

MEMORANDUM

DATE: September 6, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0327-X – Appeal Period Expired

The appeal period for the above-referenced case expired on September 5, 2018. 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	*	BEFORE THE
(9805 Belair Road)		
11 th Election District	*	OFFICE OF
5 th Council District		
The Shops at Perry Hall, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Mid Atlantic Lubes, LLC	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2018-0327-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Exception filed on behalf of The Shops at Perry Hall, LLC, legal owner and Mid Atlantic Lubes, LLC, lessee ("Petitioners"). The petition was filed pursuant to the Baltimore County Zoning Regulations ("BCZR") to use the subject property for a service garage in the BL & BL-AS zones.

Professional engineer Joshua Sharon appeared in support of the petition. Adam M. Rosenblatt, Esq. represented the Petitioners. One neighbor attended the hearing to obtain additional information about the project. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review ("DPR") and the Department of Planning ("DOP"). Neither agency opposed the request.

The subject property is approximately one (1) acre in size and is split-zoned BL & BL-AS. The site is shown as Lot 2 on a development plan for the Shops at Perry Hall, which is a "planned shopping center" as defined in BCZR §101.1. Pet. Ex. 2. Petitioners propose to construct a Valvoline oil change franchise on the property. Baltimore County considers this to be a "service garage" use, which is permitted by special exception in the zone(s).

ORDER RECEIVED FOR FILING

Date 8/6/18
By sen

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. Mr. Sharon opined via proffer Petitioners satisfied all requirements in BCZR §502.1 and the case law interpreting that provision. In the absence of any evidence to the contrary the petition will be granted.

THEREFORE, IT IS ORDERED this 6th day of **August, 2018**, by this Administrative Law Judge, that the Petition for Special Exception to use the herein described property for a service garage in the BL and BL-AS zones, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must comply with the ZAC comments submitted by DPR & DOP, copies of which are attached.
3. No storage of untagged, damaged and/or inoperable motor vehicles shall be permitted.
4. No overnight parking shall be permitted at the property.

ORDER RECEIVED FOR FILING

Date 8/16/18
By SLN

5. Petitioners shall have a period of three (3) years from the date hereof in which to utilize the special exception.

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 8/6/18

By sln



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 9805 Belair Road which is presently zoned BL
Deed References: 19529/271; 36536/262 10 Digit Tax Account # 2500006165
Property Owner(s) Printed Name(s) The Shops at Perry Hall LLC

(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 a service garage in the B.L. zone.

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:

SEE ATTACHED

Name- Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

Attorney for Petitioner:

Adam M. Rosenblatt, Esquire

Name- Type or Print
Signature Venable LLP
210 W. Pennsylvania Ave., Ste. 500 Towson MD
Mailing Address City State
21204 410-494-6271 amrosenblatt@venable.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

The Shops at Perry Hall LLC / **By RON SCHAFTGL**
Name #1 - Type or Print Name #2 - Type or Print
Signature #1 Signature #2
1258 Henry Street Baltimore MD
Mailing Address City State
21230 410-978-8660 rschaftgl@southernlandcompany.com
Zip Code Telephone # Email Address

Representative to be contacted:

Adam M. Rosenblatt, Esquire

Name- Type or Print
Signature Venable LLP
210 W. Pennsylvania Ave., Ste. 500 Towson MD
Mailing Address City State
21204 410-494-6271 amrosenblatt@venable.com
Zip Code Telephone # Email Address

CASE NUMBER 2018-0327-X Filing Date 5/24/2018 Do Not Schedule Dates: _____

Reviewer h

**ATTACHMENT TO PETITION
FOR SPECIAL EXCEPTION**

Lessee

Name: Mid-Atlantic Lubes, LLC
t/a Valvoline

By: 
Printed Name: DONALD R. SMITH
Authorized Representative

Mailing Address:
54 Jaconnet Street
Newton Highlands, MA 02461

0327-X

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



May 23, 2018

ZONING PROPERTY DESCRIPTION FOR THE SHOPS AT PERRY HALL

Beginning at a point on the west side of Honeygo Boulevard which has a variable width at the distance of 385.31 feet and bearing of S 29°31'19" E from the centerline of Bel Air Road which has a variable width, thence the following courses and distances:

1. S 35° 46' 54" E 300.94'.

2. N 78° 25' 29" W 22.07'.

3. S 58° 55' 57" W 66.15'.

4. S 54° 13' 06" W 75.87'.

5. N 44° 08' 59" W 253.43'.

6. N 45° 50' 00" E 195.72', back to the point of beginning as recorded in deed liber 19529, folio 271, containing 47,070 sf or 1.0806 ac. located in the 11th election district and 5th council district.

I certify that this description was either personally prepared by me or I was in responsible charge of its preparation. All of the surveying work reflected in said description complies with the requirements set forth in Chapter 06.12 of the Minimum Standards of Practice for Professional Land Surveyors.

Stephen J. Hall
Professional Land Surveyor #21642



2018-0327-X

1220-C East Joppa Road, Suite 505, Towson, Maryland 21286 Tel: (410) 821-1690 Fax: (410) 821-1748

Abingdon, MD • Laurel, MD • Towson, MD • Georgetown, DE • Wilmington, DE
(410) 515-9000 (410) 792-9792 (410) 821-1690 (302) 855- 5734 (302) 326-2600
Visit us on the web at www.mragta.com



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 5701344

Sold To:

BARBARA LUKASEVICH - CU00192471
210 W Pennsylvania Ave
Towson, MD 21204

Bill To:

BARBARA LUKASEVICH - CU00192471
210 W Pennsylvania Ave
Towson, MD 21204

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

Jul 12, 2018

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: # 2018-0327-X
9805 Belair Road
SW/s Honeygo Blvd., southwest of Belair Road
11th Election District - 5th Councilmanic District
Legal Owner(s) The Shops at Perry Hall, LLC
Lessee: Mid-Atlantic Lubes, LLC

Special Exception to use property for a service garage in the BL zone.
Hearing: Thursday, August 2, 2018 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.

7/12/2018 5701344

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising

8/2

Sherry Nuffer

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Monday, July 30, 2018 1:43 PM
To: Barbara A. Lukasevich; amrosenblatt@venable.com; Administrative Hearings
Subject: Re-Certifications for 2018-0327-X
Attachments: Re-Cert 1 2018-0327-X Sign 1.doc; Re-Cert 2 2018-0327-X Sign 2.doc

Attached please find the Re-Certifications for 9805 Belair Road



RECEIVED
JUN 14 1964
OFFICE OF
ADMINISTRATIVE SERVICES

CERTIFICATE OF POSTING

2018-0327-X

RE: Case No.: _____

Petitioner/Developer: _____

The Shops at Perry Hall, LLC
Mid-Atlantic Lubes, LLC

August 2, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

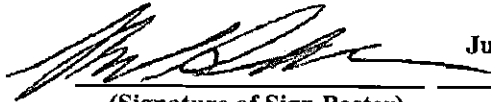
9805 Belair Road

SIGN 1 Recertification

July 13, 2018

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,



July 29, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

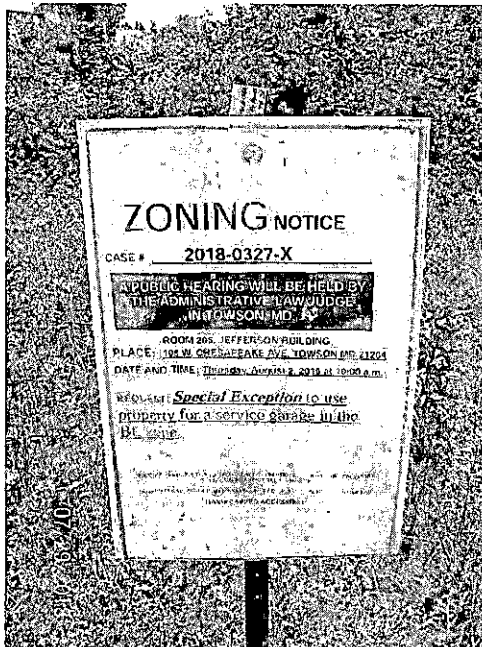
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2018-0327-X

RE: Case No.: _____

Petitioner/Developer: _____

The Shops at Perry Hall, LLC
Mid-Atlantic Lubes, LLC

August 2, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

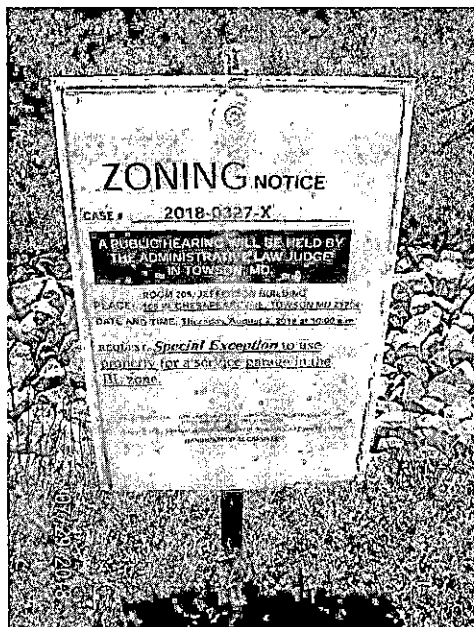
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

9805 Belair Road

SIGN 2 Recertification

July 13, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,



(Signature of Sign Poster)

July 29, 2018

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2018-0327-X

RE: Case No.: _____

Petitioner/Developer: _____

The Shops at Perry Hall, LLC
Mid-Atlantic Lubes, LLC

August 2, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

9805 Belair Road

SIGN 1

July 13, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,



July 13, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2018-0327-X

RE: Case No.: _____

Petitioner/Developer: _____

The Shops at Perry Hall, LLC
Mid-Atlantic Lubes, LLC

August 2, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

9805 Belair Road

SIGN 2

July 13, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,


(Signature of Sign Poster)

July 13, 2018

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



KEVIN KAMENETZ
County Executive

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

July 2, 2018

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: 2018-0327-X

9805 Belair Road
SW/s Honeygo Blvd., southwest of Belair Road
11th Election District – 5th Councilmanic District
Legal Owners: The Shops at Perry Hall, LLC
Lessee: Mid-Atlantic Lubes, LLC

Special Exception to use property for a service garage in the BL zone.

