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IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE

NE/S of Dundalk Avenue, 1308 ft.

SE of Broening Road 12th Election District

7th Councilmanic District

(3401-3451 Dundalk Avenue)

BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 04-168-SPHXA

Logan Village Center, LLC Petitioners

#### ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by Logan Village Center, LLC, legal owner of the property located at 3401-3451 Dundalk Avenue in the eastern area of Baltimore County. The Petitioner requests that I reconsider my previous decision issued November 18, 2003 in which I denied the Petitioner's <u>original request</u> for special exception, special hearing and variance as follows:

- Special Exception request for a car wash pursuant to Section 419 (zoning area A) of the Baltimore County Zoning Regulations (B.C.Z.R.).
- Special Hearing Relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:
  - 1. from Section 419.4.B.1 to determine whether the orientation of the proposed car wash tunnel entrances, as shown on the site plan, require a variance, in light of the distance from the residentially zoned property and the other features of the site and proposed design. (Zoning Area A);
  - 2. from Section 419.4.B.3 to determine whether a 10 ft. landscape transition area is necessary along the Dundalk Avenue right-of-way, in light of the features of the site and the pro[posed design. (Zoning area A); and
  - to amend the site plan in Case Nos. 94-64-X and 94-376-SPHXA in accordance with the relief granted herein. (Zoning Area B).
- Variance relief from the B.C.Z.R. as follows:
  - 1. from Section 419.3.A.1, to permit two roll over car wash tunnels with 6 stacking spaces and 7 stacking spaces, respectively, in lieu of the 9 stacking spaces required per tunnel. (Zoning Area A);

- 2. from Section 419.4.B.3, to permit a 0 (zero) ft. landscape transition area along the northeast face of the car wash facility, in lieu of the 6 ft. landscape transition area required. (Zoning Area A);
- 3. if pursuant to the Petition for Special Hearing, the Zoning Commissioner determines that a variance from Section 419.4.B.1 of the B.C.Z.R. is necessary, then the Petitioner requests a variance from Section 419.4.B.1 of the B.C.Z.R., to permit the orientation of the car wash entrance tunnel "facing" a residential zoned property as shown on the site plan. (Zoning Area A); and
- 4. if pursuant to the Petition for Special Hearing, the Zoning Commissioner determines that a variance from Section 419.4.B.3, is necessary, then the Petitioner requests a variance from Section 419.4.B.3 of the B.C.Z.R., to permit a 0 (zero) ft. landscape transition area along Dundalk Avenue in lieu of the 10 ft. landscape transition area otherwise required. (Zoning Area A).

The Petitioner filed a timely Motion for Reconsideration of the Commissioner's Order received by this office on December 11, 2003. A hearing was held at the Petitioner's request on March 3, 2004. The Petitioner contends that:

- 1. the interpretation contained in the Findings of Fact and Conclusions of Law issued in this case are inconsistent with previous orders issued by the Zoning Commissioner and the interpretations by the Zoning Office of Baltimore County;
- 2. In the alternative that the Commissioner accept an amended plat to accompany which rectifies the problem described in the Commission's prior order.

#### Testimony and Evidence

The Petitioner argued its position that the original order in this case was inconsistent with prior car wash cases. The statute requires that no part of a self service car wash be within 100 ft. of residentially zoned property. The Petitioner argued that this has always meant that no part of the actual car washing operation be within 100 ft. of residentially zoned property as outlined in the Petitioner's memorandum. Said another way, the Petitioner contends that past cases did not define self service car wash by the legal description of the requested special exception.

The Petitioner also presented an amended Plat to Accompany Request For Special Exception, Special Hearing and Variance (Petitioner's Exhibit No. 4A) and amended zoning description for Special Exception (Petitioner's Exhibit No. 4B). This exhibit shows a reduced

ORDER FEGURES FOR FIRES

area for the special exception, all of which is more than 100 ft. from the nearest residentially zoned property. In addition, the amended Plat, page 2, shows a sound barrier located in the curved landscaped area which separates the car wash operations from the residential neighborhood behind the proposed car wash.

Finally, the Petitioner reiterated its case for its requested variances and special hearing.

#### Findings of Fact and Conclusions of Law

I find that the Petitioner's arguments that the original order in this case was inconsistent with prior car wash cases may well be correct. Nevertheless, the statute requires that no part of a self service car wash be within 100 ft. of residentially zoned property. There is nothing in the wording of the statute to support the Petitioner's position that "no part of a self service car wash" be within 100 ft. of residentially zoned property means no part of the actual car washing operation be within 100 ft. of residentially zoned property. I believe the proper interpretation of the statute is that no part of the legal description of the requested special exception is the proper definition for this requirement.

Nevertheless, I further find that the amended plat to Accompany Request for Special Exception, Special Hearing and Variance marked as Petitioner's Exhibit Nos. 4A and 4B satisfy the proper definition and I will accept these exhibits as the basis of approving the Special Exception. I note that the sound barrier, which is so essential to protecting the neighborhood from the noise generated by the car wash operations, is now included in the amended plat. Consequently, I find that the Petitioner has met the criteria of Section 502.1 and the proposed car wash as shown on the amended plat will not be a detriment to the health safety or welfare of the community.

In regard to the request for special hearing and variance, the Petitioner presented several alternative requests for relief. The first is that the tunnel entrances face adjacent residentially

zoned property. This issue arises from the noise generated from the machinery of the car wash itself which the tunnels can focus toward residentially zoned property. The statute (Section 419.4.B) is clear and not subject to interpretation so as to allow what is prohibited. It has been the long established practice of this office that variance and not special hearing is proper method to address this kind of relief form regulation.

Consequently, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Specifically, I find that the quarter circle of residentially zoned property around the location of the proposed car wash severely impacts how any car wash tunnel can be oriented and not violate the regulation. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Furthermore, I find that such a variance can be granted in strict harmony with the spirit and intent of regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare. In this regard, the sound barrier proposed in the amended plat will mitigate any noise that will emanate from the tunnels in addition to the distance to the residential properties.

The second alternative relief raised the issue of interpreting under special hearing whether the 10 ft. landscape transition was necessary along Dundalk Avenue or, in the alternative, a request to eliminate this requirement by variance. Again, I find the proper method to resolve this issue is by variance and not by special hearing. That said, however, I find that the landscaping on Dundalk Avenue is necessary and should be designed and constructed as a furtherance of the Dundalk Renaissance Project. Testimony indicated that the County was implementing substantial improvements along Dundalk Avenue starting at the town center to the north and ending at this shopping center. It is essential that the landscaping provided by this

proposal be compatible with and a seamless extension of the County's improvements to Dundalk Avenue. Consequently, I will deny this request for special hearing and variance.

In regard to the request for variance to eliminate the 6 ft. transition area around the periphery of the car wash I agree with the Petitioner, that requiring such landscaping would not be a reasonable requirement under these circumstances. The Petitioner owns the adjacent shopping center and the commercial buildings that are on each side of the site. There is no reason to buffer these commercial uses from the car wash. In fact, the buffer would take up space that could be used for parking at the hopefully revitalized center. Finally, the car wash operations are buffered from the residentially zoned properties by a landscape buffer and sound barrier as shown on page 2 of the amended plat. Further landscaping is not necessary.

Consequently, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Furthermore, I find that such a variance can be granted in strict harmony with the spirit and intent of regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare.

Finally, the Petitioner requests a variance to provide five less stacking spaces than required by the regulations. The Petitioner notes that there are more than 500 parking spaces provided by the shopping center for its customers. Customers of the car wash can use the center lot to wait for room in the car wash. There are clearly more than adequate spaces to stack vehicles waiting for the car wash. However, while the Petitioner also owns the shopping center now and is subject to the jurisdiction of this order, it is possible that the two entities may some day be in different ownership and not allow vehicle waiting for the car wash to park on the

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center's lot. Therefore, I will require the center's owner to provide at least 5 parking spaces that will be dedicated to the car wash for as long as it is operating.

Finally, having approved the special exception for the car wash, I will approve the request for special hearing to amend the site plans approved in Case Nos. 94-64-X and 94-376-SPXA.

After considering the additional testimony and evidence offered by Petitioner on this motion, I find that the Motion for Reconsideration shall be granted in part and denied in part as indicated below with condition.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 5th day of March, 2004, that the Petitioner's Motion for Reconsideration be and is hereby granted in part and denied in part as follows;

- The Amended Special Exception Request for a car wash pursuant to Section 419 (zoning area A of the amended plat as shown in Petitioner's exhibit 4 A and 4 B) of the Baltimore County Zoning Regulations (B.C.Z.R.) is hereby APPROVED subject to the condition that the 10 foot landscape buffer along Dundalk Avenue shall be designed and constructed as a furtherance of the Dundalk Renaissance Project pursuant to the direction of County Landscape Architect Avery Harden; and
- Special Hearing Relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:
  - a) from Section 419.4.B.1 to allow the orientation of the proposed car wash tunnel entrances, as shown on the site plan, in light of the distance from the residentially zoned property and the other features of the site and proposed design is **DENIED**;
  - b) from Section 419.4.B.3 to eliminate the 10 ft. landscape transition area along the Dundalk Avenue right-of-way, in light of the features of the site and the pro[posed design. (Zoning area A) is **DENIED**; and
  - c) to amend the site plan in Case Nos. 94-64-X and 94-376-SPHXA in accordance with the relief granted herein. (Zoning Area B) is **GRANTED**.
- Variance relief from the B.C.Z.R. as follows:
  - a) from Section 419.3.A.1, to permit two rollover car wash tunnels with 6 stacking spaces and 7 stacking spaces, respectively, in lieu of the 9 stacking spaces required per tunnel. (Zoning Area A) is **GRANTED** subject to the condition that the Petitioner shall cause the dedication of five parking spaces of the Logan Village Shopping Center to be used exclusively by customers of the car wash and that this dedication shall be entered into the Land Records of Baltimore County;

- b) from Section 419.4.B.3, to permit a 0 (zero) ft. landscape transition area along the northeast face of the car wash facility, in lieu of the 6 ft. landscape transition area required. (Zoning Area A) is **GRANTED**;
- c) from Section 419.4.B.1 of the B.C.Z.R., to permit the orientation of the car wash entrance tunnel "facing" a residential zoned property as shown on the site plan. (Zoning Area A) is **GRANTED**; and
- d) from Section 419.4.B.3 of the B.C.Z.R., to permit a 0 (zero) ft. landscape transition area along Dundalk Avenue in lieu of the 10 ft. landscape transition area otherwise required. (Zoning Area A) is **DENIED**.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

OMN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

#### 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

March 5, 2004

John B. Gontrum, Esquire Dino LaFiandra, Esquire Whiteford, Taylor & Preston, LLP 210 W. Pennsylvania Avenue Towson, MD 21204

Re: Petitions for Special Exception, Special Hearing & Variance Case No. 04-168-SPHXA
Property: 3401-3451 Dundalk Avenue

Dear Messrs. Gontrum & LaFiandra:

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

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

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Lawrence Thanner 9025 Cuckold Point Road Baltimore, MD 21219

> Mitch Kellman Daft, McCune, Walker, Inc. 200 E. Pennsylvania Avenue Towson, MD 21204

Jane Willeboardse Dundalk Renaissance Corp. Dundalk, MD 21204

Marc Epstein 401 Bosley Avenue, Suite 406 Towson, MD 21204



Visit the County's Website at www.baltimorecountyonline.info

2/11/03

IN RE: PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE

- \* BEFORE THE
- \* DEPUTY ZONING COMMISSIONER

\* FOR

NE/S OF DUNDALK AVENUE, 1308 FT. \*
SE OF BROENING ROAD

12TH ELECTION DISTRICT

7TH COUNCIL DISTRICT

(3401-3451 DUNDALK AVENUE)

BALTIMORE COUNTY

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ZONING COMMISSIONER

\* Case No:

04-168-SPHXA

#### MOTION FOR RECONSIDERATION

Now comes Logan Village Center, LLC, by and through its attorneys John B.

