

**IN RE: PETITION FOR VARIANCE**

N/side of North Point Road, 133' SE of  
c/line of Green Hill Road  
15<sup>th</sup> Election District  
7<sup>th</sup> Council District  
(6808 North Point Road)

John R. Crunkleton, III, *Legal Owner*  
Primax Properties, LLC,  
*Contract Purchaser/Lessee*  
Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

**CASE NO. 2012-0269-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by John B. Gontrum, Esquire with Whiteford, Taylor and Preston, LLP, on behalf of the legal owner, John R. Crunkleton, III, and the contract purchaser/lessee, Primax Properties, LLC ("Petitioners"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

- Section 409.6.A.2, to permit 30 spaces in lieu of required 50 spaces;
- Section 409.4.C., to permit a one-way aisle of 15.5' in lieu of required 16' with a parking angle of 60°, and
- Section 409.8.A.1 and the Landscape Manual, p.13, to permit a 0' landscape strip in lieu of required 10' strip with "Class A" screen for commercial interior road; at p. 9 to permit no screening adjacent to a street or public right-of-way in lieu of required "Class B" screening.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

**ORDER RECEIVED FOR FILING**

Date 12-14-12

By [Signature]

Appearing at the public hearing in support of the variance request were John R. Crunkleton, III, legal owner, and a representative with Richardson Engineering, LLC, the consulting firm that prepared the site plan. John B. Gontrum, Esq., attended and represented Petitioners. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R. There were no Protestants or other interested persons in attendance.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. A ZAC comment was received from the Department of Planning on May 18, 2012, indicating their support provided certain concerns were addressed by Petitioners.

In addition, a ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS), dated May 18, 2012, indicating the Petitioner must satisfy certain Critical Area regulations (set forth in B.C.Z.R. § 500.14) given that the property is non-waterfront located within an Intensely Developed Area and is subject to the Critical Area 10% pollutant reduction requirements.

Testimony and evidence revealed that the subject property is 35,959 square feet (0.83 acres) and zoned BL - AS. The property is improved with a building constructed in the 1940s, which has been used for retail uses. Most recently, the space was used as a bowling alley, and Petitioners now propose to operate a Dollar General store at the location.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. Petitioners argued that the parking regulations provide a separate test for variance relief, rather than the B.C.Z.R. § 307 standard applicable in most height and area variance cases. I agree, and believe the appropriate standard is whether the Petitioners would suffer a hardship if relief was denied, and whether the public's safety and welfare would be compromised. Essentially,

**ORDER RECEIVED FOR FILING**

Date 6.14.12 2

By [Signature]

the inquiry is akin to special exception review and under B.C.Z.R § 502. See B.C.Z.R. §§ 409.12.B and 409.8.B.1.

Counsel explained that the Petitioners were going to raze a portion of the building in question, shown on Exhibit 1, which will provide 12 parking spaces. The Petitioners will no longer make use of the parking spaces in front of the building (along North Point Road), but will instead provide landscaping in that area, which has long been a goal of the County.

Nationwide, there are approximately 10,000 Dollar General stores, and Counsel explained the retailer employs a "template" within its organization calling for 30 parking spaces at its stores. This is the number of spaces proposed by Petitioners, while the B.C.Z.R. would require 50 spaces. Here, the Petitioners testified there has never been a shortage of parking through the many years that retail uses were conducted on site. As such, and given the absence of evidence to the contrary, I believe that 30 spaces will provide more than sufficient parking for Dollar General customers.

The Petitioners also seek variance relief with respect to the width of a drive aisle (15.52' is provided, while 16' is required by B.C.Z.R.). This is a matter of inches (less than 6 inches) and I do not believe variance relief in this regard would pose any danger to customers or the public at large.

The final two variances pertain to landscaping requirements imposed by the parking regulations. Again, this site has existed for over 70 years, and has had no landscaping provided during that time. The improvements planned by Petitioners will breathe life into what is now a "tired" structure, and the landscaping proposed along the North Point Road frontage will more than compensate for the absence of plantings along the interior and back of the site.

ORDER RECEIVED FOR FILING

Date 6.14.12 3

By ps

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

THEREFORE, IT IS ORDERED, this 14 day of June, 2012, by this Administrative Law Judge, that Petitioners' Variance requests from the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

- Section 409.6.A.2, to permit 30 spaces in lieu of required 50 spaces;
- Section 409.4.C., to permit a one-way aisle of 15.5' in lieu of required 16' with a parking angle of 60°, and
- Section 409.8.A.1 and the Landscape Manual, p.13, to permit a 0' landscape strip in lieu of required 10' strip with "Class A" screen for commercial interior road; at p. 9 to permit no screening adjacent to a street or public right-of-way in lieu of required "Class B" screening,

be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

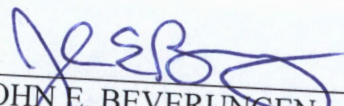
1. The Petitioner may apply for a building permit and may be granted same upon receipt of this Order. However the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.
2. The relief granted herein is expressly conditioned upon Petitioners' compliance with the ZAC comments of the Department of Planning, set forth in its memorandum dated May 15, 2012.

**ORDER RECEIVED FOR FILING**

Date 6-14-12

By ym

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

  
\_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 6-14-12

By 

6-14 11Am  
205

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon  
Deputy Administrative Officer and  
Director of Permits, Approvals and Inspections

**DATE:** May 15, 2012

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT:** 6808 North Point Road

**INFORMATION:**

**Item Number:** 12-269

**Petitioner:** John R Crunkleton, III

**Zoning:** BL-AS

**Requested Action:** Variance

RECEIVED

MAY 18 2012

OFFICE OF ADMINISTRATIVE HEARINGS

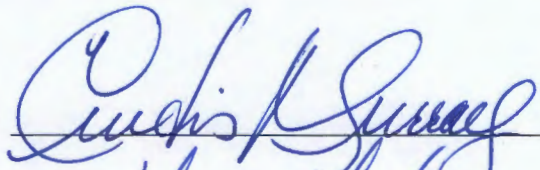
**SUMMARY OF RECOMMENDATIONS:**

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests several variances for parking and traffic circulation for the proposed Dollar General store on the subject property. The Department of Planning does not oppose the petitioner's request provided the following items are addressed:

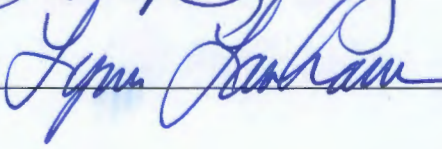
1. Provide a landscape plan for the subject site that includes details of any proposed fencing. The landscape plan should also be reviewed and approved by Jean Tansey, Baltimore County Landscape Architect.
2. Provide a sign package for review and approval. Package should include any freestanding signs as well as wall mounted signage.
3. Provide architectural building elevations or detail of any façade improvements (facades of the building need to be rehabilitated or rebuilt). Also include details of the proposed dumpster enclosure(s) (as dumpsters should be located in the least visually prominent area and screened from public view to the extent possible).