Hearing: Thursday, August 2, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Adam Rosenblatt, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Ron Schaftel, 1258 Henry Street, Baltimore 21230
Donald Smith, 54 Jaconnet Street, Newton Highlands MA 02461

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JULY 13, 2018.**
- (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, July 12, 2018 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich

410-494-6271

Venable, LLP

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

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: 2018-0327-X

9805 Belair Road

SW/s Honeygo Blvd., southwest of Belair Road

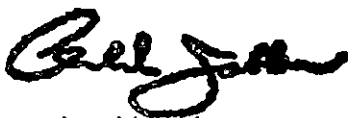
11th Election District – 5th Councilmanic District

Legal Owners: The Shops at Perry Hall, LLC

Lessee: Mid-Atlantic Lubes, LLC

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Hearing: Thursday, August 2, 2018 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

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- (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
9805 Belair Road; SW of Honeygo Blvd.,	*	OF ADMINISTRATIVE
385' SW of Belair Road	*	HEARINGS FOR
1 st Election & 5 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Shops at Perry Hall LLC	*	
Contract Purchaser(s): Mid-Atlantic Lubes	*	
t/a Valvoline	*	
Petitioner(s)	*	2018-327-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.

RECEIVED
JUN 06 2018

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 6th day of June, 2018, a copy of the foregoing Entry of Appearance was mailed to Adam Rosenblatt, Esquire, 210 W. Pennsylvania Avenue, Suite 500, 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: 2018-0327-X

Property Address: 9805 BELAIR RD.

Property Description: _____

Legal Owners (Petitioners): The Shops at Perry Hall, LLC

Contract Purchaser/Lessee: MID-ATLANTIC LUBES, LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: BARBARA LUKASEVICH

Company/Firm (if applicable): VENABLE LLP

Address: 210 W. PENN AVE, Ste 500
TOWSON, MD 21204

Telephone Number: 410-494-6271

REPORT

BUSINESS	ACTUAL	TIME	TRN
5/25/2018	5/24/2018	11:24:13	1

W501 WALKIN LJR

CEIPT # 787354 5/24/2018 9FLN

5 528 ZONING VERIFICATION

Q. 163832

Recpt Tot \$500.00

\$500.00 CK

Baltimore County, Maryland

Total 500,000

Rec: Venable LLP
From:

For 9807 Relair 12

2018-0327-X

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!



DONALD I. MOHLER III
County Executive

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

July 31, 2018

The Shops at Perry Hall LLC
Ron Schafel
1258 Henry Street
Baltimore MD 21230

RE: Case Number: 2018-0327 X, Address: 9805 Belair Road

Dear Mr. Schafel:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 24, 2018. 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.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Mid-Atlantic Lubes LLC, Donald R Smith, 54 Jaconnet Street, Newton Highlands MA 02461
Adam M Rosenblatt, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204

Date: 6/6/18

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

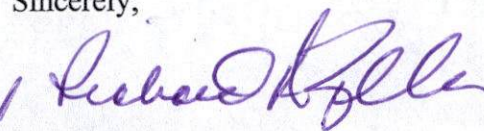
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2018-0327X

*Special Exception
The Shops at Perry Hall, LLC, Ron Schaffel
9805 Belair Road*

Should you have any questions regarding this matter, please contact Mr. 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-327



INFORMATION:

Property Address: 9805 Belair Road
Petitioner: The Shops At Perry Hall, LLC, Ron Schaftel
Zoning: 18-327
Requested Action: Special Exception

The Department of Planning has reviewed the petition for a special exception to use the above property for a service garage in the BL zone.

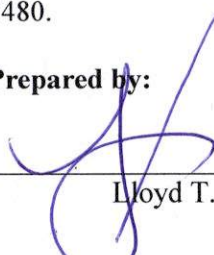
The site is located in the Shops at Perry Hall, a planned shipping center.

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

- Submit architectural elevations and details of the proposed signage to the contact person listed below for review prior to the issuance of a building permit. The Department recommends a consistent, uniform architectural theme across the entire center.
- Submit a landscape plan to the Baltimore County Landscape Architect. Such a plan shall provide a landscaping buffer inside the perimeter of Lot 2 and demonstrate how the proposed dumpster meets the requirements of Condition H of the Baltimore County Landscape Manual.
- Connect all proposed sidewalks with pedestrian ways in the vicinity.

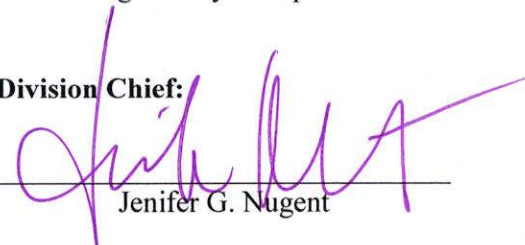
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Ngone Seye Diop

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Adam M. Rosenblatt, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

RECEIVED

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

DATE: AUG 01 2018 7/31/2018

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-327

INFORMATION:

Property Address: 9805 Belair Road
Petitioner: The Shops At Perry Hall, LLC, Ron Schaftel
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Requested Action: Special Exception

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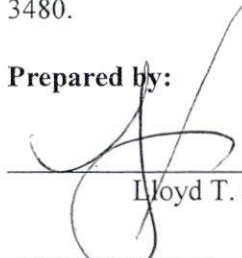
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The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

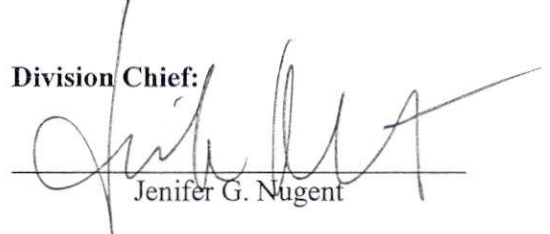
- Submit architectural elevations and details of the proposed signage to the contact person listed below for review prior to the issuance of a building permit. The Department recommends a consistent, uniform architectural theme across the entire center.
- Submit a landscape plan to the Baltimore County Landscape Architect. Such a plan shall provide a landscaping buffer inside the perimeter of Lot 2 and demonstrate how the proposed dumpster meets the requirements of Condition H of the Baltimore County Landscape Manual.
- Connect all proposed sidewalks with pedestrian ways in the vicinity.

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Jenifer G. Nugent

AVA/JGN/LTM/

c: Ngone Seye Diop

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Adam M. Rosenblatt, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: *MD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 11, 2018
Item No. 2018-0327-X

DATE: July 12, 2018

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

If Special Exception is granted a Landscape Plan is required, per the requirements of the Landscape Manual. A lighting Plan is also required.

Developer/Owner shall indicate how sanitary sewer service will be provided to the project site.

* * * * *

VKD: cen
cc: file

ORDER RECEIVED FOR FILING

Date 8/6/18
By Sen

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-327



INFORMATION:

Property Address: 9805 Belair Road
Petitioner: The Shops At Perry Hall, LLC, Ron Schaftel
Zoning: 18-327
Requested Action: Special Exception

The Department of Planning has reviewed the petition for a special exception to use the above property for a service garage in the BL zone.

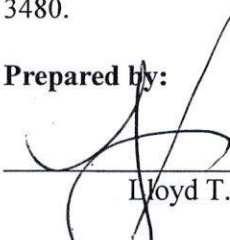
The site is located in the Shops at Perry Hall, a planned shipping center.

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

- Submit architectural elevations and details of the proposed signage to the contact person listed below for review prior to the issuance of a building permit. The Department recommends a consistent, uniform architectural theme across the entire center.
- Submit a landscape plan to the Baltimore County Landscape Architect. Such a plan shall provide a landscaping buffer inside the perimeter of Lot 2 and demonstrate how the proposed dumpster meets the requirements of Condition H of the Baltimore County Landscape Manual.
- Connect all proposed sidewalks with pedestrian ways in the vicinity.

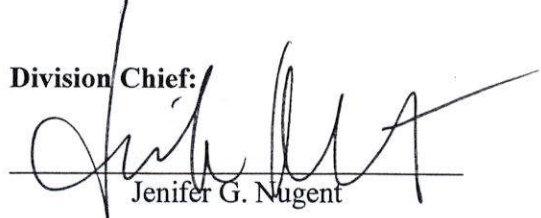
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Ngone Seye Diop

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

Adam M. Rosenblatt, Esquire

Office of the Administrative Hearings

People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 8/6/18

By sln

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
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Developer/Owner shall indicate how sanitary sewer service will be provided to the project site.

* * * * *

VKD: cen
cc: file

Case No.:

2018-0327-X

Exhibit Sheet

Petitioner/Developer

DW 9-6-18

Protestants

Sen
8-6-18

No. 1	Site plan	
No. 2	Proposed Conditions	
No. 3	Aerial photograph	
No. 4	Henley Enterprises, Inc.	
No. 5	Elevations	
No. 6	Environmental Information	
No. 7	Sharon resume	
No. 8	Site photos w/ key	
No. 9		
No. 10		
No. 11		
No. 12		

Introduction to Henley Enterprises, Inc.



April 2018

PETITIONER'S EXHIBIT 4



Business Overview

- ▶ Henley Enterprises, Inc., and its affiliates (collectively “Henley”) currently operate 168 Valvoline Instant Oil Change (“VIOC”) facilities in 10 states – CA, DE, FL, MA, MD, NH, NJ, PA, RI and VA.
- ▶ Henley’s service centers primarily provide lubrication and preventative fluid maintenance services to cars and light trucks.
- ▶ Henley is the largest VIOC franchisee and the third largest independent quick lube operator in the United States.
- ▶ Henley has consistently been among the top performing franchises, within the VIOC franchise community, with revenues per service center being approximately 60% higher than the average franchised VIOC center.
- ▶ Henley had over \$238,000,000 in total sales in 2017, with more than 3.1 million oil changes being performed.
- ▶ Henley is privately-held and currently employs more than 1,800 individuals.



History

Henley Enterprises, Inc. was incorporated in June 1987 specifically to develop and operate VIOC facilities under franchise agreements with Valvoline Instant Oil Change Franchising, Inc. ("VIOCF"), a subsidiary of Valvoline Inc. (NYSE:VVV). Henley is now comprised of several geographic operating companies which operate VIOC service centers.

- ▶ *Henley Enterprises, Inc.* Opened its first facility in February 1989 in Somerville, MA. The Somerville location was the first franchised facility in the U.S. for VIOCF. Presently, Henley Enterprises currently operates 49 VIOC's in Eastern New England - Massachusetts, New Hampshire and Rhode Island.
- ▶ *Mid-Atlantic Lubes, LLC* Formed in March 2000 and acquired its first service center in April 2000, from an existing VIOC franchisee, in Manassas, VA, a suburb of Washington, D.C. Mid-Atlantic Lubes currently operates 26 facilities in Virginia, Maryland, Delaware, Pennsylvania and New Jersey.
- ▶ *Sunshine Lubes, LLC* Formed in 2006 and opened its first six service centers in Southwest Florida (Naples and Ft. Myers) in October 2006, by acquiring the operations of two existing VIOC franchisees. Presently, Sunshine Lubes operates 7 facilities.
- ▶ *Henley Pacific LA LLC* Formed in 2011 to acquire and operate 71 service centers primarily located in greater Los Angeles and northern San Diego from EZ Lube, LLC, an independent operator that featured Castrol oil. Henley Pacific LA currently operates 84 service centers as a result of acquisition and consolidation activity.
- ▶ *Henley Pacific SF LLC* Formed in 2017 and opened its first two service centers in the San Francisco Bay Area (Antioch and Oakley) in January 2018, by acquiring two existing VIOC service centers. Presently, Henley Pacific SF operates 2 facilities.

