IN THE MATTER OF THE APPLICATION OF MIDDLESEX ASSOCIATES FOR A SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE SOUTH SIDE OF ESSEX AVENUE, 120' EAST OF THE CENTERLINE OF LEEANNE ROAD (MIDDLESEX SHOPPING CENTER) 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 89-556-X

* * * * * * * * * * * *

OPINION

This matter comes before the Board as an appeal from the decision of the Deputy Zoning Commissioner dated August 30, 1989 which granted a Petition for Special Exception to permit a car wash. The Petitioner herein, Middlesex Associates, proposes to construct a seven-bay car wash within the Middlesex Shopping Center located near Essex Avenue and Leeanne Road. As indicated, the Deputy Zoning Commissioner granted the Petition to permit the car wash and imposed certain restrictions. Timely cross appeals were filed to this Board by a neighboring resident who disagreed that the car wash should be permitted and from the Petitioner, who is dissatisfied with certain restrictions imposed by the Deputy Zoning Commissioner.

At the de novo hearing before this Board, the panel heard from numerous witnesses both in support of and in opposition to the proposed car wash. On behalf of the Petitioner, William Bafitis, the engineer who prepared the site plan testified. He described the proposed layout of the site which he testified as comprising some .664 acres or 28,923 square feet. As the site plan shows, the car wash is located at the northeast corner of the Middlesex Shopping Center. He further testified that the site is adjacent

to new retail frontage which has recently been built within the shopping center. Mr. Bafitis further described the details of the site plan and opined that the 24 parking spaces shown on the plan were sufficient to prevent any stacking problems and was in compliance with zoning regulations.

Also testifying on behalf of the Petitioner was Charles F. Phelps, a commercial realtor. His testimony centered upon his opinion that the proposal was in compliance with the requirements of Section 502.1 of the Baltimore County Zoning Regulations (BCZR).

Chris W. George, a principal of Middlesex Associates, also testified in support of his Petition. He described the routine operation of the proposed facility and described what he foresees as the method and manner of this proposed use.

The Board also received testimony from Dennis Hasak of Express Car Wash Systems, a car wash machinery distribution firm located in West Virginia. Mr. Hasak's testimony centered upon the features of the equipment which will be installed at the proposed facility. He described in detail various cycles within each wash and the state of the art machinery proposed for use at this site which will limit water runoff and conserve water.

Lastly, the Board heard from Benson Rice, the Vice President of Whiz Car Wash Corporation. He testified as to the various car wash locations leased by his corporation and his testimony was primarily offered to allay the neighbors' fears that if the proposal was permitted, it would increase crime and loitering on

the subject property.

In opposition to the requested Special Exception, several Protestants appeared and testified. They included George W. Hughes, an adjacent property owner, who cited the possibility of vandalism and concerns over safety as being his primary reasons to oppose this project. Claude P. Cox also testified in opposition to the project. He opined that the traffic circulation pattern shown within the site plan was inadequate. On cross-examination, however, he admitted that he owned a service station and car wash approximately one mile from the site.

Other neighbors included James Hart, Rick Metzgar, and Clarence Wallace who echoed the sentiments of Mr. Hughes. They all expressed concerns regarding noise generatsd by the site as well as the possibility of increased vandalism and crime in the area. In their view, the proposed use would detrimentally affect the tranquility of the existing neighborhood.

In considering the proposal before us, we are obliged to evaluate its merits based upon the standards contained within Section 502.1 of the BCZR. In this regard, we are particularly impressed with the testimony offered by the Petitioner's witnesses as they considered each prong within Section 502.1. We also note the standard mandated by the Court of Appeals in Schultz v. Pritts, 291 Md. 1 (1981) which requires the Petitioner to demonstrate that the proposed use will not have any adverse effect above and beyond those normally associated with such a Special Exception use,

irrespective of its location within the zone. In our view, the proposal passes this test.

The Board is also required to consider the provisions of Section 419 of the BCZR when evaluating the Petition for Special Exception. In fact, Counsel for the Protestants moved that the Petitioner's case be dismissed because of its alleged failure to offer proof to meet these conditions. However, as was indicated by the Board when ruling on that Motion, we believe that the Petitioner has offered sufficient evidence to comply with the requirement within Section 419. Particularly, we are persuaded by the technical testimony of Messrs. George and Hughes; both of whom described in detail the equipment to be used at the site. In our view, based upon the totality of the evidence before us, the Petition for Special Exception should be granted. We believe that the particular site intended to be used for this project is compatible for this use. This is particularly so in that because the site is wholly contained within the Middlesex Shopping Center and there is no direct access to a public thoroughfare. Therefore, any traffic overflow, which we consider unlikely, would spill over only into the shopping center parking lot and not create public traffic congestion. However, being mindful of the existing residential neighborhood located nearby, we shall impose certain restrictions to insure that the locale will not be adversely affected.

ORDER

Upon the aforegoing Opinion and for the reasons stated therein, it is this 2nd day of July, 1990 by the County Board of Appeals of Baltimore County ORDERED that the requested Petition for Special Exception to permit a car wash at the above subject site be and is hereby GRANTED subject to the following restrictions:

1. Prior to the issuance of any permits, Petitioners shall submit for approval by the Baltimore County Landscape Planner, a landscaping plan which shall screen the subject site from the adjoining residential uses along Essex Avenue and the entrance into the shopping center across from Leeanne Drive.
2. The required landscaping shall be maintained by the Petitioner and/or subsequent property owners. Further, Petitioner and/or subsequent property owners are responsible for keeping the property free and clear of debris at all times.
3. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
4. The hours of operation for the proposed car wash shall be limited to between 8:00 a.m. and 9:00 p.m., seven days a week.
5. An attendant shall be on the premises at all times the car wash is in operation.
6. Prior to the issuance of any permits, Petitioner shall submit plans evidencing its ability to comply with and enforce the restricted hours of operation imposed in Restriction No. 4, whether by placement of a chain link fence with locking gate between two poles at the entrance, or any other means.

7. All lighting for the subject site shall be directed away from adjoining residential properties.
8. There shall be no vending machines or sale of items other than items used for cleaning of vehicles. In no event shall there be the sale of food and/or beverages on the premises.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence E. Schmidt, Acting Chairman

Harry E. Buchheister, Jr.

John G. Disney

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

July 2, 1990

Joseph K. Pokorny, Esquire
408 Jefferson Building
Towson, Maryland 21204

Re: Case No. 89-556-X (Middlesex Associates)

Dear Mr. Pokorny:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals in the subject case.

Sincerely,

Lindalee M. Kuszmaul

Lindalee M. Kuszmaul
Legal Secretary

Enclosure

cc: Mr. Chris George
S. Eric DiNenna, Esquire
Mr. Claude P. Cox
Mr. Charles Phelps, Jr. - Hicks & Rotner
Mr. William Bafitis
Mr. Mark Maier
Mr. John J. Rey
Mr. Russell Houghton
Mr. Rie Metzgar, Sr.
Mr. Kenneth Ridenour
Ms. Marguerite R. Neil
Mr. George W. Hughes
Mr. James Pierce
Mr. Roger Lochleir
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

ORDER RECEIVED FOR FILING
Date 8/8/90
By

IN RE: PETITION FOR SPECIAL EXCEPTION
S/S Essex Avenue, 120' E of the c/l of Leeanne Road
(Middlesex Shopping Center)
15th Election District
5th Councilmanic District

Middlesex Associates
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-556-X

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a car wash comprising approximately 31,000 sq.ft., or 0.708 acres of land, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Charles Phelps, Jr., Property Manager with Hicks and Rotner, and Chris George, Contract Lessee, appeared, testified, and were represented by Joseph K. Pokorny, Esquire. Also appearing on behalf of the Petition was William Bafitis, Registered Professional Engineer. Appearing as Protestants in the matter were Mark Maier, John J. Rey, Russell Houghton, Rie Metzgar, Sr., Kenneth Ridenour, Clarence Cox, Marguerite R. Neil, George W. Hughes, James Pierce and Roger Lochleir, all residents in the area. Messrs. Maier and Reidenour acted as principal spokespersons for the group.

Testimony indicated that the subject property consists of approximately 28,923 sq.ft. more or less, or 0.664 acres more or less and is located to the rear of the Middlesex Shopping Center at the corner of Eastern Boulevard and Essex Avenue. Mr. Bafitis testified that he had been engaged by Mr. George to develop plans for a seven-stall, self-serve car wash for the subject property. Mr. Bafitis stated that consideration was given to develop both an economical and practical design plan for the site. It was Mr. Bafitis' opinion that angling the car wash stalls permit-

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

89-556-X

District: 15th — 5th Mod — Date of Posting: 6/9/89

Posted for: Middlesex Associates

Petitioner: S/s Essex Ave., 120' E of Leeanne Rd.

Location of property: Middlesex Shopping Center

Location of Signs: Facing Essex Ave. & Entrance to Shopping Center

Remarks: 15 Ft. off Road Way

Posted by: [signature] — Date of return: 10/13/89

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 23, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 22, 1989

THE JEFFERSONIAN,

S. Zeke Orlinsky

Publisher

PO13594
req M30966
ca 89-556-X
price $41.37

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Date: 6/27/89

Mr. Chris George
205 E. Joppa Road
Towson, Maryland 21204

Re: Petition for Special Exception
CASE NUMBER: 89-556-X
S/S Essex Avenue, 120' E of c/l of Leeanne Road
(Essex Road - in Middlesex Shopping Center)
15th Election District - 5th Councilmanic
Legal Owner(s): Middlesex Associates
Contract Purchaser(s): Chris George
HEARING SCHEDULED: FRIDAY, JULY 14, 1989 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that $ 31.31 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the time it is posted by this office until the day of the hearing.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen [illegible] will be an additional

BALTIMORE COUNTY, MARYLAND — No. 068213
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 7/14/89 ACCOUNT R-01-615-000
AMOUNT $ 31.31
RECEIVED FROM: Mr. Chris George
FOR: P/A 89-556-X
B B093######31.31a 8148F
VALIDATION OR SIGNATURE OF CASHIER
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

JUNE 7, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception
CASE NUMBER: 89-556-X
S/S Essex Avenue, 120' E of c/l of Leeanne Road
(Essex Road - in Middlesex Shopping Center)
15th Election District - 5th Councilmanic
Legal Owner(s): Middlesex Associates
Contract Purchaser(s): Chris George
HEARING SCHEDULED: FRIDAY, JULY 14, 1989 at 2:00 p.m.

Special Exceptions: For a car washing facility comprising approximately 31,000 square feet or 0.708 acres of land.

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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Chris George
Joseph K. Pokorny, Esq.
File

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

HEARING ROOMS -
Room 301, County Office Bldg.

December 1, 1989

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-556-X — MIDDLESEX ASSOCIATES
S/s Essex Ave., 120' E of the c/l of Leeanne Rd.
(Middlesex Shopping Center)
15th Election District
5th Councilmanic District

SE - Car Wash

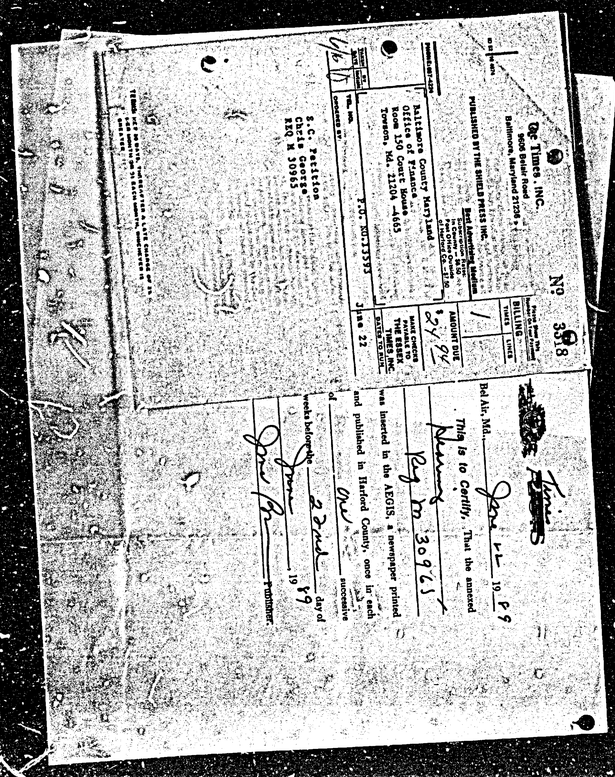
8/30/89 - D.Z.C.'s Order GRANTING Petition with restrictions.

