



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

October 11, 2023

Timothy Kotroco, Esquire – tkotroco@gmail.com
Matthew T. Kotroco, Esquire – mattkotroco@gmail.com
305 Washington Avenue, Suite 502
Towson, MD 21204

RE: Petition for Special Exception
Case No. 2023-0167-X
Property: 8711 Liberty Road

Dear Counsel:

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,

A handwritten signature in dark ink that reads "Maureen E. Murphy". The signature is fluid and cursive, with the first name "Maureen" being more prominent.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure

c: Craig Van Breman – craig@gcawexpress.com
Matt Bishop – matt.bishop@kimley-horn.com

**IN RE: PETITION FOR SPECIAL
EXCEPTION
(8711 Liberty Road)
2nd Election District
4th Council District
Green Clean Randallstown, LLC
*Legal Owner***

Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No: 2023-0167-X**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Special Exception filed for property located 8711 Liberty Road, Randallstown (the “Property”). The Petition was filed on behalf of legal owner, Green Clean Randallstown, LLC (“Petitioner”). The Petition for Special Exception seeks approval under from Baltimore County Zoning Regulations (“BCZR”), §236.2 and §419.1 to approve a previously approved but expired (Case No: 2021-0008-XA) car wash use in a BR-AS zone.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Craig Van Breman, Vice President of Development and Acquisition appeared on behalf of the Petitioner, along with Matthew Bishop, registered landscape architect with Kimley Horn, civil engineering firm who prepared a site plan (the “Site Plan”). (Pet. Ex. 2). Timothy Kotroco, Esquire and Matthew Kotroco, Esquire represented the Petitioner. There were no Protestants or interested citizens who attended the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), Development Plans Review (“DPR”) and Department of Environmental Protection and Sustainability (“DEPS”) which agencies did not oppose the requested relief.

The proposed use for a roll-over car wash was previously approved in Case No.: 2021-0008-XA. However, the Special Exception approval was not extended prior to its expiration, necessitating the filing of the above-captioned case. The same facts as set forth in the Opinion and Order in Case No.: 2021-0008-XA which is incorporated in its entirety in this Case, are present. (Pet. Ex. 1). Given that the Variance was previously granted, its approval will run with the land and it did not need to be requested again in this Case. Green Clean operates car wash businesses in several states and is expanding into Maryland.

The Property measures 1.07 gross acres +/- (0.72 net acres +/-). It is at the intersection of Liberty Road and Brenbrook Road. The surrounding uses are primarily automotive in nature. It is currently improved with a vacant commercial building, formerly used as an auto repair shop, and will be razed. (Pet. Ex. 4A, 4B, 5A). The Property will be cleaned up and the chain link fence surrounding the property will be removed and replaced by landscaping that conforms with the Baltimore County Landscape Manual ("BCLM"). (Pet. Ex. 5D). The zoning for the Property - Business-Roadside, Automotive-Service (BR-AS) - has not changed.

Mr. Bishop confirmed that, since the approval in 2021, the Landscape Plan and the Lighting Plan have been approved by the Baltimore County Landscape Architect. Further, Mr. Bishop confirmed that each of the conditions contained in the ZAC comments in Case No.: 2021-0008-XA which were attached to the Order have been completed. The Development Review Committee ("DRC") has approved the requested limited exemption. State Highway Administration ("SHA") has approved the access onto Liberty Rd. The water and sewer have been approved by the County agencies. Finally, the Grading Plan has also been approved.

There will be one entrance from Liberty Rd. (where 2 access points now exist), and one exit onto Brenbrook Rd. (Pet. Exs. 5B, 5C). Mr. Bishop opined that it will be safer for vehicles

to exit onto Brenbrook Rd. The renderings provided of the proposed car wash show a dramatic improvement of the existing site conditions. (Pet. Exs. 6A, 6B). The use is environmentally-friendly as the water used to clean the vehicles is cleaned and recycled. The wash time through the tunnel is approximately 3 minutes. The required number of parking spaces for a roll-over car wash, drying spaces, vacuuming spaces and additional spaces have been met and exceeded. (Pet. Ex. 2). Through the proffered evidence, Matthew Bishop opined that the proposed use meets each of the Special Exception factors in BCZR, §502.1 and all of the requirements in BCZR, §419.

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.

Based on the uncontroverted record evidence in this case, I find that the Special Exception request to use this Property for a roll over car wash should be granted. Specifically, I find that the proposed use will not have any greater impacts at this location than those inherently associated with the Special Exception use. I also find that the requested relief satisfies the requirements of BCZR, §502.1 and §419.

With regard to the DOP and DPR comments, the Petitioner previously satisfied all the ZAC comments as ordered in Case No.: 2021-0008-XA and therefore, additional conditions as contained in the latest DOP comments will not be imposed here to avoid confusion. In particularly,

SHA has already approved the ingress from Liberty Rd., and the County Landscape Architect has already approved the Landscape and Lighting Plans.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 11th day of **October, 2023** that the Petition for Special Exception per the BCZR, §§236.2 and 419.1 to approve a previously approved but expired (Case No: 2021-0008-XA) roll over car wash use in a BR-AS zone and it is hereby **GRANTED**.

The relief granted herein shall be subject to 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 his 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. The Opinion and Order in Case No.: 2021-0008-XA including all ZAC comments incorporated into and attached thereto, are hereby incorporated into this Opinion and Order.
3. The Site Plan (Pet. Ex. 2) will be attached to and incorporated into this Order.

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



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlm

IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(8711 Liberty Road)
2nd Election District
4th Council District
Frances L. Fischer
Legal Owner
Green Clean Auto Wash
Contract Purchaser/Lessee

Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No: 2021-0008-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 8711 Liberty Road. The Petitions were filed on behalf of Frances L. Fischer, legal owner and Green Clean Auto Wash, contract purchaser/lessee of the subject property (“Petitioners”). The Special Exception petition requests a car wash use in a BR-AS zone per the Baltimore County Zoning Regulations (“BCZR”), §§ 236.2 and 419.1. The Petition for Variance seeks relief from the BCZR § 238.2 to permit a side yard setback of 27 ft. in lieu of the permitted 30 ft.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Craig Van Bremen appeared in support of the petition. He is the Vice President of Development and Acquisition for Green Clean Auto Wash, Inc. Timothy Kotroco, Esq. represented the Petitioners. Matthew Bishop, the landscape architect who prepared and sealed the site plan also attended. The site plan and red-line site plan were admitted as Petitioner’s Exhibits 1 and 2, respectively. Mr. Bethel, an interested community member also attended. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Environmental Protection and Sustainability

Development Coordination ("DEPS"), from the Department of Planning ("DOP") and the Department of State Highway Administration ("SHA"). They did not oppose the requested relief, subject to proposed conditions, which will be incorporated into the Order.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The subject property is 1.07 acres and is zoned BR-AS. It is at the intersection of Liberty Road and Brenbrook Road. Mr. Kotroco proffered the following in support of the Petition. The property is currently occupied by a vacant commercial building, which will be razed. The site will be cleaned up and the chain link fence surrounding the property will be removed and replaced by landscaping that conforms with the Baltimore County Landscape Manual ("BCLM"). Green Clean operates car washes in several states and is expanding into Maryland. The red-line site plan incorporates several of the DOP recommendations, including fencing, landscaping and a community focal point. The plan proposes a "tunnel" car wash with a single entry point off of Liberty Road and a single exit onto Brenbrook Road. Sufficient stacking is provided. Mr. Kotroco explained that he and his client have discussed the proposed plan with community leaders, including Shirley Supik, the President of the Liberty Road Community Council. She suggested conditions regarding the landscaping and site maintenance that will be incorporated into the Order. Finally, Mr. Kotroco explained that the irregular shape of the lot necessitates the minor setback variance that is requested.

