

RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCE * DEPUTY ZONING COMMISSIONER
506/6 Liberty Road, 823rd NW of *
Ofc. Road (9131 Liberty Road) *
2nd Election District - * FOR
2nd Councilmanic District * BALTIMORE COUNTY
Randy L. Cohen - Petitioner
Case No. 94-313-SPHKA

MOTION FOR RECONSIDERATION

Randy L. Cohen, Petitioner, by his attorneys, Newton A. Williams and Nolan, Plumhoff & Williams, Chartered, respectfully move for reconsideration of the Findings of Fact and Conclusions of Law entered in this matter dated April 27, 1994. The grounds of this Motion for Reconsideration are as follows:

1. Mr. Cohen has been struggling to develop this property since the early 1980's and has encountered obstacle after obstacle.
2. In a previous case, Mr. Cohen had proposed to develop the property even more intensively, including the mini-warehouses basically as presently configured, a Pizzahut, fast food operation on Lot 1, with a car wash behind, and Lot 3 was then planned for the auto services building.
3. That in response to encouragement by the Planning staff, and a former Zoning Commissioner, the Petitioner, Mr. Randy L. Cohen, dropped the fast food restaurant completely, and relocated the auto service building to the center of the site.



4. That the Petitioner and his engineer have prepared a revised site plan for the car wash, a copy of which is attached hereto, and recorded by reference herein, which accomplishes the following:

- A. Converts the car wash building to an automatic roll over car wash, and shortens the building by approximately 40%;
- B. Provides additional stacking and drying spaces in front of the five self-service bays;
- C. Further alleviates concerns about the stacking and drying spaces.
- D. That the Petitioner, his attorneys, and engineers believe that the proposed car wash operation did not need 40 stacking spaces, and that the Opinion is mistaken in this respect. In fact, we believe that a full service car wash under Bill 172-93, the current law, only requires 19 spaces. In fact, the automatic car wash, roll over type, provides 23 stacking spaces as shown of the attached Plan.
- E. Furthermore, the computations for the tunnel are as follows: 9 spaces for the present tunnel, and an additional 9 spaces for a possible future tunnel, a total of 18 spaces.
- F. Stacking for self-service bays, require 4 spaces for the first bay, and 2 spaces for each additional bay, that is 4 spaces plus 8 spaces for a total of 12 spaces, while 22 spaces are provided.

- G. As for drying spaces, 2 are required for each tunnel, a total of 4 spaces, and 2 for each bay, for a total of 10 spaces that is 14 spaces, and 14 spaces have been provided as shown, once again on the attached Plan, incorporated by reference herein.
- H. Lot 3 is more than adequate to provide a revised stacking, drying and maneuvering area as noted above, and there is not a need to drop the auto service building, on Lot 1.
- I. The auto services store on Lot 1 do not overcrowd the lot. The stores compliment the car wash and vice versa. The mini warehouses will produce little traffic, while the frontage use will handle multiple auto trips at one location. The auto services stores are important to the project's success, and will not overcrowd the site.

For the reasons set out in this Motion for Reconsideration, the Petitioner, respectfully requests that the Deputy Zoning Commissioner reconsider his Opinion and Order contained in the Findings of Fact and Conclusions of Law dated April 27, 1994, and that the requested relief be granted.

including the variances denied therein, and that the auto service building proposed for Lot 1 not be deleted.

Respectfully submitted,

Newton A. Williams
Newton A. Williams
Nolan, Plumhoff & Williams, Chtd.
700 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204
(410) 422-7400

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of May, 1994, a copy of the foregoing Motion for Reconsideration was mailed, postage prepaid, to Peter Max Zimmerman, Esquire, Peoples Counsel and to Carolle S. DeMillo, Deputy Peoples Counsel, Room 47, Old Court House, Towson, Maryland 21204.

Newton A. Williams
Newton A. Williams

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IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCE * DEPUTY ZONING COMMISSIONER
506/6 Liberty Road, 823rd NW of *
Ofc. Road (9131 Liberty Road) *
2nd Election District - * OF BALTIMORE COUNTY
2nd Councilmanic District * Case No. 94-313-SPHKA
Randy L. Cohen
Petitioner

ARMED FINDINGS OF FACTS AND CONCLUSIONS OF LAW

That subsequent to the issuance of the original Findings of Fact and Conclusions of Law herein, dated April 27, 1994, the Petitioner herein, Randy L. Cohen, filed a Motion for Reconsideration, in a timely fashion.

Furthermore, the Petitioner, his counsel, Newton A. Williams, and his engineer, Mr. Buddy Crocken, as well as his landscape architect, Mr. William L. Kilwin, met on May 23, 1994, with various representatives of the Office of Planning and Zoning.

I am persuaded as a result of that Motion for Reconsideration, as well as the aforesaid meeting with the Office of Planning and Zoning staff, and the results thereof, that it is appropriate herein to amend the Findings of Fact and Conclusions of Law of April 27, 1994, in certain respects.

Based upon a conversation with counsel, and with the Petitioner, Mr. Randy L. Cohen, time in the matter being short, it is our understanding that the Office of Planning and Zoning would recommend that substantial relief herein be granted.

providing certain modifications are made to the proposed Site Plan, including changes to the rather large, 48 x 205 foot auto service and retail building proposed originally for Lot 1.

