

M E M O R A N D U M

DATE: September 22, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0096-XA – Appeal Period Expired

The appeal period for the above-referenced cases expired on September 21, 2020. 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.'

/dlw

c: Case File
Office of Administrative Hearings

IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(10620 Reisterstown Road)
4th Election District
4th Council District
CEC Tollgate, LLC,
Legal Owner

Petitioner

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BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

Case No. 2018-0096-XA

* * * * *

OPINION AND ORDER

By Opinion and Order, dated November 30, 2017, Administrative Law Judge John E. Beverungen granted with conditions Petitions for Special Exception and Variance for the development and use of the subject property as a full-service car wash and permitted the entrance and/or exit of a car wash to face an adjacent residentially-zoned property in lieu of the otherwise applicable general design standard for a car wash operation.

In accordance with Section 502.3 of the Baltimore County Zoning Regulations ("BCZR"), by letter, dated August 13, 2020, Jason T. Vettori, Esq. has requested an extension of the special exception approval for a period of two years, or until November 30, 2022. It is to be noted that a one-year extension, or until November 30, 2020, was previously granted by letter, dated August 13, 2020, by ALJ John E. Beverungen.

Counsel has indicated that a special exception for a car wash requires construction for its utilization, and that while negotiations to utilize the property for a car wash have proceeded in good faith since the November 30, 2017 Opinion and Order, the COVID-19 pandemic has complicated matters causing the legal owner/Petitioner practical difficulty or hardship.

ORDER RECEIVED FOR FILING

Date 8-21-2020

By DW

NOW, THEREFORE, IT IS ORDERED this 21st day of **August, 2020**, pursuant to Baltimore County Zoning Regulations ("BCZR") Section 502.3, that the expiration of the period of time for utilization of the Special Exception, be and hereby is extended for a two (2) year period, or until November 30, 2022.



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw

ORDER RECEIVED FOR FILING

Date 8-21-2020

By DLW

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(10620 Reisterstown Road)**

4th Election District

4th Council District

CEC Tollgate, LLC

Legal Owner

Petitioner

*

BEFORE THE

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OFFICE OF

*

ADMINISTRATIVE HEARINGS

*

FOR BALTIMORE COUNTY

*

Case No. 2018-0096-XA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 10620 Reisterstown Road. The Petitions were filed on behalf of CEC Tollgate LLC, legal owner of the subject property. The Special Exception petition seeks to approve the development and use of the subject property as a full-service car wash. The Petition for Variance seeks to permit the entrance and/or exit of a car wash to face an adjacent residentially-zoned property in lieu of the otherwise applicable general design standard for a car wash operation. A site plan was marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the petitions were professional engineers Joe Caloggero and Rick Richardson, Paul Riley, Todd Tilson, Kyle Decker and Len Weinberg. Lawrence E. Schmidt, Esq. represented Petitioner. Two interested citizens raised concerns with the project. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Bureau of Development Plans Review (DPR), State Highway Administration (SHA) and the Department of Environmental Protection and Sustainability (DEPS). None of the agencies opposed the requests.

ORDER RECEIVED FOR FILING

Date

By

11/30/17
Len

The subject property is approximately 2.70 acres in size and is split-zoned BM-AS & DR 3.5. There is only a small sliver of DR property at the rear of the site, which adjoins the Tollgate community. All proposed improvements would be located in the BM zone, which permits a car wash by special exception. The property was previously split-zoned DR 3.5 and RO, but was rezoned to BM in 2016 (Issue No. 4-014; *see* Ex. No. 4). Counsel indicated that the County Council and County staff understood the rezoning request (which was opposed by the community) was made to allow a car wash at the site.

SPECIAL EXCEPTION

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 *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized 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.

Here, Mr. Richardson testified (via proffer) the requirements of B.C.Z.R. §502.1 were satisfied. Mr. Caloggero opined sufficient parking exists on site and he did not believe the use would cause congestion in area roadways. The citizens at the hearing voiced concerns about noise and traffic, and it seems fairly obvious that both would increase if a car wash is constructed on this vacant site.

But as recognized by Maryland's highest court, most if not all special exception uses have such adverse impacts. *Montgomery County v. Butler*, 417 Md. 271, 297 (2010) ("Most [uses for which a special exception is required] are regarded as potentially troublesome because of noise,

ORDER RECEIVED FOR FILING

Date

11/30/17

By

DLH

traffic, congestion, or other associated problems"). As the court in *Attar* emphasized, after a petitioner has established a *prima facie* case, the opponent must rebut the presumption of validity of the special exception. I do not believe the evidence presented by the citizens satisfies this standard.

George Harman spoke at length about the concern with noise from the air dryers which will be used at the facility, and he and Mr. Schmidt submitted additional e-mails on this issue following the public hearing. Mr. Harman previously served as the manager of the State's noise program, and the concerns he raised are valid; even so, they are not sufficient to overcome the presumption in favor of this special exception use. The County Council is presumed to have been aware that car wash operations generate a certain amount of noise, and no evidence was presented to show the impact at this site would be above and beyond that which would be experienced at other BM zones in the County. Although the community opposed the zoning change, the Council rezoned the site to allow this use. In addition, Baltimore County does not have a commercial noise ordinance, and the lack of any concrete standards makes it even harder to evaluate this issue.

VARIANCE

A variance request involves a two-step process, summarized as follows:

1. It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
2. If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. There is a significant (approximately 35 ft.) grade change across the site, which renders the property unique. If the B.C.Z.R. were strictly interpreted Petitioner would suffer a practical difficulty since it would be unable to construct the proposed car wash facility.

ORDER RECEIVED FOR FILING

Date

11/30/17

By

SEN

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. Several conditions designed to minimize the detrimental impacts upon the surrounding community will be included in the order below.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 30th day of **November, 2017**, that the Petition for Special Exception to approve the development and use of the subject property as a full-service car wash, as shown and configured on the site plan admitted as Petitioner's Ex. No. 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance to permit the entrance and/or exit of a car wash to face an adjacent residentially-zoned property in lieu of the otherwise applicable general design standard for a car wash operation, be and is hereby GRANTED.

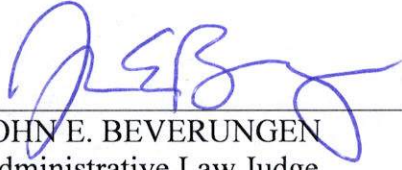
The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must comply with the ZAC comments of the DOP, DEPS, and DPR, copies of which are attached.
3. Dumpster(s) on the site shall not be emptied between the hours of 10:00 p.m. and 7:00 a.m.

ORDER RECEIVED FOR FILING

Date 11/30/17
By SEM

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 11/30/17
By slh



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 10620 Reisterstown Road, Owings Mills, MD 21117

which is presently zoned BM AS & DR 3.5

Deed References: 38593/00475

10 Digit Tax Account # 0402057877

Property Owner(s) Printed Name(s) CEC Tollgate, LLC

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
See attached

3. ☒ a Variance from Section(s)
See attached

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)

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:

Name- Type or Print _____
Signature _____
Date 11/30/17
Mailing Address _____ City _____ State _____
By _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Christopher W. Corey

Name- Type or Print _____
Signature Chris Corey
600 Washington Avenue, Suite 200 Towson MD
Mailing Address _____ City _____ State _____
21204 / 410-821-0070 / ccorey@sgs-law.com
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

CEC Tollgate, LLC, / Leonard Weinberg, Authorized Rep.
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 [Signature] Signature #2 _____
5 Consolidated Equities Corp, PO Box 1189 Brooklandville MD
Mailing Address _____ City _____ State _____
21022
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Christopher W. Corey

Name - Type or Print _____
Signature Chris Corey
600 Washington Avenue, Suite 200 Towson MD
Mailing Address _____ City _____ State _____
21204 / 410-821-0070 / ccorey@sgs-law.com
Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2018-0096-XA

Filing Date 9/20/17

Do Not Schedule Dates: 7/16-10

Reviewer [Signature]

ATTACHMENT TO PETITION FOR ZONING HEARING

10620 Reisterstown Road

Special Exception Relief:

1. Pursuant to BCZR § 419.1 & BCZR § 233.3, to approve the development and use of the subject property as a full-service car wash, as shown and configured on the attached Site Plan; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Variance Relief:

1. To permit the entrance and/or exit of a car wash tunnel to face an adjacent residentially zoned property, in lieu of the otherwise applicable general design standard for car wash operations provided within BCZR § 419.4.B.1; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Item # 0096

**ZONING DESCRIPTION FOR
10620 REISTERSTOWN ROAD SPECIAL EXCEPTION AREA
4TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at the west side of the intersection of Straw Hat Road, on the opposite side of, and Reisterstown Road and at a distance southeasterly on the west side of Reisterstown Road 142.41 feet from the point of beginning of the entire parcel, thence beginning the area of special exception and leaving Reisterstown Road:

(1) South 46 degrees 14 minutes 11 seconds West 35.27 feet, thence (2) South 43 degrees 45 minutes 49 seconds East 23.24 feet, (3) South 46 degrees 14 minutes 11 seconds West 86.42 feet, (4) North 43 degrees 45 minutes 49 seconds West 26.65 feet, thence (5) South 46 degrees 14 minutes 11 seconds West 100.00 feet, thence (6) North 43 degrees 45 minutes 49 seconds West 7.83 feet, (7) South 48 degrees 23 minutes 28 seconds West 20.20 feet, (8) North 43 degrees 45 minutes 49 seconds West 128.73 feet, (9) South 45 degrees 53 minutes 07 seconds East 5.61 feet, (10) South 45 degrees 12 minutes 09 seconds West 100.00 feet, (11) South 40 degrees 37 minutes 03 seconds East 186.16 feet, (12) South 43 degrees 09 minutes 36 seconds West 118.60 feet, (13) North 45 degrees 57 minutes 02 seconds East 358.95 feet, (14) North 43 degrees 45 minutes 49 seconds West 163.59 feet, to the point of beginning;

Containing a net area of 72,784 square feet, or 1.67 acres of land, more or less.



