93-2[illegible]-SPHX /Jones Carwash
CBA-93-[illegible] Orville M. Jones
[illegible] AFFIRMS CCt (CCt Affirmed CBA)
10 23 95 -Moylan, Wenner, Cathell, JJ

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 238

SEPTEMBER TERM, 1995

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY *et al.*

v.

ORVILLE M. JONES *et al.*

Moylan,
Wenner,
Cathell,

JJ.

Per Curiam

Filed: October 23, 1995

#93-CV-[illegible]

People's Counsel for Baltimore County, Kenneth H. Mason, and the Perry Hall United Methodist Church (collectively, appellants) appeal from a decision of the Board of Appeals of Baltimore County (the Board) granting a special exception to Orville M. Jones *et al.*, appellees, to operate a car wash in a commercial zone on Belair Road. Appellants also appeal from a decision of the Board approving the developmental plan for that car wash. Appellants frame the issues:

> 1. Whether the County Board of Appeals Special Exception approval rests on illogical and incomplete reasoning, and fails properly to address the important land use concerns[.] Whether, as a result, the majority opinion is legally defective[.]
>
> 2. Whether the County Board of Appeals had jurisdiction or authority to make the initial or original decision on the sufficiency of the development plan[.] In other words, whether the CBA exceeded its appellate jurisdiction[.]

We are concerned primarily with whether the decisions of the Board are supported by sufficient, substantial evidence in order to determine whether the issue is either conclusive, that the special exception should have been granted, *or* at least fairly debatable. We, thus, primarily review that evidence and the findings of the Board relating to the fairly debatable standard, concentrating on that evidence, if any, supporting the Board's decision. If the Board's opinion and findings adequately address enough of the relevant issues and is supported by substantial evidence, the dissenting opinion is irrelevant.

In addressing zoning issues of this nature, we are not fact finders weighing the evidence on a scale and then choosing the side that we perceive weighs the scale down the most. We are reviewing the evidence on the side of the scale selected by the expert, *i.e.*, the Board, and determining if that evidence makes it at least fairly debatable that the decision of the agency is correct.

The agency's majority opinion, in part, noted:

> Jonathan Dallas, a professional surveyor and engineer, testified at length as to the site plans offered into evidence. He noted in particular an easement allowing the sewer to cross the site, the distances from the right of way of Belair Road, the showing that the entrance meets all the State requirements, the residences in the rear of the property to be totally buffered, storm water controls which have been provided and approved by Baltimore County, that the traffic counts would amount to 280 average daily trips, that a preliminary landscape plan entered as Petitioner's Exhibit 4 was thoroughly reviewed and noted the changes incorporated in this plan as producing less units, larger easements, and the landscape details.
>
> David Dallas, Jr., professional engineer and surveyor, testified that he's worked on this site plan, is qualified on the traffic information and is qualified as to noise regulations. He reiterated that the total trips projected would amount to 280 trips per day. He also testified as to noise levels and noted that they comply with the State standards.
>
> Samuel Crozier, land planner and landscape architect, testified that he has studied this site and that it was his opinion this plan is in harmony with the Master Plan and noted the many other similar uses already in existence. He further testified that the site will be properly buffered and landscaped, and that many uses in the B.L. classification were permitted as of right. It was his testimony that this use is not detrimental to the area, that the floor area ratio exceeds all the requirements, and that this site would generate less traffic than many others.

> Orville Jones, the property owner, testified that he was willing to put up an attractive facility. He further noted that many properties along Belair Road are erected in a vertical manner to Belair Road to conform with the shape of the parcel upon which they are constructed. He further testified that he is a contractor, has been in the construction business for 30 years, has built four carwashes elsewhere, and that it was his opinion no detriment to the health, safety and welfare of the neighborhood would result. He further agreed to limit the hours of operation from 7:00 a.m. to 10:00 p.m., and that he would employ a full-time attendant for Sunday morning so that the customers would not be allowed to disturb the neighbors by playing their radios too loud. He further testified that all the requirements of 502.1 have been complied with. This concluded Petitioner's case.
>
> . . . .
>
> Special exception uses are recognized in any zone where they are so noted if they can comply with BCZR 502.1. This proposed use as evidenced by Petitioner's exhibits promises the only visual effects upon the neighbors will be a brick end of a building to a gable roof, which would not appear to be detrimental to the neighborhood. In addition, the landscape plan, entered as Petitioner's Exhibit 4, shows extensive landscaping on Horn Avenue and what appears to be adequate landscaping between the church and the proposed carwash. Relative light use of 280 trips a day on Belair Road is not justification in and of itself to deny the Petition. The testimony from the church members indicates that the church's normal usage is much higher than this.

> *From the testimony and evidence,* the Board will find as a fact that the proposed use does in fact meet the requirements of 502.1 of the BCZR, and that the proposed use would not be detrimental to the health, safety or general welfare of either the church, the tavern next door, or the houses along Horn Avenue that will be buttressed by extensive landscaping from the proposed use, and therefore will grant the special exception. [Emphasis added.]

We now shall determine whether evidence was presented as stated by the Board in its opinion. We shall not ourselves set forth here the complete verbatim testimony of the witnesses. We, rather, concern ourselves only with whether or not the evidence was presented generally. We initially note that Jonathan Dallas did testify as to each of the areas mentioned by the Board in the manner in which the Board found that he did. That evidence that the Board opined had been presented by David Dallas was also in fact so presented.

Samuel Crozier, a land planner and landscape architect formerly employed by the Rouse Company, did in fact testify that "this land use can fit into this community within the guidelines of the master plan documents." He then offered substantial testimony buttressing his expert opinion; the parties stipulated to his expertise. He further testified that to deny the special exception "would be inconsistent with the land uses that are allowed in the B zone." Moreover, he testified that he had examined other car wash uses in the County and that at least one of those was comparable to the instant site in terms of location: "[T]he car wash at Golden Ring Road operates under the same kind of general vicinity in the locality." He testified that this use at this location complied with the "spirit and intent" of the zoning regulations. Mr. Crozier also offered additional testimony on the points mentioned by the Board in its opinion.

In summary, there was relevant probative evidence admitted and before the Board — as the Board opined there was. Thus, the Board's evidentiary discussion and findings were in fact supported by the evidence.

Admittedly, there was evidence to the contrary — had there not been such evidence, the issue would not even be debatable. While we do not mean to say that there cannot be a case in which the contrary evidence so overwhelms an applicant's evidence that the weight of that contrary evidence might make the issue undebatable, this is not such a case. The conflicting evidence in the case *sub judice* merely makes the issue fairly debatable. The resolution of a fairly debatable issue in an administrative proceeding is for the agency, *i.e.*, the Board, and not for the courts.

We reiterate that we are not a zoning board. That a different decision could have been supported — or even better supported — by the evidence is irrelevant at this stage of the process. Our function is to determine, pursuant to the applicable law, whether there exists, or existed, sufficient evidence to make the issue of whether the special exception should have been granted *at least* fairly debatable. As recognized by appellants, in People's Counsel's brief, there is, additionally, an evidentiary presumption, that, though rebuttable, presumes that a "special exception" is a *favored* use in the districts in which it is permitted.

Unlike many special exception controversies, there were in this case legitimate issues in conflict, buttressed by contradictory evidence. It is not, however, this Court's function to resolve those conflicts. We merely examine the resolution selected by the agency and determine whether it is supported by evidence making that resolution at least a fairly debatable one.

We next address the issue of whether the opinion and findings of the Board were sufficiently expressed. Appellants rely, in part, on *Ocean Hideaway Condominium Assoc. v. Boardwalk Plaza Venture*, 68 Md. App. 650 (1986). The statute there was somewhat unique in that it explicitly required that the Board of Appeals "render a finding of fact on each of the nine (9) standards stated in Subsection C(2)."[1] 68 Md. App. at 655. In holding that the Board there had not made the requisite findings, we referenced the provisions of that specific statute:

> The Board did address the nine standards; however, it did not render a finding of fact in *each* of them, which is what § 105-122C(3) [of the Ocean City Zoning Code] requires.

Id. at 655 (emphasis added). We, in *Ocean Hideaway*, then referred to *Montgomery v. Board of County Comm'rs*, 256 Md. 597 (1970), noting that the Court of Appeals had remanded that case because there had been "no findings of fact or conclusion[s]" upon which a "mistake in the original zoning" could have been based. *Ocean Hideaway*, 68 Md. App. at 656. *Montgomery* was a case basically devoid of written Board opinions or findings. *Ocean Hideaway* is a fact-specific case applying a specific statute.

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[1] The statute there at issue was written by one of the panel members in the case *sub judice*. It was an area special exception, *i.e.*, a height exception statute. It involved specific standards that applied only to it and not to special exceptions generally.

We have examined the statutes appended to the various briefs upon which the parties rely. We do not discern that there are any specific statutory requirements for specific written findings by the Board in regard to special exceptions for car washes. Car washes are merely enumerated on a general listing of special exceptions contained in § 230.13 of the Baltimore County Zoning Regulations (BCZR). Interestingly, we do not even find in the parties' appendices any provision requiring the Board of Appeals to make any written findings of fact or written conclusions generally. Maryland Rule 8-504(a), "Contents," provides, in subsection (7), that the parties' briefs are required to contain the "citation and verbatim text of all pertinent . . . statutes, ordinances, rules, and regulations." We repeat that we have nowhere found in the parties' briefs *any* statutory requirement — even a general one — for written or stated findings and written conclusions by the Board. We shall, however, for the purposes of this opinion, presume that there is such a general statutory requirement. In any event, case law, *e.g.*, *United Steelworkers, Local 2610 v. Bethlehem Steel Corp.*, 298 Md. 665, 679 (1984), stresses the importance of at least minimal findings: "[T]he court may not uphold the agency order unless it is sustainable on the agency's findings and for the reasons stated by the agency."

Instead of looking to *Ocean Hideaway* and its specific requirements, we shall apply the more general standards recently stated for us by Judge Garrity, in *Cox v. Prince George's County*, 86 Md. App. 179 (1991).[2] There, as here, the appellants argued that all of the necessary considerations had not been expressly addressed in writing:

> [A]ppellants contend that neither . . . made factual findings regarding impairment of the Master Plan, compatibility with the neighborhood, road capacity, and functional integration.

86 Md. App. at 185. We responded by noting:

> In the case at hand, . . . the reasons given by the Council are not mere boiler-plate or conclusory statements. While the findings may not be as detailed or comprehensive as appellants would like, there is no requirement that the Council . . . set out in their findings of fact a discussion of all the evidence.

Id. at 186.

The approach taken by the Board of Appeals in the case *sub judice* was to describe, in its opinion, that evidence that supported its subsequent conclusion. It also briefly described, and thus considered, some of the conflicting evidence. We have heretofore stated the relevant portions of the Board's opinion. As in *Cox*, the Board in the case *sub judice* made sufficient findings.

We set out, from the appendices of the parties' briefs, the portion of the Baltimore County statute establishing the general special exception provisions. We, however, add to the statute the implied language, *see Mossburg v. Montgomery County* [No. 58, 1995 Term, *per curiam*, filed October 2, 1995, slip op. at 22-23], that must be considered in special exception cases, especially where, as here, the statute itself notes that all special exception uses "are proper uses of land." We emphasize the added language:

> 502.1--Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not: [B.C.Z.R., 1955; Bill No. 45, 1982.]
>
> a. Be [*more*] detrimental to the health, safety, or general welfare of the locality involved [*than elsewhere in the zone or other applicable zones*]; [B.C.Z.R., 1955.]
>
> b. Tend to create [*more*] congestion in roads, streets or alleys therein [*at the particular location than at other locations in the zone or applicable zones*]; [B.C.Z.R., 1955.]
>
> c. Create [*more of*] a potential hazard from fire, panic or other dangers [*at the particular location than at other locations in the zone or applicable zones*]; [B.C.Z.R., 1955.]
>
> d. Tend to overcrowd land and cause undue concentration of population [*at the particular location more than it would at other locations within the zone or applicable zones*]; [B.C.Z.R., 1955.]
>
> e. Interfere [*more*] with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements [*at the particular location than at other locations in the zone or applicable zones*]; [B.C.Z.R., 1955.]

> f. Interfere [*more*] with adequate light and air [*at the particular location than at other locations in the zone or applicable zones*]; [B.C.Z.R., 1955; Bill No. 45, 1982.]
>
> g. Be [*more*] inconsistent with the purposes of the property's zoning classification [*at this particular location than at other locations in the zone or applicable zones*] nor in any other way [*be more*] inconsistent with the spirit and intent of these zoning regulations [*at this particular location than at other locations in the zone or applicable zones*];[3] nor [Bill No. 45, 1982.]
>
> h. Be [*more*] inconsistent with the impermeable surface and vegetative retention provisions of these zoning regulations [*at this particular location than at other locations in the zone or applicable zones*]. [Bill No. 45, 1982.]

In applying the facts, *i.e.*, the evidence in the case at bar, to the law, we are governed by certain cautions recently restated in our discussion of zoning in *Cox, supra*, 86 Md. App. 179:

> When reviewing an administrative decision, a court must determine whether the question before the agency was fairly debatable, which has been defined as whether the agency's "determination involved testimony from which a reasonable man could come to different conclusions." *Annapolis v. Annapolis Waterfront Co.*, 284 Md. 383, 395, 396 A.2d 1080 (1979) (quoting *Eger v. Stone*, 253 Md. 533, 253 A.2d 372 (1969)); *Board v. Oak Hills Farms*, 232 Md. 274, 192 A.2d 761 (1963) (whether reasoning mind could reasonably reach result agency reached upon review of picture painted by entire record). If the issue is fairly debatable, as shown by the record, the Council's decision will be affirmed. *Prince George's County v. Meininger*, 264 Md. 148, 152, 285 A.2d 649 (1972); *see also*, *Warner v. Town of Ocean City*, 81 Md. App. 176, 567 A.2d 160 (1989) (*no matter how conflicting the evidence or questionable the credibility, court cannot substitute its judgment*). This test applies to applications for a special exception. *Zengerle v. Bd. of Co. Comm'rs.*, 262 Md. 1, 17, 276 A.2d 646 (1971). *Since administrative agency decisions are prima facie* correct and carry a presumption of validity, we must review the Council's decision in the light most favorable to the Council. *Terranova v. Board*, 81 Md. App. 1, 9, 566 A.2d 497 (1989). Our role is essentially to repeat the task of the circuit court; that is, to be certain the circuit court did not err in its review. *Mortimer v. Howard Research*, 83 Md. App. 432, 575 A.2d 750 (1990).

Id. at 186-87 (some emphasis added).

The Board's opinion notes that Jonathan Dallas presented evidence, apparently accepted by the Board, that the site met all State access standards, that the site would be "totally buffered," that storm water controls had been approved by the County, that 280 vehicles would use the site daily, and that a landscaping plan had been provided. The Board acknowledged that the noise levels complied with State standards. The Board's opinion notes that evidence had been presented that the use planned was in harmony with the Master Plan and that there was evidence that the project was properly buffered and landscaped. The Board acknowledged that evidence had been presented that this use would not be detrimental to the area and that floor ratio requirements had been met. The Board also noted that there was evidence that the car wash would not be detrimental to the health, safety, or welfare of the neighborhood. The Board concluded that there was testimony, however credible, that all of the requirements of the statute had been met. The Board then summarized certain of the evidence as it concluded it would grant the exception, saying, in part, that visual effects would not be detrimental to the neighborhood, and that landscaping was adequate. It then made a statement that it found the 280 trips per day to be a "[r]elative[ly] light use[4] . . . on Belair Road," and that the protestants', *i.e.*, the church's, traffic load was much greater.

We hold that the issue of whether that evidence was sufficient to grant the special exception is at least fairly debatable.[5] Moreover, we hold that, in the absence of clear language contained in a statute requiring each enumerated standard to be specifically addressed in writing, it is sufficient that the evidence supporting the Board's position be discussed as a part of its opinion in general terms, so long as it is sufficient for the parties to discern what those findings are. We further hold that the opinion here, in the absence of the more specific requirements sometimes statutorily required, contained sufficient findings.

We shall affirm the decision of the Board granting the special exception. The Board, in its opinion, made sufficient (though not perfect) findings and those findings were sufficiently supported by the relevant, probative evidence so as to be at least fairly debatable.

We now must address the Board's approval of the developmental plan on which the Zoning Commissioner had not ruled because he considered the issue moot in light of his denial of the special exception.

We must first determine the effect on the procedural status of this issue by the Zoning Commissioner's improper refusal to render a decision because of his incorrect view that it was moot. In other words, for purposes of appeal to the Board, was his action the functional equivalent of the nonapproval of the plan? We hold that it was not. Moreover, we shall hold that the developmental plan was approved by operation of law, *i.e.*, the statutory scheme applicable here. As that approval was not appealed to the circuit court or to us, we shall affirm the Board's and the trial court's rulings on this issue as well. We explain.

Appellants, Perry Hall United Methodist Church and Kenneth H. Mason, note in their brief that:

> In light of the fact that the Zoning Commissioner did not give consideration *as to the granting or denying* of the Appellee's Development Plan, it cannot be said that his ruling was meant to be the final, conclusive, ultimate disposition of the matter. [Emphasis added.]

These appellants later argue that other sections of the Code do not allow the Board "to make a decision on a Development Plan when the Zoning Commissioner *has not made a final determination*." (Emphasis added.)

Appellant, People's Counsel for Baltimore County, argues in its brief:

> But the CBA's role was more limited in its review of the development plan, *which the Zoning Commissioner had not considered on the merits*. . . .
>
> . . . [T]he hearing examiner['s] function on the development plan *remains to be performed*. [Emphasis added.]

Under certain circumstances, *i.e.*, those here, the Baltimore County statutes permit the applicant to combine a hearing on a special exception and a hearing on plan approval. There are no special procedural provisions that apply when they are so combined. Thus, in the absence of special conditions for combined hearings, the conditions applicable to special exceptions apply during the special exception phase of such a hearing, and the conditions applicable to plan approval apply during the plan approval phase of the hearing.

The statute applicable to plan approval, § 26-206, "Development plan approval," of the Baltimore County Code provides, in subsection (i):

> The *final* decision of the hearing officer shall be issued within fifteen (15) days after the final hearing held on the plan. If no decision is rendered within this fifteen day requirement, the plan shall be deemed approved as submitted by the applicant. [Emphasis added.]

The hearing officer in the present case declined to render a decision, *i.e.*, an approval or denial or even conditional approval, because he deemed the issue to be moot as a result of his determination on the special exception issue — an issue that was combined for hearing purposes only. Fifteen days after this failure to make a final decision, by operation of law, the developmental plan was approved, subject, of course, to the ultimate granting of a special exception. That special exception was granted.

Moreover, our review of the Zoning Commissioner's opinion indicates that he gave no reason for his refusal to approve or disapprove the developmental plan, other than his denial of the request for a special exception. The Board, the trial court, and this Court have determined that he was wrong in that regard.

The *approval* that went into effect by operation of the statute was not appealed to the Board within the requisite time for such an appeal to that agency. When that agency, the Board of Appeals, approved the developmental plan, it was not exercising original jurisdiction; it was merely approving what, at that point, did not need its approval, as it had already been approved and no appeal had been taken therefrom. The plan was approved by operation of the statute from the date fifteen days after the final hearing before the Zoning Commissioner. Moreover, with the Board's opinion, the circuit court's finding, and our holding, the only reason given by the Commissioner for not approving the plan, or acting on it, has been removed. Even if his decision were the functional equivalent of a denial, and we do not believe it was, the only reason for his denial was the denial of a special exception. His only reason was, thus, erroneous.

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[2] We stressed there that county's statutory requirement for *written* findings and conclusions.

[3] The legislative body has, as we indicated, already made a policy determination that this use "is a proper use," *i.e.*, generally consistent with the spirit and intent of the zoning regulations within the zone.

[4] There was extensive testimony below that the traffic load on Belair Road moving towards the subject site was 31,816 trips per day and that the use would only comprise 280 trips a day. It is in that context that the Board apparently determined that 280 trips was relatively light. We would agree.

[5] Had the Board declined to grant the exception, that finding might also have been, based on the same record, fairly debatable.

We add that the legislative branch of County government has declared, for those they represent, that car washes, under circumstances such as those present here, are permitted as special exceptions. The people have the power to petition the members of that legislative branch to amend the legislation to prohibit the use to which they object, so long as the prohibition would not deny to a specific property owner all viable economic uses of that property, as that term has been defined in the case law.

We shall, for the reasons we have stated, affirm.

JUDGMENT AFFIRMED; COSTS TO BE PAID BY APPELLANTS.

CIRCUIT COURT FOR BALTIMORE COUNTY

CIVIL CATEGORY JUDICIAL REVIEW 68-143/93CV10861

CIVIL ASSIGNMENT

PETITION OF THE PERRY HALL UNITED
MEDHODIST CHURCH
AND
KENNETH H. MASON, Individually

FOR JUDICIAL REVIEW OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CASE NO. 93-214-SPHX
AND
CASE NO. CBA 93-133

PETITION OF PEOPLE'S COUNSEL
FOR BALTIMORE COUNTY

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(Orville Jones)

TRANSCRIPT IN BASEMENT
LOCATION: Box 179

dd(1) Dec. 2, 1993 Petition for Judicial Review. fd. Notice sent.

rs(2) Dec. 23, 1993 Certificate of Notice from the County Board of Appeals fd. (rec'd 12-7-93)

df (3) Dec. 30, 1993 - PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Petition for Judicial Review fd. (Filed 12/10/93).

am (4) Jan 7, 1994 Orville M. Jones answer to Petition for Judicial Review, fd. Rec.'d 12/30/93.

df (5) Jan. 12, 1994 - Second Certificate of Notice fd. (Filed 1 4 94).

*df (6) Feb. 3, 1994 - Transcript of Record fd.

*df (7) Feb. 3, 1994 - Notice of Filing of Record fd. Copies sent.

sw) (8) Feb. 25, 1994 Amended answer of Orville M. Jones to Petition for Judicial Review, fd. (received 2/17/94)

jh(9) **Feb. 28, 1994, People Counsel's Memorandum, fd. (rec'd 2/22/94)

sr (10) Mar 8, 1994 Appellant's, Perry Hall United Methodist Church memorandum, fd. Rec.'d 3 4 94.

df (11) March 23, 1994 - Stipulation of Delay in Filing of Appellees Memorandum fd.

jh(12) April 12, 1994, Appellee's Memorandum, fd. (rec'd 4/8/94)
(over)

CIVIL COSTS 9310861
CV CLK 80.00
B LBRY 10.00
CKCHECK TL 90.00
#58509 C002 R01 T0817
12/07

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Docket 68 Page 143 Case 93CV 10861

CASE NO. 93CV-10861

Oct. 22, 1994 Hon. John G. Turnbull, II. Hearing had. Opinion and Order to be filed.

PH(13) Oct 11,1994 Opinion and Order of Court Affirming the Decision of the Board of Appeals of Baltimore County, etc,fd. (JGT,II)

CBA-93-133 Jones Carwash
/Orville M. Jones
CCT Affirms CBA
Hon. John G. Turnbull, II
10/11/94

The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

CHAMBERS OF
JOHN GRASON TURNBULL, II
JUDGE

COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204
(410) 887-2647

PETITION OF THE PERRY HALL	*	IN THE
UNITED METHODIST CHURCH, ET AL	*	CIRCUIT COURT
APPELLANTS	*	FOR
vs.	*	BALTIMORE COUNTY
BALTIMORE COUNTY BOARD	*	CASE NO. 93 CV 10861
OF APPEALS, ET AL	*	
APPELLEES	*	

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

OPINION AND ORDER

This case is an Appeal from the Board of Appeals of Baltimore County which granted to the Appellee, Orville M. Jones, a special exception for a car wash and approved the development plan that was submitted for review with certain restrictions. The Appellants argue that:

1. Did the Board err in granting a special exception for a car wash in a BL zone.
2. Did the Board err in approving the development plan subject to certain restrictions.
3. Did the Board err in failing to state appropriate reasoning for its decision.

This Court has reviewed the file, the exhibits and has heard argument from the parties. It is the responsibility of this Court to determine that the Board's decisions were in accordance with the law and to ascertain as to whether or not the Board acted in an arbitrary, capricious or illegal manner. Art Wood Enterprises v. Wiseburg, 88 Md. App. 723, 727 (1991). The Court may not substitute its judgment for that of the Board and although the Court may very well sympathize with the Protestants-Appellants in this case, that alone is insufficient to reverse when the Court finds no error after reviewing the fact finding of that Board.

FILED OCT 11 1994

1. DID THE BOARD ERR IN GRANTING A SPECIAL EXCEPTION FOR A CAR WASH IN A BL ZONE.

The property in this case is currently zoned BL and a car wash is permitted by way of special exception so long as the request complies with Section 502.1 of the Baltimore County Zoning Regulations. In this case before the Board there were numerous exhibits, comments from both State and County officials, and testimony of expert and lay witnesses. The hearing extended over two days.

When the Board's conclusions are fairly debatable and supported by the record this Court has no alternative but to affirm. A special exception is presumed to be in the interest of the general welfare of the public and as stated in Schultz v. Pritts, 291 Md 1, 11 (1981)

> "the special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible, absent any fact or circumstance negating the presumption".

The complaints set forth by the Appellants are addressed by the Board and in the course of approving the development plan placed certain restrictions in an attempt to lessen the impact that this special exception will have on the Appellants. Suffice it to say that this Court finds that there was substantial evidence upon which the Board could grant the special exception and this Court finds that the Board properly reached its conclusions and said decision was not arbitrary, capricious or illegal.

2. DID THE BOARD ERR IN APPROVING THE DEVELOPMENT PLAN SUBJECT TO CERTAIN RESTRICTIONS.

The Appellants next complain that it was error for the Board to grant the development plan when it was not considered by the zoning commissioner after he denied the requested special exception. While this Court deems it more prudent that, in the future, the zoning commissioner should consider a development plan, even when there is a denial of a request for special exception, the Board has the power to hear appeals in accordance with the Baltimore County Code Section 26-209. There is no language requiring the Board to remand to the zoning commissioner for his reconsideration after the Board's granting of the special exception.

The Board in accordance with the Baltimore County Code took testimony, reviewed the exhibits, the comments from the

various agencies and placed certain restrictions thereafter while approving the development plan.

The Court while suggesting that the procedure in the future should be altered does not find that the Board acted contrary to the law.

3. DID THE BOARD ERR IN FAILING TO STATE APPROPRIATE REASONING FOR ITS DECISION.

The Appellants lastly complain that the Board's findings were not set forth with such specificity as required by law. The Board at the conclusion of the hearing filed a written Opinion consisting of seven pages. In that Opinion the Board cited testimony of the property owner, a landscape architect, a land planner, a professional engineer and surveyor. It also cited testimony from various protestants. The Opinion discussed the testimony of the various experts and the testimony of the protestants and the experts appearing on their behalf.

The Opinion then reviews the law as to whether or not the request complies with the Baltimore County Zoning Regulations Section 502.1.

Perhaps Appellants believe that the Board should expound further upon the testimony and evidence, and would have liked a more extensive dissertation as to its reasonings, but certainly the Opinion was adequate.

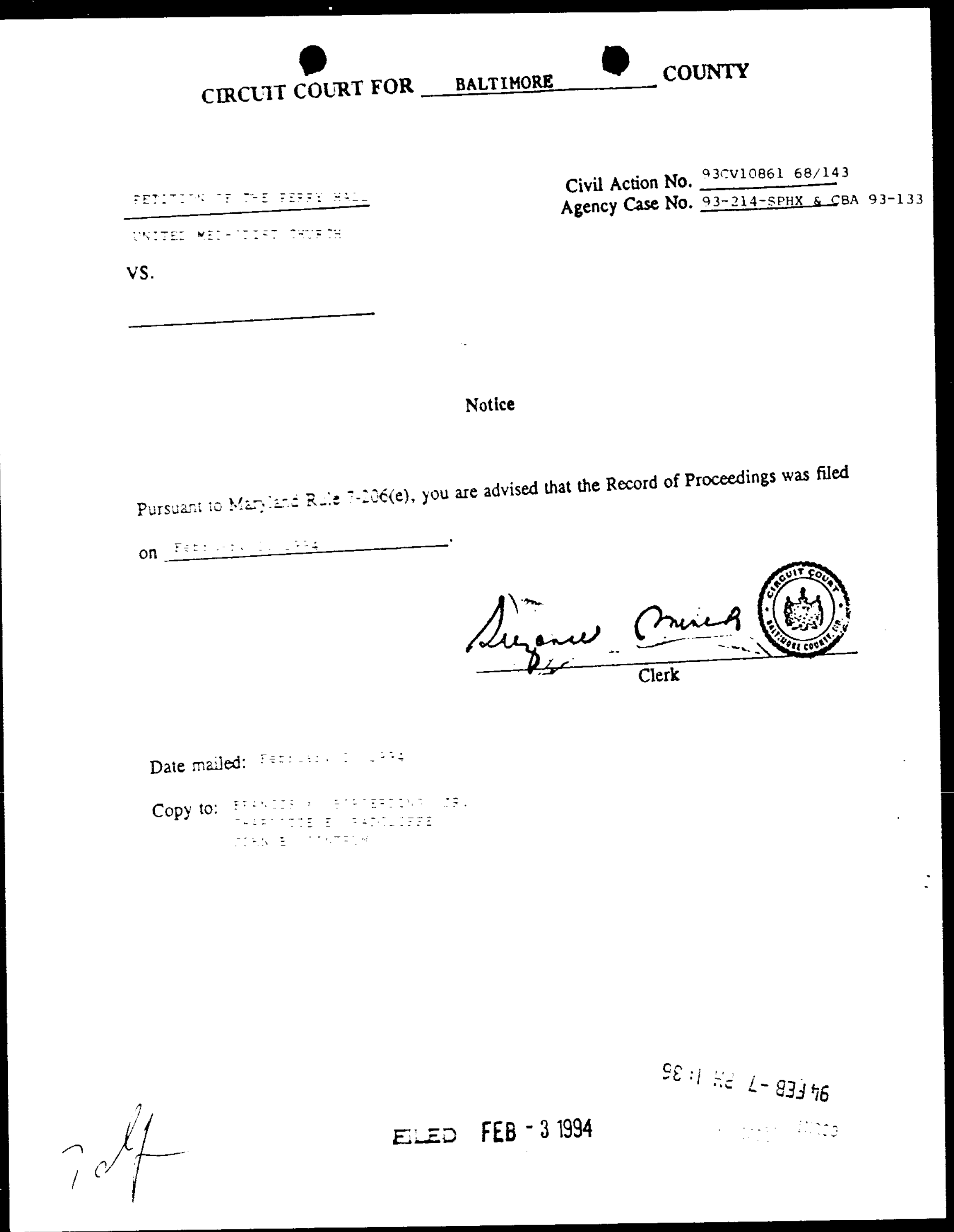
Accordingly, it is this 7th day of October, 1994,

ORDERED, by the Circuit Court for Baltimore County, that the decision of the Board of Appeals of Baltimore County grant

the special exception and development plan subject to certain restrictions be, and the same is hereby AFFIRMED.

JOHN GRASON TURNBULL, II
JUDGE

Copies sent to: John B. Gontrum, Esquire
Francis X. Borgerding, Jr., Esquire
Peter Max Zimmerman, Esq./Carole S. Demilio, Esq.



CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF THE PERRY HALL
UNITED METHODIST CHURCH

VS.

Civil Action No. 93CV10861 68/143
Agency Case No. 93-214-SPHX & CBA 93-133

Notice

Pursuant to Maryland Rule 7-206(e), you are advised that the Record of Proceedings was filed on February 3, 1994.

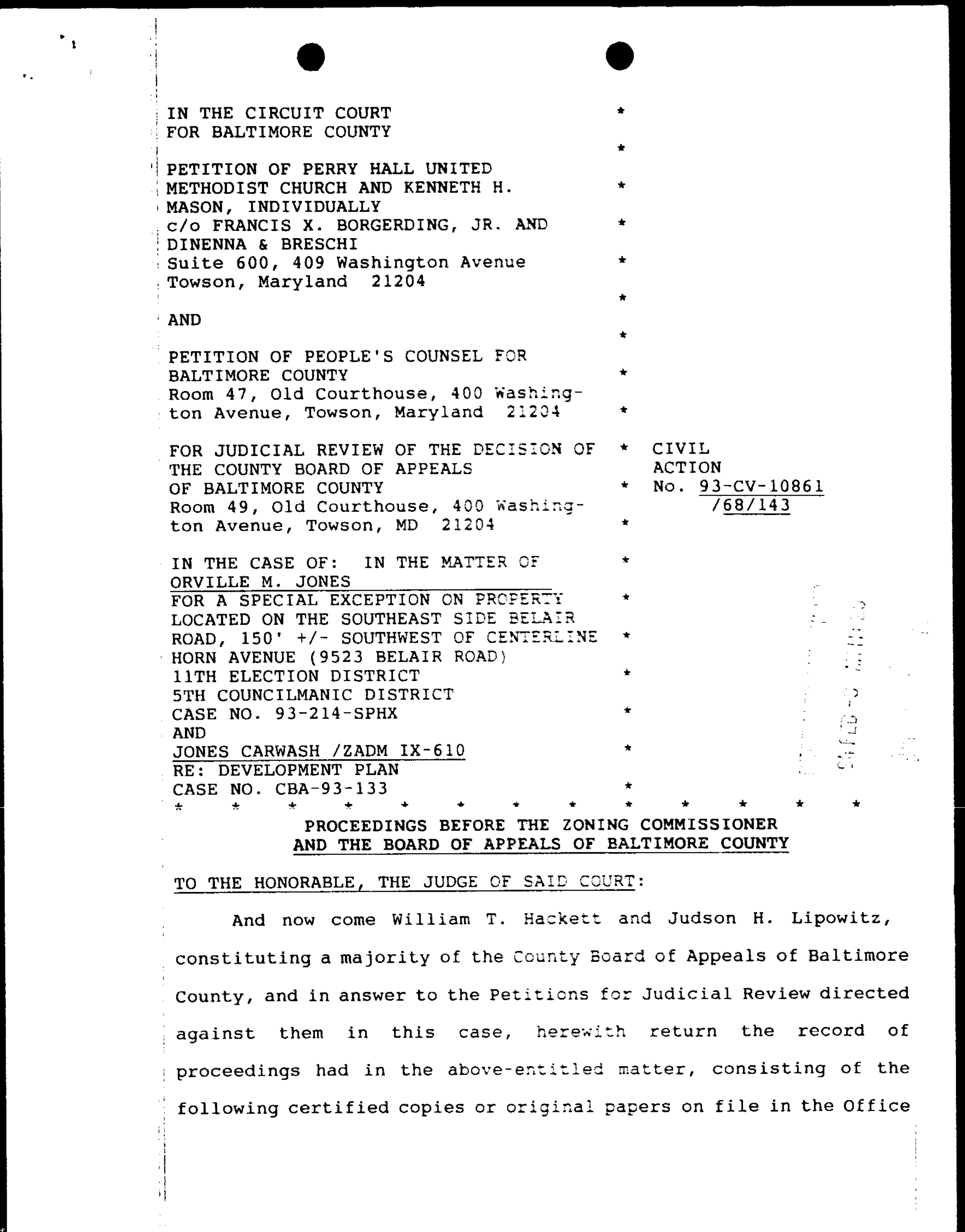
Suzanne Mensh
Clerk

Date mailed: February 3, 1994

Copy to: FRANCIS X. BORGERDING, JR.
CHARLOTTE E. RADCLIFFE
JOHN B. GONTRUM

94 FEB -7 PM 1:35

FILED FEB - 3 1994



IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF PERRY HALL UNITED
METHODIST CHURCH AND KENNETH H.
MASON, INDIVIDUALLY
c/o FRANCIS X. BORGERDING, JR. AND
DINENNA & BRESCHI
Suite 600, 409 Washington Avenue
Towson, Maryland 21204

AND

PETITION OF PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY
Room 47, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washington Avenue, Towson, MD 21204

CIVIL ACTION No. 93-CV-10861 /68/143

IN THE CASE OF: IN THE MATTER OF
ORVILLE M. JONES
FOR A SPECIAL EXCEPTION ON PROPERTY
LOCATED ON THE SOUTHEAST SIDE BELAIR
ROAD, 150' +/- SOUTHWEST OF CENTERLINE
HORN AVENUE (9523 BELAIR ROAD)
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
CASE NO. 93-214-SPHX
AND
JONES CARWASH /ZADM IX-610
RE: DEVELOPMENT PLAN
CASE NO. CBA-93-133

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

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett and Judson H. Lipowitz, constituting a majority of the County Board of Appeals of Baltimore County, and in answer to the Petitions for Judicial Review directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office

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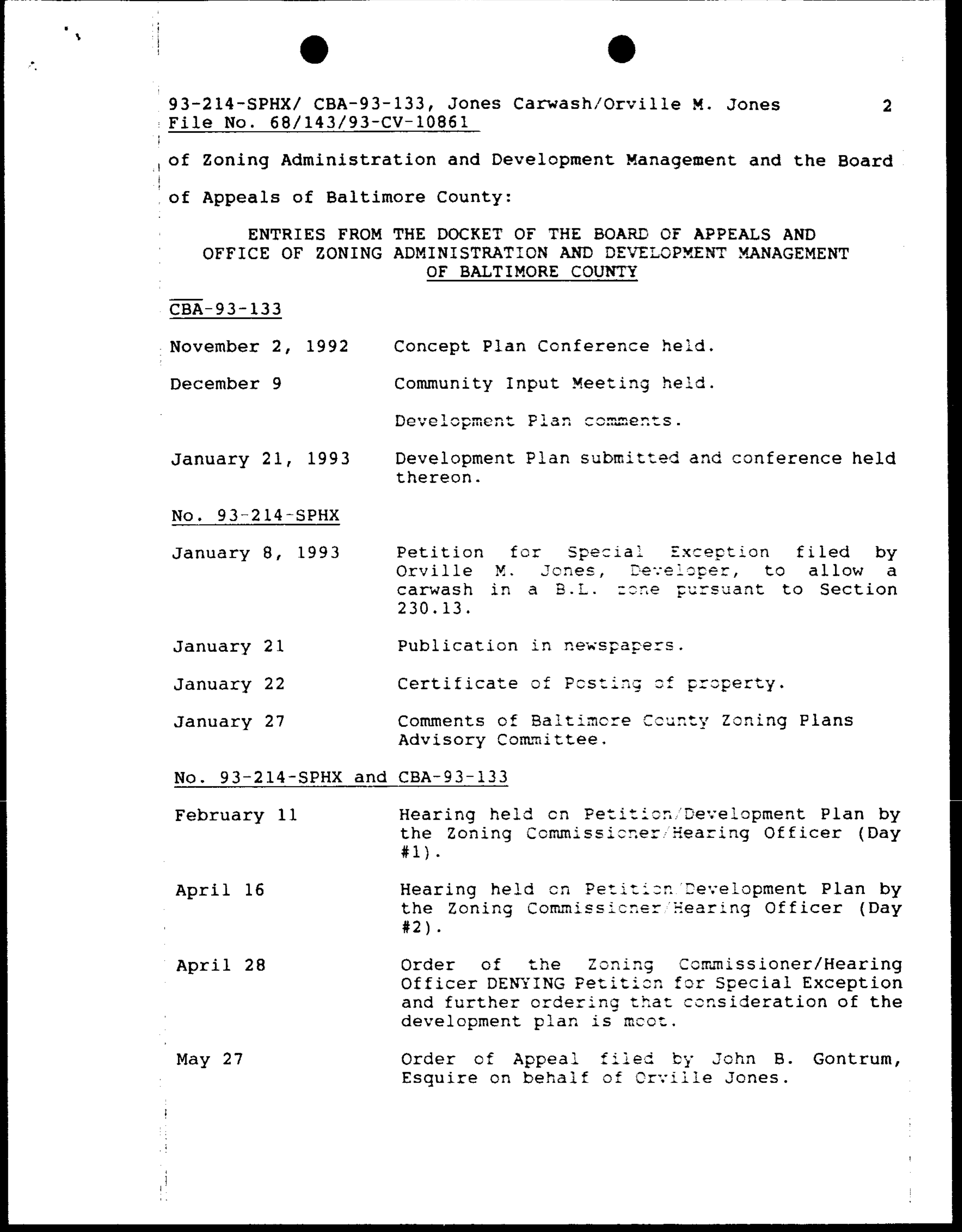


of Zoning Administration and Development Management and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND OFFICE OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT OF BALTIMORE COUNTY

CBA-93-133

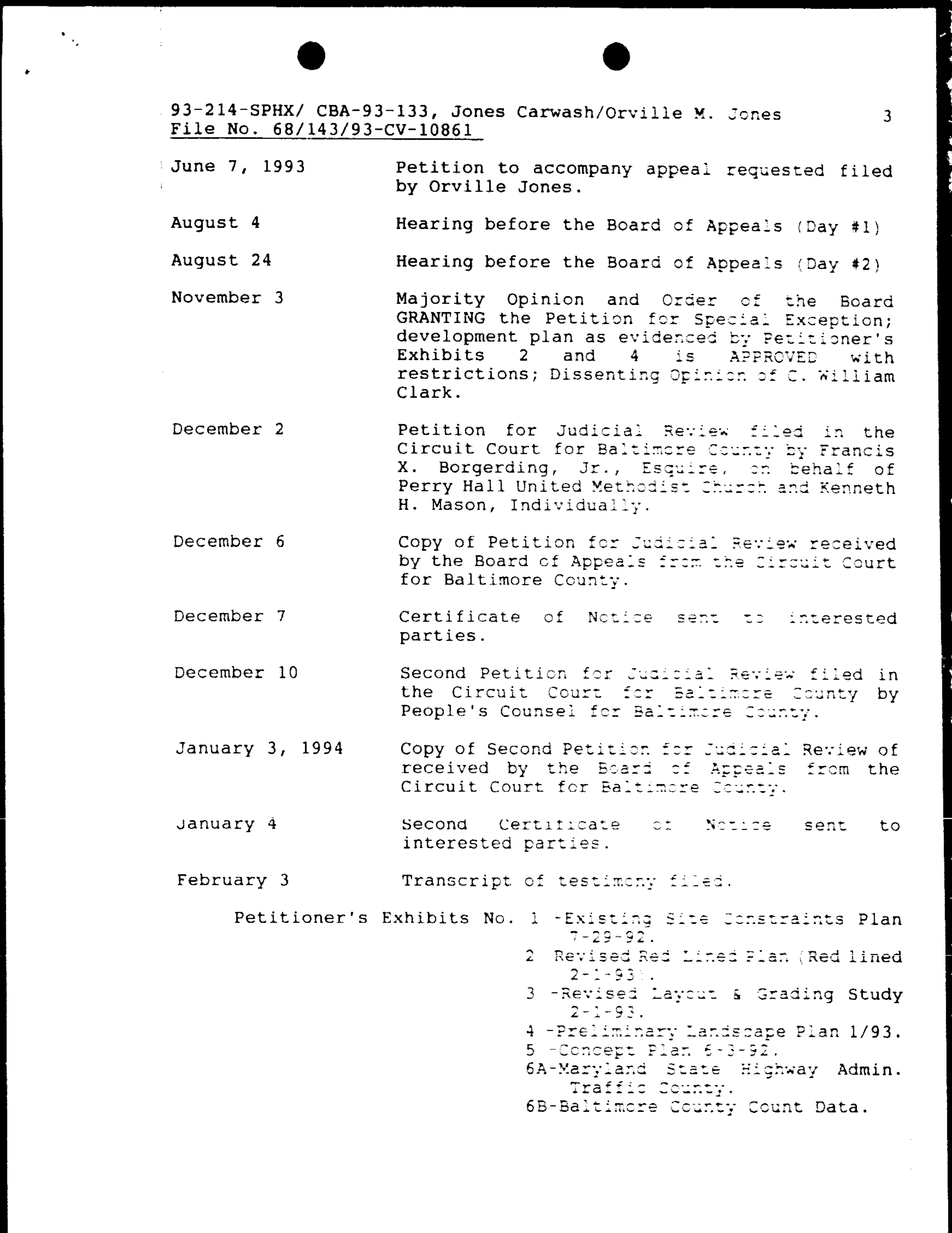
November 2, 1992	Concept Plan Conference held.
December 9	Community Input Meeting held.
	Development Plan comments.
January 21, 1993	Development Plan submitted and conference held thereon.

No. 93-214-SPHX

January 8, 1993	Petition for Special Exception filed by Orville M. Jones, Developer, to allow a carwash in a B.L. zone pursuant to Section 230.13.
January 21	Publication in newspapers.
January 22	Certificate of Posting of property.
January 27	Comments of Baltimore County Zoning Plans Advisory Committee.

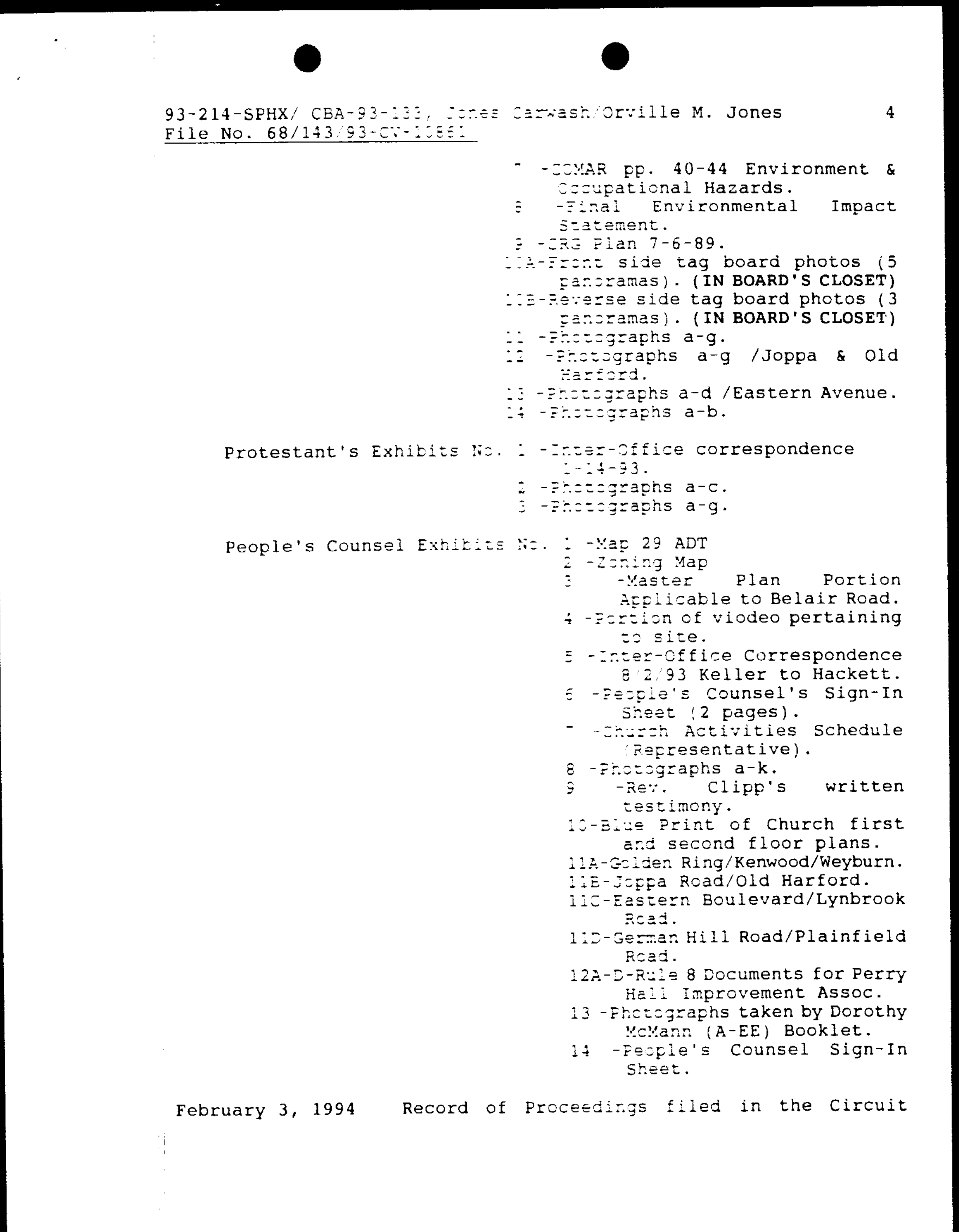
No. 93-214-SPHX and CBA-93-133

February 11	Hearing held on Petition/Development Plan by the Zoning Commissioner/Hearing Officer (Day #1).
April 16	Hearing held on Petition/Development Plan by the Zoning Commissioner/Hearing Officer (Day #2).
April 28	Order of the Zoning Commissioner/Hearing Officer DENYING Petition for Special Exception and further ordering that consideration of the development plan is moot.
May 27	Order of Appeal filed by John B. Gontrum, Esquire on behalf of Orville Jones.



June 7, 1993	Petition to accompany appeal requested filed by Orville Jones.
August 4	Hearing before the Board of Appeals (Day #1)
August 24	Hearing before the Board of Appeals (Day #2)
November 3	Majority Opinion and Order of the Board GRANTING the Petition for Special Exception; development plan as evidenced by Petitioner's Exhibits 2 and 4 is APPROVED with restrictions; Dissenting Opinion of C. William Clark.
December 2	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Francis X. Borgerding, Jr., Esquire, on behalf of Perry Hall United Methodist Church and Kenneth H. Mason, Individually.
December 6	Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.
December 7	Certificate of Notice sent to interested parties.
December 10	Second Petition for Judicial Review filed in the Circuit Court for Baltimore County by People's Counsel for Baltimore County.
January 3, 1994	Copy of Second Petition for Judicial Review of received by the Board of Appeals from the Circuit Court for Baltimore County.
January 4	Second Certificate of Notice sent to interested parties.
February 3	Transcript of testimony filed.

Petitioner's Exhibits No. 1 -Existing Site Constraints Plan 7-29-92.
2 Revised Red Lined Plan (Red lined 2-1-93).
3 -Revised Layout & Grading Study 2-1-93.
4 -Preliminary Landscape Plan 1/93.
5 -Concept Plan 6-3-92.
6A-Maryland State Highway Admin. Traffic County.
6B-Baltimore County Count Data.

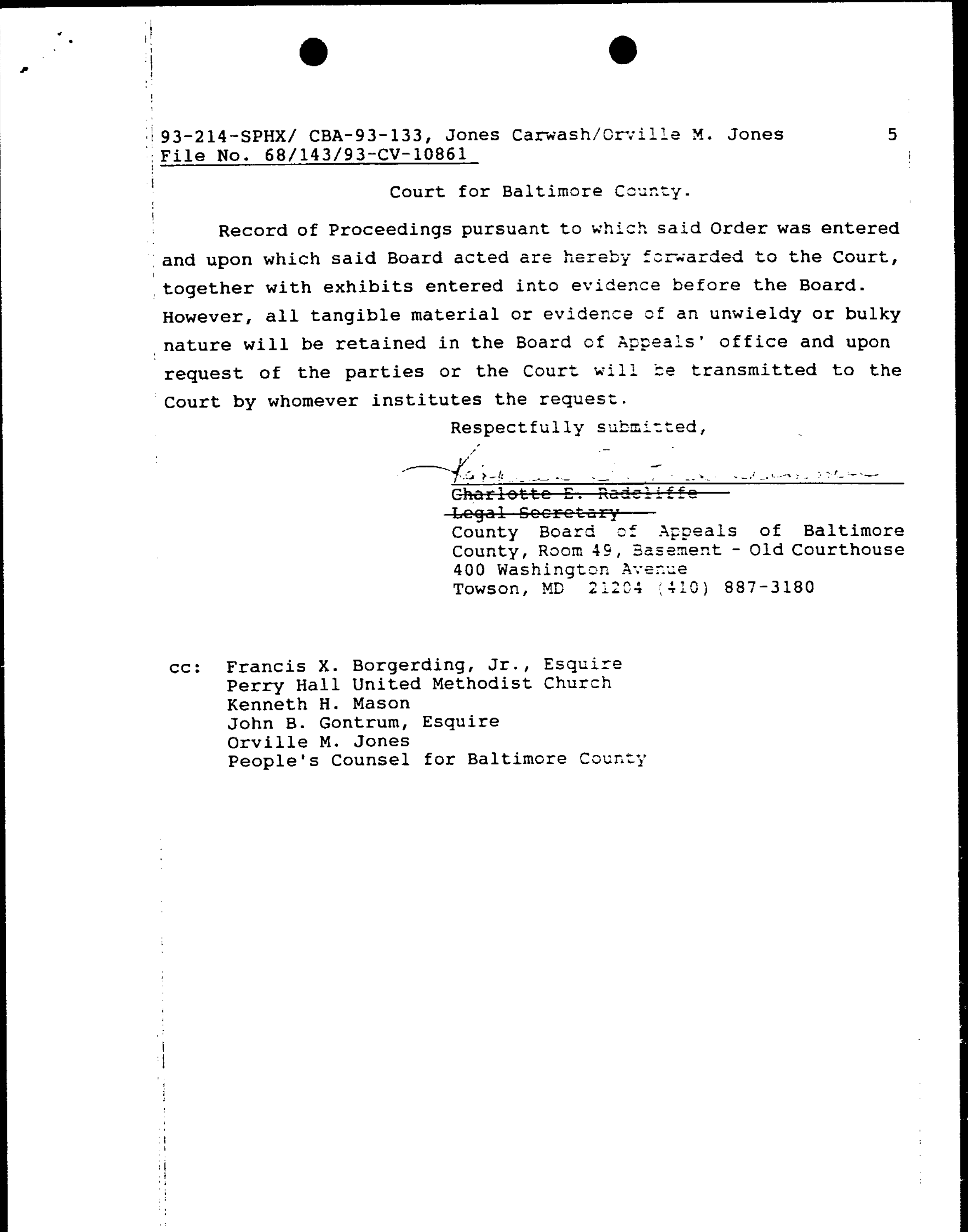


7 -COMAR pp. 40-44 Environment & Occupational Hazards.
8 -Final Environmental Impact Statement.
9 -CRG Plan 7-6-89.
10A-Front side tag board photos (5 panoramas). **(IN BOARD'S CLOSET)**
10B-Reverse side tag board photos (3 panoramas). **(IN BOARD'S CLOSET)**
11 -Photographs a-g.
12 -Photographs a-g /Joppa & Old Harford.
13 -Photographs a-d /Eastern Avenue.
14 -Photographs a-b.

Protestant's Exhibits No. 1 -Inter-Office correspondence 1-14-93.
2 -Photographs a-c.
3 -Photographs a-g.

People's Counsel Exhibits No. 1 -Map 29 ADT
2 -Zoning Map
3 -Master Plan Portion Applicable to Belair Road.
4 -Portion of viodeo pertaining to site.
5 -Inter-Office Correspondence 8/2/93 Keller to Hackett.
6 -People's Counsel's Sign-In Sheet (2 pages).
7 -Church Activities Schedule (Representative).
8 -Photographs a-k.
9 -Rev. Clipp's written testimony.
10-Blue Print of Church first and second floor plans.
11A-Golden Ring/Kenwood/Weyburn.
11B-Joppa Road/Old Harford.
11C-Eastern Boulevard/Lynbrook Road.
11D-German Hill Road/Plainfield Road.
12A-D-Rule 8 Documents for Perry Hall Improvement Assoc.
13 -Photographs taken by Dorothy McMann (A-EE) Booklet.
14 -People's Counsel Sign-In Sheet.

February 3, 1994 Record of Proceedings filed in the Circuit



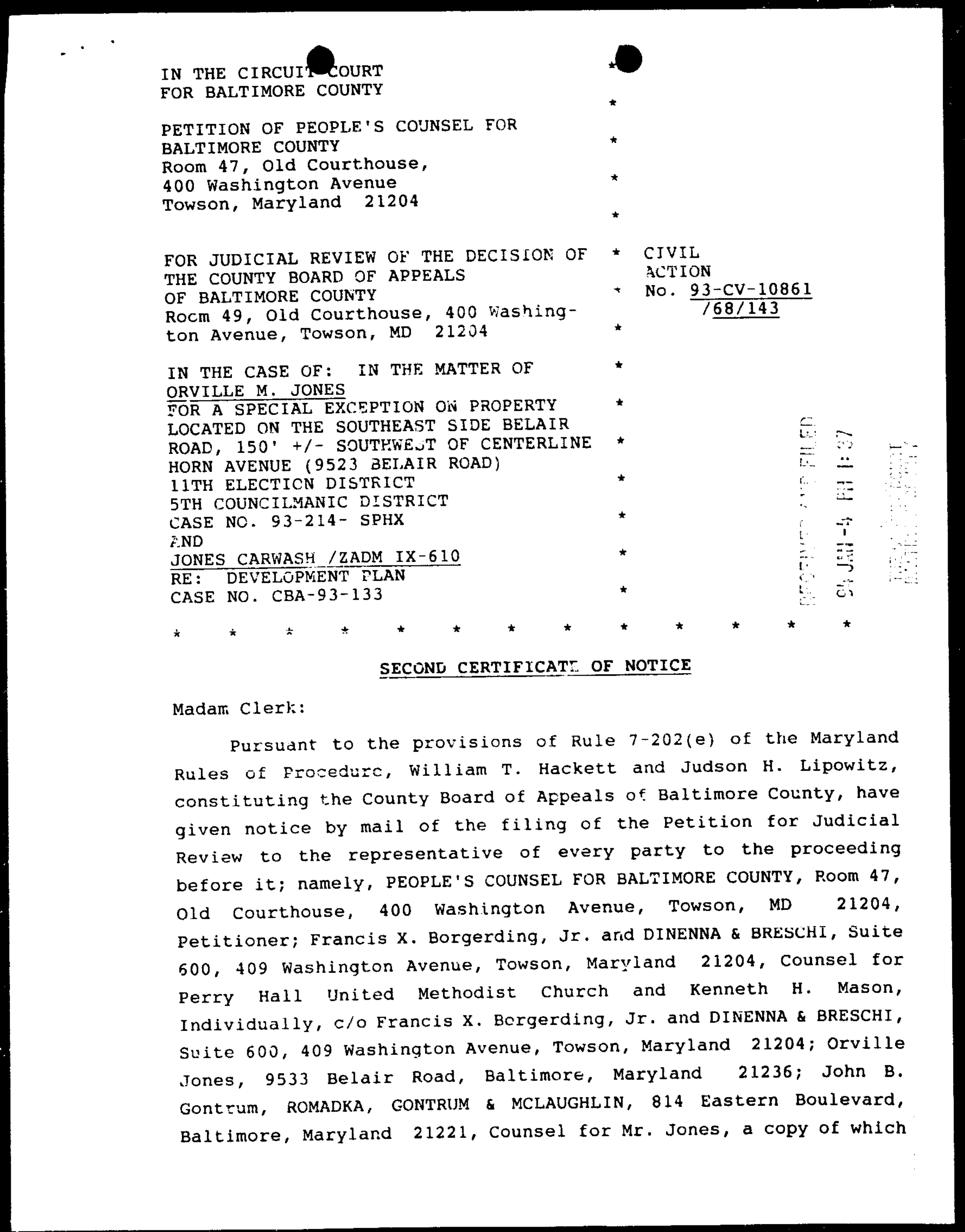
Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board. However, all tangible material or evidence of an unwieldy or bulky nature will be retained in the Board of Appeals' office and upon request of the parties or the Court will be transmitted to the Court by whomever institutes the request.

Respectfully submitted,

~~Charlotte E. Radcliffe~~
~~Legal Secretary~~
County Board of Appeals of Baltimore
County, Room 49, Basement - Old Courthouse
400 Washington Avenue
Towson, MD 21204 (410) 887-3180

cc: Francis X. Borgerding, Jr., Esquire
Perry Hall United Methodist Church
Kenneth H. Mason
John B. Gontrum, Esquire
Orville M. Jones
People's Counsel for Baltimore County



IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY
Room 47, Old Courthouse,
400 Washington Avenue
Towson, Maryland 21204

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washington Avenue, Towson, MD 21204

CIVIL ACTION No. 93-CV-10861 /68/143

IN THE CASE OF: IN THE MATTER OF
ORVILLE M. JONES
FOR A SPECIAL EXCEPTION ON PROPERTY
LOCATED ON THE SOUTHEAST SIDE BELAIR
ROAD, 150' +/- SOUTHWEST OF CENTERLINE
HORN AVENUE (9523 BELAIR ROAD)
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
CASE NO. 93-214- SPHX
AND
JONES CARWASH /ZADM IX-610
RE: DEVELOPMENT PLAN
CASE NO. CBA-93-133

94 JAN -4 PM 1:37

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

SECOND CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, William T. Hackett and Judson H. Lipowitz, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, Petitioner; Francis X. Borgerding, Jr. and DINENNA & BRESCHI, Suite 600, 409 Washington Avenue, Towson, Maryland 21204, Counsel for Perry Hall United Methodist Church and Kenneth H. Mason, Individually, c/o Francis X. Borgerding, Jr. and DINENNA & BRESCHI, Suite 600, 409 Washington Avenue, Towson, Maryland 21204; Orville Jones, 9533 Belair Road, Baltimore, Maryland 21236; John B. Gontrum, ROMADKA, GONTRUM & MCLAUGHLIN, 814 Eastern Boulevard, Baltimore, Maryland 21221, Counsel for Mr. Jones, a copy of which

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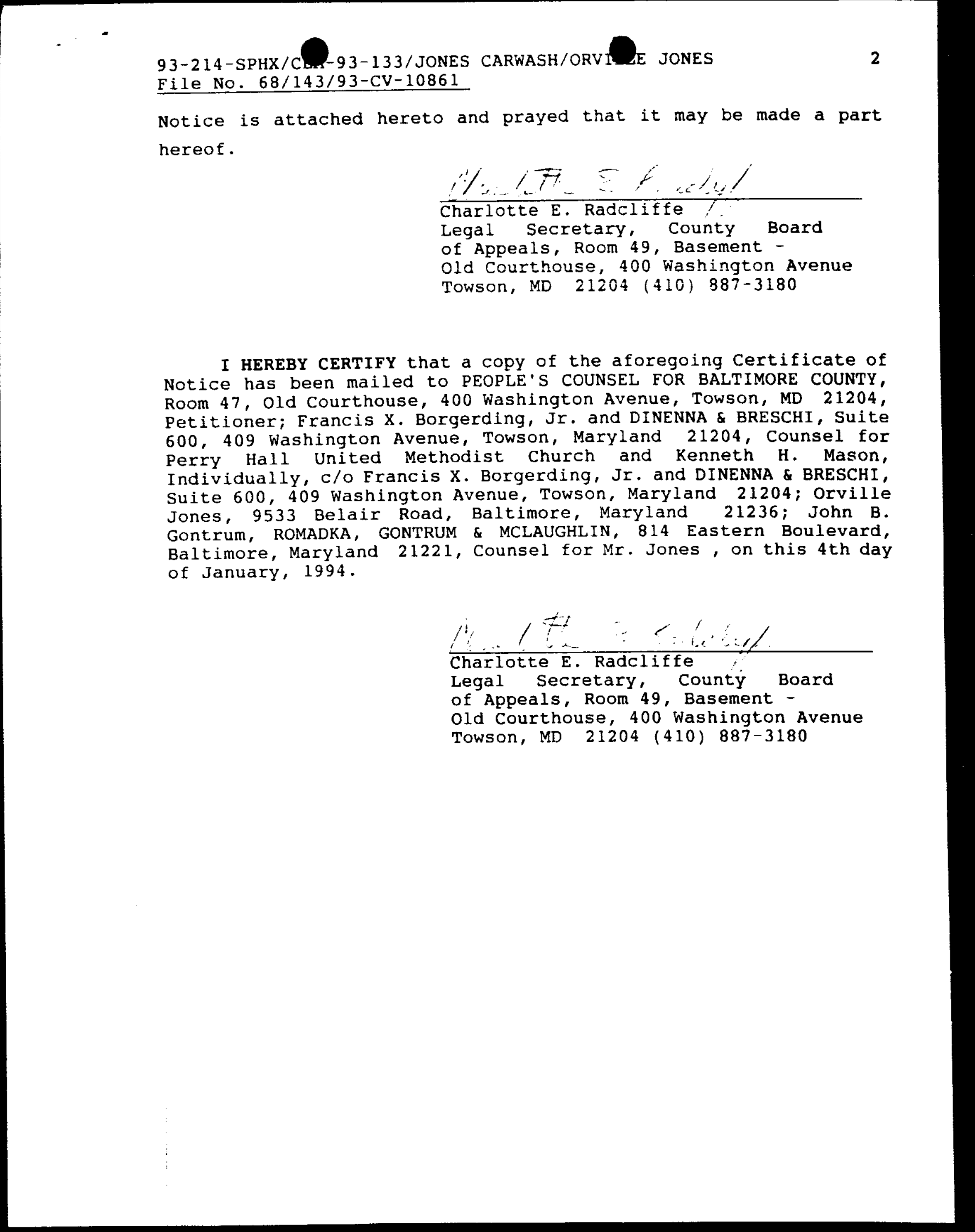

Notice is attached hereto and prayed that it may be made a part hereof.

Charlotte E. Radcliffe
Legal Secretary, County Board
of Appeals, Room 49, Basement -
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice has been mailed to PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, Petitioner; Francis X. Borgerding, Jr. and DINENNA & BRESCHI, Suite 600, 409 Washington Avenue, Towson, Maryland 21204, Counsel for Perry Hall United Methodist Church and Kenneth H. Mason, Individually, c/o Francis X. Borgerding, Jr. and DINENNA & BRESCHI, Suite 600, 409 Washington Avenue, Towson, Maryland 21204; Orville Jones, 9533 Belair Road, Baltimore, Maryland 21236; John B. Gontrum, ROMADKA, GONTRUM & MCLAUGHLIN, 814 Eastern Boulevard, Baltimore, Maryland 21221, Counsel for Mr. Jones , on this 4th day of January, 1994.

Charlotte E. Radcliffe
Legal Secretary, County Board
of Appeals, Room 49, Basement -
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 4, 1994

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: CIVIL ACTION NO. 93-CV-10861
ORVILLE M. JONES/JONES CARWASH

Dear Mr. Zimmerman:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

Enclosed is a copy of the Second Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe
Legal Secretary

Enclosure

Printed with Soybean Ink on Recycled Paper

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 4, 1994

John B. Gontrum, Esquire
ROMADKA, GONTRUM & MCLAUGHLIN
814 Eastern Boulevard
Baltimore, MD 21221

RE: Civil Action No. 93-CV-10861
ORVILLE M. JONES/JONES CARWASH

Dear Mr. Gontrum:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Second Petition for Judicial Review was filed on December 10, 1993 in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Enclosed is a copy of the Second Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Orville M. Jones
Francis X. Borgerding, Jr., Esquire
Thomas P. Dore, Esquire
Mr. John H. Ludwig, III
Mr. J. S. Dallas
Mrs. Theresa Garrett
Mr. Barry Rider
Mr. George Patton
Mrs. Jane Gilpin
Ms. Dorothy S. McMann
Perry Hall Improvement Assn.
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards
Docket Clerk /ZADM
David Flowers, Project Manager
Arnold Jablon /ZADM
Bruce Seeley /DEPRM
Michael J. Moran, Asst. County Attorney

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IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF PEOPLE'S COUNSEL
FOR BALTIMORE COUNTY
Room 47, Old Courthouse,
400 Washington Avenue
Towson, Maryland 21204

FOR JUDICIAL REVIEW OF THE
DECISION OF THE COUNTY BOARD OF
APPEALS OF BALTIMORE COUNTY
Room 49, Old Courthouse,
400 Washington Avenue
Towson, Maryland 21204

IN THE CASE OF: IN THE MATTER OF
ORVILLE M. JONES
FOR A SPECIAL EXCEPTION ON PROPERTY
LOCATED ON THE SOUTHEAST SIDE BELAIR
ROAD, 150' +/- SOUTHWEST OF CENTERLINE
HORN AVENUE (9523 BELAIR ROAD)
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
CASE NO. 93-214- SPHX
AND
JONES CARWASH / ZADM IX-610
RE: DEVELOPMENT PLAN
CASE NO. CBA-93-133

CIVIL
ACTION
No. 93-CV-10861
/68/14

94 JAN -3 PM 2
COUNTY BOARD
RECEIVED

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

PETITION FOR JUDICIAL REVIEW

People's Counsel for Baltimore County hereby requests judicial review of the decision of the County Board of Appeals, In the Case of: In the Matter of Orville M. Jones for a Special Exception, Case No. 93-214-SPHX and Jones Carwash, Case No. CBA-93-133. People's Counsel was a party to the

FILED DEC 10 1993

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proceeding before the County Board of Appeals of Baltimore County in these matters.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for
Baltimore County

Carole S. Demilio
Deputy People's Counsel for
Baltimore County
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforegoing Petition for Judicial Review has been mailed to Francis X. Borgerding, Jr. and DINENNA & BRESCHI, Suite 600, 409 Washington Avenue, Towson, Maryland 21204, Counsel for Petitioners; and John B. Gontrum, ROMADKA, GONTRUM & MCLAUGHLIN, 814 Eastern Boulevard, Baltimore, Maryland 21221, Counsel for Mr. Jones.

12-10-93
Carole S. Demilio

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF PERRY HALL UNITED
METHODIST CHURCH AND KENNETH H.
MASON, INDIVIDUALLY
c/o FRANCIS X. BORGERDING, JR. AND
DINENNA & BRESCHI
Suite 600, 409 Washington Avenue
Towson, Maryland 21204

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washington Avenue, Towson, MD 21204

IN THE CASE OF: IN THE MATTER OF
ORVILLE M. JONES
FOR A SPECIAL EXCEPTION ON PROPERTY
LOCATED ON THE SOUTHEAST SIDE BELAIR
ROAD, 150' +/- SOUTHWEST OF CENTERLINE
HORN AVENUE (9523 BELAIR ROAD
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
CASE NO. 93-214- SPHX
AND
JONES CARWASH /ZADM IX-610
RE: DEVELOPMENT PLAN
CASE NO. CBA-93-133

CIVIL
ACTION
No. 93-CV-10861
/68/143

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

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, William T. Hackett and Judson H. Lipowitz, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, Francis X. Borgerding, Jr. and DINENNA & BRESCHI, Suite 600, 409 Washington Avenue, Towson, Maryland 21204, Counsel for Petitioners; Perry Hall United Methodist Church and Kenneth H. Mason, Individually, c/o Francis X. Borgerding, Jr. and DINENNA & BRESCHI, Suite 600, 409 Washington Avenue, Towson, Maryland 21204, Petitioners; Orville Jones, 9533 Belair Road, Baltimore, Maryland 21236; John B. Gontrum, ROMADKA, GONTRUM & MCLAUGHLIN, 814 Eastern Boulevard, Baltimore, Maryland 21221,

---

Counsel for Mr. Jones; PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary, County Board of Appeals, Room 49, Basement -
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice has been mailed to Francis X. Borgerding, Jr. and DINENNA & BRESCHI, Suite 600, 409 Washington Avenue, Towson, Maryland 21204, Counsel for Petitioners; Perry Hall United Methodist Church and Kenneth H. Mason, Individually, c/o Francis X. Borgerding, Jr. and DINENNA & BRESCHI, Suite 600, 409 Washington Avenue, Towson, Maryland 21204, Petitioners; Orville Jones, 9533 Belair Road, Baltimore, Maryland 21236; John B. Gontrum, ROMADKA, GONTRUM & MCLAUGHLIN, 814 Eastern Boulevard, Baltimore, Maryland 21221, Counsel for Mr. Jones; PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, on this 7th day of December, 1993.

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary, County Board of Appeals, Room 49, Basement -
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 7, 1993

Francis X. Borgerding, Jr.
DINENNA & BRESCHI
Suite 600
409 Washington Avenue
Towson, Maryland 21204

RE: CIVIL ACTION NO. 93-CV-10861
ORVILLE M. JONES/JONES CARWASH

Dear Mr. Borgerding:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Perry Hall United Methodist Church
Kenneth H. Mason

Printed with Soybean Ink on Recycled Paper

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 7, 1993

John B. Gontrum, Esquire
ROMADKA, GONTRUM & MCLAUGHLIN
814 Eastern Boulevard
Baltimore, MD 21221

RE: Civil Action No. 93-CV-10861
ORVILLE M. JONES/JONES CARWASH

Dear Mr. Gontrum:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on December 2, 1993 in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Orville M. Jones
Thomas P. Dore, Esquire
Mr. John H. Ludwig, III
Mr. J. S. Dallas
Mrs. Theresa Garrett
Mr. Barry Rider
Mr. George Patton
Mrs. Jane Gilpin
Ms. Dorothy S. McMann
Perry Hall Improvement Assn.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards
Docket Clerk /ZADM
David Flowers, Project Manager
Arnold Jablon /ZADM
Bruce Seeley /DEPRM
Michael J. Moran, Asst. County Attorney

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RECEIVED
COUNTY BOARD OF APPEALS
93 DEC -6 AM 11:43

PETITION OF THE PERRY HALL UNITED METHODIST CHURCH * IN THE
AND * CIRCUIT COURT
KENNETH H. MASON, INDIVIDUALLY * FOR
* BALTIMORE COUNTY
FOR JUDICIAL REVIEW OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY * CIVIL ACTION NO.
C/o Courthouse
Rm 45
400 Wash Ave
3 204
68/143/9310861
CASE NO. 93-214-SPHX
AND
CASE NO. CBA 93-133
* * * * * * *

PETITION FOR JUDICIAL REVIEW

The Perry Hall United Methodist Church, and Kenneth H. Mason, Petitioners, by their attorneys, Francis X. Borgerding, Jr. and DiNenna & Breschi, petitions this Court for judicial review of the decision of the County Board of Appeals for Baltimore County and Order issued in the above-captioned case and in support thereof say:

1. That your Petitioners seek judicial review of the Order issued by the County Board of Appeals for Baltimore County in Case No. 93-214-SPHX and Case No. CBA 93-133.

2. That your Petitioners are an aggrieved party under Article 66B § 4.18 of the Annotated Code of Maryland as well as being a taxpayer for Baltimore County and was a protestant before the Board.

WHEREFORE, your Petitioners request that this Honorable Court:

A. Review the decision of the County Board of Appeals for Baltimore County;

B. Overturn the decision of the Board; and

C. For such other and further relief as this Honorable Court deems appropriate.

Kenneth H. Mason
KENNETH MASON, PRESIDENT,
ADMINISTRATIVE BOARD, PERRY
HALL UNITED METHODIST CHURCH

Kenneth H. Mason
KENNETH H. MASON, INDIVIDUALLY

FRANCIS X. BORGERDING, JR.
Suite 600
409 Washington Avenue
Towson, Maryland 21204
(410) 296-6822

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of December, 1993, a copy of the foregoing was mailed, first-class, postage prepaid, to Thomas P. Dore, Esquire, Covahey & Boozer, P.A., 614 Bosley Avenue, Towson, Maryland 21204, Attorney for John H. Ludwig, III; John B. Gontrum, Esquire, Attorney for Orville M. Jones, People's Counsel for Baltimore County, Court House, 400 Washington Avenue, Towson, Maryland 21204.

FRANCIS X. BORGERDING, JR.

IN THE MATTER OF THE THE APPLICATION OF ORVILLE M. JONES FOR A SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE SOUTHEAST SIDE BELAIR ROAD, 150'+/- SOUTHWEST OF CENTERLINE HORN AVENUE (9523 BELAIR ROAD) 11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT
AND
JONES CARWASH /ZADM IX-610
RE: DEVELOPMENT PLAN

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 93-214-X
AND
* CASE NO. CBA-93-133

* * * * * * * * *

O P I N I O N

This case comes before this Board on appeal from a decision of the Zoning Commissioner in which the Petition for Special Exception to permit a carwash in a B.L. zone was denied, and therefore the consideration of the development plan outlining the proposed use of the property as a carwash was moot. The Petition requests a special exception to permit a carwash in a B.L. zone as is required by Baltimore County Zoning Regulations (BCZR), and the approval of a development plan to implement the special exception. Testimony and evidence in this case was received by the Board on two days of hearing.

Appearing before the Board in favor of the Petition was Orville M. Jones, property owner; Samuel Crozier, landscape architect and land planner; David Dallas, Jr., professional engineer and surveyor; and Jonathan Dallas, engineer and surveyor who prepared the site plan, all being represented by John B. Gontrum, Esquire. Appearing in opposition to the granting of the Petition was John H. Ludwig, III, represented by Thomas P. Dore,

---

Esquire. Also appearing and testifying in opposition to the Petition was Pat Keller, the Deputy Director of the Office of Planning & Zoning. A number of individual protestants also appeared and testified; namely, Jean Scheuerman, who resides at 9527 Horn Avenue and who recently purchased her property; Reverend Robert Clipp, pastor of the church abutting this property; Catherine Szeto, who represents the Monteressi School being conducted in the church building; William Diller, a trustee of the church; Kenneth Mason, the chairman of the administrative board of the church; Dorothy McMann, representing the Perry Hall Improvement Association; and Jane Gilpin, Theresa Garrett and Barry Rider, all nearby residents.

Jonathan Dallas, a professional surveyor and engineer, testified at length as to the site plans offered into evidence. He noted in particular an easement allowing the sewer to cross the site, the distances from the right of way of Belair Road, the showing that the entrance meets all the State requirements, the residences in tne rear of the property to be totally buffered, storm water controls which have been provided and approved by Baltimore County, that the traffic counts would amount to 280 average daily trips, that a preliminary landscape plan entered as Petitioner's Exhibit 4 was thoroughly reviewed and noted the changes incorporated in this plan as producing less units, larger easements, and the landscape details.

David Dallas, Jr., professional engineer and surveyor, testified that he's worked on this site plan, is qualified on the traffic information and is qualified as to noise regulations. He reiterated that the total trips projected would amount to 280 trips per day. He also testified as to noise levels and noted that they comply with the State standards.

Samuel Crozier, land planner and landscape architect, testified that he has studied this site and that it was his opinion this plan is in harmony with the Master Plan and noted the many other similar uses already in existence. He further testified that the site will be properly buffered and landscaped, and that many uses in the B.L. classification were permitted as of right. It was his testimony that this use is not detrimental to the area, that the floor area ratio exceeds all the requirements, and that this site would generate less traffic than many others.

Orville Jones, the property owner, testified that he was willing to put up an attractive facility. He further noted that many properties along Belair Road are erected in a vertical manner to Belair Road to conform with the shape of the parcel upon which they are constructed. He further testified that he is a contractor, has been in the construction business for 30 years, has built four carwashes elsewhere, and that it was his opinion no detriment to the health, safety and welfare of the neighborhood would result. He further agreed to limit the hours of operation

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from 7:00 a.m. to 10:00 p.m., and that he would employ a full-time attendant for Sunday morning so that the customers would not be allowed to disturb the neighbors by playing their radios too loud. He further testified that all the requirements of 502.1 have been complied with. This concluded Petitioner's case.

First appearing and testifying in opposition to the special exception was Pat Keller, Deputy Director of the Office of Planning & Zoning. He testified he has visited the site, videotaped the area, studied the plans as submitted, and that his office recommended denial of the special exception. He noted in particular no turning lane being provided for this site and the lack of buffering to shield the neighbors visibly and from any noise problems.

Also testifying in opposition was Reverend Robert Clipp, the pastor from the adjoining Methodist church. He testified as to the total activity schedule of the church, including weddings and funerals, many meetings, church services, and the Monteressi School. He was principally opposed to the carwash because of the potential for clients of the carwash to play their radios too loud.

Catherine Szeto testified as to the Monteressi School, it being an accredited non-public school, grades one through three. At present there are 60 students but there are facilities to handle 70. She testified that these students are dropped off and picked up by automobile on the days they have classes.

William Diller, chairman of the Board of Trustees of the church, agreed to the extent of the church activities and testified as to his opinion that there was no way to restrict the radio noise, and that the traffic situation was bad now and would only get worse.

Kenneth Mason, chairman of the administrative board of the church, testified that it was his opinion the sight distances on the proposed facility were not adequate, and that a carwash would not be in harmony with the church usage.

Dorothy McMann, president of the Perry Hall Improvement Association, also testified to the potential for noise from the customers and the carwash, that this use was out of character with the area, and that the improvement association opposed the proposed use.

John Ludwig, III, a resident of Horn Avenue, testified that from his house the car lights and noise would bother him, and that it was his opinion this carwash would be a detriment to his home.

Thomas Garrett of 9525 Horn Avenue and Barry Rider of 9519 Horn Avenue reiterated the concerns evidenced by Mr. Ludwig. This basically concluded testimony in this case.

Special exception uses are recognized in any zone where they are so noted if they can comply with BCZR 502.1. This proposed use as evidenced by Petitioner's exhibits promises the only visual effects upon the neighbors will be a brick end of a building to a

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gable roof, which would not appear tc be detrimental to the neighborhood. In addition, the landscape plan, entered as Petitioner's Exhibit 4, shows extensive landscaping on Horn Avenue and what appears to be adequate landscaping between the church and the proposed carwash. Relative light use of 280 trips a day on Belair Road is not justification in and of itself to deny the Petition. The testimony from the church members indicates that the church's normal usage is much higher than this.

From the testimony and evidence, the Board will find as a fact that the proposed use does in fact meet the requirements of 502.1 of the BCZR, and that the proposed use would not be detrimental to the health, safety or general welfare of either the church, the tavern next door, or the houses along Horn Avenue that will be buttressed by extensive landscaping from the proposed use, and therefore will grant the special exception.