The Petitioner, in person, as well as by counsel and through his engineer and landscaping architect have agreed with the Office of Planning and Zoning to cut the said building on Lot 1 in half as to size, not larger than 48 x 102.5, and to designate it solely for "retail and office use"; and the Petitioner has further agreed not to place auto service uses therein, based upon the objections of the Liberty Communities Development Corporation, to such automotive uses, as well as possible conflicts with various adopted Plans for the Liberty Road corridor.

In addition, the Petitioner has agreed to delete the 10 parking spaces, 4 in one bay and 6 in another which are located on the original Site Plan, Petitioner's Exhibit 1, on the front of Lot 1. The purpose of the omission of these 10 parking spaces is to widen that planting strip to further enhance the appearance of the front of the site, and use these former 10 parking spaces for landscaping, once again in accord with the comments of the Office of Planning and Zoning, the comments of the Deputy Zoning Commissioner and the desires of the Liberty Community Development Corporation (LCDC).

With these changes to Lot 1, the mini-warehouses proposed for Lot 2 originally granted as to all relief requested form no problem as before.

Furthermore, with the deletion of these auto service uses, the potential for over crowding and traffic

congestion generated by multiple automobile use on the site will be substantially reduced. The Office of Planning and Zoning as well as the Deputy Zoning Commissioner are persuaded that the proposed car wash as set out on Lot 3 of the original Petitioner's Exhibit 1 can be granted, and, in fact, meets the requirements of Section 502.1 as to the requested Special Exception for Car Wash. Thus, it is no longer necessary to require a redesign of the car wash and Lot 3 and, accordingly, the Deputy Zoning Commissioner is persuaded that it is appropriate to grant the variance request as to car stacking spaces for a full service car wash, as well the variance sought as to the drying area, and thus these variances will be granted.

It should be recalled that in considering the car wash, both as to the stacking spaces and as to the drying spaces, they are set well back from Liberty Road, and with the attended car wash, as well as the adequate stacking spaces provided for both the self service and automatic car wash, that traffic congestion on site should not be a problem. Certainly no traffic congestion or difficulties should spill over on to adjacent sites or on to Liberty Road.

For all of these reasons, the Deputy Zoning Commissioner is persuaded that it is appropriate to amend the Order of April 27, 1994, and that practical difficulty and unreasonable hardship pursuant to Section 307 of the Regulations has been demonstrated as to all of the variances granted, including but not only, those hereby granted by this Amended Order as to the car wash on Lot 3.

Accordingly, the Deputy Zoning Commissioner will issue this Amended Order, including amendment of the conditions of the earlier Order, and this Amended Order will ratify and confirm all relief granted in the first Order of April 27, 1994, including the special hearing, the special exceptions, and the variances granted therein, as well as granting the amended relief herein subject to the amended conditions.

THEREFORE, IT IS ORDERED AND AMENDED by the Deputy Zoning Commissioner for Baltimore County, this 25th day of May, 1994, that the Petition for Variance to permit 25 car stacking spaces for a full-service car wash in lieu of the required 40 car stacking spaces when labor is supplied at the car wash, (Variance request No.6) be and is hereby GRANTED; and

IT IS FURTHER ORDERED AND AMENDED that the Petition for Variance seeking relief from the B.C.Z.R. to permit a drying area for 10 vehicles in lieu of the required 10 parking spaces for drying under Section 419.3.B.1 of the B.C.Z.R., or as amended by Bill No. 172-93, (Variance request No. 8), be and is hereby GRANTED; and

IT IS FURTHER ORDERED AND AMENDED that the Petition for Variance to permit a distance between buildings of 48 feet in lieu of the required 60 feet (Variance request No. 1), be and is hereby GRANTED; and

IT IS FURTHER ORDERED, AND AMENDED that all of the relief, special exception(s), special hearing(s) and variances GRANTED by the original ORDER of April 27, 1994, are hereby ratified and confirmed, and are incorporated by reference

herein, and that the variances denied by the Order of April 27, 1994, are hereby reversed, vacated and amended, and are GRANTED as set out hereinabove.

IT IS FURTHER ORDERED, that all relief, special exception(s), special hearing(s) and variances granted by the original Order of April 27, 1994, as hereby ratified and confirmed, as well as the relief granted herein by this Amended Order, be and all such relief is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Within thirty (30) days of the date of this Amended Order, and prior to the issuance of any building permits, the Petitioner shall submit for review and approval by the Deputy Zoning Commissioner a revised Site Plan incorporating the relief granted herein. Said Plan shall redesign the former auto service building on its present location on Lot 1, by cutting the building from forty-eight (48) feet by two hundred five (205) feet, a total of 9,840 square feet to not more than 48 feet by 102.5 feet; and the said building shall be used for general retail and office use, and shall NOT be used for auto service or service garage uses. The Petitioner may, if he chooses, submit a smaller, unattended auto wash on Lot 3, provided the building is smaller, and in substantially the same location as previously shown.

