IN RE: PETITION FOR SPECIAL EXCEPTION E/S of York Road, 114 ft. S * centerline of Industry Lane 8th Election District 3rd Councilmanic District * (10117 York Road) *Dellcrest Realty Co., LLP, Edward C. Dell, Legal Owners and Auto Spa Hunt Valley, LLC,

James G. Thomas, Jr., Managing Member

Contract Purchaser

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-272-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, Dellcrest Realty Co., LLP and the contract purchaser, Auto Spa Hunt Valley, LLC. The Petitioners are requesting special exception relief for property located at 10117 York Road in the Cockeysville area of Baltimore County. The special exception is requested from Sections 253.2.B.2 and 419.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a full service car wash.

The property was posted with Notice of Hearing on January 31, 2004, 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 February 5, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

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

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

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]

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment dated January 12, 2004 received from the Office of Planning not opposing Petitioners' request and recommending certain conditions as set forth at the end of this Order. A copy of this correspondence is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the special exception request was Jim Matis of Matis Warfield Consulting Engineers, Paul Knott, for the owner and James Thomas for the contract purchasers. Sebastian Cross, Esquire represented the Petitioners. Mary Ann Caskey represented the Monterey Community Association and Tony Delaney was an interested citizen. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The Petitioners are proposing to significantly renovate and redesign the existing car wash at this location, which has been operating for the past three years. This 1.4 acre parcel is zoned ML-IM and as such qualifies for consideration to locate a car wash per Section 419.1 of the

B.C.Z.R. Petitioners' Exhibit No. 1 is the original design, which after review by the County has had significant changes. These changes are shown on Petitioners' Exhibit No. 2, the Redline plat. Petitioners' Exhibit No. 3 is the final plat with redlines removed.

The site is surrounded by industrial and commercial zoning and uses. The nearest residentially zoned land is the Monterey Community, which is approximately 300 ft. to the east. Proffered testimony indicated that the existing car wash shares the site with other commercial uses all of which will be leaving the site allowing the car wash to fully renovate and add onto the existing building. The proposed car wash will be full service and has the required stacking spaces and parking. The site will be heavily landscaped per Petitioners' Exhibits Nos. 5 and 6.

Ms. Caskey testified for the Monterey Community Association. In general, she supported the petition but requested certain conditions, which were agreed to by the Petitioners. She asked that there be no audible paging system and that the hours of operation be restricted to 8 AM to 8 PM. In addition, she requested that gates at the entrance be locked after hours to prevent persons from entering the lot after hours. She also requested that lighting be directed away from the residences to the east. Again, the Petitioners agreed to each request. However, she indicated it was not necessary for the Petitioners to erect a sound barrier in between the residential community and the car wash as the owner of the intervening property planned to build an earthen berm which would have the same effect.

Mr. Delaney questioned the parking/stacking calculations shown on the plan, and whether the car wash could be granted by right.

Findings of Fact & Conclusions of Law

I find that granting the special exception for the proposed car wash will not violate the provisions of Section 502.1 of the B.C.Z.R. - Special Exceptions and will not adversely affect

the health safety or welfare of the community. The car wash already exists and has proven to be a good neighbor to the nearby residential community. Therefore, I will grant the Special Exception subject to the following conditions:

- 1. That there be no audible paging system;
- 2. That the hours of operation be restricted to 8 AM to 8 PM;
- 3. That entrance gates be locked after hours;
- 4. That the lighting be directed away from the residences to the east; and
- 5. That the Petitioners comply with the recommendations of the Planning Office dated January 12, 2004

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

THEREFORE, IT IS ORDERED, this 24 day of February, 2004, by this Deputy Zoning Commissioner, that the Petitioners' special exception request pursuant to Sections 253.2.B.2 and 419.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), as shown in Petitioner's exhibit 3 to permit a full service car wash, be and is hereby GRANTED, subject, however, to the following conditions:

- 1. The Petitioners must submit building elevations (all sides), sign elevations, a landscaping plan, and a lighting plan to the Office of Planing for review and approval prior to the issuance of any buildings permits;
- 2. The Petitioners must construct the proposed connection to the Hummer Dealership shown on the plan;
- 3. That Petitioners shall have no audible paging system;
- 4. That Petitioners' hours of operation be restricted to 8 AM to 8 PM.
- 5. That the Petitioners' entrance gates be locked after hours;
- 6. That Petitioners' direct the lighting on the property away from the residences to the east; and

ORDER RECEIVED FOR FILTH

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

IT IS FURTHER ORDERED, that 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: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

February 24, 2004

Sebastian A. Cross, Esquire Gildea, LLC 301 N. Charles Street, Suite 900 Baltimore, Maryland 21201

> Re: Petition for Special Exception Case No. 04-272-X Property: 10117 York Road

Dear Mr Cross:

Enclosed please find the decision rendered in the above-captioned case. The petition for special exception has been granted in accordance with the enclosed Order.

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



Copies to:

Edward C. Dell Dellcrest Realty Co. LLP P. O. Box 206 Cockeysville, MD 21030

Auto Spa Hunt Valley, LLC 10117 York Road Hunt Valley, MD 21030

Jim Mattis Matis/Warfield 10540 York Road, Suite M Hunt Valley, MD 21030

James G. Thomas, Jr. 3 Briarfield Court Lutherville, MD 21093

Paul Knott 16329 Yoho Road Sparks, MD 21093

Mary Ann Caskey 10200 Daventry Drive Cockeysville, MD 21030

Tony Delany 5 Trighton Court Reisterstown, MD 21136



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 10117 York Road

which is presently zoned ML-IM This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A full service carwash as per Section 253.2.B.2 and 419.1 of the BCZR.

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.

