IN RE: PETITION FOR VARIANCE

N/W Side Crest Heights Road, 1,050' W of

C/line of Vincents Drive

(4388 Crest Heights Road)

3<sup>rd</sup> Election District

\* OF

2<sup>nd</sup> Council District

\* BALTIMORE COUNTY

John Kelvin Thomas

Petitioner

\* Case No. 08-037-A

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, John Kelvin Thomas, d/b/a R.O.C.K. (Reaching Our Communities' Kids). The Petitioner desires relief for a Class B Child Care Center on the subject property and has requested Variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 424.7.A to allow a lot size of 9,460 square feet in lieu of the required 43,560 square feet, from Section 424.7B to allow a side yard setback of 6 feet and 17.5 feet in lieu of the required 50 feet, from Section 424.7.B to allow a 6 foot vegetative buffer on the southwest side of the property, and a 0 foot vegetative buffer on all other sides in lieu of the required 20 feet, from Section 424.7B to allow a rear yard setback of 34 feet in lieu of the required 50 feet, from Section 424.7.E to allow an impervious area of 45% in lieu of the required 25%, from Section 409.4 to allow a driveway 10 feet wide accommodating twoway traffic in lieu of the required 20 feet, from Section 424.1.B to allow a play yard and fence 0 feet from the property line in lieu of the required 20 feet, and from Section 409 to allow 0 parking spaces in lieu of the required 2 spaces (ample on-street parking available). The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were John Kelvin Thomas, property owner, Bruce E. Doak, on behalf of Gerhold Cross & Etzel, Ltd., the

Date

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By By (S)

consultants who prepared the site plan for this property and Kathy Sibbald, whose child has attended Mr. Thomas's program since the first grade. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular rectangular shaped parcel located on the north side of Crest Heights Road, adjacent to the Mill Brook Elementary School in Pikesville. The property contains a lot area of 9,443 square feet, zoned D.R.5.5, and is improved with a one-story, brick single-family dwelling with a finished basement and a connected one-story, 2-car garage to the rear. Other improvements on the site include an 11,000 square foot playground area in the rear yard, which is enclosed with a 5-foot high privacy fence at the property line. In addition, a macadam driveway leads into the property from Crest Heights Road on the east side of the dwelling extending to a parking pad shown to contain two parking spaces on the site plan at the rear of the existing dwelling. Services are planned to be provided for the children in the finished basement and in the finished garage. Children who are ages 3 through 5 years of age will enter through a breezeway door and go to the lower level. The garage is 700 square feet and will be furnished with floor heating and window air conditioning units and provide for, among other amenities, hardwood flooring and a retractable basketball hoop, interactive games, pool table, ping pong, air hockey, etc. Mr. Thomas will reside on the first floor. It should be noted that the Office of Planning submitted a Zoning Advisory Committee (ZAC) comment. The area planner, Nkechi Hislop's comments bear repeating here in pertinent part:

"... The Office of Planning does not oppose the petitioner's request. The petitioner will have less than 40 children. The entire house as well as the garage will be converted for the proposed use, (group childcare facility). Additionally, the childcare facility will have the use of the adjoining park for outdoor activities.

After visiting the site, there is adequate on street parking that can be used for parents when they are dropping off and picking up children.

The Office of Planning feels that the proposed use will not have an adverse impact on the existing community, as there is already a school within the neighborhood, Millbrook Elementary.

.**-**

The Office of Planning feels that the petitioner should be granted relief from the above-mentioned variances."

Mr. Thomas testified that he graduated from Clemson and has worked as the Director of Child Care at Millbrook Elementary School for 11 years. He is the President and Director of R.O.C.K., a non-profit 501(c)(3) company with 4 full-time aides certified by the State of Maryland to provide before and after school programs and summer camps that offer child care in the Millbrook community. His proposed Mission Statement detailing the building use, landscaping, fee-per-person charges and daily operating schedule was received into evidence as Petitioner's Exhibit 2.

Child care centers are defined in Section 101 of the B.C.Z.R. Therein, a Group Child Care Center is defined as: "A building or structure wherein care, protection and supervision is provided for part or all of a day on a regular schedule at least twice a week to at least 9 children, including children of the adult provider." A group Child Care Center, Class A, is defined as: "A Group Child Care Center wherein child care is provided for no more than 12 children at one time". A Group Child Care Center, Class B, is defined as: "A Group Child Care Center wherein child care is provided for more than 12 children." Sections 1B01.1 and 424 of the B.C.Z.R. establish under what circumstances a Group Child Care Center is permitted by right or by special exception. A Group Class B Child Care Center for 40 or fewer children is permitted by right in the D.R. zone, if the requirements of Section 424 are met. As noted, Mr. Thomas will reside in the dwelling and is desirous of operating a Class B Group Child Care Center on the property. His original plans were to seek approval for up to 41 children within this child care center. However, at the time of the hearing before me, he modified his request and is now seeking approval of a Class B Group Child Care Center for 25 children. In the event Mr. Thomas intends

Date System Cave Dron Muse

to expand beyond the 25 children and/or wishes to construct an addition to the house, then an additional public hearing would have to be held in the future in order to entertain such expansion plans. Therefore, at this time, Mr. Thomas is content to proceed on his Petition to approve the use of the property for child care for up to 25 children, utilizing the existing improvements on the property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and his property. *McClean v. Soley*, 270 Md. 208 (1973). To provide practical difficulty for an area variance, the Petitioner must meet the following:

- 1. Whether strict compliance with requirements would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2. Whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3. Whether relief can be granted in such fashion that the spirit of the Ordinance will be observed and public safety and welfare secured.

Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

All of the variances requested by the Petitioner are necessary in order to accommodate the Petitioner's use. After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It was established through Mr. Doak's testimony that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of

Date 10-15-07 FUN

the B.C.Z.R. The property is situated next to the Millbrook Elementary School. The Petitioner enjoys a contractual relationship to use the adjoining school property and playground areas for recreational activities. In addition to the parking on site, this location allows for on-street parking and employees will park along Crest Heights Road in front of the school fields. The existing lot and improvements are not being expanded except for a 6% impervious surface to allow for the driveway turnaround area and parking spaces. In other words, impacts to environmental resources and neighbors will be minimal, if at all.

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

 available), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; subject to the following restrictions:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order, however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief herein shall be rescinded.
- 2. There shall be no more than 25 children served at the Class B Group Child Care Center granted herein. If the Petitioner can demonstrate that more children can be safely and effectively served on the subject property, the specific plans showing the proposed amendments/additions shall be submitted to the Office of Zoning Review for the filing of a Petition for Special Hearing.
- 3. The Variance relief granted herein shall last as long as there is a nexus between the Class B Group Child Care Center granted herein and the adjacent property of the Millbrook Elementary School. At such time as the County no longer allows their property to be used in conjunction with the Class B Group Child Care Center and the link is severed, the Petitioner will have to file a Special Hearing to determine if the use on 4388 Crest Heights Road may continue.
- 4. The Petitioner shall comply with all State licensing requirements for operating a Day Care Center on the subject property.
- 5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision shall be entered within thirts (30) days of the date hereof.

JAMA WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

IN THE MATTER OF

THE APPLICATION OF

JOHN KELVIN THOMAS – LEGAL OWNER

FOR VARIANCE ON PROPERTY LOCATED

ON THE NW/S OF CREST HEIGHTS ROAD,

1,050' W OF C/L OF VINCENTS DRIVE

4388 CREST HEIGHTS AVENUE

\*
3<sup>RD</sup> ELECTION DISTRICT

2<sup>ND</sup> COUNCILMANIC DISTRICT

\*

BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

CASE NO. 08-037-A

# ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from a decision of the Zoning Commissioner dated October 15, 2007 in which the requested zoning relief was granted with restrictions.

WHEREAS, the Board is in receipt of a letter of dismissal of appeal filed on January 25, 2008, by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, on behalf of the Office of People's Counsel, Appellant (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of January 25, 2008,

Board of Appeals of Baltimore County that the appeal taken in Case No. 08-037-A be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Edward W. Crizer, Jr. Esquire

Lawrence S. Wescott

Wendell H. Grier

# Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

> 410-887-2188 Fax: 410-823-4236

PETER MAX ZIMMERMAN People's Counsel

January 25, 2008

CAROLE S. DEMILIO
Deputy People's Counsel

Edward W. Crizer, Jr., Chair County Board of Appeals 400 Washington Avenue, Room 49 Towson, MD 21204

Hand-delivered

JAN 2 5 2008

Re:

PETITION FOR VARIANCE

NW/S Crest Heights Road, 1,050' W of c/line Vincents Drive

(4388 Crest Heights Road)

3<sup>rd</sup> Election District; 2<sup>nd</sup> Council District John Kelvin Thomas - Petitioners

Case No.: 08-037-A

Dear Mr. Crizer:

On or about November 1, 2007, our office filed an appeal of the Zoning Commissioner's Findings of Facts and Conclusions of Law dated October 15, 2007. Upon further review of the record and careful evaluation, it does not appear that pursuing the appeal is in the public interest. We therefore withdraw our appeal in this matter.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Por Max Lummirman

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/rmw

cc: Bruce E. Doak



# County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

February 11, 2008

Peter Max Zimmerman People's Counsel for Baltimore County Room 47, Old Courthouse 400 Washington Avenue Towson, MD 21204

Carole S. Demilio
Deputy People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: In the Matter of: John Kelvin Thomas –Legal Owner Case No. 08-037-A / Order of Dismissal

Dear Mr. Zimmerman and Ms. Demilio:

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

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: John Kelvin Thomas
Kathy Sibbald
Bruce Doak
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Case No. 08-037-A

RE: John Kelvin Thomas – Legal Owner /Petitioner 4388 Crest Heights Avenue 3<sup>rd</sup> E; 2<sup>nd</sup> C

1/25/08 - Letter of withdrawal of appeal filed by Office of People's Counsels this date. Order of Dismissal to be issued.





PETER MAX ZIMMERMAN

People's Counsel

# OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

> 410-887-2188 Fax: 410-823-4236

> > CAROLE S. DEMILIO
> > Deputy People's Counsel

November 1, 2007

Hand-delivered
Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re:

PETITION FOR VARIANCE

NW/S Crest Heights Road, 1,050' W of c/line Vincents Drive

(4388 Crest Heights Road)

3<sup>rd</sup> Election District; 2<sup>nd</sup> Council District

John Kelvin Thomas - Petitioners

Case No.: 08-037-A

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated October 15, 2007 by the Baltimore County Zoning Commissioner.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

RECEIVED

157 Q 1 2007

Per ....

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/rmw

cc: Bruce E. Doak, Gerhold, Cross & Etzel, 320 E Towsontown Blvd, Towson, MD 21286



227 9/15/98

# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 4388 CREST HEIGHTS 12D
which is presently zoned DR 5.5

IWe do solemnly declare and affirm, under the penalties of

This Patition shall be filled with the Department of Permits and Development Management. The undersigned, legal conner(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 Variance from Section(s) SEE APPLACHED

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty). SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, 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.

			perjury, that I/we are the le	gal owner(s) of the part.	property which
Contract Purchase	er/Lessee:		Legal Owner(s):		
Name - Type or Post	<del></del>	<del></del>	Kelvin Thomas Name - Wood Print	<u> </u>	
			Kame y by granning		
ວິທູດສະນະຍ	<del></del>	<del></del>	Signature		
Address	<del></del>	Telephone No.	Name - Type or Print	<del></del>	
City	State	Zip Cace	Signature		
<u>Attorney ForPetit</u>	<u>ioner:</u>	•	Address	<del></del>	Telephone No.
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Signature	<del></del>		Representative to b	S. 4 ETZEL	A ==
Company		<del></del>	BRUCE DOA!	•	
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City	State	Zip Coce	City MD	823-4 State	Zip Ccca
			OFFIC	CE USE ONLY	
Case No. 08	8-037-A	• • •	ESTIMATED LENGT	H OF HEARING	
	ÓNO	R RECEIVED F	OR MANAGLABLE FOR	HEARING Date	7/20/07

## VARIANCES REQUESTED

for 4388 Crest Heights Road

- 1. TO ALLOW A LOT SIZE OF 9,460 SQ. FT. IN LIEU OF THE REQUIRED 43,560 SQ. FT. PER SECTION 424.7.A OF THE B.C.Z.R.
- 2. TO ALLOW A SIDE YARD SETBACK OF 6' AND 17.5' IN LIEU OF THE REQUIRED 50' PER SECTION 424.7.B OF THE B.C.Z.R.
- 3. TO ALLOW A 6' VEGETATIVE BUFFER ON THE SOUTHWEST SIDE OF THE PROPERTY, AND A 0' VEGETATIVE BUFFER ON ALL OTHER SIDES IN LIEU OF THE REQUIRED 20' PER SECTION 424.7.B OF THE B.C.Z.R.
- 4. TO ALLOW A REAR YARD SETBACK OF 34' IN LIEU OF THE REQUIRED 50' PER SECTION 424.7.B OF THE B.C.Z.R.
- 5. TO ALLOW AN IMPERVIOUS AREA OF 45% IN LIEU OF THE REQUIRED 25% PER SECTION 424.7.E OF THE B.C.Z.R.
- 6. TO ALLOW A DRIVEWAY 10' WIDE ACCOMODATING TWO WAY TRAFFIC IN LIEU OF THE REQUIRED 20' PER SECTION 409.4 OF THE B.C.Z.R.

