

MEMORANDUM

DATE: January 27, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0075-X – Appeal Period Expired

The appeal period for the above-referenced case expired on January 15, 2014. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

IN RE: PETITION FOR SPECIAL EXCEPTION *

(5201 Campbell Blvd.)

14th Election District *

6th Councilman District

W & M Business Trust *

Legal Owner

Nottingham Car Wash *

Lessee

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0075-X

* . * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Special Exception filed for property located at 5201 Campbell Boulevard. The Petition was filed by G. Scott Barhight, Esquire, on behalf of the owner of the subject property, W & M Business Trust, and the lessee, Nottingham Car Wash ("Petitioners"). The Special Exception petition seeks relief pursuant to §233.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a car wash. The subject property and requested relief are more fully described on the redlined site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the hearing in support of the petition was Thomas DeBacco, Chris Rivera, Ken Schmid, Joe Credit, Bill Monk and Michael Coughlin, from Morris & Ritchie Associates, Inc. the firm that prepared the site plan. Adam Baker, Esquire and G. Scott Barhight, Esquire from Whiteford, Taylor & Preston, attended and represented the Petitioners.

Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). The DOP requested that Petitioners submit for its review elevations of the proposed facility, and to also provide a pedestrian connection from Franklin Square Drive. The Petitioners submitted a redline site plan

ORDER RECEIVED FOR FILING

Date 12-14-13

By 100

showing the sidewalk connection, and also indicated that it shared with the DOP the elevations which were submitted as Exhibits 2A & 2B. Both the DOP and DPR required that a landscape plan be approved prior to issuance of permits, and such a condition will be included in the Order that follows.

Testimony and evidence offered at the hearing revealed that the subject property is 2.28 +/- acres and is zoned BM-AS. The lessee proposes to construct and operate a full service car wash facility on the site, and a special exception is required for that use in the zone.

SPECIAL EXCEPTION LAW

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

PETITIONERS' CASE

The Petitioners' presented the proffered testimony of traffic engineer Ken Schmid, professional engineer Michael Coughlin and land planner Bill Monk. Each was accepted as an expert, and each witness opined the proposal satisfied the requirements set forth in B.C.Z.R. §502.1, as well as B.C.Z.R. §419, containing certain requirements applicable to car wash operations. I found the proffered testimony convincing, and there was no evidence presented that would rebut the legal presumption generated in special exception cases.

Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence offered, I find that Petitioners' Special Exception

ORDER RECEIVED FOR FILING

Date 12-16-13

2

By law

request should be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 16th day of December, 2013, that the Petition for Special Exception under §233.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a car wash, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners must submit for approval by Baltimore County a landscape plan prior to the issuance of any permits.
3. The Special Exception granted herein must be utilized within two years of the date hereof, unless extended by subsequent Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 12-16-13

By [Signature]



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

December 16, 2013

G. Scott Barhight, Esq.
Adam Baker, Esq.
Whiteford, Taylor & Preston, LLP
One West Pennsylvania Avenue, Suite 300
Towson, Maryland 21204

RE: Petition for Special Exception
Property: 5201 Campbell Boulevard
Case No.: 2014-0075-X

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", followed by a long horizontal flourish.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 5201 Campbell Boulevard which is presently zoned BM-AS

Deed References: 31987/0190 10 Digit Tax Account # 2 5 0 0 0 0 9 5 4 2

Property Owner(s) Printed Name(s) W&M Business Trust

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

2. X a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

PLEASE SEE ATTACHED.

3. a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING.

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Nottingham Car Wash, LLC

Name - Type or Print

Thomas DiIacis

Signature

1101 Ponca Street Baltimore Maryland

Mailing Address City State

21224 / /

Zip Code Telephone # Email Address

Attorney for Petitioner:

G. Scott Barhight, Esquire

Name- Type or Print

Signature Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address City State

21204 / 410-832-2050 / gbarhight@wtplaw.com

Zip Code Telephone # Email Address

(Petitioners):

W&M Business Trust

Name #1 - Type or Print

Name #2 - Type or Print

Roger A. Waesche, Jr.

Signature #1

Signature #2

6711 Columbia Gateway Dr., Columbia MD

Mailing Address City State

21046 / 443-285-5400 /

Zip Code Telephone # Email Address

Representative to be contacted:

G. Scott Barhight, Esquire

Name - Type or Print

Signature Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address City State

21204 / 410-832-2050 / gbarhight@wtplaw.com

Zip Code Telephone # Email Address

CASE NUMBER 2014-0075-X Filing Date 9/24/13

Do Not Schedule Dates: Reviewer JS

PETITION FOR ZONING HEARING
5201 Campbell Boulevard – Nottingham Car Wash, LLC

Special Exception Relief Requested:

1. Special Exception to permit a car wash pursuant to Section 233.3 of the Baltimore County Zoning Regulations.

432123

2014-0075-X

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Zoning Description

Beginning at a point located at the center line intersections of Campbell Boulevard and Franklin Square Drive, South 18 degrees 52 minutes 16 seconds West, 122.24 feet to a point at the corner of lot and following along the right of way line North 48 degrees 48 minutes 07 seconds West 272.36 feet to a point at the beginning of the lease area. **Thence**, the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

South 49 degrees 03 minutes 42 seconds East, 352.25 feet to a point; South 40 degrees 56 minutes 18 seconds West, 265.17 feet to a point; North 49 degrees 03 minutes 42 seconds West, 403.02 feet to a point; North 48 degrees 48 minutes 08 seconds East, 7.31 feet to a point. North 54 degrees 30 minutes 45 seconds East, 140.70 feet to a point. North 48 degrees 48 minutes 07 seconds East, 122.31 feet to the point of beginning of the lease area.