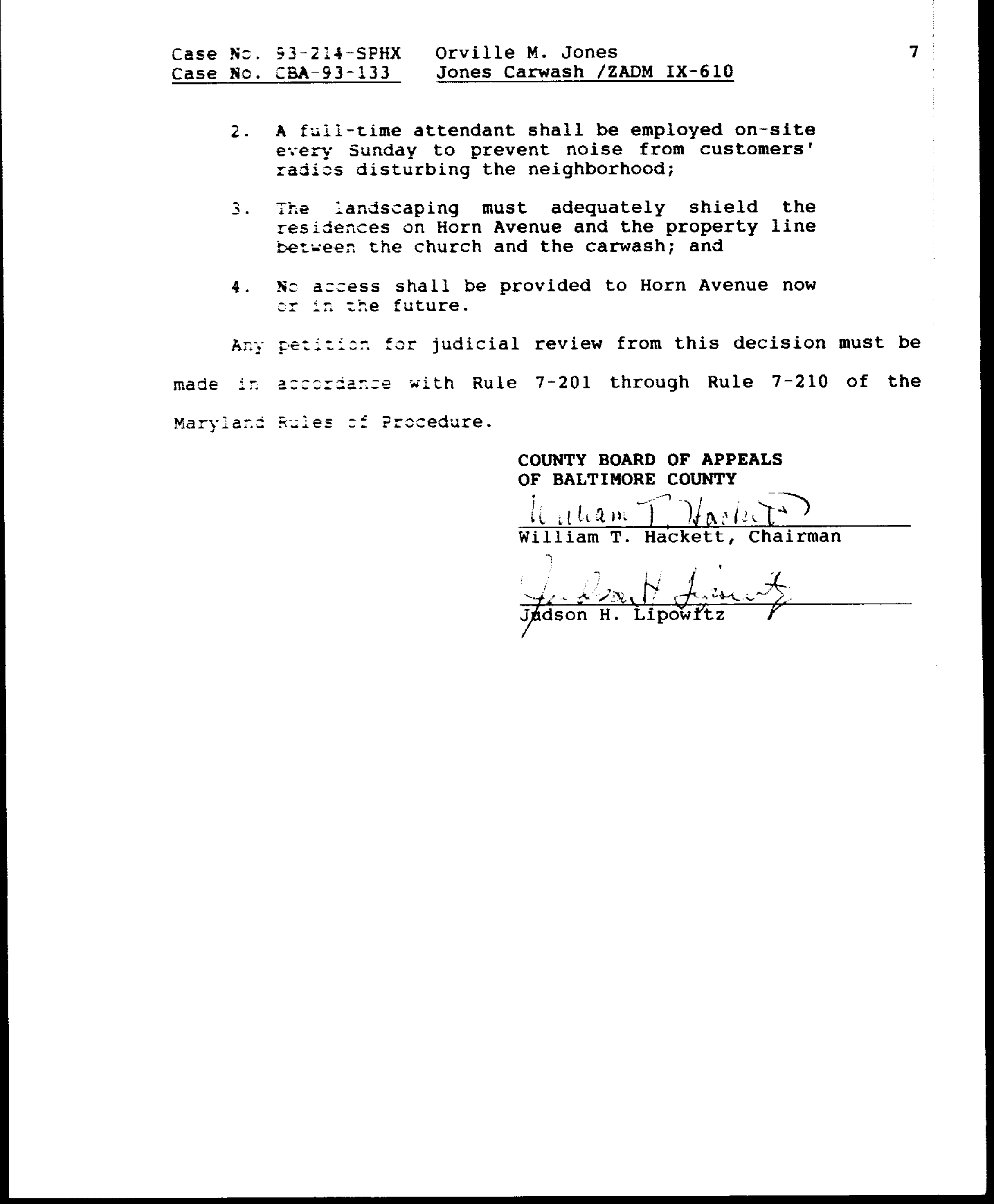
O R D E R

IT IS THEREFORE this 3rd day of November, 1993 by the County Board of Appeals of Baltimore County,

ORDERED that the Petition for Special Exception to permit a carwash in a B.L. zone be and is hereby **GRANTED**; and it is further

ORDERED that the development plan as evidenced by Petitioner's Exhibits 2 and 4 be and the same is **APPROVED**, with the following restrictions:

1. The business hours of operation shall be from 7:00 a.m. to 10:00 p.m.;



2. A full-time attendant shall be employed on-site every Sunday to prevent noise from customers' radios disturbing the neighborhood;

3. The landscaping must adequately shield the residences on Horn Avenue and the property line between the church and the carwash; and

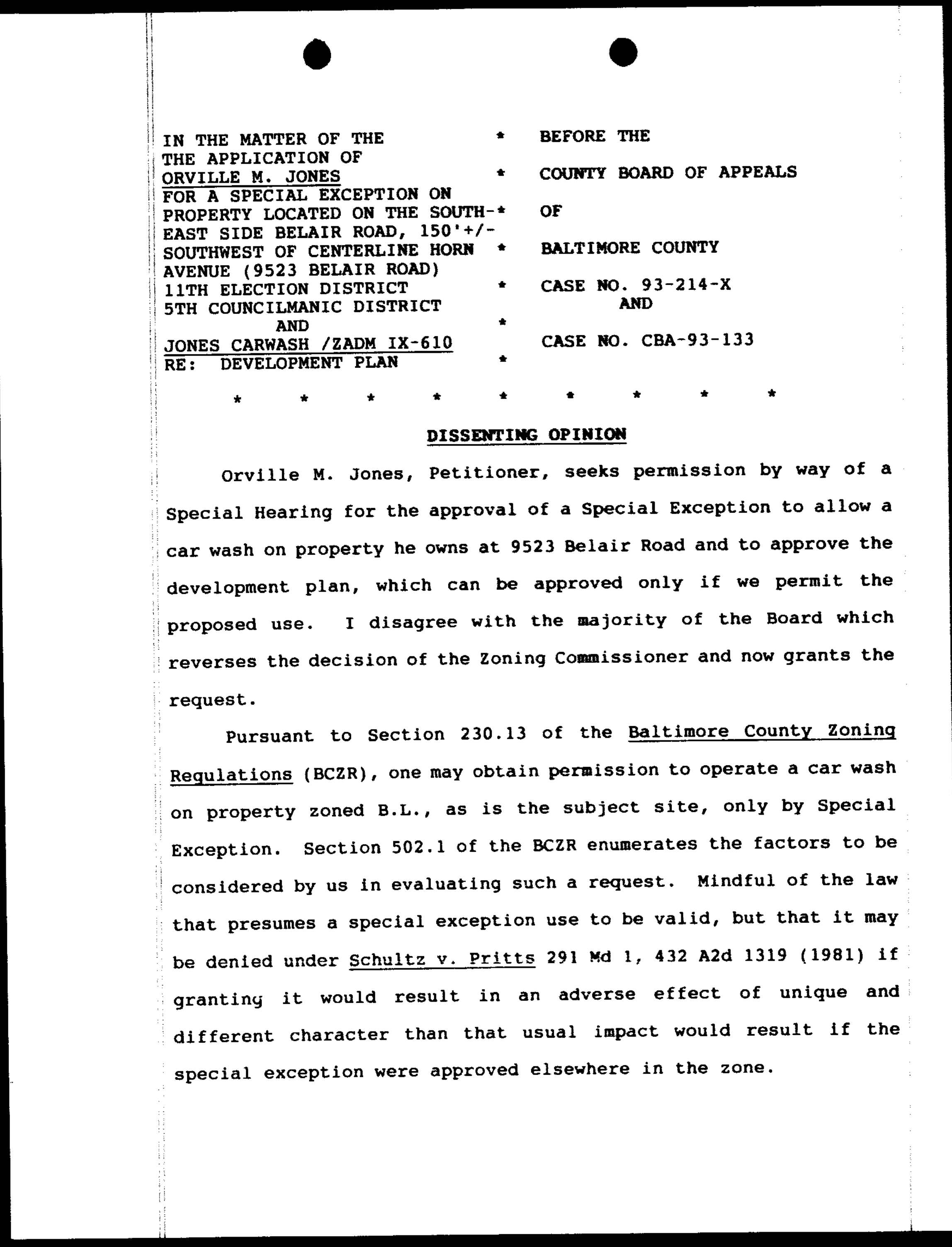
4. No access shall be provided to Horn Avenue now or in the future.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Judson H. Lipowitz



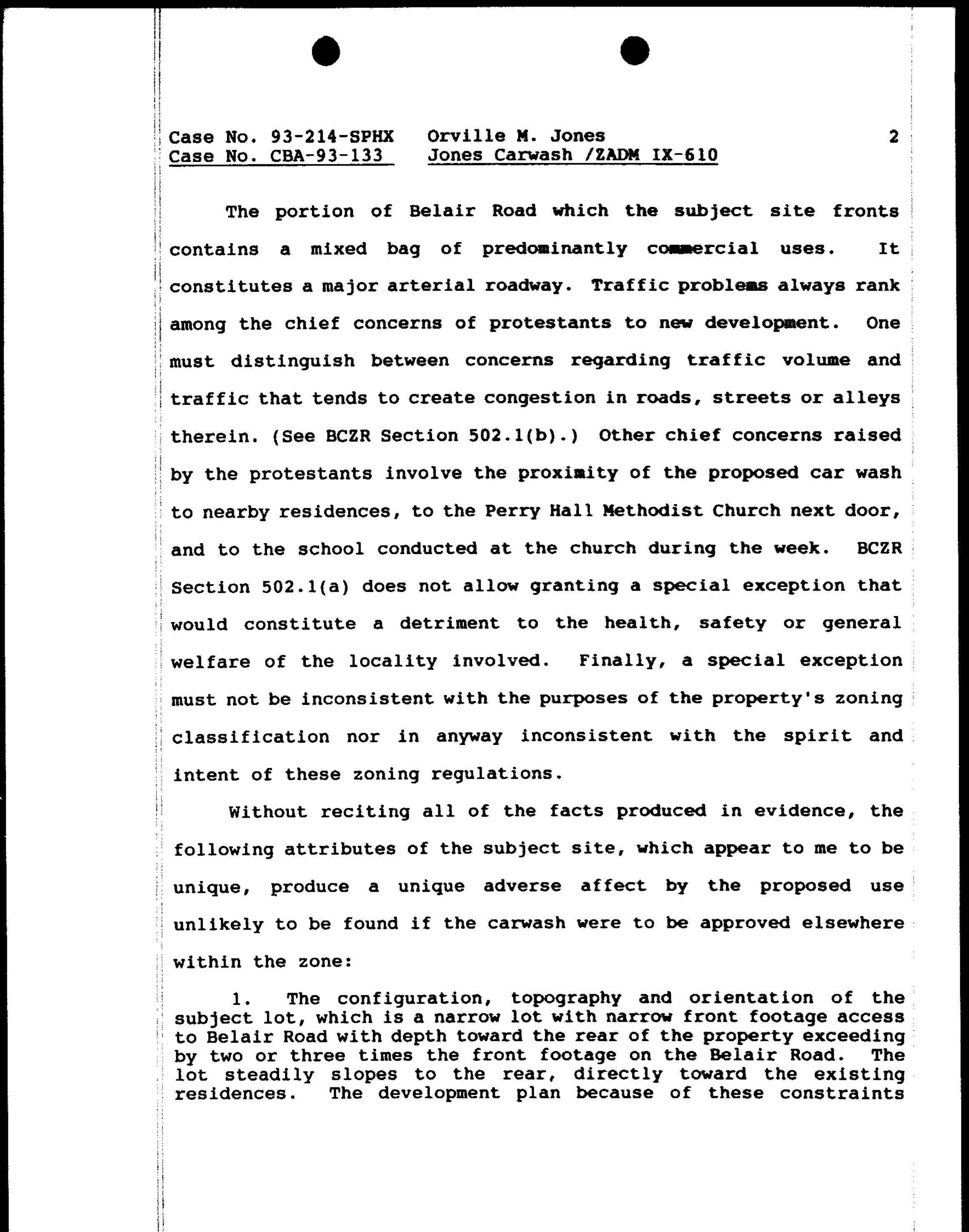
IN THE MATTER OF THE THE APPLICATION OF ORVILLE M. JONES FOR A SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE SOUTH- EAST SIDE BELAIR ROAD, 150'+/- SOUTHWEST OF CENTERLINE HORN AVENUE (9523 BELAIR ROAD) 11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT AND JONES CARWASH /ZADM IX-610 RE: DEVELOPMENT PLAN	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 93-214-X AND CASE NO. CBA-93-133

* * * * * * * * *

DISSENTING OPINION

Orville M. Jones, Petitioner, seeks permission by way of a Special Hearing for the approval of a Special Exception to allow a car wash on property he owns at 9523 Belair Road and to approve the development plan, which can be approved only if we permit the proposed use. I disagree with the majority of the Board which reverses the decision of the Zoning Commissioner and now grants the request.

Pursuant to Section 230.13 of the Baltimore County Zoning Regulations (BCZR), one may obtain permission to operate a car wash on property zoned B.L., as is the subject site, only by Special Exception. Section 502.1 of the BCZR enumerates the factors to be considered by us in evaluating such a request. Mindful of the law that presumes a special exception use to be valid, but that it may be denied under Schultz v. Pritts 291 Md 1, 432 A2d 1319 (1981) if granting it would result in an adverse effect of unique and different character than that usual impact would result if the special exception were approved elsewhere in the zone.



The portion of Belair Road which the subject site fronts contains a mixed bag of predominantly commercial uses. It constitutes a major arterial roadway. Traffic problems always rank among the chief concerns of protestants to new development. One must distinguish between concerns regarding traffic volume and traffic that tends to create congestion in roads, streets or alleys therein. (See BCZR Section 502.1(b).) Other chief concerns raised by the protestants involve the proximity of the proposed car wash to nearby residences, to the Perry Hall Methodist Church next door, and to the school conducted at the church during the week. BCZR Section 502.1(a) does not allow granting a special exception that would constitute a detriment to the health, safety or general welfare of the locality involved. Finally, a special exception must not be inconsistent with the purposes of the property's zoning classification nor in anyway inconsistent with the spirit and intent of these zoning regulations.

Without reciting all of the facts produced in evidence, the following attributes of the subject site, which appear to me to be unique, produce a unique adverse affect by the proposed use unlikely to be found if the carwash were to be approved elsewhere within the zone:

1. The configuration, topography and orientation of the subject lot, which is a narrow lot with narrow front footage access to Belair Road with depth toward the rear of the property exceeding by two or three times the front footage on the Belair Road. The lot steadily slopes to the rear, directly toward the existing residences. The development plan because of these constraints

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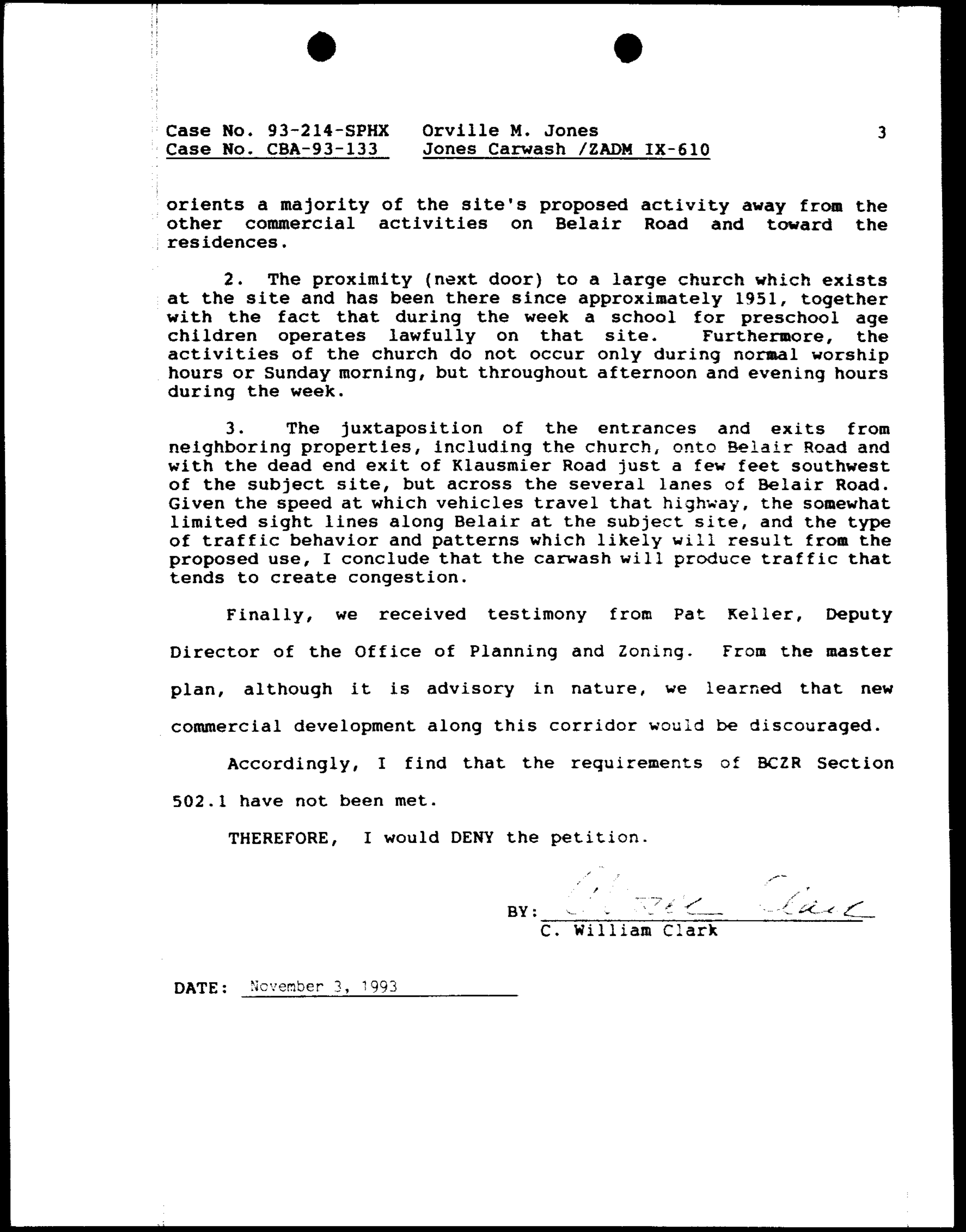


orients a majority of the site's proposed activity away from the other commercial activities on Belair Road and toward the residences.

2. The proximity (next door) to a large church which exists at the site and has been there since approximately 1951, together with the fact that during the week a school for preschool age children operates lawfully on that site. Furthermore, the activities of the church do not occur only during normal worship hours or Sunday morning, but throughout afternoon and evening hours during the week.

3. The juxtaposition of the entrances and exits from neighboring properties, including the church, onto Belair Road and with the dead end exit of Klausmier Road just a few feet southwest of the subject site, but across the several lanes of Belair Road. Given the speed at which vehicles travel that highway, the somewhat limited sight lines along Belair at the subject site, and the type of traffic behavior and patterns which likely will result from the proposed use, I conclude that the carwash will produce traffic that tends to create congestion.

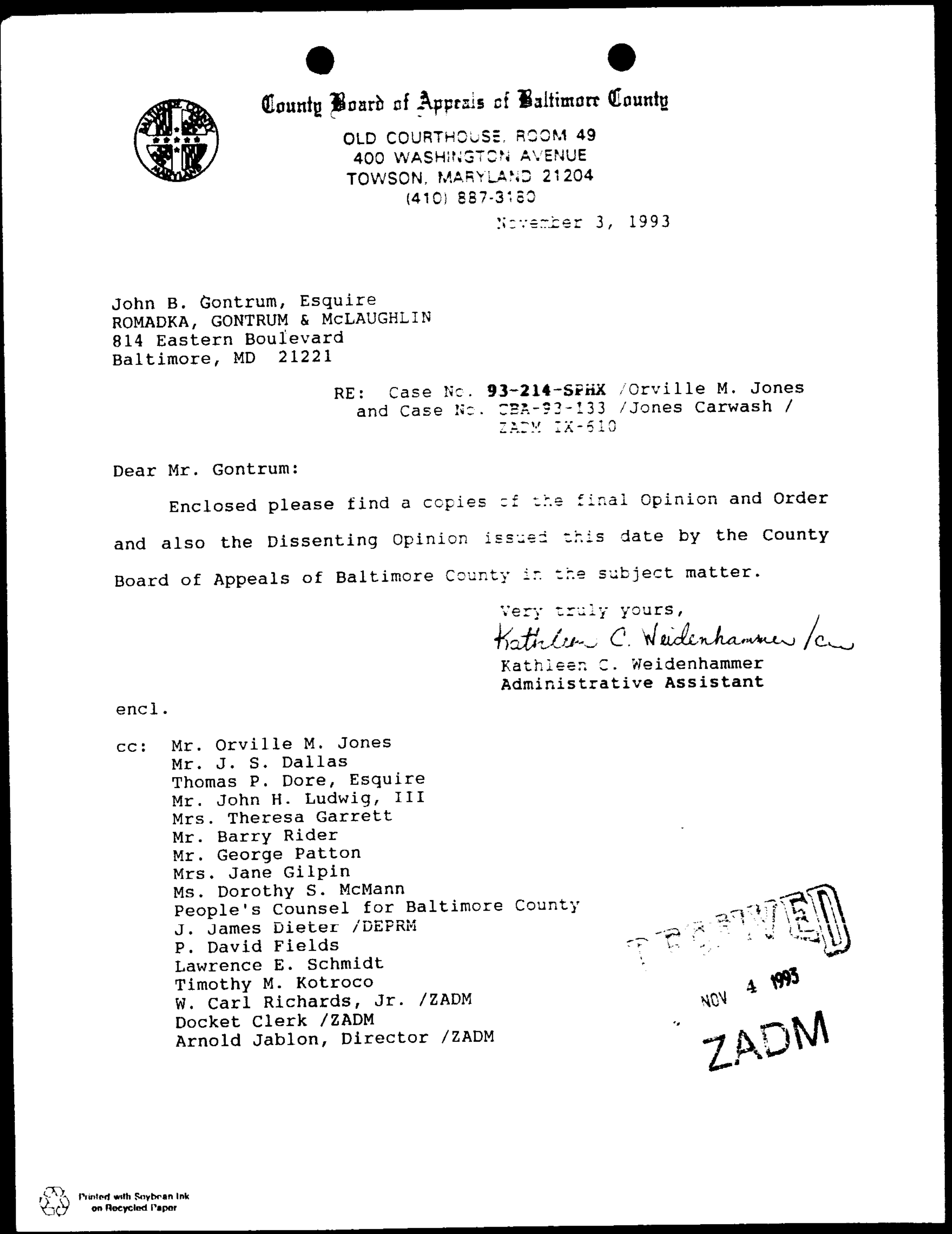
Finally, we received testimony from Pat Keller, Deputy Director of the Office of Planning and Zoning. From the master plan, although it is advisory in nature, we learned that new commercial development along this corridor would be discouraged.

Accordingly, I find that the requirements of BCZR Section 502.1 have not been met.

THEREFORE, I would DENY the petition.

BY: C. William Clark

DATE: November 3, 1993



County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

November 3, 1993

John B. Gontrum, Esquire
ROMADKA, GONTRUM & McLAUGHLIN
814 Eastern Boulevard
Baltimore, MD 21221

RE: Case No. **93-214-SPHX** /Orville M. Jones
and Case No. CBA-93-133 /Jones Carwash /
ZADM IX-610

Dear Mr. Gontrum:

Enclosed please find a copies of the final Opinion and Order and also the Dissenting Opinion issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,
Kathleen C. Weidenhammer /cr
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. Orville M. Jones
Mr. J. S. Dallas
Thomas P. Dore, Esquire
Mr. John H. Ludwig, III
Mrs. Theresa Garrett
Mr. Barry Rider
Mr. George Patton
Mrs. Jane Gilpin
Ms. Dorothy S. McMann
People's Counsel for Baltimore County
J. James Dieter /DEPRM
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

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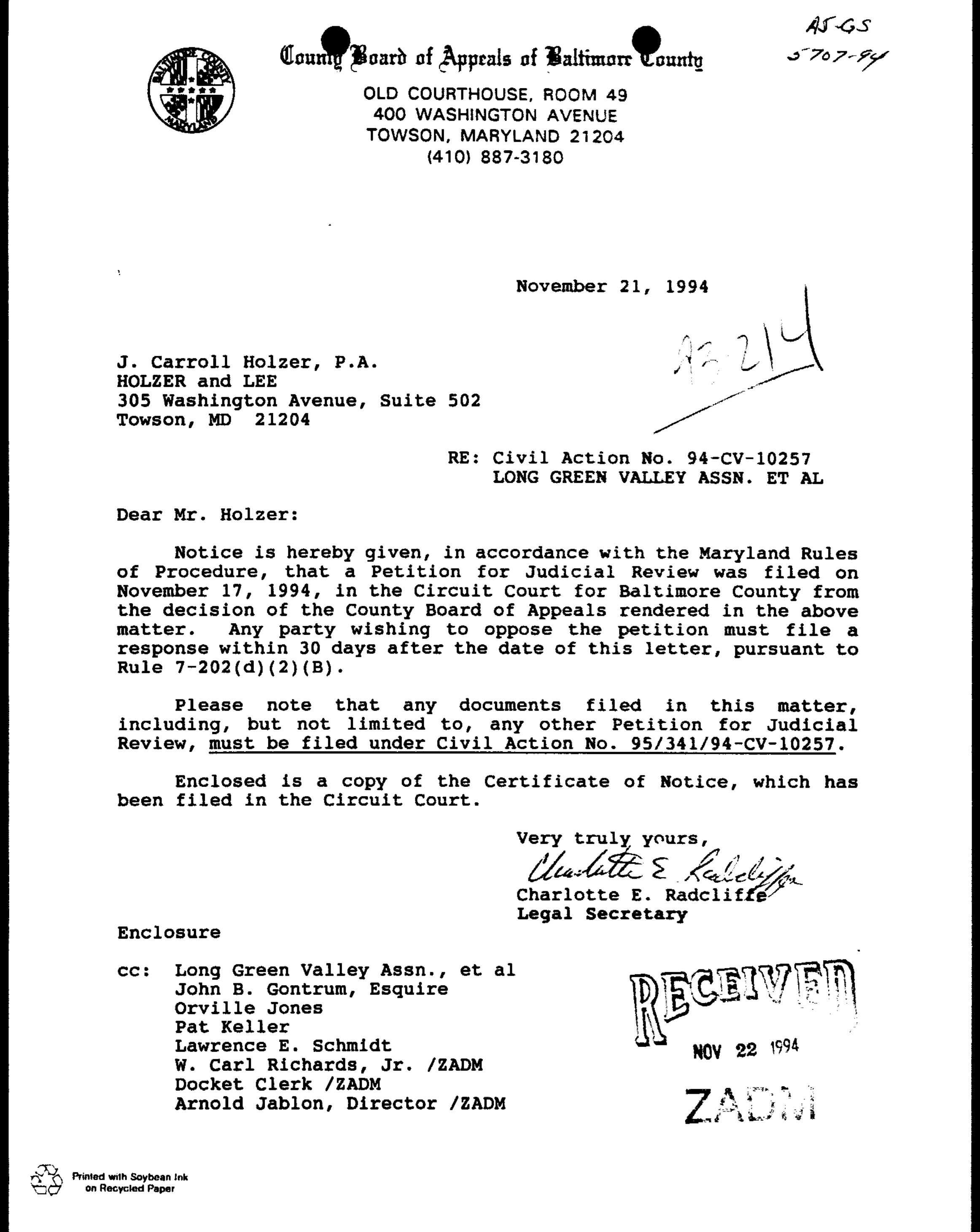

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

AS-GS
5707-94

November 21, 1994

93-214

J. Carroll Holzer, P.A.
HOLZER and LEE
305 Washington Avenue, Suite 502
Towson, MD 21204

RE: Civil Action No. 94-CV-10257
LONG GREEN VALLEY ASSN. ET AL

Dear Mr. Holzer:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on November 17, 1994, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 95/341/94-CV-10257.

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,
Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Long Green Valley Assn., et al
John B. Gontrum, Esquire
Orville Jones
Pat Keller
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

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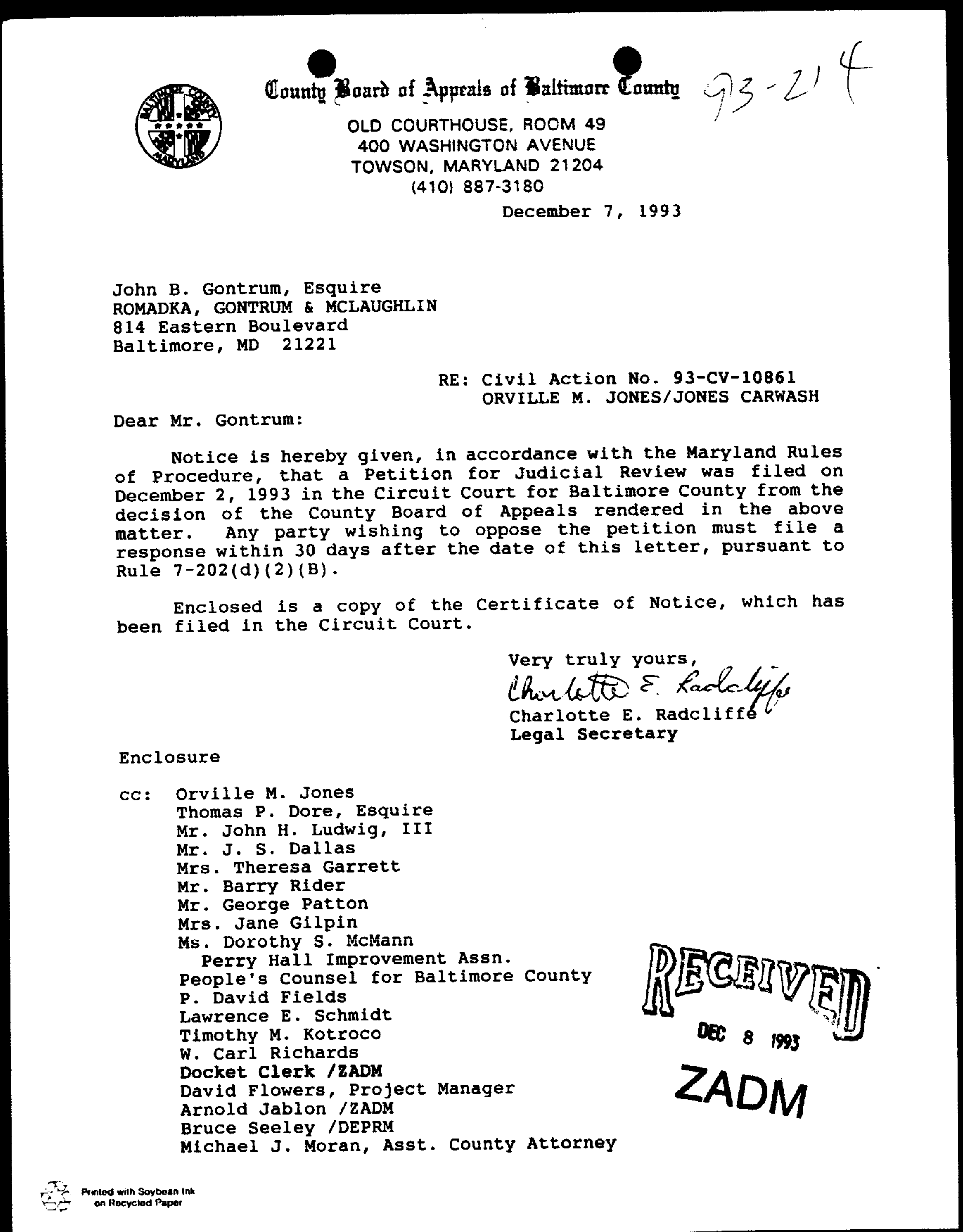

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

93-214

December 7, 1993

John B. Gontrum, Esquire
ROMADKA, GONTRUM & MCLAUGHLIN
814 Eastern Boulevard
Baltimore, MD 21221

RE: Civil Action No. 93-CV-10861
ORVILLE M. JONES/JONES CARWASH

Dear Mr. Gontrum:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on December 2, 1993 in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,
Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Orville M. Jones
Thomas P. Dore, Esquire
Mr. John H. Ludwig, III
Mr. J. S. Dallas
Mrs. Theresa Garrett
Mr. Barry Rider
Mr. George Patton
Mrs. Jane Gilpin
Ms. Dorothy S. McMann
Perry Hall Improvement Assn.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards
Docket Clerk /ZADM
David Flowers, Project Manager
Arnold Jablon /ZADM
Bruce Seeley /DEPRM
Michael J. Moran, Asst. County Attorney

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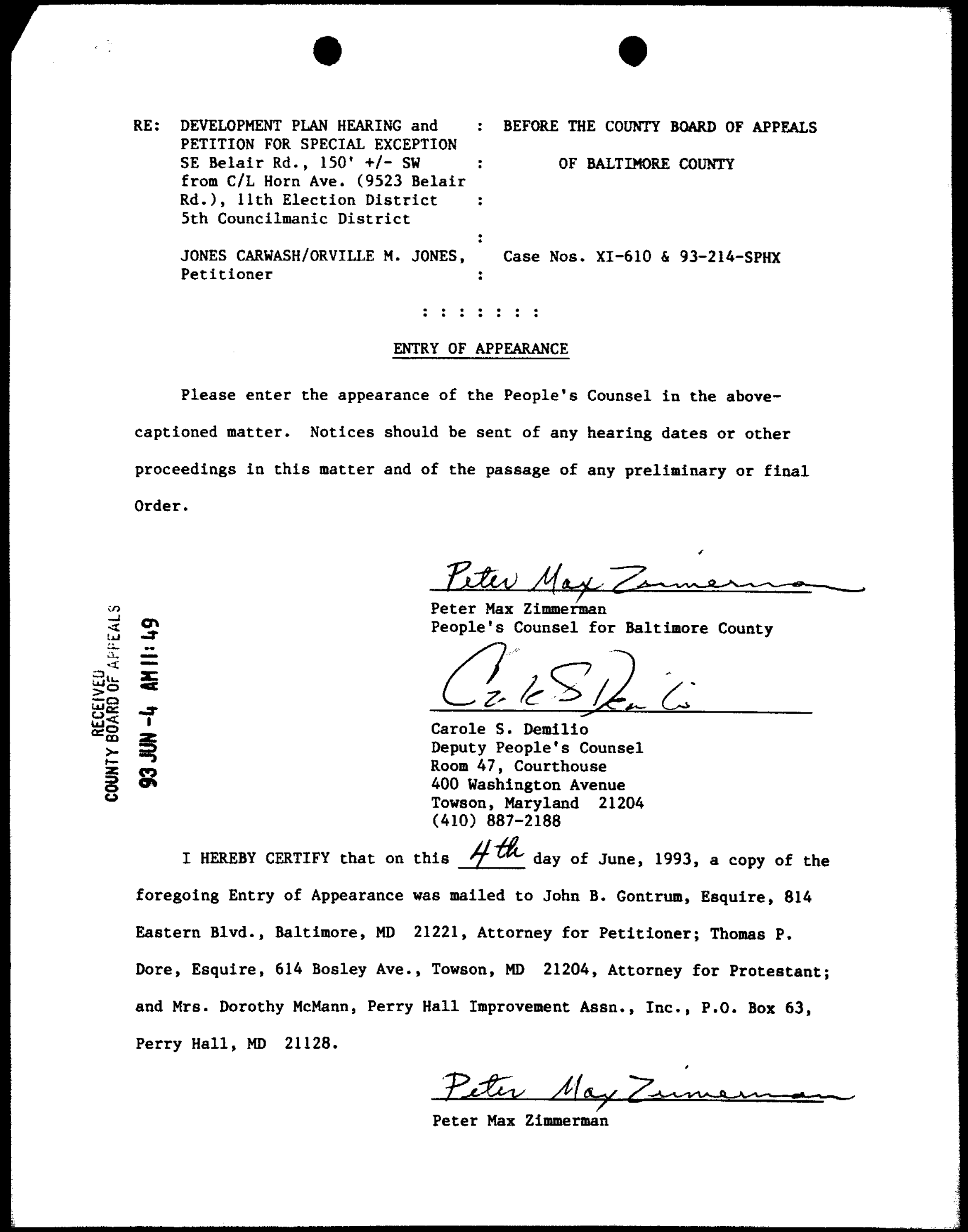

RE: DEVELOPMENT PLAN HEARING and PETITION FOR SPECIAL EXCEPTION SE Belair Rd., 150' +/- SW from C/L Horn Ave. (9523 Belair Rd.), 11th Election District 5th Councilmanic District	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
JONES CARWASH/ORVILLE M. JONES, Petitioner	Case Nos. XI-610 & 93-214-SPHX

: : : : : : :

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.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

RECEIVED
COUNTY BOARD OF APPEALS
93 JUN -4 AM 11:49

I HEREBY CERTIFY that on this 4th day of June, 1993, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, 814 Eastern Blvd., Baltimore, MD 21221, Attorney for Petitioner; Thomas P. Dore, Esquire, 614 Bosley Ave., Towson, MD 21204, Attorney for Protestant; and Mrs. Dorothy McMann, Perry Hall Improvement Assn., Inc., P.O. Box 63, Perry Hall, MD 21128.

Peter Max Zimmerman
Peter Max Zimmerman

IN RE: DEVELOPMENT PLAN HEARING AND PETITION FOR SPECIAL EXCEPTION
S/E Belair Rd., 150 ft. +/- SW from c/l Horn Avenue
9523 Belair Road
11th Election District
5th Councilmanic District

Jones Carwash/Orville M. Jones
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos.XI-610 & 93-214-SPHX
(Project No. 92-221-Z)

* * * * * * * * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN/SPECIAL EXCEPTION ORDER

This matter comes before the Zoning Commissioner/Hearing Officer as a combined development plan/zoning hearing for the subject property located at 9523 Belair Road in the Perry Hall section of Baltimore County. The developer/property owner is Orville M. Jones. As originally filed, Mr. Jones seeks approval of a development plan outlining the proposed use of the property as a carwash. In connection therewith, he also requests the granting of a special exception to permit a carwash in a B.L. zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.). Originally, Mr. Jones also petitioned for a special hearing to allow a drive lane in a D.R. zone. However, the Petition for Special Hearing was dismissed in open hearing as a result of an amendment of the plan which made the need for that request moot.

As to the procedural history of this case, a Concept Plan Conference was held on November 1, 1991 to consider the concept plan. Subsequently, on December 9, 1991, a Community Input Meeting was held at the Eastern Family Resource Center. The development plan was submitted and a conference held thereon on January 21, 1993. The combination Hearing Officer's hearing/zoning hearing convened on February 11, 1993. When the case could not be concluded on that date, it was continued to April 16, 1993.

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Date 4/28/93
By

MICROFILMED

Appearing on behalf of the Petition was Orville M. Jones, property owner. Also testifying on behalf of the Petition was J.S. Dallas, of J.S. Dallas, Inc., surveyors and engineers, who prepared the site plan. The Petitioner was represented by John Gontrum, Esquire. Numerous individuals appeared in opposition to the Petition. They included Dorothy McMann, President of the Perry Hall Improvement Association, and John H. Ludwig, III, who resides to the rear of the site on Horn Avenue. Mr. Ludwig was represented by Thomas P. Dore, Esquire. Also appearing in opposition was Theresa Garrett and Barry Rider, both of whom also reside on Horn Avenue. Testimony was also received from George Patton and William L. Diller, representing the Perry Hall United Methodist Church which is located immediately next door. Also testifying was Jane Gilpin, a resident of the surrounding locale, and Pat Keller, Deputy Director of the Office of Planning and Zoning. Representatives of various reviewing agencies of Baltimore County appeared. These included Joseph Merrey from the Office of Zoning Administration and Development Management, David Flowers (Project Manager), and Letty Sonn and R. Bruce Seeley from D.E.P.R.M.

As noted above, this matter comes before me as a combination zoning hearing (special exception) and for consideration of the development plan. The proposed use of the site as a carwash is permitted only by special exception. Thus, the development plan can be approved only if the Petition for Special Exception is granted. Furthermore, the Petitioner has amended its development plan a number of times to conform with the comments and concerns of the reviewing governmental agencies. As presently constituted, the proposed use is shown on Petitioner's Exhibit No. 4. The amendments include the deletion of a driveway in a D.R. zone and a reduction in a number of proposed wash units. As presently offered, the

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MICROFILMED

Petitioner proposes seven carwash bays. Six of the bays will feature a self-service operation and there will be one full service bay. Further, there will be one equipment storage bay, for a total of eight bays on the property. This represents a reduction from the 9 wash bays plus one storage bay (10 total) which were originally proposed. As a result of the decrease in the size of this facility, the proposed improvements are farther set back from Horn Avenue and the residential properties located thereon. As now contemplated, a 51 foot setback will be maintained. Other amendments to the plan have resolved the State Highway Administration's concern as to vehicular access to the site from Belair Road, as well as addressing certain landscaping and buffering requirements.

As noted above, the development plan can be approved only if the underlying Petition for Special Exception is granted. In this respect, a number of issues were raised by the community. These included the proposed hours of operation, the architectural style of the building, concerns regarding the overcrowding of land and conflict with the Master Plan, and whether the landscaping was appropriate. Also, issues relating to the drainage of water runoff from the site were raised, as well as potential traffic congestion and noise. A summary of the relevant testimony is helpful.

Mr. Dallas testified and presented the plan. In fact, he presented both the original plan and the modified plan which reduced the number of wash bays as outlined above. He observed that the site is .95 acres in gross area and .74 acres in net area. It is split-zoned B.L. and D.R.16. The predominant zoning of the property is B.L. (.63 acres) with D.R.16 (.11 acres) to the rear of the site adjacent to Horn Avenue. Mr. Dallas testified as to the changes on the plan reflected on Petitioner's Exhibit

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MICROFILMED

No. 4. As noted above, only 7 wash bays are proposed at this time. He also observed that the floor area ratio proposed for the site was significantly less than would be allowed as of right. That is, an office building could be constructed on the site which would be significantly larger than the proposed improvements.

Mr. Dallas also described the surrounding locale. The property fronts on Belair Road (U.S.Route 1), a major north/south corridor in Baltimore County. The stretch of Belair Road on which this property is located contains a number of mixed uses. For example, the Perry Hall Methodist Church immediately adjoins the property to the south. Across the street, an office building also owned by Mr. Jones has been built. A bar and restaurant are located to the north of the site. There are also a number of dwellings which front Belair Road at this location. Although Belair Road contains a number of commercial uses near this location, the properties to the interior sections both east and west of Belair Road are almost entirely residential. For example, to the rear of this site, a mixed use of single family residences and condominiums are located. On the other side of Belair Road, a residential development is located which is accessed by Klausmier Road.

Mr. Dallas also described some of the specifics of the proposed operation. He noted that the autmomatic wash cycle is approximately 5 minutes for each vehicle and the self service units take about 15 minutes per wash. He stated that sufficient parking exists for the proposed use in accordance with County standards. Therefore, he believes that there will be no stacking of vehicles from the site onto Belair Road. Also, testimony was offered as to the proposed landscaping. A significant amount of landscaping, as shown on Petitioner's 1B, is proposed. This landscaping

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is designed to buffer the residential areas to the rear, as well as the Church property to the west. Although admitting that Belair Road handles a large traffic volume at this location, Mr. Dallas opined that the proposed use will not detrimentally affect the traffic circulation. He believes that the average daily trips to the site will be less than other commercial uses which might utilize the property and that the peak hours of operation will be different than the normal peak hours of Belair Road traffic at this location.

Lastly, Mr. Dallas observed the topography of the site and described the manner in which drainage will be handled. The property is located higher at its frontage near Belair Road and slopes toward the rear and Horn Avenue. An underground storm water system is proposed to tie into public facilities which are to be constructed in the bed of Horn Avenue. At present, these facilities are not available. However, any utilization of the project in the manner proposed will be conditioned upon a tie-in to the public facilities in the rear of the property. Also, Mr. Dallas believes that landscaping and buffering will be used to screen the improvements and diminish the effect of the drop in elevation from the rear of the lot to Horn Avenue. Therefore, Mr. Dallas believes that the carwash will be effectively buffered from the residence which face the property from across Horn Avenue.

Also testifying in favor of the Petition was the property owner, Mr. Jones. He described the property and echoed much of the testimony offered by Mr. Dallas. He noted that the site has been zoned B.L. since 1988 and there exists a 20 ft. sewer easement which transects the middle of the tract. Due to this easement, the wash bays will be divided as shown on the site plan. He noted that no variances are requested and that all setbacks, height limitations, etc., have been observed. As with Mr. Dallas, Mr. Jones believes the traffic on Belair Road will not be adversely affected by the proposed use. He also noted certain improvements which will be made to the vehicular access/egress point on Belair Road, in accordance with the requirements of the State Highway Administration. In his view, the plan as amended will not detrimentally affect the health, safety and general welfare of the locale and complies with all of the requirements set forth in Section 502.1 of the B.C.Z.R.

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By

MICROFILMED

Mr. Jones also testified about the proposed operation. He noted that he has been involved in the development of other carwash sites but has never actively run those operations. He intends, however, in being involved in this operation, which will be open 7:00 A.M. to 10:00 P.M. seven days a week. He does not believe that these extensive hours of operation will be detrimental to the neighboring properties, either from a noise or traffic impact. As with Mr. Dallas, he believes that this use is less invasive and intrusive on neighboring properties than if the property were developed as an office building or other permitted use.

In opposition to the request, George Patton and William L. Diller, both of the Perry Hall United Methodist Church, testified. Originally, these gentlemen testified that the Church entered into an agreement with Mr. Jones as to buffering on the western side of the subject property. At that time, the Church apparently believed that the carwash would be constructed, irrespective of their objections. However, once it was realized that the project had not obtained approval, the Church amended its position and now opposes the request. The Church's representatives and a letter received from its Trustees disclose concerns over a potential adverse impact upon the Church property. Specifically, the Sunday hours of operation of the carwash are of concern, as well as interference with a day school operated at the Church.

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Also testifying was Jane Gilpin, who lives in a residential community across Belair Road from the subject site which is accessed by Klausmier Road. She is concerned over traffic congestion on Belair Road and an exacerbation of same by the carwash use. She also notes that there are numerous commercial establishments near the property which have already over burdened the traffic flow on Belair Road. Many of these comments were echoed by Dorothy McMann from the Perry Hall Improvement Association. She fears over-commercialization of the area and potential adverse impacts on the surrounding locale.

Also testifying was Pat Keller, Deputy Director of the Office of Planning and Zoning. Although conceding that the amendments to the plan have reduced the intensity of the use, Mr. Keller's office continues to stand by its position in opposition to the project as fully set forth in the Office of Planning and Zoning's development plan comment. Mr. Keller produced a video of the subject site and surrounding locale. Although the Planning Office's comments speak for itself, many of their specific concerns are worth noting. One concern expressed relates to the configuration of the subject property and the improvements contemplated. Unlike many of the commercial properties on Belair Road, the subject site is a narrow, yet deep, lot with limited frontage on Belair Road. Mr. Keller observed, for example, that many of the commercial buildings on Belair Road are situated in a manner so that their frontages parallel the roadway. However, in this instance, the improvements are perpendicular to Belair Road. This configuration results in a linear construction of the site which extends towards the rear of the property and the residential subdivision abutting Horn Avenue. Therefore, Mr. Keller believes that the use of the site in the manner proposed is inappropriate, in that its orientation is not consistent with other commercial uses and is overly intrusive to the residential properties which are located to the rear.

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Date 4/28/93
By

Mr. Keller is also concerned over the adverse impact of the proposed use on the Church next door. As noted by the Church representatives, this facility features a day school which is in operation during the week days. Mr. Keller believes that the proposed use may adversely affect the day school operation and that the two uses are inconsistent. Further, the weekend hours of operation, including Sunday, may interfere with services, weddings and other events at the Church. Particularly, heaviest use at the carwash will no doubt occur on Saturday and Sunday and the resulting traffic congestion, noise, etc., will most acutely affect the Church's weekend activities. Lastly, Mr. Keller observed that Belair Road is already a highly congested travelway and that the anticipated additional daily trips generated by this facility will add to the problem. For all of these reasons, Mr. Keller's office opposes the proposed use.

In considering the merits of the Petition for Special Exception before me, a review of the applicable law is appropriate. The standard for special exceptions is set forth not only in the Baltimore County Zoning Regulations, Section 502.1, but has been extensively discussed by the appellate courts of this State. For all zone classifications, uses may be generally grouped into one of three categories. That is, they are either permitted as of right; not permitted; or allowed by special exception. In the instant case, the carwash is permitted by special exception in a B.L. zone, pursuant to Section 230.13. As has been repeatedly stated by the appellate courts of this case, a special exception use is presumptively

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Date 4/28/93
By

valid, absent a showing that particular facts or circumstances negate the presumption. See Rockville Fuel and Feed Co., Inc., v. Board of Appeals of the City of Gaithersburg, 257 Md. 183, 262 A.2d 499 (1970). That is, a special exception use is permissible but for a showing that particular facts or unique circumstances exist which would render the presumption invalid.

The test to be applied to a special exception use in Baltimore County is set forth in Section 502.1 of the B.C.Z.R. In essence, this standard provides that the proposed special exception cannot adversely affect the health, safety and general welfare of the locale. Specific factors to be considered include the proposed use's impact on traffic, public utilities, adequate light and air and similar factors.

It is also noted that the appellate court's method of evaluating the merits of any Petition for Special Exception has changed. Specifically, in Gowl v. Atlantic Richfield Company, 27 Md. App. 410, 341 A2d 832 (1975), the Court stated that the standard for consideration of a special exception use should be based upon a comparison of the proposed use and the impact which might arise under a permitted use. Specifically, the Court held that the proper standard by which to determine a requested special exception is whether the proposed use would adversely affect the surrounding locale in a manner greater than the impact would be from permitted uses. Indeed, this comparison was made by several of the witnesses who testified in support of the Petition, when comparing the proposed carwash with an office building or similar permitted use.

However, the Gowl standard has been struck down by the Court of Appeals in the landmark opinion, Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981). In lieu thereof, the Court applied a uniqueness test.

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Date 4/28/93
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Specifically, the Court noted that a special exception should be denied only if the granting of same would result in an adverse effect of unique and different character than that usual impact that would result if the special exception were approved elsewhere within the zone.

For example, the Schultz court cited Deen v. Baltimore Gas and Electric Company, 240 Md. 317, 214 A.2d 146 (1965), which arose from Baltimore County. In that instance, a special exception use was requested to permit above ground construction of high tension transmission lines. The Court noted that the construction of high tension wires would produce certain adverse effects no matter where located. Moreover, the Court observed that there was no evidence that the effect of the high tension wires would be any different at the subject site than in any other similar area within the zone. Thus, the special exception should be granted.

Similarly, in Anderson v. Sawyer, 23 Md. App. 612, 329 A.2d 716 (1974), the Court considered the affect of a funeral home in a residential zone. Although noting that the funeral home might create certain traffic congestion and could have a depressing psychological effect, the Court observed that these problems were not unique to the proposed location. Thus, the special exception was granted.

These cases make clear that the rule which need be followed is that the special exception should be granted absent a showing that the surrounding locale will be detrimentally affected in a unique manner by the granting of the proposed use. Applying this law to the instant case, the Petitioner correctly observe that Belair Road is largely a commercial corridor and a major arterial roadway. Thus, they argue that the proposed carwash use is entirely appropriate at this location. As counsel for the Petitioner stated during closing argument, where better than to place a carwash adjacent to a major arterial and commercial road? Further, the Petitioner believes that the impacts of the site can be successfully mitigated by the extensive landscaping to be installed, as well as the reduction in the scale of the project as shown in the amended plan.

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Date 4/28/93
By

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Although the Petitioner's argument in this regard are reasonable, I remain unconvinced that the proposed use is appropriate at this location. Specifically, I rely on two factors. First, the Office of Planning and Zoning's comment as to the perpendicular, vis-a-vis parallel, placement of these improvements as they relate to Belair Road is valid. Unlike other commercial uses in the area and, indeed, other carwashes, the configuration of the proposed buildings extends away from Belair Road and towards the residential houses in the rear. Owing to the property's narrow frontage on Belair Road, the Petitioner is unable to construct the carwash in a manner consistent with the other commercial uses and without unique adverse impact on the neighborhood. The washbays are of such width that they must extend perpendicular from Belair Road. This results in a high volume of vehicular traffic circulating on the middle and rear portions of the site, immediately adjacent to the residences on Horn Avenue. Further, the noise and effects of the wash operation are brought closer to these houses by placement of the buildings.

Secondly, the Church's location next door is a factor which must be given great weight. The hustle and bustle of the carwash will no doubt occur at times most directly in conflict with Church activities. Specifically, the Church school and the Church's weekend religious functions will be adversely impacted by the peak usage periods of the carwash. Thus, the existence of the Church at this location presents a unique circumstance that does not exist elsewhere in the zone.

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Date 4/28/93
By

As to the other issues raised by the Protestants, I am unconvinced that they justify a denial of the Petition. I do not believe that traffic considerations justify a denial of the Petition; nor are the Protestants' concerns over the commercialization of this site appropriate. The zoning of the property is appropriate for commercial development and I do not believe that the traffic on Belair Road will be adversely impacted over and above the inherent effect of any carwash. Further, the public utility tie-in and the Petitioner's plans to deal with drainage and run-off should effectively deal with those concerns. I am particularly impressed with the Petitioner's efforts to minimize and scale down their proposed use. However, the narrowness of the lot presents site constraints which cannot be mitigated in a manner sufficient to enable the Petitioner to meet its burden at law. The two factors noted above, in my view, mandate a denial of the Petition.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Exception must be denied. Further, having reached this result, consideration of the development plan is moot.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of April, 1993 that the Petition for Special Exception to allow a carwash in a B.L. zone, pursuant to Section 230.13 of the B.C.Z.R., be and is hereby DENIED; and,

IT IS FURTHER ORDERED that consideration of the development plan is moot.

ORDER RECEIVED FOR FILING
Date 4/28/93
By

Any appeal from this decision must be taken in accordance with the applicable provisions of law.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 4/28/93
By

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 27, 1993

John B. Gontrum, Esquire
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: Project No. 92-221-Z, Case No. XI-610
Development Plan Hearing - Jones Carwash
Petition for Special Exception
Case No. 93-214-SPHX
Orville M. Jones, Petitioner

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Opinion and Development Plan Order/Petition for Special Hearing and Special Exception have been denied.

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 of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
encl.
cc: Thomas P. Dore, Esquire
cc: Mr. J.S. Dallas
cc: Mrs. Dorothy McMann, President, Perry Hall Improv. Assn.
cc: Mr. John H. Ludwig, III
cc: Mrs. Theresa Garrett
cc: Mr. Barry Rider
cc: Mr. George Patton
cc: Mrs. Jane Gilpin
cc: Mr. David Flowers, Project Manager
cc: Mr. R. Bruce Seeley, DEPRM

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231

Petition for Special Hearing

93-214-SPHX

to the Zoning Commissioner of Baltimore County

for the property located at 9523 BelaiR Rd
which is presently zoned DR16

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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 Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve TO ALLOW A DRIVE LANE IN A DR ZONE

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of 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/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode

Attorney for Petitioner:
(Type or Print Name)
Signature
Address Phone No.
City State Zipcode

Legal Owner(s)
ORVILLE M. JONES
(Type or Print Name)
Orville M. Jones
Signature
(Type or Print Name)
Signature
9533 BelaiR Rd 256-6630
Address Phone No.
Balto MD 21236
City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.
ORVille M. JONES
Name
9533 BelaiR Rd 21236 256-6630
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates Next Two Months
ALL OTHER
REVIEWED BY: DATE

No REVIEW
1/8/93 WCR

Petition for Special Exception

to the Zoning Commissioner of Baltimore County 93-214-SPHX

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 SPECIAL EXCEPTION TO ALLOW A CAR WASH IN A BL ZONE PURSUANT TO SECTION 230.13

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/Lessee:
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:

Legal Owner(s):
ORVILLE M. JONES
(Type or Print Name)
Orville M. Jones
Signature
ORVILLE M. JONES
(Type or Print Name)
Signature
9533 BELAIR ROAD 256-6630
Address Phone No.
BALTIMORE, MARYLAND 21236
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
ORVILLE M. JONES
Name
9533 BELAIR ROAD 21236 256-6630
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: DATE

J. S. DALLAS, INC.
SURVEYING & ENGINEERING
4932 HAZELWOOD AVENUE
BALTIMORE, MD 21206
(410) 866-2001
FAX (410) 866-2003

231

93-214-SPHX

ZONING DESCRIPTION JONES CARWASH (D.R. 16 PORTION ONLY)

BEGINNING at the beginning of the third or North 48 degrees 36 minutes 10 seconds West 255.10 foot line of that parcel of land which by deed dated December 30, 1984 and recorded among the Land Records of Baltimore County in Liber 5844 folio 235 was conveyed by Theodore J. Tremper to Orville M. Jones thence running with and binding on a part of said third line 1) North 48 degrees 36 minutes 10 seconds West 34 feet thence running the five following courses and distances: 2) South 16 degrees 25 minutes West 30 feet, 3) South 44 degrees 17 minutes East 20 feet, 4) South 45 degrees 43 minutes West 79.21 feet, 5) South 44 degrees 17 minutes East 19.58 feet and 6) South 45 degrees 43 minutes West 21 feet to intersect the first line of said deed at a point distant 52 feet from the end thereof thence running with a part of said first line and all of the second line of said deed the two following courses and distances: 7) South 44 degrees 17 minutes East 52 feet and 8) North 16 degrees 25 minutes East 147.85 feet to the place of beginning.

CONTAINING 0.11 acres of land, more or less and located in the 11th election district.

1-8-93

MICROFILMED

J. S. DALLAS, INC.
SURVEYING & ENGINEERING
4932 HAZELWOOD AVENUE
BALTIMORE, MD 21206
(410) 866-2001
FAX (410) 866-2003

Item 231
93-214-SPHX

ZONING DESCRIPTION FOR JONES CARWASH # 9523 BELAIR ROAD

BEGINNING at a point on the southeast side of Belair Road, 60 feet wide, at the distance of 150 feet, more or less, in a southwesterly direction from the centerline of Horn Avenue thence running with and binding on the southwest side of said Belair Road 1) South 47 degrees 33 minutes 30 seconds West 109.78 feet thence running the three following courses and distances: 2) South 44 degrees 17 minutes East 330.26 feet 3) North 16 degrees 25 minutes East 147.85 feet and 4) North 48 degrees 36 minutes 10 seconds West 255.10 feet to the place of beginning. As recorded in Deed Liber 5844 Folio 235 etc.

CONTAINING 0.81 acres of land, more or less and located in the 11th election district.

468

1-8-93

MICROFILMED

1

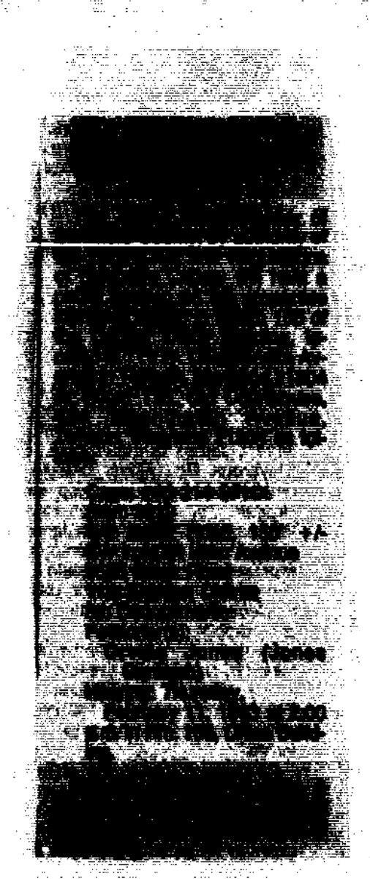
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

93-214-SPHX

District 11th
Date of Posting 1/27/93
Posted for: Special Hearing & Exception
Petitioner: Orville Jones
Location of property: SE (9523) Belair Rd, 150'+ SW Horn Ave
Location of Signs: Facing road way on property of Petitioner
Remarks:
Posted by (Signature)
Date of return: 1/27/93
Number of Signs: 2

May 28, 1993 R-001-6150
#120
$ 250.00
Orville M. Jones
93-214-SPHX - Special Exception Appeal
Jones Car Wash
03A03#0199MICHRC $250.00
BA C010:04AM06-01-93
VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED



CERTIFICATE OF PUBLICATION

2

TOWSON, MD., 1/21, 1993

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 1/21, 1993

THE JEFFERSONIAN,

S. Zeke Orlan
Publisher

$210.00

MICROFILMED

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

No. 118293

DATE May 28, 1993 ACCOUNT R-001-6150
#150
AMOUNT $ 35.00
RECEIVED FROM: Orville M. Jones
FOR: 93-214-SPHX - Sign Appeal
Jones Car Wash
03A03#0200MICHRC $35.00
VALIDATION OR SIGNATURE OF CASHIER
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

MICROFILMED

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number

93-214
H/D 2-11

TOTAL: $95.05
LAST NAME OF OWNER: JONES

MICROFILMED

04A04#0069MICHRC $95.05
BA C001:07PM02-12-93

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
93-214-SPHX Number
Date

1/08/93 H9300231

PUBLIC HEARING FEES	QTY	PRICE
040 -SPECIAL HEARING (OTHER)	1 X	$250.00
050 -SPECIAL EXCEPTION	1 X	$300.00
	TOTAL:	$550.00

LAST NAME OF OWNER: JONES

04A04#0045MICHRC $550.00
BA C003:07PM01-08-93

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 2-2-93

Orville Jones
9533 Belair Road
Baltimore, Maryland 21236

RE: CASE NUMBER: 93-214-SPHX (Item 231)
S/E Belair Road, 150'+/- SW from c/l Horn Avenue
9523 Belair Road
11th Election District - 5th Councilmanic
Petitioner(s): Orville Jones (Jones Carwash)
HEARING: THURSDAY, FEBRUARY 11, 1993 at 2:00 p.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that $95.05 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Arnold Jablon

ARNOLD JABLON
DIRECTOR

MICROFILMED

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ORVILLE M. JONES
9533 BELAIR ROAD
BALTIMORE, MARYLAND 21236
(301) 256-6630

THE BANK OF BALTIMORE
BALTIMORE, MD 21203

7-196/520

CHECK № 3942

PAY TO THE ORDER OF Five Hundred Fifty Dollars
Baltimore County MD
DATE 1/8/93
CONTROL NO.
AMOUNT $550.00

ORVILLE M. JONES
Orville M. Jones
AUTHORIZED SIGNATURE

⑈003942⑈ ⑆052001963⑆ 304593⑈5⑈

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

No. 118291

DATE may 28, 1993 ACCOUNT 010-3060-
AMOUNT $ 250.00
RECEIVED FROM: ORVILLE M. JONES
FOR: XI-610 Project No.: 92-211-Z
JONES CAR WASH
VALIDATION OR SIGNATURE OF CASHIER
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Form CA2

[illegible]
Civil Assignment Commissioner

[illegible]
Director of Central Assignment

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland, 21285-6754

[illegible]
Jury Assignments—Civil

[illegible]
Non-Jury Assignments—Civil

June 21,1994

[illegible]

[illegible]
Legal Secretary, Co.Board of Appeals
[illegible]

Peter Zimmerman, Esq.

John B.Gontrum, Esq.

RE: [illegible]

All counsel and their clients MUST attend this Settlement Conference in person. All Insurance Representatives or, in domestic cases, a corroborating witness MUST attend this Settlement Conference in person. Failure of attendance in person of all parties listed above can result in sanctions being imposed, unless prior approval of the Court is obtained. THERE WILL BE NO EXCEPTIONS.

HEARING DATE: Appeals ½ day Wednesday, September 14,1994 @ 9:30 a.m.
NOTE: CORRECTED NOTICE OF ASSIGNED DATE.

WITH THE EXCEPTION OF DOMESTIC CASES, COURT COSTS MUST BE PAID ON THE DATE OF SETTLEMENT CONFERENCE OR TRIAL, UPON SETTLEMENT OF THE CASE.

POSTPONEMENT POLICIES:

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other to conform calendars for the above date(s). Claim of not receiving notice will not constitute reason for postponement.

A request for postponement MUST BE MADE IN WRITING to the Assignment Office with a copy to all counsel involved.

COUNSEL MUST NOTIFY THE CIVIL ASSIGNMENT OFFICE WITHIN 15 DAYS OF RECEIPT OF THIS NOTICE AS TO ANY CONFLICTS THAT MAY EXIST WITH THE ABOVE REFERENCED DATES. OTHERWISE, IT WILL BE ASSUMED THAT THESE DATES ARE VALID AND NO POSTPONEMENT WILL BE GRANTED.

INDIVIDUALS WITH DISABILITIES, WHO MAY NEED ACCOMMODATIONS PRIOR TO COURT DATES, SHOULD CONTACT THE COURT ADMINISTRATOR'S OFFICE [illegible]

PETITION OF: Perry Hall United Methodist Church & Kenneth H. Mason
CIVIL ACTION # 68/143/93-CV-10861
IN THE MATTER OF JONES PROPERTY/ ORVILLE M. JONES

RECEIVED FROM THE COUNTY BOARD OF APPEALS EXHIBITS, BOARD'S RECORD EXTRACT & TRANSCRIPT FILED IN THE ABOVE-ENTITLED CASE, AND ZONING COMMISSIONER'S FILE AND EXHIBITS

Mary Ross
Clerk's Office

Date: 2/3/94

Form CA2

Sandra Samides—887-2660
Civil Assignment Commissioner

Joyce Grimm—887-3497
Director of Central Assignment

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland, 21285-6754

Kathy Rushton—887-2660
Jury Assignments—Civil

Jan Dockman—887-2661
Non-Jury Assignments—Civil

RECEIVED
COUNTY BOARD OF APPEALS
94 APR -8 AM 10:43

April 7, 1994

Francis X. Borgerding, Jr., Esq.

M's Charlotte E. Radcliffe, (PP)
County Board of Appeals-Rm. 49
400 Washington Avenue
Towson, Md. 21204

Peter Max Zimmerman, Esq.

John B. Gontrum, Esq.

RE: Non-Jury - 93CV-10861 - Petition of the Perry Hall United Methodist Church et al vs. Baltimore Co. Board of Appeals et al

~~SETTLEMENT CONFERENCE DATE:~~ N/A

[redacted]

All counsel and their clients **MUST** attend this Settlement Conference in **person**. All Insurance Representatives or, in domestic cases, a corroborating witness **MUST** attend this Settlement Conference in person. **Failure** of attendance in **person** of all parties listed above can result in sanctions being imposed, unless prior approval of the Court is obtained. THERE WILL BE NO EXCEPTIONS.

HEARING DATE: Appeal: ½-Day - Monday, August 8, 1994 @ 9:30 A.M.

WITH THE EXCEPTION OF DOMESTIC CASES, COURT COSTS MUST BE PAID ON THE DATE OF SETTLEMENT CONFERENCE OR TRIAL, UPON SETTLEMENT OF THE CASE.

POSTPONEMENT POLICIES:

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other to conform calendars for the above date(s). Claim of not receiving notice will not constitute reason for postponement.

A request for postponement **MUST BE MADE IN WRITING** to the Assignment Office with a copy to all counsel involved.

COUNSEL MUST NOTIFY THE CIVIL ASSIGNMENT OFFICE **WITHIN 15 DAYS OF RECEIPT OF THIS NOTICE** AS TO ANY CONFLICTS THAT MAY EXIST WITH THE ABOVE REFERENCED DATES. OTHERWISE, IT WILL BE ASSUMED THAT THESE DATES ARE VALID AND **NO POSTPONEMENT WILL BE GRANTED.**

INDIVIDUALS WITH DISABILITIES, WHO MAY NEED ACCOMMODATIONS PRIOR TO COURT DATES, SHOULD CONTACT THE COURT ADMINISTRATOR'S OFFICE (887-2687) OR USE THE COURT'S TDD LINE (887-3018) OR THE VOICE/TDD MD. RELAY SERVICE 1-800-735-2258.

RECEIVED
COUNTY BOARD OF APPEALS
93 JUN 15 PM 3:42

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 93-214-SPHX
Towson, Maryland

District 11th

Date of Posting 6/4/93

Posted for: Appeal

Petitioner: Orville Jones

Location of property: S/E (9523) Belair Rd., 150' sw/s Horn Ave

Location of Signs: Facing Belair Rd. on property being appealed.

Remarks:

Posted by M H Staley
Signature

Date of return: 6/10/93

Number of Signs: 1

Cont

PETITION TO ACCOMPANY APPEAL REQUEST

In accordance with the requirements of Bill 41-91, within 10 days of the date the appeal request and fee of $250.00 is filed, the appellant should complete this petition and submit it to the Office of Zoning Administration and Development Management. This petition is vital in order for the appeal to be accepted for processing by the County Board of Appeals.

NAME AND MAILING ADDRESS OF APPELLANT(S):

Orville Jones
9533 Belair Road
Baltimore, Md. 21236

ACTION BEING APPEALED: Project No. 92-221-Z, Case No. XI-610

Special Exception 93-214-sphDev. Plan Hearing - Jones Carwash

GROUNDS FOR THE APPEAL and reasons why the Action appealed should be reversed or remanded: The Special Exception was denied by the Zoning Commissioner due to a finding that the location was inappropriate and that it may adversely impact an adjacent church. The Commissioner made no findings on the development plan, and stated that consideration of it was moot. The Development plan was conceded to meet all County requirements and no variances were sought. It should have been approved along with the special exception as any development of the site in accord with its zoning would necessitate reconfiguration of the site as proposed by the plan. There are numerous cases where the proposed use is in far closer proximity

(attach additional sheets if needed)

(see Attachments)

RECEIVED
COUNTY BOARD OF APPEALS
93 JUN -7 PM 4:50

RECEIVED PAYMENT
6/4/93
ZONING OFFICE

CBA-93-133

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to residential development than the proposed site. The site is surrounded by commercially zoned property and property used in a non-residential manner.

The closest residential community is across a public street to the rear of the site, and due to regrading necessitated by almost any development of the site, those residences would be unable to view the use from ground level or from the first floor of their residences.

The site is located on U.S. Route 1, a heavily travelled roadway and the traffic impacts were concededly less than with comparable commercial development.

The findings that the planned use would not be compatible with the area fails to account for actual experience with the use, fails to account for the natural usage of the site based on its topography, fails to consider the adjacent commercial and office oriented usage, and fails to meet the required standard for consideration of a special exception. If the special exception were granted then the case should be considered or remanded for findings on the development plan.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-214-SPHX (Item 231)
S/E Belair Road, 150'+/- SW from c/l Horn Avenue
9523 Belair Road
11th Election District - 5th Councilmanic
Petitioner(s): Orville Jones (Jones Carwash)
HEARING: THURSDAY, FEBRUARY 11, 1993 at 2:00 p.m. in Rm. 106, Office Building.

Special Hearing to allow a drive lane in a DR zone.
Special Exception to allow a car wash in a BL zone.

Arnold Jablon
Director

cc: Orville Jones

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -
Room 48, Old Courthouse

June 2, 1993

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 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. CBA-93-133
AND
CASE NO. 93-214-SPHX

PP'd 6/09/93 to 8/04/93 @ 10⁰⁰ am

JONES CARWASH
RE: Development Plan /ZADM IX-610

ORVILLE M. JONES
SE -Carwash in B.L. zone

4/28/93 -ZC's decision in which Petition for Special Exception was DENIED; consideration of development plan MOOT.

S/E Belair Road, 150' +/- SW of c/l Horn Avenue (9523 Belair Road) 11th E; 5th C

ASSIGNED FOR: **WEDNESDAY, JUNE 23, 1993 at 10:00 a.m.**

cc:
John B. Gontrum, Esquire — Counsel for Appellant /Petitioner
Orville M. Jones — Petitioner
Thomas P. Dore, Esquire — Counsel for Protestant /J. Ludwig
Mr. John H. Ludwig, III
Mr. J. S. Dallas
Mrs. Theresa Garrett
Mr. Barry Rider
Mr. George Patton
Mrs. Jane Gilpin
Ms. Dorothy S. McMann
Perry Hall Improvement Assn.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
David Flowers, Project Manager
Arnold Jablon, Director/ZADM
Bruce Seeley /DEPRM
Michael J. Moran, Asst. County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

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6/07/93

T/C from John B. Gontrum re: Jones Carwash CBA-93-133 /93-214-SPHX

Concerning scheduled hearing date of 6/23/93 --he will be out of town at that time.

Requests that matter be postponed and also asks for guidance in requesting same to next available date on Board's docket (note: which happens to be August 4, 1993).

k

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

June 9, 1993

John B. Gontrum, Esquire
ROMADKA, GONTRUM & McLAUGHLIN
814 Eastern Boulevard
Baltimore, MD 21221

Thomas P. Dore, Esquire
COVAHEY & BOOZER, P.A.
614 Bosley Avenue
Towson, MD 21204

Peter Max Zimmerman
People's Counsel for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Case No. CBA-93-133 /93-214-SPHX
Jones Carwash /ZADM IX-610

Dear Counsel:

The Board has received two separate requests for postponement in these proceedings: one from John B. Gontrum, Counsel for the Developer, on the grounds that he will be out of town on the scheduled hearing date, and the other from Thomas P. Dore, Esquire, on the grounds that he is required to appear in the Circuit Court for Prince George's County on that same date.

The Board has contacted People's Counsel who does not oppose the requests for postponement; and this matter will therefore be rescheduled from the previously set date of June 23, 1993.

Enclosed is a copy of the Notice of Postponement and Reassignment which reflects the new hearing date of **Wednesday, August 4, 1993 at 10:00 a.m.**

Very truly yours,
William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

WTH/MBS/kcw

encl.

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -
Room 48, Old Courthouse June 9, 1993

NOTICE OF POSTPONEMENT & REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH 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. CBA-93-133 JONES CARWASH
RE: Development Plan /ZADM IX-610

AND
CASE NO. 93-214-SPHX ORVILLE M. JONES
SE -Carwash in B.L. zone
4/28/93 -ZC's decision in which Petition for Special Exception was DENIED; consideration of development plan MOOT.

S/E Belair Road, 150' +/- SW of c/l Horn Avenue (9523 Belair Road) 11th E; 5th C

which was scheduled for hearing before the Board on June 23, 1993 has been **POSTPONED** at the request of Messrs. Gontrum and Dore, and without objection by Mr. Zimmerman; and has been

REASSIGNED FOR: **WEDNESDAY, AUGUST 4, 1993 at 10:00 a.m.**

cc: John B. Gontrum, Esquire — Counsel for Appellant /Petitioner
Orville M. Jones — Petitioner
Thomas P. Dore, Esquire — Counsel for Protestant /J. Ludwig
Mr. John H. Ludwig, III
Mr. J. S. Dallas
Mrs. Theresa Garrett
Mr. Barry Rider
Mr. George Patton
Mrs. Jane Gilpin
Ms. Dorothy S. McMann
Perry Hall Improvement Assn.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
David Flowers, Project Manager
Arnold Jablon, Director ZADM
Bruce Seeley /DEPRM
Michael J. Moran, Asst. County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

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County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -
Room 48, Old Courthouse August 9, 1993

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 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. CBA-93-133 JONES CARWASH
RE: Development Plan /ZADM IX-610

AND
CASE NO. 93-214-SPHX ORVILLE M. JONES
SE -Carwash in B.L. zone
Day #2 /from 8/04/93 4/28/93 -ZC's decision in which Petition for Special Exception was DENIED; consideration of development plan MOOT.

S/E Belair Road, 150' +/- SW of c/l Horn Avenue (9523 Belair Road) 11th E; 5th C

ASSIGNED FOR: **TUESDAY, AUGUST 24, 1993 at 10:00 a.m.**

cc: John B. Gontrum, Esquire — Counsel for Appellant /Petitioner
Orville M. Jones — Petitioner
Thomas P. Dore, Esquire — Counsel for Protestant /J. Ludwig
Mr. John H. Ludwig, III
Mr. J. S. Dallas
Mrs. Theresa Garrett
Mr. Barry Rider
Mr. George Patton
Mrs. Jane Gilpin
Ms. Dorothy S. McMann
Perry Hall Improvement Assn.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
David Flowers, Project Manager
Arnold Jablon, Director/ZADM
Bruce Seeley /DEPRM
Michael J. Moran, Asst. County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

January 27, 1993

Mr. Orville M. Jones
9533 Belair Road
Baltimore, MD 21236

RE: Case No. 93-214-SPHX, Item No. 231
Petitioner: Orville M. Jones
Petition for Special Hearing and Special Exception

Dear Mr. Jones:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,
W. Carl Richards Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:hek

Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

Your petition has been received and accepted for filing this

8th day of January 1993.

ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Orville M. Jones
Petitioner's Attorney:

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: January 21, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Jones Carwash

INFORMATION:
Item Number: 231
Petitioner: Orville M. Jones
Property Size: 0.95
Zoning: BL, DR 16
Requested Action: Special Hearing, Special Exception
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:
Jones Carwash will come before the Hearing Officer on February 11, 1993, for approval of the Development Plan. At that particular time, the Hearing Officer will rule on any variances, special exceptions or special hearings applicable to this property, in addition to taking final action on this Development Plan.

The Office of Planning and Zoning's comments on the special hearing and special exception being requested by this petitioner are included as part of the Development Plan file.

Prepared by: Francis Morsey
Division Chief: Gary L. Kerns
PK/FM:rdn

231.ZAC/ZAC1

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BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: January 22, 1993

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: January 19, 1993

ITEM NUMBER: 231

There are no objections to the requested special exception as long as the site meets all development regulations and comments.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/WKL/lvd

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500
(410) 887-4500

JANUARY 13, 1993

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ORVILLE M. JONES
Location: #9523 BELAIR ROAD
Item No.: +231 (WCR) Zoning Agenda: JANUARY 19, 1993

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: Capt Jerry
Planning Group
Special Inspection Division

Noted and
Approved
Fire Prevention Bureau

JP/KEK

1/19/93

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OPZ/Strategic Planning (Design Review Section) 01/27/93
Development Review Committee Response Form
Authorized Signature ______________________________ Date _________

Project Name File Number	Waiver Number	Zoning Issue	Meeting Date	
Connelly Funeral Home		230	1-19-93	Comment
DED DEPRM RP STP TE				
Orville M. Jones		231		NC
DED DEPRM RP STP TE				
Louis A. Slavotinek		232		NC
DED DEPRM RP STP TE				
Jack J. Basel		234		NC
DED DEPRM RP STP TE				
COUNT 10				
G & R No. 3, Inc.		233	1-25-93	Comment
DED DEPRM RP STP TE				
Congregation Darchei Tzedek, Inc.		235		
DED DEPRM RP STP TE				
Francis M. and [illegible]		236		NC
DED DEPRM RP STP TE				
John W. [illegible], Jr., Trustee		237		NC
DED DEPRM RP STP TE				
Michael I. and [illegible]		238		NC
DED DEPRM RP STP TE				
Steven E. [illegible]		[illegible]		NC
DED DEPRM RP STP TE				
Richard F. and [illegible]		[illegible]		NC
DED DEPRM RP STP TE				
Charles H. and Beatrice [illegible]		[illegible]		
DED DEPRM RP STP TE				

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93-214-SPHX
2/11/93

DPW/Developers Engineering Division (Public Services) 01/27/93
Development Review Committee Response Form
Authorized signature ______________________________ Date 2/1/93

Project Name File Number	Waiver Number	Zoning Issue	Meeting Date	
Zigmas J. And Ona E. Bucevicius		224	1-19-93	NC
DED DEPRM RP STP TE				
Ronald D. And Norma J. Jewell		225		NC
DED DEPRM RP STP TE				
Steven P. and Deborah J. Benson		226		NC
DED DEPRM RP STP TE				
Deereco Limited Partnership		227		NC
DED DEPRM RP STP TE				
James R. and Cecile Myrick		228		NC
DED DEPRM RP STP TE				
Goucher Woods Development, Inc.		229		NC
DED DEPRM RP STP TE				
Connelly Funeral Home		230		Comment
DED DEPRM RP STP TE				
Orville M. Jones		231		NC
DED DEPRM RP STP TE				
Louis A. Slavotinek		232		NC
DED DEPRM RP STP TE				
Jack J. Basel		234		NC
DED DEPRM RP STP TE				
COUNT 10				
G & R No. 3, Inc.		233	1-25-93	
DED DEPRM RP STP TE				
Congregation Darchei Tzedek, Inc.		235		Comment
DED DEPRM RP STP TE				

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93-214-SPHX
2/11

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: January 28, 1993

FROM: J. Lawrence Pilson JLP/AAS
Development Coordinator, DEPRM

SUBJECT: Zoning Item #231
Jones Carwash, 9523 Belair Road
Zoning Advisory Committee Meeting of January 19, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

LP:sp:GS

JONES/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: January 8, 1993

TO: The Honorable Vincent Gardina
Councilman, Fifth District

FROM: C. Richard Moore, Bureau Chief
Bureau of Traffic Engineering

SUBJECT: Belair Road Accident Data

As a result of your request for accident data on Belair Road, it was found that between Darnall Road and Walter Avenue (the 9400 block) these were the following number of police reported accidents for each of five previous years:

1987 - 7 accidents
1988 - 8 accidents
1989 - 8 accidents
1990 - 8 accidents
1991 - 5 accidents
1992 - Not available yet

Approximately 40% of the accidents involved rear-end collisions, approximately 20% involved vehicles coming out of the side streets being struck by Belair Road traffic, 20% were single vehicle accidents, and the remaining 20% were in other miscellaneous categories. This data is based upon information from the State Highway Administration. I hope this accident information is useful to you and Dorothy, McMann, President of the Perry Hall Improvement Association.

CRM/GMJ/lvd

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: January 14, 1993

TO: The Honorable Vincent Gardina
Councilman, Fifth District

FROM: C. Richard Moore, Bureau Chief
Bureau of Traffic Engineering

SUBJECT: Belair Road Accident Data

As a result of your request for accident data on Belair Road, it was found that between Horn Avenue and Walter Avenue these were the following number of police reported accidents for each of five previous years:

1987 Accidents - 9
1988 Accidents - 6
1989 Accidents - 11
1990 Accidents - 11
1991 Accidents - 3
1992 Accidents - Not available yet

Approximately 35% of the accidents involved rear-end collisions, approximately 25% involved vehicles coming out of the side streets being struck by Belair Road traffic, 10% were single vehicle accidents, and the remaining 30% were in other miscellaneous categories. This data is based upon information from the State Highway Administration. I hope this accident information is useful to you and Dorothy, McMann, President of the Perry Hall Improvement Association. The four accidents at Walter Avenue show up on this list and the January 8, 1993 list.

CRM/GMJ/lvd

Attachment

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 14, 1993

Orville M. Jones
9533 Belair Road
Baltimore, MD 21236

RE: Preliminary Petition Review (Item #231)
Zoning Case #93-214-SPHX
Legal Owner: Orville M. Jones
9523 Belair Road
11th Election District

Dear Mr. Jones:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

1. A sealed zoning description is required to accompany the petition for Special Exception for the entire site.

2. It is suggested that more definitive information be provided on the petition for Special Hearing including, but not limited to, a reference to Section 409.8 (B.C.Z.R.).

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

By: Joseph C. Merrey

JCM:scj

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 1, 1993

Mrs. Dorothy McMann
Perry Hall Improvement Association, Inc.
P.O. Box 63
Perry Hall, MD 21128

RE: Petition for Special Exception
and Development Plan
S/E Belair Road, 150 ft. +/- SW from c/l Horn Ave
(9523 Belair Road)
11th Election District
5th Councilmanic District
Jones Carwash/Orville M. Jones-Petitioner
Case No. 93-214-SPHX and XI-610

Dear Mrs. McMann:

Please be advised that an appeal of the above-referenced case was filed in this office on May 27, 1993 by John B. Gontrum, Esquire. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

ARNOLD JABLON
Director

AJ:jaw

cc: John B. Gontrum, Esquire
Mr. J. S. Dallas
Mr. John H. Ludwig, III
Mrs. Theresa Garrett
Mr. Barry Rider
Mr. George Patton
Mrs. Jane Gilpin
Mr. David Flowers, Project Manager
Mr. R. Bruce Seeley, DEPRM
Thomas P. Dore, Esquire
People's Counsel

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APPEAL

Petition for Special Exception
S/E Belair Road, 150 ft. +/- SW from c/l Horn Ave
(9523 Belair Road)
11th Election District - 5th Councilmanic District
Jones Carwash/Orville M. Jones-PETITIONER
Case No. 93-214-SPHX

11-20 066828
Orville M. Jones

Petition(s) for Special Exception

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits:
1 - (A) Plan to Accompany Special Exception
(B) Landscape Plan
(C) Revised Layout and Grading Study
2 - Concept Plan
3 - Percentage Turning Movements & Volumes
4 - Development Plan & Plan to Accompany Request for Special Exception & Special Hearing
5 - Seven Photographs
6 - Seven Photographs
7 - Four Photographs
8 - Two Photographs

Protestant's Exhibits:
1 - Three Photographs
2 - Seven Photographs
3 - Letter from Perry Hall Improvement Assoc.

Zoning Commissioner's Order dated April 28, 1993 (DENIED)

Notice of Appeal received on May 27, 1993 from John B. Gontrum, Esquire

cc: John B. Gontrum, Esquire, Romadka, Gontrum & McLaughlin, 814 Eastern Blvd, Baltimore, MD 21221
Mr. J. S. Dallas, 4932 Hazelwood Avenue, Baltimore, MD 21206
Mr. John H. Ludwig, III, 9521A Horn Avenue, Baltimore, MD 21236
Mrs. Theresa Garrett, 9523 Horn Avenue, Baltimore, MD 21236
Mr. Barry Rider, 9529 Horn Avenue, Baltimore, MD 21236
Mr. George Patton, 8921 Parlo Road, Baltimore, MD 21236
Mrs. Jane Gilpin, 9525 Holiday Manor Road, Baltimore, MD 21236
Thomas P. Dore, Esquire, Covahey & Boozer, 614 Bosley Avenue, Towson, MD 21204
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
Lawrence E. Schmidt, Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM
David Flowers, Project Manager
Bruce Seeley, DEPRM

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APPEAL

Development Plan Approval
S/E Belair Road, 150 ft. +/- SW from c/l Horn Ave
(9523 Belair Road)
11th Election District - 5th Councilmanic District
Jones Carwash/Orville M. Jones-PETITIONER
Case No. IX-610, Project No. 92-211-Z (93-214-SPHX)

Development Plan

Concept Plan

Existing Site Constraints Plan

CRG Plan

Community Input Meeting
  Minutes of the Meeting
  Sign-In Sheet

Concept Plan Conference
  Sign In Sheet
  County Agency Comments

Development Plan Conference
  Citizen Sign-In Sheet
  County Representative Sign-in Sheet
  County Agency Comments

Zoning Commissioner's Order dated April 28, 1993 (DENIED)

Notice of Appeal received on May 27, 1993 from John B. Gontrum, Esquire

cc: John B. Gontrum, Esquire, Romadka, Gontrum & McLaughlin, 814 Eastern Blvd, Baltimore, MD 21221
Mr. J. S. Dallas, 4932 Hazelwood Avenue, Baltimore, MD 21206
Mr. John H. Ludwig, III, 9521A Horn Avenue, Baltimore, MD 21236
Mrs. Theresa Garrett, 9523 Horn Avenue, Baltimore, MD 21236
Mr. Barry Rider, 9529 Horn Avenue, Baltimore, MD 21236
Mr. George Patton, 8921 Parlo Road, Baltimore, MD 21236
Mrs. Jane Gilpin, 9525 Holiday Manor Road, Baltimore, MD 21236
Thomas P. Dore, Esquire, Covahey & Boozer, 614 Bosley Avenue, Towson, MD 21204
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
Lawrence E. Schmidt, Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM
David Flowers, Project Manager
Bruce Seeley, DEPRM
Michael Moran, Assistant County Attorney

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 17, 1995

Mr. Orville M. Jones
9533 Belair Road
Baltimore, Maryland 21236

RE: Zoning Verification
Jones Car Wash
9523 Belair Road
11th Election District

Dear Mr. Jones:

Per your letter of April 4, 1996, the approved special exception plan for this site is effective for two years from the date of the last zoning appeal, case #93-214-SPHX. This office considers this plan vested for that period regardless of zoning map changes, subject to certain conditions as precedent by the courts. I refer to the "reasonable diligence" standard, as referenced in zoning cases #84-89-SPH and #85-65-XSPH, which states that, subject to a two-prong test being met, a special exception plan is vested. These are:

(1) the commencement of some readily identifiable work, and

(2) the work began with the intention then formed to continue said work to its completion.

Issuance of permits alone does not vest the plan; however, once the above requirements are met (within the two years), the plan is vested.

I trust that the information set forth in this letter is sufficiently detailed and responsive to your request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391 (FAX - 887-5708).

