

IN THE MATTER OF
THE APPLICATION OF
S. ROBERT BOARDMAN
FOR A
SPECIAL HEARING ON PROPERTY LOCATED
ON THE NORTH SIDE OF TALBOTT ROAD,
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 90-225-SPH

OPINION

This case comes before this Board on appeal from a denial of the Petition for Special Hearing by the Zoning Commissioner dated January 19, 1990. The Petition for Special Hearing was a request to amend the Order of the Zoning Commissioner in Case No. 88-46-X allowing the extension of the hours of operation incorporated in the special exception case 88-46-X.

Opening statement to the Board indicated that the business being conducted is a car wash that operates from 7:00 a.m. to 9:00 p.m., 7 days a week. The Board will also note that the car wash is located in a B.M. zone which permits rather heavy commercial use. In addition, it enjoys a CCC district, which allows intensification of some allowed uses in the B.M. zone. The matter before the Board does not concern the special exception but merely addresses the Petitioner's desire to extend his operating hours.

Mr. S. Robert Boardman, Petitioner/Appellant and owner of the car wash, testified of his need to extend the hours to better service his community. He submitted his proposed hours and noted the present agreement to these hours from those neighbors who appeared in protest at the original hearing. Mr. Boardman testified that he has 18 years experience in the car wash business and that his coin-operated devices are now electronically controlled so that at the legitimate closing hour, they can be programmed to receive no more coins and thereby issue no car wash material. He further testified that the extension

Case No. 90-225-SPH
S. Robert Boardman

of the operating hours would in no way be detrimental to the neighborhood. He testified that his present hours are 7:00 a.m. to 9:00 p.m., 7 days a week, and he was requesting the following change in these hours:

From September 2 through June 14:
- Sunday through Thursday, the hours would be 6:00 a.m. till 9:00 p.m.
- Friday and Saturday, the hours would be 6:00 a.m. till 11:00 p.m.

From June 15 through and including September 1:
- The hours would be 6:00 a.m. to 11:00 p.m., 7 days a week.

Mr. John Kramer, who lives at 5610 Queen Anne Street and was a protestant, in the original special hearing case, testified to his agreement to the proposed new hours, as did Mr. Michael Zeller of 56C1 Queen Anne Street, who was also a protestant in the original hearing. This concluded the testimony and evidence in this case.

The Board is of the opinion that the increase in operating time for the car wash would not be detrimental to the health, safety or welfare of the neighborhood. The Board will especially note the myriad of permitted uses in the B.M. zone, particularly the B.M. zone with a CCC district, that appear to be more offensive than a car wash. It is therefore the opinion of this Board that the Petition for Special Hearing should be granted as requested. The Board will also note that it is incumbent upon the car wash operator to make every effort to control rowdiness, extremely loud playing of car radios, trash disposal, or any of these detrimental effects generated by the car wash business.

ORDER

It is therefore this 19th day of April, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petition for

Case No. 90-225-SPH
S. Robert Boardman

Special Hearing to amend the hours of operation be and the same is GRANTED with the following restriction:

1. The hours of operation are to be as follows:

From September 2 through June 14:
- Sunday through Thursday, the hours shall be 6:00 a.m. till 9:00 p.m.
- Friday and Saturday, the hours shall be 6:00 a.m. till 11:00 p.m.

From June 15 through and including September 1:
- The hours shall be 6:00 a.m. to 11:00 p.m., 7 days a week.

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

William T. Hackett, Chairman

Michael A. Zeller

Arnold G. Foreman

IN RE: PETITION FOR SPECIAL HEARING
NS Talbott Road, 130' NW
of Baltimore National Pike
"Talbott Place Car Wash"
1st Election District
1st Councilmanic District
S. Robert Boardman
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE # 90-225-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a Special Hearing to approve an amendment to the Order of the Zoning Commissioner in case No. 88-46-X to extend the permitted hours of operation, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, S. Robert Boardman, appeared, testified and was represented by Howard L. Alderman, Jr., Esquire. Appearing on behalf of the Petitioner was Margaret Boardman and Stanley Boardman. Michael Zeller and John R. Kramer, Jr., appeared as Protestants.

Testimony indicated that the subject property known as the "Talbott Place Carwash", located approximately 130 feet northwest of Baltimore National Pike on Talbott Road, consists of .459 acres +/-, zoned B.M.-C.C.C.

Mr. Boardman testified that he is desirous of extending the hours of operation for the subject carwash from 7:00 A.M. to 9:00 P.M., Monday thru Sunday which is permitted pursuant to case No. 88-46-X to 7:00 A.M. to 12:00 midnight, Monday thru Thursday and 7:00 A.M. to 1:00 A.M., Friday thru Sunday. Mr. Boardman testified that his customers have communicated their desire to have the hours of operation of the subject carwash extended. He also testified that he recently installed shut-off meters which will prevent the operation of the carwash's equipment after certain hours. Mr. Boardman

ORDER RECEIVED FOR FILING
Date 1/19/90
By M. Boardman

stated that, in the past, he has experienced problems with customers attempting to use the carwash facility after hours despite signs posted on the facility advising customers of the carwash closing hours (see Petitioner's Exhibits 4A and 4B). Mr. Boardman stated that even at peak hours of operation, stacking is sufficient on this site and that he usually has an attendant present during all hours of operation. Mr. Boardman testified that approximately 60% of his business is on the site from 6:00 P.M. until closing and that, occasionally, particularly after a snowfall, customers are still lined up to use the facilities at closing time. He testified that, in his opinion, extending the hours of operation of this facility will have no adverse impact on the health, safety or general welfare of this community and is otherwise within the spirit and intent of the Baltimore County Zoning Regulations (B.C.Z.R.).

The Protestants, Michael Zeller and John Kramer, Jr., indicated that their homes are located northeast of the subject site, as indicated on Petitioner's Exhibit No. 3. The Protestants concurred in their testimony and indicated that excessive noise generated by the facility's equipment and the patrons high volume radios has, on numerous occasions, prevented their school age children from sleeping. They testified that individuals will often blare car radios from the site and exit the facility in their automobiles in a reckless fashion creating concern over the safety of the children and elderly in the community.