3) When applying for any permits, the revised Site Plan to be filed and to be approved herein must be referenced, as well as this case, and must address the restrictions of this Amended Order.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

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IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE -
306 S. Liberty Road, 823' NW of
Offutt Road
(9131 Liberty Road)
2nd Election District
2nd Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-313-SPWA

Randy L. Cohen
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variances for several uses on the subject property, including mini-warehouses, living quarters for the manager of the mini-warehouses, a car wash, and an automotive services building. In addition, the Petitioner requested a modification of the relief granted in prior Case Nos. 81-223-KA, 89-553-SPWA and 90-348-SPWA to reflect the improvements proposed within the instant Petitions.

By Order issued April 27, 1994, the relief requested for the car wash and mini-warehouse uses was granted and a modification of the requested variances was approved. However, the automotive services building proposed for Lot 1 and related variances for same were denied. Furthermore, within the Order the Petitioner was required to redesign the proposed car wash facility and to submit a revised site plan incorporating the modified relief granted therein.

Subsequently, Counsel for the Petitioner submitted a Motion for Reconsideration, advising this Deputy Zoning Commissioner that the Petitioner had met with various representatives of the Office of Planning and Zoning and that a revised plan had been developed to address that agency's concerns as well as the concerns raised by the Liberty Communities Development Corporation. Specifically, the Petitioner proposes a reduction of

the proposed automotive services building to not larger than 48' x 102.5' and to designate same for "retail and office use" only. In addition, the Petitioner agreed to delete the ten (10) parking spaces previously proposed for Lot 1 so that the planting strip along the front of this site could be widened. Counsel for the Petitioner argued that these modifications will pose no problems to the proposed mini-warehouses on Lot 2, nor will it be necessary to redesign the proposed car wash on Lot 3 as previously ordered, due to the substantial reduction of the proposed improvements on Lot 1.

NOW, THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of May, 1994 that the Order issued April 27, 1994, be and the same is hereby AMENDED and to GRANT the relief requested within the Motion for Reconsideration as to the smaller retail and office building proposed for Lot 1, in accordance with the Sketch Plan dated May 24, 1994, subject to the restrictions set forth below; and:

IT IS FURTHER ORDERED that the Petition for Variance to permit 25 car stacking spaces for a full-service car wash in lieu of the required 40 car stacking spaces when labor is supplied at the car wash, (Variance request No. 6) be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. to permit a drying area for 10 vehicles in lieu of the required 10 parking spaces for drying under Section 419.3.B.1 of the B.C.Z.R., or as amended by Bill No. 172-93, (Variance request No. 8), be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance to permit a distance between buildings of 48 feet in lieu of the required 60 feet (Variance request No. 1), be and is hereby GRANTED, subject to the following restrictions:

utilizing each lot in three separate fashions. On proposed Lot 1, which would consist of 1.01 acres, the Petitioner wishes to construct a 48' x 150' automotive service building. This building will provide a multiplicity of services such as auto parts/supplies, diffy lube, Meineke Muffler, etc. The Petitioner has not, as of the date of this hearing, found any tenants to occupy the space within this building, but will seek tenants for same once approval has been granted. Furthermore, the Petitioner wishes to utilize a 48' x 55' section in the front of this building as retail space for the sale of automotive service products.

On proposed Lot 2 of the subject site, which would consist of 2.77 acres zoned B.R., the Petitioner proposes to construct four (4) mini-warehouse storage buildings. Two of the buildings will be one-story in height, while the other two will be two-story buildings. In addition, the Petitioner seeks to utilize a portion of one of the two-story buildings to create offices on the first floor and provide living quarters on the second floor for a resident manager of the warehouse facility. The design and layout of these mini-warehouse buildings are more particularly described on Petitioner's Exhibit 1. Testimony indicated that the Petitioner previously sold property to the north and west of the subject site to Public Storage which is a competing mini-warehouse storage facility. That facility has been constructed and is in operation at this time. Mr. Cohen testified that the Public Storage facility has been successful and that he believes there is a need for more mini-warehouse storage facilities in this area of Liberty Road.

Finally, the Petitioner proposes to construct a car wash facility containing a full-service tunnel, 45' x 150' in dimension, on proposed Lot 3 which will consist of 1.23 acres. In addition to the full service car

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Within thirty (30) days of the date of this Amended Order, and prior to the issuance of any permits, the Petitioner shall submit for review and approval by the Deputy Zoning Commissioner a revised site plan incorporating the relief granted herein. Said plan shall reflect the reduction in size of the proposed retail and office building on Lot 1 to not more than 48 feet x 102.5 feet. Furthermore, said building shall be designated on the plan as limited to retail and office use only.

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

IT IS FURTHER ORDERED that the car wash proposed for Lot 3 may be constructed in accordance with the original design set forth on Petitioner's Exhibit 1; however, the Petitioner may, if he chooses, submit a smaller, unattended car wash on Lot 3, provided the building is smaller, and in substantially the same location as previously shown.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued April 27, 1994, excepting the modifications granted herein, shall remain in full force and effect.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

Timothy M. Williams, Esquire
210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204

Mr. Randy L. Cohen, P.O. Box 278, Monrovia, MD 21770

Mr. Paul Saltzman, Executive Director, LDCX
9960 Liberty Road, Randallstown, MD 21133

Mr. Senter Smith, Committee Newspapers of Maryland, Inc.
201 Railroad Avenue, Westminster, MD 21157

