IN RE: PETITION FOR SPECIAL HEARING
SE/S Baltimore National Pike and
Johnnycake Road
(EZ Store, Route 40 West)

1st Election District
1st Councilmanic District

Sarah Enterprises, LLC, Owners; Siena Corporation, Contract Purchaser

- \* BEFORE THE
- \* DEPUTY ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 99-124-SPHX

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning for consideration of a Petition for Special Hearing filed by the Owners of the subject property, Sarah Enterprises, LLC, and the Contract Purchasers, Siena Corporation, through their attorney, Benjamin Bronstein, Esquire. The Petitioners request approval of a waiver of public works standards to eliminate required road improvements to Old Frederick Road and Johnnycake Road, for a proposed EZ Store facility. 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 held in this matter were Alan Scoll, a representative of D.S. Thaler and Associates, Inc., the engineering firm which prepared the site plan for this property, and Benjamin Bronstein, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 3.65 acres, more or less, zoned B.M.-C.C.C., and is improved with an automotive dealership showroom and garage. This property was the subject of a prior hearing held on November 9, 1998, in which the Petitioners requested a special exception to develop the site with a five-story, self-serve storage facility with caretaker's living quarters above, and a car wash. Apparently, the

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Petitioners initially filed the Petition for Special Exception relief, and prior to the hearing held on November 9, 1998, filed a Petition for Special Hearing seeking the waiver as noted above. Testimony and evidence presented at the hearing was sufficient to support a granting of the special exception request, and by my Order dated November 13, 1998, the relief requested was granted. The Petitioners subsequently proceeded to commence construction of the proposed improvements and during the course of permit applications, realized that a resolution of the waiver request was needed in order to proceed. Thus, a new hearing was scheduled for March 11, 1999 for a determination on the requested waiver.

As noted above, the subject property was approved, by way of the special exception request, for a five-story, self-service, storage facility with caretaker's living quarters above, and a self-serve car wash on the subject property. In addition to the special exception request, the Petitioners seek a waiver of public works standards to eliminate required road improvements to Old Frederick Road and Johnnycake Road. As the subject property fronts on Baltimore National Pike, all access to the property will be from that roadway; thus, no improvements are necessary to Johnnycake Road or Old Frederick Road. Moreover, the Petitioners' request for a waiver as set forth above is fully supported by the Department of Public Works, as evidenced by the letter dated October 8, 1998 from Charles R. Olsen to the Petitioners' engineer, a copy of which was submitted into evidence as Petitioner's Exhibit 4. Thus, it appears that the relief requested in the Petition for Special Hearing should be granted.

After due consideration of the testimony and evidence presented, I find that the Petitioner has satisfied the requirements of Section 26-172(A)(2) of the Baltimore County Code and that strict compliance with County regulations would result in a practical difficulty and unreasonable

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hardship for the Petitioners. In addition, the requested waiver is appropriate in this instance and will not be detrimental to the public health, safety, and general welfare of the surrounding locale.

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

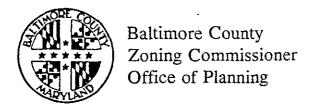
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29 H day of March, 1999 that the Petition for Special Hearing to approve a waiver of public works standards to eliminate required road improvements to Old Frederick Road and Johnnycake Road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued November 13, 1998 shall remain in full force and effect.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner

for Baltimore County

TMK:bjs



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

March 29, 1999

Benjamin Bronstein, Esquire George & Bronstein 29 W. Susquehanna Avenue, Suite 205 Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
SE/S Baltimore National Pike & Johnnycake Road
(EZ Store at Route 40 West)

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District
Sarah Enterprises, LLC, Owners; Siena Corp., Contract Purchaser - Petitioners
Case No. 99-124-SPHX

Dear Mr. Bronstein:

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

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

Very truly yours,

TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

Suithy lletraco

TMK:bjs for Baltimor

cc: Mr. Craig B. Pittinger, V.P., Siena Corporation 12011 Guilford Road, Suite 101, Annapolis Junction, Md. 20701

Mr. Alan Scoll, D.S. Thaler & Assoc., Inc. 7115 Ambassador Road, Baltimore, Md. 21144

People's Counsel; Case File

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IN RE: PETITION FOR SPECIAL EXCEPTION

SE/S Southside Baltimore National

Pike at Johnnycake Road 1st Election District

1st Councilmanic District

Sarah Enterprises, LLC,

Legal Owners

Siena Corporation, Contract Purchaser

BEFORE THE

DEPUTY ZONING

COMMISSIONER

OF

BALTIMORE COUNTY

CASE NO.: 99-124-X

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by the Owners of the subject property, Sarah Enterprises, LLC, and by the Contractor Purchaser, Siena Corporation, by their attorney Benjamin Bronstein, Esquire. The Petitioners request a special exception to permit living quarters in a commercial building and a special exception for a car wash. 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 hearing in support of the Petition were Craig B. Pittinger, a representative of Siena Corporation, David S. Thaler, P.E., a representative of D.S. Thaler & Associates, Inc., the consulting firm which prepared the site plan for this property, and Benjamin Bronstein, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons interested in offering testimony.

