

IN RE: PETITION FOR VARIANCE

N side of South Bend Avenue at corner
SW side of East Battle Grove Road
15th Election District
7th Councilmanic District
(7639 East Battle Grove Road)

Paul Miskimon, Fat Boy Saloon, Inc.
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **CASE NO. 2008-0543-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by Paul Miskimon on behalf of the legal owner of the subject property, Fat Boy Saloon, Inc. Petitioner is requesting variance relief from Section 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a zero foot front yard setback in lieu of the required 25 feet for a corner lot where an existing non-conforming setback is 4.3 feet; and to permit an 8.5 foot front yard setback (opposite corner of lot) in lieu of the required 25 feet, if necessary, where the existing non-conforming setback is 8.5 feet (with no change proposed). The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Paul Miskimon, as well as other members of the family and employees of Fat Boy Saloon, Inc. Arnold Jablon, Esquire appeared and represented Petitioner. Also appearing in support of the requested relief was Donald E. Hicks, P.E., with Hicks Engineering Associates, Inc., the professional engineer who prepared the site plan. There were no Protestants or other interested parties at the hearing.

Testimony and evidence offered revealed that the subject property is triangular in shape and contains 8,712 square feet or 0.20 acre, more or less, zoned D.R.5.5. The property is situated

RECEIVED FOR FILED
8-13-08
pm

between East Battle Grove Road to the north and South Bend Avenue to the south in the Dundalk area of Baltimore County. As shown on the site plan, the property is improved with a two-story frame building, surrounded by a one-story concrete block building. There is also a one-story concrete block addition, a handicapped ramp, and wood decking. Petitioners desired to construct the handicapped ramp with a cover in order to provide better access and to protect customers from inclement weather. The one-story concrete block addition to the north side of the existing building, measuring 9 feet wide by 31 feet deep, is necessary for a refrigerated "cold box" for storage of beverages. During construction of the handicapped ramp and cold box, a building inspector visited the site and issued a correction notice for Petitioner to obtain the proper building permit for these structures. Petitioner then retained Mr. Hicks to prepare a site plan and determine exactly what needed to be done for Petitioner to proceed with the project. As a result, Petitioner filed for the instant variance requests.

In support of the variance requests, Petitioner's attorney, Mr. Jablon, explained that the property has several unusual characteristics that drive the need for the variances. Most notable on the site plan is that the property is triangular-shaped. South Bend Avenue and East Battle Grove Road intersect at the eastern corner of the subject property. The roads then flare out in a northern and westerly direction from the property, creating the triangle shape. This shape limits the available uses of the property and the size and shape of structures that can be erected thereon.

In addition, the two-story framed dwelling has existed on the property as a tavern since approximately 1938. Previously, the property was the subject a zoning hearing wherein the owner at that time requested a special hearing to approve the nonconforming use of the property as a tavern in a residential zone. The property at that time was also zoned D.R.5.5. In Case No. 89-167-SPH, a copy of which was marked and accepted into evidence as Petitioner's Exhibit 2, then-Zoning Commissioner J. Robert Haines granted the request. He found that the subject property

RECEIVED FOR PLANNING
8-13-08
PB

and the building existing thereon had been used as a tavern continuously and without interruption since prior to the adoption of the B.C.Z.R. in 1945. A copy of the site plan from the 1989 case was also marked and accepted into evidence as Petitioner's Exhibit 3. It shows the location of the existing building is unchanged from then to now. Petitioner also submitted copies of his continuous liquor licenses since 1994, which were marked and accepted into evidence as Petitioner's Exhibit 4. In addition, the property is unusual in that it has two fronts -- on East Battle Grove Road and South Bend Avenue -- that also place constraints on the property because of the setback requirements for those fronts (the actual "front" of the building is at the corner).

In terms of practical difficulty, Mr. Jablon pointed out that there is not enough space on the property for the cool box to be located elsewhere and still be within convenient access to the tavern. The only functional location is at the north side of the existing building. Mr. Jablon also indicated that there would be no adverse impact from the location of the cool box as shown on the site plan. Although the surrounding area is residentially zoned D.R.5.5 and D.R.10.5, the fact is, the tavern has existed and operated since before the adoption of the Zoning Regulations. The tavern operation will not change as a result of the construction of the cool box and the granting of the variance will have no detrimental impacts on the surrounding locale. Mr. Jablon submitted a copy of the pending permit application for the handicapped ramp and cool box addition and it was marked and accepted into evidence as Petitioner's Exhibit 5.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated June 30, 2008 which indicates that Petitioner is seeking variances to multiple existing and proposed non-conforming conditions, including encroachment into the right-of-way, additional parking requirements generated by the proposed cooler storage, snowball stand, rear decking, rear patio with tables, non-durable dustless parking, etc. Planning recommends that Petitioner consider

RECEIVED FOR FILE
8.13.08
PB

applying for a Special Hearing to approve all the existing and proposed non-conforming structures and uses on the site. Additionally, the public right-of-way encroachment should be discussed with the appropriate County agency. Comments were also received from the Department of Environmental Protection and Resource Management dated June 27, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is located in a Limited Development Area (LDA) and LDA requirements must be met and may require tree planting or fee-in-lieu.

Considering of all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. Clearly, the subject property has constraints that are inherent to the property and have existed for a significant period of time. The triangular shape of the property, its frontage to the street on two sides, and the location of the existing nonconforming structure on the property since at least 1938 leads me to find the property unique in a zoning sense. I further find that the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. The area is undeniably residential, in terms of zoning, however the nonconforming tavern on the subject property has existed and operated continuously since prior to the imposition of zoning on the property.

Finally, I find the variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Thus, I find that this variance can be granted in such a manner as to meet the requirements of Section 307.1 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

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

THEREFORE, IT IS ORDERED this 13th day of August, 2008 by this Deputy Zoning Commissioner, that Petitioner's variance requests from Section 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a zero foot front yard setback in lieu of the required 25 feet for a corner lot where an existing non-conforming setback is 4.3 feet; and to permit an 8.5 foot front yard setback (opposite corner of lot) in lieu of the required 25 feet where the existing non-conforming setback is 8.5 feet (with no change proposed) be and are hereby GRANTED. The relief granted herein shall be subject to the following:

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code.)
3. The property is located in a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The LDA requirements must be met and may require tree planting or fee-in-lieu.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 7639 E. Battle Grove Road
which is presently zoned DR 5.5

Deed Reference: 25236 / 589 Tax Account # 1508003880

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) 1802.3.C

- (1) to permit 0' front yard setback in lieu of required 25' for corner lot where an existing non-conforming setback is 4.3'; and
- (2) to permit an 8.5' front yard setback (opposite corner of lot) in lieu of required 25', if necessary, where the existing non-conforming setback is 8.5" (no change proposed).

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

to be determined at hearing

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

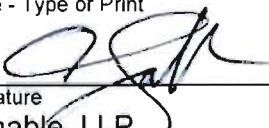
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Arnold Jablon
Name - Type or Print _____
Signature  _____
Venable, LLP
Company _____
210 Allegheny Ave 410 494 6298
Address _____ Telephone No. _____
Towson, Md 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

Fat Boy Saloon, Inc.
Name - Type or Print _____
Signature  _____
Paul Misikimon
Name - Type or Print _____
Signature _____
7639 E. Battle Grove Road
Address _____ Telephone No. _____
Baltimore, Maryland 21222
City _____ State _____ Zip Code _____

Representative to be Contacted:

Arnold Jablon
Name _____
210 Allegheny Ave 410 494 6298
Address _____ Telephone No. _____
Towson, Maryland 21204
City _____ State _____ Zip Code _____

Case No. 2008-0543-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____
Reviewed by D.T. Date 5/22/08

RECEIVED FOR FILING
8/13/08
m

DROP-OFF

ZONING DESCRIPTION
FOR
NO. 7639 EAST BATTLE GROVE ROAD
7TH COUNCILMANIC DISTRICT
15TH ELECTION DISTRICT
BALTIMORE, MARYLAND 21222-3562

BEGINNING at a point at the intersection of the north side of South Bend Avenue, 30-foot wide right of way, with the southwest side of East Battle Grove Road, 50-foot wide right of way, said property being identified as Lot No. 168 as shown on the plat of subdivision entitled "Plat No. 2, Battle Grove" and recorded among the Land Records of Baltimore County, Maryland in Plat Book 7 at Folio 124, and containing approximately 8,712 square feet or 0.20 acres, more or less, of land.

Donald E. Hicks, P.E.



HICKS ENGINEERING ASSOCIATES, INC.
CIVIL ENGINEERS ~ LAND SURVEYORS
200 E. JOPPA ROAD, SUITE 402
TOWSON, MD 21286
TELEPHONE: 410-494-0001

MAY 7, 2008

SHEET NO. 1 OF 1

2008-0543-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **15347**

Date: **5/22/08**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 5/22/2008 5/23/2008 14:34:54 4

REG 1506 WALKIN HIGH KCH
 >RECEIPT # 627770 5/23/2008 OFLR

5 528 ZONING VERIFICATION
 DISM7
 Recpt Tot \$325.00
 \$325.00 OK \$1.00 CA
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			0150				325. ⁰⁰

Total: **325.⁰⁰**

Rec
 From: **VENABLE LLP**

For: **2008-0543-A**
7639 E. BATTLE GROVE RD.

D.T.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

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

Case: # 2008-0543-A

7639 E. Battle Grove Road

N/side of South Bend Avenue at corner of South West side of East Battle Grove Road

15th Election District - 7th Councilmanic District

Legal Owner(s): Paul Miskimon

Variance: to permit zero feet front yard setback in lieu of the required 25 feet for corner lot where an existing non-conforming setback is 4.3 feet and to permit an 8.5 feet front yard setback (opposite corner of lot) in lieu of the required 25 feet, if necessary, where existing non-conforming setback is 8.5 feet (no changed proposed).