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

**Prepared by:**



**Division Chief:**  
AVA/LL: CM



ORDER RECEIVED FOR FILING

Date 6-14-12

By JB



KEVIN KAMENETZ  
*County Executive*

LAWRENCE M. STAHL  
*Managing Administrative Law Judge*  
JOHN E. BEVERUNGEN  
TIMOTHY M. KOTROCO  
*Administrative Law Judges*

June 14, 2012

JOHN B. GONTRUM, ESQUIRE  
WHITEFORD, TAYLOR & PRESTON, L.L.P.  
TOWSON COMMONS, SUITE 300  
ONE WEST PENNSYLVANIA AVENUE  
TOWSON, MD 21204-5025

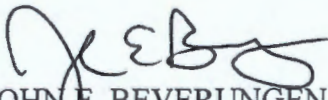
RE: Petition for Variance  
Case No.: 2012-0269-A  
Property: 6808 North Point Road

Dear Mr. Gontrum:

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,

  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:pz

Enclosure

CBCA



# 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 6808 North Point Road, Baltimore, Maryland 21219 which is presently zoned BL AS

Deed References: 06481/00643

Property Owner(s) Printed Name(s) John R. Cruckleton, III

(SELECT THE HEARING(S) BY MARKING 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:

1.    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 window tinting business including motor vehicle glass in a M.L. zone.

2.    a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3.    **X** a **Variance** from Section(s) (1) 409.6.A.2. to permit 30 spaces in lieu of required 50 spaces; (2) 409.4.C. to permit a one-way aisle of 15.5 feet in lieu of required 16' with a parking angle of 60°; and (3) 409.8.A.1. And the Landscape Manual p. 13 to permit a 0' landscape strip in lieu of required 10' strip with "class A" screen for commercial interior road; at p. 9 to permit no screening adjacent to a street or public right-of-way in lieu of required "Class B" screening.

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: I / 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).

## Contract Purchaser/Lessee:

Primax Properties, LLC

Name - Type or Print

Signature

1100 E. Morehead St., Charlotte, N.C.

Mailing Address City State

28204 704-996-7944

Zip Code Telephone # Email Address

## Legal Owners (Petitioners):

John R. Cruckleton, III

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6808 North Point Rd., Edgemere, Md.

Mailing Address City State

21219

Zip Code Telephone # Email Address

## Attorney for Petitioner:

John B. Gontrum, Esquire

Name - Type or Print

Signature

One West Pennsylvania Ave., Suite 300, Towson, Maryland

Mailing Address City State  
21204 410-832-2055 jgontrum@wtplaw.com

Zip Code Telephone # Email Address

## Representative to be contacted:

Name - Type or Print

Signature

CASE NUMBER 2012-0269-A Filing Date 4/26/12 Do Not Schedule Dates: 6/5-6/14 Reviewer CH/BD

REV. 10/4/11

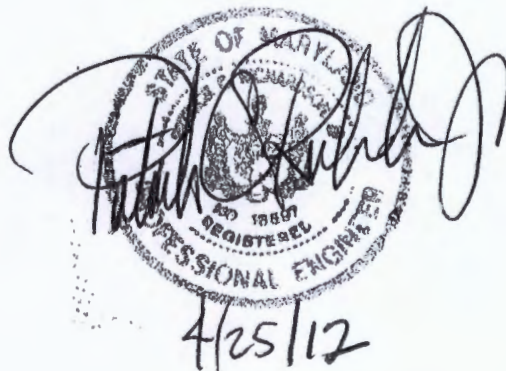
ORDER RECEIVED FOR FILING

Date 6.14.12

\* SHOULD BE JOHN R. CRUCKLETON III  
MISSPELLED IN RECORDS

**ZONING PROPERTY DESCRIPTION FOR  
#6808 NORTH POINT ROAD  
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the **north** side of **North Point Road** which is **50** feet wide at the distance of **133** feet **south east** of the centerline of the nearest improved intersecting street **Green Hill Road** which is **40** feet wide. Being lot's **3, 4 & 5**, Block **C** in the subdivision of **LYNCH POINT** as recorded in Baltimore County Plat Book **#8 Folio #38**. More particularly described as: (1) South 56 degrees 15 minutes 53 seconds East 50.09 feet, (2) South 56 degrees 57 minutes 01 seconds East 50.05 feet, (3) South 59 degrees 38 minutes 22 seconds East 60.00 feet to a point on the west side of Whiteway Road, thence binding on the west side of Whiteway Road (4) North 30 degrees 22 minutes 12 seconds East 176.13 feet, thence leaving Whiteway Road (5) North 59 degrees 37 minutes 48 seconds West 160.00 feet, thence (6) South 30 degrees 22 minutes 12 seconds West 170.86 feet to the point of beginning. Containing **27,933** Sq.Ft. or **0.64** Ac.+/- . Located in the 15<sup>th</sup>. Election District, 7<sup>th</sup> Councilmanic District.



4/25/12

2012-0269-A

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

No. **82042**

Date: **4/26/12**

**PAID RECEIPT**

BUSINESS ACTUAL  
 4/26/2012 4/26/2012 09:1

REG #903 WALKIN KBOS LRB

RECEIPT # 587170 4/26/20

Dept 5 528 ZOWING VERIFI

NO. 082042

Recpt Tot \$3

\$385.00 CK

Baltimore County, Har

| Fund | Dept | Unit | Sub Unit | Rev Source/ | Sub Rev/ | Obj | Sub Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|-------------|----------|-----|---------|----------|---------|--------|
| 001  | 806  | 0000 |          | 6150        |          |     |         |          |         | 385.00 |
|      |      |      |          |             |          |     |         |          |         |        |
|      |      |      |          |             |          |     |         |          |         |        |
|      |      |      |          |             |          |     |         |          |         |        |
|      |      |      |          |             |          |     |         |          |         |        |
|      |      |      |          |             |          |     |         |          |         |        |

Total: **385.00**

Rec From: **Whiteford Taylor & Preston LLP**  
 For: **Variance Case # 2012-0269-A**  
**for a Dollar General**

**DISTRIBUTION**

WHITE - CASHIER    PINK - AGENCY    YELLOW - CUSTOMER    GOLD - ACCOUNTING  
 PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**

#### 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: # 2012-0269-A

6808 North Point Road

N/side of North Point Road, 133 feet s/east of centerline of Green Hill Road

15th Election District - 7th Councilmanic District

Legal Owner(s): John Crunkleton, III

Variance: to permit 30 spaces in lieu of the required 50 spaces; to permit a one-way aisle of 15.5 feet in lieu of required 16 feet with a parking angle of 60 degrees and to permit 0 ft. landscape strip in lieu of the required 10 ft. strip with "Class A" screen for commercial interior road; and to permit no screening adjacent to a street or public right-of-way in lieu of the required "Class B" screening.