Gontrum and Whiteford, Taylor & Preston, L.L.P. and moves for reconsideration of the Findings of Fact and Conclusions of Law in the above-referenced matter, and as grounds therefor, states:

1. That the interpretation contained in the Findings of Fact and Conclusions of Law issued in the above-referenced case of the Baltimore County Zoning Regulations pertaining to the appropriate setback of a self-service car wash to a residential zone is inconsistent with previous orders issued over the years by the Zoning Commissioner of Baltimore County as well as interpretations by the Zoning Office of Baltimore County.

- 2. That the interpretation contained in the Findings of Fact and Conclusions of Law issued in the above-referenced case of the Baltimore County Zoning Regulations pertaining to the appropriate setback of a self-service car wash to a residential zone is inconsistent with the interpretation contained in the Findings of Fact and Conclusions of Law issued by the Deputy Zoning Commissioner in Case No. 04-032-XA (Mighty Wand, 7410 Windsor Mill Road).
- 3. That the Petitions filed in this case were unopposed by any "party" as that term is defined in the Baltimore County Code.
- 4. That the Baltimore County Zoning Advisory Comments did not raise the issue determined by the Deputy Zoning Commissioner in his Findings of Fact and Conclusions of Law relating to the setback of a self-service car wash from a residential zone.

WHEREFORE, the Petitioner, Logan Village Center, LLC respectfully requests that the Deputy Zoning Commissioner reconsider his Findings of Fact and Conclusions of Law issued November 18, 2003 in the above-captioned case.

#### MOTION TO AMEND PETITION FOR SPECIAL EXCEPTION, ETC.

Now comes Logan Village Center, LLC, by and through its attorneys John B.

Gontrum and Whiteford, Taylor & Preston, L.L.P. and moves for leave to amend the

Petition for Special Exception, and in particular the site plan and "zoning description" to
accompany the same, in the above-referenced case, and as grounds therefor, states:

- That the Deputy Zoning Commissioner has concluded that the Petition for Special Exception is flawed and unapprovable on account of the extension of the proposed special exception area to a location within 100 feet of a residential zone.
- 2. That the proposed special exception area can be minimized and, if so, no part thereof will be within 100 feet of a residential zone. Furthermore, such alteration of the proposed special exception area will not cause any change to the layout, location or operation of the proposed car wash facilities.
- 3. That Petitioner by amended site plan, attached hereto and made a part hereof, is willing to amend its site plan to be consistent with the interpretation of the Deputy Zoning Commissioner.
- 4. That under the law of the State of Maryland, in particular the seminal special exception case of *Shultz v. Pritts* and its progeny, as a special exception use a car wash at this location is presumptively valid, and in light of the lack of substantial evidence rebutting the presumption, the requested amendment to the Petition for Special Exception would allow the Deputy Zoning Commissioner to approve the special exception while maintaining consistency with the rationale of the conclusions of law.

WHEREFORE, the Petitioner, Logan Village Center, LLC respectfully requests leave to amend its Petition for Special Exception in accordance with the amended site plan and zoning description attached hereto and incorporated herein by reference, whereupon

in conjunction with the Motion for Reconsideration, the Petition for Special Exception should be approved.

#### REQUEST FOR HEARING

Now comes Logan Village Center, LLC, by and through its attorneys John B. Gontrum and Whiteford, Taylor & Preston, L.L.P. and respectfully requests a hearing on its Motions for Reconsideration and to Amend its Petition for Special Exception in the above-referenced case, and as grounds therefor, states:

- 1. That the dispositive issue of the Petition for Special Exception was raised by the Deputy Zoning Commissioner for the first time in the Findings of Fact and Conclusions of Law, and consequently without a hearing on the Motions for Reconsideration and to Amend the Petition for Special Exception, the Petitioner has been denied its right to address this issue of first impression.
- 2. That Petitioner respectfully requests that the Deputy Zoning Commissioner hold a hearing on Petitioner's Motion for Reconsideration of this important issue.

WHEREFORE, the Petitioner, Logan Village Center, LLC respectfully requests the Deputy Zoning Commissioner hold a hearing on the Motions for Reconsideration and to Amend the Petition for Special Exception, and grant such other and further relief as the nature of this cause may require.

John B. Gontrum

Whiteford, Taylor & Preston L.L.P. Attorney for Plaintiff,

IN RE: PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING

AND VARIANCE

WHITEFORD, TAYLOR & PRESTON L.L.P.

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December 11 2003

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ZONING COMMISSIONER

Via Hand-Delivery

Baltimore County Zoning Commissioner 401 Bosley Avenue, Fourth Floor Towson, Maryland 21204

Re:

In Re: Petitions for Special Exception,

Special Hearing and Variance

Dear Sir:

Enclosed for filing, please find a Motion for Reconsideration on behalf of Logan Village Center, LLC.

Sincerely,

John B. Gontrum

JBG:nd Enclosure

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IN RE: PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE

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- \* BEFORE THE
- \* DEPUTY ZONING COMMISSIONER
- FOR

NE/S OF DUNDALK AVENUE, 1308 FT. \* BALTIMORE COUNTY SE OF BROENING ROAD 12TH ELECTION DISTRICT 7TH COUNCIL DISTRICT (3401-3451 DUNDALK AVENUE)

Case No: 04-168-SPHXA

#### MEMORANDUM IN SUPPORT OF MOTION FOR RECONSIDERATION

The Findings of Fact and Conclusions of Law issued November 18, 2003 in the above-referenced case for the first time applied a one hundred foot (100') setback from the edge of a special exception for a car wash containing both self-service and automated wash bays from a residential community. At no time in previous cases including Case No. 04-032-XA issued by the Deputy Zoning Commissioner has such an interpretation ever been applied to Baltimore County Zoning Regulation (BCZR), Section 419.4.

Section 419.4A.1 contains "locational standards" which require roll-over and fullservice buildings to set back fifty (50) feet from the lot line of any residentially zoned property and which further state: "Except for landscape buffers, no part of a self-service car wash shall be within 100 feet of a residentially zoned property." The Findings of Fact and Conclusions of Law interpreted this section to mean that no part of the special exception requested area should be within 100 feet of a residentially zoned property.

#### **CASE HISTORY**

1. Case No. 04-032-XA (Mighty Wand, 7410 Windsor Mill Road)

In this case decided by the Deputy Zoning Commissioner on September 26, 2003 and reconsidered in part on October 22, 2003, a variance request was made to permit parking supporting the self-service car wash within 10′ of a residentially zoned property in lieu of the required 100′. ¹ The special exception itself went right to the property line of the residentially zoned property. Furthermore, the zoning line was in the middle of the residential property. As a matter of fact the zoning line was 75′ away from the special exception line. Consequently, there was no variance request from the zone line, and no setback at all for the special exception from the residential property.

The site plan for the Mighty Wand case also is somewhat unique. It is unusual to have the parking spaces for the car wash to be on the entrance side and away from the vacuum pumps. Typically, the parking spaces are on the exit side of the car wash or on the side. In this way customers can park their vehicles after washing to clean out the interior and to dry them. In the Mighty Wand case customers were being asked to get in a stacking lane, go through the car wash, vacuum their vehicles and then drive around behind the stacking lanes to park against the residential community. Within the 100'

<sup>&</sup>lt;sup>1</sup> This case has been appealed to the County Board of Appeals of Baltimore County.

setback were not only the parking spaces but also the required stacking lanes for the car wash bays.

In the subject case no part of the required parking for the car wash was contained within the 100′ setback from the residential zone line. In fact, the site plan admitted in this case actually shows the 100′ setback of all of the improvements including not only the buildings but also the parking, stacking lanes and vacuums from the residential property. In the subject case even the landscape buffer is outside of the 100′ setback as shown on the site plan. Consequently, no part of the use itself is within the 100′ setback. This is consistent with the finding and holding in Case No. 04-032-XA.

#### 2. Cases Nos. 00-277-XA, 99-302-X, 99-124-X.

The above three cases represent all other self-service car wash cases for which special exceptions were sought in the last five (5) years. In all three of the above referenced cases special exceptions for self service car washes were sought. Some of the cases contained mixed roll-over and self-service car washes. In all three of the cases the special exception requests for the self-service car washes were contiguous with residential zoning lines and within 100′ of residentially zoned property. In none of the cases were variances sought for setbacks of the special exception requests from the residentially zoned properties. Setbacks on the site plans were shown from the car wash structures from the residential zone lines.

Not one of the cases contained a comment from the Director of Permits and Development Management, which indicated that a variance should be obtained from the

BCZR for the setback of the special exception from the residential zoned properties. This is significant, for the Baltimore County Code, Section 26-135 states that the Director of Permits and Development Management has the full power and authority to promulgate policies, rules and regulations relating to the zoning regulations. <sup>2</sup> Neither the Director, nor the Bureau of Zoning, which commented on the zoning cases, felt that there was a need for a variance or an inconsistency with the BCZR interpretations in the petitions as presented. No party to the case requested a special hearing on the issue.

In every case the buildings containing the car wash facilities were over 100' away from the residential zone line. In Case No. 99-302-X both the parking spaces and the stacking lanes for the car wash bays clearly were within 100' of the residential zone line. The entrance and the exit on the "L-shaped" property both abutted residential zone lines. Residentially zoned properties were located across roads.

#### **DISCUSSION**

The location of the special exception area may have little to do with the uses located within the area. It is not true that the special exception area must be so narrowly confined as to meet minimum setbacks for the uses contained within it. Frequently, a special exception encompasses the entire lot or property owned as a matter of convenience to the Petitioner rather than the area encompassing just the use. In this particular case the special exception area is larger than it needs to be to contain the

<sup>&</sup>lt;sup>2</sup> Obviously, the Zoning Commissioner also has the power under Section 500.7 of the BCZR to interpret the zoning regulations.

required uses mandated by the use and by the zoning code for the car wash. The boundary lines of the special exception were not placed with the thought that they represented the minimum required. Indeed, the setback line on the site plan shows the limits of the stacking lanes well within the special exception.