Testimony and evidence offered revealed that the subject property consists of a gross area of 3.65 acres, more or less,

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zoned BM-CCC, presently improved by an automotive dealership garage The building and grounds are in a deteriorated and showroom. Sarah Enterprises, LLC has contracted to sell the subject property to Siena Corporation which wishes to develop the property with a multi-story storage building and a self service car Siena Corporation operates a number of EZ-Store public storage facilities and self service car washes in and around the Baltimore Metropolitan area and has selected the subject property as a suitable site for such facilities in this particular area of Baltimore County. As is the case with all of their storage facilities, the Petitioners propose, for security reasons, to have caretaker reside on the premises to provide security for customers and patrons of the facilities. However, in order to have caretaker's residence on the subject property, a special exception is necessary. A car wash also requires a special exception.

The Planning Department's request for restricting operating hours is well taken but not necessary at this location. Siena will have a full time caretaker and video monitoring system. The video can be monitored by the caretaker and at Siena's corporate offices. The property will be lighted and a substantial distance from the residential area. The storage building will further screen the car wash from the residential area. Siena maintains that this type of operation offers a secure operation rather than a facility which is closed and dark at night.

It is clear that the BCZR permits the uses proposed n a BM-CCC zone by special exception. It is equally clear that the proposed

uses 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 uses met the prescribed standards and requirements set forth in Section 502.1 of the BCZR. The Petitioner has shown that the proposed uses 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 uses 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 uses, irrespective of their location within the zone. Schultz v. Pritts, 432, A.2d 1319 (1981).

The proposed uses 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 BCZR.

After reviewing all of the testimony and evidence presented, it appears that the special exception for living quarters in a commercial building and a special exception for a car wash should be granted with certain restrictions as more fully described below.

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

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granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of November, 1998 that the Petition for Special Exception to permit living quarters in a commercial building and special exception for a car wash on the subject property, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject to the following restriction:

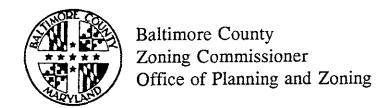
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco

Deputy Zoning Commissioner

for Baltimore County

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Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

November 13, 1998

Benjamin Bronstein, Esquire Peorge & Bronstein, LLP 29 W. Susquehanna Avenue, Suite 205 Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION
S/S Baltimore Nat'l. Pike & NE/Cor. Johnnycake & Old Frederick Roads
(5520 Baltimore National Pike)
1st Election District - 1st Councilmanic District
Sarah Enterprises, LLC, Owners; Siena Corp., C.P. - Petitioners
Case No. 99-124-SPHX

Dear Mr. Bronstein:

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, 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

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Mr. B. Javad Pour, Sarah Enterprises, Inc. 5525 Baltimore National Pike, Baltimore, Md. 21228

Mr. Craig B. Pittinger, Vice President, Siena Corporation 12011 Guilford Road, Suite 101, Annapolis Junction, Md. 20701

Messrs. David S. Thaler & David A. Hamil, D.S. Thaler & Assoc., Inc. 7115 Ambassador Road, Baltimore, Md. 21244

People's Counsel; Case Files



## Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at

Southside Baltimore National Pike at Johnnycake Road

which is presently zoned BM-CCC

We do solemnly declare and affirm, under the penalties of portury, that the are the

This Petition shall be filed with the Ciffice of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Saltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Saltimore County, to determine whether or not the Zoning Commissioner should approve

a waiver of Public Works Standards eleminating road improvements to Old Frederick and Johnnycake Roads.

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

I, or we, agree to pay expenses of at ove Special Hoaring advertising, posting, etc., upon filling of this petition, and further agree to and are to be bound by the zoning regular one and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	legal owner(s) of the property which is the subject of this Petition.
Communit Purchasel/Lessee:	Legal Ownerts):
Siena Corporation (Type or Print Name)	Sarah Enterprises, IIA
BY:	BY: Beach
Craig B. Pittinger, Vice President 12011 Guilford Road, Stite 101	dent Sand
Address	Type or Print Name)
Annapodis Junction, Maryland 20701	Cyps of Child Hamey
Cay State Zipcode	Signature
Annowy to Pethoner: Benjamin Branstein, Esq.	5525 Baltimore National Pike
	7-7-1
George & Bronstein, IP	Baltimore, Maryland 21228
(Type or Point Name)	City State Zounde Name, Address and phone number of representative to be consected.
3/ 5//	Alan Scoll, R.L.A.
Sign-strate /	D.S. Thaler & Associates, Inc.
	Name _7115 Ambassador Road
	Báltimore, Maryland 21144 (410)944-3647
Address (410):296-0200 Phone No.	Address Phone No.
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## Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at

Southside Baltimore National Pike at Johnnycake Road

which is presently zoned BM-CCC

Who do splemnly declars and affirm, under the penalties of pegury, that they are the

This Petition shall be filed with the Ciffice of Zonling Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Sattimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a waiver of Public Works Standards eleminating road improvements to Old Frederick and Johnnycake Roads.