Containing an area of 99,333 square feet or 2.28 acres of land, more or less and being located in the Fourteenth Election District of Baltimore County Maryland.



09.17.13

2014-0075-X

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD ♦ Laurel, MD ♦ Towson, MD ♦ Georgetown, DE ♦ Wilmington, DE ♦ York, PA
(410) 515-9000 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2200 (717) 751-6073

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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: 2014-0075-X

Petitioner: NOTTINGHAM CAR Wash, LLC

Address or Location: 5201 CAMPBELL BOULEVARD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Adam Baker

Address: 1 W. PENNSYLVANIA AVE, STE 300

TOWSON, MD 21204

Telephone Number: 410-332-2052

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **105005**

Date: **9/24/13**

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
 9/24/2013 9/24/2013 14:10:31 2

REC 0302 WALKIN JEW JEE
 >>RECEIPT # 947955 9/24/2013 OFLN

Dept 5 528 ZIRING VERIFICATION
 CR NO. 105005

Recpt Tot 1500.00
 1500.00 CH 1.00 CH
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$ 500.00

Total: **\$ 500.00**

Rec From: **WJM BUSINESS TRUST**

For: **2014-0075-X**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/21/2013

Case Number: 2014-0075-X

Petitioner / Developer: G. SCOTT BARHIGHT, of WHITEFORD, TAYLOR & PRESTON~NOTTINGHAM CAR WASH~ROGER WAESHCE

Date of Hearing (Closing): DECEMBER 12, 2013

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
5201 CAMPBELL BOULEVARD

The sign(s) were posted on: **NOVEMBER 19, 2013**

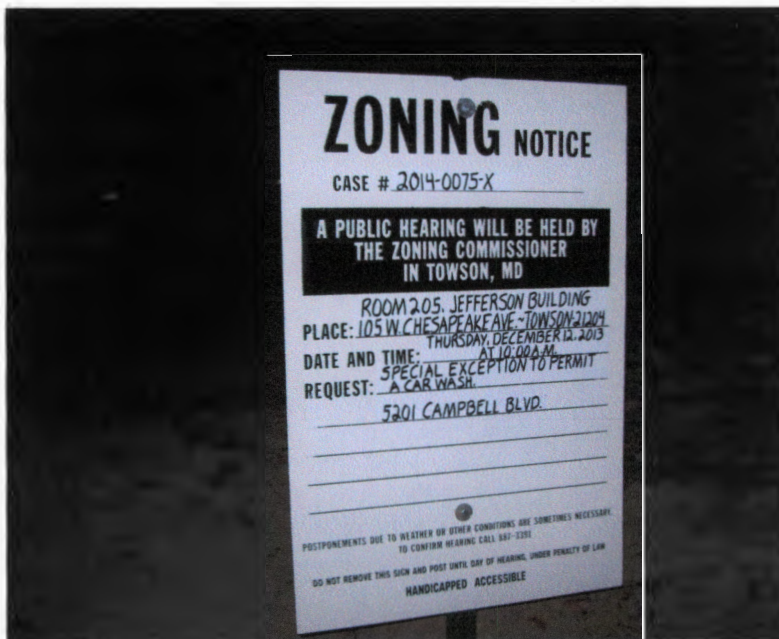
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)





THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

November 21, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on November 21, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: #2014-0075-X

5201 Campbell Boulevard

S/corner of intersection of Franklin Square Drive and Campbell Blvd.

14th Election District - 6th Councilmanic District

Legal Owner(s): W & M Business Trust

Contract Purchasers/Lessee: Nottingham Car Wash, LLC

Special Exception to permit a car wash.

Hearing: Thursday, December 12, 2013, at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
11/23/13 November 21 958655



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

October 17, 2013

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2014-0075-X

5201 Campbell Boulevard

S/corner of intersection of Franklin Square Drive and Campbell Blvd.

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105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: G. Scott Barhight, Whiteford, Taylor, Preston, 1. W Pennsylvania Ave., Ste. 300 21204
Nottingham Car Wash, 1101 Ponca St., Baltimore 21224
Roger Waeshce, Jr., 6711 Columbia Gateway Dr., Columbia 21046

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, NOVEMBER 22, 2013.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 21, 2013 Issue - Jeffersonian

Please forward billing to:

Adam Baker
Whiteford, Taylor & Preston
1 W. Pennsylvania Ave., Ste. 300
Towson, MD 21204

410-832-2052

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2014-0075-X

5201 Campbell Boulevard

S/corner of intersection of Franklin Square Drive and Campbell Blvd.