ASSIGNED FOR: ~~THURSDAY, APRIL 19, 1990 at 10:00 a.m.~~

cc: Joseph K. Pokorny, Esquire — Counsel for Petitioner
S. Eric DiNenna, Esquire — Counsel for Protestants
"
Claude P. Cox
Charles Phelps, Jr.
Chris George
William Bafitis
Mark Maier
John J. Rey
Russell Houghton
Rie Metzgar, Sr.
Kenneth Ridenour
Marguerite R. Neil
George W. Hughes
James Pierce
Roger Lochlein
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

RECEIVED
DEC 6 1989
ZONING OFFICE

LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

HEARING ROOM -
Room 301, County Office Building

February 27, 1990

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-556-X — MIDDLESEX ASSOCIATES
S/s Essex Avenue, 120' E of c/l Leeanne Road
(Middlesex Shopping Center)
15th Election Di trict
5th Councilmanic District

SE -Car Wash

8/30/89 -D.Z.C.'s Order in which Petition was GRANTED with restrictions.

which was assigned for hearing on Thursday, April 19, 1990 has been POSTPONED at the request of Counsel for Protestants due to Court schedule conflict and has been

REASSIGNED FOR: TUESDAY, MAY 15, 1990 at 11:00 a.m.

cc: Joseph K. Pokorny, Esquire — Counsel for Petitioner /Appellant
Mr. Chris George — Contract Purchaser
S. Eric DiNenna, Esquire — Counsel for Protestant(s) /Appellant
Mr. Claude P. Cox — Protestant /Appellant
Charles Phelps, Jr.
Hicks & Rotner
Mr. William Bafitis
Mr. Mark Maier
Mr. John J. Rey
Mr. Russell Houghton
Mr. Rie Metzgar, Sr.
Mr. Kenneth Ridenour
Ms. Marguerite R. Neil
Mr. George W. Hughes
Mr. James Pierce
Mr. Roger Lochleir
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk -Zoning
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

RECEIVED
MAY 11 1990
ZONING OFFICE

HEARING ROOM - Room 301
County Office Building

APPEAL HEARINGS SCHEDULED FOR THE WEEK OF MAY 14, 1990

TUESDAY 5/15/90 — (CASE NO. CBA-89-181 WITHDRAWN & DISMISSED)
10:00 a.m. — #90-107-A — RODNEY EARL CORE, ET UX
W/s Lodge Forest Rd., 91' N of c/l of South Cove Rd.
(2913 Lodge Forest Road)
15th Election District
7th Councilmanic District
VAR-lot width 50' in lieu of req. 55'

TUESDAY 5/15/90 1:00 p.m. — #89-556-X — MIDDLESEX ASSOCIATES
S/s Essex Ave., 120' E of Leeanne Rd. (Middlesex Shopping Center)
15th Election District
5th Councilmanic District
SE -Car Wash

WEDNESDAY 5/16/90 10:00 a.m. — #CBA-89-182 — BIPCO PRINTING, INC.
490 York Road
Towson, Maryland 21204
RE: Building Code Violation

WEDNESDAY 5/16/90 1:00 p.m. — #CBA-89-185 — AMERICAN PATIO ROOMS
1520 Glen Keith Blvd.
Towson, Maryland 21204
RE: Illegal Addition (Patio)

THURSDAY 5/17/90 10:00 a.m. — #89-553-SPHXA — RANDY L. COHEN
SW/s Liberty Rd., 791' SE of c/l Chapman Rd. (9131 Liberty Rd.)
2nd Election District
2nd Councilmanic District
SPH-Amendment to reposition storage bldgs.; SE-Living quarters in commercial zone & car wash; VAR-Setbacks and distances between buildings

cc: Executive Office
County Council
Law Office
People's Counsel
Planning Office
Current Planning
Board Members
Court Reporter
Information Desks (2)
✓Docket Clerk - Zoning

Claude P. Cox
601 So. Marlyn Ave.
Essex, Md. 21221
Sept. 20, 1989 — 391-0758

Dear Ms. Charlotte Radcliffe

I feel there are enough of Car Washes in the Essex area already, and there isn't any need for another. A self-service Car Wash will only attract more crime and violence.

Please appeal case No. 89-556-X.

Thank you,
Claude P. Cox
Claude P. Cox

ps: on your notice you address it to Clarence not Claude Cox

RECEIVED
SEP 22 1989
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND — No. 077572
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 10-2-89 ACCOUNT R-01-615-000
AMOUNT $ 200.00
RECEIVED FROM: Claude P. Cox
FOR: APPEAL FILING - CASE # 89-556-X - MIDDLESEX ASSOCIATES - PETITIONER
B B147######200.00a 8238F
VALIDATION OR SIGNATURE OF CASHIER
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Protestants Exhibit 2

Sworn to before me this 13th day of July, 1989

Karen Lee Fortress
Notary Public
My Commission expires: 7/1/90

PETITION AGAINST THE GRANTING OF SPECIAL EXCEPTION FOR CASE #84-556-X
~~#89-55X-X~~

WE THE UNDERSIGNED OPPOSE FOR THE FOLLOWING REASONS:

1. COMMERCIALLY OVER-DEVELOPED: THIS AREA IS ALREADY ABUNDANT WITH BUSINESSES.
2. TRAFFIC ACCESSIBILITY: THE PROPOSED SITE IS SITUATED ON TWO DEAD END ROADS (ESSEX AVENUE AND LEEANNE ROAD).
3. SAFETY OF PEDESTRIANS AND CHILDREN: THE MAJORITY OF VEHICLES TRAVELING ON ESSEX AVENUE DO NOT STOP AT THE LEEANNE ROAD/ESSEX AVENUE STOP SIGN. ALSO, OUR CHILDREN AND PEDESTRIANS WOULD BE IN EVEN GREATER DANGER WITH A 24 HOURS A DAY CAR WASH.
4. NEIGHBORHOOD WATER PRESSURE AND WATER AVAILABILITY: THE HOUSES ON LEEANNE ROAD AND NEARBY HOUSES ALREADY HAVE LOW WATER PRESSURE AND AVAILABILITY (SEE ATTACHED SHEET FOR RANDOM WATER TESTING IN NEIGHBORHOOD).
5. WEEKEND TRAFFIC: TRAFFIC LINES WOULD BACK UP INTO THE NEIGHBORHOOD.
6. CRIME RATE: MIDDLESEX SHOPPING CENTER IS A HIGHLY PATROLLED AREA BY POLICE. A CAR WASH IS A CASH BUSINESS AND WOULD ATTRACT MORE CRIMINALS.
7. TRASH: THE TRASH LEFT ON THE SITE WOULD BE UNSIGHTLY TO THE AREA.
8. LOITERING: A CAR WASH WOULD ATTRACT PEOPLE TO HANG OUT AT ALL HOURS.

NAME	ADDRESS	SIGNATURE
JOHN F. ELMORE	955 ESSEX AVE. 21221	John F. Elmore
EVELYN P. ELMORE	955 ESSEX AVE 21221	Evelyn P. Elmore
JAMES EANES	535 LANGLEY RD 21221	James Eanes
Deborah H. Ridenour	1006 ESSEX Ave. 21221	Deborah H. Ridenour
George W. Hughes	1006 ESSEX AVE 21221	George W. Hughes
Judy H. Hughes	1006 Essex Ave.	Judy H. Hughes
Stewart H. Ridenour	1006 Essex Ave 21221	Stewart H. Ridenour

PETITION AGAINST THE GRANTING OF SPECIAL EXCEPTION FOR CASE ~~#84-556-X~~ #89-55X-X

Protestants Exhibit 3

PETITION

WE THE RESIDENTS OF LEEANNE ROAD DO HEREBY DECLARE THAT WE ARE OPPOSED TO THE BUILDING OF A CAR WASH STRUCTURE ON ESSEX AVENUE AND LEEANNE ROAD.

SUCH A BUILDING WILL CREATE DANGEROUS TRAFFIC, UNBEARABLE NOISE AND DECREASE THE QUALITY OF LIFE IN OUR NEIGHBORHOOD.

WE THEREFORE PETITION THE ZONING BOARD TO DISALLOW THIS STRUCTURE TO BE BUILT HERE AT THIS LOCATION.

	SIGNATURE	ADDRESS
300	Ronald Houghton	300 LEEANNE RD
301	Barbara Jane Baker	301 LEEANNE RD 21221
302	CECIL GOSCHENHAR	302 LEEANNE RD
303	Margaret Bell	303 Leeanne Rd
304	Diane E. Fisher	304 Leeanne Rd
305	Cynthia Cummins	305 Leeanne RD
306	Joyce M. Bell	306 Leeanne Rd. 21221
307	Nancy Lee	307 Leeanne Rd.
308	Edward Jones	308 Leeanne Rd. 21221
309	Mary Ann Jones	309 Leeanne Rd.
310	Mildred Holtzman	310 Leeanne Rd
311	Kevin Brooks	311 Leeanne Rd.
312	Scott Brooks	312 Leeanne Rd.
313	Mable Beck	313 Leeanne Rd
314	Marie Beck	314 Leeanne Rd
315	Dawn L. Compson	315 Leeanne Rd
316	Mary Goodfellow	316 Leeanne Rd.
317	Mary Taylor	317 Leeanne Rd.
318	Cindy Winter Logan	318 Leeanne Rd.
319	Arnold O. Steele	319 Leeanne Rd.
320	[illegible]	320 Leeanne Rd
321	Jean M. Pitt	321 Leeanne Rd.
322	Lorraine M. Scott	322 LEEANNE RD
323	Janet M. Sutton	323 LEEANNE RD
324	Christine Wallace	324 LEEANNE RD
325	Rose Marie MacGregor Anthony	325 Leeanne Rd 21221
326	Sarah Pauly	326 Leeanne Rd.
327		
328	Edward P. Hess	328 Leeanne Rd.
329	Kathy Farrell	329 Leeanne Rd.
330	Mrs. Chalupski	330 LEEANNE Rd. 21221
331	[illegible]	331 Leeanne Rd.
332	[illegible]	332 Leeanne Rd. 21221
333	Rumpsey C. Wolford	333 Leeanne Rd.

