

IN THE MATTER OF:
2713 & 2715 North Point Road
12th Election District
7th Council District
Treasure Coast Management, LLC,
Legal Owner;
25 Midway, Inc., Lessee

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 16-0122-A

* * * * *

OPINION

This matter comes to the Baltimore County Board of Appeals (the "Board") as an appeal of the Administrative Law Judge's Opinion and Order issued on January 11, 2016 following a hearing on Petitioner's Request for a Variance. In particular, Petitioners requested variance relief to permit 22 parking spaces instead of the required minimum of 63 parking spaces, which was denied. The Board of Appeals conducted a *de novo* hearing on May 4, 2016 and then deliberated on June 8, 2016. Petitioner was represented by Kelley M. James, Esquire of Maslan, Maslan & Rothwell, P.A. Carole S. Demilio, Deputy People's Counsel for Baltimore County, participated on behalf of People's Counsel.

By way of background, a prior variance concerning the subject property was granted by the Deputy Zoning Commissioner on April 9, 1973 (the "1973 Variance", Case No. 1973-233-A). The zoning variance permitted the subject property to have 25 parking spaces in lieu of 56 parking spaces and permission to install parking spaces six feet from the property line instead of the required eight feet. Since that time, the subject property had been primarily operated as social hall and a restaurant, Papa Leone's, until 2014, when the site was purchased by Petitioner. Petitioner then opened "Papa's Smokehouse Saloon," and operated it as a restaurant, bar and catering service.

Petitioner desired to have outdoor seating/patio, ultimately resulting in the variance request at issue in this matter.

Petitioner's property is comprised of six lots (Lots 7-12), as depicted on the site plan (Petitioner's Ex. 1.1), with 2713 North Point Road consisting of Lots 7 & 8 and 2715 North Point Road consisting of Lots 9-12. (Petitioner's Ex. 1.2, Property Description by Engineer Pearnell Wilson).¹ The property at issue is zoned BL CCC and is located on the NW corner of the intersection of North Point Road and Oakwood Road. Oakwood Road is a residential, one-way street, with traffic turning onto Oakwood via North Point Road and traffic exiting via Gray Manor Terrace. Oakwood Road and Gray Manor Terrace are zoned DR 5.5. Testimony revealed that parking for the residents on Oakwood Road and Gray Manor Terrace is limited to one-lane driveways or street-side parking. Oakwood Road in particular is a narrow road. There was testimony that those that live on Oakwood try to park their vehicles in a staggered formation on both sides of the one-way street and know to be snug against the curb so that vehicles may pass and so that vehicles can successfully make it in and out of driveways.

Alexander Friedman is an owner and manager for the legal owner of 2713 & 2715 North Point Road, Treasure Coast Management, LLC, and the lessee, 25 Midway, Inc. Mr. Friedman has other business interests, including ones in Florida, and has others manage Papa's Smokehouse Saloon during his absences. Mr. Friedman undertook extensive renovations of the property when purchased, including a new kitchen. The former social/catering hall (Lots 7 & 8) is now partially used for storage. The testimony presented revealed that Mr. Friedman's renovations have attracted more patrons to the restaurant than were visiting previously. In addition, Papa's Smokehouse

¹ Mr. Wilson did not appear for the hearing. An Affidavit, along with the site plan and Property Description, were submitted on behalf of Petitioner. The reference here is to establish uncontested facts regarding the property and is not an indication that the Board gave any significant evidentiary weight to Mr. Wilson's Affidavit as the averments concern the merits or that the Board made any credibility determination.

Saloon has hosted private events as well as certain themes (such as holding itself out as a sports bar) or attractions (e.g. karaoke, trivia, etc.) to boost the customer base. One such customer, Harry Elliott, testified on behalf of the Petitioner, relaying that he is there several nights a week and that the changes to the property have been good for the neighborhood.

Three residents who live on Oakwood², however, appeared and testified in opposition to the Petition. The main issue raised by all three concerned patrons: parking on Oakwood; thereby depriving residents of sufficient parking and at least one resident expressed a concern that the patrons' parking on Oakwood would potentially jeopardize emergency responders from being able to get down the narrow road. As such, if Petitioner was permitted to have outdoor seating, the residents believed even more patrons would require side-street parking, exacerbating the periodic difficulties they, and other residents, encountered. Photographs were introduced into evidence of the parking conditions on a night where Papa's Smokehouse Saloon had an event. (People's Counsel Ex. 2-7). The residents could tell which vehicles belonged to residents on Oakwood and which cars had visitors, first, because they would recognize certain cars, but second, because other cars stood out as they did not adhere to the usual practices of Oakwood residents parking their vehicles in a staggered manner and being snug up against the curbs. Moreover, one of the testifying residents identified a car parked at the intersection of North Point Road and Oakwood, which created turning radius issues for vehicles attempting to turn on to Oakwood. (See People's Counsel Ex. 2). Petitioner's restaurant, by all accounts, has had a positive impact on the area and is enjoyed by many of the nearby residents, even those that opposed Petitioner's variance request.

² Jackie Brewster, Rick Brewster and Steve Lucknet.

Variance Law

In order to grant a variance in Baltimore County, Baltimore County Zoning Regulations § 307.1 states, as relevant:

“...The County Board of Appeals...shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship...Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare...”

In short, in order to obtain a variance in this instance, Petitioner first would have to prove the uniqueness of the property and then that such uniqueness results in practical difficulty. See Cromwell v. Ward, 102 Md. App. 691, 703-722; 651 A.2d 424, 430-440 (1995). The uniqueness element requires that the subject property have an inherent characteristic not shared by other properties in the area, such as: shape, topography, sub-surface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. Id., at 710-11; 651 A.2d at 433-34, citing North v. St. Mary's County, 99 Md. App. 502, 514-15; 638 A. 2d 1175 (1994). On the other hand, the uniqueness cannot be caused by improvements upon the property or a neighboring property. Id. at 710; 651 A.2d at 433-34.

With respect to practical difficulty, there is a three-part inquiry: (1) whether compliance with the strict letter of the restrictions governing area, setbacks, etc., would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome; (2) whether a grant of the variance would do substantial justice for the applicant as well as to other property owners in the district, or whether a lesser

relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and (3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured. Trinity Assembly of God of Baltimore City, Inc. v. People's Counsel, 407 Md. 53, 83-84; 962 A.2d 404, 422 (2008), citing McLean v. Soley, 270 Md. 208, 214-15; 310 A.2d 783, 787 (1973). The hardship at issue cannot be self-inflicted. Cromwell, 102 Md. App. at 721-22; 651 A.2d at 439-40. In addition, financial considerations also do not necessarily justify a petitioner's entitlement to variance relief. See, Green v. Bair, 77 Md. App. 144, 151; 549 A.2d 762, 765 (1988) ("Mere financial hardship or an opportunity to get an increased return from the property is not a sufficient reason for granting a variance," citing, Daihl v. County Board of Appeals, 258 Md. 157, 167; 265 A.2d 227, 232 (1970) (other citations omitted)).

Opinion

A review of the evidence can only lead to one conclusion--- Petitioner has failed to prove the uniqueness of the subject property. Petitioner did not submit any evidence to illustrate that some characteristic is peculiar to the subject property when compared to other area properties. Petitioner, in a conclusory fashion, merely asserted that the property had an irregular shape. Petitioner did not submit any documentary or demonstrative evidence for comparison to other area properties. On the other hand, People's Counsel submitted an aerial map (People's Counsel Ex. 1) of the area. The aerial map revealed that the angle of North Point Road prevents Petitioner's property from being a square or a rectangle.

However, it is apparent on the aerial map that the neighboring properties to the northwest, 2701 Old North Point Road and 2707 North Point Road have the exact same characteristic. (See, People's Counsel Ex. 1). Moreover, the properties to the southeast, in particular 2725 Old North

Point Road and 2727 Old North Point Road, have a similar angular frontage with North Point Road, even if to a lesser degree as the road curves. The properties across the street also appear to have a similar issue. Even still, the angular frontage has not prevented this property from being used as a restaurant, as a restaurant has existed at that location since, more or less, 1973.

Instead, Petitioner argues that the 1973 Variance establishes that the property is unique. For the decision to be barred by *res judicata*, Petitioner would need to show that: (1) the parties in the present litigation should be the same or in privity with the parties to the earlier case; (2) the second suit must be the same cause of action as the first; and (3) there must have been a valid final judgment on the merits in the first case. Cochran v. Griffith Energy Servs., Inc., 426 Md. 134, 140; 43 A.3d 999, 1002 (2012). Maryland Courts utilize a transactional analysis, that is, whether the facts are related in time, space, origin or motivation. See, e.g. FWB Bank v. Richman, 354 Md. 472, 293; 731 A.2d 916 (1999). As illustrated by People's Counsel, there has been a change in law, there is no evidence that the parties are either identical or in privity with one another, the uses are somewhat different³, and the motivations are different. For similar reasons, the doctrine of collateral estoppel is also inapplicable. In short, the Board finds that this case is sufficiently different than the 1973 Variance. Therefore, the 1973 Variance has no preclusive effect upon this case and the Board finds that Petitioner has not met their burden with respect to proving the property's uniqueness.⁴

Even if it is assumed that the property is unique, to which the Board disagrees, and Petitioner has shown practical difficulty, to which the Board did not reach, the Board finds that the variance sought here cannot be granted in harmony with the spirit and intent of the Baltimore

³ The property also used to serve as a meeting hall and that was the use identified in the 1973 Variance Petition.

⁴ As such, there is no need to review whether Petitioner can satisfy the second element of practical difficulty. Nevertheless, it should be noted that if the Board reached this issue, there would be an unanswered question regarding the causal connection between the uniqueness, the practical difficulty and relief sought.

County Zoning Regulations and in such manner as to grant relief without injury to the public health, safety and general welfare. The testimony from the surrounding neighbors reveals that parking for residents is complicated without overflow parking from the restaurant. When there is overflow parking on Oakwood, the evidence presented demonstrated that people park their vehicles in a manner that jeopardizes safe turns on to Oakwood, potentially hinders emergency vehicles from proceeding on Oakwood, and otherwise disrupts welfare of the residents.

Under Maryland law, variance requests are to be granted sparingly and only under exceptional circumstances. Trinity, 407 Md. at 79; 962 A.2d at 419 (citation omitted). Such circumstances are not supported by the evidence presented by Petitioner. For this reason, the Board denies the variance petition seeking relief from the off-street parking regulations.

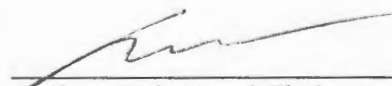
ORDER

THEREFORE, ON THIS 11th day of August, 2016, by the Board of Appeals of Baltimore County, it is hereby:

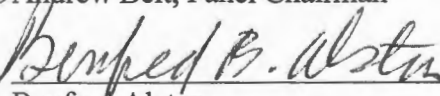
ORDERED that the Petition for Variance to permit 22 parking spaces instead of the required minimum of 63 parking spaces be and the same is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

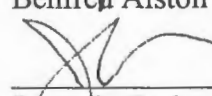
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Andrew Belt, Panel Chairman



Benfred Alston



Jason S. Garber



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 11, 2016

Kelley M. James, Esquire
Maslan, Maslan & Rothwell, P.A.
7508 Eastern Avenue
Baltimore, Maryland 21224

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

RE: In the Matter of: *Treasure Coast Management, LLC – Legal Owner*
25 Midway, Inc. – Lessee
Case No.: 16-122-A

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

Enclosure
Duplicate Original Cover Letter

c: Treasure Coast Management, LLC
25 Midway, Inc.
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

Sharyn Jenkins
Steve Lucknet
Jackie and Rick Brewster

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Treasure Coast Management, LLC – Legal Owner 16-122-A
 25 Midway, Inc. – Lessee

DATE: June 8, 2016

BOARD/PANEL: Andrew M. Belt, Panel Chairman
 Benfred B. Alston
 Jason S. Garber

RECORDED BY: Tammy A. McDiarmid, Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Variance to permit 22 parking spaces in lieu of the required 63 spaces.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board reviewed the history of this matter. The Petitioners own and operate a restaurant and wish to add outdoor seating. In order to do so they must meet the parking requirements, and have requested a parking variance.
- The Board noted that this property was the subject of a prior parking variance which granted 25 parking spaces. Upon review of the file it was noted that the Petitioners are not in compliance with the previously granted parking variance.
- Several neighbors appeared in opposition to the request and stated that although they enjoy the restaurant and the food, they are concerned about the overflow parking on the narrow street. The residents stagger their vehicles when parking to allow for emergency vehicles to pass, but customers do not.
- People's Counsel appeared in opposition and raised the issues of *res judicata* and collateral estoppel.
- The Board reviewed the standards of Cromwell v. Ward and find that the property is not unique.

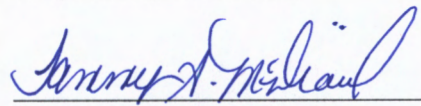
DECISION BY THE BOARD MEMBERS:

The Board determined that property does not meet the uniqueness criteria of Cromwell v. Ward, and find the request is not in the spirit of keeping with the Baltimore County Zoning Regulations.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the requested relief.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,



Tammy A. McDiarmid

RECEIVED

JUN 6 2016

BALTIMORE COUNTY
BOARD OF APPEALS

RE: PETITION FOR VARIANCE
2713 & 2715 North Point Road
12th Election District
7th Council District
Petitioners: Treasure Coast Management, LLC
(Legal Owner) and 25 Midway, Inc. (Lessee)

* BEFORE THE
*
* BOARD OF APPEALS
*
* FOR
*
* BALTIMORE COUNTY
*
* CASE NO: 2016-0122-A
*

* * * * *

**MEMORANDUM OF LAW IN SUPPORT OF PETITIONERS' REQUEST FOR
VARIANCE RELIEF**

Treasure Coast Management, LLC, and 25 Midway, Inc., Lessee, Petitioners, by and through their attorneys, Kelley M. James, Esq. and Maslan, Maslan & Rothwell, PA, submit this Memorandum of Law in support of their Petition for Variance.

STATEMENT OF THE CASE

Treasure Coast Management, LLC, owner of the property known as 2713 and 2715 North Point Road, Baltimore, Maryland 21222, (hereinafter "Property") and 25 Midway, Inc., Lessee of said Property, operate a tavern/restaurant known as Papas Smokehouse and Saloon. Treasure Coast Management, LLC and Midway, Inc. (hereinafter "Petitioners") wish to construct a concrete patio for outdoor dining. Due to off-street parking restrictions, Petitioners filed a Petition for Variance relief from Section 409.6 of Baltimore County Zoning Regulations to permit 22 spaces in lieu of the required 63. This requested relief is an amendment to the previously approved variance on the subject property, which allows for 25 spaces in lieu of 56 and permits spaces 6 feet in lieu of 8 feet from the property line. See Zoning Commissioner's Decision dated April 9, 1973, case number 1973-0233A (hereinafter "Decision").

On January 11, 2016, Administrative Law Judge John E. Beverungen denied Petitioners' request for a variance. The Petitioners appealed the decision. Alex Friedman, member of Treasure Coast Management, LLC and part owner of 25 Midway, Inc., appeared on behalf of the Petitioners before the Baltimore County Board of Appeals in a de novo hearing held on May 4, 2016.

FACTS

The Property at issue is comprised of five lots. *See* Site Plan, Exhibit 1.1 (prepared by engineer, Pearnell O. Wilson, P.E., - *see* Exhibit 1.A); and *see* Property Description, Exhibit 1.2. It is approximately 18,775 square feet and is zoned BL CCC. *Id.* The current building area is 4,482 square feet. The total square footage, including the proposed patio, would be 5,097 square feet. *Id.* The Property is located on the corner of North point Road and Oakwood Road. *Id.* Oakwood Road is a one-way street that allows for public parking on both sides of the street. *Id.*

As previously stated, a variance was granted for the Property allowing for 25 parking spaces in lieu of 56. In 1973, at the time the variance was granted, a meeting hall existed on the Property. *See* Decision. Prior to the Petitioners purchasing the Property, the Property was used as a catering hall and Italian restaurant. At the hearing before the Board, Mr. Friedman testified that Petitioners purchased the Property in 2014.

At the time of the purchase, the Property was in disrepair. Mr. Friedman testified to the extensive renovations performed on the Property, which included a newly constructed kitchen. *Id.* Mr. Friedman also testified that the part of the building previously used as a catering hall is now solely used for storage. *Id.* (*See* portion of the building straddling lots 7 and 8).

Currently, Petitioners are operating a restaurant/tavern known as Papas Smokehouse and

Saloon (hereinafter "Papas") on the subject Property. *Id.* Since Papas opened, it has developed a reputation for being a nice, local establishment with high quality food. *Id.* Mr. Friedman has had excellent feedback from the community. *Id.* Mr. Friedman further testified that business primarily serves the local population and that the same people tend to dine at Papas several times a week. *Id.*

Currently, Papas does not offer outdoor seating. Thus, Petitioners wish to construct an outdoor concrete patio for the sole purpose of providing their current clientele with the option of dining outdoors. *Id.* Unable to strictly comply with Baltimore County Zoning Regulations, the Petitioners filed a Petition for a Variance. *Id.*

The proposed outdoor patio would comprise of only 615 square feet and would seat only 4-5 tables. *Id.* The proposed patio would not require any of the 22 parking spots to be sacrificed. *Id.* It would be a seasonal use, would not be enclosed, and would be set back from the street. *Id.* There would be no outdoor bar and the outdoor space would not be advertised. *Id.* Mr. Friedman further testified that the outdoor patio was not meant to increase Papas's business, but only to prevent the loss of business during the warm summer months. *Id.* Mr. Friedman stated that the 615 square feet was too small of an area to impact the current parking situation on Oakwood Road. *Id.*

Mr. Harry Elliot testified as a proponent to the proposed outdoor seating area. Mr. Elliot is a local resident who enjoys eating at Papas's approximately three times a week. He testified that Papas has been great for the neighborhood. *Id.* He further testified that he typically walks to Papas, which is common for other patrons as well, unless the weather prevents it. When Mr. Elliot dines at Papas on Friday or Saturday evenings, he rarely notices any issues with parking.

Id. According to Mr. Elliot, Papas has become the local establishment; it has good food, a good middle-aged crowd, and a nice, relaxing atmosphere. *Id.* He also stated that the proposed patio would help prevent the current clientele from looking to dine elsewhere during the warm summer months. *Id.*

Three local neighbors testified in opposition to the outdoor seating proposal. Ms. Brewster testified that she lives on Oakwood Road. She testified that both sides of Oakwood Road are open to public parking. *Id.* She stated that since Papas opened for business, at times, it is difficult for her or her family to find parking on Oakwood Road. However, she admitted that her driveway can fit up to three cars. *Id.* Although she voiced concern over an incident in which emergency vehicles had difficulty maneuvering on Oakwood Road, Ms. Brewster acknowledged that she never complained to Baltimore County and that she preferred that parking be allowed to continue on each side of the street for her family or her own personal guests. Ms. Brewster presented no evidence as to how four to five outdoor tables would increase alleged parking issues on Oakwood Road.

Mr. Brewster, Ms. Brewster's husband, also testified. He stated that outdoor seating at Papas would increase parking difficulties on Oakwood Road. He submitted photographs of Oakwood Road during a Wednesday evening in which Papas was open for business. The photographs revealed a lack of parking spots.¹ Mr. Brewster also testified that he had never contacted Baltimore County to complain about the alleged parking issues on Oakwood Road.

Finally, Mr. Locket testified in opposition to the Petition for Variance. He stated that he has dined at Papas and that it was an enjoyable experience. *Id.* He testified, however, that he is

¹ When asked about the photographs, Mr. Friedman stated that they were taken on a night that Papas offered karaoke, but that Papas no longer offers such entertainment.

concerned that outdoor seating at Papas would increase parking difficulties on Oakwood Road. Further, he submitted photographs of Oakwood Road during a Wednesday evening in which Papas was open for business. He has never contacted Baltimore County to complain about parking issues on Oakwood Road.

ARGUMENT

Section 409.6 of the Baltimore County Zoning Code provides for the off -street parking and loading requirements:

§ 409.6

Required number of parking spaces.

A. General requirements. The standards set forth below shall apply in all zones unless otherwise noted. ...

Carry-out restaurant

5 per 1,000 square feet of gross floor area.

Fast-food and standard restaurants: general rule

16 per 1,000 square feet of gross floor area with at least 10 spaces required in all cases.

The Property at issue has an existing building area of 4,482 square feet and offers 22 off-street parking spaces. In accordance with Section 409.6, an additional 615 square feet allocated for the proposed patio would require Petitioners to provide 63 off-street parking spaces. Of course, the existing variance on the Property allows for 25 spaces in lieu of 56. Thus, the Petitioners are only requesting a minor change to the already existing variance, so that they may offer 22 off-street parking spaces in lieu of the 25 currently permitted.

As provided for in Section 307.1 of the Baltimore County Zoning Regulations, Baltimore County Board of Appeals (hereinafter "Board") has the authority to grant a variance.

§ 307.1

... the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from . . . off-street parking regulations . . . only in cases where special circumstances or conditions exist that are peculiar to the land or structure which

is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. .. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant any other variances.

In the instant case, the requested variance and subject Property meet all of the criteria of Section 307.1.