Reviewed By

Contract Purchaser/Lessee:

OFO

REV 09/15/98

SAUTING L'ALCLISSEIVLESSEE!	Legal Owner(s):
Auto Spa Hunt Valley, LLC	Delicrest Realty C+. LLP
Vame - Type or Print	Name - Type or Print
Signature James G. Thomas, Jr., Managing Memb	er Skinghten
10117 York Road (443)527-4376	Ned Dell Edwad C. Dell Name - Type or Print
Hunt Valley, MD 21030	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	P.O. Box 206 (410)666-0900
Cobortion A Orong	Address Telephone No
Sebastian A. Cross Name-Typs of Print	Cockeysville, MD 21030
In lun	City State Zip Code
Signature	Representative to be Contacted:
Gildea, LLC	Sebastian A. Cross
Company	Name
301 N. Charles Street, Suite 900	301 N.Charles Street, Suite 900
Baltimore, MD 21201 (410)234-0070	Address Baltimore, MD 21201 (410)234-0070
State Zip Code	City State Zip Code
	OFFICE USE ONLY
Case No. 04-272-X	ESTIMATED LENGTH OF HEARING 2. 1

Date 12-04-03



November 17, 2003

Description to Accompany Zoning Petition For Special Exception 10117 York Road Land of Delicrest Realty Company Baltimore County, Maryland 8th Election District

Beginning for the same at a point on the easterly Right-of-Way Line of York Road, said point distant. South 39° 45" East 114 +/- feet from the intersection of the centerlines of York Road and industry Lane, running thence and binding on the east side of York Road,

- (1) North 18° 59' 30 " West 230.65 feet to a point, thence leaving the east side of York Road and running thence the three following courses and distances viz:
- (2) North 70° 54' 56" East 264.05 feet to a point,
- (3) South 19° 05' 04" East 230.65 feet to a point, and
- (4) South 70° 54' 56" West 264.42 feet to the place of beginning.

Containing 60,946 square feet or 1.3991 acres of land, more or less.

This description is intended for zoning purposes only and is not to be used for conveyance of land.



Matis Warfield, Inc.
10540 york road • suite m
hunt valley, maryland 21030
phone 410-683-7004 • fax 410-683-1798

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: # 04-272-X

10177 York Road

E/sittle of York Road, 114 feet +/- south of centerline of Industry Lane 8th Election District - 3rd Councilmanic District Legal Owner(s): Delicrest Realty Co., LLP, James Thomas, Jr., Managing Member

Special Exception: to permit a full service carwash.
Hearing(s): Monday, February, 23, 2004 at 9:00 a.m. in
Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

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

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

2/014 Feb. 5

CERTIFICATE OF PUBLICATION

25,2004
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 on25,2004
The Jeffersonian
Arbutus Times
☐ Catonsville Times
Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Willingan

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND CE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT

Care No. 28110-

__ ACCOUNT_R-001-006-6150 DATE 12.04-03

AMOUNT \$ 380.

RECEIVED Clean Machines LLC DIBIA Auto SPA

FOR: Commercial Special Exception filing for of

BUTION

Wille - CASHIER PINK - AGENCY YELLOW - CUSTOMER

ATIM. DRW 2/10/2003 12/09/2003 15:38:20

RH 16301

168026 12/09/2003 (IFLN

5 528 ZINING VERTFICATION 13°140° (558171)

> Recet lot \$380.00 CK

\$380.00 \$.(X) CA

Raltimore County, Maryland:

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

	RE: Case No.: 04-272-X
•	Petitioner/Developer: DELLCRES REALTY CO UP, JAMES Thom
	Date of Hearing/Closing: 2/23/00
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 penaltic posted conspicuously on the property loc	es of perjury that the necessary sign(s) required by law were sated at:
	YORK DD
The sign(s) were posted on	JAN 3/, ZOY (Month, Day, Year)
- -	Sincerely,
	Allho 1/2
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	,
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940

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





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

January 13, 2004

CORRECTED 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: 04-272-X

10177 York Road

E/side of York Road, 114 feet +/- south of centerline of Industry Lane

8th Election District – 3rd Councilmanic District

Legal Owners: Delicrest Realty Co., LLP, James Thomas Jr., Managing Member

Special Exception to permit a full service carwash.

Hearing: Monday, February 23, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Sebastian Cross, Gildea, LLC, 301 N Charles Street, Ste. 900, Baltimore 21201 Dellcrest Realty, LLP, Edward Dell, P. O. Box 206, Cockeysville 21030 Auto Spa Hunt Valley, LLC, James Thomas, 10117 York Road, Hunt Valley 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 7, 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.



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

TO: PATUXENT PUBLISHING COMPANY

Thursday, February 5, 2004 Issue - Jeffersonian

Please forward billing to:

Gildea, LLC

410-234-0070

301 N. Charles Street, Ste. 900

Baltimore, MD 21201

multed

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: 04-272-X

10177 York Road

E/side of York Road, 114 feet +/- south of centerline of Industry Lane

8th Election District – 3rd Councilmanic District

Legal Owners: Delicrest Realty Co., LLP, James Thomas Jr., Managing Member

Special Exception to permit a full service carwash.

Hearing: Monday, February 23, 2004, at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

OFFICE AT 410-887-4386.

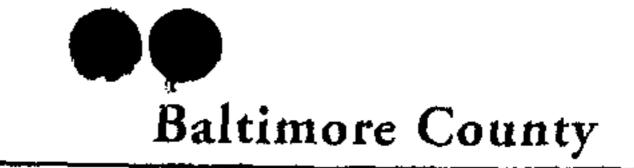
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT

THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

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





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

December 31, 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: 04-272-X

10177 York Road

E/side of York Road, 114 feet +/- south of centerline of Industry Lane

8th Election District – 3rd Councilmanic District

Legal Owners: Delicrest Realty Co, LLP, James Thomas Jr., Managing Member

Special Exception to permit a full service carwash.

Hearing: Monday, February 16, 2004, at 9:00 a.m. in Room 401, County Courts Building, 401 Bosley Avenue

Timothy Kotroco Director

TK:klm

C: Sebastian Cross, Gildea, LLC, 301 N. Charles St., Ste. 900, Baltimore 21201 Delicrest Realty, Edward Dell, P.O. Box 206, Cockeysville 21030 Auto Spa Hunt Valley, LLC, James Thomas, 10117 York Rd., Hunt Valley 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 31, 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.





TO: PATUXENT PUBLISHING COMPANY

Thursday, January 29, 2004 Issue - Jeffersonian

Please forward billing to:

Gildea, LLC

301 N. Charles St., Ste. 900

Baltimore, MD 21201

410-234-0070

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: 04-272-X

10177 York Road

E/side of York Road, 114 feet +/- south of centerline of Industry Lane

8th Election District – 3rd Councilmanic District

Legal Owners: Delicrest Realty Co, LLP, James Thomas Jr., Managing Member

Special Exception to permit a full service carwash.

