

**ITMO PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY**

Petitioner

v.

PREMIER LOUNGE LLC

Respondent

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IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

CASE NO. C-03-CV-19-004593

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MEMORANDUM AND ORDER

On December 10, 2019, People's Counsel for Baltimore County (hereinafter "Petitioner-Appellant") filed a Petition for Judicial Review of a decision by the Board of Appeals of Baltimore County (hereinafter "the Board") granting Premier Lounge, LLC's (hereinafter "Respondent-Appellee") Appeal from Administrative Law Judge ("ALJ") and Petition for Variance. The Board granted Respondent-Appellee's appeal after finding that Respondent-Appellee's property, 180 Winters Lane in Catonsville, Maryland, presented both a uniqueness and practical difficulty that necessitated the requested variances.

On March 10, 2020, Petitioner-Appellant filed a "Memorandum" in support of their Petition for Judicial Review. Respondent-Appellee did not file a response or memorandum in opposition. Both parties appeared represented before this Court on May 18, 2021. For the reasons set forth therein, the decision of the Board of Appeal of Baltimore County is

AFFIRMED.

FACTUAL AND PROCEDURAL BACKGROUND

Premier Lounge, LLC, owned by Mr. & Mrs. Patterson, operate a multi-use facility at 180 Winters Lane, Catonsville, Maryland. The Respondent-Appellees purchased the site at auction on April 12, 2017. The site was sold by the estate of the previous owner, Mr. Roosevelt

Fletcher, after his death. The purchase included the real property and improvements of 180 Winters Lane and its liquor license.

The property is spilt-zoned as Business Local ("B.L.") and Density Residential 5.5 ("D.R. 5.5"). The residential zone runs along the rear of the property, abutting the residences on Shipley Avenue. The property has been previously improved by the former owner, Mr. Fletcher, who established "The Brick House," a restaurant/tavern building.

After purchasing the property, Respondent-Appellees filed a Petition for Variances under Baltimore County Zoning Regulations ("BCZR") 1B01 and 409.8. Specifically, Respondent-Appellees petitioned:

- "(1) to allow business parking in a residential zone;
- (2) to allow 7 parking spaces in lieu of the required 91 spaces;
- (3) to allow parking at a distance to a street line of 5 ft. in lieu of the required 10 ft;
- (4) to not provide a backup area for the end parking space;
- (5) to allow a 3 ft. wide landscape strip adjacent to the residential property in lieu of the required 10 ft. and to allow a 6 ft. high wood screen fence in lieu of planting;
- (6) to allow 3 ft. between the edge of the parking lot and the face of the building in lieu of the required 6 ft;
- (7) to allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft; and
- (8) to allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback."

The variances asked for are in connection with the restaurant, tavern, package goods store, convenience store, and private party venue that the Respondent-Appellees operate on the property.

A Petition for Special Hearing to allow business parking in a residential area and Petition for Variances first came before an ALJ. The ALJ dismissed the Petition for Special Hearing and denied the Petition for Variances. The Respondent-Appellees subsequently appealed the decision to the Board. The Board conducted a *de novo* hearing and received testimony from several experts, representatives, and community residents. Ultimately, in a 2-to-1 decision, the Board

granted the variances, save one, finding that the property was properly “unique” to obtain a variance and the Respondent-Appellees faces significant “practical difficulty” without such variances.

The Petitioner-Appellant appealed the Board’s decision to this instant Court.

QUESTIONS PRESENTED

The questions presented in the Petition for Judicial Review are: (1) whether the Board erred in determining that 180 Winters Lane is sufficiently unique for the granting of variances, and (2) whether the Board erred in determining that the Respondent-Appellees faced significant “practical difficulty” to entail variances.

STANDARD OF REVIEW

Md. Code. Ann., State Gov’t Section 10, Subtitled 1-3 encompass the Administrative Procedure Act (referred to as “APA”). Md. Code. Ann., State Gov’t Section 10-222 (h) governs the judicial power of a Court reviewing an administrative agency’s decision. The reviewing Court is permitted to remand the case for further proceedings, affirm the final decision, or reverse or modify the decision if any substantial right of the petitioner may have been prejudiced because a finding, conclusion, or decision: (1) is unconstitutional; (2) exceeds the statutory authority or jurisdiction of the final decision maker; (3) results from an unlawful procedure; (4) is affected by any other error of law; (5) is unsupported by competent, material, and substantial evidence in light of the entire record as submitted; or (6) is arbitrary or capricious. *Md. Code. Ann., State Gov’t Section 10-222 (h).*

The standard of review for an action of an administrative agency is limited to determining if there is substantial evidence in the record as a whole to support the agency’s findings and conclusions and to determine if the administrative decision is premised upon an erroneous

conclusion of law. *Motor Vehicle Admin. v. McDorman*, 364 Md. 253, 261, 772 A.2d 309, 314 (2001). A reviewing court must determine whether an administrative agency made an error of law, and the agency's interpretations of the law enjoy no presumption of correctness on review. See *Baltimore Lutheran High School v. Employment Security Administration*, 302 Md. 649, 662, 449 A.2d 701 (1985); *Montgomery County v. Buckman*, 333 Md. 516, 519 at p.1, 636 A.2d 448 (1994).

Upon determination that the administrative agency applied the correct standards prescribed by a statute at issue, the agency's conclusions are tested by the substantial evidence test. *Montgomery County v. Buckman*, *supra*. In determining whether an agency's decision is supported by the record, "substantial evidence" is defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Caucus Distributors, Inc., v. Maryland Securities Commissioner*, 320 Md. 313, 323-24, 577 A.2d 783 (1990). A reviewing court "must review the agency's decision in the light most favorable to it; the agency's decision is *prima facie* correct and presumed valid, and it is the agency's province to resolve conflicting evidence and to draw inferences from that evidence." *Bd. of Physician Quality Assurance v. Banks*, 354 Md. 59, 67-69, 729 A.2d 376 (1999). If the administrative agency's fact-finding and drawing of inferences are supported by the record, the reviewing court should defer to the agency's determination. *Id.* A degree of deference should often be accorded the position of the administrative agency... "[and] the expertise of the agency in its own field should be respected." *Cornfeld v. State Bd. of Physicians*, 174 Md.App. 456, 469, 921 A.2d 893, 900 (2007).

DISCUSSION

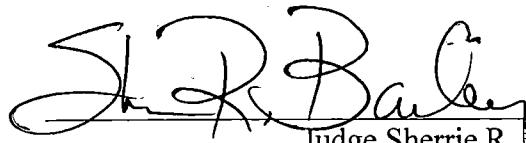
Upon review and consideration of the case file and the Court Smart recording of the May 18, 2021 hearing, this Court **AFFIRMS** the Board of Appeals of Baltimore County. The

appellant concedes that the Board of Appeals fully and correctly states that applicable law in the first four pages of the Board Opinion. The only remaining question is whether there is substantive evidence to support the Board's conclusion, when considered in the light most favorable to the administrative agency, the Board.

The Board found that the Respondent-Appellees had met its burden in proving that the property is unique and that the Respondent-Appellees would suffer a practical difficulty and unreasonable hardship if the variance was not granted. As to uniqueness, the Board found, and the Court agrees, that there is substantive evidence to prove that the property has unique characteristics that differentiates it from other properties in the same neighborhood. The property is a five-sided triangular shape, split-zoned, and suffered a loss of two parking spaces because of a Baltimore County action. This is substantial evidence as to the property's uniqueness.

As to practical difficulty, the Board found, and the Court agrees, that there was substantive evidence that the Respondent-Appellees would have faced a tremendous monetary loss to fix the property to meet zoning regulations. The difficulty was found to not be self-imposed and not caused by the property use. This Court also agrees with the Board in that the impact to the neighbors is minimal as traffic associated with the property is intermittent at worse and not an undue burden on the community. The use of the property may even have a positive impact on the area, as it is enjoyed by many residents.

Therefore, because there is substantial evidence to support the Board's above findings, this Court **AFFIRMS** the Board's November 22, 2019 decision and order.


Judge Sherrie R. Bailey
Circuit Court for Baltimore County

COURT CLERK PLEASE CC ALL PARTIES

Entered: Clerk, Circuit Court for
Baltimore County, MD
July 24, 2023

**ITMO PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY**

Petitioner

v.

PREMIER LOUNGE LLC

Respondent

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IN THE

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CIRCUIT COURT

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BALTIMORE COUNTY

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CASE NO. C-03-CV-19-004593

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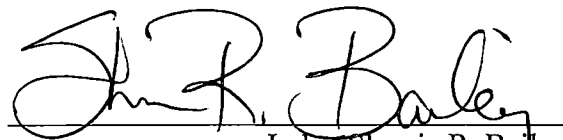
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ORDER

This matter having come before the Court on May 18, 2021, both parties having appeared represented, and testimony having been taken, it is this 24th day of July, 2023, hereby:

ORDERED that the Board of Appeal's decision on November 22, 2019, overturning the Administrative Law Judge's decision on March 19, 2018, is hereby **AFFIRMED**.



Judge Sherrie R. Bailey

Circuit Court for Baltimore County

COURT CLERK PLEASE CC ALL PARTIES

Entered: Clerk, Circuit Court for
Baltimore County, MD
July 24, 2023



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

February 13, 2020

Peter Max Zimmerman, People's Counsel
Carole S. Demilio, Deputy People's Counsel
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Suite 204
Towson, Maryland 21204

Abraham L. Hurdle, Esquire
320 North Charles Street
Baltimore, Maryland 21201

RE: Petition for Judicial Review
Circuit Court Civil Action No.: C-03-CV-19-004593
In the Matter of: Premier Lounge LLC
Board of Appeals Case No.: 18-149-SPHA

Dear Counsel:

Kindly note that the Proceedings before the Administrative Law Judge and the Board of Appeals of Baltimore County have been filed with the Circuit Court for Baltimore County via the Maryland Electronic Courts and E-filing system. Enclosed is a copy for your records.

If you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Tammy A. Zahner".

Tammy A. Zahner
Legal Secretary

Duplicate Original Cover Letter
Enclosure

c: Tiffany and Stephen Patterson/Premier Lounge LLC
Margo and Kim Lawson
Carroll and Lynne LeVere

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

*

*

PETITION OF:
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

*

FOR JUDICIAL REVIEW OF THE OPINION OF
THE BOARD OF APPEALS
OF BALTIMORE COUNTY
Jefferson Building -- Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204

*

CIVIL ACTION
NO.: C-03-CV-19-004593

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*

IN THE MATTER OF:
PREMIER LOUNGE LLC
7523 Roxy Drive
Windsor Mill, Maryland 21244

*

*

1st Election District
1st Councilmanic District

*

*

BOARD OF APPEALS CASE NO.: 18-149-SPHA

* * * * *

**PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW JUDGE
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY**

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits, Approvals and Inspections and the Board of Appeals of Baltimore County:

**ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
OF BALTIMORE COUNTY**

November 30, 2017 Petition for Special Hearing pursuant to Section 500.7 of the BCZR to allow business parking in a residential zone; and Petition for Variance seeking (1) to allow business parking in a residential zone; (2) to allow 7 parking spaces in lieu of the required 91 spaces; (3) to allow parking at a

distance to a street line of 5 ft. in lieu of the required 10 ft.; (4) to not provide a backup area for the end parking space; (5) to allow a 3 ft. wide landscape strip adjacent to the residential property in lieu of the required 10 ft. and to allow a 6 ft. high wood screen fence in lieu of planting; (6) to allow 3 ft. between the edge of the parking lot and the face of the building in lieu of the required 6 ft.; (7) to allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft. and (8) to allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback.

December 5, 2017	Entry of Appearance filed by People's Counsel for Baltimore County.
February 14, 2018	Notice of Zoning Hearing
February 22, 2018	Certificate of Publication in newspaper
February 23, 2018	Certificate of Posting
March 7, 2018	ZAC Comments
March 15, 2018	Hearing held before the Administrative Law Judge.
March 19, 2018	Opinion and Order issued by the Administrative Law Judge wherein the Petition for Special Hearing was DISMISSED WITHOUT PREJUDICE; and the Petition for Variance was DENIED.
April 18, 2018	Notice of Appeal filed by Abraham L. Hurdle, Esquire on behalf of Premier Lounge, LLC and Tiffany and Steve Patterson, Petitioners.
April 18, 2018	Appeal received by the Board.
May 18, 2018	Notice of Assignment issued by the Board.
May 24, 2018	Letter to Board from Abraham L. Hurdle, Esquire requesting a postponement.
June 1, 2018	Notice of Postponement and Reassignment issued by the Board.
June 18, 2018	Letter to Board from People's Counsel for Baltimore County requesting a postponement.
June 26, 2018	Notice of Postponement and Reassignment issued by the Board.

August 16, 2018 Letter to Counsel from Board advising of postponement due to Board member scheduling conflict.

August 16, 2018 Notice of Third Postponement and Reassignment issued by the Board.

September 27, 2018 Board convened for a Hearing, Day 1.

October 3, 2018 Notice of Assignment of Day 2 issued by the Board.

January 17, 2019 Board convened for a Hearing, Day 2.

Exhibits submitted at Hearings before the Board of Appeals:

Petitioner's Exhibit No.

- 1 – Thomas J. Hoff Curriculum Vitae
- 2 – Site Plan – 12/21/17
- 3 – County Report from Planning Board – 1/26/18
- 4 – Attendance sheet from meeting hosted by Mr. Patterson
- 5 – Premier Lounge booklet
- 6 – Flyers distributed advertising meeting
- 7 – Affidavit from Keith Keene
- 8 – Memo to Office of Zoning – 4/19/17

People's Counsel Exhibit No.

- 1 – Premier Lounge website
- 2 – People's Counsel Sign-In Sheet, 9-27-18
- 3 – Aerial Map of vicinity with zoning designations
- 4 – Website printout
- 5 – Auction Posting – IDENTIFICATION ONLY
- 6A-F – Photos of property
- 7 – Nighttime photo of back of Premier Lounge
- 8 – People's Counsel Sign-In Sheet, 1-17-19

February 22, 2019 Letter to Abraham L. Hurdle, Esquire from Board enclosing receipt for transcript and advising recordings have been sent to Free State Reporting, Inc. at his request.

February 22, 2019 Letter to Free State Reporting, Inc. enclosing recordings for transcription.

March 25, 2019 Letter to Board from People's Counsel enclosing Memorandum and providing a smaller version of People's Counsel's Exhibit 3, at a Board Member's request, without any markings that may have been made at the hearing by witness to identify their residences.

March 25, 2019 People's Counsel for Baltimore County's Post-Hearing Memorandum.

March 25, 2019 Memorandum in Support of Petition filed by Abraham L. Hurdle, Esquire on behalf of Premier Lounge LLC.

April 2, 2019 Board convened for Public Deliberation.

November 22, 2019 Majority Opinion and Order issued by the Board wherein the Petition for Special Hearing was GRANTED; and the Petition for Variance was GRANTED, with the exception of the request to allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft. was DENIED. Dissenting Opinion, with Concurring (In Part) Opinion issued.

December 10, 2019 Petition for Judicial Review filed in the Circuit Court for Baltimore County by People's Counsel for Baltimore County.

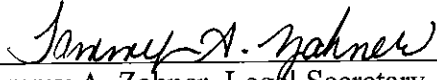
December 13, 2019 Copy of Petition for Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals.

December 18, 2019 Certificate of Compliance sent to all parties and interested persons.

February 13, 2020 Transcript of testimony filed.

February 13, 2020 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.



Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of February, 2020 a copy of the foregoing was mailed first class mail, postage prepaid, or inter-office mail to the following:

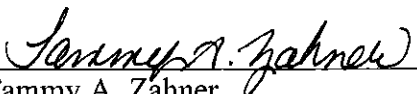
Abraham L. Hurdle, Esquire
320 North Charles Street
Baltimore, MD 21201

Tiffany and Stephen Patterson
Premier Lounge LLC
7523 Roxy Drive
Windsor Mill, MD 21244

Margo and Kim Lawson
15 Shipley Avenue
Catonsville, MD 21228

Peter Max Zimmerman, People's Counsel
Carole S. Demilio, Deputy People's Counsel
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Suite 204
Towson, MD 21204

Carroll and Lynne LeVere
207 Wesley Avenue
Catonsville, MD 21228



Tammy A. Zahner

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

*

*

PETITION OF:
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

*

FOR JUDICIAL REVIEW OF THE OPINION OF
THE BOARD OF APPEALS
OF BALTIMORE COUNTY
Jefferson Building – Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204

*

CIVIL ACTION
NO.: C-03-CV-19-004593

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IN THE MATTER OF:
PREMIER LOUNGE LLC
7523 Roxy Drive
Windsor Mill, Maryland 21244

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1st Election District
1st Councilmanic District

*

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BOARD OF APPEALS CASE NO.: 18-149-SPHA

* * * * *

CERTIFICATE OF COMPLIANCE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Abraham L. Hurdle, Esquire
320 North Charles Street
Baltimore, MD 21201

Tiffany and Stephen Patterson
Premier Lounge LLC
7523 Roxy Drive
Windsor Mill, MD 21244

Margo and Kim Lawson
15 Shipley Avenue
Catonsville, MD 21228

Peter Max Zimmerman, People's Counsel
Carole S. Demilio, Deputy People's Counsel
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Suite 204
Towson, MD 21204

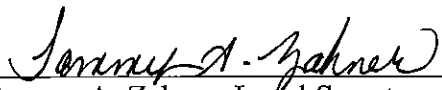
Carroll and Lynne LeVere
207 Wesley Avenue
Catonsville, MD 21228

In the Matter of: Premier Lounge LLC
Board of Appeals Case No.: 18-149-SPHA
Circuit Court Civil Action No.: C-03-CV-19-004593

2

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

I HEREBY CERTIFY that on this 18th day of December, 2019 a copy of the foregoing Certificate of Compliance has been mailed to the individuals listed above.



Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov



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

December 18, 2019

Peter Max Zimmerman, People's Counsel
Carole S. Demilio, Deputy People's Counsel
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Suite 204
Towson, Maryland 21204

Abraham L. Hurdle, Esquire
320 North Charles Street
Baltimore, MD 21201

RE: Petition for Judicial Review
Circuit Court Civil Action No.: C-03-CV-19-004593
In the Matter of: Premier Lounge LLC
Board of Appeals Case No.: 18-149-SPHA

Dear Counsel:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed by People's Counsel for Baltimore County in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. The County Board of Appeals received written notification of acceptance from the Circuit Court for Baltimore County on December 13, 2019. Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules.

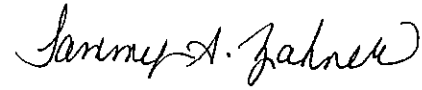
In accordance with the Maryland Rules, the Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review within 60 days. The transcript has already been provided by Counsel. Additional copies can be purchased from the Board of Appeals in accordance with the County's copying policy.

In the Matter of: Premier Lounge LLC
Board of Appeals Case No.: 18-149-SPHA
Circuit Court Civil Action No.: C-03-CV-19-004593

2

A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,



Tammy A. Zahner
Legal Secretary

Duplicate Original Cover Letter
Enclosure

c: Tiffany and Stephen Patterson/Premier Lounge LLC
Carroll and Lynne LeVere
Margo and Kim Lawson

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

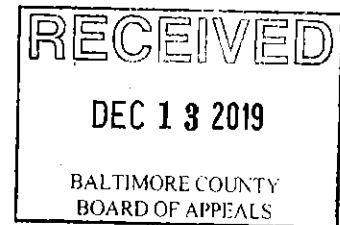
FOR JUDICIAL REVIEW OF THE OPINION OF
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OF BALTIMORE COUNTY
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204

IN THE MATTER OF:
PREMIER LOUNGE LLC
7523 Roxy Drive
Windsor Mill, Maryland 21244

1st Election District
1st Councilmanic District

BOARD OF APPEALS CASE NO.: 18-149-SPHA

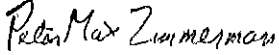
CIVIL ACTION
NO.: **C-03-CV-19-004593**

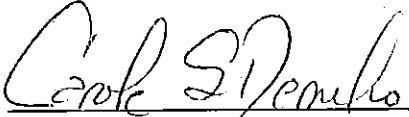


PETITION FOR JUDICIAL REVIEW

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY hereby requests judicial review of both the Opinion and Order of the County Board of Appeals dated November 22, 2019 and Dissenting Opinion, with Concurring (In Part) Opinion dated November 22, 2019, copies of which are attached at Exhibits A & B. People's Counsel for Baltimore County was a party to the proceeding before the County Board of Appeals of Baltimore County in this matter.

This Petition is filed pursuant to Rule 7-202 and 7-203(b) of the Maryland Rules of Procedure.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, MD 21204
(410) 887-2188
pzimmerman@baltimorecountymd.gov
CPF# 7212010276

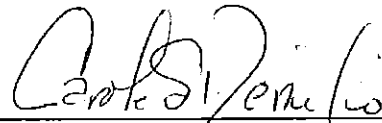

CAROL S. DEMILIO
Deputy People's Counsel
105 West Chesapeake Avenue, Suite 204
Towson, MD 21204
(410) 887-2188
cdemilio@baltimorecountymd.gov
CPF# 7412010076

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of December 2019, a copy of the foregoing Petition for Judicial Review was sent, via first class mail to:

Abraham L. Hurdle, Esquire
320 North Charles Street
Baltimore, Maryland 21201

Baltimore County Board of Appeals
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204



CAROLE S. DÉMILIO
Deputy People's Counsel for Baltimore County

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

FOR JUDICIAL REVIEW OF THE OPINION OF
THE BOARD OF APPEALS
OF BALTIMORE COUNTY
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204

IN THE MATTER OF:
PREMIER LOUNGE LLC
7523 Roxy Drive
Windsor Mill, Maryland 21244

1st Election District
1st Councilmanic District

BOARD OF APPEALS CASE NO.: 18-149-SPHA.

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PEOPLE'S COUNSEL FOR BALTIMORE COUNTY hereby requests judicial review of both the Opinion and Order of the County Board of Appeals dated November 22, 2019 and Dissenting Opinion, with Concurring (In Part) Opinion dated November 22, 2019, copies of which are attached at Exhibits A & B. People's Counsel for Baltimore County was a party to the proceeding before the County Board of Appeals of Baltimore County in this matter.

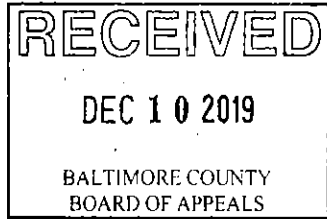
This Petition is filed pursuant to Rule 7-202 and 7-203(b) of the Maryland Rules of Procedure.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, MD 21204
(410) 887-2188
pzimmerman@baltimorecountymd.gov
CPF# 7212010276

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
105 West Chesapeake Avenue, Suite 204
Towson, MD 21204
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CPF# 7412010076

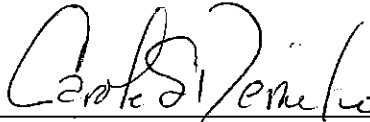


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of December 2019, a copy of the foregoing Petition for Judicial Review was sent, via first class mail to:

Abraham L. Hurdle, Esquire
320 North Charles Street
Baltimore, Maryland 21201

Baltimore County Board of Appeals
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204



CAROLE S. DEMILIO

Deputy People's Counsel for Baltimore County



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

November 22, 2019

Abraham L. Hurdle, Esquire
320 North Charles Street
Baltimore, MD 21201

Carole S. Demilio, Deputy
Office of People's Counsel
for Baltimore County
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: In the Matter of: Premier Lounge, LLC
Case No.: 18-149-SPHA

Dear Counsel:

Enclosed please find a copy of the final Majority Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter. Also enclosed is a copy of Mr. Garber's Dissenting Opinion.

Any petition for judicial review from this decision must be made in accordance with Rules 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,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra Cannington
Administrator

KLC/
Enclosure

c: Tiffany and Stephen Patterson/Premier Lounge, LLC
Thomas J. Hoff
Carroll & Lynne LeVere
Margo & Kim Lawson
C. Pete Gutwald, Director/Department of Planning
James R. Benjamin, Jr., County Attorney/Office of Law
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Paul M. Mayhew, Managing Administrative Law Judge

IN THE MATTER OF
PREMIER LOUNGE - LEGAL OWNER AND
PETITIONER FOR SPECIAL HEARING AND
VARIANCE ON THE PROPERTY LOCATED
AT 180 WINTERS LANE
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO: 18-149-SPHA

* * * * *

OPINION

This matter comes before the Board of Appeals for Baltimore County (the "Board") as an Appeal from Administrative Law Judge's March 19, 2018 decision which dismissed without prejudice a Petition for Special Hearing and denied a Petition for Variance filed by Premier Lounge, LLC, the legal owner of the property located at 180 Winters Lane in Catonsville, Maryland. The Board of Appeals conducted a *de novo* hearing on September 27, 2018 and January 17, 2019, and deliberated this matter on April 2, 2019. Petitioner was represented by Abraham L. Hurdle, Esquire. Carole S. Demilio, Deputy People's Counsel for Baltimore County, participated on behalf of People's Counsel. Protestants from the neighborhood surrounding the property were present throughout the hearing.

The Petition for Special Hearing was requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow commercial parking in a residential zone. The Petition for Variance requested as follows:

- (1) to allow business parking in a residential zone;
- (2) to allow 7 parking spaces in lieu of the required 91 spaces;
- (3) to allow parking at a distance to a street line of 5 ft. in lieu of the required 10 ft.;
- (4) to not provide a backup area for the end parking space;
- (5) to allow a 3 ft. wide landscape strip adjacent to the residential property in lieu of the required 10 ft. and to allow a 6 ft. high wood screen fence in lieu of planting;
- (6) to allow 3 ft. between the edge of the parking lot and the face of the building in lieu of the required 6 ft.;

- (7) to allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft.; and
- (8) to allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback.

BACKGROUND

The subject property, located at 180 Winters Lane in Catonsville, Maryland, is split zoned Business local (B.L.) and Density Residential 5.5 (D.R. 5.5). The rear of the property is residential. The property was previously operated as a bar/restaurant/package goods establishment known as The Brick House, which was owned by Roosevelt Fletcher and managed by Kevin Keene. After Roosevelt Fletcher's death in March of 2016, the property went through his estate and was ultimately sold at an auction to Tiffany and Steven Patterson ("the Pattersons") on April 12, 2017. After purchase, the Pattersons spent substantial sums of money to renovate the subject property. The property currently operates as a restaurant, tavern, package goods and private event venue. In order to maintain the property's liquor license, the Pattersons were advised they had to comply with Baltimore County's Zoning Regulations.

This matter came before the Administrative Law Judge (ALJ) as a result of applications for a Special Hearing and Variances from the Baltimore County Zoning Regulations. The ALJ held a hearing, took testimony and received comments from community residents concerning this matter. The ALJ dismissed the Petition for Special Hearing to allow business parking in a residential area. The Petition for Variances was likewise denied.

The Petitioner(s) appealed the ALJ decision to the Baltimore County Board of Appeals ("Board").

THE HEARING

The Board conducted a *de novo* hearing. Testimony was received from

Petitioner/Appellant's expert Thomas J. Hoff, Registered Landscape Architect, who was accepted as such by the Board. Testimony was also received from Frank Lidinsky, Esquire (Court-appointed Successor Personal Representative for the Estate of Roosevelt Fletcher), Kevin Keene (former manager of The Brick House), LaKeisha McClendon (Community Engagement Liaison for Petitioner), Mr. Henderson (Regular Patron of The Brick House and Premier Lounge) and the Pattersons. Several community residents also provided testimony to the Board.

Mr. Hoff testified regarding the site plan, that the property was unique, and provided opinions as to the requirements for parking, setbacks and other issues affecting the property. Mr. Lidinsky discussed estate issues that affected the use of the property prior to sale. Mr. Keene testified about his efforts to maintain and continue use of the property after the death of Mr. Fletcher. Ms. McClendon advised the Board of her efforts, on behalf of Petitioner, to learn of, and address community concerns regarding the property. Mr. Henderson testified as a regular patron who enjoys the property currently. The Pattersons testified as owners and managers of Premier Lounge, LLC, regarding their purchase, property improvements, use, hardships, and efforts to meet community concerns regarding their use and patrons visiting the property. Community residents testified in opposition to the petitions.

DISCUSSION

The threshold issue in this matter is whether the Petitioner/Appellant has met the test for entitlement to a variance as established in the Cromwell v. Ward, 102 Md. App. 691, 651 A.2d 424 (1995).

In order to grant a variance, Baltimore County Zoning Regulations (BCZR) § 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 must prove the uniqueness of the property and then that such uniqueness results in practical difficulty. *See Cromwell v. Ward, supra* 102 Md. App. at 703-722; 651 A.2d at 430-440. 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.*, 102 Md. App. 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.* 102 Md. App. 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-created. 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)). At the same time, financial hardship can be a consideration. Id.

Considering the tests for meeting the variance requirements and after reviewing all of the testimony and evidence presented, the Board has determined the Petitioner has met its burden, the property is unique and the Petitioner will suffer practical difficulty and unreasonable hardship if the variance is not granted.

As to uniqueness, the Board finds, based on the evidence, that this property has inherent characteristics which differ from other properties in the neighborhood. The property is five (5)-sided with a somewhat triangular shape, differing from other neighboring properties. It was also persuasive that the property is split zoned (B.L. in front and D.R. 5.5 in rear) and endured a loss of two (2) street-side parking spaces in front by reason of the actions of Baltimore County. Ultimately, the Board found the shape of the property meets the uniqueness standard.

As to practical difficulty, the Board finds the Petitioners would suffer a practical difficulty in not being able to meet the zoning regulations as well as a tremendous loss due to monies spent to improve the property. Even neighbors who opposed the application, admitted the appearance of the property has improved over the prior business (The Brick House) and the period of time when it was vacant after the death of Mr. Fletcher. When the Pattersons purchased the property at

auction, it indicated there were ten (10) on-site parking spaces. The Pattersons testified that Mr. Lidinsky had assured them that there was no zoning impediment to the continued use of the facility as a tavern and package goods store. They had every right to rely on the representations of the attorney handling the estate. The Board finds the practical difficulty was not self-imposed and not caused by the proposed use. It should be noted the Petitioner's use of the property and parking is similar to the prior business, The Brick House, with significant upgrades to improve the property and the overall operation. Further, there is virtually no practical use for this property under the BCZR without a parking variance.

The Petition for Special Hearing would allow business parking in a residential zone. Testimony on behalf of the Petitioner was they would hold a maximum of approximately forty (40) guests in the facility at any one time. Petitioner testified they have verbal, but not written, agreements with other locations for off-site parking: a now vacant church, which has moved to another location, and a neighboring business across from the property. Though unwritten, these parking alternatives are real, and it would be unfair to simply ignore practical and realistic accommodations. Testimony from neighbors established the neighborhood is mostly residential, and parking of vehicles on residential streets causes noise and congestion at times. The Board is cognizant of the parking pressure in all relatively densely populated residential neighborhoods, especially those that were built before two, and now sometimes, three car families were the norm. The Board does credit the Petitioners' testimony that they have informal agreements with two neighboring establishments that would permit parking at those sites. Additionally, the Board finds the impact to the neighbors to be minor as traffic associated with the property is intermittent and will not unduly burden the community due to parking spaces on the property and the limited maximum capacity (40) cited by Petitioner. The Board grants the Petition for Special Hearing.

The Board finds the request complies with the spirit and intent of the regulations. Testimony of some neighbors was that the current ownership has cleaned-up the property and is better than the prior ownership. The Board noted there was testimony that the community has embraced other events in the neighborhood, but not the Petitioner's. Based on capacity, use, and the limited patrons, the majority found that the petition is in harmony with the spirit and intent of the regulations.

The non-conforming use issue raised by the Petitioner at the hearing and discussed in its closing memorandum was not persuasive. BCZR § 500.7 requires public notice and public hearing for a non-conforming use. A petition requesting the continuance of a non-conforming use was not filed, no notice posted, and there was no hearing on the issue. The Board finds that a ruling on non-conforming use is not before the Board.

DECISION

A review of the evidence leads to the conclusion that Petitioner has proven the uniqueness of the subject property. Petitioner submitted evidence to illustrate that some characteristic is peculiar to the subject property when compared to other area properties. Petitioner, introduced evidence that the property has an irregular somewhat triangular shape with five (5) sides on the property. Petitioner's property differs from other area properties. The Petitioner will suffer practical difficulty and undue hardship, if the petition is not granted.

The special hearing request to allow commercial parking in a residential zone must also be addressed. The residents, who live near the property, appeared and testified in opposition to the Petition. The main issue raised by all the residents was parking on their streets, thereby depriving residents of sufficient parking. At least one resident expressed a concern that the patrons' consumption of alcohol may be disruptive to their neighborhood. However, the effects do not

appear any worse (and are likely better) than those encountered when the property was operated as The Brick House. Premier Lounge, by many accounts, has had a positive impact on the area and is enjoyed by nearby residents, even as admitted by those that opposed Petitioner's variance requests.

ORDER

THEREFORE, IT IS THIS 22nd day of November, 2019, by
the Board of Appeals of Baltimore County,

ORDERED that Petitioner/Appellant's request for Special Hearing from Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow for commercial parking in a residential zone designated DR 5.5. be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner/Appellant's Variance requests for
180 Winters Lane as follows:

- (1) Section 409.8.B- Special Hearing to allow business parking in a residential zone is GRANTED;
- (2) Section 409.6.A.2- Variance to allow 7 parking spaces in lieu of the required 91 spaces is hereby GRANTED;
- (3) Section 409.8.A.4- Variance to allow parking at a distance to a street line of 5 ft. in lieu of the required 10 ft. is hereby GRANTED ;
- (4) Section 409.8.A.5- Variance to not provide a backup area for the end parking space is hereby GRANTED;
- (5) Section 409.8.A.1- Variance to allow a 3 ft. wide landscape strip adjacent to the residential property in lieu of the required 10 ft. and to allow a 6 ft. high wood screen fence in lieu of planting is hereby GRANTED;
- (6) Section 409.8.A.1- Variance to allow 3 ft. between the edge of the parking lot and the face of the building in lieu of the required 6 ft. is hereby GRANTED;
- (7) Section 409.8.A.1- Variance to allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to an R/W line in lieu of the required 10 ft. is hereby DENIED. If the Petitioners have to use one of the on-site parking spaces for a dumpster, they will have to create another on-site parking space in order to maintain a minimum of 7 spaces; and
- (8) Section 1B01.1.B.1.e(5)- Variance to allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback is hereby GRANTED.

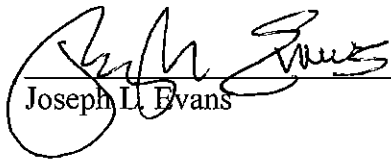
In the matter of: Premier Lounge, LLC
Case No: 18-149-SPHA

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**



Kendra Randall Jolivet



Joseph L. Evans

IN THE MATTER OF
PREMIER LOUNGE - LEGAL OWNER AND
PETITIONER FOR SPECIAL HEARING AND
VARIANCE ON THE PROPERTY LOCATED
AT 180 WINTERS LANE
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO: 18-149-SPHA

* * * * *

DISSENTING OPINION, WITH CONCURRING (IN PART) OPINION

Concurring, In Part

The undersigned concurs with the majority opinion on two points: (1) the status as a nonconforming use is not properly in front of the Board; and (2) the denial of the variance requested regarding the dumpster. The undersigned will address only the nonconforming use in the Concurring Opinion. Because the undersigned concluded Petitioner is not entitled to any relief, the undersigned, *a fortiori*, joins the majority in its denial as to the one variance. As such, the undersigned addresses additional grounds in support of the undersigned's reasoning in disposing of the nonconforming use issue.

Nonconforming Use

Petitioner presented some testimony and then argued that the subject property has been used as a restaurant/bar and package goods store since its inception. Petitioner asserts that, under current regulations, the use of the subject property is nonconforming. Petitioner argued that following the passing of Mr. Fletcher, there was no abandonment of the subject property's nonconforming use.

Under BCZR §500.7, any interested person may petition for a public hearing after advertisement notice to determine the existence of any purported nonconforming use on any

premises. Petitioner's Petition, however, fails to identify the status of the nonconforming use as subject matter for the hearing.

Because the Board of Appeals has appellate jurisdiction and not original jurisdiction, the issue cannot be presented anew to the Board of Appeals, even when subject to a de novo hearing. Halle Companies v. Crofton Civic Ass'n, 339 Md. 131, 143; 661 A.2d 682, 687-88 (1995); see also, Hardy v. State, 279 Md. 489, 492; 369 A.2d 1043, 1046 (1977). The determination of whether the exercise of jurisdiction is appellate or original does not depend on whether the Board has authorization to receive additional evidence. Halle, 339 Md. at 143; 661 A.2d 688. Rather, as Chief Justice John Marshall explained long ago (and echoed by the Court of Appeals in Halle), "it is the essential criterion of appellate jurisdiction that it revises and corrects the proceedings in a cause already instituted, and does not create that cause..." Id., quoting, Marbury v. Madison, 5 U.S. (1 Cranch) 137, 175; 2 L. Ed. 60, 73 (1803).

As such, the Administrative Law Judge has original jurisdiction on this issue and the absence in the Petition and record below established that the status of nonconforming use issue was not presented at a public hearing in a court with original jurisdiction. Moreover, BCZR §500.7 requires a public hearing following public notice on the status of a nonconforming use. As evidenced by the public notice itself, but also the Petition, Petitioner failed to provide the required public notice for this issue. For all of these reasons, the status of nonconforming use is not properly in front of the Board and is not an issue for the Board to decide in the appeal at hand. Therefore, the undersigned concurs with the majority and joins in the result on the nonconforming use issue.

Dissenting Opinion

This dissent concerns the majority's rulings granting the Petition for Special Hearing to allow business parking in a residential zone and its findings regarding the variance requests,

particularly: (1) the uniqueness of the subject property; (2) the self-imposed practical difficulty; (3) the disharmony with the spirit and intent of the zoning regulations; (4) the imposition of relief causing injury to the health, safety and general welfare; and (5) the individual variances sought (with the exception of the one variance for which the Board agrees unanimously). While the undersigned may have sympathy for Petitioner who has invested time and significant money into renovating and operating Premier Lounge, the law applied to these facts dictates one outcome --- a denial of the Petition on all relief.

A. Petition for Special Hearing for Business Parking in a Residential Zone

Pursuant to BCZR §500.7, Petitioner requested a determination that it may use land in a residential zone for parking facilities to meet the parking requirements set by BCZR §409.6. As set forth in BCZR §409.8(e), the tribunal may grant or deny the request conditioned upon: (1) its findings on the request following a public hearing; (2) the character of the surrounding community and anticipated impact of the proposed use on that community; (3) the manner in which the requirements of §409.8.B.2 and other applicable requirements are met; and (4) any additional requirements as deemed necessary in order to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of BCZR §502.1 (Special Exception Factors).

Recognizing that the subject property is split zoned between Business Local (BL) and Density Residential 5.5 (DR 5.5), the undersigned finds that the proposed use is too intense for the subject property. Petitioner proposes to use the subject property as a restaurant, bar, package goods store and private party venue/catering hall. The property, as proposed, would provide only seven parking spaces, though by Petitioner's expert's calculations, at least 91 spaces are required by the Regulations, a deviation of approximately 93%.

Petitioner does not have any written agreement with nearby properties to use nearby parking lots or spaces for its manifest need for parking spaces. Notably, in the Opinion and Order from below, the ALJ specifically referenced Petitioner's testimony regarding verbal agreements with two nearby properties. The ALJ identified the County's requirement of a guarantee of future availability and proper maintenance, whether by way of easement, deed restriction, restrictive covenant or binding contract, and rejected Petitioner's evidence of these verbal agreements, citing BCZR §409.7.C. In front of the Board, Petitioner echoed the same testimony regarding verbal arrangements, but added one of the properties subject to one of those verbal agreements for overflow parking was recently sold, establishing even less certainty than when first identified.

Given the testimony of the personal commitment and financial expenditures and the specific mention on this point, Petitioner should have prioritized its efforts to secure such a written agreement prior to the hearing in front of the Board. However, though so cautioned in the decision below, Petitioner did not obtain, and therefore did not present, any written guarantee to the Board regarding the continued availability (or *any* availability) of nearby lots for overflow parking.

In any event, the Board should not and cannot rely on the testimony regarding the verbal agreements as being satisfactory or mitigating the impact to be caused. For one, the testimony was vague. At best the alleged verbal agreements, if credited, can only be considered temporary, contingent, and without meaningful commitment. The alleged agreements can be summarily rescinded with no backup plan for the overflow parking. As such, the Board cannot rely on that testimony as sufficient evidence for the Board to conclude that the accompanying detrimental impact is mitigated by these verbal agreements.

As such, the evidentiary record dictates one conclusion --- overflow parking will occur elsewhere, namely, the surrounding residential streets. For nights or events with any sizable

attendance, patrons driving to the subject property will result in increased use of parking in the surrounding residential area.

Neighbors Sherlyon Braithwaite, Sean Lawson, Margo Lawson, Lynne LeVere, and Carroll LeVere all provided testimony as to the largely residential character of the surrounding area, the narrow nature of the streets (with the testimony for both aspects supported by photographs and the aerial map), and parking issues already experienced and attributed to the operation of Premier Lounge, though not presently operating in full capacity. Their testimony, individually and collectively, was credible and convincing. The evidence more than supports the conclusion that the impact from overflow parking, once Premier Lounge is fully operational, will undoubtedly exacerbate the problems presently experienced. Moreover, the neighbors also identified noise issues coming from the operations on site and patrons coming and going. The noise and related issues are not just experienced in the residential parking areas, but also emanating from activity in the property's parking lot.

The Special Hearing Petition also requires an analysis of the manner in which the requirements of §409.8.B.2 and other applicable requirements are met. First, in addition to the relief sought pursuant to §500.7, Petitioner requires seven variances, several of which concern the onsite parking. Section 409.8.B.2 states that the subject parking facilities shall be subject to certain conditions, including, but not limited to, as is relevant by the testimony: (b) only passenger vehicles may use the parking facility; (d) lighting shall be regulated as to location, direction, hours of illumination, glare and intensity, as required; (e) a satisfactory plan showing the parking arrangement and vehicular access; and (f) method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required.

Various photographs depict construction vehicles and snow removal vehicles using the parking lot. It is understood that following the intervention of the area County Councilperson that issue had been resolved by the time of the hearing in front of the Board. Presumably, the issue will not arise again. However, Petitioner is only restricted by the spirit of cooperation or the waxing and waning of neighbors' dedication and patience in contacting Code Enforcement in the absence of that cooperation.

No lighting plan or concept plan was provided by Petitioner and therefore, its impact upon the neighbors cannot be assessed at this time. The request for a variance of the required back up area for the end parking space appears to create a conflict between the plan's parking arrangement and vehicular access, particularly, if a vehicle on the end is to back out of the parking space, that vehicle can only back out into the entrance/exit to the parking lot. It reasonable to think that the conflict increases the risk of an accident and can lead to congestion on Shipley Avenue.

Finally, in light of the liquor license, the subject property may remain open until 2:00 a.m.¹ Whether at 2:00 a.m. or even somewhat before, the neighbors immediately adjacent or otherwise within earshot of the subject property will have to deal with the consequences. Mr. Braithwaite testified, since the Premier Lounge started operations, he called the police several times already for people playing music from their car radios too loud, hanging around outside, and smoking marijuana between the hours of 10:00 p.m. and 2:00 a.m. Mr. Lawson and his mother testified about similar activities and issues.

Therefore, the undersigned finds that the requirements of BCZR §409.8.B.2 and other applicable requirements have not been met. For the same reasons, the requested relief is likely to be detrimental to the health, safety and general welfare of the surrounding neighbors. The need to

¹ As per the testimony of Petitioner Stephen Patterson.

use the surrounding residential area for parking likely will lead to congestion in the surrounding roads, streets and alleys as well. The evidence reveals the relief sought is inconsistent with the spirit and intent of the zoning regulations. As such, the undersigned cannot find that the objectives of §502.1 have been satisfied.² Moreover, no conditions have been imposed that will mitigate these issues. In light of the above, the undersigned would deny this relief.

B. Requested Variances

The undersigned does not take issue with majority opinion's recitation of the applicable variance standards. In fact, the undersigned believes the citations to most of the cases relied upon support the dissent (e.g. Trinity, Cromwell, Green, Daihl).

In Maryland, the well-established general rule is "the authority to grant a variance should be exercised sparingly and only under exceptional circumstances." Trinity Assembly of God of Baltimore City v. People's Counsel, 407 Md. 53, 79; 962 A.2d 404, 419 (2008), citing Cromwell v. Ward, 102 Md. App. 691, 703; 651 A.2d 424, 430 (1995). In Baltimore County, variances from height and area regulations may be granted "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 difficulty³ or unreasonable hardship." BCZR §307.1. 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." Id.

² The majority opinion does not address the §502.1 factors.

³ Because the changes to the character of the neighborhood are considered less drastic with area variances than with use variances, the less stringent "practical difficulties" standard applies to area variances, while the "undue hardship" standard applies to use variances. Montgomery County v. Rotwein, 169 Md. App. 716; 906 A.2d 959 (2006).

The “special circumstances or conditions [that] exist that are peculiar to the land or structure,” commonly referred to as a subject property’s “uniqueness,” do not include within its scope the extent of improvements upon the property. North v. St. Mary’s County, 99 Md. App. 502, 514; 638 A.2d 1175, 1181 (1994). Rather, the property’s uniqueness, for zoning purposes, “requires that the subject property have an inherent characteristic not shared by other properties in the area,” such as the property’s “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.” Id.

The undersigned finds that this property’s “uniqueness” is caused only by the owner’s desire to operate it in a manner wholly inconsistent with its size and location. In other words, the property objectively lacks the required uniqueness caused by its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, or restrictions imposed by abutting properties. The only argument tendered by the majority as to those physical features concerns its shape.

The property is shaped like a five-sided irregular polygon or non-symmetrical pentagon. Notably, the nearby Lawson property (one neighbor over from the subject property on Shipley Avenue) is also a five-sided irregular polygon. Other nearby properties are four-sided irregular polygons. The subject property’s five-sided shape does not cause any practical difficulty distinct from the other referenced properties should those properties be used in the manner proposed by Petitioner. Due to similar size limitations, the nearby four-sided properties and other five-sided property cannot maintain the required setbacks, screening and landscaping, or parking for which variances are sought. As noted by the Court of Appeals, “[w]here a property’s physical peculiarities 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." Trinity Assembly of God of Balt. City, Inc. v. People's Counsel for Balt. County, 407 Md. 53, 82; 962 A.2d 404, 421 (2008).

Nothing about the property shape inhibits Petitioner from using the subject property in a reasonable manner consistent with its surroundings and zone, or even in a manner requiring some minor variances, as opposed to the multiple and substantial deviations from the zoning regulations associated with Petitioner's *desired* uses. In fact, the real issue caused by the shape of the site is that, simply, it is not large enough to accommodate Petitioner's *desired* uses. In this context, the shape of the property cannot direct or support a finding of uniqueness in this context under the standards set forth by Cromwell v. Ward and its progeny.

With respect to the loss of the two street-side parking spaces, first, those spaces are not on or part of the subject property. Therefore, the property does not become unique because of the loss of two publicly available offsite parking spaces. Moreover, it needs to be noted, that while the proximity of those spaces resulted in their use by customers of the property in its former iterations, there was no evidence that those spaces were dedicated to the sole use by customers of the property.

Even if Petitioner is credited with the loss of the two spaces, Petitioner would still need a parking variance that resulted in a 90% deviation, instead of 93%, from the required parking spaces to operate as it wants. In addition, the loss of those two adjacent parking spaces fails to speak to the requested setbacks, landscaping, buffers, and other variances and therefore, cannot justify those variances. Under Maryland law, "[The owner] must prove ... a connection between the property's inherent characteristics and the manner in which the zoning law hurts the landowner." Dan's Mt. Wind Force, LLC v. Allegany Cty. Bd. of Zoning Appeals, 236 Md. App. 483, 496; 182 A.3d 252, 259 (2018), quoting Trinity Assembly of God of Balt. City, 407 Md. at 82. In other words, the

unique aspect of the property must have a nexus with the aspect of the zoning law from which a variance is sought. Id. For all of these reasons, the loss of the two public parking spaces are of no consequence to the Board's evaluation in connection with any of the relief sought, but certainly not as part of the consideration of the property's uniqueness.

The majority also identifies the fact that the property is split zoned between BL and DR 5.5. Because the zoning classifications are not part of the physical characteristics, the split zone nature does not merit consideration while analyzing the property's uniqueness. See, e.g., Trinity, 407 Md. at 82. Even still, it needs to be noted that the nearby Morningstar Baptist Church property is also split zoned between BL and DR 5.5 and so, on that basis it is not unique in any event.

Leaving aside whether the split zone should be considered, similar to the loss of two public parking spaces, the split-zone issue needs to tether the property's physical characteristics to the harm caused to the landowner. Id. The property's split-zone aspect does not speak to the alleged needs for the variances related to the number of parking spaces, RTA buffer and setback, the aisle space, etc. Once again, the "harm" arises not from the property's zoning classifications, but rather, Petitioner's *desired* uses.

For example, the RTA buffer and setback requirements are generated from the property's location within a DR zone (BCZR §1B01.B.1.e(5)), not its location within the BL zone. In addition, the variances requested (and now granted) result in an 83% buffer reduction and nearly a 100% setback reduction.

By way of further example, the parking requirements are generated by the proposed uses. Its location in the BL Zone requires the property to comply with the parking regulations in BCZR §409. The need to use the residential section of the property for business parking enables the

Petitioner to apply for the same under BCZR §409.8.B in order to meet the parking requirements of §409.6.

Therefore, the County regulations provide an avenue of relief for confined businesses, such as Petitioner's. Petitioner can (and did) apply to use the residential zoned part of its property to comply with business parking regulations. Unfortunately, the residential-zoned part of its property cannot help Petitioner come into compliance. In fact, even with full use of the residential-zoned part for parking as proposed, Petitioner can only ever achieve 7% compliance with the parking regulations, rendering the concept of "compliance" and the phrase "meet the requirements" devoid of meaning. As such, the split-zone nature of the property has not caused the need for the radical variance relief sought. See also, Trinity, *supra*.

Finally, Petitioner, assuming a finding of uniqueness, must establish practical difficulty to warrant variance relief. Petitioner must prove:

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 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 a fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Trinity, 407 Md. at 83-84; 962 A.2d at 422.

Under Maryland law, "self-created hardship is created by the property owner not by the property itself." Richard Roeser Prof. Builder, Inc. v. Anne Arundel County, 368 Md. 294, 298; 793 A.2d 545 (2002). As implied above, Petitioner has not proved practical difficulty. More accurately, the undersigned is more than satisfied that the practical difficulty alleged is actually

self-imposed. Petitioner's uses are too intense for a site this size. Petitioner's desired uses exacerbate the need for multiple and substantial variances and other zoning relief.

In addition to the desired uses requiring the need for substantial disregard of the applicable zoning regulations, the testimony reveals either the lack of due diligence in inspecting and investigating the property prior to purchase or actual or constructive knowledge of certain issues that prompt these requests. Either way, the difficulties Petitioner complains of were and/or are of Petitioner's own doing. Petitioner could use the property in other ways that would mitigate the need for such radical departures from the zoning regulations. "Ordinarily, a variance is warranted if the 'applicable zoning restriction . . . is so unreasonable as to constitute an arbitrary and capricious interference with the basic right of private ownership,' or otherwise results in 'unwarranted hardship.'" Mueller v. People's Counsel for Balt. County, 177 Md. App. 43, 70; 934 A.2d 974, 989-990 (2007), quoting, Belvoir Farms Homeowners Ass'n, Inc. v. North, 355 Md. 259, 276, 282; 734 A.2d 227 (1999)). Nothing presented in this case causes the undersigned to conclude that application of the regulations constitutes an arbitrary and capricious interference with the basic right of private ownership or unwarranted hardship.

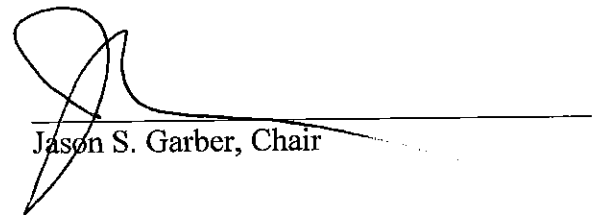
The record conclusively establishes for the undersigned that to achieve substantial justice, the Board is required to deny this Petition. Moreover, the uses require variances so substantial that granting them eviscerates the spirit and intent of the regulations, in polar opposition to the "strict harmony" required by BCZR §307.1. The majority concludes that the requests complies with the spirit and intent because the current ownership "has cleaned up the property and is better than the prior ownership," neither of which speaks to the spirit and intent of the parking regulations, buffer and setback regulations, or other applicable regulations. To the contrary, these variances wholly

disregard the spirit and intent by the extreme magnitude of the individual departures from the regulations, also compounded by the combination.

The evidentiary record is clear --- the variance requests fail on the merits as Petitioner has not proved the uniqueness of the property and the difficulties are self-imposed. The magnitude of the deviations required by the variance requests also subject the applicable regulations to an existential crisis, precluding any finding of being anywhere near the spirit and intent of the regulations.

The undersigned finds that the variance requests are tantamount to rezoning the property or rewriting the applicable regulations, even rendering some optional. The Board does not have the authority to engage in either. Nevertheless, the granting of the variances stands in stark contravention of the applicable regulations and prevailing case law, prompting the undersigned to vigorously dissent.

November 22, 2019
Date


Jason S. Garber, Chair



Board of Appeals of Baltimore County

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November 22, 2019

Abraham L. Hurdle, Esquire
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Carole S. Demilio, Deputy
Office of People's Counsel
for Baltimore County
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: In the Matter of: Premier Lounge, LLC
Case No.: 18-149-SPHA

Dear Counsel:

Enclosed please find a copy of the final Majority Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter. Also enclosed is a copy of Mr. Garber's Dissenting Opinion.

Any petition for judicial review from this decision must be made in accordance with Rules 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,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra Cannington
Administrator

KLC/
Enclosure

c: Tiffany and Stephen Patterson/Premier Lounge, LLC
Thomas J. Hoff
Carroll & Lynne LeVere
Margo & Kim Lawson
C. Pete Gutwald, Director/Department of Planning
James R. Benjamin, Jr., County Attorney/Office of Law
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Paul M. Mayhew, Managing Administrative Law Judge

Board of Appeals

Case No: 18-0149, 504 Case Name: Premier Lounge

Exhibit List

Party: Petitioner Date: 9/27/18

Exhibit No:	Description:
✓ 1	XXXXXXXXXX CV - Huffy
✓ 2.	Site Plan - dated 12/21/17
✓ 3.	County Report for Planning Board - 1/26/18
✓ 4.	Attendance sheet from mtg hosted by Patterson
✓ 5.	Premier Lounge booklet
✓ 6.	Flyers distributed advertising mtg
✓ 7 mtg	Affidavit from Keith Keene
✓ 8	Memo to Zoning
	VERIFIED BY <u>KC</u> DATE: <u>1/10/19</u>

KC
10/3/18

1/17/19

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Premier Lounge, LLC – Legal Owner

18-149-SPHA

DATE: April 2, 2019

BOARD/PANEL: Jason S. Garber, Chair
Kendra Randall Jolivet
Joseph L. Evans

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the following:

- Petition for Special Hearing pursuant to BCZR § 500.7 to allow business parking in a residential zone; and
- Petition for Variance as follows:
 - (1) to allow business parking in a residential zone;
 - (2) to allow 7 parking spaces in lieu of the required 91 spaces;
 - (3) to allow parking at a distance to a street line of 5 ft. in lieu of the required 10 ft.;
 - (4) to not provide a backup area for the end parking space;
 - (5) to allow a 3 ft. wide landscape strip adjacent to the residential property in lieu of the required 10 ft. and to allow a 6 ft. high wood screen fence in lieu of planting;
 - (6) to allow 3 ft. between the edge of the parking lot and the face of the building in lieu of the required 6 ft.;
 - (7) to allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft.; and
 - (8) to allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

DISCUSSION

- The Board first discussed the non-conforming use issue raised by the Petitioner at the hearing and discussed in its closing memorandum. It was noted that BCZR § 500.7 requires public notice and public hearing for a non-conforming use. A petition requesting the continuance of a non-conforming use was not filed, there no notice posted, and there was no hearing. The Board unanimously agreed that a ruling on non-conforming use was not before them, although their reasons for reaching that conclusion differ.
- The Board discussed the Petition for Special Hearing to allow business parking in a residential zone. Testimony on behalf of the Petitioner was they expect around 40 people in the facility at any one time. Petitioner testified they have verbal agreements with other locations for off-site parking, although there is no written agreement allowing off-site parking. Testimony from neighbors established the neighborhood is mostly residential, and parking of vehicles on residential streets causes noise and congestion. The majority found the impact to the neighbors

to be minor based on all of the testimony. The Board majority Granted the Petition for Special Hearing. One Member dissented finding that the total uses sought, bar/restaurant/package goods/event hall, is too intense for this particular site.

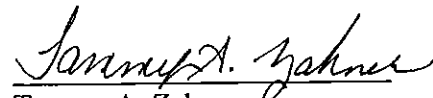
- The Board discussed the Petition for Variance and whether or not the property is unique. The majority found that the property is unique in that it is a 5-sided property, and noted that a few years ago Baltimore County took away street-side parking (2 parking spaces) out front. One member dissented finding the property is not unique for variance purposes and that the proposed use drives the argument of uniqueness, not the property.
- The Board discussed practical difficulty. The Petitioners purchased the property at auction, which indicated 10 on-site parking spaces. The majority found the Petitioners would suffer practical difficulty if the variances were not granted. One member dissented, finding that any practical difficulty was self-imposed and caused by the proposed use.
- The Board discussed whether or not the request complies with the spirit and intent of the regulations. Testimony of some neighbors was that the current ownership has cleaned-up the property and is better than the prior ownership. Other neighbors testified they do not support the request. The Board noted there was testimony that the community has embraced other events in the neighborhood, but not the Petitioner's. Based on capacity, use, and the limited patrons, the majority found that the petition is in harmony with the spirit and intent of the regulations. One member dissented finding that the Petitioner did not meets its burden, and that there was too much of a deviation of the regulations.
- The Board next discussed the specific variances requested as follows:
 - (1) To allow business parking in a residential zone. The majority granted the request, with one member dissenting.
 - (2) To allow 7 parking spaces in lieu of the required 91 spaces. The majority granted the request, with one member dissenting.
 - (3) To allow parking at a distance to a street line of 5 ft. in lieu of the required 10 ft. The majority granted the request, with one member dissenting.
 - (4) To not provide a backup area for the end parking space. The majority granted the request, with one member dissenting.
 - (5) To allow a 3 ft. wide landscape strip adjacent to the residential property in lieu of the required 10 ft. and to allow a 6 ft. high wood screen fence in lieu of planting. The majority granted the request finding that a 6' high wood screen fence would be better than plantings. One member dissented.
 - (6) To allow 3 ft. between the edge of the parking lot and the face of the building in lieu of the required 6 ft. The majority granted the request, with one member dissenting.

- (7) To allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft. The Board unanimously agreed to deny this request. If the Petitioners have to use one of the on-site parking spaces for a dumpster, they will have to create another on-site parking space in order to maintain a minimum of 7 spaces.
- (8) To allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback. The Board majority granted this request, with one member dissenting.

CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board majority agreed to GRANT the Petition for Special Hearing, with one member dissenting, and to GRANT the Petition for Variance requests 1, 2, 3, 4, 5, 6 and 8, with one member dissenting. The Board unanimously agreed to DENY the Petition for Variance request 7.

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. Zahner

IN RE: PETITIONS FOR SPECIAL HEARING *

BEFORE THE

AND VARIANCE

(180 Winters Lane)

*

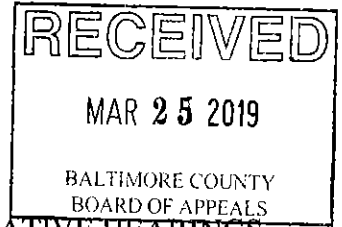
OFFICE OF

1st Election District

1st Council District

*

ADMINISTRATIVE HEARINGS



Premier Lounge, LLC

*

FOR BALTIMORE COUNTY

Legal Owner

Petitioner

*

Case No. 2018-0149-SPHA

* * * * *

MEMORANDUM IN SUPPORT OF PETITION

Now comes the Petitioner Premier Lounge, LLC, by and through its attorney, Abraham L. Hurdle, Esq. and brings forth the following Memorandum in support of the previous zoning variance petition. The property in question, 180 Winters Lane sits in a unique configuration. It straddles two types of zoning areas, a BL and DR5.5. It is both residential in nature and at the same time commercial.

The matter before the Board today is multifaceted and complicated. There is an issue as to nonconforming use abandonment, variances, and the ultimate questions of uniqueness followed by the practical difficulty faced should such variances not be granted. The variances applied for only need to be addressed should the Board determine that the timeline for the abandonment is met. The abandonment issue and the zoning variances will be addressed separately as one arguably negates the need for the other.