1. **THE PROPERTY IS UNIQUE**

The Property at issue is unique. As provided in *Cromwell v. Ward*, 102 Md. App. 691 (1995), the first step in determining whether to grant a variance is to establish the “uniqueness and peculiarity of the subject property.” *Id.* at 694. The property must be “unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property.” *Id.*

In the instant case, the Property is irregularly shaped and comprised of five separate lots. See Site Plan Exhibit 1.1. As stated by Mr. Friedman, there is no practical way to provide for additional parking spaces on said Property. *Id.* Further, the current approved variance for the Property demonstrates a previous judicial finding that the property is unique. See Decision.

2. **STRICT COMPLIANCE WITH BALTIMORE COUNTY ZONING REGULATIONS WOULD RESULT IN PRACTICAL DIFFICULTY AND UNREASONABLE HARDSHIP**

Strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon Petitioners. As provided in *Cromwell v. Ward*, once the uniqueness of the Property has been established, the next step is to determine “whether practical difficulty and/or unreasonable hardship, resulting from the disproportionate impact of the ordinance caused by the property's uniqueness, exists.” *Id.* at 695.

In the instant case, the Property required extensive renovations. There was much testimony that the previous establishment was rundown and that Papas has been a much needed and welcomed addition to the neighborhood. However, in order to continue to maintain it's current level of business during the summer months, Mr. Friedman testified that Petitioners require outdoor dining space.

As Mr. Friedman and Mr. Elliot testified, Petitioners will lose business if Papas clientele is unable to enjoy outdoor table service during the warm weather months. Petitioners must meet the demands of their current clientele in order to continue to have a successful business at said Property. Denying a parking variance places an unreasonable financial hardship on the Petitioners. Such a denial could result in a loss of profits.

Furthermore, this is not a self-inflicted hardship. *See Cromwell*, at 721. The inability to strictly comply with the zoning regulations off-street parking requirement is not the result of Petitioners' actions. Zoned BLCCC, the restaurant/tavern use is permitted, but due to the uniqueness of the Property, Petitioners are unable to provide enough off-street parking spaces to properly and adequately run their business. Further, as Mr. Friedman testified, the proposed patio will not eliminate any of the twenty-two parking spaces currently available.

Additionally, the granting of a parking variance in 1973 demonstrates a judicial finding that practical difficulty and hardship results when off-street parking zoning requirements are strictly enforced on said Property. *See Decision*.

3. **THE VARIANCE IS IN HARMONY WITH THE SPIRIT AND INTENT OF THE BALTIMORE COUNTY ZONING REGULATIONS WITHOUT INJURY TO THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE.**

Granting a variance to Petitioners is in harmony with the spirit and intent of the zoning regulations. *See* § 307.1 of the Baltimore County Code. Moreover, the variance would not result in injury to the public health, safety, or general welfare. *Id.*

Petitioners have helped revitalize the local community by investing their time and money into the subject Property. They have provided the community with a much needed high quality dining experience. To continue to be successful, the Petitioners must continue to meet the demands of the local community.

There is no evidence that the proposed 615 square feet concrete patio, which would allow for only 4-5 tables, would negatively impact the local community or negatively impact parking on Oakwood Road. Such a small dining area could not possibly create any additional parking problems. As Mr. Friedman stated, the area will not be advertised to the general public and the space will be limited to those who wish to dine; No outdoor bar is to be provided.

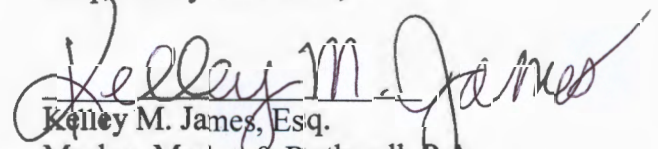
Furthermore, photographs submitted in evidence by the protesters are not representative of the everyday parking situation on Oakwood Road, but are only of a Wednesday evening during which Papas had hosted a karaoke night. As Mr. Friedman testified, karaoke nights are no longer offered at Papas. Further, Oakwood Road is a public street and there is no evidence that Papas' patrons are the only people parking on said street. In fact, Mr. Friedman and Mr. Elliot testified that many of Papas' clientele walk to the restaurant. It should also be noted that most of the residences on Oakwood Road have their own private driveways.

Lastly, due to the current variance that exists for said Property, Petitioners are only requesting an additional 3 spaces of relief. Over time, the community adapted to the variance allowing for 25 spaces, and so a variance allowing for 22 spaces is a minimal change which poses no threat to the health, safety or general welfare of the community. Thus, the requested relief would be in harmony with the spirit and intent of law.

CONCLUSION

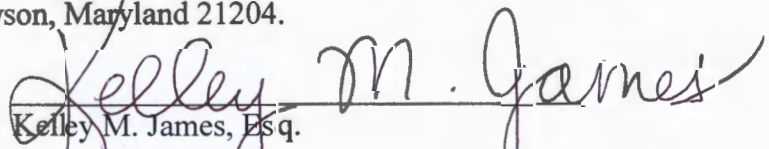
In the instant case, the Property is unique, and practical difficulty and unreasonable hardship will result if the requested variance is denied. Furthermore, the variance is in strict harmony with the spirit and intent of the parking regulations without injury to the public health, safety and general welfare. Therefore, Petitioners request that Board GRANT the Petitioner's request for variance relief from Section 409.6 of Baltimore County Zoning Regulations to permit 22 spaces in lieu of the required 63.

Respectfully submitted,


Kelley M. James, Esq.
Maslan, Maslan & Rothwell, P.A.
7508 Eastern Avenue
Baltimore, Maryland 21224
(T) 410-282-2700
(F) 410-282-3336
kmjames@mmandrillaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of June 2016, Petitioner's Memorandum of Law was hand-delivered to: Carole S. Demilio, Deputy People's Counsel, Old Courthouse, 400 Washington Avenue, Room 47, Towson, Maryland 21204.


Kelley M. James, Esq.

RE: PETITION FOR VARIANCE	*	BEFORE THE BOARD
Point Road, 132' NW c/line Oakwood Road	*	OF APPEALS
12 th Election & 7 th Councilmanic Districts		
Legal Owner(s): Treasure Coast Management	*	FOR
Contract Purchaser(s): 25 Midway, Inc		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2016-122-A

RECEIVED
JUN 6 2016

* * * * *

MEMORANDUM OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

BALTIMORE COUNTY
BOARD OF APPEALS

Statement of Case

Treasure Cove Management LLC and 25 Midway Inc. ("Petitioner") seek a parking variance for a standard restaurant, with tavern and catering service, located at 2713, 2715 North Point Road ("site"). The site is less than one-half acre zoned Business, Local "B.L." with a C.C.C. District overlay. Petitioner owns and operates the site and the business known as Papas Smokehouse Saloon.

A prior restaurant/catering facility existed at the site under a parking variance granted in 1973 for 25 spaces in lieu of the required 56, a shortage of 54%. Petitioner seeks to add an outdoor patio area on the parking lot, with tables for dining. Petitioner now seeks a variance for 22 parking spaces in lieu of 63, or a shortage of 66%.

Several citizens who reside on Oakwood Road, the residential street adjoining the site, appeared at the hearing before the Administrative Law Judge (ALJ) and opposed the relief. Among other reasons the citizens testified their street is already burdened by overflow parking by patrons of Papas Smokehouse, and feared exacerbation of the existing parking shortage. The ALJ denied the variance.

Petitioner filed an appeal to the County Board of Appeals ("CBA"). A hearing was held on May 4, 2016. Kelly James, Attorney at Law, appeared for Petitioner. Several residents appeared in opposition ("Protestants") as indicated on the sign in sheet marked as People's Counsel Exhibit 9. Jackie and Rick Brewster who reside at 10 Oakwood and Steve Lucknet who resides at 12 Oakwood testified. Carole S. Demilio, Deputy People's

Counsel appeared on behalf of the Office of People's Counsel in opposition to the variance.

The hearing was concluded on May 4th and the CBA requested Memoranda in lieu of closing argument.

Statement of Facts

Petitioner purchased the site in 2014 and opened Papas Smokehouse Saloon, a restaurant, bar and catering facility. Petitioner has a Baltimore County liquor license. A restaurant previously existed at the site which Protestants explained had far less traffic than Papas Smokehouse. Large crowds at the prior restaurant only occurred with private party catering, averaging about one per month. In contrast, the Smokehouse is a busier operation open seven days a week from 11:00 a.m. to 2:00 a.m. The Smokehouse provides Karaoke entertainment and Trivia nights and also describes itself as a sports bar. Petitioner maintains a web site where the Smokehouse is described as "crowded as you'd expect on Saturdays" and that the "place really fills up as the night grows old" particularly on weekend nights.

The aerial map marked as People's Counsel Exhibit 1 shows the site is bounded by North Point Road to the north, Oakwood Road to the east, Grey Manor Terrace to the south, and Parkwood Road to the west. Oakwood, Grey Manor and Parkwood are residential streets developed with single family detached homes constructed in the first third of the 20th century. The long-time settled residential area is zoned Density Residential (D.R.) 5.5, that is 5.5 dwellings per acre. Protestants testified the homes do not have garages. Since there are no garages or space for garages, the citizens must rely on street parking. Some residents have make-shift single lane "driveways" in the front or side yard. Mr. Luckett, testified he contacted Baltimore County about residential permit parking but none is provided on Oakwood or in this neighborhood. Since this is an older residential neighborhood with homes constructed before comprehensive zoning, there is no requirement for the residents to have off-street parking; on the other hand, as discussed later, the Smokehouse is required to provide off-street parking under BCZR 409 "Off-Street parking and Loading".

Oakwood Road is a one-way, one-block, sidewalk lined street between North Point Road and Gray Manor Terrance. Parking is permitted on both sides of the street, which of course limits the width of the travel lane. Protestants testified the residents know to stagger parking so that the automobiles are not directly across from each other in order to maximize the width of the travel lane. This is especially crucial to allow larger vehicles and emergency vehicles to pass.

The aerial map shows the shape of the subject site is nearly a perfect square, except for a very slight curve on its boundary with North Point Road. See People's Counsel Exhibit 1 and "My Neighborhood Map," a public record document available on the Baltimore County website, attached. The adjoining lots and those across North Point have nearly identical shapes.

Petitioner desires to construct a 615 square foot patio in the parking lot. He suggested he may enclose it in the future so that it is available for year round dining. The patio will provide additional tables for outside dining.

Alexander Friedman is the owner and testified at the hearing. He operates the Smokehouse as well as several elderly in-home companion agencies in Maryland and elsewhere, and an adult "arcade" in Florida. He testifies he relies on others to oversee the Smokehouse on-site operation from time to time when he is unavailable.

The residents described with testimony and photographs the extensive and constant overflow parking on Oakwood by Smokehouse patrons. This congestion prevents the homeowners from parking on the street, hinders traffic flow, prevents larger vehicles and emergency vehicles to traverse the street, and impedes visibility for residents who have a parking pad in their lawn and for vehicles turning into Oakwood from North Point. The Protestants maintain these conditions have an adverse effect on the safety, health, and general welfare of the community.

In a variance case, the burden of proof is on a Petitioner to justify a variance under BCZR 307 "Variances" and the Maryland Appellate cases. Here, Petitioner's case consisted of the testimony of Mr. Friedman, who resides at 8 Fox Creek Court in Owings Mills, and a Smokehouse patron who does not reside in the surrounding neighborhood.

Petitioner did not provide expert testimony, nor did the engineer who prepared the site plan appear in support of the Plan.

ARGUMENT I: RES JUDICATA DOES NOT APPLY. PETITIONER IS NOT ENTITLED TO THIS VARIANCE MERELY BECAUSE A VARIANCE WAS GRANTED IN 1973. THIS IS A NEW AND SEPARATE VARIANCE PETITION FOR A DIFFERENT BUSINESS AND AN EXPANSION OF THE PRIOR SITE THAT REQUIRES COMPLIANCE WITH THE STRICT VARIANCE STANDARDS OF UNIQUENESS AND PRACTICAL DIFFICULTY AND THE REQUIREMENTS OF BCZR 307.1.

Res judicata and collateral estoppel bar a subsequent attack upon an existing administrative decision. *Res judicata* generally involves the same parties in both the prior and current case; collateral estoppel involves the same cause of action, even if the parties are not the same.

“*Res judicata* has three elements: (1) the parties in the present litigation should be the same or in privity with the parties to the earlier case; (2) the second suit must present the same cause of action or claim as the first; and (3) in the first suit, there must have been a valid final judgment on the merits by a court of competent jurisdiction.” Maryland Digest, Judgment, Section 540 quoting FWB Bank v. Richman, 354 Md. 472 (1999).

A Petitioner cannot rely on *res judicata* to preclude opposition to a later case when there is a change in circumstances or a change in the law. To be sure, there are boundaries to an administrative decision; the Courts will not apply *res judicata* to separate and distinct claims. The Court of Appeals has explained the test and outlined the factors to determine if a subsequent case is or is not barred by *res judicata*.

In Kent County Bd. of Educ. v. Bilbrough 309 Md. 487, 494-500 (1987), the Court adopted the pragmatic “transactional” approach of Restatement (Second) of Judgments Section 24. Judge Rodowsky explained “... that the ‘pragmatic’ test ‘defies any abstract definition which could be applied to all cases’”. Id. 499. In Bilbrough, the Court ultimately decided that an adverse judgment in a civil rights action against the Plaintiff, a former school district employee, involving his discharge did not bar a subsequent action involving the same parties for invasion of privacy relating to invasion of police files.

The Court of Appeals in Gertz v. Anne Arundel County 339 Md. 261 (1995), applied the transaction test to determine if the claim or cause of action between the same parties

was adjudicated in a prior action and thus barred by res judicata. The Court reviewed the facts under the standards of time, space, origin or motivation. The Court found (i) the conduct at issue occurred at different **times** (1989 & 1990); (ii) the claims originated from different **origins** (a statute was enacted between the first and second cases giving rising to the claim in the second case); (iii) different **motives** - the County's motive in the first case was enforcement of a Consent Agreement in a contempt proceeding, while the second action involved the need for Gertz to obtain a landfill permit.; (iv) the same **space** - both actions involved the same property - Gertz's property in Anne Arundel County. Based on this assessment under the transaction standards, the Gertz Court held res judicata did not bar the County from proceeding under the second lawsuit.

Subsequently, Judge Wilner reiterated the heart of the "transactional" approach in FWB Bank v. Richman 354 Md. 472, 493 (1999):

"In deciding whether a factual grouping constitutes a 'transaction,' the RESTATEMENT directs a pragmatic approach, 'giving weight to such considerations as whether the facts are related in time, space, origin or motivation, whether they form a convenient trial unit, and whether their treatment as a unit conforms to the parties' expectations or business understanding or usage.'" RESTATEMENT, *supra*, Section 24(2). (emphasis added).

The 1973 case and the instant case can easily be distinguished regarding the elements of transaction discussed in Richman and Gertz,- origin, space, parties, motivation:

1. **ORIGIN:** The 1973 case applied the zoning parking statute enacted in 1955; it required 1 parking space for every 50 square feet of building space. The current law was enacted over 30 years later in Bills 26-1988 and 36-1988 and applies a different calculation of 16 parking spaces per 1000 square feet and adds a minimum requirement of 10 spaces for a standard restaurant. The decisions in 1973 and the current case rely on different statutes.

2. **ORIGIN.** The 1973 variance required the property owner to provide 44% of the required parking. The current variance request is to provide only 35% of the off-street parking required under BCZR. This distinction impacts differently the requirement in BCZR 307.1 that a variance may be granted "... only in such manner as to grant relief

without injury to public health, safety and general welfare.” It also impacts the practical difficulty standard emanating from the required proof of uniqueness.

3. **TIME AND ORIGIN.** Forty-three years exist between the first case and the current request. The Court of Special Appeal in Cromwell v. Ward 102 Md. App. 691 (1995) expounded on the strict standards of uniqueness and practical difficulty that petitioner must meet under BCZR 307.1. The Cromwell case is tantamount to a change in the law because it forcefully underscored the application of the narrow scope and application of uniqueness to the features of the site itself rather than the plight of the property owner and the proposed use – in other words the property owner, and the administrative agencies, must assess the land as it exists and not in the context of its ability to accommodate the proposed use. Also Cromwell emphasized that practical difficulty, if any, must be the direct result of the unique features on the site. Cromwell reinforced that the convenience of the property owner or economic advantage are not elements of practical difficulty and cannot support a variance. Petitioner’s only justifications for the variance here are the convenience and enjoyment of his patrons and enhancement of his business. He never stated he would not be able to use the site for a restaurant if the patio is not constructed and the parking variance is not granted. As we discuss in the next section, a variance is warranted only in those limited situations where the property owner has no reasonable use of the property without a variance. Cromwell crystalized the legal standards with the result that very few requests meet the standards.

4. **SPACE.** The 1973 case pertained to parking for an indoor restaurant; the current parking variance is generated by an *expansion* of the restaurant, which generates additional requirements and alters the status quo.

5. **THE PARTIES ARE NOT IDENTICAL.** (1) The Protestants who are parties in the current case did not live in the neighborhood in 1973 – the Brewsters moved to their home in the 1980’s and Mr. Luckett in the early 2000’s. Furthermore, it appears there was no opposition to the 1973 case. If no one opposed the variance in 1973, the current residents are not precluded from opposing the current petition. (2) People’s Counsel is not bound by the 1973 decision because it was not a party and could not have been a

party in 1973 – the Office of People’s counsel was not created until 1974. See Charter 524.1 establishing the Office Bill 61-1974, amended Bill 90-1978, approved by voters, 1978, effective 12-8-1978. There is no “privity” that precludes opposition from Protestants and People’s Counsel here on all variance standards.

6. **MOTIVATION.** The prior restaurant did not operate in the same manner as Papas Smokehouse. The latter is open for extended hours, advertises, and provides entertainment to attract the maximum patrons allowed within the restaurant, regardless of the parking deficiency. The prior restaurant did not attract the maximum number; in fact the Protestants testified the prior restaurant was low-key with more emphasis on the occasional on-site catering for private parties, none of which caused the extent of overflow parking on their street, if any.

Clearly, the 1973 case and the instant case are separate transactions under the standards articulated by the Court of Appeals. Petitioner must prove the site is unique and the uniqueness causes a practical difficulty that prevents any use of the site. And Protestants and People’s Counsel are not precluded from opposing the variance because a variance was granted in 1973, nor bound by the findings in the prior case.

Furthermore, BCZR 307.1 is clear that a variance cannot be granted if it will do harm to the general welfare, a factor prominent in the current case because of the relative increase in traffic caused by the Smokehouse Saloon. Both uniqueness and practical difficulty will be discussed in the following section on variance law. Suffice it to say that the *size* of the lot is not an element of uniqueness under Cromwell; otherwise a property owner can always make some claim that he cannot comply with parking and area variances in order to maximize the use of the site for his convenience or profitability.

In Whittle v. Board of Zoning Appeals of Baltimore County 211 Md. 36 (1956) Judge Brune recognized that res judicata will not prevent the grant of relief previously denied or deny relief previously granted if there is a change in circumstances:

“ It is our view that whether the facts are subject to changes which might reasonably lead to an opposite result from that arrived at in an earlier case, and if there have been substantial changes in facts and circumstances between the first case and the second, the doctrine of res judicata would not prevent the granting of the special permit sought by the appellees.”

In Whittle, the Court recognized that a change in neighborhood sentiment between the first and second cases could be a change in circumstances. After a thorough review in Whittle, the Court did not find a significant difference. But the point is, it is a factor. Here, there was no opposition to the 1973 case. And the Protestants did not even reside in the neighborhood, nor could People's Counsel have been a party. Also, Protestants testified that the prior restaurant was a low key operation that did not attract the large number of patrons on a daily basis so the parking shortage did not have such a negative impact on the neighborhood. The 1973 case was a different request for a different type of operation. The factual differences prohibit Petitioner from relying on the findings and the decision in the 1973 case.

In Whittle, res judicata applied because the request was for a funeral home in both cases. Here, Petitioner requests a parking variance for an expansion and extension of the restaurant, which is a different "transaction," as discussed above.

ARGUMENT II: PETITIONER FAILED TO PROVE THE ELEMENTS FOR A VARIANCE: (i) UNIQUENESS, (ii) PRACTICAL DIFFICULTY CAUSED BY THE UNIQUE FEATURES OF THE SITE, (iii) LACK OF A REASONABLE USE WITHOUT THE VARIANCE, (iv) ABSENCE OF INJURY TO GENERAL HEALTH, SAFETY AND WELFARE, (v) VARIANCE IS IN STRICT HARMONY WITH SPIRIT AND INTENT OF OFF-STREE PARKING REGULATIONS.

Before a discussion of the application of the standards to the instant case, a review of variance law in general may be useful. Recently, Peter Zimmerman of our office wrote an extensive analysis of variance law In The Matter of Richard Folio, 2014-185-A, that may be helpful to the CBA:

Variance Law: an Introduction

As background, it is good to keep in mind **BCZR Sec. 102.1**,

"No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations and this shall include any extension of a lawful nonconforming use."

See Kowalski v. Lamar 25 Md. App. 493, 496-501 (1975); People's Counsel v. Surina 400 Md. App. 662, 688 (2007).

