

IN RE: PETITION FOR VARIANCE

E side of Whitestone Road, 185 feet SW
of the c/l of Dogwood Road
1st Election District
4th Councilmanic District
(6730 Whitestone Road)

CPR Investment Properties

Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No.: 2009-0192-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, CPR Investment Properties, LLC. Variance relief is requested as follows:

- From Sections 255.2 and 243.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a 43 foot setback in lieu of the required 75 foot setback for a front yard; and
- From Sections 255.2, 243.2 and 243.3 of the B.C.Z.R. for 5 foot and 25 foot setbacks in lieu of the required 50 foot setback for side and rear yards respectively; and
- From Section 253.4 of the B.C.Z.R. to allow commercial storage within 100 feet of a residential zone boundary; and
- For such other and futher relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the Variance requests were Michael K. O'Malley, Vice President, CPR Investment Properties, LLC, and Lawrence E. Schmidt, of Gildea & Schmidt, LLC, attorney for Petitioner. Also present was David S. Thaler, P.E., L.S., of D.S. Thaler & Associates, Inc., the engineering firm that prepared the site plan and Brian

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[Signature]

Greenbaum, CFO of CPR Investment Properties. Rick Colbert from Baltimore County's Office of Economic Development also appeared in support of the proposal. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a trapezoidal-shaped property, approximately 2 acres in area, split zoned B.L., M.L.-I.M. and D.R.5.5. The predominant zoning of the property is M.L.-I.M. (1.86 acres). The property is located immediately adjacent to Whitestone Road in the Woodlawn community of Baltimore County. The property is just south of the intersection of Dogwood Road and Whitestone Road. This area is predominantly commercial/industrial in character, however there is a residential community known as Woodlawn Estates located immediately to the east of the subject property. To the west and across Whitestone Road, there are commercial/industrial buildings. Moreover, the Meadows Industrial Park immediately abuts the southern property line and a gasoline station and commercial building lot are to the north. The front of those buildings face Dogwood Road and the rear abut the subject property.

The site is presently owned by CPR Investment Properties, LLC, the investment company for Concrete Protection and Restoration, Inc. ("CPR"). CPR is an industrial company which provides concrete protection and restoration services. The business of the company is to repair existing concrete structures (infrastructure) such as is in bridges, roads, parking garages, etc. In fact, the business is presently performing restoration services on Baltimore County Revenue Authority garages in Towson. The restoration and repair services are rendered at off site properties. The main office headquarters of the company is located less than one block away on Dogwood Road. As Mr. Colbert confirmed, the Company is a valued business in this area of the

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County. The company employs in excess of 300 employees and had a volume of over \$30,000,000 in 2008.

The subject property is used as a staging/warehousing area for the business. Previously, the property was occupied and utilized by a moving and storage company but was acquired by the current owner in 2004. In July 2008, the property was improved with three structures. The largest was a 95 foot by 180 foot warehouse building. Within this building, machinery and equipment were stored. Two smaller buildings were also located on the property, a small storage building abutting the eastern property line and a three sided structure in the southeast corner. In addition to these structures the property also has a large macadem "yard"; where equipment and vehicles are parked/stored. In July 2008, a fire occurred on the property and as a result of this major fire, the entire warehouse building was destroyed, as was the smaller building on the east side of the property. Only the three sided building remains.

Petitioner proposes to rebuild on its site. In this regard, Petitioner has obtained a building permit (Permit No. B704330) from Baltimore County allowing it to reconstruct the warehouse building in its previous footprint. A copy of this permit was marked and accepted into evidence as Petitioner's Exhibit 2. There are no plans to reconstruct the smaller building as it abuts the D.R.5.5 property line to the rear and would require additional zoning variance relief. The three sided building will also be razed after construction is completed. It is being retained now so that there is one covered storage area on the property while the warehouse building is re-built.

Petitioner's plans for rebuilding are complicated by the fact that the southern side of the property abuts the Dead Run Stream. This stream generates a flood plain and application of the environmental Forest Buffer regulations contained in Title 33 of the Baltimore County Code ("BCC"). To address these regulations, Petitioner has obtained a Forest Buffer Variance from the

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Department of Environmental Protection and Resource Management ("DEPRM"). A copy of the February 9, 2009 letter from Director Jonas A. Jacobson to Stacey McArthur of D.S. Thaler & Associates, Inc. granting the variance was marked and accepted into evidence as Petitioner's Exhibit 3. This variance reduces the required buffer in order to provide a reasonable use/building area on the site, while providing protection for the stream. The property was developed before the Forest Buffer regulations were adopted and previously there was no formal forest buffer established.

In view of the site constraints associated with the stream, Petitioner proposes reconstructing the warehouse building on the same footprint as it was located prior to the fire. Additionally, two additions will be phased into that building, in lieu of rebuilding/retaining the other buildings. As a result, when all the construction is completed there will be one building on the site. The details of this are shown on the site plan accepted into evidence as Petitioner's Exhibit 1.

Variance relief is requested from front, side and rear yard setbacks of the rebuilt building as noted above. In support of the variance, testimony and evidence was offered that the site is unique due to its unusual shape and the significant environmental constraints associated with the Dead Run Stream. Strict adherence to the Zoning Regulations would cause practical difficulty in that if all setback and buffer regulations were strictly complied with, there would be no building envelope available. The final variance relates to outside storage. In this regard, Section 253.4 prohibits commercial storage within 100 feet of a residential zone boundary. Compliance with this regulation would eliminate any use of the significant portion of the yard area of the site.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. Comments were received from the Office Planning dated March 6, 2009,

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which states that after reviewing Petitioner's variance package, visiting the site and subsequent discussions with Petitioner's attorney and community representatives, the site is being used as a contractor's equipment storage yard and warehouse. The requested variances will allow the existing business to expand and will not impact (be any closer) to any adjacent residentially zoned properties. The Planning Office recommends approval of the variances provided the Petitioner accomplishes the following: installs an 8 foot board-on-board fence wherever the site abuts residentially zoned property, and installs compact dense evergreen screening along the outside of the proposed fence.

Petitioner indicated that following the fire its representatives have met with residential neighbors to discuss redevelopment of the site. Agreement was reached with the nearby community groups pursuant to letters exchanged between those groups and Petitioner's counsel. Reference is made to a letter dated November 19, 2008 from Mrs. Van Ross, President of the Woodlawn Community Education and Development Association, Inc. to Mr. Schmidt, a letter agreement dated February 12, 2009 from Mr. Schmidt to Dallas Griffin on behalf of the Woodlawn Estates Community Association, and an additional letter dated March 3, 2009 from Mr. Schmidt to Mrs. Van Ross. Copies of these letters were marked and accepted into evidence as Petitioner's Exhibits 4A, 4B, and 4C, respectively, and outline the agreement introduced into the record at the hearing. The agreement provides that the common property line will be landscaped with a 10 foot evergreen strip and also a board-on-board fence will be constructed. Moreover, there will be limitation in the type of storage in the yard area immediately adjacent to the residential property line such that no flammable materials will be permitted.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure

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which is the subject of the variance requests. In particular, the fact that the main building previously existed at the site and that Petitioner is merely attempting to rebuild is compelling. The unfortunate fire that destroyed the previous buildings has created a situation where the imposition of the current Zoning Regulations on this property disproportionately impacts the subject property as compared to others in the zoning district. In addition, the aforementioned environmental constraints on the property limit Petitioner's options with regard to redeveloping the site.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Without the requested zoning relief, Petitioner would not be permitted to construct a building of suitable size -- even as big as the building that existed previously. Finally, I find that these variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioner's variance requests should be granted.