### & FENCE

- 7. TO ALLOW A PLAY YARD O' FROM THE PROPERTY LINE IN LIEU OF THE REQUIRED 20' PER SECTION 424.1.B OF THE B.C.Z.R
- 8. TO ALLOW 0 PARKING SPACES IN LIEU OF THE REQUIRED 2 PER SECTION 409 OF THE B.C.Z.R (AMPLE ON STREET PARKING AVAILABLE).



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

October 15, 2007

John Kelvin Thomas P.O. Box 68203 Baltimore, Maryland 21215

RE: PETITION FOR VARIANCE

N/W Side Crest Heights Road, 1,050' W of c/line of Vincents Drive (4388 Crest Heights Road)

3<sup>rd</sup> Election District - 2<sup>nd</sup> Council District

John Kelvin Thomas - Petitioner

Case No. 08-037-A

Dear Mr. Thomas:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with restrictions in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

AM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw Enclosure

c: Bruce E. Doak, Gerhold Cross & Etzel, 320 E. Towsontown Blvd., Towson, Md., 21286 Kathy Sibbald, 1 ½ Brightside Avenue, Pikesville, Md. 21208 People's Counsel; Office of Planning; File



# Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

**July 11, 2007** 

# ZONING DESCRIPTION THOMAS PROPERTY 4388 Crest Heights Road Baltimore County, Maryland

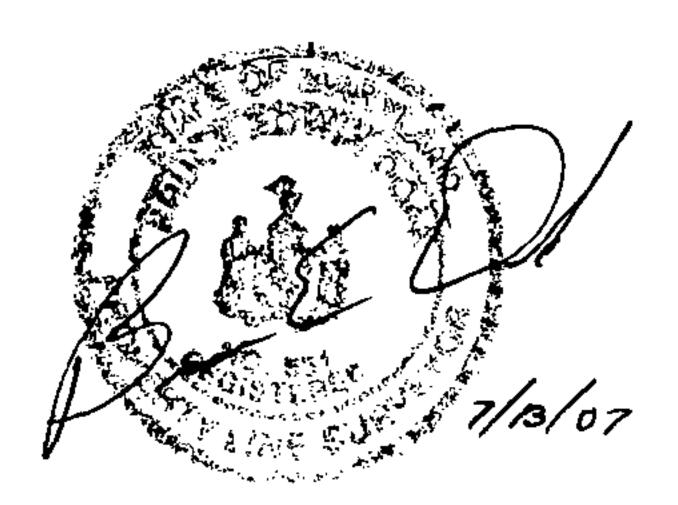
All that piece or parcel of land situate, lying and being in the Third Election District, Second Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at the centerline of Brookmill Road and the North West side of Crest Heights Road, thence running north easterly along Crest Heights Road 390 feet, thence leaving Crest Heights Road,

- 1) North 56°40'20" West 135.97 feet;
- 2) South 25°04'53" West 146.00 feet,
- 3) South 64°55'07" East 132.00 feet,
- 4) North 25°04'53" East 26.00 feet,
- 5) thence binding on said North West side of Crest Heights Road by a line curving to the right having a radius of 247.46 feet for an arc distance of 35.62 feet (the chord of said arc bearing North 25 degrees 12 minutes 16.5 seconds East 26.00 feet) to the point of beginning.

Containing 9,460 sq. ft. of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



# NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

the property identified herein as follows:

Case: # 08-037-A

4388 Crest Heights Road

N/west side of Crest Heights Road, 1050 ft. west of centerline of Vincents Drive

3rd Election District - 2nd Councilmanic District

Legal Owner(s): Kelvin Thomas

Variance: to permit a lot size of 9,460 sq. feet in lieu of the required 43,560 sq. ft. and to permit a side yard sether of the property, and a 0-foot vegetative butter on all other sides in lieu of the required 50 feet and to permit a 6-foot vegetative butter on the southwest side of the property, and a 0-foot vegetative butter on all other sides in lieu of the required 50 feet and to permit an impervious area of 45% in fleu of the required 20 feet and to permit a play yard and fence 0 feet from the property line in lieu of the required 10 feet and to permit 0 parking spaces in lieu of the required 2 (ample on street parking spaces in lieu of the required 2 (ample on street parking spaces in lieu of the required 2 (ample on street parking spaces in lieu of the required 2 (ample on street parking spaces in lieu of the required 2 (ample on street parking spaces in lieu of the required 2 (ample on street parking spaces in lieu of the required 2 (ample on street parking spaces in lieu of the required 2 (ample on street parking spaces in lieu of the required 2 (ample on street parking spaces in lieu of the required 2 (ample on street parking spaces in lieu of the required 8 (ample on street parking spaces in lieu of the required 8 (ample on street parking spaces in lieu of the required 8 (ample on street parking spaces in lieu of the required 8 (ample on street parking spaces in lieu of the required 8 (ample on street parking spaces in lieu of the required 8 (ample on street parking spaces in lieu of the required 8 (ample on street parking spaces in lieu of the spaces in lieu of the spaces in lieu of the required 8 (ample on street parking spaces in lieu of the spaces in lieu of the spaces spa

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 9/658 Sept. 11

that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY, once in each of

The Jeffersonia

Arbutus Times

Catonsville Time

Towson Times

imes Owings Mills Ti NE Booster/Reporter

lews

North County N

LEGAL ADVERTISING

DISTRIBUTION WHITE - CASHIER For From: Rec OFFICE OF BUDGET AND FINANCE MISCELLANEOUS RECEIPT BALTIMORE COUNTY, MARYLAND Fund Agcy 万水コムの Orgn Crc PINK - AGENCY Orgn Sub 2 0 Source Rev Rev Sub arian Catg Rept Total: 6 YELLOW - CUSTOMER No. 03890 Date: RE BS K. 85 Amount 77/24/2001 当ち Pep t Dept 5 528 JOHNAN VERHICATION SERVISING SP Ŕ Recpt for Baltimare towar. \$325.00 a. 003850 MAIL VALIDATION CASHIER'S 2 13 130 130Bed . (T. 12 h) THE ALL THE LIGHT #X5.00

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# Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

### **CERTIFICATE OF POSTING**

RE: CASE#08-037-A

PETITIONER/DEVELOPER:

Kelvin Thomas

DATE OF HEARING: September 26,

207

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

**ATTENTION: KRISTEN MATTHEWS** 

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

2007

10,

ON: September

LOCATION:

4388 Crest Heights Road

(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

336/

Requested: Jan. 3, 2008

# APPEAL SIGN POSTING REQUEST

CASE NO. 08-037-A

# 4388 CREST HEIGHTS AVENUE

3<sup>RD</sup> ELECTION DISTRICT

APPEALED: NOV. 1, 2007

ATTACHMENT - (Plan to accompany Petition - Petitioner's Exhibit No. 1)

# \*\*\*COMPLETE AND RETURN BELOW INFORMATION\*\*\*\*

# CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, MD 21204

Attention: Kathleen Bianco Administrator

CASE NO.: 08-037-A

LEGAL OWNER: JOHN KELVIN THOMAS

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

# 4388 CREST HEIGHTS AVENUE

N/west side of Crest Heights Road, 1,050 W of c/line of Vincents Drive							
The sign was posted on	, 2008.						
By: (Signature of Sign Poster)							
(Print Name)							



CASE #:08-037-A

# A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD.

Room 407 County Courts Building PLACE: 401 Bosley Avenue, Towson, MD

9:00 am Wednesday, September 26, 2007

# TIME & DATE:

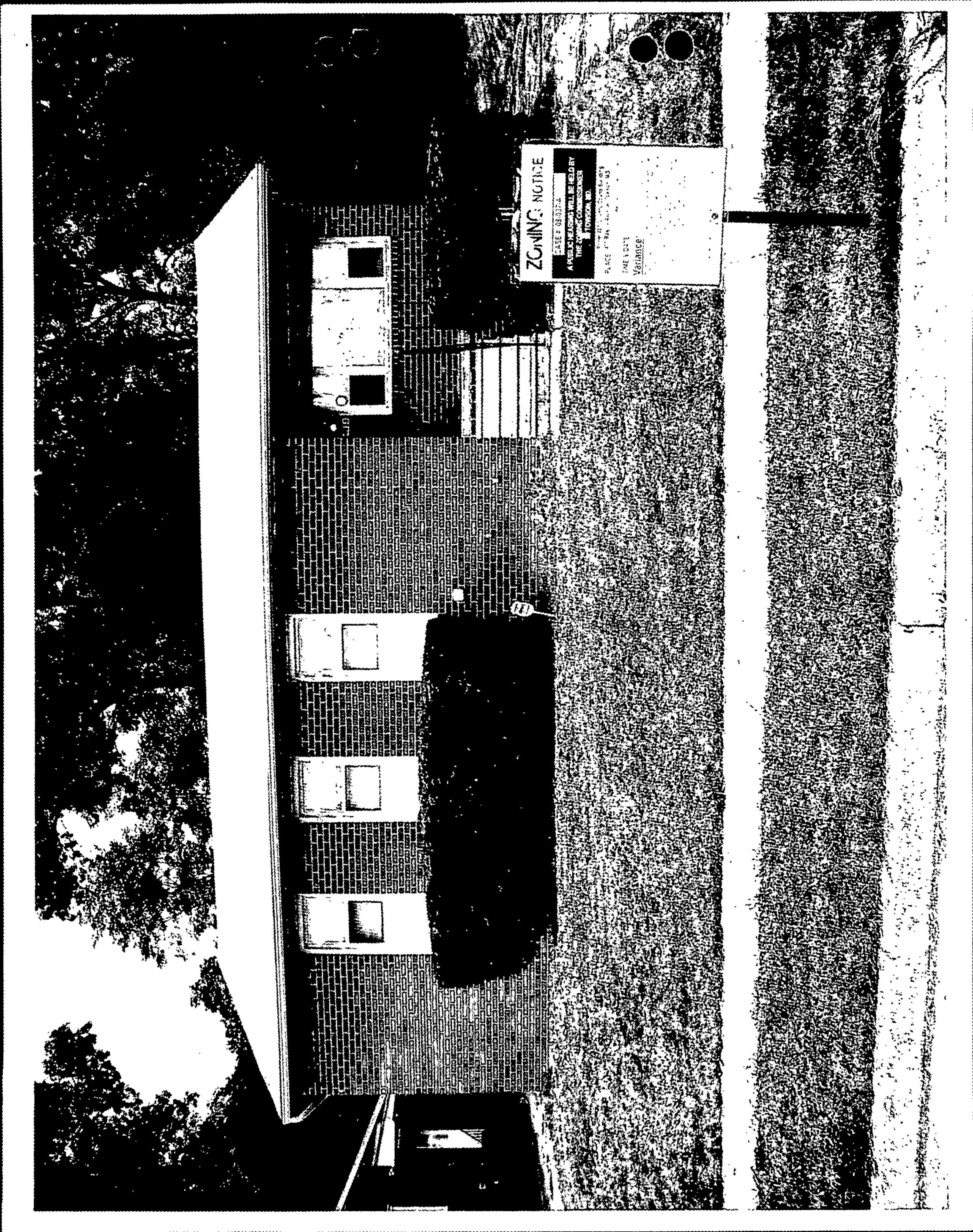
Variance: to permit a lot size of 9,460 sq. feet in lieu of the

required 43,560 sq. ft. and to permit a side yard setback of 6 feet and 17.5 feet in lieu of the required 50 feet and to permit a 6-foot vegetative buffer on the southwest side of the property, and a 0-foot vegetative buffer on all other sides in lieu of the required 20 feet and to permit a rear yard setback of 34 feet in lieu of the required 50 feet and to permit an impervious area of 45% in lieu of the required 25% and to permit a driveway 10 feet wide accommodating two way traffic in lieu of the required 20 feet and to permit a play yard and fence 0 feet from the property line in lieu of the required 10 feet and to permit 0 parking spaces in lieu of the required 2 (ample on street parking available).

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY TO CONFIRM HEARING CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE

HEARINGS ARE HANDICAPPED ACCESSIBLE







August 21, 2007

JAMES T. SMITH, JR. County Executive

### NOTICE OF ZONING HEARING

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-037-A

4388 Crest Heights Road

N/west side of Crest Heights Road, 1050 ft. west of centerline of Vincents Drive

3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: Kelvin Thomas

Variance to permit a lot size of 9,460 sq. feet in lieu of the required 43,560 sq. ft. and to permit a side yard setback of 6 feet and 17.5 feet in lieu of the required 50 feet and to permit a 6-foot vegetative buffer on the southwest side of the property, and a 0-foot vegetative buffer on all other sides in lieu of the required 20 feet and to permit a rear yard setback of 34 feet in lieu of the required 50 feet and to permit an impervious area of 45% in lieu of the required 25% and to permit a driveway 10 feet wide accommodating two way traffic in lieu of the required 20 feet and to permit a play yard and fence 0 feet from the property line in lieu of the required 10 feet and to permit 0 parking spaces in lieu of the required 2 (ample on street parking available).