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

i, or we, agree to pay expenses of at ove Special Hearing advertising, posting, etc., upon filling of this petition, and further agree to and are to be bound by the zoning regular ons and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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	Comment Purchaser/Lesses:	Lugal Owner(s).
o .	Siena Corporation (Type or Print Name)	Sarah Enterprises, IIIC (Type or Print Name)
Ĭ.	EY:	BY: Signature
FOR FILING	Craig B. Pittinger, Vice President 12011 Guilford Foad, Suite 101	B. JavadPou
201	Armapohis Junction, Maryland 20701	(Type or Print Name)
2007 d	City State Zipcode	Signature
JADEH RECEW		5525 Baltimore National Pike
BUNA	Attorney for Petitioner: Benjamin Brynstein, Esq.	Aridress Prione No.
E 11	George & Bronstein, IP	Baltimore, Maryland 21228
<b>1</b>	(Type or Pant Name)	City State Counter Name, Address and phone number of representative to be contacted.
	× 5//	Alan Scoll, R.L.A.
566	Signature Signature	D.S. Thaler & Associates, Inc.
24	29 W. Susquehanna Ave Suite 205	Name 7115 Ambassador Road
9	Address (410) 296-0200 Phone No.	Baltimore, Maryland 21144 (410) 944-3647
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## Petition for Special Exception

## to the Zoning Commissioner of Baltimore County

for the property located at

Southside Baltimore National Pike at Johnnycake Road

which is presently zoned

BM-CCC

This Petition shall be filed with the Department of Permits & 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

car wash and living quarters in a commercial building

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

	-		I/We do solemnly declare and affirm, under the legal owner(s) of the property which is the subje	
	Contract Purchaser/Lessee:		Legal Owner(s)	
	Siena Development Corporation		Sarah Enterprises, I	TC)
	(Type or Pnnt Name)		(Type or Print Name)	711
	BY:		BY:	21/
	Signature Craig B Pittinger, Vice 12011 Guilford Road, Suite 101	President \	Behroz Vav	adPour
	Address		Type or Print Name)	
	Annapolis Junction, Maryland 2		<u> </u>	
	City State	Zipcode	Signature	
			55x5 Baltimore Nation	nal Pike
	Attorney for Petitioner Benjamin Bronstein	, Esquire	Address	Phone No.
<b>6</b> 5 1	, George & Bronstein, LLP		Baltimore, Maryland 2	?1228
ž	(Type or Print Name)	$-\mathcal{N}$	City Name, Address and phone number of represent	State Zipcode
FOR FILING	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	13,	Alan Scoll, R.L.A.	alive to de contacted.
Œ	Signature	—— Wi	D.S. Thaler & Associa	ites, Inc.
$\bar{Q}_{\infty}$	29 W. Susquehanna Ave., Suite	205	Name 7115 Ambassador Ro	
7	Address (410)296-0200 Phone No.	203	Baltimore Maryland 2	21244 (410) 944-3647
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	7/27/10 0			'LL Y

## August 12, 1998

## EZ STORE ROUTE 40 WEST

## (Property Description for Zoning Purposes Only)

Beginning at a point located along the southern right-of-way of Baltimore National Pike, a State Road, approximately 285 feet east of the intersection of Johnnycake Road and Baltimore National Pike, thence running the following five (5) courses and distances:

- 1. A line curving to the right with a radius of 14,248.95 feet, a length of 359.79 feet and a chord bearing North 73°19'01" East 359.78 feet more or less, to a point; thence,
- 2. South 01°09'00" East 447.58 feet, more or less, to a point; thence,
- 3. North 89°13'50" West 330.00 feet, more or less, to a point; thence,
- 4. North 62°27'45" West 102.92 feet, more or less, to a point; thence,
- 5. North 13°01'42" East 299.91 feet, more or less, thence, to the point of beginning.

Containing approximately 3.41 acres of land, more or less. Also known as 5525 Baltimore National Pike, located in the First Election District.

EZSTORE DESCRIPT DRB DESCR D#2/98 YDG 8/98

99-124-X

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AND No. 058746	ACCOUNT 001-6150	AMOUNT \$ 300.00 (WCR)	ein	Item #124 .	Baltimore National Pike	Case #99-124-X	YELLOW - CUSTOMER
BALTIMORE COUNTY, MAI OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	DATE 9/24/98	AN	RECEIVED George & Bronstein	FOR: SPECIAL EXCEPTION	5525 Baltimore	Drop-Off No Review	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YI

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MISCELLANEOUS RECEIPT OFFICE OF BUDGET & FINANCE BALTIMORE COUNTY, MARYL

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## NOTICE OF ZONING HEARING

The Zonling Commissioner of Balthnore County, by authority of the Zonling Act and Regulations of Baltimore County will hold a public hearing in Tow-son, Marviand on the property identified herein as follows:

Case: #99-124-X
Case: #99-124-X
5525 Battimore National Pike
5525 Battimore National Pike
SE/S Battimore National Pike
(Route 40 West) 470" W of
centerline St. Agnes Lane;
also N/S Old Frederick Road
and Johnnyoake Road
1" Efection District
Legal Owner(s):
Sarah Entsprises, LLC
Contract Purchaser:
Siena Development Corptoration
Special Exception: for a car
wash and living quarters in a
commorcial pullding.
Hearing: Randay, Novariday
9, 1998 at 19,00 s.m., in
Roam 407, County Courts
Bidg., 401 Bostey Avenue.

LAWRENCE E. SCHMID? Zoning Control Scionar for Baltimore County NOTES: (1) Healings are Handlcapped Accessible; for special accommodations Please Call (410) 897-3353. (2) For information conterning the File and/or Hearing. Please Call (410) 887-3381.

