IN THE MATTER OF A.I. GLENVIEW, LLC, LEGAL OWNER TIKVA, LLC, CONTRACT PURCHASER PETITIONERS FOR SPECIAL HEARING AND SPECIAL EXCEPTION ON THE PROPERTY LOCATED AT 800 GOUCHER BOULEVARD 9TH ELECTION DISTRICT 6TH COUNCIL DISTRICT	*	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY Case No.: 23-262-SPHX

* * * * * * * * * * *

ORDER UPON RECONSIDERATION

On December 17, 2024, this Board issued an Order granting a special exception to permit a roll-over car wash in combination with an existing fuel service station and convenience store in this matter. That special exception was subject to certain conditions. One of those conditions was that the Petitioner install a six-foot sound barrier. That condition was incorrectly required in that the Board had decided in its public deliberation that no such sound barrier was needed.

Accordingly, it is this 20th day of February, 2025, by the Board of Appeals of Baltimore County hereby

ORDERED, that the Order dated December 17, 2024, in this matter is hereby modified to eliminate the requirement of a six-foot sound barrier. All other aspects of the December 17, 2024, Order shall remain in full force and effect.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Joseph L. Evans, Panel Chair

Bryan T. Pennington

William H. Paulshock, Sr.

IN THE MATTER OF: **A.I. GLENVIEW, LLC, Legal Owner** **TIKVA, LLC, Contract Purchaser** **PETITIONERS FOR SPECIAL HEARING AND SPECIAL EXCEPTION FOR THE PROPERTY LOCATED AT 800 GOUCHER BOULEVARD** **9th Election District** **6th Council District**	)	**BEFORE THE** **BOARD OF APPEALS** **OF** **BALTIMORE COUNTY** **Case No. 2023-0262-SPHX**

MOTION FOR RECONSIDERATION

A.I. Glenview, LLC, and Tikva, LLC ("Petitioners"), by and through their attorney, Dino C. La Fiandra, Esquire and The Law Office of Dino C. La Fiandra, LLC, pursuant to Rule 12 of the Rules of Practice and Procedure of the Baltimore County Board of Appeals, respectfully request that the Board of Appeals of Baltimore County reconsider and clarify its Order dated December 17, 2024. As reasons therefor, the Petitioners state:

1. Petitioners' Exhibit 3 - Revised Site Plan

As the decision correctly notes, Petitioners' Exhibit 3 is a revised site plan for the subject site, which includes a 6 foot tall sound barrier intended by the Petitioners to assist in mitigating noise that may emanate from the car wash.

2. The Board's Deliberation

During the Board's deliberation on October 10, 2024, there was specific concern expressed by the panel about the Petitioner's proposed sound barrier. The Board was concerned that the area behind the sound barrier might become a haven for trash and graffiti.

The Board appeared to resolve, during its deliberation, that a sound barrier would not be required. The Board specifically commented that other factors, including the orientation of the car wash building, the placement of the dryers inside the building, and the existing topography

of the site, which sits 8 to 10 feet below the adjacent property, would mitigate noise coming from the car wash. However, the Board's written Order contradicts the Board's deliberation, as the Order specifically requires "the installation of a six-foot sound barrier."

3. The Petitioner Requests Clarification and Reconsideration

The Petitioners respectfully request that the Board clarify its intent, and reconsider its Order, as it pertains to the sound barrier. The Petitioner requests an Order that is consistent with the Board's deliberation.

WHEREFORE, the Petitioners respectfully request that the Board reconsider its December 17, 2024 Order, and issue a clarified Order that is consistent with the Board's deliberation.

Respectfully submitted,

January 13, 2025
Date

Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
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Board of Appeals of Baltimore County

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410-887-3180
FAX: 410-887-3182

February 20, 2025

Dino C. La Fiandra, Esquire
Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

RE: In the matter of: *A.I. Glenview, LLC – Legal Owner*
Tivka, LLC – Contract Purchaser
Case No.: 23-262-SPHX

Dear Mr. La Fiandra:

Enclosed please find a copy of the Order upon Reconsideration issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Executive Secretary

KLC/taz
Enclosure

c: Marilyn Lustbader, Manager/A.I. Glenview, LLC
Afshin Attar/ Tivka, LLC
Jacob Attar/Tivka, LLC
Office of People's Counsel
Maureen E. Murphy, Chief Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law
Elsie Dare
Linda Galati
Richard Armstrong
Kevin Koepenick

IN THE MATTER OF A.I. GLENVIEW, LLC, LEGAL OWNER TIKVA, LLC, CONTRACT PURCHASER PETITIONERS FOR SPECIAL HEARING AND SPECIAL EXCEPTION ON THE PROPERTY LOCATED AT 800 GOUCHER BOULEVARD 9TH ELECTION DISTRICT 6TH COUNCIL DISTRICT	*	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY Case No.: 23-262-SPHX

* * * * * * * * * * * *

OPINION

This matter comes before the Board of Appeals following an appeal filed by Petitioners, A.I. Glenview, LLC and Tikva LLC, (hereinafter "Petitioners"), from a decision dated February 26, 2024, by Administrative Law Judge ("ALJ") Andrew M. Belt. In that opinion, the ALJ denied a Petition for Special Exception to permit a roll-over car wash in combination with an existing fuel service station and convenience store. In addition, the ALJ denied a Petition for a Special Hearing to amend a previously approved site plan in order to reflect the car wash. The Board held an in-person hearing on August 15, 2024. The Petitioner was represented by Dino C. La Fiandra, Esquire. No one appeared in opposition to the request. The Board held a public deliberation on October 10, 2024.

BACKGROUND

The first witness was civil engineer Wayne Newton, P.E. of Messick and Associates. He was certified as an expert in civil engineering, land planning, and land development including the Baltimore County Zoning Regulations ("BCZR") and associated development regulations. He testified that the subject property is approximately 1.44 acres located on the northwest corner of the controlled intersection of Goucher Boulevard and Putty Hill Avenue. The property is zoned BL AS. At the present time, there is an Exxon gas station and an 1,100 square foot

convenience store. There are two exit/entrances onto Goucher Boulevard and one onto Putty Hill Avenue. All of the zoning, setback, and size requirements for a roll-over car wash are satisfied on the subject property. Surrounding the property are apartment complexes to the north and south, apartments and houses to the west, the large Towson Place commercial retail development to the east, and Calvert Hall High School to the southeast. Several new restaurants have been built on the edge of the Towson Place development close to the subject property.

Petitioner modified the orientation of the proposed car wash from that presented to the ALJ by about 20 degrees. Consequently, the car wash exit would now face directly to Putty Hill and away from any residential areas. This new orientation also ameliorates noise from the blowers. Mr. Newton testified that they also intend to have a noise abatement wall to reflect noise away from any residences. The apartment complex to the west is well above the subject property which has a stone retaining wall and a relatively dense row of trees which shields the subject property, and any activity on it, from the apartment complex.

Mr. Newton testified that the roll-over car wash would most likely not be a destination car wash. Rather it would be more a service offered to customers using the facility to re-fuel. He indicated that this is a very large commercial site for what is presently at the location which, according to him, means that it is an under-utilized commercial location. He specifically stated that this is "a very large site for a very small use." Also, there is no other location on the site that can accommodate the car wash because an abandoned right-of-way runs along the west wall of the proposed car wash.

Finally, Mr. Newton testified that the proposed development would result in an improved stormwater management system, provide needed car wash services in the immediate area, and lead to the only appropriate modification for the under-utilized site.

The next witness was Mark Keeley of Traffic Concept, Inc. Mr. Keely is a Professional Traffic Planner ("PTP"). He acknowledged that although the Putty Hill/Goucher Blvd. intersection had a D ranking, the data indicated that from 2021 the volume has been stable. He also indicated that Institute of Transportation Engineers Use Code, 11th Edition, indicated at Section 9.44 the presence of a roll-over car wash does not typically increase the number of uses at a given location.

The final witness was Afshin Attar. He indicated that he and his brother own Tikva, LLC ("Tikva") which owns the site. Mr. Attar stated that Tikva owns four other gas stations. One of those stations is located in Carroll County and has a roll-over car wash. Based on that experience, he echoed the earlier testimony that the car wash was not a destination in and of itself and that it did not measurably increase traffic. According to Mr. Attar, the car wash was profitable because the pre-existing fuel customers utilized it.

As indicated above, no one appeared in opposition to the petitions.

DISCUSSION

In order to grant a request for a Special Exception under BCZR, §502.1, it must appear that the use for which the Special Exception is requested will not:

A. Be detrimental to the health, safety or general welfare of the locality involved;
B. Tend to create congestion in roads, streets or alleys therein;
C. Create a potential hazard from fire, panic or other danger;
D. Tend to overcrowd land and cause undue concentration of population;
E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
F. Interfere with adequate light and air;
G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

In *Schultz v. Pritts*, 291 Md. 1, 22-23 (1981), the Supreme Court of Maryland held that "the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and therefore should be denied, is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." The Supreme Court of Maryland in *People's Counsel for Baltimore County v. Loyola College* in Md. 406 Md. 54, 106 (2008) upheld that longstanding *Shultz* analysis, explaining that a Special Exception use has "certain [inherent] adverse effects... [which] are likely to occur." Recognition of those adverse effects, however, must be tempered by the fact that a special exception use reflects legislative pre-approval of such a use, absent a failure to meet the §502.1 criteria. In its analysis, the Loyola Court observed that "[t]he special exception adds flexibility to a comprehensive legislative zoning scheme by serving as a 'middle ground' between permitted use and prohibited uses in a particular zone." (*Id.*at 71.)

The only two features that arguably run afoul §502.1 are increased traffic and noise. All of the Petitioner's witnesses testified that there would be no appreciable increase in traffic because of the addition of the roll-over car wash. As to noise, Mr. Newton testified that in the revised plan submitted to the Board, the source of the noise – the drying units – had been oriented away from the residential units, thus reducing any potential noise impact in that direction. Additionally, Petitioner is itself proposing a six foot noise abating fence. In its deliberations, the Board determined that the hours of operation for the car wash would be limited to 7:00 am to 9:00 pm, further reducing the effect that the noise could have on any neighboring residences.

Finally, the site is eight to ten feet below the adjacent apartment complex further mitigating any noise issue. In short, the Board concluded that neither the traffic impact nor the noise from this car wash would have a greater adverse effect than one would typically associate with a car wash generally. For these reasons, the Board finds that the special exception was warranted.[1]

The special hearing request is simply to approve an amendment to the previously approved site plan in case 1989-0479-SPHXA to allow a roll-over car wash as a use in combination with the existing fuel station. Given the Board's determination that the special exception is warranted, the relief sought in the Petition for Special Hearing is likewise granted.

COLLATERAL ESTOPPEL[2]

There were two prior zoning decisions in this matter: 1989-0479-SPHXA and 1996-0029-SPHX. The ALJ found that these two prior zoning matters precluded the present special exception request because the same issue was decided in these two cases. The ALJ held that Petitioner could not now challenge the underlying factual finding in those cases that a special exception for a roll-over car wash not permitted within BCZR §502.1. Petitioner argued that there was no collateral estoppel because there had never been a final decision on the merits. Petitioner correctly noted that the 1996 decision did not address the question of the car wash, and consequently could not be a basis for collateral estoppel. As to the possible binding effect of the 1989 decision, the Board did not reach a conclusion. As to that matter, there had been a finding

[1] The Board also finds that the Towson Community Plan is not an impediment to the proposed improvement. The Board adopts as its reasoning the argument presented in Petitioner's Memorandum at p. 9-12.

[2] The ALJ in this case found that collateral estoppel barred the present Petitions. Upon appeal to the Board, no one appeared in opposition to the Petitions, and no one argued to the Board that collateral estoppel **did** apply. Arguably the collateral estoppel question was not therefore presented to the Board because the Board is not "reviewing" the ALJ decision. In the absence of a party raising a legal issue, is the issue even operative? Even though the appeal is *de novo*, it is difficult to unring the collateral estoppel bell. The Board itself raised the question with Petitioner's counsel who was fully prepared to address it, properly before the Board or not. We therefore treat the issue as one that has been raised by the Board regardless of the source that may have generated the inquiry.

by the Deputy Zoning Commissioner that the proposed uses, *i.e.* a convenience store, gas station, and car wash did not justify a special exception. On appeal to the Board of Appeals, the 1989 petitioners abandoned the request for the car wash. The Board approved the request for the gas station and convenience store with limiting conditions not relevant to this matter. The legal question in this matter, then, was whether the unappealed 1989 decision by the Deputy Zoning Commissioner was "final" for these purposes or whether the fact of the *de novo* appeal that excluded the car wash issue had the effect of completely erasing the ALJ decision in its entirety even as to unappealed conclusions. In other words, did the failure to include the car wash issue in the 1989 appeal to the Board mean that the car wash issue was final for all future purposes, or did the filing of a *de novo* appeal completely eradicate any significance that the 1989 Zoning Commissioner decision may have had meaning that there was no binding factual conclusions that could be attributed to that decision?

There is no need for the Board to resolve this rather arcane legal question. The Board members were all familiar with this intersection and recognized that the density and commercial activity has increased in the thirty-five years since the 1989 decision. Because the circumstances have changed, collateral estoppel is not a bar to the relief presently sought. *Woodlawn Assn. v. Board of County Commissioners*, 241 Md. 187, 197 (1965); *Marshall v. Fitzgerald*, 47 Md. App. 319, 326 (1980).

CONCLUSION

For the reasons stated above, the Board finds that the relief sought in the two Petitions is permitted, with the limitations included in both the revised site plan offered as Petitioner's Exhibit 3 and the accompanying Order. In addition, the Board further finds that collateral estoppel does not preclude the requested relief.

ORDER

THEREFORE, IT IS THIS 17th day of December, 2024, by the Board of Appeals of Baltimore County, hereby:

ORDERED, that the Petition for a Special Exception to add a roll-over car wash at 800 Goucher Boulevard is approved conditioned upon any and all improvements being made in accordance with the revised site plan introduced as Exhibit 3 before the Board of Appeals, including the installation of a six-foot sound barrier as reflected in that revised site plan, and the additional condition that the car wash only be operated between 7:00 a.m. and 9:00 p.m.; and it is further

ORDERED, that the Petition for Special Hearing is granted to approve an amendment reflecting the installation of the roll-over car wash to the previously approved site plan in Board of Appeals case 1989-0479-SPHXA.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Joseph L. Evans, Chair

Bryan T. Pennington

William H. Paulshock, Sr.

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

December 17, 2024

Dino C. La Fiandra, Esquire
Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

RE: In the matter of: *A.I. Glenview, LLC – Legal Owner*
Tivka, LLC – Contract Purchaser
Case No.: 23-262-SPHX

Dear Mr. La Fiandra:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Executive Secretary

KLC/taz
Enclosure

c: Marilyn Lustbader, Manager/A.I. Glenview, LLC
Afshin Attar/ Tivka, LLC
Jacob Attar/Tivka, LLC
Office of People's Counsel
Maureen E. Murphy, Chief Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law
Elsie Dare
Linda Galati
Richard Armstrong
Kevin Koepenick

JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

March 25, 2024

Dino La Fiandra, Esquire – dcl@lafiandralaw.com
The Law Office of Dino C. LA Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, MD 21204

RECEIVED
MAR 25 2024
BALTIMORE COUNTY
BOARD OF APPEALS

RE: **Appeal to the Board of Appeals**
Petition for Special Hearing & Special Exception
Case No. 2023-0262-SPHX
Property: 800 Goucher Boulevard

Dear Mr. La Fiandra:

Please be advised that an appeal of the above-referenced case was filed in this Office on March 25, 2024. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

Maureen E. Murphy

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm
Attachment

c: - *continued to next page*

c: Jacob Attar- goucherexxon@yahoo.com
Afshin Attar – afshinattar@yahoo.com
Wayne Newton – wayne@messickandassociates.com
Darryl Volney – darrell@messickandassociates.com
Jennifer Busse - jbusse@rosenbergmartin.com
People's Counsel – peoplescounsel@baltimorecountymd.gov

APPEAL

Petitions for Special Hearing & Special Exception
Case No.: 2023-0262-SPHX
800 Goucher Boulevard
9th Election District, 6th Council District

Petition for Special Hearing filed by Petitioner's attorney – 12/4/23

Zoning Description of Property (2 pages)

WebEx Hearing Notice – January 4, 2024

Certification of Publication – *The Daily Record* Newspaper – 1/18/2024

Certification of Posting by – Sgt. Black on 1/16/24 and 2/4/24

Entry of Appearance by People's Counsel –1/3/24

Attendance Sheets -6

Zoning Advisory Committee Comments-
DOP – 1/11/24
DEPS –1/9/24
DPR and DPW&T – 1/9/24

Petitioner's Exhibits

1) CV of Wayne Newton, PE
2) Zoning Site Plan (3 sheets)
3) Aerial Photo
4) Aerial Photo
5) Photos
6) Photos
7) Photos
8) Zoning Case 1989-0471-SPHXA (Zoning Commissioner)
9) Zoning Case 1989-0471-SPHXA (Board of Appeals)
10) Zoning Case 1989-0471-SPHXA (Circuit Court)
11) Zoning Case 1996-0029-SPHX (Zoning Commissioner)
12) Towson Communities Plan (Excerpt) (1992)
13) Map
14. Color Rendering

Information from resident Linda Galati
Letters from the neighborhood

Letter from Dino La Fiandra dated 2/16/24

Miscellaneous: SDAT, ZAC Agenda and documents attached. My neighborhood phots and plans.

Cover Letter and Administrative Law Judge's Opinion and Order – February 26, 2024 (BY JUDGE BELT – DENIED)

Notice of Appeal by Dino C. La Fiandra, Esquire dated March 25, 2024

Cashier's Receipt No. 223623

Materials Sent to BOA Folder on 3/25/2024

Donna Mignon

From: Administrative Hearings
Sent: Monday, February 26, 2024 9:48 AM
To: 'Dino La Fiandra'
Cc: 'goucherexxon@yahoo.com'; 'afshinattar@yahoo.com'; 'wayne@messickandassociates.com'; 'darrell@messickandassociates.com'; 'Jennifer Busse'; Debra Wiley; County Council (countycouncil@baltimorecountymd.gov); Henry Ayakwah; New PAI Address; Peoples Counsel; Peter Max Zimmerman (pzimmerman@baltimorecountymd.gov); Rebecca Wheatley (rwheatley@baltimorecountymd.gov); Taylor Bensley; Vishnubhai K Desai (vdesai@baltimorecountymd.gov)
Subject: Case No: 2023-0262-SPHX 800 Goucher Boulevard
Attachments: 2023-0262-SPHX.pdf

Good Morning,

Please find attached ALJ Belt's Opinion and Order in reference to the above matter.

Have a great and safe day.

Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Debra Wiley

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Friday, February 16, 2024 12:12 PM
To: Administrative Hearings
Subject: Case 2023-0262-SPHX
Attachments: Belt Letter 021624.pdf

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

Please see the attached letter in the above referenced matter, for Judge Belt.

Regards,
Dino

The Law Office of Dino C. La Fiandra, LLC
100 West Pennsylvania Avenue | Suite 305 | Towson, Maryland 21204
443-204-3473 • dcl@LaFiandraLaw.com • LaFiandraLaw.com

February 16, 2024

Via Email: administrativehearings@baltimorecountymd.gov
Andrew M . Belt, Administrative Law Judge
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Zoning Case 2023-0262-SPHX
800 Goucher Blvd
Petitions for Special Exception and Special Hearing

Dear Judge Belt:

As you know, I represent Tikva, LLC, the tenant and Petitioner in the above-referenced matter. You conducted a hearing on the above referenced matter on February 7, 2024. At the conclusion of the hearing, you allowed me the opportunity to set forth my client's position on the issue of whether collateral estoppel precludes approval of a special exception for a car wash on this property, given that a similar special exception for a car wash at the same location was denied in Zoning Case 1996-0029-SPHX.

The doctrine of collateral estoppel, also referred to as "issue preclusion", establishes that factual issues resolved in the adjudication of one claim are binding for purposes of subsequent adjudication of another claim. *Becker v. Falls Road Community Association*, 481 Md. 23, 46 (2022). The Supreme Court of Maryland has established a four part test that must be satisfied for collateral estoppel to apply:

1. Was the issue decided in the prior adjudication identical with the one in the action in question?
2. Was there a final judgment on the merits?
3. Was the party against whom the plea is asserted a party or in privity with a party to the prior adjudication?
4. Was the party against whom the plea is asserted given a fair opportunity to be heard on the issue?

Id.

The Supreme Court has further clarified that, specifically with regard to the findings of an administrative agency, such findings are afforded the preclusive effect from collateral estoppel if:

1. The agency was operating in a judicial capacity.
2. The issue presented in the current proceeding was actually litigated by the agency.
3. Resolution of the issue was necessary to the agency's action.

Id., at 47, citing *Batson v. Shiflett*, 325 Md. 684, 701 (1992).

Turning to the case at hand, we first examine the findings of the 1996 special exception case which was denied by the Deputy Zoning Commissioner. In Zoning Case 1996-0029-SPHX, the Deputy Zoning Commissioner found:

> After due consideration of the testimony and evidence presented by both representatives of the Petitioner as well as the Protestants who attended the hearing, I find that the proposed car wash facility at the subject site would be detrimental to the primary uses in the vicinity. Those primary uses are basically the residential communities of the Courthouse Square Apartments complex and the Fellowship Forest development located nearby. All of the commercial uses in this area are located on the east side of Goucher Boulevard, a major thoroughfare which basically separates the commercial uses from the residential uses in this locale. The fact that this corner of Putty Hill Avenue and Goucher Boulevard received commercial zoning was controversial in the first place. Any further commercialization of this property would be detrimental to the surrounding residential uses.
>
> When applying the facts and evidence of this case to the standards set forth in the recently issued opinion of *Mossberg v. Montgomery County, Maryland* (No. 58, 1995 Term), I find that the proposed car wash use at the subject location would have adverse effects greater than the adverse effects that would be generated by this use were it proposed elsewhere in Baltimore County in other similar B.L.-A.S. zones. I believe that the Petitioner has failed to satisfy the burdens imposed upon them by Section 502.1 of the B.C.Z.R., and thus, the special exception for a car wash facility at the subject location shall be denied.
>
> Petitioner's Exhibit 11, Decision in Case 1996-0029-SPHX, pp. 6-7. [Underscore added.]

As a preliminary matter, Petitioner notes that the Deputy Zoning Commissioner misapplied the appropriate standard in evaluating whether a special exception should be granted. Although the Deputy Zoning Commissioner paid lip service to the "detrimental" effects of a car wash to the other uses in the vicinity, the operative finding of the case is found in the second quoted paragraph above, "When applying the facts and evidence of this case to the

standards set forth in the recently issued opinion of *Mossberg v. Montgomery County, Maryland* (No. 58, 1995 Term), I find that the proposed car was use at the subject location would have adverse effects greater than the adverse effects that would be generated by this use were it proposed elsewhere in Baltimore County in other similar B.L.-A.S. zones." [Underscore added.] In so concluding, the Deputy Zoning Commissioner erroneously engaged in a "comparative geographic analysis" in which the adverse effects of the proposed use at the proposed location are compared to the adverse effects that would be generated by the use "were it proposed elsewhere in Baltimore County in other similar BL-AS zones."

Twelve years after the Deputy Zoning Commisioner's denial of the special exception in Case 1996-0029-SPHX, the Supreme Court of Maryland clarified that there is no comparative geographic analysis in the *Shults v. Pritts* standard for special exceptions. In *People's Counsel v. Loyola College*, 406 Md. 54, (2008), the Supreme Court stated, "[T]he *Schultz* standard . . . requires that the adverse effect 'inherent' in a proposed use be determined without recourse to a comparative geographic analysis [of whether the adverse effects generated by the proposed use would be any less at a different location in the zone.] Any language to the contrary in *Holbrook, Lucas, Futoryan, Hayfields*, and *Mossburg* is disapproved. *Id.*, at 105 [Underscore added.] Thus, the appropriate standard, as most recently enunciated by the Supreme Court, is *whether the proposed use will have a greater impact at the proposed location than one would ordinarily expect.* Comparisons to the adverse effects that would be generated by the proposed use at other locations are inappropriate in denying a special exception request, which is precisely the analysis engaged in by the Deputy Zoning Commissioner in denying the 1996 special exception.

> The *Schultz* special exception test considers whether the proposed use will have a greater impact here than one would ordinarily expect. The Protestants did not present "facts and circumstances [pertaining to congestion in the roads, streets, or alleys] that show that the particular use proposed at the particular location proposed would have any adverse effects *above and beyond those inherently associated with such a special exception use*[.]" 291 Md. at 15, 432 A.2d at 1327 (emphasis added). Thus, the Protestants did not sufficiently rebut the presumption of validity under *Schultz*.

Attar v. DMS Tollgate, LLC, 451 Md. 272, 289 (2017).

Against this backdrop, we evaluate the collateral estoppel criteria to determine whether the findings in the 1996 special exception denial are binding for purposes of this case. As discussed earlier, in order for collateral estoppel to apply, among other criteria, the issue decided in the prior adjudication must be identical with the one presented in the present action. *Becker*, 481 Md. at 46. Likewise, specifically with regard to the findings of an administrative agency, such findings are given preclusive effect under collateral estoppel only if the issue presented in the present case was actually litigated by the agency in the prior case. *Id.*, at 47 citing *Batson*, 325 Md. at 701. Collateral estoppel does not apply in this case for failure of these required elements. The issue presented by this present case is whether "the particular use

proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use. *Attar,* 451 Md., at 289. However, this was not the standard applied by the Deputy Zoning Commissioner when he denied the special exception in 1996. In 1996, the DZC denied the special exception because he found that the proposed car wash use at the subject location would have adverse effects greater than the adverse effects that would be generated by this use were it proposed elsewhere in Baltimore County in other similar B.L.-A.S. zones in accordance with *Mossberg v. Montgomery County*, a standard and reference both of which were explicitly overturned in *People's Counsel v. Loyola College* in 2008. See *People's Counsel v. Loyola College*, 406 Md., at 105. Notably, there was no discussion in the 1996 case of the adverse effects inherently associated with a car wash, and obviously there was likewise no discussion in the 1996 case of whether the adverse effects of the proposed car wash are above and beyond those inherently associated with a car wash.

Because the Deputy Zoning Commissioner applied a different standard in denying the 1996 request than the special exception standard as we now understand it after *People's Counsel v. Loyola College* and *Attar v. DMS Tollgate*, the issue decided in the prior adjudication is not identical with the issue presented in the present case. Likewise, the issue in this present case was not actually litigated in the prior administrative case in 1996. Under these circumstances collateral estoppel does not apply. Furthermore, the uncontroverted expert testimony of Petitioner's civil engineer, Wayne A. Newton, PE, in the current case establishes for purposes of this case that the adverse effects of the proposed car wash at this location are not in excess of the adverse effects one would inherently associate with a car wash. Accordingly, the Petition for Special Exception should be granted.

Thank you for your consideration of this matter.

Sincerely,

Dino C. La Fiandra

C: Tikva, LLC

From: Elle G
To: Administrative Hearings
Subject: Case #: 2023-0262-SPHX, photo exhibits
Date: Friday, February 9, 2024 1:01:14 PM

CAUTION: This message from lindagee2015@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

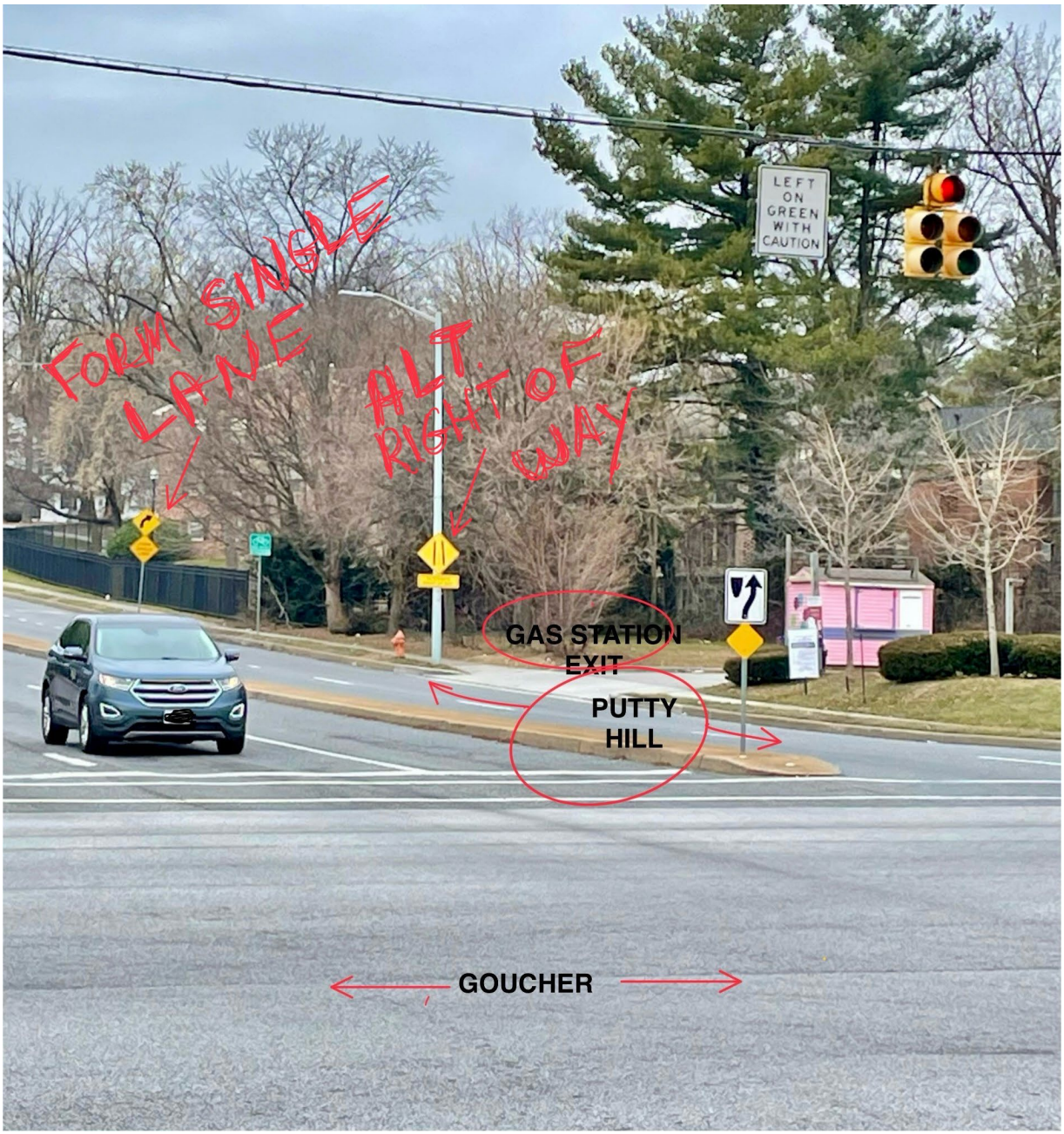
I attended the hearing by phone on Feb 7, presided over by the Honorable Andrew Belt. I am submitting these photos in follow-up to questions during that hearing about traffic signage on Goucher and Putty Hill with respect to U-turns and mergers. For example, U-turns are permitted at the intersection of Putty Hill and Goucher from the SW side of Putty Hill to the NW side of Putty Hill in front of the gas station, but are prohibited from Goucher at Prince to the other side of Goucher in front of the apartments at Acorn Circle.

Thank you,

Linda Galati
Towson, Md.


FORM SINGLE LANE
ALTERNATE
RIGHT OF WAY
ENTRANCE/EXIT ONTO
Gas STATION
PUTTY HILL


GOUCHER
U-TURNS OK
PANDA EXPRESS
ONLY
ONLY
PUTTY HILL


FORM SINGLE LANE
ALT. RIGHT OF WAY
LEFT ON GREEN WITH CAUTION
GAS STATION EXIT
PUTTY HILL
GOUCHER


Goucher Blvd
Prince Rd
NO U-TURN
PRINCE ROAD
GOUCHER




GO




Goucher Blvd
COURTHOUSE SQUARE



Donna Mignon

From: Rick Armstrong <armstrongvideoediting@gmail.com>
Sent: Thursday, February 8, 2024 9:05 AM
To: Administrative Hearings
Subject: 2023-0262 SPHX for 800 Goucher Blvd.

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

Judge Belt,
I and many of my neighbors in Fellowship Forest have concerns regarding the proposed car wash at this Exxon station. I've lived near this station for 30 years and I've always been concerned of the way the management has NOT maintained the property. The lack of mowing and the lack of trash pick up are always obvious. They also have a history of zoning violations with trying to extend their hours and having a food truck there permanently. My understanding is that the snowball stand that is permanently there is also a zoning violation. Our neighborhood leadership has gotten some relief for various issues but only by going to code enforcement. I personally am concerned that allowing some sort of car wash would just be creating more issues that would contribute to their history of not being good neighbors.
If the carwash is approved I hope that there will be strings attached in the form of a written agreement from the owners agreeing to play by the rules and to be a good neighbor.
Please take into consideration what I've written as you make your decision whether to allow Exxon to move forward with their carwash.
Richard Armstrong
612 Valley Lane
Towson, Md
21286
410 236 8748

Donna Mignon

From: Kevin Koepenick <kkoepenick@gmail.com>
Sent: Wednesday, February 7, 2024 4:12 PM
To: Administrative Hearings
Subject: 2023-0262 SPHX for 800 Goucher Blvd

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

Judge Belt
I wish to voice my concerns regarding the proposed car wash at this Exxon Station. I have lived in the neighborhood next to the Exxon Station for 20 years and would describe the property as an eyesore and an environmental concern. The owners do not maintain their property in a professional manner and allow their customers trash purchased from their store to accumulate all over their premises. The only time they picked up the trash is when I complained to code enforcement. They also violated their zoning by trying to remain open for 24 hours and having a food truck permanently parked in their lot for months. Our neighborhood was only able to stop this violation by going to code enforcement. While a car wash may be a needed service to the area, I would request that you make approval contingent on them regularly removing trash from their grounds and keeping property in a more orderly state.
Sincerely
Kevin Koepenick
505 Dogwood Lane
Towson MD 21286

Sent from my iPhone

CERTIFICATE OF POSTING

2023-0262-SPHX

RE: Case No.: _____

Petitioner/Developer: _____

AL Glenview, LLC
Tikva, LLC

_____

February 7, 2024

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: Jeff Perlow:

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: _____

800 Goucher Boulevard *SIGNS 2A & 2B Recertification*

_____

February 4 , 2024

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



Sincerely,

February 4, 2024

(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

2023-0262-SPHX

RE: Case No.: _____

Petitioner/Developer: _____

AL Glenview, LLC
Tikva, LLC

February 7, 2024

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: Jeff Perlow:

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: _____

800 Goucher Boulevard ***SIGNS 1A & 1B Recertification***

February 4, 2024

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



Sincerely,

February 4, 2024

(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)

Maryland The Daily Record
200 St. Paul Place
Baltimore, MD, 21202
Phone: 4435248100

MARYLAND
THE DAILY RECORD

Affidavit of Publication

To: DINO Lafiandra -
100 W Pennsylvania Ave, Ste 305
Towson, MD, 212044523

Re: Legal Notice 2573481,

CASE NUMBER: 2023-0262-SPHX

We hereby certify that the annexed advertisement was published in Maryland The Daily Record, a Daily newspaper published
in the State of Maryland 1 time(s) on the following date(s):
01/18/2024

By

Joy Hough
Authorized Designee of the Publisher

Baltimore County

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2023-0262-SPHX
800 Goucher Boulevard
Westside of Goucher Blvd. and northside of Putty Hill Avenue
9th Election District - 6th Councilmanic District
Legal Owners: Al Glenview, LLC
Contract Purchaser/Lessee: Tikva, LLC

Special Hearing to amend the previously approved site plan in Case 1989-479-SPHXA and for such other and further relief as the nature of this case may require. Special Exception for a roll-over car wash in combination with an existing fuel service station, pursuant to BCZR, Section 405.4.E and 405.6.A.3.

Hearing: Wednesday, February 7, 2024 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

ja18 2573481

TO: THE DAILY RECORD
Thursday, January 18, 2024 - Issue

Please forward billing to:
Dino LaFiandra 443-204-3473
100 W. Pennsylvania Avenue, Ste. 305
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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2023-0262-SPHX
800 Goucher Boulevard
Westside of Goucher Blvd. and northside of Putty Hill Avenue
9th Election District – 6th Councilmanic District
Legal Owners: Al Glenview, LLC
Contract Purchaser/Lessee: Tikva, LLC

Special Hearing to amend the previously approved site plan in Case 1989-479-SPHXA and for such other and further relief as the nature of this case may require. Special Exception for a roll-over car wash in combination with an existing fuel service station, pursuant to BCZR, Section 405.4.E and 405.6.A.3.

Hearing: Wednesday, February 7, 2024 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Pete Gutwald
Director of Permits, Approvals and Inspections for Baltimore County

217

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Monday, February 5, 2024 10:16 PM
To: Dino La Fiandra; Administrative Hearings
Subject: Recertification's For 2023-0262-SPHX
Attachments: Re-Cert 1 2023-0262-SPHX 1A & 1B.doc; Re-Cert 2 2023-0262-SPHX 2A & 2B.doc

CAUTION: This message from 1opie@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Recertification's for 800 Goucher Boulevard. Thanks.

CERTIFICATE OF POSTING

2023-0262-SPHX

RE: Case No.: _____

Petitioner/Developer: _____

AL Glenview, LLC
Tikva, LLC

February 7, 2024

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: Jeff Perlow:

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: _____

800 Goucher Boulevard ***SIGNS 2A & 2B Recertification***

January 16, 2024

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



Sincerely,

January 16, 2024

(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

RE: Case No.: 2023-0262-SPHX

Petitioner/Developer: AL Glenview, LLC
Tikva, LLC

Date of Hearing/Closing: February 7, 2024

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

Attn: Jeff Perlow:

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: 800 Goucher Boulevard *SIGNS 1A & 1B Recertification*

The sign(s) were posted on January 16, 2024
(Month, Day, Year)



Sincerely,

January 16, 2024

(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)

2/7

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Wednesday, January 17, 2024 9:05 PM
To: Dino La Fiandra; Administrative Hearings; PAI Zoning Advisory Committee
Subject: Certifications For 2023-0262-SPHX
Attachments: Cert 1 2023-0262-SPHX 1A & 1B.doc; Cert 2 2023-0262-SPHX 2A & 2B.doc

CAUTION: This message from 1opie@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Certifications for 800 Goucher Boulevard. Invoice will be sent to Dino in another email. Thanks.

CERTIFICATE OF POSTING

2023-0262-SPHX

RE: Case No.: _____

Petitioner/Developer: _____

AL Glenview, LLC
Tikva, LLC

_____

February 7, 2024

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: Jeff Perlow:

Ladies and Gentlemen:

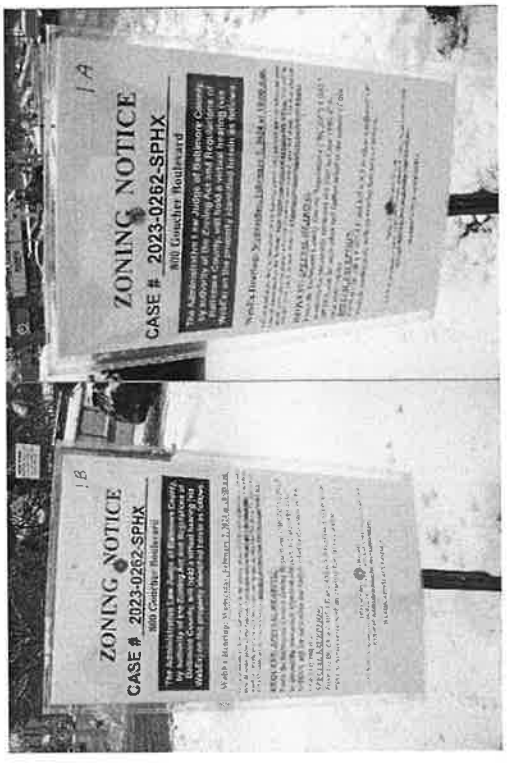
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

800 Goucher Boulevard *SIGNS 1A & 1B*

_____

January 16, 2024

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



Sincerely,

January 16, 2024

(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

2023-0262-SPHX

RE: Case No.: _____

Petitioner/Developer: _____

AL Glenview, LLC
Tikva, LLC

February 7, 2024

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: Jeff Perlow:

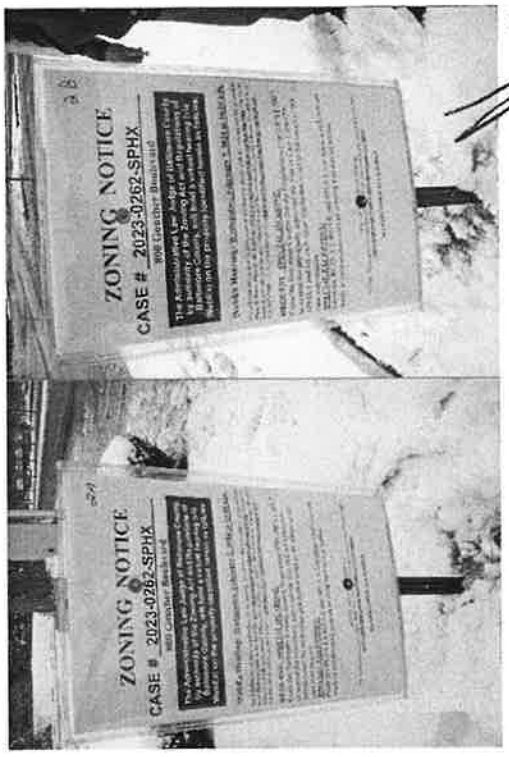
Ladies and Gentlemen:

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: _____

800 Goucher Boulevard *SIGNS 2A & 2B*

January 16, 2024

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



Sincerely,

January 16, 2024

(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)

JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

January 4, 2024

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 virtual hearing (via WebEx) on the property identified herein as follows:

Case Number: 2023-0262-SPHX
Property Address: 800 GOUCHER BLVD
Location: Corner of westside of Goucher Blvd. and northside of Putty Hill Avenue
Election District: 9 Council District: 6
Legal Owner: AL Glenview, LLC
Contract Purchaser: Tikva, LLC
SPECIAL HEARING:
From the Baltimore County Zoning Regulations ("BCZR") § 500.7 to amend the previously approved site plan in Case 1989-479-SPHXA and for such other and further relief as the nature of this case may require.
SPECIAL EXCEPTION:
From the BCZR § § 405.4 E and 405.6.A.3 to allow a roll-over car wash in combination with an existing fuel service station.

WebEx Hearing: Wednesday- 02/07/2024 10:00 AM

For information on how to participate in the hearings, please visit the web address below **no later than 48 hours prior to the hearing**: www.baltimorecountymd/gov/adminhearings. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0, or send email to: administrativehearings@baltimorecountymd.gov.

In addition, it is a requirement that you have your property posted with a Zoning Notice Sign by an approved poster on the property by **January 17, 2024**. For your convenience, please see attached listing of Approved Sign Posters, and provide them this notice. If you do not have your property posted by this date, your hearing will be cancelled.

RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION 800 Goucher Boulevard; Corner of W/S of Goucher Blvd & N/S of Putty Hill Avenue 9th Election & 6th Councilmanic Districts Legal Owner(s): AL Glenview LLC Contract Purchaser(s): Tikva, LLC Petitioner(s)	*	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2023-262-SPHX

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

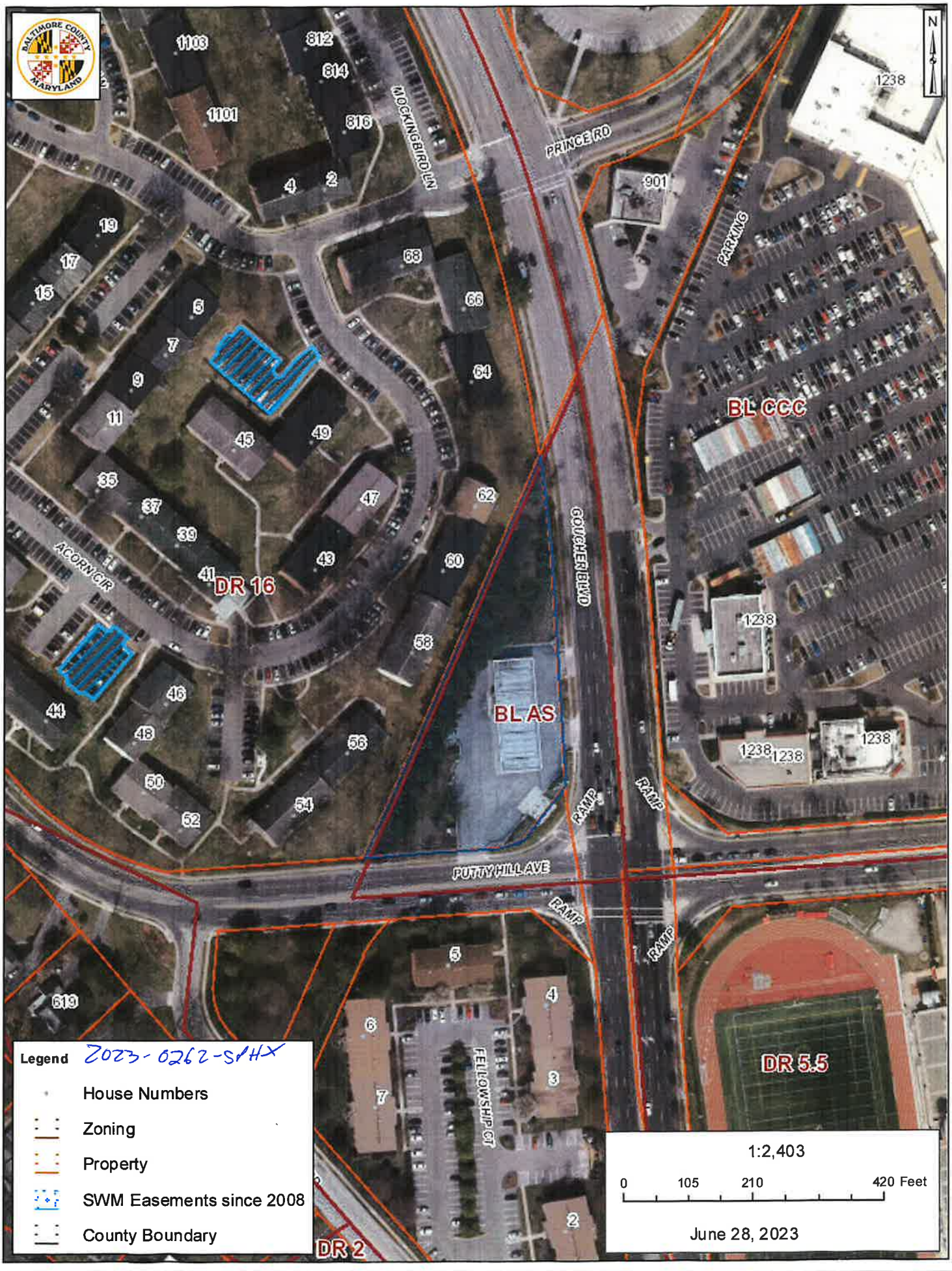
Carole S. Demilio /rmw
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Suite 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

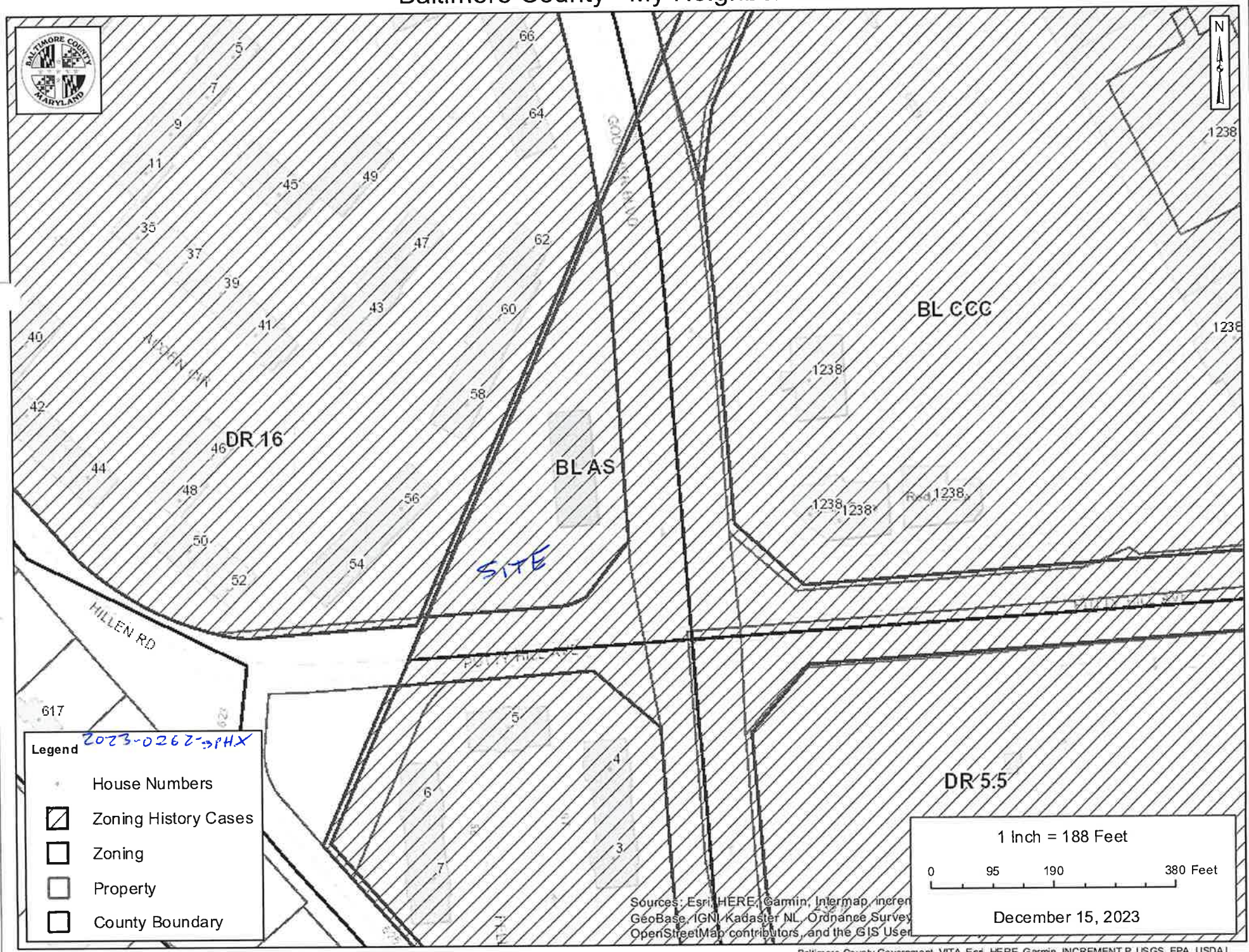
I HEREBY CERTIFY that on this 3rd day of January, 2024, a copy of the foregoing Entry of Appearance was mailed to Dino LaFiandra, Esquire, 100 W. Pennsylvania Avenue, Suite 305, Towson, Maryland 21204, dcl@lafiandralaw.com, Attorney for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

800 Goucher Blvd



Baltimore County - My Neighborhood



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: 2023-0262-SPHX

Property Address: 800 Goucher Blvd

Property Description: 1.45 Acres at the NW corner of Putty Hill Avenue and Goucher Blvc

Legal Owners (Petitioners): AL Glenview LLC

Contract Purchaser/Lessee: Tikva, LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dino C. La Fiandra, Esquire

Company/Firm (if applicable): The Law Office of Dino C. La Fiandra, LLC

Address: 100 W. Pennsylvania Avenue, Suite 305

Towson, Maryland 21204

Telephone Number: 443-204-3473

Revised 7/9/2015

ZAC AGENDA

Case Number: 2023-0262-SPHX **Reviewer:** Mitchell Kellman
Existng Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: SPECIAL HEARING, SPECIAL EXCEPTION
Legal Owner: AL Glenview, LLC
Contract Purchaser: Tikva, LLC

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 6

JAN 02 2024

Property Address: 800 GOUCHER BLVD
Location: Corner of westside of Goucher Blvd. and northside of Putty Hill Avenue

Existing Zoning: BL-AS **Area:** 1.44 AC
Proposed Zoning:
SPECIAL HEARING:
to amend the previously approved site plan in Case 1989-479-SPHXA and for such other and further relief as the nature of this case may require.

SPECIAL EXCEPTION:
for a roll-over car wash in combination with an existing fuel service station, pursuant to BCZR, Section 405.4.E and 405.6.A.3.
Attorney: Dino LaFiandra
Prior Zoning Cases: 1989-0471-SPHXA
Concurrent Cases: None
Violation Cases: None
Closing Date:

Miscellaneous Notes:

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map **View GroundRent Redemption** **View GroundRent Registration**

Special Tax Recapture: None

Account Identifier: **District -** 09 **Account Number -** 0903330429

Owner Information

Owner Name:	A I GLENVIEW LLC M ML PATRIOT LLC ET AL	**Use:** **Principal Residence:**	COMMERCIAL NO
Mailing Address:	C/O K E ANDREWS 2424 RIDGE ROAD ROCKWALL TX 75087-	**Deed Reference:**	/34402/ 00430

Location & Structure Information

Premises Address:	800 GOUCHER BLVD TOWSON 21286-	**Legal Description:**	PT LT 1 1.449 AC 800 GOUCHER BLVD LOCH RAVEN MANOR

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0070	0017	0819	20000.04	0000	3		1	2023	Plat Ref: 0023/ 0122

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1991	1,104 SF		1.4400 AC	20

StoriesBasementType	Exterior	QualityFull/Half Bath	Garage	Last Notice of Major Improvements
CONVENIENCE STORE/	C4			

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2023	 As of 07/01/2024
Land:	1,449,000	1,449,000		
Improvements	415,200	413,600		
Total:	1,864,200	1,862,600	1,862,600	1,862,600
Preferential Land:	0	0		

Transfer Information

Seller: 27887 TOWSON LLC	**Date:** 11/05/2013	**Price:** $2,282,013
Type: ARMS LENGTH IMPROVED	**Deed1:** /34402/ 00430	**Deed2:**
Seller: SOUTHSIDE OIL LLC	**Date:** 04/19/2013	**Price:** $1,879,433
Type: ARMS LENGTH IMPROVED	**Deed1:** /33508/ 00306	**Deed2:**
Seller: EXXON CORPORATION	**Date:** 06/23/2010	**Price:** $38,328,295
Type: ARMS LENGTH MULTIPLE	**Deed1:** /29609/ 00263	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	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:**

2023-0262-SPHX

23-0262-SPHX 2-7-24 10 AM -AD

Attendance
Web EX

Webinar ID
28174367025267564 2
28174367025267564 2
28174367025267564 2
28174367025267564 2
28174367025267564 2
28174367025267564 2
28174367025267564 2

Webinar Name

Zoning Hearing - Case No: 2023-0262-SPHX - 800 Goucher Boulevard - Owners: Al Glenview, LLC - Contract Purchaser - Tikva, LLC

Zoning Hearing - Case No: 2023-0262-SPHX - 800 Goucher Boulevard - Owners: Al Glenview, LLC - Contract Purchaser - Tikva, LLC
Zoning Hearing - Case No: 2023-0262-SPHX - 800 Goucher Boulevard - Owners: Al Glenview, LLC - Contract Purchaser - Tikva, LLC
Zoning Hearing - Case No: 2023-0262-SPHX - 800 Goucher Boulevard - Owners: Al Glenview, LLC - Contract Purchaser - Tikva, LLC
Zoning Hearing - Case No: 2023-0262-SPHX - 800 Goucher Boulevard - Owners: Al Glenview, LLC - Contract Purchaser - Tikva, LLC
Zoning Hearing - Case No: 2023-0262-SPHX - 800 Goucher Boulevard - Owners: Al Glenview, LLC - Contract Purchaser - Tikva, LLC
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Webinar Scheduled Start Time	Webinar Scheduled End Time	Webinar/Recording Scheduled Duration	Webinar Start Time	Webinar End Time
2024-02-07 10:00:00	2024-02-07 11:00:00	60 mins	2024-02-07 09:33:52	2024-02-07 11:54:11
2024-02-07 10:00:00	2024-02-07 11:00:00	60 mins	2024-02-07 09:33:52	2024-02-07 11:54:11
2024-02-07 10:00:00	2024-02-07 11:00:00	60 mins	2024-02-07 09:33:52	2024-02-07 11:54:11
2024-02-07 10:00:00	2024-02-07 11:00:00	60 mins	2024-02-07 09:33:52	2024-02-07 11:54:11
2024-02-07 10:00:00	2024-02-07 11:00:00	60 mins	2024-02-07 09:33:52	2024-02-07 11:54:11
2024-02-07 10:00:00	2024-02-07 11:00:00	60 mins	2024-02-07 09:33:52	2024-02-07 11:54:11
2024-02-07 10:00:00	2024-02-07 11:00:00	60 mins	2024-02-07 09:33:52	2024-02-07 11:54:11

Display Name	First Name	Last Name	Role	Attendee Email	Join Time	Leave Time
Afshin Attar	N/A	N/A	panelist	afshinattar@yahoo.com	2024-02-07 09:59:53	2024-02-07 11:54:16
Andrew Belt	Andrew	Belt	host	abelt@baltimorecountymd.gov	2024-02-07 09:33:52	2024-02-07 11:54:16
Call-in User_2 (443823****)	N/A	N/A	panelist		2024-02-07 09:59:43	2024-02-07 11:51:34
Darrell Volney	N/A	N/A	panelist	darrell@messickandassociates.com	2024-02-07 10:05:28	2024-02-07 11:54:16
Dino La Fiandra	N/A	N/A	panelist	dcl@lafiandralaw.com	2024-02-07 09:50:41	2024-02-07 11:54:10
Jacob Attar	N/A	N/A	panelist	goucherexxon@yahoo.com	2024-02-07 09:52:03	2024-02-07 11:54:16
Wayne Newton	N/A	N/A	panelist	wayne@messickandassociates.com	2024-02-07 10:01:55	2024-02-07 11:54:16

Attendance Duration	Connection Type	Source ID	Session Name
115 mins	Mobile app	N/A	Zoning Hearing - Case No: 2023-0262-SPHX - 800 Goucher Boulevard - Owners: Al Glenview, LLC -
141 mins	Desktop app	N/A	Zoning Hearing - Case No: 2023-0262-SPHX - 800 Goucher Boulevard - Owners: Al Glenview, LLC -
112 mins	Other app	N/A	Zoning Hearing - Case No: 2023-0262-SPHX - 800 Goucher Boulevard - Owners: Al Glenview, LLC -
109 mins	Web app	N/A	Zoning Hearing - Case No: 2023-0262-SPHX - 800 Goucher Boulevard - Owners: Al Glenview, LLC -
124 mins	Desktop app	N/A	Zoning Hearing - Case No: 2023-0262-SPHX - 800 Goucher Boulevard - Owners: Al Glenview, LLC -
123 mins	Web app	N/A	Zoning Hearing - Case No: 2023-0262-SPHX - 800 Goucher Boulevard - Owners: Al Glenview, LLC -
113 mins	Desktop app	N/A	Zoning Hearing - Case No: 2023-0262-SPHX - 800 Goucher Boulevard - Owners: Al Glenview, LLC -

Contract Purchaser - Tikva, LLC
Contract Purchaser - Tikva, LLC
Contract Purchaser - Tikva, LLC
Contract Purchaser - Tikva, LLC
Contract Purchaser - Tikva, LLC
Contract Purchaser - Tikva, LLC
Contract Purchaser - Tikva, LLC

Donna Mignon

From: Donna Mignon
Sent: Thursday, January 4, 2024 3:30 PM
To: Dino La Fiandra
Cc: Debra Wiley; Kristen L Lewis
Subject: CONFIRMATION OF ZONING HEARING - Case No: 2023-0262-SPHX 800 Goucher Boulevard
Attachments: Approved Sign Posters.pdf; 2023-0262-SPHX - Feb 7 10 AM - 800 Goucher Boulevard.docx

Good Afternoon Mr. La Fiandra,

This acknowledges our email conversation to confirm a virtual Webex hearing date of **Wednesday, February 7, 2024, at 10:00 AM**. You will receive a WebEx invitation shortly; please accept and do not share your invitation with anyone.