THEREFORE, IT IS ORDERED this 24th day of March, 2009 by this Deputy Zoning Commissioner, that Petitioner's Variance requests as follows:

- From Sections 255.2 and 243.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a 43 foot setback in lieu of the required 75 foot setback for a front yard; and
- From Sections 255.2, 243.2 and 243.3 of the B.C.Z.R. for 5 foot and 25 foot setbacks in lieu of the required 50 foot setback for side and rear yards; and
- From Section 253.4 of the B.C.Z.R. for commercial storage within 100 feet of a residential zone boundary;

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be and are hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

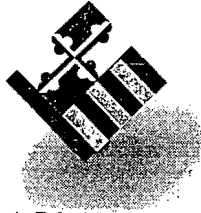
1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner shall install an 8 foot high board-on-board fence along the eastern (rear) property line where the subject site abuts the residentially zoned property.
3. Petitioner shall install landscape screening along the outside of the proposed fence. The designation of the landscape material shall be at the discretion of the County's Landscape Architect.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 24, 2009

LAWRENCE E. SCHMIDT, ESQUIRE
GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Petition for Variance
Case No. 2009-0192-A
Property: 6730 Whitestone Road

Dear Mr. Schmidt:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

- c: Michael K. O'Malley and Brian Greenbaum CPR Investment Properties, 6737 Dogwood Road, Baltimore MD 21207
David S. Thaler, D. S. Thaler & Associates, Inc., P. O. Box 47428, Baltimore, MD 21244
Rick Colbert, Baltimore County Office of Economic Development



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 6730 Whitestone Road

which is presently zoned: BL, ML-IM and D.R. 5.5

This Petition shall be filed with the Department of Permits and Development Management. 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 Variance from Section(s):

1. From BCZR Sections 255.2 and 243.1 for a 43 foot setback in lieu of the required 75 foot setback for a front yard;
2. From BCZR Sections 255.2, 243.2 and 243.3 for a 5 foot setback in lieu of the required 50 foot setback for side and rear yards
3. From BCZR Section 253.4 for commercial storage within 100 feet of a residential zone boundary; and
4. For such other and futher relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

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

and 25
5c

TO BE PRESENTED AT HEARING

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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Sebastian A. Cross

Name - Type or Print

City

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

CPR Investment Properties

Name - Type or Print

Signature

Michael K. O'Malley, Vice President

Name - Type or Print

Signature

6737 Dogwood Road

Address

Telephone No.

Baltimore

MD

21207

State

Zip Code

Representative to be Contacted:

Sebastian A. Cross, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

Case No. 2009-0192-A

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

1/20/09

REV 9/15/98

RECEIVED FOR FILING

3.24.09

PM

January 19, 2009

PROPERTY DESCRIPTION

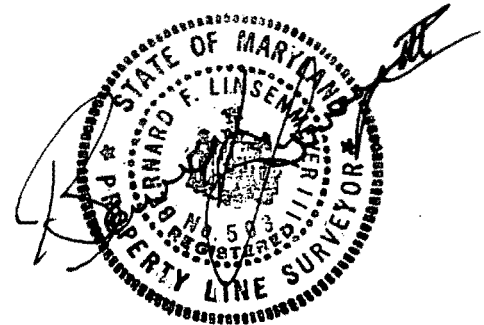
6730 Whitestone Road
(Zoning Purposes Only)

Beginning at a point located on the easterly side of Whitestone Road approximately 185' +/- southwesterly from the intersection of Dogwood Road and Whitestone Road; thence running the following courses and distances:

1. South 49°03'29" East 341.33 feet to a point, thence
2. South 28°59'36" West 273.45 feet to a point, thence
3. South 11°27'35" East 46.39 feet to a point, thence
4. North 41°46'09" West 6.76 feet to a point; thence,
5. Northwesterly 150.45 feet by a curve to the right, having a radius of 685.00 feet and a chord bearing North 35°28'39" West 150.15 feet to a point, thence,
6. North 29°11'08" West 299.90 feet to a point, thence
7. North 40°56'31" East 157.77 feet to the point of beginning.

Containing 1.924 acres of land, more or less.

Located within the 4th Councilmanic District and 1st Election District of Baltimore County.



2009-0192-A

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

No. **35044**

Date: **1/20/09**

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						325.00

Total: **325.00**

Rec
From:

Gilda & Schmidt LLC

For:

6730 White Stone Rd

2009

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL DATE TIME

1/21/2009 1/21/2009 10:22:15

DEB ESTD MAIL JEWEL

YIP RECEIPT # 420531 1/20/2009

5-528 JEWEL VERIFICATION

RI 035044

Receipt Tot 325.00

325.00 CA 4.00 CA

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

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: #2009-0192-A

6730 Whitestone Road

E/side of Whitestone Road, 185 feet s/west of centerline of Dogwood Road

1st Election District — 4th Councilmanic District

Legal Owner(s): CPR Investment Properties, Michael O'Malley, V.P.

Variance: for a 43-foot setback in lieu of the required 75-foot setback for a front yard. To permit a 5 foot and 25' feet setback in lieu of the required 50 foot setback for side and rear yards. For such commercial storage within 100 feet of a residential zone boundary, and for such other relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

Hearing: Monday, March 9, 2009 at 2:00 p.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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) 887-4386.

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

2/29/19 February 19

194508

CERTIFICATE OF PUBLICATION

2/20, 2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/19, 2009.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2009-0192-A

Petitioner/Developer: _____

CPR Investment Properties, Michael O'Malley, VP

Date of Hearing/closing March 9 , 2009

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

Attn : Kristin 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 .

6730 Whitestone Rd. E/Side of Whitestone Rd, 185 feet S/West of centerline of
Dogwood Rd.

The sign(s) were posted on _____ Feb 21, 2009
(Month, Day, Year)

Sincerely,

Robert Black 2/24/09
(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)

ZONING NOTICE

CASE # 2009-0192-A

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

Room 104 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE
TOWSON 21204

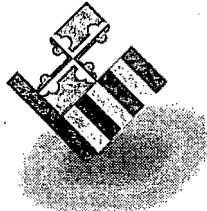
PLACE:

DATE AND TIME: MONDAY, MARCH 9, 2009 AT 2:00 P.M.

REQUEST: VARIANCE FOR A 43-FOOT SETBACK IN LIEU OF THE
REQUIRED 75-FOOT SETBACK FOR A FRONT YARD TO PERMIT A 5 FOOT
AND 25 FEET SETBACK IN LIEU OF THE REQUIRED 50 FOOT SETBACK FOR
SIDE AND REAR YARDS. FOR SUCH COMMERCIAL STORAGE WITHIN 100
FEET OF A RESIDENTIAL ZONE BOUNDARY, AND FOR SUCH OTHER RELIEF
AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR
BALTIMORE COUNTY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 86-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW.
HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

February 4, 2009
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

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: 2009-0192-A

6730 Whitestone Road

E/side of Whitestone Road, 185 feet s/west of centerline of Dogwood Road

1st Election District – 4th Councilmanic District

Legal Owners: CPR Investment Properties, Michael O'Malley, V.P.

Variance for a 43-foot setback in lieu of the required 75-foot setback for a front yard. To permit a 5 foot and 25 feet setback in lieu of the required 50 foot setback for side and rear yards. For such commercial storage within 100 feet of a residential zone boundary, and for such other relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

Hearing: Monday, March 9, 2009 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Sebastian Cross, 600 Washington Avenue, Ste. 200, Towson 21204
Michael O'Malley, CPR Investment Prop., 6737 Dogwood Road, Baltimore 21207

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 21, 2009**
- (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
Thursday, February 19, 2009 Issue - Jeffersonian

Please forward billing to:
Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 2009-0192-A

6730 Whitestone Road

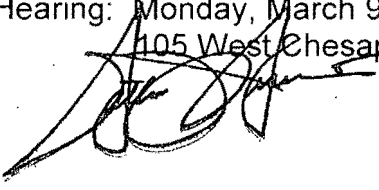
E/side of Whitestone Road, 185 feet s/west of centerline of Dogwood Road

1st Election District – 4th Councilmanic District

Legal Owners: CPR Investment Properties, Michael O'Malley, V.P.