The larger than needed size of the special exception actually works to the benefit of the community, for any modification of the uses including additional uses within the special exception must be subject to a special hearing. In this way greater control is exerted over the site than if the special exception is narrowly confined. It was felt by Petitioner that this would be a benefit to the community. No member of the community ever raised the issue that it was too large.

A self-service car wash requires certain structures and amenities. There must be a car wash area, which is typically but not always is covered by a roof. Typically, there are also vacuum facilities and a coin or token collector. The BCZR requires that such facility also provide certain parking spaces and certain stacking spaces, none of which constitute structures, but which arguably are part of the car wash operation. However, it also can be argued that the amenities are not part of the car wash and that the self service car wash is really the area where the cars are washed. Unlike an automated or full-service car wash a self-service car wash does not need a building. Consequently, a setback premised only on a building could be avoided if the self-service operation did not use a building. Cars are not being washed when they are waiting in line, nor are they being washed when parked. For that reason in the three cases decided by other Zoning Commissioners

the setbacks were shown on the site plans as measured from the structures and not from the parking spaces, vacuums and stacking lanes, and certainly not from the special exception area.

The applicable code section does not state that the special exception must be removed 100′ from the zoning line; it removes from the line the use itself but exempts from it the landscape buffers. Accordingly, if the strict interpretation applied in Case No. 04-032-XA is applied then the parking spaces, vacuums, and perhaps stacking lanes should be removed 100′ from residentially zoned property despite the fact that this was never previously applied. It certainly would encourage the use of automatic facilities, which only have to have their buildings set back 50′ and can still have vacuums and parking adjacent to residential property lines. In the context of the zoning code and the overall reading of the section the correct interpretation is probably that of the prior cases where it was the wash facility itself that had to meet the 100′ setback.

The Zoning Commissioner has it within his power, under Section 419.4B.5 to shape the special exception area or the car wash area to be compatible to the surrounding properties. There was no need to deny the special exception given the ability of the Zoning Commissioner to place the car wash amenities in a way that he feels is compatible with surrounding uses or to limit the size of the special exception area.

When compared to the special exception request for the Mighty Wand facility in Case No. 04-032-XA, this facility is at least as compatible as the facility permitted in that case. The subject building is further removed from the residential community. The

parking areas are much further removed and located away from the residential properties as are the stacking lanes and vacuums. In this case here is a landscape buffer and sound wall proposed between the residential properties and the facility and all amenities, and the facility will be only open for business during normal business hours and not 24 hours a day. Not one of the amenities associated with the car wash itself are located within 100' of the residential property lines.

Lastly, the Motion to Amend the Petition for Special Exception, if granted, would alter the proposed special exception area to exclude it from within 100 feet of the residentially zoned properties. Accordingly, even if the Deputy Zoning Commissioner is not inclined to reconsider the conclusions of law relied upon in denying the Petition for Special Exception, the requested amendment would allow the Petition for Special Exception to the granted despite the conclusions of law. As a presumptively valid use under the law of the State of Maryland, justice requires, at a minimum, leave to amend the Petition to exclude the portion of the special exception area within 100 feet of the residentially zoned property, thereby allowing the Petition for Special Exception to be granted.

#### CONCLUSION

In conclusion the Findings of Fact and Conclusions of Law issued in this case appear to be inconsistent with the determinations reached in every prior self-service car wash case including Mighty Wand, Case No. 04-032-XA. In no case was the special exception line determined to be co-terminus with the car wash. Only in the Mighty

Wand case was the determination made that the accessories to the use had to be located outside of the 100' setback requirement. In this case all of the required setbacks are met or exceeded from the residentially zoned properties, and they meet or exceed the setbacks in the previously approved cases. Unlike Mighty Wand this case had no Protestants to the plan discussed at the hearing.

For these reasons and the reasons to be presented at the requested hearing on this matter Petitioners pray that this matter be reconsidered.

Respectfully submitted,

John B. Gontrum

Whiteford, Taylor & Preston L.L.P.

Attorney for Plaintiff,

IN RE: PETITIONS FOR SPECIAL

EXCEPTION, SPECIAL HEARING AND

VARIANCE

#294872v2

11/18/000

IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE

NE/S of Dundalk Avenue, 1308 ft.

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12th Election District

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(3401-3451 Dundalk Avenue)

Logan Village Center, LLC

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-168-SPHXA

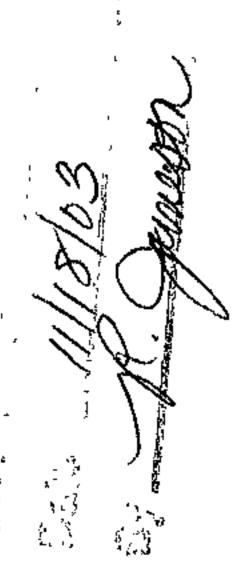
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance filed by the legal owners of the subject property, Logan Village Center, LLC. The Petitioners are requesting relief for property they own at 3401-3451 Dundalk Avenue in the eastern area of Baltimore County. The special exception request is for a car wash pursuant to Section 419 (zoning area A) of the Baltimore County Zoning Regulations (B.C.Z.R.). The Petitioners are requesting special hearing relief from the B.C.Z.R. as follows:

- 1. from Section 419.4.B.1 to determine whether the orientation of the proposed car wash tunnel entrances, as shown on the site plan, require a variance, in light of the distance from the residentially zoned property and the other features of the site and proposed design. (Zoning Area A);
- 2. from Section 419.4.B.3 to determine whether a 10 ft. landscape transition area is necessary along the Dundalk Avenue right-of-way, in light of the features of the site and the pro[posed design. (Zoning area A); and
- 3. to amend the site plan in Case Nos. 94-64-X and 94-376-SPHXA in accordance with the relief granted herein. (Zoning Area B).

Finally, the Petitioners are requesting variance relief from the B.C.Z.R. as follows:

- 1. from Section 419.3.A.1, to permit two roll over car wash tunnels with 6 stacking spaces and 7 stacking spaces, respectively, in lieu of the 9 stacking spaces required per tunnel. (Zoning Area A);
- 2. from Section 419.4.B.3, to permit a 0 (zero) ft. landscape transition area along the northeast face of the car wash facility, in lieu of the 6 ft. landscape transition area required. (Zoning Area A);



- 3. if pursuant to the Petition for Special Hearing, the Zoning Commissioner determines that a variance from Section 419.4.B.1 of the B.C.Z.R. is necessary, then the Petitioner requests a variance from Section 419.4.B.1 of the B.C.Z.R., to permit the orientation of the car wash entrance tunnel "facing" a residential zoned property as shown on the site plan. (Zoning Area A); and
- 4. if pursuant to the Petition for Special Hearing, the Zoning Commissioner determines that a variance from Section 419.4.B.3, is necessary, then the Petitioner requests a variance from Section 419.4.B.3 of the B.C.Z.R., to permit a 0 (zero) ft. landscape transition area along Dundalk Avenue in lieu of the 10 ft. landscape transition area otherwise required. (Zoning Area A).

The property was posted with Notice of Hearing on October 28, 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 October 28, 2003 to notify any interested persons of the scheduled hearing date.

Notice is taken that the property, which is the subject of this special hearing request, consists of 11.044 acres, more or less, and is split-zoned BL-AS.

#### Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning in opposition to the Petitioners' request dated November 11, 2003, a copy of which is attached hereto and made a part hereof.

#### Interested Persons

Appearing at the hearing in support of the request were Lawrence Thanner and Mitch Kellman. The Petitioner was represented by John Gontrum, Esquire. Appearing in opposition to the Petitioners' requests was Mark Epstein from the Office of Planning. Jane Willeboardse appeared for the Dundalk Renaissance Corporation, while Chris McCollum represented the Office of Economic Development at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

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."

#### Testimony and Evidence

Testimony and evidence proffered by Mr. Gontrum indicated that the site of the proposed car wash was a small section of the existing, Logan Village Shopping Center. See Petitioners Exhibit No. 1. The proposal is for two rollover and two self-service units located in Area A which is a 0.935 acre. The remaining 11 acre shopping center is designated as Area B. Mr. Gontrum pointed out that many of the concerns about car wash operations are greatly mitigated by this arrangement as the car wash is adjacent to property and uses which are controlled by the shopping center owner. He further indicated that the area across Dundalk Avenue is heavily industrialized. While there are residences to the east, the shopping center parking lot, commercial buildings and outbuildings buffer these homes from noise and traffic sometimes associated with car wash operations. Consequently, the Petitioner is proposing to build a quad circle buffer only on the residential side of the site.

Mr. Gontrum indicated that the nearest residence was 160 feet away, that residents that face the tunnels are over 300 feet away and separated by landscape buffers. After consultation with the Petitioner, Mr. Gontrum indicated that his client would agree to erect a sound barrier within the proposed landscape buffer to minimize noise from the site to these residences. He further indicated that all lighting from the site would be directed toward the car wash and not toward the residences. Mr. Thanner indicated that the car wash would operate only when the shopping center operated which was between the hours of 8 A.M. to 10 P.M.

#### Special Hearing

The Petitioner presented evidence that the car wash as situated on the parking lot of the existing shopping center will not become a detriment to the health safety and welfare of the

community enumerating the considerations of Section 502.1 of the B.C.Z.R. The Office of Planning set forth opposition in their ZAC comment which is part of the file and indicated that the proposed car wash was incompatible with the ongoing plan for Dundalk's revitalization know as *Dundalk, A Second Century Vision Plan* which foresaw upscale redevelopment in the area. The comment further indicated that the Dundalk Renaissance Corporation, which is chartered to achieving this renewal, was also opposed to the plan. However, Ms. Willeboordse, the Executive Director of the Dundalk Renaissance Corporation (DRC), testified that while they had been initially opposed, as indicated by the Planning comment, upon further consideration of the good neighbor policy the Petitioner has exhibited, they were no longer opposed to the plan. She indicated that the DRC would know by next March whether or not their plan for the area would go forward and while the car wash may not be the best use, it was no so bad that she would oppose it. However, having said that, she asked the Petitioner publicly not to go forward with construction of the car wash in light of the pending plan.

The representative of the Planning Office indicated his office's opposition to the special exception citing the pending revitalization plan and streetscape renewal that was coming to Dundalk Avenue. On cross-examination he admitted that there was no criteria listed in Section 502.1 of the B.C.Z.R. that indicated that future plans for the area were to be considered for requested special exceptions. Mr. McCollum for the Office of Economic Development indicated that the rising tide of redevelopment in the area due to the revitalization plans would ultimately make the car wash less desirable and, therefore, it would be replaced by a higher and better use. However, in the meantime, he indicated that his office was not opposed to the proposed car wash.

#### **Section 419.4**

This section of the B.C.Z.R. has two parts. The first specifies that roll over and full service car wash <u>buildings</u> shall be set back at least 50 feet from the lot line of any residentially zoned property. (Emphasis supplied.) The Petitioner's testimony indicated that there is extensive distance from the car wash to the nearest residences. This is not in dispute. However, the regulations do not specify distances to residential buildings but distances between car wash <u>buildings</u> and <u>residential lot lines</u>. A review of Petitioner's Exhibit No. 1 indicates that the distance from the car wash <u>building</u> to the nearest <u>residential lot line</u> is 190 + feet. Clearly the plan meets this requirement.