PETITION AGAINST THE GRANTING OF SPECIAL EXCEPTION FOR CASE #84-556-X

	SIGNATURE	ADDRESS
334		
335	Mary McHugh	335 Leeanne Rd.
336	Elizabeth T. Hess	336 Leeanne Rd
337	Joan Strzechowski	337 Leeanne Rd
338	Joe Krapf	338 Leeanne Rd
339	Charlotte Cannon	339 Leeanne
340	Mabel Hoyle	340 Leeanne Rd
341	Donald Lamuth	341 Leeanne Rd
342	Barbara Sparks	342 Leeanne Rd
343	R. Fletcher	343 Leeanne Rd
344	Dyan Jenkins	344 Leeanne Rd
345	Ellen M. Jones	345 Leeanne Rd.
346	Joseph R. Lutz	346 Leeanne Road
347		
348		
349		
350	Cheryl A. Marks	350 LEEANNE RD.
351		
352		
353	Hazel M. Bowers	353 LEEANNE ROAD
354	Mabel M. Wray	354 Leeanne
355	Mable Bruce	355 Leeanne
356	William J. Benton Jr.	356 Leeanne Rd
357	Barbara Compson	357 Leeanne Rd. BALTO. 21221
358	Meredith Anders	358 Leeanne Rd.
359		
360	Donald & Carol Mason	360 Leeanne Rd.
361	Mark & Gail Shields	361 LEEANNE RD
362	Richard Green	362 Leeanne Rd.
363	Mary Green	363 Leeanne Rd
364	Jim Bruce	364 Leeanne Rd
365	Jim Lewis	365 Leeanne Rd
366	Joe Ann Bell	366 Leeanne Rd.
367	Doris Lewis	367 Leeanne Rd
368	Catherine Shields	368 Leeanne Rd
369	Roger & Barbara	369 LEEANNE ROAD 21221
341	Mr. & Mrs. Patrick Schepers	341 Leeanne Rd (21)
301	Mark Baker	

NOTARY PUBLIC Jack J. Key
July 14, 1989

Witness Jack J. Key

PETITION AGAINST THE GRANTING OF SPECIAL EXCEPTION FOR CASE #84-556-X

PAGE 2

NAME	ADDRESS	SIGNATURE
Francis X. Jones	1008 East Ave 21221	
Barbara Anderson Ahne	930 Essex Ave 21221	
Irene Lyon	44 Riverside Dr 21221	
Mrs. Mary Suttmann	904 Essex Ave. 21221	
Richard F. Zeller	906 Essex Ave 21221	
Erik Guttman	908 ESSEX AVE	
Eleanor Frost	911 Essex Ave Balto 21221	
Jamie Frost	911 Essex Ave Balto 21221	
Shirley Hill	917 Essex Ave Balto 21221	
John Thompson	919 Essex Ave Balto 21221	
Helen Algire	301 N. Marilyn Ave & Essex Ave 21221	
Tony D'Antonio	300 N. Marilyn Ave & Essex Ave 21221	
Carrie Bolton	800 N Essex Ave Balto MD 21221	
Dan M Bolton	" " " "	
Angela Bompiani	819 ESSEX AVE	
David Oblander	810 Essex Ave Apt D	
Dolores Jaskiewicz	804 Essex Ave	
Albert A Sherman	732 Essex Ave	
Eleanore Siegman	732 Essex Ave	
Henry N Scott	730 Essex Ave	
Eileen J Scott	730 Essex Ave	
Mary Ellen Crutchfield	728 Essex Ave	
Vance E Hillerding	716 Essex Ave Balto Md 21221	
Clifford O'Connell	712 Essex ave Balto md 21221	
Elsie J Connell	712 Essex Ave 21221	
Ruth Holmes Jr.	714 Essex Ave	

PETITION AGAINST THE GRANTING OF SPECIAL EXCEPTION FOR CASE #84-556-X

PAGE 3

NAME	ADDRESS	SIGNATURE
ALBERT KELLNER	915 Essex Ave	
Sandra Altenburg	1000 Glenlyn Rd 21221	Sandra Altenburg
Howard Altenburg	1000 Glenlyn Rd 21221	
Anna M Nelson	PO Essex Ave 21221	
Richard D. Fabrizio	900 Essex Ave 21221	
William S Poreca	21221	
Mary Poreca	21221	
Steven Straus	664 Essex Ave 21221	
Margaret R. Legum	662 East Ave 21221	
Bobby & Shirley Faucello	660 Essex Ave 21221	
Michael Faccello	660 Essex Ave 21221	
Linda Schindler	510 Essex Ave 21221	
Mrs. Schindler	510 Essex Ave 21221	
Sandy Tankersley	504 Essex Ave 21221	
Ray Tankersley	504 Essex Ave 21221	
Patti Christopher	502 N. Essex Ave 21221	
Mark Christopher	502 N. Essex Ave 21221	
Edith Hutton	500 East Ave 21221	
Benny Hutton	500 East 21221	
Glenn Deloss	408 Essex 21221	
Jackie McCabe	403 East Ave 21221	
Alex McCabe	403 East Ave 21221	
Carolyn Clarke	405 Essex Ave 21221	
Otto H. Illian	501 Essex Ave 21221	
Charlotte Kotroco	503 East Ave 21221	
Eugene J. Hanes	505 East Ave 21221	
Tom Mullins	509 Essex Ave	
Roland Charlton	727 East ave 21221	

PETITION AGAINST THE GRANTING OF SPECIAL EXCEPTION FOR CASE #84-556-X

PAGE 4

NAME	ADDRESS	SIGNATURE
Robert E Brown	731 Essex Ave	
Dolores Bivins	731 Essex Ave	
John Nagley	733 ESSEX AVE	
Jim Roberson	739 ESSEX AVE	
Elmer V. Jefferson	741 N Essex Ave	
Mary C. Jefferson	741 Essex Ave	
John H Plumer Sr	801 Essex Ave	
Elsie M Plumer	801 Essex Ave	
John H Plumer Jr.	801 Essex Ave	
Cynthia A Wittig	918 Anne Cecil Ct	
Esther McCarter	911 Essex Ave	21221
Horace McCarter	911 Essex Ave	21221

This Petition consists of 4 pages.

George W Hughes

Sworn to before me this 13th day of July, 1989.

Karen Lee Fortress

My Commission expires: July 1, 1990

AUTOMATIC UNDERGROUND SPRINKLER SYSTEMS / LANDSCAPE NIGHT LIGHTING

SEDIMENT CONTROL SILT FENCE / STABILIZATION

MARYLAND IRRIGATION, INC.

3421 BENSON AVE. SUITE 310
BALTIMORE, MD. 21227
(301) 646-1033

WATER AVAILABILITY AND STATIC WATER PRESSURE TEST
FOR LEEANNE ROAD AND ESSEX AVENUE

SUBJECT: WATER AVAILABILITY AND STATIC WATER PRESSURE
AREA: LEEANNE ROAD AND ESSEX AVENUE
DATE: JULY 13, 1989
TIME: APPROXIMATELY 9:00 A.M. -- 10:00 A.M.
TEST: RANDOM TESTING

ADDRESS	STATIC PRESSURE	GALLONS PER MINUTE
301 LEEANNE ROAD	44 P.S.I.	5 G.P.M.
307 LEEANNE ROAD	45 P.S.I.	6 G.P.M.
309 LEEANNE ROAD	42 P.S.I.	7 G.P.M.
324 LEEANNE ROAD	40 P.S.I.	5 G.P.M.
367 LEEANNE ROAD	42 P.S.I.	6 G.P.M.
1006 ESSEX AVENUE	45 P.S.I.	6 G.P.M.
913 ESSEX AVENUE	40 P.S.I.	3 G.P.M.
917 ESSEX AVENUE	42 P.S.I.	7 G.P.M.

NOTE: AVERAGE BALTIMORE COUNTY WATER PRESSURE IS 60-70 P.S.I./ 10 G.P.M.

EXAMPLE: APPROXIMATELY ONE (1) MILE FROM ABOVE MENTIONED SITE RANDOM TESTING WAS PERFORMED AT 800 ESSEX AVENUE. TEST RESULTS WERE 65 P.S.I./9 G.P.M. HOUSE IS ON DIFFERENT WATER MAIN.

Mark E. Main
MARK E. MAIER
PRESIDENT

Protestants Exhibit #1

FIRE FLOW TESTS

DATE NO TEST CONDUCTED
TFD NO. _____ TOWN 7-8 37C10 COUNTY BALTIMORE
TEST NO. ~~184~~ SERVICE LEVEL I-SW 1ST
LOCATION CATEPHI BLVD & WINDWARD DR DISTRICT _____
PRESSURES: STATIC _____ RESIDUAL _____
HYDT. PORTS: NO. _____ SIZE _____ OPEN: FULL 3/4 1/2 1/4 TURNS _____
HYDT. PORTS: NO. _____ SIZE _____ OPEN: FULL 3/4 1/2 1/4 TURNS _____
FLOW: VEL PSI _____ GPM _____ GPM @ 20# _____ PEQD: GPM _____
FLOW: VEL PSI _____ GPM _____ GPM @ 20# _____ PEQD: GPM _____
HYDRANT CONDITION: _____
REMARKS: _____
FLOW HYDRANT LOCATION (1) EASTERN BLVD & STUART ST
(2) EASTERN BLVD OPP MARGARET AVE

DATE 11/28/89 1220
TFD NO. _____ TOWN 7-5 37F8 COUNTY BALTIMORE
TEST NO. ~~184~~ SERVICE LEVEL I-SW 1ST
LOCATION LEEANNE RD N/O ESSEX AVE DISTRICT _____
PRESSURES: STATIC 43 RESIDUAL 32
HYDT. PORTS: NO. — SIZE — OPEN: FULL 3/4 1/2 1/4 TURNS —
HYDT. PORTS: NO. 1 SIZE 4½" OPEN: FULL 3/4 1/2 1/4 TURNS —
FLOW: VEL PSI — GPM — GPM @ 20# — PEQD: GPM —
FLOW: VEL PSI 9½ GPM 1390 GPM @ 20# 2100 PEQD: GPM —
HYDRANT CONDITION: LEAKY STEM BONNET - WORKS BUT OPENING
REMARKS: _____
FLOW HYDRANT LOCATION (1) LEEANNE RD & CATHERINE AVE (NOT USED)
(2) ESSEX AVE & EASTERN BLVD (SW COR)

WATER AND WASTE WATER
FACILITIES DIVISION
FIRE FLOW TESTS

562
H-21

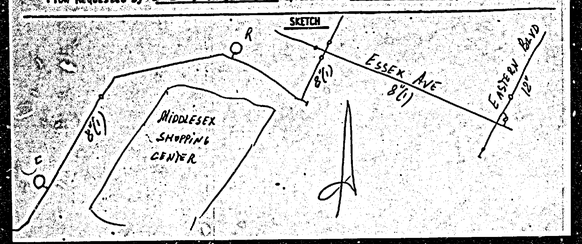
Date 6-21-89 Time 10 AM District ESSEX Plat No. AA-41
FIRST ZONE - BALTIMORE COUNTY

FLOW HYDRANTS R	Pitot Press. (PSI)	Outlet Dia. (inches)	G.P.M.	Nozzle - Void Coef.	Corr. Flow (G.P.M.)	F.H. Open	Main Size (inches)	Hyd. Make
MIDDLESEX SHOPPING CENTER (F.H. on WEST SIDE)	17	2½	690	10	690	FULL	8"	M.SMITH

RESIDUAL HYDRANTS R	Static Press (PSI) S	Resid. Press (PSI) R	Loss S-R	Loss at 20 PSI S-20	Calc. Flow at 20 PSI G.P.M.	Dist. from Flow	Loss Per Ft.	Coef. of Pain "C"	Main Size (inches)
MIDDLESEX SHOPPING CENTER (F.H. on NORTH SIDE)	55	36	19	35	960				8"

Flow Requested By: LPJ INC CONSULT ENG. Representative Type of Prop.

SKETCH



89-556-A

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
26th day of April, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner Chris George
Petitioner's Attorney Joseph K. Pokorny, Esquire

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

89-110-XA
Zoning 7/14/89.
NE CM
KEEP IN FILE
89-556-X

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Al Wirth - SWM
Bob Bowling - Dev. Eng. (3)
Gary Kerns - Current Planning
Rahim Famili - Traffic Engineering
Rocky Powell - DEPRM
Larry Pilson - DEPRM
Dave Flowers - DEPRM
Carl Richards - Zoning
Capt. Kelly - Fire Department
Pat Kincer - Rec. & Parks
Chuck Weiss - Sanitation
Larry Brocato - SHA

DATE: July 11, 1989

FROM: Tom Watson
Bureau of Public Services

SUBJECT: Middlesex Shopping Center
LPJ 366-7800

To John L. 7/12/89. WOR

The subject property was granted a waiver of CRG meeting by the Office of Planning & Zoning. However, CRG approval signatures must be obtained.

Please review the attached plan for concurrance with current development regulations and give us your approval or comments by July 21, 1989. Nonresponsiveness by the aforementioned date is considered to be concurrance by your office of the plan.