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Hearing: Monday, March 9, 2009 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake 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 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 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.

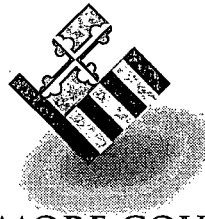
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 09-0192-A
Petitioner: CPR Investment Properties
Address or Location: 6730 Whitestone Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gildea + Schmidt LLC
Address: 600 Washington Ave Ste 200
Towson MD 21204
Telephone Number: 410 821-0070



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
March 6, 2009

Sebastian A. Cross
Gildea & Schmidt, LLC
600 Washington Ave. Ste. 200
Towson, MD 21204

Dear: Sebastian A. Cross

RE: Case Number 2009-0192-A, 6730 Whitestone Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 20, 2009. 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,

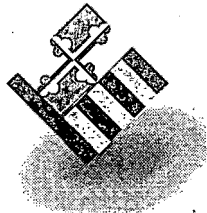
A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
CPR Investment Properties: Michael O'Malley; 6737 Dogwood Rd.; Baltimore, MD 21204



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

February 2, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 2, 2009

Item Numbers 0166, 0190, 0191, ~~0192~~, 0193, 0194, 0195, 0196

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
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: February 4, 2009

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For February 9, 2009
Item Nos. 2009-0166, 0191, ~~0192~~ 0193, and 0194

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

DAK:CEN:lrk
cc: File
ZAC-02092009 -NO COMMENTS



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

State Highway
Administration

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

Maryland Department of Transportation

Date: FEB. 6, 2009

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

RE: Baltimore County
Item No 2009-0192-A
6730 WHITE STONE RD
CPR INVESTMENT PROPERTY
VARIANCE

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. 2009-0192-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,

Fol Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1-800-735-2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



TB
3-9-09

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: March 6, 2009

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

RECEIVED

SUBJECT: 6730 Whitestone Road

MAR 09 2009

INFORMATION:

ZONING COMMISSIONER

Item Number: 9-192

Petitioner: CPR Investment Properties

Zoning: ML-IM

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

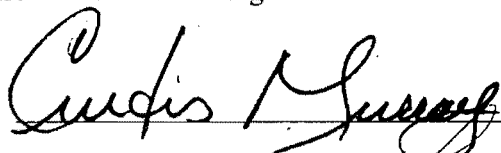
After reviewing the petitioner's variance package, visiting the subject site and subsequent discussions with the petitioner's attorney and community representatives; the site is being used as contractor's equipment storage yard and warehouse. The requested variances will allow existing business to expand and will not impact (be any closer) to any adjacent residentially zoned properties.

The Office of Planning recommends approval of the requested variances provided the petitioner accomplishes the following:

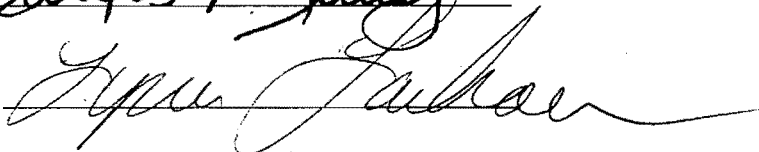
- Install an 8-foot board on board fence wherever the site abuts residentially zoned property.
- Install compact dense evergreen screening along the outside of the proposed fence.

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

Prepared by:



Division Chief:
AFK/LL: CM



RE: PETITION FOR VARIANCE
6730 Whitestone Road; E/S Whitestone
Road, 185' SW of c/line Dogwood Road
7th Election & 6th Councilmanic Districts
Legal Owner(s): CPR Investment
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 09-192-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.

RECEIVED

FEB 04 2009

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of February, 2009, a copy of the foregoing Entry of Appearance was mailed to Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME Concrete Protection
CASE NUMBER 09-192-A
DATE 3/8/09