Hearing: Wednesday, September 26, 2007 at 9:00 a.m. in Room 407, County Courts Building 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Kelvin Thomas, 4388 Crest Heights Road, Baltimore 21215
Bruce Doak, GC&E, 320 E. Towsontown Blvd., Ste. 100, Towson 21204

NOTES: (1)THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPT. 11, 2007

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, September 11, 2007 Issue - Jeffersonian

Please forward billing to:

Bruce Doak Gerhold, Cross, Etzel 320 E. Towsontown Blvd., Ste. 100 Towson, MD 21204 410-823-4470

# **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-037-A

4388 Crest Heights Road

N/west side of Crest Heights Road, 1050 ft. west of centerline of Vincents Drive

3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: Kelvin Thomas

Variance to permit a lot size of 9,460 sq. feet in lieu of the required 43,560 sq. ft. and to permit a side yard setback of 6 feet and 17.5 feet in lieu of the required 50 feet and to permit a 6-foot vegetative buffer on the southwest side of the property, and a 0-foot vegetative buffer on all other sides in lieu of the required 20 feet and to permit a rear yard setback of 34 feet in lieu of the required 50 feet and to permit an impervious area of 45% in lieu of the required 25% and to permit a driveway 10 feet wide accommodating two way traffic in lieu of the required 20 feet and to permit a play yard and fence 0 feet from the property line in lieu of the required 10 feet and to permit 0 parking spaces in lieu of the required 2 (ample on street parking available).

Hearing: Wednesday, September 26, 2007 at 9:00 a.m. in Room 407, County Courts Building

401 Hostey Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the 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:
Item Number or Case Number: 08-037-A  Petitioner: Kelvin Thomas
Address or Location: 4388 Crest Heights Road
PLEASE FORWARD ADVERTISING BILL TO:  Name: <u>Kelvin Thomas</u>
Address: 4300 Crest Heights Road  Baltimore, MD 21215
Telephone Number: 410-823-4470



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 18, 2007

Kelvin Thomas 4388 Crest Heights Road Baltimore, MD 21215

Dear Mr. Thomas:

RE: Case Number: 08-037-A, 4388 Crest Heights Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 20, 2007. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

u. Callahal D

WCR:amf

Enclosures

c: People's Counsel Gerhold, Cross & Etzel Bruce Doak 320 E. Towsontowne Blvd, Suite 100 Towson 21286

# BALTIMORE COUNTY, MARYLAND

# INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** August 1, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 6, 2007

Item Nos. 08-035, 036, 037, 038, 039, 040, 041, 043, 044, 046, 048 and 051

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS-08062007.doc



JAMES T. SMITH, IR. County Executive

JOHN J. HOHMAN, Chief Fire Department

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

August 2, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 30, 2007

Item Number: 035,036,037,038,039,040,041,043,044,046,047,048,050,051

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** August 22, 2007

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

4388 Crest Heights Road

INFORMATION:

Item Number:

8-037

Petitioner:

Mr. Kevin Thomas

Zoning:

DR 5.5

Requested Action:

Variance

The petitioner seeks relief for the following:

- 1. To allow a lot size of 9,460 sq feet in lieu of the required 43, 560 sq. feet per section 424.7.A of the BCZR.
- 2. To allow a side yard setback of 6feet and 17.5' in lieu of the required 50' per section 424.7B of the BCZR.
- 3. To allow a 6' vegetative buffer on the southwest side of the property and a 0' vegetative buffer on all other sides in lieu of the required 20' per section 424.7B of the BCZR
- 4. To allow a rear yard setback of 34' in lieu of the required 50' per section 424.7B of the BCZR.
- 5. To allow an impervious area of 45% in lieu of the required 25% per section 424.7 E of the BCZR.
- 6. To allow a driveway 10' wide accommodating two way traffic in lieu of the required 20' per section 409.4 of the BCZR.
- 7. To allow a play yard and fence 0' from the property line in lieu of the required 20' per section 424.1B of the BCZR
- 8. To allow 0' parking spaces in lieu of the required 2 per section 409 of the BCAR (ample on street parking available).

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. The petitioner will have less than 40 children. The entire house as well as the garage will be converted for the proposed use, (group childcare facility). Additionally, the childcare facility will have the use of the adjoining park for outdoor activities.

After visiting the site, there is adequate on street parking that can be used for parents when they are dropping off and picking up children.

The Office of Planning feels that the proposed use will not have an adverse impact on the existing community, as there is already a school within the neighborhood, Millbrook Elementary.

The Office of Planning feels that the petitioner should be granted relief from the above-mentioned variances.

For further information concerning the matters stated here in, please contact Nkechi Hislop at 410-887-3480.

Reviewed by:

Division Chief: AFK/LL: CM



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: July 31, 2007

Ms. Kristen Matthews Baltimore County Office Of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: **Baltimore County** 

Item No. 8-37-A

4388 CREST HEIGHTS ROAD.
THOMAS PROPERTY

ARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No.8-37-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Division

SDF/MB

RE: PETITION FOR VARIANCE
4388 Crest Heights Road; NW/S Crest
Heights Rd, 1050' W c/line Vincents Drive
3<sup>rd</sup> Election & 2<sup>nd</sup> Councilmanic Districts
Legal Owner(s): Kelvin Thomas

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

\* 08-037-A

# ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel 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

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204 (410) 887-2188

# CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3<sup>rd</sup> day of August, 2007, a copy of the foregoing Entry of Appearance was mailed to, Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

AUG 03 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....



JAMES T. SMITH, JR. County Executive

December 14, 2007 M. KOTROCO, Director Department of Permits and Development Management

John Kelvin Thomas P.O. Box 68203 Baltimore, MD 21215

Dear Mr. Thomas:

RE: Case: 08-037-A, 4388 Crest Heights Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on November 1, 2007 by the Office of People's Counsel. 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 call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel Kathy Sibbald, 1 ½ Brightside Avenue, Pikesville 21208 Bruce Doak, 320 E. Towsontown Blvd., Towson 21286

# **APPEAL**

Petition for Variance
4388 Crest Heights Avenue
N/west side of Crest Heights Rd., 1,050 W of c/line of Vincents Drive
3rd Election District – 2nd Councilmanic District
Legal Owner: John Kelvin Thomas

Case No.: 08-037-A

V	Petition for Variance	(July 20, 2007)	•						
V	Zoning Description of	f Property							
<b>i</b> /	∕Ñotice of Zoning Hea	ring (August 21, 2007)							
V	Certification of Public	ation (The Jeffersonian – Septe	mber 11, 2007)						
<b>'</b>	: Certificate of Posting	(September 10, 2007) by Bruce	e Doak						
V	∕Entry of Appearance	by People's Counsel (August 3	, 2007)						
V	Petitioner(s) Sign-In	Sheet – One Sheet							
٥	。Protestant(s) Sign-In Sheet – None								
ŧ	Citizen(s) Sign-In Sheet - None  DEC 1 7 2007								
<b>√</b>	Zoning Advisory Con	nmittee Comments	BALTIMORE COUNTY						
	Petitioners Exhibit  Site P  Propo  Photo  Affiliat	lan sal Outline s (A thru G) ion between R.O.C.K and Milbr	BOARD OF APPEALS						
•	Protestants' Exhibits	- None							
6	Miscellaneous (Not N	larked as Exhibit) - None							

- Zoning Commissioner's Order (GRANTED October 15, 2007)
- Notice of Appeal received on November 1, 2007 by People's Counsel
  - c: People's Counsel of Baltimore County, MS #2010
    Zoning Commissioner
    Timothy Kotroco, Director of PDM
    John Kelvin Thomas
    Kathy Sibbald
    Bruce Doak

date sent December 17, 2007, klm

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 08-037 A
DATE 9/26/07

PETITIONER'S SIGN-IN SHEET

E-MAIL		14 14 1 A A A A A A A A A A A A A A A A	A STANGE OF STAN								
CITY, STATE, ZIP	10 21286	3400, MO 21215	116161								
ADDRESS	320 E. Towsowrow Low	1.62 Brighting Ave	200000000000000000000000000000000000000								
NAME	BRUCE E. DOALL GERHOLD CROSS & ETZEL	Shhol							•		

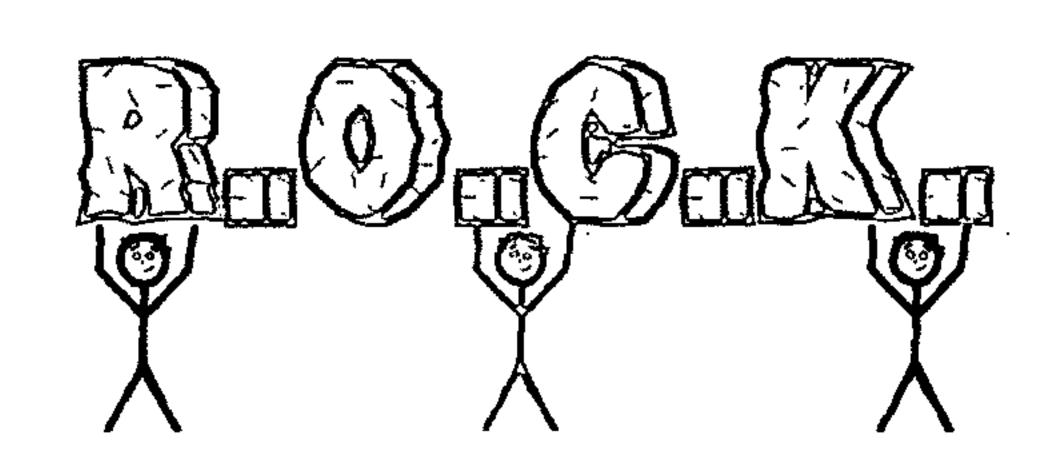
Case No.: 08-037-A 4388 (REST HOTS R)

# Exhibit Sheet

# Petitioner/Developer

# Protestant

) T		<u></u> <u></u>
No. 1	51tz Pean	
No. 2	ROPOSAL OUTLINE	
No. 3	PHOTO'S AThun G Location PLAT - 3B	
No. 4	allelation Between ROCK of and MILBROOK Elementy School	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



# REACHING OUR COMMUNITES' KIDS

Kelvin Thon

] (410) 241-9574 (410) 653-ROCK ] (410) 887-6744 mas@Letsrock2.us ore and After-School Programming
Summer Camps
4 hour, 7 days A Week Childcare
Inclement Weather Care
Mentoring
Computer Lab for Children

PETITIONER'S

EXHIBIT NO.

#### Non-Disclosure and Confidentiality Agreement

The undersigned ("Recipient") hereby agrees that all financial and other ("Information") that it has and will receive concerning "" is confidential and will not be disclosed to any individual or entity without prior written consent.

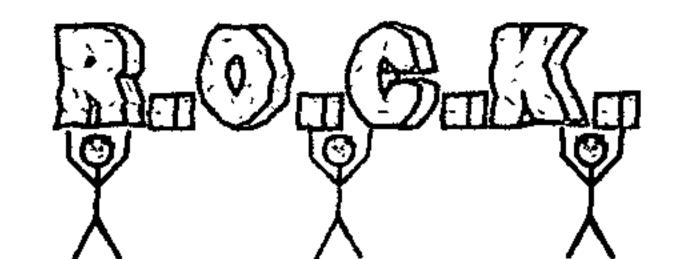
The Information shall remain the property of "R.O.C.K." and shall be returned to "R.O.C.K." promptly at its request together with all copies made thereof.

Recipient acknowledges that no remedy of law may be adequate to compensate for a violation of the Agreement and Recipient hereby agrees that in addition to any legal or other rights that may be available in the event of a breach hereunder, "R.O.C.K." may seek equitable relief to enforce this Agreement in any Court of competent jurisdiction.

<del></del>	
Date	Signature

This is a business plan and does not imply an offering of securities

#### Contact Information:



#### REACHING OUR COMMUNITIES' KIDS, INC.

P.O. BOX: 68203
BALTIMORE, MD 21215
(410) 653 – ROCK [7625]
WWW.LETSROCK2.US
J. Kelvin Thomas CEO & President

#### REGISTERED LAND SURVEYOR

Gerhold, Cross & Etzel, Ltd. GCE Attn. Bruce E. Doak 320 East Towsontown Blvd. Suite: 100 Towson, Md 21286 [410] 823 – 4470

#### **LAWYER**

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8<sup>th</sup> Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600 (voice)
410-296-2801 (fax)
halderman@LevinGann.com

#### **COMPANY HISTORY**

Welcome to Reaching Our Communities' Kids. Reaching Our Communities' Kids is a non-profit, 501 (c) (3) company. We have been certified to provide before and after-school programs and summer camps in the State of Maryland.

