IN THE MATTER OF THE APPLICATION OF HARRY AND DONA ESPEY –LEGAL OWNERS FOR SPECIAL EXCEPTION AND VARIANCE ON PROPERTY LOCATED ON THE N/S OF WINDSOR MILL RD, 47' SE OF ROLLING RD (7416 WINDSOR MILL ROAD)	* * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
4TH ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT	*	Case No. 04-032-XA

* * * * * * * * *

AMENDED OPINION

On May 21, 2004, this Board issued an Opinion and Order in the above-captioned matter. The Board, on its own initiative, pursuant to Rule 10, has reviewed its Opinion and Order issued in the proceedings and finds that an error exists within that Opinion.

Reference is made on page 13, paragraphs 3 and 4, of the Board's **Opinion** to the requested special exception relief. In those paragraphs, it is stated that the special exception relief "must be denied on the basis that the variance cannot be approved and, in its absence, the special exception fails." Paragraph 4 goes on to state: "For the reasons cited, the Board will deny the variance and, in so doing, be required to deny the special exception."

As stated in this Board's Order on page 14, paragraph 2, it is the Board's final decision that "the Petition for Special Exception is **GRANTED** if Petitioner can proceed without the requested variance relief which has been denied herein."

Accordingly, the Board will amend its Opinion as follows and will so order.

ORDER

IT IS THEREFORE ORDERED that paragraphs 3 and 4, page 13 of the Board's Opinion and Order issued on May 21, 2004 shall be amended as indicated below and underscored:

Page 13, Paragraph 3:

The property is zoned for commercial use. The Board can ascertain many other uses where the detrimental effect would be greater than the proposed car wash. The net effect of the totality of the evidence and testimony causes the Board to conclude that any

adverse effect at this site would not be any greater than if the car wash were located anywhere else in the zone. This Board believes the site to be well equipped and suitable for such a car wash purpose under the special exception requirement and would therefore approve the special exception, provided that Petitioner can proceed without the requested variance relief which will be denied for the reasons as stated above.

Page 13, Paragraph 4:

For the reasons cited, the Board will deny the variance and grant the special exception relief, provided that Petitioner can be proceed without the requested variance relief herein denied.

and it is further

ORDERED that the **final Order issued by this Board on May 21, 2004 shall remain as originally issued**; "that Petitioner's request for variance relief on the subject property be and the same is hereby **DENIED**"; and "that the Petition for Special Exception is **GRANTED** if Petitioner can proceed without the requested variance relief which has been denied herein."

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman

Donald I. Mohler III

Charles L. Marks

DATE: June 17, 2004

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
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Michael Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

June 17, 2004

RE: In the Matter of: Harry and Dona Espey
Case No. 04-032-XA /Amendment to Opinion

Dear Mr. Tanczyn:

Enclosed please find a copy of an Amended Opinion issued this date by the County Board of Appeals of Baltimore County in the subject matter.

This Amended Opinion is issued for the purpose of correcting paragaraphs 3 and 4 on page 13 of the Board's Opinion to reflect the final decision reached by the Board as stated in the Order on page 14 of that Opinion and Order.

The balance of the Opinion and Order as issued by the Board on May 21, 2004 remains unchanged.

Very truly yours,

Kathleen C. Bianco /tm

Kathleen C. Bianco
Administrator

Enclosure

c: Javed Iqbal
Scott M. Breza, Esquire
Eliot M. Wagonheim, Esquire
Dona L. & Harry T. Espey, Sr.
Mighty Wash of Frederick Ave Inc.
/ Paul F. Larner, President
Rosita McKee
Gary Hensen
Mr & Mrs Dawson Evans
Joseph Jacobs
Edward Goldmeier
Alan & Vanessa Price
Paul Eden
Fred Thompson /Gower Thompson, Inc.
Lewis & Deborah Conaway
Mary and Joseph Shields Sr.
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

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on Recycled Paper

IN THE MATTER OF THE APPLICATION OF HARRY AND DONA ESPEY –LEGAL OWNERS FOR SPECIAL EXCEPTION AND VARIANCE ON PROPERTY LOCATED ON THE N/S OF WINDSOR MILL RD, 47' SE OF ROLLING RD (7416 WINDSOR MILL ROAD)	* * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
4TH ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT	* *	Case No. 04-032-XA

* * * * * * * * *

OPINION

This case comes to the Board of Appeals based on an appeal of a decision of the Deputy Zoning Commissioner rendered on September 26, 2003. In that decision, the Deputy Zoning Commissioner granted the Petitioner's request for a variance and special exception, the special exception being subject to four conditions recited in the Deputy Zoning Commissioner's Order. A Motion for Reconsideration was filed on October 9, 2003 by the Office of Planning relative to an offer the Petitioner had made concerning his building of a sound barrier on the north end of the property to mitigate the noise from the car wash coming on to the adjacent residences. The Deputy Zoning Commissioner's Order was modified to include a condition that, "the Petitioner shall erect a sound barrier along the northern edge of the property of at least 6 feet in height, constructed of hollow cinderblock material filled with sound absorbent material and finished with stucco cement. A timely appeal was filed by Michael P. Tanczyn, Esquire, on behalf of Javed Iqbal, Protestant, on November 19, 2003. This Board heard testimony and evidence from all of the participants on April 1, 2004 and April 14, 2004 with oral closing statements offered by both counsel at the conclusion of the evidentiary portion of the case.

This case involves a request from the Petitioner for a special exception from § 230.13 of the *Baltimore County Zoning Regulations* (BCZR) to permit a car wash in a B.L.-A.S. zone with variance request as follows:

1. Section 409.4A to permit a 9.0' wide access driveway to bypass stacking spaces in lieu of the required 12'.

2. Section 419.4A.1 to permit a car wash parking area a distance of 90' rather than 100' to a residentially zoned property if deemed necessary by the zoning commissioner.

3. Section 419.B.1 to permit a tunnel entrance to face a residentially zoned property if the zoning commissioner rules that a variance is necessary because a portion of the adjacent property (not abutting the car wash) is zoned residential.

The Board heard extensive testimony and received considerable evidence over the two days of public hearings. Mr. Fred Thompson, the construction and site engineer, testified at length concerning the site plan that he had prepared (Petitioner's Exhibit #1). He described in detail the nature of the site, its various characteristics, the general area and surrounding commercial activities along with the residential communities to the rear of the proposed facility. The Petitioner proposes to construct a four-bay self-service car wash and roll-over bays and vacuum stations on the site currently zoned B.L.-A.S. Mr. Thompson described the required parking under BCZR § 409.3B, and the required stacking under BCZR § 409.3A. He also related the need for the variances requested to accommodate the site plan as submitted. He further described various distances from the proposed site to the residential dwellings in the rear, and efforts that would be employed to mitigate any complaints from neighboring residents concerning noise, fumes, and lighting.

Mr. Thompson was subject to extensive cross-examination by Mr. Tanczyn, counsel for the Appellant /Protestant. The witness indicated that the Petitioner was proposing to raze the existing structure and start from scratch to erect the proposed car wash. If the number of bays were reduced; he indicated that this reduction factor would render traffic more difficult to control. He opined that a facility of that proposed size required a certain size and number of bays to render it economically feasible. While no one would be on site, and essentially the

facility was a self-service unit, the premises would be monitored by a camera system that would be installed. Mr. Thompson acknowledged that, while no formal lighting plan was shown on the site plan, it was clearly the intention of the Petitioner to submit a lighting plan that would be aligned to reflect light away from the adjacent residences.

Mrs. Dona Espey, the owner of the property, also testified at length. The property had long operated as a general feed store since 1869, and in the family ownership since the late 1960s – early 1970s. She and her husband had taken on the business and, with her husband's death in 2002, she found that she could not carry on the activities of the business. At the present time, the store was not occupied. To her knowledge, the property had always been zoned commercial in nature. Mrs. Espey described the building, land structure, and various commercial activities in the area – the next door 7-Eleven, the D & S auto repair center, the Hebbville Automobile Works, and a towing operation, all backing up to the residential areas. On the other side was the Woodlawn Motor Coach Co., that company performing coach services and repair work on buses. Many of these facilities, it was testified, operated on a 24-hour basis. Petitioner's Exhibit #2 was admitted reflecting letters of support from the Wallace Roofing Co., W.S. Tegeler Management Co., Ryan Hornberger, Hebbville Auto Repair, and D & S Body and Fender Shop.

Mr. Richard Fradkin, a licensed Real Estate Broker, also testified in support of the Petitioner's proposal. He indicated that he specializes in commercial real estate leasing and sales with 18 years experience. He opined concerning his familiarity with the site and his various activities to brokerage the property for Mrs. Espey and his efforts to find target buyers for the site. He verified that the business was no longer functioning, and, in his opinion, had deteriorated through non-use, with the existing building in extremely poor condition. He noted that he had not had much interest from other brokers in the sale of the property despite the prominent location at the intersection of Windsor Mill Road and Rolling Road. Mr. Fradkin

opined concerning his experience relative to vacant buildings and that such vacancies often led to criminal activities because of non-use and limited lighting. The back area in this case had numerous blind spots where criminal activity could possibly occur. Like prior witnesses, he also described the nearby areas – the 7-Eleven store, auto shops, towing facility, etc.

Mr. Mark Tindale, a resident of Harrisburg, Pennsylvania, also testified on behalf of the Petitioner. He is the owner and operator of several auto car washes and is also a major supplier for equipment that would be used in the operation of this car wash at this location. His testimony indicated considerable experience and knowledge in the car wash industry and inner workings of the machinery that would function on the site. He also described the contemplated nature of the proposed business, how cars would be parked, stacked, and how the machinery functioned and operated, along with the water recycling processes that would dispose of the water on site and limited noise volumes of the vacuum pumps that would be installed. He also described the proposed facility as a Class I quality operation and his belief that it satisfied COMAR regulations. There would be no restrooms or vending machines on site. The witness did not believe that it would be feasible to rotate the facility on a 90-degree angle and economically that any less number of bays might be prohibitive. He introduced Petitioner's Exhibit #3A-3D reflecting smaller carwashes.

Mr. Tanczyn cross-examined the witness on a number of issues that involved noise levels, lack of attendance, and odor /fume problems that would result if the Board granted the request of the Petitioner. He opined that he owned three car washes and maintained about 300 elsewhere on a multi-state basis on a regular basis and found no particular problems at the location of this site if the Petitioner's request was granted.

Ms. Shirley McGroyre, a retired Baltimore County Police Officer previously assigned to the Woodlawn precinct, also testified in support of the proposal. The witness had considerable

expertise in criminal prevention and community outreach in the area. She was familiar with the Espeys and the prior feed store operation. Until Mr. Espey's death, the feed store had been operational and well maintained. With the discontinuance of the business, the buildings had fallen into disrepair with broken windows, limited lighting, and, in her opinion, as a possible trouble spot for criminal activity. The rear of the building had a number of blind spots because of the building's footprint, again creating an opportunity, in her opinion, for criminal activity. She acknowledged that Windsor Mill Road and Rolling Road was a busy intersection and also described the nature and character of the surrounding commercial /residential activities and the site itself.

Mr. Tanczyn cross-examined the witness as to her relationship with the Espeys and her activities in the past 3 years as a specialist in community relations. She acknowledged that there had not been any substantial complaints in the general area of the site in recent years during her tenure with the Baltimore County Police Department.

Mr. Paul Laurner, the contract purchaser of the site, also testified at length. He is the owner of another "Mighty Wash of Frederick Avenue, Inc." located in Catonsville, Maryland, about 1 to 2 miles away from the proposed site. The witness described the facility at length and that he and his wife, if the Petition were approved, would visit the site at least two times a day to check it out in all aspects of the car wash operation. He opined that he had been interested in car wash operations for quite some time but finding additional locations was difficult because of the need for the "A.S." overlay and that there were not too many of these in Baltimore County. This location, he opined, contained that feature and because of its location at the intersection of Windsor Mill Road and Rolling Road was a rare find in Baltimore County. He described his intensive research on Baltimore County regulations and zoning and also his efforts to seek community support before undertaking his request for the variances and special exception. The

witness submitted Petitioner's Exhibit #4, a letter of support from nearby commercial ventures. Mr. Laurner described the operations of the car wash in Catonsville and that the proposed site would be quite similar in nature. He would accept conditions as directed by the Board if the Board saw fit to impose any. He described the nature of the site and positioning of the proposed vacuums and the overall scheme of the site as reflected on the site plan. He and his wife live about 6 miles from the site. He also described the nature of the proposed barrier wall on the rear of the property about 8 to 10 feet high which he believed would alleviate many of the noise and odor and lighting concerns alleged to be problems by the residents who lived to the rear of the site. He also described what he believed to be a normal functioning day in the car wash operation; and an unusual day such as would occur after a serious snowstorm. He estimated about 100 cars a day would visit the site and that water flowing from the car wash would go into an internal drain and the vacuum would produce only minimal noise levels.

On cross-examination, Mr. Tanczyn questioned the need for a 24-hour, 7-day-a-week operation, and Mr. Laurner indicated that about 100 cars a day could possibly be using the facility. While the other car wash facility was only 7 to 8 miles from the site, Mr. Laurner felt that the traffic flow would sustain the operation on a profitable basis and he would have his attendant personally check this site on a frequent daily basis as was presently being done on the Catonsville facility.

Additional evidence was presented by the Petitioner in the form of Petitioner's Exhibit #5, a sound level analysis performed by Jim Coleman Co. and introduced by Mr. Tindale; Petitioner's Exhibit #6, a list of individuals in support of the Petition; Petitioner's Exhibit #7, a computerized location of the general area; Petitioner's Exhibit #8, a brief introduction to Bruce Dunlop; Petitioner's Exhibit #9, a resume of Mr. Richard A. Peppin, a Professional Engineer (noise expert); and Petitioner's Exhibit #10, a noise study for the proposed car wash. The Board

has reviewed these documents in detail which present Mr. Peppin's views on sound and noise levels.

From the protesting point of view, Mr. Tanczyn introduced Mr. T. Van Johnson as his first witness. Mr. Johnson is a resident of Ripple Road and resides directly behind the adjacent 7-Eleven store to the proposed car wash. He has resided in the area for 12 years. He is a Lieutenant in the Baltimore City Police Department. He described the site as a typical area lot, flat, level, a very small grade and a rectangular shape, the building previously used as a feed store operation. Over the past 12 years as a resident, he had not observed any particular problems with the feed store operation or even as it existed currently vacant. His concerns were in the areas of excessive noise, a problem of security if left unattended, and odors, fumes and lighting, as well as traffic concerns. He indicated he works shift work and he opined that the car wash would impact his quality of life since his bedroom was in the rear of his home, and he worked various shifts that required him to sleep during the daylight hours. The witness related noise problems with the Exxon station across the street, and many times that he had to call the police to contend with the noise problems in that area, and was concerned with the fact that the proposed car wash would be left unattended. He related existing problems relative to the bathroom around the existing 7-Eleven. He noted that his deck was in the rear of his house and would be exposed to substantial noise, lighting, glare, fumes and odor from automobiles preparing to wait for their turn to operate the car wash. He disputed Petitioner's claim that the current vacant building was causing additional crime on the premises and that he was not personally aware of any serious problems that had been encountered since the business had been discontinued. He submitted Protestant's Exhibit #5 as to the names of residents opposed to the project.

Appellant, Mr. Javed Iqbal, testified as a protestant. The witness resides at 2901 N. Rolling Road. Protestant's Exhibit #3 was admitted representing a series of photographs reflecting various scenes of activities posted on the Petitioner's site plan. Mr. Iqbal indicated his familiarity with the area and scenes depicted on the photographs. He opined as to each photograph and the relationship to the proposed site. He was quite familiar with the site, driving by it once or twice each day. He described the lot as a level and generally rectangular parcel in shape with no particularly unusual features. His concerns were in the area of traffic that backs up on Rolling Road and his inability to get out of his driveway during peak traffic. He was also concerned that the facility would be left unattended. He indicated that he had no direct relationship with anyone opposed to the project, nor were his legal fees as a Protestant being reimbursed by anyone.

On cross-examination, he acknowledged that the present building was in bad shape, and was not presently extensively lit. He was aware of the commercial zones when he purchased his present home on Rolling Road.

Ms. Sctaria Dyson opined relative to gas fumes, noise, that the property was not particularly unique, it was rectangular in shape, flat, level and very similar to others in the area.

Mr. Joseph Shields, who resides on Ripple Road, supported the prior testimony which others raised as concerns. He has resided on Ripple Road for 15 years.

Mr. Allen Price, another 15-year resident of Ripple Road, also adopted the previous testimony of the preceding Protestants.

On rebuttal, on day #2, Mr. Breza offered Mr. Bruce Dunlop, a professional lighting designer. He was submitted as a professional lighting designer with 24 years experience in lighting design and control. His C.V. was submitted as Petitioner's Exhibit #8. Mr. Dunlop

described his analysis of the proposed lighting for the site, and also analyzed lighting as it currently existed on neighboring properties.

While no specifics are mentioned in the site plan, other than the generalities listed on the plan, Mr. Dunlop was permitted to discuss other lighting in the area of the subject proposal based on his visits and observations. He also related the lighting on neighboring properties and how various lighting could be developed to satisfy any requirements imposed by Baltimore County. Any lighting plan that would be submitted if the Petitioner's request were granted would be approved by Baltimore County and designed to eliminate any lighting or glare into the rear areas of the protestants' homes on Ripple Avenue.

Mr. Richard Peppin, was also called and accepted as a professional acoustical engineer (Petitioner's Exhibit #9). Mr. Peppin has testified on many occasions before the Board as an expert in this specialized field. His testimony essentially followed the data outlined on Petitioner's Exhibit #10 relative to his detailed analysis of the various noise levels that he had undertaken on the site and of software to measure same. His findings are well documented in Petitioner's Exhibit #10, ending with his "Findings" and "Conclusions."

Mr. Paul Laurner was also recalled to explained why he had gone to such considerable expense to retain experts in the lighting and sound fields to address the concerns of the neighbor and also the desire to make the proposal acceptable to the residents and the general character of the neighborhood. He expressed a willingness to impose a condition relative tot he operation of the self-service bays and vacuum units from 11:00 p.m. to 6:00 a.m., with the auto bays open all night, since patrons did not have to get out of their automobiles to have these function.

After the public hearings, the Board members had the opportunity to review their notes, the testimony and evidence submitted during the course of the public hearings and a public deliberation was held on April 29, 2004. The Board is being requested to approve three

variances as previously recited in this opinion, in addition to a special exception that would permit a car wash in a B.L.-A.S. zone.

As to the variance request, there is no question but that the variance request would appear to be minimal as to § 409.4A (9 feet in lieu of 12 feet access drive); and § 419.4A (90 feet in lieu of 100 feet to a residentially zoned property, as well as the tunnel entrance. However, the Board is governed by the statutory requirements of *Baltimore County Zoning Regulations* § 307 "Variances" which was considerably recited in the Deputy Zoning Commissioner's decision of September 26, 2003.

> The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.

Based upon the testimony and evidence received, the Board has no difficulty in determining that the subject property is neither unusual or unique when compared to other properties in the zone. Even Mr. Thompson, the site designer, opined that the lot was rectangular in shape, flat and basically level. There was nothing unique or unusual about the lot or vacant building on site. That description was echoed by additional witnesses for both the Petitioner and the Protestants.

Mr. Breza, counsel for the Petitioner, did not argue that any unique or unusual features were present on site but rather relied upon the premise determined by the Deputy Zoning Commissioner that it was "the strange split zones with adjacent residential properties" that created the "special circumstances or conditions [that] exist that are peculiar to the land or structure which is the subject of the variance request and that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unusual hardship and that the Petitioner cannot help the strange split zoning in the adjacent residential properties." This Board does not concur with that analysis. Split zoning such as that which exists in this case is not unique or unusual. Many such properties are split zoned, and if the situation exists, it can be corrected by County Council legislation or during the Comprehensive Zoning Map Process. This Board cannot assume that legislative prerogative. The zone is what it is. The Maryland Court of Appeals, in *Cromwell v. Ward*, 102 Md.App. 691 (1995), has prescribed what "special circumstances that exist that are peculiar to the land" are. The interpretation of that phrase follows:

> In the zoning context, the "unique" aspect of a variance request does not refer to the extent of improvements upon the property, or upon neighboring properties. "Uniqueness" of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls."

None of the features dictated by the Maryland high court as set forth above exist in this case, and it is the conclusion of this Board that none of the qualifying features exist that would permit the Board to grant the variances being requested.

While it is not necessary for the Board to go any further, the Board also finds that practical difficulty or unwarranted hardship does not exist. It is the design of the proposed car wash that

causes the practical difficulty /unwarranted hardship, and the desire on the part of the Petitioner not to reduce the number of bays for economic reasons.

The Board does not take solace in rejection of the variance for the special exception does have considerable merit and the Board concurs that the required elements of BCZR § 502.1 were satisfied by the Petitioner. The issues on the part of the Protestants were relative to concerns as to excessive noise, lighting, glare, odors (fumes), security, and additional traffic. The experts employed by the Petitioner in the form of Mr. Dunlop and Mr. Peppin more than satisfied the Board that noise and lighting levels could be manageable and controllable. There was no substantial evidence produced that the approval of the special exception would increase criminal problems or activities on site and traffic complaints were generic at best and opinionated. In addition, the Petitioner's agreement to limit the operation of the self-service bays from 11:00 p.m. to 6:00 a.m. would alleviate many of the concerns of the residents on Ripple Avenue.

The Board therefore reaches its conclusion that the special exception would have been granted, except for the variance denial. The Board has carefully applied the required requirements set forth in *Schultz v. Pritts*, 291 Md.1, 432 A.2d 1319 (1981).

The facts and circumstances demonstrate that the proposed use at the particular location described by Petitioner's Exhibit 1 would not have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. The Board recognizes principles established by the Maryland courts relative to special exception uses, and that they are "expressly permitted" (Mossberg v. Montgomery County, 107 Md.App. (1995).

The legislature has determined special exception uses to be permissible absent any facts or circumstances negating the presence (Schultz v. Pritts, id.). A special exception is part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general

welfare, and therefore, valid.... The duties given the Board are to judge...whether the use in the particular case is in harmony with the general purpose and intent of the plan. The fact that special exception uses may have an adverse effect at the proposed location is not an issue in the approval of a special exception use since such uses carry with them inherent adverse effects. The question is one of whether or not the adverse effects are greater at the proposed site than they would be elsewhere in the County where they may be established, i.e., the other areas within the R.C. 2 zones.

The question that the Board must answer in the case of any special exception is did the facts and show "that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special use irrespective of its location within the zone...." (*Schultz v. Pritts*, id.)

The property is zoned for commercial use. The Board can ascertain many other uses where the detrimental effect would be greater than the proposed car wash. The net effect of the totality of the evidence and testimony causes the Board to conclude that any adverse effect at this site would not be any greater than if the car wash were located anywhere else in the zone. While this Board would have approved the special exception, and believes the site to be well equipped and suitable for such a car wash purpose under the special exception requirement, the Petitioner's request must be denied on the basis that the variance cannot be approved and, in its absence, the special exception fails.

For the reasons cited, the Board will deny the variance and, in so doing, be required to deny the special exception.

ORDER

THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 21st day of May, 2004, that Petitioner's request for variance relief on the subject property be and the same is hereby **DENIED**; and it is further

ORDERED that the Petition for Special Exception is **GRANTED** if Petitioner can proceed without the requested variance relief which has been denied herein.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman

Charles L. Marks

Donald I. Mohler III

County Board of Appeals of Baltimore County

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May 21, 2004

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: *In the Matter of: Harry and Dona Espey -Legal Owners*
Case No. 04-032-XA

Dear Mr. Tanczyn:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition.**
If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco /ttj

Kathleen C. Bianco
Administrator

Enclosure

c: Javed Iqbal
Scott M. Breza, Esquire
Eliot M. Wagonheim, Esquire
Dona L. & Harry T. Espey, Sr.
Mighty Wash of Frederick Ave Inc.
/ Paul F. Larner, President
Rosita McKee
Gary Hensen
Mr & Mrs Dawson Evans
Joseph Jacobs
Edward Goldmeier
Alan & Vanessa Price
Paul Eden
Fred Thompson /Gower Thompson, Inc.
Lewis & Deborah Conaway
Mary and Joseph Shields Sr.
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

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on Recycled Paper

IN RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE
N/S of Windsor Mill Road, 47 ft. SE of Rolling Road	*	DEPUTY ZONING COMMISSIONER
4th Election District	*	OF BALTIMORE COUNTY
2nd Councilmanic District		
(7416 Windsor Mill Road)	*	CASE NO. 04-032-XA
Dona L. & Harry T. Espey, Sr., *Legal Owners* **and**	*	
Mighty Wash of Frederick Avenue, Inc., *Contract Purchaser*	*	
Petitioners	*	

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

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed on October 9, 2003 by the Office of Planning. As noted in their Motion, the Petitioner had offered to build a sound barrier on the north end of the property to mitigate noise from the car wash coming onto the adjacent residences. The Motion further noted that based upon this offer, I did not impose limitations of hours of operation on the car wash. Therefore the Planning Office requests that I add the requirement for the sound barrier specifically to the list of conditions under which various other relief was granted and also to require the sound barrier be shown on the site plan.

Since the time of this request, the Petitioner submitted a revised site plan showing the five rather than six tunnels and new traffic layout. However the new site plan does not show the sound barrier as discussed at the hearing.

Finally, I note typographical errors in the language in the order, which allowed the Special Exception for a car wash.

As these matters were not in controversy and had all been accepted by all parties at the hearing, I will not require another hearing on this matter.

ORDER RECEIVED FOR FILING
Date 10/22/03
By

THEREFORE, IT IS ORDERED, this 22 day of October, 2003, by this Deputy Zoning Commissioner, that the Motion for Reconsideration is hereby GRANTED and the Order dated September 26, 2003 is hereby modified as follows:

1. That the Petitioner shall erect a sound barrier along the northern edge of the property of at least 6 feet in height, constructed of hollow cinderblock material filled with sound absorbent material and finished with stucco cement; and

2. That the Petitioner shall show said sound barrier on the site plan; and

3. That the Petitioner's request for a special exception for a car wash to be approved pursuant to Section 230.13 of the Baltimore County Zoning Regulations, be and is hereby APPROVED.

4. All other Orders and conditions contained the September 26, 2003 Order and not modified herein shall be fully effective and in force.

IT IS FURTHER ORDERED, that any appeal of this decision shall be made within thirty days of the date of this Order and not of the original Order dated September 26, 2003.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

10/22/03
P. Jameson

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

October 22, 2003

Paul F. Larner, Esquire
6015 Foxhall Farm Road
Catonsville, MD 21228

Re: Order on Motion for Reconsideration
Petitions for Special Exception & Variance
Case No. 04-032-XA
Property: 7416 Windsor Mill Road

Dear Mr. Larner:

Enclosed please find the Order on Motion for Reconsideration rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Printed on Recycled Paper

IN RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE N/S of Windsor Mill Road, 47 ft. SE of Rolling Road 4th Election District 2nd Councilmanic District **(7416 Windsor Mill Road)**	* * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 04-032-XA
Dona L. & Harry T. Espey, Sr., *Legal Owners* **and** Mighty Wash of Frederick Avenue, Inc., *Contract Purchaser* *Petitioners*	* * * *	

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception and Variance filed by the legal owners of the subject property, Dona and Harry Espey, Sr. and the contract purchaser, Mighty Wash of Frederick Avenue, Inc. The Petitioners are requesting special exception and variance relief for property located at 7416 Windsor Mill Road in the western area of Baltimore County. The special exception request is for a 4-bay self-service and 2-bay rollover car wash pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioners are requesting variance relief as follows:

1. From Section 409.4A of the B.C.Z.R., to permit a 9 ft. wide access driveway to bypass stacking spaces in lieu of the required 12 ft.;

2. From Section 419.4A.1 of the B.C.Z.R., to permit a car wash parking area a distance of 90 ft. rather than 100 ft. to a residentially zoned property; and

3. From Section 419.4B.1 of the B.C.Z.R., to permit a tunnel entrance to face a residentially zoned property.

The property was posted with Notice of Hearing on September 8, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 4, 2003 to notify any interested persons of the scheduled hearing date.

ORDER RECEIVED FOR FILING
Date 9/26/03
By R. Ingersoll

Applicable Law

Section 502.1 of the B.C.Z.R. - *Special Exceptions*

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

A. Be detrimental to the health, safety or general welfare of the locality involved;
B. Tend to create congestion in roads, streets or alleys therein;
C. Create a potential hazard from fire, panic or other danger;
D. Tend to overcrowd land and cause undue concentration of population;
E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
F. Interfere with adequate light and air; [Bill No. 45-1982]
G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Section 307 of the B.C.Z.R. – ***Variances***.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment dated August 7, 2003 was received from

the Office of Planning modifying the Petitioners' request and requesting six conditions be imposed. A copy of this correspondence is attached hereto.

Interested Persons

Appearing at the hearing on behalf of the variance and special exception requests were Dona Espey, one of the Petitioners, Rosita McKee, Gary Hensen, Joseph Jacobs, Edward Goldmeier, Marc Tyndale, Paul Eden, and Fred Thompson, appearing on behalf of Gower Thompson, Inc., the engineering firm that prepared the site plan. Paul F. Larner, Esquire represented the Petitioner. He is a stockholder in the Petitioner corporation and has operated several car washes in the area. Javed Iqbal and Sajid Chaudhry appeared as Protestants at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Larner testified that the property is zoned BL-AS, pointing out that the AS district designation specifically refers to car washes as permitted uses. The subject property is improved with a vacant feed store whose wooden construction is in disrepair. The Petitioner proposes to raze the existing structure and build a new car wash pursuant to Petitioner's Exhibit No. 1. This design has two automatic wash tunnels and four self-service tunnels. Mr. Larner proffered that parking and stacking spaces are in accord with the Baltimore County Zoning Regulations. While the property has commercial uses on either side of its frontage on Windsor Mill Road, there are single family homes whose rear yards face the car wash to the north. The operation of each wash is automatic or customer operated, thus it is not necessary for an attendant to be on station during the hours of operation.

Ms. McKee testified regarding the letters of support they had received from the adjacent business establishments and the letters she sent to nearby residents explaining the proposed use. No adjacent residents attended the hearing.

Mr. Iqbal testified as a nearby property owner against certain portions of the plan but did not object to the special exception for the car wash. Mr. Chaudhry, who admitted to owning a competing car wash in the area, objected to virtually all of the proposal.

Site Design Stacking Lane Issue

The Planning Office criticized the design of the stacking spaces shown on Petitioner's Exhibit No. 1. They stated in Comment No. 1, that movement of vehicles in stacking spaces was unsafe and impractical and recommended that the fourth self service bay be eliminated. They also wanted the stacking lane width increased to 9 ft. wide and landscaping added. In response to this, Mr. Larner testified that the layout was reviewed and approved by the County Traffic Department after numerous meetings to refine the stacking design. In addition, he testified as to his own extensive knowledge of car wash operations which indicated to him that the stacking design was both practical and safe. He also testified that any fewer tunnels would be economically impractical given the asking price of the land. Mr. Thompson, the civil engineer who prepared the plan, supported Mr. Larner's testimony about their many meetings with the County Traffic Engineering Department and that agency's approval of this design.

ByPass Lane Width

Mr. Larner testified that he needed the variance for the bypass lane to be 9 ft. in lieu of the 12 ft. required by the Zoning Regulations. He indicated that such bypass lanes are rarely used. His principal reason for the variance was to allow the full 6 ft. wide landscape transition area on that side of the property, implying that if the bypass lane width variance was denied, the landscape width in that area would have to suffer.

Noise from Vacuums

The Planning Department also requested that all vacuums on the north side of the tunnels be eliminated because of the noise impact on the residences on the north side of the car wash. Mr. Larner presented a letter from the vacuum manufacturer which indicated that the noise from

9/26/03 R. Jameson

a vacuum cleaner would be at the level of conversation at the homes adjoining the site. Mr. Tyndale, who sells the vacuum equipment, testified that in his extensive experience there would be no problem for the residents. Mr. Chaudhry noted, however, that there are 3 vacuums, which could be operating simultaneously, thus increasing the noise at the resident's homes by 3 or perhaps 6 decibels. This is not the level of pain, but would surely be noticeable especially at night.

Mr. Larner proposed to build a hollow concrete sound barrier wall across the northern end of the site and for 10 ft. along the eastern and western sides that he would fill with sound absorbent material. This, he opined, would protect the neighbors sufficiently under any circumstance.

Lighting

The Planning office wanted the lights turned off at night, again to protect the nearby residences. Mr. Larner disagreed and cited the need for security and the fact that nearby businesses are open 24 hours, apparently without serious impact on the neighborhood. All agreed that lighting should face away from the residences.

Hours of Operation

The Planning Office requests that the hours of operation be 8 a.m. to 9 p.m., Monday through Saturday, and 10 a.m. to 6 p.m. on Sunday, again to protect the nearby residential community. Mr. Iqbal, who lived nearby, but not adjacent to the site, was concerned about the noise not only generated by the vacuums, but by customer's radios playing at all hours of the night. He wanted the hours of operation limited to those proposed by the Planning Department. Mr. Chaudhry admitted that his car wash operated 24 hours a day, seven days a week. Mr. Larner testified that the proposed hours of operation were highly restrictive, very unusual and not needed. He cited numerous examples of car washes in the general area operating 24/7 without

detriment to the neighborhood. He vehemently opposed this limitation saying that it would make the operation monetarily unfeasible.

Distance to and Tunnel Facing Residentially Zoned Land

The Petitioner requests variances be granted to allow the distance to residentially zoned land be 90 ft. in lieu of 100 ft. and that car wash tunnels be allowed to face residentially zoned land. The Petitioner testified that neither variance should be needed under circumstance of the split Bl-AS and DR zoning, which remarkably bisects the residences on the northern end of the property. In both cases, he testified, that given the site constraints, it would be a hardship and practical difficulty to comply with the regulations.

FINDINGS OF FACT & CONCLUSIONS OF LAW

Stacking Lane and Bypass lane width

The stacking lane design and bypass lane width are really the same issue. The Petitioner proposes the largest number of car wash tunnels possible on the site, in order to maximize his return on investment. There is nothing wrong with asking. However, in this case, as the Planning Department points out, the stacking lanes clearly will not work as proposed. There is no way for vehicles to access the easternmost tunnel in this design. The design simply overcrowds the available land. The request for variance on the width of the bypass lane is self imposed. There is no tradeoff of lane width and landscape area width. Both are required under the regulations. Both can be met by simply relieving the plan of one tunnel. While I will approve the Special Exception for a car wash, I will order that the design be limited to five tunnels of whatever mix of automatic and self serve the Petitioner may chose.

Noise and Hours of Operation

While I am sympathetic to the concerns the Planning Office has for the adjacent residences concerning the noise issue, there is no credible evidence on the record before me that the vacuums will be a problem for the neighborhood. Mr. Larner's offer to build a sound barrier

ORDER DATE 9/26/03 R. Gunson

wall across the northern end of the property alleviates any doubts I may have had about this issue. Likewise, the real detriment the neighborhood residents may suffer with the car wash operating 24/7 would occur at night while the residents try to sleep. These problems would be created as a result of the noise and lighting emanating from the site from customers, machinery and security lighting. However, the Petitioner agreed that the lighting would be directed away form the residences and I will require the Petitioner supply a lighting plan to the Office of Planning showing how he intends to accomplish this requirement. Without the sound barrier, the residents would suffer noise all night long from vacuums, washing equipment and customer radios and I would be inclined to limit the hours of operation as the Office of Planning proposed. However, with the installation of a sound barrier, the problem will be substantially reduced and the restrictions not necessary.

Distance to and Tunnel Facing Residentially Zoned Land

Contrary to the Petitioner's contentions, the variances for the distance to and tunnel facing residentially zoned land are needed. The zoning regulations clearly require "no part of the car wash shall be within 100 feet of residentially zoned land." However, I will grant both variances because I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The petitioner cannot help the strange split zoning on the adjacent residential properties.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 26 day of September, 2003, by this Deputy Zoning Commissioner, that the Petitioner's request for variance:

(1) from Section 409.4A of the B.C.Z.R., to permit a 9 ft. wide access driveway to bypass stacking spaces in lieu of the required 12 ft. is hereby DENIED;

(2) from Section 419.4A.1 of the B.C.Z.R., to permit a car wash parking area a distance of 90 ft. rather than 100 ft. to a residentially zoned property if deemed necessary by the Zoning Commissioner is hereby GRANTED; and

(3) from Section 419.B.1 of the B.C.Z.R., to permit a tunnel entrance to face a residentially zoned property be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the Petitioner's request for a special exception to operate a car wash is hereby GRANTED, subject, however, to the following conditions:

1. The Petitioner's car wash shall be limited to five tunnels rather than six tunnels, as proposed in Petitioner's Exhibit No. 1, in any mix of automatic and self serve car washes as the Petitioner shall choose.

2. The Petitioner shall submit a lighting plan to the Office of Planning insuring lighting on the premises is directed away from adjacent residences.

3. The Petitioner shall submit a redline plan which reflects these conditions showing revised parking and stacking designs.

4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED, that the Petitioner's request for Special Exception for a 4-bay self-service and 2-bay rollover car wash, pursuant to Section 330.13 of the Baltimore County Zoning Regulations, be and it is hereby APPROVED.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

9/26/03 R. Jamison

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

September 26, 2003

Paul F. Larner, Esquire
6015 Foxhall Farm Road
Catonsville, MD 21228

Re: Petitions for Special Exception & Variance
Case No. 04-032-XA
Property: 7416 Windsor Mill Road

Dear Mr. Larner:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Printed on Recycled Paper

Copies to:

Rosita McKee
6015 Foxhall Farm Road
Catonsville, MD 21228

Dona Espey
7615 Windsor Mill Road
Baltimore, MD 21244

Gary Hensen
7314 Castle Moor Road
Baltimore, MD 21244

Joseph Jacobs
5357 Lewellen Street
Baltimore, MD 21207

Edward Goldmeier
25 Latimer Way
Owings Mills, MD 21117

Mark Tyndale
7604 Allentown Boulevard
Harrisburg, PA 17112

Paul Eden
4030 Dads Court
Ellicott City, MD 21042

Fred Thompson
429 E. Lake Ave.
Baltimore, MD 21212

ORIGINAL KEEPIN FILE,

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 7416 Windsor Mill Road

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

A 4-bay self-service and 2 bay rollover car wash pursuant to Section 330.13 of the Baltimore County Zoning Regulations.

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:

Mighty Wash of Frederick Avenue, Inc.
Name - Type or Print

Paul F. Larner PAUL F. LARNER PRESIDENT
Signature

6015 Foxhall Farm Rd 410 719-1215
Address Telephone No.

CATONSVILLE MD 21228
City State Zip Code

Attorney For Petitioner:

PAUL F. LARNER
Name - Type or Print

Paul F. Larner
Signature

Company

6015 Foxhall Farm Rd 410 719-1215
Address Telephone No.

CATONSVILLE MD 21228
City State Zip Code

Legal Owner(s):

Harry T. Espey Sr.
Name - Type or Print

Harry T. Espey Sr.
Signature

Dona L. Espey
Name - Type or Print

Dona L. Espey
Signature

7615 Windsor Mill Rd. 410-922-7461
Address Telephone No.

Baltimore Md. 21244
City State Zip Code

Representative to be Contacted:

PAUL F. LARNER
Name

6015 Foxhall Farm Rd 410 719-1215
Address Telephone No.

CATONSVILLE MD 21228
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING —

Reviewed By JL Date 7/21/03

9/26/03 Amended

Case No. 04-032XA

REV. 09/15/98

ATTACHMENT.
#03-032-XA

VARIANCES REQUESTED:

1. SECTION 409.4A TO PERMIT A 9.0' WIDE ACCESS DRIVEWAY TO BYPASS STACKING SPACES IN LIEU OF THE REQUIRED 12'

2. SECTION 419.4A.1 TO PERMIT A CAR WASH PARKING AREA A DISTANCE OF 90' RATHER THAN 100' TO A RESIDENTIALLY ZONED PROPERTY IF DEEMED NECESSARY BY THE ZONING COMMISSIONER.

