IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - S/S Pulaski Highway, 285' W of the c/l of Middle River Road (9523 Pulaski Highway) 15th Election District 6th Councilmanic District	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 96-259-XA
George D. Leas, et ux Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 9523 Pulaski Highway, located in the vicinity of Middle River Road in Middle River. The Petitions were filed by the owners of the property, George D. and Arleen M. Leas, and the Contract Purchaser/Lessee, John S. Gonzalez, Jr., and his wife, Pamela M. Gonzalez, through their attorney, Michael Marino, Esquire. The Petitioners request a special exception to permit a car wash use on the subject property, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from Sections 238.2 and 303.2 of the B.C.Z.R. to permit a side yard setback of 10 feet in lieu of the required 30 feet, and a front yard setback of 52 feet in lieu of the required 82 feet to accommodate the proposed building. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petitions were John Gonzalez, Jr., Contract Purchaser, Alan Scoll, Registered Landscape Architect with D. S. Thaler and Associates, Inc., who prepared the site plan for this project, and Michael Marino, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 1.47 acres, more or less, split zoned B.R., M.L.-C.S.1 and M.L.-I.M., and is presently unimproved. The Petitioners are desirous of developing the site with a self-service car wash in accordance with Petitioner's Exhibit 1. Due to the unusual shape of the lot, strict compliance with the zoning regulations would be burdensome and result in an unreasonable hardship for the Petitioners. A brief discussion ensued regarding the height of the identification sign for the proposed use. According to the site plan submitted into evidence as Petitioner's Exhibit 1, the Petitioners propose an identification sign 18 feet in height. On behalf of his clients, Mr. Marino agreed that the subject sign will be no greater than 14 feet in height. Further testimony demonstrated that the use proposed meets the special exception requirements set forth in Section 502.1 of the B.C.Z.R. and is in strict harmony with the spirit and intent of the zoning regulations, pursuant to Section 307.1 thereof.

It is clear that the B.C.Z.R. permits the use proposed in a zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a spe-

cial exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

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

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

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

> 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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is 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 this variance request 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 variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of February, 1996 that the Petition for Special Exception to permit a car wash use on the subject property, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 238.2 and 303.2 of the B.C.Z.R. to permit a side yard setback of 10 feet in lieu of the required 30 feet, and a front yard setback of 52 feet in lieu of the required 82 feet, in accordance with Petitioner's Exhibit 1, be and 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) The height of the proposed identification sign shall be no greater than 14 feet. Accordingly, a revised site plan depicting the modified sign height shall be submitted prior to the issuance of any building permits.

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.

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 2/21/96
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 26, 1996

Michael E. Marino, Esquire
Levy & Marino
609 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
S/S Pulaski Highway, 285' W of the c/l of Middle River Road
(9523 Pulaski Highway)
15th Election District - 6th Councilmanic District
George D. Leas, et ux - Petitioners
Case No. 96-259-XA

Dear Mr. Marino:

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

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

Very truly yours,

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

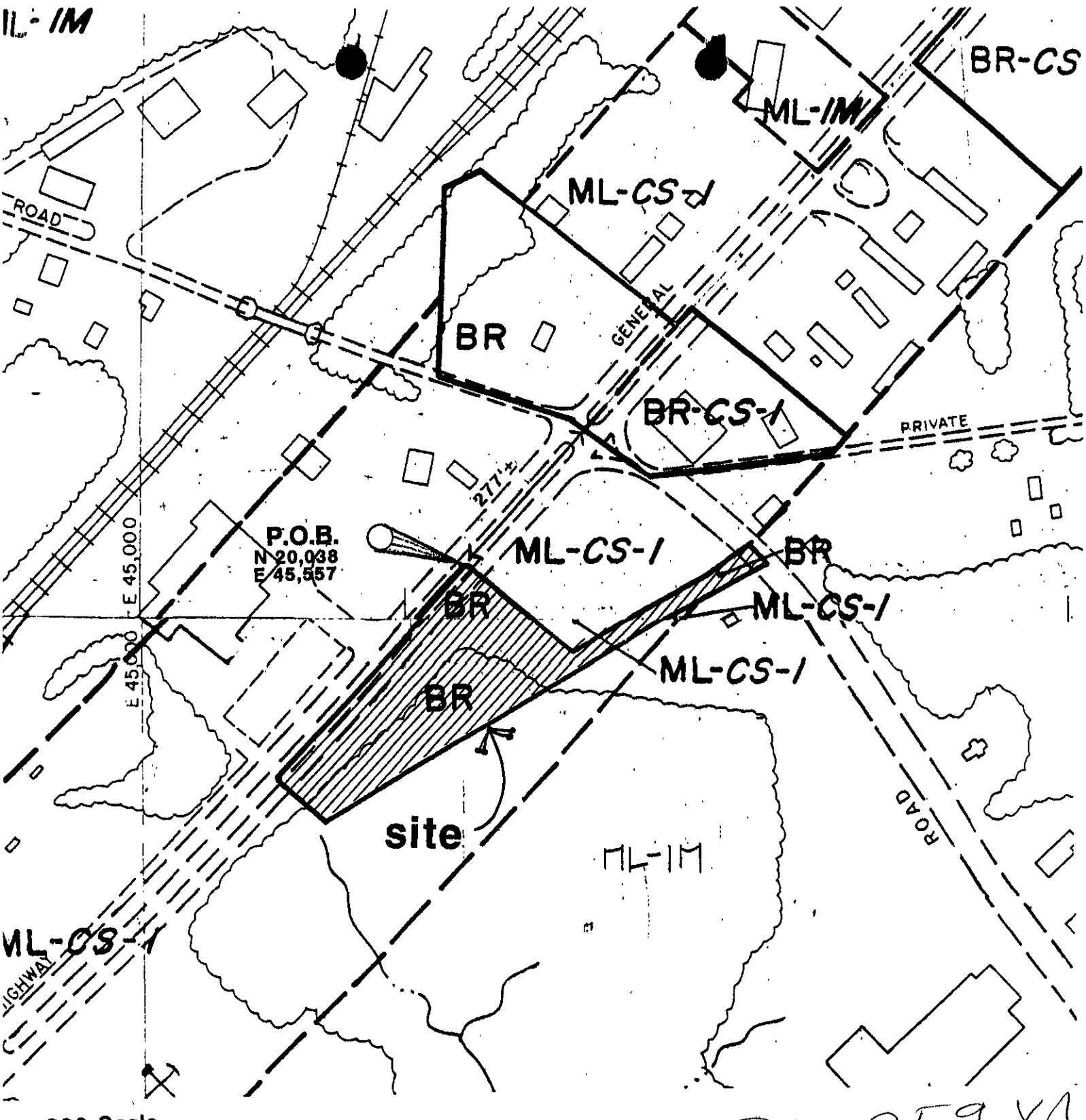
TMK:bjs

cc: Mr. & Mrs. George D. Leas
2149 Bridgegate Court, Westlake Village, Ca. 91361

Mr. & Mrs. John S. Gonzalez, Jr.
205 Rolling Knoll Drive, Bel Air, Md. 21014

People's Counsel

File



200 Scale
1992 Baltimore County Zoning Map (NE-5 & 6 H)
To Accompany Zoning Petition

96-259-XA

Pulaski Carwash

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
7115 AMBASSADOR ROAD, BALTIMORE, MD 21244
(410) 944-ENGR, (410) 944-3647

#259

NORTH

9/95

259

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 9523 Pulaski Highway, Balto. MD 21220

96-259-XA

which is presently zoned BR @ 1.37 Acres/ ML-CS-1 @ .08 Acres/ML-~~IM @ .02~~Acres

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for carwash per Section 236.4 of the Baltimore County Zoning regulations.

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

John S. Gonzalez, Jr.
(Type or Print Name) Pamela M. Gonzalez

Signature

205 Rolling Knoll Drive
Address

Bel Air, Maryland 21014
City State Zipcode

Legal Owner(s)

George David Leas
(Type or Print Name)

Signature

Arleen M. Leas
(Type or Print Name)

Signature

2149 Bridgegate Court
Address Phone No

Westlake Village, California 91361
City State Zipcode

Attorney for Petitioner.