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A
DULY LICENSED PROFESSIONAL ENGINEER UNDER
THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 08-15-2019.

Item #.0096

**ZONING DESCRIPTION FOR
10620 REISTERSTOWN ROAD
4TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at the west side of the intersection of Straw Hat Road, on the opposite side of, and Reisterstown Road and running thence southeasterly on the west side of Reisterstown Road; (1) South 43 degrees 45 minutes 46 seconds West 306.00 feet, thence leaving Reisterstown Road (2) South 45 degrees 57 minutes 02 seconds West 358.95 feet, thence (3) North 43 degrees 09 minutes 36 seconds West 118.60 feet, (4) North 40 degrees 37 minutes 03 seconds West 186.16 feet, (5) North 45 degrees 12 minutes 09 seconds East 100.00 feet, thence (6) North 45 degrees 53 minutes 07 seconds East 247.50 feet to the point of beginning;

Containing a net area of 108,435 square feet, or 2.49 acres of land, more or less.



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A
DULY LICENSED PROFESSIONAL ENGINEER UNDER
THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 08-15-2019.

Item #.0096



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

August 21, 2020

Jason T. Vettori, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: **Extension of Special Exception –**
Petitions for Special Exception and Variance
Case No. 2018-0096-XA
Property: 10620 Reisterstown Road

Dear Mr. Vettori:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

c: Elizabeth Deutsch, 9014 Rock Ledge Ct. #102, Owings Mills, MD 21117
George Harman, 5429 Weywood Dr., Reisterstown, MD 21136

IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(10620 Reisterstown Road)
4th Election District
4th Council District
CEC Tollgate, LLC,
Legal Owner

Petitioner

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BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

Case No. 2018-0096-XA

* * * * *

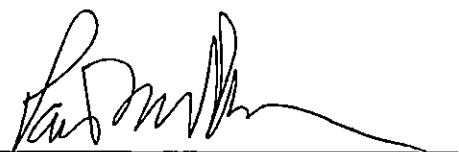
OPINION AND ORDER

By Opinion and Order, dated November 30, 2017, Administrative Law Judge John E. Beverungen granted with conditions Petitions for Special Exception and Variance for the development and use of the subject property as a full-service car wash and permitted the entrance and/or exit of a car wash to face an adjacent residentially-zoned property in lieu of the otherwise applicable general design standard for a car wash operation.

In accordance with Section 502.3 of the Baltimore County Zoning Regulations ("BCZR"), by letter, dated August 13, 2020, Jason T. Vettori, Esq. has requested an extension of the special exception approval for a period of two years, or until November 30, 2022. It is to be noted that a one-year extension, or until November 30, 2020, was previously granted by letter, dated August 13, 2020, by ALJ John E. Beverungen.

Counsel has indicated that a special exception for a car wash requires construction for its utilization, and that while negotiations to utilize the property for a car wash have proceeded in good faith since the November 30, 2017 Opinion and Order, the COVID-19 pandemic has complicated matters causing the legal owner/Petitioner practical difficulty or hardship.

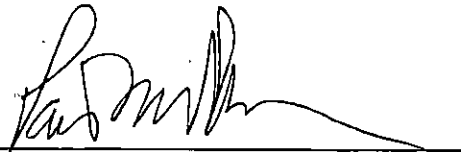
NOW, THEREFORE, IT IS ORDERED this 21st day of **August, 2020**, pursuant to Baltimore County Zoning Regulations ("BCZR") Section 502.3, that the expiration of the period of time for utilization of the Special Exception, be and hereby is extended for a two (2) year period, or until November 30, 2022.



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw

NOW, THEREFORE, IT IS ORDERED this 21st day of **August, 2020**, pursuant to Baltimore County Zoning Regulations ("BCZR") Section 502.3, that the expiration of the period of time for utilization of the Special Exception, be and hereby is extended for a two (2) year period, or until November 30, 2022.



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5271180

Sold To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON, MD 21204

Bill To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON, MD 21204

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Nov 02, 2017

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: # 2018-0096-XA
10620 Reisterstown Road
SW/s Reisterstown Road, 280 ft. +/- N/W of centerline of Tollgate Road
4th Election District - 4th Councilmanic District
Legal Owner(s) CEC Tollgate, LLC

Special Exception: to approve the development and use of the subject property as a full service car wash, as shown and configured on the Site Plan; for such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Variance to permit the entrance and/or exit of a car wash to face an adjacent residentially zoned property in lieu of the otherwise applicable general design standard for car wash operations; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Wednesday, November 22, 2017 at 1:30 p.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.

11/004 November 2 5271180

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 10/28/2017

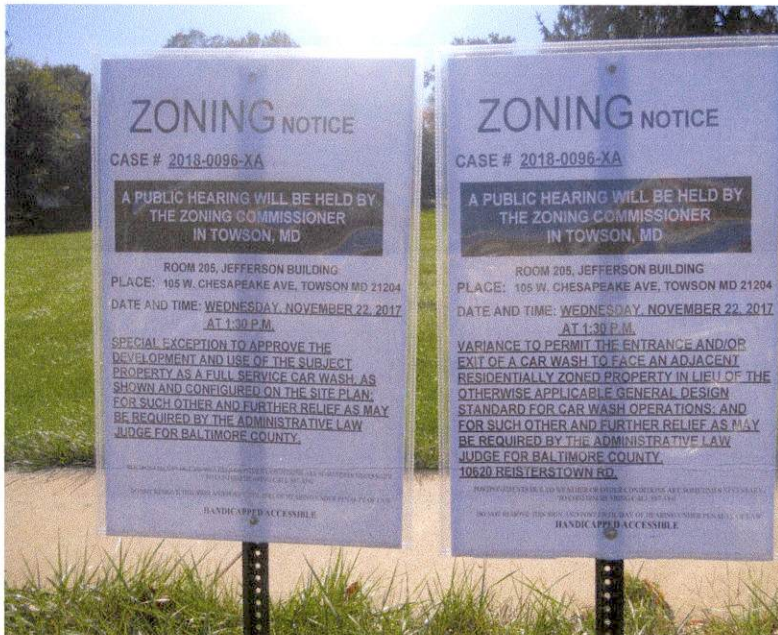
Case Number: 2018-0096-XA

Petitioner / Developer: CHRISTOPHER COREY, ESQ. of SMITH, GILDEA, & SCHMIDT, LLC ~ LEONARD WEINBERG

Date of Hearing (Closing): NOVEMBER 22, 2017

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:
10620 REISTERSTOWN ROAD

The sign(s) were posted on: OCTOBER 27, 2017



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)



KEVIN KAMENETZ
County Executive

October 10, 2017

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

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: 2018-0096-XA

10620 Reisterstown Road

SW/s Reisterstown Road, 280 ft. +/- N/w of centerline of Tollgate Road

4th Election District – 4th Councilmanic District

Legal Owners: CEC Tollgate, LLC

Special Exception to approve the development and use of the subject property as a full service car wash, as shown and configured on the Site Plan; for such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Variance to permit the entrance and/or exit of a car wash to face an adjacent residentially zoned property in lieu of the otherwise applicable general design standard for car wash operations; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Wednesday, November 22, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Christopher Corey, 600 Washington Avenue, Ste. 200, Towson 21204
Leonard Weinberg, 5 Consolidated Equities Corp., P.O. Box 1189, Brooklandville 21022

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 2, 2017**
- (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 2, 2017 Issue - Jeffersonian

Please forward billing to:

Christopher Corey
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 2018-0096-XA

10620 Reisterstown Road
SW/s Reisterstown Road, 280 ft. +/- N/w of centerline of Tollgate Road
4th Election District – 4th Councilmanic District
Legal Owners: CEC Tollgate, LLC

Special Exception to approve the development and use of the subject property as a full service car wash, as shown and configured on the Site Plan; for such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Variance to permit the entrance and/or exit of a car wash to face an adjacent residentially zoned property in lieu of the otherwise applicable general design standard for car wash operations; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Wednesday, November 22, 2017 at 1:30 p.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
AND VARIANCE		
10620 Reisterstown Road; SW/S Reisterstown	*	OF ADMINSTRATIVE
Road, 280 NW of c/line Tollgate Road		
4 th Election & 4 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): CEC Tollgate LLC		
by Leonard Weinberg	*	BALTIMORE COUNTY
Petitioner(s)	*	2018-096-XA

* * * * *

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.