BCZR Sec. 307.1 enables the Zoning Commissioner (ALJ) to grant variances,

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.” Emphasis supplied.

The essential elements to prove a variance are the peculiarity of the property or, as more commonly described, “uniqueness,” and resulting “practical difficulty.” Judge Dale Cathell provided an encyclopedic review of the law and highlighted the “uniqueness” element in Cromwell v. Ward 102 Md. App. 691 (1995). The Court of Appeals had already identified the three-pronged “practical difficulty” criteria in McLean v. Soley 270 Md. 208, 213-15 (1973). The Court of Appeals integrated the analysis in Trinity Assembly of God v. People’s Counsel 407 Md. 53, 79-85 (2008). This included a discussion of the essential relationship between “uniqueness” and “practical difficulty.”

Judge Cathell began his discussion in Cromwell with this observation,

“The general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances. *See, e.g.,* A. Rathkopf, 3 The Law of Zoning and Planning §38 (1979).” 102 Md. App. at 703.

He explained the “uniqueness” element, 102 Md. App. at 710,

“In the zoning context the ‘unique’ aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property.”

‘Uniqueness’ of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed

by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls.”

Judge Cathell concluded,

“We conclude that the law in Maryland and in Baltimore County under its charter and ordinance remains as it has always been—a property’s peculiar characteristic or unusual circumstances relating only and uniquely to that property must exist in conjunction with the ordinance’s more severe impact on the specific property because of the property’s uniqueness before any consideration will be given to whether practical difficulty or unnecessary hardship exists.”

It should be underlined that the “the extent of improvements upon the property” are irrelevant to “uniqueness.” As we shall also see, the extent of . . . improvements contradict any claim of “practical difficulty” and translate to “self-created difficulty.”

Even if there is the requisite uniqueness, the unique characteristic must relate to and cause “practical difficulty.” Often misunderstood or overlooked, the law has been settled that an essential element of a variance case is this causal connection.

As long ago as Easter v. Mayor & City Council 195 Md. 395 (1950), the Court of Appeals described the heavy burden of proof on an applicant for a variance,

“The burden of showing facts to justify an exception or variance rests upon the applicant, and it must be shown that the hardship affects the particular premises and is not common to other property in the neighborhood.”

In Marino v. City of Baltimore, 215 Md. 206 (1957), the Court explained:

“The expression ‘practical difficulties or unnecessary hardships’ means difficulties which are peculiar to the situation of the applicant for the permit and are not necessary to carry out the spirit of the ordinance and which are of such a degree of severity that their existence amounts to a substantial and unnecessary injustice to the applicant.”

“[I]t was incumbent upon the Marinos to have shown... (ii) that the difficulties or hardships were peculiar to the property in question in contrast with those of other property owners in the same district.”

Judge Harrell revisited variance law in Trinity Assembly, as the Court affirmed this CBA’s findings in denying sign variances,

“In *Umerley v. People’s Counsel for Balto. County*, the Court of Special Appeals opined that a zoning authority must determine, as part of its uniqueness inquiry, whether ‘the uniqueness or peculiarity of the property causes the zoning provision [at issue] to

have a disproportionate impact.’ 108 Md. App. 497, 506 ... (1996). Assuming that a disproportionate impact must be found before a local zoning authority may grant a variance, it is a logical fallacy to say that Board erred on this score. The disproportionate impact consideration, if viable, exists because of the notion that it is not enough for a landowner or user to show merely that the property is somehow physically peculiar or unique; she, he, or it also must prove, to the satisfaction of the tribunal, a connection between the property’s inherent characteristics and the manner in which the zoning law hurts the landowner or user. Where a property’s physical characteristics do not cause the landowner to suffer disproportionately due to application of the zoning enactment in question, the property is not ‘unique’ in the law of variances. For example, if a property has physical characteristics that might justify variance relief from drainage or sewage regulation, those attributes probably would have no bearing on how that property is affected by an ordinance establishing the maximum height for a fence. Here, the Board concluded simply that the physical attributes of the Property are not distinguishing. That conclusion is supported by substantial evidence.” 407 Md. at 82-83.

Judge Harrell went on to discuss the criteria for “practical difficulty.” 407 Md. App. at 83-85.” He brought forward McLean 270 Md. 208, 213-15 (1973), where the Court had “... adopted from Professor Rathkopf’s treatise a three-part inquiry to guide local zoning authorities in determining whether a landowner established this element:

“1) Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.”

The Maryland approach tracks the national pattern. In general, the purpose of variance law is to allow relief so a property owner has some reasonable use of his property. See 2 Salkin, American Law of Zoning 5th, § 13:1 (2009). A key point is that the property owner’s inability to comply with zoning law for the purpose of a selected use does not justify a variance. Otherwise, a variance would have to be granted in every case; and zoning law would collapse. Even if we posit that the “practical difficulty” test does not equate to a “taking” test, it is still a very strict test.

As the Court wrote in Carney v. Baltimore 201 Md. 130, 137 (1952), another case involving a setback variance,

“The need sufficient to justify an exception must be substantial and urgent and not merely for the convenience of the applicant, inasmuch as the aim of the ordinance is to prevent exceptions as far as possible, and a liberal construction allowing exceptions for reasons that are not substantial and urgent would have the tendency to cause discrimination and eventually destroy the usefulness of the ordinance.

* * *

‘The expression ‘practical difficulties or unnecessary hardships’ means difficulties or hardships which are peculiar to the situation of the applicant for the permit and are not necessary to carry out the spirit of the ordinance and which are of such a degree of severity that their existence amounts to a substantial and unnecessary injustice to the applicant.’”

The Court quoted this language from Carney in Marino, 215 Md. at 216-17. It was quoted again in Montgomery County v. Rotwein 176 Md. App. 716, 732 (2006).

As a corollary, the potential additional expense of compliance does not justify a variance. Variance claims should not be based on financial considerations. Burns v. Mayor & City Council 251 Md. 554 (1968); Daihl v. County Board of Appeals 258 Md. 157 (1970). As the CSA wrote in Rotwein, 169 Md. App. at 732-33,

“Economic loss alone does not necessarily satisfy the ‘practical difficulties’ test because, as we have previously observed, ‘every person requesting a variance can indicate some economic loss.’ Cromwell, 102 Md. App. at 715... Indeed, to grant an application for a variance any time economic loss is asserted, we have warned, ‘ would make a mockery of the zoning program. Cromwell, 102 Md. App. at 715.”

“Financial concerns are not entirely irrelevant, however. The pertinent inquiry with respect to economic loss is whether ‘it is impossible to secure a reasonable return from or to make a reasonable use of such property.’”

Marino also observed it is “... incumbent [on the applicant] to [show]... that the hardship was not the result of the applicants’ own actions.” 215 Md. at 218. Cromwell quoted Marino and cited numerous cases holding self-inflicted hardship “... is never proper grounds for a variance.” 102 Md. App. at 721-22. Judge Cathell quoted Steele v. Flavanna Co. Bd. Of Zoning Appeals, 436 S.E.2d 453, 456 (Va. 1993):

“[T]he hardship, if any, was self-inflicted. The placement of the improvements... was within the control of the [applicants] and their contractor.”

He concluded, 102 Md. App. at 722,

“Were we to hold that self-inflicted hardships in and of themselves justified variances, we would effectively not only generate a plethora of such hardships but we would also emasculate zoning ordinances. Zoning would become meaningless. We hold that practical difficulty or unnecessary hardship for zoning variance purposes cannot generally be self-inflicted.”

The CBA denied the variance in Folio and held the slopes were not unique to the site as they existed on other properties in the area. The CBA also found there was no hardship; rather the variance for the pool house/garage was self-created for his convenience. It was not the practical difficulty required under Cromwell and its progeny.

Application of Variance Standards to the Instant Case

A. Uniqueness

“The first step requires a finding that the property whereon structures are to be placed(or uses conducted) is-in and of itself-unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property.” Cromwell, supra.

There is no evidence whatsoever that the site here is unusual in any way, let alone unique under the standards in Cromwell. Petitioner offered no testimony on uniqueness other than to suggest it is not a “perfect square” because of its boundary with North Point Road, which curves slightly in front of the property. The commercial properties adjoining the site are the same shape, as are other properties along North Point Road. To suggest that the shape prevents a reasonable use of the site is completely unfounded. A restaurant has operated on the site since at least 1973, including the Petitioner’s business, which has been operating for almost 2 years. Moreover other commercial sites, including Drug City, are not hampered by the slight curve on their boundary with North Point Road. So there is nothing unique about the shape of the site and certainly no impediment to a reasonable use.

Furthermore, Petitioner presented no evidence whatsoever that the site is encumbered by the Cromwell standards of “topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters,

practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions” that may warrant a variance. As pointed out above, it is Petitioner’s burden to present credible evidence of these factors; Petitioner’s case is void of testimony or documentation to suggest the existence of a unique feature that prevents a restaurant use unless another parking variance is granted.

The Protestants meanwhile stated the site is comparable to other commercial properties on North Point Road. Mr. Lucknet testified the site is not restricted by slopes or such irregular terrain to impede a restaurant use. He testified the site is level as are the others in this area. His testimony was not refuted.

When there is no evidence of uniqueness, a variance must be denied without the need for testimony on practical difficulty.

“Unless there is a finding that the property is unique, unusual, or different, The process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship.” Cromwell, *supra* 694-695.

If there is no uniqueness, there can be no practical difficulty stemming from a unique feature. The two standards are intertwined, otherwise a property owner can always fashion an argument that it will be “difficult” to operate without the variance. But what is really meant is that it is not as convenient or remunerative. As the appellate cases emphasize, these are not factors to warrant a variance.

B. Practical Difficulty

“If that first step results in a supportable finding of uniqueness or unusualness, then a second step is taken in the process, i.e., a determination of whether practical difficulty and/or unreasonable hardship, resulting from the disproportionate impact of the ordinance caused by the property’s uniqueness, exists.” Id. (footnote omitted) (italic emphasis in original).

To reiterate, practical difficulty is not considered in a vacuum. Rather, it must derive from a unique geographic feature that in turn prevents any reasonable use of the site, not just the desired use. Moreover, the difficulty cannot be self-created. Here, Petitioner’s desire to expand the restaurant creates the need for more parking under BCZR 409. There is no evidence the restaurant cannot operate without the patio. Petitioner never claimed he is losing or will lose customers without outside dining. In

fact, Petitioner did not deny his website celebrated the restaurant's popularity, or that such statements were erroneous. He only commented that he plans to update the website. It can't be overlooked that a restaurant has operated on the site for over 40 years without a patio. Petitioner's desire to expand is to make his restaurant even more popular, and, concomitantly, even more profitable. As Easter and other cases explained, economic advantage is not a basis for variance relief. Otherwise any property owner could make such a claim and zoning variance law would collapse. The point is BCZR requires Petitioner to provide off-street parking for his business. The site currently has a parking deficiency. Petitioner's request will only amplify an unsafe and very troublesome situation for the neighborhood.

The bulk of Petitioner's testimony was irrelevant to the issues in a variance case and to the Protestants' concerns. The degree of improvement or renovation is not an element of practical difficulty, nor is the fact that the parking lot is well-lighted, or that the business is not "noisy". Petitioner claimed many of his patrons are "seniors" presumably to give an aura of respectability, but they are even more likely to drive thus adding to the traffic and parking congestion. Even the restaurant patron who testified in favor of the variance admitted he drives to the Smokehouse Saloon; he may think the patrons are "nice people" but such depictions do not diminish the parking and traffic congestion on the residential streets.

Petitioner Cannot Alter His Petition To Minimize the Parking Shortage

The Petition here clearly requests a variance for 22 spaces in lieu of 63. Petitioner's site plan shows the square footage of the enclosed area for the existing use and the proposed patio addition. It also calculates the required parking between the seated restaurant space and that portion designated for carry-out, for a total of 63 required spaces, with only 22 provided. Petitioner cannot amend the Petition in a contested hearing at the CBA by manipulating the numbers, the indoor seating arrangements or the size and location of the dining room. Nor is such manipulation and chicanery permitted in a new Petition. See Seminary Galleria v. Dulaney Valley Improvement Ass'n 192 Md. App. 719 (2010). There, after denial in the first case, the property owner filed what

purported to be a new “special hearing” with a new legal theory and new tenant mix in order to justify a use permit for business parking in a residential zone. In denying the second petition, Judge Meredith provided a comprehensive discussion of res judicata, which bars a second petition for the same relief or based on facts or legal theories that could have been raised in the first case.

C. (1) Purpose of the Zoning Ordinance.

[After findings of uniqueness and practical difficulty] “***Further consideration must then be given to the general purposes of the zoning ordinance.***” Cromwell, *supra* 695.

BCZR 409.1.A. provides that “All structures built and all uses established hereafter shall provide accessory off-street parking and loading in accordance with the following regulations. When an existing structure or use is enlarged, accessory off-street parking and loading shall be provided in accordance with the following regulations for the area or capacity of such enlargement.” (emphasis added).

Property owners and Petitioner here cannot rely on street parking for his use. The fact that the restaurant may adjoin a public street where parking is permitted does not reduce in any way the requirement for off-street parking on the site itself. It simply is not a factor. The identification of parking spaces on a site is as important as any other feature of the development under BCZR 409.2:

“At the time of application for a building permit for the erection or enlargement of any building for which off-street parking or loading spaces are required, a plan shall be provided at an appropriate level of detail showing such parking or loading spaces, including the means of access and interior circulation both from the standpoint of the project itself and in relation to its surroundings.”

The zoning regulations mandate that a use meets all the requirements, including parking spaces, within the four corners of the site. A property owner can no more rely on off-site street parking than he could erect his sign on an adjoining property.

(2) Impact on the Neighborhood

BCZR 307 : “§ 307.1. Authority to grant variances; procedures and restrictions.

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances . . . , from off-

street parking regulations, . . . only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. . . . Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said . . . , off-street parking . . . regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant any other variances. . . . Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.” (emphasis added)

The existing parking shortage for the site has had a negative impact on the surrounding residential neighborhood since Papas Smokehouse Saloon opened. Mr. Lucknet and Mr. and Mrs. Brewster testified extensively and pointedly, and submitted photographs, about the exasperating parking and travel conditions on Oakwood Road. It is unconscionable that a desire to expand a business for convenience and profit which in turn increases the parking shortage would be permitted in light of the general welfare, health and safety language in BCZR 307. Even if there was evidence of uniqueness and practical difficulty, the negative impact on the residents adjoining the site justifies denial of the parking variance.

Mr. and Mrs. Bennett have resided at 10 Oakwood for approximately 30 years. Their dwelling and others on Oakwood were constructed prior to enactment of zoning in Baltimore County. There were no parking requirements at that time since comprehensive zoning was not enacted in Baltimore County until 1955, with minimal regulations adopted in 1945 at the earliest. And so the dwellings here built on smaller lots were constructed without garages. (See SDAT, printouts as example of date of construction for these residences, attached,). As such, they rely on street parking and are entitled to do so. On the contrary, it is undisputed Petitioner is required under BCZR 409.b to provide sufficient off-street parking.

Mrs. Bennett described how patrons of Papas Smokehouse Saloon consistently park on Oakwood, making it difficult for them to find parking while the restaurant is open. She pointed out patrons turn off North Point Road onto Oakwood as soon as they observe the parking lot is full, then continue on Oakwood and park in the first available space on the street. All the residents testified that many of the Saloon’s patrons park too

far away from the curb, thus narrowing the travel lane, park up to the opening for the driveways making it difficult to negotiate turning in and out, and park too close to the intersection of Oakwood and North Point Road, limiting visibility. The pictures confirm their testimony. On the other hand, the residents stagger their vehicles to open up the travel lane, and especially to insure emergency vehicles can pass through the street. The Protestants testified that recently a firetruck and ambulance responding to a resident's health emergency had a difficult time navigating Oakwood Road.

It is not incumbent upon the residents to seek alternative parking arrangements, including the elusive permit parking, to accommodate Petitioner's expanding business venture. Even if restricted parking would become available, it imposes a difficult burden on the residents to monitor and enforce, especially with a business open until 2:00 a.m. Even so, Mr. Lucknet received no positive response when he contacted Baltimore County about restrictive parking for the neighborhood.

ARGUMENT III: THE "PARKING AGREEMENT" MUST BE REVIEWED BY THE DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS AS A CONDITION OF APPROVAL OF A PROPOSED SHARED PARKING ARRANGEMENT; IT IS NOT WITHIN THE PROVINCE OF THE CBA TO DETERMINE IF A SHARED PARKING PROPOSAL SATISFIES BCZR.

Petitioner submitted a "Parking Agreement" with Drug City, ostensibly to satisfy the parking requirements for the restaurant/saloon by permitting patrons to park on the Drug City parking lot located at 2805 North Point Road, across the street from the Smokehouse. (Petitioner's Exhibit #2). BCZR 409.6 "B. Adjustments to general requirements. 3. Shared parking adjustment" provides that "Two or more uses shall be permitted to share their off-street parking spaces in a common parking facility if the hours or days of peak parking for the uses are so different that a lower total will provide adequately for all uses served by the facility, without conflict or encroachment." The statute sets out a table to determine the hours and percentage of permitted shared parking. The use is conditional, including compliance with requirements that the land uses served are in single ownership, that the parking is located within a certain walking distance from the facility's front door, and that the terms of the arrangement are approved by the

Director of Permits, Approvals and Inspection. There was no evidence that Petitioner's alleged shared parking arrangement was submitted to the Director or the zoning office, or even met the conditions.

Furthermore, the authenticity of the "Parking Agreement" is suspicious. It is allegedly signed by a Drug City agent, but the signature is illegible. There is a purported notary dated May 28, 2015, but there is no notary signature or seal. And the chronology is equally dubious. The Petition for Variance was filed on November 9, 2015 and the "Parking Agreement" was allegedly prepared and signed in May, 2015. The Petitioner never explained why the parking arrangement with Drug City was not submitted to the zoning office when the petition for variance was prepared in order to determine if shared parking totally or partially satisfied the parking requirements for the restaurant/saloon. Clearly, there is no evidence Petitioner's purported arrangement meets the standards. If Petitioner contends he has a shared parking arrangement, he should have requested a modification of the required parking. As we have seen, the site plan and Petition for Variance clearly state a request for a parking deficiency of 41 spaces or a 66% shortage. It is too late to rely on the "Parking Agreement" whose legitimacy as presented at the hearing is dubious, at best. Nor is it eligible under a new Petition since the dates indicate Petitioner had the opportunity to present the arrangement when the Petition was filed.

In addition, the proposed shared parking presents numerous safety concerns that should be reviewed by the Director of PAI, at a minimum. Protestants testified that North Point Road is a heavily traveled two-way street with no sidewalks, no pedestrian crosswalks and no traffic signal. These conditions place all pedestrians crossing North Point Road, and particularly those leaving the restaurant/saloon as late as 2:00 a.m. in an unsafe and precarious situation. (In Harnek Singh and Charanjit Kaur, 08-363-SPHX, the CBA denied, and the Circuit Court (03-C-10-0590) affirmed the denial for an additional use on a site which would reduce the already deficient parking spaces for the existing bar, restaurant use on the site. Baltimore County Department of Traffic opposed the Petition because, among other reasons, it would force patrons to park across Philadelphia Road, deemed to be an unsafe situation for pedestrians.)

Furthermore, there is no way to assure Smokehouse patrons will know of or even elect to walk the distance to the Drug City lot, when parking on Oakwood is more convenient.

SUMMARY

The Petition for Variance must be denied for the following reasons:

- 1) The site is not unique
- 2) There is not practical difficulty that prevents a reasonable use as well as the current restaurant use if the variance is not granted.
- 3) A variance for an increased parking shortage is injurious to the general health, safety and welfare of the surrounding residential community.
- 4) Petitioner cannot piggyback onto the 1973 variance decision to avoid or circumvent his burden of proof for a separate and distinct variance here.
- 5) The CBA has no authority to determine if Petitioner is eligible for shared parking. There is not a credible shared parking arrangement to satisfy the required off-street parking under BCZR 409.
- 6) The Petitioner is bound by his site plan and the Petition requesting a variance for 22 spaces in lieu of the required 63. The CBA has no authority to accept testimony or evidence to modify the request in any way.

Peter Max Zimmerman

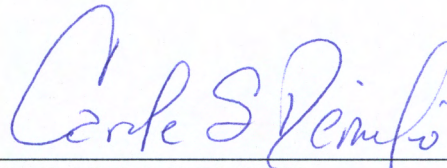
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carol 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 6th day of June, 2016, a copy of the foregoing Memorandum of People's Counsel for Baltimore County was mailed to Gary Maslan, Esquire, and Kelley James, Attorney at Law 7508 Eastern Avenue, Baltimore, Maryland 21224, Attorney for Petitioner.