Sincerely,

John L. Lewis/pcj

John L. Lewis
Planner II
Zoning Review

JLL/jnw
c: 93-214-SPHX

Printed with Soybean Ink on Recycled Paper

Notice of Continued Public Hearing

Case #:

Re: Zoning Commissioner's Hearing on the property known as Jones Carwash

A Continued Hearing has been scheduled for Friday April 16, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

For information, please call the Office of Zoning Administration & Development Management at 887-3391

02/18/93 Copies of the above-pictured postcard mailed to the following:

JOHN B. GONTRUM ESQ
DOROTHY S. MCMANN
EDWARD R. SHERK
DON R. JARDELLA
THERESA GARRETT
ROBERT E. LINDLAM
CATHERINE SCULL
MR. & MRS. GEORGE R. COLE SR.
MR & MRS GEORGE W. WILSON
W. ROBERT KEYSER

THOMAS P. DORE, ESQ.
MR & MRS . GEORGE PATTON
DORIS DELLY
JOHN H. LUDWIG
BARRY D. RIDER
PATRICK J. HARRIGAN
WILLIAM L. DILLER
EDWARD WATTS
JANE GILPIN

Date agreed and confirmed with Eileen [illegible] Gontrum's office and Thomas Dore, Esq.

IN RE: PETITION FOR * BEFORE THE
SPECIAL EXCEPTION FOR * ZONING COMMISSIONER
JONES CAR WASH * OF BALTIMORE COUNTY
* CASE NO.: 92221Z

* *

SUBPOENA

TO: Greg Jones
Traffic Engineering
4th Floor
County Courts Building
401 Bosley Avenue
Towson, MD 21204

You are hereby summoned and commanded to be and appear onally before the Zoning Commissioner/Deputy Zoning issioner of Baltimore County in Room 106, County Office ding and to bring with you traffic count statistics for r Road and Joppa Road as well as Belair Road and Chapel Road 16th day of April, 1993 at 9:30 a.m., regarding the above ned case.

J. Michael McLaughlin, Jr. for John B. Gontrum

John B. Gontrum
ROMADKA, GONTRUM & MCLAUGHLIN
814 Eastern Boulevard
Essex, MD 21221
(410) 686-8274

rivate Process Server:

rocess in accordance with Zoning Commissioner's Rule

S/

Zoning Commissioner/Deputy Zoning Commissioner for Baltimore County

4/12/93

MICROFILMED

ZADM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: DAVID L. THOMAS, P.E.
Assistant Chief
Bureau of Public Services

DATE: October 21, 1992

FROM: SHARON E. LUTZ
House Numbering and Street Naming Section

SUBJECT: Jones Carwash
9523 Belair Road
Concept Plan Comments
Concept Plan Conference - 11 2 92

Use the address No. 9523 for both the raising permit and the new building permit for the new buildings.

SEL:aw

c: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: October 23, 1992

TO: Robert E. Covahey, Chief
Bureau of Public Services

FROM: Shirley M. Murphy, Chief
Bureau of Land Acquisition

SUBJECT: Concept Plan # 92221Z - JONES CARWASH

As requested, we have reviewed and researched the subject Concept Plan and have no comment to make at this time.

If you have any questions, please feel free to contact me at 887-3252.

SMM:DFM:TEG

OCT. 22, 1992

BASIC SERVICES COMMENTS

Developer Name: JONES CARWASH
9523 BELAIR ROAD
File Number: DPW # 92221Z
XI-610

We have reviewed the concept plan for the subject site and offer the following:

There are no basic service deficiencies at the present time for public water, sewer or traffic systems and the SITE HAS NO IMPACT ON SCHOOL POPULATION

ZADM

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

CONCEPT PLAN CONFERENCE COMMENTS

DATE: October 29, 1992

PROJECT NAME: Jones Car Wash

LOCATION: Belair Road

1) Correct number of stacking spaces need to be shown for each individual wash stall.

2) The intersection of Joppa Road-Ebenezer Road and Belair Road is identified as a "D" level-of-service intersection on the 1992 Basic Services Transportation Map. Building permits will be held up if the level-of-service declines to an "F".

3) Access to Belair Road is subject to SHA approval.

Rahee J. Famili

Rahee J. Famili
Engineer II

RJF/lvd

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

October 30, 1992

Mr. Robert Covahey, Chief
Bureau of Public Services
County Office Building
Towson, Maryland 21204

Re: Baltimore County
US 1
Jones Car Wash
DPW #92221Z
ZADM #X1-610

Dear Mr. Covahey,

This office has reviewed the referenced plan and offer the following.

The 110' ultimate right-of-way for US 1 indicated on the plan is consistent with that identified in the SHA Highway Needs Inventory. If within Baltimore County's authority, we request this area be dedicated to SHA as a condition of plan approval.

The on-site circulation as proposed appears somewhat congested. We recommend consideration be given to design the site so that entry to the car wash facilities is made from the north side of the site. This could possibly be accomplished by providing an aisle way parallel to the facilities, separated by channelization so that on-site queued vehicles do not conflict with those existing the site.

The reconstruction of the property frontage, to include the new entrance, will require an access permit be obtained from this office. We will not approve building permits for the site until we have received the surety for the entrance construction.

Please contact David Ramsey of this office at (410) 333-1350 if you have any questions.

Thank you for the opportunity to review this plan.

Very truly yours,

David N Ramsey
for John Contestabile, Chief
Engineering Access Permits
Division

DNR:maw
cc: Mr. Darrell Wiles

My telephone number is 410-333-1350 (Fax# 333-1041)

ZADM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

CONCEPT PLAN COMMENTS

TO: Arnold Jablon, Director - Zoning Administration & Development Management

VIA: Pat Keller, Deputy Director - Office of Planning and Zoning

FROM: P. David Fields, Director - Office of Planning and Zoning

DATE: October 29, 1992

PROJECT NAME: Jones Carwash

PROJECT NUMBER: XI-610 (92221Z)

GENERAL INFORMATION:

Applicant Name: Orville Jones
9533 Belair Road
Baltimore, MD 21236

Location: East side of Belair Road
West side of Horn Avenue

Councilmanic District: 5th

Growth Management Area: Urban Center - White Marsh

Zoning: BL, DR 16

Acres: 0.95 acres

Surrounding Land Use & Zoning:

North:	BL	Commercial Building (Restaurant & Bar)
South:	DR 16	Church
East:	DR 16	Single-family Detached
West:	RO	Office, Commercial

Character of Area:
Commercial along Belair Road frontage; residential to east (behind Property)

Project Proposal:
Jones Carwash proposes construction of a carwash on 0.95 acres zoned BL (0.62 acres) and DR 16 (0.12 acres). The carwash consists of ten units; two automated bays, seven self service bays and one equipment storage. Seven parking spaces are proposed.

Project History:
The site contains an existing office building and parking lot. The building will be razed. There is no significant vegetation shown on the site plan.

Check Anticipated Actions and Additional Review Items:

_X_ Special Exception
___ Variance
___ Waiver
___ RTA Modification
___ Referral to Planning Board
___ Compatibility
___ Scenic Route
___ Design Review Panel
___ PUD
___ Other

PARTIES TO BE NOTIFIED BY APPLICANT:
(Certified Mail Return Receipt Requested)

All adjacent property owners

Perry Hall Imp Assoc.
Dorothy McMann - President
9513 Dawnvale Road
Baltimore, MD 21236-1519

Gunpowder Valley Conservancy
Karen Stuebling
12124 Jericho Road
Kingsville, MD 21236

Oakhurst Park Comm. Assoc.
David Boyer
26 Stone Falls Court
Baltimore, MD 21236

MEETINGS:

Concept Plan Conference 11/ 02/92
Development Plan Conference / /
Planning Board / /
Community Input Meeting / /
Hearing Officer's Hearing / /

COMMENTS
The Concept Plan does not show uses within 200 feet of the perimeter. The residential units on Horn Avenue are not shown.

MASTER PLAN
The Master Plan Eastern Sector, Issue: Belair Road, states that because the heavy volume of commuter traffic mixing with local trips increases the danger of turning movements to and from adjoining businesses, the County should continue to resist requests to extend commercial zoning except in cases where the proposal would clearly be in the public interest by demonstrably improving the appearance and traffic flow on Belair Road. While not a change in zoning classification, a special exception for a car wash would allow an intensification of commercial use which would have a negative effect on traffic movement on Belair Road at Klausmier Road.

TRANSPORTATION
Klausmier Road is identified in the Baltimore County Master Plan as a programmed Transportation Project. The limits are from Gunview Road to Belair Road, US 1. The project was deleted from the capital programs last year as part of the reduction in capital expenditures.

Belair Road, US 1, is in the draft 1993 Consolidated Transportation Program (CTP) under the Secondary Development and Evaluation Program for State Highway Administration. The limits of the project extend from Pinedale Drive to MD 152. The intended improvement is widening and reconstruction of the existing road. The Concept Plan shows the reserved right-of-way for this project.

The site is located in the Belair Road, US 1 and Ebenezer Road traffic shed as identified on the 1992 Basic Service Transportation Area Map. The signal is operating at level of service "D".

COMMUNITY IMPACT
This Development as proposed appears to represent over development of the site and will have a significant impact on the adjacent residential community. The scale of this proposed operation is out of character with the adjacent commercial uses. The Plan does not indicate any screening or buffering to minimize the noise and visual impact on the adjoining residential and church properties. Hours of operation are not indicated on the Plan.

DESIGN
The Plan does not show landscaping, and does not provide adequate landscape buffers to accommodate landscaping and screening.

The Plan should does not show sign detail and location of proposed lighting.

The site design does not allow for adequate dry-off areas which do not interfere with interior circulation.

The location of vacuuming units is not specified.

SPECIAL EXCEPTION
For the above reasons, the Office of Planning and Zoning will not support a special exception for this use.

Division Chief:

EMcD:bjs

BALTIMORE COUNTY, MARYLAND

SUBJECT: CONCEPT PLAN REVIEW COMMENTS for 11/2/92 DATE: 10/30/92

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

PROJECT NAME: JONES CARWASH
PROJECT NO: 92221Z
LOCATION: 9523 Belair Road
DISTRICT: 11C5

The Developers Engineering Division has made the following comments on the Concept Plan dated June 3, 1992 for the above project:

1) The entrance location from Belair Road and any other required improvements to Belair Road (MD Rte #1) are subject to SHA approval.

2) Horn Avenue shall be improved by the Developer to an ultimate 30-foot curb and gutter street cross-section on a 50-foot right-of-way. Improvements shall include but not necessarily be limited to curb and gutter, paving, street lights, sidewalk and drainage improvements.

3) The existing water meter along Belair Road may not be adequate to serve the proposed car wash and may require replacement.

4) A minimum 20-foot drainage and utility easement is required over the existing sanitary sewer. No permanent structures are permitted within the proposed easement.

5) Retaining walls are not permitted over the public sanitary sewer main.

6) The proposed footings for the bays must be carried below the existing sanitary sewer.

7) The outfall from the storm water management facility must be to an adequate drain system designed to convey the flow from this site. The drain system shown in Horn Avenue does not exist. If the Developer wishes to proceed, he shall be responsible for construction of this drain system to a suitable outfall. 2-10- & 100-year storm water management is required.

8) The proposed swale along the west property is unacceptable. A curb system must be constructed to direct the surface flow from the paved areas to a suitable storm drain and inlet system.

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9) The landscape comments are as follows:

A schematic landscape plan prepared by a Landscape Architect is required to be submitted 10 business days prior to the C.I.M.

In addition to the planting unit calculations shown on the submitted plan, add the following:

a) Class B 110' for Belair Road
b) Class A 480' for Horn Avenue and adjacent church
-- a 6' wood fence, per enclosed specifications, is required in conjunction with Class 'A' plantings

The schematic landscape plan is required to be approved prior to approval of the Development Plan.

SIGNED: ROBERT W. BOWLING

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

RWB:DAB:pab

cc: Paul Hudson
File

JONESCAR/PB_COMM2

ZADM

CONCEPT PLAN CONFERENCE

JONES CARWASH - 9523 BELAIR ROAD

NOVEMBER 2, 1992 @ 10:00 AM

STORM WATER MANAGEMENT COMMENTS:

1. The Storm Water Management Act:
    a. The Developer is responsible to address the requirements of Bill No. 105-84 presented on pages III-5 and III-5 (a) through (k) of the Development Procedures and Policy Manual.
    b. Provisions for exemptions, waivers and variances for Storm Water Management (SWM) are described in this document. Exemptions, waivers and variances should be applied for and granted (or denied) by the County before Development Plan approval is given.
    c. Conditions for recording plats and granting grading and building permits as related to SWM are also described in this document. The Developer is advised to be aware of these conditions and include them in planning the project to avoid unnecessary delays to construction.
2. General Engineering Requirements:
    a. Peak management of the 2 and 10-year storm events is normally required. If the development is in certain designated inter-jurisdictional watersheds or, if deemed necessary by Baltimore County, 100-year peak management may also be required.
    b. Please refer to the Storm Water Management Section of the Baltimore County Design Manual for general design criteria. Hydrology shall be in accordance with the June 1986 version of TR-55.
    c. Water quality measures are required to some degree on all projects not exempt from SWM. The developer is responsible for addressing all applicable requirements of agencies whether within or outside of Baltimore County having jurisdiction over water quality, streams or wetlands.
    d. SWM Facilities are also subject to review and approval by the Baltimore County Soil Conservation District.
    e. SWM Facilities which either outfall to a Baltimore County storm drain system or for which a public road fill serves as a SWM pond embankment will be reviewed and approved concurrently by the Department of Public Works and the Department of Environmental Protection and Resource Management.

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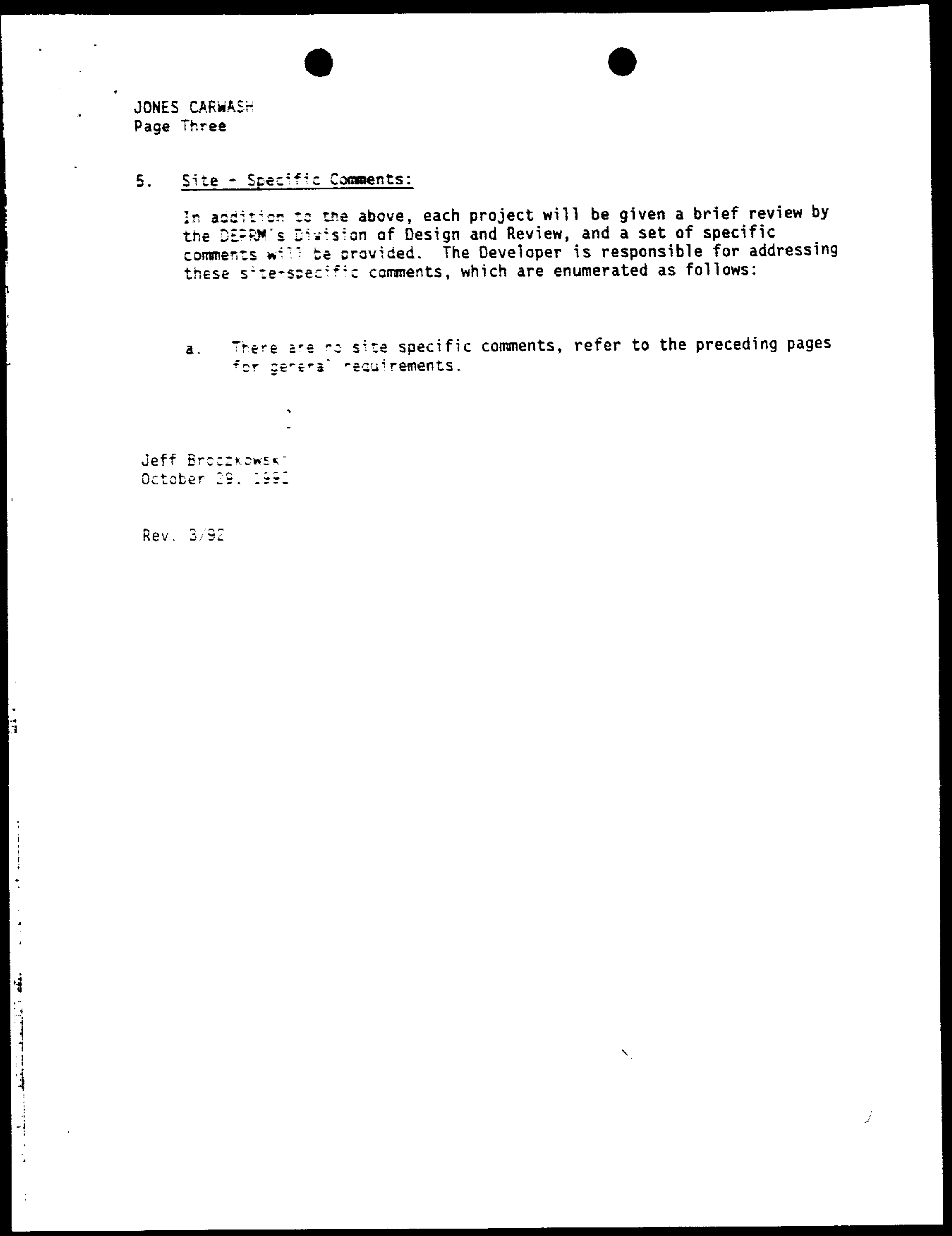
f. Site design must maintain, to the extent possible, pre-development drainage patterns and characteristics. Diversion of drainage is discouraged and DEPRM reserves the right to prohibit drainage diversions it finds detrimental.

3. Maintenance Requirements:
    a. SWM facilities may be maintained by Baltimore County if the following conditions are met, subject to approval of the Department of Environmental Protection and Resource Management:
        (1) Residential subdivision in which all lots are for sale in fee.
        (2) Requirements for public ponds given in the Baltimore County Design Manual are all met.
        (3) SWM Facility is enclosed in a reservation shown on the record plat to allow the facility to be deeded in-fee to Baltimore County.
    b. Private maintenance of SWM facilities is acceptable. A Deed of Declaration must be executed by the Developer guaranteeing maintenance of and County access to SWM facilities before plats may be recorded and before grading or building permits may be granted. SWM facilities in residential subdivisions to be maintained privately by a Home Owners Association shall be designed according to the requirements for public ponds.
4. Guidelines for Development Plan Approval:
    a. Show type, size and location of all SWM Facilities on the Development Plan, including qualitative management facilities. Preliminary computations (hydrology) should be provided to verify that the SWM area(s) on the plan are adequate.
    b. Show that all outfalls from SWM facilities and bypass areas are "suitable" as defined by the Baltimore County Department of Public Works and the Department of Environmental Protection and Resource Management.
    c. Show that the SWM Facilities do not create a hazard. An example of a hazard would be an embankment dam located so that in the event of a breach failure, downstream life or property is endangered.
    d. List on Development Plan any waiver or variances and give date of approval by Baltimore County.



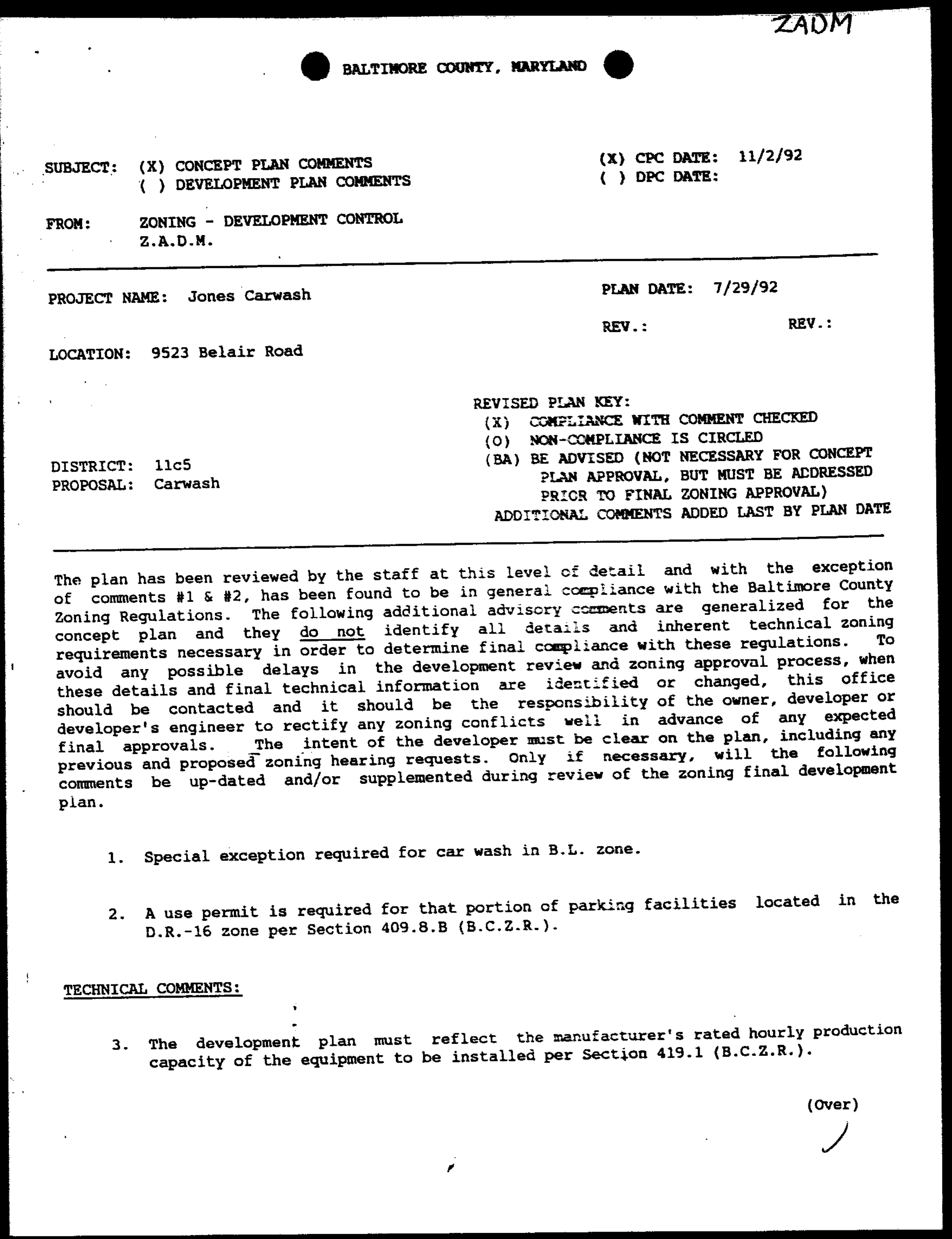
5. Site - Specific Comments:

In addition to the above, each project will be given a brief review by the DEPRM's Division of Design and Review, and a set of specific comments will be provided. The Developer is responsible for addressing these site-specific comments, which are enumerated as follows:

a. There are no site specific comments, refer to the preceding pages for general requirements.

Jeff Broczkowski
October 29, 1992

Rev. 3/92



ZADM

BALTIMORE COUNTY, MARYLAND

SUBJECT: (X) CONCEPT PLAN COMMENTS
( ) DEVELOPMENT PLAN COMMENTS
(X) CPC DATE: 11/2/92
( ) DPC DATE:

FROM: ZONING - DEVELOPMENT CONTROL
Z.A.D.M.

PROJECT NAME: Jones Carwash
PLAN DATE: 7/29/92
REV.:
REV.:

LOCATION: 9523 Belair Road

DISTRICT: 11c5
PROPOSAL: Carwash

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CONCEPT PLAN APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by the staff at this level of detail and with the exception of comments #1 & #2, has been found to be in general compliance with the Baltimore County Zoning Regulations. The following additional advisory comments are generalized for the concept plan and they do not identify all details and inherent technical zoning requirements necessary in order to determine final compliance with these regulations. To avoid any possible delays in the development review and zoning approval process, when these details and final technical information are identified or changed, this office should be contacted and it should be the responsibility of the owner, developer or developer's engineer to rectify any zoning conflicts well in advance of any expected final approvals. The intent of the developer must be clear on the plan, including any previous and proposed zoning hearing requests. Only if necessary, will the following comments be up-dated and/or supplemented during review of the zoning final development plan.

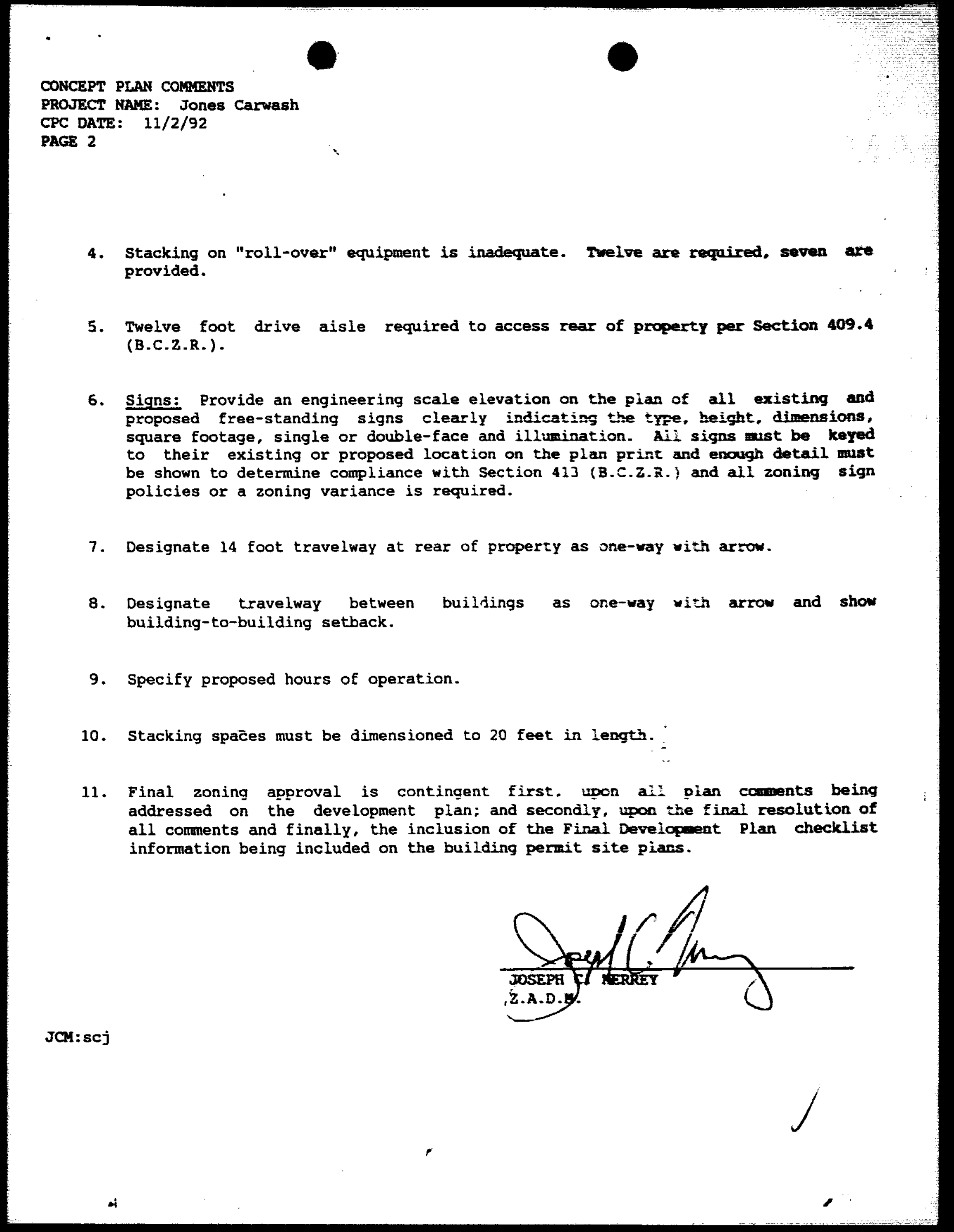
1. Special exception required for car wash in B.L. zone.

2. A use permit is required for that portion of parking facilities located in the D.R.-16 zone per Section 409.8.B (B.C.Z.R.).

TECHNICAL COMMENTS:

3. The development plan must reflect the manufacturer's rated hourly production capacity of the equipment to be installed per Section 419.1 (B.C.Z.R.).

(Over)



4. Stacking on "roll-over" equipment is inadequate. Twelve are required, seven are provided.

5. Twelve foot drive aisle required to access rear of property per Section 409.4 (B.C.Z.R.).

6. Signs: Provide an engineering scale elevation on the plan of all existing and proposed free-standing signs clearly indicating the type, height, dimensions, square footage, single or double-face and illumination. All signs must be keyed to their existing or proposed location on the plan print and enough detail must be shown to determine compliance with Section 413 (B.C.Z.R.) and all zoning sign policies or a zoning variance is required.

7. Designate 14 foot travelway at rear of property as one-way with arrow.

8. Designate travelway between buildings as one-way with arrow and show building-to-building setback.

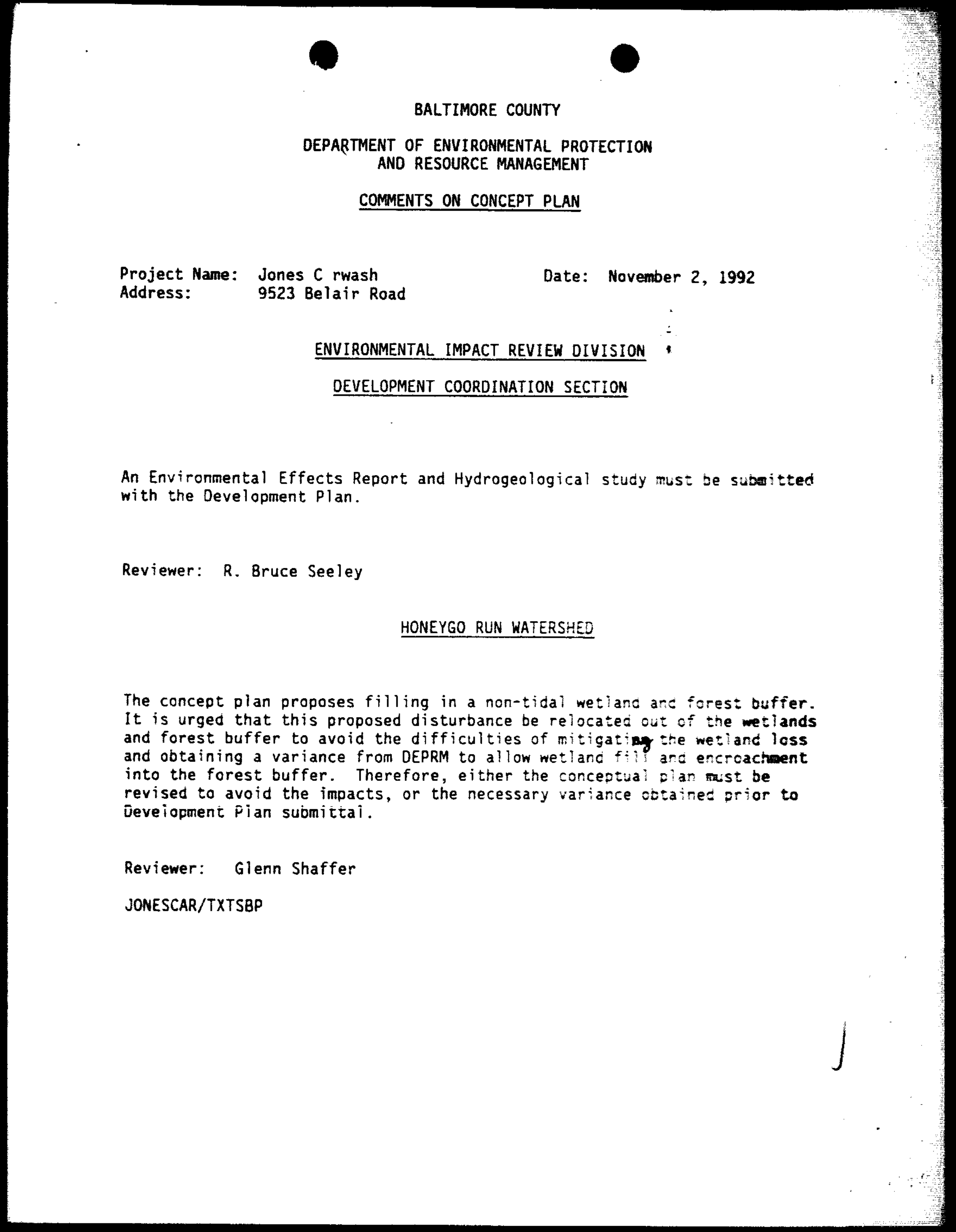
9. Specify proposed hours of operation.

10. Stacking spaces must be dimensioned to 20 feet in length.

11. Final zoning approval is contingent first, upon all plan comments being addressed on the development plan; and secondly, upon the final resolution of all comments and finally, the inclusion of the Final Development Plan checklist information being included on the building permit site plans.

JOSEPH C. MERREY
Z.A.D.M.

JCM:scj



BALTIMORE COUNTY

DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT

COMMENTS ON CONCEPT PLAN

Project Name: Jones C rwash
Address: 9523 Belair Road
Date: November 2, 1992

ENVIRONMENTAL IMPACT REVIEW DIVISION

DEVELOPMENT COORDINATION SECTION

An Environmental Effects Report and Hydrogeological study must be submitted with the Development Plan.

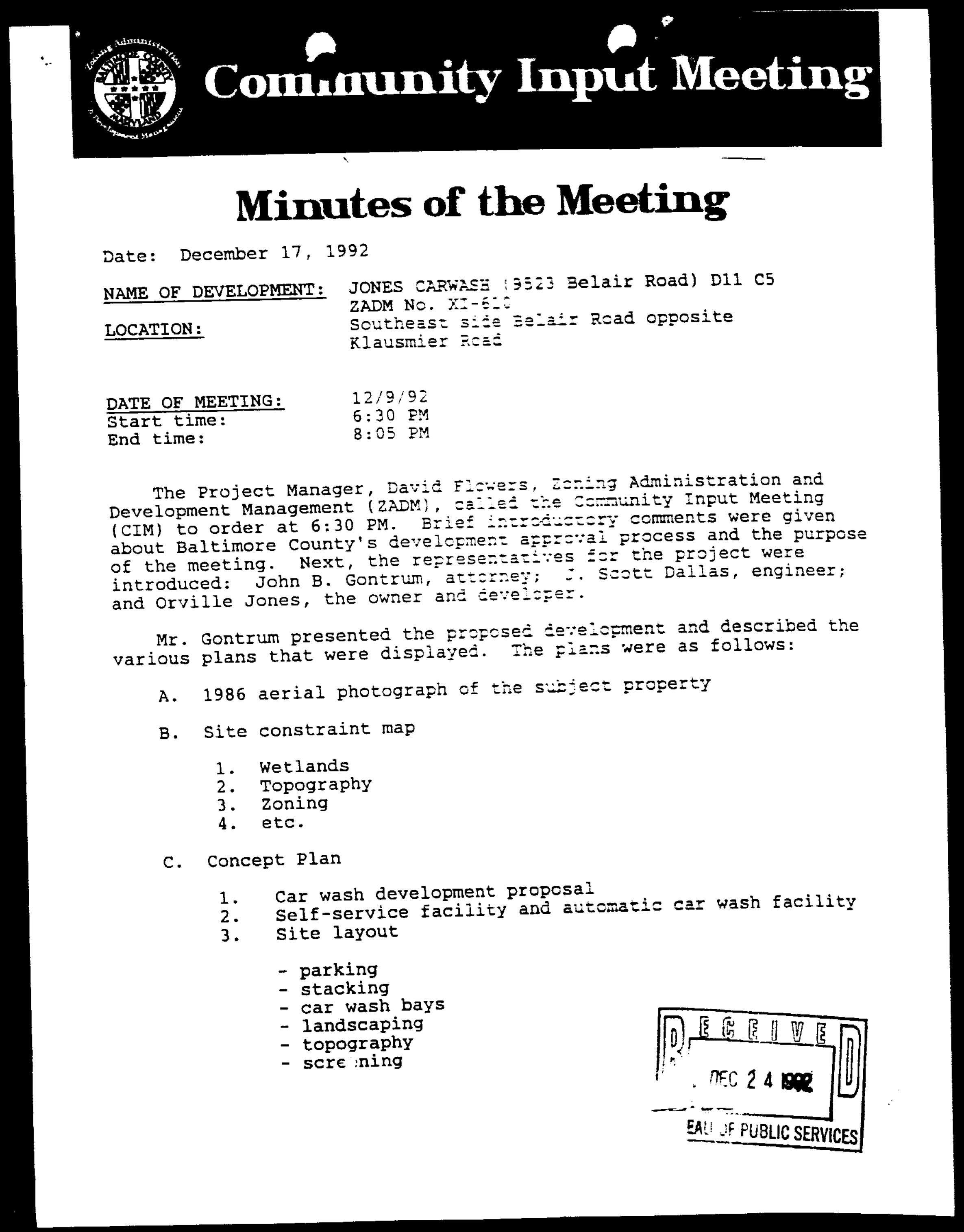
Reviewer: R. Bruce Seeley

HONEYGO RUN WATERSHED

The concept plan proposes filling in a non-tidal wetland and forest buffer. It is urged that this proposed disturbance be relocated out of the wetlands and forest buffer to avoid the difficulties of mitigating the wetland loss and obtaining a variance from DEPRM to allow wetland fill and encroachment into the forest buffer. Therefore, either the conceptual plan must be revised to avoid the impacts, or the necessary variance obtained prior to Development Plan submittal.

Reviewer: Glenn Shaffer

JONESCAR/TXTSBP



Community Input Meeting

Minutes of the Meeting

Date: December 17, 1992

NAME OF DEVELOPMENT: JONES CARWASH (9523 Belair Road) D11 C5
ZADM No. XI-610
LOCATION: Southeast side Belair Road opposite Klausmier Road

DATE OF MEETING: 12/9/92
Start time: 6:30 PM
End time: 8:05 PM

The Project Manager, David Flowers, Zoning Administration and Development Management (ZADM), called the Community Input Meeting (CIM) to order at 6:30 PM. Brief introductory comments were given about Baltimore County's development approval process and the purpose of the meeting. Next, the representatives for the project were introduced: John B. Gontrum, attorney; J. Scott Dallas, engineer; and Orville Jones, the owner and developer.

Mr. Gontrum presented the proposed development and described the various plans that were displayed. The plans were as follows:

A. 1986 aerial photograph of the subject property

B. Site constraint map

1. Wetlands
2. Topography
3. Zoning
4. etc.

C. Concept Plan

1. Car wash development proposal
2. Self-service facility and automatic car wash facility
3. Site layout
   - parking
   - stacking
   - car wash bays
   - landscaping
   - topography
   - screening

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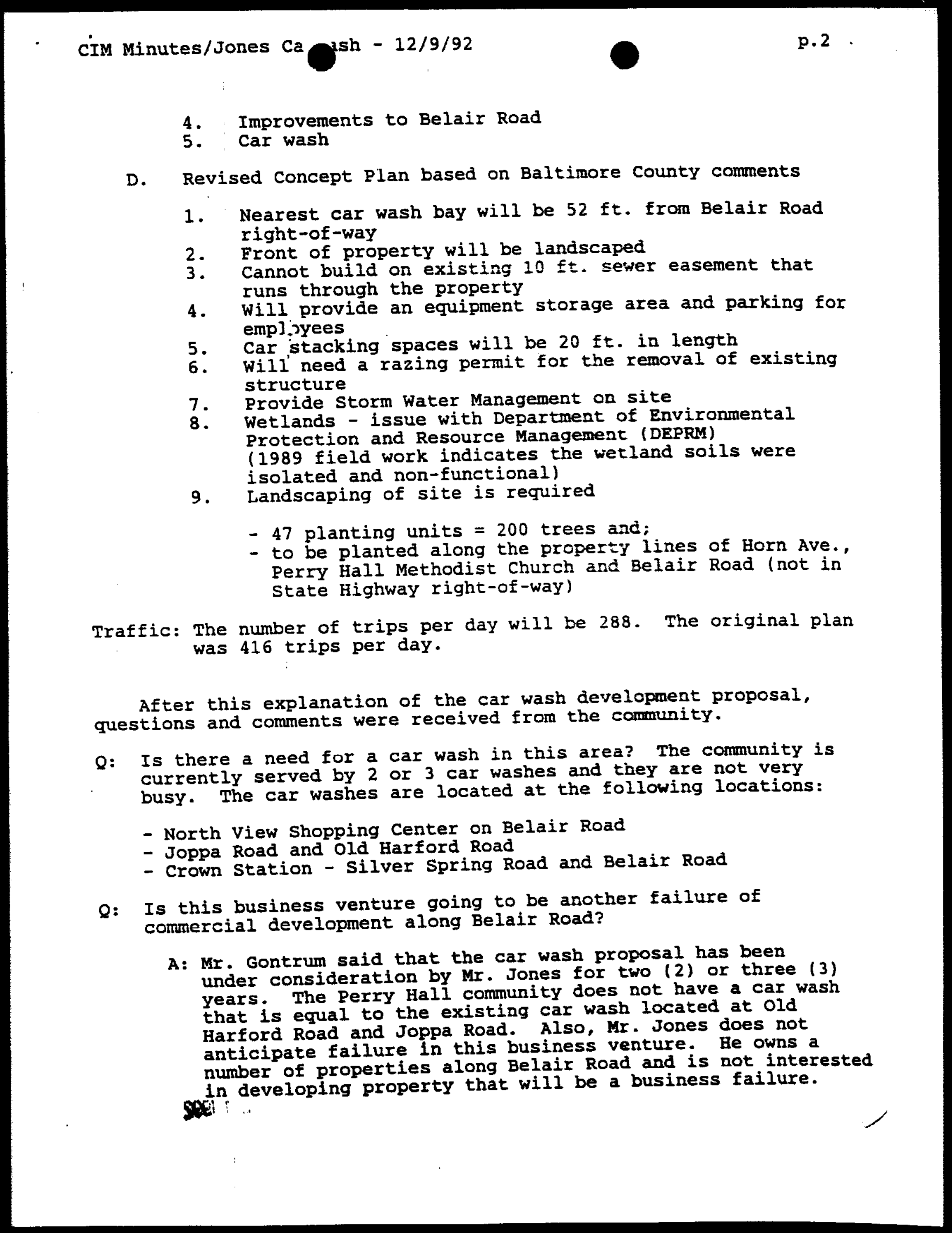


4. Improvements to Belair Road
5. Car wash

D. Revised Concept Plan based on Baltimore County comments

1. Nearest car wash bay will be 52 ft. from Belair Road right-of-way
2. Front of property will be landscaped
3. Cannot build on existing 10 ft. sewer easement that runs through the property
4. Will provide an equipment storage area and parking for employees
5. Car stacking spaces will be 20 ft. in length
6. Will need a razing permit for the removal of existing structure
7. Provide Storm Water Management on site
8. Wetlands - issue with Department of Environmental Protection and Resource Management (DEPRM) (1989 field work indicates the wetland soils were isolated and non-functional)
9. Landscaping of site is required
   - 47 planting units = 200 trees and;
   - to be planted along the property lines of Horn Ave., Perry Hall Methodist Church and Belair Road (not in State Highway right-of-way)

Traffic: The number of trips per day will be 288. The original plan was 416 trips per day.

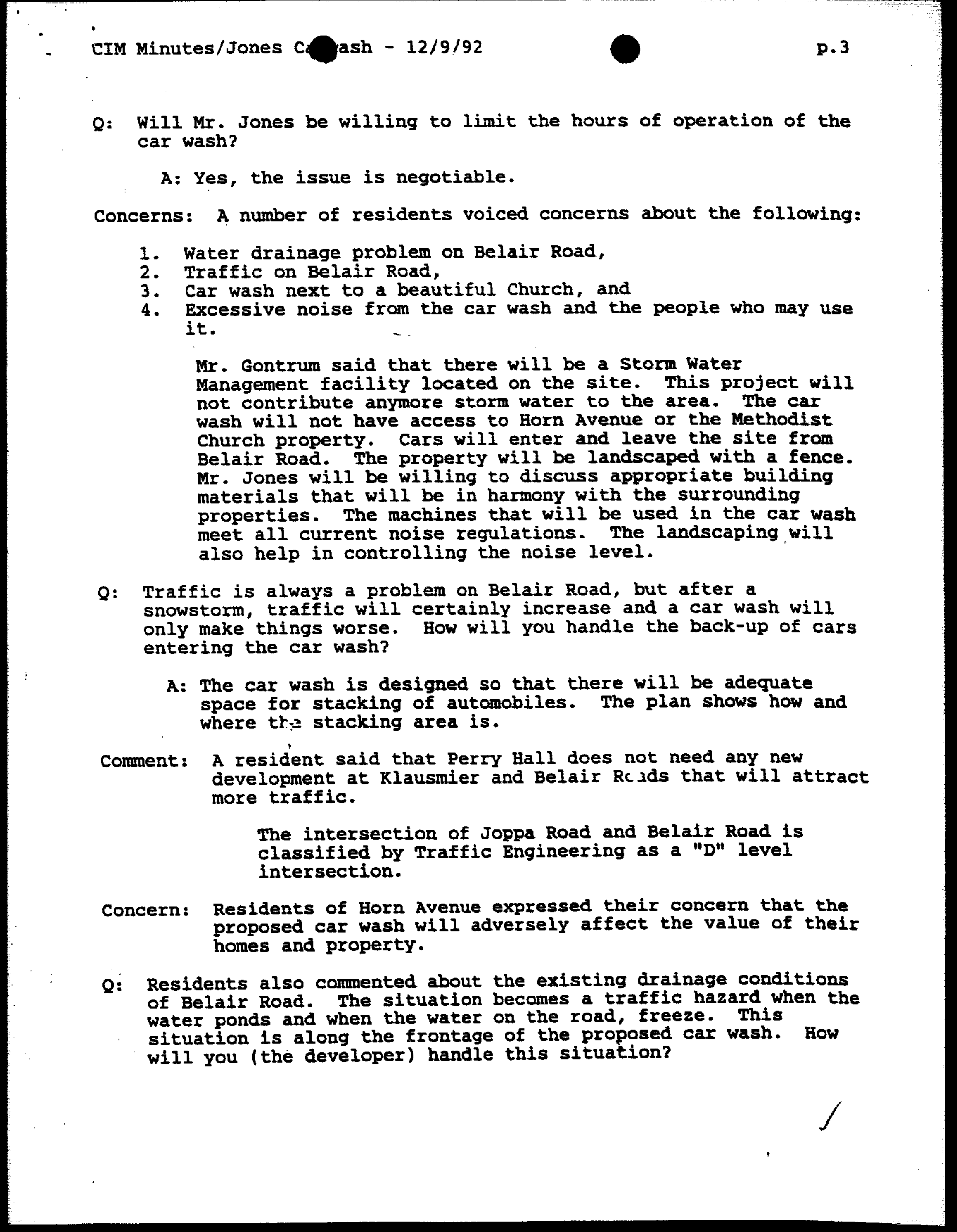
After this explanation of the car wash development proposal, questions and comments were received from the community.

Q: Is there a need for a car wash in this area? The community is currently served by 2 or 3 car washes and they are not very busy. The car washes are located at the following locations:

- North View Shopping Center on Belair Road
- Joppa Road and Old Harford Road
- Crown Station - Silver Spring Road and Belair Road

Q: Is this business venture going to be another failure of commercial development along Belair Road?

A: Mr. Gontrum said that the car wash proposal has been under consideration by Mr. Jones for two (2) or three (3) years. The Perry Hall community does not have a car wash that is equal to the existing car wash located at Old Harford Road and Joppa Road. Also, Mr. Jones does not anticipate failure in this business venture. He owns a number of properties along Belair Road and is not interested in developing property that will be a business failure.



Q: Will Mr. Jones be willing to limit the hours of operation of the car wash?

A: Yes, the issue is negotiable.

Concerns: A number of residents voiced concerns about the following:

1. Water drainage problem on Belair Road,
2. Traffic on Belair Road,
3. Car wash next to a beautiful Church, and
4. Excessive noise from the car wash and the people who may use it.

Mr. Gontrum said that there will be a Storm Water Management facility located on the site. This project will not contribute anymore storm water to the area. The car wash will not have access to Horn Avenue or the Methodist Church property. Cars will enter and leave the site from Belair Road. The property will be landscaped with a fence. Mr. Jones will be willing to discuss appropriate building materials that will be in harmony with the surrounding properties. The machines that will be used in the car wash meet all current noise regulations. The landscaping will also help in controlling the noise level.

Q: Traffic is always a problem on Belair Road, but after a snowstorm, traffic will certainly increase and a car wash will only make things worse. How will you handle the back-up of cars entering the car wash?

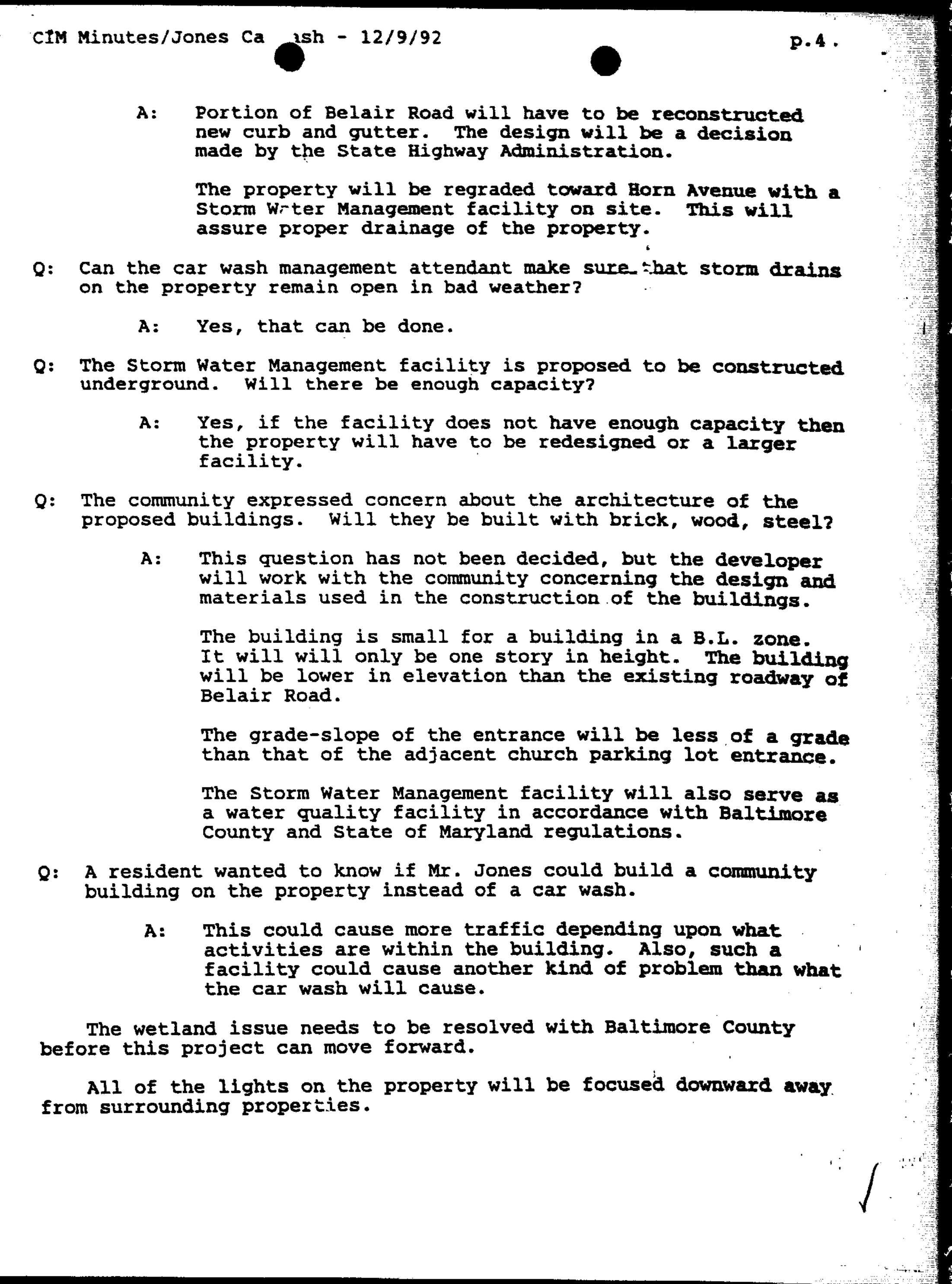
A: The car wash is designed so that there will be adequate space for stacking of automobiles. The plan shows how and where the stacking area is.

Comment: A resident said that Perry Hall does not need any new development at Klausmier and Belair Roads that will attract more traffic.

The intersection of Joppa Road and Belair Road is classified by Traffic Engineering as a "D" level intersection.

Concern: Residents of Horn Avenue expressed their concern that the proposed car wash will adversely affect the value of their homes and property.

Q: Residents also commented about the existing drainage conditions of Belair Road. The situation becomes a traffic hazard when the water ponds and when the water on the road, freeze. This situation is along the frontage of the proposed car wash. How will you (the developer) handle this situation?



A: Portion of Belair Road will have to be reconstructed new curb and gutter. The design will be a decision made by the State Highway Administration.

The property will be regraded toward Horn Avenue with a Storm Water Management facility on site. This will assure proper drainage of the property.

Q: Can the car wash management attendant make sure that storm drains on the property remain open in bad weather?

A: Yes, that can be done.

Q: The Storm Water Management facility is proposed to be constructed underground. Will there be enough capacity?

A: Yes, if the facility does not have enough capacity then the property will have to be redesigned or a larger facility.

Q: The community expressed concern about the architecture of the proposed buildings. Will they be built with brick, wood, steel?

A: This question has not been decided, but the developer will work with the community concerning the design and materials used in the construction of the buildings.

The building is small for a building in a B.L. zone. It will will only be one story in height. The building will be lower in elevation than the existing roadway of Belair Road.

The grade-slope of the entrance will be less of a grade than that of the adjacent church parking lot entrance.

The Storm Water Management facility will also serve as a water quality facility in accordance with Baltimore County and State of Maryland regulations.

Q: A resident wanted to know if Mr. Jones could build a community building on the property instead of a car wash.

A: This could cause more traffic depending upon what activities are within the building. Also, such a facility could cause another kind of problem than what the car wash will cause.

The wetland issue needs to be resolved with Baltimore County before this project can move forward.

All of the lights on the property will be focused downward away from surrounding properties.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

January 13, 1993

Mr. Robert Covahey, Chief
Bureau of Public Services
County Office Building
Towson, Maryland 21204

Re: Baltimore County
US 1
Jones Car Wash
DPW # 92221Z
ZADM #XI -610

Dear Mr. Covahey:

This office has reviewed the referenced plan and we offer the following:

In our previous review of the concept plan, we requested that there be consideration given to re-designing the site to eliminate a possible congestion problem, between vehicles waiting to enter the car wash facilities. and vehicles exiting the site.

It appears our suggestion of having the vehicles enter the car wash facilities from the north side of the site may have been mis-interpreted, or misunderstood. We were not referring to the entrance location from US 1 that is already shown on the north side of the site, but to the possibility of the vehicles entering each individual car wash facility from the north side instead of the proposed south side entry points.

This could be accomplished by relocating the automatic wash facility shown on the easternmost quadrant of the site and relocating the proposed car wash facilities to a more central area of the site. In conjunction with relocating the buildings, the channelized 12' drive lane could be continued to the proposed north side entry points eliminating possible on-site congestion.

The channelization of this lane could be extended along the property frontage, to enable the vehicles to exit the site without conflict.

Entrance construction shall be subject to the erms and conditions of an access permit issued by this office. The following items are required permit submittals:

a. *Eight (8) copies of the site plan showing the SHA requirements.*
b. *Completed application.*

My telephone number is *410-333-1350 (Fax# 333-1041)*

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Mr. Robert Covahey
Page Two
January 13, 1993

c. ***Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).***
d. ***An engineering fee check in the amount of $50.00 for each point of access, made payable to the State of Maryland.***
e. ***A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities.***

The surety for the access permit must be received by this office prior to SHA approving any building permits for the site.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

John Contestabile, Chief
Engineering Access Permits
Division

BS/es

cc: Mr. Darrell Wiles

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

DATE: January 5, 1993

TO: Robert E. Covahey, Chief
Bureau of Public Services

FROM: Shirley M. Murphy, Chief
Bureau of Land Acquisition

SUBJECT: Development Plan # 92221Z - JONES CARWASH

As requested, we have reviewed and researched the subject Development Plan and have no comment to make at this time.

If you have any questions, please feel free to contact me at 887-3252.

SMM:DFM:TEG

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

DATE: January 8, 1993

TO: The Honorable Vincent Gardina
Councilman, Fifth District

FROM: C. Richard Moore, Bureau Chief
Bureau of Traffic Engineering

SUBJECT: Belair Road Accident Data

As a result of your request for accident data on Belair Road, it was found that between Darnall Road and Walter Avenue (the 9400 block) these were the following number of police reported accidents for each of five previous years:

1987 - 7 accidents
1988 - 8 accidents
1989 - 8 accidents
1990 - 8 accidents
1991 - 5 accidents
1992 - Not available yet

Approximately 40% of the accidents involved rear-end collisions, approximately 20% involved vehicles coming out of the side streets being struck by Belair Road traffic, 20% were single vehicle accidents, and the remaining 20% were in other miscellaneous categories. This data is based upon information from the State Highway Administration. I hope this accident information is useful to you and Dorothy, McMann, President of the Perry Hall Improvement Association.

CRM/GMJ/lvd

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Anna M. Wellin
DATE: January 12, 1993

FROM: Charles K. Weiss
Chief, Bureau of Sanitation
CKW

SUBJECT: Jones Carwash
Project # 92221Z

Baltimore County does not provide commercial refuse collection.

However, in review of this plan dumpster locations are acceptable, but we recommend early morning service.

CKW/KH/kmh

CRG/COM

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

DATE: January 14, 1993

TO: The Honorable Vincent Gardina
Councilman, Fifth District

FROM: C. Richard Moore, Bureau Chief
Bureau of Traffic Engineering

SUBJECT: Belair Road Accident Data

As a result of your request for accident data on Belair Road, it was found that between Horn Avenue and Walter Avenue these were the following number of police reported accidents for each of five previous years:

1987 Accidents - 9
1988 Accidents - 6
1989 Accidents - 11
1990 Accidents - 11
1991 Accidents - 3
1992 Accidents - Not available yet

Approximately 35% of the accidents involved rear-end collisions, approximately 25% involved vehicles coming out of the side streets being struck by Belair Road traffic, 10% were single vehicle accidents, and the remaining 30% were in other miscellaneous categories. This data is based upon information from the State Highway Administration. I hope this accident information is useful to you and Dorothy, McMann, President of the Perry Hall Improvement Association. The four accidents at Walter Avenue show up on this list and the January 8, 1993 list.

CRM/GMJ/lvd

Attachment

For Jones Car Wash File
Flowers

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DEVELOPMENT PLAN CONFERENCE COMMENTS

DATE: January 14, 1993

PROJECT NAME: Jones Car Wash

LOCATION: Belair Road

1) The ADT figure is 40 per stall.
2) Right-of-way for Horn Avenue needs to be dedicated at this time.
3) "DO NOT ENTER" signs need to be shown.
4) The intersection of Joppa-Ebenezer Road and Belair Road is identified as a "D" level-of-service intersection on the 1992 Basic Services Transportation Map. Building permits will be held up if the level-of-service declines to an "F".

Rahee J. Famili
Rahee J. Famili
Engineer II

RJF/lvd

1/26/93
93-387
PATTY

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

DEVELOPMENT PLAN COMMENTS

TO: Arnold Jablon, Director - Zoning Administration & Development Management

VIA: Pat Keller, Deputy Director - Office of Planning and Zoning

FROM: P. David Fields, Director - Office of Planning and Zoning

DATE: January 20, 1993

PROJECT NAME: Jones Carwash

PROJECT NUMBER: XI-610 (92221Z)

GENERAL INFORMATION:

Applicant Name: Orville Jones
9533 Belair Road Baltimore, MD 21236

Location: East side of Belair Rd - West side of Horn Ave

Councilmanic District: 5th

Growth Management Area: Urban Center - White Marsh

Zoning: BL, DR 16

Acres: 0.95 acres

Surrounding Land Use & Zoning:

North:	BL	Commercial Building (Restaurant & Bar)
South:	DR 16	Church
East:	DR 16	Single-family Detached
West:	RO	Office, Commercial

Character of Area:
Commercial along Belair Road frontage; residential to east (behind Property)

Project Proposal:
The Applicant proposes construction of a carwash on 0.95 acres zoned BL (0.62 acres) and DR 16 (0.12 acres). The carwash consists of ten units; two automated bays, seven self service bays and one equipment storage. Seven parking spaces are proposed.

Project History:
The site contains an existing office building and parking lot. The building will be razed. There is no significant vegetation shown on the site plan.

RECEIVED
JAN 26 1993
ZONING OFFICE

92/221/Z.DEV/CONCEPT

PROJECT NAME: Jones Carwash

PROJECT NUMBER: XI-610 (92221Z)

Check Anticipated Actions and Additional Review Items:

__X__ Special Exception
_____ Variance
_____ Waiver
_____ RTA Modification

_____ Referral to Planning Board
_____ Compatibility
_____ Scenic Route
_____ Design Review Panel

_____ PUD
_____ Other

PARTIES OPZ RECOMMENDED TO BE NOTIFIED BY APPLICANT:

All adjacent property owners

Perry Hall Imp Assoc
Dorothy McMann, Pres
9513 Dawnvale Road
Baltimore, MD 21236-1519

Oakhurst Park Comm. Assoc.
David Boyer
26 Stone Falls Court
Baltimore, MD 21236

Gunpowder Valley Conservancy
Karen Stuebling
12124 Jericho Road
Kingsville, MD 21236

MEETINGS:

Concept Plan Conference [illegible]
Development Plan Conference [illegible]
Planning Board ________
Community Input Meeting 12/ 09/92
Hearing Officer's Hearing 02/ 11/93

SPECIAL EXCEPTION

Car washes are allowed within the BL zone as special exceptions. Uses have been separated into two categories within each zone in the Baltimore County Zoning Regulations (BCZR) so that high impact uses can be evaluated on a case by case basis to determine if the impact of such a use would be detrimental to the surrounding area. Generally, the use is evaluated to determine if the impacts at the particular location are the same as those impacts which the use would have in general. The analysis is further complicated by the size of the proposed use which can also vary, depending upon lot size, market constraints, opportunities, etc. Several court cases such as Holbrook vs. Cecil County and Mangione vs. Peoples Council demonstrate that certain uses are in fact not appropriate for a given location. The often quoted Schultz vs. Pritts case states as paraphrased by the Baltimore County Zoning Commissioner "That is, the special exception use is presumptively a valid and proper use absent the demonstration that there is a distinct detriment resulting from the specified proposed use that is not inherent to

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the use in general". Conversely, the Zoning Commissioner has also stated in a Parkville billboard case which was denied that the "locale unlike the vast majority of other areas in Baltimore County, has been earmarked by Baltimore County revitalization. Extensive funds, both public and private will be and have been expended for the purpose of upgrading and revitalizing this area". This differentiating fact distinguishes the proposed use at this location from other locations.

In summary, there are certain uses, (special exceptions), which by their nature or design can have an undue impact upon or be incompatible with other uses of land. In certain cases these uses are not appropriate and are therefore subject to a much more rigorous review process.

Lot Configuration:
The Applicant's parcel unlike the majority of the commercial retail lots fronting along Belair Road, consists of double frontage, e.g., Belair Road and Horn Avenue. Horn Avenue is a residential street serving the communities of Joppa View, Perry Hall Village, and Chapel Manor. Although no access onto Horn Avenue is being proposed an automated 'rollover' facility will be located within 44 feet of Horn Avenue. The grading, landscaping and fencing of this area will only serve to reinforce the commercial intrusion into this residential neighborhood. The depth of intrusion or utilization of design of the facility brings the full impact of the use into an area directly adjacent to the residences along Horn Avenue.

Hours of Operation:
On the Concept Plan dated June 3, 1992, the Applicant did not state the hours of operation. The Development Plan dated November 13, 1992 on Note 17 stated a 24 hour service would be provided. Unlike other car washes providing a range of services, these hours of operation will in all likelihood generate a service use which is not compatible with the adjoining residential or business community. The proposed hours of operation do not compliment either the business or residential uses and represent an unacceptable range of operation for car washes. Additionally, the wide range of operation 7 days a week, 24 hours a day also impacts the adjoining religious institution.

Site Design:
There are several impacts resulting from the site design which extend beyond the lot. These impacts demonstrate that the use and the size, scale and scope of the car wash is inappropriate for this location. The number of bays which the Applicant is proposing includes stacking, drive lanes, cleaning, wiping and parking areas which are required as part of the uses operation. Thus, the impervious surfaces are an integral part of the use as the car washes themselves. These areas have necessitated paving the majority of the site. Due to the use and paving of the site, additional landscaping is required over and above the minimums provided for in the Baltimore County Landscape Manual in order to buffer and screen the adjacent religious institution and the residential community. This buffering is required in order to mitigate visual intrusion related to auto uses. It will be extremely

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difficult to screen noise from the car wash using landscaping or wooden fences. Because the paving required (due to over utilization of the site) is extensive, landscaping has been proposed off-site, e.g., adjacent to the Methodist Church. The proposed landscape area contains a utility easement which therefore pushes the proposed mitigative landscaping too far off-site to effectively screen the car wash. The variance for the driveway in a DR 16 zone further pushes the proposed use's impact into the Horn Avenue's residential community by accommodating space which would ordinarily be used for buffering.

The proposed car wash, which is predominantly self-service in nature, has limitations in terms of building design. The nature of the facility as well as its size works against the provision of a pleasing design which functions well on the site. The building orientation has been situated perpendicular to the lot due to the parcel configuration and utilization. Although a side orientation provides less of a street profile, the traffic circulation required to serve this size of a facility has created a building orientation which does not front along Belair Road and is not in character with surrounding businesses. The building materials used on this type of facility are not adequate. A high grade brick finish, and roofing would have been more appropriate. The Applicant is proposing minimum standard buildings and materials when in fact maximum standards should be used.

As previously mentioned, issues such as landscaping, lighting, control of sound emanating from automobiles, music, vacuum cleaners, and dumpster locations have not been addressed and all of these items generate unusual impacts.

Baltimore County Master Plan 1989-2000:
The Master Plan recognized that for Belair Road "...the heavy volume of commuter traffic mixing with local trips, increases the danger of turning movements to and from adjoining businesses, [and as such], the County should continue to resist requests to extend commercial zoning except in cases where the proposal would clearly be in the public interest by demonstrably improving the appearance and traffic flow on Belair Road." No similar wording exists in the Master Plan for any of the many commercial corridors in Baltimore County. Belair Road has the unique distinction of a current undertaking of State funding to improve its automotive flow. At the same time as we are expending large amounts of money to improve this pattern we should not approve special exception uses which will in turn contribute to negating these improvements. Due to recent and ongoing expenditure of public funds to improve automotive flow on Belair Road and the Master Plan's recommendation to limit high traffic generation uses, the proposal conflicts with these goals and efforts.

It is clear from the Applicant's proposal that the use and size, scale and scope of the facility cannot be mitigated on site by the Applicant. The request for a variance for commercial use of the DR 16 section of the property and the paving of the site for drives and stacking has eliminated areas for on site landscaping and appropriate screening adjacent to the residential community and religious institution. The result was to propose buffering/screening off-site within an easement which cannot be planted.

RECOMMENDATIONS:

The Office of Planning and Zoning recommends that the Special Exception and thus the Development Plan for this project be **DENIED**.

Division Chief:

CMcE:bjs

BALTIMORE COUNTY, MARYLAND

SUBJECT: DEVELOPMENT PLAN COMMENTS
for January 21, 1993

DATE: 01/20/93

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

PROJECT NAME: Jones Car Wash
PROJECT NO: 92221Z
LOCATION: 9523 Belair Road
DISTRICT: 11C5

The Plan for the subject site dated November 13, 1992 has been reviewed by the Developers Engineering Division, and our comments are as follows:

GENERAL COMMENTS:

All private contracts for construction of storm drains and roads intended for public title and maintenance must be let under a contract form, proposal and attachments adopted by the Baltimore County Department of Public Works. The Developer has the option of placing the storm drains under a public contract.

The State Department of the Environment Construction Permits for each private utility (water and sanitary sewer) having a projected flow greater than 5,000 gallons per day average daily flow will be obtained through the Baltimore County Department of Public Works. A processing fee of $100.00 per each utility will be required at the time of application.

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs incurred. Currently these charges are 3 times payroll for Metropolitan District Projects and 2 times payroll for the Capital Improvement Fund.

The Developer is responsible for the full cost of all highway and storm drain construction.

A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, after which a Building Permit may be approved.

In accordance with Bill No. 18-90, Section 26-276, dredging, filling or construction in any wetland is prohibited.

Any manmade embankment over 10 feet vertically shall be designed and/or approved by a soils engineer. The following note is to be placed on the sediment control plans and grading plans before approval will be given:

> "All manmade embankments have been designed and/or certified for stability by a soils engineer."

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his subdivision. Occupancy Permits will be withheld until such damages have been corrected.

Offsite rights-of-way are necessary for roads, storm drains or other utilities. The Developer is hereby advised that the final plat and/or building permits will not be approved until the offsite right-of-way is acquired. The County reserves the right to make the necessary contacts for acquisition of rights-of-way.

The storm drain outfall appears to traverse adverse property and will require the acquisition of the necessary easements and/or rights-of-way prior to further processing of this project.

The Developer's Engineer shall investigate the need and obtain the necessary permits for the facilities serving this site that may require a "Corps of Engineer's Permit", a "Water Resources Permit", a "Water Quality Certification", and any other Federal or State Permits. These facilities cannot be sent to contract until such permits have been received.

When an Irrevocable Letter of Credit is posted as security and, if the County's ability to draw on or otherwise call a Letter of Credit is negatively impacted for any reason (bank default, receivership, etc.), it shall be the sole responsibility of the developer to obtain a replacement Letter of Credit under the same terms and conditions.

HIGHWAY COMMENTS:

Horn Avenue is an existing road which shall ultimately be improved as a 30' street cross section on a 50' right-of-way.

The Developer's responsibilities along the existing road frontage of the subdivision shall be as follows:

a. The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the subdivision or as may be required to establish line and grade.

b. The submission of full cross-sections is deemed necessary for design and/or construction purposes. The sections are to be taken at 25-foot intervals and are to be shown on standard cross-section paper at 1" = 5' horizontal to 1" = 5' vertical scale.

c. The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.

d. The preparation of the right-of-way plats for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way at the Developer's expense.

e. The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.

f. The relocation of any utilities or poles as required by the road improvements.

g. The construction of combination curb and gutter in its ultimate location and a maximum of 28.5 feet of paving adjacent thereto along the frontage of the property. The paving thickness shall conform with Baltimore County Standards.

Construction drawings have previously been prepared for this road and may be used as a guide for this project. The Developer's engineer shall furnish any additional information required and/or modify these plans as necessary.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

In accordance with Bill No. 32-72, street lights are required in all subdivisions. The Developer will be responsible for the full costs of installation of the cable, poles and fixtures. The County will assume the cost of the power when the streets have been accepted for County maintenance.

Ramps shall be provided for physically handicapped persons at all street intersections.

Sidewalks are required adjacent to the public roads serving this site, including State roads as applicable. The walks shall be 5 feet wide and shall be installed to conform with Baltimore County Standards, which places the back edge of the sidewalk 2 feet off the property line, or the adjacent unencumbered area.

The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

It shall be the Developer's responsibility to have his engineer set property line control stakes on the points of curvature and points of tangency and on adjacent rights-of-way along proposed roads to be used as control for the stake-out of utilities.

STORM DRAINS AND SEDIMENT CONTROL COMMENTS:

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the deeding in fee of said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

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

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

Storm water management drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

In accordance with Baltimore County Council Grading, Sediment Control and Forest Management Ordinance (Bill No. 33-88), a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. A sediment control plan is required. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-out subgrade. The stabilization shall be accomplished within the nearest period of optimum seeding as established in the Baltimore County Sediment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Sediment Control Manual under "Critical Area Stabilization (With Semi-Permanent Seedings)".

Failure by the Developer to accomplish the stabilization as aforementioned will result in the termination of all processing phases of this development.

Temporary construction easements of adequate width are necessary adjacent to all offsite rights-of-way or easements where utility construction is planned. They should be indicated on the right-of-way plats and construction drawings.

Building Occupancy Permits shall be withheld until offsite right-of-way and utility construction as required has been cleared and the contract for the utilities has been awarded.

WATER AND SANITARY SEWER COMMENTS:

A preliminary print of this property has been referred to the Baltimore City Water Division for review and comment in regard to adequacy of water pressure in this development. Baltimore City's comments are attached herewith.

Permission to obtain a metered connection from the existing main may be obtained from the Department of Permits and Licenses.

The Developer is responsible for the entire cost of any relocation of the existing public water main and/or sanitary sewer, including the preparation and the cost of construction drawings and right-of-way plats required, all right-of-way acquisition and/or release costs and recordation charges.

The Developer is responsible for the cost of capping or plugging any existing house connection not used to serve the proposed site.

The Developer will be given credit for one System Connection Charge for each existing house which is now connected into the public services.

Permission to connect to, or (to connect additional sanitary fixtures to) the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

The total Water and/or Sanitary Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges.

Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

The Developer shall contact the Bureau of Public Services on 887-3321 for information on obtaining water service where the meter required is 3" or less, or the Developers Engineering Division on 887-3751 for water service requiring meters 4" and larger.

SITE SPECIFIC COMMENTS:

Landscape Manual Review

A 10' on site, landscape strip is required along the adjacent church property line. This landscape strip must occur outside the utility easement.

Provide a denser and staggered planting of Evergreen trees along Horn Avenue.

Delineate clearly that the wood fence is being proposed along the church and Horn Avenue sides near the inner curb.

Provide a more substantial and refined planting proposal on the church side of the fence.

Provide a more detailed and refined streetscape for Belair Road.

An acceptable, schematic landscape plan must be received ten days prior to the Hearing Officers Hearing.

✓

Highway Comments

Belair Road (MD Route No. 1) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Horn Avenue shall ultimately be improved to a 30' curb and gutter street cross section on a 50 foot right-of-way along the existing road frontage of this subdivision. These improvements must be shown on the plan and shall include paving, curb and gutter, sidewalk, street lights and all drainage facilities.

Storm Drain and Sediment Control Comments

The proposed 18" storm drain shown in Horn Avenue does not exist. If the Developer wishes to proceed, he shall be responsible for construction of this storm drain to a suitable outfall.

Additional inlets are necessary along Horn Avenue and along the northeast and southwest property lines. The discharge of surface runoff from this site to the existing inadequate ditch system is unacceptable.

The storm drain in Horn Avenue must be extended to the upstream property line. This must be shown on the plan.

2-10-100 year storm water management is required.

Water and Sanitary Sewer Comments

A minimum 20 foot drainage and utility easement is required over the existing sanitary sewer. No permanent structures are permitted within this easement.

The footings for the proposed buildings must be carried below the existing sewer.

Retaining walls are not permitted over the existing sewer.

The existing water and sewer mains in Horn Avenue must be shown on the plan.

ROBERT W. BOWLING, P.E., CHIEF
DEVELOPERS ENGINEERING DIVISION

RWB:DAB:aw
Attachments
c: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF RECREATION & PARKS

Development Plan Conference Comments

Project Name: Jones Carwash   Date: January 21, 1993

Location: Belair Road   Number: 92221Z

Election District: 11   Councilmanic District: 5

==

COMMENTS: Local Open Space is not required for non-residential developments.

Jan M. Cook, Eng. Assoc. I
Pat McDougall, Master Plan Coordinator
887-3823

✓

BALTIMORE COUNTY

DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT
COMMENTS ON DEVELOPMENT PLAN

Project Name: Jones Carwash   Date: January 21, 1993
Address: Belair Rod

ENVIRONMENTAL IMPACT REVIEW DIVISION

DEVELOPMENT COORDINATION SECTION

Reviewer: R. Bruce Seeley RBS

HONEYGO RUN WATERSHED

The subject development plan has been reviewed by this Division and is approved contingent upon the following conditions:

1. State and Federal permits are required to disturb the small, isolated wetland in the southern corner of the site; no County permits shall be issued until these permits are obtained.
2. It is requested that water quality management for the first half inch of storm runoff be provided by a more effective means than water quality inlets; the EIRD must review all SWM and grading/sediment control plans for this project.

If there are any questions regarding these comments, this reviewer can be contacted at 887-3980.

The Developer must adhere to the following Best Management Practices:

All areas except that used for buildings, sidewalks and paved parking will be planted with vegetated cover and/or landscaped as soon as possible after final grading and maintained in such conditions.

Dirt and debris accumulating on private roads and parking lots will be removed according to the following schedule:
May through October, concurrent with grass mowing;
November through April; monthly.

Snow removal will be by mechanical means except in sever snow and ice conditions, when de-icing compounds may be used.

Applications of fertilizers, herbicides and pesticides will not exceed recommendations of the University of Maryland Cooperative Extension Service.

Filling will not occur in grassed or lined drainage ditches or swales.

Reviewer: Glenn Shaffer
JONESCAR/TXTSBP

✓

BALTIMORE COUNTY, MARYLAND

SUBJECT: ( ) CONCEPT PLAN COMMENTS
(X) DEVELOPMENT PLAN COMMENTS

( ) CPC DATE:
(X) DPC DATE: 1/21/93
2:30 p.m., Room 123

FROM: ZONING - DEVELOPMENT CONTROL
Z.A.D.M.

PROJECT NAME: Jones Carwash   PLAN DATE: 12/28/92

REV.:   REV.:

LOCATION: 9523 Belair Road

DISTRICT: 11c5
PROPOSAL: Carwash

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CONCEPT PLAN APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by the staff at this level of detail and with the exception of comment #1, has been found to be in general compliance with the Baltimore County Zoning Regulations. The following additional advisory comments are generalized for the development plan and they do not identify all details and inherent technical zoning requirements necessary in order to determine final compliance with these regulations. To avoid any possible delays in the development review and zoning approval process, when these details and final technical information are identified or changed, this office should be contacted and it should be the responsibility of the owner, developer or developer's engineer to rectify any zoning conflicts well in advance of any expected final approvals. The intent of the developer must be clear on the plan, including any previous and proposed zoning hearing requests. Only if necessary, will the following comments be up-dated and/or supplemented during review of the zoning final development plan.

All stacking spaces on the subject site plan did not measure the required 20 foot length. Please verify and correct.

Final zoning approval is contingent first, upon all plan comments being addressed on the development plan; and secondly, upon the final resolution of all comments, the outcome of any requested zoning hearings and finally, the inclusion of the F.D.P. checklist information being included on the Final Development Plan.

JOSEPH C. MERREY

JCM:scj

✓

BALTIMORE COUNTY. MARYLAND

SUBJECT: REVISED DEVELOPMENT PLAN COMMENTS   DATE: 02/08/93
For HEARING OFFICERS HEARING 2/11/93

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

PROJECT NAME: JONES CARWASH

PROJECT NO: 92221Z

LOCATION: 9523 Belair Road

DISTRICT: 11C5

The Developers Engineering Division has made the following comments:

The attached plan does not meet our Development Plan comments.

1. The proposed storm drain in Horn Avenue must be carried to the upstream property line. Drainage facilities must be provided to pick up the surface water drainage in the existing swale along the northwest side of Horn Avenue.
2. The proposed curb and gutter, sidewalk, and street lights along Horn Avenue must be shown on the plan.
3. A minimum 20-foot drainage and utility easement over the existing sewer must be shown on the plan.
4. Landscape comments are as follows:

   The schematic landscape plan is acceptable for Development Plan approval with the following conditions.

   a. Relocate a portion of the proposed fence at the northwest corner as indicated on the attached plan.
   b. The fence board spacing must be changed from 6" to 3".
   c. Additional plantings must be provided along the church side of the fence.

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

RWB:DAB:pab

cc: File

JONESCW/PB_COMM2

✓

REVISED DEVELOPMENT PLAN CONFERENCE

JONES CARWASH - 9523 BELAIR ROAD

JANUARY 21, 1993 @ 2:30 PM

STORM WATER MANAGEMENT COMMENTS:

1. The Storm Water Management Act:
   a. The Developer is responsible to address the requirements of Bill No. 105-84 presented on pages III-5 and III-5 (a) through (k) of the Development Procedures and Policy Manual.
   b. Provisions for exemptions, waivers and variances for Storm Water Management (SWM) are described in this document. Exemptions, waivers and variances should be applied for and granted (or denied) by the County before Development Plan approval is given.
   c. Conditions for recording plats and granting grading and building permits as related to SWM are also described in this document. The Developer is advised to be aware of these conditions and include them in planning the project to avoid unnecessary delays to construction.
2. General Engineering Requirements:
   a. Peak management of the 2 and 10-year storm events is normally required. If the development is in certain designated inter-jurisdictional watersheds or, if deemed necessary by Baltimore County, 100-year peak management may also be required.
   b. Please refer to the Storm Water Management Section of the Baltimore County Design Manual for general design criteria. Hydrology shall be in accordance with the June 1986 version of TR-55.
   c. Water quality measures are required to some degree on all projects not exempt from SWM. The developer is responsible for addressing all applicable requirements of agencies whether within or outside of Baltimore County having jurisdiction over water quality, streams or wetlands.
   d. SWM Facilities are also subject to review and approval by the Baltimore County Soil Conservation District.
   e. SWM Facilities which either outfall to a Baltimore County storm drain system or for which a public road fill serves as a SWM pond embankment will be reviewed and approved concurrently by the Department of Public Works and the Department of Environmental Protection and Resource Management.

✓

f. Site design must maintain, to the extent possible, pre-development drainage patterns and characteristics. Diversion of drainage is discouraged and DEPRM reserves the right to prohibit drainage diversions it finds detrimental.

3. Maintenance Requirements:

a. SWM facilities may be maintained by Baltimore County if the following conditions are met, subject to approval of the Department of Environmental Protection and Resource Management:

(1) Residential subdivision in which all lots are for sale in fee.

(2) Requirements for public ponds given in the Baltimore County Design Manual are all met.

(3) SWM Facility is enclosed in a reservation shown on the record plat to allow the facility to be deeded in-fee to Baltimore County.

b. Private maintenance of SWM facilities is acceptable. A Deed of Declaration must be executed by the Developer guaranteeing maintenance of and County access to SWM facilities before plats may be recorded and before grading or building permits may be granted. SWM facilities in residential subdivisions to be maintained privately by a Home Owners Association shall be designed according to the requirements for public ponds.

4. Guidelines for Development Plan Approval:

a. Show type, size and location of all SWM Facilities on the Development Plan, including qualitative management facilities. Preliminary computations (hydrology) should be provided to verify that the SWM areas [illegible] on the plan are adequate.

b. Show that all outfalls from SWM facilities and bypass areas are "suitable" as defined by the Baltimore County Department of Public Works and the Department of Environmental Protection and Resource Management.

c. Show that the SWM Facilities do not create a hazard. An example of a hazard would be an embankment dam located so that in the event of a breach failure, downstream life or property is endangered.

d. List on Development Plan any waiver or variances and give date of approval by Baltimore County.

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5. Site - Specific Comments:

In addition to the above, each project will be given a brief review by the DEPRM's Division of Design and Review, and a set of specific comments will be provided. The Developer is responsible for addressing these site-specific comments, which are enumerated as follows:

a. 2, 10 and 100 year peak quantity management is required for this area.

b. Water quality measures consistent with the policy of DEPRM must be provided. Minimum water quality must be provided for the first 0.5 inch of runoff from all impervious areas. Infiltration practices must be investigated and are preferred where practical.

c. All site runoff must be conveyed to a suitable outfall without adversely effecting the receiving wetland, watercourse, waterbody, storm drain or adjacent property.

Jeff Broczkowski
February 1, 1993

Rev. 3/92

6/02/93 -Notice of Assignment sent to following for hearing scheduled for Wednesday, June 23, 1993 at 10:00 a.m.:

John B. Gontrum, Esquire
Orville M. Jones
Thomas P. Dore, Esquire
Mr. John H. Ludwig, III
Mr. J. S. Dallas
Mrs. Theresa Garrett
Mr. Barry Rider
Mr. George Patton
Mrs. Jane Gilpin
Ms. Dorothy S. McMann
Perry Hall Improvement Assn.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
David Flowers, Project Manager
Arnold Jablon, Director/ZADM
Bruce Seeley /DEPRM
Michael J. Moran, Asst. County Attorney

6/07/93 -T/C from J. Gontrum -will be out of town on above date; requests postponement. to follow with letter requesing same.

6/08/93 - Ltr from T. Dore, Esquire -will be in CCt for PG County on above date; also requests postponement.

- Spoke w/P. Zimmerman -will not oppose granting of postponement.

6/09/93 -Letter to all counsel; postponement to be granted. Notice of PP and Reassignment sent to above parties; matter reset to Wednesday, August 4, 1993 at 10:00 a.m.

8/09/93 -Notice of Assignment sent to listed parties; scheduled for Day #2 on Tuesday, August 24, 1993 at 10:00 a.m., as discussed on 8/04/93.

8/12/93 -T/C from J. Gontrum -reminding the Board of another hearing on the 24th of August before the Zoning Commissioner at 3:00 p.m.

