

KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

May 9, 2012

Keith S. Franz, Esquire Azrael, Franz, Schwab and Lipowitz, LLC 101 East Chesapeake Avenue, 5th Floor Towson, Maryland 21286

RE: Petition for Special Exception

Case No.: 2012-0233-X

Property: 6709 White Stone Road

Dear Mr. Franz:

Enclosed please find a copy of the decision rendered in the above-captioned matter

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

IN RE: PETITION FOR SPECIAL BEFORE THE **EXCEPTION** SE side of Belmont Ave. SW side of OFFICE OF White Stone Road 1st Election District ADMINISTRATIVE HEARINGS 4th Councilmanic District (6709 White Stone Road) FOR BALTIMORE COUNTY Generation III. LLC, Legal Owner Surf's Up Body Shop, Contract Purchaser Case No. 2012-0233-X Petitioners

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings as a Petition for Special Exception filed for property located at 6709 White Stone Road. The Petition was filed by the legal owner of the subject property, Generation III, LLC. The Special Exception Petition seeks approval for a service garage in an M.L.-I.M. zone, pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") Section 253.2.B.3. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 2.

Appearing at the hearing on behalf of the Petitioners were Matthew Azrael, owner, Cecil Redmond, Jr. and Kevin A. Fuller, with Surf's Up Body Shop, Mitchell J. Kellman with Daft McCune Walker, Inc., the firm who prepared the site plan, and David Paulson with Blue and Obrech. Keith S. Franz, Esquire with Azrael, Franz, Schwab and Lipowitz, LLC, attended and represented the Petitioners. There were no Protestants or interested persons in attendance, and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Planning, dated April

ORDER	RECEIVED FOR FILING
Date	5-9-12
Bv	

17, 2012, which indicated no opposition to the Petitioner's request. That Department did request the following prior to relief being granted:

- 1. Clearly delineate customer and employee parking areas on the site plan and on the actual site.
- 2. Designate a disabled vehicle storage area in the rear of the building. This area should be fenced and screened.
- Disabled vehicles delivered after hours shall be stored inside the building within 24 hours of drop-off or in the designated disabled vehicle portion of the site.

Testimony and evidence revealed that the subject property is 0.614 acres and zoned M.L.-I.M., and is part of the Meadows Industrial Park. *See* Exhibit 3. The premises are owned by Matthew Azrael, and he is proposing to lease the site to Surf's Up Body Shop for a service garage operation. Cecil Redmond, Jr., one of the principals of Surf's Up, testified he has been in this business for over 20 years, and wants to move his operation from Baltimore City to the subject property. He indicated the property is conveniently located off of the Beltway, and he felt that he could provide service, not only to other businesses and tenants in the industrial park, but also to nearby Social Security Headquarters' employees and other area businesses. The Petitioners submitted letters from the adjoining tenants in 6709 Whitestone Road (a church and a furniture warehouse), both of whom support the special exception request (Exhibits 4 and 5).

In support of the requested relief, Petitioners' engineer, Mitchell Kellman, provided expert testimony that the property's proposed use as a service garage satisfies all the special exception criteria set forth in Section 502.1 of the B.C.Z.R. In particular, Mr. Kellman testified that the proposed use would not be detrimental to the health, safety or general welfare of the locality, would not create congestion in roads or streets, and would not create a potential hazard from fire,

panic or other danger. Additionally, the service garage use would not overcrowd the land. He RECEIVED FOR FILING

Date	5-9-12
Dv	Sid

also opined the use would not interfere with the provision of public services or with adequate light and air, and would not be inconsistent with the property's manufacturing – light zoning classification with an industrial – major District overlay, or with the spirit and intent of the B.C.Z.R., and would not be detrimental to any other applicable special exception criteria.