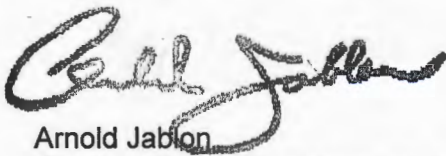
14th Election District – 6th Councilmanic District

Legal Owners: W & M Business Trust

Contract Purchasers/Lessee: Nottingham Car Wash, LLC

Special Exception to permit a car wash.

Hearing: Thursday, December 12, 2013 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
5201 Campbell Boulevard; S corner of Franklin
Square Drive & Campbell Boulevard * OF ADMINISTRATIVE
14th Election & 6th Councilmanic Districts
Legal Owner(s): W & M Business Trust * HEARINGS FOR
Contract Purchaser(s): Nottingham Car Wash
Petitioner(s) * BALTIMORE COUNTY
* 2014-075-X

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

OCT 03 2013

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of October, 2013, a copy of the foregoing Entry of Appearance was mailed to G Scott Barhight, Esquire, One West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2014-0075-X

CHECKLIST

**Support/Oppose/
Conditions/
Comments/
No Comment**

**Comment
Received**

Department

10/31/13

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

C

10/23/13

DEPS
(if not received, date e-mail sent _____)

N/C

11/14/13

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)

C

10/1/13

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 11/21/13

SIGN POSTING

Date: 11/19/13

by O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

December 3, 2013

W & M Business Trust
Roger A Wasche Jr. President
6711 Columbia Gateway Drive
Columbia MD 21046

RE: Case Number: 2014-0075 X, Address: 5201 Campbell Boulevard

Dear Mr. Wasche:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 24, 2013. This letter is not an approval, but only a **NOTIFICATION**.

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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
G Scott Barhight, Esquire, 1 W Pennsylvania Avenue, Ste. 300, Towson MD 21204
Nottingham Car Wash LLC, Thomas DiBacco, 1101 Ponca Street, Baltimore MD 21224

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 10-1-13

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

RE: Baltimore County

Item No 2014-0075X
Special Exception
W&M Business Trust
Roger A. Waesche Jr. President
5201 Campbell Boulevard

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2014-0075X

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: November 14, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 5201 Campbell Boulevard

RECEIVED

INFORMATION:

NOV 15 2013

Item Number: 14-075

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: W&M Business Trust

Zoning: BM-AS

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request for a special exception. The proposed use does not appear to adversely impact the health, safety, or general welfare of the locality involved.

The Department of Planning requests that the petitioner submit architectural building elevations for review and approval prior to the application or issuance of any building permits. Building materials shall have the appearance of substance and permanency.

Provide a pedestrian connection from the Franklin Square Drive sidewalk to the proposed building. Any landscaping and lighting shall be reviewed and approved by Jean Tansey, Baltimore County Landscape Architect.

For further information concerning the matters stated here in, please contact Matt Diana or Dennis Wertz at 410-887-3480.

Prepared By:

Division Chief:
AVA/LL:cjm

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. ^{DAK}Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 7, 2013
Item No. 2014-0075

DATE: October 3, 2013

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

A landscape plan shall be submitted and approved by this office prior to issuance of any permits.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 14-0075-10072013.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

OCT 23 2013



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: October 23, 2013

SUBJECT: DEPS Comment for Zoning Item # 2014-0075-X
Address 5201 Campbell Boulevard
(W&M Business Trust Property)

Zoning Advisory Committee Meeting of September 30, 2013.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston – Development Coordination*

Real Property Data Search (w4)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 14 Account Number - 2500009542	
Owner Information		
Owner Name:	W&M BUSINESS TRUST	Use: COMMERCIAL
		Principal Residence: NO
Mailing Address:	STE 300 6711 COLUMBIA GATEWAY DR COLUMBIA MD 21046-2104	Deed Reference: 1) 2)
Location & Structure Information		
Premises Address:	5201 CAMPBELL BLVD BALTIMORE MD 21236-0000	Legal Description: 4.6641 AC 5201-5221 CAMPBELL BLVD SS NOTTINGHAM COMMONS
Map: 0082	Grid: 0010	Parcel: 0953
Sub District:	Subdivision: 9279	Section:
Block: 41	Lot: 2013	Assessment Year:
		Plat No:
		Plat Ref: 79/ 279
Special Tax Areas:		Town: NONE
		Ad Valorem:
		Tax Class:
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
		Property Land Area 4.6600 AC
		County Use 06
Stories	Basement	Type
		Exterior
		Full/Half Bath
		Garage
		Last Major Renovation
Value Information		
	Base Value	Value
		As of
		01/01/2013
Land:	1,165,000	1,165,000
Improvements	0	0
Total:	1,165,000	1,165,000
Preferential Land:	0	0
		Phase-in Assessments
		As of
		07/01/2013
		As of
		07/01/2014
		1,165,000
		1,165,000
Transfer Information		
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:		0.00 0.00
Exempt Class:		
Special Tax Recapture:		
NONE		
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