Hearing: Monday, February 16, 2004, at 9:00 a.m. in Room 401, 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

ZONING REVIEW

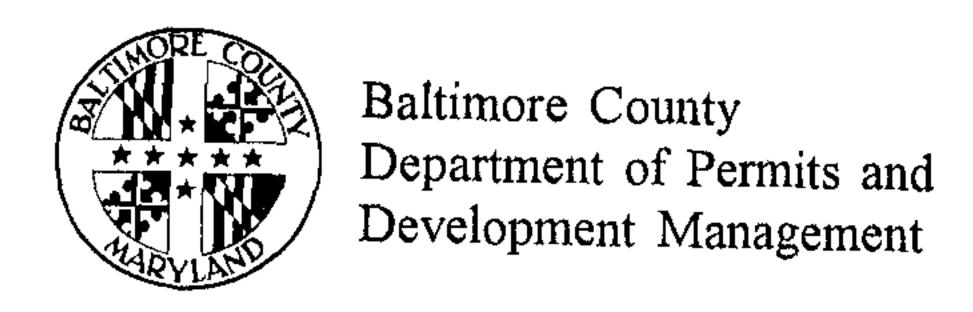
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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 64-272-X	•
Petitioner Clean Marchines LLC D/B/A Auto SPA	**
Address or Location: 10117 York Rd.	
PLEASE FORWARD ADVERTISING BILL TO	
Name:	
Address 301 N. Charles 59.	*************************************
Su:te 900	
Baltimore Md 2/201	
Telephone Number:	



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

February 20, 2004

Sebastian A. Cross Gildea, LLC. 301 N. Charles Street, Suite 900 Baltimore, Maryland 21201

Dear Mr. Cross:

RE: Case Number:04-272-X, 10117 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 4, 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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:clb

Enclosures

c: People's Counsel
Dellcrest Realty Company, LLC. Edward C. Dell P.O. Box 206 Cockeysville 21030
Auto Spa Hunt Valley, LLC. 10117 York Road Hunt Valley 21030



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

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

December 18, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: December 18, 2003

Item No.:

272

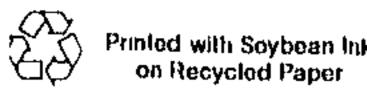
Dear Ms. Hart:

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

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code, (2000 edition of NFPA 1 & 101), prior to occupancy or beginning of operation.

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

cc: File





Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

December 16, 2003

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

RE:

Baltimore County Item No. 272 (JJS)

10117 York RD

Dear Ms. Hart:

We have reviewed the referenced item and have no objection to approval of the Special Hearing. However, we will require the owner to obtain an access permit. Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

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

Very truly yours,

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

July 3

DATE: January 12, 2004

RECEIVED

JAN 1 2 2004

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

10117 York Road

INFORMATION:

Item Number:

04-272

Petitioner:

Dellcrest Realty

Zoning:

ML-IM

Requested Action:

Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a full service car wash provided the following are met:

- 1. Submit building elevations (all sides), sign elevations, a landscaping plan, and a lighting plan to this office for review and approval prior to the issuance of any building permits.
- 2. Construct the proposed connection to the Hummer dealership shown on the plan.

Prepared by:

Section Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 29, 2003

Department of Permits & Development Management

FROM: /

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 22, 2003 Item Nos. 267, 269, 270, 271, 272 273, 274, 275, 279, and 283

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

RWB:CEN:jrb

cc: File

PETITION FOR SPECIAL EXCEPTION RE: 10117 York Road; E/side York Road,

114' S c/line of Industry Lane

8th Election & 3rd Councilmanic Districts

Legal Owner(s): Dellcrest Realty Co, LLP, *

Edward C Dell

Contract Purchaser(s): Auto Spa Hunt Valley,* LLC; James G.Thomas, Jr, Managing Member

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-272-X

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

DEC 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 17th day of December, 2003, a copy of the foregoing Entry of Appearance was mailed to Sebastian A Cross, Esquire, Gildea, LLC, 301 N Charles Street, Suite 900, Baltimore, MD 21201, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

- 8. Sludge disposal facility composting (see Section 412A.2.B). [Bill No. 46-1982]
- 9. Sludge disposal facility handling in general (see Section 412A.2.C). [Bill No. 46-1982]
- 10. Sludge disposal facility incineration (see Section 412A.2.D). [Bill No. 46-1982]
- 11. Sludge disposal facility landspreading (see Section 412A.2.E). [Bill No. 46-1982]
- 12. Trucking facilities (see Sections 410 and 410A). [Bill No. 18-1976]
- 13. Truck stops. [Bill No. 18-1976¹⁸]
- 14. Utilities not permitted under the provisions of Section 253.1.
- B. The following auxiliary service uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. District; provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area: [Bill No. 172-1993]¹⁹
 - 1. Automotive-service stations, subject, further, to the provisions of Section 405.
 - 2. Car washes, subject, further, to the provisions of Section 419.
 - 3. Garages, service, including establishments for the service or repair of trucks, of truck trailers or of freight-shipping containers designed to be mounted on chassis for part or all of their transport. [Bill No. 218-1980]
 - 4. Union halls or other places of assembly for employment-related activities.
- C. The following interim uses, provided that it is shown by the petitioner and verified by the Director of Public Works that public sewerage and water supply facilities will not be available to the site of any such use for a period of at least two years after the time the petition is heard, and provided, further, that any such use shall be discontinued and the grant of the special exception shall expire on a date within a year after such time as public sewerage and water supply facilities do become available to the site, as shall be more particularly stipulated in the order granting the special exception. [Bill No. 21-1996²⁰]
 - 1. Amusement parks.
 - 2. Farms or limited-acreage wholesale flower farms.

Editor's Note: This bill also repealed the former entry for truck terminals.

Editor's Note: All provisions of this subsection are originally from Bill No. 100-1970, except as otherwise noted.

Editor's Note: This bill reenacted this Subsection C, deleting the following entries and renumbering the rest: "baseball-batting ranges," "golf-driving ranges" and "miniature-golf courses." Original provisions of this subsection were derived from Bill No. 100-1970.

Section 418 (Reserved)²²

Section 419 Car Wash [Bill No. 172-1993²³]

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

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

Editor's Note: This bill also repealed former Section 419.