If you have anyone that needs to be invited to your hearing, please reply to Debbie and myself and include their names and email addresses so that we can send a WebEx invitation asap. Please allow at least 48 hours prior to the hearing.

As you may recall, your case must be advertised in a newspaper. Ms. Kristen Lewis from the Office of Zoning Review will assure that this is completed and the billing will be issued to you by the newspaper. She has been copied on this email.

In addition, your property must be posted with a sign by an approved sign poster. For sign posting information, please see attached documents.

For your convenience, a link has been provided to you in reference to submitting hearing exhibits; please take a few moments to visit:

https://www.baltimorecountymd.gov/departments/adminhearings/zoning-dev-hearings

Please see attached documents and make sure you're meeting all necessary requirements.

Thanks and have a great and safe day!

Donna L. Mignon
Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

January 4, 2024

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 virtual hearing (via WebEx) on the property identified herein as follows:

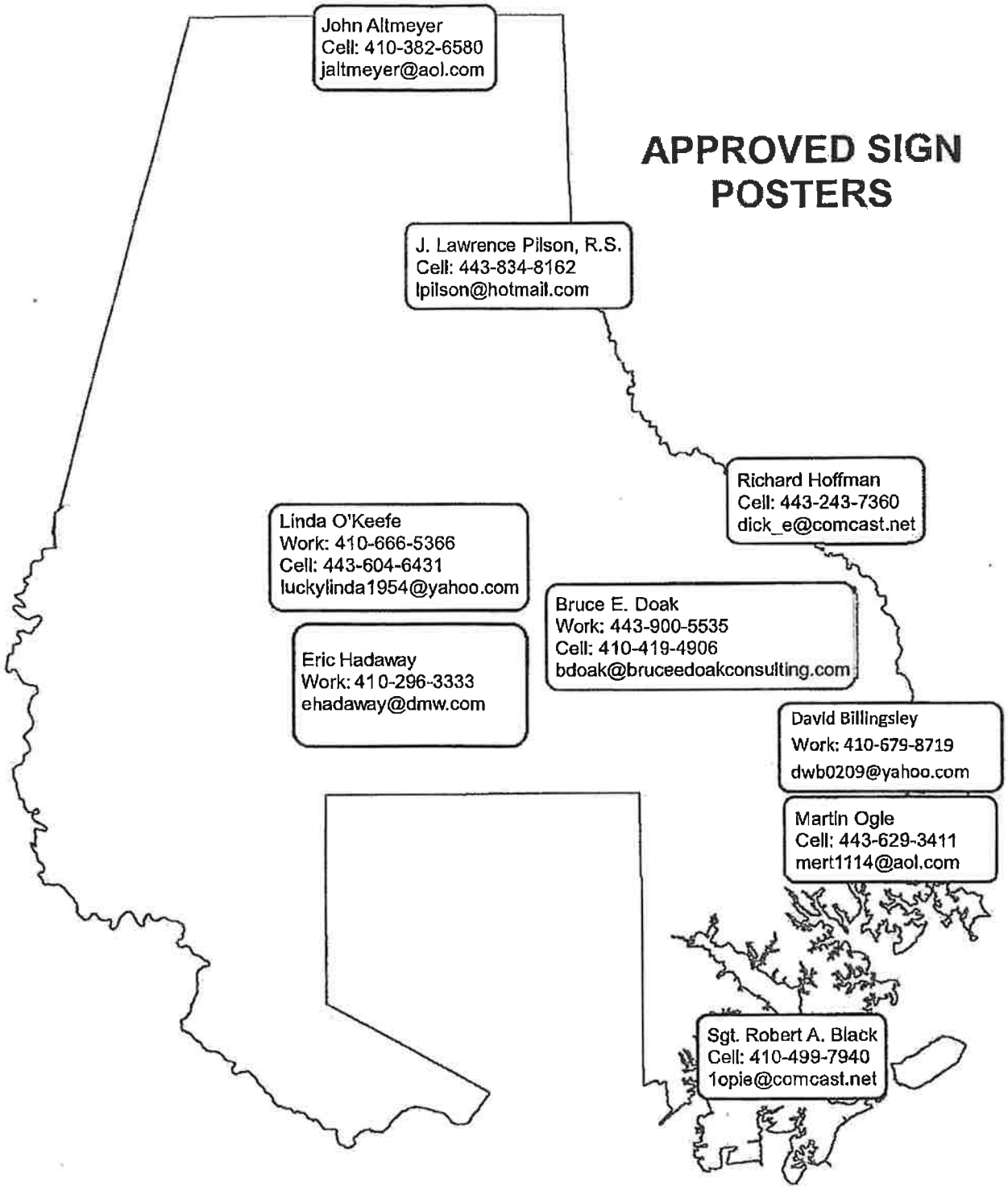
Case Number: 2023-0262-SPHX
Property Address: 800 GOUCHER BLVD
Location: Corner of westside of Goucher Blvd. and northside of Putty Hill Avenue
Election District: 9 Council District: 6
Legal Owner: AL Glenview, LLC
Contract Purchaser: Tikva, LLC
SPECIAL HEARING:
From the Baltimore County Zoning Regulations ("BCZR") § 500.7 to amend the previously approved site plan in Case 1989-479-SPHXA and for such other and further relief as the nature of this case may require.
SPECIAL EXCEPTION:
From the BCZR § § 405.4 E and 405.6.A.3 to allow a roll-over car wash in combination with an existing fuel service station.

WebEx Hearing: Wednesday- 02/07/2024 10:00 AM

For information on how to participate in the hearings, please visit the web address below **no later than 48 hours prior to the hearing**: www.baltimorecountymd/gov/adminhearings. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0, or send email to: administrativehearings@baltimorecountymd.gov.

In addition, it is a requirement that you have your property posted with a Zoning Notice Sign by an approved poster on the property by **January 17, 2024**. For your convenience, please see attached listing of Approved Sign Posters, and provide them this notice. If you do not have your property posted by this date, your hearing will be cancelled.

BALTIMORE COUNTY DEPARTMENTS OF PERMITS APPROVALS & INSPECTIONS



The petitioner must use one of the sign posters on this approval list. Any reposting must also be done by one of these approved posters. If you wish to select a poster not listed on the list above, prior approval by the Department of Permits, Approvals and Inspections/Zoning is required.

This department is not associated with any of the above posters, nor do we recommend any specific one. We do suggest that you contact a number of them to compare prices, since their charges may vary.

Rev 9/22/2022

PDM GA11w

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< Back to List

Zoning Hearing - Case No: 2023-0262-SPHX - 800 Goucher Boulevard - Owners: AI Glenview, LLC - Contract Purchaser - Tikva, LLC

Webinar

Donna Mignon | 10:00 AM - 11:00 AM | Wednesday, February 7, 2024 | (UTC-05:00) Eastern Time (US & Canada)

Save as template

Start

Webinar information

Join information

Panelist Attendee Host

Join link:
https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=m7b130bfef687529a33382533a8b10f2f

Webinar number:
2313 248 4990

Webinar password:
4321 (4321 from phones and video systems)

Panelist password:
1234 (1234 from phones and video systems)

Host key:

Donna Mignon

Subject:	Zoning Hearing - Case No: 2023-0262-SPHX - 800 Goucher Boulevard - Owners: Al Glenview, LLC - Contract Purchaser - Tikva, LLC
Location:	https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=m7b130bfef687529a33382533a8b10f2f
Start:	Wed 2/7/2024 10:00 AM
End:	Wed 2/7/2024 11:00 AM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Cisco Webex

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Zoning Hearing
Case No: 2023-0262-SPHX
Address: 800 Goucher Boulevard
Owner: Al Glenview, LLC
Contract Purchaser: Tikva, LLC
_~_

You are the host for this Webex webinar.

When it's time, start your webinar.

Wednesday, February 7, 2024
10:00 AM | (UTC-05:00) Eastern Time (US & Canada) | 1 hr

Start webinar

More ways to join:

Join from the webinar link

https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=m7b130bfef687529a33382533a8b10f2f

Join by the webinar number

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Tap to join from a mobile device (attendees only)

+1-415-655-0001,,23132484990#4321# US Toll

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Join by phone

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Global call-in numbers

Join from a video system or application

Dial 23132484990@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your webinar number.

If you are a host, click here and login site to view host information.

Need help? Go to https://help.webex.com

Donna Mignon

From: Donna Mignon <messenger@webex.com>
Sent: Thursday, January 4, 2024 3:35 PM
To: Donna Mignon
Subject: (Forward to attendee) Webex webinar invitation: Zoning Hearing - Case No: 2023-0262-SPHX - 800 Goucher Boulevard - Owners: Al Glenview, LLC - Contract Purchaser - Tikva, LLC
Attachments: Webex_webinar.ics

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Zoning Hearing
Case No: 2023-0262-SPHX
Address: 800 Goucher Boulevard
Owner: Al Glenview, LLC
Contract Purchaser: Tikva, LLC
_~_

Donna Mignon is inviting you to a scheduled Webex webinar.

Wednesday, February 7, 2024
10:00 AM | (UTC-05:00) Eastern Time (US & Canada) | 1 hr

Add to calendar Google · O365

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https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=m39558
8f3110bf095a324413a09fcfd19

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Join by phone

+1-415-655-0001 US Toll

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Donna Mignon

From: Donna Mignon
Sent: Thursday, January 4, 2024 3:36 PM
To: Kristen L Lewis
Cc: Debra Wiley
Subject: LINK - 2023-0262-SPHX

Webinar topic:
Zoning Hearing - Case No: 2023-0262-SPHX - 800 Goucher Boulevard - Owners: Al Glenview, LLC - Contract Purchaser - Tikva, LLC

Date and time:
Wednesday, February 7, 2024 10:00 AM | (UTC-05:00) Eastern Time (US & Canada)

Join link:
https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=m7b130bfef687529a33382533a8b10f2f

Webinar number:
2313 248 4990

Webinar password:
4321 (4321 from phones and video systems)

Join by phone
+1-415-655-0001 US Toll

Access code: 231 324 84990

Donna L. Mignon
Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Donna Mignon

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Thursday, January 4, 2024 3:16 PM
To: Donna Mignon
Cc: Debra Wiley
Subject: Re: SCHEDULING HEARING DATE - 2023-0262-SPHX 800 Goucher Boulevard - AL Glenview LLC, Tikva, LLC

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

Good afternoon,

We are going to take this hearing date.
February 7 2024 @ 10:00 a.m.
Case 2023-0262-SPHX

Please send invites to the hearing for the following people:
Dino La Fiandra - dcl@lafiandralaw.com
Jacob Attar - goucherexxon@yahoo.com
Afshin Attar - Afshinattar@yahoo.com
Wayne Newton - wayne@messickandassociates.com
Darrell Volney - darrell@messickandassociates.com

Thank you for your assistance.

Regards,
Dino

Dino C. La Fiandra
443-204-3473

On Wed, Jan 3, 2024 at 8:22 PM Donna Mignon <dmignon@baltimorecountymd.gov> wrote:

> Good Evening Mr. La Fiandra,
>
> Yes, we will hold this date until you hear back from your clients.
>
> Have a great evening.
>
> Donna Mignon

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Wednesday, January 3, 2024 6:30 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Re: SCHEDULING HEARING DATE - 2023-0262-SPHX 800 Goucher Boulevard - AL Glenview LLC, Tikva, LLC

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

Good evening,

I have cleared the hearing date with all but 2 witnesses, who I am still waiting to hear back from. I believe the hearing date of February 7 will work, but I won't know for sure until I hear back from them, hopefully tomorrow. Can you please hold this date until COB on Thursday January 4 so that I can make the final confirmation that those two witnesses will be available? Obviously, I understand if that is not possible, but I wanted to ask nonetheless.

Thanks very much.

Regards,

Dino

Dino C. La Fiandra

443-204-3473

On Tue, Jan 2, 2024 at 1:43 PM Donna Mignon <dmignon@baltimorecountymd.gov> wrote:

> Good Afternoon,

Our office is reaching out in order to have the above-referenced zoning hearing scheduled.

Since you will be required to have the property posted with a Zoning Sign, we need to make sure you have at least 25 days to contact your sign poster, have the sign made, and then posted. In addition, a newspaper advertisement is required. However, Kristen Lewis from the Office of Zoning Review will take care of that portion of the process once your hearing date has been confirmed.

Consequently, our office can provide a hearing date for **Wednesday, February 7, 2024 at 10:00 a.m**. Please reply to myself and Debbie to confirm your availability for said date asap. We cannot "hold" this date for longer than 48 hours.

If you have anyone that needs to be invited to your hearing, please reply and include their names and email addresses so that we can send a WebEx invitation asap. Please allow at least 48 hours prior to the hearing.

Thanks and have a great and safe day!

Donna L. Mignon

Legal Assistant

Baltimore County Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103

Towson, Maryland 21204

410-887-3868

CONNECT WITH BALTIMORE COUNTY

Donna Mignon

From: Donna Mignon
Sent: Wednesday, January 3, 2024 8:23 PM
To: Dino La Fiandra
Cc: Debra Wiley
Subject: RE: SCHEDULING HEARING DATE - 2023-0262-SPHX 800 Goucher Boulevard - AL Glenview LLC, Tikva, LLC

Good Evening Mr. La Fiandra,
Yes, we will hold this date until you hear back from your clients.

Have a great evening.

Donna Mignon

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Wednesday, January 3, 2024 6:30 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Re: SCHEDULING HEARING DATE - 2023-0262-SPHX 800 Goucher Boulevard - AL Glenview LLC, Tikva, LLC

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

Good evening,

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Thanks very much.

Regards,
Dino

DCL
Dino C. La Fiandra
443-204-3473

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> Good Afternoon,

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Consequently, our office can provide a hearing date for **Wednesday, February 7, 2024 at 10:00 a.m.** Please reply to myself and Debbie to confirm your availability for said date asap. We cannot "hold" this date for longer than 48 hours.

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Thanks and have a great and safe day!

Donna L. Mignon

Legal Assistant

Baltimore County Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103

Towson, Maryland 21204

410-887-3868

CONNECT WITH BALTIMORE COUNTY

www.baltimorecountymd.gov

Donna Mignon

From: Donna Mignon
Sent: Tuesday, January 2, 2024 1:44 PM
To: dcl@lafiandralaw.com
Cc: Debra Wiley
Subject: SCHEDULING HEARING DATE - 2023-0262-SPHX 800 Goucher Boulevard - AL Glenview LLC, Tikva, LLC

Good Afternoon,

Our office is reaching out in order to have the above-referenced zoning hearing scheduled.

Since you will be required to have the property posted with a Zoning Sign, we need to make sure you have at least 25 days to contact your sign poster, have the sign made, and then posted. In addition, a newspaper advertisement is required. However, Kristen Lewis from the Office of Zoning Review will take care of that portion of the process once your hearing date has been confirmed.

Consequently, our office can provide a hearing date for **Wednesday, February 7, 2024 at 10:00 a.m.** Please reply to myself and Debbie to confirm your availability for said date asap. We cannot "hold" this date for longer than 48 hours.

If you have anyone that needs to be invited to your hearing, please reply and include their names and email addresses so that we can send a WebEx invitation asap. Please allow at least 48 hours prior to the hearing.

Thanks and have a great and safe day!

Donna L. Mignon
Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE
(800 Goucher Boulevard)	*	OFFICE OF
9th Election District		
6th Council District	*	ADMINISTRATIVE HEARINGS
Al Glenview, LLC		
Legal Owner	*	FOR BALTIMORE COUNTY
Tikva, LLC		
Contract Purchaser/Lessee	*	
Petitioners	*	**Case No. 2023-0262-SPHX**

* * * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of Petitions for Special Hearing and Special Exception filed on behalf of Al Glenview LLC, legal owner, and Tikva, LLC, contract purchaser/lessee ("Petitioners") for the property known as 800 Goucher Boulevard, Towson. A Petition for Special Hearing was filed pursuant to Baltimore County Zoning Regulations ("BCZR") § 500.7 to amend the previously approved site plan in Case 1989-479-SPHXA and for such other and further relief as the nature of this case may require. A Special Exception was filed from the BCZR §§ 405.4 E and 405.6.A.3 to allow a roll-over car wash in combination with an existing fuel service station.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petitions were properly advertised and posted.

Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP"), and Development Plans Review ("DPR"). DOP opposed the requested relief. Nearby residents to the proposed site, Elsie Dare and Linda Galati appeared in opposition as well.

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Date 2/20/24
By DMugnai

Petitioners Jacob Attar and Afshin Attar were in attendance at the hearing. Dino C. La Finandra, Esquire represented the Petitioners. Also in attendance was Wayne Newton, P.E., of Messick & Associates who prepared the site plan. The site plan he prepared was admitted as Petitioners' Exhibit 1.

Mr. Newton testified that the Petitioners were proposing a 13,000 sq. ft. roll-over car wash to be operated in conjunction with the Petitioners' gas station and convenience store presently operating on the site. The subject site is a 1.44-acre parcel located at the northwest corner of the signaled intersection of Goucher Blvd. and Putty Hill Avenue in the Towson area of Baltimore County. The property is zoned BL AS. He further explained that the proposed car wash will be located on an already paved portion of the site. There are two entrance/exits onto Goucher Blvd. and one onto Putty Hill Avenue. (Pet. Ex. 1) As illustrated on Petitioners' site plan, the proposed stacking plan anticipates vehicles entering via Goucher Blvd. and exiting the car wash facing the Putty Hill Avenue exit. (Pet. Ex. 1) Mr. Newton described the subject property as having a grassy area dividing the site from neighboring properties to the north and west. Uses surrounding the subject site include apartments to the north and south, apartments and single-family dwellings to the west, Towson Place, a commercial retail development to the east; and Calvert Hall College High School to the southeast. The parking lot to Towson Place also includes several new restaurants of the edge of the parking for Towson Place, facing Goucher Blvd. Mr. Newton acknowledged that the intersection of Goucher Blvd. and Putty Hill Avenue is a "D" Level of Service intersection as designated by the Department of Public Works and Transportation ("DPWT"). Mr. Newton testified to Petitioners' proposed landscape plan for the site, which includes additional plantings, adding to the trees already buffering the site from the adjacent apartments. (Pet. Ex. 14).

ORDER RECEIVED FOR FILING
Date 2/20/24
By DMignon

Mr. Newton explained that the car wash would not be a "destination" attraction for patrons to visit the site, but rather is intended to be an additional amenity for customers already using the site. While Mr. Newton acknowledged that the goal of adding such an amenity was to increase the volume of customers patronizing the location, he did not foresee the site as attracting new customers solely for the use of the roll-over car wash. Mr. Newton clarified that a roll-over car wash involves a single bay in which a car is mechanically spray washed. No employees are involved in the car wash operation, and there is no additional drying or waxing once a vehicle exits the one-story car washing structure. Mr. Newton's study of the surrounding area revealed that no current operation roll-over car wash operation was within an 8-mile radius of the site, evidencing the need for such a car was to serve the growing area.

Mr. Newton confirmed that the surrounding uses in the surrounding area have not changed since 1989 other than the fact that there are now additional restaurants on the Towson Place site. He also opined that the area's traffic had intensified since 1989, in keeping with the growth of the Towson area as a whole.

Mr. Newton testified that it was his opinion that the car wash would not significantly add traffic in the area and that the traffic related to such a use would not have any adverse effect greater than somewhere else in the same zone. He went through the remaining factors of BCZR § 502.1 and opined that the proposed car wash was in compliance with its requirements.

Petitioner, Jacob Attar testified that he and his company has owned the subject site for approximately 2 years. He stated that he owns several other gas stations in Maryland and other states. He explained that the purpose of the proposed car wash was to better serve customers who use the gas station and convenience store. Mr. Attar further explained that the station is usually manned by one employee, with a brief overlap in the number of employees at shift change. He

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Date 2/22/24
By DMatthews

notes that at this time, the extra employee engages in cleaning the lot and that each employee periodically sweeps the lot of debris during their shift.

Elsie Dare, who has lived within a quarter mile of the subject site for over 20 years testified as to her concerns with the requested relief. Ms. Dare commented that the subject site is not well-maintained and trash is often overflowing from the cans on site. Additionally, she noted that the traffic near the Putty Hill Avenue entrance/exit to the site is particularly precarious due to the fact that traffic traveling east on Putty Hill Avenue across Goucher Blvd. is forced to merge from two lanes to one, not far from the gas station exit. She testified to often hearing beeping horns of cars as they jockey for position into a single lane. She also noted that a median is present between lanes on Putty Hill Avenue approaching Goucher Blvd. from the west which causes some cars to make a U-turn if they wish to enter the Putty Hill Avenue entrance to the gas station. Ms. Dare opined that adding extra traffic from the car wash would only exacerbate this problem. Ms. Dare also noted that three new restaurants had been recently added to Towson Place, directly across Goucher Blvd. from the gas station, adding even more traffic to the area.

Linda Galati, who also lives within a quarter mile of the subject site testified that the current gas station is often littered with trash and she is not confident that the proposed car wash will be properly maintained. Ms. Galati shared Ms. Dare's traffic concerns and further explained that motorists employ U-turns to enter the subject site westbound on Putty Hill Avenue.

Zoning History

The subject site has been the subject of multiple Zoning cases since 1989. In Case No. 1989-0471-SPHXA a Special Exception was requested to allow convenience store and a combination automotive service station/car wash. During the hearing in this matter concerns were

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Date 2/20/24
By DRMugnon

raised about traffic congestion in the area. The Opinion in this matter summarized testimony presented in opposition to the proposed relief as follows:

> Testimony presented by the Protestants emphasized the currently heavily congested area of Goucher Boulevard and Putty Hill Avenue. The Protestants believe the proposed development would result in a tremendous amount of traffic exiting the *car wash* onto Putty Hill Avenue which requires a right turn into the residential area. (emphasis added)

(Pet. Ex. 8.)

In denying the requested relief, the Zoning Deputy Commissioner ultimately denied relief stating that the requirements of BCZR, §502.1 had not been met. Petitioners appealed this decision to the Board of Appeals, but voluntarily abandoned their request for the car wash, leaving a Special Exception request for the gas station and convenience store only. This request was approved by the Board of Appeals (Case No. 89-471-SPHXA) and affirmed by the Circuit Court for Baltimore County. (Case No. 90-CSP-974) (Pet. Exs. 9-10)

In Case No. 1996-0029-SPHX, a subsequent request for Special Exception was filed for a fuel service station with a roll-over car wash at the same site. As is the request in the case at bar, the Petitioners in this matter were requesting a self-service, unmanned roll-over car wash. In this hearing, members of the community, again, expressed their concerns regarding traffic congestion, causing the Deputy Zoning Commissioner to deny the proposed relief finding that "the car wash facility was no more appropriate at that time than it was in 1989." (Pet. Ex. 11) This decision was not appealed further.

Effect of Prior Decisions

In *Batson v. Shiflett*, 325 Md. 684, 705, 602 A.2d 1191 (Md. 1992), the Maryland Court of Appeals stated:

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By DMuhman

> Whether an administrative agency's declaration should be given preclusive effect hinges on three factors: (1) whether the [agency] was acting in a judicial capacity; (2) whether the issue presented to the [reviewing] court was actually litigated before the [agency]; and (3) whether its resolution was necessary to the [agency's] decision.

(internal quotation marks omitted.) In *Whittle v. Board of Zoning Appeals*, 211 Md. 36, 38, 125 A.2d 41 (1956), the Maryland Court of Appeals explained that if a "second suit is between the same parties and is upon the same cause of action, a judgment in the earlier case on the merits is an absolute bar, not only as to all matters which were litigated in the earlier case, but as to all matters which could have been litigated." In the context of successive zoning applications, the *Whittle* court explained that:

> The general rule . . . [is that] a zoning appeals board may consider and act upon a new application for a special permit previously denied, but that it may properly grant such a permit only if there has been a *substantial change in conditions*. . . . It is our view that where the facts are subject to changes which might reasonably lead to an opposite result from that arrived at in an earlier case, and if there have been *substantial changes in fact and circumstances* between the first case and the second, the doctrine of *res judicata* would not prevent the granting of the special permit sought.

192 Md. App. at 45, 125 A.2d 41 (emphasis added).

In applying the factors enunciated in *Batson* to the case at bar, is clear that in both the 1989 and 1996 decisions of the Deputy Zoning Commissioner, the Deputy Zoning Commissioner was acting in the scope of the agency, the issue of whether a Special Exception for a car wash at the subject site was adjudicated, and the resolution of that issue was the very reason why the case was being heard the first place. The Deputy Zoning Commissioner's decision in both of these matters was not merely a collateral issue mentioned in dicta, but rather a central issue related to the relief being sought.

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By

Petitioners argue that since the 1989 decision before the Deputy Zoning Commissioner was appealed, the Board of Appeals assuming *de novo* review of the matter erased the prior ruling denying the car wash. While this would be a successful argument under normal circumstances, the fact that the Petitioner in that matter voluntarily amended its request for relief before the Board of Appeals removing the car wash, effectively waived the Board's Appellate *de novo* jurisdiction of that issue, leading the law of the case regarding the car wash to stand in the initial proceeding. In short, the issue of the car wash was adjudicated and was not appealed, causing collateral estoppel to take effect.

The Petitioners also take issue in the reasoning behind the Deputy Zoning Commissioner's 1989 and 1996 denial of the car wash Special Exception. Petitioners argue that the Deputy Zoning Commissioners did not employ the *Shultz* analysis nor did it clearly examine the § 502.1 factors. However, in the 1996 case, under *Batson* and *Whittle*, due to the prior decision on this issue, the Deputy Zoning Commissioner was only tasked with determining if there had been a "substantial change in facts or circumstances". The Deputy Zoning Commissioner did not find such a change of circumstances to exist and denied the Special Exception. Regarding the 1989 decision, while the Petitioners find fault with the reasoning behind Deputy Zoning Commissioner's decision, they acknowledge that no appeal of the decision was pursued as to that issue, further solidifying the fact that the issue regarding the car wash Special Exception was already adjudicated.

Substantial Change in Facts or Circumstances

As explained in *Batson*, *collateral estoppel* or *res judicata* would not bar the latest request for Special Exception relief regarding the car wash if the Petitioners produced facts illustrating that there had been a substantial change in facts and circumstances which lead to the prior ruling on the issue. Mr. Newton candidly admitted that the uses adjacent to the subject site are relatively

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By DMunson

the same as in the prior cases. The only addition is the additional restaurants now across Goucher Blvd. from the subject site. Despite the fact that the prior denials of the Special Exception relief were based on traffic concerns, Mr. Newton candidly admitted that traffic had increased in intensity in the area since the prior requests. Additionally, he conceded that the intersection at issue which a "C" graded intersection in 1989 and has now been down-graded to a "D". Accordingly, the only change in circumstances relevant to the proposed relief is that the area now includes additional businesses, has increased traffic and the relevant intersection has been down-graded to a "D" grade. None of these factor's point to traffic conditions being changed for the better, but rather point to the opposite. Consequently, I find that the Petitioner has failed to prove a substantial change in facts and circumstances, leaving me no choice but to defer to the prior rulings on the car wash issue at the subject site and deny the requested Special Exception.

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, 11 (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.

Assuming, *arguendo*, that the Petitioners' requested Special Exception is not barred by *collateral estoppel*, the present requested Special Exception relief would still have to conform with the requirements of BCZR, §§ 405.2.B.1, 405.4.E.1 and 502.1. Based on the information provided on the site plan, Petitioners have complied with §§ 405.2.B.1 and 405.4.E. (Pet. Ex. 1) While I

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Date 2/26/24
By DMulligan

find that the Petitioners have satisfied the applicable requirements of BCZR, § 502.1 (C) through (I), the evidence produced at the hearing does not support a finding relevant to subsections (A) and (B) that the Special Exception will not be detrimental to the health, safety, or general welfare of the locality involved; and that it will no tend to create congestion in roads, streets or alleys therein. In applying the *Schultz* standard to the facts presented, I find that the adverse impacts of the proposed roll-over car wash at the subject site would be above and beyond those inherently associated with the Special Exception use. The unique traffic conditions created by the lanes merging into a single lane on Putty Hill Avenue, not far from the proposed car wash exit, and the existence of a median in Putty Hill Avenue, causing customers wishing to enter the car wash while traveling eastbound to perform U-turns, are impacts beyond those inherently associated with such an operation. Consequently, I find that the Petitioners have failed to prove compliance with the requirements of BCZR, § 502.1, based on the evidence presented in this hearing, separate and apart from the prior rulings on the matter.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

> The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative

ORDER RECEIVED FOR FILING
Date 2/20/24
By DMugnon

practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

Based on the record evidence and the discussion above, I find that the requested relief is not within the spirit and intent of the BCZR, and that it will harm the public health, safety, or welfare. Accordingly, the request for Special Hearing is denied.

THEREFORE, IT IS ORDERED this **26th** day of **February, 2024**, by this Administrative Law Judge, that the Petition for Special Exception from the BCZR §§ 405.4 E and 405.6.A.3 to allow a roll-over car wash in combination with an existing fuel service station are hereby **DENIED**.

IT IS FURTHER ORDERED that the Petition for Special Hearing pursuant to BCZR § 500.7 to amend the previously approved site plan in Case No. 1989-479-SPHXA is hereby **DENIED**.

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

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm

ORDER RECEIVED FOR FILING
Date 2/26/24
By DMunson

JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

February 26, 2024

Dino La Fiandra, Esquire – dcl@lafiandralaw.com
The Law Office of Dino C. LA Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, MD 21204

RE: Petition for Special Hearing & Special Exception
Case No. 2023-0262-SPHX
Property: 800 Goucher Boulevard

Dear Mr. La Fiandra:

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,

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm
Enclosure

c: Jacob Attar- goucherexxon@yahoo.com
Afshin Attar – afshinattar@yahoo.com
Wayne Newton – wayne@messickandassociates.com
Darryl Volney – darrell@messickandassociates.com
Jennifer Busse - jbusse@rosenbergmartin.com

Baltimore County Board of Appeals
Zoning Case 2023-0262-SPHX
800 Goucher Blvd

Petitioner's Exhibit List

1. CV of Wayne Newton, PE
2. Original Zoning Site Plan (3 sheets) - Before the ALJ
3. Revised Zoning Site Plan (3 sheets) - Before the BOA
4. Aerial Photo (Site)
5. Aerial Photo (Site and Vicinity)
6. Photos
7. Photos
8. Photos
9. Zoning Case 1989-0471-SPHXA (Zoning Commissioner)
10. Zoning Case 1989-0471-SPHXA (Board of Appeals) (including all plans in zoning file)
11. Zoning Case 1989-0471-SPHXA (Circuit Court)
12. Zoning Case 1996-0029-SPHX (Zoning Commissioner) (including all site plans in zoning file)
13. Towson Communities Plan (Excerpt) (1992)
14. Map - Car Washes within TCP Area
15. Map - Car Washes within Expanded Area
16. Map - All Car Washes in Baltimore County
17. Color Rendering (Original)
18. Color Rendering (Revised)

Tammy Zahner

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Friday, September 27, 2024 2:08 PM
To: Appeals Board; Krysundra Cannington
Subject: 2023-0262-SPHX - 800 Goucher Blvd - Petitioner's Post Hearing Memo
Attachments: 2023-0262-SPHX - 800 Goucher Blvd - Petitioner's Post Hearing Memo 092724.pdf

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

Good afternoon,

Attached please find the Petitioner's Post Hearing memorandum in the above-referenced case .

Thank you and have a nice weekend!

Regards,
Dino



Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

LaFiandralaw.com
vCard

From: Dino La Fiandra
To: Appeals Board
Subject: 2023-0262-SPHX - Motion for Reconsideration / Clarification
Date: Monday, January 13, 2025 10:32:51 AM
Attachments: 23-262-SPHX 800 Goucher Blvd Motion for Reconsideration 011325.pdf

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CAUTION: This message from dcl@lafiandralaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments. Do not click on any link and fill any request asking for your username and password at any time. BCG OIT will never ask for your username and password over email. Use the "Phish Alert Report" button to report.

Good morning,

Attached please find a Motion for Reconsideration / Clarification in Case No. 23-0262-SPHX - 800 Goucher Blvd. Thank you as always.

Regards,
Dino



Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

LaFiandralaw.com
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Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

April 29, 2024

NOTICE OF ASSIGNMENT

IN THE MATTER OF: AL Glenview, LLC – Legal Owner
Tikva, LLC – Contract Purchaser/Lessee
23-262-SPHX 800 Goucher Boulevard
9th Election District; 6th Council District

Re: Petition for Special Hearing pursuant to BCZR § 500.7 to amend the previously approved site plan in Case No. 1989-479-SPHXA; and for such other and further relief as the nature of the case may require; and

Petition for Special Exception from BCZR §§ 405.4.E and 405.6.A.3 to allow a roll-over car wash in combination with an existing fuel service station.

2/26/24 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing and Special Exception was DENIED.

ASSIGNED FOR: JULY 31, 2024, AT 10:00 A.M.

The above scheduled hearing will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the hearing will be posted on our web calendar at** www.baltimorecountymd.gov/departments/appeals **the night before**.

A complete set of **exhibits must be emailed** at least **48 hours before the hearing** to **appealsboard@baltimorecountymd.gov** in a format that complies with MDEC (Maryland Electronic Court) standards.

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you require special accommodations, please contact this office at least one week prior to hearing date.

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled hearing.

Krysundra Cannington
Legal Administrative Secretary

c. Counsel for Petitioner/Appellant : Dino C. La Fiandra, Esquire
Petitioner/Legal owner : AL Glenview, LLC, Marilyn Lustbader, Manager
Contract Purchaser : Tikva, LLC, Afshin Attar and Jacob Attar

Wayne Newton, P.E./Messick & Associates
Elsie Dare
Linda Galati
Richard Armstrong
Kevin Koepenick

Office of People's Counsel
Maureen E. Murphy, Chief Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law

Board of Appeals of Baltimore County

JEFFERSON BUILDING
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TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

August 21, 2024

NOTICE OF DELIBERATION

IN THE MATTER OF: AL Glenview, LLC – Legal Owner
Tikva, LLC – Contract Purchaser/Lessee
23-262-SPHX 800 Goucher Boulevard
9th Election District; 6th Council District

Re: Petition for Special Hearing pursuant to BCZR § 500.7 to amend the previously approved site plan in Case No. 1989-479-SPHXA; and for such other and further relief as the nature of the case may require; and

Petition for Special Exception from BCZR §§ 405.4.E and 405.6.A.3 to allow a roll-over car wash in combination with an existing fuel service station.

2/26/24 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing and Special Exception was DENIED.

This matter having been heard and concluded on August 15, 2024, a public deliberation has been

ASSIGNED FOR: OCTOBER 10, 2024, AT 9:00 A.M.

The above scheduled public deliberation will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the public deliberation will be posted on our web calendar the night before at** www.baltimorecountymd.gov/departments/appeals.html.

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

NOTE: Closing briefs are due on **September 13, 2024 no later than 3:00 p.m.**
(Electronic copy emailed to: appealsboard@baltimorecountymd.gov)

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled deliberation.

Krysundra Cannington
Executive Secretary

c. Counsel for Petitioner/Appellant : Dino C. La Fiandra, Esquire
Petitioner/Legal owner : AL Glenview, LLC, Marilyn Lustbader, Manager
Contract Purchaser : Tikva, LLC, Afshin Attar and Jacob Attar

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Office of People's Counsel
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Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law

Board of Appeals of Baltimore County

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TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

January 24, 2025

NOTICE OF DELIBERATION ON MOTION FOR RECONSIDERATION

IN THE MATTER OF: AL Glenview, LLC – Legal Owner
Tikva, LLC – Contract Purchaser/Lessee
23-262-SPHX 800 Goucher Boulevard
9th Election District; 6th Council District

Re: Petition for Special Hearing pursuant to BCZR § 500.7 to amend the previously approved site plan in Case No. 1989-479-SPHXA; and for such other and further relief as the nature of the case may require; and

Petition for Special Exception from BCZR §§ 405.4.E and 405.6.A.3 to allow a roll-over car wash in combination with an existing fuel service station.

2/26/24 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing and Special Exception was DENIED.

Pursuant to Rule 12 of the Board of Appeals' Rules of Practice and Procedure, a public deliberation on the Motion for Reconsideration and any response thereto is

ASSIGNED FOR: FEBRUARY 11, 2025, AT 9:30 A.M.

The above scheduled public deliberation will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the public deliberation will be posted on our web calendar the night before at** www.baltimorecountymd.gov/departments/appeals.html.

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled deliberation.

Krysundra Cannington
Executive Secretary

c. Counsel for Petitioner/Appellant : Dino C. La Fiandra, Esquire
Petitioner/Legal owner : AL Glenview, LLC, Marilyn Lustbader, Manager
Contract Purchaser : Tikva, LLC, Afshin Attar and Jacob Attar

Wayne Newton, P.E./Messick & Associates
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Office of People's Counsel
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Stephen Lafferty, Director/Department of Planning
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James R. Benjamin, Jr., County Attorney/Office of Law

Board of Appeals of Baltimore County

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TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

May 21, 2024

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: AL Glenview, LLC – Legal Owner
Tikva, LLC – Contract Purchaser/Lessee
23-262-SPHX 800 Goucher Boulevard
9th Election District; 6th Council District

Re: Petition for Special Hearing pursuant to BCZR § 500.7 to amend the previously approved site plan in Case No. 1989-479-SPHXA; and for such other and further relief as the nature of the case may require; and

Petition for Special Exception from BCZR §§ 405.4.E and 405.6.A.3 to allow a roll-over car wash in combination with an existing fuel service station.

2/26/24 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing and Special Exception was DENIED.

This matter was assigned for hearing on July 31, 2024 and postponed by request. This matter has been

REASSIGNED FOR: AUGUST 15, 2024, AT 10:00 A.M.

The above scheduled hearing will be held **in-person.** Parties, witnesses, and attorneys, please make arrangements to attend in-person.

Location for in-person:
Hearing Room #2, Second Floor, Suite 206,
Jefferson Building, 105 W. Chesapeake Avenue, Towson

Any interested person can watch the hearing online or listen by telephone and *will not* be able to participate. Call-in information and a link to the hearing online will be posted on our web calendar the night before. Our web calendar is located at www.baltimorecountymd.gov/departments/appeals.

A paper copy of exhibits must be provided during the hearing, with copies for all parties.

Pursuant to Rule 6 of the Board's Rules, a complete set of **exhibits must be emailed** at least **48 hours before the hearing** to **appealsboard@baltimorecountymd.gov** in a format that complies with MDEC (Maryland Electronic Court) standards.

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you require special accommodations, please contact this office at least one week prior to hearing date.

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled hearing.

Krysundra Cannington
Legal Administrative Secretary

c. Counsel for Petitioner/Appellant : Dino C. La Fiandra, Esquire
Petitioner/Legal owner : AL Glenview, LLC, Marilyn Lustbader, Manager
Contract Purchaser : Tikva, LLC, Afshin Attar and Jacob Attar

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Office of People's Counsel
Maureen E. Murphy, Chief Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law

IN RE: Petitions for Special Hearing and Special Exception **800 Goucher Boulevard** 9th Election District 6th Council District **AI Glenview, LLC** *Legal Owner* **Tikva, LLC** *Lessee*	)	**BEFORE** **THE OFFICE OF** **ADMINISTRATIVE HEARINGS** **OF** **BALTIMORE COUNTY** **CASE NO. 2023-0262-SPHX**

NOTICE OF APPEAL

Tikva, LLC, (the "Appellant"), feeling aggrieved by the final Opinion and Order of the Administrative Law Judge dated February 26, 2024 in the above-captioned case, hereby appeals to the County Board of Appeals. Pursuant to Rule 3 of the Rules of Practice and Procedure of the Board of Appeals, the address of the Appellant is as follows:

Tikva, LLC
800 Goucher Boulevard
Towson, Maryland 21286
Email: goucherexxon@yahoo.com
Telephone: none

Respectfully submitted,

March 25, 2024
Date

Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
443-204-3473
Attorney for *Appellant*

RECEIVED
MAR 25 2024
OFFICE OF
ADMINISTRATIVE HEARINGS

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

No. 223623

Date: 3/25/24

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				$700.00

Total: $700.00

Rec From: Dino LaFiandra, Esq.

For: OAH (Appeal Link)
Case #: 2023-0262-SPHX
Address: 800 Goucher Blvd
Hearing Date: Feb. 7, 2024
~~Check #:~~

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
3/26/2024	3/25/2024	12:12:00	3

REG TR03 WALKIN CAM
>>RECEIPT # 075519 3/25/2024 OFLN
Dept 5 528 ZONING VERIFICATION
CK NO. 223623
Recpt Tot $ 700.00
700.00 CT
Baltimore County, Maryland

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S VALIDATION

PETITION FOR ZONING HEARING(S)

23-106 m/c

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 800 Goucher Boulevard **which is presently zoned** BL-AS

Deed References: 34402/430 10 Digit Tax Account # 0903330429

Property Owner(s) Printed Name(s) _____

(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

   Please see attached.

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

   Please see attached.

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

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

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:

Tikva, LLC
Name- Type or Print

Signature

800 Goucher Blvd, Towson, MD
Mailing Address City State

21286 / / /
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

AL Glenview, LLC /
Name #1 -- Type or Print Name #2 -- Type or Print

See Attached
Signature #1 Signature # 2

2424 Ridge Road, Rockwell, TX
Mailing Address City State

75087 / / /
Zip Code Telephone # Email Address

Attorney for Petitioner:

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name- Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

Representative to be contacted:

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name – Type or Print

Signature

100 W. Pennsylvania Avenue,Suite 305
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

CASE NUMBER 2024-0262-SPHX Filing Date 12/14/2023 Do Not Schedule Dates: _____ Reviewer MM

REV. 10/4/11

Signature Page to Petition for Zoning Hearing (s)
800 Goucher Boulevard, Towson, Maryland

Legal Owner:

A.I. GLENVIEW, LLC,
an Illinois limited liability company

By: _____
Marilyn Lustbader, Manager

M & ML PATRIOT LLC,
an Illinois limited liability company

By: _____
Marilyn Lustbader, Manager

HOYNE PATRIOT LLC,
an Illinois limited liability company

By: HOWARD RUSKIN
Howard M Ruskin, Manager

SSB PATRIOT LLC,
an Illinois limited liability company

By: HOWARD RUSKIN
Howard M Ruskin, Manager

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

No. 229442

Date: 12/14/2023

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		C150				$ 1,000

Total: $ 1,000

Rec From: Law Offices of Dino C. LaFiandra

For: Special Hearing & Special Exception
8009 Goucher Blvd
Zoning Case 2023-0262-SPHX

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S VALIDATION

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: 2023-0262-SPHX

Property Address: 800 Goucher Blvd

Property Description: 1.45 Acres at the NW corner of Putty Hill Avenue and Goucher Blvd

Legal Owners (Petitioners): AL Glenview LLC

Contract Purchaser/Lessee: Tikva, LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dino C. La Fiandra, Esquire

Company/Firm (if applicable): The Law Office of Dino C. La Fiandra, LLC

Address: 100 W. Pennsylvania Avenue, Suite 305

Towson, Maryland 21204

Telephone Number: 443-204-3473

Revised 7/9/2015

Petition for Zoning Hearing
800 Goucher Boulevard
Continuation Sheet

Petition for Special Hearing:

1. To amend the previously approved site plan in Case No. 1989-479-SPHXA; and
2. For such further and other relief as the nature of this case may require.

Petition for Special Exception:

1. For a Special Exception for a roll-over car wash in combination with an existing fuel service station, pursuant to BCZR, §405.4.E and §405.6.A.3.

CERTIFICATE OF POSTING

2023-0262-SPHX

RE: Case No.: _____

Petitioner/Developer: _____

AL Glenview, LLC
Tikva, LLC

February 7, 2024

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: Jeff Perlow:

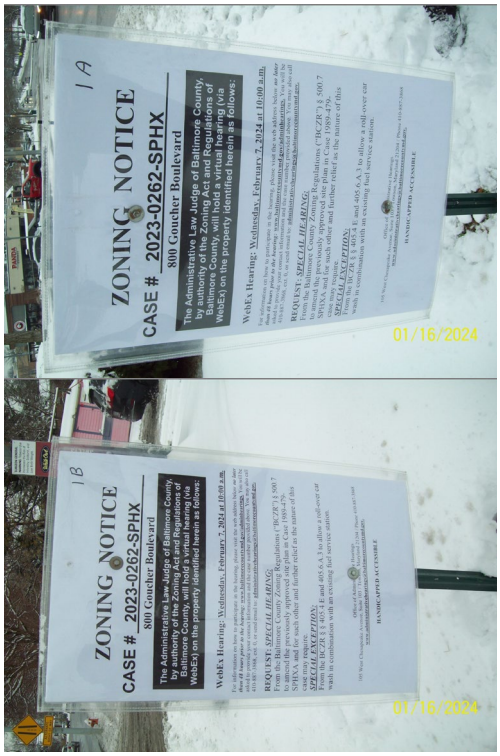
Ladies and Gentlemen:

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: _____

800 Goucher Boulevard ***SIGNS 1A & 1B***

January 16, 2024

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



Sincerely,

January 16, 2024

(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)

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: January 9, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 9, 2024
Item No. 2023-0262-SPHX

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

DPW-T: N/C

DPR: N/C

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

Rec & Parks: N/C & No Greenways affected

VKD: JK
cc: file

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald **DATE:** 1/11/2024
Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0262-SPHX

INFORMATION:
Property Address: 800 Goucher Boulevard
Petitioner: AL Glenview LLC
Zoning: BL AS
Requested Action: Special Hearing, Special Exception

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

Special Hearing -

1. To amend the previously approved site plan in Case No. 1989-479-SPHXA;
2. For such further and other relief as the nature of this case may require; and

Special Exception -

3. For a roll-over car wash in combination with an existing fuel service station, pursuant to Sections 405.4.E and 405.6.A.3 of the Baltimore County Zoning Regulations (BCZR).

The subject site is an approximately 1.44 acre parcel located at the northwest corner of the signalized intersection of Goucher Boulevard and Putty Hill Avenue in the Towson area. It is improved with a gas station and associated convenience store. There is a tree line and grassy area dividing the subject site and the neighboring property to the north and west. Uses surrounding the subject site include residential apartments to the north and south; residential apartments and single family detached dwellings to the west; Towson Place, an outdoor commercial development, to the east; and Calvert Hall College High School to the southeast.

The Goucher Boulevard and Putty Hill Avenue intersection is D Level-of-Service intersection, as designated by the Department of Public Works and Transportation (DPWT). The DPWT webpage states that Level-of-Service D intersections do not control issuance of building permits, but their areas are identified on Baltimore County's Basic Services Transportation Maps to identify the deficiency. The purpose of identifying D intersections is to provide notice to the public that the intersection has the potential of going to an E or F.

Per the site plan and petition, the petitioners wish to add a one-story, 1,300 square feet, roll-over car wash to the existing fuel service station. The car wash is proposed to the west of the existing fuel service station, primarily on the already-paved portion of the site. Three vacuum parking spaces, one air parking

space, and two drying parking spaces are also proposed. Based on the stacking plan submitted with the petition, the car wash will be entered from the northern elevation and then patrons will travel towards Goucher Boulevard.

The site has been the subject of multiple past Zoning Cases, including Case 1989-0471-SPHXA and Case 1996-0029-SPHX.

Case 1989-0471-SPHXA requested a Special Hearing to approve an amended site plan; a Special Exception to permit a food store (convenience store) of less than 5,000 square feet in combination with a car wash use in an existing automotive service station; and Variances to permit a commercial building abutting a residential zone to have a rear yard setback of 13 feet in lieu of the required 20 feet, as well as for five business signs totaling 314.04 square feet in lieu of the maximum permitted three signs totaling 100 square feet. The Petitioners wished to raze the existing Exxon service station and replace it with an Exxon Gas 'N' Go and car wash. The Department of Planning offered comments with concerns about ingress and egress, stacking, grading, community concerns, and excessive signage. During the Hearing, concerns were raised about traffic congestion in the area, as well as the general heath, safety, and welfare of the surrounding community. Ultimately, the Zoning Commissioner found that the Petitioner had not met its burden in proving that the proposed use would not be detrimental to the health, safety, or general welfare, and would not create congestion in roads, streets, or alleys therein. As such, the Petition was denied by the Zoning Commissioner. The decision was appealed by the Petitioner to Board of Appeals, however, the request for the car wash was withdrawn from the appeal.

Case 1996-0029-SPHX requested a Special Hearing to approve amendments to the previously approved site plan; and a Special Exception for a fuel service station use in combination with a roll-over car wash. The site was improved with an Exxon gas station and convenience store, and the Petitioner wished to expand the uses on the property with a self-service, unmanned car wash that would take approximately 1.5-4 minutes for a wash and dry cycle. The site plan submitted with the Petition is shown in Figure 1 at the conclusion of these comments. The Department of Planning offered comments opposing the request and raised concerns regarding traffic congestion and the health, safety, and welfare of the adjacent communities. At the Hearing, the Petitioner presented Exhibit 3, showing a slightly updated location of the proposed car wash; the Exhibit is shown in Figure 2 at the conclusion of these comments. Throughout the Hearing, concerns were raised about traffic congestion in the area; the general heath, safety, and welfare of the surrounding community; further commercialization of the corner not being appropriate; and that the car was facility was no more appropriate at that time than it was in 1989 when the request was first proposed and denied. Ultimately, the Zoning Commissioner found that any further commercialization of the property would be detrimental to the surrounding residential uses and that the Petitioner failed to satisfy the burdens imposed upon them by Section 502.1 of the Baltimore County Zoning Regulations. As such, the Petition was denied.

The subject site is within the boundary of the Towson Community Plan, adopted February 3, 1992. The Plan designates the site as part of the "Outer Neighborhoods" (Map 1, page 5). Outer Neighborhoods are defined as "residential areas impacted by the expansion of nonresidential zoning and through traffic, but not to the same extent as the 'inner' neighborhoods" (page 68). The Plan then goes on to state the following on pages 68 and 69:

> *The outer neighborhoods are relatively stable residential communities. However, the proliferation of Special Exception uses within the neighborhoods can have a deleterious effect on those who reside there. Unacceptable levels of noise and traffic may result from residences which are also used for Special Exception purposes. In order to minimize the detrimental side effects which can result from Special Exception use, the following standards should be met:*

a. *The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, convenience, or general welfare in a manner not addressed by the criteria below;*
b. *The use will not tend to overcrowd the land and cause undue concentration of population;*
c. *The use will not tend to interfere with adequate provisions for public facilities;*
d. *The use will not tend to interfere with adequate light and air;*
e. *The use will not be inconsistent with the purposes of the zoning or the spirit of the Zoning Regulations;*
f. *The particular use proposed, at the particular location proposed, will not have any adverse effects above and beyond those inherently associated with such a use regardless of its location within the zone;*
g. *The Special Exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood;*
h. *The establishment of the Special Exception use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*
i. *The use will be sited and operate so that the vehicular and pedestrian traffic and parking generated by the use will not be hazardous or substantially conflict with existing traffic or parking in the neighborhood;*
j. *Neighborhood Need: The preponderance of evidence must clearly demonstrate that for the public convenience, a need exists for the proposed use to service the population in the general neighborhood. The demonstration of need must take into account the present availability of such uses to that neighborhood and whether the neighborhood already has such uses.*
k. *County Need: A need exists for the proposed use due to an insufficient number of similar uses presently avail-able to serve existing population concentrations in the County, and the use at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.*

Section 502.1 of the Baltimore County Zoning Regulations outlines conditions on granting Special Exceptions, stating:

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

A. *Be detrimental to the health, safety or general welfare of the locality involved;*
B. *Tend to create congestion in roads, streets or alleys therein;*
C. *Create a potential hazard from fire, panic or other danger;*
D. *Tend to overcrowd land and cause undue concentration of population;*
E. *Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;*
F. *Interfere with adequate light and air;*
G. *Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;*
H. *Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor*
I. *Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone,*

and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones.

The Department of Planning finds that the Petition does not meet Standards A and I of the Towson Community Plan. Further, the Department of Planning finds that the Petition does not meet Conditions A and B of Section 502.1 of the Baltimore County Zoning Regulations. The four Standards/Conditions – which relate to traffic congestion and the health, safety, and general welfare of the surrounding communities – have been previously addressed with the 1989 and 1996 Zoning Hearings. Based on the 1989 and 1996 Hearings before the Zoning Commissioner, a car wash in this location has already been determined to have a negative impact on traffic congestion, and would be hazardous to the health, safety, and general welfare of the surrounding residents. The Opinion and Order in Case 1996-0029-SPHX stated:

> *After due consideration of the testimony and evidence presented by both representatives for the Petitioner as well as the Protestants who attended the hearing, I find that the proposed car wash facility at the subject site would be detrimental to the primary uses in the vicinity. Those primary uses are basically the residential communities of the Courthouse Square Apartments complex and the Fellowship Forest development located nearby. All of the commercial uses in this area are located on the east side of Goucher Boulevard, a major thoroughfare which basically separated the commercial uses from the residential uses in this locale. The fact that this corner of Putty Hill Avenue and Goucher Boulevard received commercial zoning was controversial in the first place. Any further commercialization of this property would be detrimental to the surrounding residential uses.*

With the surrounding uses remaining predominately the same now as they were in 1996 when former Zoning Commissioner Tim Kotroco wrote the Opinion and Order, the Department of Planning finds that the previous Opinion and Order is still accurate, and that the proposal will have a negative impact on traffic congestion and the health, safety, and general welfare of the nearby residents.

For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP

c: Dino C. La Fiandra
David Birkenthal
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Figure 1: Exhibit 1 in Zoning Case 1996-0029-SPHX showing the originally proposed location of the car wash –

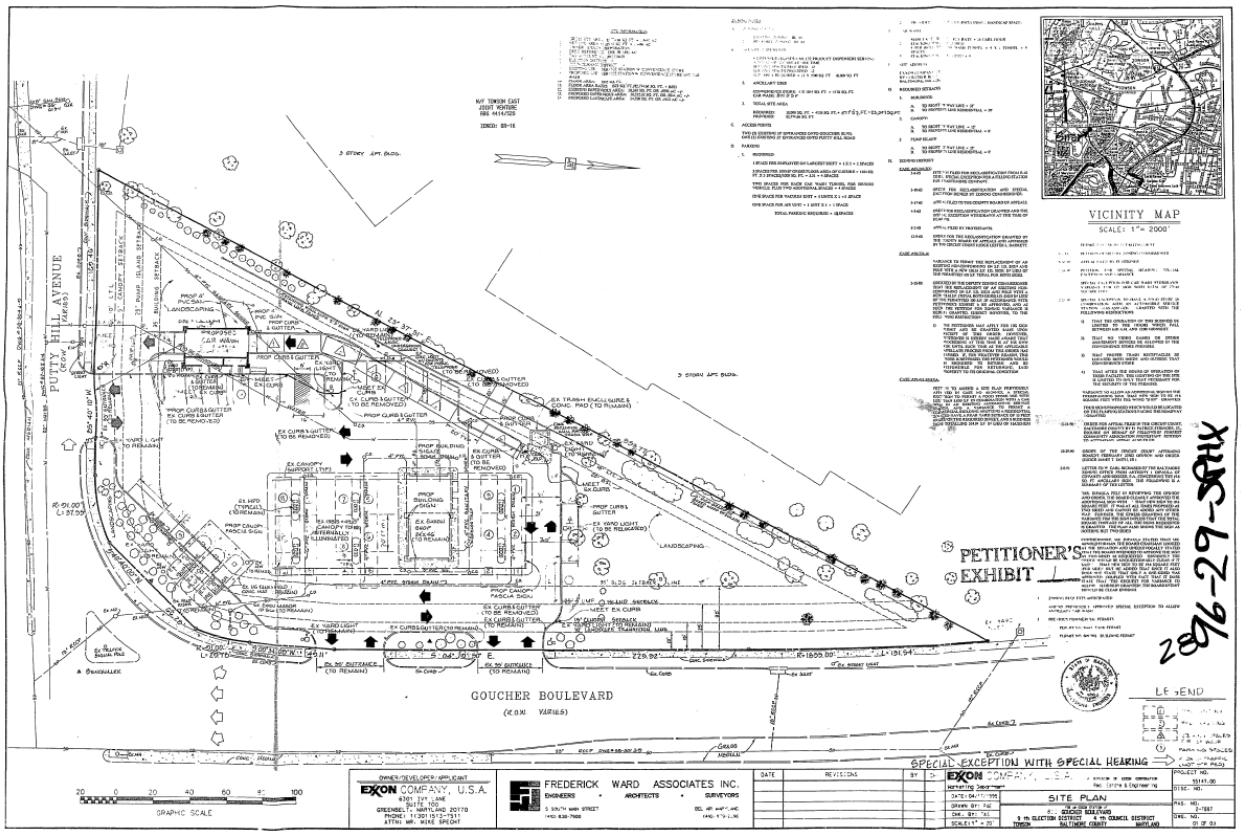
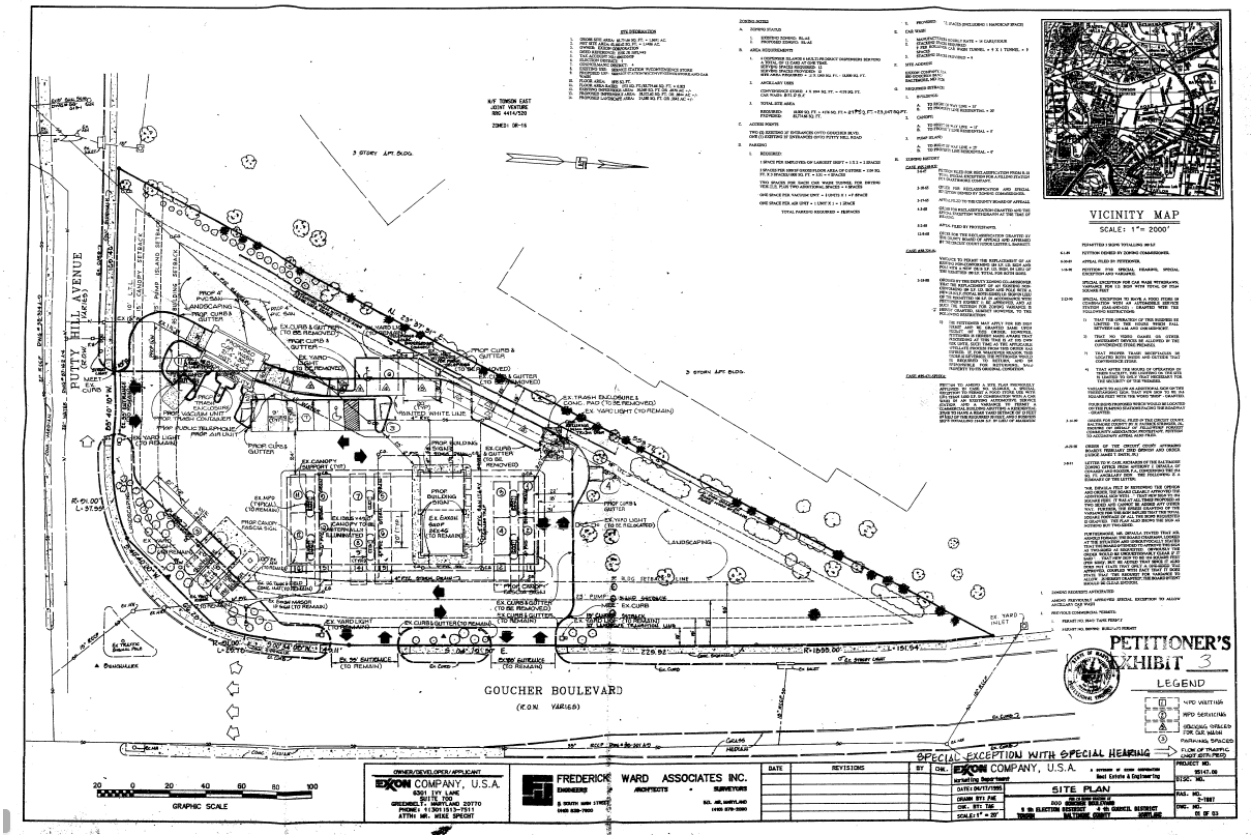


Figure 2: Exhibit 3 in Zoning Case 1996-0029-SPHX showing the updated proposed location following the issuance of the Department of Planning's comments –



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: January 9, 2024

SUBJECT: DEPS Comment for Zoning Item # 2023-0262-SPHX
Address: 800 GOUCHER BLVD
Legal Owner: AL Glenview, LLC

Zoning Advisory Committee Meeting of January 9, 2024.