[New Search \(http://sdat.resiusa.org/RealProperty\)](http://sdat.resiusa.org/RealProperty)District: **14** Account Number: **2500009542****A map was not found for this property.**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

[\(http://imsweb05.mdp.state.md.us/website/mosp/\)](http://imsweb05.mdp.state.md.us/website/mosp/)☐ Loading... Please

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CASE NAME 5201 COMPAN: BWD
CASE NUMBER 2014-0075-SPHX
DATE December 12, 2013

[illegible]

Case No.:

2014-0075-X

Exhibit Sheet

DW 1-27-14

DW 12-16-13

Petitioner/Developer

Protestants

No. 1	Plan (redlined)	
No. 2	2A + 2B Elevations	
No. 3	Landscape plan	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

IR-1983-0067

195 S 195 S
195 N 195 N 195 S
195 N 195 N

PARKING

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5216

5220

2200023360

2200023361

2400002795

082B1

CAMPBELL BLVD

BM

PDM # 140302

2200020702

Lot = 3

2002-0325-X

2300010300

5250

2300010301

5260

5272-A

5272-D

2300010302

2006-013

5282-G

5282-I

6 CD NE 7-H

14 ED

FRANKLIN SQUARE DR

BM AS

2500009542

2500009543

2500009544

2500009545

082B2

10001

(PDM File/Project #)