(SEE OTHER SIDE)

RECEIVED
JUL 12 1989
ZONING OFFICE

CTW:cjp
Attachment
cc: File

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: Legal Owner: Middlesex Associates
Contract Purchaser: Chris George

Location: S/S Essex Ave., 120' E of centerline of Leeanne Rd.
(Essex Road - in Middlesex Shopping Center)

Item No.: (446) Zoning Agenda: April 25, 1989

Gentlemen:

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

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

Additional fire hydrant required at entrance drive.

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", 1988 edition prior to occupancy.

REVIEWER: Capt. Joseph Kelly, 4-25-89 Noted and Approved
Planning Group
Special Inspection Division

Capt. John J. Kelly
Fire Prevention Bureau

APR 26 1989

23

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

April 25, 1989

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 424, 425, 426, 427, 428, 429, 430, 431, 432, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, and 448.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lab

RECEIVED
APR 28 1989
ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ooo

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

June 22, 1989

Joseph K. Pokorny, Esquire
408 Jefferson Bldg.
Towson, MD 21204

RE: Item No. 446, Case No. 89-556-X
Petitioner: Chris George
Petition for Special Exception

Dear Mr. Pokorny:

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. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer/jw
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Chris George
205 E. Joppa Road
Towson, MD 21204

The approval of the use is subject to the outcome of Zoning Hearing #89-556-X and any other hearings which may be required. The case is listed as a variance on the site plan. Correct this to state special exception.

Multiple zoning cases are shown on the shopping center site. These cases must be referenced on the plan. State what is granted or denied and list any restrictions. (These case numbers can be referenced on the 1971 1"=200' scale zoning map NE2H and zoning office files during normal working hours.) Be aware that previous hearings which effects this site may require a public hearing to amend the site plan as originally approved.

Address all requirements of S.419, B.C.Z.R., on the plan indicating capacity of machinery, stacking, etc. The stacking area and layout must be shown on a larger scaled detail on the plan.

Show all setbacks between each buildings and property lines.

Clearly show and subtotal all qualifying A.O.S. areas in the notes.

A tenant list detailing the current tenants and their uses in each location in the shopping center combined with an individual parking breakdown for each existing or proposed will be required.

State on plan that all signs on the site comply with S.409.2 and .5, B.C.Z.R., and all zoning sign policies.

John L. Lewis
John L. Lewis
Planning & Zoning Associate III

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
c/o Carl Richards — Date: May 11, 1989

FROM: Robert W. Bowling, P.E.

SUBJECT: Zoning Advisory Committee (Middlesex Car Wash)

PROPERTY OWNER: Legal Owner: Middlesex Associates
Contract Purchaser: Chris George

LOCATION: S/S Essex Avenue, 120' E of centerline of Leeanne Road (Essex Road - in Middlesex Shopping Center)

DISTRICT: 15th Election District

The Zoning Plan for the subject item has been reviewed by the Developers Engineering Division and we comment as follows:

CRG Meeting is required for this site.

Specific comments will be addred at that time.

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:pab

cc: File

GEORGES/TXTCOMM2

MAY 1 0 1989

CPS-008

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

HEARING ROOM -
Room 301, County Office Building

February 27, 1990

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-556-X

MIDDLESEX ASSOCIATES
S/s Essex Avenue, 120' E of c/l Leeanne Road
(Middlesex Shopping Center)
15th Election District
5th Councilmanic District

SE -Car Wash

8/30/89 -D.Z.C.'s Order in which Petition was GRANTED with restrictions.

which was assigned for hearing on Thursday, April 19, 1990 has been POSTPONED at the request of Counsel for Protestants due to Court schedule conflict and has been

REASSIGNED FOR: TUESDAY, MAY 15, 1990 at 1:00 p.m.

cc: Joseph K. Pokorny, Esquire — Counsel for Petitioner /Appellant
Mr. Chris George — Contract Purchaser
S. Eric DiNenna, Esquire — Counsel for Protestant(s) /Appellant
Mr. Claude P. Cox — Protestant /Appellant
Charles Phelps, Jr. Hicks & Rotner
Mr. William Bafitis
Mr. Mark Maier
Mr. John J. Rey
Mr. Russell Houghton
Mr. Rie Metzgar, Sr.
Mr. Kenneth Ridenour
Ms. Marguerite R. Neil
Mr. George W. Hughes
Mr. James Pierce
Mr. Roger Lochleir
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk -Zoning
Arnold Jablon, County Attorney

out per Shirley Hess 5/11/90

Kathleen C. Weidenhammer
Administrative Assistant

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

HEARING ROOM -
Room 301, County Office Building

February 27, 1990

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

PCF: PMZ:

CASE NO. 89-556-X

MIDDLESEX ASSOCIATES
S/s Essex Avenue, 120' E of c/l Leeanne Road
(Middlesex Shopping Center)
15th Election District
5th Councilmanic District

SE -Car Wash

8/30/89 -D.Z.C.'s Order in which Petition was GRANTED with restrictions.

which was assigned for hearing on Thursday, April 19, 1990 has been POSTPONED at the request of Counsel for Protestants due to Court schedule conflict and has been

REASSIGNED FOR: TUESDAY, MAY 15, 1990 at 1:00 p.m.

cc: Joseph K. Pokorny, Esquire — Counsel for Petitioner /Appellant
Mr. Chris George — Contract Purchaser
S. Eric DiNenna, Esquire — Counsel for Protestant(s) /Appellant
Mr. Claude P. Cox — Protestant /Appellant
Charles Phelps, Jr. Hicks & Rotner
Mr. William Bafitis
Mr. Mark Maier
Mr. John J. Rey
Mr. Russell Houghton
Mr. Rie Metzgar, Sr.
Mr. Kenneth Ridenour
Ms. Marguerite R. Neil
Mr. George W. Hughes
Mr. James Pierce
Mr. Roger Lochleir
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk -Zoning
Arnold Jablon, County Attorney

RECEIVED
FEB 2 8 1990
PEOPLE'S COUNSEL

Kathleen C. Weidenhammer
Administrative Assistant

12/1/89 - Following parties notified of hearing set for April 19, 1990 at 10:00 a.m.:

Joseph K. Pokorny, Esq.
S. Eric DiNenna, Esq.
Claude P. Cox
Charles Phelps, Jr.
Chris George
William Bafitis
Mark Maier
John J. Rey
Russell Houghton
Rie Metzgar, Sr.
Kenneth Ridenour
Marguerite R. Neil
George W. Hughes
James Pierce
Roger Lochleir
People's Counsel
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Cty. Attorney

2/22/90 -Letter requesting POSTPONEMENT due to court conflict received from S. Eric DiNenna, Counsel for Appellent /Protestant(s)

2/27/90 -Notice of Postponement and Reassignment sent to above re hearing reset to May 15, 1990 at 1:00 p.m.

DiNENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DiNENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.

GERALDINE A. KLAUBER
FRANCIS X. BORGERDING, JR.

P.O. BOX 10508
TOWSON, MARYLAND 21285-0508

SUITE 600
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(301) 296-6820
TELEFAX (301) 296-6884

February 21, 1990

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

RE: Case No.: 89-556-X
Middlesex Associates/Petitioners
My Clients/Protestants

Dear Mr. Chairman:

I am in receipt of your notice for the above-captioned matter to be set for April 19, 1990 at 10:00 a.m..

As you are aware, I set as a Master in the Circuit Court for Baltimore County and have been assigned cases for that date and time by the Circuit Court.

Accordingly, I respectfully request a postponement or a moving of the matter forward in respect to the Petitioners position.

I attempted to reach Mr. Pokorny, attorney for the Petitioners, by phone but he was unavailable at the time.

Please advise me immediately of your decision with reference to my client's requests.

Very truly yours,

S. ERIC DiNENNA

SED:cjc
cc: Mr. Claude Cox
Joseph K. Pokorny, Esquire

5/15

RECEIVED
COUNTY BOARD OF APPEALS
90 FEB 22 P1:03

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

HEARING ROOMS -
Room 301, County Office Bldg.

December 1, 1989

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-556-X

MIDDLESEX ASSOCIATES,
S/s Essex Ave., 120' E of the c/l of Leeanne Rd.
(Middlesex Shopping Center)
15th Election District
5th Councilmanic District

SE - Car Wash

8/30/89 - D.Z.C.'s Order GRANTING Petition with restrictions.

ASSIGNED FOR: THURSDAY, APRIL 19, 1990 at 10:00 a.m.

cc: Joseph K. Pokorny, Esquire — Counsel for Petitioner
S. Eric DiNenna, Esquire — Counsel for Protestants
"
Claude P. Cox
Charles Phelps, Jr.
Chris George
William Bafitis
Mark Maier
John J. Rey
Russell Houghton
Rie Metzgar, Sr.
Kenneth Ridenour
Marguerite R. Neil
George W. Hughes
James Pierce
Roger Lochleir
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

PP granted from 5/15/90 to 5/15/90 @ 1:00 PM 2/27/90

LindaLee M. Kuszmaul
Legal Secretary

DiNENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DiNENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.

GERALDINE A. KLAUBER
FRANCIS X. BORGERDING, JR.

P.O. BOX 10508
TOWSON, MARYLAND 21285-0508

SUITE 600
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(301) 296-6820
TELEFAX (301) 296-6884

November 29, 1989

Baltimore County Board of Appeals
111 W. Chesapeake Avenue
Room 315
County Office Building
Towson, Maryland 21204

RE: Case No.: 89-556-X
Middlesex Associates, Petitioner

Dear Clerk:

Enclosed herewith for filing please find the Entry of Appearance. Thank you for your cooperation.

Very truly yours,

S. ERIC DiNENNA

SED:cjc
Enclosure
cc: Mr. Claude Preston Cox
Joseph K. Pokorny, Esquire
Phyllis Cole Friedman, People's Counsel for Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
89 NOV 30 A11:49

RE: PETITION FOR SPECIAL EXCEPTION
S/S Essex Ave., 120' E of C/L of Leeanne Rd. (Middlesex Shopping Center)
15th Election District
5th Councilmanic District
MIDDLESEX ASSOCIATES, Petitioner

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Case No.: 89-556-X

ENTRY OF APPEARANCE

Please enter the appearance of S. Eric DiNenna and DiNenna, Mann & Breschi, 409 Washington Avenue, Suite 600, Towson, Maryland 21204, as counsel for the Protestant, Claude Preston Cox and other Protestants, regarding the above-captioned matter.

S. ERIC DiNENNA
DiNENNA, MANN & BRESCHI
P.O. Box 10508
Towson, Maryland 21285-0508
(301) 296-6820

Attorney for Petitioner

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 29 day of November, 1989, a copy of the aforegoing Entry of Appearance was mailed, postage prepaid, to Phyllis Cole Friedman, People's Counsel for Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204; and, Joseph K. Pokorny, Esquire, 408 Jefferson Building, Towson, Maryland 21204, Attorney for Petitioner.

S. ERIC DiNENNA

RECEIVED
COUNTY BOARD OF APPEALS
89 NOV 30 A11:49

RE: PETITION FOR SPECIAL EXCEPTION
S/S Essex Ave., 120' E of C/L
of Leeanne Rd. (Middlesex
Shopping Center)
15th Election District
5th Councilmanic District
MIDDLESEX ASSOCIATES, Petitioner

BEFORE THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Case No. 89-556-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 dates 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 Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 30th day of October, 1989, a copy of the foregoing Entry of Appearance was mailed to Joseph K. Pokorny, Esquire, 408 Jefferson Bldg., Towson, MD 21204, Attorney for Petitioner/Appellant and Claude P. Cox, 601 S. Marlyn Ave., Baltimore, MD 21221, Protestant/Appellant.