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 - 09 **Account Number** - 0903330429

Owner Information

Owner Name:	A I GLENVIEW LLC M ML PATRIOT LLC ET AL	**Use:** **Principal Residence:**	COMMERCIAL NO
Mailing Address:	C/O K E ANDREWS 2424 RIDGE ROAD ROCKWALL TX 75087-	**Deed Reference:**	/34402/ 00430

Location & Structure Information

Premises Address:	800 GOUCHER BLVD TOWSON 21286-	**Legal Description:**	PT LT 1 1.449 AC 800 GOUCHER BLVD LOCH RAVEN MANOR

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0070	0017	0819	20000.04	0000	3		1	2023	Plat Ref: 0023/ 0122

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1991	1,104 SF		1.4400 AC	20

StoriesBasementType	ExteriorQuality	Full/Half Bath	Garage	Last Notice of Major Improvements
CONVENIENCE STORE/	C4			

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2023	 As of 07/01/2024
Land:	1,449,000	1,449,000		
Improvements	415,200	413,600		
Total:	1,864,200	1,862,600	1,862,600	1,862,600
Preferential Land:	0	0		

Transfer Information

Seller: 27887 TOWSON LLC	**Date:** 11/05/2013	**Price:** $2,282,013
Type: ARMS LENGTH IMPROVED	**Deed1:** /34402/ 00430	**Deed2:**
Seller: SOUTHSIDE OIL LLC	**Date:** 04/19/2013	**Price:** $1,879,433
Type: ARMS LENGTH IMPROVED	**Deed1:** /33508/ 00306	**Deed2:**
Seller: EXXON CORPORATION	**Date:** 06/23/2010	**Price:** $38,328,295
Type: ARMS LENGTH MULTIPLE	**Deed1:** /29609/ 00263	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Special Tax Recapture: None

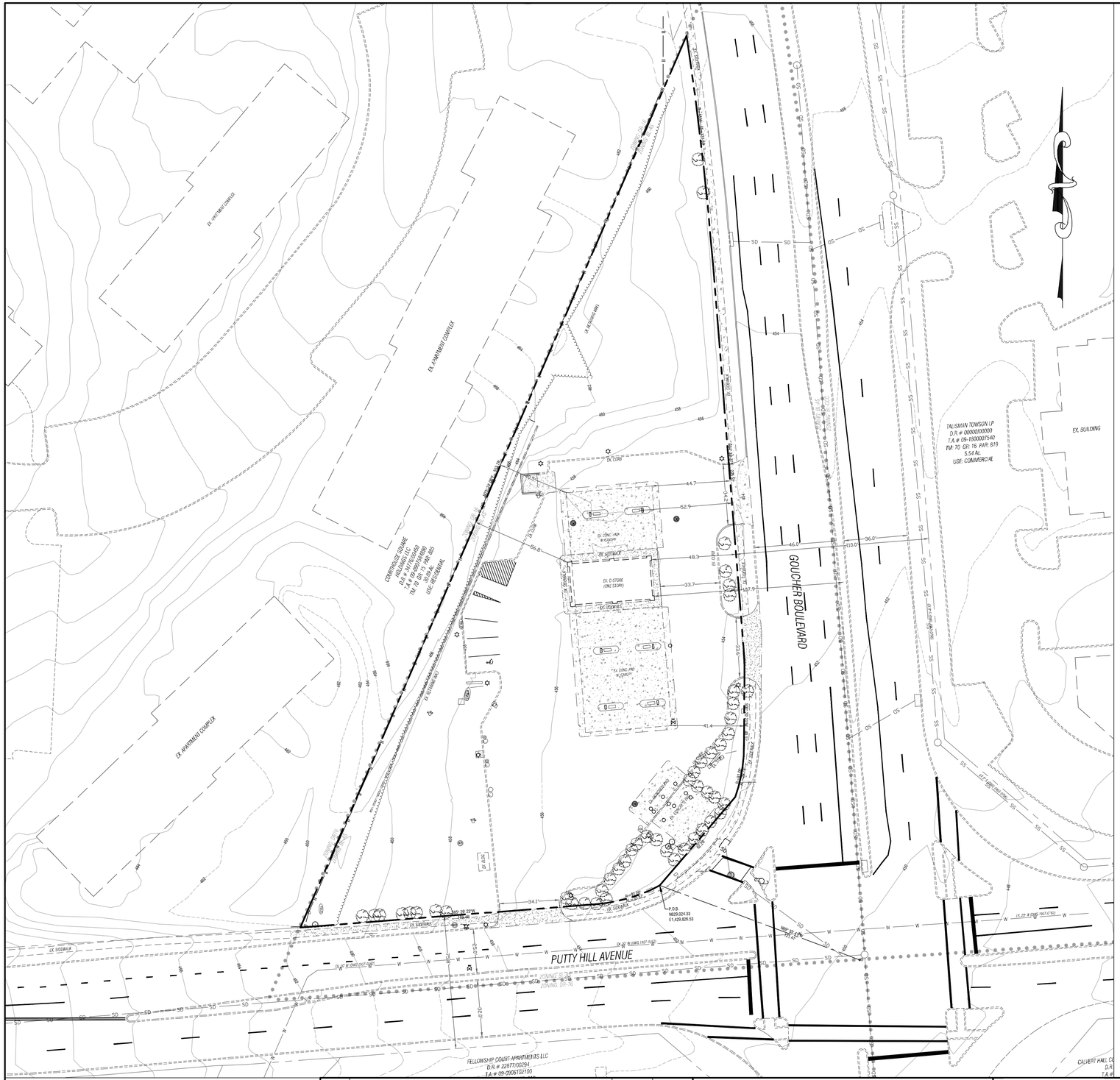
Homestead Application Information

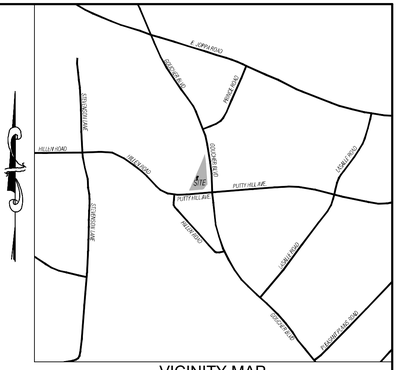
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

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

2023-0262-SPHX





VICINITY MAP
SCALE: 1"=1000'

ZONIING NOTES::

1. ZONING: BL-AS
2. ZONING CASE HISTORY:

2.1. 1958-4545-RX - PETITION FOR RECLASSIFICATION FROM R-10 ZONE TO BL ZONE AND SPECIAL EXCEPTION FOR GAS STATION - DENIED DECEMBER 16, 1958.

2.2. 1965-240-RX - PETITION FOR RECLASSIFICATION FROM R-10 TO BL ZONE AND SPECIAL EXCEPTION FOR GAS STATION. RECLASSIFICATION GRANTED BY BOARD OF APPEALS APRIL 3, 1968. SPECIAL EXCEPTION WITHDRAWN BY PETITIONER. AFFIRMED BY CIRCUIT COURT DECEMBER 9, 1968.

2.3. 1988-324-A - VARIANCE FOR 158.16 SF IDENTIFICATION SIGN IN LIEU OF 100 SF ALLOWED. GRANTED MARCH 18, 1988.

2.4. 1989-0471-SPHXA - SPECIAL EXCEPTION FOR FOOD STORE IN CONJUNCTION WITH AUTOMOBILE SERVICE STATION, VARIANCE FOR AN ADDITIONAL 19.6 SF SIGN, VARIANCE FOR FOUR (4) ADDITIONAL SIGNS - GRANTED BY BOARD OF APPEALS FEBRUARY 23, 1990; AFFIRMED BY CIRCUIT COURT OCTOBER 29, 1990.

2.5. 1996-29-SPHX - PETITION FOR SPECIAL EXCEPTION FOR A CAR WASH. DENIED BY THE DEPUTY ZONING COMMISSIONER JANUARY 11, 1996.

3. THERE ARE NO ACTIVE ZONING VIOLATIONS

GENERAL NOTES::

1. THERE ARE NO ACTIVE ZONING VIOLATIONS,
2. THERE IS NO PREVIOUS COMMERCIAL PERMIT INFORMATION AVAILABLE.
3. ALL SIGNAGE WILL CONFORM TO THE REQUIREMENTS OF THE BCZR, OR VARIANCES WILL BE SOUGHT.
4. THE PROPERTY IS NOT WITHIN ANY FAILING AREAS SHOWN ON THE 2022 BASIC SERVICES MAPS ADOPTED BY THE COUNTY COUNCIL IN BILL 25-22 (MAY 2, 2022).
5. THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITHIN 1 MILE OF THE PROPERTY.
6. PER FLOOD INSURACE RATE MAP 24001002351F, THE SITE LIES OUTSIDE 100-YEAR FLOOD ZONE.
7. RESTROOMS, WATER, AND COMPRESSED WILL BE PROVIDED IN ACCORDANCE WITH BCZR §409.4.
8. LANDSCAPE TRANSITION AREAS WILL BE VEGETATED AND SCREENED IN ACCORDANCE AUTOMOTIVE USES PER THE LANDSCAPE MANUAL.

FLOOR AREA RATIO		
ITEM		AREA
GROSS FLOOR AREA	C-STORE	1,104 SQ.FT.
	CAR WASH	1,300 SQ.FT.
	TOTAL GFA	2,404 SQ.FT.
GROSS SITE AREA		63,109 SQ.FT.
FLOOR AREA RATIO		0.04

BUILDING HEIGHTS		
# OF STORIES		
ITEM	EXISTING	PROPOSED
C-STORE	1 STORY	1 STORY
CANOPY	1 STORY	1 STORY
CAR WASH	--	1 STORY

STACKING SPACES CALCULATION				
ITEM	REQUIREMENT	QUANTITY	SPACES REQUIRED	SPACES PROVIDED
CONVENIENCE STORE (§405.4.A.3.c.2)	1 STACKING SPACE REQUIRED IN ADDITION TO THE FUEL SERVICE SPACE PER MPD	8	8	8
ROLL-OVER CAR WASH (§419.3.A.2)	9 STACKING SPACES REQUIRED PER ROLL-OVER CAR WASH	1	9	9
TOTALS			17	17

PARKING CALCULATIONS			
PARKING REQUIRED PER CODE			
ITEM	REQUIREMENT	QUANTITY	SPACES REQUIRED
CONVENIENCE STORE (§405.4)	3 SPACES PER 1,000 SQ. FT.	1,104 SQ. FT.	4
EMPLOYEES/LARGEST SHIFT (§405.4.A.3d)	1 SPACE PER EMPLOYEE	2 EMPLOYEES	2
ATM (§405.4.A.3d)	1 SPACE PER ATM	0	0
AIR (§405.4.A.3d)	1 SPACE PER SELF-SERVE AIR	1	1
VACUUM (§405.4.A.3d)	1 SPACE PER VACUUM UNIT	3	3
ROLL-OVER CAR WASH DRYING SPACES (§419.3.B.1)	2 DRYING SPACES PER TUNNEL	1 TUNNEL	2
ROLL-OVER CAR WASH ADDITIONAL SPACES (§419.3.B.4)	2 SPACES	--	2
TOTAL SPACES REQUIRED			14 SPACES
TOTAL SPACES PROVIDED			14 SPACES

PROPOSED SETBACKS				
BCAR §	FROM	TO	SETBACK REQUIRED	SETBACK PROVIDED
§405.4.A.2	RIGHT OF WAY	CONVENIENCE STORE	35 FEET	48.3 FEET
		PUMP	25 FEET	52.9± FEET
		CANOPY	15 FEET	41.4 FEET
		CAR WASH	--	58.7 FEET
§232	PROPERTY LINE	FROM CLOSEST BUILDING	10 FEET (FRONT)	41.4 FEET
	PROPERTY LINE	FROM CLOSEST BUILDING	10 FEET (SIDE/CORNER)	41.4 FEET
	PROPERTY LINE	FROM CLOSEST BUILDING	20 FEET (REAR)	40.5 FEET
	CENTER LINE OF STREET	FROM CLOSEST BUILDING	40 FEET	97.7 FEET

SITE DATA			
PROPERTY ADDRESS	800 GOUCHER BOULEVARD TOWSON, MD 21286		
OWNER NAME & ADDRESS	AL GLENVIEW, LLC M ML PATRIOT LLC, ETAL. 2424 RIDGE ROAD ROCKWELL, TX 75087		
LESSEE NAME & ADDRESS	TIKVA, LLC 800 GOUCHER BLVD. TOWSON, MD 21286		
TAX MAP	70		
GRID	17		
PARCELS	819		
LOT	1		
TAX ACCOUNT NUMBER	09-0903330429		
DEED REFERENCE	34402/430		
PLAT REFERENCE	23/122		
COUNCILMANIC DISTRICT	6TH		
ELECTION DISTRICT	9TH		
LEGISLATIVE DISTRICT	43B		
ZONING MAP	070B2	ZONING	BL-AS
EXISTING USE	FUEL SERVICE STATION & CONVENIENCE STORE		
PROPOSED USE	FUEL SERVICE STATION, CONVENIENCE STORE, & ROLL-OVER CAR WASH		
FEMA FIRM MAP	24001002351F	ZONE:	0.2 PCT ANNUAL CHANCE FLOOD HAZARD
CRITICAL AREA MAP	NA	DESIGNATION:	N/A
GROSS SITE AREA	84,690 SQ.FT. (1.94 ACRES)		
RIGHT OF ACCESS AREA	21,581 SQ.FT. (0.50 ACRES)		
NET SITE AREA	63,109 SQ.FT. (1.44 ACRES)		
R/W TO BE DEDICATED	0 SQ.FT. (0.00 ACRES)		
WATERSHED	BACK RIVER		
SUB-WATERSHED	HERRING RUN-B		

THE MARYLAND COORDINATE SYSTEM (MCS) OF ALL DRAWINGS IS BASED ON THE NORTH AMERICUM DATUM OF 1983 (NAD83).

EXISTING CONDITIONS
SCALE 1"=30'

REVISION NO.	REVISION DESCRIPTION	REVISION BY	REVISION DATE

MESSICK & ASSOCIATES*
CONSULTING ENGINEERS
SURVEYORS & PLANNERS
7 OLD SOLOMONS ISLAND ROAD
SUITE 202
ANNAPOLIS, MARYLAND 21401 (410)
266-3212 * FAX (410) 266-3502
engr@messickandassociates.com
* MESSICK GROUP, INC. T/A MESSICK AND ASSOCIATES

SEAL

STATE OF MARYLAND
DARRELL J. MESSICK
No. 22098
REGISTERED
PROFESSIONAL ENGINEER

DATE : 7-25-23

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.: 22098 EXPIRATION DATE: SEPT. 10, 2024

OWNER:
AL GLENVIEW, LLC
M ML PATRIOT LLC, ET AL.
2424 RIDGE ROAD
ROCKWELL, TEXAS 75087

DEVELOPER/LESSEE:
TIKVA, LLC
800 GOUCHER BLVD.
TOWSON, MD 21286

PLAN TO ACCOMPANY PETITION FOR ZONING HEARING

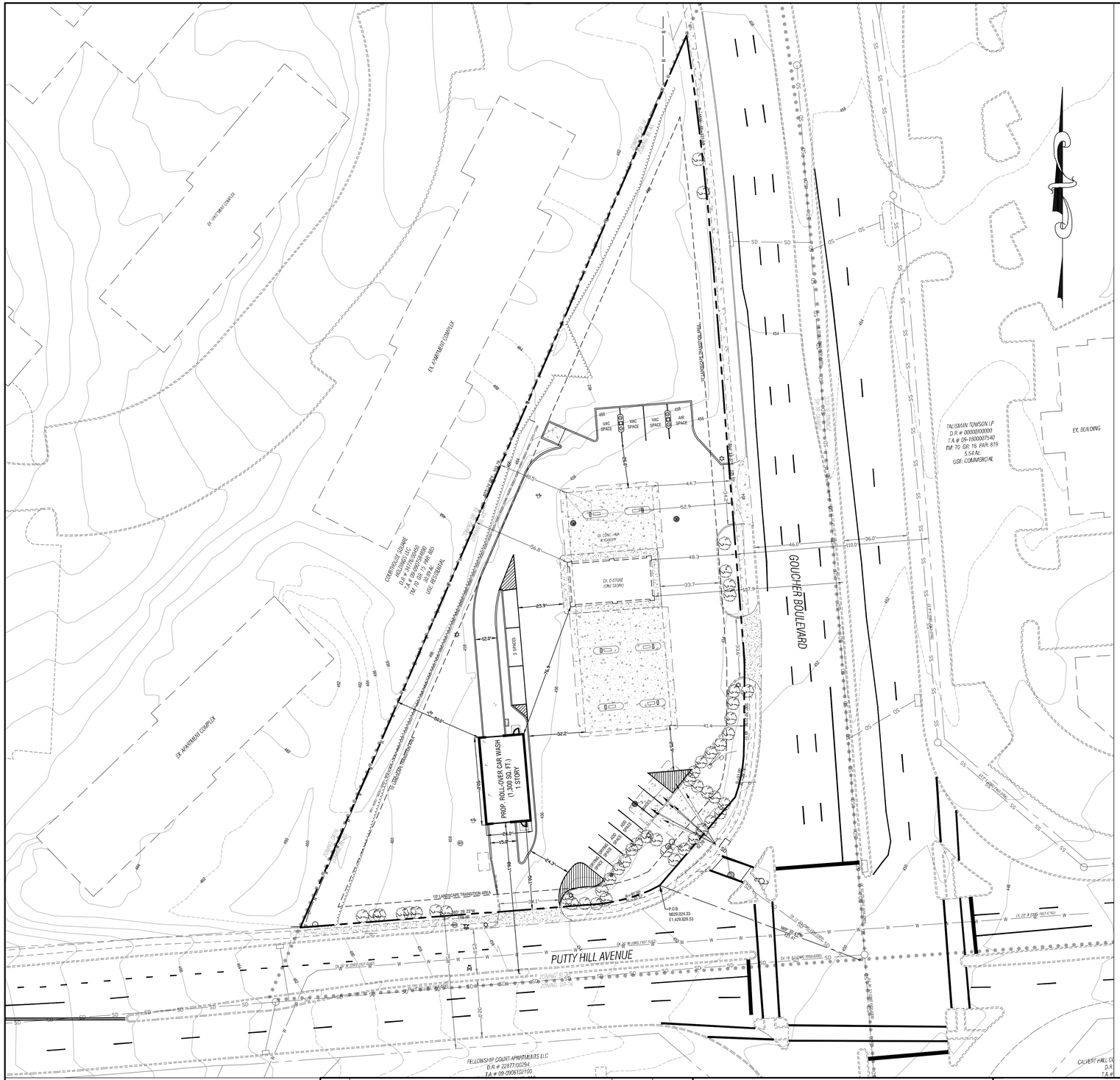
PAI NO. XX-XXX

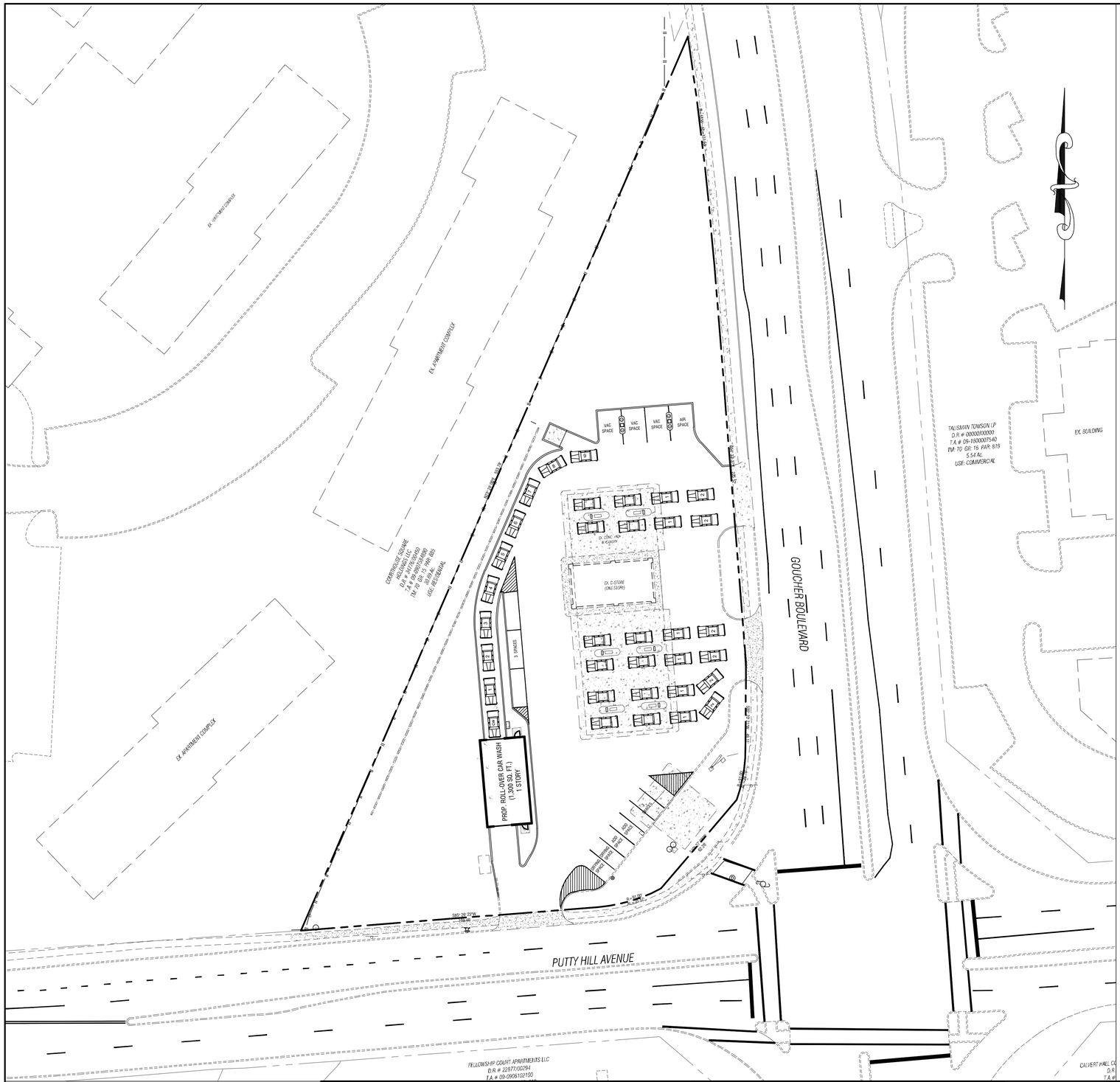
EXISTING CONDITIONS
GOUCHER EXXON
800 GOUCHER BOULEVARD
TOWSON, MARYLAND 21286

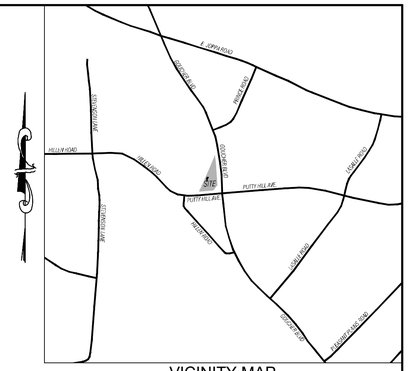
TAX MAP: 70 GRID: 17 PARCELS: 819 LOT: 1
ZONED: BL-AS BUSINESS LOCAL/AUTOMOTIVE SERVICE
6TH COUNCILMANIC DISTRICT 9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=30' DATE: JULY 2023

DRAWING NO.

SHEET: 1 OF 3


GOUCHER BOULEVARD
PUTTY HILL AVENUE
PROP. ROLL-OVER CAR WASH (1,300 SQ. FT.) 1 STORY
PROP. C-STORE (1,104 SQ. FT.) 1 STORY
PROP. CANOPY
EX. C-STORE (ONE STORY)
EX. CONC. PCP W/CANOPY
EX. APARTMENT COMPLEX
EX. BUILDING
TALISMAN TOWSON LP
D.R. # 0000000000
T.A. # 09-1930007540
TM: 70 GR: 16 PAR: 819
5.54 Ac.
USE: COMMERCIAL
COMMONWEALTH HOMES LLC
D.R. # 4257/00269
T.A. # 09-1930007540
TM: 70 GR: 16 PAR: 815
10.91 Ac.
USE: RESIDENTIAL
FELLOWSHIP COURT APARTMENTS LLC
D.R. # 2287/00294
T.A. # 09-0928150100
P.O.B.
N629,624.33
E1,429,828.53
1/2 LANDSCAPE TRANSITION AREA
FULL LANDSCAPE TRANSITION AREA
TO CROUSER TOWNHOMES
TO WHITE MARSH BOULEVARD
VAC SPACE
AIR SPACE
3 SPACES
8 SPACES
9 SPACES
SD
SS
W
G
E
OHW
44.7
52.9
56.8
49.3
33.7
107.9
65.9
12.0'
36.0'
110.0'
32.2
41.6
14.3
15.0'
50.1'
94.7'
48.3'
40.5'
41.4'
50.0'
30.0'
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VICINITY MAP
SCALE: 1"=1000'

STACKING SPACES CALCULATION				
ITEM	REQUIREMENT	QUANTITY	SPACES REQUIRED	SPACES PROVIDED
CONVENIENCE STORE (§405.4.A.3.c.2)	1 STACKING SPACE REQUIRED IN ADDITION TO THE FUEL SERVICE SPACE PER MPD	8	8	8
ROLL-OVER CAR WASH (§419.3.A.2)	9 STACKING SPACES REQUIRED PER ROLL-OVER CAR WASH	1	9	9
TOTALS			17	17

THE MARYLAND COORDINATE SYSTEM (MCS) OF ALL DRAWINGS IS BASED ON THE NORTH AMERICUM DATUM OF 1983 (NAD83).

STACKING PLAN
SCALE 1"=30'

REVISION NO.	REVISION DESCRIPTION	REVISION BY	REVISION DATE

MESSICK & ASSOCIATES*
CONSULTING ENGINEERS
SURVEYORS & PLANNERS
7 OLD SOLOMONS ISLAND ROAD
SUITE 202
ANNAPOLIS, MARYLAND 21401 (410)
266-3212 * FAX (410) 266-3502
engr@messickandassociates.com
* MESSICK GROUP, INC. T/A MESSICK AND ASSOCIATES

SEAL

STATE OF MARYLAND · DANIEL J. VERLEY · No. 22098 · REGISTERED PROFESSIONAL ENGINEER

DATE : 7-25-23

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.: 22098 EXPIRATION DATE: SEPT. 10, 2024

OWNER:
AL GLENVIEW, LLC
M ML PATRIOT LLC, ET AL.
2424 RIDGE ROAD
ROCKWELL, TEXAS 75087

DEVELOPER/LESSEE:
TIKVA, LLC
800 GOUCHER BLVD.
TOWSON, MD 21286

PLAN TO ACCOMPANY PETITION FOR ZONING HEARING

PAI NO. XX-XXX

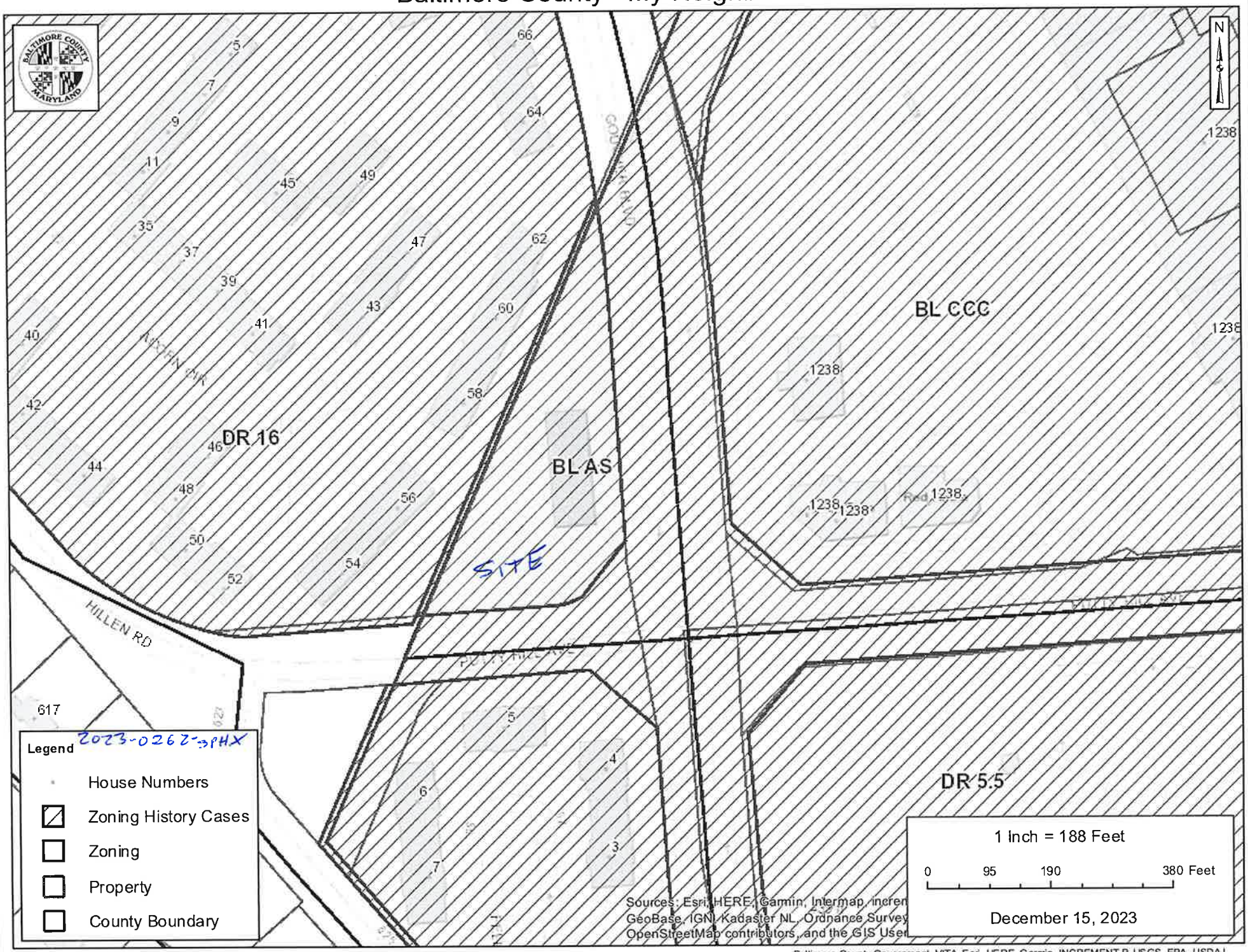
STACKING PLAN
GOUCHER EXXON
800 GOUCHER BOULEVARD
TOWSON, MARYLAND 21286

TAX MAP: 70 GRID: 17 PARCELS: 819 LOT: 1
ZONED: BL-AS BUSINESS LOCAL/AUTOMOTIVE SERVICE
6TH COUNCILMANIC DISTRICT 9TH ELECTION DISTRICT
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SCALE: 1"=30' DATE: JULY 2023

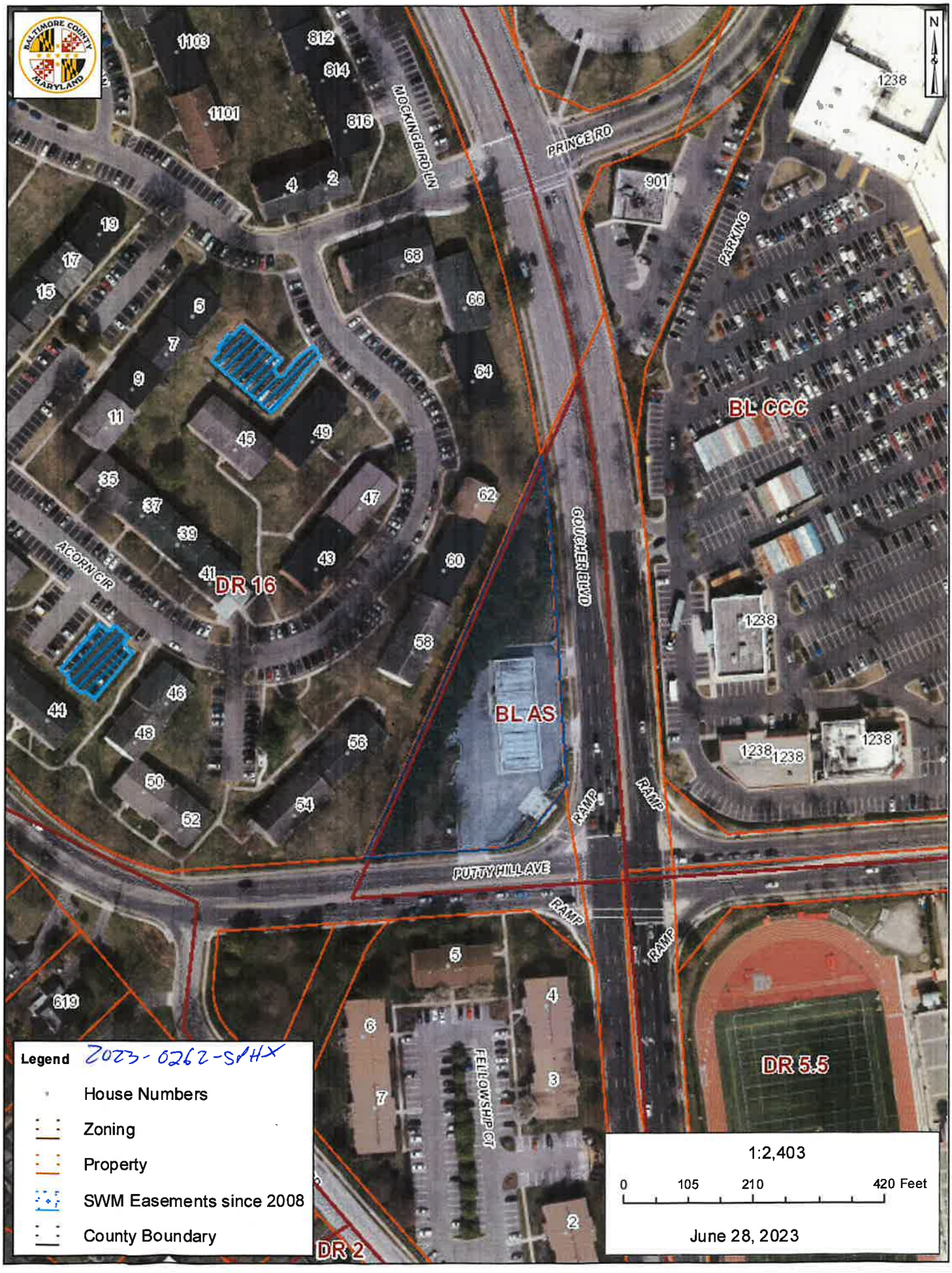
DRAWING NO.

SHEET: 3 OF 3

Baltimore County - My Neighborhood



800 Goucher Blvd



Messick & Associates
Consulting Engineers,
Planners, Surveyors
& Landscape Architects
"Designing Success Since 1951"

July 24, 2023

EXHIBIT A

DESCRIPTION OF 1.449 ACRES OF LAND
LIBER 34402, FOLIO 430
800 GOUCHER BOULAVARD
TAX MAP 70, PARCEL 819
LOT 1, SECTION THREE
LOCH RAVEN MANOR
PLAT BOOK G.B.L 23, FOLIO 122
BALTIMORE COUNTY, MARYLAND
Tax Account Numbers 09-090330429

BEGINNING for the first at an Iron Bar Found at the northwest corner of Goucher Boulevard (110' r/w) and Putty Hill Avenue (70' r/w), as shown on DPW Highway Widening Plats as recorded in a deed dated February 7, 1979, and being recorded among the Land records of Baltimore County, Maryland in Liber 5996, Folio 507. Said point of beginning being located northwesterly 116.0'+/- from the centerline of intersection of said Goucher Boulevard and Putty Hill Avenue. Thence, leaving said point of beginning, running with the north side of Putty Hill Avenue and the outlines of said Lot 1, Loch Raven Manor, as now surveyed, the following courses and distances;

1. South 40°27'08" West 66.26' to an Iron Bar Found

2. On a curve to the right, having a radius of 91.00', for an Arc Length of 37.57' and being subtended by a chord of South 73°36'52" West 37.30' to an Iron Bar Found

3. South 85°26'23" West 169.46' to a point at the corner of a division line of the lands now or formerly in the name of CR Courthouse Square Holdings, LLC., as recorded among the aforesaid Land Records in Liber 34776, Folio 450. Thence, leaving said north side of Putty Hill Avenue and running with said division line

4. North 23°24'06" East 553.78' to an Iron Pipe Found on the west side of the said Goucher Boulevard. Thence, leaving said division line and running with Goucher Boulevard

5. On a curve to the right, having a radius of 1855.00', for an Arc Length of 131.55' and being subtended by a chord of South 06°35'31" East 131.52' to a point near an Iron Pipe Found

6. South 04°33'37" East 225.52'

7 Old Solomons Island Road, Suite 202, Annapolis, Maryland 21401
(410) 266-3212 • FAX (410) 266-3502 2023-0262-SPHX

7. South 00°20'21" West 49.11'

8. On a curve to the right, having a radius of 91.00', for an Arc Length of 29.78' and being subtended by a chord of South 09°42'53" West 29.65' to a point of beginning.

CONTAINING in all the above described 63,109 square feet or 1.449 acres of land.

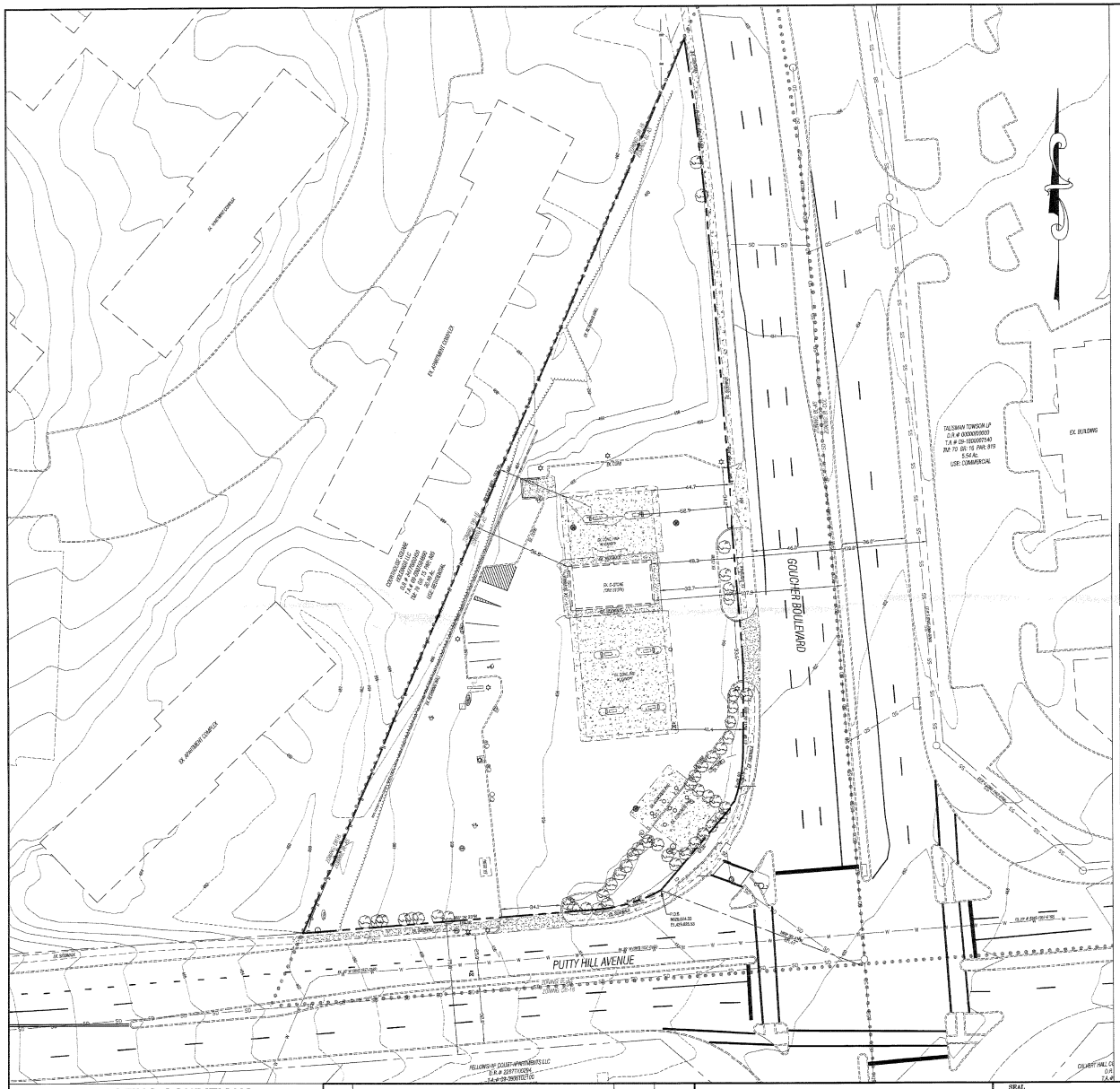
BEING or intended to be all of the land that was conveyed to A.I. GENVIEW LLC, et al, by Special Warranty Deed which is recorded among the aforesaid Land Records in Liber 34402 folio 430.

THIS description was prepared by the licensee or was in responsible charge over its preparation and the survey work reflected in it. The licensee commission expires January 18, 2023.

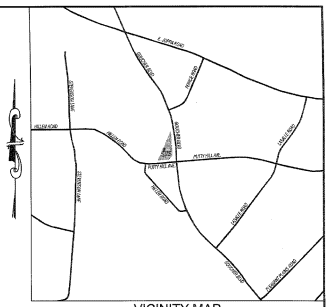
7/25/23



REG. EXPIRES 5/21/24



EXISTING CONDITIONS
SCALE 1"=30'



VICINITY MAP
SCALE: 1"=1000'

ZONIING NOTES::

1. ZONING: BL-AS
2. ZONING CASE HISTORY:

2.1. 1958-4545-RX – PETITION FOR RECLASSIFICATION FROM R-10 ZONE TO BL ZONE AND SPECIAL EXCEPTION FOR GAS STATION – DENIED DECEMBER 16, 1958.

2.2. 1965-240-RX – PETITION FOR RECLASSIFICATION FROM R-10 TO BL ZONE AND SPECIAL EXCEPTION FOR GAS STATION. RECLASSIFICATION GRANTED BY BOARD OF APPEALS APRIL 3, 1968. SPECIAL EXCEPTION WITHDRAWN BY PETITIONER. AFFIRMED BY CIRCUIT COURT DECEMBER 9, 1968.

2.3. 1988-324-A – VARIANCE FOR 15816 SF IDENTIFICATION SIGN IN LIEU OF 100 SF ALLOWED. GRANTED MARCH 18, 1988.

2.4. 1989-0471-SPHXA – SPECIAL EXCEPTION FOR FOOD STORE IN CONJUNCTION WITH AUTOMOBILE SERVICE STATION, VARIANCE FOR AN ADDITIONAL 19.6 SF SIGN, VARIANCE FOR FOUR (4) ADDITIONAL SIGNS – GRANTED BY BOARD OF APPEALS FEBRUARY 23, 1990; AFFIRMED BY CIRCUIT COURT OCTOBER 29, 1990.

2.5. 1996-29-SPHX – PETITION FOR SPECIAL EXCEPTION FOR A CAR WASH. DENIED BY THE DEPUTY ZONING COMMISSIONER JANUARY 11, 1996.

3. THERE ARE NO ACTIVE ZONING VIOLATONS

GENERAL NOTES::

1. THERE ARE NO ACTIVE ZONING VIOLATIONS.
2. THERE IS NO PREVIOUS COMMERCIAL PERMIT INFORMATION AVAILABLE.
3. ALL SIGNAGE WILL CONFORM TO THE REQUIREMENTS OF THE BCZR, OR VARIANCES WILL BE SOUGHT.
4. THE PROPERTY IS NOT WITHIN ANY FAILING AREAS SHOWN ON THE 2022 BASIC SERVICES MAPS ADOPTED BY THE COUNTY COUNCIL IN BILL 25-22 (MAY 2, 2022).
5. THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITHIN 1 MILE OF THE PROPERTY.
6. PER FLOOD INSURACE RATE MAP 24005100235F, THE SITE LIES OUTSIDE 100-YEAR FLOOD ZONE.
7. RESTROOMS, WATER, AND COMPRESSED WILL BE PROVIDED IN ACCORDANCE WITH BCZR §409.4.
8. LANDSCAPE TRANSITION AREAS WILL BE VEGETATED AND SCREENED IN ACCORDANCE AUTOMOTIVE USES PER THE LANDSCAPE MANUAL.

FLOOR AREA RATIO

ITEM		AREA
GROSS FLOOR AREA	C-STORE	1,104 SQ.FT.
	CAR WASH	1,300 SQ.FT.
	TOTAL GFA	2,404 SQ.FT.
GROSS SITE AREA		63,109 SQ.FT.
FLOOR AREA RATIO		.04

BUILDING HEIGHTS

# OF STORIES		
ITEM	EXISTING	PROPOSED
C-STORE	1 STORY	1 STORY
CANOPY	1 STORY	1 STORY
CAR WASH	--	1 STORY

STACKING SPACES CALCULATION

ITEM	REQUIREMENT	QUANTITY	SPACES REQUIRED	SPACES PROVIDED
CONVENIENCE STORE (§405.4.A.3.c.2)	1 STACKING SPACE REQUIRED IN ADDITION TO THE FUEL SERVICE SPACE PER MPD	8	8	8
ROLL-OVER CAR WASH (§419.3.A.2)	9 STACKING SPACES REQUIRED PER ROLL-OVER CAR WASH	1	9	9
TOTALS			17	17

PARKING CALCULATIONS

PARKING REQUIRED PER CODE			
ITEM	REQUIREMENT	QUANTITY	SPACES REQUIRED
CONVENIENCE STORE (§405.4)	3 SPACES PER 1,000 SQ. FT.	1,104 SQ. FT.	4
EMPLOYEES/LARGEST SHIFT (§405.4.A.3.d)	1 SPACE PER EMPLOYEE	2 EMPLOYEES	2
ATM (§405.4.A.3.d)	1 SPACE PER ATM	0	0
AIR (§405.4.A.3.d)	1 SPACE PER SELF-SERVE AIR	1	1
VACUM (§405.4.A.3.d)	1 SPACE PER VACUM UNIT	3	3
ROLL-OVER CAR WASH DRYING SPACES (§419.3.B.1)	2 DRYING SPACES PER TUNNEL	1 TUNNEL	2
ROLL-OVER CAR WASH ADDITIONAL SPACES (§419.3.B.4)	2 SPACES	—	2
TOTAL SPACES REQUIRED			14 SPACES
TOTAL SPACES PROVIDED			14 SPACES

PROPOSED SETBACKS

BCAR §	FROM	TO	SETBACK REQUIRED	SETBACK PROVIDED
§405.4.A.2	RIGHT OF WAY	CONVENIENCE STORE	35 FEET	48.3 FEET
		PUMP	25 FEET	52.94 FEET
		CANOPY	15 FEET	41.4 FEET
		CAR WASH	--	58.7 FEET
B232	PROPERTY LINE	FROM CLOSES' BUILDING	10 FEET (FRONT)	41.4 FEET
	PROPERTY LINE	FROM CLOSES' BUILDING	10 FEET (SIDE/CORNER)	41.4 FEET
	PROPERTY LINE	FROM CLOSES' BUILDING	20 FEET (REAR)	40.5 FEET
	CENTER LINE OF STREET	FROM CLOSES' BUILDING	40 FEET	97.7 FEET

SITE DATA			
PROPERTY ADDRESS	800 GOUCHER BOULEVARD TOWSON, MD 21286		
OWNER NAME & ADDRESS	AL GLENVIEW, LLC M ML PATRIOT LLC, ETAL 2424 RIDGE ROAD ROCKWELL, TX 75087		
LESSEE NAME & ADDRESS	TIKVA, LLC 800 GOUCHER BLVD. TOWSON, MD 21286		
TAX MAP	70		
GRID	17		
PARCELS	819		
LOT	1		
TAX ACCOUNT NUMBER	09-0903330429		
DEED REFERENCE	34402/430		
PLAT REFERENCE	23/122		
COUNCILMANIC DISTRICT	6TH		
ELECTION DISTRICT	9TH		
LEGISLATIVE DISTRICT	43B		
ZONING MAP	070B2	ZONING	BL-AS
EXISTING USE	FUEL SERVICE STATION & CONVENIENCE STORE		
PROPOSED USE	FUEL SERVICE STATION, CONVENIENCE STORE, & ROLL-OVER CAR WASH		
FEMA FIRM MAP	24005100235F	ZONE:	0.2 PCT ANNUAL CHANCE FLOOD HAZARD
CRITICAL AREA MAP	NA	DESIGNATION	N/A
GROSS SITE AREA	84,690 SQ.FT. (1.94 ACRES)		
RIGHT OF ACCESS AREA	21,581 SQ.FT. (0.50 ACRES)		
NET SITE AREA	63,109 SQ.FT. (1.44 ACRES)		
R/W TO BE DEDICATED	0 SQ.FT. (0.00 ACRES)		
WATERSHED	BACK RIVER		
SUB-WATERSHED	HERRING RUN-B		

2023-0262-SPHX

THE MARYLAND COORDINATE SYSTEM (MCS) OF ALL DRAWINGS IS BASED ON THE NORTH AMERICUM DATUM OF 1983 (NAD83).

REVISION NO.	REVISION DESCRIPTION	REVISION BY	REVISION DATE

MESSICK & ASSOCIATES
CONSULTING ENGINEERS
SURVEYORS & PLANNERS
7 OLD SOLOMONS ISLAND ROAD
SUITE 202
ANNAPOLIS, MARYLAND 21401 (410)
266-3212 * FAX (410) 266-3502
engr@messickandassociates.com
* MESSICK GROUP, INC. T/A MESSICK AND ASSOCIATES

SEAL

DONALD J. WOLFE
No. 22026
REGISTERED
PROFESSIONAL ENGINEER
STATE OF MARYLAND

DATE: 7-25-23

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.: 22026, EXPIRATION DATE: SEPT. 16, 2024.

OWNER:
AL GLENVIEW, LLC
M ML PATRIOT LLC, ET AL
2424 RIDGE ROAD
ROCKWELL, TEXAS 75087

DEVELOPER/LESSEE:
TIKVA, LLC
800 GOUCHER BLVD.
TOWSON, MD 21286

PLAN TO ACCOMPANY PETITION FOR ZONING HEARING

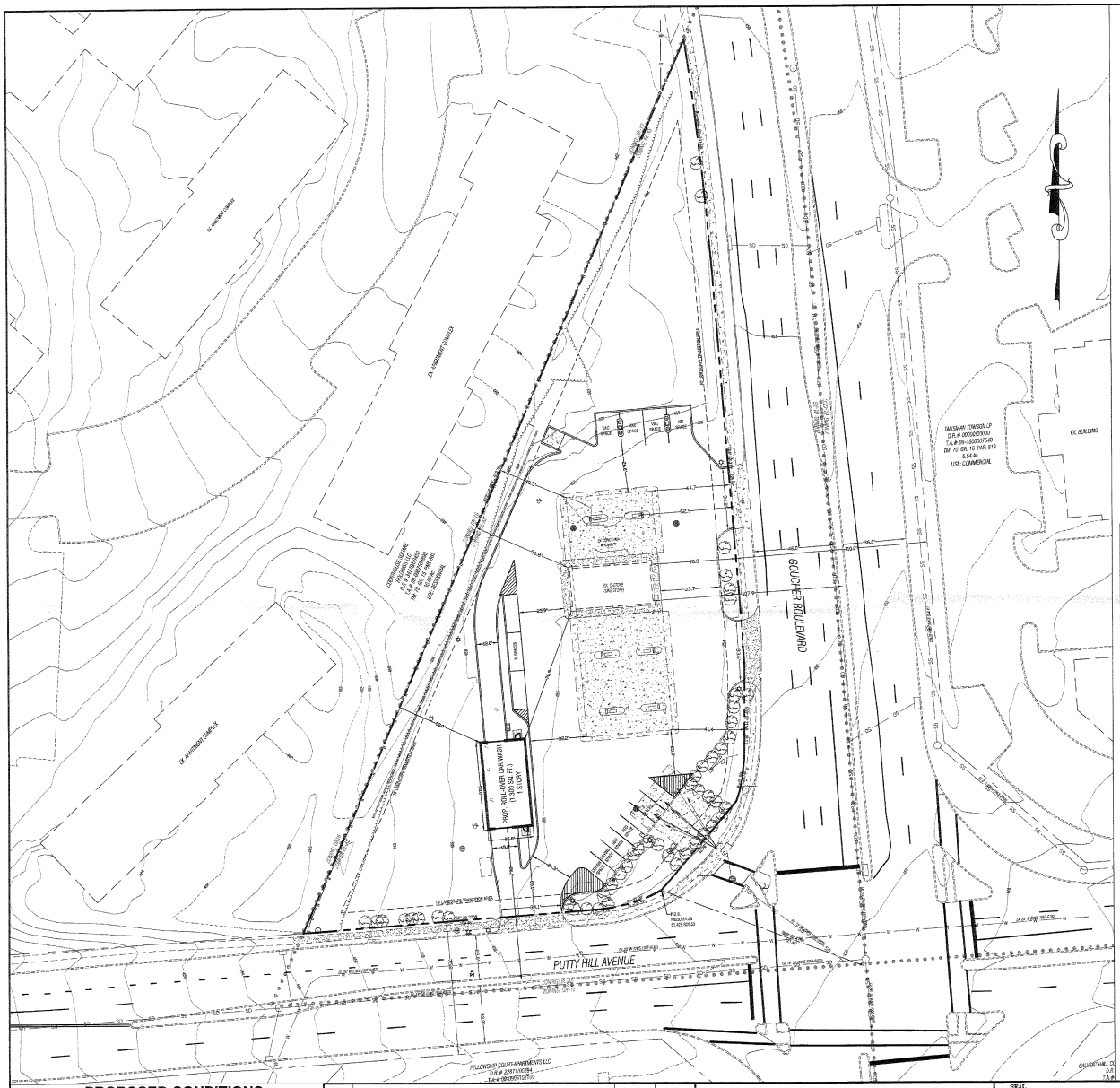
PAI NO. XX-XXX

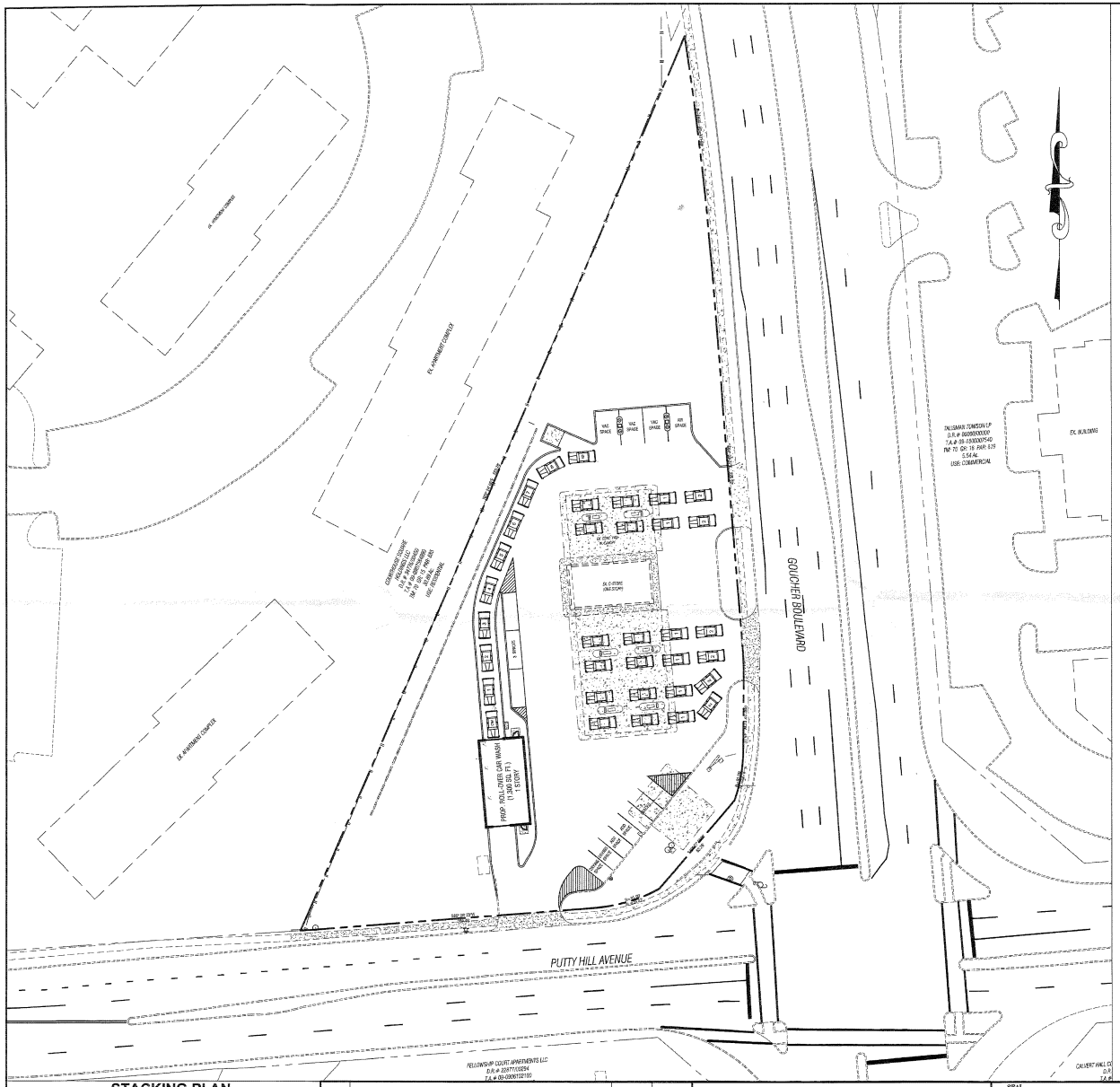
EXISTING CONDITIONS
GOUCHER EXXON
800 GOUCHER BOULEVARD
TOWSON, MARYLAND 21286

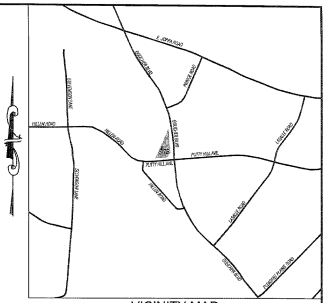
TAX MAP: 70 GRID: 17 PARCELS: 819 LOT: 1
ZONED: BL-AS BUSINESS LOCAL/AUTOMOTIVE SERVICE
6TH COUNCILMANIC DISTRICT 9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=30' DATE: JULY 2023

DRAWING NO.