CAROLE S DEMILIO

Deputy People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

January 27, 2016

Kelley James, Esq.
7508 Eastern Avenue
Baltimore, Maryland 21224

RECEIVED
JAN 27 2016

BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Case Nos. 2016-0122-A
Location: 2713 & 2715 North Point Boulevard

Dear Ms. James:

Please be advised that an appeal of the above-referenced case was filed in this Office on January 22, 2016. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over a circular stamp.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Sharyn Jenkins, 8 Oakwood Road, Baltimore, MD 21222
Steve Lucknet, 12 Oakwood Road, Baltimore, MD 21222
Jackie and Rick Brewster, 10 Oakwood Road, Baltimore, MD 21222

GARY R. MASLAN
gmaslan@mmandrlaw.com

Of Counsel:

Amanda Zorn**

azorn@mmandrlaw.com

Kelley Margolis James**

Kmjames@mmandrlaw.com

Law Offices of
MASLAN, MASLAN & ROTHWELL, P.A.

7508 EASTERN AVENUE

BALTIMORE, MD 21224

410-282-2700 (OFFICE)

410-282-3336 (FAX)

Website: www.MMandRlawfirm.com

M. MICHAEL MASLAN
(1911-1996)

RALPH K. ROTHWELL, Jr.
(1949-2008)

**DC

RECEIVED

JAN 22 2016

January 21, 2016

OFFICE OF ADMINISTRATIVE HEARINGS

The Honorable John E. Beverungen
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

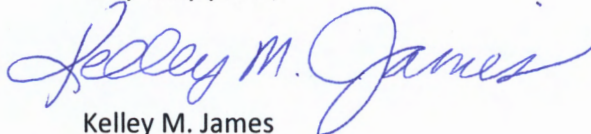
Re: Appeal of ALJ's decision in Case No. 2016-0122-A
Petition for Variance for Property: 2713 and 2715 North Point Boulevard

Dear Judge:

Please note Petitioners' Appeal to the County Board of Appeals of your decision dated January 11, 2016 in the above captioned matter. Enclosed is a check in the amount of \$265.00 to cover the cost for same.

Thank you for your attention.

Very truly yours,



Kelley M. James

Enclosure

IN RE: PETITION FOR VARIANCE
(2713-2715 North Point Road)
12th Election District
7th Council District
Treasure Coast Management, LLC,
 Legal Owner
25 Midway, Inc., *Lessee*

Petitioners

*
*
*
*
*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0122-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Treasure Coast Management, LLC, owner of the subject property, and 25 Midway, Inc., Lessee ("Petitioners"). Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) § 409.6.A.2 to permit 22 parking spaces in lieu of the minimum 63 spaces. A site plan was marked as Petitioners' Exhibit 1.

Mitch Kellman with Daft-McCune and Walker, Alex Friedman, and Pearnell Wilson appeared in support of the petition. Kelley James, Esq. appeared as counsel and represented the Petitioners. The Petition was advertised and posted as required by the B.C.Z.R. Several neighbors attended the hearing and opposed the request. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Both agencies noted landscape plans would be required prior to issuance of permits.

Harry Elliott
Jackie Brewster
Ri-Je Brewster
Stephen Wickett

The subject property is approximately 18,775 square feet and is zoned BL CCC. For many years, an Italian restaurant operated at the property. Last year the Petitioners opened "Papa's Smokehouse and Saloon". Petitioners would like to construct an outdoor patio area for seasonal dining. To do so, variance relief is required.

A variance request involves a two-step process, summarized as follows:

ORDER RECEIVED FOR FILING

Date 1-11-16

By EW

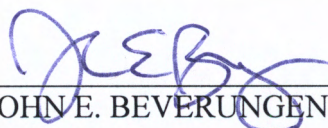
- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The property was the subject of a prior zoning case (1973-233-A), which granted variance relief to permit 25 parking spaces in lieu of the required 56. As such, it is arguable based on that order that Petitioners have satisfied the burden for variance relief. But, I do not believe the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the testimony of the adjoining neighbors, all of whom testified parking on Oakwood Road is "horrendous," and photos were submitted to substantiate that claim. The Petitioners' restaurant has been successful, which is a positive influence on the surrounding area. Even so, the restaurant operates with just 22 parking spaces, and the present request would increase the parking deficiency and potentially exacerbate the parking woes along Oakwood Road.

THEREFORE, IT IS ORDERED, this 11th day of **January, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") § 409.6.A.2 to permit 22 parking spaces in lieu of the minimum 63 spaces, be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw
ORDER RECEIVED FOR FILING

Date

1-11-16

2

By





KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

January 11, 2016

Kelley James, Esq.
7508 Eastern Avenue
Baltimore, Maryland 21224

RE: Petition for Variance
Case No. 2016-0122-A
Property: 2713 and 2715 North Point Boulevard

Dear Ms. James:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Sharyn Jenkins, 8 Oakwood Road, Baltimore, MD 21222
Steve Lucknet, 12 Oakwood Road, Baltimore, MD 21222
Jackie and Rick Brewster, 10 Oakwood Road, Baltimore, MD 21222



KEVIN KAMENETZ
County Executive

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

December 3, 2015

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2016-0122-A

2713 & 2715 N. Point Road
SW/s North Point Road, 132 ft. NW of centerline of Oakwood Road
12th Election District – 7th Councilmanic District
Legal Owners: Treasure Coast Management, LLC
Contract Purchaser/Lessee: 25 Midway, Inc.

Variance to permit 22 parking spaces in lieu of the minimum 63 and/or any other zoning relief that may be required by the Administrative Law Judge.

Hearing: Monday, January 11, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Gary Maslan, 7508 Eastern Avenue, Baltimore 21224
Treasure Coast Mgmt., LLC, 5 Farimews Court, Reisterstown 21136
25 Midway Inc., 2713 North Point Road, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 22, 2015.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3832939

Sold To:

Treasure Coast Mgmt. LLC - CU00510269
5 Fairmews Ct
Reisterstown, MD 21136-3500

Bill To:

Treasure Coast Mgmt. LLC - CU00510269
5 Fairmews Ct
Reisterstown, MD 21136-3500

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Dec 22, 2015

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

NOTICE OF ZONING HEARING

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

Case: # 2016-0122-A
2713 & 2715 N. Point Road
SW/s North Point Road, 132 ft. NW of centerline of Oakwood Road
12th Election District - 7th Councilmanic District
Legal Owner(s) Treasure Coast Management, LLC
Contract Purchaser/Lessee: 25 Midway, Inc.

Variance: to permit 22 parking spaces in lieu of the minimum 63 and/or any other zoning relief that may be required by the Administrative Law Judge.

Hearing: Monday, January 11, 2016 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 12/793 Dec. 22 3832939

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 12/14/2015

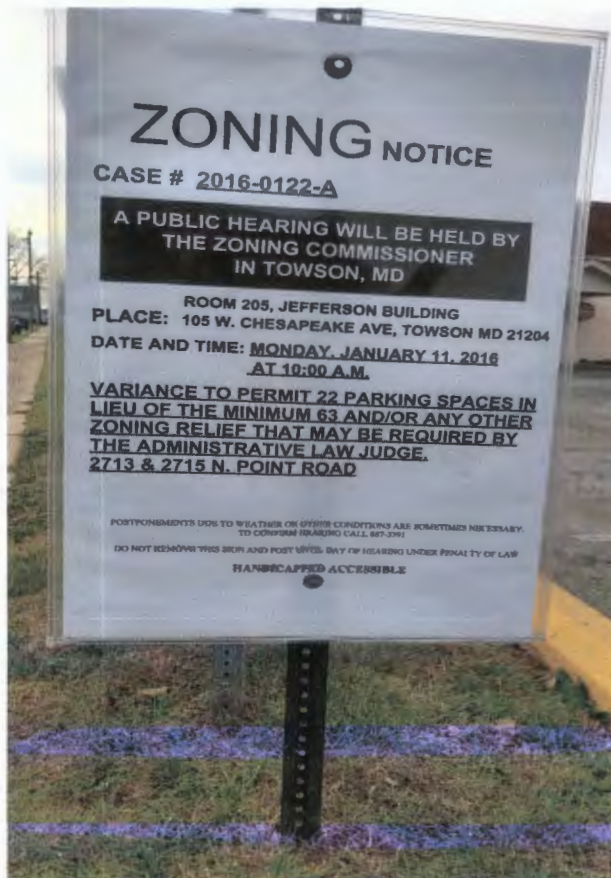
Case Number: 2016-0122-A

Petitioner / Developer: GARY MASLAN, ESQ. ~ TREASURE COAST
MGMT. LLC ~ 25 MIDWAY INC.

Date of Hearing (Closing): JANUARY 11, 2016

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
2713 & 2715 N. POINT ROAD

The sign(s) were posted on: DECEMBER 13, 2015



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 2016-
DATE 1-11-2016

CITIZEN'S SIGN - IN SHEET

PESS

CITY, STATE, ZIP

md 21222 dund
122 21222 LUCK
jbre
rbre

CASE NAME
CASE NUMBER 2016-
DATE 1-11-2016

PETITIONER'S SIGN-IN SHEET

NAME
Kelley James
Mital Kallman
Alex Friedman
VEAHNEC WILSON

ADDRESS 7508 Eastern Ave. CITY, STATE, ZIP
27115 North Point Rd. Balto. MD 21222
1501 Fairmount Ave Ste 300 Towson 21256
2 Foxeview east, OW.M
2460 KEYWORTH AVE BALTIMORE, MD 21215

E-MAIL
Kmjames@mmandria.
miallman@lmu.c
peame@milangrace.c



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

January 27, 2016

Kelley James, Esq.
7508 Eastern Avenue
Baltimore, Maryland 21224

RECEIVED
JAN 27 2016

BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Case Nos. 2016-0122-A
Location: 2713 & 2715 North Point Boulevard

Dear Ms. James:

Please be advised that an appeal of the above-referenced case was filed in this Office on January 22, 2016. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over a circular stamp.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Sharyn Jenkins, 8 Oakwood Road, Baltimore, MD 21222
Steve Lucknet, 12 Oakwood Road, Baltimore, MD 21222
Jackie and Rick Brewster, 10 Oakwood Road, Baltimore, MD 21222

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

No. 123785

Date: 11/9/15

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				5500

Total: 5500

Rec From: Treasure Coast Mgmt LLC

For: 2015 Meeting - Fee # 15-0122-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment11-23

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

C12/3/15

DEPS

(if not received, date e-mail sent _____)

N/C

FIRE DEPARTMENT

12/3/15

PLANNING

(if not received, date e-mail sent _____)

no obj
with comment11-24

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 12-22-15

SIGN POSTING

Date: 12-13-15 by O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Real Property Data Search (w1)

Guide to searching the database

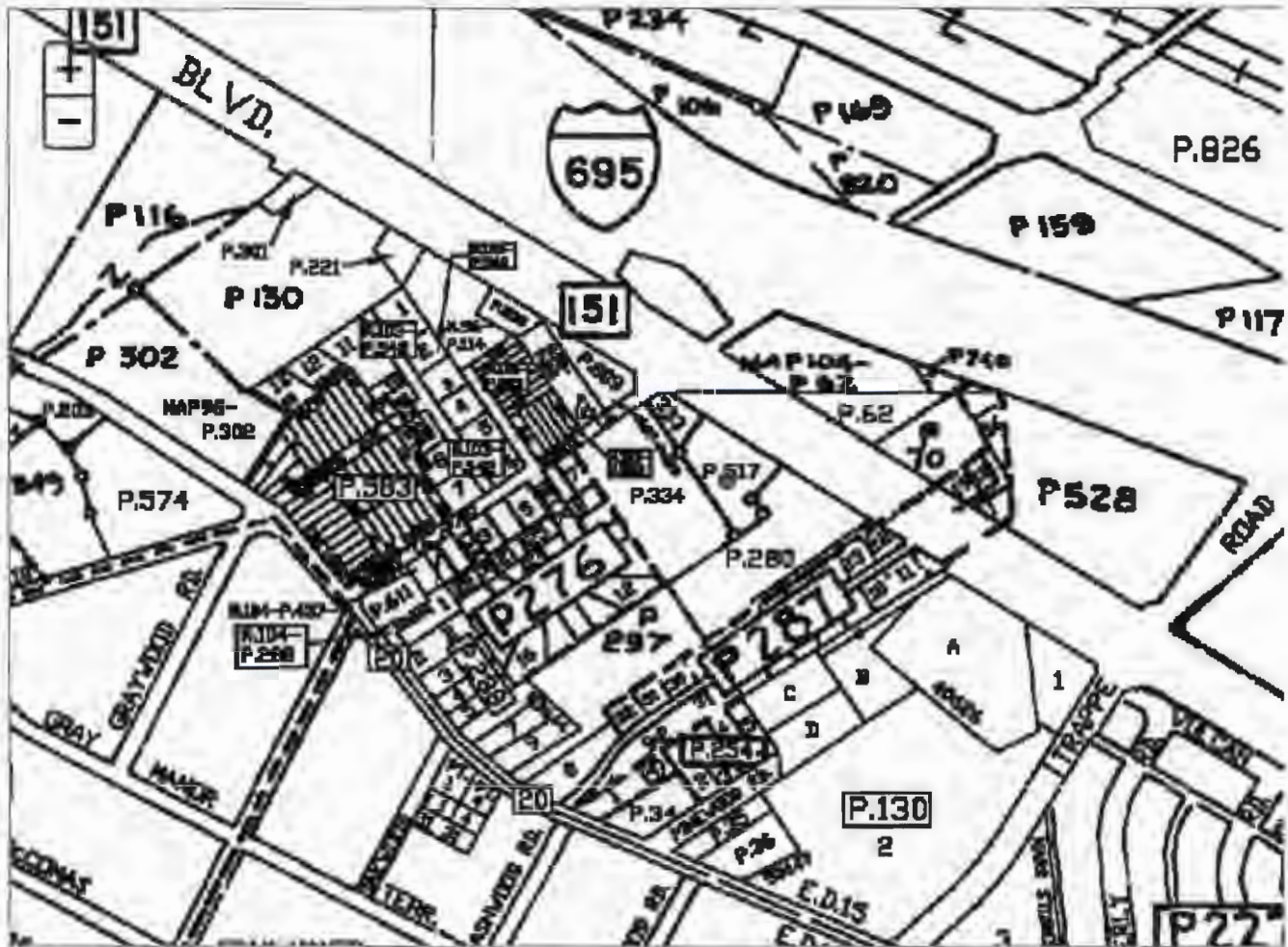
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1508301850			
Owner Information					
Owner Name:	GAJEWSKI RONALD T JR		Use:	COMMERCIAL NO	
Mailing Address:	13100 FORK RD BALDWIN MD 21013-9317		Principal Residence:	Deed Reference: /22963/ 00005	
Location & Structure Information					
Premises Address:	2713 NORTH POINT BLVD 0-0000		Legal Description:	.956AC NORTH POINT RD SWS 105 SE NORRIS LA	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0104	0001	0517		0000	2015
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1951	15130		41,658 SF	06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		SHELL INDUSTRIAL			
Value Information					
	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	305,800	305,800			
Improvements	184,200	237,400			
Total:	490,000	543,200	507,733	525,467	
Preferential Land:	0			0	
Transfer Information					
Seller: WEBB TED W		Date: 11/29/2005		Price: \$400,000	
Type: ARMS LENGTH IMPROVED		Deed1: /22963/ 00005		Deed2:	
Seller: FABRICATORS &		Date: 09/08/1992		Price: \$150,000	
Type: ARMS LENGTH IMPROVED		Deed1: /09352/ 00320		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

District: 15 Account Number: 1508301850



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

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

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

Real Property Data Search (w1)

Guide to searching the database

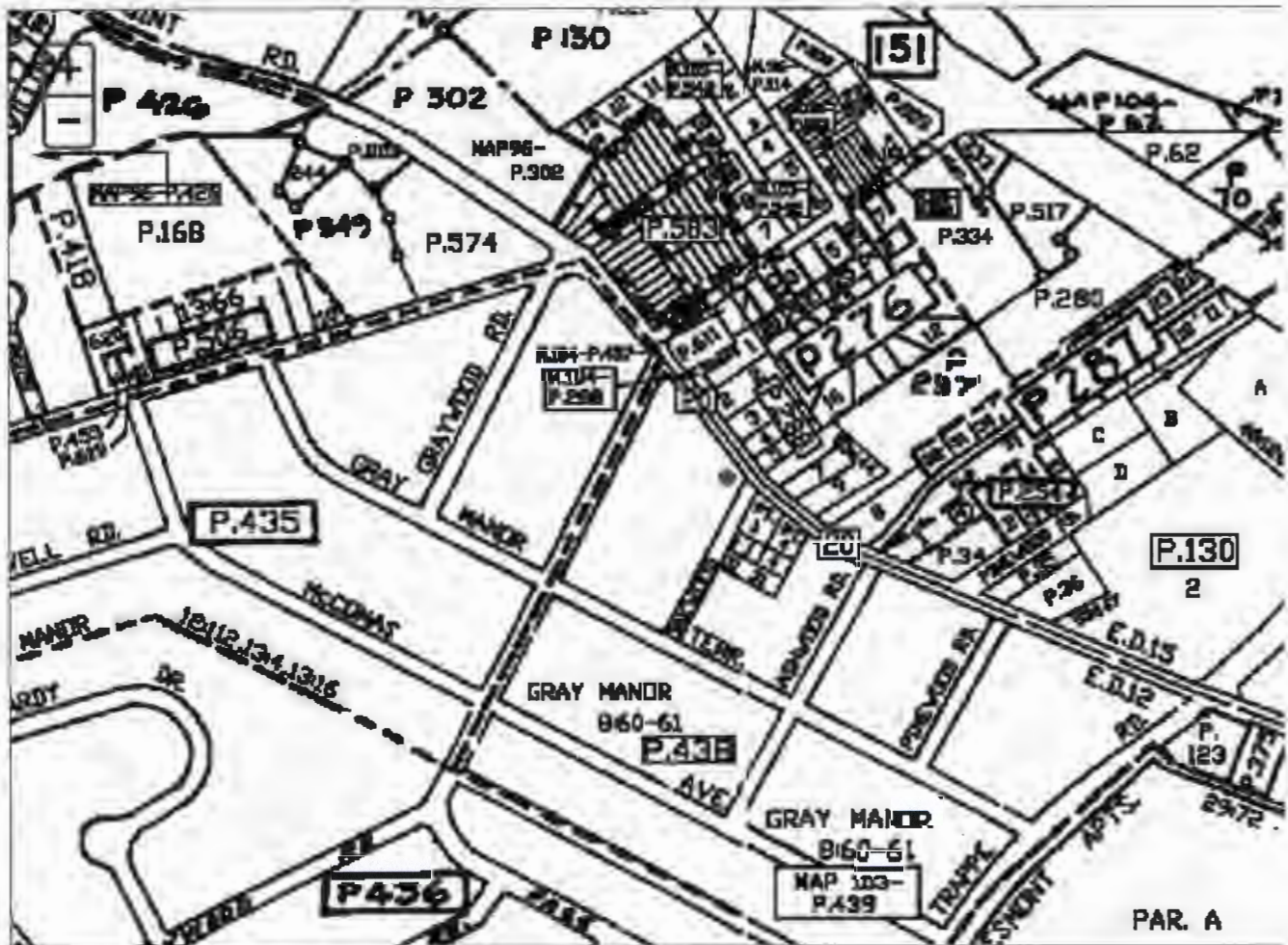
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 12 Account Number - 1213076840			
Owner Information					
Owner Name:		TREASURE COAST MANAGEMENT LLC		Use:	COMMERCIAL
Mailing Address:		5 FAIRMEWS CT REISTERSTOWN MD 21136-		Principal Residence:	NO
				Deed Reference:	/34997/ 00122
Location & Structure Information					
Premises Address:		2715 NORTH POINT RD 0-0000		Legal Description:	LT 9-12 2715 NORTH POINT RD GRAY MANOR
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0103	0015	0450		0000	H 9
				Assessment Year:	Plat No:
				2016	0008/0060
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1943	2760		15,555 SF	06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		CLUB HOUSE			
Value Information					
		Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		155,500	155,500		
Improvements		124,000	134,500		
Total:		279,500	290,000	279,500	283,000
Preferential Land:		0			0
Transfer Information					
Seller: 2713 AND 2715 NORTH POINT		Date: 05/23/2014		Price: \$175,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /34997/ 00122		Deed2:	
Seller: FORRER ROSALIE M		Date: 10/19/2010		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /30007/ 00331		Deed2:	
Seller: LEONE JOHN P		Date: 06/26/1998		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /12970/ 00757		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

District: 12 Account Number: 1213076840



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

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

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

Real Property Data Search (w1)