Hearing: Tuesday, July 29, 2008 at 9:00 a.m. in Jefferson Building, 1st Floor, 106 W. Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 7/634 July 15

178330

CERTIFICATE OF PUBLICATION

7/17/2008

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 7/15/2008.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 2008-0543-A

Petitioner/Developer: PAUL

MISKIMON

Date of Hearing/Closing: 7-29-08

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

ATTN: Kristen Matthews {(410) 887-3394}

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: _____

7639 E. BAITIE GROVE RD

The sign(s) were posted on 7-14-08
(Month, Day, Year)

Sincerely,

Robert Black 7-17-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

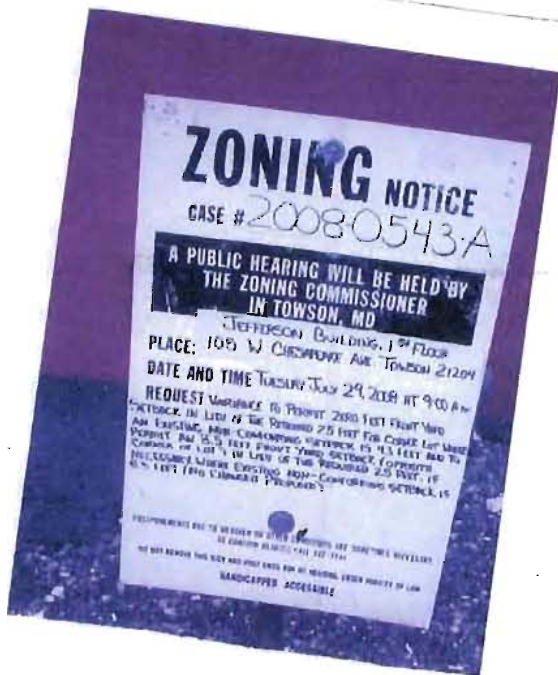
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

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

For Newspaper Advertising:

Item Number or Case Number: 2008-0543-A

Petitioner: FAT BOY SALON, INC

Address or Location: 7639 BATTLE GROUND RD 21222

PLEASE FORWARD ADVERTISING BILL TO:

Name: ARNOLD JABLON

Address: 210 MURPHY AVE
TOWSON 21204

Telephone Number: 410 494 6298



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 18, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2008-0543-A

7639 E. Battle Grove Road

N/side of South Bend Avenue at corner of South West side of East Battle Grove Road

15th Election District – 7th Councilmanic District

Legal Owners: Paul Miskimon

Variance to permit zero feet front yard setback in lieu of the required 25 feet for corner lot where an existing non-conforming setback is 4.3 feet and to permit an 8.5 feet front yard setback (opposite corner of lot) in lieu of the required 25 feet, if necessary, where existing non-conforming setback is 8.5 feet (no changed proposed).

Hearing: Tuesday, July 29, 2008 at 9:00 a.m. in Jefferson Building, 1st Floor,
105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, 210 Allegheny Avenue, Towson 21204

Mr. Paul Miskimon, Fat Boy Saloon, 7639 E. Battle Grove Road, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 14, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 15, 2008 Issue - Jeffersonian

Please forward billing to:
Arnold Jablon
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

410-494-6298

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: 2008-0543-A

7639 E. Battle Grove Road

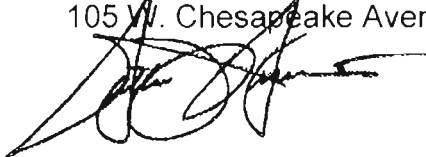
N/side of South Bend Avenue at corner of South West side of East Battle Grove Road

15th Election District – 7th Councilmanic District

Legal Owners: Paul Miskimon

Variance to permit zero feet front yard setback in lieu of the required 25 feet for corner lot where an existing non-conforming setback is 4.3 feet and to permit an 8.5 feet front yard setback (opposite corner of lot) in lieu of the required 25 feet, if necessary, where existing non-conforming setback is 8.5 feet (no changed proposed).

Hearing: Tuesday, July 29, 2008 at 9:00 a.m. in Jefferson Building, 1st Floor,
105 W. Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

July 22, 2008

Arnold Jablon:
Venable, LLP
210 Allegheny Ave.
Towson, Md. 21204

Dear: Arnold Jablon

RE: Case Number 2008-0543-A, Address: 7639 E. Battle Grove Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 22, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Paul Miskimon: Fat Boy Saloon, Inc., 7639 E. Battle Grove Rd., Baltimore, Md. 21222

TB 7/29
9AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 30, 2008

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

SUBJECT: 7639 East Battle Grove Road

INFORMATION:

Item Number: 8-543

Petitioner: Fat Boy Saloon

Zoning: DR 5.5

Requested Action: Variance

RECEIVED
JUL 14 2008
BY: _____

The petitioner is seeking a variances to multiple existing and proposed non-conforming conditions, including encroachment into the right-of-way, additional parking requirements, generated by the proposed cooler storage, snowball stand, rear decking, rear patio with tables, non-durable dustless parking etc.

SUMMARY OF RECOMMENDATIONS:

Consider applying for a Special Hearing to approve all the existing and proposed non-conforming structures and uses on the site. Additionally the Public right-of-way encroachment should be discussed with the appropriate county agency.

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

Reviewed by: Candis Murray

Division Chief: Jeff Mahan
AFK/LL: CM

TB 7/29
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JKL

DATE: June 27, 2008

SUBJECT: Zoning Item # 08-543-A
Address 7639 East Battle Grove Road
(Fat Boy Saloon, Inc. Property)



BY:-----

Zoning Advisory Committee Meeting of June 17, 2008

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

The property is located in a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The LDA requirements must be met and may require tree planting or fee-in-lieu.

Reviewer: Shawn L. Krout

Date: June 27, 2008

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 19, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For June 23, 2008
Item Nos. 08-456, 0531, 0543, 0558, 0559, 0560,
0561, 0562, 0563, 0566, 0567, 0568, and 0571

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

DAK:CEN:lrk

cc: File

ZAC-06192008-NO COMMENTS



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 6-20-2008

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

RE: Baltimore County
Item No 2008-0543-A
7639 E. BATTLE GROVE RD.
MISKIMON PROPERTY
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2008-0543-A.

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

Very truly yours,


for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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



RE: PETITION FOR VARIANCE * BEFORE THE
7639 E. Battle Grove Road; N/S of South *
Bend Avenue, SW/S East Battle Grove Rd * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Fat Boy Saloon, Inc * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-543-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

JUN 27 2008

.....

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 27th day of June, 2008, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: June 19, 2008

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2008-0543-A
Legal Owner/Petitioner: Miskimon, Paul, Fatboy Saloon, Inc.
Contract Purchaser: N/A
Property Address: 7639 E. Battle Grove Rd.
Location Description: N/side of S. Bend Ave. at corner SW/side of
E. Battle Grove Rd.

VIOLATION INFORMATION: Case No. 07-7081
Defendants: Miskimon, Paul

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
------	---------

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- | | | |
|--------------------------|-----|---|
| X | 1. | Complaint letter/memo/email/fax (if applicable) |
| X | 2. | Complaint Intake Form/Code Enforcement Officer's report and notes |
| X | 3. | State Tax Assessment printout |
| ☐ | 4. | State Tax Parcel Map (if applicable) |
| ☐ | 5. | MVA Registration printout (if applicable) |
| ☐ | 6. | Deed (if applicable) |
| ☐ | 7. | Lease-Residential or Commercial (if applicable) |
| X | 8. | Photographs including dates taken |
| X | 9. | Correction Notice/Code Violation Notice |
| ☐ | 10. | Citation and Proof of Service (if applicable) |
| ☐ | 11. | Certified Mail Receipt (if applicable) |
| ☐ | 12. | Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. | Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| X | 14. | Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/gk
C: Code Enforcement Officer



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

DIST 15

Building Inspection:

410-887-3953

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 02-7081	Property No. 1508003880	Zoning N/A
-------------------------------------	-----------------------------------	----------------------

Name(s): **FAT BOY SALOON, INC**
PAUL MIRKIMON (OWNER)

Address: **7639 E BATTLEGROUND RD, BALTO, MD 21222**

Violation Location: **7639 E BATTLEGROUND RD**

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

INC 2006 SEC. 105, 109, DEC 35-2-314

- ① **OBTAIN BUILDING PERMIT(S) FOR NEW HANDICAP RAMP ALREADY COMPLETED, INSTALLED ON SIDE OF DWELLING. OBTAIN BUILDING PERMIT FOR NEW COOL BOX BEING CONSTRUCTED ON SIDE OF DWELLING.**
- ② **CALL FOR INSPECTIONS WHEN PERMIT(S) ARE ISSUED.**
- ③ **SUBJECT TO A INVESTIGATION FEE OF \$1,000.00 AT ISSUANCE OF PERMIT.**

ANY QUESTIONS CALL OFFICE HRS 7:30-8:00/7:00-30

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before:	Date Issued:
---------------	--------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

On or Before:	Date Issued:
---------------	--------------

INSPECTOR:

Grant Kidd

GRANT KIDD

AGENCY

UPDATE / MESSAGE FORM

Date:

5/21/08

Inspector:

G. Kinn

Case #:

02-70A-1

Address:

7639 E PATTIE GARDEN

Comments:

5/21/08- I SPOKE TO MR. HICKS ON THE

PHONE, HE IS STILL HANDLING THE CASE WITH

MR. JARROW. A HEARING WILL BE SCHEDULED,

NO DATE. MR. JARROW IS OUT OF TOWN TIL

NEXT WEEK. A/C 6/20/08 H. KILL

Entered into AS400

Code Enforcement - Daily Worksheet

Inspector -

KIDD, G.

Area	Case #	Location	Apt	Zip	Date Rec	Reinsp Dt
017	07-7081	7639E BATTLE GROVE RD		21222	12/20/2007	5/21/2008

Tax Acct #: 1508003880

Owner: FAT BOY SALOON INC

Complainant Name: (Last) PATRO (First) BRENDA
Addr:

Str # Dir Street Name Type Apt

City ST Zip

Phone: (Home) 410/477-4095 (Work)

Problem: FAT BOYS SALOON BLDG ADD, ENCLOSING PORCH W/O PERMITS

Notes:

07-7081 12/21/07 VISITED SITE. ISSUED SWO TO OBTAIN BUILDING PERMIT FOR NEW HANDICAP RAMP & COOL BOX ON SIDE OF DWELLING. SPOKE TO OWNER AT SITE & COMPLAINANT ON PHONE. P/U 1/2/07 G.KIDD/NS*** 12/27/07

MR. LES MISKIMON (PART OWNER) OF SALOON CALLED THIS AM. HE IS IN PROCESS OF GETTING A ENG. OF ARCHITECT ON DRAWINGS & TRYING TO GET PER. APPLIED FOR. P/U 01/11/08. G.KIDD/KH.*** 1/11/200

8 ON 1/14/08 OWNER CALLED. HAS PROFESSIONAL SERVICES HANDLING THE PERMIT PROCESS. ENGINEER IS DONALD HICKS P.E. LOCATED IN TOWSON. I SPOKE TO MR.HICKS ON THE PHONE. HE WILL BE HANDLING THE CASE. LEFT MESSAGE TO COMPLAINANT ON PHONE. P/U 1/28/08 G.KIDD/NS***

1/28/08 SPOKE TO MR.HICKS ON PHONE. HE HAS VISITED SITE, GOING OVER PROPERTY LINES. MR.HICKS IS STILL WORKING ON CASE. P/U 2/19/08 G.KIDD/NS*** 2/20/08

VISITED SITE. NO WORK IS BEING PERFORMED. I SPOKE TO ENGINEER MR.HICKS ON THE PHONE. HE HAS FINISHED THE PLOT FOR THE PROPERTY. MR.HICKS IS STILL HANDLING THE CASE. P/U 3/31/08 G.KIDD/NS*** 3/31/08

VISITED SITE. NO ONE WORKING ON SITE. PROJECT IS THE SAME WITH SWO. (NEXT PAGE) >>>>>>>>

Case # 07-7081

CONTINUED

07-7081 3/31/08 I SPOKE TO MR. HICKS (ENGINEER) ON PHONE. HE IS STILL HANDLING THE CASE. I TOLD HIM I WOULD GIVE HIM A C ALLBACK IN 2WKS. P/U 4/14/08 G.KIDD/NS*** 4/14/08 VISITED SITE. NO ONE WORKING ON SITE. I SPOKE TO MR.HICKS ON THE PHONE. AS OF LAST WEEK MR.HICKS WIFE SPOKE TO THE OWNER. HE IS STILL HANDLING THE CASE. P/U 4/30/08 G.KIDD/NS***

4/30/08 MR.JABLON IS HANDLING THE ZONING PROCESS FOR THIS CASE. MR.HICKS, ENGINEER, IS ALSO HANDLING THE CASE. P/U 5/21/08 G.KIDD/NS***

UPDATE / MESSAGE FORM

Date: 4/14/08

Inspector: B. Kido

Case #: 07-7081

Address: 7638 E BATTLE GROVE RD

Comments: 4/14/08 - VISITED SITE, NO ONE WORKING ON
SITE. I SPOKE TO MR. HICKS ON THE PHONE,
AS OF LAST WEEK MR HICKS WIFE SPOKE TO THE
OWNER. HE IS STILL HANDLING THE CASE.
R/C 4/30/08 M.Y.L.