CASE NAME Concrete Protection
CASE NUMBER 09-192-A
DATE 3/8/09

CASE NAME Concrete Protection
CASE NUMBER 09-192-A
DATE 3/8/09

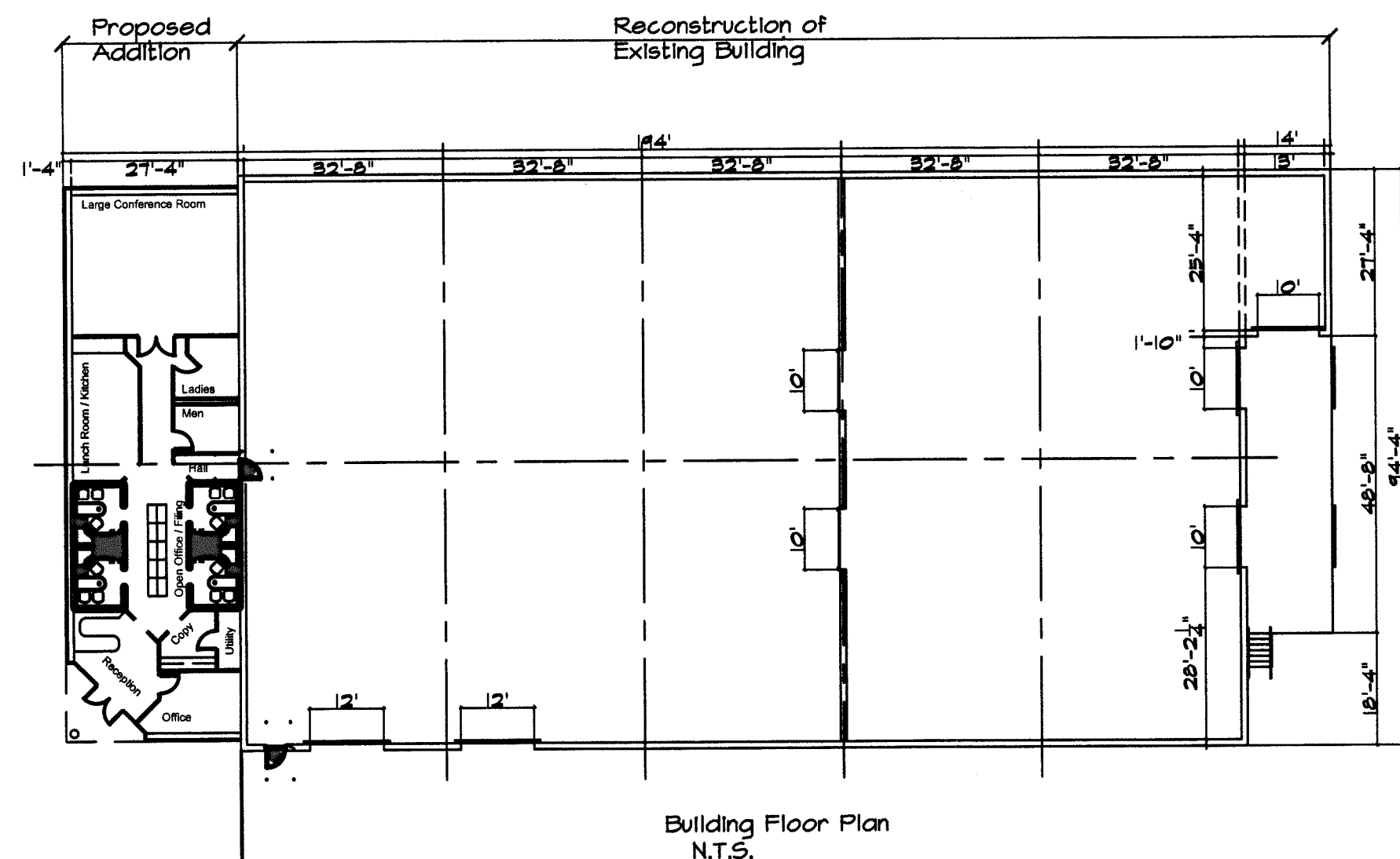
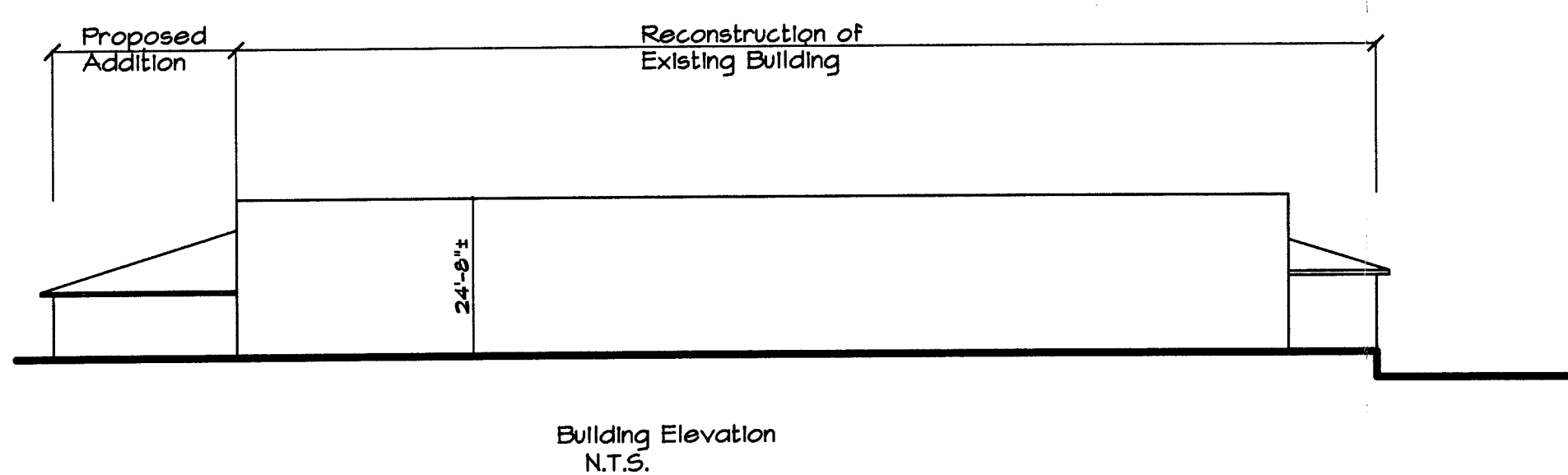
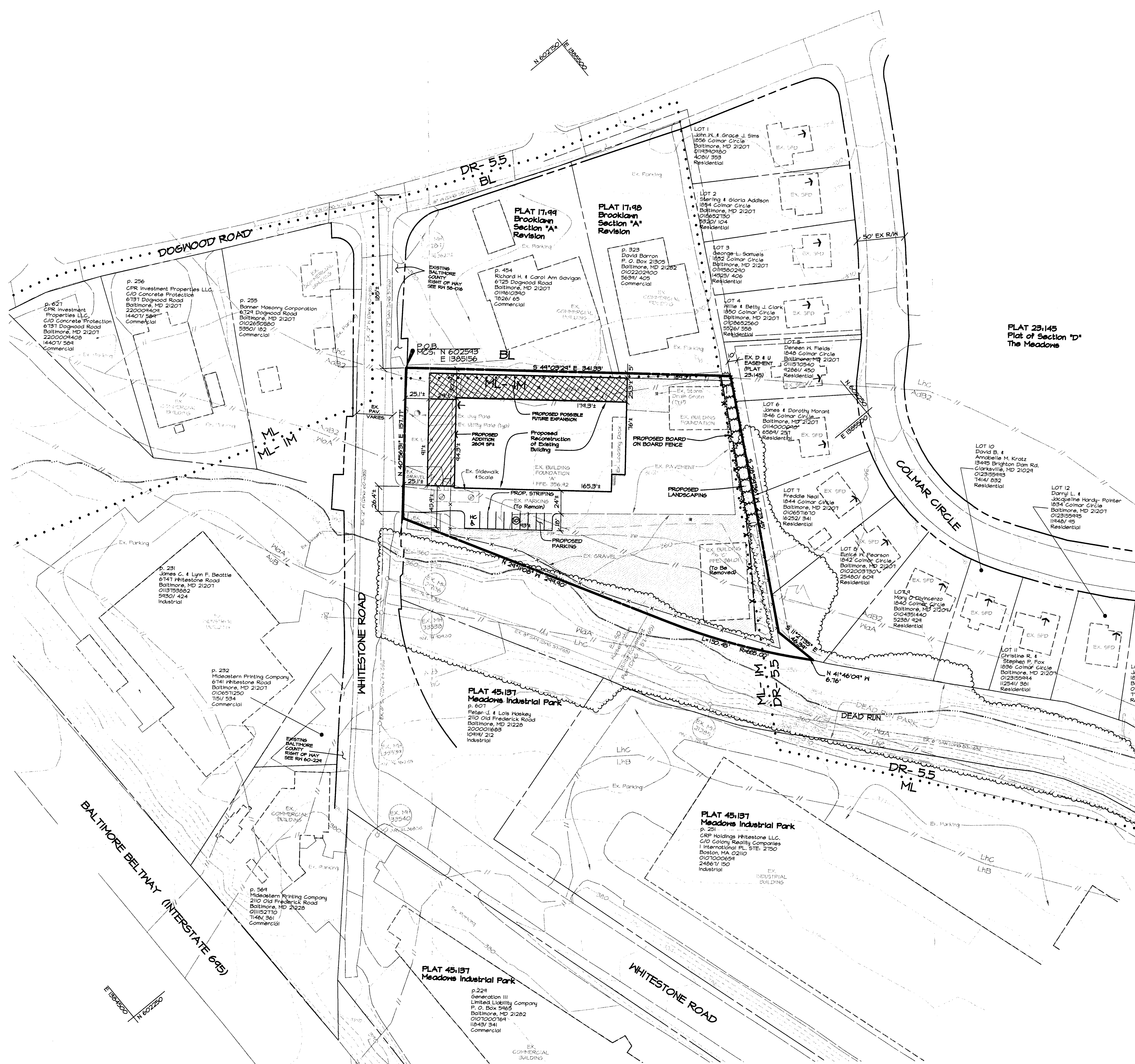
Case No.: 2009-0192-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Building Permit Application	
No. 3	2-9-09 Letter From DEPM granting Forest Buffer Variance	
No. 4 A	11-19-08 Letter From Woodlawn Community Education + Development Ass'n (WCEDA)	
No. 4 B	2-12-09 Letter from Larry Schmidt to Woodlawn Estates Community Ass'n	
No. 4 C	3-3-09 Letter From Larry Schmidt to WCEDA	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