Phyllis Cole Friedman
Phyllis Cole Friedman

RECEIVED
COUNTY BOARD OF APPEALS
89 OCT 29 PM 3:12

THE LAW OFFICE OF
JOSEPH K. POKORNY
408 JEFFERSON BUILDING
108 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

TELEPHONE
823-8000

October 11, 1989

Mr. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

re: Case No. 89-556-X
Middlesex Associates

Dear Mr. Haines,

We are in receipt of your letter dated October 2, 1989 in reference to a second appeal which was filed.

For the sake of expediency, I have no objections to consolidating these two appeals.

Very truly yours,
Joseph K. Pokorny
Joseph K. Pokorny

JKP/lds

RECEIVED
OCT 11 1989
ZONING OFFICE

RECEIVED
COUNTY BOARD OF APPEALS
89 OCT 19 PM 2:41

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 2, 1989

Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Exception
S/S Essex Avenue, 120' E of the c/l of Leeanne Road
(Middlesex Shopping Center)
15th Election District, 5th Councilmanic District
MIDDLESEX ASSOCIATES - Petitioner
Case No. 89-556-X

Dear Board:

Please be advised that a second appeal of the above-referenced case was filed in this office on September 22, 1989 by Claude P. Cox, Protestant. All materials relative to the case were previously forwarded to your office along with Joseph Pokorny's appeal request filed September 14, 1989.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Charles Phelps, Jr. - Hicks and Rotner
1406 N. Rolling Road, Baltimore, MD 21228
Chris George, 205 E. Joppa Road, Baltimore, MD 21204
Joseph K. Pokorny, 408 Jefferson Building, Towson, MD 21204
William Bafitis, 1249 Engleberth Road, Baltimore, MD 21221

RECEIVED
COUNTY BOARD OF APPEALS
89 OCT -2 PM 3:40

Appeal Cover Letter - Case No. 89-556-X
MIDDLESEX ASSOCIATES - Petitioner
September 22, 1989
Page 2

Mark Maier, 301 Leeanne Road, Baltimore, MD 21221
John J. Rey, 309 Leeanne Road, Baltimore, MD 21221
Russell Houghton, 300 Leeanne Road, Baltimore, MD 21221
Ric Motzgar, Sr., 552 Dorsey Avenue, Baltimore, MD 21221
Kenneth Ridenour, 1006 Essex Avenue, Baltimore, MD 21221
Claude Cox, 601 S. Marlyn Avenue, Baltimore, MD 21221
Marguerite R. Neil, 303 Leeanne Road, Baltimore, MD 21221
George W. Hughes, 1006 Essex Avenue, Baltimore, MD 21221
James Pierce, 307 Leeanne Road, Baltimore, MD 21221
Roger Lochleir, 801 Winters Lane, Baltimore, MD 21221

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 22, 1989

Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Exception
S/S Essex Avenue, 120' E of the c/l of Leeanne Road
(Middlesex Shopping Center)
15th Election District, 5th Councilmanic District
MIDDLESEX ASSOCIATES - Petitioner
Case No. 89-556-X

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on September 14, 1989 by Joseph K. Pokorny, Attorney on behalf of Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Charles Phelps, Jr. - Hicks and Rotner
1406 N. Rolling Road, Baltimore, MD 21228
Chris George, 205 E. Joppa Road, Baltimore, MD 21204
Joseph K. Pokorny, 408 Jefferson Building, Towson, MD 21204
William Bafitis, 1249 Engleberth Road, Baltimore, MD 21221

THE LAW OFFICE OF
JOSEPH K. POKORNY
408 JEFFERSON BUILDING
108 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

TELEPHONE
823-8000

September 12, 1989

Board of Appeals for Baltimore Co.
County Office Building
Chesapeake Avenue
Towson, Maryland 21204

re: Petition for Special Exception
Middlesex Associates-Petitioner
Case No. 89-556-X

Gentlemen,

Please note an Appeal from the decision of the Deputy Zoning Commission in the above captioned matter dated August 30, 1989.

Our client's Petition for Special Exception was granted subject, however, to certain restrictions and conditions, some of which we would like to appeal as they are not in my client's best interest.

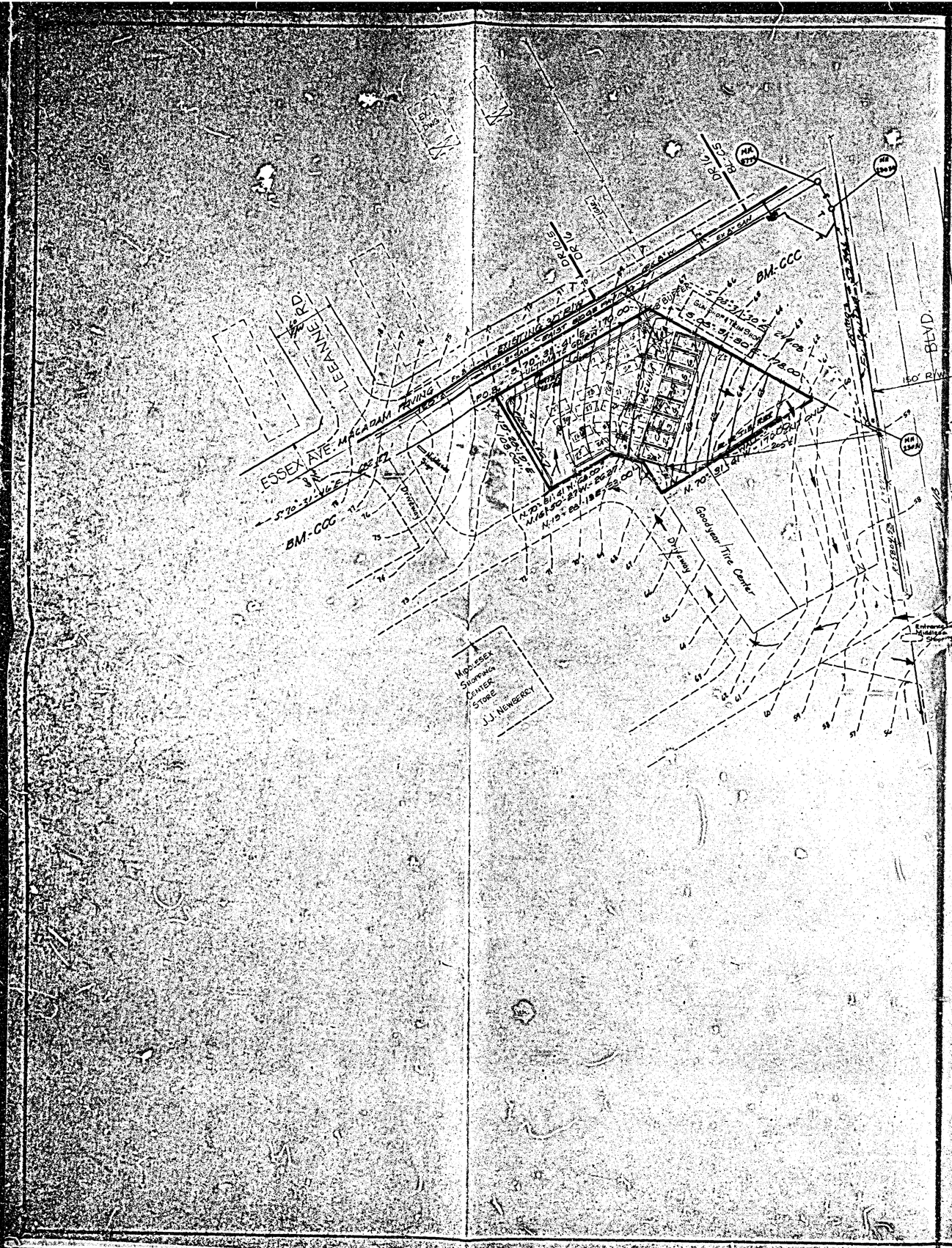
Would you please have all transcripts in connection with this hearing forwarded for the Appeal.

Very truly yours,
Joseph K. Pokorny
Joseph K. Pokorny

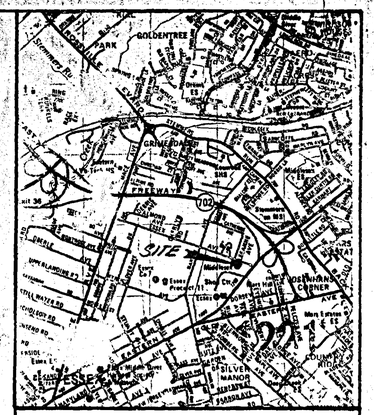
JKP/lds

enc: Check # 6097

RECEIVED
PAYMENT
9-14-89
ZONING OFFICE


ESSEX AVE.
MACADAM PAVING
LEANNE AVE.
50' R/W
BM-CCC
S 70° 31' 30" E 205.00'
EXISTING 30' ALLEY
PROPOSED 20' ALLEY
EXISTING 20' ALLEY
PROPOSED 20' ALLEY
N 70° 31' 30" W 205.00'
BUFFER
BM-CCC
S 19° 28' 30" W 178.00'
N 70° 31' 30" W 205.00'
N 19° 28' 30" E 178.00'
S 70° 31' 30" E 205.00'
N 19° 28' 30" E 178.00'
N 70° 31' 30" W 205.00'

Plat #2



VICINITY MAP
SCALE 1"=2000'

GENERAL NOTES:

1. ZONING : BM-CCC
2. U.S.E.E. VACANT IN SHOPPING CENTER
   AMA : CAR WASH
3. TOTAL AREA: 29.4± AC ± OR 1,263,890 SF

PARKING REQUIREMENTS:

REQUIRED : EX. BLDGS. 220,847 SF
220,847 @ 5/1000 = 1105 SPACES
PROVIDED: 1216 SPACES

William N. Baltis, P.E.
301-391-2336

Baltis & Associates

Civil Engineers / Land Planners / Surveyors
1249 Engleberth Rd. Baltimore, Md. 21221

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION FOR GEORGE'S CARWASH

ELECTION DISTRICT 15TH CONGRESSIONAL DISTRICT 5TH

STATE OF MARYLAND — WILLIAM NEWTON BALTIS — No. 6789 — REGISTERED PROFESSIONAL ENGINEER

William N. Baltis P.E.