3. SECTION 419.B.1 TO PERMIT A TUNNEL ENTRANCE TO FACE A RESIDENTIALLY ZONED PROPERTY IF THE ZONING COMMISSIONER RULES THAT A VARIANCE IS NECESSARY BECAUSE A PORTION OF THE ADJACENT PROPERTY (NOT ABUTTING THE CAR WASH) IS ZONED RESIDENTIAL.

ZONING DESCRIPTION
MIGHTY WASH PROPERTY
7416 WINDSOR MILL ROAD

BEGINNING AT A POINT ON THE NORTH SIDE OF WINDSOR MILL ROAD (60 FEET RIGHT OF WAY) 47 FEET, PLUS OR MINUS, SOUTHEAST OF THE INTERSECTION OF THE RIGHTS OF WAY LINES OF WINDSOR MILL ROAD AND ROLLING ROAD. THENCE EXTENDING THE FOLLOWING 4 COURSES AND DISTANCES:

1. ALONG THE RIGHT OF WAY LINE OF WINDSOR MILL ROAD SOUTH 53 DEGREES 25 MINUTES 00 SECONDS EAST, 150.00 FEET;
2. NORTH 35 DEGREES 00 MINUTES 20 SECONDS EAST, 193.17 FEET;
3. NORTH 49 DEGREES 29 MINUTES 00 SECONDS WEST, 150.64 FEET, AND;
4. SOUTH 35 DEGREES 00 MINUTES 20 SECONDS WEST, 203.51 FEET TO THE PLACE OF BEGINNING.

RECORDED IN LIBER 13860 FOLIO 725

CONTAINING 0.68 ACRES MORE OR LESS.

ALSO KNOWN AS 7416 WINDSOR MILL ROAD AND LOCATED IN THE 2ND ELECTION DISTRICT.

STATE OF MARYLAND
FREDERICK J. THOMPSON
PROFESSIONAL ENGINEER

04-032-XA

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: #04-032-XA
7416 Windsor Mill Road
N/side of Windsor Mill Road, 47 feet southeast of Rolling Road
2nd Election District – 4th Councilmanic District
Legal Owner(s): Harry and Dona Espey
Contract Purchaser: Mighty Wash of Frederick Ave., Inc., Paul Larner, Pres.

Special Exception: to permit a four (4) bay self-service and 2 bay rollover car wash.

Variance: to permit a 9 foot wide access driveway in lieu of the required 12 feet and to permit parking 90 feet from residential zoning in lieu of the required 100 foot setback, if necessary also to permit a tunnel entrance to face residential zoning property if deemed necessary.

Hearing(s): Monday, September 22, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

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

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

9/103 Sep 4 C624164

CERTIFICATE OF PUBLICATION

9/5/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/4/, 2003.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 31097

DATE 12/30/03 ACCOUNT 001-006-6150

AMOUNT $ 625.00

RECEIVED FROM: Javed Iqbal

FOR: 7416 Windsor Mill Rd.

Appeal

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	AU
12/30/2003	12/30/2003	09:27:50	2

REG W902 MAIL JEVA JEE
>>RECEIPT # 313870 12/30/2003 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 031097
Recpt Tot $625.00
$625.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-032-XA

HARRY AND DONA ESPEY

7416 WINDSOR MILL ROAD, BALTIMORE, MD 21244

4TH ELECTION DISTRICT APPEALED: 11/19/2003

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

32K4

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-032-XA

HARRY AND DONA ESPEY

7416 WINDSOR MILL ROAD, BALTIMORE, MD 21244

4TH ELECTION DISTRICT APPEALED: 11/19/2003

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

**********COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 04-032-XA

Petitioner/Developer:

HARRY AND DONA ESPEY

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

7416 WINDSOR MILL ROAD, BALTIMORE, MD 21244

The sign was posted on 1/12, 2004

By: Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE # 04-032-XA
PETITIONER/DEVELOPER:
Mighty Wash of Fredrick Ave., Inc.,
Paul Larner, President
DATE OF HEARING:
September 22 , 2003

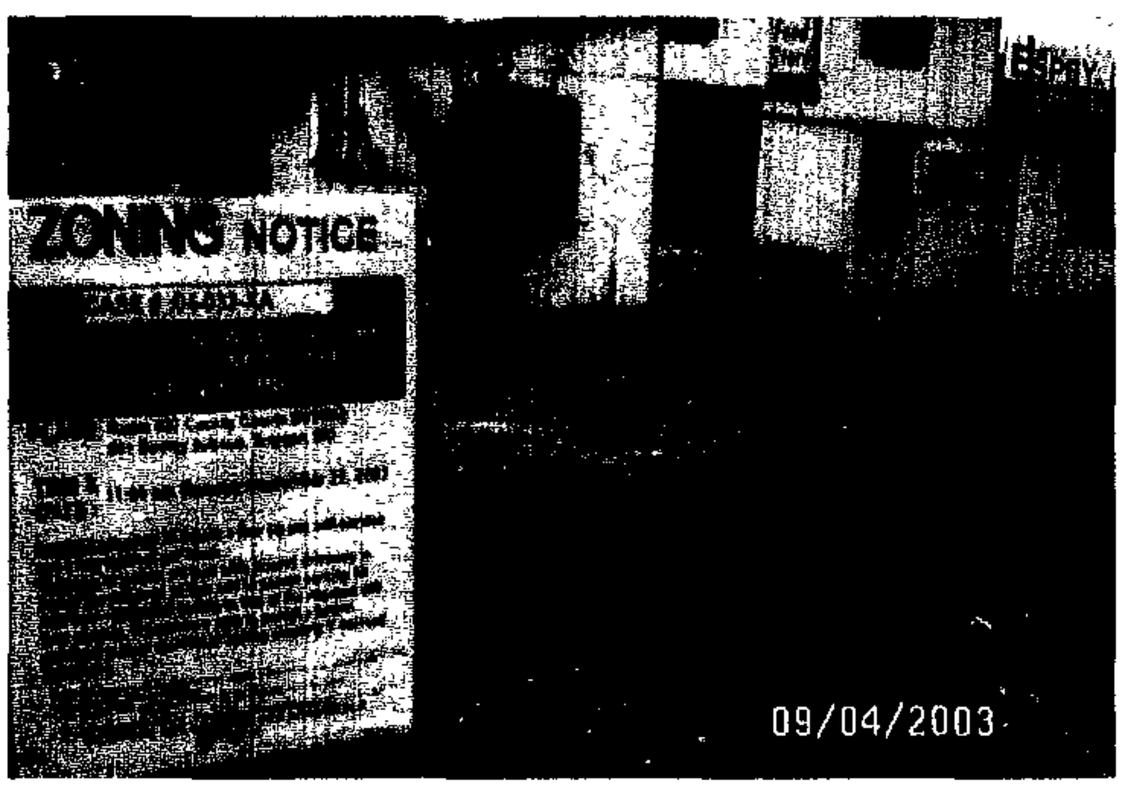
BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: REBECCA HART

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

LOCATION:
7416 Windsor Mill Road
N/side of Windsor Mill Road,
47 feet southeast of Rolling Road



POSTED ON : September 4, 2003

DATE:
September 8, 2003

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

Baltimore County
Department of Permits and
Development Management

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

August 5, 2003

NOTICE OF ZONING HEARING

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

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7416 Windsor Mill Road
N/side of Windsor Mill Road, 47 feet southeast of Rolling Road
2nd Election District – 4th Councilmanic District
Legal Owners: Harry and Dona Espey
Contract Purchaser: Mighty Wash of Frederick Ave., Inc., Paul Larner , Pres.

Special Exception to permit a four (4) bay self-service and 2 bay rollover car wash. Variance to permit a 9 foot wide access driveway in lieu of the required 12 feet and to permit parking 90 feet from residential zoning in lieu of the required 100 foot setback, if necessary also to permit a tunnel entrance to face residential zoning property if deemed necessary.

Hearings: Monday, September 22, 2003, at 11:00 a.m., in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Paul Larner, 6015 Foxhall Farm Road, Catonsville 21228
Harry and Dona Espey, 7615 Windsor Mill Rd., Baltimore 21244

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 6, 2003.**
(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.

Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 4, 2003 Issue - Jeffersonian

Please forward billing to:
Gower Thompson
429 E. Lake Avenue
Baltimore, MD 21212

410-532-0101

NOTICE OF ZONING HEARING

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

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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 04-032-XA

Petitioner: HARRY T. ESPEY SR

Address or Location: 7615 WINDSOR MILL RD. BALTO MD 21244

PLEASE FORWARD ADVERTISING BILL TO:

Name: GOWER THUMPSON INC.

Address: 429 E. LAKE AVE
BALTIMORE MD 21212

Telephone Number: 410-532-0101

Revised 2/20/98 - SCJ

County Board of Appeals of Baltimore County

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

PP'd for 4/01/04 - Reg. of Counsel for Appellants

Hearing Room – Room 48

Old Courthouse, 400 Washington Avenue

December 30, 2003

NOTICE OF ASSIGNMENT

CASE #: 04-032-XA

IN THE MATTER OF: ***Harry and Dona Espey – Legal Owners; Mighty Wash of Frederick Ave., Inc. - CP***
7416 Windsor Mill Road
4th Election District; 2nd Councilmanic District

9/26/03 – Order of D.Z.C. in which requested relief was GRANTED with restrictions.
10/22/03 – D.Z.C.'s Order on Motion for Reconsideration filed by Planning Office in which Motion was GRANTED and 9/26/03 Order modified. (Appeal to be filed from date of 10/22/03 Order per D.Z.C.)

ASSIGNED FOR: **WEDNESDAY, MARCH 3, 2004 at 10:00 a.m.**

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

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

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

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

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellant /Protestant : Michael P. Tanczyn, Esquire
Appellant /Protestant : Javed Iqbal

Counsel for Petitioners : Eliot M. Wagonheim, Esquire
Petitioners : Dona L. & Harry T. Espey, Sr. – Owners
Mighty Wash of Frederick Ave Inc. – CP
/ Paul F. Larner, President

Rosita McKee
Joseph Jacobs
Paul Eden
Gary Hensen
Edward Goldmeier
Fred Thompson /Gower Thompson, Inc.

Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

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County Board of Appeals of Baltimore County

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

Hearing Room – Room 48

Old Courthouse, 400 Washington Avenue

January 6, 2004

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 04-032-XA

IN THE MATTER OF: ***Harry and Dona Espey – Legal Owners; Mighty Wash of Frederick Ave., Inc. - CP***
7416 Windsor Mill Road
4th Election District; 2nd Councilmanic District

9/26/03 – Order of D.Z.C. in which requested relief was GRANTED with restrictions.
10/22/03 – D.Z.C.'s Order on Motion for Reconsideration filed by Planning Office in which Motion was GRANTED and 9/26/03 Order modified. (Appeal to be filed from date of 10/22/03 Order per D.Z.C.)

which was assigned to be heard on 3/03/04 has been **POSTPONED** at the request of Counsel for Appellant due to Court of Special Appeals schedule conflict; and, upon confirmation with counsel, has been

REASSIGNED FOR: **THURSDAY, APRIL 1, 2004 at 10:00 a.m.**

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

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

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

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

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellant /Protestant : Michael P. Tanczyn, Esquire
Appellant /Protestant : Javed Iqbal

Counsel for Petitioners : *Eliot M. Wagonheim, Esquire*
Petitioners : Dona L. & Harry T. Espey, Sr. – Owners
Mighty Wash of Frederick Ave Inc. – CP
/ Paul F. Larner, President

Rosita McKee
Joseph Jacobs
Paul Eden
Gary Hensen
Edward Goldmeier
Fred Thompson /Gower Thompson, Inc.
Mr. & Mrs. D. Evans
Alan & Vanessa Price
Lewis & Deborah Conaway
Mary & Joseph Shields Sr.

Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

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County Board of Appeals of Baltimore County

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

Hearing Room – Room 48

Old Courthouse, 400 Washington Avenue

April 2, 2004

NOTICE OF ASSIGNMENT /Day #2

CASE #: 04-032-XA

Day #2 from 4/01/04

IN THE MATTER OF: ***Harry and Dona Espey – Legal Owners; Mighty Wash of Frederick Ave., Inc. - CP***
7416 Windsor Mill Road
4th Election District; 2nd Councilmanic District

9/26/03 – Order of D.Z.C. in which requested relief was GRANTED with restrictions.
10/22/03 – D.Z.C.'s Order on Motion for Reconsideration filed by Planning Office in which Motion was GRANTED and 9/26/03 Order modified. (Appeal to be filed from date of 10/22/03 Order per D.Z.C.)

Having heard day #1 on 4/01/04, this matter has been assigned for a second day of hearing after confirmation with counsel and the panel members; and has been

ASSIGNED FOR: **WEDNESDAY, APRIL 14, 2004 at 10:00 a.m.**

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

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

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

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

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellant /Protestant : Michael P. Tanczyn, Esquire
Appellant /Protestant : Javed Iqbal

Counsel for Petitioners : Scott M. Breza, Esquire
Eliot M. Wagonheim, Esquire
Petitioners : Dona L. & Harry T. Espey, Sr. – Owners
Mighty Wash of Frederick Ave Inc. – CP
/ Paul F. Larner, President

Rosita McKee
Joseph Jacobs
Paul Eden
Gary Hensen
Edward Goldmeier
Fred Thompson /Gower Thompson, Inc.
Mr & Mrs Dawson Evans
Alan & Vanessa Price

Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM
Lewis & Deborah Conaway
Mary and Joseph Shields Sr.

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County Board of Appeals of Baltimore County

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400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

April 15, 2004

NOTICE OF DELIBERATION

IN THE MATTER OF:
HARRY AND DONA ESPEY –Legal Owners /Petitioners
Case No-04-032-XA

Having heard this matter on 4/01 and 4/14/04, public deliberation has been scheduled for the following date /time:

DATE AND TIME : THURSDAY, APRIL 29, 2004 at 9:00 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

NOTE: Closing argument received by Board on 4/14/04; no written briefs to be filed.

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Protestant : Michael P. Tanczyn, Esquire
Appellant /Protestant : Javed Iqbal

Counsel for Petitioners : Scott M. Breza, Esquire
Eliot M. Wagonheim, Esquire

Petitioners : Dona L. & Harry T. Espey, Sr. – Owners
Mighty Wash of Frederick Ave Inc. – CP
/ Paul F. Larner, President

Rosita McKee
Joseph Jacobs
Paul Eden
Gary Hensen
Edward Goldmeier
Fred Thompson /Gower Thompson, Inc.
Mr & Mrs Dawson Evans
Alan & Vanessa Price

Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

Lewis & Deborah Conaway
Mary and Joseph Shields Sr.

Copy to: 4-5-1

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on Recycled Paper

P x2

ABOVE ALL A GOOD ROOF

Wallace Roofing Company, Inc.

CONTRACTING

3036 ROLLING ROAD BALTIMORE, MD 21244

PHONE 410-655-3700

MHIC#1566

TO: Zoning Board

RE: Espey Feed Store Property on Windsor Mill Road

To Whom It May Concern:

This letter is to inform you of our agreement that a car wash at the above referenced property would be an asset to the community and help in improving the neighborhood.

Respectfully yours,

Raymond J. Wallace

Raymond J. Wallace, President
Wallace Roofing Company, Inc.

P x2

Main Office (410) 944-0300
Local to Laurel (410) 788-1318

W. S. TEGELER MONUMENT CO.

Fax (410) 298-7908

Div. of Tegeler Enterprises, Inc. Fifth Gen Since 1897 5804 WINDSOR MILL ROAD – BALTIMORE, MARYLAND 21207

March 26, 2004

To Whom It May Concern:

I am a long time business owner of the Woodlawn area. Our family has been in business in this area since 1897. I feel there is a need for a car wash in this area for my needs and the needs of many other business owners in the area. As of now there are long lines at other car washes and some are to small and cannot accommodate the pickups that are used here at our business. There are many times that our vehicles go unwashed for longer periods of time then we would like but there are not many options in this area for us.

If there are any questions or concerns I may be reached at the above phone number during normal business hours.

Thank you,

Walter S. Tegeler

P x2

To whom it may concern:

My name is Ryan Hornberger and am a long time resident of the Hebbville area. I reside at 3021 North Rolling Road and feel that a carwash in the in the Windsor Mill/Rolling Road area would be a great resource. For myself, and a great many others, this location is just around the corner. I would easily be able to fit washing my car and truck into my schedule. As of now I either have to travel a ways down the road, or for the closer and smaller facilities, sit in a line. Another establishment would cut the waiting times down for other facilities and their customers and give residents of my neighborhood a close and convenient place to go.

Sincerely,

3/31/04

Ryan Hornberger

P X2

HEBBVILLE AUTO REPAIR, INC.
7404 WINDSOR MILL ROAD
BALTIMORE, MARYLAND

Phone: (410) 655-0480
Fax: (410) 655-1851

March 31, 2004

To Whom It May Concern:

We are writing this letter to inform you how allowing a car wash to be opened at the lot formerly known as Espey's Feed store would be a benefit to both our business and the community. We own a body repair shop located around the corner from that location. Having a car wash that is accessible to our business would be extremely convenient. We could wash our customers vehicle's once we have completed our body work. This would also benefit the community by giving the residence in this area a car wash that would be convenient to several of their homes, as well as opening up jobs for many of the young people in the area. We do hope that you will see that allowing this business to move into our area not only for our benefit but as we have stated also for the community.

Thank you,

The Officers of Hebbville Auto Repair Inc.

Paul Parry

Edward J. Lugsteen

P X 2

D & S BODY and FENDER SHOP, INC.

TIN: 52-1543242
7404 WINDSOR MILL ROAD
BALTIMORE, MD 21244-2843
410-655-4118 Fax 410-655-1945

March 29, 2004

Baltimore County
Office of planning and Zoning
Towson, Maryland 21204

Reference: Rezoning 7416 Windsor Mill Road

To Whom It May Concern:

We, at D & S Body and Fender Shop, are very much in favor of having a carwash at 7416 Windsor Mill Road. We think this type of use at this property will be compatible with the other businesses in the area. We hope that zoning approves this use.

Respectfully,

Mervin L. Wheat, Jr.

Mervin L. Wheat, Jr. President

Baltimore County
Department of Permits and
Development Management

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

September 18, 2003

Paul Larner
6015 Foxhall Farm Road
Catonsville, MD 21228

Dear Mr. Larner:

RE: Case Number: 04-032-XA, 7416 Windsor Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 21, 2003.

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.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Harry and Dona Espey, 7615 Windsor Mill Road, Baltimore 21244

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

July 31, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: July 28, 2003

Item No.: 032

Dear Ms. Hart:

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 Baltimore County Fire Prevention Code, (2000 edition of NFPA 1 & 101), prior to occupancy or beginning of operation.

The Fire Department has no objection to the proposed 9 foot By-Pass Lane.

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

cc: File

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

State Highway Administration

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7-29-03

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

RE: Baltimore County
Item No. 032 JLL

Dear. Ms. Hart:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration 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,

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: August 7, 2003

RECEIVED

AUG 1 1 2003

ZONING COMMISSIONER

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

SUBJECT: 7416 Windsor Mill Road

INFORMATION:

Item Number: 04-032

Petitioner: Harry T. Espey, SR.

Zoning: RL/AS

Requested Action: Variance/Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to construct a car wash at the above referenced location provided the following conditions are met:

1. The proposed site layout does not allow safe and effective traffic flow. As illustrated in the petitioner's site plan, it is almost impossible for car 21 to safely advance to the location of car 19. It is also almost impossible to access the bay closest to the eastern property line. Eliminate this bay, and increase the width of the stacking lane to at lease 9 feet. The remaining portion of the bay may be used as an office/private storage area. In addition, provide landscaping with curbing in the area of cars 14 and 15 to channelize traffic flow.
2. Eliminate all vacuum devices on the north side of the proposed building. The noise generated from these devices could have a negative impact on the adjacent existing residential uses.
3. Submit a landscaping plan and lighting plan to Avery Harden, Baltimore County Landscape Architect, for review and approval prior to the issuance of any building permits. Exterior lights shall not negatively impact any adjacent residential dwelling and shall be turned off at the close of business each night. The landscape plan shall include a compact dense evergreen screening in conjunction with an 8-foot high board-on-board privacy fence along the rear property line. Landscaping is also required along the front of the property.

4. Limit hours of operation to 8:00 AM to 9:00 PM Monday-Saturday, and 10:00 AM to 6:00 PM on Sundays.
5. Provide pavement striping to delineate between the by-pass lane and the stacking lanes.
6. Submit building elevations to this office for review and approval prior to the issuance of any building permits.

Prepared by: _____

Section Chief: _____

AFK/LL:MAC:

OPPROVED
Date 9/26/03
By _____

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 12, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For August 4, 2003
Item Nos.019, 029, 030, and 032

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: John V. Murphy
Deputy Zoning Commissioner

DATE: October 9, 2003

FROM: Mark A. Cunningham
Development Review Planner

RECEIVED
OCT - 9 2003
ZONING COMMISSIONER

SUBJECT: 7416 Windsor Mill Road

INFORMATION:

Item Number: 04-032

Petitioner: Harry T. Espey, SR.

Zoning: RL/AS

Requested Action: Variance/Special Exception

The above referenced case was heard by the Deputy Zoning Commission, and a subsequent Finding of Fact and Conclusion of Law was issued on September 26, 2003.

At the bottom of page 6 in the narrative portion of the Finding of Fact and Conclusion of Law, Mr. Larner offered to build a sound barrier wall across the northern end of the property to mitigate any noise associated with the proposed car wash.

On page 7 of said narrative, the Deputy Zoning Commissioner stated that: "I would be inclined to limit the hours of operation as the Office of Planning proposed. However, with the installation of a sound barrier, the problem will be substantially reduced and the restrictions not necessary."

The Office of Planning is concerned with the enforcement ability of the Order portion of the Finding of Fact and conclusion of Law, since it does not require the construction of the aforementioned sound barrier wall, nor does it set forth any specifications regarding the height or building material of the wall.

The Office of Planning is of the opinion that in order for the wall to be an effective sound barrier, and an attractive element on the site, it should be at least 6 feet high, and be constructed of cinder blocks with a stucco type finish on both sides of the wall. In addition, the petitioner should revise the red-line site plan to show the location of the wall, and add a note covering the height and construction material, and finished façade of the wall.

10/22/03
J. Jameson

THEREFORE, this office is hereby requesting that the Deputy Zoning Commissioner's Order be amended to require the construction of the sound barrier wall, and to set forth height, construction material, and finished façade specification for the sound barrier wall.

Prepared by: _____

Section Chief: _____

AFK/LL:MAC:

10/22/03

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

July 29, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re: **Zoning Advisory Committee Agenda re: case numbers 4-19-A, 4-27-SPH, 4-28-A, 4-29-SPH, 4-30-A, 4-31-A, & 4-32-XA**

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 07/29/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review 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
Planning Services

cc: Mike Nortrup

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

December 30, 2003

Paul Larner
6015 Foxhall Farm Road
Catonsville, MD 21228

Dear Mr. Larner:

RE: Case : 04-032-XA, 7416 Windsor Mill Road

Please be advised that an appeal of the above-referenced case was filed in this office on November 19, 2003 by Michael Tanczyn. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

c: Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Harry & Dona Espey, 7615 Windsor Mill Road, Baltimore 21244
Michael Tanczyn, 606 Baltimore Avenue, Ste. 106, Towson 21204
Javed Iqbal, 2701 Rolling Road, Catonsville 21244

RECEIVED
DEC 3 0 2003
BALTIMORE COUNTY
BOARD OF APPEALS

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APPEAL

Petition for Special Exception and Variance
7416 Windsor Mill Road
N/s of Windsor Mill Road, 47 ft. s/e of Rolling Road
4th Election District – 2nd Councilmanic District
Harry and Dona Espey – Legal Owners

Case No.: 04-032-XA

✓ Petition for Special Exception and Variance (July 21, 2003)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (August 5, 2003)

✓ Certification of Publication (September 4, 2003)

✓ Certificate of Posting (September 4, 2003) by Bruce Doak

✓ Entry of Appearance by People's Counsel (August 5, 2003)

✓ Petitioner(s) Sign-In Sheet
One Sheet

✓ Protestant(s) Sign-In Sheet
One Sheet

✓ Citizen(s) Sign-In Sheet
None

✓ Zoning Advisory Committee Comments (9-18-03)

Petitioners' Exhibit
- ✓1. Site plan to accompany Special Exception and Variance Requests
- ✓2A-E. Photos
- ✓3A-F. Photos
- ✓4. 8 Statements of Support from Local Businesses
- ✓5. Inter-Office Correspondence from Paul Larner to Arnold Keller of Planning
- ✗6. Not found
- ✓7. Letter to neighbors from Paul Larner (dated August 31, 2003)

✓ Protestants' Exhibits:
None

Miscellaneous (Not Marked as Exhibit)
- ✓1. Baltimore County Zoning Regulations (Section 418, page 4-82)
- 2. Special Regulations (Section 419, page 4-83)
- 3. Red Line Revision of Site Plan

✓ Deputy Zoning Commissioner's Order (September 26, 2003 - GRANTED)

✓ Dep. Zoning Commissioner's Order on Motion for Reconsideration (October 22, 2003 - GRANTED

✓ Notice of Appeal received on November 19, 2003 from Michael Tanczyn for Javed Iqbal

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Paul Larner, 6015 Foxhall Farm Road, Catonsville 21228
Harry and Dona Espey, 7615 Windsor Mill Road, Baltimore 21244
Michael Tanczyn, 606 Baltimore Avenue, Ste. 106, Towson 21204
Javed Iqbal, 2701 Rolling Road, Baltimore 21244

date sent 12/30/03 klm

Copies to:

Rosita McKee
6015 Foxhall Farm Road
Catonsville, MD 21228

Dona Espey
7615 Windsor Mill Road
Baltimore, MD 21244

Gary Hensen
7314 Castle Moor Road
Baltimore, MD 21244

Joseph Jacobs
5357 Lewellen Street
Baltimore, MD 21207

Edward Goldmeier
25 Latimer Way
Owings Mills, MD 21117

Mark Tyndale
7604 Allentown Boulevarc
Harrisburg, PA 17112

Paul Eden
4030 Dads Court
Ellicott City, MD 21042

Fred Thompson
429 E. Lake Ave.
Baltimore, MD 21212

MR AND MRS DAWSON EVANS
3115 RIPPLE ROAD
BALTIMORE MD 21244

ALAN & VANESSA PRICE
3119 RIPPLE ROAD
BALTIMORE MD 21244

MARY M AND JOSEPH H SHIELDS SR
3117 RIPPLE ROAD
BALTIMORE MD 21244

LEWIS AND DEBORAH CONAWAY
3113 RIPPLE ROAD
BALTIMORE MD 21244

MICHAEL P TANCZYN ESQUIRE
606 BALTIMORE AVENUE
SUITE 106
TOWSON MD 21204

JAVED IQBAL
2701 ROLLING ROAD
BALTIMORE, MD 21244

ELIOT M WAGONHEIM ESQUIRE
WAGONHEIM & TUCKER LLC
105 W CHESAPEAKE AVE
SUITE 400
TOWSON MD 21204

PAUL F LARNER ESQUIRE
PRESIDENT
MIGHTY WASH OF FREDERICK AVENUE INC
6015 FOXHALL FARM ROAD
CATONSVILLE MD 21228

Case No. 04-032-XA

SE – To permit 4-bay self service and 2-bay rollover car wash per 230.13 BCZR;
VAR – To permit 9' wide access driveway to bypass stacking spaces ilo req'd 12'; car wash parking distance of 90' ilo 100' from residentially zoned proeprty; and to permit tunnel entrance to face residentially zoned property.

9/26/03 -D.Z.C.'s decision in which requested relief was GRANTEd with restrictions.
10/22/03 – Order on Motion for Reconsideration filed by Office of Planning in which Motion was GRANTED; SE and VAR still granted with restrictions per Order on Motion. Appellate period to run from date of Order on Motion for Reconsideration.

NOTE: Appeal filed 11/19/03; file received from PDM 12/30/03.

12/09/03 – Letter from Eliot M. Wagonheim, Esquire, requesting expedited hearing – financial hardship of widowed property owner if contract is unduly extended.

12/10/03 – Letter to Mr. Wagonheim – (1) no open dates prior to 12/31/03; (2) if dates come open, 10 days notice is required; and (3) will contact him when file is received from PDM (not yet transmitted to CBA).

12/11/03 – T/C from Mr. Wagonheim indicating no objection from opposing counsel to expedited hearing date per his conversation with Michael Tanczyn; will attempt to utilize p.m. of 1/06/04 or the morning of 2/11/04 and will schedule hearing as soon as file is received from PDM.

12/30/03 –T/C from Mr. Wagonheim – advised him that this zoning appeal file was received from PDM this date; (earlier dates utilized for development plan appeals which, by statute, take precedent when scheduling); earliest date now available due to postponement is 3/03/04; notice to be sent utilizing this March date.
- Notice of Assignment sent to following; assigned for hearing on Wednesday, March 3, 2004 at 10 a.m.:

Michael P. Tanczyn, Esquire
Javed Iqbal
Eliot M. Wagonheim, Esquire
Dona L. & Harry T. Espey, Sr. – Owners
Mighty Wash of Frederick Ave Inc. – CP
/ Paul F. Larner, President
Rosita McKee Gary Hensen
Joseph Jacobs Edward Goldmeier
Paul Eden Fred Thompson /Gower Thompson, Inc.
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

1/05/04 – Letter from Michael Tanczyn – conflict with schedule; advised by CSA to hold week of March 2nd for possible CSA oral argument; requests that matter be postponed and reassigned.

1/06/04 – T/C to M. Tanczyn; confirmed his availability on 4/01/04 with secretary; T/C to E. Wagonheim – confirmed his availability on 4/01/04; case to be postponed and reassigned to 4/01/04. Notice of PP and Reassignment sent this date; case reassigned to Thursday, April 1, 2004 at 10:00 a.m.

2/24/04 – Request for Notification received from: Mr. and Mrs. Dawson Evans
3115 Ripple Road
Baltimore, MD 21244
Copy of Notice sent this date to M/M Evans; file noted.

2/25/04 – Request for Notification received from: Alan and Vanessa Price
3119 Ripple Road
Baltimore, MD 21244

Copy of Notice sent this date to M/M Price; file noted.

2/26/04 – Request for Notification received from: Mary M. and Joseph H. Shields Sr.
3117 Ripple Road
Baltimore, MD 21244

2/27/04 – Request for Notification received from Lewis & Deborah Conaway
3113 Ripple Road
Baltimore, MD 21244

--- Copy of Notice sent to M/M Shields and M/M Conaway with notation to M/M Conaway regarding appropriate address needed in notice to "be sent to" block.

4/01/04 – Board convened for hearing in this matter (Wescott, Marks, Mohler); concluded day #1; to be assigned additional day for day #2 (possible 4/29/04; awaiting confirmation from counsel; then attend to schedule moves necessary to accommodate Board members' conflicts on 4/28 and 4/29). Notice for day #2 will then be sent. (Advised counsel this date that Mr. Marks will be leaving the Board eff 6/30/04; imperative that all efforts be made to conclude this case on 4/29/04 to allow sufficient time for memos /deliberation /final order prior to 6/30/04.)

4/02/04 – Letter from M. Tanczyn – has 2 DCt matters and 1 CCt matter scheduled for 4/29/04; confirmed availability of parties on 4/14/04 through counsel; also confirmed 4/14/04 with Board; Notice of Assignment /Day #2 sent this date; assigned for Wednesday, April 14, 2004 at 10:00 a.m.

4/14/04 – Board convened for day #2; concluded hearing this date (4-5-1); received oral closing arguments; no briefs to be filed. Deliberation to be scheduled.

4/15/04 – Notice of Deliberation sent this date; assigned for Thursday, April 29, 2004 at 9 a.m. (confirmed that (5) can be here on 4/29/04 for this deliberation; 4 and 1 already scheduled for 4/29/04).

4/29/04 – Board convened for public deliberation (Wescott, Marks, Mohler); G –special exception for car wash; D – variance requests. (C) Written Opinion and Order to be issued; appellate period to run from date of written Order.

IN RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE
N/S of Windsor Mill Road	*	DEPUTY ZONING COMMISSIONER
47 ft. SE of Rolling Road		
4th Election District	*	OF BALTIMORE COUNTY
2nd Councilmanic District		
(7416 Windsor Mill Road)	*	
Dona L. & Harry T. Espey, Sr.,	*	CASE NO.: 04-032-XA
Legal Owners **and**		
Mighty Wash of Frederick Avenue, Inc.	*	
Contract Purchaser	*	
Petitioners	*	

* * * * * * * * *

ENTRY OF APPEARANCE

TO THE ADMINISTRATOR:

Please enter the appearance of the undersigned as counsel for the Petitioners in the above captioned matter.

Eliot M. Wagonheim
Scott M. Breza
Wagonheim & Tucker LLC
105 W. Chesapeake Avenue
Suite 400
Towson, Maryland 21204
(410) 828-0300

Attorneys for Petitioners

RECEIVED
DEC 0 9 2003
BALTIMORE COUNTY
BOARD OF APPEALS

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATION OF MAILING

I HEREBY CERTIFY that on this 9th day of December, 2003, I forwarded a copy of this Entry of Appearance, via first class mail, postage prepaid, to:

Michael P. Tanczyn, Esquire
Law Offices of Michael P. Tanczyn, P.A.
Suite 106
606 Baltimore Avenue
Towson, Maryland 21204

Eliot M. Wagonheim

RE:	PETITION FOR SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE
	7416 Windsor Mill Road; N/side Windsor Mill Blvd, 47' SE Rolling Rd	*	ZONING COMMISSIONER
	2nd Election & 4th Councilmanic Districts	*	FOR
	Legal Owner(s):Harry T, Sr & Dona L Espey		
	Contract Purchaser(s): Mighty Wash of Frederick Avenue, Inc, Paul F Larner	*	BALTIMORE COUNTY
	Petitioner(s)	*	04-32-XA

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

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

Carole S. Demilio
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 5th day of August, 2003, a copy of the foregoing Entry of Appearance was mailed to Paul F. Larner, 6015 Foxhall Farm Road, Catonsville, MD 21228, Representative for Petitioner(s).

RECEIVED

AUG 05 2003

Per.....

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

BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF:	Harry and Dona Espey Case No.: 04-032-XA	
DATE:	April 30, 2004	
BOARD/PANEL:	Charles L. Marks Lawrence S. Wescott Donald L. Mohler III	CLM LSW DLM
RECORDED BY:	Theresa R. Shelton / Legal Secretary	

PURPOSE: To deliberate the Petition for Variance filed by Harry and Dona Espey, through their attorney Paul F. Larner, requesting approval of a 9' wide access driveway to bypass stacking spaces ilo req'd 12'; car wash distance of 90' ilo 100' from residentially zoned property; and to permit tunnel entrance to face the residential zoned property

PANEL MEMBERS DISCUSSED THE FOLLOWING:

Special Exception

- Shultz vs. Pritz – detriment to community – impact greater at proposed location
- Car wash has noise, odor / this came out in testimony and evidence
- Section 502.1 / the site is not a greater detriment than any other site
- Property is currently vacant
- 7/11 is across the street and is open all night / gas station is across the street and is open all night / Owner stated he is willing to close the bays between 11pm and 7 am
- The entire strip is commercial – impact will not be greater here than elsewhere
- Will not create any more traffic given length of operation
- This is self-serve (in and out) if customer see a long line they will drive by
- Water will be recycles
- Lighting to be shot away from residential area
- The property is zoned commercial – there is no inconsistency with zoning
- The development of homes came after the commercial was in place
- Property has been split zoned for a long time – the County should change
- No detriment on environmental issues
- Evidence and testimony provided did not provide proof that a negative impact would be greater in this location than any other area.

Variance

- The Zoning Commissioner's Order was read – split zoning mentioned
- The Board's decision must substantiate findings
- Split Zoning does not make it unique
- Cromwell vs. Ward
- Split zoning is not the standard – Needs to be an inherit difference from other properties
- Thompson's testimony stated that property was not unique
- Property is flat and square
- No evidence to back up the finding by the zoning commissioner that the property is unique
- No basis for uniqueness
- Zoning is not a factor – Zoning can be changed – Land can not
- Zoning Commissioner in error
- Board is the finder of facts and the strict interpretation of the law finds that the property is not unique

DECISIONS BY BOARD MEMBERS: Unanimous decision to Grant the Special Exception and Deny the Variance request.

FINAL DECISION: That the Petition for Variance filed by Harry and Dona Espey, through their attorney Paul F. Larner, requesting approval of a 9' wide access driveway to bypass stacking spaces ilo req'd 12'; car wash distance of 90' ilo 100' from residentially zoned property; and to permit tunnel entrance to face the residential zoned property is DENIED. The Special Exception request is GRANTED.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted,

Theresa R. Shelton

Theresa R. Shelton
County Board of Appeals

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: July 26, 2004

TO: Timothy Kotroco, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
04-032-XA	*04-032-XA*	HARRY AND DONA ESPEY	7416 WINDSOR MILL ROAD

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED;

County Board of Appeals of Baltimore County

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

December 10, 2003

Eliot M. Wagonheim, Esquire
WAGONHEIM & TUCKER LLC
105 W. Chesapeake Avenue
Suite 400
Towson, MD 21204

RE: *In the Matter of: Dona L. & Harry T. Espey, Sr. and Mighty Wash of Frederick Avenue, Inc.*
Case No. 04-032-XA

Dear Mr. Wagonheim:

The Board is in receipt of your Entry of Appearance and correspondence of December 9th regarding an expedited hearing date for the subject matter.

Please note that at the present time there are no open dates on the Board's docket between now and December 31st. Although dates do open up as the result of dismissals and postponements, at least 10 days notice is required when scheduling a hearing before the Board.

Once we have received the subject file from the Department of Permits & Development Management, I will contact you regarding the status of the Board's schedule.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Kathleen C. Bianco
Administrator

c: Michael P. Tanczyn, Esquire
Timothy M. Kotroco, Director /PDM

FILE

Printed with Soybean Ink
on Recycled Paper

WAGONHEIM&TUCKER

ATTORNEYS AT LAW

105 WEST CHESAPEAKE AVENUE, SUITE 400, TOWSON, MD 21204

PHONE. (410) 828-0300 · FAX (410) 828-4898

www.wtlawfirm.com

December 9, 2003

RECEIVED

DEC 0 9 2003

BALTIMORE COUNTY
BOARD OF APPEALS

HAND DELIVERED

Kathleen Bianco, Administrator
Baltimore County Board of Appeals
Old Courthouse Building
400 Washington Avenue, Room 49
Towson, Maryland 21204

Re: Subject Property: 7416 Windsor Mill Road
Legal Owners: Donna L. & Harry T. Espey, Sr.
Contract Purchaser: Mighty Wash of Frederick Avenue, Inc.
Case No.: 04-032-XA

Dear Ms. Bianco:

Please be advised that the undersigned has been engaged to represent the legal owners and contract purchaser of the above referenced property. In this capacity, I am writing to request that the appeal filed in the above referenced matter be expedited and scheduled to proceed at the Board's first available opening.