Significant evidence was introduced and consisted of nearly a dozen witnesses over two full days of hearings. The property owners testified, as did a land use expert, an attorney, an employee of the property, and numerous members of the nearby community.

NONCONFORMING USE ABANDONMENT

The property has been, as testified to by Mr. Huff, been used as restaurant bar with package goods since its inception. This use, under the current regulations, is nonconforming and allowed to continue in operation unless abandoned under the terms of the Baltimore County Zoning Regulation Article 1-104.1 which defines abandonment as the lack of use for a one year period.

This single year period is critical in the current matter. The business located at the property was owned by Mr. Fletcher until his death around March, 2016. The business was auctioned to the Petitioner, Premier Lounge, LLC in April 2017. Testimony was given that the Pattersons, the individuals who are operating Premier Lounge, opened in January, 2018. With regards to the timeline for abandonment, the question becomes if the business was closed for a continuous during the time period from March, 2016 until January, 2018. It is not in dispute that the property was not operating from April 2017 until January 2018.

Mr. Keith Keene, who testified on the second hearing day testified he was intimately familiar with the business and property. His testimony indicated that he worked at the bar for the previous ten years, dating back to roughly 2009. More importantly, he testified to operating the business part time after Mr. Fletcher's death. His testimony was that he was present several days each week, whether it be stocking the inventory, cleaning the property, or selling goods. His testimony indicated that he did this from the date of Mr. Fletcher's death until the property was sold at auction in April.

Petitioner's operators, Mr. Patterson and Mrs. Patterson also testified to the operations. Both indicated that the location was operating during the week since they opened in January, 2018. The operations were daily, including the cleaning operations that occurred two days weekly.

The property sale, via auction, was handled by the estate of Mr. Fletcher. Attorney Lidinsky testified to working closing with Mr. Keene. He indicated that he had worked with Mr. Keene on the status and operations of the property as it had been made clear that it was Mr. Keene's intention to buy the property.

While other testimonial evidence was presented, none was as credible as the firsthand account of Mr. Keene. Mr. Keene's testimony would indicate, without question, that the bar never lapsed in operation for a full year, and as a result was never abandoned. As a result, the nonconforming use that the desired, and was in operation should be permitted to continue for Premier Lounge, LLC.

PETITION FOR VARIANCE

The petition for variance filed by Premier Lounge made up the bulk of the testimony at the various hearing dates. Premier Lounge requested several variances including a parking variance and numerous setback variances. The cumulative effect of these variances would permit the business, which previously had no legal parking, to supply patrons with seven (7) parking spots off-street and the ability to build said parking spots. The Board, in determining whether these variances should be granted must determine first whether the property is unique, and only if it does so does it move to the second step which is what the practical difficult or hardship the owners would face if the variance was not granted.

The property, 180 Winters Lane, is split into two zoning types. As a result, the front of the property is commercial and the rear, residential, causing variances that normally wouldn't be required if the zoning were uniform. This part of the property is part of a residential zoning area. As a result the parking requirements, set back requirements, and other issues are tremendous. Setback variances include the adjustment from 10ft to 5ft for the parking area, and others that would permit the parking area to hold a maximum of seven cars. Setbacks are of huge importance to this lot, because without them, the Petitioner could not build any parking in the rear residential area of the lot.

Petitioners put forth the only expert proffered in the case, Mr. Thomas Huff. His experience includes 50 years of working on land use matters. Mr. Huff testified to the various requirements for parking, setbacks and other use issues facing the property as well as uniqueness of the property.

Mr. Huff testified, on page 59 and 62 of the transcript, that the property was unique. His reasons include the unusual split between two zoning types, the fact that the property is triangular instead of rectangular, and has two frontages. He testified that the property was affected by a taking when Baltimore County took a section of the property, essentially reducing the total land area and squeezing the setbacks further. When pressed on whether Mr. Huff could think of a property where these issues were present besides the Petitioner's property, Mr. Huff was unable to identify any in the surrounding area. It should be noted that the Administrative Law Judge, at the previous hearing, did in fact find the property to be unique, and made no mention of the hardship or difficulty.

Mr. Huff identified other factors that make the property unique. The tavern or restaurant use, had been present since the zoning regulations went into effect. The location has always been a commercial use. One aspect identified as contributing was the fact that the property's size

and building layout would not be permitted under the current code. As testified to, if the building were to be removed and another structure built in its place the same variance issues would be present with the setbacks and parking, whether or not the use of the new structure was a restaurant, office, or coffee shop.

The practical difficulties and hardship faced by the Petitioner if the variances were not granted are numerous. Should the variances not be granted there is a genuine possibility that no use would be possible on this property. This isn't a code issue, but more a factor of the layout of the property itself and the setbacks and lot size. As Mr. Huff testified, any use would fail the setback requirements and parking requirements. It isn't a matter of the petitioners wanting to use the property for a use that it was not designed for either. The property, at least as far as anyone could testify, even the neighbors who objected, has always been a restaurant/tavern. The Petitioner just hopes to continue on with the previous nonconforming use. Further, the Pattersons both testified that if the project was not permitted it would likely cause the property to sit vacant, the cost of changing the structure to conform, or replacing it with a new one would be too much. While financial hardship is something they would face, it is not the practical hardship. The hardship and practical difficulty of the rules prevent any parking from being built without variances.

As mentioned in Cromwell v Ward, 102 Md. App. 691, 703 (1995):

The general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances.

It is clear from the facts presented the property is unique, and burdened. The circumstances presented are not only unusual, they are exceptional. In Cromwell, *supra.*, the Court defined uniqueness not just as a variance requirement but as:

a property for zoning purposes requires that the subject property have an inherent characteristic not shared with 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.

Further, in Re: Brian Chan, Case 05-387-A, the Board supported the notion that all practicality is lost if any use would require a variance change. This is the exact situation at 180 Winters Lane.

The property, 180 Winters Lane, is unique because of the lot size, layout, split zoning and previous use. The practical difficulty faced by the lot is that it currently sits partially in a residential zone and partially in a commercial zone. As a result any commercial use would require the same or similar variances as being applied for currently by the Petitioner, if any commercial use were to be available at all. The property has historically been used for the use in question, and it is not a matter of a new foreign use being allowed on the property, but the same structure as has always existed being permitted to continue to operate, and to do so in a manner that benefits the adjacent properties by providing additional parking.

NEIGHBORHOOD CONCERNS

Throughout the hearing on 180 Winters Lane, much was said about how the location will operate. Testimony was proffered by both sides.

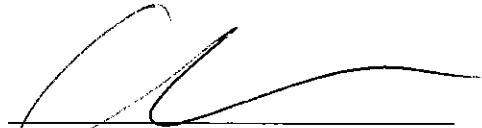
Petitioners, as well as various witnesses indicated that significant effort had been made to alleviate parking concerns, as well as safety concerns. The previous operator at the location had

left much to be desired and the new operators testified to how they were working diligently to increase safety.

Petitioners testified that since they took over, to their knowledge, only two calls for police service were requested. Both times, it was the operators who called and it was unrelated to the operations of the facility.

CONCLUSION

The Petitioner filed variance requests for the property located at 180 Winters Lane. This property has been used as a restaurant since its origin. The use in question, a restaurant has never been abandoned for a year at any point in time. Further, the property is unique in its layout, zoning, structure, and frontages all of which contribute to the under hardship and practical difficulty faced by the Petitioner in using the property. These difficulties do not permit any other use, and Petitioner should be permitted to use the property as a restaurant and bar, and should be permitted to build their parking lot in line with the variances requested.



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PETER MAX ZIMMERMAN
People's Counsel

March 25, 2019

CAROLE S. DEMILIO
Deputy People's Counsel

HAND DELIVERED

Jason S. Garber, Chairman
Board of Appeals of Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204



Re: Premier Lounge, LLC
180 Winters Lane
Case Nos.: 2018-149-SPHA

Dear Chairman Garber:

I enclose People's Counsel's Memorandum in the aforementioned case.

You may recall a Board member asked if I could provide a smaller version of the aerial map, People's Counsel's Exhibit #3. You will see I attached an 8 ½ x 11 version with the Memorandum. This is a reduced size copy of the aerial as we received it from OIT-GIS department. I did not make any markings on the enclosed that may have been made at the hearing by witness to identify their residences. I did not want to inadvertently create any discrepancy between the actual exhibit and the reduced map. I hope this meets with the Board's approval.

In the body of the Memorandum, I reproduced the applicable statutes for easy reference for the reader. Unfortunately, this adds to the length of the Memorandum but I thought it a preferable call.

Thank you for your consideration.

Sincerely,

Carole S. Demilio
Deputy People's Counsel
for Baltimore County

cc: Abraham Hurdle, Esquire

RE: PETITION FOR SPECIAL HEARING * BEFORE THE BOARD
AND VARIANCE
180 Winters Lane; NE/S Winters Lane, 84' SE* OF APPEALS
of c/line Shipley Avenue
1st Election & 1st Councilmanic Districts * FOR
Legal Owner(s): Premier Lounge LLC
By Tiffany Patterson * BALTIMORE COUNTY
Petitioner(s) * 2018-149-SPHA

* * * * *

**PEOPLE'S COUNSEL FOR BALTIMORE COUNTY'S
POST-HEARING MEMORANDUM**

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RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE BOARD
AND VARIANCE		
180 Winters Lane; NE/S Winters Lane, 84' SE*		OF APPEALS
of c/line Shipley Avenue		
1 st Election & 1 st Councilmanic Districts	*	FOR
Legal Owner(s): Premier Lounge LLC		
By Tiffany Patterson	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2018-149-SPHA

* * * * *

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY'S
POST-HEARING MEMORANDUM

FACTS

Petitioner, Premier Lounge LLC, ("Premier" "Pattersons") is the owner of the subject site purchased at auction on April 12, 2017. The purchase price included the **real property and improvements at 180 Winters Lane and the liquor license**. The auction was held on site and attended by Tiffany Patterson, a principal in Premier LLC. Her husband, Stephen Patterson was in communication by telephone. Prior to purchase, Mr. and Mrs. Patterson visited the site months before the auction and spoke with Mr. Sean Lawson, who resides next door to the site. They indicated they were interested in purchasing the property and wanted to check out the premises. Mr. Lawson testified the Pattersons were actually walking on his property and he advised them of the boundary line for 180 Winters Lane. The auction advertisement (People's Counsel's I.D. Exhibit #5) states explicitly the site has 10 on-site parking spaces. Mrs. Patterson nonetheless purchased 180 Winters Lane, and formed Premier Lounge LLC.

The site is split zoned Business Local (B.L.) and Density Residential 5.5 (D.R. 5.5). It is improved with a building formerly known as The Brick House fronting on Winters Lane. The rear of the site is zoned residential. The site is located in a long standing residential neighborhood, consisting of detached single family dwellings constructed 90-100 years ago, and a church no longer in operation. The neighborhood is also zoned D.R. 5.5.

The Brick House was a restaurant/tavern operated by Mr. Roosevelt Fletcher who was the sole owner and operator. After his death on March 22, 2016, the immediate neighbors testified they saw no activity at 180 Winters Lane, the premises were constantly

dark, and one neighbor was advised by a Fletcher family member that BGE cut off service at or around Fletcher's death.

Mr. Fletcher's death, without a Last Will and Testament, precipitated controversy among his family members. Judicial probate ensued rather than the uncontested administrative probate. Pleadings and notices were filed resulting in scheduled hearings regarding unpaid funeral bills, the rightful heirs and biological progeny, legality of a power of attorney for a party, failure to file Inventory, dispute on claims filed, removal of Personal Representative, resignation of personal representative and appointment of successor personal representative and various matters regarding reporting and appraisal of assets. These matters are public record in the Office of the Register of Wills for Baltimore County, Estate 187690. Mr. Frank G. Lidinsky was appointed Successor Personal Representative and testified to these matters before the CBA on September 27, 2018.

Mrs. Tiffany Patterson applied for the Class B liquor license in her individual name and sought approval for the transfer from the Fletcher estate to operate the entire premises as Premier Lounge LLC. The license authorizes the sale of beer, wine and liquor seven days a week. The Pattersons reside elsewhere on Roxy Drive in Windsor Mill. Mr. Patterson testified the liquor license approval is conditioned on compliance with Baltimore County Zoning laws.

To that end Premier filed a Petition for Variances for parking requirements under BCZR 409, for variances for Residential Transition Area requirements under BCZR 1B01, and a Special Hearing under BCZR 409.8 for commercial parking in a residential zone. The specific relief is reproduced here from Premier's Petition filed November 30, 2017. No other petition or request for relief was filed:

"Zoning Relief Requested:

- 1) Section 409.8.B. – Special Hearing to allow business parking in residential zone.
- 2) Section 409.6.A.2. – Variance to allow 7 parking spaces in lieu of the required 91.
- 3) Section 409.8.A.4 – Variance to allow parking at a distance to street line of 5' in lieu of the required 10'.
- 4) Section 409.8.A.5 – Variance to not provide a backup area for the end parking space.
- 5) Section 409.8.A.1. – Variance to allow a 3' wide landscape strip adjacent to the residential property in lieu of the required 10' and to allow a 6' high wood screen fence in lieu of planting.

- 6) Section 409.8.A.1. – Variance to allow 3' between the edge of parking lot and the face of the building in lieu of the required 6'.
- 7) Section 409.8.A.1.- Variance to allow a 5' setback from a dumpster enclosure to a residential property line and an 8' setback to a R/W line in lieu of the required 10'.
- 8) Section 1B01.1.B.1.e.(5) – Variance to allow a 3' RTA buffer and a 3' setback in lieu of the required 50' RTA buffer and 75' setback."

Premier intends to operate a restaurant, tavern, package goods store, convenience store, and private party venue on the premises. The uses require, among other standards, 91 parking spaces. Premier provides 7 spaces, or .0769% of the required. The mandatory parking is based on the square footage of the premises as calculated on Premier's Site Plan, Pet. Exh. 2. Mrs. Patterson applied for a liquor license to use the entire premises for the stated uses. The private party use described by the Pattersons borders on the definition of a "catering hall" in BCZR 101, which is permitted in the Business Major and Business Roadside zones but not the Business Local Zone here.

"CATERING HALL — A facility or part of a facility used regularly for serving beverages and food to groups which reserve the facility for banquets or gatherings before the day of the event. A catering hall is not a standard restaurant." BCZR 101.

The definition of a standard restaurant in BCZR 101 specifically excludes a catering hall. Several citizens ("Protestants") oppose the relief and explained granting any of the variances here for these multiple uses would only exasperate the inadequacy of the site's parking availability and force parking on the neighborhood streets.

Premier's hours of operation advertised on its website are Wednesday 4pm-12 am, Thursday-Sunday 11 a.m. - 1 a.m., including "Happy Hour" and "open mike" nights. P.C. Exhibit # 1. Mrs. Patterson testified Premier advertises on the internet and social media, including Facebook and Instagram.

As a result of the severe parking deficiency, Protestants testified Premier's patrons park on the neighborhood streets, even where parking is prohibited by Baltimore County, and even in the neighbors' yards or unimproved lots. The protesting neighbors testified this overflow parking from Premier presents problems with safety, security, disturbances, including noise at late hours, crime, and reduced parking availability for the residents.

THE ZONING STANDARDS

The following zoning regulations are reproduced here to emphasize the standards and burden of proof required. Case law will follow. To be sure, all 8 variances and the special hearing for business parking in a residential zone are due solely to the intense use the Pattersons chose for the site. On-site parking accessory to the use is required to contain all aspects of a use on the site. In order to prevent adverse effects in the community, it is reasonable to require sufficient on-site parking for a use permitted to operate 7 days a week, until 2:00 a.m. under the liquor license. Here the citizens have described in detail the adverse effects when overflow parking spills into the residential neighborhood.

There are 78 uses permitted by right in the B.L. zone, including residential uses because the site adjoins the D.R. 5.5 zone, and 29 special exception uses. Granted, many are not practical for this location but there are several small shop retail uses, among others, that require significantly less off-street parking, even assuming the existing 6100 sq. ft. building is used. Examples are listed on page 13 below. A requested variance will be denied if a lesser variance would reduce the negative impact on the community.

Under the strict standards for variance relief, our office maintains there is no evidence to support the relief requested. The site's uniqueness and concomitant practical difficulty must prevent all reasonable use of the site to justify a variance. The RTA set back regulations specifically restrict business parking in a residential zone, and further require "consideration of the character of the surrounding community", and assurances the "anticipated impact on that community", and that the proposed relief will not be "detrimental to the health, safety or general welfare of the surrounding community". Finally, the petitioner is bound by the special exception standards in BCZR Section 502.1. These specific statutes are as follows:

VARIANCES BCZR 307.1:

" . . . the County Board of Appeals . . . 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 intention 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.”

RESIDENTIAL TRANSITION AREA (RTA) BCZR 1B01.1B:

“B. Dwelling-type and other supplementary use restrictions based on existing subdivision and development characteristics.

1. Residential transition areas and uses permitted therein.

a. Definitions and purpose.

(1) The residential transition area (RTA) is a 100-foot area, including any public road or public right-of-way, extending from a D.R. zoned tract boundary into the site to be developed.

* * *

b. Generation of residential transition area. An RTA is generated if the property to be developed is zoned D.R. and lies adjacent to land zoned D.R.1, D.R.2, D.R.3.5, D.R.5.5 or R.C. which:

(1) Contains a single-family detached, semi-detached or duplex dwelling within 150 feet of the tract boundary; or

* * *

d. A residential transition use is any use:

(1) Permitted as of right under Section 1B01.1.A; or

* * *

(3) Any parking area permitted under Section 409.8.B, subject to the approval of a specific landscape plan for the buffer area which must meet the requirements for a Class A plan.

e. Conditions in residential transition areas.

* * *

(3) The 50-foot RTA buffer shall remain an upgraded, uncleared, landscaped buffer unless otherwise directed by the hearing officer, based upon recommendations of the county. It shall not contain cleared drainage areas, stormwater management ponds or accessory structures, but it may be bisected by roads, paths and trails that are designed to connect to adjoining developments.

* * *

(5) Parking lots or structures, either as principal or accessory use, whether permitted by right, special exception or pursuant to Section 409.8.B, shall provide a 50-foot buffer and 75-foot setback, and a height not to exceed 35 feet within the 100-foot transition area.”

BUSINESS PARKING IN A RESIDENTIAL ZONE BCZR 409.8.B.

“B. Business or industrial parking in residential zones.

1. Upon application, the Zoning Commissioner may issue a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6, under the following procedure:

* * *

- d. If a formal request for a public hearing is filed, the Zoning Commissioner shall schedule a date for the public hearing, such hearing to be held not less than 30 days and not more than 90 days from the date of filing of the request for public hearing.
- e. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:

- (1) His findings following the public hearing;
- (2) The character of the surrounding community and the anticipated impact of the proposed use on that community;
- (3) The manner in which the requirements of Section 409.8.B.2 and other applicable requirements are met; and
- (4) Any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of Section 502.1 of these regulations.

2. In addition to all other applicable requirements, such parking facilities shall be subject to the following conditions:

- a. The land so used must adjoin or be across an alley or street from the business or industry involved.
- b. Only passenger vehicles, excluding buses, may use the parking facility.
- c. No loading, service or any use other than parking shall be permitted.
- d. Lighting shall be regulated as to location, direction, hours of illumination, glare and intensity, as required.
- e. A satisfactory plan showing parking arrangement and vehicular access must be provided.
- f. Method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required.
- g. Any conditions not listed above which, in the judgment of the Zoning Commissioner, are necessary to ensure that the parking facility will not be detrimental to adjacent properties."

PEOPLE'S COUNSEL'S POSITION

A. The site is not unique.

The Pattersons purchased an interior, basically rectangular lot, which is like many others in the neighborhood and throughout Baltimore County. PC's Exhibit #3. Even if the shape were unusual, that factor must generate the practical difficulty for relief. Here virtually every variance is due to multiple uses too intense for the size of the site. Size is not an element of uniqueness. Premier's engineer, Thomas Hoff, was unable to provide a single feature to satisfy the conditions for uniqueness set out in the seminal Cromwell v. Ward 102 Md. App. 691 (1995), subsequently cited and affirmed in numerous variance cases.

Cromwell, a Baltimore County variance case, didn't establish new law but provided a comprehensive analysis and summary of variance law in Maryland, as well as Baltimore County. Judge Cathell explained the seven characteristics relating to the land and the two relating to structures 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., 1. its shape, 2. topography, 3. subsurface condition, 4. environmental factors, 5. historical significance, 6. access or non-access to navigable waters, 7. practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as 1. unusual architectural aspects and 2. bearing or party walls." (numbers added)

Mr. Hoff's testimony fell short of the Cromwell standards. His first claim was the **site fronts on both Winters Lane and Shipley Street**. But this configuration is no different than corner sites, which also front on two streets, including the four sites at the intersection of Winters Lane and Shipley here.

The setback distance from a street under BCZR is the same whether the site is on intersecting streets or between parallel streets. There are several examples of regulations recognizing dual frontage: 1. The sign regulations in BCZR 450.7 permit one joint identification sign per frontage; the statute does not differentiate between intersecting or parallel streets surrounding the subject site; it allows one sign on each street; 2. The setback requirement in 1B01.2.C.1.b for D.R. zones recognizes and regulates both the front building and the rear building face where each face on a public street; 3. The B.L. zone sets height restrictions for buildings adjoining a street along either or both its front and rear walls. BCZR 231.1D. Obviously, double frontage is not an unusual development pattern and is certainly not a unique feature in Baltimore County, nor under the standards in Cromwell. Moreover, nearly all the relief requested here, especially the 92 % parking deficiency, is not caused by the site bordering two public streets.

It cannot be overstated that a fundamental corollary is the practical difficulty must result from the uniqueness. That is why uniqueness must be satisfied first, before the

practical difficulty standard can be considered. Often the proponents juxtapose the standards, and instead focus on their desire to use the site as they want as the unique situation meriting zoning relief. Uniqueness is an afterthought and any miscellaneous feature is labeled "unique," even if it has no relevance to the variance. We see this fallacious position here. But the Courts have rejected these arguments.

Mr. Hoff's second point is the **split zoning** on the site is a unique feature. But he never claimed other sites are not similarly zoned, especially when a commercial zone adjoins a residential neighborhood. For example, the Seminary Galleria site at York and Seminary is split zoned. There the residential zone is a buffer between the nearby residences across Seminary and the commercial use on the site. To reinforce the buffer requirement to separate homes from adjoining non-residential or even dissimilar homes, we need only look to the R.T.A. regulations.

Mr. Hoff then opined the **triangular shaped portion** of part of the lot supports the 8 variances. Most corner lots have angled boundaries and Premier's is less than 90 degrees except a small portion at the rear, not unlike every lot in the area visible on P.C.'s Exh 3 aerial. In a sign variance case, the CBA rejected a similar claim of uniqueness for a small triangular portion of the site In The Matter of Colonial Stoler, LLC, Case No.:17-023-SPHA; the Circuit Court affirmed the denial:

"A basic requirement is that the proponent of the variance demonstrate that the lot is unique and the "uniqueness" creates a practical difficulty in the use of the lot without the grant of the variance. In this matter, there is absolutely nothing about Stoler's lot that makes it unique." CBA Opinion p.5.

Again the shape of 180 Winters Lane is not the cause of the significant parking shortage nor the inability to comply with other parking requirements pertaining to setbacks, landscaping and back up area. The variances are driven by the size of the lot *vis a vis* the Pattersons' preferred uses. Neither size of the property nor preferred use satisfy the criteria to grant a variance; otherwise no variance could be denied; the law would collapse.

Finally, Mr. Hoff suggested the property is unique because it is in the **midst of a residential zone**. But that is precisely the reason for the R.T.A. setbacks, and is not a unique feature under Cromwell. In The Matter of Sylvan Cornblatt et seq. Case No. 05-176-

SPHXA, the CBA denied R.T.A. variances for 13 ft. in lieu of the 50 ft. and 75 ft. buffer/setback respectively, for business parking in a residential zone on a B.L. D.R. 3.5 split zoned site. The CBA agreed with the Office of Planning witness who opposed the relief, stating the property was not unique because “. . . many residential properties abutted commercial properties along the Reisterstown Road corridor.” Opinion p.5.

The County Council recognized a parking lot use adjacent to D.R. zones occurs often enough to merit regulation and enacted the R.T.A. setbacks for this specific use. In a twisted type of logic, Mr. Hoff claims the property is unique because it is subject to the R.T.A. statute, and thus entitled to variances from the statute’s setback and buffer standard. In other words, Mr. Hoff is saying every site subject to the R.T.A is unique, and creates a practical difficulty for any property owner who cannot comply. Under that logic, how could any R.T.A variance be denied? Mr. Hoff’s argument is tantamount to claiming that the zoning on the Premier site is a mistake or error. That argument is relegated to a rezoning case, and has no validity in the variance case here.

When a property does not meet a single standard of uniqueness, petitioners often transpose uniqueness with the dilemma they created. In Evans v. Shore Communications, Inc. 112 Md. App.284, the petitioner leased a site to construct a cell tower. The cell tower company sought variances to construct the tower to the desired height. In affirming the denial, the Court did not short-shrift the standards for uniqueness because the petitioner entered into a bad deal:

“Moreover, while SCI unfortunately may have painted itself into a corner when it entered into a lease agreement for property for the purpose of constructing the proposed tower, “the variance that is desired (And the difficulties that would exist if it is not granted) cannot be the source of the first prong of the variance process. . .” *Cromwell v. Ward*, 102 Md. App. 691,695(1995). As stated in *Kennerly v. Baltimore*, 247 M. 601 (1967): To grant a variance the Board must find from the evidence more than that the building allowed would be suitable or desirable or could do no harm or *would be convenient for or profitable to its owner. . .*”

While the Court In Stansbury v. Jones, 372 Md. 172 (2002) did not apply self-created hardship to deny variances, the facts there were singularly unusual and distinguishable from other cases where a variance was denied when the hardship was created by the petitioner. In Stansbury, a statute required lot owners to combine undersized, but legal, nonconforming

lots into larger lots that would be less nonconforming. The petitioner did so then applied for variances to construct a dwelling. Judge Cathell reasoned that compliance with the statute was not a self-created hardship:

“In the present case the petitioner was merely doing what she had a right to do, and what the Antiquated Lots Law encouraged her to do, re-subdivide the property and in the process, meet the current requirements of the statute so that the lots would be in conformity.” *Id.* 189-190.

Judge Cathell went on to distinguish on the facts the plethora of cases where self-created hardships supported variance denials, including Evans, *supra*. Evans and the others were not overturned by Stansbury, merely distinguished when a statute directed action by the property owner as Judge Cathell explained:

“In the present case, before the re-subdivision of the development, the undersized lots would not have been self-created hardships because they were legal lots, albeit perhaps non-conforming lots. When a governmental statute permits and encourages an owner, or owners, to take certain action in order to be able to utilize property, that action cannot be characterized as self-created.” *Id.*

Here Premier’s choices fall within the traditional impediment to variance relief because of a self-created hardship.

There Is No Legitimate Practical Difficulty

The practical difficulty in not meeting the parking standards falls squarely on Premier’s choice of uses that occupy the entire structure. A simple package goods store, even using the entire building, requires 11 less spaces per 1000 sq. ft. than Premier’s uses. Likewise for a carry out restaurant. The neighbors described the prior use as a neighborhood restaurant, less dependent on vehicle traffic. Premier Lounge is more than a neighborhood restaurant. It is advertised to a broader customer base, has a webpage and an Instagram site. Premier’s operating hours approximate a tavern use. Most restaurants, including those that serve alcohol close between 10:00 -11:00 p.m. And, unfortunately, Mrs. Patterson had no idea of the occupancy capacity for the building, so there is no conscious restraint on admitees.

On the other hand, there are uses in the zone that require at least two-thirds less parking than Premier Lounge. Mr. Hoff admitted so much. Most of these other uses do not

operate after midnight so even if some customers must park on the neighborhood roads, there is not the late night disturbances and other adverse effects the witnesses here described. Furthermore, parking requirements are generally based on the square footage of the building. Mr. Hoff testified the building is not historic and could be replaced. For example, a 2000 sq. ft. building, rather than the 6100 sq. ft. here, would need a total of 10 spaces for a carry out restaurant, barber or beauty shop, and general retail, and only 7 total spaces for a general office.

BCZR will recognize parking on another site within 500 ft. to satisfy Section 409. But the availability must be firm and in writing. Evidence of even an informal arrangement is non-existent in this case. The Pattersons' claim that customers park on property across the street owned by Mr. Ebb but Mr. Hoff and the Pattersons admitted there is no written agreement. BCZR 409.7.C is clear:

"C. Prior to the approval of any building permit involving an off-site parking facility, the Director of Permits, Approvals and Inspections shall require guarantees of the continued future availability and proper maintenance of the facility, including, but not limited to, a grant of an easement, a deed restriction, a restrictive covenant or a binding contractual agreement, including a lease. Any plans approved are conditioned upon and subject to periodic review by the Director to ensure that adequate parking arrangements continue to exist."

Moreover, there is no credible evidence of even an informal arrangement – no signage directing parking for Premier's customers or employees, no letter or testimony from Mr. Ebb confirming any type of use by Premier, no direction on Premier's website or flyers. Instead, we only have Mr. Patterson's self-serving testimony. If there is a so-called informal arrangement, it is not reasonable to see some written evidence of this arrangement, even if only for temporary use, or for specific times and dates, and some meaningful compensation by the Pattersons to secure compliance. Further, there was no credible evidence that the Pattersons diligently pursued parking in the Church lot on Winters Lane down the block from Premier. The Church is not in operation, although Mr. Patterson was unaware of the vacancy. Apparently, no attempt was made to secure parking on that site, even if on a temporary basis while the site is still under the Church's ownership. Credible attempts to solidify arrangements at these sites, even if not in strict compliance with BCZR 409.7.C

would, at least, show good faith and concern for the neighbors. Further, the Department of Planning required Premier provide off-street parking under BCZR 409.7.C to the extent possible. Pet. Exh. 3. The Pattersons provided nothing to comply with Planning or to alleviate the neighbor's adverse experiences. The Pattersons never demonstrated an attempt to make something work that would satisfy the Director of PAI.

(Under a separate statute, BCZR 409.6 B.3, "shared parking" is an alternative to satisfy on-site parking requirements, but the facts here do not meet the requirements).

The citizens are left with the burdens from the severe parking deficiency and the lack of suitable buffers and screening. They testified the neighborhood is a settled, family-based community, while some Premier's customers engaged in errant behavior on their residential streets. If the variances and special hearing are granted, the "injury to public safety, health, and general welfare" will continue. Premier Lounge at another location where parking is confined to the site, and the customers could be better monitored, may be perfectly appropriate. It is just not appropriate here.

A sample of alternate uses is recited below on page 13. The use is not exhaustive but only some examples. The calculations assume the same 6,100 sq. ft. building would be used. Additionally, a liquor license has an inherent value apart from the premises and was included in the purchase price for 180 Winters Lane. The license can be sold separate from the premises. The Pattersons have options. Construct a new smaller building. Sell the liquor license. Reduce the number of uses. Sell or develop the site for a residence. Moreover, even if there would be some spillover parking in the neighborhood for the uses in the chart below, none would create the potential and experienced adverse effects as does a business with a permitted 2:00 a.m. closing. It is not up to the CBA or the neighbors to compensate the Pattersons for their precipitous purchase. Variances cannot be granted to remedy a bad or risky business decision, to compensate for the purchase price or to insure profitability, as the appellate courts have emphasized and we cite later in this Memorandum.

Some suggested alternative uses requiring no relief or lesser relief and the number of required spaces per sq. ft. of the structure are:

USE	CALCULATIONS PER SQ FT	PARKING SPACES FOR 180 WINTERS LANE
Carryout Restaurant	5/1000	30.5
General Retail	5/1000	30.5
Bakery – Retail	5/1000	30.5
Candy Store	5/1000	30.5
Gift Shop	5/1000	30.5
Second Hand Store	5/1000	30.5
Shoe Repair	5/1000	30.5
Tailor	5/1000	30.5
Package Goods	5/1000	30.5
Residence – DR 5.5	2 per dwelling	2
Office – General	3.3/1000	20
Personal Service - i.e. Barber Shop and Beauty Shop	3.3/1000	18
Pool Hall or Arcade	4/1000	24
Medical Office or Clinic	4.5/1000	28

B. There Was No Evidence Presented To Support The RTA Variance

Business parking in the D.R. 5.5 zone is a residential transition use specifically restricted in BCZR 1B01.1B.1.d.(3). The adjoining residences on Winters Lane and Shipley, as well as several further down the block, and several across both Winters Lane and Shipley Avenue (at least 10) are within the 100 ft. RTA. Premier requests a 3 ft. buffer and 3ft. setback in lieu of the 50 ft. buffer and 75 ft. setback for a parking lot within the one hundred foot transition area. This is an 83 % buffer reduction and a nearly 100% setback reduction. Additionally, the RTA regulation requires a landscape plan for the buffer area but no plan was addressed at the hearing or shown on the site plan. It is unlikely any meaningful and attractive landscaping could be done on a 3 ft strip. Instead Premier only proposes a fence, but no other screening.

No witness, including Mr. Hoff explained how their Plan would satisfy the purpose of buffers and setbacks to protect intrusion into the residential neighborhood. The citizens described the numerous adverse effects that occur with uses that include alcohol consumption, extended hours of operation, and an expansive customer base. This severe non-compliance with the RTA, coupled with the extreme parking shortage raises the

obvious red flags – the variances would cause the cautionary “injury to public health, safety and general welfare” in BCZR 307.1.

**C. There Was No Evidence To Meet the Burden Of Proof for Business
Parking In the Residential Zone**

Business parking in a residential zone requires a Special Hearing and lists the specific mandatory (“shall”) standards in BCZR 409.8 B. 2., including hours of operation, and maintenance provisions. No reference to these requirements is on the site plan nor affirmatively explained by Mr. Hoff or other witnesses. In addition, before the relief can be granted, the CBA must have evidence that the parking request “will not be detrimental to the health, safety or general welfare of the surrounding community” and that the relief satisfies the special exception standards in BCZR 502.1. There was no reference whatsoever to the seven or eight applicable special exception standards. On the other hand, the citizens described the adverse effects detailed in 502.1 if Premier Lounge can operate here, including overcrowding the land and undue concentration of population, congestion in the roads, streets or alleys, potential hazard from danger such as crime and inebriated patrons in proximity to neighbors’ homes. The fallout is detrimental to the “health, safety or general welfare of the locality.” The midnight or later closing of the lounge/tavern, a convenience store and private party venue (PC Exh #1) and restaurant and package goods store (Pet’s Site Plan Exh #2) are five automobile intense uses on .2 net acres in the BL zone. When there is a 92 % parking shortage, extensive spill-over parking in the neighborhood is bound to occur.

**D. The Testimony of Premier’s Witnesses Falls Below the Threshold
To Support Zoning Relief**

The testimony of the Pattersons on meeting these concerns rang hollow. Mr. Patterson claims he occasionally escorts female patrons to their cars but how often and why is troubling. What are the dangers that require an escort – there was no testimony the neighbors presented danger. One can only assume it comes from other Premier patrons. Even so that leaves male customers without “supervision”.

Mrs. Patterson had no idea of the number of patrons limited by the occupancy permit. It is concerning that customers will never be turned away, exacerbating the parking

deficiency. Mr. Patterson was not attuned to the neighborhood, he had no recollection of the name of the community group for the area although claiming he attended meetings, he was unaware the Church on Winters Lane was closed. The Protestant, Mr. Braithwaite, sees Premier from his home. When he complained to Mr. Patterson about the condition of the premises, he was told installation of outside lighting, an appropriate dumpster and its location, and resurfacing the parking lot would only occur if neighbors did not oppose the zoning case. Mr. Patterson did not refute this conversation in rebuttal. This was rightly perceived as a lack of trust and insensitivity for the residents if the variances and special hearing are approved. The Pattersons have been unresponsive to the experienced intrusions – noisy, unruly customers, who left their garbage on the streets and in the yards, used foul language and engaged in illegal activities. Additionally, Mr. Patterson's construction vehicles were frequently parked on the Premier site, including in the D.R. zone. This not only reduces on-site parking and is unsightly, but may violate BCZR 431.1 which restricts the size, type and location of commercial vehicles in residential zones.

Ms. McClendon, the community engagement liaison, also claimed significant money was spent on the interior as justification for approval. Her testimony failed to satisfy the legal standards, none of which factor economic investment or pursuit of profits.

It is undisputed the Pattersons were familiar with the site before the auction. The adjoining neighbor, Mr. Lawson, testified Mr. & Mrs. Patterson were looking over the site from every angle well before the auction. He discussed the property boundaries with them. Mrs. Patterson personally attended the auction which was held at the site. The on-line advertisement of the auction described the site's characteristics in detail, including parking. P.C. I.D. Exh. # 5. It was available for all to see. An auctioneer generally reads the advertisement at the auction.

Premier Lounge is not the neighborhood tavern/restaurant described by the long-term residents. The LeVeres are from multi-generation residents. Mr. Braithwaite is a seven-year resident who is active in the community. Mrs. Lawson is a senior citizen, and a long-time resident as is her son. On the other hand, Mr. Henderson who testified for the Pattersons, attempted to create the impression that Premier is a business geared to local residents, even

claiming it is three blocks from his home. But he resides at 448 Kent Avenue, which is not even on the aerial map. P.C. Exh # 3. Mapquest shows his residence 1 mile from Premier Lounge which we can assume approximates the walking distance if one does not trespass.

All of these concerns is not to suggest sinister behavior or bad motives by Mr. and Mrs. Patterson. Rather, as the citizens testified, there is an innate conflict between owners trying to operate a successful for profit business that offers numerous entertainment options to an expanding customer base, and the neighbors' peaceful enjoyment of their homes in this well-settled family oriented neighborhood. Simply put, the severe parking deficiency causing spill-over parking into the residential neighborhood demonstrates Premier's requested zoning relief is inappropriate here under variance and special exception statutes and the strict standards described in the appellate cases.

E. Other CBA Decisions Recognizing This Intrusion

The Baltimore County Board of Appeals recognized this innate conflict and denied zoning relief in other cases when spill-over parking for the same late night uses caused adverse effects in the surrounding residential neighborhoods.

In The Matter of Harnek Singh, et al. Case No. 08-363-SPHX, the CBA denied the sale of used automobiles on a site adjacent to the owners' restaurant, tavern, package goods store and nightclub, where testimony demonstrated spill-over parking for those uses was due to parking deficiencies and disturbed the surrounding neighbors. The CBA essentially said the area proposed for used car sales uses should be available for parking for the owners' adjoining uses. The Circuit Court affirmed in Case No.:03-C-10-0590.

In The Matter of Treasure Coast Management, LLC Case No. 16-0122-A, the CBA denied a parking variance for a restaurant/tavern on North Point Road for outside dining on part of the on-site parking lot. The business was granted a 1973 variance for 25 parking spaces in lieu of 56. The current variance requested 22 spaces in lieu of 66 required. The residents surrounding the business testified the 1973 variance that allowed the shortage of on-site parking was tolerable until the current owners acquired the business in 2014. The prior business had limited customers as an intermittent social hall type facility and neighborhood restaurant. The current petitioner operated a restaurant, bar and catering

service that attracted many more customers from outside the neighborhood. The neighbors describe the on-site parking as woefully inadequate for the current more intense uses. They described the adverse effects of the patrons' spill-over parking onto the narrow streets. They testified the irregular parking patterns by customers restricted access for emergency vehicles. The spill-over parking limited residents' access to necessary street parking for these older homes with no garages. The residents described disturbing behavior by customers returning to their vehicles in the neighborhood at late hours that awakened the residents. There was trespassing and concerns for safety. In Treasure Coast, the business owners testified parking was available in business zones further from the subject site but there was no formal written agreement for the tavern/restaurant's use of those sites. And the neighbors testified the patrons instead parked at the nearest locations – the adjoining residential streets. The CBA was not persuaded. It found no uniqueness compared to other properties in the area, and held the variance cannot be granted “. . . in such manner as to grant relief without injury to the public health, safety and general welfare.” Opinion p. 6-7. The CBA also recognized “. . . variance requests are to be granted sparingly.” Opinion p.7.

The CBA denied RTA variances and dismissed other relief for a proposed employee parking lot, ostensibly a more benign use, in a D.R. 5.5 zone in Catonsville. The lot was owned by the nursing home that operated across the street. (Case No.: 07-535-SPHXA). The proposed lot was in the midst of a residential neighborhood. The CBA held the petitioner did not meet the standards in Cromwell. The citizens testified about the noise and intrusive headlights from the nursing home employees, especially those who worked late-night shifts. The Circuit Court affirmed the denial in Case No. 03-C-09-07215.

F. The Adverse Effects described By The Neighbors

The neighbors here described similar, if not identical, adverse effects. They are concerned allowing Premier Lounge to operate with a 92% parking shortage, a 94% RTA buffer shortage, a 97% RTA setback shortage, and the request for parking in the residential zone abutting their homes, will permanently solidify the adverse effects already experienced. The feared result is denial of the peaceful enjoyment of their homes. They worry Premier's patrons parking on the “no parking” sides of the streets reduces access for

emergency vehicles. They constantly pick up trash, including needles, left by the customers. The witness urinating and drug use on their streets and in their yards. They expressed these concerns to the Pattersons, but there was no let-up in this behavior once the customers left the Lounge.

The burden is not on the neighborhood to monitor the behavior of Premier's patrons, and confront the offensive or illegal behavior. Is the senior citizen Mrs. Lawson expected to confront patrons who are leaving Premier late at night? Unfortunately the Pattersons seem to suggest it is up to the citizens to call the police and hope for a timely response. Mr. Lawson, whose property adjoins Premier, told Mr. Patterson of his concerns with noise and drug activity that he witnessed from the customers, but nothing changed.

The neighbors also disputed Pattersons' suggestion that other uses in the area caused these adverse effects. On cross-examination, Mr. Lawson stressed there are no such problems from the American Legion in the area. The Protestants explained any gatherings at the Ebb's site have been held for years without disturbance to the residents. They are typically neighborhood events, held occasionally during summer months. They are not for-profit so there is no incentive to maximize attendance. Most attendees walk to the site. The Baltimore County recreational center on Main and Wesley has on-site parking and is well-monitored. It is not a problem. The neighbors had no problem with the church on Winters Lane when it operated.

When so many patrons are forced to park within the neighborhood, these unacceptable disturbances from Premier Lounge will continue. The neighbors are rightly concerned Premier cannot or will not prevent them.

G. Legal Support To Deny Premier's Petition

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." Likewise the size of the property is not a factor, otherwise no parking or area variance could be denied. As we have seen, the choice and intensity of uses, 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 and that the burden is on the petitioner to demonstrate the hardship is the result of a unique feature of the property that is not common to other properties in the neighborhood. Easter v. Mayor & City Council 195 Md. 395 (1950), Marino v. City of Baltimore, 215 Md. 206 (1957). The burden does not shift to the Protestants because the petitioner invested in the site, made

improvements, or elected certain uses, even if permitted. Variance law is not relaxed because the owner desires certain permitted uses. Area requirements, including off-site parking, are established for permitted uses; variance standards refer to the particular conditions of the property itself, despite Petitioners' attempts to confuse these legal principles with the "how and why" of the intended use.

Judge Harrell revisited this point 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 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.

The operation of the business in the instant case is not a unique factor; the site is not unique under any legal factor. We must not conflate the desired use, or the past use, with the Cromwell standards.

Judge Harrell, in Trinity, 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. But a property owner is not entitled to every permitted use. 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 Court quoted this language from Carney in Montgomery County v. Rotwein 176 Md. App. 716, 732 (2006).

As a corollary, the potential additional expense of compliance with the regulation 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.”

As we have noted here, the Pattersons’ election to use the site for uses creating the 92 % parking deficiency as well as other deficiencies is self-created. Lesser variances or even no variances for other uses in the zone support denial for a self-created hardship. Premier’s engineer, Mr. Hoff, admitted other uses in the zone would require less parking.

The uniqueness and practical difficulty standards have been interpreted and applied consistently. In Dan’s Mountain Wind Force, LLC et al v. Allegany County Board of Zoning Appeals, 236 Md. App. 483 (2018), a zoning variance case, Judge Friedman reviewed and reiterated the Cromwell description of uniqueness and practical difficulty in the context of their nexus. He noted this “aspect of uniqueness that was always present but which has seldom been remarked upon. . .” He quoted Trinity, *supra* when describing the nexus as “the property’s inherent characteristics and the manner in which the zoning law hurts the landowner.” Id. 496. Here, Mr. Hoff did not offer any acceptable unique aspect under Cromwell that caused the parking shortage, or setback and buffer deficiencies. A small triangular shape on a portion of the site, two frontages, a split zone or a commercial

zone near and adjoining residentially zoned properties are not valid under Cromwell, nor do they contribute to the variance and special hearing relief. As Judge Friedman said:

“That is, the unique aspect of the property must relate to—have a nexus with—the aspect of the zoning law from which a variance is sought. *Id.*

* * *

A zoning treatise illuminates the nexus requirement:

Uniqueness must be related to the land The attribute must be related to the application of the ordinance from which relief is sought. Thus, a minimum width requirement for a parcel makes little sense for a pie shaped lot[;] likewise for a setback regulation that puts a house into an arroyo or ravine.

Barlow Burke, *Understanding The Law of Zoning and Land Use Controls* 159 (3d ed. 2013). Extending Professor Burke's examples, it would make no sense to consider the narrowness of a pie-shaped lot as a unique attribute in considering whether to waive, for example, a height or density restriction. Our cases recognize this requirement.”

See also No. 809 September Term, 2017, Unreported Decision, Davona Grant, et al. v. County Council of Prince George’s County sitting as the District Council, et al.

H. A Nonconforming Use Is Not Before the CBA

Premier is limited to the relief in its petition for seven variances and special hearing relief for business parking in a residential zone. There is no relief for a non-conforming use although that was alluded to in testimony. In People’s Counsel v. Mangione, 85 Md. App. 738 (1991), the Court of Special Appeals reversed the Circuit Court’s approval of a Motion to Alter or Amend, thus prohibiting the petitioner from amending his special exception for a 240-bed nursing facility to a 120-bed nursing facility, even though arguably a less intense use. The CSA stated:

“Our review of the record does not reflect that a petition for a 120-bed facility was ever filed with the administrative zoning agency. . . We first note that the site plans that are included in the extract as being filed with the application (that is missing) refer to a 240-bed facility.” *Id.* at 744.

“The record reflects that at no time was an application for a 120- bed facility ever filed with the administrative agency. Nor is there any record that the original 240-bed application was downsized by proper amendment. . . . Furthermore, the Board made no ruling on the feasibility of a 120-bed facility.” *Id.* at 747.

Similarly, U.P.S. v. People's Counsel 336 Md. 569, 581-584 (1994) held the CBA exercises appellate jurisdiction in a *de novo* appeal:

“The Baltimore County Charter, in § 602 (e), grants to the Board of Appeals “original and exclusive jurisdiction over all petitions for reclassification.” “This is the only original jurisdiction granted to the Board of Appeals by the Charter or laws of Baltimore County. Except for reclassifications, the Board’s jurisdiction is exclusively appellate. . . . Baltimore County has decided to give its Board of Appeals original jurisdiction in only one category of cases, namely reclassifications. In all other matters, Baltimore County has decided to vest only appellate jurisdiction in the Board of Appeals.”

The reason late added additional relief must follow the process is notice to interested parties and fairness in preparing their case, as well as proper review by the County departments. The Department of Planning did not sanction the deficient parking spaces on the Premier site. Pet. Exh #3. Rather, Planning requested Premier obtain off-street parking in a written agreement as required under BCZR 409.7.C set out above.

Moreover, even if before this Board, Premier falls well short of proving the restaurant/tavern use continued without a one year interruption under BCZR 104.1:

“A nonconforming use (as defined in Section 101.1) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate.”

Mr. Roosevelt Fletcher, the prior owner, died on March 22, 2016. His death resulted in disputes among his survivors. This was described by Mr. Frank Lidinsky, the ultimate personal representative appointed by the Orphans Court. The neighbors testified there was no activity at the site at least from Mr. Fletcher’s death. Mr. Lidinsky visited the site but offered no concrete or persuasive evidence the business was operating. He saw no customers, presumably only the non-perishable food from the convenience store, and had no personal knowledge that the business was operating after Mr. Fletcher’s death.

The auction sale occurred on April 12, 2017. The transfer of the liquor license was conditionally approved at the hearing of the Liquor Board on September 11, 2017. Zoning approval is required for permanent approval. All of this occurred over a year before the Pattersons came on the scene.

Mr. Keene, who works full time, claims he would work a day or so a week, without pay, operating the package goods store and tavern. There was no restaurant service. Mr. Lidinsky did not describe how the business was operated or that he supervised the business while he had responsibility for the assets of the estate, which included the real property at 180 Winters Lane and the liquor license. There was no evidence from the Personal Representative of income accounted for from the business. There was no evidence he paid a "caretaker's fee" to Mr. Keene as the witness claimed, nor evidence of utility bills paid after Mr. Fletcher's death up to the acquisition by the Pattersons. The Deed of Transfer for 180 Winters Lane is public record and shows the transfer as July 19, 2017. Mr. Lidinsky admitted he had no personal knowledge if the business was operating. The only reasonable assumption is that it was not operating, otherwise records of income and expenses would have been produced. Mr. Fletcher's estate was administered in Baltimore County. Mr. Lidinsky testified the 180 Winters Lane property and liquor license were owned by Mr. Fletcher in his individual name and are included in his probate estate. This means all income and expenses attributable to probate assets, including the property and business, must be reported in the probate estate and accounted for in the Administration Accounts filed with the court. Yet no evidence was produced nor did Mr. Lidinsky offer testimony, as the Personal Representative and attorney, that he reported income and expenses related to the operation of The Brick House.

The neighbor Mr. Brathwaite testified the gas and electric service was turned off in March, 2016, according to a Fletcher relative. There was no interior or exterior lighting on the premises until Premier opened sometime after its acquisition. The LeVeres and Lawsons confirmed. They saw no activity and believed the business closed from Mr. Fletcher's death until Premier's opening well over a year later.

The burden of proving that a nonconforming use lawfully exists falls on the party asserting the claim. County Comm'rs of Carroll County v. Uhler, 78 Md. App. 140 (1989). In Prince George's County v. E.L. Gardner, Inc., 293 Md. 259, 267 (1982) the Court of Appeals held that ". . . nonconforming uses pose a formidable threat to the success of zoning. They limit the effectiveness of land use controls, contribute to urban blight, imperil

the success of the community plan, and injure property values.” For these reasons, nonconforming uses are looked upon with disfavor and should be eliminated whenever possible.

Simply stated there is no basis at law for the CBA to consider a claim of a nonconforming use; and there are no facts to support a claim even if lawfully before this Board.

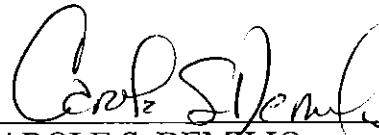
SUMMARY

The Special Hearing and Variances should be denied for the following reasons:

1. There was no evidence presented under the applicable standards in BCZR 502.1 to support business parking in the D.R. 5.5 zone, as required in BCZR 409.8. B. 1.e. (4).
2. The overwhelming evidence is the special hearing would be “detrimental to adjoining properties” and detrimental to the “character of the surrounding community and the anticipated impact of the proposed use on that community,” under BCZR 409.8.B.1. e.(2) (3).
3. There was absolutely no evidence of uniqueness under the Cromwell standards and BCZR 307.1 to support any of the variances, including the R.T.A. variances.
4. Because there is no uniqueness, practical difficulty is not an issue.
5. Even if practical difficulty is an issue, there is no legally recognized evidence of such; Premier’s desire to operate these uses at this site is self-created and based on a desire for profit, or to salvage a risky business decision voluntarily assumed, none of which meet the standards for practical difficulty. Legally, there is no practical difficulty if, on balance, a lesser variance or another use is available. A property owner is entitled to some use, but not every use or even a desired use; the standards for variances are strict, particularly in business zones where there are many alternative uses, thus variances are and should be “granted sparingly” as Judge Cathell stated in Cromwell.

Peter Max Zimmerman

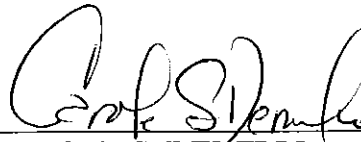
PETER MAX ZIMMERMAN
People’s Counsel for Baltimore County



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of March, 2019, a copy of the foregoing People's Counsel for Baltimore County's Post-Hearing Memorandum was mailed to Abraham Hurdle, Esquire, 19 E. Fayette Street, Baltimore, Maryland 21202, Attorney for Petitioner(s).



CAROLE S. DEMILIO
Deputy People's Counsel
for Baltimore County





Board of Appeals of Baltimore County

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

February 22, 2019

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, Maryland 21409

Re: In the matter of: Premier Lounge, LLC
Board of Appeals Case No.: 18-149-SPHA

Dear Sir/Madam:

Enclosed is the recording for the above-referenced case which was heard by the Board of Appeals for Baltimore County on September 27, 2018 and January 17, 2019. The Board members who sat on this case are Jason S. Garber, Chairman; Joseph L. Evans, took exhibits; and Kendra Randall Jolivet operated CourtSmart.

I have enclosed a copy of the Address list for your convenience. Abraham L. Hurdle, Esquire represented Premier Lounge, LLC, Petitioner; and the Protestants appeared *pro se*. Mr. Hurdle is requesting the transcript and is responsible for the cost. The hearings lasted approximately 6-1/2 hours. Please contact him directly with the estimated cost, and to determine the due date. His contact information is below.

Kindly provide an original transcript to the Board of Appeals for our records.

Please let us know if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Tammy A. Zahner".

Tammy A. Zahner
Legal Secretary

Abraham L. Hurdle, Esquire
320 N. Charles Street, 2nd Floor
Baltimore, Maryland 21201
(410) 685-5100
alh@alhurdlelaw.com



Board of Appeals of Baltimore County

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February 22, 2019

Abraham L. Hurdle, Esquire
320 N. Charles Street, 2nd Floor
Baltimore, Maryland 21201

Re: In the matter of: Premier Lounge, LLC
Board of Appeals Case No.: 18-149-SPHA

Dear Mr. Hurdle:

We are in receipt of your request for the transcript in the above-referenced matter. Please be advised that we have sent the recording to Free State Reporting, Inc. per your request. Enclosed is a copy of the letter for your records. Also enclosed is a receipt evidencing your \$50.00 payment for the hearing CD.

Please direct all payments and questions regarding the transcript directly to Free State Reporting.

If you have any questions or we can be of further assistance, please let us know.

Sincerely,

A handwritten signature in cursive script, reading "Tammy A. Zahner".

Tammy A. Zahner
Legal Secretary

Enclosures

2/22/18 Retrieved Letter
& check for hearing
CD from Code Enforcement
following Mr. Hurdle's
phone call asking where
CD is.

Look to I
cashier's office for pgmt.

LAW OFFICES OF
ABRAHAM L. HURDLE
320 N Charles Street, 2nd Floor
Baltimore, Maryland 21201

410-685-5100
Fax No: 410-685-5825
alh@alhurdlelaw.com

February 6, 2018

Baltimore County Zoning Review
111 West Chesapeake Avenue, Room 213
Towson, Maryland 21204



Re: Copy of CD

Dear County Zoning Review,

I am requesting a copy of a CD for 180 Winters Lane Catonsville, MD 21228. The business name is Premier Lounge. The hearings took place on September 27, 2018 and January 17, 2019. Enclosed in this envelope is a check to cover the costs of the CD. Please mail the CD to **1378 Cape St. Claire Road Annapolis, Maryland 21409.**

Thank you.

Very truly yours,

Abraham L. Hurdle, Esq.
320 N Charles Street, 2nd Fl
Baltimore, Maryland 21201
(410) 685-5100

A handwritten signature in dark ink, appearing to be "A. Hurdle", written in a cursive style.

Abraham L. Hurdle, Esq.
320 N. Charles Street
Baltimore, MD 21201



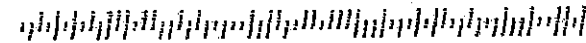
US POSTAGE
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02/06/2019
032A 0061827718

Baltimore County Zoning Review
ATTN: ms. Debbie Serio

111 W. Chesapeake Ave. Rm 213
Towson, Maryland 21204

2120484603 0054





1378 Cape St. Claire Rd.
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Tel: 800-231-8973
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Contact

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February 5, 2019

NOTICE OF DELIBERATION

IN THE MATTER OF: Premier Lounge, LLC – Legal Owner
180 Winters Lane
18-149-SPHA 1st Election District; 1st Councilmanic District

AGENDA: Petition for Special Hearing filed pursuant to § 500.7 of the BCZR to allow business parking in a residential zone;
and

Petition for Variance as follows:

- (1) to allow business parking in a residential zone;
- (2) to allow 7 parking spaces in lieu of the required 91 spaces;
- (3) to allow parking at a distance to a street line of 5 ft. in lieu of the required 10 ft.;
- (4) to not provide a backup area for the end parking space;
- (5) to allow a 3 ft. wide landscape strip adjacent to the residential property in lieu of the required 10 ft. and to allow a 6 ft. high wood screen fence in lieu of planting;
- (6) to allow 3 ft. between the edge of the parking lot and the face of the building in lieu of the required 6 ft.;
- (7) to allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft.; and
- (8) to allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback.

3/19/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DISMISSED WITHOUT PREJUDICE, and the Petition for Variance was DENIED.

This matter having been heard on September 27, 2018 and concluded on January 17, 2019, a public deliberation has been scheduled for the following:

DATE AND TIME: **APRIL 2, 2019 at 9:00 a.m.**

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

NOTE: Closing briefs are due on **March 18, 2019 before 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 ORDER WILL BE ISSUED BY

Notice of Public Deliberation

In the matter of: Premier Lounge, LLC

Case No: 18-149-SPHA

February 5, 2019

Page 2

THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER THE CONCLUSION OF THE DELIBERATION. A COPY OF THAT OPINION AND ORDER WILL BE 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 Petitioner/Legal Owner	: Abraham L. Hurdle, Esquire
	Petitioner/Legal Owner	: Premier Lounge, LLC
	Protestants	: Carroll and Lynne LeVere and Margo and Kim Lawson
	Counsel for People's Counsel for Baltimore County	: Carole S. Demilio, Esquire, Deputy

Thomas J. Hoff

Jeff Mayhew, Acting Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Mike Mohler, Acting Director/PAI
Nancy West, Assistant County Attorney



Board of Appeals of Baltimore County

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FAX: 410-887-3182

October 3, 2018

NOTICE OF ASSIGNMENT OF DAY 2

IN THE MATTER OF: Premier Lounge, LLC – Legal Owner
180 Winters Lane
18-149-SPHA 1st Election District; 1st Councilmanic District

Re: Petition for Special Hearing filed pursuant to § 500.7 of the BCZR to allow business parking in a residential zone;
and

Petition for Variance as follows:

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- (4) to not provide a backup area for the end parking space;
- (5) to allow a 3 ft. wide landscape strip adjacent to the residential property in lieu of the required 10 ft. and to allow a 6 ft. high wood screen fence in lieu of planting;
- (6) to allow 3 ft. between the edge of the parking lot and the face of the building in lieu of the required 6 ft.;
- (7) to allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft.; and
- (8) to allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback.

3/19/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DISMISSED WITHOUT PREJUDICE, and the Petition for Variance was DENIED.

*This matter was heard on September 27, 2018 and not completed,
therefore a second hearing dates has been*

ASSIGNED FOR: **JANUARY 17, 2019, 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. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- 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.

Notice of Assignment of Day 2
In the matter of: Premier Lounge, LLC
Case number: 18-149-SPHA
October 3, 2018
Page 2

- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

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 Petitioner/Legal Owner	: Abraham L. Hurdle, Esquire
	Petitioner/Legal Owner	: Premier Lounge, LLC
	Protestants	: Carroll and Lynne LeVere and Margo and Kim Lawson
/	Counsel for People's Counsel for Baltimore County	: Carole S. Demilio, Esquire, Deputy

Thomas J. Hoff

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney



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 16, 2018

NOTICE OF THIRD POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: Premier Lounge, LLC – Legal Owner
180 Winters Lane
18-149-SPHA 1st Election District; 1st Councilmanic District

Re: Petition for Special Hearing filed pursuant to § 500.7 of the BCZR to allow business parking in a residential zone;
and

Petition for Variance as follows:

- (1) to allow business parking in a residential zone;
- (2) to allow 7 parking spaces in lieu of the required 91 spaces;
- (3) to allow parking at a distance to a street line of 5 ft. in lieu of the required 10 ft.;
- (4) to not provide a backup area for the end parking space;
- (5) to allow a 3 ft. wide landscape strip adjacent to the residential property in lieu of the required 10 ft. and to allow a 6 ft. high wood screen fence in lieu of planting;
- (6) to allow 3 ft. between the edge of the parking lot and the face of the building in lieu of the required 6 ft.;
- (7) to allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft.; and
- (8) to allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback.

3/19/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DISMISSED WITHOUT PREJUDICE, and the Petition for Variance was DENIED.