10/377 Oct. 22 C287684

# CERTIFICATE OF PUBLICATION

TOWSON, MD.,
1022
81201,

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  $\frac{1}{22}$  successive weeks, the first publication appearing on  $\frac{1}{22}$ ,  $\frac{19}{2}$ 

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

## NOTICE OF ZONING HEARING

The Zoning Controlssioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in <a href="Iowson\_Maryland">Iowson\_Maryland</a> on the property identified herein as follows:

Case: #99-124-SPHX
Case: #99-124-SPHX
S525 Baltimore National Pike
S525 Baltimore National Pike (Route-40 West), 470' W of
SE/S Baltimore National Pike (Route-40 West), 470' W of
SE/S Baltimore National Pike (Route-40 M/S Old Frederick Road and
Johnnycake Road
Ist Eaction District -- 1st Councilmanic District
Legal Owner(s): Sarah Enterprises, LLC
Contract Purchaser: Siena Development Corporation
Special Hearing: to approve a walver of Public Works Standards
eliminating road improvements to Old Frederick and Johnnycake
Roans

Hearing: Thursday, March 11, 1999 at 9:00 a.m. In Room 407, County Courts Bidg., 401 Bosley Avenue.

weeks, the first publication appearing on \_

LAWRENCE E. SCHMIDT.

Zoning Commissioner for Baltimore County

XOTES: (1) Hearings are Handlcapped Accessible; for special accommodations Please Contaact the Zoning Commissioner's Office at (410) 887-4386.

(2) For Information concerning the File and/or Hearing. Contact the Zoning Review Office at (410) 887-3391.

0291453

2/279 Feb. 16

# CERTIFICATE OF PUBLICATION

in Towson, Baltimore County, Md., once in each of successive	published in THE JEFFERSONIAN, a weekly newspaper published	THIS IS TO CERTIFY, that the annexed advertisement was	TOWSON, MD., 218, 11
successive	published	ment was	

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

## CERTIFICATE OF POSTING

RE: CASE # 99-124-SPHX
PETITIONER/DEVELOPER:
(Siena Develop. Corp.)
DATE OF Hearing
(Mar 11, 1999)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 21204

ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at

5525 Baltimore National Pike & N/S Old Frederick & Johnnycake Roads Baltimore, Maryland 21229

The sign(s) were posted on 2-24-99

Month, Day, Year

Sincerely,

(Signature of Sign Poster & Date)

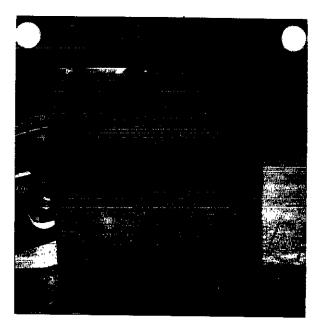
\_\_\_\_Thomas P. Ogle, Sr.\_\_\_\_

\_\_\_\_325 Nicholson Road\_\_\_\_

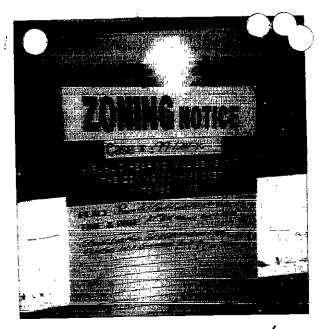
\_\_\_Baltimore, Maryland 21221\_\_\_

\_\_\_\_\_(410}-687-8405\_\_ (Telephone Number)

OLD FREDERICK &



BALTO NATL. PIKE



BATO NATIONAL PIKE



OD FREDERICK ROAD & SOMMICAKE ROAD

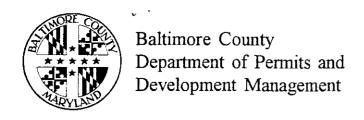
## **CERTIFICATE OF POSTING**

RE: Case # 99-124-X Petitioner/Developer: (Siena Develop. Corp.) Date of Hearing/Classes: (Nov. 9, 1998)

**Baltimore County Department of Permits and Development Management** County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:			
•	penalties of perjury that the necessary sign(s) required by		
law were posted conspicuously of	on the property located at		
5525 Baltimore National Pike als Baltimore, Maryland 21229	so N/S Old Frederick Road & Johnnycake Road		
The sign(s) were posted on	Oct. 24, 1998		
	(Month, Day, Year)		
	Sincerely,  Olamon Jack 10/24/90  (Signature of Sign Poster & Date)		
	Thomas P. Ogle, Sr		
	325 Nicholson Road		
	Baltimore, Maryland 21221		
	(410)-687-8405		
	(Telephone Number)		



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

February 3, 1999

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-124-SPHX 5525 Baltimore National Pike

SE/S Baltimore National Pike (Route 40 West), 470' W of centerline St. Agnes Lane;

also N/S Old Frederick Road and Johnnycake Road

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: Sarah Enterprises, LLC

Contract Purchaser: Siena Development Corporation

<u>Special Hearing</u> to approve a waiver of Public Works Standards eliminating road improvements to Old Frederick and Johnnycake Roads.

HEARING: Thursday, March 11, 1999 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

Director

c: Benjamin Bronstein, Esquire Sarah Enterprises, Inc.

Siena corporation

D.S. Thaler & Associates, Inc.

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FEBRUARY 24, 1999.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY February 18, 1999 Issue – Jeffersonian

Please forward billing to:

Benjamin Bronstein, Esquire George & Bronstein 29 W. Susquehanna Avenue Suite 205 Towson, MD 21204 410-296-0200

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-124-SPHX 5525 Baltimore National Pike

SE/S Baltimore National Pike (Route 40 West), 470' W of centerline St. Agnes Lane;

also N/S Old Frederick Road and Johnnycake Road

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: Sarah Enterprises, LLC

Contract Purchaser: Siena Development Corporation

<u>Special Hearing</u> to approve a waiver of Public Works Standards eliminating road improvements to Old Frederick and Johnnycake Roads.

