

IN RE: PETITION FOR VARIANCE * BEFORE THE
SE/S Southwestern Boulevard, 1,038.73' S of *
the Baltimore City/Baltimore County Line * ZONING COMMISSIONER
(4001 Southwestern Boulevard) *
13th Election District * OF BALTIMORE COUNTY
1st Council District *
Case No. 00-534-A
Goodwill Industries of the Chesapeake, Inc. *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Goodwill Industries of the Chesapeake, Inc., by Marge Thomas, Vice President, through their attorney, Benjamin Bronstein, Esquire. The Petitioners seek relief from Sections 255.1, 255.2, 243.1 and 243.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of as close as 60 feet in lieu of the required 75 feet for an existing building, and to permit an existing building rear yard setback of 12 feet in lieu of the required 30 feet, and new addition rear setbacks of as close as 18 feet and 21 feet in lieu of the required 30 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in support of the request were Craig Pittinger, a representative of EZ Storage, Contract Purchasers of the subject property, Debra Wittle, Registered Landscape Architect with STV Inc., the engineering firm which prepared the site plan for this property, and Benjamin Bronstein, Esquire, attorney for the Petitioners.

Appearing as interested parties were Eleanor VanDevender, a representative of the Greater Arbutus Community Alliance, and Peter Max Zimmerman, Esquire, on behalf of the People's Counsel for Baltimore County.

Testimony and evidence offered revealed that the subject property consists of a gross area of 3.920 acres, more or less, zoned M.L.-I.M., and is improved with a three-story masonry building presently occupied as the home offices of Goodwill Industries. The property is under

ORDER RECEIVED FOR FILING

Date 8/15/00

By [Signature]

contract of sale to EZ Storage, a corporation which is engaged in the mini-warehouse, self-storage business. EZ Storage proposes to renovate the existing building and construct a one-story addition thereto. In a prior zoning case (Case No. 00-277-XA) the property owner came before Deputy Zoning Commissioner Timothy M. Kotroco, seeking special exception and variance relief for a car wash facility to be located on the property. Approval for that use was granted, subject to certain terms and conditions, on February 17, 2000. However, subsequent to the issuance of that Order, the Office of People's Counsel filed an appeal to the County Board of Appeals. That appeal is presently pending and has been deferred pending disposition of the instant case.

At the onset of the hearing in the instant case, it was indicated that the parties have reached an agreement as to the future use of the property. Apparently, the car wash facility is no longer part of the redevelopment proposal. Rather, as indicated above, the property will be developed as a mini-storage/self-storage facility, as more particularly shown on the red-lined site plan which was submitted at the hearing and marked into evidence as Petitioner's Exhibit 2.

An examination of the amended site plan shows that the property is rectangular in shape but features an irregular rear property line. The site has frontage on the southwest side of Southwestern Boulevard and abuts the Amtrak Railroad right-of-way to the rear. As noted above, the property is presently improved with a three-story building, which is approximately 40 feet in height and contains roughly 106,050 sq.ft. in area. That building will be converted to provide compartmentalized storage space. Moreover, a one-story, 7,100 sq.ft. addition is proposed on the southeast side of the existing building. The addition will feature a double-pitched roof; however, its height will not exceed 13'6". A schematic drawing of the proposed addition is more particularly shown on Petitioner's Exhibit 2, which also features the changes negotiated by the parties. These include the limitation on the height of the building addition as outlined above. Also, the plan shows the details of the proposed improvements to the property, including an 8-foot high ornamental fence, the deletion of certain signage, and the construction of a new monument sign. Additionally, there are two existing billboard signs on the site. Due to an existing lease agreement, those signs will be removed on or before November 30, 2008.

Testimony and evidence was also received regarding proposed landscaping and lighting for the site. Apparently, a landscape plan (Petitioner's Exhibit 3) and lighting plan were submitted to Mr. Avery Harden, the County's Landscape Architect, as a part of prior Case No. 00-277-XA. It was indicated that those plans would be resubmitted to Mr. Harden for his review and approval prior to the issuance of any building permit. Moreover, copies of those plans have been provided to Ms. VanDevender for her examination. As a condition to the granting of the relief in the instant case, I will require that the Petitioners obtain Mr. Harden's approval of these plans.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Variance. The uniqueness of this property is found in its irregular rear property line. An additional significant factor is that Section 301.3 of the B.C.Z.R. permits a reduced rear yard setback when the property is adjacent to and utilizes a railroad line. Apparently, this building was originally built in the 1940s and had immediate access to a railroad line abutting the rear of the property. Although that line has been abandoned, this factor explains the location of the original building. The active Amtrak line is located several feet further from the property line. In any event, I am persuaded that the Petitioners have met the requirements of Section 307 of the B.C.Z.R., as construed by the case law. Thus, the relief requested shall be granted. However, in granting the relief, several restrictions will indeed be imposed.

As noted above, the Petitioner shall obtain approval from the County's Landscape Architect as to its landscape and lighting plans. Additionally, subsequent to the hearing, Zoning Advisory Committee comments were located and received regarding access to the site. The Maryland State Highway Administration (SHA) indicated in its comment, dated June 26, 2000, that new entrance paving, new curb, gutter and sidewalk on the south portion of the site, as well as hydraulics approval would be necessary in order for an access permit to be released by that agency. The Petitioner shall therefore comply with whatever requirements are necessary by the SHA insofar as redevelopment of the access points on this property. Additionally, a comment was received from the Baltimore County Fire Department, dated June 29, 2000, indicating certain requirements for emergency equipment must be met in that public safety and security are

ORDER RECEIVED FOR FILING

Date

By

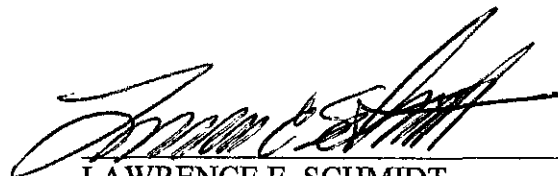
paramount considerations. In addition, the Petitioner shall comply with the requirements of that agency relating to vehicular access to the site.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of August, 2000 that the Petition for Variance seeking relief from Sections 255.1, 255.2, 243.1 and 243.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of as close as 60 feet in lieu of the required 75 feet for an existing building, and to permit an existing building rear yard setback of 12 feet in lieu of the required 30 feet, and new addition rear setbacks of as close as 18 feet and 21 feet in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 2, 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 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.
- 2) The Petitioners shall resubmit their landscape plan and lighting plan for review and approval by Avery Harden, the County's Landscape Architect, prior to the issuance of any building permit. A copy of said plan shall be provided to
- 3) The Petitioners shall comply with the Zoning Advisory Committee comments submitted by the Maryland State Highway Administration (SHA), dated June 26, 2000, and the Baltimore County Fire Department, dated June 29, 2000, copies of which are attached hereto and made a part hereof.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 8/15/00
By [Signature]



Baltimore County
Zoning Commissioner

August 15, 2000

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

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

RE: PETITION FOR VARIANCE
SE/S Southwestern Boulevard, 1,038.73' S of the Baltimore City/Baltimore County Line
(4001 Southwestern Boulevard)
13th Election District – 1st Councilmanic District
Goodwill Industries of the Chesapeake, Inc. - Petitioners
Case No. 00-534-A

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter.
The Petition for Variance 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 Department of Permits and Development
Management office at 887-3391.

Very truly yours,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Marge Thomas, V.P., Goodwill Industries
4001 Southwestern Boulevard, Baltimore, Md. 21229
Ms. Debra Wittle, STV Inc.
21 Governors Court, Baltimore, Md. 21244
Mr. Craig Pittinger, EZ Storage
8394 Greenstone Court, Millersville, Md. 21108
Ms. Eleanor VanDevender, 4402 Leeds Avenue, Baltimore, Md. 21229
People's Counsel; Case File





Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 22, 2000

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

RE: PETITION FOR VARIANCE
SE/S Southwestern Boulevard, 1,038.73' S of the Baltimore City/Baltimore County Line
(4001 Southwestern Boulevard)
13th Election District – 1st Councilmanic District
Goodwill Industries of the Chesapeake, Inc. - Petitioners
Case No. 00-534-A

Dear Mr. Bronstein:

It has been brought to my attention that a typographical error occurred in the Order issued in the above-captioned matter. Specifically, Restriction No. 2 of the Order dated August 15, 2000 should have identified Eleanor VanDevender as the person to which a copy of the approved landscape/lighting plan was to be forwarded. It is my understanding that this requirement has already been accomplished. However, in order to avoid any future misunderstanding, it is requested that you make a note of this correction on your copy of the Order. Thank you for your attention in this matter.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Marge Thomas, V.P., Goodwill Industries
4001 Southwestern Boulevard, Baltimore, Md. 21229
Ms. Debra Wittle, STV Inc.
21 Governors Court, Baltimore, Md. 21244
Mr. Craig Pittinger, EZ Storage
8394 Greenstone Court, Millersville, Md. 21108
Ms. Eleanor VanDevender, 4402 Leeds Avenue, Baltimore, Md. 21229
People's Counsel; Case File



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4001 Southwestern Boulevard

which is presently zoned ML-IM

This Petition shall be filed with the Department of Permits and 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)

255.1, 255.2, 243.1 and 243.3 to permit a front yard setback as close as 60 ft in lieu of the required 75 ft (existing building) and to permit an existing building rear yard setback of 12 ft in lieu of the required 30 ft and new addition rear setbacks as close as 18ft and 21 ft in lieu of the required 30 ft.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. the configuration of the property;
2. the topography of the property;
3. and for such other reasons as may be demonstrated at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Benjamin Bronstein

Name - Type or Print

Signature

George & Bronstein, LLP

Company

29 West Susquehanna Avenue, Suite 205

410-296-0200

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

Goodwill Industries of the Chesapeake, Inc.

