ORDER RESEVED FOR FILING
Date
By

IN RE: PETITIONS FOR SPECIAL HEARING, \*
SPECIAL EXCEPTION & VARIANCE -

E/S Loch Raven Boulevard, between Yakona Road and White Oak Avenue

(8601 & 8611 Loch Raven Boulevard, and \* 1600 White Oak Avenue)

9<sup>th</sup> Election District

6<sup>th</sup> Council District

BEFORE THE

\* ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 02-558-SPHXA

Risan Corporation; Reuben and Sara Rice; and Whiz Car Wash Corp. - Petitioners \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance for three adjacent properties, located on the east side of Loch Raven Boulevard, between Yakona Road and White Oak Avenue in east Towson. The Petitions were filed by the owners of the properties, Risan Corporation, Reuben and Sara Rice, and Whiz Car Wash Corporation, through their attorney, Dino C. LaFiandra, Esquire. The Petitioners request a special hearing to confirm the status of the previously approved site plan in prior Case No. 4469, with respect to Section 419.5 of the Baltimore County Zoning Regulations (B.C.Z.R.), and an amendment thereto, for the existing car wash facility located at 8611 Loch Raven Boulevard. Further special hearing relief is requested to abandon the special exception relief granted in prior Case No. 86-270-X for a service garage on the adjacent property, known as 8601 Loch Raven Boulevard. In addition, the Petitioners request a special exception for a full service car wash on the properties known as 8601 Loch Raven Boulevard and 1600 White Oak Avenue, pursuant to Sections 230.13 and 419 of the B.C.Z.R.; and, variance relief from the B.C.Z.R. as follows: From Section 419.4.B.3 to permit a fence along the east property line of 1600 White Oak Avenue in lieu of the required 15-foot wide landscape transition area (LTA); from Section 419.4.B.3 to permit a LTA of 4 feet in lieu of the required 10 feet along the south property lines of 1600 White Oak Avenue and 8601 Loch Raven Boulevard; from Section 419.4.B.3 to permit a LTA of 0 feet in lieu of the required 10 feet along the west property line of 8601 Loch Raven Boulevard; and, from Section 419.4.B.1 to approve the orientation of the proposed drying and finishing facility as shown on the site plan; and such other relief as may be deemed necessary by the Zoning Commissioner. It is also to be noted that at the onset of the public hearing, the Petitioners amended the Petition for Variance, seeking additional relief from Section 232.2.B of the B.C.Z.R. to approve a 5-foot setback for the existing car wash building located at 8611 Loch Raven Boulevard. Specifically, the car wash tunnel is located 5 feet from the right-of-way for Yakona Road and a 10-foot setback is required. The subject property and requested relief are more particularly shown on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Benson Rice, President/Authorized Agent for the property owners; Wes Guckert, Traffic Engineer; Thomas Church, the Professional Engineer who prepared the site plan for this property; and, Dino C. LaFiandra, Esquire, attorney for the Petitioners. Donna Spicer, a local community activist in the Loch Raven Village/Hillendale area, and Carlton Robinson, a nearby resident, appeared as interested persons.

The overall tract under consideration consists of three separate lots containing a combined gross area of approximately .89 acres, zoned B.L.-A.S. Collectively, they form a roughly square-shaped parcel with frontage on Yakona Road to the north, Loch Raven Boulevard to the west, and White Oak Avenue to the south. The eastern property line of the tract abuts a concrete alley, which separates the use on the subject property from the residential community of Ridgeleigh. The parcel adjacent to the northeast corner of Loch Raven Boulevard and Yakona Road, known as 8611 Loch Raven Boulevard, was the subject of prior Case No. 4469 for which special exception relief was granted for a car wash facility in 1963. In this regard, Mr. Rice testified that his father established the Whiz Car Wash at this location in 1958 and obtained zoning approval thereafter. The younger Mr. Rice subsequently joined the business in 1970. Presently, three are six Whiz Car Washes in the Baltimore Metropolitan Area, three of which are located in Baltimore County. Mr. Rice testified that the existing car wash facility is a full service car wash,

consisting of a tunnel wash wherein cars are moved through the facility via a conveyor. Although the operation has existed at this location for many years, photographs submitted at the hearing show that the operation is somewhat cramped, given the configuration and size of the property, and the location of improvements thereon.

Immediately adjacent to the car wash lot are two additional lots owned or under the control of Mr. Rice. These parcels are known as 8601 Loch Raven Boulevard and 1600 White Oak Avenue. The parcel known as 8601 Loch Raven Boulevard is located on the southeast side of the tract, adjacent to the corner of Loch Raven Boulevard and White Oak Avenue. The parcel known as 1600 White Oak Avenue is located immediately to the rear of 8601 Loch Raven Boulevard and abuts the southern property line of 8611 Loch Raven Boulevard and the concrete alley to the east. The parcel known as 8601 Loch Raven Boulevard was the subject of prior Case No. 86-270-X in which a special exception was granted for a service garage in 1986. Apparently, a quick oil change type of business existed on that site for some time. That structure will be razed as part of the overall redevelopment of this site. The property known as 1600 White Oak Avenue is unimproved at the present time.

As noted above, the Petitioners request special exception relief for a full service car wash facility for 8601 Loch Raven Boulevard and 1600 White Oak Avenue. In this regard, Mr. Rice testified that a three-bay detailing unit will be constructed in the area of the former service garage building, and stacking spaces for patrons of the car wash will be re-routed as shown on the site plan. The proposed improvements will improve the overall operation and efficiency of the car wash facility and provide additional services to car wash patrons. The Petitioners seek approval to abandon the special exception relief granted for a service garage in prior Case No. 86-270-X and permit redevelopment of the site as set forth above.

Significant testimony in support of the proposal was offered by all of the witnesses. In summary, it appears that the Petitioners' plans are appropriate and will actually result in a more efficient operation of the car wash use on this site. In this regard, the plan shows an existing entrance/exit from Loch Raven Boulevard will be closed off and a new entrance installed further

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down Loch Raven Boulevard, closer to White Oak Avenue. The relocation of this entrance will provide safer ingress/egress for motorists and allow for a minimum of 25 stacking spaces onsite for users of the car wash facility. This is a significant improvement insofar as the community is concerned. Historically, there has always been a problem with traffic from the car wash facility backing up onto Loch Raven Boulevard. The proposed redevelopment will result in more stacking spaces being available within the interior of the property. Other improvements to the site include the three-bay drying/detailing building described above, and a larger area for hand-drying of vehicles on the lot formerly known as 8601 Loch Raven Boulevard. In this regard, cars will exit the wash tunnel and patrons will have the option of either having their cars hand-dried outside the detail building, or, they can enter one of the three bays in the detail building for more intensive cleaning. In this regard, the detailing/cleaning operation will only be used by patrons of the car wash facility. It was emphasized at the hearing that the detailing operation will not be an independent business.

Turning to the precise zoning relief requested, I am easily persuaded that the Petition for Special Exception should be granted. As noted above, the relief requested will allow the car wash operation to expand onto the properties known as 8601 Loch Raven Boulevard and 1600 White Oak Avenue, which will result in a more efficient operation. I am persuaded that a grant of this relief will not be detrimental to the health, safety and general welfare of the locale and complies with the requirements of Section 502.1 of the B.C.Z.R. Indeed, I find that the proposed improvements will result in less impact on the public roads adjacent thereto and surrounding neighborhood.

Relief will also be granted as to the Petition for Special Hearing. I will confirm the status of the existing car wash facility and previously approved site plan in Case No. 4469, pursuant to Section 419.5 of the B.C.Z.R. As noted above, the car wash has existed on the property since 1958 and zoning approval for same subsequently obtained in 1963. In addition, an amendment to that site plan to conform to the proposal and site plan submitted in the instant case is appropriate and shall be approved. Finally, special hearing relief will be granted to permit the abandonment of the special exception relief granted in prior Case No. 86-270-X and allow the redevelopment of 8601 Loch Raven Boulevard and 1600 White Oak Avenue as set forth above.

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Finally, several variances have been requested. First, the amended relief sought to permit a 5-foot setback from Yakona Road for the existing car wash building shall be approved. In that this request is to legitimize existing conditions on the property and not as the result of any proposed improvements, I am satisfied that the relief should be granted. The other variance relief will likewise be granted. The record of this case will disclose the testimony regarding those variances. Three of the variances relate to the Landscape Transition Area (LTA) along the southern property lines of 1600 White Oak Avenue and 8601 Loch Raven Boulevard, and the western property lines of 8611 and 8601 Loch Raven Boulevard. In each instance, I find that the properties are unique, given the existing conditions, configuration and public road improvements adjacent thereto. I am satisfied that the redevelopment of this site is appropriate and that variance relief is necessary to insure adequate driveway widths and internal traffic circulation. For all of these reasons, I shall grant the variances as they relate to LTA requirements. The final variance relates to the orientation of the proposed three-bay detailing building on 8601 Loch Raven Boulevard. The internal circulation of traffic and the location of the existing car wash building necessitate this request. In this regard, variance relief will be granted.

The main focus of Ms. Spicer's participation in the hearing relates to the imposition of certain restrictions on the proposed use. The record of the case will reflect significant testimony was received regarding these restrictions. In addition, the Office of Planning offered certain restrictions within their Zoning Advisory Committee comments. Other suggestions and comments were offered at the hearing. I have carefully reviewed each of the proposed conditions and find that certain restrictions should be entered in order to insure that the expanded car wash use will not cause detrimental impacts upon the surrounding locale. However, I decline to incorporate all of the restrictions/conditions requested in this instance by the Office of Planning and Ms Spicer.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted, subject to the terms and conditions set forth below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Local day of August, 2002 that the existing car wash facility at 8611 Loch Raven Boulevard complies with the requirements of Section 419.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) and as such, the Petition for Special Hearing to confirm the previously approved site plan and relief granted in prior Case No. 4469, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve an abandonment of the special exception relief granted in prior Case No. 86-270-X for a service garage on the property known as 8601 Loch Raven Boulevard, and an amendment to the previously approved site plan in Case No. 4469 to incorporate 8601 Loch Raven Boulevard and 1600 White Oak Avenue as part of the car wash operation, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception for a full service car wash on the properties known as 8601 Loch Raven Boulevard and 1600 White Oak Avenue, pursuant to Sections 230.13 and 419 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Section 419.4.B.3 to permit a fence along the east property line of 1600 White Oak Avenue in lieu of the required 15-foot wide Landscape Transition Area (LTA); from Section 419.4.B.3 to permit a LTA of 4 feet in lieu of the required 10 feet along the south property lines of 1600 White Oak Avenue and 8601 Loch Raven Boulevard; from Section 419.4.B.3 to permit a LTA of 0 feet in lieu of the required 10 feet along the west property line of 8601 Loch Raven Boulevard; from Section 419.4.B.1 to approve the orientation of the proposed drying and finishing facility as shown on the site plan; and, as amended, from Section 232.2.B to approve a street centerline setback of 5 feet in lieu of the required 10 feet for the existing car wash building at 8611 Loch Raven Boulevard, all in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building/razing permits 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) Prior to the issuance of any use and occupancy permits, the Petitioners shall submit a revised site plan to the Office of Planning and Mrs. Donna Spicer, 8719 Eddington Road, Baltimore, Md. 21234, for review and comment to the undersigned Zoning Commissioner. Said plan shall incorporate the restrictions/conditions imposed herein, and include details as to the proposed landscaping/screening in compliance with Restrictions 3, 4, 5 and 10 as set forth below. Following the receipt of written comments from the Office of Planning and Mrs. Spicer, the revised plan shall be approved by the undersigned Zoning Commissioner and forwarded to the Department of Permits and Development Management for inclusion in the case file and release of any permits.
- 3) Landscaping will be installed along the south side of the site along White Oak Avenue and on the northwest corner of the site at Loch Raven Boulevard and Yakona Road. In addition, a wrought iron or similar type fence at a height of 4 feet will be installed along the south side of the overall tract to discourage pedestrian traffic from cutting through the property to access Loch Raven Boulevard. The fence and landscaping shall be designed to not impede the visibility of westbound traffic on White Oak Avenue.
- 4) Any additional lighting shall be reviewed by the County's Landscape Architect and noted on the revised site plan to insure that it does not reflect into adjacent residential properties or oncoming traffic.
- 5) The Petitioners will construct an adequate barrier along the east side of the property to buffer the sights and sounds of the car wash operation from the adjacent residential neighborhoods. The details of the barrier shall be shown on the revised site plan.
- 6) There shall only be one entrance to the site from Loch Raven Boulevard. Ballard poles or another similar type barrier shall be installed to block the existing curb cut on Loch Raven Boulevard, across from the exit of the car wash tunnel. In the future, should the Petitioners wish to reopen this entrance utilizing the existing curb cut, a new Petition for Special Hearing will be required to determine the appropriateness of same.
- 7) A right-turn only sign shall be installed for traffic exiting the site onto Yakona Road.

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- 8) The hours of operation shall be limited to 8:00 AM to 7:00 PM, (or dusk in the summer months), Monday through Saturday, and from 8:00 AM to 2:00 PM on Sundays. During peak hours of use, the Petitioners shall arrange for an employee to monitor traffic on Loch Raven Boulevard and direct same, if necessary, to insure that any backup onto that road does not block adjacent driveways or public roads.
- 9) The three-bay detail building will only be used as an accessory to the car wash operation and will not operate as an independent business. That is, the detail service shall only be available to patrons of the car wash facility.
- 10) The Petitioners shall either screen the location of the existing dumpster/trash area or relocate same to an area less visible.