Hearing: Thursday, June 14, 2012 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR 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) 887-3391.

5/23/12 May 24

303540

## CERTIFICATE OF PUBLICATION

5/24/, 2012

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 5/24/, 2012.

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

S. Wilkinson

LEGAL ADVERTISING

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS  
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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 2012- 0269- A

Petitioner: John R. Crumpleton, Jr.

Address or Location: 6808 N. Point Rd. 21215

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: PRIMA PROPERTIES, LLC

Address: 600 Jonathan Greene

1100 E. Morehead St.

Charlotte, N.C. 28204

Telephone Number: 704-996-7944

Revised 2/17/11 DT

# CERTIFICATE OF POSTING

2012-0269-A

RE: Case No.: \_\_\_\_\_

Petitioner/Developer: \_\_\_\_\_

**John Crunkleton, III**

**June 14, 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:

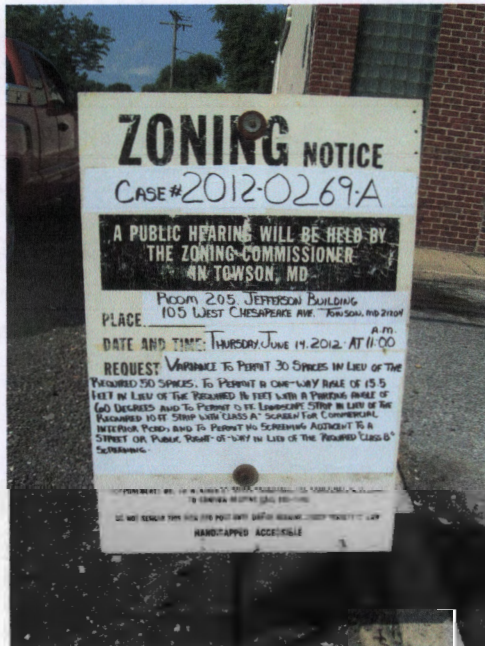
Ladies and Gentlemen:

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: \_\_\_\_\_

**6808 North Point Rd**

**May 25, 2012**

The sign(s) were posted on \_\_\_\_\_  
(Month, Day, Year)



Sincerely,

**May 25 2012**

(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)

TO: PATUXENT PUBLISHING COMPANY  
Thursday, May 24, 2012 Issue - Jeffersonian

Please forward billing to:  
Primax Properties, LLC  
1100 E. Moorehead Street  
Charlotte, NC 28204

704-996-7944

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## 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 NUMBER: 2012-0269-A**

6808 North Point Road

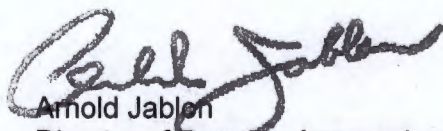
N/side of North Point Road, 133 feet s/east of centerline of Green Hill Road

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: John Crunkleton, III

Variance to permit 30 spaces in lieu of the required 50 spaces; to permit a one-way aisle of 15.5 feet in lieu of required 16 feet with a parking angle of 60 degrees and to permit 0 ft. landscape strip in lieu of the required 10 ft. strip with "Class A" screen for commercial interior road; and to permit no screening adjacent to a street or public right-of-way in lieu of the required "Class B" screening

Hearing: Thursday, June 14, 2012 at 11:00 a.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, 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 410-887-3391.



KEVIN KAMENETZ  
County Executive

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

May 16, 2012

## 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: 2012-0269-A**

6808 North Point Road

N/side of North Point Road, 133 feet s/east of centerline of Green Hill Road

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: John Crunkleton, III

Variance to permit 30 spaces in lieu of the required 50 spaces; to permit a one-way aisle of 15.5 feet in lieu of required 16 feet with a parking angle of 60 degrees and to permit 0 ft. landscape strip in lieu of the required 10 ft. strip with "Class A" screen for commercial interior road; and to permit no screening adjacent to a street or public right-of-way in lieu of the required "Class B" screening.

Hearing: Thursday, June 14, 2012 at 11:00 a.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

AJ:kl

C: John Gontrum, One West Pennsylvania Avenue, Ste. 300, Towson 21204  
Primax Properties, 1100 E. Morehead St., Charlotte NC 28204  
John Crunkleton, III, 6808 North Point Road, Edgemere 21219

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MAY 25, 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.

|                                                                    |   |                   |
|--------------------------------------------------------------------|---|-------------------|
| RE: PETITION FOR VARIANCE                                          | * | BEFORE THE OFFICE |
| 6808 North Point Road; N/S North Point                             |   |                   |
| Road, 133' SE of c/line of Green Hill Road                         | * | OF ADMINISTRATIVE |
| 15 <sup>th</sup> Election & 7 <sup>th</sup> Councilmanic Districts |   |                   |
| Legal Owner(s): John Cruckleton, III                               | * | HEARINGS FOR      |
| Contract Purchaser(s): Primax Properties, LLC                      |   |                   |
| Petitioner(s)                                                      | * | BALTIMORE COUNTY  |
|                                                                    | * | 2012-269-A        |

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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

MAY 04 2012

*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 May, 2012, a copy of the foregoing Entry of Appearance was mailed to John Gontrum, Esquire, 1 Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

*Peter Max Zimmerman*  
 \_\_\_\_\_  
 PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County

## **M E M O R A N D U M**

DATE: July 17, 2012  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2012-0269-A - Appeal Period Expired

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The appeal period for the above-referenced case expired on July 16, 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

**CHECKLIST**

| <u>Comment Received</u> | <u>Department</u>                                                     | <u>Support/Oppose/ Conditions/ Comments/ No Comment</u> |
|-------------------------|-----------------------------------------------------------------------|---------------------------------------------------------|
| <u>5-7</u>              | DEVELOPMENT PLANS REVIEW<br>(if not received, date e-mail sent _____) | <u>NC</u>                                               |
| <u>5-18</u> <i>CRSA</i> | DEPS<br>(if not received, date e-mail sent _____)                     | <u>Comments</u>                                         |
| _____                   | FIRE DEPARTMENT                                                       | _____                                                   |
| <u>5-15</u>             | PLANNING<br>(if not received, date e-mail sent _____)                 | <u>Comments</u>                                         |
| <u>5-2</u>              | STATE HIGHWAY ADMINISTRATION                                          | <u>No objection</u>                                     |
| _____                   | TRAFFIC ENGINEERING                                                   | _____                                                   |
| _____                   | COMMUNITY ASSOCIATION                                                 | _____                                                   |
| _____                   | ADJACENT PROPERTY OWNERS                                              | _____                                                   |

ZONING VIOLATION (Case No. \_\_\_\_\_)

PRIOR ZONING (Case No. \_\_\_\_\_)