Michael E. Marino
(Type or Print Name)

Signature

Levy & Marino, P.A.
609 Bosley Avenue (410) 821-6633
Address Phone No

Towson, Maryland 21204
City State Zipcode

Name, Address and phone number of representative to be contacted

Michael E. Marino, Esquire
Levy & Marino, P.A.
Name 609 Bosley Avenue
Towson, Maryland 21204 (410) 821-6633
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 hr.

unavailable for Hearing

the following dates _____ Next Two Months

ALL ✓ OTHER _____

REVIEWED BY: MJK DATE 1/3/96

ORDER RECEIVED FOR FILING

Date 1/3/96

By

Zoning Administration & Development Management

#259

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9523 Pulaski Highway, Baltimore, Maryland 21220

96-259-XA

which is presently zoned BR @ 1.37Acres ML-CS-1 @ .08 Acres/MLJM @ .02 Acres

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 Variance from Section(s)

Sec 238.2 to allow a 10' side yard setback in lieu of the required 30'
Sec. 303.2 to allow a 52' front yard setback in lieu of the required 82'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The property is odd shaped and borders on steep slopes and is unique. Without the requested variances, the subject property is not capable of being developed and thereby creating practical difficulty or hardship. The granting of this variance will not result in injury to public health, safety, or welfare.

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

I, or we, agree to pay expenses of above Variance 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:

John S. Gonzalez, Jr. and Pamela M. Gonzalez
(Type or Print Name)

John S. Gonzalez Pamela M. Gonzalez
Signature

205 Rolling Knoll Drive
Address

Bel Air, Maryland 21014
City State Zipcode

Attorney for Petitioner

Michael E. Marino, Esquire
(Type or Print Name)

Signature

Levy & Marino, P.A.
609 Bosley Avenue (410) 821-6633
Address Phone No

Towson, Maryland 21204
City State Zipcode

Legal Owner(s):

George David Leas
(Type or Print Name)

George David Leas
Signature

Arlene M. Leas
(Type or Print Name)

Arlene M. Leas
Signature

2149 Bridgegate Court
Address Phone No

Westlake Village, California 91361
City State Zipcode

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

Michael E. Marino, Esquire
Name

609 Bosley Avenue (410) 821-6633
~~Towson, MD 21204~~
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 hr

unavailable for Hearing

the following dates _____ Next Two Months

ALL ✓ OTHER _____

REVIEWED BY: mdl DATE 1/3/96

Zoning Administration & Development Management

ORDER RECEIVED FOR FILING
Date 2/26/96
By

September 18, 1995

PULASKI CAR WASH 96-259-XA

(DESCRIPTION FOR ZONING PURPOSES ONLY)

Beginning at a point located on the southern right-of-way line (150' right-of-way) of Pulaski Highway, approximately 285 feet, more or less, West of the intersection of Pulaski Highway (U.S. Route 40) and the center of Middle River Road, thence running the following courses and distances:

1. South 48°22'55" East, 145.70 feet, more or less, to a point; thence,
2. North 58°52'27" East, 215.00 feet, more or less, to a point; thence,
3. North 44°21'01" East, 55.42 feet, more or less, to a point; thence,
4. 40.00 feet curving to the right, having a radius of 1,170.00 feet, more or less, to a point; thence,
5. South 58'52'27" West, 344.20 feet, more or less, to a point; thence,
6. North 59'32'56" West, 7.98 feet, more or less, to a point; thence,
7. South 59°22'04" West, 400.83 feet, more or less, to a point; thence,
8. North 19°54'56" West, 28.25 feet, more or less, to a point; thence,
9. 340.55' curving to the left, having a radius of 11,534.16 feet, more or less, thence,
10. North 40°56'40" East, 100.00 feet, more or less, to the point of beginning.

Containing approximately 1.15 acres of land, more or less.

STATE OF MARYLAND
EDWARD F. LINSENMEYER III
No. 503
REGISTERED
PROPERTY LINE SURVEYOR
9/18/95

SAM/gfl/D#3Descrip.PulaskiCW/9.15

#259

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 15 **Date of Posting** 1/29/96

Posted for: Special Exception

Petitioner: George David Leas and Arleen M. Leas- John S. Gonzalez, Jr. & Pamela M. Gonzalez

Location of property: 9523 Pulaski Highway

Location of Signs: Pulaski Highway near "Car Wash" business sign (driving fence)

Remarks:

Posted by Joe Schnach / Jeff Perlow **Date of return:**

Signature

Number of Signs: 1

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: #96-259-X A
(Item 259)
9523 Pulaski Highway
Pulaski Highway Car Wash
S/S Pulaski Highway, 285' W of c/l Middle River Road
15th Election District
6th Councilmanic
Legal Owner(s):
George David Leas and Arleen M. Leas
Contract Purchaser:
John S. Gonzalez, Jr. and Pamela M. Gonzalez

Special Exception: for a car wash. **Variance:** to allow a 10-foot side yard setback in lieu of the required 30 feet and to allow a 52 foot front yard setback in lieu of the required 82 feet.

Hearing: Friday, February 16, 1996 at 9:00 a.m. in Rm. 106, County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing: Please Call 887-3391.

1/205 Jan 25 C27853

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/25, 19 96

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 1/25, 19 96.

THE JEFFERSONIAN,

A. Hennelson

LEGAL AD. - TOWSON

Publisher

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

No. 013670

96-259-XA

DATE 1-3-96 ACCOUNT 01-615

Item. 259
By. [illegible]

AMOUNT $ 620.00

Owner: Leas

RECEIVED FROM: Levy & Marino - 9523 Pulaski Highway

020 - Comm. Var — $25.00
650 - Sp Exception — $ 30.00
000 - 2 Signs — $ 70.00
$ 620.00

FOR:

MICROFILMED

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring 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 accessed 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.: 259 Petitioner: Gonzalez, John S.

Location: 9523 Pulaski Highway

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Michael E. Marino

ADDRESS: 609 Bosley Avenue

Towson, MD 21204

PHONE NUMBER: 821-6633

TO: PUTUXENT PUBLISHING COMPANY
January 25, 1996 Issue - Jeffersonian

Please foward billing to:

Michael E. Marino, Esq.
609 Bosley Avenue
Towson, MD 21204
821-6633

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: 96-259-XA (Item 259)
9523 Pulaski Highway
Pulaski Highway Car Wash
S/S Pulaski Highway, 285' W of c/l Middle River Road
15th Election District - 6th Councilmanic
Legal Onwer: George David Leas and Arleen M. Leas
Contract Purchaser: John S. Gonzalez, Jr. and Pamela M. Gonzalez

Special Exception for a carwash.
Variance to allow a 10-foot side yard setbck in lieu of the required 30 feet; and to allow a 52 foot front yard setback in lieu of the required 82 feet.

HEARING: FRIDAY, FEBRUARY 16, 1996 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 19, 1996

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: 96-259-XA (Item 259)
9523 Pulaski Highway
Pulaski Highway Car Wash
S/S Pulaski Highway, 285' W of c/l Middle River Road
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Legal Onwer: George David Leas and Arleen M. Leas
Contract Purchaser: John S. Gonzalez, Jr. and Pamela M. Gonzalez

Special Exception for a carwash.
Variance to allow a 10-foot side yard setbck in lieu of the required 30 feet; and to allow a 52 foot front yard setback in lieu of the required 82 feet.

HEARING: FRIDAY, FEBRUARY 16, 1996 at 9:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: George and Arleen Leas
John and Pamela Gonzalez
Michael E. Marino, Esq.

