

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
E/S Rolling Road, 440' N of c/line of		
Ashfield Drive	*	ZONING COMMISSIONER
(2705 Rolling Road)		
2 nd Election District	*	OF
4 th Council District		
	*	BALTIMORE COUNTY
Stemark, Inc.		
Petitioner	*	Case No. 2010-0027-SPH

* * * * *

ORDER ON REQUEST FOR EXTENSION

WHEREAS, this matter comes before the Zoning Commissioner for consideration of a request for an extension of time in which to utilize the relief granted in Case No. 06-075-X. By way of background, the owner of the subject property, Stemark, Inc., through its attorney, C. William Clark, Esquire, filed a Petition for Special Hearing, seeking approval pursuant to Section 502.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) for an extension to utilize the special exception relief approved by this Commission, the County Board of Appeals (Case No. 06-075-X), and the Circuit Court for Baltimore County (Civil Case No. 03-C-06-13405) until November 17, 2011.¹

By his Opinion and Order dated February 8, 2006, then Deputy Zoning Commissioner John V. Murphy granted the request to allow a car wash on the subject property, subject to certain terms and conditions as described on the site plan resubmitted at this hearing which was accepted into evidence and marked as Petitioner’s Exhibit 1. Pursuant to Section 502.3 of the B.C.Z.R., any special exception granted must be utilized within two years of the date of *any final Order* granting same; however, an extension of up to five years may be obtained, *if requested prior to the expiration of the initial two-year period*. The special exception relief granted in the prior case(s) would have expired on August 3, 2009, two (2) years following the Honorable Ruth

¹ To the extent applicable, the findings and conclusions set forth in these prior Orders permitting a car wash with six (6) self-service and two (2) automatic bays on North Rolling Road on the edge of the Rutherford Business Park under B.C.Z.R. Section 253.2B.2 and the special car wash regulations in B.C.Z.R. Section 419.1, are adopted by reference and incorporated herein.

Jakabowski's Order (the final Order), dated August 3, 2007. *See* Petitioner's Exhibit 2 – a True Test Copy of the Court's Order. Although not presently in effect, the instant Petition was filed and accepted by the Zoning Review Office on July 23, 2009 prior to the expiration of the initial two-year period. Apparently, the Petitioner has been delayed in the implementation of the improvements and development proposed for the subject property due to the state of the national recession, which has drastically affected segments of the Maryland economy and thus, necessitates the request for an extension.

Based upon the testimony and evidence offered, I am persuaded to grant the requested relief. Circumstances have not changed on site and the extension of the special exception is appropriate in this instance in that the Petitioner's request meets the requirements of Section 502.3 of the B.C.Z.R.,

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of September 2009 that the request for extension in which to utilize the special exception relief granted in prior Case No. 06-075-X, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that said extension shall be utilized within 5 years from the date of the Board of Appeals Order, no later than November 17, 2011; and

IT IS FURTHER ORDERED that the terms and conditions of the Board's Order shall remain in force and effect, and are set forth below:

1. Provide a landscape plan to include street trees along Rolling Road to the limits of the tract boundary of the subject property;
2. Submit a lighting plan to show lighting that will not conflict with adjacent residential uses. Lighting plan should include the locations and details of the proposed lighting and a computerized lighting design with point-by-point calculations that conforms to the *Illuminating Engineering Society of North America* (IESNA) standards, for review and approval by the Office of Planning and Avery Harden, Baltimore County Landscape Architect, in conjunction with the Final Landscape Plan.
3. Submit sign detail and building elevations to the Office of Planning for approval prior to building permit. The proposed building should be compatible with existing surrounding residential buildings.

Any appeal of this Order shall be taken in accordance with Baltimore County Code Section 32-3-401.

SIGNED
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

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