As you will note from your file, my clients filed a Petition for Special Exception and Variance with the Baltimore County Zoning Commission on July 21, 2003. The matter proceeded to hearing on September 22, 2003, at which time the only objections rendered were submitted by two individuals running establishments in competition with the petitioners' proposed venture.

On September 26, 2003, Deputy Zoning Commissioner Murphy issued his decision granting the Petition, subject to the fulfillment of certain agreed conditions. An appeal was filed by one of the protestants who appeared at the hearing -- the owner of a competitive business -- on November 20, 2003.

The Petitioners request that this matter be scheduled to proceed before the Board on an expedited basis in view of the financial hardship inherent in any undue delay. Pursuant to the Purchase Agreement dated June 9, 2003, Mighty Wash of Frederick

Avenue, Inc. is obligated to proceed to settlement not later than December 31, 2003. The owner of the Subject Property became widowed during the contract period and is relying on the sale proceeds for her sustenance now and in the years to come. Any extension of the contract would, therefore, result in extreme financial hardship.

In addition to the hardship to be visited upon the Owner should this transaction not proceed to settlement by December 31, 2003, the Contract Purchaser would lose a significant investment already placed in the project to date in the event the parties do not consummate this transaction. As a consequence, both the owner and the Contract Purchaser are concerned at the prospect of significant financial injury simply by virtue of delay in the resolution of this Appeal.

In view of these circumstances, the Petitioners would appreciate every effort the Board could make in scheduling this matter to proceed at the earliest available date.

Thank you for your attention to and consideration of this request. If you have any questions or would like further information, please do not hesitate to let me know.

Very truly yours,

Eliot M. Wagonheim

EMW/tlc

cc: Michael P. Tanczyn, Esquire

LAW OFFICES
MICHAEL P. TANCZYN, P.A.
Suite 106 • 606 Baltimore Avenue
Towson, Maryland 21204
Phone: (410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

November 19, 2003

The Honorable Timothy Kotroco, Esquire
Director, Permits and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Petition For Special Exception And Variance
N/S of Windsor Mill Road
47 ft. SE of Rolling Road
4th Election District
2nd Councilmanic District
7416 Windsor Mill Road

04-032-A

Dear Mr. Kotroco:

Please enter an appeal to the Board of Appeals from the decision of the Deputy Zoning Commissioner, granting the Motion for Reconsideration, dated October 22, 2003. The appeal should be noted on behalf of Mr. Javed Iqbal, 2701 Rolling Road, Baltimore, MD 21244.

Enclosed you will find our check for costs. Please advise us of all hearing dates.

Very truly yours,

Michael P. Tanczyn, Esquire

MPT/cbl
Encl.
cc: client
John V. Murphy

RECEIVED
NOV 19 2003
Per

Post-it® Fax Note 7671	Date 11/25	# of pages ▶
To Steve Tucker	From	
Co./Dept.	Co	
Phone # 410-828-4878	Phone #	
Fax #	Fax #	

LAW OFFICES
MICHAEL P. TANCZYN, P.A.
Suite 106 • 606 Baltimore Avenue
Towson, Maryland 21204
Phone: (410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

January 2, 2004

Board of Appeals of Baltimore County
Attn: Kathy Bianco
Old Courthouse
Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Petition For Special Exception And Variance
N/S of Windsor Mill Road
47 ft. SE of Rolling Road
4th Election District
2nd Councilmanic District
7416 Windsor Mill Road

Dear Ms. Bianco:

I just received the Notice of Assignment of the above case for March 3, 2004 at 10:00 a.m. As I have been previously advised by the Court of Special Appeals to maintain that week for possible oral argument in a contested appeal in Annapolis, I am writing to advise you of that and to ask that this matter be set in for hearing on the next available Board of Appeals date.

Thank you for your anticipated cooperation in this request.

Very truly yours,

Michael P. Tanczyn, Esquire

MPT/cbl

cc: client
People's Counsel
Eliot M. Wagonheim, Esquire

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JAN - 5 2004
BALTIMORE COUNTY
BOARD OF APPEALS

Poss 4/01

LAW OFFICES
MICHAEL P. TANCZYN, P.A.
Suite 106 • 606 Baltimore Avenue
Towson, Maryland 21204
Phone: (410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

April 1, 2004

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APR 0 2 2004
BALTIMORE COUNTY
BOARD OF APPEALS

Board of Appeals of Baltimore County
Attn: Kathy Bianco
Old Courthouse
Room 49
400 Washington Avenue
Towson, Maryland 21204

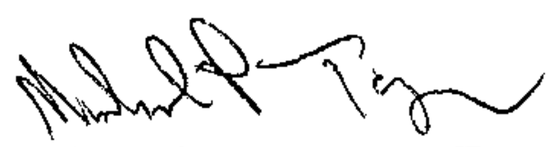
Re: Petition For Special Exception And Variance
N/S of Windsor Mill Road
47 ft. SE of Rolling Road
4th Election District
2nd Councilmanic District
7416 Windsor Mill Road

Dear Ms. Bianco:

Please be advised that on April 29, 2004, I have three conflicts with the hearing in the above-captioned matter. I have to be in the District Court in Towson in the matter, Sentinel Title Corp. v. Coale at 9:00 a.m. on that day. At 10:30 a.m., I am scheduled to be at a settlement conference in the Circuit Court in Towson, in the matter of Newman v. Atlantic Industries. At 1:30 p.m., I am scheduled to be in the District Court in Towson in the matter of Mirabile v Schafer.

Please advise me of any new hearing dates.

Very truly yours,



Michael P. Tanczyn, Esquire

MPT/cbl

cc: client
People's Counsel
Scott Breza, Esquire

GOWER THOMPSON INC.

GOWER THOMPSON INC.
429 EAST LAKE AVENUE
BALTIMORE, MARYLAND 21212
PHONE NO. (410) 532-0101
FAX NO. (410) 532-0104
E-MAIL ADDRESS: GOWERTHOMP@AOL.COM

☐ FAX (SHEETS)
FAX NUMBER
☐ TRANSMITTAL
MEMO
☐ MEETING MINUTES
☐ FIELD REPORT

TO: John Murphy
Deputy Zoning Commissioner

FROM: Fred Thompson
DATE: October 10, 2003
RE: Mighty Wash
Case 04-032-XA

GT#:

REMARKS:

Included, per you zoning order, is a red line markup of the Plan, with the elimination of one of the bays. The equipment room with a landscape island at the end has been mover from the upper level to the outside end of the complex. There is no vehicular traffic thru this room. The equipment room has less width than one of the service bays; the driveway has been widened to maintain a 12-feet wide by-pass lane. We believe that this adjustment complies with your order.

RECEIVED
OCT 1 4 2003
ZONING COMMISSIONER

ZNDED.
QUICK RESPONSE
FILE @ 04-032-XA
ALSO SEE PLAN
(RED LINE,)

1 DAY LTR.

Larner Investments

TELEPHONE
(410) 598-1301

FACSIMILE
(410) 719-1215

September 28, 2004

Via Hand Delivery
Timothy Kotroco
Director
Department of Permits and Development Management
Baltimore County
Towson, MD

Dear Mr. Kotroco:

This is a request for an expedited ruling regarding a zoning and permit issue.

Below is the chronology that I believe you need to know to issue a ruling:

June 9, 2003 --- Mighty Wash of Frederick Avenue, Inc enters into a contract to acquire a .69 ac parcel from Dona Espey at the intersection of Rolling Road and Windsor Mill. Mighty Wash's plan is to demolish an unsafe and derelict building on the property and build in its place a first class self service and rollover carwash. The property is zoned BL/AS. Mighty Wash currently operates 2 other car washes in Baltimore.

July, 2003 --- Mighty Wash applies for a special exception and variance to build the carwash under Case No. 04-032-XA.

September 22, 2003 --- Public hearing held on special exception and variance. The only objection is from the owner of a car wash .7 miles away who protests because he opposes new competition.

September 26, 2003 --- Special exception and variances granted under Case No 04-032-XA by Deputy Zoning Commissioner John V. Murphy.

October 22, 2003 --- Pursuant to a Planning Department request for a minor clarification dated October 9, 2003, Deputy Zoning Commissioner Murphy grants a clarification to the Sept 26th order and extends the appeal period to November 21, 2003.

November 19, 2003 --- The gas station owner files an appeal of the grant of the special exception and variance.

December, 2003 --- Application for grading permit submitted.

6015 FOXHALL FARM ROAD • CATONSVILLE, MARYLAND 21228

Fall 2003 --- Mighty Wash receives an (a) (7) exemption in a meeting before the DRC.

April 1, 2004 --- Appeal is heard before Board of Appeals.

May 21, 2004 --- Board of Appeals issues order granting the special exception and denying variances because of very strict legal standard in Baltimore County for granting variances.

June 17, 2004 --- Board of Appeals clarifies its order of May 21, 2004 specifically noting that the site is well suited for a car wash and affirming the special exception and noting that Mighty Wash can proceed with its use and development with the special exception so long as it can proceed without a variance.

July- August --- Mighty Wash redesigns plan so that no variances are necessary.

July 17, 2004 --- Appeal period for Board of Appeals decision, as clarified, expires without appeal.

August, 2004 --- Fred Thompson, engineer for Mighty Wash, presents revised plan w/o variance to DRC for approval. Planning, Zoning, and Traffic approve or provide very minor comments on revised plan.

August, 2004 --- Application for revised grading permit submitted.

September 14, 2004 --- Final revised plat w/o variances submitted to John Lewis for approval as final check before Mighty Wash closes on the acquisition of the property. Lewis approves plan and suggests I check to make sure there have been no zoning changes under the recent comprehensive rezoning.

September 15, 2004 – I discover that zoning issue 04-030 rezoned from BL/AS to DR 5.5 the land immediately behind the proposed car wash while retaining the AS overlay on the property to be acquired for the car wash.

This letter requests a ruling that the grant of the special exception is fully vested, lasts for 2 years, and specifically that any setback changes arising from the rezoning of the land behind the car wash from BL/AS to DR 5.5 will not affect the final revised plan that John Lewis approved September 14, 2004 (copy enclosed). I need this written confirmation from Baltimore County to acquire the property and proceed with construction. The

submission for a building permit. John Lewis suggested I request this expedited ruling from you.

At this point I have invested approx $45,000 and 16 months in engineering, legal, and zoning appeals etc. This process has been exhaustive and burdensome. Many County agencies including Planning, Zoning, Traffic, Environmental, Fire etc have commented and approved the plan. The plan has sustained an appeal. I want to confirm that all hurdles are passed other than issuance of the building permit.

I look forward to hearing from you as soon as possible. Enclosed is a check for $250 to pay for the expedited ruling. Please call me when your ruling is ready or you can email me the ruling at plarner2003@hotmail.com. Enclosed is the plat approved by John Lewis and the reclassification case 04-030.

Very truly yours,

Paul F. Larner

Paul F. Larner
President

C: John Lewis, Zoning (hand deliver)
Fred Thompson
Scott Breza
Richard Fradkin

9/29/04

This quick response is being given to save time in answering your zoning review request.

Mighty Wash, Case #04-032-XA
2nd Election District

Dear Mr. Larner:

The zoning staff confirms that your special exception as granted by the Board of Appeals Order remains in effect for a period of at least 2 years from the order date pursuant to section 502.3 BCZR (copy attached). The submitted "Red Line Revision 9-12-04 Plan" reviewed by this office shows general compliance with the zoning regulations and no longer indicates a need for variance hearings. The adjacent comprehensive zoning map change does not effect the approved special exception. You may proceed as approved on the red-line plan.

Please provide two additional red-lined plans as referenced above with a copy of this letter directly to me for inclusion in the zoning records. Document this response verbatim on all future plans.

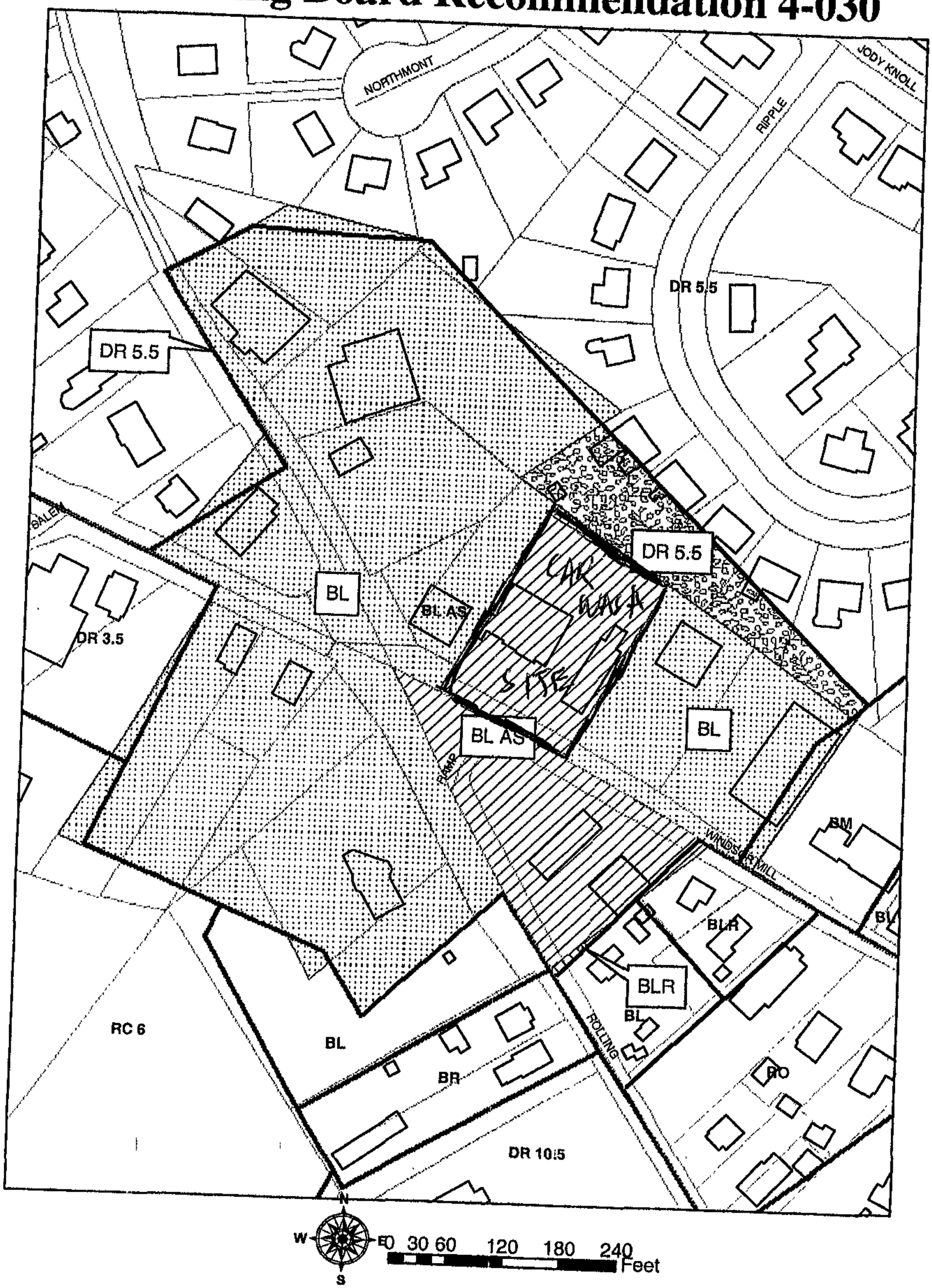
Very truly yours,

John L. Lewis
Planner II
Zoning Review

JII/rjc

c: Don Rascoe

CZMP 2004
Planning Board Recommendation 4-030



Request for Notification

I LEWIS & Deborah Conaway, request notification in the appeal case of zoning change for 7416 Windsor Mill Road (Case # 04-032 XA).

The notification is the be sent to:

Board of Appeals
(Name)

Old Court House - Room 49
(Address)

Towson, MD 21204
(City, State Zip)

3113 Ripple Rd
21244

RECEIVED
FEB 27 2004
BALTIMORE COUNTY
BOARD OF APPEALS

Request for Notification

I Joseph H. & Mary M. Shields **request notification in the appeal case of zoning change for 7416 Windsor Mill Road (Case # 04-032 XA).**

The notification is the be sent to:

Joseph H. Shields Sr & Mary M. Shields
(Name)

3117 Ripple Rd.
(Address)

Balto MD. 21244
(City, State Zip)

RECEIVED
FEB 26 2004
BALTIMORE COUNTY
BOARD OF APPEALS

Request for Notification

I Dawson L. Evans **, request notification in the appeal case of zoning change for 7416 Windsor Mill Road (Case # 04-032 XA).**

The notification is the be sent to:

Mr and Mrss Evans
(Name)

3115 Ripple Road
(Address)

Baltimore, MD 21244
(City, State Zip)

RECEIVED
FEB 25 2004
BALTIMORE COUNTY
BOARD OF APPEALS

Request for Notification

I Allan Price, request notification in the appeal case of zoning change for 7416 Windsor Mill Road (Case # 04-032 XA).

The notification is the be sent to:

Allan & Vanessa Price
(Name)
3119 Ripple Road
(Address)
Baltimore, Md. 21244 (410) 496-1685
(City, State Zip)

RECEIVED
FEB 24 2004
BALTIMORE COUNTY
BOARD OF APPEALS

Section 418
(Reserved)[22]

Section 419
Car Wash
[Bill No. 172-1993[23]]

419.1 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.

419.2 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.

419.3 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. 9×2 = 18
2. Nineteen per full-service car wash tunnel. – 0 4 + 2×3 = 4+6 = 10
3. Four spaces for the first tunnel of a self-service car wash, and two waiting spaces for each additional.

28

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.

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

23 **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.

419.4 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. 50 feet

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.

419.5 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.

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 03-032-A
DATE 9/22/03

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Rosita McKee	6015 Foxhall Farm Rd	Catonsville, MD 21228	Paul_Rosita@msn.com
Dana Espey	7615 Windsor Mill Rd.	Baltimore, Md. 21244	DESPEY@BCPL.NET.
Gary Hensen	7314 Castle Moor Rd	Balto MD 21244	—
Joseph Jacobs	5307 Lewellen St	Balto MD 21207	
Edward Goldmeier	25 Lotimore Way	Owings Mills, MD 21117	egoldmeier@worldnet.att.net
Marc Tyndale	7604 Allentown Blvd.	Harrisburg, PA 17112	MARCT@tyl.com.com
Paul Eden	4030 Dado Ct	Ellicott City MD 21042	paule-cws@msn.com
Engineer Fred Thompson	Gower Thompson Inc 429 E Lake Ave	Baltimore MD 21212	
Paul F. Harner			

Case Number #04-032XA

PLEASE *PRINT* LEGIBLY

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
JAVED IQBAL	2901- N ROLLING RD	WINDSOR MILL MD	21244
SAJID CHAUDHRY	2701. ROLLING RD	BALTIMORE MD	21244

04-032-XA
Espey

Petitioner Exhibits

Verified 4-01-04
Verified 4-15-04

(1)

Ex #

1 Map of Property showing plat plus surroundings

2 ~~[illegible]~~ Letters of support from neighbors (5 separate letters)

3 Pictures of car washes owned by petitioner (4 photographs)
A, B, C, + D
A - Bay
B - Vacuum Units
C - Retail Area
D - Panoramic view

4 5 ~~[illegible]~~ letters of support for project

5 Jim Coleman Co. Letter Ref. Decibel levels

6 List of people supporting project

7 8x11 map of area

~~8 Photographs of posting~~

8. Vitae for Bruce Dunlop

9. Vitae - Richard Peppin

(over)

10. SCANTEK, INC Report

04-032-XA
Espey

protestant ~~Applicant~~ Exhibits

Verified 4-01-04

Verified 4-15-04

①

1 pictures of current site (A - F)

2 list of people opposing project

3 Map of site with photographs attached

4 letter from Woodlawn Motor Coach

5 list of protestants in attendance on 4/14/04

6. 7-11 ~~page~~ picture of light pole

Pl -4

April 12, 2004

FROM: Woodlawn Motor Coach
3109 Rolling Rd
Baltimore, MD 21224

TO: All concerned parties involved with the acquisition of the Espey property Located at Windsor Mill RD, and Rolling Rd.

Woodlawn Motor Coach has been a family owned business in this community for over seventy years. We have operated a transportation company serving several county school systems as well as private charter work. At times we do operate with some extended hours, however we are not a 24 hour a day operation. Woodlawn Motor Coach has always maintained a very good relationship with the surrounding community.

The fact that our community has evolved from a rural setting to a more residential Area. We feel that a 24 hour a day, stand alone business would not be best suited for that location. Observing similar operations where there is no attendant on duty it appears that loitering occurs after hours, groups tend to congregate leaving trash and playing music from their vehicles. The main concern is when individuals or groups loiter and no one is on hand to monitor the situation, quite often problems begin to arise, such as trespassing, vandalism, drinking and so forth.

In closing, because of the location of said property to surrounding houses and business, we are apposed to a 24 hour car wash being approved for that site.

Respectfully,

Kevin Bayer
Operations Manager

Pl 4
id

4/1/04 Case 04-32XA Protestants opposed to these Petitions

Prot. X 2

CHARLES CAGER	3120 RIPPLE RD.
VAN S. Johnson	3121 Ripple Rd
Octavio Dyson	3115 Ripple Rd.
Iris Thomas	3115 Ripple Rd
Alan Price	3119 Ripple Rd.
Joe H. Shields SR	3117 Ripple Rd
Mary M. Shields	3117 Ripple Rd.
Vanessa Price	3119 Ripple Rd.
JAVED IQBAL	2901-N ROLLINGS RD.
SAJID CHAUDHRY	2701-N-ROLLING RD
ANIL SIKKA (7-Eleven)	7410 Windsor Mill Rd

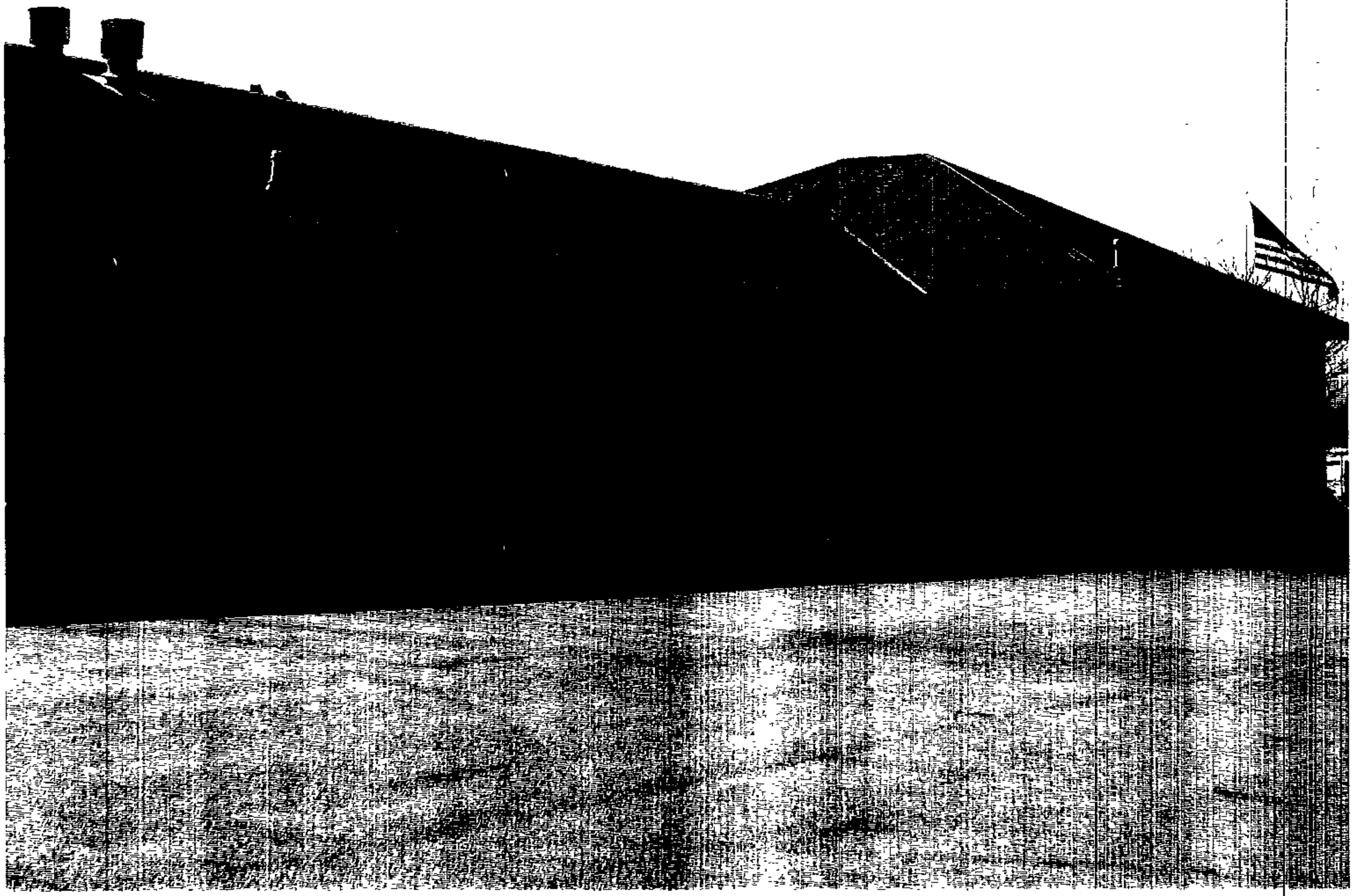
~~Opposing~~ Good for Business but I'm with the Local Community.

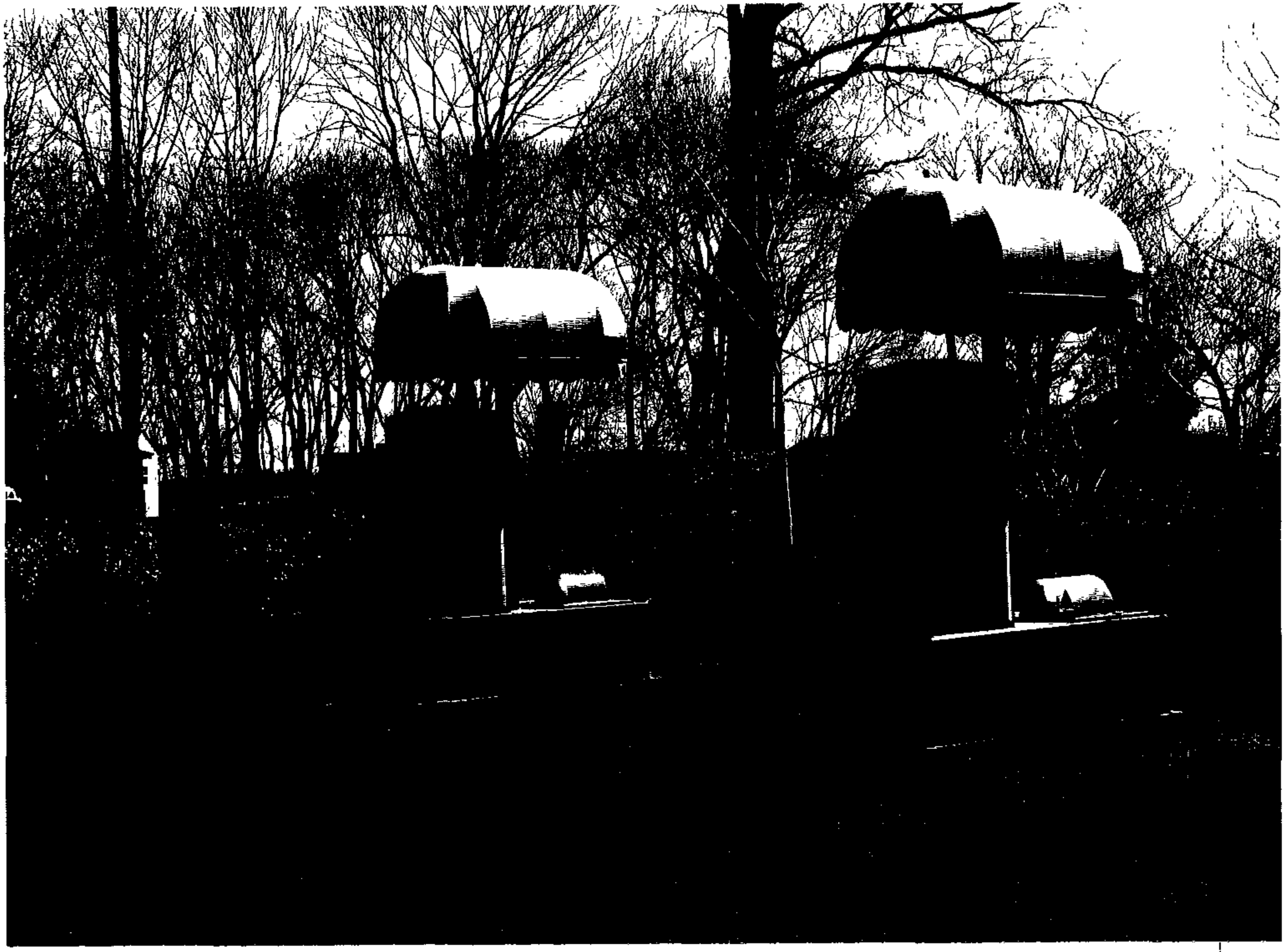
PR 5

April 17, 2002 Protestants Case 04-32XA

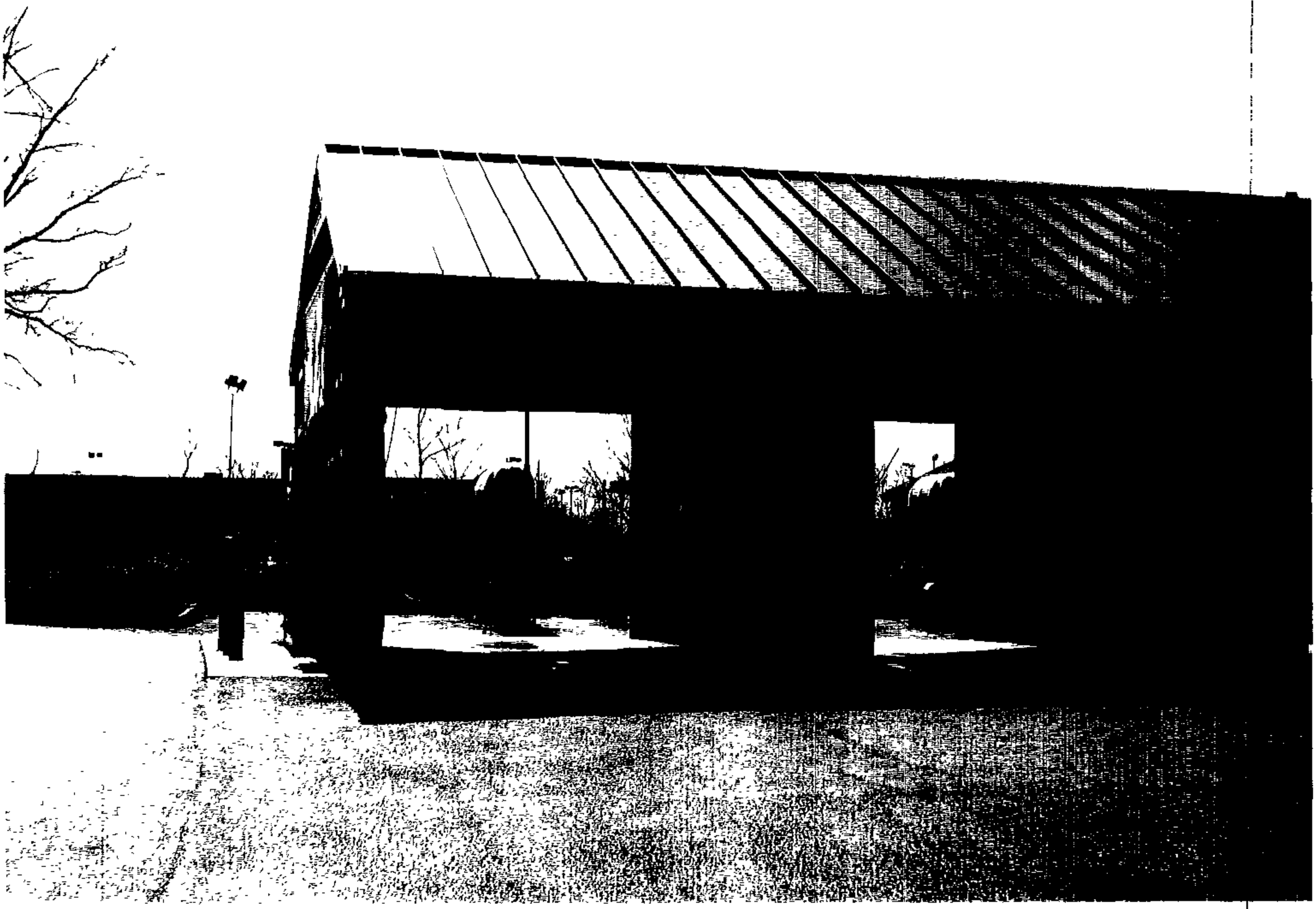
Van S. Johnson 3121 Ripple Rd.
[illegible] 3115 Ripple Rd
JAVED IQBAL 2901 N ROLLING RD
SAJID CHAUDHRY 2701 N. ROLLING RD MD. 21244
[illegible] 3115 Ripple Rd. 21244
[illegible] 3119 Ripple Rd.
[illegible] 3119 Ripple Rd
Joe Shields SR 3117 Ripple Rd.
Mary Shields 3117 Ripple Rd.

Prot 5





WELCOME TO MIGHTY WASH
CAR CARE VENDING CENTER
Air Fresheners
ALL PURPOSE SUPER TRUCK TOWEL
ALL PURPOSE SUPER TRUCK TOWEL
Quick Dry 3N1 VENDING CENTER
ARMOR ALL
CAR CARE CENTER



Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

Protestant Exhibits
1A - 1F

Protestant
Pet. Ex. #3A-3F
#04-032

Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

Photographs
Pet. Ex. 2A-2E
04-032

Feed
Store
DEY FEED STORE

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1A

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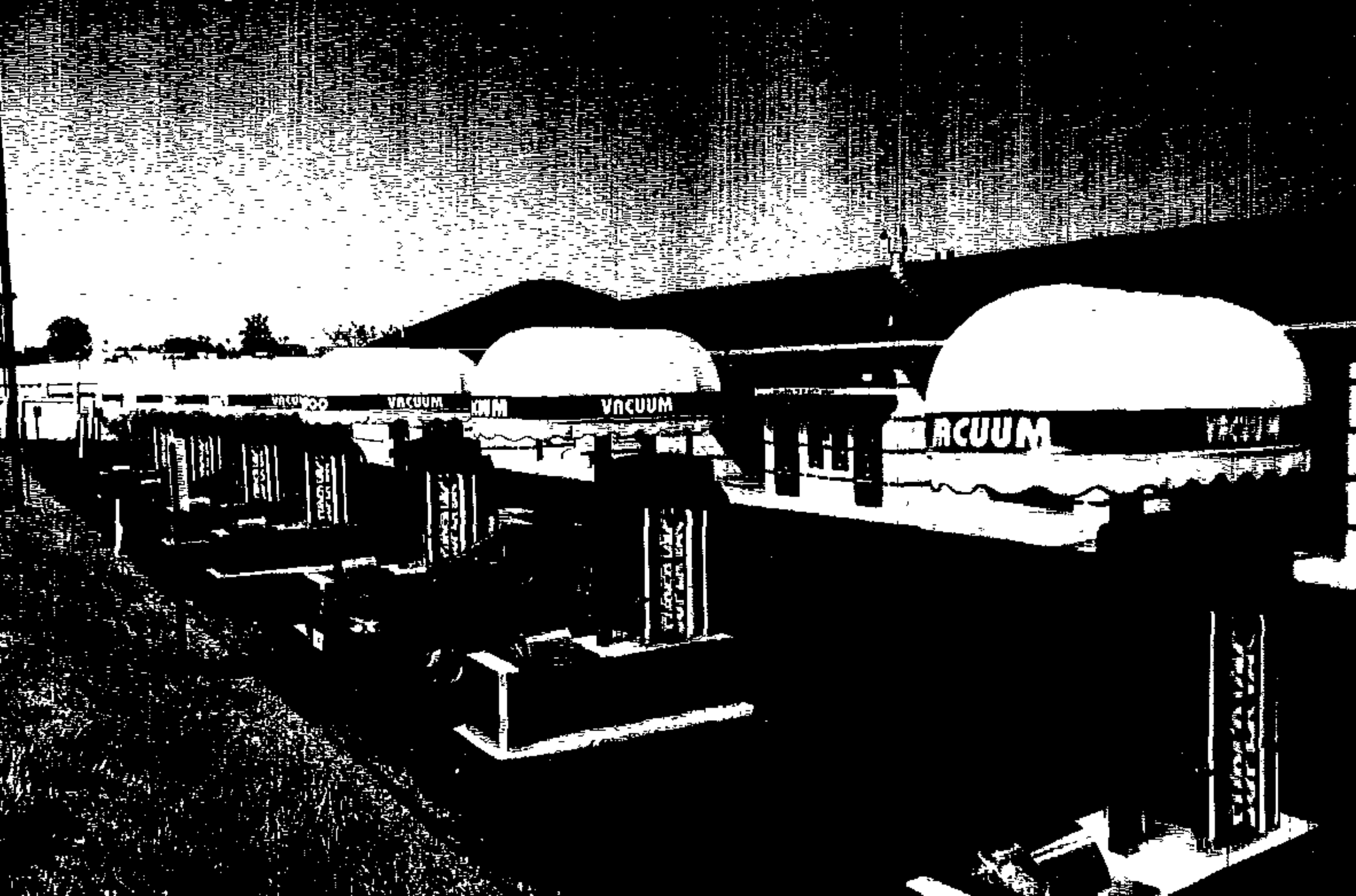
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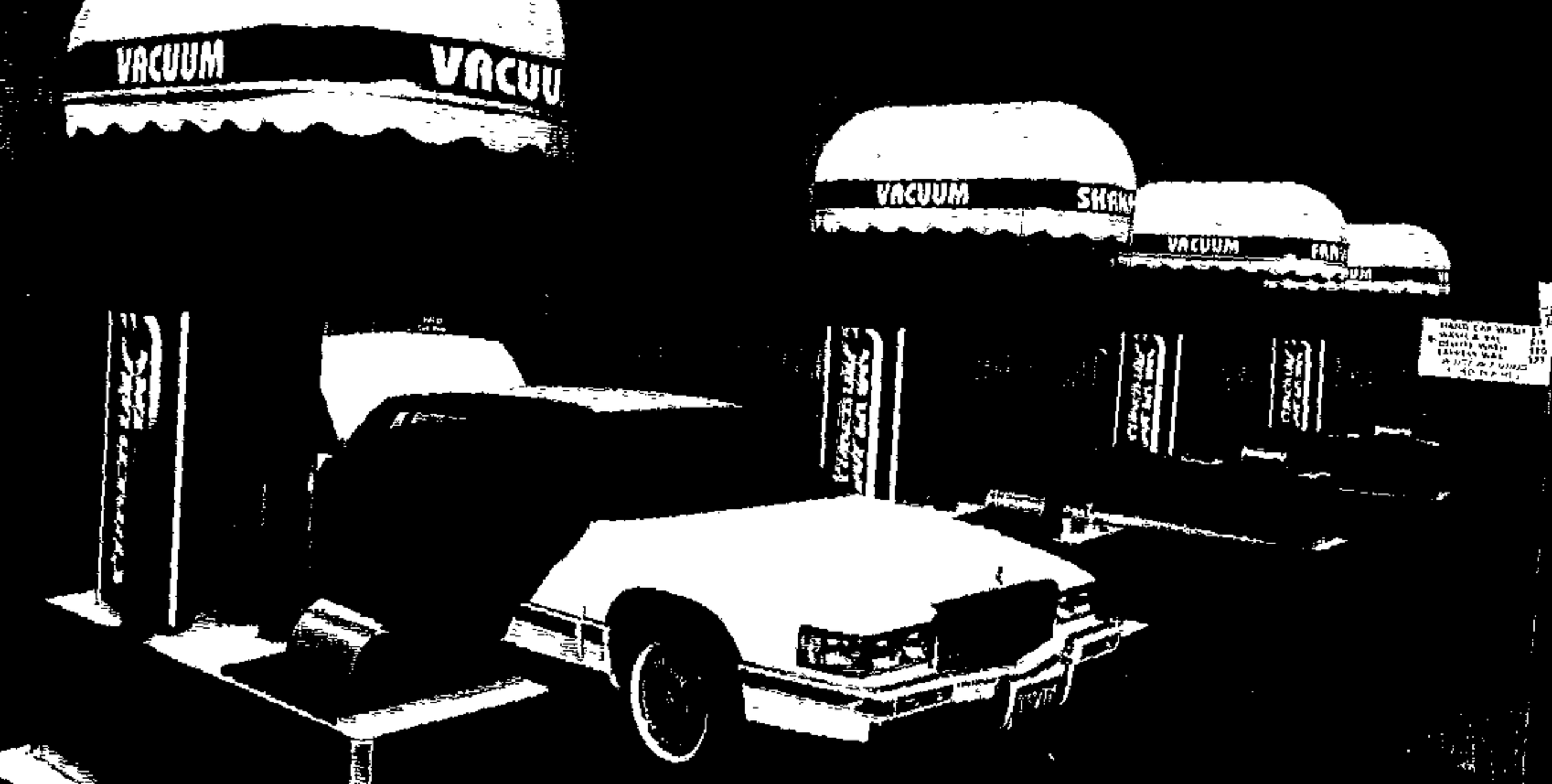
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P·D 4

STATEMENT OF SUPPORT
(September 13, 2003)

I have met with Paul Larner and Rosita McKee, the owners of Mighty Wash of Frederick Avenue, Inc, and they have reviewed with me the plat they have submitted for a special exception and variance to build a 4-bay self-service and 2 bay automatic car wash at 7416 Windsor Mill Road.