The Protestants indicated that permitting the Petitioner to extend the hours of operation of the subject carwash will only serve to increase the negative impact this carwash has had on their residential community.

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Date 1/19/90
By M. Boardman

It is clear that the B.C.Z.R. permits the use proposed in a B.M.C.C.C. zone by special exception. 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 requested extension of hours of operation for the subject carwash meets the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R.

In the opinion of the Zoning Commissioner, the Petitioner has not shown that the proposed extension of hours could be adopted without real detriment to the adjoining neighborhood zoned D.R.5.5 and without adversely affecting the public interest. The facts and circumstances show that the current use at the subject site generates considerable noise and traffic, and that an extension of operating hours would only serve to increase the negative impact on the adjoining residential community which, in the opinion of the Zoning Commissioner, is contrary to the spirit and intent of the B.C.Z.R.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, it appears that the Petitioner's request should be denied.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 12th day of January, 1990 that the Petition for Special Hearing to approve an amendment to the Order of the Deputy Zoning Commissioner in case No. 88-46-X to extend the permitted hours of operation, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

ORDER RECEIVED FOR FILING
Date 1/19/90
By M. Boardman

IT IS FURTHER ORDERED that all terms and conditions of case No. 88-46X shall remain in full force and effect.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:rmn
cc: Peoples Counsel
cc: Protestants

ORDER RECEIVED FOR FILING
Date 1/19/90
By M. Boardman

PETITION FOR SPECIAL HEARING 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 Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the Order of the Deputy Zoning Commissioner in Case No. 88-46-X to extend the permitted hours of operation.

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

I, or we, agree to pay expenses of the above Special Hearing 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):	MAP SHEET
(Type or Print Name)	S. Robert Boardman	F-2
Signature	<i>S. Robert Boardman</i>	S.D. 12
Address	3410 Dogwood Road	DATE 10/21/90
City and State	Ellicott City, MD 21043	200
Attorney for Petitioner:	Name, address and phone number of legal owner, contract purchaser, or representative to be contacted	1000
Howard L. Alderman, Jr.	H. L. Alderman, Jr., Esquire	DP-9
(Type or Print Name)	Name Levin & Gunn, P.A.	
Signature	Suite 113, 305 W. Chesapeake Ave.	
Address	Towson, MD 21204	
City and State	Attorney's Telephone No.: 321-9600	
TOWSON, MD 21204		
City and State		
Attorney's Telephone No.: 321-9600		

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of Sept, 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 12th day of October, 1989, at 2:00 o'clock P.M.

FILED BY JPH. 8/24/89.
1 HOUR HEARING TIME
ANY TIME OR DAY OK

J. Robert Haines
Zoning Commissioner of Baltimore County

E.C.O. No. 1

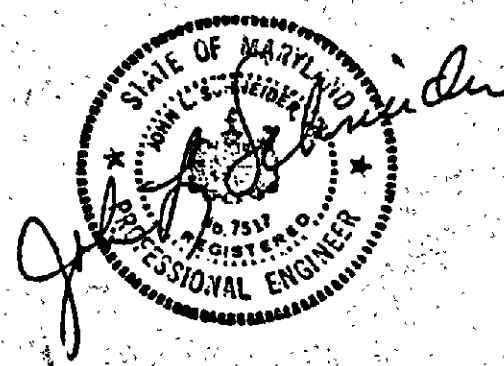
(over)

Subject Property Description

Beginning on the north side of Talbott Road 40 feet wide, at a distance of 130 feet northwest of the north side of the Baltimore National Pike also known as Route 40. Thence leaving the north side of Talbott Road for the following courses and distances.

1. North 53 Degrees - 50 Minutes - 00 Seconds East. 200 feet.
2. North 36 Degrees - 10 Minutes - 00 Seconds West. 100 feet.
3. South 53 Degrees - 50 Minutes - 00 Seconds West. 200 feet.
4. South 36 Degrees - 10 Minutes - 00 Seconds East. 100 feet.

to the place of beginning.
Being lots 16,17,18,19,20,36,37,38,39, and 40, Block 23 in the subdivision of Catonsville Manor. Plat No. 4 Catonsville Manor, Plat Book W.P.C. 6/160, 1st. Election District, Baltimore County, Maryland.



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

January 18, 1990



Howard L. Alderman, Jr., Esquire
Suite 113
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
S. Robert Boardman, Petitioner
Case #90-125-SPH

Dear Mr. Alderman:

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

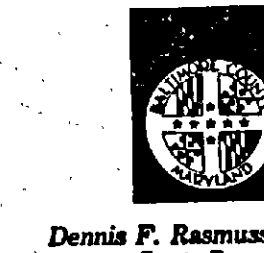
In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel
cc: Mr. Michael Zeller
cc: Mr. John R. Kramer, Jr.

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

August 31, 1989



Howard L. Alderman, Jr.
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Talbott Place Car Wash - Violation
Margaret D. & S. Robert Boardman
Citation No. 90-56

Dear Mr. Alderman:

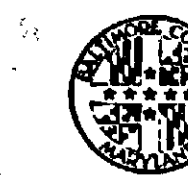
In response to your letter dated August 30, 1989 on the above-captioned matter, please be advised that your request that the violation case hearing in District Court be continued pending the outcome of the Petition for Special Hearing, Item No. 80, will not be granted at this time.

As stated in the letter dated August 29, 1989 from J. Robert Haines, Zoning Commissioner, your request for an early hearing in the matter of Item No. 80 has been denied. Further, Mr. Haines stated that pending a decision on the requested modification of the Order issued in previous Case No. 88-46-X regarding the subject property, your client is expected to comply with all the restrictions set forth in said Order.

If you have any further questions on the subject, please do not hesitate to contact me.