SHEET: 1 OF 3


GOUCHER BOULEVARD
PUTTY HILL AVENUE
PROP. ROLL-OVER CAR WASH (4,500 SQ. FT.) 1 STORY
EX. CANOPY
EX. BUILDING
EX. INVERNESS COMPLEX
EX. STORE (2ND STORY)
EX. 8" WATER
EX. 8" SEWER
EX. 12" WATER
EX. 12" SEWER
EX. 6" WATER
EX. 6" SEWER
EX. 4" WATER
EX. 4" SEWER
EX. 8" GAS
EX. 4" GAS
EX. 12" GAS
EX. 6" GAS
EX. 4" GAS
EX. 8" GAS
EX. 4





VICINITY MAP
SCALE: 1"=1000'

STACKING SPACES CALCULATION				
ITEM	REQUIREMENT	QUANTITY	SPACES REQUIRED	SPACES PROVIDED
CONVENIENCE STORE (§405.4.A.3.c.2)	1 STACKING SPACE REQUIRED IN ADDITION TO THE FUEL SERVICE SPACE PER MPD	8	8	8
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TOTALS			17	17

THE MARYLAND COORDINATE SYSTEM (MCS) OF ALL DRAWINGS IS BASED ON THE NORTH AMERICUM DATUM OF 1983 (NAD83).

STACKING PLAN
SCALE 1"=30'

REVISION NO.	REVISION DESCRIPTION	REVISION BY	REVISION DATE

MESSICK & ASSOCIATES*
CONSULTING ENGINEERS
SURVEYORS & PLANNERS
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engr@messickandassociates.com
* MESSICK GROUP, INC. T/A MESSICK AND ASSOCIATES

SEAL
STATE OF MARYLAND — DARRELL J. VIETMEIER — 22403 — PROFESSIONAL ENGINEER
DATE: 7-25-23
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.: 22403 EXPIRATION DATE: SEPT. 13, 2024

OWNER:
AL GLENVIEW, LLC
M ML PATRIOT LLC, E' AL.
2424 RIDGE ROAD
ROCKWELL, TEXAS 75087

DEVELOPER/LESSEE:
TIKVA, LLC
800 GOUCHER BLVD.
TOWSON, MD 21286

PLAN TO ACCOMPANY PETITION FOR ZONING HEARING

PAI NO. XX-XXX

STACKING PLAN
GOUCHER EXXON
800 GOUCHER BOULEVARD
TOWSON, MARYLAND 21286
TAX MAP: 70 GRID: 17 PARCELS: 819 LOT: 1
ZONED: BL-AS BUSINESS LOCAL/AUTOMOTIVE SERVICE
6TH COUNCILMANIC DISTRICT 9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=30' DATE: JULY 2023

DRAWING NO.

SHEET: 3 OF 3

Messick & Associates
Consulting Engineers,
Planners, Surveyors
& Landscape Architects
"Designing Success Since 1951"

Petitioner's Exhibit 1

WAYNE A. NEWTON, P.E.
MESSICK GROUP, INC. T/A MESSICK & ASSOCIATES

Education: BS Civil Engineering - West Virginia University, 1990

Memberships: American Society of Civil Engineers

Registration: Professional Engineer (Civil) – WV-1995; MD-1995; PA-1997, DE-2000

Work History:
1994 – Present – Messick Group, Inc., President
1992 – 1994 – Messick Group, Inc., Project Manager
1989 – 1992 - Greenhorne & O'Mara, Inc., Project Manager
5/88-12/88 - Boyd & Dowgiallo, P.A.- Engineering Intern

Experience:

Mr. Newton has over 30 years' experience in site design, project management and construction management in Anne Arundel County. He has managed Municipal Capital projects, shore erosion control projects, residential subdivision projects, and commercial and industrial facilities. His experience is very diverse and includes design, inspection and contract management of all AACPS and Anne Arundel County Department of Public Works projects completed since 1996. Mr. Newton has performed civil design services for many private and public entities including the State of Maryland and Anne Arundel County. Mr. Newton has successfully completed the Erosion and Sediment control training program in the states of Maryland and Delaware and is a certified construction reviewer in the state of Delaware.

Mr. Newton is responsible for timely, complete delivery of all projects within the firm. He serves as project manager and is responsible for client relations, design, budgeting, scheduling, and quality control. Mr. Newton has been responsible for a wide range of project types from small building additions to large residential developments, recreational, shoreline protection, commercial and industrial/institutional projects, including municipal/public site design.

Mr. Newton was/is the Project Manger for the Department of Public Works Facilities Compliance Project, Phase III, numerous new and replacement stores for Highs of Baltimore, Inc. in various counties, the Ginger Cove retirement community expansion, Main Street at Waugh Chapel (commercial shopping center), and several EZ Storage facilities in various locations throughout Anne Arundel County. He was also the Project Manager for the Heritage Crossing, Garrens Choice, Solomons Woods, KCC Properties (residential single-family subdivisions) and the Towns of Old Stage (residential townhouse project). He was also the lead civil engineer for several projects completed by the firm including Solomons Choice, Arnold Overlook, The Reserve at Pond View, Sandy Farm at MD 100 & 170, Crestwood Towns, Severn Crossroads, Monroe Landing, Oakview Village and Shannon's Glen.

7 Old Solomons Island Road, Suite 202, Annapolis, Maryland 21401
(410) 266-3212 • FAX (410) 266-3502

Petitioners Ex 8

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - Corner W/S Goucher Boulevard, N/S Putty Hill Avenue (800 Goucher Boulevard) 9th Election District 4th Councilmanic District

Exxon Corporation
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-471-SPHXA
*

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an amendment to the site plan previously approved in Case No. 65-240-RX; a special exception to permit a food store use with less than 5,000 sq.ft. in combination with a car wash use in an existing automotive service station on the subject property; and a variance to permit a commercial building abutting a residential zone to have a rear yard setback of 13 feet in lieu of the required 20 feet, and 5 business signs totalling 314.04 sq.ft. in lieu of the maximum permitted 3 signs totalling 100 sq.ft., all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mark E. Hoffman, Project Engineer, appeared, testified, and was represented by Anthony J. DiPaula, Esquire. Also appearing on behalf of the Petition were David S. Wang with Frederick Ward Associates. Numerous residents of the area appeared as Protestants. Appearing and testifying on behalf of the Protestants were the following: Rick Fabian, President, Fellowship Forest; Vince Curran, President, and Steve Buckingham of the Loch Raven Village Association; Mary Williamson, Regional Manager for Panzer Management, Manager of Towson Courthouse Square; Martha Clark of the Towson Estates Association; H. Patrick Stringer, a resident of Holden Road; Mrs. Joseph Fick, a resident

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By Lolie Schulman

of Lake Drive; George White, a resident of Towson Courthouse Square; and Marion K. Yeaple, a resident of Hillen Road.

Testimony indicated that the subject property, known as 800 Goucher Boulevard, consists of 1.4486 acres more or less zoned B.L.-C.S.A., and is currently improved with an Exxon gasoline service station which was granted a special exception in Case No. 65-240-RX. Testimony indicated Petitioners are desirous of razing the existing service station and replacing it with an Exxon Gas 'N' Go and car wash. Mr. Wang testified his office had been retained by Petitioners to prepare the development plans for the subject property identified herein as Petitioner's Exhibit 1. He testified in his opinion the proposed uses are compatible and will not result in a substantial amount of increased business. He further testified in his opinion there would be no detriment to the health, safety or general welfare of the community and the requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) would be met. On cross examination Mr. Wang testified his firm was not retained nor equipped to undertake traffic studies to ascertain the impact the proposed changes might have on traffic in the area or marketing studies to determine the increase in the amount of business, if any, that would be generated by the change in uses. In Mr. Wang's opinion, most of the food store business would be generated by gasoline and/or car wash customers.

Mr. Hoffman testified he is project manager for the construction, maintenance, engineering and development of the proposed site. He testified it is the Petitioners' position that the convenience store and car wash operation are ancillary uses to the gasoline service station and will result in only indirect sales from gasoline customers. He testified the hours of operation of the convenience store and car wash would be dictated

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By Kathi Schulman

by the independent dealer of the service station and not Exxon. However, Exxon is hopeful the convenience store will be open on a 24-hour basis. Mr. Hoffman testified regarding marketing studies done by Exxon for the need and compatibility of the proposed change in use. On cross examination, however, he admitted he had not seen those marketing studies and that the studies were done nationally and did not pertain to this particular location.

Testimony presented by the Protestants emphasized the currently heavily congested area of Goucher Boulevard and Putty Hill Avenue. The Protestants believe the proposed development would result in a tremendous amount of traffic exiting the car wash onto Putty Hill Avenue which requires a right turn into the residential area. The Protestants further argued Petitioners had not met their burden regarding the criteria set forth in Sections 307 and 502.1 of the B.C.Z.R. Testimony indicated the Protestants believe the proposed plans would have an adverse impact upon the health, safety, and general welfare of the community. The Protestants emphasized their opinion was based upon their many years of residing in the area and stated the proposed use would create a more horrendous traffic situation than currently exists.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.S.A. zone by special exception. However, it is equally clear that the proposed use would be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

After reviewing all of the testimony and evidence presented, it appears that the special exception should not be granted.

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By Kathi Schlaner

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In fact, the Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have an adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

Petitioner has not met its burden in proving that the proposed use will be detrimental to the health, safety, or general welfare of the locality, and will not tend to create congestion in roads, streets, or alleys therein.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, it appears that the requirements of Section 502.1 have not been met and the health, safety, and general welfare of the community shall be adversely affected. Therefore, the relief requested in the special exception should be denied.

ORDER RECEIVED FOR FILING
Date 6/1/89
By Kathi Schulman

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1ST day of June, 1989 that the Petition for Special Hearing to approve an amendment to the site plan previously approved in Case No. 65-240-RX; a Special Exception to permit a food store use with less than 5,000 sq.ft. in combination with a car wash use in an existing automotive service station on the subject property; and a Variance to permit a commercial building abutting a residential zone to have a rear yard setback of 13 feet in lieu of the required 20 feet, and 5 business

signs totalling 314.04 sq.ft. in lieu of the maximum permitted 3 signs totalling 100 sq.ft., in accordance with Petitioner's Exhibit 1, be and are hereby DENIED.

Ann M Nastarowicz

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

ED FOR FILING
6/1/89

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PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-471-SPHXA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve ------

to amend the site plan previously approved in case #65-240RX.

Messick & Associates
Consulting Engineers,
Planners, Surveyors
& Landscape Architects
"Designing Success Since 1951"

Petitioner's Exhibit 1

WAYNE A. NEWTON, P.E.
MESSICK GROUP, INC. T/A MESSICK & ASSOCIATES

Education: BS Civil Engineering - West Virginia University, 1990

Memberships: American Society of Civil Engineers

Registration: Professional Engineer (Civil) – WV-1995; MD-1995; PA-1997, DE-2000

Work History:
1994 – Present – Messick Group, Inc., President
1992 – 1994 – Messick Group, Inc., Project Manager
1989 – 1992 - Greenhorne & O'Mara, Inc., Project Manager
5/88-12/88 - Boyd & Dowgiallo, P.A.- Engineering Intern

Experience:

Mr. Newton has over 30 years' experience in site design, project management and construction management in Anne Arundel County. He has managed Municipal Capital projects, shore erosion control projects, residential subdivision projects, and commercial and industrial facilities. His experience is very diverse and includes design, inspection and contract management of all AACPS and Anne Arundel County Department of Public Works projects completed since 1996. Mr. Newton has performed civil design services for many private and public entities including the State of Maryland and Anne Arundel County. Mr. Newton has successfully completed the Erosion and Sediment control training program in the states of Maryland and Delaware and is a certified construction reviewer in the state of Delaware.

Mr. Newton is responsible for timely, complete delivery of all projects within the firm. He serves as project manager and is responsible for client relations, design, budgeting, scheduling, and quality control. Mr. Newton has been responsible for a wide range of project types from small building additions to large residential developments, recreational, shoreline protection, commercial and industrial/institutional projects, including municipal/public site design.

Mr. Newton was/is the Project Manger for the Department of Public Works Facilities Compliance Project, Phase III, numerous new and replacement stores for Highs of Baltimore, Inc. in various counties, the Ginger Cove retirement community expansion, Main Street at Waugh Chapel (commercial shopping center), and several EZ Storage facilities in various locations throughout Anne Arundel County. He was also the Project Manager for the Heritage Crossing, Garrens Choice, Solomons Woods, KCC Properties (residential single-family subdivisions) and the Towns of Old Stage (residential townhouse project). He was also the lead civil engineer for several projects completed by the firm including Solomons Choice, Arnold Overlook, The Reserve at Pond View, Sandy Farm at MD 100 & 170, Crestwood Towns, Severn Crossroads, Monroe Landing, Oakview Village and Shannon's Glen.

7 Old Solomons Island Road, Suite 202, Annapolis, Maryland 21401
(410) 266-3212 • FAX (410) 266-3502

Petitioners Ex. 9

IN THE MATTER OF THE APPLICATION OF EXXON CORPORATION FOR A SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE ON PROPERTY LOCATED ON THE WEST SIDE OF GOUCHER BOULEVARD, NORTH SIDE PUTTY HILL AVENUE (800 GOUCHER BOULEVARD) 9th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT	:	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 89-471-SPHXA

: : : :

be added to the 24-foot free-standing sign and that sign would total 19.6 square feet. That sign would have the word "shop" on it and be a two-sided type of sign. Further, Exxon desires to place four signs onto pumps facing the roadway, these signs having the word "Exxon" on them.

The new site would eliminate all service bays and Mr. Wang indicated that the lighting of the premises would be reduced from a height of 16-foot lights to lights which measure 8 feet in height. Further testimony is that 32 percent of the site would be devoted to green space.

Mr. Ollie Mumpower was accepted as an expert in traffic engineering. He testified that a study of the site, and similar sites, was done and that in his opinion r more than 10 percent of the traffic generated by this site would be used for the convenience store only. As a result of the studies made by Mr. Mumpower, he was of the opinion that the level of service at the intersection of Putty Hill Avenue and Goucher Boulevard would not increase if this special exception was granted. Mr. Mumpower indicated that the level of service according to the County standard is a level "C" at this intersection which places it in the acceptable range.

Further testimony was received from Mark Hoffman, a Construction and Maintenance Engineer working for Exxon, U.S.A. He advised that the new site would increase the gasoline dispensing facilities from four to six pumps. He further testified that the present hours of the facility are from 6:00 a.m. to midnight, and that the proposed new site would be a 24-hour type of operation. The proposed site would have security by means of better lighting, electrical security locks on the convenience store, a transaction tray for dealing with suspicious persons, and a constant video surveillance system. He further testified that the current facility has experienced break-ins after the station has closed for the night.

The Board next heard from Norman E. Gerber, who was accepted as an expert in the area of planning and zoning. He testified that all the requirements of Section 502.1 in his opinion have been met and that this facility will not be a detriment to the existing community. Mr. Gerber noted that the service station is an allowable use in this B.L. zone and that a food store is allowable in this B.L. zone. However, the combination of both service station and food store needs the special exception subject to this hearing.

The Board will note that many protestants appeared at the hearing, and five of their number testified on this hearing date. The Board heard from Louis E. Heidrick, Assistant Principal, Calvert Hall High School, who testified that the school was opposed to the granting of the special exception because of their belief that the convenience store aspect of the service station would be a factor in the safety and welfare of their students, and that such a convenience store would constitute an administrative nuisance to their students. Mr. Heidrick indicated that students are not allowed to leave the campus until after their last class in the afternoon, and that staggered class dismissals would allow the students to cross back and forth from the school to the convenience store through an intersection which he believed to be heavily travelled and dangerous. He further indicated that this type of store was located across from the playing fields of Calvert Hall, and that when sport activities are on the school grounds students and/or other persons would tend to cross the road to buy the impulse foods sold at that location. It was noted on cross-examination that students from Calvert Hall regularly go across to the Towson Marketplace located on the opposite corner and naturally must cross Putty Hill Avenue to access that location.

Mr. John Hammill, a resident of Fellowship Forest for the last 10 years, described the type of neighborhood as single-family homes of high value

with much green space. He is the former president of the community association. He feels traffic would increase through the neighborhood should this type of gas-and-go with a convenience store be approved by this Board. He is further opposed to this convenience store becuase of what he perceives to be a natural increase in the number of cars which would be brought to the area, the problem of trash being increased through the purchases of snack foods, the potential for increased crime due to the round-the-clock hours of operation of the store, a general objection to the 24-hour type of operation, and an opposition as to the increased lighting such a site would have.

Mr. Melvin Morris, a 32-year resident of the area, described the heavy traffic located at that intersection and opposes this special exception due to what he believes to be more traffic to be brought to the neighborhood and more people brought to the neighborhood.

The Board next heard from Denise Naylor, a 24-year resident of the Courthouse Square Apartments, who lives directly across from the site. Ms. Naylor expressed concern at the continuing crime problem in the Courthouse Square Apartments and feels that the establishment would lure strangers into the neighborhood and increase the crime problem, as well as the traffic problem.

Panzer Management Company, the property managers for Courthouse Square Apartments, through their representative, Greg Sauter, opposed the special exception, again citing crime, traffic, and lighting. Further, Mr. Sauter indicated that the existence of a 24-hour gas-and-go operation directly behind the Courthouse Square Apartments would constitute noise pollution and that the residents who live near this site deserve a period of quiet from at least midnight to 6:00 a.m. He said the noise from cars pulling in and out of the station, the stopping and starting of engines and the accessory noise made by those automobiles would be a detriment to the residents of the Courthouse Square Apartments.

The Board feels many of the concerns voiced by the protestants to be legitimate. Atter a review of the evidence and documents presented for the Board's consideration, the Board finds as a fact that the conversion of the current site to the proposed site would not contribute to any substantial volume of traffic at the intersection of Goucher Boulevard and Putty Hill Avenue. The Board further finds that the addition of a convenience store to this location would not conflict with Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

However, the Board feels that the operation of this site on a 24-hour basis is an absolute intrusion into the quiet residential nature of this neighborhood which had existed and should continue to exist after the hour of midnight. The Board finds that the lengths gone to by the Petitioner to make this area more attractive and safer are in the best interests of the site and its neighbors.

O R D E R

Therefore, for the aforegoing reasons, it is this 23rd day of February, by the County Board of Appeals of Baltimore County ORDERED that the special exception to have a food store in combination with an automotive service station (gas-and-go) be and is hereby GRANTED with the following restrictions:

1. That the operation of this business be limited to the hours which fall between 6:00 a.m. and 12:00 midnight.

2. That no video games or other amusement devices be allowed in the convenience store premises.

3. That proper trash receptacles be located both inside and outside the convenience store.

4. That after the hours of operation of their facility, the lighting on the site is limited to only that necessary for the security of the premises.

and,

IT IS FURTHER ORDERED that the request for variance to allow an additional sign on the free-standing sign, that new sign to be 19.6 square feet with the word "SHOP" on it is hereby GRANTED; and,

IT IS FURTHER ORDERED that the four signs proposed which would be located on the pumping stations facing the roadway are also GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Arnold G. Foreman, Acting Chairman

Lynn B. Moreland

Lynn B. Moreland

John G. Disney

John G. Disney

Petitioners Ex 9

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - Corner W/S Goucher Boulevard, N/S Putty Hill Avenue (800 Goucher Boulevard) 9th Election District 4th Councilmanic District

Exxon Corporation
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-471-SPHXA
*

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an amendment to the site plan previously approved in Case No. 65-240-RX; a special exception to permit a food store use with less than 5,000 sq.ft. in combination with a car wash use in an existing automotive service station on the subject property; and a variance to permit a commercial building abutting a residential zone to have a rear yard setback of 13 feet in lieu of the required 20 feet, and 5 business signs totalling 314.04 sq.ft. in lieu of the maximum permitted 3 signs totalling 100 sq.ft., all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mark E. Hoffman, Project Engineer, appeared, testified, and was represented by Anthony J. DiPaula, Esquire. Also appearing on behalf of the Petition were David S. Wang with Frederick Ward Associates. Numerous residents of the area appeared as Protestants. Appearing and testifying on behalf of the Protestants were the following: Rick Fabian, President, Fellowship Forest; Vince Curran, President, and Steve Buckingham of the Loch Raven Village Association; Mary Williamson, Regional Manager for Panzer Management, Manager of Towson Courthouse Square; Martha Clark of the Towson Estates Association; H. Patrick Stringer, a resident of Holden Road; Mrs. Joseph Fick, a resident

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of Lake Drive; George White, a resident of Towson Courthouse Square; and Marion K. Yeaple, a resident of Hillen Road.

Testimony indicated that the subject property, known as 800 Goucher Boulevard, consists of 1.4486 acres more or less zoned B.L.-C.S.A., and is currently improved with an Exxon gasoline service station which was granted a special exception in Case No. 65-240-RX. Testimony indicated Petitioners are desirous of razing the existing service station and replacing it with an Exxon Gas 'N' Go and car wash. Mr. Wang testified his office had been retained by Petitioners to prepare the development plans for the subject property identified herein as Petitioner's Exhibit 1. He testified in his opinion the proposed uses are compatible and will not result in a substantial amount of increased business. He further testified in his opinion there would be no detriment to the health, safety or general welfare of the community and the requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) would be met. On cross examination Mr. Wang testified his firm was not retained nor equipped to undertake traffic studies to ascertain the impact the proposed changes might have on traffic in the area or marketing studies to determine the increase in the amount of business, if any, that would be generated by the change in uses. In Mr. Wang's opinion, most of the food store business would be generated by gasoline and/or car wash customers.

Mr. Hoffman testified he is project manager for the construction, maintenance, engineering and development of the proposed site. He testified it is the Petitioners' position that the convenience store and car wash operation are ancillary uses to the gasoline service station and will result in only indirect sales from gasoline customers. He testified the hours of operation of the convenience store and car wash would be dictated

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by the independent dealer of the service station and not Exxon. However, Exxon is hopeful the convenience store will be open on a 24-hour basis. Mr. Hoffman testified regarding marketing studies done by Exxon for the need and compatibility of the proposed change in use. On cross examination, however, he admitted he had not seen those marketing studies and that the studies were done nationally and did not pertain to this particular location.

Testimony presented by the Protestants emphasized the currently heavily congested area of Goucher Boulevard and Putty Hill Avenue. The Protestants believe the proposed development would result in a tremendous amount of traffic exiting the car wash onto Putty Hill Avenue which requires a right turn into the residential area. The Protestants further argued Petitioners had not met their burden regarding the criteria set forth in Sections 307 and 502.1 of the B.C.Z.R. Testimony indicated the Protestants believe the proposed plans would have an adverse impact upon the health, safety, and general welfare of the community. The Protestants emphasized their opinion was based upon their many years of residing in the area and stated the proposed use would create a more horrendous traffic situation than currently exists.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.S.A. zone by special exception. However, it is equally clear that the proposed use would be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

After reviewing all of the testimony and evidence presented, it appears that the special exception should not be granted.

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By Kathi Schlaner

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In fact, the Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have an adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

Petitioner has not met its burden in proving that the proposed use will be detrimental to the health, safety, or general welfare of the locality, and will not tend to create congestion in roads, streets, or alleys therein.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, it appears that the requirements of Section 502.1 have not been met and the health, safety, and general welfare of the community shall be adversely affected. Therefore, the relief requested in the special exception should be denied.

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By Kathi Schulman

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1ST day of June, 1989 that the Petition for Special Hearing to approve an amendment to the site plan previously approved in Case No. 65-240-RX; a Special Exception to permit a food store use with less than 5,000 sq.ft. in combination with a car wash use in an existing automotive service station on the subject property; and a Variance to permit a commercial building abutting a residential zone to have a rear yard setback of 13 feet in lieu of the required 20 feet, and 5 business

signs totalling 314.04 sq.ft. in lieu of the maximum permitted 3 signs totalling 100 sq.ft., in accordance with Petitioner's Exhibit 1, be and are hereby DENIED.

Ann M Nastarowicz

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

ED FOR FILING
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.377

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-471-SPHXA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve ------

to amend the site plan previously approved in case #65-240RX.

Petitioners Ex. 10

IN THE MATTER OF THE APPLICATION OF EXXON CORPORATION FOR A SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE ON PROPERTY LOCATED ON THE WEST SIDE OF GOUCHER BOULEVARD, NORTH SIDE PUTTY HILL AVENUE (800 GOUCHER BOULEVARD) 9th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT	:	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 89-471-SPHXA

: : : :

be added to the 24-foot free-standing sign and that sign would total 19.6 square feet. That sign would have the word "shop" on it and be a two-sided type of sign. Further, Exxon desires to place four signs onto pumps facing the roadway, these signs having the word "Exxon" on them.

The new site would eliminate all service bays and Mr. Wang indicated that the lighting of the premises would be reduced from a height of 16-foot lights to lights which measure 8 feet in height. Further testimony is that 32 percent of the site would be devoted to green space.

Mr. Ollie Mumpower was accepted as an expert in traffic engineering. He testified that a study of the site, and similar sites, was done and that in his opinion r more than 10 percent of the traffic generated by this site would be used for the convenience store only. As a result of the studies made by Mr. Mumpower, he was of the opinion that the level of service at the intersection of Putty Hill Avenue and Goucher Boulevard would not increase if this special exception was granted. Mr. Mumpower indicated that the level of service according to the County standard is a level "C" at this intersection which places it in the acceptable range.

Further testimony was received from Mark Hoffman, a Construction and Maintenance Engineer working for Exxon, U.S.A. He advised that the new site would increase the gasoline dispensing facilities from four to six pumps. He further testified that the present hours of the facility are from 6:00 a.m. to midnight, and that the proposed new site would be a 24-hour type of operation. The proposed site would have security by means of better lighting, electrical security locks on the convenience store, a transaction tray for dealing with suspicious persons, and a constant video surveillance system. He further testified that the current facility has experienced break-ins after the station has closed for the night.

The Board next heard from Norman E. Gerber, who was accepted as an expert in the area of planning and zoning. He testified that all the requirements of Section 502.1 in his opinion have been met and that this facility will not be a detriment to the existing community. Mr. Gerber noted that the service station is an allowable use in this B.L. zone and that a food store is allowable in this B.L. zone. However, the combination of both service station and food store needs the special exception subject to this hearing.

The Board will note that many protestants appeared at the hearing, and five of their number testified on this hearing date. The Board heard from Louis E. Heidrick, Assistant Principal, Calvert Hall High School, who testified that the school was opposed to the granting of the special exception because of their belief that the convenience store aspect of the service station would be a factor in the safety and welfare of their students, and that such a convenience store would constitute an administrative nuisance to their students. Mr. Heidrick indicated that students are not allowed to leave the campus until after their last class in the afternoon, and that staggered class dismissals would allow the students to cross back and forth from the school to the convenience store through an intersection which he believed to be heavily travelled and dangerous. He further indicated that this type of store was located across from the playing fields of Calvert Hall, and that when sport activities are on the school grounds students and/or other persons would tend to cross the road to buy the impulse foods sold at that location. It was noted on cross-examination that students from Calvert Hall regularly go across to the Towson Marketplace located on the opposite corner and naturally must cross Putty Hill Avenue to access that location.

Mr. John Hammill, a resident of Fellowship Forest for the last 10 years, described the type of neighborhood as single-family homes of high value

with much green space. He is the former president of the community association. He feels traffic would increase through the neighborhood should this type of gas-and-go with a convenience store be approved by this Board. He is further opposed to this convenience store becuase of what he perceives to be a natural increase in the number of cars which would be brought to the area, the problem of trash being increased through the purchases of snack foods, the potential for increased crime due to the round-the-clock hours of operation of the store, a general objection to the 24-hour type of operation, and an opposition as to the increased lighting such a site would have.

Mr. Melvin Morris, a 32-year resident of the area, described the heavy traffic located at that intersection and opposes this special exception due to what he believes to be more traffic to be brought to the neighborhood and more people brought to the neighborhood.

The Board next heard from Denise Naylor, a 24-year resident of the Courthouse Square Apartments, who lives directly across from the site. Ms. Naylor expressed concern at the continuing crime problem in the Courthouse Square Apartments and feels that the establishment would lure strangers into the neighborhood and increase the crime problem, as well as the traffic problem.

Panzer Management Company, the property managers for Courthouse Square Apartments, through their representative, Greg Sauter, opposed the special exception, again citing crime, traffic, and lighting. Further, Mr. Sauter indicated that the existence of a 24-hour gas-and-go operation directly behind the Courthouse Square Apartments would constitute noise pollution and that the residents who live near this site deserve a period of quiet from at least midnight to 6:00 a.m. He said the noise from cars pulling in and out of the station, the stopping and starting of engines and the accessory noise made by those automobiles would be a detriment to the residents of the Courthouse Square Apartments.

The Board feels many of the concerns voiced by the protestants to be legitimate. Atter a review of the evidence and documents presented for the Board's consideration, the Board finds as a fact that the conversion of the current site to the proposed site would not contribute to any substantial volume of traffic at the intersection of Goucher Boulevard and Putty Hill Avenue. The Board further finds that the addition of a convenience store to this location would not conflict with Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

However, the Board feels that the operation of this site on a 24-hour basis is an absolute intrusion into the quiet residential nature of this neighborhood which had existed and should continue to exist after the hour of midnight. The Board finds that the lengths gone to by the Petitioner to make this area more attractive and safer are in the best interests of the site and its neighbors.

O R D E R

Therefore, for the aforegoing reasons, it is this 23rd day of February, by the County Board of Appeals of Baltimore County ORDERED that the special exception to have a food store in combination with an automotive service station (gas-and-go) be and is hereby GRANTED with the following restrictions:

1. That the operation of this business be limited to the hours which fall between 6:00 a.m. and 12:00 midnight.

2. That no video games or other amusement devices be allowed in the convenience store premises.

3. That proper trash receptacles be located both inside and outside the convenience store.

4. That after the hours of operation of their facility, the lighting on the site is limited to only that necessary for the security of the premises.

and,

IT IS FURTHER ORDERED that the request for variance to allow an additional sign on the free-standing sign, that new sign to be 19.6 square feet with the word "SHOP" on it is hereby GRANTED; and,

IT IS FURTHER ORDERED that the four signs proposed which would be located on the pumping stations facing the roadway are also GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

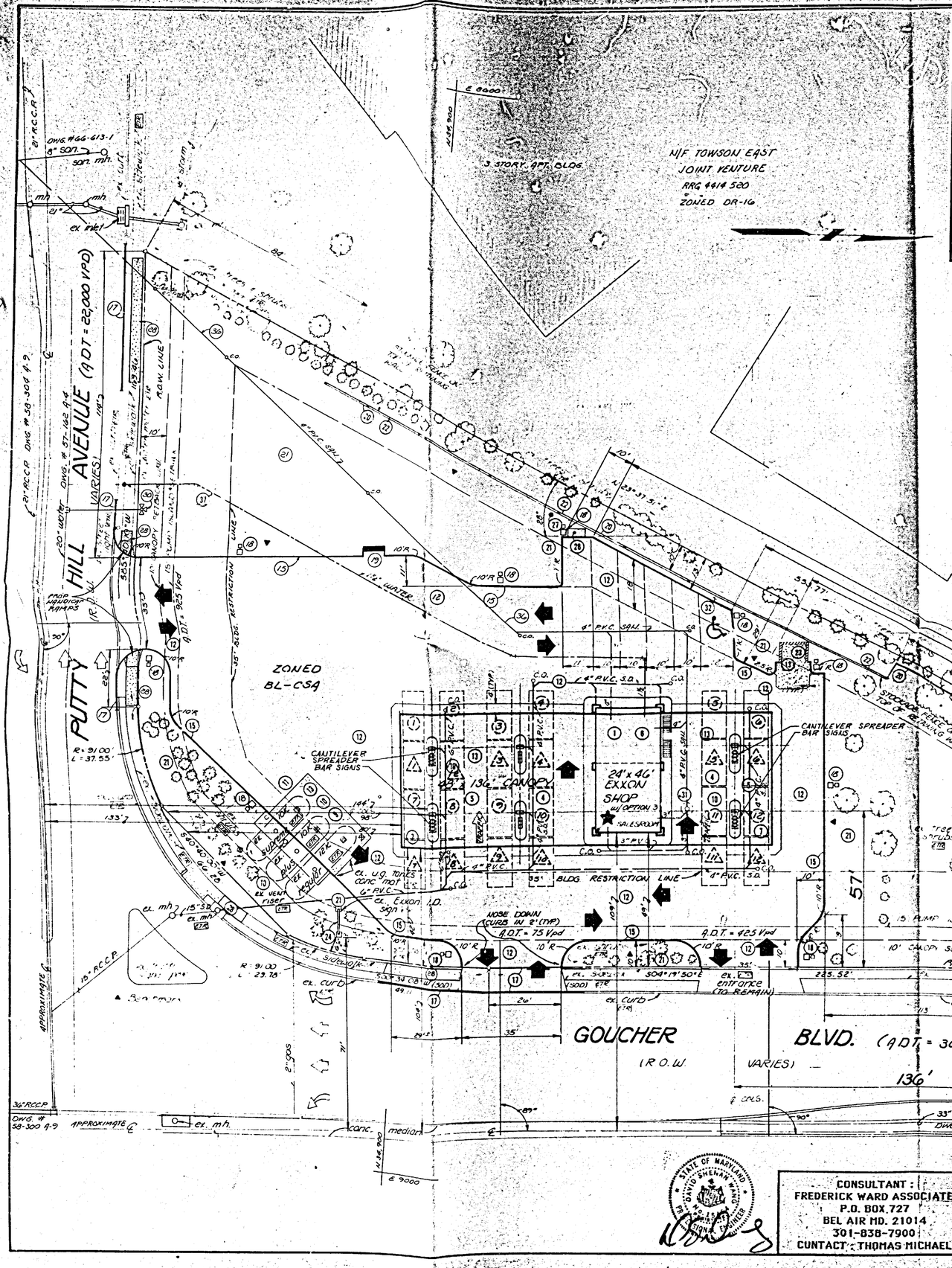
Arnold G. Foreman, Acting Chairman

Lynn B. Moreland

Lynn B. Moreland

John G. Disney

John G. Disney


PUTTY HILL AVENUE (VARIES) (ADT = 22,000 VPD)
GOUCHER BLVD. (ADT = 30,000 VPD)
(I.R.O.W. VARIES)
136'
ZONED BL-CSA
N/F TOWSON EAST JOINT VENTURE RRG 4414 520 ZONED DR-16
3 STORY APT. BLDG.
24'x 46' EXXON SHOP w/OPTION 3
CANOPY
136'
SALESPOINT
CANTILEVER SPREADER BAR SIGNS
BLDG RESTRICTION LINE
20' BLDG RESTRICTION LINE
ex. 6" WATER
ex. 8" SAN.
ex. 8" PVC SAN.
ex. 4" PVC S.D.
ex. 6" PVC
ex. 12" PVC
ex. 15" RCCP
ex. 18" RCCP
ex. 36" RCCP
ex. 33" RCCP
ex. 42" RCCP
ex. 48" RCCP
ex. 20" WATER
ex. 12" WATER
ex. 8" WATER
ex. 4" GAS
ex. 2" GAS
ex. 6" GAS
ex. 8" GAS
ex. 12" GAS
ex. 16" GAS
ex. 20" GAS
ex. 24" GAS
ex. 30" GAS
ex. 36" GAS
ex. 42" GAS
ex. 48" GAS
ex. 54" GAS
ex. 60" GAS
ex. 72" GAS
ex. 84" GAS
ex. 96" GAS
ex. 108" GAS
ex. 120" GAS
ex. 132" GAS
ex. 144" GAS
ex. 156" GAS
ex. 168" GAS
ex. 180" GAS
ex. 192" GAS
ex. 204" GAS
ex.

PROPERTY DESCRIPTION OF
EXXON COMPANY, USA LOCATION NO. 2-7887
NO. 800 GOUCHER BOULEVARD @ PUTTY HILL AVENUE,
ELECTION DISTRICT NO. 9-04, BALTIMORE COUNTY, MARYLAND.

BEGINNING FOR THE SAME at a 1" diameter pipe heretofore set along the westerly right of way line of Goucher Boulevard (110 feet wide), said point being the northeasterly corner of Lot No. 1, as shown on a plat of Section Three, LOCH RAVEN MANOR, which plat is recorded among the Land Records of Baltimore County, Maryland in Plat Liber E.H.K. Jr. No. 23, folio 122, thence running along said westerly right of way line of Goucher Boulevard and running with and binding on the boundary of said Lot No. 1, as now surveyed by STV/Lyon Associates, with bearings being referred to the Grid Meridian as established by the Baltimore County Metropolitan District, the two following courses and distances;

1. by a curve to the right having a radius of 1,855.00 feet, an arc length of 131.54 feet, said curve being subtended by a chord bearing South 06°22'02" East 131.52 feet to a 1" dia. pipe heretofore set at a point of tangency thence,

2. South 04°19'59" East 225.52 feet to a 5/8" dia. rebar (reinforcing rod) now set; thence leaving the boundary of said Lot No. 1 and running with and binding on the westerly right of way line of Goucher Boulevard (variable width, as widened), as shown on Baltimore County Bureau of Land Acquisition Drawing No. 74-062-R, referred to in a conveyance from The Sun Company Company and Exxon Corporation unto Baltimore County, Maryland, by a deed dated February 2, 1979 and recorded among said Land Records in Liber E.H.K., Jr. No. 5996, folio 507 etc..through said Lot No. 1, the two following courses and distances,

3. South 00°54'08" West 68.11 feet to a rebar now set at a point of curvature, thence by a curve to the right having,

4. a radius of 91.00 feet, an arc length of 29.78 feet, said curve being subtended by a chord bearing South 09°56'31" West 29.65 feet to a rebar set, to intersect the southeasterly or South 40°40'50" West 106.07 feet line on said Lot No. 1, 14.27 feet from the beginning thereof, thence running with and binding on a portion of said southeasterly boundary of Lot No. 1,

5. South 40°40'00" West 66.28 feet to a rebar set at a point of curvature, to intersect the northerly right of way line of Putty Hill Avenue (variable width, as widened) as shown on the aforementioned Drawing No. RW 74-062-R, thence running with and binding on said northerly right of way line of Putty Hill Avenue, through said Lot No. 1, the two following courses and distances; by a curve to the right having,

6. a radius of 91.00 feet, an arc length of 37.55 feet, said curve being subtended by a chord bearing South 73°51'26" West 37.28 feet to a rebar set at a point of tangency thence,

7. South 85°40'10" West 160.66 feet to a rebar set to intersect the northwesterly or South 23°38'15" West 563.95 feet line of said Lot No. 1, being distant 10.19 feet, measured reversely, from the end thereof, thence leaving said Putty Hill Avenue and running with and binding on a portion of said northwesterly boundary of Lot No. 1, reversely,

8. North 23°37'51" East 563.77 feet to the point of beginning... containing 63,102.62 square feet or 1.4486 acres of land, more or less.

The improvements thereon constructed being known and designated as No. 800 Goucher Boulevard.

BEING a portion of Lot No. 1, Section Three, LOCH RAVEN MANOR, as shown on a plat recorded among the Land Records of Baltimore County, Maryland in Plat Liber E.L.B. No. 23, Folio 122, being mentioned in a conveyance from Cities Service Oil Company unto Exxon Corporation, by a deed dated July 19, 1977 and recorded among said Land Records in Liber E.H.K., Jr. No. 5892, folio 443 etc.



GENERAL NOTES:

1. BEARINGS AND COORDINATES AS SHOWN HEREON ARE BASED ON THE GRID-MERIDIAN AS ESTABLISHED BY THE BALTIMORE COUNTY METROPOLITAN DISTRICT, AS REFERENCED FROM TRAVERSE STATIONS:

X-8183:	NORTH 34,809.50	EAST 9,455.89
X-6376:	NORTH 34,797.06	EAST 8,944.65

2. ELEVATIONS AS SHOWN HEREON ARE BASED ON BENCHMARK ON TRAVERSE STATION X-6376.
   ELEVATION = 452.563 FEET

3. UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN LOCATED BY ACTUAL FIELD MEASUREMENTS SUPPLEMENTED BY INFORMATION OBTAINED FROM THE VARIOUS AGENCIES INVOLVED. HOWEVER, WE DO NOT GUARANTEE THE ACCURACY NOR THE COMPLETENESS OF THE INFORMATION RECEIVED. THE CONTRACTOR MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION AND MUST NOTIFY THE UTILITY COMPANIES INVOLVED PRIOR TO COMMENCING WORK.

4. DEED REFERENCE: EXXON CORPORATION
   LIBER E.H.K.JR. 5892, FOLIO 443
   DATED: JULY 19, 1977
   SAVING AND EXCEPTING R/W WIDENING TO BALTIMORE COUNTY LIBER E.H.K.JR. 5996, FOLIO 507 DATED: FEBRUARY 2, 1979

5. SITE AREA: 63,102.62 SQUARE FEET±
   OR 1.4486 ACRES±

6. ZONING CLASSIFICATION: BL-CSA (BUSINESS LOCAL, COMMERCIAL SUPPORTING AREA)

PUTTY HILL AVENUE
(VARIABLE WIDTH R/W)

GOUCHER BOULEVARD
(VARIABLE WIDTH R/W)

3 STORY BRICK APARTMENTS

BALTCO GRID NORTH

N.W. TOWSON EAST POINT VERTICAL CONTROL MONUMENT No. 2 N 34,797.06 E 8,944.65

N 23° 37' 51" E 563.77'

EXISTING BUILDING TO BE REMOVED

EXISTING CANOPY TO BE REMOVED

EXISTING CANOPY TO BE REMOVED

EXISTING CANOPY TO BE REMOVED

EXISTING CONCRETE TO BE REMOVED

RAD: 1855.00' L: 131.54' LC: S 06°22'02" E 131.52'

RAD: 91.00' L: 29.78' LC: S 09°56'31" W 29.65'

S 00° 54' 08" W 68.11'

S 40° 40' 00" W 66.28'

RAD: 91.00' L: 37.55' LC: S 73°51'26" W 37.28'

S 85° 40' 10" W 160.66'

BENCHMARK
Iron Pipe Found
N 34,797.06 E 8,944.65
Elevation 452.563

POINT OF BEGINNING
N 34,809.50
E 9,455.89

P.O. EXXON CORPORATION LIBER E.H.K.JR. 5892 FOLIO 443
AREA AS SURVEYED: 63,102.62 SQ.FT. OR 1.4486 ACRES±

Graphic Scale
20 10 0 20 40 60

SPECIAL EXCEPTION PLAN - DWG. # 2 OF 3

C.R.G. PLAN

STV / LYON ASSOCIATES
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone : 301-944-9112

REVISIONS		
NO	DATE	DESCRIPTION

I HEREBY CERTIFY THAT THIS SURVEY, MADE ON THE GROUND UNDER MY SUPERVISION ON 4/20/88, CORRECTLY SHOWS THE PROPERTY LINES AND RELATIONSHIP OF BUILDINGS AND OTHER STRUCTURES TO THE PROPERTY LINES AND THE LAND INDICATED HEREON; THAT THERE ARE NO ENCROACHMENTS OF BUILDINGS OR STRUCTURES ONTO SAID LAND EXCEPT AS SHOWN.

MARK A. RIDDLE P.L.S. #244

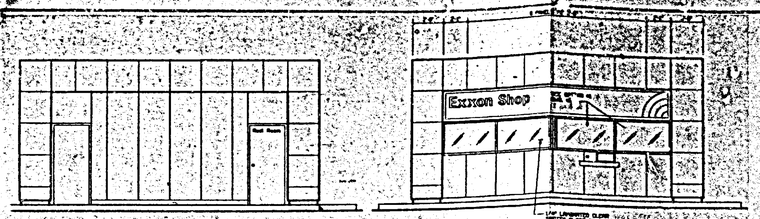
PLAN PREPARATION		
DRAWN BY: SAH	DATE: 12/9/88	
DESIGNED BY:	SCALE: 1" = 20'	
CHECKED BY:		

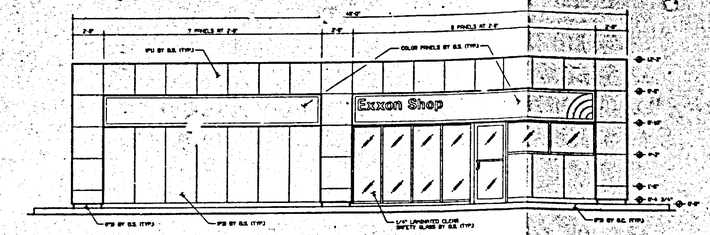
TOPOGRAPHIC & BOUNDARY SURVEY
EXXON COMPANY, U.S.A.
N.W. COR. GOUCHER BLVD. & PUTTY HILL AVE.
BALTIMORE COUNTY, MD.
ELECTION DIST. 9 COUNCIL DIST. 4

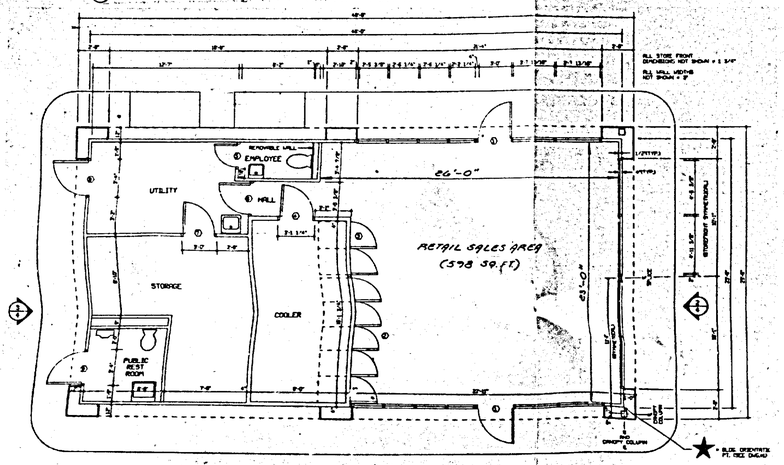
DRAWING NO. 7614-53-015

SHEET NO. 2 OF 3

LOCATION NO. 2-7887

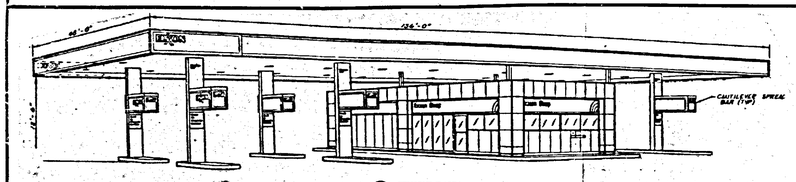


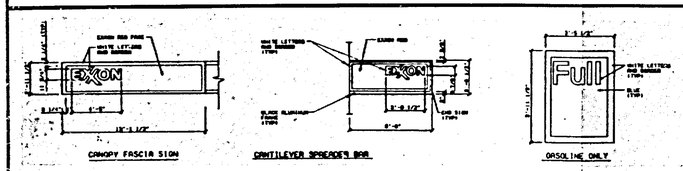


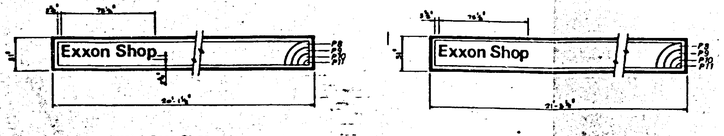


BUILDING ELEVATIONS

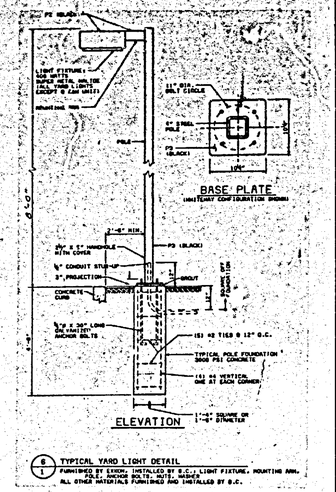
FLOOR PLAN

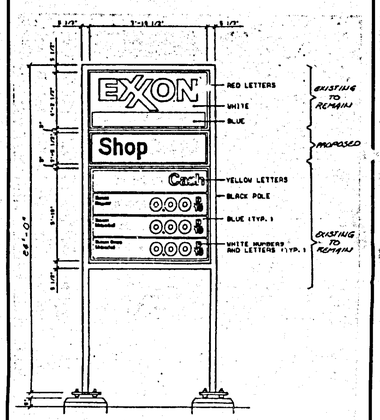






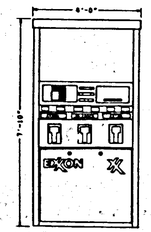
BUILDING FASCIA SIGNS





ACTUAL SIGN FACE AREAS:
33.14 SF EXXON ID
19.20 SF ANCILLARY SHOP
45.94 SF PRICE

MAJOR I.D. SIGN



DISPENSER ELEVATIONS

ZONING NOTES

ZONING STATUS

EXISTING ZONING: BL-CSA
EXISTING USE: SERVICE STATION
PROPOSED USE: SERVICE STATION W/ CONVENIENCE STORE (SPECIAL EXCEPTION)

PREVIOUS ZONING HISTORY

CASE # 65-240-RX:

2-6-65 — PETITION FILED FOR RECLASSIFICATION FROM R-10 TO B.L. SPECIAL EXCEPTION FOR A FILLING STATION FOR SWARTHMORE COMPANY.
3-10-65 — ORDER FOR RECLASSIFICATION & SPECIAL EXCEPTION DENIED BY ZONING COMMISSIONER.
3-17-65 — APPEAL FILED TO THE COUNTY BOARD OF APPEALS.
4-3-68 — ORDER FOR RECLASSIFICATION GRANTED & THE SPECIAL EXCEPTION WITHDRAWN AT THE TIME OF HEARING.
5-2-68 — APPEAL FILED BY PROTESTANTS.
12-9-68 — ORDER FOR THE RECLASSIFICATION GRANTED BY THE COUNTY BOARD OF APPEALS AND AFFIRMED BY THE CIRCUIT COURT JUDGE LESTER L. BARRETT.

CASE # 88-324-A:

VARIANCE TO PERMIT THE REPLACEMENT OF AN EXISTING NON-CONFORMING 184 S.F. I.D. SIGN AND POLE WITH A NEW 158.16 S.F. I.D. SIGN, IN LIEU OF THE PERMITTED 100 S.F. TOTAL FOR BOTH SIDES.
3-18-88 — VARIANCE GRANTED BY ZONING COMMISSIONER WITH THE FOLLOWING RESTRICTION:
1) THE PETITIONER MAY APPLY FOR HIS SIGN PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONER IS HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT HIS OWN RISK UNTIL SUCH TIME AS THE APPLICABLE APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONER WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.

CASE # 89-471-SPHXA:

PETITION TO AMEND A SITE PLAN PREVIOUSLY APPROVED IN CASE No. 65-240-RX, A SPECIAL EXCEPTION TO PERMIT A FOOD STORE USE WITH LESS THAN 5,000 S.F. IN COMBINATION WITH A CAR WASH IN AN EXISTING AUTOMOTIVE SERVICE STATION, AND A VARIANCE TO PERMIT A COMMERCIAL BUILDING ABUTTING A RESIDENTIAL ZONE TO HAVE A REAR YARD SETBACK OF 13 FEET IN LIEU OF THE REQUIRED 60 FEET, AND 5 BUSINESS SIGNS TOTALLING 319.09 S.F. IN LIEU OF MAXIMUM PERMITTED 3 SIGNS TOTALLING 100 S.F.
6-1-89 — PETITION DENIED BY ZONING COMMISSIONER.
6-30-89 — APPEAL FILED BY PETITIONER.

AREA REQUIRED

6 DISPENSER ISLANDS WITH MULTIPLE PRODUCT DISPENSERS (EXTRA, UNLEADED, EXXON) SERVING TWELVE CARS AT ONE TIME.

$\frac{\text{TOTAL SERVING SPACES}}{\text{TOTAL SPACES}} = \frac{12}{12}$

MINIMUM SITE AREA REQUIRED = (12 SPACES)(1500 S.F./SPACE) = 18,000 S.F.
TOTAL AREA OF SITE = 63,102.6 S.F. = 1.45 AC.
ADDITIONAL AREA REQUIREMENTS = (8)(RETAIL FLR. AREA) = (8)(598) = 2,392 S.F.
TOTAL AREA REQUIRED = 20,392 S.F.

USE IN COMBINATION WITH SERVICE STATION

1) FOOD STORE WITH LESS THAN 5,000 S.F. OF RETAIL SALES AREA.

2) FLOOR AREA RATIO = $\frac{\text{BLDG. FLOOR AREA}}{\text{SITE AREA}} = \frac{1104}{62,103} = .018$

ACCESS POINTS:

ONE EXISTING & ONE PROPOSED:-
- 2-35' WIDE DRIVEWAYS ON GOUCHER BLVD.

PROPOSED:- 1-35' WIDE DRIVEWAY ON PUTTY HILL AVE.

MINIMUM SITE WIDTH (ALONG GOUCHER BLVD.) = 2(65) = 130 FEET
ACTUAL SITE WIDTH = 488 FEET

SETBACKS:

GOUCHER BLVD.

	STREET R.O.W.	STREET ℄
MAIN BLDG.		
MIN. REQ'D.	35'	60'
PROPOSED	89'	109'
CANOPY		
MIN. REQ'D.	10'	35'
PROPOSED	42'	104'
PUMP ISLAND		
MIN. REQ'D.	15'	40'
PROPOSED	45'	107'
FREESTANDING SIGN		
MIN. REQ'D.	6'	31'
PROPOSED	6'	71'

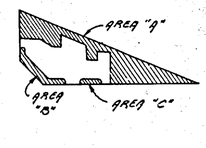
PUTTY HILL AVE.

	STREET R.O.W.	STREET ℄
MAIN BLDG.		
MIN. REQ'D.	35'	60'
PROPOSED	162'	206'
CANOPY		
MIN. REQ'D.	10'	35'
PROPOSED	80'	133'
PUMP ISLAND		
MIN. REQ'D.	13'	90'
PROPOSED	98'	169'
FREESTANDING SIGN		
MIN. REQ'D.	6'	31'
PROPOSED	60'	109'

LANDSCAPE:

KEY AREA MAP

AREA "A" = 29,074 S.F.
AREA "B" = 3,442 S.F.
AREA "C" = 457 S.F.



LANDSCAPE AREA REQUIRED = 3,155.1 S.F. (5% OF TOTAL TRACT)
LANDSCAPE AREA PROVIDED = 32,973 S.F. (52% OF SITE)

NOTE: LANDSCAPING TO BE MAINTAINED BY STATION OPERATOR.

PARKING:

PARKING SPACES REQUIRED: 5 SPACES PER 1000 S.F. FLOOR AREA: $\frac{(1104)(3)}{1000} = 3.32 = 4$ SPACES
PARKING SPACES PROVIDED: 6 (INCLUDING 1 HANDICAP SPACE)

SIGN INFORMATION:

MAJOR I.D. SIGN

EXISTING TO REMAIN - EXXON I.D. - 33.14 S.F./EA. SIDE (66.28 TWO SIDES)
PROPOSED - SHOP ANCILLARY - 19.20 S.F./EA. SIDE (38.40 TWO SIDES)
EXISTING TO REMAIN - PRICE - 45.94 S.F./EA. SIDE (91.88 TWO SIDES)
TOTAL FOR MAJOR I.D. (INCLD. PRICE) = 98.28 S.F./EA. SIDE (196.56 TWO SIDES)

PROPOSED - CANTILEVER SPREADER BAR

EACH BAR - 19.77 S.F./EA. SIGN
TOTAL: 4 BARS = 79.08 S.F.