NOTES: (1) *ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.*
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County
Department of Permits and
Development Management

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

February 9, 1996

Michael E. Marino
Levy & Marino, P.A.
609 Bosley Avenue
Towson, Maryland 21204

RE: Item No.: 259
Case No.: 96-259-XA
Petitioner: G. D. Leas, et ux

Dear Mr. Marino:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 3, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: January 22, 1996

FROM: Arnold F. 'Pat' Keller, III, Director, PO

SUBJECT: 9523 Pulaski Highway

INFORMATION:

Item Number: 259

Petitioner: Leas Property

Property Size:

Zoning: BR, ML-IM, and ML

Requested Action: Special Exception & Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

A review of the plan accompanying the subject request reveals that the property at the elevation which the applicant proposes a 24' high sign is sufficiently high enough, and, as such, the height of the proposed sign can and should be reduced. Staff has communicated this concern to the applicant's attorney.

This office supports the applicant's request provided that the issue regarding the sign is addressed

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kess

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Jan. 26, 1996
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for January 22, 1996
Items 253, 254, 257, 258, and 259
and Case 96-169 SPH

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 01/17/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 16, 1996.

Item No.: SEE BELOW Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 253, 254, 255, 256, 257, 258, 259, 260, 261, 263 AND 264.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

RE: PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE 0523 Pulaski Highway (Pulaski Highway Car Wash), S/S Pulaski Highway, 285' W of c/l Middle River Road, 15th Election District - 6th Councilmanic Legal Owners: George and Arleen Leas Contract Purchasers: J. & P. Gonzalez Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 96-259-XA

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

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice 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

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

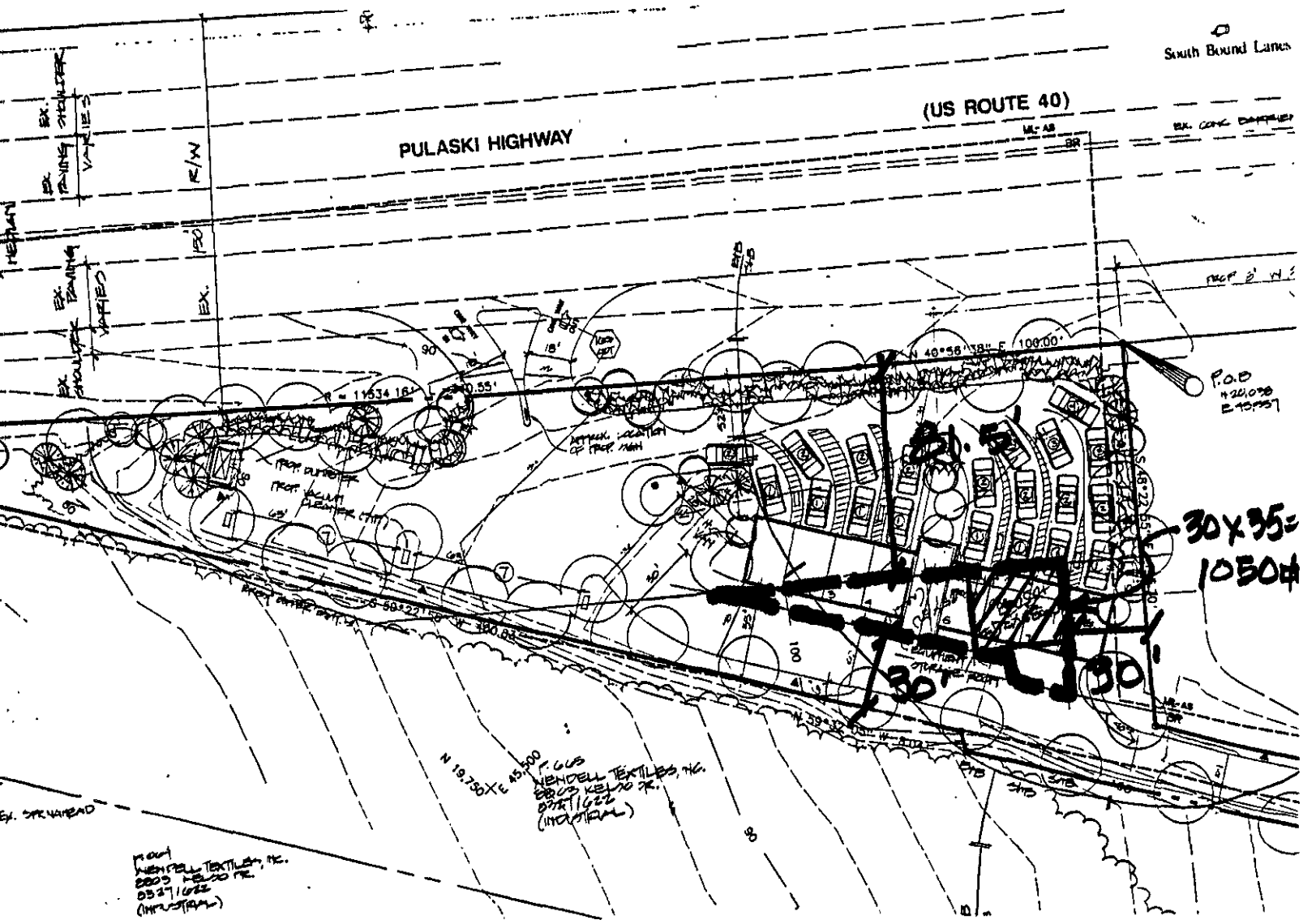
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to Michael E. Marino, Esquire, 609 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Pet Ex #2



PULASKI CARWASH

AS-OF-RIGHT BUILDING ENVELOPE

D.S. THALER & ASSOC., INC.

2.16.96

1" = 60'

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - S/S Pulaski Highway, 285' W of the c/l of Middle River Road (9523 Pulaski Highway) 15th Election District 6th Councilmanic District

George D. Leas, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-259-XA

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 9523 Pulaski Highway, located in the vicinity of Middle River Road in Middle River. The Petitions were filed by the owners of the property, George D. and Arleen M. Leas, and the Contract Purchaser/Lessee, John S. Gonzalez, Jr., and his wife, Pamela M. Gonzalez, through their attorney, Michael Marino, Esquire. The Petitioners request a special exception to permit a car wash use on the subject property, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from Sections 238.2 and 303.2 of the B.C.Z.R. to permit a side yard setback of 10 feet in lieu of the required 30 feet, and a front yard setback of 52 feet in lieu of the required 82 feet to accommodate the proposed building. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petitions were John Gonzalez, Jr., Contract Purchaser, Alan Scoll, Registered Landscape Architect with D. S. Thaler and Associates, Inc., who prepared the site plan for this project, and Michael Marino, Esquire, attorney for the Petitioners. There were no Protestants present.

ORDER RECEIVED FOR FILING
Date 2/26/96
By

Testimony and evidence offered revealed that the subject property consists of a gross area of 1.47 acres, more or less, split zoned B.R., M.L.-C.S.1 and M.L.-I.M., and is presently unimproved. The Petitioners are desirous of developing the site with a self-service car wash in accordance with Petitioner's Exhibit 1. Due to the unusual shape of the lot, strict compliance with the zoning regulations would be burdensome and result in an unreasonable hardship for the Petitioners. A brief discussion ensued regarding the height of the identification sign for the proposed use. According to the site plan submitted into evidence as Petitioner's Exhibit 1, the Petitioners propose an identification sign 18 feet in height. On behalf of his clients, Mr. Marino agreed that the subject sign will be no greater than 14 feet in height. Further testimony demonstrated that the use proposed meets the special exception requirements set forth in Section 502.1 of the B.C.Z.R. and is in strict harmony with the spirit and intent of the zoning regulations, pursuant to Section 307.1 thereof.

It is clear that the B.C.Z.R. permits the use proposed in a zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

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

ORDER RECEIVED FOR FILING
Date 2/26/96
By

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

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

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

> 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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

ORDER RECEIVED FOR FILING
Date 2/26/96
By

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is 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 this variance request 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 variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of February, 1996 that the Petition for Special Exception to permit a car wash use on the subject property, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 238.2 and 303.2 of the B.C.Z.R. to permit a side yard setback of 10 feet in lieu of the required 30 feet, and a front yard setback of 52 feet in lieu of the required 82 feet, in accordance with Petitioner's Exhibit 1, be and 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

ORDER RECEIVED FOR FILING
Date 2/26/96
By

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) The height of the proposed identification sign shall be no greater than 14 feet. Accordingly, a revised site plan depicting the modified sign height shall be submitted prior to the issuance of any building permits.