As the owner or manager of a business in the neighborhood where the car wash is proposed, I want to express my support for their application. In particular, I have no objection to their being open 24 hours.

BUSINESS NAME	SIGNATURE
D&S BODY AND FENDER SHOP, INC 7404 Windsor Mill Rd. Baltimore, MD 21244	Marvin L. Wheat, Jr. Pres.

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(September 13, 2003)

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BUSINESS NAME	SIGNATURE
Windsor Service Inc. *7404 Windsor Mill Rd.* *Baltimore, MD 21244*	Donald D. Nbar, Pres.

STATEMENT OF SUPPORT
(September 13, 2003)

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BUSINESS NAME	**SIGNATURE**
7-Eleven 7410 Windsor Mill Rd., Baltimore, MD 21244	Franchise Owner

STATEMENT OF SUPPORT
(September 13, 2003)

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BUSINESS NAME	**SIGNATURE**
Red Dot Liquors	[illegible]

STATEMENT OF SUPPORT
(September 13, 2003)

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BUSINESS NAME

Red Dot Liquors
7408 A Windsor Mill Rd

SIGNATURE

STATEMENT OF SUPPORT
(September 13, 2003)

I have met with Paul Larner and Rosita McKee, the owners of Mighty Wash of Frederick Avenue, Inc, and they have reviewed with me the plat they have submitted for a special exception and variance to build a 4-bay self-service and 2 bay automatic car wash at 7416 Windsor Mill Road.

As the owner or manager of a business in the neighborhood where the car wash is proposed, I want to express my support for their application. In particular, I have no objection to their being open 24 hours.

BUSINESS NAME	**SIGNATURE**
ROYAL CLEANER	

STATEMENT OF SUPPORT
(September 13, 2003)

I have met with Paul Larner and Rosita McKee, the owners of Mighty Wash of Frederick Avenue, Inc, and they have reviewed with me the plat they have submitted for a special exception and variance to build a 4-bay self-service and 2 bay automatic car wash at 7416 Windsor Mill Road.

As the owner or manager of a business in the neighborhood where the car wash is proposed, I want to express my support for their application. In particular, I have no objection to their being open 24 hours.

BUSINESS NAME	SIGNATURE
AZAZ KHAN Rolling RD EXXON	

STATEMENT OF SUPPORT
(September 13, 2003)

I have met with Paul Larner and Rosita McKee, the owners of Mighty Wash of Frederick Avenue, Inc, and they have reviewed with me the plat they have submitted for a special exception and variance to build a 4-bay self-service and 2 bay automatic car wash at 7416 Windsor Mill Road.

As the owner or manager of a business in the neighborhood where the car wash is proposed, I want to express my support for their application. In particular, I have no objection to their being open 24 hours.

The Original Frank's Plaza Inc.
3044 N. Rolling Rd. Opt #D
21244
BUSINESS NAME

410-655-0200

SIGNATURE owner/Pres.

CDA - Pet X 5

JIM COLEMAN COMPANY, INC.

World Class Manufacturing in Car Wash Equipment

May 12, 2003

Marc Tyndale
Car Wash Systems Inc.
7604 Allentown Blvd.
Harrisburg, Pa. 17112

Dear Marc,

This letter is in response to your request for sound levels of the Model 94000 vacuum cleaner with two 1.6 HP motors. The following levels were derived by tests performed in a controlled environment at our car wash located at 5842 West 34th Street, Houston, TX.

Distance in feet	Db level
1	85
5	79
10	75
15	72
20	70
25	66
50	46

If we can be of further assistance, please contact us .

Best regards,

Jerry R. Truelove
Jim Coleman Company

Pet #6

Baltimore
410-727-3700
800-492-1654

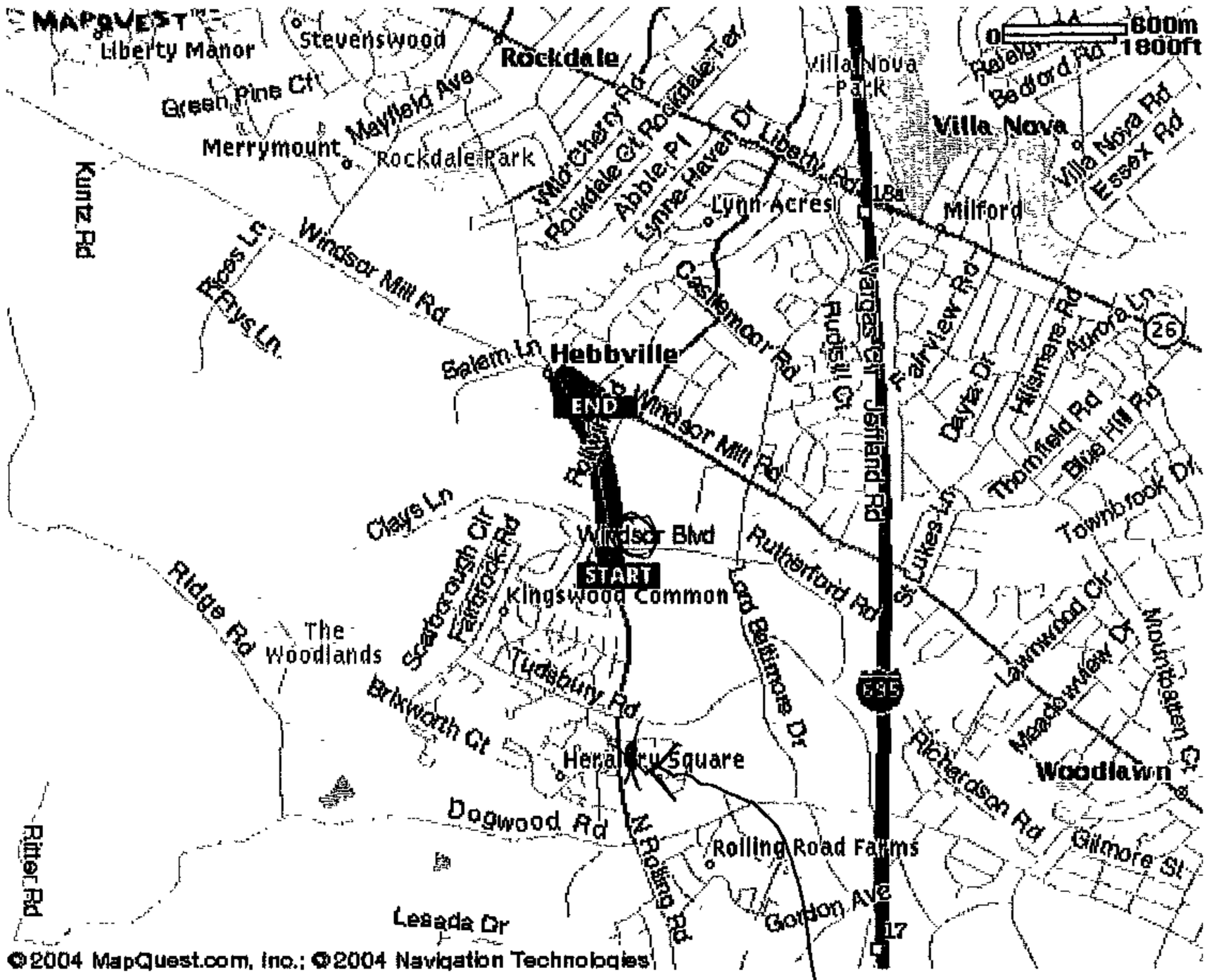
Chicago Title

Rockville
301-340-9555
800-228-0764

P X 6

4/1/04 People in Support of Petitions

Violet Schisler 8215 Windsor Mill Rd 21244
Peggy Heninger 3110 Rockwood Ave - 21244
Grace Esperl 7615 Windsor Mill Rd. - 21244
Shirley McGuire 2501 Lewis Lane 21048
GARY R HENSEN 7314 CASTLE MOOR RD - 21244
Wm. C Neamon 3108 Rockwood 21244
Robert K. Richards 6329 DARING PRINCE WAY, COLUMBIA, MD 21044
Thomas B Guilfoy 7403 Windsor Mill Rd 21244
Richard Frydkin 3414 Englemeade Rd 21208
David Coley 205 River way Ct Apt 104 21117



Chaunday
Gas Station
& Car Wash

Petitioners 7

Ref - 8

CRAMPTON / DUNLOP
ARCHITECTURAL LIGHTING SERVICES LLC

BRIEF INTRODUCTION TO BRUCE C.DUNLOP, LC, IES

- VICE PRESIDENT, CRAMPTON/DUNLOP ARCHITECTURAL LIGHTING SERVICES, A SMALL LIGHTING DESIGN PRACTICE SPECIALIZING IN CORPORATE, INSTITUTIONAL, MUNICIPAL, AND PERFORMANCE AND WORSHIP SPACE PROJECTS
- 24 YEARS EXPERIENCE IN LIGHTING
- CERTIFIED BY THE NATIONAL COUNCIL ON QUALIFICATIONS FOR THE LIGHTING PROFESSIONS (NCQLP)
- RECIPIENT – 2001 MD STATE GOVERNOR'S CRIME PREVENTION AWARD
- MEMBER – BALTIMORE COUNY OUTDOOR LIGHTING ADVISORY BOARD
- CERTIFIED LECTURER – AIA, IIDA, AND IES
- MEMBER – BALTIMORE URBAN LIGHTING BOARD
- EDUCATION COMMITTEE CHAIRMAN - IES MARYLAND SECTION
- 11-YEAR FACULTY MEMBER - MARYLAND INSTITUTE COLLEGE OF ART CONTINUING STUDIES
- CO-FOUNDER - MARYLAND INSTITUTE/IES LIGHTING LAB
- RECIPIENT – AIA/BALTIMORE 2002 PRESIDENT'S AWARD; CONSULTANT OF THE YEAR
- CONTACT INFORMATION:
  - 410.494.1535
  - bdunlop@cramptondunlop.com
  - www.cramptondunlop.com

Ref 8

606 BOSLEY AVENUE BALTIMORE, MD 21204 (410) 494-1535 FAX (410) 494-4479
www.cramptondunlop.com

p -9

Richard J. Peppin, P.E.

HOME: 5012 Macon Road, Rockville, MD 20852, 301/984-3375 (ph), -5762 (fx), PeppinR@asme.org
OFFICE: Scantek, Inc. 7060 Oakland Mills Rd, Suite L, Columbia, MD 20910, 410-290-7726 (ph), -9167 (fx) PeppinR@ScantekInc.com

ACADEMIC BACKGROUND

City College of New York, B.E. Mechanical Engineering, 1965
W. Va University, M.S. Theoretical & Applied Mechanics, 1966
Rensselaer Polytechnic Inst., M.S. Mechanical Engineering, 1969
McMaster University, Ph.D. Candidate, Mechanical Engineering, 1972

LICENSES AND REGISTRATIONS

Registered Professional Engineer: NY(51519), NJ (20911), MD (12869), Ontario, VA (036156)
Board Certified in Noise Control Engineering: Institute of Noise Control Engineering
Certified Quality Systems Auditor: ISO 9000, Registrar Accreditation Board (1995-2000)
Approved Auditor: Calibration Cooperative, PRI, Society of Automotive Engineers

PROFESSIONAL EXPERIENCE

Business

Scantek Inc. (1985-95, 1998-), President
Institute of Noise Control Engineering (2002-), Manager of Advertising
Larson Davis Laboratories, Inc. (1995-98), Eastern Regional Manager
Industrial Acoustics Co. (1995), Vice President, Market Development
Brüel and Kjær Instruments (1982-85), Head, Acoustics and Environmental Marketing Groups

Associations

Institute of Noise Control Engineering (1997-) Manager, Expositions
Institute of Noise Control Engineering (2002-) Manager, Advertising, Noise News International

Government

State of Maryland, MD Department of Environment, (2004-), Member, Environmental Noise Advisory Council
National Park Service (1981-82), Acting Chief, Division of Safety Management
Occupational Safety and Health Administration (1979-80), Sr. Scientist and Safety Engineer
Montgomery County Government (1976-79), County Noise Control Engineer

Education

Pennsylvania State University (1987-99), Instructor
Montgomery College (1989-90), Instructor
McMaster University (1969-72), Instructor

Consulting

Straughan Environmental Services, Principle Acoustical Engineer (2000-1)
Air Conditioning & Refrigeration Institute (1996-97), Consultant in Acoustics
National Institute for Standards and Technology (1982-), Laboratory Assessor
American Association for Laboratory Accreditation, Laboratory Assessor (1992-4), Member, Accreditation Council (1994-6)
Performance Review Institute (1994-), Assessor
Robson Lapina (1985-), Forensic Expert- Acoustics
State of Maryland (1983-), Noise Control Engineer
Richard J. Peppin, P.E. (1975-), Principal Consultant
White Mountain Research (1975-85), Principal Consultant
Jack Faucett Associates (1977-79), Sr. Consultant
Science Applications (1975-76), Manager, Community and Industrial Noise Programs
Kodaras Acoustical Laboratories (1973-75), Sr. Acoustical Consultant
Engineering Science, Inc. (1973), Consultant
Donley Miller & Nowikas (1972-73), Consultant

Industry

Pratt & Whitney Aircraft (1967-69), Sr. Structural Engineer
Bendix Corp. EP Div (1965-66), Engineer

Expert Witness

• 1986 March, Montgomery County Zoning Hearing Examiner, Office of Zoning and Administrative Hearings, Boys Citizens Association v. Rockville Crushed Stone, Montgomery County Board of Appeals, Chen-Walsh and Tackler, William Chen, Attorney• 1996 May 31 Robert J. Califano v. Montgomery Ward, Schenectady, NY Delawareans, Gordon, Pasquariello, Weiskopf & Harding, Charles. Harding, Attorney, Hearing Conservation
• 2000 May 31, Buck Hill Falls Co v. Clifford Press and Elizabeth Sawyer, Stroudsburg PA, Judge Worthington, G. Westervelt, attorney, Community Noise qualified in the court of common pleas of Monroe county Pennsylvania, case no 6480 civil 1999• 2000 November 14, U.S. District Ct, Wash. DC, Harris v. National Rail Passenger Association (AMTRAK), Judge Emmitt Sullivan, Vincent McKnight, Attorney• 2000 September 27 and November 2, Zoning Hearing Examiner for Prince George's County Hearing Examiner Joyce Nichols, Larry Taub, Attorney-

Pet 9

• 2001 May 8 Anne Arundel County Zoning Hearing Examiner, Les Jenkins Family Fun Park v. Anne Arundel County, Stephen M. Legendre, Hearing Examiner, F. Delavan, Attorney • 2003 April 9 Montgomery County Board of Appeals, Petition of Wendy Walker • 2003 May 5 Luzerne County, PA Criminal Court, Commonwealth v. Stubbs, Peter Paul Olszewski, Jr., Judge, A. Flora, Attorney • 2004 March 24 Baltimore County, MD, Board of Appeals, Lawrence Wescott Chair Robert Hoffman, Attorney

TECHNICAL AFFILIATIONS

American National Standards Institute
- Chair, Acoustical and Vibrations Standards Board (1996-8)
- Acoustical Standards Management Board (1979-81)
- Committee Z-137, Hearing Protection (1979-82)
- Committee Z-89, Head Protection (1979-81)
- Safety and Health Standards Management Board (1980-1)

American Society for Testing and Materials, Member (1972-)
- Chair numerous task groups and a subcommittee, received Society award

American Society of Mechanical Engineers, Fellow, 1995, Member (1972-)
- Chaired two Divisions, received two Society awards, member of several standard writing groups, member Peer Fellow Committee, represent ASME to external professional organizations, Member, Board of Directors, DC Region

American Society of Heating, Refrigeration, and Air Conditioning Engineers, Member (1983-) TC-2.6, Sound & Vibration,
- Chair (1998-),Vice-Chair (1995-98), Wrote and evaluated work-statements for ASHRAE Research, teach four seminars per year, Principal Investigator: research project on HVAC noise estimation (1993-6), Chair, Standards Committee (1994-)
- ASHRAE Professional Development Seminars (Atlanta, Apar, Chicago, Nov, 1992, McLean, Dec, 1993)

Acoustical Society of America, Fellow (1994-), Member (1972-93)
- Chair, Technical Committee on Noise (1997-2000)
- Chair, American National Standards Committee S2 on Shock and Vibration (2000-)
- Chair, Working Groups on: Sound Power, Room Criteria, FFT Analyzers, Windscreens, Member, Technical Committees on Noise and on Architectural Acoustics, Member NC Chapter, Chair, Exhibits Committee (1988-90, 1994-), Vice-president DC Chapter (1992-93), President, DC Chapter (1993-1994), Member, Archives & History Committee (1994-)

Institute of Noise Control Engineering, Member, Board Certified (1973-)
- President (1997-8), Exhibits Manager (1996-), President Elect (1996-97), Officer (Vice-president Membership, Vice-president External Affairs), Director, Editor, paper reviewer (1975-)

International Organization for Standardization (ISO), (1995-) Designated Expert to: TC/43/SC1 wg44, Noise Control by Silencers and ISO/TC43/SC1/WG28, Sound Power

Institute of Environmental Sciences, Sr. Member (1974-95)
- Vice-president, National Capitol Chapter

Computer & Business Equipment Manufacturer's Assoc., Member ESC-6 (1983-92)

American Society for Quality Control, Member (1994-)

Association of Professional Engineers of Ontario, Member (1970-80, 86-)

Society of Automotive Engineers, Member (1990-)
- Committee A-21 on Aircraft Noise (1987-), Paper reviewer (1987-)

National Science Foundation, Proposal Reviewer (1981-83)

Vibration Institute, Member (1985-)

Listed in "Who's Who in Engineering," "Who's Who in Technology Today," "International Who's Who in Engineering," "American Men and Women in Science," "Who's Who in Society," "Who's Who in the East," "Who's Who in Science and Engineering"

Awards

ASME Centennial Medal, 1980
ASME Dedicated Service Award, 1990
ASTM Certificate of Appreciation, 1998
ASTM Wallace Waterfall Award, 1993
ASA Fellow, 1994
ASME Fellow, 1995

Editorial

Shock and Vibration Digest, Board of Editors (1988-)
Airport Noise Report, Editorial Advisory Board (1988-95)
Noise/News, Editor for ASME

Sound and Vibration, Contributing Editor (1995-)

COMMUNITY ACTIVITIES

Community Involvement and Environment

Citizens Against Noise (1978-80)
Washington Suburban Sanitary Commission, Committee on the Environment (1995-97)
Washington Ethical Society, Board of Trustees (1989-91)
Verona Environmental Commission (1972-75)
Metropolitan Washington Council of Governments, Member Noise Technical Committee (1976-79)
Montclair Society of Engineers (1972-77)Washington Society of Engineers (1980-85)
Montgomery County Noise Control Advisory Board, (1980-89, 1999-), Chairperson (1984-6), Vice Chairperson (1983-4), Secretary (1977-80)
National Association of Noise Control Officials, Member (1978-80)
National Science Foundation, Proposal Reviewer (1981-82)

Animal Rights

Exhibition Manager, Animal Rights 2000 (2000), Farm Animal Reform Movement (FARM),
Volunteer: Fund for Animals, CARE, Poplar Springs Animal Sanctuary, Compassion over Killing, Letters to the Editor (Washington Post (5/06/00), NY Times Magazine (8/20/00), Forbes (11/20/00), The Guardian (08/02/01)

Youth Activities

American Youth Hostels, Board of Directors (1966-69)
Big Brothers (1970-2)

Feminist Activities

New Directions for Women, Book Reviewer and Author (1972-75)
National Women's Symphony, Officer & Member, Board of Directors (1989-93)
OSHA Federal Women's Program Advisory Committee, Member (1980-81)

PROFESSIONAL ACTIVITIES

Books- Edited two books: for ASME and for ASTM, coauthored book for NIST

Articles- Over 45 articles and papers published by: AIAA, INCE, NIOSH, Mechanical Engineering, Shock & Vibration Digest, Airport Noise Report, and others.

Papers- Over 85 papers presented at sessions sponsored by: AMCA, ASHRAE, IES, INCE, ASA, EPA, HCA, AES, AIHA, among others.

Book Reviews- Over 100 reviews in: Chemical Engineering, J. Environmental Sciences, Shock & Vibration Digest, J. Acoustical Society of America, Noise Control Engineering J., and Library Journal.

Conference Chairperson and Organizer- Environmental Noise Symposium for ASTM

Session Chairperson and Organizer- Over 32 sessions chaired and organized for ASME, INCE, ASA, SAE, IMAC

SPECIFICS ON EXPERIENCE

Scantek Inc. 1985-1995, 1998- present

As President, responsible for start-up and operation of subsidiary of Norwegian instrumentation firm. Responsible first for the USA, eventually expanding to Canada and South America. This involved areas of purchasing, recruitment, hiring, negotiating contracts with representatives, GSA schedule procurement experience, advertising, marketing, seminars, instrumentation demonstrations, technical support, developing product releases, trade shows, and setting up a service center. Developed policies, wrote contracts, obtained government contracts. Negotiated exclusive contract with RION Trading, Ltd., a Japanese instrumentation manufacturer, Castle Group Instruments, a UK instrument manufacturer, RTA Technology, an Australian software/hardware developer, BSWA, a Chinese Microphone manufacturer, and DataKustik, a German software developer. Company sales in 1985: less than $20,000, in 2003, over $1,250,000.

Larson Davis Laboratories, Inc. 1995- 1998

As Eastern Regional Manager, responsible for technical support of approximately 20 representatives in the Eastern USA, Canada, Israel, and Puerto Rico. Represent company on all acoustical and vibration standards writing bodies. Propose marketing strategies for worldwide sales efforts.

Industrial Acoustics Co. 1995

As Vice-President, Market Development, responsible for corporate marketing, market development, technical support for the architectural, special products, medical, industrial, and air-conditioning groups. Main target audiences were acoustical consultants, musical studios and practice rooms, correctional facilities, and test-room users.

Brüel and Kjær Instruments 1982-1985

As Head, Acoustics and Environmental Marketing Groups in Corporate office, responsible for all analyzers and meters dealing with acoustics. As Applications Engineer, became knowledgeable in all aspects of theory and applications of acoustical instrumentation.

Taught over 100 seminars to audiences ranging from 10 to 80 in the areas of: acoustic intensity, noise control, vibrations, acoustics, and machinery monitoring.

National Park Service 1980-1981

As Acting Chief, Division of Safety Management, responsible for a professional office staff of six and a professional field staff of about 15 managers/specialists, handling entire National Park system. Taught safety seminars; developed safety management procedures, and handled budget of several million dollars.

Occupational Safety and Health Administration 1979-1980

As Sr. Scientist, responsible for all engineering noise control provisions of new amendment to 29 CFR 1910.95.

Pennsylvania State University 1987- 2001
Montgomery College 1989-1990
McMaster University 1969-1972

Taught seminars and classes in: vibrations, mathematical elasticity, machine design, dynamics and statics, stress analysis. continuum mechanics.

Taught the following **undergraduate courses**:

Statics, Dynamics, Graphics, Vibrations, Machine Design, Stress Analysis

Taught the following **graduate courses**:

Elasticity, Continuum Mechanics, Vibrations

Taught the following **seminars**:

Basic Acoustics, Intermediate Acoustics, Architectural Acoustics, Noise Control, Calibration of Microphones, Acoustic Intensity, Machine Diagnostics and, Health Monitoring, Vibrations, Instrumentation, Safety and Health Management, HVAC Noise and Vibration Control

Montgomery County Government 1976-1977

As County Noise Control Engineer, had full administrative and technical responsibility for suburban/urban/rural environment. Developed abatement plans, designed noise control for industrial spaces, made community noise surveys, developed noise codes, and helped with architectural design in acoustics.

Consulting Experience

Scantek, Inc. 1985- present
National Institute for Standards and Technology 1982- present
American Association for Laboratory Accreditation 1992- present
Richard J. Peppin, P.E. 1975-present
White Mountain Research 1975-present
Jack Faucett Associates 1977-1979
Science Applications 1975-1976
Kodaras Acoustical Laboratories 1973-1975
Engineering Science 1973
Donley Miller & Nowikas 1972-1973

Acoustical consultant in the areas of industrial noise control, community noise measurement and analysis, building and auditorium acoustics, transportation noise, and noise measurement techniques including Acoustic Intensity. List of clients include: National Institute of Standards and Technology, Battelle Memorial Institute, State of Maryland, Town of Cedar Grove, City of Falls Church, Buffalo Forge, Burgess Manning, BASF, Industrial Acoustics Co., American Institute of Architects, Air Conditioning & Refrigeration Institute, and others representing heavy industry, architects, attorneys, schools, communities, and commercial firms.

One of three NIST laboratory assessors in Acoustics. Made more than 100 assessments at acoustical labs throughout the world.

Pratt & Whitney Aircraft 1967-1969

As Sr. Structural Engineer, developed many major finite element computational elements for structures (St. Venant torsion, plane stress/strain) and heat transfer programs in the early stages of the technique.

Developed theory for squeeze film damper bearings now used in P&WA aircraft gas turbine engines.

Bendix Corp. Ecilpse Pioneer Div 1965-1966

As Junior Engineer, developed finite difference computer program for the heat transfer analysis of the stable platform guidance system of the Apollo spacecraft. Both steady state and transient theoretical analysis using forced convection, conduction, and radiation.

SYMPOSIUM CHAIRPERSON AND ORGANIZER

"The State of the Art in Community Noise: Criteria, Measurement and Description," ASTM Symposium, Kansas City, May 1978

SESSION CHAIR, CO-CHAIR, OR ORGANIZER

%Ì "Transportation Systems Safety," ASME Winter Annual Meeting, Atlanta, 1977
%Ì "Industrial Noise," ASME Winter Annual Meeting, Houston, 1975
%Ì "Technology and Society," ASME Winter Annual Meeting, Houston, 1975
%Ì "Nuclear Safety Impact," ASME Winter Annual Meeting, Atlanta, 1977
%Ì "Designing Noise out of Products," ASME Winter Annual Meeting, Atlanta, 1977
%Ì "Industrial Noise," ASME Winter Annual Meeting, Atlanta, 1977
%Ì "Industrial Noise," Inter-Noise'78, San Francisco, 1978
%Ì "Nuclear Maintenance Safety and Control," ASME Winter Annual Meeting, San Francisco, 1978
%Ì "Transportation Noise," ASME Winter Annual Meeting, San Francisco, 1978
%Ì "Industrial Noise Control," ASME Winter Annual Meeting, New York, 1979
%Ì "Health and Safety in the Textile Industry," ASME Textile Engineering Conference, Raleigh, 1980
%Ì "Instrument Calibration and Certification," Institute of Noise Control Engineering, InterNoise'80, Miami, 1980
%Ì "Analytical Methods in Occupational Safety and Health," ASME Winter Annual Meeting, Washington, 1981
%Ì "Technology and Society" (six sessions), ASME Winter Annual Meeting, Washington, 1981
%Ì "On the Proper Way to Measure Industrial Noise," Institute of Noise Control Engineering, InterNoise'82, San Francisco, 1982
%Ì "Laboratory Accreditation," 108th Meeting of the Acoustical Society of America, Minneapolis, 1984
%Ì "Sound Intensity Standards," Institute of Noise Control Engineering, InterNoise'84, Honolulu, 1984
%Ì "Computer Aided Testing," Institute of Noise Control Engineering, NoiseCon'85, Columbus, 1985
%Ì "Modal Analysis: Experimental Case Histories," International Modal Analysis Conference, Los Angeles, 1986
%Ì "Noise Control for Electronic Packaging," ASME Winter Annual Meeting, Anaheim, 1986
%Ì "Sound Intensity to Measure Sound Power," 112th Meeting of the Acoustical Society of America, Anaheim, 1986
%Ì "Interior Noise in High Speed Aircraft," 115th Meeting of the Acoustical Society of America, Seattle, 1988
%Ì "Problems of Sound Transmission and Privacy in Buildings," North Carolina Regional Chapter of the Acoustical Society of America, Charlotte, Spring 1988
%Ì "Development of Design Information: Acoustical Measurements," NoiseCon 88, W. Lafayette, IN, June, 1988
%Ì "Sound Power from Sound Intensity," InterNoise'89, Newport Beach, CA, Nov. 1989
%Ì "Reverberation and Ray Tracing in Enclosures," InterNoise 92, Toronto, ON, Jul. 1992
%Ì "Architectural Acoustics: Spaces for Music Performance," The Wallace Clement Sabine Centennial Symposium," Cambridge, MA Jun, 1994
%Ì "In-house Noise Control Programs and Education," InterNoise 95, Newport Beach, CA Jul, 1995
%Ì Low-frequency Noise, InterNoise 96, Liverpool, UK, Jul, 1996
%Ì "Measurement Techniques," Institute of Noise Control Engineering, NoiseCon'96, Seattle, 1996
%Ì Cooling Tower Noise and Vibration, ASHRAE Summer meeting, Minneapolis, 2000

PUBLICATIONS AND PRESENTATIONS

Books

R.J. Peppin, C.W. Rodman, B.H. Manns, eds. Measurements for Industrial Noise Control, American Society of Mechanical Engineers, New York, 1979

R.J. Peppin, C.W. Rodman, eds. Community Noise: STP 692, American Society for Testing and Materials, Philadelphia, 352pp, 1979

P.R. Martin, R.J. Peppin , Acoustical Testing Services, NIST Handbook 150-8, U.S. Department of Commerce, 1994

Articles and Public Reports

%T "A Finite Element Solution for St. Venant Bending," AIAA J, 9(3):525-7, Mar, 1971
%T Solid Waste Study for the City of Hamilton, Report by Clear Hamilton of Pollution, 1972
%T "Noise Control and the New York City Building Code: Exterior Mechanical Equipment Compliance," Noisexpo'76 Proceedings, pp 55-8
%T "An Alternate Method for the Calculation of Population Impact due to the Noise from Construction Sites," Proceedings of the 1977 Environmental Technology Conference, pp 60-6, April, 1977
%T Acoustical Test and Analysis Program for Tractors (Loaders and Dozers), U.S. Army MERADCOM Report 2205, Dec, 1977
%T "Community Noise Complaints: Correlation with Population Density," INVITED, InterNoise'78 Proceedings, W. Lang, ed., pp 591-6, May, 1978
%T "Noise and Society: The Sociotechnical Point of View," Mechanical Engineering, 100(3), p.71, Mar,1978
%T "Evaluating the Effectiveness of Community Noise Programs," Noisexpo'78 Proceedings, pp 128-31, July, 1978
%T "On the Primadonna Factor for the Number 9," J. Irreproducible Results, 24(1), pp 9-10, 1978
%T Research Needs Report: Environmental and Conservation Research, co-editor, American Society of Mechanical Engineers, New York, 1979
%T "Concrete Block Making Machines: OSHA Noise Problems," Industrial Noise Control Manual, NIOSH Publication No. 79-117, pp 193-203, 1979
%T "A Suggested Study of the Effects of Noise on Outdoor Living," Noisexpo'79 Proceedings, May, 1979
%T "Can Biorhythm Cycles Predict Accidents," ASME Paper 80-C2 DET/SAF1, August, 1980
%T "The Prediction of Earthquakes," Mechanical Engineering, 103(2), p.71, Feb, 1981
%T "The Scientific Basis for Safety and Health Regulations," Mechanical Engineering, p.85 September, 1982
%T "One Case for Governmental Regulation," Technology and Society Newsletter, 1984 Issue, American Society of Mechanical Engineers, New York
%T "Industrial Noise Control: The Past Three Years," Shock and Vibration Digest, 15(7), pp 3-14, July, 1983
%T "APS Council resolution on nuclear war, letter in Physics Today, Sept 1983 pp11-13
%T "Acoustical Laboratory Accreditation," Proceedings of the Institute of Environmental Sciences, May, 1984, pp 368-74
%T "The Acoustical Laboratory Accreditation Program of the United States," Proceedings Federated Acoustical Societies of Europe 1984 Meeting, Sandfjord, Norway, pp139-42, August, 1984
%T Selected Standards Available in English in the Areas of Acoustics, Vibrations, Human Environment..., Bruel and Kjaer Instruments, Inc. Naerum Offset, January, 1986
%T "Statistical Noise Analysis of Community Noise," Proceedings of NoiseCon'87, State College, PA, 1987
%T "Controlling the Shape of an Acoustic Spectrum Automatically by the Use of a Bus-Controlled Spectrum Shaper and Real-Time Analyzer," 1988 Proceedings, Annual Technical Meeting of the Institute of Environmental Sciences.
%T "Sound Power of Reference Sources in Various Environments," Proceedings NoiseCon 88, W. Lafayette, IN, June 1988
%T "Detection of Sound by the Simultaneous use of Different Time Constants," Proceedings NoiseCon 88, W. Lafayette, IN, June 1988
%T "The non-candidate of your choice," Letter in Mechanical Engineering, 110(4), April 1988
%T "Impedance Tube Measurements: A Round robin Comparison," Proceedings InterNoise'89, Newport Beach, CA Nov. 1989
%T "Noise Measurements and Descriptors," Airport Noise Report, Dec. 25, 1989, p.243
%T "On Nose Ratings: A discussion concerning their development, usefulness, and measurements," Proceedings NoseCon'90, " Austin, TX, Oct., 1990
%T "Bias and Standards for Noise Measurement," Airport Noise Report, Dec. 25, 1990
%T "Measuring and rating building components for sound," Science and Technology of Building Seals, Sealants, Glazing, and Waterproofing-Fourth Volume, ASTM STP 1243, David H. Nicastro, Ed. American Society for Testing and Materials, Philadelphia, 1994
%T "The Ethics of Animal Testing," ASTM Standardization News, (23)2, Feb 1995, p.8 (Letters to the Editor)
%T "On some contemporary topics in noise control," Memoria, IV Congreso National de Acustica, Sociedad Mexicana de Acústica, AC, Sept., 1995
%T "High NRC Commentary, letter in The Wall Journal, (22) Mar/Apr 1996, p. 19
%T Measuring HVAC Noise, Plant Services, April 1996, pp119-122
%T On some Issues in acoustics, Proceedings, Nordic Acoustical Meeting, The Acoustical Society of Finland, Helsinki, 14-14 June, 1996, pp 227-34
%T Too Much of a Good Thing, Editorial in Sound and Vibration, May, 1996, pp 5-6
%T Microphones: Theory and Practice, Proceedings, InterNoise 96, Liverpool, July, 1996, pp 2577-80

%I "The Acoustical Testing of Thermally Insulated Exterior Building Elements," Insulation Materials: Testing and Applications: Third Volume, ASTM STP 1320, R.S. Graves and R.R. Zarr, Eds., American Society for Testing and Materials, West Conshohocken, PA, 1997

%I The ASHRAE Handbook Chapter on Noise and Vibration Control: A critical review, Proceedings of Noise-Con 97, State College, PA June, 1997, pp253-6

%I Room Noise Criteria: A status report, Proceedings of Noise-Con 97, State College, PA June, 1997, pp285-288

%I Directions for 1997, President's Column, Noise News International, June 1997 p.68

%I On calibrated measuring microphones and their use in ordinary sound fields, INVITED, Proceedings of the ASME Noise Control & Acoustics Division, NCA Vol 24, 1997 ASME International Mechanical Engineering Congress and Exposition, pp98-91

%I Acoustical standards and reality, President's Column, Noise News International, Dec 1997 p.196

%I Government Regulation and Human Action, Editorial in Sound and Vibration, Feb., 1998, p.5

%I Random thoughts on acoustics and life, The Wall Journal, (34) Mar/Apr 1998 p.7

%I Accreditation and certification, Editorial in Sound and Vibration, Jul., 1998, p.5

%I On the use of calibrated microphones in ordinary sound fields, Proceedings, 5th Mexican Congress on Acoustics, Querétaro, Mexico, Sep 1998, pp.29-33

%I The evaluation of some temporal sampling strategies in community noise measurement, Proceedings Canadian Acoustics, v.26(3) September 1998, pp. 50-51

%I NVLAP acoustical testing services laboratory accreditation program proficiency testing round-July 1998: Hearing protectors," NVLAP Tech Brief, September, 1998

%I No more politics as usual, Editorial in Sound and Vibration, Oct, 1998 pp.5-6

%I Acoustical testing services laboratory accreditation program proficiency testing program-1998: Determination of sound power, NVLAP Tech Brief, December, 1998

%I Fast Determination of Vehicle Sound Level per ISO 5130, Proceedings of the 1999 Noise and Vibration Conference, Paper 1999011834 Society of Automotive Engineers, V. 3 pp 1399-1404, 1999

%I Acoustical testing services laboratory accreditation program: proficiency testing program: Determination of sound absorption coefficient, NVLAP Tech Brief, September 28, 1999

%I Failures of Free Enterprise, Letters-to-the-Editor, ASTM Standardization News, November, 1999

%I NVLAP acoustical testing services laboratory accreditation program: proficiency testing program: ASTM E-90-97 Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions, NVLAP Tech Brief, January, 2000.