Name - Type or Print

Signature

Name - Type or Print

Signature

4001 Southwestern Boulevard

410-247-3500

Address

Telephone No.

Baltimore

MD

21229

City

State

Zip Code

Representative to be Contacted:

Ken Green

STV Incorporated

Name

21 Governor's Court

410-944-9112

Address

Telephone No.

Baltimore

MD

21244

City

State

Zip Code

OFFICE USE ONLY

1 per BB

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

6/13/00

ORDER RECEIVED FOR FILING
Date 8/15/00
By [Signature]

Case No. 00-534-A

200 9/15/98

STV Incorporated

21 Governor's Court
Baltimore, Maryland 21244-2722
(410) 944-9112 fax: (410) 298-2794

ZONING DESCRIPTION

EZ STORAGE SITE

No. 4001 SOUTHWESTERN BOULEVARD
BALTIMORE COUNTY, MARYLAND

53A

BEGINNING at a point on the southeast side of Southwestern Boulevard, U.S. Route 1 Alternate, which right-of-way width varies between 93 feet and 100 feet wide, at South 27° 42' 24" West 1,038.73 feet from the City of Baltimore and Baltimore County Line, thence running with and binding on said southeast side of Southwestern Boulevard,

1. North 27° 42' 24" East 745.18 feet to a point, thence leaving said Southwestern Boulevard and running,
2. South 62° 19' 31" East 236.13 feet to a point, thence
3. South 26° 47' 19" West 90.94 feet to a point, thence
4. South 30° 47' 22" West 100.00 feet to a point, thence
5. South 30° 13' 00" West 100.02 feet to a point, thence
6. South 30° 47' 22" West 100.00 feet to a point, thence
7. South 27° 55' 44" West 100.18 feet to a point, thence
8. South 37° 38' 23" West 100.60 feet to a point, thence
9. South 27° 21' 30" West 98.75 feet to a point, thence
10. North 45° 38' 30" West 3.95 feet to a point, thence
11. South 31° 21' 45" West 111.83 feet to a point, thence
12. North 46° 50' 20" West 201.69 feet to the place of beginning, as recorded in Deed Liber O.T.G. 4871, folio 430.

Containing 170,737 square feet or 3.920 acres of land, also known as No. 4001 Southwestern Boulevard, and located in the 13th Election District.



STV INCORPORATED

Mark A. Riddle

MD Professional Land Surveyor No. 10899

MAR/js



May 25, 2000

00-534-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 081470

DATE 6/13/00 ACCOUNT Ro016150

AMOUNT \$ 250.00

RECEIVED FROM: George + Bronster LLP

FOR: Law firm filing

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
5/13/2000 6/13/2000 10:45:36
REG 0806 CASHIER KNOWN KNA DEPT 5
Dept 5 504 ZONING VERIFICATION
Receipt # 000127 OF 1
CR NO. 081470

Receipt Tot. 250.00
250.00 OK 00 CR
Baltimore County, Maryland

00-534-A

CASHIER'S VALIDATION

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: #00-534-A

4001 Southwestern Boulevard

SE/S Southwestern Boulevard opposite Leeds Avenue

13th Election District - 4th Councilmanic District

Legal Owner(s): Goodwill Industries of the Chesapeake, Inc.

Variance: to permit a front yard setback as close as 60 feet in lieu of the required 75 feet (existing building), to permit an existing building rear yard setback of 12 feet in lieu of the required 30 feet, and to permit new addition rear setbacks as close as 18 feet and 21 feet in lieu of the required 30 feet.

Hearing: Tuesday, August 1, 2000 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 accommodations 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.

7/059 July 13

C403310

CERTIFICATE OF PUBLICATION

TOWSON, MD, 7/13, 2000

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 7/13, 2000.

THE JEFFERSONIAN,



LEGAL ADVERTISING

ZONING NOTICE

Case # 00-534-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE *Pratt County Court Area, 4610 Eastern Ave.*
TIME & DATE *9⁰⁰ A.M. Tues. August 1, 2000*

*VARIANCE TO PERMIT A FRONT YARD SETBACK AS CLOSE AS
AS 30 FEET IN LIEU OF THE EXISTING 75 FEET (EXISTING
BUILDING) TO PERMIT AN EXISTING BUILDING
REAR YARD SETBACK OF 12 FEET IN LIEU OF THE
REQUIRED 30 FEET AND TO PERMIT NEW ADDITION
REAR SETBACKS AS CLOSE AS 10 FEET AND 21
FEET IN LIEU OF THE REQUIRED 30 FEET*

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONDUCT HEARINGS
CALL 410-338-1234 THE DAY BEFORE THE SCHEDULED HEARING DATE.
IF YOU HAVE BEEN NOTIFIED BY MAIL YOU WILL BE NOTIFIED BY PHONE IN ADVANCE.
HEARINGS ARE HANDICAPPED ACCESSIBLE

Posted at 4001 Southwestern Blvd.

CERTIFICATE OF POSTING

**RE: CASE # 00-534-A
PETITIONER/DEVELOPER
(Goodwill Industries)
DATE OF Hearing
(8-1-00)**

**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
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

4001 Southwestern Blvd. Baltimore, Maryland 21229_____

THE SIGN(S) WERE POSTED ON_____ 7-17-00 _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____ THOMAS P. OGLE SR. _____

_____ 325 NICHOLSON ROAD _____

_____ BALTIMORE, MARYLAND 21221 _____

_____ 410-687-8405 _____
(TELEPHONE NUMBER)

RE: PETITION FOR VARIANCE
4001 Southwestern Boulevard,
SE/S Southwestern Blvd, opposite Leeds Ave
13th Election District, 4th Councilmanic

Legal Owner: Goodwill Industries of the Chesapeake, Inc.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-534-A

* * * * *

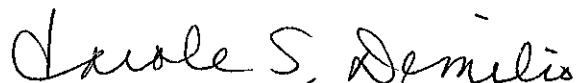
ENTRY OF APPEARANCE

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.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

JUL 21


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 13th day of July, 2000 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 MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

June 30, 2000

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: 00-534-A
4001 Southwestern Boulevard
SE/S Southwestern Boulevard opposite Leeds Avenue
13th Election District – 4th Councilmanic District
Legal Owner: Goodwill Industries of the Chesapeake, Inc.

Variance to permit a front yard setback as close as 60 feet in lieu of the required 75 feet (existing building), to permit an existing building rear yard setback of 12 feet in lieu of the required 30 feet, and to permit new addition rear setbacks as close as 18 feet and 21 feet in lieu of the required 30 feet.

HEARING: Tuesday, August 1, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with the letters "SC" written below it.

Arnold Jablon
Director

C: Benjamin Bronstein, Esquire, George and Bronstein LLP, 29 West Susquehanna Avenue, Suite 205, Towson, MD 21204
Marge Thomas, Vice-President, Goodwill Industries of the Chesapeake, Inc., 4001 Southwestern Boulevard, Baltimore, MD 21229
Ken Green, STV Incorporated, 21 Governor's Court, Baltimore, MD 21244

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JULY 17, 2000.**
(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.





Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

June 30, 2000

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: 00-534-A

4001 Southwestern Boulevard

SE/S Southwestern Boulevard opposite Leeds Avenue

13th Election District – 4th Councilmanic District

Legal Owner: Goodwill Industries of the Chesapeake, Inc.

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HEARING: Tuesday, August 1, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon" with a stylized flourish at the end.