This matter was assigned for hearing on September 19, 2018 and has been postponed. It has been

REASSIGNED FOR: SEPTEMBER 27, 2018, 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. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
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- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
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Notice of Third Postponement and Reassignment
In the matter of: Premier Lounge, LLC
Case number: 18-149-SPHA
August 16, 2018
Page 2

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 Petitioner/Legal Owner	: Abraham L. Hurdle, Esquire
	Petitioner/Legal Owner	: Premier Lounge, LLC
	Protestants	: Carroll and Lynne LeVere and Margo and Kim Lawson
	Counsel for People's Counsel for Baltimore County	: Carole S. Demilio, Esquire, Deputy

Thomas J. Hoff

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney



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 16, 2018

Abraham L. Hurdle, Esquire
320 North Charles Street
Baltimore, Maryland 21201

Carole S. Demilio, Esquire
Deputy People's Counsel for Baltimore
County
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: In the Matter of: Premier Lounge, LLC
Case No: 18-149-SPHA

Dear Counsel:

Please be advised I have just been informed of a scheduling conflict in which we do not have a panel of three Board members available for the hearing scheduled on September 19, 2018. Therefore, enclosed, please find a Notice of Postponement and Reassignment.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact this office.

Very truly yours,

Sunny Cannington

Krysundra "Sunny" Cannington
Administrator

Enclosure: Notice of Postponement and Reassignment

Duplicate Original

cc: Tiffany and Stephen Patterson/Premier Lounge, LLC
Thomas J. Hoff
Carroll and Lynne LeVere
Margo and Kim Lawson



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

June 26, 2018

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: Premier Lounge, LLC – Legal Owner
180 Winters Lane
18-149-SPHA 1st Election District; 1st Councilmanic District

Re: Petition for Special Hearing filed pursuant to § 500.7 of the BCZR to allow business parking in a residential zone;
and

Petition for Variance as follows:

- (1) to allow business parking in a residential zone;
- (2) to allow 7 parking spaces in lieu of the required 91 spaces;
- (3) to allow parking at a distance to a street line of 5 ft. in lieu of the required 10 ft.;
- (4) to not provide a backup area for the end parking space;
- (5) to allow a 3 ft. wide landscape strip adjacent to the residential property in lieu of the required 10 ft. and to allow a 6 ft. high wood screen fence in lieu of planting;
- (6) to allow 3 ft. between the edge of the parking lot and the face of the building in lieu of the required 6 ft.;
- (7) to allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft.; and
- (8) to allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback.

3/19/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DISMISSED WITHOUT PREJUDICE, and the Petition for Variance was DENIED.

This matter was assigned for hearing on August 7, 2018 and has been postponed. It has been

REASSIGNED FOR: SEPTEMBER 19, 2018, 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. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
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- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

Notice of Postponement and Reassignment
In the matter of: Premier Lounge, LLC
Case number: 18-149-SPHA
June 26, 2018
Page 2

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 Petitioner/Legal Owner	: Abraham L. Hurdle, Esquire
	Petitioner/Legal Owner	: Premier Lounge, LLC
	Protestants	: Carroll and Lynne LeVere and Margo and Kim Lawson

Thomas J. Hoff

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney
Office of People's Counsel



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

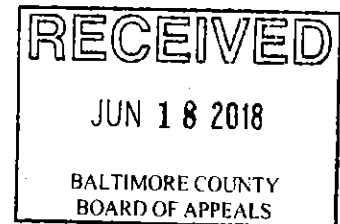
410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 18, 2018

Hand-Delivered
Krysundra "Sunny" Cannington
County Board of Appeals of Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204



Re: Premier Lounge, LLC
180 Winters Lane
Hearing Date: August 7, 2018
Case No.: 2018-149-SPHA

Dear Ms. Cannington:

Our office kindly requests a postponement of the August 7, 2018 hearing date. I will be away on vacation from July 31, 2018 to August 8, 2018 and anticipate participating in this case.

Petitioners' attorney requested postponement of the earlier July 17th date based on his vacation schedule, to which we did not object. Unfortunately, the revised schedule conflicts with my vacation. There are also several interested citizens, and midsummer dates can pose issues. I would be pleased to cooperate in rescheduling to a date convenient to the parties.

Thank you in advance for your consideration.

Very Truly Yours

A handwritten signature in black ink that reads "Peter Max Zimmerman".

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: Abraham L. Hurdle, Esquire, 320 N. Charles Street, Baltimore, MD 21201
Carroll & Lynne LeVere, 207 Wesley Avenue, Catonsville, MD 21228
Margo & Kim Lawson, 15 Shipley Avenue, Catonsville, MD 21228



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

June 1, 2018

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: Premier Lounge, LLC – Legal Owner
180 Winters Lane
18-149-SPHA 1st Election District; 1st Councilmanic District

Re: Petition for Special Hearing filed pursuant to § 500.7 of the BCZR to allow business parking in a residential zone;
and

Petition for Variance as follows:

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- (7) to allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft.; and
- (8) to allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback.

3/19/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DISMISSED WITHOUT PREJUDICE, and the Petition for Variance was DENIED.

This matter was assigned on July 17, 2018 and has been postponed. It has been

REASSIGNED FOR: AUGUST 7, 2018, AT 10:00 A.M.

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

NOTICE:

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- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
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Notice of Postponement and Reassignment
In the matter of: Premier Lounge, LLC
Case number: 18-149-SPHA
June 1, 2018
Page 2

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 Petitioner/Legal Owner : Abraham L. Hurdle, Esquire
Petitioner/Legal Owner : Premier Lounge, LLC

Protestants : Carroll and Lynne LeVere and Margo and Kim Lawson

Thomas J. Hoff

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney
Office of People's Counsel

**LAW OFFICES OF
ABRAHAM L. HURDLE
320 North Charles Street
Baltimore, MD 21201**

**410-685-5100
Fax No: 410-685-5825
alh@alhurdlelaw.com**

May 24th, 2018



Board of Appeals of Baltimore County
Jefferson Building
2nd Floor, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204

Re: 180 Winters Lane, Premier Lounge

Dear Board of Appeals,

I represent the Petitioners at 180 Winters Lane. We were recently assigned a hearing date of July 17th, 2018. I unfortunately cannot attend on that date as I have a long scheduled vacation week from the 13th of July until the 22nd of July.

I am writing to request that the hearing is postponed thirty days, or scheduled on the next available hearing date.

If you have any questions, please feel free to reach out.

-S-

Abraham L. Hurdle, Esq.
320 North Charles St
Baltimore, MD 21201
(410) 685-5100



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 18, 2018

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Premier Lounge, LLC – Legal Owner
180 Winters Lane
18-149-SPHA 1st Election District; 1st Councilmanic District

Re: Petition for Special Hearing filed pursuant to § 500.7 of the BCZR to allow business parking in a residential zone:
and

Petition for Variance as follows:

- (1) to allow business parking in a residential zone;
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- (8) to allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback.

3/19/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DISMISSED WITHOUT PREJUDICE, and the Petition for Variance was DENIED.

ASSIGNED FOR: **JULY 17, 2018, 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. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
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Krysundra "Sunny" Cannington, Administrator

Notice of Assignment
In the matter of: Premier Lounge, LLC
Case number: 18-149-SPHA
May 18, 2018
Page 2

c:	Counsel for Petitioner/Legal Owner	: Abraham L. Hurdle, Esquire
	Petitioner/Legal Owner	: Premier Lounge, LLC
	Protestants	: Carroll and Lynne LeVere and Margo and Kim Lawson

Thomas J. Hoff

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney
Office of People's Counsel



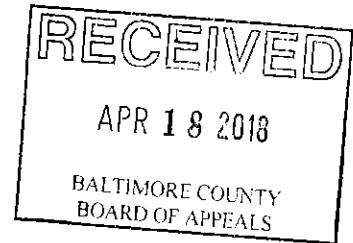
KEVIN KAMENETZ
County Executive

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

April 18, 2018

Abraham Hurdle, Esq.
320 North Charles Street
Baltimore, Maryland 21201

RE: **APPEAL TO BOARD OF APPEALS**
Case No. 2018-0149-SPHA
Location: 180 Winters Lane



Dear Mr. Hurdle:

Please be advised that an appeal of the above-referenced case was filed in this Office on April 18, 2018. 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", written over a horizontal line.

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
Carroll & Lynne LeVere, 207 Wesley Avenue, Catonsville, MD 21228
Margo & Kim Lawson, 15 Shipley Avenue, Catonsville, MD 21228

APPEAL

**Petitions for Special Hearing and Variance
(180 Winters Lane)
1st Election District – 1st Councilmanic District
Legal Owners: Premier Lounge, LLC.
Case No. 2018-0149-SPHA**

Petition for Variance Hearing (November 30, 2017)

Zoning Description of Property

Notice of Zoning Hearing (February 14, 2018)

Certificate of Publication (February 22, 2018)

Certificate of Posting (February 23, 2018) –Martin Ogle

Entry of Appearance by People's Counsel – December 5, 2017

Petitioner(s) Sign-in Sheet – One

Citizen(s) Sign-in Sheet – One

Zoning Advisory Committee (ZAC) Comments

Petitioner(s) Exhibits:

1. Plan
2. Photos of site

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order and Letter (Special Hearing-Dismissed without Prejudice and Variance- Denied on March 19, 2018)

Notice of Appeal –April 18, 2018 by Abraham L. Hurdle, Esq.

APPEAL

**Petitions for Special Hearing and Variance
(180 Winters Lane)
1st Election District – 1st Councilmanic District
Legal Owners: Premier Lounge, LLC.
Case No. 2018-0149-SPHA**

Petition for Variance Hearing (November 30, 2017)

Zoning Description of Property

Notice of Zoning Hearing (February 14, 2018)

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Petitioner(s) Exhibits:

1. Plan
2. Photos of site

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order and Letter (Special Hearing-Dismissed without Prejudice and Variance- Denied on March 19, 2018)

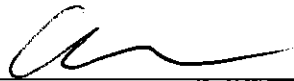
Notice of Appeal –April 18, 2018 by Abraham L. Hurdle, Esq.

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(180 Winters Lane)	*	OFFICE OF
1 st Election District		
1 st Council District	*	ADMINISTRATIVE HEARINGS
Premier Lounge, LLC	*	FOR BALTIMORE COUNTY
Legal Owner		
Petitioner	*	Case No. 2018-0149-SPHA

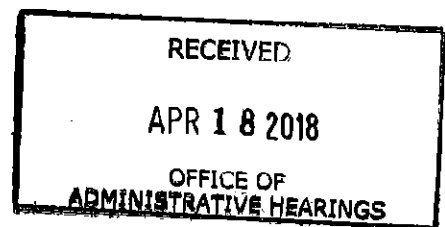
* * * * *

NOTICE OF APPEAL

Premier Lounge, LLC, and Tiffany and Steve Patterson, Petitioners, of 180 Winters Lane, before the Office of Administrative Hearings, by and through their attorney, Abraham L. Hurdle, request a review of the decision of the Office of Administrative Hearings on the Petitions for Special Hearing and Variance rendered on March 19, 2018.



Abraham L. Hurdle, Esq.
320 North Charles St.
Baltimore, MD 21201
(410) 685-5100
alh@alhurdlelaw.com



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

No 143381

Date: 4-18-18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	206	0000		6150				\$30.00

Total: \$30.00

Rec From: Abraham L. Hurdle Esq.

For: DAH Case No. 2018-0141-SHA

180 Winters Lane - Premier Lounge, LLC

Hearing - 3-15-18

DISTRIBUTION

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

PAID RECEIPT
DATE: 4/18/2018 4:18 PM 04-18-18
FUND: 001 DEPT: 206 UNIT: 0000
OBJ: 6150
AMOUNT: \$30.00
CASHIER: [Signature]
BALTIMORE COUNTY, MARYLAND

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

March 19, 2018

Abraham Hurdle
19 East Fayette Street
Baltimore, Maryland 21202

RE: Petitions for Special Hearing and Variance
Case No. 2018-0149-SPHA
Property: 180 Winters Lane

Dear Mr. Hurdle:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Carroll & Lynne LeVere, 207 Wesley Avenue, Catonsville, MD 21228
Margo & Kim Lawson, 15 Shipley Avenue, Catonsville, MD 21228

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

(180 Winters Lane) *

1st Election District *

1st Council District *

Premier Lounge, LLC *

Legal Owner

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0149-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of Petitions for Special Hearing and Variance filed on behalf of Premier Lounge, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow business parking in a residential zone. A Petition for Variance seeks: (1) to allow business parking in a residential zone; (2) to allow 7 parking spaces in lieu of the required 91 spaces; (3) to allow parking at a distance to a street line of 5 ft. in lieu of the required 10 ft.; (4) to not provide a backup area for the end parking space; (5) to allow a 3 ft. wide landscape strip adjacent to the residential property in lieu of the required 10 ft. and to allow a 6 ft. high wood screen fence in lieu of planting; (6) to allow 3 ft. between the edge of the parking lot and the face of the building in lieu of the required 6 ft.; (7) to allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft., and (8) to allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Tiffany and Steve Patterson, and landscape architect Thomas J. Hoff, appeared in support of the requests. Abraham Hurdle, Esq. represented the Petitioner. Several neighbors attended the hearing and opposed the requests. The Petition was advertised and posted as required by the

ORDER RECEIVED FOR FILING

Date 3-19-18

By Sen

Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR).

VARIANCES

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

- (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).

While I agree with Mr. Hoff that certain attributes of the property render it unique, that is not the end of the inquiry. The primary concern in this case, as articulated by the neighbors, is that the number of parking spaces provided is simply inadequate for a restaurant/tavern. Under the Regulations 91 parking spaces are required for the facility, while the plan shows only 7 on-site spaces.

Petitioner noted it has verbal agreements with a church and another property owner across the street to allow for parking for patrons of this establishment. But the regulations contain specific requirements for off-site parking, as follows: "Prior to the approval of any building permit involving an off-site parking facility, the Director of Permits, Approvals and Inspections shall require guarantees of the continued future availability and proper maintenance of the facility, including, but not limited to, a grant of an easement, a deed restriction, a restrictive covenant or a binding contractual agreement, including a lease. Any plans approved are conditioned upon and subject to periodic review by the Director to ensure that adequate parking arrangements continue to exist." BCZR §409.7.C. Since the Petitioner does not at this time have a lease or other binding

ORDER RECEIVED FOR FILING

Date

3-19-18

By

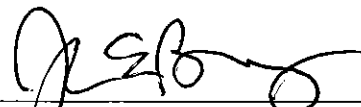
sen

agreement to ensure the "continued future availability" of this off-site parking, I do not believe it can be considered in connection with this hearing.

THEREFORE, IT IS ORDERED this 19th day of **March, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R) to allow business parking in a residential zone, be and is hereby DISMISSED WITHOUT PREJUDICE..

IT IS FURTHER ORDERED that the Petition for Variance (1) to allow business parking in a residential zone; (2) to allow 7 parking spaces in lieu of the required 91 spaces; (3) to allow parking at a distance to a street line of 5 ft. in lieu of the required 10 ft.; (4) to not provide a backup area for the end parking space; (5) to allow a 3 ft. wide landscape strip adjacent to the residential property in lieu of the required 10 ft. and to allow a 6 ft. high wood screen fence in lieu of planting; (6) to allow 3 ft. between the edge of the parking lot and the face of the building in lieu of the required 6 ft.; (7) to allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft., and (8) to allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback, 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:slh

ORDER RECEIVED FOR FILING

Date 3-19-18

By slh

DATE _____

2018-149-SPTA

3/15/2018

PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

3/15/2018

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]



KEVIN KAMENETZ
County Executive

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

March 7, 2018

Premier Lounge LLC
Tiffany Patterson
7523 Roxy Drive
Windsor Mill MD 21244

RE: Case Number: 2018-0149 SPHA, Address: 180 Winters Lane

Dear Ms. Patterson:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 30, 2017. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Abraham Hurdle, Esquire, 19 E Fayette Street, Baltimore MD 21202
Thomas J Hoff, 512 Virginia Avenue, Towson MD 21286

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 1/3/18

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0149-SPHA

*Special Hearing Variance
Premier Lounge LLC, Tiffany Patterson
180 Winters Lane*

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

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 12/6/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0149-SPHA

*Special Hearing, Variance
Premier Lounge LLC, Tiffany Patterson
180 Winters Lane.*

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

Sincerely,

Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

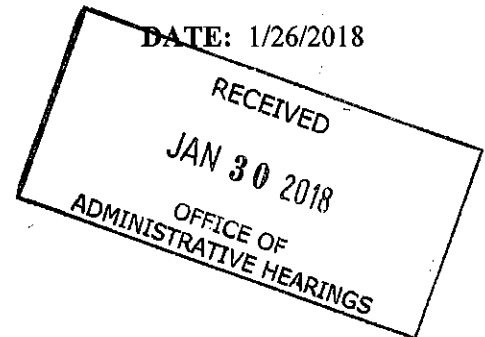
WW/RAZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-149 (Amended)



INFORMATION:

Property Address: 180 Winters Lane
Petitioner: Tiffany Patterson, Premier Lounge, LLC
Zoning: BL, DR 5.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing and variance as listed on the attachment submitted in support of said petitions.

A site visit was conducted on December 6, 2017.

The Department recommends the proposal meets the applicable compatibility objectives of BCC § 32-4-402 in that the business parking in the residential zone proposes no new buildings or parking to be constructed therefore no changes to orientation, arraignment, scale or proportions. By virtue of the subject buildings existence for sixty years it reinforces the as-built patterns of and is a part of what defines the neighborhood presenting no adverse impacts. No distinctive vistas or buildings exist on site and signage is to be brought up to zoning standards. Landscaping and other means of screening will be provided to the extent possible and will be subject to the approval of the Baltimore County Landscape Architect.

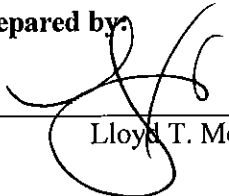
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Submit a plan showing proposed landscaping, fencing, lighting and dumpster screening to the Baltimore County Landscape Architect for review and approval prior to the issuance of a use and occupancy permit.
- Close the existing vehicular entrances on Winters Lane with raised vertical curbing.
- Pursuant to BCZR Section 409.7.C, provide off-site parking to the extent practicable.
- Replace the dilapidated freestanding enterprise sign on Winters Lane with signage meeting the requirements of BCZR §450.
- Remove the existing board on board wood fence projecting from the Winters Lane building façade along with a minimum width of 6' of macadam paving at the base of the sign and replace with 6' wide bed of vegetative plantings.
- The plan indicates the 20' existing entrance is to be abandoned. Restore the raised vertical curb at this location and ensure the parking layout can provide vehicular maneuvering sufficient to allow access to the enclosed dumpster.

The Department understands that the long time practice of commercial establishments at this location is to park on the adjacent public streets. The Department will concur with the Administrative Law Judge as to the appropriateness of continuing this practice.

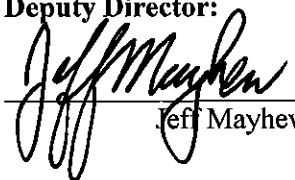
For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Dennis Wertz

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Abraham Hurdle
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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 28, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0149-SPHA – 8th Amended
Address 180 Winters Lane
(Premier Lounge, LLC Property)

Zoning Advisory Committee Meeting of **January 1, 2018**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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 11, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0149-SPHA
Address 180 Winters Lane
(Premier Lounge, LLC Property)

Zoning Advisory Committee Meeting of **December 11, 2017**.

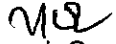
X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 10, 2018

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 01, 2018
Item No. 2018-0149-SPHA (Amended - # 8)

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

If Special Hearing and Zoning Relief is granted a Landscape Plan is required, per the requirements of the Landscape Manual. A lighting Plan is also required.

Reduce the proposed entrance to 35' maximum allowable width, per Baltimore County Standard Details for Construction, R-32.

Provide access to dumpster.

*

*

*

*

*

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 11, 2017
Item No. 2018-0149-SPHA

DATE: December 28, 2017

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

If Special Hearing and Zoning Relief is granted, a Landscape Plan is required per the requirement of the Landscape Manual. A Lighting Plan is also required.

Reduce the proposed commercial entrance shown on plan from 37-feet wide to 35-feet wide per Baltimore County Standard Detail R-32.

* * * * *

VKD: can
cc: file

CERTIFICATE OF POSTING

CASE NO. 2018-0149-SPHA

PETITIONER/DEVELOPER

THOMAS HOFF

DATE OF HEARING/CLOSING

3/15/18

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

180 WINTERS LANE

THIS SIGN(S) POSTED ON February 23, 2018

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 2/23/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

ZONING NOTICE

CASE # 2018-0149-SPHA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave. Towson MD 21204

DATE AND TIME: Thursday, March 15, 2018 at 1:30 p.m.

REQUEST: Special Hearing to allow business parking in a residential zone. Variance 1. To allow business parking in a residential zone. 2. To allow 7 parking spaces in lieu of the required 91 spaces. 3. To allow parking at a distance to a street line of 5 ft. in lieu of the required 10 ft. 4. To not provide a backup area for the end parking space. 5. To allow a 3 ft. wide landscape strip adjacent to the residential property in lieu of the required 10 ft. and to allow a 6 ft. high wood screen fence in lieu of planting. 6. To allow 3 ft. between the edge of the parking lot and the face of the building in lieu of the required 6 ft. 7. To allow a 5 ft. setback from a dumpster enclosure to

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

REQUEST (cont.): a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft. 8. To allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback.

W. J. M. 2/23/18



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 5465176

Sold To:

Premier Lounge, LLC - CU00640264
7523 Roxy Dr
Windsor Mill, MD 21244-2064

Bill To:

Premier Lounge, LLC - CU00640264
7523 Roxy Dr
Windsor Mill, MD 21244-2064

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

Feb 22, 2018

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: # 2018-0149-SPHA

180 Winters Lane
NE/S Winters Lane, 84 ft. SE of centerline of Shipley Avenue

1st Election District - 1st Councilmanic District
Legal Owner(s) Premier Lounge, LLC

Special Hearing to allow business parking in a residential zone.

Variance 1. To allow business parking in a residential zone. 2. To allow 7 parking spaces in lieu of the required 91 spaces. 3. To allow parking at a distance to a street line of 5 ft. in lieu of the required 10 ft. 4. To not provide a backup area for the end parking space. 5. To allow a 3 ft. wide landscape strip adjacent to the residential property in lieu of the required 10 ft. and to allow a 6 ft. high wood screen fence in lieu of planting. 6. To allow 3 ft. between the edge of the parking lot and the face of the building in lieu of the required 6 ft. 7. To allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft. 8. To allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback.

Hearing: Thursday, March 15, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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.

2-156 February 22

5465176

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising



KEVIN KAMENETZ
County Executive
February 14, 2018

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

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CASE NUMBER: 2018-0149-SPHA

180 Winters Lane

NE/s Winters Lane, 84 ft. SE of centerline of Shipley Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Premier Lounge, LLC

Special Hearing to allow business parking in a residential zone. Variance 1. To allow business parking in a residential zone. 2. To allow 7 parking spaces in lieu of the required 91 spaces. 3. To allow parking at a distance to a street line of 5 ft. in lieu of the required 10 ft. 4. To not provide a backup area for the end parking space. 5. To allow a 3 ft. wide landscape strip adjacent to the residential property in lieu of the required 10 ft. and to allow a 6 ft. high wood screen fence in lieu of planting. 6. To allow 3 ft. between the edge of the parking lot and the face of the building in lieu of the required 6 ft. 7. To allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft. 8. To allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback.

Hearing: Thursday, March 15, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Abraham Hurdle, 19 E. Fayette Street, Baltimore 21202
Thomas Hoff, 512 Virginia Avenue, Towson 21286
Tiffany Patterson, 7523 Roxy Drive, Windsor Mill 21244

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 23, 2018.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
180 Winters Lane; NE/S Winters Lane, 84' SE* OF ADMINISTRATIVE
of c/line Shipley Avenue
1st Election & 1st Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Premier Lounge LLC *
By Tiffany Patterson * BALTIMORE COUNTY
Petitioner(s) *
2018-149-SPHA

* * * * *

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.

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

RECEIVED

DEC 05 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of December, 2017, a copy of the foregoing Entry of Appearance was mailed to Thomas Hoff, 512 Virginia Avenue, Towson, Maryland 21286 and Abraham Hurdle, Esquire, 19 E. Fayette Street, Baltimore, Maryland 21202, 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 180 WINTERS LANE

which is presently zoned BL & DR5.5

Deed References: 39201/480

10 Digit Tax Account # 1800000052

Property Owner(s) Printed Name(s) THE PREMIER LOUNGE, LLC

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

SEE ATTACHMENT

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

3. X a **Variance** from Section(s)

SEE ATTACHMENT

AMENDED - ADDED #8.

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:

N/A

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

ABRAHAM HURDLE

Name- Type or Print

Signature

19 EAST FAYETTE ST., BALTIMORE, MD

Mailing Address

City

State

21202

410-685-5100

ALH@ALHURDLELAW.COM

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

PREMIER LOUNGE, LLC

TIFFANY PATTERSON

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

7528 ROXY DR., WINDSOR MILL, MD

Mailing Address

City

State

21244

410-977-3269

TIFF722@VERIZON.NET

Zip Code

Telephone #

Email Address

Representative to be contacted:

THOMAS J. HOFF

Name - Type or Print

Signature

512 VIRGINIA AVE., TOWSON, MD

Mailing Address

City

State

21286

410-296-3669

TOM@THOMASJHOFF.COM

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0149-SM4

Filing Date 11/30/17

Do Not Schedule Dates: 12/15 THRU

Reviewer JS

REV. 10/4/11

**ATTACHMENT TO PETITION FOR SPECIAL HEARING AND VARIANCES
180 WINTERS LANE**

ZONING RELIEF REQUESTED:

- 1) Section 409.8.B. – Special Hearing to allow business parking in a residential zone.
- 2) Section 409.6.A.2. – Variance to allow 7 parking spaces in lieu of the required 91.
- 3) Section 409.8.A.4. – Variance to allow parking at a distance to a street line of 5' in lieu of the required 10'.
- 4) Section 409.8.A.5. – Variance to not provide a backup area for the end parking space.
- 5) Section 409.8.A.1. – Variance to allow a 3' wide landscape strip adjacent to the residential property in lieu of the required 10' and to allow a 6' high wood screen fence in lieu of planting.
- 6) Section 409.8.A.1. – Variance to allow 3' between the edge of the parking lot and the face of the building in lieu of the required 6'.
- 7) Section 409.8.A.1. – Variance to allow a 5' setback from a dumpster enclosure to a residential property line and an 8' setback to a R/W line in lieu of the required 10'.
- * 8) Section 1B01.1.B.1.e.(5) – Variance to allow a 3' buffer and a 3' setback in lieu of the required 50' buffer and 75' setback.

↓
RTA

↓
RTA



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 180 WINTERS LANE which is presently zoned BL & DR5.5

Deed References: 39201/480 10 Digit Tax Account # 1800000052

Property Owner(s) Printed Name(s) THE PREMIER LOUNGE, LLC

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

SEE ATTACHMENT

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

3. **X** a **Variance** from Section(s)

SEE ATTACHMENT

AMENDED - ADDED #8

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:

N/A

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

ABRAHAM HURDLE

Name- Type or Print

Signature

19 EAST FAYETTE ST., BALTIMORE, MD

Mailing Address

City

State

21202

410-685-5100

ALH@ALHURDLELAW.COM

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

PREMIER LOUNGE, LLC

TIFFANY PATTERSON

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

7523 ROXY DR., WINDSOR MILL, MD

Mailing Address

City

State

21244

410-977-3269

TIFF722@VERIZON.NET

Zip Code

Telephone #

Email Address

Representative to be contacted:

THOMAS J. HOFF

Name - Type or Print

Signature

512 VIRGINIA AVE., TOWSON, MD

Mailing Address

City

State

21286

410-296-3669

TOM@THOMASJHOFF.COM

Zip Code

Telephone #

Email Address

CASE NUMBER

2018-0149 - SP44

Filing Date

11/30/17

Do Not Schedule Dates:

12/15 THRU

Reviewer

JS

12/19

REV. 10/4/11

**ATTACHMENT TO PETITION FOR SPECIAL HEARING AND VARIANCES
180 WINTERS LANE**

ZONING RELIEF REQUESTED:

- 1) Section 409.8.B. – Special Hearing to allow business parking in a residential zone.
- 2) Section 409.6.A.2. – Variance to allow 7 parking spaces in lieu of the required 91.
- 3) Section 409.8.A.4. – Variance to allow parking at a distance to a street line of 5' in lieu of the required 10'.
- 4) Section 409.8.A.5. – Variance to not provide a backup area for the end parking space.
- 5) Section 409.8.A.1. – Variance to allow a 3' wide landscape strip adjacent to the residential property in lieu of the required 10' and to allow a 6' high wood screen fence in lieu of planting.
- 6) Section 409.8.A.1. – Variance to allow 3' between the edge of the parking lot and the face of the building in lieu of the required 6'.
- 7) Section 409.8.A.1. – Variance to allow a 5' setback from a dumpster enclosure to a residential property line and an 8' setback to a R/W line in lieu of the required 10'.
- 8) Section 1B01.1.B.1.e.(5) – Variance to allow a 3' buffer and a 3' setback in lieu of the required 50' buffer and 75' setback.

RTA

RTA

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

November 30, 2017

**Description of 180 Winters Lane to Accompany Petition for Special Hearing and Variances
1st Election District, 1st Councilmanic District**

BEGINNING FOR THE SAME at a point on the east side of Winters Lane (50' R/W), 84 feet more or less southeast of the centerline of Shipley Avenue (37' R/W).

Thence leaving the east side of Winters Lane,

- 1) North 59 degrees 50 minutes 00 seconds East 104.43 feet, thence binding on the south side of Shipley Avenue
- 2) South 85 degrees 15 minutes 16 seconds East 110.44 feet, thence leaving the south side of Shipley Avenue,
- 3) South 30 degrees 10 minutes 00 seconds East 11.29 feet, thence,
- 4) South 59 degrees 50 minutes 00 seconds West 195.00 feet, thence binding on the East side of Winters Lane,
- 5) North 30 degrees 10 minutes 00 seconds West 74.50 feet, to the place of beginning.

Saving and Excepting the "BL" zoned portion of the property.

Containing ^{GOOD} 0.067 acres of land more or less. DE 5-5 PORTION

[Handwritten signature]

Note:

This Description has been prepared for zoning purposes only.



2018-0149-SP4A

RESUME

THOMAS J. HOFF

THOMAS J. HOFF

512 Virginia Avenue
Towson, Maryland 21286
410-296-3668 Fax 410-825-3887
tom@thomasjhoff.com

EDUCATION:

Bachelor of Science Landscape Architecture
Magna Cum Laude
West Virginia University, 1976

EXPERIENCE:

January 2011 to Present.
THOMAS J. HOFF
Towson, Maryland
As of January 1, 2011 I have been operating as a sole practitioner.

January 1992 to December 2010.
THOMAS J. HOFF, INC.
Towson, Maryland
Principal - President. Responsibilities include administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

December 1986 to December 1991.
HOFF & ANTONUCCI, INC.
Lutherville, Maryland
Principal - President. Responsibilities include administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

Thomas J. Hoff
Resume (cont.)

July 1983 to December 1986.

HOFF, ROSENFELT, AND WOOLFOLK, INC.

Owings Mills, Maryland

Principal - Secretary/Treasurer. Responsibilities included administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

February 1978 to July 1983.

DEVELOPMENT DESIGN GROUP LIMITED

Towson, Maryland

Chief Project Manager. Responsibilities included site design, project management, government agency coordination, and supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

July 1976 to February 1978.

DAFT McCUNE & WALKER, INC.

Towson, Maryland

Staff Landscape Architect. Responsibilities included site design, site plans, grading plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

PROFESSIONAL REGISTRATION:

Registered Landscape Architect (1981)

Maryland - No. 493

AWARDS:

American Society of Landscape Architects – Certificate of Merit for Excellence in the Study of Landscape Architecture, 1975-76

The Baltimore County Soil Conservation District, Consultant Firm of the Year, 2002

Zoning Hearings:

180 Winters Lane, Baltimore County – Special Hearing and Variances, Case No.2018-0149-SPHA, 2018.

521 Joppa Road, Baltimore County – Special Hearing and Variances, Case No.2017-0182-SPHA, 2017.

15102 Hanover Pike, Baltimore County – Variance, Case No.2017-0111-A, 2016.

908 Middle Road, Baltimore County – Variance, Case No.2017-0011-A, 2016.

910 Middle Road, Baltimore County – Variance, Case No.2017-0012-A, 2016.

4299 Fitch Avenue, Baltimore County – Special Hearing and Variance, Case No.2016-0328-SPHA, 2016.

9307 Lyons Mill Road, Baltimore County – Special Hearing, Case No.2016-0209-SPH, 2016.

21213 York Road, Baltimore County – Special Exception, Case No. 2016-0112-X, 2016.

2629 Pot Spring Road, Baltimore County – Variance, Case No. 2014-0137-A, 2014.

404-406 East Pennsylvania Avenue, Baltimore County – Special Hearing, Case No. 2013-0141-SPH, 2013.

1414 Walnut Avenue, Baltimore County – Variances, Case No. 2013-0015-XA, 2013.

8710 Liberty Road, Baltimore County – Special Exception and Variances, Case No. 2012-0258-XA, 2012.

1402 East Joppa Road, Baltimore County – Variances, Case No. 2011-0366-ASA, 2011.

2 Old Lyme Road, Baltimore County – Variances, Case No. 2011-0251-A, 2011.

2710 Holly Beach Road, Baltimore County – Variances, Case No. 2009-340-A, 2009.

9712 Monroe Street, Baltimore County – Special Hearing, Case No. 08-0560-SPH, 2008.

4406 Piney Grove Road, Baltimore County – Special Hearing, Case No. 08-249-SPH, 2008.

11219 Greenspring Avenue, Baltimore County – Special Exception and Variances, Case No. 08-221-XA, 2008.

Zoning Hearings:

3668 Galloway Road, Baltimore County – Variances and Special Hearing, Case No. 08-184-SPHA, 2007.

18 Aigburth Road, Baltimore County – Variances, Case No. 08-055-A, 2007.

3675 Offutt Road, Baltimore County – Variance, Case No. 07-530-A, 2007.

2901 Rolling Road, Baltimore County – Variance, Case No. 07-380-A, 2007.

1641 Cold Bottom Road, Baltimore County – Variance, Case No. 07-242-A, 2007.

1601 Odenso Lane, Baltimore County – Variance, Case No. 07-143-A, 2006.

9208 Avondale Road, Baltimore County – Special Hearing, Case No. 06-660-SPH, 2006.

9701 Reisterstown Road, Northwest Honda, Baltimore County – Special Hearing and Variances, Case No. 06-649-SPHA, 2006. Sign Variances and amend previously approved plan.

9208 Avondale Road, Baltimore County – Special Hearing, Case No. 06-289-SPH, 2006.

9033 Cuckold Point Road, Bill's Boats, Baltimore County – Special Hearing, Case No. 06-102-SPH, 2006.

409 Allegheny Avenue, Baltimore County – Special Exception, Case No. 06-041-X, 2005.

6003 Kenwood Avenue, Baltimore County – Special Hearing and Variances, Case No. 05-667-SPHA, 2005.

4505 Piney Grove Road, Baltimore County – Special Exception and Variances, Case No. 05-359-XA, 2005.

1104 Harwall Road, Baltimore County – Special Exception and Variances, Case No. 05-242-XA, 2005.

9101 Liberty Road, Auto Collision Technologies, Baltimore County – Special Exception and Variances, Case No. 04-422-XA, 2004.

11420 York Road, Baltimore County – Variances, Case No. 04-302-A, 2004.

4 Marlyn Avenue, Care Management, Inc., Baltimore County – Variances, Case No. 03-537-XA, 2003.

Zoning Hearings:

212 Cockeys Mill Road, Miller Tree & Landscape, Baltimore County – Special Exception, Special Hearing and Variances, Case No. 03-466-SPHXA, 2003.

9701 Reisterstown Road, Northwest Honda, Baltimore County – Special Hearing and Variances, Case No. 03-406-SPHA, 2003. Commercial parking in a residential zone and RTA Buffer Variance.

15509 Manor Road, Bozman Property, Baltimore County – Variances, Case No. 03-235-SPHA, 2003.

4106 Klausmier Road, Baltimore County – Variance to permit undersized lot, Case No. 03-217-A, 2002.

4104 Klausmier Road, Baltimore County – Variance to permit undersized lot, Case No. 03-216-A, 2002.

Tom's Sports Tavern, 9307 Liberty Road, Baltimore County – Setback Variances, Case No. 02-377-SPHA, 2002.

Sunoco Service Station, 6401 Golden Ring Road, Baltimore County – Sign Variances, Case No. 02-371-A, 2002.

Sunoco Service Station, 8000 Loch Raven Blvd., Baltimore County – Sign Variances, Case No. 02-370-A, 2002.

Radio Shack, 1206 Reisterstown Road, Baltimore County – Sign Variances, Case No. 02-211-A, 2002.

Sunoco Service Station, 6324 Baltimore National Pike, Baltimore County – Sign Variances, Case No. 01-312-A, 2001.

Sunoco Service Station, 10812 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-311-A, 2001.

Sunoco Service Station, 11701 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-310-A, 2001.

10233 Liberty Road, Baltimore County – Special Exception, Case No. 00-561-X, 2000.

114 Dundalk Avenue, Baltimore County - Special Exception and Variances, Case No. 00-07-XA, 2000.

Zoning Hearings:

103 Riverton Road, Baltimore County – Special Hearing, Special Exception and Variances, Case No. 00-370-SPHXA, 2000.

Sunoco Service Station, 143 Back River Neck Road, Baltimore County – Sign Variances, Case No. 00-348-A, 2000.

405 East Joppa Road/510-514 & 518 Fairmount Avenue, Baltimore County – Special Hearing to amend the Special Exception and Variances, Case No. 00-305-SPHA, 2000.

Sunoco Service Station, 10800 Pulaski Highway, Baltimore County – Special Hearing and Variances, Case No. 00-103-SPHA, 1999.

Sunoco Service Station, 10800 Pulaski Highway, Baltimore County – Special Hearing and Variances, Case No. 00-103-SPHA, 1999.

St. Charles @ Old Court Apartments, Baltimore County – Variance to allow detached garages, Case No. 00-076-A, 1999.

Northwest BMW/Honda, 9700 Reisterstown Road, Baltimore County – Variance, Case No. 00-009-A, 1999.

Sunoco Service Station, 100 West Timonium Road, Baltimore County – Special Exception, Special Hearing and Variances, Case No. 99-408-SPHXA, 1999.

1623 Bellona Avenue, Baltimore County – Special Exception for a physician's office within a primary residence, Case No. 99-283-SPX, 1999.

2448 Spring Lake Drive, Baltimore County - Sideyard Variance, Residential, Case No. 99-71-A, 1998.

9608 & 9610 Belair Road, Baltimore County - Special Exception for Class B Group Child Care, Special Hearing and Variances, Case No. 98-282-SPHXA, 1998.

7303 Belair Road, Baltimore County - Setback Variances, Case No. 98-192-A, 1997.

CVS Pharmacy, 9519 Philadelphia Road, Baltimore County - Parking and Setback Variances, Case No. 97-395-A, 1997.

114 Dundalk Avenue, Baltimore County - Variance, Case No. 96-484-A, 1996.

3419 Sweet Air Road, Baltimore County - Parking Variance for Restaurant, 1996

Zoning Hearings:

Rolling View Green, Baltimore County - Special Hearing and Variances, Case No. 95-432-SPHA, 1995.

The Estates at Rolling View, Baltimore County - Setback Variances for Residential Subdivision, Case No.94-464-A, 1994.

1110 Reisterstown Road, Baltimore County - Variances and Special Hearing, Case No. 94-248-SPHA, 1994.

Edgewood Senior Center, Harford County - Special Exception and Variances, 1994

Hyatt Property, Baltimore County - Setback Variance, 1994

Camp Glyndon, Baltimore County - Special Exception and Sign Variance, 1993

Painters Mill Executive Office Park, Baltimore County - Sign Variance

204 Sudbrook Lane, Baltimore County - Special Exception for Assisted Living Facility in a DR Zone

Amoco Oil, Philadelphia Road, Baltimore County - Special Exception & Sign Variance

Amoco Oil, Route 40, Harford County - Setback Variance

Littman Property, Residential Subdivision, Baltimore County - Special Hearing

Schuster Concrete, Crondall Lane, Baltimore County - Setback Variance

Amoco Oil, Carroll Plaza, Carroll County - Sign Variance

Maerk, Ltd., Carroll Plaza Shopping Center, Carroll County -Parking Variance

Methodist Home, Powells Run Rd., Baltimore County - Special Exception & Variance

Board of Appeals:

Lintz Property, 14345 Jarrettsville Pike, Baltimore County – Zoning Reclassification, Case No. R-09-270, 2009.

9033 Cuckold Point Road, Bill's Boats, Baltimore County – Special Hearing, Case No. 06-102-SPH, 2007.

Board of Appeals:

Sunoco Service Station, 6324 Baltimore National Pike, Baltimore County – Sign Variances, Case No. 01-312-A, 2001.

Sunoco Service Station, 10812 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-311-A, 2001.

Sunoco Service Station, 11701 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-310-A, 2001.

Bundy Property, Baltimore County – Petition for Reclassification, Case No. R-99-184, 1999.

Easter Property, Baltimore County - CRG Appeal, 1994

Amoco Oil, Philadelphia Road, Baltimore County - Special Exception & Sign Variance

Pizza Palace, Baltimore County - Parking Variance for Restaurant

Littman Property, Residential Subdivision, Baltimore County - Special Hearing

Schuster Concrete, Crondall Lane, Baltimore County - Setback Variance

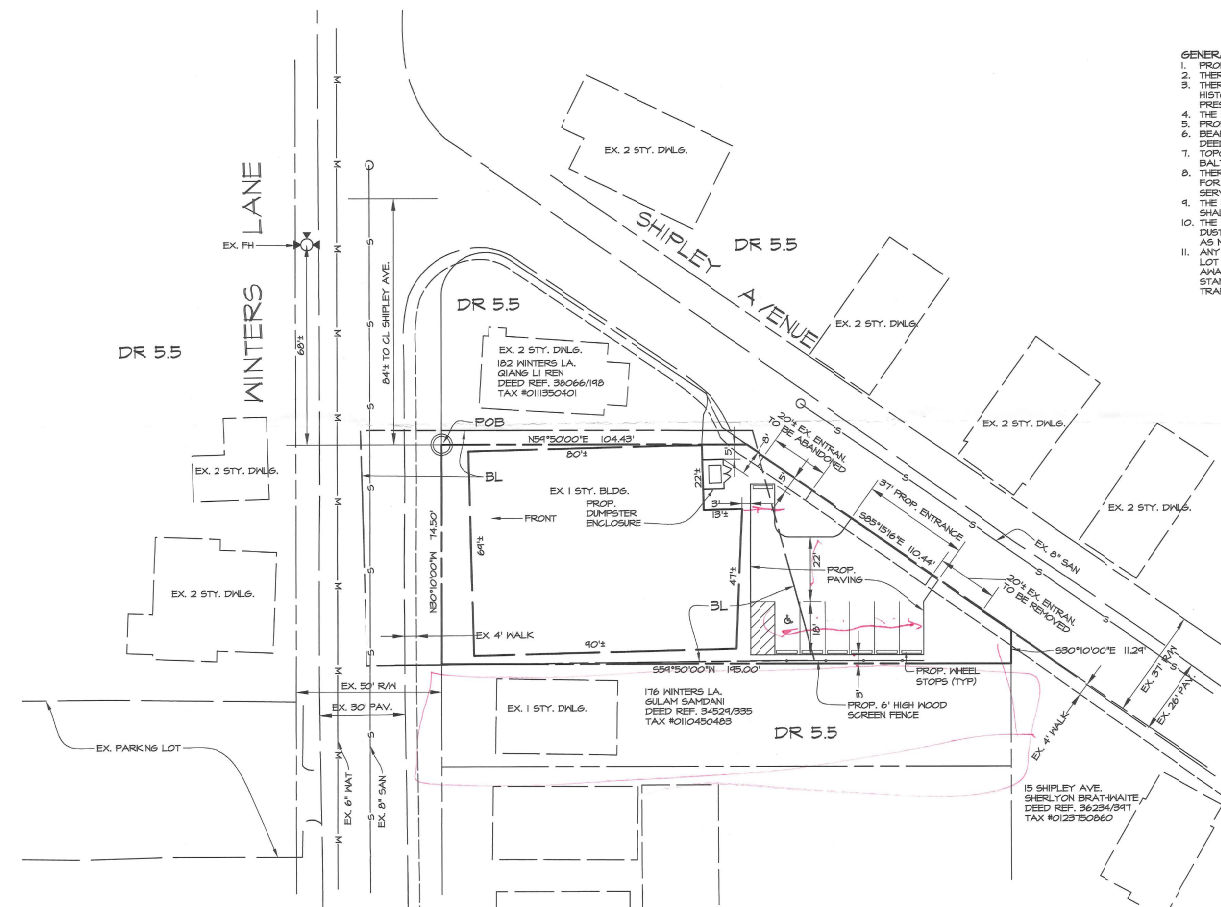
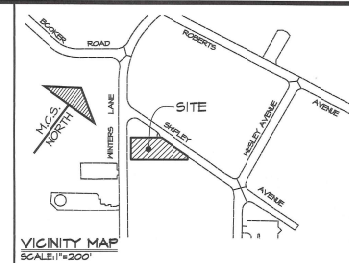
Hearing Officer's Hearings:

Estates at Windy Hill, Single family detached lots, RC-5 zone, 2010.

Chapeldale Woods, Single family detached lots, RC-5 zone, 2001.

Merrymans Manor, Single family detached lots, RC-4 zone, 2000.

Carrington Ridge, Single family detached lots, DR-2 zone, 2000.

Petitioner
CBA Exhibit

SEVERAL NOTES:

1. THERE IS AN INLET IN THE CHEESAPEAKE BAY CRITICAL AREA.
2. THERE IS NO 100 YEAR FLOODPLAIN ON SITE.
3. THERE ARE NO HISTORIC STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES OR LANDMARKS PRESERVATION COMMISSION ON SITE.
4. THE PROPERTY IS IN THE DISTRICT.
5. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
6. BEARINGS AND DISTANCES SHOWN HEREON TAKEN FROM THE ADJACENT LOTS AND PLATS.
7. TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM BALTIMORE COUNTY GIS.
8. THERE ARE NO BASED SERVICES ISSUES ON THIS PROPERTY FOR SERVICE OR SPACES. THE SITE IS IN A TRAFFIC LEVEL OF SERVICE "D".
9. PARKING SPACES SHOWN ARE ASXIV IN SIZE AND SHALL BE STRIPPED.
10. THE PARKING LOT SHALL BE PAVED WITH A DURABLE AND DRAINAGE AND SHALL BE PROPERLY DRAINED SO AS NOT TO CREATE ANY UNDESIRABLE CONDITIONS.
11. ANY LIGHTING FIXTURES USED TO ILLUMINATE THE PARKING LOT SHALL BE 40 FEET OR MORE AWAY FROM THE LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS. LIGHT SHALL BE SHIELDED TO PREVENT ANY UNWANTED VEHICULAR TRAFFIC BY CURBING OR LANDSCAPING.

SITE DATA:	
SITE AREA - GROSS	0.357 AC±, 15,534 SF±
SITE AREA - NET	0.268 AC±, 11,664 SF±
ZONING MAPS	101A1
EXISTING ZONING	BL & DR 5.5
AREA IN BL (NET)	0.201 AC±, 8,762 SF±
AREA IN DR 5.5 (NET)	0.067 AC±, 2,902 SF±
EXISTING USE	RESTAURANT, CLASS B' LICENSE
PROPOSED USE	RESTAURANT/PACKAGE GOODS

BLDG. AREA	
RESTAURANT	5,425 SF
PACKAGE GOODS	675 SF
TOTAL	6,100 SF
F.A.R. ALLOWED	3.0
F.A.R. SHOWN	$6,100/1,664 = 05$

PARKING REQUIRED
RESTAURANT
5,425 SF @ 16/1000 = 86.8 SPACES
PACKAGE GOODS
675 SF @ 5/1000 = 3.4 SPACES
TOTAL REQUIRED = 90.241 SPACES

PARKING PROPOSED	
STANDARD SPACES	6
ACCESSIBLE SPACES	
TOTAL PROPOSED	7

THE PREMIER LOUNGE LLC
7523 ROXY DR.
WINDSOR MILL, MD 21244
DEED REF 39201/460
TAX #1800000052
MAP 1C1, GRID 01, PARCEL 1738

• ZONING CASE NO. 1953-2548, RECLASS TO 'E' COMMERCIAL

1. SECTION 403.0.2.B - SPECIAL LEARNING TO ALLOW BUSINESS PARKING IN A RESIDENTIAL ZONE.
2. SECTION 403.0.2.A - VARIANCE TO ALLOW 6 PARKING SPACES IN LBU OF THE REQUIRED 41.
3. SECTION 403.0.4.A - VARIANCE TO ALLOW PARKING AT A DISTANCE TO A LOT OR DRIVEWAY IN LBU OF THE REQUIRED 10'.
4. SECTION 403.0.2.A - VARIANCE TO NOT PROVIDE A BACKUP AREA FOR THE END PARKING SPACE.
5. SECTION 403.0.1.A - VARIANCE TO ALLOW A 3' WIDE LANDSCAPE STRIP ADJACENT TO RESIDENTIAL PROPERTY N LBU OF THE REQUIRED 10' TO ALLOW A 6' HIGH MOUND SCULPTURE IN LBU OF THE REQUIRED 10'.
6. SECTION 403.0.1.A - VARIANCE TO ALLOW 3 BENS BETWEEN THE EDGE OF THE PARKING LOT AND THE FACE OF THE BUILDING IN LBU OF THE REQUIRED 6'.
7. SECTION 403.0.1.A - VARIANCE TO ALLOW A 5' SETBACK FROM A DUMPSTER ENCLOSURE TO A RESIDENTIAL PROPERTY LINE AND A 5' SETBACK TO A LOT OR DRIVEWAY IN LBU OF THE REQUIRED 10'.
8. SECTION 101.01.01.0.1.B(5) - VARIANCE TO ALLOW A 3' BUFFER AND A 9' SETBACK IN LBU OF THE REQUIRED 50' BUFFER AND 75' SETBACK.

PLAN TO ACCOMPANY PETITION FOR
SPECIAL HEARING & VARIANCES
THE PREMIER LOUNGE
180 WINTERS LANE

1st ELECTION DISTRICT, 1st COUNCILMANIC, BALTIMORE COUNTY, MD.

THOMAS J. TOFF

THOMAS G. HOFT

LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTSLANDSCAPE ARCHITECTS
512 VIRGINIA AVENUE

512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286

410-296-3668 FAX 410-825-3887

REVISIONS:

REVISIONS:

THIS DRAWING WAS MADE IN THE USA

SCALE: 1"=20'

DATE: 12/21/17

DATE: 12/21/17

JOB NO.: 0678-01

DESIGNED: TJH

DRAWN: T.H.

DRAWN:	TJH
--------	-----

DRAWING NUMBER:

71

|-7|

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 1/26/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-149 (Amended)

INFORMATION:

Property Address: 180 Winters Lane
Petitioner: Tiffany Patterson, Premier Lounge, LLC
Zoning: BL, DR 5.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing and variance as listed on the attachment submitted in support of said petitions.

A site visit was conducted on December 6, 2017.

The Department recommends the proposal meets the applicable compatibility objectives of BCC § 32-4-402 in that the business parking in the residential zone proposes no new buildings or parking to be constructed therefore no changes to orientation, arraignment, scale or proportions. By virtue of the subject buildings existence for sixty years it reinforces the as-built patterns of and is a part of what defines the neighborhood presenting no adverse impacts. No distinctive vistas or buildings exist on site and signage is to be brought up to zoning standards. Landscaping and other means of screening will be provided to the extent possible and will be subject to the approval of the Baltimore County Landscape Architect.

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

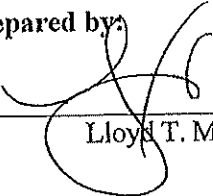
- Submit a plan showing proposed landscaping, fencing, lighting and dumpster screening to the Baltimore County Landscape Architect for review and approval prior to the issuance of a use and occupancy permit.
- Close the existing vehicular entrances on Winters Lane with raised vertical curbing.
- Pursuant to BCZR Section 409.7.C, provide off-site parking to the extent practicable.
- Replace the dilapidated freestanding enterprise sign on Winters Lane with signage meeting the requirements of BCZR §450.
- Remove the existing board on board wood fence projecting from the Winters Lane building façade along with a minimum width of 6' of macadam paving at the base of the sign and replace with 6' wide bed of vegetative plantings.
- The plan indicates the 20' existing entrance is to be abandoned. Restore the raised vertical curb at this location and ensure the parking layout can provide vehicular maneuvering sufficient to allow access to the enclosed dumpster.

Date: 1/26/2018
Subject: ZAC # 18-149 (Amended)
Page 2

The Department understands that the long time practice of commercial establishments at this location is to park on the adjacent public streets. The Department will concur with the Administrative Law Judge as to the appropriateness of continuing this practice.

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

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Dennis Wertz
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Abraham Hurdle
Office of the Administrative Hearings
People's Counsel for Baltimore County

~~Ques~~ Thurs. July 27th, 2017

<u>Name</u>	<u>Email Address</u>	<u>Phone #</u>
Bob Smith	r13@umbc.edu	443-803-6832
Eric Ebersole	eric.ebersole@house.state.md.us	443-668-7362
Chance Lem	Chance.Lam@house.state.md.us	
Kathy Clark 210 Winters Lane	KIPage@verizon.net	(443) 804-4464
Edgar D. Webb Jr.	28 Main Ave	410-744-1327
Mary S. Webb	Neffe 28 @ a.vi. com	410-744-1327
Margaret Stokes	mstokes@baltimorecountymd.gov	
Evon Jackson	(410) 869-8960	

Petitioner
CBA Exhibit

4

MEETING SIGN-IN SHEET

Project: 180 Winters Lane

Meeting Date: Sat. July 29th, 2017

Facilitator: Property Owners

Place/Room: Banneker Rec. Center

Name:	Address:	Phone:	E-mail:
1.) <i>Terrell</i>		<i>410 841 3378</i>	<i>terrell@house. state.md.us</i>
2.)			
3.)			
4.)			
5.)			
6.)			
7.)			
8.)			
9.)			
10.)			
11.)			
12.)			

Petitioner
CBA Exhibit

S



THE PREMIER LOUNGE

CONVENIENCE STORE,
RESTAURANT LOUNGE
& EVENT FACILITY

COMMUNITY ENGAGEMENT MEETING

JULY 27 & 29, 2017





180 WINTERS LANE



OWNERS

TIFFANY AND STEPHEN PATTERSON

Looking to partner with the community to create a venue that adds value, convenience and fellowship opportunities, while putting safety first.

.....

MEET THE OWNERS OF 180 WINTERS LANE



TIFFANY AND STEPHEN “STEVE” PATTERSON

- Married 12+ years
- 7 children
- Proudly born & raised in Baltimore County and Baltimore City, respectively
- Owners of:
 - Premier Trucking, LLC
 - MoonBounce Unlimited, LLC – Event Planning Company

TIFFANY PATTERSON OWNER

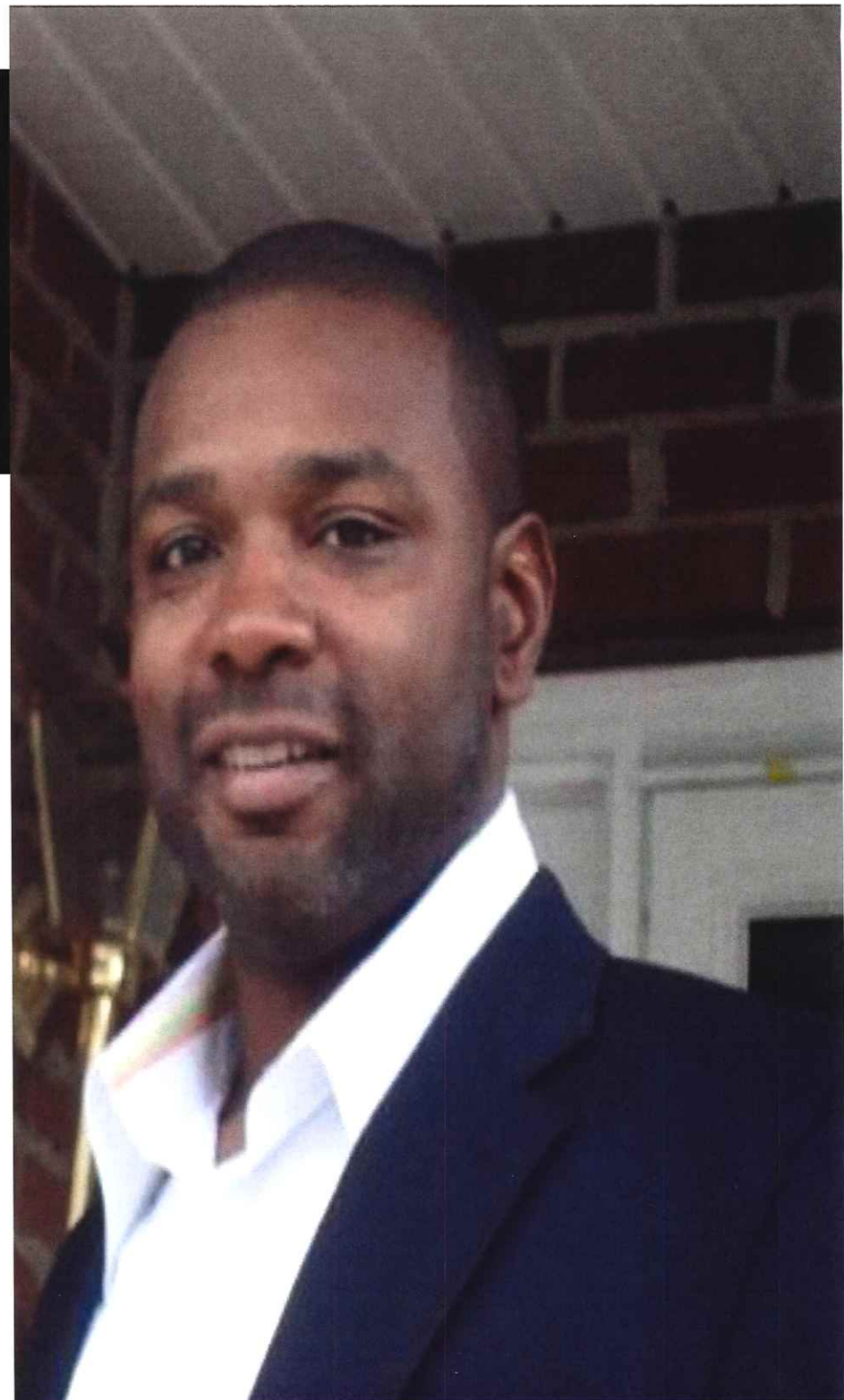
.....

- Graduated from Milford Mill Academy & Towson University
- Federal employee with over 17 years of experience
- Currently Director at Centers for Medicare and Medicaid Services

STEVE PATTERSON OWNER

.....

- Graduate of Forrest Park High School and Coppin State University
- Founder and CEO of Premier Trucking, LLC est. Aug. 2003
- US Army Veteran (Honorable Discharged)





HOW WE GOT HERE



APRIL 12, 2017

Attended Public Auction for 180 WINTERS LANE

Attended the public auction, competed with multiple investors (over 10), resulting as the property bid winners.



JUNE 6, 2017

MET WITH COUNCILMAN TOM QUIRK

The purpose of the meeting was to learn about the constituency and what we needed to do to connect with the community



JUNE 6, 2017

ATTENDED COMMUNITY MEETING

Attended the Banneker Concerned Citizens Community Meeting – as a result of feedback received during this meeting we decided to postpone the Liquor License Board hearing and focus on our strategy to address the community's concerns.



JUNE 12, 2017

LIQUOR LICENSE BOARD HEARING POSTPONED

This was the original date set for the liquor license hearing, which was postponed to allow time to better understand the concerns of the public, respond with a strategy to address and share our vision



JULY 14, 2017

PROPERTY PURCHASE SETTLEMENT

Successfully closed, on the purchase of 180 Winters Lane



JULY 27, 2017

PREPARATION FOR BUSINESS DEBUT

- Identifying Partners
- Meeting with Architects
- Developing Business Concept Designs
- Meeting with Wilkins Precinct Capt and Community Officers
- Researching Security Systems
- Following up with Community Leaders



JULY 27, 2017

COMMUNITY OUTREACH MEETING I

The purpose of the meeting is to engage the community and provide real-time information regarding our strategy and plan to date



July 29, 2017

COMMUNITY OUTREACH MEETING II

The purpose of the meeting is to engage the community and provide real-time information regarding our strategy and plan to date



Date to be Scheduled

RESCHEDULE LIQUOR LICENSE HEARING

This hearing request has not been submitted.