People's Counsel, Case File

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE -
306 S. Liberty Road, 823' NW of
Offutt Road
(9131 Liberty Road)
2nd Election District
2nd Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-313-SPWA

Randy L. Cohen
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance for that property known as 9131 Liberty Road, located in the Randallstown area of northwest Baltimore County. The Petitions were filed by the owner of the property, Randy L. Cohen, through his attorney, Newton A. Williams, Esquire. The Petitioner seeks a special hearing to approve a modification of the relief granted in Case Nos. 81-223-KA, 89-553-SPWA and 90-348-SPWA, to the extent that they conflict with or are modified by the relief sought in the Petitions for Special Exception and Variances filed herein. In addition, the Petitioner seeks a determination as to whether a proposed car wash is subject to the new regulations pertaining to same or whether the old regulations still apply (Section 419 of the B.C.Z.R., or as amended, pursuant to Bill No. 172-93). Pursuant to the special hearing relief sought, the Petitioner requests a special exception to permit a car wash on proposed Lot 3. In addition, a special exception to permit living quarters for the manager of a proposed mini-warehouse facility on Lot 2 is being requested. Finally, variance relief is sought from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) to permit a distance between buildings of 48 feet in lieu of the required 60 feet for Lot 1; 2) a 0-foot lot line setback for the proposed combination one-story mini-ware-

house storage building and two-story office/residence in lieu of that required for proposed Lot 2; 3) a distance between buildings of 30 feet and 35 feet in lieu of the required 60 feet for Lot 2; 4) and 5) side yard setbacks of 10 feet in lieu of the required 30 feet for Lots 2 and 3; and, 6) a variance to permit 25 car stacking spaces for a full-service car wash on Lot 3 in lieu of the required 40 car stacking spaces when labor is supplied at the car wash. Additionally, the Petitioner seeks to amend the previously approved site plans in prior Case Nos. 81-223-KA, 89-553-SPWA, and 90-348-SPWA, to reflect the proposed improvements (7). Finally, the Petitioner seeks a variance to permit a drying area for 10 vehicles in lieu of the required 10 parking spaces for drying under Section 419.3.B.1 of the B.C.Z.R., or as amended by Bill No. 172-93 (8) for the proposed car wash on Lot 3, and a variance to permit a setback from the car wash tunnel exit of 30 feet in lieu of the required 50 feet under Section 419.4.A, or as amended by Bill No. 172-93 (9). The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Randy Cohen, property owner, Charles Crocker, Professional Engineer, and Newton A. Williams, Esquire, Attorney for the Petitioner. Appearing in opposition to the requests were Paul Saltzman, Executive Director of the Liberty Communities Development Corporation, Inc. (LDCX).

Testimony presented indicated that the subject property consists of a total area of 4.53 acres, more or less, split zoned B.R. and B.R.-C.R.S. The property is located on the west side of Liberty Road between its intersections with Chagman Road and Offutt Road in Randallstown. The Petitioner is desirous of subdividing the property into three lots and

ORDER RECEIVED FOR FILING
Date _____
By _____

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Date _____
By _____

facility does not conflict with same, shall be granted. In addition, the Petitioner seeks a special hearing to determine whether the old car wash regulations under Section 419 apply to the proposed car wash use on the subject site, or whether the new regulations, pursuant to the legislation enacted by Bill No. 172-93, are applicable. I believe the proposed car wash is subject to the current legislation and compliance with same should be required.

In addition to the special hearing requests, the Petitioner has also requested two separate special exceptions. As to the special exception to maintain living quarters for the manager of the mini-warehouse storage facility on the subject site, I believe an on-site resident manager will be a benefit in that there will always be an individual present to oversee the facility and other uses on the site. Therefore, this special exception request should be granted.

The Petitioner also seeks a special exception for a car wash on Lot 3 of the subject site. I believe there is a need for a car wash facility in this area of Liberty Road and I believe the Petitioner has satisfied the special exception requirements set forth in Section 502.1 (B.C.Z.R.) to warrant granting same. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Fritz, 412 A.2d 1319 (1983).

Inasmuch as the special exception and special hearing for the proposed mini-storage warehouse facility have been granted, the variances

requested for same, specifically, Nos. 2, 3 and 4, shall be approved. However, I have some concerns over the variances requested for the proposed car wash facility.

The Petitioner seeks four variances related to the car wash operation, specifically, Variance requests Nos. 5, 6, 8 and 9. Variance No. 5 requests a side yard setback of 10 feet in lieu of the required 30 feet for Lot 3. This setback is from an interior lot line on the subject site and will not adversely affect surrounding properties. Therefore, this variance should be granted.

Variance No. 6 requests approval of 25 car stacking spaces for a full service car wash in lieu of the required 40 spaces when labor is supplied. This variance shall be denied in that I believe the Petitioner has sufficient space on site to provide the required parking spaces. The Petitioner also seeks a variance (No. 8) to permit a drying area for 10 vehicles in lieu of the required 10 parking spaces for drying, pursuant to new Section 419.3.B of the B.C.Z.R. Likewise, I believe the Petitioner has ample room on the overall site to provide the required parking spaces and as such, this variance shall be denied.