Guide to searching the database

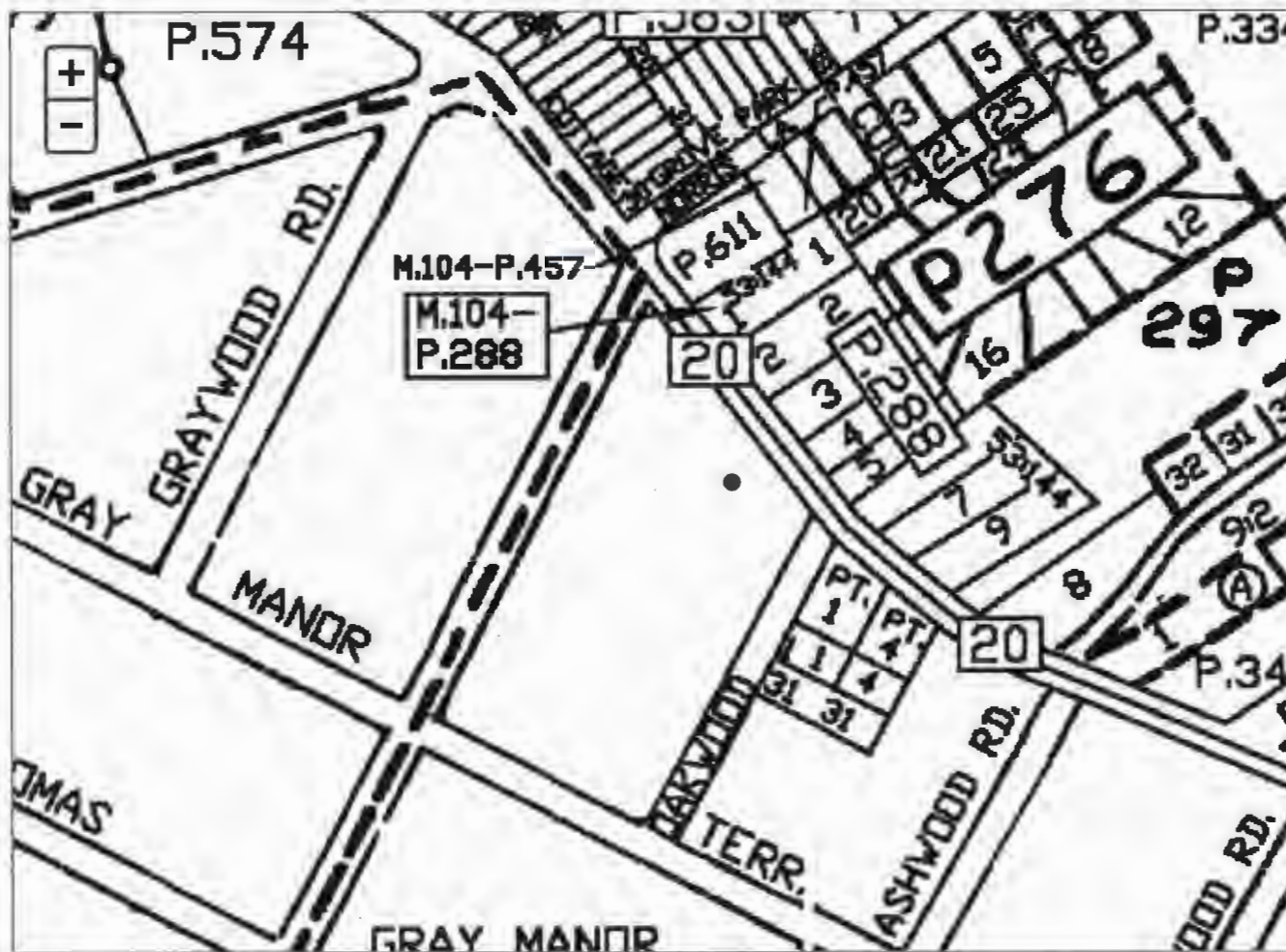
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 12 Account Number - 1212021460			
Owner Information					
Owner Name:	TREASURE COAST MANAGEMENT LLC		Use:	COMMERCIAL NO	
Mailing Address:	5 FAIRMEWS CT REISTERSTOWN MD 21136-		Principal Residence:		
			Deed Reference:	/34997/ 00122	
Location & Structure Information					
Premises Address:		2713 NORTH POINT RD 0-0000		Legal Description:	PT LT 7,8 2713 NORTH POINT RD GRAY MANOR
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0103	0006	0438		0000	H 7
Assessment Year:			Plat No:		
2016			0008/0061		
Special Tax Areas:			Town:		
			NONE		
Ad Valorem:					
Tax Class:					
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1947	1722		3,220 SF	06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		RESTAURANT			
Value Information					
Base Value		Value As of 01/01/2016	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	32,200	32,200			
Improvements	113,400	123,500			
Total:	145,600	155,700	145,600	148,967	
Preferential Land:	0			0	
Transfer Information					
Seller: 2713 AND 2715 NORTH POINT		Date: 05/23/2014	Price: \$175,000		
Type: ARMS LENGTH MULTIPLE		Deed1: /34997/ 00122	Deed2:		
Seller: FORRER ROSALIE M		Date: 10/19/2010	Price: \$0		
Type: NON-ARMS LENGTH OTHER		Deed1: /30007/ 00331	Deed2:		
Seller: LEONE JOHN		Date: 08/28/1998	Price: \$0		
Type: NON-ARMS LENGTH OTHER		Deed1: /12970/ 00753	Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

District: 12 Account Number: 1212021460



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

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

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 22, 2015 Issue - Jeffersonian

Please forward billing to:

Treasure Coast Management, LLC
5 Fairmews Court
Reisterstown, MD 21136

443-712-7272

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2016-0122-A

2713 & 2715 N. Point Road

SW/s North Point Road, 132 ft. NW of centerline of Oakwood Road

12th Election District – 7th Councilmanic District

Legal Owners: Treasure Coast Management, LLC

Contract Purchaser/Lessee: 25 Midway, Inc.

Variance to permit 22 parking spaces in lieu of the minimum 63 and/or any other zoning relief that may be required by the Administrative Law Judge.

Hearing: Monday, January 11, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**



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

DATE: December 3, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-122

INFORMATION:

Property Address: 2713 & 2715 North Point Road
Petitioner: Treasure Coast Management, LLC
Zoning: BL CCC
Requested Action: Variance

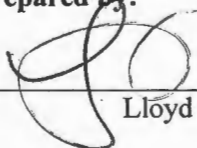
The Department of Planning has reviewed the petition for a variance to permit 22 parking spaces in lieu of the minimum required 63 parking spaces.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Submit a landscape plan to the Baltimore County Landscape Architect for approval prior to the issuance of any required permits. Such a plan shall provide plantings in the grassy area along Oakwood Road. Landscaping should also be provided along the rear property line of sufficient size and count to screen the carry-out restaurant from the adjacent residential use. Dumpsters shall meet the requirements of Condition H of the Baltimore County Landscape Manual.

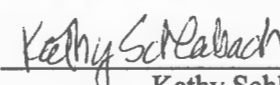
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
Jeanette M. S. Tansey, R.L.A., Permits and Development Management
Gary Maslan
Office of the Administrative Hearings
People's Counsel for Baltimore County

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
2713 & 2715 North Point Road; SW/S North	*	
Point Road, 132' NW c/line Oakwood Road	*	OF ADMINISTRATIVE
12 th Election & 7 th Councilmanic Districts	*	
Legal Owner(s): Treasure Coast Management	*	HEARINGS FOR
Contract Purchaser(s): 25 Midway, Inc	*	
Petitioner(s)	*	BALTIMORE COUNTY
	*	
	*	2016-122-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED
DEC 04 2015

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of December, 2015, a copy of the foregoing Entry of Appearance was mailed to Gary Maslan, Esquire, 7508 Eastern Avenue, Baltimore, Maryland 21224, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 2713 and 2715 N. Point Rd. Balto., MD 21222 which is presently zoned BLCCC
Deed References: 34997/00122 10 Digit Tax Account # 1213076840*
Property Owner(s) Printed Name(s) Treasure Coast Management, LLC
* 1212621460

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

3. ☒ **a Variance** from Section(s) 409.6.A.2 -
To permit 22 parking spaces in lieu of the minimum 63 and/or
any other zoning relief that may be required by the Administrative Law
Judge (ALJ)
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

To be presented at hearing

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

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

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

Contract Purchaser/Lessee:

25 Midway Inc.
Name- Type or Print
A Barman
Signature
2713 North Point Rd. Balto. MD
Mailing Address City State
21222, 443-712-7272
Zip Code Telephone # Email Address

Attorney for Petitioner:

Gary Maslan
Name- Type or Print
1-11-16
Signature
7508 Eastern Ave. Balto. MD
Mailing Address City State
21224, 410-282-2700 gmaslan@mmandHaw.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Treasure Coast Management, LLC
Name #1 - Type or Print Name #2 - Type or Print
A Barman
Signature #1 Signature #2
5 Fairmews Ct. Reisterstown, MD
Mailing Address City State
21136, 443-712-7272
Zip Code Telephone # Email Address

Representative to be contacted:

Gary Maslan
Name - Type or Print
1-11-16
Signature
7508 Eastern Ave. Balto. MD
Mailing Address City State
21224, 410-282-2700, gmaslan@mmandHaw.com
Zip Code Telephone # Email Address

CASE NUMBER 2016-0122-A Filing Date 11, 9, 15 Do Not Schedule Dates: Reviewer RJD



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 2713 and 2715 N. Point Rd. Balto. MD 21222 which is presently zoned BLCCC
Deed References: 34997/00122 10 Digit Tax Account # 1213076840 *
Property Owner(s) Printed Name(s) Treasure Coast Management, LLC

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s) 409.6.A.2 -
To permit 22 parking spaces in lieu of the minimum 63 and/or
any other zoning relief that may be required by the Administrative
law judge (ALJ)
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If
you need additional space, you may add an attachment to this petition)
To be presented at hearing.

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

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

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

Contract Purchaser/Lessee:

25 Midway Inc.
Name- Type or Print A Barmen
Signature 2713 North Point Rd. Balto. MD
Mailing Address 21222 City 443-712-7272 State MD
Zip Code 21222 Telephone # 443-712-7272 Email Address

Attorney for Petitioner:

Gary Maslan
Name- Type or Print 1-11-16
Signature 7508 Eastern Ave. Balto. MD
Mailing Address 21224 City 410-282-2700 State MD
Zip Code 21224 Telephone # 410-282-2700 Email Address gmaslan@mmandrlaw.com

Legal Owners (Petitioners):

Treasure Coast Management, LLC
Name #1 - Type or Print A Barmen Name #2 - Type or Print
Signature #1 5 Fairmews Ct, Reisterstown, MD Signature #2
Mailing Address 21136 City 443-712-7272 State MD
Zip Code 21136 Telephone # 443-712-7272 Email Address

Representative to be contacted:

Gary Maslan
Name - Type or Print 1-11-16
Signature 7508 Eastern Ave. Balto. MD
Mailing Address 21224 City 410-282-2700 State MD
Zip Code 21224 Telephone # 410-282-2700 Email Address gmaslan@mmandrlaw.com

CASE NUMBER 2016-0122-A Filing Date 11/9/15

Do Not Schedule Dates:

Reviewer RD



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 2713 and 2715 N. Point Rd. Balto., MD 21222 which is presently zoned BLCCC
Deed References: 34997/00122 10 Digit Tax Account # 1213076840*
Property Owner(s) Printed Name(s) Treasure Coast Management, LLC
* 1212621460

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

3. ☒ **a Variance** from Section(s) 409.6.A.2 -
To permit 22 parking spaces in lieu of the minimum 63 and/or
any other zoning relief that may be required by the Administrative Law
Judge (ALJ)
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

To be presented at hearing

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

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

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

Contract Purchaser/Lessee:

25 Midway Inc.
Name- Type or Print
A Barman
Signature
2713 North Point Rd. Balto. MD
Mailing Address City State
21222, 443-712-7272
Zip Code Telephone # Email Address

Attorney for Petitioner:

Gary Maslan
Name- Type or Print
1-11-16
Signature
7508 Eastern Ave. Balto. MD
Mailing Address City State
21224, 410-282-2700, gmaslan@mmandHaw.com
Zip Code Telephone # Email Address rlaw.com

Legal Owners (Petitioners):

Treasure Coast Management, LLC
Name #1 - Type or Print Name #2 - Type or Print
A Barman
Signature #1 Signature #2
5 Fairmews Ct. Reisterstown, MD
Mailing Address City State
21136, 443-712-7272
Zip Code Telephone # Email Address

Representative to be contacted:

Gary Maslan
Name - Type or Print
1-11-16
Signature
7508 Eastern Ave. Balto. MD
Mailing Address City State
21224, 410-282-2700, gmaslan@mmandHaw.com
Zip Code Telephone # Email Address com

CASE NUMBER 2016-0122-A Filing Date 11, 9, 15 Do Not Schedule Dates: Reviewer RJD

THE ZONING HEARING PROPERTY DESCRIPTION
FOR 2713 AND 2715 NORTH POINT ROAD, DUNDALK, MD 21222

PART A:

ZONING PROPERTY DESCRIPTION FOR 2713 NORTH POINT ROAD, DUNDALK, MD 21222

BEGINNING AT A POINT ON THE SOUTH SIDE OF NORTH POINT ROAD WHICH IS 49 FT WIDE AT THE DISTANCE OF 132 FT WEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET OAKWOOD ROAD WHICH IS 40 FT WIDE.

PART B, SUBDIVISION LOT – LOT IS PART OF RECORD PLAT:

BEING LOT # 7 AND 8, BLOCK (NA), SECTION # 12 IN THE SUBDIVISION OF GRAY MANOR AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 8, FOLIO 61, CONTAINING 3,220 SF. LOCATED IN THE 12TH ELECTION DISTRICT AND 7TH COUNCIL DISTRICT.

PART A:

ZONING PROPERTY DESCRIPTION FOR 2715 NORTH POINT ROAD, DUNDALK, MD 21222

BEGINNING AT A POINT ON THE SOUTH SIDE OF NORTH POINT ROAD WHICH IS 37 FT WIDE AT THE DISTANCE OF 22 FT WEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET OAKWOOD ROAD WHICH IS 40 FT WIDE.

PART B, SUBDIVISION LOT – LOT IS PART OF RECORD PLAT:

BEING LOT # 9, 10, 11, AND 12, BLOCK (NA), SECTION # 12 IN THE SUBDIVISION OF GRAY MANOR AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 8, FOLIO 60, CONTAINING 15,555 SF. LOCATED IN THE 12TH ELECTION DISTRICT AND 7TH COUNCIL DISTRICT.



Item #0122

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2016-0122-A
Property Address: 2713 and 2715 North Point Rd., Balto. MD 21222
Property Description: South West side of North Point Rd.

Legal Owners (Petitioners): Treasure Coast Management, LLC
Contract Purchaser/Lessee: 25 Midway, Inc.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Treasure Coast management, LLC
Company/Firm (if applicable): _____
Address: 5 Fairmews Ct.
Reisterstown, MD 21136

Telephone Number: 443-712-7272

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

No. **123785**

Date: **11/9/15**

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				5500

Total: **5500**

Rec From: **Treasure Coast Mgmt LLC**

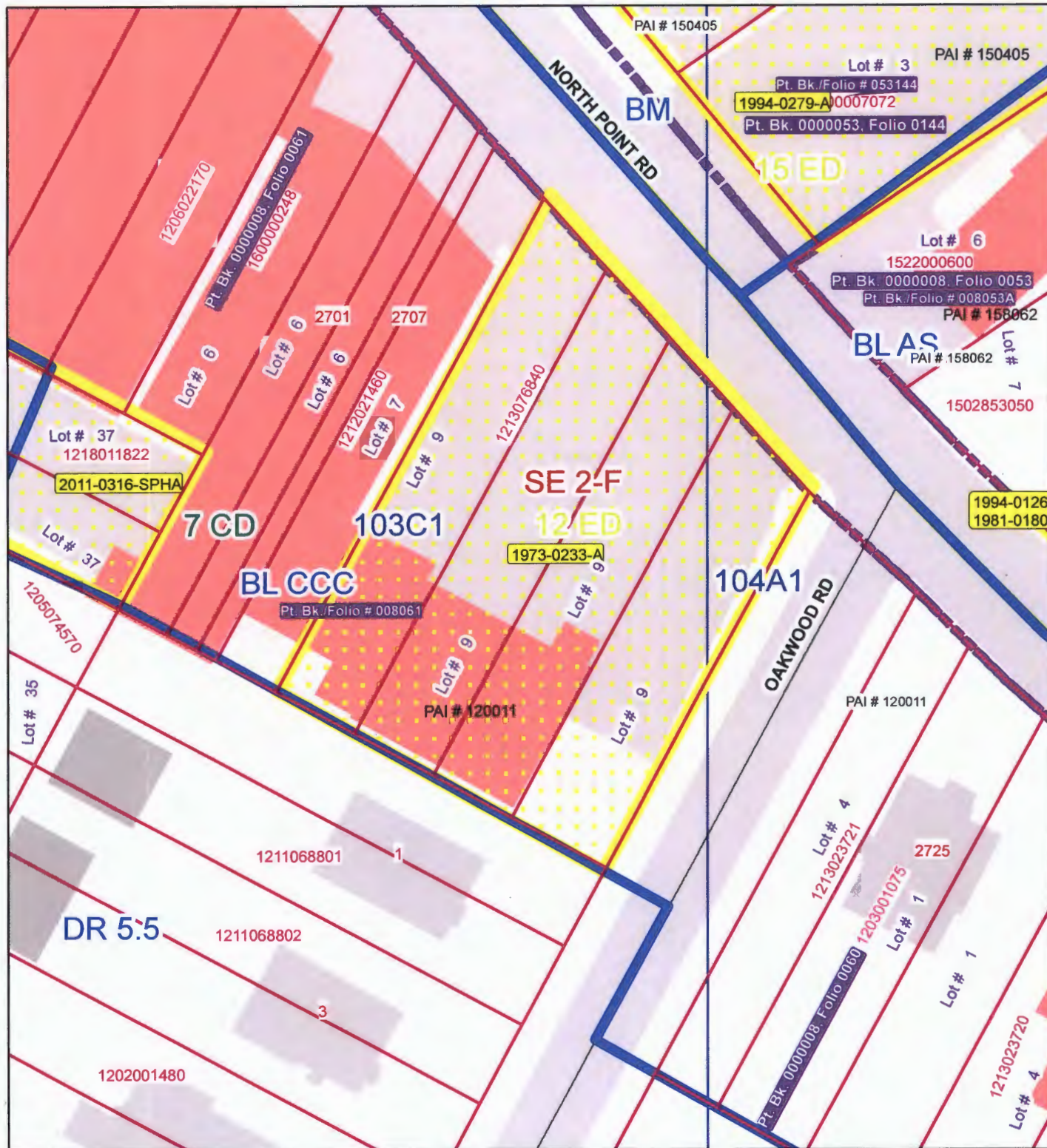
For: **2015 Meeting - Fee # 15-0122-A**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

2713 North Point Road



Publication Date: 11/9/2015



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet

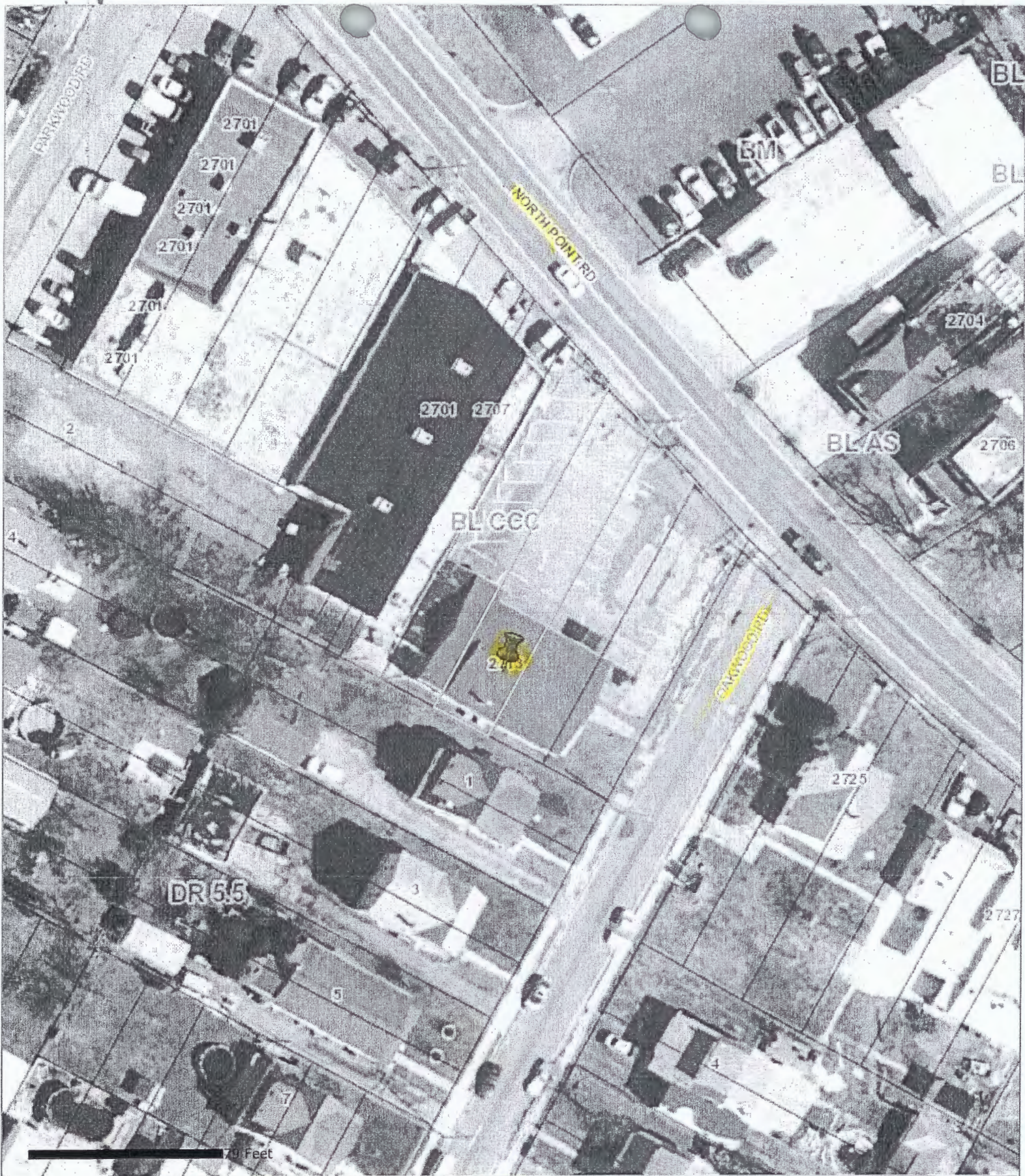
Item #0122

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 12 Account Number - 1223001320			
Owner Information					
Owner Name:		RENNEBU JENNIFER L		Use:	RESIDENTIAL
Mailing Address:		12 OAKWOOD RD BALTIMORE MD 21222-2407		Principal Residence:	YES
				Deed Reference:	/22577/ 00436
Location & Structure Information					
Premises Address:		12 OAKWOOD RD 0-0000		Legal Description:	PT LT 23-28 12 OAKWOOD RD GRAY MANOR
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0103	0006	0438		0000	J 2015 0008/0060
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1927		1,076 SF			7,600 SF
County Use	04				
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1 1/2	YES	STANDARD UNIT	ASBESTOS SHINGLE	1 full	
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		49,600	49,600		
Improvements		74,300	70,700		
Total:		123,900	120,300	120,300	120,300
Preferential Land:		0			0
Transfer Information					
Seller: CURL ROBERT E		Date: 09/20/2005		Price: \$120,000	
Type: ARMS LENGTH IMPROVED		Deed1: /22577/ 00436		Deed2:	
Seller: BROWN WILLIAM B ROWN JULIUS		Date: 05/18/1982		Price: \$43,000	
Type: ARMS LENGTH IMPROVED		Deed1: /06395/ 00448		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 11/06/2008					



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 5, 2016

NOTICE OF DELIBERATION

IN THE MATTER OF: Treasure Coast Management, LLC – Legal Owner
16-122-A 25 Midway, Inc. - Lessee
 2713 and 2715 North Point Road
 12th Election District; 7th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 63 spaces.