Section 253.2.B.3 of the B.C.Z.R. permits a service garage as an auxiliary service use in the I.M. District by special exception, provided the criteria set forth in Section 502.1 of the B.C.Z.R. are met. The uncontroverted testimony and evidence from Petitioners' engineer indicates that the proposed use would not have any detrimental impacts on the required Section 502.1 criteria. Therefore, I am convinced that the use proposed at the subject location would not have any adverse effects above and beyond those inherently associated with such a special exception use, irrespective of its location within the zone (See, Schultz v. Pritts, 291 Md. 1 (1981) and People's Counsel v. Loyola College, 406 Md. 54 (2008)), nor would the use be detrimental to the nearby commercial and manufacturing uses in its vicinity.

Upon review of the site plan and considering the testimony of Mr. Kellman, I do not believe it is necessary for Petitioners to delineate the employee and customer parking. However, I concur with the Department of Planning's comments regarding storage and processing of damaged/disabled vehicles, and will impose a condition to that effect.

Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence offered, I find that Petitioners' Special Exception request should be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 9th day of May, 2012 that Petitioners' request for Special Exception to approve a service

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Date	5-9-12	
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garage in an M.L.-I.M. zone, pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") Section 253.2.B.3, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

- 1. Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioners must store all disabled/damaged vehicles inside the subject premises, and must do so within 24 hours of their receipt of such vehicles. In the event it becomes necessary to store disabled vehicles outside of the leased structure, such vehicles shall be stored only in the rear of the building in a fenced and screened enclosure.

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

JOHN F. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB/dlw

ORDER RECEIVED FOR FILING

Date 5-9-12



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections To the Office of Administrative Law of Baltimore County for the property located at: Address 6709 White Stone Road which is presently zoned ML-IM Deed References: 11843 10 Digit Tax Account # 0 | 0 7 0 0 0 7 6 9 Property Owner(s) Printed Name(s) Generation (SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST) The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for: a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for Garage, Service a Variance from Section(s) of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition) Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Legal Owner(s) Affirmation: 1 / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s). Legal Owners (Petitioners): Contract Purchaser/Lessee: Signature 5020 WAB Mailing Address mather @ 21215 **Email Address** Zip Code Representative to be contacted: Attorney for Petitioner: Signature Signatur State jazrael Dazrael trans 3333 Kellman Q Email Address Filling Date 3 12712012 Do Not Schedule Dates: Reviewer

REV. 10/4/11



Description

To Accompany Petition

For a Special Exception Hearing

White Stone Road

Baltimore County, Maryland

Beginning for the same at the end of the second of the following two courses and distances measured from the point formed by the intersection of the centerline of Whitehead Road and the centerline of White Stone Road (1) Northwesterly along the centerline of said White Stone Road 843 feet, more or less, thence leaving said centerline and running in a (2) Southwesterly direction 37 feet, more or less, to the point of beginning of this description, thence leaving said point of beginning and running the following eleven courses; referring all bearings of this description to the coordinate base as labeled in a deed conveyed by A&E Partners L.P to Generation III Limited Liability Company dated October 9, 1996 and recorded among the Land Records of Baltimore County, Maryland in Liber 11843, Folio 341 (1) South 73 degrees 00 minutes 00 seconds West 43.14 feet, thence (2) South 17 degrees 00 minutes 00 seconds East 19.32 feet, thence (3) South 73 degrees 00 minutes 00 seconds West 15.45 feet, thence (5) South 89 degrees 22 minutes 43 seconds West 92.58 feet, thence (6) North 00 degrees 07 minutes 17 seconds East 86.33 feet, thence (7) North 89 degrees 22 minutes 43 seconds East 64.69 feet, thence (8) North 73 degrees 00

minutes 00 seconds East 157.34 feet, thence (9) South 17 degrees 00 minutes 00 seconds East 8.12 feet, thence (10) North 73 degrees 00 minutes 00 seconds East 43.14 feet, thence (11) South 17 degrees 00 minutes 00 seconds East 78.37 feet, to the point of beginning; containing 26,736 square feet or 0.614 acres of land, more or less, as now described in March 2012.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR PROPERTY CONVEYANCE.