Jones Carwash/Orville M[illegible]ones **#93-214-S[illegible]X**
SE/s Belair Road, 150' +/- Southwest of **CBA-93-133**
c/l Horn Avenue (9523 Belair Road)

RE: Special Exception and Development Plan

CBA-93-133

November 2, 1992	**Concept Plan Conference held.**
December 9	**Community Input Meeting held.**
	Development Plan comments.
January 21, 1993	**Development Plan submitted and conference held thereon.**

No. 93-214-SPHX

January 8, 1993	**Petition for Special Exception filed by Orville M. Jones, Developer, to allow a carwash in a B.L. zone pursuant to Section 230.13.**

CBA-93-133 /93-214-SPHX

April 28	**Order of the Zoning Commissioner/Hearing Officer DENYING Petition for Special Exception and further ordering that consideration of the development plan is moot.**
May 27	**Order of Appeal filed by John B. Gontrum, Esquire on behalf of Orville Jones.**
June 7, 1993	**Petition to accompany appeal requested filed by Orville Jones.**
August 4	**Hearing before the Board of Appeals (Day #1)**
August 24	**Hearing before the Board of Appeals (Day #2)**
November 3	**Majority Opinion and Order of the Board GRANTING the Petition for Special Exception; development plan as evidenced by Petitioner's Exhibits 2 and 4 is APPROVED with restrictions; Dissenting Opinion of C. William Clark.**
December 2	**Petition for Judicial Review filed in the Circuit Court for Baltimore County by Francis X. Borgerding, Jr., Esquire, on behalf of Perry Hall United Methodist Church and Kenneth H. Mason, Individually.**
December 6	**Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.**
December 7	**Certificate of Notice sent to interested parties.**
December 10	**Second Petition for Judicial Review filed in the Circuit Court for Baltimore County by People's Counsel for Baltimore County.**
January 3, 1994	**Copy of Second Petition for Judicial Review of received by the Board of Appeals from the Circuit Court for Baltimore County.**
January 4	**Second Certificate of Notice sent to interested parties.**
February 3	**Transcript of testimony and Record of Proceedings filed in the Circuit Court for Baltimore County.**
October [illegible] ✓EE	Opinion and Order of Circuit Court for Baltimore County AFFIRMING C. B. of A. (Hon. John G. Turnbull, II
October 23, 1995 ✓EE	Opinion of the Court of Special Appeals; CCt Judgment AFFIRMED Moylan, Wenner, Cathell, JJ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

BOARD OF APPEALS HEARING COMMENTS

TO: William Hackett, Chairman, Baltimore County Board of Appeals

FROM: Pat Keller, Deputy Director - Office of Planning and Zoning

DATE: August 2, 1993

PROJECT NAME: Jones Carwash

PROJECT NUMBER: CBA 93-133, 93-214-SPHX
ZADM FILE NO. XI-610 (92221Z)

GENERAL INFORMATION:

Applicant Name: Orville Jones
9533 Belair Road Baltimore, MD 21236

Location: East side of Belair Rd - West side of Horn Ave

Councilmanic District: 5th

Growth Management Area: Urban Center - White Marsh

Zoning: BL, DR 16

Acres: 0.95 acres

Surrounding Land Use & Zoning:

North:	BL	Commercial Building (Restaurant & Bar)
South:	DR 16	Church
East:	DR 16	Single-family Detached
West:	RO	Office, Commercial

Character of Area:
Commercial along Belair Road frontage; residential to east (behind Property)

Project Proposal:
The Applicant proposes construction of a carwash on 0.95 acres zoned BL (0.62 acres) and DR 16 (0.12 acres). The carwash proposal has been amended as provided below.

1. Concept Plan - June 3, 1992: 10 units, 2 buildings, 2 rollover units, 1 equipment unit, 1 employee parking unit, 7 selfwash units.

2. Development Plan - November 1992: 9 units, 2 buildings, 1 rollover unit, 1 equipment unit, 1 employee parking unit, 6 selfwash units.

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3. Development Plan Redlined - February 1, 1993: 8 units, 2 buildings, 1 rollover unit, 1 equipment unit, 6 selfwash units.

Project History:
The site contains an existing office building and parking lot. The building will be razed. There is no significant vegetation shown on the site plan.

Check Anticipated Actions and Additional Review Items:

__X__ Special Exception
_____ Variance
_____ Waiver
_____ RTA Modification
_____ Referral to Planning Board
_____ Compatibility
_____ Scenic Route
_____ Design Review Panel
_____ PUD
_____ Other

PARTIES OPZ RECOMMENDED TO BE NOTIFIED BY APPLICANT:

All adjacent property owners

Perry Hall Imp Assoc.
Dorothy McMann, Pres.
9513 Dawnvale Road
Baltimore, MD 21236-1519

Oakhurst Park Comm. Assoc.
David Boyer
26 Stone Falls Court
Baltimore, MD 21236

Gunpowder Valley Conservancy
Karen Stuebling
12124 Jericho Road
Kingsville, MD 21236

MEETINGS:

Concept Plan Conference	11/ 02/92	Community Input Meeting	12/ 09/92
Development Plan Conference	01/ 21/93	Hearing Officer's Hearing	02/ 11/93
Planning Board	/ /	Board of Appeals Hearing	08/ 04/93

SPECIAL EXCEPTION
Car washes are allowed within the BL zone as special exceptions. Uses have been separated into two categories within each zone in the Baltimore County Zoning Regulations (BCZR) so that high impact uses can be evaluated on a case by case basis to determine if the impact of such a use would be detrimental to the surrounding area. Generally, the use is evaluated to determine if the impacts at the particular location are the same as those impacts

---

which the use would have in general. The analysis is further complicated by the size of the proposed use which can also vary, depending upon lot size, market constraints, opportunities, etc. Several court cases such as Holbrook vs. Cecil County and Mangione vs. Peoples Council demonstrate that certain uses are in fact not appropriate for a given location. The often quoted Schultz vs. Pritz case states as paraphrased by the Baltimore County Zoning Commissioner "That is, the special exception use is presumptively a valid and proper use, absent the demonstration that there is a distinct detriment resulting from the specified proposed use that is not inherent to the use in general". Conversely, the Zoning Commissioner has also stated in a Parkville billboard case which was denied that the "locale unlike the vast majority of other areas in Baltimore County, has been earmarked by Baltimore County revitalization. Extensive funds, both public and private will be and have been expended for the purpose of upgrading and revitalizing this area". This differentiating fact distinguishes the proposed use at this location from other locations.

In summary, there are certain uses, (special exceptions), which by their nature or design can have an undue impact upon or be incompatible with other uses of land. In certain cases these uses are not appropriate and are therefore subject to a much more rigorous review process.

Lot Configuration:
The Applicant's parcel unlike the majority of the commercial retail lots fronting along Belair Road, consists of double frontage, e.g., Belair Road and Horn Avenue. Horn Avenue is a residential street serving the communities of Joppa View, Perry Hall Village, and Chapel Manor. Although no access onto Horn Avenue is being proposed an automated 'rollover' facility will be located within 51 feet of Horn Avenue. Horn Avenue is scheduled as a residential street with 30 feet of paving on a 50 foot right-of-way. The road is proposed for a cul-de-sac behind 9527 Belair Road. This cul-de-sac will eliminate the alley connection to Belair Road. The grading, landscaping and fencing of this area that is required to buffer and screen this use will only serve to reinforce the commercial intrusion into this residential neighborhood. The depth of intrusion or utilization of design of the facility brings the full impact of the use into an area directly adjacent to the residences along Horn Avenue.

Hours of Operation:
On the Concept Plan dated June 3, 1992, the Applicant did not state the hours of operation. The Development Plan dated November 13, 1992 on Note 17 stated a 24 hour service would be provided. Unlike other car washes providing a range of services, these hours of operation will in all likelihood generate a service use which is not compatible with the adjoining residential or business community. At the Development Plan and Special Exception Hearing, the hours of operation were proffered as 7:00 am to 10:00 pm seven days a week. The proposed hours of operation do not compliment either the business or residential uses and represent an unacceptable range of operation for car washes. Additionally, the wide range of operation impacts the adjoining religious institution.

Site Design:
There are several impacts resulting from the site design which extend beyond the lot. These impacts demonstrate that the use and the size, scale and scope of the car wash is inappropriate for this location. The number of bays which the Applicant is proposing includes stacking, drive lanes, cleaning, wiping and parking areas which are required as part of the uses operation. Thus, the impervious surfaces are an integral part of the use as the car washes themselves. These areas have necessitated paving the majority of the site. Due to the use and paving of the site, additional landscaping is required over and above the minimums provided for in the Baltimore County Landscape Manual in order to buffer and screen the adjacent religious institution and the residential community. This buffering is required in order to mitigate visual intrusion related to auto uses. It will be extremely difficult to screen noise from the car wash using landscaping or wooden fences. Because the paving required is extensive, landscaping has been proposed off-site, e.g., adjacent to the Methodist Church. The proposed landscape area contains a utility easement which therefore pushes the proposed mitigative landscaping too far off-site to effectively screen the car wash. The variance for the driveway in a DR 16 zone was eliminated in the redlined Development Plan.

The proposed car wash, which is predominantly self-service in nature, has limitations in terms of building design. The nature of the facility as well as its size works against the provision of a pleasing design which functions well on the site. The building orientation has been situated perpendicular to the lot due to the parcel configuration and utilization. Although a side orientation provides less of a street profile, the traffic circulation required to serve this size of a facility has created a building orientation which does not front along Belair Road and is not in character with surrounding businesses. The building materials used on this type of facility are not adequate. A high grade brick finish, and roofing would have been more appropriate. The Applicant is proposing minimum standard buildings and materials when in fact maximum standards should be used.

As previously mentioned, issues such as landscaping, lighting, control of sound emanating from automobiles, music, vacuum cleaners, and dumpster locations have not been addressed and all of these items generate unusual impacts.

Baltimore County Master Plan 1989-2000:
The Master Plan recognized that for Belair Road "...the heavy volume of commuter traffic mixing with local trips, increases the danger of turning movements to and from adjoining businesses, [and as such], the County should continue to resist requests to extend commercial zoning except in cases where the proposal would clearly be in the public interest by demonstrably improving the appearance and traffic flow on Belair Road." No similar wording exists in the Master Plan for any of the many commercial corridors in Baltimore County. Belair Road has the unique distinction of a current undertaking of State funding to improve its automotive flow. At the same time as we are expending large amounts of money to improve this pattern we should

PROJECT NAME: Jones Carwash

PROJECT NUMBER: CBA 93-133, 93-214-SPHX
ZADM FILE NO. XI-610 (92221Z)

not approve special exception uses which will in turn contribute to negating these improvements. Due to recent and ongoing expenditure of public funds to improve automotive flow on Belair Road and the Master Plan's recommendation to limit high traffic generation uses, the proposal conflicts with these goals and efforts.

It is clear from the Applicant's proposal that the use and size, scale and scope of the facility cannot be mitigated on site by the Applicant. The paving of the site for drives and stacking has eliminated areas for on site landscaping and appropriate screening adjacent to the residential community and religious institution. The result was to propose buffering/screening off-site within an easement which cannot be planted.

RECOMMENDATIONS:

The Office of Planning and Zoning recommends that the Special Exception and thus the Development Plan for this project be **DENIED**.

Pat Keller
Pat Keller

PK:bjs

CC: FILE

92221Z.BDA/CONCEPT

IMPORTANT MESSAGE

FOR BOARD
DATE ______ TIME ______ A.M. P.M.
M JOHN GONTRUM
OF (ORVILLE JONES HEARING - 8/24/93 10:00
PHONE ______ AREA CODE NUMBER EXTENSION

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE CALLED 8/13/93 TO REMIND YOU
THAT HE HAS A 3:00 HEARING
TODAY BEFORE THE ZONING COMMISS.
(MAY BE ABLE TO MOVE ZC HEARING
TO ALLOW HIM MORE TIME WITH
THE BOARD)

SIGNED CHAR

LITHO IN U.S.A.
TOPS FORM 3002P

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204
(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

RECEIVED
COUNTY BOARD OF APPEALS
93 AUG 11 PM 12:34

August 11, 1993

William T. Hackett, Chairman
County Board of Appeals
Room 49, Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Jones Carwash/Orville M.
Jones, Petitioner - Case
No. CBA-93-133 & 93-214-SPH

Dear Chairman Hackett:

This is just to notify the Board and counsel that this office would intend to recall Deputy Director, Office of Planning and Zoning, Arnold "Pat" Keller, to testify as to specific merits in response to issues raised by witnesses in the Petitioner's case. We are giving this notice in view of our previous indication that this office had not anticipated calling any additional experts.

As the Board will recall, Mr. Keller testified out of order, at the beginning of the hearing, because of a personal matter that required his attendance in the afternoon. At that time, we did not know that the hearing would take two days, and we did not feel it reasonable to request the scheduling of a second day for his testimony alone.

Normally, of course, Mr. Keller's testimony would come subsequent to the Petitioner's case and include responses to matters raised by Petitioner's witnesses. Because of the length of the hearing, and the necessity to schedule a second day both for the case of People's Counsel and of various Protestants on August 24, 1993, we would therefore plan to include in our presentation Mr. Keller's responses to specific matters which ordinarily would occur in the normal course of a case.

Obviously, had we known the case would go two days, we would not have called Mr. Keller out of order. We do believe that

8-13-93
See Telephone call from
John Gontrum re this letter.
lc.

William T. Hackett, Chairman
County Board of Appeals

August 11, 1993

further testimony from him is in the interest of justice and a full and complete presentation of information to assist the Board in its deliberations.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel

cc: John B. Gontrum, Esquire
Thomas Dore, Esquire
Dorothy S. McMann
Pat Keller

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Donald T. Rascoe
Zoning Administration and
Development Management Office

DATE: January 4, 1994

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Certified Copies - Jones Carwash
Case No. CBA-93-133
Petition for Judicial Review filed in Circuit Court

As a Petition for Judicial Review has been filed in the Circuit Court, please certify the attached packet of documents where indicated (cover sheet only!) and return to this office as soon as possible.

Thanks.

Attachment

/cer

RECEIVED
JAN 4 1994
ZADM

County Board of Appeals of Baltimore County
OLD COURTHOUSE ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 4, 1994

BILLED TO:
Francis X. Borgerding, Jr., Esquire
DiNENNA AND BRESCHI
Suite 600
Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

* Cost of certified documents in Case No. CBA-93-133 . . $102.00
(Petition for Judicial Review filed in Circuit Court)

JONES CARWASH
SE/s Belair Road, 150' +/- Southwest of
c/l Horn Avenue (9523 Belair Road)
11th Election District, 5th Councilmanic District

MAKE CHECK PAYABLE TO: Baltimore County, Maryland

REMIT TO:
County Board of Appeals
Room 49 - Basement
Old Courthouse
400 Washington Avenue
Towson, MD 21204

* PLEASE NOTE THAT THESE COSTS ARE SEPARATE AND DISTINCT FROM ANY AMOUNT PAID BY YOU FOR THE TRANSCRIPT.

Printed with Soybean Ink on Recycled Paper

1/5/94

TO WHOM IT MAY CONCERN:

This is to certify that all the attached pages DO exist in the permanent file of Jones Carwash, Zoning Administration and Development Management file No. XI-610 in Room 123 of the County Office Building, 111 W. Chesapeake Ave., Towson, MD 21204.

David C. Flowers
David C. Flowers
Jan 5, 1994
Date

JONES/ZADM/TXTGGL

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

February 7, 1994

Perry Hall United Methodist Church
9513 Belair Road
Baltimore, MD 21236

RE: CBA-93-133 /Jones Carwash
(Petition for Judicial Review)

Dear Petitioners:

We have received your check in the amount of $102.00 covering the cost of certified documents in the above-referenced matter. Enclosed please find your copy of the cash receipt for your records.

Thank you for your attention to this matter.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Francis X. Borgerding, Jr., Esquire

Printed with Soybean Ink on Recycled Paper

OP

CITY OF BALTIMORE
KURT L. SCHMOKE, Mayor

DEPARTMENT OF PUBLIC WORKS
BUREAU OF WATER AND WASTE WATER
300 Abel Wolman Municipal Building
Baltimore, Maryland 21202
305 Abel Wolman Municipal
Building

DAB

November 10, 1992

RECEIVED
NOV 17 1992

Mr. Robert Bowling, P.E., Chief
Developers Engineering Division
Baltimore County Department of Public Works
County Office Building
Towson, Maryland 21204

RE: Jones Carwash
9523 Belair Road

Dear Mr. Bowling:

In reply to your letter of October 26, 1992 concerning the subject development, service may be obtained from the Eastern Third Zone.

The proposed development may be served from either the existing 12-inch main in Belair Road or the existing 8-inch main in Horn Avenue.

The developer is responsible for determining if the existing service is adequate for his needs. Please note the following exceptions: no modifications will be allowed on any existing services and no fire supply service may be converted to a domestic supply service. It is also the developer's responsibility to apply for the abandonment of any of the services which are not needed. Additionally, pressure will exceed 80 psi below elevation 331-feet, and we suggest that a pressure reducing valve be installed to provide service for the project.

It is recommended that the developer arrange to have fire flow tests made to determine if the water available is adequate for fire protection and domestic service. Arrangements for fire flow tests can be made by contacting the Chief of Pumping Section, Bureau of Water and Waste Water, Ashburton Filtration Plant, 3001 Druid Park Drive, 396-0360.

✓

-2-

All mains not in the public roads will not be serviced or maintained by the City.

Very truly yours,

Jerry Silhan

Jerry Silhan, Chief
Utility Engineering Division

JS:WSR:jr
cc: Mr. Nick L. Stephen
Mr. Sal Millio
Mr. Jack Pearson
Mr. William S. Ruskin
BC BOWLLT

ROMADKA, GONTRUM & McLAUGHLIN, P.A.
814 Eastern Boulevard
Baltimore, Maryland 21221
TELEPHONE: (410)686-8274
FAX# 686-0118

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

DONALD H. SHEFFY
ELIZABETH A. VANNI

*ALSO ADMITTED IN D.C.

May 27, 1993

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, Maryland 21204

Attn: Arnold Jablon,
Director of Zoning Administration
and Zoning Management

RE: Project No.: 92-211-Z, Case No. XI-610
Development Plan Hearing - Jones Carwash
Petition for Special Exception
Case No.: 93-214-SPHX →
Orville M. Jones, Petitioner
RGM File No.: 92.3028

Dear Mr. Jablon:

Please enter an appeal, de novo to the County Board of Appeals for Baltimore County on the decision rendered April 28, 1993 in the referenced matter denying the special exception and thereby failing to review the development issues on behalf of the Petitioner, Orville Jones.

Very truly yours,

John B. Gontrum

JBG/bjb

RECEIVED PAYMENT
5/27/93
ZONING OFFICE

ROMADKA, GONTRUM & McLAUGHLIN, P.A.
814 Eastern Boulevard
Baltimore, Maryland 21221
TELEPHONE: (410)686-8274
FAX# 686-0118

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

ELIZABETH A. VANNI

*ALSO ADMITTED IN D.C.

June 8, 1993

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No.: CBA-93-133
Jones Carwash

Case No.: 93-214-SPHX
Orville M. Jones
Appeals Hearing: June 23, 1992 @ 10:00 a.m.
RGM File No.: 92.3028

Gentlemen:

The above referenced matter is scheduled as a de novo special hearing. It would be greatly appreciated if this matter could be rescheduled after June 25, 1993, as I have a previously scheduled and paid for vacation from the period June 10, 1993 through June 25, 1993.

Please do not hesitate to contact me if you have any problems or questions. Thank you for your anticipated cooperation in this matter.

Very truly yours,

John B. Gontrum

JBG/bjb

cc: Peter Max Zimmerman, Esquire
Thomas P. Dore, Esquire
Perry Hall Improvement Assn., Inc., Attn: Dorothy McMann
Arnold Jablon, Director Zoning Admin. & Management

PP'd to 8/04/93;
notices sent.

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441
FAX 410-823-7530

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
ANTHONY J. DiPAULA *
THOMAS P. DORE
ROGER J. SULLIVAN

*ALSO ADMITTED TO D. C. BAR

ANNEX OFFICE
SUITE 101
606 BALTIMORE AVE.
TOWSON, MD. 21204

June 7, 1993

VIA HAND DELIVERY
William T. Hackett, Chairman
Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RECEIVED
COUNTY BOARD OF APPEALS
93 JUN -7 PM 4:43

RE: Case No: CBA 93 133
Case No: 93 214 SPHX
Jones Carwash - Development Plan ZADM IX 610

Dear Chairman Hackett:

Please treat this as a request for postponement of the hearing scheduled for June 23, 1993 at 10 a.m. on the above-referenced issue. The undersigned counsel is scheduled to appear in the Circuit Court for Prince George's County on that date on a domestic matter. In addition, my client, John Ludwig, has advised that he is desirous of obtaining the services of an expert witness with respect to this matter. In light of the fact that I was notified of the appeal on June 4th, my client and I have not yet had the opportunity to obtain an expert; and anticipate that additional time will be needed so as to proceed with this course of action. I would therefore request that this matter be rescheduled in accordance with the provisions of the Board Rules.

Thank you for your consideration of this matter.

Very truly yours,

Thomas P. Dore

TPD/07 mk.01
cc: John B. Gontrum, Esquire
Orville M. Jones
John H. Ludwig, III

PERRY HALL IMPROVEMENT ASSOCIATION, INC.
P.O. Box 63
Perry Hall, Maryland 21128

February 5, 1993

RECEIVED
FEB 11 1993
ZONING COMMISSIONER

Mr. Larry Schmidt
Zoning Commissioner/Hearing Officer
Old Courthouse, Room 113
400 Washington Avenue
Towson, MD 21204

RE: PROPOSED JONES CARWASH 9523 BELAIR ROAD

Dear Mr. Schmidt:

The Perry Hall Improvement Association is opposed to the proposed carwash to be located at 9523 Belair Road.

The 9500 block of Belair Road is already over developed. In this one block from Walter Avenue to Horn Avenue, only on the east side, we have 10 driveways. Thirty-five percent (35%) of the accidents involve rear-end collisions and another 25% involve vehicles coming out of side streets being struck by Belair Road traffic. The enclosed traffic report only includes accidents reported. There are many more fender benders that go unreported. The proposed single entrance and exit on a 35 foot driveway is unsafe and unacceptable. (see attachments)

The improper drainage on Belair Road is well known to everyone. There are high water levels and freezing now occurring from the rain. The dripping from automobiles and trucks leaving this facility will only add to the danger on this road.

The county gave approval for a new housing development on Horn Avenue that would have a carwash in their front yards. They will certainly suffer financial loss if this is allowed to proceed.

We concur and support the Planning Staff's recommendation to deny this development plan for a carwash.

Sincerely,

Dorothy S. McMann

Dorothy S. McMann

cc/David Flowers

MICROFILMED

PERRY HALL IMPROVEMENT ASSOCIATION, INC.
P.O. Box 63
Perry Hall, Maryland 21128

November 15, 1993

Letters to the Editor:

The Perry Hall Improvement Association appreciates the help of Deputy Director Pat Keller from the Office of Planning and Zoning and People's Counsel Carole Demilio and Pete Zimmerman regarding Jones' Carwash hearing before the Board of Appeals.

We also thank Zoning Commissioner Lawrence Schmidt for the original denial of the special exception and to Mr. C. William Clark, a member of the Board of Appeals, for his dissenting opinion.

Sincerely,

Dorothy S. McMann

Dorothy S. McMann
President

Mr. Clark,

Thank you for your dissenting opinion regarding Jones' Carwash. At least one person was listening and understands the purpose of the Master Plan and zoning regulations

Thank you,

Dorothy

93-214-SPHX

file

PERRY HALL UNITED METHODIST CHURCH
9515 BELAIR ROAD
BALTIMORE, MARYLAND 21236

ROBERT E. MOALES, MINISTER
9513 BELAIR ROAD
TELEPHONE: 256-6209

CHURCH OFFICE: 9515 BELAIR ROAD
TELEPHONE: 256-6479

Orville Jones case

February 22, 1993

RECEIVED
FEB 23 1993
ZONING COMMISSIONER

Office of Zoning Commissioner
Attn: Mr. Lawrence E.Schmidt
400 Washington Avenue
Towson MD 21204

Dear Mr. Schmidt:

On Sunday, February 21, 1993 a meeting of the Administrative Board of Perry Hall United Methodist Church was called for the purpose of obtaining a consensus of opinion from the Administrative Board as to the construction of the proposed car wash next to Church. The vote was unanimous against this project. This confirms the statement made by George Patton at the February 11 hearing that "the Church is not in agreement with this project." The additional traffic congestion on Belair Road is truly not needed. It presently is next to impossible safely to get out of driveways onto Belair Road. The noise is also a concern of the Board.

At the February 11 hearing for the car wash proposed by Orval Jones at 9523 Belair Road, it was apparent that the assumption had been made that the Perry Hall United Methodist Church had approved this project based on previous letters in which we stated our preference to allow the builder to modify the grading across our common lot line with the addition of a fence instead of the required construction of a retaining wall.

At the meeting with Mr. Jones we were informed of his intention to build a car wash and that he would be required to build a retaining wall between our properties unless we would approve a private easement which he proposed to create a sloping grade across the lot line adjoining our properties. We were not pleased with the thought of having a car wash that close to the Church but felt that we had no say in the matter, at least not at that time. We did agree that the proposed easement would present a better appearance and sent our letter of approval to Mr. Jones for the easement.

The Community In-Put hearings for this project were scheduled at times when we were not able to attend. There was a representative from the Church in attendance at the December hearing but I do not know that any testimony was given.

Sincerely,

William L. Diller

William L. Diller, Chairman
Board of Trustees

Kenneth H. Mason

Kenneth Mason, Chairman
Administrative Board

cc: David Flowers, Zoning Adm. & Dev. Mgt.
Dorothy McMahon, Perry Hall Impr. Assn.

MICROFILMED

HERITAGE
MONTESSORI SCHOOL
9515 BELAIR ROAD
BALTIMORE, MARYLAND 21236
529-0374

April 16, 1993

Mr. Lawrence E. Schmidt
Office of the Zoning Commissioner
Court House
Towson, MD 21204

Dear Mr. Schmidt,

I am the owner and director of Heritage Montessori School, which is housed at the Perry Hall United Methodist Church, 9515 Belair Road. The children in my school are aged 2 years through first grade this academic year, and we will be adding second and third grade for next academic year.

I have a great deal of concerns about the construction of a 24 hour car wash on the property next to the church. I am concerned about the volume of traffic that would be added to that particular stretch of Belair Road. We have had several accidents in the past right in front of the church, involving families of the school and people who were going too fast or were just in too much of a hurry to pay attention to slower moving traffic. I am concerned about clients of the car wash using the church parking lot as a convenient thoroughfare when the children are in school, since I have no guarantee that the drivers would be watching out for little children and driving with care. In fact, many drivers in the community use the parking lot at present as a convenient thoroughfare, so my concern regarding this point is well founded. I am concerned about the sound level that may emanate from the cars in the car wash.

Thank you for the opportunity to voice my concerns. I hope that they will be considered seriously.

Sincerely yours,

Catherine Szeto

Catherine Szeto
Directress

HERITAGE
MONTESSORI SCHOOL
9515 BELAIR ROAD
BALTIMORE, MARYLAND 21236
529-0374

April 16, 1993

Mr. Lawrence E. Schmidt
Office of the Zoning Commissioner
Court House
Towson, MD 21204

I, Catherine Szeto, the owner and director of Heritage Montessori School, give my authorization to Mr. William Diller to speak on my behalf on the matter of the construction of a 24 hour car wash adjacent to Perry Hall United Methodist Church.

Signed:

Catherine Szeto

Catherine Szeto
Directress

RECEIVED
COUNTY BOARD OF APPEALS
93 AUG 19 AM 11:47

Mr. C. William Clark
County Board of Appeals
Room 49
Court House
Washington Avenue
Towson, MD 21204

Dear Sir:

I understand that the car wash pr
is now before the Board of Appea
west of the 9500 block Belair Ro
project. Why should a special e
of one good reason.

All I ask is that you come to th
onto Walter Avenue. Then try an
onto Belair Road. Then you will

The builder, Mr. Jones, said the
community. We do not need or wa
become the dumping ground for al
builder knows he can get the cou
zoning regulations as long as he

There was an article in the Morn
another building project in our
Mr. Hayden. He said, "We are ha
we will continue to oppose anyth
unwanted projects in the wealthy
Perry Hall.

Please, I ask you to consider th
change in zoning.

RECEIVED
COUNTY BOARD OF APPEALS
93 AUG 19 AM 11:47

Mr. Judson Lipowitz
County Board of Appeals
Room 49
Court House
Washington Avenue
Towson, MD 21204

Dear Sir:

I understand that the car wash project in
is now before the Board of Appeals. As a
west of the 9500 block Belair Road I ask
project. Why should a special exception
of one good reason.

All I ask is that you come to the 9500 bl
onto Walter Avenue. Then try and make a
onto Belair Road. Then you will see our

The builder, Mr. Jones, said the car wash
community. We do not need or want this
become the dumping ground for all types
builder knows he can get the county to g
zoning regulations as long as he builds

There was an article in the Morning Sun
another building project in our vicinity
Mr. Hayden. He said, "We are happy about
we will continue to oppose anything at G
unwanted projects in the wealthy neighbo
Perry Hall.

Please, I ask you to consider the people
change in zoning.

Sincerely,

Winifred B. Grumbine

Winifred B. Grumbine

RECEIVED
COUNTY BOARD OF APPEALS
93 AUG 19 AM 11:47

9514 Dawnvale Road
Baltimore, MD 21236
August 16, 1993

Mr. Mr. William Hackett
County Board of Appeals
Room 49
Court House
Washington Avenue
Towson, MD 21204

Dear Sir:

I understand that the car wash project in the 9500 block Belair Road is now before the Board of Appeals. As a resident who lives one block west of the 9500 block Belair Road I ask you to rule against this project. Why should a special exception be granted? I cannot think of one good reason.

All I ask is that you come to the 9500 block Belair Road and turn left onto Walter Avenue. Then try and make a left hand turn out of Walter onto Belair Road. Then you will see our problem.

The builder, Mr. Jones, said the car wash would be a service to the community. We do not need or want this service. Perry Hall has become the dumping ground for all types of development because every builder knows he can get the county to grant exceptions to any and all zoning regulations as long as he builds in Perry Hall.

There was an article in the Morning Sun the other day concerning another building project in our vicinity and there was a quote from Mr. Hayden. He said, "We are happy about the Joppa Road project, but we will continue to oppose anything at Green Spring." Yes indeed, no unwanted projects in the wealthy neighborhoods, just send them all to Perry Hall.

Please, I ask you to consider the people that live here and deny this change in zoning.

Sincerely,

Winifred B. Grumbine

Winifred B. Grumbine

DATE: 8-24-93

PEOPLE'S COUNSEL'S SIGN IN SHEET

CASE: Jones' Carwash

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

Check if you wish to testify.	Name/Address Phone No.	(Community Group You Represent?) Basis of Your Concerns
	Sophie Raab 4202 Raab Ave 21236 256-8806	Perry Hall Improvement Assoc.
	KEN MASON 9125 NAYGALL RD 21234 256-9445	PERRY HALL U.M.C.
	WILLIAM L. DILLER 3739 E. JOPPA RD 256-1419	PERRY HALL U.M.C.
	EILEEN B. McGEE, 9512 DAWNVALE RD.	Homeowner, PERRY HALL IMP.

George R. Cole, Sr. 9220 Carlisle Ave 21236 410-256-3697	PHUMC
Louise Cole 9220 Carlisle Ave 21236 410-256-3697	PHUMC
Ruth [illegible] 21237 410-256-[illegible]	PHUMC
MARY THAYER 3806 CRESTVALE TERRACE BALTIMORE, MD 21236 410-668-4627	PHUMC
Anne Patton 8921 Parlo Rd. 21236 256-9591	PHUMC
George Patton 8921 PARLO ROAD 21236 256 9591	PHUMC
William L. Diller 3739 E. Joppa Rd. 21236 256-1419	PHUMC
JERRY C. GARRETT 9523 HORN AVE. 21236 529-0625	Home owner
BARRY RIDER 9519 HORN AVE 21236 410-256-9730	
Dr. Robert T. Clapp 9515 Belair Rd 21236 410-256-6309	Pastor PHUMC
Carl M Elam PE 9521 Horn Ave 21236 410-529-9590	Home Owner
John H Ludwig II 9521A Horn Ave 410-256-9546	Home Owner

CONCEPT PLAN CONFERENCE SIGN IN SHEET

DATE: November 2, 1992
PROJECT: Jones CarWash

STAFF REPRESENTATIVE

NAME	DEPARTMENT
ERVIN McDANIEL	OPZ
JOE MERREY	ZADM
Larry Pilson	DEPRM
DAVID BAKER	DED
AVERY HARDEN	" TE
KEITH LINK	TE
Rahee Famili	DPW/Public Svcs.
Dave Thomas	
DAVID RAMSEY	SHA
David Flowers	ZADM

DEVELOPER/ENGINEER

NAME	COMPANY NAME	PHONE
Scott Dallas	J.S. Dallas, Inc.	866-2001
Orville Jones	Developer	256-6630

Community Input Meeting

Development: JONES CARWASH

Date of Meeting: 12-7-92 **Location:** E.H.C.

Please PRINT! **Attendance Record**

Name	Full Address & Zip Code	Organization (if any)	Phone #
David Flowers	Balt County	ZADM	887-3335
Orville Jones	1533 [illegible] 21128	OWNER	256-6630
Theresa Garrett	9523 Horn Ave. 21236		529-0625
John H Ludwig II	9521 A Horn Ave 21236		256-9546
[illegible]	3698 [illegible] Ave. 21128	Perry Hall Improvement Assoc.	256-5224
Patrick J. Hannigan	9525 HORN AVE 21236		529-2313
[illegible]	[illegible] 21234	P.H. Improvement [illegible]	256-3666
Dorothy McMann	P.O. Box 63 Perry Hall 21128	Pres PH Im A	256-4241
[illegible]	[illegible] Forge Rd 21128	PH Improv A	256-8120
[illegible] Williams	9532 Bauer 21236	PH Imp A	256-5475
Edward R. Link	9533 Bauer 21236	P.H. Imp A	256-5475
[illegible] Link	"	"	"
John Gontrum	814 Eastern Blvd.	ATTY	686-8774
Scott Dallas	4932 Hazelwood Ave 21206	J.S. Dallas Inc	866-2001
Ervin McDaniel	OPZ		887-3211
[illegible]	[illegible] Road		256-[illegible]
Jane [illegible]	9525 [illegible] 21236	PHUMC	256-3219
[illegible]	401 Kahlston Rd	House of Delegates	256-9513

page ____ of ____ pages

cim2.pub, page 1

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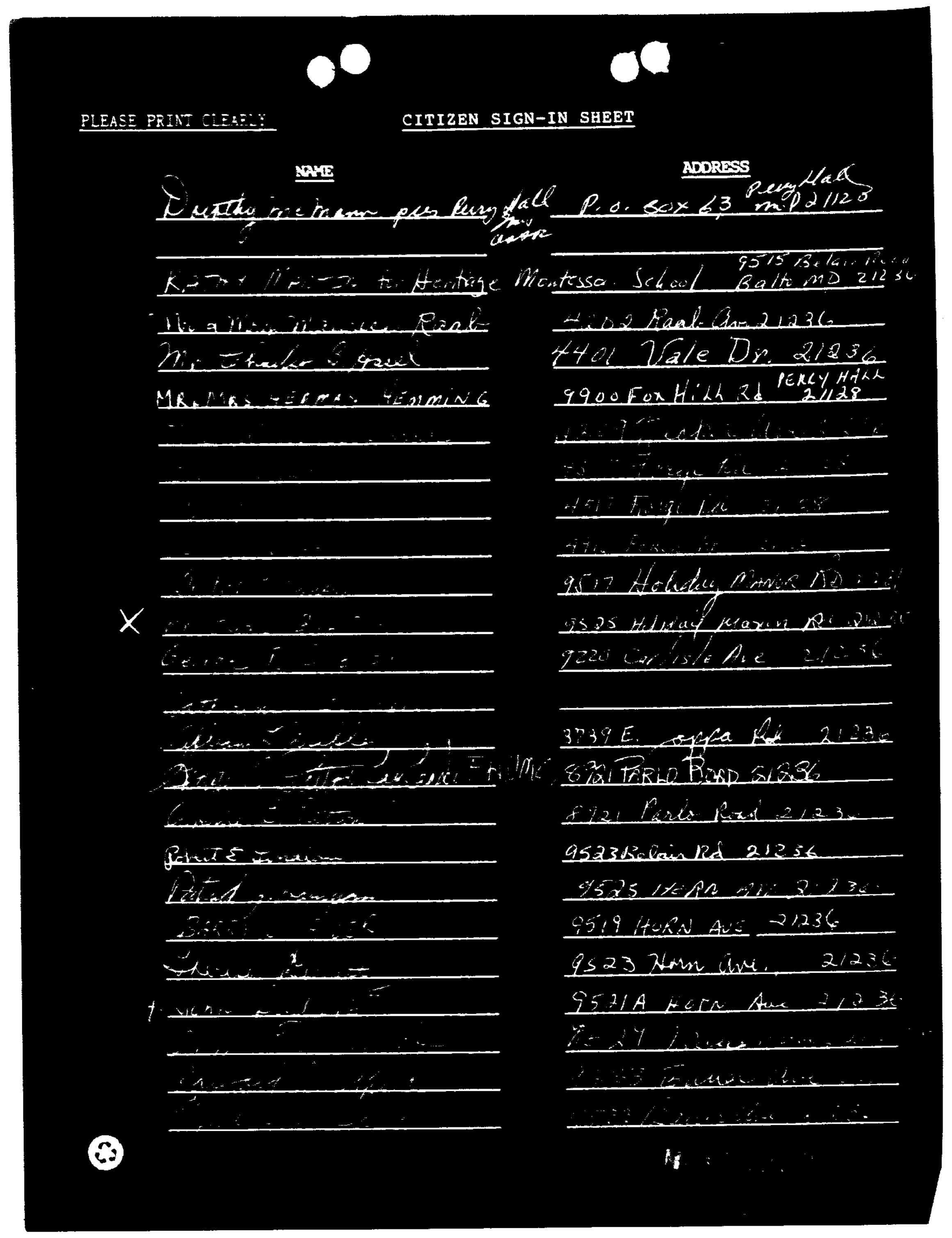
PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
John H Ludwig III	9521 A Horn Ave 21236
THERESA GARRETT	9523 HORN AVE. 21236
BARRY D. RIDER	9519 HORN AVE. 21236
GEORGE W. WILSON	4517 FORGE RD 21128
EDNA H WILSON	4517 FORGE RD 21128
Mrs. Sophie Raab	4202 Raab Ave 21236
Edward R. [illegible]	9533 BAUER AVE 21236
William F. EDWARDS	4107 KAHLSTON RD. 21236
KENNETH H. MASON	9125 NAYGALL RD 21234
Joan [illegible] Edwards	4107 Kahlston Rd. 21236
Catherine E. Jolly	4109 Kahlston Rd. 21236
Robert E Moales	9513 Belair Rd 21236
William L. Diller	3739 E. Joppa Rd. 21236
ANNE L. PATTON	8921 PARLO RD 21236-2128
GEORGE C. PATTON	8921 PARLO RD 21236-2128
Eileen B. McGee	9512 Dawnvale Rd 21236
Debbie Brown	15 Pickens Ct. 21236
NANCY RAFFERTY	3225 E. JOPPA Rd. 21236
Ruth Radcliffe	8001 Bahikow Rd 21237
Louise Cole	9220 Carlisle Ave. 21236
George R Cole, Sr.	9220 Carlisle Ave 21236
Dorothy McMann	9513 Dawnvale Ln 21236
Thomas R. Doré Esq.	114 Bosley Ave 21204

send a copy ←

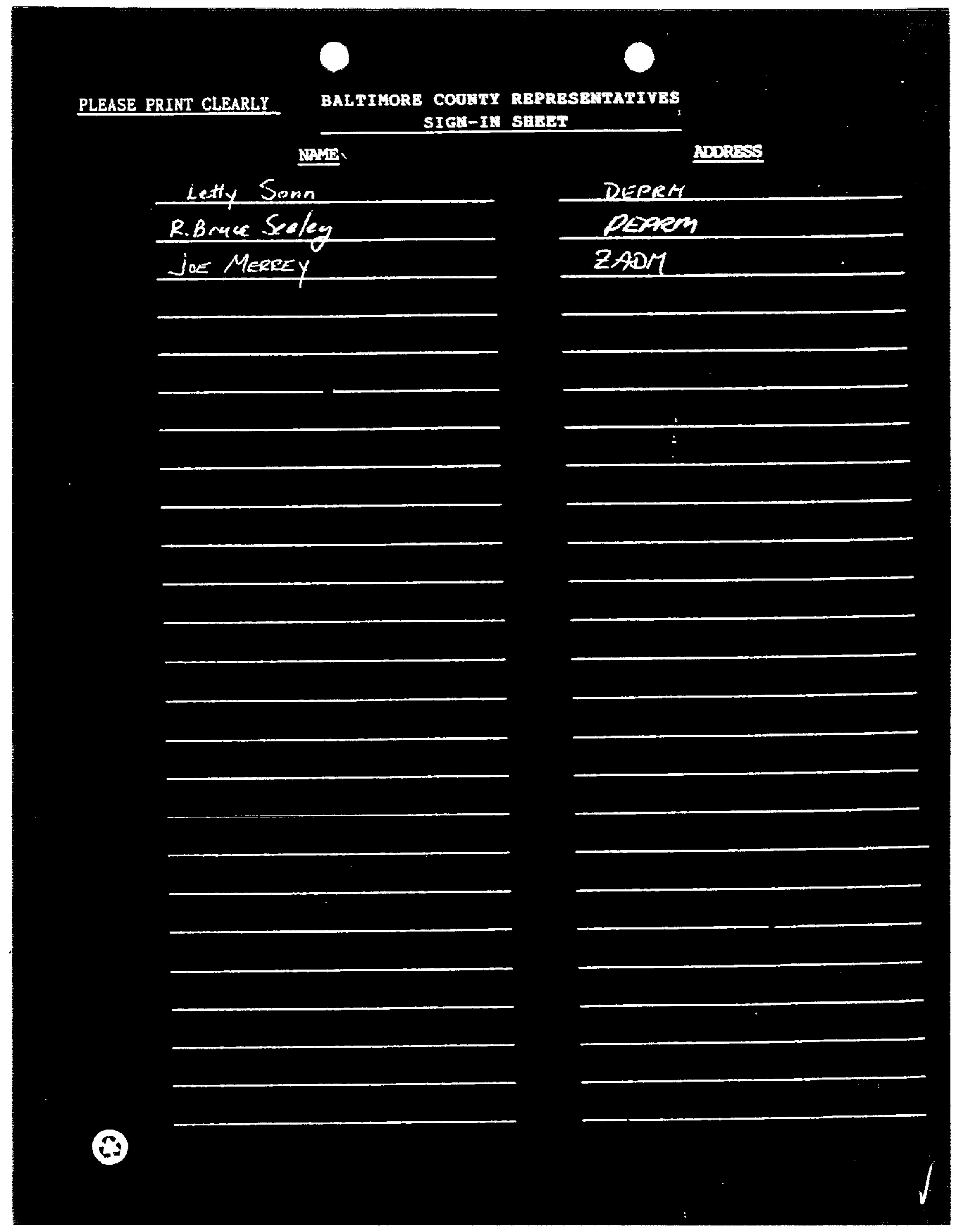
✓



PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

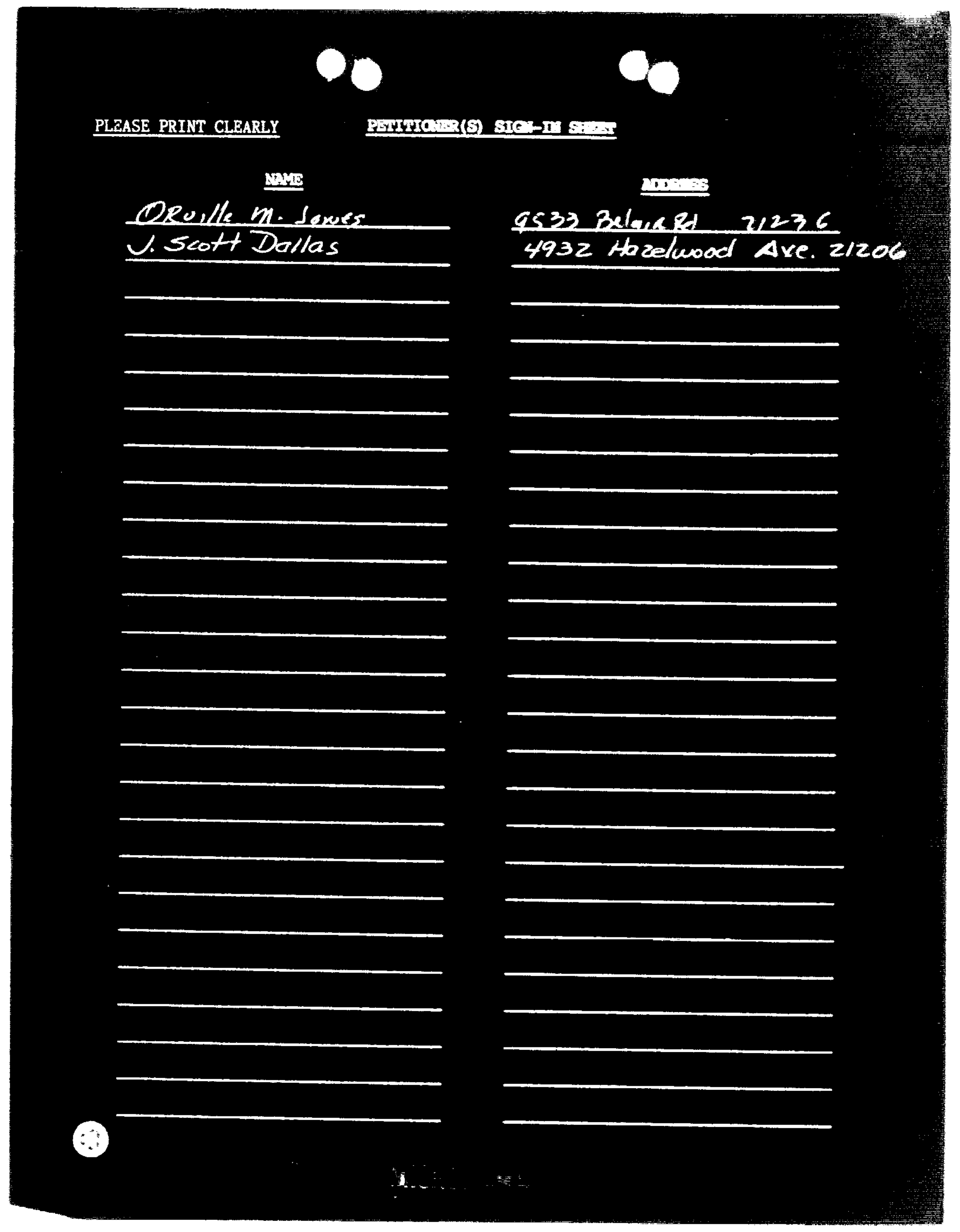
NAME	ADDRESS
Dorothy [illegible] per Perry Hall [illegible]	P.O. Box 63 Perry Hall MD 21128
K[illegible] for Heritage Montessori School	9515 Belair Road Balto MD 21236
Mr & Mrs [illegible] Raab	4402 Raab Ave 21236
Mr [illegible]	4401 Vale Dr. 21236
MR. MRS [illegible] HEMMING	9900 Fox Hill Rd PERRY HALL 21128
[illegible]	[illegible]
[illegible]	[illegible] Forge Rd [illegible]
[illegible]	[illegible] Forge Rd [illegible]
[illegible]	[illegible]
[illegible]	9517 Holiday Manor Rd [illegible]
X [illegible]	9505 Holiday Manor Rd [illegible]
[illegible]	9220 Carlisle Ave 21236
[illegible]	
[illegible]	3739 E. Joppa Rd 21236
[illegible]	8921 Parlo Road 21236
[illegible]	8921 Parlo Road 2123[illegible]
Robert E [illegible]	9523 Belair Rd 21236
Patrick [illegible]	9525 Horn Ave 21236
[illegible]	9519 Horn Ave 21236
[illegible]	9523 Horn Ave. 21236
[illegible]	9521A Horn Ave 21236
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]



PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

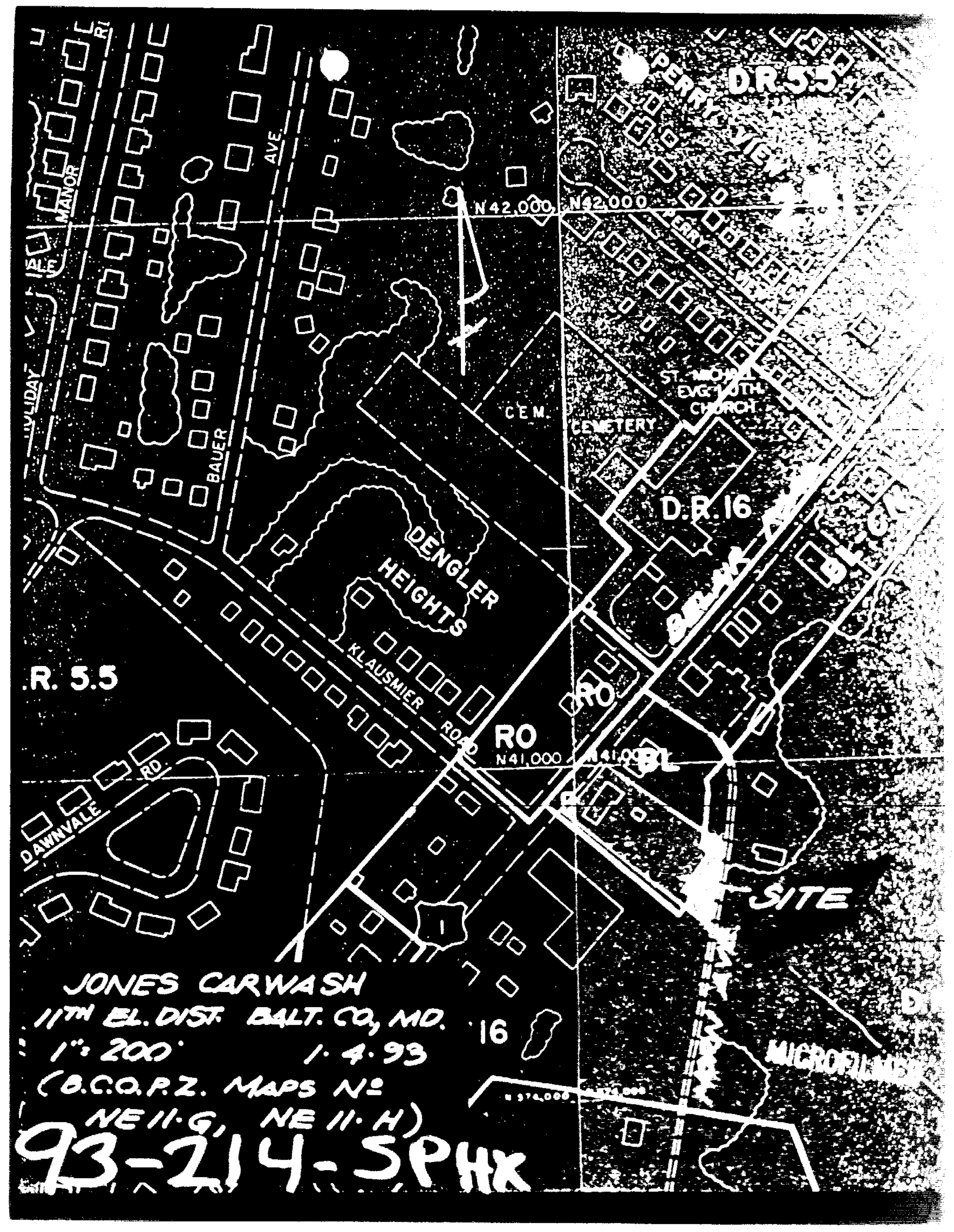
NAME	ADDRESS
Letty Sonn	DEPRM
R. Bruce Seeley	DEPRM
Joe Merrey	ZADM



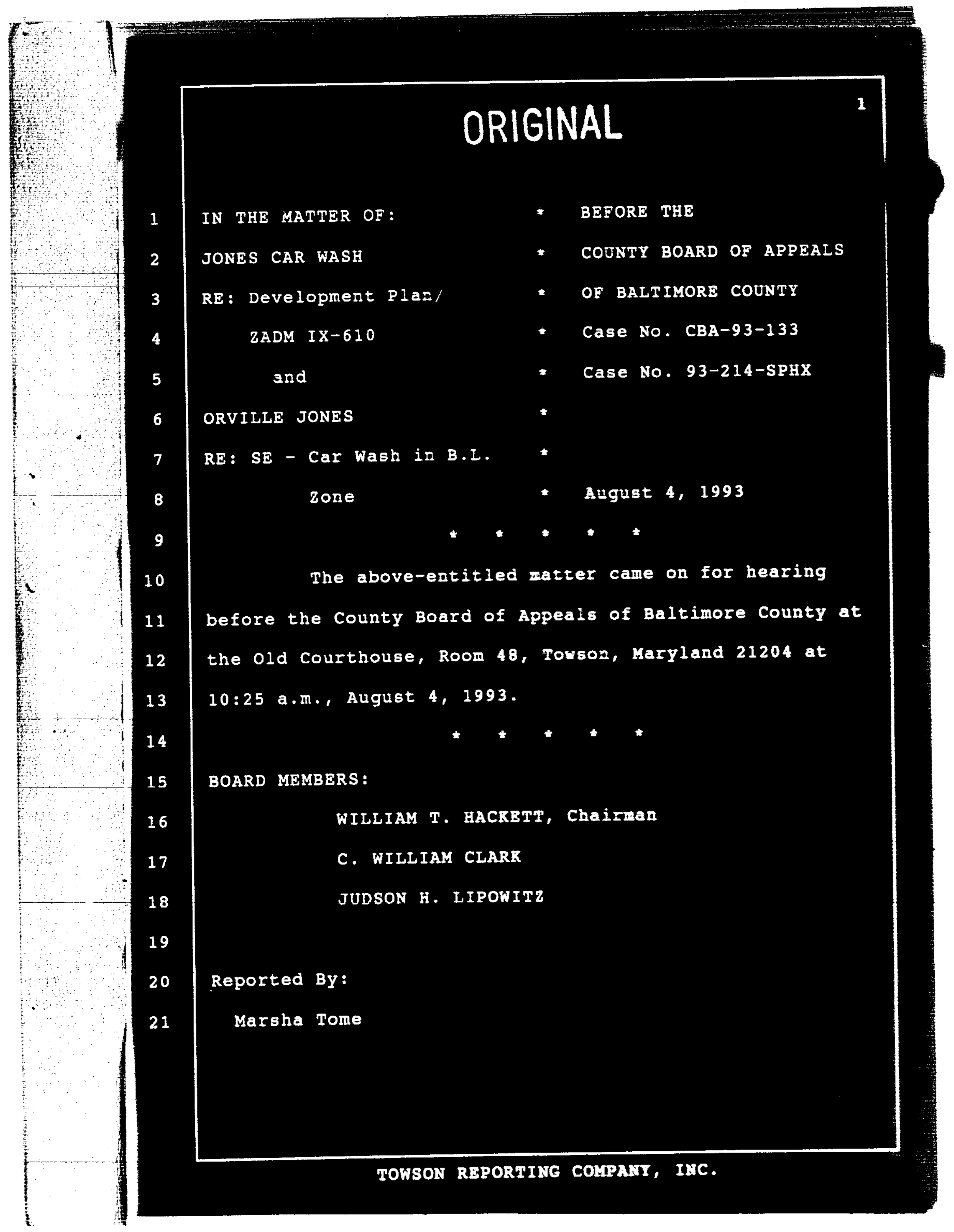
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Orville M. Jones	9533 Belair Rd 21236
J. Scott Dallas	4932 Hazelwood Ave. 21206



JONES CARWASH
11TH EL. DIST. BALT. CO, MD.
1" = 200'
1-4-93
(B.C.O.P.Z. MAPS Nº NE 11-G, NE 11-H)
93-214-SPHX



ORIGINAL

IN THE MATTER OF: * BEFORE THE
JONES CAR WASH * COUNTY BOARD OF APPEALS
RE: Development Plan/ * OF BALTIMORE COUNTY
ZADM IX-610 * Case No. CBA-93-133
and * Case No. 93-214-SPHX
ORVILLE JONES *
RE: SE - Car Wash in B.L. *
Zone * August 4, 1993

* * * * *

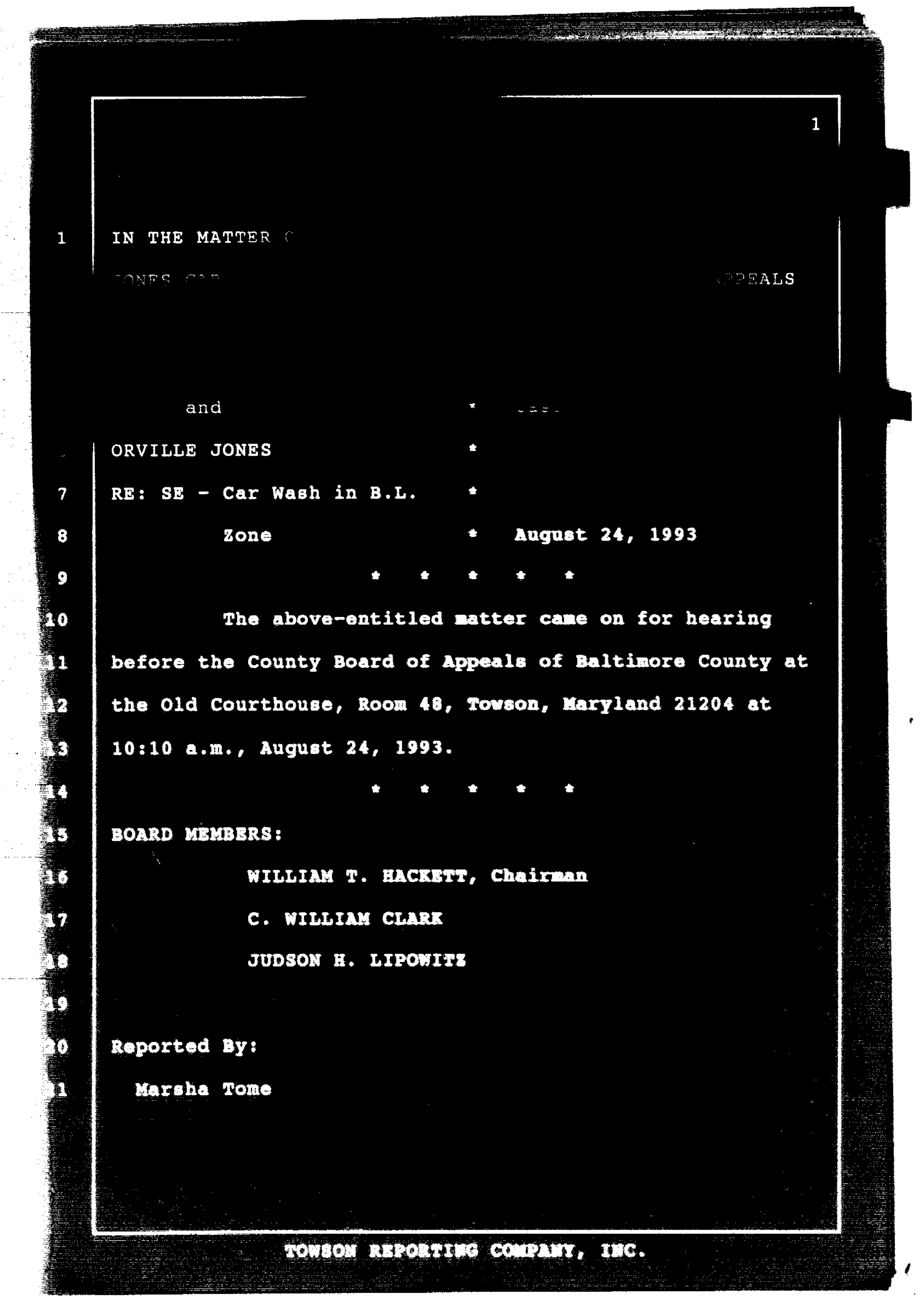
The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, Room 48, Towson, Maryland 21204 at 10:25 a.m., August 4, 1993.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman
C. WILLIAM CLARK
JUDSON H. LIPOWITZ

Reported By:
Marsha Tome



IN THE MATTER O
JONES CA
PEALS
and
ORVILLE JONES *
RE: SE - Car Wash in B.L. *
Zone * August 24, 1993

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, Room 48, Towson, Maryland 21204 at 10:10 a.m., August 24, 1993.

* * * * *

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman
C. WILLIAM CLARK
JUDSON H. LIPOWITZ

Reported By:
Marsha Tome

PETITIONER'S EXHIBIT NO. 3

Post-it™ brand fax transmittal memo 7671	# of pages ▸
To Scott Dallas	From Bu[illegible]
Co.	Co.
Dept.	Phone #
Fax # 866-2003	Fax #

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: January 14, 1993

TO: The Honorable Vincent Gardina
Councilman, Fifth District

FROM: C. Richard Moore, Bureau Chief
Bureau of Traffic Engineering

SUBJECT: Belair Road Accident Data

As a result of your request for accident data on Belair Road, it was found that between Horn Avenue and Walter Avenue there were the following number of police reported accidents for each of five previous years:

1987 Accidents - 9
1988 Accidents - 6
1989 Accidents - 11
1990 Accidents - 11
1991 Accidents - 3
1992 Accidents - Not available yet

Approximately 35% of the accidents involved rear-end collisions, approximately 25% involved vehicles coming out of the side streets being struck by Belair Road traffic, 10% were single vehicle accidents, and the remaining 30% were in other miscellaneous categories. This data is based upon information from the State Highway Administration. I hope this accident information is useful to you and Dorothy McMann, President of the Perry Hall Improvement Association. The four accidents at Walter Avenue show up on this list and the January 8, 1993 list.

CRM/GMJ/lvd

Attachment

Protestant Ex #1

93-64 [illegible]

PERRY HALL IMPROVEMENT ASSOCIATION, INC.

P.O. Box 63
Perry Hall, Maryland 21128

2/9/93
8

February 5, 1993

PROTESTANT'S EXHIBIT NO. 3

Mr. Larry Schmidt
Zoning Commissioner/Hearing Officer
Old Courthouse, Room 113
400 Washington Avenue
Towson, MD 21204

RE: PROPOSED JONES CARWASH 9523 BELAIR ROAD

Dear Mr. Schmidt:

The Perry Hall Improvement Association is opposed to the proposed carwash to be located at 9523 Belair Road.

The 9500 block of Belair Road is already over developed. In this one block from Walter Avenue to Horn Avenue, only on the east side, we have 10 driveways. Thirty-five percent (35%) of the accidents involve rear-end collisions and another 25% involve vehicles coming out of side streets being struck by Belair Road traffic. The enclosed traffic report only includes accidents reported. There are many more fender benders that go unreported. The proposed single entrance and exit on a 35 foot driveway is unsafe and unacceptable. (see attachments)

The improper drainage on Belair Road is well known to everyone. There are high water levels and freezing now occurring from the rain. The dripping from automobiles and trucks leaving this facility will only add to the danger on this road.

The county gave approval for a new housing development on Horn Avenue that would have a carwash in their front yards. They will certainly suffer financial loss if this is allowed to proceed.

We concur and support the Planning Staff's recommendation to deny this development plan for a carwash.

RECEIVED
FEB 9 1993
ZONING OFFICE

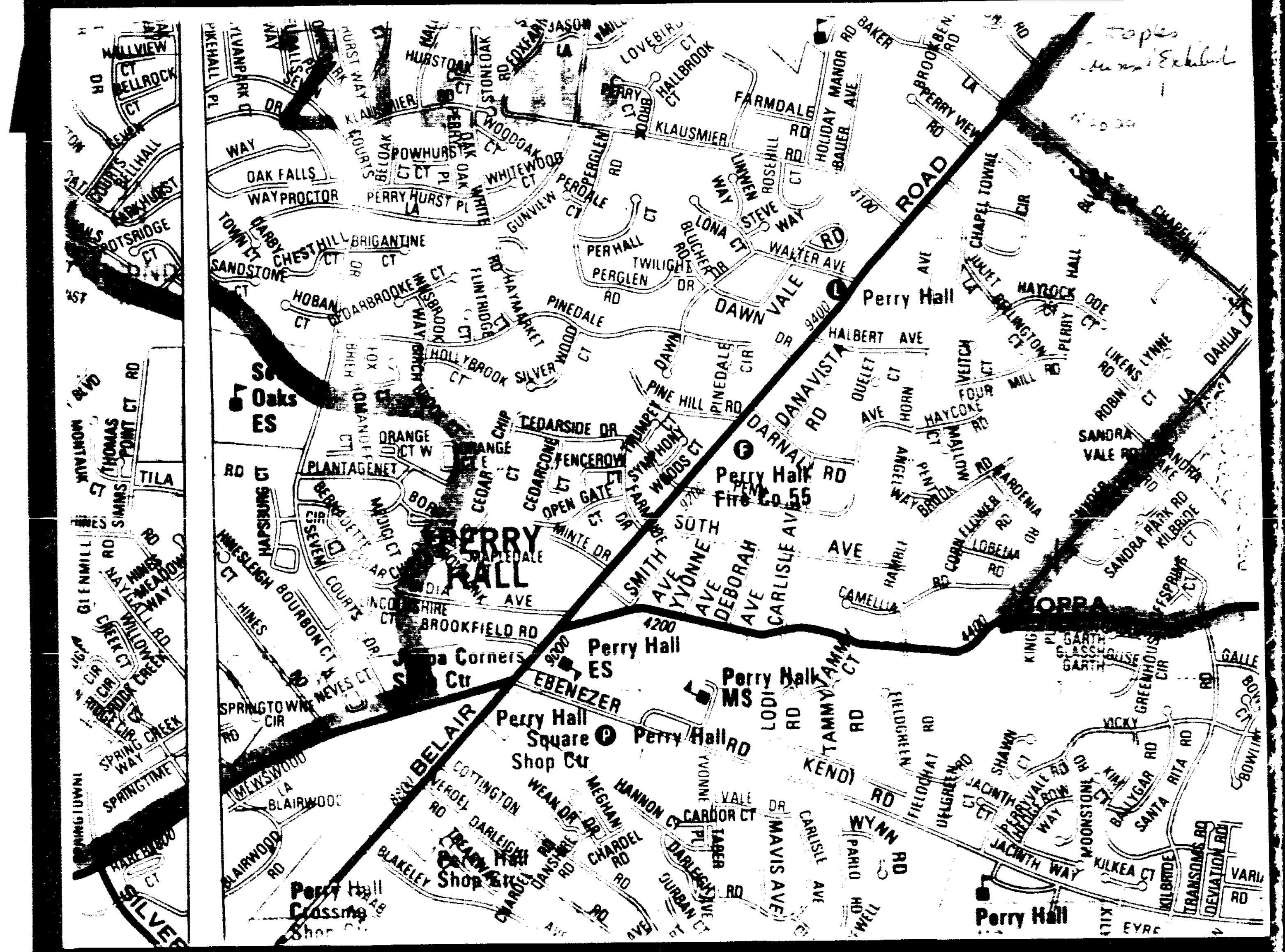
Sincerely,

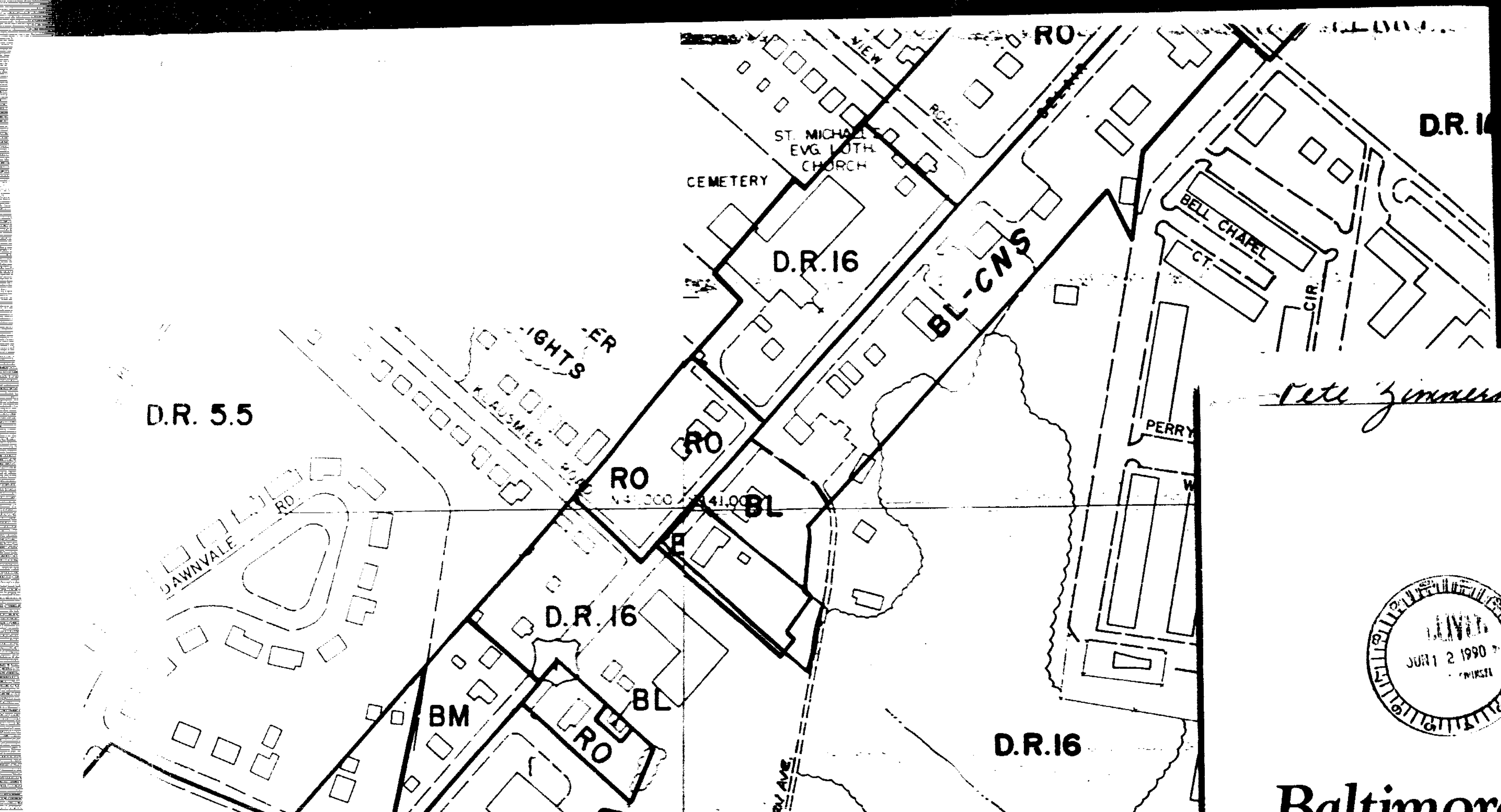
Dorothy S. McMann

Dorothy S. McMann

cc/David Flowers

Protestants Exhibit [illegible]



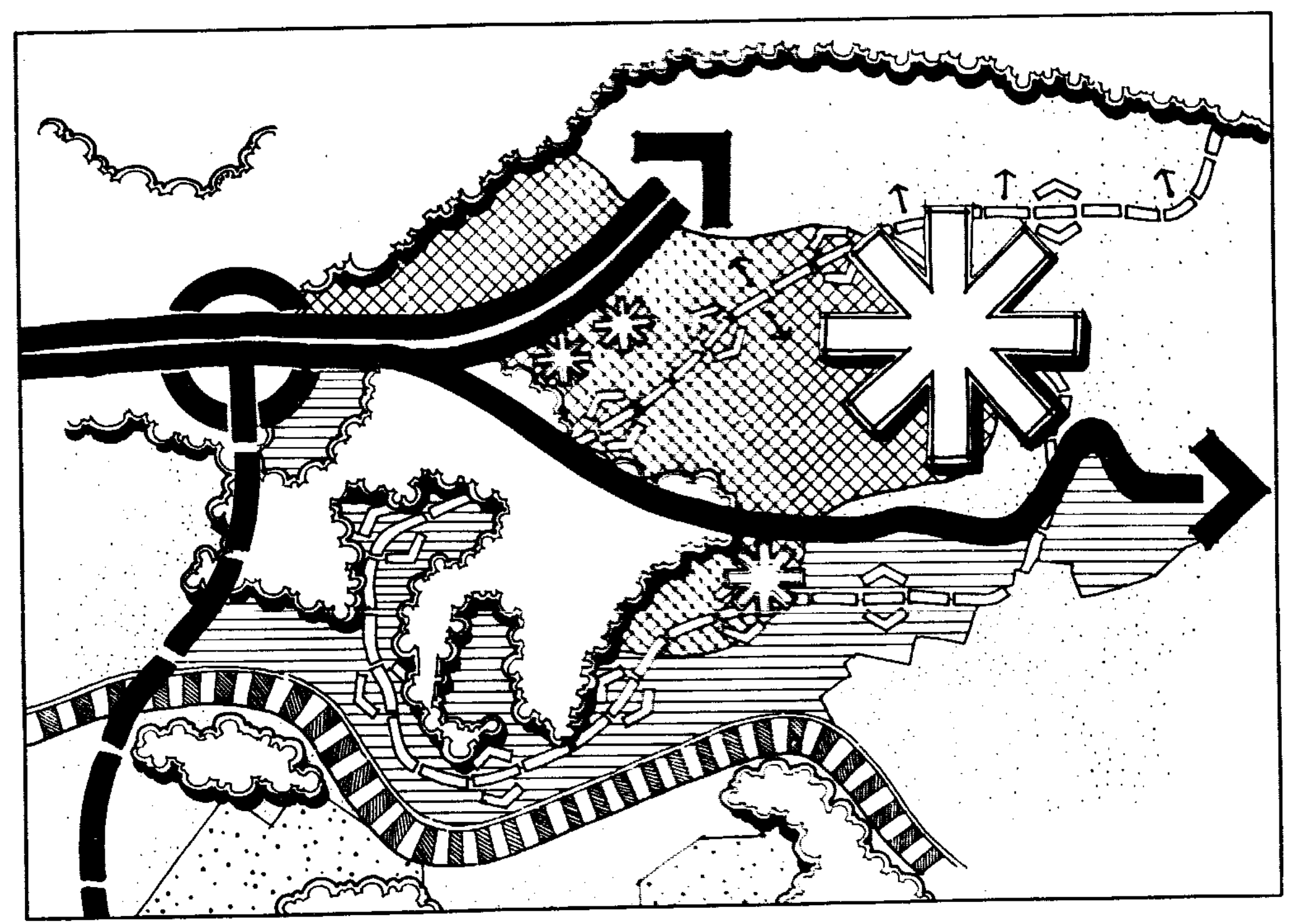


Pete Zimmerman [illegible] Exhibit 3

Master Plan

JUN 12 1990

Baltimore County 1989–2000



As adopted February 5, 1990

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

BOARD OF APPEALS HEARING COMMENTS

TO: William Hackett, Chairman, Baltimore County Board of Appeals

FROM: Pat Keller, Deputy Director - Office of Planning and Zoning

DATE: August 2, 1993

PROJECT NAME: Jones Carwash

PROJECT NUMBER: CBA 93-133, 93-214-SPHX
ZADM FILE NO XI-610 (92221Z)

GENERAL INFORMATION:

Applicant Name: Orville Jones
9533 Belair Road Baltimore, MD 21236

Location: East side of Belair Rd - West side of Horn Ave

Councilmanic District: 5th

Growth Management Area: Urban Center - White Marsh

Zoning: BL, DR 16

Acres: 0.95 acres

Surrounding Land Use & Zoning:

North:	BL	Commercial Building (Restaurant & Bar)
South:	DR 16	Church
East:	DR 16	Single-family Detached
West:	RO	Office, Commercial

Character of Area:
Commercial along Belair Road frontage; residential to east (behind Property)

Project Proposal:
The Applicant proposes construction of a carwash on 0.95 acres zoned BL (0.62 acres) and DR 16 (0.12 acres). The carwash proposal has been amended as provided below.

1. Concept Plan - June 3, 1992: 10 units, 2 buildings, 2 rollover units, 1 equipment unit, 1 employee parking unit, 7 selfwash units.

2. Development Plan - November 1992: 9 units, 2 buildings, 1 rollover unit, 1 equipment unit, 1 employee parking unit, 6 selfwash units.

Protestants Exhibit 6

DATE: 8-4-93

PEOPLE'S COUNSEL'S SIGN IN SHEET

CASE: Jones Carwash

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

Check if you wish to testify.	Name/Address Phone No.	(Community Group You Represent?) Basis of Your Concerns
✓	9513 Dawnvale Rd Dorothy S. McMann 256-4241	CARWASH Perry Hall IMP ASSOC
	DOLORES STADLER [illegible] 9[illegible] PERRYHALL RD	"
	Sophie Raab 256-8866 [illegible] Raab Av 21236	"
	Ruth M. Metzger [illegible] 21236	"
	Edna [illegible] 4517 Forge Rd 21128	"
	GEORGE W WILSON 4517 FORGE RD 21128	"
	JANET R. DEATON [illegible] 21236	PERRY HALL UNITED METH. CHURCH
	KENNETH H MASON 9125 NAYGAL RD 21234	"
	June M. McGaffee 9625 Dundawan Rd 21236	Perry Hall Methodist Church
[illegible]	Mrs Jane [illegible] 9525 Holiday Manor Rd 21236	P.H.A.A. P.H.M.M.C.
	John Calp 9525 Holiday Manor 21236	"
	Virginia Ellensworth [illegible]03 Tammy Rd 21236	Perry Hall Methodist Church
	Betty [illegible] 8931 Yvonne Ave 2123[illegible]	" "
	Patricia Boyle 4405 Ebenezer Rd 212[illegible]	Perry Hall Methodist Church
	John Boyle [illegible] Rd 212[illegible]	PHUMC
✓	Jean Scheuerman 9527 Horn Ave 21236	Home owner

ACTIVITIES SCHEDULE (REPRESENTATIVE)

SUNDAY:

REGULARLY SCHEDULED:
8:30 and 11:00 AM Worship services,
9:45 Sunday School classes
6:00 PM Youth Fellowship Meeting

OCCASIONALLY SCHEDULED:
Luncheons following morning worship services
Concerts (approx. 100 in audience) in mid or late afternoon
District meetings, mid-afternoon or evening, 150/250 attending
Fellowship suppers (50-100 attending)
Special Youth activities, (attendance varies)
Use of Fellowship hall for wedding or baby showers, etc.

MONDAY/FRIDAY:

Montessori School classes, & day care beginning 7:30 AM, last parent pickup at 6:00 PM, total enrollment 6[illegible] 65 students. Heavy vehicular traffic between 9/9:15 AM, 11:45/12:00 Noon, 12:45 [illegible] PM, 3 3:3[illegible] PM (student drop-offs and pick-ups.) Montessori School has special seasonal activities, such as a Thanksgiving luncheon, Easter or Christmas parties, with large attendance. Also from time to time during the school year the Montessori School will have open houses, parent meetings, pot-luck suppers, teas, etc. In May there is an annual Spring Fair, from 8 AM to 3 PM, in the parking lot, with much traffic and outdoor activities.

Vacation Bible School meets every summer for 1 1/2 weeks, mornings from 9-12 Noon. Approximately 75 children, 2[illegible] adult helpers; drop-off and pick-up traffic heavy prior to and after class.

MONDAY:

REGULARLY SCHEDULED:
Evangelism Committee, [illegible] PM (weekly, prior to home visits)
Bell Choir rehearsal, 7-8 PM (weekly, Sept June)
Administrative Board meetings (5 times a year, 7:30-9 PM)
Finance Committee meetings (7:30-9 PM, 6-7 times a year)
Board of Trustees meetings (7:30-9 PM, 6-8 times a year)
Banner-Making Group, (7:30 PM, 7-8 times a year)

OCCASIONALLY SCHEDULED:
District meetings, evening, (50-250 attending)
Committee meetings, planning sessions, etc.

TUESDAY:

REGULARLY SCHEDULED:
Gleaner's Circle, monthly, 12:30 PM
Brownie Troop #535, weekly, (3:30-5 PM, 12-15 attending) school year

OCCASIONALLY SCHEDULED:
Committee meetings, etc.

People's Counsel Ex. #7

Peoples Counsel Exhbt
#9

Testimony Concerning Case No. 93-214-SPHX and XI-610
Jones' Carwash

I would like to speak to this particular case as the recently appointed Pastor of Perry Hall United Methodist Church, located at 9515 Belair Road, bordering the proposed Carwash on the south side. On Sunday, February 21 the Administrative Board of Perry Hall United Methodist Church met to discuss the Proposed Carwash. The Administrative Board voted unanimously to oppose the proposed Carwash.

With that information in mind I would like to share the concerns that I have, as the Pastor, concerning the proposed Carwash. At the April hearing several members of the church raised concern about Sunday operations. I too have concerns about Sunday hours. There is the potential for excessive noise which the owner may not be able to accurately regulate. Church members and their children often use the side of the church adjacent to 9523 Belair Road to access the church facilities.

However, my concerns are not limited to Sunday operations. During the remainder of 1993 there are currently nine Weddings scheduled for the church. These Weddings are scheduled for Saturdays and weekday evenings. Brides who arrive for the Wedding enter the church from the entrance which is adjacent to 9523 Belair Road. Guests often walk along the same side of the church to enter the sanctuary. Already eleven weddings have been scheduled for 1994. Based upon current data we can expect to schedule an additional twelve to fifteen weddings for 1994. The proposed Carwash could present problems similar to those we anticipate for Sunday usage.

Perry Hall United Methodist Church is centrally located in the Baltimore East District of the Baltimore-Washington Conference of the United Methodist Church. As a result, many district functions are held at Perry Hall throughout the week. These functions will vary from small meetings to large gatherings for Worship and dialogue. Persons would be parking in the lot which is adjacent to 9523 Belair Road and often accessing the building using entrances in the same area. There are many community groups which use the church facilities during the week. These groups range from AARP to the Girl Scouts. There are the many committees of Perry Hall United Methodist which meet in the church on a monthly or bi-monthly basis. At the current time there are forty meetings, not including Sunday events and weddings, scheduled for Perry Hall Church for the remainder of 1993.

A final concern that I have involves the Day School which uses the facilities of Perry Hall United Methodist Church. This school operates five days a week from September through early June. There are children who arrive early and remain late. In addition, the church conducts a Vacation Bible School for two weeks each summer.

As you can see, the church facilities are used quite extensively. Our operation is not just a Sunday operation. There is hardly a day which goes by when the facilities are not being used by the local church, the District, or the community. This is why I support the position of Perry Hall United Methodist Church in opposing the propsed Carwash at 9523 Belair Road.