1/11/16 Opinion and Order issued by the Administrative Law Judge wherein the requested relief was DENIED.

This matter having been heard and concluded on May 4, 2016, a public deliberation has been scheduled for the following:

DATE AND TIME: WEDNESDAY, JUNE 8, 2016 at 9:30 a.m.

LOCATION: Jefferson Building - Second Floor
 Hearing Room #2 - Suite 206
 105 W. Chesapeake Avenue

NOTE: Closing briefs are due on Monday, June 6, 2016 by 3:00 p.m.
(Original and three [3] copies)

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. ATTENDANCE IS NOT REQUIRED AND PARTICIPATION IS NOT ALLOWED. A WRITTEN OPINION AND/OR ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioners
 Petitioner/Legal Owner
 Petitioner/Lessee

: Kelley M. James, Esquire
: Treasure Coast Management, LLC
: 25 Midway, Inc.

Protestants

: Sharyn Jenkins, Steve Lucknet, Jackie and Rick Brewster

Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 8, 2016

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Treasure Coast Management, LLC – Legal Owner
16-122-A 25 Midway, Inc. - Lessee
2713 and 2715 North Point Road
12th Election District; 7th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 63 spaces.

1/11/16 Opinion and Order issued by the Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR: **WEDNESDAY, MAY 4, 2016, AT 10:00 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioners
Petitioner/Legal Owner
Petitioner/Lessee

: Kelley M. James, Esquire
: Treasure Coast Management, LLC
: 25 Midway, Inc.

Protestants

: Sharyn Jenkins, Steve Lucknet, Jackie and Rick Brewster

Office of People's Counsel
Arnold Jablon, Director/PAL
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

January 27, 2016

Kelley James, Esq.
7508 Eastern Avenue
Baltimore, Maryland 21224

RECEIVED
JAN 27 2016

BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Case Nos. 2016-0122-A
Location: 2713 & 2715 North Point Boulevard

Dear Ms. James:

Please be advised that an appeal of the above-referenced case was filed in this Office on January 22, 2016. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the name "LAWRENCE M. STAHL".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Sharyn Jenkins, 8 Oakwood Road, Baltimore, MD 21222
Steve Lucknet, 12 Oakwood Road, Baltimore, MD 21222
Jackie and Rick Brewster, 10 Oakwood Road, Baltimore, MD 21222

APPEAL

Petition for Variance
(2713 & 2715 North Point Boulevard)
12th Election District – 7th Councilmanic District
Legal Owners: Treasure Coast Management, LLC
Lessee: 25 Midway, Inc.

Case No. 2016-0122-A

Petition for Variance Hearing (November 9, 2015)

Zoning Description of Property

Notice of Zoning Hearing (December 3, 2015)

Certificate of Publication (December 22, 2015)

Certificate of Posting (December 13, 2015) Linda O'Keefe

Entry of Appearance by People's Counsel – December 4, 2015

Petitioner(s) Sign-in Sheet – One

Citizen(s) Sign-in Sheet – One

Zoning Advisory Committee Comments

Petitioner(s) Exhibits -

1. Site Plan

Protestants' Exhibits –

1. Photos

Miscellaneous (Not Marked as Exhibits)- **None**

Administrative Law Judge Order and Letter (DENIED – January 11, 2016)

Notice of Appeal – 25 Midway, Inc. Maslan, Maslan & Rothwell, P.A., Kelley M. James, Esq.
(January 22, 2016)

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

No.

133649

Date:

1/22/16

PAID RECEIPT

BUSINESS ACTUAL TIME DOW
1/25/2016 1/25/2016 04:00:00

NET MOD. WALKIN LANE L3P

RECEIPT # 43700 1/22/2016 047

5 528 ZIMING VERIFICATION

NO. 133649

Recpt Tot 1235.00

\$265.00 0 1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	000		6150				2105.00

Total: 2105.00

Rec From: 25 Midway, Inc

For: CK # 1715

2713 E 2715 NORTH POINT Blvd.

DISTRIBUTION

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

CASHIER'S
VALIDATION

Case No.: 2016-122-A

Exhibit Sheet

Petitioner/Developer

Protestant

DW 1-11-16

No. 1	site plan	photos
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
2713 & 2715 North Point Road; SW/S North	*	
Point Road, 132' NW c/line Oakwood Road	*	OF ADMINISTRATIVE
12 th Election & 7 th Councilmanic Districts	*	
Legal Owner(s): Treasure Coast Management	*	HEARINGS FOR
Contract Purchaser(s): 25 Midway, Inc	*	
Petitioner(s)	*	BALTIMORE COUNTY
	*	
	*	2016-122-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED
DEC 04 2015

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of December, 2015, a copy of the foregoing Entry of Appearance was mailed to Gary Maslan, Esquire, 7508 Eastern Avenue, Baltimore, Maryland 21224, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

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

January 5, 2016

Treasure Coast Management LLC
5 Fairmews Court
Reisterstown MD 21136

RE: Case Number: 2016-0122 A; Address: 2713 and 2715 North Point Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 9, 2015. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Gary Maslan, Esquire, 7508 Eastern Avenue, Baltimore MD 21224

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: December 3, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-122

RECEIVED

DEC 07 2015

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 2713 & 2715 North Point Road
Petitioner: Treasure Coast Management, LLC
Zoning: BL CCC
Requested Action: Variance

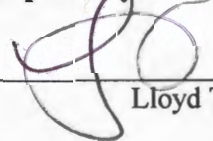
The Department of Planning has reviewed the petition for a variance to permit 22 parking spaces in lieu of the minimum required 63 parking spaces.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Submit a landscape plan to the Baltimore County Landscape Architect for approval prior to the issuance of any required permits. Such a plan shall provide plantings in the grassy area along Oakwood Road. Landscaping should also be provided along the rear property line of sufficient size and count to screen the carry-out restaurant from the adjacent residential use. Dumpsters shall meet the requirements of Condition H of the Baltimore County Landscape Manual.

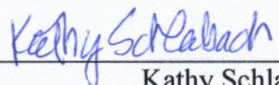
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
Jeanette M. S. Tansey, R.L.A., Permits and Development Management
Gary Maslan
Office of the Administrative Hearings
People's Counsel for Baltimore County

RECEIVED

BALTIMORE COUNTY, MARYLAND

DEC 03 2015

Inter-Office Correspondence

OFFICE OF ADMINISTRATIVE HEARINGS



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: December 3, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0122-A
Address 2713 & 2715 North Point Road
(Treasure Coast Management, LLC)

Zoning Advisory Committee Meeting of November 30, 2015.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston – Development Coordination*

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 11/24/15

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2016-0122-A
Variance
Treasure Coast Management LLC
2713 & 2715 North Point Road
MD 20

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 11/24/15. A field inspection and internal review reveals that an entrance onto MD20 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2016-0122-A.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard Zeller".
David W. Peake
Metropolitan District Engineer
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 23, 2015

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 23, 2015
Item No. 2016-0122

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Landscape and Lighting Plans are required.

* * * * *

DAK
cc:file

ZAC-ITEM NO 16-0122-11232015.doc

Board of Appeals

Case No: 16-122-A

Case Name: TREASURE COAST MANAGEMENT LLC

Exhibit List

Party: TREASURE COAST / PETITIONER

Date: 5/4/16

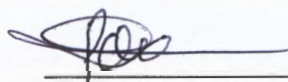
^{PET.} Exhibit No:	Description:
✓ 1	AFFIDAVIT PEARNELL WILSON
✓ 1.1	SITE Plan
✓ 1.2	PROPERTY Description
✓ 2	Parking Agreement
	VERIFIED BY <u>KC</u> DATE: <u>5/4/16</u>

AFFIDAVIT OF PEARNELL O. WILSON, P.E.

I, Pearnell O. Wilson, P.E., am the engineer of record for the design of the proposed addition for 2713 & 2715 N. Point Road. Treasure Coast Management, LLC, the owner of 2713 & 2715 N. Point Road, hired me to prepare a plan and property description under seal. The plan for 2713 & 2715 N. Point Road, attached to the Affidavit as Exhibit 1, accurately shows existing conditions and the proposed development for the outdoor patio. I prepared the plan under my direction and my seal. The property description of 2713 & 2715 N. Point Road, attached to the Affidavit as Exhibit 2, accurately describes the property and was prepared under my direction and seal.

Due to a conflict, I am unable to attend the hearing for 2713 & 2715 N. Point Road on May 4, 2016 at 10:00 a.m. Thus, I am submitting my affidavit in lieu of my appearance at the hearing.

I hereby state and affirm under the penalties of perjury that the contents set forth above are true and correct to the best of my knowledge, information and belief.



Pearnell O. Wilson, P. E.

5/3/2016

Subscribed to and sworn to before me this 3rd day of May 2016



Notary Public

Susan P. Rockstroh
Notary Public
State of Maryland
Commission Expires
October 18, 2017

Susan P. Rockstroh
Notary Public
State of Maryland
Commission Expires
October 18, 2017

THE ZONING HEARING PROPERTY DESCRIPTION
FOR 2713 AND 2715 NORTH POINT ROAD, DUNDALK, MD 21222

PART A:

ZONING PROPERTY DESCRIPTION FOR 2713 NORTH POINT ROAD, DUNDALK, MD 21222

BEGINNING AT A POINT ON THE SOUTH SIDE OF NORTH POINT ROAD WHICH IS 49 FT WIDE AT THE DISTANCE OF 132 FT WEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET OAKWOOD ROAD WHICH IS 40 FT WIDE.

PART B, SUBDIVISION LOT – LOT IS PART OF RECORD PLAT:

BEING LOT # 7 AND 8, BLOCK (NA), SECTION # 12 IN THE SUBDIVISION OF GRAY MANOR AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 8, FOLIO 61, CONTAINING 3,220 SF. LOCATED IN THE 12TH ELECTION DISTRICT AND 7TH COUNCIL DISTRICT.

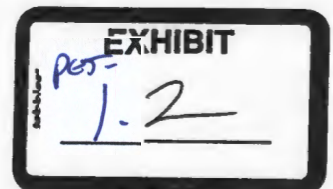
PART A:

ZONING PROPERTY DESCRIPTION FOR 2715 NORTH POINT ROAD, DUNDALK, MD 21222

BEGINNING AT A POINT ON THE SOUTH SIDE OF NORTH POINT ROAD WHICH IS 37 FT WIDE AT THE DISTANCE OF 22 FT WEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET OAKWOOD ROAD WHICH IS 40 FT WIDE.

PART B, SUBDIVISION LOT – LOT IS PART OF RECORD PLAT:

BEING LOT # 9, 10, 11, AND 12, BLOCK (NA), SECTION # 12 IN THE SUBDIVISION OF GRAY MANOR AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 8, FOLIO 60, CONTAINING 15,555 SF. LOCATED IN THE 12TH ELECTION DISTRICT AND 7TH COUNCIL DISTRICT.



PARKING AGREEMENT

This Agreement made this ____ day of May 2015 by and between The Drug City Pharmacy Company hereinafter referred to as "Drug City" and Treasure Coast Management, LLC dba Papa's Smokehouse hereinafter referred to as "Papa's Smokehouse".

In consideration of the sum of \$1.00 and other good and valuable consideration, the parties hereto agree as follows:

WHEREAS Drug City is the owner of the real property located at 2805 North Point Road, Baltimore, Maryland 21222; and

WHEREAS Drug City has available for use approximately 100 parking spaces; and

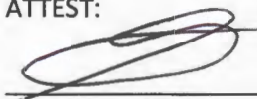
WHEREAS Drug City agrees to allow patrons of Papa's Smokehouse to park their vehicles on the property owned by Drug City during such times as patrons are customers of Papa's Smokehouse; and

WHEREAS Papa's Smokehouse agrees to name Drug City as an insured on their liability policy and agrees to indemnify and hold harmless Drug City from any claims made by any of the patrons of Papa's Smokehouse against Drug City for any injury or damage to property while on the Drug City property.

This Agreement shall continue in full force and effect until terminated by either party by serving 90 days written notice on the other.

This Agreement is made in consideration of the sum of \$1.00 and other good and valuable considerations.

ATTEST:



The Drug City Pharmacy Company

by:  (SEAL)



Treasure Coast Management LLC

by:  (SEAL)

STATE OF MARYLAND, CITY/COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 28 day of May 2015, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City/County of Baltimore, aforesaid, personally appeared mark dickman Member of The Drug City Pharmacy Company known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained, and in my presence signed and sealed the same.

Per.
EX-2

Board of Appeals

Case No: 16-122-A Case Name: Treasure Coast

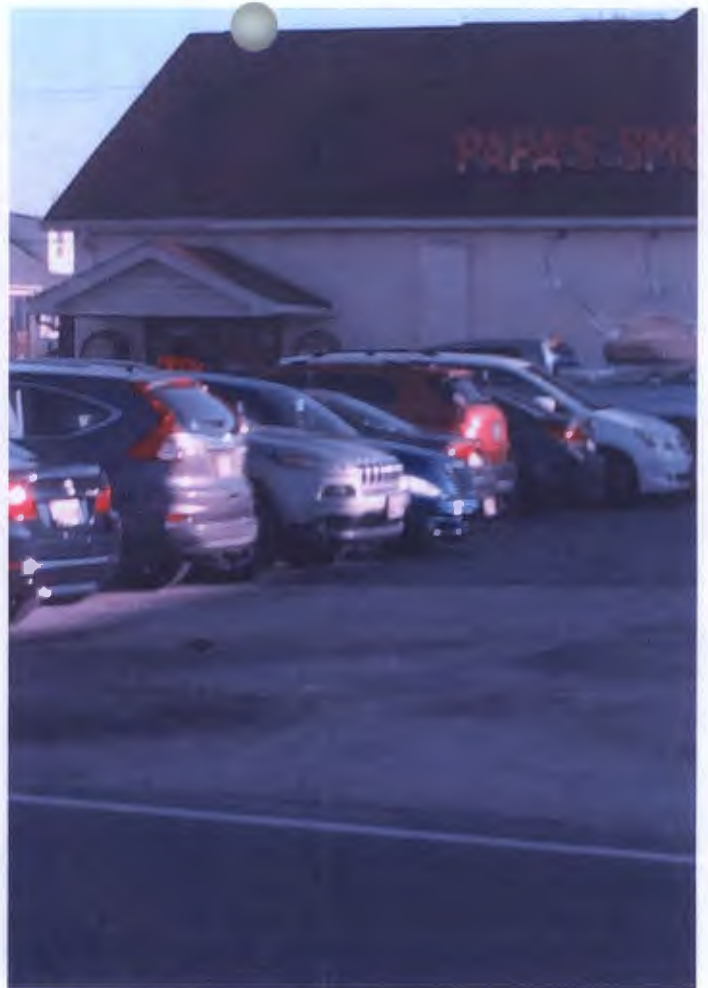
Exhibit List

Party: Peoples Center Date: 5/4/16

PC Exhibit No:	Description:
✓ 1	Aerial Map
✓ 2 A.D	photographs 4/13/16 OAKWOOD
✓ 3 A.D	" " "
✓ 4 A.D	" " "
✓ 5 A.D	" " "
✓ 6 A.C	" " "
✓ 7	photograph 4/13/16 OAKWOOD
✓ 8	15 sign on Hocking notices/apposition
✓ 9	SIGN-IN SHEET
✓ 10	GOOGLE MAP PHOTOGRAPH OF RESTAURANT
11	FILE BOA.
	VERIFIED BY <u>KC</u> DATE: <u>5/4/16</u>







Page 4





pc 2.5





PC 4x6



5



A

7 20 20





Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 8, 2016

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

16-122-A

Treasure Coast Management, LLC – Legal Owner
25 Midway, Inc. - Lessee
2713 and 2715 North Point Road
12th Election District; 7th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 63 spaces.

1/11/16 Opinion and Order issued by the Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR: WEDNESDAY, MAY 4, 2016, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioners
Petitioner/Legal Owner

: Kelley M. James, Esquire
Treasure Coast Management LLC

AGAINST

Name David Howard

Address 4 Oakwood Rd

Phone 443-377-9599

Signature David W. Howard

PC LX 8



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 8, 2016

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

16-122-A

Treasure Coast Management, LLC – Legal Owner
25 Midway, Inc. - Lessee
2713 and 2715 North Point Road
12th Election District; 7th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 63 spaces.

1/11/16 Opinion and Order issued by the Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR: **WEDNESDAY, MAY 4, 2016, AT 10:00 A.M.**

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioners
Petitioner/Legal Owner

: Kelley M. James, Esquire
Treasure Coast Management LLC

AGAINST

Name Jennifer L. Rennebo

Address 12 Oakwood Rd

Phone 410-285-2794

Signature

Jennifer L. Rennebo

PC 8

2



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 8, 2016

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

16-122-A

Treasure Coast Management, LLC – Legal Owner
25 Midway, Inc. - Lessee
2713 and 2715 North Point Road
12th Election District; 7th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 63 spaces.

1/11/16 Opinion and Order issued by the Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR: **WEDNESDAY, MAY 4, 2016, AT 10:00 A.M.**

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioners
Petitioner/Legal Owner

: Kelley M. James, Esquire
Treasure Coast Management LLC

AGAINST

Name Chelsea Sensebaugh

Address 12 Oakwood Rd.

Phone 443-912-4988

Signature *Chelsea Sensebaugh*

PC ex 8



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 8, 2016

AGAINST

Name Bryan Dush
Address 90akwood Rd
Phone 443-850-4315
Signature Bryan Dush

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

16-122-A

Treasure Coast Management, LLC – Legal Owner
25 Midway, Inc. - Lessee
2713 and 2715 North Point Road
12th Election District; 7th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 63 spaces.

1/11/16 Opinion and Order issued by the Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR: WEDNESDAY, MAY 4, 2016, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioners
Petitioner/Legal Owner

: Kelley M. James, Esquire
Treasure Coast Management LLC

PC ex 8



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 8, 2016

AGAINST

Name Jane Durst
Address 9 Oakwood Rd
Phone 443 527 5216
Signature Jane Durst

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

16-122-A

Treasure Coast Management, LLC – Legal Owner
25 Midway, Inc. - Lessee
2713 and 2715 North Point Road
12th Election District; 7th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 63 spaces.

1/11/16

Opinion and Order issued by the Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR:

WEDNESDAY, MAY 4, 2016, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioners
Petitioner/Legal Owner

: Kelley M. James, Esquire
Treasure Coast Management LLC

PC ex 8



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 8, 2016

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

16-122-A

Treasure Coast Management, LLC – Legal Owner
25 Midway, Inc. - Lessee
2713 and 2715 North Point Road
12th Election District; 7th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 63 spaces.

1/11/16 Opinion and Order issued by the Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR:

WEDNESDAY, MAY 4, 2016, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

AGAINST

Name Dennis Benolis

Address 7 Oakwood Rd

Phone 410-285-3907

Signature Dennis Benolis



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 8, 2016

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

16-122-A

Treasure Coast Management, LLC – Legal Owner
25 Midway, Inc. - Lessee
2713 and 2715 North Point Road
12th Election District; 7th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 63 spaces.