R.O.C.K. focuses on the growth of families through the enrichment of the child. The before and after-school program is just one of the many programs R.O.C.K. offers to see this goal through. This program provides a safe environment that is also conducive to learning.

Presently, we are located in Milbrook Elementary School, 4300 Crest Heights Rd., providing before and after-care and summer camp for the families of Baltimore County.

The President and CEO of the organization has just completed his 10<sup>th</sup> year in the childcare industry. The Board members have 5 – 30 years work experience in fields such as education, business, finances, grant writing, contract writing, and emergency preparedness.

#### MISSION STATEMENT

#### For the Child in the Community

Our mission: To have children come away believing that, "Excellence is whatever you put into it, and whatever you put in to it is excellent." Working hand in hand with all children is the key to success for our future; to focus the passion in caring for children into our primary goal is our undertaking.

#### **For Parents**

Our mission: To provide the support necessary to enable parents to become informed and effective citizens of child care and the community through empowering information and services.

#### **BUILDING USE**

Service will be provided for the children in the finished basement and in the finished garage.

The basement, [x] usable space, will serve children who are 3, 4 and 5 years old. The children will enter through a breeze-way door and go to the basement. The room will not only be arranged in a safe manor [comar], but provide the highest level of new and innovative activities to the children through appropriate and usefully organized resources and age appropriate toys and games.

The garage, [700sq.ft], will be finished with floor heating and window air conditioning units. 320 sq.ft. will be used for a hardwood floor that will host a retractable basketball hoop and various markings and interactive games printed into the floor. [4 square, hop scotch etc.] The remaining of the room will have padded floors and host various table games. [pool table, ping pong, air hockey]

The resource center [located in the dining room] will be occasionally available to help the parents recognize the importance of early years of childhood. The center will encourage the development of the uniqueness and potential of each child by providing the parents and child with computers and internet access that assist them in ensuring a child reaches his/her optimum physical, social, cognitive and creative development.

There will be a fenced playground area on the premises. In addition, the property is directly connected to a multi-acre playground and baseball field.

€

#### **DEMINSIONS**

Floor plan of whole house Comar 35sq.ft. per child

#### **LANDSCAPING**

Tree removal:

Davey's Tree Trimming 6101 Falls Rd. Attn. Tod Armstrong [410] 377 - 4002

To continue to maintain the quality and beauty of the neighborhood, tall evergreens will be planted on the "bravo" and "charlie" side of the property. The property will also be surrounded with a 7' fence for the safety of the children.

This document contains confidential information. It is disclosed to you for informational purposes only. Its contents shall remain the property of "R.O.C.K." and shall be returned when requested.

This is a business plan and does not imply an offering of securities.

	Table of Contents
****	*******************
	Executive Summary Business Opportunity Current Business Position ************************************
	Company Background
	Services Service overview Suppliers and Inventory Research and Development ************************************
	The Industry, Competition and Market Industry Definition Primary Competitors Market Size Customer Profile ************************************
	Marketing Plan Competitive Advantage Pricing Promotional Plan Feedback
****	*******************
	Operating Plan Location Facility Operation Equipment Personnel Plan General Operation
	*************************
	Goals and Strategies  Business Goals  Keys to success  Future Plans

8. The Center

#### 1. EXECUTIVE SUMMARY

Thank you for your inquiry into "R.O.C.K.". R.O.C.K. is a 501 (C)(3) non-profit organization that offers child care in the Milbrook community of Baltimore County. Unlike other daycare providers, R.O.C.K. offers more preparation, hands on, and follow up support than any other program.

We are an affiliation of people who together have over 50 years of experience in working with children. We not only have the training that meets the child care credentials but the training for children to support themselves to be more productive, organized, structured, stable and healthy citizens.

#### **BUSINESS OPPORTUNITIES**

There are many opportunities for college graduates, educators and retired Educators; with employees having the opportunity to work part and full time.

#### **CURRENT BUSINESS POSITION**

The company is structured as a LLC with the CEO/ President of the company being J.Kelvin Thomas.

Presently there is one Director, one Assistant Director and four Aides.

### 2. COMPANY BACKGROUND

Mr. Thomas recognizes the importance of Family bonding. Also, our communities need more positive establishments to assist our children in fine motor skills, cognitive skills, coordination skills organization skills and constructive energy outlets. Presently, Mr. Thomas is the Senior Director of a Before and After-School Program. He has over 11 years of experience.

#### 3. SERVICES

GENERAL ACADEMIC INTRODUCTION
SCIENCE PROJECTS FOR SCHOOL AGE CHILDREN
MUSIC PROJECTS FOR SCHOOL AGE CHILDREN
THEATRE FOR SCHOOL AGE CHILDREN
BEING THE BEST MAN YOU CAN BE
PART I [FOR BOYS]
BEING THE BEST MAN YOU CAN BE
PART II [FOR BOYS]

#### SUPPLIES AND INVENTORY

For 3.1 - 3.3, there are many books under **powell.com** that will be used for text, examples and exercises. For 3.4 - 3.5, selections from Christopher Arnold's book and various news articles from around the world. For 3.6 - 3.7, they will come from \_\_\_\_\_\_.

#### RESEARCH AND DEVELOPMENT

To dedicate and enhance the quality of Child Care, there will be many visits and references to the Child Care Bureau [CCB]. Also, there is the Child and Family Web Guide.

## 4. THE INDUSTRY, COMPETITION AND MARKET

This industry consists of establishments that provide paid child care for infants, pre-kindergarten or preschool children, or older children in after-school programs. For information on other social assistance services for children and youths, see the *Career Guide* statement on social assistance, except child daycare.

#### INDUSTRY DEFINITION

Obtaining affordable, quality child daycare, especially for children under age 5, is a major concern for many parents. Child daycare needs are met in many different ways. Care in a child's home, care in an organized child daycare facility, or care in a provider's home are all common arrangements for preschool-age children. Older children may receive child daycare services when they are not in school, generally through before- and after-school programs or private summer school programs. With the increasing number of women in the workforce, child daycare services have been one of the most talked about and fastest growing industries in the U.S. economy.

#### PRIMARY COMPETITORS

Primary competitors are YMCA, Play Keepers, Play Centers, Open Door, and illegal home day cares.

#### MARKET SIZE

Even though Baltimore is not the capital of the state, it is still the hub of a metropolitan area. According to the 2003 census, there are almost 630,000 people in the city of Baltimore, 777,000 in Baltimore County. Almost 25% of that number are children 18 and under in Baltimore City and County. 65% of that number are either black or of Hispanic or Latino origin in Baltimore City; 22% in Baltimore County.

#### **CUSTOMER PROFILE**

In child care, to satisfy these high percentages of children under 18, and to be in compliance with regulations, certificates of continuing training are needed on an annual basis by directors, group leaders and aides. Therefore, hundreds of home and center providers need training. However, even more so, there is a need for some new and innovative training based on our ever changing communities culturally and economically.

#### 5. MARKET PLANNING

R.O.C.K.'s overall marketing strategy will be to provide child care and assist parents information on how to better relate to their children. R.O.C.K. will also target those in the community who are interested in bettering themselves in health, community awareness, and education.

## 5.1 Competitive Advantage

Even though the end result will be to provide safe and more enriching programming for our children, there will be a great amount of emphasis put on the individual enriching themselves as well.

## 5.2 Pricing

The prices will range anywhere from no fee per person to \$405.00 per child per month.

#### 5.3 Promotional Plan

**R.O.C.K.** will promote and advertise its childcare through various childcare Associations; The Maryland Committee for Children and colleges and universities. E-mail and postal mailings will be used along with flyers.

#### 5.4 Feedback

At the end of each session, there will be an evaluation form available for the participants to fill out and return on location or to mail in.

#### 6. OPERATING PLAN

# R.O.C.K. WILL BE LOCATED IN NORTHWEST BALTIMORE COUNTY, MARYLAND.

#### LOCATION

The main office will be located at a residential location in Baltimore County 4388 Crestheights Rd.

Presenty, R.O.C.K. has a certified childcare center less than a block away at Milbrook Elementary School, 4300 Crestheights Rd.

A third location is planned to be added in the third year of operation at a suitable site to be determined.

#### **FACILITY**

Presently the location is being remodeled to meet with childcare regulations.

## **OPERATIONAL EQUIPMENT**

The equipment that will be needed is minimal. Operating equipment will consist of a reliable car, a copier machine, a computer, a fax machine, a cell phone, an answering service and a ground line phone, toys art supplies and materials to conduct age appropriate activities.

#### PERSONNEL PLAN

**R.O.C.K.'S** CEO will provide majority of the duties required to operate the center. One full time and two part time employees will be hired to assist with the business.

#### **GENERAL OPERATIONS**

**R.O.C.K.** will be offered mainly during business hours. Arrangements can be made for normal business hours.

#### 7. GOALS AND STRATEGIES

R.O.C.K. WILL BE THE FIRSTOF ITS KIND IN THE BALTIMORE METROPOLITAN AREA OF MORE THAN 1.5 MILLION PEOPLE. THE STRATEGY WILL BE TO PRODUCE HIGH QUALITY PROGRAMMING.

#### **BUSINESS GOALS**

**R.O.C.K.** business goals are as follows:

- To repay any loans during the first year
- To open a third office location
- To produce net income levels of over \$10,000, \$20,000, \$30,000, and \$40,000 for years one, two, three, four, respectively.

#### **KEYS TO SUCCESS**

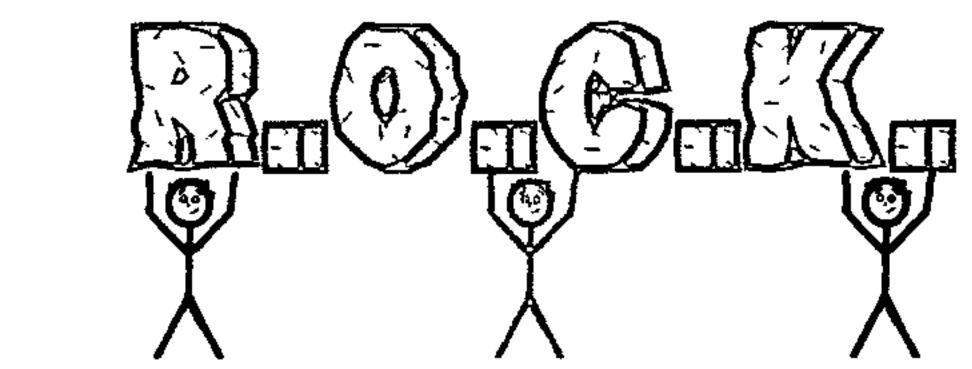
**R.O.C.K.**'S success will come from educating providers and teaching them to manage their interaction with children and their families within the community.

No other business will provide the more personal, hands-on, interaction sessions. This will provide families with awareness of other ways of interaction, problem solving, and coping with others we work and live with.

#### **FUTURE PLANS**

The owner will explore possible expansion opportunities within the state of Maryland and other states.

#### 8. THE CENTER



## REACHING OUR COMMUNITIES' KIDS

www.letsrock2.us

# EARLY CHILDHOOD DAYCARE PROGRAM 2008

Welcome to Reaching Our Communities' Kids BEFORE & AFTER-SCHOOL, AND ALL DAY PROGRAM. Reaching Our Communities' Kids is a non-profit, 501 (c) (3) company. We have been certified to provide before and afterschool programs and summer camps in the State of Maryland.

R.O.C.K. focuses on the growth of families through the enrichment of the child. The before and after-school program is just one of the many programs R.O.C.K. offers to see this goal through. This program provides a safe environment that is also conducive to learning.

## HOURS OF OPERATION:

BEFORE-SCHOOL: 6:00 A.M. - 8:30 A.M. AFTER-SCHOOL: 3:30 P.M. - 6:30 P.M.

ALL DAY: 6:00 A.M.-8:00 P.M. MONDAY-FRIDAY

# DAILY SCHEDULE

- -6:00 A.M. UNTIL: PARENT DROP OFF PERIOD
- -9:00 A.M. BREAKFAST
- -9:30 A.M. ACADEMIC ENRICHMENT
- 11:30 A.M. OUTSIDE TIME
- -12:00 P.M. LUNCH
- 12:30 P.M. READING
- -1:00 P.M. NAP TIME
- 2: 00 P.M. DAILY PROJECT
- -3:45 P.M.- 4:45 P.M. HOMEWORK/ ACADEMIC SESSION
- 4:45 P.M.-5:00 P.M. SNACK
- 5:00 P.M.- 5:30 P.M.GYM/OUTSIDE ACTIVITY
- 5:00 P.M. -6:00 P.M.  $2^{ND}$  PLANNED ACTIVITY FOR THE DAY
- 6:00 P.M. 6:30 P.M. FREE GAME ACTIVITY
- 8:00 P.M. END OF PROGRAM DAY

#### THE ACADEMIC SESSIONS

THE STUDENTS WILL BE PROVIDED WITH 60 MINUTES OF ACADEMIC TIME MONDAY THROUGH THURSDAY. PLEASE LET YOUR CHILD KNOW THAT THIS IS A QUIET TIME FOR DOING HOMEWORK, READING OR LETTING THE STAFF PROVIDE ADDITIONAL SCHOOL MATERIALS FOR ACADEMIC STRENGTHENING AND ENRICHMENT.