%I Fast Determination of Vehicle Sound Level per ISO 5130, Sound and Vibration, April, 2000 pp.8-16

%I Engineering Cruelty, Letters to the Editor, Mechanical Engineering, v124, No. 5, may 2002 p.6

%I Handheld Problem, Letters to the Editor, Mobile Computing & Communications, July 2002 p.8

%I Ethical Treatment of Animals in Research, J. Acoust. Soc. Am 113(1) Jan 2003 pp 32-3

%I Windscreen Insertion Loss in Still Air, Canadian Acoustics 31(1) Mar 2003 pp25-31

%I What I don't Know, Editorial in Sound and Vibration, May 2003, pp5-6

%I NVLAP acoustical testing services laboratory accreditation program-Results of proficiency testing (Duct Silencers ASTM E-477) September 2003," NVLAP Tech Brief, September, 2003

Papers

%I "Practical Aspects of Exterior Mechanical Equipment Compliance with the New York City Building Code," 89th Meeting of the Acoustical Society of America, Austin, April, 1975

%I "Acoustical Enclosures as an Effective Means of Noise control: Four Case Histories," 90th Meeting of the Acoustical Society of America, San Francisco, Nov, 1975

%I "The Effects of Traffic Mix, Volume, and Speed on Highway Noise Levels," 92nd Meeting of the Acoustical Society of America, San Diego, Nov,1976

%I "Truck Noise Emission Reductions and/or Roadside Barriers: The Effects of Each on Population Impact from Motor Vehicle Noise," 92nd Meeting of the Acoustical Society of America, San Diego, Nov, 1976

%I "Noise Control: The State of the Art," INVITED, EPA/COG Workshop, College Park, Dec, 1976

%I "The Results of an Extensive Acoustical Testing Program for Dozers and Loaders," INVITED, 93rd Meeting of the Acoustical Society of America, State College, June, 1977

%I "A Community Noise Code I: Background," 93rd Meeting of the Acoustical Society of America, State College, June, 1977

%I "A Community Noise Code II: Does it Work?," 93rd Meeting of the Acoustical Society of America, State College, June, 1977

%I "The Response of People to Noise: An Analysis of a Local Government's Experience," 94th Meeting of the Acoustical Society of America, Miami Beach, Dec, 1977

%I "Predicting the Noise from Stop-and-Go Traffic," 96th Meeting of the Acoustical Society of America, Honolulu, November, 1978

%I "An Overview of the Effects of Noise on Outdoor Living," INVITED, 96th Meeting of the Acoustical Society of America, Honolulu, November, 1978

%I "Local Enforcement Techniques: Cooperation vs. Citation, INVITED, Workshop on Community Noise Legislation and Enforcement, 96th Meeting of the Acoustical Society of America, Honolulu, November, 1978

%I "Compatibility in Federal Community Noise Programs," 98th Meeting of the Acoustical Society of America, Salt Lake City, Dec, 1979

%I "OSHA and the Noise Standard," 1979 Winter Annual Meeting of the American Society of Mechanical Engineers, New York, Nov, 1979

%I "Noise Control for Non-engineers,"INVITED, Annual Meeting of the Hearing Conservation Association, Arlington, Feb, 1980

%I "Noise Control thru the Use of Architectural Controls and Building Codes," INVITED, EPA Land Use Planning Workshop, College Park, June, 1980

%I "The Hazard is the Attraction: The Problems with Safety and Health in the Parks," 1981 Winter Annual Meeting of the American Society of Mechanical Engineers, Washington, Nov, 1981

%I "Health and Safety in the Park Service," INVITED, Field Federal Safety and Health Council, Washington, Feb, 1982

%I "Real-time Sound Intensity-A Digital Approach," Chesapeake Electronics Show, New Carrolton, MD, Oct, 1982

%I "Acoustic Intensity: Theory and Measurement," INVITED, Washington DC Chapter of the Acoustical Society of America, April, 1983

%I "A Standard Community Noise Measurement Procedure," INVITED, National Environmental Health Association, Norfolk, July, 1983

%I "Acoustical Lab Accreditation: the Attributes of a Good Laboratory," North Carolina Chapter of the Acoustical Society of America, April, 1983

%I "Advanced Techniques for Complex Analysis Using 2-Channel FFT Instruments, Chesapeake Electronics Show, New Carrolton, Oct, 1983

%I "ASTM Community Noise Measurement Standard," North Carolina Chapter of the Acoustical Society of America, Oct, 1983

%I "Sound Intensity," INVITED, National Capital Chapter of the Institute of Environmental Sciences, Mar, 1984

%I "Acoustical Lab Accreditation," INVITED, Washington DC Chapter of the Acoustical Society of America, April, 1984

%I "Using Sound Intensity to Determine Room Corrections," INVITED, 108th Meeting of the Acoustical Society of America, Minneapolis, Nov, 1984

%I "An Introduction to Accreditation and Certification," INVITED, 108th Meeting of the Acoustical Society of America, Minneapolis, Nov, 1984

%I "Sound Power Determination of Reference Sound Sources in Various Spaces by the use of Sound Intensity," North Carolina Chapter of the Acoustical Society of America, Mar, 1985

%I "The Measurement of Sound and Surface Intensity," North Carolina Chapter of the Acoustical Society of America, Oct, 1985

%I "Sound Intensity Measurements in the Air and on the Surface," 110th Meeting of the Acoustical Society of America, Nashville, Nov, 1985

%I "An Ultrasonic Probe for Sound Intensity Measurements," INVITED, Chicago Chapter of the Acoustical Society of America, January, 1986

%I "Sound Intensity Measurements to Solve Real World Problems," INVITED, North Carolina Chapter of the Acoustical Society of America, Charlotte, NC, April, 1986

%I "Advanced Instrumentation for Acoustics and Vibration Analysis," InterNoise'86, Cambridge, MA, July 1986

%I "Measuring Acoustic Absorption," INVITED, North Carolina Chapter of the Acoustical Society of America, Clemmons, NC, October, 1986

%I "Applications of Acoustic Intensity Measurements," INVITED, Washington DC Chapter of the Acoustical Society of America, March, 1987

%I "Newer Measures and Measurements for Room Acoustics," INVITED, North Carolina Chapter of the Acoustical Society of America, Raleigh, NC, March, 1987

%I "Selecting the Right Instruments and Transducers for Vibration Measurements" and "Spectrum Analyzers: What They Can and Cannot Do," 1987 Short Course on Vibration Control, The Pennsylvania State University, October 1987, State College, PA

%I "The case for product noise control: Foreign Markets," INVITED, North Carolina Chapter of the Acoustical Society of America, Raleigh, NC, Oct, 1987

%I "Controlling the Shape of an Acoustic Spectrum Automatically in Various Spaces," 114th Meeting of the Acoustical Society of America, Miami, FL, November, 1987

%I "Sound Intensity," INVITED, Beijing Institute of Labour Protection, Beijing, September 1987

%I "Sound Power Determination for HVAC Systems," INVITED, Danville Chapter of American Society of Heating, Ventilating and Air conditioning Engineers, Danville, IL October, 1987

%I "Instruments Suitable for In-flight Intensity Measurements," INVITED, SAE Committee A-21 on Aircraft Noise, Cambridge, MA April, 1987

%I "Absorption and Transmission Loss Test Methods: Their use and problems," INVITED, North Carolina Chapter of The Acoustical Society of America, Charlotte, March, 1988

%I "Controlling the Shape of an Acoustic Spectrum Automatically," 34th Annual Meeting of the Institute of Environmental Sciences, King of Prussia, PA, May 1988

%I "Measurement of Sound by the Simultaneous use of Different Time Constants," 115th Meeting of the Acoustical *Society of America, Seattle, WA, May, 1988*

%I "Sound Power of Reference Sources in Various Environments," INVITED, NoiseCon 88, W. Lafayette, IN, June 1988

%I "Detection of Sound by the Simultaneous use of Different Time Constants," NoiseCon 88, W. Lafayette, IN, June 1988

%I "Determining Sound Power of HVAC Sources from Sound Intensity: background, measurements, and case histories," INVITED, TC2.6 Symposium, ASHRAE Summer Meeting, Ottawa, June, 1988

%I "Selecting the Right Instruments and Transducers for Vibration Measurements" and "Spectrum Analyzers: What They Can and Cannot Do," 1988 Short Course on Vibration Control, The Pennsylvania State University, October 1988, State College, PA

%I "Measuring acoustic impedance: the results of a world-wide round robin," 116th Meeting of the Acoustical Society of America, *Honolulu, November, 1988*

%I "Sound and Sound Power Determination for HVAC Systems," INVITED, ASHRAE Ozarks Chapter, January 1988, Springfield, MO

%I "Sound Intensity: The New Technology for Noise Control," American Industrial Hygiene Conference, May, 1989

%I "High Intensity Acoustic Testing for ESS," IES Environmental Testing and Production Screening Conference, June, 1989, Baltimore, MD

%I "Noise Control and Acoustics," Short Course for Brooks Air Force Base, San Antonio, July, 1989

%I "Impedance Tube Measurements: A round robin comparison," INVITED, InterNoise'89, Newport Beach, CA, Nov., 1989

%I "Sound Intensity Standards: Putting theory into practice with a round robin," InterNoise'89, Newport Beach, CA, Nov., 1989

%I "Measuring Sound in HVAC Systems," *Lecture at the ASHRAE, NEBB, and MCA Short Course, Memphis, TN,* Dec., 1989

%I "Selecting the Right Instruments and Transducers for Vibration Measurements" and "Spectrum Analyzers: What They Can and Cannot Do," 1989 Short Course on Vibration Control, The Pennsylvania State University, October 1989, State College, PA

%I "Sound Intensity" and "Selected topics for sound power measurement," INVITED, Air Movement and Control Association Engineering Conference, May, 1990, Rosemont, IL

%I "Getting the Correct results from Vibration measurements," and "Selecting the Spectrum Analyzer You need," 1990 Short Course on Vibration Control, The Pennsylvania State University, October 1990, State College, PA

%I "Instrumentation for Motor Vehicle Noise Measurement," Society of Automotive Engineers Brake Colloquium, Atlantic City, NJ, Oct., 1990

%I "Measuring of Sound levels: a tutorial," Audio Engineering Society Paper # *3158 (F-1)se/f-1*, Audio Engineering Society, New York, Oct 1991

%I "Getting the Correct Results from Vibration Measurements," and "Selecting the Spectrum Analyzer You Need," 1991 Short Course on Vibration Control, The Pennsylvania State University, October 1991, State College, PA

%I "Noise: Measurements and applications," INVITED Seminar before the Rank O'Conners Sales Organization, Singapore, Dec,1991

%I "Getting the Correct Results from Vibration Measurements," and "Selecting the Spectrum Analyzer You Need," 1992 Short Course on Vibration Control, The Pennsylvania State University, October 1992, State College, PA

%I "Aspects of Noise Measuring & Rating in HVAC Systems" INVITED, National Environmental Balancing Bureau Recertification Seminar, March 1994, New Carrolton, MD

%I "Deterministic Excitation Signals for Building Acoustics," INVITED, Audio Engineering Society, March 1995, Washington, DC

%I "Workshop on Noise Measurements," INVITED, Two Workshops Sponsored by the National Hearing Conservation Association, March 23, 1995, Cincinnati, OH

%I "Sound Intensity: Theory, standards, and applications for the determination of sound power and material properties," INVITED Air and Waste Management Association 88th Annual Meeting, San Antonio, TX, June, 1995

%I "*On some contemporary topics in noise control*," INVITED Sociedad Mexicana de Acústica, AC, Sept., 1995

%I "Making vibration measurements: transducers and instrumentation," INVITED lecture at the Polytechnic Institute of Mexico, Sept., 1995

%I "Getting the Correct Results from Vibration Measurements," and "Selecting the Spectrum Analyzer You Need," 1995 Short Course on Vibration Control, The Pennsylvania State University, October 1995, State College, PA

%Ï Testing, Measurement and Calculations for Noise Control, INVITED lecture at the Washington DC Regional Chapter of the Acoustical Society of America, January 1996, Wash. DC

%Ï On Some Contemporary Topics in Noise Control, INVITED lecture at the Los Angeles Regional Chapter of the Acoustical Society of America, January 1996, Los Angeles, CA

%Ï "Getting the Correct Results from Vibration Measurements," and "Selecting the Spectrum Analyzer You Need," 1996 Short Course on Vibration Control, The Pennsylvania State University, October 1996, State College, PA

%Ï Acoustical Instrumentation Calibration, Two INVITED seminars at National Hearing Conservation Association, February 1997, Orlando, FL

%Ï Architectural Acoustics for Dummies. INVITED guest lecture at U. Alabama, Dept. M.E., February 1997, Tuscaloosa, AL

%Ï Calibration Issues for Sound Measurement, INVITED talk before Chesapeake Chapter of the Institute of Environmental Sciences, April 1997, Ft. Meade, MD

%Ï "The Acoustical Testing of Thermally Insulated Exterior Building Elements," ASTM Symposium on Insulation Materials, Quebec, PQ May, 1997

%Ï Environmental Noise Model, INVITED presentation at 90th Meeting of the Air and Waste Management Association, Toronto, ON, June, 1997

%Ï The European Machinery Directive & the US Standards Process, INVITED presentation at the Washington DC Chapter of the ASME, Wheaton, MD September, 1997

%Ï "Getting the Correct Results from Vibration Measurements," and "Selecting the Spectrum Analyzer You Need," 1997 Short Course on Vibration Control, The Pennsylvania State University, October 1997, State College, PA

%Ï Calibration and use of measuring microphones, INVITED presentation at the 1997 Fall Meeting, North Carolina Chapter of the Acoustical Society of America, Ashboro, NC, October, 1997

%Ï On calibrated measuring microphones and their use in ordinary sound fields, INVITED Paper, International Mechanical Engineering Congress, ASME, Dallas, November 1997

%Ï Hot Topics in Acoustics: Room Criteria, INVITED presentation at Acoustical Society of America, San Diego, December, 1997

%Ï Room noise criteria, INVITED presentation at the 1998 Spring meeting, North Carolina Chapter of the Acoustical Society of America, Raleigh, NC, March, 1998

%Ï Maximum length sequence in room acoustics, INVITED presentation at the 1998 Fall Meeting, North Carolina Chapter of the Acoustical Society of America, Ashboro, NC, Oct, 1998

%Ï The role and future of the European Machinery Safety Directive, INVITED presentation at the 1999 Spring Meeting, North Carolina Chapter of the Acoustical Society of America, Raleigh, NC, April, 1999

%Ï Silencers: Misnomers and Misapplications, ASHRAE Summer Meeting, Seattle, June, 1999

%Ï On Temporal Sampling Strategy in Community Noise Measurement,: Transportation Research Board A1Fo4 Committee 1999 Summer Meeting, San Diego, CA Aug. 1999

%Ï Uncertainty in sound power determination and implications for power plant acoustics, INVITED paper, InterNoise 2000, Nice, FR Aug 2000

%Ï On HVAC duct acoustical end reflection, Presentation at NoiseCon 2000/Acoustical Society of America, Newport Beach, CA, Dec. 2000, (Co authored.)

%Ï On sound power determination: The uncertainty of sound power in a reverberation room based on a round-robin, INVITED presentation at NoiseCon 2000/Acoustical Society of America, Newport Beach, CA, Dec. 2000.

%Ï Standards in acoustics of the American Society of Heating, Refrigeration, and Air-conditioning Engineers (ASHRAE), Presentation at NoiseCon 2000/Acoustical Society of America, Newport Beach, CA, Dec. 2000,

%Ï Thirty-five years of acoustical instrumentation, INVITED presentation at the 2001 Spring meeting, North Carolina Chapter of the Acoustical Society of America, Raleigh, NC, March, April, 2001

%Ï Vibrations and Acoustics: Uses for manufacturing Engineers, INVITED presentation at the October Joint Technical program, SME, ASME, IIE, Annanadale, VA, October 23, 2001

%Ï Measurement of sound absorption and sound reflection in-situ, Annual meeting of the Transportation Research Board, Washington, DC Jan 17, 2002

%Ï Insertion loss of microphone windscreens, INVITED presentation at the 2002 Spring Meeting, North Carolina Chapter of the Acoustical Society of America, Raleigh, NC, April, 2002

%Ï On windscreen insertion loss, presentation at the Acoustical Society of America, Pittsburgh, PA, June 2002

%Ï Field testing v. laboratory results: do they correlate? INVITED paper at the Evaluating Exterior Noise rating Systems for Buildings symposium of the Building Environment and Thermal Envelope Council (BETEC), Washington, DC, June 2002

%Ï On Windscreen Insertion Loss in Still Air, presentation at the Transportation Research Board, Committee A1F04 on Transportation-Related Noise and Vibration Summer Meeting, Austin, TX July 2002

%Ï Windscreen Insertion Loss in Still Air, paper at the Canadian Acoustical Association, Charlottetown, PEI, October 2002

%Ï Guide to the ASHRAE Handbook, INVITED paper at the North Carolina Chapter of the Acoustical Society of America, Raleigh, NC, November 2002

%Ï A round-robin test of HVAC silencers by various labs, paper at the North Carolina Chapter of the Acoustical Society of America, Greensboro, NC, April 2003
%Ï Everything you wanted to know about noise measurement, INVITED presentation before the Maryland Noise Advisory Council, June 2003
%Ï Measuring with Sound level Meters: the real difference between Type 1 and Type 2, Paper at the Summer Annual Meeting of the Committee A1F04 on Transportation Related Noise and Vibration of the National Research Council, Scottsdale, AZ, July 2003
%Ï Microphone Characteristics and their Calibration, Paper at the Summer Annual Meeting of the Committee A1F04 on Transportation Related Noise and Vibration of the National Research Council, Scottsdale, AZ, July 2003
%Ï The sounds of a murder, INVITED presentation at the Acoustical Society of America, Austin, TX October 2003
%Ï Technology Issues in Developing a Noise Abatement Policy, R.J. Peppin, Invited presentation Foro para el Desarrolo de un Plan Integrado Contra Ruidos, San Juan, February 11, 2004
%Ï Current Trends in Metrics and Equipment used to Collect and Analyze Sound Level Data, R.J. Peppin, Invited paper and presentation at Air and Waste management Association Annual Conference, June 22-25, Indianapolis
%Ï The Sounds of a Murder- a Case History of Forensic Acoustics, R.J. Peppin, Invited presentation, Washington DC Chapter of the ASA, April 7, 2004
%Ï A Primer on sound and measurement, Invited lecture at Testing, Adjusting, and Balancing Bureau, Las Vegas, May 8, 2004
%Ï How to Measure Indoor and Outdoor Sound Levels, R. J. Peppin, HPAC Engineering (to be published)
%Ï The role of standards in noise, R.J. Peppin, Invited paper, Acoustical Society of America, May 24-28, 2004, New York City
%Ï Evaluating Sound Absorption in Situ Using "Adrienne," w/ R.L. Wayson, NoiseCon2004 and Transportation Research Board A1F04 Summer Meeting and Exposition, (Tentative) Baltimore, July 12-14, 2004
%Ï Speech Transmission Index- Public Address (STIPA): Objective Assessment of Intelligibility. w/ Ole-Herman Bjor, NoiseCon2004 and Transportation Research Board A1F04 Summer Meeting and Exposition, (Tentative) Baltimore, July 12-14, 2004

Book Reviews

Journal of the Acoustical Society of America 20 Reviews (1976- present)
Chemical Engineering 7 Reviews (1975- present)
Shock and Vibration Digest 17 Reviews (1978- present)
Journal of the Environmental Sciences 29 Reviews (1977- present)
Noise Control Engineering Journal 6 Reviews (1980- present)
Library Journal 23 Reviews (1973-8)
International Journal of Acoustics and Vibration (2003-)

Book Reviews

Shock & Vibration Digest
Introduction to Random Vibrations, Spectral and Wavelet Analysis by Newland
Wind Effects on Structures by Simiu and Scanlan
Noise Control Engineering Journal
Noise: its measurement, analysis, rating, and control, by Anderson and Bratos-Anderson NCEJ 42(5), 1994 Sep-Oct, pp 193-4

Pet 10

Scantek, Inc. Sound & Vibration Instrumentation and Engineering

MEMO

Date: April 12, 2004
From: Richard J. Peppin, President
To: Paul F. Larner, Mighty Wash of Frederick Avenue, Inc. FAX 410-719-1215
Subject: Noise Study for proposed carwash

Introduction

An open carwash building, consisting of three self-serve bays and two automatic bays, with up to seven external self-serve vacuums is proposed for a site at 7416 Windsor Mill Road (near the intersection of Rolling Road) in Baltimore County, MD. The proposed operation of the facility, mostly the noise produced by vacuums, has raised concerns of some of the nearby residents. To determine the impact of the noise I was retained by Mighty Wash of Frederick Avenue, Inc. to estimate expected sound levels at nearby residences. This memo discusses the study and the findings.

Procedure

We modeled the acoustical environment around 7416 Windsor Mill Rd. with a sophisticated sound-estimating program. The program, "CadnaA," from DataKustik (Munich, Germany), is based on ISO[1] 9613-2: 1996, "Acoustics-Attenuation of sound during propagation outdoors- Part 2: General method of calculation," an internationally recognized community noise-predicting standard. Roads and topography were included, as were all buildings in the immediate vicinity. To be conservative a) no attenuation due to ground effects was included and b) downwind propagation was assumed in all directions.

The criteria for acceptability are from the "Code of Maryland (CoMar), Title 26 Department of the Environment, Subtitle 02 Occupational, industrial, and residential hazards, Chapter 03 Control of noise pollution." Table 2 of that document gives A-weighted daytime (7:01am to 10:00pm) limits of noise (maximum) to be no more than 65 dB and nighttime (10:01pm to 7:00am) to be no more than 55 dB.

By the use of CadnaA software, we estimated noise levels around the community produced by the vacuums located in the front and the rear of the proposed car-wash structure. Since noise levels reduce as the distance from the source increases, if nearby residences are below limits, then residences further away will also be below limits.

To estimate the noise produced, I measured sound from three vacuums at the self-serve car wash at the "Mighty Wash" at 6625 Grove Avenue, Baltimore County, MD using calibrated, precision instrumentation[2]. Measured at 50-ft and 100-ft, the data were reduced to the worst-case conditions and those data allowed me to determine the highest sound power emitted from the vacuum[3].

---

[1] ISO is the International Organization for Standardization

[2] Norsonic N-1251 Calibrator s/n 29142, RION NA-27 Real-time Analyzer s/n 121695 with RION NH-20 Preamplifier s/n 05382 and RION UC-53 Microphone s/n 100848

[3] Assuming a point source, at 100-ft from the loudest vacuum, the A-weighted sound level was 58.7 dB. This translated to an A-weighted sound power of 96.7 dB

Pet 10

We used the sound power calculated from these measurements to determine the input to the noise prediction program.

Findings

The model shows that emitted noise from the conventional vacuums, when all seven are operating simultaneously (a very small probability) produces sound levels at the nearby residences that are below the CoMar requirements. This compliance is based on using the quiet motor/blower from Ametek, Lamb Electric Division[4] (Acūstek 5.7" Quiet Bypass Vacuum Motors) that you have indicated will be used on all vacuums in the proposed facility.

With the following assumptions used:

1- Worst case assumptions for the determined sound power,
2- Simultaneous operation of all vacuums,
3- Noise reduction with quiet motor/blowers assumed to be the minimum of the attenuation range claimed by Ametek,
4- Acoustically transparent building, meaning all sound on one side will propagate to the other,
5- Construction of a sound barrier wall at the rear of the property,

you can see that the attached figure shows the A-weighted sound levels with all vacuums operating, partially surrounded by a 3 m high, horseshoe shaped, sound barrier at the rear of the property. The sound level at all residences is below CoMar maximum allowable limits for both daytime and nighttime.

Conclusions

With minimal attention to sound control, CoMar limits for daytime and nighttime will be met at all residences.

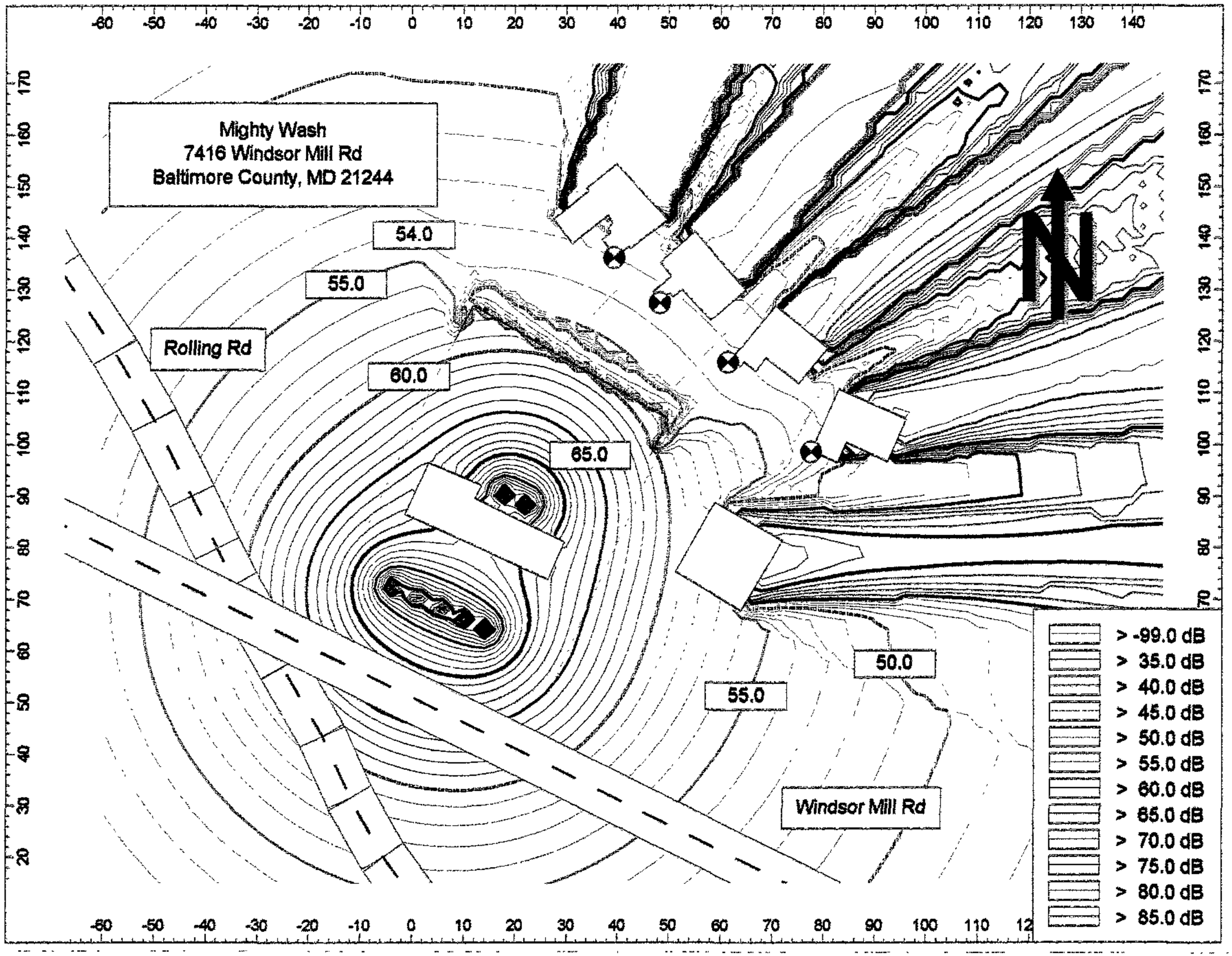
Suggested further improvements

Further noise control can be achieved by acoustically insulating the vacuum motor/blower by the use of acoustical treatment.

Cordially,

Richard J. Peppin, P.E.

[4] 627 Lake Street, Kent OH 44240 (216) 673-3451


Mighty Wash
7416 Windsor Mill Rd
Baltimore County, MD 21244
54.0
55.0
60.0
65.0
50.0
55.0
Rolling Rd
Windsor Mill Rd
N
> -99.0 dB
> 35.0 dB
> 40.0 dB
> 45.0 dB
> 50.0 dB
> 55.0 dB
> 60.0 dB
> 65.0 dB
> 70.0 dB
> 75.0 dB
> 80.0 dB
> 85.0 dB

Scantek, Inc. Sound & Vibration Instrumentation and Engineering

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pltf x 10

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Cordially,

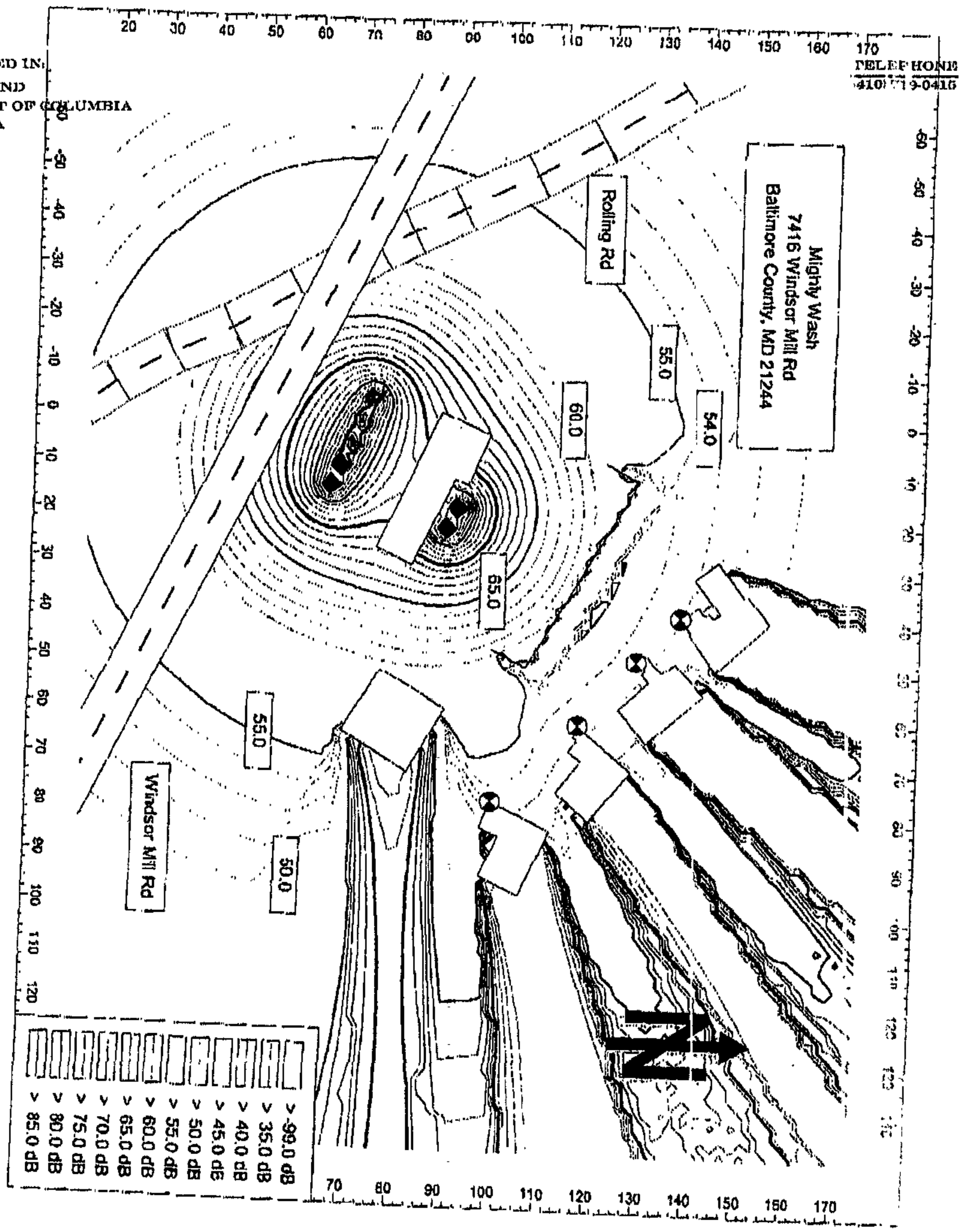
Richard J. Peppin, P.E.

[4] 827 Lake Street, Kent OH 44240 (216) 673-3451

PAUL F. LARNER
ATTORNEY AT LAW
2 TROTTING HORSE COURT
CATONSVILLE, MD 21228

ADMITTED IN:
MARYLAND
DISTRICT OF COLUMBIA
VIRGINIA

TELEPHONE
410 719-0415



September 8, 2003

Arnold F. "Pat" Keller
Director, Office of Planning
Towson, MD

Item: 04-032

Re: Inter-Office Correspondence
From you dated August 7, 2003

I received from David Green a copy of the above-referenced inter-office correspondence you wrote to Timothy M. Kotroco regarding a special exception and variance hearing. I was surprised by several of your recommendations and wanted to respond to them prior to the public hearing on this matter September 22, 3003. My responses correspond to your paragraph numbers.

1. I believe the site layout does permit safe and effective traffic flow. Moreover, so does Rahee Famili, Engineer, Development Plans Review, with whom my engineer, Fred Thompson, and I met at least 3 times prior to submitting the plan. Rahee and I even visited the site together to review the traffic impact.

   I have been in the car wash business in Baltimore for 13 years and have a very good understanding of how stacking and traffic flow actually works at car washes. I would not build the facility unless I was convinced it would work well.

   Finally, your suggestion to eliminate a bay is not economically feasible given the land price.

2. The noise from vacuums behind the bys should not be a concern for the neighbors. People not familiar with the car wash industry may not appreciate that vacuums generate little noise. Attached is a letter from the manufacturer from whom I will buy the equipment indicating that at *50 feet* the decibel level is 46. This is less than the level of a normal human voice. The rear of the closest residence is *155 feet* from the proposed vacuum, and with a landscaping and fence barrier, the vacuum motors will be far less than ambient noise.

3. I am delighted to landscape the property as you suggest; however, I think it would be a mistake to turn off the lights at night. Everything I know from work with the police department and others in the security field, as well as my personal experience with car washes, indicates the site should be well lit at

Ret #5

night to deter crime and vandalism. I absolutely agree the lights should not adversely impact the residential neighbors and I will commit to this lighting design. I suggest I work this out with the police department.

4. You propose hours of operation of 8 am to 9 pm Mon-Sat and 10 am to 6 pm Sunday. These hours are hugely more restrictive than competitive washes in the area (which are also next to residential neighborhoods) and plainly out of line with the industry. Both my existing washes are open 24-hours and operate without difficulty. The Whiz carwash off Liberty Road abuts a residential area and is open 24 hours. The only wash I know that limits hours is Water Works on Rte 40 west and it is open 6 am to 11 pm 7 days a week.

   I would also point out that the two abutting businesses, a 7/11 and Woodlawn Motor Coach are open 24 hours, as is the Exxon directly across the street.

   Your proposed hours are tantamount to killing the project.

5. Agree

6. Not sure if this is an additional requirement or normal requirement. Please advise. Rest assured I plan to build a very high quality wash that will be a definite improvement to the derelict buildings now on the site that will be torn down.

If you have any questions please call me at 410 598-1301.

Sincerely,

Paul F. Larner

Paul F. Larner
Attorney for Mighty Wash of Frederick Avenue, Inc and Owner

C: David Green
Rahee Famili
David Reischer
Harry and Dona L. Espey

August 31, 2003

Dear Neighbor:

We are planning to purchase the Espey Seed Store property at the intersection of Rolling Road and Windsor Mill Road. Our plan is to build a 4 bay self-service and 2 bay automatic car wash. We are local owners and have been in the car wash business for over 12 years. Our closest existing location to your neighborhood is on Belmont Ave right behind the Burger King and Koons Ford.

We pride ourselves on being locally owned and running an excellent facility. We believe knocking down the abandoned Espey buildings and building a first class car wash will be an improvement to the neighborhood.

Since you live very close to the Espey property as a courtesy we wanted to stop by, introduce ourselves, and show you our plan.

If you would like to meet with us and ask any questions we would be pleased to get together. Our desire is to be good neighbors and community members.

Mighty Wash of Frederick Avenue, Inc

Paul F. Larner, President
Rosita McKee, Vice President
Tel 410 719-1215; 410 456- 1008

Petit #7

Section 418
(Reserved)[22]

Section 419
Car Wash
[Bill No. 172-1993[23]]

419.1 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.

419.2 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.

419.3 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. 9×2 = 18
2. Nineteen per full-service car wash tunnel. – 0 4 + 2×3 = 4+6 = 10
3. Four spaces for the first tunnel of a self-service car wash, and two waiting spaces for each additional.

28

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.

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

23 **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.

419.4 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. 90 feet

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.

419.5 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.

ART OF AN APPROVED CRG OR DEVELOPMENT PLAN.

ZONING HISTORY FOR THE SITE

KING PER SECTION 409.3B:

ES (2x~~6~~ 5) = 10 ~~12~~ SPACES

2 SPACES

12 ~~14~~ SPACES

14 SPACES

CES PROVIDED 8 SPACES

CKING PER SECTION 409.3A:

+ (~~3~~ 2 x 2) = 26 ~~28~~ SPACES

26 ~~28~~ SPACES

ATES: 9 PER HOUR PER ROLLOVER
4 PER HOUR PER SELF-SERVE

HAZARDOUS MATERIALS KNOWN TO BE ON THE
BUILDINGS WILL BE INSPECTED PRIOR TO

EXISTING WELLS, SEPTIC SYSTEMS OR
STORAGE TANKS ON THE SITE.

Y FIXTURE USED TO ILLUMINATE AN OFF-STREET
SHALL BE ARRANGED AS TO REFLECT THE LIGHT
OJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
RDS SHOULD BE PROTECTED BY CURBING OR

MMERCIAL PERMITS FOR THE SITE.

DRIVEWAYS SHALL BE A DURABLE, DUSTLESS
PERMANENTLY STRIPED

) BY PUBLIC WATER AND SEWER.