March 26, 2012

Project No. 12018 (L12018)



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KEVIN KAMENETZ County Executive

April 9, 2012

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0233-X

6709 White Stone Road

S/east side of Belmont & S/west side of White Stone Road

1st Election District - 4th Councilmanic District

Legal Owners: Generation III, LLC

Contract Purchaser: Surf's Up Body Shop, Kevin A. Fuller

Special Exception to permit a service garage.

Hearing: Monday, May 7, 2012 at 2:30 p.m. in Room 205, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

Arnold Jabion Director

AJ:kl

C: Johnathan Azraez, 101 E. Chesapeake Avenue, 5th Fl., Towson 21286 Kevin Fuller, 5020 Wabash Avenue, Baltimore 21215 Mitch Kellman, 200 E. Pennsylvania Avenue, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDA, APRIL 21, 2012.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

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



DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS 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.

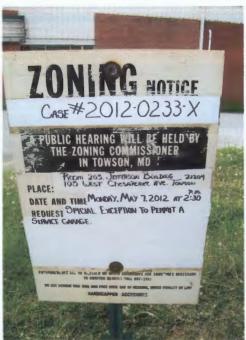
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	
Item Number or Case Number:	2012-0233- €X
PLEASE FORWARD ADVERTIS	SING BILL TO:
Address:	
Telephone Number:	

Revised 2/17/11 DT



	2012-0233-X
	RE: Case No.:
	Petitioner/Developer:
	Surfs Up Body Shop Kevin A. Fullor
	May 7, 2012 Date of Hearing/Closing:
Baltimore County Department of	
Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue	
Towson, Maryland 21204	
Attn: Kristen Lewis:	
Ladies and Gentlemen:	
	perjury that the necessary sign(s) required by law were at:
6709 White Stone Road	
The sign(s) were posted on	April 21, 2012
The sign(s) were posted on	(Month, Day, Year)
S S	incerely,
	April 21, 2012
70NIRG HOTIGE	(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)

NOTICE OF ZONING HEARING

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

Case: # 2012-0233-X 6709 White Stone Road S/east side of Belmont & S/west side of White Stone S/west side of White Stone
Road
1st Election District
4th Councilmanic District
Lagal Owner(s): Generation
III, LLC
Contract Purchaser: Suri's
Up Body Shop, Kevin A.
Fuller
Special Exception: to permit a service garage.
Hearing: Monday, May 7,
2012 at 2:30 p.m. in
Room 205, Jefferson
Building, 105 West Chesapeake Avenue, Towson
21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

BALTIMORE COUNTY
NOTES: (1) Hearings are
Handicapped Accessible;
for special accommodations Please Contact the
Administrative Hearings Office at (410) 887-3868.
(2) For Information concerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 8873391.

3391. 04/229 April 19 302005

CERTIFICATE OF PUBLICATION

4/19/,2012
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 4/19/, 2012.
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

LEGAL ADVERTISING

THOMA PLUEIVED FOR Telephone #

MEMORANDUM

DATE:

June 11, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2012-0233-X - Appeal Period Expired

The appeal period for the above-referenced case expired on June 8, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

CASE NAME GOVERATION LLC CASE NUMBER 2012-0223X DATE May 7, 2012

PETITIONER'S SIGN-IN SHEET

			\
NAME	ADDRESS	CIŢY, STATE, ZIP	E- MAIL
Keitle S. Frank Esc.	101 E. Chesapenke A.C. Flao	45 lower M) 21286	KFranzoarmetranz.com
mitchell J. Kellman	700 E. Pennsylvania Auc	Towson, mp 2/286	mkeliman edmw. con
- David Paulson	9475 Decica Rd. #200	TIMONIUM MD	drawsona blue object.
MATHEN AZRAEL	101 E. Che marke Ave 5th	Jewson MD 212966	matthew & bmzder. Cl.
· KEUIN follow	6729 Whitestona Rd.	Wood 1 207	
· Cer felic	6709 with the 5tonally	wood (2) 21507	
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CASE NO. 2012- 0233-X