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

A. Locational standards.

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

B. General design.

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



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November 20, 2003

Via Hand Delivery

W. Carl Richards, Jr.
Department of Permits and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Auto Spa of Hunt Valley, LLC/10117 York Road

Dear Mr. Richards:

Enclosed please find the filing materials for a Special Exception for the above referenced property. These materials were scheduled to be filed on Wednesday, November 19, 2003, at 3:00 p.m.; however, the County Office buildings were closed at that time. Please note these plans have not been reviewed and there are no current zoning violations for 10117 York Road.

Upon receipt and review of these materials, please contact me if you require any additional materials. With kind regards, I am

Very truly yours,

Sebastian A. Cross

SAC: dls

Cc:

Paul D. Knott, Auto Spa of Hunt Valley, LLC James G. Thomas, Jr., Auto Spa of Hunt Valley, LLC

James Matis, Matis Warfield, Inc.

David K. Gildea, Esquire

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11/26/03
Date Assigned

DROP-OFF PETITIONS PROCESSING CHECK-OFF

Two Questions Answe	red on Cover Sheet:
∧√₽Any previous rev	iews in the zoning office?
Any current build	ing or zoning violations on site?
Petition Form Matches	Plat in these areas:
Address	
Zoning	·
Legal Owner(s)	
Contract Purchas	ser(s)
Request (if listed	on plat)
Request:	e current PDM form) is Complete:
Şection N	umboro
Conective	ording (must relate to the code, especially floodplain and historical standard
wording.	Variances must include the <u>request</u> in lieu of the <u>required</u> code quantities. Practical Difficulty Reasons ntract Purchaser:
/ Hardship/	Practical Difficulty Reasons
✓ Legal Owner/Cor	ntract Purchaser:
✓Signature:	s (originals)
✓ Printed/Ty	ped Name and Title (if company)
Attorney (if incor	orated)
X X Signature/Addres	ss/Telephone Number of Attorney
Correct Number of Pe	tition Forms, Descriptions and Plats
200 Scale Zoning Map	
Check: Amount Corre	of? Signed?
ZAC Plat Information:	
Location (by Car	NE/S Vorke Rd. opposite Industry La.
	(10117 York 12d)
Zoning:	
Election District	Carrentin District Arm
•	Councilmanic District <u>/</u>
CBCA	ie oubject dite di Nequest is.
/Floodplair	
Elderly	
Historical	
∠Pawn Sho	
Helicopter	
/*If Yes, Pi	int Special Handling Category Here
∕*lf No, Pri	nt No
04-272-X	12-03-03 2212.
em Number Assigned	Date Accepted for Filing
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WCR/SCJ -- 9/a

ZONING HEARING FILE INTERNAL CHECKLIST Zoning Case No. 14-272-X

Date Completed/Initials	
12-31-03	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
<u>V</u>	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
·	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
2/5/04	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
2/20/04	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
· · · · · · · · · · · · · · · · · · ·	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of

hearing file has been completed; secure all papers under clips in file; send files for

hearings to zoning commissioner's office by noon on Friday and files for administrative

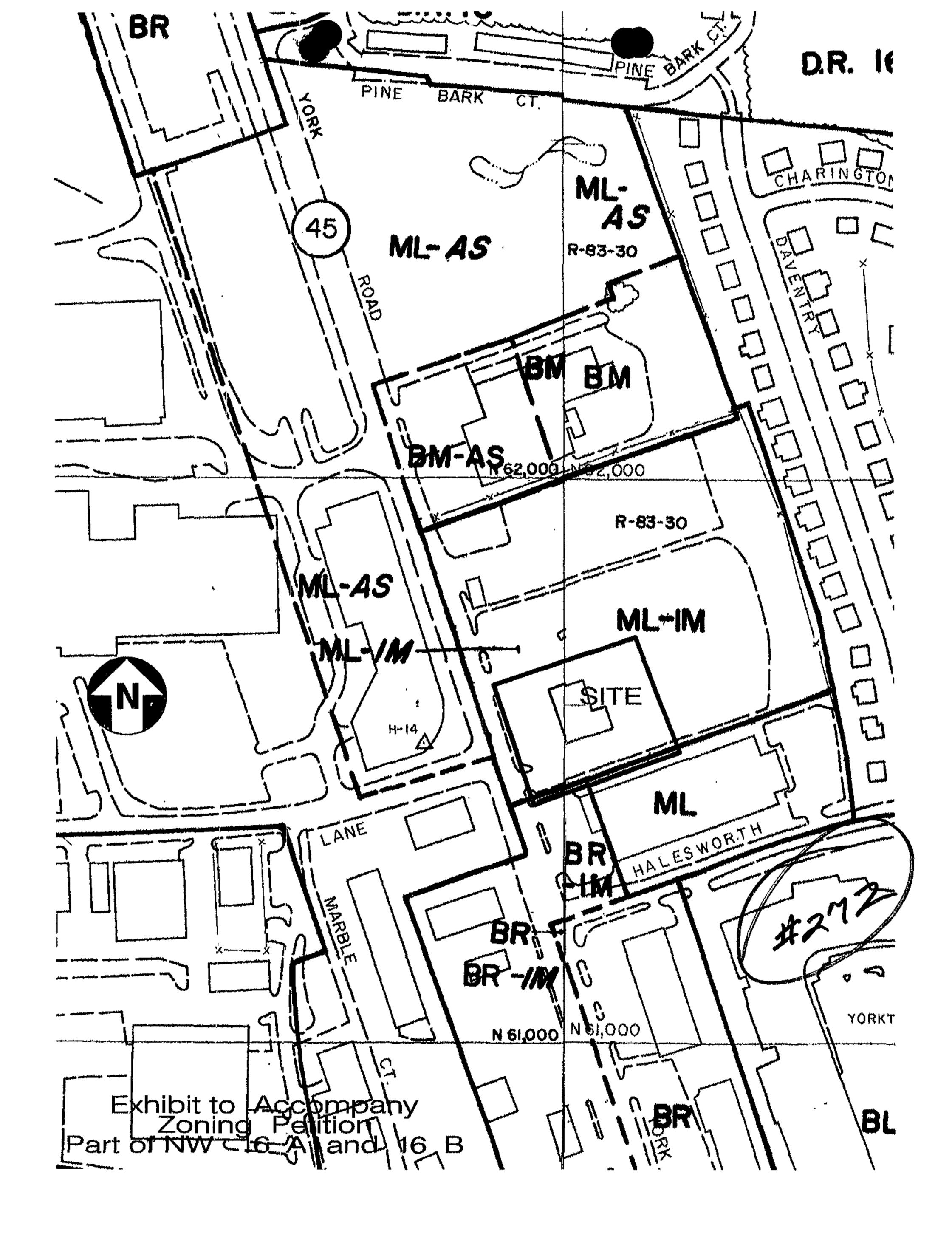
on Tuesday morning)