1/11/16 Opinion and Order issued by the Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR: WEDNESDAY, MAY 4, 2016, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

AGAINST

Name JOHN G. MAVRIS

Address 4 OAKWOOD RD

Phone 443 858 3011

Signature [Signature]



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 8, 2016

NOTICE OF ASSIGNMENT

AGAINST

Name Samantha Forgrave
Address 3 Oakwood Rd Sidede
Phone 443-680-2515
Signature Samantha Forgrave

IN THE MATTER OF:

16-122-A

Treasure Coast Management, LLC – Legal Owner
25 Midway, Inc. - Lessee
2713 and 2715 North Point Road
12th Election District; 7th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 63 spaces.

1/11/16 Opinion and Order issued by the Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR: WEDNESDAY, MAY 4, 2016, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioners
Petitioner/Legal Owner

: Kelley M. James, Esquire
Treasure Coast Management LLC

PC EX 8



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 8, 2016

NOTICE OF ASSIGNMENT

AGAINST

Name EAL K. HARLOW

Address 6 OAKWOOD RD R12

Phone 443-600-4827

Signature

EAL K HARLOW

IN THE MATTER OF:

16-122-A

Treasure Coast Management, LLC – Legal Owner
25 Midway, Inc. - Lessee
2713 and 2715 North Point Road
12th Election District; 7th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 63 spaces.

1/11/16 Opinion and Order issued by the Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR: WEDNESDAY, MAY 4, 2016, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 8, 2016

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

16-122-A

Treasure Coast Management, LLC – Legal Owner
25 Midway, Inc. - Lessee
2713 and 2715 North Point Road
12th Election District; 7th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 63 spaces.

1/11/16 Opinion and Order issued by the Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR: WEDNESDAY, MAY 4, 2016, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioners
Petitioner/Legal Owner

: Kelley M. James, Esquire
Treasure Coast Management LLC

AGAINST

Name Linda Rider

Address 2611 Gray Manor Terr

Phone 410-282-5237

Signature

Linda Rider

PC ex 8



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 8, 2016

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

16-122-A

Treasure Coast Management, LLC – Legal Owner
25 Midway, Inc. - Lessee
2713 and 2715 North Point Road
12th Election District; 7th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 63 spaces.

1/11/16

Opinion and Order issued by the Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR:

WEDNESDAY, MAY 4, 2016, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioners
Petitioner/Legal Owner

: Kelley M. James, Esquire
Treasure Coast Management LLC

AGAINST

Name Diane Bonolis

Address 7 Oakwood Rd

Phone 410-285-3907

Signature

Diane Bonolis

PC 6x8



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 8, 2016

NOTICE OF ASSIGNMENT

AGAINST

Name Ryan Duenmegarde

Address 9 Oakwood RD

Phone 443-850-2228

Signature

Ryan Duenmegarde

IN THE MATTER OF:

16-122-A

Treasure Coast Management, LLC – Legal Owner
25 Midway, Inc. - Lessee
2713 and 2715 North Point Road
12th Election District; 7th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 63 spaces.

1/11/16 Opinion and Order issued by the Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR: WEDNESDAY, MAY 4, 2016, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioners
Petitioner/Legal Owner

: Kelley M. James, Esquire
Treasure Coast Management LLC

PC 12 8



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 8, 2016

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

16-122-A

Treasure Coast Management, LLC – Legal Owner
25 Midway, Inc. - Lessee
2713 and 2715 North Point Road
12th Election District; 7th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 63 spaces.

1/11/16 Opinion and Order issued by the Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR: WEDNESDAY, MAY 4, 2016, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioners
Petitioner/Legal Owner

: Kelley M. James, Esquire
Treasure Coast Management LLC

AGAINST

Name Jason Dicembre
Address 2103 Gray Manor Terr
Baltimore, MD 21222
Phone 410-961-4745
Signature [Signature]

PC ex 8



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 8, 2016

NOTICE OF ASSIGNMENT

AGAINST

Name Chris Crusse
Address 2609 Gray Manor Terrace
Phone 443-463-0089
Signature [Signature]

IN THE MATTER OF:

16-122-A

Treasure Coast Management, LLC – Legal Owner
25 Midway, Inc. - Lessee
2713 and 2715 North Point Road
12th Election District; 7th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 63 spaces.

1/11/16 Opinion and Order issued by the Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR: WEDNESDAY, MAY 4, 2016, AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioners
Petitioner/Legal Owner

: Kelley M. James, Esquire
Treasure Coast Management LLC

PC ex 8



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 8, 2016

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

16-122-A

Treasure Coast Management, LLC – Legal Owner
25 Midway, Inc. - Lessee
2713 and 2715 North Point Road
12th Election District; 7th Councilmanic District

Re: Petition for Variance to permit 22 parking spaces in lieu of the required 63 spaces.

1/11/16 Opinion and Order issued by the Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR: WEDNESDAY, MAY 4, 2016, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

**Krysundra "Sunny" Cannington
Administrator**

c: Counsel for Petitioners
Petitioner/Legal Owner

: Kelley M. James, Esquire
Treasure Coast Management LLC

AGAINST

Name Sharyn Jenkins

Address 8 Oakwood Rd

Phone 410 285 8850

Signature

Sharyn Jenkins

pc ex 8 15

People's Counsel Sign-In Sheet

Case Name: Treasure Coast Management LLC
Case No.: 2016-0122-A
Date: 5-4-16

The Office of People's Counsel was created by the County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns, whether they have their own attorney or not. If you wish to be assisted by People's Counsel, please sign below.

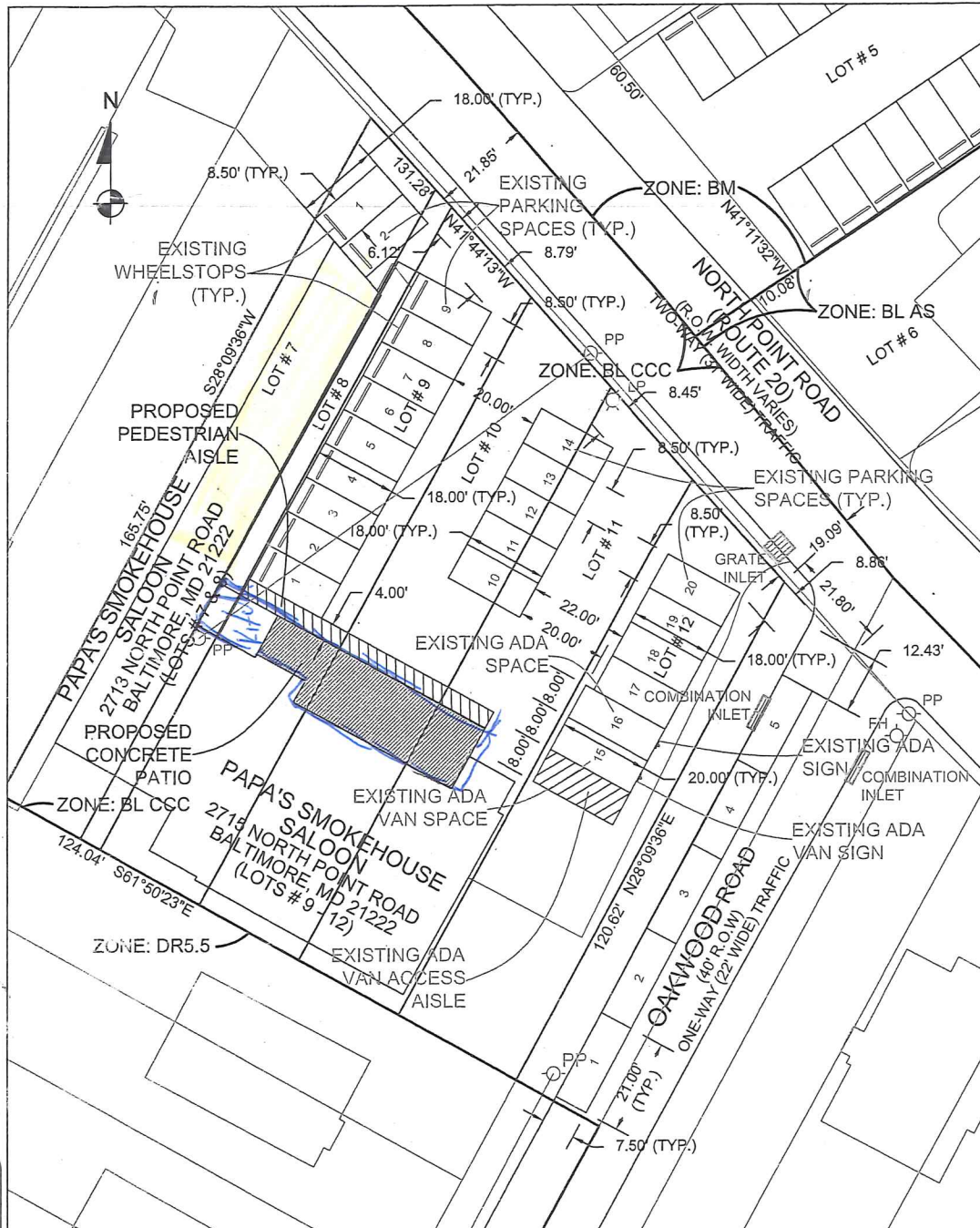
[illegible]



pc ex 10







PLAN VIEW
SCALE: 1" = 30'



GENERAL NOTES:

- OWNER: 25 MIDWAY INC.
2715 NORTH POINT BLVD
DUNDALK, MD 21222
- SITE AREA:
GROSS: 18,775 SF [3,220 SF (2713) AND 15,555 SF (2715)]
NET: 18,775 SF
- BUILDING AREA:
EXISTING: 4,482 SF [1,722 SF (2713) AND 2,760 SF (2715)]
PROPOSED ADDITION: 615 SF
TOTAL PROPOSED: 5,097 SF
- UTILITIES:
WATER: PUBLIC
SEWER: PUBLIC
- FLOODPLAIN: THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON F.I.R.M. #2400100440G, PANEL #440 OF 580 DATED MAY 5, 2014
- PARKING CALCULATIONS:
RESTAURANT (SEATING)
REQUIRED: 3,375 SF AT 16 PER 1000 = 54 SPACES

RESTAURANT (CARRY-OUT ONLY)
REQUIRED: 1,722 SF AT 5 PER 1000 = 9 SPACES

TOTAL REQUIRED: 63 SPACES

PROVIDED: 22 SPACES
[2 ADA PARKING SPACES NEAR TO THE BUILDING ENTRANCE].
- SETBACKS:

	REQUIRED	PROVIDED
FRONT		
PROPERTY LINE	10'	24' (2713) 70.6' (2715)
STREET	40'	43.8' (2713) 90.4' (2715)
SIDE		
INTERIOR LOTS	NONE	NONE (2713)
CORNER LOTS	10'	30.3'
REAR		
TYPICALLY	NONE	NA
ABUTS RESIDENTIAL	20'	15.8' (2713) 4.4' (2715)
- HEIGHT OF STRUCTURE:
MAX PERMITTED: SUBJECT TO HEIGHT TENT REGULATIONS (100' MAX.)

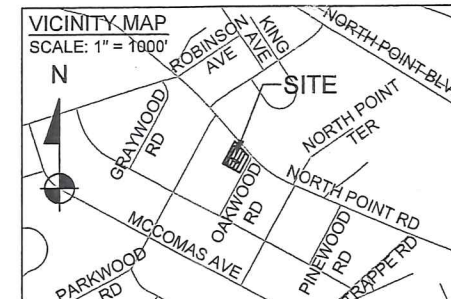
EXISTING: 12 (2713)
PROPOSED: NONE (2713)

EXISTING: 18 (2715)
PROPOSED: NONE (2715, FOR CONCRETE PATIO)

GENERAL NOTES (CONTINUED):

- DEED REFERENCE: /34997/00122 (2713 AND 2715)
- PLAT BOOK #: 0008 (2713 AND 2715)
FOLIO #: 0060 (2715)
FOLIO #: 0061 (2713)
- SUBDIVISION NAME: GRAY MANOR
- TAX ACCOUNT:
1212021460 (2713)
1213076840 (2715)
- ELECTION DISTRICT: 12
- COUNCILMANIC DISTRICT: 7
- REGIONAL PLANNING DISTRICT: NORTH POINT
- CENSUS TRACT: 420100
- WATERSHED: BACK RIVER
- ZONING: BL CCC
(PER 1"=200' ZONING MAP 103C1 AND 104A1)
- TAX MAP # 0103
PARCEL # 0438, LOTS 7 AND 8 (2713)
PARCEL # 0450, LOTS 9, 10, 11, AND 12 (2715)
- FORMER ZONING CASES: 1973-0233-A (ZONING VARIANCE OF 25 PARKING SPACES IN LIEU OF 56 PARKING SPACES AND PERMISSION TO INSTALL PARKING SPACES 6' FROM THE PROPERTY LINE INSTEAD OF THE REQUIRED 8' WAS GRANTED BY THE DEPUTY ZONING COMMISSIONER ON APRIL 9, 1973).
- PERMITS ON FILE: NONE
- FLOOR AREA RATIO:
MAXIMUM PERMITTED: 3.0
EXISTING: 1,722 / 3,220 = 0.534 (2713)
PROPOSED: 1722 / 3,220 = 0.534 (2713)

EXISTING: 2,760 / 15,555 = 0.177 (2715)
PROPOSED: 3,375 / 15,555 = 0.217 (2715)
- SIGNAGE: EXISTING FREESTANDING SIGN MUST CONFORM WITH SECTION 450 OF THE BCZR AND IS LIMITED TO ONE SIGN PER ROAD FRONTAGE
- CHESAPEAKE BAY CRITICAL AREA: THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
- HISTORIC FEATURES: THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC
- PREVIOUS DRC MEETINGS: NONE



PROJECT: "PLAN TO ACCOMPANY PETITION FOR ZONING HEARING"



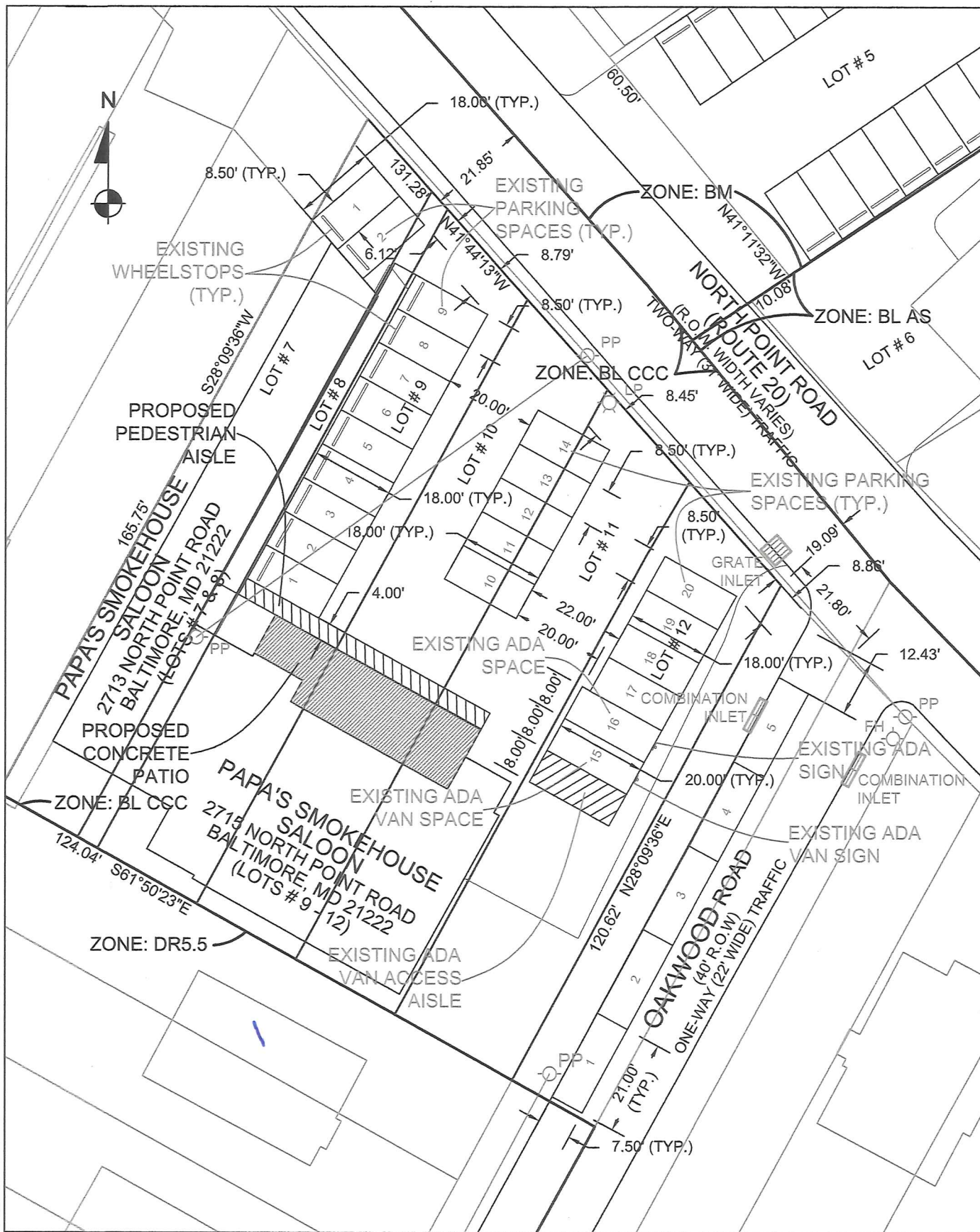
PROFESSIONAL ENGINEER
I HEREBY CERTIFY
DOCUMENTS WERE
OR APPROVED BY
I AM A DULY LICENSED
PROFESSIONAL ENGINEER
UNDER THE LAWS
OF MARYLAND.
LICENSE NO. 3625
EXPIRATION DATE

OWNER:
25 MIDWAY INC.

DESIGNER:
MR. PEARNELL O.

FOR
PAPA'S SMOKEHOUSE AND SALOON
PROPOSED CONCRETE PATIO ADDITION

EXHIBIT



PLAN VIEW
SCALE: 1" = 30'



#2016-0122-A

R.D.D.

GENERAL NOTES:

- OWNER: 25 MIDWAY INC.
2715 NORTH POINT BLVD
DUNDALK, MD 21222
- SITE AREA:
GROSS: 18,775 SF [3,220 SF (2713) AND 15,555 SF (2715)]
NET: 18,775 SF
- BUILDING AREA:
EXISTING: 4,482 SF [1,722 SF (2713) AND 2,760 SF (2715)]
PROPOSED ADDITION: 615 SF
TOTAL PROPOSED: 5,097 SF
- UTILITIES:
WATER: PUBLIC
SEWER: PUBLIC
- FLOODPLAIN: THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON F.I.R.M. #2400100440G, PANEL #440 OF 580 DATED MAY 5, 2014
- PARKING CALCULATIONS:
RESTAURANT (SEATING)
REQUIRED: 3,375 SF AT 16 PER 1000 = 54 SPACES

RESTAURANT (CARRY-OUT ONLY)
REQUIRED: 1,722 SF AT 5 PER 1000 = 9 SPACES

TOTAL REQUIRED: 63 SPACES

PROVIDED: 22 SPACES
[2 ADA PARKING SPACES NEAR TO THE BUILDING ENTRANCE].
- SETBACKS:

	REQUIRED	PROVIDED
FRONT		
PROPERTY LINE	10'	24' (2713) 70.6' (2715)
STREET	40'	43.8' (2713) 90.4' (2715)
SIDE		
INTERIOR LOTS	NONE	NONE (2713)
CORNER LOTS	10'	30.3'
REAR		
TYPICALLY	NONE	NA
ABUTS RESIDENTIAL	20'	15.8' (2713) 4.4' (2715)
- HEIGHT OF STRUCTURE:
MAX PERMITTED: SUBJECT TO HEIGHT TENT REGULATIONS (100' MAX.)