ERATION: 24 HOURS - MONITORED WITH CAMERA

TION REQUESTED:

3 - TO PERMIT A CARWASH IN A BL-AS ZONE **(APPROVED)**

QUESTED:

09.4A TO PERMIT A 9.0' WIDE ACCESS DRIVEWAY TO
TACKING SPACES IN LIEU OF THE REQUIRED 12' **(DENIED)**

19.4A.1 TO PERMIT A CAR WASH PARKING AREA A
OF 90' RATHER THAN 100' TO A RESIDENTIALLY ZONED
IF DEEMED NECESSARY BY THE ZONING COMMISSIONER.
(APPROVED)

19.B.1 TO PERMIT A TUNNEL ENTRANCE TO FACE A
ALLY ZONED PROPERTY IF THE ZONING COMMISSIONER
AT A VARIANCE IS NECESSARY BECAUSE A PORTION OF THE
PROPERTY (NOT ABUTTING THE CAR WASH) IS ZONED

RECEIVED
OCT 14 2003
ZONING COMMISSIONER

PROJECT TITLE
MIGHTY WASH
7416 WINDSOR MILL ROAD
BALTIMORE COUTY, MARYLAND 21244

SHEET TITLE
RED LINE REVISION
SITE PLAN TO ACCOMPANY SPECIAL EXCEPTION & VARIANCE RE

PROJECT NO.: —

DATE: 7/11/03

DRAWING NO.
C-1

Plot Bx 70
4/9/04
Pilliod
Arbum

MIGHTY WASH
7416 WINDSOR MILL ROAD
BALTIMORE COUTY, MARYLAND 21244

RED LINE REVISION
SITE PLAN TO ACCOMPANY SPECIAL EXCEPTION & VARIANCE REQUESTS

PROJECT TITLE

SHEET TITLE

PROJECT NO. —

DATE 7/11/03

DRAWING NO. C-1

SHEET OF

STATE OF MARYLAND
FREDERICK C. GOWER
No. 6831
PROFESSIONAL ENGINEER

GOWER, THOMPSON, INC.
CIVIL ENGINEERING – SITE PLANNING
439 E. Lake Avenue
Baltimore, Maryland 21212
Phone: 410-532-0101
Fax: 410-532-0104
Email: GOWERTHOMPSON@AOL.COM

NO.	DATE	REVISIONS COMMENTS
	10/10/03	

SCALE: 1" = 1,000'

LIBERTY RD
BALTIMORE BELTWAY
DEPOT ROAD
WINDSOR MILL ROAD
SITE

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.

BUILDING ELEVATIONS
NOT TO SCALE

WEST ELEVATION — EAST ELEVATION — FRONT ELEVATION

PROPOSED SIGN ELEVATION
NOT TO SCALE

DOUBLE FACED — FINISHED GRADE

MIGHTY WASH CAR WASH

TOTAL SIGN AREA = 72 SF
SIGN WILL BE ILLUMINATED

SPECIAL EXCEPTION REQUESTED:
SECTION 330.13 – TO PERMIT A CARWASH IN A BL-AS ZONE (APPROVED)

VARIANCES REQUESTED:
1. SECTION 409.4A TO PERMIT A 9.0' WIDE ACCESS DRIVEWAY TO BYPASS STACKING SPACES IN LIEU OF THE REQUIRED 12' (DENIED)
2. SECTION 419.4A.1 TO PERMIT A CAR WASH PARKING AREA A DISTANCE OF 90' RATHER THAN 100' TO A RESIDENTIALLY ZONED PROPERTY IF DEEMED NECESSARY BY THE ZONING COMMISSIONER. (APPROVED)
3. SECTION 419.B.1 TO PERMIT A TUNNEL ENTRANCE TO FACE A RESIDENTIALLY ZONED PROPERTY IF THE ZONING COMMISSIONER RULES THAT A VARIANCE IS NECESSARY BECAUSE A PORTION OF THE ADJACENT PROPERTY (NOT ABUTTING THE CAR WASH) IS ZONED RESIDENTIAL. (APPROVED)

LIGHTING: ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS. LIGHT STANDARDS SHOULD BE PROTECTED BY CURBING OR LANDSCAPING.

NO RECENT COMMERCIAL PERMITS FOR THE SITE.

PARKING AND DRIVEWAYS SHALL BE A DURABLE, DUSTLESS SURFACE AND PERMANENTLY STRIPED

SITE IS SERVED BY PUBLIC WATER AND SEWER.

HOURS OF OPERATION: 24 HOURS – MONITORED WITH CAMERA SYSTEM

	PERMITTED/REQUIRED	PROVIDED
	88,862 SF	2,850 SF
(410)	58'*	60' MIN.
	0	0
	0'	18'
	40'	100' MIN.
		30'

SPACES

2 SPACES

10 ~~12~~ SPACES

12 ~~14~~ SPACES

14 SPACES

8 SPACES

26 ~~28~~ SPACES

26 ~~28~~ SPACES

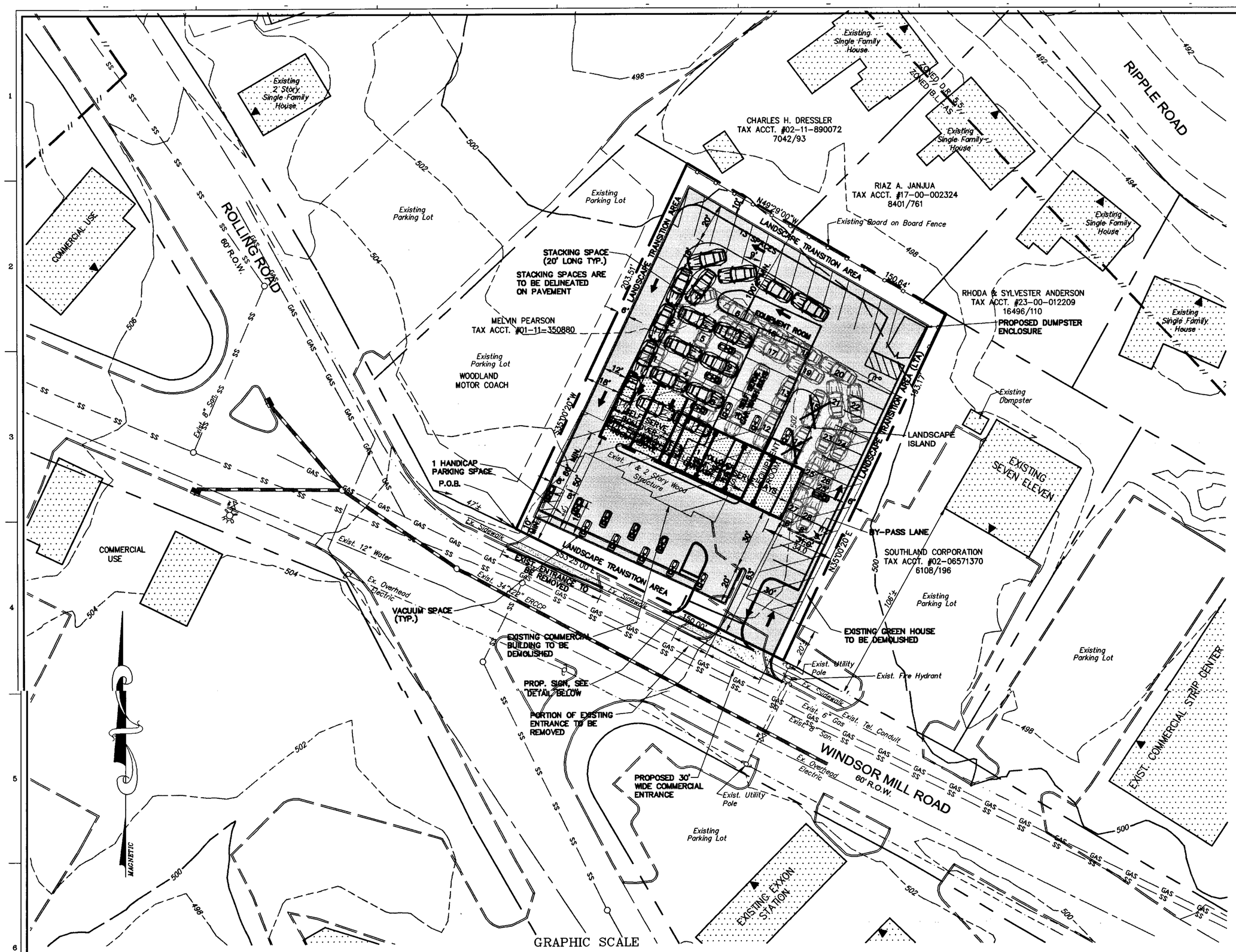
26 ~~28~~ SPACES

HOUR PER ROLLOVER

HOUR PER SELF-SERVE

MATERIALS KNOWN TO BE ON THE SITE BE INSPECTED PRIOR TO

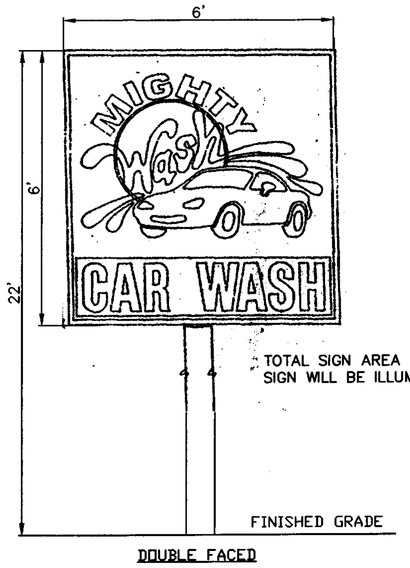
S, SEPTIC SYSTEMS OR
S ON THE SITE.



GRAPHIC SCALE

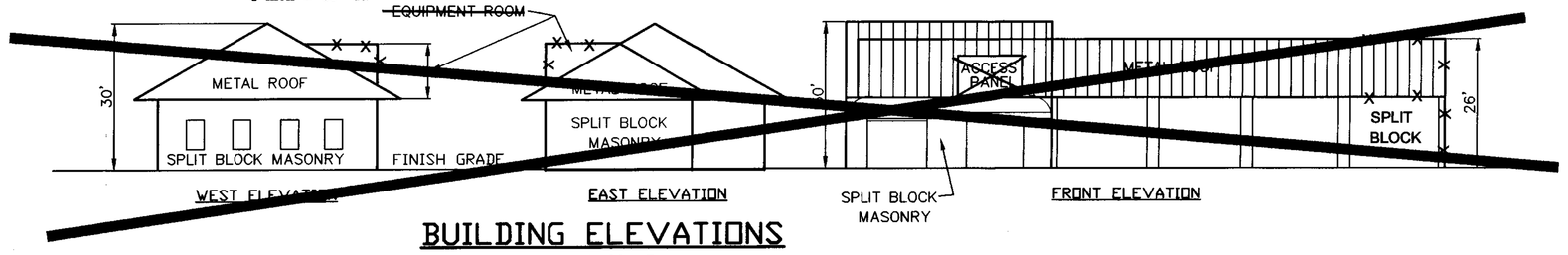
30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.



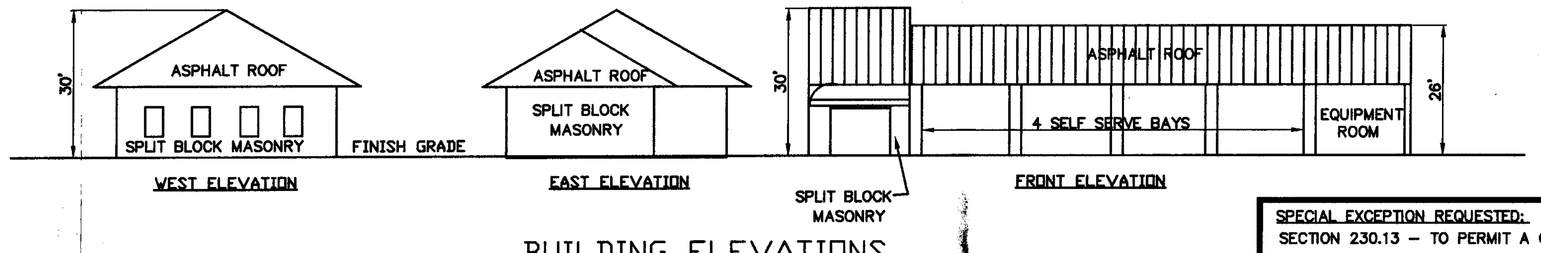
PROPOSED SIGN ELEVATION

NOT TO SCALE



BUILDING ELEVATIONS

NOT TO SCALE



BUILDING ELEVATIONS

NOT TO SCALE

SPECIAL EXCEPTION REQUESTED:
SECTION 230.13 – TO PERMIT A CARWASH IN A BL-AS ZONE

ZONING HISTORY

Before the County Board of Appeals
Case No. 04-022-XA

ORDER

THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 21st day of May, 2004, that Petitioner's request for variance relief on the subject property be and the same is hereby **DENIED**; and it is further

ORDERED that the Petition for Special Exception is **GRANTED** if Petitioner can proceed without the requested variance relief which has been denied herein.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

Amended Opinion

ORDER

IT IS THEREFORE ORDERED that paragraphs 3 and 4, page 13 of the Board's Opinion and Order issued on May 21, 2004 shall be amended as indicated below and underscored:

Page 13, Paragraph 3:

The property is zoned for commercial use. The Board can ascertain many other uses where the detrimental effect would be greater than the proposed car wash. The net effect of the totality of the evidence and testimony causes the Board to conclude that any adverse effect at this site would not be any greater than if the car wash were located anywhere else in the zone. This Board believes the site to be well suitable and suitable for such a car wash purpose under the special exception requirement and would therefore approve the special exception, provided that Petitioner can proceed without the requested variance relief which will be denied for the reasons as stated above.

Page 13, Paragraph 4:

For the reasons cited, the Board will deny the variance and grant the special exception relief, provided that Petitioner can be proceed without the requested variance relief herein denied.

and it is further

ORDERED that the final Order issued by this Board on May 21, 2004 shall remain as originally issued; "that Petitioner's request for variance relief on the subject property be and the same is hereby **DENIED**"; and "that the Petition for Special Exception is **GRANTED** if Petitioner can proceed without the requested variance relief which has been denied herein."

Petitions for Special Exception & Variances
Case No. 04-032-XA

THEREFORE, IT IS ORDERED, this 30th day of September, 2003, by this Deputy Zoning Commissioner, that the Petitioner's request for variance:

(1) from Section 409.4A of the B.C.Z.R., to permit a 9 ft. wide access driveway to bypass stacking spaces in lieu of the required 12 ft. is hereby DENIED;

(2) from Section 419.4A.1 of the B.C.Z.R., to permit a car wash parking area a distance of 90 ft. rather than 100 ft. to a residentially zoned property if deemed necessary by the Zoning Commissioner is hereby GRANTED; and

(3) from Section 419.B.1 of the B.C.Z.R., to permit a tunnel entrance to face a residentially zoned property be and is hereby GRANTED;

IT IS FURTHER ORDERED, that the Petitioner's request for a special exception to operate a car wash is hereby GRANTED, subject, however, to the following conditions:

1. The Petitioner's car wash shall be limited to five tunnels rather than six tunnels, as proposed in Petitioner's Exhibit No. 1, in any mix of automatic and self serve car washes as the Petitioner shall choose.
2. The Petitioner shall submit a lighting plan to the Office of Planning insuring lighting on the premises is directed away from adjacent residences.
3. The Petitioner shall submit a redline plan which reflects these conditions showing revised parking and stacking designs.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

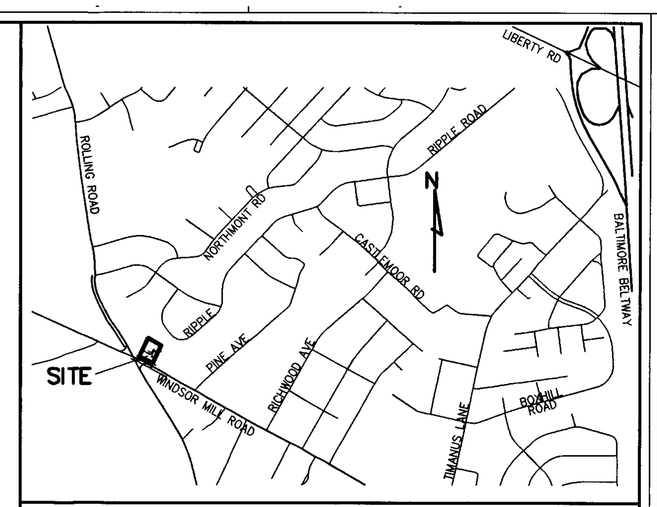
IT IS FURTHER ORDERED, that the Petitioner's request for Special Exception for a 4-bay self-service and 2-bay rollover car wash, pursuant to Section 330.13 of the Baltimore County Zoning Regulations, be and it is hereby APPROVED.

Order on Motion for Reconsideration

THEREFORE, IT IS ORDERED, this 22 day of October, 2003, by this Deputy Zoning Commissioner, that the Motion for Reconsideration is hereby GRANTED and the Order dated September 26, 2003 is hereby modified as follows:

1. That the Petitioner shall erect a sound barrier along the northern edge of the property of at least 6 feet in height, constructed of hollow cinderblock material filled with sound absorbent material and finished with stucco cement; and
2. That the Petitioner shall show said sound barrier on the site plan; and
3. That the Petitioner's request for a special exception for a car wash to be approved pursuant to Section 230.13 of the Baltimore County Zoning Regulations, be and is hereby APPROVED.
4. All other Orders and conditions contained the September 26, 2003 Order and not modified herein shall be fully effective and in force.

IT IS FURTHER ORDERED, that any appeal of this decision shall be made within thirty days of the date of this Order and not of the original Order dated September 26, 2003.



VICINITY MAP SCALE: 1" = 1,000'

PROJECT DATA

ELECTION DISTRICT 2 COUNCILMANIC DISTRICT 4

OWNER: HARRY T. & DONA L. ESPEY
7615 WINDSOR MILL ROAD
BALTIMORE, MD 21244

DEVELOPER/CONTRACT PURCHASER: MIGHTY WASH OF FREDERICK AVENUE, INC.
6015 FOXHALL FARM ROAD
CATONSVILLE, MD 21228

DEED REFERENCE: 13860/725

TAX ACCOUNT: 17-00-008872

SITE AREA: 0.68 ACRES (NET) 0.78 ACRES (GROSS)

EXISTING USE: ABANDONED COMMERCIAL BUILDING & GREEN HOUSE

PROPOSED USE: ~~2~~ 3 BAY SELF SERVE CARE WASH, 2 ROLLOVER CARWASH BAYS AND VACUUM STATIONS

SITE ZONED: BL-AS (MAP NW-5G)

ZONING REQUIREMENTS:

	PERMITTED/REQUIRED	PROVIDED
F.A.R. (3.0)	88,862 SF	2,850 SF
AMENITY OPEN SPACE (N.A.)	0	0
FRONT YARD (10' MIN.) ½(106+10)	58'*	58' ~~60'~~ MIN.
SIDE YARD	0'	18'
REAR YARD	0'	37'½ ~~100'~~ MIN.
BUILDING HEIGHT	40'	30'

* AVERAGE OF ADJACENT BUILDINGS

SITE IS NOT IN A 100 YEAR FLOOD PLAIN OR A BALTIMORE COUNTY MORATORIUM AREA.

SITE IS NOT PART OF AN APPROVED CRG OR DEVELOPMENT PLAN.

THERE IS NO ZONING HISTORY FOR THE SITE

REQUIRED PARKING PER SECTION 409.3B:

DRYING SPACES (2x~~6~~ 5) =	10 ~~12~~ SPACES
ADDITIONAL	2 SPACES
TOTAL	12 ~~14~~ SPACES
PROVIDED	12 ~~14~~ SPACES
VACUUM SPACES PROVIDED	8 SPACES

REQUIRED STACKING PER SECTION 409.3A:

(~~12~~ 1 x 9) + 4 + (~~6~~ 3 x 2) =	19 ~~26~~ ~~28~~ SPACES
PROVIDED	19 ~~26~~ ~~28~~ SPACES

PRODUCTION RATES: 9 PER HOUR PER ROLLOVER
4 PER HOUR PER SELF-SERVE

THERE ARE NO HAZARDOUS MATERIALS KNOWN TO BE ON THE SITE. EXISTING BUILDINGS WILL BE INSPECTED PRIOR TO DEMOLITION.

THERE ARE NO EXISTING WELLS, SEPTIC SYSTEMS OR UNDERGROUND STORAGE TANKS ON THE SITE.

LIGHTING: ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS. LIGHT STANDARDS SHOULD BE PROTECTED BY CURBING OR LANDSCAPING.

NO RECENT COMMERCIAL PERMITS FOR THE SITE.

PARKING AND DRIVEWAYS SHALL BE A DURABLE, DUSTLESS SURFACE AND PERMANENTLY STRIPED

SITE IS SERVED BY PUBLIC WATER AND SEWER.

HOURS OF OPERATION: 24 HOURS – MONITORED WITH CAMERA SYSTEM

~~SPECIAL EXCEPTION REQUESTED:~~

~~SECTION 230.13 – TO PERMIT A CARWASH IN A BL-AS ZONE (APPROVED)~~

~~VARIANCES REQUESTED:~~

1. ~~SECTION 409.4A TO PERMIT A 9.0' WIDE ACCESS DRIVEWAY TO BYPASS STACKING SPACES IN LIEU OF THE REQUIRED 12' (DENIED)~~
2. ~~SECTION 419.4A.1 TO PERMIT A CAR WASH PARKING AREA A DISTANCE OF 90' RATHER THAN 100' TO A RESIDENTIALLY ZONED PROPERTY IF DEEMED NECESSARY BY THE ZONING COMMISSIONER (APPROVED)~~
3. ~~SECTION 419.B.1 TO PERMIT A TUNNEL ENTRANCE TO FACE A RESIDENTIALLY ZONED PROPERTY IF THE ZONING COMMISSIONER RULES THAT A VARIANCE IS NECESSARY BECAUSE A PORTION OF THE ADJACENT PROPERTY (NOT ABUTTING THE CAR WASH) IS ZONED RESIDENTIAL. (APPROVED)~~

04-032-XA
APPROVED FOR ZONING - SEE LTR.
9/28/04 (QUICK RESPONSE)
Planner II 9/29/04

SPECIAL EXCEPTION REQUESTED:
SECTION 230.13 – TO PERMIT A CARWASH IN A BL-AS ZONE

NO	DATE	COMMENTS
	10/10/03	

REVISIONS

GOWER THOMPSON INC.
CIVIL ENGINEERING – SITE PLANNING
429 E. Lake Avenue
Baltimore, Maryland 21212
Phone: 410-532-0104
Fax: 410-532-0104
Email: GOWERTHOMP@AOL.COM

SEAL

STATE OF MARYLAND
FREDERICK J. THOMPSON
No. 10000
PROFESSIONAL ENGINEER

PROJECT TITLE

MIGHTY WASH
7416 WINDSOR MILL ROAD
BALTIMORE COUTY, MARYLAND 21244

SHEET TITLE

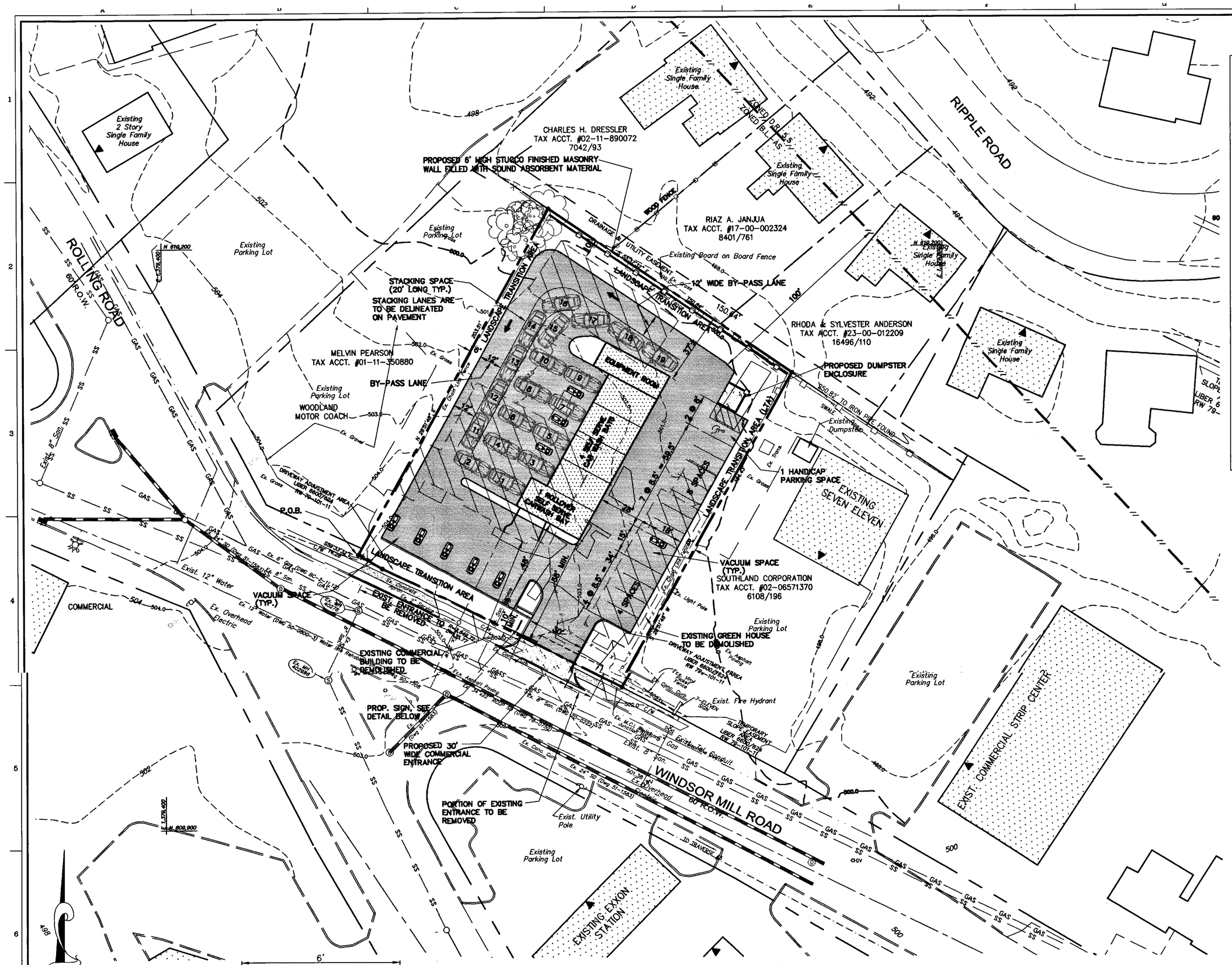
RED LINE REVISION – 9-12-04
SITE PLAN TO ACCOMPANY SPECIAL EXCEPTION & VARIANCE REQUESTS

PROJECT NO.: –

DATE: 7/11/03

DRAWING NO. C–1

SHEET OF



ZONING HISTORY

Before the County Board of Appeals
Case No. 04-032-XA

ORDER

THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 21st day of May 2004, that Petitioner's request for variance relief on the subject property be and the same is hereby **DENIED**; and it is further

ORDERED that the Petition for Special Exception is **GRANTED** if Petitioner can proceed without the requested variance relief which has been denied herein.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

Amended Opinion

ORDER

IT IS THEREFORE ORDERED that paragraphs 3 and 4, page 13 of the Board's Opinion and Order issued on May 21, 2004 shall be amended as indicated below and underscored:

Page 13, Paragraph 3:

The property is zoned for commercial use. The Board can ascertain many other uses where the detrimental effect would be greater than the proposed car wash. The net effect of the totality of the evidence and testimony causes the Board to conclude that any adverse effect at this site would not be any greater than if the car wash were located anywhere else in the zone. This Board believes the site to be well equipped and suitable for such a car wash purpose under the special exception requirement and would therefore approve the special exception, provided that Petitioner can proceed without the requested variance relief which will be denied for the reasons as stated above.

Page 13, Paragraph 4:

For the reasons cited, the Board will deny the variance and grant the special exception relief, provided that Petitioner can be proceed without the requested variance relief herein denied.

and it is further

ORDERED that the final Order issued by this Board on May 21, 2004 shall remain as originally issued; "that Petitioner's request for variance relief on the subject property be and the same is hereby **DENIED**"; and "that the Petition for Special Exception is **GRANTED** if Petitioner can proceed without the requested variance relief which has been denied herein."

Petitions for Special Exception & Variances
Case No. 04-032-XA

THEREFORE, IT IS ORDERED, this 22 day of September, 2003, by this Deputy Zoning Commissioner, that the Petitioner's request for variance:

(1) from Section 409.4A. of the B.C.Z.R., to permit a 9 ft. wide access driveway to bypass stacking spaces in lieu of the required 12 ft. is hereby DENIED;

(2) from Section 419.4A.1 of the B.C.Z.R., to permit a car wash parking area a distance of 50 ft. rather than 100 ft. to a residentially zoned property if deemed necessary by the Zoning Commissioner is hereby GRANTED; and

(3) from Section 419.B.1 of the B.C.Z.R., to permit a tunnel entrance to face a residentially zoned property be and it hereby GRANTED.

IT IS FURTHER ORDERED, that the Petitioner's request for a special exception to operate a car wash is hereby GRANTED, subject, however, to the following conditions:

1. The Petitioner's car wash shall be limited to five tunnels rather than six tunnels, as proposed in Petitioner's Exhibit No. 1, in any mix of automatic and self serve car washes as the Petitioner shall choose.
2. The Petitioner shall submit a lighting plan to the Office of Planning insuring lighting on the premises is directed away from adjacent residences.
3. The Petitioner shall submit a redline plan which reflects these conditions showing revised parking and stacking designs.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

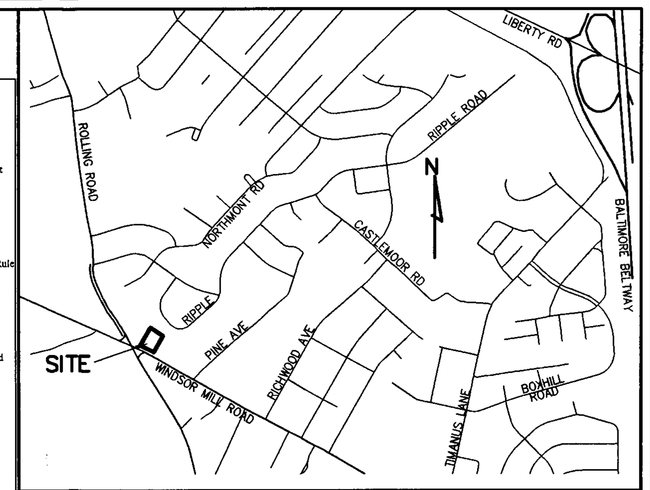
IT IS FURTHER ORDERED, that the Petitioner's request for Special Exception for a 4-bay self-service and 2-bay rollover car wash, pursuant to Section 330.13 of the Baltimore County Zoning Regulations, be and it is hereby APPROVED.

Order on Motion for Reconsideration

THEREFORE, IT IS ORDERED, this 22 day of October, 2003, by this Deputy Zoning Commissioner, that the Motion for Reconsideration is hereby GRANTED and the Order dated September 26, 2003 is hereby modified as follows:

1. That the Petitioner shall erect a sound barrier along the northern edge of the property of at least 6 feet in height, constructed of hollow cinderblock material filled with sound absorbent material and finished with stucco cement; and
2. That the Petitioner shall show said sound barrier on the site plan; and
3. That the Petitioner's request for a special exception for a car wash to be approved pursuant to Section 230.13 of the Baltimore County Zoning Regulations, be and is hereby APPROVED.
4. All other Orders and conditions contained the September 26, 2003 Order and not modified herein shall be fully effective and in force.

IT IS FURTHER ORDERED, that any appeal of this decision shall be made within thirty days of the date of this Order and not of the original Order dated September 26, 2003.



VICINITY MAP SCALE: 1" = 1,000'

PROJECT DATA

ELECTION DISTRICT 2 COUNCILMANIC DISTRICT 4

OWNER: HARRY T. & DONA L. ESPEY
7615 WINDSOR MILL ROAD
BALTIMORE, MD 21244

DEVELOPER/CONTRACT PURCHASER: MIGHTY WASH OF FREDERICK AVENUE, INC.
6015 FOXHALL FARM ROAD
CATONSVILLE, MD 21228

DEED REFERENCE: 13860/725

TAX ACCOUNT: 17-00-008872

SITE AREA: 0.68 ACRES (NET) 0.78 ACRES (GROSS)

EXISTING USE: ABANDONED COMMERCIAL BUILDING & GREEN HOUSE

PROPOSED USE: 4 BAY SELF SERVE CARE WASH, 1 ROLLOVER CARWASH BAY AND VACUUM STATIONS

SITE ZONED: BL-AS (MAP NW-5G)

ZONING REQUIREMENTS:

	PERMITTED/REQUIRED	PROVIDED
F.A.R. (3.0)	88,862 SF	2,850 SF
AMENITY OPEN SPACE (N.A.)	0	0
FRONT YARD (10' MIN.) ½(106+10)	58'*	58' MIN.
SIDE YARD	0'	18'
REAR YARD	0'	37'±
BUILDING HEIGHT	40'	30'

* AVERAGE OF ADJACENT BUILDINGS

SITE IS NOT IN A 100 YEAR FLOOD PLAIN OR A BALTIMORE COUNTY MORATORIUM AREA.

SITE IS NOT PART OF AN APPROVED CRG OR DEVELOPMENT PLAN.

REQUIRED PARKING PER SECTION 419.3B:

DRYING SPACES (2x5) =	10 SPACES
ADDITIONAL	2 SPACES
TOTAL	12 SPACES
PROVIDED	12 SPACES
VACUUM SPACES PROVIDED	9 SPACES

REQUIRED STACKING PER SECTION 419.3A:

(1 x 9) + 4 + (3 x 2) =	19 SPACES
PROVIDED	19 SPACES

PRODUCTION RATES: 9 PER HOUR PER ROLLOVER
4 PER HOUR PER SELF-SERVE

THERE ARE NO HAZARDOUS MATERIALS KNOWN TO BE ON THE SITE. EXISTING BUILDINGS WILL BE INSPECTED PRIOR TO DEMOLITION.

THERE ARE NO EXISTING WELLS, SEPTIC SYSTEMS OR UNDERGROUND STORAGE TANKS ON THE SITE.

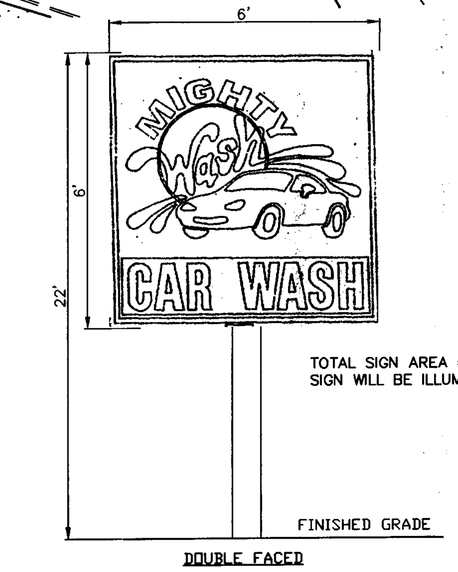
LIGHTING: ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS. LIGHT STANDARDS WILL BE PROTECTED BY CURBING OR LANDSCAPING.

NO RECENT COMMERCIAL PERMITS FOR THE SITE.

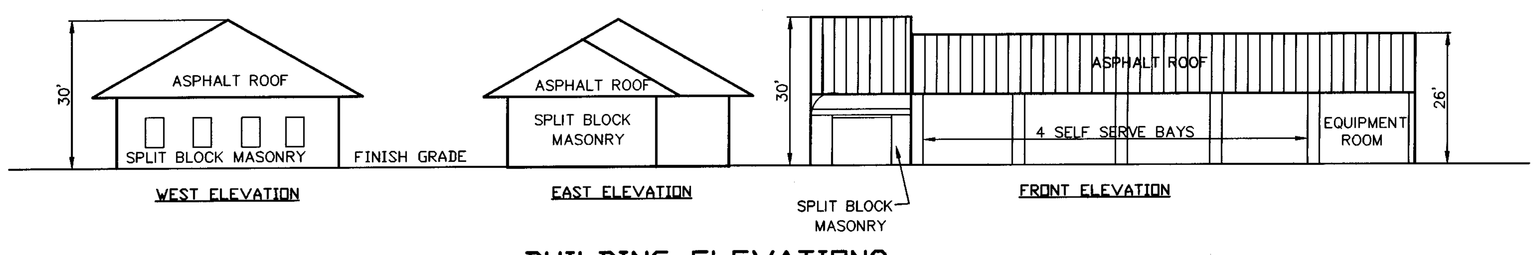
PARKING AND DRIVEWAYS SHALL BE A DURABLE, DUSTLESS SURFACE AND PERMANENTLY STRIPED

SITE IS SERVED BY PUBLIC WATER AND SEWER.

HOURS OF OPERATION: 24 HOURS – MONITORED WITH VIDEO SURVEILLANCE SYSTEM



PROPOSED SIGN ELEVATION
NOT TO SCALE



BUILDING ELEVATIONS
NOT TO SCALE

SPECIAL EXCEPTION REQUESTED:
SECTION 230.13 – TO PERMIT A CARWASH IN A BL-AS ZONE

REVISIONS

NO.	DATE	COMMENTS

GOWER THOMPSON, INC.
CIVIL ENGINEERING – SITE PLANNING
428 E. Lake Avenue
Baltimore, Maryland 21212
Phone 410-532-0101
Fax 410-532-0104
Email GOWERTHOMP@AOL.COM

SEAL

PROJECT TITLE

MIGHTY WASH
7416 WINDSOR MILL ROAD
BALTIMORE COUTY, MARYLAND 21244

SHEET TITLE

PLAN TO ACCOMPANY BUILDING PERMIT

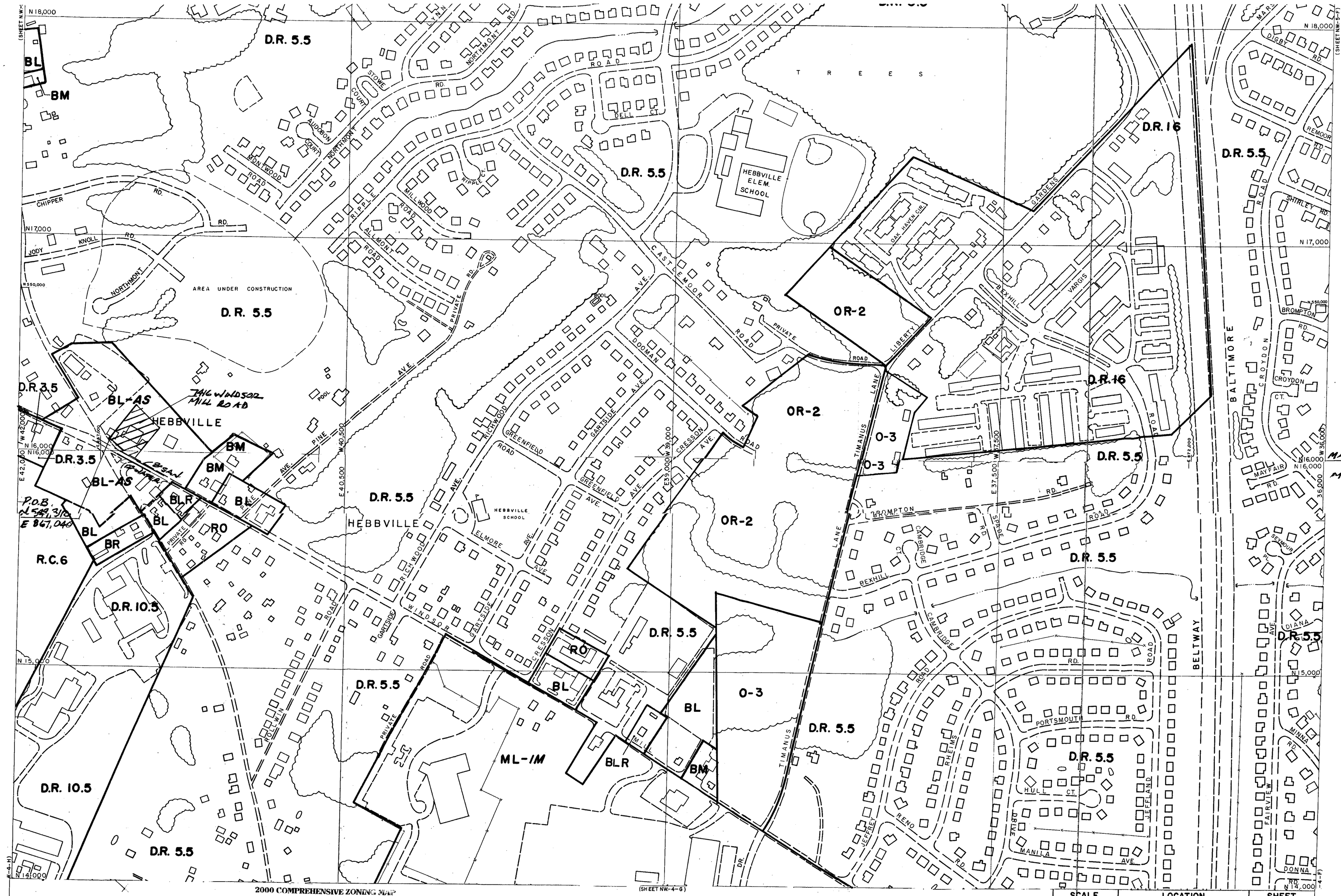
PROJECT NO.: –

DATE: 8/10/04

DRAWING NO.