RECEIVED
SEP 05 2017

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of October, 2017, a copy of the foregoing Entry of Appearance was mailed to Christopher Corey, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2018-0096 -XA
Property Address: 10620 Reisterstown Road, Owings Mills, MD 21117
Property Description: southwest side of Reisterstown Rd, +/- 280'
northwest of Tollgate Rd
Legal Owners (Petitioners): CEC Tollgate, LLC
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Christopher W. Corey
Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC
Address: 600 Washington Avenue, Suite 200
Towson, MD 21204
Telephone Number: 410-821-0070

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

NO 159259

Date: 9/28/17

Rev Sub
Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				8250.00

Total: 8250.00

Rec From: CEC Tollgate LLC

For: demand case #

2018-0096-XA

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME 16M
9/28/2017 9/28/2017 09:10:23
REG 0603 WALKIN CAM
RECEIPT # 747043 9/28/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 159259

Receipt Tot \$250.00
\$250.00 CR 4:00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

November 15, 2017

CEC Tollgate LLC
Leonard Weinberg
5 Consolidated Equities Corp
P O Box 1189
Brooklandville MD 21022

RE: Case Number: 2018-0096 XA, Address: 10620 Reisterstown Road

Dear Mr. Weinberg:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 28, 2017. 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Christopher W Corey, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

Date: 10/2/17

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 10/2/17. A field inspection and internal review reveals that an entrance onto MD140 consistent with current State Highway Administration guidelines is required. ~~As a condition of approval for~~ *Variance*, Case Number *2018-0096-XA* *Special Exception*.

*CEC Tollgate, LLC, Leonard Weinberg
10620 Reisterstown Road
MD140.*

The applicant must contact the State Highway Administration to obtain an entrance permit. Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

cc: Mr. Michael Pasquariello, Utility Engineer, SHA

*Richardson Engineering, LLC / 30 East Padenia Road
Suite 500, Timonium, MD
21093*

11-22

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 10/26/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-096



INFORMATION:

Property Address: 10620 Reisterstown Road

Petitioner: Leonard Weinberg, CEC Tollgate, LLC

Zoning: BM AS & DR 3.5

Requested Action: Special Exception, Variance

The Department of Planning has reviewed the petition for special exception to use the property as a full-service car wash and also the petition for variance to permit the entrance and/or exit of a car wash tunnel to face an adjacent residentially zoned property in lieu of the otherwise applicable design standard for car wash operations.

A site visit was conducted on October 4, 2017.

The site is along Reisterstown Road in the Owings Mills area. The property was the subject of 2016 CZMP Issue # 4-014 wherein the property was rezoned to BM-AS and DR 3.5.

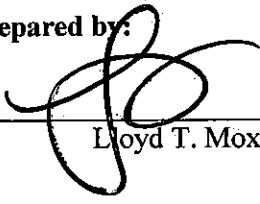
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Submit a landscape and lighting plan to the Baltimore County Landscape Architect for review. Such a plan shall include an enhanced landscaped buffer at the rear of the property to mitigate impacts of the special exception use upon the adjacent residential properties.
- Provide to the contact person listed below building elevations and a sign package prior to issuance of permits. Elevations should include specifications on the retaining walls located to the rear of the property.
- No temporary freestanding signs shall be permitted along the property line abutting Reisterstown Road. As per the site plan, all signage shall comply with BCZR §450.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

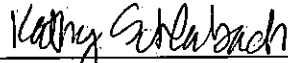
Date: 10/26/2017
Subject: ZAC #18-096
Page 2

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Bill Skibinski

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Christopher W. Corey
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 12, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0096-XA
Address 10620 Reisterstown Road
(CEC Tollgate, LLC Property)

Zoning Advisory Committee Meeting of **October 9, 2017**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

All forest conservation requirements must be met prior to grading or building permit issuance.

Reviewer: Glenn Shaffer Date: Oct. 2, 2017

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
FROM: ^{MCD} Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For October 9, 2017
Item No. 2018-0096-XA

DATE: October 19, 2017

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

If Special Exception and Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

* * * * *

VKD: CEN
cc: file

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 10/26/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

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Case Number: 18-096

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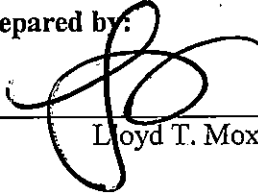
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Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Bill Skibinski

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Christopher W. Corey

Office of the Administrative Hearings

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
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FROM: Jeff Livingston, Department of Environmental Protection and
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BALTIMORE COUNTY, MARYLAND

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Reviewer: Glenn Shaffer

Date: Oct. 2, 2017

ORDER RECEIVED FOR FILING

Date

11/30/17

By

sen

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
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ORDER RECEIVED FOR FILING

Date 11/30/17

By SEN

11-22

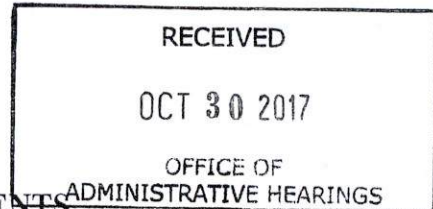
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 10/26/2017

FROM: Andrea Van Arsdale
Director, Department of Planning



SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-096

INFORMATION:

Property Address: 10620 Reisterstown Road
Petitioner: Leonard Weinberg, CEC Tollgate, LLC
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Requested Action: Special Exception, Variance

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ORDER RECEIVED FOR FILING

Date

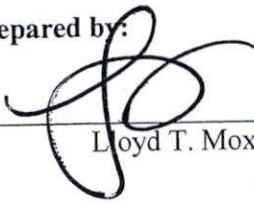
By

11/30/17

sen

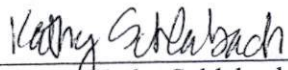
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Subject: ZAC #18-096
Page 2

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Bill Skibinski
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Christopher W. Corey
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 11/30/17
By SLH

John E. Beverungen

From: Elizabeth Deutsch <elizabeth.tumolo@gmail.com>
Sent: Wednesday, November 22, 2017 5:47 PM
To: John E. Beverungen
Subject: Office of Administrative Hearings

Judge Beverungen,

Thank you for listening to my concerns of how the car wash will impact the community. Since this was my first time in a court proceeding I had forgotten to leave my email as I did not know how it would be used. I would greatly appreciate being added to the distribution.

Thank you, immensely. Happy Thanksgiving!

Elizabeth Deutsch
elizabeth.tumolo@gmail.com

#2018-096
11/22/17

"Jay Mahal" of car washes. Full Service
Number of car washes - 5020 of customers -

hrs 8-6 M-S
9-4 Sunday

Volume? depend on day of week. Sat + Sun are busiest.
12-15 employees. Can handle ~ 30 cars on site in stacking area.

Variance - 3419.4 - opening to tunnel can't face residential

meet all setbacks. don't anticipate traffic problems b/c site has a red light.
Recycle water from car wash.

Will cut + flatten slope - remove alt of earth.

Houses to rear → will be about higher ~ 50 ft. than
the

→ Mr. Decker has + left his wife.
says lots of noise from the car

RDB approved the camp
Signs were improperly posted too close to Reisterstown Rd.

Noise → No dumpster emptying 10P-2A

Tommy's Car Wash
No greater than 65 Dbs.

John E. Beverungen

From: George Harman <ghharman@aol.com>
Sent: Tuesday, November 28, 2017 6:09 PM
To: Ischmidt@sgs-law.com
Cc: John E. Beverungen; amoyers@sgs-law.com; edeutsch44@gmail.com; County Council District 2; County Council District 3; County Council District 4; County Council District 1; County Council District 5; County Council District 6; County Council District 7
Subject: Re: 10620 Reisterstown Road (Car wash)

RE: case 2018-0096-XA

Mr. Schmidt:

My concern is that without a comprehensive noise ordinance in Baltimore County, the burden of proof falls to the community to prosecute a public nuisance complaint. This can be a very costly undertaking. I have previously challenged the County Council to consider such a noise ordinance, but they believe that the County cannot mount a reasonable noise ordinance despite the fact that most of the urban counties have done so as of my retirement 8 years ago, and that the State program had just one inspector and a part time attorney. It should be noted that the State first recommended counties to adopt comprehensive noise ordinances, and then later abolished its program. It falls to Baltimore County to again consider doing the right thing for the public.

So, in the absence of a County noise ordinance, it is my desire to prevent situations where noise is a community concern. I recall that Montgomery County had a one page check list of possible noise sources that would be evaluated by the permit issuing agency. Montgomery County's requirement was that the check list would be evaluated or certified by an acoustical engineer with appropriate credentials - such as those issued by the Institute of Noise Control Engineering.

Please also note that nuisance complaints can be initiated by any entity against a neighbor, not just residential vs. commercial or industrial. Thus if one of the existing businesses adjacent to the proposed car wash decided to replace the current activity with a professional office, complaints would be likely.

The above issues justify that any proposed noise generating activity (e.g. car wash) should provide engineering assurances that generally accepted noise levels will be met on all adjoining properties (generally 65 decibels daytime and 55 decibels nighttime for residential properties). Furthermore, while standards do not currently exist for Baltimore County, those of adjacent counties should be considered appropriate to protect the public. Note also that the other county standards, and the prior State standards, are based on internationally accepted World Health Organization guidelines.