Mr. Bethel, a community member also testified. He explained that he is the football coach at Randallstown High School. He has plans to open a hand car wash adjacent to the subject site. He intends to provide employment for members of the football team and other community youth. He and Mr. Van Bremen agreed they would discuss working together to try to provide employment opportunities. Mr. Van Bremen explained that they will be hiring approximately 12 employees.

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.

Based on the record evidence in this case I find that the special exception request to use this property as a full service car wash should be granted. Specifically, I find that the proposed uses will not have any greater impacts at this location than those inherently associated with the special exception use. I also find that the requested relief satisfies the requirements of BCZR Sec. 502.1.

VARIANCE

Under BCZR Sec. 307, and Maryland common law, in order to be entitled to variance relief the Petitioners must satisfy a two-step legal analysis, 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 is what necessitates the requested 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).

As explained above, the property is a trapezoid, and one of the boundary lines pinches in on the proposed car wash structure, which necessitates a 3 foot setback variance. The Petitioner would suffer practical difficulty because the plan could not be built as designed.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 23th day of **March, 2021** that the Petition for Special Exception for a car wash use in a BR-AS zone per the Baltimore County Zoning Regulations ("BCZR"), §§ 236.2 and 419.1 are hereby **GRANTED**; and

IT IS FURTHER ORDERED that the Petition for Variance from the BCZR § 238.2 to permit a side yard setback of 27 ft. in lieu of the permitted 30 ft. is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- Petitioner 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.
- Prior to issuance of permits, Petitioner must comply with the ZAC comments made by DEPS, DOP and SHA, except as provided below. Copies of these ZAC comments are attached hereto and made a part hereof.
- Petitioner need not comply with DOP Comment number 4 concerning the stone and brick building materials.
- Green Wash shall submit a landscape plan for review and approval by Baltimore County. Once installed per Baltimore County specifications, Green Wash shall be responsible for the ongoing maintenance of all landscaped areas and shall replace any plantings that die in the future. Green Wash shall also keep the site, including all landscaped areas free from trash and debris.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

**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/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the 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: 2023-0167-X
Property Address: 8711 Liberty Road
Property Description: Corner of South Side of Liberty Road,
East Side of Brenbrook Drive
Legal Owners (Petitioners): Green Clean Randallstown, LLC
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy Kokoro
Company/Firm (if applicable): Kokoro & Associates, LLC
Address: 305 Washington Ave Suite 502
Towson, MD 21204
Telephone Number: 410 299 2943

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

No. 222601

Date: 8/10/2023

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					\$500

Total: \$500

Rec From: Timothy M. Kotroco

For: Special Exception Request
8711 Liberty Road
2023-0167-X

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
PLEASE PRESS HARD!!!!

WTK
GOLD - ACCOUNTING

CASHIER'S
VALIDATION



September 19, 2023

Timothy Kotroco
305 Washington Avenue, Ste. 502
Towson, MD 21204

RE: Case Number: 2023-0167-X, 8711 Liberty Road

To Whom It May Concern:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 10, 2023. 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. There have not been any comments submitted from these agencies. 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 cursive script that reads "Jeffrey Perlow".

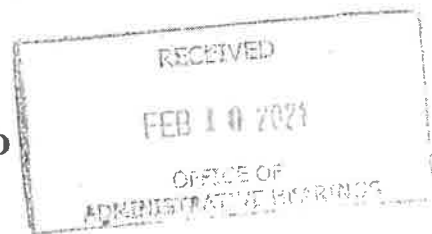
Jeff Perlow
Supervisor
Department of Zoning

K1

C: Craig Van Breman, 13375 Baltimore National Pike, SWA #D, Etna OH 43068

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: February 10, 2021

SUBJECT: DEPS Comment for Zoning Item # 2021-0008-XA
Address 8711 Liberty Road
(Fischer Property)

Zoning Advisory Committee Meeting of February 8, 2021.

1. This project will require presentation to the Development Review Committee (DRC) for determination of plan process prior to issuance of any permits for Grading or Construction.

Reviewer: Steve Ford

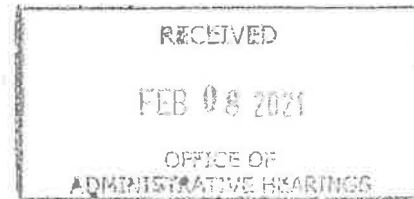
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 2/4/2021

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 21-008



INFORMATION:

Property Address: 8711 Liberty Road
Petitioners: Frances L. Fischer
Zoning: BR AS
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the request for a Special Exception under Section 236.2 and 419.1 of the BCZR to allow a car wash in a BR AS zone. The Department also reviewed the request for a Variance under Section 238.2 of the BCZR to permit a side yard setback of 27 feet in lieu of the permitted 30 feet.

The site is located in the Randallstown area, at the intersection of Liberty Rd and Brenbrook Dr. The site is within the Liberty Road Commercial Revitalization District (CRD) and within the Liberty Road study area boundary. The property is zoned BR AS and is currently vacant. The property was formerly a body shop known as "Randallstown Auto Collision". The applicant is proposing a car wash, "Green Clean Car Wash". The site is adjacent to an auto and body repair store to the west and a restaurant to the north. Across the street, to the south is a gas station and to the east, some retail stores. The site is also in proximity to a residential area.

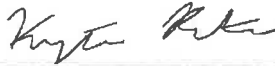
The Department of Planning has no objection to granting the requests conditioned upon the following:

1. Re-examine the layout and circulation of the proposed car wash. Traffic circulation should be designed to ensure efficient circulation within, on and off of the subject site and ensure that the car wash will not obstruct the use of the drive aisles, back-up areas or parking spaces.
2. Demonstrate to the satisfaction of the ALJ that vehicles will not queue onto Liberty Rd.
3. The architectural design of the proposed car wash should be aesthetically pleasing to the eye. The site is located in a prominent intersection and is within the boundaries of the Liberty Rd CRD and Liberty Road study boundary. One of the top concerns from the community is the aesthetic look of the corridor. Architectural elevations should be provided that are more articulated with aesthetic components that will offer a unique visual appeal. Use high quality materials such as stone and/or brick and provide some variations on the types of roof.
4. The site is in proximity to a residential area, the applicant should provide a fence along the western and northern boundary of the property in addition to the proposed vegetative buffer to screen from the adjacent residential use. The material used on the fence should be black metal fence panels or something similar. The Department of Planning recommends evergreen trees or similar trees that grow fast and screen well for landscaping. To protect the adjacent residential area from noise, there shall be no outdoor loudspeakers allowed on the subject site.

5. Relocate the proposed vacuum/drying spaces away from public view or ensure that the proposed vacuum/drying area is screened from public visibility with evergreen plantings.
6. Provide a landscaping and lighting plan to be approved by the Baltimore County Landscape Architect. Lighting should be provided in consideration to adjacent residential properties and should meet the height and intensity conditions listed under Section 1B01.1.B.1.e (4) of the BCZR.
7. Demonstrate to the satisfaction of the ALJ that conditions determining granting of special exception are met (Section 502.1 of the BCZR)
8. Ensure that the proposed dumpster enclosure meets condition H of the Baltimore County Landscape Manual. Materials used on the proposed dumpster enclosure should match those on the principal building.
9. Incorporate special features or focal points at the corner of Liberty Road and Millvale Lane.

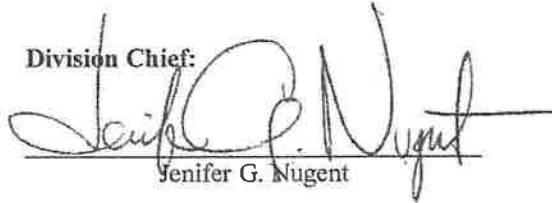
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:



Jennifer G. Nugent

SL/JGN/KP/

c: Ngone Seye Diop
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Timothy M. Kotroco, Esq.
Office of Administrative Hearings
People's Counsel for Baltimore County

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
**STATE HIGHWAY
ADMINISTRATION**

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Gregory Slater
Secretary
Tim Smith, P.E.
Administrator

February 12, 2021

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany the petition for variance on the subject of the Case number referenced below, which was received on February 5, 2021. A field inspection and internal review reveals that an entrance onto Liberty Rd (MD 26) consistent with current State Highway Administration guidelines is required. As a condition of approval for Special Exception Variance, Case Number 2021-0008-XA.