2

Sheet 2 of 9

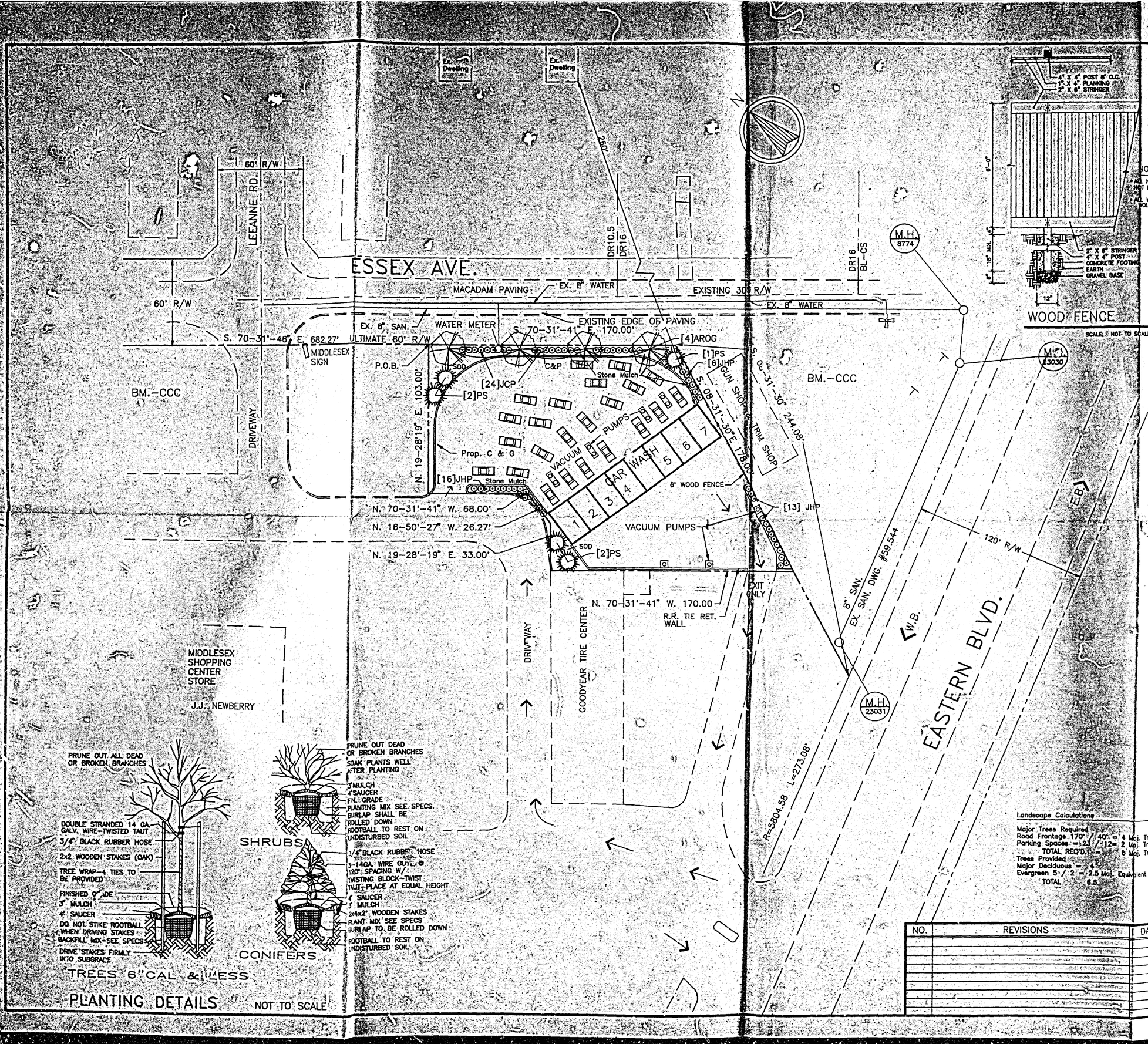
SCALE 1"=100'

JOB ORDER NO. 89006

DATE Feb 27, 89

NO	REVISIONS	DATE

TRAFFIC PATTERN
SITE PLAN
MIDDLESEX SHOPPING CENTER
SCALE: 1"=100'



VICINITY MAP
SCALE: 1"=200'

PLANT LIST

KEY	QUAN	BOTANICAL NAME	COMMON NAME	SIZE
AROG	4	Acer rubrum October Glory	Oct. Glory Maple	2-2.5" Cal.
PS	5	Pinus strobus	White Pine	4-5' Hgt.
JCP	24	Jun. chinensis Pfitzeriana	Pfitzer Juniper	18-21"
JHP	35	Jun. horizontalis Plumosa	Andora Juniper	15-18"

"I certify that the planting plan shown herein is consistent with applicable policy, guidelines and ordinances, and that all plant material to be furnished will be nursery-grown in accordance with the specifications stated in the the Baltimore County Landscape manual, 1983, dated October 21, 1983."

Should a situation arise requiring any changes in plant materials; i.e. variety, species or size shown on the plant list, the Owner shall contact the Landscape Architect. No changes shall be made without the written permission of the Landscape Architect.

Signature of Applicant Date

Printed Name

Company or Organization

Exhibit A

LANDSCAPING PLAN

GEORGE'S CAR WASH

15th Election District 5th Councilmanic Dist.

Landscape Calculations

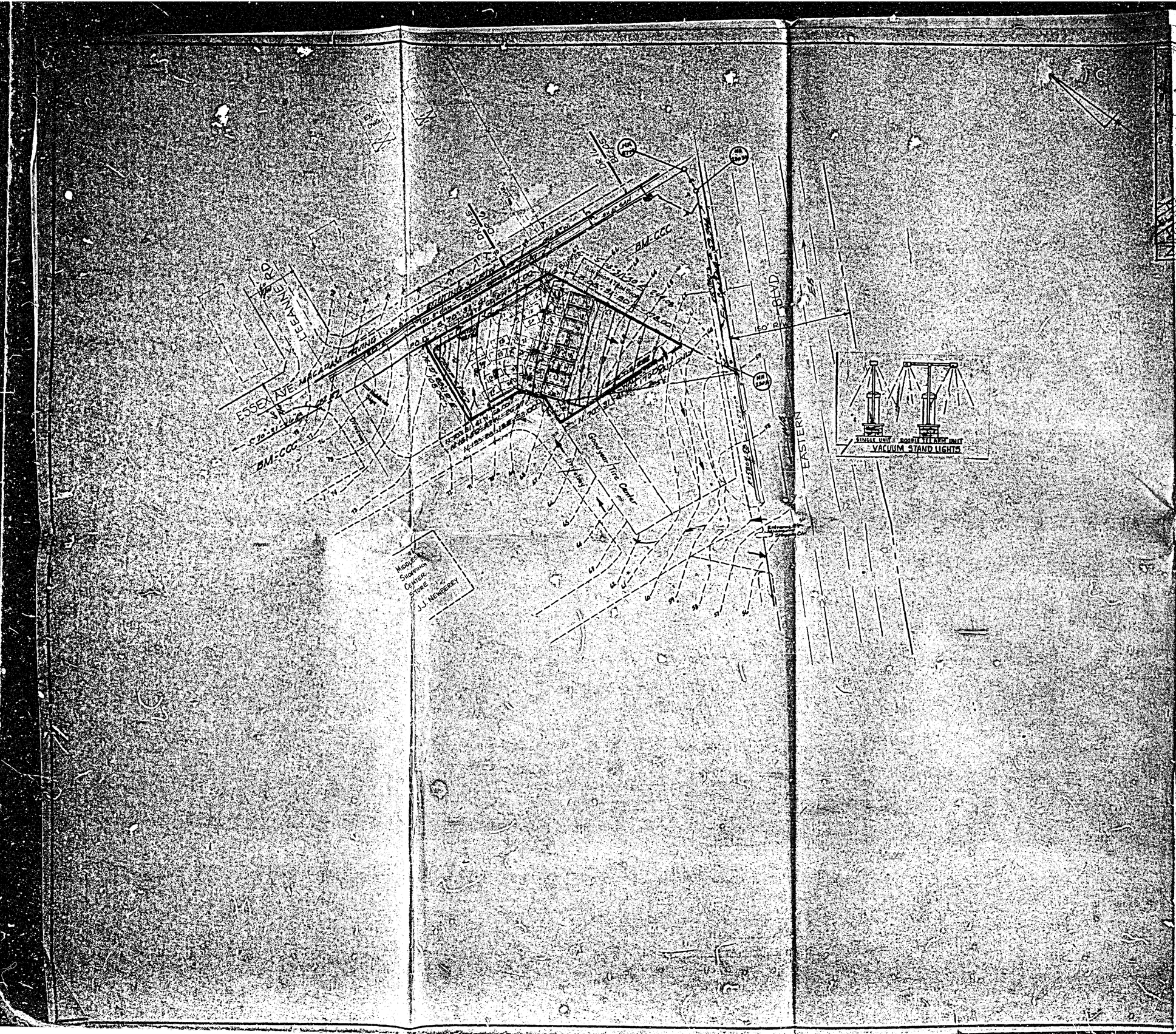
Major Trees Required
Road Frontage 170' / 40' = 4 Maj. Trees
Parking Spaces = 23 / 12 = 2 Maj. Trees
TOTAL REQ'D. = 6 Maj. Trees
Trees Provided
Major Deciduous = 4
Evergreen 5 / 2 = 2.5 Maj. Equivalent
TOTAL 6.5

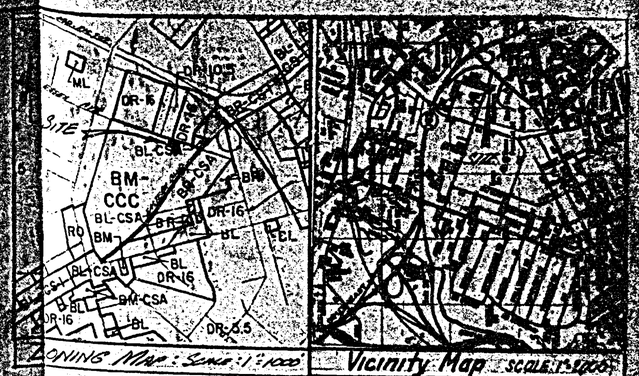
NO.	REVISIONS	DATE

William N. Bafitis, P.E.
301-391-2336
Bafitis & Associates
Civil Engineers/Land Planners/Surveyors
1249 Engleberth Rd. Baltimore, MD 21221

Peek/Smith, Inc.
Landscape Architecture/Land Planning
232 Cockeysville Road, Cockeysville, MD 301/785-4820

SCALE: 1"=30'
JOB ORDER NO. 89006
DATE: 7/27/89
S-1
SHEET 1 OF 1





GENERAL NOTES:

1. OWNER: Watts & Rattner Assoc. Inc. (637-7700)
GREEN SPRING STATION
2360 W. JOPPA RD. SUITE 204
LUTHERVILLE, MD. 21093
APPLICANT: CHRIS GEORGE (825-2228)
295 E. JOPPA RD. SUITE 109
TOWSON, MD. 21204
2. DEED REF.: 4904/291
3. TAX ACCOUNT NO.: 1800007066
4. EXISTING ZONING: BM-CCC
5. PUBLIC WATER & SEWER IN ESSEX AREA
6. SUBDIVISION: ESSEX CAR WASH (SECOND) SHOPPING CENTER 43/009
7. PROPOSED USE: CAR WASH
8. BUILDING AREA: 133 x 28 = 3724 SF
9. LEASE AREA: 28,923 SF or 0.664 AC±

PARKING REQUIREMENTS:

REQUIRED: VACUUM STANDS (2 CARS/BAY + 10) = 24 SPACES
PROVIDE: 2 CARS/BAY + 16 = 30 SPACES

NOTE:
SIGN WILL COMPLY WITH SEC. 413.20 OF THE BALTIMORE COUNTY ZONING MANUAL.

Petitioner's Exhibit 1A

Bollis & Associates
Civil Engineers / Land Planners / Surveyors
1348 Engleberth Rd. Baltimore, Md. 21221

PLAT TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTION
FOR
GEORGE'S CAR WASH