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.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 2/26/96
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 26, 1996

Michael E. Marino, Esquire
Levy & Marino
609 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
S/S Pulaski Highway, 285' W of the c/l of Middle River Road
(9523 Pulaski Highway)
15th Election District - 6th Councilmanic District
George D. Leas, et ux - Petitioners
Case No. 96-259-XA

Dear Mr. Marino:

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

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

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. George D. Leas
2149 Bridgegate Court, Westlake Village, Ca. 91361

Mr. & Mrs. John S. Gonzalez, Jr.
205 Rolling Knoll Drive, Bel Air, Md. 21014

People's Counsel

File

Printed with Soybean Ink

#259

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 9523 Pulaski Highway, Balto. MD 21220

96-259-XA

which is presently zoned BR @ 1.37 Acres/ ML-CS-1 @ .08 Acres/~~ML-IM @ .02~~Acres

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for carwash per Section 236.4 of the Baltimore County Zoning regulations.

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:
John S. Gonzalez, Jr.
(Type or Print Name)
Pamela M. Gonzalez
Signature
205 Rolling Knoll Drive
Address
Bel Air, Maryland 21014
City State Zipcode

Attorney for Petitioner:
Michael E. Marino
(Type or Print Name)
Signature
Levy & Marino, P.A.
609 Bosley Avenue (410) 821-6633
Address Phone No.
Towson, Maryland 21204
City State Zipcode

Legal Owner(s):
George David Leas
(Type or Print Name)
Signature
Arleen M. Leas
(Type or Print Name)
Signature
2149 Bridgegate Court
Address Phone No.
Westlake Village, California 91361
City State Zipcode
Name, Address and phone number of representative to be contacted.
Michael E. Marino, Esquire
Levy & Marino, P.A.
Name 609 Bosley Avenue
Towson, Maryland 21204 (410) 821-6633
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 2 hr.
unavailable for Hearing
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: JRL DATE 1/3/96

ORDER RECEIVED FOR FILING
Date 2/26/96
By

#259

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9523 Pulaski Highway, Baltimore, Maryland 21220

96-259-XA

which is presently zoned BR @ 1.37Acres ML-CS-1 @ .08 Acres/MLIM @ .02 Acres

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 Variance from Section(s)

See 238.2 to allow a 10' side yard setback in lieu of the required 30'
See 303.2 to allow a 52' front yard setback in lieu of the required 82'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The property is odd shaped and borders on steep slopes and is unique. Without the requested variances, the subject property is not capable of being developed and thereby creating practical difficulty or hardship. The granting of this variance will not result in injury to public health, safety, or welfare.

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

I, or we, agree to pay expenses of above Variance 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:
John S. Gonzalez, Jr. and Pamela M. Gonzalez
(Type or Print Name)
Signature
205 Rolling Knoll Drive
Address
Bel Air, Maryland 21014
City State Zipcode

Attorney for Petitioner:
Michael E. Marino, Esquire
(Type or Print Name)
Signature
Levy & Marino, P.A.
609 Bosley Avenue (410) 821-6633
Address Phone No.
Towson, Maryland 21204
City State Zipcode

Legal Owner(s):
George David Leas
(Type or Print Name)
Signature
Arlene M. Leas
(Type or Print Name)
Signature
2149 Bridgegate Court
Address Phone No.
Westlake Village, California 91361
City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.
Michael E. Marino, Esquire
Name 609 Bosley Avenue (410) 821-6633
Towson, MD 21204
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 2 hr
unavailable for Hearing
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: JRL DATE 1/3/96

ORDER RECEIVED FOR FILING
Date 2/26/96
By

September 18, 1995

PULASKI CAR WASH 96-259-XA

(DESCRIPTION FOR ZONING PURPOSES ONLY)

Beginning at a point located on the southern right-of-way line (150' right-of-way) of Pulaski Highway, approximately 285 feet, more or less, West of the intersection of Pulaski Highway (U.S. Route 40) and the center of Middle River Road, thence running the following courses and distances:

1. South 48°22'55" East, 145.70 feet, more or less, to a point; thence,
2. North 58°52'27" East, 215.00 feet, more or less, to a point; thence,
3. North 44°21'01" East, 55.42 feet, more or less, to a point; thence,
4. 40.00 feet curving to the right, having a radius of 1,170.00 feet, more or less, to a point; thence,
5. South 58°52'27" West, 344.20 feet, more or less, to a point; thence,
6. North 59°32'56" West, 7.98 feet, more or less, to a point; thence,
7. South 59°22'04" West, 400.83 feet, more or less, to a point; thence,
8. North 19°54'56" West, 28.25 feet, more or less, to a point; thence,
9. 340.55' curving to the left, having a radius of 11,534.16 feet, more or less, thence,
10. North 40°56'40" East, 100.00 feet, more or less, to the point of beginning.

Containing approximately 1.15 acres of land, more or less.

STATE OF MARYLAND — RICHARD W. LINSENMEIER — No. 10001 — PROPERTY LINE SURVEYOR — 9/18/95

SAM/gfl/D83Descrip.PulaskiCW/9.15

259

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15 Date of Posting 1/26/96

Posted for: Special Exception

Petitioner: George David Leas and Arleen M. Leas- John S. Gonzalez, Jr. & Pamela M. Gonzalez

Location of property: 9523 Pulaski Highway

Location of Signs: Pulaski Highway near "Car Wash" business sign (Leasing Office)

Remarks:

Posted by: Signature Date of return:

Number of Signs: 1

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: #96-259-XA
(Item 259)
9523 Pulaski Highway
Pulaski Highway Car Wash
S/S Pulaski Highway, 285' W. of c/l Middle River Road
15th Election District
6th Councilmanic
Legal Owner(s): George David Leas and Arleen M. Leas
Contract Purchaser: John S. Gonzalez, Jr. and Pamela M. Gonzalez

Special Exception: for a car wash. Variance: to allow a 10-foot side yard setback in lieu of the required 30 feet; and to allow a 52 foot front yard setback in lieu of the required 82 feet.

Hearing: Friday, February 16, 1996 at 9:00 a.m. in Rm. 106, County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

1/25 Jan 25 CL283

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/25, 1996

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 1/25, 1996.

THE JEFFERSONIAN,

A. Henriksen

LEGAL AD. - TOWSON

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

No. 013670

96-259-XA

DATE 1-3-96 ACCOUNT 01-615

Item: 259
By: mm

AMOUNT $ 620.00
Owner: Leas

RECEIVED FROM: Levy & Marino - 9523 Pulaski Highway

FOR:
070 - Filing Fee — $ 50.00
080 - SP Exception — $ 300.00
080 - 7 Signs — $ 270.00
$ 620.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring 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 accessed 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.: 259 Petitioner: Gonzalez, John S.

Location: 9523 Pulaski Highway

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Michael E. Marino

ADDRESS: 609 Bosley Avenue

Towson MD 21204

PHONE NUMBER: 821-6633

Printed with Soybean Ink on Recycled Paper

12

TO: DUTVENT PUBLISHING COMPANY
January 25, 1996 Issue - Jeffersonian

Please foward billing to:

Michael E. Marino, Esq.
609 Bosley Avenue
Towson, MD 21204
821-6633

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: 96-259-XA (Item 259)
9523 Pulaski Highway
Pulaski Highway Car Wash
S/S Pulaski Highway, 285' W of c/l Middle River Road
15th Election District - 6th Councilmanic
Legal Owner: George David Leas and Arleen M. Leas
Contract Purchaser: John S. Gonzalez, Jr. and Pamela M. Gonzalez

Special Exception for a carwash.
Variance to allow a 10-foot side yard setback in lieu of the required 30 feet; and to allow a 52 foot front yard setback in lieu of the required 82 feet.