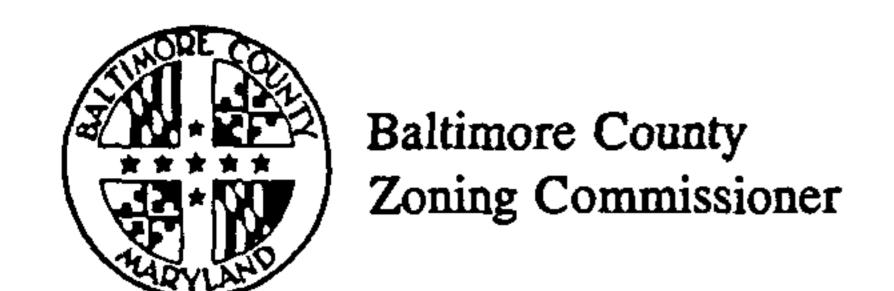
11) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

Date Sale Man Sale Filter



August 19, 2002

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

Fax: 410-887-3468

Dino C. LaFiandra, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue, Suite 400 Towson, Maryland 21204-4515

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE E/S Loch Raven Boulevard, between Yakona Road & White Oak Avenue (8611 and 8601 Loch Raven Boulevard, and 1600 White Oak Avenue)

9<sup>th</sup> Election District – 6<sup>th</sup> Council District Risan Corp., Reuben & Sara Rice; Whiz Car Wash Corp. - Petitioners Case No. 02-558-SPHXA

Dear Mr. LaFiandra:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. Benson Rice, 8120 Liberty Road, Baltimore, Md. 21244

Mr. Thomas A. Church, Development Engr. Cons., 6603 York Rd., Baltimore, Md. 21212

Mr. Wes Guckert, The Traffic Group, 9900 Franklin Sq.Dr., Suite H, Baltimore, Md. 21236

Ms. Donna Spicer, 8719 Eddington Road, Baltimore, Md. 21234

Mr. Carlton Robinson, 8506-B Chestnut Oak Road, Baltimore, Md. 21234

Office of Planning; Code Enforcement Division, DPDM; People's Counsel; Case File



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County 8601 Loch Raven Blvd. 8611 Loch Raven Blvd.

for the property located at 1600 White Oak Avenue which is presently zoned \_\_\_\_BL-AS

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Please see continuation sheet

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, 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.

Please see continuation sheet

#### Contract Purchaser/Lessee:

## <u>Legal Owner(s):</u>

	Name - Type or Print				Name - Type or Print			
	Signature	<u></u>			•	Signature	,	_,·
	Address		Te	lephone No.	•	Name - Type or Print	<del></del>	
	City	St	tate	Zip Code	•	Signature		
ORDER RECEIVED FOR FILING Date	Attorney For Petitioner: Dino C. La Fiandra, Esquire					Address		Telephone No.
	Name - Type or Pri		<u> </u>		City .	Representative to	State be Contacted	Zip Code
	Signature Whiteford Company 210	, Taylor & I W. Pennsylv	<del></del>		, <del>-</del>	Dino C. La F	iandra, Es	quire
	Suite 400 Address		4]0.8	32.2000 lephone No.	<u>)</u>	210 W. Penna	. Ave.,	410.832.200 Telephone No.
	Towson	MD s	2120 d	4-4515 Zip Code	-	Towson, City	MD State	21204-4515 Zip Code
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# Petition for Special Hearing

Continuation Sheet 8601 Loch Raven Blvd. 8611 Loch Raven Blvd. 1600 White Oak Avenue

Legal Owners

## 8601 Loch Raven Blvd.

Risan Corporation 8120 Liberty Road Baltimore, MD 21244 Tel: 410-922-5158

By: Benson Rice, President

# 8611 Loch Raven Blvd.

Reuben and Sara Rice 8120 Liberty Road Baltimore, MD 21244

Tel: 410-922-5158

By: Benson Rice, Authorized Agent

# 1600 White Oak Avenue

Whiz Car Wash Corporation

8120 Liberty Road

Baltimore, MD 21244

Tel: 410-922-5158

By: Benson Rice, President

ORDER REC'EIVED FOR FILING
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# Petition for Special Hearing

Continuation Sheet 8601 Loch Raven Blvd. 8611 Loch Raven Blvd. 1600 White Oak Avenue

# The petition requests the following relief:

- 1. With respect to 8611 Loch Raven Boulevard, confirm the status of the approved plan in case no. 4469, with respect to BCZR § 419.5
- 2. With respect to 8611 Loch Raven Boulevard, amend the approved plan in case no. 4469 to conform to the plan submitted herewith.
- 3. With respect to 8601 Loch Raven Boulevard, abandon the special exception for service garage in case no. 86-270-X, pending final county car wash approvals.
- 4. Such further relief as the Zoning Commissioner may deem appropriate.





# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

8601 Loch Raven Blvd. and

for the property located at 1600 White Oak Ave.

which is presently zoned BL-AS

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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Full service car wash, pursuant to BCZR Section 230.13, and 419

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Exception, 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:

Date

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#### Legal Owner(s):

	·		<u> </u>		
Signature			Signature		
Address		Telephone No.	Name - Type or Print	<u> </u>	
City	State	Zip Code	Signature		
Attorney For Petit	ioner:		Address	<u></u>	Telephone No.
Dino C. La F Name - Type or Print,	iandra, Esqu	ireCity		State	Zip Code
Signature	landr		Representative	to be Contacte	<u>ed:</u>
Whiteford, To Company	aylor & Pres	ton L.L.P.	Dino C. La	Fiandra,	Esquire
210 W. Penna Address	. Ave 4	10.832.2000 Telephone No.		nna. Ave.	410.832.200 Telephone No.
Towson	MD 2 State	1204-4515 Zip Code	<u>Towson</u> City	MD Star	21204-4515
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				•	t

# Petition for Special Exception

Continuation Sheet 8601 Loch Raven Blvd. 1600 White Oak Avenue

Legal Owners

# 8601 Loch Raven Blvd.

Risan Corporation

8120 Liberty Road

Baltimore, MD 21244

Tel: 410-922-5158

By: Benson Rice, President

# 1600 White Oak Avenue

Whiz Car Wash Corporation

8120 Liberty Road

Baltimore, MD 21244

Tel: 410-922-5158

By: Benson Rice, President



# Petition for Variance

to the Zoning Commissioner of Baltimore County 1600 White Oak I for the property located at 8601, 8611 Loch Raven 31vd.

which is presently zoned \_BL-AS

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)

Please see continuation sheet

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

Please see continuation sheet

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:

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### Legal Owner(s):

N/A Name - Type or Print	<u>Please see continuation sheet</u> Name-Type or Print
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	Address Telephone No.
Dino C. La Fiandra, Esquire  Name Type or Print  Signature	City State Zip Code  Representative to be Contacted:
Whiteford, Taylor & Preston L.L.P Qompany	<u>Dino C. La Fiandra, Esquire</u> Name
210 W. Penna. Ave. 410.832.200 Address Telephone No.	00 <u>210 W. Penna. Ave. 410.832.200</u> 0 Address Telephone No.
Towson         MD         21204-4515           City         State         Zip Code	
Case No. 02 558 SPHXA	OFFICE USE ONLY LETTES /Zday ESTIMATED LENGTH OF HEARING
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# Petition for Variance

Continuation Sheet 8601 Loch Raven Blvd. 8611 Loch Raven Blvd. 1600 White Oak Avenue

# 8601 Loch Raven Blvd.

Risan Corporation 8120 Liberty Road Baltimore, MD 21244 Tel: 410-922-5158

By: Benson Rice, President

# 8611 Loch Raven Blvd.

Reuben and Sara Rice 8120 Liberty Road Baltimore, MD 21244

Tel: 410-922-5158

By: Benson Rice, Authorized Agent

# 1600 White Oak Avenue

Whiz Car Wash Corporation

8120 Liberty Road

Baltimore, MD 21244

Tel: 419-922-5158

By! Benson Rice, President

# Petition for Variance

Continuation Sheet 8601 Loch Raven Blvd. 8611 Loch Raven Blvd. 1600 White Oak Avenue

# The petition requests the following relief:

- 1. Approval of a fence in lieu of the required 15 foot Landscape Transition Area/Buffer along the east property line of 1600 White Oak Avenue. BCZR §419.4.B.3
- 2. Approval of a 4 foot Landscape Transition Area in lieu of the required 10 foot Landscape Transition Area along the south property lines of 1600 White Oak Avenue and 8601 Loch Raven Boulevard. BCZR §419.4.B.3
- 3. Approval of a zero foot Landscape Transition Area in lieu of the required 10 foot landscape transition area along the west property line of 8601 Loch Raven Boulevard. §419.4.B.3
- 4. Approval of the orientation of the proposed Drying and Finishing Facility as indicated on the site plan (entrance thereto displaced at an angle from the nearest residentially zoned property), in lieu of an orientation which would prevent the entrance to the Facility from "facing" the residentially zoned property. BCZR §419.4.B.1
- 5. Such further relief as the zoning commissioner may deem appropriate.

Proof of hardship and practical difficulty justifying the requested relief will be presented at the hearing.

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# DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road Baltimore, Maryland 21212 (410) 377-2600 (410) 377-2625 Fax

ZONING DESCRIPTION
FOR
SPECIAL HEARING AND VARIANCE

550

WHIZ CAR WASH 8611 LOCH RAVEN BOULEVARD

Beginning at a point on the east side of Loch Raven Boulevard which is a 80.00 foot wide right-of-way at a distance of 34.09 feet north of the centerline of the nearest improved intersecting street, White Oak Avenue which is a 50.00 foot wide right-of-way; thence with a curve to the left, having a radius of 2123.48 feet, an arc of 155.65 feet and being subtended by a chord bearing and distance of North 03 degrees 54 minutes 33 seconds East 155.61 feet; North 45 degrees 45 minutes 32 seconds East 64.80 feet; North 84 degrees 35 minutes 29 seconds East 135.06; South 04 degrees 35 minutes 46 seconds West 251.10 feet; with a curve to the right, having a radius of 2372.80 feet, an arc of 165.48 feet and being subtended by a chord bearing and distance of North 80 degrees 52 minutes 23 seconds West 165.45 feet; with a curve to the right, having a radius of 10.00 feet, an arc of 14.82 feet and being subtended by a chord bearing and distance of North 36 degrees 25 minutes 59 seconds West 13.50 feet to the point of beginning, as recorded in Deed Liber 6291, Folio 652 and Deed Liber 8351, Folio 594.

Being Lots 200, 199 and part of 198 in the subdivision of Ridgeleigh as recorded in Baltimore County Plat Book L.McL.M 10, Folio 127.

Containing 39,113 square feet or 0.898 acres. Also known as 8611 Loch Raven Boulevard and located in the 9th Election District.

01-154

June 6, 2002



# DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

ZONING DESCRIPTION FOR SPECIAL EXCEPTION

1600 WHITE OAK AVENUE

6603 York Road Baltimore, Maryland 21212 (410) 377-2600 (410) 377-2625 Fax

558

Beginning at a point on the north side of White Oak Avenue, 50 feet wide, said point also being Easterly 175.5 feet from the Easterly side of Loch Raven Boulevard, 80 feet wide, thence running with the northerly side of said White Oak Avenue, 50 feet wide, 1) with a curve to the right, having a radius of 2372.80 feet and an arc of 165.48 feet, 2) thence with a curve to the right, having a radius of 10 feet and an arc of 14.82 feet to a point on the aforesaid Easterly side of Loch Raven Boulevard, 80 feet wide, thence running with the said Easterly side of Loch Raven Boulevard, 80 feet wide with a curve to the left, having a radius of 2123.48 feet and an arc of 93.36 feet, thence leaving aforesaid Loch Raven Boulevard, 4) South 85 degrees 24 minutes 14 seconds East 173.54 feet, thence 5) South 04 degrees 35 minutes 46 seconds West 116.60 feet, to the point of beginning.

Being part of the lands as recorded in Liber 8351, Folio 594; also being part of Lots 198 and 199 in the subdivision of Plat No. 1 of "Ridgeleigh" as recorded in Baltimore County Plat Book L.McL.M. 10, Folio 127.

Containing 19,165 square feet or 0.440 acres of land, more or less. Also known as 1600 White Oak Avenue.

01-154

June 6, 2002



WHITE - CASHIER DISTRIBUTION FOR: FROM: RECEIVED MISCELLANEOUS OFFICE OF BUDGET & FINANCE BALTIMORE COUNTY, MARY PINK . 1 AGENCY RECEIPT AMOUNT ACCOUNT YELLOW - CUSTOMER ND 47 900 MUSTRESS /11/2002 Recet Tot Salimas Samily 014311 194794 NINTAN 528 ZON VERIFICATION (S. 05) 的 (2:15:14]

VALIDATION

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# 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: #02-558-SPHXA

8601,8611 Loch Raven Boulevard and 1600 White Oak Avenue
Neast comer of Loch Raven Boulevard and White Oak Avenue
18611 Loch Raven Boulevard and White Oak Avenue
1862 Section District - 6th Councilmanic District
Legal Owner(s): Risan Corporation, Benson Rice, President
Special Hearing: to confirm the status of the approved plan in case no. 4469, with respect to BCZR 419.5. To amend in the approved plan in case no. 4469. To abandon the special exception for service garage in case no. 86270-X. Special Exception: to use full service car wash, pursuant to BCZR Section 230.13 and 419. Variance: to approve a fence in lieu of the required 15-foot Landscape Transition Area/Buffer along the east property line of 1600 White Oak Avenue and 8601 Loch Raven Boulevard. For the approperty line of 1600 White Oak Avenue and 8601 Loch Raven Boulevard. For the approved in lieu of the required 10 foot along the west property line of 8601 Loch Raven Boulevard. For the approved in lieu of the required 10 foot along the west property line of 8601 Loch Raven Boulevard. For the approved in lieu of Drying and Finishing Facility, in lieu of orientation which would prevent the entrance to the Facility from "facing" the residentially zoned property.

Hearing: Wednesday, July 24, 2002 at 9:00 a.m. in Raom 487, County Courts Building, 401 Bosley Avenue.

SCHMIDT LAWRENCE E.

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.

., 2002

THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., Q Ñ once in each of 9

Jeffersonian The

Catonsville Times Arbutus Times

Towson Times

Owings Mills Times

NE Booster/Reporter h County News Nort

Wurnsn

LEGAL ADVERTISING

#### CERTIFICATE OF POSTING

RE: Case No. 02-558-SPHXA
Petitioner/Developer:
Risan Corp., Benson Rice,
President
Hearing Date: 07/24/02

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

Attention: Mr. George Zahner

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 8601, 8611 Loch Raven Blvd. and 1600 White Oak Ave.