In the matter before us at this time (case 2018-0096-XA), the community is asking that certified expert evidence and testimony be provided to assure that the community is not going to be subjected to noise levels above reasonable standards before any request is approved.

As I mentioned at the hearing, many issues raised during my tenure as manager of the State program were resolved with time of day limitations, or noise barriers. An extension of the tunnel exit walls and ceiling with sound absorbing material would likely be a cost-effective means of addressing any potential noise that may exceed reasonable levels. As an extreme example, the Navy constructed "hush" houses to test jet engines in a similar fashion to address noise levels impinging on neighboring communities.

I appreciate your willingness to provide the additional "evidence", but believe that the requested information should have been submitted during the hearing where the expert representing the applicant could have been cross examined.

George Harman
410-429-6035
ghharman@aol.com

-----Original Message-----

From: Lawrence Schmidt <lschmidt@sgs-law.com>
To: ghharman <ghharman@aol.com>

Cc: John Beverungen (jbeverungen@baltimorecountymd.gov) <jbeverungen@baltimorecountymd.gov>; Alyssa Moyers <amoyers@sgs-law.com>
Sent: Mon, Nov 27, 2017 11:29 am
Subject: 10620 Reisterstown Road (Car wash)

George: you had mentioned at the public hearing last week that if further information about the noise generated by the proposed facility was available, that you would like to see it and thought it should be incorporated in the case file. In accordance therewith, I am enclosing information that my client (Kyle Decker) has sent to me regarding this issue. You might recall that Mr. Decker discussed the study at the hearing.

Specifically, we are proposing to utilize a seven blower system (10 horse power) with a silencer system installed. This equipment is manufactured by the Belanger company. A description of that equipment is available via the link below.

There was a study done of somewhat similar equipment manufactured by "Tommy Car Wash." That study analyzed a system with 12 blowers (15 horsepower). That study is attached. Interestingly, the study analyzed a layout somewhat similar to what we are proposing, specifically with the wash adjacent to a highly traveled roadway. It concluded that the noise generated by the blowers was dwarfed by the traffic on the roadway. Significantly, ours is a significantly smaller operation (in terms of number of blowers and horsepower).

Belanger blowers:

<http://www.belangerinc.com/air-cannon-dryer>

70HP system which consists of 7 10HP motors and an Aris silencer kit on each

Tommy Car Wash blower study:

http://secure-web.cisco.com/16zlSGGyTFLMAvRUEeJTNrFQfEF-uGu88dnfhumScy6M4UGkBKq03bVGgJQFaxBjLEUBxqbYhOx0XUsC8mgZz519LAjuh-98O4gV50BIUKD54n6dEvybmTdaGoD06lNEN5yUT4kaCBOauDQySN1IHAPa3QDfEvLCxpX4WyNzAfj2YBIzYl0opkp1nLE6CUo6y9BPefhQvq-OjTmlx20KdwDhIqjIULGQyrTc2lkzMZ051VD3DXzKYXeh-XnN20MP2RnjaVdEa0mDVDr5htscJmlIbh5grhgfgghihi8uFVKa4nx1DXYeeG1_rxB8TwIN-HMmyU47OKlojAUHXPf0Z7gjkbbIGVs4amcT3HR2M9o3-kC7DpGenrvPPznUqZKzY67A8l7oKcBBfjH_lkr1RPF1JFS_CaFc9l7N5x9zFkGQh63lMoZ5bEsZQv0l-

iXvAu5XI9SiCcSBXUNlnmKUvljQ/http%3A%2F%2Ftommycarwash.com%2Fsupport%2Fwp-content%2Fuploads%2F2015%2F11%2FNoise-Study.pdf

180HP system which consists of 12 15HP motors without silencers

I thought that this might be helpful and in our view is dispositive to the conclusion that the proposal will not be detrimental to any neighbors from a noise standpoint.

I have also copied Administrative Law Judge Beverungen on this email. Unfortunately, I do not have the contact information for the lady who also appeared at the hearing but if you do, please advise and I can forward this to her.

Please let me know if you have any questions.

Larry Schmidt

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment10/19DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comment10/12DEPS
(if not received, date e-mail sent _____)Comment

FIRE DEPARTMENT

10/30PLANNING
(if not received, date e-mail sent NO 06/14/17)Comment10/2

STATE HIGHWAY ADMINISTRATION

Comment

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

11/2/17

SIGN POSTING

Date:

10/27/17

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 04 Account Number - 0402057877							
Owner Information									
Owner Name:		CEC TOLLGATE LLC				Use:		COMMERCIAL	
						Principal Residence:		NO	
Mailing Address:		5 CONSOLIDATED EQUITIES CORP P O BOX 1189 BROOKLANDVILLE MD 21022-				Deed Reference:		/38593/ 00475	
Location & Structure Information									
Premises Address:		10620 REISTERSTOWN RD OWINGS MILLS 21117-				Legal Description:		2.513 AC WS REISTERSTOWN RD 1320 N W M R R	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0058	0021	0394		0000				2017	
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1901						2.5100 AC		04	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage		Last Major Renovation	
2	YES	STANDARD UNIT		SIDING	2 full	1 Detached			
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2017		07/01/2017		07/01/2018	
Land:		86,300		1,130,800					
Improvements		113,600		43,100					
Total:		199,900		1,173,900		524,567		849,233	
Preferential Land:		0						0	
Transfer Information									
Seller: BOWEN E BENNETT				Date: 02/03/2017		Price: \$1,400,000			
Type: ARMS LENGTH IMPROVED				Deed1: /38593/ 00475		Deed2:			
Seller: E B BOWEN RES U SE-CI				Date: 06/18/1982		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /06406/ 00094		Deed2:			
Seller:				Date:		Price:			
Type:				Deed1:		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:		Special Tax Recapture:							

CASE NAME 10620 Reisterstown
CASE NUMBER 2018096-XA
DATE 11/22/17

[illegible]

PLEASE PRINT CLEARLY

CASE NAME _____

CASE NUMBER _____

DATE _____

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

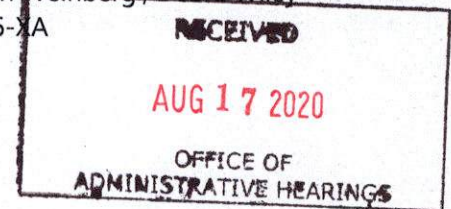
E - MAIL

[illegible]

Donna Mignon

From: Administrative Hearings
Sent: Friday, August 14, 2020 12:07 PM
To: Alyssa Moyers; Administrative Hearings
Cc: Jason Vettori; David Gildea; Lawrence Schmidt; 'Len Weinberg'; Debra Wiley
Subject: RE: 10620 Reisterstown Road; Case No. 2018-0096-XA

Follow Up Flag: Follow up
Flag Status: Flagged



Good Afternoon,
This has been received and will be forwarded to ALJ Mayhew for his review and consideration.
Thank you. Have a great weekend.

From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Friday, August 14, 2020 12:03 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Cc: Jason Vettori <jvettori@sgs-law.com>; David Gildea <dgildea@sgs-law.com>; Lawrence Schmidt <lschmidt@sgs-law.com>; 'Len Weinberg' <lweinberg@vanguardretaildev.com>; Debra Wiley <dwiley@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: 10620 Reisterstown Road; Case No. 2018-0096-XA

CAUTION: This message from amoyers@sgs-law.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Honorable Judge Mayhew,

Please see the attached Request for Extension of Special Exception in connection with the above referenced case.

Thank you for your consideration.

- *Alyssa*

Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
amoyers@sgs-law.com | www.sgs-law.com

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SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
JASON T. VETTORI
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH**

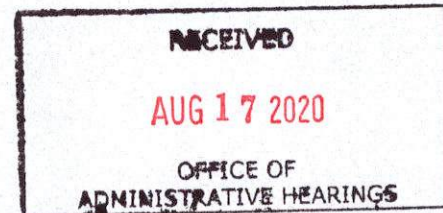
* Admitted in MD, PA, FL
** Admitted in MD, NC

KYLE A. ASHE
NICOLE LAMBDIN
CARMELO D. MORABITO
ZACHARY J. WILKINS
of counsel:
EUGENE A. ARBAUGH, JR.
MARY G. LOKER
STEPHEN J. NOLAN

August 13, 2020

Sent via Email

Honorable Paul Mayhew
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204



Re: Request for Extension of Special Exception
Case No. 2018-0096-XA
(10620 Reisterstown Road)

Dear Honorable Judge Mayhew:

On behalf of the legal owner/petitioner, CEC Tollgate, LLC, I respectfully request an extension of the special exception approval in the above referenced matter for a period of two years, or until November 30, 2022. A one year extension was granted last year as indicated in the attached letter.

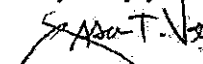
As you are aware, Section 502.3 of the Baltimore County Zoning Regulations (BCZR) generally provides that a special exception which has not been utilized within two years from the date of the final order granting same expires (see the attached copy of BCZR § 502.3). On November 30, 2017, Administrative Law Judge John Beverungen granted special exception and variance approval to allow a car wash (see attached copy of Opinion and Order in Case No. 2018-0096-XA). No request for the special exception to extend beyond two years was requested or approved in the Opinion and Order in Case No. 2018-0096-XA. BCZR § 502.3 allows a one to three year extension to be granted, so long as the total period for utilization does not exceed five years, at any time prior to the expiration of the period of time authorized for its utilization after a final order granting a special exception.