Arnold Jablon
Director

- C: Benjamin Bronstein, Esquire, George and Bronstein LLP, 29 West Susquehanna Avenue, Suite 205, Towson, MD 21204
Marge Thomas, Vice-President, Goodwill Industries of the Chesapeake, Inc., 4001 Southwestern Boulevard, Baltimore, MD 21229
Ken Green, STV Incorporated, 21 Governor's Court, Baltimore, MD 21244

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JULY 17, 2000.**
(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
Thursday, July 13, 2000 Issue – Jeffersonian

Please forward billing to:

Benjamin 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:

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HEARING: Tuesday, August 1, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

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.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00534A
Petitioner: Goodwill Industries of the Chesapeake, Inc.
Address or Location: 4001 Southwestern Blvd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: BENJAMIN BRONSTEIN
Address: 29 W. SUSQUEHANNA AVE., STE. 205
TOWSON, MD 21204
Telephone Number: 410-296-0200

hp
8/1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: July 5, 2000

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 4001 Southwestern Blvd.

INFORMATION:

Item Number: 534

Petitioner: Goodwill Industries of the Chesapeake, Inc.

Zoning: ML-IM

Requested Action: Variance

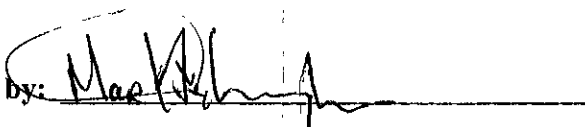
SUMMARY OF RECOMMENDATIONS:

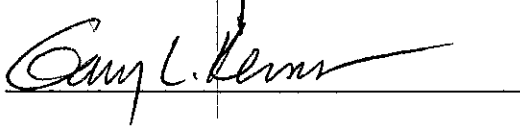
The subject property was previously submitted as Case # 00-277XA which requested a Special Exception for a carwash, and variances for building setback and a reduced number of stacking spaces. The previous hearing was approved with restrictions.

An amended order amended restriction #2 and was subsequently appealed to the County Board of Appeals. This case has been indefinitely postponed by joint request of counsel, to be reassigned for hearing only upon request.

The current case is a request for front yard setback and rear yard setback variances for the existing building and for a new addition. This proposed use is compartmentalized storage warehouse, the carwash is no longer part of this proposal.

The Office of Planning has determined that a landscaping and lighting plan should be submitted to Avery Harden, County Landscape Architect for review and approval. There should be no floodlights on the building walls.

Prepared by: 

Section Chief: 

AFK:MAC:



Baltimore County
Fire Department

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

June 29, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204
ATTENTION: Gwen Stephens

RE: Property Owner: HAMPTON-REISTERSTOWN, LLC - 520
HELEN G. WARENER - 521
RAYMOND G. BURTON, DONALD L. CHATMAN, BARBARA A. CHATMAN,
LLOYD G. EYLER AND NELLIE L. EYLER, - 523
TIMOTHY R. QUIGG - 532
GOODWILL INDUSTRIES OF THE CHESAPEAKE, INC. - 534*
ROBERT J. HOLDEN AND JEANNE M. HOLDEN - 542

Location: DISTRIBUTION MEETING OF June 26, 2000

Item No.: 520, 521, 523, 532, 534*, 542

Dear Ms. Stephens:

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.

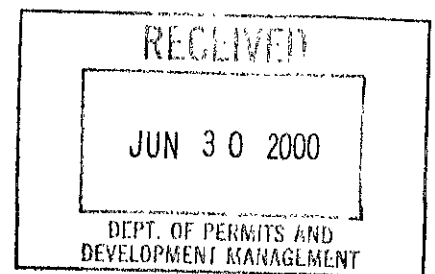
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No.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

*** ADDITIONAL COMMENT FOR ITEM 534 ONLY ***

9. ACCESS FOR FIRE DEPARTMENT EMERGENCY APPARATUS IS NEEDED AT THE FOLLOWING PORTION(S) OF THE BUILDING AT BOTH ENTRANCE GATES . THE ACCESS ROAD SHALL BE A MINIMUM OF 18 FEET IN WIDTH.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F





BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley */ms*
DATE: August 15, 2000
SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of June 26, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
516	209 Church Road
518	6 Stanson Court
526	122 Allegheny Avenue
527	7931 Ellenham Avenue
529	3700 Green Oak Court
530	3 Lancashire Court
532	1026-1028 York Road
533	Burmont Avenue
534	4001 Southwestern Boulevard
535	615 Glenrock Road
536	9737 Matzon Road
537	203 Sandhill Road
540	9419 Oak White Road
541	2044 Putnam Road
542	585 Frederick Road
543	110 Woodholme Avenue



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: June 26, 2000

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

RE: Baltimore County
Item No. 534 (JLL)
Goodwill Industries
4001 Southwestern Blvd.
US 1 ALT
Mile Post 3.54

Dear Ms. Jackson:

This office has reviewed the referenced Item and has no objection to approval of the Variance.

However we will require the owner to obtain an access permit through our office and as a minimum the following roadway improvements will be required:

- New entrance paving.
- New curb, gutter and sidewalk on the south portion of the site.
- Hydraulics approval.

Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Should any additional information be required please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

CC: Robert W. Bowling, P.E.

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: July 17, 2000

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 3, 2000
Item Nos. 516, 517, 518, 519, 520, 521, 522,
523, 524, 526, 527, 528, 529, 530, 531, 532,
534, 535, 536, 537, 538, 540, 541, and 543

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

RWB:HJO:jrb

cc: File

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 00-534-A

Date Completed/Initials

6/30/00 SCJ

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

THIS WILL
BE WITHDRAWN
REMANDED
BACK TO
Z.C.

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

June 8, 2000

NOTICE OF ASSIGNMENT

CASE #: 00-277-XA

IN THE MATTER OF: Goodwill Industries of the Chesapeake, Inc. -
Petitioner / 4001 Southwestern Boulevard 13th E; 1st C

2/17/00 - Order of D.Z.C. in which Petition was GRANTED with restrictions.
3/13/00 - Amended Order /amending Restriction #2

ASSIGNED FOR:

WEDNESDAY, JUNE 21, 2000 at 9:30 a.m.

(NOTE: Scheduled for hearing only as to Request filed by Counsel for Petitioner and without objection by Appellant /People's Counsel.)

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel for Baltimore County

Counsel for Petitioner : Benjamin Bronstein, Esquire
Petitioner : Goodwill Industries of the Chesapeake, Inc.
Sienna Corporation c/o Craig Pittinger

Tony Cortea /STV Incorporated

Eleanor VanDevender
Patrice Dincan

Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

RECEIVED

JUN 12 2000

GEORGE & BRONSTEIN, LLP

00-534-A

LAW OFFICES
GEORGE AND BRONSTEIN, LLP

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

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

June 13, 2000

CONSTANCE K. PUTZEL
OF COUNSEL

HAND DELIVERED

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

RE: **Case No.: 00-277-XA**
Goodwill Industries of Chesapeake, Inc., Petitioner
4001 Southwestern Boulevard

Dear Mr. Richards and Mr. Lewis:

Reference is made to our recent conferences pertaining to the above-entitled project. The County Board of Appeals has forwarded to me a copy of the enclosed Notice. I have informed Mr. Zimmerman that I will request the Board at the hearing on June 21, 2000 to remand the above-entitled case back to the Zoning Commissioner. Mr. Zimmerman does not object to that process. After our recent meetings, I have decided to file new Petitions and plats. Enclosed herewith please find the following:

1. Petition for Variances in triplicate;
2. 12 copies of the Plat to Accompany Petition for Variance;
3. 3 Descriptions under seal;
4. a copy of the 200 scale zoning map.

Please also review the signage detail since it was not on the plan that you had previously reviewed.

00-534-A

W. Carl Richards, Jr., Supervisor
Mr. John Lewis
Department of Permits & Development Management
June 13, 2000
Page 2

I have also enclosed my check to cover costs. I would appreciate your having this matter set in for an expedited hearing.

Very truly yours,

GEORGE & BRONSTEIN, LLP

A handwritten signature in black ink, appearing to read 'Benjamin Bronstein', written over the printed name.

Benjamin Bronstein

BB/mlh
Enclosures
cc: Peter Max Zimmerman
People's Counsel for Baltimore County

Mr. Craig Pittinger
Siena Corporation

Mrs. Eleanore Vandevender

LAW OFFICES

GEORGE AND BRONSTEIN, LLP

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

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

CONSTANCE K. PUTZEL
OF COUNSEL

August 11, 2000

The Honorable Lawrence W. Schmidt
Zoning Commissioner for Baltimore County
Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: **4001 Southwester Boulevard**
Case No.: 00-534-A

Dear Commissioner Schmidt:

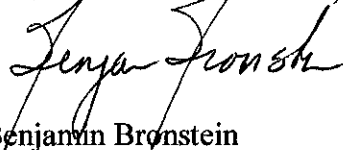
I am advised by Avery Harden of Baltimore County that he has received and approved the site lighting plan in the above-entitled case. I am also advised by Mr. Harden that he has reviewed the lighting plan with Mrs. VanDevender who stated to him that the plan was acceptable to her.