However, the section sentence of the regulation is more problematic. This sentence requires "Except for landscape buffers, no part of a self service car wash shall be within 100 feet of a residentially zoned property". This sentence does not specify distances between car wash buildings and something else. It does not specify the distance between residential lot lines and something else. It simply states that no part of a self service car wash can be within 100 feet of a residentially zoned property. The latter end point for this measurement is the zoning line and not a lot line nor a residence.

The regulations specify that "no part of a self service car wash shall be within 100 feet.....". This is not the car wash building. To assume so is to read into the statute what is clearly not there. This section does not say car wash building but simply car wash. So the question arises just what is a "car wash"? The answer to this question is found in the legal description attached to the petition. It is that area (Area A on Petitioner's Exhibit No. 1) which contains the buildings in which cars are washed, the stacking spaces, the vacuums, the lights, etc. In short it is Area A.

A similar review of the Petitioner's Exhibit No. 1 however shows that there is only approximately 35 feet between the <u>residential zoning property</u> and the <u>corner of Area A</u>. This clearly violates the B.C.Z.R. requirement that the car wash and the residentially zoned property be separated by at least 100 feet. The Petitioner has not asked for a variance from this section of the B.C.Z.R. and consequently I must deny the special exception.

#### Special Hearing and Variance Request

Because the special exception is denied, the request for variance and special hearing are moot.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the special hearing request shall be denied.

IT IS FURTHER ORDERED, that the Petitioners Special Hearing and Variance requests are DENIED AS MOOT.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:rai

#### 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

November 18, 2003

John Gontrum, Esquire Dino C. LaFiandra, Esquire Whiteford, Taylor & Preston, LLP 210 W. Pennsylvania Avenue Towson, Maryland 21204

Re: Petitions for Special Exception, Special Hearing & Variance

Case No. 04-168-SPHXA

Property: 3401-3451 Dundalk Avenue

Dear Messrs. Gontrum & LaFiandra:

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 & 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

Deputy Zoning Commissioner

JVM:raj Enclosure



Visit the County's Website at www.baltimorecountyonline.info

#### Copies to:

Lawrence Thanner 9025 Cuckold Point Road Baltimore, MD 21219

Mitch Kellman Daft, McCune Walker, Inc. 200 E. Pennsylvania Avenue Towson, MD 21204

Jane Willeboardse Dundalk Renaissance Corp. Dundalk, MD 21204

Marc Epstein
Chris McCollum
401 Bosley Avenue, Suite 406
Towson, MD 21204



## Petition for Special Exception

to the Zoning Commissioner of Baltimore County

3401-3451 Dundalk Ave

for the property located at 6001 Brooming 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

> Car wash, pursuant to BCZR Section 419 (zoning area A)

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:	Legal Owner(s):
NT / 7A	Logan Village Center, LLC Type or Print
Signature	Signature Larry Thanner, Member
Address Telephone No.	Name - Type or Print
City State Zip Code  Attorney For Petitioner:	Signature  P. O. Box 4127 (410) 252-8876  Telephone No.
G. Scott Barhight, Esquire	Addiess
Dino C. La Fiandra, Esquire	Timonium MD 21094 State Zip Code
Duro Meuror	Representative to be Contacted:
Signature Whiteford, Taylor & Preston, LLP Company (410) 210 W. Pennsylvania Ave. 832-2000 Address #400 Telephone No. Towson MD 21204 City State Zip Code	Dino C. La Fiandra, Esquire  Name (410) 210 W. Pennsylvania Ave. 832-2000 Address #400 Telephone No.  Towson MD 21204 City State Zip Code
\	OFFICE USE ONLY
Sase No. 04-168-SPHXA	ESTIMATED LENGTH OF HEARING  UNAVAILABLE FOR HEARING  Reviewed By



REV 9/15/98

### Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

3401-3503451 DundalKAVE

for the property located at 6801 Brooming Road

which is presently zoned BL-ASC

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Please see attached.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

> I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:			Legal Owner(s):				
N/A Name - Type or Print		Nai	Logan Villa	ge Center, I	LC		
Signature		Telephone No.	Signature  Larry Thanne  Name - Type or Print	er, Member	<u></u>		
City	State	Zip Code	Signature	<u></u>			
Attorney For Per G. Scott Bar	<u>titioner:</u> hight, Esquire	<b>e</b>	P.O.Box 4: Address	127 (410) 2	252-8876		
Dino C. La F Name Type or Print	<del>-</del>		Timonium	MD State	21094 Zip Code		
Signature Signature				Representative to be Contacted:			
Whiteford, T	aylor & Prest		Dino C. La : Name	Fiandra, Esc			
Company 210 W. Penns Address	ylvania Ave.	(410) 832-2000 Telephone No.		sylvania Ave	(410) ≥ . 832-2000 Telephone No.		
Towson	# 4 0 0 MD State	21204 Zip Code	Towson	# 4 0 0 MD State	21204 Zip Code		
			OFFICE USE ONLY				
			ESTIMATED LENGTH OF HEARING				
Case No. 04	-168-SPHXA	Res	UNAVAILABLE FOR HE	ARING	/3/03		

Petition for Special Hearing
6801 Broening Road
Logan Village Shopping Center, Applicant
Continuation Sheet

#### Relief Requested:

- 1. A determination whether, pursuant to BCZR §419.4.B.1, the orientation of the proposed car wash tunnel entrances, as shown on the site plan, require a variance, in light of the distance from the residentially zoned property and the other features of the site and proposed design. (Zoning Area A)
- A determination whether, pursuant to BCZR §419.4.B.3, a 10 foot landscape transition area is necessary along the Broening Road right of way, in light of the features of the site and the proposed design. (Zoning Area A)
- 3. Amend the approved site plan in Case Nos. 94-64X and 94-376SPXA in accordance with the relief granted herein. (Zoning Area B)

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### Petition for Variance

to the Zoning Commissioner of Baltimore County 3401-3457 Dundark for the property located at 6801 Brooming Road Ave.

which is presently zoned BL-AS®

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Please see attached.

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

To be shown at hearing.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchas	er/Lessee:			Legal Owner(s	<u>s):</u>	
N/A				Logan Vill	age Center	LC
Name - Type or Print	······································	······································	Name - 3	ype or Print		
Signature				Signature Larry Than	ner, Member	
Address		Telephone No.	-	Name - Type or Print		
City	State	Zlp Code	-	Signature		
Attorney For Peti	tioner:			P. O. Box	4127 (410)	
G. Scott Bark		e		Address	- 4	Telephone No.
Dino C. La Fi	andra, Esqui	re	<b></b>	Timonium	MD	21094
Name Type or Print Signature	frank		City 	Representativ	State <u>re to be Contacte</u>	Zip Code ≥d:
_	aylor & Prest	on, LLP		Dino C. La	a Fiandra, E	squire
Company		(410)	-	Name		(410)
210 W. Pennsy Address	vlvania Ave. #400	832-2000 Telephone No.		210 W. Per Address	nnsylvania A #400	
Towson	MD # 400	21204		Towson	"MD	21204
City	State	Zlp Code	)	City	Sta	te Zip Code
•				OFFICE USE ONLY		
Case No.	4-168-SP	4XA		ESTIMATED LENGTH OF HEARING		
<del> </del>	····		ł By	UNAVAILABLE FOR	Date 10/3/03	<del>,, ,</del>
REV 9/15/98		· -=			~ <del>~ 7 ~ 7 ~ ~</del>	

# Petition for Variance 6801 Broening Road Logan Village Shopping Center, Applicant Continuation Sheet

#### Relief Requested:

- 1. Variance from BCZR §419.3.A.1 to permit two roll over car wash tunnels with 6 stacking spaces and 7 stacking spaces, respectively, in lieu of the 9 stacking spaces required per tunnel. (Zoning Area A)
- 2. Variance from BCZR §419.4.B.3 to permit a 0 (zero) foot landscape transition area along the northeast face of the car wash facility, in lieu of the 6 foot landscape transition area required. (Zoning Area A)
- 3. If, pursuant to the Petition for Special Hearing, the Zoning Commissioner determines that a variance from BCZR §419.4.B.1 is necessary, then the Petitioner requests a variance from BCZR §419.4.B.1 to permit the orientation of the car wash entrance tunnel "facing" a residential zoned property as shown on the site plan. (Zoning Area A)
- 4. If, pursuant to the Petition for Special Hearing, the Zoning Commissioner determines that a variance from BCZR §419.4.B.3 is necessary, then the Petitioner requests a variance from BCZR §419.4.B.3 to permit a 0 (zero) foot landscape transition area along Brocking Road; in lieu of the 10 foot landscape transition area otherwise required. (Zoning Area A)

# Description

# Zoning Area A

To Accompany Petition for Special Exception,

Special Hearing, and Zoning Variance

Portion of Logan Village Center, LLC, Property

Northeast Side of Dundalk Avenue, East of Broening Road

Twelfth Election District, Baltimore County, Maryland



200 East Pennsylvania Avenue Towson, Maryland 21286

> http://www.dmw.com 410 296 3333

Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Golf Course Architects,

Engineers, Surveyors &

Environmental Professionals

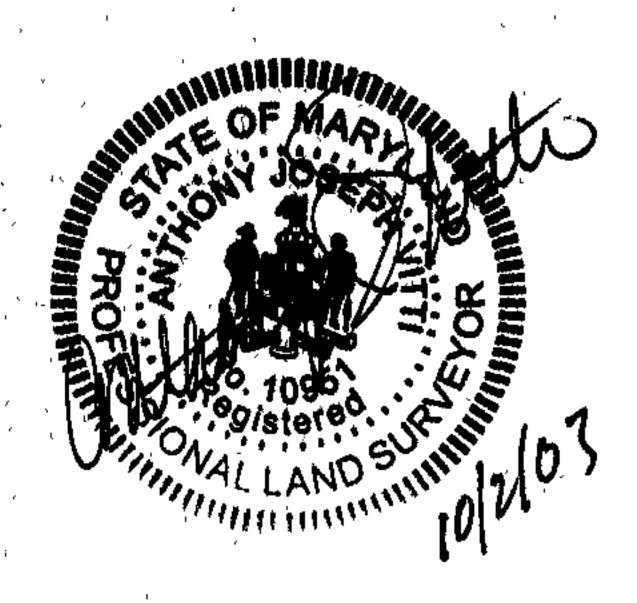
Beginning for the same on the northeast side of Dundalk Avenue (116 feet wide) at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Broening Road with the centerline of Dundalk Avenue (1) Southeasterly along said centerline of Dundalk Avenue 1174 feet, and thence (2) Northeasterly 30 feet, more or less, to the point of beginning, on the northeasterly line of said Dundalk Avenue, thence leaving said place of beginning and for lines the eleven following courses and distances, referring all courses of this description to the Grid Meridian established in the Maryland Coordinate System NAD 83 (1991), (1) North 42 degrees 26 minutes 20 seconds East 23.41 feet, thence (2) North 07 degrees 29 minutes 26 seconds West 48.91 feet, thence (3) North 42 degrees 19 minutes 09 seconds East 75.70 feet, thence (4) North 47 degrees 40 minutes 51 seconds West 6.00 feet, thence (5) North 42 degrees 19 minutes 09 seconds East 19.86 feet to a point of curvature, thence (6) by a line curving to the left with a radius of 24.00 feet, for a distance of 37.38 feet (the arc of said curve being subtended by a chord bearing North 02 degrees 46 minutes 41 seconds West 34.00 feet) to a point of tangency, thence (7) North 47 degrees 52

minutes 30 seconds West 43.78 feet, thence (8) North 42 degrees 22 minutes 04 seconds East 102.32 feet, thence (9) South 33 degrees 17 minute 03 seconds East 247.96 feet, thence (10) South 56 degrees 43 minutes 00 seconds West 107.99 feet, and thence (11) South 42 degrees 26 minutes 20 seconds West 110.68 feet to intersect the said northeasterly line of Dundalk Avenue, thence binding thereon (12) North 47 degrees 33 minutes 43 seconds West 102.00 feet to the point of beginning; containing 0.935 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