France L. Fisher
8711 Liberty Rd.

The applicant must contact the State Highway Administration to obtain an entrance permit. If there are any questions, please contact Mr. Steven Autry at 410-229-2335, or toll free (in Maryland only) at 1-800-735-2258 (x2335), or via email at sautry@mdot.maryland.gov

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

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: August 28, 2023

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 28, 2023
Item No. 2023-0167-X

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

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

VKD: JK
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: September 1, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0167-X
Address: 8711 LIBERTY RD
Legal Owner: Green Clean Randallstown, LLC

Zoning Advisory Committee Meeting of August 28, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 9/15/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0167-XA

INFORMATION:

Property Address: 8711 Liberty Road
Petitioner: Green Clean Randallstown, LLC; Craig Van Breman
Zoning: BR-AS
Requested Action: Special Exception

The Department of Planning has reviewed the petition for the following:

Special Exception - To approve a previously approved but expired (case no. 2021-0008-XA) car wash use in a BR-AS zone per sections 236.2 and 419.1.

The proposed site is a 1.07ac property zoned BR-AS. It is located in the Randallstown area, at the intersection of Liberty Rd and Brenbrook Dr. The site is within the Liberty Road Commercial Revitalization District (CRD) and within the Liberty Rd study boundary. The property is currently vacant. The property was previously a body shop known as “Randallstown Auto Collision”. The applicant is proposing a car wash, “Green Clean Car Wash”. The site is adjacent to an auto body repair shop to the east and a restaurant to the south. Across the street, to the north is a gas station and to the west, some retail stores. The site is also in proximity to a residential area.

The Department has no objections in granting the relief subject to the follow conditions:

1. Coordinate with the Department of Public Works & Transportation to reexamine the site circulation to determine if the curb cut on Brenbrook Drive should be changed from an egress only to include an ingress option.
2. Demonstrate to the satisfaction of the Administrative Law Judge that vehicles would not queue onto Liberty Rd.
3. All applicable requirements of the Complete Streets Guidelines for residential properties must be met. Complete Streets Guidelines found here:
<https://resources.baltimorecountymd.gov/Documents/Planning/bikeandped/CompleteStreets.pdf>
4. Provide landscaping and lighting plan to be approved by the Baltimore County Landscape Architect. Lighting should be provided with consideration of adjacent properties and should meet the height and intensity conditions listed under Section 1B01.1.B.1.e (4) of the BCZR.
5. The site complies with all other use/setback regulations and guidelines for BR-AS zoned property.
6. Comply with any additional conditions set forth by the Administrative Law Judge.

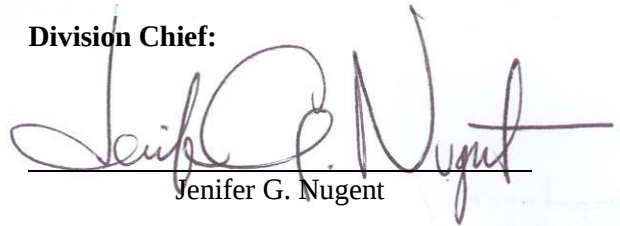
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

Timothy M. Kotroco, Esq.
Daphne Daly, Community Planner
Ngone Seye Diop, Community Planning Division Chief
Jeff Perlow, Zoning Review
Lajuanda Whitaker, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

CASE NO. 2023-0167-X

PETITIONER/DEVELOPER

Matthew

Kotroco Esq.

DATE OF HEARING/CLOSING

September 28, 2023

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

8711 Liberty Road

Sign 1



THE SIGN(S) POSTED ON September 7, 2023

(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

CERTIFICATE OF POSTING

CASE NO. 2023-0167-X

PETITIONER/DEVELOPER

Matthew

Kotroco Esq.

DATE OF HEARING/CLOSING

September 28, 2023

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

8711 Liberty Road

Sign 2



THE SIGN(S) POSTED ON September 7, 2023

(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

A handwritten signature in black ink, appearing to read "Martin Ogle", written over a horizontal line.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: September 1, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0167-X
Address: 8711 LIBERTY RD
Legal Owner: Green Clean Randallstown, LLC

Zoning Advisory Committee Meeting of August 28, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 02 Account Number - 0211470490

Owner Information

Owner Name: GREEN CLEAN RANDALLSTOWN LLC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: %EXPRESS WAH CONCEPTS
13375 NATIONAL ROAD SW #D Deed Reference: /46025/ 00290
ETNA OH 43068-

Location & Structure Information

Premises Address: 8711 LIBERTY RD Legal Description: .4887 AC SWS LIBERTY
RANDALLSTOWN 21133-0000 2168 SE STONEYBROOK RD
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0077 0015 0581 10000.04 0000 2022 Plat Ref:
Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1968	6,248 SF		21,287 SF	06

Stories Basement Type	Exterior Quality Full/Half Bath	Garage	Last Notice of Major Improvements
SERVICE GARAGE /	C2		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	211,200	211,200		
Improvements	446,800	446,800		
Total:	658,000	658,000	658,000	658,000
Preferential Land:	0	0		

Transfer Information

Seller: KLOHR JAMES A KLOHR HILDA L	Date: 12/14/2021	Price: \$1,250,000
Type: ARMS LENGTH IMPROVED	Deed1: /46025/ 00290	Deed2:
Seller: KLOHR JAMES A	Date: 01/31/1991	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08704/ 00354	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2023	07/01/2024
County:	0.00	
State:	0.00	
Municipal:	0.00	0.00

Special Tax Recapture: None

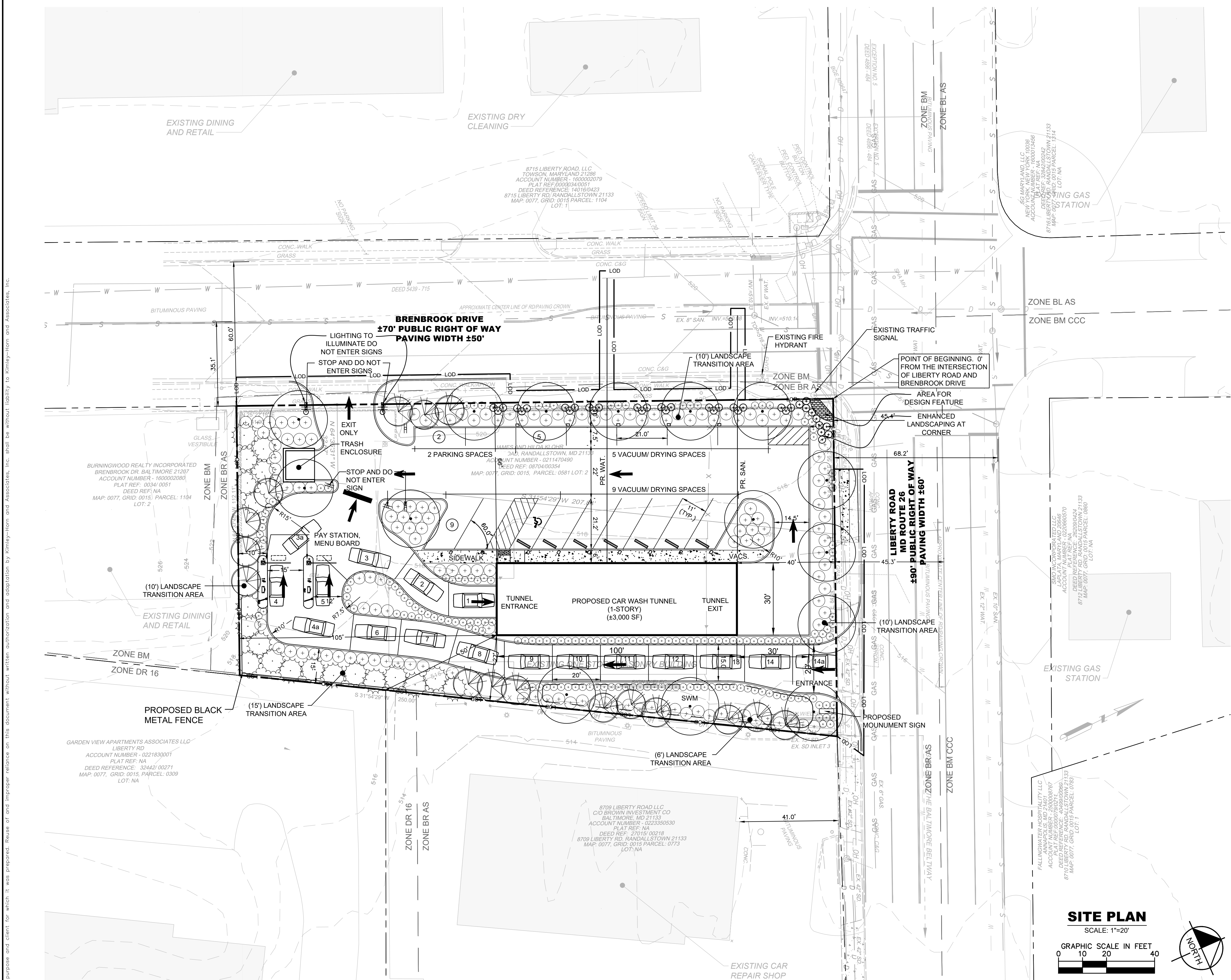
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2023-0167-X