A special exception for a car wash requires construction for its utilization. While negotiations to utilize the property for a car wash have proceeded in good faith since the above referenced November 30, 2017 Opinion and Order, the COVID-19 pandemic has complicated matters causing the legal owner/petitioner practical difficulty or hardship. I respectfully request that the deadline to utilize the special exception approval be extended for the remaining two years, under BCZR § 502.3, given the uncertainty regarding this pandemic.

BCZR Section 502.3 Extension
Case No. 2018-0096-XA
August 13, 2020
Page 2

For the aforementioned reasons, the legal owner/petitioner respectfully requests that you extend the November 30, 2017 Opinion and Order in Case No. 2018-0096-XA for two years, or until November 30, 2022. Thank you for your time and consideration of this very important matter.

Very truly yours,


(Jason T. Vettori)

cc: Leonard Weinberg
David K. Gildea, Esquire
Lawrence E. Schmidt, Esquire

ACCEPTED AND APPROVED:

Paul Mayhew, Administrative Law Judge
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204
(410) 887-3868

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH**

*Admitted in MD, FL, PA

**Admitted in MD, NC

LAUREN D. BENJAMIN
SARAH A. ZADROZNY
CARMELO D. MORABITO
ZACHARY J. WILKINS

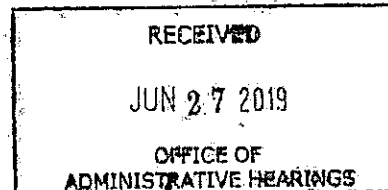
of counsel:

EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
STEPHEN J. NOLAN

June 27, 2019

Sent via Hand Delivery

Honorable John Beverungen
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204



Re: Request for Extension of Special Exception
Case No. 2018-0096-XA
(10620 Reisterstown Road)

Dear Honorable Judge John Beverungen:

On behalf of the legal owner/petitioner, CEC Tollgate, LLC, I respectfully request an extension of the special exception approval in the above referenced matter for a period of one year, or until November 30, 2020.

As you are aware, Section 502.3 of the Baltimore County Zoning Regulations (BCZR) generally provides that a special exception which has not been utilized within two years from the date of the final order granting same expires (see the attached copy of BCZR § 502.3). On November 30, 2017, you granted special exception and variance approval to allow a car wash (see attached copy of Opinion and Order in Case No. 2018-0096-XA). No request for the special exception to extend beyond two years was requested or approved in the Opinion and Order in Case No. 2018-0096-XA. As you are undoubtedly also aware, BCZR § 502.3 allows you to grant a one to three year extension, so long as the total period for utilization does not exceed five years, at any time prior to the expiration of the period of time authorized for its utilization after a final order granting a special exception.

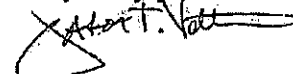
A special exception for a car wash requires construction for its utilization. While negotiations to utilize the property for a car wash have proceeded in good faith since the above referenced November 30, 2017 Opinion and Order, there have been some setbacks to executing a contract. As such, there is a very high likelihood that construction may not commence prior to November 30, 2019, which would cause the

Honorable John Beverungen
Case No. 2018-0096-A
June 27, 2019
Page 2

legal owner/petitioner practical difficulty or hardship. My client has assured me that construction should commence prior to November 30, 2019.

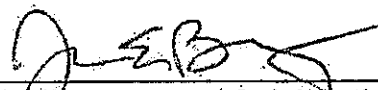
For the aforementioned reasons, the legal owner/petitioner respectfully requests that you extend the November 30, 2017 Opinion and Order in Case No. 2018-0096-XA for one year, or until November 30, 2019. Thank you for your time and consideration of this very important matter.

Very truly yours,


Jason T. Vettori

cc: Leonard Weinberg
David K. Gildea, Esquire
Lawrence E. Schmidt, Esquire

ACCEPTED AND APPROVED:

 6/27/2019
John Beverungen, Administrative Law Judge
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103.
Towson, MD 21204
(410) 887-3868

§ 502.3. - Time limit for utilization of special exception; extensions.

[Bill Nos. 42-1962; 85-1967; 68-1968; 172-1993]

A special exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The Zoning Commissioner or, on appeal, the County Board of Appeals, in connection with the grant of any special exception, shall fix within the foregoing limits the period of time for its utilization. Any party to the proceedings may, by so specifying, appeal from either the order of the Zoning Commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time allowed or, alternatively, may have such question determined in conjunction with any appeal from the grant or refusal of the application for a special exception. After a final order granting a special exception, the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the special exception is not thereby extended for a period of more than five years from the date of the final order granting same.

A special exception which requires any construction for its utilization shall be deemed to have been used within its authorized time if such construction shall have commenced during the authorized period, or any extension thereof, provided said construction is thereafter pursued to completion with reasonable diligence.

Notwithstanding the above provisions, in any case where a special exception in effect on or after January 1, 1957, cannot be utilized within the maximum allowable time because of inadequacy or unavailability of public sewer or water facilities, the Zoning Commissioner shall extend such time for utilization to a date 18 months after such facilities become adequate and available, as evidenced by the ability to obtain a public works agreement permitting exercise of the special exception. A copy of the extension order shall be sent by the Zoning Commissioner to the Director of Public Works, who shall give certified or registered mail notice when such public works agreement is obtainable, to the party, and for the property, named in the extension order at the address shown in said order, except that the party named in the extension order, by certified or registered mail notice to the Director of Public Works and the Zoning Commissioner, may change the name of the party to receive such notice from the Public Works Director, or the address to which said notice is to be sent, or both. The date on which the notice is sent by the Director of Public Works to the last party of record within, at the last address furnished, shall be the commencement date for the running of the eighteen-month extension period in which there must be utilization of the special exception.

IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(10620 Reisterstown Road)
4th Election District
4th Council District
CEC Tollgate, LLC
Legal Owner

Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2018-0096-XA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 10620 Reisterstown Road. The Petitions were filed on behalf of CEC Tollgate LLC, legal owner of the subject property. The Special Exception petition seeks to approve the development and use of the subject property as a full-service car wash. The Petition for Variance seeks to permit the entrance and/or exit of a car wash to face an adjacent residentially-zoned property in lieu of the otherwise applicable general design standard for a car wash operation. A site plan was marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the petitions were professional engineers Joe Caloggero and Rick Richardson, Paul Riley, Todd Tilson, Kyle Decker and Len Weinberg. Lawrence E. Schmidt, Esq. represented Petitioner. Two interested citizens raised concerns with the project. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Bureau of Development Plans Review (DPR), State Highway Administration (SHA) and the Department of Environmental Protection and Sustainability (DEPS). None of the agencies opposed the requests.

The subject property is approximately 2.70 acres in size and is split-zoned BM-AS & DR 3.5. There is only a small sliver of DR property at the rear of the site, which adjoins the Tollgate community. All proposed improvements would be located in the BM zone, which permits a car wash by special exception. The property was previously split-zoned DR 3.5 and RO, but was rezoned to BM in 2016 (Issue No. 4-014; *see* Ex. No. 4). Counsel indicated that the County Council and County staff understood the rezoning request (which was opposed by the community) was made to allow a car wash at the site.

SPECIAL EXCEPTION

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 *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized 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.

Here, Mr. Richardson testified (via proffer) the requirements of B.C.Z.R. §502.1 were satisfied. Mr. Caloggero opined sufficient parking exists on site and he did not believe the use would cause congestion in area roadways. The citizens at the hearing voiced concerns about noise and traffic, and it seems fairly obvious that both would increase if a car wash is constructed on this vacant site.

But as recognized by Maryland's highest court, most if not all special exception uses have such adverse impacts. *Montgomery County v. Butler*, 417 Md. 271, 297 (2010) ("Most [uses for which a special exception is required] are regarded as potentially troublesome because of noise,

traffic, congestion, or other associated problems"). As the court in *Attar* emphasized, after a petitioner has established a *prima facie* case, the opponent must rebut the presumption of validity of the special exception. I do not believe the evidence presented by the citizens satisfies this standard.

George Harman spoke at length about the concern with noise from the air dryers which will be used at the facility, and he and Mr. Schmidt submitted additional e-mails on this issue following the public hearing. Mr. Harman previously served as the manager of the State's noise program, and the concerns he raised are valid; even so, they are not sufficient to overcome the presumption in favor of this special exception use. The County Council is presumed to have been aware that car wash operations generate a certain amount of noise, and no evidence was presented to show the impact at this site would be above and beyond that which would be experienced at other BM zones in the County. Although the community opposed the zoning change, the Council rezoned the site to allow this use. In addition, Baltimore County does not have a commercial noise ordinance, and the lack of any concrete standards makes it even harder to evaluate this issue.

VARIANCE

A variance request involves a two-step process, summarized as follows:

1. It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
2. If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. There is a significant (approximately 35 ft.) grade change across the site, which renders the property unique. If the B.C.Z.R. were strictly interpreted Petitioner would suffer a practical difficulty since it would be unable to construct the proposed car wash facility.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. Several conditions designed to minimize the detrimental impacts upon the surrounding community will be included in the order below.