NEWSPAPER ADVERTISEMENT Date: 5-24-12

SIGN POSTING Date: 5-25-12 by Black

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

**TO:** Arnold Jablon  
Deputy Administrative Officer and  
Director of Permits, Approvals and Inspections

**DATE:** May 15, 2012

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT:** 6808 North Point Road

**INFORMATION:**

**Item Number:** 12-269

**Petitioner:** John R Crunkleton, III

**Zoning:** BL-AS

**Requested Action:** Variance

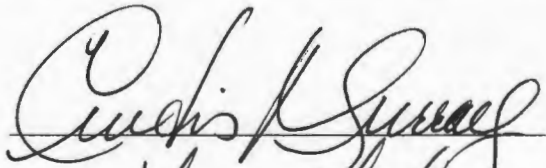
**SUMMARY OF RECOMMENDATIONS:**

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests several variances for parking and traffic circulation for the proposed Dollar General store on the subject property. The Department of Planning does not oppose the petitioner's request provided the following items are addressed:

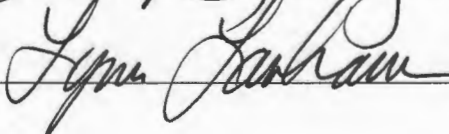
1. Provide a landscape plan for the subject site that includes details of any proposed fencing. The landscape plan should also be reviewed and approved by Jean Tansey, Baltimore County Landscape Architect.
2. Provide a sign package for review and approval. Package should include any freestanding signs as well as wall mounted signage.
3. Provide architectural building elevations or detail of any façade improvements (facades of the building need to be rehabilitated or rebuilt). Also include details of the proposed dumpster enclosure(s) (as dumpsters should be located in the least visually prominent area and screened from public view to the extent possible).

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

**Prepared by:**



**Division Chief:**  
AVA/LL: CM



Maryland Department of Assessments and Taxation  
Real Property Data Search (vw5.1A)  
BALTIMORE COUNTY

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[GroundRent](#)  
[Redemption](#)  
[GroundRent](#)  
[Registration](#)

**Account Identifier:** District - 15 Account Number - 1519270510

**Owner Information**

**Owner Name:** CRUCKLETON JOHN R 3RD **Use:** COMMERCIAL  
**Mailing Address:** 6808 NORTH POINT RD **Principal Residence:** NO  
BALTIMORE MD 21219-1214 **Deed Reference:** 1) /06481/ 00643  
2)

**Location & Structure Information**

**Premises Address** **Legal Description**  
6808 NORTH POINT RD PT LTS 4-5  
0-0000 NW COR WHITE WAY RD  
LYNCH POINT

| Map  | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:            |
|------|------|--------|--------------|-------------|---------|-------|-----|-----------------|---------------------|
| 0111 | 0005 | 0141   |              | 0000        | C       |       | 4   | 3               | Plat Ref: 0008/0038 |

**Town** NONE  
**Ad Valorem**  
**Tax Class**

**Special Tax Areas**

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 1947                    | 14174         | 18,295 SF          | 06         |

**Stories** **Basement** **Type** **Exterior**  
BOWLING ALLEY

**Value Information**

|                           | Base Value | Value      | Phase-in Assessments |            |
|---------------------------|------------|------------|----------------------|------------|
|                           |            | As Of      | As Of                | As Of      |
|                           |            | 01/01/2012 | 07/01/2011           | 07/01/2012 |
| <b>Land</b>               | 151,700    | 151,700    |                      |            |
| <b>Improvements:</b>      | 152,700    | 152,700    |                      |            |
| <b>Total:</b>             | 304,400    | 304,400    | 304,400              | 304,400    |
| <b>Preferential Land:</b> | 0          |            |                      | 0          |

**Transfer Information**

**Seller:** D & F INVESTMENT S INC **Date:** 01/26/1983 **Price:** \$163,183  
**Type:** ARMS LENGTH IMPROVED **Deed1:** /06481/ 00643 **Deed2:**

**Seller:** **Date:** **Price:**  
**Type:** **Deed1:** **Deed2:**

**Seller:** **Date:** **Price:**  
**Type:** **Deed1:** **Deed2:**

**Exemption Information**

| Partial Exempt Assessments | Class | 07/01/2011 | 07/01/2012 |
|----------------------------|-------|------------|------------|
| <b>County</b>              | 000   | 0.00       |            |
| <b>State</b>               | 000   | 0.00       |            |
| <b>Municipal</b>           | 000   | 0.00       | 0.00       |

**Tax Exempt:** **Special Tax Recapture:**  
**Exempt Class:** NONE

**Homestead Application Information**

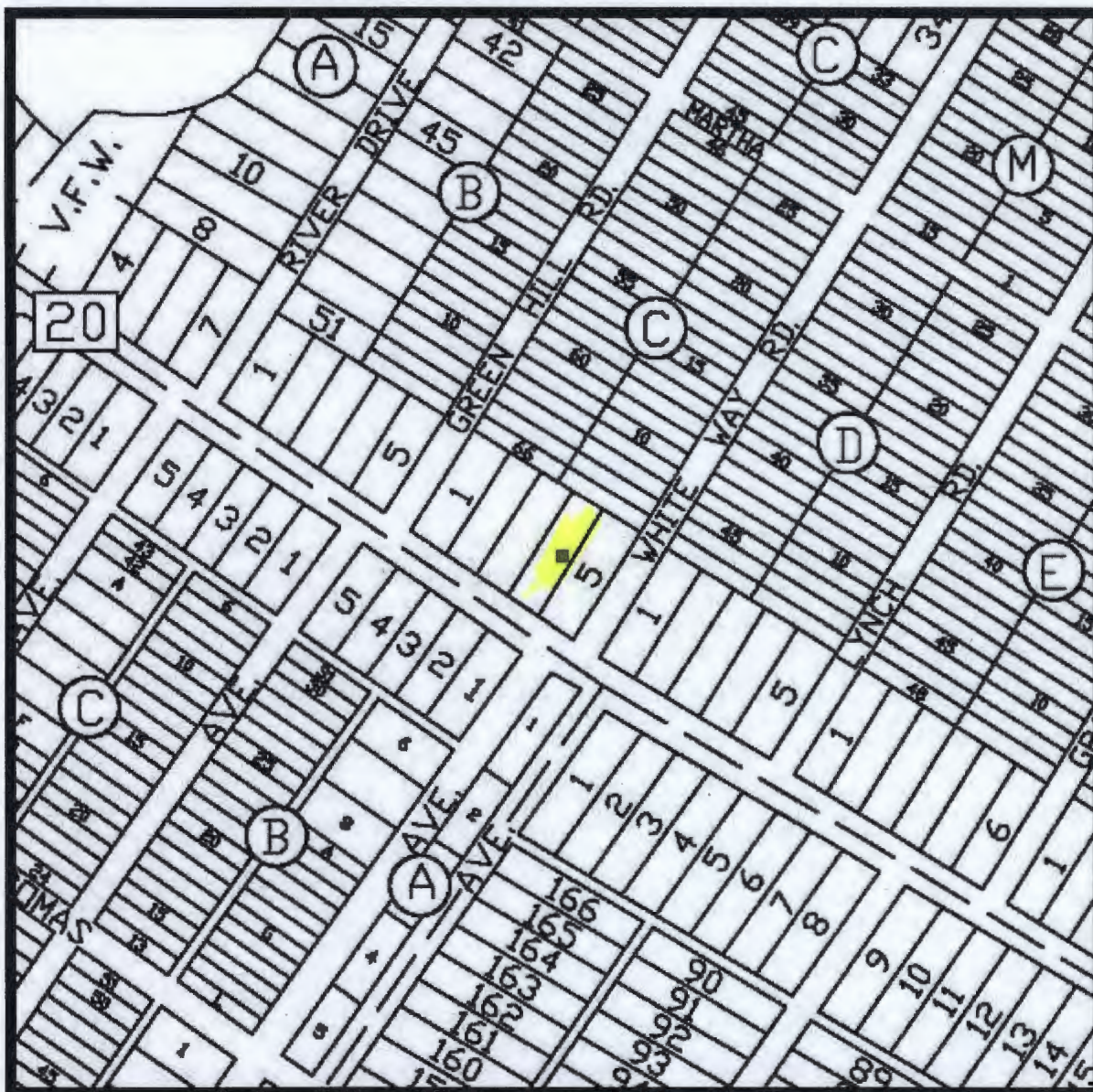
**Homestead Application Status:** No Application