September 15, 2017

Tentative Dedication Opening

The Pattersons are Christians who believe in praying over all of their business ventures and properties. This soft launch will include prayer and fellowship over Phase I of 180 Winters Lane.



October, 2017

Grand Opening Of Phase II





What we have heard about the history of 180 Winters Lane

.....

Constant Loitering

Served as a meeting space for illegal activity

The property needed several visible renovations

Parking was an issue

Several code violations

COMMENTS FROM CONCERNED CITIZENS ←



OUR VISION

To be a trusted partner with the community and serve as a resource for convenient purchases, restaurant and event hall.



OVER \$250k INTERNAL & EXTERNAL RENOVATIONS

- External “facelift” to improve curb appeal
- Creating additional parking in front and rear of property
- Creating a walkway from back of the building to the front
- New roofing and signage
- Full cosmetic renovation to the inside of property



SAFETY AND SECURITY

- 24 hour property surveillance (Full Perimeter/Internal & External)
- Post clear signage regarding NO LOITERING
- Partner with the Wilkins Police Precinct, to strictly enforce;
 - open container law; no loitering signs; and contacting law enforcement in “real time”, if needed



HOURS OF OPERATION

Sunday – Thursday: 10 am – 10pm

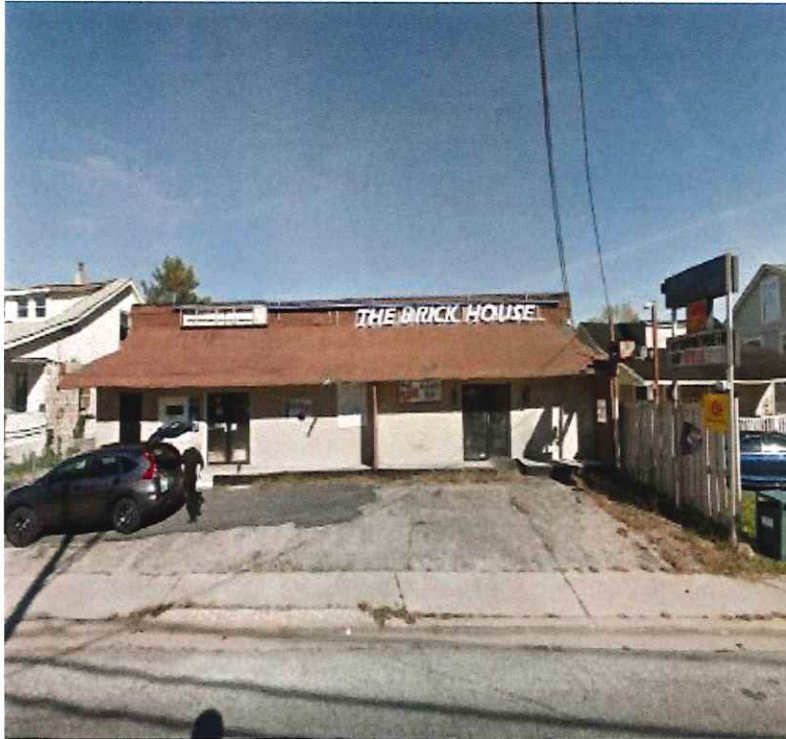
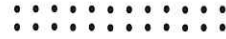
Friday – Saturday: 10am – 1am



PARTNERING WITH THE COMMUNITY

- Addressing your concerns by attending and hosting meetings
- Hiring quality staff and serving quality food
- Partnering with Owner of Ebb’s Grove to secure additional parking
- Owners are dedicated to being onsite operators.

OUR VISION IN PICTURES



180 Winters Lane

BEFORE

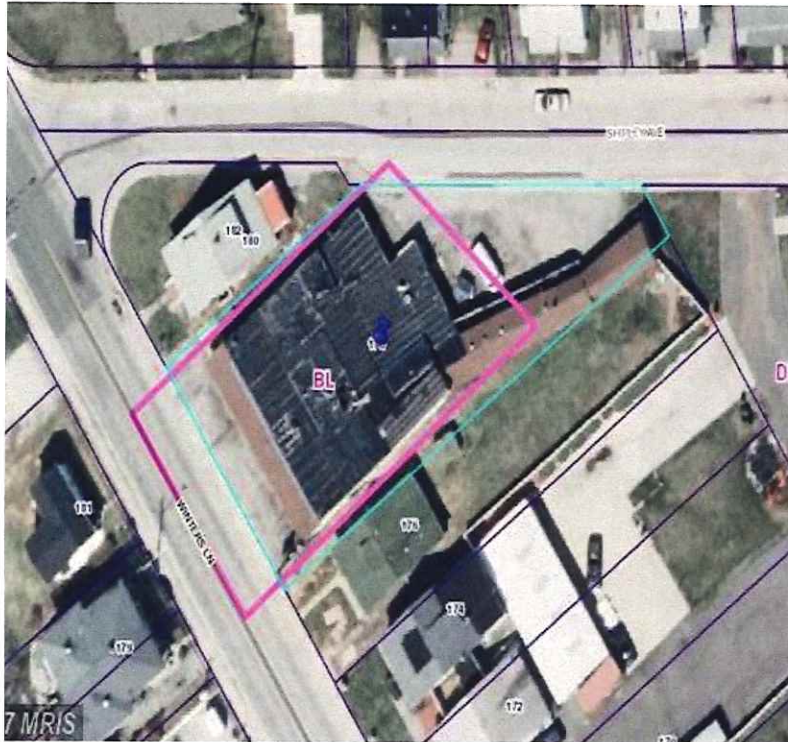


180 Winters Lane

AFTER

OUR VISION IN PICTURES

.....



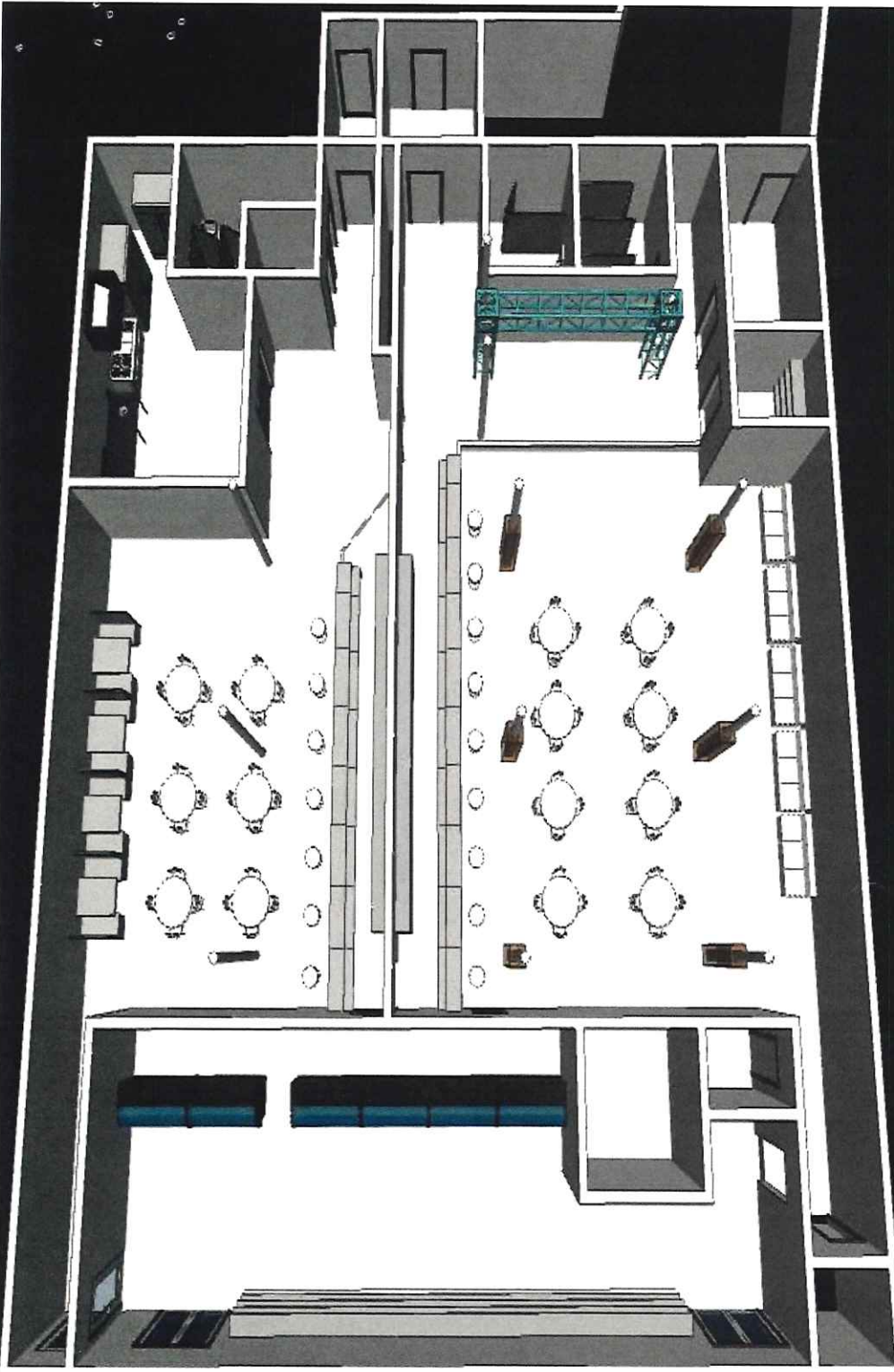
180 Winters Lane

BEFORE



180 Winters Lane

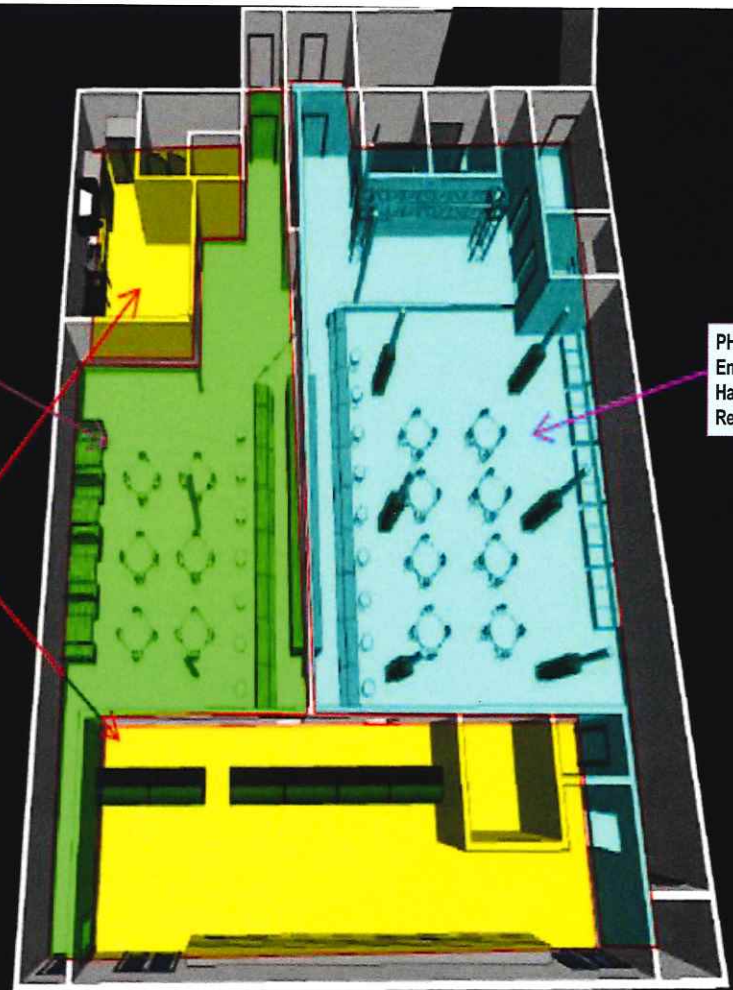
AFTER



PHASE 2:
Restaurant

PHASE 1:
Convenience
Store, Kitchen
and Restrooms

PHASE 3:
Entertainment
Hall and
Restrooms



FLOOR PLAN



WHAT'S NEXT?



Ongoing feedback agreement between owners and
community members, both positive and constructive

Hearing with Liquor License Board

Phased Renovations

Phase I – Convenience Store, Restroom & Kitchen

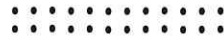
Phase II – Restaurant

Phase III – Event Hall

Grand Opening tentatively planned for October 2017



CONTACT US



OWNER

TIFFANY PATTERSON

410-977-3269



OWNER

STEVE PATTERSON

410-977-8696



COMMUNITY ENGAGEMENT LIAISON

LAKEISHA MCCLENDON

443-756-8242

Community Engagement Meeting

Meet the New Owners of 180 Winters Lane

We are hosting Two Sessions to maximize
participation

Thursday, July 27th @ 6pm &
Saturday, August 1st @ 1pm @
the Banneker Recreation Center

Refreshments will be served

The goal of the meeting is to continually develop a
relationship of trust and transparency with the
Banneker Community and share the vision for 180
Winters Lane. The presentation will include short and
long term goals related to business operations and
renovations.

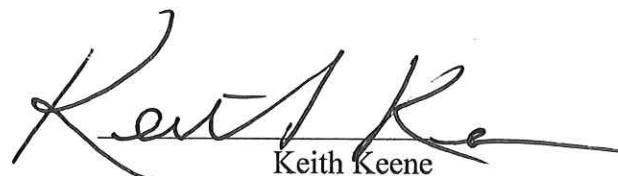
For More Information or to submit your questions
or concerns in advance please contact
LaKeisha@thepremierlounge.com or by phone
4437568242

AFFIDAVIT OF KEITH KEENE

I, Keith Keene, do hereby swear and affirm under oath that to the best of my knowledge and belief the following is true:

1. My name is Keith Keene. I am over age 21 and have personal knowledge of the matters set forth in this declaration.
2. That I have no ownership or control over the entity known as Premier Lounge, neither directly or indirectly. I am not a manager, shareholder, director, member, or any other type of controller of Premier Lounge.
3. I worked at the location prior to and after the death of the previous licensee, Roosevelt Fletcher.
4. The business was open and operating up until the auction date of April 2017.
5. This included being available for the purchase of alcohol, the maintenance of the property and building, and the ongoing concerns of the business, use and property.

I solemnly affirm under the penalties of perjury that the contents of the foregoing Affidavit are true to the best of my knowledge, information, and belief.


Keith Keene

Petitioner
CBA Exhibit

7



KEVIN KAMENETZ
County Executive

CHARLES E. KLEIN, Chairman
Board of Liquor License Commissioners

TO: OFFICE OF ZONING

Application has been filed for hearing with the Board of Liquor License Commissioners for Alcoholic Beverage License, Class B

BY: The Premier Lounge/Tiffany Patterson

ADDRESS: ~~2200~~ 180 Winters Lane, Catonsville, MD 21228

Located at the North _____ South _____ East _____ West ☒ side of Street

Nearest Intersecting Street Shipley Avenue

Approximate Distance 45 feet

This is a transfer of Current License ☒ New License _____

Transfer of Class BCBW transfer of Location 180 Winters Lane.

ZONING OFFICE APPROVAL:

Zoning Classification: BL

Use Permitted: Yes ☒ No _____

By: [Signature]

Date: 4/19/17

Petitioner
CBA Exhibit

8

Revised 2007



Board of Appeals

Case No: 18-149-SPH Case Name: Premier Lounge

Exhibit List

Party: People's Counsel Date: 9/27/18

Exhibit No:	Description:
✓ 1	Premier Lodge website
✓ 2	Sign in sheet
✓ 3 id	Aerial Map of vicinity w/ zoning description
✓ 4	Web site
✓ 5 id only	Auction Posting
✓ 6 A-F	Photos of property
✓ 7	Nighttime photo of back of Premier lounge
✓ 8	People's Counsel sign-in sheet
	VERIFIED BY <u>KC</u> DATE: <u>1/18/19</u>

KC
10/3/18

1/17/19



People's Counsel CBA Exhibit

1

Search

[HOME \(/\)](#)

[GALLERY \(/gallery.html\)](#)

YOUR FAVORITE RESTAURANT, LOUNGE, CONVENIENCE STORE & EVENT HALL

*Eat
Drink & Groove
at the place that feels like home*



HOURS OF OPERATION

Sunday – Thursday: 11 am – 10pm

Friday – Saturday: 11 am – 2am

*180 Winters Lane
Catonsville, MD 21228*

Premier Trucking LLC. ([https://www.facebook.com/MBULLC/](https://www.google.com/search?q=premier%20trucking&spell=1&sa=X&ved=0ahUKEwyJ7GigZLXARUUF2YMK7SjhCBYQoS47RTAB&biw=1148&bih=579&npsic=0&yffq=1&rlha=0&rlag=39252001,-76721435,11043&thm=le&rdimn=11930114597445527300&rdoc=1&ths=tyf!2m1!1e2!3s7AE,fj!1,fj_ui:2#rlfi=hd.;si:11930114597445527300,mv:1m3!1d100926.85755004712!2d-76.72143515!3d39.252001549999996!2m3!1j0!2j0!3j0!3m2!1j75!2d96!4j3.1;ths=tyf!2m1!1e2!3s7AE,fj!1,fj_ui:2) </i></p><p><i>Moon Bounce Unlimited (<a href=))

People's Counsel Sign-In Sheet

People's Counsel
CBA Exhibit

Case Name: Premier Lounge LLC

Case No.: 2018 J149.SPHA

Date: 9-27-18

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.

Check to
testify

Name

AddressPhone #Email

Group you
represent

Basis of your
concerns

[illegible]

ZONING: DR 5.5

An aerial photograph of a road labeled "BOOKER RD" in large white letters with a black outline. A red line is drawn along the road, indicating a specific route or boundary. The surrounding area includes trees and some buildings.

SHIPLEY AVE

ZONING: BL

ZONING: DR 1

WINTERS LN

An aerial photograph of Wesley Ave, showing a red line drawn along the road to indicate a proposed project area. The text "WESLEY AVE" is overlaid on the image.

ZONING: OT

ZONING: BL





Search

[HOME \(/\)](#)

YOUR FAVORITE RESTAURANT, LOUNGE, CONVENIENCE STORE & EVENT HALL

[GALLERY \(/gallery.html\)](#)

*Eat
Drink & Groove
at the place that feels like home*



HOURS OF OPERATION

Wednesday - Sunday

Wednesday: 4 pm - 12 am

Thursday - Sunday: 11 am - 1 am

180 Winters Lane

Catonville, MD 21228

**People's Counsel
CBA Exhibit**

4

Premier Trucking LLC. (https://www.google.com/search?q=premier%20trucking&spell=1&sa=X&ved=0ahLKEuyJRrGigZLXARUf2YMKH5hCBYQoS4TIRIAB&biw=1148&bih=679&npsic=0&yfifq=1&rlha=0&rltag=39252001,-76721435,11043&dam=f&rdlnum=11930114597445527300&vldoc=1&lbs=bf:2m!1e2!3s17AE,lf:1,lf_ui:2#rlf=fid:;si:11930114597445527300,mv:!!m3:1d!00926.85755004712!2d-76.72143515!3d39.252001549999996!2m3:1j0!2j0!3j0!3m2:1!75!2d96!4j13.1,ts:bf:2m!1e2!3s17AE,lf:1,lf_ui:2)

Moon Bounce Unlimited (<https://www.facebook.com/MBULLC/>)

By searching on LoopNet, you agree to the [LoopNet Terms and Conditions](#)



Sign In

Add a Listing

This Retail Property is Off-Market.

180 Winters Ln

Catonsville, MD 21228 · Retail For Sale

[Create Report](#) · [Print](#)

[Get Financing](#)

Auction Start

Time:

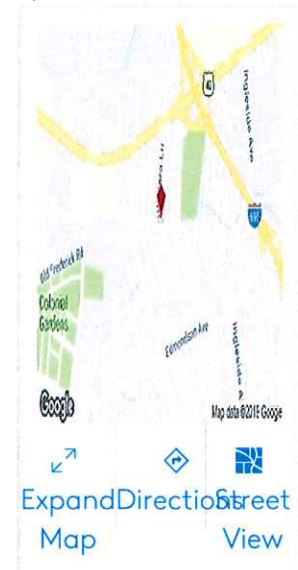
04/12/2017

11:00 AM

: : : :
DAYS HRS MIN
Remaining until
auction starts

Auction Location:

On Site



Catonsville Bar, Restaurant and Liquor
License

People's Counsel
CBA Exhibit

5

Price N/A Auction Yes

Building Size	5,460 SF	Commission Split	2%
Property Type	Retail	By searching on LoopNet, you agree to the LoopNet Terms and Conditions	
		No. Stories	1
Property Sub-type	Restaurant	Lot Size	9,496 SF
Additional Sub-types	Free Standing Bldg Retail (Other)	APN / Parcel ID	01-1800000052
Property Use Type	Vacant/Owner-User	Parking Ratio	3.66 / 1,000 SF
Listing ID: 20235381		Date Created: 03/20/2017	
		Last Updated: 03/20/2017	

Description

ESTATE SALE

CATONSVILLE BAR & RESTAURANT

4,000+/- Sq. Ft. Building - Paved Parking Lot

0.22+/- Acre - Zoned BL - Pole Sign

&

- 7-Day Liquor License -

Sale On Premises

180 WINTERS LANE

Off Baltimore National Pike (US-40)

Baltimore County, MD 21228

WEDNESDAY, APRIL 12, 2017 AT 11:00 A.M.

SITE:

Level lot comprising 0.22 acre, more or less

Two curb cuts on Winters Lane and two curb cuts on Shipley Avenue. Asphalt paved parking area in the front for 4-5 vehicles. Asphalt paved parking area in the rear for 10-12 vehicles. Pole sign.

All public utilities

Zoning: BL - Business Light

IMPROVEMENTS:

One story building, containing 3,960 square feet of gross building area, according to public tax records. Rough dimensions of the building indicate a square footage larger than stated in the tax records. Arranged for a bar, restaurant and package store. Needs renovation.

\$15,000 cashier's check required to bid on real estate. Liquor license to be offered separately. List price is suggested opening bid only. See link below for full terms of sale and additional details.

LOCATION:

180 Winters Lane is located in the Catonsville area of western Baltimore County.

The property was formerly operated as the Brick House bar and restaurant.

By searching on LoopNet, you agree to the [LoopNet Terms and Conditions](#)

The property is situated just south of Baltimore National Pike (US-40), less than one-half mile from Baltimore Beltway (I-695) Exit 15. Winters Lane is a well-traveled road providing access between Baltimore National Pike, Edmondson Avenue and Frederick Road. The surrounding area is made up of well-established communities that utilize the major commuter routes of I-70, I-695, I-95 and Baltimore National Pike for access to major employment centers in Downtown Baltimore, Washington D.C., Columbia and Linthicum/BWI. UMBC is a short distance to the south. The combination of residents and commuters in the area provides a strong potential customer base for the current arrangement as a bar and restaurant, or for businesses of any kind.

Traffic

Collection Street	Cross Street	Traffic Vol	Year	Distance
Winters Ln	Old Frederick Rd	5,830	2012	0.22 mi
Baltimore National Pike	Lincoln Ave	9,851	2017	0.34 mi
Baltimore National Pike	Lincoln Ave	52,275	2017	0.34 mi
Baltimore National Pike	Lincoln Ave	5,981	2012	0.36 mi
Baltimore National Pike	Lincoln Ave	630	2017	0.38 mi

Similar Listings



6207
Craigmont Rd

Catonsville, MD
21228
For Sale - \$693,777
6,220 SF Building

Not exactly what you're looking for? By searching on LoopNet, you agree to the [LoopNet Terms and Conditions](#) Start a new custom search to find the perfect property

Enter a location

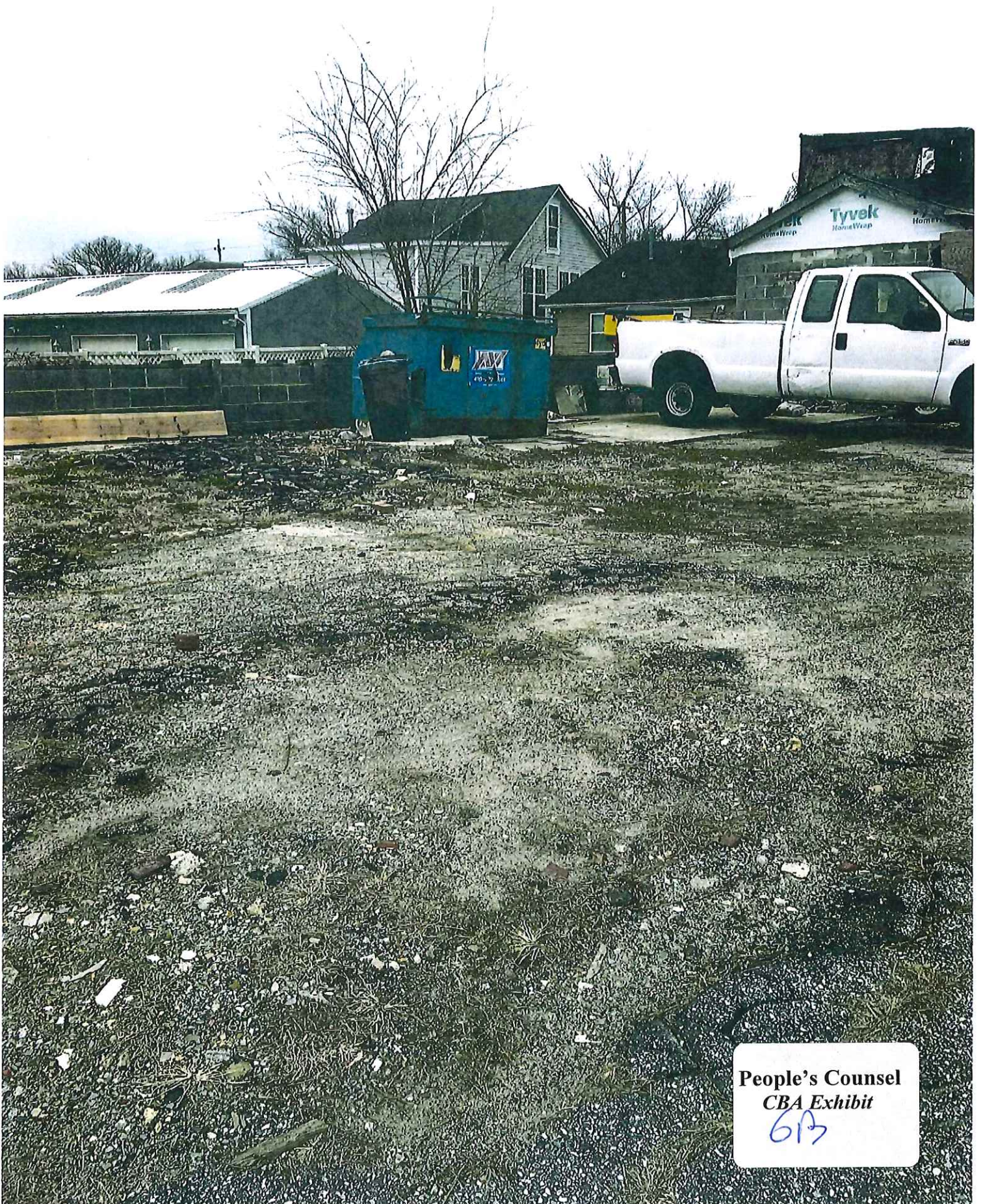
For 

Search

The LoopNet service and information provided therein, while believed to be accurate, are provided "as is". LoopNet disclaims any and all representations, warranties, or guarantees of any kind.



People's Counsel
CBA Exhibit
6A



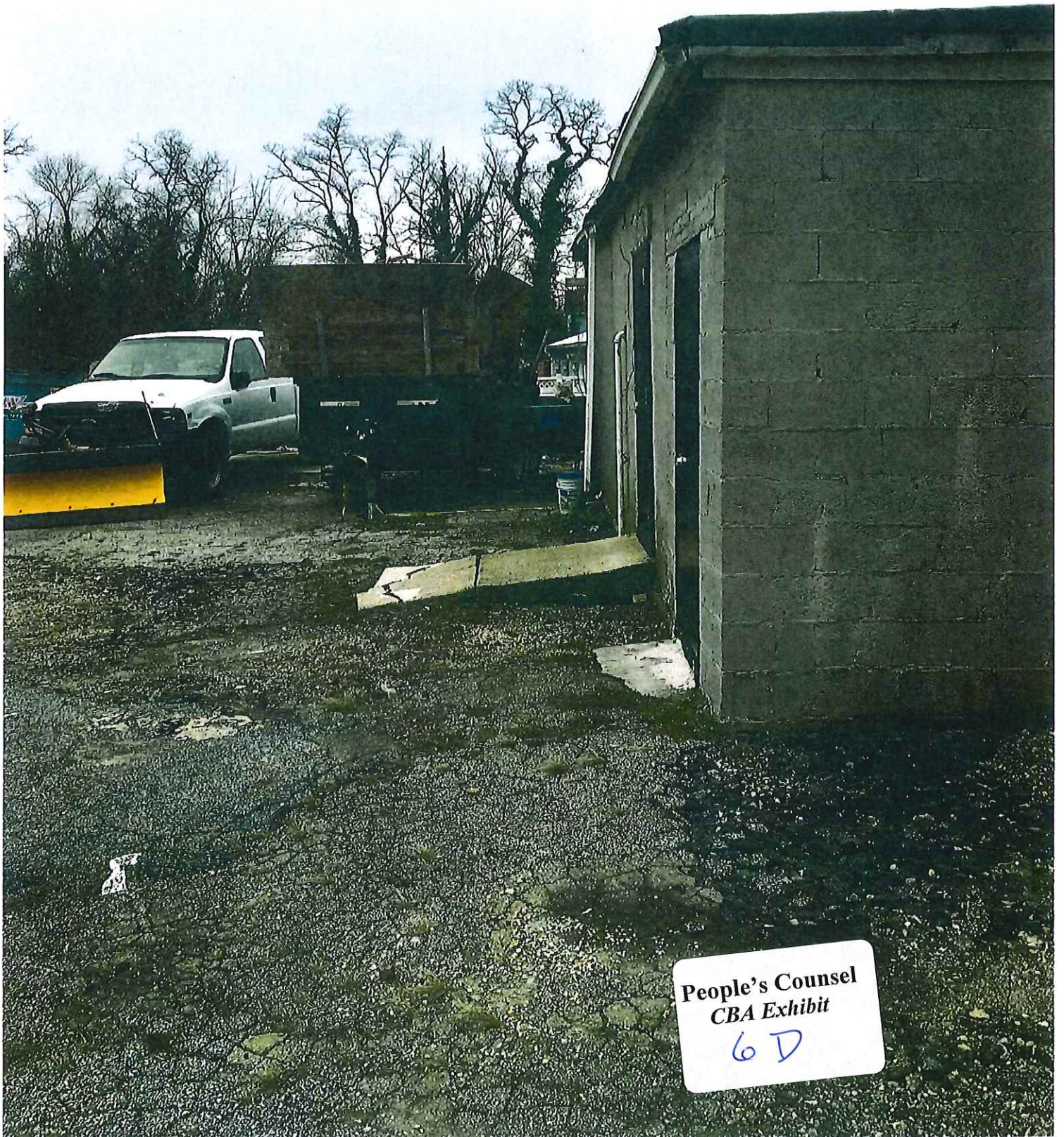
People's Counsel
CBA Exhibit

6A



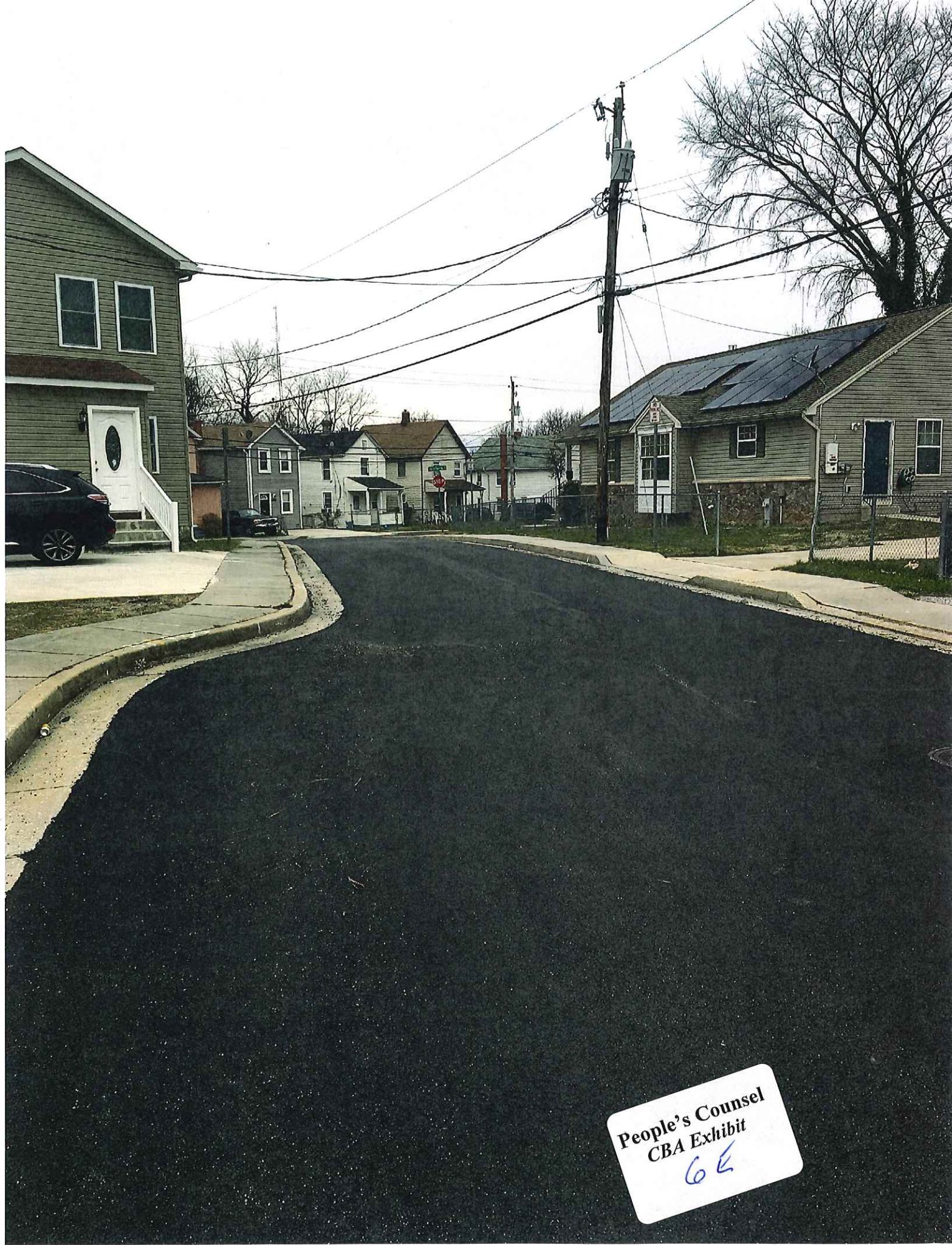
People's Counsel
CBA Exhibit

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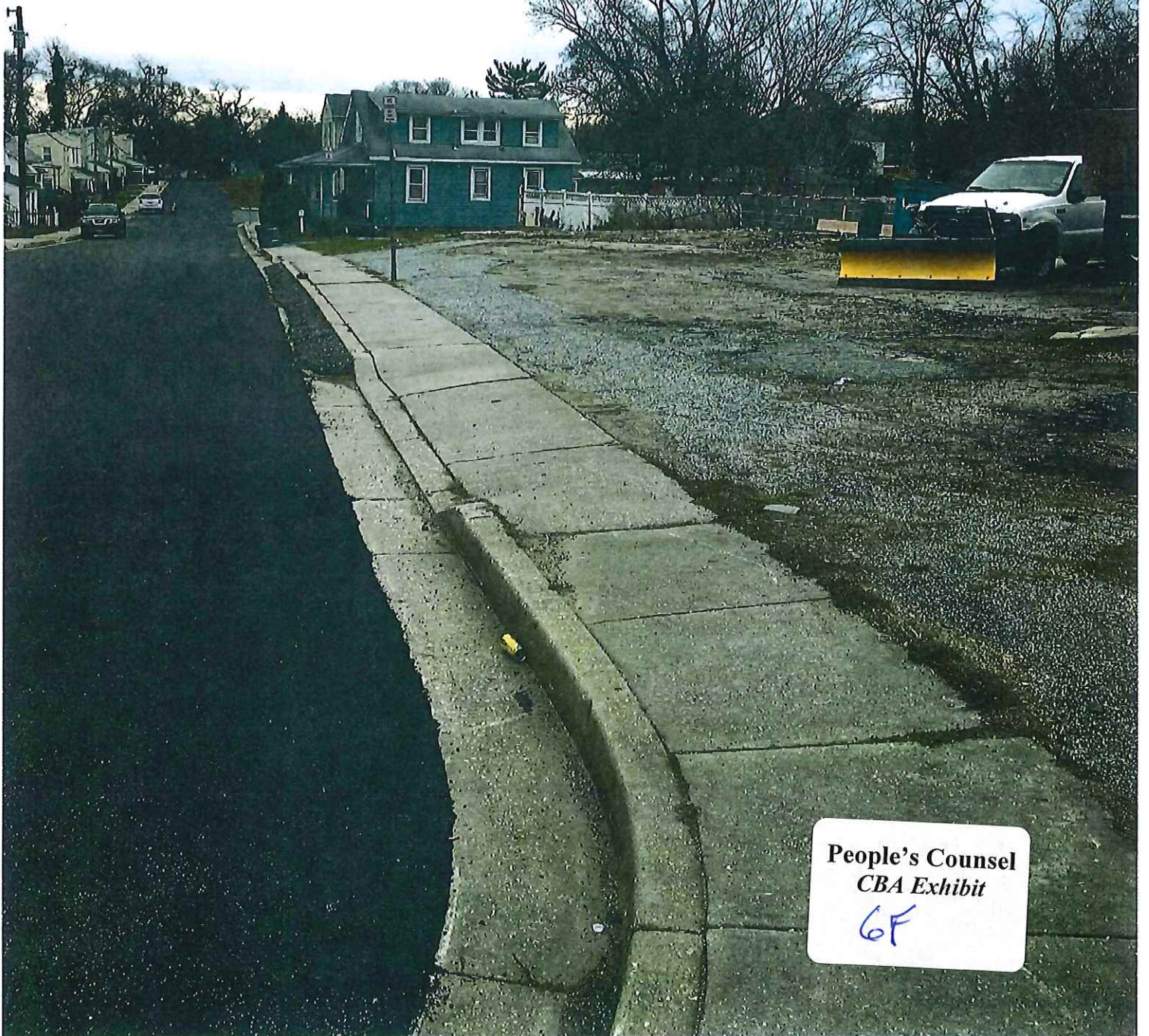


People's Counsel
CBA Exhibit

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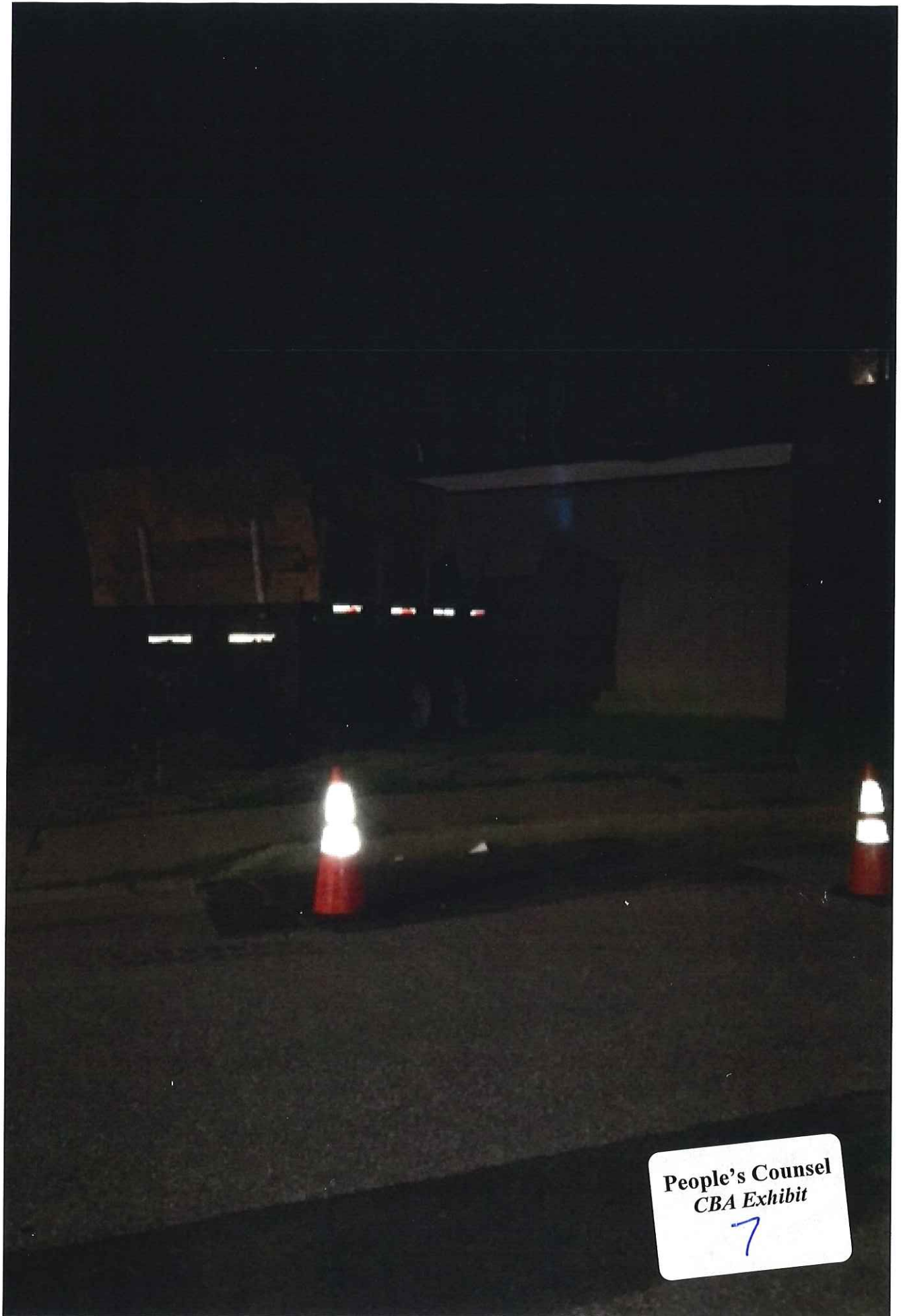


People's Counsel
CBA Exhibit
66



People's Counsel
CBA Exhibit

6F



People's Counsel
CBA Exhibit
7

People's Counsel Sign-In Sheet

Case Name: Premier Lounge LLC
Case No.: 2018-149 SPHA
Date: 1-17-19

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]

People's Counsel
CBA Exhibit



KEVIN KAMENETZ
County Executive

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

April 18, 2018

Abraham Hurdle, Esq.
320 North Charles Street
Baltimore, Maryland 21201



RE: **APPEAL TO BOARD OF APPEALS (on Variance only)**
Case No. 2018-0149-SPHA
Location: 180 Winters Lane

Dear Mr. Hurdle:

Please be advised that an appeal of the above-referenced case was filed in this Office on April 18, 2018. 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 typed 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
Carroll & Lynne LeVere, 207 Wesley Avenue, Catonsville, MD 21228
Margo & Kim Lawson, 15 Shipley Avenue, Catonsville, MD 21228

APPEAL

**Petitions for Special Hearing and Variance
(180 Winters Lane)
1st Election District – 1st Councilmanic District
Legal Owners: Premier Lounge, LLC.
Case No. 2018-0149-SPHA**

Petition for Variance Hearing (November 30, 2017)

Zoning Description of Property

Notice of Zoning Hearing (February 14, 2018)

Certificate of Publication (February 22, 2018)

Certificate of Posting (February 23, 2018) –Martin Ogle

Entry of Appearance by People's Counsel – December 5, 2017

Petitioner(s) Sign-in Sheet – One

Citizen(s) Sign-in Sheet – One

Zoning Advisory Committee (ZAC) Comments

Petitioner(s) Exhibits:

1. Plan
2. Photos of site

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order and Letter (Special Hearing-Dismissed without Prejudice and Variance- Denied on March 19, 2018)

Notice of Appeal –April 18, 2018 by Abraham L. Hurdle, Esq.



KEVIN KAMENETZ
County Executive

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

March 19, 2018

Abraham Hurdle
19 East Fayette Street
Baltimore, Maryland 21202

RE: Petitions for Special Hearing and Variance
Case No. 2018-0149-SPHA
Property: 180 Winters Lane

Dear Mr. Hurdle:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Carroll & Lynne LeVere, 207 Wesley Avenue, Catonsville, MD 21228
Margo & Kim Lawson, 15 Shipley Avenue, Catonsville, MD 21228

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

(180 Winters Lane) *

1st Election District *

1st Council District *

Premier Lounge, LLC *

Legal Owner

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0149-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Premier Lounge, LLC, legal owner (“Petitioner”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to allow business parking in a residential zone. A Petition for Variance seeks: (1) to allow business parking in a residential zone; (2) to allow 7 parking spaces in lieu of the required 91 spaces; (3) to allow parking at a distance to a street line of 5 ft. in lieu of the required 10 ft.; (4) to not provide a backup area for the end parking space; (5) to allow a 3 ft. wide landscape strip adjacent to the residential property in lieu of the required 10 ft. and to allow a 6 ft. high wood screen fence in lieu of planting; (6) to allow 3 ft. between the edge of the parking lot and the face of the building in lieu of the required 6 ft.; (7) to allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft., and (8) to allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Tiffany and Steve Patterson, and landscape architect Thomas J. Hoff, appeared in support of the requests. Abraham Hurdle, Esq. represented the Petitioner. Several neighbors attended the hearing and opposed the requests. The Petition was advertised and posted as required by the

ORDER RECEIVED FOR FILING

Date 3-19-18

By Sen

Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR).

VARIANCES

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

- (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).

While I agree with Mr. Hoff that certain attributes of the property render it unique, that is not the end of the inquiry. The primary concern in this case, as articulated by the neighbors, is that the number of parking spaces provided is simply inadequate for a restaurant/tavern. Under the Regulations 91 parking spaces are required for the facility, while the plan shows only 7 on-site spaces.

Petitioner noted it has verbal agreements with a church and another property owner across the street to allow for parking for patrons of this establishment. But the regulations contain specific requirements for off-site parking, as follows: "Prior to the approval of any building permit involving an off-site parking facility, the Director of Permits, Approvals and Inspections shall require guarantees of the continued future availability and proper maintenance of the facility, including, but not limited to, a grant of an easement, a deed restriction, a restrictive covenant or a binding contractual agreement, including a lease. Any plans approved are conditioned upon and subject to periodic review by the Director to ensure that adequate parking arrangements continue to exist." BCZR §409.7.C. Since the Petitioner does not at this time have a lease or other binding

ORDER RECEIVED FOR FILING

Date

3-19-18

By

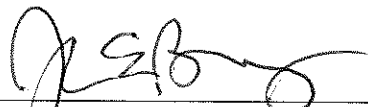
sen

agreement to ensure the "continued future availability" of this off-site parking, I do not believe it can be considered in connection with this hearing.

THEREFORE, IT IS ORDERED this 19th day of **March, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R) to allow business parking in a residential zone, be and is hereby DISMISSED WITHOUT PREJUDICE..

IT IS FURTHER ORDERED that the Petition for Variance (1) to allow business parking in a residential zone; (2) to allow 7 parking spaces in lieu of the required 91 spaces; (3) to allow parking at a distance to a street line of 5 ft. in lieu of the required 10 ft.; (4) to not provide a backup area for the end parking space; (5) to allow a 3 ft. wide landscape strip adjacent to the residential property in lieu of the required 10 ft. and to allow a 6 ft. high wood screen fence in lieu of planting; (6) to allow 3 ft. between the edge of the parking lot and the face of the building in lieu of the required 6 ft.; (7) to allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft., and (8) to allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback, 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:slh

ORDER RECEIVED FOR FILING

Date 3-19-18
By slh

3/15
1:30 PM

Case No.: 2018-0149-SPHA - 180 Winters Lane

Exhibit Sheet

ser
3-19-18

Petitioner/Developer

Protestants

No. 1	Plan	
No. 2	Photos of Site	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITION FOR ZONING HEARING(S)

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

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

Address 180 WINTERS LANE

which is presently zoned BL & DR5.5

Deed References: 39201/480

10 Digit Tax Account # 1800000052

Property Owner(s) Printed Name(s) THE PREMIER LOUNGE, LLC

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

SEE ATTACHMENT

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

3. X a **Variance** from Section(s)

SEE ATTACHMENT

AMENDED - ADDED #8.

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:

N/A

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

ABRAHAM HURDLE

Name- Type or Print

Signature

19 EAST FAYETTE ST., BALTIMORE, MD

Mailing Address

City

State

21202

410-685-5100

ALH@ALHURDLELAW.COM

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

PREMIER LOUNGE, LLC

TIFFANY PATTERSON

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

7528 ROXY DR., WINDSOR MILL, MD

Mailing Address

City

State

21244

410-977-3269

TIFF722@VERIZON.NET

Zip Code

Telephone #

Email Address

Representative to be contacted:

THOMAS J. HOFF

Name - Type or Print

Signature

512 VIRGINIA AVE., TOWSON, MD

Mailing Address

City

State

21286

410-296-3669

TOM@THOMASJHOFF.COM

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0149-SM4

Filing Date 11/30/17

Do Not Schedule Dates: 12/15 THRU

Reviewer JS

REV. 10/4/11

**ATTACHMENT TO PETITION FOR SPECIAL HEARING AND VARIANCES
180 WINTERS LANE**

ZONING RELIEF REQUESTED:

- 1) Section 409.8.B. – Special Hearing to allow business parking in a residential zone.
- 2) Section 409.6.A.2. – Variance to allow 7 parking spaces in lieu of the required 91.
- 3) Section 409.8.A.4. – Variance to allow parking at a distance to a street line of 5' in lieu of the required 10'.
- 4) Section 409.8.A.5. – Variance to not provide a backup area for the end parking space.
- 5) Section 409.8.A.1. – Variance to allow a 3' wide landscape strip adjacent to the residential property in lieu of the required 10' and to allow a 6' high wood screen fence in lieu of planting.
- 6) Section 409.8.A.1. – Variance to allow 3' between the edge of the parking lot and the face of the building in lieu of the required 6'.
- 7) Section 409.8.A.1. – Variance to allow a 5' setback from a dumpster enclosure to a residential property line and an 8' setback to a R/W line in lieu of the required 10'.
- * 8) Section 1B01.1.B.1.e.(5) – Variance to allow a 3' buffer and a 3' setback in lieu of the required 50' buffer and 75' setback.

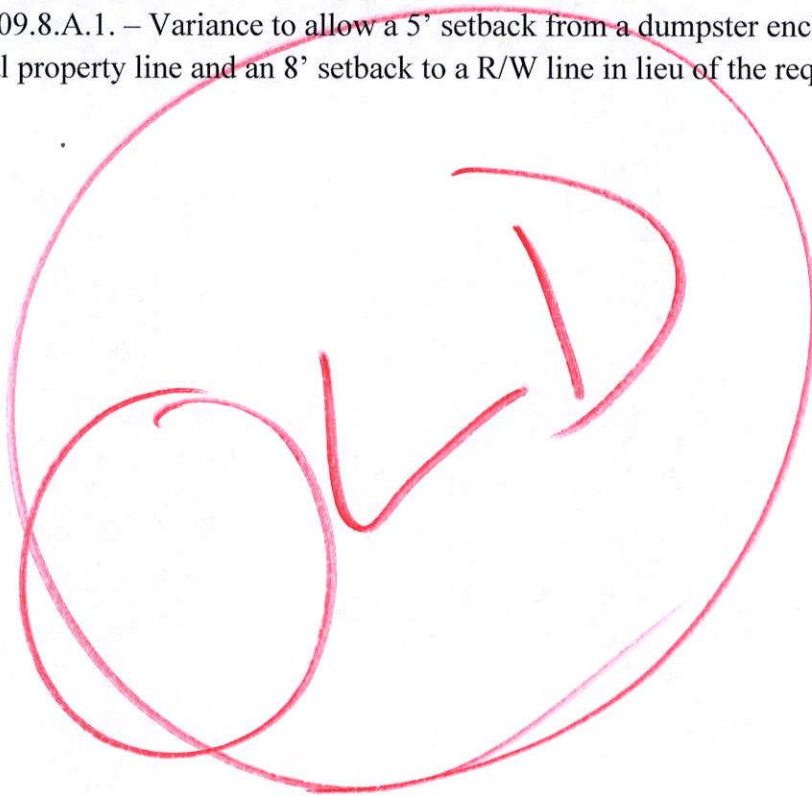
↓
RTA

↓
RTA

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- 7) Section 409.8.A.1. – Variance to allow a 5' setback from a dumpster enclosure to a residential property line and an 8' setback to a R/W line in lieu of the required 10'.



THOMAS J. HOFF
Landscape Architects and Land Development Consultants

512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

November 30, 2017

**Description of 180 Winters Lane to Accompany Petition for Special Hearing and Variances
1st Election District, 1st Councilmanic District**

BEGINNING FOR THE SAME at a point on the east side of Winters Lane (50' R/W), 84 feet more or less southeast of the centerline of Shipley Avenue (37' R/W).

Thence leaving the east side of Winters Lane,

- 1) North 59 degrees 50 minutes 00 seconds East 104.43 feet, thence binding on the south side of Shipley Avenue
- 2) South 85 degrees 15 minutes 16 seconds East 110.44 feet, thence leaving the south side of Shipley Avenue,
- 3) South 30 degrees 10 minutes 00 seconds East 11.29 feet, thence,
- 4) South 59 degrees 50 minutes 00 seconds West 195.00 feet, thence binding on the East side of Winters Lane,
- 5) North 30 degrees 10 minutes 00 seconds West 74.50 feet, to the place of beginning.

Saving and Excepting the "BL" zoned portion of the property.

Containing ~~0.067~~ ^{GOOD} acres of land more or less. DR 5.5 PORTION

Note:

This Description has been prepared for zoning purposes only.



2018-0149-SPHA

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

NO 161252

Date: 12/21/17

Rev Sub
Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	006	0000		6150				\$250.00

Total: \$250.00

Rec
From:

For:

re-filing - case # 2018-0149-SHA

DISTRIBUTION

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

PAID RECEIPT

DATE: 12/21/2017 TIME: 09:35:55
REG: 005 BALANCE: 100
RECEIPT: 0000001 12/21/2017
DEPT: 00600000000000000000
CR: 151/52
Dept Tot: \$50.00
Voucher #: 1.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

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

NO. 160545

Date: 11/30/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		610				\$1000.00

Total: \$1000.00

Rec From: THE PREMIER LODGE, LLC

For: 2017 0149 - SPHA

DISTRIBUTION

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

PAID RECEIPT

BUSINESS : ACTION TIME : 11/30/2017 11:30/2017 11:09:01
REG #502 WALKIN TEE
RECEIPT # 034713 11/30/2017 OFLN
Dept: 5 528 ZONING VERIFICATION
CR NO. 160545

Recpt Tot: \$1,000.00
\$1,000.00 CK \$1.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 22, 2018 Issue - Jeffersonian

Please forward billing to:
Tiffany Patterson
Premier Lounge, LLC
7523 Rôxy Drive
Windsor Mill, MD 21244

410-977-3269

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: 2018-0149-SPHA

180 Winters Lane

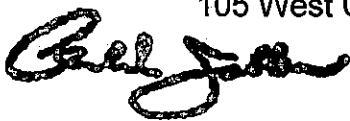
NE/s Winters Lane, 84 ft. SE of centerline of Shipley Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Premier Lounge, LLC

Special Hearing to allow business parking in a residential zone. Variance 1. To allow business parking in a residential zone. 2. To allow 7 parking spaces in lieu of the required 91 spaces. 3. To allow parking at a distance to a street line of 5 ft. in lieu of the required 10 ft. 4. To not provide a backup area for the end parking space. 5. To allow a 3 ft. wide landscape strip adjacent to the residential property in lieu of the required 10 ft. and to allow a 6 ft. high wood screen fence in lieu of planting. 6. To allow 3 ft. between the edge of the parking lot and the face of the building in lieu of the required 6 ft. 7. To allow a 5 ft. setback from a dumpster enclosure to a residential property line and an 8 ft. setback to a R/W line in lieu of the required 10 ft. 8. To allow a 3 ft. RTA buffer and a 3 ft. setback in lieu of the required 50 ft. RTA buffer and 75 ft. setback.

Hearing: Thursday, March 15, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

- 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.

**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: 2018-0149-SP4A

Property Address: 180 WINTERS LANE

Property Description: THE PREMIER LOUNGE

Legal Owners (Petitioners): PREMIER LOUNGE LLC

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: TIFFANY PATTERSON

Company/Firm (if applicable): PREMIER LOUNGE LLC

Address: 7523 ROXY DR.

WINDSOR MILL, MD 21244

Telephone Number: 410-977-3269

Revised 5/20/2014

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

DATE: November 26, 2018

SUBJECT: Zoning Advisory Committee Meeting
For November 12, 2018
Item No. 2019-0129-A, 0130-A, 0131-A, 0132-A, 0133-SPHA, 0134-A,
0135-A, 0136-A, 0137-A, 0096-A, 0139-A, 0140-A, 0144-SPHA and 0149-
A

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

*

*

*

*

*

VKD: cen
cc: file

JS

Carl Richards Jr

From: Arnold Jablon
Sent: Wednesday, September 05, 2018 4:01 PM
To: Carole Demilio
Cc: Carl Richards Jr
Subject: RE: 180 Winters Lane Premier Lounge 18-149 SPHA

Not with me. I'm forwarding this to Carl, and asking him if he knows.

Always enjoy lunch with you and Peter.

From: Carole Demilio
Sent: Wednesday, September 05, 2018 1:42 PM
To: Arnold Jablon <ajablon@baltimorecountymd.gov>
Subject: 180 Winters Lane Premier Lounge 18-149 SPHA

Hello Arnold,

I have the above hearing before the CBA September 27th. It involves several extreme parking variances (for instance 7 parking spaces in lieu of 91 required!) that were denied by the ALJ. Petitioner claims it had verbal agreements for shared parking with nearby institutional uses but nothing in writing, hence denied by John. I believe this is an ongoing business but with new owner so perhaps liquor license is compelling the zoning compliance.

Several residents are opposed and I will be meeting with them to determine their specific (zoning) concerns.

Has the attorney for Premier (Abraham Hurdle) or the landscape architect, Tom Hoff, asked you for approval of shared parking under BCZR 409.6.B.3? It seems to me a reasonable alternative than asking for so many variances, if the arrangements are for real.

Enjoyed lunch as always.