October 2, 2003

Project No. 93014.E (L93014.E-1)





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# Description

# **Zoning Area B**

To Accompany Petition for Special Exception,

Special Hearing, and Zoning Variance

Portion of Logan Village Center, LLC, Property

Northeast Side of Dundalk Avenue, East of Broening Road

Twelfth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
http://www.dmw.com
410 296 3333
Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Golf Course Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same on the northeast side of Dundalk Avenue (116 feet wide) at the end of the following course and distance measured from the point formed by the intersection of the centerline of Broening Road with the centerline of Dundalk Avenue (1) Southeasterly along said centerline of Dundalk Avenue 1308 feet, more or less, to the point of beginning, on the northeasterly line of said Dundalk Avenue, thence leaving said point of beginning and binding on said Dundalk Avenue the three following courses and distances, referring all courses of this description to the Grid Meridian established in the Maryland Coordinate System NAD 83 (1991), (1) North 47 degrees 33 minutes 43 seconds West 447.71 feet, thence (2) by a line curving to the right having a radius of 875.86 feet, for a distance of 416.39 feet (the arc of said curve being subtended by a chord bearing North 33 degrees 56 minutes 33 seconds West 412.48 feet), and thence (3) North 20 degrees 19 minutes 23 seconds West 407.83 feet, thence leaving said Dundalk Avenue and running for lines the seven following courses and distances: (4) North 86 degrees 28 minutes 18 seconds East 470.04 feet, thence (5) South 20 degrees 19 minutes 23 seconds East 272.02 feet, thence (6) by a line curving to the left having a radius of

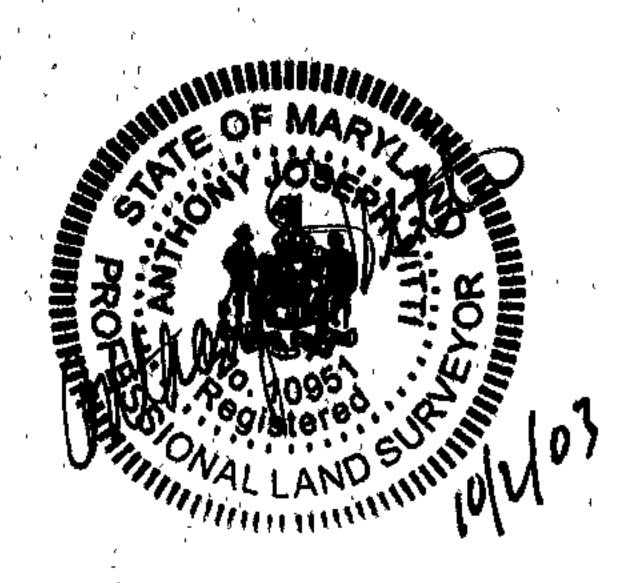
04-168-SPHXA

425.86 feet, for a distance of 202.46 feet (the arc of said curve being subtended by a chord bearing South 33 degrees 56 minutes 33 seconds East 200.56 feet), thence (7) South 47 degrees 33 minutes 43 seconds East 281.09 feet, thence (8) South 01 degree 14 minutes 48 seconds East 281.56 feet, thence (9) South 56 degrees 42 minutes 57 seconds West 112.95 feet, and thence (10) South 42 degrees 26 minutes 20 seconds West 136.91 feet to the point of beginning; containing 11.044 acres of land, more or less.

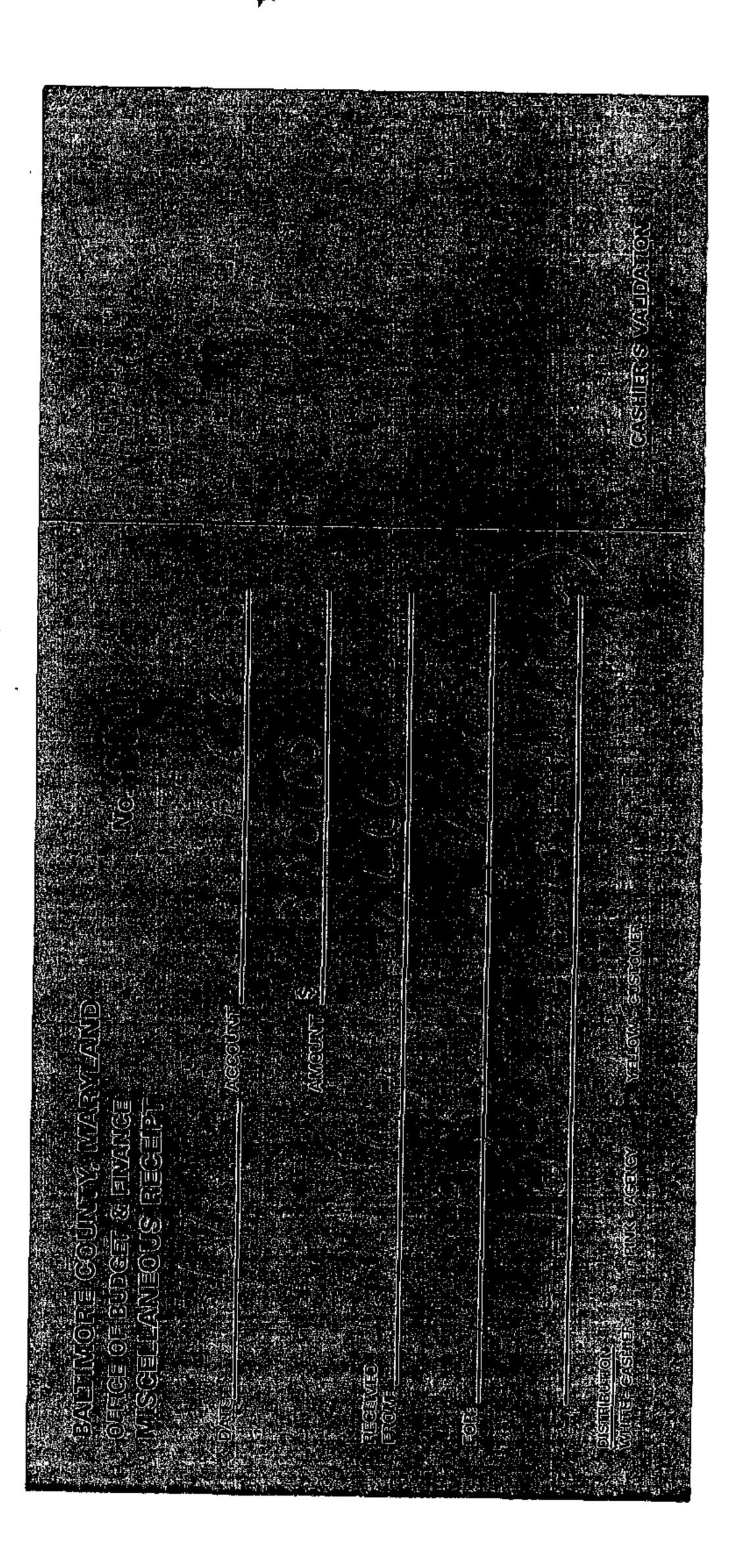
THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

October 1, 2003

Project No. 93014.E (L93014.E)







No. 32672 AFFICE OF BUDGET & FINANCE SCELLANEOUS RECEIPT RECEIVED FROM: \_

YELLOW - CUSTOMER

المستخدمة والمتعادي والمستحد والمستخدم والمتعادي والمتعا

BALTIMORE COUNTY, MARYLAND

PINK - AGENCY

TRIBUTION

TE - CASHIER

**CASHIER'S VALIDATION** 

MISTHESS

CR NO. 032672

Recet Total

\$200,00 CK

DRW

OFLN

77胜

\$200.00

\$.00 CA

2/05/2004 09:02:45

5 520 ZONING VERIFICATION

Haltimore County, Naryland

2/05/2004

# 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: #04-168-SPHXA
3401-3451 Dundalk Avenue
Weast side of Dundalk Avenue
13th Einstein District - 7th Councilmanic District

· 12th Election District - 7th Councilmanic District

Legal Owner(s): Logan Village Center, Larry Thanner, Member Special Hearing: to determine whether, the orientation of the proposed car wash tunnel entrances requires a variance. A determination whether a 10-foot landscape transition area is necessary along the Dundalk Avenue right-of-way. To amend to the approved site plan in Case No. 96-64-xX and 94-376-SPXA. A special exception to perhit a car wash. Variance; to permit two roll over car wash tunhels with 6 stacking spaces, and 7 stacking spaces, re-spectively, in lieu of the 9 stacking spaces required per tunnel. To permit a 0 (zero) landscape transition area along the northeast face of the car wash facility, in lieu of the 6-tobt landscape transition required. If, pursuant to the Petition for Special Hearing, the Zoning Commissioner determines that a variance from BCZR is necessary, the Petition requests a variance from BCZR, to permit the ori-entation of the car wash entrance tunnel "facing" a residential zoned property as shown on the site plan. If pursuant to the Petition for Special Hearing, the Zoning Commissioner determines that a variance from BCZR is necessary, the Petition requests a variance from BCZR to permit a 0 (zero) foot landscape from transition area along Dundalk Avenue; in lieu of the 10-foot landscape transition area otherwise required. Hearing: Wednesday, November 12, 2008 at 9:00 a.m.