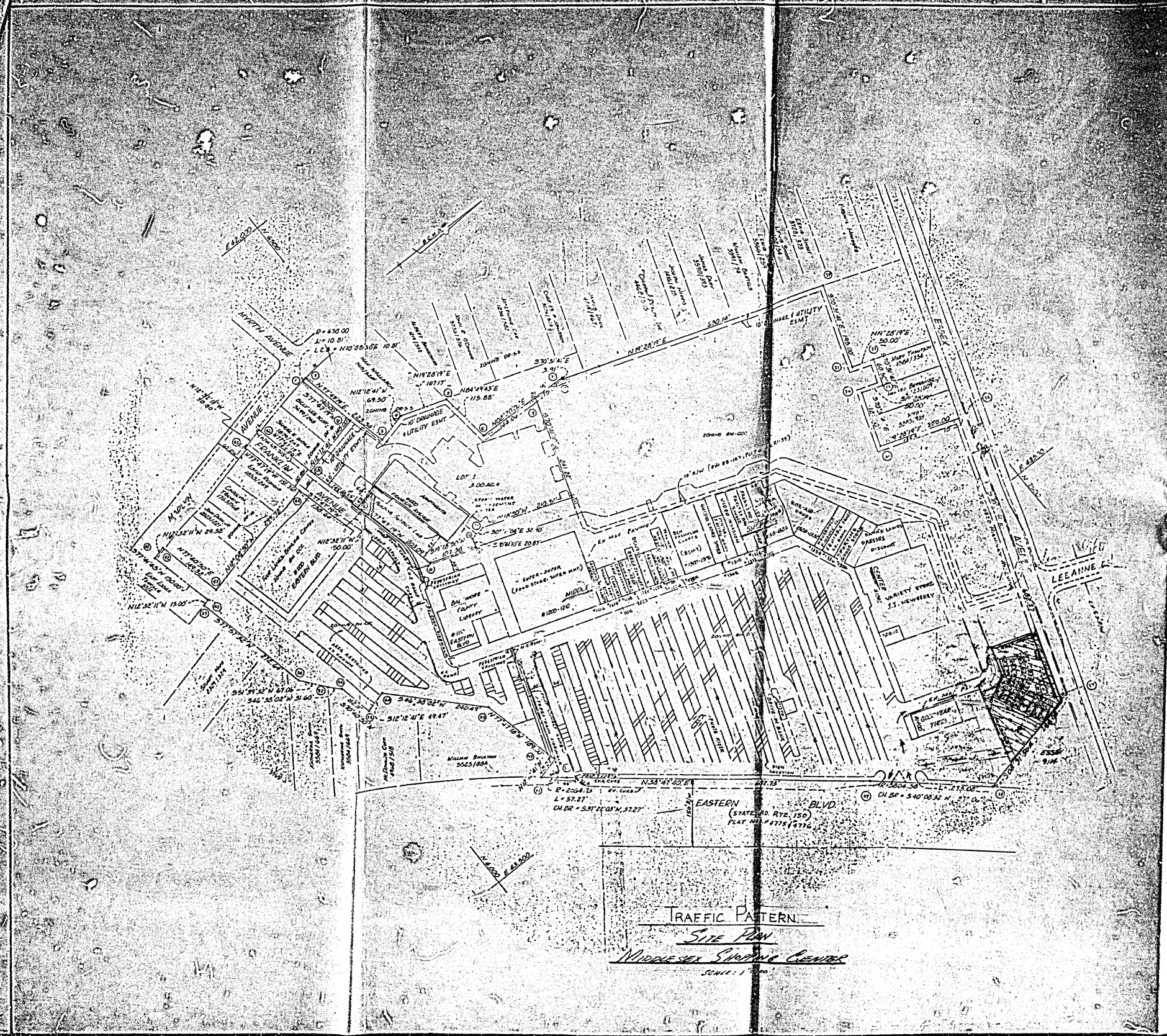
E-446

ELECTION DISTRICT 15th 3RD COUNCILMANIC DISTRICT 3rd

SCALE 1"=50'
JOB ORDER NO.
DATE 5/11/88

William R. Bollis P.E.

NO	REVISIONS	DATE



GENERAL NOTES:

1. ZONING: BM-CCC
2. USE: EX. VACANT IN SHOPPING CENTER
   PROP.: CAR WASH
3. TOTAL AREA: 29.0± Ac ± or 1,263,240 S.F.±

PARKING REQUIREMENTS:

REQUIRED: EX. BLDGS.: 220,847 SF.
679,397 @ 5/1000 = 1145 SPACES

PROVIDED: 1614 SPACES

Petitioner's Exhibit 1B

William N. Baltis, P.E.
301-391-2336

Baltis & Associates

Civil Engineers / Land Planners / Surveyors
1249 Engleberth Rd. Baltimore, Md. 21221

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION FOR GEORGE'S CARWASH

ELECTION DISTRICT 15th COUNCILMANIC DISTRICT 5th

STATE OF MARYLAND — WILLIAM N. BALTIS — No. 7868 — REGISTERED ENGINEER

William N. Baltis P.E.

SHEET 2 of 2

SCALE	1" = 100'
JOB ORDER NO.	89006
DATE	Feb 17, 89

NO	REVISIONS	DATE

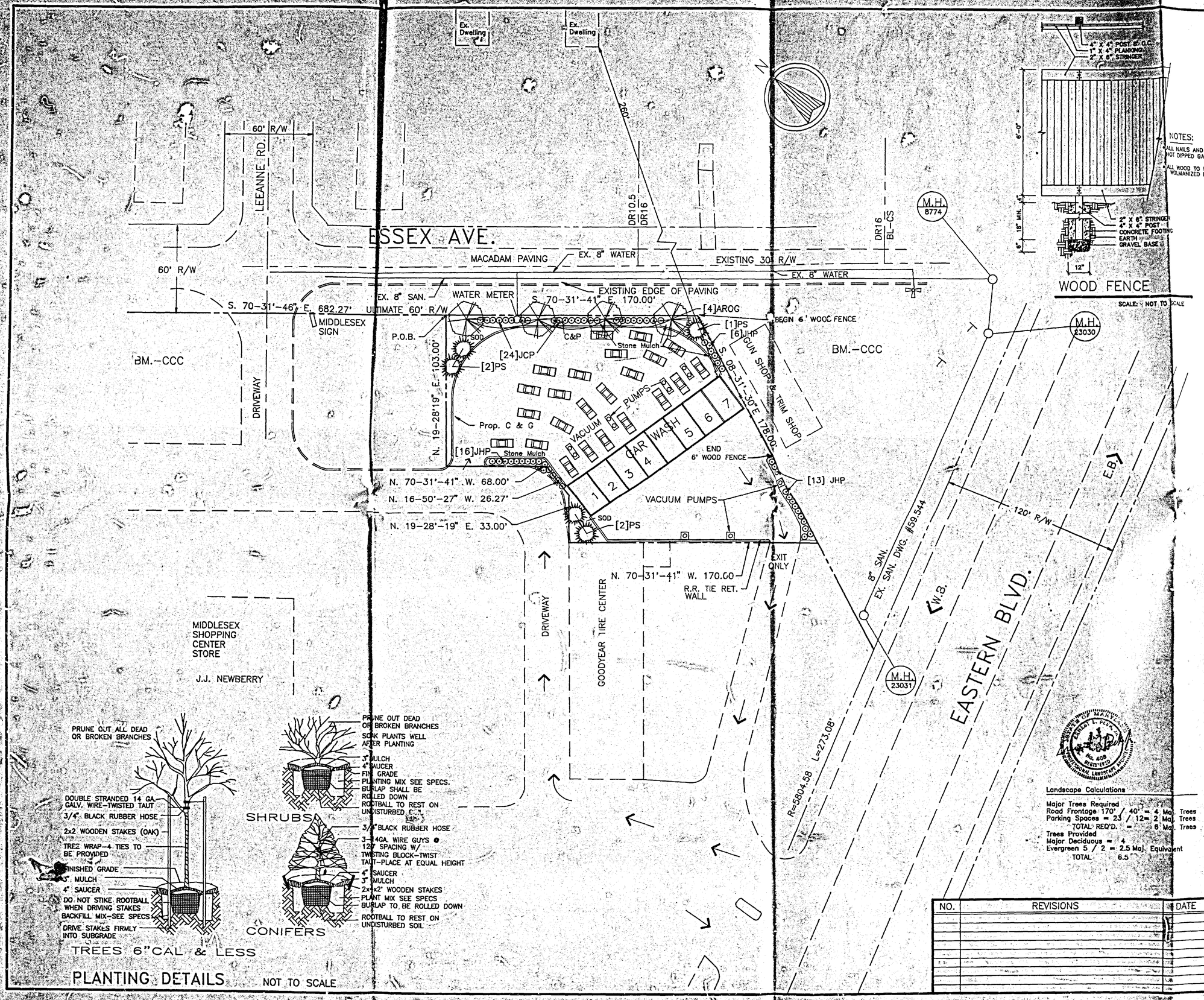
#3

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

George Car Wash

SCALE	LOCATION	SHEET
1" = 200'±	STEMMERS RUN BACK RIVER NECK	N.E. 2-H
DATE OF PHOTOGRAPHY JANUARY 1966		



VICINITY MAP
SCALE: 1"=200'

PLANT LIST

KEY	QUAN	BOTANICAL NAME	COMMON NAME	SIZE
AROG	4	Acer rubrum October Glory	Oct. Glory Maple	2-2.5"Cal.
PS	5	Pinus strobus	White Pine	4-5'Hgt.
JCP	24	Jun. chinensis Pfitzeriana	Pfitzer Juniper	18-21"
JHP	35	Jun. horizontalis Plumosa	Andora Juniper	15-18"

"I certify that the planting plan shown herein is consistent with applicable policy, guidelines and ordinances, and that all plant material to be furnished will be nursery-grown in accordance with the specifications stated in the the Baltimore County Landscape manual, 1983, dated October 21, 1983."

Should a situation arise requiring any changes in plant materials; i.e. variety, species or size shown on the plant list, the Owner, shall contact the Landscape Architect. No changes shall be made without the written permission of the Landscape Architect.

Signature of Applicant Date

Printed Name

Company or Organization

PLANTING DETAILS NOT TO SCALE

Landscape Calculations

Major Trees Required		
Road Frontage 170' / 40'	= 4 Maj.	Trees
Parking Spaces = 23 / 12	= 2 Maj.	Trees
TOTAL REQ'D.	= 6 Maj.	Trees
Trees Provided		
Major Deciduous = 4		
Evergreen 5 / 2	= 2.5 Maj. Equivalent	
TOTAL	6.5	

NO.	REVISIONS	DATE

LANDSCAPING PLAN

GEORGE'S CAR WASH

15th Election District 5th Councilmanic Dist.

Bafitis & Associates

William N. Bafitis, P.E.
301-391-2336

Civil Engineers/Land Planners/Surveyors
1249 Engleberth Rd. Baltimore, MD 21221

Peek/Smith, Inc.
Landscape Architecture/Land Planning
232 Cockeysville Road, Cockeysville, MD 301/785-4820

SCALE: 1"=30'
JOB ORDER NO. 89006
DATE: 7/27/89
S-1
SHEET 1 OF 1

ted greater visibility from Eastern Boulevard for security reasons. The proposed car wash will be located to the rear of the shopping center abutting the Goodyear Tire Center building behind the Gun and Trim Shop building. Mr. George testified that he had been looking for a suitable location for an extended period of time and believes the site proposed is appropriate for a car wash. Both Mr. George and Mr. Bafitis testified in their opinion the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) would be met by the proposed use.

Testimony presented by Mr. George and Mr. Phelps of Hicks and Rotner indicated that the proposed site behind the shopping center was chosen after taking into consideration safety, aesthetics and marketing factors. When questioned by the Protestants as to why the car wash could not be located in the front of the subject property at the location of an abandoned bank building, Mr. Phelps candidly admitted that the lease value of that site was greater than that of the site proposed.

Mr. George testified he is currently unemployed and is semi-retired. He testified he has prior extensive experience in the car washing business. Mr. George stated that from 1969 until recently, he owned an Amoco Gasoline Station which had a tunnel car wash facility with three self-service bays similar to the proposed self-service operation. He proposes a 24-hour car wash operation at the subject site which he testified will be staffed with an an attendant from 9:00 AM to 5:00 PM daily to insure the property is kept clean and orderly. Testimony indicated that there would be an equipment storage room wherein supplies for the vending machines and bill changers would be located. The vending machines would be limited to accessory supplies for washing cars and would not be of a food or beverage nature.

ORDER RECEIVED FOR FILING
Date 8/28/89
By Kathi Feldmann

The Protestants introduced two Petitions signed by numerous residents of Leeanne and Essex Avenues setting forth their opposition to the proposed request. The Protestants raised concerns about the proposed use abutting their residential property, including lighting, debris, loitering, the proposed 24-hour operation, and traffic congestion which may result onto Essex Avenue. Petitioner noted there would be no entrance or exit from the car wash onto Essex Avenue.

The parties were advised that a visual inspection of the subject property would occur prior to the issuance of an opinion. The visual inspection confirmed the Protestants' concerns regarding the need for landscaping of the property along the perimeters adjoining the residential properties. As requested subsequent to the hearing, Petitioners has submitted a landscaping plan which has been incorporated into the file and marked Petitioner's Exhibit A. Said plan will be reviewed by the Baltimore County Landscape Planner to determine its appropriateness.