The Reverend Doctor Robert T. Clipp, Pastor

People's Counsel
Ex. #9

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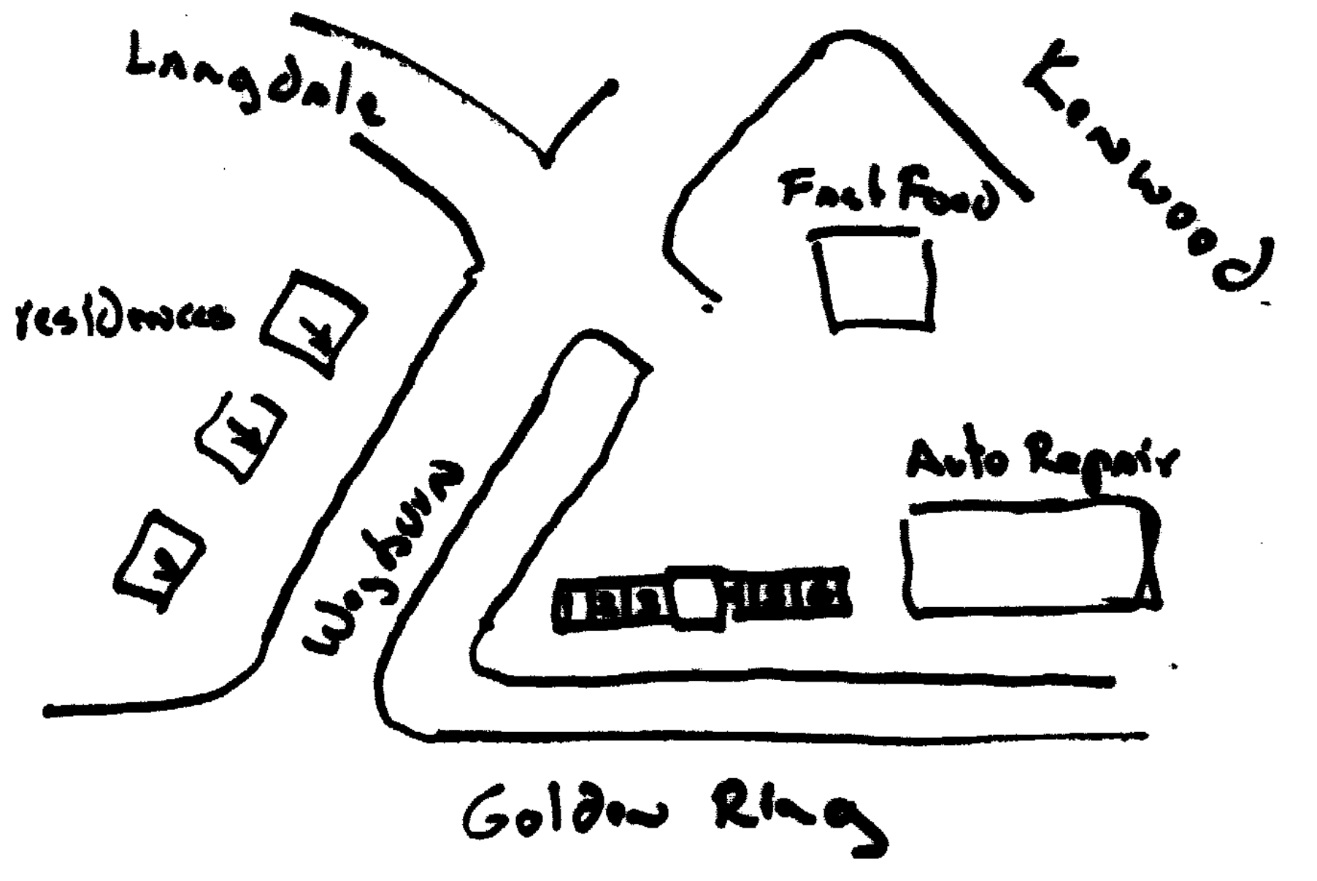
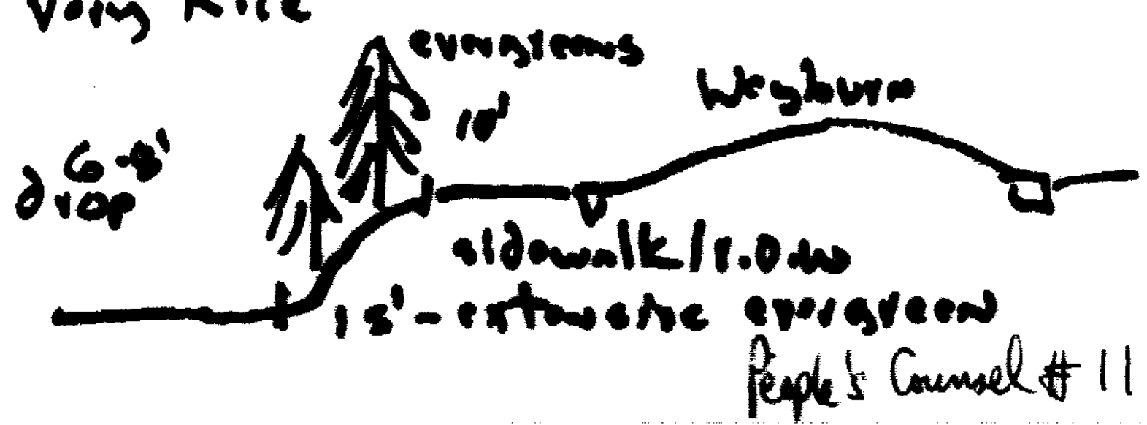
2. Golden Ring/Kenwood/Weyburn

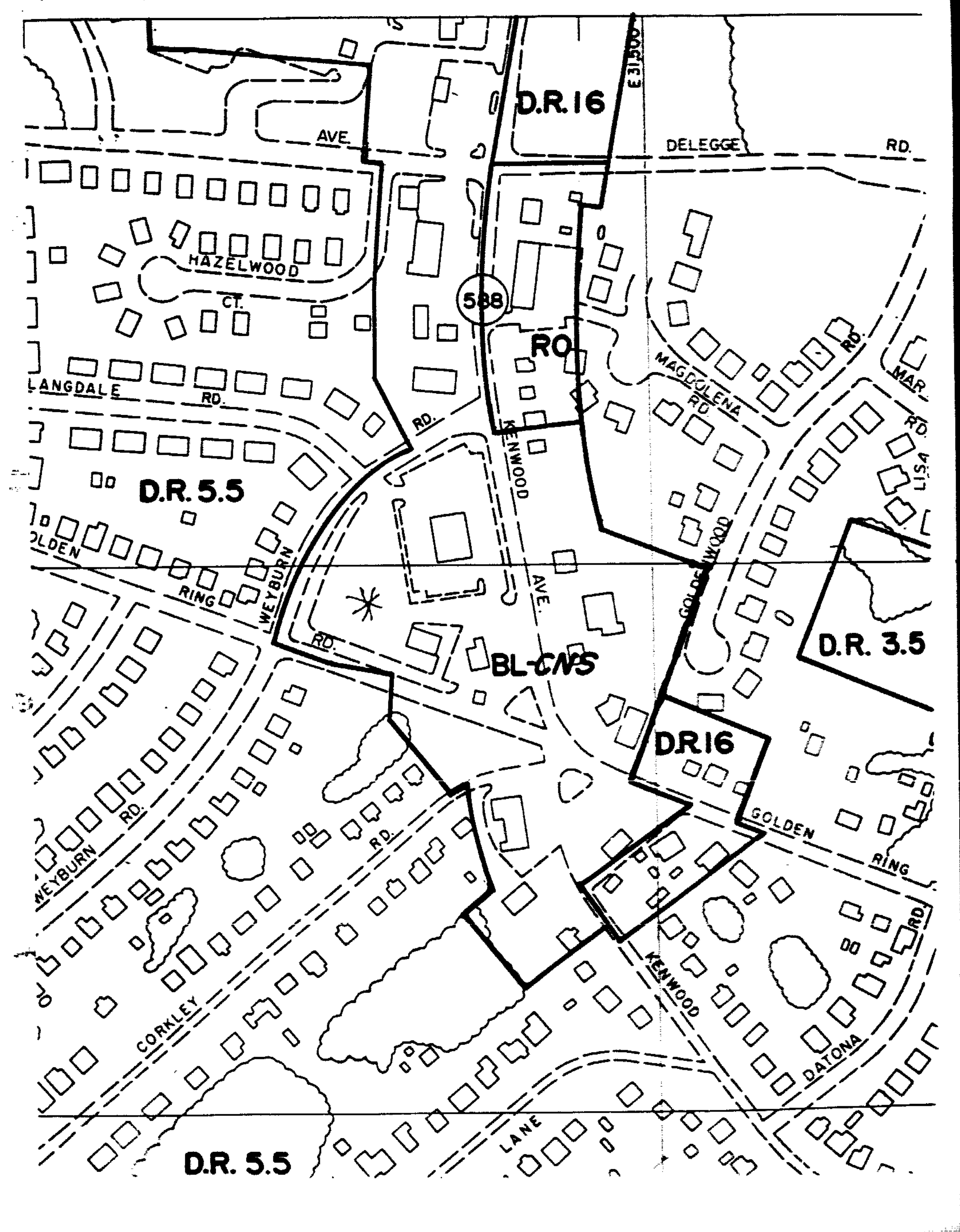

Langdale
Kenwood
residences
Fast Food
Auto Repair
Weyburn
1 2 3 4 5 6

Golden Ring

1. no rollover facility, 6 self wash
2. Interior landscaping
3. buffering screening excellent
4. hours of operation 24hrs, 7days
5. part of planned commercial center very nice


evergreens
Weyburn
10'
6-8' drop
sidewalk/r.o.w
15'-extensive evergreen

People's Counsel #11A


D.R.16
DELEGGE RD.
AVE.
HAZELWOOD CT.
588
RO
LANGDALE RD.
D.R. 5.5
GOLDEN RING RD.
WEYBURN RD.
KENWOOD AVE.
BL-CNS
D.R. 3.5
DR16
GOLDEN RING
CORKLEY RD.
DATONA
LANE
D.R. 5.5

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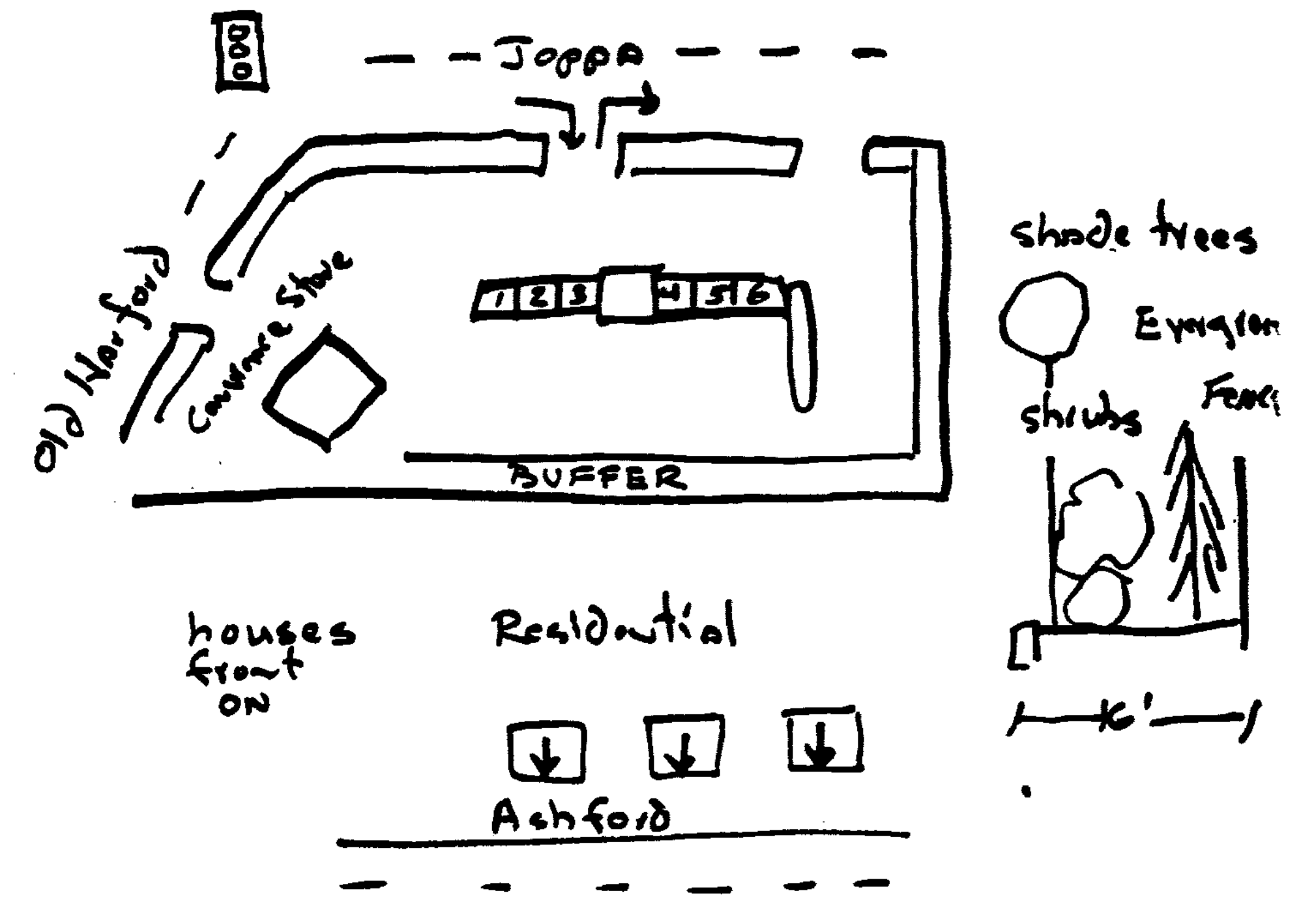
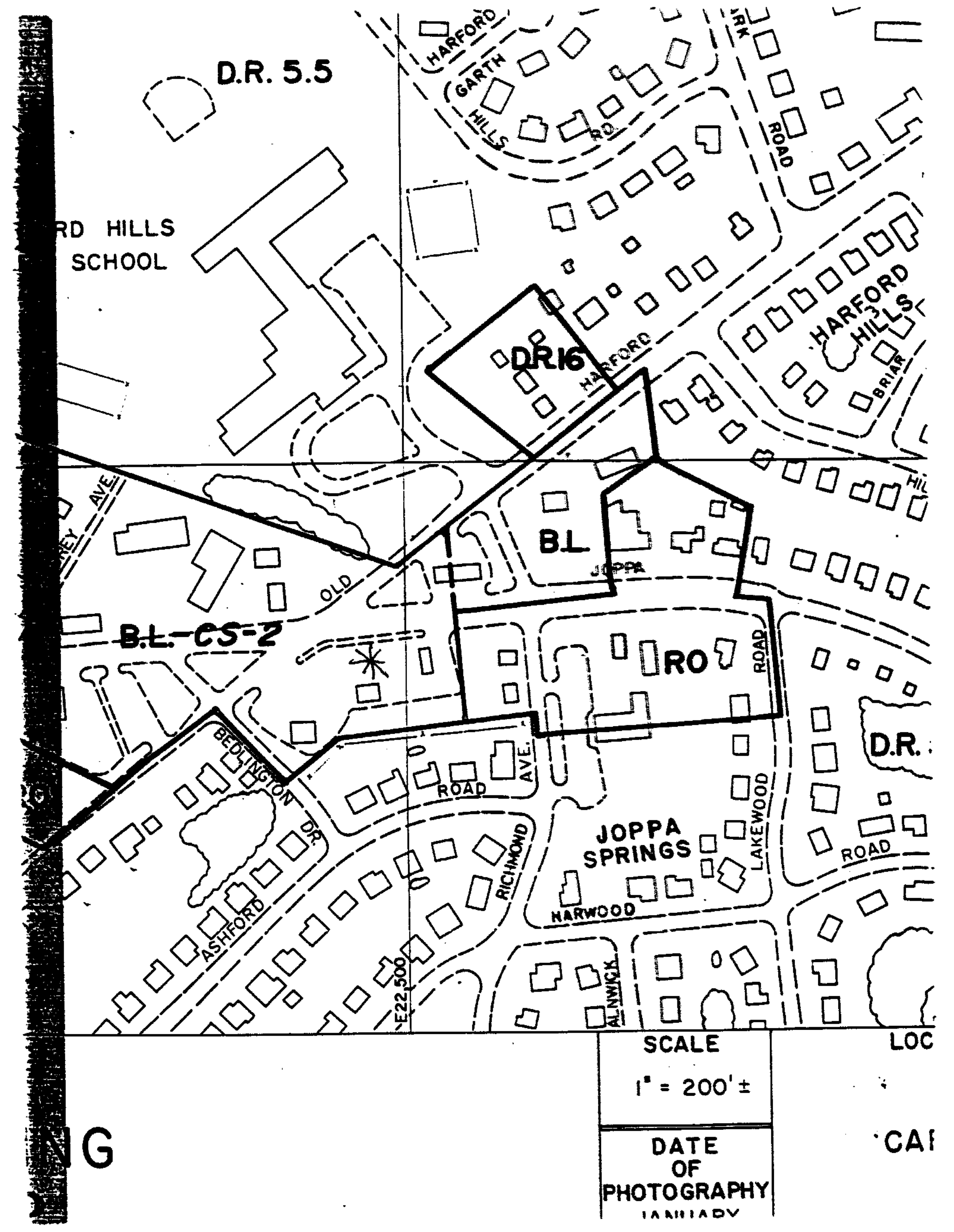
1. Joppa Rd./Old Harford


Joppa
Old Harford
Convenience Store
1 2 3 4 5 6
BUFFER
shade trees
Evergreen
shrubs
Fence
16'
houses front ON
Residential
Ashford

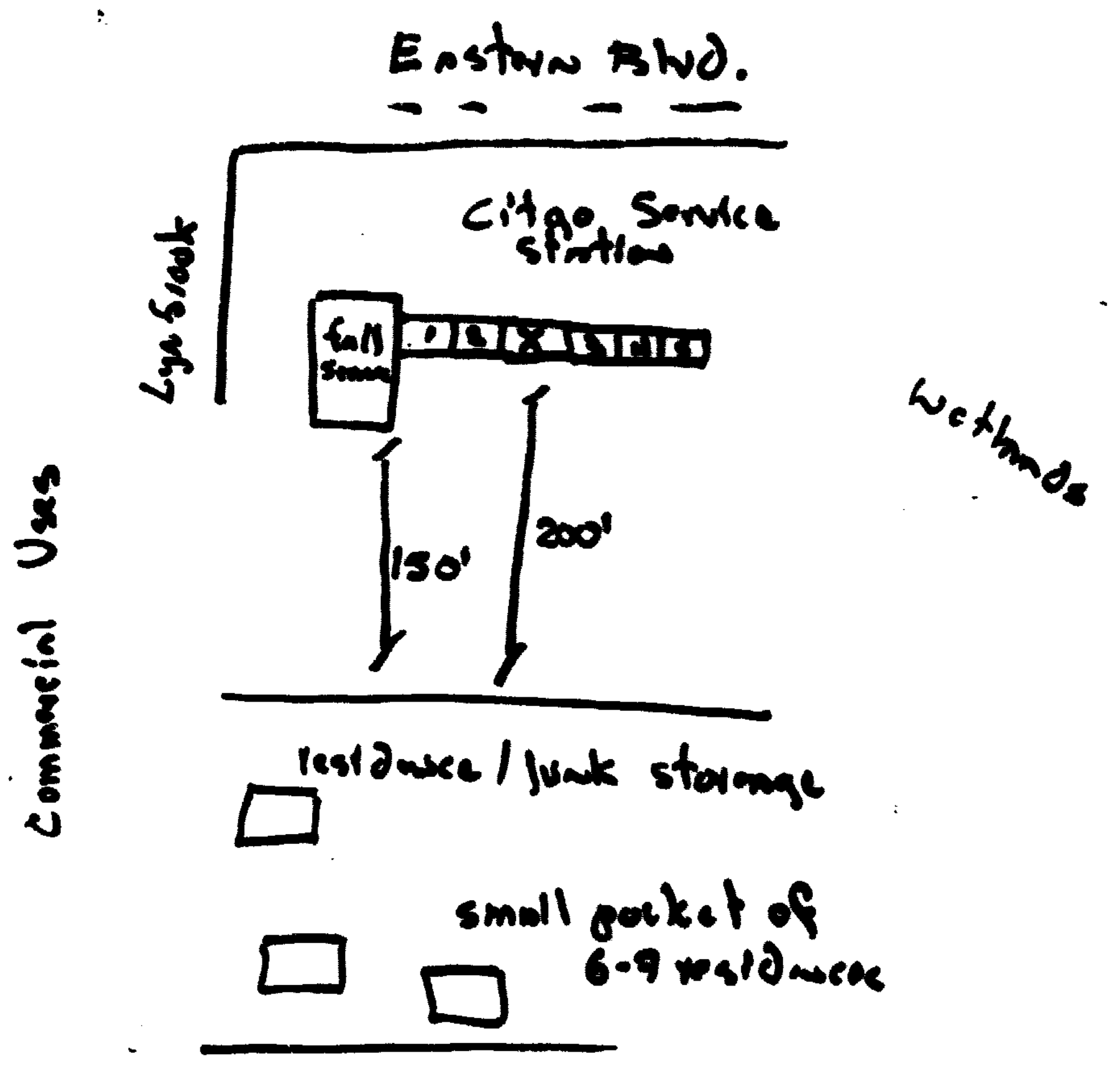
1. no rollover facility, 6 selfwash
2. buffer 16'-extensive, thick landscaping, fence next to rear yard not on public street
3. bldg. to rear property line 74'
4. interior landscaping
5. hours of operation 24hrs, 7 days
6. integrated with other commercial uses, good facility

Peoples Counsel #11B


D.R. 5.5
RD HILLS SCHOOL
HARFORD
GARTH
HILLS
ROAD
DR16
HARFORD HILLS
BL
JOPPA
RO
B.L-CS-2
OLD
ROAD
AVE.
JOPPA SPRINGS
HARWOOD
LAKEWOOD
ASHFORD
D.R.
SCALE
1" = 200'±
DATE OF PHOTOGRAPHY JANUARY
G
LOC
CAI

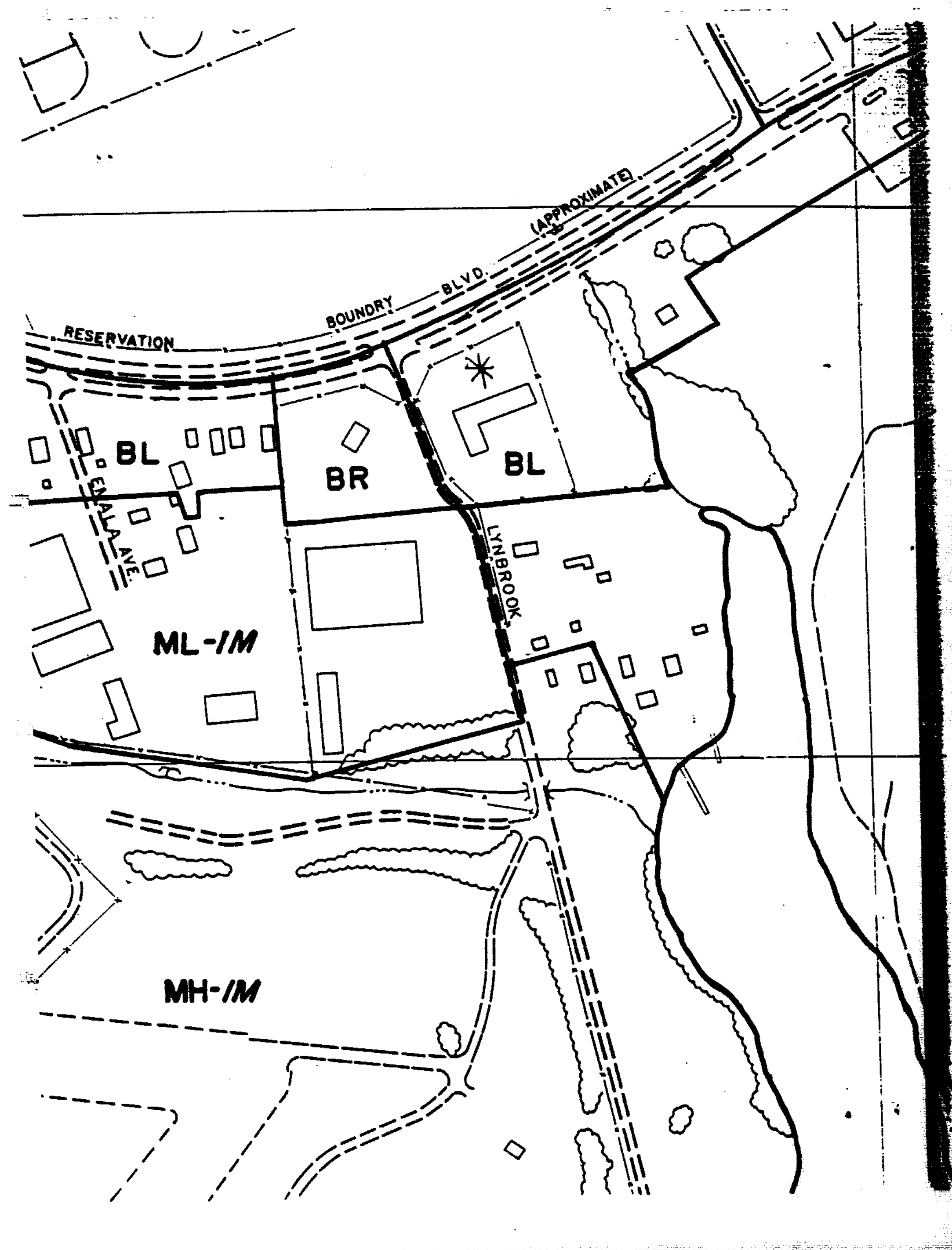
---

5. Eastern Blvd./Lynbrook Rd.

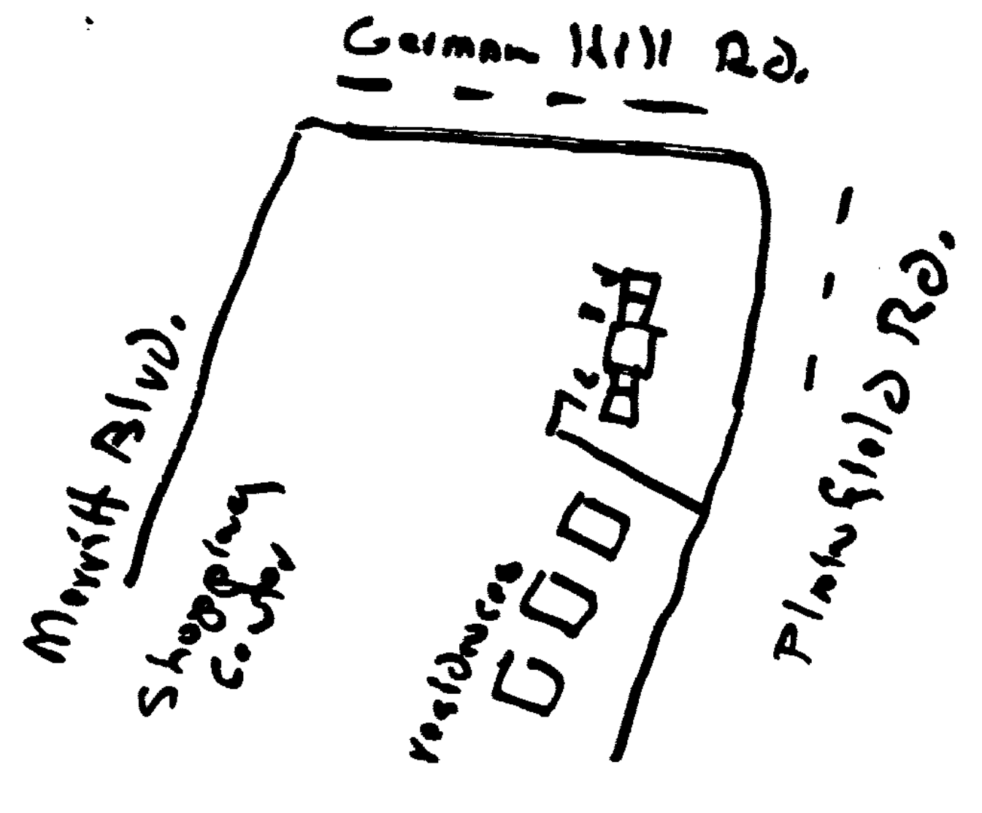

Eastern Blvd.
Citgo Service Station
full Service
1 2 3 4 5 6
Lyn Creek
wetlands
150'
200'
Commercial Uses
residence/junk storage
small pocket of 6-9 residences

1. 1 full service car wash
2. fence in rear, no landscaping
3. hours of operation
self wash - 7 days, 24 hrs.
full wash - 9-6 M,T,W,Th
9-5 Sunday
Later Friday

People's Counsel #11C

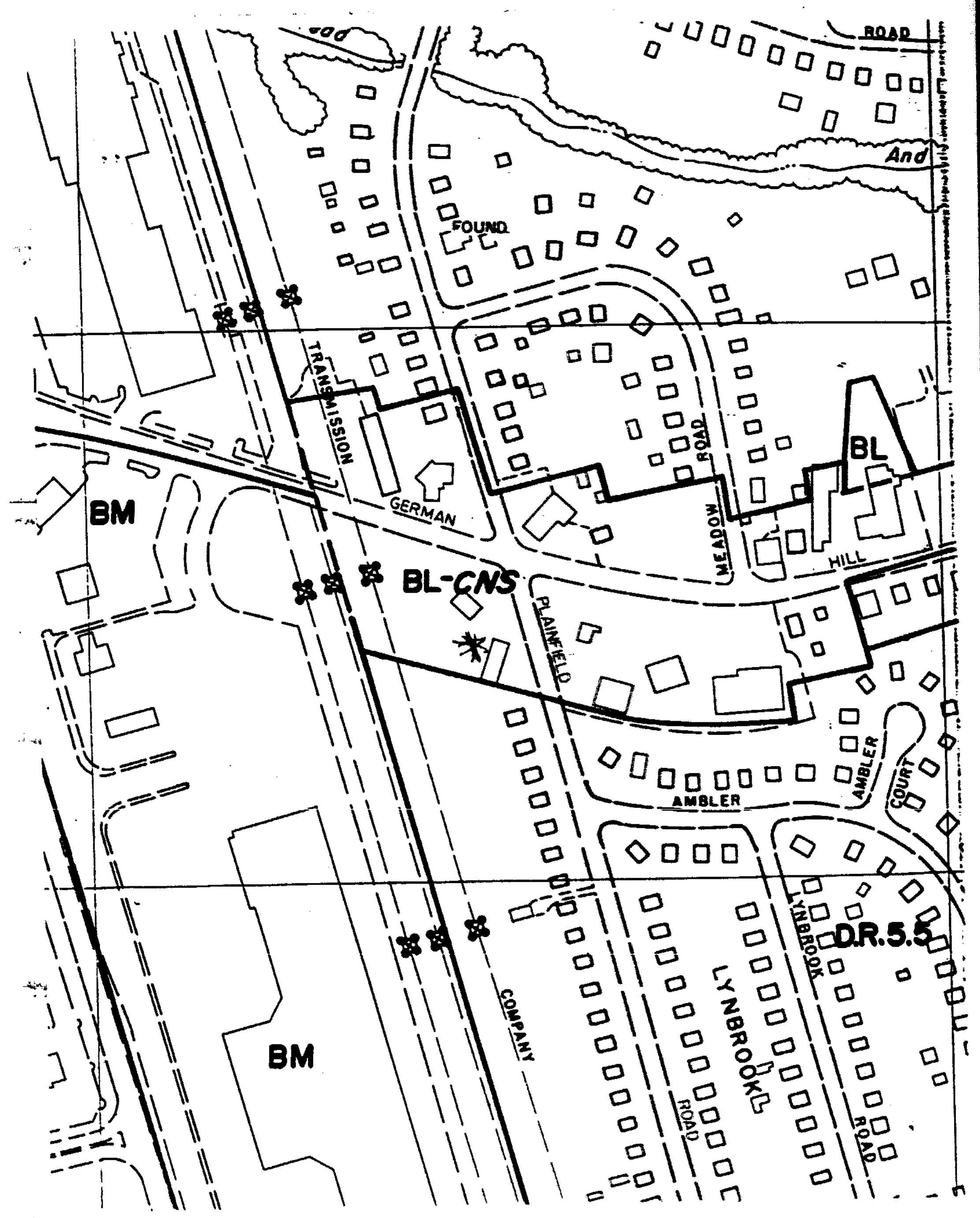

(APPROXIMATE)
RESERVATION
BOUNDRY BLVD.
BL
BR
BL
ML-IM
LYNBROOK
MH-IM

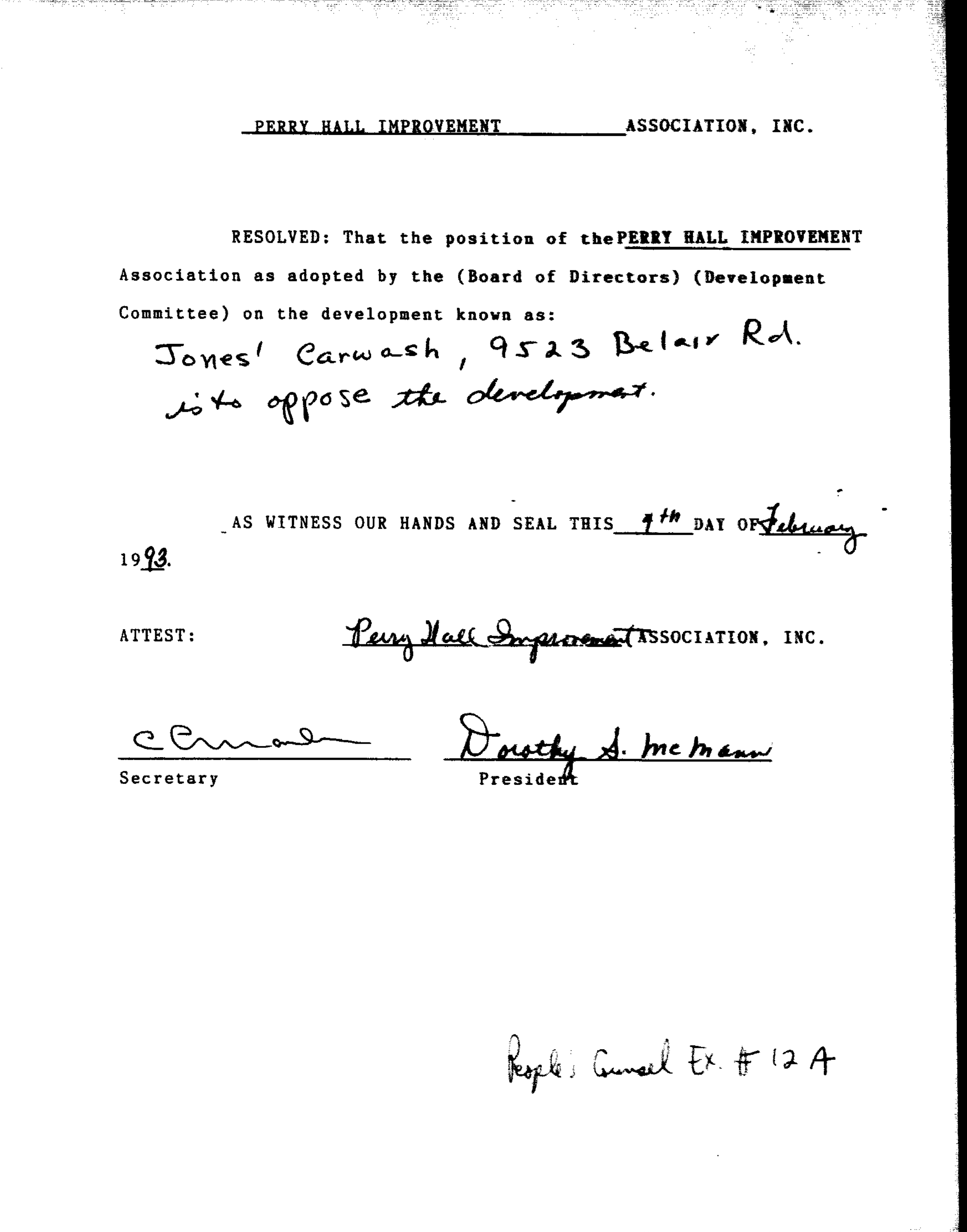
4 German Hill Road/Plainfield Rd.



1. no rollover facility, 4 self wash
2. no buffering, no landscaping this is an old scruffy, small car wash
3. adjoining residence is used for car repair and storage

People's Counsel #11 D





PERRY HALL IMPROVEMENT ASSOCIATION, INC.

RESOLVED: That the position of the PERRY HALL IMPROVEMENT Association as adopted by the (Board of Directors) (Development Committee) on the development known as:

Jones' Carwash, 9523 Belair Rd.
is to oppose the development.

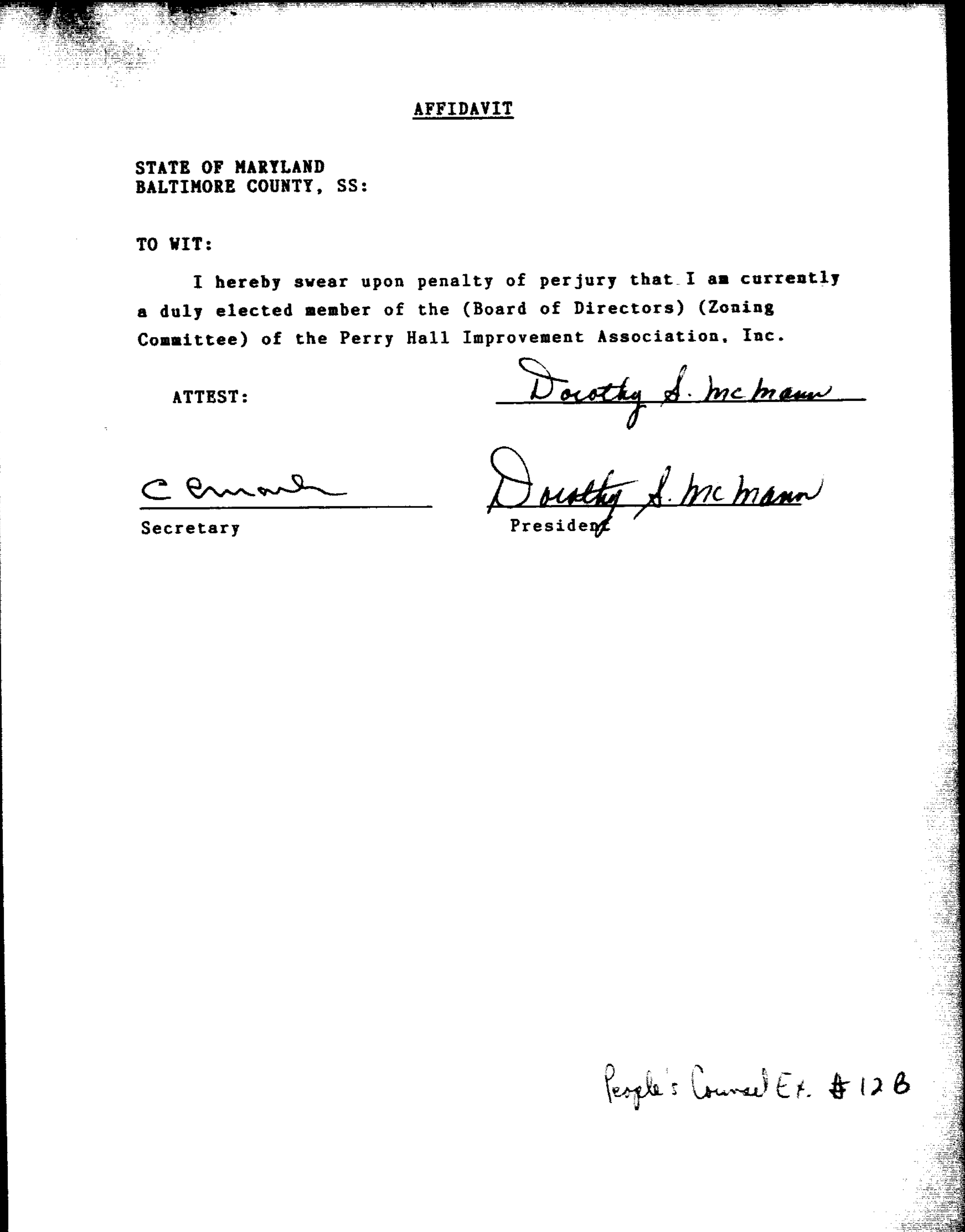
AS WITNESS OUR HANDS AND SEAL THIS 9th DAY OF February 1993.

ATTEST: Perry Hall Improvement ASSOCIATION, INC.

C Emard
Secretary

Dorothy S. McMann
President

People's Counsel Ex. #12 A



AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

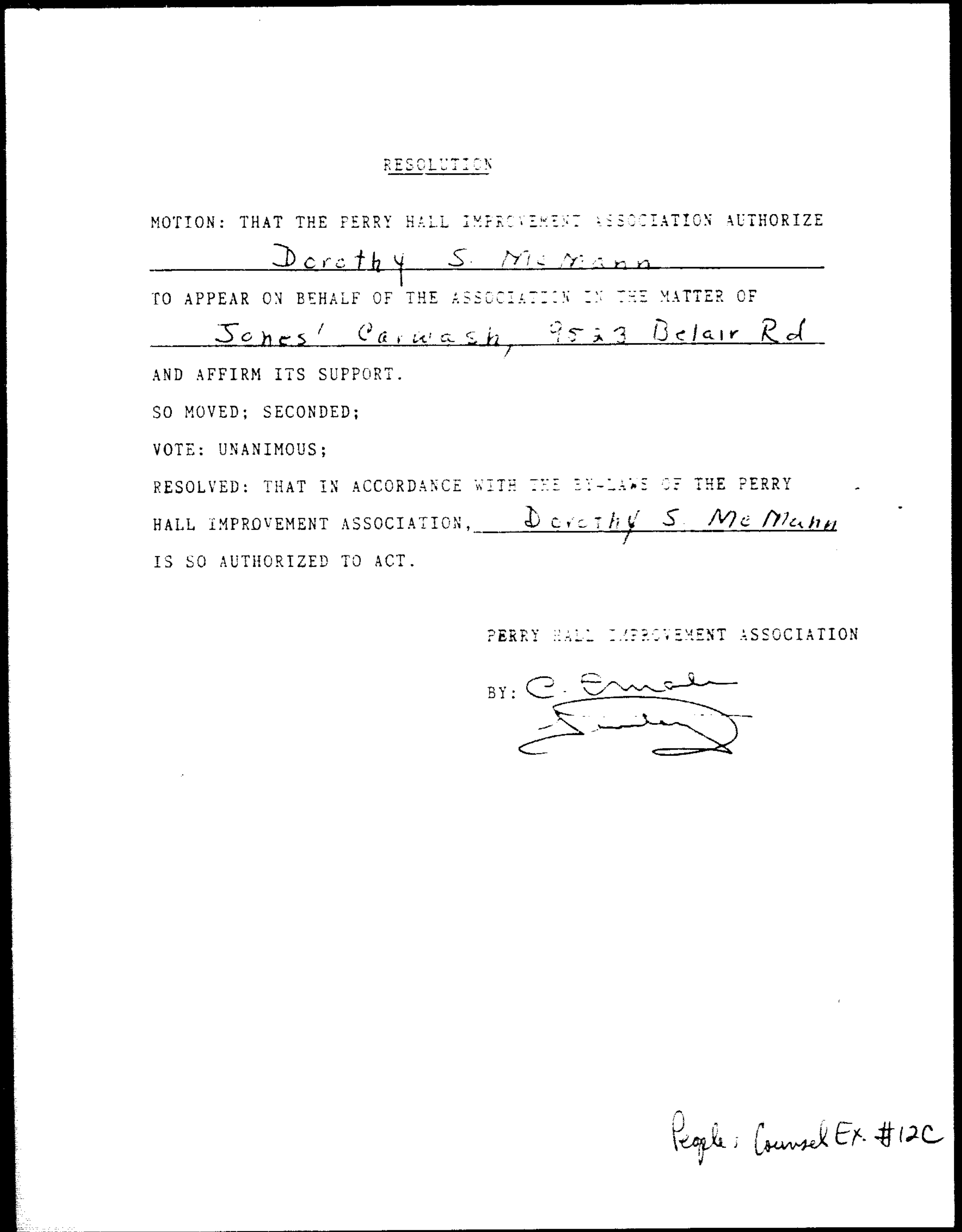
I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) (Zoning Committee) of the Perry Hall Improvement Association, Inc.

ATTEST: Dorothy S. McMann

C Emard
Secretary

Dorothy S. McMann
President

People's Counsel Ex. #12 B



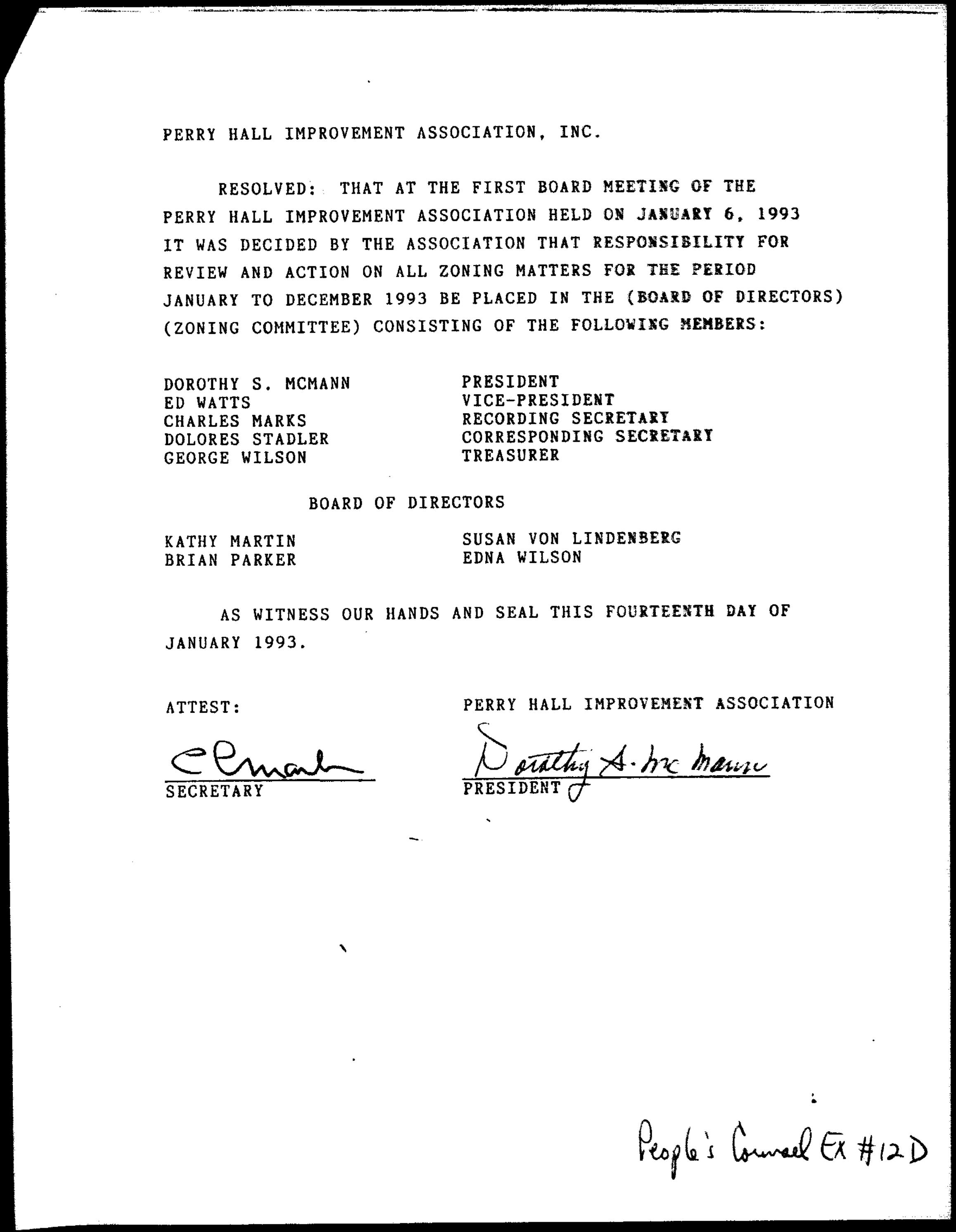
RESOLUTION

MOTION: THAT THE PERRY HALL IMPROVEMENT ASSOCIATION AUTHORIZE
Dorothy S. McMann
TO APPEAR ON BEHALF OF THE ASSOCIATION IN THE MATTER OF
Jones' Carwash, 9523 Belair Rd
AND AFFIRM ITS SUPPORT.
SO MOVED; SECONDED;
VOTE: UNANIMOUS;
RESOLVED: THAT IN ACCORDANCE WITH THE BY-LAWS OF THE PERRY HALL IMPROVEMENT ASSOCIATION, Dorothy S. McMann IS SO AUTHORIZED TO ACT.

PERRY HALL IMPROVEMENT ASSOCIATION

BY: C. Emard

People's Counsel Ex. #12C



PERRY HALL IMPROVEMENT ASSOCIATION, INC.

RESOLVED: THAT AT THE FIRST BOARD MEETING OF THE PERRY HALL IMPROVEMENT ASSOCIATION HELD ON JANUARY 6, 1993 IT WAS DECIDED BY THE ASSOCIATION THAT RESPONSIBILITY FOR REVIEW AND ACTION ON ALL ZONING MATTERS FOR THE PERIOD JANUARY TO DECEMBER 1993 BE PLACED IN THE (BOARD OF DIRECTORS) (ZONING COMMITTEE) CONSISTING OF THE FOLLOWING MEMBERS:

DOROTHY S. MCMANN	PRESIDENT
ED WATTS	VICE-PRESIDENT
CHARLES MARKS	RECORDING SECRETARY
DOLORES STADLER	CORRESPONDING SECRETARY
GEORGE WILSON	TREASURER

BOARD OF DIRECTORS

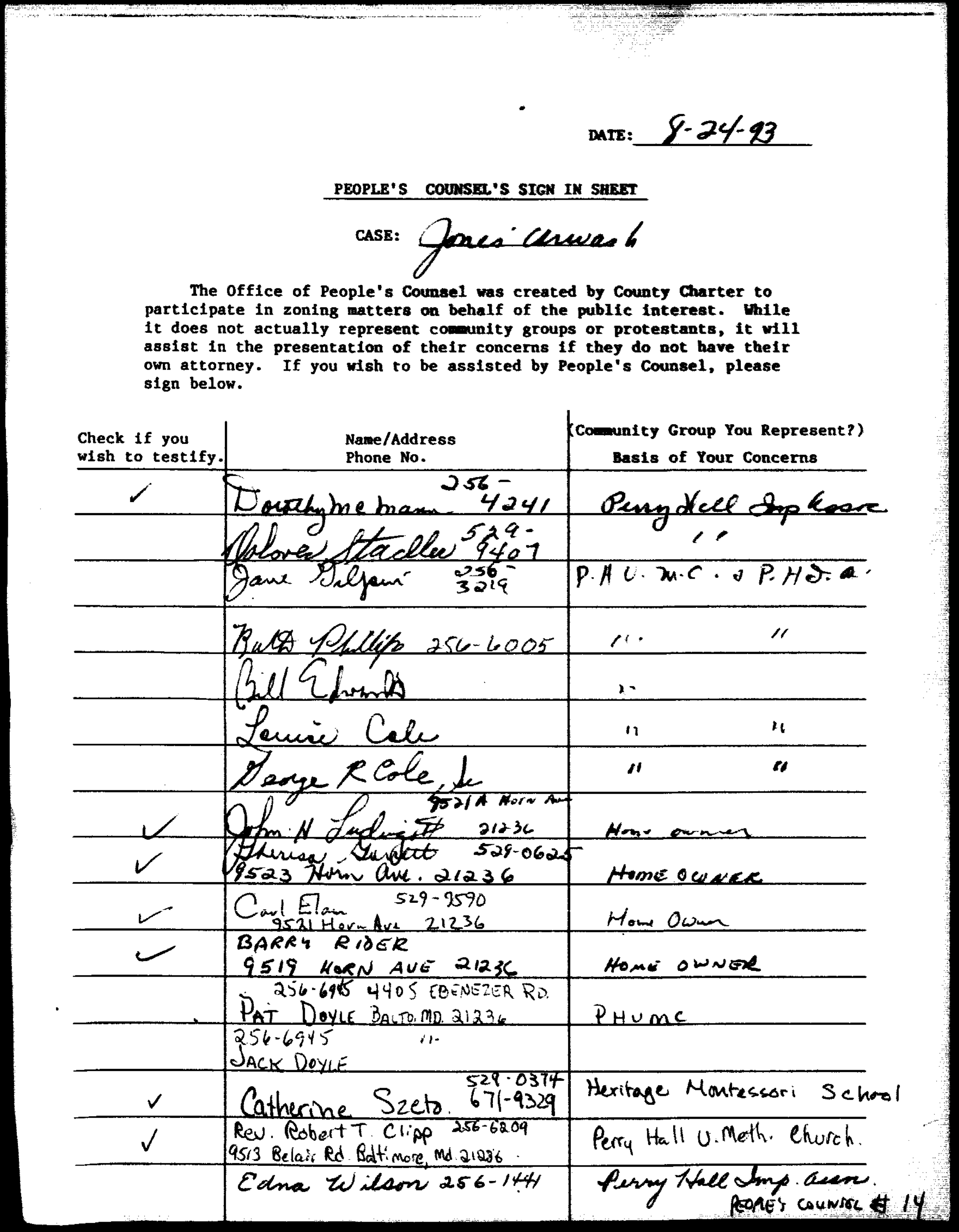
KATHY MARTIN
BRIAN PARKER
SUSAN VON LINDENBERG
EDNA WILSON

AS WITNESS OUR HANDS AND SEAL THIS FOURTEENTH DAY OF JANUARY 1993.

ATTEST:
C Emard
SECRETARY

PERRY HALL IMPROVEMENT ASSOCIATION
Dorothy S. McMann
PRESIDENT

People's Counsel Ex #12D



DATE: 8-24-93

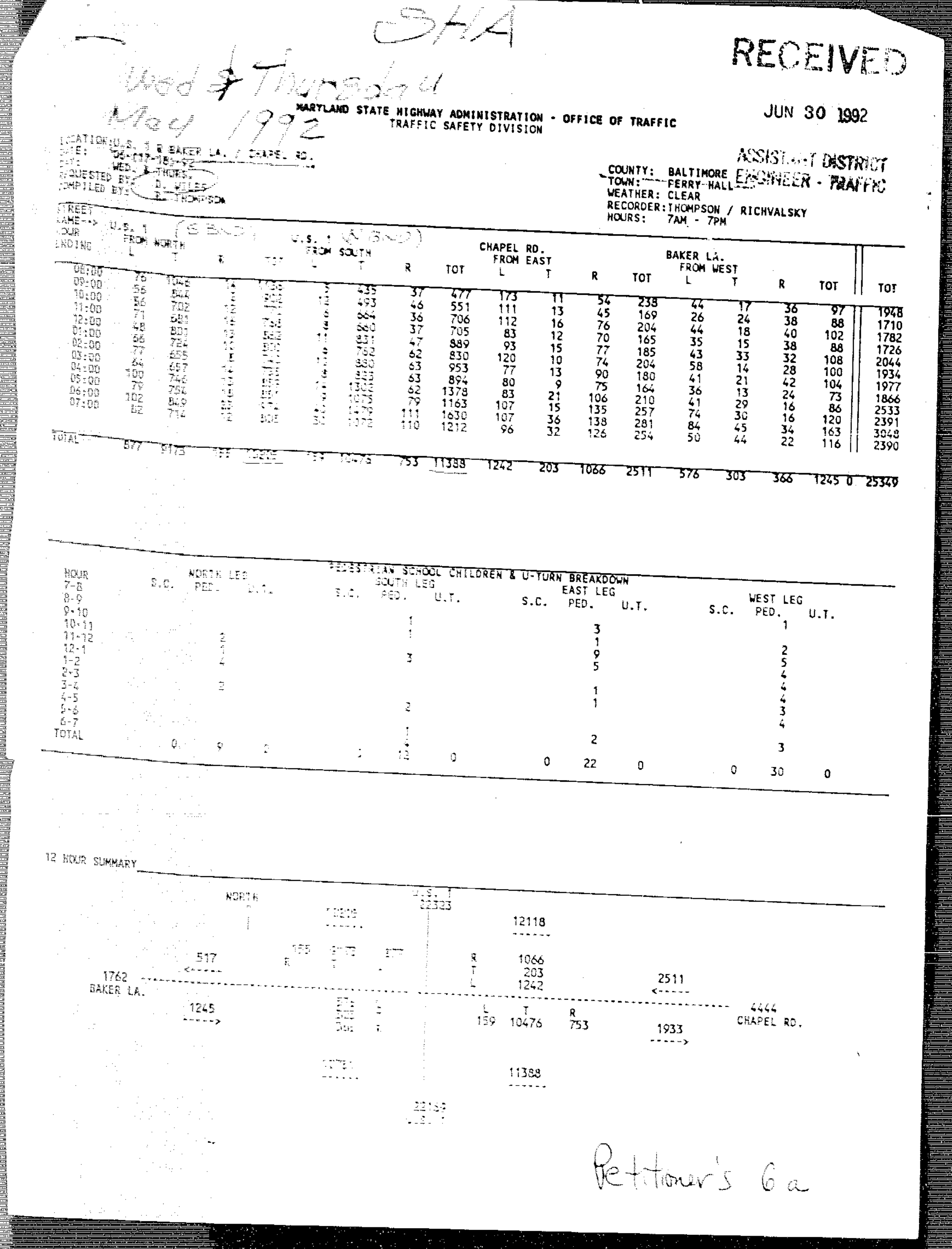
PEOPLE'S COUNSEL'S SIGN IN SHEET

CASE: Jones' Carwash

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

Check if you wish to testify.	Name/Address Phone No.	(Community Group You Represent?) Basis of Your Concerns
✓	Dorothy McMann 256-4241	Perry Hall Imp Assoc
	Dolores Stadler 529-9407	"
	Jane Gilpin 256-3219	P.H.U.M.C. & P.H.I.A.
	Ruth Phillips 256-6005	" "
	Bill Edwards	"
	Louise Cole	" "
	George R Cole, Jr	" "
✓	John H Ludwig 9521A Horn Ave 21236	Home owner
✓	Theresa Garrett 529-0625 9523 Horn Ave. 21236	HOME OWNER
✓	Carl Elam 529-9590 9521 Horn Ave 21236	Home Owner
✓	BARRY RIDER 9519 HORN AVE 21236	HOME OWNER
	256-6945 4405 EBENEZER RD. PAT DOYLE BALTO. MD. 21236	PHUMC
	256-6945 " JACK DOYLE	
✓	Catherine Szeto 529-0374 671-9329	Heritage Montessori School
✓	Rev. Robert T. Clipp 256-6209 9513 Belair Rd Baltimore, Md 21236	Perry Hall U. Meth. Church.
	Edna Wilson 256-1441	Perry Hall Imp. Assn.

PEOPLE'S COUNSEL # 14



SHA

Wed & Thursday
May 1992

RECEIVED
JUN 30 1992
ASSISTANT DISTRICT ENGINEER - TRAFFIC

MARYLAND STATE HIGHWAY ADMINISTRATION - OFFICE OF TRAFFIC
TRAFFIC SAFETY DIVISION

LOCATION: U.S. 1 @ BAKER LA. / CHAPEL RD.
DATE: 05-(17-18)-92
DAY: WED. & THURS.
REQUESTED BY: D. WILES
COMPILED BY: E. THOMPSON

COUNTY: BALTIMORE
TOWN: PERRY HALL
WEATHER: CLEAR
RECORDER: THOMPSON / RICHVALSKY
HOURS: 7AM - 7PM

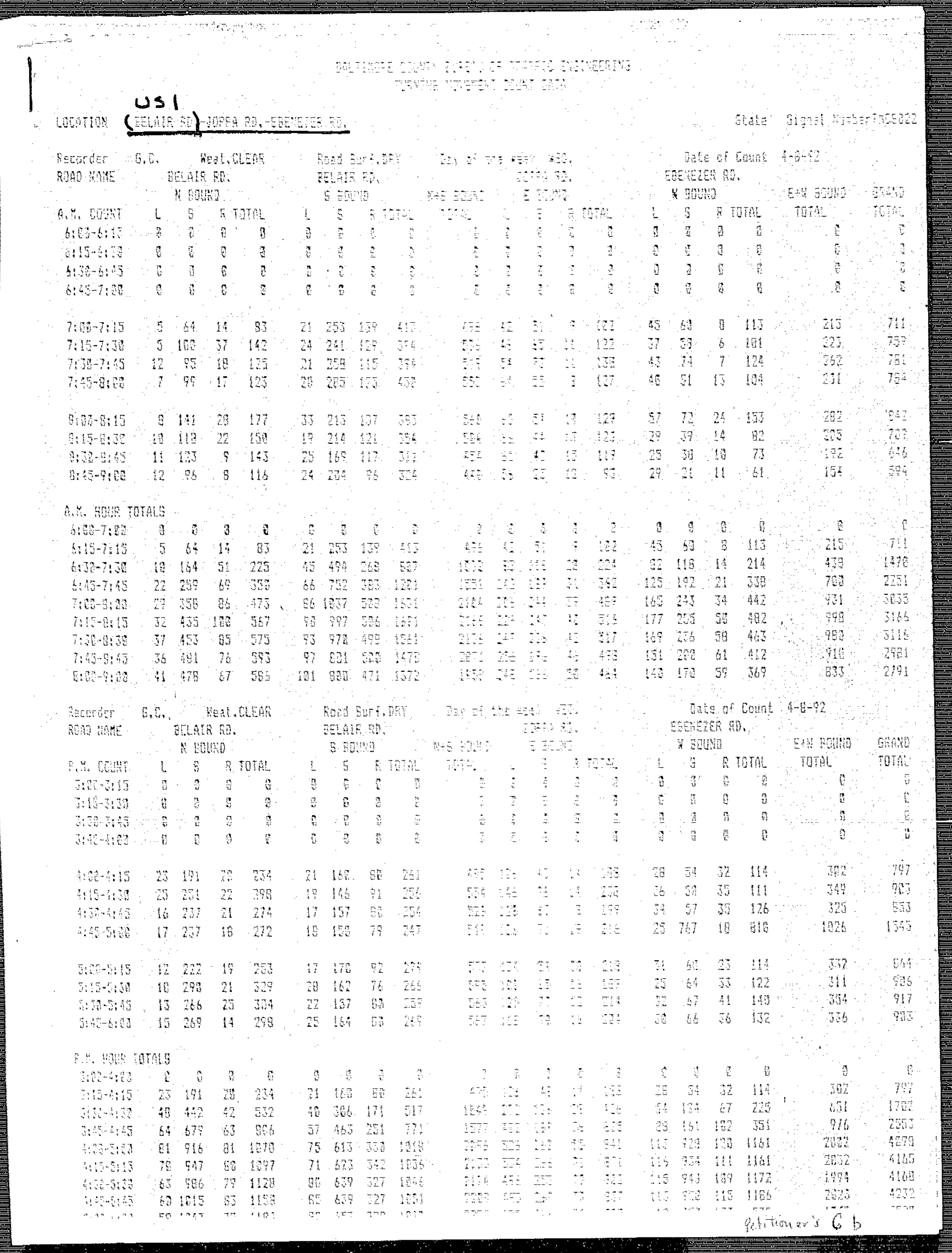
STREET NAME--> HOUR ENDING	U.S. 1 (S BND) FROM NORTH L	T	R	TOT	U.S. 1 (N BND) FROM SOUTH L	T	R	TOT	CHAPEL RD. FROM EAST L	T	R	TOT	BAKER LA. FROM WEST L	T	R	TOT	TOT
08:00	76	1046	14	[illegible]	[illegible]	435	37	477	173	11	54	238	44	17	36	97	1948
09:00	56	544	[illegible]	[illegible]	[illegible]	493	46	551	111	13	45	169	26	24	38	88	1710
10:00	56	702	12	[illegible]	[illegible]	664	36	706	112	16	76	204	44	18	40	102	1782
11:00	71	681	14	766	[illegible]	660	37	705	83	12	70	165	35	15	38	88	1726
12:00	48	801	13	862	11	831	47	889	93	15	77	185	43	33	32	108	2044
01:00	66	724	10	800	[illegible]	762	62	830	120	10	74	204	58	14	28	100	1934
02:00	77	655	[illegible]	[illegible]	[illegible]	880	63	953	77	13	90	180	41	21	42	104	1977
03:00	64	657	14	735	[illegible]	823	63	894	80	9	75	164	36	13	24	73	1866
04:00	100	746	13	[illegible]	[illegible]	1302	62	1378	83	21	106	210	41	29	16	86	2533
05:00	79	752	18	[illegible]	[illegible]	1073	79	1163	107	15	135	257	74	30	16	120	2391
06:00	102	849	23	[illegible]	[illegible]	1479	111	1630	107	36	138	281	84	45	34	163	3048
07:00	82	714	12	808	30	1072	110	1212	96	32	126	254	50	44	22	116	2390
TOTAL	577	9175	[illegible]	[illegible]	[illegible]	10476	753	11388	1242	203	1066	2511	576	303	366	1245	0 25349

PEDESTRIAN SCHOOL CHILDREN & U-TURN BREAKDOWN

HOUR	NORTH LEG S.C.	PED.	U.T.	SOUTH LEG S.C.	PED.	U.T.	EAST LEG S.C.	PED.	U.T.	WEST LEG S.C.	PED.	U.T.
7-8					1			3			1	
8-9		2			1			1				
9-10		1						9			2	
10-11		4			3			5			5	
11-12											4	
12-1		2						1			4	
1-2								1			4	
2-3					2						3	
3-4											4	
4-5					1			2				
5-6					4						3	
6-7												
TOTAL	0	9	2	[illegible]	12	0	0	22	0	0	30	0

12 HOUR SUMMARY

Petitioner's 6a



BALTIMORE COUNTY BUREAU OF TRAFFIC ENGINEERING
TURNING MOVEMENT COUNT DATA

LOCATION US1 (BELAIR RD)-JOPPA RD.-EBENEZER RD.   State Signal Number

Recorder G.C.   Weat. CLEAR   Road Surf. DRY   Day of the week WED.   Date of Count 4-8-92

ROAD NAME: BELAIR RD. N BOUND; BELAIR RD. S BOUND; N+S BOUND TOTAL; JOPPA RD. E BOUND; EBENEZER RD. W BOUND; E+W BOUND TOTAL; GRAND TOTAL

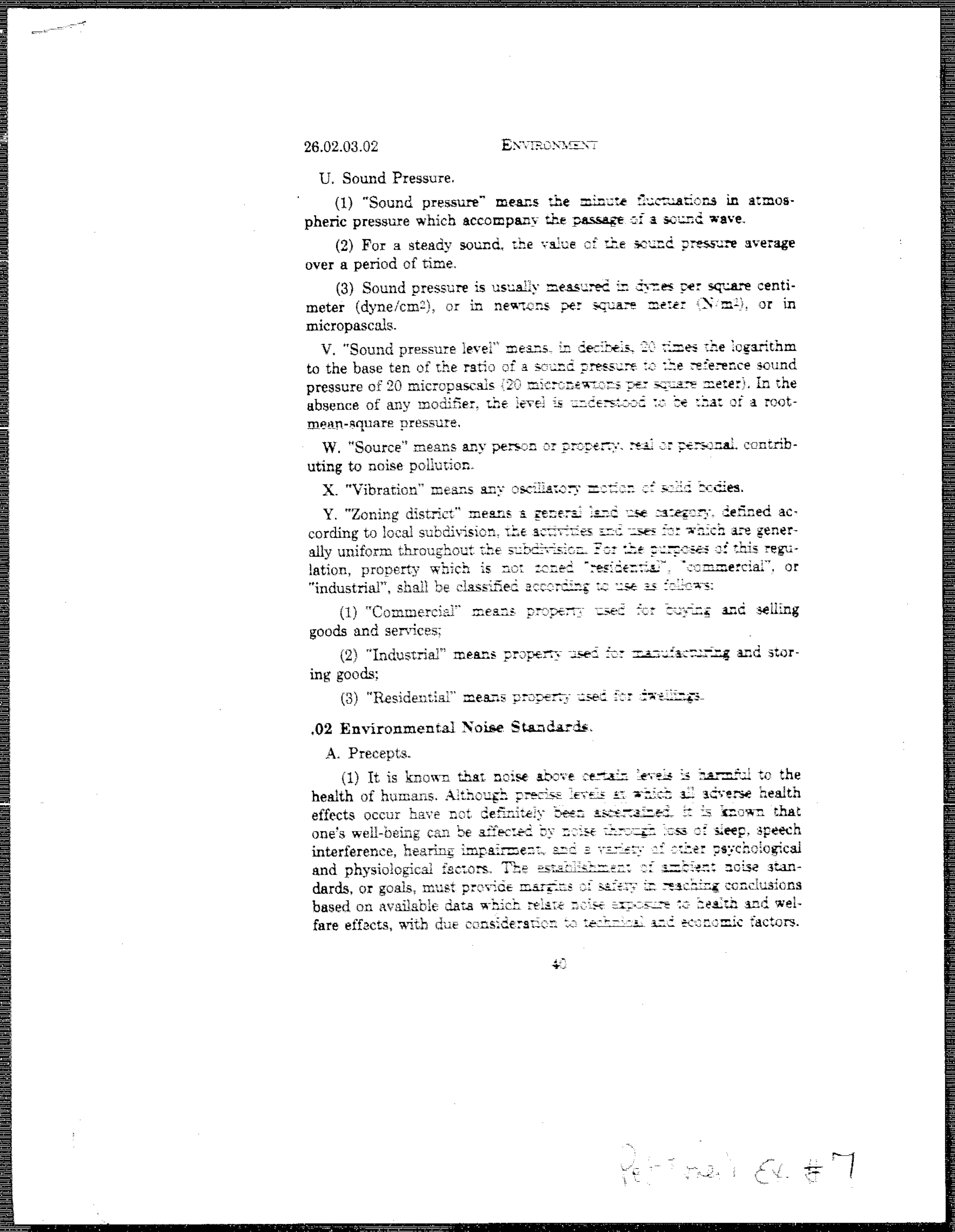
A.M. COUNT

A.M. HOUR TOTALS

P.M. COUNT

P.M. HOUR TOTALS

Petitioner's 6b



26.02.03.02 ENVIRONMENT

U. Sound Pressure.

(1) "Sound pressure" means the minute fluctuations in atmospheric pressure which accompany the passage of a sound wave.

(2) For a steady sound, the value of the sound pressure average over a period of time.

(3) Sound pressure is usually measured in dynes per square centimeter (dyne/cm^2), or in newtons per square meter (N/m^2), or in micropascals.

V. "Sound pressure level" means, in decibels, 20 times the logarithm to the base ten of the ratio of a sound pressure to the reference sound pressure of 20 micropascals (20 micronewtons per square meter). In the absence of any modifier, the level is understood to be that of a root-mean-square pressure.

W. "Source" means any person or property, real or personal, contributing to noise pollution.

X. "Vibration" means any oscillatory motion of solid bodies.

Y. "Zoning district" means a general land use category, defined according to local subdivision, the activities and uses for which are generally uniform throughout the subdivision. For the purposes of this regulation, property which is not zoned "residential", "commercial", or "industrial", shall be classified according to use as follows:

(1) "Commercial" means property used for buying and selling goods and services;

(2) "Industrial" means property used for manufacturing and storing goods;

(3) "Residential" means property used for dwellings.

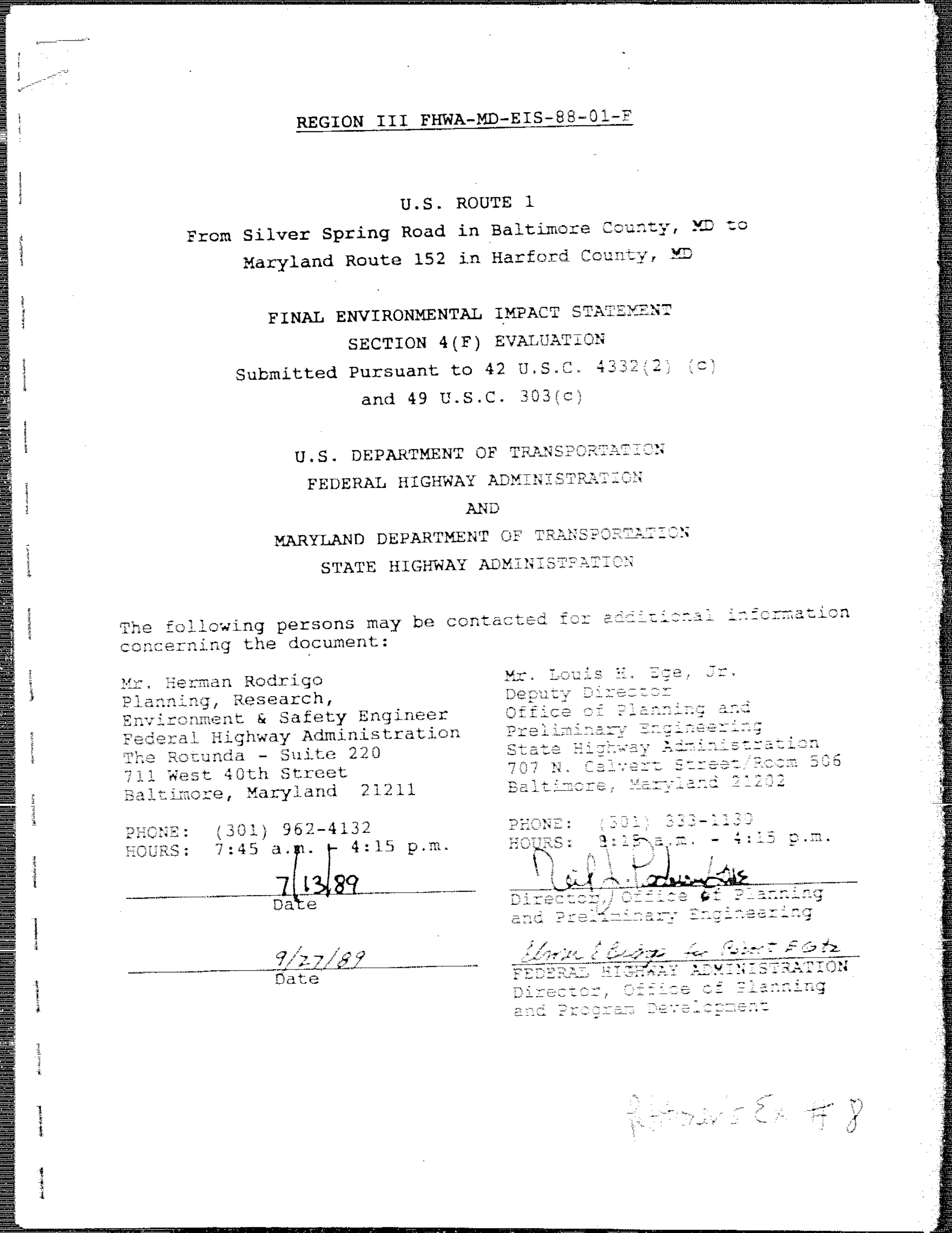
.02 Environmental Noise Standards.

A. Precepts.

(1) It is known that noise above certain levels is harmful to the health of humans. Although precise levels at which all adverse health effects occur have not definitely been ascertained, it is known that one's well-being can be affected by noise through loss of sleep, speech interference, hearing impairment, and a variety of other psychological and physiological factors. The establishment of ambient noise standards, or goals, must provide margins of safety in reaching conclusions based on available data which relate noise exposure to health and welfare effects, with due consideration to technical and economic factors.

40

Petitioner's Ex. #7



REGION III FHWA-MD-EIS-88-01-F

U.S. ROUTE 1
From Silver Spring Road in Baltimore County, MD to
Maryland Route 152 in Harford County, MD

FINAL ENVIRONMENTAL IMPACT STATEMENT
SECTION 4(F) EVALUATION
Submitted Pursuant to 42 U.S.C. 4332(2) (c)
and 49 U.S.C. 303(c)

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
AND
MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

The following persons may be contacted for additional information concerning the document:

Mr. Herman Rodrigo
Planning, Research,
Environment & Safety Engineer
Federal Highway Administration
The Rotunda - Suite 220
711 West 40th Street
Baltimore, Maryland 21211

PHONE: (301) 962-4132
HOURS: 7:45 a.m. - 4:15 p.m.

Mr. Louis H. Ege, Jr.
Deputy Director
Office of Planning and
Preliminary Engineering
State Highway Administration
707 N. Calvert Street/Room 506
Baltimore, Maryland 21202

PHONE: (301) 333-1130
HOURS: 8:15 a.m. - 4:15 p.m.