**Maryland Department of Assessments and Taxation**  
**BALTIMORE COUNTY**  
**Real Property Data Search**

[Go Back](#)  
[View Map](#)  
[New Search](#)

District - 15 Account Number - 1519270510



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at [www.plats.net](http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning ©2010.  
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at [www.mdp.state.md.us/OurProducts/OurProducts.shtml](http://www.mdp.state.md.us/OurProducts/OurProducts.shtml)



KEVIN KAMENETZ  
County Executive

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

June 5, 2012

John R. Cruckleton, III  
6808 North Point Road  
Edgemere, MD 21219

RE: Case Number: 2012-0269-A, Address: 6808 North Point Road, 21219

Dear Mr. Cruckleton:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 26, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a circular stamp that partially obscures the signature.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel  
Primax Properties, LLC, 1100 E. Morehead Street, Charlotte, NC 28204  
John B. Gontrum, Esquire, One West Pennsylvania Avenue, Towson, MD 21204

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



Maryland Department of Transportation

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

Date: 5-2-12

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

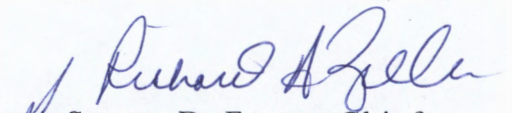
RE: Baltimore County  
Item No. 2012-0269-A  
Variance  
John E. Cruckleton III  
6808 North Point Road.

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. 2012-0269-A.

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

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.roads.maryland.gov

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits, Approvals  
And Inspections

**DATE:** May 7, 2012

**FROM:** Dennis A. Kennedy<sup>DAK</sup>, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For May 14, 2012  
Item Nos. 2012-0258, 0262, 0263, 0264, 0265, 0267  
And 0269

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-05142012-NO COMMENTS.doc

6/14 11Am  
205  
RECEIVED

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

MAY 18 2012

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge  
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability  
(DEPS) - Development Coordination

DATE: May 18, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0269-A  
Address 6808 North Point Road  
(Cruckleton Property)

Zoning Advisory Committee Meeting of April 30, 2012.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This non-waterfront property is located within an Intensely Developed Area and is subject to the Critical Area 10% pollutant reduction requirements. The applicant is proposing to permit more parking spaces than allowed, to permit no landscaping or screening and to reduce the width of the parking aisle. The site is already developed with a building and parking. To minimize impacts on water quality, the 10% pollutant reduction requirements must be met. By meeting this requirement, the relief requested by the applicant will result in minimal impacts to water quality.
2. This property is not waterfront. No forest, wetlands, or buffers will be impacted. Therefore, there will be no impact to habitat.
3. The proposed redevelopment is permitted under the State-mandated Critical Area regulations provided that the redevelopment is in compliance with all Critical Area requirements. Compliance with the Critical Area requirements can allow the subject development to be consistent with established land use policy for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Reviewer: Regina Esslinger; Environmental Impact Review