Very truly yours,
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
cc: Violation Case No. 90-56; C-90-15
Zoning Case Files - Item No. 80, Case No. 88-46-X
File



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-2180x 887-3180

HEARING ROOM -
Room 301, County Office Building
February 27, 1990

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. 90-225-SPH S. ROBERT BOARDMAN (TALBOTT PLACE CAR WASH)
North side Talbott Road, 130' northwest
of Baltimore National Pike
1st Election District
1st Councilmanic District

SPH -to amend Order of Zoning Commissioner in Case
No. 88-46-X to extend hours of operation.

1/19/90 -Z.C.'s Order that DENIED the Petition for Special
Hearing.

ASSIGNED FOR: WEDNESDAY, MARCH 21, 1990 at 10:30 a.m.

cc: Howard L. Alderman, Esquire Counsel for Petitioner /Appellant ✓

S. Robert Boardman Petitioner /Appellant ✓

Michael Zeller ✓ prot.

John R. Kramer ✓ prot.

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

People's Counsel for Baltimore County ✓ Phyllis

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

April 19, 1990

Howard L. Alderman, Jr., Esquire
LEVIN & GANN
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No. 90-225-SPH
S. Robert Boardman

Dear Mr. Alderman:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. S. Robert Boardman
Mr. Michael Zeller
Mr. John R. Kramer
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

RE: PETITION FOR SPECIAL HEARING : BEFORE THE COUNTY BOARD OF APPEALS
North Side Talbott Rd., 130' : OF BALTIMORE COUNTY
NW of Baltimore National Pike. :
1st Election District : Case No. 90-225-SPH
1st Councilmanic District :
S. ROBERT BOARDMAN (TALBOTT :
PLACE CAR WASH), 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.

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

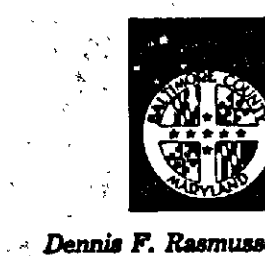
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 7th day of March, 1990, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Esquire, Levin & Gann, 305 W. Chesapeake Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Phyllis Cole Friedman
ES:MMW L-MWOS
111 W. CHESAPEAKE AVENUE
TOWSON, MD 21204

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

August 29, 1989



Howard L. Alderman, Jr.
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Request for Early Hearing
Talbott Place Car Wash - Violation
Petition for Special Hearing
Item No. 80

Dear Mr. Alderman:

In response to your letter dated August 24, 1989 on the above-captioned matter, please be advised that due to the number of cases pending at this time, we will be unable to grant your client an early hearing. It is understood that a correction notice has been issued your client for violating the restriction set forth in previous Case No. 88-46-X relating to permitted hours of operation. However, until the requested hearing is held and a modification of the previous Order has been granted, your client must comply with all the restrictions set forth therein.

If you have any further questions on the subject, please do not hesitate to call this office.

Very truly yours,
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:bjs
cc: Violation Case File #90-56; C-90-15
John L. Lewis
Swendolyn Stephens
File

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

February 14, 1990



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

RE: Petition for NS Talbott Road, 130' NW
of Baltimore National Pike
"Talbott Place Car Wash"
1st Election District - 1st Councilmanic District
S. Robert Boardman, Petitioner
Case No. 90-225-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on February 5, 1990 by Howard L. Alderman, Jr., Esq., Attorney for the 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 which 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
Zoning Commissioner

JRH:jet
Enclosures
cc: Howard L. Alderman, Jr., Esq., Levin & Gann
305 W. Chesapeake Ave. 21204
S. Robert Boardman, 3410 Dogwood Rd., Ellicott City, Md. 21043
Michael Zeller, 5606 Queen Anne St. 21207
John R. Kramer, 5610 Queen Anne St. 21207

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

RECEIVED
COUNTY BOARD OF APPEALS
FEB 14 1990

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-225-SPH

District: 1st Date of Posting: 2-16-90
Posted for: Robert Boardman
Petitioner: Robert Boardman
Location of property: N/S of Talbot Road, 130' NW of
Baltimore National Pike, "Talbot Place Car Wash"
Location of Sign: N/S of Talbot Road in front of
subject property
Remarks:
Posted by: S. J. Haines Date of return: 2-23-90
Number of Signs: 1



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180 887-3180

HEARING ROOM -
Room 301, County Office Building

February 27, 1990

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. 90-225-SPH

S. ROBERT BOARDMAN (TALBOT PLACE CAR WASH)
North side Talbot Road, 130' northwest
of Baltimore National Pike
1st Election District
1st Councilmanic District

SPH - to amend Order of Zoning Commissioner in Case
No. 88-46-X to extend hours of operation.

1/19/90 - Z.C.'s Order that DENIED the Petition for Special
Hearing.

ASSIGNED FOR: WEDNESDAY, MARCH 21, 1990 at 10:30 a.m.

cc: Howard L. Alderman, Esquire Counsel for Petitioner / Appellant

S. Robert Boardman

Petitioner / Appellant

Michael Zeller

John R. Kramer

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

People's Counsel for Baltimore County

Kathleen C. Weidenhamer
Administrative Assistant

APPEAL

Petition for Special Hearing

N/S Talbot Road, 130' NW
of Baltimore National Pike
"Talbot Place Car Wash"
1st Election District - 1st Councilmanic District
S. Robert Boardman - Petitioner
Case No. 90-225-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments December 5, 1989

Petitioner's Exhibits: 1. Plat

2. 200 Scale Aerial Map

3. 200 Scale Zoning Map

4. Petition for Extended Hours - 35 pages

4A - 41.9 pages of 17 site photos

Protestant's Exhibit: 1. Petition, 12/10/89 - 7 signatures

Zoning Commissioner's Order dated January 19, 1990, Denied.

Notice of Appeal received February 5, 1990 from Howard L. Alderman,
Jr., Esq., Attorney for the Petitioner.