SETBACKS FOR CAR WASH USES IN BR-AS ZONE

- 50' FROM THE LOT LINE OF ANY RESIDENTIALLY ZONED PROPERTY.
- THE TUNNEL EXIT OF CAR WASH FACILITIES SHALL BE SET BACK AT LEAST 50 FEET FROM THE NEAREST EXIT DRIVE.
- NO TUNNEL ENTRANCE OR EXIT OF A CAR WASH OPERATION SHALL FACE AN ADJACENT RESIDENTIALLY ZONED PROPERTY NOT INCLUDING THOSE ACROSS A STREET.
- THE REAR AND SIDES OF BUILDINGS FACING RESIDENTIALLY ZONED PROPERTIES SHALL BE FINISHED WITH MATERIALS THAT IN TEXTURE AND COLOR RESEMBLE THE FRONT OF THE BUILDING. THE TYPE OF FACADE TREATMENT SHALL BE INDICATED ON THE SITE PLAN AND SHALL BE SUBJECT TO REVIEW BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING, WHO SHALL PROVIDE WRITTEN COMMENTS TO THE APPROVAL AUTHORITY.

PARKING REQUIREMENTS FOR CAR WASH USES

- STACKING SPACES FOR ROLL-OVER CAR WASH TUNNEL:
 - REQUIRED = 9
 - PROVIDED = 14
- SPACES TO DRY VEHICLES:
 - REQUIRED = 2
 - PROVIDED = 2
- ADDITIONAL PARKING SPACES:
 - REQUIRED = 2
 - PROVIDED = 2
- VACUUM SPACES:
 - REQUIRED = 1
 - PROVIDED = 14

LANDSCAPE TRANSITION AREAS FOR CASH WASHES

- FRONTING A PUBLIC RIGHT OF WAY:
 - REQUIRED = 10'
 - PROVIDED = 10'
- SIDE AND REAR YARDS ABUTTING NON-RESIDENTIALLY ZONED LAND:
 - REQUIRED = 6'
 - PROVIDED = 6'
- LOCATED WITHIN 50 FEET OF ANY RESIDENTIALLY ZONED PROPERTY:
 - REQUIRED = 10'
 - PROVIDED = 10'

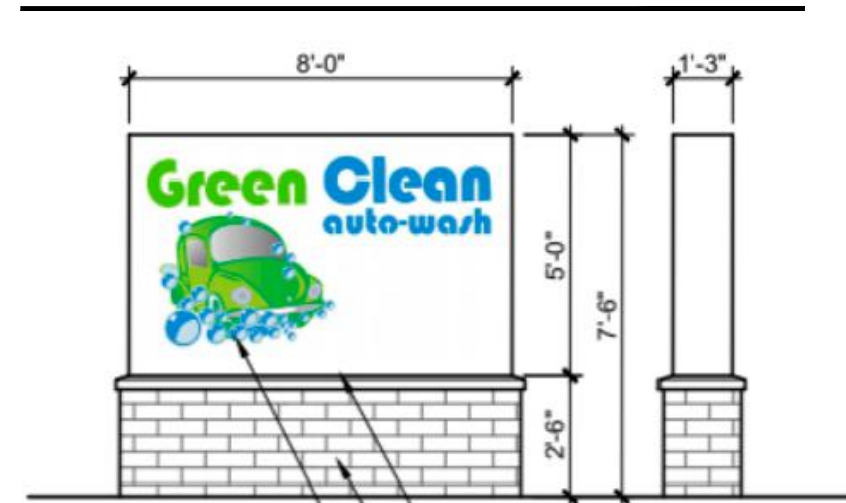
FRONT YARD AVERAGING FOR BR-AS ZONE

- ADJACENT BUILDING = 41.7'
- BR-AS ZONE FRONT YARD SETBACK = 25'
- AVERAGE = 33.30'
- PROVIDED = 40'

BUILDING SETBACKS FOR BR-AS ZONE

- FRONT:
 - REQUIRED: 25' & 50' FROM CENTERLINE OF ROAD.
 - PROVIDED: 40' & 80'
- SIDE:
 - REQUIRED: 30'
 - PROVIDED: 27'
- REAR:
 - REQUIRED: 30'
 - PROVIDED: 105'

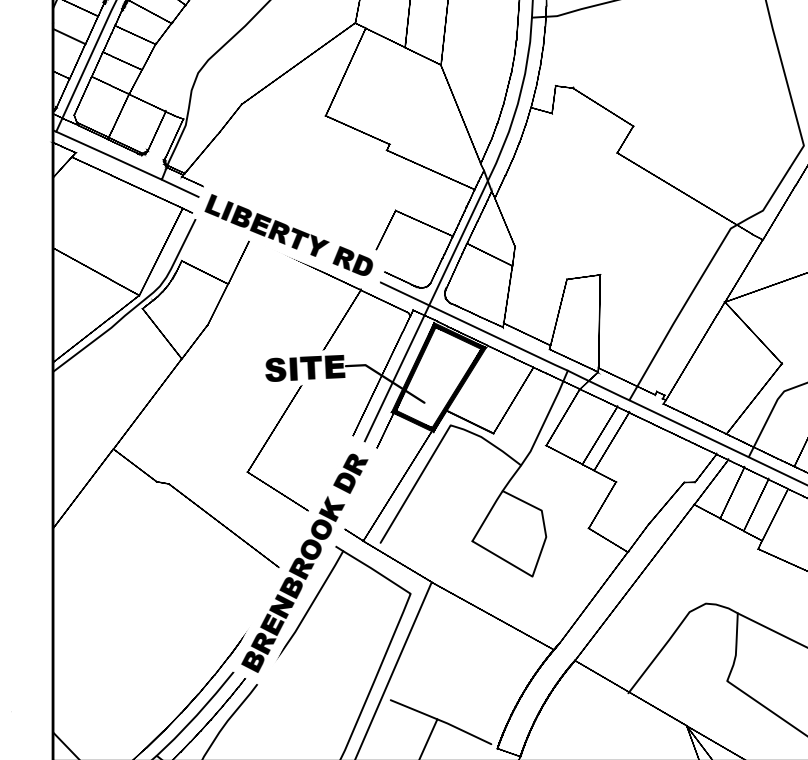
MOUND SIGN



SIGNAGE

- WALL MOUNTED ENTERPRISE SIGNS:
PERMITTED:
SIZE: TWICE THE LENGTH OF WALL
NORTH WALL: 30'x2 = 60 SQ. FT.
SOUTH WALL: 30'x2 = 60 SQ. FT.
WEST WALL: 100'x2 = 200 SQ. FT.
EAST WALL: 100'x2 = 200 SQ. FT.
ILLUMINATED: YES
PROPOSED:
SIZE: TWICE THE LENGTH OF WALL
NORTH WALL: 30'x2 = 60 SQ. FT.
SOUTH WALL: 30'x2 = 60 SQ. FT.
WEST WALL: 100'x2 = 200 SQ. FT.
EAST WALL: 100'x2 = 200 SQ. FT.
ILLUMINATED: YES
FREE-STANDING ENTERPRISE SIGN:
PERMITTED:
SIZE: 75 SQ. FT.
HEIGHT: 25'
NUMBER: 1 PER FRONTAGE
ILLUMINATED: YES
PROPOSED:
SIZE: 40 SQ. FT.
HEIGHT: 7.5'
NUMBER: 1
ILLUMINATED: YES

BUILDING ELEVATIONS



VICINITY MAP

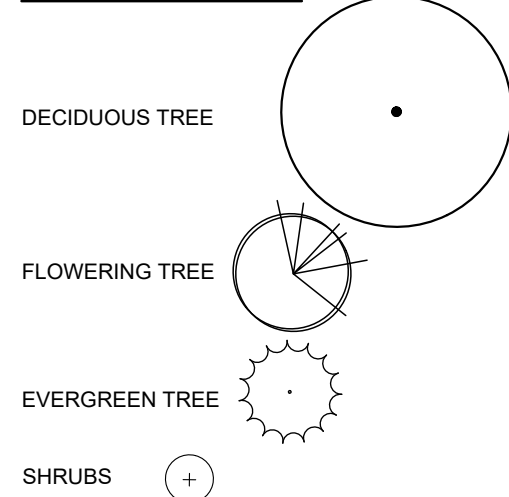
GENERAL NOTES

- OWNER: JAMES A. KLOHR, JR.
ADDRESS: 1335 GRID 15, TAX MAP 77
TAX ACCOUNT NO. 021147040, 021147080
DEED REFERENCE: 05040354
USE: COMMERCIAL
PLAT REFERENCE: N/A
- APPLICANT: GREEN CLEAN CAR WASH
CONTACT: CRAIG VAN BREEMEN
- SITE DATA:
CENSUS TRACT: 4025.03
LAND MANAGEMENT AREA: COMMUNITY CONSERVATION AREA
ELECTION DISTRICT: 2
COUNTY COUNCIL DISTRICT: 4
REGIONAL PLANNING DISTRICT: RANDALLSTOWN
ELEMENTARY SCHOOL DISTRICT: RANDALLSTOWN
MIDDLE SCHOOL DISTRICT: MIDDLE SCHOOL DISTRICT
HIGH SCHOOL DISTRICT: WINDSHILL
WATERSHED: PATAPSCO RIVER
TRANSPORTATION ZONE: 695
KEY SHEET: PSW
- GROSS SITE AREA: 46,709 SF
NET SITE AREA: 31,379 SF OR 0.72 AC.
PERMITTED = 2.0
PROPOSED = 3,000 SF BLDG. / 46,709 SF GROSS SITE AREA = 0.064
- FLOOR AREA RATIO: PERMITTED = 2.0
PROPOSED = 3,000 SF BLDG. / 46,709 SF GROSS SITE AREA = 0.064
- TOTAL DISTURBED AREA = 31,379 SF OR 0.72 AC.
- THE SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE IS NOT IN THE 100 YEAR FLOOD PLAIN.
- THERE ARE NO KNOWN WETLANDS ON THIS SITE.
- THERE ARE NO KNOWN BUILDINGS, PROPERTIES, OR SITES WITHIN THE PROPOSED DEVELOPMENT INCLUDED ON THE MARYLAND HISTORICAL TRUST INVENTORY (MHT), BALTIMORE COUNTY LANDMARKS LIST, THE NATIONAL REGISTER OF HISTORIC PLACES, OR THE MARYLAND ARCHEOLOGICAL SURVEY.
- THE PROJECT SITE IS NOT LOCATED IN ANY BALTIMORE COUNTY OR NATIONAL HISTORIC DISTRICT.
- THE PROJECT SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES MAP AREAS.
- NO KNOWN EXISTING WELLS AND SEWAGE DISPOSAL SYSTEMS ON-SITE OR WITHIN 100' OF THE DEVELOPMENT SITE ARE AS SHOWN.
- THERE ARE NO KNOWN UNDERGROUND FUEL OR CHEMICAL STORAGE TANKS ON OR WITHIN 100' OF THE DEVELOPMENT SITE.
- THERE ARE NO KNOWN HAZARDOUS MATERIALS AS DEFINED BY SECTION 7-101 OF THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF BALTIMORE COUNTY.
- THIS SITE WILL BE SERVICED BY PUBLIC WATER AND SEWER SYSTEM.
- DESIGN STANDARDS, SCREENING, AND LANDSCAPING MUST BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 32-4-404 OF THE BALTIMORE COUNTY CODE.
- BOUNDARY AND LOCATION SURVEY INFORMATION SHOWN HEREON ARE BASED ON A FIELD RUN SURVEY PERFORMED BY W.P.S. INC. DATED OCTOBER 2020. ADDITIONAL INFORMATION SHOWN IS DERIVED FROM BALTIMORE COUNTY GIS.
- EXISTING USE: COMMERCIAL
PROPOSED USE: COMMERCIAL

ZONING NOTES

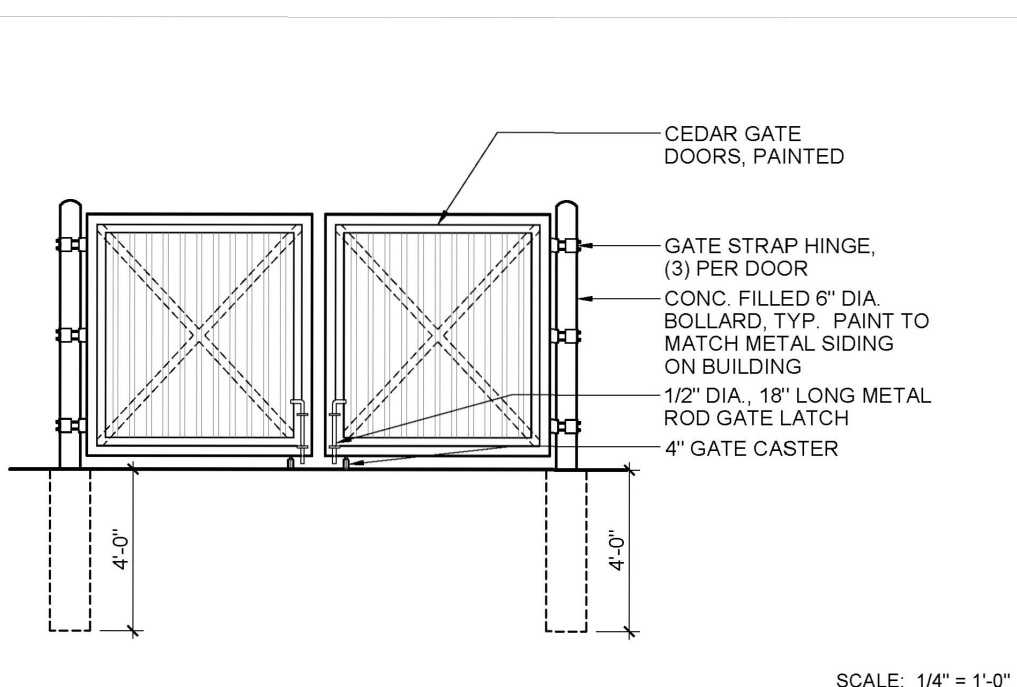
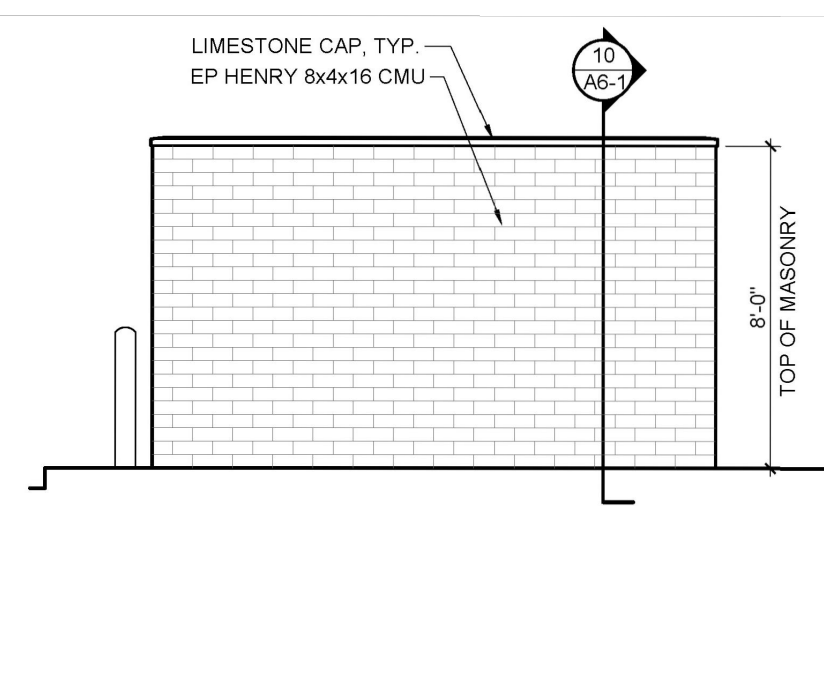
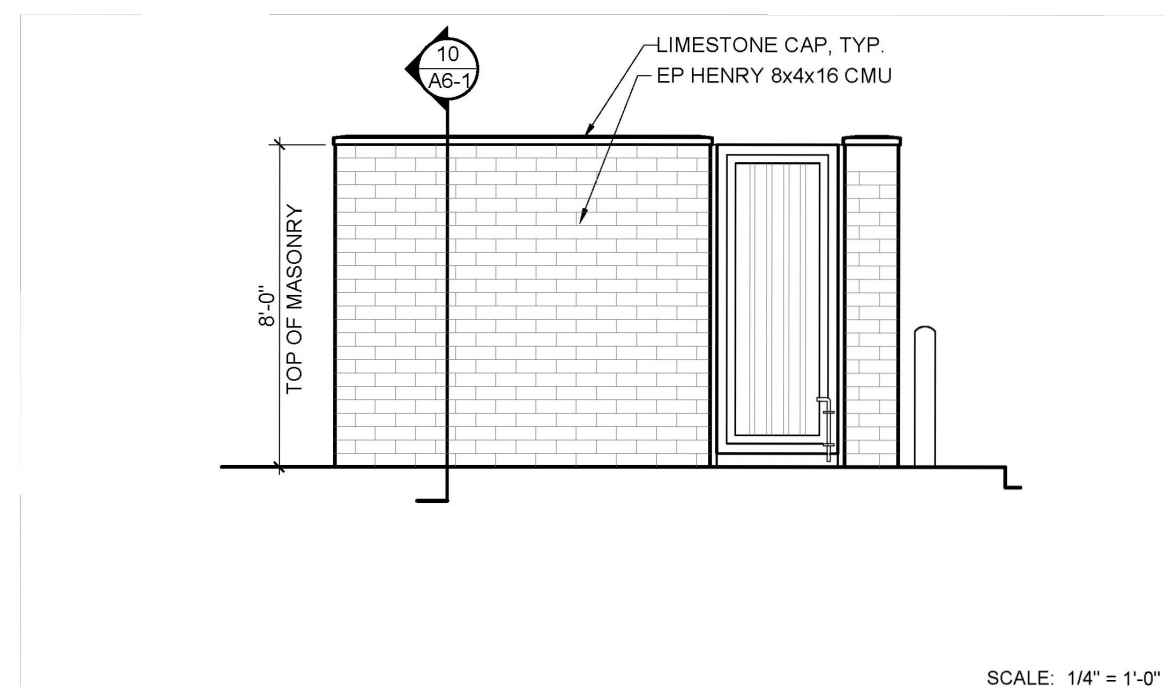
- EXISTING ZONING: BR-AS
ZONING HISTORY:
1987-2021: OWNER PETITIONED FOR VARIANCE FROM SECTION 238.2 AND REQUESTED 20' SIDE YARD ON THE WEST SIDE AND 10' SIDE YARD ON THE EAST SIDE IN LEU OF THE REQUIRED 30' SIDE YARD.
OUTCOME: VARIANCE WAS GRANTED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY ON MAY 3, 1987.
R-1986-005
1996-3898-X
PETITION: OWNER PETITIONED FOR SPECIAL EXCEPTION TO USE THE LAND FOR ONE ADVERTISING STRUCTURE (TWO ADVERTISING SIGNS).
OUTCOME: PETITION WAS GRANTED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY ON JULY 12, 1996.
1. PREVIOUS COMMERCIAL PERMIT HISTORY: NONE FOUND.
2. THIS DEVELOPMENT IS SUBJECT TO THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES (SECTION 504.2) AND THE COUNTY LANDSCAPE MANUAL (SECTION 605.8.1). THE DEVELOPMENT WILL COMPLY AND BE CONSISTENT WITH ALL OF THE AFOREMENTIONED REGULATIONS, STANDARDS, GUIDELINES, AND POLICIES OR THE PROPER RELIEF WILL BE REQUESTED.
3. ALL SIGNS WILL CONFORM TO BALTIMORE COUNTY ZONING CODE, SECTION 450 OR APPROPRIATE RELIEF WILL BE REQUESTED.
4. THE PROPOSED BUILDING SHALL NOT EXCEED 40 FEET IN HEIGHT.
5. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
6. THE PROPERTY IS NOT LOCATED IN AREAS OF CONCERN AS IDENTIFIED ON THE BALTIMORE COUNTY 2020 BASIC SERVICES MAPS.
7. NO OUTDOOR LOUD SPEAKERS PERMITTED.

LANDSCAPE LEGEND



PRELIMINARY LANDSCAPE CALCULATIONS

Baltimore County Planting Unit Calculation	PU Credit Requirement Rate	Quantity	Required Planting Units (PU)
Condition A Adjacent and Interior Roads			
Adjacent Road	1 PU/40 LF	390	9.8
Interior Road	1 PU/20 LF	170	8.5
Condition B Parking Lots			
Adjacent to Public Right of Way	1 PU/15 LF	130	8.7
Parking Lot Interior	1 PU/12 Spaces	9	0.8
Condition F Service Lanes			
Adjacent to Commercial Properties	1 PU/20 LF	285	14.3
Condition H Dumpsters			
Adjacent to Commercial Properties	1 PU/15 LF	60	4.0
Condition K Automotive Uses			
Adjacent to Right of Way (Class B)	1 PU/15 LF	390	26.0
Adjacent to Commercial Properties	1 PU/10 LF	302	20.1
Adjacent to Residential Properties (Class C)	1 PU/10 LF	60	4.0
Total Required Planting Units (PU)			96.1
Baltimore County Proposed Planting Unit Calculation			
Major Trees Proposed	1 PU/Tree	15	15
Minor Trees Proposed	1 PU/2 Trees	16	8.0
Evergreen Trees Proposed	1 PU/2 Trees	20	10.0
Shrubs Proposed	1 PU/5 Shrubs	355	71.0
Total Proposed Planting Units (PU)			104.0

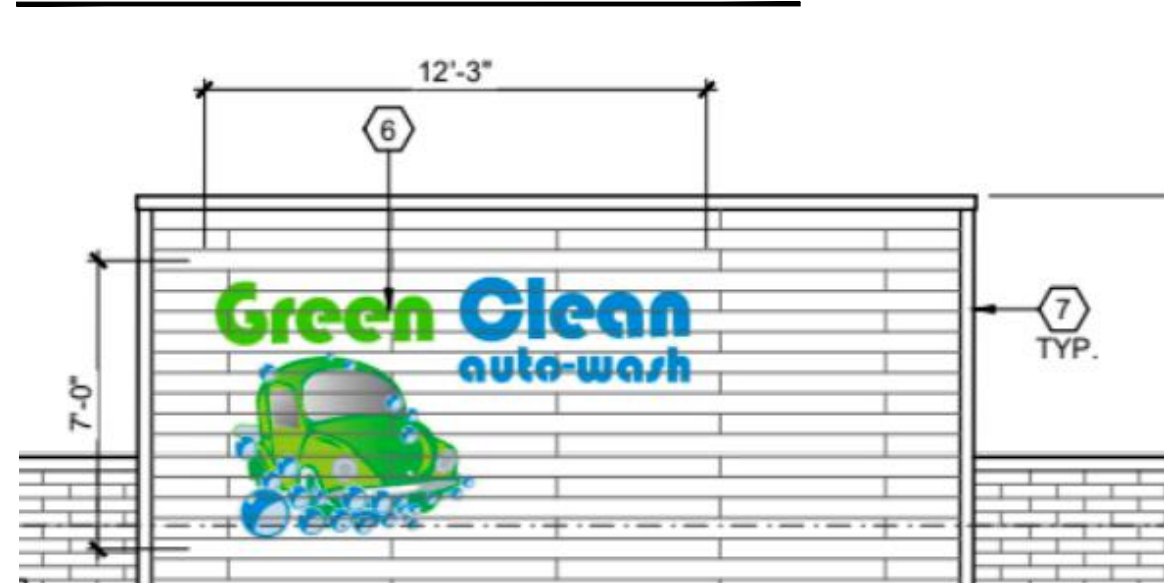


7 DUMPSTER ENCLOSURE - ELEVATIONS

3 DUMPSTER ENCLOSURE - ELEVATIONS

2 DUMPSTER ENCLOSURE - ELEVATIONS

TRASH ENCLOSURE DETAILS



TYPICAL WALL MOUNTED SIGN
7' X 12.25' = 85.75 SQUARE FEET



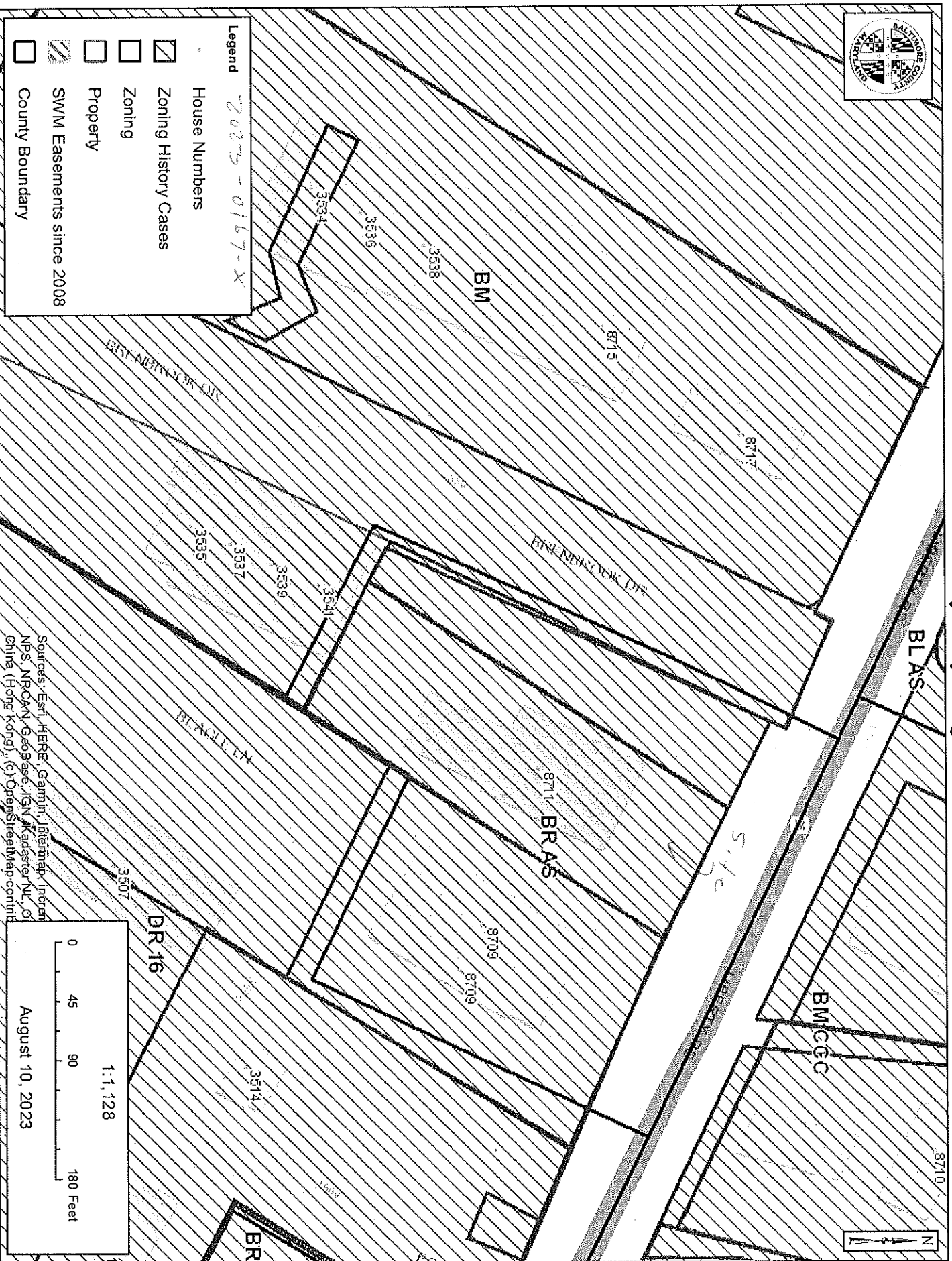
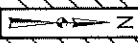
NORTH