PLEASE PRINT CLEARLY

CASE NAME 1017 YORK R CASE NUMBER 04-272-X DATE 2/23/04

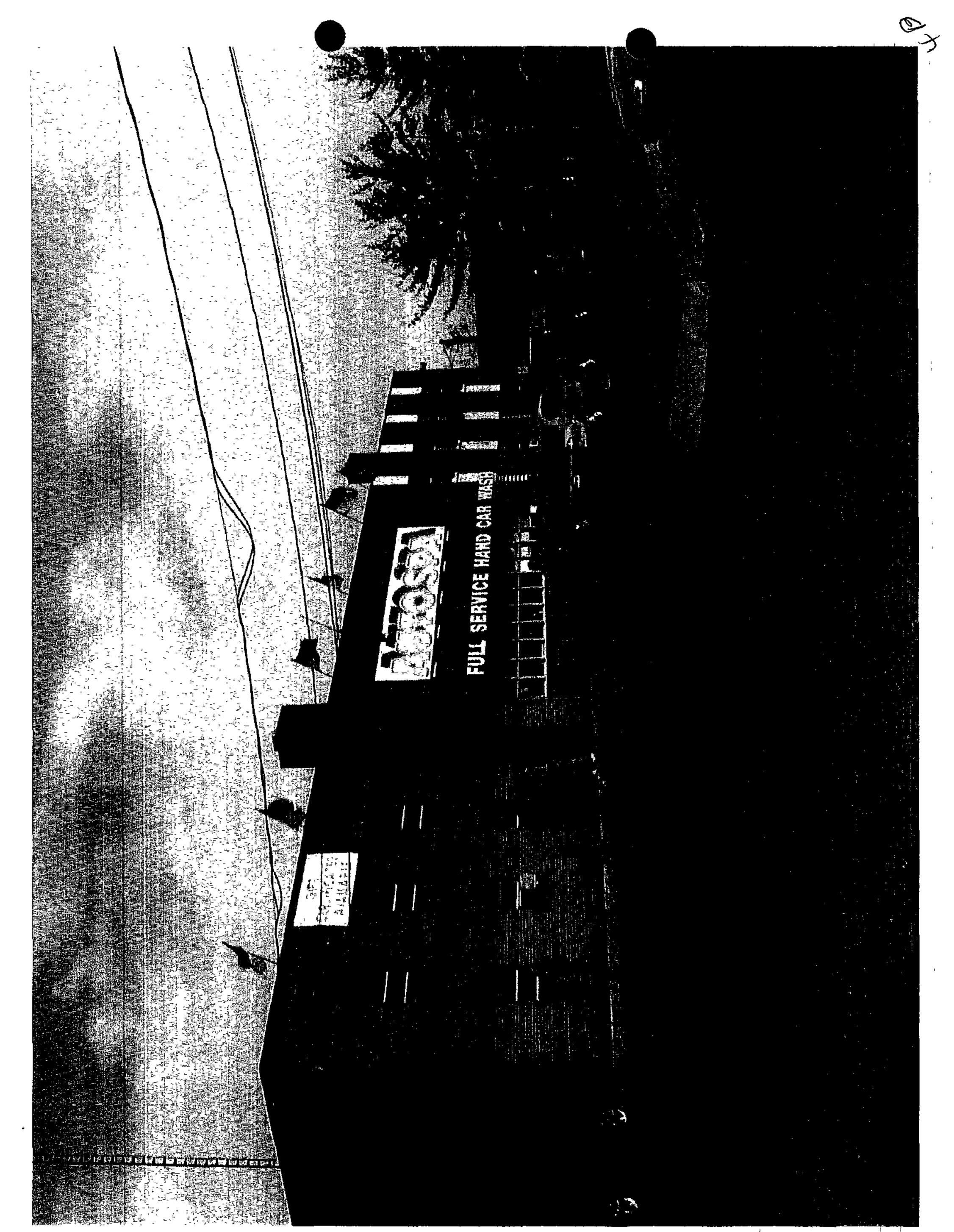
PETITIONER'S SIGN-IN SHEET