Thank you.
Carole

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

1/10/18

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

Comment

12/28

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

No Comment

1/26/18

FIRE DEPARTMENT
PLANNING
(if not received, date e-mail sent _____)No objection
w/ Conditions

1/3/18

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

2/22/18

SIGN POSTING

Date:

2/23/18

by Cgile

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

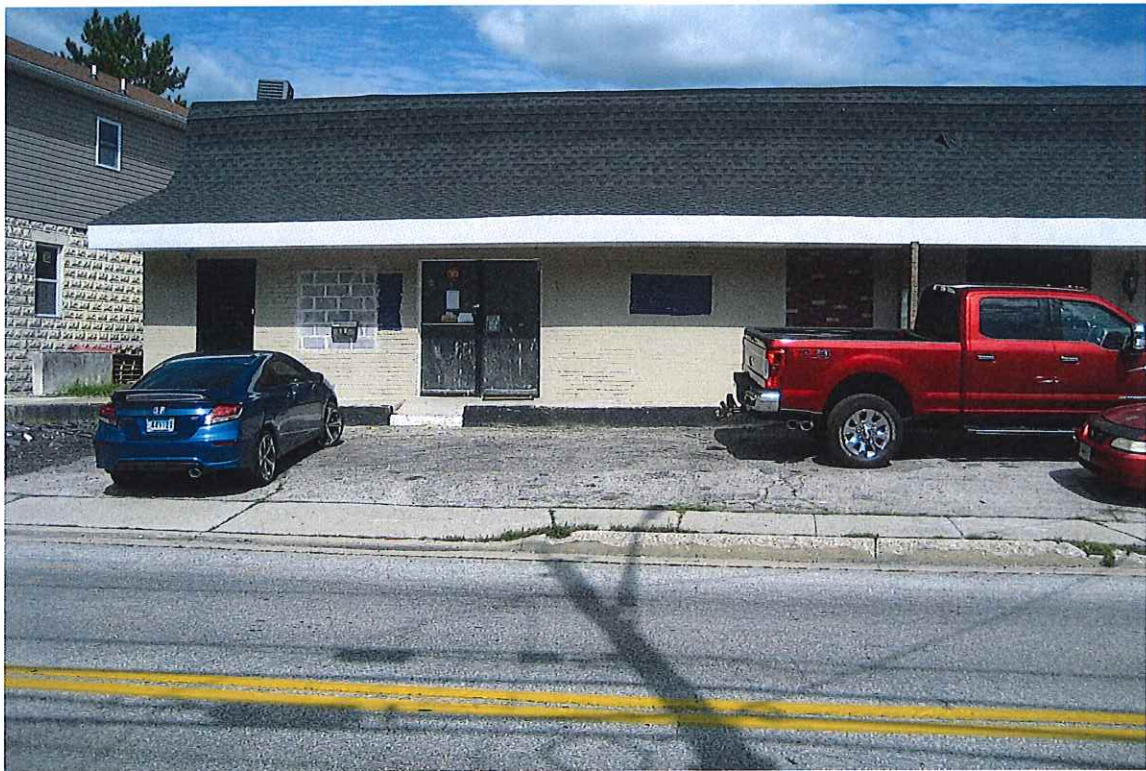
View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 01 Account Number - 1800000052							
Owner Information									
Owner Name:		THE PREMIER LOUNGE LLC			Use:		COMMERCIAL		
Mailing Address:		7523 ROXY DR WINDSOR MILL MD 21244-			Principal Residence:		NO		
					Deed Reference:		/39201/ 00480		
Location & Structure Information									
Premises Address:		180 WINTERS LN BALTIMORE 21228-			Legal Description:		0.218 AC ES WINTERS 96 W SHIPLEY AV		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0101	0001	1738		0000				2018	
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
		3960				9,496 SF		23	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
		TAVERN							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2018		07/01/2017		07/01/2018	
Land:		189,900		189,900					
Improvements		165,200		116,100					
Total:		355,100		306,000		355,100		306,000	
Preferential Land:		0						0	
Transfer Information									
Seller: FLETCHER ROOSEVELT				Date: 07/19/2017		Price: \$307,000			
Type: ARMS LENGTH IMPROVED				Deed1: /39201/ 00480		Deed2:			
Seller: IVORY JAMES JONAS				Date: 02/06/1978		Price: \$50,000			
Type: ARMS LENGTH IMPROVED				Deed1: /05853/ 00598		Deed2:			
Seller:				Date:		Price:			
Type:				Deed1:		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
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									

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No
Application**Date:**

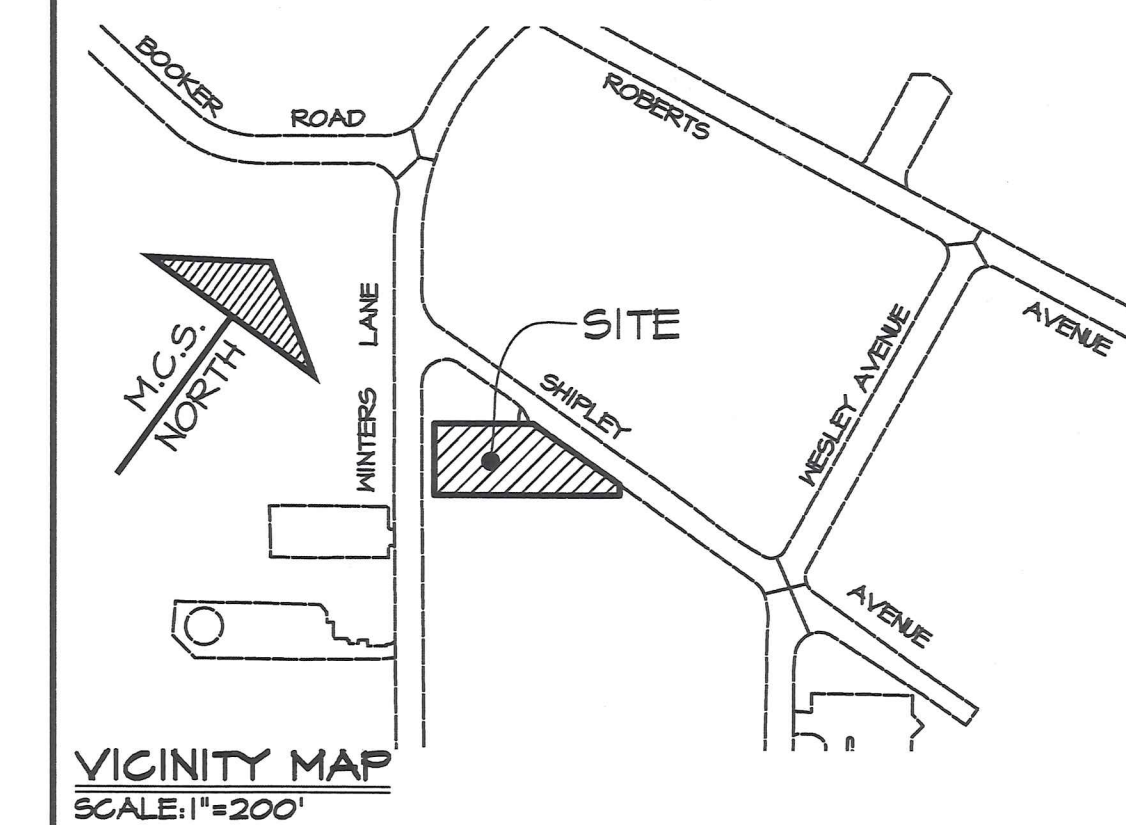
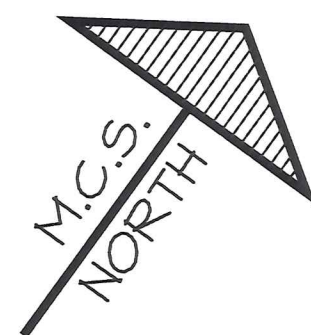


Ex. 2









GENERAL NOTES:

1. PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
2. THERE IS NO 100 YEAR FLOODPLAIN ON SITE.
3. THERE ARE NO HISTORIC STRUCTURES LISTED ON THE HISTORIC INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE.
4. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
5. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
6. BEARINGS AND DISTANCES SHOWN HEREON TAKEN FROM DEEDS AND PLATS.
7. TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM BALTIMORE COUNTY GIS.
8. THERE ARE NO BASIC SERVICES ISSUES ON THIS PROPERTY FOR WATER OR SEWER. THE SITE IS IN A TRAFFIC LEVEL OF SERVICE 'D'.
9. THE PARKING SPACES SHOWN ARE 8.5'x18' IN SIZE AND SHALL BE STRIPED.
10. THE PARKING LOT SHALL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE AND SHALL BE PROPERLY DRAINED SO AS NOT TO CREATE ANY UNDESIRABLE CONDITIONS.
11. ANY LIGHTING FIXTURES USED TO ILLUMINATE THE PARKING LOT SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS. LIGHT STANDARDS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC BY CURBING OR LANDSCAPING.

SITE DATA:

SITE AREA - GROSS	0.357 AC±, 15,534 SF±
SITE AREA - NET	0.268 AC±, 11,664 SF±
ZONING MAPS	101A1
EXISTING ZONING	BL & DR 5.5
AREA IN BL (NET)	0.201 AC±, 8,762 SF±
AREA IN DR 5.5 (NET)	0.067 AC±, 2,902 SF±
EXISTING USE	RESTAURANT, CLASS 'B' LICENSE
PROPOSED USE	RESTAURANT/PACKAGE GOODS

BLDG. AREA

RESTAURANT	5,425 SF
PACKAGE GOODS	675 SF
TOTAL	6,100 SF

F.A.R. ALLOWED

F.A.R. SHOWN	3.0
	6,100/11,664 = 0.5

PARKING CALCULATIONS:

PARKING REQUIRED	
RESTAURANT	
5,425 SF @ 16/1000 =	86.8 SPACES
PACKAGE GOODS	
675 SF @ 5/1000 =	3.4 SPACES
TOTAL REQUIRED	= 90.2/91 SPACES

PARKING PROPOSED

STANDARD SPACES	6
ACCESSIBLE SPACES	1
TOTAL PROPOSED	7

OWNER:

THE PREMIER LOUNGE LLC
1528 ROXY DR
WINDSOR MILL, MD 21244
DEED REF 34201/460
TAX #1800000052
MAP 101, GRID 01, PARCEL 1738

ZONING CASE HISTORY:

- ZONING CASE NO. 1453-2548, RECLASS TO 'E' COMMERCIAL

ZONING RELIEF REQUESTED:

1. SECTION 409.B.B. - SPECIAL HEARING TO ALLOW BUSINESS PARKING IN A RESIDENTIAL ZONE.
2. SECTION 409.B.A.2. - VARIANCE TO ALLOW 7 PARKING SPACES IN LIEU OF THE REQUIRED 41.
3. SECTION 409.B.A.4. - VARIANCE TO ALLOW PARKING AT A DISTANCE TO A STREET LINE OF 5' IN LIEU OF THE REQUIRED 10'.
4. SECTION 409.B.A.5. - VARIANCE TO NOT PROVIDE A BACKUP AREA FOR THE END PARKING SPACE.
5. SECTION 409.B.A.1. - VARIANCE TO ALLOW A 3' WIDE LANDSCAPE STRIP ADJACENT TO RESIDENTIAL PROPERTY IN LIEU OF THE REQUIRED 10' AND TO ALLOW A 6' HIGH WOOD SCREEN FENCE IN LIEU OF PLANTING.
6. SECTION 409.B.A.1. - VARIANCE TO ALLOW 3' BETWEEN THE EDGE OF THE PARKING LOT AND THE FACE OF THE BUILDING IN LIEU OF THE REQUIRED 6'.
7. SECTION 409.B.A.1. - VARIANCE TO ALLOW A 5' SETBACK FROM A DUMPSTER ENCLOSURE TO A RESIDENTIAL PROPERTY LINE AND AN 8' SETBACK TO A R/W LINE IN LIEU OF THE REQUIRED 10'.
8. SECTION 1801.B.1.e.(5) - VARIANCE TO ALLOW A 3' BUFFER AND A 3' SETBACK IN LIEU OF THE REQUIRED 50' BUFFER AND 75' SETBACK.

2018-0149 SPHA

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING & VARIANCES THE PREMIER LOUNGE 180 WINTERS LANE

1st ELECTION DISTRICT, 1st COUNCILMANIC, BALTIMORE COUNTY, MD

THOMAS J. HOFF

LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS

512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410-296-3666 FAX 410-823-3887

REVISIONS:

Ex-1

SCALE: 1"=20'

DATE: 12/21/17

JOB NO.: 0678-01

DESIGNED: TJH

DRAWN: TJH

DRAWING NUMBER:

Z-1

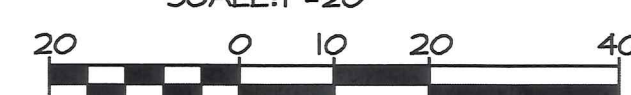
SHEET 1 OF 1

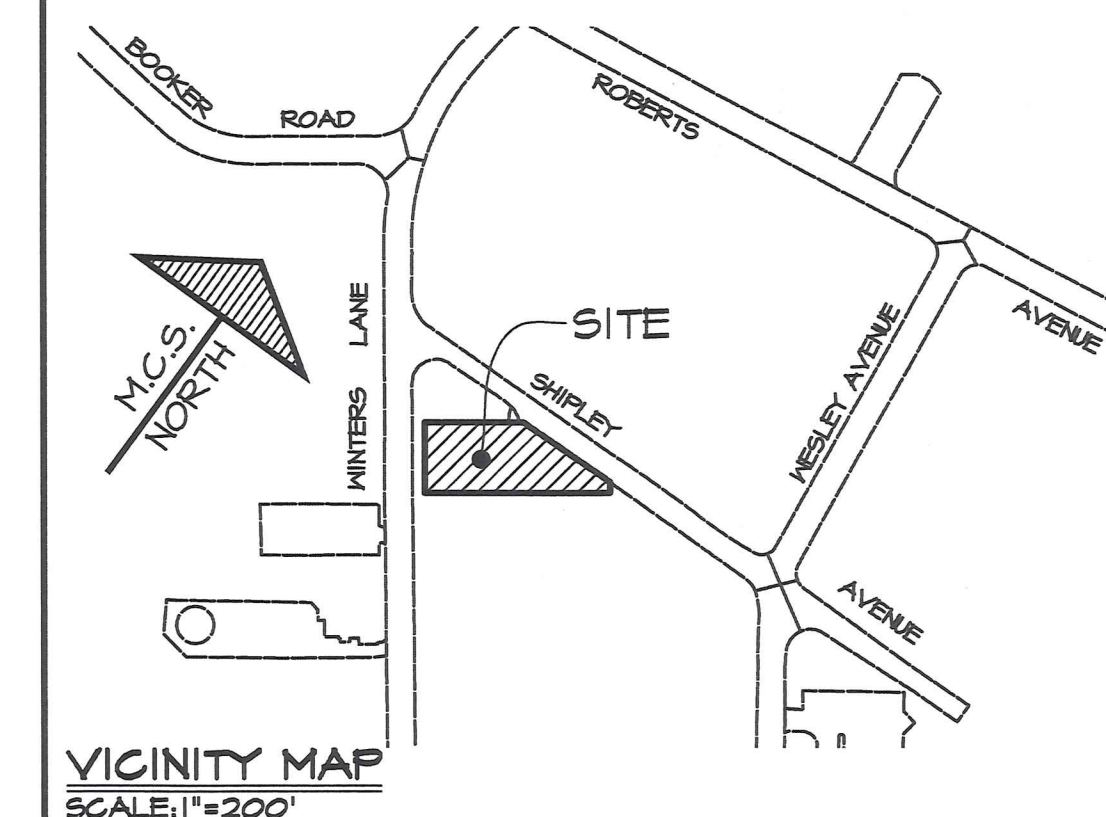
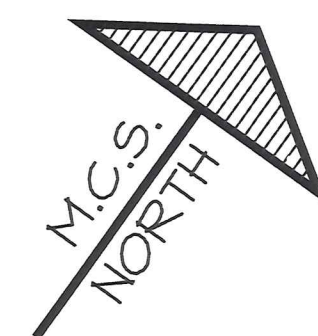
THIS DRAWING WAS MADE IN THE USA



SITE PLAN

SCALE: 1"=20'





GENERAL NOTES:

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PROPOSED USE	RESTAURANT/PACKAGE GOODS

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TOTAL	

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TOTAL REQUIRED	90.2 ± SPACES

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STANDARD SPACES	6
ACCESSIBLE SPACES	1
TOTAL PROPOSED	7

OWNER:

THE PREMIER LOUNGE LLC
7523 ROXY DR.
WINDSOR MILL, MD 21244
DEED REF 34201/480
TAX #1800000052
MAP 101, GRID 01, PARCEL 1738

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2. SECTION 404.8.A.2. - VARIANCE TO ALLOW 7 PARKING SPACES IN LIEU OF THE REQUIRED 41.
3. SECTION 404.8.A.4. - VARIANCE TO ALLOW PARKING AT A DISTANCE TO A STREET LINE OF 5' IN LIEU OF THE REQUIRED 10'.
4. SECTION 404.8.A.5. - VARIANCE TO NOT PROVIDE A BACKUP AREA FOR THE END PARKING SPACE.
5. SECTION 404.8.A.1. - VARIANCE TO ALLOW A 3' WIDE LANDSCAPE STRIP ADJACENT TO RESIDENTIAL PROPERTY IN LIEU OF THE REQUIRED 10' AND TO ALLOW A 6' HIGH WOOD SCREEN FENCE IN LIEU OF PLANTING.
6. SECTION 404.8.A.1. - VARIANCE TO ALLOW 3' BETWEEN THE EDGE OF THE PARKING LOT AND THE FACE OF THE BUILDING IN LIEU OF THE REQUIRED 6'.
7. SECTION 404.8.A.1. - VARIANCE TO ALLOW A 5' SETBACK FROM A DUMPSTER ENCLOSURE TO A RESIDENTIAL PROPERTY LINE AND AN 8' SETBACK TO A R/W LINE IN LIEU OF THE REQUIRED 10'.
8. SECTION 1801.1.B.1.6.(5) - VARIANCE TO ALLOW A 3' BUFFER AND A 3' SETBACK IN LIEU OF THE REQUIRED 50' BUFFER AND 15' SETBACK.

2018-0149 SP4A

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING & VARIANCES THE PREMIER LOUNGE 180 WINTERS LANE

1st ELECTION DISTRICT, 1st COUNCILMANIC, BALTIMORE COUNTY, MD

THOMAS J. HOFF

LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS

512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410-296-3668 FAX 410-825-3887

REVISIONS:

THIS DRAWING WAS MADE IN THE USA

SCALE: 1"=20'

DATE: 12/21/17

JOB NO.: 0678-01

DESIGNED: TJH

DRAWN: TJH

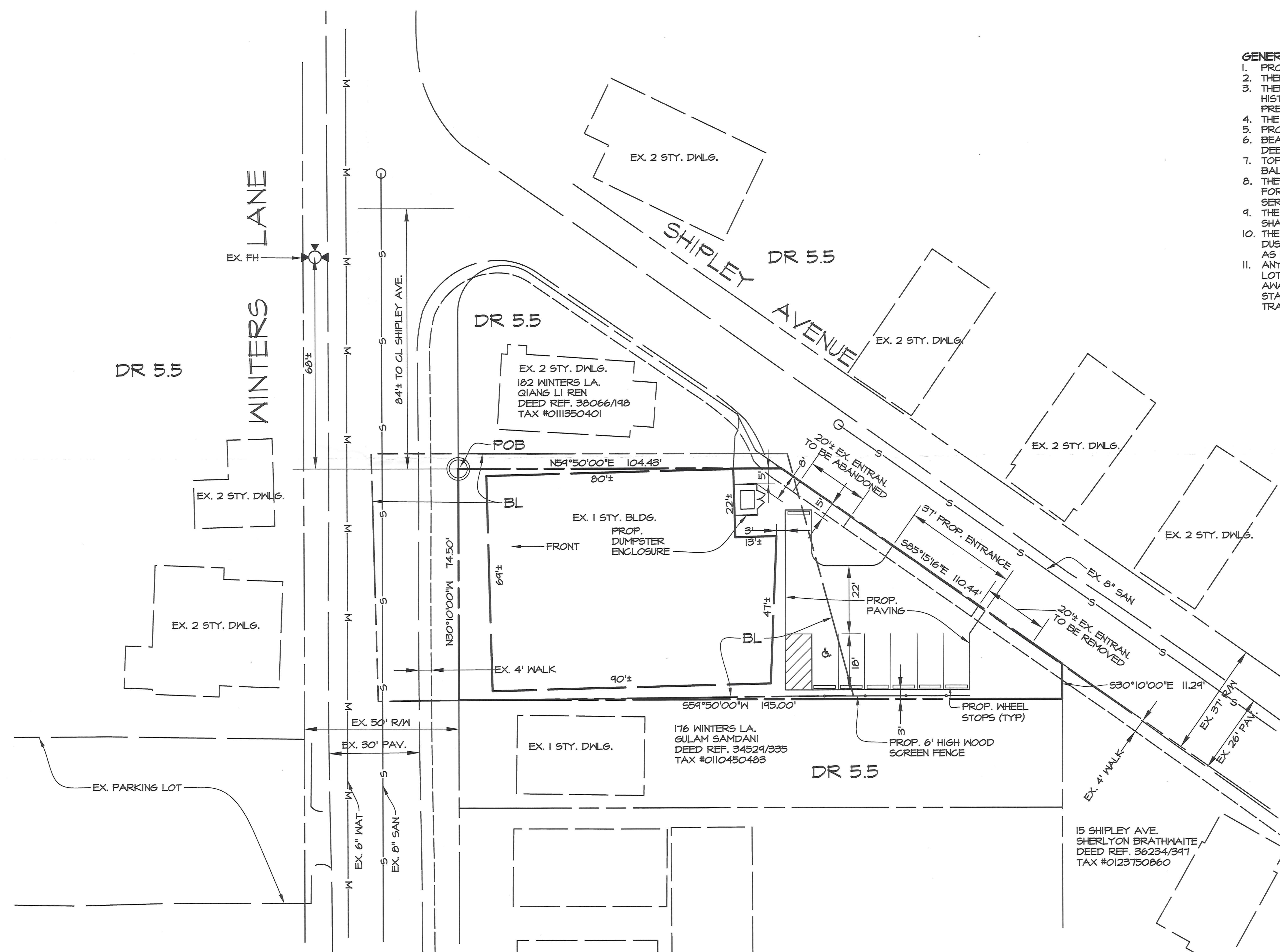
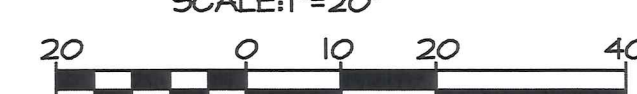
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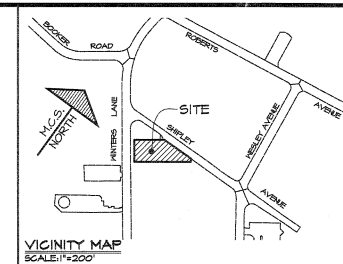
Z-1

SHEET 1 OF 1

SITE PLAN

SCALE: 1"=20'





SITE DATA:
 SITE AREA - 6.0255 AC. 15,534 SF
 SITE AREA - NET 0.266 AC. 11,664 SF
 ZONING MAPS BL & DR 5.5
 EXISTING ZONING AREA IN BL (NET) 0.201 AC. 8,762 SF
 AREA IN DR 5.5 (NET) 0.067 AC. 2,802 SF
 EXISTING USE RESTAURANT, CLASS 'B' LICENSE
 PROPOSED USE RESTAURANT/PACKAGE GOODS

BLDG. AREA
 RESTAURANT 5,425 SF
 PACKAGE GOODS 675 SF
 TOTAL 6,100 SF

F.A.R. ALLOWED 3.0
F.A.R. SHOWN 6,100/1,664 = 0.5

PARKING CALCULATIONS:
PARKING REQUIRED
 RESTAURANT 5,425 SF @ 16/1,000 = 33.9 SPACES
 PACKAGE GOODS 675 SF @ 8/1,000 = 8.4 SPACES
 TOTAL REQUIRED = 42.3 SPACES

PARKING PROPOSED
 STANDARD SPACES 6
 ACCESSIBLE SPACES 1
 TOTAL PROPOSED 7

OWNER:
 THE PREMIER LOUNGE LLC
 1525 ROXY DR.
 WINDSOR MILL, MD 21244
 DEED REF. 36204/483
 TAX #800000052
 MAP 101, GRID 01, PARCEL 1738

ZONING CASE HISTORY:
 • ZONING CASE NO. 1853-2548, RECLASS. TO 'C' COMMERCIAL

ZONING RELIEF REQUESTED:
 1. SECTION 401B.2. - SPECIAL HEARING TO ALLOW BUSINESS PARKING IN A RESIDENTIAL ZONE.
 2. SECTION 401B.2. - VARIANCE TO ALLOW 7 PARKING SPACES IN LIEU OF THE REQUIRED 41.
 3. SECTION 401B.4. - VARIANCE TO ALLOW PARKING AT A DISTANCE TO A STREET LINE OF 9' IN LIEU OF THE REQUIRED 10'.
 4. SECTION 401B.5. - VARIANCE TO NOT PROVIDE A BACKUP AREA FOR THE END PARKING SPACE.
 5. SECTION 401B.1. - VARIANCE TO ALLOW A 3' WIDE LANDSCAPE STRIP ADJACENT TO RESIDENTIAL PROPERTY IN LIEU OF THE REQUIRED 10' AND TO ALLOW A 6' HIGH HOOD SCREEN FENCE IN LIEU OF PLANTING.
 6. SECTION 401B.1. - VARIANCE TO ALLOW 9' BETWEEN THE EDGE OF THE PARKING LOT AND THE FACE OF THE BUILDING IN LIEU OF THE REQUIRED 6'.
 7. SECTION 401B.1. - VARIANCE TO ALLOW A 5' SETBACK FROM A DUMPSTER ENCLOSURE TO A RESIDENTIAL PROPERTY LINE AND AN 8' SETBACK TO A R/W LINE IN LIEU OF THE REQUIRED 10'.
 8. SECTION 1801B1.6(5) - VARIANCE TO ALLOW A 3' BUFFER AND A 3' SETBACK IN LIEU OF THE REQUIRED 50' BUFFER AND 75' SETBACK.

2018-0149 SPHA

PLAN TO ACCOMPANY PETITION FOR
 SPECIAL HEARING & VARIANCES
 THE PREMIER LOUNGE
 180 WINTERS LANE

1st ELECTION DISTRICT, 1st COUNCILMANIC, BALTIMORE COUNTY, MD

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Ex.1

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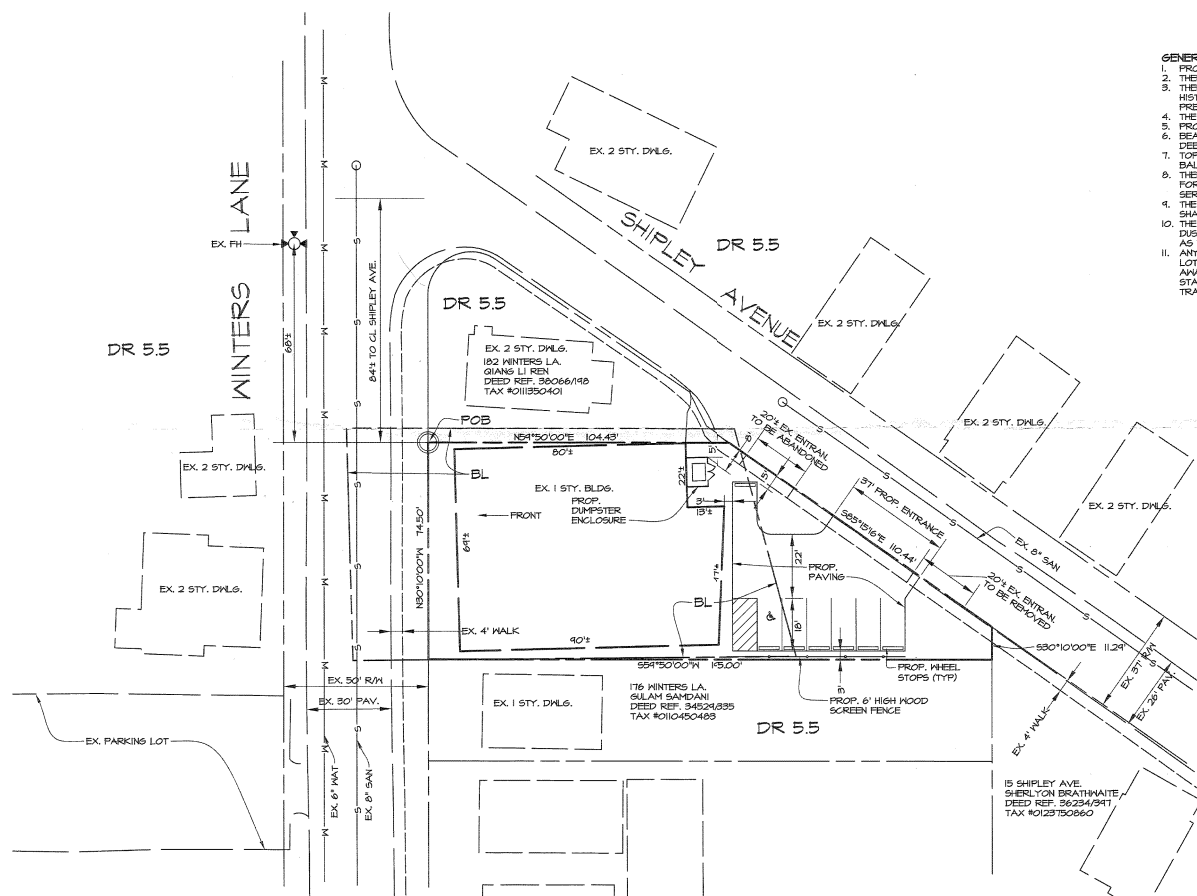
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DRAWN: TJH

DRAWING NUMBER:

Z-1

SHEET 1 OF 1



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BOARD OF APPEALS OF BALTIMORE COUNTY
ZONING BOARD

-----x
In the matter of: }
 }
Premier Lounge, LLC } Case Number:
180 Winters Lane } 18-149-SPHA
 }
Petitioners }
 }
-----x

PETITION FOR SPECIAL HEARING

Jefferson Building
105 West Chesapeake Avenue
Suite 206
Towson, Maryland 21204

January 17, 2019
Volume II of II, pages 267 to

BEFORE:

JASON S. GARBER, Chairman

ALSO PRESENT:

JOSEPH L. EVANS
KENDRA RANDALL JOLIVET

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APPEARANCES:

On Behalf of the Petitioner/Appellant:

Abraham L. Hurdle, Esquire
320 North Charles Street
Baltimore, Maryland 21201

On Behalf of the Protestants:

Carroll and Lynne LeVere
207 Wesley Avenue
Catonsville, Maryland 21228

Margo and Kim Lawson
15 Shipley Avenue
Catonsville, Maryland 21228

Also present:

Thomas J. Hoff
512 Virginia Avenue
Towson, Maryland 21286

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E X H I B I T S

	<u>Exhibit #:</u>	<u>Description</u>	<u>Marked</u>	<u>Received</u>
1				
2	Petitioner:			
3	8	Zoning Sheet Signoff	352	354
4				
5	People's Counsel			
6	3	Aerial Map of Vicinity	297	302
7	4	Premier Lounge, LLC, printout of homepage on internet website	310	311
8				
9	5	Printout from Real Estate Company about 180 Winters Lane at auction	311	318 Rejected
10				
11	6-A to F	Photographs	380	393
12	7	Photograph	393	395
13	8	Sign-in Sheet	577	577
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P R O C E E D I N G S

(10:06 a.m.)

CHAIRMAN GARBER: All right. Good morning, everyone. We are here today in the matter of Premier Lounge, LLC, 180 Winters Lane, Case Number 18-149-SPHA.

We were last here from what I recall on September 27th, and we are reconvening for Day 2.

Counsel, please introduce yourselves for the record.

MR. HURDLE: Attorney Abraham Hurdle on behalf of Premier Lounge.

CHAIRMAN GARBER: Thank you.

MS. DEMILIO: Carole Demilio, Deputy People's Counsel for Baltimore County.

CHAIRMAN GARBER: Thank you, Ms. Demilio.

For those in attendance, please make sure your cell phones are off and please make sure you understand that this is a Court. Therefore, please kindly keep all noise to a minimum, and the reason for my caution of the cell phone, if you need to step outside to discuss matters, please go ahead and do so.

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There are microphones up at the tables and also as you can see, along the front, and they can pick up noise from people in the back, and we don't want to get a muddled record because this is how we get transcripts should this case need to be reduced to a transcript. So rather than confuse the record and rather than prevent the Board from hearing the witnesses and whatnot, if you need to discuss anything or engage in any activity on your phone, please go outside.

With that in mind, are we on Ms. Demilio's case now?

MS. DEMILIO: I thought we were ready to start our case.

MR. HURDLE: I haven't called Ms. Patterson. As well, we had an affidavit from Mr. Keene, and his testimony is critical in terms of whether the bar was open or not open for a while, and he's actually available today to testify, and I figured that might be better than the brief affidavit he submitted previously.

CHAIRMAN GARBER: Well, an affidavit -- well, I'll leave it -- typically an affidavit is not going to

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1 be sufficient but -- so you would be better served to
 2 have Mr. Keene present. I mean, I leave that to
 3 Ms. Demilio as to how she'll handle an affidavit, tell me
 4 how that would be addressed, but I've seen in the past
 5 that it does tend to lead to some disagreement as to
 6 whether it should be received into evidence and its
 7 effect. But, you have Ms. Patterson here now.

8 MR. HURDLE: I have Ms. Patterson and I have
 9 Mr. Keene available.

10 CHAIRMAN GARBER: Mr. Keene --

11 MR. HURDLE: Mr. Keene is available.

12 CHAIRMAN GARBER: Okay. Do you want to contact
 13 Mr. Keene --

14 MR. HURDLE: In the back.

15 CHAIRMAN GARBER: Okay.

16 MR. HURDLE: Sorry.

17 CHAIRMAN GARBER: When you said available, it
 18 made me --

19 MR. HURDLE: I think I made it confusing. I
 20 apologize.

21 CHAIRMAN GARBER: -- sound like he was not

1 present.

2 MR. HURDLE: I think he previously submitted
 3 the affidavit and this time, he's here.

4 CHAIRMAN GARBER: Thank you. Sorry for my
 5 inability to pick up on what you were saying.

6 MR. HURDLE: Sorry. I think at this time, I'd
 7 like to call Mr. Keene first, if that's all right.

8 CHAIRMAN GARBER: That's fine. Ms. Demilio?

9 MS. DEMILIO: I need to get some water.

10 CHAIRMAN GARBER: Could you -- we're going to
 11 pause one second here.

12 MS. DEMILIO: I'll be right back.

13 (Off the record.)

14 (On the record.)

15 UNIDENTIFIED SPEAKER: We're back on the
 16 record.

17 MR. HURDLE: May I sit while questioning Mr.
 18 Keene?

19 CHAIRMAN GARBER: That's fine. But first he
 20 needs to be sworn in.

21 (Whereupon,

1 KEITH KEENE
2 was called as a witness by the Petitioners, and after
3 having been first duly sworn, testified as follows:)
4 MS. RANDALL-JOLIVET: All right. Please state
5 your name and your address for the record. Let me just
6 ask first. Is this a business or is this a personal? So
7 does he have a business address that we're asking for or
8 personal?
9 MR. HURDLE: I think personal address is fine.
10 MS. RANDALL-JOLIVET: And (indiscernible).
11 CHAIRMAN GARBER: (Indiscernible).
12 MR. HURDLE: Correct. Yes.
13 MS. RANDALL-JOLIVET: Thank you.
14 CHAIRMAN GARBER: State your name?
15 MR. KEENE: Keith Keene. Address is 403
16 Winters Lane, Catonsville, Maryland 21228.
17 MS. RANDALL-JOLIVET: And would you spell you
18 last name please?
19 MR. KEENE: K-e-e-n-e.
20 MS. RANDALL-JOLIVET: Thank you.
21 CHAIRMAN GARBER: Keith Keene, K-e-e-n-e.

1 MR. KEENE: Yes, sir.
2 CHAIRMAN GARBER: Thank you, Mr. Keene. And
3 you may proceed, Mr. Hurdle?
4 MR. HURDLE: Thank you. Mr. Keene, are you
5 familiar with the property located at 180 Winters Lane?
6 MR. KEENE: Very familiar.
7 MR. HURDLE: How are you familiar with the
8 property?
9 MR. KEENE: The owner and myself were very
10 close.
11 MR. HURDLE: Did you work there?
12 MR. KEENE: Yes, I did.
13 CHAIRMAN GARBER: Please keep your voice up so
14 that --
15 MR. KEENE: Yes, sir.
16 MR. HURDLE: Yeah, the microphone is over here.
17 I'm sorry. I do appreciate you turning this way. You
18 said you worked at the location. Is that correct?
19 MR. KEENE: Yes.
20 MR. HURDLE: And when did you start working
21 there?

1 MR. KEENE: Approximately 10 years ago.
2 MR. HURDLE: And were you working there at the
3 time when Mr. Fletcher passed?
4 MR. KEENE: Yes.
5 CHAIRMAN GARBER: So just to be clear, you're
6 close with the former owner?
7 MR. KEENE: Yes, the former owner. Yes, sir.
8 I'm sorry.
9 CHAIRMAN GARBER: Sorry.
10 MR. HURDLE: There's been some questions today,
11 or I guess several months ago, about the openings and
12 closings and vacancies at the establishment. We'll skip
13 around just a little bit here. The property was
14 auctioned in April of 2017. Are you familiar with that?
15 MR. KEENE: Yes, I was there.
16 MR. HURDLE: You were at the auction?
17 MR. KEENE: Um-hum.
18 MR. HURDLE: Between March of 2016 when Mr.
19 Fletcher passed and April 2017 when the actual auction
20 occurred, had you been to the property at all?
21 MR. KEENE: Yes.

1 MR. HURDLE: How frequently were you at the
2 property?
3 MR. KEENE: Well, at that time, I had a
4 different job. I was off Tuesdays, Wednesdays and
5 Thursdays. So one or two of those days I would go in.
6 MR. HURDLE: And do what?
7 MR. KEENE: I worked.
8 MR. HURDLE: So the bar was open and active.
9 MR. KEENE: Yes, sir.
10 MR. HURDLE: From March to the auction?
11 MR. KEENE: Yes.
12 MR. HURDLE: But you said it was only open a
13 day or two a week.
14 MR. KEENE: Yes.
15 MR. HURDLE: Is that accurate?
16 MR. EVANS: I'm sorry. Only open what?
17 MR. HURDLE: A day or two a week.
18 MR. EVANS: Okay.
19 MR. KEENE: Because of my work schedule.
20 MR. EVANS: The bar was open or you worked
21 there?

1 MR. KEENE: The bar was open.
2 MR. EVANS: Two or three days a week?
3 MR. KEENE: Yes.
4 MR. EVANS: Okay. Not seven days a week?
5 MR. KEENE: No, sir.
6 MR. HURDLE: I apologize. I'd like to rewind
7 real quick on the record. My recollection of what you
8 said, and I just want to clarify, because I do think we
9 had some confusion there, it was one to two days a week
10 that you worked there typically.
11 MR. KEENE: Yes, sir.
12 MR. HURDLE: And I apologize. I just want to
13 make sure --
14 MR. EVANS: That he worked or that it was open?
15 MR. HURDLE: That it was open --
16 MR. KEENE: I was the only one that had control
17 of it. I --
18 MR. EVANS: When you worked it was open.
19 MR. KEENE: Yes.
20 MR. EVANS: When you didn't work, it wasn't
21 open.

1 MR. KEENE: Yes.
2 MR. EVANS: All right. Got you.
3 MR. KEENE: Because I'm the only one that had
4 keys.
5 CHAIRMAN GARBER: And again, just to clarify,
6 Mr. Fletcher passed was it in March of '16?
7 MR. HURDLE: March 22, 2016 is my recollection.
8 CHAIRMAN GARBER: Right. And so in between
9 March 22, 2016 and April of 2017, that is the auction,
10 you worked approximately one to two days a week at the
11 subject location.
12 MR. KEENE: Yes.
13 CHAIRMAN GARBER: And the days that you did not
14 work, it was not open.
15 MR. KEENE: No, sir.
16 CHAIRMAN GARBER: And the days it was open, it
17 served as a bar?
18 MR. KEENE: Yes, sir. Package goods and bar.
19 CHAIRMAN GARBER: Package goods and bar.
20 MR. KEENE: Candy and things of that nature.
21 CHAIRMAN GARBER: Thank you.

1 MS. RANDALL-JOLIVET: I'm sorry. What was the
 2 last one you said after package goods?
 3 CHAIRMAN GARBER: Candy.
 4 MS. RANDALL-JOLIVET: Candy. Okay. Thank you.
 5 CHAIRMAN GARBER: Are we all on the same page
 6 now?
 7 MS. DEMILIO: Yes.
 8 CHAIRMAN GARBER: All right.
 9 MR. HURDLE: I think so. I think at this time,
 10 I have no further questions for Mr. Keene. I don't know
 11 if the Board had any questions or counsel. I think
 12 that's all I needed.
 13 CHAIRMAN GARBER: No problem. I laughed
 14 because we just asked a whole bunch of questions. Ms.
 15 Demilio.
 16 MS. DEMILIO: Thank you. So what was your
 17 other job at that time, Mr. Keene?
 18 MR. KEENE: I worked for with AAA Towing.
 19 MS. DEMILIO: Sorry?
 20 MR. KEENE: AAA.
 21 MS. DEMILIO: You work for AAA?

1 MR. KEENE: Yes, ma'am. Roadside towing.
 2 MS. DEMILIO: Where was that?
 3 MR. KEENE: Roadside towing.
 4 MS. DEMILIO: What did you do there?
 5 MR. KEENE: Towing, supervising and also
 6 towing.
 7 MS. DEMILIO: How many days did you work there?
 8 MR. KEENE: I work 10 hour days, Friday through
 9 Monday.
 10 MS. DEMILIO: And how did you know Mr.
 11 Fletcher?
 12 MR. KEENE: I've been friends with him for
 13 probably 20 some years. I've done of my birthday parties
 14 and I used to host events there over the years. And so
 15 he was kind of like a, kind of like a father to me, in a
 16 way of speaking. He wasn't my father.
 17 MS. DEMILIO: Okay. And what did you do with
 18 -- what was the name of his -- when Mr. Fletcher operated
 19 it, what was the name of it?
 20 MR. KEENE: I think the business name was
 21 King's Terrace.

1 CHAIRMAN GARBER: Sir, when you say business
2 name, just to clarify that, are you saying that the sign
3 on the front, for example would be King's Terrace and
4 that's how it would be known in the community?
5 MR. KEENE: It was known to the community --
6 well, the community called it King's. The name on the
7 building at the time of his death was The Brickhouse.
8 And the name on the license is King's Terrace I believe.
9 CHAIRMAN GARBER: Okay. I was just trying to
10 figure out what you meant by business name.
11 MR. KEENE: Okay.
12 CHAIRMAN GARBER: All right.
13 MS. DEMILIO: And what did you do there?
14 MR. KEENE: I would pick up liquor orders for
15 him. Sometimes he would go home because he tried to work
16 the place by himself seven days a week, just to give him
17 a break. Go to Sam's Club for him, pick up stuff, things
18 of that nature. Supplies.
19 MS. DEMILIO: Okay. So you weren't a bartender
20 or anything?
21 MR. KEENE: Sometimes.

1 MS. DEMILIO: Do you have a license?
2 MR. KEENE: No, ma'am.
3 MS. DEMILIO: And did he serve food there?
4 MR. KEENE: Only at parties. He didn't sell
5 food.
6 MS. DEMILIO: It wasn't a restaurant you're
7 saying?
8 MR. KEENE: I believe he may have been licensed
9 for it, but like I said, once again, he tried to run the
10 place by himself a lot of times. So he didn't have the
11 manpower all the time.
12 MS. DEMILIO: So when you would go there one or
13 two days a week, were you just picking up orders for
14 somebody like you did for Mr. Fletcher?
15 MR. KEENE: Yes, ma'am.
16 MS. DEMILIO: You would run errands for him?
17 MR. KEENE: Yes, ma'am.
18 MS. DEMILIO: And who was operating the
19 restaurant or the bar at that time, King's Terrace, after
20 his death?
21 MR. KEENE: Well, it was a bar and package

1 goods.

2 MS. DEMILIO: I know. Who was operating it?

3 MR. KEENE: Myself.

4 MR. EVANS: She's asking, who did you answer
5 to? Was there someone that you reported to about the
6 operation of the business?

7 MR. KEENE: At the time of death?

8 MR. EVANS: After Mr. Fletcher's death?

9 MR. KEENE: No, not really --

10 MR. EVANS: You were --

11 MR. KEENE: -- because he had a strange
12 daughter who came in, who he didn't really know -- let
13 anybody know he had a relationship with, and neither did
14 he have a relationship with his own son. So there was
15 only one person who would have been able to say anything
16 about anything, and that would have been his sister who
17 was 80 years of age. So technically, basically no. I
18 had keys. I had control.

19 MS. DEMILIO: So his sister wasn't there?

20 MR. KEENE: She was there prior to him dying,
21 passing. After passing, she would stop past, but --

1 because she had taken ill.

2 MS. DEMILIO: Were you at the auction to try to
3 buy the place?

4 MR. KEENE: I had a contract on the property
5 prior to this gentleman and his wife purchasing the
6 property. However, the family was bickering so much
7 about who's going to get this, who's going to get that, I
8 think the Judge -- I think somebody in -- I think the son
9 kept on contacting the Judge. So he just kind of got
10 sick and tired of the back and forth, and put it in the
11 hands of I believe it was Mr. Lidinsky.

12 And Mr. Lidinsky contacted me, and he said, I
13 understand that you have a contract. Are you still
14 interested? I said, yes. But the price had changed. So
15 I said I'm only willing to pay what we agreed upon. So
16 he said, well, you can just go to the auction and maybe
17 you'll get it for the price you want or so be it. And
18 that's how I got uninvolved.

19 MS. DEMILIO: Okay. Do you still work for AAA?

20 MR. KEENE: No, ma'am. I work for Amtrak.

21 MS. DEMILIO: And what do you do?

1 MR. KEENE: I'm an engineer.
2 MS. DEMILIO: A train engineer?
3 MR. KEENE: Yes, ma'am.
4 MS. RANDALL-JOLIVET: I'm sorry.
5 MS. DEMILIO: A train engineer.
6 MS. RANDALL-JOLIVET: Go ahead.
7 MS. DEMILIO: For Amtrak. Okay.
8 MS. RANDALL-JOLIVET: I'm just trying to move
9 forward I guess a little bit.
10 MS. DEMILIO: Okay. So you were a train
11 engineer for Amtrak. So I assume you're out of town a
12 lot.
13 MR. KEENE: No, I have a schedule. I'm in town
14 -- I'm back home every day.
15 MS. DEMILIO: Okay. So what run do you have?
16 MS. RANDALL-JOLIVET: I'm sorry. Why is this
17 relevant? That's what I'm trying to get to.
18 MR. HURDLE: Yeah, objection.
19 MS. DEMILIO: I want to know if he still --
20 MS. RANDALL-JOLIVET: I'm just trying to
21 understand that.

1 MS. DEMILIO: Are you still involved with the
2 restaurant -- I'm sorry -- with Premier Lounge?
3 MR. KEENE: No, ma'am. I didn't purchase it.
4 No, ma'am. I'm not involved in it.
5 MS. DEMILIO: So you're not involved with it at
6 all?
7 MR. KEENE: No, ma'am.
8 MS. DEMILIO: Okay. All right. I have no
9 further questions.
10 MS. RANDALL-JOLIVET: Thank you.
11 MR. HURDLE: If I could just go back to one
12 thing. At one point, Mr. Keene, you were just asked by
13 counsel that -- I think the phrase of the question was
14 you're only still picking up orders during that time
15 period between March and April. You were the only person
16 working there, correct?
17 MR. KEENE: Yes.
18 MR. HURDLE: So you were picking up orders,
19 going to Costco, selling stuff behind the bar,
20 bartending, the whole works, correct?
21 MR. KEENE: Yes.

1 MR. HURDLE: I just wanted to clarify. Thank
2 you.
3 MS. DEMILIO: Who paid you then?
4 MR. KEENE: I didn't get paid. Mr. Lidinsky
5 did give me a caretaker's fee at the end of the sale.
6 MS. DEMILIO: Nothing further.
7 CHAIRMAN GARBER: Thank you very much, sir.
8 (Mr. Keene excused.)
9 MR. HURDLE: At this time, I would call
10 Ms. Patterson.
11 CHAIRMAN GARBER: For those of you who have
12 just joined us, please make sure your cell phones are
13 off. Okay.
14 (Whereupon,
15 TIFFANY PATTERSON
16 was called as a witness by the Petitioners, and after
17 having been first duly sworn, testified as follows:)
18 MS. RANDALL-JOLIVET: Thank you. And please
19 state your name and your address for the record please.
20 MRS. PATTERSON: Tiffany Patterson, 7523 Roxie
21 Drive, Windsor Mill, Maryland 21244.

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1 CHAIRMAN GARBER: Sorry, if I can. What was
2 the name of the street?
3 MRS. PATTERSON: Roxy, Roxy.
4 CHAIRMAN GARBER: Okay. And how do you spell
5 your last name?
6 MRS. PATTERSON: P-a-t-t-e-r-s-o-n.
7 CHAIRMAN GARBER: And your first name is with a
8 Y at the end?
9 MRS. PATTERSON: Yes.
10 CHAIRMAN GARBER: Thank you.
11 MS. RANDALL-JOLIVET: Thank you.
12 MS. DEMILIO: Is she sworn in?
13 MS. RANDALL-JOLIVET: She is.
14 MR. HURDLE: Ms. Patterson, I just wanted to
15 kind of go over some of the things I think maybe we
16 missed possibly with your husband. Mr. Keene said that
17 he was at the auction in April. At that time, that is
18 when you and your husband purchased the property. Is
19 that accurate?
20 MRS. PATTERSON: Correct.
21 MR. HURDLE: How much was the purchase price?

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1 MRS. PATTERSON: 307, I believe, \$307,000.
2 MR. HURDLE: Did that include the closing costs
3 and other associated kind of --
4 MRS. PATTERSON: No, no, that was just the
5 purchase price, the property and the liquor license.
6 MR. HURDLE: Since that time, you guys have
7 spent significant sums investing in the property?
8 MRS. PATTERSON: Yes.
9 MR. HURDLE: And you've set aside additional
10 sums to kind of finish the renovations. Is that
11 accurate?
12 MRS. PATTERSON: That is accurate.
13 MR. HURDLE: How often are you at the bar or
14 the restaurant every week?
15 MRS. PATTERSON: Seven days a week. My husband
16 and I try to I guess take shifts but we are there every
17 day. The business is not open seven days a week. We're
18 only open Wednesday through Sunday, but we use Mondays
19 and Tuesdays to, you know, clean up or do work.
20 MS. DEMILIO: For what? I didn't get that.
21 Monday, Tuesday.

1 MRS. PATTERSON: To clean and/or do any work
2 that needs to be done at the property.
3 MR. HURDLE: The last time we had a hearing, I
4 believe was I want to say sometime in October, late
5 September. Late September I believe.
6 CHAIRMAN GARBER: September 27th if that helps.
7 MR. HURDLE: Thank you. One of the concerns
8 that's been brought up in the previous hearing was
9 safety, parking and things of that nature. And the last
10 time we spoke, given so much time has passed, I wanted to
11 reach out and verify. Has anything, to your knowledge,
12 occurred in terms of significant parking issues that
13 you've heard of, any safety issues or crime issues, since
14 the last three or four months has passed?
15 CHAIRMAN GARBER: If I can jump in there. You
16 asked a multitude of questions within there.
17 MR. HURDLE: One at a time.
18 CHAIRMAN GARBER: I would just recommend taking
19 it one at a time --
20 MR. HURDLE: Sure.
21 CHAIRMAN GARBER: -- so the record will be

1 clear as to each point that you want to raise.

2 MR. HURDLE: Thank you. Since September, when
3 we last met, have you become aware of any significant
4 parking issues that the bar, the restaurant, the location
5 has created?

6 MRS. PATTERSON: I have not. There has not
7 been any parking issues since we've been open actually.
8 I know my husband did give his phone number to some of
9 the neighbors in the immediate area, and let them know
10 if, you know, anything's going on, if there are any
11 parking issues, to call us. And, you know, that may have
12 happened twice I believe since we've been open, and he
13 did go outside and make sure any issues were taken care
14 of.

15 MR. HURDLE: Have there been any safety issues
16 to your knowledge since you've been open?

17 MRS. PATTERSON: No.

18 MR. HURDLE: And have there been any criminal
19 activities that you're aware of on or around the premises
20 that you're aware of?

21 MRS. PATTERSON: Not that I'm aware of.

1 MR. HURDLE: Do you know if there have been any
2 police calls to the location?

3 MRS. PATTERSON: There's been one call that my
4 husband made when a customer actually came into the
5 package goods store and he was bleeding and I think him
6 and his wife had recently gotten into a fight. So he
7 called the police to make sure that he left the premise.

8 MR. HURDLE: Did you ever have an opportunity
9 to reach out to the local I guess police precinct and
10 follow up on that?

11 MRS. PATTERSON: I did. I called to obtain a
12 report from them, to I guess to back the effect that
13 there has not been any issues, and they told me that they
14 couldn't produce a report because the only call on record
15 was the one from my husband. So there's not necessarily
16 a report --

17 MS. DEMILIO: Objection. This is hearsay.

18 CHAIRMAN GARBER: Well, do you want to respond?

19 MR. HURDLE: Hearsay is permitted. It's an
20 administrative hearing. The weight can be, you know,
21 given the weight.

1 CHAIRMAN GARBER: I would agree. Something
2 like this is not as -- I would -- I'm just going to say I
3 agree. I'll overrule the objection. Go ahead, ma'am.

4 MRS. PATTERSON: That was just it. They said
5 that there was no report to --

6 MR. HURDLE: Produce.

7 MRS. PATTERSON: -- produce.

8 MR. HURDLE: Right now the location is built
9 out and set up on the inside as a bar, restaurant,
10 tavern, and we have a handful of parking spots, maybe two
11 handfuls, but not many more on the premises.

12 MRS. PATTERSON: That's correct.

13 MR. HURDLE: If you weren't able to use the
14 property for its current use, what sort of hardship would
15 you be suffering going forward?

16 MRS. PATTERSON: I don't think there's any use
17 that wouldn't require parking at that property location.
18 Our hands are tied right now with being able to do any
19 updates or create formal space for customers to park in.
20 I will add that we -- most of our customers are on foot,
21 and they come into the store, you know, because they live

1 in the neighborhood or --

2 MR. HURDLE: Do you recognize I guess what this
3 is a picture or a map of?

4 MRS. PATTERSON: I do.

5 MR. HURDLE: May I approach the exhibit?

6 CHAIRMAN GARBER: Yes. First of all, could you
7 identify the exhibit for the record?

8 MR. HURDLE: It's actually the County's
9 exhibit.

10 CHAIRMAN GARBER: What do you mean? Previous
11 counsel.

12 MR. HURDLE: It's map. It's a map.

13 CHAIRMAN GARBER: Yes.

14 MR. HURDLE: Aerial map I guess.

15 CHAIRMAN GARBER: But you're about to refer to
16 it. So for purposes of the record, you're going to be
17 referring to exhibit?

18 MR. HURDLE: 7.

19 MS. DEMILIO: I haven't entered it yet.

20 MR. EVANS: Yeah, I don't think it's been
21 entered.

1 CHAIRMAN GARBER: Okay.

2 MR. HURDLE: For identification.

3 CHAIRMAN GARBER: So then we need to mark it

4 and --

5 MS. DEMILIO: People's Counsel 3?

6 CHAIRMAN GARBER: Yes, so we'll make it

7 People's Counsel 3. It will be an aerial map of the

8 vicinity with what appears to be zoning designations on

9 Exhibit 3. Is that fair?

10 MR. HURDLE: That sounds great. Thank you.

11 (Whereupon, the document

12 referred to as People's

13 Counsel's Exhibit 3 was marked

14 for identification.)

15 CHAIRMAN GARBER: Sure. And if you are going

16 to describe a particular location, try to be cognizant of

17 using the words here, there, that, those kind of things

18 that do not actually identify what you're referring to.

19 Because again, as you can imagine, you say what about

20 this here.

21 MR. HURDLE: Absolutely.

1 CHAIRMAN GARBER: And if it needs to go any

2 further, someone looking at the transcript, they would

3 not be aware of what you are talking about. So to the

4 best you can, please be cognizant of that.

5 MR. HURDLE: I'll try.

6 CHAIRMAN GARBER: Yes.

7 MR. HURDLE: I'll try.

8 CHAIRMAN GARBER: Don't worry. I'm pretty

9 militant about jumping in on that point, but --

10 MR. HURDLE: Ms. Patterson, you recognize what

11 this is an aerial view of, correct?

12 MRS. PATTERSON: I do.

13 MR. HURDLE: And in the center of this map, is

14 a purple box labeled the Premier Lounge, LLC. Is that

15 accurate?

16 MRS. PATTERSON: That's accurate.

17 MR. HURDLE: And one of the reasons we're here

18 today is to go over this parking and other issues,

19 correct?

20 MRS. PATTERSON: Correct.

21 MR. HURDLE: Across the street, directly I

1 guess on this map, it would be essentially directly
 2 south, there's a property that indicates it's Winston
 3 Ebb, and there's parking there, correct?
 4 MRS. PATTERSON: It is.
 5 MR. HURDLE: And generally customers park
 6 there.
 7 MRS. PATTERSON: That is correct, and Mr. Ebb
 8 does allow that.
 9 CHAIRMAN GARBER: I'm sorry. Who -- what's his
 10 name?
 11 MRS. PATTERSON: Mr. Ebb.
 12 CHAIRMAN GARBER: Ebb.
 13 MR. HURDLE: E-b-b is the spelling.
 14 CHAIRMAN GARBER: And I seem to recall some
 15 testimony the last time.
 16 MR. EVANS: And that's the church?
 17 MRS. PATTERSON: No.
 18 MR. EVANS: It's not the church.
 19 CHAIRMAN GARBER: But since you are saying it's
 20 probably basically to the south, I think it's best that
 21 it's identified physically on that map so we know which

1 property as there are actually a number of properties.
 2 So if you could, Ms. Patterson, I assume, Ms. Demilio,
 3 you're okay with Ms. Patterson marking on the map where
 4 this parking is located?
 5 MS. DEMILIO: I'm going to object to it because
 6 it makes offsite parking has certain requirements.
 7 CHAIRMAN GARBER: We're not there yet, but for
 8 purposes of the record, just for her to mark the location
 9 she's referring to so everyone understands.
 10 MS. DEMILIO: Well, I think it's irrelevant
 11 because it's not permitted.
 12 CHAIRMAN GARBER: I'm just asking if you're
 13 okay with her marking your exhibit right now since it's
 14 not in evidence yet.
 15 MS. DEMILIO: It is in evidence as People's
 16 Counsel 3.
 17 CHAIRMAN GARBER: It's not in evidence yet.
 18 MS. DEMILIO: I thought it was People's Counsel
 19 3, you marked it.
 20 CHAIRMAN GARBER: Let me back up. So it's
 21 identified for that. It's identified as people's Counsel

1 Exhibit 3 for purposes of the record. No one's offered
 2 it into evidence as of yet.
 3 MS. DEMILIO: I did.
 4 CHAIRMAN GARBER: Okay. I assume there's no
 5 objection?
 6 MS. DEMILIO: Is there a tab on it, Mr. Evans?
 7 MR. EVANS: Well, there is a tab on it.
 8 CHAIRMAN GARBER: That does not --
 9 MS. DEMILIO: I'm sorry. I don't want to argue
 10 about it.
 11 CHAIRMAN GARBER: No, no.
 12 MS. DEMILIO: Okay. I just wanted the record
 13 to be clear. I don't think there's any objection from
 14 either side, to People's Counsel 3. I'm just saying that
 15 she can mark the parking but I want to bring to the
 16 Board's attention that it's not legal parking.
 17 CHAIRMAN GARBER: Ms. Demilio, I'm assuming
 18 that you'll be covering those grounds in cross-
 19 examination and in any type of post-hearing brief. For
 20 purposes of procedure though, the People's Counsel
 21 Exhibit 3 is admitted.

1 (Whereupon, the document
 2 referred to as People's
 3 Counsel's Exhibit 3 was received
 4 into evidence.)
 5 CHAIRMAN GARBER: And, Ms. Patterson, please
 6 mark on People's Counsel Exhibit 3 -- can you please draw
 7 an "X" on the property you're referring to in terms of
 8 where this parking that we are presently discussing is?
 9 And put your initials next to that "X". Thank you very
 10 much.
 11 All right. Now we're all caught up again. Mr.
 12 Hurdle, back to you.
 13 MR. HURDLE: I think this is going to be a
 14 recurring trend. I apologize.
 15 CHAIRMAN GARBER: No, it's okay.
 16 MR. HURDLE: Now, Ms. Patterson, let's say 12
 17 inches south on this large map, from the Premier Lounge,
 18 3 inches to the east, some somewhat southeast of the
 19 Premier Lounge, but still within what appears to be the
 20 same block, is another parking lot that is marked as --
 21 that's labeled on the map as Morningstar Baptist Church.

1 Do people also on occasion park there?

2 MRS. PATTERSON: That is correct.

3 CHAIRMAN GARBER: And, Ms. Patterson, I will
4 again ask that you please do the same, and I would then
5 amend my earlier instructions, the first "X" that you
6 drew, please put a number 1 next to your initials or
7 somewhere on that. Thank you. And then on the second
8 one, as you can imagine, put number 2, an "X" and your
9 initials. Thank you very much. Now we've done the two
10 properties for purposes of the parking.

11 MS. RANDALL-JOLIVET: Well, actually I have a
12 question about the first one. You referred to Mr. Ebb,
13 but what's the actual name of the business?

14 MRS. PATTERSON: I believe it's Ebb's Grove.

15 MS. RANDALL-JOLIVET: Ebb's Grove.

16 MRS. PATTERSON: Yes.

17 MS. RANDALL-JOLIVET: Thank you.

18 CHAIRMAN GARBER: Ms. Jolivet?

19 MS. RANDALL-JOLIVET: Thank you.

20 MR. HURDLE: Thank you.

21 CHAIRMAN GARBER: Mr. Hurdle, back to you.

1 MR. HURDLE: Ms. Patterson, you've spoken with
2 Mr. Ebb personally on several occasions about parking
3 across the street?

4 MRS. PATTERSON: I have.

5 MR. HURDLE: And you've spoken with people at
6 Morningstar. Is that also accurate?

7 MRS. PATTERSON: I did. They actually moved
8 from that location. There's a new church in Woodlawn,
9 Maryland. So when I spoke to them at that time, they
10 told us that they never stopped anyone from using that
11 lot, but they have no idea, with the new owners, you
12 know, how they would feel about it, but that they were
13 not going to tell us we couldn't park there or our
14 customers couldn't park there.