Your prompt attention to rendering order in this case would be greatly appreciated since my client is attempting to complete paving on the site before the winter weather.

Thank you for your kind consideration.

Very truly yours,

GEORGE & BRONSTEIN, LLP



Benjamin Bronstein

BB/mlh

cc: Mrs. Eleanor VanDevender
Mr. Avery Harden
Peter Max Zimmerman, Esquire
Mr. Craig Pittinger

4402 Leeds Avenue
4402 Leeds Avenue
Baltimore, MD 21229

**Greater Arbutus
Community Alliance**

Phone: 410-247-4137

Fax

To: Lawrence Schmidt

From: Eleanor VanDevender

Fax: (410) 887-3468

Date: August 4, 2000

Phone: 410-247-4137

Pages: 2

Re: Goodwill Industries, Case #00-634A

CC:

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

•Comments: For Avery Hardin - Ext. 3761. Please call me immediately.

TO: LAWRENCE SCHMIDT, ZONING COMMISSIONER
FAX - 410-887-3468

FROM: ELEANOR VANDEVENDER

DATE: AUGUST 4, 2000

RE: CASE NUMBER: 00-534A
4001 SOUTHWESTERN BOULEVARD
GOODWILL INDUSTRIES

At the August 1, 2000, hearing in the captioned case, you instructed the Petitioners to provide me the proposed lighting plan for the site, since it was not available at the hearing. I have received a copy of the Electrical Site Plan dated June 15, 2000; however, it is very difficult to decipher. When I spoke with Peter Zimmerman, he indicated that he has not received the lighting plan. I have also contacted Avery Hardin for his input; however, he is out of town until next Thursday.

Accordingly, I respectfully request that you postpone your decision until I speak with Mr. Hardin regarding his recommendations.

By copy of this memo, I request that Mr. Hardin contact me upon his return (410-247-4137), so this matter may be resolved before my vacation, which is scheduled from August 12 through August 20.

Thank you for your consideration.

Eleanor VanDevender

Cc: Mr. Avery Hardin (410-887-2877 - fax)
Peter Max Zimmerman (410-887-3182 - fax)

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Chad Pittenger

3344 Greenway E.
Millersville, MD 21108

Debra Wittle

STV INC.
21 GOVERNORS CT. BETH. MD. 21244

Ben Bernstein

29 W. Susquehanna Ave. Baltimore MD 21204



PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Eleanor VanDevender

4402 Leeds Ave. Balto. MD 21229

Peter Max ZIMMERMAN

400 WASHINGTON AVE,

PEOPLE'S COUNSEL FOR BALTO
COUNTY

TOWSON, MD. 21204



IN RE: PETITION FOR SPECIAL EXCEPTION *
AND VARIANCE

SE/S Southwestern Boulevard *
opposite Leeds Avenue *
13th Election District *
1st Councilmanic District *
(4001 Southwestern Boulevard)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 00-277-XA

Goodwill Industries of the Chesapeake, Inc. *
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception and Variance filed by the legal owner of the subject property, Goodwill Industries of the Chesapeake, Inc. The Petitioner is requesting a special exception and variance for property they own at 4001 Southwestern Boulevard, located in the Arbutus area of Baltimore County. The property is zoned ML-IM. The special exception request is for a car wash and the variance request is from Section 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard setback of 22 ft. in lieu of the required 30 ft. and a rear yard setback of 12 ft. in lieu of the required 30 ft. and to permit 4 parking spaces for drying vehicles in lieu of the required 12.

Appearing at the hearing on behalf of the special exception and variance request were Craig Pittinger, on behalf of the contract purchaser of the property, Tony Corteal, professional engineer with STV, Inc., Doug Heil and Patricia Kincan, also on behalf of the Petitioner. Ben Bronstein, attorney at law, represented the parties. Also in attendance was Eleanor VanDevender, a representative of the Greater Arbutus Community Alliance. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this request, is located on the south side of Southwestern Boulevard at its intersection with Leeds Avenue, adjacent to the Baltimore County/Baltimore City line. The subject property is improved with an existing three-story masonry building which is the home to Goodwill Industries. Goodwill Industries is

ORDER RECEIVED FOR FILING

Date

By

preparing to sell the subject property so that it may be converted into an EZ Storage facility and EZ Car Wash operation. EZ Storage proposes to renovate the existing Goodwill Industries office building, as well as construct an additional one-story, self-storage building on the side of the existing Goodwill building. In addition to renovating and constructing new storage areas, the contract purchaser also proposes to construct a car wash facility on the northeastern end of the subject property. That area is currently utilized as a parking lot at this time and will be converted into a self-service car wash operation.

As is the case with most EZ Storage facilities, a caretaker's residence will be provided on site so that this car wash/storage facility will have 24-hour security. This not only provides security for the storage facility, but also insures that the car wash will operate without detriment to the surrounding community. The caretaker's residence will be situated in the existing Goodwill building, immediately adjacent to the car wash operation. The storage facility itself will be fenced and gated with access to and from that facility by way of a magnetic entrance card. The car wash facility will be open to the general public 24 hours a day.

EZ Storage has been a regular petitioner before the Zoning Commissioner's office in that they have opened and operated many such similar storage facilities around Baltimore County. They have always proven to be responsible business and property owners. I have confidence that the storage and car wash combination of uses proposed for this property will operate without detriment to the surrounding neighborhood, so long as EZ Storage continues to provide a caretaker's residence on site, providing 24-hour security to the car wash operation. Therefore, I shall allow the car wash to operate 24 hours a day so long as a caretaker continues to reside on the premises.

Ms. Eleanor VanDevender, who appeared on behalf of the Greater Arbutus Community Alliance, was concerned about the 24-hour operation of the car wash. She expressed concern over residents who live along Leeds Avenue, whose homes are situated on the opposite side of

Southwestern Boulevard. However, I believe the car wash can operate 24 hours a day without detriment to those residents, so long as the caretaker continues to oversee the operation. Therefore, I believe a 24-hour operation is appropriate.

Also existing on the property to be developed are two billboards located immediately adjacent to the proposed one-story, self-storage building and parking lot area. Given the additional development taking place at this area of the site, I believe it is appropriate and, therefore, shall order that the two billboards be eliminated in order to make way for this new construction. Therefore, as a condition of approval of the special exception and variance granted herein, the existing property owner or the contract purchaser shall require that the existing billboards be eliminated.

It is clear the Baltimore County Zoning Regulations (B.C.Z.R.) permits the use proposed in a ML-IM 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 Baltimore County Zoning Regulations. 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 No. 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).

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.

As to the variance request, an area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and their 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).

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 property which is the subject of this 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 relief requested will not cause any injury to the public health, safety or general welfare, and meets 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 relief requested in the special exception and variance should be granted.

ORDER RECEIVED FOR FILING

Date

2/17/2000

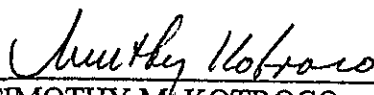
By

R. J. J. J.

THEREFORE, IT IS ORDERED this 17th day of February, 2000, by this Deputy Zoning Commissioner, that the Petitioner's Special Exception Request pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.), for approval of a car wash, be and is hereby APPROVED.

IT IS FURTHER ORDERED that the Petition for Variance from Section 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard setback of 22 ft. in lieu of the required 30 ft. and a rear yard setback of 12 ft. in lieu of the required 30 ft. and to permit 4 parking spaces for drying vehicles in lieu of the required 12, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for their permit upon receipt of this Order; however, Petitioner is 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.
2. As a result of the new development occurring on the subject property, the Petitioner shall be required to eliminate the two existing billboards as shown on the site plan submitted as Petitioner's Exhibit No. 1. These billboards must be taken down prior to a final occupancy permit being issued for the car wash and/or EZ Storage Facility.
3. Petitioner shall be required to submit a landscape and lighting plan to Avery Harden, Landscape Architect for Baltimore County, for his review and approval.
4. The Petitioner shall be permitted to operate the car wash facility on a 24-hour basis so long as the Petitioner provides a caretaker who resides on the subject property during that 24 hour period. In the event the Petitioner fails to provide a caretaker on site, then the hours of operation of the car wash facility shall be restricted to 7:00 A.M. to 11:00 P.M., seven days a week.
5. When applying for any permits, the site plan/landscape plan/lighting plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