7/13/89
Date

Director, Office of Planning
and Preliminary Engineering

9/27/89
Date

FEDERAL HIGHWAY ADMINISTRATION
Director, Office of Planning
and Program Development

Petitioner's Ex. #8

238-95

JONES CARWASH

CBA-93-133 & 93-214-SPHX

PETITIONER'S #10a & b

CCT# 93-CV-10861/68/143

Box 179

10a
Row 1

10a
Row 5

10 9
Row 4

10 9
Row 2

TRAFFIC
CHURCH
USE ONLY

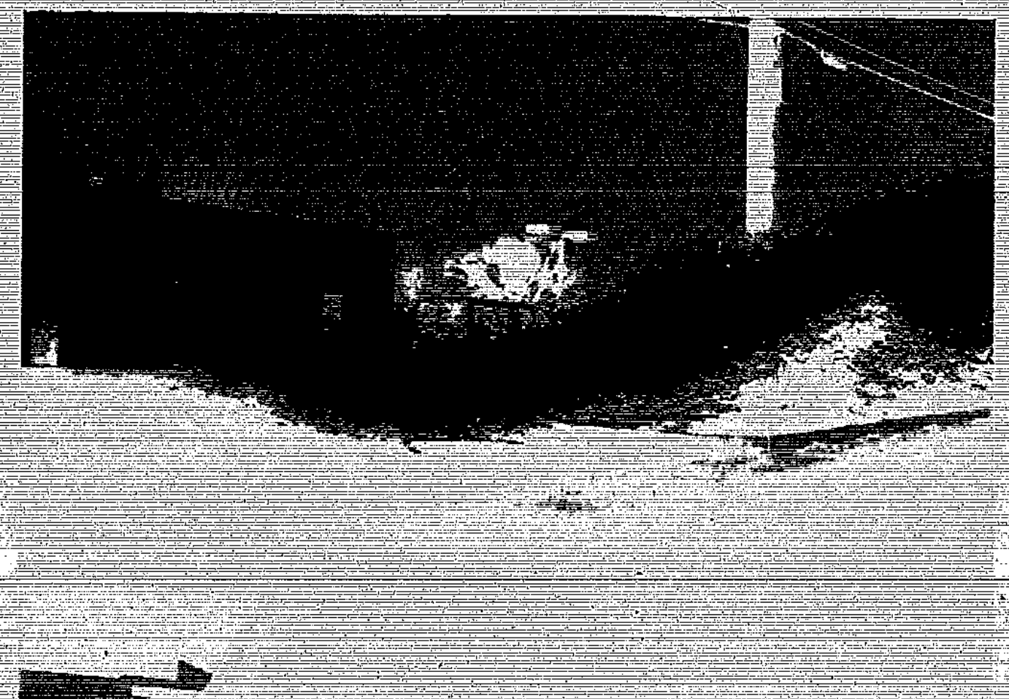
10 9
Row 3

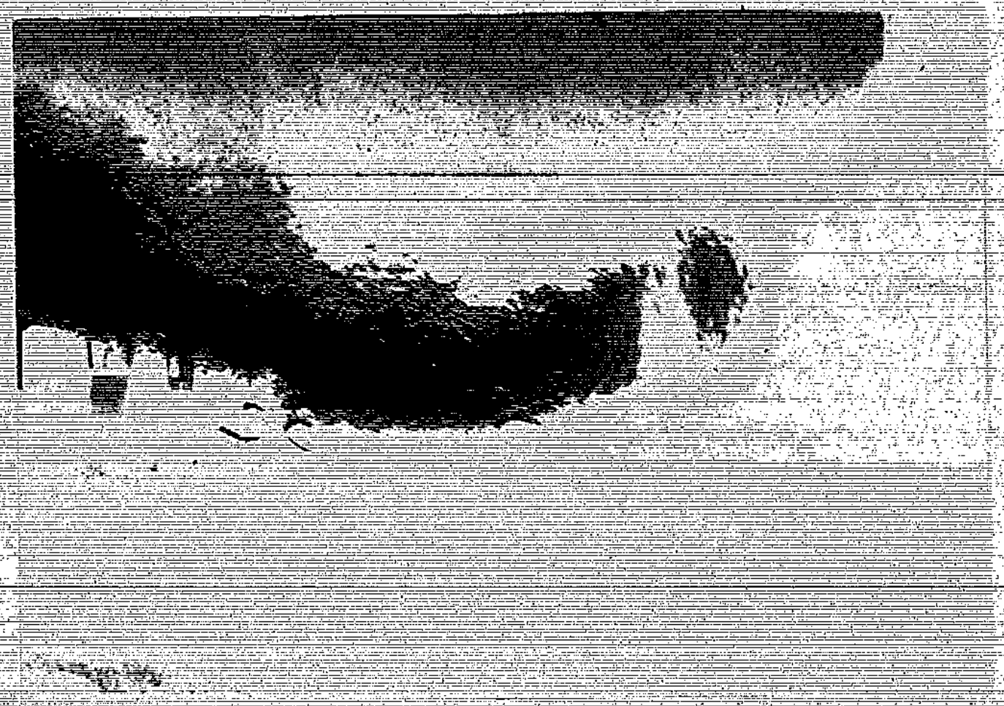
PETITIONER
ZC EXHIBTS
5, 6, 7, AND 8

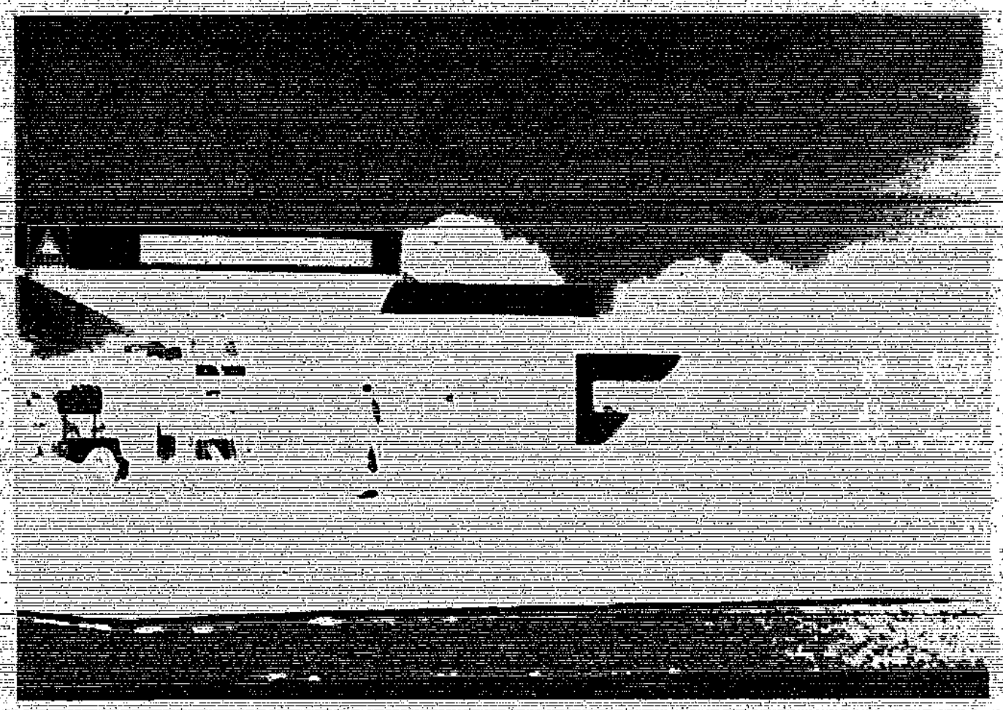
PHOTOGRAPHS

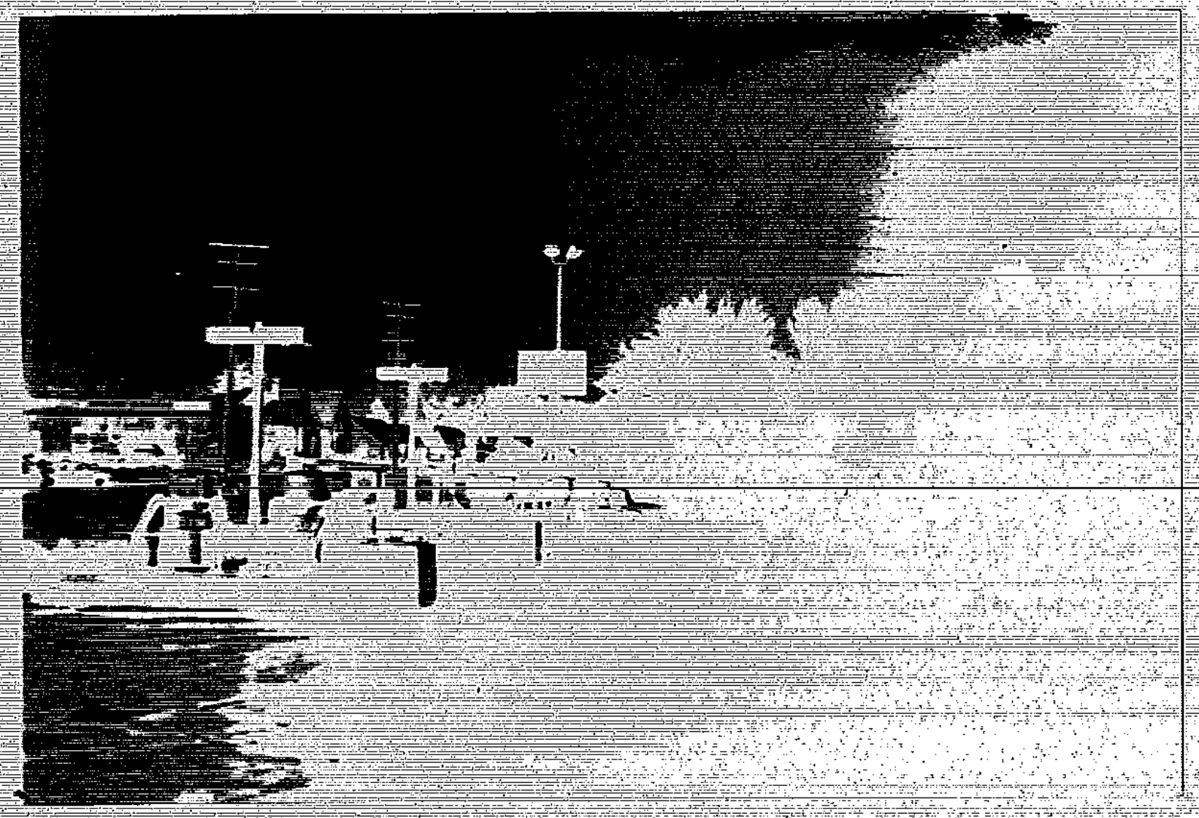
CBA # 93-133
93-214-SPHX

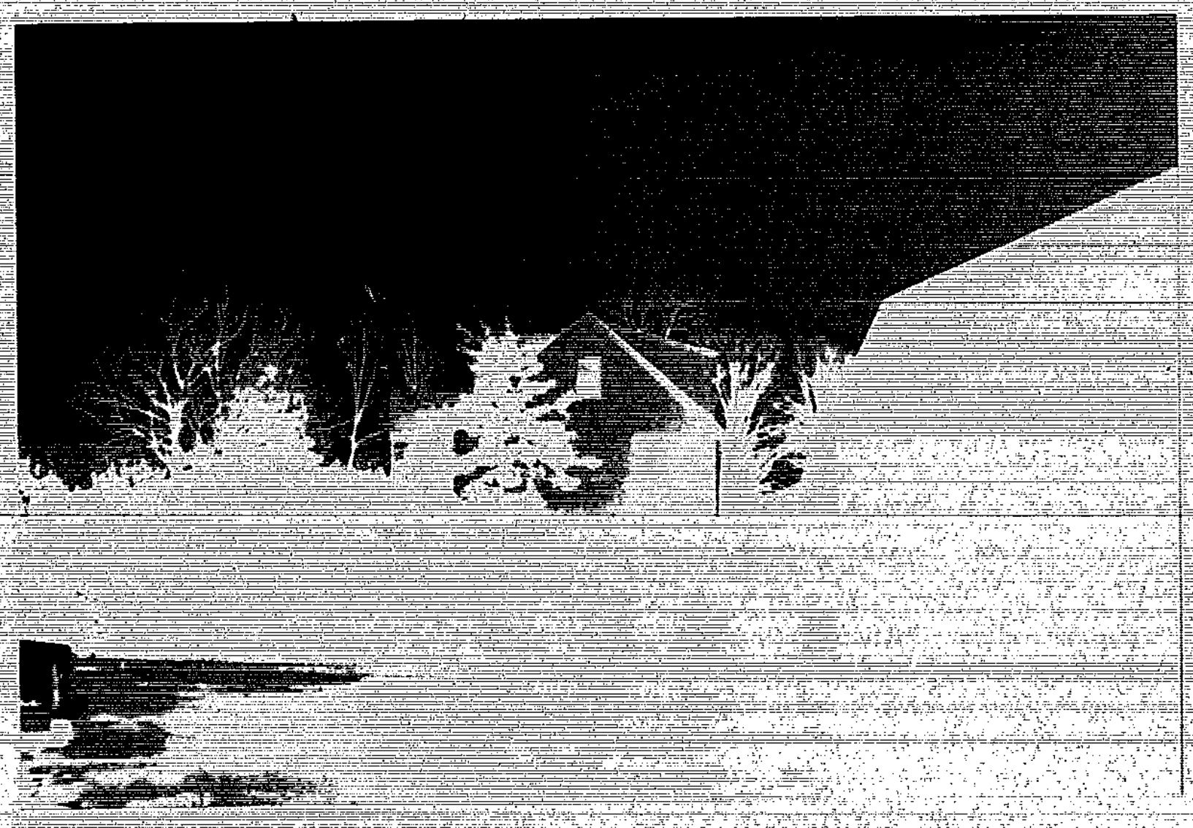
JONES CARWASH
8-4-93
Petitioner's Ex. #'s 11 a-g
#'s 12 a-g
#'s 13 a-d
#'s 14 a-b

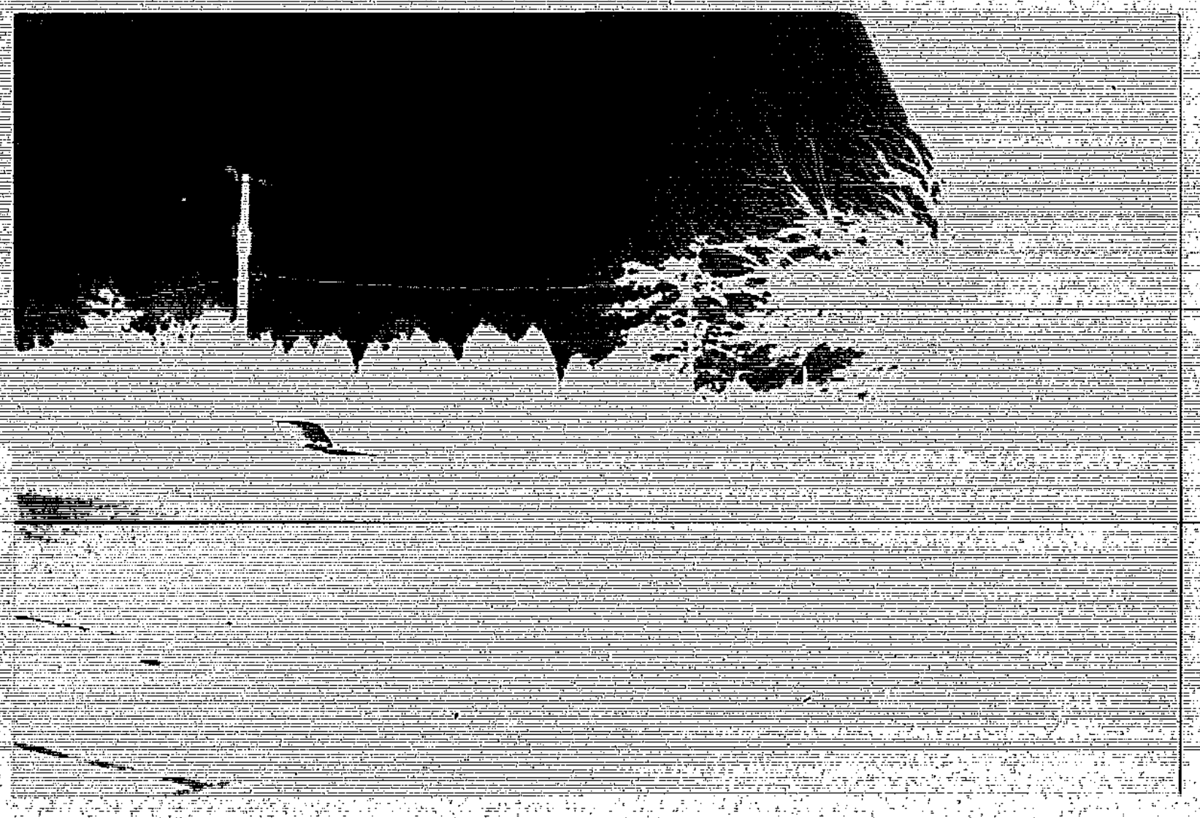


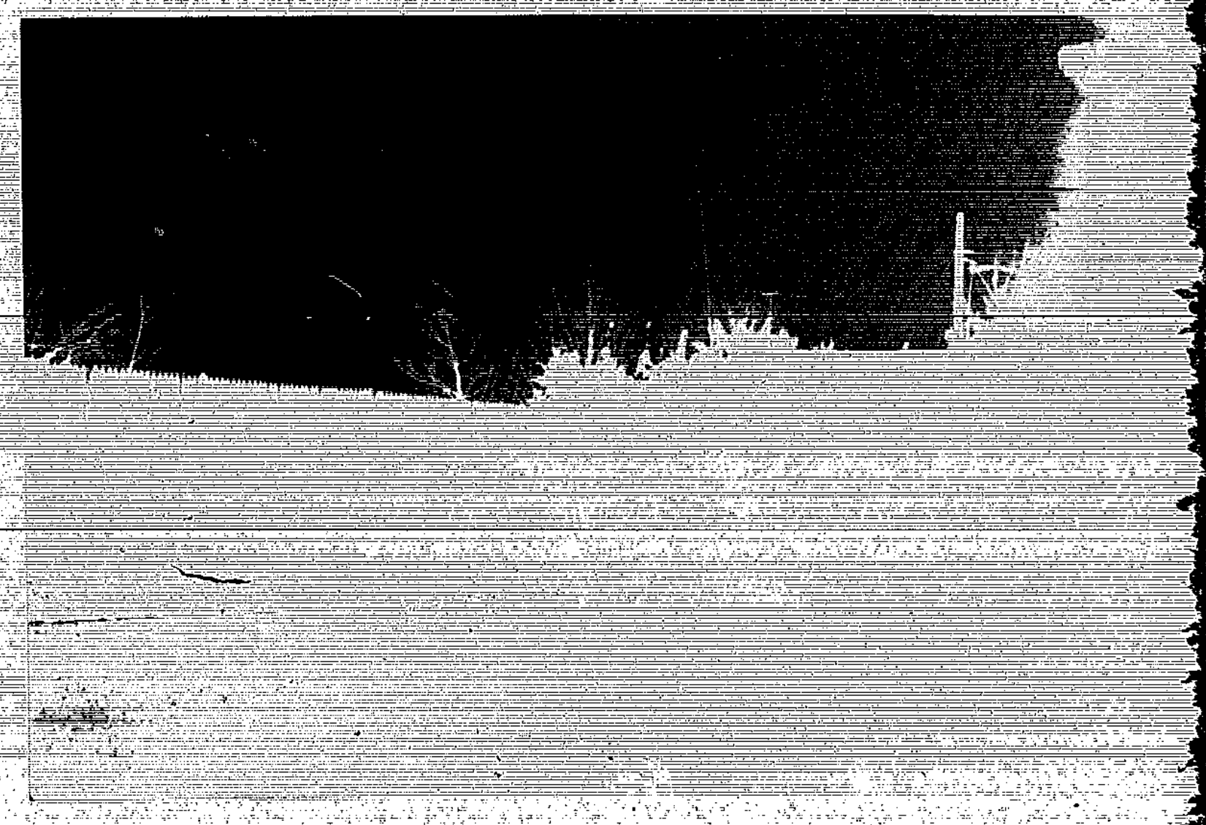












PETITIONER

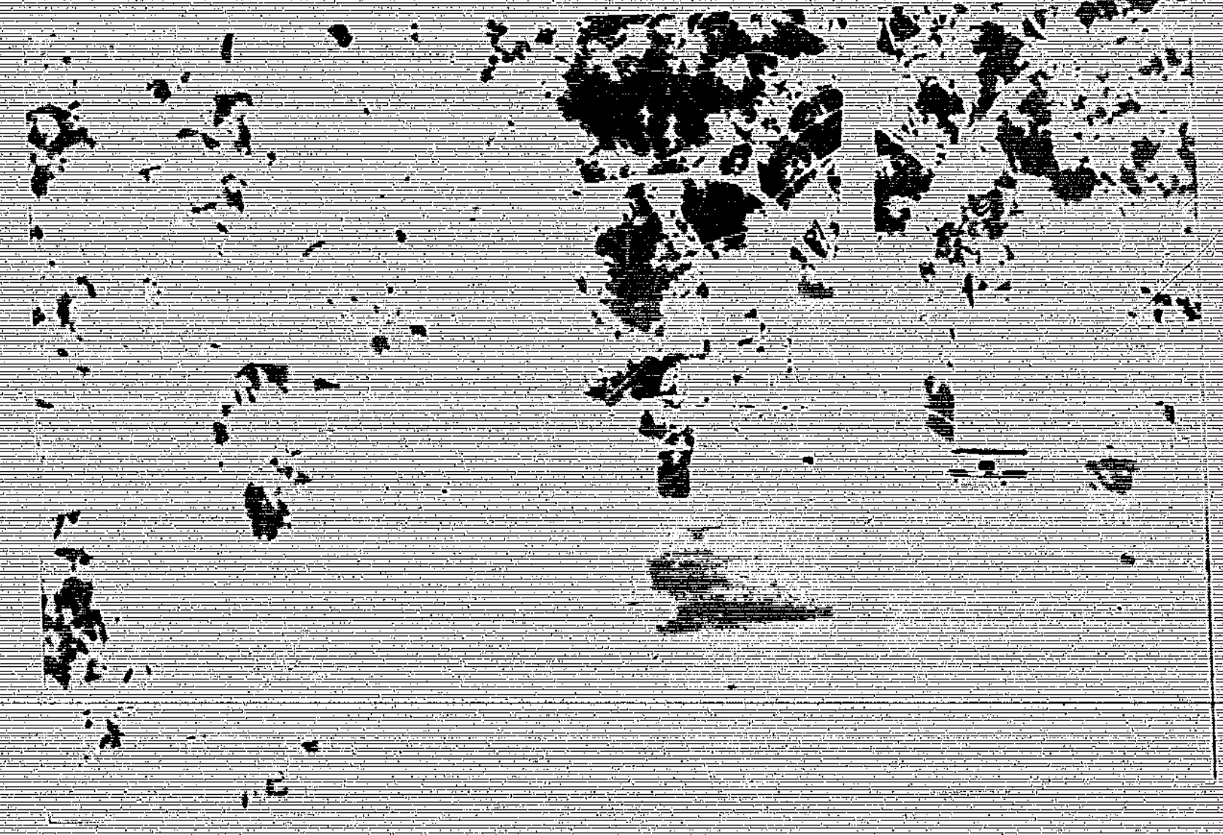
ZC EXHIBTS

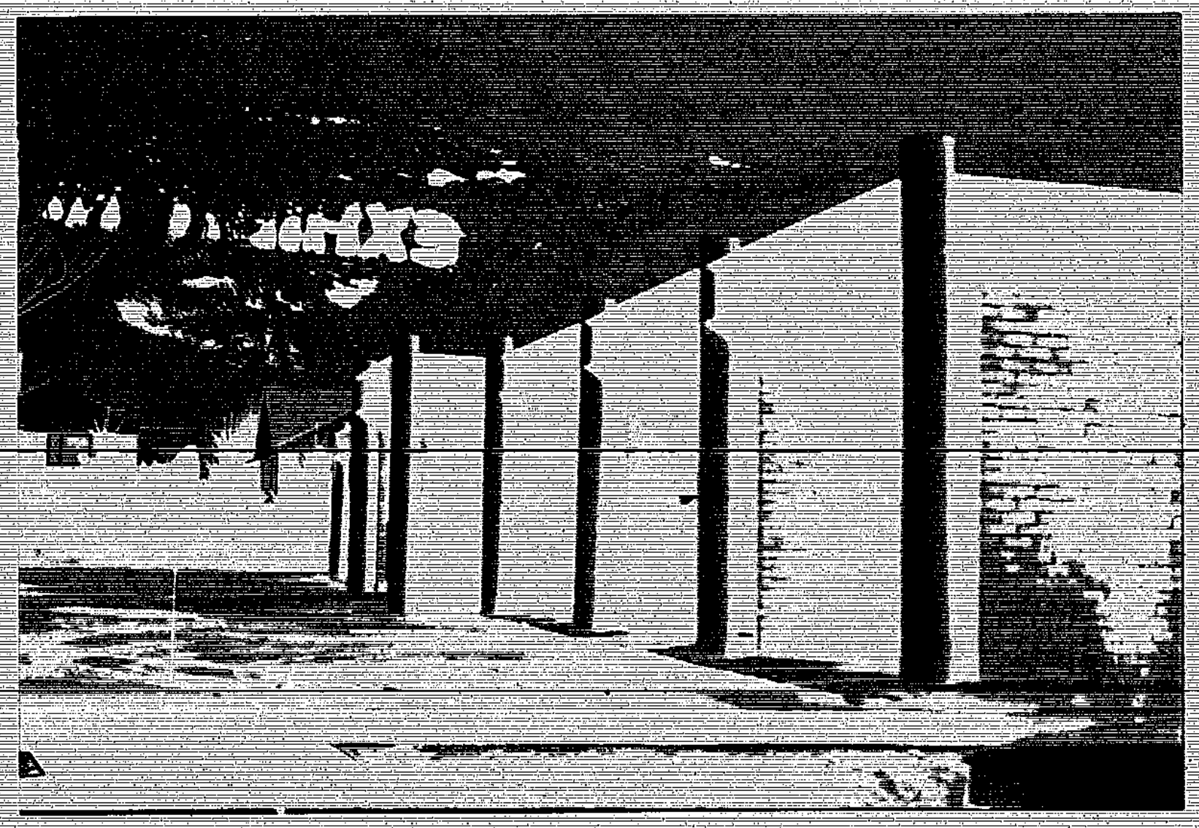
5, 6, 7, AND 8

PHOTOGRAPHS

CBA # 93-133
93-214-SPHX

JONES CARWASH
8-4-93
Petitioner's Ex. #'s 11a-g
#'s 12a-g
#'s 13a-d
#'s 14a-b

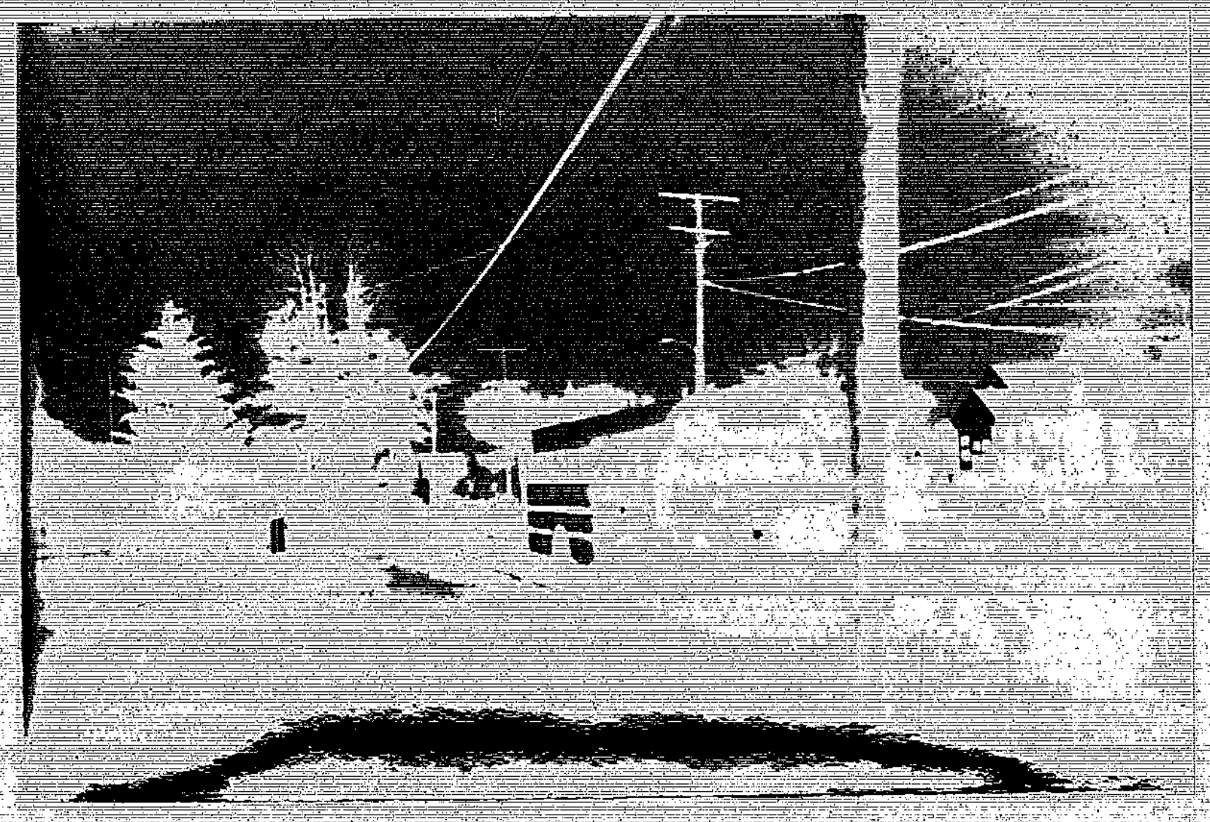


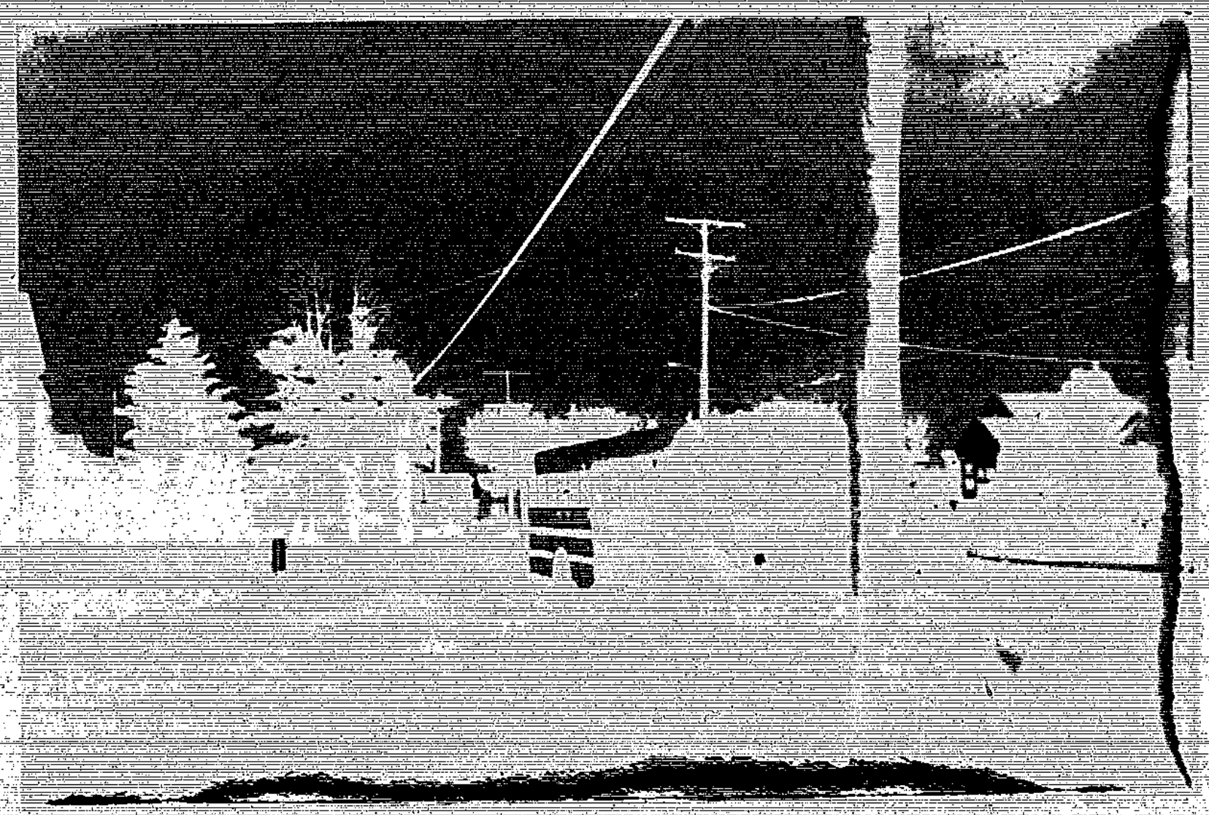


PROTESTANT'S
EXHIBT'S 1+2
PHOTOGRAPHS

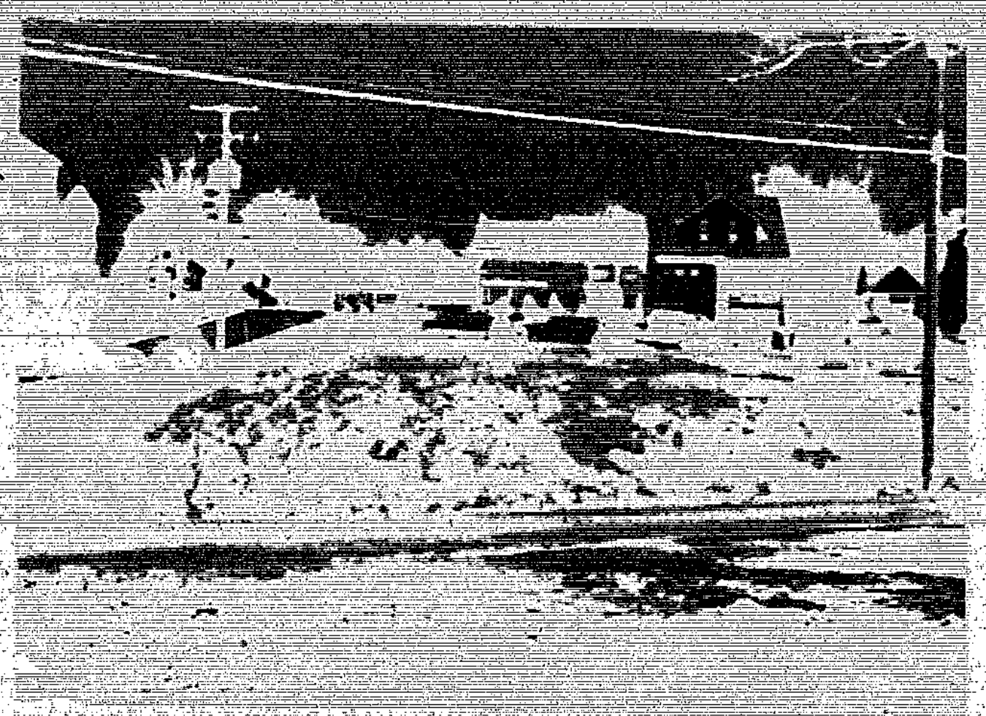
CBA
PROTESTANT
EXHIBITS 2A-C
AND 3A-F

Baltimore County Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204





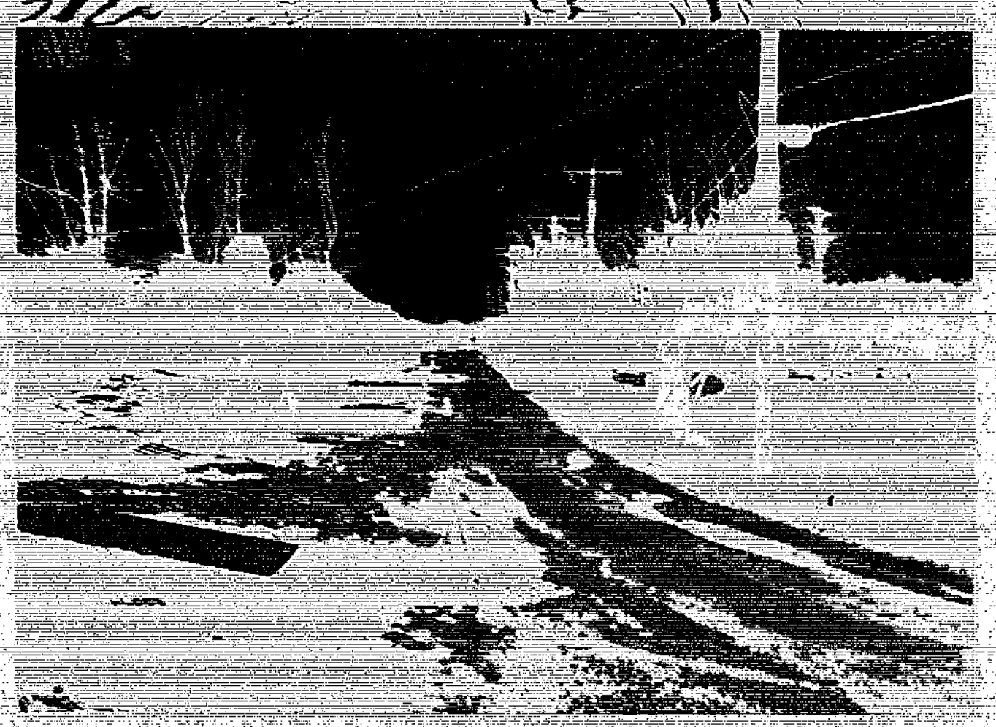
CBA Prot. 3 A Prot 2 A

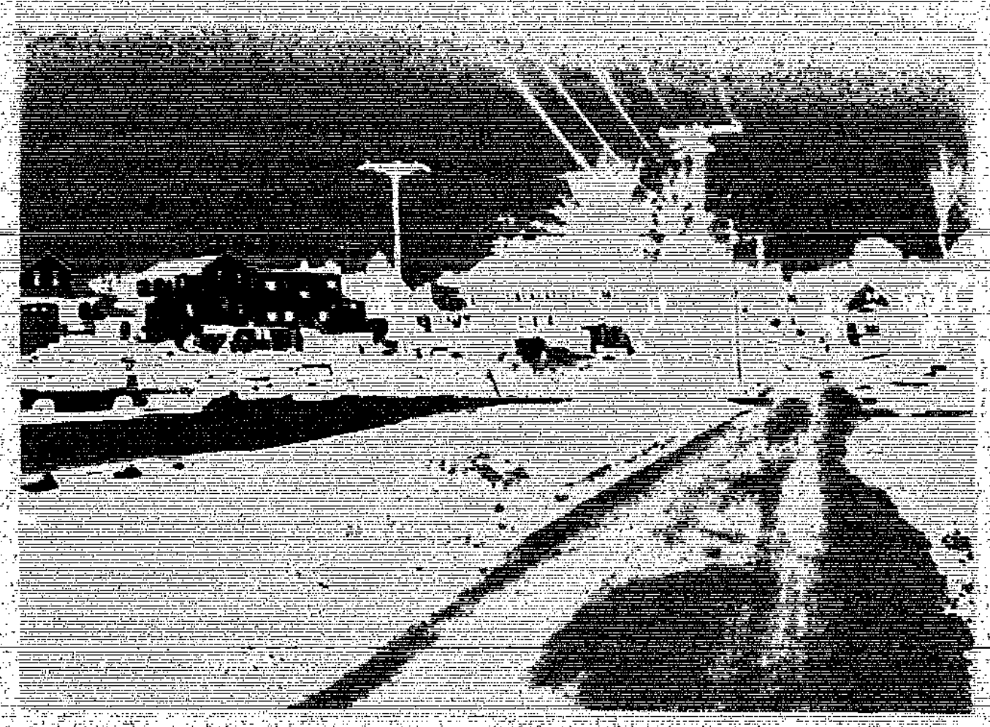

CBA PROT 3B Prot 2B

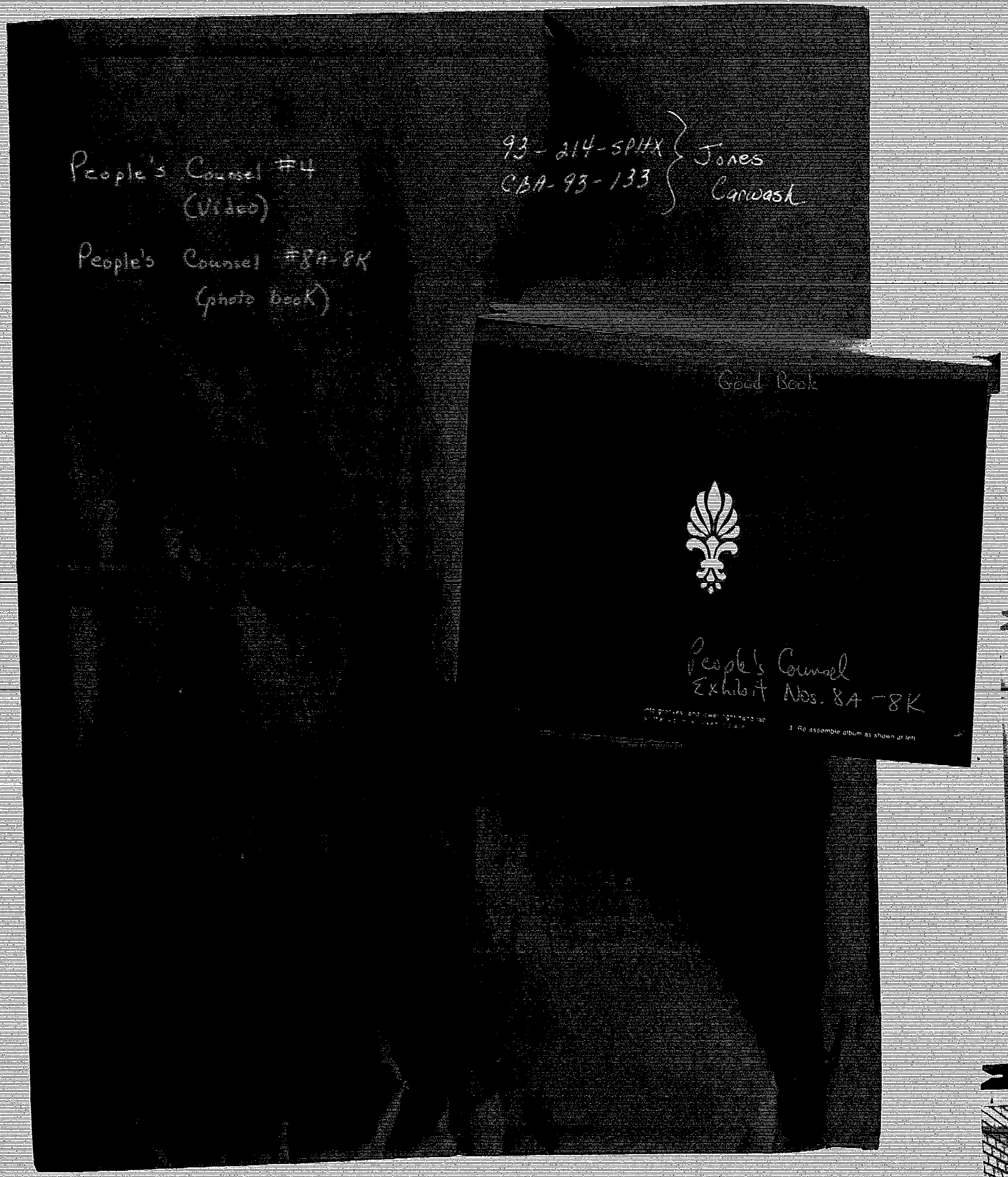
CBA PROT. 3C Prot 2C

CBA PROT 3D Prot ~~2E~~ 2D

CBA PROT. 3E Prot 2E


CBA PROT. 3F Prot 2F


CBA PROT. 3G Prot 2G



People's Counsel #4
(Video)

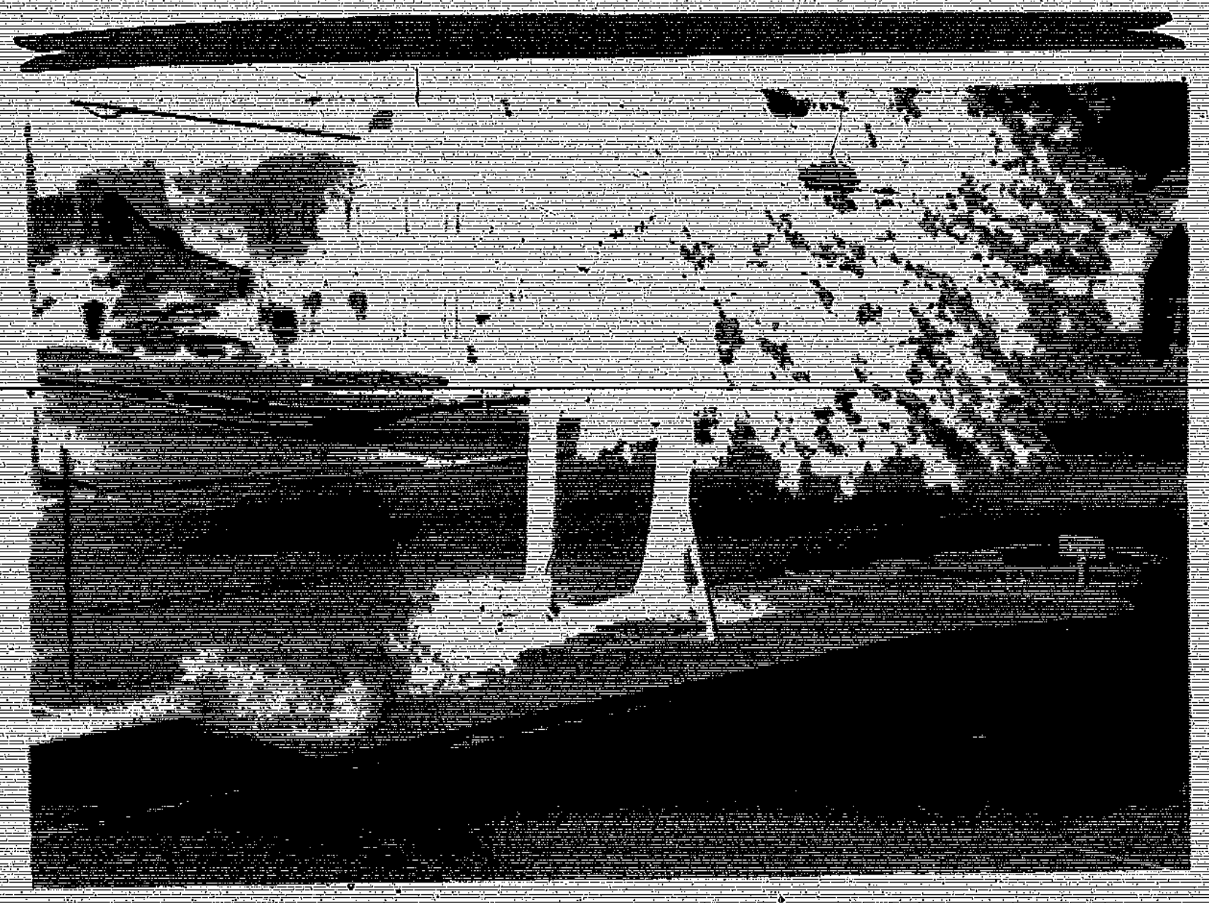
People's Counsel #8A-8K
(photo book)

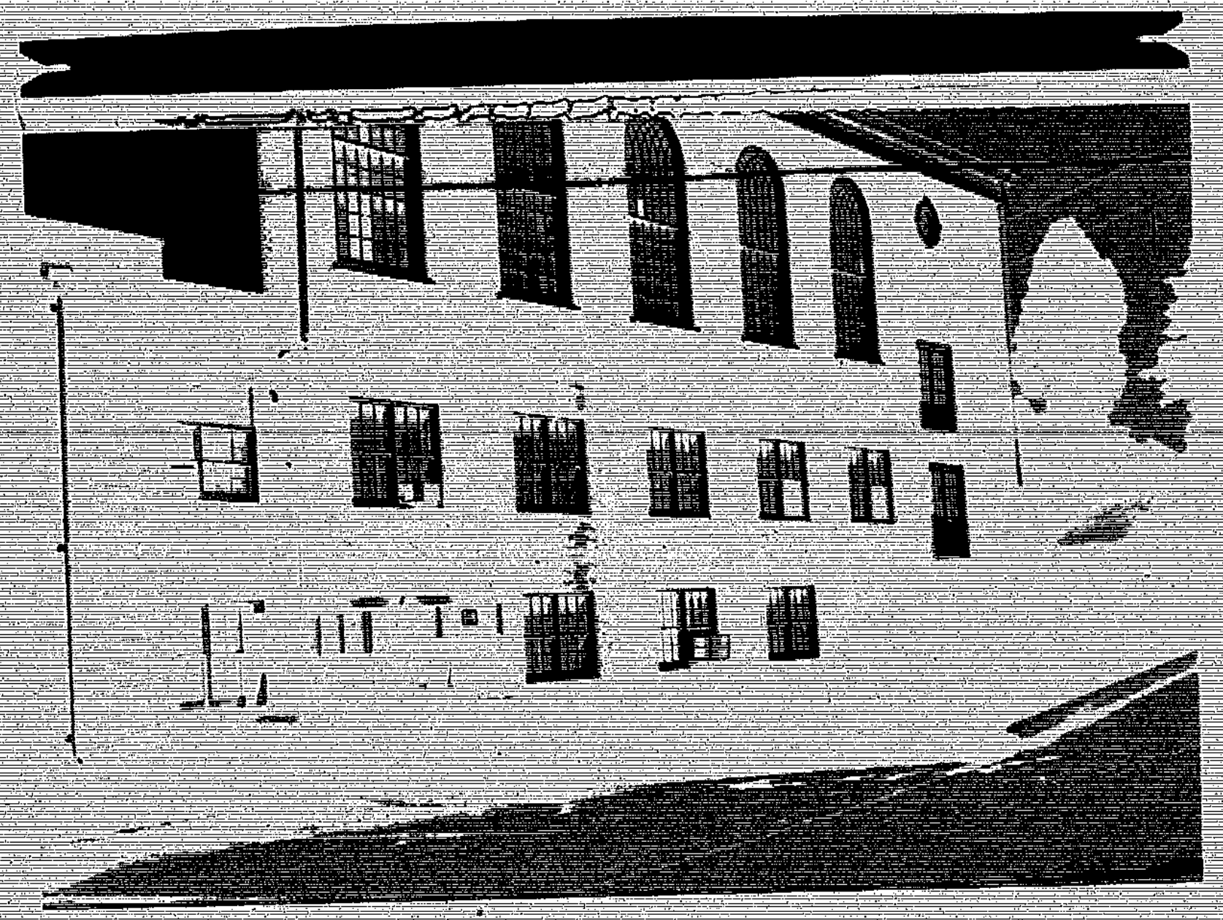
93-214-SPHX
CBA-93-133
} Jones Carwash

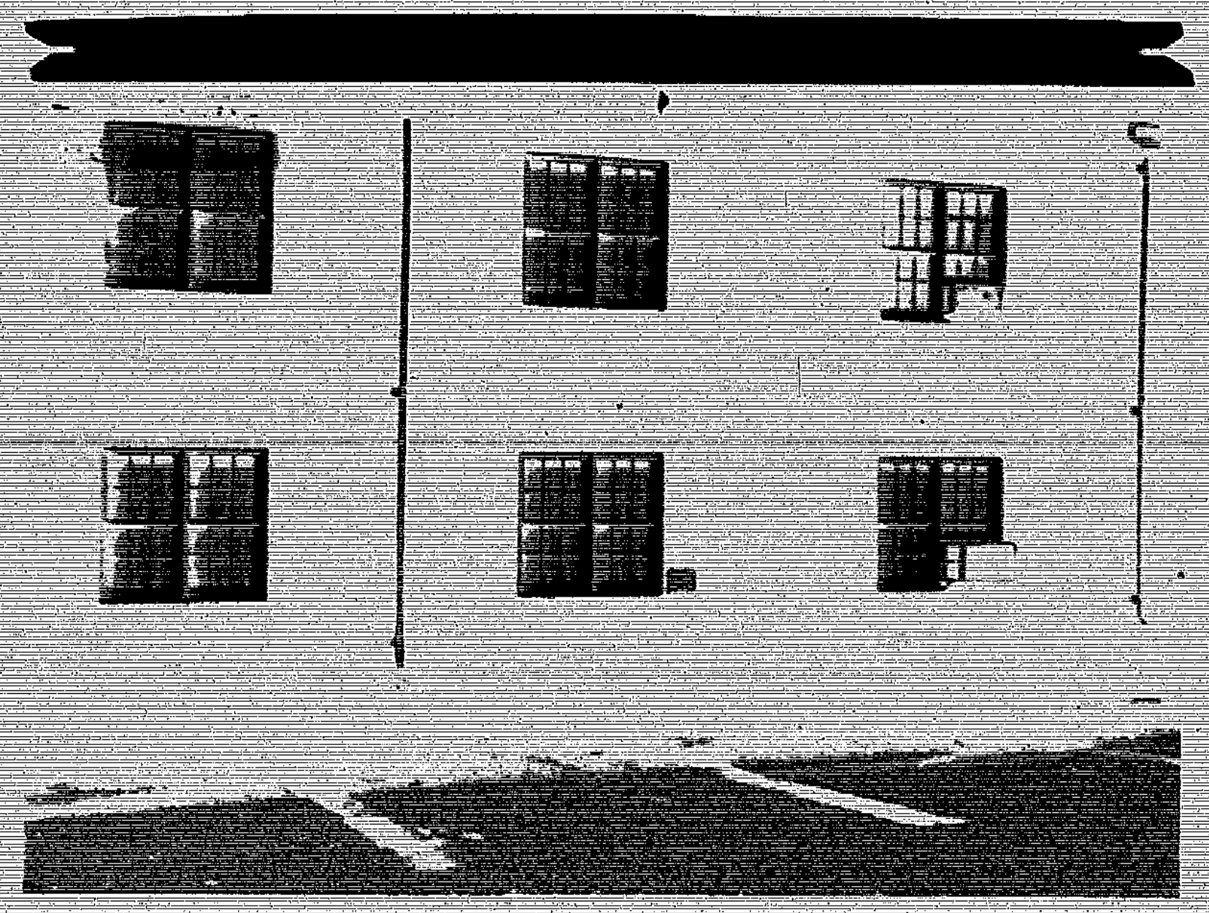
Good Book

People's Counsel
Exhibit Nos. 8A-8K

3. Re assemble album as shown at left

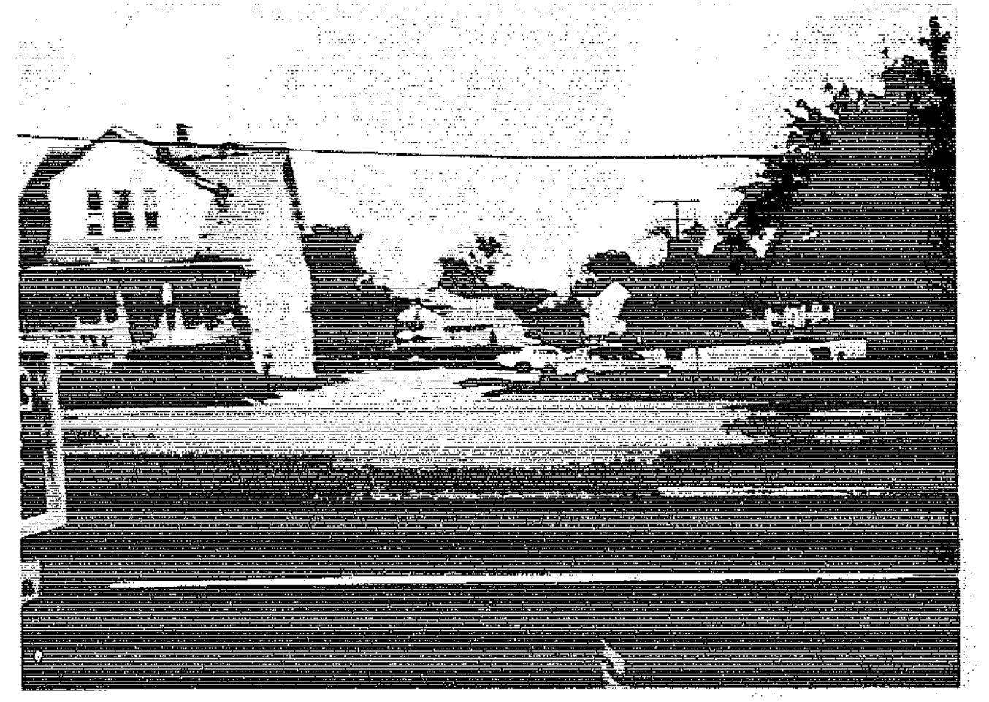




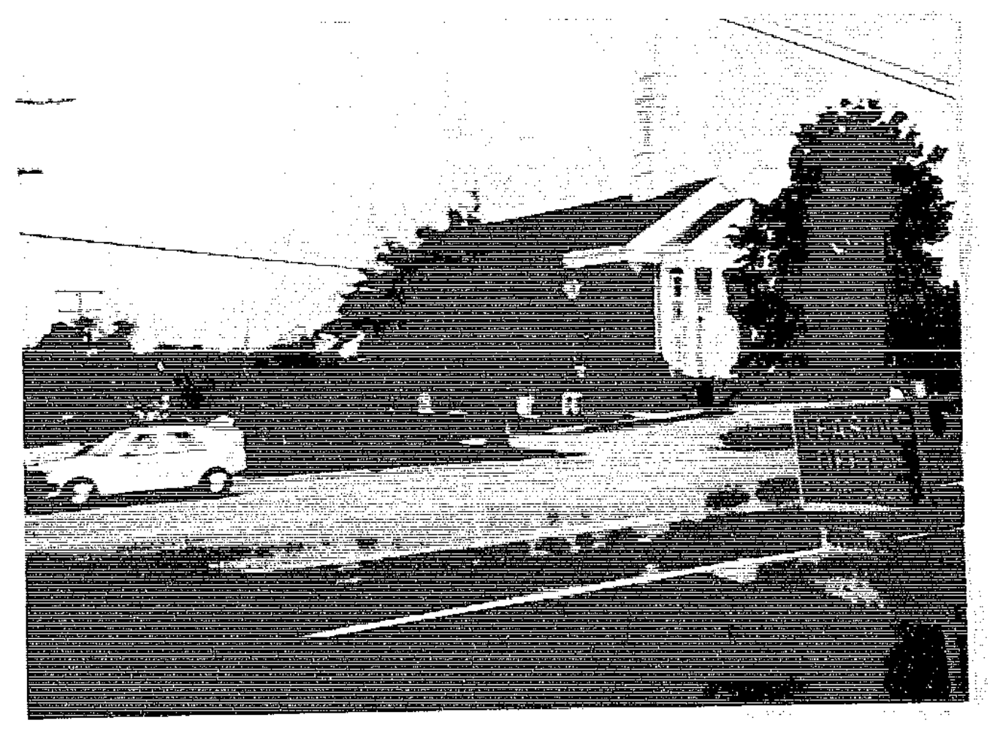


JVC EHG

VIEW OF 9523 BELAIR ROAD FROM ACROSS THE STREET AT 9524 BELAIR ROAD. NOTICE SLOPE OF PROPERTY WHERE CARWASH WILL BE LOCATED. THIS PROPERTY IS NOW RENTED AS APARTMENTS.

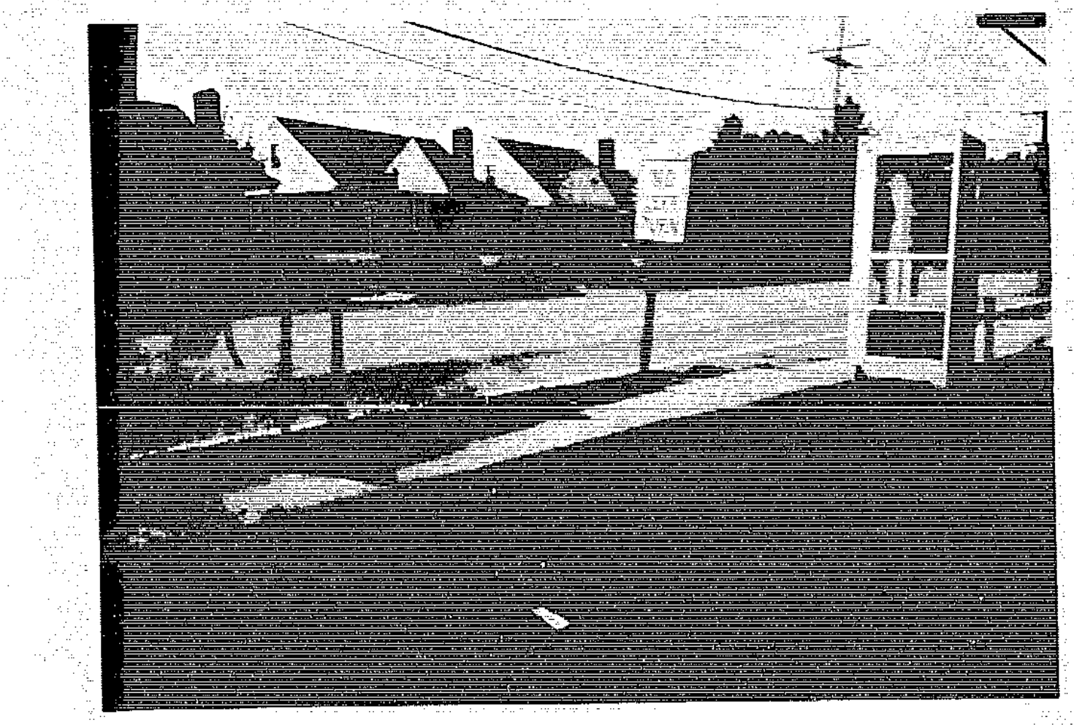


VIEW OF DRIVEWAY OF CHURCH NEXT TO 9523 BELAIR ROAD DIRECTLY ACROSS FROM KLAUSMEIER ROAD. NOTICE LARGE TREES THAT WILL HINDER FINDING A CARWASH SITUATED DOWN A SLOPE.

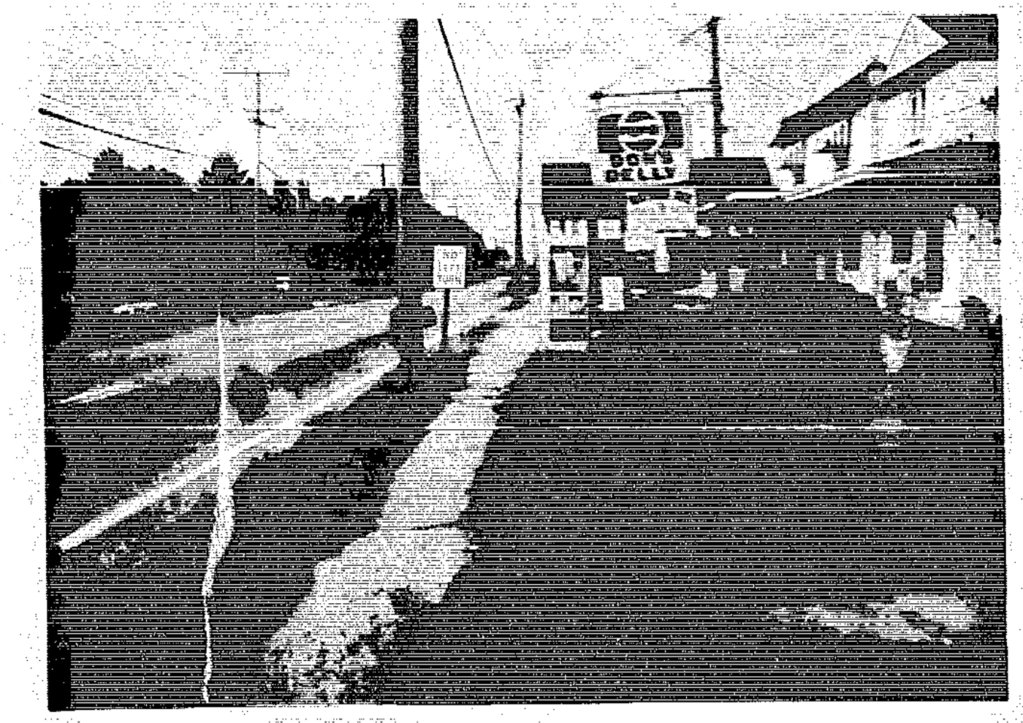


People's Counsel Ex. Nos. 13A-EE

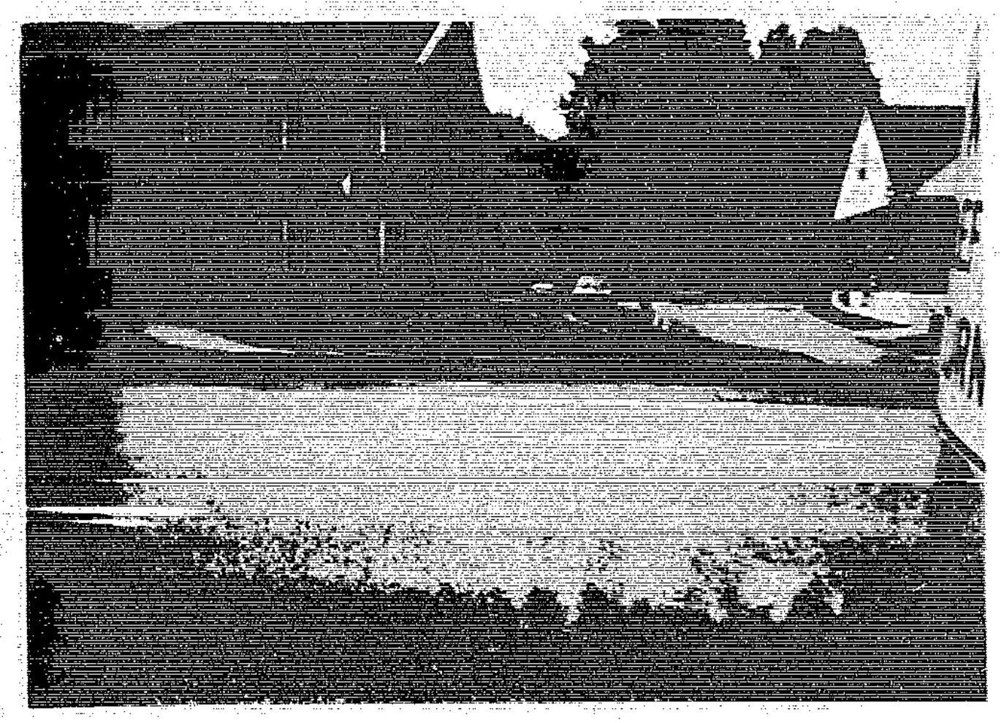
NO LEFT TURN SIGN AT 9523 BELAIR ROAD INTO MR. JONES' BUILDING AT 9524 BELAIR ROAD STANDING ON SIDEWALK TO 9523



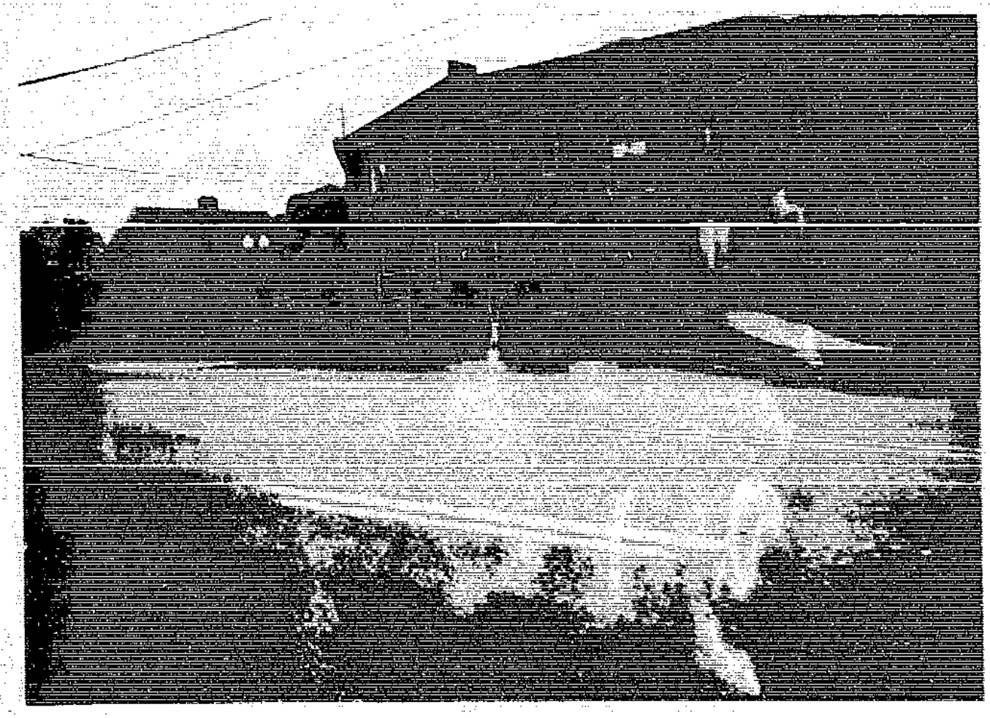
STANDING ON DRIVEWAY AT 9523 BELAIR ROAD



MR. JONES' BUILDING AT 9524 BELAIR ROAD CANNOT MAKE A LEFT TURN INTO DRIVEWAY

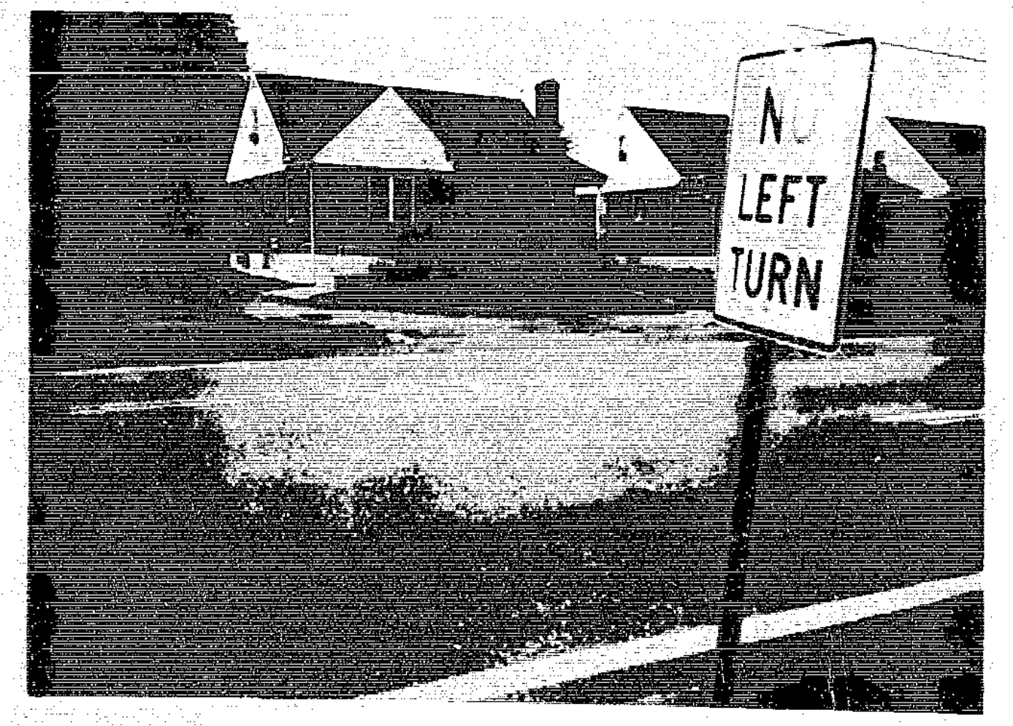


STANDING AT 9523 BELAIR ROAD OPPOSITE 9524 BELAIR ROAD TO SHOW ENTRANCE TO KLAUSMEIER ROAD WITH A DECELERATION LANE

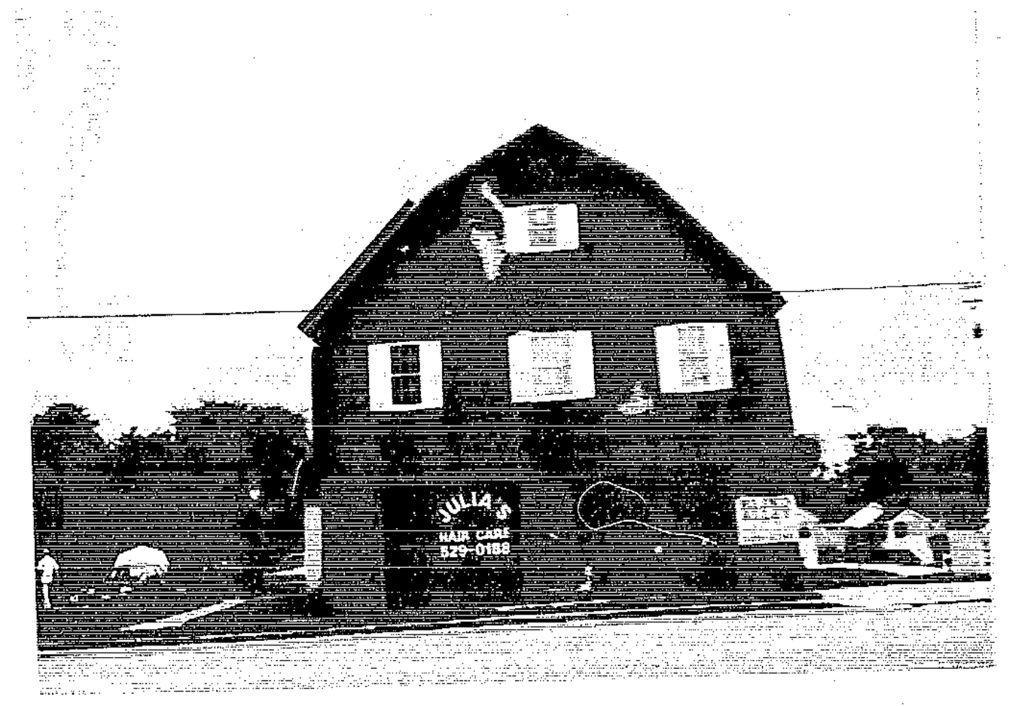


9500 BLOCK OF BELAIR ROAD HAS MANY BUSINESSES LOCATED IN THE RO ZONE.

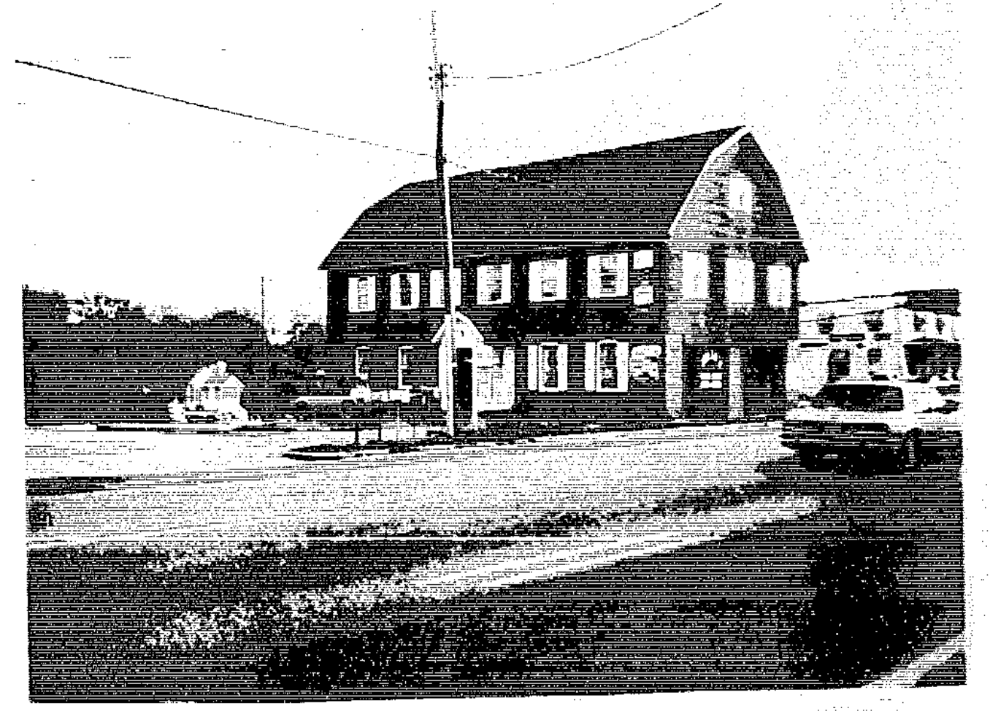
EXAMPLE: 9526 BELAIR ROAD



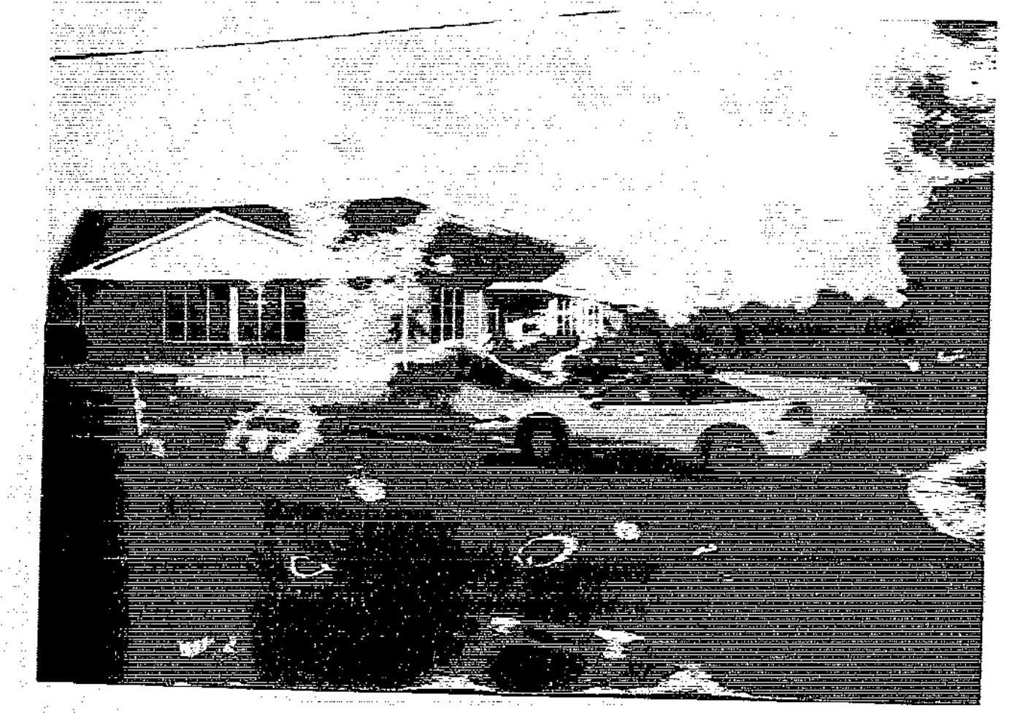
9533 BELAIR ROAD AT HORN AVENUE. BUSINESS SITTING PERPENDICULAR TO BELAIR ROAD YET EASILY SEEN WHILE TRAVELING ON BELAIR ROAD, IT IS NOT SITTING 110 FEET OFF ROADWAY DOWN A SLOPE.



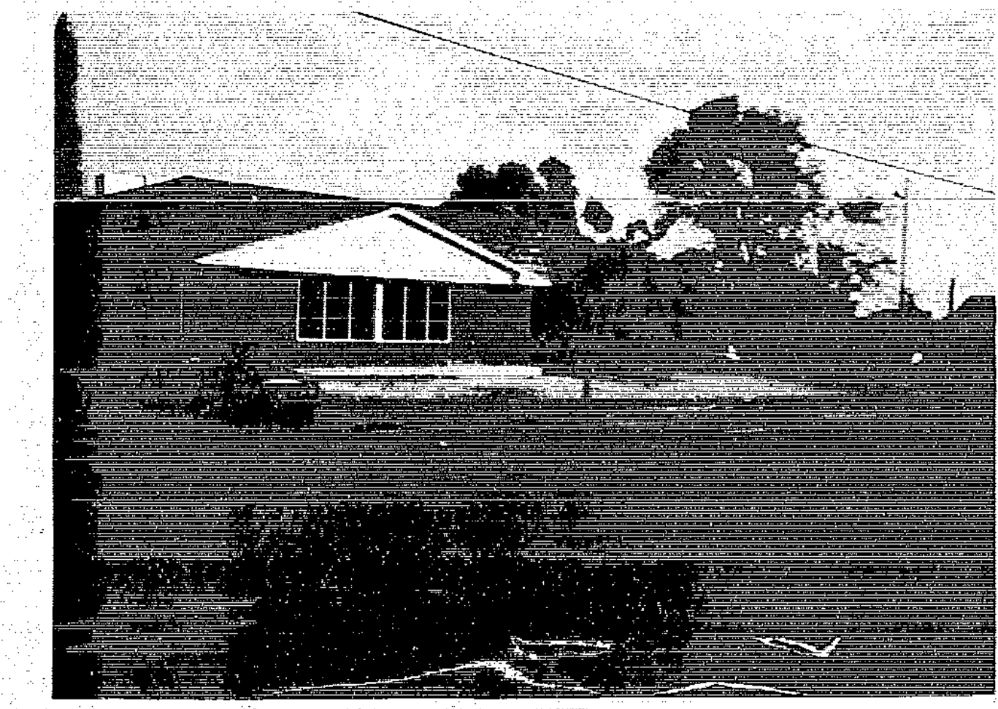
9533 BELAIR ROAD WITH EASY ACCESS PARKING LOT.



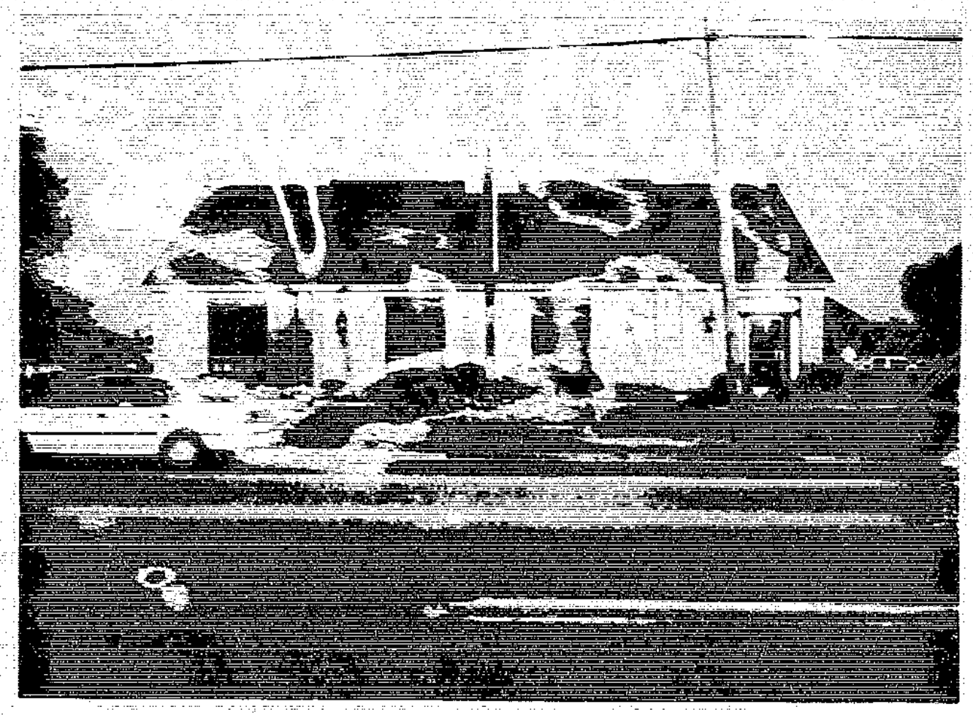
ANDROS DINER AT 9545 BELAIR ROAD. EXAMPLE OF A BUSINESS SITTING PERPENDICULAR ON BELAIR ROAD, YET EASILY SEEN BECAUSE IT IS RIGHT ON THE ROAD--- NOT 110 FEET SETBACK AND DOWN A SLOPE.

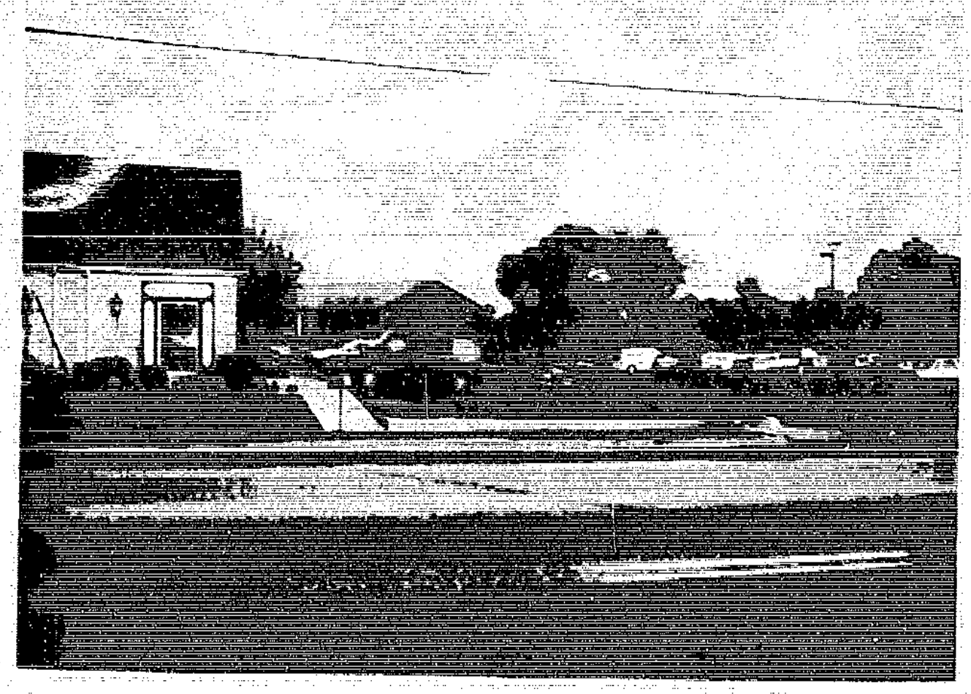


ANDROS DINER AT 9545 BELAIR ROAD HAS BOTH AN ENTRANCE AND EXIT DRIVEWAY.

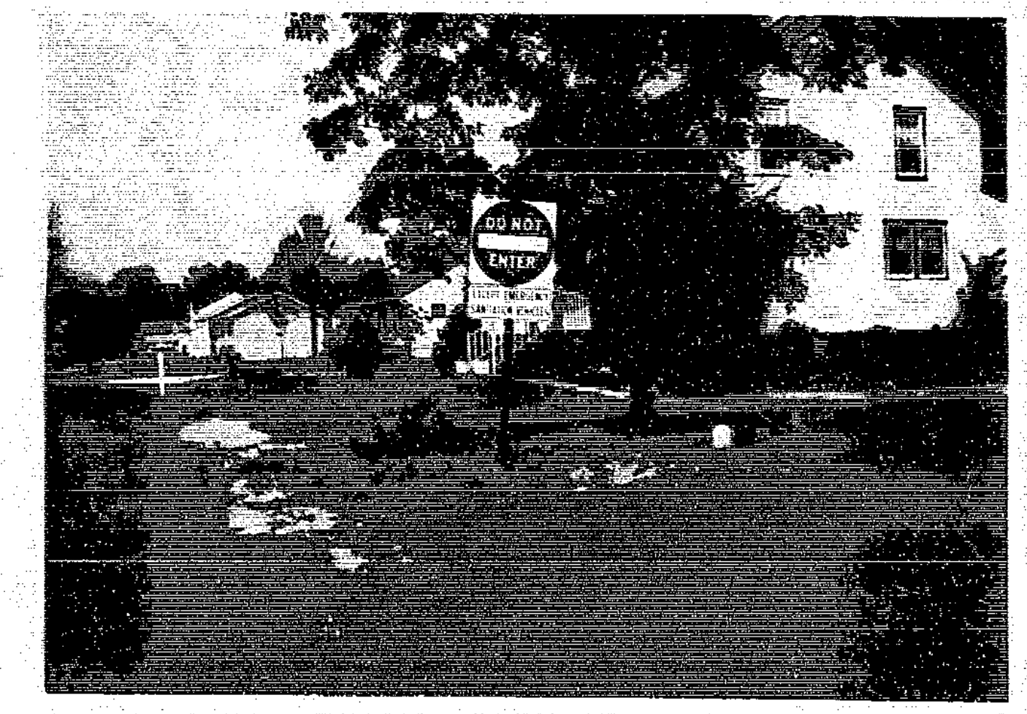


FRIENDLY'S RESTAURANT AT 9551 BELAIR ROAD.

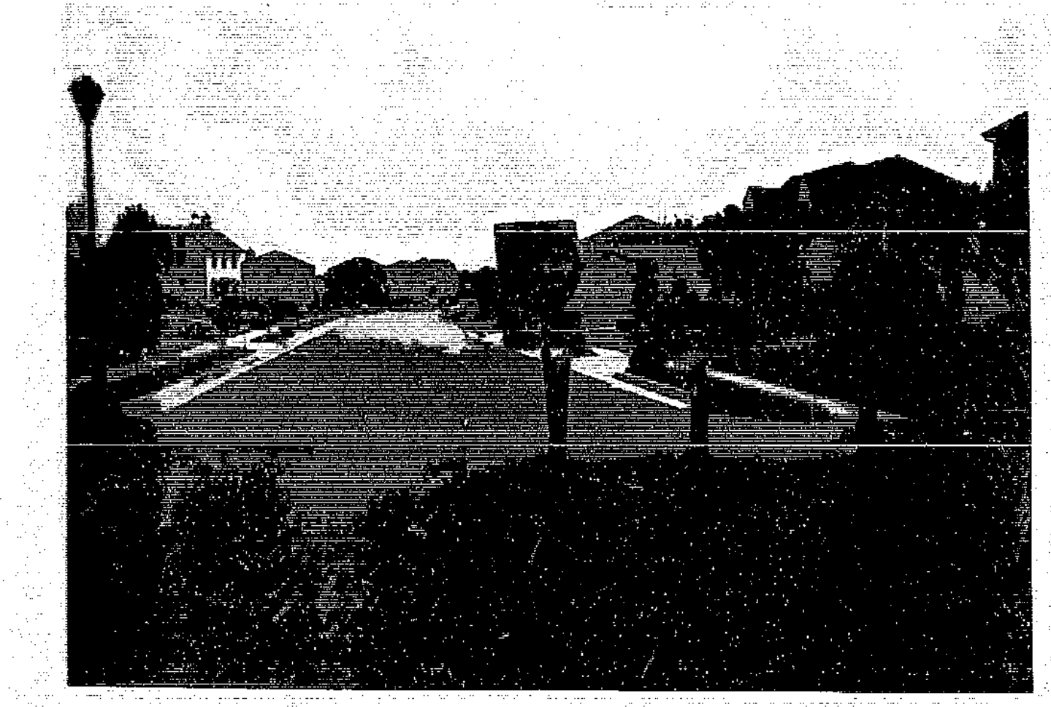




LOOKING NORTH INTO HORN AVENUE

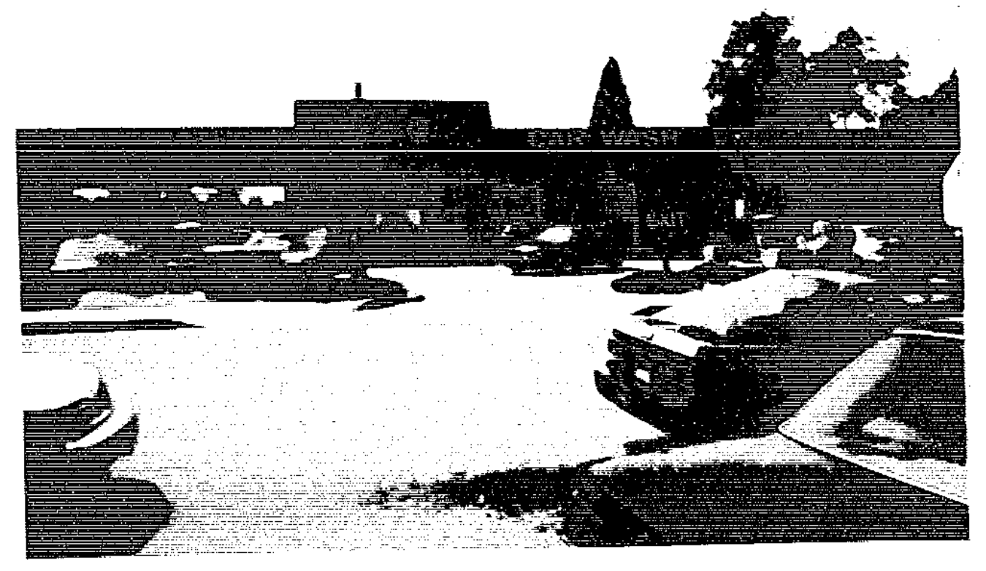


LOOKING SOUTH FROM HORN AVENUE



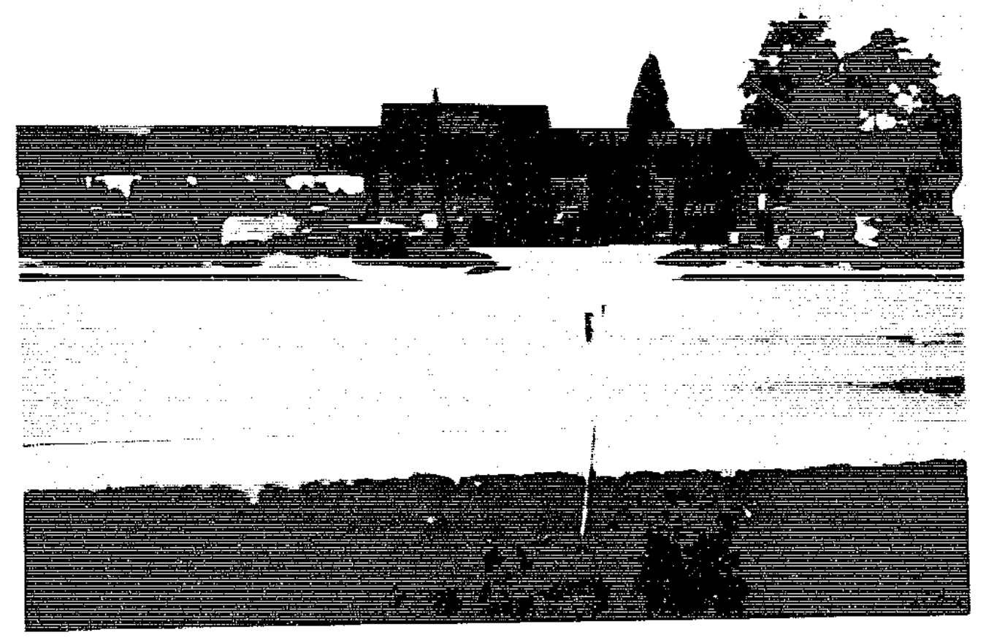
WHIZ CARWASH AT OLD HARFORD AND JOPPA ROADS. SITS PARALLEL TO JOPPA ROAD. DOES NOT HAVE AUTOMATED BAY.