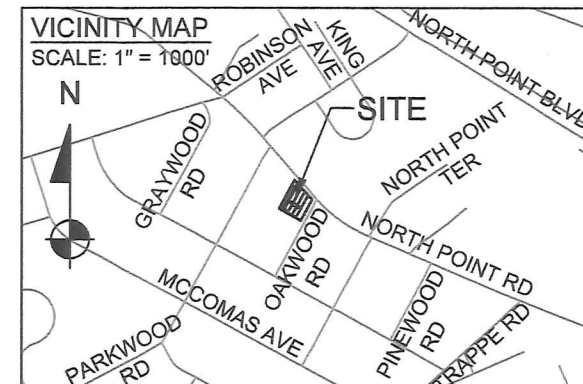
EXISTING: 12 (2713)
PROPOSED: NONE (2713)

EXISTING: 18 (2715)
PROPOSED: NONE (2715, FOR CONCRETE PATIO)

GENERAL NOTES (CONTINUED):

- DEED REFERENCE: /34997/00122 (2713 AND 2715)
- PLAT BOOK #: 0008 (2713 AND 2715)
FOLIO #: 0060 (2715)
FOLIO #: 0061 (2713)
- SUBDIVISION NAME: GRAY MANOR
- TAX ACCOUNT:
1212021460 (2713)
1213076840 (2715)
- ELECTION DISTRICT: 12
- COUNCILMANIC DISTRICT: 7
- REGIONAL PLANNING DISTRICT: NORTH POINT
- CENSUS TRACT: 420100
- WATERSHED: BACK RIVER
- ZONING: BL CCC
(PER 1"=200' ZONING MAP 103C1 AND 104A1)
- TAX MAP # 0103
PARCEL # 0438, LOTS 7 AND 8 (2713)
PARCEL # 0450, LOTS 9, 10, 11, AND 12 (2715)
- FORMER ZONING CASES: 1973-0233-A (ZONING VARIANCE OF 25 PARKING SPACES IN LIEU OF 56 PARKING SPACES AND PERMISSION TO INSTALL PARKING SPACES 6' FROM THE PROPERTY LINE INSTEAD OF THE REQUIRED 8' WAS GRANTED BY THE DEPUTY ZONING COMMISSIONER ON APRIL 9, 1973).
- PERMITS ON FILE: NONE
- FLOOR AREA RATIO:
MAXIMUM PERMITTED: 3.0
EXISTING: 1,722 / 3,220 = 0.534 (2713)
PROPOSED: 1722 / 3,220 = 0.534 (2713)

EXISTING: 2,760 / 15,555 = 0.177 (2715)
PROPOSED: 3,375 / 15,555 = 0.217 (2715)
- SIGNAGE: EXISTING FREESTANDING SIGN MUST CONFORM WITH SECTION 450 OF THE BCZR AND IS LIMITED TO ONE SIGN PER ROAD FRONTAGE
- CHESAPEAKE BAY CRITICAL AREA: THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
- HISTORIC FEATURES: THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC
- PREVIOUS DRC MEETINGS: NONE



PROJECT: "PLAN TO ACCOMPANY PETITION FOR ZONING HEARING"

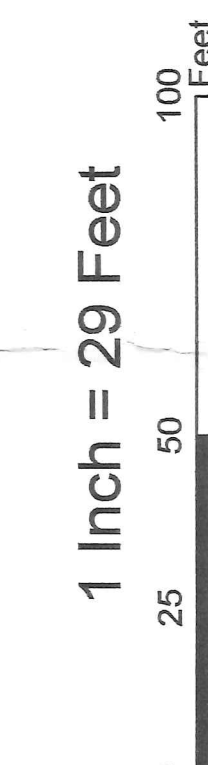


PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 36251
EXPIRATION DATE: 08/31/2016

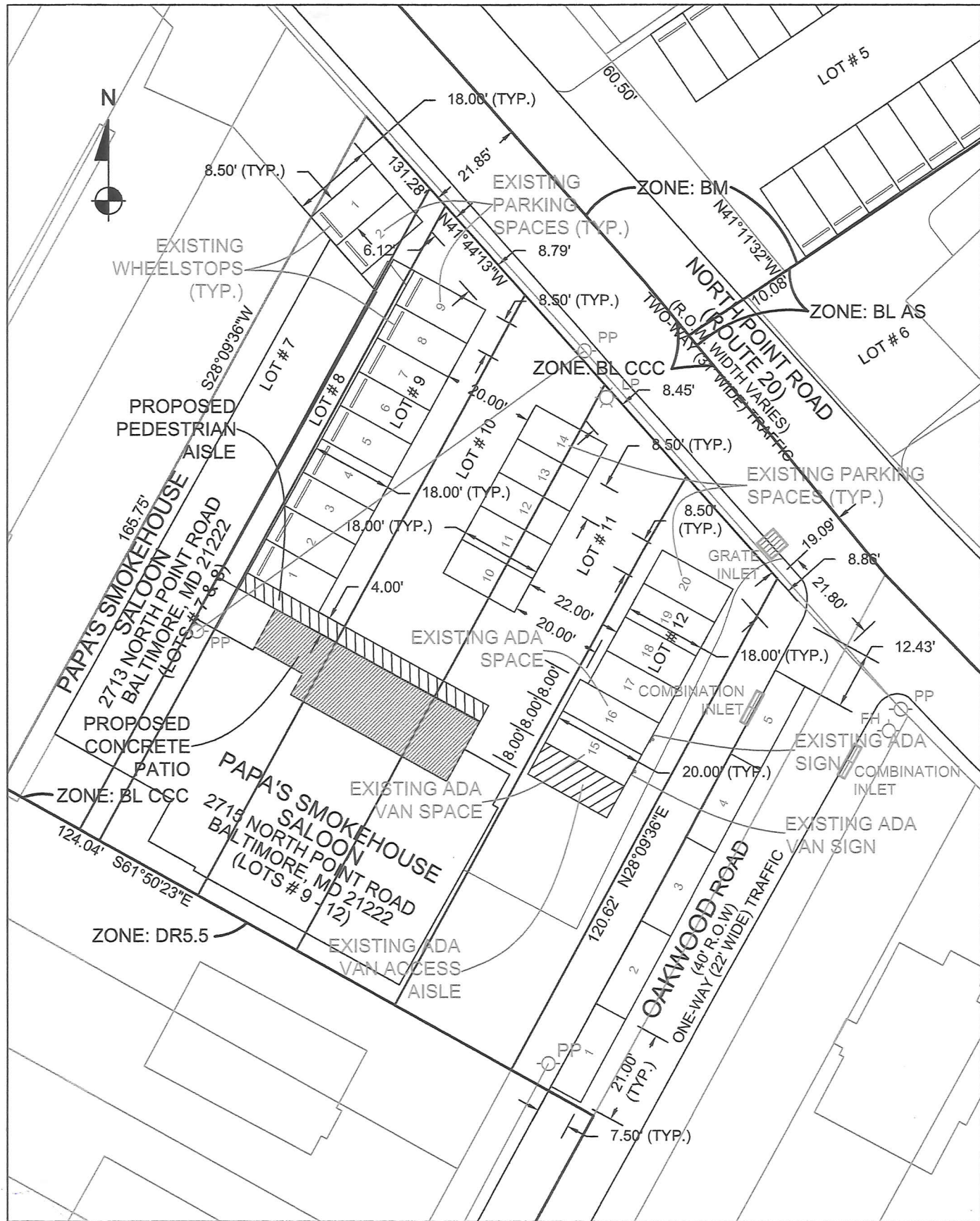
OWNER:
25 MIDWAY INC.

DESIGNER:
MR. PEARNELL O. WILSON, P.E.

FOR
PAPA'S SMOKEHOUSE AND SALOON
PROPOSED CONCRETE PATIO ADDITION
AT
2713 - 2715 NORTH POINT ROAD, DUNDALK, MD 21222



2016-122-A



PLAN VIEW
SCALE: 1" = 30'



#2016-0122-A

GENERAL NOTES:

- OWNER: 25 MIDWAY INC.
2715 NORTH POINT BLVD
DUNDALK, MD 21222
- SITE AREA:
GROSS: 18,775 SF [3,220 SF (2713) AND 15,555 SF (2715)]
NET: 18,775 SF
- BUILDING AREA:
EXISTING: 4,482 SF [1,722 SF (2713) AND 2,760 SF (2715)]
PROPOSED ADDITION: 615 SF
TOTAL PROPOSED: 5,097 SF
- UTILITIES:
WATER: PUBLIC
SEWER: PUBLIC
- FLOODPLAIN: THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON F.I.R.M. #2400100440G, PANEL #440 OF 580 DATED MAY 5, 2014
- PARKING CALCULATIONS:
RESTAURANT (SEATING)
REQUIRED: 3,375 SF AT 16 PER 1000 = 54 SPACES

RESTAURANT (CARRY-OUT ONLY)
REQUIRED: 1,722 SF AT 5 PER 1000 = 9 SPACES

TOTAL REQUIRED: 63 SPACES

PROVIDED: 22 SPACES
[2 ADA PARKING SPACES NEAR TO THE BUILDING ENTRANCE).
- SETBACKS:

	REQUIRED	PROVIDED
FRONT		
PROPERTY LINE	10'	24' (2713) 70.6' (2715)
STREET	40'	43.8' (2713) 90.4' (2715)
SIDE		
INTERIOR LOTS	NONE	NONE (2713)
CORNER LOTS	10'	30.3'
REAR		
TYPICALLY	NONE	NA
ABUTS RESIDENTIAL	20'	15.8' (2713) 4.4' (2715)
- HEIGHT OF STRUCTURE:
MAX PERMITTED: SUBJECT TO HEIGHT TENT REGULATIONS (100' MAX.)

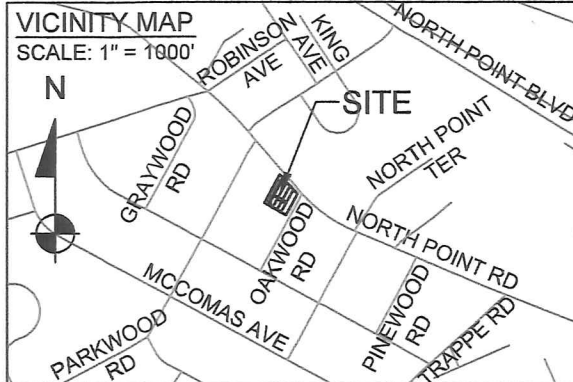
EXISTING: 12 (2713)
PROPOSED: NONE (2713)

EXISTING: 18 (2715)
PROPOSED: NONE (2715, FOR CONCRETE PATIO)

GENERAL NOTES (CONTINUED):

- DEED REFERENCE: /34997/00122 (2713 AND 2715)
- PLAT BOOK #: 0008 (2713 AND 2715)
FOLIO #: 0060 (2715)
FOLIO #: 0061 (2713)
- SUBDIVISION NAME: GRAY MANOR
- TAX ACCOUNT:
1212021460 (2713)
1213076840 (2715)
- ELECTION DISTRICT: 12
- COUNCILMANIC DISTRICT: 7
- REGIONAL PLANNING DISTRICT: NORTH POINT
- CENSUS TRACT: 420100
- WATERSHED: BACK RIVER
- ZONING: BL CCC
(PER 1"=200' ZONING MAP 103C1 AND 104A1)
- TAX MAP # 0103
PARCEL # 0438, LOTS 7 AND 8 (2713)
PARCEL # 0450, LOTS 9, 10, 11, AND 12 (2715)
- FORMER ZONING CASES: 1973-0233-A (ZONING VARIANCE OF 25 PARKING SPACES IN LIEU OF 56 PARKING SPACES AND PERMISSION TO INSTALL PARKING SPACES 6' FROM THE PROPERTY LINE INSTEAD OF THE REQUIRED 8' WAS GRANTED BY THE DEPUTY ZONING COMMISSIONER ON APRIL 9, 1973).
- PERMITS ON FILE: NONE
- FLOOR AREA RATIO:
MAXIMUM PERMITTED: 3.0
EXISTING: 1,722 / 3,220 = 0.534 (2713)
PROPOSED: 1722 / 3,220 = 0.534 (2713)

EXISTING: 2,760 / 15,555 = 0.177 (2715)
PROPOSED: 3,375 / 15,555 = 0.217 (2715)
- SIGNAGE: EXISTING FREESTANDING SIGN MUST CONFORM WITH SECTION 450 OF THE BCZR AND IS LIMITED TO ONE SIGN PER ROAD FRONTAGE
- CHESAPEAKE BAY CRITICAL AREA: THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
- HISTORIC FEATURES: THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC
- PREVIOUS DRC MEETINGS: NONE



"PLAN TO ACCOMPANY PETITION FOR ZONING HEARING"

PROJECT:

FOR
PAPA'S SMOKEHOUSE AND SALOON
PROPOSED CONCRETE PATIO ADDITION
AT
2713 - 2715 NORTH POINT ROAD, DUNDALK, MD 21222



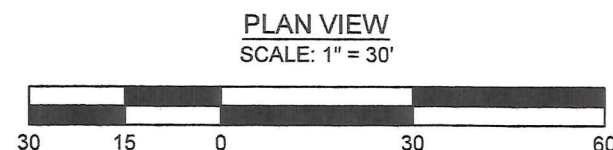
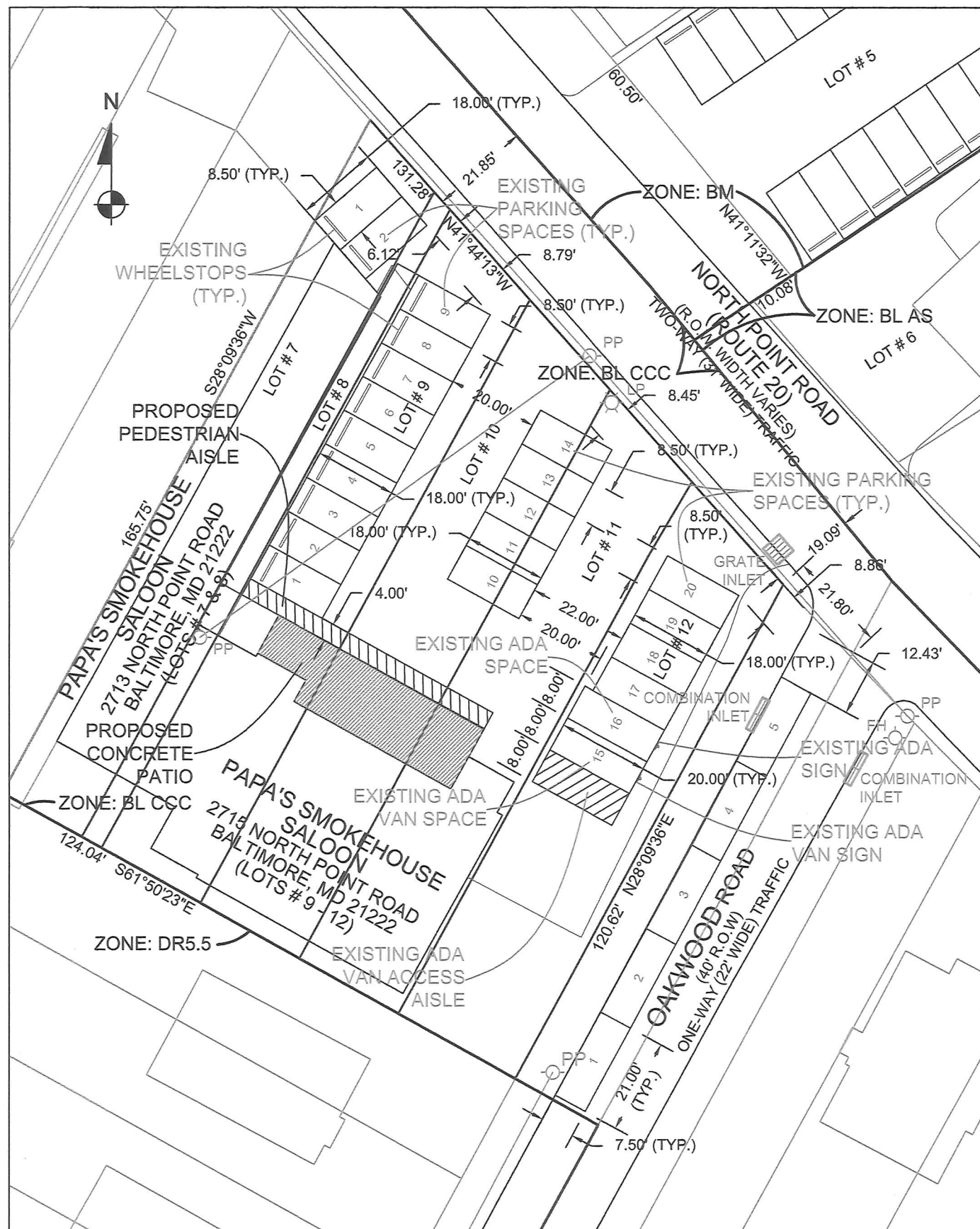
PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 36251
EXPIRATION DATE: 08/31/2016

OWNER:
25 MIDWAY INC.

DESIGNER:
MR. PEARNELL O. WILSON, P.E

Petitioners (No. 1)

R.T.



#2016-0122-A

GENERAL NOTES:

- OWNER: 25 MIDWAY INC.
2715 NORTH POINT BLVD
DUNDALK, MD 21222
- SITE AREA:
GROSS: 18,775 SF [3,220 SF (2713) AND 15,555 SF (2715)]
NET: 18,775 SF
- BUILDING AREA:
EXISTING: 4,482 SF [1,722 SF (2713) AND 2,760 SF (2715)]
PROPOSED ADDITION: 615 SF
TOTAL PROPOSED: 5,097 SF
- UTILITIES:
WATER: PUBLIC
SEWER: PUBLIC
- FLOODPLAIN: THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON F.I.R.M. #2400100440G, PANEL #440 OF 580 DATED MAY 5, 2014
- PARKING CALCULATIONS:
RESTAURANT (SEATING)
REQUIRED: 3,375 SF AT 16 PER 1000 = 54 SPACES

RESTAURANT (CARRY-OUT ONLY)
REQUIRED: 1,722 SF AT 5 PER 1000 = 9 SPACES

TOTAL REQUIRED: 63 SPACES

PROVIDED: 22 SPACES
[2 ADA PARKING SPACES NEAR TO THE BUILDING ENTRANCE).
- SETBACKS:

	REQUIRED	PROVIDED
FRONT		
PROPERTY LINE	10'	24' (2713) 70.6' (2715)
STREET	40'	43.8' (2713) 90.4' (2715)
SIDE		
INTERIOR LOTS	NONE	NONE (2713)
CORNER LOTS	10'	30.3'
REAR		
TYPICALLY	NONE	NA
ABUTS RESIDENTIAL	20'	15.8' (2713) 4.4' (2715)
- HEIGHT OF STRUCTURE:
MAX PERMITTED: SUBJECT TO HEIGHT TENT REGULATIONS (100' MAX.)

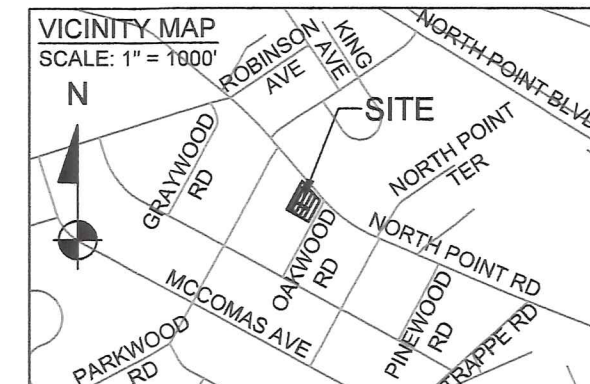
EXISTING: 12 (2713)
PROPOSED: NONE (2713)

EXISTING: 18 (2715)
PROPOSED: NONE (2715, FOR CONCRETE PATIO)

GENERAL NOTES (CONTINUED):

- DEED REFERENCE: /34997/00122 (2713 AND 2715)
- PLAT BOOK #: 0008 (2713 AND 2715)
FOLIO #: 0060 (2715)
FOLIO #: 0061 (2713)
- SUBDIVISION NAME: GRAY MANOR
- TAX ACCOUNT:
1212021460 (2713)
1213076840 (2715)
- ELECTION DISTRICT: 12
- COUNCILMANIC DISTRICT: 7
- REGIONAL PLANNING DISTRICT: NORTH POINT
- CENSUS TRACT: 420100
- WATERSHED: BACK RIVER
- ZONING: BL CCC
(PER 1"=200' ZONING MAP 103C1 AND 104A1)
- TAX MAP # 0103
PARCEL # 0438, LOTS 7 AND 8 (2713)
PARCEL # 0450, LOTS 9, 10, 11, AND 12 (2715)
- FORMER ZONING CASES: 1973-0233-A (ZONING VARIANCE OF 25 PARKING SPACES IN LIEU OF 56 PARKING SPACES AND PERMISSION TO INSTALL PARKING SPACES 6' FROM THE PROPERTY LINE INSTEAD OF THE REQUIRED 8' WAS GRANTED BY THE DEPUTY ZONING COMMISSIONER ON APRIL 9, 1973).
- PERMITS ON FILE: NONE
- FLOOR AREA RATIO:
MAXIMUM PERMITTED: 3.0
EXISTING: 1,722 / 3,220 = 0.534 (2713)
PROPOSED: 1722 / 3,220 = 0.534 (2713)

EXISTING: 2,760 / 15,555 = 0.177 (2715)
PROPOSED: 3,375 / 15,555 = 0.217 (2715)
- SIGNAGE: EXISTING FREESTANDING SIGN MUST CONFORM WITH SECTION 450 OF THE BCZR AND IS LIMITED TO ONE SIGN PER ROAD FRONTAGE
- CHESAPEAKE BAY CRITICAL AREA: THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
- HISTORIC FEATURES: THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC
- PREVIOUS DRC MEETINGS: NONE



PROJECT: "PLAN TO ACCOMPANY PETITION FOR ZONING HEARING"



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 36251
EXPIRATION DATE: 08/31/2016

OWNER:
25 MIDWAY INC.

DESIGNER:
MR. PEARNELL O. WILSON, P.E

FOR
PAPA'S SMOKEHOUSE AND SALOON
PROPOSED CONCRETE PATIO ADDITION
AT
2713 - 2715 NORTH POINT ROAD, DUNDALK, MD 21222