15 MR. HURDLE: The impression that you got from
16 the people at Morningstar was that since they were
17 selling the property, they were unable to give you a
18 lease that would encumber the property. Is that
19 accurate?

20 MRS. PATTERSON: That is accurate.

21 MR. HURDLE: And despite great efforts with Mr.

1 Ebb, he's been unwilling to sign anything under any
2 circumstances, correct?

3 MRS. PATTERSON: That is true.

4 MR. HURDLE: Has there been any instance in the
5 year that you've been open, and utilizing -- well, I
6 guess -- let me rewind a moment. Are both of those
7 parking lots utilized by your patrons every night or are
8 there nights when you just don't have that many people?

9 MRS. PATTERSON: There are several nights when
10 we just don't have that many people or our customers
11 arrive by foot, not necessarily driving a vehicle.

12 MR. HURDLE: My next question is, has there
13 ever been an instance when your patrons needed to park in
14 one of those lots and it was unavailable or were denied
15 the ability to do so?

16 MRS. PATTERSON: That has not happened.

17 MR. HURDLE: In the year you've been opened?

18 MRS. PATTERSON: Correct.

19 MR. EVANS: So who owns Morningstar now?

20 MRS. PATTERSON: I think Morningstar still owns
21 it now. They are not there.

1 MR. EVANS: They're not there, and the church
2 is vacant. Is that correct? Or --

3 MRS. PATTERSON: I honestly do not know.

4 MR. EVANS: Okay.

5 MS. RANDALL-JOLIVET: I have a question, too.
6 Do you pay any money to Morningstar or Mr. Ebb?

7 MRS. PATTERSON: No.

8 MS. RANDALL-JOLIVET: Thank you.

9 MR. HURDLE: If the church sold tomorrow, would
10 you attempt to negotiate a parking lease or pursue one
11 with the new owner?

12 MRS. PATTERSON: Yes, we would.

13 MR. HURDLE: If Mr. Ebb or the church asked for
14 some sort of payment for the parking, would that be a
15 barrier to you getting that agreement?

16 MRS. PATTERSON: It would not.

17 MR. EVANS: Can you tell us how many parking
18 spots are available in each of those locations
19 approximately?

20 MRS. PATTERSON: I would I guess estimate in
21 Mr. Ebb's property, maybe 20 spaces.

1 MS. RANDALL-JOLIVET: I'm sorry. How many?
 2 MR. EVANS: Twenty.
 3 MRS. PATTERSON: Twenty. And at the church
 4 property, it's definitely more than 20, but I honestly
 5 can't really guess.
 6 MR. HURDLE: On the south side of Shipley
 7 Avenue, people are not allowed to park, correct?
 8 MRS. PATTERSON: That is correct. Government.
 9 MR. HURDLE: Have there been any issues that
 10 you're aware of with parking on the south side of Shipley
 11 Avenue?
 12 MRS. PATTERSON: I know there have been a few
 13 times I think where we had to actually had to tell our
 14 customers that they needed to move their vehicles because
 15 they couldn't park there. So maybe one or two occasions.
 16 MR. HURDLE: And then the customers moved the
 17 vehicles?
 18 MRS. PATTERSON: Yes.
 19 MR. HURDLE: Previously were there clearly
 20 marked or posted signs for no parking on that side of the
 21 street?

1 MRS. PATTERSON: Yes.
 2 MR. HURDLE: Have there been any new signs
 3 added on that side of the street?
 4 MRS. PATTERSON: Yes, the signs were, you know,
 5 down for a while, I guess knocked down, but since then,
 6 they have been reinstalled.
 7 MR. HURDLE: Have you had any problems since
 8 then?
 9 MRS. PATTERSON: No.
 10 MR. HURDLE: The north side of Shipley Avenue
 11 is available for public parking?
 12 MRS. PATTERSON: Yes.
 13 MR. HURDLE: And I just kind of want to go back
 14 real quick. You've been fully open and operating since
 15 about a year ago. Is that accurate?
 16 MRS. PATTERSON: That is accurate.
 17 MR. HURDLE: Has anybody who you see in this
 18 room come to the location and voice complaints to you
 19 personally at the location?
 20 MRS. PATTERSON: No.
 21 MR. HURDLE: Has anybody in the room called you

1 about any complaints?

2 MRS. PATTERSON: No.

3 MR. HURDLE: I have no further questions at
4 this time of this witness.

5 MS. DEMILIO: Mrs. Patterson, at the two areas
6 where you said people could park, I think you said the
7 church parking lot and Mr. Ebb's, do you have signs there
8 saying parking for Premier Lounge?

9 MRS. PATTERSON: At the Ebb's Grove location,
10 we have a sign.

11 MS. DEMILIO: You have a sign there that says
12 parking? You have one of your signs there?

13 MRS. PATTERSON: Yes.

14 MS. DEMILIO: And I want to show you -- you
15 talked about your hours of operation, and this is your --
16 I can show you your current website. Do you recognize
17 that from the internet?

18 CHAIRMAN GARBER: I'm sorry. We need to mark
19 this for purposes of the record?

20 MS. DEMILIO: Well, I want to see if she
21 recognizes it.

1 MRS. PATTERSON: I do.

2 CHAIRMAN GARBER: Let me back up. We need to
3 -- when we have any exhibit, we have to identify it for
4 the record, even if it's not yet in evidence. So this is
5 going to be People's Counsel Exhibit 4.

6 (Whereupon, the document
7 referred to as People's
8 Counsel's Exhibit 4 was marked
9 for identification.)

10 MS. DEMILIO: Do you recognize that and the
11 hours of operations, is that accurate?

12 MRS. PATTERSON: That's accurate.

13 MS. DEMILIO: So you're open from Thursdays to
14 Sundays from 11:00 a.m. to 1:00 a.m. and Wednesdays 4:00
15 p.m. to 12:00 a.m. That's what's on your website?

16 MRS. PATTERSON: Correct, but if there's no
17 events going on, Wednesday through Friday, I would say,
18 we're often closed by 11:00 p.m. because if there's
19 nothing going on, no customers there --

20 MS. DEMILIO: But these are your hours of
21 operation that you advertise, correct?

1 MRS. PATTERSON: Correct.

2 CHAIRMAN GARBER: So are you moving for the
3 admission of People's Counsel Exhibit Number 4?

4 MS. DEMILIO: I think we're at 4.

5 CHAIRMAN GARBER: Yes. Mr. Hurdle?

6 MR. HURDLE: I have no objection.

7 CHAIRMAN GARBER: So admitted.

8 (Whereupon, the document
9 referred to as People's
10 Counsel's Exhibit 4 was received
11 into evidence.)

12 MS. DEMILIO: Then, if I can show you, you
13 mentioned that you purchased the property at auction, and
14 I want to show you what was the -- we'll mark it as
15 People's Counsel 5.

16 (Whereupon, the document
17 referred to as People's
18 Counsel's Exhibit 5 was marked
19 for identification.)

20 MS. DEMILIO: All right. And I direct your
21 attention to the second page, if you'll turn to the

1 second page, Ms. Patterson. About in the middle of the
2 page where it says site. Do you see what I'm talking
3 about in the middle of the page where it says "site,"
4 s-i-t-e?

5 MRS. PATTERSON: Yes.

6 MS. DEMILIO: Okay. And it talks about the
7 size of the property which is .22 acres and then does it
8 discuss -- does it say there the number of parking --
9 paved parking areas for vehicles onsite? Do you see that
10 next paragraph?

11 MRS. PATTERSON: Yes.

12 MS. DEMILIO: Okay. And isn't it a fact that
13 it says parking in the front for four to five vehicles.

14 MR. HURDLE: Can I object? Have we moved it
15 into evidence yet?

16 CHAIRMAN GARBER: This is not in evidence yet.

17 MR. HURDLE: So I would object to any of the
18 testimony because we're testifying when the document's
19 not in evidence at this time.

20 CHAIRMAN GARBER: Well, I think that Ms.
21 Demilio is able to ask her if the information conveyed is

1 accurate to the best of Ms. Patterson's knowledge.
2 MS. DEMILIO: And I --
3 MR. HURDLE: I would hate to disagree, but I
4 think we can do it after the document is evidence before
5 we testify to evidence. I guess this is testifying to
6 evidence. I have no objection to it being in evidence.
7 That's -- I just want to get there before we -- I
8 apologize.
9 CHAIRMAN GARBER: Let's back up a second. I
10 don't have it in front of me. So --
11 MS. DEMILIO: I'm sorry.
12 CHAIRMAN GARBER: -- I'm at a bit of
13 disadvantage on that. So from what I understand we're
14 looking at, this is a real estate printout or, excuse me,
15 I want to say printout from a real estate company
16 concerning the subject property. Do we all agree on
17 that?
18 MS. DEMILIO: At auction.
19 CHAIRMAN GARBER: At auction. So is this --
20 I'm asking only if you know, Ms. Demilio, was this used
21 as part of the auction that is to, I guess, alert people

1 to property being up for auction?
2 MS. DEMILIO: Yes, 180 Winters Lane.
3 CHAIRMAN GARBER: Okay.
4 MRS. PATTERSON: Ms. Patterson agreed that that
5 was the site she purchased.
6 CHAIRMAN GARBER: Okay. So -- and,
7 Ms. Patterson, have you seen this document previously?
8 MRS. PATTERSON: I do not recognize this
9 document --
10 CHAIRMAN GARBER: Okay.
11 MRS. PATTERSON: -- specifically the
12 information regarding parking.
13 CHAIRMAN GARBER: Now -- well, hold on. I'm
14 just asking you if you've seen the document previously,
15 not --
16 MRS. PATTERSON: No.
17 CHAIRMAN GARBER: -- necessarily going item by
18 item here.
19 MRS. PATTERSON: I have not.
20 CHAIRMAN GARBER: As to the information
21 contained within, do you want to take a minute to review

1 that.

2 MRS. PATTERSON: Yes. Okay.

3 MS. DEMILIO: So isn't it a fact, Ms.

4 Patterson --

5 MR. HURDLE: Objection.

6 MS. DEMILIO: Ms. Patterson, would you say that
7 the information there is accurate, that there's parking
8 for four to five vehicles in the front of the structure
9 and approximately 10 to 12 vehicles in the rear? Is that
10 what you -- is that --

11 MRS. PATTERSON: I do not agree with that
12 information.

13 MS. DEMILIO: How many parking spots do you
14 have onsite?

15 MRS. PATTERSON: Maybe four in the front, but
16 there's definitely not 10 to 12 in the rear.

17 MS. DEMILIO: There's less?

18 MRS. PATTERSON: Yes.

19 MS. DEMILIO: There's less than 10 to 12. All
20 right. The next People's Counsel exhibit.

21 CHAIRMAN GARBER: Hold on. On People's Counsel

1 Exhibit 5, Mr. Hurdle.

2 MR. HURDLE: I would object. There's no
3 authentication for this document. Sorry. She didn't
4 recognize some of the things on it. She's never seen it
5 before.

6 MS. DEMILIO: Really, my whole purpose was to
7 have her testify as to the parking at the time of the
8 auction and she already testified to that. So --

9 CHAIRMAN GARBER: I would say --

10 MR. HURDLE: It's --

11 CHAIRMAN GARBER: Hold on. I'm going to
12 sustain the objection. It's not admitted. The purpose
13 for which Ms. Demilio wanted to use it for, I understand,
14 but the document itself is not admitted.

15 MR. HURDLE: I completely understand. I also
16 wanted to object to the fact that she didn't testify that
17 the information on here was necessarily inaccurate.

18 CHAIRMAN GARBER: She --

19 MR. HURDLE: She didn't --

20 CHAIRMAN GARBER: -- said it was not accurate.

21 MR. HURDLE: So I'm just confused. The

1 allegation was that she recognized there was 12 spots
2 before and now there's 7.

3 CHAIRMAN GARBER: There's a public
4 representation made in conjunction with the auction, for
5 however this information came to be, that it was 10 to 12
6 spaces. Ms. Patterson testified she disagreed, that that
7 was an inaccurate assessment as to the number of spaces.
8 She said it was less which I believe is the point Ms.
9 Demilio was trying to make after all. So we don't even
10 need the document, but the document was being used to
11 say, hey, here's one representation of what the parking
12 was ahead of time. Do you agree with that? No, actually
13 it was less. I think the questions are find. The
14 document itself is not. So we can move on from there.

15 But to be clear, I'll overrule -- I will,
16 excuse me, sustain the objection as to the document, and
17 overrule the objection as to the questions. Thank you.

18 MS. DEMILIO: Thank you.

19 CHAIRMAN GARBER: This is People's Counsel
20 Exhibit Number 5.

21 MR. EVANS: It's not in evidence.

1 CHAIRMAN GARBER: Right.

2 (Whereupon, the document
3 referred to as People's
4 Counsel's Exhibit 5 was
5 rejected.)

6 MS. DEMILIO: You talked about that you have
7 customers from the neighborhood. Do you know their
8 names?

9 MRS. PATTERSON: I actually have a document
10 where our neighbors stated their name and address and
11 phone numbers in support of the property. So I don't
12 know their names by heart, but I have a document.

13 MS. DEMILIO: You said people come into the
14 restaurant, tavern, package goods store, that are
15 neighbors?

16 MRS. PATTERSON: Yes.

17 MS. DEMILIO: Now how many days do you work
18 there?

19 MRS. PATTERSON: Every day.

20 MS. DEMILIO: You have no other job?

21 MRS. PATTERSON: No, I have a full-time job.

1 MS. DEMILIO: Other than the Premier Lounge?
 2 MRS. PATTERSON: That is correct.
 3 MS. DEMILIO: Where do you work?
 4 MRS. PATTERSON: CMS.
 5 MS. DEMILIO: And what does CMS stand for?
 6 MRS. PATTERSON: It's Centers for Medicare and
 7 Medicaid Services.
 8 MS. DEMILIO: And where is that office?
 9 MRS. PATTERSON: Bowling Road.
 10 MS. DEMILIO: And your hours there are?
 11 MRS. PATTERSON: I would say approximately 8:00
 12 a.m. to 4:00 p.m.
 13 MS. DEMILIO: Now in terms of the parking
 14 spaces that you indicated you had at -- you called it
 15 Mr. Ebb's?
 16 MRS. PATTERSON: Mr. Ebb's.
 17 MS. DEMILIO: Ebb.
 18 MRS. PATTERSON: Part of the spaces he has,
 19 right?
 20 MS. DEMILIO: Right, right.
 21 MRS. PATTERSON: Okay.

1 MS. DEMILIO: And the church parking lot, do
 2 you -- I think it was your testimony there was no written
 3 agreement?
 4 MRS. PATTERSON: Correct.
 5 MS. DEMILIO: All right. And you have no
 6 approval from Baltimore County to -- for offsite parking
 7 to meet your parking requirements at Mr. Ebb's or the
 8 church. Is that correct?
 9 MRS. PATTERSON: It wasn't requested from
 10 Baltimore County.
 11 MS. DEMILIO: But, no, you have no -- you have
 12 never submitted a written agreement with those two, Mr.
 13 Ebb's or the church, for parking? You've never submitted
 14 that for --
 15 MR. HURDLE: Objection.
 16 MS. DEMILIO: -- approval, have you?
 17 MR. HURDLE: Asked and answered.
 18 CHAIRMAN GARBER: Overruled. Go ahead.
 19 MRS. PATTERSON: Correct.
 20 CHAIRMAN GARBER: And to be clear, Ms.
 21 Demilio's question said you had not submitted as to Mr.

1 Ebb and the church, I'm going to put it in the, I guess,
2 disjunctive, to either one, you've not submitted one for
3 Mr. Ebb nor have you submitted one for the church,
4 correct?

5 MRS. PATTERSON: To Baltimore County?

6 CHAIRMAN GARBER: Right.

7 MRS. PATTERSON: Correct.

8 CHAIRMAN GARBER: So not just both, it's --

9 MRS. PATTERSON: To either.

10 CHAIRMAN GARBER: -- there's no individual one
11 either. Sorry, Ms. Demilio.

12 MS. DEMILIO: And you have no guarantee that
13 you can continue to park -- your customers can continue
14 to park at those -- either of those locations?

15 MRS. PATTERSON: Guarantee from whom?

16 MS. DEMILIO: From the owner of the property,
17 Mr. Ebb or the church?

18 MRS. PATTERSON: I have verbal agreements from
19 both properties.

20 MS. DEMILIO: There's no time. He didn't give
21 you a time estimate or anything, did he? Did either of

1 those property owners give you any time estimate on how
2 long you could park there, your customers?

3 CHAIRMAN GARBER: Ms. Demilio, please keep your
4 voice up, because I also note that your book is on top of
5 the microphone.

6 MRS. PATTERSON: I don't believe we discussed
7 any times.

8 MS. DEMILIO: All right. And when your
9 customers park illegally on Shipley Road, how do you know
10 about this?

11 MR. HURDLE: Objection.

12 CHAIRMAN GARBER: I'm going to overrule.
13 Ms. Patterson's already testified there should be no
14 parking on the south side of Shipley Road and that there
15 have been occasions where people have actually parked
16 illegally there. She may not have used the word illegal,
17 but that's how it's being received by me at least.

18 MS. DEMILIO: How do you know when your
19 customers are parking illegally on Shipley Road?

20 MRS. PATTERSON: Either a neighbor will call
21 and sometimes the customers in and ask, can they park

1 there.

2 MS. DEMILIO: So you have gotten some calls
3 from neighbors about illegal parking?

4 MRS. PATTERSON: Yes, I stated that earlier.

5 MS. DEMILIO: Now you also have events at your
6 establishment, don't you?

7 MRS. PATTERSON: Events? Say that again.

8 MS. DEMILIO: You have a privacy events at your
9 establishment, catering of parties?

10 MRS. PATTERSON: That is correct.

11 MS. DEMILIO: And is the club closed then or is
12 it still open to the public?

13 MRS. PATTERSON: It depends on what the person
14 that's hosting the event requests.

15 MS. DEMILIO: Okay. So I assume then you have
16 a special room where someone can have a private event in
17 additional to the public area?

18 MRS. PATTERSON: No, we do not.

19 MS. DEMILIO: Well, where are the private
20 events held?

21 MRS. PATTERSON: In that same restaurant area.

1 There are only two portions of the property open right
2 now.

3 CHAIRMAN GARBER: Which two portions is that?

4 MRS. PATTERSON: Package goods and then the
5 restaurant, what we refer to as the lounge area.

6 CHAIRMAN GARBER: And then there's another
7 section that's the storage I guess it has been previously
8 called?

9 MRS. PATTERSON: Correct.

10 CHAIRMAN GARBER: And then there's yet another
11 section, isn't there?

12 MRS. PATTERSON: No, just the other one.

13 MR. EVANS: The bar is part of what you call
14 the lounge?

15 MRS. PATTERSON: Yes.

16 CHAIRMAN GARBER: Maybe that's where --

17 MS. DEMILIO: All right. And you do have happy
18 hour on Fridays. Is that correct?

19 MRS. PATTERSON: Sometimes, yes.

20 MS. DEMILIO: And you've had parties at

21 Halloween, Halloween after party, you've advertised that?

1 MRS. PATTERSON: Yes.

2 MS. DEMILIO: So you advertise these events on

3 the internet. Is that your main way of letting people

4 know?

5 MRS. PATTERSON: I would say social media and

6 sometimes we print flyers and hand them out.

7 MS. DEMILIO: So social media. Do you have

8 Twitter that people are following you?

9 MRS. PATTERSON: Not Twitter. Instagram and

10 Facebook.

11 MS. DEMILIO: Okay. Did you know the prior

12 owner of the property, Mr. Fletcher?

13 MRS. PATTERSON: I did not know him personally.

14 MS. DEMILIO: I have no further questions.

15 Thank you.

16 CHAIRMAN GARBER: All right. Any redirect?

17 MR. HURDLE: Sure. Just a couple of things.

18 Ms. Patterson, there was a question that said, you know,

19 what are the hours that the club is open. This isn't a

20 nightclub, correct?

21 MRS. PATTERSON: Correct, it's not.

1 MR. HURDLE: And when you call the space, I

2 guess the lounge side, that's a bar and tables and chairs

3 and a restaurant for functional purposes?

4 MRS. PATTERSON: Correct.

5 MR. HURDLE: Do you serve food?

6 MRS. PATTERSON: Yes, full menu.

7 MR. HURDLE: Full menu.

8 MRS. PATTERSON: Uh-huh.

9 CHAIRMAN GARBER: I'm sorry. Where's the

10 kitchen located?

11 MRS. PATTERSON: It's on that same side of the

12 property.

13 CHAIRMAN GARBER: When you say same side --

14 MRS. PATTERSON: The restaurant area.

15 CHAIRMAN GARBER: Go ahead.

16 MR. HURDLE: Thank you. And we keep going back

17 to the number of calls for parking. You said that one of

18 the neighbors had reached out and then one of the

19 customers came in and asked. How many times are you

20 personally aware of, has a neighbor called to express a

21 concern regarding illegal parking on the south side of

1 Shipley?

2 MS. DEMILIO: Objection. Asked and answered.
3 This has been asked and answered. Why does he get a
4 second crack at this?

5 CHAIRMAN GARBER: I believe you did ask that
6 question on direct.

7 MS. DEMILIO: And then she re-asked the same
8 question.

9 CHAIRMAN GARBER: I will allow you to follow up
10 on that, but tread lightly.

11 MR. HURDLE: You were asked by County's counsel
12 that you had received calls.

13 CHAIRMAN GARBER: People's Counsel.

14 MR. HURDLE: People's Counsel. I apologize.
15 People's Counsel, you had received calls from the
16 neighborhood. Was it calls or was it one call?

17 MRS. PATTERSON: I believe twice I remember a
18 neighbor calling my husband. They didn't call me
19 personally.

20 MR. HURDLE: With regards to the church parking
21 lot, are you the only kind of I guess non-church

1 participant -- I'm not sure how to raise that. Premier
2 Lounge uses the parking lot. Are you aware of any other
3 businesses in the area that use the church parking lot as
4 either overflow or primary parking?

5 MRS. PATTERSON: I would say the Legion I
6 believe that's down the street from us. They are across
7 the street from the church. I know that they use that.

8 MR. EVANS: That's the American Legion?

9 MRS. PATTERSON: I believe so.

10 MR. HURDLE: Do they appear on the map we've
11 looked at?

12 MRS. PATTERSON: I don't readily see it.

13 MR. HURDLE: To your knowledge, do they have a
14 written parking lease with the church?

15 MRS. PATTERSON: No, they do not.

16 MS. DEMILIO: Objection.

17 CHAIRMAN GARBER: I couldn't hear that. What
18 was that question?

19 MR. HURDLE: My question was, to your
20 knowledge, do they have a written parking lease with the
21 church?

1 CHAIRMAN GARBER: What's your objection?

2 MS. DEMILIO: How would she know that? She
3 doesn't even -- she's not even sure they park there.

4 MRS. PATTERSON: Well, but they've told me.
5 The church did tell me.

6 MS. DEMILIO: Objection.

7 CHAIRMAN GARBER: Hold it. Everyone stop.
8 Ms. Demilio, if she doesn't know the answer, then she
9 doesn't know the answer.

10 MS. DEMILIO: Well, she can't hearsay. She
11 can't offer hearsay to something important like that.

12 CHAIRMAN GARBER: Hold on. Well, we're talking
13 about if she has awareness if there's a written lease.
14 That's not necessarily hearsay by itself.

15 MS. DEMILIO: Well, she said they told her.
16 That's what I objected to.

17 MRS. PATTERSON: No, I'm sorry.

18 CHAIRMAN GARBER: We're all jumping in and
19 talking on top of one another. It's hard for me to keep
20 track of all this stuff. Your objection is that she may
21 not now this. How would she know this? We need to hear

1 from her first as to the answer, and then if it's the
2 subject of hearsay, you have an objection to that.

3 Obviously feel free to object. Your answer.

4 MRS. PATTERSON: I was told by the church when
5 I asked for something in writing --

6 MS. DEMILIO: Objection.

7 CHAIRMAN GARBER: Hold on. Your objecting on
8 the basis of hearsay.

9 MS. DEMILIO: Yes.

10 CHAIRMAN GARBER: And that is the truth of the
11 matter asserted. That is there or is there not a written
12 lease with another entity? Mr. Hurdle.

13 MR. HURDLE: I can rephrase the two questions I
14 have to avoid the hearsay issue entire if you'd like.

15 CHAIRMAN GARBER: Well, if you wish to resolve
16 the objection without a ruling, then I --

17 MR. HURDLE: I'll withdraw the question and
18 rephrase.

19 CHAIRMAN GARBER: There we go. Thank you.

20 MR. HURDLE: Ms. Patterson, are you aware of
21 there being a lease? To your knowledge, there isn't a

1 lease between the church and the Legion. Is that
 2 correct?
 3 MRS. PATTERSON: That is correct.
 4 MS. DEMILIO: Objection. That is a leading
 5 question. It's worse.
 6 CHAIRMAN GARBER: Well, I don't know if it's
 7 worse, but it is certainly objectionable on the same
 8 basis. I'm going to ask for a proffer. What is the
 9 basis or why are we going down this road as to whether or
 10 not she has awareness of a written lease with any other
 11 entity other than the Premier Lounge?
 12 MR. HURDLE: I believe the County's position is
 13 that --
 14 CHAIRMAN GARBER: People's Counsel.
 15 MR. HURDLE: -- People's Counsel, oh, yes, I'm
 16 sorry.
 17 CHAIRMAN GARBER: That's okay.
 18 MR. HURDLE: People's Counsel's position is
 19 that she must maintain this lease in order to have kind
 20 of overflow parking count towards her parking requirement
 21 when, in fact, there are other businesses in the area

1 that just don't.
 2 CHAIRMAN GARBER: Well, that -- I know where
 3 you're going with this. I don't believe that's going to
 4 help whether they do or do not. I don't think it's going
 5 to help your position because the County requirements are
 6 really at issue. So the County is going to require some
 7 sort of written agreement. If the American Legion does
 8 not have one, there may be another problem, but that's
 9 not before us today. And that doesn't help your client
 10 in this position.
 11 So the line of questioning may not be the I
 12 guess for you go down at this point. Moreover, it would
 13 avoid all the objections.
 14 MR. HURDLE: I'm going to keep going down this
 15 line of questioning.
 16 CHAIRMAN GARBER: We'll see where that goes.
 17 That's fine.
 18 MR. HURDLE: Ms. Patterson, you've spoken to
 19 people that operate the church, correct?
 20 MRS. PATTERSON: Yes.
 21 MR. HURDLE: And you've been left with the

1 impression, that there is no written agreement between
 2 the Legion and the church. Is that accurate?
 3 MS. DEMILIO: Objection.
 4 MRS. PATTERSON: That's accurate.
 5 MS. DEMILIO: It's the same.
 6 CHAIRMAN GARBER: I'm going to sustain the
 7 objection at this point. County requirements are what
 8 they are, and whether or not there's any other party that
 9 is not in compliance with County regulations on the
 10 parking, that's not a matter in front of us today.
 11 MR. HURDLE: I have no further questions.
 12 CHAIRMAN GARBER: Ms. Demilio, any follow up?
 13 MR. EVANS: I have a couple of questions.
 14 CHAIRMAN GARBER: Go ahead.
 15 MR. EVANS: As to this last point, if you
 16 believed that other entities had written agreements with
 17 the church, what action would you have taken, if any?
 18 MRS. PATTERSON: I would, I would have
 19 requested a written agreement for us as well.
 20 MR. EVANS: Now, I'd like to go back to this
 21 question of hardship that you were asked about earlier.

1 If you are not permitted to have a variance for parking,
 2 that's at issue here, what happens to Premier Lounge?
 3 MRS. PATTERSON: That's a question that I have
 4 as well. I can't answer that.
 5 MR. EVANS: You can't answer it at all?
 6 MRS. PATTERSON: We purchased this property as
 7 a transfer, thought that that's what it was going to be.
 8 We've invested a significant amount of our finances, not
 9 borrowed funds, our finances, to update the property and
 10 operate as Premier Lounge. This was also signed off by,
 11 you know, a business license, the liquor license and
 12 Zoning signed off on both of these. So I don't
 13 understand why I'm here, and I can't answer that
 14 question.
 15 MR. EVANS: Well, if you can't -- if you don't
 16 have parking, then you can't operate. Is that --
 17 MRS. PATTERSON: Well, we have parking now.
 18 MR. EVANS: No, no, no, I'm talking about if
 19 you don't have the parking variance that you requested
 20 here.
 21 MRS. PATTERSON: I --

1 MR. EVANS: Let me back up. Is it not the case
2 that the County has indicated to you that you require a
3 certain number of parking spaces to operate your
4 business?

5 MRS. PATTERSON: The County has not indicated
6 that to me.

7 MR. EVANS: Okay.

8 MRS. PATTERSON: And I think I've stated, a lot
9 of our customers or traffic into the lounge are folks on
10 foot.

11 MR. EVANS: No, I get that. I get that. This
12 is a different point.

13 MRS. PATTERSON: Okay.

14 MS. RANDALL-JOLIVET: Can I say something?

15 MR. EVANS: Yes, please.

16 MS. RANDALL-JOLIVET: You had a witness that
17 testified, was it Mr. Hoff, on your behalf, that there
18 was a requirement of 90 parking spaces. Do you recall
19 that?

20 MRS. PATTERSON: I don't recall that number.

21 MS. RANDALL-JOLIVET: Were you here at the last

1 hearing?

2 MRS. PATTERSON: I was.

3 MS. RANDALL-JOLIVET: The entire time?

4 MRS. PATTERSON: Yes.

5 MS. RANDALL-JOLIVET: There was a witness that
6 testified, Mr. Hoff, who was a registered land architect,
7 had stated that the 90 parking spaces would be required,
8 for the restaurant would be 86.8 and 3.2 for the package
9 goods section.

10 MRS. PATTERSON: Okay.

11 MR. EVANS: Do you recall that?

12 MRS. PATTERSON: I don't, but --

13 CHAIRMAN GARBER: Well, hearing that, you're
14 not surprised --

15 MRS. PATTERSON: I'm not surprised.

16 CHAIRMAN GARBER: -- to hear that. Okay.

17 MR. EVANS: If Premier Lounge can't operate as
18 Premier Lounge, okay --

19 MRS. PATTERSON: Okay.

20 MR. EVANS: -- what are you going to do with

21 the property? That's my question.

1 MRS. PATTERSON: I honestly don't know what we
2 could do with the property. Anything we put there would
3 require parking.

4 MR. EVANS: Would you tear the building down?

5 MRS. PATTERSON: Probably not.

6 MR. EVANS: Would you put up a house there?

7 CHAIRMAN GARBER: Well, leave aside zoning
8 questions.

9 MR. EVANS: Yeah, leading.

10 MR. HURDLE: Yeah, it's --

11 MR. EVANS: I guess my question is -- well, I
12 think you've answered it which is, if you can't operate
13 Premier Lounge as Premier Lounge, there's pretty much
14 nothing you can do with it. Is that fair to say, as far
15 as you know?

16 MRS. PATTERSON: I do not know what we could do
17 with it.

18 MR. HURDLE: If I may for just a moment. You
19 mentioned Mr. Hoff's testimony. I think he spoke
20 somewhat at length to this issue. If there isn't a
21 parking variance granted, whether it's for Premier Lounge

1 as a bar/restaurant, I think even if it was an office,
2 and again it's been --

3 MR. EVANS: He said you would need about 30
4 spots if it was an office.

5 MR. HURDLE: So I think he mentioned if there
6 was any space of this physical size, we're going to need
7 that parking variance. Otherwise --

8 CHAIRMAN GARBER: But we're here today, but
9 we're here today for a variance for the bar/restaurant,
10 not for an office, not for any other use that would be,
11 by right, with a zoning designation.

12 MR. HURDLE: Certainly my understanding based
13 on the variance discussions that we've had and the
14 testimony with regards to People's Counsel's view that
15 this written lease would be required, if we can get it
16 today, we wouldn't be able to get it for an office
17 tomorrow either.

18 MS. DEMILIO: Isn't this better suited for a
19 memo? I mean, why are we letting counsel argue here? I
20 mean, I want equal time, Mr. Garber.

21 CHAIRMAN GARBER: Well, hold on. Mr. Evans,

1 you have a point to make?

2 MR. EVANS: One of the legal issues, I believe,
3 associated with variances is hardship to the owners and
4 possible alternative uses of the property if indeed
5 they're pertinent. Is that correct?

6 MS. DEMILIO: That's the second part. The
7 first thing they have to show uniqueness.

8 MR. EVANS: Uniqueness, yes. But one of the
9 issues on variance is hardship and --

10 MS. DEMILIO: Well, there's also such a thing
11 as a self-created hardship.

12 MR. EVANS: There is. There is. And --

13 CHAIRMAN GARBER: Well, this isn't argument
14 time.

15 MS. DEMILIO: Yes.

16 CHAIRMAN GARBER: So I would just urge -- Mr.
17 Evans, if your questions that you need to be satisfied,
18 as to the record, to pursue your questions, then we can
19 let counsel, to the extent that they have follow-up
20 questions, then engage in those follow-up questions.
21 And, then we can all reserve argument to the post-hearing

1 memos.

2 MS. DEMILIO: Because I --

3 MR. EVANS: All I was trying to point out --

4 MS. DEMILIO: I know. I understand.

5 MR. EVANS: -- was that the question of a 30
6 parking lot enterprise, as an alternative to the present,
7 is not realistic either. That's all I was trying to --

8 MS. DEMILIO: Well, there is case law that
9 talks about a lesser variance.

10 MR. EVANS: Okay.

11 MS. DEMILIO: I'll address that --

12 CHAIRMAN GARBER: Well, again, we're going to
13 reserve argument and everything to that end --

14 MR. EVANS: I apologize.

15 MS. DEMILIO: That's okay.

16 CHAIRMAN GARBER: -- to post-hearing memos.

17 Ms. Demilio, you had follow-up questions --

18 MS. DEMILIO: Yes.

19 CHAIRMAN GARBER: -- for the witness.

20 MS. DEMILIO: Ms. Patterson, before you
21 purchased the property, did you consult a lawyer as to

1 whether the property was adequately suitable for the
2 purpose you wanted? Did you meet with a lawyer?

3 MRS. PATTERSON: I met with a lawyer in regards
4 to the liquor license.

5 MS. DEMILIO: Did you ever meet with a
6 lawyer --

7 MRS. PATTERSON: Not the property.

8 MS. DEMILIO: You never met with a lawyer with
9 regard to the zoning?

10 MRS. PATTERSON: Correct.

11 MS. DEMILIO: All right. And at the time you
12 purchased the property, as you've testified to in the ad,
13 did you know -- did you visit the property before you
14 purchased it at auction?

15 MRS. PATTERSON: Well, I --

16 MS. RANDALL-JOLIVET: I'm sorry. You're
17 talking about the document that wasn't admitted? Is that
18 -- when you say the ad?

19 MS. DEMILIO: Well, she's talking about -- I'm
20 just talking about the auction. I don't have to refer to
21 the document.

1 MS. RANDALL-JOLIVET: Well, you did. That's
2 what I'm trying to confirm, which document you're
3 referring to.

4 MS. DEMILIO: All right. You testified that
5 the property has 4 or 5 parking spots in the front and
6 less than 10 or 12 in the rear. That's your testimony?

7 MRS. PATTERSON: Correct.

8 MS. DEMILIO: All right. Before you purchased
9 the property at auction, did you visit the site? Did you
10 visit the location of 180 Winters Lane?

11 MRS. PATTERSON: I've attended events there.

12 MS. DEMILIO: So you did see the property
13 before you bought it?

14 MRS. PATTERSON: Yes.

15 MS. DEMILIO: Okay. Where was the auction
16 held? Where was that held?

17 MRS. PATTERSON: At the property.

18 MS. DEMILIO: The auction was actually held
19 onsite, 180 Winters Lane?

20 MRS. PATTERSON: Correct.

21 MS. DEMILIO: I have no further questions.

1 MR. HURDLE: I know we're beating a dead horse,
2 and I do apologize.

3 CHAIRMAN GARBER: No, it's all right. The
4 horse may be breathing. Who knows.

5 MR. HURDLE: We'll finish that now.

6 CHAIRMAN GARBER: He's mostly dead.

7 MR. HURDLE: Ms. Patterson, there's no mention
8 of these parking spots in the front of the building.
9 People parked cars in front of the building, and they
10 parked some number of cars in front of the building. Is
11 that correct?

12 MRS. PATTERSON: That is.

13 CHAIRMAN GARBER: Hold on. There's two
14 frontages.

15 MR. HURDLE: Sorry. This is the Winters Lane
16 -- I believe it's the Winters Lane frontage.

17 CHAIRMAN GARBER: Right. There was testimony
18 about the County coming in and taking spaces in front.
19 So now in light of those clarifications, where does your
20 question fit in?

21 MR. HURDLE: I'm just going to ask if there's

1 any legal parking spots of any nature on the frontage on
2 Winters Lane side?

3 CHAIRMAN GARBER: Understood.

4 MRS. PATTERSON: When you say legal?

5 MR. HURDLE: I apologize.

6 CHAIRMAN GARBER: All right. Are you permitted
7 to just drive up right now and park on Winters Lane
8 directly in front of your property?

9 MRS. PATTERSON: That is correct.

10 CHAIRMAN GARBER: And how many spaces or how
11 many vehicles could that accommodate, that space, that is
12 okay for parking?

13 MRS. PATTERSON: Depending on the vehicle, I
14 would say five.

15 MS. RANDALL-JOLIVET: And I have a question,
16 too. On your most busy nights, how many -- approximately
17 how many people are on your property?

18 MRS. PATTERSON: And you're not talking about
19 cars. You're saying --

20 MS. RANDALL-JOLIVET: People.

21 MRS. PATTERSON: -- people. How many people

1 are there? On a busy night I would say 30.

2 MS. RANDALL-JOLIVET: About 30. And of the
3 additional parking spaces at Ebb's Grove and the church,
4 approximately how many do you use on those busy nights?

5 MRS. PATTERSON: Maybe I would say 20.

6 MS. RANDALL-JOLIVET: About 20, between both
7 properties?

8 MRS. PATTERSON: Yes.

9 MS. RANDALL-JOLIVET: Thank you.

10 CHAIRMAN GARBER: And I have one question. You
11 say the most you would typically have on a busy night
12 would be about 30. What is the occupancy for the bar,
13 restaurant, lounge?

14 MRS. PATTERSON: I would have to look in my
15 note.

16 CHAIRMAN GARBER: That's okay. If you knew,
17 that's fine.

18 MRS. PATTERSON: I'm not sure.

19 CHAIRMAN GARBER: If you don't, don't worry
20 about it.

21 MR. EVANS: I wanted to go back to one thing.

1 And maybe I'm mistaken on this. Is your -- is the
2 viability of your liquor contingent on increasing the
3 number of parking associated with, if that applies, if
4 you know?

5 MRS. PATTERSON: No, it's not.

6 MS. DEMILIO: What was that question,

7 Mr. Evans? I didn't hear it.

8 MR. EVANS: I was asking --

9 CHAIRMAN GARBER: Is it -- sorry.

10 MR. EVANS: -- if the liquor license for
11 Premier Lounge was in any way contingent or the continued
12 viability of the liquor license was contingent on
13 receiving parking variances?

14 MS. DEMILIO: And what was her answer? She
15 said no.

16 MR. EVANS: Her answer was no.

17 MS. DEMILIO: Okay.

18 MR. HURDLE: That's what I want to address.

19 And I just think it's a very detailed legal question, and
20 I'm just not sure --

21 CHAIRMAN GARBER: Her understanding is that it

1 is not.

2 MR. HURDLE: Sure.

3 CHAIRMAN GARBER: Whether or not there's a
4 legal implication that goes beyond what she presently
5 knows here on the stand, to the extent that that's
6 relevant or necessary for us to know, for purposes of
7 whether or not this -- any variance should be granted, we
8 can certainly address in post-hearing memos.

9 But this witness here, is under the impression
10 that they are not intertwined. Is that a fair way to
11 purchase --

12 MR. HURDLE: Perfect.

13 CHAIRMAN GARBER: Any other questions for
14 Ms. Patterson? No? Ms. Patterson, you are finished.
15 Thank you very much for your time.

16 (Mrs. Patterson excused.)

17 CHAIRMAN GARBER: And with that in mind,
18 Mr. Hurdle, do you have any other witnesses or evidence
19 you wish to present in your case?

20 MR. HURDLE: I did. I just really briefly
21 wanted to -- I think I have a couple of people -- just

1 one moment.

2 CHAIRMAN GARBER: You know what? Here's what
3 we're going to do, Mr. Hurdle, to make it easy. We'll
4 take a five minute recess.

5 MR. HURDLE: Thank you.

6 CHAIRMAN GARBER: You can regroup and figure
7 out where we're going because it is my determination to
8 get this done today as best as we can.

9 MS. DEMILIO: Actually, I thought his case was
10 finished and we were back in for my witnesses.

11 CHAIRMAN GARBER: Well, that's why I clarified
12 that at the beginning of the day, and Mr. Hurdle said he
13 had additional evidence and witnesses.

14 MS. DEMILIO: I thought he closed his case.
15 That's all. That's fine. I didn't object.

16 CHAIRMAN GARBER: So five minutes, Mr. Hurdle.

17 MR. HURDLE: Thank you.

18 CHAIRMAN GARBER: Will that be sufficient?

19 MR. HURDLE: Absolutely. Thank you.

20 CHAIRMAN GARBER: Okay. Thank you very much.

21 (Off the record.)

1 (On the record.)
 2 CHAIRMAN GARBER: As a reminder, please have
 3 your cell phones off. This is a Court. We need to keep
 4 all other noises down, no discussions, et cetera.
 5 So with that in mind, Mr. Hurdle, where are we?
 6 MR. HURDLE: I'm going to just -- five more
 7 minutes if I can. I do apologize. I just want to --
 8 CHAIRMAN GARBER: When you say five more
 9 minutes, do you mean five more minutes of?
 10 MR. HURDLE: I'm going to recall Mr. Patterson.
 11 CHAIRMAN GARBER: Okay.
 12 MR. HURDLE: I have I believe two or three
 13 questions, possibly one document which I'd like to
 14 identify now.
 15 CHAIRMAN GARBER: Have you shown it to
 16 Ms. Demilio?
 17 MR. HURDLE: I have not yet.
 18 CHAIRMAN GARBER: I would start with that
 19 please.
 20 MR. HURDLE: I don't know what number we are
 21 identifying.

1 MR. EVANS: This would be 8.
 2 MR. HURDLE: Petitioner's Exhibit 8 for
 3 identification.
 4 MR. EVANS: Petitioner's Exhibit 8.
 5 CHAIRMAN GARBER: Now, Ms. Demilio, based on
 6 what I'm seeing here -- I'm assuming that is your only
 7 copy, Mr. Hurdle?
 8 MR. HURDLE: I'm getting a certified copy in
 9 the next five minutes.
 10 CHAIRMAN GARBER: Well, be that as it may. For
 11 purposes of this hearing though, that is the only copy?
 12 MR. HURDLE: Only one.
 13 CHAIRMAN GARBER: All right. So we're going to
 14 pause the record, I'm going go ask to get photocopies.
 15 (Off the record.)
 16 (On the record.)
 17 CHAIRMAN GARBER: All right. We're back on the
 18 record. We just had copied the proposed Petitioner's
 19 Exhibit 8 to which, you know, we only had one copy
 20 before. So now we all have copies in front of us.
 21 Mr. Hurdle.

1 MR. HURDLE: Thank you. Mr. Patterson.
 2 MS. DEMILIO: I'm going to object to
 3 Mr. Patterson. We already had him on the stand. Why are
 4 we allowing him to come back again?
 5 CHAIRMAN GARBER: It's still his case. It's
 6 fine. Overrule the objection. You can recall
 7 Mr. Patterson.
 8 MR. HURDLE: Mr. Patterson, I'm giving you
 9 what's been --
 10 MS. RANDALL-JOLIVET: I'm sorry. I need to
 11 remind him that he's still under oath.
 12 (Whereupon,
 13 STEPHEN PATTERSON
 14 was recalled as a witness by the Petitioner's and, after
 15 having been previously sworn, testified as follows:)
 16 MS. RANDALL-JOLIVET: And please restate your
 17 name for the record.
 18 MR. PATTERSON: Stephen Patterson.
 19 MS. RANDALL-JOLIVET: Stephen Patterson. Thank
 20 you.
 21 CHAIRMAN GARBER: And how do you spell Stephen

1 again?
 2 MR. PATTERSON: S-t-e-p-h-e-n.
 3 CHAIRMAN GARBER: Thank you.
 4 MS. RANDALL-JOLIVET: Thank you.
 5 CHAIRMAN GARBER: Mr. Hurdle.
 6 MR. HURDLE: Mr. Patterson, I'm handing you
 7 what's been marked as Petitioner's Exhibit 8 for
 8 identification.
 9 (Whereupon, the document
 10 referred to as Petitioner's
 11 Exhibit 8 was marked for
 12 identification.)
 13 CHAIRMAN GARBER: First question is, can you
 14 identify Petitioner's Exhibit 8?
 15 MR. PATTERSON: Yes.
 16 CHAIRMAN GARBER: What is Petitioner's Exhibit
 17 8?
 18 MR. PATTERSON: This is a zoning sheet signoff
 19 that we get before we could move forward in the process
 20 of obtaining the liquor license.
 21 MR. HURDLE: You've seen this document before?

1 MR. PATTERSON: Yes.
 2 MR. HURDLE: Let me take it back real quick.
 3 CHAIRMAN GARBER: You have your own copy.
 4 MR. HURDLE: Actually I do not. That's fine.
 5 This document is used by the Liquor Board for their
 6 review of zoning. Is that accurate?
 7 MR. PATTERSON: Yes.
 8 MR. HURDLE: And we had a Liquor Board hearing?
 9 MR. PATTERSON: Yes.
 10 MR. HURDLE: What does this building say about
 11 zoning?
 12 MR. PATTERSON: It says zoning had approved us
 13 to -- zoning had approved us to obtain a license at the
 14 location.
 15 MR. HURDLE: For the continued use as a
 16 restaurant and bar?
 17 MR. PATTERSON: Yes.
 18 MR. HURDLE: At this time, I'd like to move
 19 what's marked as Petitioner's Exhibit 8 for
 20 identification into evidence.
 21 CHAIRMAN GARBER: Ms. Demilio?

1 MS. DEMILIO: No objection.
 2 CHAIRMAN GARBER: So admitted.
 3 (Whereupon, the document
 4 referred to as Petitioner's
 5 Exhibit 8 was received into
 6 evidence.)
 7 MR. EVANS: Was this document -- did you
 8 receive this before or after the auction? Was this
 9 document --
 10 MR. PATTERSON: After the auction.
 11 MR. EVANS: After the auction.
 12 MR. HURDLE: Mr. Patterson, I only have one or
 13 two more questions, and then we'll be done with our case
 14 I think.
 15 We've talked about -- your wife mentioned the
 16 hardship, in terms of she has -- no one really knows what
 17 could possibly be done with this property in terms of, if
 18 there's no variance. I just want to touch on for a
 19 moment, and she mentioned some of the numbers out there,
 20 how would the inability to use this property for what
 21 you've intended to, affect you and your family?

1 MR. PATTERSON: It would be a tremendous effect
2 because we have so much out on this property right now.
3 I mean, the purchase price, we know that is 307. My wife
4 used her retirement money which is basically depleted.
5 We depleted our savings and we also borrowed 50,000 on
6 our home, and then we have our house up for collateral.
7 I also have my -- I have another property that I have up
8 for collateral. So if I'm not allowed to use this for
9 the intended use, I'm probably going to be in bankruptcy,
10 both of us will be.

11 MR. HURDLE: You wouldn't have any ability to
12 replace this building?

13 MS. DEMILIO: Objection.

14 MR. PATTERSON: We --

15 CHAIRMAN GARBER: Hold on. What's your
16 objection? Ms. Demilio, when you object, please stand.

17 MS. DEMILIO: I'm sorry. I object to it
18 because first of all, I think it's speculative, and I
19 don't think that's an issue before this Board. I mean,
20 the question is they're here on a parking variance.
21 That's it.

1 CHAIRMAN GARBER: Mr. Hurdle?

2 MR. HURDLE: I believe that hardship is the
3 second step. I think that --

4 CHAIRMAN GARBER: How does your question speak
5 to that I think is what Ms. Demilio's objection is?

6 MR. HURDLE: The argument is that we couldn't
7 do something else with the property. They're financially
8 extended. If they had another \$1 million out there,
9 maybe they could bulldoze it and building something but
10 what I believe he would testify to is that --

11 CHAIRMAN GARBER: Well, let's -- before we get
12 to that, it would seem to me that if your purpose is to
13 show that there would be hardship, I believe that there
14 has been evidence already put into the record regarding
15 the hardship. As to what else, you know, may be done or
16 whatever could be done, the fact of the matter is we're
17 here for a parking variance on the bar, restaurant.

18 MR. HURDLE: Okay.

19 CHAIRMAN GARBER: We understand what the zoning
20 is and what uses are allowed by right. And we have heard
21 evidence as to the hardship on the property and as to

1 them personally. So I will sustain Ms. Demilio's
2 objection on that basis.

3 MR. HURDLE: I have no further questions at
4 this time.

5 CHAIRMAN GARBER: Don't go -- not so fast.

6 MR. PATTERSON: Okay.

7 CHAIRMAN GARBER: Ms. Demilio has the
8 opportunity to still cross-examine you.

9 MS. DEMILIO: Did you want to go next,
10 Mr. Evans?

11 MR. EVANS: No.

12 MS. DEMILIO: Mr. Patterson, did you consult a
13 lawyer in terms of the zoning requirements before you
14 purchased the property at auction?

15 MR. PATTERSON: I did not consult a lawyer
16 before the purchase, but I did consult with Mr. Lidinsky
17 before settlement.

18 MS. DEMILIO: Well, Mr. Lidinsky was the estate
19 lawyer?

20 MR. PATTERSON: Yes.

21 MS. DEMILIO: All right. Did you talk to him

1 about the zoning requirements?

2 MR. PATTERSON: We did.

3 MS. DEMILIO: And did he -- and at that time,
4 after the auction is when you found out you needed to
5 have a parking variance?

6 MR. PATTERSON: Mr. Lidinsky told us that he
7 kept the business -- he kept, he kept the liquor license
8 alive and so that it didn't go beyond a year and a day so
9 that it could be a smooth transfer. That's what
10 Mr. Lidinsky told us.

11 MS. DEMILIO: Right. But you didn't consult a
12 lawyer about the zoning requirements for this property
13 before you purchased it other than Mr. Lidinsky?

14 MR. PATTERSON: No.

15 MS. DEMILIO: No.

16 MR. PATTERSON: But Mr. Lidinsky --

17 MS. DEMILIO: You didn't talk to a land use
18 lawyer?

19 MR. PATTERSON: No, I did not.

20 MS. DEMILIO: Okay. And --

21 CHAIRMAN GARBER: If I can dial back to

1 Ms. Demilio's question, do you -- I think Ms. Demilio's
2 question was did you speak to Mr. Lidinsky about the
3 zoning regulations? Your answer was about the liquor
4 license.

5 MS. DEMILIO: Right.

6 CHAIRMAN GARBER: Did you speak with him about
7 zoning regulations?

8 MR. PATTERSON: No, no, but Mr. Lidinsky told
9 me and my wife that the liquor license and the current
10 use was still alive because he saved it.

11 MS. DEMILIO: All right.

12 MR. PATTERSON: Because he --

13 MS. DEMILIO: But you don't have an approved
14 liquor license at this point?

15 MR. PATTERSON: We do.

16 MS. DEMILIO: You do have an approved liquor
17 license?

18 MR. PATTERSON: We are operating and we have
19 been for over a year.

20 MS. DEMILIO: And --

21 MR. HURDLE: Can we just pause for a moment?

1 Can I approach? Can we both approach very briefly?

2 MS. DEMILIO: No.

3 CHAIRMAN GARBER: Well, that -- I would --

4 MS. DEMILIO: I just want to see if I have
5 another question.

6 CHAIRMAN GARBER: Let's do this. If you have
7 questions that you need to --

8 MR. HURDLE: I think it's more an explicit
9 comment with regard to liquor license.

10 CHAIRMAN GARBER: That's a matter for post-
11 hearing memos I think. It would probably be more
12 appropriate for that.

13 We recognize that if -- to help this along,
14 Mr. Patterson is not an expert in the liquor license --
15 liquor licensing within Baltimore County. He's not been
16 offered as an expert in zoning regulations. He's
17 discussed how he's not consulted with an attorney as to
18 the zoning regulations. He has had conversations with
19 Mr. Lidinsky about the liquor license, and I think that
20 that should summarize where we are with it.

21 And, if there's a question as to any legal

1 effect any of those things may have upon a legal license,
2 or upon the zoning requirements for this property, in
3 light of whether there is or is not a liquor license, in
4 those matters, we can probably better address in a post-
5 hearing memo unless there's specific facts that you need
6 to adduce for purposes of your post-hearing memo.

7 Okay. With that in mind, Ms. Demilio.

8 MS. DEMILIO: Mr. Patterson, did you -- I think
9 I might have asked you this on the first day of the
10 hearing, but -- or you might have testified to this, but
11 I can't remember now. I believe you did say you attended
12 a hearing -- excuse me -- attended the auction?

13 MR. PATTERSON: I did not.

14 MS. DEMILIO: You did not attend the auction?

15 MR. PATTERSON: No.

16 MS. DEMILIO: Your wife attended. Did you ever
17 see the property before?

18 CHAIRMAN GARBER: I'm sorry, Ms. Demilio. You
19 shook your head, yes, sir. Your wife attended?

20 MR. PATTERSON: My wife attended, yes.

21 CHAIRMAN GARBER: Sorry, Ms. Demilio.

1 MS. DEMILIO: And did you ever see the property
2 before it was purchased?

3 MR. PATTERSON: Yes.

4 MS. DEMILIO: Okay. All right. I have no
5 further questions.

6 MR. EVANS: So I have. Mr. Patterson, based on
7 your conversations with Mr. Lidinsky, what, if any,
8 concerns did you have regarding the ability to use this
9 property as a package store and bar going into the
10 future?

11 MR. PATTERSON: We had no concerns because he
12 clearly told me that he saved the liquor license. He
13 also explained to me that he had a relationship with
14 Keith Keene and so Keith was operating the business and
15 he told him to keep -- he told me that Keith had the
16 keys. Well, we had already gotten the keys, but he told
17 me that he had the keys. And so he was -- and talk with
18 Keith because Keith also had a contract with the place.

19 So we had no concerns that we wouldn't be able
20 to operate this business for what it was intended for.
21 And especially after, you know, zoning and everybody else

1 had signed off.

2 MR. EVANS: Okay. Thank you.

3 MS. RANDALL-JOLIVET: And when you said that
4 you attended before, when did you visit the business
5 before you purchased it?

6 MR. PATTERSON: It was about -- my memory's not
7 exact as to it, but it was about a year I want to say
8 before he passed away.

9 MS. RANDALL-JOLIVET: Before he passed away,
10 and what type of establishment was being operated when
11 you visited?

12 MR. PATTERSON: It was a bar.

13 MS. RANDALL-JOLIVET: It was a bar. So there
14 wasn't a lounge or restaurant at that time?

15 MR. PATTERSON: No, it -- it was the same. It
16 was the same, basically the same. It was a bar, a
17 lounge. I don't know if he served food. We didn't get
18 food that night we was there.

19 MS. RANDALL-JOLIVET: Okay.

20 MR. PATTERSON: But it was definitely a bar,
21 and he had a package goods in the front.

1 MS. RANDALL-JOLIVET: So you just renovated
2 what was already there?

3 MR. PATTERSON: Exactly.

4 MS. RANDALL-JOLIVET: Thank you.

5 CHAIRMAN GARBER: No questions in light or
6 Ms. Joliet's questions or Mr. Evans' questions? So we're
7 done with Mr. Patterson?

8 MR. HURDLE: Correct. We are -- yes, we have
9 no further questions, and I apologize for just nodding.

10 CHAIRMAN GARBER: No, that's quite all right.
11 And therefore, any objection to Petitioner's Exhibit 8?
12 I believe you said that was none?

13 MS. DEMILIO: None.

14 CHAIRMAN GARBER: Therefore, that will be
15 admitted, to the extent the record did not reflect that
16 previously.

17 Mr. Patterson, you are done. Thank you very
18 much for your time today.

19 (Mr. Patterson excused.)

20 CHAIRMAN GARBER: And, Mr. Hurdle, does that
21 wrap up your case?

1 MR. HURDLE: At this time, we would rest our
2 case.

3 CHAIRMAN GARBER: Very well.

4 MS. DEMILIO: At this time or for good? What
5 does at this time mean?

6 CHAIRMAN GARBER: Well, I think he --

7 MS. DEMILIO: I think you said that the last
8 time.

9 CHAIRMAN GARBER: I think -- here's how I
10 understand it. Please correct me if I'm wrong. What
11 you're saying is you're done with your case-in-chief. Of
12 course, you may do rebuttal.

13 MR. HURDLE: That's correct.

14 CHAIRMAN GARBER: So, Ms. Demilio, the case is
15 now to you. I'm going to ask you for a bit of a roadmap
16 here so we can understand just by -- how many witnesses
17 are you expecting?

18 MS. DEMILIO: I guess it depends on how the
19 testimony goes, but I'm planning on at least five or six
20 people.

21 CHAIRMAN GARBER: Do you need any time to speak

1 with these people? I'm looking at it for purposes of
2 when do we want to do a lunch break because if we're
3 going to have five or six witnesses, we're going to have
4 a lunch break. So what do you feel is best for your case
5 in terms of that lunch break.

6 MS. DEMILIO: We'll testify first. I don't
7 know if anyone has to go to work or whatever.

8 CHAIRMAN GARBER: That's why I'm asking.

9 MS. DEMILIO: I'll let one witness testify.

10 CHAIRMAN GARBER: I'm asking you what you think
11 is best for your witnesses and your case.

12 MS. DEMILIO: Raise your right hand.

13 MS. RANDALL-JOLIVET: So I'm sorry. What was
14 the answer to the question?

15 CHAIRMAN GARBER: Who are you calling as a
16 witness?

17 MS. DEMILIO: I'm calling one witness and then
18 we can take a lunch break.

19 CHAIRMAN GARBER: Very well.

20 MS. DEMILIO: Unless somebody -- he might have
21 to go back to work. I don't know.

1 CHAIRMAN GARBER: That's fine. Sir, please
2 raise your right hand.

3 (Whereupon,

4 SHERLYON BRATHWAITE

5 was called as a witness by the People's Counsel and,
6 after having been first duly sworn, testified as
7 follows:)

8 MS. RANDALL-JOLIVET: And please state your
9 name and your address for the record please.

10 MR. BRATHWAITE: Sherlyon Brathwaite, No. 14
11 Shipley Avenue.

12 MS. RANDALL-JOLIVET: And please spell your
13 name.

14 MR. BRATHWAITE: S-h-e-r-l-y-o-n, last name is
15 B, as in boy, r-a-t-h-w-a-i-t-e.

16 CHAIRMAN GARBER: And I'm just going to ask
17 you, your first name is?

18 MR. BRATHWAITE: Sherlyon.

19 CHAIRMAN GARBER: Sherlyon, and it's S-h-e-r-l-
20 y-o-n.

21 MR. BRATHWAITE: Yes, sir.

1 CHAIRMAN GARBER: Okay. Sherlyon.

2 Sherlyon Brathwaite, 14 Shipley Avenue. Ms. Demilio.

3 MS. DEMILIO: Yes. Mr. Brathwaite, how far do
4 you -- how far is your residence from Premier Lounge?

5 MR. BRATHWAITE: I'm about I guess 50 feet
6 away.

7 MS. DEMILIO: Fifteen?

8 MR. BRATHWAITE: Fifty.

9 CHAIRMAN GARBER: 5-0.

10 MR. BRATHWAITE: 5-0, from the back of the
11 property.

12 MS. DEMILIO: Is your address shown on the map
13 here?

14 MR. BRATHWAITE: Yes, it is.

15 MS. DEMILIO: Does People's Counsel 1 show --

16 CHAIRMAN GARBER: 3.

17 MS. RANDALL-JOLIVET: 3.

18 MS. DEMILIO: -- 3, I'm sorry. Can you point
19 out where your residence is?

20 MR. BRATHWAITE: My residence is here.

21 MS. DEMILIO: And where is Premier Lounge?

1 MR. BRATHWAITE: Premier Lounge is here.
 2 CHAIRMAN GARBER: Hold on.
 3 MS. DEMILIO: In the yellow outline?
 4 CHAIRMAN GARBER: Hold on. Everyone, hold on a
 5 second.
 6 MS. DEMILIO: Well, it's written on here. His
 7 name is on here.
 8 CHAIRMAN GARBER: His name is written on there?
 9 MS. DEMILIO: Yes.
 10 CHAIRMAN GARBER: Very well. Okay. Because
 11 we're pointing to it. It's at the corner. Is it a
 12 corner lot?
 13 MR. BRATHWAITE: It's the second house from the
 14 corner lot on --
 15 CHAIRMAN GARBER: Wesley and Shipley.
 16 MR. BRATHWAITE: -- Wesley and Shipley.
 17 MS. DEMILIO: All right. And Premier Lounge is
 18 the area outlined in yellow on Winters Lane?
 19 MR. BRATHWAITE: Yes.
 20 MS. DEMILIO: Okay.
 21 CHAIRMAN GARBER: You may have a seat.