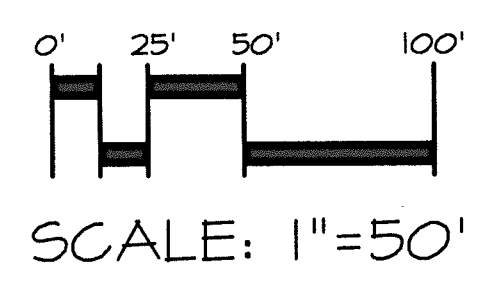


GENERAL NOTES

- DEVELOPMENT NAME: 6730 WHITESTONE ROAD
- OWNER: CPR INVESTMENT PROPERTIES LLC, 6730 DOGWOOD ROAD, BALTIMORE, MD 21207-4102, ATTN: JOHN MORAN (443) 200-0057
- PLAN PREPARED BY: D.S. Thaler & Associates, Inc., 1115 AMBASSADOR ROAD, P.O. BOX 47428, BALTIMORE, MARYLAND 21244, ATTN: Stacey A. McArthur, R.L.A. (410) 444-3647
- PROPERTY REFERENCES: TABLE WITH PARCEL, LOT, TAX ACCOUNT #, DEED REFERENCE, HILD SINCE, TAX MAP-GRID, and ADC MAP.
- BOUNDARY: D. S. Thaler & Associates, Inc. (10/2004). TOPOGRAPHY: Baltimore County GIS Title Nos. On Site, D. S. Thaler & Associates, Inc. (10/2004) OFF SITE, GIS Title 88A3. ZONING: Baltimore County 2004 Scale 2004 Zoning Map, GIS Title Nos. 88A3. UTILITIES: Baltimore County Key Maps SE-L, Baltimore County Utility Drawings as noted. FLOODPLAIN: KGI Technologies, Inc. (2004) for Baltimore County, MD under the FEMA grant project.
- GENERAL DATA: ELECTION DISTRICT: 1, CENSUS TRACT: 40102, COUNCILMANIC DISTRICT: 4, Watershed: Regional Planning District: 323, Gyms Falls: 10.
- SITE INFORMATION: A. Acreage: Gross Area = 2.02 AC. ±, WHITESTONE ROAD, 151.77' x 301', 4,738 SF ± OR 0.10 AC ±, Net Area = 1.82. B. Existing Zoning: BL & ML-IM & DR-5.5. C. Density Calculations: TABLE WITH Existing Zoning, Total Acre (Gross), FAR Allowed, and FAR Proposed.
- Parking: Required: 10 spaces (1 Space/Employee), Proposed: 10 spaces.
- UTILITIES: Public water and sewer is provided.
- USE: The existing use is Commercial. The proposed use is Commercial.
- This property has been held intact since (see Note 5, according to deeds).
- The site is located within a Sewage deficient zone per Baltimore County 2006 Basic Services Maps. The site is not located in a Water or Transportation deficient zone per Baltimore County 2006 Basic Services Maps. Adopted 4/1/06, per Bill 28-06.
- Building Permits: # B104330

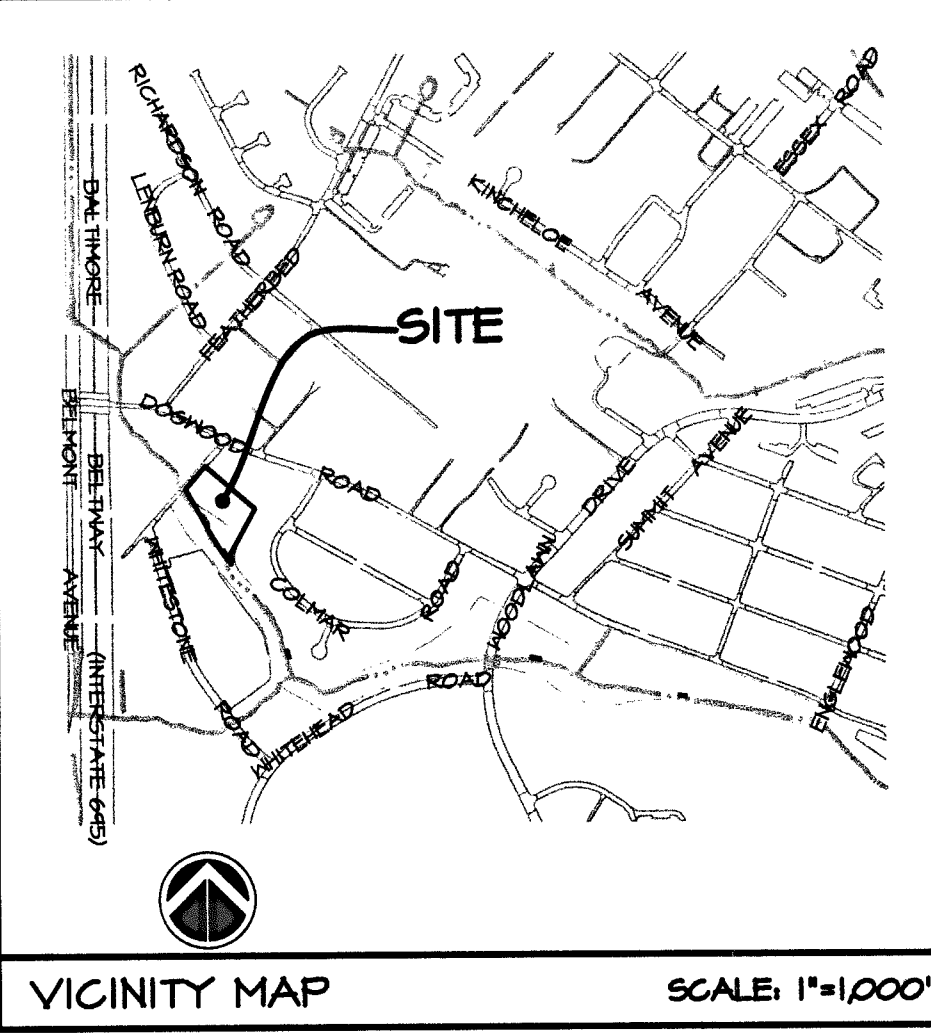
VARIANCE REQUESTS

- From BCZR Sections 255.2 and 243.1 for a 43 foot setback in lieu of the required 15 foot setback for a front yard.
- From BCZR Sections 255.2, 243.2 and 243.3 for a 5 foot setback in lieu of the required 50 foot setback for side and rear yards.
- From BCZR Section 253.4 for commercial storage within 100 feet of a residential zone boundary.
- For such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.



LEGEND

- TRACT BOUNDARY, EASEMENT, INDEX CONTOUR, INTER. CONTOUR, ZONING LINE, ROAD, STORM DRAIN, TREES, LIGHT, UTILITY POLE, SOILS LINE, 25% SLOPES, EXISTING FRONT ORIENTATION, SPECIMEN TREE