## FINANCIAL POLICY

- CHILDREN MAY BE ENROLLED FOR NO LESS THAN 3 DAYS A WEEK.
- THERE IS A \$25.00 PER CHILD, NONREFUNDABLE, ONE TIME, REGISTRATION FEE.

BEFORE-SCHOOL ONLY: \$180.00/MO.
AFTER-SCHOOL ONLY: \$225.00/MO.
BEFORE & AFTER-SCHOOL \$330.00/MO.
ALL DAY CARE \$405.00

 THERE IS A 10% DISCOUNT FOR FAMILIES THAT HAVE TWO OR MORE CHILDREN.

## [PLEASE READ THIS VERY IMPORTANT NOTICE!!!]

- ALL MONEY IS DUE THE 1<sup>ST</sup> OF EACH MONTH. ANY PAYMENTS RECEIVED AFTER 6:30 P.M. ON THE 1<sup>ST</sup> OF EACH MONTH, WILL HAVE A \$5.00 PER BUSINESS DAY LATE FEE NOT TO EXCEED 3 TIMES THE AMOUNT DUE. IF THE PAYMENT IS STILL NOT RECEIVED BY THE END OF THE MONTH, YOUR CHILD WILL NOT BE PERMITTED TO RETURN TO R.O.C.K. UNTIL ALL MONTHLY FEES, LATE CHARGES, POSSIBLE BANK FEES, AND POSSIBLE LAWYER FEES HAVE BEEN MADE CURRENT.
- A MONEY ORDER IS PREFERED. HOWEVER, IF YOU CHOOSE TO WRITE A CHECK, AND IT BOUNCES, THE BOUNCE FEE IS \$20.00. PLUS, THE RELAVENT LATE FEE WILL BE APPLIED.
- ONCE A CHECK IS BOUNCED, THE FAMILY MUST PAY BY CASH OR MONEY ORDER THE REST OF THE YEAR.
- THE DAILY RATE FOR STUDENT DROP OFF IS \$10,00 PER DAY; PER CHILD; PER MORNING. \$15:00 PER AFTERNOON. \$20.00 FOR THE DAY.
- a) YOUR REGISTRATION FORM FILLED OUT COMPLETELY.
- b) HEALTH INVENTORY PARTS I AND II.
- c) A COPY OF YOUR CHILD'S IMMUNIZATION FORM.
- d) A "CHILD PLAN" FORM FILLED OUT.
- e) AN EMERGENCY CARD FILLED OUT.
- f) A LIST OF YOUR CHILD'S ALLERGIES.
- g) AT LEAST THE 1<sup>ST</sup> MONTH'S TUITION PAID IN FULL.

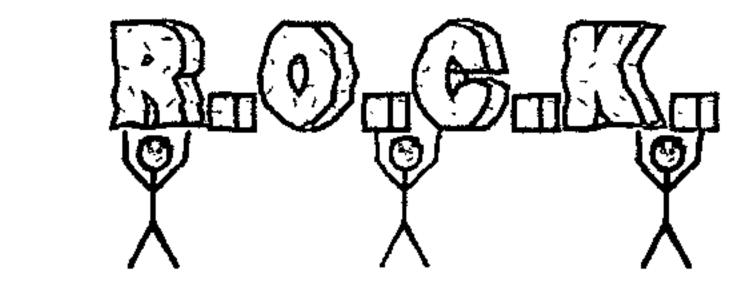
#### **EVERYDAY...**

- 1) MAKE SURE AN ADULT [18 & OLDER] BRINGS IN AND SIGNS IN YOUR CHILD. NO DROP OFFS FROM THE OUTSIDE! YOU MAY BE CALLED TO PICK UP YOUR CHILD, IF NOT REACHED, YOUR CHILD WILL HAVE TO SIT IN THE LOBBY OR OUTSIDE OF THE SCHOOL BUILDING TILL SCHOOL BEGINS.
- 2) MAKE SURE THAT <u>EVERYONE</u> AUTHORIZED TO PICK UP YOUR CHILD IS ON YOUR EMERGENCY FORM. IF THEY ARE NOT ON THAT FORM, YOUR CHILD WILL NOT BE RELEASED. IF A CHANGE IS NEEDED ABOUT PICK UP ARRANGEMENTS, IT HAS TO BE IN WRITING.
- 3) MAKE SURE YOUR CHILD HAS APPROPRIATE AND EXTRA CLOTHING. (FOR EXAMPLE, AS COMFORTABLE AS SANDLES ARE, IF HE/SHE DO NOT HAVE SNEAKERS TO CHANGE INTO, HE/SHE MAY BE LEFT OUT OF A LOT OF GAMES THAT REQUIRE RUNNING OR JUMPING.) SOMETIMES GAMES AND ART PROJECTS MAY BE MESSY, SO THEY WILL NEED A CHANGE OF CLOTHES.
- 4) STAFF MEMBERS CANNOT DISPENSE MEDICATION. PLEASE ARRANGE FOR YOUR CHILD TO BE MEDICATED DURING TIMES OTHER THAN R.O.C.K. HOURS.
- 5) CHILDREN MAY BE INCLUDED IN PHOTOGRAPHS, ADVERTISEMENTS OR EVALUATIONS CONNECTED WITH THE BEFORE AND AFTER-SCHOOL, SUMMER PROGRAM OR WEBSITE.
- 6) IT IS NOT HIGHLY RECOMMENDED, BUT YOUR CHILD MAY BRING ITEMS FROM HOME AT HIS/HER OWN RISK. THE ELEMENTARY SCHOOL, R.O.C.K. AND ANY OTHER CHILD OR PARENT IS NOT RESPONSIBLE FOR THE DAMAGE, LOSS OR THEFT OF ANY ITEMS OR TOYS.
- 7) PARENTS/GUARDIANS ARE WARMLY WELCOMED AND ENCOURAGED TO SPEND TIME WITH THEIR CHILDREN AT THE PROGRAM.

#### R.O.C.K. DISCIPLINE POLICY...

THE DESIGNATED PROGRAM AREA WILL BE ARRANGED WITH A VARIETY OF ACTIVITIES AND ENOUGH EQUIPMENT SO THAT THE CHILDREN NEED NOT BE IN CONFLICT. THE PROGRAM RULES ARE KEPT SIMPLE AND WORDED IN A POSITIVE MANNER. PLEASE READ AND DISCUSS THESE RULES WITH YOUR CHILD.

- 1. ONCE SIGNED IN, YOUR CHILD IS REQUIRED TO FOLLOW ALL RULES, LAWS AND REGULATIONS SET BY THE STATE OF MARYLAND, BALTIMORE COUNTY, AND REACHING OUR COMMUNITIES' KIDS.
- 2. WALK IN THE CENTER AND TO AND FROM IN-DOOR AND OUTDOOR ACTIVITIES.
- 3. LISTEN AND FOLLOW DIRECTIONS THE FIRST TIME THEY ARE GIVEN.
- 4. CHILDREN HAVE TO ASK PERMISSION OR BE ESCORTED FROM DESIGNATED AREAS. ALSO, CHILDREN NEED NOTES FROM HOME OR DOCTORS TO BE EXCLUDED FROM OUTSIDE PLAY OR SET ACTIVITIES. NO NOTE, THEY HAVE TO STAY WITH THE GROUP.
- 5. USE MATERIALS, TOYS, AND EQUIPMENT CORRECTLY AND PUT THEM AWAY WHEN YOU ARE FINISHED.
- 6. ALWAYS USE POSITIVE WORDS.
- 7. PLEASE, KEEP ALL BODY PARTS TO YOURSELF!!
- WE PREFER TO CATCH CHILDREN BEING GOOD AND OFFER PRAISE AND ENCOURAGEMENT. HOWEVER, IF A RULE IS BROKEN, WE USE A DOCUMENTED 4 STRIKE RULE. THE FIRST TIME A STUDENT WILL BE REMINDED OF THE RULE AND BE OFFERED ALTERNATIVE WAYS TO EXPRESS THEMSELVES OR SOLVE THE PROBLEM. THE SECOND TIME THERE WILL BE A WARNING. THE THIRD TIME WILL BE A 1-5 MINUTE TIME OUT AND POSSILBLY AN EXCLUSION FROM THE ACTIVITY AND PARENT CONFERENCE. THE FOURTH TIME, AFTER A PARENT CONFERENCE, THE RESULT MAY BE A LONGER TIME OUT, IN-HOUSE SUSPENSION, OR DISMISSAL FROM THE PROGRAM; EITHER 1,2,3, DAY OR INDEFINATELY. [MONEY WILL NOT BE REFUNDED] FIGHTING MAY RESULT IN IMMEDIATE 1, 2, 3 DAY SUSPENSION OR TERMINATION FROM THE PROGRAM. ACTS OF PHYSICAL AGGRESSION, DESTRUCTIVENESS AND TANTRUMS CANNOT BE IGNORED AND WILL MERIT IMMEDIATE TIMEOUT OR SUSPENSION. OUR PRIMARY GOAL IS A SAFE, HEALTHY ENVIRONMENT. IF YOU EVER HAVE ANY QUESTIONS OR CONCERNS, PLEASE CALL THE EXECUTIVE DIRECTOR AT: (410) 653-ROCK [7625] OR (410) 241-9574.
- 9. PLEASE DISCUSS ALL PROBLEMS WITH THE SENIOR OR SITE DIRECTOR **BEFORE** YOU LEAVE FOR THE DAY, IT IS EASIER TO SOLVE PROBLEMS WHILE YOU ARE STILL THERE THAN AFTER YOU GO HOME AND DISCUSS YOUR DAY WITH YOUR PARENTS.



## REACHING OUR COMMUNITIES' KIDS

# REGISTRATION FORM 2008

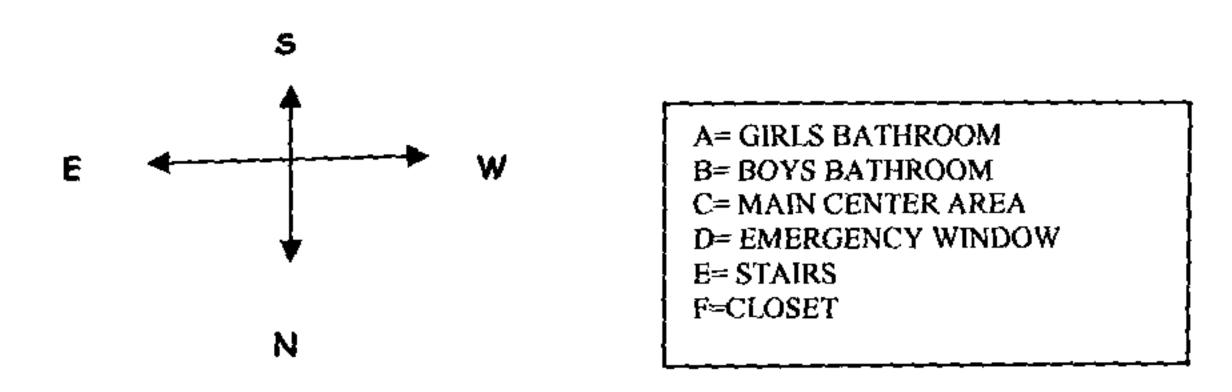
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CHILD I		CHILD II		
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AGE;	AGE:			
PARENT/GUARDIAN #1:				
EMAIL ADDRESS:		······································		
BILLING/MAILING ADDRE	ESS:	<del></del>		
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H] PHONE:		[W] PHONE		
CELL PHONE		<u> </u>		
PARENT/GUARDIAN #2:	<u> </u>			
S# OR DRIVER'S LICENSI	E #:	<u></u>		
EMAIL ADDRESS:	- •	·	·	