NOTED RECEIVED FOR FILING
Date 2/17/2000
By R. Jameson
TMK:raj

W 10 p00c

D-4

SCALE
1" = 200' ±

COMIDENTOWN

HEET

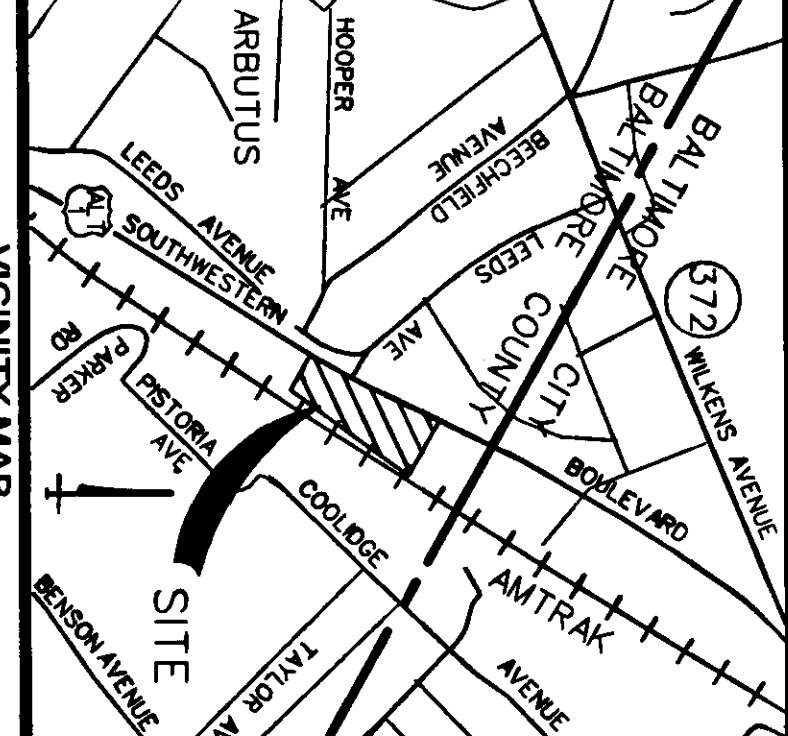


PLANTING REQUIREMENTS

INTERIOR ROAD - 1 P.U. PER 20'F - 260 L.F./20 = 13 P.U.
ADJ. ROAD - 1 P.U. PER 40 L.F. - 745 L.F. / 40 = 19 P.U.
PARKING SCREENING - CLASS 'B' - 1 PER 15 LF - 270 L.F./15 = 18 P.U.
RESIDENTIAL BUFFER CLASS 'A' - 1 PER 15 L.F. - 180 L.F./15 = 12 P.U.
DUMPSITE SCREENING - CLASS 'A' - 1 PER 15 L.F. - 60 L.F./15 = 4 P.U.
TOTAL REQUIRED - 66 PLANTING UNITS
CREDIT FOR TREES SAVED ON SITE - 36 P.U. = 54 REQUIRED MAJOR TREES
54 P.U. = 27 P.U. CREDIT
TOTAL REQUIRED - 66 PLANTING UNITS
CREDIT FOR SAVED TREES - 27 P.U.
TOTAL PROPOSED - 39
FOREST CONSERVATION WILL BE ADDRESS THROUGH A DECLARATION INTENT

PLANTING SCHEDULE

KEY	QTY	BOTANICAL/COMMON NAME	SIZE	ROOT	REMARKS
LARGE TREES					
ZS	00	ALBIONA SEQUOIA, 'GREEN VASE' / GREEN VASE ZELKOVA	2'-2'-2'	BAB	BRANCHING TO ABOVE BEGIN GRADE
QP	0	QUERCUS PHILLIPS / VILLOR OAK	1'-2'-2'	BAB	
DRUMMETAL TREES					
PC	0	CESTRUM X 'ORANGE' / PRUNUS 'CHERRY' / LAGERSTRÖMIA 'CENTENIAL SPIRIT' / CENTENIAL SPIRIT GARDENWRIGHT	2'-2'-2'	BAB	
LC	00	LAGERSTRÖMIA 'CENTENIAL SPIRIT' / CENTENIAL SPIRIT GARDENWRIGHT	2'-2'-2'	BAB OR COM.	
EVERGREEN TREES					
PS	00	PIRUS STROBUS/WHITE PINE	5'	BAB	
SHRUBS					
VP	00	VIBURNUM X PRAGENSE / PRUNUS 'CHERRY' / LAGERSTRÖMIA 'CENTENIAL SPIRIT' / CENTENIAL SPIRIT GARDENWRIGHT	2'-2'-2'	BAB OR COM.	
CA	00	CESTRUM 'AMIRALIA' / SEPTEMBER BEAUTY SUMMERSWEET	18'-24'	BAB OR COM.	
CK	00	CLAMAROSITE FLUTIFLORA / KENT FERNSTEIN REDGRASS	18'-24'	BAB OR COM.	
CG	00	ILEX ALABRA 'CHAZLIN' / CHAZLIN HOLLY	18'-24'	BAB OR COM.	
PERENNIALS					
ST	00	HEMEROCALLIS 'STELLA D'ORO' / STELLA D'ORO BATTLE	1 OT.	COM.	
GROUND COVER					
LM	0000	VARIOUS LILY TURP		PP	



BENCHMARK:

BM #1 CUT SOUTHWEST CORNER AT LEEDS AVENUE
CROSS CORNER OF SOUTHWEST CORNER
ELEVATION: 150.16 F.T. N 58927.5311, E 140162.4617
BM #2 AND CAP N. MEAN OF SOUTHWESTERN BLVD
470 FT. NORTH EAST AT INTERSECTION OF LEEDS
AVENUE AND SOUTHWESTERN BOULEVARD.
ELEVATION: 167.80 N 582369.9671, E 140429.6200

LEGEND:

- MAJOR TREE
- MINOR TREE
- EVERGREEN TREE
- SHRUBS
- PERENNIALS
- GROUND COVER
- SEASONAL COLOR
- PROPOSED TREE LINE

Ed. No. 3

Ed. No. 3

STV Incorporated

engineers / architects / planners / scientists / construction managers
21 Governor's Court Baltimore, MD 21244-2722 (410) 944-9112

REVISIONS

NO.	DATE	DESCRIPTION

GRAPHIC SCALE



PLAN PREPARATION

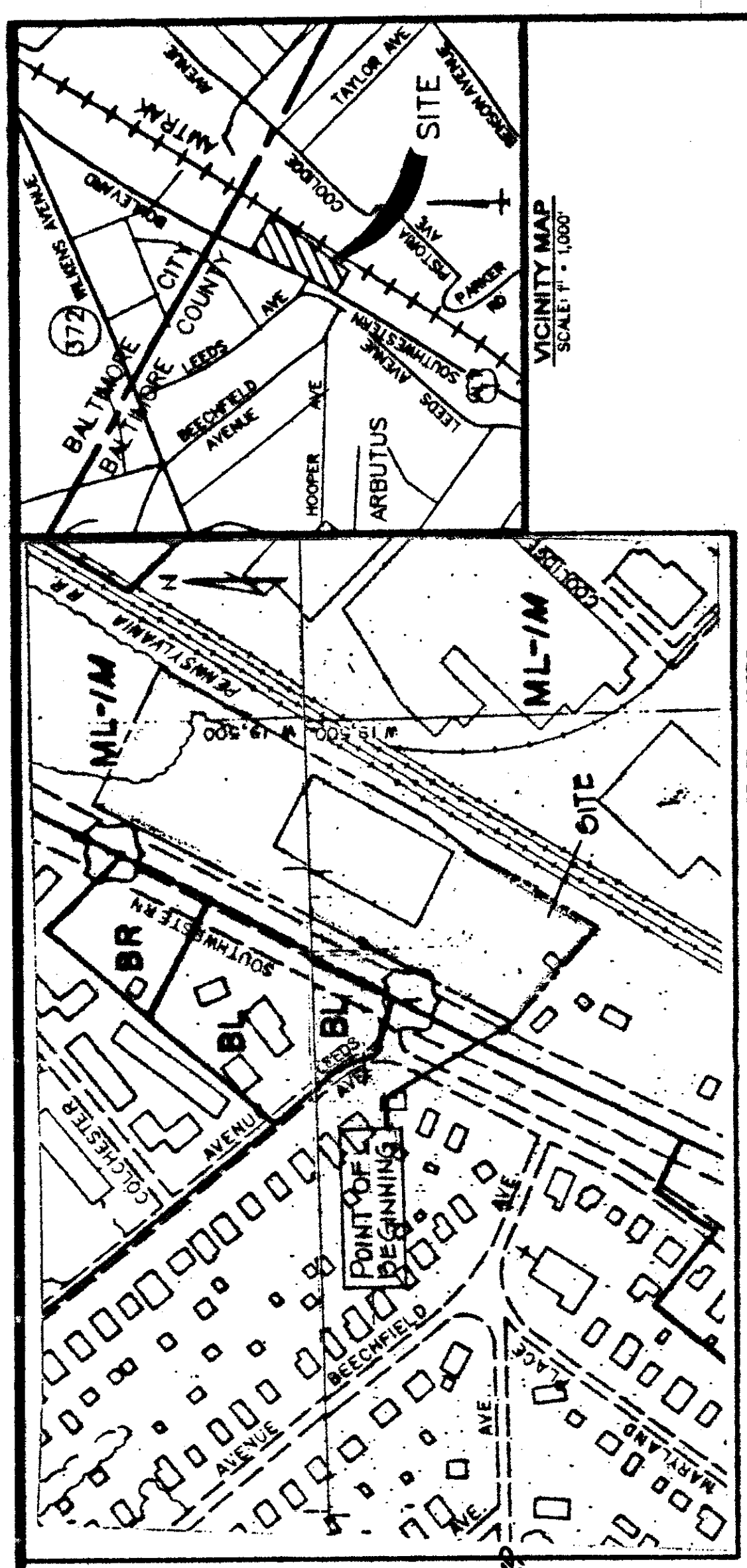
DRAWN BY	M.E.D./W	DATE	MAY 25, 2000
DESIGNED BY	N. KAZEMI	SCALE	1" = 30'
CHECKED BY		SHEET NO.	020-2448