197-0301-X

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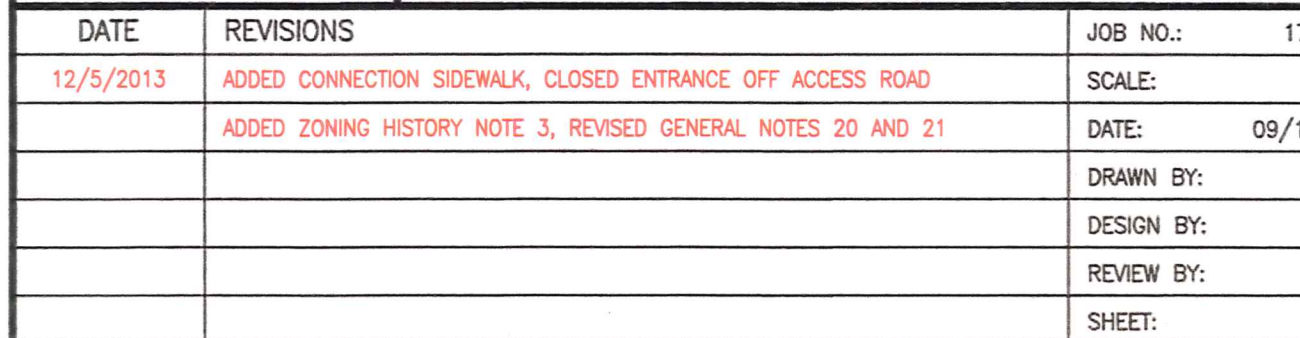
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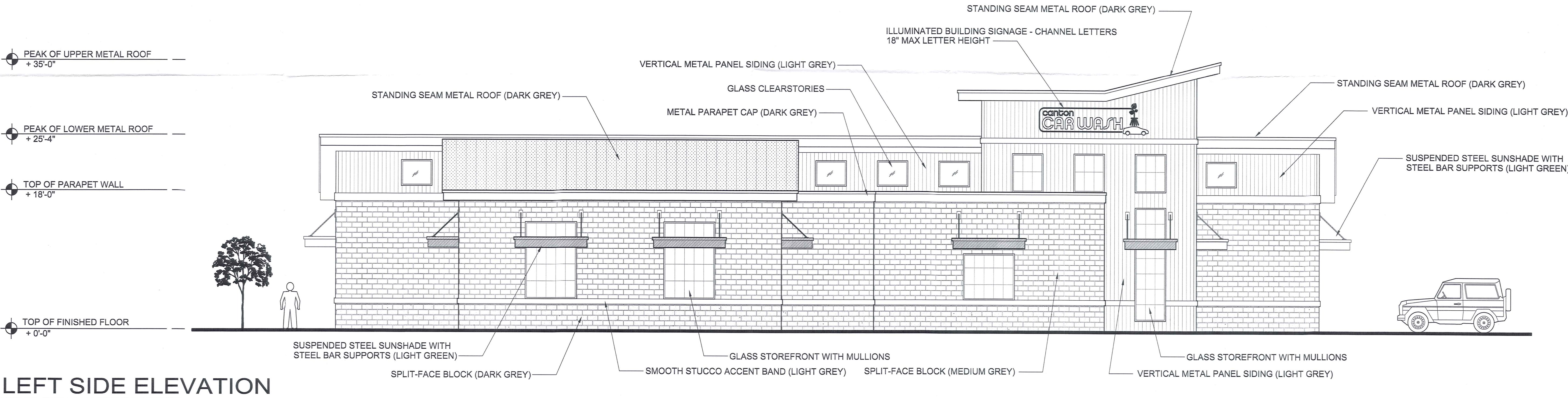
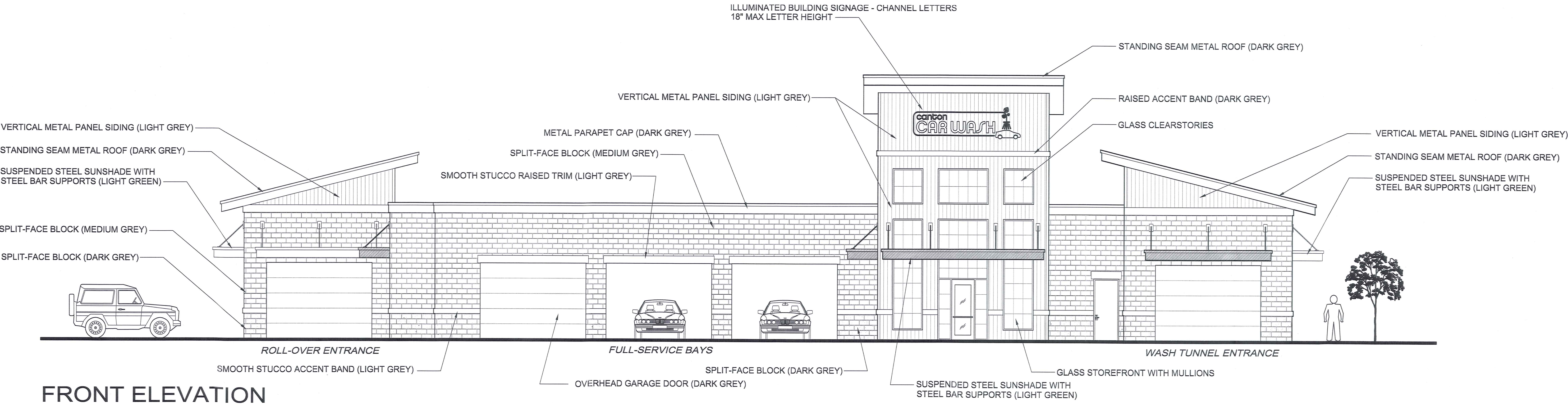
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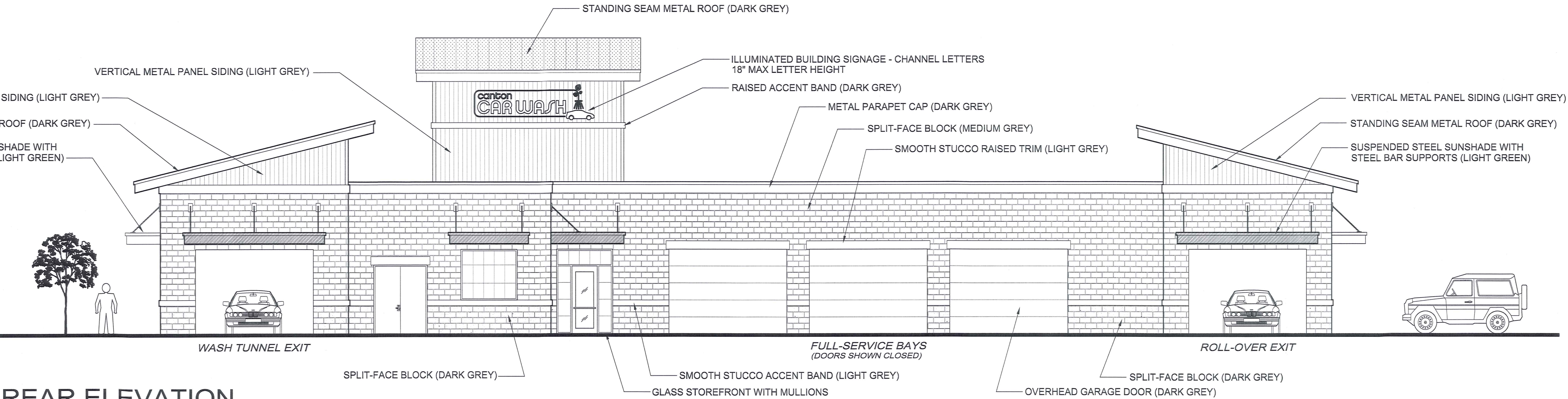
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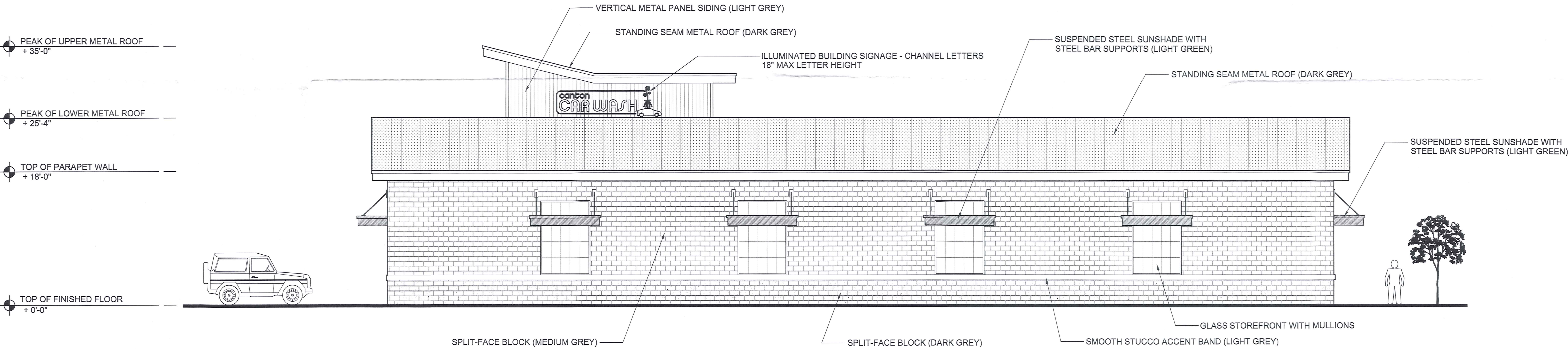