HEARING: FRIDAY, FEBRUARY 16, 1996 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 19, 1996

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: 96-259-XA (Item 259)
9523 Pulaski Highway
Pulaski Highway Car Wash
S/S Pulaski Highway, 285' W of c/l Middle River Road
15th Election District - 6th Councilmanic
Legal Owner: George David Leas and Arleen M. Leas
Contract Purchaser: John S. Gonzalez, Jr. and Pamela M. Gonzalez

Special Exception for a carwash.
Variance to allow a 10-foot side yard setback in lieu of the required 30 feet; and to allow a 52 foot front yard setback in lieu of the required 82 feet.

HEARING: FRIDAY, FEBRUARY 16, 1996 at 9:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: George and Arleen Leas
John and Pamela Gonzalez
Michael E. Marino, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

Baltimore County
Department of Permits and
Development Management

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

February 9, 1996

Michael E. Marino
Levy & Marino, P.A.
609 Bosley Avenue
Towson, Maryland 21204

RE: Item No.: 259
Case No.: 96-259-XA
Petitioner: G. D. Leas, et ux

Dear Mr. Marino:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 3, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: January 22, 1996

FROM: Arnold F. 'Pat' Keller, III, Director, PO

SUBJECT: 9523 Pulaski Highway

INFORMATION:

Item Number: 259

Petitioner: Leas Property

Property Size:

Zoning: BR, ML-IM, and ML

Requested Action: Special Exception & Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

A review of the plan accompanying the subject request reveals that the property at the elevation which the applicant proposes a 24' high sign is sufficiently high enough, and, as such, the height of the proposed sign can and should be reduced. Staff has communicated this concern to the applicant's attorney.

This office supports the applicant's request provided that the issue regarding the sign is addressed

Prepared by: Jeffrey M. Long

Division Chief: Carl L. Klaus

PK/JL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

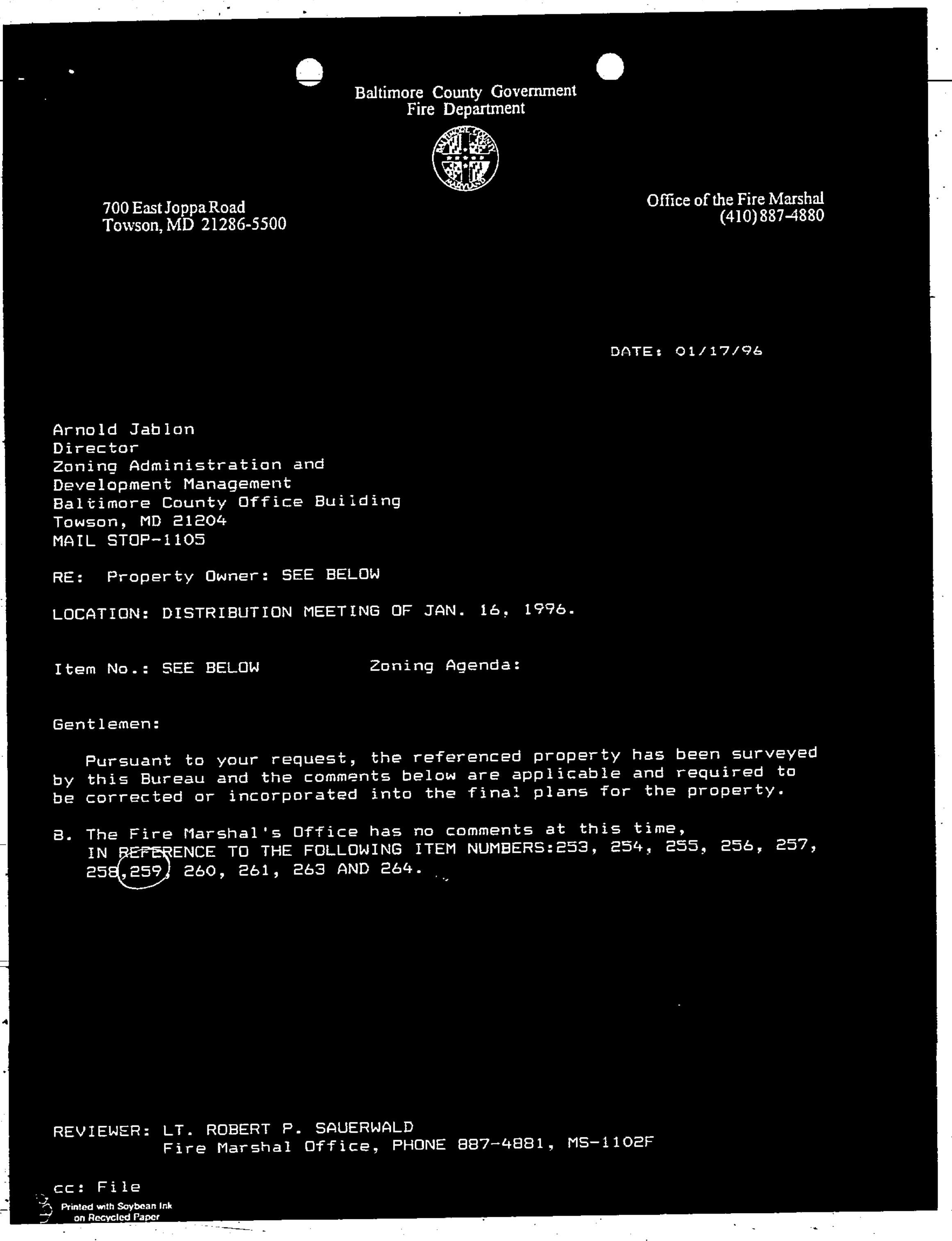
TO: Arnold Jablon, Director DATE: Jan. 26, 1996
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for January 22, 1996
Items 253, 254, 257, 258, and 259
and Case 96-169 SPH

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw



Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 01/17/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 16, 1996.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

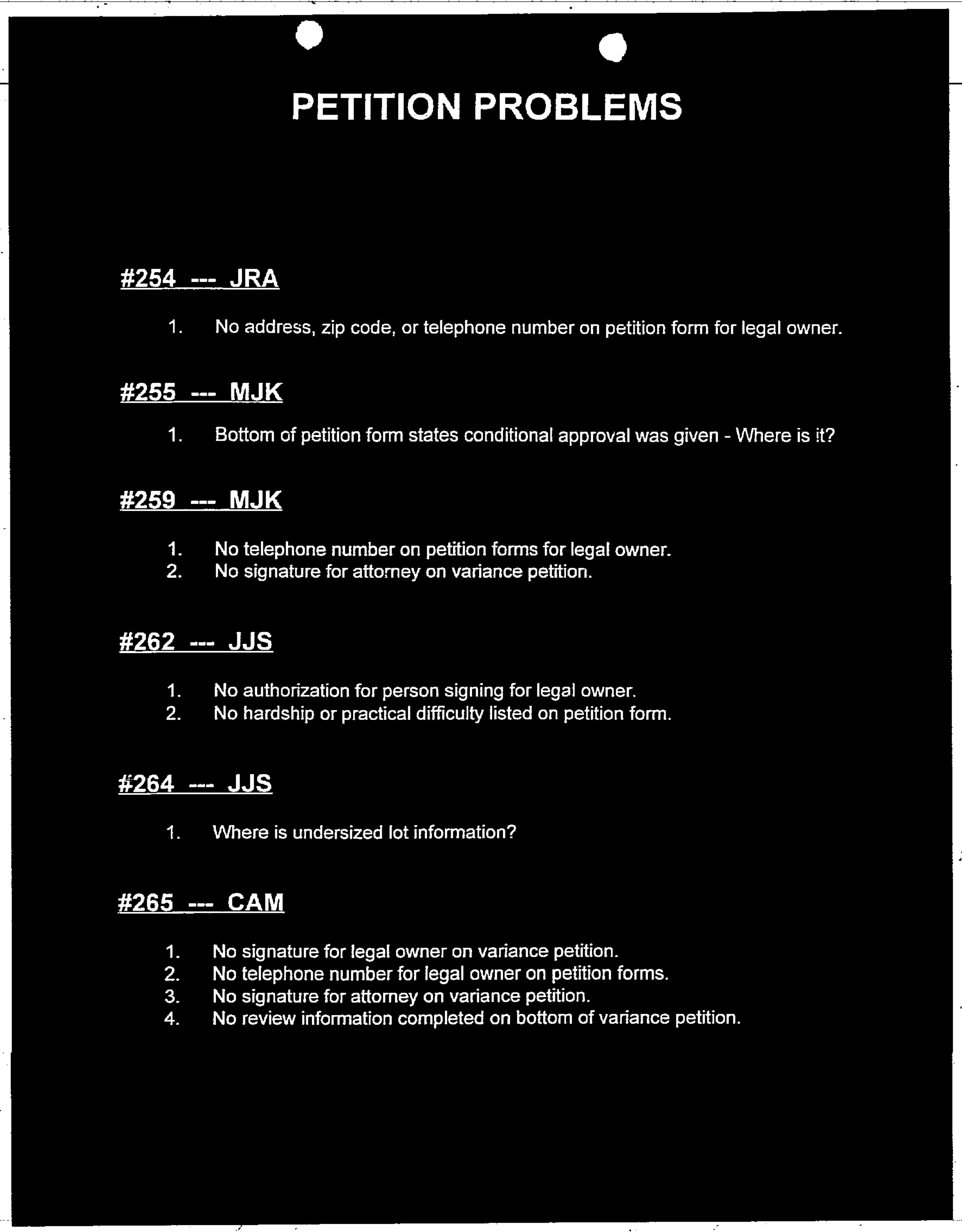
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:253, 254, 255, 256, 257, 258, 259, 260, 261, 263 AND 264.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink on Recycled Paper