The sign(s) were posted on 07/09/02.

Diana Sugiuchi

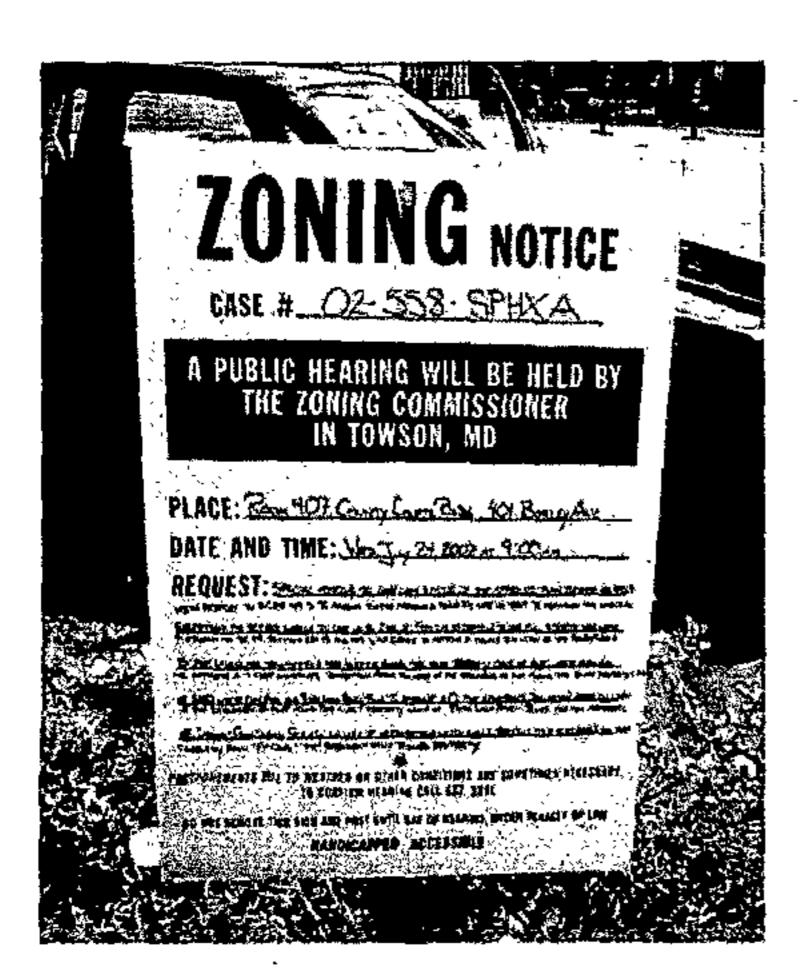
Sincerelly

Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668



# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Revised 2/20/98 - SCJ

TO:

PATUXENT PUBLISHING COMPANY Tuesday, July 9, 2002 Issue – Jeffersonian

Please forward billing to:

Dino La Fiandra, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Ave., Suite 400 Towson, MD 21204 410-832-2084

#### **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: 02-558-SPHXA
8601, 8611 Loch Raven Boulevard and 1600 White Oak Avenue
N/east corner of Loch Raven Boulevard and White Oak Avenue
9<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District
Legal Owner: Risan Corporation, Benson Rice, President

Special Hearing to confirm the status of the approved plan in case no. 4469, with respect to BCZR 419.5. To amend in the approved plan in case no. 4469. To abandon the special exception for service garage in case no. 86—270-X. Special Exception to use full service car wash, pursuant to BCZR Section 230.13 and 419. VARIANCE to approve a fence in lieu of the required 15-foot Landscape Transition Area/Buffer along the east property line of 1600 White Oak Avenue. To approve a 4 foot Landscape Transition Area in lieu of the required 10 foot along the south property line of 1600 White Oak Avenue and 8601 Loch Raven Boulevard. To approve a 0 foot Landscape Transition Area in lieu of the required 10 foot along the west property line of 8601 Loch Raven Boulevard. For the approval of Drying and Finishing Facility, in lieu of orientation which would prevent the entrance to the Facility from "facing" the residentially zoned property.

**HEARING:** 

Wednesday, July 24, 2002 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.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us
June 21, 2002

#### 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: 02-558-SPHXA
8601, 8611 Loch Raven Boulevard and 1600 White Oak Avenue
N/east corner of Loch Raven Boulevard and White Oak Avenue
9<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District
Legal Owner: Risan Corporation, Benson Rice, President

Special Hearing to confirm the status of the approved plan in case no. 4469, with respect to BCZR 419.5. To amend in the approved plan in case no. 4469. To abandon the special exception for service garage in case no. 86-270-X. Special Exception to use full service car wash, pursuant to BCZR Section 230.13 and 419. VARIANCE to approve a fence in lieu of the required 15-foot Landscape Transition Area/Buffer along the east property line of 1600 White Oak Avenue. To approve a 4 foot Landscape Transition Area in lieu of the required 10 foot along the south property line of 1600 White Oak Avenue and 8601 Loch Raven Boulevard. To approve a 0 foot Landscape Transition Area in lieu of the required 10 foot along the west property line of 8601 Loch Raven Boulevard. For the approval of Drying and Finishing Facility, in lieu of orientation which would prevent the entrance to the Facility from "facing" the residentially zoned property.

**HEARING:** 

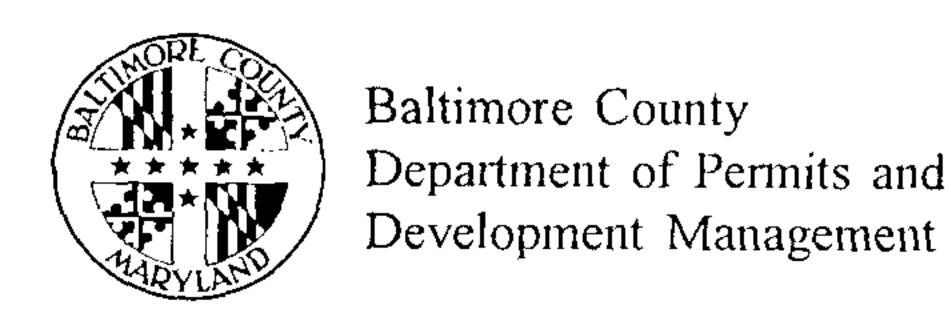
Wednesday, July 24, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon Director

C: Dino C. La Fiandra, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania, Suite 400, Towson 21204
Benson Rice, President, Risan Corp., 8120 Liberty Road, Baltimore 21244

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 9, 2002.

- (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.



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

July 19, 2002

Dino C LaFiandra Esquire Whiteford Taylor & Preston 210 W Pennsylvania Avenue Suite 400 Towson MD 21204-4515

Dear Mr. LaFiandra:

RE: Case Number: 02-5558-SPHXA, 8601 & 8611 Loch Raven Blvd & 1600 White Oak Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 10, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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, please do not hesitate to contact the commenting agency.

Very truly yours,

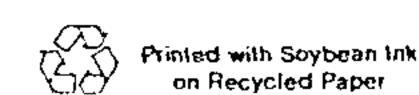
W. Carl Richards, Jr. 602

Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Benson Rice, 8120 Liberty Road, Baltimore 21244 People's Counsel





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

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

June 19,2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 17, 2002

Item No.: 558

Dear Mr. Zahner:

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.

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

cc: File

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** July 9, 2002

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For June 24, 2002 Item No. 558

The Bureau of Development Plans Review has reviewed the subject zoning item.

The office is not opposed to the requested Landscape Manual variances of 15-

foot setback.

From the alley and 10-foot setback against White Oak Avenue.

To mitigate the effect of these variances, this office asks that a condition be set to require an 8-foot-tall sound barrier/fence across the rear-alley side of the property. Also, a decorative fence/wall should be provided along the White Oak Avenue side.

Compliance with the Landscape Manual is required for the remainder of the site.

RWB:HJO:jrb

cc: File

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** July 9, 2002

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

8611 Loch Raven Blvd.

**INFORMATION:** 

Item Number:

02-558

Petitioner:

Benson Rice

Zoning:

BL-AS

Requested Action:

Variance

#### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not oppose the petitioner's request to add a drying and finishing facility to the subject site provided the following conditions are met:

- 1. The proposed drying and finishing facility should be relocated to the south side of the existing car wash as a building addition. The proposed location as shown, would greatly disrupt the existing traffic pattern and proposed uses on site.
- 2. Landscaping should be provided along Loch Raven Boulevard from the existing planter to the entrance to coincide with the existing streetscape. A landscape plan should be submitted to this office for review and approval prior to the issuance of any building permit.
- 3. An additional stacking lane should be provided on the east side to alleviate traffic congestion along Loch Raven Boulevard during peak hours.
- 4. Provide an eight foot high masonry wall (brick faced) along the alley.
- 5. Provide a three foot high masonry wall (brick faced) along White Oak Avenue north of the existing landscaping.
- 6. Provide parking for the detailing shop.

7. Provide curbing along the existing paving to control drainage from the site from spilling onto the existing sidewalks and planted areas and to control traffic movement.

8. The proposed site plan should be revised to reflect the aforementioned conditions. A copy of said revised plan should be made available to the LRCC for review and input. The person to contact for the LRCC is:

Donna Spicer 8719 Eddington Road Baltimore, Maryland 21234

Prepared by:

**Section Chief:** 

AFK/LL:MAC:



# Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 6-19-02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 558 JL

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 542 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

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



DATE:

July 19, 2002

TO:

W. Carl Richards, Jr.

Zoning Review Supervisor

FROM:

Rick Wisnom, Chief

Division of Code Inspections & Enforcement

SUBJECT:

Item No.: 558

Legal Owner/Petitioner: Benson Rice, President

Property Address: 8601, 8611 Loch Raven Blvd, 1600 White Oak Avenue

Location Description: N/east corner of Loch Raven Blvd. And White Oak Avenue

VIOLATION INFORMATION:

Case No.: 02-0088 & 02-0213

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

> Richard Calkins Public Works

Carl Robinson P.O. Box 42022

MS# 1201

Baltimore, MD 21284

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint Intake Form/Code Enforcement Officer's report and notes

Correction Notices

Photos

Code Enforcement Citation

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

#### RSW/lrs

c: Code Enforcement Officer Len Wasilewski

	E ENFORCEMENT REPO	) NPC
DATE: / / / O / O	2 INTAKE BY: CASE #: C 2 O	28 8 INSPEC: 14
COMPLAINT S	5/1 Loch Raver 15/11	d.
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COMPLAINANT Cicle	Calkins PHONE #: (H)	(m) 3034:
ADDRESS:		ZIP CODE: 2/284
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Depart....nt of Permits and Development Management County

Code Inspections and Enforcement 111 West Chesapeake Avenue County Office Buil.

A TE

Plumbing Inspection: Electrical Inspection:

410-887-3351

Building Inspection:

Code Enforcement:

Towson, MD 21204

410-887-3960

410-887-3620

410-887-3953

AGENCY

INSPECTOR

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT.

STOP WORK NOTICE

INSPECTOR

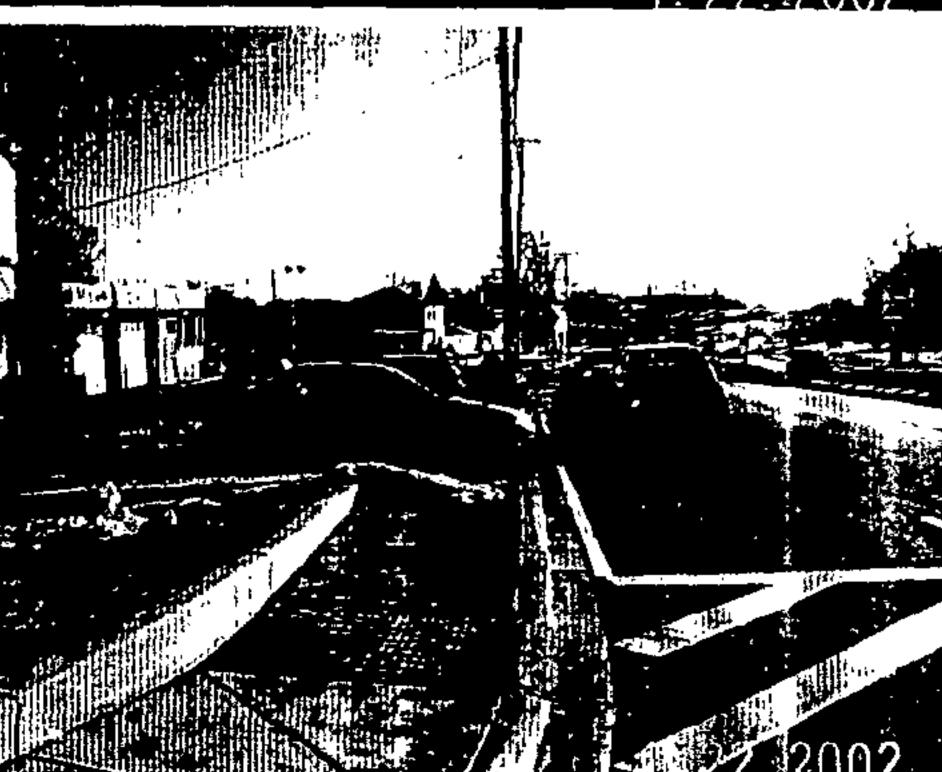
Print Name

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:

Date Issued:

Change 1: 22:2002



De 2801 Car

### COUNTY COUNCIL OF BALTIMORE COUNTY



### FAX TRANSMISSION

/4/02 mw

TO: Jim THOMSON-CE

DATE:

D-1-02

FROM:

The Honorable John Olszewski, Sr. North Point Government Center 7701 Wise Avenue Suite 262

Baltimore, Maryland 21222

NO. of PAGES (including cover page) //

SUBJECT: WHIZ CAR WASH PROBLEM

Contact Person: Doris Kuhar, Legislative Aide Con Phone Number: 410-887-7174

Fax Number: 410

410-285-7838

### lx:cdistrict7

From:

<webbox@home.com>

4102857<u>23</u>8

700

<martha\_klima@house.state.md.us>; <a\_wade\_kach@house.state.md.us>;

<bccdistrict1@home.com>; <bccdistrict2@home.com>; <bccdistrict3@home.com>;
<bccdistrict4@home.com>; <bccdistrict5@home.com>; <bccdistrict6@home.com>;

<bccdistrict7@home.com>

Con

<ridgeleigh@yahoo.com>; <webbox@home.com>; <andrew\_harris@sentate.state.md.us>;

<dlion@moe.state.md.us>; <dfehlehey@moe.state.md.us>

Scirit:

Wednesday, January 30, 2002 5:03 PM

Altreh:

1\_Whiz Car Wash Problem (Description 01-30-2002 500pm).doc

Subject:

"Whiz Car Wash [Corporation]...." (01-30-2002 5:01 pm)

DATE: 01-30-2002

RE: "Whiz Car Wash Problem"

Dear Delegates and Councilmen:

Herein, forwarding you a copy of information you should know about. Please is mail your speedy response on this matter(s).

co: - Andrew Clemens, Ridgeleigh Community Association

- Senator Andrew P. Harris
- Darwin Fehley & Dave Lion, MD Dept. of Environment

DATE:

Monday, 12-03-2001 06:01:42 p.m., EST

'TO:

Robert T. Burgess Chief, Bureau of Highways Baltimore County rburgess@co.ba.md.us

41*0*2857<u>93</u>8

Hall Franklin
Commission on Disabilities
1 Investment Place, Suite #800
Towson, MD 21204
410-887-3580 Vc
hfranklin@co.ba.md.us

R. Silverstone
Director, Customer Relations
MTA / Mass Transit Adminstration
State of Maryland
6 St. Paul Street
Baltimore, MD
410-767-8748 Vc
rsilverstone@mdot.state.md.us

Traffic Unit
Towson Precint Office
Baltimore County Police
410-887-2361 Vc
410-887-2360 Fx

FROM:

C. Robinson

webbox@home.com

RE:

"Whiz Car Wash Problem (Description)"

Construction Upgrade of the road, curbs,...and sidewaks along Loch Raven Boulevard between Purty Hill and Jorpa Road have recently been finished. The Loch Raven reconstruction contractor for the section of Loch Raven Boulevard south of Putty Hill has moved most of his crews to a lower section of Loch Raven Boulevard

Recently a new car exit way and side-walk replaced were upgraded in front of the Whiz Car Wash (8611 and 360) Loch Raven Boulevard). Wax build-up, from cars exiting the Whiz Car Wash, becamae too sleppery to walk through by anyone, even on a hot, dry day. The Whiz Car Wash refused to do anything about this problem until the situation was reported to EPA/OSAHA area representative office for Baltimore County. This condition ran from the Whiz Car Wash car exit doors, across the side walk and into Loch Raven Boulevard.

In the wake of the construction, several problems have arisen or persisted:

1. The Whiz Car Wash:

8611 Loch Raven Blvd Baltimore, MD 21286-2305 410-668-4511 Vc

4102857238

The car wash management avoids operating in a manner which is safe to the immediate or Loch Raven community, as follows:

A. When cars are finished in their facility, they run them out of the building and into the edge of the street — to the extent that the front bumpers, and front wheels, of the cars protrude into outer lane of Loch Raven Boulevard. Th cars are strattle the side-way ways in the same area, blocking pedestrians into the middle of the outer lane of Loch Raven Boulevard or between the cars, position and the the 1½ - 2 car length space behind the cars and the exit from the Whiz Car Wash. When this latter path is slipper, the only option is into the street, around 2 to 4 cars protruding into the Loch Raven Boulevard.

For the pedestrians, non-handicapped, disabled or senior citizens, walking into oncoming traffic is the only option – unless something changes. This was pointed out to Whiz Car Wash several times, on site, and, and attempts were made to reach the owner to explain same,

- B. Some pedestrians coming to this location are waiting, arriving or getting off of Northbound MTA buses. Mixing with pedestrians passing North and South, as well as drivers recovering their cars at Whiz Car Wash, and multiple crews finishing up cars at the Whiz Car Wash, this intersection, on this corner and the side-walk off the exit-way (for cars coming out of the Whiz Car Wash, 3 4 cars wide), sometimes leaves people distracted by approaching cars, trucks, and buses. Here in is why it was recommended to the parties reviewing Loch Raven Boulevard at the Whiz Car Wash, that the exit point of cars coming out of the Whiz Car wash be changed from its present location to that point immediate Next to or North of the entrance point for cars coming into the Whiz Car Wash. Here, the Whiz Car Wash should provide a person to: (solution results)
  - 1) Coordinate cars entering and exiting the car wash from in the North bound outer lane of Loch Raven at 8601 Loch Raven Boulevard;
  - 2) Prevent near-miss accidents and traffic [line] built-ups in the North bound outer lane of Loch Raven at 8601 Loch Raven Boulevard;
  - 3) Keep the outer North lane of Loch Raven Boulevard open
  - 4) Keep the side-walk open for North and South bound pedestians, outside of wax build-up areas, and away from the turning cars at the corner of Yakona and Loch Raven; and

4102857228

5) Keep the North bound Loch Raven (#3 Cromwell and Sheppard Pratt buses) from Becoming crowded with pedestrians, cars, buses and other vehicles.

The MTA bus sign, for the corner of Loch Raven Boulevard and Yakona, is supposed to be up and in the ground for MTA riders and bus drivers. This is the last stop for blocks further, which disabled riders need. The sign was taken down by the Loch Raven Boulevard reconstruction contractor...), and not put back up. This sign has been placed behind a curb on the northeast corner on the property of the Whiz Car Wash. The managers there were notified of such but ignore the need for its being put back up

C. At times, vehicles coming into and out of this car wash are disorganized in a manner which is confusing to both pedestrians and vehicles passing through the area – endangering the safety of both.

At this point, people now walk around cars protruding into the street into the path of cars, trucks and MTA buses. All people in this area, especially people driving out of the car wash, are not aware of their cars strattling into Loch Raven Boulevard. Often blindly pulling into oncoming traffic and crossing pedestrians, like from a fifth entry point, the immediate intersection and cross-walks of Yakona and Loch Raven Boulevard are a nightmare for drivers and pedestrians [safety, property and person are put at unnecessarily put at risk].

Traffic coming up and down Loch Raven Houlevard, especially now that the road black top has been completed, come through this area at higher speeds than before, leaving even less margin for reaction to cars and pedestrians coming out of or through and from the Whiz Car Wash. There have been a number of accidents, near misses...at in this area because drivers and pedestrians hesitate or wrongly guess/second-guess what everyone else is doing. With the intrusion of vehicles and pedestrians, without someone from Whiz Car Wash ensuring their traffic enters the road safely, anyone, driver, bus riders or pedestrians could be seriously hurt.

- In talking to a Maryland MTA/Mass Transit Adminstration sign placement employee, today, The responsibility of 1.B. may be the responsibility of the contractor who did the road upgrades on Loch Raven Boulevard at the Whiz Car Wash location. Even if such is so, the MTA should have coordinated with the contractor in the re-positioning of the signs, back to the road side, as the curbs have drastically changed (i.e., there appears to be curb ports in which the MTA buses could pull into, out of main-lane traffic). If such is so, then the signs along many locations of the upgraded Loch Raven Boulevard are not up or in the best location for riders or bus drivers.
- Under Federal ADA (American Disability Act) regulations, regarding 1. And 2., presently the needs of those of us which are disabled are being ignored, to date.

Year respective offices need to close the gap between your projects and when things are put back in order for the community with the merchants in our area. Whiz Car Wash management has refused to look into

4102857238

the matter for itself and the community/pedestrians. They did not understand that if a car or bus hit a car promating into the road, that several cars and pedestrians could be seriously injured, probably killed.

In voiting this letter to you, I have tried to reach the owner of Whiz Car Wash, Ben Rice (example, called, 11-26-2001 12:58:39 P.M.,...), to discuss the situation in a neighborly manner ("a neighborhood of residents and businesses"). I was only allowed to leave messages for Ben Rice over the last couple of wasks, with no response. I briefly discussed the matter with parties who identified themselves as managers at the location, and they thought it was a joke. I have also approached a group of officials who last week were in the middle of discussing or reviewing Loch Raven Boulevard or the block the Whiz Car Wash is located.

In view, that the Whiz Car Wash organization has reported acquired the 8601 Loch Raven Boulevard; and, that their organizations is considering the opening of a car detail shop (i.e., a full block vehicle and procestrian confusion potential based on their current policies and practices), that things change, now especially for the disabled/handicapped using the MTA buses and the immediately effected sidewalks.

Please act on the above noted areas as soon as possible. Please sent information on your actions/solutions to 'velibox@home.com".

co: Ben Rice

Monday, 12-03-2001 06:01:42 p.m., EST

Owner

Whiz Car Wash

410-922-5158 Vc

(Last attempt: 01-29-2002)

410-521-9852 Fx

David Ramsey

(Friday, 12-13-2001)

Assistant District Engineer, Maintenance State Highway Administration 2323 W. Joppa Road Brooklandville, MD 21022

410-321-2761 Vc

dramsey@sha.state.md.us

Mrs. Worfield 911 Operator Baltimore County 911 410-887-2125 Vc (Thursday, 01-03-2001. 1:20~pm)

Jim Thompson

(Thursday, 01-03-2001. 1:25~pm)

RE: 8611 Loch Raven Blvd

Leonard Wasileduski

(Tuesday, 01-2902002)

RE: 8601 & 8611 Loch Raven Blvd Cited (22-0088,...)

Code Enforcement

Department of Permits & Development Management

Baltimore County
111 West Chesapeak Avenue
Towson, MD 21204
410-887-5681/8094 Vc
410-887-2824 Fx

4102857238

Gradeton Tobry, Construction State Highway Administration 2323 W. Joppa Road Brooklandville, MD 21022 410-321-2821 Ve gtobery@sha.state.md.uis (Thursday, 01-03-2001, 2:30~pm)

Donna Spicer

Loch Raven Community Council

(Thursday, 01-03-2001, 2:30~pm)

**In-Person** 410-665-4322 Vc

410-686-0569 Fx

Andrew Clemens

Ridgeleigh Community Association

(Thursday, 12-27-2001, 7:00~pm)

ridgeleigh@yahoo.com

410-661-2741 Vc

Ofcr Captain Meeks-Hall Ofcr Corporal Parks

Towson Police

(Tuesday, 01-29-2002)

Ref.: 2 accidents and multiple near vehicle-pedestrian close calls

410-887-2361 Vc

Darwin Fehlehey, Chief
Dave Lion, Inspector
Regional Enforcement Unit
Maryland Department of Environment
410-631-3510 Vc
dlion@moe.state.md.us

(Tuesday, 01-29-2002)

David Wolf

Buyer, Purchasing

Baltimore County

410-887-2265 Vc

(Tuesday, 01-29-2002)

**RE:** Bid #40790

Whiz Car Wash Corportion Vendor #520715368-00 410-922-5158

Senator Andrew P. Harris

(Wednesday, 01-30-2001. 9:45~am)

In-Person

Delegate Martha Klima

(Wednesday, 01-30-2002, 5:00 pm)

martha\_klima@house.state.md.us

410-841-3359 Vc

RE: Investigation and Reply Requested

Delegate A. Wade Kach

(Wednesday, 01-30-2002, 5:00 pm)

a\_wade\_kach@house.state.md.us

410-841-3359 Vc

Request:

E-mail reply on matter to webbox@home.com by/before 02-07-2002

"Subject: Whiz Car Wash"

Council Chairman John Osheski (Overlea)

(Wednesday, 01-30-2002, 5:00 pm)

Baltimore County Council

bccdistrict7@home.com 410-887-3396 Vc

Request:

E-mail reply on matter to webbox@home.com by/before 02-07-2002

"Subject: Whiz Car Wash"

RE:

- Code Enforcement (Citations 22-0088,...)

- BaltoCo [Bid] #40790

Councilman Sam Moxley (Catonsville)

(Wednesday, 01-30-2002, 5:00 pm)

Baltimore County Council

bccdistrict1@home.com 410-887-3196 Vc

Request:

E-mail reply on matter to webbox@home.com by/before 02-07-2002

"Subject: Whiz Car Wash"

RE:

- Code Enforcement (Citations 22-0088,...)

- BaltoCo [Bid] #40790

Councilman Kevin Kamenetz (Pikesville,

Randalistown)

(Wednesday, 01-30-2002, 5:00 pm)

Baltimore County Council

bccdistrict2@home.com

410-887-3196 Vc

Request:

E-mail reply on matter to webbox@home.com by/before 02-07-2002

"Subject: Whiz Car Wash"

RE:

- Code Enforcement (Citations 22-0088,...)

- BaltoCo [Bid] #40790

Councilman Brian McInterce (North County)

(Wednesday, 01-30-2002, 5:00 pm)

Baltimore County Council

bccdistrict3@home.com

410-887-3196 Vc

Request:

E-mail reply on matter to webbox@home.com by/before 02-07-2002

"Subject: Whiz Car Wash"

7

RE: - Code Enforcement (Citations 22-0088,...)

- BaltoCo [Bid] #40790

Councilman Wayne Skinner (Towson)

410285 \_\_\_\_\_8

(Wednesday, 01-30-2002, 5:00 pm)

Baltimore County Council bccdistrict4@home.com 410-887-3196 Vc

Request:

E-mail reply on matter to webbox@home.com by/before 02-07-2002

"Subject: Whiz Car Wash"

RE:

- Code Enforcement (Citations 22-0088,...)

- BaltoCo [Bid] #40790

Councilman Vince Gardina (Perry Hall &

N.E. County)

(Wednesday, 01-30-2002, 5:00 pm)

Baltimore County Council bccdistrict5@home.com

410-887-3196 Vc

Request:

E-mail reply on matter to webbox@home.com by/before 02-07-2002

"Subject: Whiz Car Wash"

RE:

- Code Enforcement (Citations 22-0088,...)