NOTTINGHAM CAR WASH - EXTERIOR ELEVATIONS 1

SCALE: 1/8" = 1'-0"



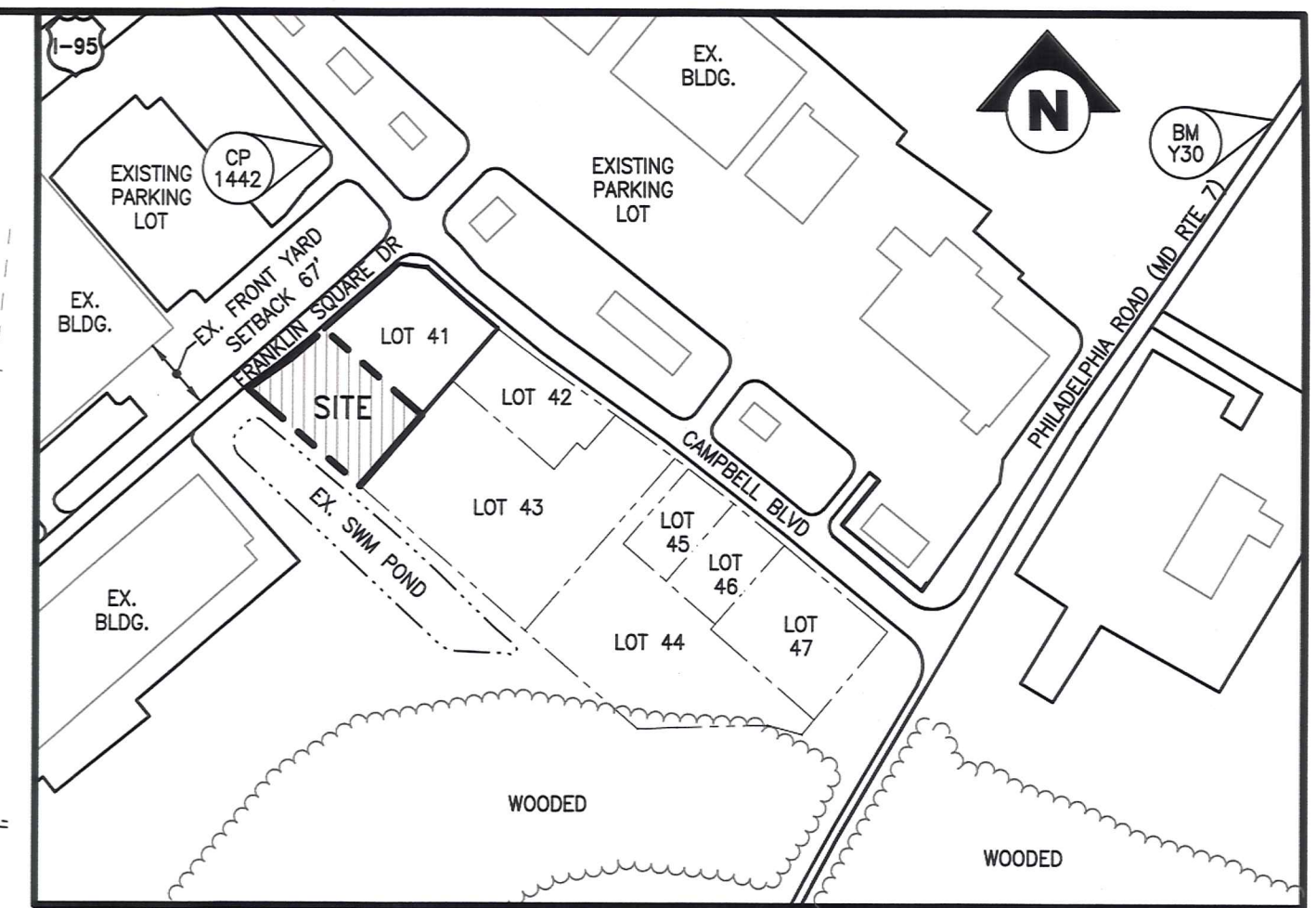
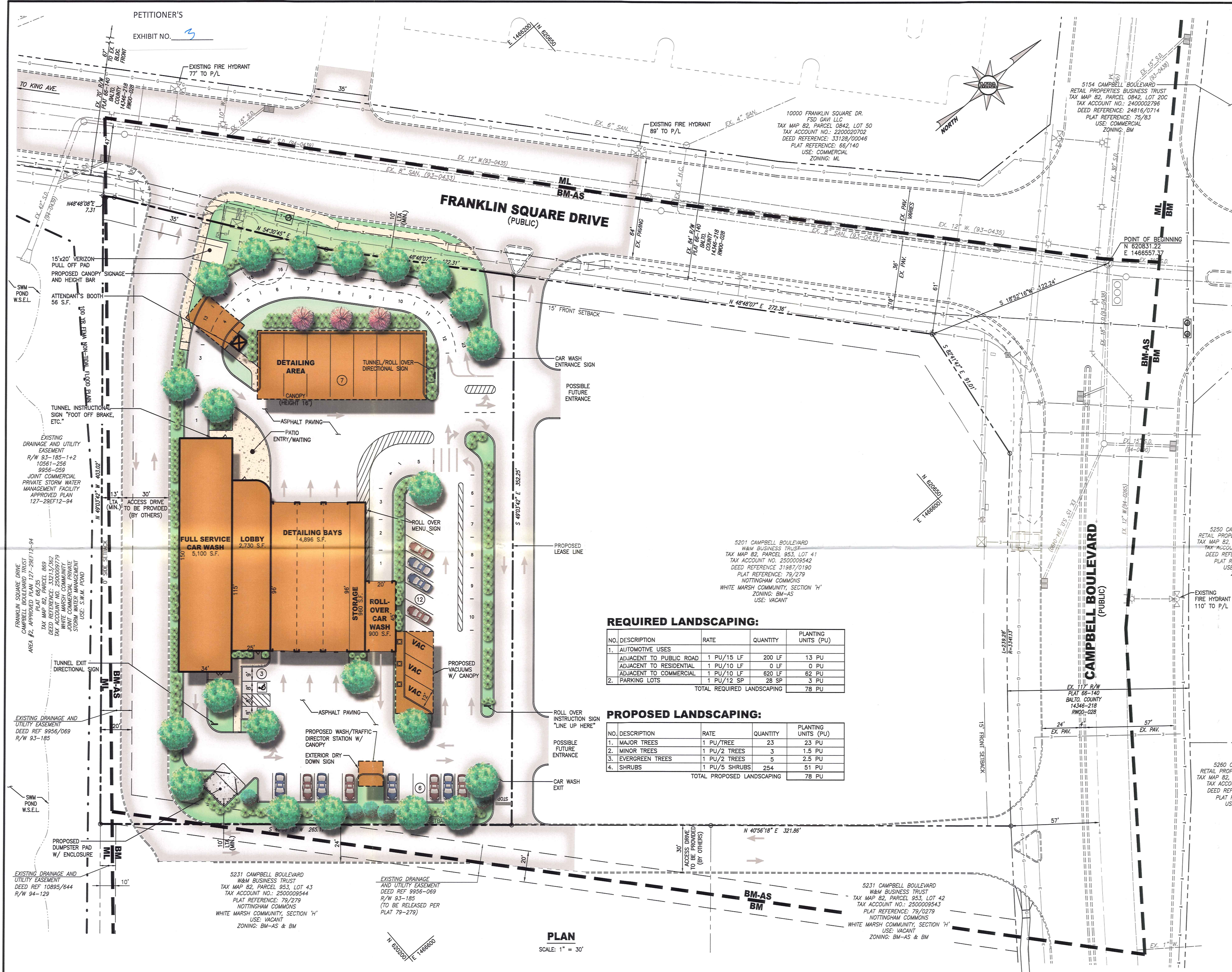
REAR ELEVATION