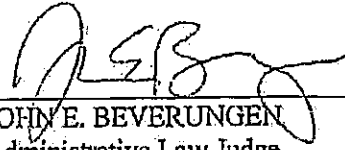
THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 30th day of November, 2017, that the Petition for Special Exception to approve the development and use of the subject property as a full-service car wash, as shown and configured on the site plan admitted as Petitioner's Ex. No. 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance to permit the entrance and/or exit of a car wash to face an adjacent residentially-zoned property in lieu of the otherwise applicable general design standard for a car wash operation, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must comply with the ZAC comments of the DOP, DEPS, and DPR, copies of which are attached.
3. Dumpster(s) on the site shall not be emptied between the hours of 10:00 p.m. and 7:00 a.m.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

Donna Mignon

From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Friday, August 14, 2020 12:03 PM
To: Administrative Hearings
Cc: Jason Vettori; David Gildea; Lawrence Schmidt; 'Len Weinberg'; Debra Wiley; Donna Mignon
Subject: 10620 Reisterstown Road; Case No. 2018-0096-XA
Attachments: Request for Extension of Special Exception.PDF

Follow Up Flag: Follow up
Flag Status: Flagged

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Honorable Judge Mayhew;

Please see the attached Request for Extension of Special Exception in connection with the above referenced case.

Thank you for your consideration.

Alyssa

Alyssa Fiore Moyers | Paralegal

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

amoyers@sgs-law.com | www.sgs-law.com

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Case No.:

2018-0096-XA

11/30/17
sen

Exhibit Sheet

Petitioner/Developer

PJ
1-3-18

Protestant

No. 1	site plan	
No. 2	2A > Aerials 2B	
No. 3	3A-3D-Photos	
No. 4	CZMP Issue	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Pet. No 3A



Per No 3B



Pet No 3 C



Plot No 3D



lot No
3E



Det No 3F



Let No
3G





Pet No 3H

Pkt No
31



Plt No
35

jiffylube

exit
only

exit
only

Pkt NO.
3K

Precision Tune Auto Care

DIAGNOSTICS

BRAKES

OIL CHANGES

10604

OPEN



PH No
3c



Rel kio
3M



Plt No.
314

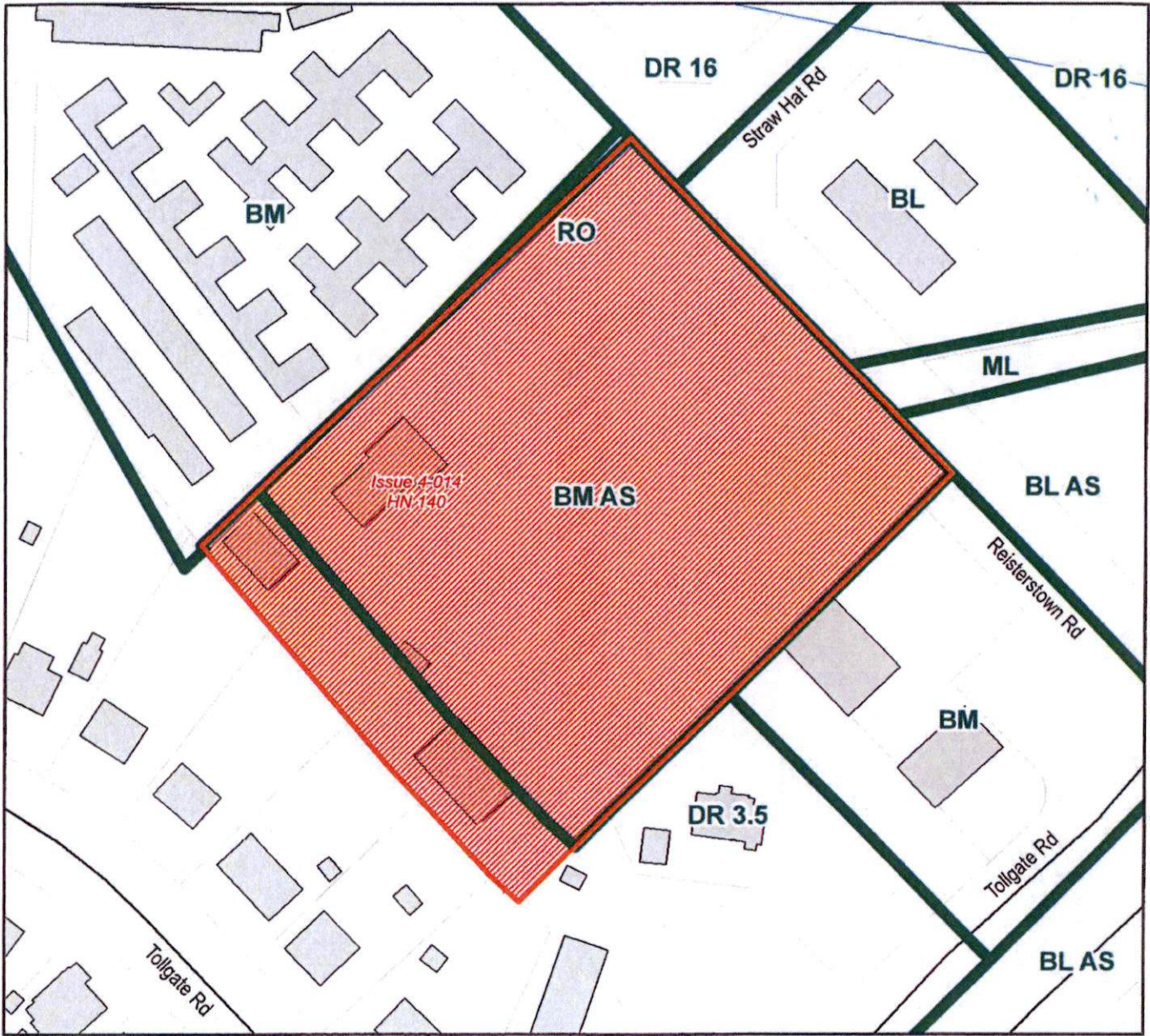


Box No 3 "O"



Plt No 4

CZMP 2016 - Issue Map
Issue Number: 4-014



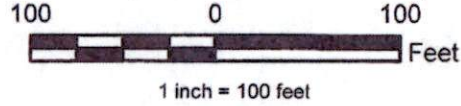
Iteration: COUNTY COUNCIL/1

Tracking#: CZMP16-00140

Zone	District	Acreage
DR 3.5		0.35
BM	AS	2.34
Total Acreage: 2.69		

Legend
Zoning Boundary
Issue Boundary

Publication Date: August 10, 2016
Publication Agency: Department of Planning
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



Julian E. Jones



KEVIN KAMENETZ
County Executive

ANDREA VAN ARSDALE
Director
Department of Planning

01/14/2016

RECEIVED

FEB 05 2016

DEPT. OF PLANNING

MARQUEZ-LEON JENNIFER A, SOTO JORGE A
18 S TOLLGATE RD
OWINGS MILLS, MD 21117

Tax Account Number: 0407000900

In accordance with Sections 32-3-211 through 32-3-223 of the Baltimore County Code, every four years Baltimore County undergoes a Comprehensive Zoning Map Process (CZMP), allowing any person to ask for any zoning classification on any property.

Please be advised that your property, referenced by the Tax Account Number above, is **adjacent** to a property being considered for a possible zoning change under 2016 CZMP Issue **4-014** at the request of **CEC Tollgate LLC**. The description of your property is listed below as well as the existing and requested zoning for the impacted property.

18 S TOLLGATE RD
21117

Existing Zoning (Acres)		Requested Zoning (Acres)	
BM	0.07	BM AS	2.70
DR 3.5	1.30		
RO	1.32		2.70
	<u>2.69</u>		

The Department of Planning website, listed below, has information on the CZMP, including all the zoning requests detailed in the Log of Issues and the Planning Board's schedule and hearing dates.