In Adom 108, County Office Building, 111 W. Chesa-

peake Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Com-

missioner's Office at (410) 887-4386. (2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/10/811 Oct. 28

# CERTIFICATE OF PUBLICATION

1028,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $10 28/,2003$ .
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
D/1/01/10

EGAL ADVERTISING

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: #04-168-SPHXA

3401-3451 Dundalk Avenue

N/East side of Dundalk Avenue, 1308 feet southeast of Brooning Road

12th Election District - 7th Councilmanic District Legal Owner(s): Logan Village Center, Larry Thanner,

Member-A Special Exception: to permit a car wash. A Special Hearing: to determine whether, the prientation of the proposed car wash tunnel entrance requires a variance. A determination whether a 10-foot landscape transition area Is necessary along the Dundalk Avenue right-of-way. To amend to the approved site plan in Case Nos. 96-64-XX and 94-376-SPXA. Variance: to permit two roll over car wash tunnels with 6 stacking spaces, and 7 stacking spaces, respectively, in lieu of the 9-stacking spaces required per tunnel. To permit a 0 (zero) landscape transition area along the northeast face of the car wash facility, in lieu of the 6-foot landscape transition required. If. During lieu of the 6-foot landscape transition required. in lieu of the 6-foot landscape transition required. If, pur-suant to the Petition for Special Hearing, the Zoning Commissioner determines that a variance from BOZR is necessary, the Petition requests a variance from BCZR, to permit the orientation of the car wash entrance tunnel "facing" a residential zoned property as shown on the site plan. If pursuant to the Petition for Special Hearing, the Zoning Commissioner determines that a variance from BCZR is necessary, the Petition requests a variance from BCZR to permit a 0 (zero) foot landscape from transition are along Dundalk Avenue; in lieu of the 10-foot landscape transition area otherwise required.

Hearing: Wednesday, March 3, 2004 at 2:00 p.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 Zonling 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.

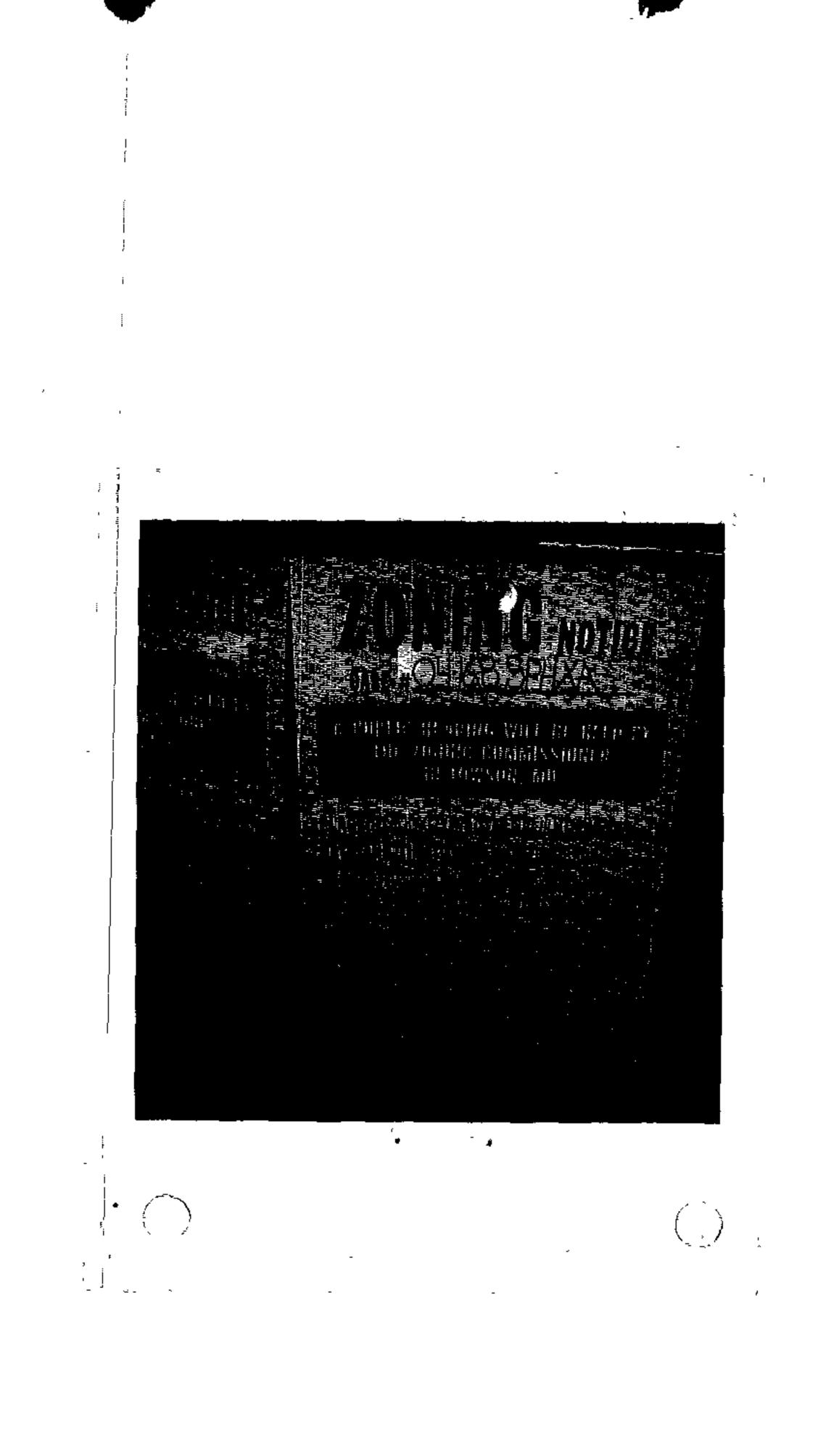
JT 2/720 Feb. 17

# CERTIFICATE OF PUBLICATION

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

Petitioner/Developer: LOSAU Date of Hearing/Closing: 100 /2, 200 3 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Becky Hart {(410) 887-3394} 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: SIGNS NEEDEL The sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)



# CERTIFICATE OF POSTING

RE: Case No.: 04-168-5PHXA

Petitioner/Developer: LOGAN VILLAGE

CENTER, LARRY THANNER, MEMBER

Date of Hearing/Closing: MARCH 3, 2004

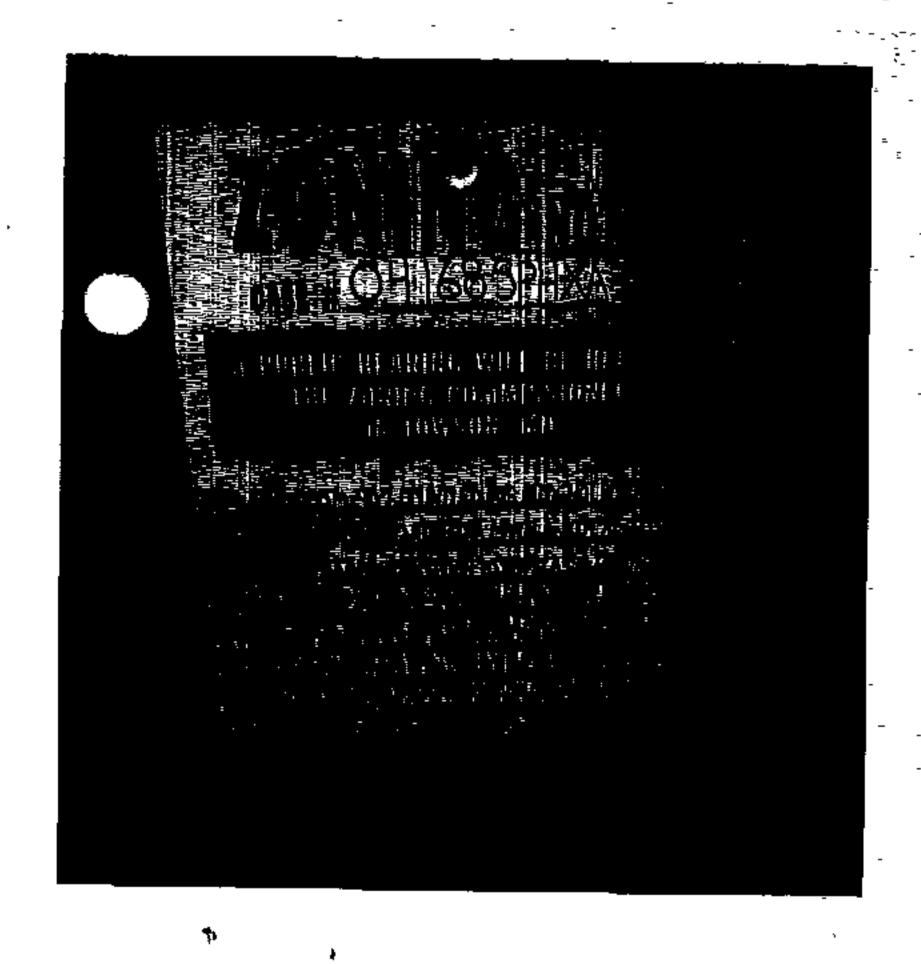
**Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

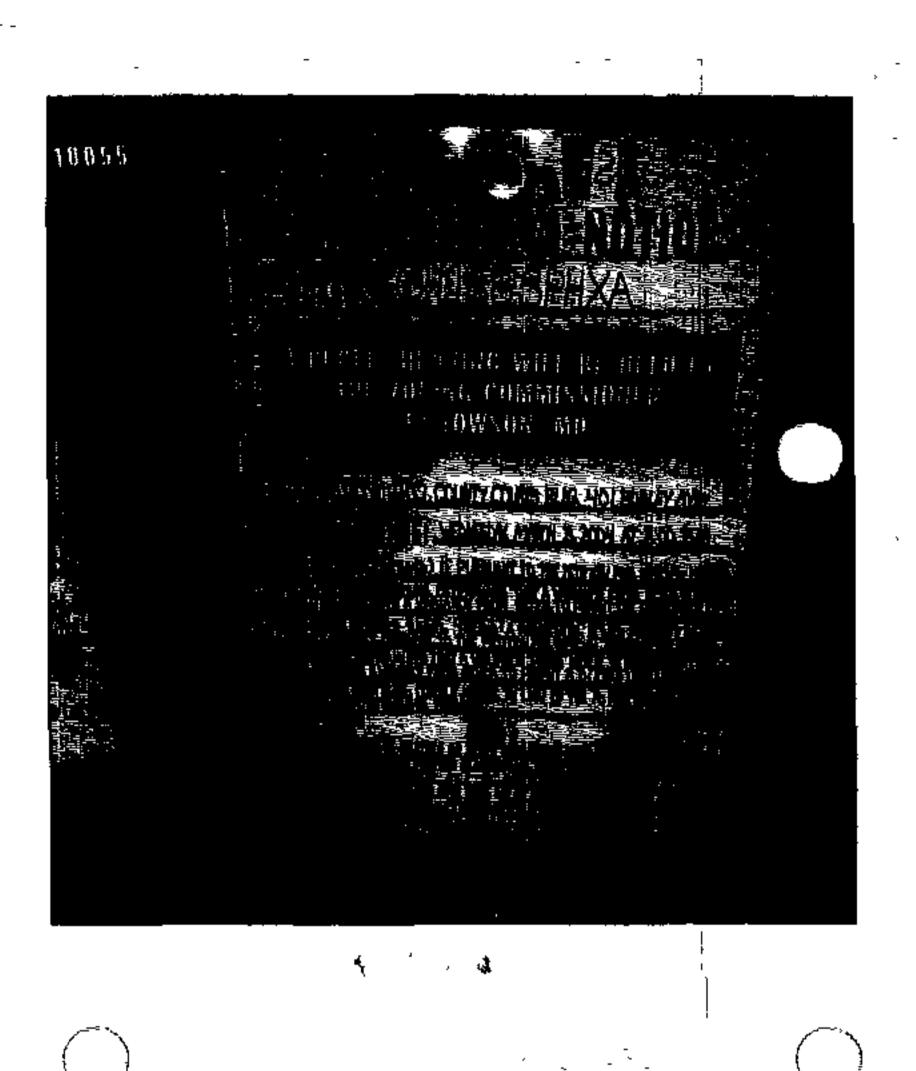
Ladies and Gentlemen:

This letter is to certify under the pen posted conspicuously on the property	alties of perjury that the necessary sign(s) required by law were y located at:
3401-34	51 DUNDALK AVENUE
NEEDED 2 SIGNS, CO	ULD NOT PUT ALL INFO. ON ONE)
The sign(s) were posted on	2/15/04
	(Month, Day, Year)

Sincerely,



(Signature of Sign Poster) 2/5/04
SSG Robert Black
(Print Name)
1508 Leslie Road
(Address)
Dundalk, Maryland 21222
(City, State, Zip Code)
(410) 282-7940
(Telephone Number)



PETITION FOR SPECIAL HEARING RE: SPECIAL EXCEPTION & VARIANCE 3401-3451 Dundalk Ave; NE/side Dundalk \* Ave, 1,308' SE Broening Road 12<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts Legal Owner(s): Larry Thanner, Member,

Logan Village Center LLC Petitioner(s) BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-168-SPHXA

\*

# 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.

RECEIVED

OCT 2 1 2003

PETER MAX ZIMMERMAN People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204

(410) 887-2188

# CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this D'day of October, 2003, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire & Dino C. LaFiandra, Esquire, Whiteford, Taylor & Preston, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Peter Max aimmerman

TO:

PATUXENT PUBLISHING COMPANY

Tuesday, October 28, 2003 Issue - Jeffersonian

Please forward billing to: Dino La Fiandra

210 W. Pennsylvania Avenue

Towson, MD 21204

410-832-2000

### NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-168-SPHXA

3401-3451 Dundalk Avenue

N/east side of Dundalk Avenue, 1308 feet southeast of Broening Road

12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owner: Logan Village Center, Larry Thanner, Member

Special Hearing to determine whether, the orientation of the proposed car wash tunnel entrances requires a variance. A determination whether a 10-foot landscape transition area is necessary along the Dundalk Avenue right-of-way. To amend to the approved site plan in Case Nos. 96-64-xX and 94-376-SPXA. A special exception to permit a car wash. Variance to permit two roll over car wash tunnels with 6 stacking spaces, and 7 stacking spaces, respectively, in lieu of the 9 stacking spaces required per tunnel. To permit a 0 (zero) landscape transition area along the northeast face of the car wash facility, in lieu of the 6-foot landscape transition required. If, pursuant to the Petition for Special Hearing, the Zoning Commissioner determines that a variance from BCZR is necessary, the Petition requests a variance from BCZR, to permit the orientation of the car wash entrance tunnel "facing" a residential zoned property as shown on the site plan. If pursuant to the Petition for Special Hearing, the Zoning Commissioner determines that a variance from BCZR is necessary, the Petition requests a variance from BCZR to permit a 0 (zero) foot landscape from transition area along Dundalk Avenue; in lieu of the 10-foot landscape transition area otherwise required.

Hearings:

Wednesday, November 12, 2003 at 2:00 p.m. in Room 106, County Office Building, 111

W. Chesapeake Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

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

TO:

PATUXENT PUBLISHING COMPANY Tuesday, February 17, 2004- Jeffersonian

Please forward billing to:

Dino La Fiandra

210 W. Pennsylvania Avenue

Towson, MD 21204

410-832-2000

### NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-168-SPHXA

3401-3451 Dundalk Avenue

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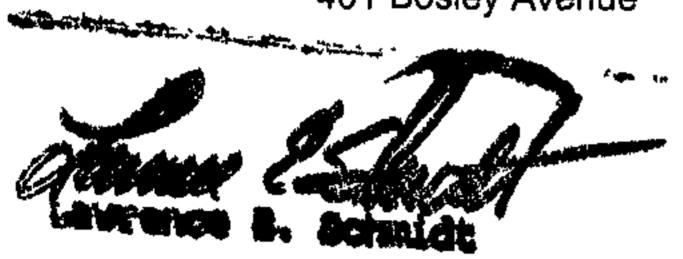
12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owner: Logan Village Center, Larry Thanner, Member

A <u>Special Exception</u> to permit a car wash. A <u>Special Hearing</u> to determine whether, the orientation of the proposed car wash tunnel entrances requires a variance. A determination whether a 10-foot landscape transition area is necessary along the Dundalk Avenue right-of-way. To amend to the approved site plan in Case Nos. 96-64-xX and 94-376-SPXA. <u>Variance</u> to permit two roll over car wash tunnels with 6 stacking spaces, and 7 stacking spaces, respectively, in lieu of the 9 stacking spaces required per tunnel. To permit a 0 (zero) landscape transition area along the northeast face of the car wash facility, in lieu of the 6-foot landscape transition required. If, pursuant to the Petition for Special Hearing, the Zoning Commissioner determines that a variance from BCZR is necessary, the Petition requests a variance from BCZR, to permit the orientation of the car wash entrance tunnel "facing" a residential zoned property as shown on the site plan. If pursuant to the Petition for Special Hearing, the Zoning Commissioner determines that a variance from BCZR is necessary, the Petition requests a variance from BCZR to permit a 0 (zero) foot landscape from transition area along Dundalk Avenue; in lieu of the 10-foot landscape transition area otherwise required.

Hearings:

Wednesday, March 3, 2004 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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

# 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

October 21, 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:

CASE NUMBER: 04-168-SPHXA

3401-3451 Dundalk Avenue N/east side of Dundalk Avenue, 1308 feet southeast of Broening Road 12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District Legal Owner: Logan Village Center, Larry Thanner, Member

Special Hearing to determine whether, the orientation of the proposed car wash tunnel entrances requires a variance. A determination whether a 10-foot landscape transition area is necessary along the Dundalk Avenue right-of-way. To amend to the approved site plan in Case Nos. 96-64-xX and 94-376-SPXA. A special exception to permit a car wash. Variance to permit two roll over car wash tunnels with 6 stacking spaces, and 7 stacking spaces, respectively, in lieu of the 9 stacking spaces required per tunnel. To permit a 0 (zero) landscape transition area along the northeast face of the car wash facility, in lieu of the 6-foot landscape transition required. If, pursuant to the Petition for Special Hearing, the Zoning Commissioner determines that a variance from BCZR is necessary, the Petition requests a variance from BCZR, to permit the orientation of the car wash entrance tunnel "facing" a residential zoned property as shown on the site plan. If pursuant to the Petition for Special Hearing, the Zoning Commissioner determines that a variance from BCZR is necessary, the Petition requests a variance from BCZR to permit a 0 (zero) foot landscape from transition area along Dundalk Avenue; in lieu of the 10-foot landscape transition area otherwise required.

Hearings:

Wednesday, November 12, 2003 at 2:00 p.m. in Room 106, County Office Building, 111

W. Chesapeake Avenue

Timothy Kotroco Director

TK:rlh

C: G. Scott Barhight, Dino La Fiandra, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson 21204

Logan Village Center, LLC, Larry Thanner, Member, PO Box 4127, Timonium 21094

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 28, 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.



Visit the County's Website at www.baltimorecountyonline.info

# Department of Permits a 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

February 3, 2004

# NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-168-SPHXA

3401-3451 Dundalk Avenue

N/east side of Dundalk Avenue, 1308 feet southeast of Broening Road

12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owner: Logan Village Center, Larry Thanner, Member

A <u>Special Exception</u> to permit a car wash. A <u>Special Hearing</u> to determine whether, the orientation of the proposed car wash tunnel entrances requires a variance. A determination whether a 10-foot landscape transition area is necessary along the Dundalk Avenue right-of-way. To amend to the approved site plan in Case Nos. 96-64-xX and 94-376-SPXA. <u>Variance</u> to permit two roll over car wash tunnels with 6 stacking spaces, and 7 stacking spaces, respectively, in lieu of the 9 stacking spaces required per tunnel. To permit a 0 (zero) landscape transition area along the northeast face of the car wash facility, in lieu of the 6-foot landscape transition required. If, pursuant to the Petition for Special Hearing, the Zoning Commissioner determines that a variance from BCZR is necessary, the Petition requests a variance from BCZR, to permit the orientation of the car wash entrance tunnel "facing" a residential zoned property as shown on the site plan. If pursuant to the Petition for Special Hearing, the Zoning Commissioner determines that a variance from BCZR is necessary, the Petition requests a variance from BCZR to permit a 0 (zero) foot landscape from transition area along Dundalk Avenue; in lieu of the 10-foot landscape transition area otherwise required.

Hearings:

Wednesday, March 3, 2004 at 2:00 p.m. in Room 407, County Courts Building,

Why Rosley Avenue

Timothy Kotroco

Director

TK:klm

C: Dino La Fiandra, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson 21204 Logan Village Center, LLC, Larry Thanner, Member, PO Box 4127, Timonium 21094

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 17, 2004.

(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.





# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

# ZONING REVIEW

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID

For Newspaper Advertising:
Item Number or Case Number 04-168-SPHXA
Petitioner Logan Village (enter
Address or Location 3401-3451 Dundalt Ave
PLEASE FORWARD ADVERTISING BILL TO
Name. Dino C. La Fiandra
Address 210 W. Pennsylvania Ave # 400
Towson, MD 21204
Telephone Number: 410-832-2000 .