PLAT TO ACCOMPANY ZONING PETITION
6730 Whitestone Road

PROJECT NAME:
6730 WHITESTONE ROAD

PLAN TITLE:
PLAT TO ACCOMPANY
ZONING PETITION

COUNCILMANIC DIST.: 4
ELECTION DIST.: 1

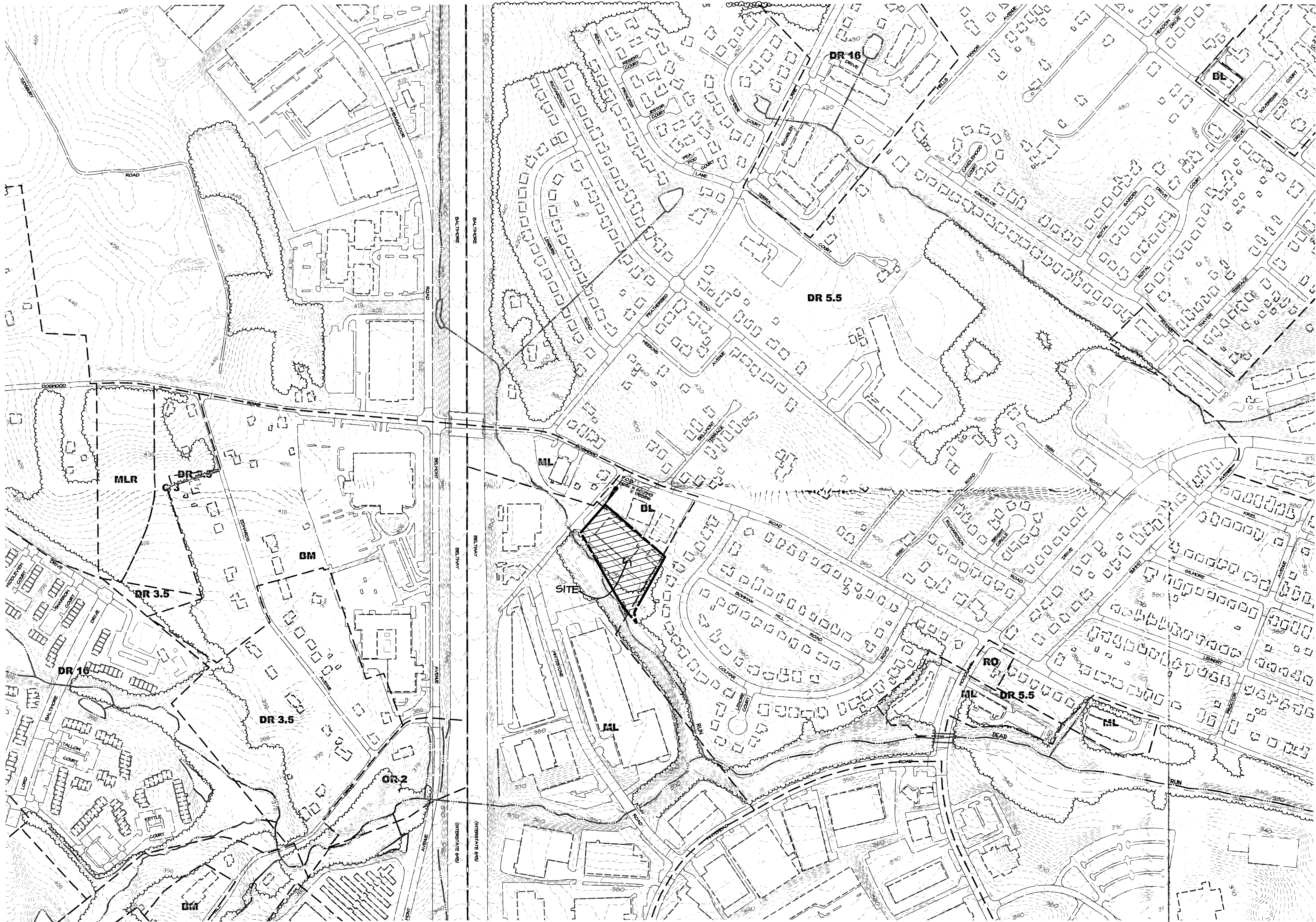
DEVELOPER:
CPR INVESTMENT PROPERTIES, LLC
6730 WHITESTONE ROAD
BALTIMORE, MD 21207-4102

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS
LANDSCAPE ARCHITECTS
1115 AMBASSADOR ROAD
P.O. BOX 47428 BALTIMORE,
MARYLAND 21244-1428
(410) 444-ENSR, (410) 944-3647

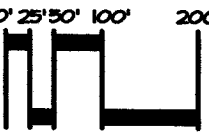
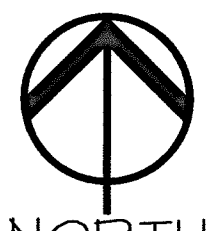
PETITIONER'S
EXHIBIT NO. _____

2009-0192-A

DATE: 1.20.09
SCALE: 1"=50'
C.J.:
PROJ. NO.: 03117
SHEET 1 OF 1



2009-0192-A



SCALE: 1"=200'

200 SCALE BALTIMORE COUNTY ZONING MAP
TO ACCOMPANY ZONING PETITION

(GIS TILE: 08TC3 & 088A3)

6730 Whitestone Road

D. S. THALER & ASSOC., INC.

CIVIL ENGINEERS
LANDSCAPE ARCHITECTS

SURVEYORS
LAND PLANNERS

7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
(410) 944-ENGR (410) 944-3647

REVISIONS
Date Description

SCALE: 1"=200'
DATE: JANUARY 2009
SHEET: 1 OF 1

PETITIONER'S

EXHIBIT NO.

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND

DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 9-18-08

OEA: KMT
HISTORIC DISTRICT/BLDG.

PERMIT #: 8704330
RECEIPT #: 8596667
CONTROL #: C-
XREF #:

PROPERTY ADDRESS: 6730 Whitestone RD
SUITE/SPACE/FLOOR:
SUBDIV: Meadows Industrial Park
TAX ACCOUNT #: 0107000610
DISTRICT/PRECINCT: 4th 1st

FEE: 800. + 5. + 68.
PAID: 873.
PAID BY: Appl.
INSPECTOR:

OWNER'S INFORMATION (LAST, FIRST)
NAME: CPR INVESTMENT PROPERTIES LLC
ADDR: 6730 Whitestone RD
BALTO. MD 21207-4102

DOES THIS BLDG.
HAVE SPRINKLERS
YES ☒ NO ☐

APPLICANT INFORMATION

NAME: LAWRENCE E SCHMIDT
COMPANY: Gilman & Schmidt LLC
STREET: 600 WASHINGTON AVE STE 200
CITY, ST, ZIP: TOWSON, MD 21204
PHONE #: 410-821-0670 MHIC # 5297-A MHBR #

APPLICANT SIGNATURE: [Signature] DR#
PLANS: CONST 2 PLOT 10 PLAT DATA 3 EL 1 PL 1
TENANT:
CONTR: CPR
ENGR: John Patrick Chalk Architect #5297A
SELLR:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

TYPE OF IMPROVEMENT

- ☒ NEW BLDG CONST
- ☐ ADDITION
- ☐ ALTERATION
- ☐ REPAIR
- ☐ WRECKING
- ☐ MOVING
- ☐ OTHER

DESCRIBE PROPOSED WORK: Construct New Industrial Building on Ex slab Foundation from Bldg Destroyed by Fire. 94'4" x 207'10" x 25'4" = 16,660 sq ft

TYPE OF USE

RESIDENTIAL

- ☐ ONE FAMILY
- ☐ TWO FAMILY
- ☐ THREE AND FOUR FAMILY
- ☐ FIVE OR MORE FAMILY (ENTER NO UNITS) _____
- ☐ SWIMMING POOL
- ☐ GARAGE
- ☐ OTHER

NON-RESIDENTIAL

- ☐ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
- ☐ CHURCH, OTHER RELIGIOUS BUILDING
- ☐ FENCE (LENGTH _____ HEIGHT _____)
- ☐ INDUSTRIAL STORAGE BUILDING
- ☐ PARKING GARAGE
- ☐ SERVICE STATION, REPAIR GARAGE
- ☐ HOSPITAL, INSTITUTIONAL, NURSING HOME
- ☐ OFFICE, BANK, PROFESSIONAL
- ☐ PUBLIC UTILITY
- ☐ SCHOOL, COLLEGE, OTHER EDUCATIONAL
- ☐ SIGN
- ☐ STORE MERCANTILE RESTAURANT
- ☐ SPECIFY TYPE _____
- ☐ SWIMMING POOL
- ☐ SPECIFY TYPE _____
- ☐ TANK, TOWER
- ☐ TRANSIENT HOTEL, MOTEL (NO. UNITS _____)
- ☐ OTHER