P



P

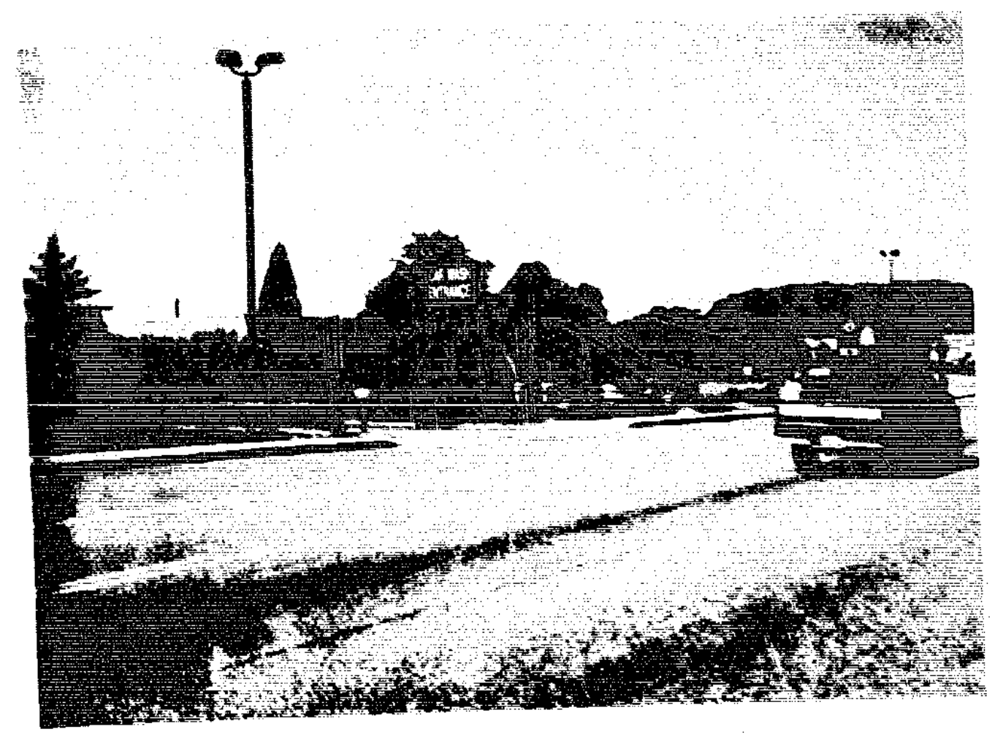
Q



Q

WHIZ CARWASH AT JOPPA AND OLD HARFORD ROADS. ENTRANCE FROM JOPPA ROAD. ONE OF TWO ENTRANCES.

R



R

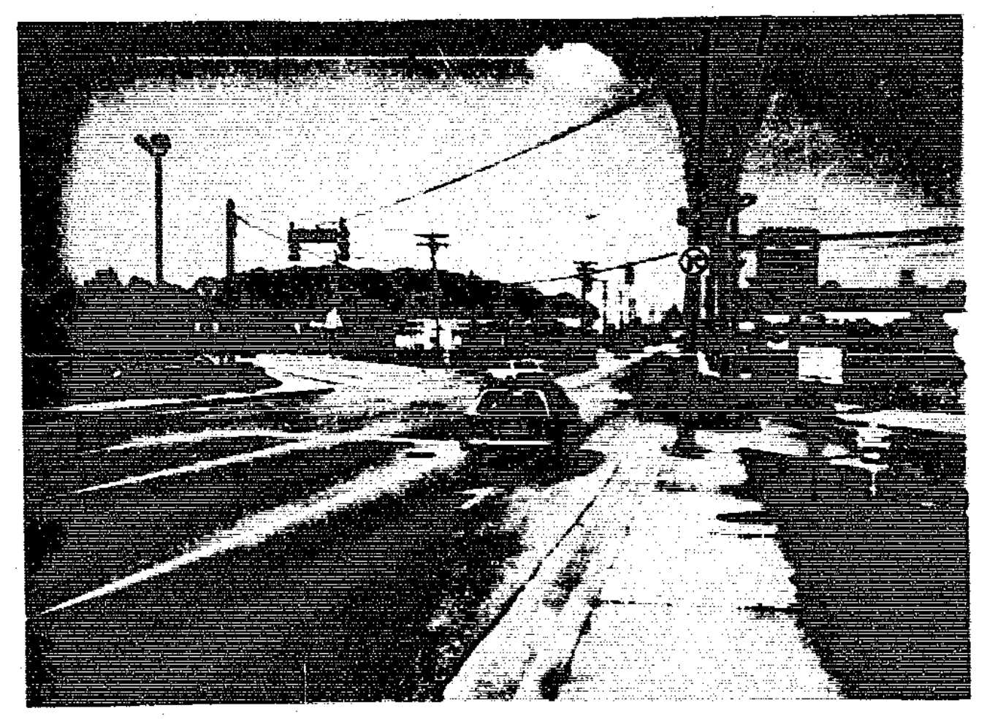
SECOND ENTRANCE AT LITTLE CAESARS ON OLD HARFORD ROAD.

S

S

WHIZ CARWASH AT JOPPA AND OLD HARFORD ROADS IS LOCATED AT A SIGNALIZED INTERSECTION. THEY HAVE TWO (2) ENTRANCES, ONE ON JOPPA ROAD THE OTHER AT OLD HARFORD ROAD.

T



T

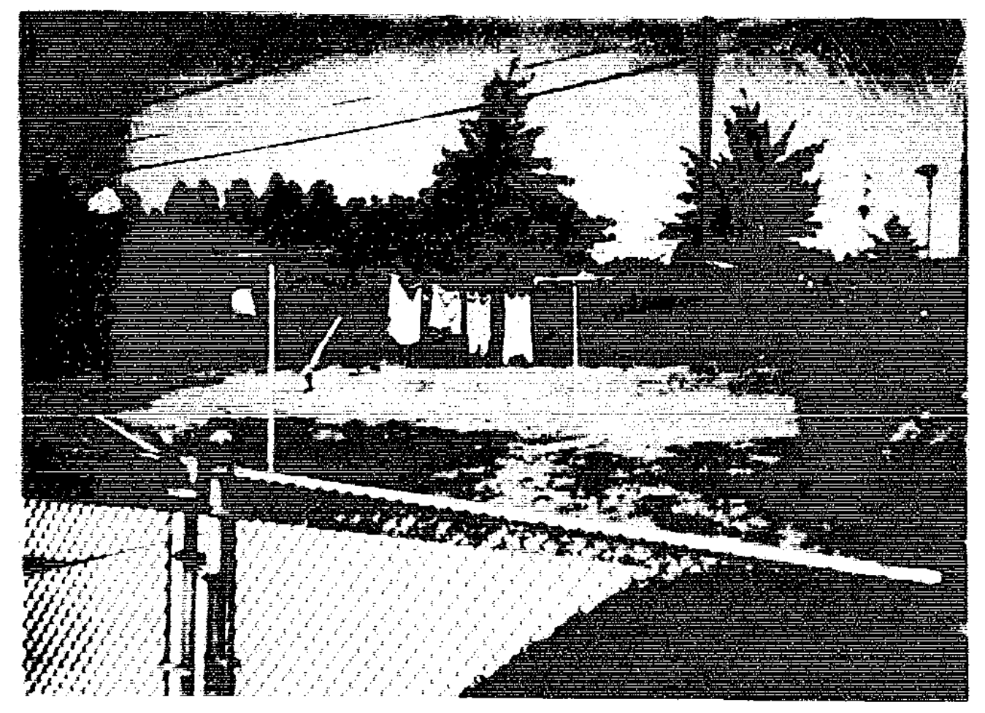
WHIZ ALSO HAS TWO EXITS. ONE ON OLD HARFORD ROAD AND A RIGHT TURN ONLY ONTO JOPPA ROAD.

U

U

VIEW OF WHIZ CARWASH FROM 8820 ASHFORD ROAD'S YARD.

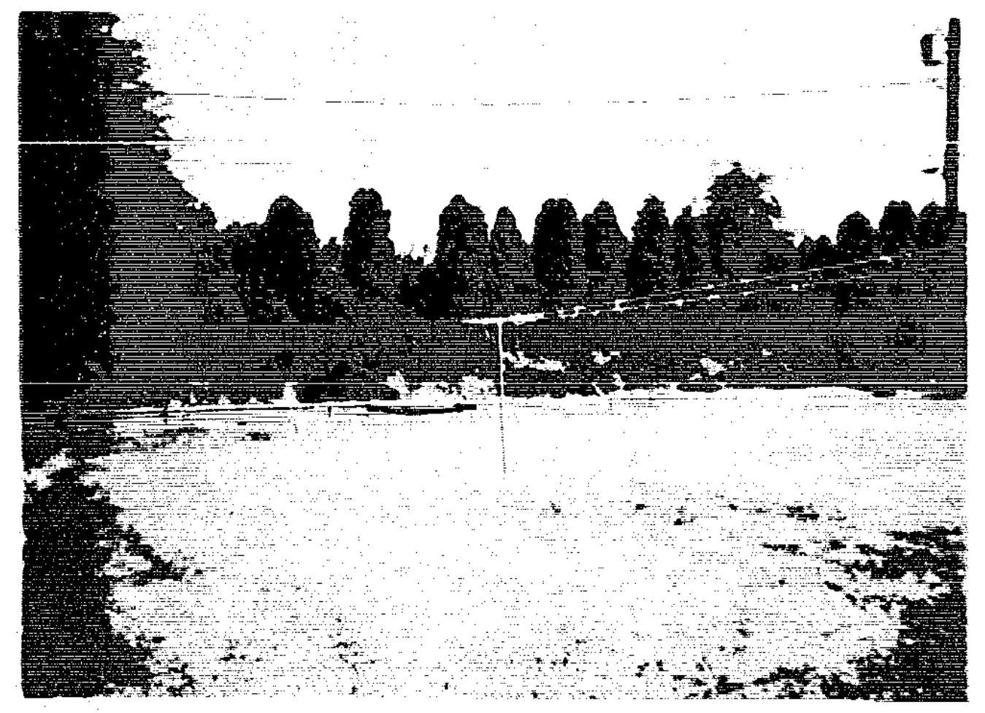
V



V

VIEW OF WHIZ CARWASH FROM 8822 ASHFORD ROAD'S YARD.

W



W

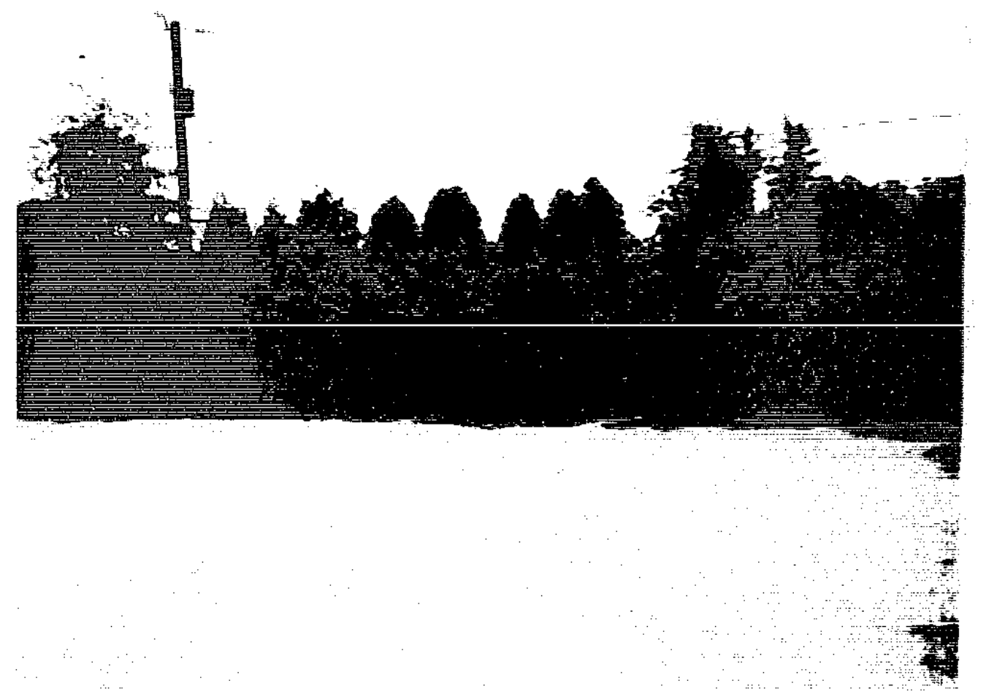
VIEW OF WHIZ CARWASH AT OLD HARFORD ROAD AND JOPPA ROAD FROM 8824 ASHFORD ROAD'S YARD. ALL THESE HOMES ARE ONE STORY RANCHERS.

X

X

VIEW FROM WHIZ CARWASH LOT LOOKING AT THE HOUSES ON ASHFORD ROAD.

Y



Y

WHIZ CARWASH AT JOPPA AND OLD HARFORD ROADS HAS AMPLE SPACE FOR CUSTOMER TO DRY CARS IN THE FRONT, SIDE AND REAR OF BUILDING.

Z

Z

AA

AA

SNOZZLES DOES NOT HAVE AN AUTOMATED BAY AND SITS PARALLEL TO THE ENTRANCE.

BB

BB

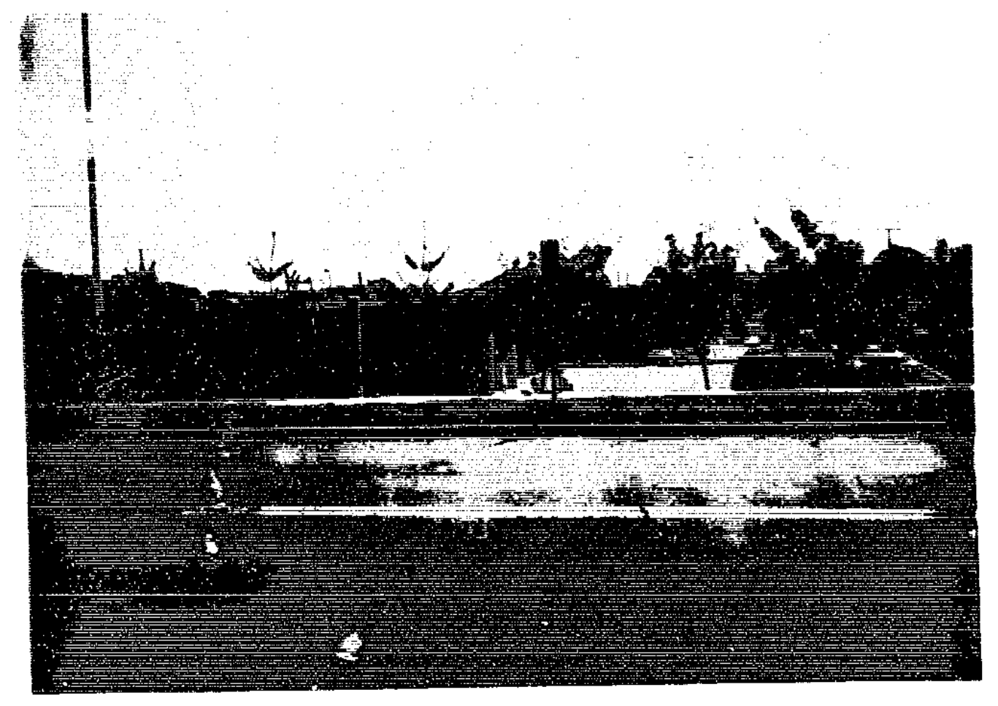
SNOZZLES HAS ADEQUATE ACCESS FROM WEYBURN AT LANGDALE AS WELL AS FROM KENWOOD AVENUE. GOOD CIRCULATION INTO AND OUT OF BUSINESS.

CC

CC

VIEW OF SNOZZLES CARWASH AT KENWOOD AVENUE AND GOLDEN RING ROAD FROM 1900 WEYBURN ROAD.

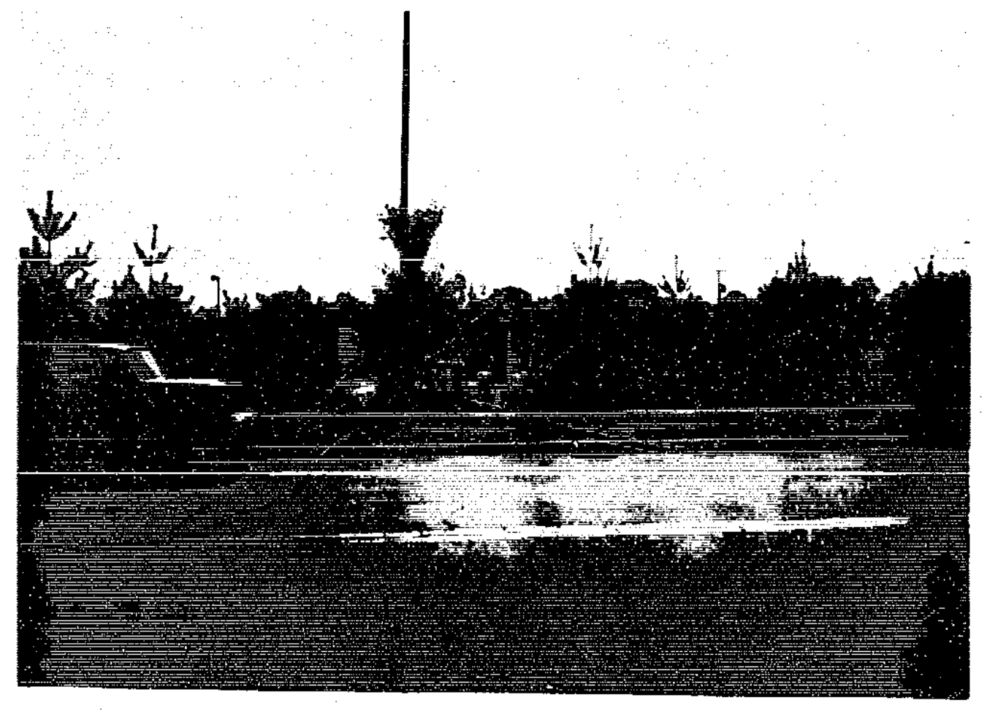
DD



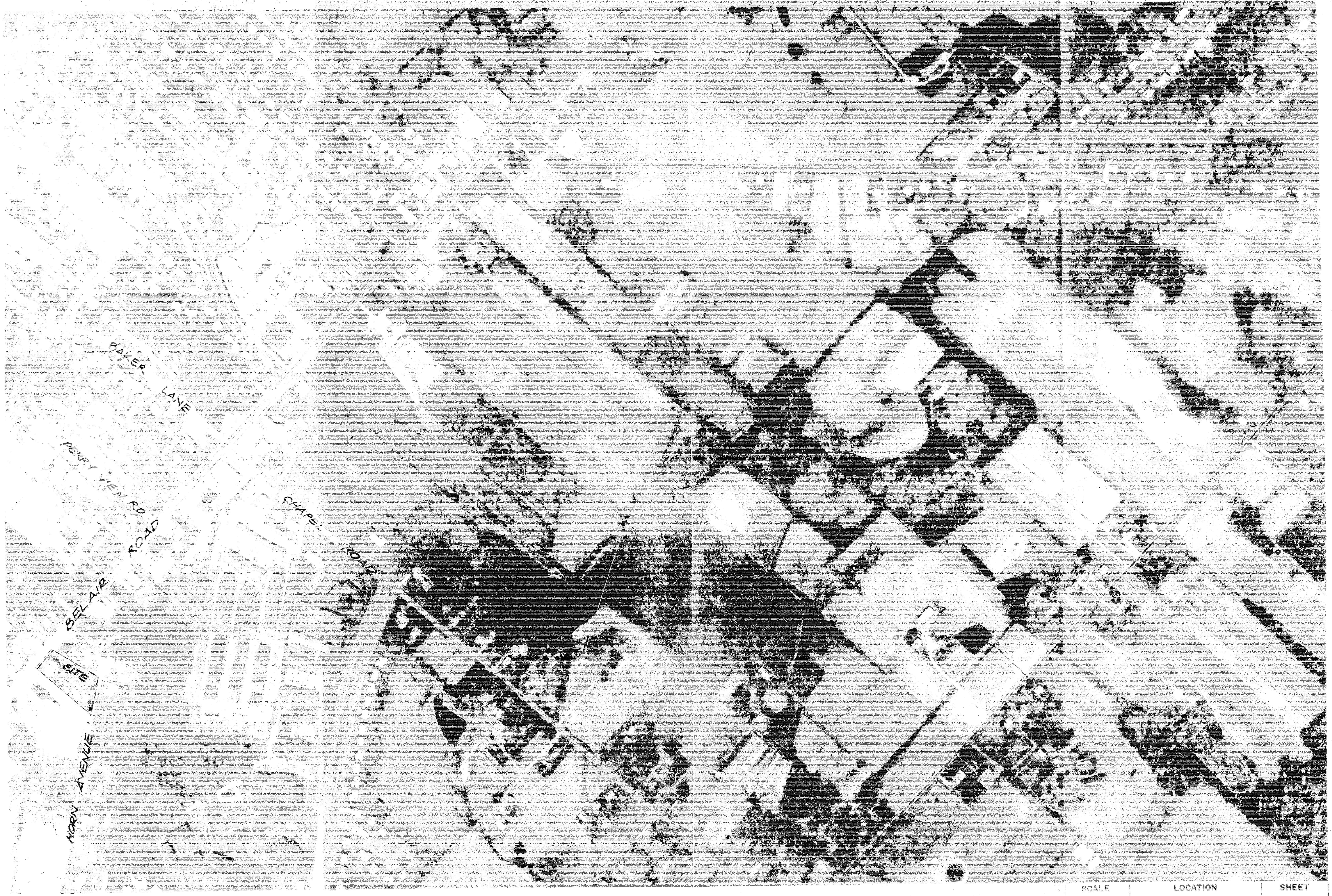
DD

VIEW OF SNOZZLES CARWASH AT KENWOOD AVENUE AND GOLDEN RING ROAD FROM 1904 WEYBURN ROAD.

EE



EE


BAKER LANE
PERRY VIEW RD.
CHAPEL ROAD
BELAIR ROAD
SITE
HORN AVENUE

#231

AERIAL PHOTOGRAPH
JONES CARWASH

93-214-SPHX

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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	PERRY HALL VICINITY	N.E. 11-H
DATE OF PHOTOGRAPHY JANUARY 1986		

MICROFILMED

ER OF PLAN
LAS, INC.
AZLEWOOD AVE.
21206
BER 25, 1992

NMENTAL
ATION

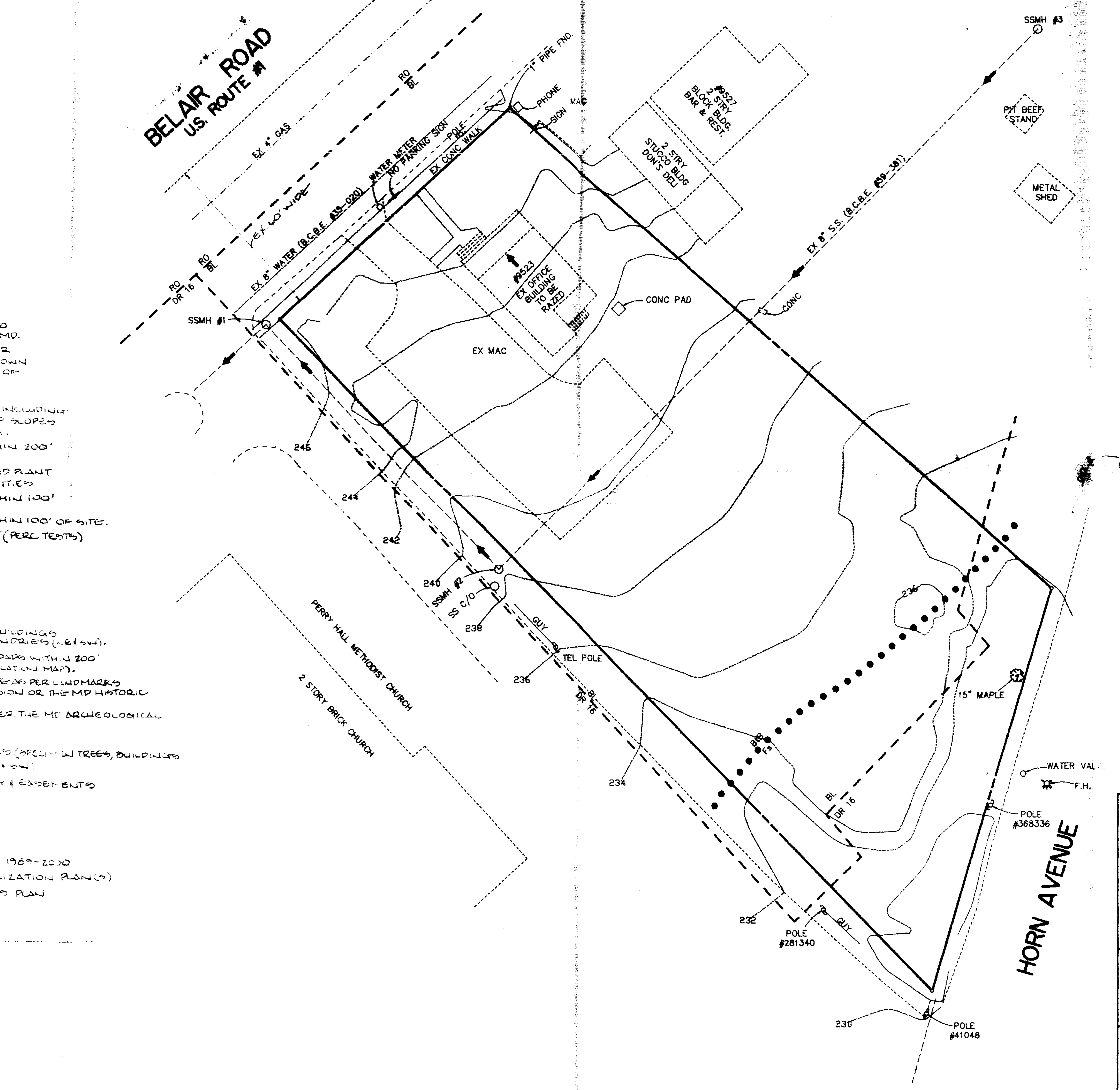
	FIELD VERIFIED	
	✓	TOPOGRAPHY
	✓	SLOPES GREATER THAN 25%
		100 YR. FLOODPLAIN
		SOILS MAPPED ACCORDING TO SOIL SURVEY, BALTO. CO., MD.
		STREAMS, SEEPS, PONDS OR OTHER WATER BODIES SHOWN ON SITE AND WITHIN 200' OF BOUNDARIES.
		WETLANDS.
		FOREST BUFFER LIMITS INCLUDING ADJUSTMENTS FOR STEEP SLOPES AND, OR ERODIBLE SOILS.
		LAND COVER ON OR WITHIN 200' OF SITE.
		SIGNIFICANT REGULATED PLANT OR WILDLIFE COMMUNITIES
		WELLS ON SITE OR WITHIN 100' OF SITE.
		SEPTIC ON SITE OR WITHIN 100' OF SITE.
		SOIL EVALUATION TEST (PERC TESTS)

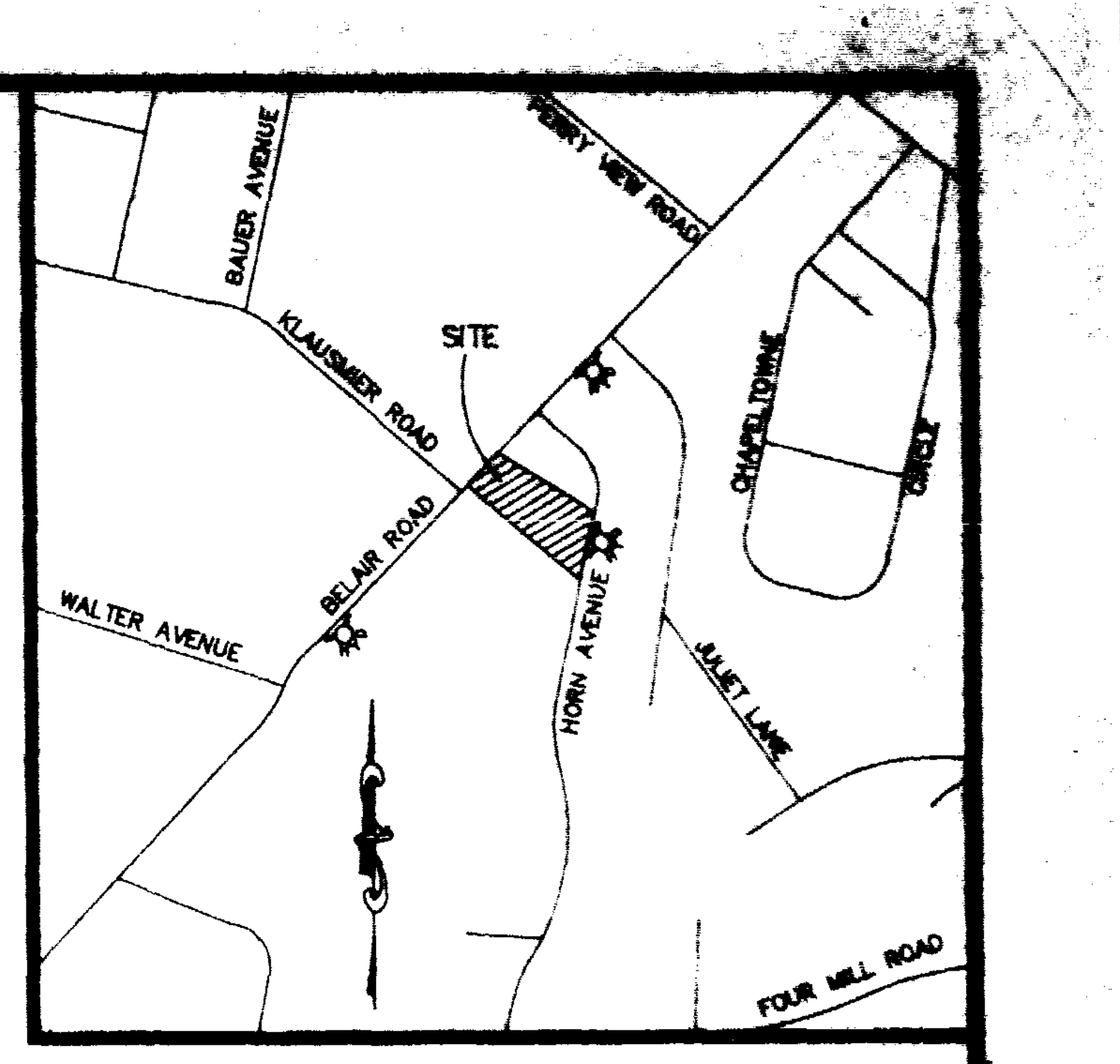
BUILDING

	FIELD VERIFIED	
		LOCATION OF EXISTING BUILDINGS WITHIN 200' OF SITE BOUNDRIES (NE & SW).
		LOCATION OF EXISTING ROADS WITHIN 200' OF SITE BOUNDRIES (LOCATION MAP).
✓		DESIGNATED HISTORIC SITE AS PER LANDMARKS PRESERVATION COMMISSION OR THE MD HISTORIC TRUST INVENTORY.
✓		DESIGNATED SITE AS PER THE MD ARCHEOLOGICAL SURVEY
✓		SIGNIFICANT VIEWS
		SIGNIFICANT FEATURES (SPECIMEN TREES, BUILDINGS STREETSCAPE, ETC.) (NE & SW)
		ROADS RIGHTS-OF-WAY & EASEMENTS

ADOPTED

	BALTO. CO. MASTER PLAN 1989-2000
	COMMUNITY OR REVITILIZATION PLAN(S)
	RECREATION AND PARKS PLAN
	STREETSCAPE PLAN
	GREENWAYS PLAN
	OTHER:


BELAIR ROAD
U.S. ROUTE #1
EX 4" GAS
EX 60' WIDE
EX 8" WATER (B.C.B.E. #33-020)
WATER METER
NO PARKING SIGN
POLE
EX CONC WALK
PIPE FND.
PHONE
SIGN
MAC
RO BL
RO DR 16
SSMH #1
#9527 2 STRY BLOCK BLDG. BAR & REST.
2 STRY STUCCO BLDG DON'S DELI
#9523 EX OFFICE BUILDING TO BE RAZED
CONC PAD
EX MAC
SSMH #3
PIT BEEF STAND
METAL SHED
EX 8" S.S. (B.C.B.E. #9-381)
CONC
POLE #41046
246
244
242
240
SSMH #2
SS C/O
238
GUY
TEL POLE
236
BL DR 16
234
232
POLE #281340
GUY
230
POLE #41048
PERRY HALL METHODIST CHURCH
2 STORY BRICK CHURCH
15" MAPLE
WATER VALVE
F.H.
POLE #368336
HORN AVENUE


BAUER AVENUE
PERRY VIEW ROAD
KLAUSMIER ROAD
SITE
CHAPEL TOWNE
CIRCLE
WALTER AVENUE
BELAIR ROAD
HORN AVENUE
JULIET LANE
FOUR MILE ROAD

LOCATION MAP
SCALE: 1" = 500'

DATE	REVISION

# 92221Z

EXISTING SITE CONSTRAINTS PLAN

JONES CARWASH
#9523 BELAIR ROAD

11th ELECTION DISTIRCT
SCALE: 1" = 20'

BALTIMORE COUNTY, MD.
07-29-92

OWNER/APPLICANT
ORVILLE M. JONES
#9533 BELAIR ROAD
BALTIMORE, MD. 21236
(410)256-6630

DEED REFERENCE: 5844/235
TAX ACCOUNT # 1-2006[illegible]

J.S. DALLAS, INC.
Surveying & Engineering
4932 Hazelwood Avenue
Baltimore, Maryland 21206
Telephone: (410) 866-2001

Petitioner's Ex. # 1

HYDROLOGIC SOIL GROUPING	SOIL TYPES & LIMITATIONS				
	TYPE	CLASS	BUILDINGS W/BASEMENTS	BUILDINGS W/O BASEMENTS	STREETS & PARKING AREAS
C	BtB	SILT/LOAM	MODERATE: SEASONALLY PERCHED WATER TABLE	SLIGHT:	MODERATE: SEASONALLY PERCHED WATER TABLE; SLOPE
D	Fs	LOAM	SEVERE: HIGH WATER TABLE; POOR NATURAL DRAINAGE	SEVERE: HIGH WATER TABLE; POOR NATURAL DRAINAGE	SEVERE: HIGH WATER TABLE; POOR NATURAL DRAINAGE

RAL NOTES:
HIS SITE LIES IN:
ELECTION DISTRICT #11
COUNCILMATIC DISTRICT #5
CENSUS TRACT #4113.03
WATERSHED #6
SUBSEWERSHED #22
SITE ACREAGE:
GROSS: 41,403 SF± = 0.95 AC±
NET: 32,404 SF± = 0.74 AC±
SEE ZONING CALCULATIONS FOR REQUIRED PARKING CALCULATIONS.
DENOTES NUMBER OF PARKING SPACES PROPOSED.
SEE LANDSCAPING PLAN FOR INFORMATION PERTAINING TO SCREENING
OF DUMPSTERS.
LANDSCAPING REQUIRED:
REFER TO PRELIMINARY
LANDSCAPE PLAN.

FLOOR AREA RATIO PERMITTED = 3.0
FLOOR AREA RATIO PROPOSED : ~~3060~~ 3180/41000 = 0.1
THERE ARE NO KNOWN WELLS, SEPTICS OR STORAGE TANKS WITHIN 100'
OF SITE PER OWNER.
SOIL TYPES: BtB, Fs
AREAS WHERE DEVELOPMENT OCCURS, VEGETATION TO BE REMOVED
UNLESS OTHERWISE NOTED.
PER F.E.M.A. FLOOD INSURANCE RATE MAP #240010 0290 B
SITE LIES IN ZONE 'C'.
THERE ARE NO HISTORIC BUILDINGS, CRITICAL AREAS, ARCHEOLOGICAL SITES,
ENDANGERED SPECIES HABITAT, OR HAZARDOUS MATERIALS KNOWN ON SITE.
EXISTING ZONING OF SITE/ACRES
BL 0.63 AC±
DR 16 0.11 AC±
ANY FIXTURE USED TO ILLUMINATE ANY OFF-STREET PARKING AREA SHALL BE
SO ARRANGED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES,
INSTITUTIONAL SITES, AND PUBLIC ROADS. LIGHTING DENOTED THUS: ◀
DEED OF OWNERSHIP - E.H.K. Jr. 5844/235
TAX ACCOUNT # - 11-20066828
OWNER - ORVILLE M. JONES
#9523 BELAIR ROAD
BALTIMORE, MD. 21236
AVERAGE DAILY TRIPS: 8 HRS. x 6 BAYS ~~@ 4 CARS PER HOUR +~~
8 HRS. x 1 ~~BAY @ 12 CARS PER HOUR =~~
~~(8x24) + (8x12) = 288 A.D.T.~~
7 UNITS x 40 = 280 ADT
[illegible] 24 HR OPERATION W/1 ATTENDANT
[illegible] STATIONS INDICATED THUS: ☒

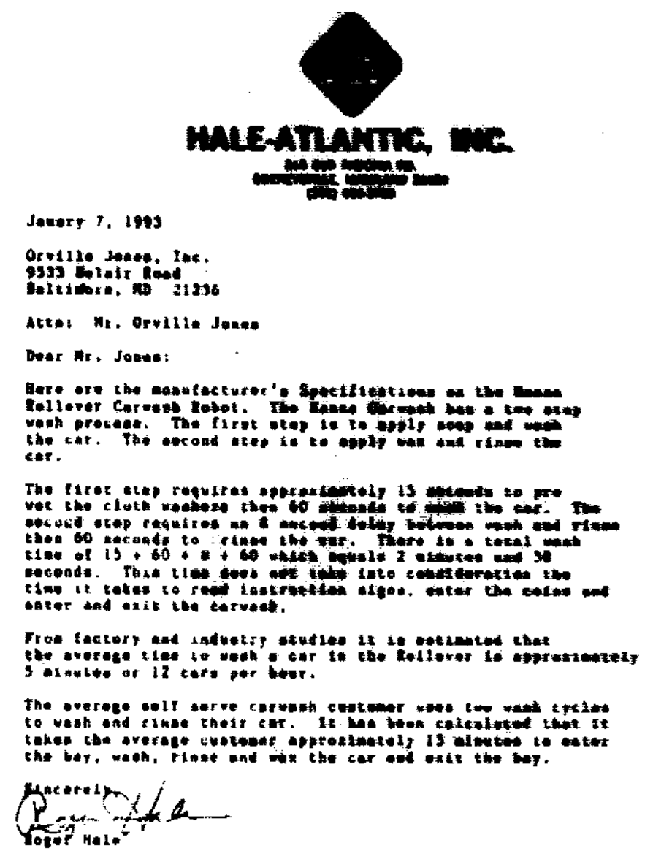
PERIMETER OF PARKING LOT IS TO BE CURBED

THE DR 16 PORTION OF SITE IS IN RTA
[illegible] WILL BE DISTURBED (N. EX WOODED AREA)

CALCULATIONS
EXISTING ZONING OF TRACT BL AND DR-16.
PROPOSED ZONING OF TRACT BL AND DR-16
WITH SPECIAL EXCEPTION FOR CAR WASH SECTION 419
GROSS AREA 0.95 AC±
NET 0.74 AC± (0.63 AC BL 0.11 AC DR-16)
[illegible] WAITING LINE STORAGE CALCULATIONS
REQUIRED STORAGE FOR 30 MINUTE PERIOD
SELF WASH 6 BAYS @ 15 MIN/WASH = 6 x 30 MIN./15 = 12 SPACES
AUTOMATIC 1 BAY @ 5 MIN/WASH = 1 x 30 MIN./5 = 6 SPACES
ADDITIONAL 10 SPACES
TOTAL REQUIRED 28 SPACES
PROPOSED STACKING 28 SPACES

MIN. 2 STACKING SPACES SHOWN FOR EACH SELF SERVICE BAY
7 STACKING SPACES SHOWN FOR AUTOMATIC WASH BAY
ALL STACKING SPACES ARE TYPICAL 20 LENGTH

[illegible] ALONG BELAIR ROAD SHALL BE REPAIRED/REPLACED AT THE
[illegible] OF THE S.H.A. SITE ENGINEER."
[illegible]
WILL BE IN CONFORMANCE WITH THE APPLICABLE PROVISIONS OF THE
COUNTY ZONING REGULATIONS S 413.2 & S 413.5.



HALE-ATLANTIC, INC.

Jauary 7, 1993

Orville Jones, Inc.
9533 Belair Road
Baltimore, MD 21236

Attn: Mr. Orville Jones

Dear Mr. Jones:

Here are the manufacturer's Specifications on the Hanna Rollover Carwash Robot. The Hanna Carwash has a two step wash process. The first step is to apply soap and wash the car. The second step is to apply wax and rinse the car.

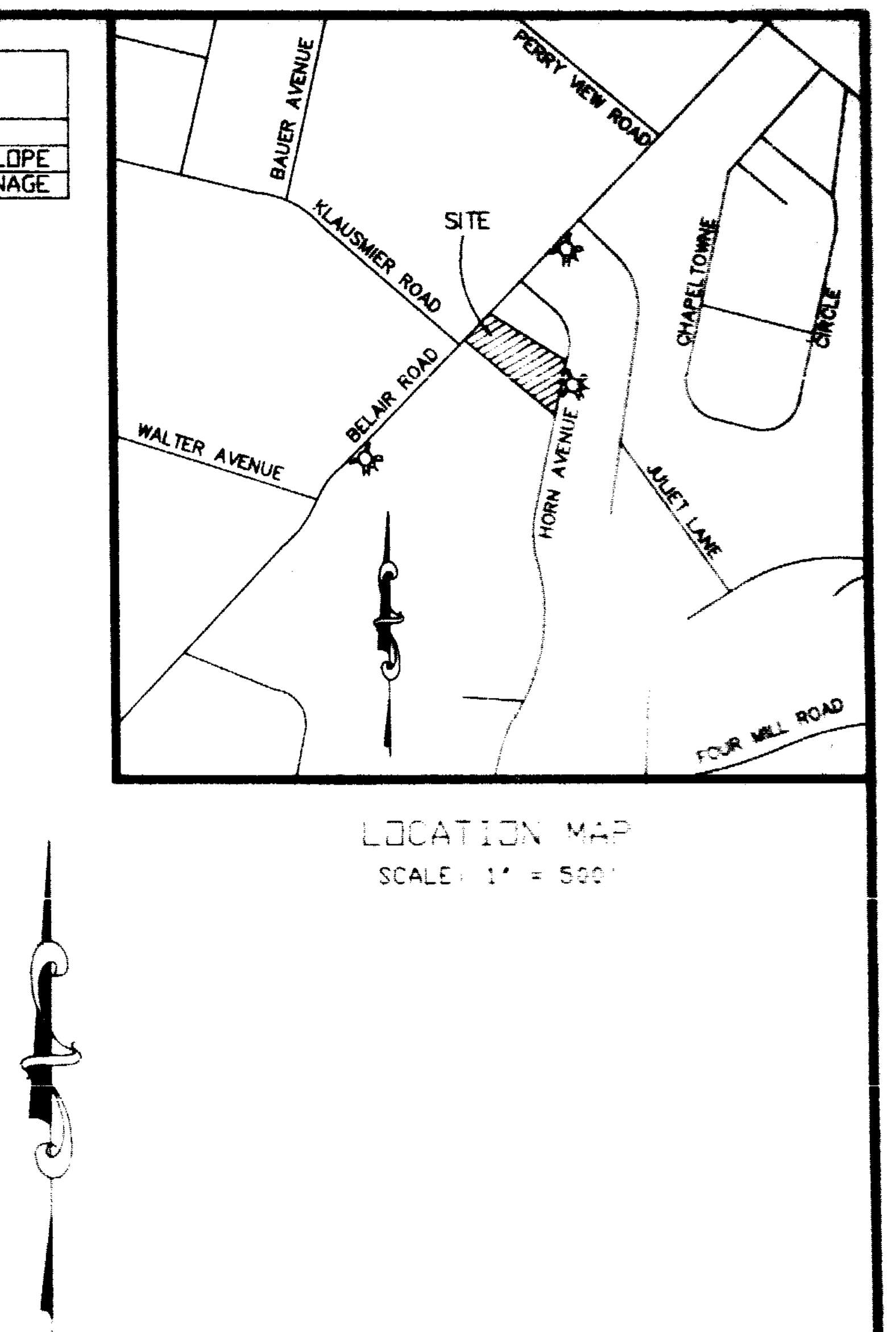
The first step requires approximately 13 seconds to pre wet the cloth washers then 60 seconds to wash the car. The second step requires an 8 second delay between wash and rinse then 60 seconds to rinse the car. There is a total wash time of 13 + 60 + 8 + 60 which equals 2 minutes and 38 seconds. This time does not take into consideration the time it takes to read instruction signs, enter the coins and enter and exit the carwash.

From factory and industry studies it is estimated that the average time to wash a car in the Rollover is approximately 5 minutes or 12 cars per hour.

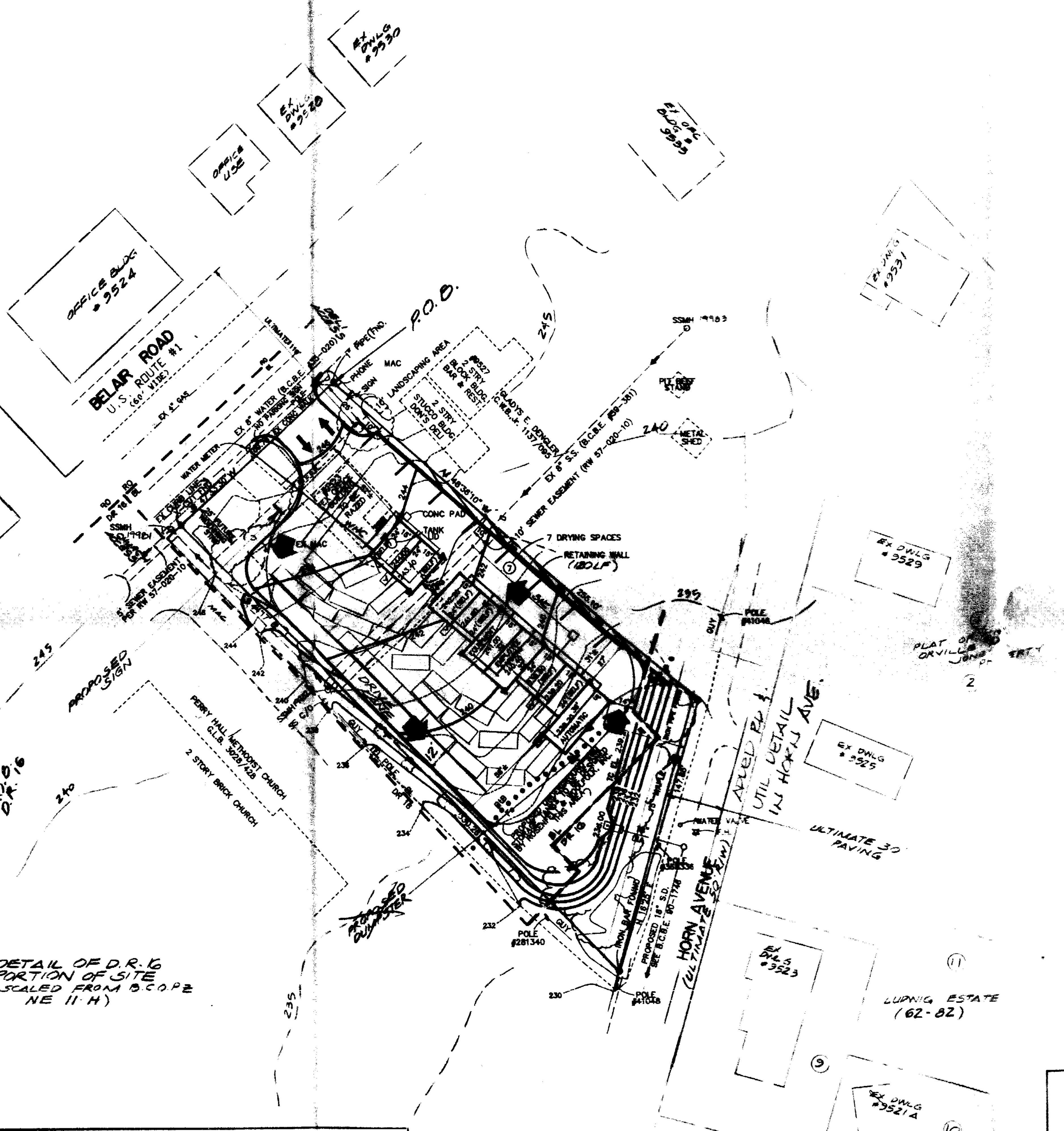
The average self serve carwash customer uses two wash cycles to wash and rinse their car. It has been calculated that it takes the average customer approximately 15 minutes to enter the bay, wash, rinse and wax the car and exit the bay.

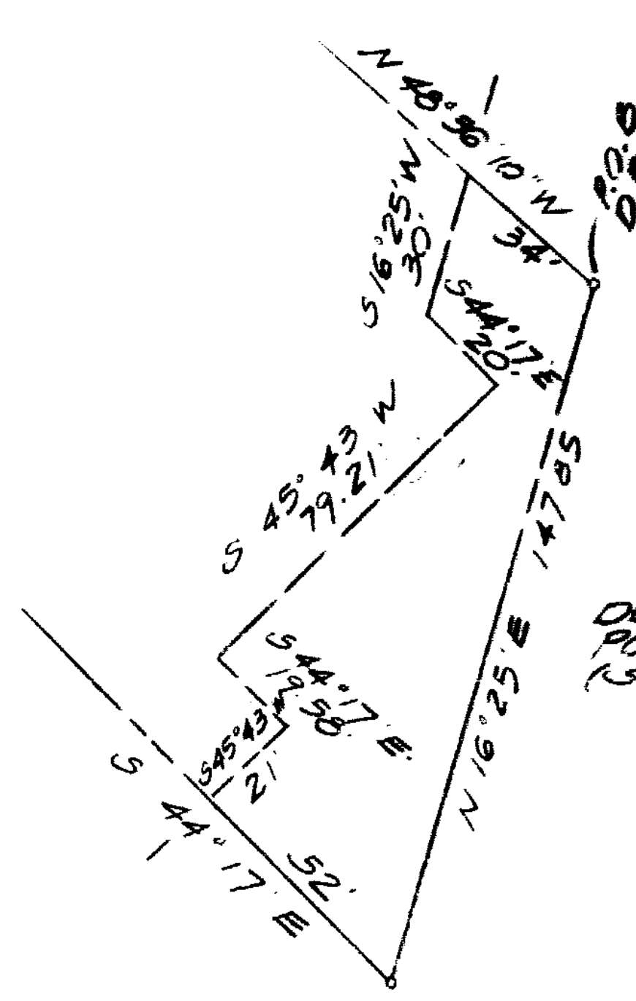
Sincerely,
Roger Hale
Roger Hale

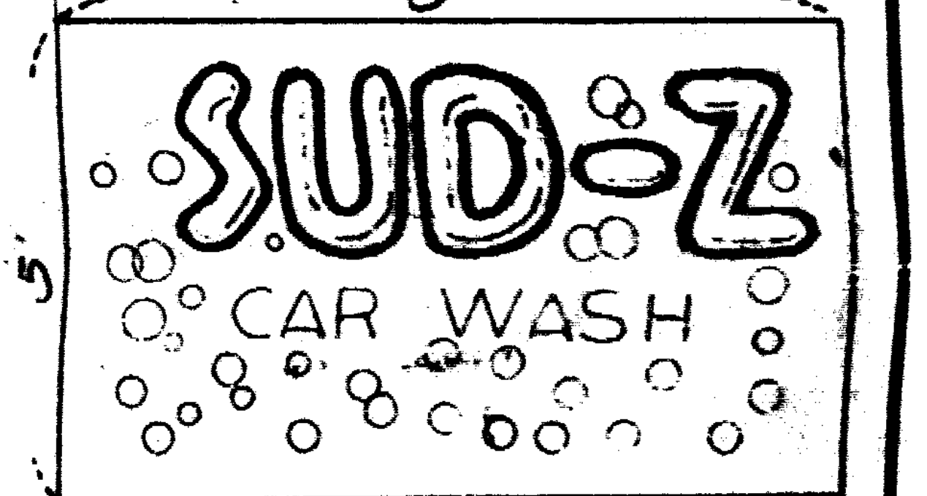
RLH:bh


PERRY VIEW ROAD
BAUER AVENUE
KLAUSMIER ROAD
SITE
CHAPELTOWNE CIRCLE
BELAIR ROAD
WALTER AVENUE
HORN AVENUE
JULIET LANE
FOUR MILE ROAD

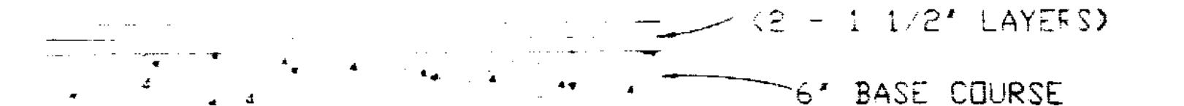
LOCATION MAP
SCALE: 1" = 500'


OFFICE BLDG #9524
EX DWLG #9530
EX DWLG #9528
OFFICE USE
EX DWLG #9533
EX DWLG #9531
BELAIR ROAD
U.S. ROUTE #1
KLAUSMIER ROAD
EX DWLG
P.O.B.
LANDSCAPING AREA
7 DRYING SPACES
RETAINING WALL
CONC PAD
EX DWLG #9529
PLAT OF ORVILLE JONES PROPERTY
PROPOSED SIGN
PERRY HALL METHODIST CHURCH
2 STORY BRICK CHURCH
PROPOSED DUMPSTER
HORN AVENUE
ULTIMATE 30' PAVING
UTIL DETAIL IN HORN AVE.
EX DWLG #9523
LURING ESTATE (62-82)
EX DWLG #9521A
EX DWLG #9521
EX DWLG #9519B
245
240
235
230
DETAIL OF D.R.-16 PORTION OF SITE (SCALED FROM B.C. 0.P.Z. NE 11 H)

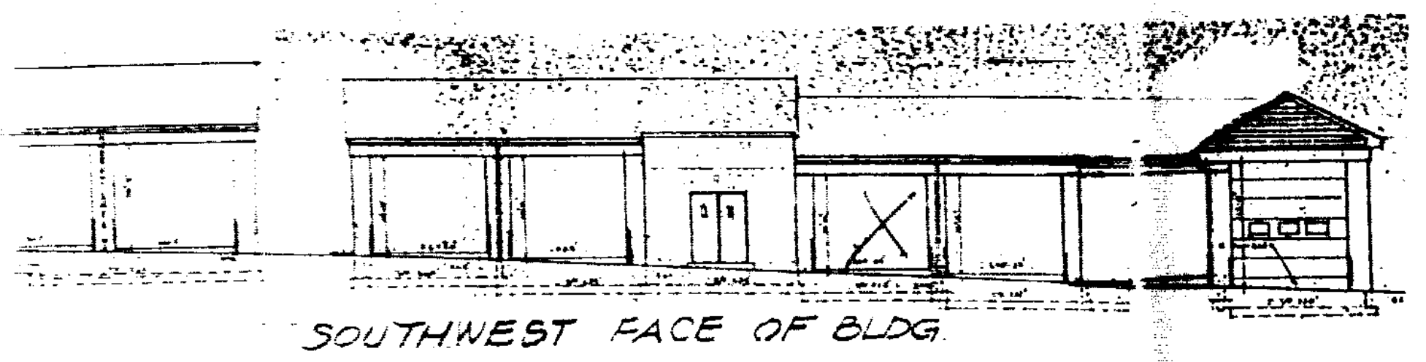

N 45°36'10" W 34'
P.O.B. D.R. 16
S 16°25' W 30'
S 44°17' E 20'
S 45°43' W 79.21'
N 16°25' E 147.05'
S 44°17' E 52'


8'
SUD-Z
CAR WASH
5'

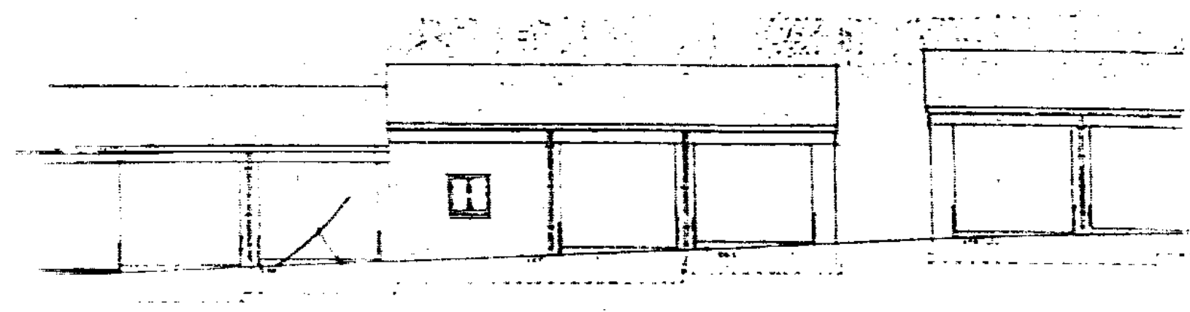
PROPOSED DOUBLE FACED SIGN 1" = 2'


3" BIT. SURFACE COURSE (2 - 1 1/2" LAYERS)
6" BASE COURSE CR-1 OR CR-6

TYPICAL PAVING SECTION
(OR AS RECOMMENDED BY SOILS ENGINEER)

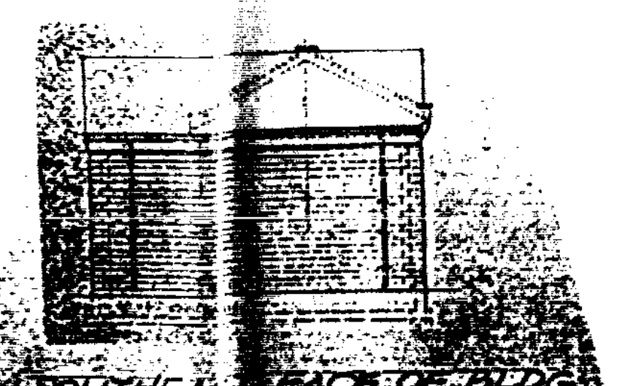


SOUTHWEST FACE OF BLDG.



NORTHEAST FACE OF BLDG.

RTHWEST FACE OF BLDG.



SOUTHEA FACE OF BLDG.

ZONING REQUESTS

1. SPECIAL EXCEPTION TO ALLOW A CAR WASH IN A BL ZONE PURSUANT TO SEC. 230.13
2. ~~SPECIAL HEARING TO ALLOW A DRIVE LANE IN A D.R. ZONE.~~

SITE DATA

ZONE	ACRES (NET)
BL	0.63
DR-16	0.11

SITE DEVELOPEMENT PROPOSAL
PROPOSED UNITS
7 BAYS 1 EQUIPMENT UNIT 1 ~~PARKING~~ UNIT
OPEN SPACE PROPOSED
(N/A)

STACKING REQUIRED	STACKING PROPOSED
28 SPACES	28 SPACES

PETITIONER'S EXHIBIT NO. 4

DATE	REVISION
2-1-93	PER DEV PLAN CONF
1-8-93	PER ZONING COMMENTS
12-28-92	PER CHECKPRINT COMMENTS

#92221Z

DEVELOPMENT PLAN & PLAN TO ACCOMPANY REQUEST FOR SPECIAL EXCEPTION & SPECIAL HEARING

JONES CARWASH

#9523 BELAIR ROAD

11th ELECTION DISTRCT
BALTIMORE COUNTY, MD.
SCALE: 1" = 40'
11-13-92
SEE REVISED 1" = 20' PLAN DATED 2-1-93

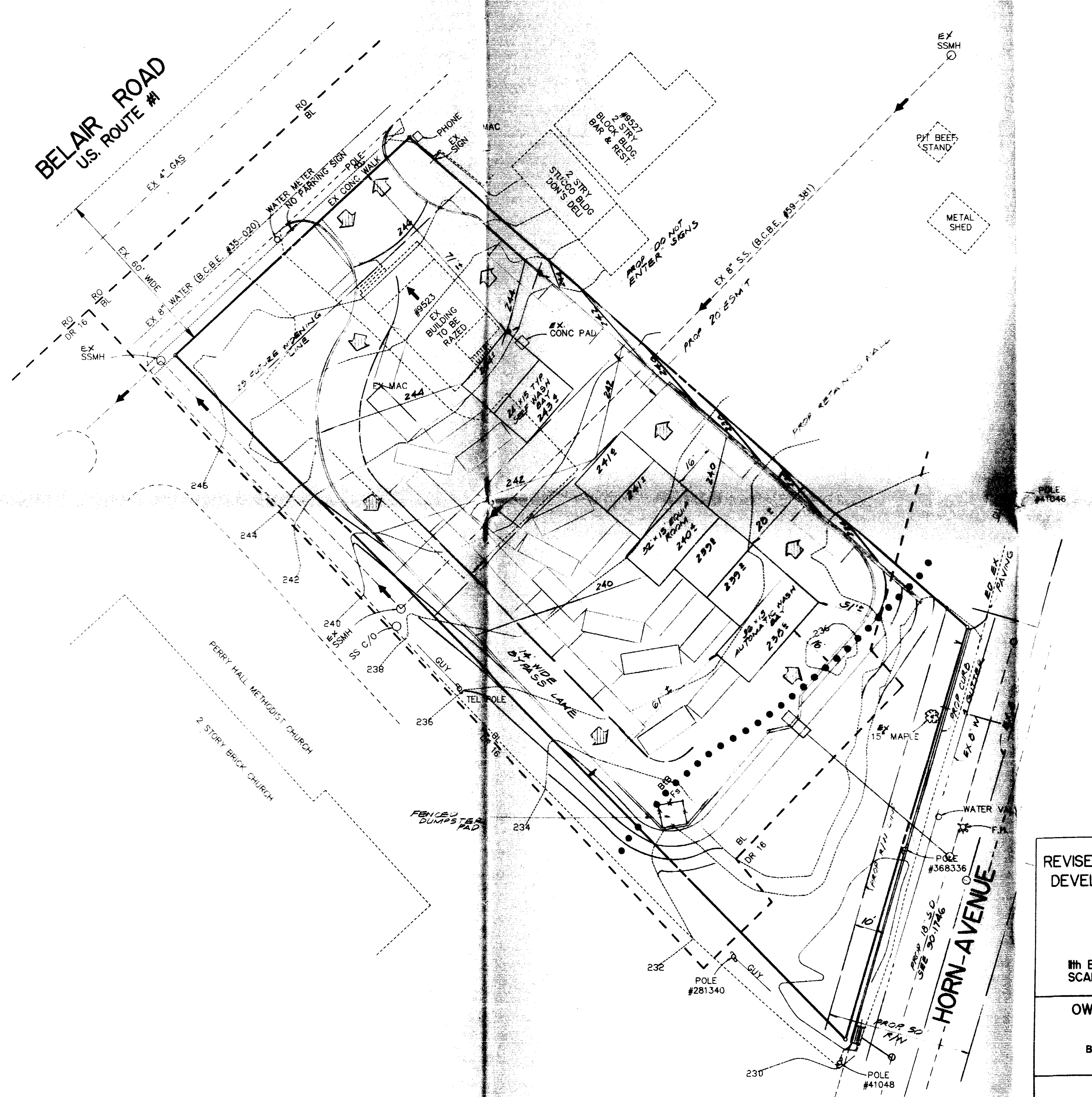
OWNER/APPLICANT
ORVILLE M. JONES
#9533 BELAIR ROAD
BALTIMORE, MD. 21236
(410)256-6630

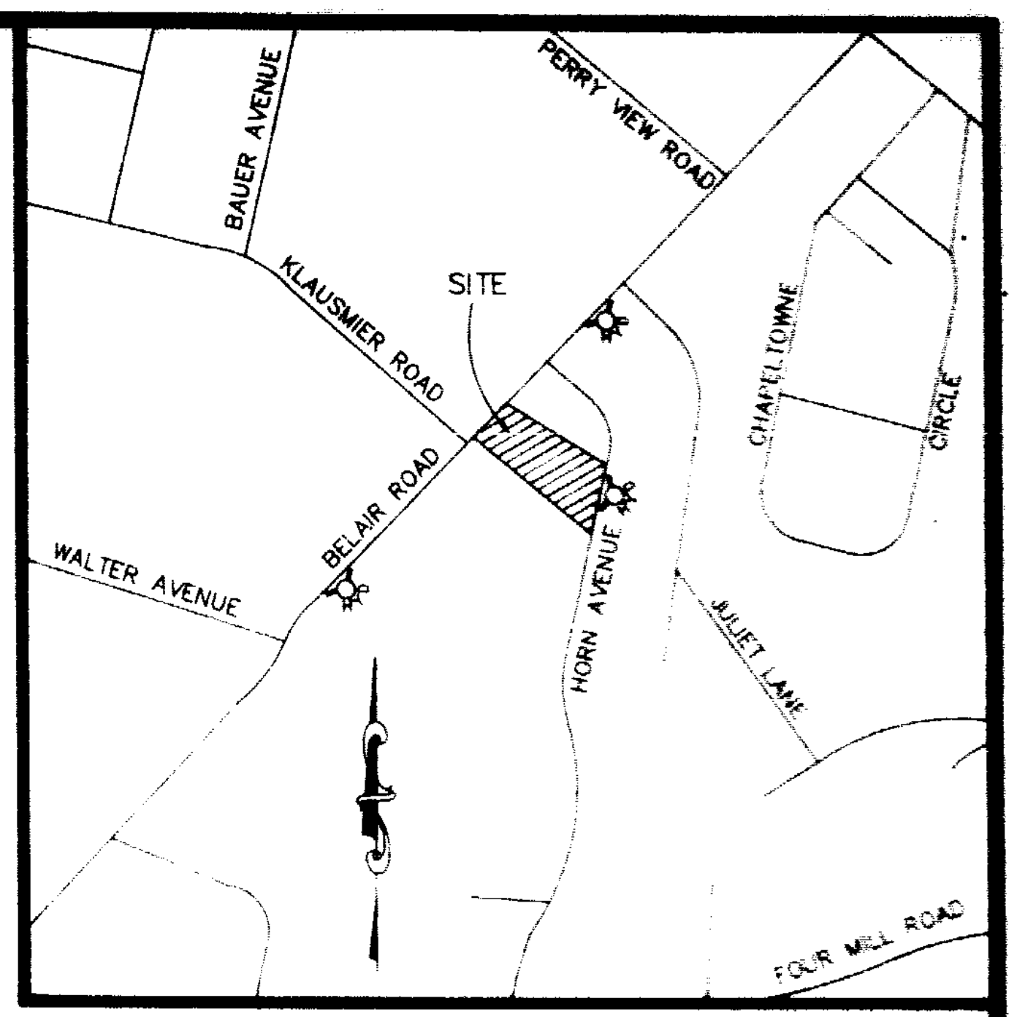
DEED REFERENCE: 5844/235
TAX ACCOUNT #: 11-20066828

J.S. DALLAS, INC.
Surveying & Engineering
4932 Hazelwood Avenue
Baltimore, Maryland 21206
Telephone: (410) 866-2001

DWG# 88264

Petitioner's Ex. #2


BELAIR ROAD
U.S. ROUTE #1
EX 4" GAS
RO / BL
EX. 60' WIDE
EX 8" WATER (B.C.B.E. #35-020)
WATER METER
NO PARKING SIGN
POLE
EX CONC WALK
PHONE
EX SIGN
MAC
RO / DR 16
EX SSMH
25 FUTURE WIDENING LINE
#9523 EX BUILDING TO BE RAZED
EX MAC
244
246
242
#9527 2 STRY BLOCK BLDG. BAR & REST.
2 STRY STUCCO BLDG DON'S DELI
PROP "DO NOT ENTER" SIGNS
EX 8" S.S. (B.C.B.E. #59-381)
PROP 20' ESM'T
EX SSMH
PIT BEEF STAND
METAL SHED
EX. CONC PAD
24'x15' TYP SELF WASH BAY 243±
PROP RETAINING WALL
241±
16'
240
32'x15' EQUIP ROOM 240±
239±
20±
90'x15' AUTOMATIC WASH BAY 238±
51'±
61'±
236
POLE #41046
EQ EX PAVING
PROP CURB & GUTTER
EX 8" W
EX 15" MAPLE
WATER VALVE
F.H.
POLE #368336
14' WIDE BYPASS LANE
240
EX SSMH
SS C/O
238
GUY
TEL POLE
236
BL / DR 16
FENCED DUMPSTER PAD
234
232
POLE #281340
GUY
230
POLE #41048
PROP R/W LINE
10'
PROP 18' S.D. SEE 90-1746
HORN AVENUE
PROP 50' R/W
PERRY HALL METHODIST CHURCH
2 STORY BRICK CHURCH


BAUER AVENUE
PERRY VIEW ROAD
KLAUSMIER ROAD
SITE
CHAPELTOWNE CIRCLE
BELAIR ROAD
WALTER AVENUE
HORN AVENUE
JULIET LANE
FOUR MILE ROAD

LOCATION MAP
SCALE 1" = 500'

DATE	REVISION

REVISED LAYOUT AND GRADING STUDY TO ACCOMPANY DEVELOPEMENT PLAN AND SPECIAL EXCEPTION PLAN

JONES CARWASH
#9523 BELAIR ROAD

11th ELECTION DISTIRCT
SCALE: 1" = 20'

BALTIMORE COUNTY, MD.
02-01-93

OWNER/APPLICANT
ORVILLE M. JONES
#9533 BELAIR ROAD
BALTIMORE, MD. 21236
(410)256-6630

DEED REFERENCE: 5844/235
TAX ACCOUNT #: 11-20066828

J.S. DALLAS, INC.
Surveying & Engineering
4932 Hazelwood Avenue
Baltimore, Maryland 21206
Telephone: (410) 866-2001

DWG# 882643

Petitioner's Ex. #3

HYDROLOGIC SOIL GROUPING	SOIL TYPES & LIMITATIONS				
	TYPE	CLASS	BUILDINGS W/BASEMENTS	BUILDINGS W/O BASEMENTS	STREETS PARKING AREAS
C	BtB	SILT/LOAM	MODERATE: SEASONALLY PERCHED WATER TABLE	SLIGHT:	MODERATE SEASONALLY PERCHED WATER TABLE; SLOPE
D	Fs	LOAM	SEVERE: HIGH WATER TABLE; POOR NATURAL DRAINAGE	SEVERE: HIGH WATER TABLE; POOR NATURAL DRAINAGE	SEVERE: HIGH WATER TABLE; POOR NATURAL DRAINAGE

GENERAL NOTES:

THIS SITE LIES IN:
1. ELECTION DISTRICT #11
2. COUNCILMATIC DISTRICT #5
3. CENSUS TRACT #4113.03
4. WATERSHED #6
   SUBSEWERSHED #22
5. SITE ACREAGE:
   GROSS: 41,403 SF± = 0.95 AC±
   NET: 32,404 SF± = 0.74 AC±
6. SEE ZONING CALCULATIONS FOR REQUIRED PARKING CALCULATIONS.
   ⓪ DENOTES NUMBER OF PARKING SPACES PROPOSED.
   SEE LANDSCAPING PLAN FOR INFORMATION PERTAINING TO SCREENING OF DUMPSTERS.
   LANDSCAPING REQUIRED:
   REFER TO PRELIMINARY LANDSCAPE PLAN.
7. FLOOR AREA RATIO PERMITTED = 3.0
   FLOOR AREA RATIO PROPOSED = 3660/41000 = 0.1
8. THERE ARE NO KNOWN WELLS, SEPTICS OR STORAGE TANKS WITHIN 100' OF SITE PER OWNER.
9. SOIL TYPES: BtB, Fs
10. AREAS WHERE DEVELOPMENT OCCURS, VEGETATION TO BE REMOVED UNLESS OTHERWISE NOTED.
11. PER F.E.M.A. FLOOD INSURANCE RATE MAP #240010 0290 B SITE LIES IN ZONE 'C'.
12. THERE ARE NO HISTORIC BUILDINGS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT, OR HAZARDOUS MATERIALS KNOWN ON SITE.
13. EXISTING ZONING OF SITE/ACRES
    1. BL 0.63 AC±
    2. DR 16 0.11 AC±
14. ANY FIXTURE USED TO ILLUMINATE ANY OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES, INSTITUTIONAL SITES, AND PUBLIC ROADS. *LIGHTING DENOTED THUS:* ◀
15. DEED OF OWNERSHIP - E.H.K. Jr. 5844/235
    TAX ACCOUNT # - 11-20066828
    OWNER - ORVILLE M. JONES
    #9533 BELAIR ROAD
    BALTIMORE, MD. 21236
16. AVERAGE DAILY TRIPS: 8 HRS. x 6 BAYS @ 4 CARS PER HOUR +
    8 HRS. x 1 BAY @ 12 CARS PER HOUR =
    (8x24) + (8x12) = 288 A.D.T.
17. *PROPOSED 24 HR OPERATION W/1 ATTENDANT*
18. *VACUUM STATIONS INDICATED THUS:* ☑
19. *PERIMETER OF PARKING LOT IS TO BE CURBED*
20. *ENTIRE DR-16 PORTION OF SITE IS IN RTA*
21. *TOTAL SITE WILL BE DISTURBED (NO EX WOODED AREA)*

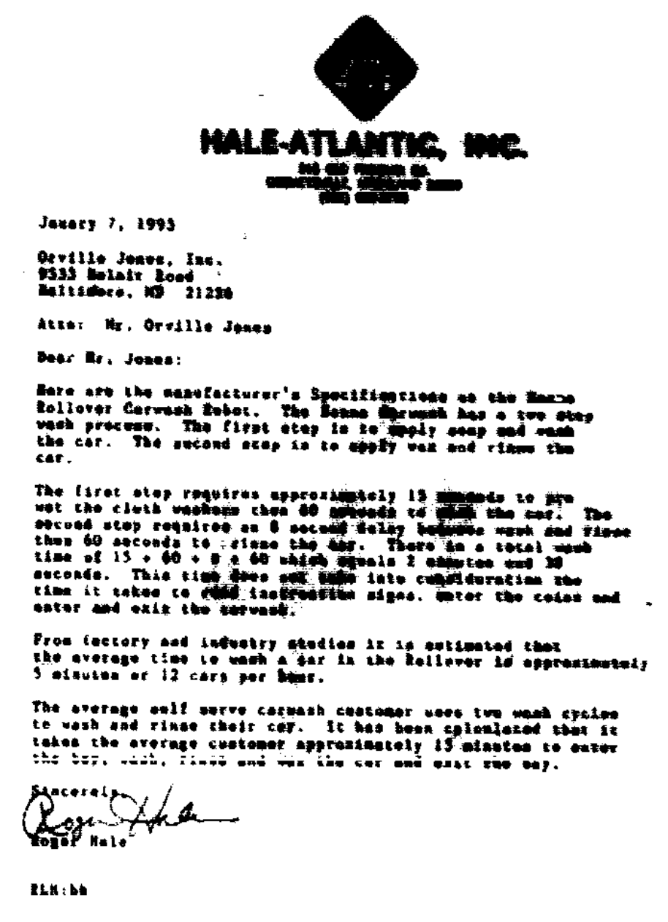
ZONING CALCULATIONS
1. EXISTING ZONING OF TRACT BL AND DR-16.
2. PROPOSED ZONING OF TRACT BL AND DR-16
   WITH SPECIAL EXCEPTION FOR CAR WASH SECTION 419
3. ACREAGE GROSS 0.95 AC±
   NET 0.74 AC± (0.63 AC BL 0.11 AC DR-16)
4. VEHICULAR WAITING LINE STORAGE CALCULATIONS
   REQUIRED STORAGE FOR 30 MINUTE PERIOD
   OWNER WASH 6 BAYS @ 15 MIN/WASH = 6 x 30 MIN /15 = 12 SPACES
   AUTOMATIC 1 BAY @ 5 MIN/WASH = 1 x 30 MIN / 5 = 6 SPACES
   ADDITIONAL 10 SPACES
   TOTAL REQUIRED 28 SPACES
5. PROPOSED STACKING 28 SPACES

MIN 2 STACKING SPACES SHOWN FOR EACH SELF-SERVICE BAY

7 STACKING SPACES SHOWN FOR AUTOMATIC WASH BAY

ALL STACKING SPACES ARE TYPICAL 20 LENGTH

6. S.H.A. NOTE
   "EXISTING CURB ALONG BELAIR ROAD SHALL BE REPAIRED/REPLACED AT THE DISCRETION OF THE S.H.A. SITE ENGINEER."
7. SIGNAGE
   SIGNS WILL BE IN CONFORMANCE WITH THE APPLICABLE PROVISIONS OF THE BALTO. COUNTY ZONING REGULATIONS S.413.2 & S.413.5.



HALE-ATLANTIC, INC.

January 7, 1993

Orville Jones, Inc.
9533 Belair Road
Baltimore, MD 21236

Attn: Mr. Orville Jones

Dear Mr. Jones:

Here are the manufacturer's Specifications on the Hanna Rollover Carwash Robot. The Hanna Carwash has a two step wash process. The first step is to apply soap and wash the car. The second step is to apply wax and rinse the car.

The first step requires approximately 15 seconds to pre wet the cloth washers then 60 seconds to wash the car. The second step requires an 8 second delay between wash and rinse then 60 seconds to rinse the car. There is a total wash time of 15 + 60 + 8 + 60 which equals 2 minutes and 30 seconds. This time does not take into consideration the time it takes to read instruction signs, enter the coins and enter and exit the carwash.

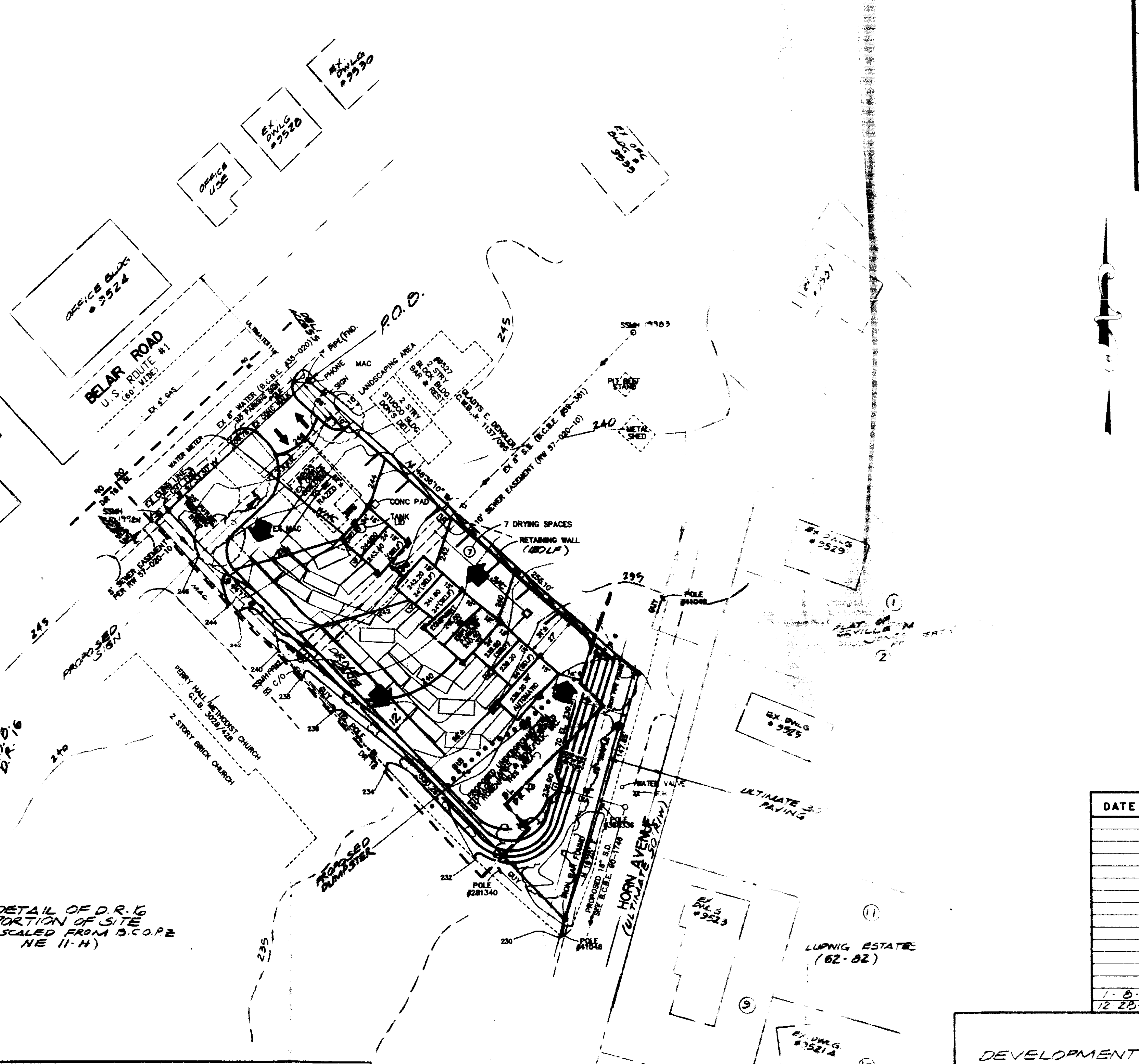
From factory and industry studies it is estimated that the average time to wash a car in the Rollover is approximately 5 minutes or 12 cars per hour.

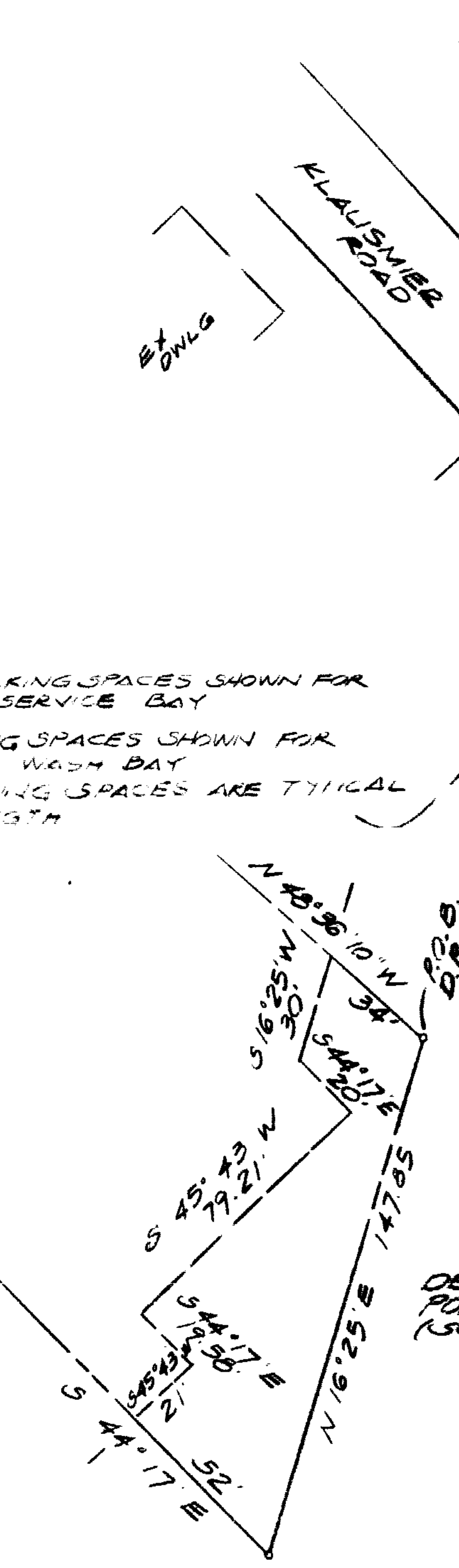
The average self serve carwash customer uses two wash cycles to wash and rinse their car. It has been calculated that it takes the average customer approximately 15 minutes to enter the bay, wash, rinse and wax the car and exit the bay.