C–1

SHEET OF



2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

L-NE

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	HEBBVILLE ROCKDALE WOODMOOR	PORTIONS OF N.W. 5-G + 4-G
DATE OF PHOTOGRAPHY JANUARY 1986		

NIGHTY WASH TAIL WINDSOR MILL ROAD

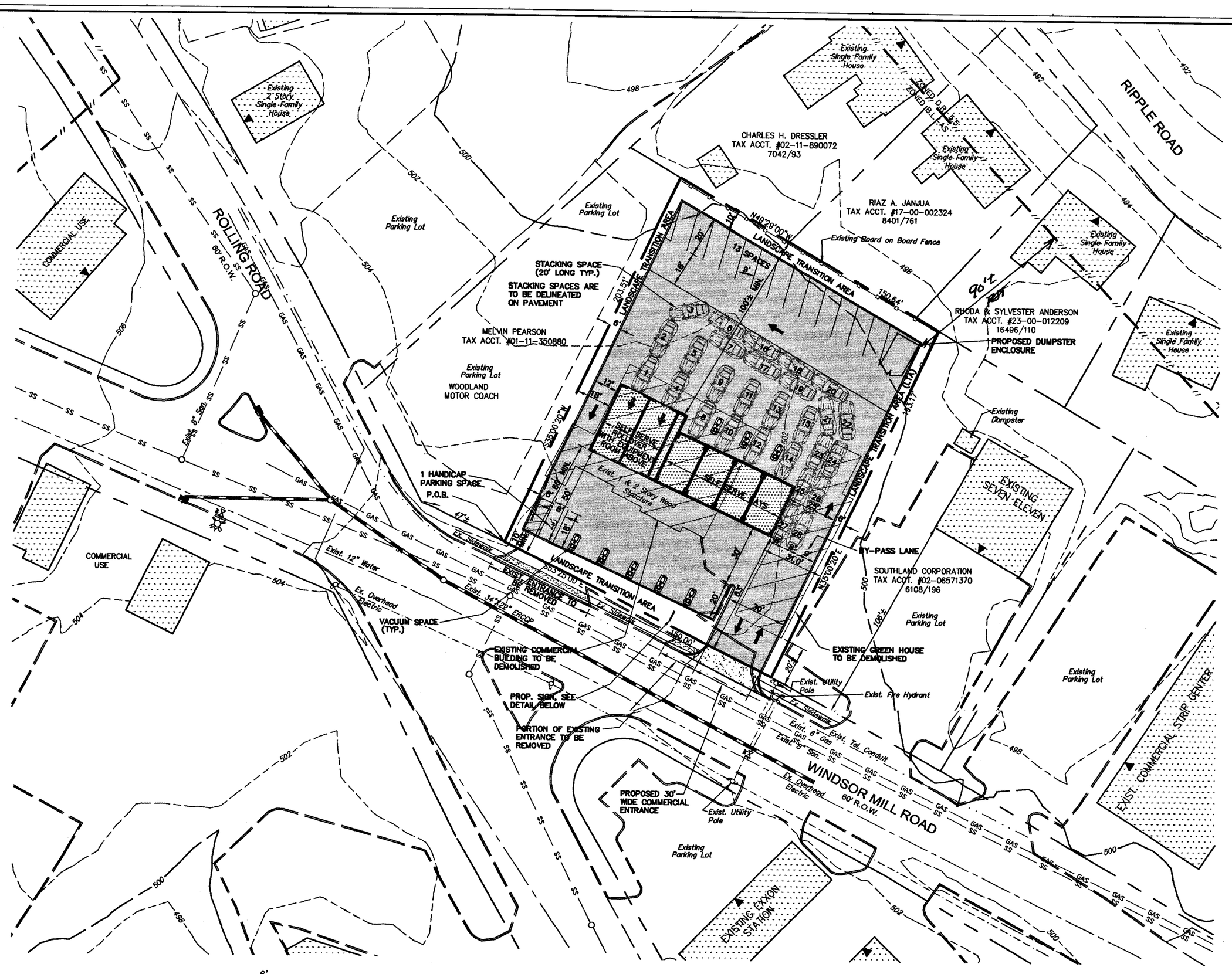
MN

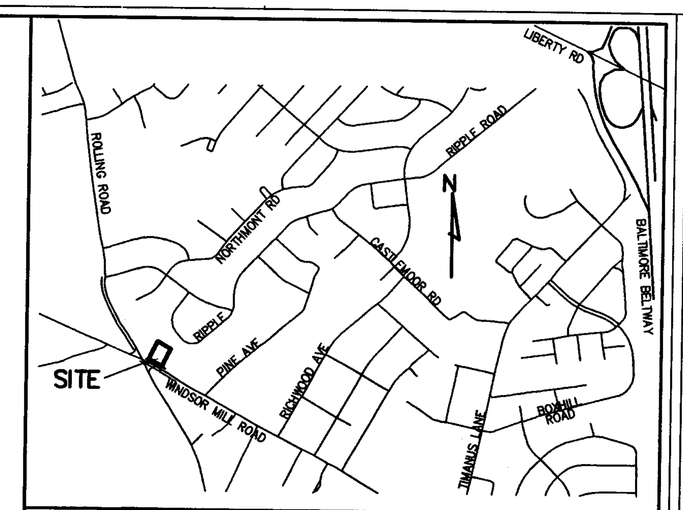
MAP 5-G

MAP 4-G

032

5G





VICINITY MAP SCALE: 1" = 1,000'

PROJECT DATA

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OWNER: HARRY T. & DONA L. ESPEY
7615 WINDSOR MILL ROAD
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DEVELOPER/CONTRACT PURCHASER: MIGHTY WASH OF FREDERICK AVENUE, INC.
6015 FOXHALL FARM ROAD
CATONSVILLE, MD 21228

DEED REFERENCE: 13860/725

TAX ACCOUNT: 17-00-008872

SITE AREA: 0.68 ACRES (NET) 0.78 ACRES (GROSS)

EXISTING USE: ABANDONED COMMERCIAL BUILDING & GREEN HOUSE

PROPOSED USE: 4 BAY SELF SERVE CARE WASH, 2 ROLLOVER CARWASH BAYS AND VACUUM STATIONS

SITE ZONED: BL-AS (MAP NW-5G)

ZONING REQUIREMENTS:

	PERMITTED/REQUIRED	PROVIDED
F.A.R. (3.0)	88,862 SF	2,850 SF
AMENITY OPEN SPACE (N.A.)	0	0
FRONT YARD (10' MIN.) ½(106+10)	58'*	60' MIN.
SIDE YARD	0'	18'
REAR YARD	0'	100' MIN.
BUILDING HEIGHT	40'	30'

* AVERAGE OF ADJACENT BUILDINGS

SITE IS NOT IN A 100 YEAR FLOOD PLAIN OR A BALTIMORE COUNTY MORATORIUM AREA.

SITE IS NOT PART OF AN APPROVED CRG OR DEVELOPMENT PLAN.

THERE IS NO ZONING HISTORY FOR THE SITE

REQUIRED PARKING PER SECTION 409.3B:

DRYING SPACES (2x6) =	12 SPACES
ADDITIONAL	2 SPACES
TOTAL	14 SPACES
PROVIDED	14 SPACES
VACUUM SPACES PROVIDED	8 SPACES

REQUIRED STACKING PER SECTION 409.3A:

(2 x 9) + 4 + (3 x 2) =	28 SPACES
PROVIDED	28 SPACES

PRODUCTION RATES: 9 PER HOUR PER ROLLOVER
4 PER HOUR PER SELF-SERVE

THERE ARE NO HAZARDOUS MATERIALS KNOWN TO BE ON THE SITE. EXISTING BUILDINGS WILL BE INSPECTED PRIOR TO DEMOLITION.

THERE ARE NO EXISTING WELLS, SEPTIC SYSTEMS OR UNDERGROUND STORAGE TANKS ON THE SITE.

LIGHTING: ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS. LIGHT STANDARDS SHOULD BE PROTECTED BY CURBING OR LANDSCAPING.

NO RECENT COMMERCIAL PERMITS FOR THE SITE.

PARKING AND DRIVEWAYS SHALL BE A DURABLE, DUSTLESS SURFACE AND PERMANENTLY STRIPED

SITE IS SERVED BY PUBLIC WATER AND SEWER.

HOURS OF OPERATION: 24 HOURS - MONITORED WITH CAMERA SYSTEM

SPECIAL EXCEPTION REQUESTED:

SECTION 330.13 - TO PERMIT A CARWASH IN A BL-AS ZONE

VARIANCES REQUESTED:

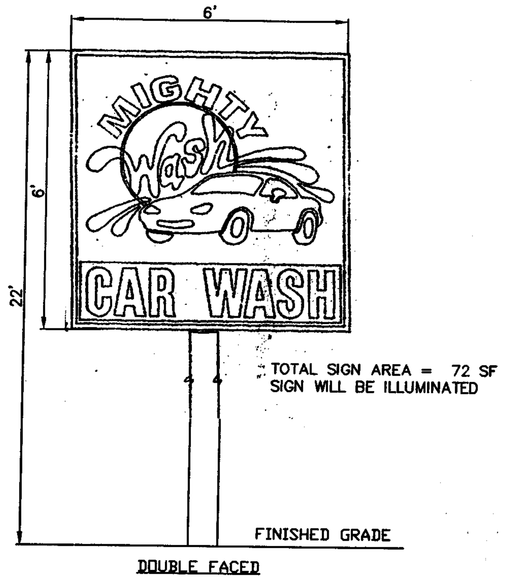
1. SECTION 409.4A TO PERMIT A 9.0' WIDE ACCESS DRIVEWAY TO BYPASS STACKING SPACES IN LIEU OF THE REQUIRED 12'
2. SECTION 419.4A.1 TO PERMIT A CAR WASH PARKING AREA A DISTANCE OF 90' RATHER THAN 100' TO A RESIDENTIALLY ZONED PROPERTY IF DEEMED NECESSARY BY THE ZONING COMMISSIONER.
3. SECTION 419.B.1 TO PERMIT A TUNNEL ENTRANCE TO FACE A RESIDENTIALLY ZONED PROPERTY IF THE ZONING COMMISSIONER RULES THAT A VARIANCE IS NECESSARY BECAUSE A PORTION OF THE ADJACENT PROPERTY (NOT ABUTTING THE CAR WASH) IS ZONED RESIDENTIAL.

032

GRAPHIC SCALE

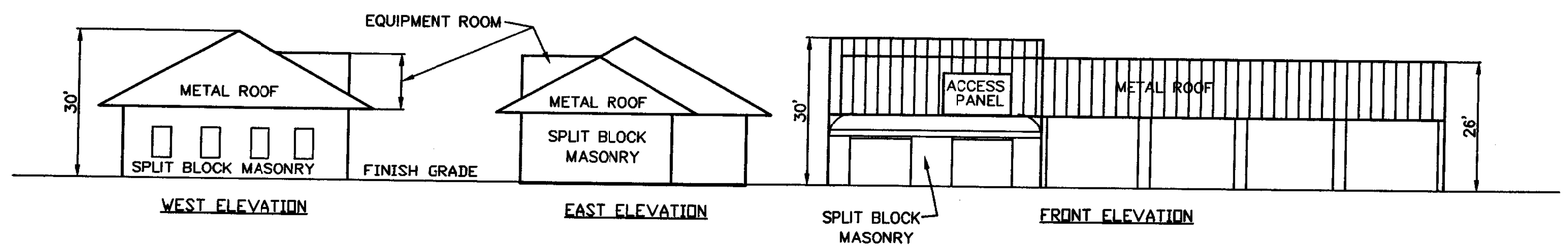
30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.



PROPOSED SIGN ELEVATION

NOT TO SCALE



BUILDING ELEVATIONS

NOT TO SCALE

NO.	DATE	COMMENTS

REVISIONS

GOWER THOMPSON, INC.
CIVIL ENGINEERING - SITE PLANNING
429 E. Lake Avenue
Baltimore, Maryland 21212
Phone 410-532-0101
Fax 410-532-0102
Email: GOWERTHOMP@AOL.COM

SEAL

STATE OF MARYLAND
FREDERICK J. THOMPSON
No. 10193
PROFESSIONAL ENGINEER

PROJECT TITLE

MIGHTY WASH
7416 WINDSOR MILL ROAD
BALTIMORE COUTY, MARYLAND 21244

SHEET TITLE

SITE PLAN TO ACCOMPANY SPECIAL EXCEPTION & VARIANCE REQUESTS

PROJECT NO.: -

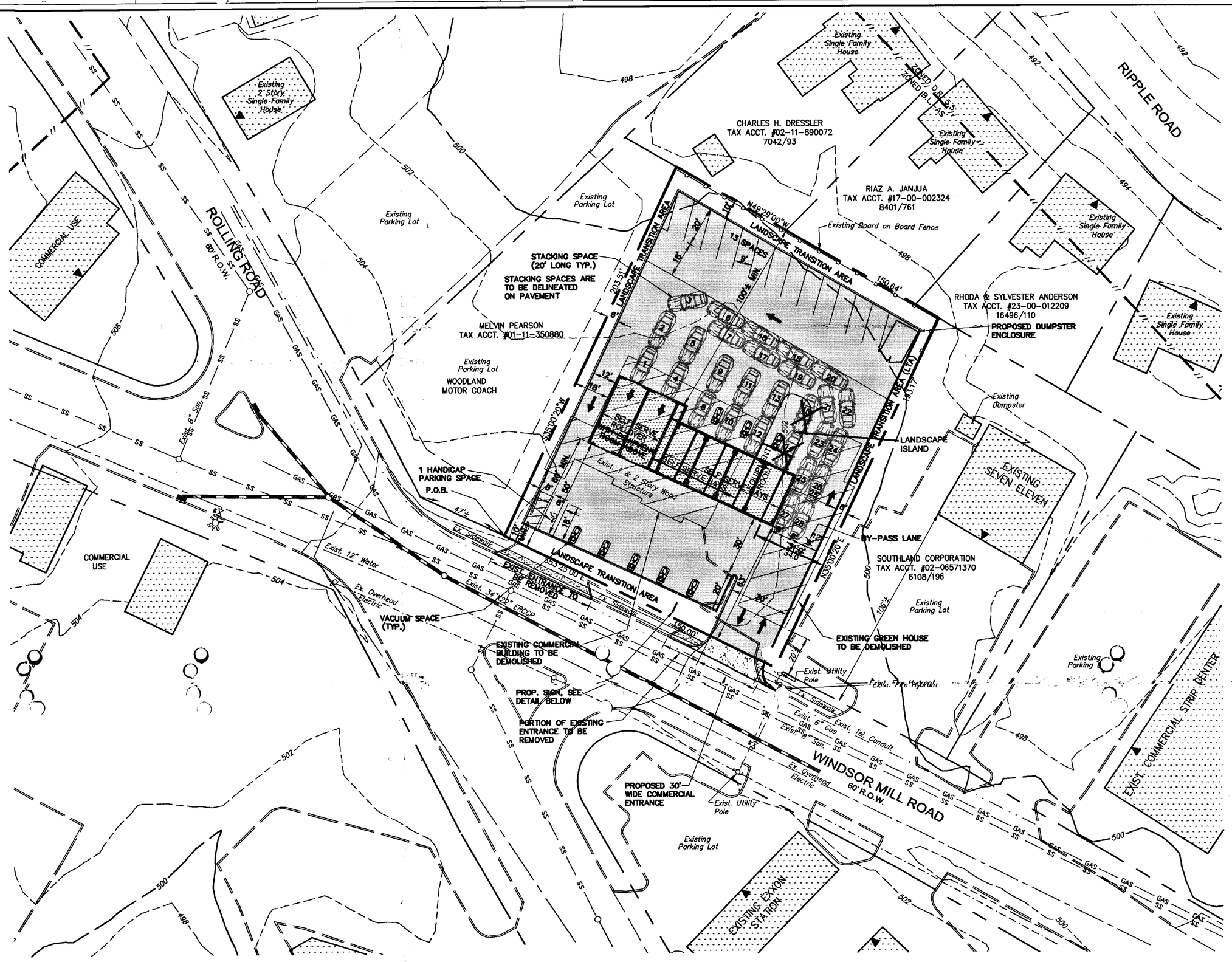
DATE: 7/11/03

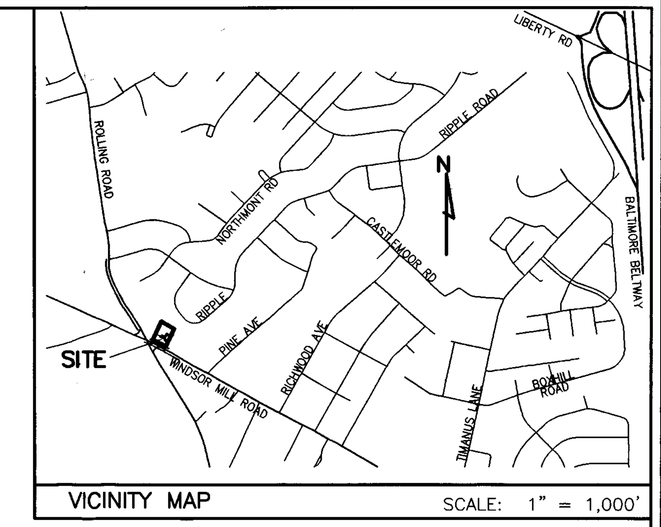
DRAWING NO.

C-1

SHEET OF

Petit #1





VICINITY MAP SCALE: 1" = 1,000'

PROJECT DATA

ELECTION DISTRICT 2 COUNCILMANIC DISTRICT 4

OWNER: HARRY T. & DONA L. ESPEY
7615 WINDSOR MILL ROAD
BALTIMORE, MD 21244

DEVELOPER/CONTRACT PURCHASER: MIGHTY WASH OF FREDERICK AVENUE, INC.
6015 FOXHALL FARM ROAD
CATONSVILLE, MD 21228

DEED REFERENCE: 13860/725

TAX ACCOUNT: 17-00-008872

SITE AREA: 0.68 ACRES (NET) 0.78 ACRES (GROSS)

EXISTING USE: ABANDONED COMMERCIAL BUILDING & GREEN HOUSE

PROPOSED USE: ~~2~~ 3 BAY SELF SERVE CARE WASH, 2 ROLLOVER CARWASH BAYS AND VACUUM STATIONS

SITE ZONED: BL-AS (MAP NW-5G)

ZONING REQUIREMENTS:

	PERMITTED/REQUIRED	PROVIDED
F.A.R. (3.0)	88,862 SF	2,850 SF
AMENITY OPEN SPACE (N.A.)	0	0
FRONT YARD (10' MIN.) ½(106+10)	58'*	60' MIN.
SIDE YARD	0'	18'
REAR YARD	0'	100' MIN.
BUILDING HEIGHT	40'	30'

* AVERAGE OF ADJACENT BUILDINGS

SITE IS NOT IN A 100 YEAR FLOOD PLAIN OR A BALTIMORE COUNTY "ROCK TOWN" AREA.

SITE IS NOT PART OF AN APPROVED CRG OR DEVELOPMENT PLAN.

THERE IS NO ZONING HISTORY FOR THE SITE

REQUIRED PARKING PER SECTION 409.3B:

DRYING SPACES (2x~~6~~ 5) =	10 ~~12~~ SPACES
ADDITIONAL	2 SPACES
TOTAL	12 ~~14~~ SPACES
PROVIDED	14 SPACES
VACUUM SPACES PROVIDED	8 SPACES

REQUIRED STACKING PER SECTION 409.3A:

(2 x 9) + 4 + (~~3~~ 2 x 2) =	26 ~~28~~ SPACES
PROVIDED	26 ~~28~~ SPACES

PRODUCTION RATES: 9 PER HOUR PER ROLLOVER
4 PER HOUR PER SELF-SERVE

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THERE ARE NO EXISTING WELLS, SEPTIC SYSTEMS OR UNDERGROUND STORAGE TANKS ON THE SITE.

LIGHTING: ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS. LIGHT STANDARDS SHOULD BE PROTECTED BY CURBING OR LANDSCAPING.

NO RECENT COMMERCIAL PERMITS FOR THE SITE.

PARKING AND DRIVEWAYS SHALL BE A DURABLE, DUSTLESS SURFACE AND PERMANENTLY STRIPED

SITE IS SERVED BY PUBLIC WATER AND SEWER.

HOURS OF OPERATION: 24 HOURS – MONITORED WITH CAMERA SYSTEM

RECEIVED
OCT 14 2003
ZONING COMMISSIONER

SPECIAL EXCEPTION REQUESTED:

SECTION 330.13 – TO PERMIT A CARWASH IN A BL-AS ZONE (APPROVED)

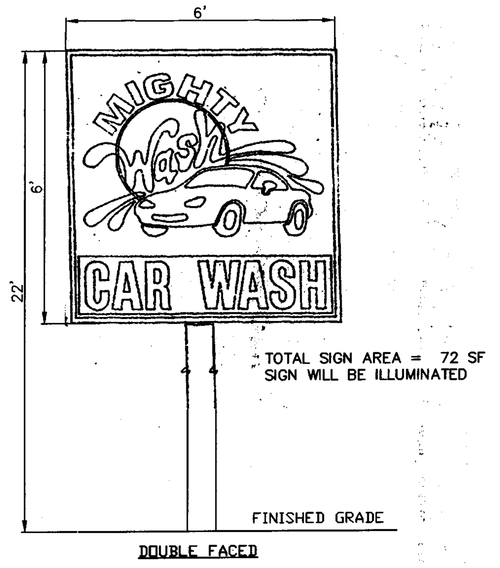
VARIANCES REQUESTED:

1. SECTION 409.4A TO PERMIT A 9.0' WIDE ACCESS DRIVEWAY TO BYPASS STACKING SPACES IN LIEU OF THE REQUIRED 12' (DENIED)
2. SECTION 419.4A.1 TO PERMIT A CAR WASH PARKING AREA A DISTANCE OF 90' RATHER THAN 100' TO A RESIDENTIALLY ZONED PROPERTY IF DEEMED NECESSARY BY THE ZONING COMMISSIONER. (APPROVED)
3. SECTION 419.B.1 TO PERMIT A TUNNEL ENTRANCE TO FACE A RESIDENTIALLY ZONED PROPERTY IF THE ZONING COMMISSIONER RULES THAT A VARIANCE IS NECESSARY BECAUSE A PORTION OF THE ADJACENT PROPERTY (NOT ABUTTING THE CAR WASH) IS ZONED RESIDENTIAL. (APPROVED)

GRAPHIC SCALE

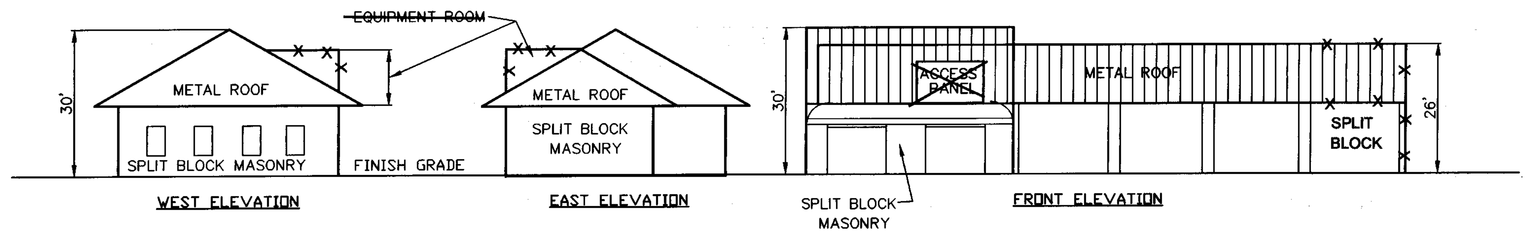
30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.



PROPOSED SIGN ELEVATION

NOT TO SCALE



BUILDING ELEVATIONS

NOT TO SCALE

REVISIONS		
NO.	DATE	COMMENTS
	10/10/03	

GOWER THOMPSON INC.
CIVIL ENGINEERING - SITE PLANNING
429 E. Lake Avenue
Baltimore, Maryland 21212
Phone 410-532-0101
Fax 410-532-0104
Email GOWERTHOMP@AOL.COM

SEAL

STATE OF MARYLAND
FREDERICK J. THOMPSON
No. 8000
PROFESSIONAL ENGINEER

PROJECT TITLE
MIGHTY WASH
7416 WINDSOR MILL ROAD
BALTIMORE COUTY, MARYLAND 21244

SHEET TITLE
RED LINE REVISION
SITE PLAN TO ACCOMPANY SPECIAL EXCEPTION & VARIANCE REQUESTS

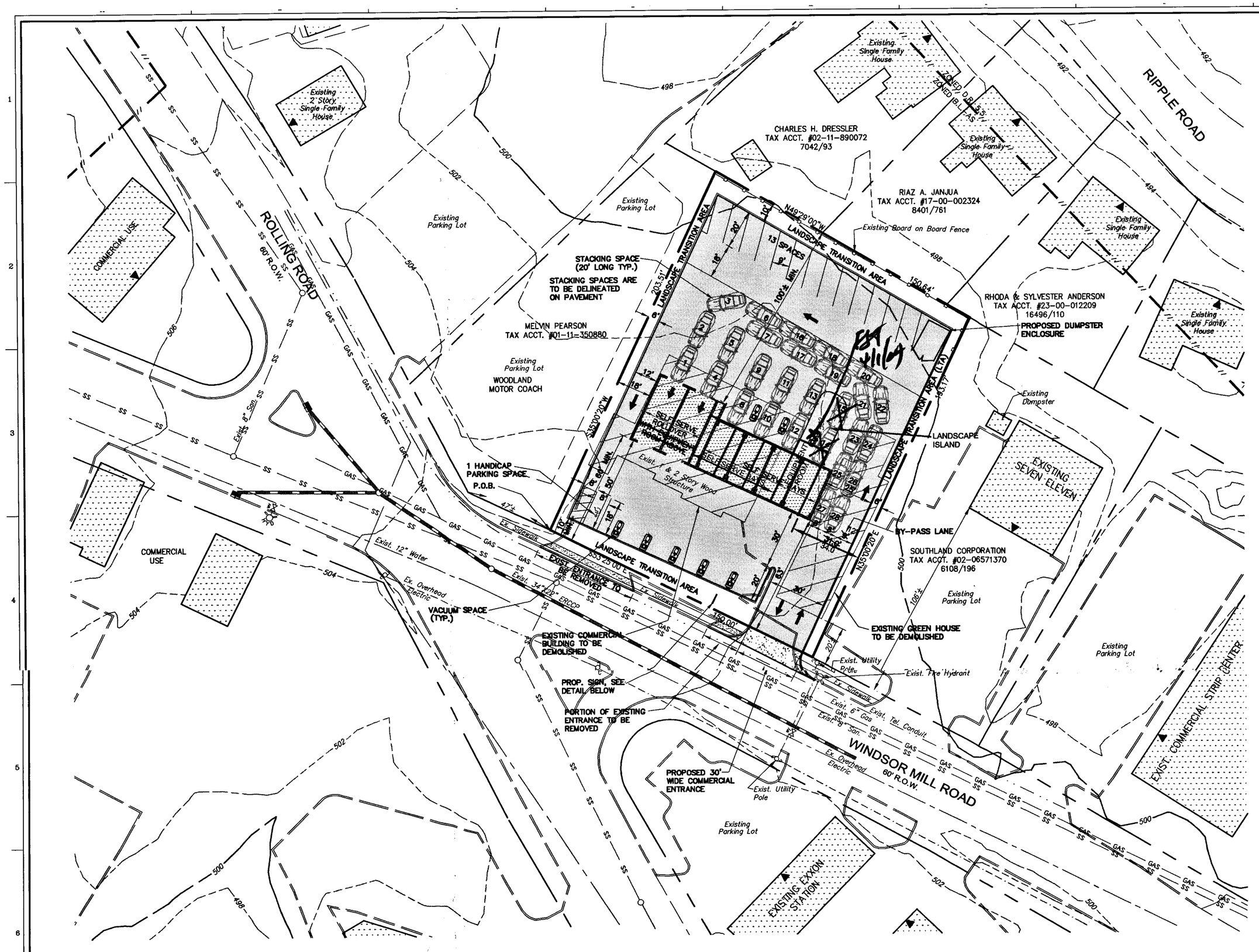
PROJECT NO.: –

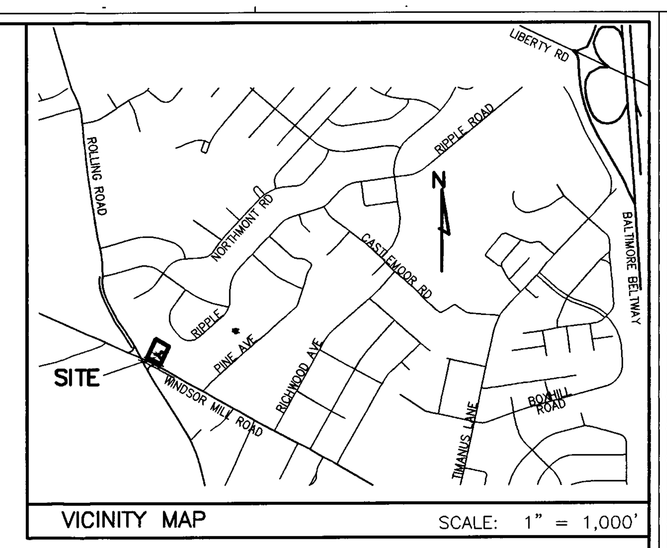
DATE: 7/11/03

DRAWING NO.
C-1

SHEET OF

PX1





VICINITY MAP SCALE: 1" = 1,000'

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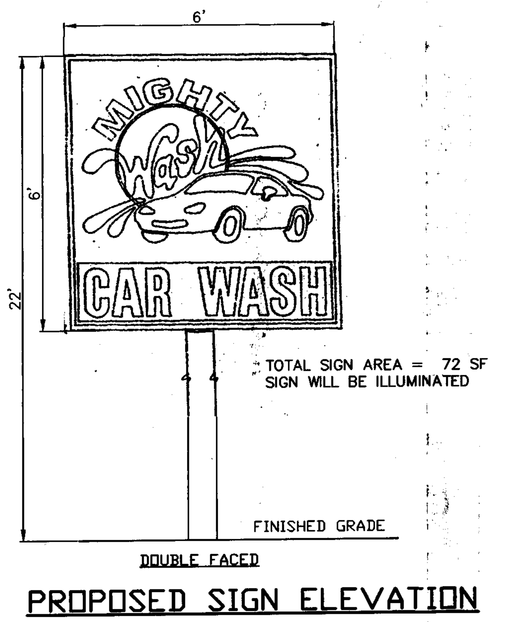

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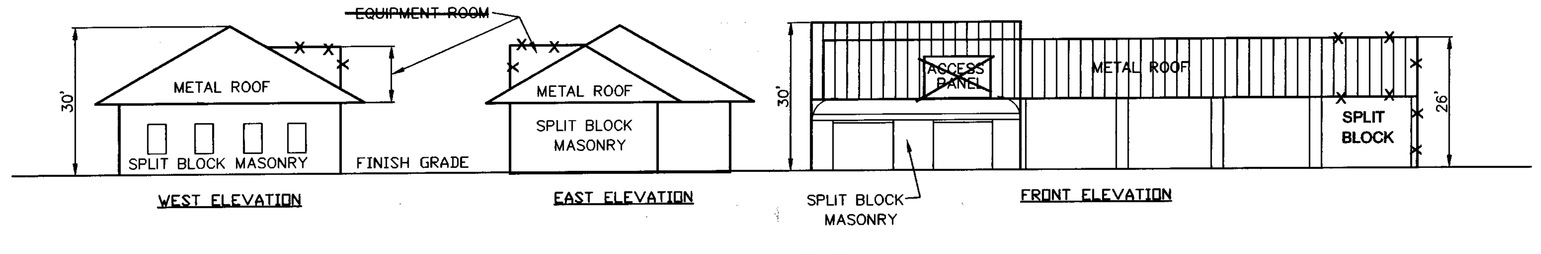

BUILDING ELEVATIONS

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PROJECT DATA

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DEVELOPER/CONTRACT PURCHASER: MIGHTY WASH OF FREDERICK AVENUE, INC.
6015 FOXHALL FARM ROAD
CATONSVILLE, MD 21228

DEED REFERENCE: 13860/725

TAX ACCOUNT: 17-00-008872

SITE AREA: 0.68 ACRES (NET) 0.78 ACRES (GROSS)

EXISTING USE: ABANDONED COMMERCIAL BUILDING & GREEN HOUSE

PROPOSED USE: ~~2~~ 3 BAY SELF SERVE CARE WASH, 2 ROLLOVER CARWASH BAYS AND VACUUM STATIONS

SITE ZONED: BL-AS (MAP NW-5G)

ZONING REQUIREMENTS:

	PERMITTED/REQUIRED	PROVIDED
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AMENITY OPEN SPACE (N.A.)	0	0
FRONT YARD (10' MIN.) ½(106+10)	58'*	60' MIN.
SIDE YARD	0'	18'
REAR YARD	0'	100' MIN.
BUILDING HEIGHT	40'	30'

* AVERAGE OF ADJACENT BUILDINGS

SITE IS NOT IN A 100 YEAR FLOOD PLAIN OR A BALTIMORE COUNTY MORATORIUM AREA.
SITE IS NOT PART OF AN APPROVED CRG OR DEVELOPMENT PLAN.

THERE IS NO ZONING HISTORY FOR THE SITE

REQUIRED PARKING PER SECTION 409.3B:

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ADDITIONAL	2 SPACES
TOTAL	12 ~~14~~ SPACES
PROVIDED	14 SPACES
VACUUM SPACES PROVIDED	7 (8) SPACES

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PRODUCTION RATES: 9 PER HOUR PER ROLLOVER
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PARKING AND DRIVEWAYS SHALL BE A DURABLE, DUSTLESS SURFACE AND PERMANENTLY STRIPED

SITE IS SERVED BY PUBLIC WATER AND SEWER.

HOURS OF OPERATION: 24 HOURS – MONITORED WITH CAMERA SYSTEM

SPECIAL EXCEPTION REQUESTED:

SECTION 330.13 – TO PERMIT A CARWASH IN A BL-AS ZONE (APPROVED)

VARIANCES REQUESTED:

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3. SECTION 419.B.1 TO PERMIT A TUNNEL ENTRANCE TO FACE A RESIDENTIALLY ZONED PROPERTY IF THE ZONING COMMISSIONER RULES THAT A VARIANCE IS NECESSARY BECAUSE A PORTION OF THE ADJACENT PROPERTY (NOT ABUTTING THE CAR WASH) IS ZONED RESIDENTIAL. (APPROVED)

REVISIONS

NO.	DATE	COMMENTS
	10/10/03	

GWT
GOWER THOMPSON, INC.
CIVIL ENGINEERING • SITE PLANNING
429 E. Lake Avenue
Baltimore, Maryland 21212
Phone 410-532-0101
Fax 410-532-0104
Email GOWERTHOMP@AOL.COM

SEAL

STATE OF MARYLAND
FREDERICK J. THOMPSON
No. 10194
PROFESSIONAL ENGINEER

PROJECT TITLE

MIGHTY WASH
7416 WINDSOR MILL ROAD
BALTIMORE COUTY, MARYLAND 21244

SHEET TITLE

RED LINE REVISION
SITE PLAN TO ACCOMPANY SPECIAL EXCEPTION & VARIANCE REQUESTS

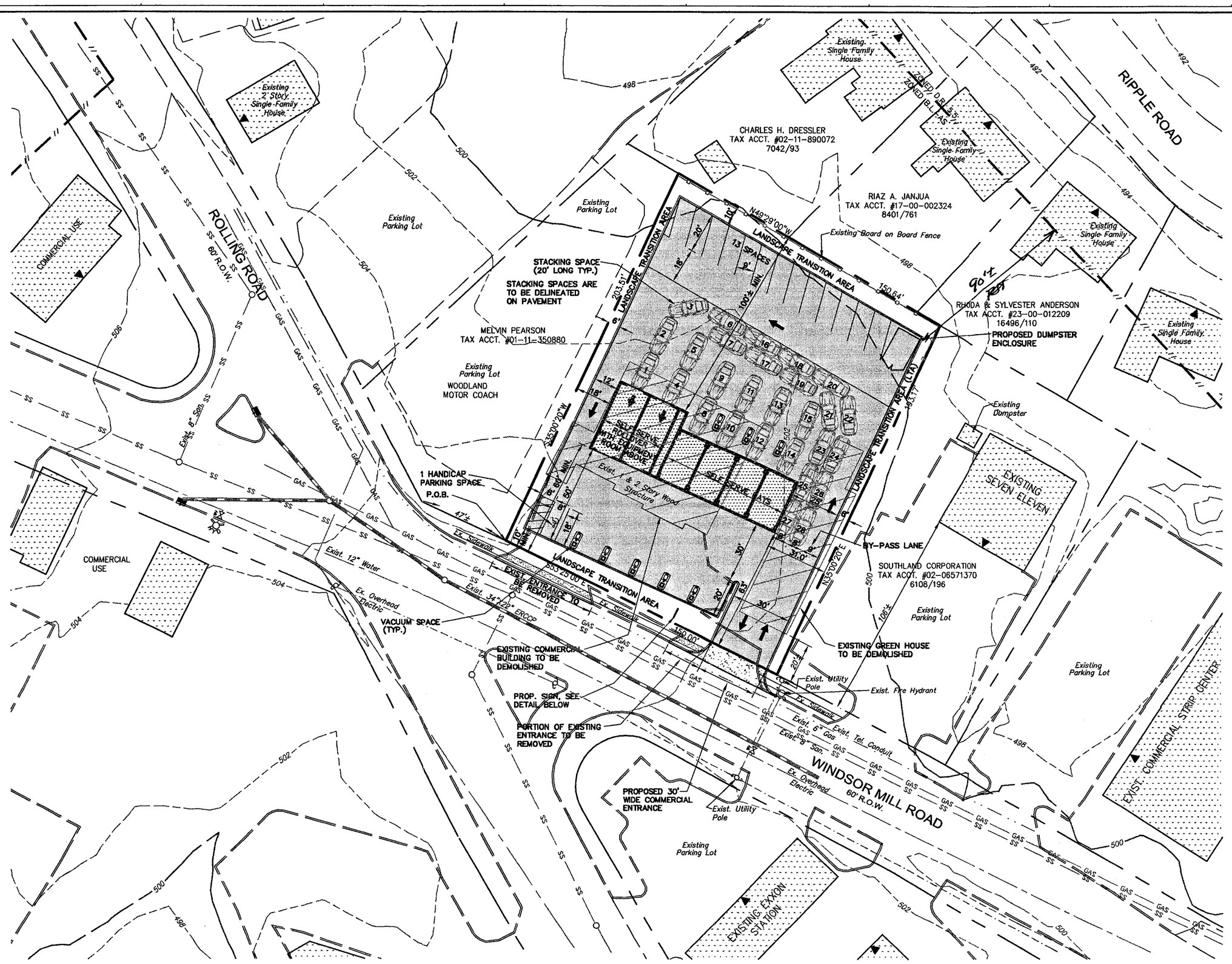
PROJECT NO.: –

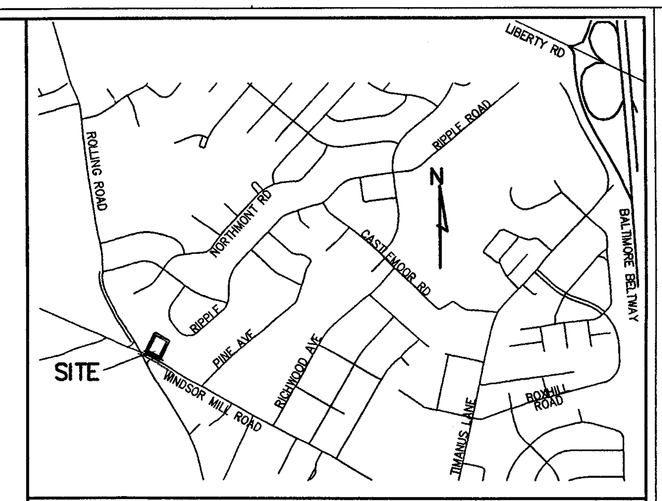
DATE: 7/11/03

DRAWING NO.