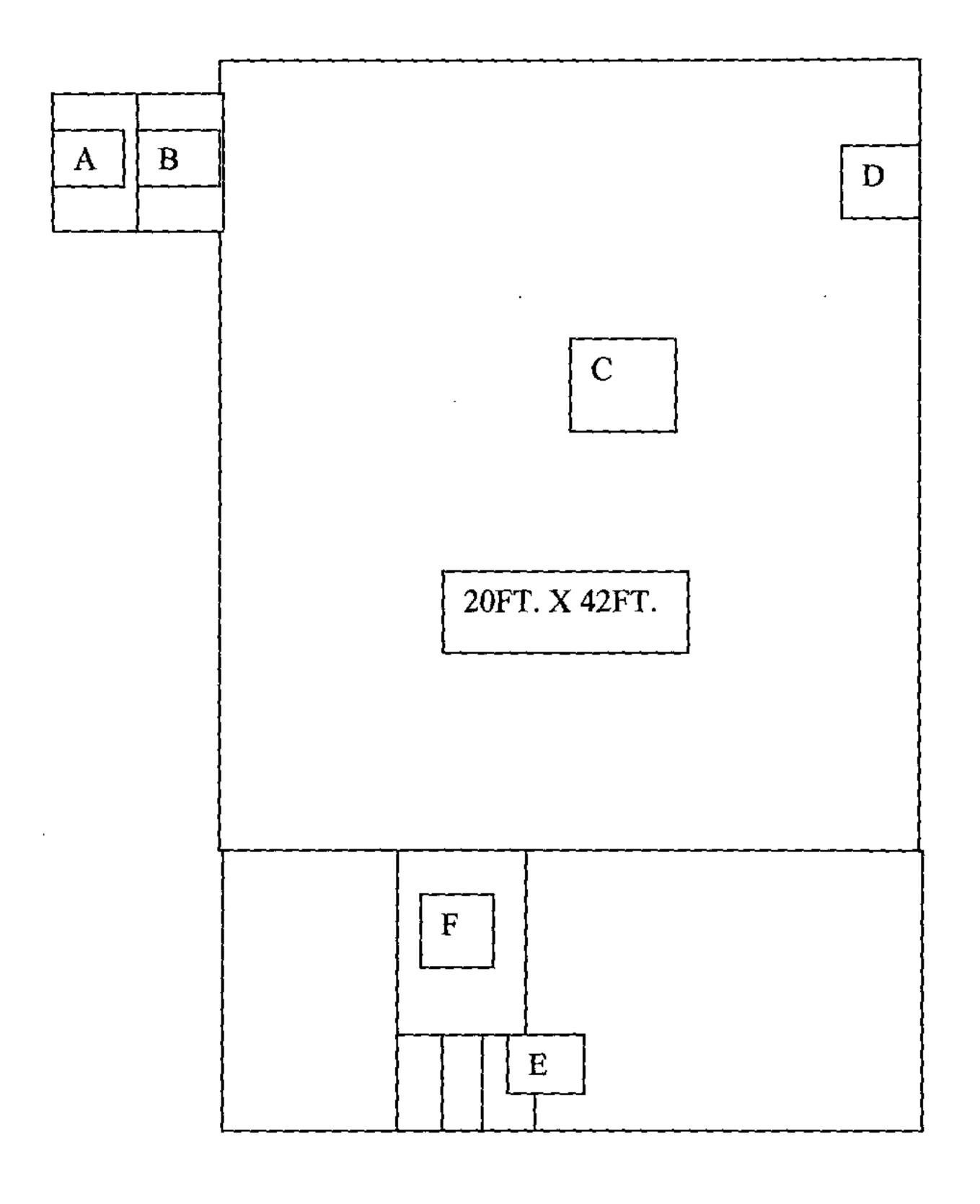
MAIL INFORMATION TO: REACHING OUR COMMUNITIES' KIDS P.O. BOX: 68203 BALTIMORE, MD 21215 (410) 653 - ROCK / [7625]