LANDSCAPING PLAN

NO. 4001 SOUTHWESTERN BOULEVARD
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT 13

DRAWING NO.

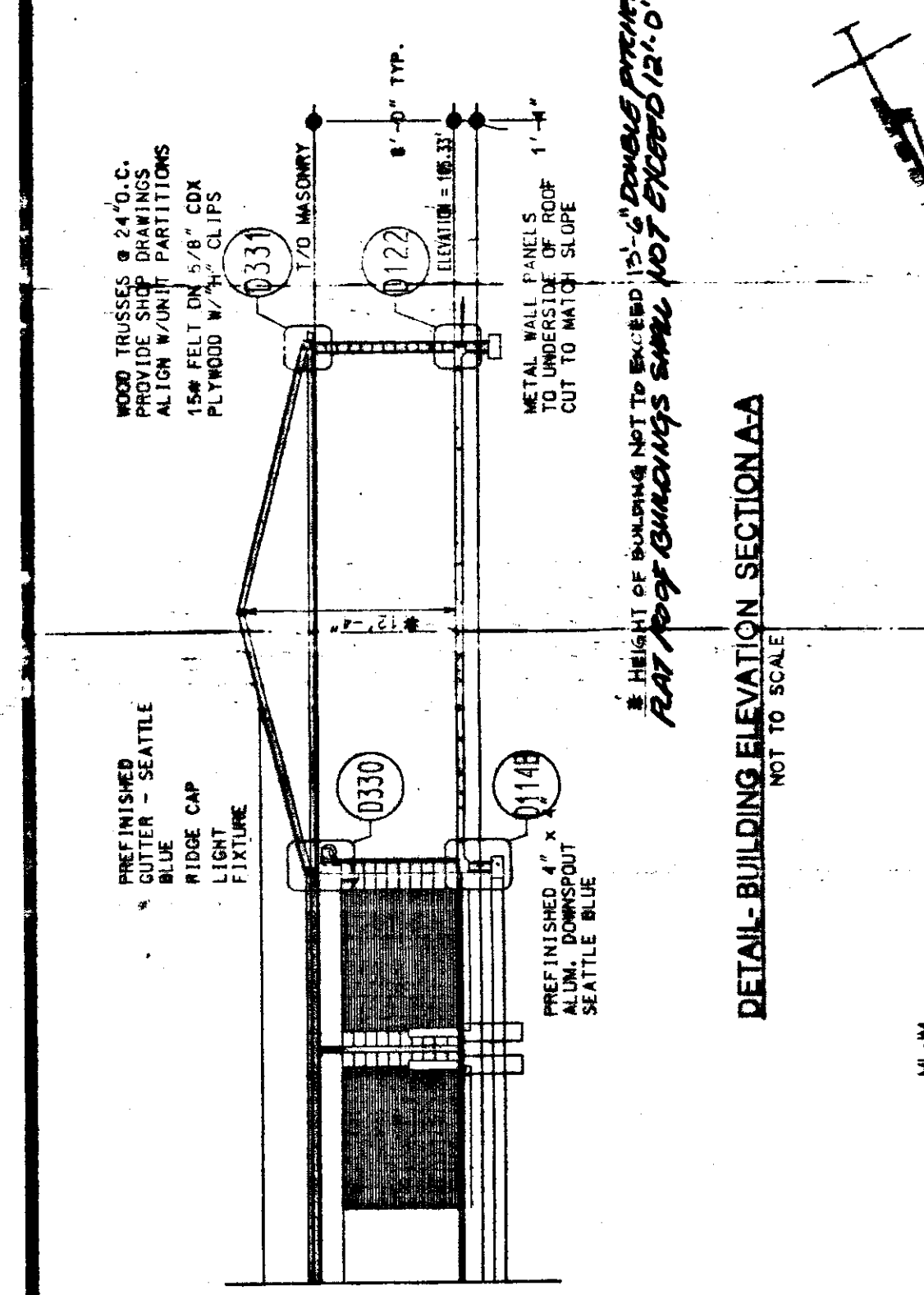
C-10
SHEET NO.
10 of 11



GENERAL NOTES

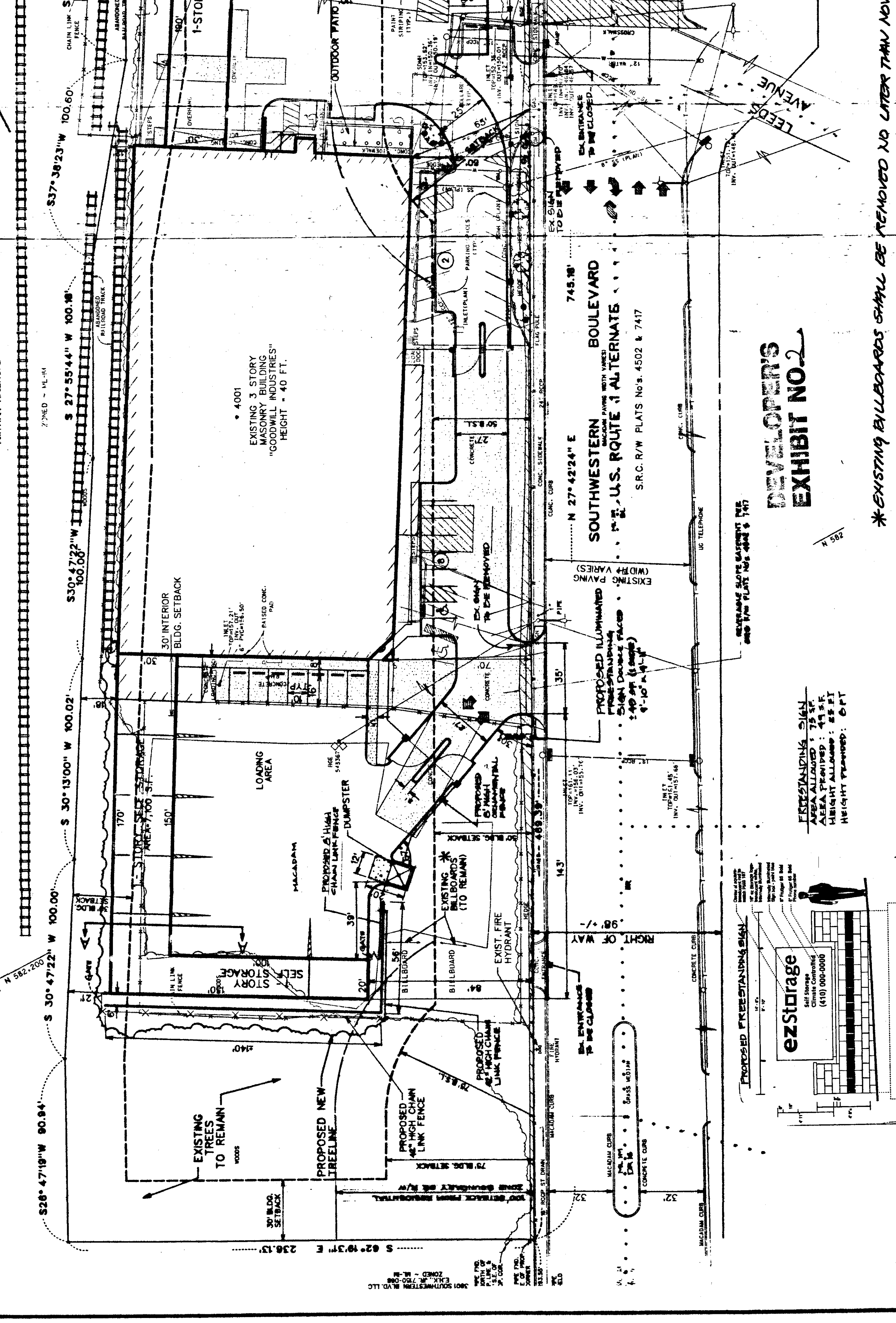
1. APPLICANT: GOODWILL INDUSTRIES, INC. OF THE CHESAPEAKE
2. OWNER: GOODWILL INDUSTRIES, INC. OF THE CHESAPEAKE
ADDRESS: 4001 SOUTHWESTERN BOULEVARD
BALTIMORE, MD 21244
3. TAX MAP NUMBER: 01, GRD 18
4. TAX ACCOUNT NUMBER: 13-002002340
5. COUNCILMANIC DISTRICT: 147
6. PREPARED BY: STV INCORPORATED
21 GOVERNOR'S COURT
BALTIMORE, MD 21244
PHONE: (410) 944-9112
ATTN: KEN GREEN
7. SITE DATA STORAGE FACILITY
CURRENT ZONING: ML-IM
8. PROPOSED 1-STOREY SELF-STORAGE BUILDING (ONE STORY) 14,200 SQ. FT.
ON 0.328 AC. EXISTING BUILDING TO REMAIN FOR STORAGE
(COMPARTMENTALIZED WAREHOUSE ESTABLISHMENT), THREE
STORIES 108,000 SQ. FT. ON 2.43 AC.
SETBACK REQUIREMENTS:
FRONT - 75 FEET (ABUTTING ON ZONE)
REAR - 30 FEET
SIDE - 30 FEET
INTERIOR BUILDING - 40 FEET
FLOOR AREA RATIO ALLOWED: 1.42 - 170,237 S.F. / 120,250 S.F.
BUILDING HEIGHT ALLOWED: 40 FT. MAX. WITHIN 100 FT. OF
BOUNDARY OF BUSINESS OR RESIDENCE ZONE.
PARKING REQUIRED: OFFICE 33 / 1,000 S.F. OF GROSS FLOOR AREA
WAREHOUSE: 1 EMPLOYEE ON THE LARGEST SHEET
9. PARKING PROPOSED: OFFICE (1,000 S.F.) - 3 SPACES
WAREHOUSE (2 EMPLOYEES) - 2 SPACES
ADDITIONAL PARKING - 12 SPACES
10. ALL SPACES WILL BE A MINIMUM OF 8.5 FT. X 18 FT. ALL PARKING
MANEUVERING AND ASLE AREAS ARE TO BE PAVED WITH A DURABLE
AND DUSTLESS SURFACE OF BITUMINOUS CONCRETE AND PERMANENTLY
PAVED DRIVEWAYS WILL NOT BE LESS THAN 12' IN HEIGHT
PROPOSED DRIVEWAY WILL NOT BE LESS THAN 12' IN HEIGHT
ZONING HISTORY: CASE NO. 00-0775-14, 71-2214-10-211A (CONVERTED)
11. LIMITED EXEMPTION HAS BEEN REQUESTED PURSUANT TO SEC. 28-174(a) (7).
12. THERE ARE NO WETLANDS CRITICAL AREAS, ARCHAEOLOGICAL SITES,