6/14/12  
11am

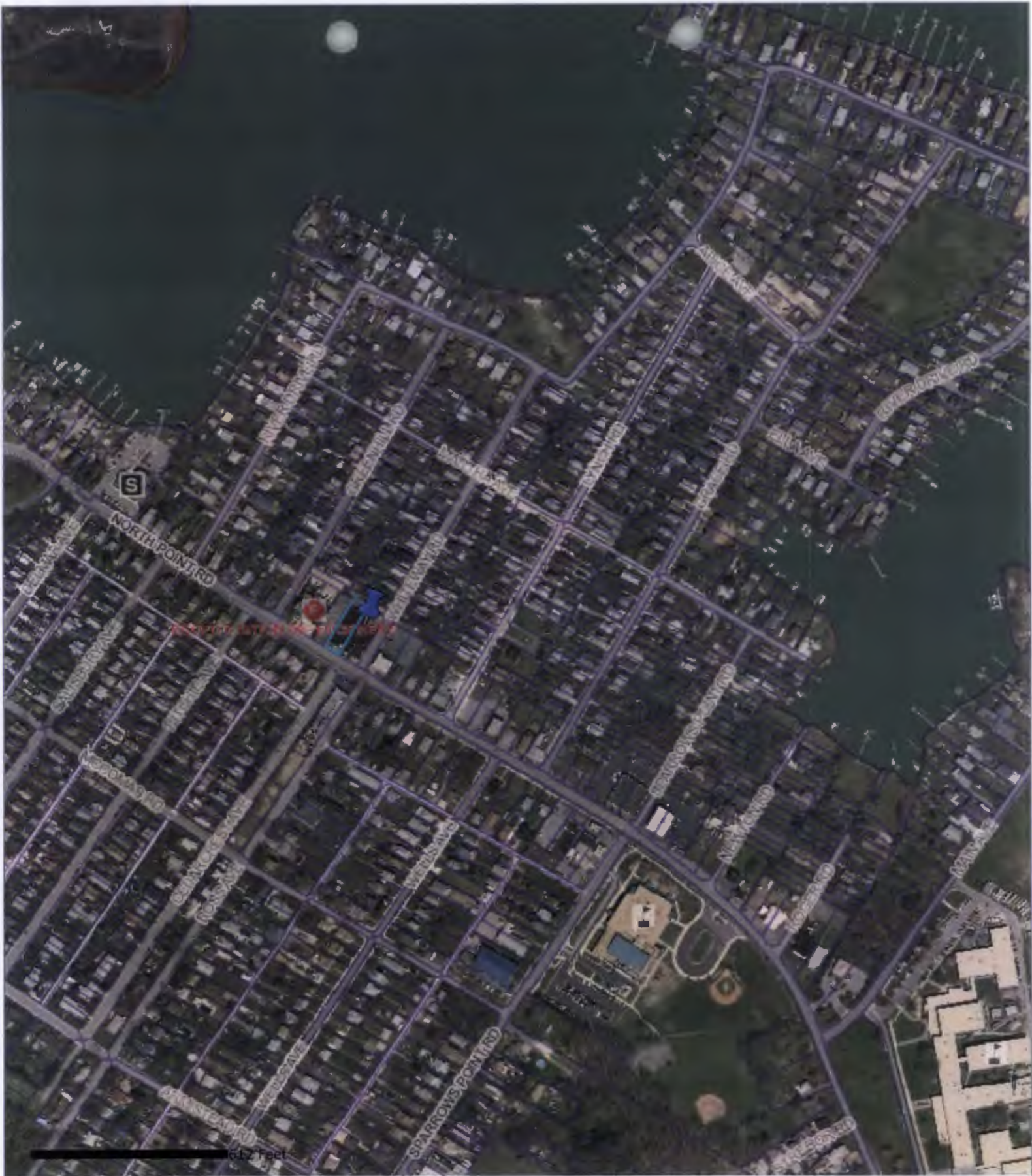
Case No.: 2012-0269-A

Exhibit Sheet

Protestant

Petitioner/Developer

|        |                            |  |
|--------|----------------------------|--|
| No. 1  | Site Plan                  |  |
| No. 2  | 2A } Aerial Photos<br>2B } |  |
| No. 3  | 3A-3I Color Photos         |  |
| No. 4  |                            |  |
| No. 5  |                            |  |
| No. 6  |                            |  |
| No. 7  |                            |  |
| No. 8  |                            |  |
| No. 9  |                            |  |
| No. 10 |                            |  |
| No. 11 |                            |  |
| No. 12 |                            |  |



Civic/Government Map

Cr  
Baltin  
My N

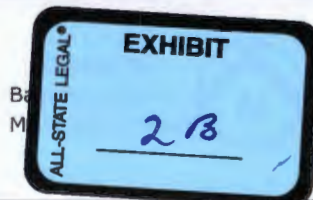


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Printed 4/20/2012



Land Development Map

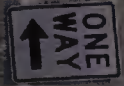
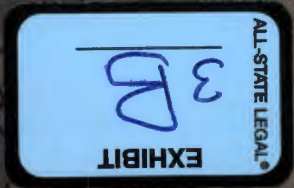


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Printed 4/20/2012



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3A





ALL-STATE LEGAL®  
EXHIBIT  
39

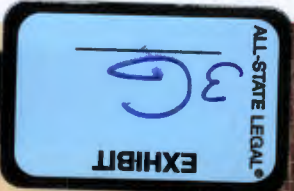


ALL-STATE LEGAL®  
32  
EXHIBIT



ALL-STATE LEGAL®  
EXHIBIT  
37



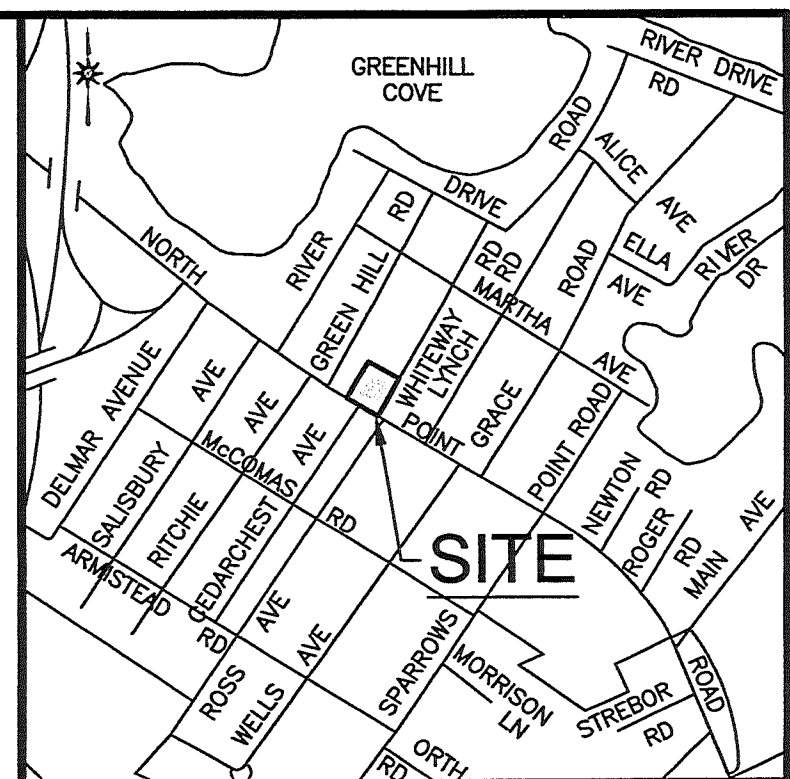


ALL-STATE LEGAL®  
EXHIBIT  
3H





ALL-STATE LEGAL®  
EXHIBIT  
3 I



SCALE: 1" = 1000'

### GENERAL NOTES:

- OWNER: JOHN R. CRUCKLETON III  
#6808 NORTH POINT ROAD  
BALTIMORE, MARYLAND 21219
- SITE AREA:  
GROSS: 35,959 Sq.Ft. or 0.83 Ac.±  
NET: 27,933 Sq.Ft. or 0.64 Ac.±
- USES:  
EXISTING:  
1 STORY BUILDING- BOWLING ALLEY  
2 STORY BUILDING-  
1ST FLOOR- RETAIL  
2ND FLOOR- APARTMENT  
PROPOSED: RETAIL BUILDING
- UTILITIES:  
PUBLIC WATER & SEWER
- DEED REF: 8294/156 & 6481/643
- TAX ACCOUNT: #1506452660 & 1519270510
- ZONING: BL-AS  
(PER 1"-200' ZONING MAP 11181 & 111C1)
- TAX MAP #111, PARCEL #141, BLOCK "C", LOT'S #3, #4 & #5.
- PLAT REF: 8-38 "LYNCH POINT"
- SITE LIES WITHIN ZONE(S) "X" OF FLOOD INSURANCE RATE MAP  
(FIRM) PANEL #240010 0555 F PANEL 555 OF 580 DATED  
SEPT. 26, 2008.  
ZONE "X" IS AREAS DETERMINED TO BE OUTSIDE THE 0.2%  
ANNUAL CHANCE FLOODPLAIN.
- NO PREVIOUS ZONING CASES ON FILE.
- NO PREVIOUS PERMITS ON FILE.
- SITE LIES ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC NOR ARE  
THEY STATE OR LOCAL LANDMARKS.
- 7TH COUNCILMANIC DISTRICT
- BUILDING AREAS:  
EXISTING: 17,330 Sq.Ft.  
PROPOSED: 9,878 Sq.Ft.
- PARKING:  
REQUIRED: 9,878 Sq.Ft. @ 5/1000 Sq.Ft. = 50 SPACES  
PROVIDED: 30 SPACES (2 HANDICAPPED, 28 REGULAR)
- SETBACKS FOR BL ZONE:  