The Protestants' concerns regarding additional traffic congestion on Essex Avenue does not seem meritorious as there is no entrance onto Essex Avenue from Eastern Avenue or an entrance into the car wash from Essex Avenue. The Middlesex Shopping Center entrance currently located off of Essex Avenue appears to primarily serve the adjoining residential area.

Further, the visual inspection gave credence to the Protestants' concerns regarding loittering, vandalism and trash problems occurring if the property was not properly monitored. It would appear that the proposed location abutting the residential area rather than another location on the property requires an attendant at all times during hours of operation and more limited hours of operation than the 24-hours requested by

ORDER RECEIVED FOR FILING
Date 8/28/89
By Kathi Feldmann

Petitioners. The relief granted hereinafter will address the Protestants' concerns through restrictions.

It is clear that the B.C.Z.R. permits the use proposed in a B.M.-C.C.C. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity, provided there is compliance with the restrictions set forth hereinafter. However, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

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 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not 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, provided the restrictions imposed are followed. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use as restricted 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 be inconsistent with the spirit and intent of the B.C.Z.R. provided there is compliance with the restrictions imposed hereinafter.

ORDER RECEIVED FOR FILING
Date 8/28/89
By Kathi Feldmann

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.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of August, 1989 that the Petition for Special Exception for a car wash comprising approximately 31,000 sq.ft., or 0.708 acres of land, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day 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.

2) Prior to the issuance of any permits, Petitioners shall submit a new site plan incorporating the requirements set forth in the comments submitted by John L. Lewis, Planning & Zoning Associate III, on July 12, 1989 in response to CRG waiver and approval. Said comments have been attached hereto and made a part hereof.

3) Prior to the issuance of any permits Petitioners shall submit for approval by the Baltimore County Landscape Planner a landscaping plan which shall screen the subject site from the adjoining residential uses along Essex Avenue and the entrance into the Shopping Center across from Leeanne Drive. The landscaping plan submitted and marked Petitioner's Exhibit A may or may not be adequate as determined by the Baltimore County Landscape Planner in his sole discretion. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file.

ORDER RECEIVED FOR FILING
Date 8/28/89
By Kathi Feldmann

4) The required landscaping shall be maintained by the Petitioner and/or subsequent property owners. Further, Petitioner and/or subsequent property owners are responsible for keeping the property free and clear of debris at all times.

5) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

6) The hours of operation for the proposed car wash shall be limited to between 8:00 AM and 9:00 PM, seven days a week.

7) An attendant shall be on the premises at all times the car wash is in operation.

8) Prior to the issuance of any permits, Petitioners shall submit plans evidencing its ability to comply with and enforce the restricted hours of operation imposed in Restriction 6, whether by placement of a chain link fence with locking gate between two poles at the entrance, or any other means.

9) Prior to the issuance of any permits, Petitioner shall submit written documentation from the manufacturer verifying the following:

1) Model number of equipment.

2) Rated highest capacity per bay per hour.

Said evidence shall be incorporated into a revised site plan with all other commercial check list information required by Zoning prior to the issuance of any permits. If the manufacturer's rated capacity exceeds that provided on the site plan identified as Petitioner's Exhibit 1, Petitioner must be able to meet all Baltimore County stacking regulations and/or the relief granted herein shall be rescinded.

10) All lighting for the subject site shall be directed away from adjoining residential properties.

11) There shall be no vending machines or sale of items other than items used for cleaning of vehicles. In no event shall there be the sale of food and/or beverages on the premises.

12) If said use should be abandoned and/or vacated for six (6) months or more, Petitioner and/or the then property owner shall be required to raze the improvements from the subject site.

ORDER RECEIVED FOR FILING
Date 8/28/89
By Kathi Feldmann

13) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING
Date 8/28/89
By Kathi Feldmann

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

August 30, 1989

Joseph K. Pokorny, Esquire
408 Jefferson Building
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
S/S Essex Avenue, 120' E of the c/l of Leeanne Road
(Middlesex Shopping Center)
15th Election District - 5th Councilmanic District
Middlesex Associates - Petitioners
Case No. 89-556-X

Dear Mr. Pokorny:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: All Protestants
People's Counsel
File

ORDER RECEIVED FOR FILING
Date 8/28/89
By Kathi Feldmann

446

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-556-X

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 washing facility comprising approximately 31,000.00 square feet or 0.708 acres of land. See approximate description attached hereto.

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.

Contract Purchaser:	Legal Owner(s):
Chris George	Middlesex Associates
(Type or Print Name)	(Type or Print Name)
Signature	Signature Stanley Greenberg
205 E. Joppa Road	(Type or Print Name)
Address	Signature
Towson, Maryland 21204	
City and State	

Attorney for Petitioner:
Joseph K. Pokorny
(Type or Print Name)
Signature
408 Jefferson Bldg.
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 823-2000

Address Phone No.
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 26 day of April, 1989, 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 14 day of July, 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1

(over)

ORDER RECEIVED FOR FILING
Date 8/28/89
By Kathi Feldmann

446

Gallis & Associates

ZONING DESCRIPTION
FOR
GEORGE'S CAR WASH

Beginning for the same at a point on the south side of Essex Avenue, 60 feet wide, said point being 120 feet, more or less, in a southeasterly direction from the centerline intersection of Leeanne Avenue and Essex Avenue, thence running with and binding on the south side of said Essex Avenue South 70°-31'-41" East 170.00 feet to a point, thence leaving the south side of said Essex Avenue the following six courses:

1. South 08°-31'-30" East 178.00 feet, to a point; thence
2. North 70°-31'-41" West 170.00 feet, to a point; thence
3. North 19°-28'-19" East 33. feet, to a point; thence
4. North 16°-50'-27" West 26.27 feet, to a point; thence
5. North 70°-31'-41" West 68.0 feet, to a point; thence
6. North 19°-28'-19" East 103.00 feet, to the point of beginning.

Containing 28,923 square feet or 0.664 acres of land, more or less.

STATE OF MARYLAND
WILLIAM N. BAFITIS
NO. 11641
REGISTERED
PROFESSIONAL ENGINEER

William N. Bafitis (Seal)
William N. Bafitis, P.E.
Md. Reg. No. 11641

Engineers / Land Planners / Surveyors — 1249 Engleberth Road / Baltimore, Maryland 21221 / 301-391-2336

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

October 2, 1989

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Exception
S/S Essex Avenue, 120' E of the c/l of Leeanne Road
(Middlesex Shopping Center)
15th Election District, 5th Councilmanic District
MIDDLESEX ASSOCIATES - Petitioner
Case No. 89-556-X

Dear Board:

Please be advised that a second appeal of the above-referenced case was filed in this office on September 22, 1989 by Claude P. Cox, Protestant. All materials relative to the case were previously forwarded to your office along with Joseph Pokorny's appeal request filed September 14, 1989.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

10-2-89

JRH:cer

Enclosures

cc: Charles Phelps, Jr. - Hicks and Rotner
1406 N. Rolling Road, Baltimore, MD 21228

Chris George, 205 E. Joppa Road, Baltimore, MD 21204

Joseph K. Pokorny, 408 Jefferson Building, Towson, MD 21204

William Bafitis, 1249 Engleberth Road, Baltimore, MD 21221

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

September 22, 1989

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Exception
S/S Essex Avenue, 120' E of the c/l of Leeanne Road
(Middlesex Shopping Center)
15th Election District, 5th Councilmanic District
MIDDLESEX ASSOCIATES - Petitioner
Case No. 89-556-X

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on September 14, 1989 by Joseph K. Pokorny, Attorney on behalf of Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Charles Phelps, Jr. - Hicks and Rotner
1406 N. Rolling Road, Baltimore, MD 21228

Chris George, 205 E. Joppa Road, Baltimore, MD 21204

Joseph K. Pokorny, 408 Jefferson Building, Towson, MD 21204

William Bafitis, 1249 Engleberth Road, Baltimore, MD 21221

Appeal Cover Letter - Case No. 89-556-X
MIDDLESEX ASSOCIATES - Petitioner
September 22, 1989
Page 2

Mark Maier, 301 Leeanne Road, Baltimore, MD 21221

John J. Rey, 309 Leeanne Road, Baltimore, MD 21221

Russell Houghton, 300 Leeanne Road, Baltimore, MD 21221

Rie Metzgar, Sr., 552 Dorsey Avenue, Baltimore, MD 21221

Kenneth Ridenour, 1006 Essex Avenue, Baltimore, MD 21221

Clarence Cox, 601 S. Marlyn Avenue, Baltimore, MD 21221

Marguerite R. Neil, 303 Leeanne Road, Baltimore, MD 21221

George W. Hughes, 1006 Essex Avenue, Baltimore, MD 21221

James Pierce, 307 Leeanne Road, Baltimore, MD 21221

Roger Lochleir, 801 Winters Lane, Baltimore, MD 21221

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

APPEAL

Petition for Special Exception
S/S Essex Avenue, 120' E of the c/l of Leeanne Road
(Middlesex Shopping Center)
15th Election District - 5th Councilmanic District
MIDDLESEX ASSOCIATES - Petitioner
Case No. 89-556-X

Petition for Special Exception

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Public Services Comments

Petitioner's Exhibits: A. Landscaping Plan

1A. Plat to accompany Petition

Protestant's Exhibits: 1. Test results for Water and Static Water

2. Petition opposing Special Exception

3. Petition opposing Special Exception

Deputy Zoning Commissioner's Order dated August 30, 1989 (Granted with Restrictions)

Notice of Appeal received September 14, 1989 from Joseph K. Pokorny, Attorney on behalf of Petitioner.

cc: Charles Phelps, Jr. - Hicks and Rotner
1406 N. Rolling Road, Baltimore, MD 21228

Chris George, 205 E. Joppa Road, Baltimore, MD 21204

Joseph K. Pokorny, 408 Jefferson Building, Towson, MD 21204

William Bafitis, 1249 Engleberth Road, Baltimore, MD 21221

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Appeal Checklist - Case No. 89-556-X
MIDDLESEX ASSOCIATES - Petitioner
September 22, 1989
Page 2

Marguerite R. Neil, 303 Leeanne Road, Baltimore, MD 21221

George W. Hughes, 1006 Essex Avenue, Baltimore, MD 21221

James Pierce, 307 Leeanne Road, Baltimore, MD 21221

Roger Lochleir, 801 Winters Lane, Baltimore, MD 21221

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

THE LAW OFFICE OF
JOSEPH K. POKORNY
406 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

TELEPHONE
823-8000

September 12, 1989

Board of Appeals for Baltimore Co.
County Office Building
Chesapeake Avenue
Towson, Maryland 21204

re: Petition for Special Exception
Middlesex Associates-Petitioner
Case No. 89-556-X

Gentlemen,

Please note an Appeal from the decision of the Deputy Zoning Commission in the above captioned matter dated August 30, 1989.

Our client's Petition for Special Exception was granted subject, however, to certain restrictions and conditions, some of which we would like to appeal as they are not in my client's best interest.

Would you please have all transcripts in connection with this hearing forwarded for the Appeal.

Very truly yours,

Joseph K. Pokorny

Joseph K. Pokorny

JKP/lds

enc: Check # 6097

RECEIVED
PAYMENT
9-14-89
ZONING OFFICE

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Chris George	205 E Joppa Rd 21204
Charles Phelps Jr.	1406 N. Rolling Rd 21228
William Bafitis	1249 ENGLEBERTH Rd 21221
Joe Pokorny	408 JEFFERSON BLDG 21204

PLEASE PRINT CLEARLY — PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
MARK MAIER	301 LEEANNE Rd
John J Rey	309 LEEANNE Rd.
Russell Houghton	300 LEEANNE Rd
Rie Metzgar Sr.	552 Dorsey Ave. 21221
Kenneth Ridenour	1006 Essex Ave 21221
Clarence J. Cox	601 So. Marlyn Ave 21221
Marguerite R Neil	303 Leeanne Rd. 21221
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