SPECIAL EXCEPTION PLAN - DWG. # 3 OF 3

C.R.G. PLAN

LIBER: EHKJA 5892 FOLIO: 443

OWNER & PETITIONER
EXXON COMPANY U.S.A.
P.O. BOX 4415
HOUSTON, TEXAS • 77210
PHONE: (713) 656-7770
CONTACT: BILL VANCE

CONSULTANT
FREDERICK WARD ASSOCIATES INC.
5 SOUTH MAIN STREET
BEL AIR, MARYLAND • 21014
PHONE: (301)838-7900 • (301)879-2090
CONTACT: THOMAS MICHAEL

DATE	REVISIONS	BY	CHK
12-14-89	ELEV. DETAILS & NOTES PLAN REDRAFTED	R.O.S.	T.J.M.

EXXON COMPANY, U.S.A. — A DIVISION OF EXXON CORPORATION
Marketing Department — Real Estate & Engineering

DATE	12/9/88
DRAWN BY	R.O.S.
CHK BY	T.J.M.
SCALE	NONE

ELEVATION DETAILS & NOTES

GOUCHER BOULEVARD & PUTTY HILL AVENUE
ELECTION DISTRICT 9 • COUNCIL DISTRICT 4
TOWSON BALTIMORE COUNTY MARYLAND

PROJECT NO.	
DISC NO.	
RAS NO.	2-7887
DWG. NO.	3 OF 5

10/29/90 -CBA AFFIRMED (James T. Smith, Jr., Judge)

Petitioners Ex. 10

IN THE MATTER OF THE APPLICATION OF EXXON CORPORATION FOR A SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE ON PROPERTY LOCATED ON THE WEST SIDE OF GOUCHER BOULEVARD NORTH SIDE OF PUTTY HILL AVENUE (800 GOUCHER BOULEVARD) 9TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT ZONING NO. 89-471-SPHXA FELLOWSHIP FOREST COMMUNITY ASSOC. Appellant	*	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
vs.	*	
EXXON CORPORATION Appellee	*	CASE NO. 90-CSP-974

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COUNTY BOARD OF APPEALS
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OPINION and ORDER

A hearing in this Appeal from the Board of Appeals for Baltimore County (hereinafter referred to as "Board") was held and argument of counsel for all parties presented on September 11, 1990. The Court reviewed the transcript of the proceedings before the Board and various Exhibits received, the Memoranda submitted by counsel, and the Opinion of the Board dated February 23, 1990.

FILED OCT 29 1990

Exxon Corporation, Appellee (hereinafter referred to as "Appellee") filed a Petition with the Zoning Commissioner for Baltimore County for a Special Exception to permit operation of a twenty-four hour food store in combination with a gas and go service station on the northeast corner of Goucher Boulevard and Putty Hill Avenue.

Fellowship Forest Community Association, Appellant (hereinafter referred to as "Appellant") is a group of residents residing in the area of Putty Hill Road and Goucher Boulevard. Appellant has appealed from the Board's decision granting a Special Exception to Appellee, which allows Appellee to construct and operate a food store in combination with a gas and go station on the site of their existing automotive service station. (Opinion p.5)

In granting Appellee's Special Exception, with certain limitations, the Board determined that the proposed construction of a convenience store and gas and go station would neither contribute to any substantial increase in volume of traffic nor conflict with Section 502.1 of the Baltimore County Zoning Regulations. (B.C.Z.R.) (Opinion p.5) However, the Board did find that the operation of a "gas-and go" on a 24 hour basis would be an intrusion into the quiet residential nature of the neighborhood. Consequently, the Board limited the hours of the station's operation to the period from 6:00 a.m. to 12:00 midnight. (Opinion p. 5)

Appellant raises the following issues in its Petition on Appeal, namely:

> 1) That the Board's Order granting the Special Exception was arbitrary, capricious and erroneous as a matter of law; and
>
> 2) That the Board's Order granting the Special Exception is unsupported by competent, material and substantial evidence in light of the entire record, and that the Board had no legally sufficient evidence upon which to base its conclusions; and
>
> 3) That the Board's Order granting the Special Exception exceeded the statutory authority or jurisdiction of the Board.

Appellant has presented no argument or authority for the specific proposition raised in its third contention above. Certainly, the Board did not exceed its statutory and jurisdictional authority in considering Appellee's Petition for Special Exception. Whether the Board properly exercised its jurisdiction and authority consistent with the applicable statutes will be considered in connection with Appellant's first and second issues noted above.

Appellant's contentions raised in issues No. 1 and No. 2 above will be considered together. In support of these contentions Appellant cites Section 502.1 of the Baltimore County Zoning Regulations (hereinafter referred to as "B.C.Z.R."). The only applicable provisions to the Special Exception in the instant case involve the burden on Appellee to prove that the use for which the Special Exception is requested will not:

> "(a) be detrimental to the health, safety or general welfare of the locality involved; (b) tend to create congestion in roads, streets or alleys therein; (c) create a potential hazard from ... danger; ... (g) be

inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit and intent of these zoning regulations ...."

Appellant further cites in support of its position the (1) legislative policy with respect to service stations contained in the findings of the Baltimore County Council set forth in B.C.Z.R. Section 405.1A, and (2) the intention expressed in the B.C.Z.R. to permit automotive service stations only in accordance with comprehensive planning goals and to regulate motor vehicle access to such uses so as to cause minimum disruption of traffic. B.C.Z.R. Section 405.1B

The Opinion of the Board makes clear that it considered Baltimore County's legislative policy and the statutory factors to implement that policy in arriving at the Order passed in this case.

Appellant's witnesses testified that if the Special Exception were granted, the already bottle-necked traffic would increase, as would crime, trash, noise, and danger to Calvert Hall students crossing Goucher Boulevard to get "after school snacks". However, two of Appellant's own witnesses, John Hamill and Melvin Morris, offered testimony to the effect that the existing traffic congestion which they observed is caused primarily by commuter traffic and not from traffic generated solely by Exxon's existing service station. (T.175-176, 180-181)

Ollie Mumpower of Traffic Group, Inc. was called on behalf of Appellee. He testified that a study of the site at issue, as well as similar sites was done, and that in his Opinion, no more than an

additional ten percent of the existing traffic would be generated solely for use of the convenience store only. (T.71-72; T.76-77)

Mr. Mumpower further testified that the level of service at the two intersections (Putty Hill Road at Hillen Road and Putty Hill Road at Goucher Boulevard) would basically remain the same in the event the Board granted Appellee's Special Exception. Mr. Mumpower testified that in measuring the volume of traffic, Baltimore County employs a scale of A through F, with A through D being an acceptable level of service, and E and F indicating failing intersections. (T.75) Mr. Mumpower continued in his testimony that Baltimore County rates the level of service at the intersection of Putty Hill Road and Goucher Boulevard at a level C (T.75), and that in granting Appellee's proposed Special Exception this rating level would not change. (T.79)

Appellee also called David Wang of Frederick Ward Associates. He testified that the additional signs included in the Request for Variance would not shine directly into the homes in the area (T.49); that there would not be an appreciable increase in the amount of trash on the premises from the convenience store (T.52); that the convenience store, with gas pumps only, would be a "cleaner" operation than the existing full service station (T.56); and that the adjustment in lighting proposed would lessen the prospect of crime. (T.64-65)

Regarding concern for Calvert Hall students, there was evidence that the students already cross Putty Hill Road to go to Towson Marketplace after school. (T.163-167)

The Board found that Appellee's proposal had gone to great lengths to make the subject site more attractive and safe, not only to Appellee's best advantage, but also in the best interest of Appellee's neighbors. (Opinion p.5) As for crime, trash and lighting, these problems were considered by the Board and addressed by the restrictions placed on the hours of Appellee's operation, the prohibition of video games and other amusement devices, the requirement that Appellee place proper trash receptacles both inside and outside the convenience store, and the limitation of after-hours lighting to only that necessary for security. (Opinion p.5)

The Board concluded that the standards which must be met before the grant of a Special Exception were satisfied by Appellee's evidence, and that allowing the Special Exception for a convenience store/gas and go in place of an automotive full service station was consistent with the legislative policy of the B.C.Z.R. As indicated above in this Opinion there was competent, material and substantial evidence to support the Board's decision, and, consequently, the Board's Order was not arbitrary, capricious or erroneous as a matter of law.

For the aforegoing reasons, the Decision of the County Board of Appeals for Baltimore County is hereby AFFIRMED, with the costs of this Appeal to be paid by Appellant.

JAMES T. SMITH, JR., Judge

October 29, 1990
DATE

JTS/ss
Copy: H. Patrick Stringer, Jr., Esq.
Anthony DiPaula, Esq.

10/29/90 -CBA AFFIRMED (James T. Smith, Jr., Judge)

Petitioners Ex. 11

IN THE MATTER OF THE APPLICATION OF EXXON CORPORATION FOR A SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE ON PROPERTY LOCATED ON THE WEST SIDE OF GOUCHER BOULEVARD NORTH SIDE OF PUTTY HILL AVENUE (800 GOUCHER BOULEVARD) 9TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT ZONING NO. 89-471-SPHXA FELLOWSHIP FOREST COMMUNITY ASSOC. Appellant	*	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
vs.	*	
EXXON CORPORATION Appellee	*	CASE NO. 90-CSP-974

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OPINION and ORDER

A hearing in this Appeal from the Board of Appeals for Baltimore County (hereinafter referred to as "Board") was held and argument of counsel for all parties presented on September 11, 1990. The Court reviewed the transcript of the proceedings before the Board and various Exhibits received, the Memoranda submitted by counsel, and the Opinion of the Board dated February 23, 1990.

FILED OCT 29 1990

Exxon Corporation, Appellee (hereinafter referred to as "Appellee") filed a Petition with the Zoning Commissioner for Baltimore County for a Special Exception to permit operation of a twenty-four hour food store in combination with a gas and go service station on the northeast corner of Goucher Boulevard and Putty Hill Avenue.

Fellowship Forest Community Association, Appellant (hereinafter referred to as "Appellant") is a group of residents residing in the area of Putty Hill Road and Goucher Boulevard. Appellant has appealed from the Board's decision granting a Special Exception to Appellee, which allows Appellee to construct and operate a food store in combination with a gas and go station on the site of their existing automotive service station. (Opinion p.5)

In granting Appellee's Special Exception, with certain limitations, the Board determined that the proposed construction of a convenience store and gas and go station would neither contribute to any substantial increase in volume of traffic nor conflict with Section 502.1 of the Baltimore County Zoning Regulations. (B.C.Z.R.) (Opinion p.5) However, the Board did find that the operation of a "gas-and go" on a 24 hour basis would be an intrusion into the quiet residential nature of the neighborhood. Consequently, the Board limited the hours of the station's operation to the period from 6:00 a.m. to 12:00 midnight. (Opinion p. 5)

Appellant raises the following issues in its Petition on Appeal, namely:

> 1) That the Board's Order granting the Special Exception was arbitrary, capricious and erroneous as a matter of law; and
>
> 2) That the Board's Order granting the Special Exception is unsupported by competent, material and substantial evidence in light of the entire record, and that the Board had no legally sufficient evidence upon which to base its conclusions; and
>
> 3) That the Board's Order granting the Special Exception exceeded the statutory authority or jurisdiction of the Board.

Appellant has presented no argument or authority for the specific proposition raised in its third contention above. Certainly, the Board did not exceed its statutory and jurisdictional authority in considering Appellee's Petition for Special Exception. Whether the Board properly exercised its jurisdiction and authority consistent with the applicable statutes will be considered in connection with Appellant's first and second issues noted above.

Appellant's contentions raised in issues No. 1 and No. 2 above will be considered together. In support of these contentions Appellant cites Section 502.1 of the Baltimore County Zoning Regulations (hereinafter referred to as "B.C.Z.R."). The only applicable provisions to the Special Exception in the instant case involve the burden on Appellee to prove that the use for which the Special Exception is requested will not:

> "(a) be detrimental to the health, safety or general welfare of the locality involved; (b) tend to create congestion in roads, streets or alleys therein; (c) create a potential hazard from ... danger; ... (g) be

inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit and intent of these zoning regulations ...."

Appellant further cites in support of its position the (1) legislative policy with respect to service stations contained in the findings of the Baltimore County Council set forth in B.C.Z.R. Section 405.1A, and (2) the intention expressed in the B.C.Z.R. to permit automotive service stations only in accordance with comprehensive planning goals and to regulate motor vehicle access to such uses so as to cause minimum disruption of traffic. B.C.Z.R. Section 405.1B

The Opinion of the Board makes clear that it considered Baltimore County's legislative policy and the statutory factors to implement that policy in arriving at the Order passed in this case.

Appellant's witnesses testified that if the Special Exception were granted, the already bottle-necked traffic would increase, as would crime, trash, noise, and danger to Calvert Hall students crossing Goucher Boulevard to get "after school snacks". However, two of Appellant's own witnesses, John Hamill and Melvin Morris, offered testimony to the effect that the existing traffic congestion which they observed is caused primarily by commuter traffic and not from traffic generated solely by Exxon's existing service station. (T.175-176, 180-181)

Ollie Mumpower of Traffic Group, Inc. was called on behalf of Appellee. He testified that a study of the site at issue, as well as similar sites was done, and that in his Opinion, no more than an

additional ten percent of the existing traffic would be generated solely for use of the convenience store only. (T.71-72; T.76-77)

Mr. Mumpower further testified that the level of service at the two intersections (Putty Hill Road at Hillen Road and Putty Hill Road at Goucher Boulevard) would basically remain the same in the event the Board granted Appellee's Special Exception. Mr. Mumpower testified that in measuring the volume of traffic, Baltimore County employs a scale of A through F, with A through D being an acceptable level of service, and E and F indicating failing intersections. (T.75) Mr. Mumpower continued in his testimony that Baltimore County rates the level of service at the intersection of Putty Hill Road and Goucher Boulevard at a level C (T.75), and that in granting Appellee's proposed Special Exception this rating level would not change. (T.79)

Appellee also called David Wang of Frederick Ward Associates. He testified that the additional signs included in the Request for Variance would not shine directly into the homes in the area (T.49); that there would not be an appreciable increase in the amount of trash on the premises from the convenience store (T.52); that the convenience store, with gas pumps only, would be a "cleaner" operation than the existing full service station (T.56); and that the adjustment in lighting proposed would lessen the prospect of crime. (T.64-65)

Regarding concern for Calvert Hall students, there was evidence that the students already cross Putty Hill Road to go to Towson Marketplace after school. (T.163-167)

The Board found that Appellee's proposal had gone to great lengths to make the subject site more attractive and safe, not only to Appellee's best advantage, but also in the best interest of Appellee's neighbors. (Opinion p.5) As for crime, trash and lighting, these problems were considered by the Board and addressed by the restrictions placed on the hours of Appellee's operation, the prohibition of video games and other amusement devices, the requirement that Appellee place proper trash receptacles both inside and outside the convenience store, and the limitation of after-hours lighting to only that necessary for security. (Opinion p.5)

The Board concluded that the standards which must be met before the grant of a Special Exception were satisfied by Appellee's evidence, and that allowing the Special Exception for a convenience store/gas and go in place of an automotive full service station was consistent with the legislative policy of the B.C.Z.R. As indicated above in this Opinion there was competent, material and substantial evidence to support the Board's decision, and, consequently, the Board's Order was not arbitrary, capricious or erroneous as a matter of law.

For the aforegoing reasons, the Decision of the County Board of Appeals for Baltimore County is hereby AFFIRMED, with the costs of this Appeal to be paid by Appellant.

JAMES T. SMITH, JR., Judge

October 29, 1990
DATE

JTS/ss
Copy: H. Patrick Stringer, Jr., Esq.
Anthony DiPaula, Esq.

Petitioners Ex. 11

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION - NW/Corner Goucher Blvd. & Putty Hill Ave. (800 Goucher Boulevard) 9th Election District 4th Councilmanic District

Exxon Corporation
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-29-SPHX

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Special Exception for that property known as 800 Goucher Boulevard, located in the vicinity of Loch Raven Boulevard in Towson. The Petition was filed by the owner of the property, Exxon Corporation, by Michael J. Specht, through their attorney, G. Scott Barhight, Esquire. The Petitioner seeks approval of amendments to the previously approved site plans in prior Cases Nos. 65-240-RX, 88-324-A, and 89-471-SPHXA and a special exception to permit a fuel service station use-in-combination with a roll-over car wash. The subject property and relief sought are more particularly described on the latest revised site plan which was accepted into evidence as Petitioner's Exhibit 3.

Appearing at the hearing on behalf of the Petition were Michael Specht, Tim Whittie, Professional Engineer with Frederick Ward and Associates, who prepared the site plan for this project, Timothy Madden, Landscape Architect with Morris, Ritchie and Associates,Wes Guckert, Traffic Engineering expert with The Traffic Group, Lawrence W. Marino, Proprietor of the subject service station, and G. Scott Barhight, Esquireand David K. Gildea, Esquire, Attorneys for the Petitioner. Appearing as Protestants in the matter were residents from the surrounding community, including Jane Callaghan, Nancy Reigle, Howard Heiss, Jr., Leon Rozankowski, Vera

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Otter, and Laura Friedman, who appeared on behalf of the Courthouse Square Apartments complex.

Testimony and evidence offered revealed that the subject property consists of 1.449 acres, more or less, zoned B.L.-A.S., and is improved with an Exxon service station and convenience store. The Petitioner is desirous of expanding the uses on the property to include a roll-over car wash facility, in accordance with the latest revised site plan submitted into evidence as Petitioner's Exhibit 3. It should be noted that the site plans previously submitted in this matter were slightly modified to address the comments and concerns raised by the Office of Planning and Zoning (OPZ). Petitioner's Exhibit 3 is the latest revised plan and shows the location of the proposed car wash in the area most desirable by OPZ, if approved.

On behalf of the Petitioner, Mr. Michael Specht testified that Exxon Corporation is in the process of upgrading all of its service stations in the Baltimore Metropolitan area. Most of the improvements include eliminating the service bay operation and converting same to a convenience store use. In addition, Exxon has added a drive-thru car wash facility capable of washing one car at a time at some of these locations.

Mr. Lawrence Marino testified that he has operated the subject service station since 1991 and has received awards from Baltimore County for maintaining his business in a neat and orderly fashion. Mr. Marino allows local high school and community groups to use his service station for fund-raising car washes. Photographs of the property show that the site is very attractive and nicely landscaped. Mr. Marino testified that the type of car wash proposed for this site is a self-service, unmanned car wash which would take anywhere from one and one-half minutes to four

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minutes for a complete wash and dry cycle. He hopes that the car wash will attract customers who purchase gasoline at his business, whereas, if they fill up their vehicle, they get a free car wash.

Mr. Tim Whittie, a Licensed Civil Engineer with Frederick Ward and Associates, testified regarding the design and layout of the proposed car wash facility and the existing Exxon operation. Mr. Whittie testified that the proposed car wash will be located on the property so that the entrance to and exit from the facility are not directly facing the apartments located immediately across from this site. Mr. Whittie further testified that other modifications were made to the design as a result of comments generated by the Office of Planning and Zoning (OPZ). Mr. Whittie testified that the site plan as submitted meets all technical requirements of the B.C.Z.R.

Mr. Wes Guckert, President of The Traffic Group, next testified and was accepted as an expert in traffic engineering. Mr. Guckert testified that he performed an extensive traffic study of Goucher Boulevard and Putty Hill Avenue in conjunction with the proposed car wash facility at the subject site. Mr. Guckert testified as to the substance of his study and concluded that the proposed car wash would have no adverse effect upon existing traffic patterns, either along Goucher Boulevard or Putty Hill Avenue. Mr. Guckert further believes that the stacked parking provided by the Petitioner will be sufficient to handle peak demands on the proposed car wash use. He does not believe that traffic will be backed out onto Goucher Boulevard, which was a major concern to many of the citizens who attended the hearing.

As stated previously, several residents of the surrounding community appeared in opposition to the Petitioners' request. Ms. Nancy

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Reigle, a representative of the Greater Towson Community Council Association (GTCCA), testified that her group met and voted to oppose any further commercialization of this particular site. In addition, Mr. Howard Heiss, Jr., a representative of the Fellowship Forest Association, testified that his group also voted to oppose the relief requested, which they believe will contribute to further commercialization of this corner.

Ms. Laura Friedman, the marketing representative for the Courthouse Square Apartments complex, testified on behalf of herself and the Apartments that they are concerned over additional commercialization of this corner in that it would adversely affect the residents who reside in Courthouse Square. Two of the apartment buildings are shown on the site plan and are located very close to the subject property. Ms. Friedman is concerned over the noise that will be generated by the car wash facility itself, as well as those individuals who may remain on the site to dry their vehicles after it has been washed. She is concerned that these individuals will play their car stereos in a loud fashion while drying their cars or while vacuuming out their vehicles. She believes that a car wash facility at this location would have an adverse effect upon the residents of Courthouse Square, many of whom are senior citizens.

Ms. Friedman is also concerned over additional trash which might be generated by patrons of the car wash. She is concerned that individuals using the car wash might leave trash and debris on the premises which might in turn, be blown off the lot and into the Courthouse Square Apartment complex. Ms. Friedman raised an issue over a rodent problem that apparently exists in the area of this Exxon service station and her apartment complex. She also testified concerning a zoning violation complaint which was lodged against this Exxon for exceeding the permitted hours of

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operation, which were evidently imposed as a condition of the granting of the special exception use in the prior cases.

Mr. Leon Rozankowski testified in opposition to the proposed car wash. Mr. Rozankowski is concerned that traffic caused by motorists waiting their turn to use this car wash facility will back out onto Goucher Boulevard, similar to that which occurs at the Whiz Car Wash on Loch Raven Boulevard near Joppa Road, during peak hours of operation. Mr. Rozankowski is concerned that a car wash at the subject location will become so busy that traffic problems will result at the intersection of Goucher Boulevard and Putty Hill Avenue.

Ms. Jane Callaghan, a representative of the Fellowship Community Association, testified in opposition to the Petitioner's request and submitted a video tape of the traffic that utilizes Goucher Boulevard and Putty Hill Avenue. The video tape shows individuals exiting the subject property onto Goucher Boulevard and their attempts to cross Goucher Boulevard to make a left turn onto Putty Hill Avenue. It was clear from this video that individuals attempting to make this turn proceed in an unsafe fashion. Ms. Callaghan testified that her association fought Exxon when it attempted to improve the site with a convenience store and car wash facility in prior Case No. 89-471-SPHXA. Ms. Callaghan pointed out that in that case, Exxon attempted to convert the gasoline service station into a full convenience store and car wash facility. Then Deputy Zoning Commissioner, Ann M. Nastarowicz, denied the Petitioner's request by her Order issued June 1, 1989, and on appeal, the Petitioner was successful before the County Board of Appeals in gaining approval for a convenience store use, but withdrew its request for a car wash at that time. The Petitioner now comes before me seeking approval, once again, for a car wash facility

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at this location. Ms. Callaghan believes that there has been no change since the last time the matter came before the Zoning Commissioner's Office and that a car wash facility on the subject property is no more appropriate at this time than it was in 1989 when it was first proposed.

Mr. Jeff Long, a representative of the Office of Planning and Zoning (OPZ), appeared and presented his office's position concerning this request. Mr. Long testified that OPZ is opposed to the special exception request in that they feel that any further commercialization of this corner is not appropriate at this time.

After due consideration of the testimony and evidence presented by both representatives for the Petitioner as well as the Protestants who attended the hearing, I find that the proposed car wash facility at the subject site would be detrimental to the primary uses in the vicinity. Those primary uses are basically the residential communities of the Courthouse Square Apartments complex and the Fellowship Forest development located nearby. All of the commercial uses in this area are located on the east side of Goucher Boulevard, a major thoroughfare which basically separates the commercial uses from the residential uses in this locale. The fact that this corner of Putty Hill Avenue and Goucher Boulevard received commercial zoning was controversial in the first place. Any further commercialization of this property would be detrimental to the surrounding residential uses.

When applying the facts and evidence of this case to the standards set forth in the recently issued opinion of Mossberg v. Montgomery County, Maryland, (No. 58, 1995 Term), I find that the proposed car wash use at the subject location would have adverse effects greater than the adverse effects that would be generated by this use were it proposed elsewhere in

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Baltimore County in other similar B.L.-A.S. zones. I believe that the Petitioner has failed to satisfy the burdens imposed upon them by Section 502.1 of the B.C.Z.R., and thus, the special exception for a car wash facility at the subject location shall be denied.

Not much has changed since the Petitioner last attempted to install a car wash facility at this location. As noted earlier, Deputy Zoning Commissioner Nastarowicz denied the Petitioner's request in her Order dated June 1, 1989. The Petitioner then pursued its request for the convenience store use before the Board of Appeals, but withdrew its request for a carwash. Now, approximately 6 years later, the Petitioner is seeking approval for a use previously denied by Ms. Nastarowicz. As noted earlier, not much has changed in this community which would make a car wash facility at this location any more appropriate today than it was in 1989. Therefore, I believe denial of this request is warranted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of January, 1996 that the Petition for Special Hearing to approve amendments to the previously approved site plans in prior Case Nos. 65240-RX, 88-324-A, and 89-471-SPHXA for a proposed car wash, in accordance with Petitioner's Exhibit 3, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a fuel service station use-in-combination with a roll-over car wash on the subject site, in accordance with Petitioner's Exhibit 3, be and is hereby DENIED; and,

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IT IS FURTHER ORDERED that any and all restrictions previously imposed upon this site by any prior decision shall remain in full force and effect; and,

IT IS FURTHER ORDERED that the Petitioner shall have thirty (30) days from the date of this Order in which to file an appeal of this decision.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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By BJS

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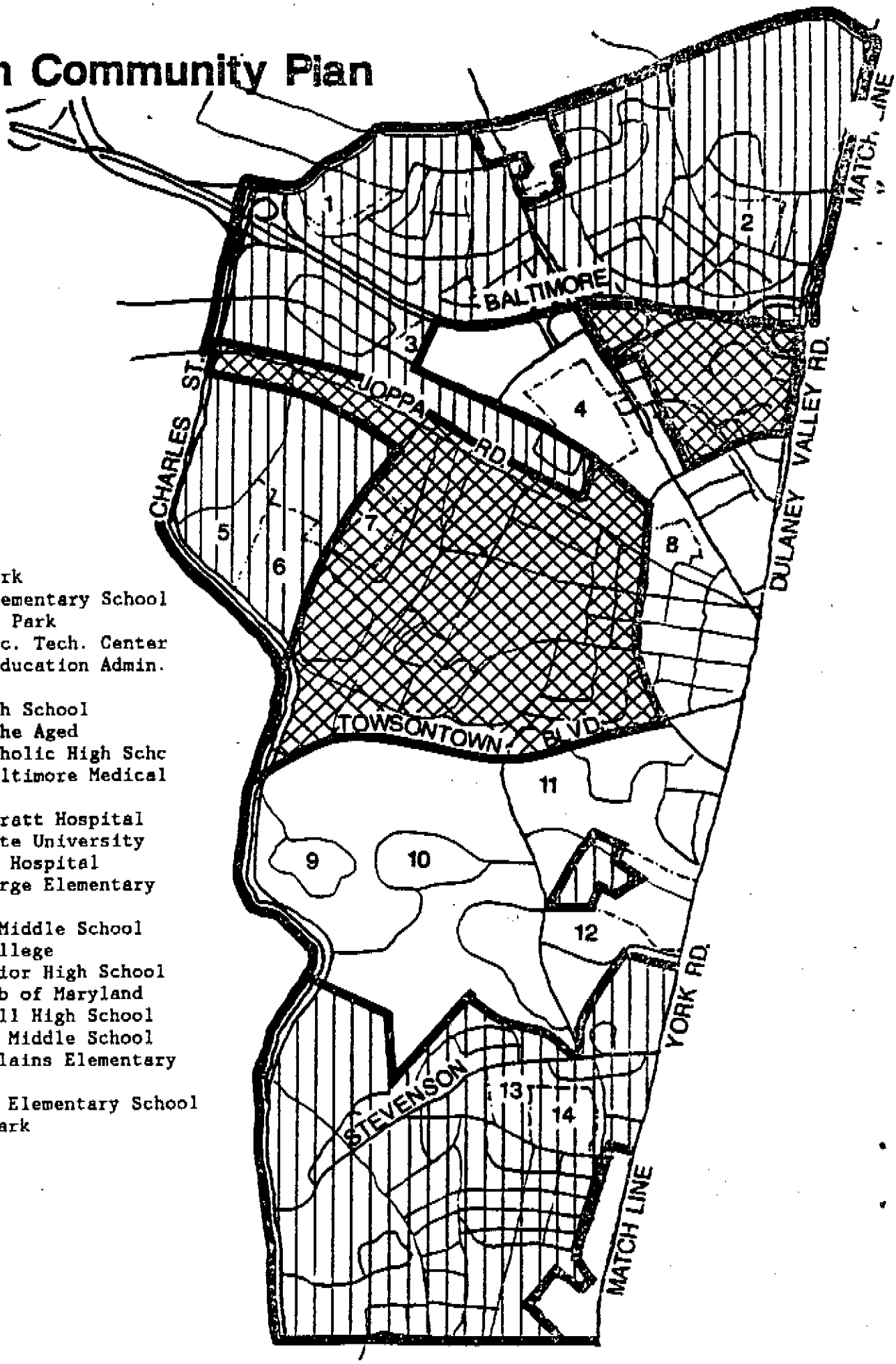
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TOWSON COMMUNITY PLAN

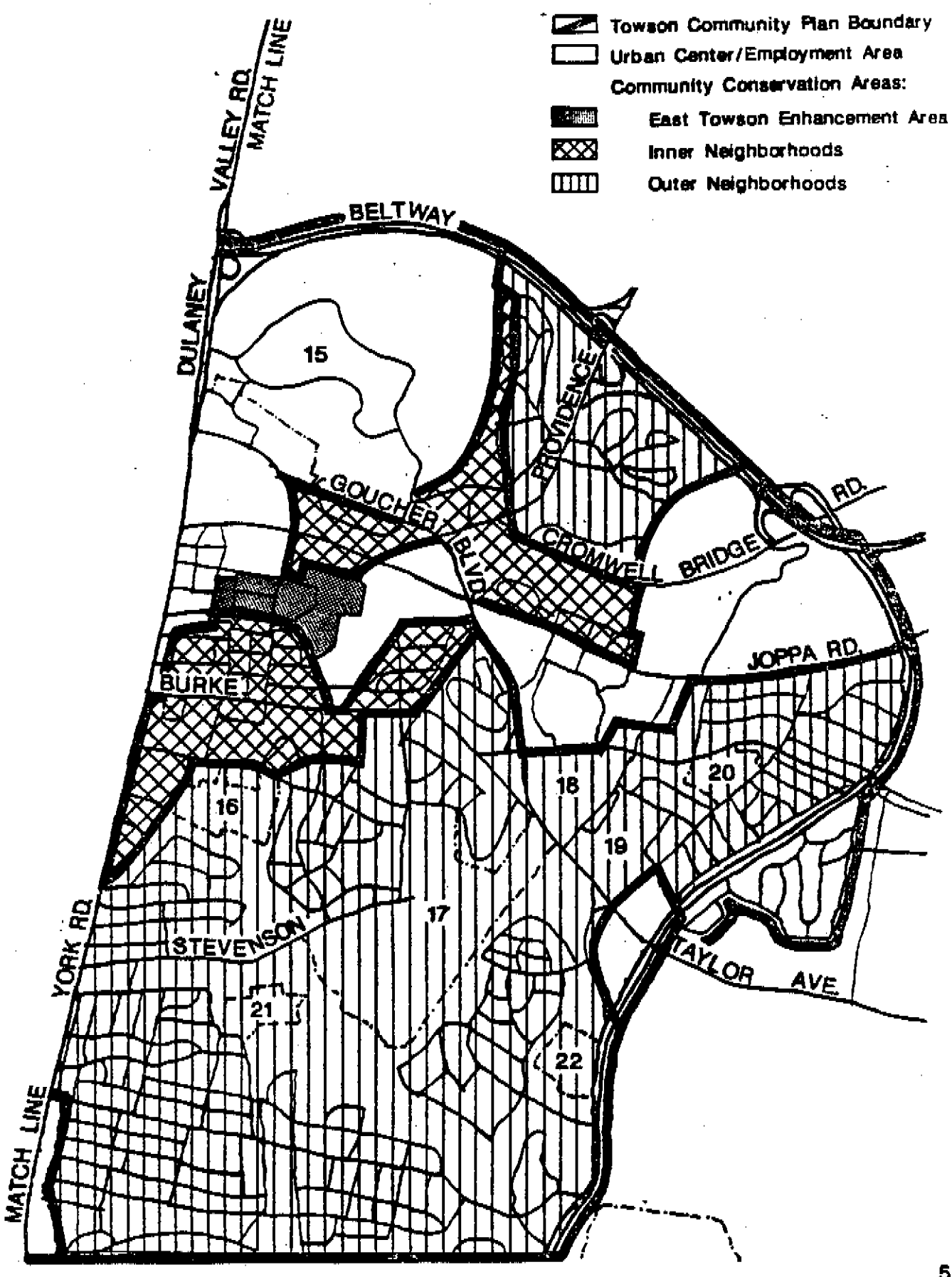
As Adopted By The Baltimore County Council on February 3, 1992

Towson Community Plan



1. Orchard Park
2. Hampton Elementary School
3. Kenilworth Park
4. Central Voc. Tech. Center
5. Board of Education Admin. Office
6. Loyola High School
7. Home for the Aged
8. Towson Catholic High Schc
9. Greater Baltimore Medical Center
10. Sheppard Pratt Hospital
11. Towson State University
12. St. Joseph Hospital
13. Rodgers Forge Elementary School
14. Dumbarton Middle School
15. Goucher College
16. Towson Senior High School
17. County Club of Maryland
18. Calvert Hall High School
19. Loch Raven Middle School
20. Pleasant Plains Elementary School
21. Stoneleigh Elementary School
22. Glendale Park

North


Towson Community Plan Boundary
Urban Center/Employment Area
Community Conservation Areas:
East Towson Enhancement Area
Inner Neighborhoods
Outer Neighborhoods
VALLEY RD.
MATCH LINE
BELTWAY
DULANEY
15
PROVIDENCE
GOUCHER BLVD.
CROMWELL BRIDGE
RD.
JOPPA RD.
BURKE
16
18
20
19
17
YORK RD.
STEVENSON
TAYLOR AVE.
21
22
MATCH LINE

7. COMMUNITY CONSERVATION

A. INTRODUCTION

The 1989-2000 Baltimore County Master Plan clearly recognizes the purpose of designating Community Conservation Areas (CCAs) as "to maintain or enhance the physical, social, and economic resources of the County's older, urban area communities." The specified goals include:

1. to direct development to areas where adequate public facilities and services do exist;

2. to encourage redevelopment rather than new development;

3. to regulate public and private uses detrimental to the economic and social well-being of a community;

4. to establish land use patterns that do not increase extraneous traffic through residential neighborhoods;

5. to involve citizens in a careful review of all projects; and

6. to investigate county-wide revenue sources to provide increased capital funding.

COMMUNITY CONSERVATION OVERLAY DISTRICT

One way to address land use patterns and to regulate detrimental uses is to establish a Community Conservation zoning overlay district. This district would be specific for each community Conservation Area. The following general requirements would need to be met to establish a district.

First, the district could only be applied pursuant to a community plan. It would take effect when the plan was approved by the County Council.

Second, an "umbrella" community group would need to be designated by the neighborhoods in the plan area that could guide development and implementation of the plan. This group would also agree to serve as a conduit for notifying groups within its boundaries about projects and issues. The umbrella group would inform any affected neighborhood association about any community input meeting required for review of a development plan.

Detailed neighborhood plans should be prepared by residents after the overall Community Conservation plan has been completed. Some provisions, such as a specific list of significant historical properties,

should be addressed after the overall Towson Plan is completed and approved.

B. Towson Community Conservation Area (CCA)

The boundaries of the Community Conservation Area for Towson are shown on Map 1A on page 2. In general, the boundaries apply to residentially zoned land within the Towson Community Plan boundaries. Excluded are the major institutions of Goucher College, Towson State University, St. Joseph's Hospital, the Greater Baltimore Medical Center, Sheppard Pratt, and several major commercial areas. Small areas of RO, O-1, and BL zoning surrounded by residential zones are included.

Each of the growth management areas applied to Towson -- Urban Center, Employment Centers, and Community Conservation Areas -- may contain residential, office, business, or industrial zones. Each of these categories gives a focus to the type of development that will be encouraged. The intention of a Community Conservation designation is to protect existing residential areas from nonresidential encroachment, not to constrain the ability of businesses, industries, and institutions to use their property and to grow and prosper on their sites.

In addition, a zoning overlay district is proposed to be applied to the residentially zoned areas within the Community Conservation Area. Special zoning provisions are recommended to be applied to the properties covered by the overlay. These are outlined in section (C) below.

C. General Provisions for all Community Conservation Areas (CCAs)

1. Design Requirements:

All infill development within an existing community which requires a finding of compatibility should have densities, lot sizes, building design and materials, housing type, and open space ratios compatible with the surrounding community. Such development should follow the compatibility guidelines of the CMDP and maintain the character of the surrounding community, including the existing street pattern and open space network. A "Community Design Review Advisory Group" could be established to make recommendations to the OPZ on any development project identified for review by the Director of the OPZ.

2. Preservation of Historic or Architecturally - Significant Structures:

The overall Towson Community Plan may designate some structures as significant to the community. Individual neighborhoods may also determine that certain buildings have architectural or historic value. A list of these structures should

be included in any neighborhood plan. Assistance should be sought from the Landmarks Commission in such designation. Every effort should be made to have the historic structures listed on the County registry.

3. **Vacant or Abandoned Properties:**

All vacant buildings within the Towson CCA must be well maintained.

4. **Livability Code:**

Provisions of the livability code should be extended to the exteriors of all owner-occupied properties within the Towson CCA. Provisions for enforcement must be coordinated with the Department of Community Development.

5. **Waivers:**

Waivers of standards should be permitted only when of clear benefit to the neighborhood.

6. **Zoning and Development**

The following guidelines should apply to zoning and development in the Community Conservation areas:
- Additional nonresidential zoning should be discouraged.
- Class B office buildings should be discouraged in the RO zones.
- Infill housing development should match the existing density of the surrounding area, unless the development involves an elderly housing facility on a major institutional site.
- The appearance of existing businesses should be upgraded where needed.

7. **Issues Related to the Town Center**
- Maintaining the Boundaries

The boundaries of the EXISTING BM-CT district and the boundaries of the Towson Core, as designated in the Plan, should not be allowed to expand during the life of this Plan.

8. **Reduction of Through Traffic in Neighborhoods**

The Office of Planning and Zoning and/or Traffic Engineering should undertake a traffic management plan to focus on through traffic in residential areas. Parking should also be analyzed. The study should examine the "inner" areas first. The recommendations should be developed in consultation with the immediately-impacted neighborhood associations.

9. **Neighborhood Open Space Plan**

A neighborhood open space plan should be developed to address the following issues:

- providing pedestrian access to the town center;
- improving or strengthening existing parks;
- linking parks and other open space together;
- maintaining as much open space as possible on institutional and large, undeveloped sites; and
- promoting the development of the Herring Run-Towson Run stream valley park.

10. **Major Institutions**

Any land that is part of one of the major institutions (Towson State University, Goucher College, Greater Baltimore Medical Center, St. Joseph's Hospital of Sheppard-Pratt) that is proposed to be developed residentially, and will not be integral to the institutional use, should become part of the Community Conservation Area and subject to all the provisions of the Community Conservation Area Plan. Any redevelopment of major institutional sites should provide for preserving significant amounts of open space.

D. <u>Zoning Overlay District Provisions</u>

1. The Towson overlay district will be divided into three components. These are:

   a. the "Outer Neighborhoods" which are those residential areas impacted by the expansion of nonresidential zoning and through traffic, but not to the same extent as the "inner" neighborhoods.
   b. the "Inner Neighborhoods," which are those residential areas closest to the commercial core and are most directly impacted by development and traffic pressures extending from the town center; and
   c. the "Enhancement Area" of East Towson, for which a detailed neighborhood plan has been prepared.

2. Outer Neighborhoods

The outer neighborhoods are relatively stable residential communities. However, the proliferation of Special Exception uses within the neighborhoods can have a deleterious effect on those who reside there. Unacceptable levels of noise and traffic may result from residences which are also used for Special Exception purposes. In order to minimize the detrimental side effects which can result from Special Exception use, the following standards should be met:

a. the establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, convenience, or general welfare in a manner not addressed by the criteria below;
b. the use will not tend to overcrowd the land and cause undue concentration of population;
c. the use will not tend to interfere with adequate provisions for public facilities;
d. the use will not tend to interfere with adequate light and air;
e. the use will not be inconsistent with the purposes of the zoning or the spirit of the Zoning Regulations;
f. the particular use proposed, at the particular location proposed, will not have any adverse effects above and beyond those inherently associated with such a use regardless of its location within the zone;
g. the Special Exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood;
h. the establishment of the Special Exception use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
i. the use will be sited and operate so that the vehicular and pedestrian traffic and parking generated by the use will not be hazardous or substantially conflict with existing traffic or parking in the neighborhood;
j. Neighborhood Need: The preponderance of evidence must clearly demonstrate that for the public convenience, a need exists for the proposed use to service the population in the general neighborhood. The demonstration of need must take into account the present availability of such uses to that neighborhood and whether the neighborhood already has such uses.
k. County Need: A need exists for the proposed use due to an insufficient number of similar uses presently available to serve existing population concentrations in the County, and the use at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.

3. Inner Neighborhoods

The close proximity of the inner neighborhoods to the town core makes these areas desirable, especially for office use by businesses which work closely with the County government. Special Exception office uses for lawyers, engineers, surveyors, and doctors impact these neighborhoods very heavily, bringing in more traffic, large parking lots, storage of materials outside, and, in general, creating an ambience more

suited to a business community than to a residential community. Certain Special Exceptions are inherently so objectionable to these communities that they should not be allowed. Others, if not properly applied, can be very disruptive to residents of the inner neighborhoods. Therefore, the following provisions should apply:

- In drafting the legislation to create the zoning overlay district, consideration should be given to a provision stating that all existing nonresidential uses must comply with the current signage standards and, wherever possible, meet the intent of or be equivalent to the provisions of the Landscape Manual.
- All uses permitted by right in DR Zones will be allowed.
- Variances of zoning regulations should only be allowed for residential uses.

The following Special Exceptions should not be granted:
- funeral establishments,
- veterinarians' offices,
- controlled excavations,
- radio stations,
- television studios, and
- wireless transmitting and receiving structures.

- The following Special Exceptions should be granted only when:
  1) the property owner occupies the subject property;
  2) no other similar Special Exception use exists within 1000 feet of the requested Special Exception;
  3) the property owner certifies that he has met with all contiguous property owners and representatives of the local community association to discuss the requested Special Exception;
  4) parking for all vehicles associated with the Special Exception use can be accommodated on site:
     - boarding or rooming houses
     - tourist homes
     - offices or studios.

- All other Special Exceptions shall meet the following overall criteria:

  1) A Special Exception use shall be deemed a privilege permitted when the use is found by clear and convincing evidence to be consistent with the standards defined in D.2. a-k, above.

  2) Burden of Proof: The applicant seeking the Special Exception bears the burden of proof throughout the proceeding to demonstrate that the use is consistent with the standards of D.2. a-k, above.

Petitioners Ex. 12

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION - NW/Corner Goucher Blvd. & Putty Hill Ave. (800 Goucher Boulevard) 9th Election District 4th Councilmanic District

Exxon Corporation
Petitioner

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 96-29-SPHX

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Special Exception for that property known as 800 Goucher Boulevard, located in the vicinity of Loch Raven Boulevard in Towson. The Petition was filed by the owner of the property, Exxon Corporation, by Michael J. Specht, through their attorney, G. Scott Barhight, Esquire. The Petitioner seeks approval of amendments to the previously approved site plans in prior Cases Nos. 65-240-RX, 88-324-A, and 89-471-SPHXA and a special exception to permit a fuel service station use-in-combination with a roll-over car wash. The subject property and relief sought are more particularly described on the latest revised site plan which was accepted into evidence as Petitioner's Exhibit 3.

Appearing at the hearing on behalf of the Petition were Michael Specht, Tim Whittie, Professional Engineer with Frederick Ward and Associates, who prepared the site plan for this project, Timothy Madden, Landscape Architect with Morris, Ritchie and Associates,Wes Guckert, Traffic Engineering expert with The Traffic Group, Lawrence W. Marino, Proprietor of the subject service station, and G. Scott Barhight, Esquireand David K. Gildea, Esquire, Attorneys for the Petitioner. Appearing as Protestants in the matter were residents from the surrounding community, including Jane Callaghan, Nancy Reigle, Howard Heiss, Jr., Leon Rozankowski, Vera

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Otter, and Laura Friedman, who appeared on behalf of the Courthouse Square Apartments complex.

Testimony and evidence offered revealed that the subject property consists of 1.449 acres, more or less, zoned B.L.-A.S., and is improved with an Exxon service station and convenience store. The Petitioner is desirous of expanding the uses on the property to include a roll-over car wash facility, in accordance with the latest revised site plan submitted into evidence as Petitioner's Exhibit 3. It should be noted that the site plans previously submitted in this matter were slightly modified to address the comments and concerns raised by the Office of Planning and Zoning (OPZ). Petitioner's Exhibit 3 is the latest revised plan and shows the location of the proposed car wash in the area most desirable by OPZ, if approved.

On behalf of the Petitioner, Mr. Michael Specht testified that Exxon Corporation is in the process of upgrading all of its service stations in the Baltimore Metropolitan area. Most of the improvements include eliminating the service bay operation and converting same to a convenience store use. In addition, Exxon has added a drive-thru car wash facility capable of washing one car at a time at some of these locations.

Mr. Lawrence Marino testified that he has operated the subject service station since 1991 and has received awards from Baltimore County for maintaining his business in a neat and orderly fashion. Mr. Marino allows local high school and community groups to use his service station for fund-raising car washes. Photographs of the property show that the site is very attractive and nicely landscaped. Mr. Marino testified that the type of car wash proposed for this site is a self-service, unmanned car wash which would take anywhere from one and one-half minutes to four

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minutes for a complete wash and dry cycle. He hopes that the car wash will attract customers who purchase gasoline at his business, whereas, if they fill up their vehicle, they get a free car wash.

Mr. Tim Whittie, a Licensed Civil Engineer with Frederick Ward and Associates, testified regarding the design and layout of the proposed car wash facility and the existing Exxon operation. Mr. Whittie testified that the proposed car wash will be located on the property so that the entrance to and exit from the facility are not directly facing the apartments located immediately across from this site. Mr. Whittie further testified that other modifications were made to the design as a result of comments generated by the Office of Planning and Zoning (OPZ). Mr. Whittie testified that the site plan as submitted meets all technical requirements of the B.C.Z.R.

Mr. Wes Guckert, President of The Traffic Group, next testified and was accepted as an expert in traffic engineering. Mr. Guckert testified that he performed an extensive traffic study of Goucher Boulevard and Putty Hill Avenue in conjunction with the proposed car wash facility at the subject site. Mr. Guckert testified as to the substance of his study and concluded that the proposed car wash would have no adverse effect upon existing traffic patterns, either along Goucher Boulevard or Putty Hill Avenue. Mr. Guckert further believes that the stacked parking provided by the Petitioner will be sufficient to handle peak demands on the proposed car wash use. He does not believe that traffic will be backed out onto Goucher Boulevard, which was a major concern to many of the citizens who attended the hearing.

As stated previously, several residents of the surrounding community appeared in opposition to the Petitioners' request. Ms. Nancy

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Reigle, a representative of the Greater Towson Community Council Association (GTCCA), testified that her group met and voted to oppose any further commercialization of this particular site. In addition, Mr. Howard Heiss, Jr., a representative of the Fellowship Forest Association, testified that his group also voted to oppose the relief requested, which they believe will contribute to further commercialization of this corner.

Ms. Laura Friedman, the marketing representative for the Courthouse Square Apartments complex, testified on behalf of herself and the Apartments that they are concerned over additional commercialization of this corner in that it would adversely affect the residents who reside in Courthouse Square. Two of the apartment buildings are shown on the site plan and are located very close to the subject property. Ms. Friedman is concerned over the noise that will be generated by the car wash facility itself, as well as those individuals who may remain on the site to dry their vehicles after it has been washed. She is concerned that these individuals will play their car stereos in a loud fashion while drying their cars or while vacuuming out their vehicles. She believes that a car wash facility at this location would have an adverse effect upon the residents of Courthouse Square, many of whom are senior citizens.

Ms. Friedman is also concerned over additional trash which might be generated by patrons of the car wash. She is concerned that individuals using the car wash might leave trash and debris on the premises which might in turn, be blown off the lot and into the Courthouse Square Apartment complex. Ms. Friedman raised an issue over a rodent problem that apparently exists in the area of this Exxon service station and her apartment complex. She also testified concerning a zoning violation complaint which was lodged against this Exxon for exceeding the permitted hours of

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SIGNATURE

operation, which were evidently imposed as a condition of the granting of the special exception use in the prior cases.

Mr. Leon Rozankowski testified in opposition to the proposed car wash. Mr. Rozankowski is concerned that traffic caused by motorists waiting their turn to use this car wash facility will back out onto Goucher Boulevard, similar to that which occurs at the Whiz Car Wash on Loch Raven Boulevard near Joppa Road, during peak hours of operation. Mr. Rozankowski is concerned that a car wash at the subject location will become so busy that traffic problems will result at the intersection of Goucher Boulevard and Putty Hill Avenue.

Ms. Jane Callaghan, a representative of the Fellowship Community Association, testified in opposition to the Petitioner's request and submitted a video tape of the traffic that utilizes Goucher Boulevard and Putty Hill Avenue. The video tape shows individuals exiting the subject property onto Goucher Boulevard and their attempts to cross Goucher Boulevard to make a left turn onto Putty Hill Avenue. It was clear from this video that individuals attempting to make this turn proceed in an unsafe fashion. Ms. Callaghan testified that her association fought Exxon when it attempted to improve the site with a convenience store and car wash facility in prior Case No. 89-471-SPHXA. Ms. Callaghan pointed out that in that case, Exxon attempted to convert the gasoline service station into a full convenience store and car wash facility. Then Deputy Zoning Commissioner, Ann M. Nastarowicz, denied the Petitioner's request by her Order issued June 1, 1989, and on appeal, the Petitioner was successful before the County Board of Appeals in gaining approval for a convenience store use, but withdrew its request for a car wash at that time. The Petitioner now comes before me seeking approval, once again, for a car wash facility

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at this location. Ms. Callaghan believes that there has been no change since the last time the matter came before the Zoning Commissioner's Office and that a car wash facility on the subject property is no more appropriate at this time than it was in 1989 when it was first proposed.

Mr. Jeff Long, a representative of the Office of Planning and Zoning (OPZ), appeared and presented his office's position concerning this request. Mr. Long testified that OPZ is opposed to the special exception request in that they feel that any further commercialization of this corner is not appropriate at this time.

After due consideration of the testimony and evidence presented by both representatives for the Petitioner as well as the Protestants who attended the hearing, I find that the proposed car wash facility at the subject site would be detrimental to the primary uses in the vicinity. Those primary uses are basically the residential communities of the Courthouse Square Apartments complex and the Fellowship Forest development located nearby. All of the commercial uses in this area are located on the east side of Goucher Boulevard, a major thoroughfare which basically separates the commercial uses from the residential uses in this locale. The fact that this corner of Putty Hill Avenue and Goucher Boulevard received commercial zoning was controversial in the first place. Any further commercialization of this property would be detrimental to the surrounding residential uses.

When applying the facts and evidence of this case to the standards set forth in the recently issued opinion of Mossberg v. Montgomery County, Maryland, (No. 58, 1995 Term), I find that the proposed car wash use at the subject location would have adverse effects greater than the adverse effects that would be generated by this use were it proposed elsewhere in

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Baltimore County in other similar B.L.-A.S. zones. I believe that the Petitioner has failed to satisfy the burdens imposed upon them by Section 502.1 of the B.C.Z.R., and thus, the special exception for a car wash facility at the subject location shall be denied.