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
4-10	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	70
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	<u> </u>
4-18	PLANNING (if not received, date e-mail sent)	Comments
4-3	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLA		
NEWSPAPER A	Date: 4-21-12	by Black
	NSEL APPEARANCE Yes No D	
Comments, if any	:	



Maryland Department of Assessments and Taxation Real Property Data Search (vwl.1A) **BALTIMORE COUNTY**

Go Back View Map **New Search** GroundRent Redemption GroundRent Registration

Account	Identi	fier:
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District - 01 Account Number - 0107000769

Owner Information					
Owner Name:	GENERATION III	Use:	INDUSTRIAL		
	LIMITED LIABILITY COMPANY	Principal Residence:	NO		
Mailing Address:	101 E CHESAPEAKE AVE 5TH FLR TOWSON MD 21286-5338	Deed Reference:	1) /11843/ 0034I 2)		

Location & Structure Information

Premises Address 6709 WHITESTONE RD **BALTIMORE MD 21207-4103**

Legal Description PT PARCEL D 3.0661 A 800 N WHITEHEAD RD MEADOWS INDUSTRIAL PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
0095	0002	0229		0000				3		0027/ 0021

NONE **Town**

Ad Special Tax Areas Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		3.0700 AC	15

					The same of the sa
Stories Basement	Type Ext	erior			
			Value Inforn	nation	
	Base Value	Value	Phase-in Ass	essments	
		As Of 01/01/2012	As Of 07/01/2011	As Of 07/01/2012	
Land	919,800	919,800			
Improvements:	1,750,300	1,575,400			
Total:	2,670,100	2,495,200	2,670,100	2,495,200	
Preferential Land:	0			0	
			Transfer Infor	mation	

Transfer Information					
Seller: Type:	A & E PARTNERS L P ARMS LENGTH IMPROVED	Date: Deed1:	10/10/1996 /11843/ 00341	Price: Deed2:	\$2,142,032
Seller: Type:	MEADOWS PARK LIMITED PARTNERSHIP ARMS LENGTH MULTIPLE	<u>Date:</u> <u>Deed1:</u>	10/05/1994 /10780/ 00523	Price: Deed2:	\$23,135,000
Seller: Type:	EQUITABLE LIFE A SSURANCE SOCIETY NON-ARMS LENGTH OTHER	<u>Date:</u> <u>Deed1:</u>	08/10/1987 /07634/ 00789	Price: Deed2:	\$0

	Exemption Information		
Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: Special Tax Recapture: **Exempt Class:**



INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

. . . 1

DATE: April 17, 2012

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

RECEIVED

SUBJECT:

6709 Whitestone Road

APR 1 8 2012

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Item Number:

12-233

Petitioner:

Generation III, LLC

Zoning:

ML-IM

Requested Action:

Special Exception

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests a special exception to permit a service garage on the subject site in a ML-IM zone. The Department of Planning does not oppose the petitioner's request, as the proposal does not appear to be detrimental to the health, safety or general welfare of the surrounding community. However, this department requests the following prior to any relief being granted:

- 1. Clearly delineate customer and employee parking areas on the site plan and on the actual site.
- 2. Designate a disabled vehicle storage area in the rear of the building. This area should be fenced and screened.
- 3. Disabled vehicles delivered after hours shall be stored inside the building within 24 hours of drop-off or in the designated disabled vehicle portion of the site.

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

Prepared by:

Division Chief:

AVA/LL: CM





Debra Wiley - ZAC Comments - Distribution Meeting of March 26, 2012

From:

Debra Wiley

To:

Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...