Howard L. Alderman, Jr., Esq.
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

S. Robert Boardman
3410 Dogwood Road
Ellicott City, Md. 21043

Michael Zeller
5606 Queen Anne St.
Baltimore, Md. 21207

John R. Kramer
5610 Queen Anne St.
Baltimore, Md. 21207 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
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

LAW OFFICES
LEVIN & GANN

A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
FAX 301-296-2801

February 5, 1990

ELIAS LEVIN 9853-0603
BALTIMORE OFFICE
900 MORGAN BANK & TRUST BUILDING
2 FLOORS PLAZA
BALTIMORE, MARYLAND 2020
301-579-3300
TELEPHONE 301-625-9050
CARROLL COUNTY OFFICE
137 LIBERTY ROAD
STEVENAGE, MD 20764

J. Robert Haines, Esquire
Zoning Commissioner for Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Talbot Place Car Wash
S. Robert Boardman, Petitioner
Case No. 90-225-SPH
Notice of Appeal

Dear Commissioner Haines:

Pursuant to Section 602(a) of the Baltimore County Charter
and Section 501.6 of the Baltimore County Zoning Regulations,
please note an appeal of your decision in the above-referenced
case to the Baltimore County Board of Appeals. Enclosed is a
check in the amount of One Hundred Fifty Dollars (\$150.00) to
cover the fee for filing this appeal.

I would request that your office promptly transmit the
entire file to the Board so that the appeal hearing can be
scheduled in a timely fashion. Please call me if you need
additional information or if there will be a delay in
transmitting the file.

Very truly yours,
Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLA/ls
Enclosure
cc: S. Robert Boardman
Baltimore County Board of Appeals

**PETITIONER'S
EXHIBIT**

**PROTESTANT'S
EXHIBIT**

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 23, 1989

CATONSVILLE TIMES

S. Zefe Orlan
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 28, 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 Nov 23, 1989

THE JEFFERSONIAN

S. Zefe Orlan
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Ordinance, has scheduled a public hearing on the proposed amendment to the Zoning Ordinance, Case No. 90-225-SPH, to be held at the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, on Wednesday, December 12, 1989 at 2:00 p.m.

Interested parties are invited to appear at the hearing to present their views on the proposed amendment. The hearing will be held in Room 301 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

A copy of the proposed amendment is available for review at the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday.

For more information, please contact the Zoning Commissioner's Office at (301) 494-3180.

Very truly yours,
J. Robert Haines
Zoning Commissioner

cc: People's Counsel
Mr. Michael Zeller
Mr. John R. Kramer, Jr.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-225-A

District: 1st Date of Posting: November 19, 1989
Posted for: Special Hearing
Petitioner: S. Robert Boardman
Location of property: N/S of Talbot Road, 130' NW of Baltimore National
Pike, "Talbot Place Car Wash"
Location of Sign: N.E. side of Talbot Road in front of subject
property
Remarks:
Posted by: S. J. Haines Date of return: November 24, 1989
Number of Signs: 1

receipt

No. 629

90-225-A

12/12/89
PUBLIC HEARING FEES
OBO - POSTING SIGNS / ADVERTISING 1 X \$98.81
TOTAL: \$98.81

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

November 15, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

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 here. Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 90-225-A
N/S of Talbott Road, 130' NW of Baltimore National Pike
Talbott Place Car Wash
1st Election District - 1st Councilmanic
Petitioner(s): S. Robert Boardman
HEARING: TUESDAY, DECEMBER 12, 1989 at 2:00 p.m.

Special Hearings to approve an amendment to the Order in Case No. 88-46-X to extend the permitted hours of operation.

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.

NOTE:

If "Phase II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3351 to confirm hearing date.)

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

cc: S. Robert Boardman
Howard L. Alderman, Jr., Esq.
File

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

August 31, 1989

90-225-SPH



Dennis F. Rasmussen
County Executive

Howard L. Alderman, Jr.
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Talbott Place Car Wash - Violation
Margaret D. & S. Robert Boardman
Citation No. 90-56

Dear Mr. Alderman:

In response to your letter dated August 30, 1989 on the above-captioned matter, please be advised that your request that the violation case hearing in District Court be continued pending the outcome of the petition for Special Hearing, Item No. 80, will not be granted at this time.

As stated in the letter dated August 29, 1989 from J. Robert Haines, Zoning Commissioner, your request for an early hearing in the matter of Item No. 80 has been denied. Further, Mr. Haines stated that pending a decision on the requested modification of the Order issued in previous Case No. 88-46-X regarding the subject property, your client is expected to comply with all the restrictions set forth in said Order.

If you have any further questions on the subject, please do not hesitate to contact me.

Very truly yours,

ANN M. NASTAROWICZ
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMH:bjs

cc: Violation Case No. 90-56; C-90-15
Zoning Case Files - Item No. 80, Case No. 88-46-X
File

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 27, 1989

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

cc:

Howard L. Alderman, Esquire
Suite 113, 305 W. Chesapeake Avenue
Towson, MD 21204

RE: Item No. 80, Case No. 90-225-SPH
Petitioner: S. Robert Boardman
Petition for Special Hearing

Dear Mr. Alderman:

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 WIANIASKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. S. Robert Boardman
3410 Hopwood Road
Ellicott City, MD 21043

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



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 26th day of September, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
JAMES E. DYER
Chairman,
Zoning Plans Advisory Committee

Petitioner: S. Robert Boardman

Petitioner's Attorney: Howard L. Alderman, Jr.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: December 5, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: S. Robert Boardman, Item 80
Zoning Petition No. 90-225

The Petitioner requests an amendment to the Order of the Deputy Zoning Commissioner in Case No. 88-46-X to extend the permitted hours of operation.

A review of Case No. 88-46-X reveals that many protestants appeared before the Deputy Zoning Commissioner to express their concerns regarding the use of subject property as a car wash. While staff can not comment on the protestants' continuing concerns, it can indicate that the character of the neighborhood has not changed since the aforementioned case was granted.

Unless the Petitioner can demonstrate that the community supports the subject request, staff can find no other reason why the Petition should be granted.