OR ENDANGERED SPECIES HABITAT ON THE SITE TO OUR KNOWLEDGE.
13. A WATER HAS BEEN REQUESTED FROM THE STORMWATER MANAGEMENT
REQUIREMENTS BASED ON THE INCREASE IN RUNOFF IS LESS THAN 10%.
14. ALL EXISTING STRUCTURES TO REMAIN, NO DEMOLITION WILL BE
REQUIRED.
15. ALL LIGHTING FIXTURES TO ILLUMINATE THE PROPERTY SHALL BE
ARRANGED TO REFLECT LIGHT AWAY FROM PUBLIC STREETS AND
ADJACENT PROPERTIES. MAXIMUM HEIGHT FOR FIXTURES TO BE 30 FT.
16. TRASH WILL BE COLLECTED PRIVATELY.
17. THERE ARE NO WELLS OR SEPTIC SYSTEMS ON SITE.
18. THE NEAREST FIRE HYDRANT IS LOCATED ON SOUTHWESTERN BLVD.
IN FRONT OF THE PROJECT SITE.
19. LANDSCAPE REQUIREMENTS: 50 PLANTING UNITS
20. LANDSCAPE PROVIDED: SEE LANDSCAPE PLAN PREPARED BY SAULT CO.
21. THE PROJECT WILL REQUEST A DECLARATION OF INTENT TO MEET
FOREST CONSERVATION REQUIREMENTS.
22. THE SITE CONSISTS OF 1.41 LYS SOILS.
23. THE SITE IS LOCATED ON BUS ROUTE NO. (N/A).
24. THERE ARE NO HISTORICAL STRUCTURES ON THIS SITE.
25. THE SITE IS NOT LOCATED IN OR NEAR THE 100-YEAR FLOOD PLAIN.
26. THERE ARE NO HAZARDOUS MATERIALS ON SITE TO OUR KNOWLEDGE.
27. THERE ARE NO COMMERCIAL PERMITS ON RECORD.

DRAWING NO.	
EZ STORAGE	
NO. 4001 SOUTHWESTERN BOULEVARD BALTIMORE COUNTY, MARYLAND ELECTION DISTRICT 13	
SHEET NO. 1 of 1	



DETAIL-BUILDING ELEVATION SECTION A-A
NOT TO SCALE

DETAIL-B-B HIGH ORNAMENTAL FENCE
NOT TO SCALE



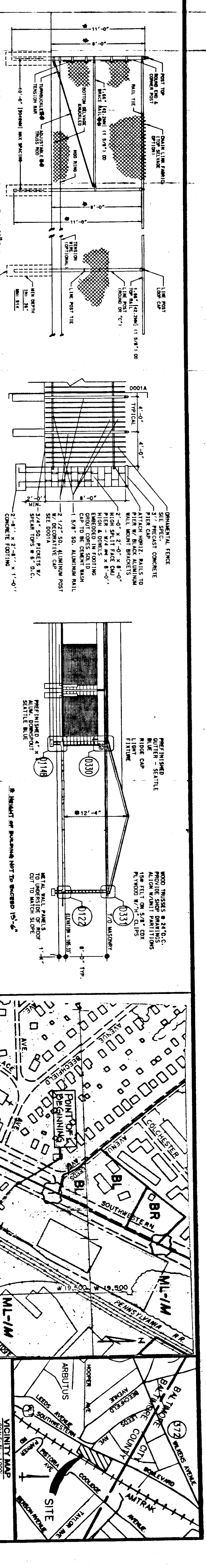
PLAN PREPARATION	
DRAWN BY: M.B.O.	DATE: MAY 25, 2000
CHECKED BY: N. KAZEM	SCALE: 1" = 30'
JOB NO: 030-2448	

REVISIONS		
NO.	DATE	DESCRIPTION
1	5/24/00	REVISED PER BALTO CO ZONING COMMENTS
2	5/24/00	ADJUSTED ORNAMENTAL FENCE
3	5/24/00	ADJUSTED PRESTANDING SIGN TO PLAN AND ORNAMENTAL

STV Incorporated
engineers / architects / planners / scientists / construction managers
21 Governor's Court Baltimore, MD 21244-2722 (410) 944-9112