PETITION PROBLEMS

#254 --- JRA

1. No address, zip code, or telephone number on petition form for legal owner.

#255 --- MJK

1. Bottom of petition form states conditional approval was given - Where is it?

#259 --- MJK

1. No telephone number on petition forms for legal owner.
2. No signature for attorney on variance petition.

#262 --- JJS

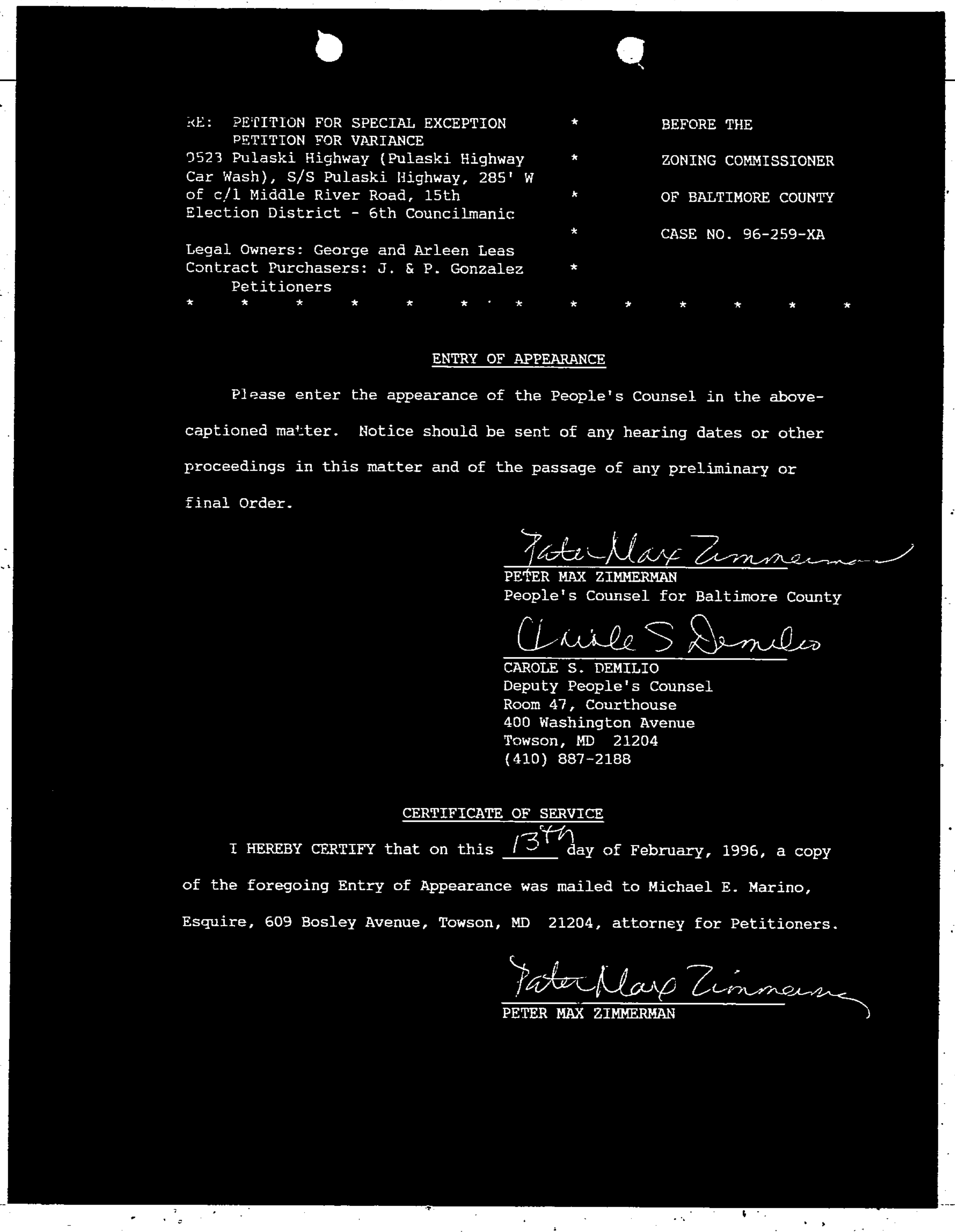
1. No authorization for person signing for legal owner.
2. No hardship or practical difficulty listed on petition form.

#264 --- JJS

1. Where is undersized lot information?

#265 --- CAM

1. No signature for legal owner on variance petition.
2. No telephone number for legal owner on petition forms.
3. No signature for attorney on variance petition.
4. No review information completed on bottom of variance petition.



RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
PETITION FOR VARIANCE
9523 Pulaski Highway (Pulaski Highway * ZONING COMMISSIONER
Car Wash), S/S Pulaski Highway, 285' W
of c/l Middle River Road, 15th * OF BALTIMORE COUNTY
Election District - 6th Councilmanic
* CASE NO. 96-259-XA
Legal Owners: George and Arleen Leas
Contract Purchasers: J. & P. Gonzalez *
Petitioners