Variance No. 9 seeks a setback of 30 feet from the tunnel exit of the car wash in lieu of the required 50 feet. I believe that the Petitioner can maintain the requested 30-foot setback in a safe manner and therefore, it will not be necessary for the Petitioner to maintain the full 50 feet, as required. Therefore, variance request No. 9 shall be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. Kleban v. Bailey, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

Petitioner shall submit for review and approval by this Deputy Zoning Commissioner a revised site plan incorporating the relief granted herein. Said plan shall be redesigned in such a manner that no variances are needed for the proposed car wash facility, with the exception of the two variances granted herein from interior lot line and tunnel exit setback requirements.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance to permit 25 car stacking spaces for a full-service car wash in lieu of the required 40 car stacking spaces when labor is supplied at the car wash, (Variance request No. 6) be and is hereby DENIED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. to permit a drying area for 10 vehicles in lieu of the required 10 parking spaces for drying under Section 419.3.B.1 of the B.C.Z.R., or as amended by Bill No. 172-93, (Variance request No. 8), be and is hereby DENIED; and

IT IS FURTHER ORDERED that the Petition for Variance to permit a distance between buildings of 48 feet in lieu of the required 60 feet (Variance request No. 1), be and is hereby DENIED.

THE Petitioner is subject to the following restrictions:

1) The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired, if, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Within thirty (30) days of the date of this Order and prior to the issuance of any building permits, the

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances, as modified herein, are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

The Petitioner has proposed to construct an automotive service building on Lot 1 of the subject site. In order to construct this building as proposed, the Petitioner finds it necessary to request a variance. Specifically, Variance request No. 1 seeks a distance between buildings of 48 feet in lieu of the required 60 feet (Variance request No. 1). This building is proposed to be located in approximately the center of the site as shown on Petitioner's Exhibit 1. In the opinion of this Deputy Zoning Commissioner, this variance should be denied. I believe the Petitioner has

attempted to over-develop the subject property and has tried to squeeze too many uses on the site. Furthermore, I do not believe that the three uses proposed can co-exist in a safe and orderly fashion. However, I do believe the proposed mini-warehouse facility and the full service car wash with the five (5) additional self-service bays are appropriate uses for the subject property. By denying the variance requested for the proposed automotive services building (request No. 1) and the variances associated with the car wash facility, (requests Nos. 6 and 8), the Petitioner can utilize the area previously set aside for the proposed automotive service building to provide the additional stacking spaces required and the additional space needed to support the proposed car wash facility.

Therefore, the site plan shall be revised to incorporate the relief granted herein. Specifically, the plan shall be redesigned to reflect only the car wash and mini-warehouse storage uses on the subject site. Furthermore, the plan shall be redesigned in such a manner that no variances are needed for the car wash facility, with the exception of the two variances granted herein (Nos. 5 and 9). Said plan shall be submitted for review and approval by this Deputy Zoning Commissioner within thirty (30) days of the date of this Order and prior to the issuance of any permits, unless, of course, the Petitioner decides to appeal this decision.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and special exception requests shall be granted and the variances granted in part and denied in part.

THHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of April, 1994 that the Petition for Special Hearing to approve a modification of the relief granted in Case

Nos. 81-223-KA, 89-553-SPHA and 90-348-SPHA, to the extent that they are modified by the relief sought in the Petitions for Special Exception and Variances filed herein, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the proposed car wash is subject to the new regulations pertaining to same, pursuant to Bill No. 172-93; and, IT IS FURTHER ORDERED that the Petition for Special Exception to permit a car wash on proposed Lot 3 of the subject site, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Exception to permit living quarters for the manager of the proposed mini-warehouse facility on Lot 2, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Variance request No. 2 seeking relief from the B.C.Z.R. to permit a 0-foot lot line setback for the proposed combination one-story mini-warehouse storage building and two-story office/residence in lieu of that required for proposed Lot 2, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. to permit a distance between buildings of 30 feet and 35 feet in lieu of the required 60 feet for Lot 2 (Variance request No. 3), and side yard setbacks of 10 feet in lieu of the required 30 feet for Lots 2 and 3 (Variance requests Nos. 4 and 5), be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired, if, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Within thirty (30) days of the date of this Order and prior to the issuance of any building permits, the

Baltimore County Government
Planning Commission
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

April 27, 1994

(410) 887-4386

Newton A. Williams, Esquire
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
210 W. Liberty Road, 8237 NW of Offutt Road
(9131 Liberty Road)
2nd Election District - 2nd Councilmanic District
Randy L. Cohen - Petitioner
Case No. 94-313-SPHA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been granted, and the Petition for Variance has been granted in part and denied in part in accordance with the attached Order.

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

Very truly yours,

Matthew W. Motocoo
MATTHEW W. MOTOCOO
Deputy Zoning Commissioner
for Baltimore County

cc: Mr. Randy L. Cohen
P.O. Box 276, Moravia, Maryland 21770

Mr. Paula Saltzman, Executive Director,
Liberty Commission Development Corp.
9960 Liberty Road, Randallstown, Md. 21133

Mr. Baxter Smith, Community Newspapers of Maryland, Inc.
201 Railroad Avenue, Westminster, Md. 21157

People's Counsel; Case file



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 9131 Liberty Road
which is presently zoned R2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner of the property above in Baltimore County and which is described by the description and plat attached to this Petition, do hereby petition for a Special Hearing under Section 502.1 of the Zoning Regulations of Baltimore County, 89-553-SPHA and 90-348-SPHA, to the extent that they conflict or are modified by the companion requests for special exception and variances, attached herein and incorporated by reference herein. To also determine whether the car wash Section 419, or as amended by Bill 172-93.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, the undersigned, agree to pay the advertising, posting, etc., upon filing of this petition, and further agree to be bound by the zoning regulations and restrictions of Baltimore County and the Zoning Law for Baltimore County.