HEARING: Thursday, March 11, 1999 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL EXCEPTION 5525 Baltimore National Pike, SE/S Baltimore	*	BEFORE THE
National Pike, 470' SW of c/l St. Agnes Ln, also N/S Old Frederick Rd and Johnnycake Rd,	*	ZONING COMMISSIONER
1st Election District, 1st Councilmanic	*	FOR
Legal Owners: Sarah Enterprises, LLC Contract Purchaser: Siena Development Corp.	*	BALTIMORE COUNTY
-	*	Case Number: 99-124-X
Petitioner(s)	*	

## **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 of other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

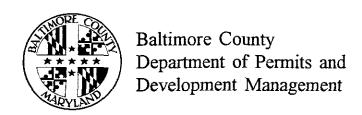
People's Counsel for Baltimore County

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

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 2 day of October, 1998, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esq., George & Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioner(s).

> Peter May Zinneimen PETER MAX ZIMMERMAN



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

October 8, 1998

## **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-124-X 5525 Baltimore National Pike

SE/S Baltimore National Pike (Route 40 West), 470' W of centerline St. Agnes Lane;

also N/S Old Frederick Road and Johnnycake Road

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: Sarah Enterprises, LLC

Contract Purchaser: Siena Development Corporation

Special Exception for a car wash and living quarters in a commercial building.

HEARING: Monday, November 9, 1998 at 10:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

Director

c: Benjamin Bronstein, Esquire Sarah Enterprises, LLC Siena Development Corporation D.S. Thaler & Associates, Inc.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 25, 1998.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY October 22, 1998 Issue - Jeffersonian

Please forward billing to:

Benajmin Bronstein, Esquire George & Bronstein, LLP 29 W. Susquehanna Avenue Suite 205 Towson, MD 21204 410-296-0200

## **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-124-X 5525 Baltimore National Pike

SE/S Baltimore National Pike (Route 40 West), 470' W of centerline St. Agnes Lane;

also N/S Old Frederick Road and Johnnycake Road

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: Sarah Enterprises, LLC

Contract Purchaser: Siena Development Corporation

Special Exception for a car wash and living quarters in a commercial building.

HEARING: Monday, November 9, 1998 at 10:00 a.m. in Room 407, County Courts

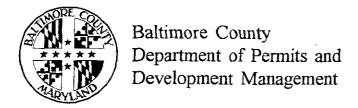
Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

September 24, 1998

Benjamin Bronstein, Esquire George and Bronstein, LLP 29 West Susquehanna Avenue Suite 205 Towson, MD 21204

Dear Mr. Bronstein:

RE: Drop-Off Petition, 5225 Baltimore National Pike, Case #99-124-X

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

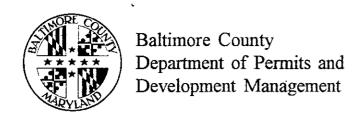
ua/scj

W. Carl Richards, Jr. Zoning Supervisor Zoning Review

WCR:sci

**Enclosures** 

Request for Zoning: Variance, Special Ex	xception, or Special Hearing	
Date to be Posted: Anytime before but no	later than	
Format for Sign Printing, Black Letters or	n White Background:	ITEM 12
Z	ONING NOTE	CE
Cas	se No.: <u>99-12</u>	24-X
THE	C HEARING WILL BE HI ZONING COMMISSION IN TOWSON, MD	ER
DO NOT REMOVE THIS SIGN AND P	or a car wash and library outling.  OR OTHER CONDITIONS ANTERM HEARING CALL 88	ARE SOMETIMES NECESSARY. 7-3391. RING UNDER PENALTY OF LAW



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

March 5, 1999

Mr. Alan Scoll D. S. Thaler & Associates Inc. 7115 Ambassador Road Baltimore, MD 21244

RE: Case No.: 99-124-X

Petitioner: Siena Development Corp. Location: Baltimore National Pike

Dear Mr. Scoll:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on 9/24/98.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,

W. Carl Richards,

Zoning Supervisor
Zoning Review

c: Benjamin Bronstein, Esq., 29 W. Susquehanna Avenue, #205, Towson 21204

WCR:ggs

Enclosures





Parris N. Glendening Governor

David L. Winstead Secretary

Parker F. Williams Administrator

Date: November 18, 1998

Ms. Gwen Stephens **Baltimore County Office of** Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: **Baltimore County** 

Item No. 99-124-X

Siena Development Corp.

Dear Ms. Stephens:

This office has reviewed the referenced Zoning Case and have no objection to approval.

However we will require the owner to obtain an access permit. Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

P.J. Andle Michael M. Lenhart, Acting Chief **Engineering Access Permits Division** 

LG



Parris N. Glendening Governor

David L. Winstead Secretary

Parker F. Williams Administrator

Date: October 5, 1998

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 124

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval of the Special Exception.

However we will require the owner to obtain an access permit. Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Ronald Burns, Chief

**Engineering Access Permits** 

Division

LG

BALTIMORE COUNTY, MARYLAND

## INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: November 9, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting

for November 9, 1998 Zoning Case #99-124-SPHX (Baltimore National Pike at

Johnnycake Road

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we did not receive a plan.