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

ENTRY OF APPEARANCE

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

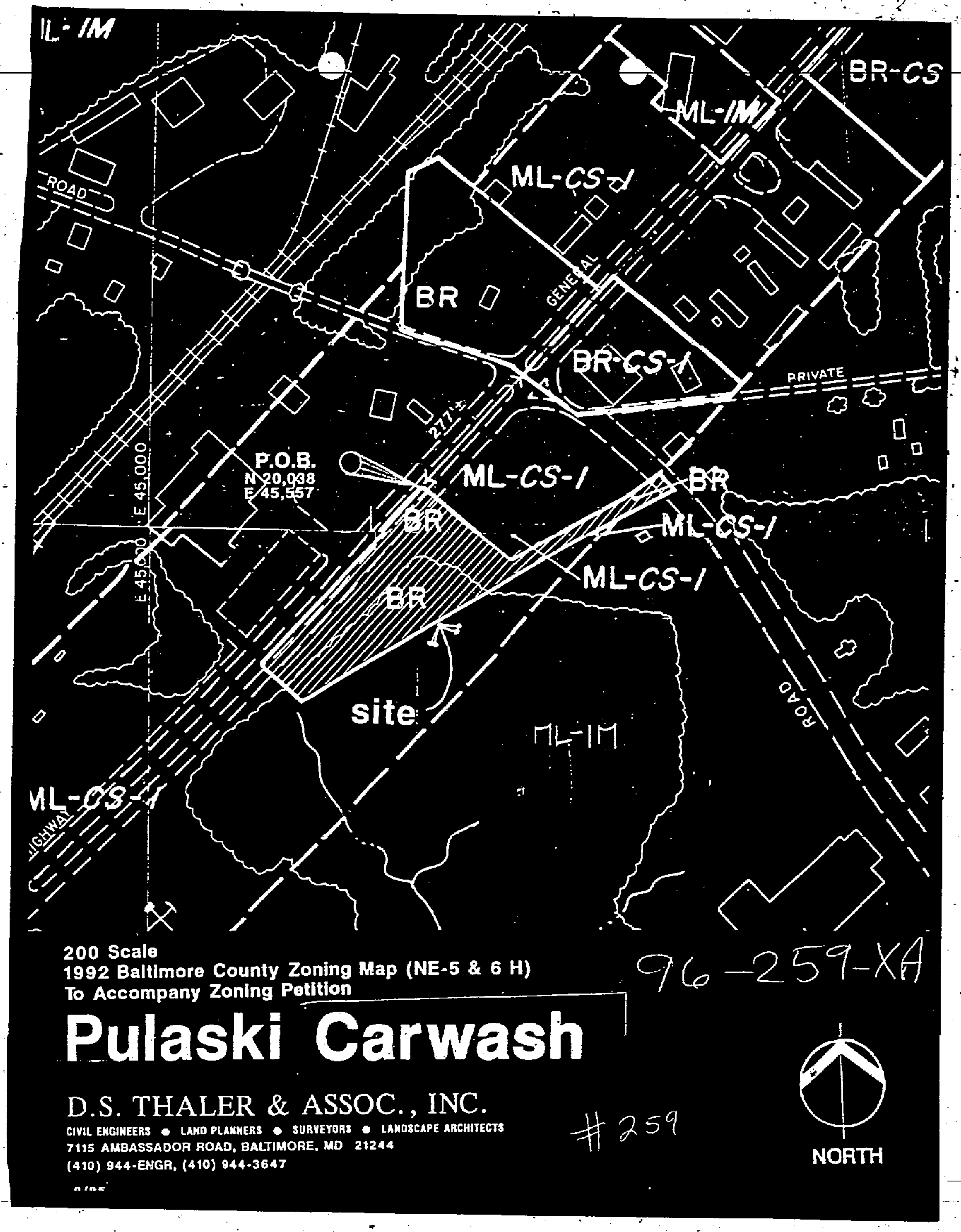
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to Michael E. Marino, Esquire, 609 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



200 Scale
1992 Baltimore County Zoning Map (NE-5 & 6 H)
To Accompany Zoning Petition

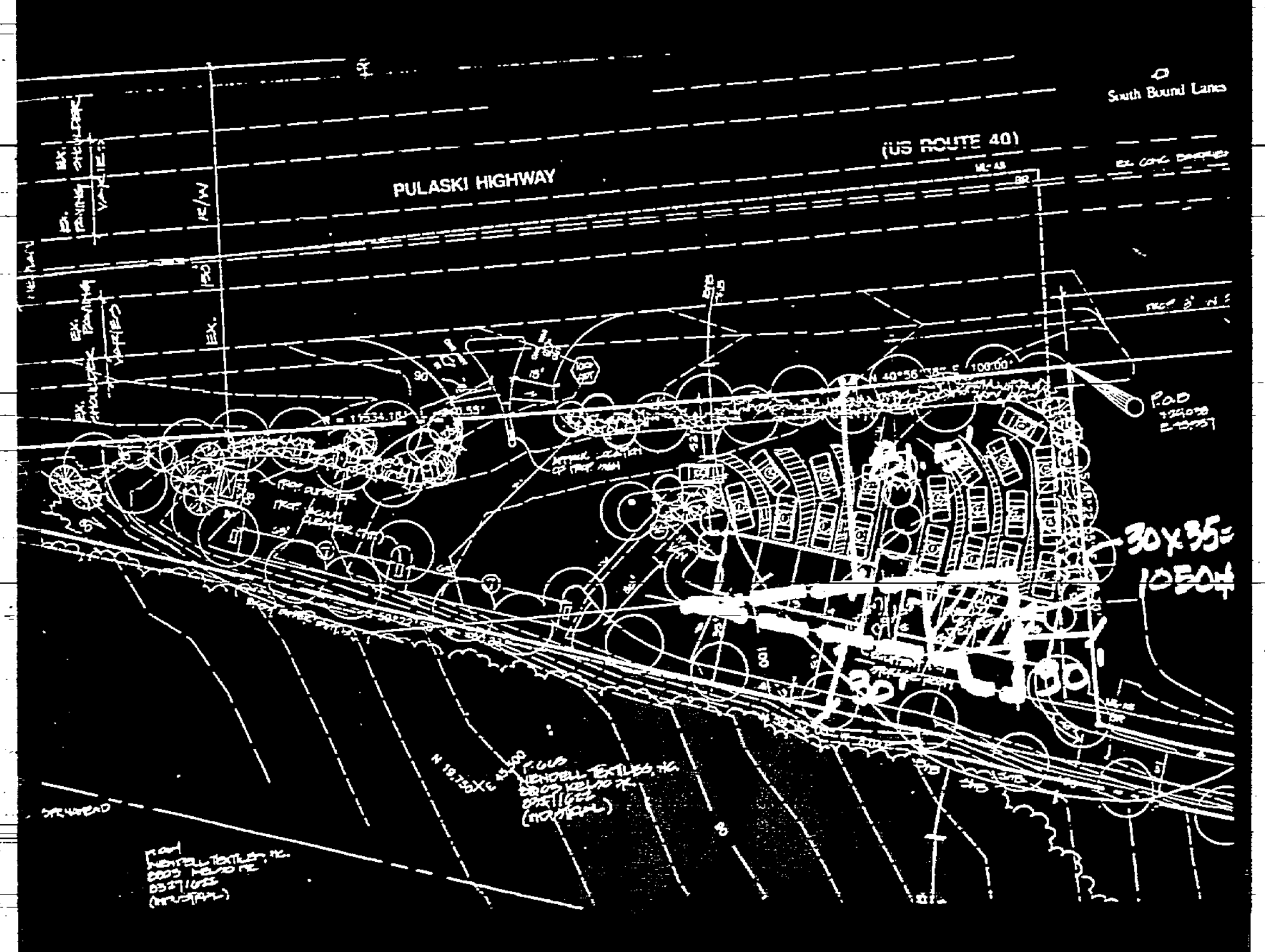
Pulaski Carwash

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
7115 AMBASSADOR ROAD, BALTIMORE, MD 21244
(410) 944-ENGR, (410) 944-3647

96-259-XA

#259

Pet Ex #2



PULASKI CARWASH
AS-OF-RIGHT BUILDING ENVELOPE
D.S. THALER & ASSOC., INC.
2.16.96
1" = 60'

General Notes

[illegible]

5. PROPERTY REFERENCE:

TAX MAP: [illegible] TAX MAP: [illegible]
GRID: [illegible] GRID: [illegible]
PARCEL: [illegible] PARCEL: [illegible]
TAX ACCT NO: [illegible] TAX ACCT NO: [illegible]
SEC: [illegible] SEC: [illegible]
ADC MAP: [illegible] ADC MAP: [illegible]
PLAT: [illegible]

Boundary: [illegible] Thaler & Associates, Inc. September [illegible]

Topography: [illegible] Thaler & Associates, Inc. September [illegible]

Zoning: Baltimore County 200 scale Zoning Map [illegible] [illegible] 1468.

