IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE

NW/S Marlyn Road, 62' N of Martin Road

15th Election District

5th Councilmanic District

(506 Marlyn Avenue)

L&B Enterprises, LLC, Legal Owner and 506, LLC, t/a Breakaway Bar & Grill,

Lessee

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 03-093-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property, L&B Enterprises, LLC and the lessee of the site, The Breakaway Bar & Grill. The special hearing request is to amend a previously approved site plan in Case No. 967, to approve the nonconforming status of an existing building in a D.R.5.5 zone with a 0 ft. setback from the BL/D.R.5.5 zone line and for commercial parking in a D.R.5.5 zone. The variances requested are:

- 1. from Section 409.6A(2) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 134 parking spaces in lieu of the required 167 parking spaces;
- 2. from Section 1B01.1B(e)(5) of the B.C.Z.R., to permit RTA buffer of 10 ft. in lieu of the 50 ft. required and RTA setback of 10 ft. in lieu of the 75 ft. required; and
- 3. from Sections 409.8A(2) and 409.8A(6) of the B.C.Z.R., to permit use of stone parking surface without striping in lieu of the required durable and dustless surface with striping for parking spaces.

Appearing at the hearing on behalf of the zoning requests were Deborah Amey, the operator of The Breakaway Bar & Grill, Henry Long and Michael Brewer, appearing as owners of the property, and Clyde Hinkle, appearing on behalf of Bafitis & Assoc., Inc., the engineers who prepared the site plan of the property. Appearing in opposition to the Petitioners' request were Ann and Robert Fox, adjacent property owners.

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Testimony and evidence indicated that the property, which is the subject of this request, consists of 4.745 acres, more or less, of which approximately ½ acre is zoned BL with the remainder zoned D.R.5.5. The subject property is located on the west side of South Marlyn Avenue, north of its intersection with Martin Road. The property is improved with an existing 1-½ story building wherein The Breakaway Bar & Grill is located. As a result of the popularity of the tavern, the property owners are desirous of constructing a parking lot to the rear of the business establishment. The details of the proposed parking field are more particularly shown on Petitioners' Exhibit No. 1, the site plan submitted into evidence. The parking lot is proposed to be located in the residential portion of the Petitioners' property. Along with the plans to provide the additional parking field, the Petitioners are also requesting approval for a one-story 50 ft. x 75 ft. addition to the existing tavern. The purpose of the addition would be to provide additional tables and seating for restaurant customers. In order to proceed with the installation of the parking field, as well as the addition, the special hearing and variances are necessary.

One of the variances involves the Petitioners' request to allow the parking lot in question to remain a stone parking surface in lieu of the required durable and dustless surface. The stone surface proposed will allow storm water runoff to permeate into the ground as opposed to running off onto adjacent properties. Also, given that the property is located within the Chesapeake Bay Critical Areas, the stone parking lot will reduce impervious surfaces.

As stated previously, appearing in opposition to the Petitioners' requests were Ann and Robert Fox who reside at 830 Martin Road. The Fox's property, at the present time, backs up to what is the existing parking lot for The Breakaway Bar & Grill. Mr. & Mrs. Fox are concerned that the expansion of the parking lot will cause more customers to park to the rear of the residential homes located along Martin Road. The quiet enjoyment of their property is already

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disturbed by those customers and patrons who currently park adjacent to their property. They believe that any efforts to expand the business will exacerbate this condition.

It should be noted that the Office of Planning has no objection to the Petitioners' request to provide this additional parking field and expand their business. The Planning Office, by and through Lynn Lanham, the area planner for this area of Baltimore County, issued a comment dated September 26, 2002. The Planning Office does not object to the expansion plans so long as certain conditions and restrictions are met by the property owner. Those conditions and restrictions shall be incorporated at the end of this Order.

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

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

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances and special hearing are not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique

to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property and public hearing held on the Petition and for the reasons given above, I believe that the special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this day of October, 2002, that the Petitioners' request for special hearing to amend a previously approved site plan in Case No. 967, to approve the nonconforming status of an existing building in a D.R.5.5 zone with a 0 ft. setback from the BL/D.R.5.5 zone line and for commercial parking in a D.R.5.5 zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the variances requested:

- 1. from Section 409.6A(2) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 134 parking spaces in lieu of the required 167 parking spaces;
- 2. from Section 1B01.1B(e)(5) of the B.C.Z.R., to permit RTA buffer of 10 ft. in lieu of the 50 ft. required and RTA setback of 10 ft. in lieu of the 75 ft. required; and
- 3. from Sections 409.8A(2) and 409.8A(6) of the B.C.Z.R., to permit use of stone parking surface without striping in lieu of the required durable and dustless surface with striping for parking spaces,

be and they are hereby GRANTED, subject, however, to the following restrictions:

- 1. There shall be no outside uses associated with the tavern, such as outdoor drinking/eating, outdoor speakers, or any music;
- 2. The Petitioners shall be required to submit a landscaping and lighting plan to Mr. Avery Harden, Landscape Architect for Baltimore County, for his review and approval. Mr. Harden shall pay particular attention to the manner in which the parking lot to be constructed is buffered from the rear of the homes of those residents living along Martin Road; and

3. The Petitioners shall be required to submit building elevations for the proposed addition to the Office of Planning for their review and approval, prior to the issuance of any permits.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

IMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

IN THE MATTER OF
THE APPLICATION OF
L & B ENTERPRISES, LLC – Legal Owner;
506 LLC t/a BREAKAWAY BAR & GRILL – C P
FOR SPECIAL HEARING AND VARIANCES
ON THE SUBJECT PROPERTY LOCATED ON
NW/S MARLYN AVE, 62' N OF MARTIN RD
(506 MARLYN AVENUE)

15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT * BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

Case No. 03-093-SPHA

ORDER OF DISMISSAL OF PETITION FOR SPECIAL HEARING
IN PART and DISMISSAL OF APPEAL

The subject case came to this Board on appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from the decision of the Deputy Zoning Commissioner dated October 8, 2002 in which the requested relief was granted with restrictions.

where AS, the Board is in receipt of a letter of withdrawal of Petition for Special Hearing as to the request for approval of the nonconforming status of an existing building in the D.R. 5.5 zone with a 0-foot setback from the B.L. /D.R. 5.5 zone line and commercial parking in the D.R. 5.5 zone filed November 3, 2004 by J. Neil Lanzi, Esquire, Counsel for Petitioners (a copy of which is attached hereto and made a part hereof); and

WHEREAS, the Board is in receipt of letter of withdrawal of appeal filed November 1, 2004 by Carole S. Demilio, Deputy People's Counsel for Baltimore County, Appellant (a copy of which is also attached hereto and made a part hereof); and

WHEREAS, Mr. Lanzi on behalf of Petitioners requests that the Petition for Special Hearing filed in Case No. 03-093-SPH for approval of the nonconforming status of an existing building in the D.R. 5.5 zone with a 0-foot setback from the B.L. /D.R. 5.5 zone line and

In the Matter of: L & B Enterprises, LLC - Legal Owner; 506, LLC t/a Breakaway Bar & Grill - Contract Purchaser / Case No. 03-093-SPHA

commercial parking in the D.R. 5.5 zone be withdrawn as of November 3, 2004, as this portion of Petitioners' requested special hearing relief has been rendered moot by the adoption of the 2004 Comprehensive Zoning Maps by the Baltimore County Council, effective September 3, 2004; and

where with drawn and dismissed; People's Counsel, requests that, in light of the rezoning where the residential zone (mooted by the 2004 Comprehensive Zoning Maps) and the special hearing petition to approve commercial parking in a residential zone (also mooted by the 2004 Comprehensive Zoning Maps), the Office of People's Counsel requests that the appeal filed in this matter be withdrawn and dismissed;

IT IS THEREFORE this 17th day of 100m 200, 2004, by the County Board of Appeals of Baltimore County

ORDERED that said Petition for Special Hearing filed in Case No. 03-093-SPHA as to the request for approval of the nonconforming status of an existing building in the D.R. 5.5 zone with a 0-foot setback from the B.L. /D.R. 5.5 zone line and commercial parking in the D.R. 5.5 zone be and the same is WITHDRAWN AND DISMISSED as moot, pursuant to the attached letter of withdrawal; and it is further

ORDERED that the remainder of the decision of the Deputy Zoning Commissioner in Case No. 03-093-SPHA stands as a final Order as to the Petition for Special Hearing requesting the amendment to the previously approved site plan in Case No. 967 and the requested variance relief, subject to the following restrictions as imposed by the Deputy Zoning Commissioner in his Order of October 8, 2002:

1. There shall be no outside uses associated with the tavern, such as outdoor drinking /eating, outdoor speakers, or any music;

In the Matter of: L & B Enterprises, LLC – Legal Owner; 506, LLC t/a Breakaway Bar & Grill – Contract Purchaser / Case No. 03-093-SPHA

- 2. The Petitioners shall be required to submit a landscaping and lighting plan to Mr. Avery Harden, Landscape Architect for Baltimore County, for his review and approval. Mr. Harden shall pay particular attention to the manner in which the parking lot to be constructed is buffered from the rear of the homes of those residents living along Martin Road; and
- 3. The Petitioners shall be required to submit building elevations for the proposed addition to the Office of Planning for their review and approval, prior to the issuance of any permits.

And it is further **ORDERED** that the appeal filed by the Office of People's Counsel in Case No. 03-093-SPHA be and the same is hereby **WITHDRAWN AND DISMISSED**, pursuant to the attached letter of withdrawal of appeal, allowing the ruling of the Deputy Zoning Commissioner as set forth above to stand as a final Order.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman

Donald I. Mohler III

Margaret Warrall



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

November 17, 2004

Carole S. Demilio, Deputy People's Counsel for Baltimore County Room 48, Old Courthouse 400 Washington Avenue Towson, MD 21204 J. Neil Lanzi, Esquire Mercantile Building Suite 617 409 Washington Avenue Towson, MD 21204

RE: In the Matter of: L & B Enterprises, LLC – Legal Owner; 506, LLC t/a Breakaway Bar & Grill – C.P. Case No. 03-093-SPHA /Order of Dismissal

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal of Petition for Special Hearing in Part and Dismissal of Appeal in the subject matter issued this date by the County Board of Appeals of Baltimore County. The file will be closed after a period of 30 days from the date of the enclosed Order.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: 506, LLC t/a Breakaway Bar & Grill
L & B Enterprises, LLC
Robert and Ann Fox
Pat Keller, Planning Director
William J. Wiseman III, Zoning Commissioner
Timothy M. Kotroco, Director /PDM



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 506 Marlyn Avenue which is presently zoned BL and DR 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)

1B01.1B(e)(5), 409.6A(2), 409.8A(2) and 409.8A(6)

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

See attached

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

	i/vve 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:	Legal Owner(s):
506, LLC t/a Breakaway Bar & Grill Name - Type or Print By: Deborah Amey, President	L&B Enterprises, LLC
Signature Signature	Name - Type or Print BY: William Long, President
506 Marlyn Avenue 410-687-3792 Address	Signature (Signature)
Baltimore, Maryland 21221 Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	1912 Middleborough Road 410-687-8762
J. Neil Lanzi Name - Type or Print	Address Essex Maryland 21221
- Mai	City State Zip Code
J. Neil Lanzi, P.A. Company	Representative to be Contacted: J. Neil Lanzi Name
409 Washington Ave, Ste 617 410-296-0686	409 Washington Ave Ste 617 410-296-0686
Towson, Maryland 21204	Address Towson, Maryland 21204 Towson, Maryland 21204
State Zip Code	City State Zip Code
	OFFICE USE ONLY
Case No. 03-093 SPHA	ESTIMATED LENGTH OF HEARING
REV 9/15/98	UNAVAILABLE FOR HEARING Reviewed By

PETITION FOR VARIANCE

L&B Enterprises, LLC, property owner and 506, LLC contract purchaser, for the property known as 506 Marlyn Avenue in Baltimore County, hereby petition the zoning commissioner for the following variances from the Baltimore County Zoning Regulations:

- 1. Variance from Section 409.6A(2) to permit 134 parking spaces in lieu of the required 167 parking spaces.
- 2. Variance from Section 1B01.1B(e)(5) to permit RTA buffer of 10 feet in lieu of the 50 feet required and RTA setback of 10 feet in lieu of the 75 feet required.
- 3. Variance pursuant to Section 409.8A(2) and 409.8A(6) to permit use of stone parking surface without striping in lieu of the required durable and dustless surface with striping for parking spaces.

The zoning commissioner has the power to grant variances in cases where strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty or unreasonable hardship to Petitioners. Petitioners further state the granting of the variances requested will provide substantial justice to the Petitioners and will allow for the observance of the spirit of the BCZR while maintaining the security of the public safety and welfare.

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	506 Marlyn	Aven	ue			
	resently zone	ed BL	and	DR	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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

- 1. Amendment of previously approved site plan in Case No. 967;
- 2. Nonconforming status of existing building in DR 5.5 zone and topaper proposed activities with 0 foot setback from BL\DR 5.5 zone line; and
- 3. Commercial parking in DR 5.5 zone pursuant to Section 1B01.1A(18)(d).

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

I, or we, agree to pay expenses of above Special Hearing, 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.

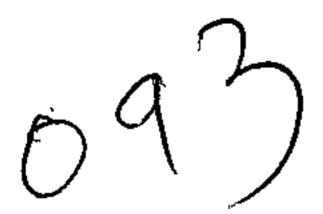
zoning regulations and restrictions of Baltimore County adopted pu	rsuant to the zoning law for Baltimore County.
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
506, LLC t/a Breakaway Bar & Grill	L&B Enterprises, LLC
Name - Type or Print BY: Deborah Amey, President	Name - Type or Print BY: William Long, President
Signature 410-687-3792	Signature
Address Baltimore, Maryland 21221	Name - Type or Print
City State Zip Code	Signature 1912 Middleborough Road 410-687-8762
Attorney For Petitioner: J. Neil Lanzi	Address Telephone No.
Name - Type or Print	City State Zip Code Representative to be Contacted:
Signature J., Neil Lanzi, P.A.	J. Neil Lanzi
Company 409 Washington Ave, Ste 617 410-296-0686	Name 409 Washington Ave Ste 617 410-296-0686
Address Telephone No. Towson, Maryland 21204	Address Towson, Maryland 21204
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
Case No. 03 -0935/1+A	ESTIMATED LENGTH OF HEARING
Case No.	UNAVAILABLE FOR HEARING
Rev	iewed By 100 000 000 000 000 000 000 000 000 00

PETITION FOR VARIANCE

L&B Enterprises, LLC, property owner and 506, LLC contract purchaser, for the property known as 506 Marlyn Avenue in Baltimore County, hereby petition the zoning commissioner for the following variances from the Baltimore County Zoning Regulations:

- 1. Variance from Section 409.6A(2) to permit 134 parking spaces in lieu of the required 167 parking spaces.
- 2. Variance from Section 1B01.1B(e)(5) to permit RTA buffer of 10 feet in lieu of the 50 feet required and RTA setback of 10 feet in lieu of the 75 feet required.
- 3. Variance pursuant to Section 409.8A(2) and 409.8A(6) to permit use of stone parking surface without striping in lieu of the required durable and dustless surface with striping for parking spaces.

The zoning commissioner has the power to grant variances in cases where strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty or unreasonable hardship to Petitioners. Petitioners further state the granting of the variances requested will provide substantial justice to the Petitioners and will allow for the observance of the spirit of the BCZR while maintaining the security of the public safety and welfare.



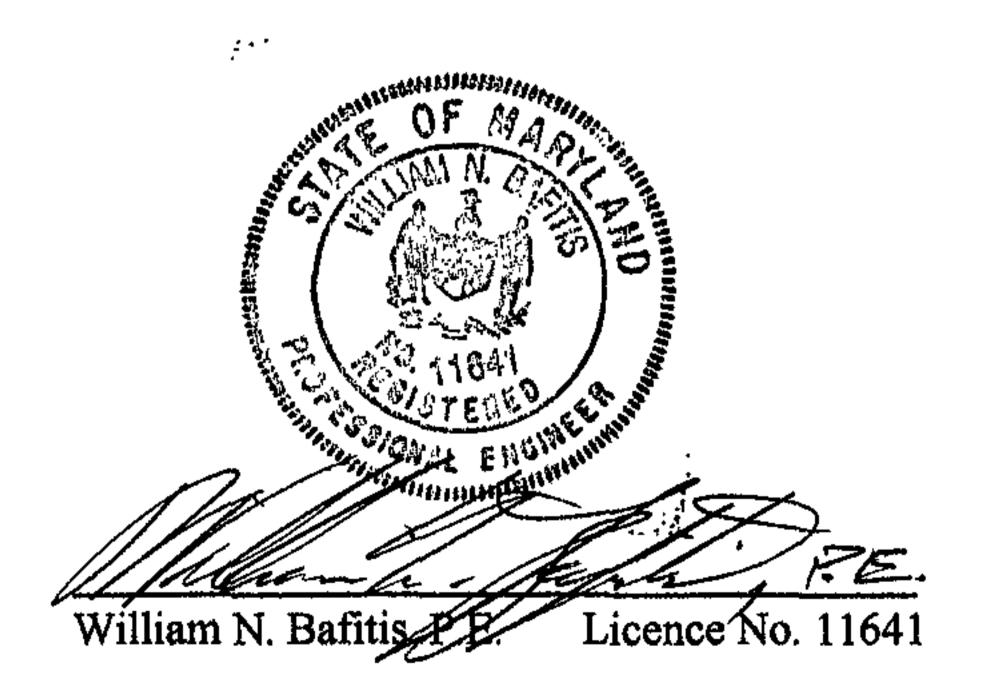


ZONING DESCRIPTION FOR 506 SOUTH MARLYN AVENUE

Beginning for same at a point on the northwest side of South Marlyn Avenue, 50 feet wide and 62 feet northerly from the intersection of said road and Martin Road. Thence leaving South Marlyn Avenue the following seven courses:

- 1). Thence South 77°-18'-30" West 254.06 feet to a point;
- 2). Thence South 82°-00'-40" West 1012.00 feet to a point;
- 3). Thence North 15°-03'-30" East 323.77 feet to a point;
- 4). Thence South 41°-26'-30" East 165.00 feet to a point;
- 5). Thence North 82°-00'-40" East 787.78 feet to a point;
- 6). Thence North 77°-18'-30" East 247.50 feet to a point; to the northwest side of South Marlyn Avenue;
- 7). Thence binding on South Marlyn Avenue, South 12°-41'-30" East 160.00 feet to the place of beginning.

Containing 206,687.62 square feet or 4.745 acres.



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7/9/05 Date

The Zoning Centrilesioner of Saldmore County by authority of the Zoning Astrand Regular District Sware with the property Identified herein as follows: Case: #03-093-SPHA 606 Marlyn Avenue NW/S & Marlyn Avenue NW/S & Marlyn Avenue NW/S & Marlyn Avenue Spenial Hearing: to allow 1) antenument of previously approved site plan in Case No. 967 2) hondoriforming status of existing building in DR 5.8 zone with 0 for set-back from BL/DR 5.8 zone line; and 6) commercial parking in DR 5.8 zone, variance: to permit 1) 194 parking spaces in lieu of the regulated 167 parking spaces 2) to permit RTA buffer of 10 feet in lieu of the 50 feet required and RTA setback of 19 feet in lieu of 78 feet required and RTA setback of 19 feet in lieu of 78 feet required and RTA setback of 19 feet in lieu of 78 feet required and RTA setback of 30 feet line and dustless surface with striping for parking spaces. parking spaces. Hearing: Monday, September 30, 2002 at 11:00 a m. in Room 407, County Courts Building, 401 Bosley Avenue. LAWRENCE E. SCHMIDT Zohing Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped Accessible for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4388. (2) For information concerning the File and/or Hearing Contact the Zoning Review Office at (410) 887-3391. 9/105 September 12.

CERTIFICATE OF PUBLICATION

<u>9/12</u> , 20 <u>02</u>	į
THIS IS TO CERTIFY, that the annexed advertisement was pub	lished
in the following weekly newspaper published in Baltimore County,	Md.,
once in each ofsuccessive weeks, the first publication appe	aring
on 9/12 ,2002.	i
The Jeffersonian	
☐ Arbutus Times	l
☐ Catonsville Times	
☐ Towson Times	i
Owings Mills Times	!
□ NE Booster/Reporter	; ;
☐ North County News	
S. WUKINST. LEGAL ADVERTISING	

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 <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

Case: #03-093-SPHA

506 Marlyn Avenue

NW/S S Martyn Avenue, 62' N of Martin Road

NW/S S Martyn Avenue, 62' N of Martin Road

15th Election District — 5th Councilmanic District
Legal Owner(s): L & B Enterprises LLC
Contract Purchaser: 506, LLC Va Bréakaway Bar & Grill

Special Hearing: to allow 1) amendment of previously approved site plan in Case No. 967; 2) nonconforming status of existing building in DR 5.5 zone with 0 foot set-back from BL/DR 5.5 zone line; and 3) commercial parking in DR 5.5 zone. Variance: to permit 1) 134 parking spaces in lieu of the required 167 parking spaces; 2) to permit RTA buffer of 10 feet in lieu of the 50 feet required and RTA setback of 19 feet in lieu of 75 feet required; and 3) to permit use of stone parking surface with striping in lieu of the required durable and dustless surface with striping for parking spaces.

parking spaces. Hearing: Monday, September 30, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

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.

9/105 September 12 C561803

11

CERTIFICATE OF PUBLICATION

*
9/12 , 20,02
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each of $\frac{1}{2}$ successive weeks, the first publication appearing on $\frac{9/3}{2}$, $\frac{2002}{2}$.
on $\frac{9/12}{12002}$.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkingram
LEGAL ADVERTISING

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		_	,
			CASHIER'S VA

DISTRIBUTION
WHITE - CASHIER RECEIVED FROM: OFFICE OF BUDGET & FINANCE BALTIMORE MISCELLANEOUS RI ACY だっ COUNT PINK - AGENCY • \bigcirc 6 ₹ ECEIPT MARYLAND ACCOUNT AMOUNT YELOW - CUSTOMER 12 温量 CASHIER'S VALIDATION #13 (GD) 1 $\{i_{k}\}$

CERTIFICATE F POSTING



RE: Case No.: 03-093 SPHA Petitioner/Developer: 506,260 Date of Hearing/Closing: 9/30/02 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 Attention: Ms. Gwendolyn Stephens 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 506 MARLYN AVE The sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) SSG ROBERT BLACK (Printed Name) 1508 Leslie Rd (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)





APPEAL SIGN POSTING REQUEST

CASE NO.: 03-093-SPHA

L&B ENTERPRISES, LLC - LEGAL OWNERS

506 MARLYN AVENUE, BALTIMORE 21221

15TH ELECTION DISTRICT

APPEALED: 10/29/02

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

CERTIFICATE OF	POSTING
TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204	
Attention: Kathleen Bianco Administrator	
RE: Case No.: 03-093-5PHA	
Petitioner/Developer:	
This is to certify that the necessary appeal sign was located at:	posted conspicuously on the property
The sign was posted on ///26	, 2002
By: Mufteund	
(Signature of Sign Poster)	
GARY FREUND	
(Printed Name)	······································

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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: 093
Petitioner: 506 LCC Ha Breakaway Bar + 6111
Address or Location: 506 Marlyn Quanue
PLEASE FORWARD ADVERTISING BILL TO:
Name: J. Nell Lanzi
Address: 409 Washington avenue #617
Towson mo 21204
Telephone Number:





Baltimore County
Department of Permits and
Development Management

Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

August 28, 2002

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: 03-093-SPHA

506 Marlyn Avenue

NW/S S Marlyn Avenue, 62' N of Martin Road 15th Election District – 5th Councilmanic District

Legal Owner: L & B Enterprises LLC

Contract Purchaser: 506, LLC t/a Breakaway Bar & Grill

<u>Special Hearing</u> to allow 1) amendment of previously approved site plan in Case No. 967; 2) nonconforming status of existing building in DR 5.5 zone with 0 foot setback from BL/DR 5.5 zone line; and 3) commercial parking in DR 5.5 zone. <u>Variance</u> to permit 1) 134 parking spaces in lieu of the required 167 parking spaces; 2) to permit RTA buffer of 10 feet in lieu of the 50 feet required and RTA setback of 19 feet in lieu of 75 feet required; and 3) to permit use of stone parking surface with striping in lieu of the required durable and dustless surface with striping for parking spaces.

HEARING:

Monday, September 30, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

401 Bosley Avenue

Arnold Jablon (つ) と

Director

C: J Neil Lanzi, 409 Washington Avenue, Ste 617, Towson 21204

L&B Enterprises LLC, William Long, President, 1912 Middleborough Road,

Baltimore 21221

507 LLC t/a Breakaway Bar & Grill, Deborah Amey, President, 506

507 LLC t/a Breakaway Bar & Grill, Deborah Amey, President, 506 Marlyn Avenue, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 14, 2002.

- (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



Thursday, September 12, 2002 Issue – Jeffersonian

Please forward billing to:

J Neil Lanzi 409 Washington Avenue Suite 617 Towson MD 21204 410 296-0686

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: 03-093-SPHA

506 Marlyn Avenue

NW/S S Marlyn Avenue, 62' N of Martin Road 15th Election District – 5th Councilmanic District

Legal Owner: L & B Enterprises LLC

Contract Purchaser: 506, LLC t/a Breakaway Bar & Grill

Special Hearing to allow 1) amendment of previously approved site plan in Case No. 967; 2) nonconforming status of existing building in DR 5.5 zone with 0 foot setback from BL/DR 5.5 zone line; and 3) commercial parking in DR 5.5 zone. Variance to permit 1) 134 parking spaces in lieu of the required 167 parking spaces; 2) to permit RTA buffer of 10 feet in lieu of the 50 feet required and RTA setback of 19 feet in lieu of 75 feet required; and 3) to permit use of stone parking surface with striping in lieu of the required durable and dustless surface with striping for parking spaces.

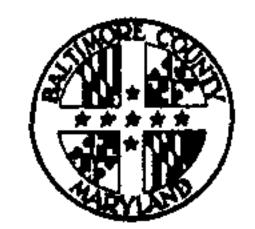
HEARING: Monday, September 30, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Parateure P. Politifor

LAWRENCE E. SCHMIDT GPC.
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.



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

FAX: 410-887-3182

Hearing Room - Room 48

Old Courthouse, 400 Washington Avenue

88.9 /00/03

March 18, 2003

NOTICE OF ASSIGNMENT

CASE #: 03-093-SPHA

IN THE MATTER OF: L & B ENTERPRISES, LLC - Legal Owner 506, LLC t/a Breakaway Bar & Grill - C.P. 506 Marlyn Avenue 15th E; 5th C

10/08/02—Order of D.Z.C. - Petition for Special Hearing and Petition for Variance GRANTED with restrictions.

ASSIGNED FOR:

WEDNESDAY, JUNE 11, 2003 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Appellant

: Office of People's Counsel

Counsel for Petitioners

: J. Neil Lanzi, Esquire

Contract Purchaser /Lessee

: 506, LLC t/a Breakaway Bar & Grill

Legal Owner

: L & B Enterprises, LLC

Robert and Ann Fox

Pat Keller, Planning Director Lawrence E. Schmidt, Zoning Commissioner Arnold Jablon, Director /PDM

16,9 2/22/04

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

Hearing Room – Room 48

Old Courthouse, 400 Washington Avenue

May 22, 2003

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 03-093-SPHA

IN THE MATTER OF: L & B ENTERPRISES, LLC - Legal Owner 506, LLC t/a Breakaway Bar & Grill – C.P. 506 Marlyn Avenue 15th E; 5th C

10/08/02—Order of D.Z.C. - Petition for Special Hearing and Petition for Variance GRANTED with restrictions.

which was assigned to be heard on 6/11/03 has been **POSTPONED** at the request of Counsel for Petitioners, without objection by Appellant, People's Counsel; and has been

REASSIGNED FOR:

THURSDAY, OCTOBER 9, 2003 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Appellant

: Office of People's Counsel

Counsel for Petitioners

: J. Neil Lanzi, Esquire

Contract Purchaser /Lessee

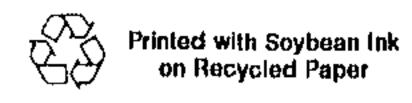
: 506, LLC t/a Breakaway Bar & Grill

Legal Owner

: L & B Enterprises, LLC

Robert and Ann Fox

Pat Keller, Planning Director Lawrence E. Schmidt, Zoning Commissioner Arnold Jablon, Director /PDM







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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

September 17, 2003

SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 03-093-SPHA

IN THE MATTER OF: L & B ENTERPRISES, LLC - Legal Owner 506, LLC t/a Breakaway Bar & Grill - C.P.

506 Marlyn Avenue 15th E; 5th C

10/08/02—Order of D.Z.C. - Petition for Special Hearing and Petition for Variance GRANTED with restrictions.

which was reassigned to be heard on 10/09/03 has been POSTPONED at the request of Counsel for Petitioners, without objection by Appellant, People's Counsel; and has been

REASSIGNED FOR:

WEDNESDAY, FEBRUARY 25, 2004 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Appellant

: Office of People's Counsel

Counsel for Petitioners

: J. Neil Lanzi, Esquire

Contract Purchaser /Lessee

: 506, LLC t/a Breakaway Bar & Grill

Legal Owner

: L & B Enterprises, LLC

Robert and Ann Fox

Pat Keller, Planning Director

Lawrence E. Schmidt, Zoning Commissioner

Timothy M. Kotroco, Director /PDM



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

FAX: 410-887-3182

Hearing Room – Room 48 Old Courthouse, 400 Washington Avenue

February 12, 2004

NOTICE OF POSTPONEMENT

CASE #: 03-093-SPHA

IN THE MATTER OF: L& BENTERPRISES LLC - Legal Owner

506, LLC t/a Breakaway Bar & Grill - C.P.)
506 Marlyn Avenue 15th E; 5th C

10/08/02—Order of D.Z.C. - Petition for Special Hearing and Petition for Variance GRANTED with restrictions.

which was reassigned to be heard on 2/25/04 as been **POSTPONED** at the request of Counsel for Petitioners; to be placed on **HOLD** docket pending conclusion of 2004 Comprehensive Zoning Map Process.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Appellant

: Office of People's Counsel

Counsel for Petitioners

: J. Neil Lanzi, Esquire

Contract Purchaser /Lessee

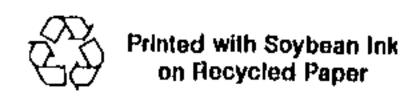
: 506, LLC t/a Breakaway Bar & Grill

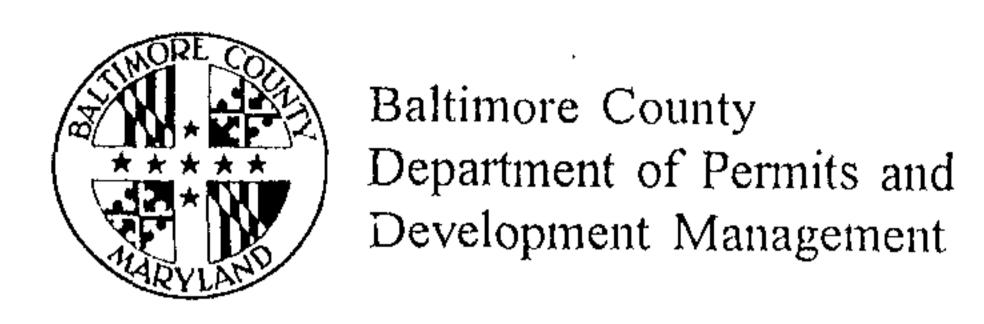
Legal Owner

: L & B Enterprises, LLC

Robert and Ann Fox

Pat Keller, Planning Director Lawrence E. Schmidt, Zoning Commissioner Timothy M. Kotroco, Director/PDM





Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

September 27, 2000

J Neil Lanzi 409 Washington Avenue Suite 617 Towson MD 21204

Dear Mr. Lanzi:

RE: Case Number: 03-093-SPHA, 506 Marlyn Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 23, 2002.

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,

V Carl Bicharde.

W. Carl Richards, Jr. 602 Supervisor, Zoning Review

WCR: gdz

Enclosures

c: L&B Enterprises LLC, William Long, President, 1912 Middleborough Road, Baltimore 21221

506 LLC t/a Breakaway Bar & Grill, Deborah Amey, President, 506 Marlyn Avenue, Baltimore 21221

People's Counsel

Come visit the County's Website at www.co.ba.md.us



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

August 30, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

081-085, 088, 090 (093)

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 8.29.02

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County
Item No. 3

JCM

Dear. Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

de

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 21, 2002

Department of Permits & Development Management

FROM;

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 3, 2002

Item Nos. 081, 082, 083, 084, 085, 086, 088, 089, 091, 092, and 093

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Arnold Jablon	1	
FROM:	R. Bruce Seel	ey ROS TOT	
DATE:	September 20	, 2002	
SUBJECT:	Zoning Item Address	93 506 Marlyn Ave (Breakawa	y Bar and Grill)
Zoning	g Advisory Cor	nmittee Meeting of <u>August 20</u>	<u>6, 2002</u>
	•	nvironmental Protection and l ve-referenced zoning item.	Resource Management has no
an exte	ension for the r		Resource Management request described the site.
	^	nvironmental Protection and I nts on the above-referenced z	Resource Management offers oning item:
	Protection of	of the property must comply Water Quality, Streams, Wetl th 14-350 of the Baltimore Co	ands and Floodplains (Section
<u> </u>	_	of this property must comply Regulations (Section 14-401 unty Code).	
<u>X</u>	Critical Area	of this property must comply Regulations (Sections 26-436 te Baltimore County Code).	
X	Additional Co	mments:	
See attached c	comments and l	etter	
Reviev	ver: Keith	Kelley	Date: September 20, 2002

CBCA Zoning Comments (zoning item #_93__)

X The property is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA).
This proposal must use best management practices, which reduce pollutant loadings by 10%.
X_Man-made impervious surfaces are limited to 15% for lots greater than ½ acre in size (proposed Store parking is considered impervious).
Man-made impervious surfaces are limited to 25% for lots less than ½ acre in size.
Mitigation is required if exceeding the 25% impervious surface limit. Impervious surfaces are limited to 25% of the lot & 500 square feet or 31.25% of the lot. Otherwise, a Critical Area Administrative Variance (CAAV) is required.
If permitted development on a property currently exceeds impervious surface limits, that percentage may be maintained during redevelopment of the property.
15% forest must be established or maintained. This equates to trees for a lot of this size.
Any tree removed in the buffer for this structure must be replaced on a 1:1 basis.
All downspouts must discharge rainwater runoff across a pervious surface such as a lawn.
The lot is in a Buffer Management Area (BMA). Mitigation (planting trees, removing impervious area, or paying a fee-in-lieu) is required for the placement of the proposed structure within 100' of tidal waters.
If the lot is unimproved, then the proposed dwelling cannot go any closer to the water than the neighboring dwelling farthest away from the water.
If the lot is improved, then the proposed dwelling can go as close to the water as the existing dwelling.
X_A Critical Area Administrative Variance (CAAV) is required for the placement of the proposed structure within 100' of tidal wetlands.