Not much has changed since the Petitioner last attempted to install a car wash facility at this location. As noted earlier, Deputy Zoning Commissioner Nastarowicz denied the Petitioner's request in her Order dated June 1, 1989. The Petitioner then pursued its request for the convenience store use before the Board of Appeals, but withdrew its request for a carwash. Now, approximately 6 years later, the Petitioner is seeking approval for a use previously denied by Ms. Nastarowicz. As noted earlier, not much has changed in this community which would make a car wash facility at this location any more appropriate today than it was in 1989. Therefore, I believe denial of this request is warranted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of January, 1996 that the Petition for Special Hearing to approve amendments to the previously approved site plans in prior Case Nos. 65240-RX, 88-324-A, and 89-471-SPHXA for a proposed car wash, in accordance with Petitioner's Exhibit 3, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a fuel service station use-in-combination with a roll-over car wash on the subject site, in accordance with Petitioner's Exhibit 3, be and is hereby DENIED; and,

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IT IS FURTHER ORDERED that any and all restrictions previously imposed upon this site by any prior decision shall remain in full force and effect; and,

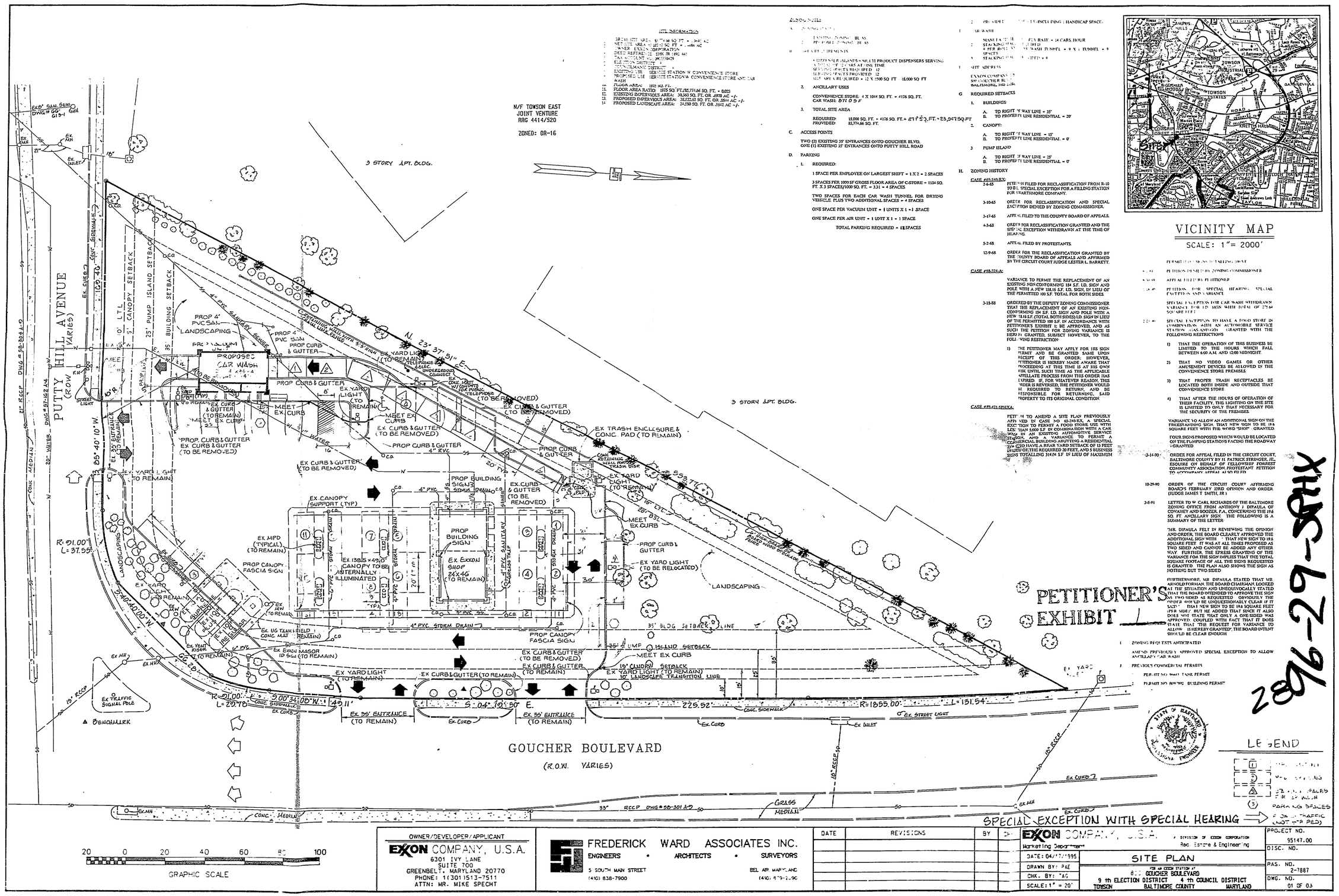
IT IS FURTHER ORDERED that the Petitioner shall have thirty (30) days from the date of this Order in which to file an appeal of this decision.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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Date 11/19/96
By BJS

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SITE INFORMATION
EXXON COMPANY, U.S.A.
6301 IVY LANE
SUITE 700
GREENBELT, MARYLAND 20770
PHONE: 1(301)513-7511
ATTN: MR. MIKE SPECHT
FREDERICK WARD ASSOCIATES INC.
ENGINEERS • ARCHITECTS • SURVEYORS
5 SOUTH MAIN STREET
(410) 838-7900
BEL AIR, MARYLAND
(410) 879-2,90
N/F TOWSON EAST
JOINT VENTURE
ARG 4414/520
ZONED: DR-16
3 STORY APT. BLDG.
3 STORY APT. BLDG.
PUTTY HILL AVENUE
(R.O.W. VARIES)
GOUCHER BOULEVARD
(R.O.W. VARIES)
PROPOSED CAR WASH
PROP CURB & GUTTER
PROP 4" PVC SAN LANDSCAPING
PROP 4" PVC SAN
PROP CURB & GUTTER
EX. CURB & GUTTER (TO BE REMOVED)
EX. YARD LIGHT (TO REMAIN)
EX. TRASH ENCLOSURE & CONC. PAD (TO REMAIN)
PROP CURB & GUTTER 4" RVC
PROP BUILDING SIGN
EX. CANOPY SUPPORT (TYP)
EX. MPD (TYPICAL) (TO REMAIN)
PROP CANOPY FASCIA SIGN
EX. 138.5 x 49.0 CANOPY TO BE INTERNALLY ILLUMINATED
PROP BUILDING SIGN
EX. EXXON SHOP 24'x40' (TO REMAIN)
EX. YARD LIGHT (TO BE RELOCATED)
LANDSCAPING
EX. UG TANKS FIELD CONC. MAT (TO REMAIN)
EX. EXXON MASON ID SIGN (TO REMAIN)
EX. CURB & GUTTER (TO BE REMOVED)
EX. CURB & GUTTER (TO REMAIN)
EX. YARD LIGHT (TO REMAIN)
EX. 35' ENTRANCE (TO REMAIN)
EX. 39' ENTRANCE (TO REMAIN)
EX. CURB
EX. INLET
EX. MH
EX. SAN. SEWER DWG.# 60-0813-1
EX. WATER DWG.# 87-162-K
EX. TRAFFIC SIGNAL POLE
BENCHMARK
CONC. MEDIAN
CONC. SIDEWALK
GRASS MEDIAN
RECP DWG.# 88-301-A
N. 23° 37' 51" E.
S. 04° 10' 50" E.
S 39° 22' 30" E.
S 00° 34' 00" W.
S 85° 40' 10" W.
N 85° 40' 10" E.
R=91.00'
L=37.55'
R=91.00'
L=29.70'
R=1855.00'
L=151.54'
225.52'
49.11'
20'
0
20
40
60
80
100
GRAPHIC SCALE
SITE INFORMATION
A. PRESENT USE: GASOLINE SERVICE STATION W/ 1,368 SQ. FT. ± .0468 AC
B. NET SITE AREA: 37,485 SQ. FT. ± .8606 AC
C. OWNER: EXXON CORPORATION
D. DEED REFERENCE: LIBER 3392, FOLIO 441
E. TAX ACCOUNT NO.: 2003019629
F. ELECTION DISTRICT: 9
G. COUNCILMANIC DISTRICT: 4
H. EXISTING USE: SERVICE STATION W/ CONVENIENCE STORE
PROPOSED USE: SERVICE STATION W/ CONVENIENCE STORE AND CAR WASH
I. FLOOR AREA: 1975 SQ. FT.
J. FLOOR AREA RATIO: 1975 SQ. FT./37,774.66 SQ. FT. = 0.0523
K. EXISTING IMPERVIOUS AREA: 30,360 SQ. FT. OR .6970 AC +/-
L. PROPOSED IMPERVIOUS AREA: 35,225.82 SQ. FT. OR .8086 AC +/-
M. PROPOSED LANDSCAPE AREA: 24,250 SQ. FT. OR .5567 AC +/-
ZONING NOTES
A. ZONING:
1. EXISTING ZONING: BL-AS
2. PROPOSED ZONING: BL-AS
B. AREA & USE REQUIREMENTS
1. DISPENSER ISLANDS = MULTI PRODUCT DISPENSERS SERVING A TOTAL OF 2 VEHICLES AT ONE TIME
SERVICING SPACES REQUIRED 12
SERVICING SPACES PROVIDED 12
SITE AREA REQUIRED = 12 X 1500 SQ. FT. = 18,000 SQ. FT.
2. ANCILLARY USES
CONVENIENCE STORE: 4 X 1044 SQ. FT. = 4176 SQ. FT.
CAR WASH: 871 SQ. FT.
3. TOTAL SITE AREA
REQUIRED: 18,000 SQ. FT. + 4176 SQ. FT. + 871 SQ. FT. = 23,047 SQ. FT.
PROVIDED: 37,774.66 SQ. FT.
C. ACCESS POINTS
TWO (2) EXISTING 35' ENTRANCES ONTO GOUCHER BLVD.
ONE (1) EXISTING 35' ENTRANCES ONTO PUTTY HILL ROAD
D. PARKING
1. REQUIRED:
1 SPACE PER EMPLOYEE ON LARGEST SHIFT = 1 X 2 = 2 SPACES
3 SPACES PER 1000 SF GROSS FLOOR AREA OF C-STORE = 1104 SQ. FT. X 3 SPACES/1000 SQ. FT. = 331 = 4 SPACES
TWO SPACES FOR EACH CAR WASH TUNNEL FOR DRYING VEHICLE PLUS TWO ADDITIONAL SPACES = 4 SPACES
ONE SPACE PER VACUUM UNIT = 1 UNITS X 1 = 1 SPACE
ONE SPACE PER AIR UNIT = 1 UNIT X 1 = 1 SPACE
TOTAL PARKING REQUIRED = 12 SPACES
2. PROVIDED = 16 SPACES (INCLUDING 1 HANDICAP SPACE)
E. CAR WASH
MANUFACTURER'S RATED CAPACITY RATE = 14 CARS/HOUR
STACKING SPACES REQUIRED
4 PER BOAT OR CAR WASH TUNNEL = 4 X 1 TUNNEL = 4 SPACES
DRYING SPACES = 2 SPACES = 4
F. SITE ADDRESS
EXXON COMPANY, U.S.A.
5565 GOUCHER BLVD.
BALTIMORE, MD 21209
G. REQUIRED SETBACKS
1. BUILDINGS
A. TO RIGHT-OF-WAY LINE = 35'
B. TO PROPERTY LINE RESIDENTIAL = 20'
2. CANOPY:
A. TO RIGHT-OF-WAY LINE = 15'
B. TO PROPERTY LINE RESIDENTIAL = 0'
3. PUMP ISLAND
A. TO RIGHT-OF-WAY LINE = 25'
B. TO PROPERTY LINE RESIDENTIAL = 0'
H. ZONING HISTORY
CASE #65-246-BX:
2-6-65 PETITION FILED FOR RECLASSIFICATION FROM R-10 TO B.L. SPECIAL EXCEPTION FOR A FILLING STATION FOR STARTHMORE COMPANY.
3-10-65 ORDER FOR RECLASSIFICATION AND SPECIAL EXCEPTION DENIED BY ZONING COMMISSIONER.
3-17-65 APPEAL FILED TO THE COUNTY BOARD OF APPEALS.
4-3-68 ORDER FOR RECLASSIFICATION GRANTED AND THE SPECIAL EXCEPTION WITHDRAWN AT THE TIME OF HEARING.
5-2-68 APPEAL FILED BY PROTESTANTS.
12-9-68 ORDER FOR THE RECLASSIFICATION GRANTED BY THE COUNTY BOARD OF APPEALS AND AFFIRMED BY THE CIRCUIT COURT JUDGE LESTER L. BARRETT.
CASE #88-324-A:
VARIANCE TO PERMIT THE REPLACEMENT OF AN EXISTING NON-CONFORMING 154 S.F. I.D. SIGN AND POLE WITH A NEW 158.16 S.F. I.D. SIGN, IN LIEU OF THE PERMITTED 100 S.F. TOTAL FOR BOTH SIDES.
3-15-88 ORDERED BY THE DEPUTY ZONING COMMISSIONER THAT THE REPLACEMENT OF AN EXISTING NON-CONFORMING 154 S.F. I.D. SIGN AND POLE WITH A NEW 158.16 S.F. (TOTAL BOTH SIDES) I.D. SIGN IN LIEU OF THE PERMITTED 100 S.F. IN ACCORDANCE WITH PETITIONER'S EXHIBIT 1 BE APPROVED, AND AS SUCH THE PETITION FOR ZONING VARIANCE IS HEREBY GRANTED, SUBJECT HOWEVER, TO THE FOLLOWING RESTRICTION:
1) THE PETITIONER MAY APPLY FOR HIS SIGN PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONER IS HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT HIS OWN RISK UNTIL SUCH TIME AS THE APPLICABLE APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONER WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.
CASE #89-471-SPHXA:
PETITION TO AMEND A SITE PLAN PREVIOUSLY APPROVED IN CASE NO. 65-246-BX, A SPECIAL EXCEPTION TO PERMIT A FOOD STORE USE WITH LESS THAN 5,000 S.F. IN COMBINATION WITH A CAR WASH AND AN EXISTING AUTOMOTIVE SERVICE STATION, AND A VARIANCE TO PERMIT A COMMERCIAL BUILDING ABUTTING A RESIDENTIAL ZONE TO HAVE A REAR YARD SETBACK OF 13 FEET IN LIEU OF THE REQUIRED 30 FEET, AND 5 BUSINESS SIGNS TOTALLING 354.04 S.F. IN LIEU OF MAXIMUM
PETITION FOR SIGNS TOTALLING 300 SF
3-1-89 PETITION DENIED BY ZONING COMMISSIONER
3-30-89 APPEAL FILED BY PETITIONER
[illegible]-89 PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
SPECIAL EXCEPTION FOR CAR WASH WITHDRAWN
VARIANCE FOR I.D. SIGN WITH TOTAL OF 275 SQUARE FEET
[illegible]-90 SPECIAL EXCEPTION TO HAVE A FOOD STORE IN COMBINATION WITH AN AUTOMOBILE SERVICE STATION, GRANTED WITH THE FOLLOWING RESTRICTIONS
1) THAT THE OPERATION OF THIS BUSINESS BE LIMITED TO THE HOURS WHICH FALL BETWEEN 6:00 A.M. AND 12:00 MIDNIGHT.
2) THAT NO VIDEO GAMES OR OTHER AMUSEMENT DEVICES BE ALLOWED IN THE CONVENIENCE STORE PREMISES.
3) THAT PROPER TRASH RECEPTACLES BE LOCATED BOTH INSIDE AND OUTSIDE THAT CONVENIENCE STORE.
4) THAT AFTER THE HOURS OF OPERATION OF THIS FACILITY, THIS LIGHTING ON THE SITE IS LIMITED TO ONLY THAT NECESSARY FOR THE SECURITY OF THE PREMISES.
VARIANCE TO ALLOW AN ADDITIONAL SIGN ON THE FREESTANDING SIGN, THAT NEW SIGN TO BE 19.6 SQUARE FEET WITH THE WORD "SHOP" GRANTED
FOUR SIGNS PROPOSED WHICH WOULD BE LOCATED ON THE PUMPING STATION FACING THE ROADWAY GRANTED
3-14-90 ORDER FOR APPEAL FILED IN THE CIRCUIT COURT, BALTIMORE COUNTY BY H. PATRICK STRINGER, JR., ESQUIRE ON BEHALF OF FELLOWSHIP FORREST COMMUNITY ASSOCIATION, PROTESTANT. PETITION TO ACCOMPANY APPEAL AS SO FILED
10-29-90 ORDER OF THE CIRCUIT COURT AFFIRMING BOARD'S FEBRUARY 23RD OPINION AND ORDER. (JUDGE JAMES T. SMITH, JR.)
3-8-91 LETTER TO W. CARL RICHARDS OF THE BALTIMORE ZONING OFFICE FROM ANTHONY J. DIPAULA OF COVAHEY AND BOOZER, P.A. CONCERNING THE 19.6 SQ. FT. ANCILLARY SIGN. THE FOLLOWING IS A SUMMARY OF THE LETTER:
"MR. DIPAULA FELT IN REVIEWING THE OPINION AND ORDER, THE BOARD CLEARLY APPROVED THE ADDITIONAL SIGN WITH "THAT NEW SIGN TO 19.6 SQUARE FEET. IT WAS AT ALL TIMES PROPOSED AS TWO SIDED AND CANNOT BE ADDED ANY OTHER WAY. FURTHER, THE EFFECT GRANTING OF THE VARIANCE FOR THE SIGN IMPLIES THAT THE TOTAL SQUARE FOOTAGE OF ALL THE SIGNS REQUESTED IS GRANTED. THE PLAN ALSO SHOWS THE SIGN AS NOTHING BUT TWO SIDED.
FURTHERMORE, MR. DIPAULA STATED THAT MR. ARNOLD FORMAN, THE BOARD CHAIRMAN, LOOKED AT THE SITUATION AND UNEQUIVOCALLY STATED THAT THE BOARD INTENDED TO APPROVE THE SIGN AS TWO SIDED AS REQUESTED. OBVIOUSLY THE ORDER WOULD BE UNQUESTIONABLY CLEAR IF IT SAID: "THAT NEW SIGN TO BE 19.6 SQUARE FEET (PER SIDE)" BUT HE ADDED THAT SINCE IT ALSO DOES NOT STATE THAT ONLY A ONE-SIDED WAS APPROVED COUPLED WITH FACT THAT IT DOES STATE THAT "THE REQUEST FOR VARIANCE TO ALLOW IS HEREBY GRANTED", THE BOARD INTENT SHOULD BE CLEAR ENOUGH.
1 ZONING REQUESTS ANTICIPATED
AMEND PREVIOUSLY APPROVED SPECIAL EXCEPTION TO ALLOW ANCILLARY CAR WASH
2 PREVIOUS COMMERCIAL PERMITS
PERMIT NO. 9000 TANK PERMIT
PERMIT NO. 890992 BUILDING PERMIT
PETITIONER'S EXHIBIT 1
STATE OF MARYLAND
REGISTERED
LANDSCAPE ARCHITECT
LEGEND
PROPOSED SPACES FOR CAR WASH
PARKING SPACES
EX. TRAFFIC (NOT SURVEYED)
VICINITY MAP
SCALE: 1" = 2000'
SPECIAL EXCEPTION WITH SPECIAL HEARING
OWNER/DEVELOPER/APPLICANT
EXXON COMPANY, U.S.A.
DATE
REVISIONS
BY
EXXON COMPANY, U.S.A.
A DIVISION OF EXXON CORPORATION
Marketing Department
Real Estate & Engineering
SITE PLAN
FOR AN EXXON STATION AT
8115 GOUCHER BOULEVARD
9 th ELECTION DISTRICT 4 th COUNCIL DISTRICT
TOWSON BALTIMORE COUNTY MARYLAND
PROJECT NO. 95147.00
DISC. NO.
RAS. NO. 2-7887
DWG. NO. 01 OF 03
DATE: 04/17/1995
DRAWN BY: PAE
CHK. BY: TAG
SCALE: 1" = 20'
89-471-SPHXA

96-279-SPHX

N/F TOWSON EAST
JOINT VENTURE
RAG 4414/520

ZONED: DR-16

3 STORY 1FT. BLDG.

3 STORY 1FT. BLDG.

PUTTY HILL AVENUE
(R.O.W. VARIES)

GOUCHER BOULEVARD
(R.O.W. VARIES)

N. 23° 37' 51" E.

S. 04° 10' 50" E.

S 85° 40' 10" W

S 40° 40' 00" W

R=91.00'
L=37.55'

R=91.00'
L=20.70'

R=1855.00'
L=131.54'

225.52'

85' BUILDING SETBACK LINE

25' PUMP ISLAND SETBACK

35' LANDSCAPE SETBACK

10' LANDSCAPE TRANSITION LINE

EX. 35' ENTRANCE (TO REMAIN)

EX. 35' ENTRANCE (TO REMAIN)

EX. CURB

EX. INLET

EX. STREET LIGHT

EX. CURB

EX. SIDEWALK

EX. MH

EX. TRAFFIC SIGNAL POLE

BENCHMARK

EX. 8" SAN. SEWER DWG # 50-301-A-D

EX. MH

EX. INLET

21" RCCP DWG # 50-301-A-D

EX. CURB

EX. SIDEWALK

EX. 10' LTL

EX. 15' CANOPY SETBACK

EX. 25' PUMP ISLAND SETBACK

EX. BUILDING SETBACK

EX. 4" PVC. SEWER

EXISTING WALL WITH 5'-3" HIGH EX. YARD LIGHT (TO REMAIN)

EX. TELEPHONE & ELEC. UNDERGROUND CONNECT

PROP. 4" PVC. SAN

PROP. LANDSCAPING

PROP. CURB & GUTTER

EX. CURB & GUTTER (TO BE REMOVED)

EX. YARD LIGHT (TO BE REMOVED)

EX. CONC. LIGHT W/ CONDUITS FOR PUBLIC TELEPHONE (TO BE REMOVED)

PROPOSED SIGN WALL SIGN 35.4 SQ. FT.

PROP. CURB & GUTTER

EX. YARD LIGHT (TO REMAIN)

PROP. VACUUM UNIT & TRASH CONTAINER

PROP. PUBLIC TELEPHONE

PROP. AIR UNIT

PROP. CURB & GUTTER

EX. 35' ENTRANCE (TO REMAIN)

EX. YARD LIGHT (TO REMAIN)

EX. TRASH ENCLOSURE & CONC. PAD (TO BE REMOVED)

EX. YARD LIGHT (TO REMAIN)

PROP. TRASH ENCLOSURE

EX. CURB & GUTTER (TO BE REMOVED)

PROP. BUILDING SIGN

EX. CANOPY SUPPORT (TYP.)

EX. MPD (TYPICAL) (TO REMAIN)

PROP. CANOPY FASCIA SIGN

EX. 136.5 x 49.5' CANOPY TO BE INTERNALLY ILLUMINATED

PROP. BUILDING SIGN

EX. EXXON SHOP 24'x46' (TO REMAIN)

PROP. CANOPY FASCIA SIGN

EX. YARD LIGHT (TO REMAIN)

EX. CURB & GUTTER (TO BE REMOVED)

EX. CURB & GUTTER (TO BE REMOVED)

EX. YARD LIGHT (TO BE RELOCATED)

LANDSCAPING

EX. YARD LIGHT (TO REMAIN)

EX. UG TANK FIELD CONC. MAT (TO REMAIN)

EX. EXXON MASOR ID SIGN (TO REMAIN)

EX. CURB & GUTTER (TO REMAIN)

EX. CURB & GUTTER (TO BE REMOVED)

EX. CURB & GUTTER (TO REMAIN)

EX. YARD LIGHT (TO REMAIN)

EX. YARD LIGHT (TO REMAIN)

EX. INLET

EX. CURB

EX. CURB

EX. MH

EX. MH

EX. MH

EX. MH

CONC. MED. STRIP

GRASS MEDIAN

50' RCCP

50' RCCP

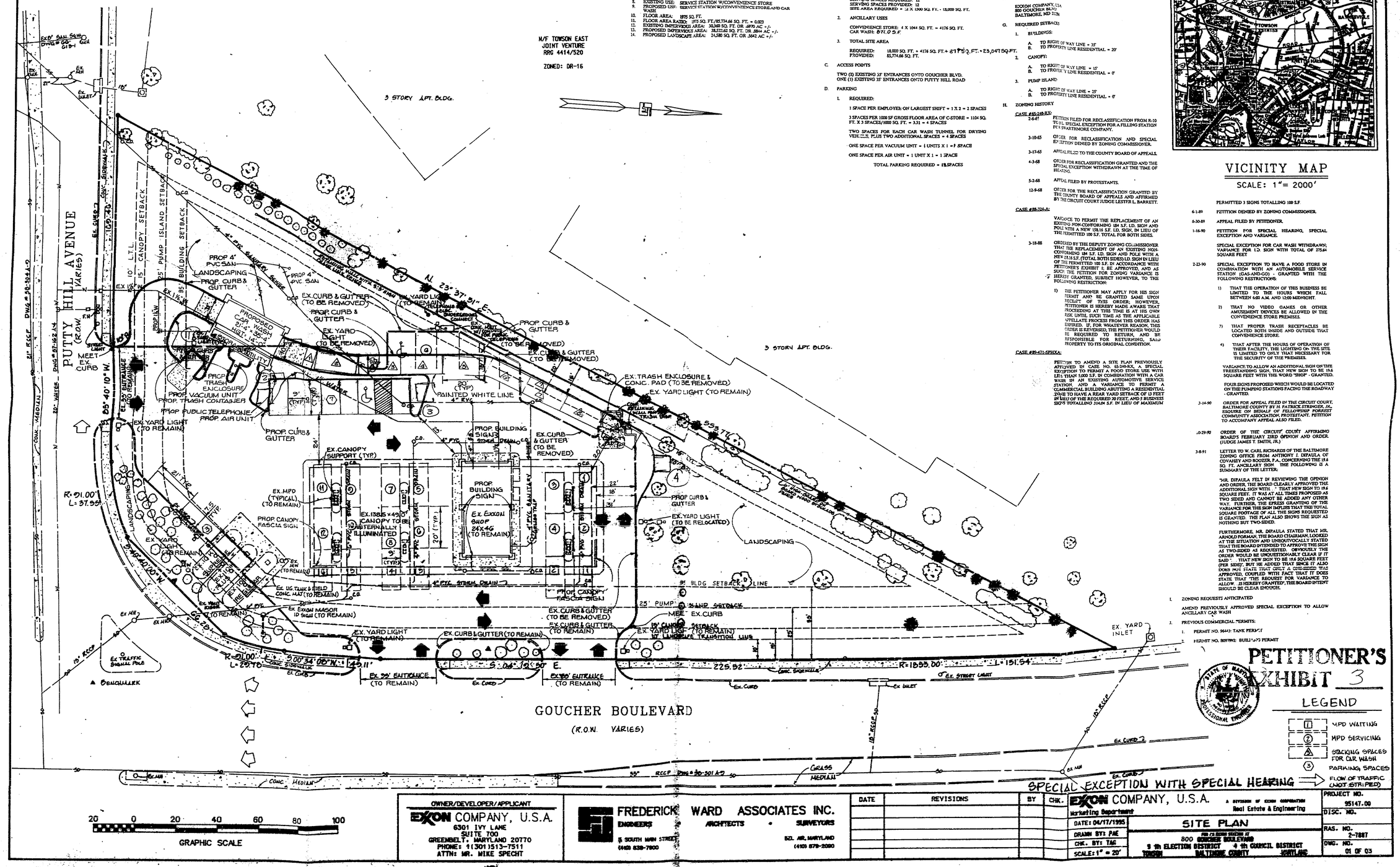
33" RCCP DWG # 50-301-A-D

4" PVC

4" PVC STORM DRAIN

4" PVC STORM DRAIN

4" PVC STORM DRAIN


N/F TOWSON EAST JOINT VENTURE RRG 4414/520
ZONED: DR-16
3 STORY APT. BLDG.
3 STORY APT. BLDG.
PUTTY HILL AVENUE (R.O.W. VARIES)
GOUCHER BOULEVARD (R.O.W. VARIES)
N 23° 37' 31" E
S 55° 77' E
S 08° 10' 50" E
S 00° 34' 06" W 45.11'
R=91.00'
L=37.95'
R=91.00'
L=29.70'
R=1855.00'
L=151.94'
225.92'
PROP. 4" PVC SAN LANDSCAPING
PROP. CURB & GUTTER
EX. CURB & GUTTER (TO BE REMOVED)
EX. YARD LIGHT (TO BE REMOVED)
PROPOSED CAN WASH 8'-4" WIDE x 38'-0" HIGH x 14'-0" LONG
PROP. TRASH ENCLOSURE
PROP. VACUUM UNIT
PROP. TRASH CONTAINER
PROP. PUBLIC TELEPHONE
PROP. AIR UNIT
EX. YARD LIGHT (TO REMAIN)
PROP. CURB & GUTTER
EX. CANOPY SUPPORT (TYP.)
EX. MPD (TYPICAL) (TO REMAIN)
PROP. CANOPY FASCIA SIGN
EX. 138.5" x 49.0" CANOPY TO BE INTERNALLY ILLUMINATED
PROP. BUILDING SIGN
EX. EXXON SHOP 24'X46' (TO REMAIN)
EX. CURB & GUTTER (TO BE REMOVED)
EX. YARD LIGHT (TO BE RELOCATED)
LANDSCAPING
35' BLDG SETBACK LINE
25' PUMP ISLAND SETBACK
MEE EX. CURB
15' CANOPY SETBACK
10' LANDSCAPE TRANSITION LINE
EX. YARD INLET
EX. 25' ENTRANCE (TO REMAIN)
EX. 30' ENTRANCE (TO REMAIN)
EX. 25' ENTRANCE (TO REMAIN)
EX. TRASH ENCLOSURE & CONC. PAD (TO BE REMOVED)
EX. YARD LIGHT (TO REMAIN)
EX. MPD (TO REMAIN)
EX. CANOPY (TO REMAIN)
EX. 12000 GAL. UNLEADED U/G TANK (TO REMAIN)
EX. 8000 GAL. SUPER U/G TANK (TO REMAIN)
EX. 8000 GAL. DIESEL U/G TANK (TO REMAIN)
EX. UG TANK & FIELD CONC. MAT (TO REMAIN)
EX. EXXON MASOR ID SIGN (TO REMAIN)
EX. YARD LIGHT (TO REMAIN)
EX. CURB & GUTTER (TO REMAIN)
EX. CURB & GUTTER (TO BE REMOVED)
EX. CURB & GUTTER (TO REMAIN)
EX. TRAFFIC SIGNAL POLE
BENCHMARK
EX. 10' LTL
EX. 15' CANOPY SETBACK
EX. 25' PUMP ISLAND SETBACK
EX. BUILDING SETBACK
EX. 12" W
EX. 8" W
EX. 8" SAN
EX. 4" PVC SAN
EX. 6" SAN
EX. 4" STORM DRAIN
EX. 6" STORM DRAIN
EX. 12" STORM DRAIN
EX. 4" GAS
EX. 2" GAS
EX. 4" ELEC
EX. 6" ELEC
EX. 4" TEL
EX. 6" TEL
EX. 4" CATV
EX. 6" CATV
EX. 4" SANITARY
EX. 8" SANITARY
EX. 12" SANITARY
EX. 4" FIRE
EX. 6" FIRE
EX. 8" FIRE
EX. 12" FIRE
EX. 4" WATER
EX. 6" WATER
EX. 8" WATER
EX. 12" WATER
EX. 16" WATER
EX. 20" WATER
EX. 24" WATER
EX. 30" WATER
EX. 36" WATER
EX. 42" WATER
EX. 48" WATER
EX. 54" WATER
EX. 60" WATER
EX. 66" WATER
EX. 72" WATER
EX. 78" WATER
EX. 84" WATER
EX. 90" WATER
EX. 96" WATER
EX.

Petitioner's Exhibit List
Zoning Case 2023-0262-SPHX
800 Goucher Blvd

1. CV of Wayne Newton, PE
2. Zoning Site Plan (3 sheets)
3. Aerial Photo
4. Aerial Photo
5. Photos
6. Photos
7. Photos
8. Zoning Case 1989-0471-SPHXA (Zoning Commissioner)
9. Zoning Case 1989-0471-SPHXA (Board of Appeals)
10. Zoning Case 1989-0471-SPHXA (Circuit Court)
11. Zoning Case 1996-0029-SPHX (Zoning Commissioner)
12. Towson Communities Plan (Excerpt) (1992)
13. Map
14. Color Rendering

In the matter of:	)	**BEFORE THE**
	)	
PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION	)	**BALTIMORE COUNTY**
	)	**BOARD OF APPEALS**
800 Goucher Boulevard	)	
9th Election District	)	
6th Council District	)	
	)	**Case No.: 2023-262-SPHX**
AI Glenview, LLC, Legal Owner	)	
Tikva, LLC, Lessee	)	
	)	

Petitioner's Post-Hearing Memorandum

Tikva, LLC, Petitioner / Appellant in the above-referenced case, by and through its counsel, Dino C. La Fiandra and the Law Office of Dino C. La Fiandra, LLC, submit this post-hearing memorandum in lieu of closing argument, and states as follows:

Procedural Posture

This case is a *de novo* appeal of the decision of the Administrative Law Judge in zoning case 2023-0262-SPHX. The Petition seeks approval of a Special Exception for a car wash as a use in combination with an existing fuel service station and a Special Hearing to approve an amendment to the previously approved site plan in case 1989-0479-SPHXA. No zoning variances are required.

The ALJ denied the Petition, and the Petitioner appealed to the Board of Appeals. The Board held a hearing on August 15, 2024 at which the Petitioner presented its case. No protestants or other members of the community appeared at the hearing. At the close of the Petitioner's uncontested case, the Board invited the Petitioner to submit this memorandum in lieu of closing argument. The Board's public deliberation in this matter is scheduled for October 10, 2024, at 9:00 via Webex.

Existing Conditions

The existing conditions are reflected on Sheet 2 of Petitioner's Exhibit 3, the revised Plan to Accompany Petition for Zoning Hearing[1]. The site is located on the northwest corner of Goucher Boulevard and Putty Hill Avenue. The property contains a net area of 1.44 acres in the BL-AS zone. The site is improved with a fuel service station by virtue of a special exception in case 1989-0479-SPHXA (the "1989 Case"). See, Petitioner's Exhibits 9, 10, and 11, for the Deputy Zoning Commissioner's decision, the Board of Appeals' decision, and the Circuit Court decision in the case, respectively. There are a total of 12 fueling positions and a small convenience store with a total of 1,104 square feet. The property is roughly triangular in shape with a total of 3 curb cuts: two onto Goucher Boulevard and one onto Putty Hill Avenue. All access points are right-in right-out only.

Immediately adjacent to the property to the northwest and directly across Putty Hill Avenue from the property to the south are mid-rise apartment complexes in the DR 16 zone. Directly across Goucher Boulevard from the property to the east is Towson Marketplace, a large shopping center with many retail stores and restaurants. Diagonally across the intersection from the property to the southeast is the Calvert Hall athletic field. See, Petitioner's Exhibits 4 and 5 for aerial photos of the site and vicinity. This commercial property is within "Outer Neighborhoods" of the Towson Communities Plan (1992) area. See, Petitioner's Exhibit 13 for

[1] Petitioner's Exhibit 3 is a revised site plan of which the Petitioner seeks approval by the Board. The original site plan that was submitted with the Petition and presented to the ALJ is shown in Petitioner's Exhibit 2. As discussed at the hearing by Mr. Newton, the Petitioner revised the site plan as shown in Exhibit 3, to orient the car wash building in a manner so that the exit of the tunnel is not directly facing any residences. Furthermore, as Mr. Newton discussed, the revised site plan includes a 6-foot noise fence and landscaping in the landscape transition area which is much heavier than originally proposed before the ALJ. The effects of this revisions, according to Mr. Newton, is even greater noise mitigation for the sounding properties. Petitioner seeks approval of Petitioner's Exhibit 3, the revised plan. Petitioner's Exhibit 2, the original plan, is included merely for the completeness of the record and for comparison to the revised plan.

an excerpt of the relevant portions of the Towson Community Plan. It should also be noted that the site sits 8 to 10 feet below the adjacent apartment complex. See, Petitioner's Exhibit 7 for photographs showing the difference in elevation between the site and the adjacent apartment complex. See, Petitioner's Exhibit 8 for photographs from the apartment complex toward the site.

As required by the zoning regulations, there is an existing landscape transition area ("LTA") around the entire site which provides a landscape buffer between the fuel service station and the nearby apartment complexes. See, Petitioner's Exhibit 6 for photos of the LTA near the adjacent apartment complex. With the exception of a variance for a small existing sign on the property, the existing site configuration complies with the requirements of the zoning regulations without the need for variances. All setbacks, lot area, parking, stacking, and other zoning requirements are met.

Proposed Conditions

The Petitioner proposes to add a car wash to the site. The proposed conditions are reflected on Sheet 2 of Petitioner's Exhibit 3, the revised Plan to Accompany Petition for Zoning Hearing. The proposal includes a 1,300 square foot 1-story roll over car wash with 9 stacking spaces, as required by the zoning regulations. The existing landscaping within the landscape transition area will be substantially increased and the Petitioner will install a 6 foot tall sound wall as shown on the site plan to provide additional mitigation of noise emanating from the site. The fuel service and convenience store elements of the site will remain unchanged. There is no increase in the number of fueling positions, or the size of the convenience store. A color rendering of the revised site plan, including the substantially enhanced landscaping, is shown on Petitioner's Exhibit 18.[2]

[2] Petitioner's Exhibit 17 is a color rendering of the original site plan reflected on Exhibit 2.

There are no zoning variances required for approval of the site plan. All aspects of the site layout comply with all required setbacks, parking, building size and height, stacking, and other zoning requirements.

Special Exception

The Petition for Zoning Hearing seeks approval of a special exception to allow a roll over car wash in combination with an existing fuel service station, pursuant to BCZR, § 405.4.E and 406.5.A.3. Special exceptions are governed by BCZR, §502.1, which provides,

> §502.1 Conditions for Granting of Special Exception
>
> Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:
>
> A. Be detrimental to the health, safety or general welfare of the locality involved;
>
> B. Tend to create congestion in roads, streets or alleys therein;
>
> C. Create a potential hazard from fire, panic or other danger;
>
> D. Tend to overcrowd land and cause undue concentration of population;
>
> E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
>
> F. Interfere with adequate light and air;
>
> G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
>
> H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
>
> I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones.

The appropriate standard to be used in used by the Board of Appeals in applying the regulatory requirements of BCZR, §502.I has been the subject of many Supreme Court and Appellate Court cases, perhaps most notably, *Shultz v. Pritts*, 291 Md. 1 (1981). *Mills v.*

Godlove, 200 Md.App. 213 (2011), a special exception case decided by the Appellate Court of Maryland, reviewed *Shultz* and stated the following:

> In Maryland, *Schultz v. Pritts,* 291 Md. 1, 432 A.2d 1319 (1981) is the seminal case regarding special exceptions. In *Schultz,* the Court of Appeals articulated the standard for reviewing an application for special exception, and explained:
>
> > [T]he special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible *absent any fact or circumstance negating the presumption.* The duties given the [zoning authority] are to judge whether the *neighboring properties in the general neighborhood would be adversely affected* and whether the use in the particular case is in harmony with the general purpose and intent of the plan.
> >
> > Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the [zoning authority] that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. [I]f there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal. [Internal citations omitted.] These standards dictate that if a requested special exception use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied.
>
> After reviewing the existing standard, in an oft-quoted paragraph, the *Schultz* Court held:
>
> > [T]he appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those [adverse effects] inherently associated with such a special exception use irrespective of its location within the zone.
>
> The standard in *Schultz* has been reviewed and analyzed many times. In a particularly relevant review, Judge Harrell in *Loyola, supra*, clarified that "the *Schultz* standard ... requires that the adverse effect 'inherent' in a proposed use be determined without recourse to a comparative geographic analysis." . . . In so doing, Judge Harrell noted that *Schultz* requires that a zoning authority review "the effects of a proposed use

> irrespective of its location within the zone," but does not require an applicant to compare the adverse effects of a proposed use against "a reasonable selection representative sampling of other sites within the same zone throughout the district or jurisdiction, *taking into account* the particular characteristics of the areas surrounding those other test sites." * * *
>
> *Mills v. Godlove*, 200 Md.App 213, 230-232 (2011) [Italics in original; underscoring added; internal citations omitted].

In *Mills v. Godlove*, the Appellate Court affirmed the Circuit Court's reversal of the Washington County Board of Zoning Appeals grant of a special exception. The Appellate Court and the Circuit Court determined that the Board in that case failed to discuss the inherent adverse effects associated with the proposed special exception use, a contractor's yard, and whether a special exception for that use at the proposed location would generate adverse effects above and beyond the expected or typical adverse effects of such a use. In order to approve a special exception, the Board must identify and discuss the inherent adverse effects associated with the proposed use and determine that the adverse effects generated by the proposed use are not greater than the adverse effects inherently associated with the proposed use.

In the case at bar, Petitioner's expert civil engineer, Wayne Newton, P.E., testified, based on over thirty years of experience designing and building car washes, that the adverse effects typically generated by a car wash are *traffic* and *noise*. With regard to noise generated by the proposed car wash, Mr. Newton discussed that the noise generated from a car wash comes from the drying units which are placed at the end of the car wash tunnel. Whereas often the dryers are placed just outside the tunnel exit which does little to mitigate the noise from the dryers, in this case, Mr. Newton confirmed that the dryers serving this proposed car wash will be located inside the tunnel to mitigate the noise emanating from the use and its effect on the adjoining properties.

Mr. Newton also pointed out that in this case, the Petitioner has oriented the car wash building in such a way that the exit tunnel is not pointing toward any residential units, but rather it is oriented toward a vacant area that appears to previously have been a right of way. See, Sheet 2 of Petitioner's Exhibit 3, and Petitioner's Exhibit 18. Likewise, the car wash building is oriented essentially into the southwest corner of the property, where any noise that emanates from the car wash will be mitigated by heavy landscaping and the 6-foot tall noise mitigating fence. Mr. Newton also testified that the fact that the car wash site sits approximately 8 to 10 feet below the adjacent apartment complex further mitigates noise from the car wash, on account of the substantial concrete retaining wall, the enhanced landscape transition area, and the noise mitigating fence separating the car wash from the apartments. Mr. Newton testified that there is no indication that the noise generated by this proposed car wash would have a greater adverse effect than one would typically associate with a car wash generally. Indeed, Mr. Newton testified that the unique factors of this site - sitting low compared to the adjacent apartments, building oriented away from residential uses, dryers located within the building, enhanced landscaping, concrete retaining wall, sound mitigating fence - lead to a conclusion that this site is uniquely well suited for a car wash.

There being no protestants at the hearing, Mr. Newton's testimony was uncontroverted and there was no evidence to suggest that the noise effect from the proposed use would be greater than one would typically associate with a car wash generally.

With regard to traffic, Mr. Newton testified that in his nearly 30 years of experience with car washes, he has found that car washes in combination with fuel services stations do not substantially increase traffic to, from, or near the site. This is because a car wash at a gas station is typically not a destination unto itself, but rather these car washes are typically conveniences for gas customers already at the site. Mr. Newton's testimony in this regard was

corroborated by the testimony of Mark Keeley, the Petitioner's traffic expert, who likewise pointed out that the ITE Manual estimates trips to and from these gas stations based on the number of fueling positions, not on the presence or absence of a car wash. According to Mr. Keeley and his review of the ITE Manual, the presence of a car wash on the site will generate few, if any, additional trips. This testimony of both Mr. Newton and Mr. Keeley was consistent with the testimony of Mr. Attar, the Petitioner's representative who testified in the case. Mr. Attar testified that based on his experience with other gas stations with car washes, the presence of a car wash does not materially increase the number of trips to the site.

Mr. Newton also testified that the site is not in a traffic deficient area on the latest basic services maps. The level of service stands at a level D, and the addition of a car wash in this location will not alter the level of service of the intersection, because no substantial increase in traffic to the site is anticipated. It should be noted that a level of service D does not create any regulatory obstacles for a new car wash at this intersection.

Finally, Mr. Keeley testified that he visited the site and examined not only the existing traffic movements on and off the site, but also the geometry of the surrounding road network and the access points onto the site. Mr. Keeley noted that because all access points are right-in right-out only, there are no conflicting left turns onto or off of the site. In addition, Mr. Keeley noted that all turns on and off of the site can be accomplished safely. Mr. Keeley specifically noted that a car traveling east on Putty Hill Avenue can legally and safely make a U-turn at the lighted intersection at Goucher Boulevard in order to gain access to the site from the Putty Hill access point. Likewise, Mr. Keeley noted that there is plenty of space available for a safe right turn onto Putty Hill Avenue from the site. Indeed Mr. Keeley noted that Putty Hill Avenue is two lanes in the westbound direction in this area, which gives cars exiting the site plenty of space to safely merge into a single lane several hundred feet further to the west along Putty Hill Road.

In sum, Mr. Newton and Mr. Keeley both testified that the proposed car wash would not generate adverse effects above and beyond the adverse effects typically associated with car washes generally, for the reasons discussed above.

Mr. Newton also addressed all of the factors identified in BCZR §502.1 as they relate to this site. Mr. Newton's testimony was comprehensive and detailed, and he addressed each factor individually. In this regard, Mr. Newton testified that none of the factors listed would occur which would result in a denial of the special exception. It should be noted again that there were no protestants at the hearing and that the testimony of not only Mr. Newton, but also that of Mr. Keeley and Mr. Attar was uncontroverted.

The Towson Community Plan

As noted above, the property lies within the Outer Neighborhoods of the Towson Community Plan ("TCP") area. The Department of Planning issued a comment in this case stating that because of the property's location in the TCP area, certain enhanced special exception standards apply, as set forth in the DOP comment, and also appearing on pages 68 and 69 of the Towson Community Plan, Petitioner's Exhibit 13. As discussed at the hearing, the provision states as follows:

> The outer neighborhoods are relatively stable residential communities. However, the proliferation of Special Exception uses within the neighborhoods can have a deleterious effect on those who reside there. Unacceptable levels of noise and traffic may result from **residences** which are also used for Special Exception purposes. In order to minimize the detrimental side effects which can result from Special Exception use, the following standards should be met:
>
> a. The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, convenience, or general welfare in a manner not addressed by the criteria below;
> b. The use will not tend to overcrowd the land and cause undue concentration of population;
> c. The use will not tend to interfere with adequate provisions for public facilities;
> d. The use will not tend to interfere with adequate light and air;

e. The use will not be inconsistent with the purposes of the zoning or the spirit of the Zoning Regulations;
f. The particular use proposed, at the particular location proposed, will not have any adverse effects above and beyond those inherently associated with such a use regardless of its location within the zone;
g. The Special Exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood;
h. The establishment of the Special Exception use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
i. The use will be sited and operate so that the vehicular and pedestrian traffic and parking generated by the use will not be hazardous or substantially conflict with existing traffic or parking in the neighborhood;
j. Neighborhood Need: The preponderance of evidence must clearly demonstrate that for the public convenience, a need exists for the proposed use to service the population in the general neighborhood. The demonstration of need must take into account the present availability of such uses to that neighborhood and whether the neighborhood already has such uses.
k. County Need: A need exists for the proposed use due to an insufficient number of similar uses presently available to serve existing population concentrations in the County, and the use at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.

[Bold and underlining added for emphasis.]

The DOP specifically found, without substantial justification, that the proposal fails to meet the requirements of items (a) and (i), above. See DOP comment. However, the DOP failed to recognize that the enhanced special exception criteria, *by their terms*, only apply to *residences which are also used for special exception purposes*. See, the **bold** and <u>underlined</u> language from the quote above. In support of this position, the TCP discusses special exception uses like funeral establishments, veterinarian offices, radio stations, television studios, boarding houses, and tourist homes. See, TCP Petitioner's Exhibit 13, at page 70. These are special exception uses in the DR zones, in residential areas where the use of

residences for these special exception use may cause a deleterious effect on nearby homes. The TCP itself limits these enhanced special exception criteria to special exceptions occurring within residences. There is nothing in this plan to suggest that these special exception criteria should be applied to special exceptions in the commercial zones. Accordingly, these special exception criteria should not apply to the special exception in this case.

Furthermore, for the reasons set forth above there is no objective evidence from which one could conclude that the requirements of these criteria are not met, even if they were to apply. The DOP specifically takes issue with item (a) (general welfare), and item (i) (traffic). However, there is no evidence in this case that the proposed car wash would "endanger" the health, safety, morals, convenience, or general welfare, in violation of item (a). Likewise, the only evidence in this case is that the proposed car wash use will not violate the requirements of item (i). Indeed, with regard to traffic, Mr. Keeley testified that the proposed use will not only not cause a traffic hazard, but it will be consistent with and reinforce existing traffic patterns in the area, in compliance with item (i).

Lastly, in the event the Board finds that these enhanced special exception criteria do apply to this Petition, Mr. Newton offered uncontroverted testimony in support of items (j) (Neighborhood Need) and (k) (County Need). Petitioner's Exhibits 14, 15, and 16 are maps showing the locations of various roll over car washes in different parts of the county. Petitioner's Exhibit 14 shows that there is only one other car wash in the Towson Community Plan area - Captain Car Wash which is a full service stand alone car wash of a different type and "market" than the roll over car wash in combination with a gas station at issue in this case. Petitioner's Exhibit 15 shows an expanded "local" area from Pikesville to Parkville. This exhibit shows that there are only a total of 4 car washes in this expanded area, three of which are car washes with detailing services, and only one of which, The Car Wash, is car wash only. These are all

completely different from the roll over car wash in combination with a gas station at issue in this case. Lastly, Petitioner's Exhibit 16 is a map based on a Google search for car washes in Baltimore County which identifies only 18 such car washes. Based on this evidence, Mr. Newton confidently testified that there is a local need and a countywide need for a roll over car wash in combination with a gas station, like the one at issue in this case, in compliance with items (j) and (k) above[3].

Collateral Estoppel

As discussed at the Board's hearing in this matter, the ALJ below found, *sua sponte*, that the doctrine of collateral estoppel precluded the approval of the special exception for car wash in this case. The ALJ found that because a special exception had been sought but denied as part of the 1989 Case discussed above and a separate 1996 zoning case pertaining to this property, collateral estoppel applies to preclude approval of a special exception as part of this case. Nonetheless, the Petitioner's position is that the ALJ erred in his ruling with regard to the preclusive bar of collateral estoppel under the facts and circumstances of this matter and that collateral estoppel does not apply in this matter.

The doctrine of collateral estoppel, also referred to as "issue preclusion", establishes that factual issues resolved in the adjudication of one claim are binding for purposes of subsequent adjudication of another claim. *Becker v. Falls Road Community Association*, 481 Md. 23, 46 (2022). The Supreme Court of Maryland has established a four part test that must be satisfied for collateral estoppel to apply:

[3] Mr. Newton also testified that the other requirements of the enhanced special exception requirements set forth in the TCP are met. As discussed herein, the Petitioner's position is that none of these enhanced special exception requirements apply to this case because by their terms those requirements only apply to residences that are also used for special exception purposes, which is obviously not the case here. In any event, Mr. Newton's testimony that the enhanced requirements are met is offered in the event the Board finds that the requirements apply in this case, notwithstanding the language of the TCP to the contrary.

1. Was the issue decided in the prior adjudication identical with the one in the action in question?
2. Was there a final judgment on the merits?
3. Was the party against whom the plea is asserted a party or in privity with a party to the prior adjudication?
4. Was the party against whom the plea is asserted given a fair opportunity to be heard on the issue?

Id.

The Supreme Court has further clarified that, specifically with regard to the findings of an administrative agency, such findings are afforded the preclusive effect from collateral estoppel if:

1. The agency was operating in a judicial capacity.
2. The issue presented in the current proceeding was actually litigated by the agency.
3. Resolution of the issue was necessary to the agency's action.

Id., at 47, citing *Batson v. Shiflett*, 325 Md. 684, 701 (1992).

Turning to the case at hand, we first examine the 1989 Case to determine what was asked for, what was decided, and when. The record of the 1989 Case is shown in Petitioner's Exhibits 9 (Deputy Zoning Commissioner decision), 10 (Board of Appeals decision), and 11 (Circuit Court decision). These exhibits, taken together, demonstrate that initially the petitioners in the 1989 Case sought approval for a substantial renovation of the entire gas station site. According to these documents, the site was a gas station since at least as early as 1965. The 1989 petition sought approval of a special exception for a food store less than 5000 square feet in combination with a car wash in an existing automotive service station (gas station). The Deputy Zoning Commissioner (DZC) found that the petitioner in the 1989 Case failed to show that the proposed uses (food store, car wash, gas station) would be conducted without detriment to the health, safety or general welfare of the locality, or that they will not tend to

create congestion in the roads, streets or alleys therein. Accordingly, the DZC denied the petition. See, Petitioner's Exhibit 9.

On appeal to the Board of Appeals, the petitioners in the 1989 Case dropped the request for a car wash. The BOA approved the revised request for a food store less than 5000 square feet in combination with a gas station. There is no discussion whatsoever of a car wash in the BOA decision. Indeed, the site plans submitted to the Board of Appeals in the 1989 Case do not even show any car wash. See, Petitioner's Exhibit 10. The Board made no findings regarding a car wash. The only relevant finding of the Board of Appeals is found on page 5 of the Board's decision where it says,

> The Board feels many of the concerns voiced by the protestants to be legitimate. After a review of the evidence and documents presented for the Board's consideration, the Board finds *as a fact* that the conversion of the current site [gas only] to the proposed site [food store and gas] would *not contribute to any substantial volume of traffic at the intersection of Goucher Boulevard and Putty Hill Avenue*. The Board further finds that the addition of *a convenience store to this location would not conflict with Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.)*.
>
> Petitioner's Exhibit 10, page 5 [italics added].

The Board made no findings regarding a car wash or traffic generated by a car wash. On appeal to the Circuit Court, the issue of the car wash was not even mentioned. In fact, in its decision, the Circuit Court (Smith, J), described the original petition to the Zoning Commissioner without reference whatsoever to the car wash:

> Exxon Corporation, Appellee (hereinafter referred to as "Appellee") *filed with the Zoning Commissioner for Baltimore County for a Special Exception to permit operation of a twenty-four hour food store in combination with a gas and go service station* on the northeast corner of Goucher Boulevard and Putty Hill Avenue.
>
> Petitioner's Exhibit 11, page 2 [italics added].

There can be no question that the *de novo* appeal to the Board of Appeals in the 1989 Case completely nullified the Deputy Zoning Commissioner's findings of fact which led her at the time to deny the initial special exception which included the request for the car wash. In *Halle Companies v. Crofton Civil Ass'n*, 339 Md. 131, 142-144, the Supreme Court of Maryland stated:

> [W]e have consistently treated *de novo* appeals as wholly original proceedings, with the word 'appeal' meaning simply that the proceedings are new and independent rather than strict review of prior proceedings. [Internal citations omitted.] Although the issues to be addressed on review by the Board may be limited, new and additional evidence is permitted. The proceedings, therefore, are wholly original with regard to all issues properly raised.
>
> * * *
>
> Acting *de novo*, the Board [of Appeals] exercises jurisdiction akin to original jurisdiction." [T]he *de novo* hearing contemplated by [the Anne Arundel County Charter] is an entirely new hearing at which time *all aspects of the case should be heard anew, as if no decision has been previously rendered*." [Italics in the original; underscoring added.]

Although *Halle Companies* dealt with a decision of the Anne Arundel Board of Appeals in a *de novo* matter, the holding applies to Baltimore County cases as well because of the similarity in the statutory scheme creating and empowering the Board of Appeals in both counties. Indeed, this has long been regarded as the status of the law by the Baltimore County Board of Appeals. In this case, the practical effect is that, for all intents and purposes, the 1989 Case did not involve a request for a car wash, because the car wash was omitted from the request to the Board, which supplanted the request to the Deputy Zoning Commissioner. This is borne out by the fact that the Circuit Court did not even mention the car wash in its recitation of the relief sought. Accordingly, there can be no collateral estoppel effect of the DZC's findings in the 1989 Case, in which she denied the request for a car wash. Because of the subsequent appeal to the Board, and the omission of the car wash from the request at the Board level, it is as if there was no request for a car wash in 1989.

The next attempt for a car wash at this site came in 1996, in Zoning Case 1996-0029-SPHX. See, Petitioner's Exhibit 12 for a copy of the DZC's decision in Case 1996-0029-SPHX. In that case, the Deputy Zoning Commissioner found:

> After due consideration of the testimony and evidence presented by both representatives of the Petitioner as well as the Protestants who attended the hearing, I find that the proposed car wash facility at the subject site would be detrimental to the primary uses in the vicinity. Those primary uses are basically the residential communities of the Courthouse Square Apartments complex and the Fellowship Forest development located nearby. All of the commercial uses in this area are located on the east side of Goucher Boulevard, a major thoroughfare which basically separates the commercial uses from the residential uses in this locale. The fact that this corner of Putty Hill Avenue and Goucher Boulevard received commercial zoning was controversial in the first place. Any further commercialization of this property would be detrimental to the surrounding residential uses.
>
> When applying the facts and evidence of this case to the standards set forth in the recently issued opinion of *Mossberg v. Montgomery County, Maryland* (No. 58, 1995 Term), I find that the proposed car wash use at the subject location would have adverse effects greater than the adverse effects that would be generated by this use were it proposed elsewhere in Baltimore County in other similar B.L.-A.S. zones. I believe that the Petitioner has failed to satisfy the burdens imposed upon them by Section 502.1 of the B.C.Z.R., and thus, the special exception for a car wash facility at the subject location shall be denied.
>
> Petitioner's Exhibit 11, Decision in Case 1996-0029-SPHX, pp. 6-7. [Underscore added.]

As a preliminary matter, Petitioner notes that the Deputy Zoning Commissioner applied the wrong standard in evaluating whether a special exception should be granted or denied. The DZC found that the proposed car wash would be "detrimental to the primary uses in the vicinity". *Shultz v. Pritts* and the law of special exception is predicated upon the fact that all uses create some adverse effect on surrounding uses. The legal issue in whether to grant a special exception is whether the adverse effect of the proposed use on the surrounding uses is greater than one would typically associate with the proposed use generally. The DZC found the proposed car wash would have a detrimental effect on the other uses in the vicinity, but he did

not apply any standard in measuring whether the adverse effect was permissible or not - whether the adverse effect would be greater than one would typically associate with a car wash.

Furthermore, to the extent there is any measure of the adverse effect in the DZC's decision, the operative finding is in the second quoted paragraph above, "When applying the facts and evidence of this case to the standards set forth in the recently issued opinion of *Mossberg v. Montgomery County, Maryland* (No. 58, 1995 Term), I find that the proposed car was use at the subject location would have adverse effects greater than the adverse effects that would be generated by this use were it proposed elsewhere in Baltimore County in other similar B.L.-A.S. zones." [Underscore added.] In so concluding, the DZC erroneously engaged in a "comparative geographic analysis" in which the adverse effects of the proposed use at the proposed location are compared to the adverse effects that would be generated by the use "were it proposed elsewhere in Baltimore County in other similar BL-AS zones."

As noted above with respect to *Mills v. Godlove*, twelve years after the DZC's denial of the special exception in Case 1996-0029-SPHX, the Supreme Court of Maryland clarified that there is no comparative geographic analysis in the *Shults v. Pritts* standard for special exceptions. In *People's Counsel v. Loyola College*, 406 Md. 54, (2008), the Supreme Court stated, "[T]he *Schultz* standard . . . requires that the adverse effect 'inherent' in a proposed use be determined without recourse to a comparative geographic analysis [of whether the adverse effects generated by the proposed use would be any less at a different location in the zone.] Any language to the contrary in *Holbrook, Lucas, Futoryan, Hayfields*, and ***Mossburg*** is disapproved. *Id.*, at 105 [Emphasis added.] Thus, the appropriate standard, as most recently enunciated by the Supreme Court, is *whether the proposed use will have a greater impact at the proposed location than one would ordinarily expect*. Comparisons to the adverse effects that would be generated by the proposed use at other locations are inappropriate in denying a

special exception request, which is precisely the analysis engaged in by the DZC in denying the 1996 special exception.

> The *Schultz* special exception test considers whether the proposed use will have a greater impact here than one would ordinarily expect. The Protestants did not present "facts and circumstances [pertaining to congestion in the roads, streets, or alleys] that show that the particular use proposed at the particular location proposed would have any adverse effects *above and beyond those inherently associated with such a special exception use*[.]" 291 Md. at 15, 432 A.2d at 1327 (emphasis added). Thus, the Protestants did not sufficiently rebut the presumption of validity under *Schultz*.

Attar v. DMS Tollgate, LLC, 451 Md. 272, 289 (2017). The DZC's findings in the 1996 Case are not legally sufficient to deny the special exception in the 1996 Case, let alone the case at bar.

Against this backdrop, we evaluate the collateral estoppel criteria to determine whether the findings in the 1989 or 1996 cases are binding for purposes of this case. The 1989 case has no probative value to the case at bar because, as discussed above, as a practical matter, there was no request for a car wash in 1989 since it was dropped by the time the case reached the Board of Appeals. Under *Halle Companies*, the *de novo* appeal to the Board in the 1989 Case, which eliminated the request for a car wash, nullified the DZC's findings, because it is as if "no decision had previously been rendered". *Id*., at 144.

Turning to the 1996 Case, as discussed earlier, in order for collateral estoppel to apply, among other criteria, the issue decided in the prior adjudication must be identical with the one presented in the present action. *Becker*, 481 Md. at 46. Likewise, specifically with regard to the findings of an administrative agency, such findings are given preclusive effect under collateral estoppel only if the issue presented in the present case was actually litigated by the agency in the prior case. *Id*., at 47 citing *Batson*, 325 Md. at 701. Collateral estoppel does not apply in this case for failure of these required elements. The issue presented by this present case is whether "the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception

use." *Attar,* 451 Md., at 289. However, this was not the standard applied by the DZC when he denied the special exception in 1996. In 1996, the DZC denied the special exception because he found that the proposed car wash use at the subject location would have adverse effects greater than the adverse effects that would be generated by this use were it proposed elsewhere in Baltimore County in other similar B.L.-A.S. zones in accordance with *Mossberg v. Montgomery County*, a standard that was explicitly overturned in *People's Counsel v. Loyola College* in 2008. See *People's Counsel v. Loyola College*, 406 Md., at 105. Notably, there was no discussion in the 1996 Case of the adverse effects inherently associated with a car wash, and obviously there was likewise no discussion in the 1996 Case of whether the adverse effects of the proposed car wash are *above and beyond* those inherently associated with a car wash.

Conclusion

Because the DZC in 1996 applied a different standard in denying the 1996 request than the special exception standard as we now understand it after *People's Counsel v. Loyola College* and *Attar v. DMS Tollgate*, the issue decided in the prior adjudication is *not identical* with the issue presented in the present case. Likewise, the issue in this present case was *not actually litigated* in the prior administrative case in 1996. Under these circumstances collateral estoppel does not apply. Furthermore, the uncontroverted expert testimony of Petitioner's civil engineer, Wayne A. Newton, PE, in the current case establishes for purposes of this case that the adverse effects of the proposed car wash at this location are not in excess of the adverse effects one would inherently associate with a car wash. Accordingly, the Petition for Special Exception should be granted.

Respectfully submitted,

9/27/2024
Date

Dino C. La Fiandra, Esquire
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Towson, Maryland 21204
443-204-3473
dcl@lafiandralaw.com
Attorney for Appellant/Petitioner Tikva, LLC

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 1/11/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 2023-0262-SPHX



INFORMATION:
Property Address: 800 Goucher Boulevard
Petitioner: AL Glenview LLC
Zoning: BL AS
Requested Action: Special Hearing, Special Exception

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

Special Hearing -

1. To amend the previously approved site plan in Case No. 1989-479-SPHXA;
2. For such further and other relief as the nature of this case may require; and

Special Exception -

3. For a roll-over car wash in combination with an existing fuel service station, pursuant to Sections 405.4.E and 405.6.A.3 of the Baltimore County Zoning Regulations (BCZR).

The subject site is an approximately 1.44 acre parcel located at the northwest corner of the signalized intersection of Goucher Boulevard and Putty Hill Avenue in the Towson area. It is improved with a gas station and associated convenience store. There is a tree line and grassy area dividing the subject site and the neighboring property to the north and west. Uses surrounding the subject site include residential apartments to the north and south; residential apartments and single family detached dwellings to the west; Towson Place, an outdoor commercial development, to the east; and Calvert Hall College High School to the southeast.

The Goucher Boulevard and Putty Hill Avenue intersection is D Level-of-Service intersection, as designated by the Department of Public Works and Transportation (DPWT). The DPWT webpage states that Level-of-Service D intersections do not control issuance of building permits, but their areas are identified on Baltimore County's Basic Services Transportation Maps to identify the deficiency. The purpose of identifying D intersections is to provide notice to the public that the intersection has the potential of going to an E or F.

Per the site plan and petition, the petitioners wish to add a one-story, 1,300 square feet, roll-over car wash to the existing fuel service station. The car wash is proposed to the west of the existing fuel service station, primarily on the already-paved portion of the site. Three vacuum parking spaces, one air parking

space, and two drying parking spaces are also proposed. Based on the stacking plan submitted with the petition, the car wash will be entered from the northern elevation and then patrons will travel towards Goucher Boulevard.