Wetlands: N/A
Tidal Bm Area: N/A
Floodplain: N/A

Soils: U.S.D.A.-Baltimore County Soil Survey Manual (Map 43-E)

Utilities: Baltimore County Key Map [illegible]-NW

6. GENERAL DATA:

Election District: 15
Census Tract: [illegible]
Commissioner District: [illegible]

7. SITE INFORMATION:

A. Gross acreage = [illegible] (exp: [illegible] to [illegible] Pulaski Highway; [illegible] to [illegible] Middle River)
Net acreage = [illegible] ACS

B. Existing Zoning: BR = [illegible] ACS
ML-CS-1 = [illegible] ACS
ML-IM = [illegible] ACS

C. Density Calculations:

Allowable = BR = [illegible] FAR = [illegible] SF
ML-CS-1 = [illegible] FAR = [illegible] SF
ML-IM = [illegible] FAR = [illegible] SF
TOTAL [illegible] SF

Proposed = [illegible] FAR = [illegible] SF

D. Parking:

Required = [illegible] spaces self serve units;
[illegible] spaces + [illegible] vacuum = [illegible] spaces

Proposed = [illegible] spaces

F. Landscape planting as specified in the Baltimore County Landscape Manual, adopted October [illegible], 1990

F. [illegible] planting chart

F. [illegible] = [illegible]
[illegible] Small Ind. Canopy Trees or
[illegible] Minor Deciduous Trees or
[illegible] Evergreen Trees or
[illegible] Shrubs +
[illegible] S.F. of Ground Cover

	REQUIRED	PROPOSED
ALONG EXT. [illegible]	[illegible]	[illegible]
ALONG [illegible]	[illegible]	[illegible]

[illegible]

[illegible] slopes where severe or [illegible] slopes occur.

[illegible] of these areas [illegible] training and sown [illegible]

[illegible] with approved [illegible]

[illegible] with County inspectors as [illegible]

[illegible] the [illegible] according to [illegible] this property as shown on the [illegible] represented as density or area

20. Future signs shall conform with Section [illegible] B.C.Z.R. and all zoning policies.

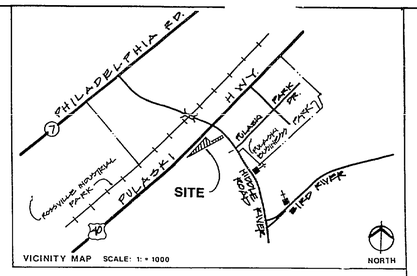
21. Building foot prints shown are for illustrative purposes only and may not represent the actual foundation plan.

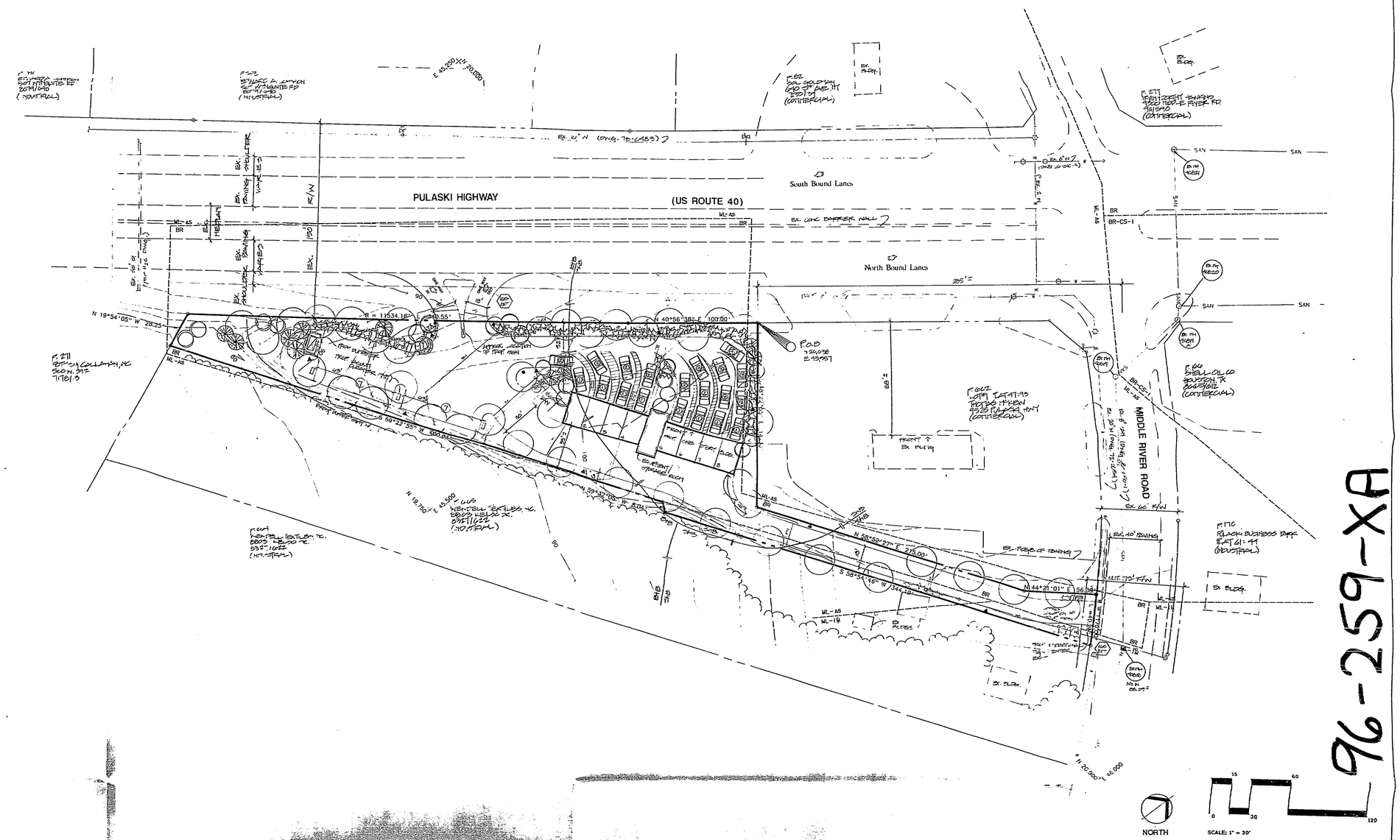
22. All parking areas and maneuvering areas will be paved with bituminous and permanently striped.

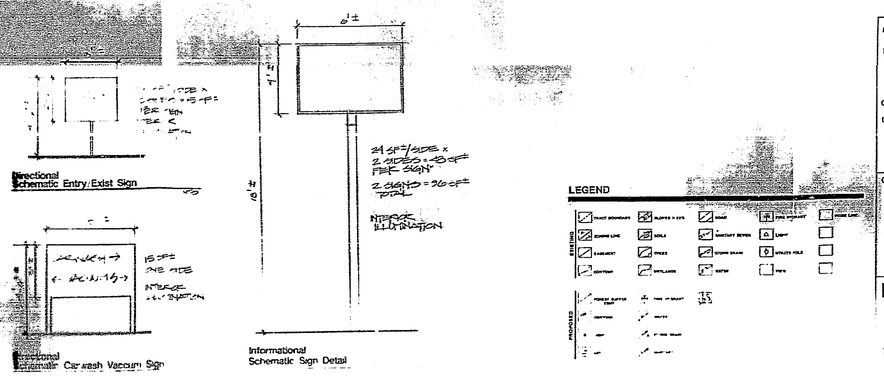
23. Manufacturer rated hourly production capacity of installed equipment

SOIL LIMITATIONS

TYPE	CLASS	BORES WITH BASEMENTS	STREETS AND [illegible]
Baltimore SaB	C	Moderate	Moderate
Sassafras SaB	B	Slight	Moderate
[illegible]	B	Slight	Moderate







PULASKI CARWASH

96-259-XA

Development Plan & Plat to Accompany Zoning Petition

DSTA

BALTIMORE COUNTY, MARYLAND

PROJ. NAME: PULASKI CARWASH
PLAN TITLE: Development Plan & Plat to Accompany Zoning Petition
ZADM PROJ. NO.:
ZADM P.M.:
COUNCIL DIST.: 6
ELECTION DIST.: 15
DRC APPROVAL: 5-30-95; #95305B - Limited Exemption (B)9

REVISIONS:
Pet Ex #1
#25?

OWNER / DEVELOPER:
Mr. John Gonzalez
205 Rolling Knoll Drive
Belair, Maryland 21014
(410) 893-2838

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410 944-ENGR 410 944-3647 FAX (410) 944-3684

DATE: 10-4-95
SCALE: 1" = 30'
C.I.: 2
PROJ. NO.: 17595
SHEET: 1 OF 1