C-1

SHEET OF





VICINITY MAP SCALE: 1" = 1,000'

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AMENITY OPEN SPACE (N.A.)	0	0
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ADDITIONAL	2 SPACES
TOTAL	14 SPACES
PROVIDED	14 SPACES
VACUUM SPACES PROVIDED	8 SPACES

REQUIRED STACKING PER SECTION 409.3A:

(2 x 9) + 4 + (3 x 2) =	28 SPACES
PROVIDED	28 SPACES

PRODUCTION RATES: 9 PER HOUR PER ROLLOVER
4 PER HOUR PER SELF-SERVE

THERE ARE NO HAZARDOUS MATERIALS KNOWN TO BE ON THE SITE. EXISTING BUILDINGS WILL BE INSPECTED PRIOR TO DEMOLITION.

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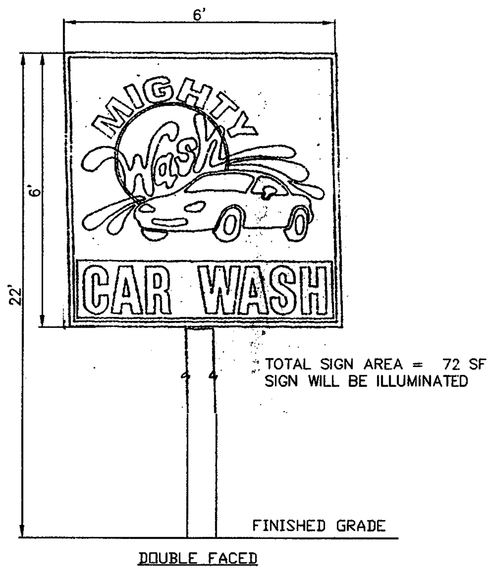
032



DOUBLE FACED

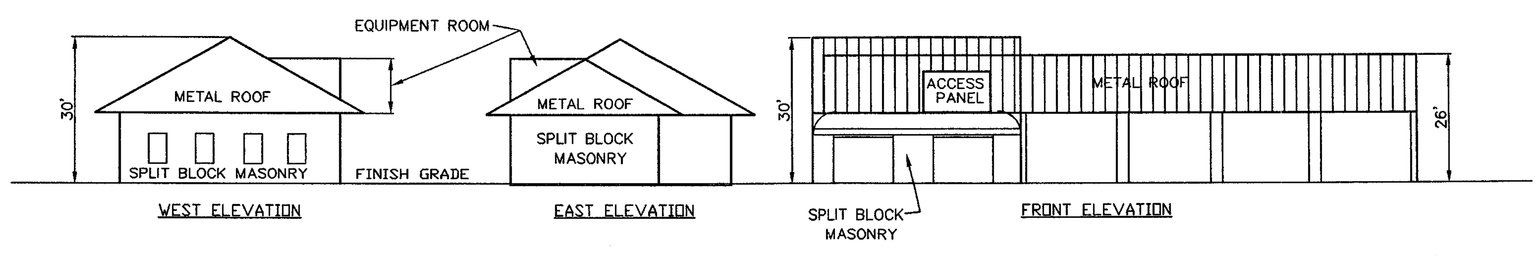
PROPOSED SIGN ELEVATION

NOT TO SCALE

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.



BUILDING ELEVATIONS

NOT TO SCALE

REVISIONS

NO.	DATE	COMMENTS

GOWER THOMPSON, INC.
CIVIL ENGINEERING – SITE PLANNING
429 E. Lake Avenue
Baltimore, Maryland 21212
Phone 410-532-0101
Fax 410-532-0104
Email GOWERTHOMP@AOL.COM

SEAL

STATE OF MARYLAND – FREDERICK C. THOMPSON – No. 6000 – PROFESSIONAL ENGINEER

PROJECT TITLE

MIGHTY WASH
7416 WINDSOR MILL ROAD
BALTIMORE COUTY, MARYLAND 21244

SHEET TITLE

SITE PLAN TO ACCOMPANY SPECIAL EXCEPTION & VARIANCE REQUESTS

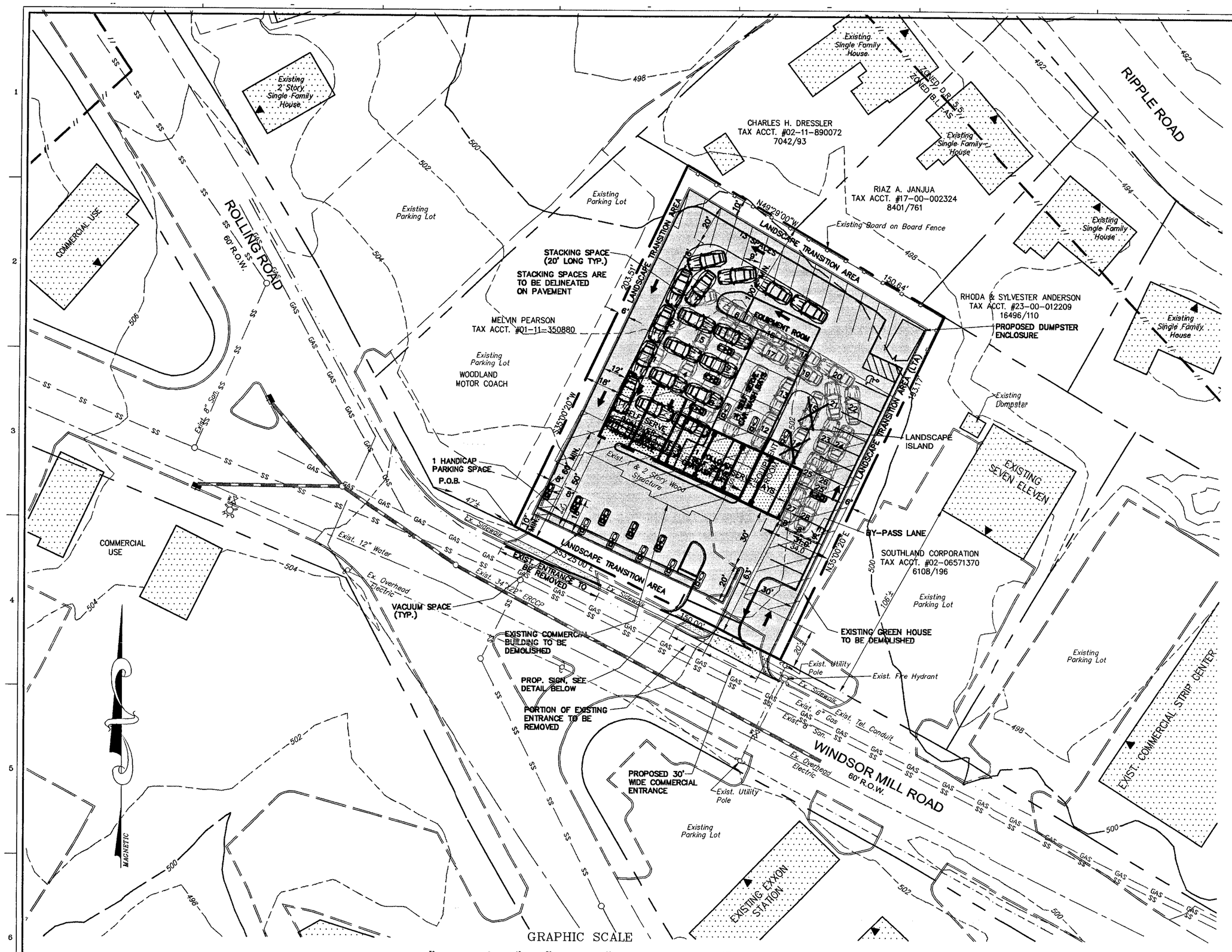
PROJECT NO.: –

DATE: 7/11/03

DRAWING NO.

C-1

SHEET OF



GRAPHIC SCALE

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(IN FEET)
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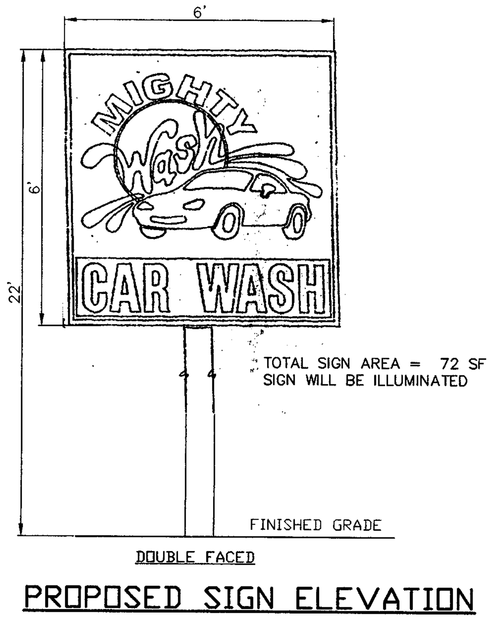
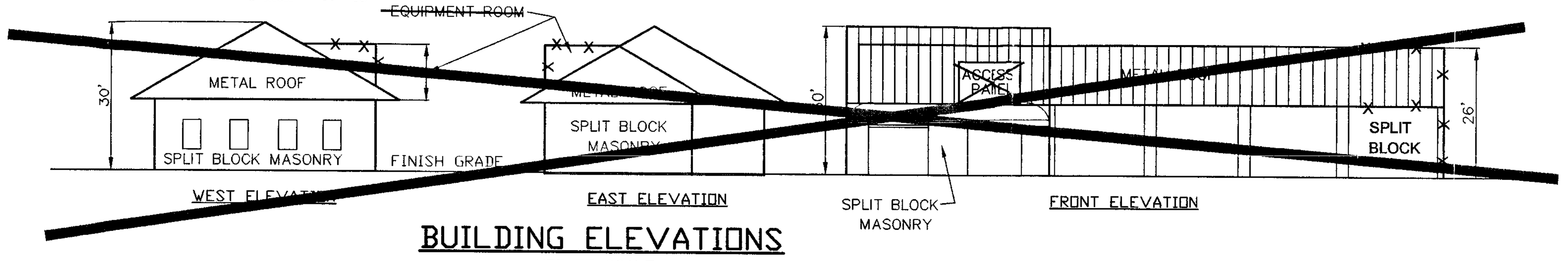


TOTAL SIGN AREA = 72 SF
SIGN WILL BE ILLUMINATED

DOUBLE FACED

PROPOSED SIGN ELEVATION

NOT TO SCALE



BUILDING ELEVATIONS

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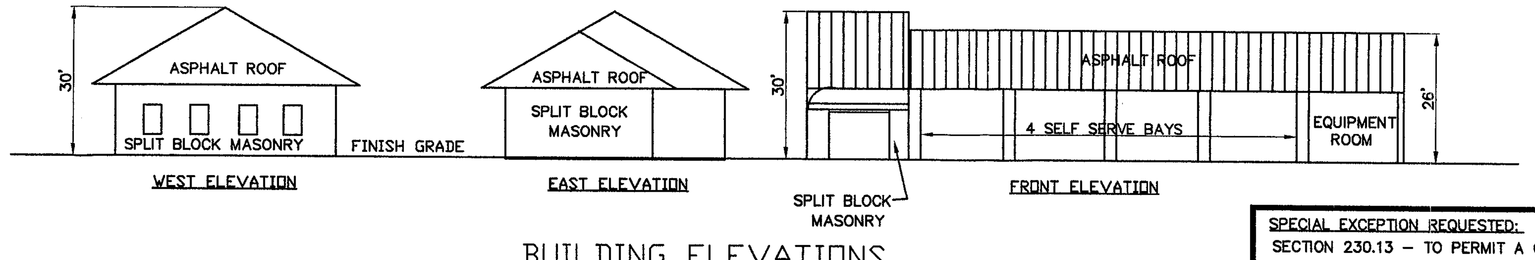


BUILDING ELEVATIONS

NOT TO SCALE

SPECIAL EXCEPTION REQUESTED:
SECTION 230.13 – TO PERMIT A CARWASH IN A BL–AS ZONE

ZONING HISTORY

Before the County Board of Appeals
Case No. 04-032-XA

ORDER

THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 21st day of May, 2004, that Petitioner's request for variance relief on the subject property be and the same is hereby **DENIED**; and it is further

ORDERED that the Petition for Special Exception is **GRANTED** if Petitioner can proceed without the requested variance relief which has been denied herein.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

Amended Opinion

ORDER

IT IS THEREFORE ORDERED that paragraphs 3 and 4, page 13 of the Board's Opinion and Order issued on May 21, 2004 shall be amended as indicated below and undersecored:

Page 13, Paragraph 3:

The property is zoned for commercial use. The Board can ascertain many other uses where the detrimental effect would be greater than the proposed car wash. The net effect of the totality of the evidence and testimony causes the Board to conclude that any adverse effect at this site would not be any greater than if the car wash were located anywhere else in the zone. This Board believes the site to be well equipped and suitable for such a car wash pursuant under the special exception requirement and would therefore approve the special exception, provided that Petitioner can proceed without the requested variance relief which will be denied for the reasons as stated above.

Page 13, Paragraph 4:

For the reasons cited, the Board will deny the variance and grant the special exception relief, provided that Petitioner can be proceed without the requested variance relief herein denied.

and it is further

ORDERED that the final Order issued by this Board on May 21, 2004 shall remain as originally issued; "that Petitioner's request for variance relief on the subject property be and the same is hereby **DENIED**"; and "that the Petition for Special Exception is **GRANTED** if Petitioner can proceed without the requested variance relief which has been denied herein."

Petitions for Special Exception & Variances
Case No. 04-032-XA

THEREFORE, IT IS ORDERED, this 26 day of September, 2003, by this Deputy Zoning Commissioner, that the Petitioner's request for variance:

(1) from Section 409.4A of the B.C.Z.R., to permit a 9 ft. wide access driveway to bypass stacking spaces in lieu of the required 12 ft. is hereby DENIED;

(2) from Section 419.4A.1 of the B.C.Z.R., to permit a car wash parking area a distance of 90 ft. rather than 100 ft. to a residentially zoned property if deemed necessary by the Zoning Commissioner is hereby GRANTED; and

(3) from Section 419.B.1 of the B.C.Z.R., to permit a tunnel entrance to face a residentially zoned property be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the Petitioner's request for a special exception to operate a car wash is hereby GRANTED, subject, however, to the following conditions:

1. The Petitioner's car wash shall be limited to five tunnels rather than six tunnels, as proposed in Petitioner's Exhibit No. 1, in any mix of automatic and self serve car washes as the Petitioner shall choose.
2. The Petitioner shall submit a lighting plan to the Office of Planning insuring lighting on the premises is directed away from adjacent residences.
3. The Petitioner shall submit a redline plan which reflects these conditions showing revised parking and stacking designs.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

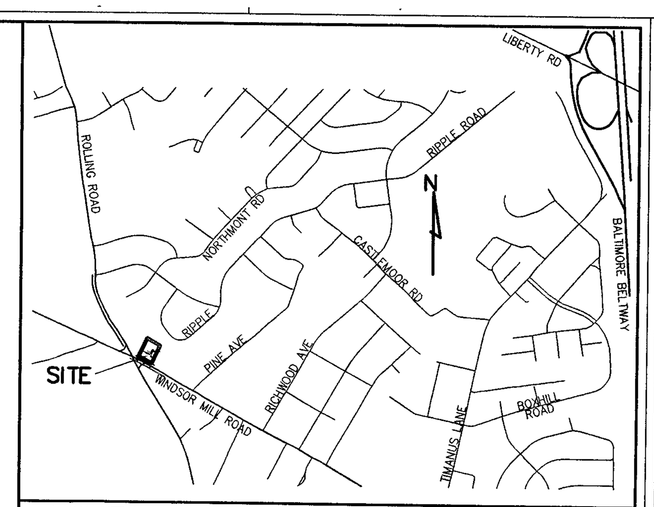
IT IS FURTHER ORDERED, that the Petitioner's request for Special Exception for a 4-bay self-service and 2-bay rollover car wash, pursuant to Section 230.13 of the Baltimore County Zoning Regulations, be and it is hereby APPROVED.

Order on Motion for Reconsideration

THEREFORE, IT IS ORDERED, this 29 day of October, 2003, by this Deputy Zoning Commissioner, that the Motion for Reconsideration is hereby GRANTED and the Order dated September 26, 2003 is hereby modified as follows:

1. That the Petitioner shall erect a sound barrier along the northern edge of the property of at least 6 feet in height, constructed of hollow cinderblock material filled with sound absorbent material and finished with stucco cement; and
2. That the Petitioner shall show said sound barrier on the site plan; and
3. That the Petitioner's request for a special exception for a car wash to be approved pursuant to Section 230.13 of the Baltimore County Zoning Regulations, be and is hereby APPROVED.
4. All other Orders and conditions contained the September 26, 2003 Order and not modified herein shall be fully effective and in force.

IT IS FURTHER ORDERED, that any appeal of this decision shall be made within thirty days of the date of this Order and not of the original Order dated September 26, 2003.



VICINITY MAP SCALE: 1" = 1,000'

PROJECT DATA

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DEED REFERENCE: 13860/725

TAX ACCOUNT: 17-00-008872

SITE AREA: 0.68 ACRES (NET) 0.78 ACRES (GROSS)

EXISTING USE: ABANDONED COMMERCIAL BUILDING & GREEN HOUSE

PROPOSED USE: ~~2~~ 3 BAY SELF SERVE CARE WASH, 2 ROLLOVER CARWASH BAYS AND VACUUM STATIONS

SITE ZONED: BL–AS (MAP NW–5G)

ZONING REQUIREMENTS:

	PERMITTED/REQUIRED	PROVIDED
F.A.R. (3.0)	88,862 SF	2,850 SF
AMENITY OPEN SPACE (N.A.)	0	0
FRONT YARD (10' MIN.) ~~2~~(106+10)	58'*	58' ~~60'~~ MIN.
SIDE YARD	0'	18'
REAR YARD	0'	37' ~~100'~~ MIN.
BUILDING HEIGHT	40'	30'

* AVERAGE OF ADJACENT BUILDINGS

SITE IS NOT IN A 100 YEAR FLOOD PLAIN OR A BALTIMORE COUNTY MORATORIUM AREA.
SITE IS NOT PART OF AN APPROVED CRG OR DEVELOPMENT PLAN.

THERE IS NO ZONING HISTORY FOR THE SITE

REQUIRED PARKING PER SECTION 409.3B:

DRYING SPACES (2x~~6~~ 5) =	10 ~~12~~ SPACES
ADDITIONAL	2 SPACES
TOTAL	12 ~~14~~ SPACES
PROVIDED	12 ~~14~~ SPACES
VACUUM SPACES PROVIDED	8 SPACES

REQUIRED STACKING PER SECTION 409.3A:

(~~12~~ 1 x 9) + 4 + (~~10~~ 3 x 2) =	19 ~~26~~ ~~28~~ SPACES
PROVIDED	19 ~~26~~ ~~28~~ SPACES

PRODUCTION RATES: 9 PER HOUR PER ROLLOVER
4 PER HOUR PER SELF–SERVE

THERE ARE NO HAZARDOUS MATERIALS KNOWN TO BE ON THE SITE. EXISTING BUILDINGS WILL BE INSPECTED PRIOR TO DEMOLITION.

THERE ARE NO EXISTING WELLS, SEPTIC SYSTEMS OR UNDERGROUND STORAGE TANKS ON THE SITE.

LIGHTING: ANY FIXTURE USED TO ILLUMINATE AN OFF–STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS. LIGHT STANDARDS SHOULD BE PROTECTED BY CURBING OR LANDSCAPING.

NO RECENT COMMERCIAL PERMITS FOR THE SITE.

PARKING AND DRIVEWAYS SHALL BE A DURABLE, DUSTLESS SURFACE AND PERMANENTLY STRIPED

SITE IS SERVED BY PUBLIC WATER AND SEWER.

HOURS OF OPERATION: 24 HOURS – MONITORED WITH CAMERA SYSTEM

SPECIAL EXCEPTION REQUESTED:

SECTION 230.13 – TO PERMIT A CARWASH IN A BL–AS ZONE (APPROVED)

VARIANCES REQUESTED:

1. SECTION 409.4A TO PERMIT A 9.0' WIDE ACCESS DRIVEWAY TO BYPASS STACKING SPACES IN LIEU OF THE REQUIRED 12' (DENIED)
2. SECTION 419.4A.1 TO PERMIT A CAR WASH PARKING AREA A DISTANCE OF 90' RATHER THAN 100' TO A RESIDENTIALLY ZONED PROPERTY IF DEEMED NECESSARY BY THE ZONING COMMISSIONER. (APPROVED)
3. SECTION 419.B.1 TO PERMIT A TUNNEL ENTRANCE TO FACE A RESIDENTIALLY ZONED PROPERTY IF THE ZONING COMMISSIONER RULES THAT A VARIANCE IS NECESSARY BECAUSE A PORTION OF THE ADJACENT PROPERTY (NOT ABUTTING THE CAR WASH) IS ZONED RESIDENTIAL. (APPROVED)

APPROVED FOR ZONING 04-032-XA
9/28/04 (QUICK RESPONSE) SEE LTR.
9/29/04
DEPUTY ZONING COMMISSIONER

REVISIONS		
NO	DATE	COMMENTS
	10/10/03	

GOWER THOMPSON INC.
CIVIL ENGINEERING – SITE PLANNING
429 E. Lake Avenue
Baltimore, Maryland 21212
Phone 410-532-0101
Fax 410-532-0104
Email GOWERTHOMP@AOL.COM

SEAL

PROJECT TITLE

MIGHTY WASH
7416 WINDSOR MILL ROAD
BALTIMORE COUTY, MARYLAND 21244

SHEET TITLE

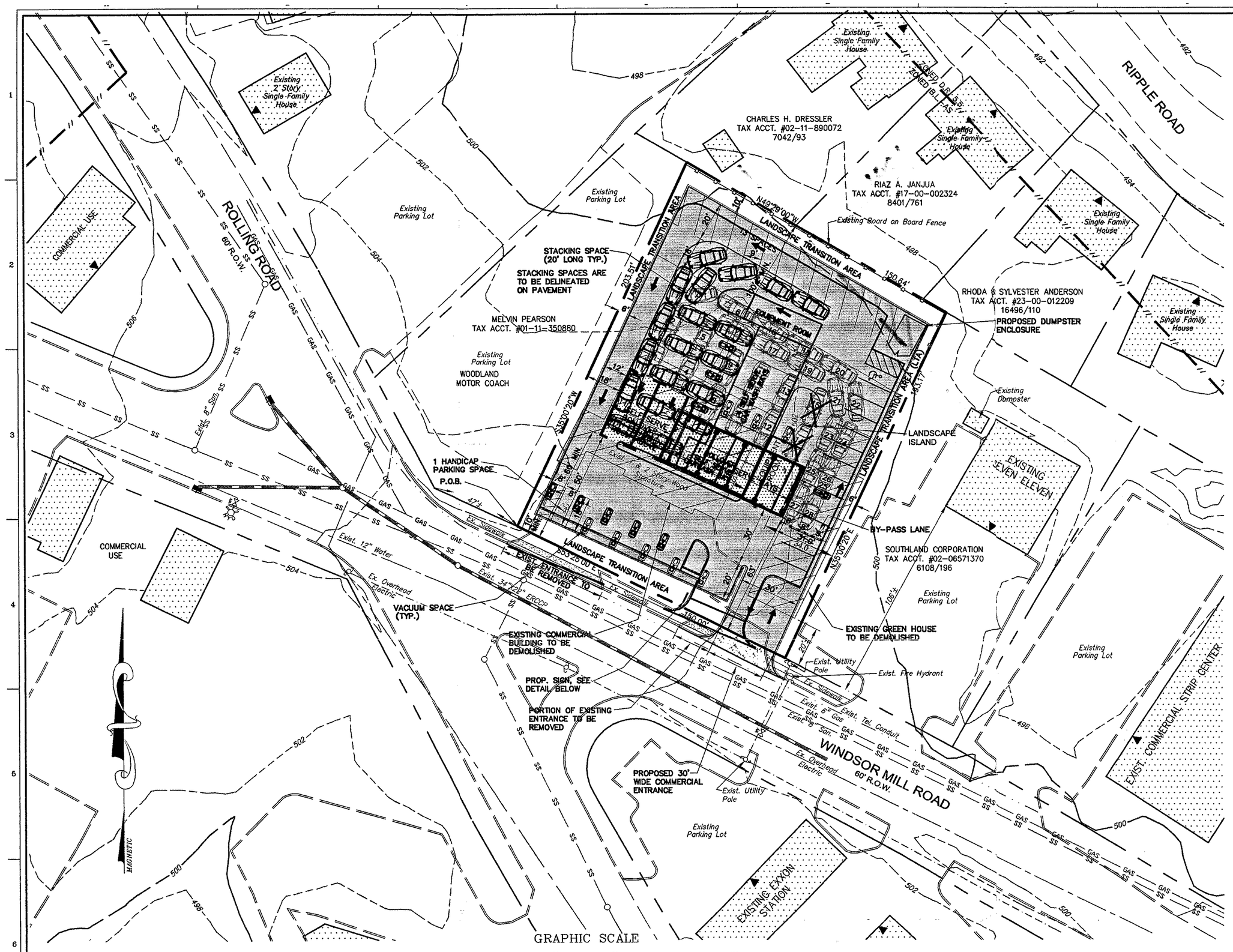
RED LINE REVISION – 9-12-04
SITE PLAN TO ACCOMPANY SPECIAL EXCEPTION & VARIANCE REQUESTS

PROJECT NO.: –

DATE: 7/11/03

DRAWING NO. C–1

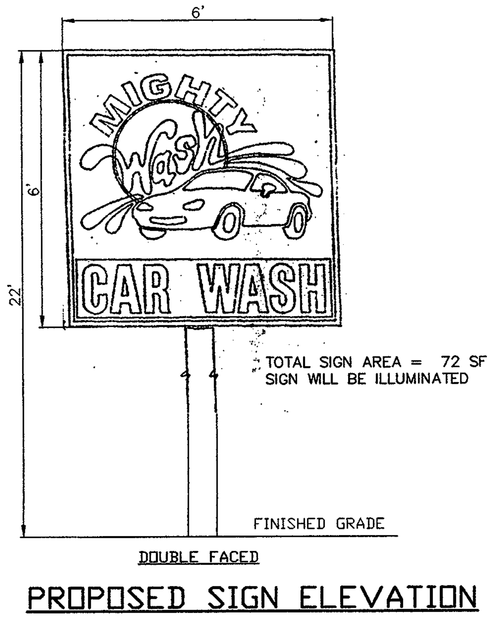
SHEET OF



GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

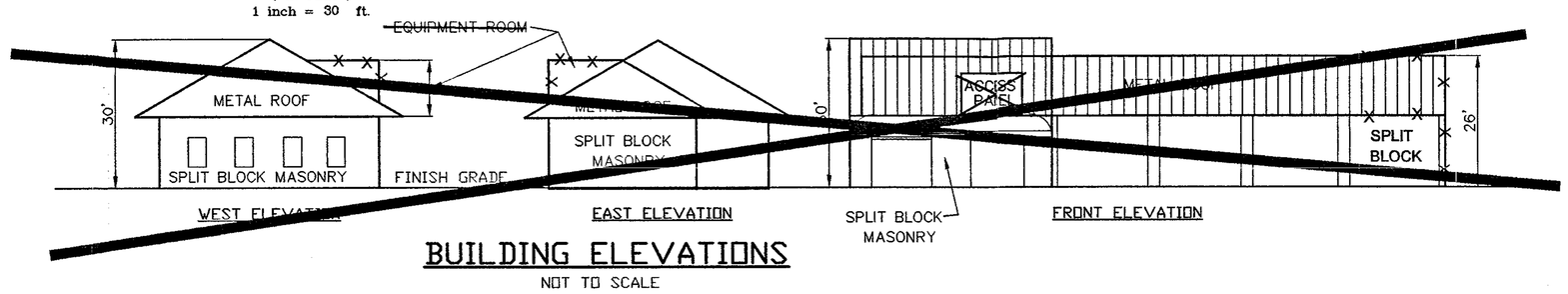


TOTAL SIGN AREA = 72 SF
SIGN WILL BE ILLUMINATED

DOUBLE FACED

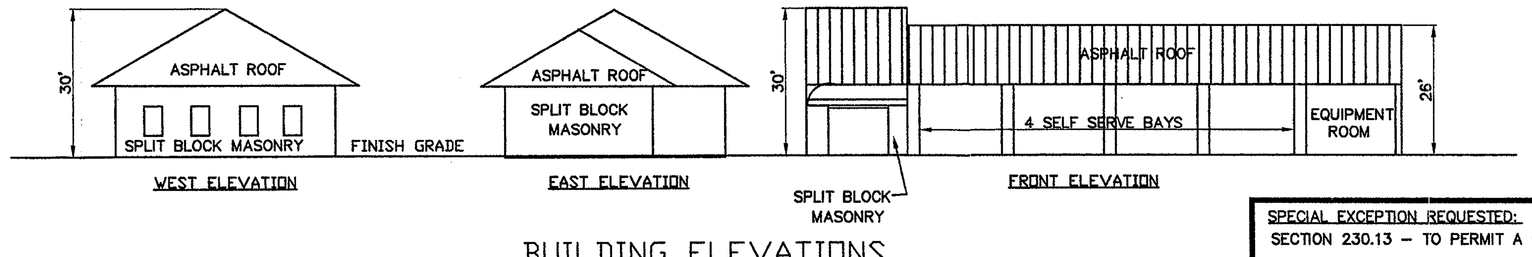
PROPOSED SIGN ELEVATION

NOT TO SCALE



BUILDING ELEVATIONS

NOT TO SCALE



BUILDING ELEVATIONS

NOT TO SCALE

SPECIAL EXCEPTION REQUESTED:
SECTION 230.13 – TO PERMIT A CARWASH IN A BL-AS ZONE

ZONING HISTORY

Before the County Board of Appeals
Case No. 04-032-XA

ORDER

THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 21st day of May, 2004, that Petitioner's request for variance relief on the subject property be and the same is hereby **DENIED**; and it is further

ORDERED that the Petition for Special Exception is **GRANTED** if Petitioner can proceed without the requested variance relief which has been denied herein.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

Amended Opinion

ORDER

IT IS THEREFORE ORDERED that paragraphs 3 and 4, page 13 of the Board's Opinion and Order issued on May 21, 2004 shall be amended as indicated below and underscored:

Page 13, Paragraph 3:

The property is zoned for commercial use. The Board can ascertain many other uses where the detrimental effect would be greater than the proposed car wash. The net effect of the totality of the evidence and testimony causes the Board to conclude that any adverse effect at this site would not be any greater than if the car wash were located anywhere else in the zone. This Board believes the site to be well equipped and suitable for such a car wash purpose under the special exception requirement and would therefore approve the special exception, provided that Petitioner can proceed without the requested variance relief which will be denied for the reasons as stated above.

Page 13, Paragraph 4:

For the reasons cited, the Board will deny the variance and grant the special exception relief, provided that Petitioner can be proceed without the requested variance relief herein denied.

and it is further

ORDERED that the final Order issued by this Board on May 21, 2004 shall remain as originally issued; "that Petitioner's request for variance relief on the subject property be and the same is hereby **DENIED**"; and "that the Petition for Special Exception is **GRANTED** if Petitioner can proceed without the requested variance relief which has been denied herein."

Petitions for Special Exception & Variances
Case No. 04-032-XA

THEREFORE, IT IS ORDERED, this 22 day of September, 2003, by this Deputy Zoning Commissioner, that the Petitioner's request for variance:

(1) from Section 409.4A, of the B.C.Z.R., to permit a 9 ft. wide access driveway to bypass stacking spaces in lieu of the required 12 ft. is hereby DENIED;

(2) from Section 419.4A.1 of the B.C.Z.R., to permit a car wash parking area a distance of 90 ft. rather than 100 ft. to a residentially zoned property if deemed necessary by the Zoning Commissioner is hereby GRANTED; and

(3) from Section 419.B.1 of the B.C.Z.R., to permit a tunnel entrance to face a residentially zoned property be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the Petitioner's request for a special exception to operate a car wash is hereby GRANTED, subject, however, to the following conditions:

1. The Petitioner's car wash shall be limited to five tunnels rather than six tunnels, as proposed in Petitioner's Exhibit No. 1, in any mix of automatic and self serve car washes as the Petitioner shall choose.
2. The Petitioner shall submit a lighting plan to the Office of Planning insuring lighting on the premises is directed away from adjacent residences.
3. The Petitioner shall submit a redline plan which reflects these conditions showing revised parking and stacking designs.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

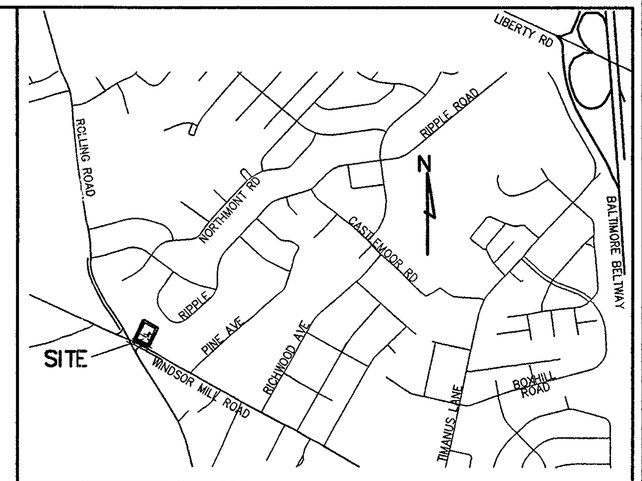
IT IS FURTHER ORDERED, that the Petitioner's request for Special Exception for a 4-bay self-service and 2-bay rollover car wash, pursuant to Section 330.13 of the Baltimore County Zoning Regulations, be and it is hereby APPROVED.

Order on Motion for Reconsideration

THEREFORE, IT IS ORDERED, this 22 day of October, 2003, by this Deputy Zoning Commissioner, that the Motion for Reconsideration is hereby GRANTED and the Order dated September 26, 2003 is hereby modified as follows:

1. That the Petitioner shall erect a sound barrier along the northern edge of the property of at least 6 feet in height, constructed of hollow cinderblock material filled with sound absorbent material and finished with stucco cement; and
2. That the Petitioner shall show said sound barrier on the site plan; and
3. That the Petitioner's request for a special exception for a car wash to be approved pursuant to Section 230.13 of the Baltimore County Zoning Regulations, be and is hereby APPROVED.
4. All other Orders and conditions contained the September 26, 2003 Order and not modified herein shall be fully effective and in force.

IT IS FURTHER ORDERED, that any appeal of this decision shall be made within thirty days of the date of this Order and not of the original Order dated September 26, 2003.



VICINITY MAP SCALE: 1" = 1,000'

PROJECT DATA

ELECTION DISTRICT 2 COUNCILMANIC DISTRICT 4

OWNER: HARRY T. & DONA L. ESPEY
7615 WINDSOR MILL ROAD
BALTIMORE, MD 21244

DEVELOPER/CONTRACT PURCHASER: MIGHTY WASH OF FREDERICK AVENUE, INC.
6015 FOXHALL FARM ROAD
CATONSVILLE, MD 21228

DEED REFERENCE: 13860/725

TAX ACCOUNT: 17-00-008872

SITE AREA: 0.68 ACRES (NET) 0.78 ACRES (GROSS)

EXISTING USE: ABANDONED COMMERCIAL BUILDING & GREEN HOUSE

PROPOSED USE: 3 ~~4~~ BAY SELF SERVE CARE WASH, 2 ROLLOVER CARWASH BAYS AND VACUUM STATIONS

SITE ZONED: BL-AS (MAP NW-5G)

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	PERMITTED/REQUIRED	PROVIDED
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4 PER HOUR PER SELF-SERVE

THERE ARE NO HAZARDOUS MATERIALS KNOWN TO BE ON THE SITE. EXISTING BUILDINGS WILL BE INSPECTED PRIOR TO DEMOLITION

THERE ARE
UNDERGROU

LIGHTING:
PARKING AI
AWAY FROM
LIGHT STAN
LANDSCAPII

NO RECENT

PARKING AI
SURFACE A

SITE IS SEF

HOURS OF
SYSTEM

T
HT
S.

RA

04-032-XA
ZONING SEE LTR.
APPROVED FOR
9/29/04 (QUICK RESPONSE)
9/29/04
PLANNER II

PETITIONER'S EXHIBIT

NO. 17-B

SPECIAL EXCEPTION REQUESTED:

SECTION 230.13 – TO PERMIT A CARWASH IN A BL-AS ZONE (APPROVED)

VARIANCES REQUESTED:

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NO.	DATE	COMMENTS
	10/10/03	

REVISIONS

GOWER THOMPSON INC.
CIVIL ENGINEERING – SITE PLANNING
429 E. Lake Avenue
Baltimore, Maryland 21212
Phone 410-532-0101
Fax 410-532-0104
Email GOWERTHOMP@AOL.COM

SEAL

STATE OF MARYLAND
FREDERICK J. THOMPSON
No. 6000
PROFESSIONAL ENGINEER

PROJECT TITLE

MIGHTY WASH
7416 WINDSOR MILL ROAD
BALTIMORE COUTY, MARYLAND 21244

SHEET TITLE

RED LINE REVISION – 9-12-04
SITE PLAN TO ACCOMPANY SPECIAL EXCEPTION & VARIANCE REQUESTS

PROJECT NO.: –

DATE: 7/11/03

DRAWING NO. C-1

SHEET OF