Entered into AS400

W

UPDATE / MESSAGE FORM

Date: 3/21/08

Inspector: B. Kido

Case #: 02-7081

Address: 7639 E. PATTER GAVES RD

Comments: 3/21/08 visited site, no one
working at site, project is the same with

SUB. I SPEKE TO ON THE PHONE WITH MR.

HICKS (COURTNEY), HE IS STILL LAUOGLIN THE CASE.

I TOLD HIM I WOULD GIVE HIM A CALLBACK IN

TWO WEEKS. R/c 3/21/08 MKK

MB

Entered into AS400 _____

UPDATE / MESSAGE FORM

Date:

2/21/02

Inspector:

A. Kline

Case #:

82-7081

Address:

7639 E. DATTLE GARDEN RD

Comments:

2/20/02- WITNESSED, NO WORK IS BEING
PERFORMED. I SPOKE TO EVERYONE, MR. HICKS AND
THE OTHERS, HE HAS FIRST THE BEST FOR THE
PROPERTY. MR. HICKS IS STILL HANDLING THE CASE.

R/c 2/21/02 A. Kline

Entered into AS400

AK

May 16, 2008

HAND DELIVERED

Mr. W. Carl Richards, Jr., Supervisor
Zoning Review Office
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Petition for Variance
Petitioner: Fat Boy Saloon, Inc.
Location: 7639 Battle Grove Road

Dear Mr. Richards:

I am drop filing the enclosed Petition for Variance for the above-referenced property. This property is not in violation of any zoning laws. With this letter, I have enclosed the following documents:

1. Petition for Variance (3)
2. Zoning Descriptions (3)
3. Site Plans (12)
4. Newspaper advertising form (1)
5. Check in the amount of \$325.00

If you have any questions or concerns regarding this filing, please give me a call.

Very truly yours,


Amy L. Dontell
Paralegal

cc: Arnold Jablon, Esquire
Enclosures
TO1DOCS1/#259427v1

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Maryland 21204

Zoning Office:

Please be advised that we, the undersigned, have authorized Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petitions for zoning relief. We hereby understand that the relief requested is for property we own and we hereby and herewith acknowledge our express permission for said petitions to be filed on our behalf. The petition(s) filed are for property located at 7639 E. Battle Grove Road, property we own.

Further, the undersigned are the owners of said property, and hereby and herewith authorize Mr. Jablon to be our attorney-in-fact and attorney-at-law and represent us in this matter.

Fat Boy Saloon, Inc.

By: 
Paul Miskimon
7639 E. Battler Grove Road, Baltimore 21222

_____(Date)

2008-0543-A

CASE NAME _____
CASE NUMBER 2008-0543-A
DATE 7-29-08

[illegible]

IN RE: PETITION FOR SPECIAL HEARING
SW/Corner New Battle Grove Road,
and South Bend Avenue
(7639 New Battle Grove Road)
15th Election District
7th Councilmanic District

Frances Hartka
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-167-SPH
*

* * * * *
FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the nonconforming use of the subject property as a tavern in a residential zone, as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by John W. Nowicki, Esquire. Also appearing on behalf of the Petition were Leonard Hartka, Petitioner's son, Catherine Rook, and Frank Lee, a registered professional property line surveyor. There were no Protestants.

Testimony indicated that the subject property, known as 7639 New Battle Grove Road, is zoned D.R. 5.5 and is improved with a two-story building, which includes a one-story addition on both the front and the rear of the main structure, and a separate frame garage. The subject property is a triangular lot consisting of 0.21 acres more or less and is located at the corner of New Battle Grove Road and South Bend Avenue. The one-story addition in front and part of the 1st floor of the two story portion of the building are collectively used as a small tavern, known as the South Bend Tavern. Testimony indicated that a tavern has existed on the subject property, previously owned by Petitioner's uncle, John Pauvak, since prior to 1938. On or about December 11, 1953, the Petitioner and her husband purchased the property from her uncle and continued the operation of the tavern. The upstairs portion of the main structure and the

PETITIONER'S EXHIBIT 2

ORDER RECEIVED FOR FILING

Date 11/17/88

By Bette J. Schumann

RECEIVED FOR FILING

rear addition of the building have been used as living quarters over the years for various individuals, including John Pauvak, the original owner, Mr. & Mrs. Hartka, and their son, Leonard.

Frances Hartka testified that during all the years that she and her husband operated the tavern, it has always been the same size and area as it exists today. She testified that during the second World War period, she regularly visited her uncle's tavern and, in fact, worked there during those years. Mrs. Hartka testified the tavern has always been operated as a tavern and fully complies with all the requirements of Sections 104.1 and 104.3 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Leonard Hartka testified he was born and raised on the subject property. He further testified that the property has been used as a tavern during his entire lifetime.

Catherine Rook, who is the daughter of John Pauvak, testified that during the 1940s, her father operated the tavern at this location and that they lived on the premises during that time. She testified the tavern was always open and was never closed for more than a day at a time. She further testified that the tavern's size and area as it exists today, is the same as it was then.

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md.,

ORDER RECEIVED FOR FILING

Date

By

11/17/88
By *Robert J. Schumacher*

1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to con-

ORDER RECEIVED FOR FILING

Date

By

11/17/88
By *Bette Schuman*

tinue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel or land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. The second reads as follows:

"Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)"

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject

ORDER RECEIVED FOR FILING

Date

By

4/17/88
Bette J. Selman

property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

When the claimed non-conforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the non-conforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;

(b) Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original non-conforming use."

11/17/88
Beth Schulman

It is clear from the testimony and evidence presented, all of which was uncontradicted, that the subject property has been used as a tavern continuously and without interruption since prior to the adoption of the B.C.Z.R. The testimony clearly establishes that there has never been a lapse in such use and that the subject tavern has been in operation since the late 1930s. Specifically, the evidence substantiates the tavern was in operation in the early 1940s, prior to 1945, and that a nonconforming use of the subject property as a tavern properly exists.

The property is located, however, within the Chesapeake Bay Critical Areas. Pursuant to Section 104.3 of the B.C.Z.R., the relief requested is subject to conditions set forth in Sections 104.1, 104.2, and 307.2 of the B.C.Z.R. Clearly, the requirements of Section 104.1 have been met as has been established in the facts set forth above. The requirements of Section 104.2 do not apply in this instance as this Section only concerns itself with office building uses. The requirements of Section 307.2, however, deal with variances in Critical Areas. Therefore, there must be a finding that the continuation of this nonconforming use complies with all the requirements of Section 307.2 of the B.C.Z.R.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested

ORDER RECEIVED FOR FILING

Date

By

will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies 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.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

ORDER RECEIVED FOR FILING

Date

By

4/17/88
Bette J. Schuman

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of November, 1988 that the Petition for Special Hearing to approve the nonconforming use of the subject property as a tavern, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1) The Petitioner shall comply with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated September 13, 1988, attached hereto and made a part hereof.

2) Petitioner shall submit a new site plan of the building which clearly outlines the areas used as tavern space and those areas used as living quarters, including the size and dimensions for each. Said new plan shall be submitted to the Zoning Commissioner prior to January 15, 1989.


J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING

Date

By

SEAG 4A

SECTION 1
NORTH POINT VILLAGE
19-113
GROUP HOMES

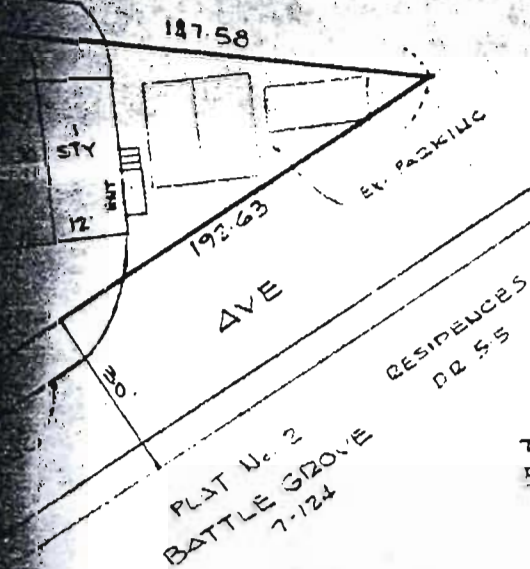
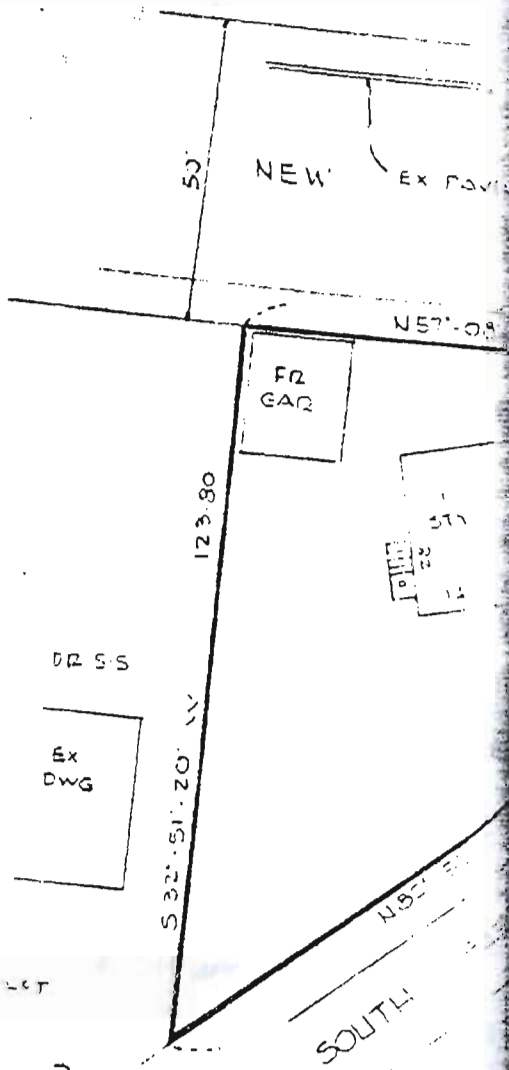
ST. FABIAN LA

PETITIONER'S EXHIBIT 1

LOCATION MAP
SCALE 1" = 900

EX. ZONING - D2 S-5
PUBLIC WATER-SEWER SERVICE LOT
AREA OF LOT - 0.21 AC ±

PETITIONER'S EXHIBIT 3



OWNER
FRANCES C. HARTKA
7039 NEW BATTLE GROVE RD
BALTIMORE, MD 21222

#71

SOUTH BEND TAVERN
7039 NEW BATTLE GROVE ROAD
LOT 163 FLAT No. 2
BATTLE GROVE
PLAT BOOK 7-124
DISTRICT BALTIMORE CO., MARYLAND
SCALE 1" = 20' DATE 7-6-82
PETITION FOR A NON CONFORMING USE
D2 S-5 ZONE



FRANK S. LEE
1277 NEIGHBORS AVE
BALTIMORE, MD 21208

LICENSE NUMBER

20080647 (Annual)

COST OF LICENSE

\$1,000.00 (Renewal)

STATE OF MARYLAND

BALTIMORE COUNTY

Board of Liquor License Commissioners

Alcoholic Beverages Law

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
4/07/2008	4/04/2008	11:22:23	2

REG WSD2 MAIL JEVA JEE
>>RECEIPT # 572341 4/04/2008 QFLN
Dept 9 902 LIQUOR LICENSE
LIC NO 20080647
LIC TYPE RENEWAL

Beer, Wine and Liquor License Class D. (On Sale) Tavern, \$1,000.00 CK \$0.00 CA
Baltimore County, Maryland

Baltimore County, to wit:

THIS IS TO CERTIFY, That Lester Paul Miskimon, III, Lester Paul
Miskimon, Jr., FAT BOY SALOON, INC., T/A FAT BOY SALOON, 7639 NEW BATTLE
GROVE ROAD, BALTIMORE, MD 21222

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail at
the place herein described, for consumption on the premises or elsewhere.