After reading and understanding the contents of this Petition, and the law as the same may be amended, I hereby declare that I am the legal owner of the property herein described and that I am qualified to execute this Petition.

Signature of Petitioner: *Randy L. Cohen*
Name of Petitioner: **RANDY L. COHEN**
Address of Petitioner: *210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204*
Name of Petitioner: **NEWTON A. WILLIAMS**

Signature of Zoning Commissioner: *Matthew W. Motocoo*
Name of Zoning Commissioner: **MATTHEW W. MOTOCOO**
Address of Zoning Commissioner: *Suite 113 Courthouse, 400 Washington Avenue, Towson, MD 21204*
Name of Zoning Commissioner: **DEPUTY ZONING COMMISSIONER**

Signature of Planning Commission: *Matthew W. Motocoo*
Name of Planning Commission: **MATTHEW W. MOTOCOO**
Address of Planning Commission: *Suite 113 Courthouse, 400 Washington Avenue, Towson, MD 21204*
Name of Planning Commission: **DEPUTY ZONING COMMISSIONER**

Signature of County Board of Appeals: *Matthew W. Motocoo*
Name of County Board of Appeals: **MATTHEW W. MOTOCOO**
Address of County Board of Appeals: *Suite 113 Courthouse, 400 Washington Avenue, Towson, MD 21204*
Name of County Board of Appeals: **DEPUTY ZONING COMMISSIONER**

Signature of County Board of Appeals: *Matthew W. Motocoo*
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Name of County Board of Appeals: **DEPUTY ZONING COMMISSIONER**

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 3/15/94
Posted for: Special Hearing for Case No. 94-313-SHA
Petitioner: Randy L. Cohen
Location of property: 913 Liberty Rd., Towson, MD 21204
Location of Sign: Chesapeake Avenue, Towson, MD 21204
Remarks:
Posted by: Arnold Jablon, Director Date of return: 3/15/94
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 3, 1994
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 March 3, 1994.

THE JEFFERSONIAN
A. Henrichson
LEGAL AD - TOWSON

NOTICE OF HEARING

The Zoning Commission 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 109 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the date and at the time specified below.
Case No. 94-313-SHA
913 Liberty Road, Towson, MD 21204
Petitioner: Randy L. Cohen
Special Hearing for Case No. 94-313-SHA
March 22, 1994 at 2:00 P.M.
The Zoning Commission 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 109 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the date and at the time specified below.
Case No. 94-313-SHA
913 Liberty Road, Towson, MD 21204
Petitioner: Randy L. Cohen
Special Hearing for Case No. 94-313-SHA
March 22, 1994 at 2:00 P.M.
The Zoning Commission 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 109 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the date and at the time specified below.
Case No. 94-313-SHA
913 Liberty Road, Towson, MD 21204
Petitioner: Randy L. Cohen
Special Hearing for Case No. 94-313-SHA
March 22, 1994 at 2:00 P.M.

NOTES: (1) Hearing for Case No. 94-313-SHA, 913 Liberty Road, Towson, MD 21204, on March 22, 1994 at 2:00 P.M. (2) Hearing for Case No. 94-313-SHA, 913 Liberty Road, Towson, MD 21204, on March 22, 1994 at 2:00 P.M. (3) Hearing for Case No. 94-313-SHA, 913 Liberty Road, Towson, MD 21204, on March 22, 1994 at 2:00 P.M.

Baltimore County Government
Office of Zoning Administration
and Development Management



94-313-SHA
410 887-3353

NOTICE OF HEARING

The Zoning Commission 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 109 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the date and at the time specified below.

Room 109, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-313-SHA (Item 15)
913 Liberty Road, Towson, MD 21204
Petitioner: Randy L. Cohen
Special Hearing for Case No. 94-313-SHA
March 22, 1994 at 2:00 P.M.

Special Hearing to approve a modification of cases 89-223-S, 89-313-SHA, and 89-348-SHA to the extent that they conflict or are modified by the companion requests for special exception and variance; and to determine the use and zoning for the property identified herein in Room 109 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the date and at the time specified below.
Special Exception for a use as proposed on lot 81 and for living quarters (single) on lot 82.
Variance to permit a distance of 40 feet in line of lot 81 between buildings as indicated for lot 81; to permit a new lot 1st line for the one-story side-storage and temporary office/warehouse as indicated for lot 82; to permit a distance between buildings of 20 feet and 20 feet in line of the required 10 feet for lot 82; to permit a 10-foot side yard in line of the required 40 feet as indicated for lot 82 and 81; to permit 20 car stacking spaces for the driveway required for lot 81; to permit a 30-foot setback from the "tunnel" wall in line of the 50-foot required for lot 81; and to meet the previously approved plan and variance in cases 89-223-S, 89-313-SHA, and 89-348-SHA.