TYPE FOUNDATION

- ☒ SLAB
- ☐ BLOCK
- ☐ CONCRETE

BASEMENT

- ☐ FULL
- ☐ PARTIAL
- ☒ NONE

TYPE OF CONSTRUCTION

- ☒ MASONRY
- ☐ WOOD FRAME
- ☐ STRUCTURE STEEL
- ☐ REINF. CONCRETE

TYPE OF HEATING FUEL

- ☐ GAS
- ☐ OIL
- ☐ ELECTRICITY
- ☐ COAL

TYPE OF SEWAGE DISPOSAL

- ☒ PUBLIC SEWER
- ☐ PRIVATE SYSTEM
- ☐ SEPTIC
- ☐ PRIVY
- ☐ EXISTS
- ☐ PROPOSED
- ☐ EXISTS
- ☐ PROPOSED

CENTRAL AIR: 1. ☐ 2. ☒ 3. ☐
ESTIMATED COST: \$ 500,000
OF MATERIALS AND LABOR

- ☐ PUBLIC SYSTEM
- ☐ PRIVATE SYSTEM
- ☐ EXISTS
- ☐ PROPOSED
- ☐ EXISTS
- ☐ PROPOSED

OWNERSHIP

- ☒ PRIVATELY OWNED
- ☐ PUBLICLY OWNED
- ☐ SALE
- ☐ RENTAL

RESIDENTIAL CATEGORY:

- ☐ DETACHED
- ☐ SEMI-DET.
- ☐ GROUP
- ☐ TOWNHSE
- ☐ MIDRISE
- ☐ #1BED: _____ #2BED: _____ #3BED: _____ TOT BED: _____ TOT APTS/CONDOS: _____
- ☐ HIRISE

1 FAMILY BEDROOMS

GARBAGE DISPOSAL 1. ☐ 2. ☐ 3. ☐

POWDER ROOMS

BATHROOMS

KITCHENS

CLASS 07

LIBER 27

FOLIO 21

SECT-A

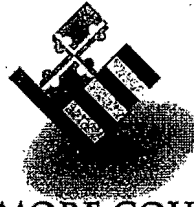
1.92 AC

FINAL DVL 9/23/08

BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR 16,660 SIZE 157.77X
WIDTH 94'4" FRONT STREET
DEPTH 207'10" SIDE STREET
HEIGHT 25'4" FRONT SETBK 53'
STORIES 1 SIDE SETBK 29'152
LOT #3 SIDE STR SETBK
CORNER LOT REAR SETBK 115'
1. ☐ YES 2. ☒ NO ZONING

APPROVAL SIGNATURES DATE
BLD INSP :
BLD PLAN : 120
FIRE :
BEDI CTL : 416 NC OK to file 9/23/08
ZONING : 117 JPT OK to file 9/23/08
PUB SERV : 117 JPT OK to file 9/23/08
ENVRMNT : 416 NC OK to file 9/23/08
PLANNING : Jetterson OK to file 9/23/08
PERMITS :
OK P.D.R.

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND NO PERMIT FEES REFUNDED



BALTIMORE COUNTY

M A R Y L A N D

PETITIONER'S

EXHIBIT NO.

3

JAMES T. SMITH, JR.
County Executive

JONAS A. JACOBSON, *Director*
Department of Environmental Protection
and Resource Management

February 9, 2009

Ms. Stacey McArthur
D. S. Thaler & Associates, Inc.
715 Ambassador Road
P.O. Box 4728
Baltimore, Md. 21244

Re: 6730 Whitestone Road
Forest Buffer Variance
Tracking # 04-08-803

Dear Ms. McArthur:

A request for a variance from the Baltimore County Code Article 33 Environmental Protection and Resource Management, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains was received by this Department on December 3, 2008. This request proposes to reduce the required forest buffer by a total of 30,050 square feet (sf.) based on a minimum 100 foot forest buffer from Dead Run (Use IV) or 25 feet from the 100-year floodplain, whichever is greater. The reduction will allow the continued use of an existing gravel lot, paved parking lot and a portion of an existing building (2,200 sf.) in the forest buffer. Also included in these impacts is a proposed 700 sf. building addition on existing grass and 775 sf. of new paved parking over existing gravel. As mitigation, the applicant will plant 5,850 sf. of forest buffer onsite as well as provide an additional 3,000 sf. of natural vegetated area between the existing fence and property line by removing gravel then seeding. The total forest buffer area provided onsite is 8,850 sf. As mitigation for the remaining 21,200 sf. of impacts that cannot be provided onsite, the applicant proposes to clean up 470 linear feet of Dead Run on the adjacent County owned property.

This Department has reviewed your request and has determined that a practical difficulty exists due to the extent and orientation of the buffer on the property. We further acknowledge that the potential for impacts to water quality impacts can be minimized in these areas by performing mitigative measures.

Ms. Stacey McArthur
6730 Whitestone Road
Forest Buffer Variance
February 9, 2009
Page 2

Therefore, we will grant the requested variance in accordance with Article 33-3-106 of the Baltimore County Code with the following conditions:

1. The following note must appear on all plans submitted for this project:
"A variance was granted by the Baltimore County Department of Environmental Protection and Resource Management from Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains. The variance allows the required forest buffer to be reduced by approximately 30,050 square feet for the continued use of an existing parking lot, gravel area, and building as well as new impacts for a 700 sf building addition and 775 sf. of new paved parking lot. Conditions were placed on this variance to reduce water quality impacts including onsite impervious removal and forest buffer plantings as well as stream clean up."
2. As shown on the Attachments A and B, 5,850 sf. of onsite forest buffer will be planted with native trees and shrubs, established in grass and posted with permanent "Forest Buffer Do-Not Disturb" signs (sign information on Attachments C & D). In an effort to facilitate the established business, the grass within the forest buffer planting area can be mowed as lawn; however, each tree and shrub is to be maintained permanently with mulch to prevent mechanical injury from mowers. Furthermore, it is important to note that tree and shrub survivability and the permanent protection of their roots is important in preventing future erosion of the stream banks onsite.
3. There shall be no parking of vehicles or storage of any materials in the vegetated forest buffer area.
4. Prior to issuance of any permits a Forest Buffer Protection Plan (FBP) must be submitted and approved by this office. The FBP shall address removal of the existing gravel within forest buffer and replacement with top soil, the seeding of all disturbed area with a native seed mix, planting specifications, installation of permanent "Forest Buffer Do-Not Disturb" signs, three-year maintenance agreement, and the offsite stream cleanup of Dead Run.
5. Add the following note to the sediment control plan and FBP, "All disturbed areas within the forest buffer shall planted with a seed mix containing a predominance of perennial rye, panic grasses, broom sedge, weeping lovegrass, or an acceptable pasture/meadow mix. Kentucky 31 fescue or other tall fescues are not acceptable for this purpose."
6. Prior to issuance of any permit, a \$3,000.00 performance security for the seeding and forest buffer planting shall be by posted with this office via an Environmental Agreement.

Ms. Stacey McArthur
6730 Whitestone Road
Forest Buffer Variance
February 9, 2009
Page 3

7. Prior to FBP approval, the applicant shall provide to this office a right of entry agreement from the adjacent property owner to allow the offsite stream cleanup.
8. All onsite planting, sign installation and offsite stream cleanup shall be completed by April 10, 2010. After the offsite stream cleanup is complete the applicant shall notify DEPRM in writing to schedule an inspection.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request.

Please have the property owner sign the statement below and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of this project.

If you have any questions, please call John Russo of my staff at (410) 887-3980.