1 MS. DEMILIO: How long have you lived there?
 2 MR. BRATHWAITE: Seven years.
 3 MS. DEMILIO: And who resides there?
 4 MR. BRATHWAITE: Myself, my wife and two
 5 children.
 6 MS. DEMILIO: Okay. And are you employed?
 7 MR. BRATHWAITE: Yes.
 8 MS. DEMILIO: And is your hours of employment
 9 daytime or nighttime?
 10 MR. BRATHWAITE: Daytime.
 11 MS. DEMILIO: So what time approximately do you
 12 get home?
 13 MR. BRATHWAITE: About 5:30, 6:00.
 14 MS. DEMILIO: Okay. Are you familiar with the
 15 property that is now known as Premier Lounge?
 16 MR. BRATHWAITE: Yes.
 17 MS. DEMILIO: And you were here for the first
 18 day of the testimony, correct?
 19 MR. BRATHWAITE: Yes.
 20 MS. DEMILIO: Okay. Now describe your
 21 neighborhood in terms of what kind of a neighborhood is

1 it? What are the types of structures there? Is it
2 residential? Is it business?

3 MR. BRATHWAITE: The area is primarily
4 residential. All the residential neighborhood that's
5 historic within the context of African-Americans in
6 Catonsville.

7 CHAIRMAN GARBER: If I could jump in. When you
8 say historic, is it on the landmarks list or is it
9 registered?

10 MR. BRATHWAITE: Some of the properties are.

11 CHAIRMAN GARBER: Okay.

12 MR. BRATHWAITE: Some of the properties along
13 Winters Lane and at the end of Shipley Avenue has come
14 under that historic designation.

15 CHAIRMAN GARBER: Are you aware if that's state
16 or county?

17 MR. BRATHWAITE: State. Or, no. I think it's
18 county.

19 CHAIRMAN GARBER: Okay.

20 MS. DEMILIO: All right. Now did there come a
21 time -- were you -- excuse me. You lived there when Mr.

1 Fletcher who owned the property -- owned the Premier
2 Lounge --

3 MR. BRATHWAITE: Yes.

4 MS. DEMILIO: -- now known as Premier Lounge?

5 MR. BRATHWAITE: Yes.

6 MS. DEMILIO: All right. And the testimony was
7 he passed away March of 2016. Is that your -- about
8 your --

9 MR. BRATHWAITE: I think some -- something --
10 somewhere around there, yes.

11 MS. DEMILIO: All right. And after
12 Mr. Fletcher passed away -- strike that. Before he
13 passed away, was it a business there at the time?

14 MR. BRATHWAITE: Yes, there was a business.
15 Primarily it was a package store. On the rare occasions,
16 he may have an event but it was --

17 MR. HURDLE: Objection. Move to strike.

18 CHAIRMAN GARBER: Hold on. We'll pause
19 briefly. What's the basis of your -- if you're
20 objecting, please stand.

21 MR. HURDLE: Sure. The question was, was there

1 a business there? He answered, yes, and kind of
2 continued on with a different question that wasn't asked.

3 CHAIRMAN GARBER: Well, I think he was
4 describing what business it was. So, I mean, for
5 purposes of objection, I'm going to overrule it and let
6 him finish the answer.

7 MR. HURDLE: Sure.

8 CHAIRMAN GARBER: That is, sir, you said it was
9 a package goods store, and then on occasions.

10 MR. BRATHWAITE: They would have parties.

11 MS. DEMILIO: So did you observe any changes to
12 the business after Mr. Fletcher passed away?

13 MR. BRATHWAITE: Yeah, it became more of a --

14 MS. DEMILIO: I mean, did it operate after M

15 r. Fletcher passed away?

16 MR. BRATHWAITE: Oh, after he passed away? Not
17 until it was recently purchased and became Premier
18 Lounge. It was -- there was no action really there.

19 MS. DEMILIO: How do you know that?

20 MR. BRATHWAITE: I saw it every day. There was
21 no, there was no movement in the place. We also --

1 during this time, I happen to know Ms. Barbara Thompson
2 who is the sister of Mr. Fletcher, and she told me
3 that --

4 MR. HURDLE: Objection.

5 CHAIRMAN GARBER: Hold on a second,
6 Ms. Demilio. Please stand.

7 MR. HURDLE: I'm sorry. Objection, hearsay --

8 CHAIRMAN GARBER: Okay.

9 MR. HURDLE: -- what his sister told him.

10 MS. DEMILIO: I think Mr. Hurdle wants a little
11 bit looser arrangement here when he was asking questions
12 about hearsay. So I actually think I should get the same
13 treatment. Or I can --

14 CHAIRMAN GARBER: Well, let me --

15 MS. DEMILIO: -- let him testify.

16 CHAIRMAN GARBER: Well, let me ask. What is
17 the purpose of the question? Where are you going with
18 it? That may help resolve this issue. If you would
19 please stand.

20 MS. DEMILIO: What do you mean? He's going to
21 testify that --

1 CHAIRMAN GARBER: Well, hold on.

2 MS. DEMILIO: He's going to testify that Mr.
3 Fletcher's sister said that the electricity was turned
4 off.

5 CHAIRMAN GARBER: Well, I don't know if that
6 makes too much of a difference. Mr. Hurdle, I'm going to
7 overrule the objection and will allow it because it goes
8 to his understanding of what the property was used for at
9 the time, and the purpose of, I guess, the basis for --
10 well, we'll just leave it there.

11 Mr. Brathwaite (sic), I understand you're
12 probably going to have cross-examination and may have
13 other things to say about it but, Mr. Brathwaite, please
14 continue.

15 MR. BRATHWAITE: Yes. So --

16 MS. DEMILIO: The question was, you started to
17 say that you talked his sister.

18 MR. BRATHWAITE: Yes, I spoke to Ms. Barbara
19 Thompson, and she said that the property did not have gas
20 and electric as of March, after March '16, up until I
21 guess the owners of the Premier Lounge probably bought it

1 and put it in their name.

2 MS. DEMILIO: Okay. March of 2016 when
3 Mr. Fletcher passed away?

4 MR. BRATHWAITE: Yeah.

5 MS. DEMILIO: All right. And during that time
6 after Mr. Fletcher's death, did you see any lights on in
7 the place?

8 MR. BRATHWAITE: No, there haven't been any
9 lights on inside that I've seen nor outside.

10 MS. DEMILIO: Until it was purchased by Mr. and
11 Mrs. Patterson?

12 MR. BRATHWAITE: Which there's still no lights
13 outside.

14 MS. DEMILIO: Okay. And after Mr. Fletcher's
15 death, but before it was purchased by the Pattersons, did
16 you notice any automobiles there any time, patrons?

17 MR. BRATHWAITE: No, there weren't any at all.

18 MS. DEMILIO: Okay.

19 MR. BRATHWAITE: There were no patrons, no
20 automobiles.

21 MS. DEMILIO: Okay. All right. After the

1 Pattersons purchased the property, what did you observe
2 then? What kind of operation did they conduct at the
3 Premier Lounge?

4 MR. BRATHWAITE: After they purchased the
5 property, and they came to the community. I'm also a
6 member of the Concerned Citizens of Catonsville Board or
7 organization, and they presented to the community what
8 their plans were for, for the business but since then,
9 nothing has changed and it's practically gotten worse
10 through the pictures. There's, there's no trash
11 collection, from the photos, you know, trash is being
12 dumped in an open container.

13 MR. HURDLE: Can I object at this time? We're
14 talking about photos and I don't know which ones we're
15 talking about.

16 CHAIRMAN GARBER: Well --

17 MS. DEMILIO: All right. I --

18 CHAIRMAN GARBER: -- you need to --

19 MS. DEMILIO: -- have them. So let me just
20 show him.

21 CHAIRMAN GARBER: Okay. You can show the

1 photos but my question is with respect to the trash
2 collection and all that, what does that have to do with
3 the parking variance?

4 MR. BRATHWAITE: I'll get to it.

5 MS. DEMILIO: Well, we're just trying to show
6 what kind of operation it is there. And I think the
7 citizens have a right to at least testify as to what the
8 place looks like, based on the Pattersons who are saying
9 how -- what a nice operation they're running. So I
10 really think it's only fair that we get our change to
11 show --

12 CHAIRMAN GARBER: That's fine.

13 MS. DEMILIO: -- what the citizens have
14 observed.

15 CHAIRMAN GARBER: Okay. That's fine. I'll
16 overrule the objection for now, but again, let's --
17 please keep in mind this is for a parking variance, and
18 as to any other issues that may or may not exist with
19 respect to the property and its conditions, that is not
20 in front of us today.

21 MR. HURDLE: If I may voir dire with regard to

1 the pictures when that time comes.

2 CHAIRMAN GARBER: Well, I mean, first, we
3 haven't had them identified yet. So we'll have to get to
4 that point before we do anything further.

5 MS. DEMILIO: I'm giving you a series of
6 several pictures.

7 MR. EVANS: So we'll mark them --

8 MS. DEMILIO: A, B, C and D.

9 CHAIRMAN GARBER: 6 is it?

10 MR. EVANS: This would be 6, 6-A through
11 something.

12 MS. DEMILIO: Did you take these pictures?

13 CHAIRMAN GARBER: Hold on. Hold on. We still
14 haven't had them up here yet. We have to label them then
15 before we get to it. You said it's A through what?

16 MR. EVANS: I'm not sure.

17 CHAIRMAN GARBER: Okay. I have one, two,
18 three, four, five, six pictures. Mr. Hurdle, do you have
19 six pictures in front of you?

20 MR. HURDLE: Yes.

21 CHAIRMAN GARBER: And, Ms. Demilio, I assume

1 that's what you intended, six, A through F then?

2 MS. DEMILIO: Yes.

3 CHAIRMAN GARBER: Okay. Pictures, 6-A through
4 F.

5 MS. DEMILIO: Right.

6 (Whereupon, the photographs
7 referred to as People's
8 Counsel's Exhibit 6-A through 6-
9 F were marked for
10 identification.)

11 MS. DEMILIO: So you testified you took these
12 pictures. And when did you take these?

13 MR. BRATHWAITE: These were at the start of the
14 month.

15 MS. DEMILIO: This month, January?

16 MR. BRATHWAITE: Yes, yes.

17 MS. DEMILIO: Okay. All right. Would you
18 describe what's in the first picture?

19 MR. BRATHWAITE: Well, the first picture is --

20 MR. EVANS: The first picture is 6-A.

21 CHAIRMAN GARBER: Yes. Thank you.

1 MR. BRATHWAITE: The first picture is of the
2 back lot that is intended, from my understanding, to be
3 used as parking, and I spoke about trash and all of that
4 because, as you can see, the lot is -- there's no
5 parking. There's no parking there.
6 MS. DEMILIO: Are you talking about the
7 condition of the lot?
8 CHAIRMAN GARBER: Ms. Demilio, please let him
9 finish his answer before you jump in. He's in the middle
10 of an answer.
11 MS. DEMILIO: Well, it's my witness. So.
12 CHAIRMAN GARBER: Yes, but he was in the middle
13 of his answer when you jumped in. Mr. Brathwaite, you
14 were saying something.
15 MR. BRATHWAITE: I was saying there was no
16 parking there because of the condition of the lot, and
17 that allows now parking to be on Shipley Avenue on both
18 the south side which is no parking and also the north
19 side which is our homes and the very few parking as is
20 for the folks, the residents that live there.
21 MS. DEMILIO: All right. I'm going to show you

1 the second picture. Would you describe that as 6-B?
2 Could you describe what's in that picture?
3 MR. BRATHWAITE: In this picture, is again a
4 very rough lot. There is a dumpster that is not being
5 used. There is a construction vehicle or snow removal
6 vehicle on the lot.
7 MS. DEMILIO: All right. And what about the
8 third picture.
9 MR. BRATHWAITE: The third picture is again a
10 picture of the construction or the snow removal vehicle
11 and a trailer that is used for dumping trash from the
12 establishment.
13 MS. DEMILIO: What is the next picture?
14 MR. BRATHWAITE: The third picture is --
15 CHAIRMAN GARBER: This is the fourth picture,
16 6-D.
17 MS. DEMILIO: The fourth picture.
18 MR. BRATHWAITE: The fourth picture, sorry.
19 The fourth picture is of the side of the building --
20 MS. DEMILIO: When you say the building, do you
21 mean the lounge?

1 MR. BRATHWAITE: Of the Premier Lounge.

2 MS. DEMILIO: Is that the cinder block that
3 we're looking on the right side?

4 MR. BRATHWAITE: That's the cinder block we're
5 looking at on the right side. There's a residence
6 directly adjacent with probably less than 10 feet of
7 space between the residence and the Premier Lounge.

8 CHAIRMAN GARBER: Just out of curiosity, which
9 direction is the residence in relation to the --

10 MR. BRATHWAITE: The residence is on the north
11 side of the Premier Lounge, and it's better seen in photo
12 number 5.

13 CHAIRMAN GARBER: Okay. But in 6-D, you're
14 discussing the residence.

15 MR. BRATHWAITE: Yes.

16 CHAIRMAN GARBER: Would the residence be to the
17 right, left, behind you or in front of you behind where
18 the snow removal vehicle is, behind there?

19 MR. BRATHWAITE: As you -- if you're looking at
20 this same photo here --

21 CHAIRMAN GARBER: 6-D.

1 MR. BRATHWAITE: Yeah, the residence is to the
2 north side of that wall here.

3 CHAIRMAN GARBER: So it would be to the right
4 side of the wall --

5 MR. BRATHWAITE: To the right side of the wall,
6 yes.

7 CHAIRMAN GARBER: -- on the right side of the
8 photo?

9 MR. BRATHWAITE: Yes.

10 CHAIRMAN GARBER: Thank you.

11 MS. DEMILIO: Well, what is the structure that
12 looks like wooden slats?

13 MR. BRATHWAITE: That is, that is the --

14 MR. EVANS: Is that in the background there?

15 MR. BRATHWAITE: Yes, in the background there,
16 it's darkened, but that's the trailer -- a trailer with
17 sides, plywood sides put on it to allow more trash to be
18 loaded into it.

19 CHAIRMAN GARBER: So if you were to look at
20 Petitioner's or excuse me, People's Counsel Exhibit 6-C,
21 the one before --

1 MR. BRATHWAITE: Yes.

2 CHAIRMAN GARBER: -- would that be a better
3 photo of the wooden edges on top of the dumpster you're
4 describing?

5 MR. BRATHWAITE: Yes, yes, that would be.

6 CHAIRMAN GARBER: And then there would be the
7 residence behind it? Is that the same residence or no?

8 MR. BRATHWAITE: No, the residence behind it is
9 one of our neighbors that's here today.

10 CHAIRMAN GARBER: Sorry, Ms. Demilio. Just
11 trying to tie them together.

12 MS. DEMILIO: All right. Now, and you're
13 talking -- and the trailer and the snow removal, the
14 truck with it looks a blade for snow removal, is also in
15 the parking lot?

16 MR. BRATHWAITE: Yes, they're in the parking
17 lot.

18 MS. DEMILIO: Okay. And now what is the next
19 one?

20 MR. BRATHWAITE: The next picture is of Shipley
21 Avenue and it really speaks to how the street narrows at

1 the entrance to Wesley -- to Winters Lane, sorry. So on
2 occasion, there is cars on both sides of that street.

3 MS. DEMILIO: Now is parking -- when you say on
4 occasion, do you mean the neighbors parking there?

5 MR. BRATHWAITE: No, when there is events at
6 the Premier Lounge, there's cars parked on both sides of
7 that street. We took a measurement, and I can't remember
8 now, but there's -- you can see the shadow of the no
9 parking sign in the background next to the house there.

10 MS. DEMILIO: There's no parking on the left
11 side. Is that --

12 MR. BRATHWAITE: There's only --

13 MS. DEMILIO: -- in looking at the picture?

14 MR. BRATHWAITE: There is parking on the north
15 side but as you can see, as the road narrows, there's
16 also a no parking sign on both the north side and the
17 south side.

18 CHAIRMAN GARBER: So if you look at the house
19 with the solar panels --

20 MR. BRATHWAITE: Yes.

21 CHAIRMAN GARBER: -- you will see a no parking

1 sign. And then if you look across the street, where the
2 green house is, there appears to be some sign its back to
3 us, we can't see the face of it, there appears to be some
4 sign there. Is that the sign -- the other sign you were
5 referring to?

6 MR. BRATHWAITE: Yes. Yes, sir.

7 MS. DEMILIO: And that's a no parking sign?

8 MR. BRATHWAITE: That's a no parking sign also.

9 MS. DEMILIO: And what is the next picture?

10 MR. BRATHWAITE: The next picture is of again
11 Shipley Avenue looking eastward, and you can see that is
12 a view to the right of the parking area. The no parking
13 sign directly in front of the parking area and another
14 sign further down by the blue house, Ms. Margo, who is
15 here today, there's a no parking sign there, all the way
16 down Shipley Avenue. That is the south side of Shipley
17 Avenue, no parking.

18 MR. EVANS: There are cars parked on the north
19 side though?

20 MR. BRATHWAITE: There's cars permitted on the
21 north side from the house with the panels --

1 MR. EVANS: Um-hum.

2 MR. BRATHWAITE: -- eastward. There's no
3 parking at all on the south side.

4 MR. EVANS: Correct. Okay. Got you.

5 MR. BRATHWAITE: And there's usually -- when
6 the Premier Lounge have events, there's cars parked on
7 both sides of that street.

8 MR. EVANS: Okay.

9 MS. DEMILIO: In addition to the cars parked
10 there, have you experienced any other activity from the
11 cars that are parked there that you -- that interferes
12 with the use of your home?

13 MR. BRATHWAITE: Yes.

14 MS. DEMILIO: Would you describe that to the
15 Court?

16 MR. BRATHWAITE: On occasions, the Premier
17 Lounge, when they're having events, cars will block my
18 driveway. I've had to call law enforcement twice. When
19 the Premier Lounge first opened, I had a direct line to
20 Mr. and Mrs. Patterson of which I've sent e-mails, sorry,
21 texts to let them know that cars were illegally parked.

1 MS. DEMILIO: And what was their response?

2 MR. BRATHWAITE: Well, on the first occasion
3 that made me stop sending texts, the response was, if you
4 didn't go against us for parking, this wouldn't be an
5 issue. That was Mr. Patterson's response.

6 MS. DEMILIO: All right. So he didn't correct
7 the issue to your satisfaction?

8 MR. BRATHWAITE: The issue was never corrected.
9 I've also had to contact them myself and Mr. Lawson has
10 met with --

11 CHAIRMAN GARBER: Sorry, sir. You said Mr.
12 Larson.

13 MR. BRATHWAITE: Larson.

14 CHAIRMAN GARBER: Lawson.

15 MR. BRATHWAITE: Lawson, L-a-w-s-o-n.

16 CHAIRMAN GARBER: And you're pointing. So I
17 assume that person is here in Court today?

18 MR. BRATHWAITE: Yes, he's here today.

19 CHAIRMAN GARBER: We just didn't know who you
20 were referring to.

21 MR. BRATHWAITE: Sorry. Mr. Sean Lawson met

1 with Mr. and Mrs. Patterson when the Premier Lounge first
2 opened to discuss the parking lot being used to park his
3 construction equipment. Mr. Patterson also owns trucks,
4 Bobcats, trailers and they sat in the parking lot for
5 months, upwards of nine months, sat in the parking lot
6 before we then had a meeting to have them move them.

7 CHAIRMAN GARBER: And when you say were
8 parking, or excuse me, the construction equipment, that
9 is Mr. Lawson's --

10 MR. BRATHWAITE: No, that is Mr. Patterson's --

11 CHAIRMAN GARBER: Mr. Patterson's equipment.

12 MR. BRATHWAITE: -- construction equipment.

13 CHAIRMAN GARBER: Okay. Thank you.

14 MR. BRATHWAITE: I've also had to reach out
15 to --

16 MR. HURDLE: Objection. Is there any question
17 -- objection. Is there any question pending? I'm sorry
18 for not standing.

19 MS. DEMILIO: My --

20 CHAIRMAN GARBER: I believe he was -- I was
21 trying to clarify a point that he raised during the

1 course of his answer, and I don't believe he was finished
2 with his answer to the question. Correct me if I'm
3 wrong, but was it the question about any other activity
4 interferes with the use of his home?

5 MS. DEMILIO: That's correct.

6 CHAIRMAN GARBER: Are we still answering that
7 question?

8 MR. BRATHWAITE: Yes.

9 CHAIRMAN GARBER: Okay.

10 MR. BRATHWAITE: I've had to reach out to
11 Councilman Tom Quirk's aide, Ms. Margaret Stokes, to get
12 involved with the issue of parking at the Premier Lounge
13 of the construction equipment of which we met. She
14 arranged a meeting and had us meet with them. She also
15 met with I believe Ms. Patterson to get them to move --
16 to get them to work with the neighbors on moving the
17 construction equipment and attempt to get them to make
18 the parking lot look appropriate. As you can see from
19 those photos, it's an eyesore from where -- from my
20 vantage point.

21 MS. DEMILIO: All right. So after -- when was

1 -- when did you speak with the Councilman?

2 MR. BRATHWAITE: That would have been in late
3 2017, beginning of 2018 that we spoke.

4 MS. DEMILIO: Have you seen any improvement
5 since then?

6 MR. BRATHWAITE: No.

7 MS. DEMILIO: The current pictures that you
8 took and we've submitted into evidence reflect the
9 current conditions?

10 MR. BRATHWAITE: Yes, that is the current
11 conditions as of today.

12 MS. DEMILIO: The pictures were taken in
13 January of 2019?

14 MR. BRATHWAITE: Yes, January 9th or something
15 I think I took them.

16 MS. DEMILIO: Of 2019?

17 MR. BRATHWAITE: Yes, 2019.

18 MS. DEMILIO: And what about the exterior
19 lighting?

20 MR. BRATHWAITE: There is none. There is no
21 exterior lighting. I think one of the issues that came

1 up in the Concerned Citizens of Catonsville meeting was
2 that they would provide adequate lighting. We've since
3 had the discussion about there not being lighting, and we
4 were told that it's a zoning issue, and that's why they
5 haven't gotten lighting.

6 MS. DEMILIO: I'm going to show you --

7 CHAIRMAN GARBER: Before we go into the next
8 exhibit, I assume you're moving the photos, 6-A through F
9 into evidence.

10 MS. DEMILIO: Yes, I thought they were in
11 evidence. I'm sorry.

12 CHAIRMAN GARBER: Any objection?

13 MR. HURDLE: I have no objection.

14 CHAIRMAN GARBER: Okay. So admitted.

15 (Whereupon, the photographs
16 referred to as People's
17 Counsel's Exhibit 6-A through 6-
18 F were received into evidence.)

19 CHAIRMAN GARBER: Now onto People's Counsel
20 Exhibit 7 which has been provided to --

21 (Whereupon, the photograph

1 referred to as People's
2 Counsel's Exhibit 7 was marked
3 for identification.)

4 MS. DEMILIO: Right. Do you recognize that
5 photo?

6 MR. BRATHWAITE: Yes.

7 MS. DEMILIO: Did you take that photo?

8 MR. BRATHWAITE: Yes. This is a photo in the
9 nighttime hours of the Premier Lounge, at the back of the
10 Premier Lounge. And, there's no lighting there at all.

11 MS. DEMILIO: And what concern, if any, do you
12 have by the fact that there's no lighting?

13 MR. BRATHWAITE: And I think Ms. -- one of the
14 residents will speak more to this, but the Premier Lounge
15 as it was before and has continued on, has been a, has
16 been a place of illegal activity for some youths that
17 frequent the area, and has since -- we, we worked real
18 hard to get those guys to move on to other locations.
19 Now they're back. And they're back because they now have
20 a place that they can hang out.

21 CHAIRMAN GARBER: You mean a dark --

1 MR. BRATHWAITE: A dark, dark lot and, and a
2 lounge or bar in front of it to give legitimacy to their
3 activity. But we've had to call the cops on multiple
4 occasions for drug selling, drug sales, marijuana usage,
5 alcohol usage, all in the back of this property,
6 primarily because of lighting.

7 CHAIRMAN GARBER: When did you take this photo,
8 sir, approximately?

9 MR. BRATHWAITE: This photo was also taken I
10 believe at the beginning of this year.

11 CHAIRMAN GARBER: So January 2019?

12 MR. BRATHWAITE: January of 2019.

13 MS. DEMILIO: I offer People's Counsel Exhibit
14 7.

15 CHAIRMAN GARBER: Any objection, Mr. Hurdle?

16 MR. HURDLE: No. Thank you.

17 CHAIRMAN GARBER: Okay. So admitted.

18 (Whereupon, the photograph
19 referred to as People's
20 Counsel's Exhibit 7 was received
21 into evidence.)

1 MS. DEMILIO: When the patrons of the Premier
2 Lounge left the establishment, are you at your home at
3 that time?

4 MR. BRATHWAITE: Yes. Yes, ma'am.

5 MS. DEMILIO: And what, if any, issues did you
6 experience with regard to those patrons?

7 MR. BRATHWAITE: Very frequently, there is --
8 there's loud music. Well, no, there's loud talking and
9 carrying on, on transiting from the bar to their vehicles
10 either parked on Shipley Avenue or on Wesley Avenue.
11 They -- there's loud music quite often. They don't leave
12 right away. They congregate and they stay in the
13 neighborhood and they play music loudly and smoke
14 marijuana and do all the things that -- the other things
15 they do, but it's not -- they don't leave right away.
16 They sit there and they wait, and we end up having to
17 call the cops or get someone out to move them along.

18 MS. DEMILIO: And you have called Baltimore
19 County Police?

20 MR. BRATHWAITE: Yes, I've called Baltimore
21 County at least three times on -- about parking and the

1 subsequent noise.

2 MS. DEMILIO: Do you recall approximately what
3 time that would be -- what time those events occurred?

4 MR. BRATHWAITE: The events --

5 MS. DEMILIO: Not the events, but these
6 instances that you're talking about.

7 MR. BRATHWAITE: We're talking -- for the
8 parking issue, it's usually around about 10:00, 11:00
9 p.m.

10 MS. RANDALL-JOLIVET: Do you know specific
11 dates when you called the police?

12 MS. DEMILIO: No, times I said.

13 MS. RANDALL-JOLIVET: Times of the day.

14 MS. DEMILIO: Times of the day when you've
15 experienced --

16 MR. BRATHWAITE: Times of the day when we
17 experience the parking issues during events is usually
18 10:00 p.m., 11:00 p.m. until 2:00 in the morning, when
19 they close.

20 MS. DEMILIO: And when you talk about -- there
21 was mention of having events at the Premier Lounge. Have

1 you seen anything of that nature?

2 MR. BRATHWAITE: Yes. They have events at the
3 Premier Lounge and most of the parking seem to happen, I
4 can't speak to what parking happens at the church or at
5 Mr. Ebb's lot, but I can speak to what happens on Shipley
6 Avenue. And it's usually double parked on Shipley Avenue
7 on the -- on both sides of the street, the non-parking
8 side and the parking side, extending down Wesley Avenue,
9 up -- which is -- would be the north side of Wesley
10 Avenue between Shipley and Roberts, and also between --
11 on Wesley Avenue between Shipley Avenue and Main Street.

12 MR. EVANS: Now when you say double parked, you
13 mean --

14 MR. BRATHWAITE: Both sides of the street.
15 Sorry.

16 MR. EVANS: Okay.

17 MR. BRATHWAITE: Double parking in New York.
18 So double side means both sides of the street.

19 MR. EVANS: But not cars parked adjacent on the
20 same side?

21 MR. BRATHWAITE: No.

1 MR. EVANS: Okay.

2 MR. BRATHWAITE: And this is a concern for us,
3 too, because we have, on our street, there are folks with
4 disabilities, not here today, but Ms. Talon (ph.) who
5 lives at No. 17 Shipley Avenue, has a mother who is in
6 her 80s I believe and she's had to -- ambulances cannot
7 get down the street. And Ms. Norma Gaines (ph.) who
8 lives on the -- next door to me at No. -- she's at No. 12
9 Shipley Avenue, has two sisters with disabilities that
10 live there.

11 And, so our main concern is that in the event
12 of an emergency, would emergency apparatuses be able to
13 get down the street, and I can tell you, no, they can't.
14 You cannot get -- if cars are parked on both sides of
15 Shipley Avenue, and one car must back up, two cars cannot
16 pass each other. And that's on the wide side of Shipley,
17 not even the narrow side, and they double park on the --
18 even up to the narrow portion of Shipley Avenue towards
19 Winters Lane.

20 MS. DEMILIO: And in your opinion, is this type
21 of establishment inappropriate for your neighborhood?

1 MR. BRATHWAITE: It is absolutely
2 inappropriate.

3 MS. DEMILIO: Why do you say that?

4 MR. BRATHWAITE: Well, this is a residential
5 community. And maybe there are, but I don't know of any
6 residential community that can sustain a nightclub, and
7 that's basically what this is. It's a nightclub, and
8 this is a nightclub in a residential neighborhood where
9 folks go to work every day, where we all have young
10 children. We have the elderly. It's a historic, older
11 neighborhood. And it cannot sustain parking or the
12 establishment in the community. And we were hoping for
13 something different and it hasn't materialized.

14 MR. EVANS: When you say you were hoping for
15 something different, did you mean some other kind of
16 business or just a better run business?

17 MR. BRATHWAITE: Something different because
18 alcohol in this community, at that location, historically
19 and there's some others here that can speak more to the
20 history of it, I can give you what I can from seven years
21 ago, from the time that I've been here. That location

1 has been a hub of drug activities from the first day I
 2 moved, continuing today. And it's a major issue. There
 3 has been a cop killed in Baltimore, in that neighborhood.
 4 It all started at that location, prior to Premier Lounge.
 5 CHAIRMAN GARBER: Well, let's confine ourselves
 6 to --
 7 MR. BRATHWAITE: Premier Lounge.
 8 CHAIRMAN GARBER: -- well, I mean, what's going
 9 on now. I mean, yes, historically it's understood, maybe
 10 prior use, and you have some information, you wish to
 11 share regarding things that you may have witnessed there.
 12 MR. BRATHWAITE: Yeah.
 13 CHAIRMAN GARBER: As to other matters --
 14 MR. BRATHWAITE: Since the Premier Lounge, it
 15 has not changed.
 16 MS. RANDALL-JOLIVET: But I have a question
 17 to --
 18 MR. BRATHWAITE: Sure.
 19 MS. RANDALL-JOLIVET: -- some timeframes. You
 20 indicated that there were individuals that were doing
 21 some, I guess, illegal activity --

1 MR. BRATHWAITE: Yes.
 2 MS. RANDALL-JOLIVET: -- you mentioned I guess
 3 drug selling --
 4 MR. BRATHWAITE: Yes.
 5 MS. RANDALL-JOLIVET: -- and they're back.
 6 MR. BRATHWAITE: Yes.
 7 MS. RANDALL-JOLIVET: So -- and you said you
 8 got rid of them. So can you give us a timeframe?
 9 MR. BRATHWAITE: I didn't say -- I said we got
 10 rid of them.
 11 MS. RANDALL-JOLIVET: But you said now they're
 12 back. But you said now they're back. So when did you --
 13 were you successful in getting rid of them?
 14 MR. BRATHWAITE: We, we -- I don't know if I
 15 ever got rid of anybody really. But I think we -- we've
 16 kind of -- the activities diminished. Let's say that
 17 activities diminished --
 18 MS. RANDALL-JOLIVET: Yes.
 19 MR. BRATHWAITE: -- when Mr. Fletcher passed
 20 away. When Mr. Fletcher passed away, and the bar was
 21 closed, the establishment was closed, there -- it wasn't

1 a haven at that point. It became -- because you could,
2 you could -- there was nowhere to hide. You couldn't
3 say, well, I'm going into the bar and it was here. Once
4 Mr. Fletcher passed away, the activities diminished
5 because now we were able to say, okay, here's what
6 they're doing. Here's what it is, and so we called the
7 cops. And we made sure the cops stayed -- Baltimore
8 County stayed on top of it.

9 MS. RANDALL-JOLIVET: And then were there
10 lights in the rear of the building after Mr. Fletcher
11 passed away?

12 MR. BRATHWAITE: No.

13 MS. RANDALL-JOLIVET: Before he passed away,
14 were there lights in the back?

15 MR. BRATHWAITE: There, there were lights in
16 the back of the building but you always had to call
17 Mr. Fletcher to tell him to turn them on.

18 MS. RANDALL-JOLIVET: Okay.

19 MR. BRATHWAITE: You had to call him. If you
20 didn't call him, he wasn't turning them on.

21 MS. RANDALL-JOLIVET: Okay.

1 MR. BRATHWAITE: Because to him, it was more
2 money that he wanted -- he didn't want to spend that
3 money.

4 MS. RANDALL-JOLIVET: Spend. Thank you.

5 MS. DEMILIO: I think you've hit on all the
6 concerns. Are there any other concerns you have that we
7 haven't discussed?

8 MR. BRATHWAITE: I think the concerns of the
9 citizens of this neighborhood is important, if not
10 greater, because we have a vested interest in making sure
11 our neighborhood, our housing values, our kids have safe
12 neighborhoods to grow. Our -- they don't fall into the
13 trap of previous generations.

14 If you've been in this neighborhood, and you've
15 lived there, and I've only lived there seven years, but I
16 can tell you, that I get the history from the folks that
17 live there because I take the time to get to know my
18 neighbors. And I can tell you that we're all concerned,
19 very deeply, where we're going, where we're headed. And
20 I think we have a right to a safe neighborhoods, to a
21 drug-free neighborhood, to neighborhoods that -- to

1 establishment that help us build our value in our
2 properties because it's all we have for the most part,
3 and maybe leave a legacy of something positive to pass
4 onto our children.

5 MS. DEMILIO: Do you own your home?

6 MR. BRATHWAITE: Yes, ma'am.

7 MS. DEMILIO: And would you have an objection
8 if the site that's 180 Winters Lane, the Premier Lounge,
9 was operated as a smaller type of restaurant, a family
10 restaurant let's say or that kind, because it is zoned BL
11 which means business --

12 MR. BRATHWAITE: It is zoned that way. So I, I
13 really can't tell you right now because I, I know that
14 right now, in this present situation, it's not very good
15 at all. So I can't, I can't really honestly sit here and
16 tell you what would probably work best there. I don't
17 know what would work best.

18 MS. DEMILIO: But you do understand that it's a
19 business zone. So --

20 MR. BRATHWAITE: I do, I do understand --

21 CHAIRMAN GARBER: One second. One at a time.

1 Ms. Demilio is not done her question yet.

2 MR. BRATHWAITE: Sorry.

3 MS. DEMILIO: -- would there be businesses that
4 would not be adversely affecting your use and enjoyment
5 of your home?

6 MR. BRATHWAITE: There might be. I just can't
7 think of any right now.

8 MS. DEMILIO: Okay. Thank you.

9 MR. EVANS: What would the situation be if it
10 were a vacant building?

11 MR. BRATHWAITE: If it was a vacant building,
12 we wouldn't have the activity. We wouldn't have the
13 issue with parking. We wouldn't have the drug activity
14 because we would continue making it known to Baltimore
15 County, and we'd hope that someone would come in and
16 either tear it down and put something else up or whatever
17 the case is. But it's not working with it is right now.

18 MR. EVANS: Okay. Thank you.

19 CHAIRMAN GARBER: Ms. Demilio?

20 MS. DEMILIO: I have no further questions.

21 CHAIRMAN GARBER: Mr. Hurdle, cross-

1 examination.

2 MR. HURDLE: May I approach?

3 CHAIRMAN GARBER: Sure. Well, if you have an

4 exhibit that you wish to use or --

5 MR. HURDLE: The photos.

6 CHAIRMAN GARBER: It's already in evidence.

7 MR. HURDLE: Yes.

8 CHAIRMAN GARBER: Okay.

9 MR. HURDLE: I can -- yeah. I apologize. Your

10 last name is pronounced how?

11 MR. BRATHWAITE: Brathwaite.

12 MR. HURDLE: Brathwaite?

13 MR. BRATHWAITE: Yes, sir.

14 MR. HURDLE: I'm showing you what has been

15 marked as Exhibit 6, all of these.

16 CHAIRMAN GARBER: A through F.

17 MR. HURDLE: Yes.

18 CHAIRMAN GARBER: That's People's Counsel

19 Exhibit 6-A through F.

20 MR. HURDLE: The picture that you took, the

21 parking lot looks pretty awful. Would you agree?

1 MR. BRATHWAITE: I agree 100 percent.

2 MR. HURDLE: And you were here for the first

3 day of testimony which was September-ish.

4 MR. BRATHWAITE: Yes.

5 MR. HURDLE: Late September.

6 MR. BRATHWAITE: Yes, I was here.

7 MR. HURDLE: And we're here for a parking

8 issue --

9 MR. BRATHWAITE: Yes.

10 MR. HURDLE: -- essentially, correct? My

11 clients are trying to get a variance so that they can

12 have -- I think the number is I want to say seven or nine

13 spots in the back area, and park the cars at Mr. Ebb's or

14 at the church if there's overflow, right?

15 MR. BRATHWAITE: Right.

16 MR. HURDLE: And as a result of that, you've

17 also heard that they spent hundreds of thousands of

18 dollars both in the property and on some existing

19 renovations which appear to be somewhat inside as opposed

20 to the back parking lot.

21 MR. BRATHWAITE: All right.

1 MR. HURDLE: There used to be a huge shed there
2 on the left side, right?

3 MR. BRATHWAITE: Yes.

4 MR. HURDLE: Is that correct? On the map, I
5 apologize. On the big map we've been using, there is a
6 shed, and it kind of runs the length, almost like halfway
7 part of the property back.

8 MR. BRATHWAITE: Um-hum.

9 MR. HURDLE: A big shed, and that used to be a
10 problem as well, correct? Was there raccoon infestation
11 there or some critters?

12 MR. BRATHWAITE: Yeah, there probably were,
13 yeah.

14 MR. HURDLE: Probably were.

15 MR. BRATHWAITE: I don't --

16 MR. HURDLE: That shed has been taken down.

17 CHAIRMAN GARBBER: Hold on. Hold on. You were
18 saying?

19 MR. BRATHWAITE: I don't, I don't think that
20 Mr. Fletcher used it very much, no.

21 MR. HURDLE: But it was I a state of

1 disrepair --

2 MR. BRATHWAITE: Sure.

3 MR. HURDLE: -- the shed. And that's gone,
4 correct?

5 MR. BRATHWAITE: The shed's gone.

6 MR. HURDLE: And the concern from these
7 pictures is that my clients haven't paved this lot in
8 asphalt and kind of taken it over and redone the back,
9 right? That's something you would like to see them do?

10 MR. BRATHWAITE: I would have like to seen them
11 do something.

12 MR. HURDLE: Sure. And I think the testimony
13 has been that they would do that. They can't spend the
14 money on it because we don't know if we're even going to
15 be able to use this place as a bar in a week.

16 MR. BRATHWAITE: So my question --

17 MR. HURDLE: Are you aware of that?

18 MR. BRATHWAITE: My question was why tear the
19 shed down then?

20 MR. HURDLE: Unfortunately, you don't get to
21 ask the questions.

1 CHAIRMAN GARBER: Mr. Brathwaite --
2 MR. BRATHWAITE: I'm sorry.
3 CHAIRMAN GARBER: -- yes. Mr. Hurdle is
4 correct. You cannot ask questions.
5 MR. BRATHWAITE: I apologize.
6 CHAIRMAN GARBER: I assume that that was a
7 rhetorical question meant to be an answer, but if you
8 could answer Mr. Hurdle's question more directly.
9 MR. HURDLE: My question is, you would have
10 wanted them to pave it, correct?
11 MR. BRATHWAITE: Yes.
12 MR. HURDLE: And you understand that that would
13 cost tens of thousands of dollars?
14 MR. BRATHWAITE: No, I don't. I don't
15 understand what it would cost because if I would have --
16 MR. HURDLE: Do you think it would be free?
17 MR. BRATHWAITE: I --
18 CHAIRMAN GARBER: Hold on. Hold on. Again,
19 one at a time. I understand you want to get --
20 MR. HURDLE: Sure.
21 CHAIRMAN GARBER: -- you want to comment on his

1 answer with a follow-up question, but he was still in the
2 middle of his answer. Mr. Brathwaite?
3 MR. BRATHWAITE: I would believe that if I'm
4 owning an establishment, and if I paid hundreds of
5 thousands of dollars to own an establishment, and part of
6 me owning this establishment requires customer parking, I
7 would have made sure I had the money to make sure it's
8 all done.
9 MR. HURDLE: In terms of paying for the lot to
10 be paved?
11 MR. BRATHWAITE: Yes.
12 MR. HURDLE: But you understand, again that
13 would cost money. It would cost some amount of money?
14 MR. BRATHWAITE: Everything costs money, yes.
15 MR. HURDLE: Okay. And do you think it would
16 be a wise investment to pay that money, to pave that lot,
17 if next week this Board were to decide that they couldn't
18 use it as a bar?
19 MR. BRATHWAITE: Yes.
20 MR. HURDLE: So you would spend tens of
21 thousands of dollars --

1 MR. BRATHWAITE: Yes.
 2 MR. HURDLE: -- paving it?
 3 MR. BRATHWAITE: Yes. Because you -- because I
 4 believe you would recoup that money. If you decided that
 5 you wanted to sell that lot, any additional funds that
 6 you put into improve it, you should get back on the other
 7 side.
 8 MR. HURDLE: You heard the testimony of Mr.
 9 Hoff who is the only expert that's been presented so far
 10 in this matter who testified that even if we changed the
 11 existing building to office space, we wouldn't have
 12 enough parking and we wouldn't meet the requirements.
 13 You heard that testimony, correct? Yes or no.
 14 MR. BRATHWAITE: Yes, I did hear the testimony,
 15 yes.
 16 MR. HURDLE: So -- and, you also heard that if
 17 bulldozed this building, if you followed the proper
 18 setbacks and parking requirements, the building that
 19 would be built, if anything could be built, would be
 20 probably in the size of a shed as opposed to a house or
 21 anything of that nature?

1 MR. BRATHWAITE: Yes, and then I wouldn't
 2 purchase the building.
 3 MR. HURDLE: Okay.
 4 MR. BRATHWAITE: Until I --
 5 MR. HURDLE: There's no question.
 6 CHAIRMAN GARBER: There's no question pending,
 7 sir.
 8 MR. BRATHWAITE: Okay.
 9 MR. HURDLE: You mentioned that there was
 10 construction equipment in the back area for some months,
 11 correct?
 12 MR. BRATHWAITE: Yes.
 13 MR. HURDLE: But they were doing demolition
 14 work, including that shed. Is that accurate?
 15 MR. BRATHWAITE: The demolition of the shed had
 16 been completed for at least eight months.
 17 MR. HURDLE: Sure.
 18 MR. BRATHWAITE: And the construction equipment
 19 still was there. So it became a storage for the
 20 construction equipment. It was only moved after we had
 21 conversations with -- well, not me, but once Ms. Margaret

1 Stokes had conversations with Ms. Patterson about it,
 2 about how it was an eyesore and not, you know, something
 3 that the neighbors wanted.
 4 MR. HURDLE: Done?
 5 MR. BRATHWAITE: Yes.
 6 MR. HURDLE: Excellent. So there was a Bobcat
 7 there? Yes or no. You said it was a front loader. Yes
 8 or no.
 9 MR. BRATHWAITE: Backhoe, Bobcat, trailers.
 10 MR. HURDLE: And you indicated that you then
 11 reached out to the Councilman's office in an effort to
 12 help get it removed. That's accurate. Yes or no?
 13 MR. BRATHWAITE: Yes, after --
 14 MR. HURDLE: And then after that, it was
 15 removed. Is that correct? Yes or no.
 16 MR. BRATHWAITE: Yes.
 17 MR. HURDLE: Okay. So there was a problem.
 18 You reached out, and it was addressed. Yes?
 19 MR. BRATHWAITE: Yes.
 20 MR. HURDLE: You said they have all these
 21 events. And you called the police at this point. You

1 don't call the Pattersons. Is that accurate?
 2 MR. BRATHWAITE: I've called the Pattersons.
 3 I've reached --
 4 MR. HURDLE: I'm sorry, sir. I apologize. I
 5 would object. The question was a yes or no question.
 6 MS. DEMILIO: No, I --
 7 CHAIRMAN GARBER: Well, hold on. I'm with you
 8 here.
 9 MR. HURDLE: Sorry.
 10 CHAIRMAN GARBER: Your question was you called
 11 the Pattersons and the police, right? And he said, yes,
 12 I called. So I think he's clarifying because your
 13 question had two components to it. Police and the
 14 Pattersons, and he's clarifying who he called and I guess
 15 whatever the rest of his answer would be. I do think
 16 he's answering your question. It's not just limited to a
 17 yes or no. So, Mr. Brathwaite.
 18 MR. BRATHWAITE: I've reached out in the past
 19 to Mr. and Mrs. Patterson about parking issues. After
 20 the first response of if you didn't go against us about
 21 our parking variance, this wouldn't be an issue. I

1 stopped reaching out to Mr. and Mrs. Patterson about
2 parking, and I started reaching out to Baltimore County,
3 yes.

4 MR. EVANS: To the Court or to the police?

5 MR. BRATHWAITE: No, the Baltimore County
6 Police Department. Sorry.

7 MR. HURDLE: Earlier, you said you were on the
8 Board of the neighborhood or a member of the
9 organization. Can you clarify which one is accurate?

10 MR. BRATHWAITE: Okay. The -- and I'll
11 clarify. It's Concerned Citizen of Catonsville. All
12 right.

13 MR. HURDLE: And you're a member of the
14 organization or a member of the board?

15 MR. BRATHWAITE: I'm a member -- I am actually
16 the -- and I didn't do this for myself.

17 CHAIRMAN GARBER: Hold on. Let's do it like
18 this. Are you a member of the organization?

19 MR. BRATHWAITE: I'm a member of the
20 organization.

21 CHAIRMAN GARBER: Are you -- do you have any

1 role with the board that governs that organization?

2 MR. BRATHWAITE: Yes, I'm the assistant
3 citizens on patrol portion of that.

4 MS. RANDALL-JOLIVET: And again, I'd like to
5 get a timeframe for when you had the text exchange with
6 the Pattersons with regard to the -- if you weren't
7 opposed to us with the variances.

8 MR. BRATHWAITE: And that would, that would
9 have been their very first event that they had, and there
10 was an issue with parking came up, and I can't remember.
11 That would have been 2017 maybe.

12 MS. RANDALL-JOLIVET: 2017.

13 MR. BRATHWAITE: Somewhere around there. I
14 don't have the date locked in but, yeah, that was -- that
15 would have been the very first event that they had.

16 MS. RANDALL-JOLIVET: Thank you.

17 CHAIRMAN GARBER: And, Mr. Hurdle, to be clear,
18 as I understand things, he is here in his individual
19 capacity.

20 MR. HURDLE: Um-hum.

21 MS. DEMILIO: He's here -- are you asking me

1 that because I'll -- well, how would he know? I'm --

2 CHAIRMAN GARBER: I'm not -- this is not a
3 question thus far. The only capacity from which at least
4 I understand, I'm not going to speak for Ms. Jolivet or
5 Mr. Evans, is he's here individually.

6 MR. BRATHWAITE: Yes.

7 MS. DEMILIO: Well, I can answer that question
8 for you. Yes, he is.

9 CHAIRMAN GARBER: Right. So with respect to
10 whatever questions there may be about the board and the
11 community organization and all that, we understand his
12 testimony here is only -- solely for him as an
13 individual.

14 MR. HURDLE: That's my understanding as well.

15 CHAIRMAN GARBER: Okay.

16 MR. HURDLE: I was just trying to clarify what
17 the position was.

18 CHAIRMAN GARBER: Understood.

19 MR. HURDLE: It was just wishy-washy to me. I
20 apologize about this question, sir. You said that you
21 work every day, correct?

1 MR. BRATHWAITE: Yes, sir.

2 MR. HURDLE: And what are the hours?

3 MR. BRATHWAITE: I work from around 8:30 in the
4 morning until about -- I'm home around 6:00, 6:30 in the
5 afternoon.

6 CHAIRMAN GARBER: Do you leave the house at
7 8:30 or do you leave before that?

8 MR. BRATHWAITE: Once my daughter gets on the
9 bus. The bus comes at 8:30. So I'm on the road probably
10 around 8:35.

11 MR. HURDLE: And you said you work Monday to
12 Friday?

13 MR. BRATHWAITE: Monday through Friday.

14 MR. HURDLE: And you said that you personally
15 never saw the bar open between March and April -- so
16 March '16 through April '17. Is that accurate?

17 MR. BRATHWAITE: That is accurate.

18 MR. HURDLE: But you work during the week,
19 correct?

20 MR. BRATHWAITE: Every day.

21 MR. HURDLE: And, Mr. Keene testified that he's

1 in there one or two days, middle of the week, for a few
2 hours.

3 MR. BRATHWAITE: He also testified he works,
4 too.

5 MR. HURDLE: He said -- he testified --

6 CHAIRMAN GARBER: Just if I can. This will go
7 a lot easier.

8 MR. BRATHWAITE: Yes.

9 CHAIRMAN GARBER: If you just answer
10 Mr. Hurdle's questions. You heard the testimony from
11 Mr. Keene, that he was there one to two days. That's
12 your question?

13 MR. HURDLE: Um-hum.

14 MR. BRATHWAITE: Yes.

15 CHAIRMAN GARBER: Sorry. That's, to be clear
16 for the record, one to two days a week, during the time
17 period March 2016 to April 2017.

18 MR. HURDLE: You clarified it perfectly. Thank
19 you.

20 CHAIRMAN GARBER: Um-hum.

21 MR. HURDLE: You said it was your understanding

1 that the gas and electric were off. Is that accurate?

2 MR. BRATHWAITE: Yes.

3 MR. HURDLE: You're not on the gas bill or
4 electric bill at that property?

5 MR. BRATHWAITE: No. No.

6 MR. HURDLE: Have you ever seen the gas bill or
7 electric bill at that property?

8 MR. BRATHWAITE: No.

9 MR. HURDLE: So you have no personal knowledge
10 as to whether the gas or electric was, in fact, ever
11 turned off at that property?

12 MR. BRATHWAITE: No, I don't have any personal
13 knowledge, no.

14 MR. EVANS: But I take it you saw a dark
15 building, right?

16 MR. BRATHWAITE: The building was dark.

17 MR. EVANS: You drew the conclusion that there
18 was no electric?

19 MR. BRATHWAITE: And no customers or no
20 patrons. So I drew the conclusion that there is no
21 electric.

1 MS. RANDALL-JOLIVET: But you said the building
2 was still dark, right?
3 MR. BRATHWAITE: The building was?
4 MS. RANDALL-JOLIVET: You said it's still dark.
5 Didn't you say that as well. It's still dark?
6 MR. BRATHWAITE: It's still dark now?
7 MS. RANDALL-JOLIVET: Yes.
8 MR. BRATHWAITE: This is the back of the
9 building. The rear of the building is still dark now.
10 CHAIRMAN GARBER: So let me ask you this. You
11 said there was no exterior light.
12 MR. BRATHWAITE: There is no exterior light.
13 CHAIRMAN GARBER: Are there exterior lights on
14 the Winters Lane side of the property?
15 MR. BRATHWAITE: Yes, in the front of the
16 building, yes.
17 CHAIRMAN GARBER: Are there exterior lights on
18 the Shipley Avenue side of the property?
19 MR. BRATHWAITE: No.
20 CHAIRMAN GARBER: Okay. So any exterior
21 lighting on Premier Lounge you would be able to see that,

1 at nighttime on Winters Lane, correct?
2 MR. BRATHWAITE: Yes.
3 CHAIRMAN GARBER: But you don't see that on
4 Shipley Avenue.
5 MR. BRATHWAITE: Yes, yes, that's correct.
6 CHAIRMAN GARBER: Okay.
7 MR. EVANS: Well, I'm a little confused. When
8 you said there was no electricity --
9 MR. BRATHWAITE: That's what -- that was --
10 MR. EVANS: Let me just --
11 MR. BRATHWAITE: Okay.
12 MR. EVANS: You're talking about the period
13 between March of '16 and April of '17, correct?
14 MR. BRATHWAITE: Yes.
15 MR. EVANS: And are you talking -- so the
16 building was dark on the Shipley Avenue side?
17 MR. BRATHWAITE: Yes.
18 MR. EVANS: Was it dark on the Winters Avenue
19 (sic) side?
20 MR. BRATHWAITE: Yes.
21 MR. EVANS: That's my question. Okay.

1 CHAIRMAN GARBER: Mr. Hurdle.

2 MR. HURDLE: Thank you. And I do appreciate
3 the clarification. I was also a little off.

4 So one of your concerns has been this dump
5 truck and the other heavy equipment. Is that accurate?

6 MR. BRATHWAITE: Like currently or are you
7 talking about when the construction equipment was on the
8 site?

9 MR. BRATHWAITE: You testified that you didn't
10 like the fact that there was heavy equipment on the site.

11 MR. BRATHWAITE: No, I didn't. I testified
12 that we had -- he was staging his construction equipment
13 onsite during the period of renovation after the
14 renovation, the demolition of the shed was taken down.
15 That was what I testified to. I haven't said anything
16 more about it.

17 MR. HURDLE: You said the issue was that he
18 left a Bobcat there.

19 MR. BRATHWAITE: When? Now? Are we talking
20 present or are we talking past?

21 CHAIRMAN GARBER: Let's all get clarification

1 what we're talking about. So there was a timeframe, sir,
2 where you said there was construction equipment in the
3 parking lot that you could see --

4 MR. BRATHWAITE: Yes.

5 CHAIRMAN GARBER: -- on Shipley Avenue, right?

6 MR. BRATHWAITE: Yes.

7 CHAIRMAN GARBER: As I recall some of the
8 testimony, here you indicated that that occurred and
9 remained for at least eight months after the demolition
10 of the shed.

11 MR. BRATHWAITE: Yes.

12 CHAIRMAN GARBER: When did demolition of the
13 shed occur relative to Mr. Fletcher's passing if you
14 know?

15 MR. BRATHWAITE: So I want to say that they
16 went into the building maybe in the spring of '17. So if
17 the shed was taken down late spring, early summer, then
18 the construction equipment stayed onsite until winter of
19 '17. So we're talking December timeframe of 2017.

20 CHAIRMAN GARBER: So in January of 2018, did
21 you see the construction equipment still present on the

1 site?

2 MR. BRATHWAITE: From January '16 --

3 CHAIRMAN GARBER: 2018.

4 MR. BRATHWAITE: -- 2018, the construction
5 equipment was no longer there.

6 CHAIRMAN GARBER: Okay. So that helps to
7 settle some time on there, Mr. Hurdle.

8 MR. BRATHWAITE: Yeah.

9 MR. HURDLE: So the question I was asking, one
10 of the things that bothered you was that there was
11 construction equipment that was unutilized just sitting
12 on the property. Is that an accurate statement?

13 MR. BRATHWAITE: Yes, at that moment, yes.

14 MR. HURDLE: Is there any other construction
15 equipment store on anyone else's property in the
16 neighborhood?

17 MR. BRATHWAITE: I don't know. What do you
18 mean?

19 MR. HURDLE: Does anybody else in the
20 neighborhood store heavy equipment on their property?

21 MR. BRATHWAITE: Heavy equipment --

1 CHAIRMAN GARBER: Let's do this. For purposes
2 of definition, how about equipment analogous to what he
3 saw on the property.

4 MR. HURDLE: Sure.

5 MR. BRATHWAITE: No.

6 MR. HURDLE: Trucks --

7 MR. BRATHWAITE: No.

8 MR. HURDLE: -- Bobcats, pickup trucks?

9 MR. BRATHWAITE: No.

10 MR. HURDLE: Nobody else --

11 MR. BRATHWAITE: Pickup, pickup trucks. You
12 said Bobcats, backhoes. I said Bobcat, backhoes. I said
13 nothing about the dump truck.

14 MR. HURDLE: Sure.

15 MR. BRATHWAITE: I said Bobcat, backhoes,
16 trailers, all construction equipment used to tear the
17 shed down and do construction. I said nothing else about
18 trucks or anything. So if you ask me if there's anyone
19 else in the neighborhood storing those types of
20 equipment? No, there's no one else in the neighborhood
21 there storing heavy construction equipment.

1 MR. HURDLE: If there was a dump truck on the
2 property, would that have been a problem?

3 MR. BRATHWAITE: If there was -- why would it
4 be a problem? I don't know. I don't know. It's a bar,
5 right? It's a bar. I mean, if you're doing construction
6 -- if the construction of the building that you're
7 business is completed, I would expect the construction
8 equipment to move.

9 Now, if Mr. Patterson lived at that site, and
10 maybe his business -- his -- maybe if he had a, I don't
11 now. He owned a dump truck because that was his
12 livelihood, then I don't know. Maybe I'll talk to him.
13 Maybe I wouldn't have a problem with it, but this is
14 construction equipment, heavy equipment stored on the
15 back of the business after completion of demolition of a
16 project.

17 MR. HURDLE: I'm just confused. The property
18 isn't paved yet --

19 MR. BRATHWAITE: It's not that confusing.

20 MR. HURDLE: -- right?

21 MR. BRATHWAITE: Um-hum.

1 MR. HURDLE: So the construction isn't
2 completed.

3 MS. DEMILIO: I object to this line of
4 questioning. Where are we going with this, Mr. Chairman?

5 CHAIRMAN GARBER: Well --

6 MS. DEMILIO: It's gone a little bit too far.

7 CHAIRMAN GARBER: Well, I'm trying to
8 understand where we're going with it, too. Mr. Hurdle,
9 do you have a response to that?

10 MR. HURDLE: I have no further questions. I
11 apologize. I withdraw the question.

12 CHAIRMAN GARBER: Okay. You may -- that is,
13 are you done with cross-examination?

14 MR. HURDLE: Um-hum.

15 CHAIRMAN GARBER: Is that yes?

16 MR. HURDLE: Yes, I'm sorry. I did the nod
17 thing. I'm sorry.

18 CHAIRMAN GARBER: Ms. Demilio --

19 MS. DEMILIO: Yes.

20 CHAIRMAN GARBER: -- redirect?

21 MS. DEMILIO: Yes. Is it fair to say that part

1 of your concern about the construction equipment there is
2 it took up parking spots for the establishment -- for the
3 tavern?

4 MR. BRATHWAITE: Yes.

5 MS. DEMILIO: Not only the existence of it, but
6 they took up parking spots that was supposed to be for
7 the tavern?

8 MR. BRATHWAITE: Yes.

9 MS. DEMILIO: All right. And from the time
10 period of Mr. Fletcher's death in March of 2016 until the
11 Pattersons opened up Premier Lounge, did you ever notice
12 any interior lights in the Premier -- in this building?

13 MR. BRATHWAITE: No.

14 MS. DEMILIO: It was always dark? The interior
15 was dark?

16 MR. BRATHWAITE: It was always dark. It was
17 completely dark.

18 MS. DEMILIO: All right. So every evening when
19 you were home, you would go past it or would you -- do
20 you go past it?

21 MR. BRATHWAITE: Yes, I go past it every day.

1 MS. DEMILIO: When you come home from work --

2 MR. BRATHWAITE: When I left and when I come
3 home, yes.

4 MS. DEMILIO: Okay. All right. And you heard
5 Mr. Hurdle say that they've spent hundreds of thousands
6 of dollars to do some renovations in the interior. Do
7 you think some of that money would have --

8 MR. EVANS: I don't think that was actually
9 his --

10 MR. HURDLE: No.

11 MS. DEMILIO: You said hundreds of thousands.

12 MR. EVANS: Hundreds of thousands of dollars
13 with regard to the property. I don't think he specified
14 hundreds of thousands as to the interior.

15 MS. DEMILIO: Well, that was what the prior
16 witnesses on the first day said.

17 CHAIRMAN GARBER: All right.

18 MS. DEMILIO: Okay. I'll withdraw that.

19 CHAIRMAN GARBER: Let's hit a reset button
20 here. So, Ms. Demilio, what's the question you want to
21 know?

1 MS. DEMILIO: Let me ask him a question. Have
2 you seen any improvement today to the exterior of the
3 building?

4 MR. BRATHWAITE: No.

5 MS. DEMILIO: All right.

6 MR. BRATHWAITE: And maybe -- I don't know if I
7 can clarify, but I've spent hundreds of thousands of
8 dollars on my house, too.

9 MS. DEMILIO: All right. Okay.

10 MR. BRATHWAITE: I decided to renovate it.

11 MS. DEMILIO: And there -- were you here at the
12 last hearing when Mr. Patterson testified that they have
13 spent quite a sum of money on the interior, making
14 interior renovations? Did you hear that?