The hours during which the privileges conferred by this license may be
exercised shall be from 6 A.M. to 2 A.M. on the day following, and on New
Year's Eve, when the closing hour is eliminated.

2008

This License shall continue in force until the first day of May next.

TEST:

Date Issued

4-4-08

Chairman of the Board for Baltimore County

002-006-2011-02

PETITIONER'S EXHIBIT

4

LICENSE NUMBER

20070644 (Annual)

STATE OF MARYLAND

BALTIMORE COUNTY

Board of Liquor License Commissioners

Alcoholic Beverages Law

COST OF LICENSE

\$1,000.00 (Renewal)

PAID RECEIPT

BUSINESS	ACTUAL	TIME	IS
Taverns	4/27/2007	14:38:21	

Beer, Wine and Liquor License Class D. (On Sale)

REG WSO6 WALKIN KHCX KXH

>>RECEIPT # 566537 4/27/2007

Dept 9 902 LIQUOR LICENSE

LIC NO 20070644

TYPE RENEWAL

Receipt Tot \$1,000.00

\$1,000.00 CA

Baltimore County, Maryland

Baltimore County, to wit:

THIS IS TO CERTIFY, That Lester Paul Miskimon, III, Lester Paul

Miskimon, Jr., FAT BOY SALOON, INC., T/A FAT BOY SALOON, 7639 NEW BATTLE

GROVE ROAD, BALTIMORE, MD 21222

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail at the place herein described, for consumption on the premises or elsewhere.

The hours during which the privileges conferred by this license may be exercised shall be from 6 A.M. to 2 A.M. on the day following, and on New Year's Eve, when the closing hour is eliminated.

2007

This License shall continue in force until the first day of May next.

TEST:

Date Issued

4.27.07
002-000-2011-02

Chairman of the Board for Baltimore County

LICENSE NUMBER
20063847 (Annual)

STATE OF MARYLAND

BALTIMORE COUNTY

Board of Liquor License Commissioners
Alcoholic Beverages Law

COST OF LICENSE
\$20.00 (Re-Issue)

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DP
4/03/2007	3/30/2007	14:54:00	
REG WSO2	MAIL	JEVA JEE	
>>RECEIPT # 511146 3/30/2007 DP			
Dept 9 921 LIQUOR LICENSE			
LIC NO 20063847			
LIC. TYPE RE-ISSUE			

Beer, Wine and Liquor License Class D. (On Sale) Taverns

\$1.00 OK \$20.00 CA
Baltimore County, Maryland

Baltimore County, to wit:

THIS IS TO CERTIFY, That Lester Paul Miskimon, III, Lester Paul
Miskimon, Jr., FAT BOY SALOON, INC., T/A FAT BOY SALOON, 7639 NEW BATTLE
GROVE ROAD, BALTIMORE, MD 21222

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail at
the place herein described, for consumption on the premises or elsewhere.

The hours during which the privileges conferred by this license may be
exercised shall be from 6 A.M. to 2 A.M. on the day following, and on New
Year's Eve, when the closing hour is eliminated.

2006

This License shall continue in force until the first day of May next.

TEST:

43 Date Issued

March 30, 2007

002-005-0011-21

Chairman of the Board for Baltimore County

LICENSE NUMBER

20060642 (Annual)

STATE OF MARYLAND

BALTIMORE COUNTY

Board of Liquor License Commissioners

Alcoholic Beverages Law

COST OF LICENSE

\$1,000.00 (Renewal)

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
4/11/2006	4/10/2006	10:55:22	2
REG WSO4	WALKIN	DDOL	END
>>RECEIPT # 358992		4/10/2006	OFLN
Dept 9 902 LIQUOR LICENSE			
LIC NO 20060642			
LIC. TYPE RENEWAL			

Beer, Wine and Liquor License Class D. (On Sale) Taverns
 Payment Tot \$1,000.00
 \$1,000.00 CK \$0.00 CA
 Baltimore County, Maryland

Baltimore County, to wit:

THIS IS TO CERTIFY, That Michael R. Calcagno, Frances M. Calcagno,
 FMC, LLC, T/A FROSTED MUG PUB, 7639 NEW BATTLE GROVE ROAD, BALTIMORE, MD
 21222

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail at the place herein described, for consumption on the premises or elsewhere.

The hours during which the privileges conferred by this license may be exercised shall be from 6 A.M. to 2 A.M. on the day following, and on New Year's Eve, when the closing hour is eliminated.

2006

This License shall continue in force until the first day of May next.

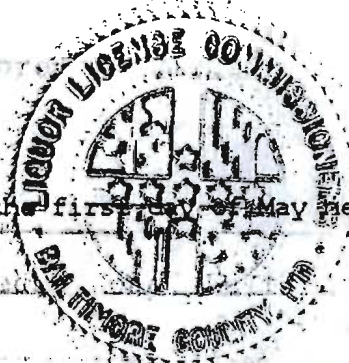
TEST:

Date Issued

4-10-06

002-006-2011-02

Chairman of the Board for Baltimore County



20053553 (Annual)

STATE OF MARYLAND

BALTIMORE COUNTY

Board of Liquor License Commissioners
Alcoholic Beverages Law

JST OF LICENSE

\$20.00 (Re-Issue)

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
6/27/2005	6/24/2005	13:24:45	2
REG WSD2	MAIL	JEVA JEE	
>>RECEIPT # 409143 6/24/2005 OFU			
Dept 9 921 LIQUOR LICENSE			
LIC NO 20053553			
LIC. TYPE RE-ISSUE			

Beer, Wine and Liquor License Class D. (On Sale) Taverns Recpt Tot \$20.00
\$1.00 OK \$20.00 CA
Baltimore County, Maryland

Baltimore County, to wit:

THIS IS TO CERTIFY, That Michael R. Calcagno, Frances M. Calcagno,
FMC, LLC, T/A FROSTED MUG PUB, 7639 NEW BATTLE GROVE ROAD, BALTIMORE, MD
21222

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail at
the place herein described, for consumption on the premises or elsewhere.

The hours during which the privileges conferred by this license may be
exercised shall be from 6 A.M. to 2 A.M. on the day following, and on New
Year's Eve, when the closing hour is eliminated.

2005

This License shall continue in force until the first day of May next.

TEST:

Date Issued June 24, 2005
002-006-2011-21

Chairman of the Board for Baltimore County

LICENSE NUMBER

20051714 (Annual)

STATE OF MARYLAND

BALTIMORE COUNTY

Board of Liquor License Commissioners

Alcoholic Beverages Law

COST OF LICENSE

\$1,000.00 (Renewal)

PAID RECEIPT

BUSINESS ACTUAL TIME DRW

4/25/2005 4/22/2005 15:59:16

REG WSO4 WALKIN DOOL DM

>>RECEIPT # 310496 4/22/2005 OFL

Dept 9 902 LIQUOR LICENSE

LIC NO 20051714

LIC. TYPE RENEWAL

Beer, Wine and Liquor License Class D. (On Sale) Taverns
 Recpt Tot \$1,000.00
 \$1,000.00 CK \$0.00 CA
 Baltimore County, Maryland

Baltimore County, to wit:

THIS IS TO CERTIFY, That Dianne Sechak, Paul Sechak, Jr., SECHAK,

IN ... THE SOUTH BEND TAVERN, 7639 NEW BATTLE GROVE ROAD, BALTIMORE, MD

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail at
 the above herein described, for consumption on the premises or elsewhere.

The hours during which the privileges conferred by this license may be
 exercised shall be from 6 A.M. to 2 A.M. on the day following, and on New
 Year's Eve, when the closing hour is eliminated.

2005

This license shall continue in force until the first day of May next.

TEST:

Date Issued

4-22-05
 002-196-2011-02

Chairman of the Board for Baltimore County



CHECK

LICENSE NUMBER

20041705 (Annual)

STATE OF MARYLAND

BALTIMORE COUNTY

Board of Liquor License Commissioners

Alcoholic Beverages Law

COST OF LICENSE

\$1,000.00 (Renewal)

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRG.
4/30/2004	4/30/2004	13:27:45	
REG WSO4	WALKIN	DDOL BMD	
>>RECEIPT # 264170		4/30/2004	OFL
Dept 9 902 LIQUOR LICENSE			
LIC NO 20041705			
LIC. TYPE RENEWAL			

Beer, Wine and Liquor License Class D.1 (On Sale) Taverns \$1,000.00
 Recpt Tot \$1,000.00
 \$1.00 CK \$1,000.00 CA
 Baltimore County, Maryland

Baltimore County, to wit:

THIS IS TO CERTIFY, That Dianne Sechak, Paul Sechak, Jr., SECHAK,

OWN, TWA SOUTH BEND TAVERN, 7639 NEW BATTLE GROVE ROAD, BALTIMORE, MD

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail at the place herein described, for consumption on the premises or elsewhere.

The hours during which the privileges conferred by this license may be exercised shall be from 6 A.M. to 2 A.M. on the day following, and on New Year's Eve, when the closing hour is eliminated.

2004

This license shall continue in force until the first day of May next.