Sincerely yours,



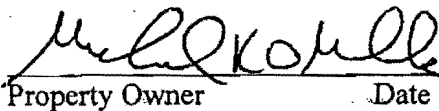
Jonas A. Jacobson
Director

JAJ/jgr

Attachments A, B, C, D

c: CPR Investment Properties, LLC.

I/we agree to the above conditions to bring my/our property into compliance with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

 2/17/09 Michael K. O'Malley
Property Owner Date Printed Name

Sheir/John/whitestFBV



Woodlawn Community Education and Development Association, Inc.
P.O. Box 47702
Baltimore, MD 21244

Mrs. Van Ross, Founder & President
Mr. Dallas Griffin, Vice-President
Mrs. Evelyn Jackson, Treasurer
Mr. Jim Hill, Executive Board Member
Email: greaterwoodlawncommunity@gmail.com

November 19, 2008

Attorney Lawrence E. Schmidt
600 Washington Avenue•Suite 200
Towson, MD 21204

Re: CPR Investments Properties, LLC, 6730 Whitestone Road

Dear Attorney Schmidt:

This letter is in response to your letter dated October 21, 2008. After having met with residents from Colmar Road, we would like to consider your offer to go into a written agreement outlining the specifics mentioned.

- The building will be constructed in accordance with the applicable building and fire codes of Baltimore County.
- A 10-footwide landscape buffer area at the property line between the rear of the houses on Colmar Road and CPR's property.
- Construct a "board on board" fence to visually shield the property.
- Easement Stream is to be clean and drainage ditch reopened for use.
- CPR will agree not to store any fuels or other materials in the yard that are flammable. **However, in addition, the residents of Colmar Road strongly requests the immediate repositioning of barrels.**

We await your response to this letter.

Sincerely,

Mrs. Van Ross, President

/s/

Mr. Dallas Griffin, Vice-President

Cc: Mr. Michael O'Malley
WCEDA Executive Board
Mr. Adrian & Mrs. Deneen Sherrod
Ms. Eunice Pearson
Mr. & Mrs. James Morant

PETITIONER' S

EXHIBIT NO.

4A

MISSION STATEMENT

We seek to develop and maintain a strong alliance between schools, businesses, police department and our community. In addition, to strive to assure an active participative relationship with our elected officials through a focus productive agenda.

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

www.gildeallc.com

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

February 12, 2009

Woodlawn Estates Community Association
C/O Dallas Griffin
1907 Woodlawn Drive
Baltimore, MD 21207

Re: Concrete Protection & Restoration, Inc./6730 Whitestone Road

Dear Mr. Griffin:

This letter serves to memorialize negotiations and agreements reached between our client, Concrete Protection & Restoration ("CPR") and the residents of Colmar Road as guided by the Woodlawn Community Education and Development Association, Inc. ("WCEDA") regarding CPR's reconstruction of a building and use of their property at 6730 Whitestone Road. In correspondence sent from this office on October 21, 2008 and responded to by the WCEDA on November 19, 2008, the following actions were discussed as being agreed to by all parties:

1. The new building will be constructed in accordance with the applicable building and fire codes of Baltimore County;
2. A 10 foot wide landscape buffer area will be provided adjacent to the property line between the rear of the houses on Colmar Road and CPR's property line;
3. A "board on board" fence will also be erected adjacent to the buffer and facing Colmar Road to visually shield the neighbors' view of CPR's property;
4. As directed by, and subject to the approval of, Baltimore County's Department of Environmental Protection and Resource Management, the stream system will be evaluated and the existing drainage ditch will be cleared to prevent pooling of water in the neighbors' property; and

PETITIONER'S

EXHIBIT NO.

4B

Dallas Griffin

February 12, 2009

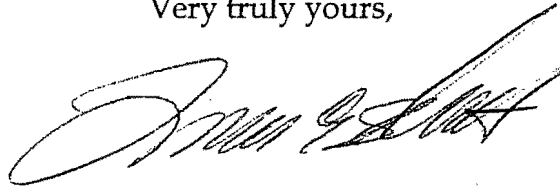
Page 2

5. CPR will not store any fuels or other materials in the yard area between the building and the landscape area that are flammable. CPR will also reposition existing barrels to shield them from view to the extent possible.

It is our understanding these are the points of concern discussed and agreed to by all parties upon meeting with your association. Upon receipt and review of this correspondence by the WCEDA, please execute this letter where indicated, thereby signifying your agreement with these points. We desire to submit this letter into the Zoning Commissioner file at our hearing currently scheduled for Monday, March 9, 2009.

With kind regards, I am

Very truly yours,



Lawrence E. Schmidt

LES:kmb

Enclosure

CC: David Green, Baltimore County Office of Planning
Don Caple, Concrete Protection & Restoration, Inc.
Michael O'Malley, Concrete Protection and Restoration, Inc.
Brian Greenbaum, Concrete Protection & Restoration, Inc.
Stacey McArthur, D. S. Thaler & Associates, Inc.
Sebastian A. Cross, Esquire

ACCEPTED AND AGREED TO:

Mrs. Van Ross, President WCEDA

Date:

Mr. Dallas Griffin, Vice-President, WCEDA

Date:

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

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www.gildeallc.com

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

March 3, 2009

Via Facsimile, Email and Regular Mail

Mrs. Van Ross
Woodlawn Estates Community Association
P.O. Box 47702
Baltimore, MD 21244

Re: Concrete Protection & Restoration, Inc./6730 Whitestone Road

Dear Mrs. Ross:

This letter comes in response to your correspondence faxed to this office on February 23, 2009 referring to our earlier agreement letter sent to your Association on February 12, 2009. Your letter proposed two questions as to what will encompass the 10 foot wide landscape buffer area proposed by my client. Specifically, your association has inquired what type of landscape will be provided and if stones could be used instead of shrubbery and trees.

I hope your community will find it acceptable that my client is willing to landscape this area in accordance of Baltimore County Landscape Manual as verified by Avery Harden, County Landscape Architect for Baltimore County. Mr. Harden typically reviews landscape buffers for all projects in Baltimore County and, as such, is the proper person to determine what type of screening should be placed there. I will state, however, as this property is in and/or in close proximity to a floodplain and as a result, Baltimore County would not likely want this landscape buffer to contain impervious surfaces. Typically, it is the aim of these landscape areas not to produce additional runoff. As such, it is likely that a landscape buffer with vegetation would be required by Baltimore County.

If you desire us to inquire further with Mr. Harden as to which type of landscaping he would desire for this 10 foot strip, we can make that contact.

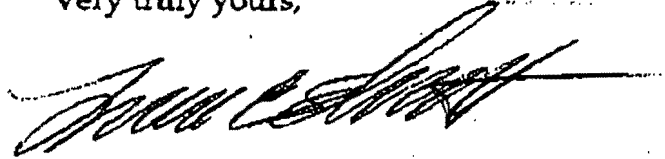
PETITIONER'S

EXHIBIT NO. 4c

Mrs. Van Ross
March 3, 2009
Page 2

Additionally, if there is any more information you may require regarding our proposal and this agreement, please feel free to contact me. With kind regards, I am

Very truly yours,



Lawrence E. Schmidt

LES: dls
Enclosure

CC: David Green, Baltimore County Office of Planning
Don Caple, Concrete Protection & Restoration, Inc.
Michael O'Malley, Concrete Protection and Restoration, Inc.
Brian Greenbaum, Concrete Protection & Restoration, Inc.
Stacey McArthur, D. S. Thaler & Associates, Inc.
Sebastian A. Cross, Esquire

ACCEPTED AND AGREED TO:

Van Ross

3-7-09

Mrs. Van Ross, President WCEDA

Date: