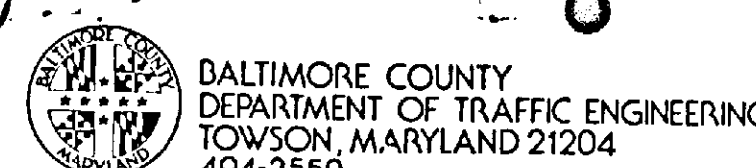
Kind regards,

Very truly yours,
Herbert R. O'Connor, III
Herbert R. O'Connor, III

HRO'C:bap

Enclosures

cc: J. Norris Byrnes, Esquire
William N. Gill



STEPHEN E. COLLINS
DIRECTOR

July 16, 1986

Mr. Edward F. Seibert
Office of Law
Court House, 2nd Floor
Towson, Maryland 21204

Dear Mr. Seibert:

At your request, I have reviewed the site plan, attended the circuit court hearing, and listened to the testimony for the Rice Car Wash, located on Joppa Road, east of Old Harford Road.

The purpose of the review was to establish where the internal curbs are necessary on this site.

The Department of Traffic Engineering has no objections to the removal of the curbs on this site.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt

LAW OFFICES

COOK, HOWARD, DOWNES & TRACY

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

July 25, 1986

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL C. TRACY, JR.
JOHN A. DOWNES
JOSEPH C. WICK, JR.
HERBERT R. O'CONNOR, III
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PATRICIA BALLOU, COO
MICHAEL BRENNAN
J. MICHAEL BRENNAN
J. MICHAEL BRENNAN
J. MICHAEL BRENNAN

J. Norris Byrnes, Esquire
Whiteford, Taylor & Preston
300 Lafayette Building
40 W. Chesapeake Avenue
Towson, Maryland 21204

Richard A. Reid, Esquire
Royston, Mueller, McLean & Reid
Suite 600
102 Pennsylvania Avenue
Towson, Maryland 21204

Edward F. Seibert, Esquire
Office of Law
2nd Floor
County Courts Building
Towson, Maryland 21204

Dear Norris, Dick and Ed:

Please find enclosed copies of my letter to Judge Wilner, the proposed Order, an Order of Dismissal as to BP and Mike Flanigan's letter of July 16. I trust you have previously received a copy of my letter to Arnold Jablon regarding the dumpster.

Kind regards,

Very truly yours,
Herbert R. O'Connor, III
Herbert R. O'Connor, III

HRO'C:bap

Enclosures

cc: John B. Alexander, Sr., Esquire

*Carl has file
Need to look
& give a copy
to Ed Seibert.*

*9/10/86 - Clerk's
file & Order returned
to Mr. Cushing
Clerk's Office
By me*

LAW OFFICES

COOK, HOWARD, DOWNES & TRACY

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

July 25, 1986

JAMES H. COOK
JOHN B. HOWARD
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JOHN A. DOWNES
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PATRICIA BALLOU, COO
MICHAEL BRENNAN
J. MICHAEL BRENNAN
J. MICHAEL BRENNAN
J. MICHAEL BRENNAN

The Honorable Alan M. Wilner
Judge, Court of Special Appeals
Mezzanine Level
County Courts Building
Towson, Maryland 21204

HAND DELIVERED

RE: William N. Gill v. BP Oil, Inc.
Case No. 86CSP880

Dear Judge Wilner:

Please find enclosed a proposed Order which has been signed by Norris Byrnes, Ed Seibert and myself and an Order of Dismissal as to BP Oil, Inc. I believe this matter is now ready for final consideration by you.

Ed Seibert has asked that I indicate he will visit your Chambers to remove from the Court file those exhibits which constitute original documents taken from the file of the Zoning Office.

Thank you for your attention to this matter.

Very truly yours,
Herbert R. O'Connor, III
Herbert R. O'Connor, III

HRO'C:bap

Enclosures

cc: Richard A. Reid, Esquire
J. Norris Byrnes, Esquire
Edward F. Seibert, Esquire

FEB 24 1987

WILLIAM N. GILL,
t/a VILLAGE SUB SHOP
Plaintiff
v.
BP OIL INC., et al
Defendants

ORDER

This matter having come before the Court on Plaintiff's request for an Interlocutory Injunction on July 8, 1986 and after hearing testimony, the parties have agreed as follows:

- (1) The requirement for installation of curbs and concrete dividers, on the property leased by Plaintiff, has been waived by Baltimore County;
- (2) The improvements to the property leased by Plaintiff and by Whiz Car Wash Corp. will be made without any interruption of Plaintiff's business;
- (3) Whiz Car Wash Corp. will cooperate with Plaintiff in placing his dumpster at a point accessible to the hauling company;
- (4) Whiz Car Wash Corp. will cooperate in changing the site plan, if necessary to allow delivery trucks access to the rear of Plaintiff's building;
- (5) Plaintiff's request for an interlocutory and a permanent injunction is withdrawn.

Judge Alan M. Wilner
Specially Assigned

Richard A. Reid
Attorney for Defendant,
BP Oil, Inc.

Herbert R. O'Connor, III
Attorney for Plaintiff,
William N. Gill

Edward F. Seibert
Assistant County Attorney

WILLIAM N. GILL
t/a VILLAGE SUB SHOP
Plaintiff
v.
BP OIL, INC., et al
Defendants

ORDER OF DISMISSAL

MR. CLERK:

Please enter this case as "dismissed with prejudice" as to BP Oil, Inc.

Herbert R. O'Connor, III
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204
823-4111
Attorney for William N. Gill

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

July 16, 1986

Mr. Edward F. Seibert
Office of Law
Court House, 2nd Floor
Towson, Maryland 21204

Dear Mr. Seibert:

At your request, I have reviewed the site plan, attended the circuit court hearing, and listened to the testimony for the Rice Car Wash, located on Joppa Road, east of Old Harford Road.

The purpose of the review was to establish where the internal curbs are necessary on this site.

The Department of Traffic Engineering has no objections to the removal of the curbs on this site.

Very truly yours,

Michael S. Flannigan
Traffic Engineer Associate II

MSF:lt

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

July 23, 1986

JAMES H. COOK
JOHN E. HOWARD
DAVID S. DOWNES
DOUGLAS C. TRACY, JR.
JOHN H. DILL, JR.
JOSEPH E. RICE, JR.
HARRY E. RICE, JR.
HERBERT R. O'CONNOR, III
THOMAS L. KOSOVICH
C. GARY REELEY, JR.
K. KING HILL, JR.

GEORGE A. REYNOLDS, III
LAWRENCE L. HOWARD, JR.
ROBERT A. HOFFMAN
DEBORAH E. DOWNES
CYNTHIA H. HANE
ANTHONY BRADLEY COX
KEVIN H. BUTTS
J. MICHAEL BERNARD
J. MICHAEL BERNARD
H. MARSHY PETERSON, JR.
C. GARY REELEY, JR.
K. KING HILL, JR.

TELEPHONE
(301) 823-4111
TELECOPIER
(301) 821-0147

Arnold E. Jablon
Zoning Commissioner
Baltimore County Office of
Planning & Zoning
Towson, Maryland 21204

RE: Special Exception Petition --
SE/Corner of Old Harford and Joppa Roads --
9 Election District, Case No. 86-171-X
FRANCIS M. GALEY HANNAWAY

Dear Mr. Jablon:

This will confirm our telephone conversation of Wednesday, July 23. I indicated that one part of an Agreement for the conclusion of a Petition for Injunction involving William Gill, Whiz Car Wash Corp. and Baltimore County concerned the relocation of the dumpster. My client and Whiz Car Wash Corp. have agreed that the dumpster can be located at a point accessible to the hauling company. You said this would be acceptable to you.

Thank you for your attention to this matter.