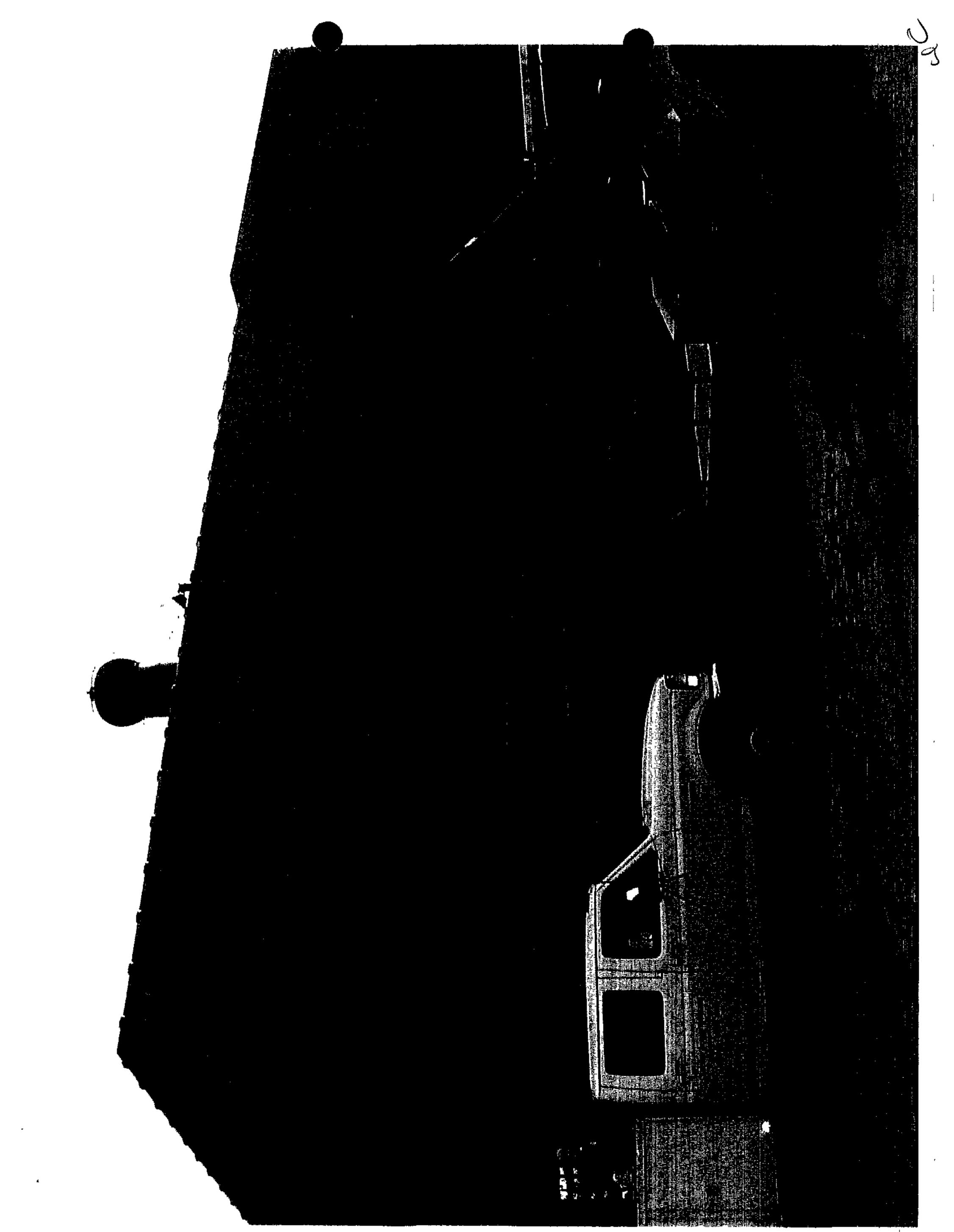
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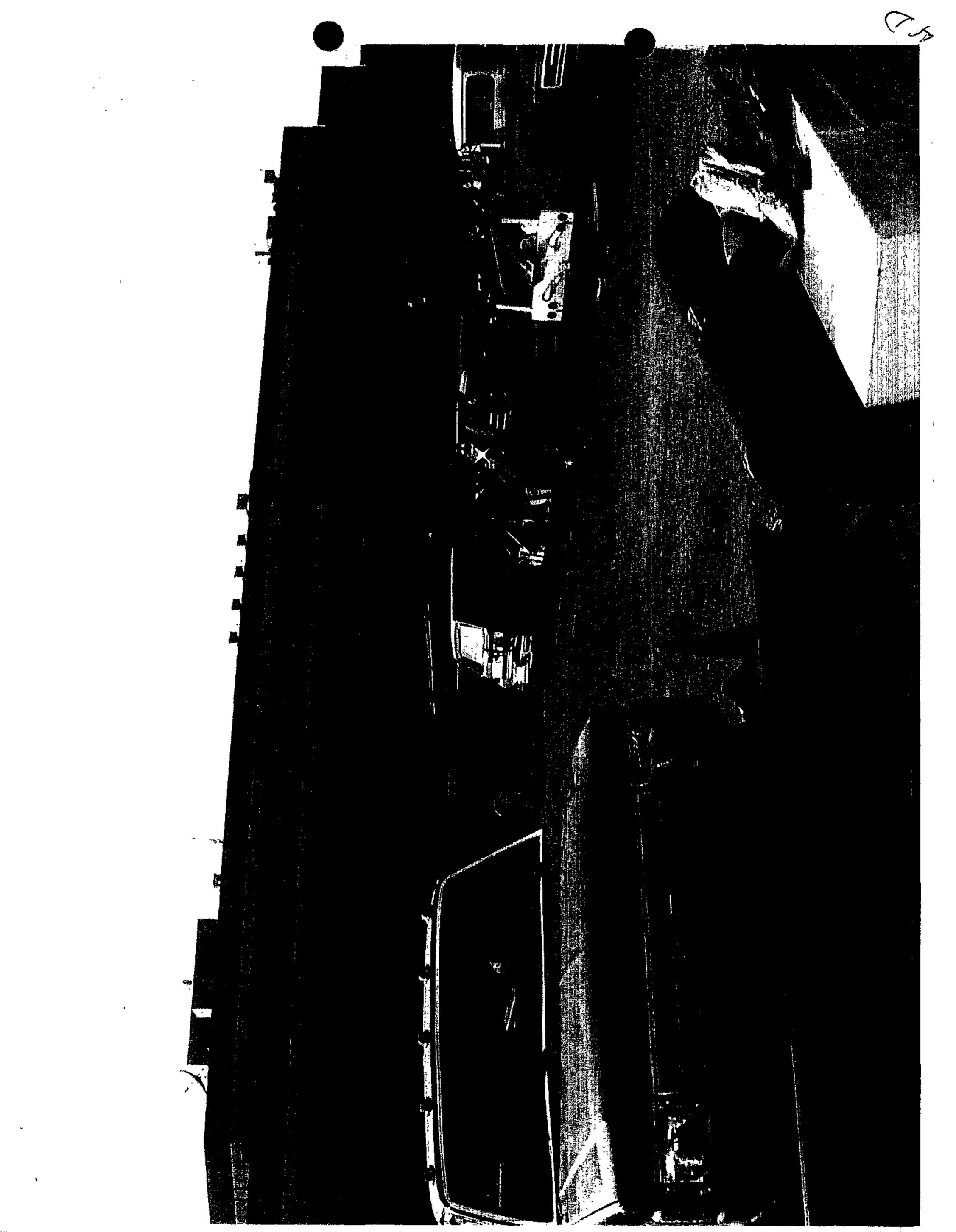