|           | REQUIRED | PROVIDED |
|-----------|----------|----------|
| FRONT     | 10'      | 20'±     |
| FROM P.L. | 10'      | 45'±     |
| C.L.      | 40'      | 45'±     |
| SIDE      | 10'      | 51'±     |
| RES. ADJ. | 10'      | 35'±     |
| REAR      | 20'      | 21'±     |
| RES. ADJ. | 20'      | 21'±     |
- WATERSHED: BACK RIVER
- NO PREVIOUS DRC OR CRG ON FILE.
- FAR: MAXIMUM  
3.0  
0.27
- ANY PROPOSED SIGNS WILL CONFORM WITH THE BCZR REQUIREMENTS.
- THIS SITE IS NOT WITHIN AN AREA IDENTIFIED AS DEFICIENT ON THE  
BASIC SERVICES MAPS.

PROFESSIONAL CERTIFICATION:  
I HEREBY CERTIFY THAT THESE DOCUMENTS  
WERE PREPARED OR APPROVED BY ME, AND  
THAT I AM A DULY LICENSED PROFESSIONAL  
ENGINEER UNDER THE LAWS OF THE STATE  
OF MARYLAND, LICENSE NUMBER 16597,  
EXPIRATION DATE: 08-15-2013



## Richardson Engineering, LLC

30 East Padonia Road, Suite 500  
Timonium, Maryland 21093  
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY  
ZONING PETITION  
FOR