The site has been the subject of multiple past Zoning Cases, including Case 1989-0471-SPHXA and Case 1996-0029-SPHX.

Case 1989-0471-SPHXA requested a Special Hearing to approve an amended site plan; a Special Exception to permit a food store (convenience store) of less than 5,000 square feet in combination with a car wash use in an existing automotive service station; and Variances to permit a commercial building abutting a residential zone to have a rear yard setback of 13 feet in lieu of the required 20 feet, as well as for five business signs totaling 314.04 square feet in lieu of the maximum permitted three signs totaling 100 square feet. The Petitioners wished to raze the existing Exxon service station and replace it with an Exxon Gas 'N' Go and car wash. The Department of Planning offered comments with concerns about ingress and egress, stacking, grading, community concerns, and excessive signage. During the Hearing, concerns were raised about traffic congestion in the area, as well as the general health, safety, and welfare of the surrounding community. Ultimately, the Zoning Commissioner found that the Petitioner had not met its burden in proving that the proposed use would not be detrimental to the health, safety, or general welfare, and would not create congestion in roads, streets, or alleys therein. As such, the Petition was denied by the Zoning Commissioner. The decision was appealed by the Petitioner to Board of Appeals, however, the request for the car wash was withdrawn from the appeal.

Case 1996-0029-SPHX requested a Special Hearing to approve amendments to the previously approved site plan; and a Special Exception for a fuel service station use in combination with a roll-over car wash. The site was improved with an Exxon gas station and convenience store, and the Petitioner wished to expand the uses on the property with a self-service, unmanned car wash that would take approximately 1.5-4 minutes for a wash and dry cycle. The site plan submitted with the Petition is shown in Figure 1 at the conclusion of these comments. The Department of Planning offered comments opposing the request and raised concerns regarding traffic congestion and the health, safety, and welfare of the adjacent communities. At the Hearing, the Petitioner presented Exhibit 3, showing a slightly updated location of the proposed car wash; the Exhibit is shown in Figure 2 at the conclusion of these comments. Throughout the Hearing, concerns were raised about traffic congestion in the area; the general health, safety, and welfare of the surrounding community; further commercialization of the corner not being appropriate; and that the car was facility was no more appropriate at that time than it was in 1989 when the request was first proposed and denied. Ultimately, the Zoning Commissioner found that any further commercialization of the property would be detrimental to the surrounding residential uses and that the Petitioner failed to satisfy the burdens imposed upon them by Section 502.1 of the Baltimore County Zoning Regulations. As such, the Petition was denied.

The subject site is within the boundary of the Towson Community Plan, adopted February 3, 1992. The Plan designates the site as part of the "Outer Neighborhoods" (Map 1, page 5). Outer Neighborhoods are defined as "residential areas impacted by the expansion of nonresidential zoning and through traffic, but not to the same extent as the 'inner' neighborhoods" (page 68). The Plan then goes on to state the following on pages 68 and 69:

> *The outer neighborhoods are relatively stable residential communities. However, the proliferation of Special Exception uses within the neighborhoods can have a deleterious effect on those who reside there. Unacceptable levels of noise and traffic may result from residences which are also used for Special Exception purposes. In order to minimize the detrimental side effects which can result from Special Exception use, the following standards should be met:*

a. *The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, convenience, or general welfare in a manner not addressed by the criteria below;*
b. *The use will not tend to overcrowd the land and cause undue concentration of population;*
c. *The use will not tend to interfere with adequate provisions for public facilities;*
d. *The use will not tend to interfere with adequate light and air;*
e. *The use will not be inconsistent with the purposes of the zoning or the spirit of the Zoning Regulations;*
f. *The particular use proposed, at the particular location proposed, will not have any adverse effects above and beyond those inherently associated with such a use regardless of its location within the zone;*
g. *The Special Exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood;*
h. *The establishment of the Special Exception use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*
i. *The use will be sited and operate so that the vehicular and pedestrian traffic and parking generated by the use will not be hazardous or substantially conflict with existing traffic or parking in the neighborhood;*
j. *Neighborhood Need: The preponderance of evidence must clearly demonstrate that for the public convenience, a need exists for the proposed use to service the population in the general neighborhood. The demonstration of need must take into account the present availability of such uses to that neighborhood and whether the neighborhood already has such uses.*
k. *County Need: A need exists for the proposed use due to an insufficient number of similar uses presently avail-able to serve existing population concentrations in the County, and the use at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.*

Section 502.1 of the Baltimore County Zoning Regulations outlines conditions on granting Special Exceptions, stating:

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

A. *Be detrimental to the health, safety or general welfare of the locality involved;*
B. *Tend to create congestion in roads, streets or alleys therein;*
C. *Create a potential hazard from fire, panic or other danger;*
D. *Tend to overcrowd land and cause undue concentration of population;*
E. *Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;*
F. *Interfere with adequate light and air;*
G. *Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;*
H. *Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor*
I. *Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone,*

and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones.

The Department of Planning finds that the Petition does not meet Standards A and I of the Towson Community Plan. Further, the Department of Planning finds that the Petition does not meet Conditions A and B of Section 502.1 of the Baltimore County Zoning Regulations. The four Standards/Conditions – which relate to traffic congestion and the health, safety, and general welfare of the surrounding communities – have been previously addressed with the 1989 and 1996 Zoning Hearings. Based on the 1989 and 1996 Hearings before the Zoning Commissioner, a car wash in this location has already been determined to have a negative impact on traffic congestion, and would be hazardous to the health, safety, and general welfare of the surrounding residents. The Opinion and Order in Case 1996-0029-SPHX stated:

> *After due consideration of the testimony and evidence presented by both representatives for the Petitioner as well as the Protestants who attended the hearing, I find that the proposed car wash facility at the subject site would be detrimental to the primary uses in the vicinity. Those primary uses are basically the residential communities of the Courthouse Square Apartments complex and the Fellowship Forest development located nearby. All of the commercial uses in this area are located on the east side of Goucher Boulevard, a major thoroughfare which basically separated the commercial uses from the residential uses in this locale. The fact that this corner of Putty Hill Avenue and Goucher Boulevard received commercial zoning was controversial in the first place. Any further commercialization of this property would be detrimental to the surrounding residential uses.*

With the surrounding uses remaining predominately the same now as they were in 1996 when former Zoning Commissioner Tim Kotroco wrote the Opinion and Order, the Department of Planning finds that the previous Opinion and Order is still accurate, and that the proposal will have a negative impact on traffic congestion and the health, safety, and general welfare of the nearby residents.

For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP

c: Dino C. La Fiandra
David Birkenthal
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Figure 1: Exhibit 1 in Zoning Case 1996-0029-SPHX showing the originally proposed location of the car wash –

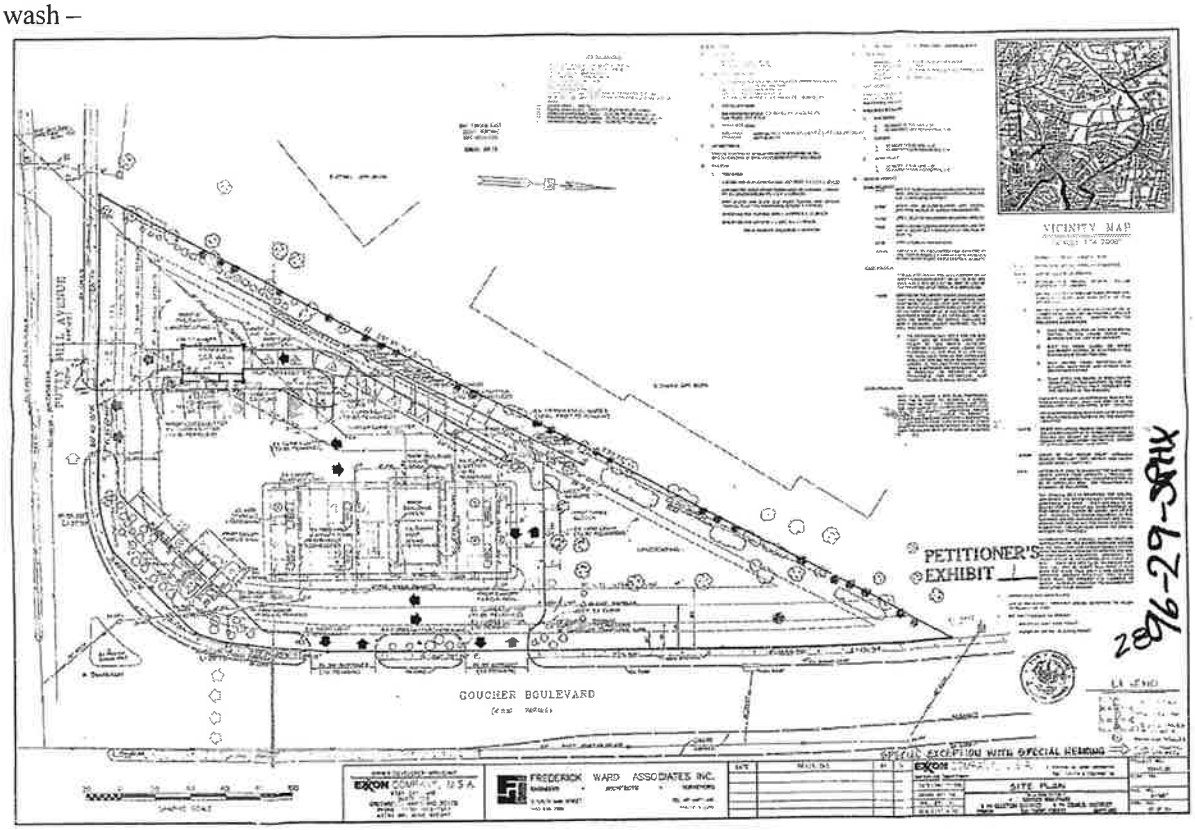
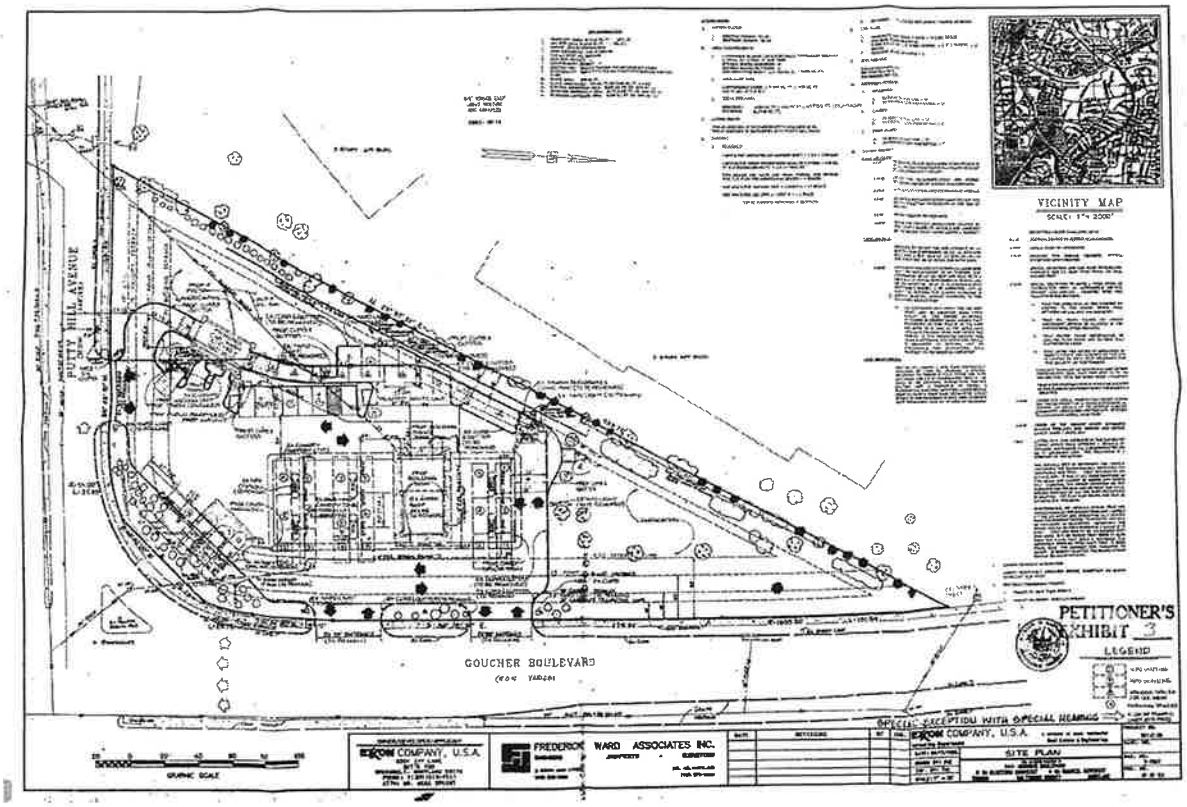


Figure 2: Exhibit 3 in Zoning Case 1996-0029-SPHX showing the updated proposed location following the issuance of the Department of Planning's comments –



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: January 9, 2024

SUBJECT: DEPS Comment for Zoning Item # 2023-0262-SPHX
Address: 800 GOUCHER BLVD
Legal Owner: AL Glenview, LLC

Zoning Advisory Committee Meeting of January 9, 2024.

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

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: January 9, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 9, 2024
Item No. 2023-0262-SPHX

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

DPW-T: N/C

DPR: N/C

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

Rec & Parks: N/C & No Greenways affected

VKD: JK
cc: file

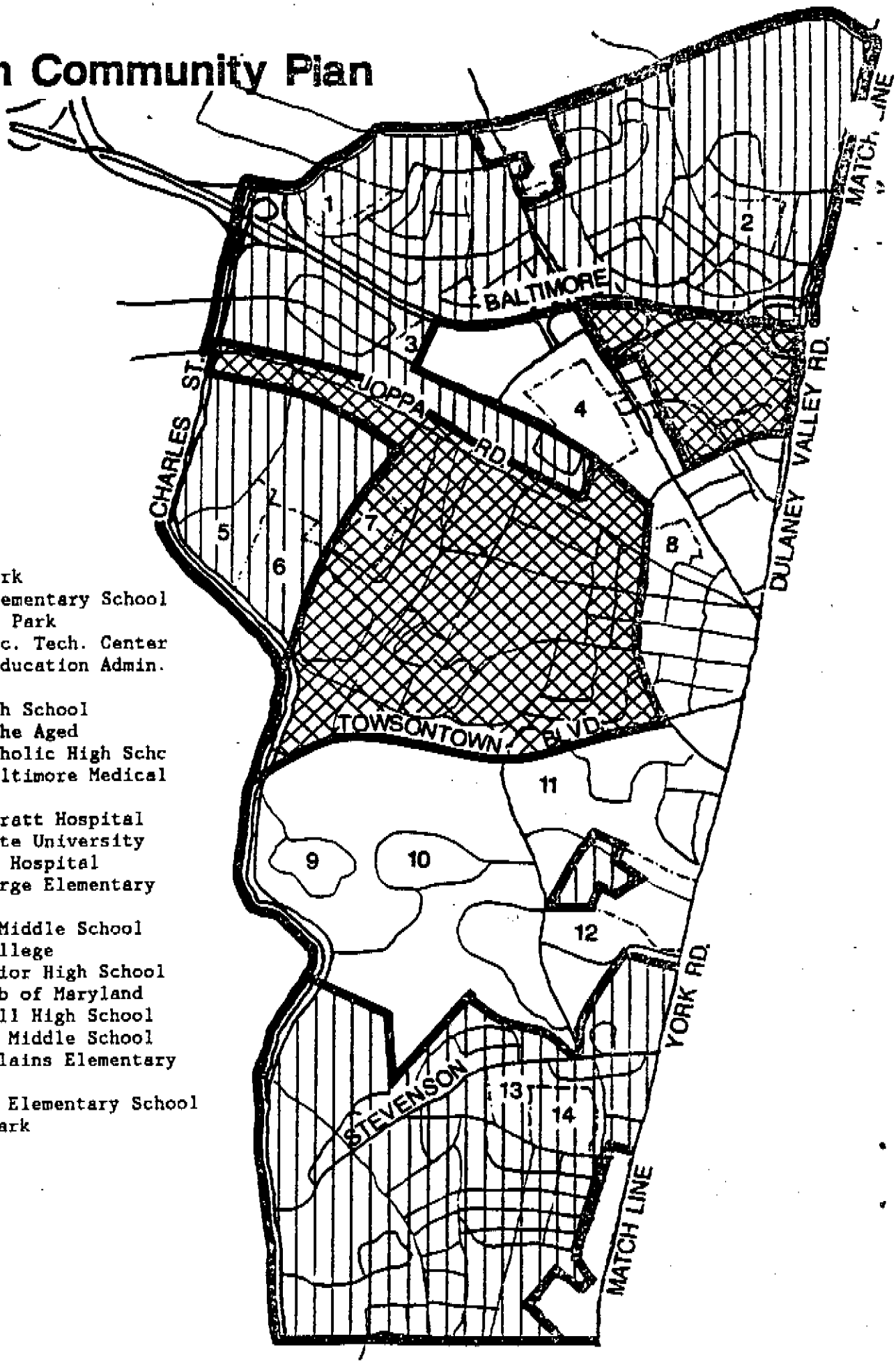
Petitioners Ex. 13



TOWSON COMMUNITY PLAN

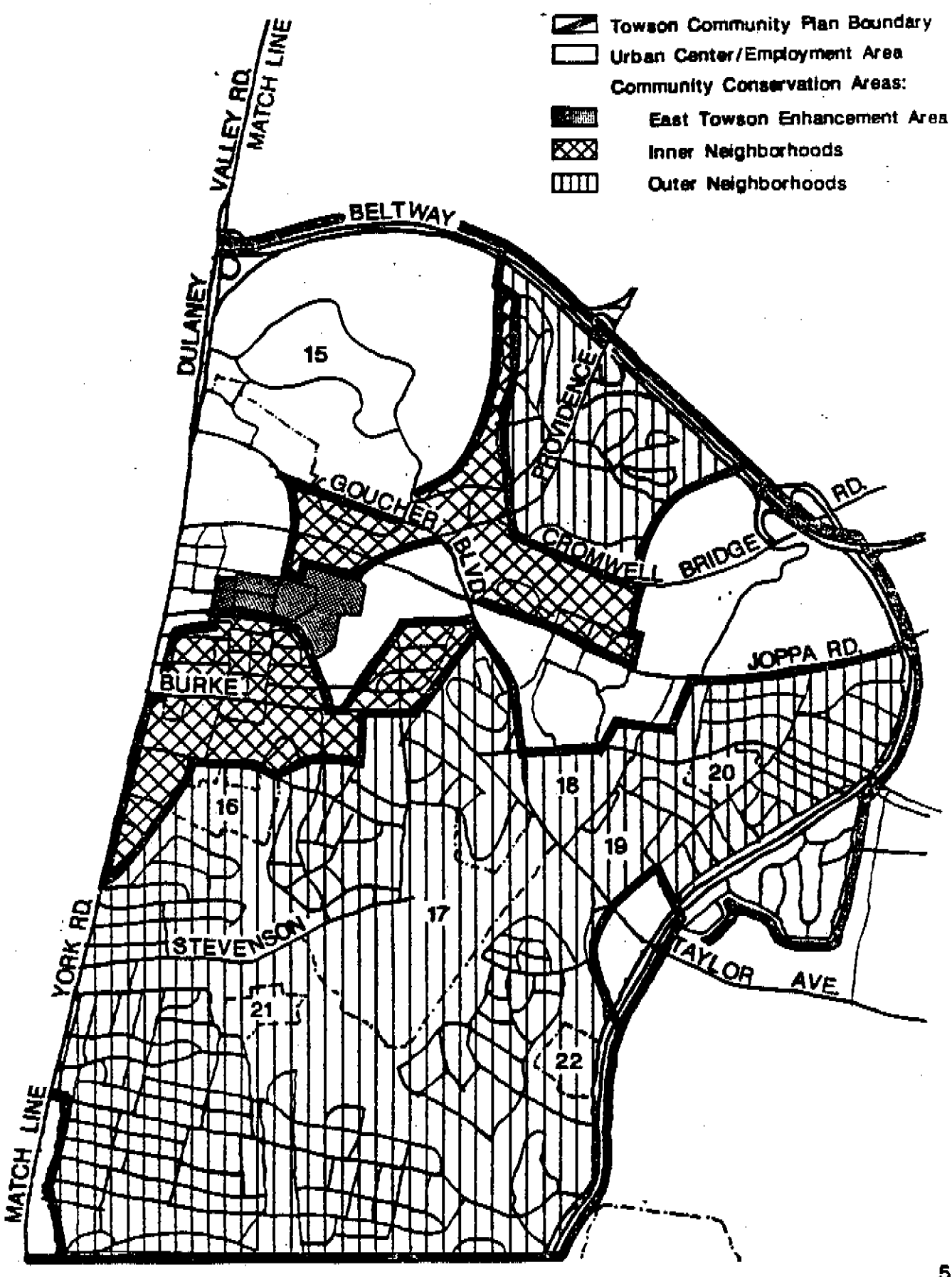
As Adopted By The Baltimore County Council on February 3, 1992

Towson Community Plan



1. Orchard Park
2. Hampton Elementary School
3. Kenilworth Park
4. Central Voc. Tech. Center
5. Board of Education Admin. Office
6. Loyola High School
7. Home for the Aged
8. Towson Catholic High Schc
9. Greater Baltimore Medical Center
10. Sheppard Pratt Hospital
11. Towson State University
12. St. Joseph Hospital
13. Rodgers Forge Elementary School
14. Dumbarton Middle School
15. Goucher College
16. Towson Senior High School
17. County Club of Maryland
18. Calvert Hall High School
19. Loch Raven Middle School
20. Pleasant Plains Elementary School
21. Stoneleigh Elementary School
22. Glendale Park

North


Towson Community Plan Boundary
Urban Center/Employment Area
Community Conservation Areas:
East Towson Enhancement Area
Inner Neighborhoods
Outer Neighborhoods
VALLEY RD.
MATCH LINE
BELTWAY
DULANEY
15
PROVIDENCE
GOUCHER BLVD.
CROMWELL BRIDGE
RD.
JOPPA RD.
BURKE
16
18
20
19
17
YORK RD.
STEVENSON
TAYLOR AVE.
21
22
MATCH LINE

7. COMMUNITY CONSERVATION

A. INTRODUCTION

The 1989-2000 Baltimore County Master Plan clearly recognizes the purpose of designating Community Conservation Areas (CCAs) as "to maintain or enhance the physical, social, and economic resources of the County's older, urban area communities." The specified goals include:

1. to direct development to areas where adequate public facilities and services do exist;

2. to encourage redevelopment rather than new development;

3. to regulate public and private uses detrimental to the economic and social well-being of a community;

4. to establish land use patterns that do not increase extraneous traffic through residential neighborhoods;

5. to involve citizens in a careful review of all projects; and

6. to investigate county-wide revenue sources to provide increased capital funding.

COMMUNITY CONSERVATION OVERLAY DISTRICT

One way to address land use patterns and to regulate detrimental uses is to establish a Community Conservation zoning overlay district. This district would be specific for each community Conservation Area. The following general requirements would need to be met to establish a district.

First, the district could only be applied pursuant to a community plan. It would take effect when the plan was approved by the County Council.

Second, an "umbrella" community group would need to be designated by the neighborhoods in the plan area that could guide development and implementation of the plan. This group would also agree to serve as a conduit for notifying groups within its boundaries about projects and issues. The umbrella group would inform any affected neighborhood association about any community input meeting required for review of a development plan.

Detailed neighborhood plans should be prepared by residents after the overall Community Conservation plan has been completed. Some provisions, such as a specific list of significant historical properties,

should be addressed after the overall Towson Plan is completed and approved.

B. Towson Community Conservation Area (CCA)

The boundaries of the Community Conservation Area for Towson are shown on Map 1A on page 2. In general, the boundaries apply to residentially zoned land within the Towson Community Plan boundaries. Excluded are the major institutions of Goucher College, Towson State University, St. Joseph's Hospital, the Greater Baltimore Medical Center, Sheppard Pratt, and several major commercial areas. Small areas of RO, O-1, and BL zoning surrounded by residential zones are included.

Each of the growth management areas applied to Towson -- Urban Center, Employment Centers, and Community Conservation Areas -- may contain residential, office, business, or industrial zones. Each of these categories gives a focus to the type of development that will be encouraged. The intention of a Community Conservation designation is to protect existing residential areas from nonresidential encroachment, not to constrain the ability of businesses, industries, and institutions to use their property and to grow and prosper on their sites.

In addition, a zoning overlay district is proposed to be applied to the residentially zoned areas within the Community Conservation Area. Special zoning provisions are recommended to be applied to the properties covered by the overlay. These are outlined in section (C) below.

C. General Provisions for all Community Conservation Areas (CCAs)

1. Design Requirements:

All infill development within an existing community which requires a finding of compatibility should have densities, lot sizes, building design and materials, housing type, and open space ratios compatible with the surrounding community. Such development should follow the compatibility guidelines of the CMDP and maintain the character of the surrounding community, including the existing street pattern and open space network. A "Community Design Review Advisory Group" could be established to make recommendations to the OPZ on any development project identified for review by the Director of the OPZ.

2. Preservation of Historic or Architecturally - Significant Structures:

The overall Towson Community Plan may designate some structures as significant to the community. Individual neighborhoods may also determine that certain buildings have architectural or historic value. A list of these structures should

be included in any neighborhood plan. Assistance should be sought from the Landmarks Commission in such designation. Every effort should be made to have the historic structures listed on the County registry.

3. **Vacant or Abandoned Properties:**

All vacant buildings within the Towson CCA must be well maintained.

4. **Livability Code:**

Provisions of the livability code should be extended to the exteriors of all owner-occupied properties within the Towson CCA. Provisions for enforcement must be coordinated with the Department of Community Development.

5. **Waivers:**

Waivers of standards should be permitted only when of clear benefit to the neighborhood.

6. **Zoning and Development**

The following guidelines should apply to zoning and development in the Community Conservation areas:
- Additional nonresidential zoning should be discouraged.
- Class B office buildings should be discouraged in the RO zones.
- Infill housing development should match the existing density of the surrounding area, unless the development involves an elderly housing facility on a major institutional site.
- The appearance of existing businesses should be upgraded where needed.

7. **Issues Related to the Town Center**
- Maintaining the Boundaries

The boundaries of the EXISTING BM-CT district and the boundaries of the Towson Core, as designated in the Plan, should not be allowed to expand during the life of this Plan.

8. **Reduction of Through Traffic in Neighborhoods**

The Office of Planning and Zoning and/or Traffic Engineering should undertake a traffic management plan to focus on through traffic in residential areas. Parking should also be analyzed. The study should examine the "inner" areas first. The recommendations should be developed in consultation with the immediately-impacted neighborhood associations.

9. **Neighborhood Open Space Plan**

A neighborhood open space plan should be developed to address the following issues:

- providing pedestrian access to the town center;
- improving or strengthening existing parks;
- linking parks and other open space together;
- maintaining as much open space as possible on institutional and large, undeveloped sites; and
- promoting the development of the Herring Run-Towson Run stream valley park.

10. **Major Institutions**

Any land that is part of one of the major institutions (Towson State University, Goucher College, Greater Baltimore Medical Center, St. Joseph's Hospital of Sheppard-Pratt) that is proposed to be developed residentially, and will not be integral to the institutional use, should become part of the Community Conservation Area and subject to all the provisions of the Community Conservation Area Plan. Any redevelopment of major institutional sites should provide for preserving significant amounts of open space.

D. <u>Zoning Overlay District Provisions</u>

1. The Towson overlay district will be divided into three components. These are:

   a. the "Outer Neighborhoods" which are those residential areas impacted by the expansion of nonresidential zoning and through traffic, but not to the same extent as the "inner" neighborhoods.
   b. the "Inner Neighborhoods," which are those residential areas closest to the commercial core and are most directly impacted by development and traffic pressures extending from the town center; and
   c. the "Enhancement Area" of East Towson, for which a detailed neighborhood plan has been prepared.

2. Outer Neighborhoods

The outer neighborhoods are relatively stable residential communities. However, the proliferation of Special Exception uses within the neighborhoods can have a deleterious effect on those who reside there. Unacceptable levels of noise and traffic may result from residences which are also used for Special Exception purposes. In order to minimize the detrimental side effects which can result from Special Exception use, the following standards should be met:

a. the establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, convenience, or general welfare in a manner not addressed by the criteria below;
b. the use will not tend to overcrowd the land and cause undue concentration of population;
c. the use will not tend to interfere with adequate provisions for public facilities;
d. the use will not tend to interfere with adequate light and air;
e. the use will not be inconsistent with the purposes of the zoning or the spirit of the Zoning Regulations;
f. the particular use proposed, at the particular location proposed, will not have any adverse effects above and beyond those inherently associated with such a use regardless of its location within the zone;
g. the Special Exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood;
h. the establishment of the Special Exception use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
i. the use will be sited and operate so that the vehicular and pedestrian traffic and parking generated by the use will not be hazardous or substantially conflict with existing traffic or parking in the neighborhood;
j. Neighborhood Need: The preponderance of evidence must clearly demonstrate that for the public convenience, a need exists for the proposed use to service the population in the general neighborhood. The demonstration of need must take into account the present availability of such uses to that neighborhood and whether the neighborhood already has such uses.
k. County Need: A need exists for the proposed use due to an insufficient number of similar uses presently available to serve existing population concentrations in the County, and the use at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.

3. Inner Neighborhoods

The close proximity of the inner neighborhoods to the town core makes these areas desirable, especially for office use by businesses which work closely with the County government. Special Exception office uses for lawyers, engineers, surveyors, and doctors impact these neighborhoods very heavily, bringing in more traffic, large parking lots, storage of materials outside, and, in general, creating an ambience more

suited to a business community than to a residential community. Certain Special Exceptions are inherently so objectionable to these communities that they should not be allowed. Others, if not properly applied, can be very disruptive to residents of the inner neighborhoods. Therefore, the following provisions should apply:

- In drafting the legislation to create the zoning overlay district, consideration should be given to a provision stating that all existing nonresidential uses must comply with the current signage standards and, wherever possible, meet the intent of or be equivalent to the provisions of the Landscape Manual.
- All uses permitted by right in DR Zones will be allowed.
- Variances of zoning regulations should only be allowed for residential uses.

The following Special Exceptions should not be granted:
- funeral establishments,
- veterinarians' offices,
- controlled excavations,
- radio stations,
- television studios, and
- wireless transmitting and receiving structures.

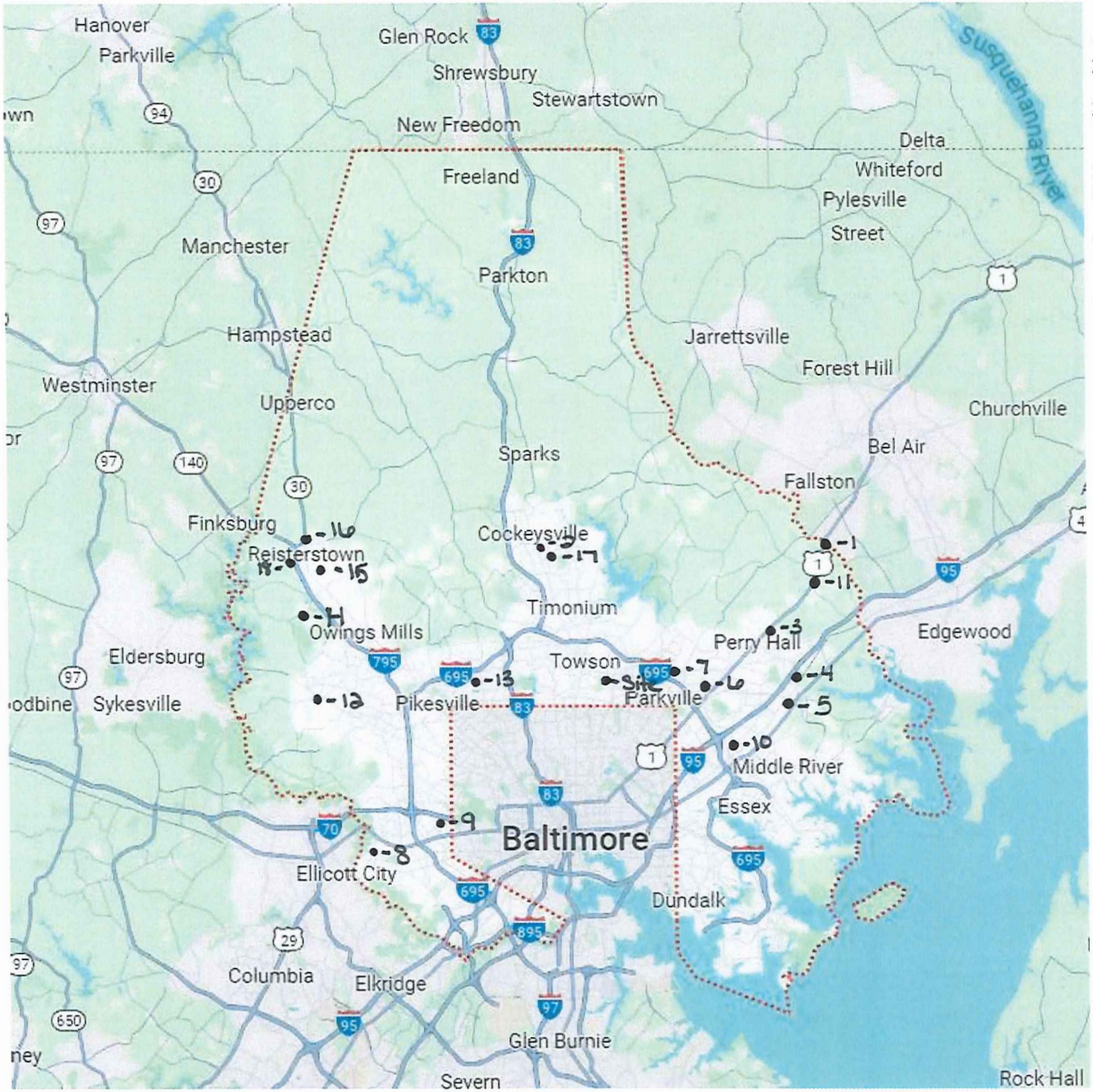
- The following Special Exceptions should be granted only when:
  1) the property owner occupies the subject property;
  2) no other similar Special Exception use exists within 1000 feet of the requested Special Exception;
  3) the property owner certifies that he has met with all contiguous property owners and representatives of the local community association to discuss the requested Special Exception;
  4) parking for all vehicles associated with the Special Exception use can be accommodated on site:
     - boarding or rooming houses
     - tourist homes
     - offices or studios.

- All other Special Exceptions shall meet the following overall criteria:

  1) A Special Exception use shall be deemed a privilege permitted when the use is found by clear and convincing evidence to be consistent with the standards defined in D.2. a-k, above.

  2) Burden of Proof: The applicant seeking the Special Exception bears the burden of proof throughout the proceeding to demonstrate that the use is consistent with the standards of D.2. a-k, above.

Petitioner's Exhibit 16



1. Wash X Car Wash-
2201 Bel Air Rd. Fallston, MD 21047

2. Flagship Car Wash-
10117 York Rd. Cockeysville, MD 21230

3.Soapy Shell Car Wash-
9523 Bel Air Rd. Nottingham, MD 21236

4. Canton Car Wash-
10051 Franklin Square Dr. Nottingham, MD 21236

5. Chesapeake Car Wash at White Marsh-
9603 Philiopelphia R, Rosedale, Md 21237

6. Ideal Image Auto Salon-
7901 Bel Air Rd. Baltimore, MD 21236

7. The Car Wash LLC-
2403 E. Joppa Rd. Parkville, MD 21234

8. Best Car Wash-
812 Geipe Rd. Catonsville, Md 21228

9. SPA Car Wash-
5651 Baltimore National Pike Catonsville, MD 21228

10. Bmore Clean Carwash-
6502 Ridge Rd. Rosedale, MD 21237

11. Autobell Car Wash-
97063 Honeygo Blvd. Perry Hall, MD 21128

12. 4 Clena Wheels Car Wash "Liberty"-
9131 Liberty Rd. Randallstown, MD 21133

13. B'moreHand Car Wash-
1701 Reisterstown Rd. Pikesville, MD 21208

14. Carroll Clean Car Wash-
11250 Dolfield Blvd. Reisterstown, MD 21136

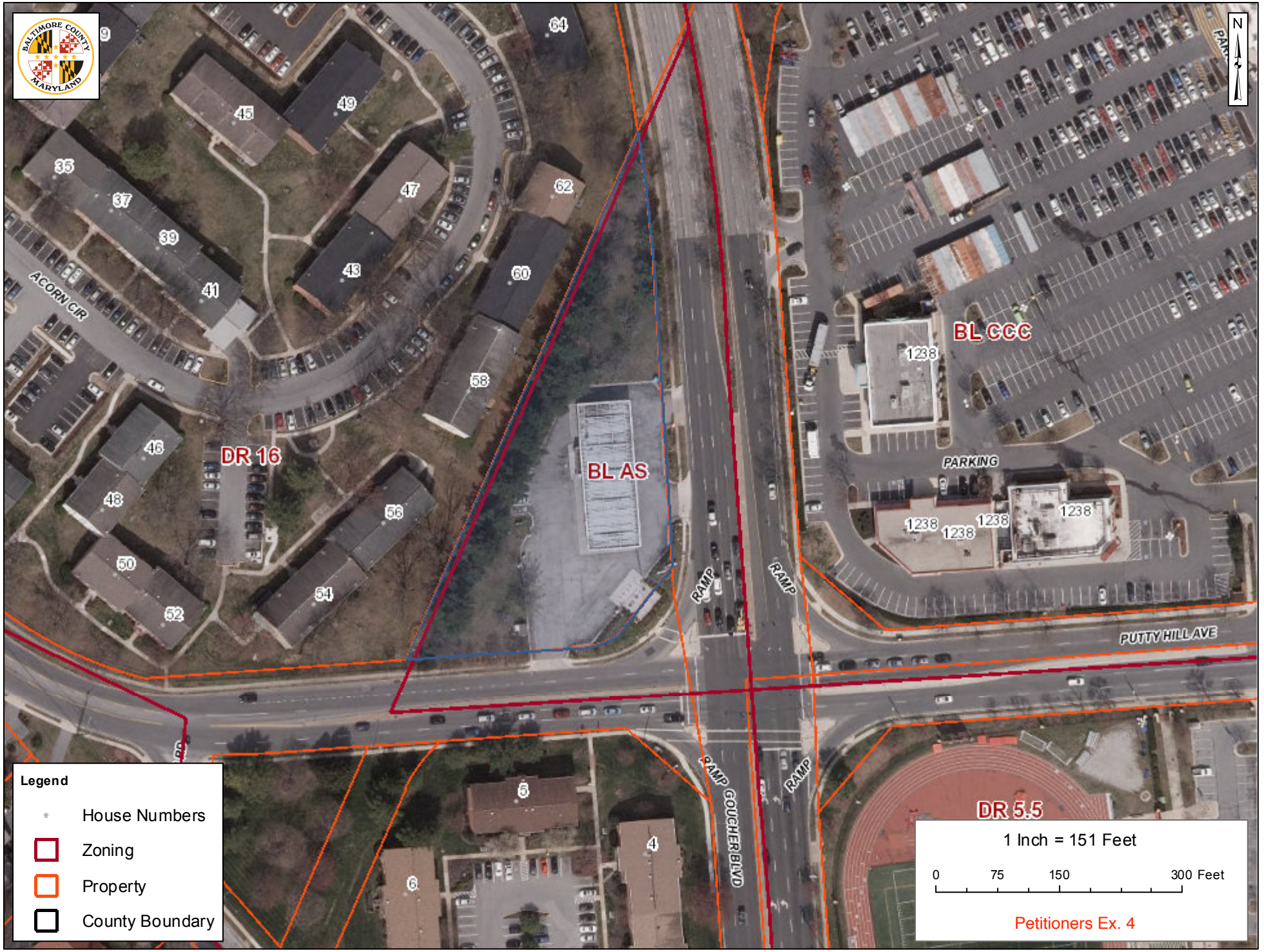
15. Wax to the Max-
11416 Reisterstown Rd. Owings Mills, MD 21117

16. Owings Mills Car Wash-
11629 Reisterstown Rd. Reisterstown, MD 21136

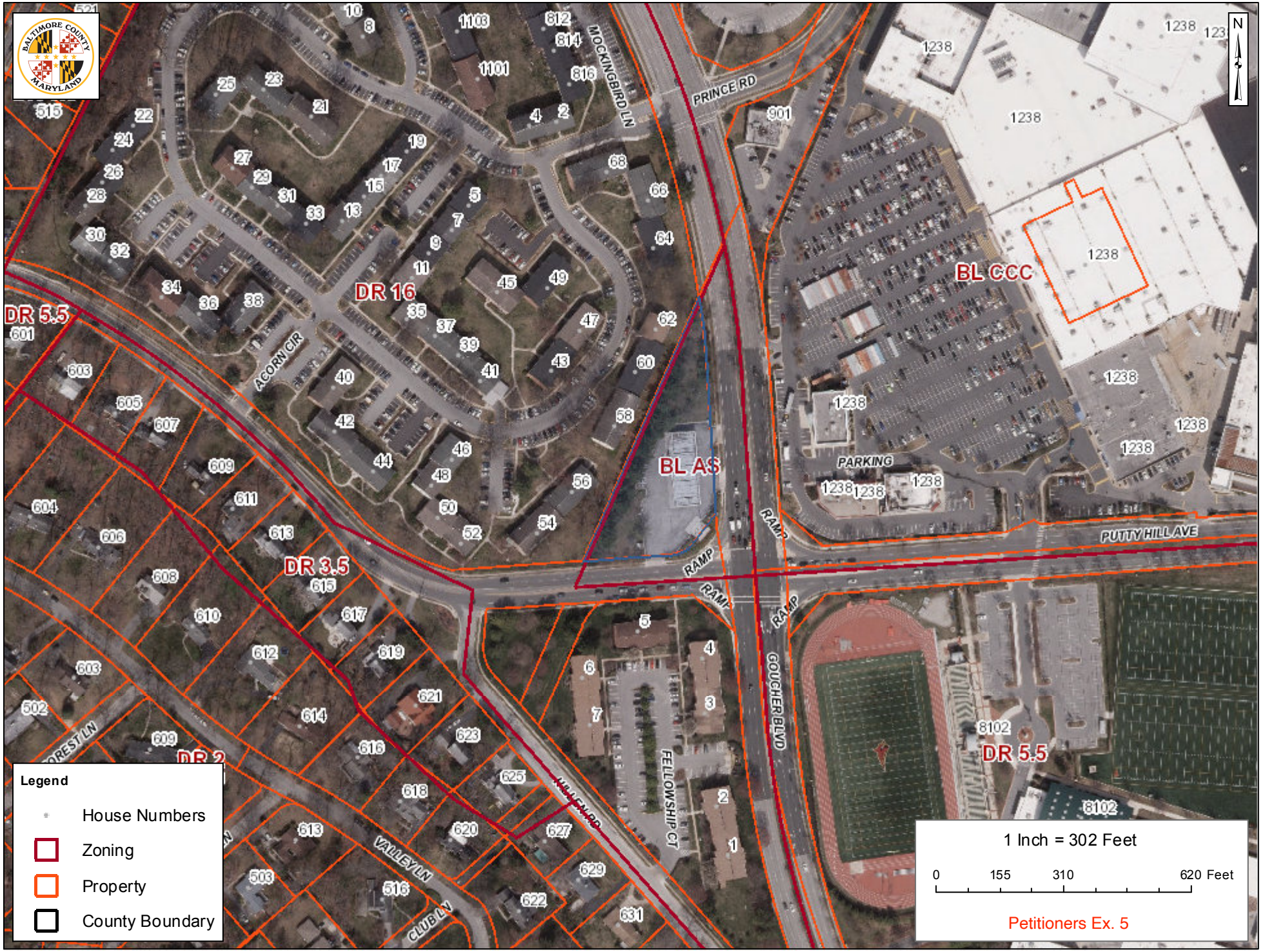
17. Carroll Fuel-
2114 York Rd. Timonium, MD

18. Splash In-
30 Main St. Reisterstown, MD 21136

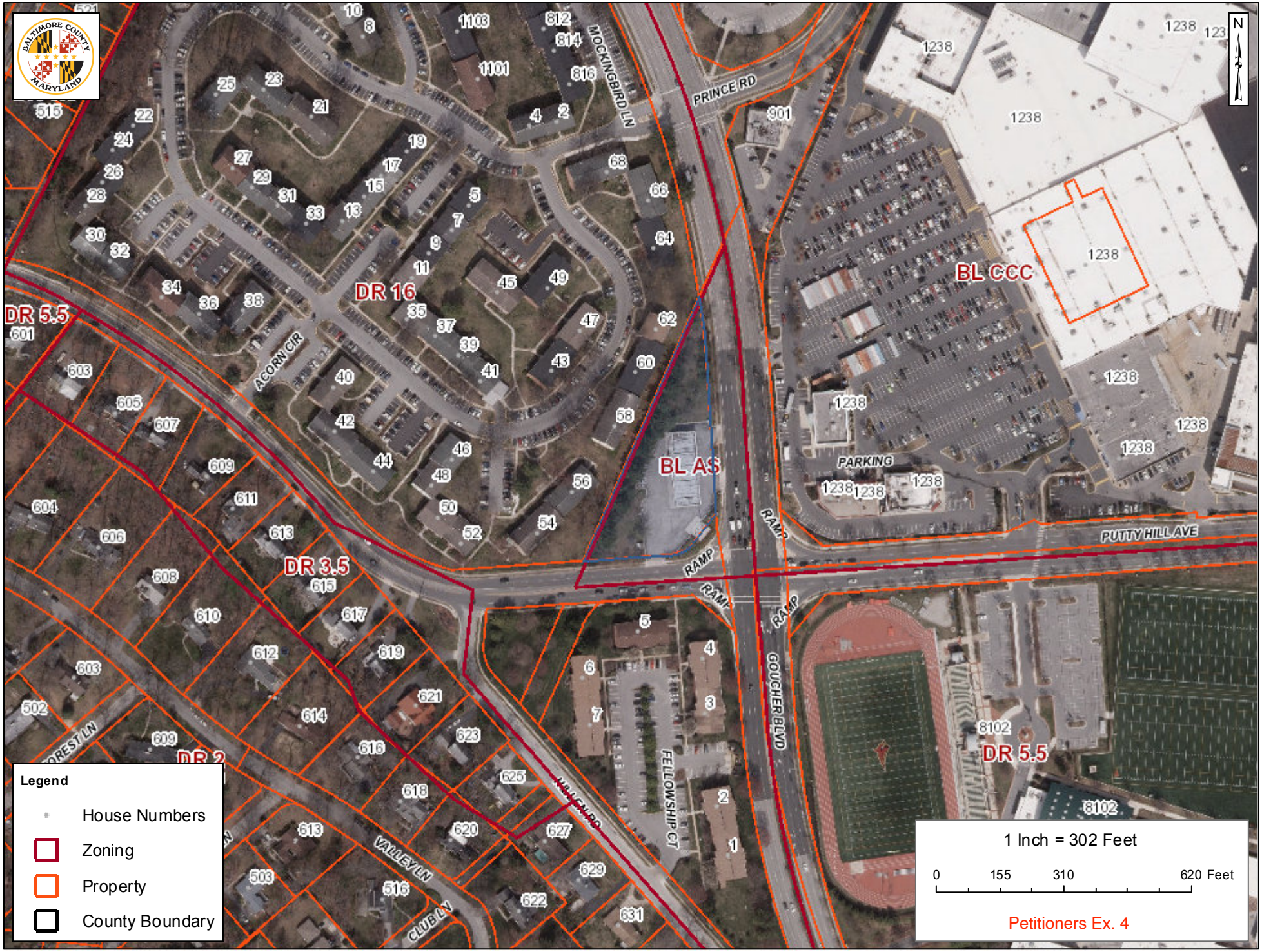
800 Goucher Blvd



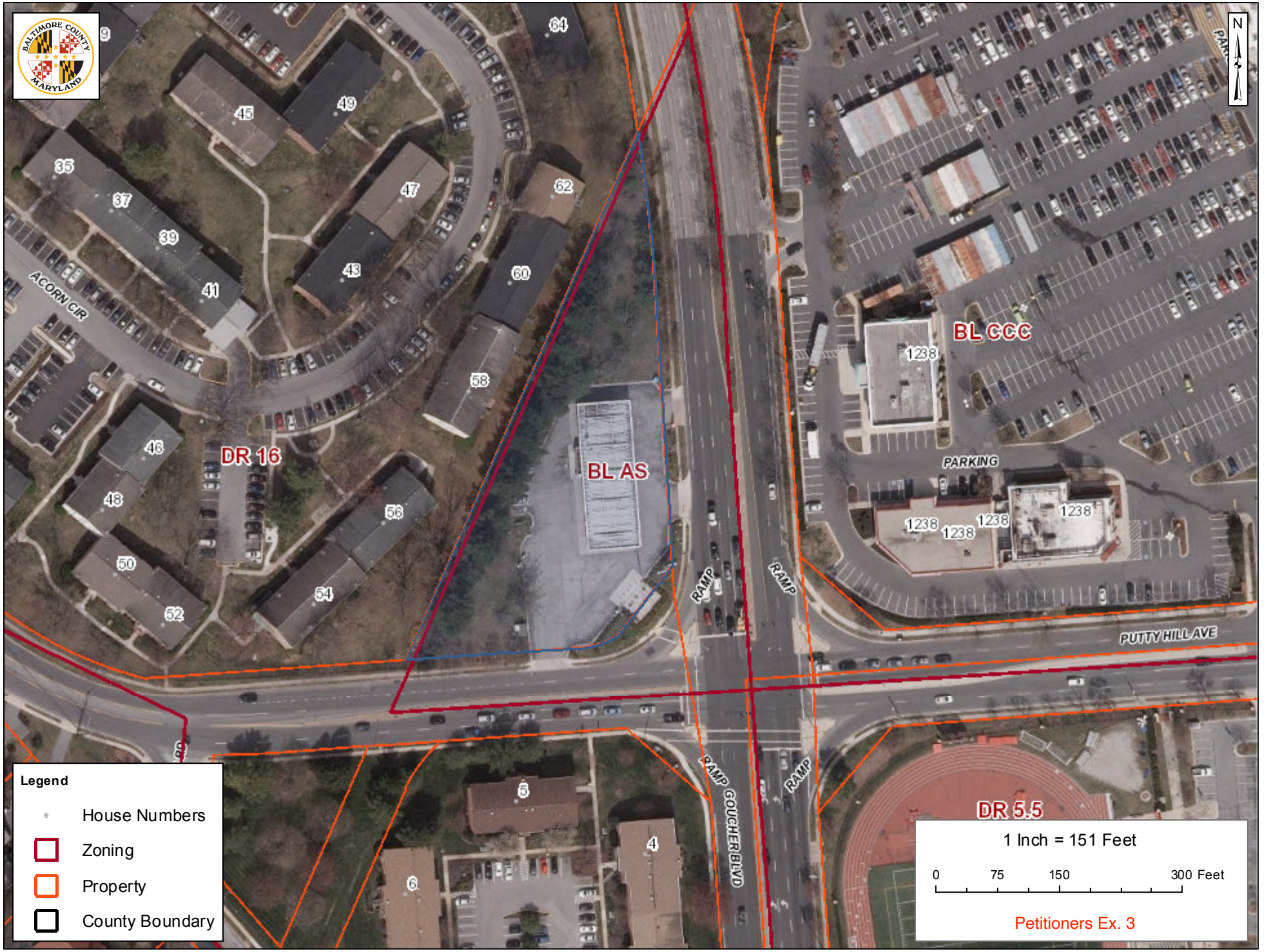
800 Goucher Blvd & Vicinity



800 Goucher Blvd & Vicinity



800 Goucher Blvd



Case 2023-0262-SPHX
800 Goucher Boulevard

Petitioner's Ex. 6







Case 2023-0262-SPHX
800 Goucher Boulevard

Petitioner's Ex. 5



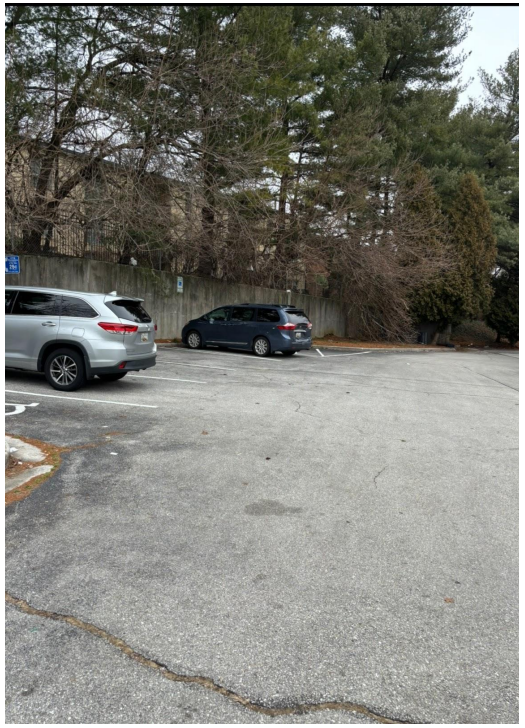


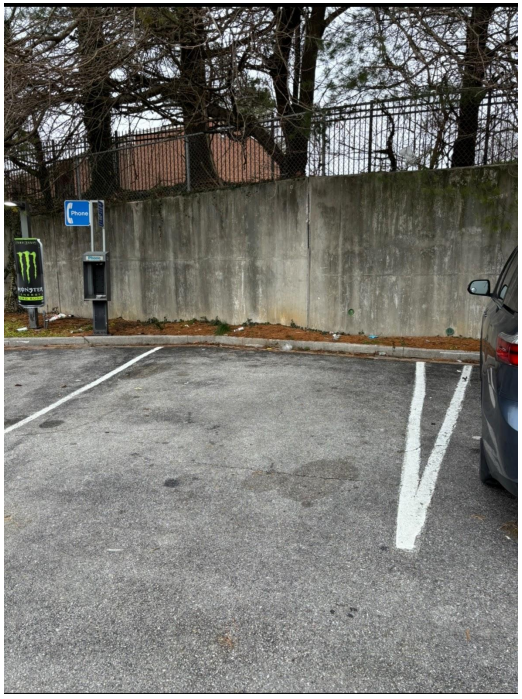


Case 2023-0262-SPHX
800 Goucher Boulevard

Petitioner's Ex. 6









Case 2023-0262-SPHX
800 Goucher Boulevard

Petitioner's Ex. 8





Case 2023-0262-SPHX
800 Goucher Boulevard

Petitioner's Ex. 7

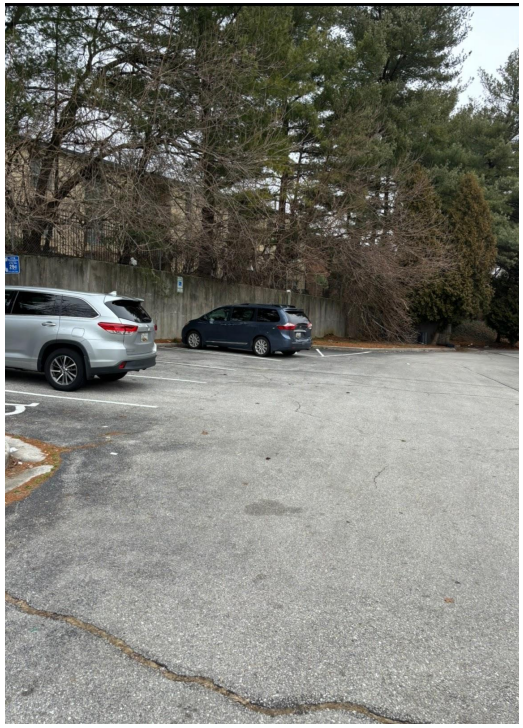


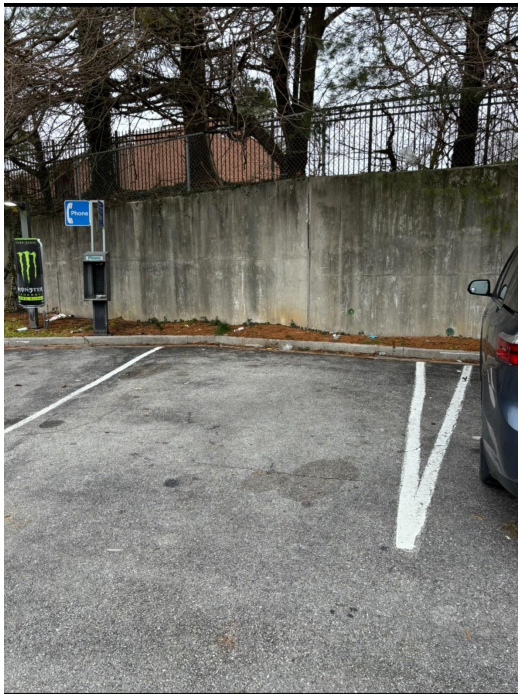


Case 2023-0262-SPHX
800 Goucher Boulevard

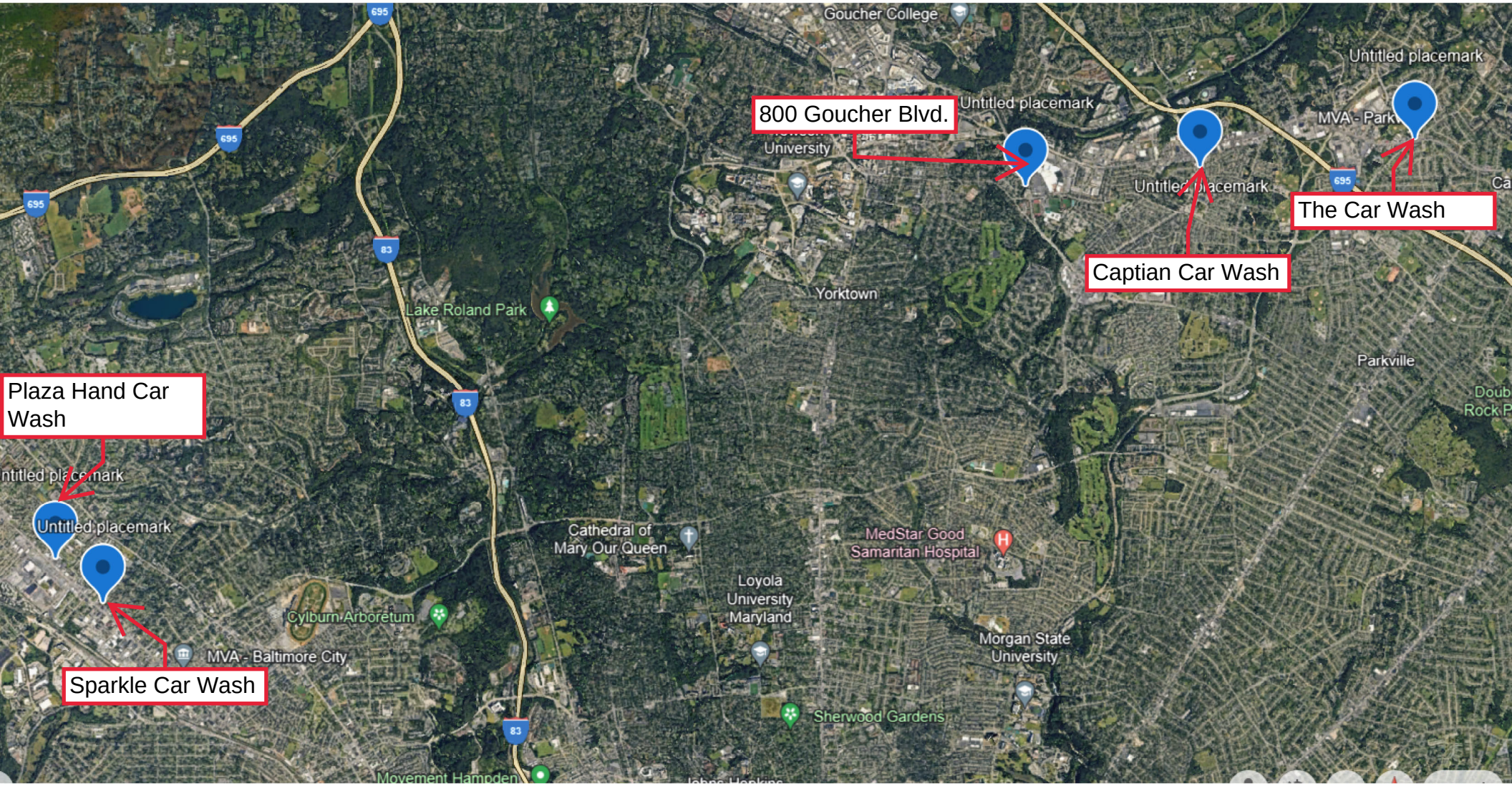
Petitioner's Ex. 7











Car Wash Only:
The Car Wash 3 Miles

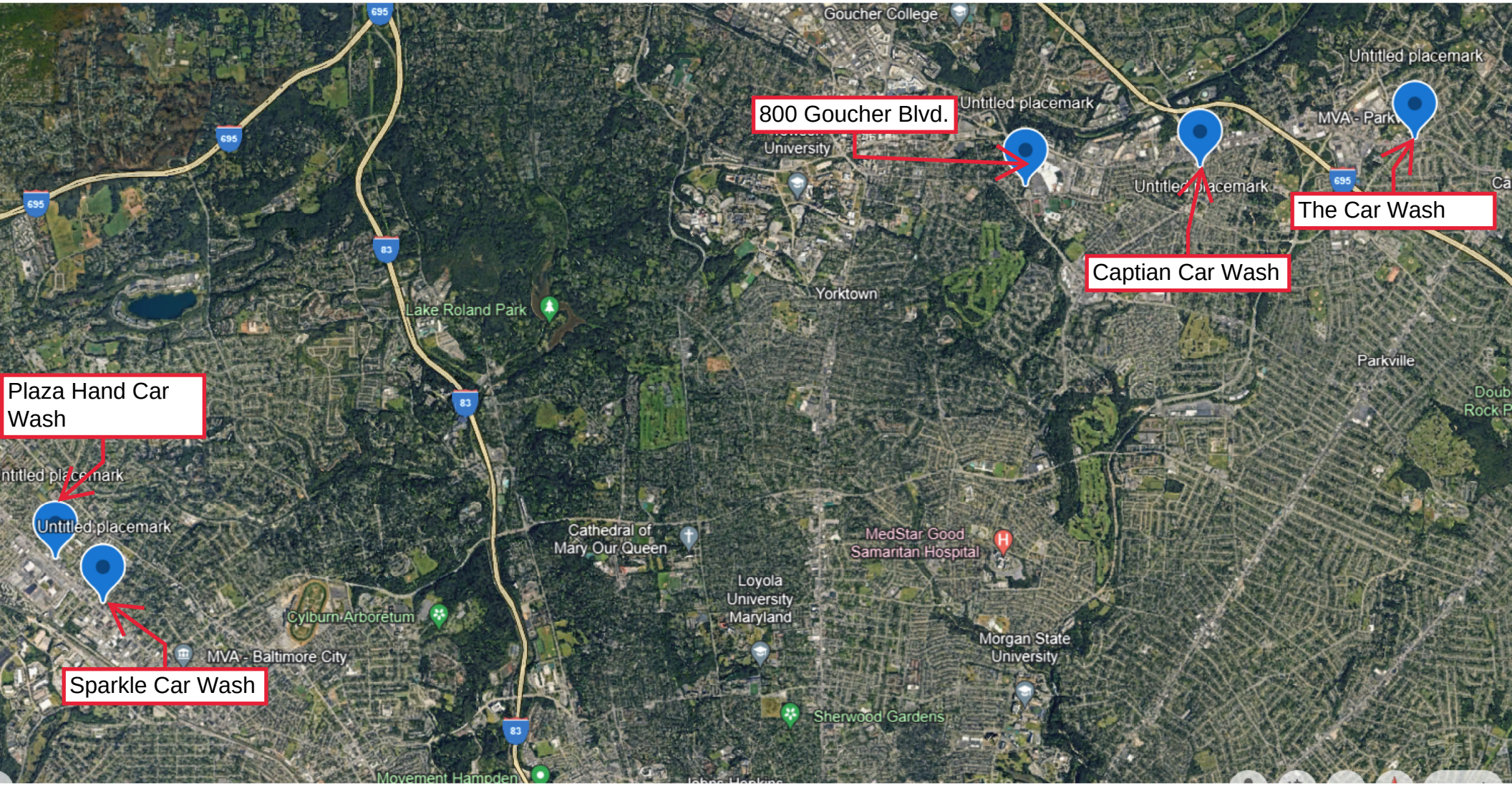
Full Service Auto Detailing:
Captain Car Wash 1.4 Miles
Plaza Hand Car Wash 5.2 Miles
Sparkle Car Wash 8.5 Miles

Petitioners Exhibit 13



Car Washes within Towson Community Plan Area

Petitioner's Exhibit 14



Car Wash Only:
The Car Wash 3 Miles

Full Service Auto Detailing:
Captain Car Wash 1.4 Miles
Plaza Hand Car Wash 5.2 Miles
Sparkle Car Wash 8.5 Miles

Petitioners Exhibit 15



Petitioners Exhibit 17

REVISION NO.	REVISION DESCRIPTION	REVISION BY	REVISION DATE

MESSICK & ASSOCIATES*

CONSULTING ENGINEERS
SURVEYORS & PLANNERS

7 OLD SOLOMONS ISLAND ROAD
SUITE 202
ANNAPOLIS, MARYLAND 21401 (410)
266-3212 * FAX (410) 266-3502
engr@messickandassociates.com

* MESSICK GROUP, INC. T/A MESSICK AND ASSOCIATES

OWNER:
AL GLENVIEW, LLC
M ML PATRIOT LLC, ET AL.
2424 RIDGE ROAD
ROCKWELL, TEXAS 75087

DEVELOPER/LESSEE:
TIKVA, LLC
800 GOUCHER BLVD.
TOWSON, MD 21286

COLOR RENDERING EXHIBIT

PAI NO. XX-XXX

PROPOSED CONDITIONS
GOUCHER EXXON
800 GOUCHER BOULEVARD
TOWSON, MARYLAND 21286

TAX MAP: 70 GRID: 17 PARCELS: 819 LOT: 1
ZONED: BL-AS BUSINESS LOCAL/AUTOMOTIVE SERVICE
6TH COUNCILMANIC DISTRICT 9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=30' DATE: FEBRUARY 2024

DRAWING NO.

