

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
SE/S Loch Raven Boulevard, 740' SW c/line		
Taylor Avenue	*	ZONING COMMISSIONER
<b>(6819 Loch Raven Boulevard)</b>		
	*	FOR
9 <sup>th</sup> Election District		
5 <sup>th</sup> Council District	*	BALTIMORE COUNTY
Iman Crown, Inc.	*	<b>Case No. 2011-0168-SPH</b>
Petitioner		

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by Humayun Sheikh, President of Iman Crown, Inc., the legal property owner. The Petitioner requests a special hearing seeking to extend the time for the relief granted in Zoning Case No. 2009-0144-SPH for an additional three (3) years and to amend the previously approved plan to permit a rollover car wash in lieu of a self service car wash. The subject property and requested relief are more particularly described on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 2.

Appearing at the public hearing in support of the requested relief were Petitioner Humayun Sheikh and Rick Richardson, the professional engineer with Richardson Engineering, LLC, who prepared the site plan for this property. There were no Protestants or other interested persons in attendance at the hearing.

This property has been the subject of several zoning cases in recent years that deserve some preliminary discussion as they shed additional light on the merits of this particular request. By way of background, Deputy Zoning Commissioner Thomas H. Bostwick, by Order dated October 19, 2007, allowed revisions to a previously approved development plan by granting variances, affirming different existing conditions as non-conforming and approving additional

uses to the site of a convenience store and a single rollover car wash in combination with a fuel service station. *See* Case No. 08-032-SPHXA. To the extent applicable, the findings and conclusions set forth therein are adopted by reference in this case.

The Petitioner then returned to this Commission in 2009 (Case No. 2009-0144-SPH) requesting a special hearing that amended the previously approved plan by eliminating the rollover car wash and convenience store uses that were to be located inside a 30' x 45' building and converting/substituting the building's usage to that of two (2) self-serve car wash bays. The site plan that accompanied the 2009 petition was marked and accepted into evidence at the current hearing as Petitioner's Exhibit 1, and to the extent applicable, the findings and conclusions set forth in the 2009 Order are adopted by reference in this case. In that case, after reviewing the 2007 case and the evidence and testimony presented at the hearing, I found that the proposed amendments were within the spirit and intent of the previously approved plan and approved the petition for special hearing.

Petitioner now returns and requests a 3-year extension for the relief granted in 2009 and approval of an amendment to the plan that reverts back to a rollover car wash as was originally approved in 2007 in lieu of the self service car wash that was approved in 2009. Testimony revealed that the request will decrease the impact on the property as the convenience store that was approved in 2007 and removed in 2009 is not being added back into the plan, and the proposed car wash structure is actually smaller than the relief granted in 2009 (approximately 20' x 45' instead of 30' x 45') because only one single bay (and one stacking area) will be needed for the rollover car wash in lieu of multiple self-service bays.

Mr. Sheikh explained that the reason that he never utilized the special exception relief approved in 2009 was that, like many small businesses, he has had trouble obtaining financing

over the past two (2) years. However, he currently has a promising offer from the bank and is looking to extend the time for the zoning relief so he can finally move forward with the car wash that was approved in multiple prior cases. As in the previous hearings, there were no adverse Zoning Advisory Committee (ZAC) comments submitted by the County reviewing agencies, and no one appeared in opposition to the requested relief.

Considering the evidence and testimony presented at the public hearing, I am convinced that the requested special hearing should be granted. Turning first to the request for extension of time, Section 502.3 of the B.C.Z.R. provides that the Zoning Commissioner may grant one or more extensions of time provided that the time is not extended for a period of more than five (5) years from the date of the final order. Here, the final order was issued on February 10, 2009 and Petitioner is requesting a three (3) year extension from the date of that final order. I find that this request will permit the Petitioner to construct a car wash that was approved in multiple prior zoning cases without having any negative impact on the surrounding community. The period of time for implementing the relief set out on the site plan identified as Petitioner's Exhibit 2 is therefore extended until February 10, 2014.

Additionally, the amendments proposed in the current site plan will be approved as the Petitioner was previously granted permission to construct a larger rollover car wash with a convenience store and now proposes a smaller carwash structure that will have less impact on the property and surrounding area. Unfortunately, the Petitioner, like many small businesses, has been the victim of a difficult economy and has previously been unable to obtain the financing necessary to implement the relief approved in prior cases. This approval is consistent with the prior orders of this Commission and the extension of time will hopefully provide the Petitioner

with the ability to construct the rollover car wash that has been approved again and again without opposition from county agencies or the surrounding community.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 13<sup>th</sup> day of January 2011, that the Petition for Special Hearing seeking to extend the utilization time for the special exception use granted in Zoning Case No. 2009-0144-SPH until February 10, 2014 and to amend the previously approved plan for one rollover car wash in lieu of a self service car wash, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the conditions imposed in the previous case, that is to say:

- 1) The Petitioner shall submit building elevations of the proposed car wash facility to the Office of Planning for review and approval.
- 2) The building façade(s) of the proposed structures must be brick and shall be submitted to the Office of Planning for review and approval.
- 3) The Petitioner shall be required to post its bond and obtain a State Highway Access Permit to the points of ingress/egress from the subject property along Loch Raven Boulevard (MD Route 542).

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.).

WJW:dlw

\_\_\_\_SIGNED\_\_\_\_\_  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County