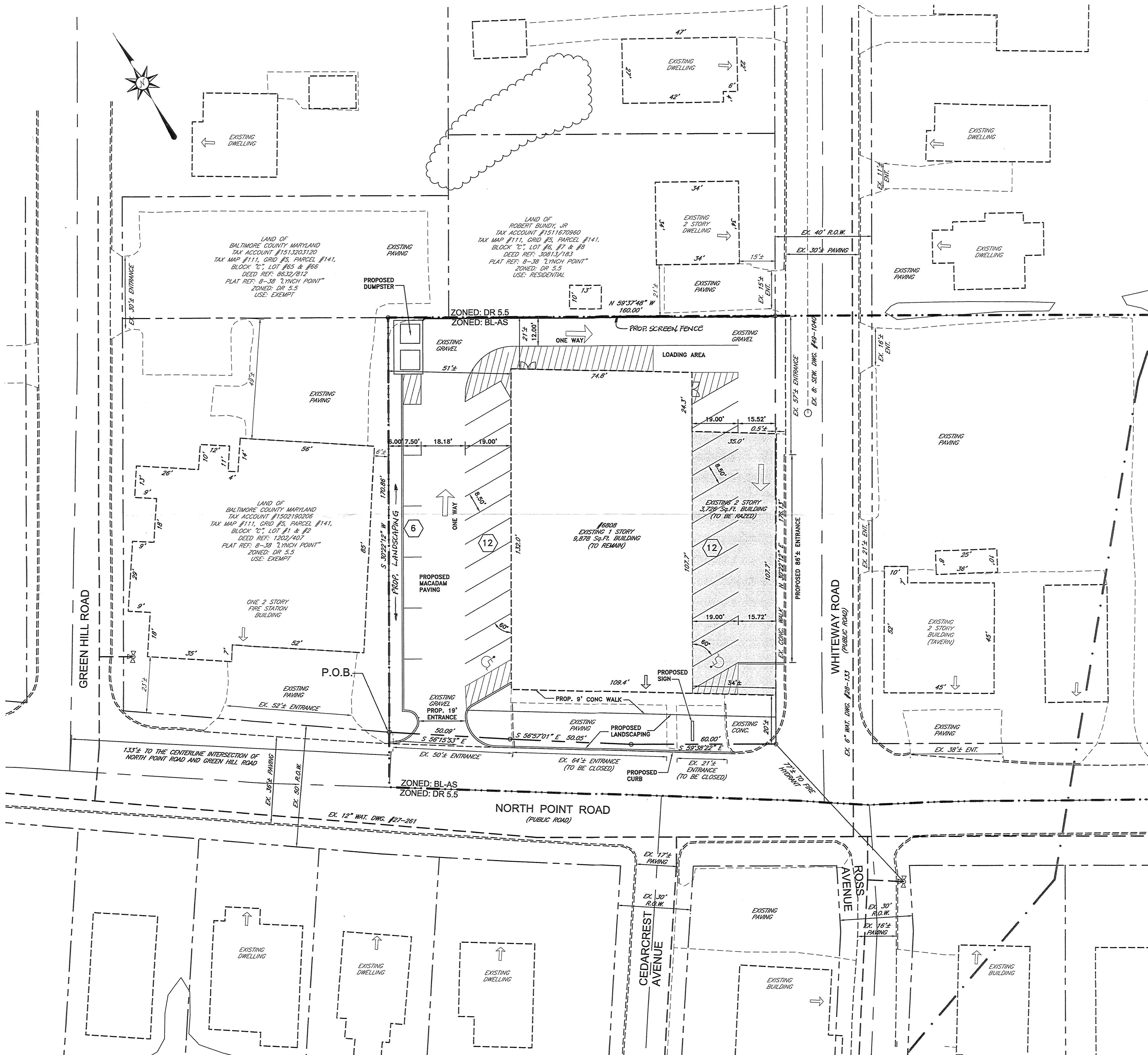
DOLLAR GENERAL  
#6808 NORTH POINT ROAD  
BALTIMORE, MARYLAND 21219

2012-0269-A

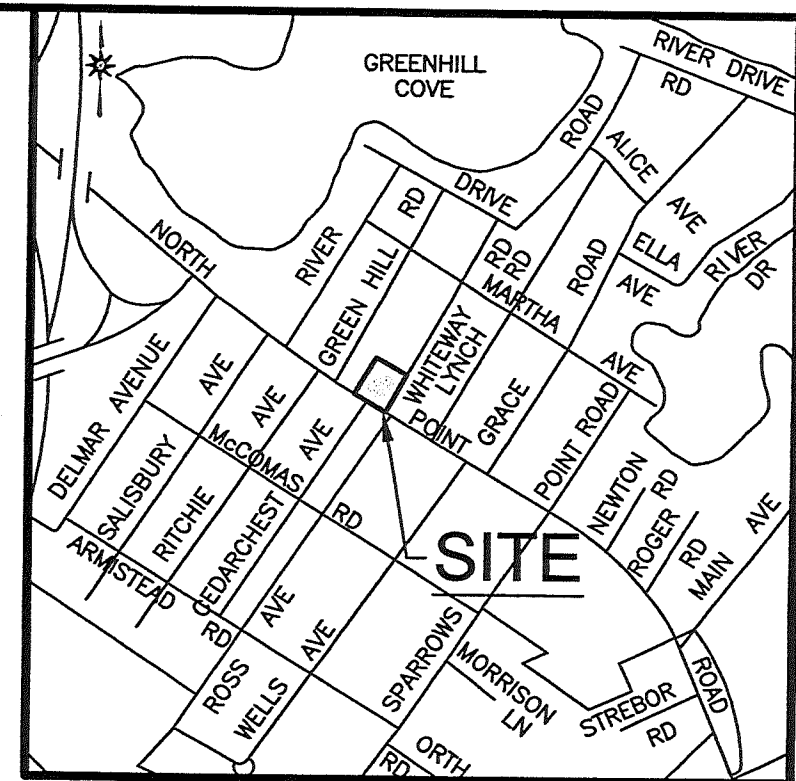
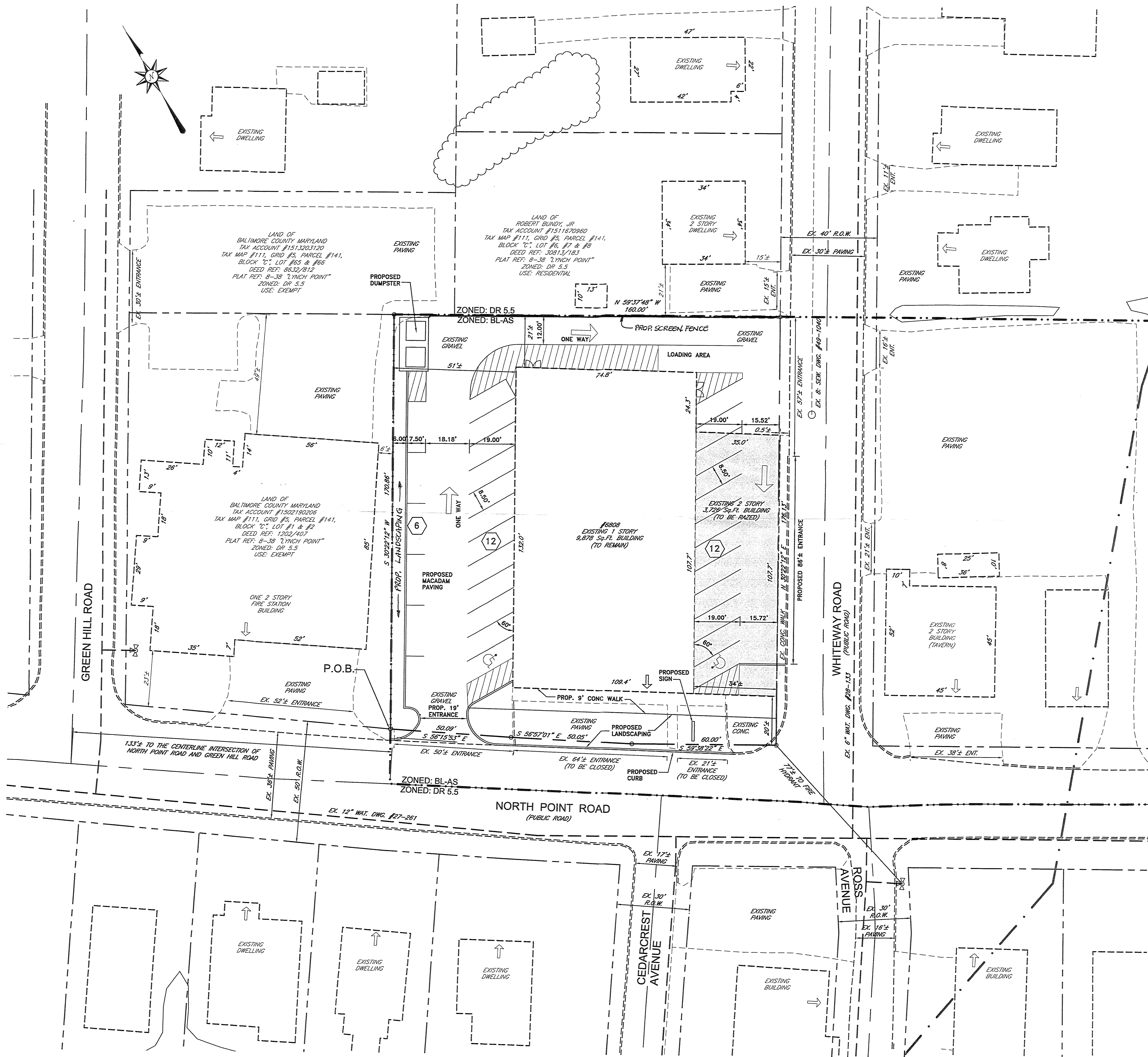
15TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

| REVISIONS | DRAWN BY: | DESIGNED BY: | SCALE:     |
|-----------|-----------|--------------|------------|
|           | CND       | PCR          | 1" = 20'   |
|           | DATE:     | JOB NO.:     | SHEET NO.: |
|           | 04-25-12  | 12035        | 1 OF 1     |



2012-0269-A



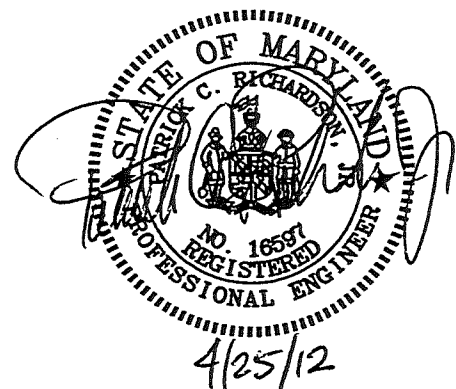
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PLAN TO ACCOMPANY  
ZONING PETITION  
FOR

PETITIONER'S  
EXHIBIT NO. 1

DOLLAR GENERAL  
#6808 NORTH POINT ROAD  
BALTIMORE, MARYLAND 21219

15TH ELECTION DISTRICT

2012-0269-A  
BALTIMORE COUNTY, MARYLAND

REVISIONS

|                   |                     |                      |
|-------------------|---------------------|----------------------|
| DRAWN BY:<br>CND  | DESIGNED BY:<br>PCR | SCALE:<br>1" = 20'   |
| DATE:<br>04-25-12 | JOB NO.:<br>12035   | SHEET NO.:<br>1 OF 1 |