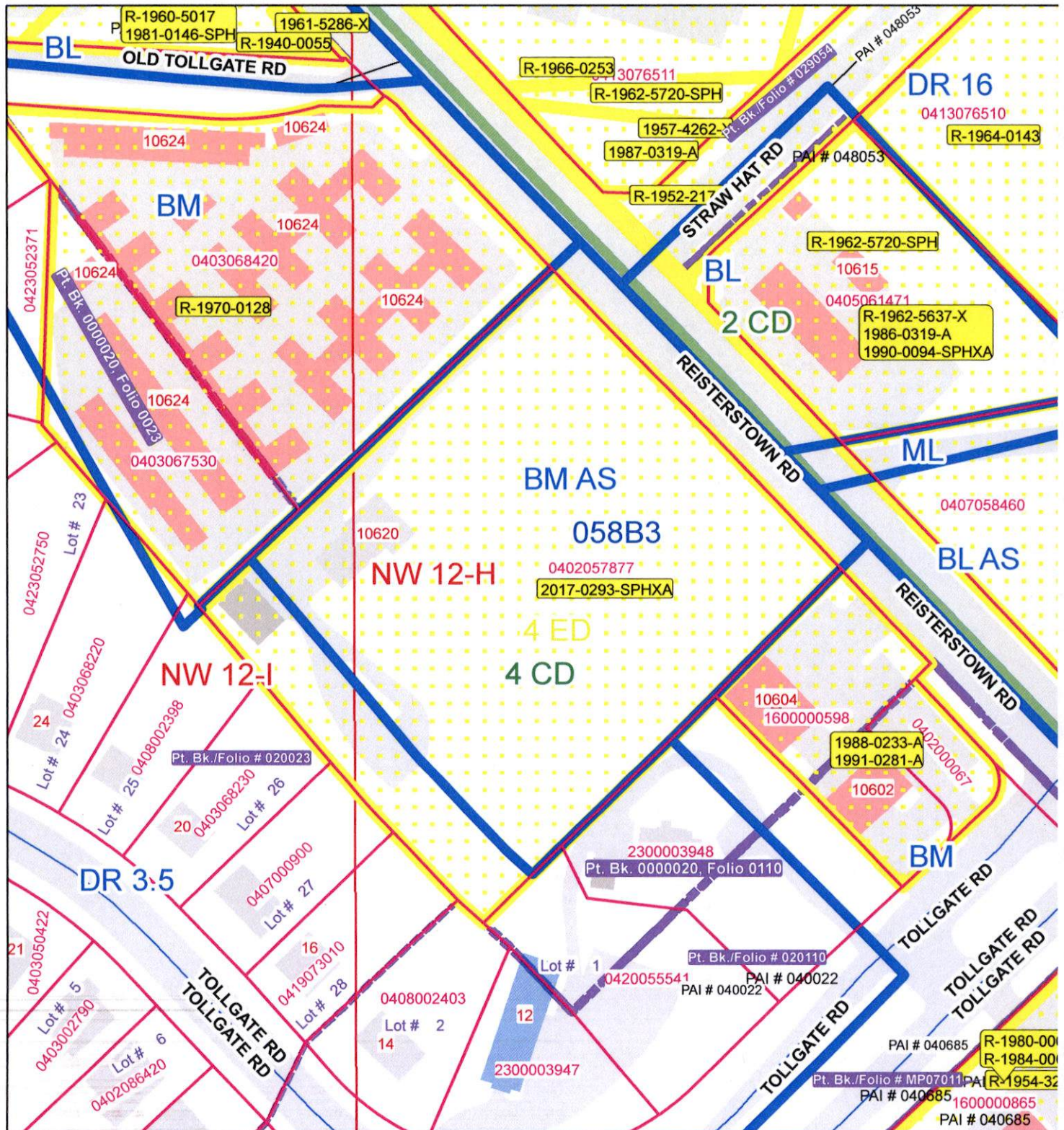
www.baltimorecountymd.gov/czmp

The Planning Board will be holding public hearings on all zoning issues in each Councilmanic District during March 2016. The hearing for this issue is scheduled for **March 15, 2016** and will be held at **New Town High School**. Citizens are welcome to attend and present their comments on issues at the public hearings. If you are unable to attend the hearing in your Councilmanic District, you may send written comments to:

Baltimore County Department of Planning
Attention Coordinator, 2016 CZMP
105 W. Chesapeake Avenue, Suite 101
Towson, MD 21204

Please make certain that all correspondence contains the 2016 CZMP Issue Number listed above.

10520 Reisterstown Road



Publication Date: 9/28/2017



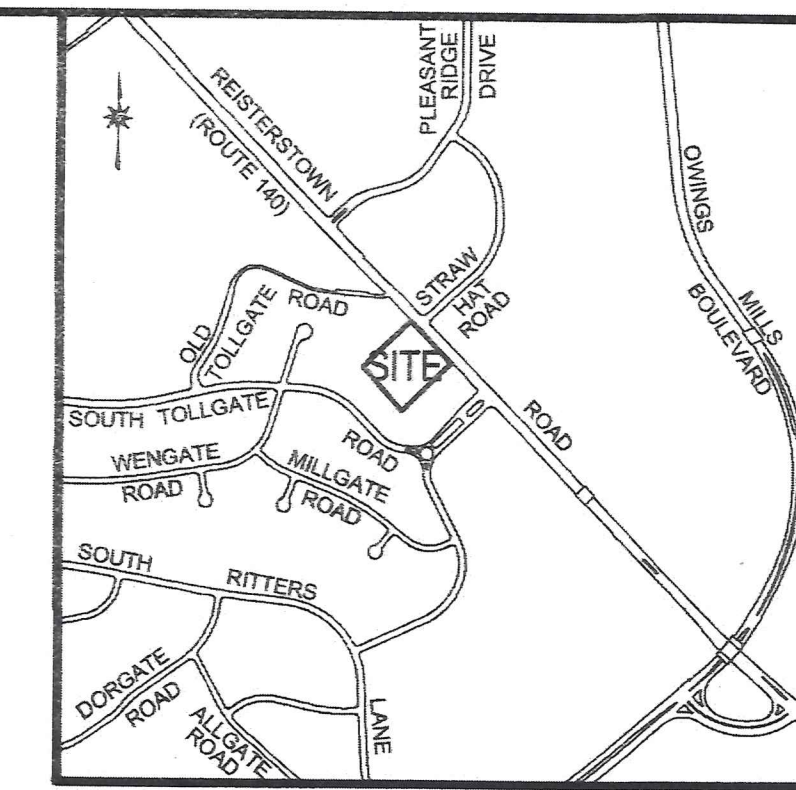
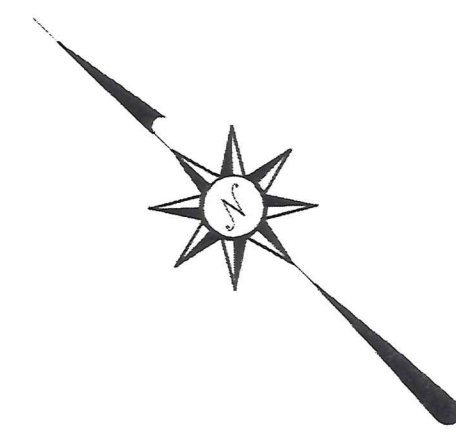
Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet

Item # 0096



LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER/DEVELOPER:
CEC TOLLGATE LLC
5 CONSOLIDATED EQUITIES CORPORATION
P.O. BOX 1189
BROOKLANDVILLE, MARYLAND 21022
- SITE AREA
GROSS: 117,615 SF or 2.70 Ac.±
NET: 108,435 SF or 2.49 Ac.±
- UTILITIES:
PUBLIC WATER & SEWER
- BUILDING COVERAGE
EXISTING: 4,329 SF
PROPOSED: 15,482 SF
- DEED REFERENCE: 38993 / 475
- TAX ACCOUNT: 0402057877
- COUNCILMANIC DISTRICT: 4
- ZONING: DR 3.5, BM-AS
(PER 1"-200' ZONING MAP 09883)
- TAX MAP: 58 GRID: 21 PARCEL: 394
- PREVIOUS ZONING CASES: NA
- NO KNOWN ZONING VIOLATIONS EXISTING ON THE PROPERTY
- BUILDING HEIGHT NOT TO EXCEED 35' HIGH.
- PARKING CALCULATIONS
REQUIRED:
RESTAURANT: 2036 SF @ 16/1000 SF = 33 SPACES
CAR WASH: 0 PER FULL-SERVICE CAR WASH TUNNEL
4 ADDITIONAL SPACES
TOTAL REQUIRED: 43 SPACES
PROPOSED: 46 SPACES
- STACKING REQUIRED: 19 SPACES FOR ROLL OVER CAR WASH
STACKING PROVIDED: 21 SPACES
- THE SITE IS NOT HISTORIC.
- THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- NO 100 YEAR FLOODPLAINS EXISTS ON SITE.
- CENSUS TRACT: 404100
- WATERSHED: GWYNNS FALLS
- THERE ARE NO KNOWN HAZARDOUS MATERIALS ON-SITE.
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BCZR, SECTION 450.
- FLOOR AREA RATIO
MAXIMUM PERMITTED: 4.0
PROVIDED: 15,482 / 108,435 = 0.14
- SETBACKS FOR BM:
FRONT: 15' FROM P.L., 90'±
FROM C.L., 40', 130'±
SIDE: 10' TO RESIDENTIAL ZONE, 50'±
REAR: 0' TO COMMERCIAL ZONE, 114'±
20' TO RESIDENTIAL ZONE
- JASIC SERVICES MAP: (2017)
TYPE: DEFICIENT (Y/N)
WATER: N
SEWER: N
TRANSPORTATION: N
- CAR WASH TIME 3.5 MINUTES PER CAR TO TRAVERSE TUNNEL.