Date:

4/4/2012 1:55 PM

Subject: ZAC Comments - Distribution Meeting of March 26, 2012

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0229-A - 11206 Ridgeway Avenue South Avenue Administrative Variance - Closing Date: No closing date reflected in data base 4/4

2012-0230-XA - 6216 Ebenezer Road No date reflected in data base 4/4

2012-0231-SPHA - 1655 Belmont Avenue No date reflected in data base 4/4

2012-0232-A - 2420 Bulls-Sawmill Road No date reflected in data base 4/4

2012-0233-X - 6709 White Stone Road No date reflected in data base 4/4

2012-0234-A - 311 Railroad Avenue No date reflected in data base 4/4

2012-0235-A - 1218 Elm Ridge Avenue No date reflected in data base 4/4

2012-0236-SPHA - 16928 York Road No date reflected in data base 4/4

Thanks.

Debbie Wiley Legal Administrative Secretary Office of Administrative Hearings 105 West Chesapeake Avenue, Suite 103 Towson, Md. 21204 410-887-3868 410-887-3468 (fax) dwiley@baltimorecountymd.gov



KEVIN KAMENETZ County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 1, 2012

Generation III LLC Matthew Azrael 101 E. Chesapeake Avenue Towson MD 21204

RE: Case Number: 2012-0233 X, Address: 6709 White Stone Road

Dear Mr. Azrael:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 27, 2012. 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,

U. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

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



Beverley K. Swaim-Staley, Secretary Melinda B. Peters, Administrator

Date: 4-3-12

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

RE: Baltimore County

Special Exception. Generation III, LLC 6709 White Stone Road.

Dear Ms. Lewis:

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. Zova 8 2 3 3 -X

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 10, 2012

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 09, 2012

Item Nos. 2012-218, 229, 231, 232, 233, 235

And 236

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

DAK:CEN cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04092012-NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

DATE: April 17, 2012

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

6709 Whitestone Road

INFORMATION:

Item Number:

12-233

Petitioner:

Generation III, LLC

Zoning:

ML-IM

Requested Action:

Special Exception

SUMMARY OF RECOMMENDATIONS:

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

Prepared by:

Division Chief:

AVA/LL: CM

Case No.: 2012 - 233

Exhibit Sheet

Petitioner/Developer

Protestant Py 5-9-12

No. 1	Kellman CV.	
	reliman Co	
No. 2	Site Plan	
No. 3	Plat-Meadows Indust.	
No. 4	Letter from neighboring tenant (church)	
No. 5	Kid's Furniture Warehouse	
No. 6		
No. 7		
No. 8	· ·	
No. 9		
No. 10		
No. 11		
No. 12	•	

PETITIONER'S



EXHIBIT NO.



MITCHELL J. KELLMAN DIRECTOR OF ZONING SERVICES

Education

Towson University, BA, Geography and Environmental Planning, Urban Planning Towson University, Masters, Geography and Environmental Planning, Urban Planning

Professional Summary

Mr. Kellman has over 24 years of experience working in zoning, subdivision, and development regulations for the public and private sector; 12 of those years were with the Baltimore County Office of Planning and Zoning. His responsibilities included review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and the public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working for DMW, he has extensive experience in testifying before the Baltimore County Zoning Commissioner, Hearing Officer, Administrative Law Judges, and Board of Appeals. He also regularly represents the company at the Baltimore County Development Review Committee meetings. He is also a member of Baltimore County's Design Review Panel which formulates design recommendations to the Planning staff and Administrative Law Judges.

Partial List of Projects

Delight Quarry, Baltimore County, MD
Hunt Valley Business Community, Baltimore County, MD
Hunt Valley Towne Centre, Baltimore County, MD
Charlestown Retirement Community, Baltimore County, MD
GBMC, Baltimore County, MD
Goucher College, Baltimore County, MD
Greenspring Quarry, Baltimore County, MD
Hopewell Point, Baltimore County, MD
Loveton Business Center, Baltimore County, MD
Notre Dame Preparatory School, Baltimore County, MD
Oakcrest Village Retirement Community, Baltimore County, MD
Sheppard and Enoch Pratt Hospital, Baltimore County, MD
Sparks Corporate Center, Baltimore County, MD
Towson Town Center, Baltimore County, MD

Professional Experience

Daft-McCune-Walker, Inc., Towson, MD: 2000-Present

Baltimore County Office of Planning and Zoning, Permits and Development Management – Zoning Office, Development Control, 1988-2000

Baltimore County Design Review Panel, 2012

Greater Towson Committee, Planning and Development Sub-Committee, 2012



§ 253.2. Uses permitted by special exception.