RIGHT SIDE ELEVATION

NOTTINGHAM CAR WASH - EXTERIOR ELEVATIONS 2

SCALE: 1/8" = 1'-0"



- ### GENERAL NOTES
- PROPERTY INFORMATION:
 - A. PROPERTY ADDRESS: 5201 CAMPBELL BOULEVARD
 - B. NET SITE AREA: 203,188 S.F. ±, 4.68 AC. ± (LOT 41)
 - C. LEASE AREA: 99,333 S.F., 2.28 AC.
 - D. ELECTION DISTRICT: 14
 - E. COUNCILMANIC DISTRICT: 6
 - F. ADC MAP: 4701, GRID H-1
 - G. CENSUS TRACT: 440702
 - H. TAX MAP: 0082
 - I. PARCEL: 0953
 - J. TAX ACCOUNT NO.: 250009542 (LOT 41)
 - ZONING: BM-AS (BUSINESS MAJOR-AUTOMOTIVE SERVICES) BM (BUSINESS MAJOR) ML (MANUFACTURING, LIGHT)
 - ZONING MAP & GIS TILE No.: 08282
 - EXISTING LAND USE: VACANT
 - PROPOSED LAND USE: FULL SERVICE CAR WASH WITH LOBBY, DETAILING BAYS, STORAGE, AND ROLL OVER CAR WASH
 - THERE IS NO COMMERCIAL PERMIT HISTORY FOR THIS SITE.
 - BUILDING SETBACKS: (TO PROPERTY LINE)

	REQUIRED	PROVIDED
FRONT	15'	132'
SIDE	0'	50'
REAR	0'	98'
CAR WASH	50'	76'
 - LANDSCAPE TRANSITION AREAS (LTAs)

	REQUIRED	PROVIDED (MIN)
ALONG FRANKLIN SQUARE DRIVE (public)	10'	10'
ALONG REAR YARD	6'	10'
ALONG SIDE YARD	6'	13'
 - SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 32-4-404 OF THE BALTIMORE COUNTY CODE.
 - SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION, 450.
 - ANY FUTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.