- BaltoCo [Bid] #40790

Joe Bartenfelder

(Wednesday, 01-30-2002, 5:00 pm)

Baltimore County Council bccdistrict6@home.com

410-887-3196 Vc

Request:

E-mail reply on matter to webbox@home.com by/before 02-07-2002

"Subject: Whiz Car Wash"

RE:

- Code Enforcement (Citations 22-(088,...)

- BaltoCo [Bid] #40790

Attached:

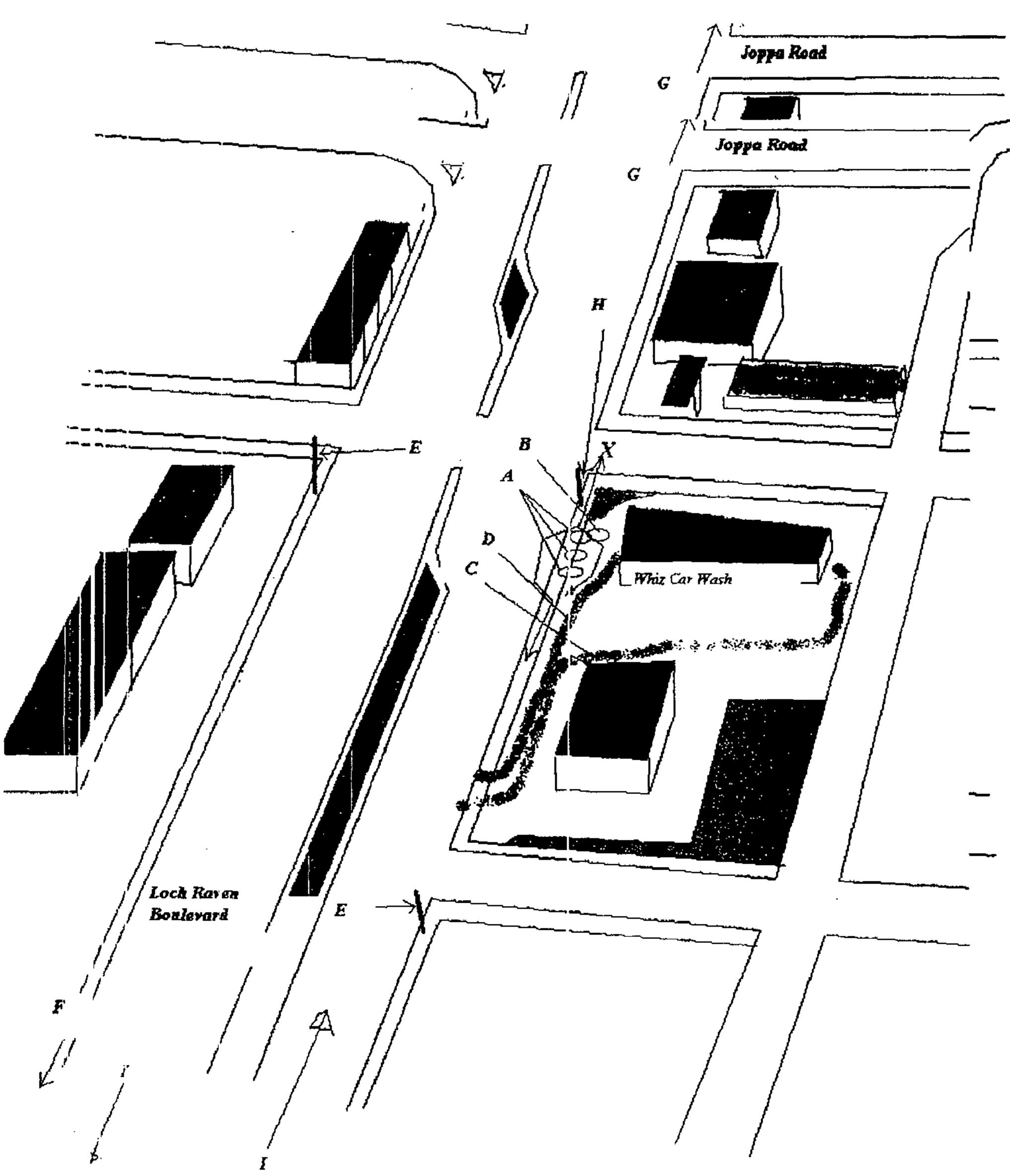
Pages 5 and 6 are represent detailed drawings of the problems discussed above.

in a tha\_klima@house.state.md.us,a\_wade\_kach@house.state.md.us,bccdistrict1@home.com,bccdistrict2 @l cmo.com,bccdistrict3@home.com,bccdistrict4@home.com,bccdistrict5@home.com,bccdistrict6@house.com,bccdistrict7@ridgeleigh@yahoo.com,webbox@home.com,andrew\_harris@sentate.state.md.us,dlicr@moe.state.md.us,dfehlehey@moe.state.md.us

### Whit Car Wash Location/Map Guide: (Pages 5 & 6)

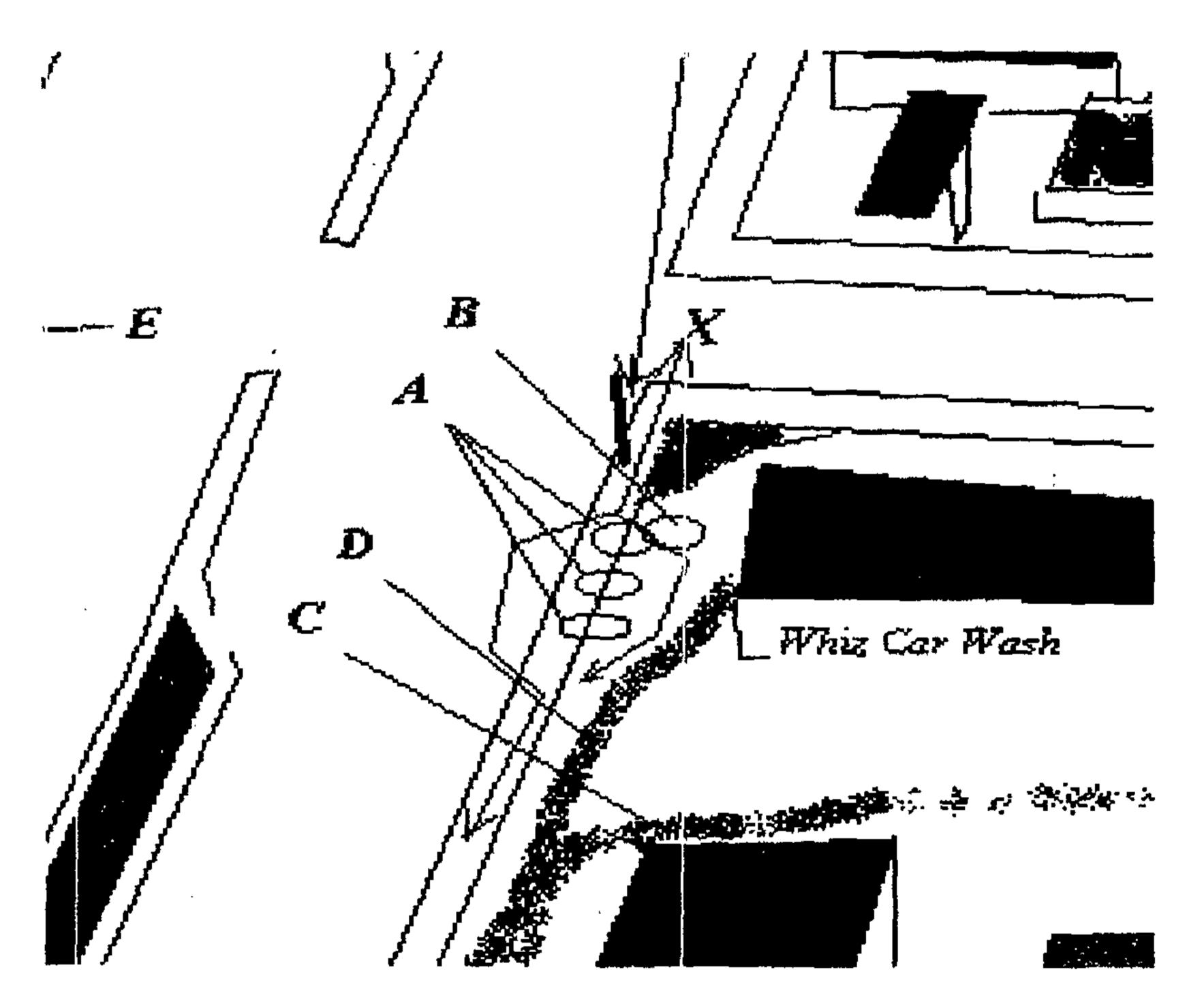
- X Pedestrian Traffic in front of Whiz Car Wash
- A Present Pick-up point (run onto Loch Raven and blocks Pedestrian of sidewalks, into traffic on Loch Raven or into operations of Whiz Car Wash were cars exit Whiz Car Wash.)
- B Recommend Pick-up point (back from Loch Raven and not blocking Pedestrian sidewalks)
- C Present entry and path into Whiz Car Wash
- D Recommended secondary path for cars exiting Whiz Car Wash
- E MTA bus stop at this location
- F Next MTA stop which is located about two blocks South of this location at Mussula and 8500 block of Loch Raven Boulevard
- G MTA Bus stop which is one block North of Joppa Road
- H MTA Bus Sign, laying along North side of Whiz Car Wash which needs to be put back in this location.
- I Loch Raven Road Traffic, South
- I Loch Raven Road Traffic, North





### Chose-Up View:

13



RA1001B

DATE: 02/04/2002 STANDARD ASSESSMENT INQUIRY (1)

TIME: 09:36:43

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE 09 19 850851 09 2-1 06-00 N NO 12/12/01

RISAN CORP DESC-1.. IMPSPT LT 198,199

DESC-2., RIDGELEIGH

8120 LIBERTY RD PREMISE, 08601 LOCH RAVEN BLVD

00000-0000

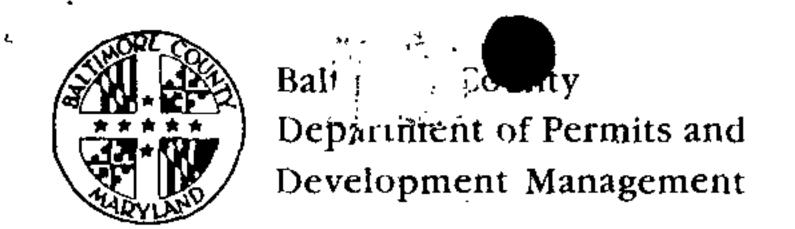
BALTIMORE MD 21244-0000 FORMER OWNER: SUN OIL CO

---- FCV ---------- PHASED IN -----PRIOR PROPOSED CURR CURR PRIOR LAND: 205,200 205,200 FCV ASSESS ASSESS 65,000 65,000 IMPV: TOTAL.. 270,200 270,200 270,200 270,200 270,200 TOTL: PREF... PREF: CURT... CURT: EXEMPT.

DATE: 10/98 08/01

--- TAXABLE BASIS --- FM DATE 02/03 ASSESS: 270,200 11/17/01 01/02 ASSESS: 270,200 06/01/01 00/01 ASSESS: 107,570 06/01/00

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF



Code Inspiration 'd Enforcement County Office Building 111 West Chesapeake Avenue Towson, MD 21204

Code Enforcement:

410-887-3351

Plumbing Inspection:

410-887-3620

Building Inspection:

410-887-3953

Electrical Inspection:

410-887-3960

### BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Zoning: Citation/Case No. Property No. 05-0088 Name(s): SIZO Liberta Rd Address: Violation 21234 Location: Violation Dates: BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOVE-NAMED PERSON(S) DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS: 41290 struction 500.C 21.10 Pursuant to Section 1-8, Baltimore County Code, a civil penalty has been assessed, as a result of the violation cited herein, in the amount indicated: A quasi-judicial hearing has been pre-scheduled in Room 116, Date: 111 West Chesapeake Avenue, Towson, Maryland, for: Time: 7' AM Citation must be served by: Date: I do solemnly declare and affirm, lunder the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief. Print Name: Inspector's Signature

NOTICE OF INTENTION TO DEFEND

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

## BALTIMORE COUNTY, MARYLAND Interoffice Correspondence

DATE:

February 6, 2002

TO:

John Olszewski, Sr.

Council Chairman

FROM:

James H. Thompson-

Code Inspections and Enforcement Supervisor

RE:

Whiz Car Wash

8611 Loch Raven Boulevard Carl Robinson – Complainant

In response to Carl Robinson's 11-page fax to several elected officials, the Bureau of Code Enforcement does have an active citation case against the subject property.

In Citation Case No. 02-0088, both the property owners Reuben and Sara Rice and Whiz Car Wash Corporation are confronted with a quasi-judicial hearing scheduled for March 27, 2002 at 9:00 a.m. in Room 116 of the County Office Building. Each party is facing a potential civil penalty of \$9000. They have been charges with:

- Erection of prohibited portable signs
- Failure to comply with the site plan
- Obstructing the sidewalk

Lastly, code enforcement also has another violation case filed by Mr. Robinson against 8601 Loch Rayen Boulevard. In Case No. 02-0213, the Risan Corporation has been given until February 25, 2002 to:

- Remove all portable signs
- Cease the operation of a car wash unless a special exception is obtained
- Comply with the original site plan in Special Exception Case No. 86-270-X by installing a barrier between this site and the 8611 Loch Raven Boulevard property.

In each matter, Inspector Len Wasilewski has kept Mr. Robinson updated of action we have taken on his behalf.

I will request that the Director of Environmental Protection and Resource Management, David A.C. Carroll have a member of his staff investigate each property for possible violations of their code and update your office of their findings.