The uses listed in this subsection are permitted by special exception only (See Section 502.).

- A. The following industrial, quasi-industrial, transportation, storage or quasi-public uses or utilities: Editor's Note: All provisions of this subsection are originally from Bill No. 100-1970, except as otherwise noted.
 - 1. Airstrips or airports, where it is shown that such use will serve primarily the industrial uses in the same area.
 - 2. Airports, general aviation, if located in accordance with the Master Plan.
 - 3. Excavations, controlled, involving the use of explosives (See Section 403.).
 - 4. Moving and storage establishments.

[Bill No. 18-1976]

5. Sanitary or rubble landfills (See Section 412.).

[Bill No. 97-1987]

- 6. Storage, warehousing or distribution not permitted as of right.
- 7. Sludge disposal facility co-landfilling (See Section 412A.2.A.).

[Bill No. 46-1982]

8. Sludge disposal facility — composting (See Section 412A.2.B.).

[Bill No. 46-1982]

9. Sludge disposal facility — handling in general (See Section 412A.2.C.).

[Bill No. 46-1982]

10. Sludge disposal facility — incineration (See Section 412A.2.D.).

[Bill No. 46-1982]

11. Sludge disposal facility — landspreading (See Section 412A.2.E.).

[Bill No. 46-1982]

12. Trucking facilities (See Sections 410 and 410A.).

[Bill No. 18-1976]

13. Truck stops.

[Bill No. 18-1976 Editor's Note: This bill also repealed the former entry for truck terminals.]

- 14. Utilities not permitted under the provisions of Section 253.1.
- B. The following auxiliary service uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. District; provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area:

[Bill No. 172-1993] Editor's Note: All provisions of this subsection are originally from Bill No. 100-1970, except as otherwise noted.

- 1. Automotive-service stations, subject, further, to the provisions of Section 405.
- 2. Car washes, subject, further, to the provisions of Section 419.

3. Garages, service, including establishments for the service or repair of trucks, of truck trailers or of freight-shipping containers designed to be mounted on chassis for part or all of their transport.

[Bill No. 218-1980]

4. Union halls or other places of assembly for employment-related activities.



April 23, 2012

Dear Zoning Commissioner:

I am writing with regard to the pending zoning variance for 6709 Whitestone Road, Baltimore, MD 21207, which would allow an auto repair facility with a paint booth on-site.

I am the Financial Manager of the Living Word Ministries, located at 6709 Whitestone Rd., Suite D, just 3 doors down from the proposed facility. I do not believe that the operation of this facility will have any negative impact on my business or the surrounding community. In fact, I believe that this facility will provide a needed service for our 200+ parishioners and other employees in the area.

For these reasons, I support the approval of the Application for Special Exception at this location.

Sincerely,

Shelly Gregory

PETITIONER'S

EXHIBIT NO.



4102774963

Chris Bond Bond Industries, LLC. 6709-C Whitestone Rd. Baltimore, MD 21157

May 25, 2012

Dear Zoning Commissioner:

I am writing with regard to the pending zoning variance for 6709 Whitestone Road, Baltimore, MD 21207, which would allow an auto repair facility with a paint booth on-site.

I am the Owner and Operator of the Kids Furniture Warehouse, located at 6709 Whitestone Rd., Suite C, just 2 doors down from the proposed facility. I do not believe that the operation of this facility will have any negative impact on my business or the surrounding community. In fact, I believe that this facility will provide a needed service for employees in the area.

For these reasons, I support the approval of the Application for Special Exception at this location.

Sincerely,

Chris Bond

PETITIONER'S

EXHIBIT NO.