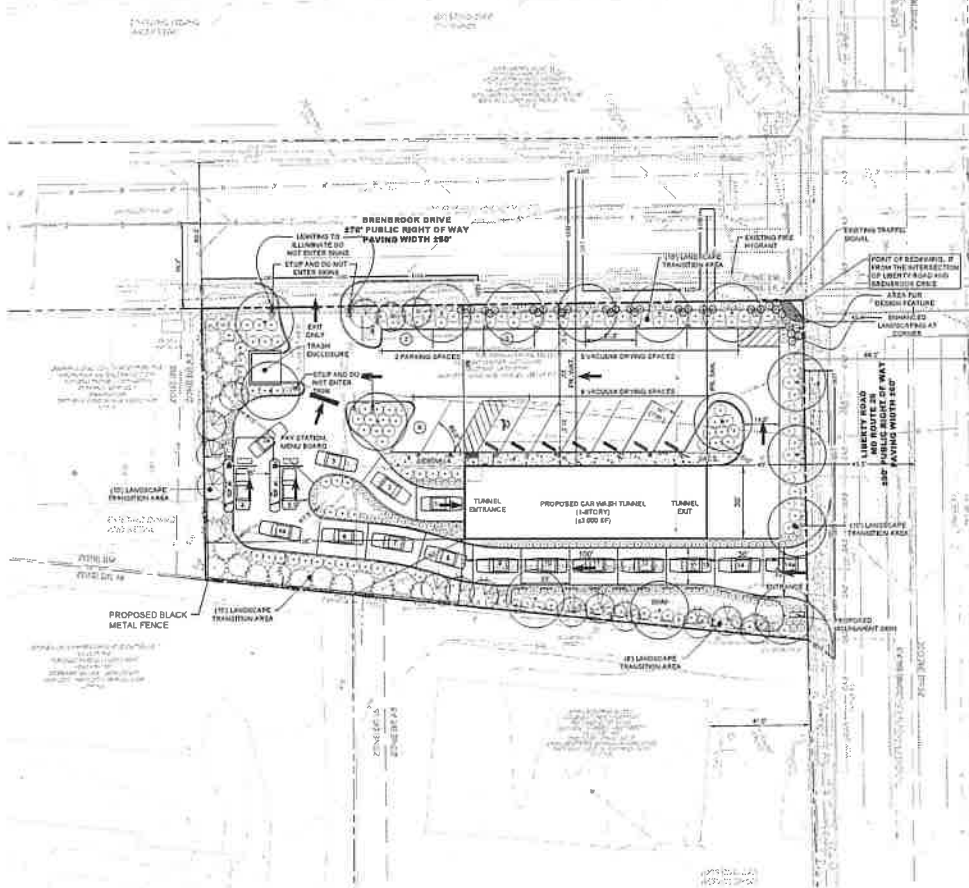
EAST



Baltimore County - My Neighborhood



Pet Ex #2



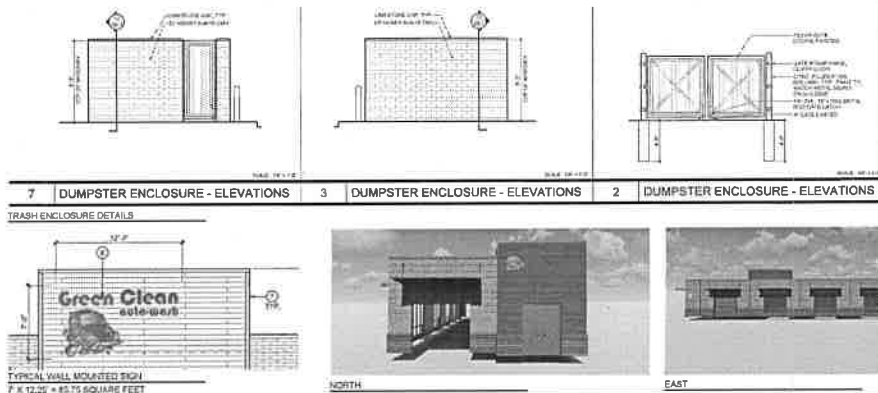
PRELIMINARY LANDSCAPE CALCULATIONS

Baltimore County Planning Unit Calculations		PU Credit Requirement Rate	Quantity	Required Planning Units (PU)
Condition A Adjacent and Interior Roads				
Adjacent Road	1 PU/20 LF	190	3.8	
Interior Road	1 PU/20 LF	190	3.8	
Condition B Parking Lot				
Adjacent to Public Right of Way	(1 PU/15 LF)	130	3.7	
Parking Lot Interior	1 PU/12 Spaces	2	0.6	
Condition C Service Lanes				
Adjacent to Commercial Properties	1 PU/20 LF	265	14.3	
Condition H Dumpsters				
Adjacent to Commercial Properties	1 PU/15 LF	67	4.0	
Condition R Automobile Use				
Adjacent to Right of Way (Class B)	1 PU/15 LF	190	3.8	
Adjacent to Commercial Properties	1 PU/15 LF	20	0.7	
Adjacent to Residential Properties (Class C)	1 PU/15 LF	60	4.3	38.1
Total Required Planning Units (PU)				
Baltimore County Proposed Planning Unit Calculations		PU Credit Requirement Rate	Quantity	Proposed Planning Units (PU)
Major Street Frontage	1 PU/20 LF	15	0.7	
Minor Street Frontage	1 PU/20 LF	15	0.7	
Unimproved Street Frontage	1 PU/20 LF	70	10.0	
Streets Proposed	1 PU/20 LF	30	1.5	
Total Proposed Planning Units (PU)				12.9

CALL 48 HOURS
BEFORE YOU DIG

IT'S THE LAW!
DIAL 811

 811
Easy on the
Call before you dig.



SETBACKS FOR CAR WASH

1. 下列各句中，没有语病的一句是（3分）
A. 随着“一带一路”倡议的推进，越来越多的国家开始重视与中国的合作，这为中国的经济发展和国际地位的提升提供了有力支持。
B. 在当前的国际形势下，中国应坚持独立自主的和平外交政策，同时积极参与全球治理，为世界和平与发展作出更大贡献。
C. 面对日益严峻的环境问题，政府应加大环保力度，严格执法，确保各项环保措施落到实处，以改善人民群众的生活环境。
D. 为了促进教育公平，国家应加大对农村地区和贫困地区的教育投入，提高教育水平，让每个孩子都能享有优质的教育资源。

- PARKING REQUIREMENTS FOR-

[illegible]

LANDSCAPE TRANSITION AREAS

FOR CASH WAIVER

1.1 FRONTING A PUBLIC RIGHT OF WAY
1.1.1 RE COVERED = 12
1.1.2 PRO COVERED = 14

1.2 SIDE AND REAR YARD ADJUTING MAIN
RESIDENTIAL ZONED LOT
1.2.1 RE COVERED = 6
1.2.2 PRO COVERED = 9

1.3 UNCREATED WITHIN 10 FEET OF AN
RESIDENTIAL ZONED PROPERTY
1.3.1 RE COVERED = 12
1.3.2 PRO COVERED = 15

FRONT YARD AVERAGING FOR BILAS ZONE

```

1 ADJUSTMENT MAX CORP= 41.7'
2 BRNCH TO SET = D(1) + A(D) [ETB] * F
3 C-PRNGD = 11.75
4 PERCENT = 60

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BUILDING SETBACKS FOR BR-A'S ZONE

1. FRONT
1.1. PICKUP BY 6 MP FROM CAN'TERLINE OF ROAD.

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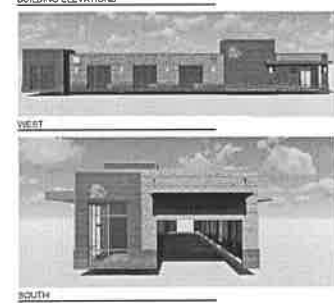
2 1  PROVIDED 44 17
2 2  DECE
2 3  REQUESTED 30
2 4  PROVIDED 21
3 1  DECE
3 2  REQUESTED 30
3 3  PROVIDED 14

```

MONUMENT SIGN



BUILDING ELEVATIONS



SITE PLAN

SCALE: 1"=25'

GRAPHIC SCALE IN FEET



ZONING ORDER

THE UNIVERSITY OF CHICAGO PRESS

SIGNAGE

[illegible]

26'E
HEIGHT

DEP015	100PERCENTAGE
ELIMINATED	YES
PROCPY03	
BUC	4965.31
HEWHT	73
INPAZER	1
ELIMINATED	YES

W X S = 40 SQUARE FEET

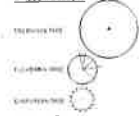
GENERAL NOTES

1. LAMP
2. APPS
3. DB
4. OS
5. HW

ZONING NOTES

[illegible]

LANDSCAPE LEGEND



Kimley»»Horn



PLAN TO ACCOMPANY SPECIAL EXCEPTION
FOR
8711 LIBERTY ROAD
MARGALLETOWN, MD 21132

8711 LIBERTY ROAD
PREPARED FOR
GREEN CLEAN
CONTRACT : _____

ZON-1