The Office of Planning and Zoning, in its comments regarding these types of uses, has consistently recommended that hours of operation be restricted in order to ensure compatibility with existing residential uses.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PR/JL/cmm

12/11/89 Spoke to office to file late comments.

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

RECEIVED
SEP 14 1989
ZONING OFFICE

September 12, 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 73, 74, 75, 76, 77, 78, 79, 80, 81, and 82.

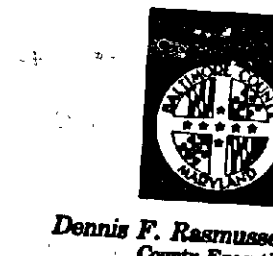
Very truly yours,

Michael S. Flanagan
Michael S. Flanagan

MSF/efm

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reineke
Chief

SEPTEMBER 7, 1989



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: S. ROBERT BOARDMAN
Location: N SIDE TALBOTT ROAD
Item No.: 80
Zoning Agenda: SEPTEMBER 7, 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.

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", 1988 edition prior to occupancy.

REVIEWER: *Paul H. Reineke* Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KEK

SEP 08 1989

LAW OFFICES

LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
FAX 301-296-2801

August 24, 1989

CALMAN A. LEVIN
STANFORD C. GANN
MELVIN A. STERNBERG
JULIUS W. LICHTER
SIDNEY WEINMAN
ROBERT L. KELLER
ANDREW E. SANDLER
RICHARD M. C. BISHOP
MICHAEL J. KANDEL
BRUCE J. FRANK
HOWARD L. ALDERMAN, JR.
JUDITH S. GANN
MARC C. GANN
HAYES E. GUTTMAN
EDWARD B. STERNBERG
*ALSO ADMITTED IN NYC

J. Robert Haines, Zoning Commissioner
Baltimore County Office of the Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: (Request for Early Hearing)
Petition for Special Hearing
(Notice to Correct Alleged Zoning Violation)
Talbott Place Car Wash

Dear Commissioner Haines:

We are filing this morning a Petition for Special Hearing to amend the order of Deputy Zoning Commissioner in Case No. 88-46-X. The relief sought is an extension of the permitted hours of operation.

This Petition is being filed in response to a Correction Notice served upon S. Robert Boardman, owner of the Talbott Place Car Wash, by your zoning enforcement staff. In order to resolve this issue in a timely fashion, we are requesting that an expedited hearing be scheduled for this Petition. A copy of this letter is being submitted with the Petition.

Thanking you in advance for your consideration of this request, I am

Very truly yours,

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLA/lis
cc: S. Robert Boardman

CALMAN A. LEVIN
STANFORD C. GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
FAX 301-296-2801

February 5, 1990

J. Robert Haines, Esquire
Zoning Commissioner for Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Talbott Place Car Wash
S. Robert Boardman, Petitioner
Case No. 90-225-SPH
Notice of Appeal

Dear Commissioner Haines:

Pursuant to Section 602(a) of the Baltimore County Charter and Section 501.6 of the Baltimore County Zoning Regulations, please note an appeal of your decision in the above-referenced case to the Baltimore County Board of Appeals. Enclosed is a check in the amount of One Hundred Fifty Dollars (\$150.00) to cover the fee for filing this appeal.

I would request that your office promptly transmit the entire file to the Board so that the appeal hearing can be scheduled in a timely fashion. Please call me if you need additional information or if there will be a delay in transmitting the file.

Very truly yours,

Howard L. Alderman, Jr.

HIA/ls
Enclosure
cc: S. Robert Boardman
Baltimore County Board of Appeals

RECEIVED
FEB 5 1990
ZONING OFFICE

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
FAX 301-296-2801

February 20, 1990

HAND DELIVERED

William T. Hackett, Chairman
Baltimore County Board of Appeals
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Talbott Place Car Wash
Zoning Case No. 90-225-SPH
S. Robert Boardman, Petitioner
Request for Hearing

Dear Chairman Hackett:

On behalf of our client, S. Robert Boardman, we filed an appeal of the final Order of the Baltimore County Zoning Commissioner to this Board. A visual inspection of the subject site this date indicates that notice of this appeal has been properly posted.

We represented the Petitioner before the Zoning Commissioner and will continue our representation before this Board. Therefore, based on the time necessary to present our case, which will not exceed one and one-half hours, I am requesting as early a hearing date as is possible.

I am aware of the Board's crowded docket. However, where I am confident, based on past representation, that only a small portion of the Board's time is necessary for a hearing I am not uncomfortable submitting an early hearing request to the Board.

Thank you for your thoughtful consideration of this request.

Very truly yours,

Howard L. Alderman, Jr.

HIA/ls
cc: Mr. S. Robert Boardman

Approved \$150.00
for town fee
JAN 22 AM 9:10
COUNTY RECORDS

February 27, 1990 - Notice sent to following setting hearing for Wednesday, March 21, 1990 at 10:30 a.m.

H. Alderman, Esq.
S. R. Boardman
M. Zeller
J. R. Kramer
P. D. Fields
P. Keller
R. Haines
A. Nastarowicz
J. Dyer
C. Richards
Docket Clerk - Zoning
A. Jablon, Esq.
People's Counsel

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Michael Zeller	5606 QUEEN ANNE ST.
John R. Kramer, Jr.	5610 QUEEN ANNE ST.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Margaret Boardman	3410 Dagwood Rd. Ellicott City, MD
Stanley Boardman	" "
Harold Boardman, Esq.	305 W. Chesapeake Ave. Towson 21204
Robert Boardman	5553 Safford Ct. G1 21244

PETITION FOR EXTENDED HOURS - TALBOTT PLACE CAR WASH

WE, the undersigned, by our signatures below, indicate our support of extending the hours of operation of THE TALBOTT PLACE CAR WASH as follows:

Monday - Thursday: 7:00 a.m. to 12:00 midnight
Friday - Sunday: 7:00 a.m. to 1:00 a.m.