Additional Comments:

- 1. The details for the proposed underground SWM facility needs to be reviewed.
- 2. A wetland delineation report needs to be submitted to the department for review.
- The outstanding violation for clearing forests without a grading permit needs to be addressed (See letter dated 12/11/01).
- 4. This department recommends denial of the zoning request because the proposal cannot meet Chesapeake Bay Critical area requirements.

Sm 9/30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

506 South Marlyn Avenue

10/1/02

DATE: September 26, 2002

INFORMATION:

Item Number:

Petitioner:

J. Neil-Lanzi, P.A.

03-093 SPHA

Property Size:

4.745 acres BL, DR 3.5

Zoning: Requested Action:

Special Hearing, Variance

Hearing Date:

September 30, 2002

REQUEST:

The request in this case is for a special hearing for the following: amending a previously approved site plan (Case No. 967), affirming the nonconforming status of existing building in the DR zone with 0 foot setback from the BL/DR 5.5 zone, and to approve commercial parking in the DR 5.5 zone pursuant to Section 1bo1.1A (18) (d). There is also a request to approve the following variances: Section 409.6A(2) to permit 134 parking spaces in lieu of the required 167 parking spaces, Section 1B01.1B(e)(5) to permit an RTA buffer of 10 feet in lieu of the 50 feet required and an RTA setback of 10 feet in lieu of the 75 feet required, and Section 409.8A(2) and 409.8A(6) to permit the use of stone parking surface without striping in lieu of the required durable and dustless surface with striping for parking spaces.

The subject site is a 4.75 acre parcel fronting on Marlyn Avenue in the Essex community. It is split zoned with approximately 21,000 square feet zoned Business Local (BL) and 186,000 square feet zoned Density Residential (DR) 3.5. The site is currently improved with a one and a half story structure with an attached 2 story garage to the rear, and an adjacent parking area. The current use is a tavern. The site plan indicates that the applicant proposes to construct a one story, 3750 square foot addition for additional tavern space and enlarge the parking area to the rear of the building by adding an additional 123 parking spaces.

SEP 3 0 2002

DEPT OF PERMITS AND DEVELOPMENT MANAGEMENT

W:\COMPLAN\LAURIE\zac-marlyn ave.doc





SUMMARY OF RECOMMENDATIONS:

The Office of Planning has no objection to these requests, provided the following conditions are satisfied:

There are no outside uses associated with the tavern establishment conducted outside of the building including outdoor drinking/eating, music amplification, etc.

Screening in the form of landscaping shall be provided along the front property line. The Martin Road side of the proposed rear parking area shall be screened with a fence and appropriate landscape treatment. A screening plan addressing both of these areas shall be provided to this office for review and approval prior to the issuance of permits.

Building elevations for the proposed addition shall be provided to this office for review and approval prior to the issuance of permits.

· Section Chief_

AFK:LH:lsn

RE:	RING						
		Marlyn					
	Marlyn Ave., 62' north of Martin Road						
	15 th Election District 5 th Councilmanic						
	Dist	rict					
	Lega	al Owne	er: L &)	B Enter	prises, l	LLC	
	Con	tract Pu	r.: 506,	LLC t/a	a Break	away	
		Bar	& Grill				
	P	etitione	r (s)				
*	*	*	*	*	*	*	

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * 03-093-SPHA

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/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of September, 2002, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esq., 409 Washington Avenue, Suite 617, Towson, MD 21204 Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



OFFICE OF PEOPLE'S COUNSEL

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

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel CAROLE S. DEMILIO Deputy People's Counsel

October 29, 2002

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITIONS FOR SPECIAL
HEARING AND VARIANCE
NW/S Marlyn Road
62' North of Martin Road
(506 Marlyn Avenue)
15th Election District 5th Councilmanic
Legal Owners: L&B Enterprises, LLC
Lessee: 506, LLC, t/a Breakaway Bar & Grill

Case No.: 03-093-SPHA

Dear Mr. Jablon:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated October 8, 2002 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

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

DECEIVED

By

Pate / lax Ll

Very truly yours.

Peter Max Zimmerman

People's Counsel for Baltimore County -

avole A. De

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/pah

c: J. Neil Lanzi, Esq., 409 Washington Avenue, Suite 617, Towson, MD 21204 Attorney for Petitioner(s) OCT 29 2002

APPEAL

Petition for Special Hearing and Variance
506 Marlyn Avenue
NW/side Marlyn Avenue, 62' north of Martin Road
15th Election District – 5th Councilmanic District
L & B Enterprises, LLC- Legal Owner
506, LLC t/a Breakaway Bar & Grill - Contract Purchaser
Case No.: 03-093-SPHA

Petition for Special Hearing and Variance (April 23, 2002)

Zoning Description of Property

✓ Notice of Zoning Hearing (August 28, 2002)

Certification of Publication (The Jeffersonian issue September 12, 2002)

√Certificate of Posting (September 14, 2002 posted by SSg Robert Black)

Entry of Appearance by People's Counsel (September 3, 2002)

✓ Petitioner(s) Sign-In Sheet (One)

✓ Protestant(s) Sign-In Sheet (One)

✓ Citizen(s) Sign-In Sheet - NO NE

✓Zoning Advisory Committee Comments

Petitioners' Exhibits:

Plan to accompany Petition for Zoning variance for Parking use Permit for #506 South Marlyn Avenue

2.a.-p Photographs

3. Survey of people in support of Petition

√4. Map of area

Protestants' Exhibits: NONL

RECEIVED
NOV 0 1 2002

BALTIMORE COUNTY BOARD OF APPEALS

✓ Miscellaneous (Not Marked as Exhibits): ✓ ✓ ✓

Deputy Zoning Commissioner's/Zoning Commissioner's Order (October 8, 2002 – GRANTED subject to the following restrictions)

Notice of Appeal received on October 29, 2002 from Peter M. Zimmerman, People's Counsel of Baltimore County.

c: People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM
Neal Lanzi, 409 Washington Ave., Suite 617, Towson 21204

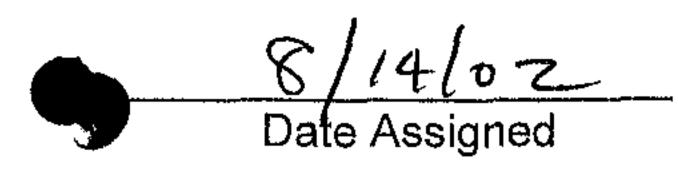
date sent 10/31/02 rlh

ROBERT AND ANN FOX 830 MARTIN ROAD BALTIMORE, MD 21221 J NEIL LANZI, P.A. 409 WASHINGTON AVENUE, SUITE 617 TOWSON MD 21204

L&B ENTERPRISES, LLC 1912 MIDDLEBOROUGH ROAD ESSEX, MD 21221 506, LLC T/A BREAKAWAY BAR & GRILL 506 MARLYN AVENUE BALTIMORE, MD 21221

LIMI			
Intake Planner			
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DROP-OFF PETITIONS PROCESSING CHECK-OFF

	PROCES	SING CHECK-OFF	
······································	uestions Answered on Cover Shany previous reviews in the zoning Any current building or zoning viola	eet: office? ations on site?	10 de 19/00
	Address Zoning Legal Owner(s) Contract Purchaser(s) Request (if listed on plat)	eas:	mointlous.
	- ,	e to the code, especia clude the <u>request</u> in lie Reasons tle (if company)	Illy floodplain and historical standard ou of the <u>required</u> code quantities.
Correc	ct Number of Petition Forms, Des	scriptions and Plats	
200 Sc	cale Zoning Map		
Check	: Amount Correct? Signed?		
	Location (by Carl) Ave Acreage	e:PredictPredictPredictPredict	Ave. be Luce Martin evious Hearing Listed With Decision Case #
093		8/23/02	•
em Number	Assigned	Date Accepted for Filin	g

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

January 12, 2005

TO:

Timothy Kotroco, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton

Board of Appeals

SUBJECT:

CLOSED APPEAL CASE FILES

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	<u>PDM</u> <u>FILE NUMBER</u>	NAME	LOCATION
04-330-A	04-330-A	DANIEL COLHOUN	16347 TRENTON ROAD
04-113-SPH	04-113-SPH	2824 PAPER MILL ROAD	2824 PAPER MILL ROAD
03-093-SPHA	03-093-SPHA	L&B ENTERPRISES LLC	506 MARLYN AVE

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED;

J. NEIL LANZI, P.A.

ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

OF COUNSEL.