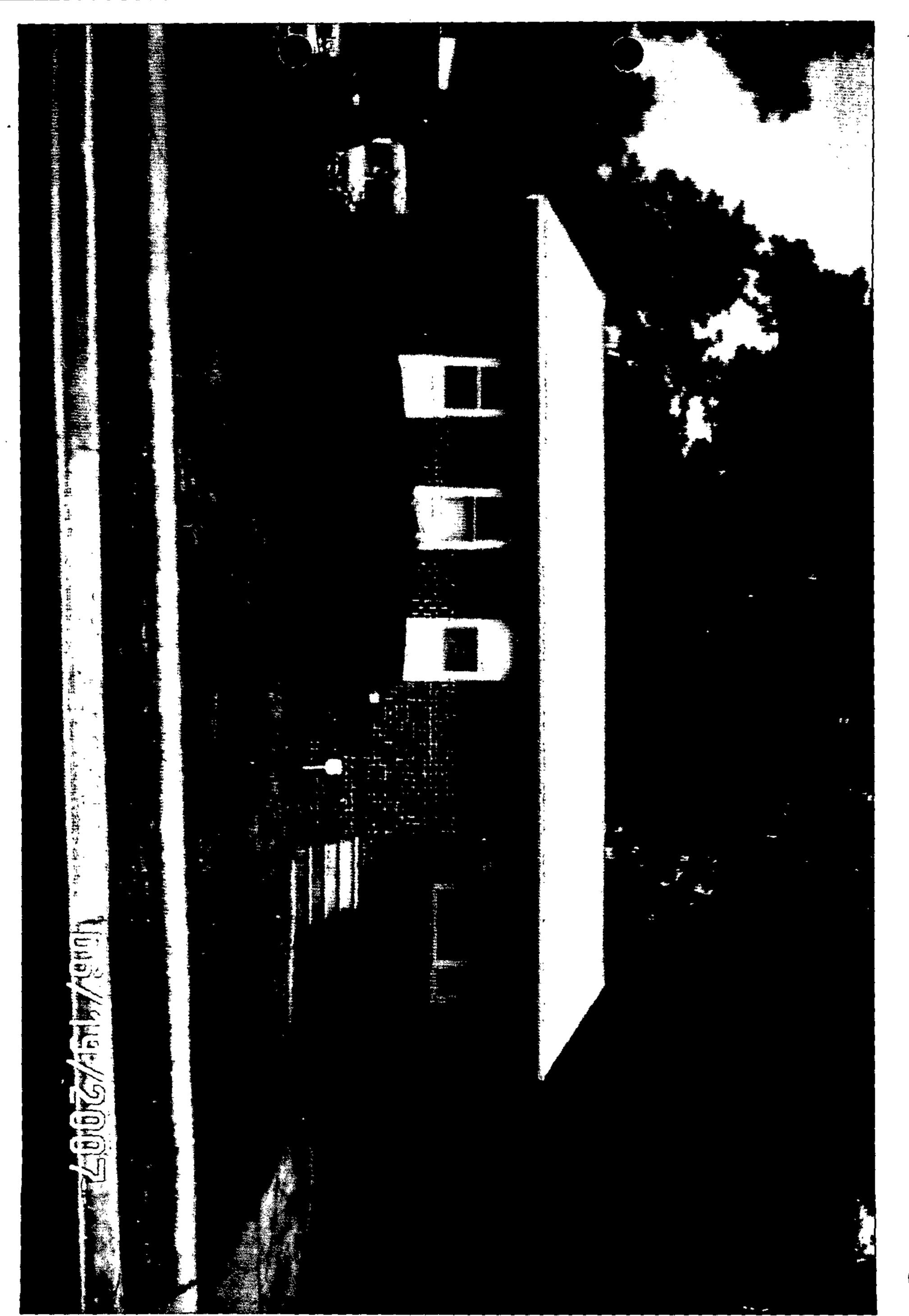
## CIRLCE PLAN NEEDED

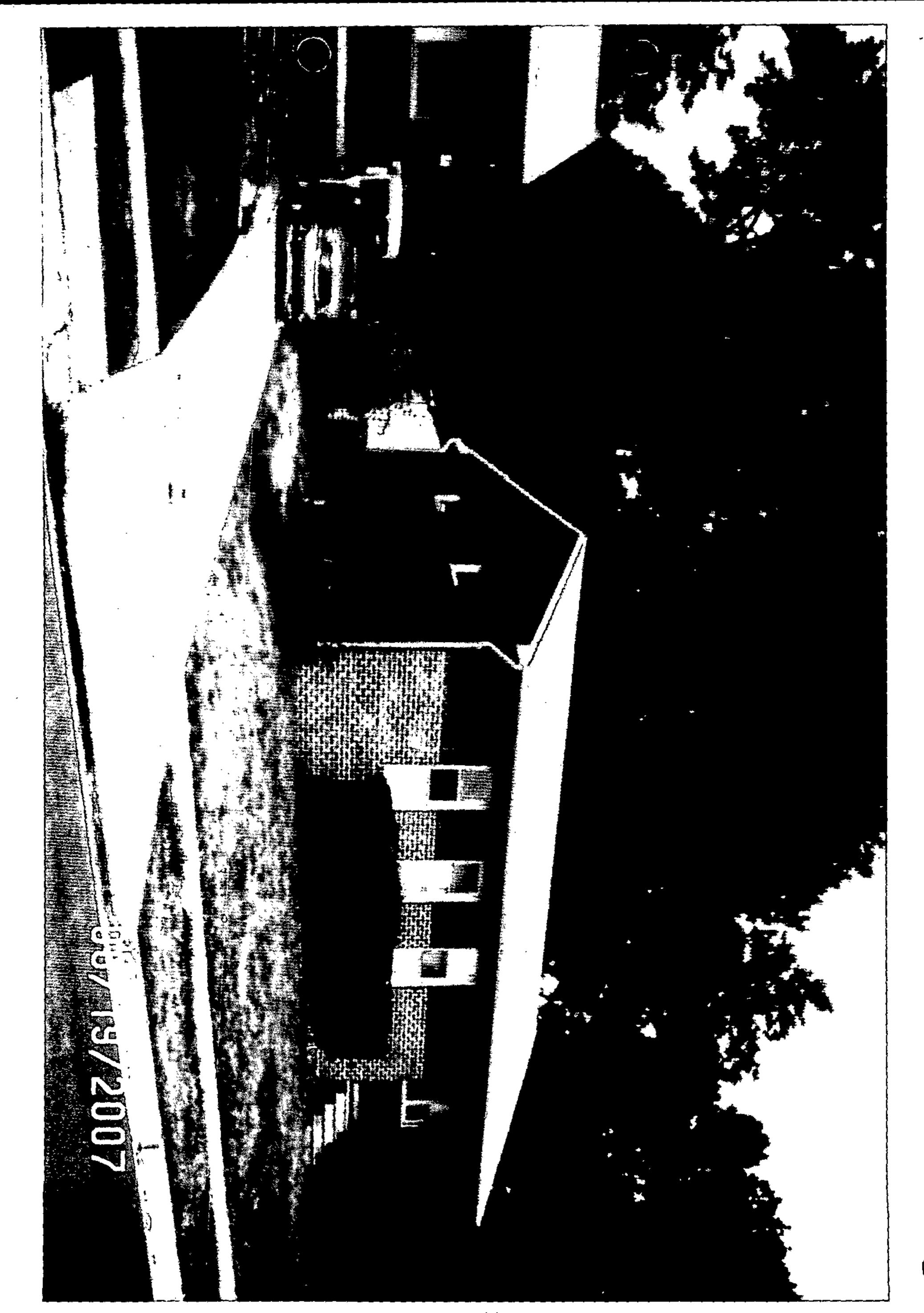
## REMINDER: DISCOUNTS ARE FOR 2 OR MORE CHILDREN

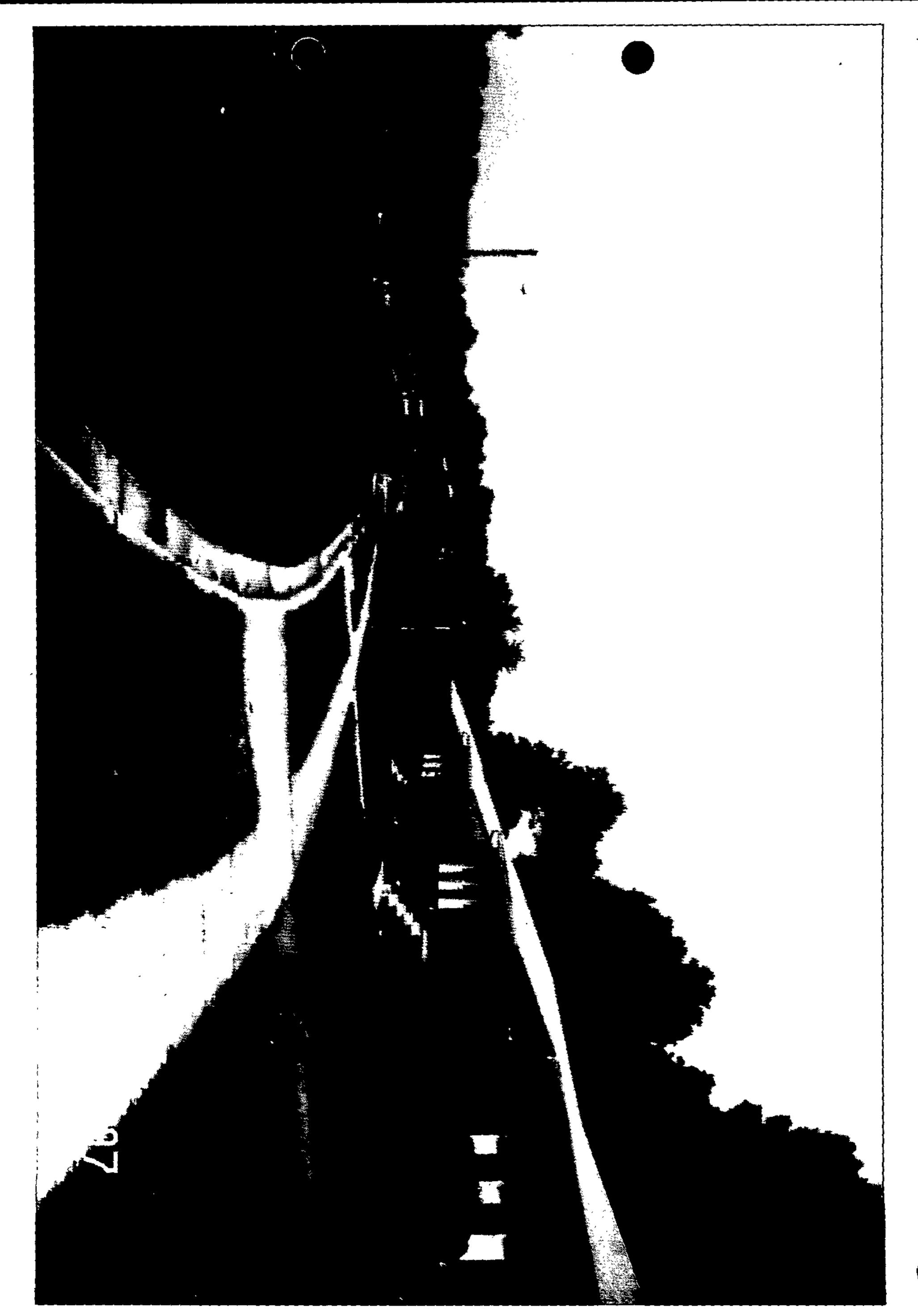
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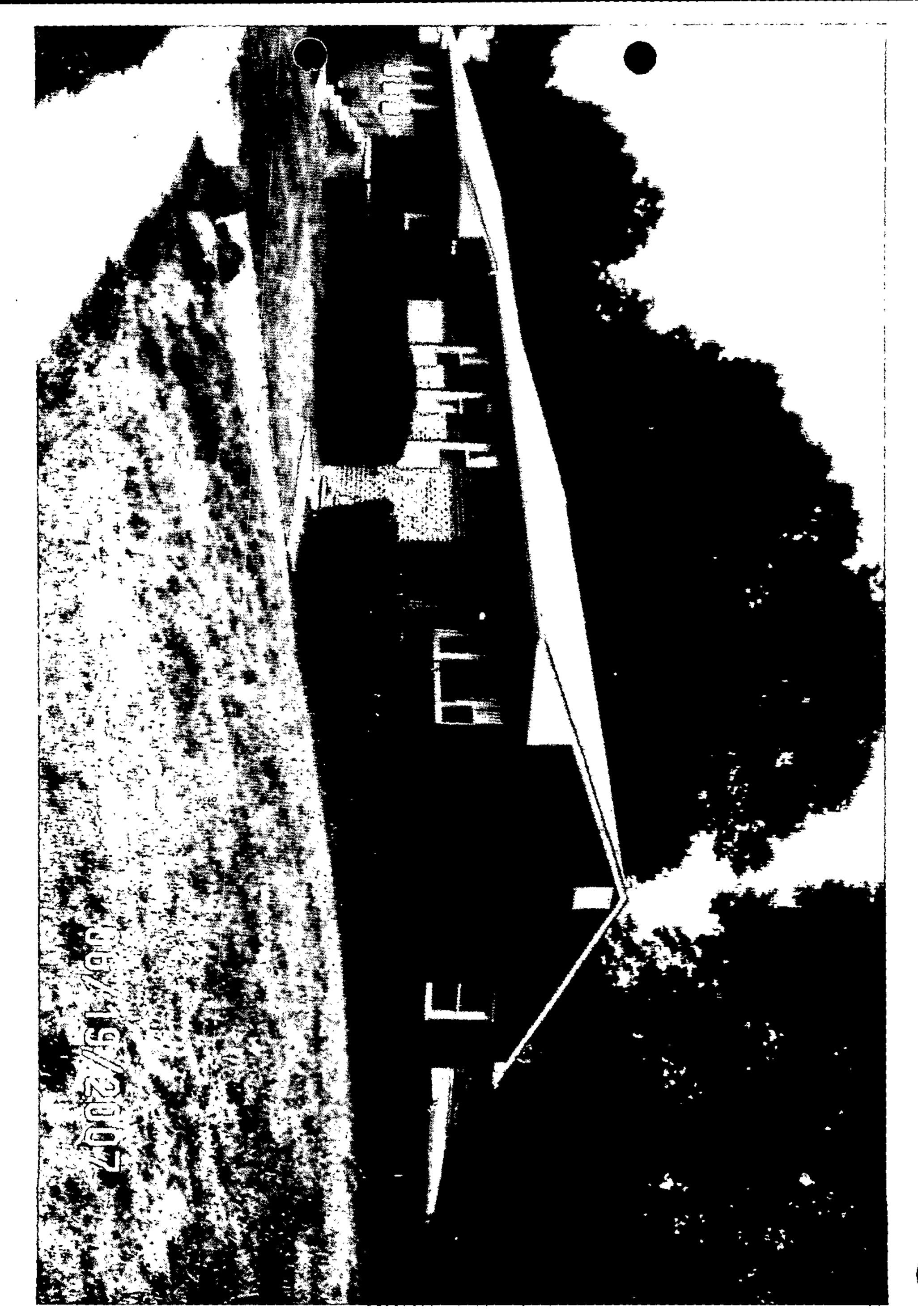






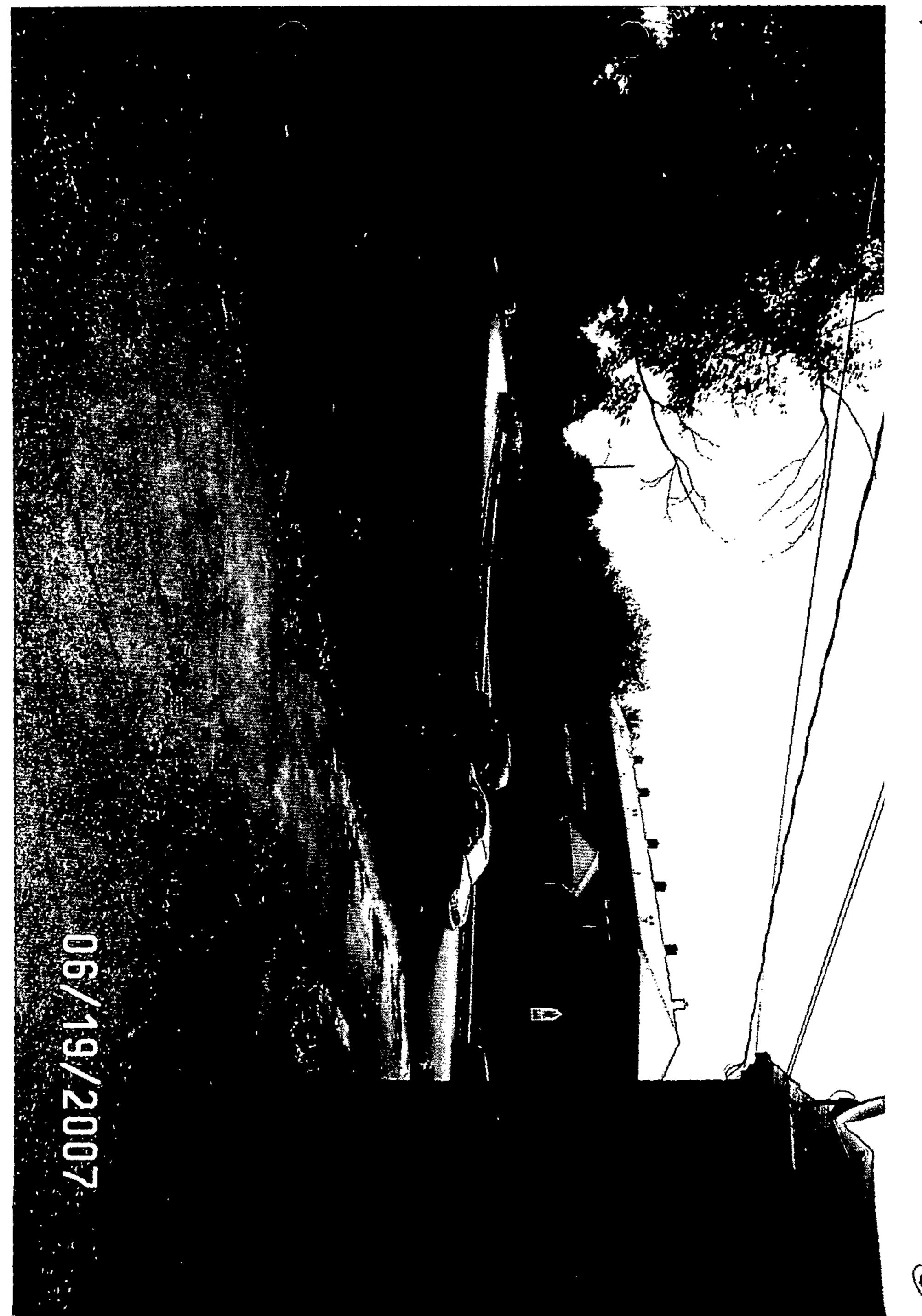


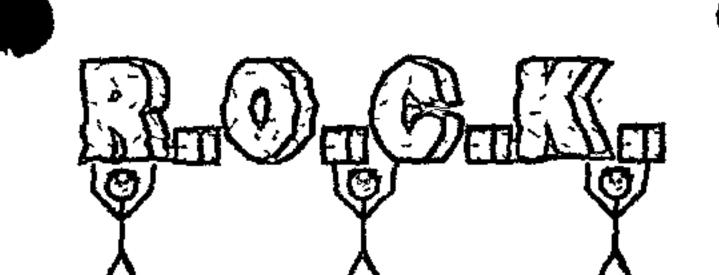












REACHING OUR COMMUNITIES' KIDS P.O. BOX: 68203 BALTIMORE, MD 21215 [410] 653 - ROCK WWW.LETSROCK2.US

DECEIVEN
OCT 1 5 2007
BY:----

1st of October, 2007

Dear Mr. Wiseman,

Mr. Thomas is the President / CEO and Director of the Before and After-School Program at Milbrook Elementary School. The school is located at 4300 Crestheights Rd.; Baltimore, MD 21215. Via Recreation and Parks and by CCA [Childcare Administarion] policy, children have to go outside at least 15 minutes a day. Therefore, Mr. Thomas and the R.O.C.K. Program has permission to use the outside playground area with the children in the program.

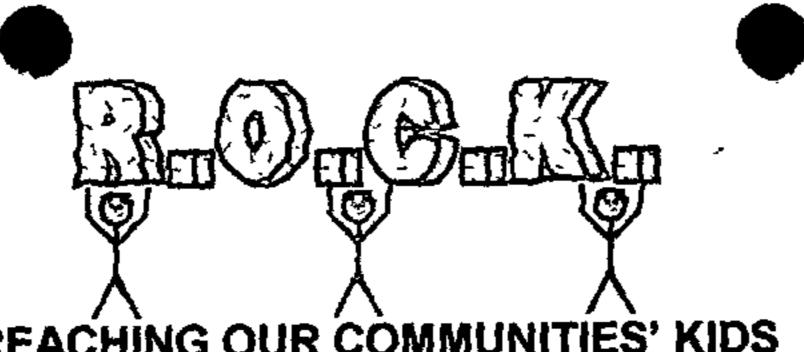
If you have questions, feel free to call me at [410] 887 – 1225.

Sincerely,

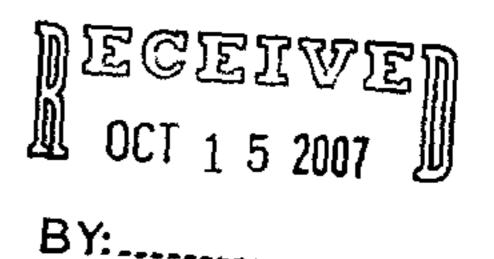
Donna Bergin; Principal

PETITIONER'S

EXHIBIT NO.