The extended hours of operation are needed to allow use of the carwash at times when other business operations in the immediate area.

NAME: PETITIONER'S EXHIBIT #4

Edna Perry	5614 Queen Anne St 21207W
Mary J. Mullen	5612 Queen Anne St 21207
Nicholas V. Pato	1105 Lexington Ave. - 21207
Edward De. Pato	1112 Lexington Ave. 21207
Sam	5570 Balto Natl Pike 21208
RTM Buhl	1218 Princes Ave.
Billy Bryant	5550 Balto. Natl. Pike 21208B
Mary J. Phelan	50 Dekey Ave 21228
John M. Bittler	2611 Talbott Ave
John M. Bittler	1110 Gregory Ave
N. Nichols	1120 Gregory Ave
Shirley H. H. H.	5530 Balto Natl Pike
Jose S. H.	5000 Balto Natl Pike
	1105 Gregory Ave.

RECEIVED
JAN 4 1990
90-225 SPH

DEAR MR. HAINES,
I AM WRITING ZONING OFFICE CASE #88-46-X. IT INVOLVES THE HOURS OF OPERATION AT A CARWASH OWNED BY MR. ROBERT BOARDMAN. MR. BOARDMAN'S HOURS OF OPERATION ARE FROM 7:00 AM TO 9:00 PM. SINCE OUR LAST COURT APPEARANCE, THE CARWASH HAS BEEN OPEN ANYWHERE FROM 6:00 AM TO 10:00 PM. ON DEC. 9TH, 10TH AND 11TH, THE CAR WASH WAS OPEN ALL NIGHT LONG. MR. BOARDMAN HAS FAILED TO COMPLY WITH THE FIRST COURT RULING OF HOURS OF OPERATION OF 7:00 AM TO 9:00 PM. AS RESIDENTS OF THE CATONSVILLE MANOR COMMUNITY WE WISH YOU WOULD TAKE IN THIS LETTER OF CONSIDERATION TO LEAVE THE CARWASH HOURS OF OPERATION TO 7:00 AM TO 9:00 PM. MR. BOARDMAN HAS FAILED AND WILL CONTINUE TO NOT COMPLY WITH OPERATION HOURS. MR. BOARDMAN WAS GIVEN A CITATION EARLY THIS YEAR BECAUSE HE DID NOT COMPLY.

Sincerely yours,
Michael Zeller
John R. Kramer, Jr.

PETITIONER(S) EXHIBIT 4A



ZONING NOTICE
VARIANCE

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER, COUNTY OFFICE BUILDING-TOWSON, MARYLAND

PLACE 111 W. CHESAPEAKE AVE. RM. 106
TIME & DATE THE HEARING WILL BE HELD
CASE NUMBER 90-225-SPH
TO APPROVE AN AMENDMENT TO THE ZONING CASE NO. 90-225-SPH TO EXTEND THE HOURS OF OPERATION