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

COLUMBIA

Suite 420, Parkside Bldg 10500 Little Patuxent Parkway Columbia, Maryland 21044-3563

Reply to Towson

*Also Admitted in District of Columbia

May 8, 2003

County Board of Appeals of Baltimore County Old Courthouse, Room 49 400 Washington Avenue Towson, Maryland 21204 Attn: Kathleen C. Bianco, Administrator

Re: Case No. 03-093-SPHA

In the Matter of: L&B Enterprises, LLC t/a

Breakaway Bar & Grill 506 Marlyn Avenue

Dear Ms. Bianco:

On behalf of L&B Enterprises, LLC, I respectfully request a postponement from the hearing on this case presently scheduled for Wednesday, June 11, 2003 at 10:00 a.m. The basis for the request is as follows. First, settlement discussions have been ongoing with the appellant, People's Counsel, which possible settlement involves input from the Department of the Environment. Second, revised plans have been submitted to the Department of Environment and a determination is anticipated within the next thirty days. Finally, I have contacted People's Counsel and they have no objection to the postponement request.

Thank you for your consideration.

Very truly yours,

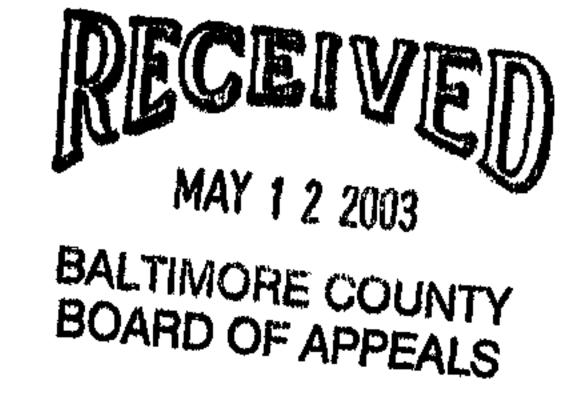
J. Neil Lanzi

JNL\mal

cc: Office of People's Counsel

Bafitis & Associates Robert and Ann Fox

Mike Brewer William Long



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ATTORNEY AT LAW
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TOWSON, MARYLAND 21204

(410) 296-0686

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

COLUMBIA

Suite 420, Parkside Bldg 10500 Little Patuxent Parkway Columbia, Maryland 21044-3563

Reply to Towson

*Also Admitted in District of Columbia

September 12, 2003

County Board of Appeals of Baltimore County Old Courthouse, Room 49 400 Washington Avenue Towson, Maryland 21204 Attn: Kathleen C. Bianco, Administrator

Re:

Case No. 03-093-SPHA

In the Matter of: L&B Enterprises, LLC t/a

Breakaway Bar & Grill 506 Marlyn Avenue

Dear Ms. Bianco:

As your file should reflect, I represent L&B Enterprises, LLC and 506, LLC trading as Breakaway Bar and Grill, petitioners in the above referenced case. The hearing for this case is presently scheduled for Thursday, October 9, 2003 at 10:00 a.m. and the purpose of this letter is to respectfully request a postponement. I have spoken with the Office of People's Counsel and they have no objection to this postponement request.

Thank you for your consideration.

Very truly yours,

J. Neil Lanzi

JNL\mal

cc:

Office of People's Counsel

Bafitis & Associates

Mike Brewer William Long

SEP 15 2003

BALTIMORE COUNTY
BOARD OF APPEALS

Mec. 11, 2002

Mr. Zimmerman:

J sent the enclosed letter to you yesterday - got two neighbors to sign, was in a herry to conail it that my husband and myself forget to sign the letter.

(Our name and address is on the envelope.)

So - I am sending you another copy - signed.

,

CID.

December 9, 2002

Mr. Charles Marks
Office of Appeals
Court House
400 Washington Avenue
Towson, MD 21204

Re: Case# 03-093-SPHA

Mr. Marks:

We are sending this letter to protest the addition and expanded parking at the Break Away Bar & Grill at 506 South Marlyn Avenue.

This parking would be directly against our backyard. The noise is bad enough now and would only increase.

I am also getting other residents on Martin Road who oppose this to sign their names and addresses.

Thank you,

Cenuc Gox

830. Musti, 401. Line 9, Dand. 21,20

Halin Jan

410-687-8416

cc: Mr. Peter Zimmerman Office of Peoples Counsel December 9, 2002

Mr. Charles Marks. Office of Appeals Court House 400 Washington Avenue Towson, MD 21204

Re: Case# 03-093-SPHA

Mr. Marks:

We are sending this letter to protest the addition and expanded parking at the Break Away Bar & Grill at 506 South Marlyn Avenue.

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Thank you,

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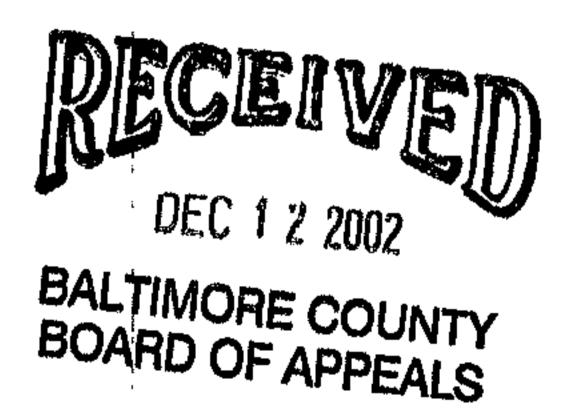
cc: Mr. Peter Zimmerman Office of Peoples Counsel

Mr. Marks:

I sent the enclased letter to your yesterday - got two meighbors to sign, was in seach a hurry to mail it that my husband and myself forgat to sign the letter.

(Deer name and address is on the envelope.)

As - I am sending you another copy - signed.



December 9, 2002

Mr. Charles Marks Office of Appeals Court House 400 Washington Avenue Towson, MD 21204

> Re: Case# 03-093-SPHA Break Away Bar & Grill 506 So. Marlyn Avenue Baltimore, MD 21221

Mr. Marks:

This letter is being sent to oppose the proposed addition and parking at the above named location. This would affect us since this would be directly behind our backyard (within 50 feet of the back of our house). Needless to say, we would have triple the noise, and other problems, that we now have.

Also included are signatures of other residents residing on Martin Road who oppose this proposal.

Thank you,

BALTIMORE COUNTY BOARD OF APPEALS

Bernie at Skel 828 gnarter Rd Betty Creagu 831 martn Rd

cc: Mr. Peter Zimmerman Office of Peoples Counsel

810 Martin Road Baltimore, MD 21221 December 9, 2002

Mr. Charles Marks
Office of Appeals
400 Washington Avenue
Towson, MD 21204

RE: Case # 03-093-SPHA
BreakAway Bar & Grill
506 S, Marlyn Avenue
Essex, MD 21221

Dear Mr. Marks:

My family and I oppose the expansion of the BreakAway Bar & Grill enlargement of the parking lot to provide for a large number of customers. We are adjoining neighbors to the property and we fear the development could create excessive noise, garbage, litter and traffic in an otherwise quiet residential neighborhood where there are private homes on one side of the bar property and an apartment complex on the other. We also have concerns regarding nighttime disturbances when large number of people gather to party.

Your consideration to opposing this development will be appreciated.

Very truly yours,

Thomas W. Freeberger

Brenda J. Freeberger

Minge A. Freeberger

cc: Mr. Peter Zimmerman
Office of People's Counsel

DECEIVED
DEC 1 1 2002

BALTIMORE COUNTY BOARD OF APPEALS

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
D. Amey	506 S. Marlyn Ave 21221
Henry Long	1912 Middleborough Rd 2122,
Michael Bruser	506 S. Marlyn Au 21221
Clyda F. Hinkla	Bafitish Association