RWB:HJO:jrb

cc: File

Sim 11/9

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**DATE:** October 16, 1998

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

E Z Store – Route 40 West

**INFORMATION:** 

**Item Number:** 

124

Petitioner:

Siena Corporation

**Property Size:** 

 $3.41\pm$  acres

Zoning:

BM - CCC

**Requested Action:** 

Special Exception

**Hearing Date:** 

## **SUMMARY OF RECOMMENDATIONS:**

The subject property (5525 Baltimore National Pike) is located along the Baltimore National Pike (Rt. 40 West) commercial corridor. The property is within the area of the Southwest Baltimore County Revitalization Strategy, adopted by the Baltimore County Council on December 15, 1997, as an amendment to the Master Plan 1989-2000. The proposed car wash and E Z Store storage facility is consistent with the Master Plan. Revitalization will enhance this area.

This office supports the requested Special Exception for a car wash and living quarters in a BM – CCC zone provided the following conditions are met:

1. Show adequate stacking for the car wash as per 419.3A.3 of the BCZR.

Juy W. Zong

- 2. Hours of operation for the car wash should be limited to 9:00 am 10:00 pm in recognition of the location of nearby apartments.
- 3. The elevation drawings on sheet 2 should be appended to the Special Exception plan. If revisions occur, the revised elevations should be submitted to the Office of Planning prior to issuance of building permits.

**Section Chief:** 

\FK·DI-lsn

M:\COMPLAN\DIANA\item 124.doc



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

October 9, 1998

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

RE: Property Owner: 124-Sarah Enterprises, LLC 125-Melvin Bunting

Location: DISTRIBUTION MEETING OF October 5, 1998

Item No.: 124 and 125

Zoning Agenda:

Gentlemen:

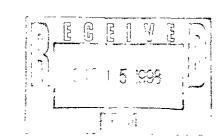
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

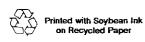
- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: October 13, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for October 13, 1998

Item Nos. 123, 124, and 126

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

RWB:HJO:jrb

cc: File

# DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

## INTER-OFFICE CORRESPONDENCE

TO:

MC9

FROM:

R. Bruce Seeley.

Permits and Development Review

SUBJECT:

Zoning Advisory Commi

Meeting Date:

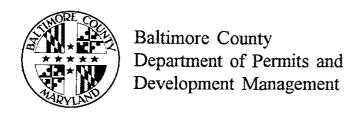
The Department of Environmental Protection & Resource Management has no Comments for the following Zoning Advisory Committee Items:

Item #'s:

123

RBS:sp

BRUCE2/DEPRM/TXTSBP



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us 410-887-3391

November 18, 1998

Benjamin Bronstein, Esquire George and Bronstein, LLP Susquehanna Building, Suite 205 29 West Susquehanna Avenue Towson, Maryland 21204

Dear Mr. Bronstein:

RE: Drop-Off Revision Review (Case #99-124-X), 5520 Baltimore National Pike

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

The title for the person signing for the (owner) LLC is not given nor is the printed name legible. Also, need the telephone number for legal owner.

The Department of Public Works must have given a waiver recommendation prior to the filing of the request for waiver. Document this information.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely.

John L. Lewis

Planner II, Zoning Review

JJL:cjs

Enclosure (receipt)

c: Zoning Commissioner

### LAW OFFICES GEORGE AND BRONSTEIN, LLP

SUSQUEHANNA BUILDING, SUITE 205 29 WEST SUSQUEHANNA AVENUE TOWSON, MARYLAND 21204 (410) 296-0200 FAX: (410) 296-3719

HARRIS JAMES GEORGE BENJAMIN BRONSTEIN

January 29, 1999

CONSTANCE K. PUTZEL OF COUNSEL

VICTORIA M. SHEARER

W. Carl Richards, Jr., Supervisor Department of Permits & Development Management County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

RE: Case No.: 99-124-SPHX
S/S Baltimore National Pike & N/E Corner
Johnnycake & Old Frederick Roads
1520 Baltimore National Pike
Sarah Enterprises, LLC, Owners
Siena Corp., C.P., Petitioner

Dear Mr. Richards:

I would appreciate your reviewing the above entitled file. An Order dated November 13, 1998 was passed by the Deputy Zoning Commissioner granting the special exception for living quarters in a commercial building and a special exception for a car wash.

Filed in the same case was a petition for special hearing to approve a waiver of public works standards eliminating road improvements to Old Frederick and Johnnycake Roads. Because of a mix up which would require a tortuous explanation, the special hearing was not heard. I am enclosing a copy of the paid receipt for the special hearing.

I would appreciate it if you would have the special hearing set in for a hearing no earlier than March 8, 1999 since I will be unavailable on the latter two weeks of February and part of the first week of March.

Thank you for your kind attention to this matter.

who ser be ago.

BB/mlh Enclosure Very truly yours,

GEORGE & BRONSTEIN, LLP

Benjamin Bronstein

LAW OFFICES
GEORGE AND BRONSTEIN, LLP

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

HARRIS JAMES GEORGE BENJAMIN BRONSTEIN CONSTANCE K. PUTZEL OF COUNSEL

October 13, 1998

Arnold Jablon, Director
Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: 5520 Baltimore National Pike

Case No.: 99-124-X

Dear Mr. Jablon:

I am enclosing herewith in triplicate a Petition for Special Hearing, together with my check for costs. I would appreciate it if the special hearing can be consolidated for hearing before the Zoning Commissioner with the Special Exception filed in this proceeding.