PETITIONER(S) EXHIBIT 4B



PETITIONER(S) EXHIBIT 4C



PETITIONER(S) EXHIBIT 4D



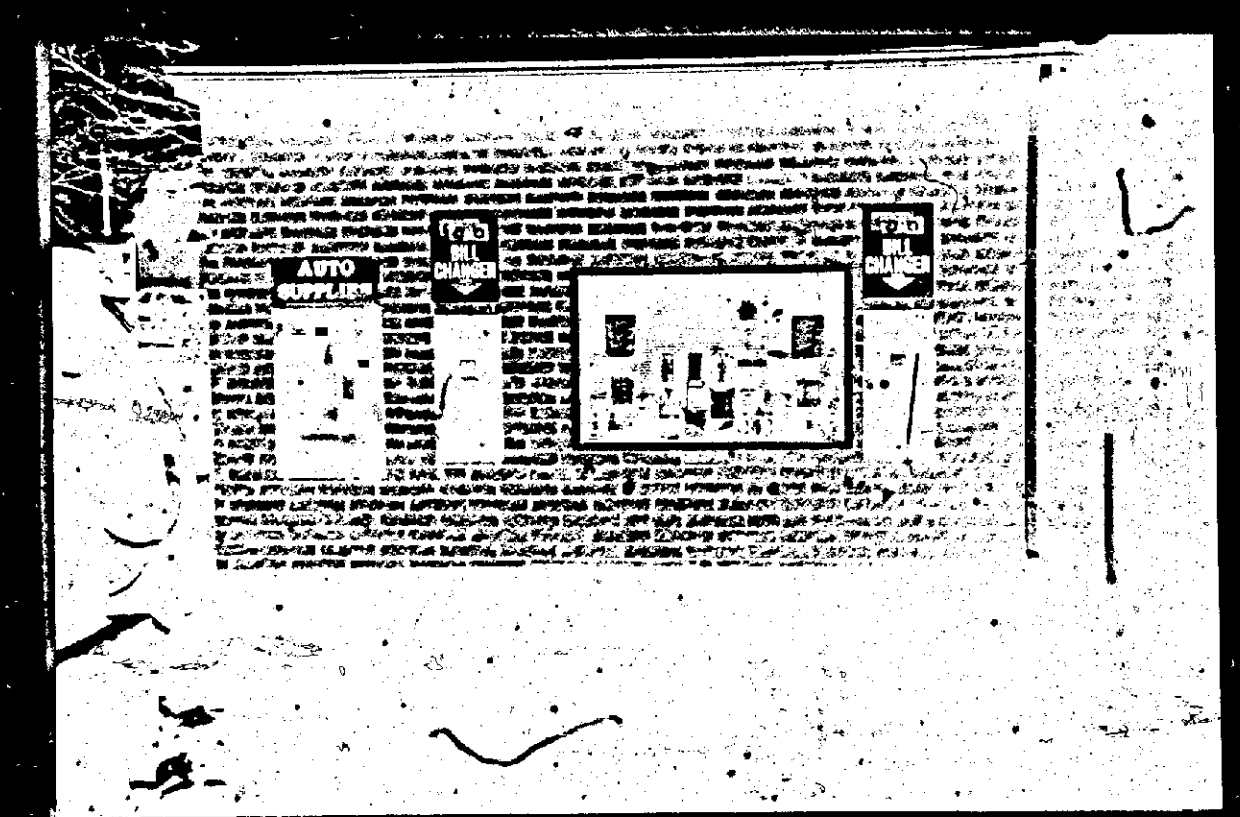
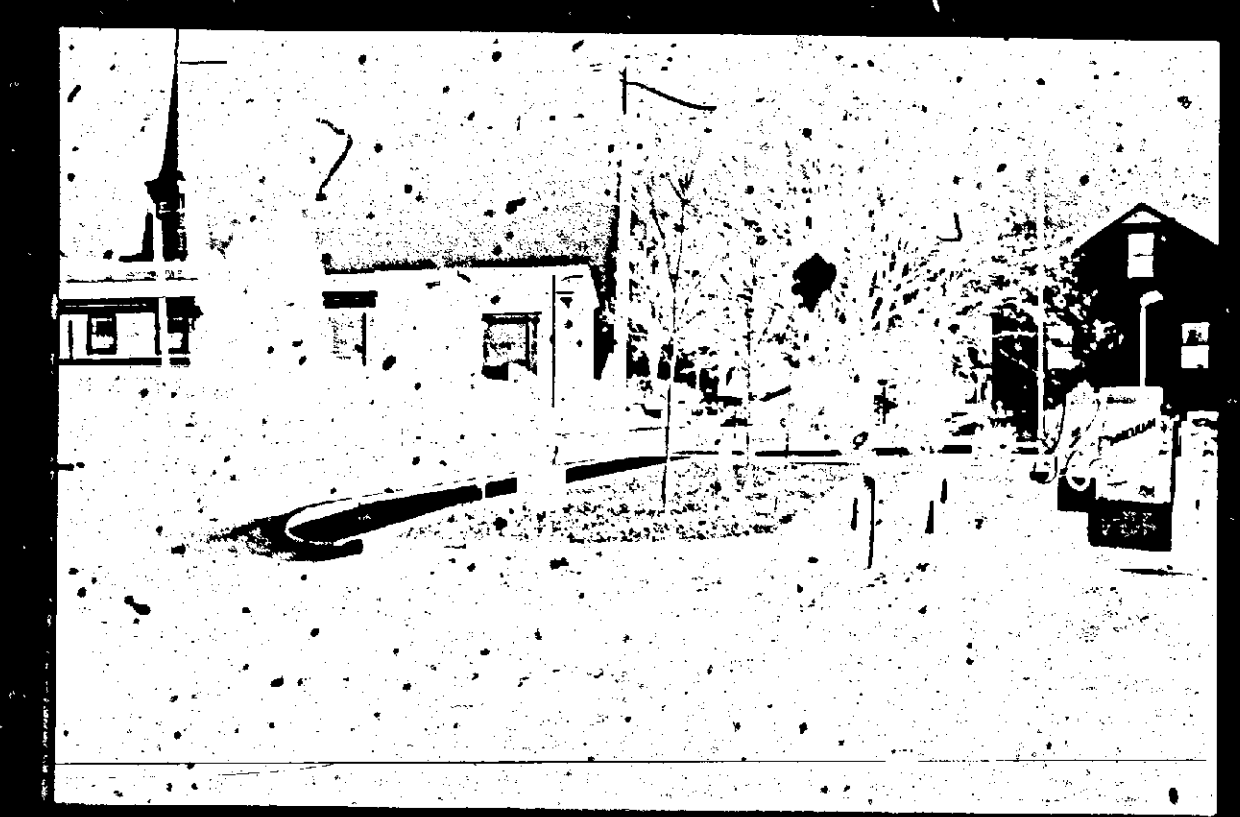
PETITIONER(S) EXHIBIT 4E