TEST:

Date Issued

4-30-04
 002-006-2011-02

Chairman of the Board for Baltimore County



LICENSE NUMBER

00031703 (Annual)

STATE OF MARYLAND

BALTIMORE COUNTY

Board of Liquor License Commissioners

Alcoholic Beverages Law

COST OF LICENSE

\$1,000.00 (Renewal)

PAID RECEIPT

BUSINESS ACTUAL TIME
4/30/2003 4/29/2003 11:12:23

REG WS04 WALKIN DDOL DMD

>>RECEIPT # 225376 4/29/2003

Dept 9 902 LIQUOR LICENSE

LIC NO 20031703

LIC. TYPE RENEWAL

Beer, Wine and Liquor License Class D. (On Sale) Receipts \$1,000.00

.00 CK 1,000.00 CA

Baltimore County, Maryland

Baltimore County, to wit:

THIS IS TO CERTIFY, That Dianne Sechak, Paul Sechak, Jr., SECHAK,
INC., T/A SOUTH BEND TAVERN, 7639 NEW BATTLE GROVE ROAD, BALTIMORE, MD
21222

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail at the place herein described, for consumption on the premises or elsewhere.

The hours during which the privileges conferred by this license may be exercised shall be from 6 A.M. to 2 A.M. on the day following, and on New Year's Eve, when the closing hour is eliminated.

2003

This License shall continue in force until the first day of May next.

TEST:

Date Issued

4.27.03

002-006-2011-02

Chairman of the Board for Baltimore County

Owner of the business?

Licensee 1 165 Licensee 2 165 Licensee 3

LICENSE NUMBER

20021707 (Annual)

STATE OF MARYLAND**BALTIMORE COUNTY****Board of Liquor License Commissioners****Alcoholic Beverages Law****COST OF LICENSE**

\$1,000.00 (Base Fee)

PAID RECEIPTBUSINESS ACTUAL TIME
4/29/2002 4/26/2002 14:53:23

REG WS05 WALKIN RDOS LRB DRAWER

>>RECEIPT # 263258 4/26/2002

OFL

Dept 9 902 LIQUOR LICENSE

LIC NO 20021707

LIC. TYPE ANNUAL

Beer, Wine and Liquor License Class D. (On Sale) ~~Receiv~~ \$1,000.00

1,000.00 OK .00 CA

Baltimore County, Maryland

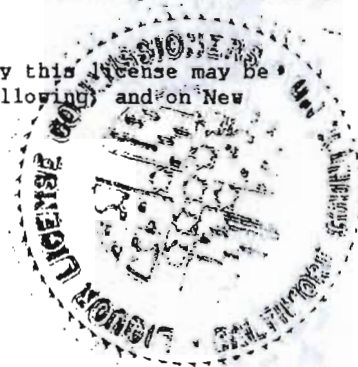
Baltimore County, to wit:

THIS IS TO CERTIFY, That Dianne Sechak, Paul Sechak, Jr., SECHAK,INC., T/A SOUTH BEND TAVERN, 7639 NEW BATTLE GROVE ROAD, BALTIMORE, MD21221

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail at the place herein described, for consumption on the premises or elsewhere.

The hours during which the privileges conferred by this license may be exercised shall be from 6 A.M. to 2 A.M. on the day following, and on New Year's Eve, when the closing hour is eliminated.

2002



This License shall continue in force until the first day of May next.

TEST:

Date Issued

4.26.02
002-006-2011-02

Chairman of the Board for Baltimore County

LICENSE NUMBER

20012710 (Annual)

STATE OF MARYLAND**BALTIMORE COUNTY****Board of Liquor License Commissioners****Alcoholic Beverages Law****COST OF LICENSE**

\$1,000.00 (Renewal)

PAID RECEIPTPAYMENT ACTUAL TIME
5/01/2001 4/30/2001 11:50:13

REG W305 CASHIER WSTE MES DRAWER 5

>>RECEIPT # 211292

OFLN

Dept 9 902 LIQUOR LICENSE

LIC NO 20012710

LIC. TYPE ANNUAL

Beer, Wine and Liquor License Class D. (On Sale) Taverns Recpt Tot 1,000.00

.00 OK 1,000.00 CA

Baltimore County, Maryland

Baltimore County, to wit:

THIS IS TO CERTIFY, That Dianne Sechak, Paul Sechak, Jr., SECHAK,
INC., T/A SOUTH BEND TAVERN, 7639 NEW BATTLE GROVE ROAD, BALTIMORE, MD
21222

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail at
the place herein described, for consumption on the premises or elsewhere.

The hours during which the privileges conferred by this license may be
exercised shall be from 6 A.M. to 2 A.M. on the day following, and on New
Year's Eve, when the closing hour is eliminated.

2001

This License shall continue in force until the first day of May next.

TEST:**Date Issued**4.30.01
002-006-2011-02**Chairman of the Board for Baltimore County**

LICENSE NUMBER
20002718 (Annual)

COST OF LICENSE
\$1,000.00 (Renewal)

STATE OF MARYLAND
BALTIMORE COUNTY
Board of Liquor License Commissioners
Alcoholic Beverages Law

PAID RECEIPT
PAYMENT ACTUAL TIME
4/24/2000 4/24/2000 10:08:05
REG WS02 CASHIER DDOL DMD DRAWER 2
Dept 9 902 LIQUOR LICENSE
Receipt # 133233 DFL
LIC NO 20002718
LIC. TYPE RENEWAL

Beer, Wine and Liquor License Class D. (On Sale) Taverns Regt Tot 1,000.00
00 CK 1,000.00 CA
Baltimore County, Maryland

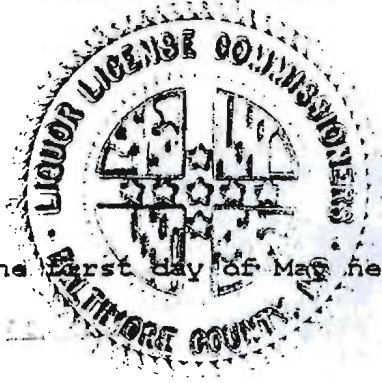
Baltimore County, to wit:

THIS IS TO CERTIFY, That Paul Sechak, Jr., Dianne Sechak, SECHAK,
INC., T/A SOUTH BEND TAVERN, 7639 NEW BATTLE GROVE ROAD, BALTIMORE, MD
21222

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail at the place herein described, for consumption on the premises or elsewhere.

2000

The hours during which the privileges conferred by this license may be exercised shall be from 6 A.M. to 2 A.M. on the day following, and on New Year's Eve, when the closing hour is eliminated.



This License shall continue in force until the first day of May next.

TEST:

Date Issued April 24, 2000
002-006-2011-02

Chairman of the Board for Baltimore County

LICENSE NUMBER

991716 (Annual)

STATE OF MARYLAND

BALTIMORE COUNTY

Board of Liquor License Commissioners

Alcoholic Beverages Law

COST OF LICENSE

\$1,000.00 (Renewal)

PAID RECEIPT

PROCESS ACTUAL TIME
4/29/1999 4/29/1999 09:34:10
REG WS05 CASHIER VML VLM DRAWER 3
Dept 9 902 LIQUOR LICENSE
Receipt # 103784
LIC NO 991716
LIC. TYPE D

Beer, Wine and Liquor License Class D. (On Sale) Taverns
Baltimore County, Maryland

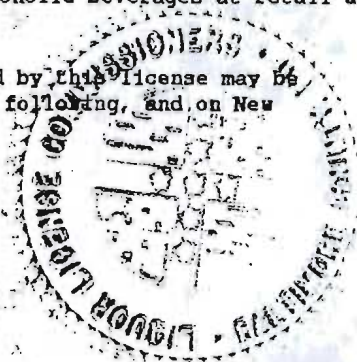
Baltimore County, to wit:

THIS IS TO CERTIFY, That Paul Sechak, Jr., Dianne Sechak, SECHAK,
INC., T/A SOUTH BEND TAVERN, 7639 NEW BATTLE GROVE ROAD, BALTIMORE, MD
21222

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail at
the place herein described, for consumption on the premises or elsewhere.

The hours during which the privileges conferred by this license may be
exercised shall be from 6 A.M. to 2 A.M. on the day following, and on New
Year's Eve, when the closing hour is eliminated.

1999



This License shall continue in force until the first day of May next.

TEST:

Date Issued

4-29-99

002-006-2011-02

Chairman of the Board for Baltimore County

LICENSE NUMBER

981714

(Annual)

STATE OF MARYLAND

BALTIMORE COUNTY

Board of Liquor License Commissioners

Alcoholic Beverages Law

COST OF LICENSE

\$1,000.00 (Renewal)

PAID RECEIPT

PROCESS ACTUAL TIME

4/29/1998 4/29/1998 13:10:37

REG US02 CASHIER JRIC JMR DRAWER 2

9 LIQUOR LICENSE

Receipt # 043617

LIC NO 981714

LIC TYPE RENEWAL

OFLN

Beer, Wine and Liquor License Class D. (On Sale) Taverns 1,000.00 CASH
Baltimore County, Maryland

Baltimore County, to wit:

THIS IS TO CERTIFY, That Dianne Sedhak, Paul Sedhak, Jr., SECHAK,
INC., T/A SOUTH BEND TAVERN, 7639 NEW BATTLE GROVE ROAD, BALTIMORE, MD,
21222

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail at
the place herein described, for consumption on the premises of the licensed place, in accordance with the

The hours during which the privileges conferred by this license may be
exercised shall be from 6 A.M. to 2 A.M. on the day following, and on New
Year's Eve, when the closing hour is eliminated.

1998

This License shall continue in force until the first day of May next.

TEST:

Date Issued

4-29-98

002-006-2011-02

Chairman of the Board for Baltimore County

Annual
LICENSE NUMBER
974017

STATE OF MARYLAND

BALTIMORE COUNTY
Board of Liquor License Commissioners
Alcoholic Beverages Law

Renewal
COST OF LICENSE
\$1,000.00

Beer, Wine and Liquor License Class D. (On Sale) Taverns

Baltimore County, to wit:

READ CAREFULLY

BOTH SIDES MUST BE FULLY ANSWERED

THIS IS TO CERTIFY, That PAUL SECHAK, JR., DIANNE SECHAK, SECHAK,
INC., T/A SOUTH BEND TAVERN, 7639 NEW BATTLE BROVE ROAD, BALTIMORE, MD

21222 DED. This will supersede the filing of a new application and the fee of \$250.00. Any

such application will only be considered if there is no license within the Election District where the license is

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail at the place

herein described, for consumption on the premises or elsewhere. If any signed statement, affidavit or oath required under

the provision of this Act shall contain any false statement, the offender shall be deemed guilty of perjury, and upon indictment

The hours during which the privileges conferred by this license may be exercised shall be from 6 A.M. to 2 A.M. on the day following, and on New Year's Eve, when the

closing hour is eliminated.

of Liquor License Commissioners for Baltimore County

by the undersigned for a period of the term of the license

There is submitted herewith the following information

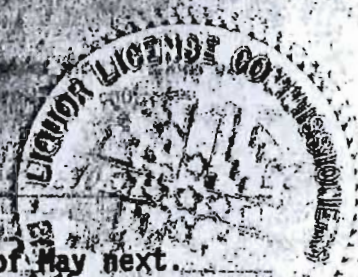
LICENSEE(S)
7639 NEW BATTLE BROVE ROAD

TEST:
Home Address (Print)
3403 VICTORIA RD BALTIMORE MD 21222

Date Issued 4/13/97
Chairman of the Board for Baltimore County

5/1/97

Office of Budget & Finance
Baltimore County Maryland
P-A-I-D
LIC NO. 974017
Dept. 9 102 LIQUOR LICENSE
04/30/97 01 4 CML R 10642
1011-0024008-2011-02



Annual
LICENSE NUMBER
963918

STATE OF MARYLAND

BALTIMORE COUNTY
Board of Liquor License Commissioners
Alcoholic Beverages Law

LICENSE Renewal
COST OF LICENSE
\$1,000.00

Beer, Wine and Liquor License Class D. (On Sale) Taverns

Baltimore County, to wit:

THIS IS TO CERTIFY, That PAUL SECHAK, JR., DIANNE SECHAK, SECHAK,
INC., T/A SOUTH BEND TAVERN, 7639 NEW BATTLE GROVE ROAD, BALTIMORE, MD
21222 application will only be considered if there are no other licenses in the Election District where the license is
of the Board.