REACHING OUR COMMUNITIES' KIDS
P.O. BOX: 68203
BALTIMORE, MD 21215
[410] 653 - ROCK
WWW.LETSROCK2.US



10th of October, 2007

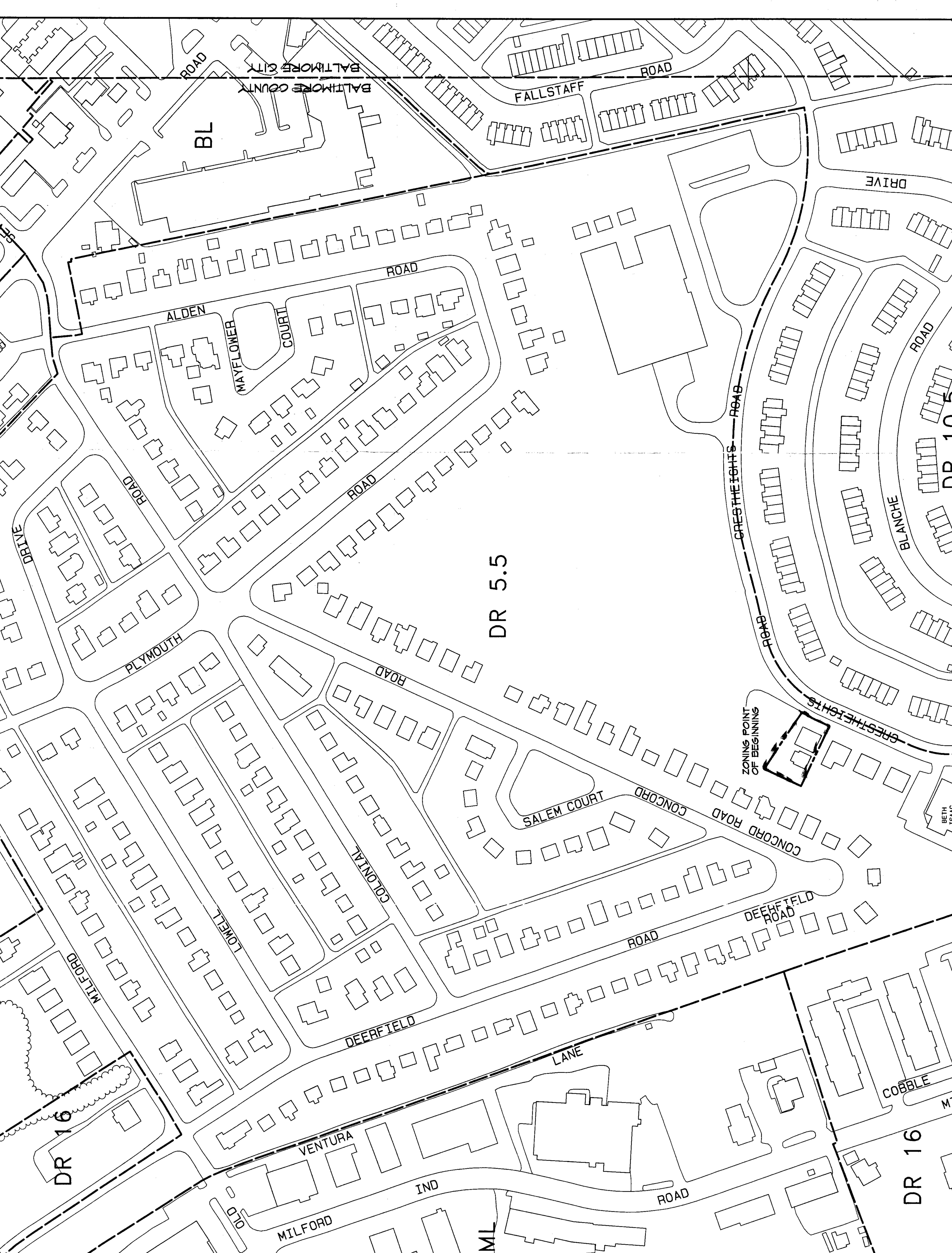
Dear Mr. Wiseman,

On the 28<sup>th</sup> of September 2007, I left a message on the door and on the car of the next door residence at 4390 Crestheights Rd. with my name and cell phone number. There has been no response as of the above date. I'll keep trying.

Sincerely, J. Kelvin Thomas

# POST IN CONSPICUOUS PLACE This license is not transferable to another person, location, address.

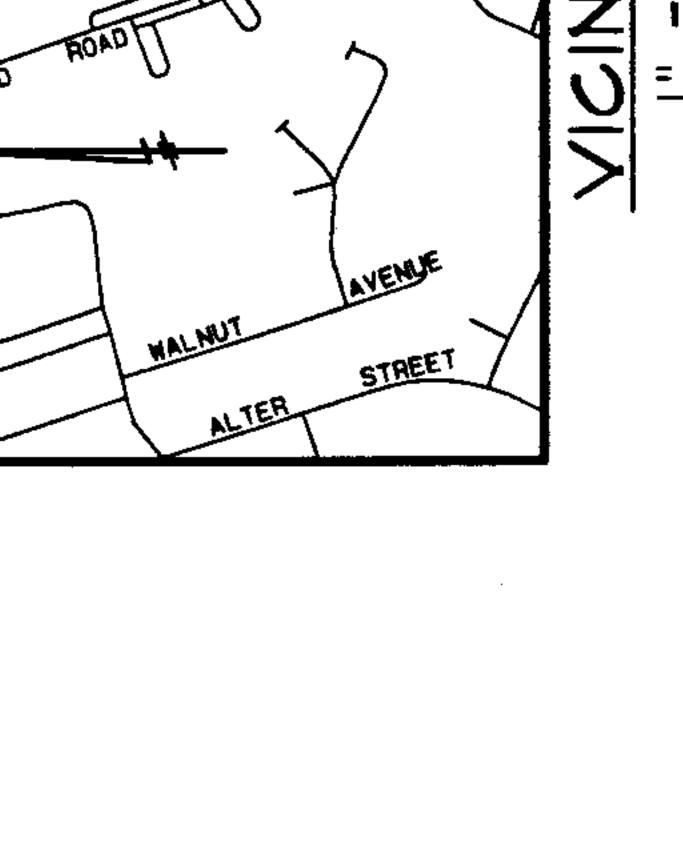
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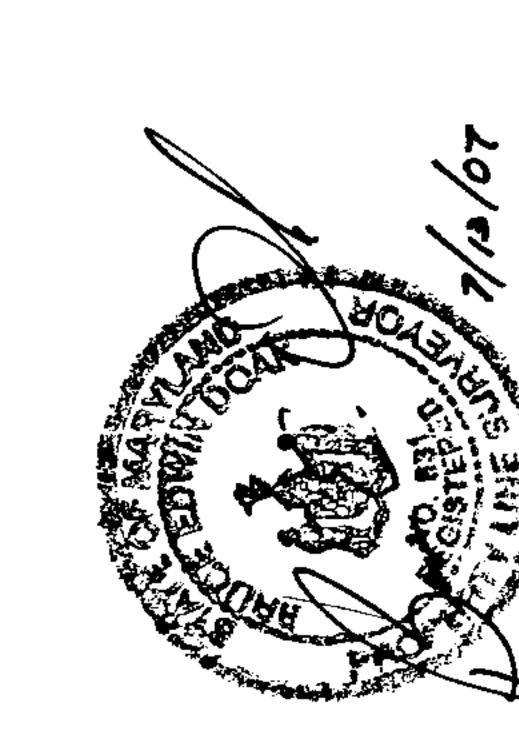
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ON STREET PARKING FOR BAPLONES



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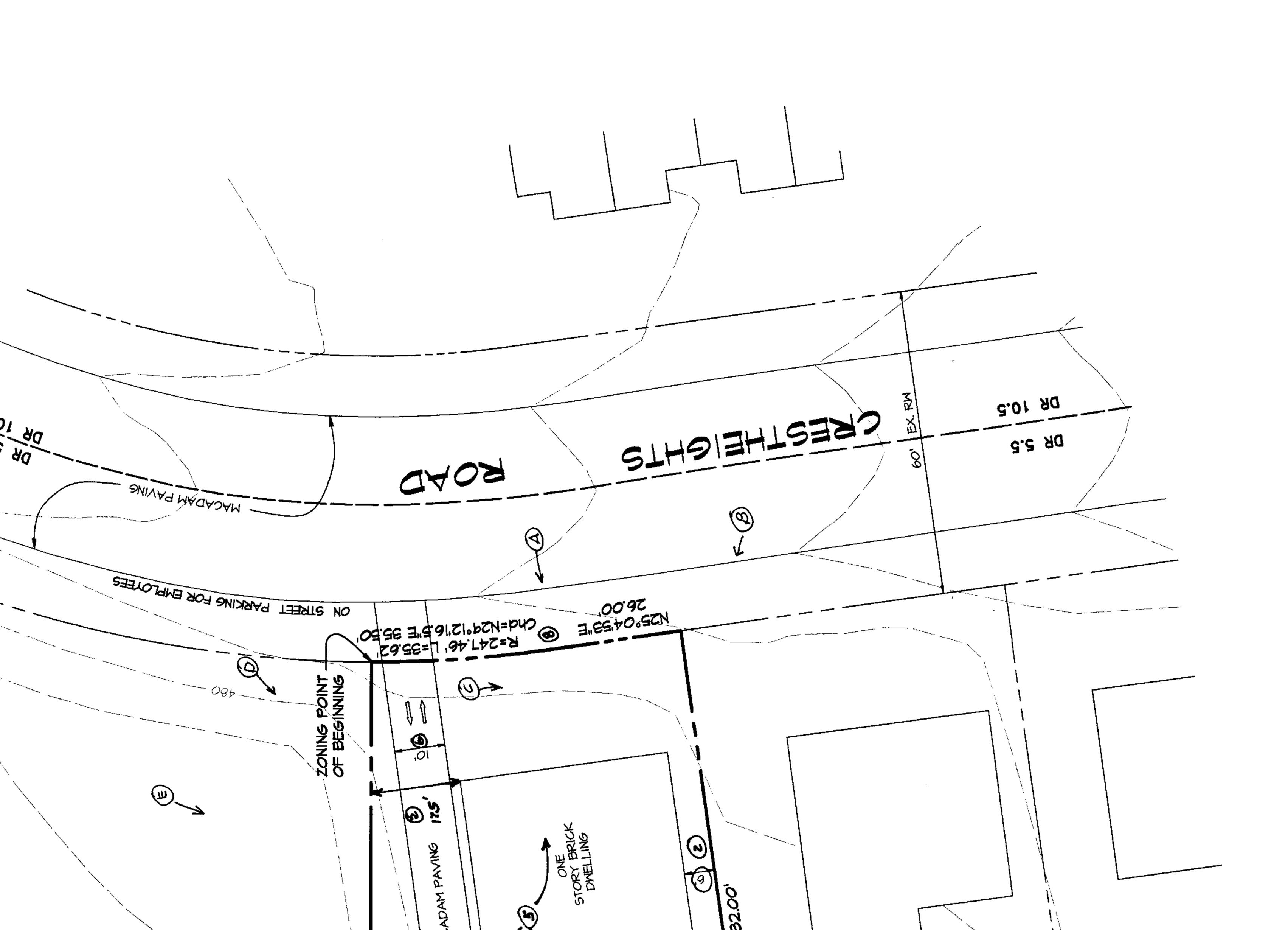
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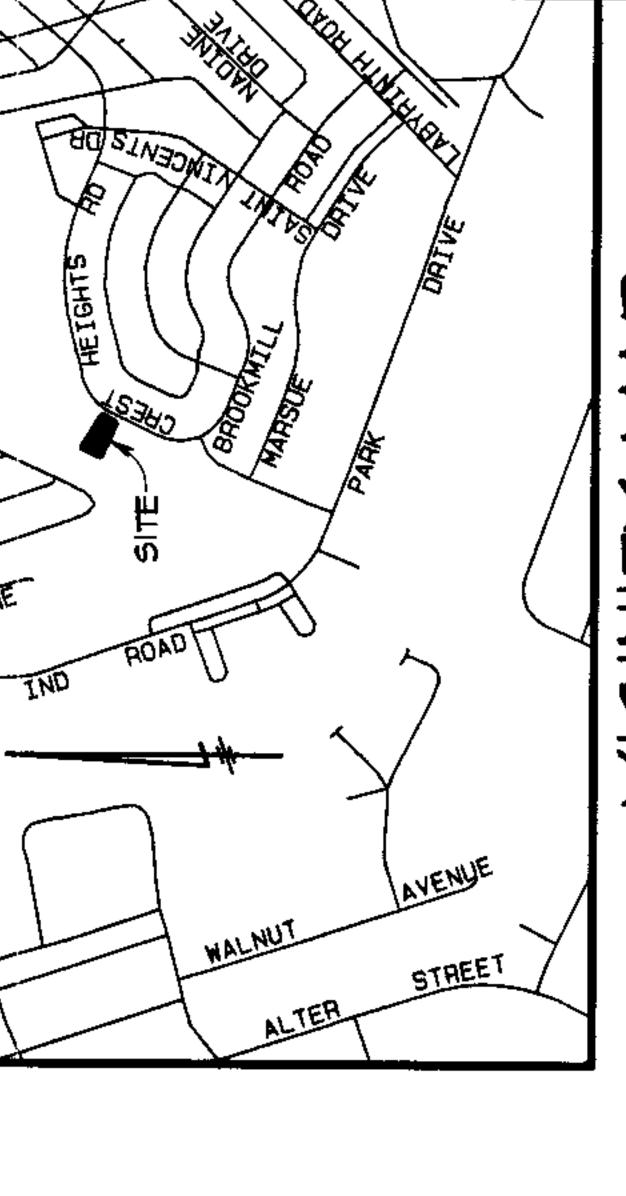
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