PETITIONER(S) EXHIBIT 4F



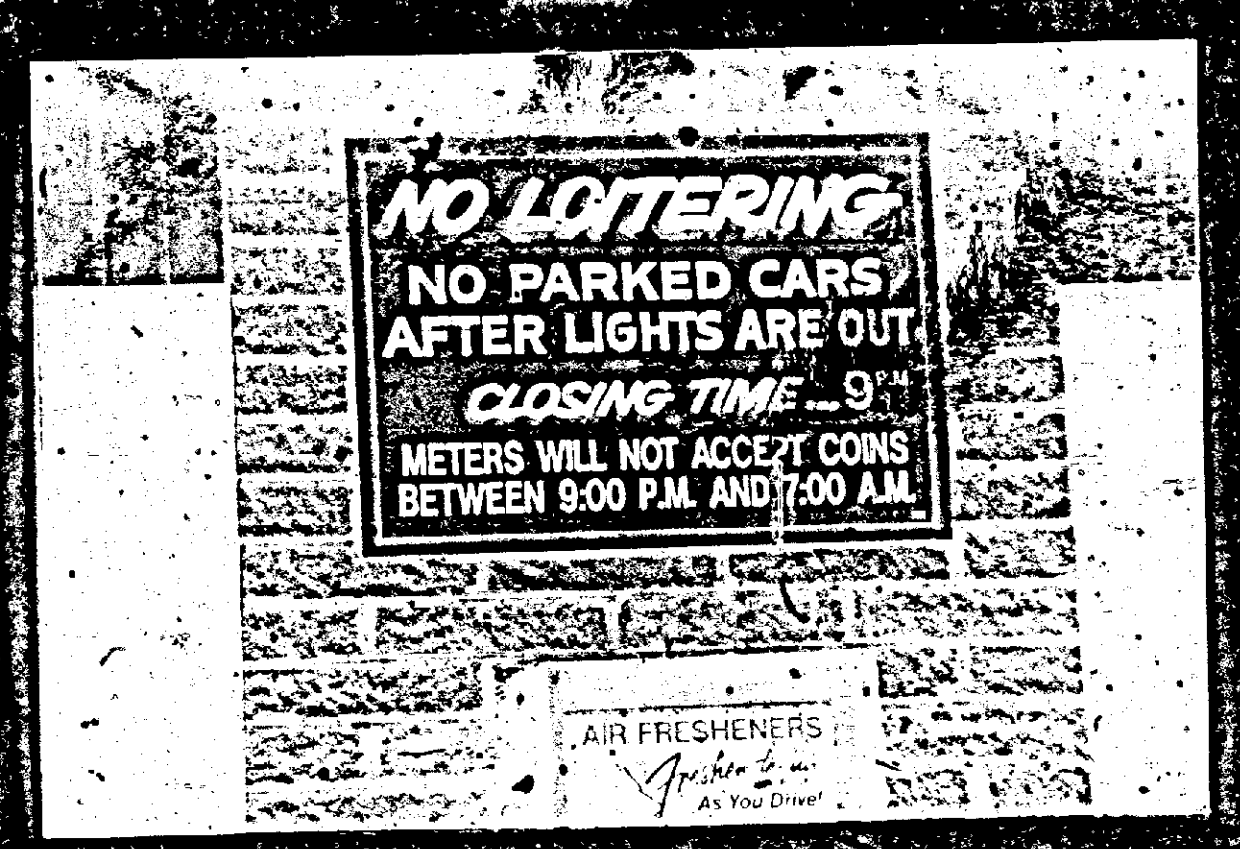
PETITIONER(S) EXHIBIT 4G



PETITIONER(S) EXHIBIT 4H



PETITIONER(S) EXHIBIT 4I





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

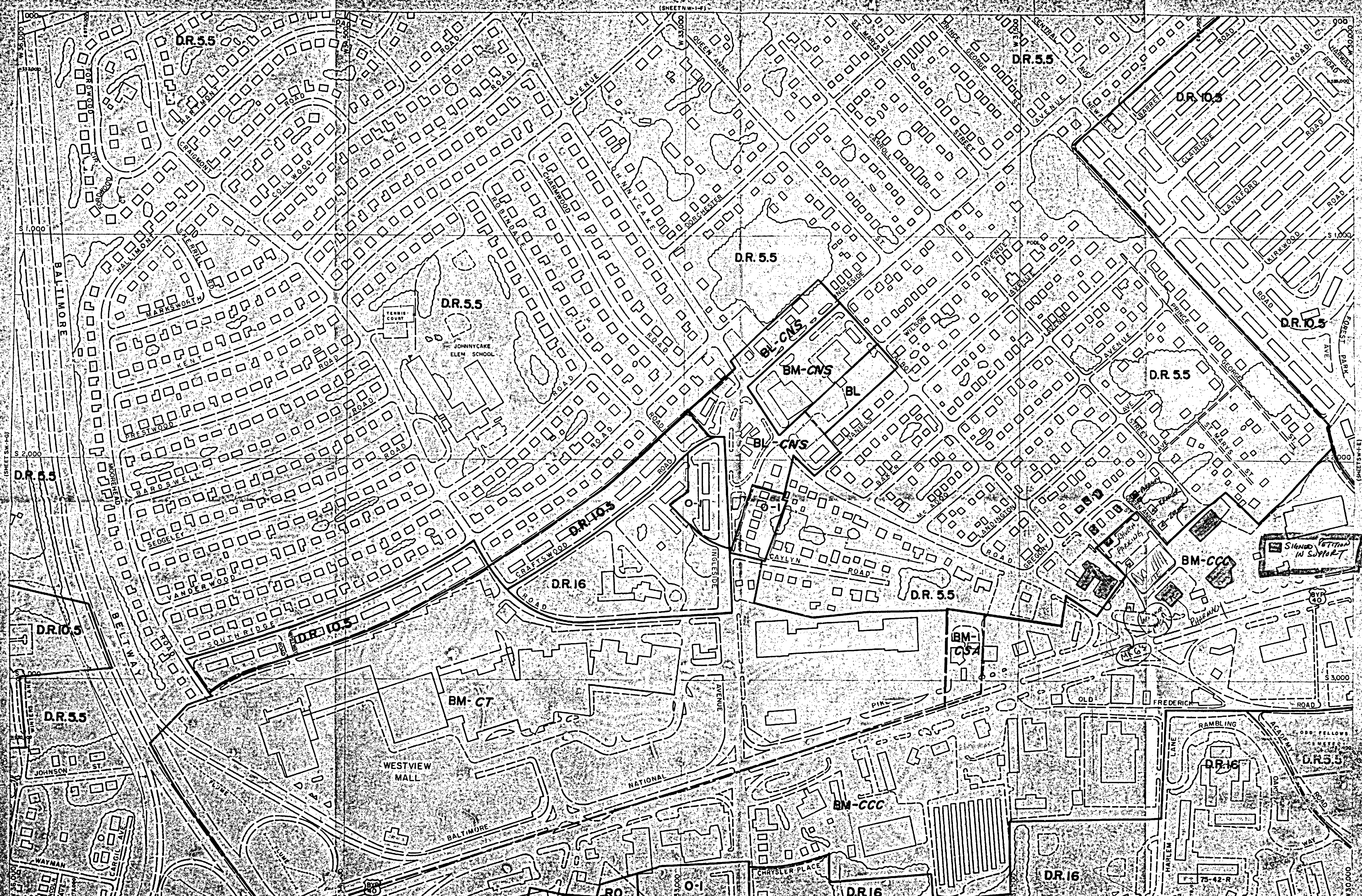
PETITIONER'S
EXHIBIT 2

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

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
CATONSVILLE
MICROFILMED

SHEET
SW
1-F



1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
October 11, 1988
BM Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

[Signature]
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

PETITIONER'S
EXHIBIT 3

SCALE
1" = 200'

DATE OF PHOTOGRAPHY
JANUARY 1986

LOCATION
CATONSVILLE

SHEET
SW
I-F
MICROFILMED

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART HORN, INC. BALTIMORE, MD. 21219