In October 2017, Henley Enterprises sold 56 service centers in Michigan and Northern Ohio to Valvoline, Inc. to concentrate on the expansion of its East and West Coast operations, including establishing operations in the San Francisco Bay Area.

Henley expects to add approximately 100 service centers during the next 5 years through acquisition and ground-up development.



Core Values

- ▶ Be fair and honest with employees and customers
- ▶ Make self-improvement and learning a way of life
- ▶ Recognize and celebrate achievement
- ▶ Make our jobs fun and safe
- ▶ Be great at what we do



Strategy

- ▶ Position and solidify Henley as the quick lube leader in every market in which we compete through acquisition and ground up development.
- ▶ Continual attention to operational efficiency, our people, and the changing profile of the automotive aftermarket.
- ▶ Commitment to “speed of service” to differentiate Valvoline Instant Oil Change from its competitors.
- ▶ Commitment to service procedures that communicate with the customer while providing a fast and thorough oil change.
- ▶ Construct and maintain first-class service centers that exceed customer’s expectations and the industry standard.



Marketing

- ▶ Henley has the unique opportunity to leverage the internationally recognized Valvoline brand on a targeted basis for greater effectiveness.
- ▶ Valvoline's in-house marketing department, along with their national advertising agency, delivers professionally designed advertising campaigns for implementation in all media types.
- ▶ Henley's in-house marketing professionals lead digital, social media and traditional marketing campaigns that augment VIOCF's campaigns.
- ▶ Henley leverages Valvoline's purchasing power across all advertising mediums within each market.
- ▶ Customer information obtained at the time of service is used to drive future transactions through tailored messages, as well as increase customer retention.
- ▶ Henley's fleet sales representatives market to commercial and government fleets and differentiate Henley from the competition by offering individualized billing, which results in Valvoline Instant Oil Change being a preferred vendor among both fleet managers and drivers.
- ▶ VIOCF's electronic point of sale system allows Henley to measure the effectiveness of advertising campaigns.



Service Center Operations

- ▶ VIOC offers the following services:
 - Oil change, filter and lubrication
 - Transmission fluid exchange
 - Power steering fluid exchange
 - Antifreeze/coolant exchange
 - Differential fluid exchange
 - Transfer case fluid exchange
 - Windshield washer fluid filling
 - Tire pressure check/inflation
 - Air filter check and replacement
 - Serpentine belt check and replacement
 - Wiper blade check and replacement
 - Light bulb check and replacement
 - Tire rotation
 - Battery test and replacement
 - Cabin filter check and replacement
 - Fuel filter check and replacement
- ▶ Hours of operation are typically 7 AM to 7 PM Monday through Saturday and 9 AM to 4 PM on Sunday.
- ▶ Customers are greeted upon entering the lot and guided into an open service bay or asked to park in front of the next available service bay.
- ▶ Staffing consists of 8-10 full and part-time team members; includes a manager, assistant managers, customer service representatives, senior technicians, and technicians.
- ▶ Regional and area managers have up to 25 years of tenure with the company and/or industry experience.



Instant Oil Change Customer Experience

- ▶ Oil changes and other fluid exchanges are completed in approximately 15 minutes.
- ▶ Customers are greeted upon entering the lot and guided into an open service bay or asked to park in front of the next available service bay.
- ▶ Customers stay in their vehicles throughout the entire service experience.
- ▶ Customers are guided through the oil change experience, from oil selection to being shown the dipstick level upon completion, by trained customer service representatives.
- ▶ Certified technicians on the “top” and “bottom” sides of the vehicle utilize SuperPro, VIOCF proprietary service procedures, to communicate and provide a fast and thorough oil change.
- ▶ Service centers are equipped with free Wi-Fi for the customer’s use while awaiting completion of their chosen services.



Awards and Acknowledgements

- ▶ 2001 – “Operator of the Year” *VIOC Franchising*
- ▶ 2001 – “Outstanding Achievement” Award *VIOC Franchising*
- ▶ 2004 – “National Operator of the Year” *National Oil & Lube News*
- ▶ 2005 – “Outstanding Achievement” Award *VIOC Franchising*
- ▶ 2006 – “Star Contributor - Don Smith” *VIOC Franchising*
- ▶ 2009 – “First \$2 Million Store” Award *VIOC Franchising*
- ▶ 2010 – “Operator of the Year” *VIOC Franchising*
- ▶ 2012 – “Certified Female Friendly® Retailer” *AskPatty.com*
- ▶ 2013 – “William S. Collier Spirit of Franchising Award” *VIOC Franchising*
- ▶ 2013 – “Franchisee of the Year” *International Franchise Association*
- ▶ 2014 – “William S. Collier Spirit of Franchising Award” *VIOC Franchising*
- ▶ 2015 – “King of Cars” *VIOC Franchising*
- ▶ 2015 – “Operator of the Year” *VIOC Franchising*
- ▶ 2016 – “King of Cars for Large Systems” *VIOC Franchising*
- ▶ 2017 – “Developer of the Year” *VIOC Franchising*
- ▶ 2017 – “King of Cars for Large Systems” *VIOC Franchising*
- ▶ 2017 – “Good Samaritan Award for Large Systems” *VIOC Franchising*

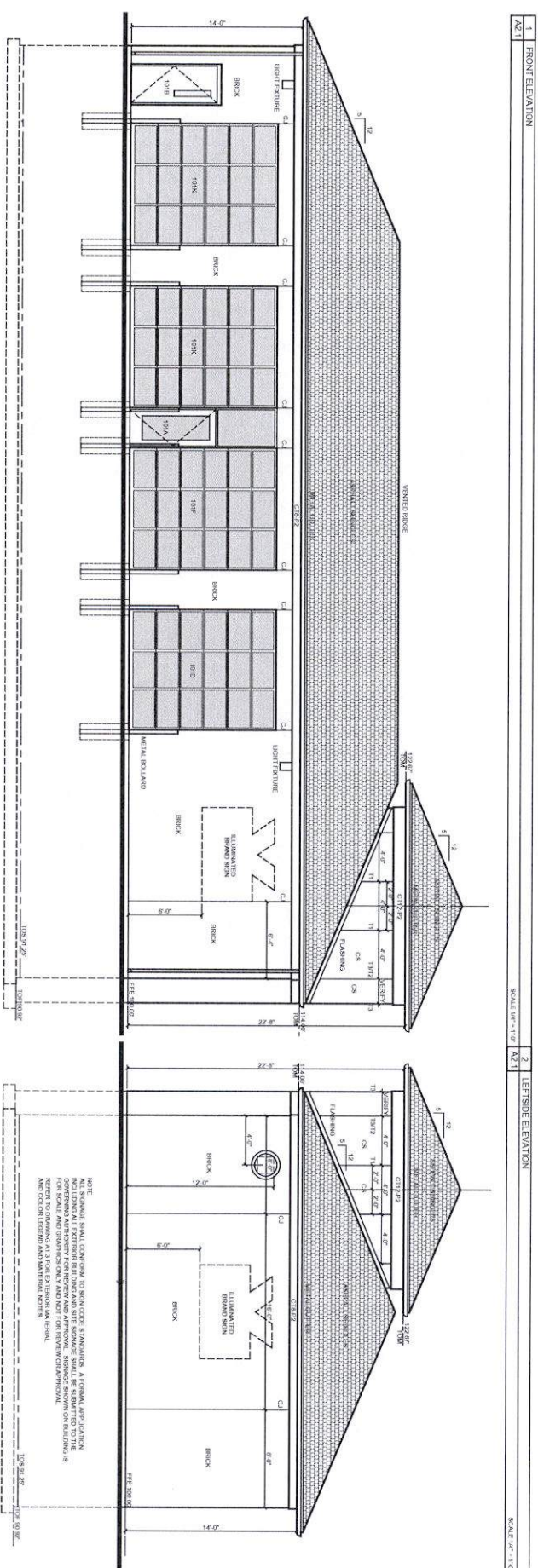
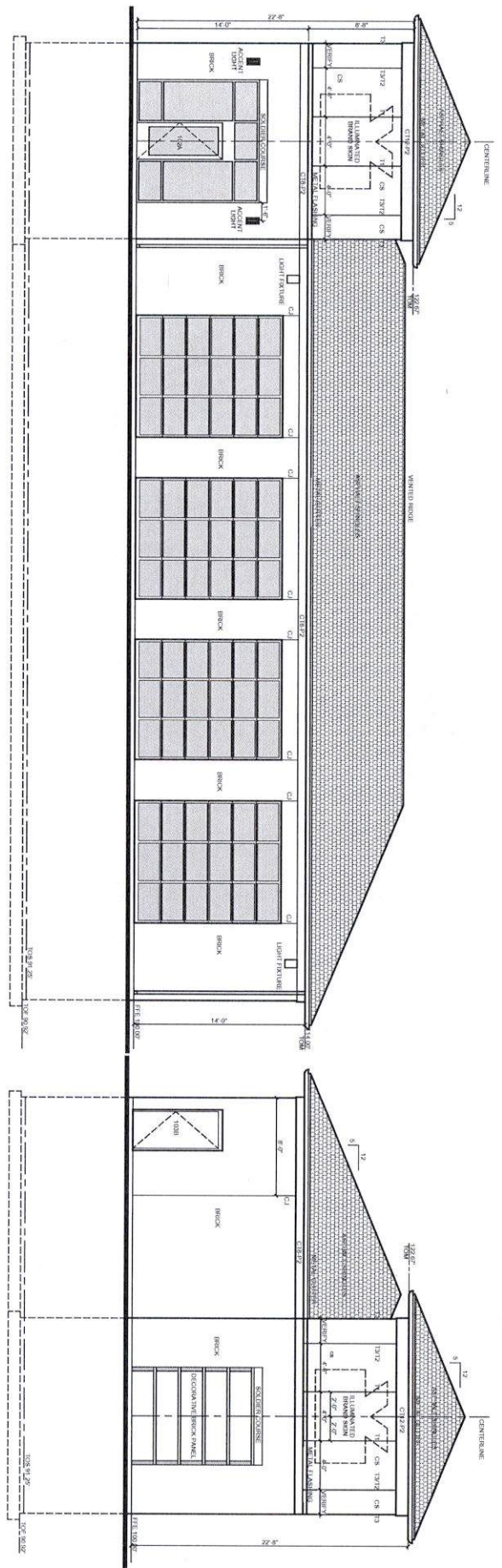


VALVOLINE INSTANT OIL CHANGE

Mid-Atlantic Lubes
50 Jaconnet Street, Suite 100
Newton Highlands, MA 02461
January 2018

Wyatt Howard Nelson
Architecture, PLLC
522 Elm Street
Syracuse, NY 13203

PETITIONER'S EXHIBIT 5



NOTE:
ALL FINISHES SHALL CONFORM TO 2012 ICC CODE STANDARDS. A FORMAL APPLICATION
GOVERNING AUTHORITY FOR REVIEW AND APPROVAL. FINISHES SHOWN ON THESE ELEVATIONS
REFER TO DRAWING A-3 FOR EXTERIOR MATERIAL.
AND OTHER LENDING MATERIAL NOTES.

1	FRONT ELEVATION	2	LEFT ELEVATION
A2.1		A2.1	
3	REAR ELEVATION	4	RIGHT ELEVATION
A2.1		A2.1	

SP2

DATE:
01.16.19

Project: Valvoline Instant Oil Change
Owner: Mid-Atlantic Lubes, LLC
54 Jaconnet Street, Suite 100
Newton Highlands, MA 02459



Wright
Howard
Nelson
Architecture
522 Elm Street
315.862.2012





Environmental

- ▶ Henley's policy is to meet or exceed federal, state, local and industry standards, for environmental requirements.
- ▶ Each service center is equipped with an Employee Health and Safety manual that contains guidance for trainers and employees for waste management; each employee is trained upon hire and recertified annually.
- ▶ A Spill Prevention, Control and Countermeasures Plan is developed for each service center.
- ▶ Each service center is equipped with a Spill Kit, which can be used to contain and stop the flow of material in the unlikely event of a spill.
- ▶ Bulk oils, lubricants, antifreeze and washer solution are delivered to the service center by licensed and insured distributors in the same manner heating oil is delivered to a home.
- ▶ All bulk products and used motor oil are delivered and removed through a permanently installed system of black iron pipes. These pipes terminate outside the building in a locked steel box that provides spill protection and security from vandals. All tanks are vented to the outside of the building and are equipped with whistles to let delivery personnel know the tank is full.
- ▶ Used motor oil and lubricants are collected in a rolling drain pan beneath the car that is piped directly to a waste oil collection tank, located in the basement tank room, where it is stored for recycling.
- ▶ Used motor oil, lubricants and antifreeze are stored in designated containers for such items and collected by a licensed and insured recycler in accordance with federal, state and local requirements and accounted for by manifest.
- ▶ Used oil filters and absorbent materials are stored in designated containers for such items, collected by a licensed and insured waste oil hauler and recycled/disposed of appropriately off-site.
- ▶ Wastewater pickups and oil/water separator cleanouts are recorded and accounted for by manifest.

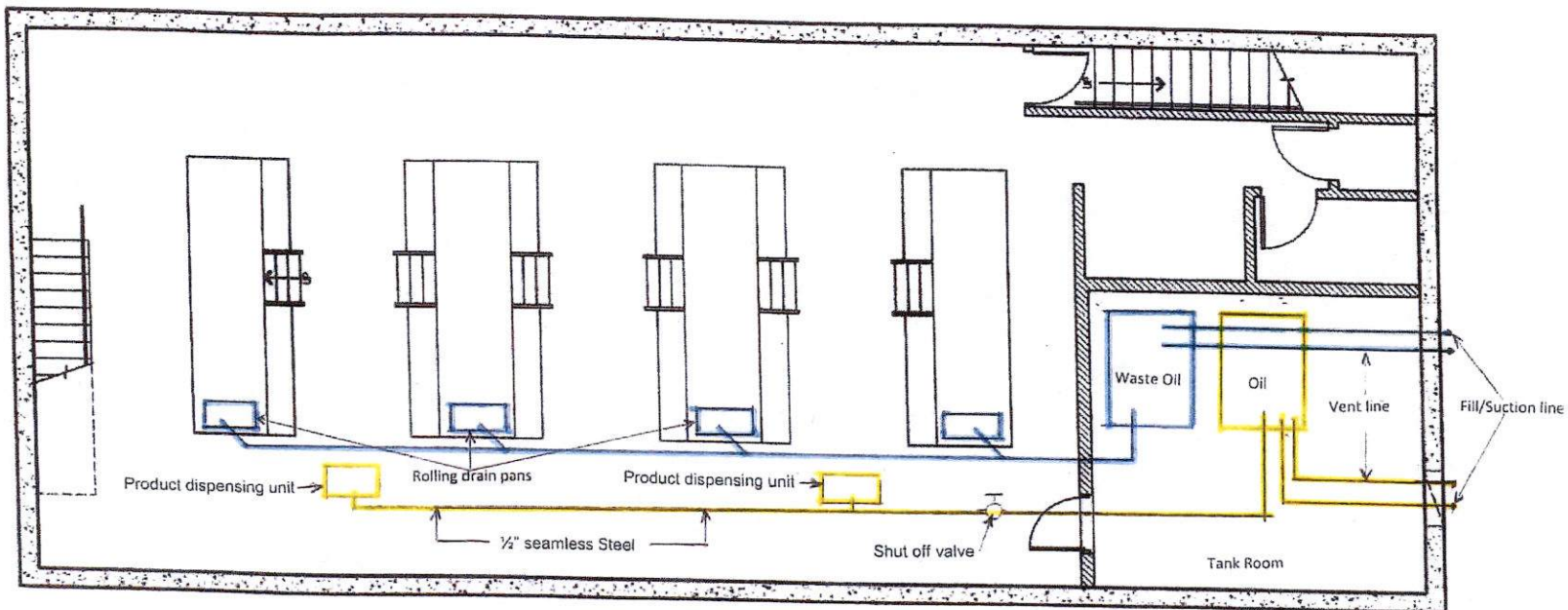




- ▶ Service centers are constructed with a tank room, located in the basement of the building, which is constructed of noncombustible materials, has a sealed floor and walls, has secondary containment and is equipped with a fire suppression system.
- ▶ There are no floor drains in the basement of the building; this provides another level of containment and allows us to identify a spill more easily in the unlikely event a spill occurs.
- ▶ Floor drains located in the first floor of the building are piped into a regularly maintained oil/water separator before entering the sanitary sewer.

Exhibit I

Motor Oil Dispensing and Collection Diagram



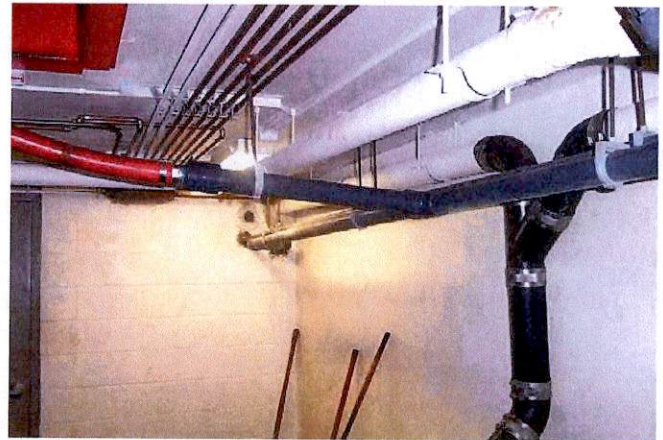
Tank Room Features:

- o Constructed of poured concrete or concrete block with 2-hour fire rated door
- o 30 inch concrete block doorway containment wall provides secondary containment
- o Floor and walls (to a height of 30 inches) coated with epoxy
- o Chemical suppression system

Photos



Rolling Drain Pan

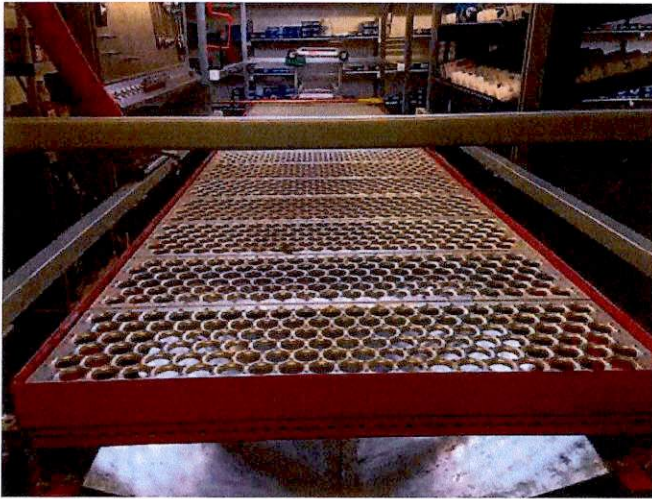


Plumbing from drain pan to storage tank



Basement Tank Room – steel and polypropylene tanks and secondary containment wall





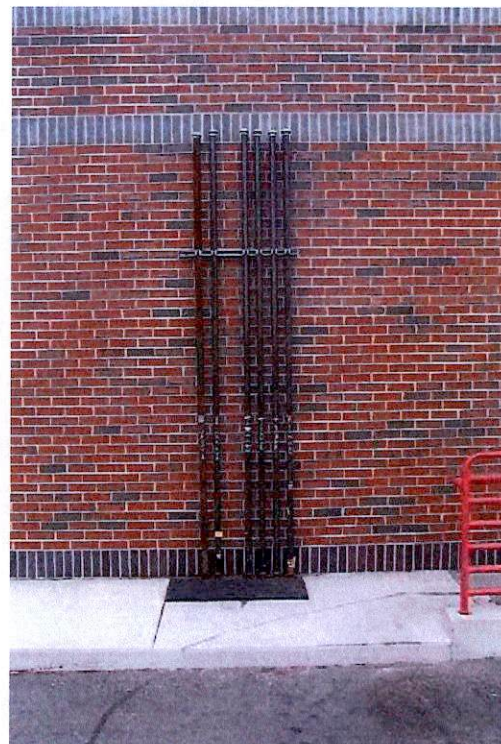
Catwalk Drip Pan



Product Dispensing Unit



Secure Bulk Tank Fill Pipes and Catch Basin



Whistle Vents

Sample pictures taken at VIOC service centers

JOSHUA T. SHARON
P.E., L.S.I.T., LEED AP BD+C.

Project Assignment:

Associate

Years of Experience:

MRA: 11

Education:

B.S., Civil Engineering,
University of Maryland, 2005

Active Registrations:

Professional Engineer - Maryland,

Land Surveyor in Training-
Maryland,

LEED Accredited Professional,

Professional Affiliations:

American Society of Civil Engineers

National Society of Professional
Engineers

Maryland Society of Professional
Engineers

Recognitions:

2009 Consultant of the Year by the
Baltimore County Soil
Conservation District

Qualifications:

Mr. Sharon is an Associate with Morris & Ritchie Associates, Inc.'s Towson office. Mr. Sharon has a comprehensive background in the civil engineering field. He has worked with Morris & Ritchie Associates on a variety of projects located in Baltimore City, Baltimore County, Anne Arundel County, Harford County, Garrett County and Frederick County.

Mr. Sharon has extensive experience in the design and development of an assortment of site development projects including single-family residential communities, multi-tenant neighborhoods, commercial properties, retail centers, hospitality buildings and telecommunication sites. He has extensive knowledge of the procedures for processing permits and developments through Baltimore County and other jurisdictions.

As an Associate in MRA's Towson office, Mr. Sharon is responsible for engineering design of development projects, day-to-day management of client services and preparation of construction documents.

Mr. Sharon has extensive design experience that includes site layout and design, grading, earthwork analysis, storm drain and utility design, hydrology and hydraulic analysis and design, erosion and sediment control design, culvert analysis and design, roadway design and stormwater management design for both commercial lots and residential subdivision projects.



**MORRIS & RITCHIE
ASSOCIATES, INC.**

Mr. Sharon is experienced in developing alternatives analysis to evaluate cost effective design options, and solving design problems with severe site constraints.

Examples of Mr. Sharon's project experience include:

10 Light Street, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of the conversion of the 10 Light Street building from office to 430 residential apartments.

5601 Eastern Avenue, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of a mixed-use redevelopment PUD project with retail, residential apartments and hospitality.

6300 York Road, Baltimore City, Maryland - Civil Project Engineer for engineering design of an inline-retail addition project to a successful shopping center.

801 Goucher Boulevard, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design for redevelopment of a 14.5 acre shopping center containing over 157,000 s.f. of retail space.

725 Butler Road, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design of a commercial center consisting of historic buildings and new construction. Project work included the first pervious concrete stormwater management design solution in Baltimore County.

Meadowvale, Baltimore County, Maryland - Civil Project Engineer engineering design team for a 103-unit single family community located in an area of severe grade changes and limited by existing drainage patterns and environmental constraints.

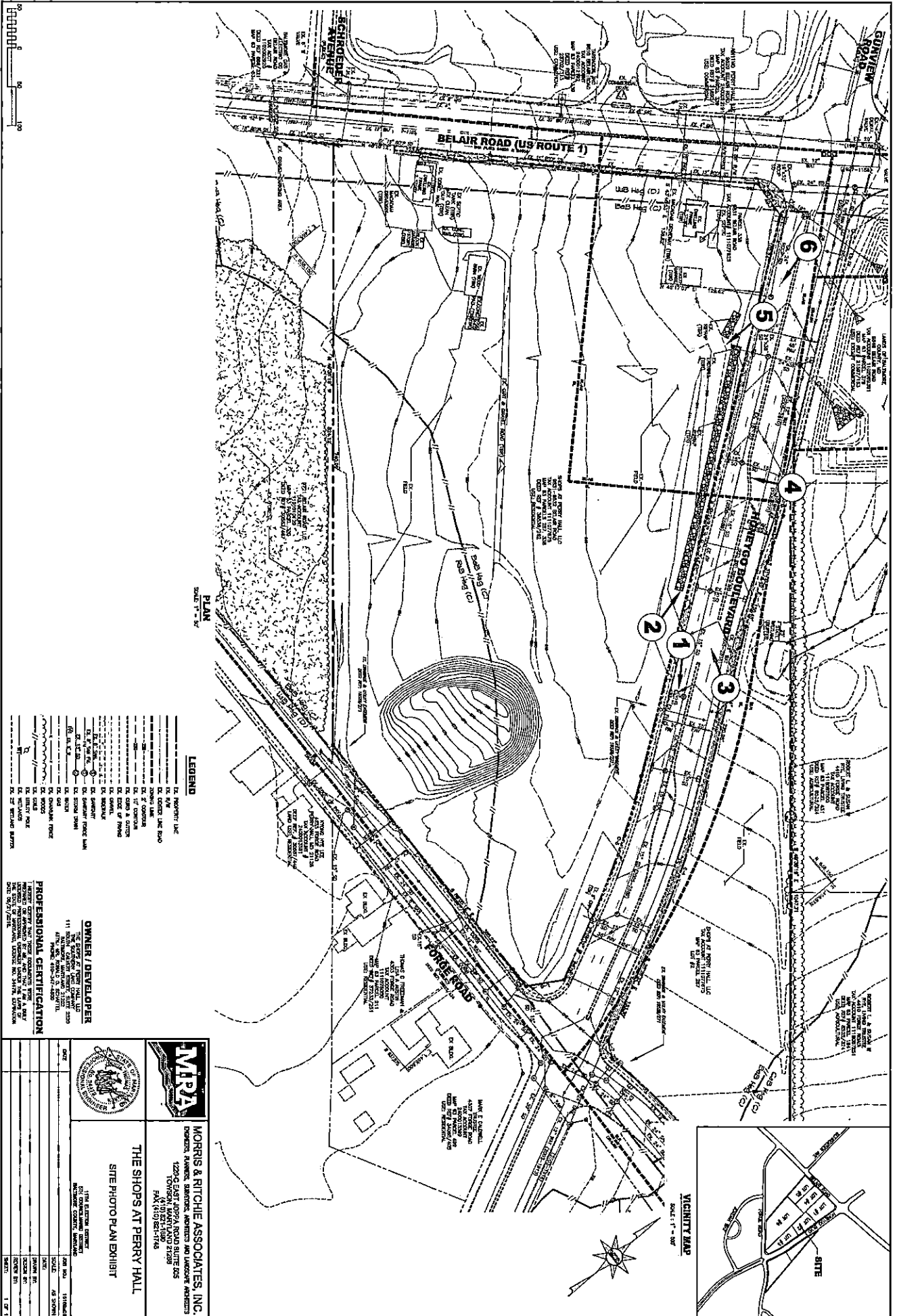
Carriage Hills, Baltimore County, Maryland - Civil Project Engineer for engineering design of a 159-unit town home community located on Liberty Road.

Martin Plaza, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design for redevelopment of the 25 acre shopping center.

Riparius Lot #1, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design of an 87 room Holiday Inn Express located on an undeveloped parcel hindered by grade changes, environmental constraints and requiring an underground stormwater management facility to meet local and state regulations.

Allender Road, Baltimore County, Maryland - Civil Project Engineer on team designing a 173-unit single-family home community located on Allender Road with stormwater management challenges including dual design discharge points.

The Preserve at Windlass Run, Baltimore County, Maryland - Civil Project Engineer on engineering design team for a 412-unit development mixed with single family and town homes located off of White Marsh Boulevard, surround by environmentally sensitive areas and requiring seven stormwater management facilities.



01













CASE NAME

CASE NUMBER 2018-327-X

DATE 8/2/18

PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

1912-1913

1912-1913

1912-1913

1912-1913

1912-1913

1912-1913

1912-1913

1912-1913

1912-1913

CASE NAME 2018-327
CASE NUMBER _____
DATE 8/2/2018

NAME

CITY, STATE, ZIP

E - MAIL

[illegible]

CASE NO. 2018- 0327-X

C H E C K L I S T

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

7/12/18

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

COMMENT

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

FIRE DEPARTMENT

7/31/18

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

NO OBJECTION
w/ CONDITIONS

6/6/18

STATE HIGHWAY ADMINISTRATION

NO OBJECTION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2018-0172-X)

NEWSPAPER ADVERTISEMENT Date: 7/12/18

SIGN POSTING (1st) Date: 7/13/18

by SSG Black

SIGN POSTING (2nd) Date: 7/29/18

by SSG Black

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	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 11 Account Number - 2500006165			
Owner Information					
Owner Name:	SHOPS AT PERRY HALL LLC		Use:	COMMERCIAL	
Mailing Address:	1258 HENRY ST BALTIMORE MD 21230-4338		Principal Residence:	NO	
			Deed Reference:		
Location & Structure Information					
Premises Address:		9805 BELAIR RD PERRY HALL MD 21128-9727		Legal Description:	9.815 AC 9805-9807 BELAIR RD SS THE SHOPS AT PERRY HALL
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0063	0022	0287		0000	1
				Assessment Year:	Plat No:
				2016	0079/0017
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			9.8200 AC	06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2016	07/01/2017	07/01/2018
Land:		2,752,500	2,752,500		
Improvements		0	0		
Total:		2,752,500	2,752,500	2,752,500	2,752,500
Preferential Land:		0			0
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	07/01/2017		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:			
Exempt Class:		NONE			
Homestead Application Information					

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

JB
2-26-18

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
(9805 Belair Road)		
1 st Election District	*	OFFICE OF
5 th Council District		
The Shops at Perry Hall, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
AutoBell Car Wash, Inc.	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2018-0172-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Exception filed on behalf of The Shops at Perry Hall, LLC, legal owner and AutoBell Car Wash, Inc., lessee ("Petitioners"). The petition was filed pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R.") to use the property for a car wash in the BL zone.

Carl Howard, Chief Operating Officer of AutoBell Car Wash, Inc., professional engineer Josh Sharon, and traffic engineer Glenn Cook appeared in support of the petition. Adam M. Rosenblatt, Esq. represented the Petitioners. Two neighbors attended the hearing to obtain additional information regarding the project. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Neither agency opposed the plan.

The subject property is approximately 12.58 acres in the aggregate and is zoned BL. The Director of DOP on November 1, 2017 approved a site plan (Exhibit 2) for the property wherein it was designated as a "planned shopping center." When complete the center will feature retail stores, restaurants and a large fitness facility. This case involves a small portion of the site (0.54

acres) which AutoBell would lease for the operation of a car wash, a permitted special exception use in the zone pursuant to B.C.Z.R. §233.3.

Petitioners presented testimony from the Chief Operating Officer of AutoBell, who explained the proposed operation in some detail. Mr. Howard noted AutoBell has approximately 80 stores in several states. Mr. Howard described the measures taken to reduce the noise from vacuums and vehicle dryers, and also noted a system will be installed to capture and treat waste water from the car wash. In response to a question posed by one of the neighbors, Mr. Howard indicated he would be willing to hire off duty police officers if needed to control traffic at especially busy times.

Josh Sharon, a licensed professional engineer accepted as an expert, described the site plan (Exhibit 1) and overall shopping center plan (Exhibit 2) in some detail. He also explained the layout of the proposed car wash and described the design considerations which will help to prevent congestion and traffic safety issues at the point of ingress and egress.

Finally, Glenn Cook, who was accepted as an expert in transportation planning, opined the car wash would not generate much “new” traffic, since most patrons will visit the site while in transit for school, work or other purpose. Mr. Cook stated the 21 stacking spaces shown on the site plan were more than enough to prevent traffic impacts upon surrounding roadways, and he testified the site is not located within an area identified as deficient or failing on the 2018 Baltimore County Basic Services transportation map.

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

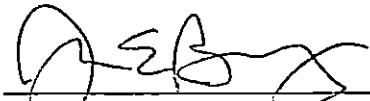
appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. Mr. Sharon opined the Petitioners satisfied all requirements for special exception relief in B.C.Z.R. §502.1 and the case law interpreting that provision. In the absence of any evidence to the contrary the petition for special exception will be granted.

THEREFORE, IT IS ORDERED this 28th day of **February, 2018**, by this Administrative Law Judge, that the Petition for Special to use the property for a car wash in the BL zone, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must comply with the ZAC comments of DOP and DPR, copies of which are attached hereto and incorporated herein.
3. When conditions dictate (such as after a snow storm when patrons seek to clean road salt from their vehicles) AutoBell shall hire an off-duty police officer to assist with ingress/egress from the site.

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

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 2/20/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-172

RECEIVED
FEB 21 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 9805 Belair Road
Petitioner: The Shops at Perry Hall, LLC
Zoning: BL
Requested Action: Special Exception

The Department of Planning has reviewed the petition for a special exception to use the above property for a car wash.

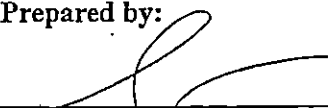
The site is located in the Shops at Perry Hall that being a planned shopping center (PSC).

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

- Confirm with the Department of Public Works that the proposed interchange between Honeygo Boulevard and the entrance into the Shops at Perry Hall PSC, having intersecting cross directional traffic, is a safe arraignment meeting the requirements of BCZR § 502.
- Submit architectural elevations and sign details to the contact person listed below at time of building permit application.
- Submit a lighting and landscape plan to the Baltimore County Landscape Architect for approval. Such a plan will demonstrate how the proposed dumpster meets the requirements of Condition H of the Baltimore County Landscape Manual.

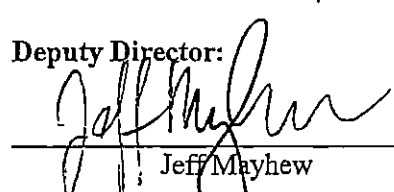
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KSA/TM/ka

c: Ngone Seye Diop

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

Adam M. Rosenblatt, Esquire

Office of the Administrative Hearings

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 15, 2018
Item No. 2018-0172-X

DATE: January 23, 2018

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

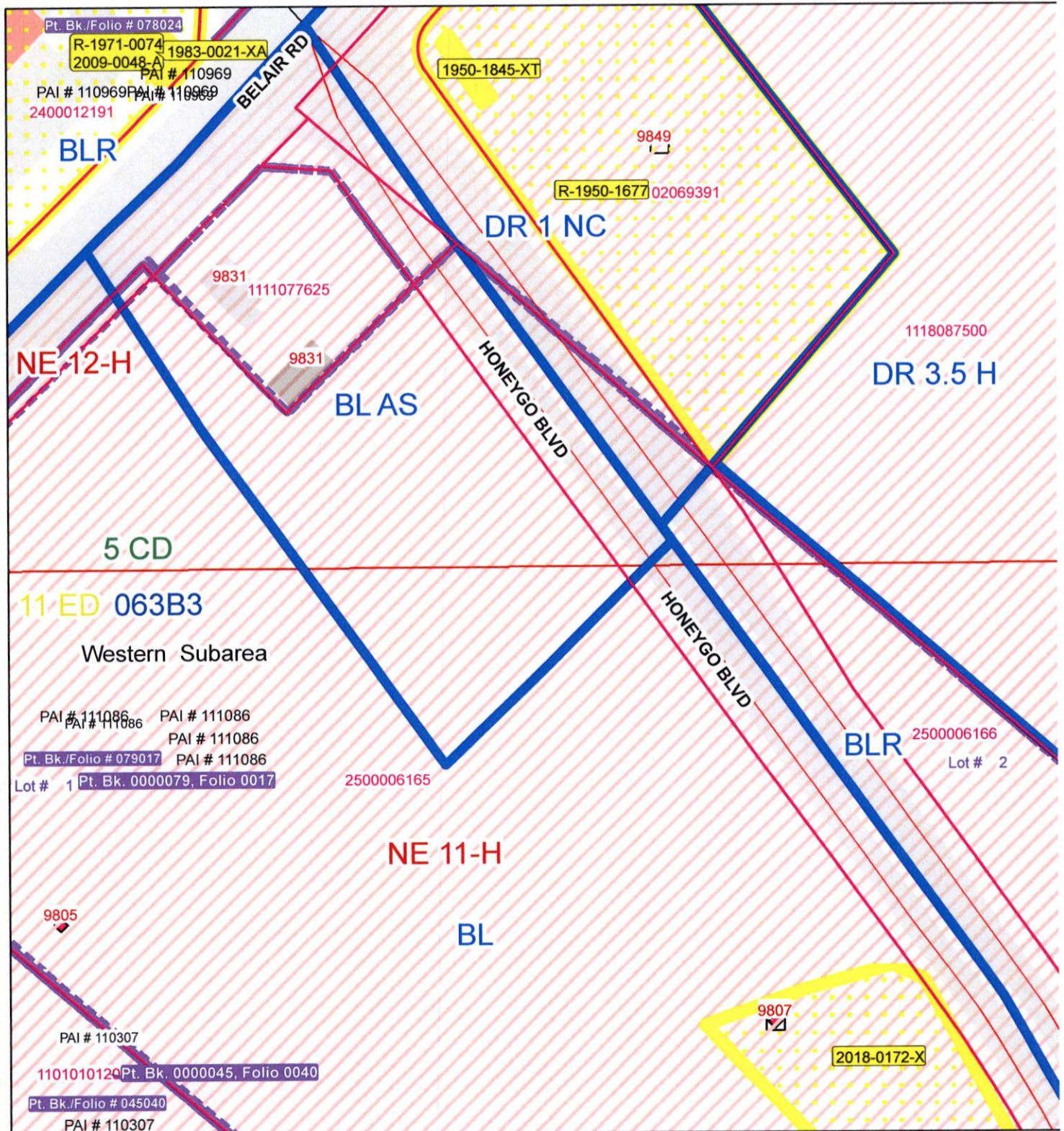
If Special Exception is granted, a Landscape Plan is required per the requirements of the landscape Manual. A Lighting Plan is also required.

Proposed retaining wall along the southwest corner of property must be located away from the property line a distance equal to the height of the wall, or an off-site right-of-way must be acquired. Provide elevation at top & bottom of the retaining wall at beginning, end and each break point.

* * * * *

VKD: cen
cc: file

9807 Delair Road 2018-0327-X



Publication Date: 5/24/2018

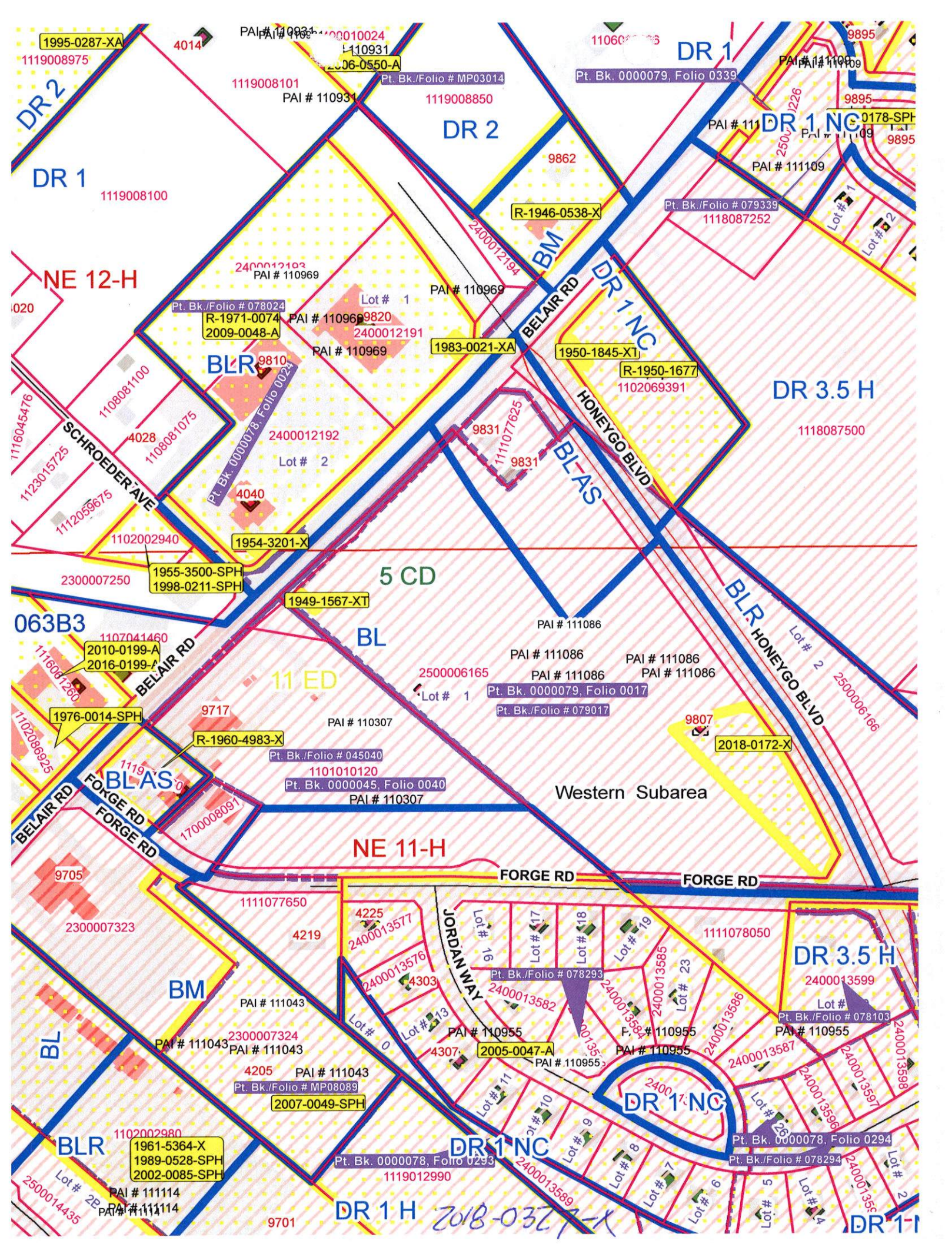


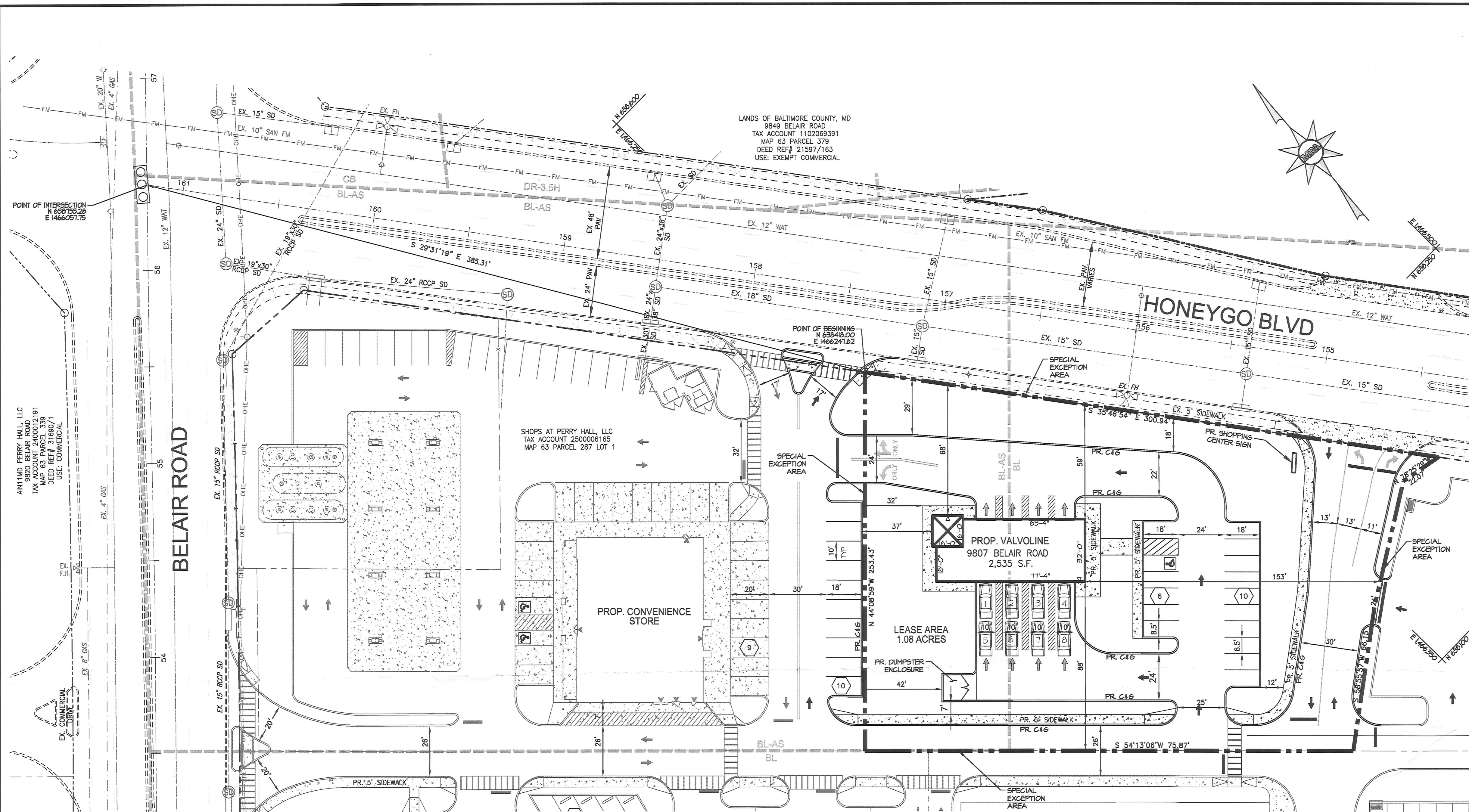
Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet





LEGEND

- PR. LEASE LINE AND SPECIAL EXCEPTION AREA
- EX. R/W
- EX. CENTER LINE ROAD
- ZONING LINE
- EX. CURB & GUTTER
- EX. EDGE OF PAVING
- EX. SIDEWALK
- EX. SANITARY
- EX. STORM DRAIN
- EX. WATER
- EX. GAS
- EX. UTILITY POLE
- PR. CURB
- PR. BUILDING
- PR. CONCRETE
- PR. DIRECTIONAL ARROW

PLAN

SCALE: 1" = 30'

PARKING TABULATIONS CHART

(PARKING SPACES REQUIRED BY BCZR SECTION 405.4.2)

USE	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 405.4.2
GARAGE, AUTOMOTIVE SERVICE	3.3/1000	9
TOTAL PARKING REQUIRED		9
TOTAL PARKING PROVIDED		16

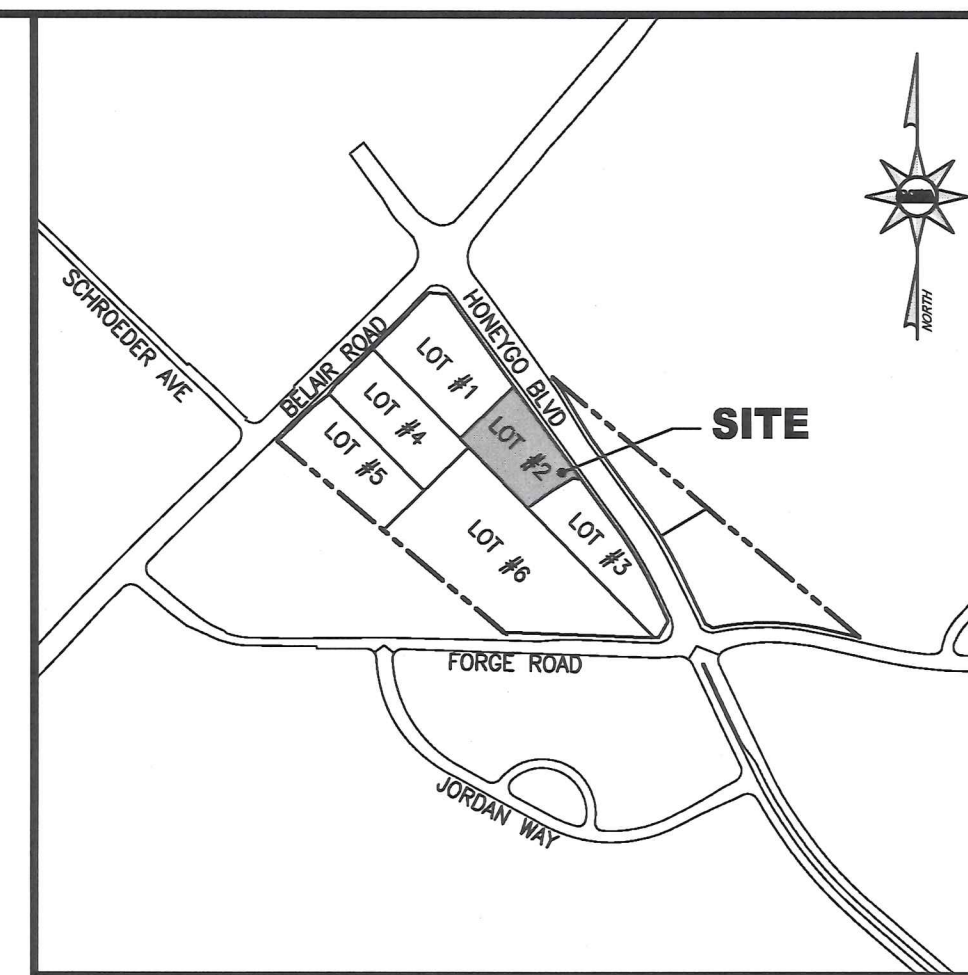
DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM:
HORIZONTAL NAD 83 (1991)
VERTICAL NAVD 88

OWNER / DEVELOPER

THE SHOPS AT PERRY HALL, LLC
THE SOUTHERN LAND COMPANY
111 SOUTH CALVERT STREET, SUITE 2820
BALTIMORE, MARYLAND 21202
ATTN: MR. RONALD O. SCHAFTEL
PHONE: 410-347-4800

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 NO. 34479, EXPIRATION DATE: 06/21/2018.



VICINITY MAP

SCALE: 1" = 500'

NOTE: ZONING HEARING FOR
SPECIAL EXCEPTION TO BE
HELD AT:
JEFFERSON BUILDING,
ROOM 205
105 WEST CHESAPEAKE AVE
TOWSON, MARYLAND 21204

BENCHMARKS

GPS 634
ELEV. 259.85
DESCRIPTION: MONUMENT LOCATED 25.3 FT
SOUTHEAST OF POLE# 32708, ON THE NORTH
SIDE OF FORGE ROAD, 970 FT FROM BELAIR ROAD

GPS 636
ELEV. 257.03
DESCRIPTION: MONUMENT LOCATED IN THE CONC
WALK ON SOUTHEAST SIDE OF BELAIR ROAD,
NORTH OF CHAPEL ROAD, 5.85 FT NORTHWEST
OF POLE # 501583

GENERAL NOTES

- PROPERTY INFORMATION:
A. PROPERTY ADDRESS: 9807 BELAIR ROAD
B. NET SITE AREA: 547,983 S.F. ±, 12.58 AC. ±
C. SPECIAL EXCEPTION AREA: 47,070 S.F., 1.08 AC.
D. ELECTION DISTRICT: 11
E. COUNCILMANIC DISTRICT: 5
F. ADC MAP: 29
G. CENSUS TRACT: 0113.09
H. TAX MAP: 0063
I. TAX MAP: 0287 LOT 2
J. TAX ACCOUNT NO.: 2500008165
K. DEED: 19529 / 271
L. PLAT: 79 / 17
- ZONING: BL-AS (BUSINESS LOCAL AUTOMOTIVE SERVICES)
BL (BUSINESS LOCAL)
- ZONING MAP & GIS TILE No.: 06383
- FLOOR AREA RATIO: PERMITTED = 4.0
PROVIDED = 0.054 (2,535 S.F. / 47,067 S.F.)
- EXISTING LAND USE: VACANT
PROPOSED LAND USE: GARAGE, AUTOMOTIVE SERVICE
- THERE IS NO COMMERCIAL PERMIT HISTORY FOR THIS SITE.
- BUILDING SETBACKS:
FRONT (FROM PROPERTY LINE) REQUIRED 10', PROVIDED 59'
FRONT (FROM CENTERLINE OF STREET) REQUIRED 10', PROVIDED 39'
SIDE REQUIRED 5', PROVIDED 39'
REAR REQUIRED 0', PROVIDED 88'
- PROPOSED BUILDING HEIGHT: MAXIMUM 30' FROM EXTERIOR GRADE, 1 STORY
FINISHED GRADE TO TOP OF ROOF
- 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, OR A VARIANCE WILL BE REQUESTED.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO
REFLECT THE LIGHT AWAY FROM PROPERTIES AND PUBLIC STREETS.
- THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
- THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES AREAS.
- THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN.
- THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORIC BUILDINGS ON THE SITE.
- HOURS FOR GARAGE, AUTOMOTIVE SERVICE WILL BE LIMITED TO 7:30 AM TO 7:00 PM, SEVEN
DAYS A WEEK.

ZONING HISTORY

- CASE NO. 2018-0172-X - PETITION FOR SPECIAL EXCEPTION
- CASE NO. 1948-1567-X - PETITION FOR PERMIT FOR TEMPORARY USE
- DRC #12105H - LIMITED EXEMPTION DEVELOPMENT PLAN
- DRC #060109F - 1ST REFINED DEVELOPMENT PLAN
- DRC #103117G - ALTERNATE 'A' LIMITED EXEMPTION DEVELOPMENT PLAN

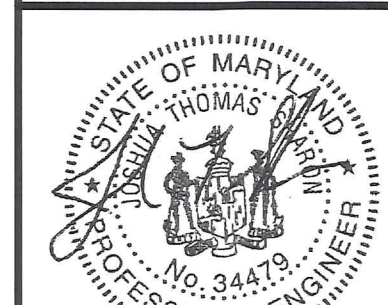
PAI# 11-1086

2018-0327-X



MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
PHONE: (410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM
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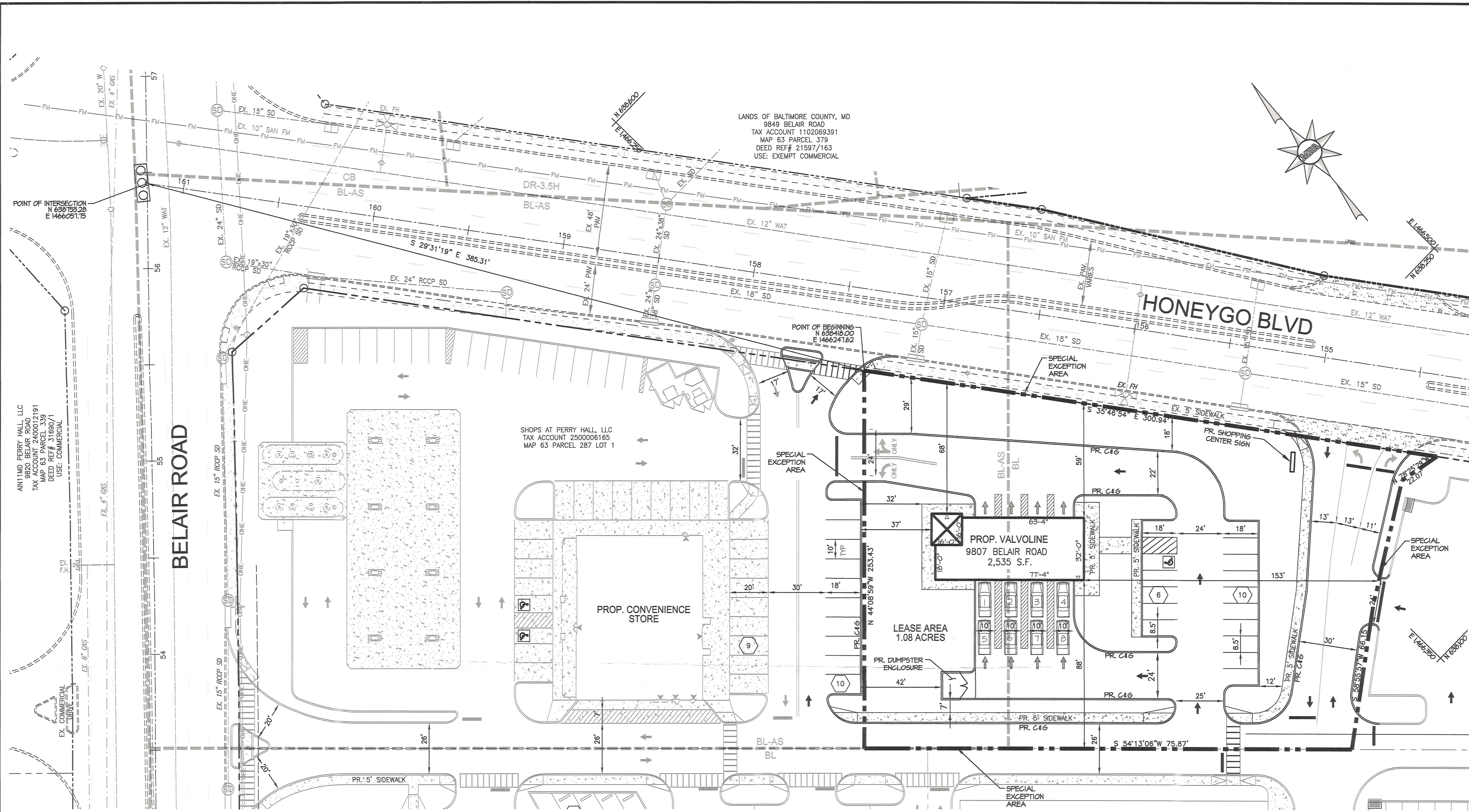
The Shops at Perry Hall

A PLANNED SHOPPING CENTER
PLAN TO ACCOMPANY SPECIAL EXCEPTION
SITE PLAN

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 5

DATE	REVISIONS	JOB NO.:	16159X06
		SCALE:	1" = 30'
		DATE:	05/24/2018
		DRAWN BY:	SRM
		DESIGN BY:	JTS
		REVIEW BY:	JTS
		SHEET:	1 OF 1



- LEGEND**
- PR. LEASE LINE AND SPECIAL EXCEPTION AREA
 - EX. R/W
 - EX. CENTER LINE ROAD
 - ZONING LINE
 - EX. CURB & GUTTER
 - EX. EDGE OF PAVING
 - EX. SIDEWALK
 - EX. SANITARY
 - EX. STORM DRAIN
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 - PR. DIRECTIONAL ARROW

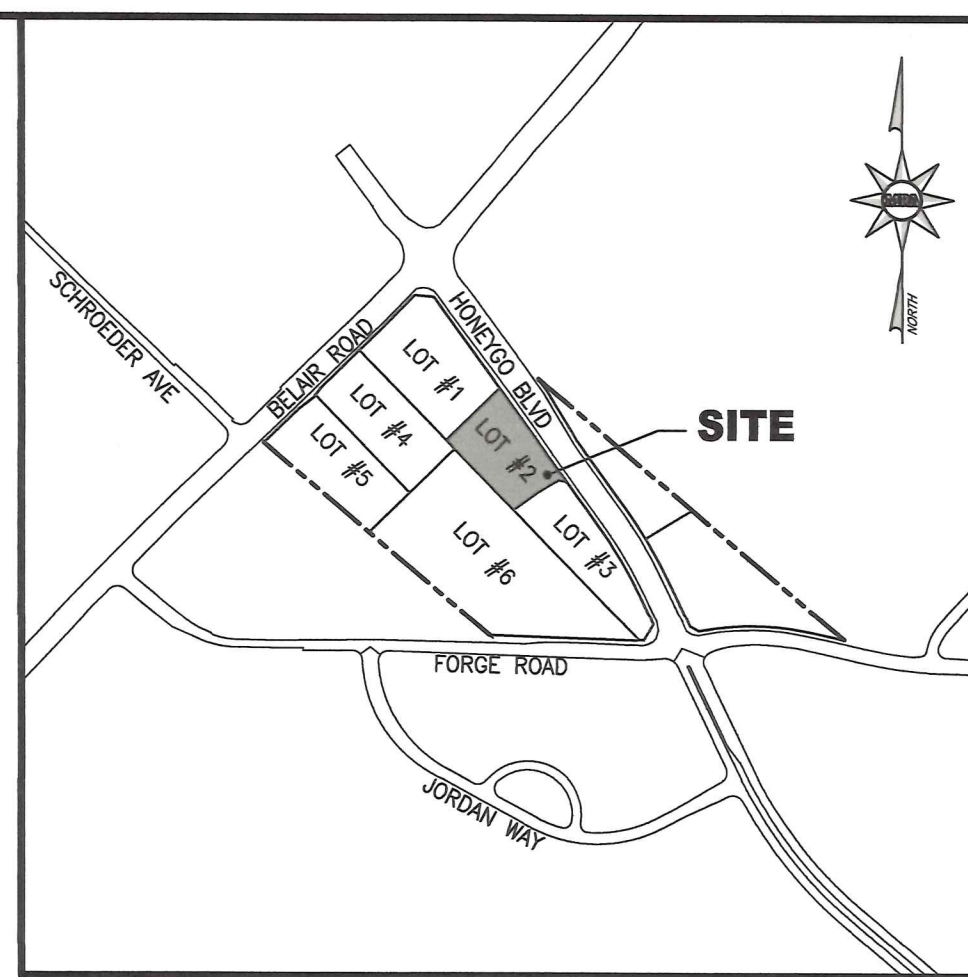
PLAN
SCALE: 1" = 30'

PARKING TABULATIONS CHART (PARKING SPACES REQUIRED BY BCZR SECTION 405.4.2)		
USE	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 405.4.2
GARAGE, AUTOMOTIVE SERVICE	3.3/1000	9
TOTAL PARKING REQUIRED		9
TOTAL PARKING PROVIDED		16

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM:
HORIZONTAL NAD 83 (1981)
VERTICAL NAVD 88

OWNER / DEVELOPER
THE SHOPS AT PERRY HALL, LLC
THE SOUTHERN LAND COMPANY
111 SOUTH CALVERT STREET, SUITE 2820
BALTIMORE, MARYLAND 21202
ATTN: MR. RONALD O. SCHAFFEL
PHONE: 410-347-4800

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VICINITY MAP
SCALE: 1" = 500'

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ROOM 205
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GPS 636 ELEV. 257.03 DESCRIPTION: MONUMENT LOCATED IN THE CONC WALK ON SOUTHEAST SIDE OF BELAIR ROAD, NORTH OF CHAPEL ROAD, 5.85 FT NORTHWEST OF POLE # 501583	N 636,474.74 E 1,463,946.29

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H. TAX MAP: 0063
I. PARCEL: 0287 LOT 2
J. TAX ACCOUNT NO.: 2500006165
K. DEED: 19529 / 271
L. PLAT: 79 / 17
- ZONING: BL-AS (BUSINESS LOCAL AUTOMOTIVE SERVICES)
BL (BUSINESS LOCAL)
- ZONING MAP & GIS TILE No.: 063B3
- FLOOR AREA RATIO: PERMITTED = 4.0
PROVIDED = 0.054 (2,535 S.F. / 47,067 S.F.)
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- THERE IS NO COMMERCIAL PERMIT HISTORY FOR THIS SITE.
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FRONT (FROM CENTERLINE OF STREET) 40' REQUIRED, 37' PROVIDED
SIDE 0' REQUIRED, 0' PROVIDED
REAR 0' REQUIRED, 88' PROVIDED
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The Shops at Perry Hall
A PLANNED SHOPPING CENTER
PLAN TO ACCOMPANY SPECIAL EXCEPTION
SITE PLAN

ELECTION DISTRICT 11 COUNCILMANIC DISTRICT 5

DATE	REVISIONS	JOB NO.:
8/1/2018	R1: CORRECTED HOURS OF OPERATION; ADDED CASE NUMBER	16159X08
		SCALE: 1" = 30'
		DATE: 08/02/2018
		DRAWN BY: SRM
		DESIGN BY: JTS
		REVIEW BY: JTS
		SHEET: 1 OF 1