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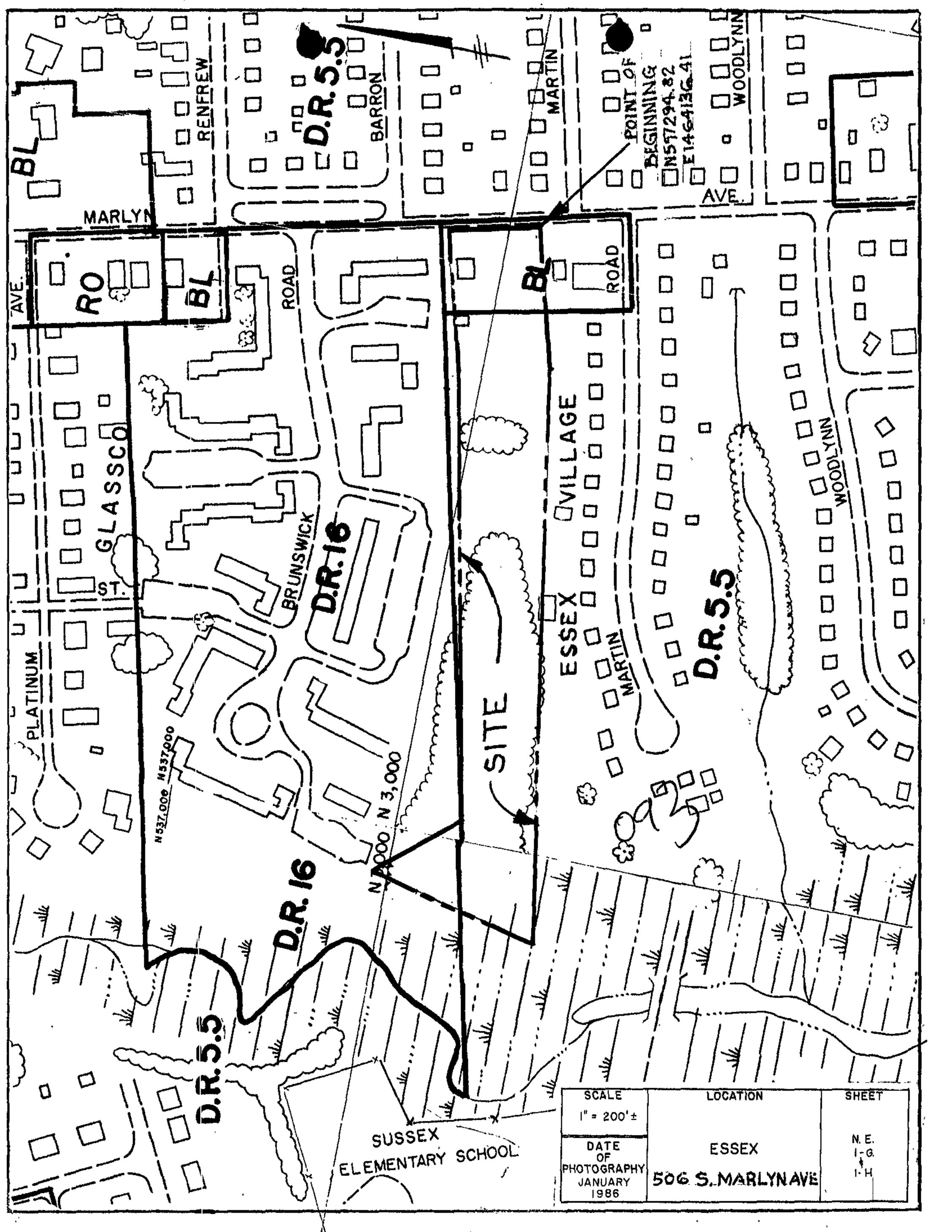
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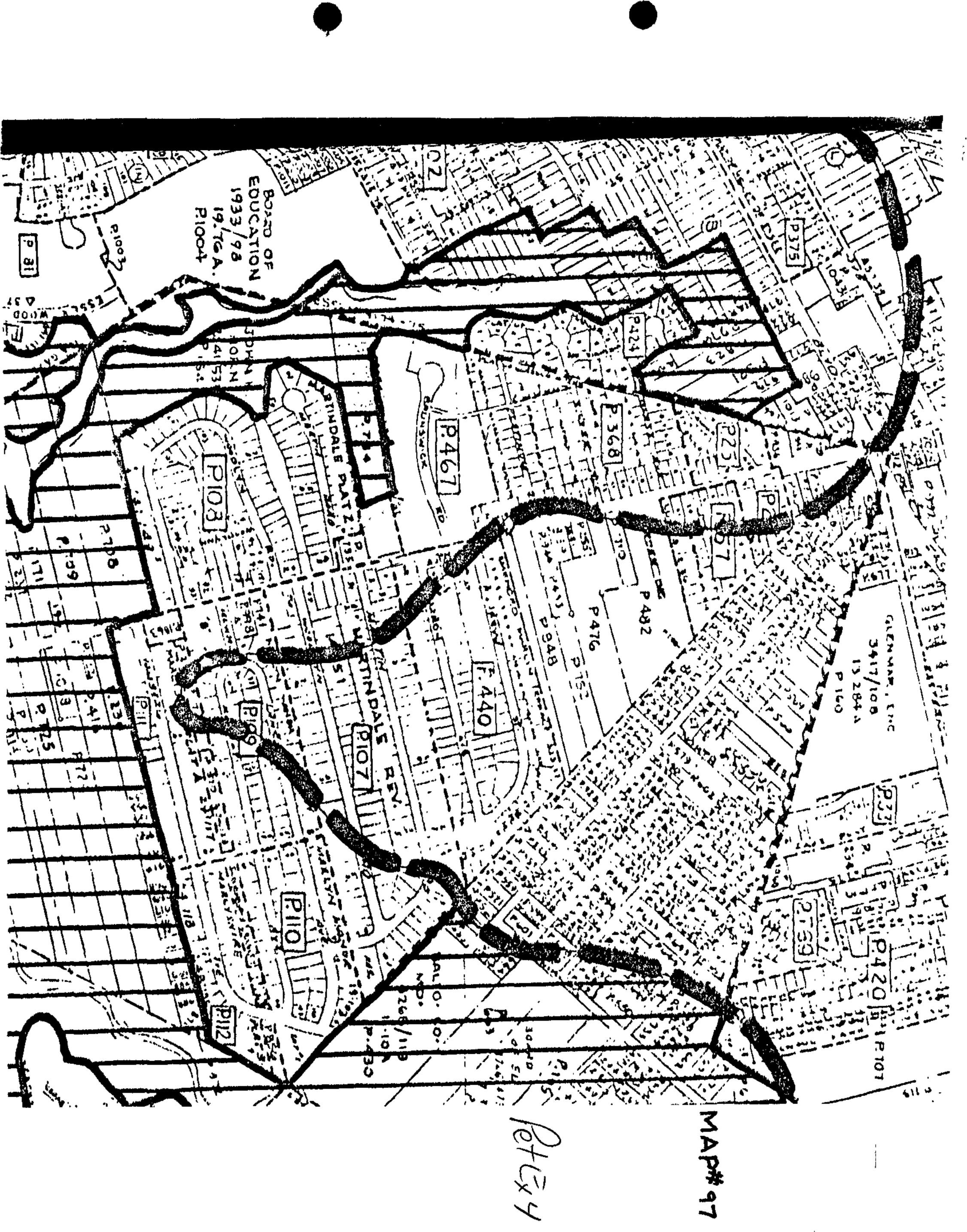
Case Number 03-093-SPHP 9/30/02

PLEASE <u>PRINT</u> LEGIBLY

PROTESTANT'S SIGN-IN SHEET

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		Revised 4	/17/00





I am a regular patron of the Breakaway Bar & Grill. I have been advised regarding the proposal of 506, LLC t/a Breakaway Bar & Grill to add a 3,750 square foot addition to the existing restaurant facility located at 506 South Marlyn Avenue. By signing this survey, I acknowledge that I am in support of the Petition for Special Hearing and Variances requested necessary for Baltimore County approval of this improvement project.

Name	Address	Date
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Steresa	Roser 743 Milley Pol	5-15-02
	Lodeman 506 S. Marylne	9/19/02
	H. Warde Marlyn are	·
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	Atwood 921 Rennew Rd.	2/22/
William	n Mylls. 849 BRUNSWICK Rd	21221
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Survey

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JOB S. MARLYN AUG 9-19-02	
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Paulette Mohr 923 Martin Ra 9-19-02	
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madeline Langer 1. 1'	

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-	John Miller	928 MARTIN RD	9-19-02
	Jan le copule	7916 Bankst.	9-19-02
	Genris Ridhauer	24 Shipway	9-19-02
	Lamor Book	Essner, mal	3-19-02
	Swan Schick	1106 TACE DR# 3A-21121	9/19/02
	DAULO KAME	2104 WEST FEETER ANE	9/24/12
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	MATT TOLL	11 CHAVELE	4/192002
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		the 5104 BEARRY	

Jenkins/Awalt/Lanzi

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Joseph Liver	120 St//mal) salts Joppa/	nd 2/884 9/20/02
Dane O'Hones	849 BRUNWik-Rd APTU1B	21321 9-20-02
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James/	Avenmer 161 Hampshire	82-19-02
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Name	Address	Date
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Lana Baker	n n	9/23/02
PJ Clark	110 NMSHY	N SIC 9/23/02
Barry Burget	102 N Walls	11 ase 9/23/02
SHARON PRICC	2131-60CK5P	UR RD 9/15/02
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J, NEIL LANZI, P.A.