SCHEMATIC LANDSCAPE PLAN CERTIFICATION FORM

THIS SCHEMATIC LANDSCAPE PLAN IS SEALED BY A LANDSCAPE ARCHITECT AND CERTIFIED BY MY SIGNATURE BELOW AS BEING IN ACCORDANCE WITH ALL COUNTY AGENCY LANDSCAPE ARCHITECTURAL COMMENTS.

APPLICANT SIGNATURE	DATE	PRINT NAME

MAILING ADDRESS (IF NOT ALREADY ON PLAN)

REQUIRED LANDSCAPING:

NO.	DESCRIPTION	RATE	QUANTITY	PLANTING UNITS (PU)
1.	AUTOMOTIVE USES			
1.	ADJACENT TO PUBLIC ROAD	1 PU/15 LF	200 LF	13 PU
2.	ADJACENT TO RESIDENTIAL	1 PU/10 LF	0 LF	0 PU
3.	ADJACENT TO COMMERCIAL	1 PU/10 LF	620 LF	62 PU
4.	PARKING LOTS	1 PU/12 SP	28 SP	3 PU
TOTAL REQUIRED LANDSCAPING				78 PU

PROPOSED LANDSCAPING:

NO.	DESCRIPTION	RATE	QUANTITY	PLANTING UNITS (PU)
1.	MAJOR TREES	1 PU/TREE	23	23 PU
2.	MINOR TREES	1 PU/2 TREES	3	1.5 PU
3.	EVERGREEN TREES	1 PU/2 TREES	5	2.5 PU
4.	SHRUBS	1 PU/5 SHRUBS	254	51 PU
TOTAL PROPOSED LANDSCAPING				78 PU

PLAN
SCALE: 1" = 30'

LEGEND

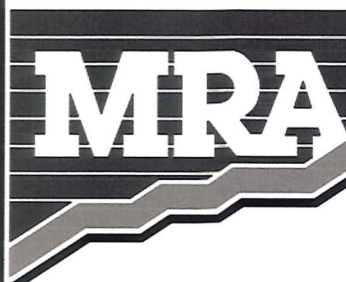
- | | |
|----------------------------|-------------------------------|
| EX. PROPERTY LINE | EX. 100 YEAR FEMA FLOOD PLAIN |
| EX. ZONING LINE | EX. POND WATER SURFACE |
| EX. ADJACENT PROPERTY LINE | EX. SANITARY SEWER |
| EX. RIGHT OF WAY LINE | EX. STORM DRAIN |
| EX. EASEMENT LINE | EX. WATER |
| EX. BUILDING | EX. UNDERGROUND LINE |
| EX. CONCRETE WALK | EX. U/G TELE. COMMUNICATIONS |
| EX. CURB | EX. U/G ELECTRIC |
| EX. EDGE OF PAVING | EX. GAS |
| EX. C/L ROAD & STATION | EX. LIGHT POLE |

- | | |
|-------------------------|----------------------|
| PROP. CURB | PROP. MAJOR TREE |
| PROP. BUILDING | PROP. FLOWERING TREE |
| PROP. LEASE LINE | PROP. EVERGREEN TREE |
| PROP. CANOPY | PROP. SHRUB |
| PROP. CONCRETE | |
| PROP. DIRECTIONAL ARROW | |

OWNER / LANDLORD
W&M BUSINESS TRUST
6711 COLUMBIA GATEWAY DR. SUITE 300
COLUMBIA, MARYLAND 21046-2104

DEVELOPER / TENANT
CANTON CAR WASH
1101 PONCA STREET
BALTIMORE, MARYLAND 21224
ATTN: MR. THOMAS DEBACCO
PHONE: (410) 528-0009

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 3365, EXPIRATION DATE: 08/20/14.



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, ARCHITECTS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748

PLAN TO ACCOMPANY SPECIAL EXCEPTION SCHEMATIC LANDSCAPE PLAN CANTON CAR WASH NOTTINGHAM COMMONS

5201 CAMPBELL BOULEVARD
14TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND 6TH COUNCILMANIC DISTRICT

DATE	REVISIONS	JOB NO.:	17419x02
		SCALE:	1"=30'
		DATE:	09/17/2013
		DRAWN BY:	M.J.S.
		DESIGN BY:	M.A.B.
		REVIEW BY:	M.G.C.
		SHEET:	2 OF 2