JHT/hek

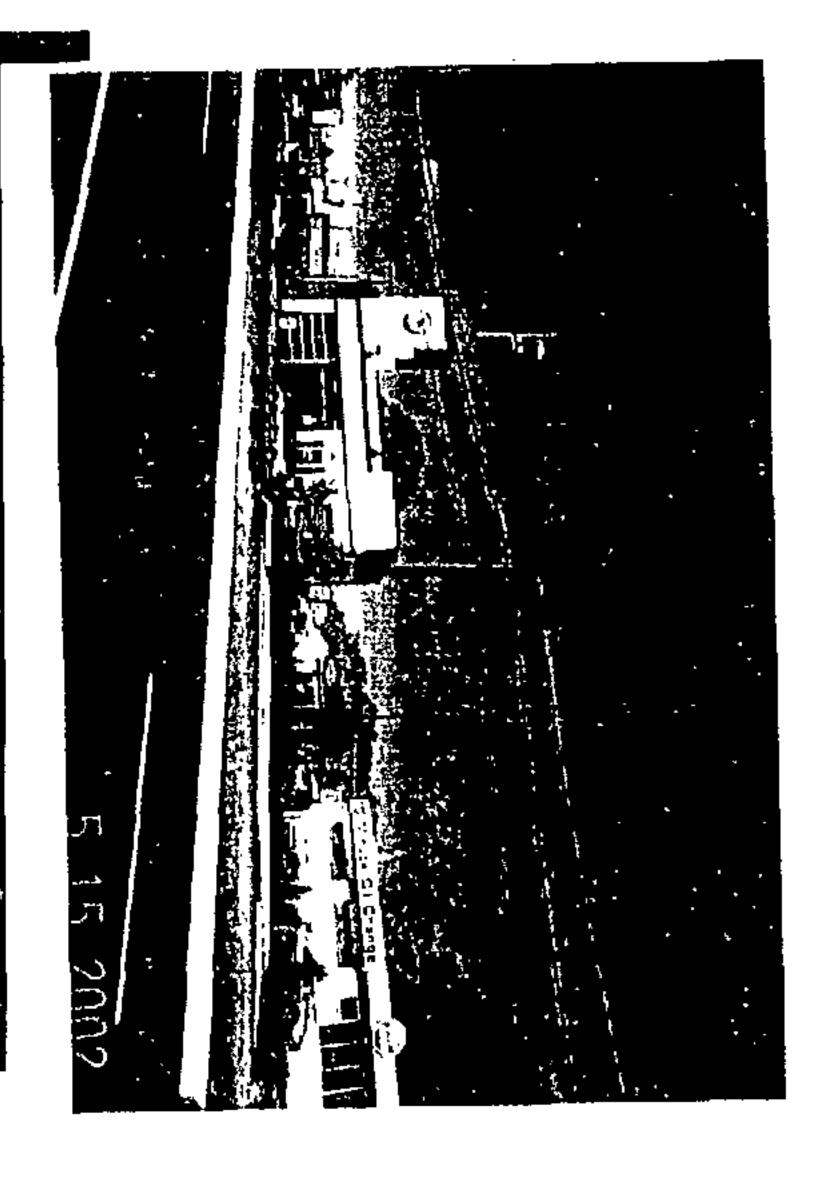
# PHOTOGRAPHIC RECORD

Citation/Case No.:

Date of Photographs:

70





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11/14/00

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aching Commissioner of Baltimore County

Upon no ding on petition for a special exception to use the property described the rein for an Automobile Laundry and it appearing that by reason of location, the safety and general welfare of the community and not being detrimentally affected and no traffic hazard being created, the said petition should be granted.

This property is presently zoned "P.L." . It is opposite a lauration ervice of a auxiliar appears that improper site development and screening affect the properties across the alley, all erect a fence of the ranch type and import & in everyone regular that profice of the property adjoining

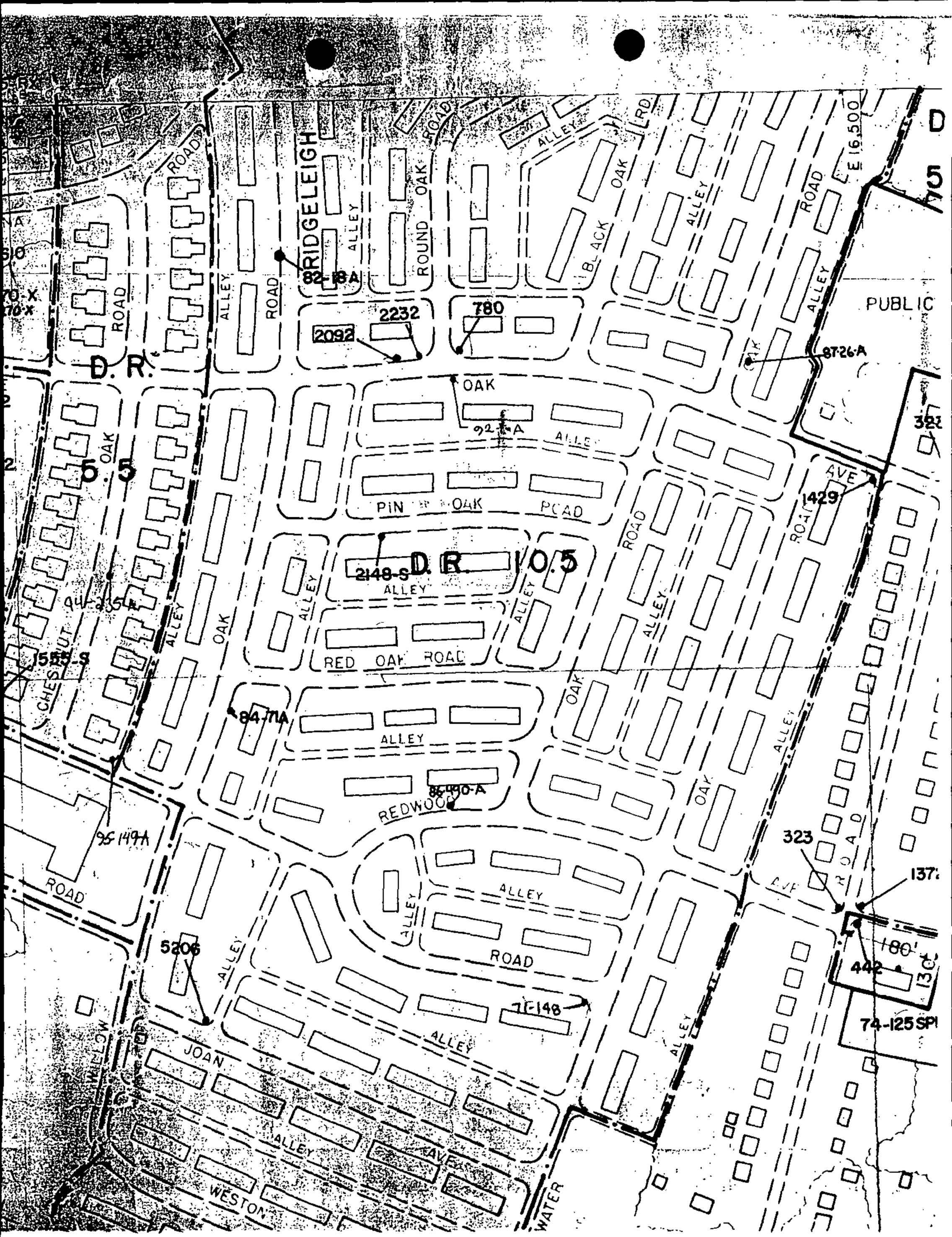
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# 44153-1

Ex. Comm 2 E. THE 4 MEDIAN DIRY Mote: Curb tobe.
Deposes of At R. 2,113.45 101:45 .1O' 50 , ,\_\_\_\_ **\*\***\*\*> That saying their



\* 4469 - A

### PETITION FOR SPECIAL EXCENTEDN

IN THE MAINTER OF

PEFCRE THE 2 JULY OF THE PART HER OF FARTINGES COUNTY

Phillip .. Lamb & z. Waugh Dunning

For a Special Exception

To The Zoning Commissioner of Baltymere County

Phillip E. Lamb & E. Waugh Dunning t/a Legal Cuner 3
Dunning & Lamb

Maurice Sandler & Reuben Rice

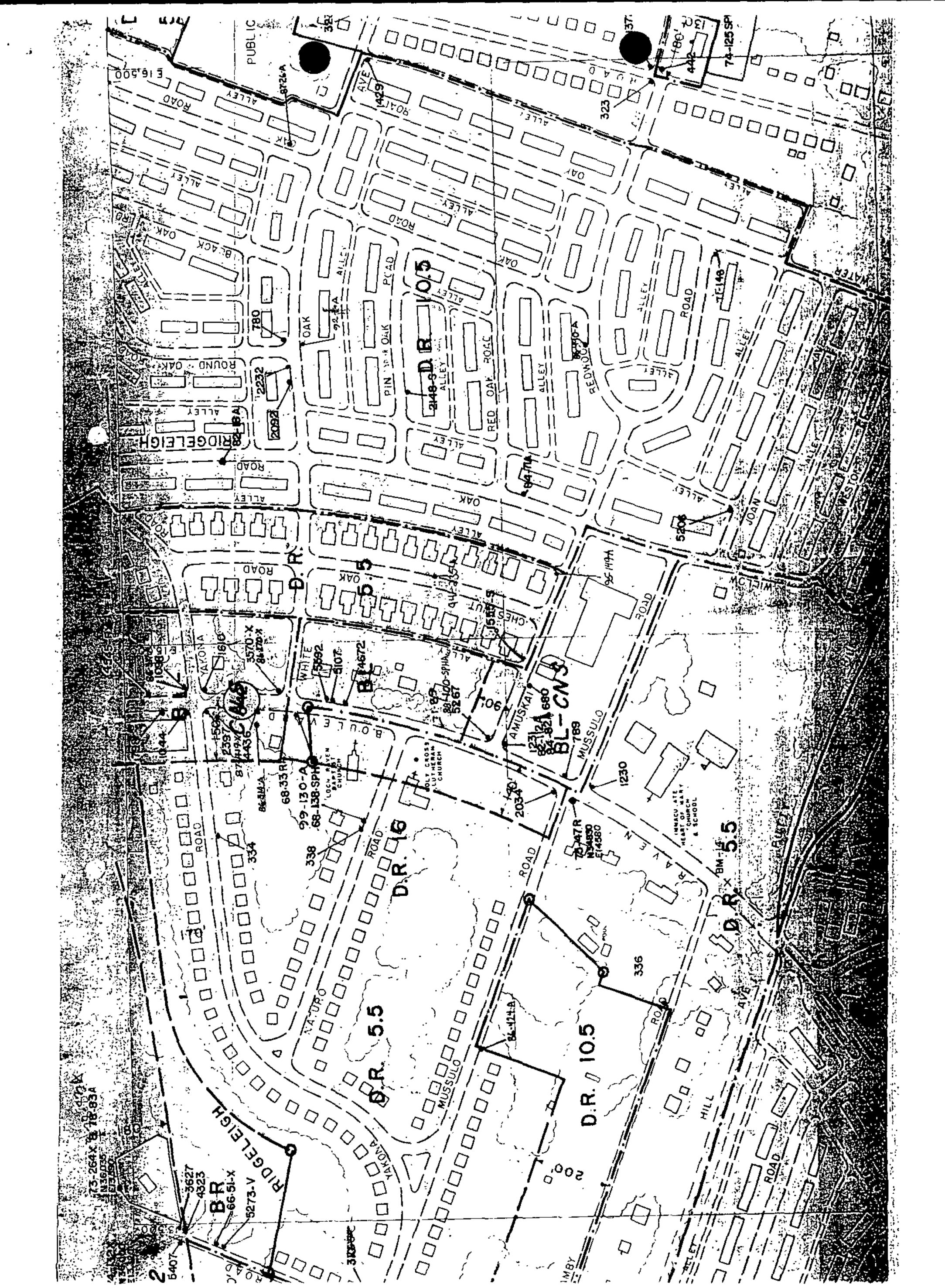
Contract Purchaser

hereby petition for a Special Exception, under the Foning Regulations and Hestrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the Jeneral Assembly of Maryland of 1943, for a certain permit and use, is provided under said Regulations and Act, as follows:

A Special Exception to use the land (and improvements now or be erected thereon) hereinafter described for an Automobile Laundry

All that parcel of land in the Minth District of Editione County on the Joutheast corner of Loch Raven Boulevard and Ye one toad; thence So the Planting on the Sast side of Loch Raven Boulevar' 100 feet; thence South opens 09 minutes East 173.50 feet; thence Worth is boutes 51 minutes for the South side of Yakona Abad; thence we termy and trail for all all file of Yakona Abad; thence of large minutes.

SE comper of L





7/16/32

### FACSIMILE COVER PAGE

Balto Co Leonard Wasil To:

04-02-2002 at 04:22:00 p.m.

Pages: 2 (including Cover)

From:

Sent: Subject:

FW: Whiz Car Wash Postpment Request Ltr., Code Enforcement Rescheduling Noti-

DATE: Tuesday, 04-02-2002

Donna Spicer TO:

LRCC

410-668-0569 Fx

Leonard Wasilewski Code Enforcement Baltimore County 410-887-2824 Fx

Laura Beitman NorthEast Reporter 410-337-2490 Fx

Recepients, Please Note:

have just received a copy of a letter from Whiz Car Wash's attorney [to Baltimore County Code Enforcement's Hearing Office] and a letter/notice of postment of the 27th March hearing from Baltimore Code Enforcement Hearing Office (Kitty) authorizing a postponement of the hearing to June, 26th, 2002, 9:00 am.

As I am the filing plaintant in this matter, and per my filing issues concerning the protetion of ADA rigths was noted, these two areas are not meantioned/acknowledged in the communications and actions by Baltimore Count and Whiz Car Wash Corporation, et. al.