SHEET: 1 OF 1



Petitioner's Exhibit 18

REVISION NO.	REVISION DESCRIPTION	REVISION BY	REVISION DATE

MESSICK & ASSOCIATES*

CONSULTING ENGINEERS
SURVEYORS & PLANNERS

7 OLD SOLOMONS ISLAND ROAD
SUITE 202
ANNAPOLIS, MARYLAND 21401 (410)
266-3212 * FAX (410) 266-3502
engr@messickandassociates.com

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2424 RIDGE ROAD
ROCKWELL, TEXAS 75087

DEVELOPER/LESSEE:
TIKVA, LLC
800 GOUCHER BLVD.
TOWSON, MD 21286

COLOR RENDERING EXHIBIT

PAI NO. XX-XXX

PROPOSED CONDITIONS
GOUCHER EXXON
800 GOUCHER BOULEVARD
TOWSON, MARYLAND 21286

TAX MAP: 70 GRID: 17 PARCELS: 819 LOT: 1
ZONED: BL-AS BUSINESS LOCAL/AUTOMOTIVE SERVICE
6TH COUNCILMANIC DISTRICT 9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=30' DATE: FEBRUARY 2024

DRAWING NO.

SHEET: 1 OF 1



Petitioners Exhibit 14

REVISION NO.	REVISION DESCRIPTION	REVISION BY	REVISION DATE

MESSICK & ASSOCIATES*

CONSULTING ENGINEERS
SURVEYORS & PLANNERS

7 OLD SOLOMONS ISLAND ROAD
SUITE 202
ANNAPOLIS, MARYLAND 21401 (410)
266-3212 * FAX (410) 266-3502
engr@messickandassociates.com

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OWNER:
AL GLENVIEW, LLC
M ML PATRIOT LLC, ET AL.
2424 RIDGE ROAD
ROCKWELL, TEXAS 75087

DEVELOPER/LESSEE:
TIKVA, LLC
800 GOUCHER BLVD.
TOWSON, MD 21286

COLOR RENDERING EXHIBIT

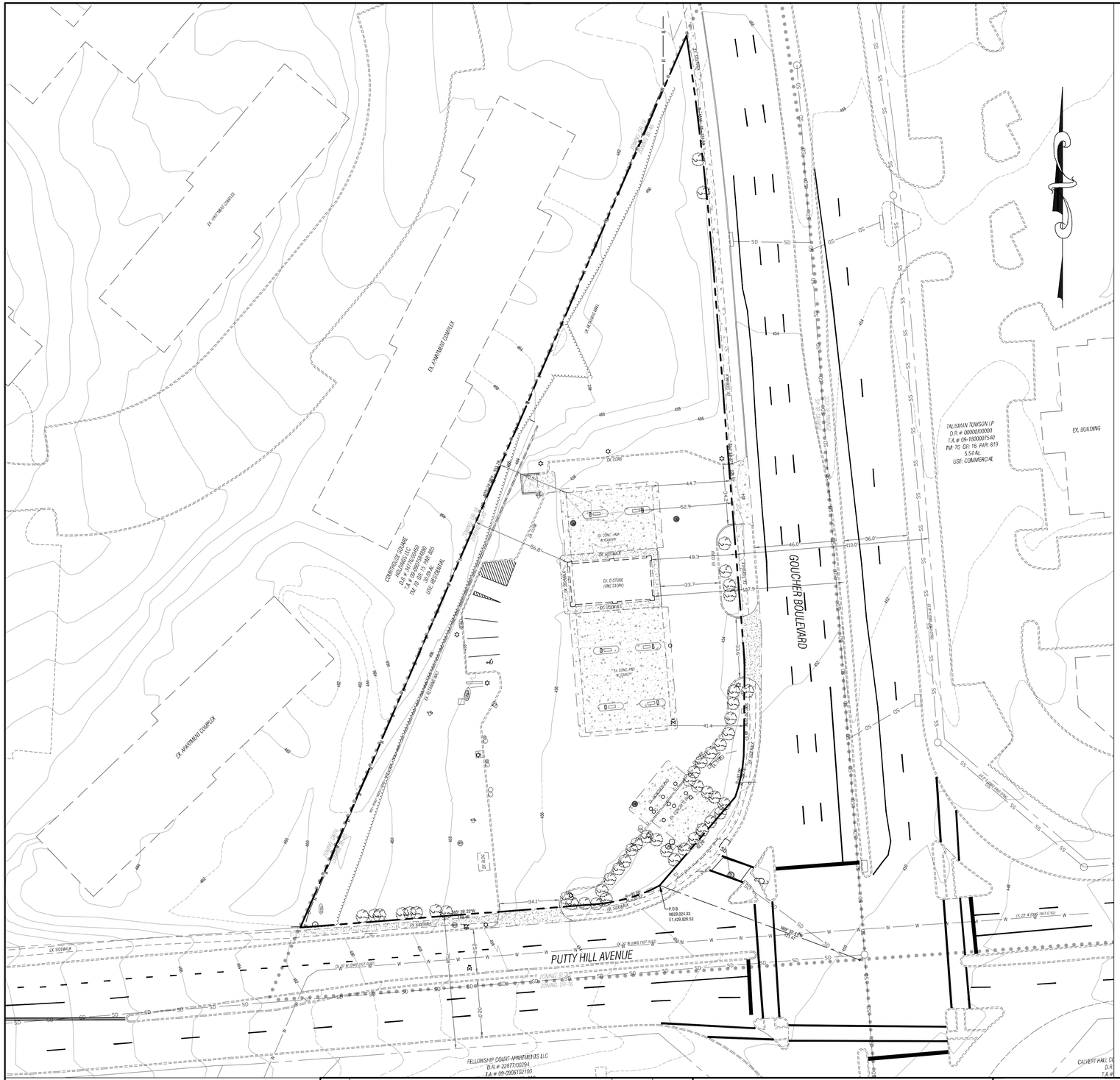
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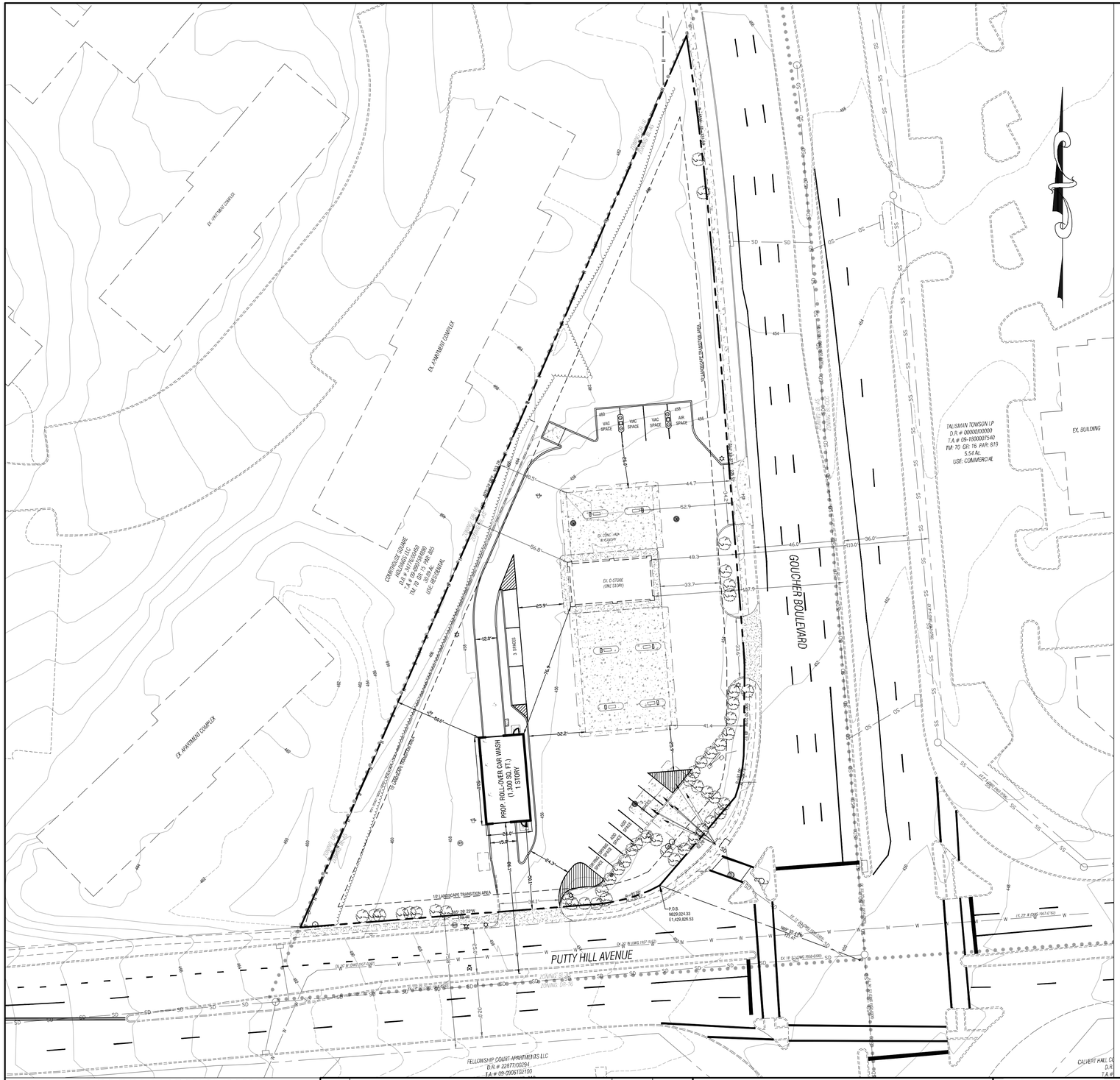
PROPOSED CONDITIONS
GOUCHER EXXON
800 GOUCHER BOULEVARD
TOWSON, MARYLAND 21286

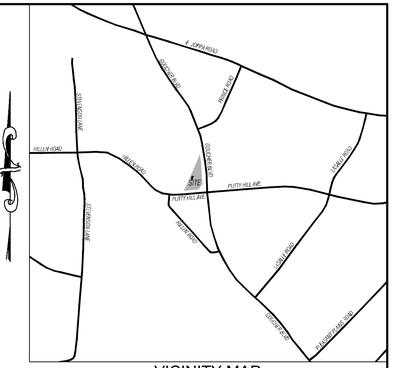
TAX MAP: 70 GRID: 17 PARCELS: 819 LOT: 1
ZONED: BL-AS BUSINESS LOCAL/AUTOMOTIVE SERVICE
6TH COUNCILMANIC DISTRICT 9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=30' DATE: FEBRUARY 2024

DRAWING NO.

SHEET: 1 OF 1


GOUCHER BOULEVARD
PUTTY HILL AVENUE
EX. APARTMENT COMPLEX
EX. BUILDING
TALISMAN TOWSON LP
D.R. # 0000000000
T.A. # 09-1930007540
TM: 70 GR: 16 PAR: 819
5.54 Ac.
USE: COMMERCIAL
COMMONWEALTH
MANAGEMENT LLC
D.R. # 24777/00294
T.A. # 09-0908150100
TM: 70 GR: 15 PAR: 885
10.91 Ac.
USE: RESIDENTIAL
FELLOWSHIP COURT APARTMENTS LLC
D.R. # 22877/00294
T.A. # 09-0908150100
EX. CONC. PAD W/CANOPY
EX. C-STORE (ONE STORY)
EX. CAR WASH
EX. CONC. PAD W/CANOPY
EX. SIDEWALK
EX. CURB
EX. GUARDRAIL
EX. SIGN
EX. UTILITY POLE
EX. INLET
EX. MANHOLE
EX. WATER VALVE
EX. GAS VALVE
EX. FIRE HYDRANT
EX. GAS METER
EX. TREE LINE
EX. CONTOURS
P.O.B.
N629,024.33
E1,429,828.53
N/F
PROPERTY OF
TIKVA, LLC
L. 22877 F. 294
PARCEL 885
PROPOSED
CANOPY
PROPOSED
C-STORE
(ONE STORY)
PROPOSED
CAR WASH
PROPOSED
CONCRETE
PAD
PROPOSED
CONCRETE
PAD
PROPOSED
CANOPY
PROPOSED
CONCRETE
PAD
PROPOSED
CONCRETE
PAD
PROPOSED
CONCRETE
PAD





VICINITY MAP
SCALE: 1"=1000'

LOT AREA REQUIREMENTS			
ITEM	REQUIREMENT	QUANTITY	LOT AREA REQUIRED
CONVENIENCE STORE	4 SQ. FT. OF LOT AREA PER SQUARE FOOT OF C-STORE (§405.4.D.2)	1,104 SQ. FT.	4,416 SQ. FT.
FUEL SERVICE	1,500 SQ .FT. OF LOT AREA PER FUEL SERVICE SPACE, BUT NOT LESS THAN 15,000 SQ. FT.. (§ 405.4.A)	12	18,000 SQ. FT.
TOTAL LOT AREA REQUIRED			22,416 SQ. FT.
TOTAL LOT AREA PROVIDED (NET)			63,109 SQ. FT.

ZONIING NOTES::

1. ZONING: BL-AS
2. ZONING CASE HISTORY:

2.1. 1958-4545-RX - PETITION FOR RECLASSIFICATION FROM R-10 ZONE TO BL ZONE AND SPECIAL EXCEPTION FOR GAS STATION - DENIED DECEMBER 16, 1958.

2.2. 1965-240-RX - PETITION FOR RECLASSIFICATION FROM R-10 TO BL ZONE AND SPECIAL EXCEPTION FOR GAS STATION. RECLASSIFICATION GRANTED BY BOARD OF APPEALS APRIL 3, 1968. SPECIAL EXCEPTION WITHDRAWN BY PETITIONER. AFFIRMED BY CIRCUIT COURT DECEMBER 9, 1968.

2.3. 1988-324-A - VARIANCE FOR 158.16 SF IDENTIFICATION SIGN IN LIEU OF 100 SF ALLOWED. GRANTED MARCH 18, 1988.

2.4. 1989-0471-SPHXA - SPECIAL EXCEPTION FOR FOOD STORE IN CONJUNCTION WITH AUTOMOBILE SERVICE STATION, VARIANCE FOR AN ADDITIONAL 19.6 SF SIGN, VARIANCE FOR FOUR (4) ADDITIONAL SIGNS - GRANTED BY BOARD OF APPEALS FEBRUARY 23, 1990; AFFIRMED BY CIRCUIT COURT OCTOBER 29, 1990.

2.5. 1996-29-SPHX - PETITION FOR SPECIAL EXCEPTION FOR A CAR WASH. DENIED BY THE DEPUTY ZONING COMMISSIONER JANUARY 11, 1996.

3. THERE ARE NO ACTIVE ZONING VIOLATIONS

GENERAL NOTES::

1. THERE ARE NO ACTIVE ZONING VIOLATIONS,
2. THERE IS NO PREVIOUS COMMERCIAL PERMIT INFORMATION AVAILABLE.
3. ALL SIGNAGE WILL CONFORM TO THE REQUIREMENTS OF THE BCZR, OR VARIANCES WILL BE SOUGHT.
4. THE PROPERTY IS NOT WITHIN ANY FAILING AREAS SHOWN ON THE 2022 BASIC SERVICES MAPS ADOPTED BY THE COUNTY COUNCIL IN BILL 25-22 (MAY 2, 2022).
5. THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITHIN 1 MILE OF THE PROPERTY.
6. PER FLOOD INSURACE RATE MAP 24001002 35F, THE SITE LIES OUTSIDE 100-YEAR FLOOD ZONE.
7. RESTROOMS, WATER, AND COMPRESSED WILL BE PROVIDED IN ACCORDANCE WITH BCZR §409.4.
8. LANDSCAPE TRANSITION AREAS WILL BE VEGETATED AND SCREENED IN ACCORDANCE AUTOMOTIVE USES PER THE LANDSCAPE MANUAL.

FLOOR AREA RATIO		
ITEM		AREA
GROSS FLOOR AREA	C-STORE	1,104 SQ.F.T.
	CAR WASH	1,300 SQ.F.T.
	TOTAL GFA	2,404 SQ.F.T.
GROSS SITE AREA		63,109 SQ.F.T.
FLOOR AREA RATIO		0.04

BUILDING HEIGHTS		
# OF STORIES		
ITEM	EXISTING	PROPOSED
C-STORE	1 STORY	1 STORY
CANOPY	1 STORY	1 STORY
CAR WASH	--	1 STORY

SITE DATA			
PROPERTY ADDRESS	800 GOUCHER BOULEVARD TOWSON, MD 21286		
OWNER NAME & ADDRESS	AL GLENVIEW, LLC M ML PATRIOT LLC, ETAL. 2424 RIDGE ROAD ROCKWELL, TX 75087		
LESSEE NAME & ADDRESS	TIKVA, LLC 800 GOUCHER BLVD. TOWSON, MD 21286		
TAX MAP	70		
GRID	17		
PARCELS	819		
LOT	1		
TAX ACCOUNT NUMBER	09-0903330429		
DEED REFERENCE	34402/430		
PLAT REFERENCE	23/122		
COUNCILMANIC DISTRICT	6TH		
ELECTION DISTRICT	9TH		
LEGISLATIVE DISTRICT	43B		
ZONING MAP	070B2	ZONING	BL-AS
EXISTING USE	FUEL SERVICE STATION & CONVENIENCE STORE		
PROPOSED USE	FUEL SERVICE STATION, CONVENIENCE STORE, & ROLL-OVER CAR WASH		
FEMA FIRM MAP	24001002 35F	ZONE:	0.2 PCT ANNUAL CHANCE FLOOD HAZARD
CRITICAL AREA MAP	NA	DESIGNATION:	N/A
GROSS SITE AREA	84,690 SQ.F.T. (1.94 ACRES)		
RIGHT OF ACCESS AREA	21,581 SQ.F.T. (0.50 ACRES)		
NET SITE AREA	63,109 SQ.F.T. (1.44 ACRES)		
R/W TO BE DEDICATED	0 SQ.F.T. (0.00 ACRES)		
WATERSHED	BACK RIVER		
SUB-WATERSHED	HERRING RUN-B		

STACKING SPACES CALCULATION				
ITEM	REQUIREMENT	QUANTITY	SPACES REQUIRED	SPACES PROVIDED
CONVENIENCE STORE (§405.4.A.3.c.2)	1 STACKING SPACE REQUIRED IN ADDITION TO THE FUEL SERVICE SPACE PER MPD	8	8	8
ROLL-OVER CAR WASH (§419.3.A.2)	9 STACKING SPACES REQUIRED PER ROLL-OVER CAR WASH	1	9	9
TOTALS			17	17

PARKING CALCULATIONS			
PARKING REQUIRED PER CODE			
ITEM	REQUIREMENT	QUANTITY	SPACES REQUIRED
CONVENIENCE STORE (§405.4)	3 SPACES PER 1,000 SQ. FT.	1,104 SQ. FT.	4
EMPLOYEES/LARGEST SHIFT (§405.4.A.3d)	1 SPACE PER EMPLOYEE	2 EMPLOYEES	2
ATM (§405.4.A.3d)	1 SPACE PER ATM	0	0
AIR (§405.4.A.3d)	1 SPACE PER SELF-SERVE AIR	1	1
VACUUM (§405.4.A.3d)	1 SPACE PER VACUUM UNIT	3	3
ROLL-OVER CAR WASH DRYING SPACES (§419.3.B.1)	2 DRYING SPACES PER TUNNEL	1 TUNNEL	2
ROLL-OVER CAR WASH ADDITIONAL SPACES (§419.3.B.4)	2 SPACES	--	2
TOTAL SPACES REQUIRED			14 SPACES
TOTAL SPACES PROVIDED			14 SPACES

PROPOSED SETBACKS				
BCAR §	FROM	TO	SETBACK REQUIRED	SETBACK PROVIDED
§405.4.A.2	RIGHT OF WAY	CONVENIENCE STORE	35 FEET	48.3 FEET
		PUMP	25 FEET	52.9± FEET
		CANOPY	15 FEET	41.4 FEET
		CAR WASH	--	50.1 FEET
§232	PROPERTY LINE	FROM CLOSEST BUILDING	10 FEET (FRONT)	41.4 FEET
	PROPERTY LINE	FROM CLOSEST BUILDING	10 FEET (SIDE/CORNER)	41.4 FEET
	PROPERTY LINE	FROM CLOSEST BUILDING	20 FEET (REAR)	40.5 FEET
	CENTER LINE OF STREET	FROM CLOSEST BUILDING	40 FEET	94.7 FEET

Petitioner's Exhibit 2
Page 2 of 3

THE MARYLAND COORDINATE SYSTEM (MCS) OF ALL DRAWINGS IS BASED ON THE NORTH AMERICUM DATUM OF 1983 (NAD83).

PROPOSED CONDITIONS
SCALE 1"=30'

REVISION NO.	REVISION DESCRIPTION	REVISION BY	REVISION DATE

MESSICK & ASSOCIATES*
CONSULTING ENGINEERS
SURVEYORS & PLANNERS
7 OLD SOLOMONS ISLAND ROAD
SUITE 202
ANNAPOLIS, MARYLAND 21401 (410)
266-3212 * FAX (410) 266-3502
engr@messickandassociates.com
* MESSICK GROUP, INC. T/A MESSICK AND ASSOCIATES

SEAL
STATE OF MARYLAND DARNELL J. KRAUSE No. 22098 REGISTERED PROFESSIONAL ENGINEER
DATE : 7-25-23
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.: 22098 EXPIRATION DATE: SEPT. 10, 2024

OWNER:
AL GLENVIEW, LLC
M ML PATRIOT LLC, ET AL.
2424 RIDGE ROAD
ROCKWELL, TEXAS 75087

DEVELOPER/LESSEE:
TIKVA, LLC
800 GOUCHER BLVD.
TOWSON, MD 21286

PLAN TO ACCOMPANY PETITION FOR ZONING HEARING

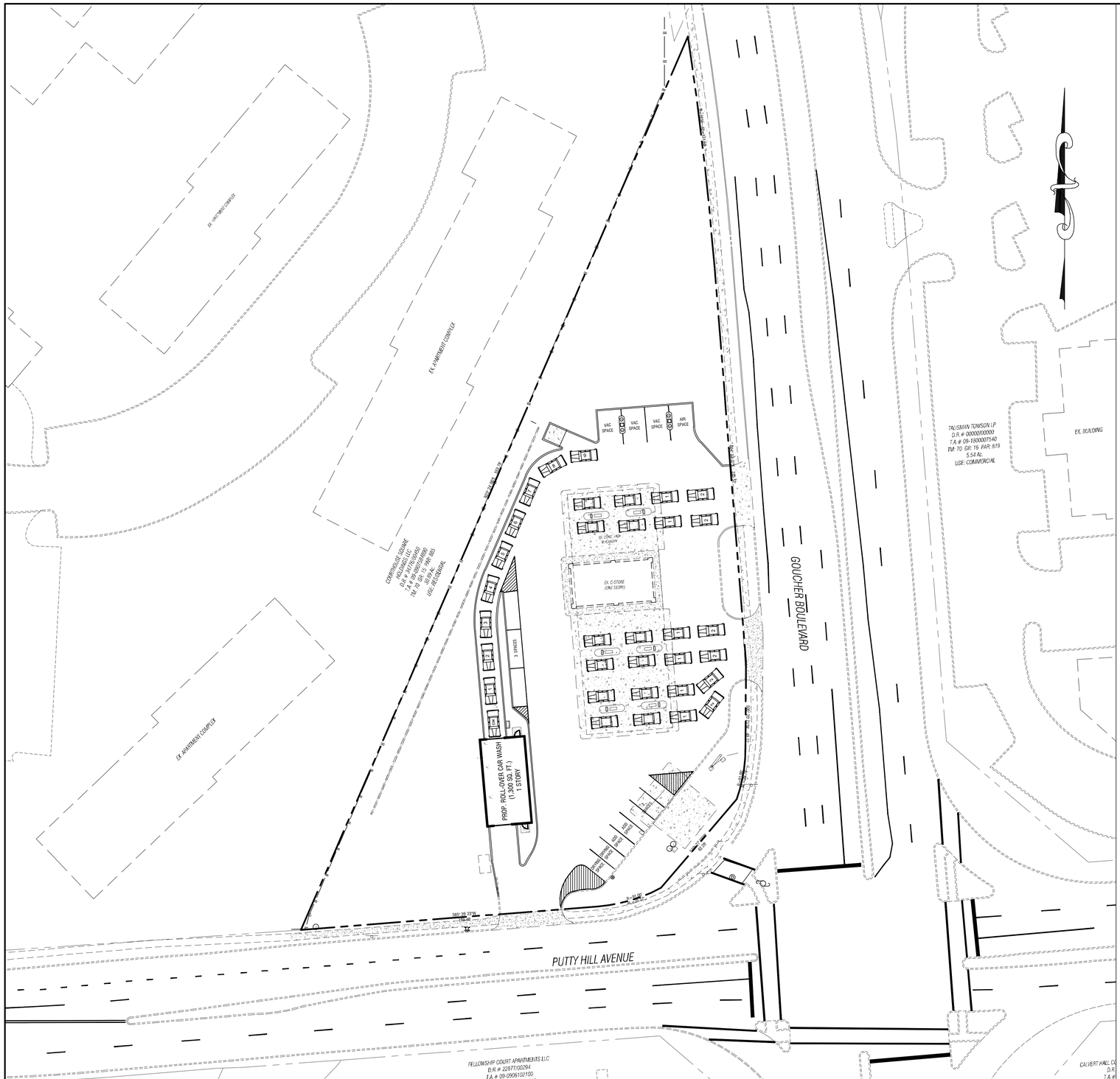
PAI NO. XX-XXX

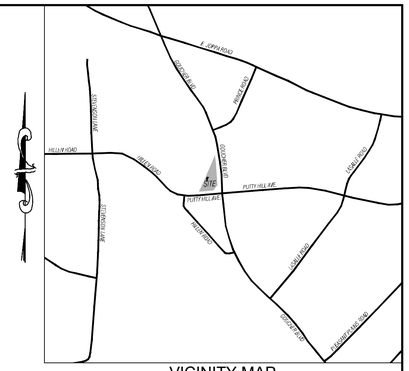
PROPOSED CONDITIONS
GOUCHER EXXON
800 GOUCHER BOULEVARD
TOWSON, MARYLAND 21286

TAX MAP: 70 GRID: 17 PARCELS: 819 LOT: 1
ZONED: BL-AS BUSINESS LOCAL/AUTOMOTIVE SERVICE
6TH COUNCILMANIC DISTRICT 9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=30' DATE: JULY 2023

DRAWING NO.

SHEET: 2 OF 3





VICINITY MAP
SCALE: 1"=1000'

STACKING SPACES CALCULATION

ITEM	REQUIREMENT	QUANTITY	SPACES REQUIRED	SPACES PROVIDED
CONVENIENCE STORE (§405.4.A.3.c.2)	1 STACKING SPACE REQUIRED IN ADDITION TO THE FUEL SERVICE SPACE PER MPD	8	8	8
ROLL-OVER CAR WASH (§419.3.A.2)	9 STACKING SPACES REQUIRED PER ROLL-OVER CAR WASH	1	9	9
TOTALS			17	17

Petitioner's Exhbit 2
Page 3 of 3

THE MARYLAND COORDINATE SYSTEM (MCS) OF ALL DRAWINGS IS BASED ON THE NORTH AMERICUM DATUM OF 1983 (NAD83).

STACKING PLAN
SCALE 1"=30'

REVISION NO.	REVISION DESCRIPTION	REVISION BY	REVISION DATE

MESSICK & ASSOCIATES*
CONSULTING ENGINEERS
SURVEYORS & PLANNERS
7 OLD SOLOMONS ISLAND ROAD
SUITE 202
ANNAPOLIS, MARYLAND 21401 (410)
266-3212 * FAX (410) 266-3502
engr@messickandassociates.com
* MESSICK GROUP, INC. T/A MESSICK AND ASSOCIATES

SEAL

STATE OF MARYLAND · DANIEL J. VEALEY · No. 22098 · REGISTERED PROFESSIONAL ENGINEER

DATE : 7-25-23

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.: 22098 EXPIRATION DATE: SEPT. 10, 2024

OWNER:
AL GLENVIEW, LLC
M ML PATRIOT LLC, ET AL.
2424 RIDGE ROAD
ROCKWELL, TEXAS 75087

DEVELOPER/LESSEE:
TIKVA, LLC
800 GOUCHER BLVD.
TOWSON, MD 21286

PLAN TO ACCOMPANY PETITION FOR ZONING HEARING

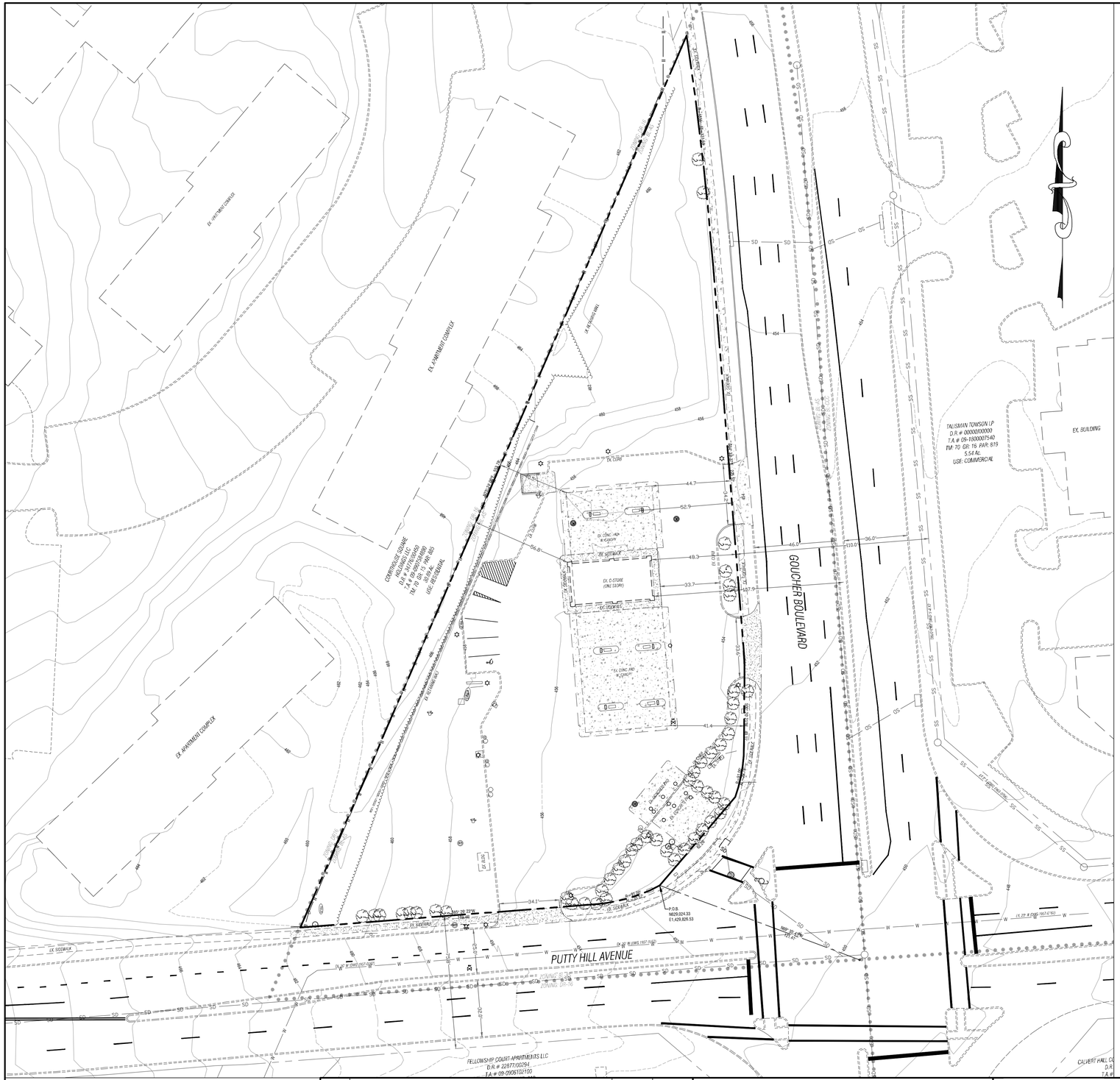
PAI NO. XX-XXX

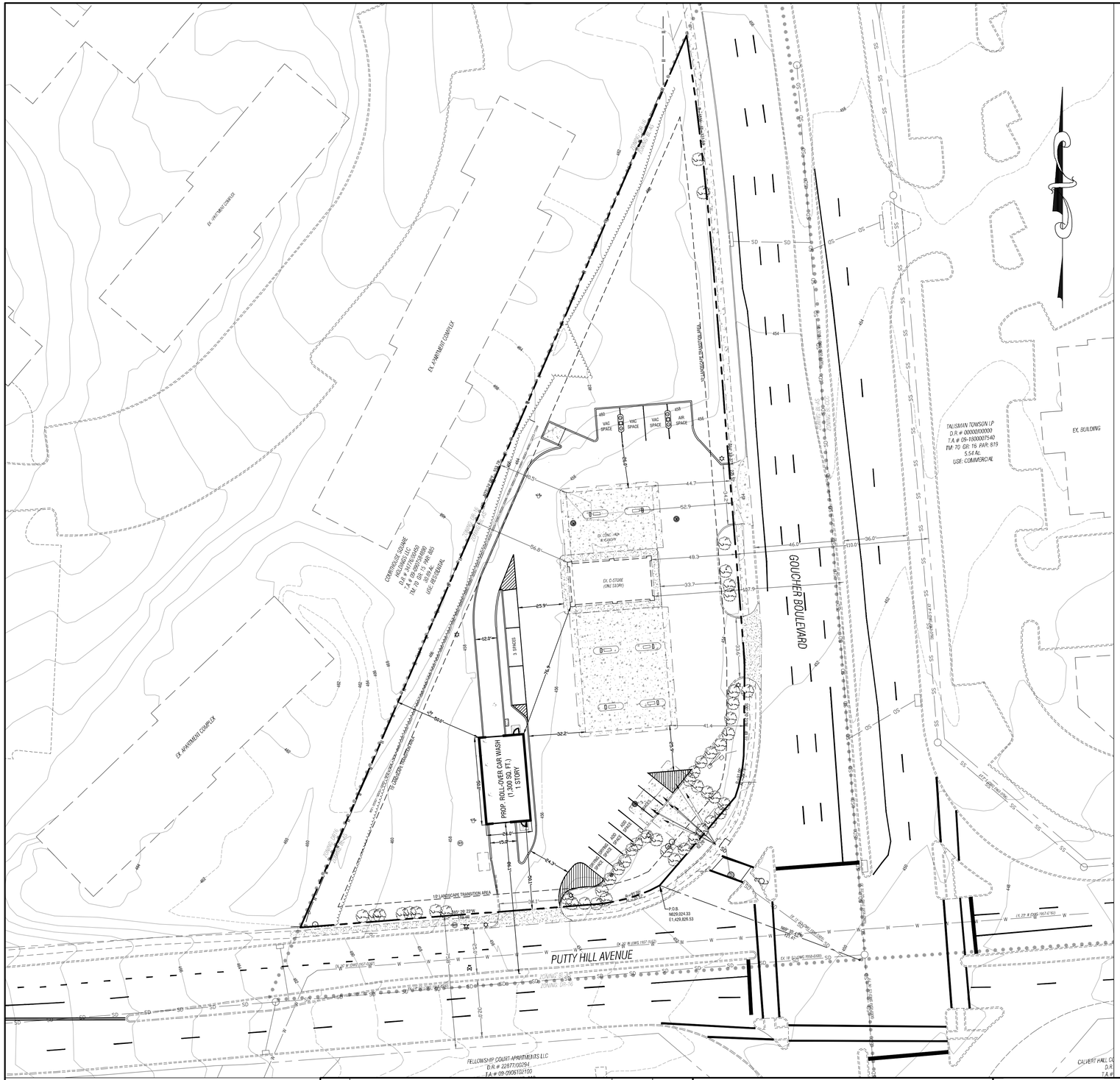
STACKING PLAN
GOUCHER EXXON
800 GOUCHER BOULEVARD
TOWSON, MARYLAND 21286

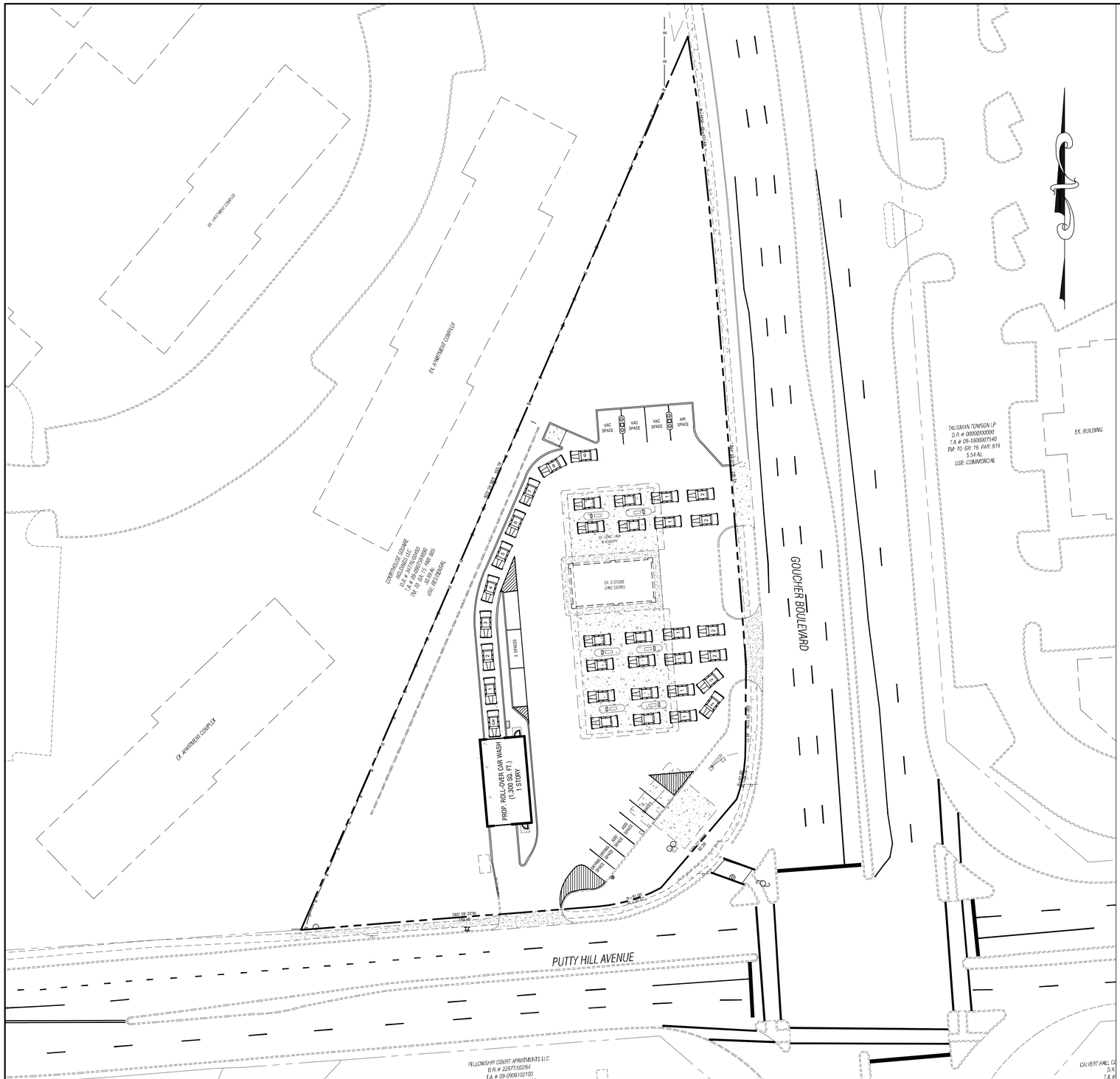
TAX MAP: 70 GRID: 17 PARCELS: 819 LOT: 1
ZONED: BL-AS BUSINESS LOCAL/AUTOMOTIVE SERVICE
6TH COUNCILMANIC DISTRICT 9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=30' DATE: JULY 2023

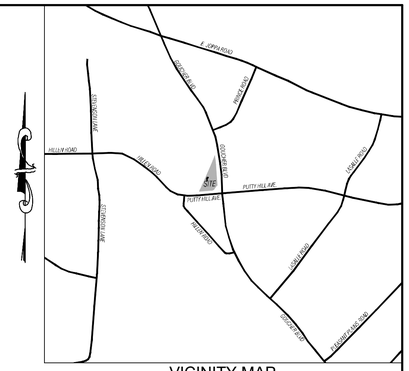
DRAWING NO.

SHEET: 3 OF 3


GOUCHER BOULEVARD
PUTTY HILL AVENUE
EX. APARTMENT COMPLEX
EX. BUILDING
TALISMAN TOWSON LP
D.R. # 0000000000
T.A. # 09-1930007540
TM: 70 GR: 16 PAR: 819
5.54 Ac.
USE: COMMERCIAL
COMMONWEALTH
MANAGEMENT LLC
D.R. # 24777/00294
T.A. # 09-0908150100
TM: 70 GR: 15 PAR: 885
10.91 Ac.
USE: RESIDENTIAL
FELLOWSHIP COURT APARTMENTS LLC
D.R. # 22877/00294
T.A. # 09-0908150100
EX. CONC. PAD W/CANOPY
EX. C-STORE (ONE STORY)
EX. CAR WASH
EX. CONC. PAD W/CANOPY
EX. SIDEWALK
EX. CURB
EX. GUARDRAIL
EX. SIGN
EX. UTILITY POLE
EX. INLET
EX. MANHOLE
EX. WATER VALVE
EX. GAS VALVE
EX. FIRE HYDRANT
EX. GAS METER
EX. TREE LINE
EX. CONTOURS
P.O.B.
N629,024.33
E1,429,828.53
N/F
PROPERTY OF
TIKVA, LLC
L. 22877 F. 294
PARCEL 885
PROPOSED
CANOPY
PROPOSED
C-STORE
(ONE STORY)
PROPOSED
CAR WASH
PROPOSED
CONCRETE
PAD
PROPOSED
CONCRETE
PAD
PROPOSED
CANOPY
PROPOSED
CONCRETE
PAD
PROPOSED
CONCRETE
PAD
PROPOSED
CONCRETE
PAD


GOUCHER BOULEVARD
PUTTY HILL AVENUE
PROP. ROLL-OVER CAR WASH (1,300 SQ. FT.) 1 STORY
PROP. C-STORE (1,104 SQ. FT.) 1 STORY
PROP. CANOPY
EX. C-STORE (ONE STORY)
EX. CONC. PAD W/CANOPY
EX. APARTMENT COMPLEX
EX. BUILDING
TALISMAN TOWSON LP
D.R. # 0000000000
T.A. # 09-1930007540
TM: 70 GR: 16 PAR: 819
5.54 Ac.
USE: COMMERCIAL
COMMERCIAL CONDOMINIUM
HOUSING FOR THE ELDERLY
D.R. # 5497/00369
T.A. # 09-0390150
TM: 70 GR: 13 PAR: 185
10.91 Ac.
USE: RESIDENTIAL
FELLOWSHIP COURT APARTMENTS LLC
D.R. # 22877/00294
T.A. # 09-0908150100
CALVERT HALL CO
D.R
T.A #
VAC SPACE
AIR SPACE
3 SPACES
1/2 LANDSCAPE TRANSITION AREA
P.O.B.
N629,624.33
E1,429,828.53
MH #1
EL=479.00
EX 8" SANITARY SEWER
EX 12" WATER
EX 18" STORM DRAIN
EX 8" GAS
EX 6" ELECTRIC
EX 6" TELEPHONE
EX 6" CABLE TV
EX 6" FIRE
EX 6" WATER
EX 8" SANITARY SEWER
EX 12





VICINITY MAP
SCALE: 1"=1000'

STACKING SPACES CALCULATION

ITEM	REQUIREMENT	QUANTITY	SPACES REQUIRED	SPACES PROVIDED
CONVENIENCE STORE (§405.4.A.3.c.2)	1 STACKING SPACE REQUIRED IN ADDITION TO THE FUEL SERVICE SPACE PER MPD	8	8	8
ROLL-OVER CAR WASH (§419.3.A.2)	9 STACKING SPACES REQUIRED PER ROLL-OVER CAR WASH	1	9	9
TOTALS			17	17

Petitioner's Exhbit 2
Page 3 of 3

THE MARYLAND COORDINATE SYSTEM (MCS) OF ALL DRAWINGS IS BASED ON THE NORTH AMERICUM DATUM OF 1983 (NAD83).

STACKING PLAN
SCALE 1"=30'

REVISION NO.	REVISION DESCRIPTION	REVISION BY	REVISION DATE

MESSICK & ASSOCIATES*
CONSULTING ENGINEERS
SURVEYORS & PLANNERS
7 OLD SOLOMONS ISLAND ROAD
SUITE 202
ANNAPOLIS, MARYLAND 21401 (410)
266-3212 * FAX (410) 266-3502
engr@messickandassociates.com
* MESSICK GROUP, INC. T/A MESSICK AND ASSOCIATES

SEAL

STATE OF MARYLAND · DANIEL J. VEALEY · No. 22098 · REGISTERED PROFESSIONAL ENGINEER

DATE : 7-25-23

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.: 22098 EXPIRATION DATE: SEPT. 10, 2024

OWNER:
AL GLENVIEW, LLC
M ML PATRIOT LLC, ET AL.
2424 RIDGE ROAD
ROCKWELL, TEXAS 75087

DEVELOPER/LESSEE:
TIKVA, LLC
800 GOUCHER BLVD.
TOWSON, MD 21286

PLAN TO ACCOMPANY PETITION FOR ZONING HEARING

PAI NO. XX-XXX

STACKING PLAN
GOUCHER EXXON
800 GOUCHER BOULEVARD
TOWSON, MARYLAND 21286

TAX MAP: 70 GRID: 17 PARCELS: 819 LOT: 1
ZONED: BL-AS BUSINESS LOCAL/AUTOMOTIVE SERVICE
6TH COUNCILMANIC DISTRICT 9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=30' DATE: JULY 2023

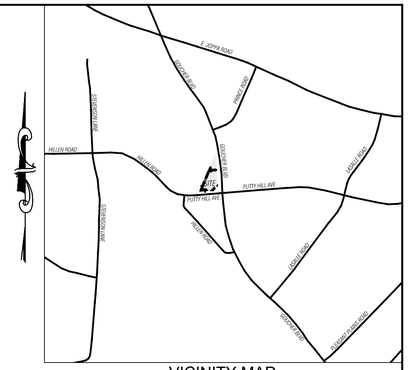
DRAWING NO.

SHEET: 3 OF 3


GOUCHER BOULEVARD
PUTTY HILL AVENUE
EX. APARTMENT COMPLEX
EX. APARTMENT COMPLEX
TALISMAN TOWSON LP
D.R.# 00000/00000
T.A.# 09-1800007540
TM: 70 GR: 16 PAR: 819
5.54 Ac.
USE: COMMERCIAL
EX. BUILDING
COURTESY STORE
TRACT LOT 1
T.A.# 09-0906100100
TM: 70 GR: 15
PAR: 30 & 385
USE: RESIDENTIAL
EX. C-STORE
(ONE STORY)
EX. CONC. PAD
W. CANOPY
EX. SIGN
EX. CANOPY
EX. CONC. PAD
W. CANOPY
EX. UNDERGROUND STORAGE TANKS
EX. LANDSCAPING TO REMAIN
EX. SIDEWALK
EX. SIDEWALK
EX. LANDSCAPING TO REMAIN
EX. 8" WATER LINE
EX. 8" SEWER LINE
EX. 20' R/W (1957-0160)
EX. 15' R/W (1957-0160)
EX. 10' R/W (1957-0160)
EX. 8" WATER LINE
EX. 8" SEWER LINE
EX. 8" WATER LINE
EX. 8" SEWER LINE
EX. 8" WATER LINE
EX. 8" SEWER LINE


EX. APARTMENT COMPLEX
EX. APARTMENT COMPLEX
COMMERCE STORE, LLC
D.R.# 40662/00153
T.A.# 09-1800000540
TM: 70 GR: 15
PAR: 819 & 385
USE: RESIDENTIAL
TALISMAN TOWSON LP
D.R.# 00000/00000
T.A.# 09-1800007540
TM: 70 GR: 16 PAR: 819
5.54 Ac.
USE: COMMERCIAL
EX. BUILDING
GOUCHER BOULEVARD
PUTTY HILL AVENUE
FELLOWSHIP COURT APARTMENTS LLC
D.R.# 22877/00294
T.A.# 09-0906100100
EX. C-STORE (ONE STORY)
EX. CONC. TRIP W/CANOPY
PROP. ROLL-OVER CAR WASH (1,300 SQ. FT.) 1 STORY
3 SPACES
VAC SPACE
VAC SPACE
AIR SPACE
8' HIGH BOARD ON BOARD FENCE/ SOUND WALL
EX. LANDSCAPING TO REMAIN
AMERICA'S WELL QUALIFIED LANDSCAPE SCREENING
P.O.B. 1629,624.33 E1,429,826.53
EX. 20' R (DB. 1957-0160)
EX. 15' SLOPE EASEMENT (DB. 1958-0300)
EX. 10' R (DB. 1957-0160)
EX. 10' R (DB. 1957-0160)
EX. 10





VICINITY MAP
SCALE: 1"=1000'

STACKING SPACES CALCULATION				
ITEM	REQUIREMENT	QUANTITY	SPACES REQUIRED	SPACES PROVIDED
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THE MARYLAND COORDINATE SYSTEM (MCS) OF ALL DRAWINGS IS BASED ON THE NORTH AMERICUM DATUM OF 1983 (NAD83).

STACKING PLAN
SCALE 1"=30'

REVISION NO.	REVISION DESCRIPTION	REVISION BY	REVISION DATE

MESSICK & ASSOCIATES*
CONSULTING ENGINEERS
SURVEYORS & PLANNERS
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engr@messickandassociates.com
* MESSICK GROUP, INC. T/A MESSICK AND ASSOCIATES

SEAL

STATE OF MARYLAND · DARRELL J. J. VALAY · No. 22098 · REGISTERED PROFESSIONAL ENGINEER

DATE : 8-12-24

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.: 22098 EXPIRATION DATE: SEPT. 10, 2024

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PLAN TO ACCOMPANY PETITION FOR ZONING HEARING

PAI NO. XX-XXX

STACKING PLAN
GOUCHER EXXON
800 GOUCHER BOULEVARD
TOWSON, MARYLAND 21286

TAX MAP: 70 GRID: 17 PARCELS: 819 LOT: 1
ZONED: BL-AS BUSINESS LOCAL/AUTOMOTIVE SERVICE
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BALTIMORE COUNTY, MARYLAND
SCALE: 1"=30' DATE: JULY 2023

DRAWING NO.

SHEET: 3 OF 3