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail at the place
herein described, for consumption on the premises or elsewhere.

The hours during which the privileges conferred by this license may be exercised
shall be from 6 A.M. to 2 A.M. on the day following, and on New Year's Eve, when the
closing hour is eliminated.

1996

This License shall continue in force until the first day of May next.

Date Issued 4-30-96
002-006-2011-02

Chairman of the Board for Baltimore County

4/30/96

01A00H0084LICLIC
BA C010:42AM04-30-96

\$1,000.00

Annual
LICENSE NUMBER
952714

STATE OF MARYLAND

BALTIMORE COUNTY
Board of Liquor License Commissioners
Alcoholic Beverages Law

Renewal
COST OF LICENSE
\$1,000.00

Beer, Wine and Liquor License Class D. (On Sale) Taverns

Baltimore County, to wit:

THIS IS TO CERTIFY, That PAUL SECHAK, JR., DIANNE SECHAK, SECHAK,
INC., T/A SOUTH BEND TAVERN, 7639 NEW BATTLE GROVE ROAD, BALTIMORE, MD
21222

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail at the place herein described, for consumption on the premises or elsewhere.

The hours during which the privileges conferred by this license may be exercised shall be from 6 A.M. to 2 A.M. on the day following, and on New Year's Eve, when the closing hour is eliminated.

1995

This License shall continue in force until the first day of May next.

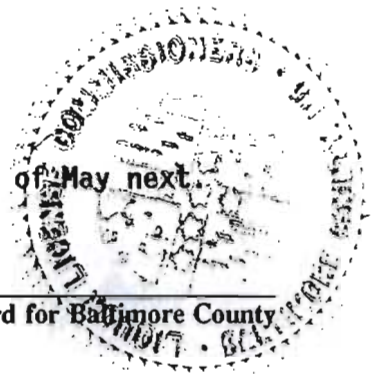
TEST:

Date Issued

April 24, 1995

002-006-2011-02

Chairman of the Board for Baltimore County



03A03#0018LIC
BA C003:02PM04-24-95

\$1,000.00

STATE OF MARYLAND

LICENSE NUMBER

941714

BALTIMORE COUNTY

Board of Liquor License Commissioners
Alcoholic Beverages Law

COST OF LICENSE

\$1,000.00

Beer, Wine and Liquor License Class D. (On Sale) Taverns

Baltimore County, to wit:

THIS IS TO CERTIFY, That PAUL SECHAK, JR., DIANNE SECHAK, SECHAK,
INC., T/A SOUTH BEND TAVERN, 7639 NEW BATTLE GROVE ROAD, BALTIMORE, MD
21222-

is licensed by the STATE OF MARYLAND to keep for sale, and to sell all alcoholic beverages at retail at the place
herein described, for consumption on the premises or elsewhere.

The hours during which the privileges conferred by this license may be exercised
shall be from 6 A.M. to 2 A.M. on the day following, and on New Year's Eve, when the
closing hour is eliminated.

1994

Issued under authority of Article 2B of the Acts of the General Assembly
of Maryland, inclusive of the 1993 Regular Session.

This License shall continue in force until the first day of May next.

TEST:

Date Issued

4-14-94

Chairman of the Board for Baltimore County

Licensee 1 YES Licensee 2 YES Licensee 3

03A03#0500LIMLIC
EA C001:12PM04-14-94

\$1,000.00

State of Maryland 1993

READ CAREFULLY
ALL QUESTIONS ON BOTH SIDES MUST BE FULLY ANSWERED.

This application must be filed on or before March 31, 1993 at the Office of the Board or you may be fined an amount not to exceed \$50 for each day the application is late, up to a maximum cumulative amount of \$500 for an application filed during the month of April. If the application for renewal is not received by April 30, 1993, your license will be VOIDED. This will necessitate the filing of a new application and the advertisement of same at a cost of \$150.00. Any such application will only be considered if there are new licenses available in your Election District. (See Article 2B of the Public General Laws, 1984 edition as amended, and Rule 19 of the Rules and Regulations of the Liquor Board.)

Extract from Section 198 of Article 2B of the Law: If any signed statement, affidavit or oath required under the provision of this Act shall contain any false statement, the offender shall be deemed guilty of perjury, and upon indictment and conviction thereof, shall be subject to the penalties provided by law for that crime.

CLASS D (BWL) LICENSE.
To the Board of Liquor License Commissioners for Baltimore County:

Application is made by the undersigned for a renewal of the above class of license under the provisions of the State Alcoholic Beverage law. There is submitted herewith the following statements and information required:

<u>SECHAK, INC.</u>		LICENSEE(S)	
Corporate Name and/or		<u>7639 NEW BATTLE GROVE RD. BALTO. MD. 21222</u>	
Trade Name		Address	
<u>SOUTH BEND TAVERN</u>		<u>410-477-3998</u>	
		Business Phone	
Licensee 1	<u>PAUL SECHAK JR.</u>		<u>3003 YULCAN RD. BALTO. MD. 21222</u>
	Name (Print)	Home Address (Print)	Zip
Licensee 2	<u>DIANNE SECHAK</u>		<u>516 FUSLLAGE AVE BALTO. MD. 21221</u>
	Name (Print)	Home Address (Print)	Zip
Licensee 3			
	Name (Print)	Home Address (Print)	Zip

Are you now and have you been for the present License period (Answer Yes or No)

1. Owner of the business? Licensee 1 YES Licensee 2 YES Licensee 3 _____
2. Operator of the business? Licensee 1 YES Licensee 2 YES Licensee 3 _____
(If answer is no, please attach full explanation)

I-we hereby certify that the facts and information, set forth in the application upon which the present license was issued are unchanged: Yes X No _____ (If no, please attach full explanation)

During the licensed year have you been found guilty of any of the following? (Answer Yes or No)
(If yes for any licensee, attach an explanation) to each question below

- | | |
|---|--|
| A. Violation of Liquor Laws: | LICENSEE 1 <u>NO</u> 2 <u>NO</u> 3 _____ |
| B. Violation of the gambling Laws: | LICENSEE 1 <u>NO</u> 2 <u>NO</u> 3 _____ |
| C. Commission of a felony: | LICENSEE 1 <u>NO</u> 2 <u>NO</u> 3 _____ |
| D. Violation of the Rules and Regulations of the Board: | LICENSEE 1 <u>NO</u> 2 <u>NO</u> 3 _____ |

I-we hereby authorize the State Comptroller, his duly authorized deputies, inspectors and clerks, the Board of Liquor License Commissioners for Baltimore County, its duly authorized agents and employees and any peace officer of Baltimore County to inspect and search, without warrant, the premises upon which the business is to be conducted and any and all parts of the building in which said business is to be conducted at any and all hours.

Paul Sechak Jr.
Signature of Licensee 1
Dianne Sechak
Signature of Licensee 2

Signature of Licensee 3

AFFIDAVIT

STATE OF MARYLAND, COUNTY OF BALTIMORE, SS.:

I HEREBY CERTIFY, That on the 15 day of February, 1993, before me the subscriber,
a Notary Public in and for the County and State aforesaid, personally ap-
peared Paul Sechak Jr. & Dianne Sechak

the applicant(s) named in this renewal application
and made oath in due form of law that the matters and facts contained in said application are true.

WITNESS my hand and official seal

Kathleen E. Lister
Notary Public

(OVER)

MY COMMISSION EXPIRES AUGUST 31, 1993

Do NOT mail Fee for License with this application.
RENEWAL APPLICATION-ALCOHOLIC BEVERAGE LICENSE.

State of Maryland 1992

READ CAREFULLY
ALL QUESTIONS ON BOTH SIDES MUST BE FULLY ANSWERED.

This application must be filed on or before March 31, 1992 at the Office of the Board or you may be fined an amount not to exceed \$50 for each day the application is late, up to a maximum cumulative amount of \$500 for an application filed during the month of April. If the application for renewal is not received by April 30, 1992, your license will be VOIDED. This will necessitate the filing of a new application and the advertisement of same at a cost of \$150.00. Any such application will only be considered if there are new licenses available in your Election District. (See Article 2B of the Public General Laws, 1984 edition as amended, and Rule 19 of the Rules and Regulations of the Liquor Board.)

Extract from Section 198 of Article 2B of the Law: If any signed statement, affidavit or oath required under the provision of this Act shall contain any false statement, the offender shall be deemed guilty of perjury, and upon indictment and conviction thereof, shall be subject to the penalties provided by law for that crime.

CLASS D (BWL) LICENSE.
To the Board of Liquor License Commissioners for Baltimore County:

Application is made by the undersigned for a renewal of the above class of license under the provisions of the State Alcoholic Beverage law. There is submitted herewith the following statements and information required:

SECHAK, INC. T/A SOUTH BEND TAVERN 7639 NEW BATTLE GROVE RD. BALTIMORE, MARYLAND 21222		LICENSEE(S)	
Trade Name		Address	
		Business Phone	
Licensee 1	PAUL SECHAK JR. 3003 YULCAN RD. BALTO. MD. 21222	282-6165	
	Name (Print)	Home Address (Print)	Zip
Licensee 2	DIANNE SECHAK 516 FUSELAGE AVE BALTO. MD. 21221	687-2049	
	Name (Print)	Home Address (Print)	Zip
Licensee 3			
	Name (Print)	Home Address (Print)	Zip

Are you now and have you been for the present License period (Answer Yes or No)

1. Owner of the business? Licensee 1 YES Licensee 2 YES Licensee 3 _____
2. Operator of the business? Licensee 1 YES Licensee 2 YES Licensee 3 _____
(If answer is no, please attach full explanation)

I-we hereby certify that the facts and information, set forth in the application upon which the present license was issued are unchanged: Yes X No _____ (If no, please attach full explanation)

During the licensed year have you been found guilty of any of the following? (Answer Yes or No)
(If yes for any licensee, attach an explanation) to each question below

- | | |
|---|--|
| A. Violation of Liquor Laws: | LICENSEE 1 <u>NO</u> 2 <u>NO</u> 3 _____ |
| B. Violation of the gambling Laws: | LICENSEE 1 <u>NO</u> 2 <u>NO</u> 3 _____ |
| C. Commission of a felony: | LICENSEE 1 <u>NO</u> 2 <u>NO</u> 3 _____ |
| D. Violation of the Rules and Regulations of the Board: | LICENSEE 1 <u>NO</u> 2 <u>NO</u> 3 _____ |

I-we hereby authorize the State Comptroller, his duly authorized deputies, inspectors and clerks, the Board of Liquor License Commissioners for Baltimore County, its duly authorized agents and employees and any peace officer of Baltimore County to inspect and search, without warrant, the premises upon which the business is to be conducted and any and all parts of the building in which said business is to be conducted at any and all hours.