On the face of this matter I feel representation of the interests of the filing plaintant (and ADA) are being side-stepped and in conflict with the Whiz Car Wash stated intent (to avoid acknowledgement of its violating anything), as Mr. Rice's organization has chosen to ignore the existance of plaintiff and ADA rights since 12/2001

If these areas are not explicitly covered and acknowledge as having been violated by Whiz Car Wash, these issue could have to be finished up or persued on behalf of filing plaintant with the U.S. DOJ against MD, Balto Co and Whiz Car Wash. if Whiz Car Wash is not found in violation of Citation/Correction-Order #02-0088 and #02-0088, (and #02-0213), and fined to some respectible degree, for the months or ignoring same while the pedestrians and drivers of our area were willfully in jeapardy and ignored by Whiz Car Wash managers and Mr. Benson Rice, specifically (i.e., 59 years of operations to 02-27-2002)

If businesses are cited for cause, and operate without penalty or without acknowledgement of their violations as having don a so and denied acknowledged and penalty which means something of such [as by Whiz Car Wash has done and may be found], then this situation can arise again because it was not serious when it occurred.

did not commit nor come all this way through my personal loss of resources to do complete things in correctly, for naught, half-way or to further weakening the publics guidelines and interest(s).

On on leve, personal, today, I have contacted Mr. Rice's attorney, in lieu that Mr. Rice has never to date contacte me, nor had his attorney to so. This my personal effort, after the fact, to talk to Mr. Rice directly, and informally; t treat him as though he exist like the rest of us. I have asked that Mr. Rice's attorneys office inform him to himself and alone call me at my home number, before the end of this week. At this time and in view of the facts registered with everyone, and in view of what Batlimore County Code Enforcement may not be concerned with, I feel it is time to consider bring in the DOJ or an attorney to make sure the interests of plaintiff's, potentially future plaintiff's/complaintiff's, and ADA are not deminished further.

I feel, in view of the record, and this document from Mr. La Fiandra, in representation of Whiz Car Wash, that Mr. Rice intends to try to close this may by meeting conditions requested [Bat Fre Co agenda] without responsibility for hardships and researces lost to bring this matter to this ends, per my filings,..., without repsonsibility to the same parties and community. This would set a bad template for future businesses. It is my fear that Baltimore County my be more interested in having Whiz Car Wash complete what it needs for the Loch Raven Improvement Project, without balance matters for the damages done to the community, complaintiff, business perceptions of operations responsibilities to the public and customers, and ADA regulations.

I am in fear that the Baltimore Code Enforcement Hearing Office will be used rubber-stamp this matter, releasing Whiz Car Wash without slapping its hands with even a minor fine for keeping the public in jeapardy for months -- ignoring thier full responsibilities of recognizing of the existence of plaintiff right of existence and rights, and that ADA law was being violated for a significant period.

Therefore, if these cases effectively become a wash of the filing parties and reasons this matter was walked through and filed with the State of Maryland and Baltimore County (Code Enforcement), then resources will continue to be lost or waisted in similar/same future business-community-individual incidents while endangering people and property.

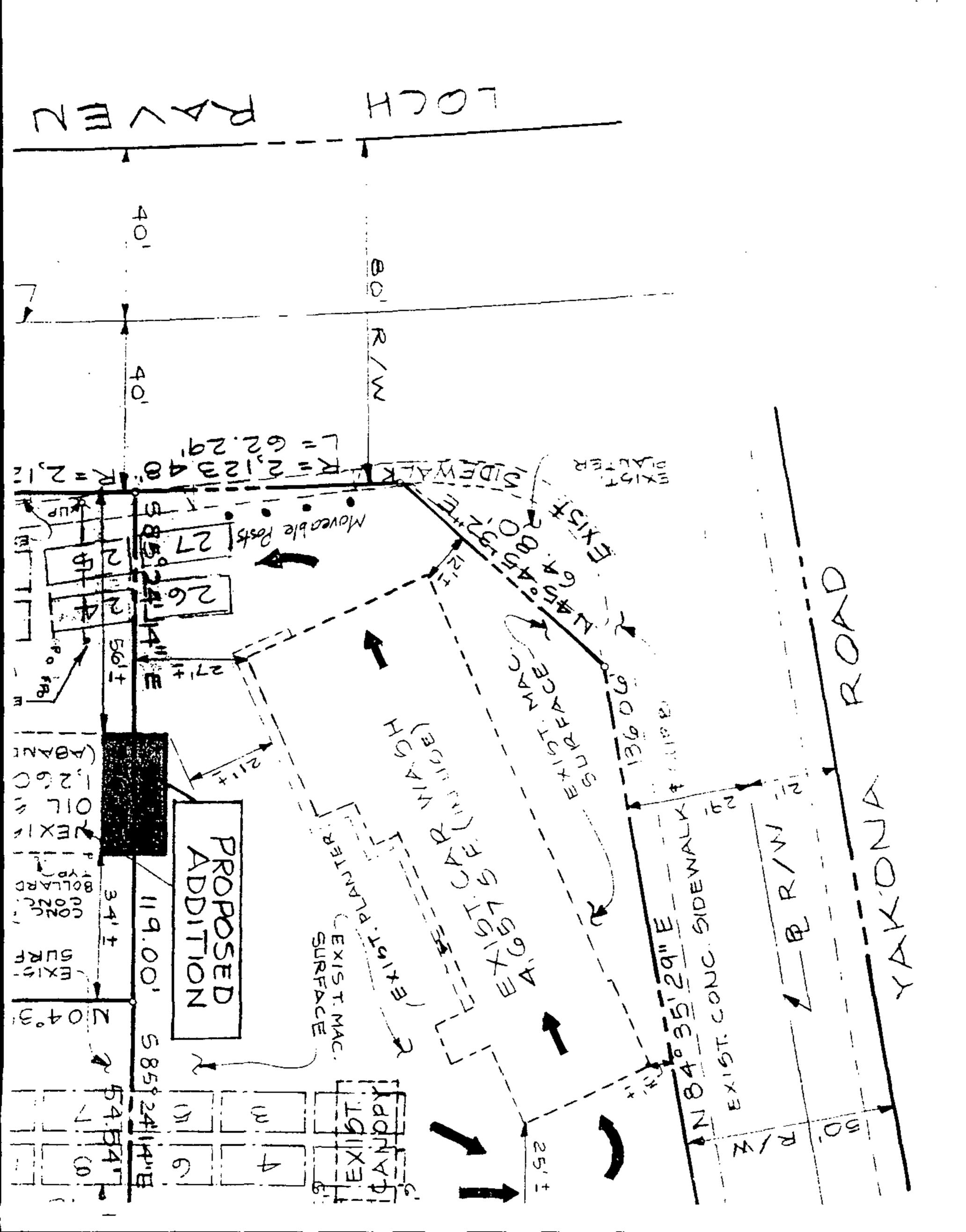
Therefore, f Whiz Car Wash is not found to be in violation of notices, with a commitment to not to violate same again later, per citations/correction-orders noted above, and they are not fined to some reasonable degree, it will minimally be necessary to continue this matter in a higher venue -- US DOJ/ADA -- to complete the interests indicated. Bottome line, Baltimore County and Maryland need to respect and represent the persons/publics and organizations interests equally and fairly -- in action and outcome.

Carlton Robinson 410-663-2578 Vc

cc: - Whiz Car Wash Complaints (EduQuests)

07-713 1-20 BAND TEIXE CURB L=14.82. 6 v 6 v <u>.</u>⊘€ • ? 080 H∃ • ହ 964 964 Ş 2 EXIST OLANTER, 91 52 125 AM R/W ,09

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### PHI TOGRAPHIC RECC RD

Citation/Case Number:	02-041)	
Date of Photographs:		







Balt' e County Depa....ient of Permits and

Development Management

Code Inspections and Enforcement County Office Bu 111 West Chesapeake Avenue Towson, MD 21204

**AGENCY** 

Code Enforcement:

Building Inspection:

410-887-3351

410-887-3953

Plumbing Inspection:

Electrical Inspection:

410-887-3620 410-887-3960

### BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No.  B 2 - 0213  Property No.  09 19 8	50851 Zoning: BL-AS
Name(s):	
t. " TISAN CRP	R/A KISAN, INC
3. Rice 18120 Liberty	Kd Christopher Santos
Address: BAHO. Ma. ZIZ	44 Baito Mid. 21230
Violation Location: S(a)   Coch   Poor	n 121.1 7.12.11
UNITED TO CONTINUE	<del></del>
	OLLOWING BALTIMORE COUNTY LAWS: _419.1; 450.6.A.(i)(3)(7):508.6.500
11	
1. Cease the oper	
	special exception for
	BL-ASZONZ
Cerse stacking An	el deinine.
2. Kenova Allogo	
3 NOW COMPLANS	2 with REPROVED
Site Plan dat	ed 12/18/85 from
SORUCE APRACE SPE	cial exception 36-270x
Instate BARRIOR	Well between
properties.	
BCC 26-121-A	31-8
YOU ARE HEREBY ORDERED TO CORRECT THE	SE VIOLATION(S) ON OR BEFORE:
On or Before: 2/25/02	Date Issued: 1 33 02
	TATED IS A MISDEMEANOR. A CONVICTION FOR
VIOLATION, DEPENDING ON VIOLATION, OR 90	TIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER
Print Name    As,   Ca)	
INSPECTOR:	66
STOP WO	RK NOTICE
	ING VIOLATIONS, YOU SHALL CEASE ALL WORK
	ND/OR PROPER PERMITS OBTAINED WORK CAN
THESE CONDITIONS MUST BE CORRECTED NO	ON OF CODE INSPECTIONS AND ENFORCEMENT. OT LATER THAN:
Not Later Than:	Date Issued:
· · · · · · · · · · · · · · · · · · ·	
INSPECTOR:	•

Go Back View Map

New Search



### **Maryland Department of Assessments and Taxation BALTIMORE COUNTY** Real Property Data Search

**Account Identifier:** 

District - 09 Account Number - 0919850851

**Owner Information** 

Owner Name:

RISAN CORP

Use:

Principal Residence:

COMMERCIAL

Mailing Address:

8120 LIBERTY RD

**BALTIMORE MD 21244** 

**Deed Reference:** 

1) / 5722/ 477

2)

NO

**Location & Structure Information** 

**Premises Address** 

Zoning

**Legal Description** 

8601 LOCH RAVEN BLVD

BL

PT LT 198,199

RIDGELEIGH

Мар Grid 70 18

Parcel 424

Subdivision

Section

Block

Lot

1<del>9</del>8

Group 81

Plat No: **Plat Ref:** 

10/ 127

**Special Tax Areas** 

Town Ad Valorem Tax Class

**Enclosed Area** 

**Property Land Area** 

**County Use** 

1956

**Primary Structure Built** 

1,288 SF

12,648.00 SF

06

**Stories** 

**Basement** 

Type

**Exterior** 

**Value Information** 

	Base	Value	Phase-in Assessments	
	Value	As Of	As Of	As Of
		01/01/2002	07/01/2001	07/01/2002
Land:	205,200	205,200		
Improvements:	65,000	70,200		
Total: .	270,200	275,400	270,200	271,933
Preferential Land:	0	0	0	0

Seller: SUN OIL CO Type:

Date:

02/03/1977

\$83,500 Price:

ller:

IMPROVED ARMS-LENGTH

Deed1:

Deed2:

Type: ller:

Type:

Date: Deed1: Date:

Deed1:

Price: Deed2: Price:

Deed2:

**Exemption Information** 

	ODE ENFORCEMENT REPORT		
DATE: 1 / 122 / (	2 INTAKE BY: 111   CASE #: 02 - 0213   INSPEC: 141   111		
COMPLAINT LOCATION:	2601 Loch RAVEN BIVE.		
·	ZIP CODE 2120 to DIST:		
COMPLAINANT NAME:	ROWINSON PHONE #: (H) 663-2578 (W)		
ADDRESS: P.O	12022 ZIP, CODE: 21284		
PROBLEM: PAC	King cars on sidewalk.		
îllean-	sign's traffic pattern		
IS THIS A RENTAL U			
OWNER/TENANT INFORMATION:	86.270-X >> SPEUAL EXCEPTION		
	SERVIUE CARAGE		
TAX ACCOUNT #:	9-19-80080 zoning: 131-AS		
INSPECTION: 4	61.3 //// / / / / / / / / / / / / / / / /		
	1/16/02 And Chlound warnen notice		
Jan. W	tans use simils		
Wy Xbx	The sign livere in the R-O-W		
REINSPECTION:	also verbally warned them to		
<del></del>	Stop planing vehicles over the		
<del></del>	Gide wilk (Con Wook)		
REINSPECTION:	1/18/02 Hand Delwerd 3rley constituen		
	notice for Tede walk obotseut		
	and for (2) tomo Sign wo		
REINSPECTION:	w/ set clon (Cor Work)		
$\times$ $\times$ $\times$	ナナナナナナナナナ		
1/23/1	2 bourd Correction police for (2) famp signs		
	e X = D /2 and of the order to the found		

RE: PETITION FOR SPECIAL HEARING SPECIAL EXCEPTION & VARIANCE N/east corner Loch Raven Blvd. &

White Oak Avenue

9th Election District 6th Councilmanic

**District** 

Legal Owner: Benson Rice, President

\* BEFORE THE

\* ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* 02-558-SPHXA

### **ENTRY OF APPEARACE**

Please enter the appearance of People's Counsel in the above-captioned matter.m Notice sent of any hearing dates of other proceedings in this matter and 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 11TH day of July, 2002, a copy of the foregoing Entry of Appearance was mailed to Dino C. La Fiandre, Esquire Whiteford, Taylor & Preston LLP 210 W. Pennsylvania Avenue, Towson, Md. Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



Parris N. Glendening Governor Kathleen Kennedy Townsend Lt. Governor Roy W. Kienitz Secretary Mary Abrams Deputy Secretary

June 20, 2002

Mr. George Zahner
Baltimore County
Department of Permits and Development Management
111 West Chesapeake Avenue, Room 111
County Office Building (Mail Stop #1105)
Towson MD 21204

Re: Zoning Advisory Committee meeting - June 24, 2002

Case #'s 02-550-A, 02-551-XA, 02-552-X, 02-553-A, 02-554-SPH, 02-555-SPHXA, 02-556-A, 02-557-A, 02-558-SPHXA, 02-559-A, 02-560-A, 02-561-, and 02-562-SPHA

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 6/19/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

James AG H

Local Planning Assistance Unit

cc: Mike Nortrup

### FACSIMILE COVER PAGE

To:

**BaltoCo Zoning George Zahner** 

Sent:

06-16-2002 at 02:55:34 p.m.