Very truly yours,

Herbert R. O'Connor, III

HRO'C:bap

cc: J. Norris Byrnes, Esquire
Edward F. Seibert, Esquire
Richard A. Reid, Esquire
William N. Gill

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

July 11, 1986

JAMES H. COOK
JOHN E. HOWARD
DAVID S. DOWNES
DOUGLAS C. TRACY, JR.
JOHN H. DILL, JR.
JOSEPH E. RICE, JR.
HARRY E. RICE, JR.
HERBERT R. O'CONNOR, III
THOMAS L. KOSOVICH
C. GARY REELEY, JR.
K. KING HILL, JR.

GEORGE A. REYNOLDS, III
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J. MICHAEL BERNARD
J. MICHAEL BERNARD
H. MARSHY PETERSON, JR.
C. GARY REELEY, JR.
K. KING HILL, JR.

TELEPHONE
(301) 823-4111
TELECOPIER
(301) 821-0147

Ernest C. Trimble, Esquire
Whiteford, Taylor & Preston
300 Lafayette Building
40 West Chesapeake Avenue
Towson, Maryland 21204

RE: Gill v. BP Oil, et al

Dear Mr. Trimble:

Mr. Gill would like to conclude the suit and to resolve his differences with Mr. Rice as quickly as possible. As mentioned by phone on Thursday, we ask:

- (1) That there be no interruption of the Village Sub Shop business during the construction;
- (2) That your client cooperate in placing the dumpster at a point accessible to the hauling company;
- (3) That your client cooperate in changing the plan, if necessary, to allow delivery trucks access to the rear of the building.

Ed Seibert and I spoke by phone on Friday morning. He will ask Mike Flannigan of the Traffic Engineering Department to indicate in writing that his office will not require the concrete barriers so that the delivery trucks can reach the rear of the store. Mr. Seibert will talk with Mr. Jablon, who returns from vacation next week, about approval of any relocation of the dumpster.

Ernest C. Trimble, Esquire
July 11, 1986
Page Two

We congratulate you and Mr. Rice on the victory in Court. Hopefully, we can put this dispute behind us. Mr. Gill's son, Bill, Jr., will be responsible for the management of this store. He and his father desire to be good neighbors.

Lastly, your attention is directed to Paragraph 23 of our lease. This requires the \$1,000 deposit to be placed in a savings and loan institution and payment of the deposit and interest at the end of the lease. I suggest that you have BP transfer the account to your client and to provide a year by year accounting of the interest.

Very truly yours,

Herbert R. O'Connor, III

HRO'C:bap

cc: William Gill
Richard A. Reid, Esquire
Edward F. Seibert, Esquire

WHITNEY, BAILEY, COX & MAGNANI
CONSULTING ENGINEERS

December 20, 1985

ALEXANDER WHITNEY, JR., P.E.
PAUL E. COX, P.E.
RICHARD W. MAGNANI, P.E.
DOUGLAS BAILEY, P.E.
ASSOCIATES
BERNARD H. BAILEY, JR., P.E.
BARTON C. CLARK, P.E.
BRAND J. JONES, P.E.
JAMES PETRICK, P.E.
KARL J. RICKER, P.E.

1800 YORK ROAD
TOWSON, MARYLAND 21206
PHONE (301) 262-8000

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Amended Order
Case No. 86-171-X
PETITION SPECIAL EXCEPTION
S/E Corner of Old Harford and
Joppa Roads
9th Election District
WBCM Job No. 85027

Dear Mr. Jablon:

In accordance with the referenced amended order dated December 9, 1985, we are enclosing herewith for approval, one(1) copy of the site plan, as revised December 18, 1985, to show the relocated dumpster pad on the East side of the Village Sub Shop with access thereto generally as stipulated in your order. In addition we have provided a mountable concrete curb adjacent to the west side of the Village Sub Shop for vehicular access as may be required, thus maintaining freedom of movement as it presently exists.

We trust this will negate any further objections by the Protestant.

If we can be of further service, please let us know.

Very truly yours,

WHITNEY, BAILEY, COX & MAGNANI

Brian D. Jones, P.E.
Associate

BDB/knc
Enclosure
cc: Mr. Barney Rice
Mr. J. Norris Byrnes, Esq.