Paul Sechak Jr.
Signature of Licensee 1
Dianne Sechak
Signature of Licensee 2

Signature of Licensee 3

AFFIDAVIT

STATE OF MARYLAND, COUNTY OF BALTIMORE, SS.:

I HEREBY CERTIFY, That on the 14 day of MAR, 1992, before me the subscriber,
a NOTARY in and for the County and State aforesaid, personally ap-
peared PAUL SECHAK JR
DIANNE SECHAK

the applicant(s) named in this renewal application
and made oath in due form of law that the matters and facts contained in said application are true.

WITNESS my hand and official seal

James A. Casanova
Notary Public
Casanova exp 9/17/95

(OVER)

Do NOT mail Fee for License with this application.
RENEWAL APPLICATION-ALCOHOLIC BEVERAGE LICENSE.

State of Maryland 1991

READ CAREFULLY
ALL QUESTIONS ON BOTH SIDES MUST BE FULLY ANSWERED.

This application must be filed on or before March 31, 1991 at the Office of the Board or you may be fined an amount not to exceed \$50 for each day the application is late, up to a maximum cumulative amount of \$500 for an application filed during the month of April. If the application for renewal is not received by April 30, 1991, your license will be VOIDED. This will necessitate the filing of a new application and the advertisement of same at a cost of \$150.00. Any such application will only be considered if there are new licenses available in your Election District. (See Article 2B of the Public General Laws, 1984 edition as amended, and Rule 19 of the Rules and Regulations of the Liquor Board.)

Extract from Section 198 of Article 2B of the Law: If any signed statement, affidavit or oath required under the provision of this Act shall contain any false statement, the offender shall be deemed guilty of perjury, and upon indictment and conviction thereof, shall be subject to the penalties provided by law for that crime.

CLASS D LICENSE.
To the Board of Liquor License Commissioners for Baltimore County:

Application is made by the undersigned for a renewal of the above class of license under the provisions of the State Alcoholic Beverage law. There is submitted herewith the following statements and information required:

	LICENSEE(S)	
	<u>SECHAK, INC.</u>	<u>7639 NEW BATTLE GROVE RD. BALTO. MD. 21222</u>
	Corporate Name and/or	Address
	<u>SOUTH BEND TAVERN</u>	<u>477-3998</u>
	Trade Name	Business Phone
Licensee 1	<u>PAUL SECHAK JR.</u>	<u>3003 YULCAN RD. BALTO. MD. 21222</u>
	Name (Print)	Home Address (Print)
Licensee 2	<u>DIANNE SECHAK</u>	<u>516 FUSELAGE AVE. BALTO. MD. 21221</u>
	Name (Print)	Home Address (Print)
Licensee 3		
	Name (Print)	Home Address (Print)

Are you now and have you been for the present License period (Answer Yes or No)

1. Owner of the business? Licensee 1 YES Licensee 2 YES Licensee 3 _____
2. Operator of the business? Licensee 1 YES Licensee 2 YES Licensee 3 _____
(If answer is no, please attach full explanation)

I-we hereby certify that the facts and information, set forth in the application upon which the present license was issued are unchanged: Yes ☒ No _____ (If no, please attach full explanation)

During the licensed year have you been found guilty of any of the following? (Answer Yes or No)
(If yes for any licensee, attach an explanation) to each question below

- | | |
|---|--|
| A. Violation of Liquor Laws: | LICENSEE 1 <u>NO</u> 2 <u>NO</u> 3 _____ |
| B. Violation of the gambling Laws: | LICENSEE 1 <u>NO</u> 2 <u>NO</u> 3 _____ |
| C. Commission of a felony: | LICENSEE 1 <u>NO</u> 2 <u>NO</u> 3 _____ |
| D. Violation of the Rules and Regulations of the Board: | LICENSEE 1 <u>NO</u> 2 <u>NO</u> 3 _____ |

I-we hereby authorize the State Comptroller, his duly authorized deputies, inspectors and clerks, the Board of Liquor License Commissioners for Baltimore County, its duly authorized agents and employees and any peace officer of Baltimore County to inspect and search, without warrant, the premises upon which the business is to be conducted and any and all parts of the building in which said business is to be conducted at any and all hours.

Dianne Sechak
Signature of Licensee 1
Paul Sechak Jr.
Signature of Licensee 2

Signature of Licensee 3

AFFIDAVIT

STATE OF MARYLAND, COUNTY OF BALTIMORE, SS.:

I HEREBY CERTIFY, That on the 20th day of February, 19 91, before me the subscriber,
a _____ in and for the County and State aforesaid, personally
appeared Dianne Sechak and Paul Sechak

_____ the applicant(s) named in this renewal application
and made oath in due form of law that the matters and facts contained in said application are true.

WITNESS my hand and official seal

Mary Ellen Mullins
Notary Public
MARY ELLEN MULLINS
Notary Public, State of Maryland
My Commission Expires Feb. 1, 1994

(OVER)

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 01/09/08
OEA: MEJ

PERMIT #: B
RECEIPT #: A
CONTROL #: C
XREF #:

PROPERTY ADDRESS 7639 E. BATTLE GROVE ROAD
SUITE/SPACE/FLOOR
SUBDIV: BATTLE GROVE
TAX ACCOUNT #: 1508004880 DISTRICT/PRECINCT

FEE: 160 + 5477-182.00
PAID:
PAID BY: appl
INSPECTOR:

OWNER'S INFORMATION (LAST, FIRST)
NAME: FAT BOY SALOON, INC
ADDR: 7639 E. BATTLE GROVE ROAD
21222-3562

DOES THIS BLDG.
HAVE SPRINKLERS
YES — NO —

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

BUILDING 1 or 2 FAM.
CODE CODE
BOCA CODE

TYPE OF IMPROVEMENT
1. NEW BLDG CONST
2. X ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING
6. MOVING
7. OTHER

TYPE OF USE

RESIDENTIAL - N/A

01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
(ENTER NO UNITS)
05. SWIMMING POOL
06. GARAGE
07. OTHER

TYPE FOUNDATION

1. SLAB
2. BLOCK
3. CONCRETE

BASEMENT

1. FULL
2. PARTIAL
3. NONE

TYPE OF CONSTRUCTION

1. MASONRY
2. WOOD FRAME
3. STRUCTURE STEEL
4. REINF. CONCRETE

TYPE OF HEATING FUEL

1. GAS 3. ELECTRICITY
2. OIL 4. COAL

TYPE OF SEWAGE DISPOSAL

1. PUBLIC SEWER EXISTS PROPOSED
2. PRIVATE SYSTEM
SEPTIC EXISTS PROPOSED
PRIVY EXISTS PROPOSED

CENTRAL AIR: 1. 2. 3.
ESTIMATED COST: \$1000.00
OF MATERIALS AND LABOR

PROPOSED USE: COOLER BOX ATTACHED TO EXIST. BUILDING
EXISTING USE: EXISTING STRUCTURE IS A SALOON

OWNERSHIP

1. X PRIVATELY OWNED 2. PUBLICLY OWNED 3. SALE 4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. HIRISE

GARBAGE DISPOSAL 1. Y 2. N BATHROOMS
POWDER ROOMS KITCHENS

CLASS 23
LIBER 07 FOLIO 124 flat-2

BUILDING SIZE

FLOOR 378.60

WIDTH 31'4"

DEPTH 9

HEIGHT

STORIES 1

LOT # 3 168

CORNER LOT

1. Y 2. N

LOT SIZE AND SETBACKS

SIZE 87125F

FRONT STREET

SIDE STREET

FRONT SETBK

SIDE SETBK NC/NC

SIDE STR SETBK

REAR SETBK NC

ZONING OR 5.5

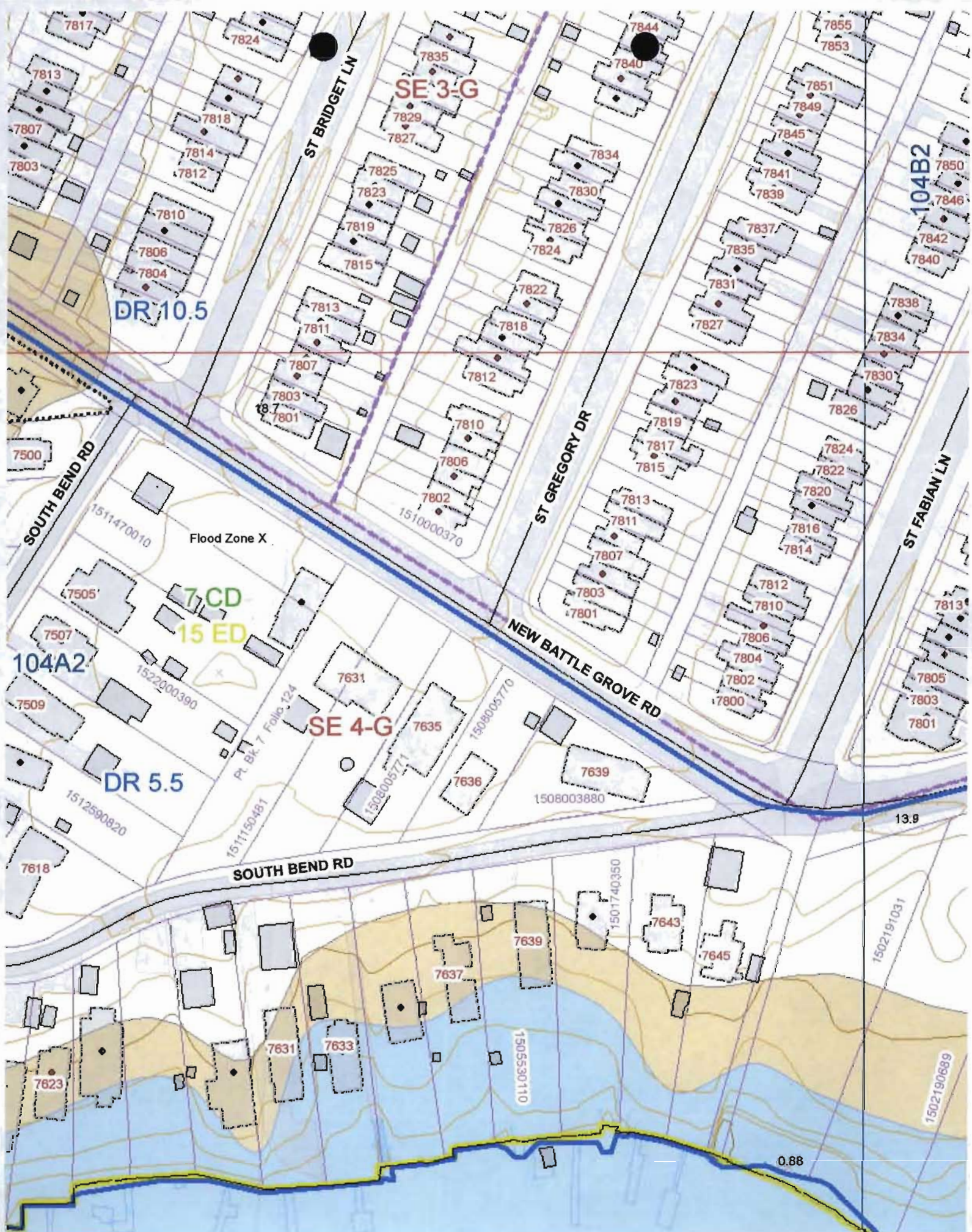
APPROVAL SIGNATURES

DATE

BLD INSP :
BLD PLAN :
FIRE 120
SEDI CTL 4/16 OK to file Permit 1-9-08
ZONING 11/16 :
PUB SERV :
ENVRMNT 4/16 OK to file Permit 1-9-08
PERMITS :
New Court Bldg