From:

Pages :

1 (including Cover)

Subject:

Whiz Car Wash Special Exception Hearings/Case 02558SPHXA, RE 02-0088/0088A/0213

06-16-2002

TO: George Zahner

Zoning Commilion of Baltimore County

410-887-3391 Vc

RE: Case No 02 588 SPHXA

Per our conversation, the other day, please put me on your contact list for appearing at all future hearings concerning:

Pettition for Variance: Case 02-558 SPHXA (Benson Rice, President/Autorized Agent, a/k/a 1600 White Oak Avenue, 8601 Loch Raven Boulevard, 8611 Loch Raven Boulevard a/k/a Risan Corporation a/k/a Whiz Car Wash Corporation a/k/a Reuben and Sara Rice, 8120 Liberty Road, Baltimore, MD 21244

Please use the following communications information/address:

C. RobinsonP.O. Box 42022Towson, MD 21284-2022410-663-2578 Vc/Fx/Msgs

cc: - Donna Spicer, LRCC LRBA, 410-668-0569

- Ridgeleigh Community Association 
  theoaks 45@hotmail.com
- whiz\_car\_wash\_complaints@eduquests.org

FAX NO.: 410-665-7072



BS21 LOCH RAVEN BLVD.

BALTIMORE, MD. 21286

OFFICE: 410-668-2300

FAX: 410-665-7072

July 23, 2002

Baltimore County Zone Board RE: Whiz Car Wash Hearing

Dear Board Members:

Being unable to attend the above mentioned hearing I am writing to express my concerns for improvements to the Whiz Car Wash.

My concern is the over flow of vehicles lining up alone Loch Raven Boulevard during busy days. Through the years their have been many times that this traffic blocked the entrance to the funeral home, causing hardship on our customers on entering and leaving our property.

The Whiz Car Wash employees would at times come down to direct traffic, but this was only after we had to contact the Whiz Car Wash. Their were even times that Baltimore County Police vehicles were doing the blocking.

My hope is that with the improvements to be done their would be required by you enough stacking lanes that at no time would vehicles need to be standing on Loch Raven Boulevard.

Sincerely,

Timothy W. Fosbrink General Manager



To whom it may concern

This is the problems I have with Whiz Carwash at 8601... Lock Raven Behr.

- 1. Soud noise that the vacum system makes
- 2. Foul language from the workers and also supervisors
- 3. Block the sidewalk on Jock Raver to clean and dry cars after they go thru car wash.
- 4. To much traffic in alley way going to the car wash
- 5 Supervisors, letting employs play loud music during work hours.

Ray H Catron 860 & Chestnutt Clark Rd Parhville, md 2/234

# 07-17-2002 8600 Block Whiz Car Wash Complaints

party.	
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7-16-02

To Whomest May Concern:

As a resident of 54 full years living at 8600 Chestnut Bak Rd. and a member in good- standing in The Kidgeligh assor for many years and also racing our children to adult. hood things have changed! aux complaints are heavey in four of Traffic, noise and air pollection Increased dutt with in our years tiese using the alley as entrance to the Why Car Wash.

(Commo Mellennes



lock exit pass, and very noise

http://www.edvata.com/WhizCarWashComplaints/\_disc4/00000002.htm

[ Reply | Next | Previous | Up ]

# Block exit pass, and very noise

From: Chestnu oak Road Category: Complaint Date: 10 Jul 2002

Time: 11:57:38

Remote Name: 199.46.199.233

#### Comments

of 1

Complaint: If too many cars on the Lockraven, I can get out to Lockraven from other road. But the noise is so loud, I can not open my back windows. Even at hot days I have to close my windows 365 days. It is terrible.

Suggestions: Either move the car wash away, or put all the operation in a closed house.

Last changed: EduQuests (C) (TM) July 11, 2002

Anis Line Market alanged

Anis Line Market alanged

07-14-2002 05:18 p.m

JUL-14-2002 SUN 05:12PM ID:

## PETITION FOR SPECIAL EXCEPTION

IN THE MATTER OF

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Philip E. Lamb & E. Waugh Dunning

:

For a Special Exception

To The Zoning Commissioner of Balt more County

NEW CHAP

Philip E. Lamb & E. Waugh Dunning t/a Legal Owner s
Dunning & Lamb

Maurice Sandler & Reuben Rice

Contract Purchaser

hereby petition for a Special Exception, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, for a certain permit and use, as provided under said Regulations and Act, as follows:

A Special Exception to use the land (and improvements now or be erected thereon) hereinafter described for an Automobile Laundry

All that parcel of land in the Winth District of Baltimore County on Southeast corner of Lock over Boulevard and Yakona Road; thence Southerly indiagon the Bast side of Loch Raven Boulevard 106 feet; thence South togrees 09 minutes Bast 17%.50 feet; thence North 4 legrees 51 minutes Bast 100 feet to the South side of Yakona Road; thence Westerly and binding on which side of Yakona Road of the place of beginning.

HEW MA H 4 8/13/13

Ecning Commissioner of Baltimore County

Upon hearing on petition for a special exception to use the property described therein for an Automobile Laundry and it appearing that by reason of location, the safety and general welfare of the community and not being detrimentally affected and no traffic hazard being created, the said petition should be granted.

This property is presently zoned "B.L.", it is opposite a Gaseline pervice Station and it appears that improper site development and screening could affect the properties across the alley, therefore, the owners shall erect a fence of the ranch type and screen with evergreen screening that protion of the property adjoining the alley.

It is this 29% jay of August, 1956, by the Zoning Commissioner of Baltimore County, ORDERD that the aforesaid petition for a special approval of the Office of Planning and the Bureau of Land Development of Baltimore County.

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IN RE: PETITION SPECIAL EXCEPTION
NE/corner of Loch Raven
Boulevard and White Oak
Avenue -9th Election District

Whiz Car Wash Corporation,

\*

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 86-270-X

Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

\*

\*

The Petitioner herein requests a special exception for a service garage, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by the Contract Lessee, The Pit Stop, Inc., by Ronald A. Witman, President, appeared and testified and was represented by Counsel. Testifying on behalf of the Petitioner was Paul Lee, a registered engineer. Numerous Protestants appeared and were represented by Counsel. See Protestants' Exhibit 1.

Testimony indicated that the subject property, zoned B.L. and located on the corner of Loch Raven Boulevard and White Oak Avenue, is presently improved with an abandoned service station. The Lessee proposes to restore the two-bay service station building and parking areas and create a drive-thru oil change facility for vehicles to provide "10 minute" oil changes. Vehicles would drive in, have their oil changed, and exit. The total time for one vehicle to be serviced, including paperwork and payment, would be approximate-ly 20 minutes. Based on the Lessee's experience at its three locations in Baltimore City, the expected average weekly business generated would be 30 to 35 Wehicles with a maximum of 40 vehicles. The oil change would be the only service provided.

The site would permit the stacking of up to ten vehicles in addition to the five vehicles permitted to be parked; however, Mr. Witman testified that,

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based on his experience; no more than four vehicles would ever be stacked outside the bays at any one time. As he explained, the service provided is self-limiting, i.e., people will not wait any length of time for this type of service.

Mr. Lee testified that, in his opinion, the conditions precedent as delineated in Section 502.1, <u>Baltimore County Zoning Regulations</u> (BCZR), would be met. He also pointed out that many of the uses permitted as a matter of right in a B.L. Zone, such as a convenience store, would generate more vehicles per day than the proposed use.

Oak Avenue to the south, testified in opposition and voiced the concerns of those Protestants who appeared. In particular, they are concerned that the horrendous traffic conditions that already exist will be worsened and that the horrible situation with the adjoining car wash to the north, which is owned by the Petitioner herein, will be exacerbated. Additionally, Anita Dowling, an owner of a real estate company adjoining the instant site to the east, testified that, in her expert opinion, the proposed use would cause property values to decrease.

The latter point is somewhat diluted when one measures the proposed service garage described herein with a service station which has been abandoned for a long time.

The Petitioner seeks relief from Section 230.13, pursuant to Section 50.1, PCZR.

by its close proximity to Joppa Road and the strip retail uses located on Loch Raven Boulevard. However, it is obvious that the only way to obviate the

Many 20, No 6

problems which concern the Protestants is to prevent the use of this sit. for anything and to eliminate all other commercial uses. The proposed use it one which will not make things worse.

It is clear that the BCZR permits the use requested by the Petition : in a B.L. Zone by special exception. It is equally clear that the propose use would not be detrimental to the primary uses in the vicinity. Therefor, it must be determined whether the conditions as delineated in Section 502. are satisfied by the Petitioner.

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

The Petitioner had the burden of adducing testimony and evidence vich would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown hat the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrest cative of its location within the zone. Schultz v. Pritts, 432 A.2d 19 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in row, streets, or alleys therein, nor be inconsistent with the purposes of a property's zoning classification, nor in any other way be inconsistent which the spirit and intent of the 3CZR.

•' -

Section 418 (Reserved)<sup>22</sup>

# Section 419 Car Wash [Bill No. 172-1993<sup>23</sup>]

- Roll-over, full-service and self-service car washes are permitted by special exception in the following districts: C.R. (provided no part of the lot is in R.C.5), C.C.C., A.S. or I.M. (provided no part of the site is in M.R.). Car washes are also permitted as a use in combination with a service station subject to the provisions of Section 405.
- A site plan shall be submitted showing the location of the car wash and zone classification of adjacent properties, the location of ingress and egress, the manufacturer's rated hourly production capacity of the equipment to be installed, if available, or other evidence of the capacity of the equipment, the proposed stacking spaces as required by Section 419.3 below, the proposed landscape and buffer treatment, and such other information as may be required by the reviewing agencies. All site plans are subject to review by the Directors of the Department of Public Works, Office of Planning and Department of Permits and Development Management, who shall provide written comments to the approval authority.
- All internal paved areas of a car wash site used for stacking, parking and driveway purposes shall comply with Section 409.1 and shall be laid out to allow automobile circulation in a manner that precludes vehicles from waiting on the street or blocking the right-of-way before gaining entrance.
  - A. All stacking spaces for car washes shall be single-file at the entrance of the tunnel. The space for the car being washed shall not be counted as a stacking space. A minimum of the following stacking spaces shall be provided:
    - 1. Nine per roll-over car wash tunnel.
    - 2. Nineteen per full-service car wash tunnel.
    - 3. Four spaces for the first tunnel of a self-service car wash, and two waiting spaces for each additional.
  - B. All parking spaces shall be located to avoid conflict with on-site circulation patterns. The following minimum number of parking spaces shall be provided:
    - 1. To dry vehicles, two for each tunnel of a roll-over or a self-service car wash and six for each tunnel of a full-service car wash.
    - 2. One per vacuum cleaner unit, except in the case of a full-service or a self-service car wash, a stacking space may be used to serve as a parking space for the vacuum cleaner unit.

Editor's Note: Former Section 418, Research Institutes and Laboratories, was repealed by Bill No. 122-1984.

<sup>23</sup> Editor's Note: This bill also repealed former Section 419.

- 3. Two additional spaces at a roll-over car wash.
- 4. Four additional spaces at a full-service car wash.
- Notwithstanding the provisions of the zone in which the car wash is located, all facilities are subject to the following requirements:

#### A. Locational standards.

- 1. Roll-over and full-service car wash buildings shall be set back at least 50 feet from the lot line of any residentially zoned property. Except for the landscape buffers, no part of a self-service car wash shall be within 100 feet of a residentially zoned property.
- 2. The tunnel exit of car wash facilities shall be set back at least 50 feet from the nearest exit drive.

#### B. General design.

- 1. No tunnel entrance or exit of a car wash operation shall face an adjacent residentially zoned property not including those across a street.
- 2. The rear and sides of buildings facing residentially zoned properties shall be finished with materials that in texture and color resemble the front of the building. The type of facade treatment shall be indicated on the site plan and shall be subject to review by the Director of the Office of Planning, who shall provide written comments to the approval authority.
- 3. Except for the required access drives, a landscaped transition area shall be provided along the perimeter of all car wash operations. Such area shall have a minimum width of 10 feet where the car wash fronts a public right-of-way and six feet in all side and rear yards abutting nonresidentially zoned land. Car wash operations located within 50 feet of any residentially zoned property (other than a residential zone line in a public right-of-way) shall provide a buffer that measures no less than 15 feet from that property line.
- 4. The landscape transition area shall be planted and screened in accordance with the Landscape Manual requirements for automotive uses.
- 5. To increase compatibility with surrounding buildings or to enhance the attractiveness of the site, the Zoning Commissioner may require changes in building or site plan design or hours of operation for car washes for which a special exception is required.
- The regulations contained in this Section 419 entitled "Car Wash" shall not apply to car washes legally existing prior to the effective date of Bill No. 172-1993. Bill No. 172-1993 does not affect the validity of any order granting a special exception or any plan approved by Baltimore County for a car wash which occurred prior to the effective date of this bill. Any such special exception or plan shall be subject to the applicable provisions of the Baltimore County Zoning Regulations in effect at the time of the grant of such special exception or plan.

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Case Number	· 

## PLEASE <u>PRINT</u> LEGIBLY

# PETITIONER'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Church T.A.	(6603 York Rd. )(410)37/7-2600		21212
(Dev. Engr. Censults	(410) 37/7-2600		
DINO C. Lafrandra	210 W. Penn #400	Towson	21204
BENSON RICE	8120 LIBERTY RD.	BALTO. MD.	21244
WES GUCKERT	9900 PRANKULA 59 DR 80.78 H	Onco	21236
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		Revised	4/17/00





## PLEASE PRINT CLEARLY

## CITIZEN SIGN-IN SHEET

NAME	ADDRESS
DONNA SPICER	8719 Edding TON Rd. 21234
CARUTON RUBINSON	8506B Chestwet Osle Rd 21234
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