DATE: 25-May-00 13:28

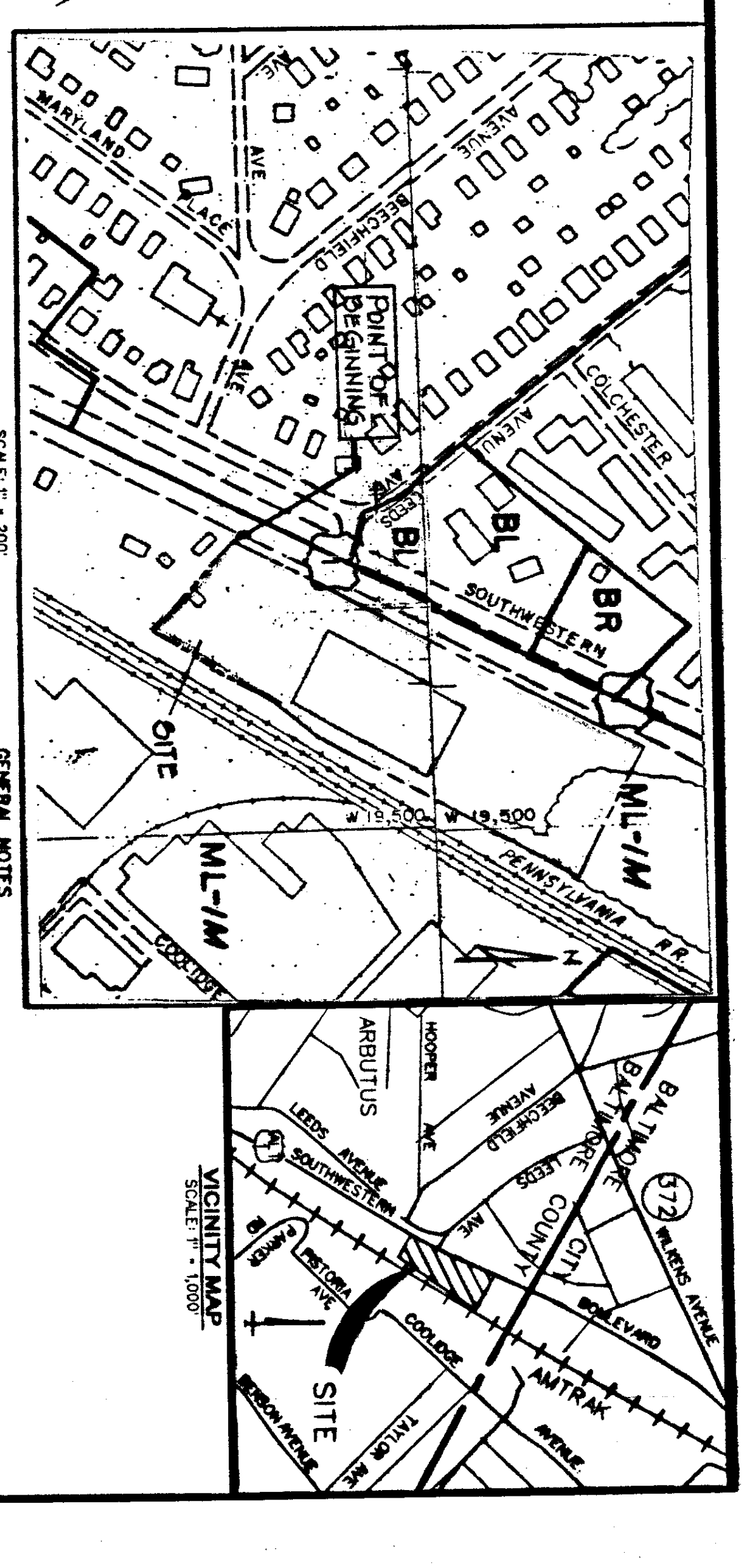
PLAT TO ACCOMPANY PETITION FOR VARIANCE	
EZ STORAGE	
NO. 4001 SOUTHWESTERN BOULEVARD BALTIMORE COUNTY, MARYLAND ELECTION DISTRICT 13	
SHEET NO. 1 of 1	



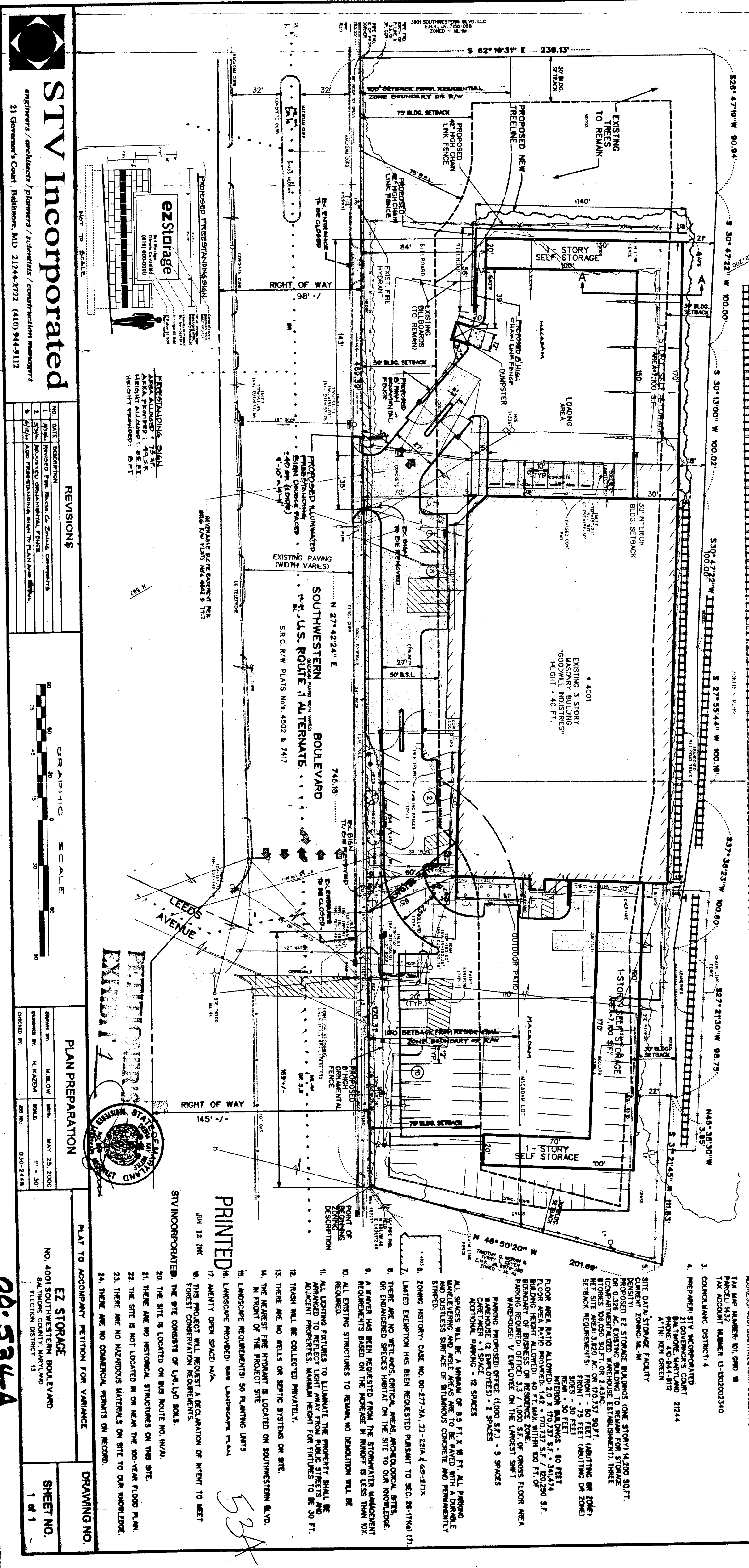
DETAIL - 8' HIGH CHAIN LINK FENCE
NOT TO SCALE

DETAIL - 8' HIGH ORNAMENTAL FENCE
NOT TO SCALE

DETAIL - BUILDING ELEVATION SECTION A-A
NOT TO SCALE



- GENERAL NOTES
1. APPLICANT: GOODWILL INDUSTRIES, INC. OF THE CHESEBROUGH
 2. OWNER: GOODWILL INDUSTRIES, INC. OF THE CHESEBROUGH
 3. ADDRESS: 4001 SOUTHWESTERN BOULEVARD
 4. PREPARED BY: INCORPORATED
 5. DATE: MAY 25, 2000
 6. SHEET NO. 1 OF 1



STV Incorporated

engineers / architects / planners / scientists / construction managers

21 Governor's Court, Baltimore, MD 21244-2722 (410) 944-9112

NO.	DATE	DESCRIPTION
1	5/25/00	REVISED PER BALTIMORE COUNTY COMMENTS
2	5/25/00	REVISED PER BALTIMORE COUNTY COMMENTS
3	5/25/00	REVISED PER BALTIMORE COUNTY COMMENTS

GRAPHIC SCALE

0 10 20 30 40 50 60 70 80 90

PLAN PREPARATION	
DESIGNED BY	CHECKED BY
M. BROWN	N. KAZEM
DATE	DATE
MAY 25, 2000	5/25/00

PRINTED

JUN 12 2000

STV INCORPORATED

THE SITE CONSISTS OF 1.81 AC. OF LAND.

20. THE SITE IS LOCATED ON BALTIMORE COUNTY ROUTE NO. 100.

21. THERE ARE NO HISTORICAL STRUCTURES ON THIS SITE.

22. THE SITE IS NOT LOCATED IN OR NEAR THE 100-YEAR FLOOD PLAIN.

23. THERE ARE NO HAZARDOUS MATERIALS ON SITE TO OUR KNOWLEDGE.

24. THERE ARE NO COMMERCIAL PERMITS ON RECORD.

534

00-534-A

1 OF 1