Thank you for your kind attention to this matter.

Very truly yours,

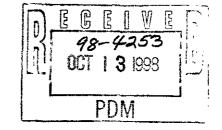
GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh Enclosures

Please wite barry date is Nov 9, 1998

Dep-off
Ben will come in to
sign forms



LAW OFFICES

#### GEORGE AND BRONSTEIN, LLP

SUSQUEHANNA BUILDING, SUITE 205 29 WEST SUSQUEHANNA AVENUE TOWSON, MARYLAND 21204 (410) 296-0200 FAX: (410) 296-3719

HARRIS JAMES GEORGE BENJAMIN BRONSTEIN CONSTANCE K. PUTZEL OF COUNSEL

September 25, 1998

Arnold Jablon, Director
Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Exception

<u>Item No.: 124</u>

Southside Baltimore National Pike

and Johnnycake Road

Dear Mr. Jablon:

Please be advised that I represent the Petitioner in the above entitled case. Because of contractual arrangements, my client urgently needs to have this matter set in for a hearing on the earliest date possible. I anticipate that this hearing will take less than one (1) hour. No opposition is anticipated.

Thank you for your kind consideration.

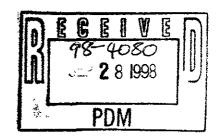
Very truly yours,

GEORGÉ AND/BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh

cc: Mr. Craig Pittinger Siena Corporation



9/11/98

#### LAW OFFICES

#### GEORGE AND BRONSTEIN, LLP

SUSQUEHANNA BUILDING, SUITE 205 29 WEST SUSQUEHANNA AVENUE TOWSON, MARYLAND 21204 (410) 296-0200 FAX: (410) 296-3719

HARRIS JAMES GEORGE BENJAMIN BRONSTEIN CONSTANCE K PUTZEL OF COUNSEL

September 17, 1998

#### HAND DELIVERED

Arnold Jablon, Director
Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Southside Baltimore National Pike and Johnnycake Road

Dear Mr. Jablon:

In reference to the above entitled property I am hereby enclosing the following:

- 1. Petition for Special Exception in triplicate.
- 2. Twelve (12) copies of the Plat to Accompany Zoning Petition.
  - 3. Three (3) copies of the description under seal.
  - Copy of the 200 Scale Zoning Map.
  - 5. My check to cover costs.

Please enter my appearance on behalf of the Petitioner and advise me as to the hearing date.

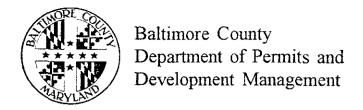
Very truly yours,

GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh Enclosures Parount formers

99.124-X



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us
410-887-3391

October 29, 1998

Benjamin Bronstein, Esquire 29 W. Susquehanna Avenue, Suite 205 Towson, MD 21204

Dear Mr. Bronstein:

RE: Drop-Off Petition Review (Item #124), S/S Baltimore National Pike and Johnnycake Road, 1<sup>st</sup> Election District

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

- 1. There is no corporation title for the person signing for Sarah Enterprises, LLC. The telephone number for the LLC is missing.
- 2. Site plan deficiencies. The stacking spaces must be 20 feet in length per Section 409.10, BCZR.
- 3. Each special exception use must be supported within its own use area per Section 102.2, BCZR. Provide separate use division lines with metes and bounds and new descriptions and plan areas to match. Note on the plan that adequate setbacks, buffers, landscaping, parking, etc. will be provided should the uses ever be sold or leased separately or zoning hearings will be required.
- 4. Provide figures on manufacturers rated capacity of the car wash per Section 419.2, BCZR.
- 5. Number and label the 12 required drying spaces clearly, key each (of the stated 11) vacuum locations. Label and number all of the parking spaces by use.
- 6. Label and dimension the LTA's per Section 419.4, BCZR.
- 7. Since more than one use is located on this property, the proposed freestanding sign can only be a joint identification sign per Section 450, BCZR.
- 8. The signs on the car wash building may only be located on the (pedestrian) entrance wall.

Benjamin Bronstein, Esquire October 26, 1998 Page 2

- 9. The entry sign must comply with directory sign limitations per Section 450, BCZR.
- 10. Show all required standards on revised plans. Noncompliance with these requirements means that a zoning public hearing is required.

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

Sincerely,

John L. Lewis

Planner II, Zoning Review

JLL:rye

Enclosure (receipt)

c: Zoning Commissioner

#### PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Sock HELMON	DUNGOUS VANOTION, MO 20
ASSOCILON	D.O BOX 3200 D HIUSBURD, WA 20134
DAUIDA HAMIL S	DISTHALER *ASSOC INC THE AMB ASSADOR RD
JAOID A. MIMIC	BALTIMORE MD 21244
In Junista	28 W Sees question the 24 204

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Donald T. Rascoe

DATE: October 5, 1998

The second of th

Division of Development Processing

A Robert W. Bowling, Chief Development Plans Review Division

SUBJECT: DRC #09288B

Waiver of Public Works Standards

EZ STORE ROUTE 40 5525 BACTIMOZE NATIONAL

Thomas Hamer and I have reviewed the waiver request, submitted by D. S. Thaler & Associates, Inc., for the elimination of road improvements to Old Frederick and Johnnycake Roads. Since the developer will not access his property from either of these two roads, we are recommending approval of this waiver.

If you have any questions, please contact me at extension 3751.