SPECIAL EXCEPTION RELIEF:
PURSUANT TO BCZR § 419.1 & BCZR § 233.3, TO APPROVE THE DEVELOPMENT AND USE OF THE SUBJECT PROPERTY AS A FULL-SERVICE CAR WASH, AS SHOWN AND CONFIGURED ON THE ATTACHED SITE PLAN; AND

VARIANCE RELIEF:
TO PERMIT THE ENTRANCE AND/OR EXIT OF A CAR WASH TUNNEL TO FACE AN ADJACENT RESIDENTIALLY ZONED PROPERTY, IN LIEU OF THE OTHERWISE APPLICABLE GENERAL DESIGN STANDARD FOR CAR WASH OPERATIONS PROVIDED WITHIN BCZR § 419.4.B.1

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR

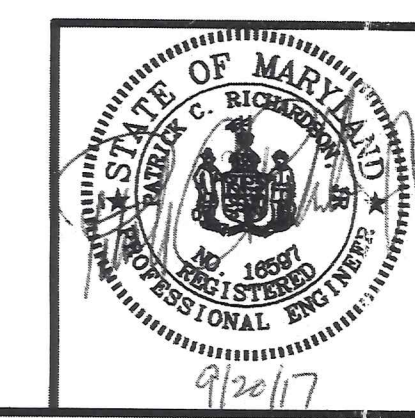
CAR WASH &
RESTAURANT

10620 REISTERSTOWN ROAD
FOURTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISION	DRAWN BY:	CHECKED BY:	SCALE:
	SE	PCR	1" = 30'
	DATE:	JOB NO.:	SHEET NO.:
	09-19-17	18089	1 OF 1

PETITIONER'S
EXHIBIT NO. 1

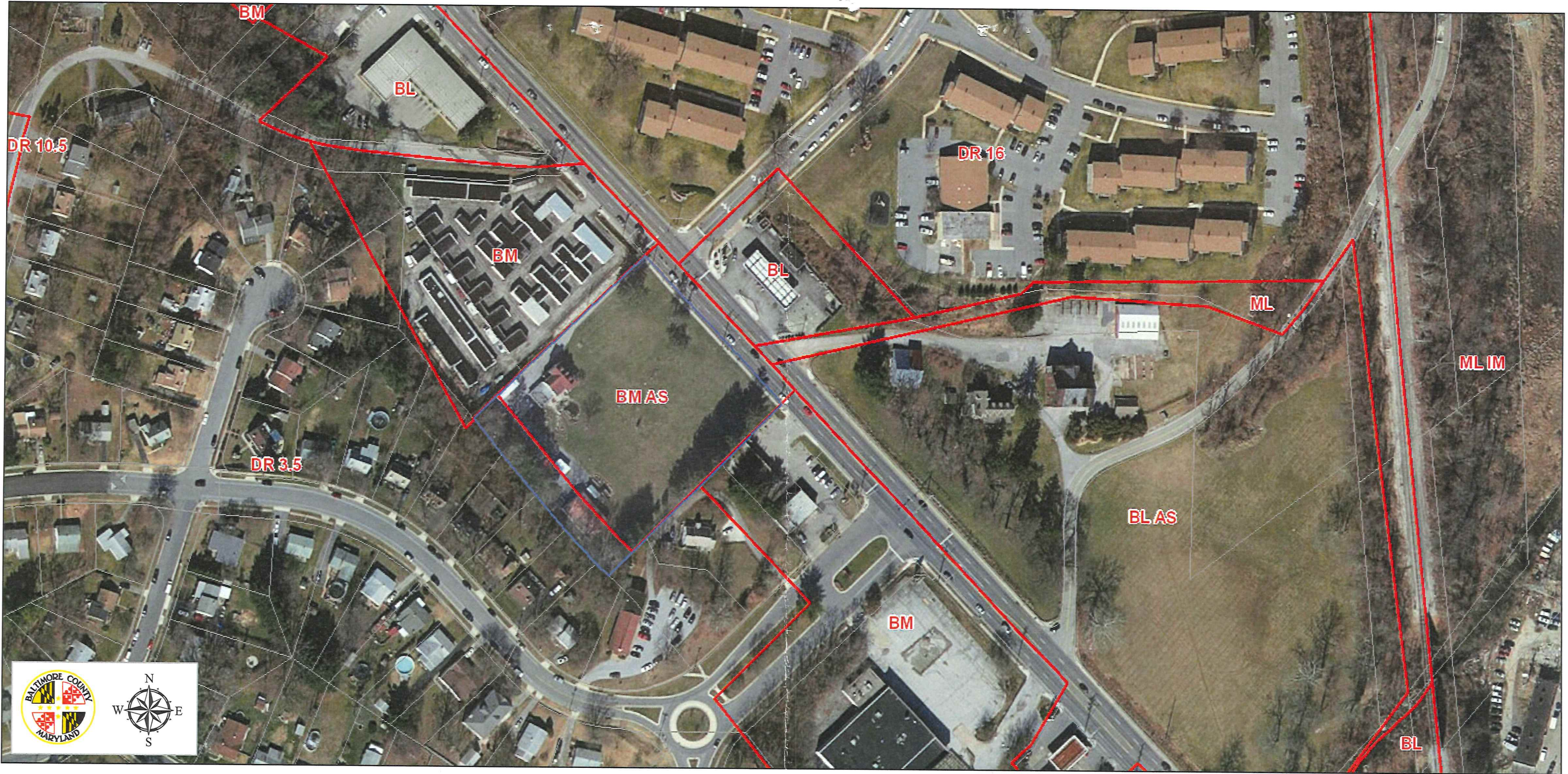
PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 08-15-2019



AMEND
#2017-0293-XA
RD

25:Richardson\2017\09\19\2017-0293-XA\2017-0293-XA.dwg, 9/20/2017, 2:37:00 PM

Baltimore County - My Neighborhood



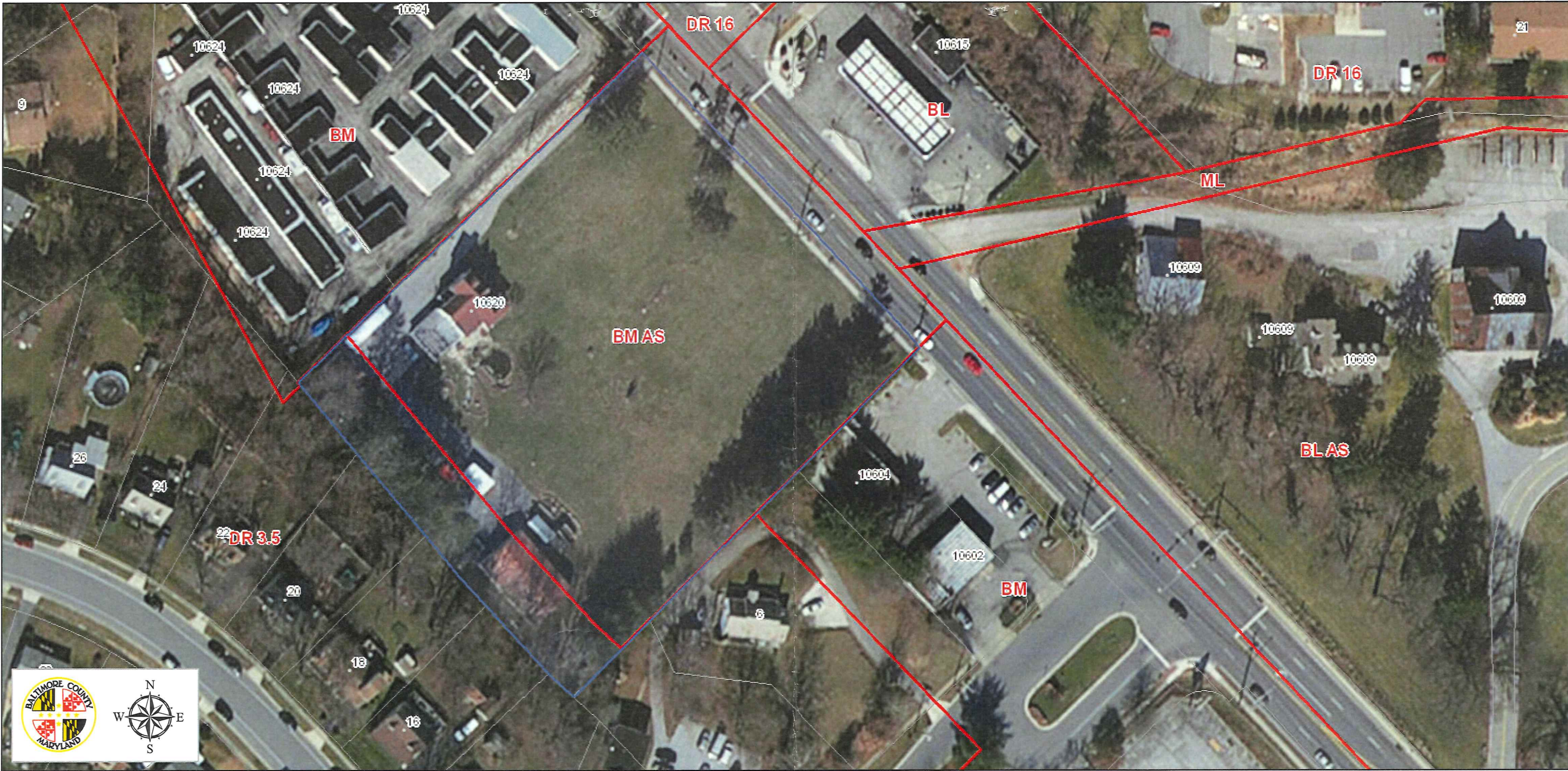
November 22, 2017

Legend

-  Zoning
-  Property
-  County Boundary

Ret Ex 2A

Baltimore County - My Neighborhood



November 22, 2017

- Legend
- House Numbers
 - Zoning
 - Property
 - County Boundary

0 0.005 Miles
1 inch = 94 feet

Pet Ex 2B