ATTORNEY AT LAW MERCANTILE BUILDING, SUITE 617 409 WASHINGTON AVENUE TOWSON, MARYLAND 21204

(410) 296-0686

PAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

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Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

*Also Admitted in District of Columbia

J. Neil Lanzi

OF COUNSEL

Fred L. Coover*

September 18, 2002

Sent Via Facsimile: 410-391-3075

Mike Brewer 801 Woodrow Avenue Essex, Maryland 21221

Re: Upcoming Zoning Hearing

M. 70 ... 45 16 4

Dear Mike:

As requested, I am enclosing two surveys for your use with neighborhood residents and patrons of your restaurant. You may make as many copies as you need of each survey. I would suggest obtaining as many signatures as you can for the zoning hearing. Should any of the residents on either side or behind the bar be willing to do a separate letter in favor of the project. I suggest obtaining that letter prior to the hearing. The appearance at the hearing by any interested persons in favor of the project would also be most helpful as I do anticipate some opposition.

Should you have any questions, please feel free to call me.

Very truly yours,

د م وقع

J. Neil Lanzi

JNL\mai

cc: William Bafitis

Name	Address	Date
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Baltimore County Zoning Commissioner Office of Planning Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

Printed with Soybean Ink

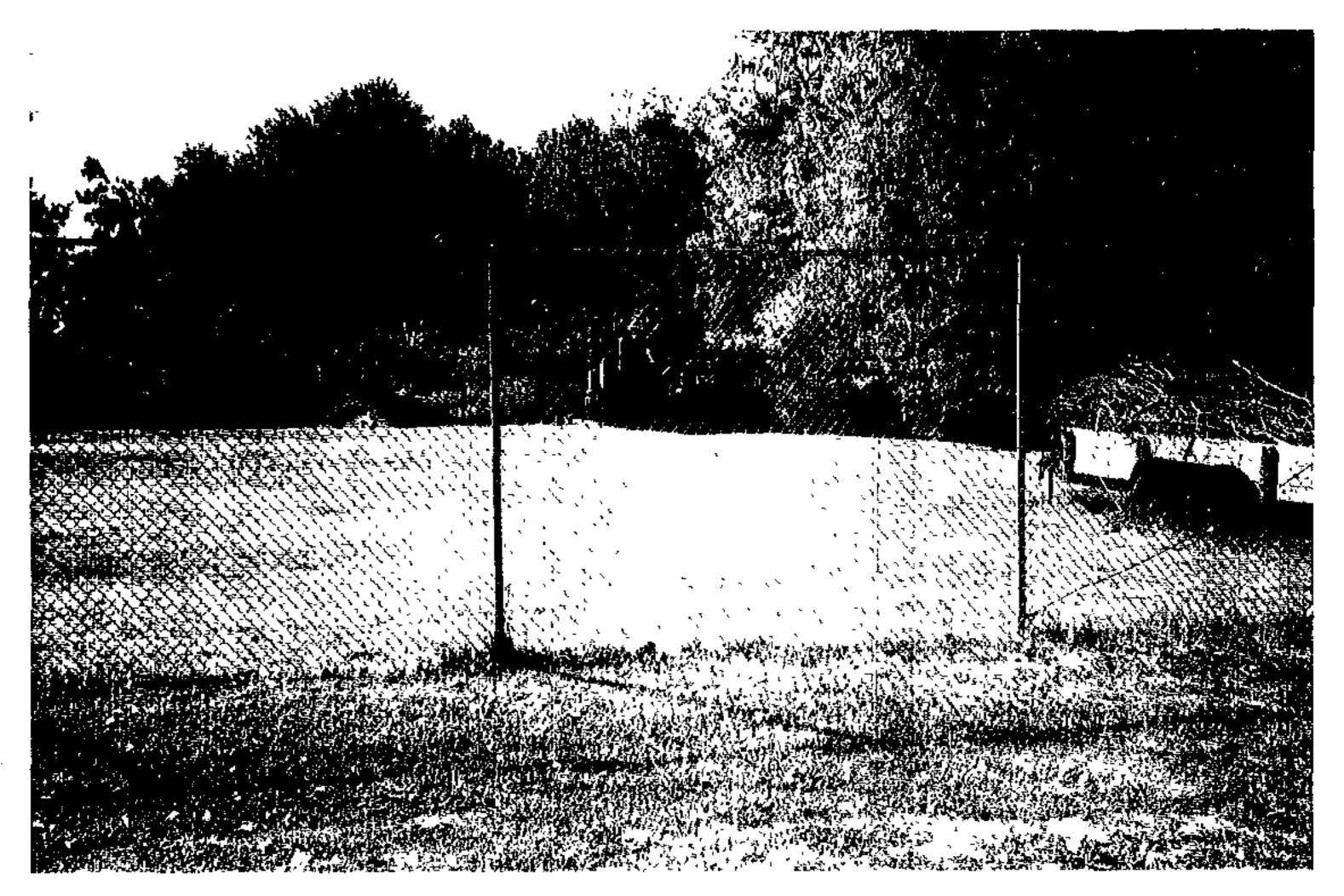


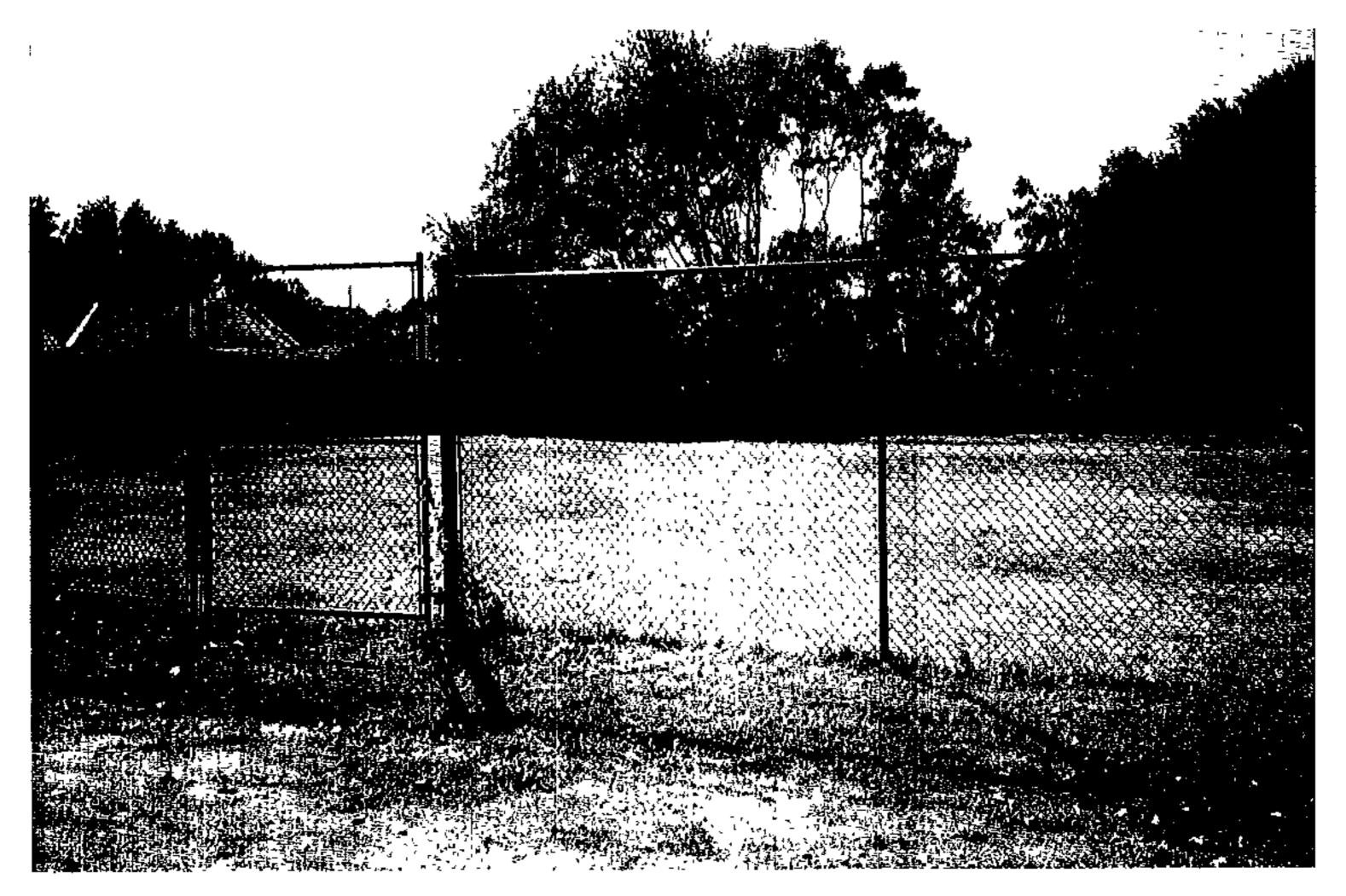

































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