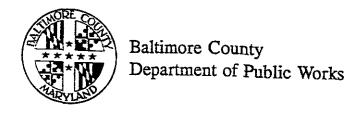
RWB:jrb

cc: Alan D. Scoll, R.L.A.

D. S. Thaler & Associates, Inc.

File

Pet ex #3



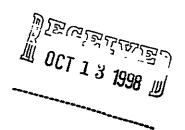
Stacey A. McArthur, R.L.A. D.S. Thaler & Associates, Inc.

7115 Ambassador Road Baltimore, Maryland 21244

Office of the Director 111 W. Chesapeake Avenue Towson, Maryland 21204 410-887-3300

Fax: 410-887-3406

October 8, 1998



Re:

EZ Store -- Route 40 West

Dear Ms. McArthur:

In following up on your letter of September 15, 1998 which was not received in this office until September 22, 1998, a representative of this office visited the site of the proposed EZ Store at Route 40 West and Johnnycake Road. The used car dealership appears to have vacated the site and the property is now an eyesore of overgrown weeds, trash and vacant dilapidated buildings.

The Department of Public Works could support a waiver of road improvements along Old Frederick Road and Johnnycake Road under certain conditions. No access to the site will be permitted to Old Frederick Road or Johnnycake Road. A dedication of right-of-way along these two roads for future highway widening is required. The area between the proposed building and Old Frederick/Johnnycake Roads is cleaned-up and extensively landscaped in accordance with a County approved landscape plan.

Should the operator of the facility at some time in the future desire to obtain a point-ofaccess to either Old Frederick Road or Johnnycake Road, full road improvements will be required adjacent to the property.

Sincerely,

Charles R. Olsen
Director

MomastKaner

2+ Ex 4

CRO/THH/tmm

c: Robert Bowling Arnold F. Keller

rinted with Soybean ink on Recycled Paper

#### Baltimore County Government Department of Permits and Development Management



111 West Chesapeake Avenue Towson, Md. 21204

410-887-3335

October 22, 1998

D. S. Thaler and Associates, Inc.7115 Ambassador RoadBaltimore, MD 21244

RE: EZ Store Route 40 West 5525 Baltimore National Pike DRC Number 09288B, Dist. 1C1

Dear Sir:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 26-171 and Section 26-211 of the <u>Baltimore County Code</u> and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has, in fact, met in an open meeting on October 5, 1998, and made the following recommendations:

The DRC reviewed the plan submitted on the above referenced project and determined that a waiver for Public Works Standards as requested would be within the scope, purpose, and intent of the development regulations of Baltimore County. Please refer to the memo dated October, 5, 1998, from Robert W. Bowling.

POXEX #5

D. S. Thaler and Associates, Inc. EZ Store Route 40 West October 22, 1998
Page 2

The DRC has recommended your waiver for approval. Now you must file for the special hearing.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 22nd day of October 1998, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,

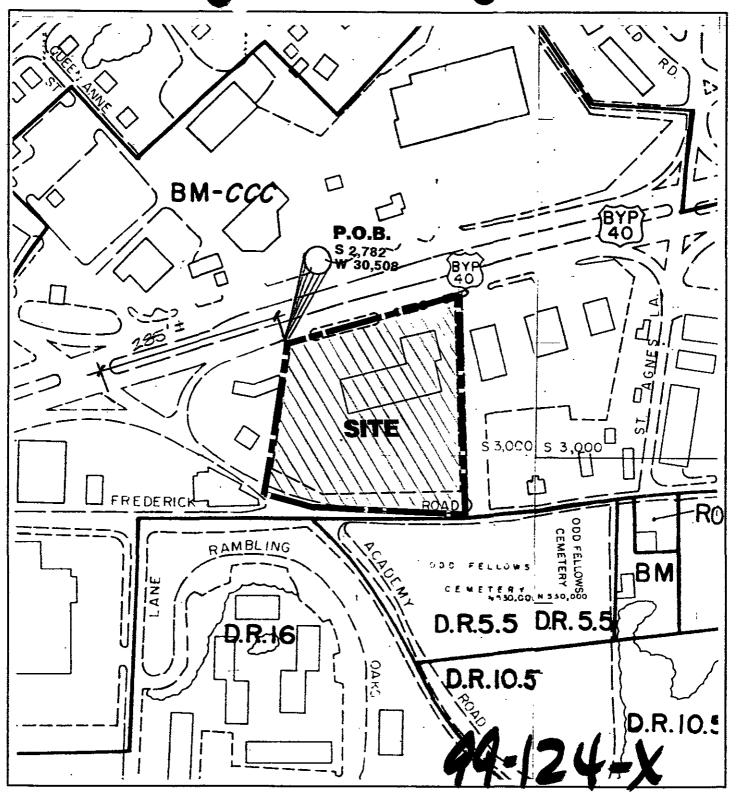
Arnold Jablon
Arnold Jablon

Director

#### AJ:DTR:dak

 $\mathbb{R}^{J_{i}}$ .

c: Bruce Seeley Joyce Watson File Enclosure



#### **EZ STORE-ROUTE 40 WEST**

1996 ZONING MAP
TO ACCOMPANY ZONING PETITION

#### D.S. THALER & ASSOC., INC.

7115 AMBASSADOR RD. BALTIMORE MD 21244

PHONE: 410-944-ENGR FAX: 410-944-3684 E-MAIL: DSTA@EROLS.COM