Sincerely,

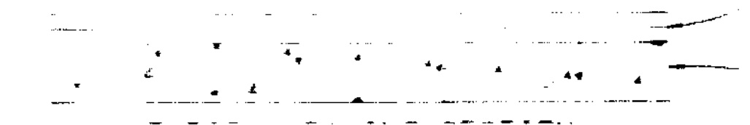
Roger Hale

RLH:bh

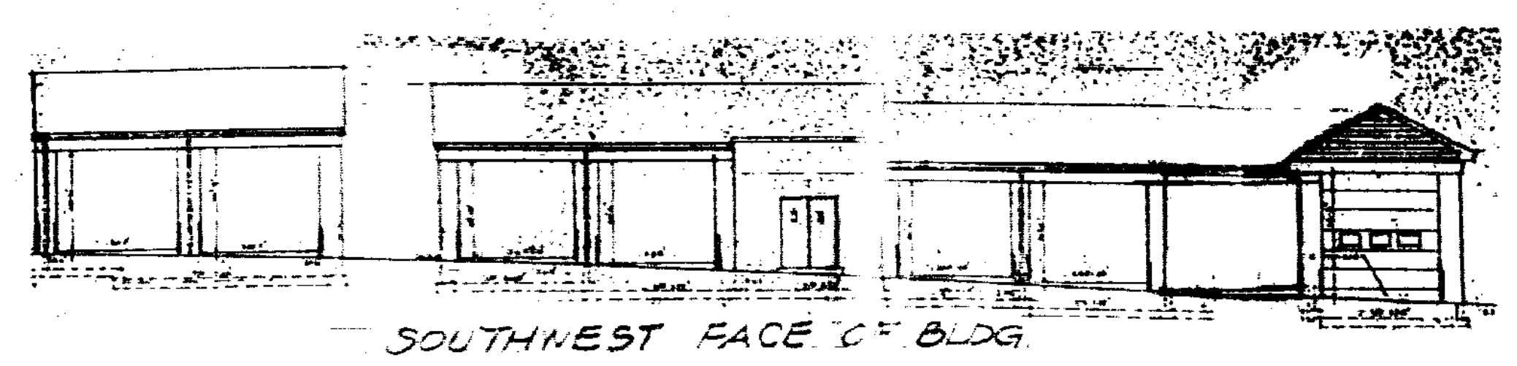

BELAIR ROAD
U.S. ROUTE #1
KLAUSMIER ROAD
OFFICE BLDG #9524
OFFICE USE
EX DWLG #9530
EX DWLG #9528
P.O.B.
LANDSCAPING AREA
CONC PAD
TANK
7 DRYING SPACES
RETAINING WALL (120LF)
5' SEWER EASEMENT PER RW 57-020-10
PROPOSED SIGN
DRIVE LANE
PERRY HALL METHODIST CHURCH G.L.B. 3028/428
2 STORY BRICK CHURCH
PROPOSED DUMPSTER
POLE #281340
POLE #41048
HORN AVENUE (ULTIMATE 50' R/W)
ULTIMATE 30' PAVING
EX DWLG #9529
EX DWLG #9525
EX DWLG #9523
LUDWIG ESTATE (62-82)
245
240
235
230


EX DWLG
N 48°36'10" W
34'
P.O.B. D.R. 16
S 16°25' W 30'
S 44°17' E 20'
S 45°43' W 79.21'
147.85
S 44°17' E 19.58'
S 45°43' W 21'
N 16°25' E
S 44°17' E 52'

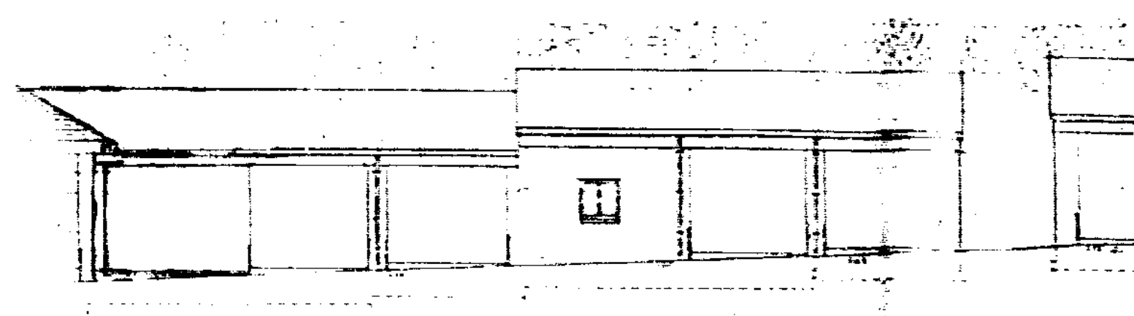
DETAIL OF D.R.16 PORTION OF SITE (SCALED FROM B.C.O.P.Z NE 11-H)


3" BIT. SURFACE COURSE (2 - 1 1/2" LAYERS)
6" BASE COURSE CR-1 OR CR-6

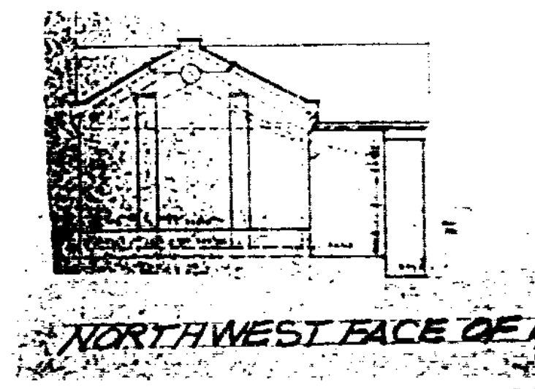
TYPICAL PAVING SECTION (OR AS RECOMMENDED BY SOILS ENGINEER)



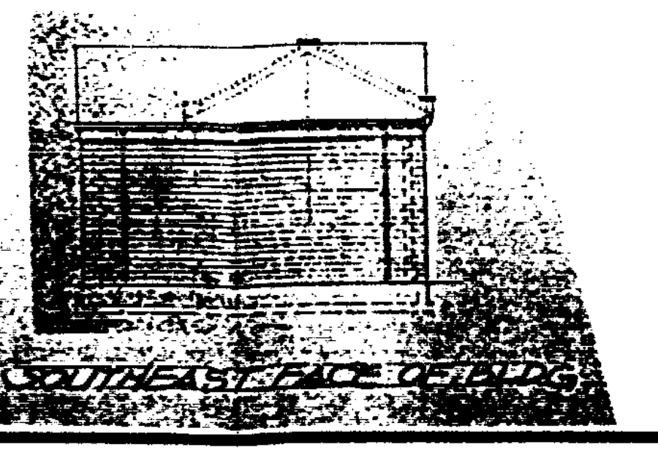
SOUTHWEST FACE OF BLDG.



NORTHEAST FACE OF BLDG.



NORTHWEST FACE OF BLDG.



SOUTHEAST FACE OF BLDG.

ZONING REQUESTS

1. *SPECIAL EXCEPTION TO ALLOW A CAR WASH IN A BL ZONE PURSUANT TO SEC. 230.13*
2. *SPECIAL HEARING TO ALLOW A DRIVE LANE IN A D.R. ZONE.*

SITE DATA

ZONE	ACRES (NET)
BL	0.63
DR-16	0.11

SITE DEVELOPEMENT PROPOSAL

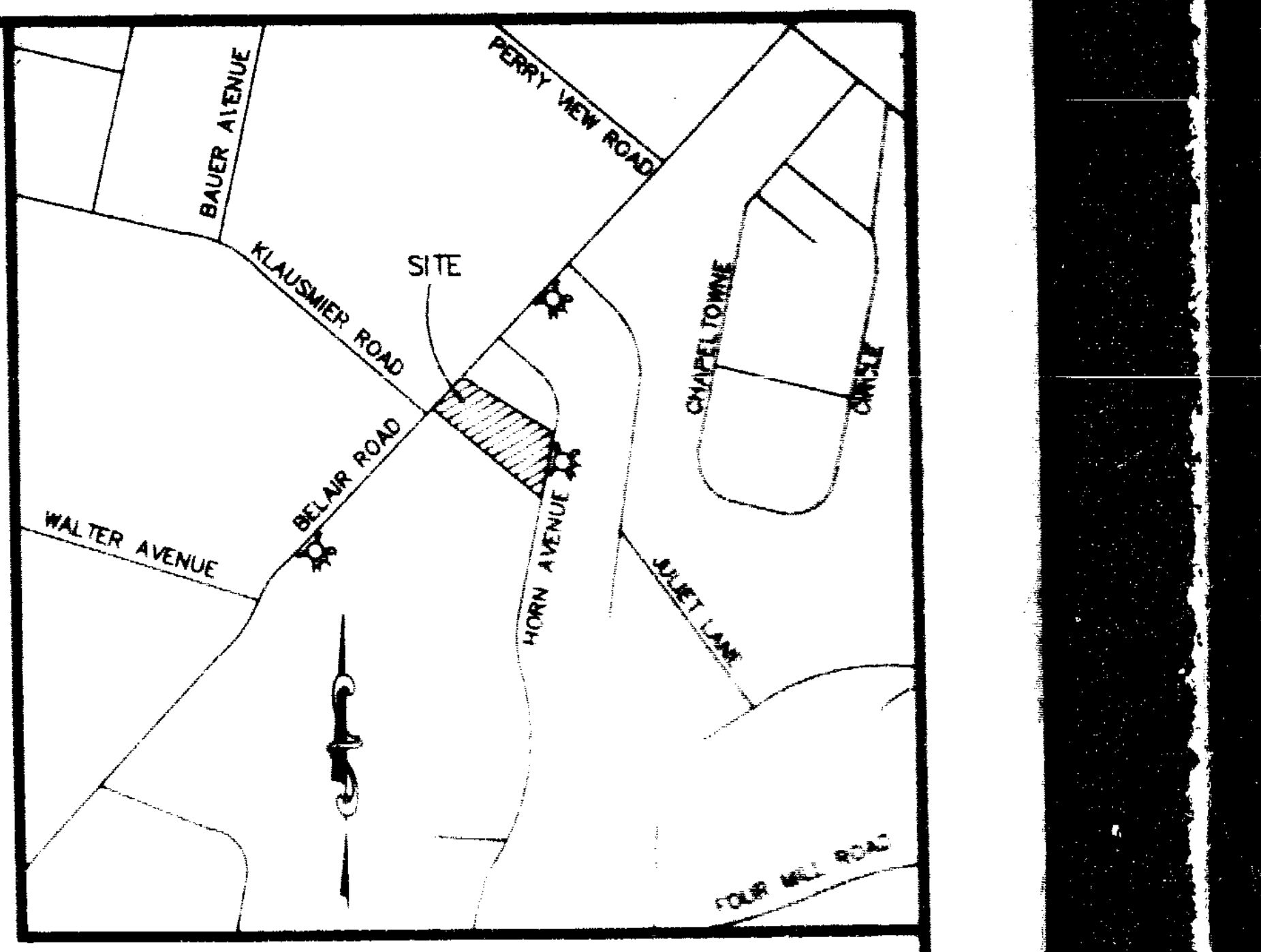
PROPOSED UNITS

7 BAYS 1 EQUIPMENT UNIT 1 PARKING UNIT

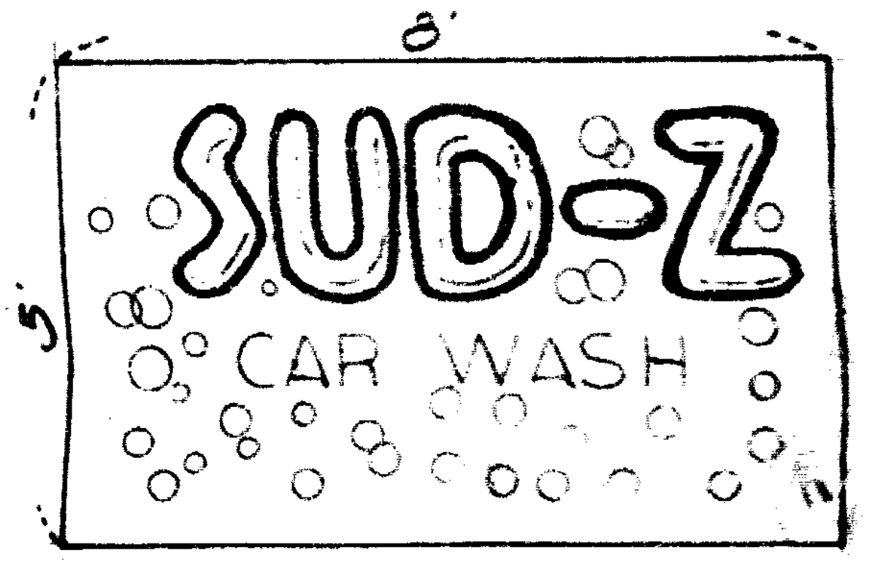
OPEN SPACE PROPOSED

(N/A)

STACKING REQUIRED	STACKING PROPOSED
28 SPACES	28 SPACES


BAUER AVENUE
PERRY VIEW ROAD
SITE
KLAUSMIER ROAD
CHAPELTOWNE CIRCLE
BELAIR ROAD
WALTER AVENUE
HORN AVENUE
JULIET LANE
FOUR MILL ROAD

LOCATION MAP
SCALE: 1" = 500'


8'
5'
SUD-Z
CAR WASH

PROPOSED DOUBLE FACED SIGN 1" = 2'

DATE	REVISION
1-8-93	PER ZONING COMMENTS
12-28-92	PER CHECKPRINT COMMENTS

#92221Z

DEVELOPMENT PLAN & PLAN TO ACCOMPANY REQUEST FOR SPECIAL EXCEPTION & SPECIAL HEARING

JONES CARWASH

#9523 BELAIR ROAD

11th ELECTION DISTRCT
SCALE: 1" = 40'

BALTIMORE COUNTY, MD.
11-13-92

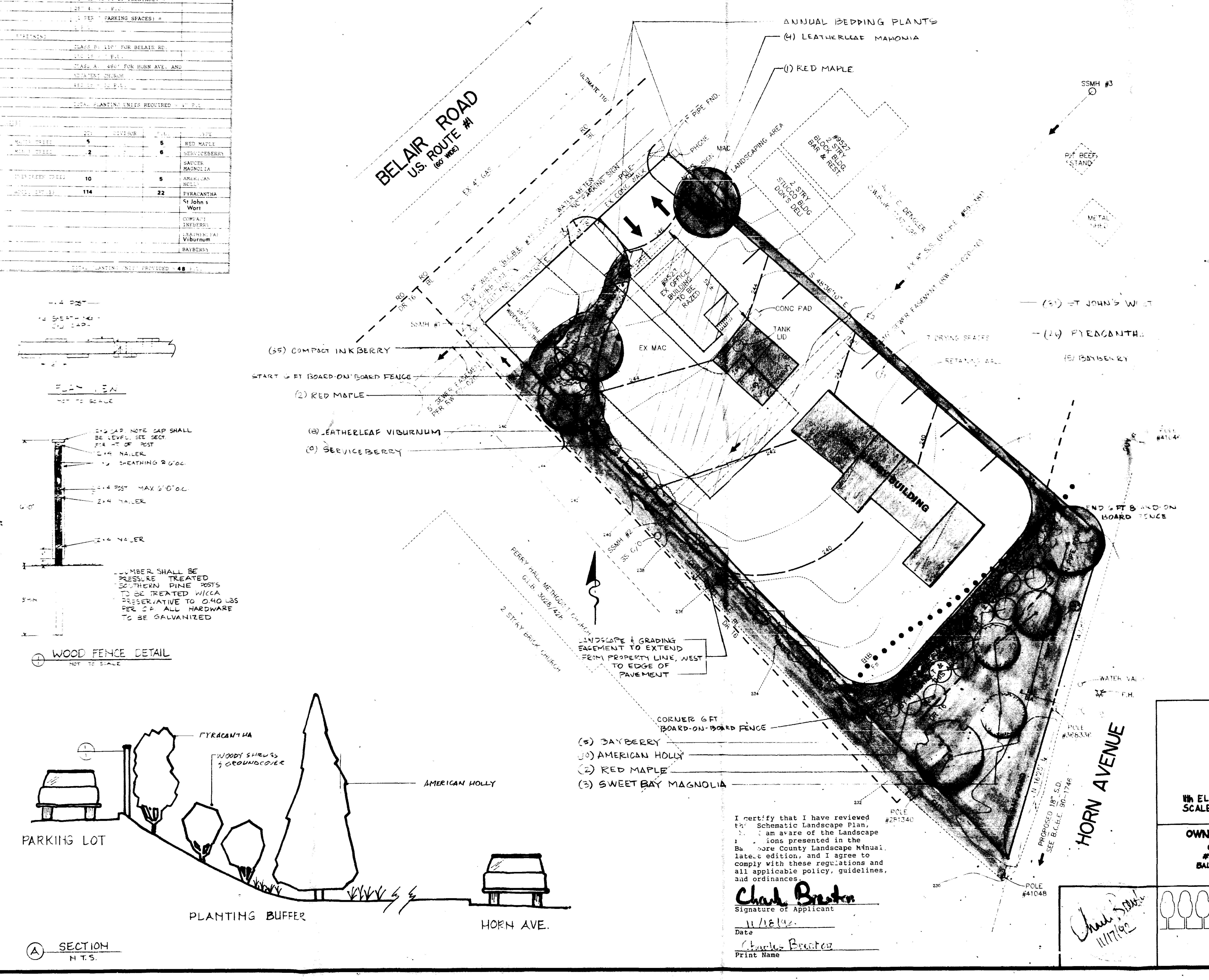
OWNER/APPLICANT
ORVILLE M. JONES
#9533 BELAIR ROAD
BALTIMORE, MD. 21236
(410)256-6630

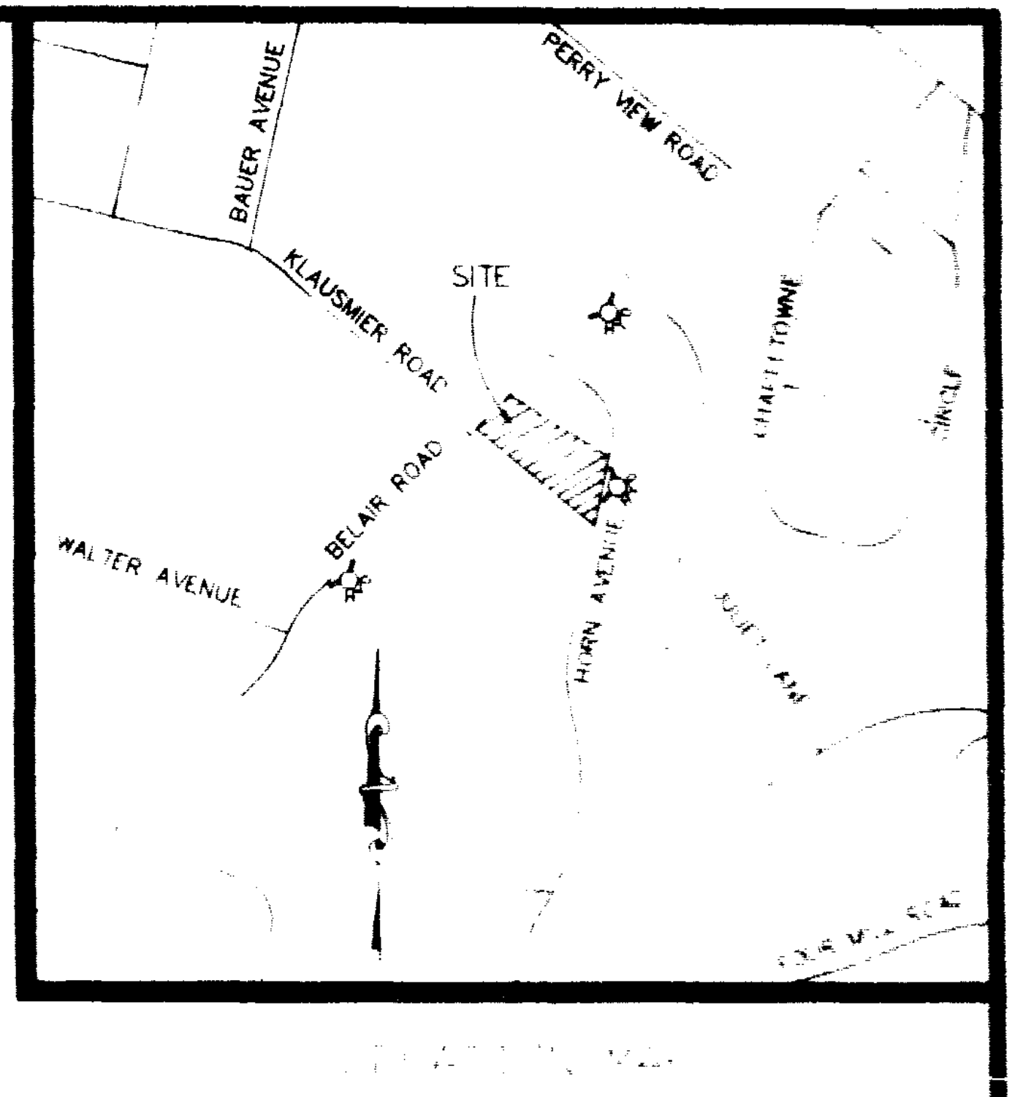
DEED REFERENCE: 5844/235
TAX ACCOUNT #: 11-20066828

J.S. DALLAS, INC.
Surveying & Engineering
4932 Hazelwood Avenue
Baltimore, Maryland 21206
Telephone: (410) 866-2001

DWG# 88264

LANDSCAPE COMPUTATION				
REQUIRED				
[illegible] TREES				
	(PER 40 FT OF FRONTAGE) =			
	257 40 = [illegible] P.U.			
	(1 PER [illegible] PARKING SPACES) =			
	[illegible] P.U.			
SCREENING				
	CLASS B: 110' FOR BELAIR RD.			
	110 15 = [illegible] P.U.			
	CLASS A: 480' FOR HORN AVE. AND			
	ADJACENT CHURCH			
	480 15 = 32 P.U.			
	TOTAL PLANTING UNITS REQUIRED = 4[illegible] P.U.			
PROVIDED				
	QTY	DIVISOR	P.U.	TYPE
MAJOR TREES	5		5	RED MAPLE
MINOR TREES	2		6	SERVICEBERRY
				SAUCER MAGNOLIA
EVERGREEN TREES	10		5	AMERICAN HOLLY
[illegible] SHRUBS	114		22	PYRACANTHA
				St John s Wort
				COMPACT INKBERRY
				LEATHERLEAF Viburnum
				BAYBERRY
	TOTAL PLANTING UNITS PROVIDED = 48 P.U.			


BELAIR ROAD
U.S. ROUTE #1
(60' WIDE)
ANNUAL BEDDING PLANTS
(4) LEATHERLEAF MAHONIA
(1) RED MAPLE
SSMH #3
#9527 2 STRY BLOCK BLDG BAR & REST.
2 STRY STUCCO BLDG DON'S DELI
LANDSCAPING AREA
PHONE
MAC
EX PIPE FND.
EX 4" GAS
WATER METER
POLE
EX CONC WALK
#9523 EX OFFICE BUILDING TO BE RAZED
CONC PAD
TANK LID
EX MAC
BUILDING
(55) COMPACT INKBERRY
START 6 FT BOARD-ON-BOARD FENCE
(2) RED MAPLE
(8) LEATHERLEAF VIBURNUM
(6) SERVICEBERRY
(35) ST JOHN'S WORT
(14) PYRACANTHA
(5) BAYBERRY
END 6 FT BOARD-ON-BOARD FENCE
SSMH #2
PERRY HALL METHODIST CHURCH
2 STRY BRICK CHURCH
LANDSCAPE & GRADING EASEMENT TO EXTEND FROM PROPERTY LINE, WEST TO EDGE OF PAVEMENT
CORNER 6FT BOARD-ON-BOARD FENCE
(5) BAYBERRY
(10) AMERICAN HOLLY
(2) RED MAPLE
(3) SWEET BAY MAGNOLIA
WATER VAL.
F.H.
POLE #281340
POLE #41048
PROPOSED 18" S.D. SEE B.C.B.E. 90-1746
HORN AVENUE
WOOD FENCE DETAIL
NOT TO SCALE
PLAN VIEW
NOT TO SCALE
2x4 NAILER
SHEATHING @ 6" O.C.
4x4 POST MAX 8'-0" O.C.
2x4 NAILER
6'-0"
LUMBER SHALL BE PRESSURE TREATED SOUTHERN PINE POSTS TO BE TREATED W/CCA PRESERVATIVE TO 0.40 LBS PER C.F. ALL HARDWARE TO BE GALVANIZED
PYRACANTHA
WOODY SHRUBS & GROUNDCOVER
AMERICAN HOLLY
PARKING LOT
PLANTING BUFFER
HORN AVE.
A SECTION
N.T.S.


BAUER AVENUE
PERRY VIEW ROAD
SITE
KLAUSMIER ROAD
BELAIR ROAD
WALTER AVENUE
HORN AVE

PERRY HALL UNITED METHODIST CHURCH
9515 BELAIR ROAD
BALTIMORE, MARYLAND 21236

August 31, 1992

Orville M. Jones, Inc.
9533 Belair Road
Baltimore, Maryland 21236

Dear Mr. Jones,

Earlier this month the Trustees of the Church discussed the proposed use of your property adjoining the Church. The Trustees understood that if they approved the private easement requested in your letter of June 29, 1992, the County would not require you to erect a retaining wall for water management.

You have explained that you plan to grade your property so that the water would flow to the rear of your lot and then to a pond beyond Horn Avenue. You further stated the absence of a retaining wall should not result in water flowing onto the Church property. If the retaining wall is eliminated, there would be some reduction in the expense of your project and you would be willing to erect a fence, that would extend approximately four feet above your curb, substantially similar to the fence behind your property on the corner of Belair and Klausmier roads. This fence would run between the Church property and the property for your proposed project beginning at the front corner of the Church building at Belair Road and ending approximately twenty-five feet from Horn Avenue. The fence would not have any shrubbery or planting.

The Trustees have approved signing your request for a private easement if you agree to erect the above mentioned fence at no cost to the Church. You have already indicated you would prepare and submit an appropriate agreement for our execution.

Please advise if you have any questions about the above, otherwise please submit the above mentioned agreement.

Sincerely,

W. L. Diller, Chairman
Board of Trustees

Duel
13

DATE	REVISION

I certify that I have reviewed this Schematic Landscape Plan, that I am aware of the Landscape regulations presented in the Baltimore County Landscape Manual, latest edition, and I agree to comply with these regulations and all applicable policy, guidelines, and ordinances.

Charles Brenton
Signature of Applicant

11/18/92
Date

Charles Brenton
Print Name

PRELIMINARY LANDSCAPE PLAN

JONES CARWASH
#9523 BELAIR ROAD

11th ELECTION DISTRICT
SCALE: 1" = 20'

BALTIMORE COUNTY, MD.
06-03-92

OWNER/APPLICANT
ORVILLE M. JONES
#9533 BELAIR ROAD
BALTIMORE, MD. 21236
(410)256-6630

DEED REFERENCE: 5844/235
TAX ACCOUNT #: 1-20066828

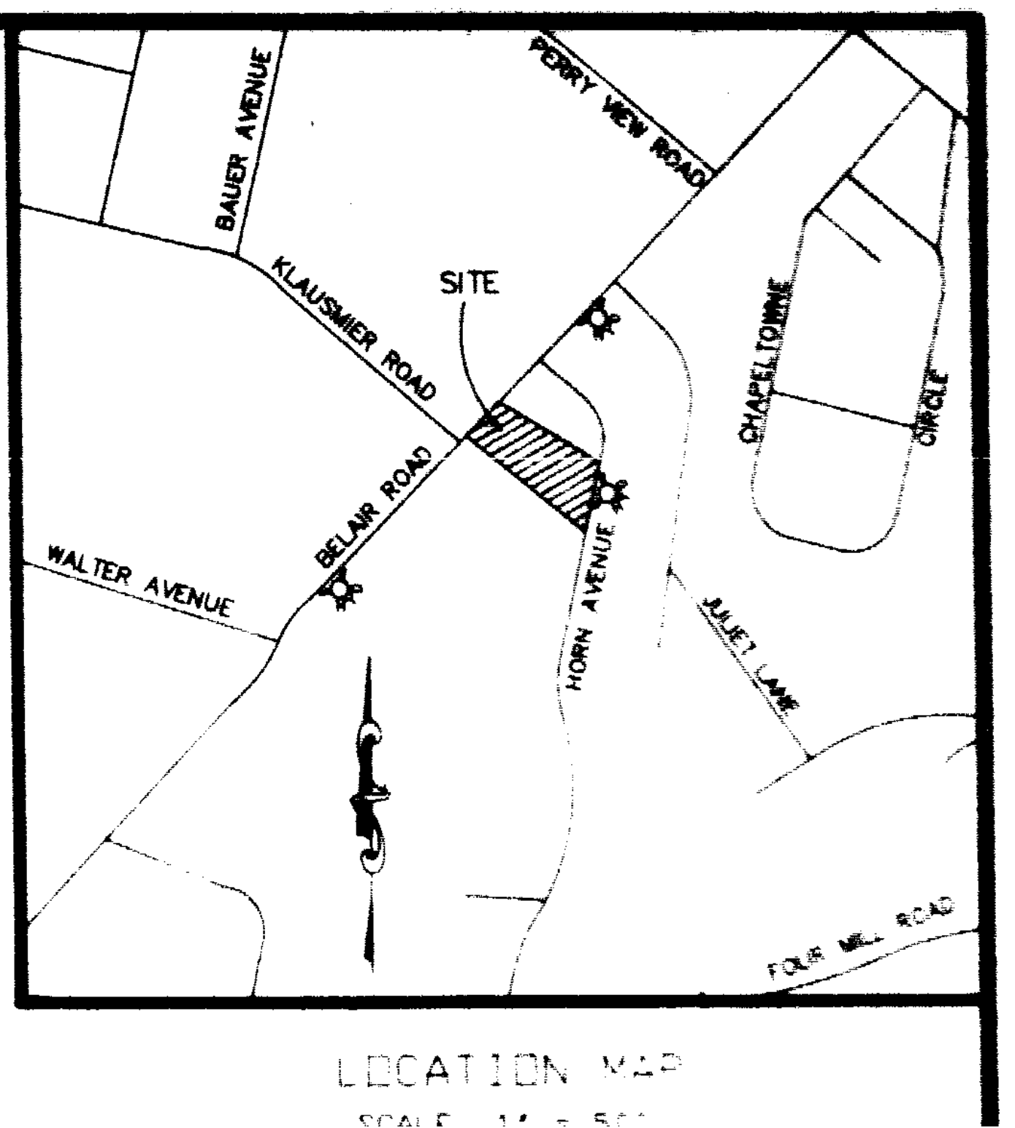
Charles Brenton
11/17/92

Brenton & Associates,
Landscape Architects, Land Planners
7452 Baltimore & Annapolis Blvd., Ste. 8
Glen Burnie, Maryland, 21061 301/760-1217

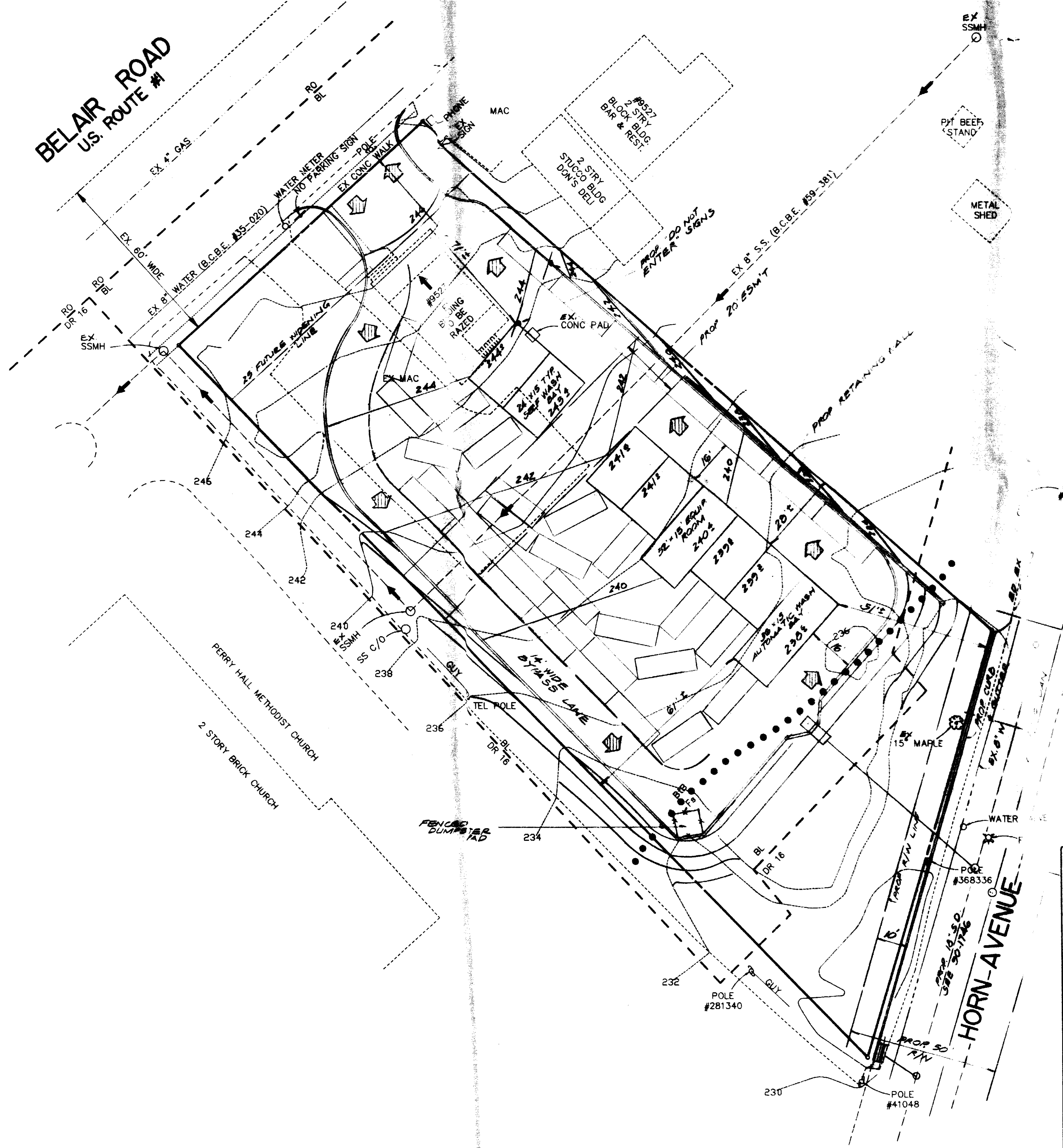
DATE: JAN/93
L-1

DWG# 88254

Petitioner's EX. # 4


PERRY VIEW ROAD
BAUER AVENUE
KLAUSMIER ROAD
SITE
CHAPELTOWNE
CIRCLE
BELAIR ROAD
WALTER AVENUE
HORN AVENUE
JULIET LANE
FOUR MILL ROAD

LOCATION MAP
SCALE 1" = 500'


BELAIR ROAD
U.S. ROUTE #1
EX 4" GAS
RO
BL
EX. 60' WIDE
EX 8" WATER (B.C.B.E. #35-020)
WATER METER
NO PARKING SIGN
POLE
EX CONC WALK
PHONE
EX SIGN
MAC
RO
DR 16
EX SSMH
25' FUTURE WIDENING LINE
#9523 BLDG TO BE RAZED
EX MAC
244
243±
24'x15' TYP. SELF WASH BAY 243±
242
241±
241±
16'
240
52'x15' EQUIP ROOM 240±
239±
239±
20'±
58'x15' AUTOMATIC WASH BAY 230±
51'±
236
16'
61'±
14' WIDE BYPASS LANE
EX. CONC PAD
#9527 2 STRY BLOCK BLDG BAR & REST.
2 STRY STUCCO BLDG DON'S DELI
PROP "DO NOT ENTER" SIGNS
EX 8" S.S. (B.C.B.E. #59-381)
PROP 20' ESM'T
PROP RETAINING WALL
EX SSMH
PIT BEEF STAND
METAL SHED
POLE #41046
PERRY HALL METHODIST CHURCH
2 STORY BRICK CHURCH
246
244
242
240
EX SSMH
SS C/O
238
GUY
TEL POLE
236
BL
DR 16
FENCED DUMPSTER PAD
234
BB
FS
EX 15" MAPLE
PROP CURB & GUTTER
EX. 8" W
80' EX
WATER
POLE #368336
PROP R/W LINE
10'
PROP 15' S.D. SEE 90-1746
HORN AVENUE
PROP 50' R/W
232
POLE #281340
GUY
230
POLE #41048

Duvel
1c

DATE	REVISION

REVISED LAYOUT AND GRADING STUDY TO ACCOMPANY DEVELOPEMENT PLAN AND SPECIAL EXCEPTION PLAN

JONES CARWASH

#9523 BELAIR ROAD

11th ELECTION DISTIRCT
SCALE: 1" = 20'

BALTIMORE COUNTY, MD.
02-01-93

OWNER/APPLICANT

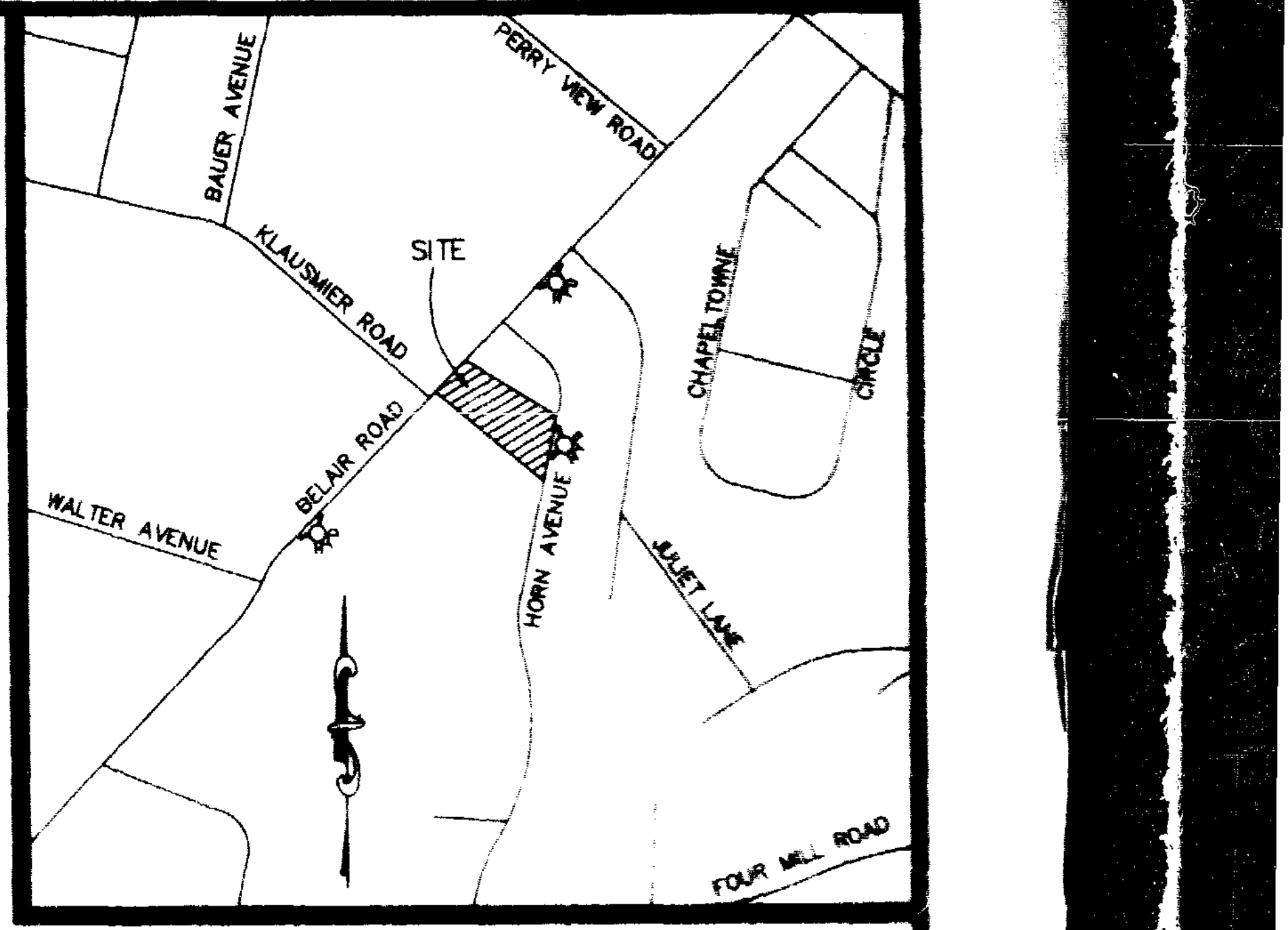
ORVILLE M. JONES
#9533 BELAIR ROAD
BALTIMORE, MD. 21236
(410)256-6630

DEED REFERENCE: 5844/236

TAX ACCOUNT #: 1-20066828

J.S. DALLAS, INC.
Surveying & Engineering
4932 Hazelwood Avenue
Baltimore, Maryland 21206
Telephone: (410) 866-2001

HYDROLOGIC SOIL GROUPING	SOIL TYPES & LIMITATIONS				
	TYPE	CLASS	BUILDINGS W/BASEMENTS	BUILDINGS W/O BASEMENTS	STREETS & PARKING AREAS
C	BtB	SILT/LOAM	MODERATE: SEASONALLY PERCHED WATER TABLE	SLIGHT:	MODERATE: SEASONALLY PERCHED WATER TABLE; SLOPE
D	Fs	LOAM	SEVERE: HIGH WATER TABLE; POOR NATURAL DRAINAGE	SEVERE: HIGH WATER TABLE; POOR NATURAL DRAINAGE	SEVERE: HIGH WATER TABLE; POOR NATURAL DRAINAGE


PERRY VIEW ROAD
BAUER AVENUE
SITE
KLAUSMIER ROAD
CHAPEL TOWNE
CIRCLE
WALTER AVENUE
BELAIR ROAD
HORN AVENUE
JULIET LANE
FOUR MILE ROAD

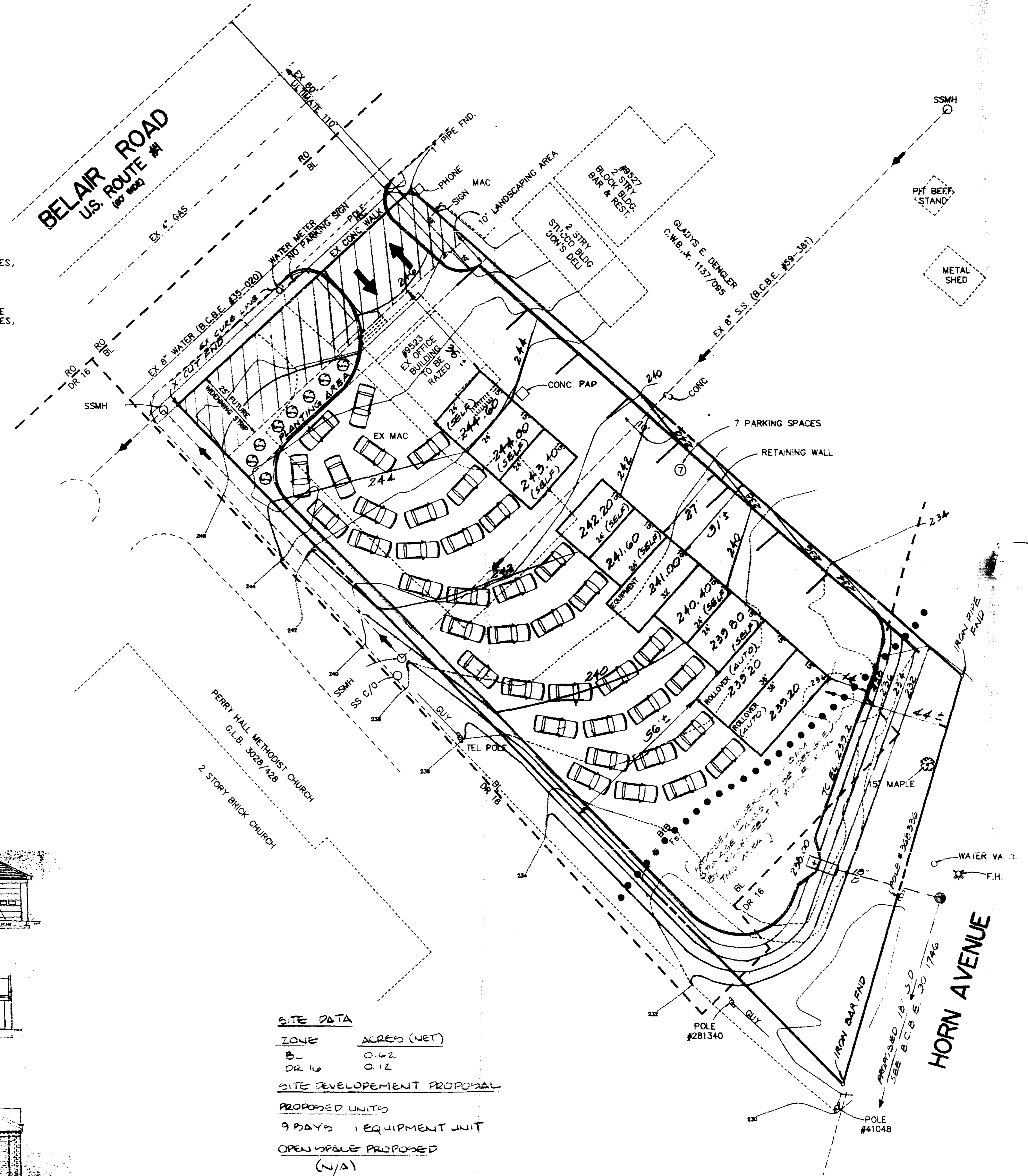
LOCATION MAP
SCALE: 1" = 500'

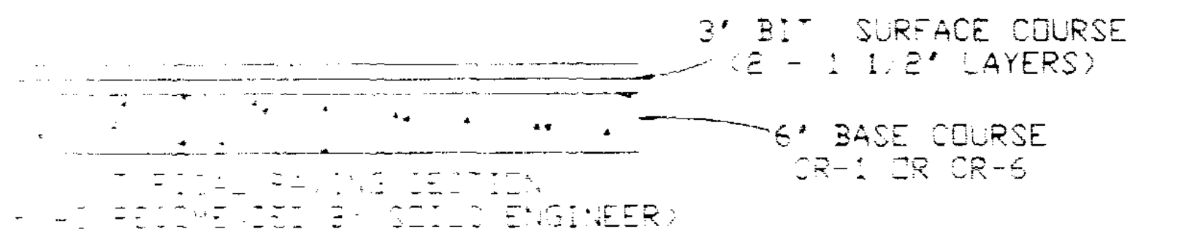
NOTES:
SITE LIES IN:
ION DISTRICT #11
LMATIC DISTRICT #5
TRACT #4113.03
HED #6
ERSHED #22
ACREAGE:
41,403 SF± = 0.95 AC±
32,404 SF± = 0.74 AC±
ZONING CALCULATIONS FOR REQUIRED PARKING CALCULATIONS.
TES NUMBER OF PARKING SPACES PROPOSED.
LANDSCAPING PLAN FOR INFORMATION PERTAINING TO SCREENING
MPSTERS.
CAPING REQUIRED:
TREE PER 40' OF ROAD FRONTAGE: 257/40 = 7
TREE PER 7 PARKING SPACES: 7/7 = 1
TOTAL PROPOSED PLANTINGS = 8
AREA RATIO PERMITTED = 3.0
AREA RATIO PROPOSED = 4080/41000 = 0.1
ARE NO KNOWN WELLS, SEPTICS OR STORAGE TANKS WITHIN 100'
TE PER OWNER.
TYPES: BtB, Fs
WHERE DEVELOPMENT OCCURS, VEGETATION TO BE REMOVED
OTHERWISE NOTED.
F.E.M.A. FLOOD INSURANCE RATE MAP #240010 0290 B
LIES IN ZONE 'C'.
ARE NO HISTORIC BUILDINGS, CRITICAL AREAS, ARCHEOLOGICAL SITES,
GERED SPECIES HABITAT, OR HAZARDOUS MATERIALS KNOWN ON SITE.
ING ZONING OF SITE/ACRES
BL 0.62 AC±
DR 16 0.12 AC±
TURE USED TO ILLUMINATE ANY OFF-STREET PARKING AREA SHALL BE
ARRANGED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES,
TIONAL SITES, AND PUBLIC ROADS.
OF OWNERSHIP - E.H.K. Jr. 5844/235
ACCOUNT # - 11-20066828
ORVILLE M. JONES
#9533 BELAIR ROAD
BALTIMORE, MD. 21236
DAILY TRIPS: 8 HRS. x 7 BAYS @ 4 CARS PER HOUR +
8 HRS. x 2 BAYS @ 12 CARS PER HOUR =
(8x28) + (8x24) = 416 A.D.T.

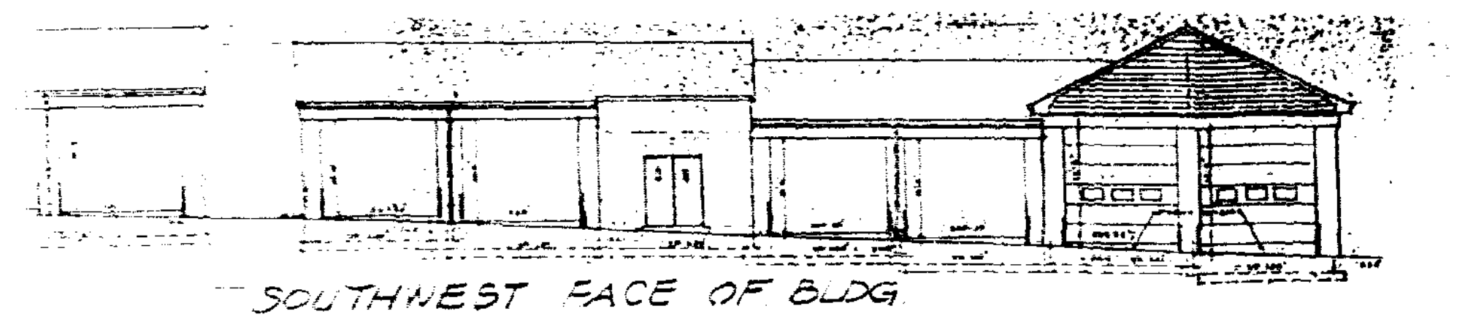
ZONING
ZONING OF TRACT BL AND DR-16.
ZONING OF TRACT BL AND DR-16
EXCEPTION FOR CAR WASH SECTION 419
0.95 AC±
0.74 AC± (0.62 AC BL 0.12 AC DR-16)
WAITING LINE STORAGE CALCULATIONS
STORAGE FOR 30 MINUTE PERIOD
7 BAYS @ 15 MIN/WASH = 7 x 30 MIN./15 = 14 SPACES
2 BAYS @ 5 MIN/WASH = 2 x 30 MIN./ 5 = 12 SPACES
10 SPACES
TOTAL REQUIRED 36 SPACES
PARKING 38 SPACES

CURB ALONG BELAIR ROAD SHALL BE REPAIRED/REPLACED AT THE
OF THE S.H.A. SITE ENGINEER.'

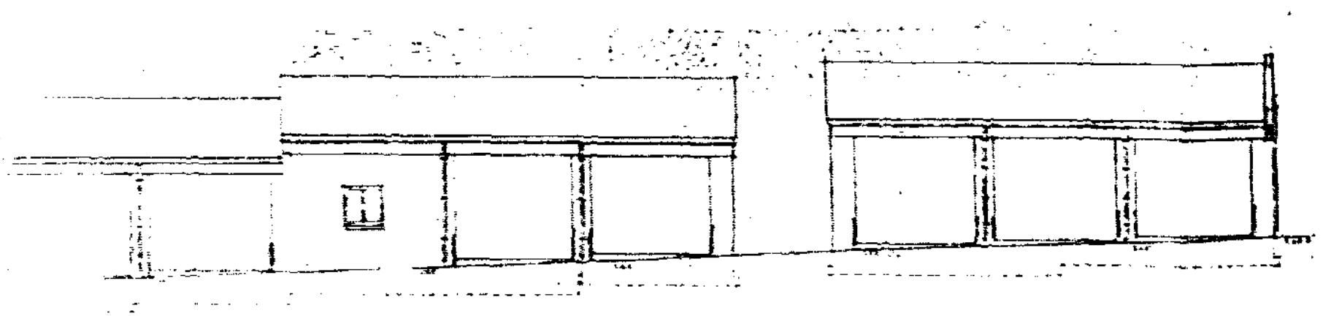
BE IN CONFORMANCE WITH THE APPLICABLE PROVISIONS OF THE
ZONING REGULATIONS S 413.2 & S 413.5.


BELAIR ROAD
U.S. ROUTE #1
(60' WIDE)
EX 80' ULTIMATE 110'
EX 4" GAS
EX 8" WATER (B.C.B.E. #35-020)
WATER METER
NO PARKING SIGN
POLE
EX CONC WALK
PHONE
SIGN
MAC
IP PIPE FND.
10' LANDSCAPING AREA
#9527 2 STRY. BLOCK BLDG. BAR & REST.
2 STRY STUCCO BLDG. DON'S DELI
GLADYS E. DENGLER C.W.B. Jr. 1137/095
EX 8" S.S. (B.C.B.E. #59-381)
SSMH
PIT BEEF STAND
METAL SHED
#9523 EX OFFICE BUILDING TO BE RAZED
CONC. PAD
CONC
7 PARKING SPACES
RETAINING WALL
EX MAC
PLANTING AREA
25' FUTURE WIDENING STRIP
RO BL
RO DR 16
EQUIPMENT
ROLLOVER (AUTO)
24' (SELF)
244.60
244.00
243.40
242.20
241.60
241.00
240.40
239.80
239.20
56'±
44'±
IRON PIPE FND
POLE #41046
15" MAPLE
WATER VALVE
F.H.
IRON BAR FND
PROPOSED 18' 30' SEE B.C.B.E. 30-1746
HORN AVENUE
POLE #41048
POLE #281340
GUY
TEL POLE
SS C/O
PERRY HALL METHODIST CHURCH G.L.B. 3028/428
2 STORY BRICK CHURCH

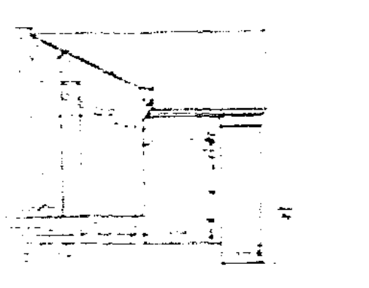

3" BIT. SURFACE COURSE (2 - 1 1/2" LAYERS)
6" BASE COURSE CR-1 OR CR-6
TYPICAL PAVING SECTION
AS RECOMMENDED BY SOILS ENGINEER



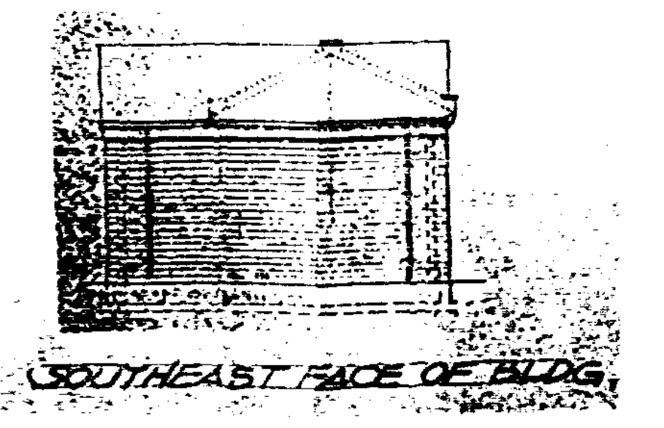
SOUTHWEST FACE OF BLDG.



NORTHEAST FACE OF BLDG.



WEST FACE OF BLDG.



SOUTHEAST FACE OF BLDG.

SITE DATA

ZONE	ACRES (NET)
BL	0.62
DR-16	0.12

SITE DEVELOPEMENT PROPOSAL

PROPOSED UNITS

9 BAYS 1 EQUIPMENT UNIT

OPEN SPACE PROPOSED

(N/A)

PARKING REQUIRED	PARKING PROPOSED
36 SPACES	38 SPACES

Dead. No2
old plan -
has been modified

DATE	REVISION

#92221Z

CONCEPT PLAN

JONES CARWASH

#9523 BELAIR ROAD

11th ELECTION DISTRCT
SCALE: 1" = 20'

BALTIMORE COUNTY, MD.
06-03-92

OWNER/APPLICANT
ORVILLE M. JONES
#9533 BELAIR ROAD
BALTIMORE, MD. 21236
(410)256-6630

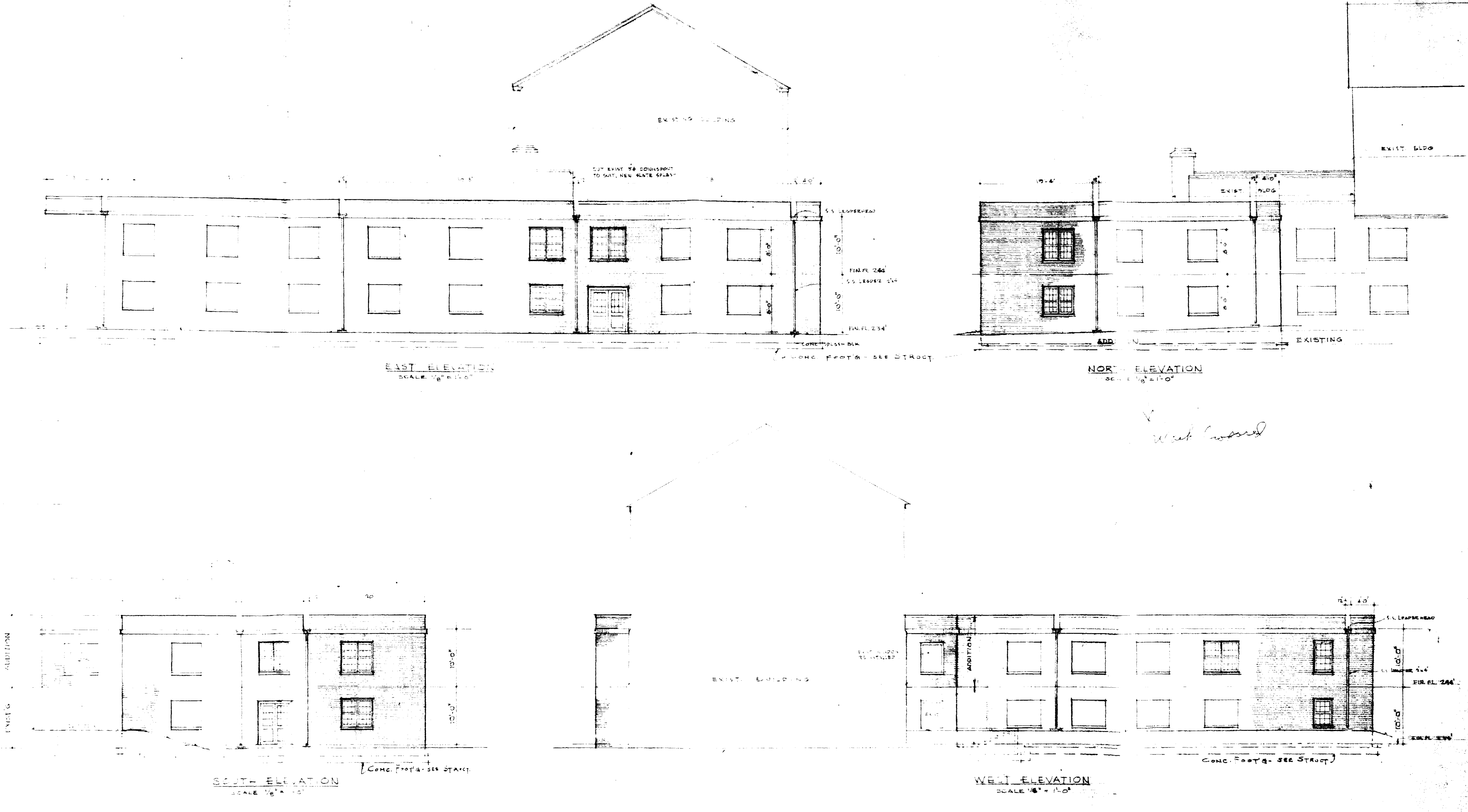
DEED REFERENCE: 5844/235

TAX ACCOUNT #: 11-20066828

J.S. DALLAS, INC.
Surveying & Engineering
4932 Hazelwood Avenue
Baltimore, Maryland 21206
Telephone: (410) 866-2001

DWG# 92264

Petitioner's Ex. #5


EXISTING BUILDING
CUT EXIST 3⌀ DOWNSPOUT TO SUIT, NEW SLATE SPLASH
4'-0"
S.S. LEADERHEAD
10'-0"
8'-0"
FIN. FL. 244'
S.S. LEADER 2"x4"
FIN. FL. 234'
CONC SPLASH BLK
CONC. FOOT'G - SEE STRUCT.
EAST ELEVATION
SCALE 1/8" = 1'-0"
EXIST BLDG
19'-4"
4'-0"
ADDITION
EXISTING
NORTH ELEVATION
SCALE 1/8" = 1'-0"
ADDITION
EXISTING
10'-0"
CONC. FOOT'G - SEE STRUCT.
SOUTH ELEVATION
SCALE 1/8" = 1'-0"
EXIST. BUILDING
S.S. LEADERHEAD
S.S. LEADER 2"x4"
FIN. FL. 244'
FIN. FL. 234'
CONC. FOOT'G - SEE STRUCT.
WEST ELEVATION
SCALE 1/8" = 1'-0"

West Crossed

Neumayer & Foutz
Feb 20 '69

People's Counsel #10

NEUMAYER & FOUTZ
ARCHITECTS
11 W. PENNSYLVANIA AVE, TOWSON, MD. 21204

ALTERATION AND ADDITION TO
PERRY HALL UNITED METHODIST CHURCH
9619 BELAIR RD. BALTIMORE COUNTY MD.
EXTERIOR ELEVATIONS
4
DATE
COMM. 7635-A

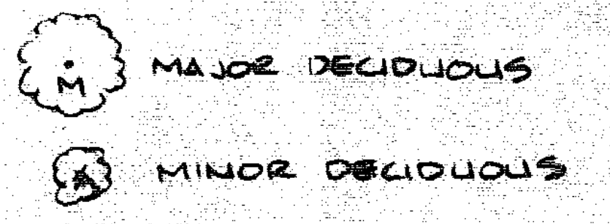
GENERAL NOTES:

1. THIS SITE LIES WITHIN:
   - a) ELECTION DISTRICT - 11
   - b) COUNCILMATIC DISTRICT - 5
   - c) CENSUS TRACT - 4113.03
   - d) WATERSHED - 6
   - e) SUBSEWERSHED - 22
2. A.D.T.S - RETAIL (15.3/1000 × 6711) = 1008.7 / OFFICE (2.30/1000 × 3850) = 47.4 = 1057 (RATES PER G. JONES 11-30-89)
3. SITE LIGHTING INDICATED THUSLY ▲. ADDITIONAL LIGHTING TO BE MOUNTED ON PROPOSED BUILDING.
4. NUMBER OF PARKING SPACES SHOWN THUSLY ⑩
5. AREAS WHERE DEVELOPMENT OCCURS WOODS & VEGETATION TO BE REMOVED UNLESS OTHERWISE NOTED.
6. THERE ARE NO HISTORIC BUILDINGS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT, OR HAZARDOUS MATERIALS KNOWN ON SITE.
7. DEED of OWNERSHIP - E.H.K. JR. 5844/235
   TAX ACCOUNT # - 11-16015727
   OWNER - ORVILLE M. JONES
8. SOIL TYPES: B4B, Fs
9. REQUIRED PARKING - SEE SCHEDULE
10. PROPOSED PARKING - SEE SCHEDULE
11. EXISTING USE: GENERAL OFFICE
12. PROPOSED USE: RETAIL & OFFICES
13. FLOOR AREA RATIO PERMITTED: 3.0
14. FLOOR AREA RATIO PROPOSED: 13520/41,000 = 0.32
15. % OF BUILDING COVERAGE OF SITE: 6650/41,000 = 0.16
16. LANDSCAPING TO BE ACCOMPLISHED IN ACCORDANCE WITH LANDSCAPING MANUAL REQUIREMENTS.
17. SEE LANDSCAPING PLAN FOR INFORMATION PERTAINING TO SCREENING OF DUMPSTERS.
18. LANDSCAPING REQUIRED:
    - A) 1 TREE PER 40' OF ROAD FRONTAGE: 257/40 = 7
    - B) 1 TREE PER 12 PARKING SPACES: 57/12 = 5
    - C) TOTAL PROPOSED PLANTINGS: 12*
19. TOTAL GROSS AREA of SITE: 41,000 SF± = 0.93 Ac±
20. TOTAL NET AREA of SITE: 32,400 SF± = 0.74 Ac±
21. EXISTING ZONING OF SITE / ACRES
    - A) BL / 0.62 Ac±
    - B) D.R. 16 / 0.12 Ac±
22. THERE ARE NO KNOWN FLOODPLAINS AT THIS SITE PER F.E.M.A. FLOOD INSURANCE RATE MAP # 240010-0290-B.
23. STORM WATER MANAGEMENT WILL BE PROVIDED BY PARKING LOT STORAGE IN REAR OF BUILDING.
24. WAIVER of STANDARDS ALONG HORN AVENUE OF ROAD RIGHT of WAY, CURB & GUTTER AND SIDEWALKS IS BEING REQUESTED.
25. A SPECIAL HEARING TO USE THE D.R.-16 ZONED AREA AS REQUIRED PARKING AISLE AREA WILL BE REQUESTED. (B.C.Z.R. 409.4C AND 409.12B).
26. PROPOSED BUILDING LOCATION WILL COMPLY WITH SECTION 303.2 (B.C.Z.R.) (AVERAGE STREET FRONT SETBACKS).
27. OWNER of #9523 BELAIR ROAD SHALL MAINTAIN OFFSITE "PRIVATE EASEMENTS" SHOWN HEREON.
28. A ZONING VARIANCE WILL BE REQUESTED TO PERMIT A SIDE SETBACK OF 0 FEET OF THE REQUIRED 25 FEET (B.C.Z.R. 232.2.b & 1B02.3.C.1) AND AISLE WIDTHS OF 20 FEET INSIDE AND TO REAR OF BUILDING IN LIEU OF THE REQUIRED 22'.
29. ALL SIGNS WILL COMPLY WITH SECTION 413 (B.C.Z.R.) AND ALL SIGN POLICIES.
30. ALL PARKING, MANEUVERING AND AISLE AREAS WILL BE PAVED (SEE DETAIL) & PERMANENTLY STRIPED.
31. THERE ARE NO KNOWN WELLS, SEPTICS OR STORAGE TANKS WITHIN 100' of SITE PER OWNER
32. MEASURES TO MITIGATE DEVELOPMENT EFFECTS ON SOILS WITH LIMITATIONS AND STEEP SLOPES WILL BE ADDRESSED AT TIME OF FINAL DEVELOPMENT PLAN IN ACCORDANCE WITH SECTION 22-99 AND AS DIRECTED BY SOILS ENGINEER.

11-7-89

J. SCOTT DALLAS — DATE
MD. REG. # 468

LANDSCAPING KEY:



MAJOR DECIDUOUS
MINOR DECIDUOUS

SOIL TYPES & LIMITATIONS

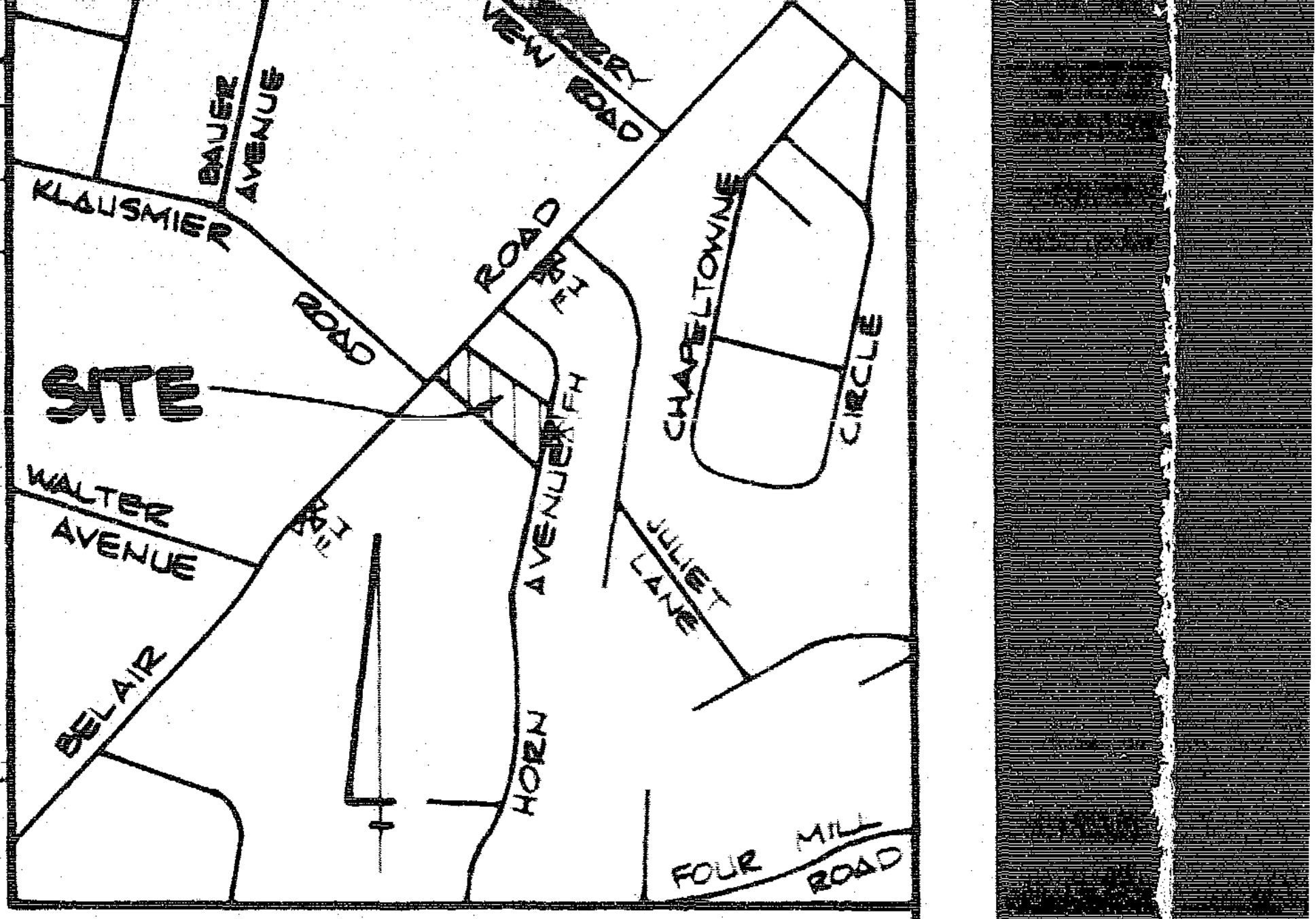
HYDROLOGIC SOIL GROUPING	TYPE	CLASS	BUILDINGS W/BASEMENTS	BUILDINGS W/O BASEMENTS	STREETS & PARKING AREAS
C	B4B	SILT LOAM	MODERATE: SEASONALLY PERCHED WATER TABLE	SLIGHT	MODERATE: SEASONALLY PERCHED WATER TABLE; SLOPE
D	Fs	LOAM	SEVERE: HIGH WATER TABLE; POOR NATURAL DRAINAGE	SEVERE: HIGH WATER TABLE; POOR NATURAL DRAINAGE	SEVERE: HIGH WATER TABLE; POOR NATURAL DRAINAGE

PARKING SCHEDULE:

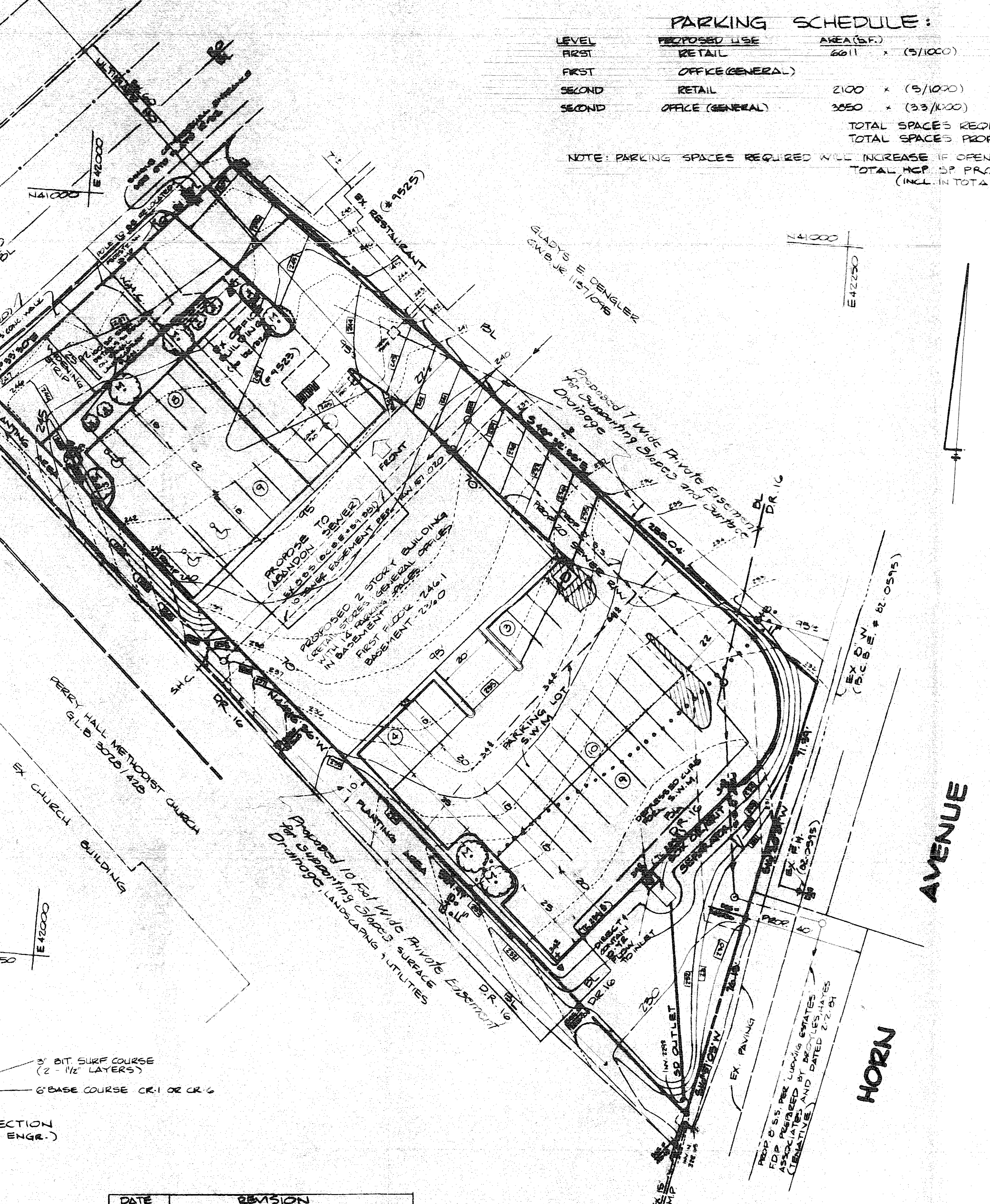
LEVEL	PROPOSED USE	AREA (S.F.)		PARKING SPACES (REQ)
FIRST	RETAIL	6611	× (5/1000)	33.055
FIRST	OFFICE (GENERAL)			
SECOND	RETAIL	2100	× (5/1000)	10.50
SECOND	OFFICE (GENERAL)	3850	× (3.3/1000)	12.705

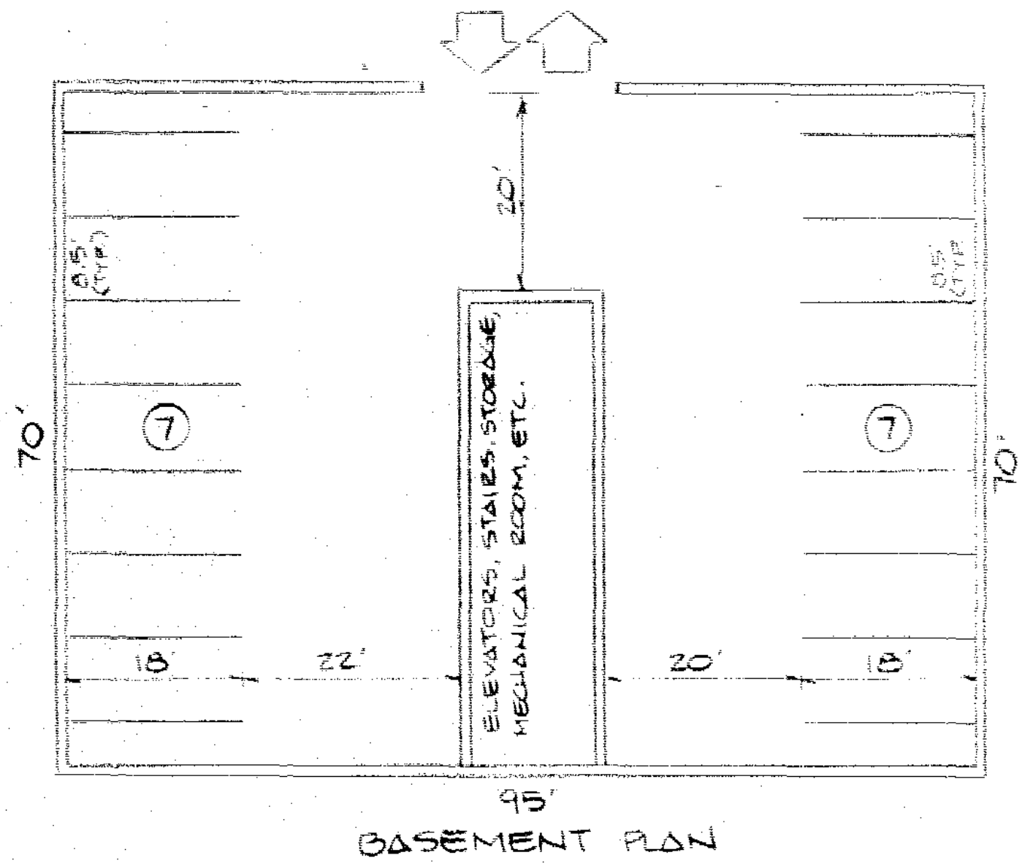
TOTAL SPACES REQUIRED = 56.26 - 57
TOTAL SPACES PROPOSED = 57

NOTE: PARKING SPACES REQUIRED WILL INCREASE IF OPEN ATRIUM IS ENCLOSED.
TOTAL HCP. SP. PROPOSED: 3
(INCL. IN TOTAL ABOVE)

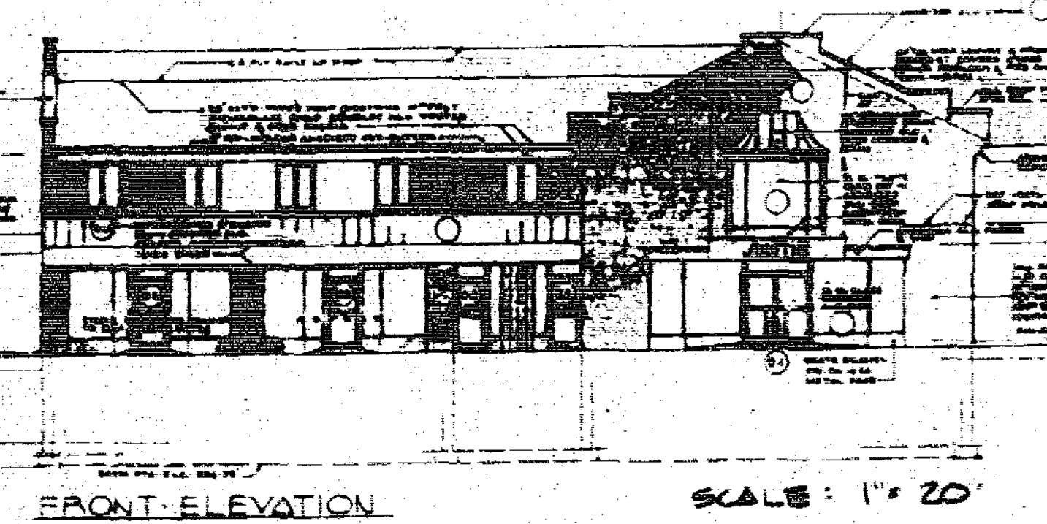

VIEW ROAD
BAUER AVENUE
KLAUSMIER ROAD
CHAPELTOWNE CIRCLE
SITE
WALTER AVENUE
BELAIR ROAD
HORN AVENUE
JULIET LANE
FOUR MILL ROAD

LOCATION MAP
SCALE: 1"=500'

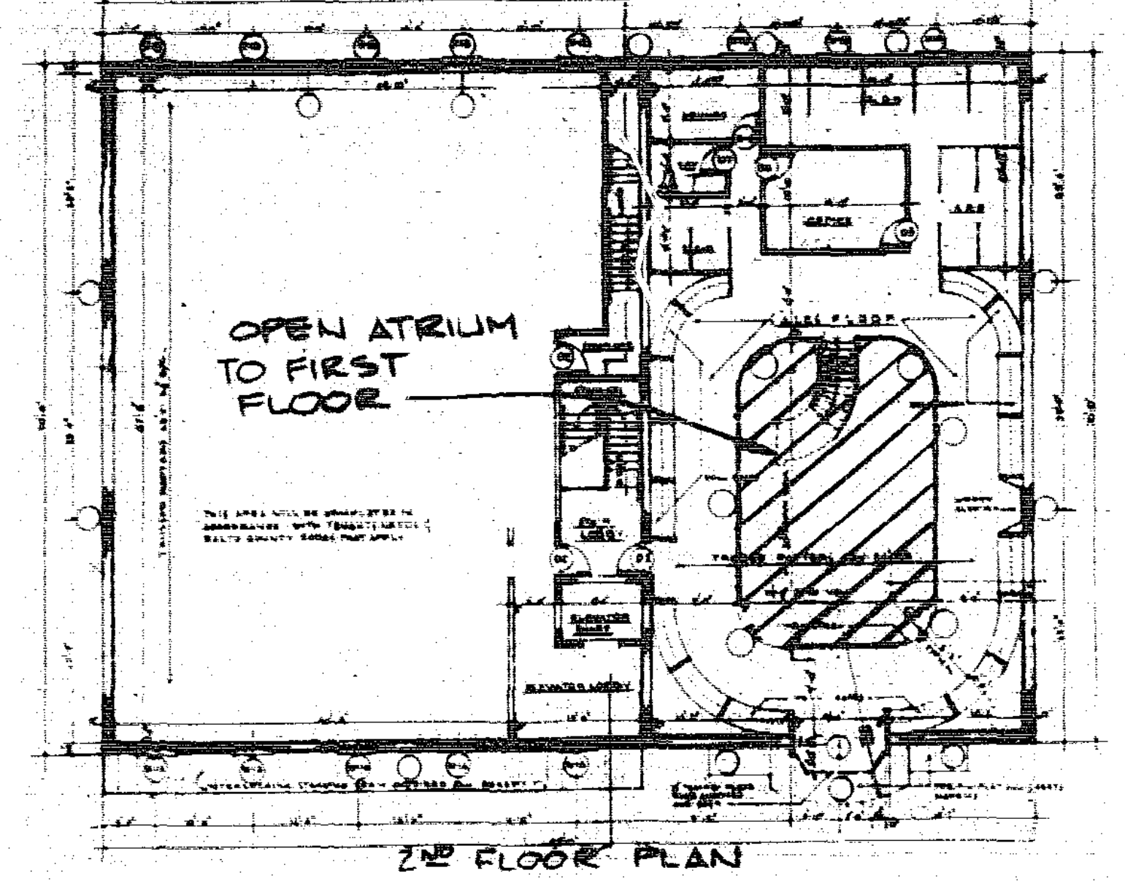

U.S. ROUTE # 1 - 80' WIDE
BELAIR ROAD
N41000
E42000
RO
BL
D.R. 16
EX. RESTAURANT (#9525)
GLADYS E. DENGLER
PROPOSED 2 STORY BUILDING
PROPOSE TO ABANDON SEWER
FRONT
PARKING
PLANTING AREA
Proposed 7' Wide Private Easement For Supporting Slopes and Drainage
Proposed 10 Foot Wide Private Easement For Supporting Slopes, Surface Drainage, Landscaping & Utilities
PERRY HALL METHODIST CHURCH G.L.B. 3078/428
EX. CHURCH BUILDING
(#9515)
N40750
E42000
N41000
E42250
EX. PAVING
HORN
AVENUE


70'
30'
ELEVATORS, STAIRS, STORAGE, MECHANICAL ROOM, ETC.
7
7
18'
22'
20'
18'

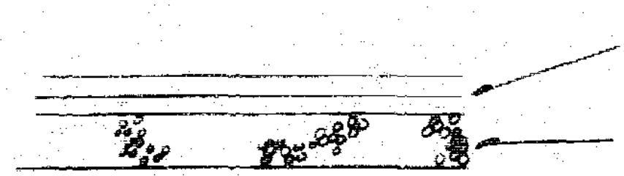
95'
BASEMENT PLAN
FRONT
SCALE: 1"=20'



FRONT ELEVATION — SCALE: 1"=20'


OPEN ATRIUM TO FIRST FLOOR

2ND FLOOR PLAN
FRONT
SCALE: 1"=20'


3" BIT. SURF. COURSE (2 - 1½" LAYERS)
6" BASE COURSE CR-1 OR CR-6

TYPICAL PAVING SECTION
(OR AS RECOMMENDED BY SOILS ENGR.)

J.S. DALLAS, INC.
Surveying & Engineering
4932 Hazelwood Avenue
Baltimore, Md. 21206
(301) 866-2001

JONATHAN SCOTT DALLAS No. 468

Petitioner's Ex #9

OWNER & APPLICANT
ORVILLE M. JONES
#9533 BELAIR ROAD
BALTIMORE, MARYLAND 21236
DEED REFERENCE: E.H.K., JR. 5844/235
TAX ACCOUNT # 11-16015727

DATE	REVISION
10-21-89	PER COMMENT @ PRE-DEVELOPMENT CONFERENCE (10-17-89)
11-10-89	PER INITIAL D.P.S. REVIEW
11-30-89	PER COMMENTS of PRE CRG MEETING of 11-27-89

C.R.G. PLAN for
#9523 BELAIR ROAD
11TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE: 1"=20' — JULY 6, 1989
CURRENT PLANNING CRG # XI-610
PUBLIC SERVICES CRG # 89280

88-264