Arnold Jablon
Director

cc: Randy L. Cohen
Bernice A. Williams, Esq.

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO MR. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE UNRECORDED ACCORDINGLY. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERNING THE ZONING ACT, 1970-71, CONTACT THE OFFICE AT 887-3353.

receipt

Date: 2/15/94 Amount: R0014180
Number: 315
By: VL

SPECIAL HEARING LOU'S OTO
SPECIAL EXEMPTION PLUMB
VARIANCE MARK FEE
3 SIGNS CASE 030 \$35.00 EA
TOTAL \$ 755.00

CUMMER COHEN
9131 LIBERTY RD.

DIAGRAMS 121101080
60 011116402-15-94 4755.00
Please Make Checks Payable To Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

March 11, 1994

(410) 887-3353

Hewton A. Williams, Esquire
Molnar, Plumbhoff & Williams, Chartered
700 Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-313-SHA, Item No. 315
Petitioner: Randy L. Cohen
Petitions for Special Exception and Variance

Dear Mr. Williams:

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 February 15, 1994, and a hearing was 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.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

94-313-SHA XA

(410) 887-3353

DATE: CLOSING DATE OF HEARING DATE

INVOICE

Randy L. Cohen
P. O. Box 218
Monrovia, Maryland 21770

CASE NUMBER/PROJECT NAME: 94-313-SHA

(3) Zoning Notice Sign and Post Set(s) @ \$60.00/set = \$180.00 Due*

(In lieu of payment, we ask that you make use of the following waiver)

INVOICE WAIVER

CASE NUMBER/PROJECT NAME: 94-313-SHA

Returned _____ Zoning Notice Sign and Post Set(s).

DATE _____ For ZONING

*Amount Due waived upon return of the COMPLETE sign and post set(s).
When you return same, bring this form with you.

cc: Hewton A. Williams, Esq.

Printed with Signature Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

94-313-SHA XA

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.
This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:

Item No.: 244 315

Petitioner: Randy L. Cohen

Location: 913 Liberty Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Hewton A. Williams

ADDRESS: 700 Court Towers, P.O. Box 218, Monrovia, Md. 21770

PHONE NUMBER: 823-7800

Ad:pgs _____

(Revised 04/09/93)



MD 26
Liberty World
Special Hearing
Special Exception and
Variance Request
Item #315 (JLL)

March 4, 1994

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Liberty World
Special Hearing
Special Exception and
Variance Request
Item #315 (JLL)

Dear Ms. Minton:

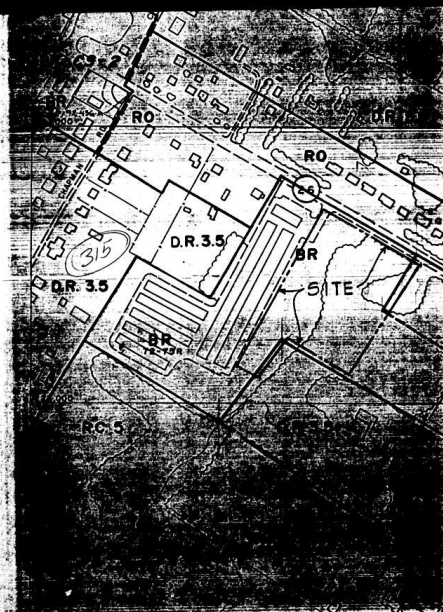
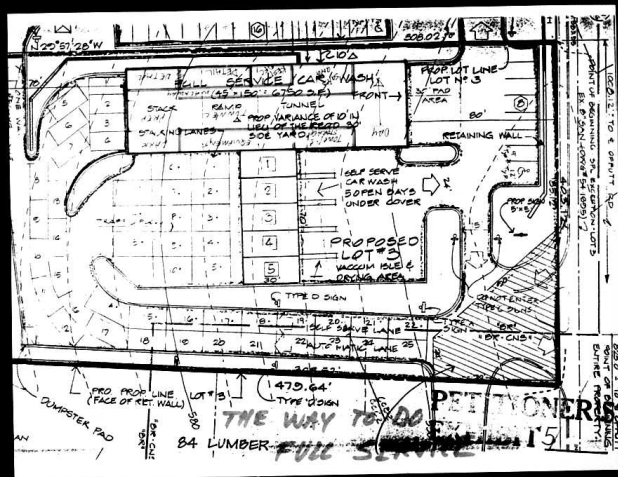
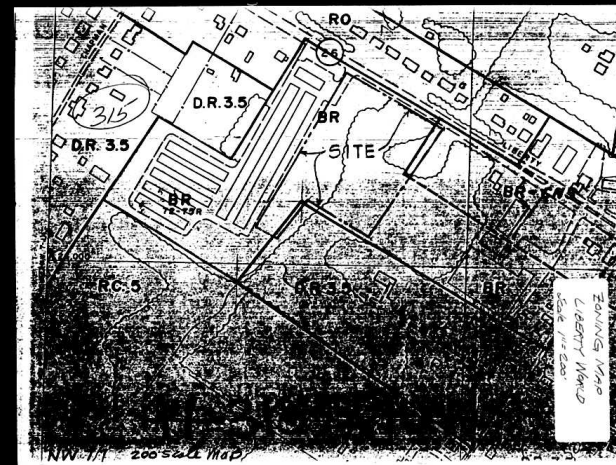
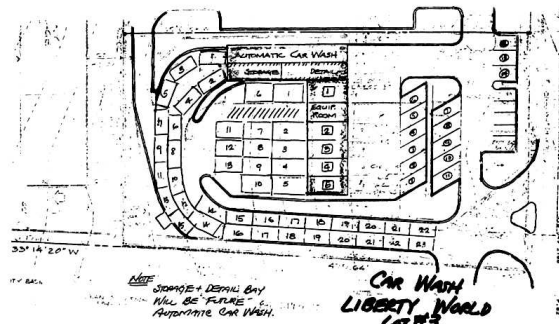
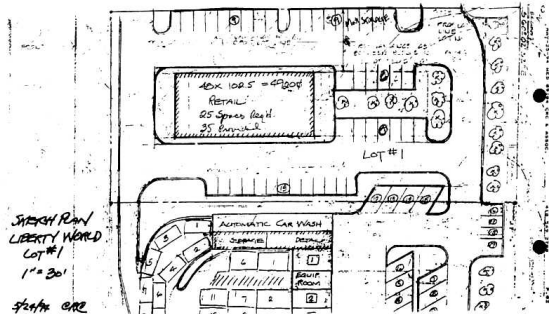
This office has reviewed the plan for the referenced item and offer the following:

In a previous review of the proposed development and in a letter dated January 12, 1990 to the former Zoning Commissioner for Baltimore County, Mr. J. Robert Haines, we found the plan generally acceptable and indicated the entrance improvements would be subject to an access permit to be issued by this office.

Our review of the current plan for the proposed development reveals that although the on-site footprints and traffic flow have changed significantly since our 1990 review, the entrance improvements indicated on the plan remain acceptable to the State Highway Administration (SHA).

Also, we received a letter from the developer's engineer, Mr. Charles R. Crockett, dated January 6, 1994, requesting our approval to install a proposed 8 inch water service for this development using the open cut method of installation rather than the jack and bore method. We have been notified by our Utilities Section that the engineer's request has been denied. The installation of this proposed waterline must be completed by using the jack and bore method and will require a utility permit to be issued by Mr. Joseph McMahon, Utilities Engineer for SHA in this area. Mr. McMahon can be reached at 410-321-3466.

My telephone number is 410-333-1350. (Fax: 333-1041)
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 179, Baltimore, MD 21203-0179
Street Address: 787 North Calvert Street, Baltimore, Maryland 21202



WASHINGTON COUNTY, MARYLAND

A growing business community. Just the place for your business. Lower tax base, quality educational system. Close to West Virginia, Pennsylvania, Baltimore, Washington D.C. and Northern Virginia. Close to I-70 / I-81 Interchange.

CONTACT (301) 418-3933 FOR FURTHER INFORMATION

VALLEY WORLD
COMM. OFFICE
WATERBURY

Between the Valley Mall and I-81,
Halfway Boulevard Northbound

Exit Ramp
Buy or Lease

THE WAY TO DO BUSINESS
FULL SERVICE

Liberty
 Road 40
 40-44
 40-44



Frederick Mini Storage building #700
 clean, lighted, safety paint
 doors with windows, insulated



Frederick Mini Storage building #700
 new, clean, attractive, bollards.

fire extinguisher, HPS lights,
 exterior outlets



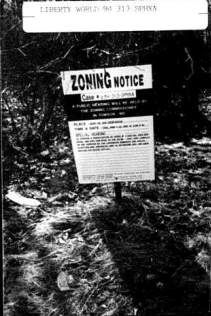
Frederick Mini Storage (Older Section)
 from Interstate 270



FREDERICK MINI STORAGE SIGN
 on Industry Lane



Frederick Mini Storage Apartment Office
 prior to concrete ramp installation



LIBERTY WORLD 94 313 SHOWN



LIBERTY WORLD 94 313 SHOWN



PUBLIC STORAGE looking N with
 entrance to LIBERTY WORLD in
 foreground



84 LINDER looking SE



84 LINDER looking NW
 LIBERTY WORLD in background



LIBERTY ROAD facing N



LIBERTY ROAD facing SE



Entrance to LIBERTY WORLD with
 PUBLIC STORAGE to the West



RANDALLSTOWN POST OFFICE to the East
 of 84 LINDER



SE ENTRANCE to LIBERTY WORLD & 84
 LINDER (facing N)



MIDAS WORLD 941 across from POST
 OFFICE (facing North)



MIDAS BUILDING (next to Midas to the
 East)



INSTANT OIL CHANGE (next to Midas to
 the East)



NATIONWIDE INSURANCE (directly across
 from LIBERTY WORLD)

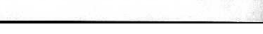


ADAMS (EAST) (directly across from
 LIBERTY WORLD)



PUBLIC STORAGE looking West with
 entrance to LIBERTY WORLD in
 foreground

- BECAUSE SINCE as it not birth in their entirety
there is



PROFESSIONAL ENGINEER NO. 7473 DRAWING NO. 1 OF 1

Randy L. Cohen
P.O. Box 278
Bessieville, Maryland 21770
Tel. (301) 545-0605