# Department of Permits and Development Management

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





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

November 7, 2003

G. Scott Barhight Whiteford, Taylor & Preston, LLP 210 W. Pennsylvania Avenue, Ste. 400 Towson, MD 21204

Dear Mr. Barhight:

RE: Case Number: 04-168-SPHXA, 3401-3451 Dundalk Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 3, 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

u. Cal Robal D

WCR:klm

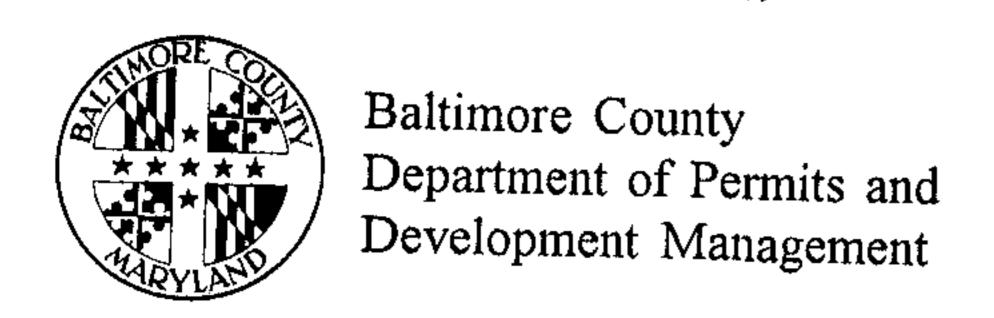
**Enclosures** 

c: People's Counsel Logan Village Center, LLC, P.O. Box 4127, Timonium 21094 Dino LaFiandra, 210 W. Pennsylvania Avenue, Towson 21204



Visit the County's Website at www.baltimorecountyonline.info

Printed on Periodal Dance



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

February 25, 2004

G. Scott Barhight Whiteford, Taylor & Preston, LLP 210 W. Pennsylvania Avenue Towson, Maryland 21204

Dear Mr. Barhight:

RE: Case Number:04-168-SPHXA, 3401-3451 Dundalk Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 3, 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:clb

Enclosures

c: People's Counsel Logan Village Center, LLC Larry Thanner P.O. Box 4127 Timonium 21094 Dino LaFiandra 210 W.Pennsylvania Avenue Towson 21204







County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

October 16, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 14, 2003

Item No.:

151-169

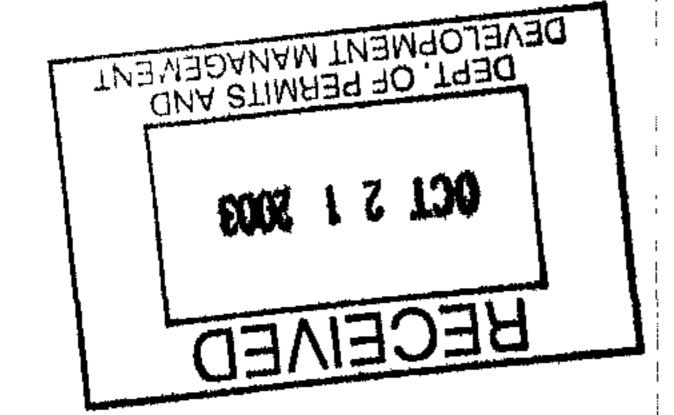
Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File



11 Soll Simple Start Logos St



# INTER-OFFICE CORRESPONDENCE

**DATE:** November 11, 2003

RECEIVED

NOV 1 2 2003

ZONING COMMISSIONER

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

3401-3451 Dundalk Avenue

**INFORMATION:** 

Item Number:

04-168

Petitioner:

Logan Village Center, LLC.

Zoning:

**BL-AS** 

Requested Action:

Special Exception

# SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the petitioner's request to permit a car wash at the subject site be **DENIED**.

This office is of the position that the proposed use is incompatible with the vision set forth in the Dundalk: A Second Century Vision Plan. Is addition, the Dundalk Renaissance Corporation finds that the proposed use is inappropriate for the subject site. It also should be noted that the surrounding community strongly opposes the proposed use.

Prepared by:

Section Chief:

AFK/LL:MAC:

# BALTIMORE COUNTY, MARYLAND

### Inter-Office Memorandum

TO:

**Becky Hart** 

DATE: January 9, 2004

Dept. of Permits & Development Mgmt.

FROM:

John V. Murphy

Deputy Zoning Commissioner

SUBJECT: Petitions for Special Hearing, Special Exception & Variance

Case No. 04-168-SPHXA

Property: 3401-3451 Dundalk Avenue

The Petitioner in the above-captioned case has filed a motion for reconsideration and request for hearing on the motion. The Petitioner alleges that my decision in this case is inconsistent with prior zoning decisions and should be reversed. In the alternative, the Petitioner requests to amend the petition for special exception so as to meet my interpretation of the Baltimore County Zoning Regulations regarding a car wash. This motion raises significant issues, which will require a hearing on the motion for reconsideration as requested by the Petitioner. In addition, the various county agencies have not reviewed the amended plan. Finally, the Petitioner cites my decision in Case No. 04-032-XA as an issue in this case. Case No. 04-032 is currently on appeal to the Board of Appeals, which may significantly affect how car wash cases are to be treated in the future.

It would be appreciated if you would schedule a hearing on the motion for reconsideration and circulate the amended plan to County agencies for their ZAC comments. Thanks for your attention and cooperation in this matter.

JVM:raj

c: John Gontrum, Esquire Dino C. LaFiandra, Esquire Lawrence Thanner Mitch Kellman Jane Willeboardse Marc Epstein





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

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

## MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

10.14.03

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

RE:

**Baltimore County** 

Item No. /68

INT

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

# WHITEFORD, TAYLOR & PRESTON L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER 10420 LITTLE PATUXENT PARKWAY COLUMBIA, MARYLAND 21044-3528 TELEPHONE 410 884-0700 FAX 410 884-0719

DINO C. LA FIANDRA

DIRECT NUMBER

410 832-2084

DLaffandra@wtplaw.com

210 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204-4515 410 832-2000 FAX 410 832-2015 www.wtpiaw.com 1025 CONNECTICUT AVENUE, NW WASHINGTON, D.C. 20036-5405 TELEPHONE 202 659-6800 FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
PAX 703 836-0265

January 30, 2004

Via Hand-Delivery

Mr. Carl W. Richards, Jr.
Department of Permits &
Development Management
Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re:

In Re: Petitions for Special Exception,

Special Hearing and Variance

Logan Village Center - Case No. 04-168-SPHXA

Dear Mr. Richards:

Enclosed please find this firm's check in the amount of \$200.00 for the filing of the Motion for Reconsideration and Amendment of Site Plan on behalf of Logan Village Center, LLC.

Please contact me should you have any questions.

Sincerely,

Dino C. La Fiandra

DCL:sll Enclosure

298766

PLEASE PRINT CLEARLY

CASE NUMBER 04-168-SPA

PETITIONER'S SIGN-IN SHEET

Master mach!

E-MAIL	1- Hhanner @ comeast. net											·
CITY, STATE, ZIP	Baltimore, MB 21219											
ESS	9025 Chekold Point Ropal											
NAME	ENCES - Thomas, JE	John Gonthum										

PLEASE PRINT CLEARLY

CASE NAME 3401-3451 DUNGAIKPR CASE NUMBER 104-168-SPHXA DATE 112/03 168

# CITIZEN'S SIGN-IN SHEET

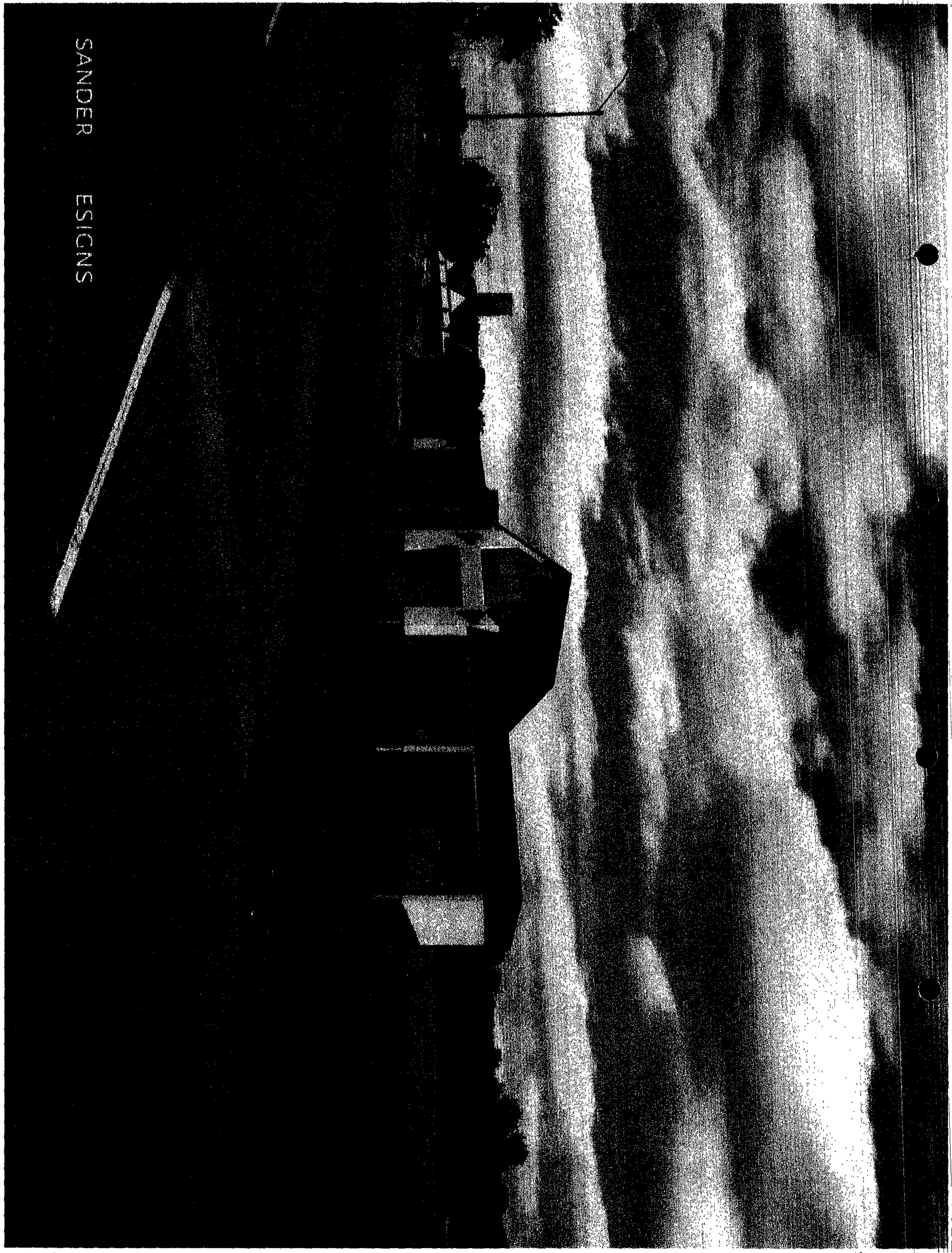
E- MAIL	Lake Stin @ co. La. md & co. La. md & co.								
CITY, STATE, ZIP	Solk MD 21222								
ADDRESS	Pundalle Revossance Corp 401 Basley Ave Ste 406 Economis Des								
NAME	Marc Essentes						•		

PLEASE PRINT CLEARLY

CASE NUMBER 04-168-SPHXA

# PETITIONER'S SIGN-IN SHEET

E- MAIL		なないなる のいれがらられ										
CITY, STATE, ZIP	Baltimore, MD 21219	z. ZZ										
ADDRESS	9025 Cuckeld 74 Rd	2000 E. Pennsylvania Ave										
NAME	PAWRENCE I Manner	Witch Kellinan	Bourner									



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

Dona L. & Harry T. Espey, Sr.,

Legal Owners and

(7416 Windsor Mill Road)

Mighty Wash of Frederick Avenue, Inc., Contract Purchaser

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

ASE NO. 04-032-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

\*

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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.