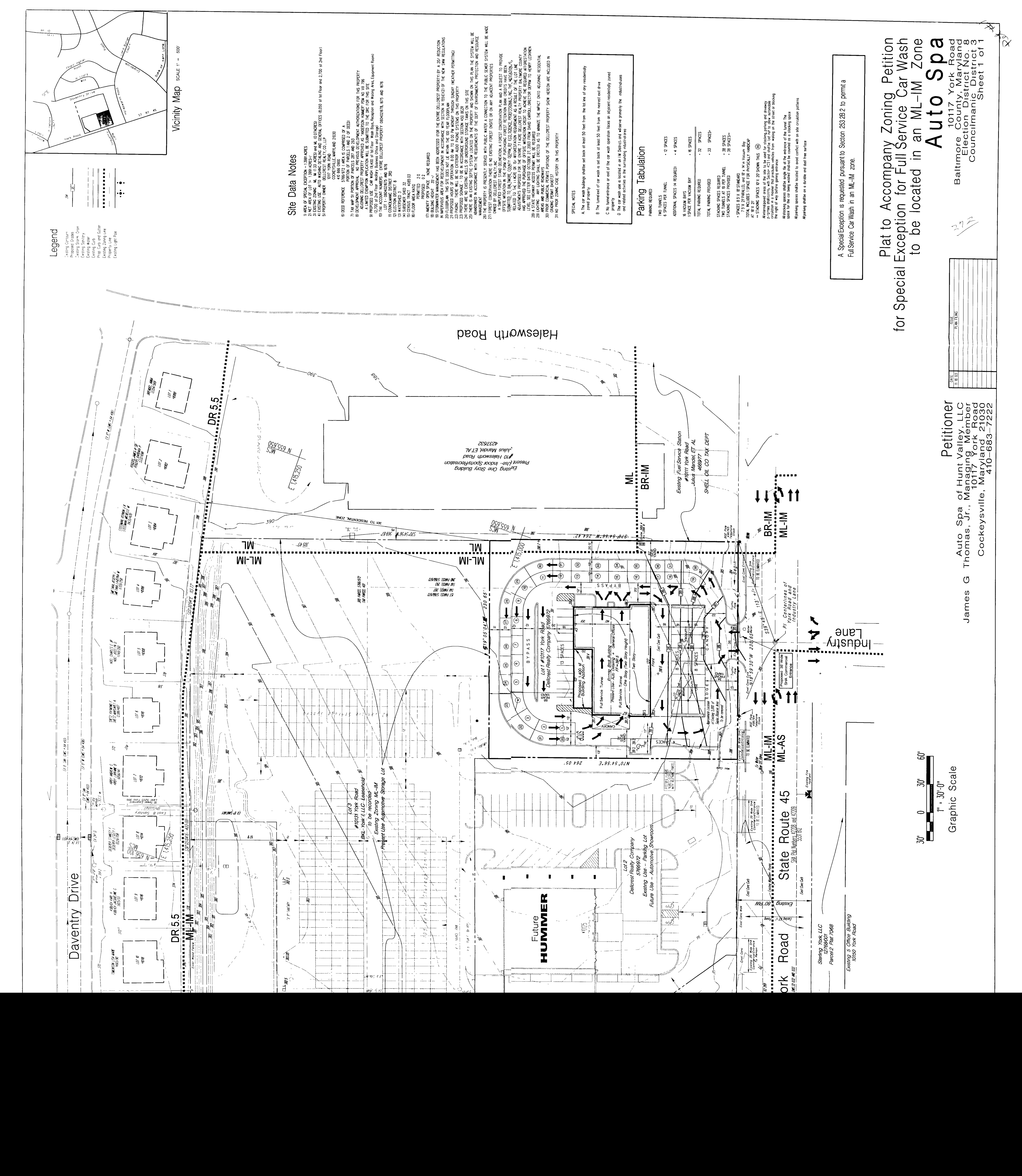


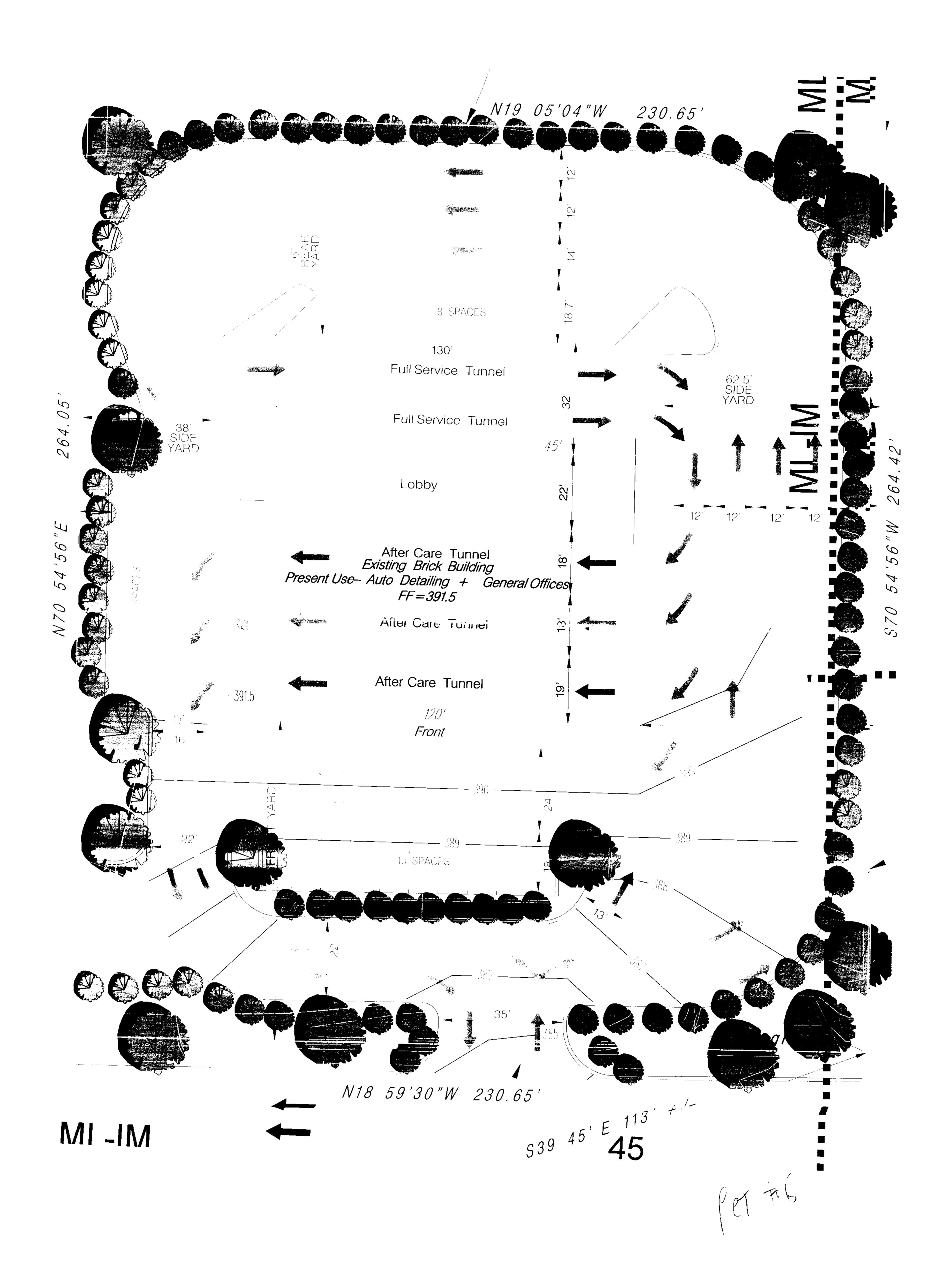
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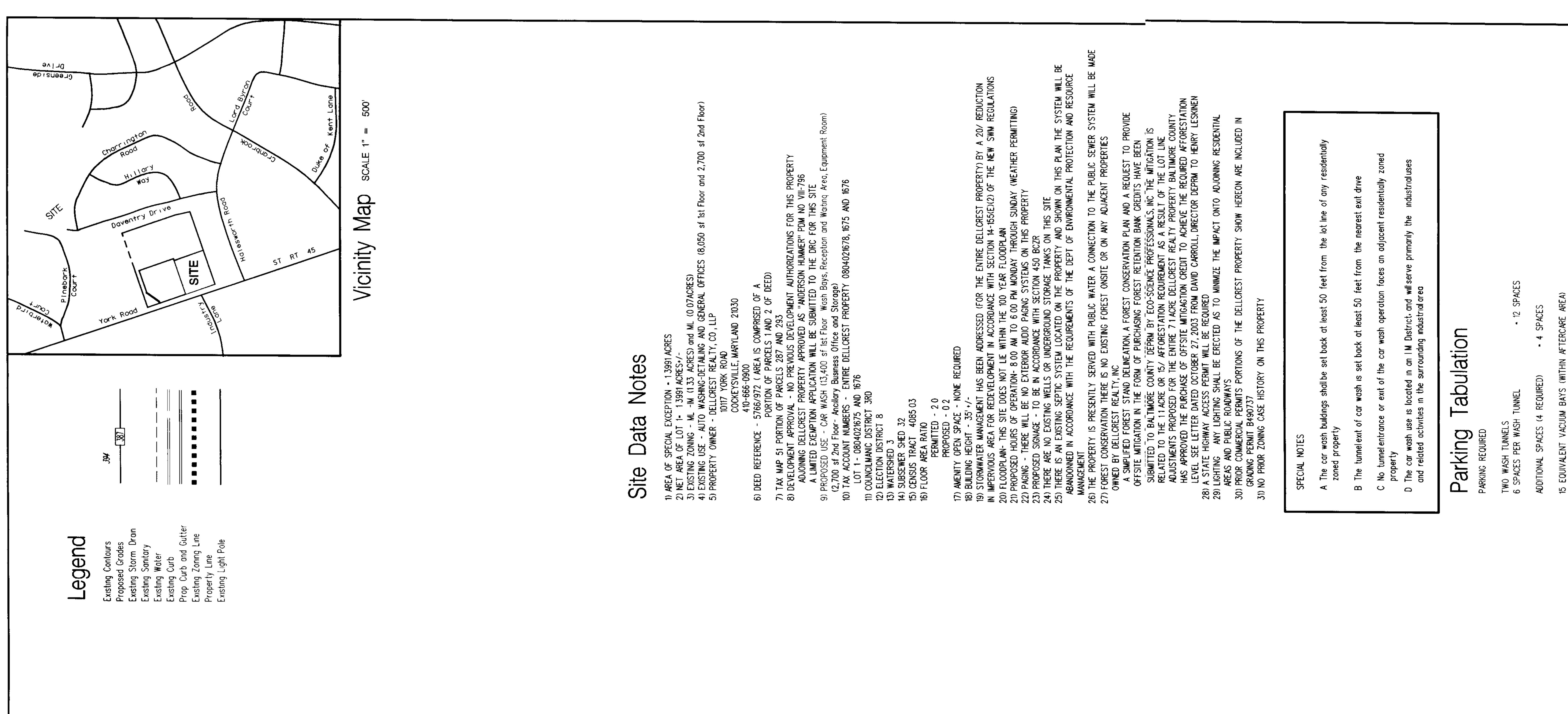












93 FRONT YARD

3 SPACES

- GAAY

Parking Tabulation

PARKING REQUIRED

TWO WASH TUNNELS

6 SPACES PER WASH TUNNEL

ADDITIONAL SPACES (4 REQUIRED)

15 EQUIVALENT VACUUM BAYS (WITHIN AFTERCARE AREA)

15 FACE PER VACUUM BAYS (WITHIN AFTERCARE AREA)

15 FACE PER VACUUM BAY

TOTAL PARKING PROVIDED

15 SPACES

TOTAL PARKING REQUIRED

17 STACKING SPACES REQUIRED

17 STACKING SPACES REQUIRED

17 STACKING SPACES REQUIRED

18 SPACES

STACKING SPACES REQUIRED

19 SPACES

10 TAL INCLUDES 1 SPACE FOR PHYSICALLY HANDICAP

AT 16 Y 2 T

11 STACKING SPACES 10 Y 20' SHOWN THUS (3E)

All mernal paved areas of the site to be used for stacking, purposes shall comply with Section 4091 and shallbe laid out creditation in a manner that precludes vehicles from waiting the right-of-way before gaining entrance

All stacking spaces shall be single-file at the entrance of the space for the car being washed shall not be counted as a stall parking spaces shall be located to avoid conflict with on-significant shall be on a durable and dust free surface

bursuant to Section IM zone. s requested in an ML-II A Special Exception is r Full Service Car Wash in

cate to A Special Control of the Control

more Elec Coun