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO 1

PETITIONER'S EXHIBIT 5



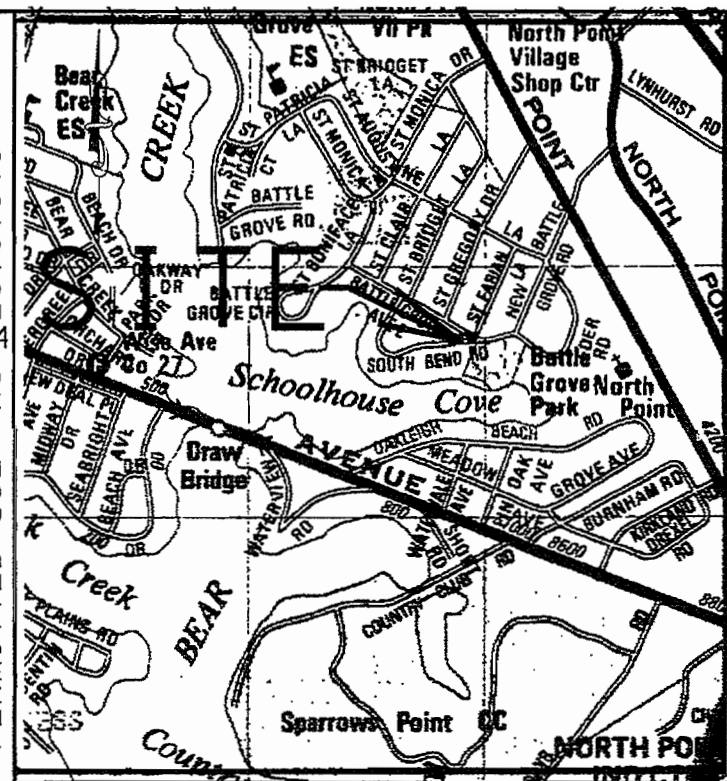
2008-0543-A

SITE DATA

DEED REFERENCE: L.25236, F.589
SITE AREA: 8.712 SQ.FT. OR 0.20 ACS±

EXISTING ZONING: DR 5.5
LOT NO. 169
PLAT REFERENCE: PLAT NO.2, BATTLE GROVE L.7
TAX ACCT.NO.: 1508003880
MAXIMUM HEIGHT OF BUILDINGS: 50 FEET
ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 7

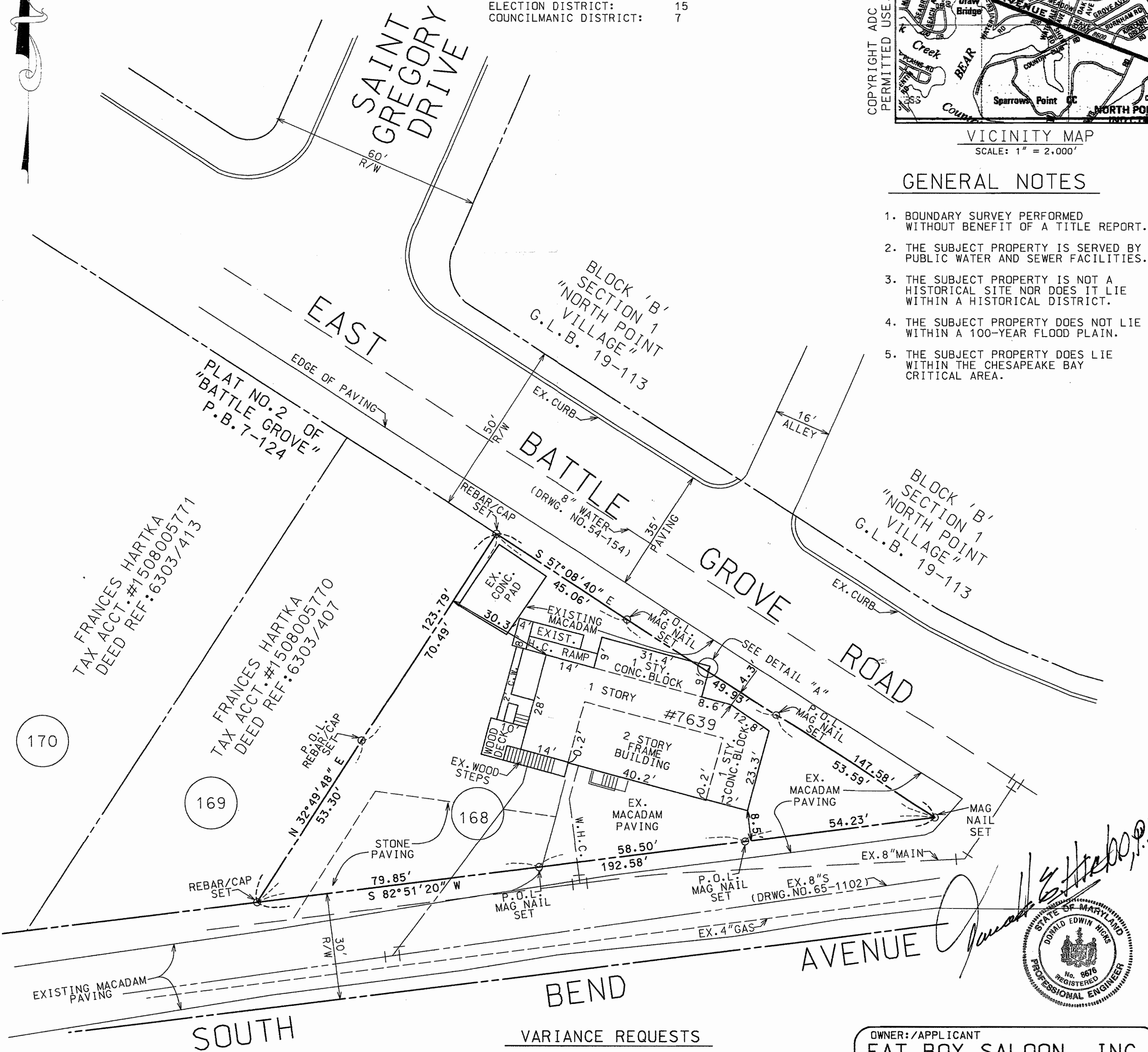
COPYRIGHT ADC THE MAP PEOPLE
PERMITTED USE, NO.2420797515



VICINITY MAP
SCALE: 1" = 2,000'

GENERAL NOTES

- BOUNDARY SURVEY PERFORMED WITHOUT BENEFIT OF A TITLE REPORT.
- THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER AND SEWER FACILITIES.
- THE SUBJECT PROPERTY IS NOT A HISTORICAL SITE NOR DOES IT LIE WITHIN A HISTORICAL DISTRICT.
- THE SUBJECT PROPERTY DOES NOT LIE WITHIN A 100-YEAR FLOOD PLAIN.
- THE SUBJECT PROPERTY DOES LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.



VARIANCE REQUESTS

PETITION FOR VARIANCE:

- TO PERMIT 0' FRONT YARD SETBACK IN LIEU OF REQUIRED 25' WHERE A NON-COMFORMING SETBACK OF 4.3' EXISTS.
- TO PERMIT 8.5' FRONT YARD SETBACK IN LIEU OF REQUIRED 25', IF NECESSARY, WHERE A NON-COMFORMING SETBACK OF 8.5' EXISTS.

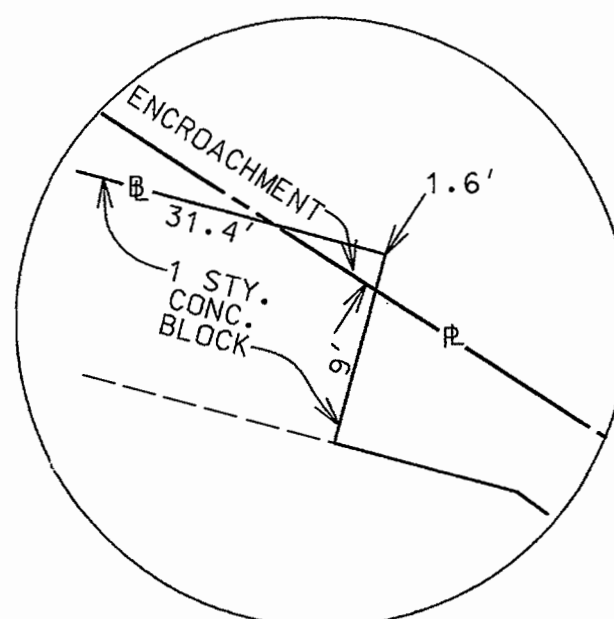
ZONING CASE NO.89-167-SPH

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of November, 1988 that the Petition for Special Hearing to approve the nonconforming use of the subject property as a tavern, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- The Petitioner shall comply with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated September 13, 1988, attached hereto and made a part hereof.
- Petitioner shall submit a new site plan of the building which clearly outlines the areas used as tavern space and those areas used as living quarters, including the size and dimensions for each. Said new plan shall be submitted to the Zoning Commissioner prior to January 15, 1989.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

THE PROPERTY SHOWN HEREON DOES NOT LIE WITHIN ANY 100 YEAR FLOOD HAZARD BOUNDARY SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BALTIMORE COUNTY MARYLAND, COMMUNITY PANEL NO.240010 0440C, EFFECTIVE DATE MARCH 2, 1981, BUT LIES WITHIN ZONE C (AREA OF MINIMAL FLOODING) SHOWN ON SAID MAP.



DETAIL "A"
NOT TO SCALE

OWNER/APPLICANT
FAT BOY SALOON, INC.
7639 E. BATTLE GROVE ROAD
BALTIMORE COUNTY, MD 21222-3562
TAX MAP 104, GRID 14, PARCEL 235

Hicks Engineering Associates, Inc.
ENGINEERS, SURVEYORS & PLANNERS
200 EAST JOPPA ROAD - SUITE 402
TOWSON, MARYLAND 21286-3160
(410) 494-0001 FAX: (410) 821-8890

PROJECT TITLE:
FAT BOY SALOON, INC
TAX ACCOUNT #1508003880
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

DRAWING TITLE:
**PLAT TO ACCOMPANY
PETITION FOR ZONING
VARIANCE**

JOB NO.:	21919	DRAWING NO.:	
DRAWN BY:	MH		
CHECKED BY:	DEH		
DATE:	MAY 7, 2008		
SCALE:	1"=20'	SHEETS PER SET:	1 OF 1

2008-0543-A