15 MR. BRATHWAITE: Yes. Yes, I did hear that.

16 MS. DEMILIO: All right. And do you think that
17 some of the money allotted to the renovations on the
18 interior could have been improved the parking lot?

19 MR. HURDLE: Objection.

20 CHAIRMAN GARBER: Hold on. Your question is do
21 you think any of the money spent inside could have been

1 spent outside instead basically?

2 MS. DEMILIO: It could be spent -- I didn't say
3 outside. I said on the parking lot.

4 CHAIRMAN GARBER: Well, that would be --

5 MS. DEMILIO: Yeah.

6 CHAIRMAN GARBER: -- on the parking lot. So
7 what's your objection?

8 MR. HURDLE: It's speculation and it's -- I
9 don't know how he can speak to what the Pattersons
10 prioritized or any capacity. Obviously if they spent \$1
11 inside, they could spent 50 cents outside. It's a
12 ridiculous question.

13 CHAIRMAN GARBER: I'll say this. It is an
14 argumentative question. The answer's obvious that if the
15 money is spent on the inside, it could have been spent on
16 the elsewhere as well if they chose to put one end of the
17 project ahead of another end of the project. Your point
18 is made with -- your point is made. In other words,
19 there's only one answer to the question.

20 MS. DEMILIO: Can we hear it?

21 CHAIRMAN GARBER: Well, I'm going to say, it's

1 an argumentative question. There's an objection.

2 MS. DEMILIO: Well, the reason I'm asking that
3 is Mr. Hurdle was asking the witness, don't you know they
4 spent hundreds of thousands of dollars inside, and then
5 he's trying to say, it wasn't worth for them to spend the
6 money on the parking lot until they got approval.

7 CHAIRMAN GARBER: That's a matter for argument
8 I believe. I don't believe -- you don't need an answer
9 from this witness to that question.

10 MS. DEMILIO: Well, he asked this witness the
11 question.

12 CHAIRMAN GARBER: Yes.

13 MS. DEMILIO: So why can't I -- why can't I
14 follow --

15 CHAIRMAN GARBER: Your question on cross-
16 examination is to undermine his answer.

17 MS. DEMILIO: It's not cross. It's rebuttal.

18 CHAIRMAN GARBER: It's rebuttal, excuse me.

19 MS. RANDALL-JOLIVET: It's redirect.

20 CHAIRMAN GARBER: It's redirect, you're right.

21 MS. DEMILIO: Redirect, yes.

1 CHAIRMAN GARBER: But your question -- yeah,
2 since it's redirect, I'll allow it. Go ahead.
3 Overruled.

4 MS. DEMILIO: All right. So do you remember
5 the question?

6 CHAIRMAN GARBER: Can the money --

7 MR. BRATHWAITE: Can you repeat it?

8 CHAIRMAN GARBER: The hundreds of thousands of
9 dollars were spent inside, could it have been used on the
10 parking lot? Was that the question?

11 MS. DEMILIO: Yes.

12 MR. BRATHWAITE: Yes.

13 MS. DEMILIO: Is that your position?

14 MR. BRATHWAITE: That's my position.

15 MS. DEMILIO: All right. And if there was --
16 let's just assume in this business zone, that there was
17 an office constructed on this site. Would you -- do you
18 believe, in your opinion, would you experience the
19 parking on Shipley and Wesley and all the other areas in
20 the evening --

21 MR. HURDLE: Objection.

1 CHAIRMAN GARBER: What's the basis of the
2 objection?

3 MR. HURDLE: Speculation.

4 MS. DEMILIO: I didn't even finish the
5 question.

6 CHAIRMAN GARBER: Sorry. You were trailing
7 off. I thought you were done. So what is your question
8 then? You're talking about parking on Shipley and
9 others.

10 MS. DEMILIO: If there was an office, with
11 office hours from 9:00 to 5:00, would you experience the
12 -- do you believe you would experience the illegal
13 parking and the concerns that you had about people
14 parking there late at night? Would that be the same
15 concerns for you?

16 MR. BRATHWAITE: I don't think --

17 CHAIRMAN GARBER: Hold on, sir. Objection
18 sustained --

19 MR. BRATHWAITE: Sorry.

20 CHAIRMAN GARBER: -- because we don't know the
21 actual use. It could only ever be speculation.

1 MS. DEMILIO: Why? But Mr. Hurdle talked about
2 what else could we build here? There would be a parking
3 shortage even if there was an office here. I think I
4 have a right to ask if it would affect parking --

5 CHAIRMAN GARBER: Ms. Demilio, you have a right
6 to certainly make a point in terms of your argument on
7 that. However, the objection is sustained because we
8 don't -- we're talking about a speculative use as to how
9 it would be used and what parking would be needed and all
10 the other stuff that comes with it.

11 MS. DEMILIO: Well, Mr. Hurdle was allowed to
12 ask him about parking --

13 CHAIRMAN GARBER: The objection is -- the
14 objection is sustained. You can move on.

15 MR. EVANS: Mr. Brathwaite, can people park on
16 this parking lot, this -- unpaved parking lot that we've
17 been talking about? Do patrons of the bar actually park
18 there if you know?

19 MR. BRATHWAITE: I do know. No, they don't.
20 They don't. They park on Shipley Avenue.

21 MR. EVANS: Instead of on that lot?

1 MR. BRATHWAITE: Instead of on that lot, yes.
 2 CHAIRMAN GARBER: Ms. Demilio, back to you.
 3 MS. DEMILIO: Do you find the evening parking
 4 -- the late night parking here particularly objectionable
 5 for this establishment?
 6 MR. HURDLE: Objection.
 7 CHAIRMAN GARBER: Basis?
 8 MR. HURDLE: I guess it's argumentative. I
 9 just don't know. It's particularly objectionable. I
 10 don't understand what that means.
 11 CHAIRMAN GARBER: Well, let's see where this
 12 goes. I'll overrule that. You may answer.
 13 MS. DEMILIO: I said do you -- I'll repeat the
 14 question. Do you find that late night and evening --
 15 late into the evening, so I'll say nighttime, until the
 16 bar closes, at 1:00 or 2:00 in the morning, particularly
 17 objectionable when they're parking on the street?
 18 MR. BRATHWAITE: Yes.
 19 MS. DEMILIO: All right. And is there any
 20 other experiences that you have with the parking of the
 21 patrons of this bar disturbing your use and enjoyment of

1 your home?
 2 MR. HURDLE: Objection.
 3 CHAIRMAN GARBER: Basis?
 4 MR. HURDLE: Outside the scope of cross.
 5 CHAIRMAN GARBER: He didn't -- well, that's
 6 true. It was not asked on cross. The stuff was already
 7 established on direct which you already established all
 8 those elements that you just --
 9 MS. DEMILIO: All right. I'll withdraw.
 10 CHAIRMAN GARBER: -- embedded within your
 11 question. So I will sustain that objection.
 12 MS. DEMILIO: Has there ever been -- in
 13 addition to the -- you were talking about an event here.
 14 Did those events take place in Mr. -- I mean, Mr. Hurdle
 15 asked you about events at the restaurant, bar, tavern,
 16 package good store. Are those events outside or inside
 17 of the Premier Lounge?
 18 MR. BRATHWAITE: The events are primarily
 19 inside but over the summer months, they had a tent set up
 20 outside, selling crabs I think at the back of the lot.
 21 If you go back to the exhibit photos, was that 6-A?

1 MR. EVANS: Well, 6-A through F but, yeah.
2 MR. BRATHWAITE: So the tent was set up, if you
3 see the building, the white part of the building that has
4 the Tyvek --
5 MR. EVANS: Right.
6 CHAIRMAN GARBER: So on 6-A.
7 MR. EVANS: 6-A, yeah.
8 MR. BRATHWAITE: Yeah, 6-A. There was a tent,
9 a yellow tent set up there and they were selling crabs
10 out the back. So folks would pull up on Shipley Avenue,
11 get crabs.
12 CHAIRMAN GARBER: Daytime or nighttime?
13 MR. BRATHWAITE: Both.
14 CHAIRMAN GARBER: So it was just one time this
15 occurred?
16 MR. BRATHWAITE: No, this was on multiple
17 occasions.
18 CHAIRMAN GARBER: Ms. Demilio, sorry.
19 MS. DEMILIO: I have no further questions.
20 CHAIRMAN GARBER: With respect to People's
21 Counsel Exhibit 7, to the extent it's not already been

1 moved into evidence, I assume you want it into evidence.
2 MS. DEMILIO: Yes, that's the photograph.
3 CHAIRMAN GARBER: Yes, that's the nighttime
4 photograph --
5 MS. DEMILIO: Yes.
6 CHAIRMAN GARBER: -- January 2019. And,
7 Mr. Hurdle, any objection?
8 MR. HURDLE: No objection at all.
9 CHAIRMAN GARBER: Then that will be admitted.
10 So we've already admitted 6-A through F as well as
11 People's Counsel Exhibit 7.
12 MS. DEMILIO: Thank you.
13 CHAIRMAN GARBER: Do you have any follow-up
14 questions? Limited, of course, to the redirect.
15 MR. HURDLE: Sir, you mentioned that the
16 parking was particularly objectionable, correct?
17 MR. BRATHWAITE: Yes.
18 CHAIRMAN GARBER: Technically it was the
19 parking situation between I think you said, Ms. Demilio,
20 your question was 1:00 and 2:00 a.m. were certainly late
21 night?

1 UNIDENTIFIED SPEAKER: Between 9:00 and 1:00
 2 a.m.
 3 CHAIRMAN GARBER: 9:00 and 1:00 a.m.
 4 UNIDENTIFIED SPEAKER: 9:00 and 1:00 or 2:00
 5 a.m. she said.
 6 CHAIRMAN GARBER: Thank you. Just to clarify
 7 the testimony, that's the particularly objectionable
 8 point.
 9 MR. HURDLE: Perfect. Thank you. The bar's
 10 been there since you moved in, correct?
 11 MR. BRATHWAITE: Yes.
 12 UNIDENTIFIED SPEAKER: I'm sorry. I can't hear
 13 him.
 14 CHAIRMAN GARBER: The bar was there since you
 15 moved in seven years ago.
 16 MR. HURDLE: I have no other questions.
 17 CHAIRMAN GARBER: Anything further?
 18 MS. DEMILIO: No.
 19 CHAIRMAN GARBER: Thank you, sir, for your
 20 time.
 21 MR. BRATHWAITE: Thank you.

1 (Mr. Brathwaite excused.)
 2 CHAIRMAN GARBER: Ms. Demilio, is there anybody
 3 that you intend to call, that needs to be called at this
 4 time?
 5 MS. DEMILIO: Everybody can stay.
 6 CHAIRMAN GARBER: If you have -- if you want to
 7 put on a witness that's going to be short, we're, you
 8 know, certainly willing to entertain that, too.
 9 MS. DEMILIO: No, I think I'd like the
 10 opportunity --
 11 CHAIRMAN GARBER: That's fine. Very well. So
 12 we'll be on recess for lunch. Would 45 minutes meet all
 13 needs, Ms. Demilio? Do you need 45 minutes, an hour?
 14 What do you think you would need?
 15 MS. DEMILIO: It doesn't matter. Whatever the
 16 Board wishes.
 17 CHAIRMAN GARBER: Well, I'm asking what's --
 18 because if you're going to be meeting with people and
 19 getting lunch --
 20 MS. RANDALL-JOLIVET: Forty-five minutes is
 21 good -- 45 minutes, yes.

1 CHAIRMAN GARBER: Forty-five minutes.
 2 MR. HURDLE: Yes. Can we leave our things?
 3 CHAIRMAN GARBER: You may leave your things
 4 out.
 5 MR. HURDLE: Perfect.
 6 CHAIRMAN GARBER: So we are on break for 45
 7 minutes. That puts us out to 20 of --
 8 MS. RANDALL-JOLIVET: 2:00.
 9 CHAIRMAN GARBER: -- thank you, 2:00.
 10 (Whereupon, at 12:53 p.m., a lunch recess was
 11 taken.)

AFTERNOON SESSION

(1:41 p.m.)

3 CHAIRMAN GARBER: All right. Please be seated.
 4 And we're back on the record. Thank you.
 5 All right. Ms. Demilio, we left off with the
 6 conclusion of Mr. Brathwaite's testimony. Do you have
 7 another witness for us?
 8 MS. DEMILIO: Yes. Thank you.
 9 MR. HURDLE: I would like at this time to
 10 sequester the remaining witnesses if that's possible.
 11 CHAIRMAN GARBER: Well, I mean, it's not a
 12 typical request. I anticipate, Ms. Demilio, your
 13 witnesses are going to be testifying about community
 14 concerns? There's not any secret or any type of
 15 testimony that's --
 16 MS. DEMILIO: Legal (ph.).
 17 CHAIRMAN GARBER: Well, what I mean is they're
 18 going to be testifying about their community concerns as
 19 are individual to them or ones that they're aware of
 20 generally, too, maybe the history of the neighborhood and
 21 whatnot, correct?

1 MS. DEMILIO: Yes.

2 CHAIRMAN GARBER: Okay. I appreciate the
3 request but it's going to be denied. Thank you.
4 (Whereupon,

5 SEAN LAWSON

6 was called as a witness by the People's Counsel and,
7 after having been first duly sworn, testified as
8 follows:)

9 MS. RANDALL-JOLIVET: And please state your
10 name and your address for the record.

11 MR. LAWSON: Sean, S-e-a-n, Lawson, L-a-w-s-o-
12 n, 174 Winters Lane, 172 Winters Lane, 170 Winters Lane.

13 MS. RANDALL-JOLIVET: Thank you.

14 CHAIRMAN GARBER: You own all three properties?

15 MR. LAWSON: Yes.

16 CHAIRMAN GARBER: Okay. Your residential
17 address is 174?

18 MR. LAWSON: Yeah.

19 CHAIRMAN GARBER: Okay. I was just trying to
20 clarify. Make sure we understood that. Okay. Sorry
21 about that. Ms. Demilio.

1 MS. DEMILIO: So, Mr. Lawson, how close are you
2 to the Premier Lounge site?

3 MR. LAWSON: 40 feet, 50 feet.

4 MS. DEMILIO: 40 feet?

5 MR. LAWSON: Yeah.

6 CHAIRMAN GARBER: Let me ask you, if I can, do
7 you see People's Counsel 3, the map up there.

8 MR. LAWSON: Yeah.

9 CHAIRMAN GARBER: Do you see your property
10 where you live on that map?

11 MR. LAWSON: Yeah, I'm right here.

12 CHAIRMAN GARBER: Okay. So you're their next
13 door neighborhood is it?

14 MR. LAWSON: Right here is a neighbor, Mr.
15 Ganol (ph.).

16 CHAIRMAN GARBER: So you're one over from the
17 immediately next door neighborhood to the property?

18 MR. LAWSON: Yes.

19 CHAIRMAN GARBER: Okay.

20 MS. RANDALL-JOLIVET: Is it identified -- is
21 your name identified on there, your property?

1 MR. LAWSON: Yeah, Lawson, Sean.

2 MS. RANDALL-JOLIVET: It is. That's all I
3 wanted to make sure. Thank you.

4 MS. DEMILIO: Do you want me to mark it? If
5 it's on there, I was sort of eliminating the marking.

6 CHAIRMAN GARBER: No, just so we know what he
7 means by 40 feet.

8 MS. DEMILIO: Is that all right?

9 MS. RANDALL-JOLIVET: That's fine. Thank you.

10 MS. DEMILIO: Sure.

11 CHAIRMAN GARBER: Thank you.

12 MS. DEMILIO: Okay. Mr. Lawson, you were here
13 for Mr. Brathwaite's testimony, were you not?

14 MR. LAWSON: Yes.

15 MS. DEMILIO: Okay. And you heard him discuss
16 the concerns with the -- I'll call it overflow parking
17 from the Premier Lounge?

18 MR. LAWSON: Yes.

19 MS. DEMILIO: And do you agree with him that
20 there is overflow parking on two of the neighborhood
21 streets including, but not limited to, Shipley, Winters

1 Lane where you live and Wesley Avenue? Was it Wesley?

2 MR. LAWSON: Winters, Shipley --

3 MS. DEMILIO: Winters, Shipley --

4 MR. LAWSON: -- and Wesley.

5 MS. DEMILIO: -- and Wesley. All right. Could
6 you describe for the Board what concerns, if any, or your
7 experience is, as a result of that parking situation from
8 Premier Lounge?

9 MR. LAWSON: Well, the concerns is I've been
10 living there 40 years. And the problem is that there's
11 no parking anywhere because when you take both sides of
12 Shipley Avenue, like Mr. Brathwaite said, there's cars on
13 both sides when they're open or when they have an event.

14 On Winters Lane, Winters Lane is a busy street
15 now, and what happens now is it doesn't matter it's 10:00
16 or 11:00 at night, there's still no parking but people do
17 generally park like in front of the store because they
18 want to run in, get something quick and come out. And
19 sometimes I've noticed where they're parking, on the
20 opposite side of the street because they have no value of
21 whatever they're doing.

1 We've had people park in my yard, and I've had
2 it plenty of nights. And I've had to go out there and
3 say, no, we're not part of them. You've got to move. So
4 then they move or have people that text me, that know me,
5 and say, hey, can I park in your hard because there's
6 nowhere to park. No, you have to deal with that.

7 CHAIRMAN GARBER: And you're attributing that
8 parking to the Premier Lounge.

9 MR. LAWSON: I'm contributing that to the
10 Premier Lounge.

11 CHAIRMAN GARBER: Okay.

12 MR. LAWSON: There's -- as a neighborhood, we
13 clean and sweep up the garbage that's left over.

14 MS. DEMILIO: From the Premier Lounge?

15 MR. LAWSON: From the Premier Lounge. And if
16 you -- some nights you may get -- there are people
17 playing music. Sometimes you may see them duck behind a
18 house and urinate. You have that problem. I've had in
19 my hard urinating.

20 MR. EVANS: What about, do people park at
21 Mr. Ebb's place?

1 MR. LAWSON: People park at Mr. Ebb's lot and
2 then in the summertime, Premier Lounge and Ebb will
3 collide. I've seen it a thousand times, where he's
4 throwing --

5 MR. EVANS: An event.

6 MR. LAWSON: -- an event and Ebb's throwing an
7 event, and you have a lot of people just walking and a
8 lot of car congested, and people are trying to fit into
9 Ebb's little lot because they know where his parking's
10 at. He's only been there a year. So they knew King's
11 was closed for 2016, whatever it was closed. So people
12 who come now be like, okay, we can't park there. We know
13 Ebb's lot. We can park here. And they've collided.

14 MR. EVANS: So is some of the trash and some of
15 the parking problems, could that also be associated with
16 Mr. Ebb's events as well?

17 MR. LAWSON: No, it's not -- no, not with him
18 because his son and daughter and he has a helper that are
19 -- that go out periodically as the event goes on and he
20 has dumpsters and there's a big dumpster and he has
21 trashcans around. And periodically, he will send them

1 guys out, his daughter and his son will go out and they
2 will walk the street. And if something happens with
3 them, all I have to do is say, hey, Kelly, can you -- and
4 she'll be like, I'm on it.

5 MR. EVANS: What about in terms of parking? I
6 mean, the events. He's got limited parking.

7 MR. LAWSON: He's got limited parking.

8 MR. EVANS: So do some of those people then
9 park on Winters Lane and Shipley?

10 MR. LAWSON: Not Shipley.

11 MR. EVANS: Not Shipley. But Winters Lane.

12 MR. LAWSON: But they park at that church.

13 MR. EVANS: OH, okay.

14 MR. LAWSON: They park at that church. That
15 church, before it was sold, Mr. Ebb and all of us were
16 members of Morningstar.

17 MR. EVANS: Um-hum.

18 MR. LAWSON: So that was an agreement that they
19 had, Mr. Ebb and Morningstar.

20 MR. EVANS: Um-hum.

21 MR. LAWSON: With them, I had no idea if

1 there's an agreement.

2 MR. EVANS: All right. I'm sorry.

3 MS. DEMILIO: All right. Mr. Lawson, would you
4 describe Mr. Ebb's activities? When he has them, how
5 often, who attends his activities.

6 MR. LAWSON: He has them in the summertime
7 probably twice a month, and his activities, usually
8 birthday parties, social events, neighborhood, kids --
9 things that he has for the neighborhood sometimes.

10 MS. DEMILIO: When he has things for the
11 neighborhood, do you see a parking problem, overflow
12 parking from his events?

13 MR. LAWSON: No, no.

14 MS. DEMILIO: Because I assume most of the
15 people walk.

16 MR. LAWSON: A lot of people --

17 MS. DEMILIO: Walk.

18 MR. LAWSON: Right.

19 MS. DEMILIO: And does Mr. Ebb live in the
20 neighborhood?

21 MR. LAWSON: Yes.

1 MS. DEMILIO: Where does he live on?
 2 MR. LAWSON: He lives on Main Avenue.
 3 MS. DEMILIO: Okay. And is that close to --
 4 MR. LAWSON: It's on the other side of the rec
 5 center.
 6 MS. DEMILIO: Okay. So it's near his -- where
 7 his --
 8 MR. LAWSON: Yes.
 9 MS. DEMILIO: -- where he has his events?
 10 MR. LAWSON: Yes.
 11 MS. DEMILIO: How long has he lived there? Do
 12 you know?
 13 MR. LAWSON: He's --
 14 MS. DEMILIO: As long as you can remember?
 15 MR. LAWSON: He's probably 70. So him and my
 16 mother grew up together there.
 17 MS. DEMILIO: And your mother lives in the
 18 neighborhood?
 19 MR. LAWSON: Yes.
 20 MS. DEMILIO: Okay. So have you -- so is it --
 21 do I understand your testimony that you haven't had any

1 problem with his events in terms of parking or behavior
 2 of the people that attend his events?
 3 MR. LAWSON: No.
 4 CHAIRMAN GARBER: That is correct?
 5 MR. LAWSON: That is correct.
 6 CHAIRMAN GARBER: You've not have a problem?
 7 MR. LAWSON: Correct.
 8 MS. DEMILIO: All right. Now did you have an
 9 occasion to meet or see Mr. and Mrs. Patterson at your
 10 house or around the front of the place, the Premier
 11 Lounge, before the auction?
 12 MR. LAWSON: Yes.
 13 MS. DEMILIO: Could you tell the Board how that
 14 transpired?
 15 MR. LAWSON: I was in my yard, and --
 16 MS. DEMILIO: When did it take place?
 17 MR. LAWSON: It took place probably six months
 18 before the auction.
 19 MS. DEMILIO: Okay.
 20 MR. LAWSON: I was in my yard. A white
 21 Mercedes Benz drove up, turned around and parked. So I

1 got -- I came down and asked them, hey, you know, what's
2 going on? She was driving. Mrs. Patterson was driving.
3 He leaned over and said, hey, we want -- we're thinking
4 about buying this property --

5 MS. DEMILIO: Now, what do you mean when you
6 say this property? What are you talking about? Premier
7 Lounge.

8 MR. LAWSON: Premier Lounge. It was King's at
9 the time.

10 MS. DEMILIO: Okay.

11 MR. LAWSON: The bar, we're thinking about
12 buying the bar. So he said can we look over the fence
13 and see what we can see about this property, and I said,
14 no. I said you can go around front and ask a neighbor if
15 you can walk in his yard and do what you need to do, but
16 none of this belongs to the bar. And that's pretty much
17 the conversation.

18 MS. DEMILIO: And to the best of your
19 knowledge, did they go around to the front do you know?

20 MR. LAWSON: I have no idea.

21 MS. DEMILIO: Okay. But they were there to

1 look over the property?

2 MR. LAWSON: Yes.

3 MS. DEMILIO: Okay. And now I noticed that --
4 is there parking in front of the Premier Lounge building
5 itself, that's close, on the Winters Lane side?

6 MR. LAWSON: Yes.

7 MS. DEMILIO: Okay. What concerns, if any, do
8 you have about people parking there?

9 MR. LAWSON: Well, the parking there, you just
10 back straight out on the street, and -- yeah, you just
11 back straight out. There is no, there is no part where
12 you don't back straight out on the street.

13 MS. DEMILIO: That's the only way to exit those
14 spots if you pull in forward.

15 MR. LAWSON: Pull in forward, yeah.

16 MS. DEMILIO: To back out --

17 MR. LAWSON: Yeah.

18 MS. DEMILIO: -- onto Winters Lane. Do you
19 think that encourages or discourages people from parking
20 there?

21 MR. LAWSON: I think it discourages.

1 MS. DEMILIO: So would that parking then be on
2 the street?
3 MR. LAWSON: Yeah, because people will stop
4 because it may not be a parking space available. So they
5 stopped on the street to run in there.
6 MS. DEMILIO: And when you said they park on
7 the other side of the street, I'm assuming you mean --
8 Winters Lane goes what direction? North/south or
9 east/west.
10 MR. LAWSON: It goes east/west.
11 MS. DEMILIO: East/west.
12 MR. LAWSON: So they're parking on the --
13 MS. DEMILIO: They park on the east side if
14 they're going west or the west side --
15 MR. LAWSON: Right.
16 MS. DEMILIO: -- if they're going east.
17 MR. LAWSON: Right.
18 MS. DEMILIO: So it's illegal to park that way.
19 MR. LAWSON: Right. They'll put their flashers
20 on and just run in there, or they'll be back to back to
21 back to back.

1 MS. DEMILIO: What do you mean back to back?
2 MR. LAWSON: Cars in back of one another, push
3 their flashers on. I'm going to run in here real quick,
4 buy whatever and come back out.
5 MS. DEMILIO: And that's because it's a package
6 goods store?
7 MR. LAWSON: Yeah.
8 MS. DEMILIO: All right. And then what about
9 the patrons of the Premier Lounge at nighttime, because
10 the bar has a liquor license, until 1:00 or 2:00 in the
11 morning.
12 MR. LAWSON: right.
13 MS. DEMILIO: Are you home at that time in the
14 evening? Are you home in the evening?
15 MR. LAWSON: Yes.
16 MS. DEMILIO: You work during the day?
17 MR. LAWSON: Yes.
18 MS. DEMILIO: What experience have had with
19 those patrons at nighttime? Has anyone ever -- have you
20 experienced interruptions with the use of your home or
21 your sleep or whatever, because of those patrons?

1 MR. LAWSON: Yes. The music and people parking
2 in my yard, and the trash will blow down. So -- and
3 people urinate. So I've had those interruptions on my
4 property.

5 MS. DEMILIO: Well, who picks up the trash?

6 MR. LAWSON: We do, myself, my mother, my
7 sister, Mr. Brathwaite.

8 MS. DEMILIO: All right.

9 MR. LAWSON: Landon Mitchell (ph.).

10 MS. DEMILIO: And when you say the music, is it
11 coming from the Premier Lounge or is it car radios or --

12 MR. LAWSON: Well, both.

13 MS. DEMILIO: Both.

14 MR. LAWSON: Both.

15 MS. DEMILIO: It's loud enough you can hear it
16 in your house?

17 MR. LAWSON: Oh, yeah.

18 MS. DEMILIO: Even when the windows are closed?

19 MR. LAWSON: Yeah.

20 MS. DEMILIO: So -- and I think you testified
21 you own all three of those properties that you

1 identified, right?

2 MR. LAWSON: Yes.

3 MS. DEMILIO: And how long have you owned them?

4 MR. LAWSON: Fifteen years, seventeen years.

5 MS. DEMILIO: Seventeen years?

6 MR. LAWSON: Yeah. It was my grandfather's,
7 and I bought it from him. So.

8 MS. DEMILIO: Okay. Are there any other
9 concerns you wanted to tell the Board about the Premier
10 Lounge?

11 MR. LAWSON: Just -- it's just -- it would be
12 in the best interest if it was some type of house or
13 houses, because the parking, you could, you could put a
14 car or two on the parking lot. But, other than that,
15 you're going to have -- you're always going to have the
16 problem, especially on Shipley Avenue, no parking.

17 And if you move the parking signs, they have no
18 parking on the south side, and you remove those, then
19 that means people will continue. And then those people
20 that are parked on his property, will not be able to back
21 out because there will be -- people will always have to

1 keep moving because they will line the street up. There
 2 is no U-turn on that little parking lot. You cannot --
 3 you're going to have to pull in or back out.

4 CHAIRMAN GARBER: And it's on you said the
 5 Shipley Avenue side, right?

6 MR. LAWSON: On the Shipley Avenue side.

7 CHAIRMAN GARBER: No U-turn in the parking lot.

8 MR. LAWSON: There's none.

9 MR. EVANS: You mean Shipley Avenue or the
 10 Winters Lane?

11 MR. LAWSON: Both. Both.

12 MR. EVANS: You can't turn around --

13 MR. LAWSON: No.

14 MR. EVANS: -- inside the Shipley Lane?

15 MR. LAWSON: No, not if cars are going to be
 16 parked there. No.

17 MR. EVANS: No. Okay.

18 MS. DEMILIO: I want --

19 MR. HURDLE: I just want to go back and object
 20 to that question. I mean, I don't know how he can
 21 testify to that. I mean, it's a planning issue.

1 CHAIRMAN GARBER: Testify to what?

2 MR. HURDLE: He's testifying as an expert in
 3 regard to can or cannot back up or what the requirements
 4 are.

5 CHAIRMAN GARBER: I think, number one,
 6 Mr. Lawson can testify as to his opinion as to whether or
 7 not there's sufficient space, as to whether or not there
 8 actually is sufficient space, what would satisfy county
 9 regulations as to sufficient space or different matters
 10 from his lay opinion as to being able to turn around
 11 there. Let me ask you, Mr. Lawson, have you -- do you
 12 drive?

13 MR. LAWSON: Yes.

14 CHAIRMAN GARBER: Have you parked your car
 15 before?

16 MR. LAWSON: Yes.

17 CHAIRMAN GARBER: Have you been in parking lots
 18 before?

19 MR. LAWSON: Yeah.

20 CHAIRMAN GARBER: Okay. And in your -- have
 21 you witnessed people parking in this lot?

1 MR. LAWSON: Yes. I witnessed people parking
2 in this lot previously when the previous owner had it.
3 And they couldn't do it. So he stopped people from
4 parking in the back. Because they could not turn around,
5 and we, as a neighborhood, called.

6 CHAIRMAN GARBER: Hold on one second.
7 Mr. Hurdle, yes.

8 MR. HURDLE: There used to be a shed back
9 there.

10 MR. LAWSON: No.

11 CHAIRMAN GARBER: Hold on. We're not going to
12 be into an argument. Some of this sounds right for
13 cross-examination.

14 MR. HURDLE: Sure.

15 CHAIRMAN GARBER: He's giving his again
16 understanding, and it's a lay opinion as to whether or
17 not people can effectively turn around in the parking lot
18 or not. It's basically, you know, it's personal
19 experience in terms of being a driver but also that what
20 he witnessed when it was King's. Is that fair?

21 MR. LAWSON: That's fair.

1 CHAIRMAN GARBER: And on cross-examination, you
2 certainly would have the ability to go into all the stuff
3 that you are using for an objection at the present time.
4 So the objection's overruled. You may continue.

5 MS. DEMILIO: You were asking the questions.

6 CHAIRMAN GARBER: Well, I'm done. I'm done
7 with mine.

8 MS. DEMILIO: I can just continue on. So
9 you're saying that when Mr. Fletcher, when you say
10 King's, you mean when the previous owner had it.

11 MR. LAWSON: Mr. Fletcher, right.

12 MS. DEMILIO: You were not able to make the
13 turn to get out, so he wouldn't let people park in the
14 back.

15 MR. LAWSON: Yeah, he stopped it, too.

16 MS. DEMILIO: Okay. All right. Go ahead.

17 MS. RANDALL-JOLIVET: Thank you. So I just
18 want to clarify a couple of things. You said that
19 Mr. Ebb would have events in the summer, approximately
20 two times per month, and there were no parking issues
21 with those events. Is that correct?

1 MR. LAWSON: Correct.

2 MS. RANDALL-JOLIVET: So tell me about how many

3 attendees did he have at these events?

4 MS. DEMILIO: If you know.

5 CHAIRMAN GARBER: Well, isn't every question if

6 you know?

7 MS. DEMILIO: Yeah.

8 MS. RANDALL-JOLIVET: Every question is if you

9 know.

10 CHAIRMAN GARBER: That's fair. Sir, do not

11 guess. If you can give a reasonable estimate, I think

12 that's what the question is calling for.

13 MR. LAWSON: A reasonable estimate is probably

14 100.

15 MS. RANDALL-JOLIVET: About 100 people.

16 MR. LAWSON: Maybe.

17 MS. RANDALL-JOLIVET: And there aren't any

18 parking issues with 100 people attending.

19 MS. DEMILIO: I think he said people walked.

20 MS. RANDALL-JOLIVET: Excuse me.

21 MR. LAWSON: That's correct.

1 MS. RANDALL-JOLIVET: Let me do this.

2 MR. LAWSON: There's no parking issue, right.

3 MS. RANDALL-JOLIVET: Thank you. I'm sorry.

4 MR. LAWSON: There's no parking issue.

5 MS. RANDALL-JOLIVET: No parking issue.

6 MR. LAWSON: Because it's a neighborhood --

7 sometimes it's a neighborhood event.

8 MS. RANDALL-JOLIVET: Okay. And what do you

9 think the difference is, if you do know? What's the

10 difference between the Premier and Mr. Ebb's events?

11 MR. LAWSON: Their people aren't neighborhood

12 people. Their people come from out of the neighborhood.

13 MS. RANDALL-JOLIVET: Okay.

14 MR. LAWSON: They drive.

15 MS. RANDALL-JOLIVET: Okay. So primarily the

16 100 people, so a lot of them are in your neighborhood

17 already. Is that what you mean?

18 MR. LAWSON: Yes.

19 MS. RANDALL-JOLIVET: Okay. And then my other

20 question, you said that you experienced the loud music

21 and the people parking in your yard.

1 MR. LAWSON: Yeah.

2 MS. RANDALL-JOLIVET: How many times has that
3 occurred? Well, tell me first about the people parking
4 in your yard from the Premier Lounge events.
5 Approximately how many times has that occurred?

6 MR. LAWSON: Probably about three times.

7 MS. RANDALL-JOLIVET: About three times.

8 MR. LAWSON: Yes.

9 MS. RANDALL-JOLIVET: Okay. And the loud
10 music, about how often does that occur?

11 MR. LAWSON: The loud music is every time
12 there's an event on a Friday or Saturday night.

13 MS. RANDALL-JOLIVET: Friday or Saturday
14 evening.

15 MR. LAWSON: Yeah. Now, they've had events on
16 Sundays, you don't really hear anything, but on a Friday
17 or Saturday, yeah, you're going to hear it.

18 CHAIRMAN GARBER: I need to clarify what you
19 just said because you said when there's an event on
20 Friday or Saturday, that's when you would experience the
21 loud music.

1 MR. LAWSON: Right.

2 CHAIRMAN GARBER: But then you also said on a
3 Friday or Saturday, on a regular basis, weekly you would
4 hear that. So is it during the course of events that,
5 you know, I mean, when you would hear this loud music,
6 when they had special events at the Premier Lounge?

7 MR. LAWSON: Well -- well, time. Let's say
8 time. If happy hour starts at 5:00, from 5:00 to 12:00
9 or 5:00 to 1:00, I'm going to hear the music.

10 CHAIRMAN GARBER: Was it that late when it was
11 King's?

12 MR. LAWSON: No. No. But he was package good.
13 He was package good and as he got older, it stopped being
14 as much -- it was always foot traffic, but as he got
15 older, the car traffic slowed down.

16 MS. RANDALL-JOLIVET: Okay.

17 CHAIRMAN GARBER: Sorry.

18 MS. RANDALL-JOLIVET: So he didn't have events
19 there when it was Brickhouse?

20 MR. LAWSON: When it was the Brickhouse, yes.

21 MS. RANDALL-JOLIVET: He did have events there?

1 MR. LAWSON: Yeah. Yes.
2 CHAIRMAN GARBER: You're shaking your head as
3 in conveying some kind of like disappointment or some
4 type of --
5 UNIDENTIFIED SPEAKER: Frustration.
6 CHAIRMAN GARBER: Yes, thank you.
7 MR. LAWSON: Frustration, yes.
8 CHAIRMAN GARBER: Okay.
9 MR. LAWSON: Yes.
10 CHAIRMAN GARBER: What was the frustration?
11 MR. LAWSON: Same, same thing that's happening.
12 Same thing. You could --
13 MS. RANDALL-JOLIVET: The same problems.
14 MR. LAWSON: Same problem. Same problem.
15 Same.
16 MS. RANDALL-JOLIVET: All right. Understood.
17 Thank you.
18 MR. LAWSON: Okay.
19 MR. EVANS: I have one. I didn't quite
20 understand when you said that people parked in your yard.
21 MR. LAWSON: Yeah.

1 MR. EVANS: What do you mean by that?
2 MR. LAWSON: They park in my hard because I
3 have a big yard.
4 MR. EVANS: Okay.
5 MR. LAWSON: And it's stone -- one part of my
6 hard is concrete, and one part of my yard is all stone,
7 okay. And people will take that because they do not want
8 to go -- they do not want to walk from the church.
9 MR. EVANS: Okay.
10 MR. LAWSON: The church is here.
11 MR. EVANS: Right.
12 MR. LAWSON: All right. So they say, well,
13 I'll just park here and go in here.
14 MR. EVANS: So the yard -- is that for all
15 three houses or just one of them?
16 MR. LAWSON: All three, three properties.
17 MR. EVANS: And it's stone.
18 MR. LAWSON: Stone, all the way through.
19 MR. EVANS: I see. So -- I mean, does it look
20 like a parking lot?
21 MR. LAWSON: Yeah. Yes, yes.

1 MR. EVANS: Okay.

2 CHAIRMAN GARBER: And just by way of reference,
3 when you indicated where the church was, you're
4 indicating on People's Counsel 3 at the bottom of
5 People's Counsel 3, and then for your property,
6 indicating there's a spot in between the church and the
7 Premier Lounge.

8 MR. LAWSON: Yes. And not, and not they just
9 park here. People who used to live in the neighborhood
10 here and here --

11 CHAIRMAN GARBER: Hold on. You need to
12 identify where here and here are.

13 MR. LAWSON: Here and here, would be --

14 CHAIRMAN GARBER: The two lots next door to
15 Ebb's and in between Ebb's and the church?

16 MR. LAWSON: Right.

17 MR. HURDLE: I would object. I'm not sure that
18 there was a question.

19 MS. DEMILIO: He's objecting to this.

20 MR. LAWSON: They will park here and here.

21 MS. DEMILIO: Wait a minute.

1 CHAIRMAN GARBER: Hold on, hold on. Everyone.
2 Everyone.

3 MS. DEMILIO: Are we allowed to object to the
4 Board's questions.

5 MR. HURDLE: I'm not objecting to the Board's
6 question.

7 CHAIRMAN GARBER: The answer is, yes, you can
8 but -- Mr. Hurdle.

9 MR. HURDLE: I was --

10 MS. DEMILIO: Wait. Ms. Jolivet's saying no
11 and you're saying yes. Can we object to the Board's
12 questions or not? Because there's plenty of times I
13 would love to object to the Board's questions but I have
14 respect for the Board. I don't.

15 CHAIRMAN GARBER: I think it's your choice as
16 to how you want to approach it. If there's a record,
17 it's going to be going up to the Circuit Court.

18 MS. DEMILIO: Well, that's not the -- no, the
19 issue is, are objections to your questions permitted
20 because I never thought that we were -- we should ever
21 object to questions of the Board, even if I don't like

1 them or I have some concern about it. But I thought the
2 answer was, you just follow up with questions if you
3 wanted to clarify. I don't -- he's --

4 CHAIRMAN GARBER: I leave it to --

5 MS. DEMILIO: He's objecting to your questions,
6 Mr. Garber.

7 CHAIRMAN GARBER: Nobody's doing it because I
8 haven't heard from Mr. Hurdle.

9 MS. DEMILIO: He said objection.

10 CHAIRMAN GARBER: Mr. Hurdle.

11 MR. HURDLE: I did object.

12 MS. DEMILIO: I don't think I've asked a
13 question in 10 minutes.

14 CHAIRMAN GARBER: Ms. Demilio, one second.

15 MR. HURDLE: I did object. It wasn't to your
16 question. It was that you had asked with regard to the
17 church or some other aspect. The question was answered,
18 and then we started to get some story about properties
19 across the street on a tangent, and I don't think that
20 was related to the question that was asked.

21 CHAIRMAN GARBER: That --

1 MR. HURDLE: That's my concern.

2 CHAIRMAN GARBER: Understood. So with that in
3 mind, you're talking about the two properties next to
4 Ebb's, in between Ebb's and the church.

5 MR. LAWSON: Um-hum.

6 CHAIRMAN GARBER: But that was not responsive
7 to a question.

8 MR. HURDLE: Absolutely.

9 CHAIRMAN GARBER: I think that that's probably
10 a fair objection. I'll allow Ms. Demilio, of course, to
11 ask a question or any of the Board members, to follow up
12 on that from Mr. Lawson. So I will sustain your
13 objection. Ms. Demilio, do you understand what he was
14 objecting to now?

15 MS. DEMILIO: No, I don't. And I don't
16 remember what your question was. If you could repeat it,
17 Mr. Garber, I would --

18 CHAIRMAN GARBER: I didn't -- what I was trying
19 to do was just clarify what he was saying they would park
20 here, is to clarify for the record what here was.

21 MS. DEMILIO: And he was trying to show it on

1 the map.

2 CHAIRMAN GARBER: But then he started with new
3 testimony and that's how I did understand it, as to
4 additional parking that people may have used in between
5 Ebb's and the church, not just on his property. So it
6 would be across the street basically from more or less
7 his property.

8 MS. RANDALL-JOLIVET: And can I ask you
9 something, Ms. Demilio? Do you have copies of People's
10 Counsel 3 for the Board?

11 MS. DEMILIO: That is the copy.

12 MS. RANDALL-JOLIVET: No, but --

13 MS. DEMILIO: That's all we get.

14 MS. RANDALL-JOLIVET: No, normally we --

15 MS. DEMILIO: You only get one.

16 MS. RANDALL-JOLIVET: Well, normally we get
17 smaller size copies. In all the other cases I've been
18 involved in when they have a map, they normally have the
19 smaller ones for the Board.

20 MS. DEMILIO: Well, I can't --

21 MS. RANDALL-JOLIVET: Well, I was just asking

1 you. I wasn't -- I don't mean to -- I was just asking
2 you, yes or no.

3 MS. DEMILIO: I'll be happy to put it with the
4 memo.

5 MS. RANDALL-JOLIVET: Do you have it? So do
6 you have it?

7 MS. DEMILIO: No, I don't have it.

8 MS. RANDALL-JOLIVET: Thank you. That's all.

9 CHAIRMAN GARBER: That will be ideal.

10 MS. DEMILIO: I will get it to you.

11 MS. RANDALL-JOLIVET: I'd appreciate it.

12 CHAIRMAN GARBER: So here's where we are.

13 Mr. Lawson had something else to say about other parking
14 issues that he has either witnessed or has familiarity or
15 some knowledge of, and I'll leave it there. Ms. Demilio,
16 it's your question.

17 MS. DEMILIO: All right. Mr. Lawson, you
18 indicated that people parked on your property, but you
19 don't give anyone permission to park there, whether it
20 looks like a parking lot or not. Is that correct?

21 MR. LAWSON: Correct.

1 MS. DEMILIO: Okay. That's part of your -- one
 2 of those lots, where I think Mr. Evans was asking, if it
 3 looked like a parking lot, that's -- there's no residence
 4 on there, right?
 5 MR. LAWSON: Correct.
 6 MS. DEMILIO: That's an unimproved lot?
 7 MR. LAWSON: Correct.
 8 MS. DEMILIO: Okay. So you have a residence on
 9 one or two lots? One?
 10 MR. LAWSON: One.
 11 MS. DEMILIO: Okay. And you have two
 12 unimproved lots?
 13 MR. LAWSON: Right.
 14 MS. DEMILIO: And no one has permission to park
 15 on --
 16 MR. LAWSON: Correct, correct.
 17 MS. DEMILIO: Okay. Now you were talking about
 18 Mr. Ebb's functions I think, and I think one of the
 19 questions was, I think if I'm correct, Ms. Jolivet, how
 20 many people attended his, if you know, and you said maybe
 21 100.

1 MR. LAWSON: Right. Correct.
 2 MS. DEMILIO: Okay. Is that correct?
 3 MR. LAWSON: Correct.
 4 MS. DEMILIO: And I think also your testimony
 5 was some of those people from the neighborhood, they
 6 walk.
 7 MR. LAWSON: Correct.
 8 MS. DEMILIO: That's your experience because
 9 you've attended these events at Mr. Ebb's?
 10 MR. LAWSON: Correct.
 11 MS. DEMILIO: All right. And he's had them for
 12 some time. You said he's been there for a long time?
 13 MR. LAWSON: Right, right.
 14 MS. DEMILIO: Okay. And I thought your
 15 testimony was -- the question was why are people parking
 16 on your lot? And your testimony, do I understand it,
 17 that your lot's closer to Premier Lounge, so that --
 18 MR. LAWSON: It's closer. Closer, right.
 19 MS. DEMILIO: And you also indicated that you
 20 have not experienced --
 21 MR. HURDLE: I have to object.

1 CHAIRMAN GARBER: Okay.

2 MR. HURDLE: This -- she's repeated questions,
3 you just said this and you just said this. She's done
4 five or six of them in a row.

5 CHAIRMAN GARBER: I'm of the mindset that Ms.
6 Demilio's questioning was broken up because there were
7 interruptions by the Board to clarify points that were
8 made in terms of directions and other indications on the
9 map. I'm going to give Ms. Demilio the leeway to be able
10 to re-establish her train of thought and where she was
11 going with things. So I'm going to overrule the
12 objection. Ms. Demilio, you may continue.

13 MS. DEMILIO: Thank you. Now, you were
14 pointing out some other properties on People's Counsel's
15 3 which is the map that's on the board here, and I think
16 it was on Winters Lane. Is that correct?

17 MR. LAWSON: Correct.

18 MS. DEMILIO: All right. Can you identify Mr.
19 Ebb's property is marked -- his name is on there. Is
20 that Winston Ebb.

21 MR. LAWSON: Right.

1 MS. DEMILIO: Okay.

2 CHAIRMAN GARBER: You have to speak up, sir.

3 MR. LAWSON: Correct.

4 CHAIRMAN GARBER: Thank you.

5 MS. DEMILIO: Okay. All right. And are there
6 other properties near Mr. Ebb where people have parked
7 for his events?

8 MR. LAWSON: Yes, the temple --

9 MS. DEMILIO: Okay. And is that --

10 MR. LAWSON: -- and --

11 MS. DEMILIO: I'm sorry. That's Quan AM
12 Buddhist Temple.

13 MR. LAWSON: The temple and Rana Mubashir
14 (ph.).

15 MS. DEMILIO: All right. So those are the two
16 properties --

17 MS. RANDALL-JOLIVET: I'm sorry. I couldn't
18 hear the second property.

19 MS. DEMILIO: It's hard to say.

20 MR. LAWSON: It's Rana Mubashir.

21 MS. RANDALL-JOLIVET: Okay.

1 MS. DEMILIO: It's M-u-b-a-s-h-i-r.
2 MR. LAWSON: Yeah, Mubashir.
3 MS. RANDALL-JOLIVET: Thank you.
4 MS. DEMILIO: So the Rana property is next to
5 Mr. Ebb.
6 MR. LAWSON: Yes.
7 MS. DEMILIO: And the Buddhist temple is two
8 doors away from Mr. Ebb?
9 MR. LAWSON: Correct.
10 MS. DEMILIO: All right.
11 CHAIRMAN GARBER: Both of which are in between
12 the Ebbs and the church?
13 MR. LAWSON: Correct.
14 CHAIRMAN GARBER: And that's where we all
15 got --
16 MR. LAWSON: Correct.
17 CHAIRMAN GARBER: -- that's where we were
18 before.
19 MS. DEMILIO: Right. But for the record, there
20 are two other lots that are also included in that line
21 between the church --

1 MR. LAWSON: Correct.
2 MS. DEMILIO: -- and Mr. Ebb's property.
3 CHAIRMAN GARBER: Thank you.
4 MS. DEMILIO: Okay. All right.
5 MR. LAWSON: I'm done.
6 CHAIRMAN GARBER: No.
7 MS. DEMILIO: No.
8 CHAIRMAN GARBER: Sorry.
9 MR. LAWSON: No problem.
10 MS. DEMILIO: Let's just go to something
11 different, Mr. Lawson. You heard Mr. Brathwaite's
12 testimony that from the time Mr. Fletcher passed away
13 which was, I think we've established was April of 2016 --
14 UNIDENTIFIED SPEAKER: March.
15 MS. DEMILIO: -- the property --
16 MR. LAWSON: March.
17 UNIDENTIFIED SPEAKER: March of 2016.
18 MS. DEMILIO: March of 2016, excuse me. March
19 of 2016, until the auction of the property and the
20 purchase by the Pattersons which was April of 2017, all
21 right. Did you observe any activity at what had been

1 called King's or now called the Premier Lounge?
2 MR. LAWSON: None.
3 MS. DEMILIO: Did you ever see any lighting --
4 lights on in that place?
5 MR. LAWSON: None.
6 MS. DEMILIO: Interior lights?
7 MR. LAWSON: None.
8 MS. DEMILIO: Okay. What about cars parked
9 there?
10 MR. LAWSON: None.
11 MS. DEMILIO: So was it your impression from
12 lack of automobiles, lack of lights, that the
13 establishment was closed?
14 MR. LAWSON: Yes, it was.
15 MS. DEMILIO: I have no further questions.
16 CHAIRMAN GARBER: All right. We're on cross-
17 examination.
18 MR. HURDLE: Mr. Lawson, you said that you've
19 -- well, earlier you hear the previous witness testify
20 with regard to the fact that the parking lot should have
21 been paved, right?

1 MR. LAWSON: Correct.
2 MR. HURDLE: Do you agree with that?
3 MR. LAWSON: Should have been paved before they
4 bought it or after they bought it?
5 MR. HURDLE: Between when they bought it and
6 now.
7 MR. LAWSON: No.
8 MR. HURDLE: You don't think they should have
9 paved it?
10 MR. LAWSON: No.
11 MR. HURDLE: Are you aware that part of the
12 variance request, that this hearing is about, is in
13 regard to how that parking lot is supposed to be paved?
14 MR. LAWSON: Yes.
15 MR. HURDLE: In terms of setbacks, distance to
16 street --
17 MR. LAWSON: Yeah.
18 MR. HURDLE: -- turnaround strips, things of
19 that nature?
20 MR. LAWSON: Correct.
21 MR. HURDLE: All of those are different amounts

1 than previously existed. Are you aware of that?

2 MR. LAWSON: Correct.

3 MR. HURDLE: There used to be a shed on the
4 property, too, correct?

5 MR. LAWSON: Correct.

6 MR. HURDLE: And you talked to my client about
7 that at some point, correct?

8 MR. LAWSON: Correct.

9 MR. HURDLE: And you wanted them to keep the
10 sheet.

11 MR. LAWSON: Correct.

12 MR. HURDLE: Why was that?

13 MR. LAWSON: Because the shed overlooked my
14 property. So it kept my property private. But the shed
15 wasn't really on their property. So.

16 MR. HURDLE: What do you keep on your property
17 that you would have to keep private?

18 MR. LAWSON: Me, myself, my family.

19 MR. HURDLE: You have the, you said, the yard.
20 It's the full crush and run, correct?

21 MR. LAWSON: Correct.

1 MR. HURDLE: And there's a different kind of
2 patch that loops around the back. Is that accurate? Is
3 it paved?

4 MR. LAWSON: Some of it.

5 MR. HURDLE: So the driveway. And that goes
6 over -- there's a different lot behind you, two of them,
7 in fact. One is owned by your mother, right? And
8 there's one owned by somebody else, correct?

9 MR. LAWSON: I don't know. You've got to
10 point, to show me.

11 MR. HURDLE: Sure. Directly north of your
12 three plots, there's one -- is this is Mr. Brathwaite?

13 MR. LAWSON: Right.

14 MR. HURDLE: This is the gentleman that just
15 testified.

16 MR. LAWSON: Correct.

17 MR. HURDLE: And this is his lot, right north
18 of yours?

19 MR. LAWSON: Yeah, and this is my mother's.

20 MR. HURDLE: And this is your mother's to the
21 east.

1 MR. LAWSON: That's Margo Lawson, right.
 2 MR. HURDLE: Is this a parking lot that he uses
 3 or is this something you use for egress?
 4 MR. LAWSON: Egress because it was a street at
 5 one time that came from here that -- March Avenue.
 6 Actually it was March Avenue.
 7 MR. EVANS: Mr. Lawson --
 8 MR. LAWSON: Yes.
 9 MR. EVANS: -- Mr. Brathwaite actually lives on
 10 the other side of Shipley?
 11 MR. LAWSON: Correct.
 12 MR. EVANS: But he owns the lot next to your
 13 mother's. Is that what you're saying? I'm just trying
 14 to understand.
 15 MR. LAWSON: He owns it, he owns it on paper
 16 now because it was heir property. It was heir property.
 17 It was the Williams property which was my mother's heirs.
 18 MR. EVANS: Oh, heirs.
 19 MR. LAWSON: Heirs. And you could never
 20 building anything on it. So he was able to purchase a
 21 pie, and with this pie here, that pie came with it.

1 That's what happened. Because in the '40s and the '50s,
 2 people cut up property, and that's how that came to be.
 3 MR. EVANS: Okay.
 4 MR. LAWSON: But it's actually March Avenue.
 5 MR. EVANS: Formerly.
 6 MR. LAWSON: Formerly.
 7 CHAIRMAN GARBER: And the pie piece you're
 8 referring to is the one on the corner of Wesley and
 9 Shipley?
 10 MR. LAWSON: Yes. Yes.
 11 CHAIRMAN GARBER: On the opposite side of the
 12 street of his residence?
 13 MR. LAWSON: Yes.
 14 CHAIRMAN GARBER: Thank you.
 15 MR. EVANS: And then the other pie that sort of
 16 came along with it is --
 17 MR. LAWSON: Yeah.
 18 MR. EVANS: -- where you're pointing is two
 19 houses over --
 20 MR. LAWSON: Two houses --
 21 MR. EVANS: -- two houses over from the first

1 pie, correct?

2 MR. LAWSON: Correct.

3 CHAIRMAN GARBER: And your backyard more or
4 less?

5 MR. LAWSON: Not, not -- well, not my back
6 yard, but my mother's backyard. Mine are here, here and
7 here.

8 CHAIRMAN GARBER: Right. Yours back up to it.

9 MR. LAWSON: Back up to it.

10 CHAIRMAN GARBER: Sorry. Thank you. Sorry for
11 the confusion.

12 MR. HURDLE: You can sit down.

13 MR. LAWSON: I might have --

14 MR. HURDLE: You're good. Thank you.

15 MR. LAWSON: Okay.

16 MR. HURDLE: The one lot that's all paved, do
17 you park any vehicles on that plot?

18 MS. DEMILIO: Objection. What's the relevancy
19 of this?

20 CHAIRMAN GARBER: I -- well, you have to --
21 please stand for objections. But, yes. Mr. Hurdle, I'm

1 curious myself about --

2 MR. HURDLE: I think these are lots used for
3 parking for his vehicles. It looks like crush and run
4 like several other lots in the area, but the confusion
5 that people may incur is totally reasonable, not that
6 they're being lazy or anything else. I'm just wondering
7 if the lot looks like a --

8 MR. LAWSON: But I have a fence.

9 CHAIRMAN GARBER: Well, hold on, sir.

10 MR. LAWSON: I have a fend.

11 CHAIRMAN GARBER: Sir, hold on.

12 MR. LAWSON: Okay.

13 CHAIRMAN GARBER: We're have to deal with
14 something first. Sorry. Mr. --

15 MR. HURDLE: I just wondered if he parked
16 vehicles on it. Is there one car or is there seven or
17 eight cars? I'm wondering.

18 CHAIRMAN GARBER: Ms. Demilio, do you choose to
19 respond?

20 MS. DEMILIO: Yes. The response is, I don't
21 care what it looks it looks like. It's not property of

1 Premier Lounge, and they're intruding on his property,
 2 and I don't understand the relevancy. He can be at fault
 3 because his property looks like a certain way and
 4 somebody chooses to park on it? I mean, I don't
 5 understand the relevancy of this whatsoever.

6 CHAIRMAN GARBER: I must sustain the objection
 7 because I don't think it really much matters for the
 8 purpose of why we're here today anyway. If people
 9 mistake the lot, they mistake the lot. But it is
 10 understandably an inconvenience to Mr. Lawson when people
 11 do mistake the lot, but that doesn't necessarily mean at
 12 the same time that it's the fault of anybody else other
 13 than those who are driving those vehicles. So for that
 14 reason, we sustain the objection and move on from there.

15 MR. HURDLE: Mr. Lawson, you said there have
 16 been a lot of parking problems on your yard, correct --

17 MR. LAWSON: Correct.

18 MR. HURDLE: -- with Premier Lounge? And you
 19 said that a lot of problems is three times. So three
 20 times people have parked in your yard.

21 MR. LAWSON: Three times that I know of.

1 MR. HURDLE: In the last year.

2 MR. LAWSON: That I've had to speak, yes.

3 MR. HURDLE: On either of those occasions when
 4 someone parked there, did you talk to the Pattersons?

5 MR. LAWSON: No, I talked to the person that
 6 parked there.

7 MR. HURDLE: And did they move their car?

8 MR. LAWSON: One time -- two times they did.
 9 One time, no.

10 MR. HURDLE: Did you talk to the Pattersons
 11 about that incident?

12 MR. LAWSON: No, no.

13 MR. HURDLE: Do you have any reason to believe
 14 they wouldn't have resolved the issue had you called
 15 them?

16 MR. LAWSON: Maybe.

17 MR. HURDLE: Well, what would that maybe be?

18 MR. LAWSON: Maybe because -- just maybe
 19 because of the time -- because once I spoke with them,
 20 Mr. Patterson asked me why was I at the meeting? We had
 21 a meeting with -- Mr. Bradford, he spoke about that.

1 That meeting, Mr. Bradford and Mr. Patterson had a
2 meeting and when I walked up, he asked me why are you
3 here?

4 MR. HURDLE: What did you tell him?

5 MR. LAWSON: I didn't have to tell him nothing.
6 Mr. Bradford told him because I invited him.

7 CHAIRMAN GARBER: First of all, who is Mr.
8 Bradford?

9 MR. LAWSON: Mr. Brathwaite.

10 CHAIRMAN GARBER: Oh, Brathwaite.

11 MR. LAWSON: Brathwaite. Mr. Brathwaite.

12 CHAIRMAN GARBER: I thought you kept saying
13 Bradford.

14 MR. LAWSON: Brathwaite. Bradford owns some
15 property in the neighborhood. So it's two --

16 CHAIRMAN GARBER: Okay.

17 MR. LAWSON: Brathwaite and Bradford.

18 CHAIRMAN GARBER: So the questions and answers
19 all refer to Mr. Brathwaite --

20 MR. LAWSON: Brathwaite.

21 CHAIRMAN GARBER: -- just then. Okay. That's

1 fine.

2 MR. LAWSON: So I didn't want to say anything
3 to him because to me it was already friction.

4 MR. HURDLE: Because of the shed?

5 MR. LAWSON: No, no, the shed, no. Do what you
6 want to do with the shed. No.

7 MR. HURDLE: The shed coming down didn't cause
8 any friction.

9 MR. LAWSON: No.

10 MR. HURDLE: You said there was some noise
11 issues Fridays and Saturdays.

12 MR. LAWSON: Right.

13 MR. HURDLE: Did you ever speak to them about
14 the noise?

15 MR. LAWSON: No, I spoke to Mr. Brathwaite and
16 I said, hey, can you bring this up? Can you call them?
17 Because I don't have their number.

18 MR. HURDLE: But they're a door down from you,
19 correct?

20 MR. LAWSON: I'm not going over there.

21 MR. HURDLE: So instead of walking 40 feet I

1 think was the distance you said, to talk to Mr. and
2 Mrs. Patterson about this, possibly getting their number
3 or communicating with them in any way directly, you
4 didn't?

5 MR. LAWSON: Yes. Previously, I did. So he
6 knew all my concerns. So there was no need to have to go
7 back and give him more concern. I gave him concerns when
8 they first bought the property. These are my concerns.

9 MR. HURDLE: I'm confused. When they first
10 bought the property, they weren't open and operating
11 themselves. They did renovations for a while.

12 MR. LAWSON: He was there. He was there.

13 MR. HURDLE: No, I understand but there
14 wouldn't have been any noise because they weren't
15 operating.

16 MR. LAWSON: You're correct. There wasn't no
17 noise as far as patrons.

18 MR. HURDLE: Uh-huh.

19 MR. LAWSON: But the noise was going to come.
20 So the neighborhood took it upon ourselves to say, hey,
21 these are our concerns. We need you to do this, because

1 of the previous owner.

2 MR. HURDLE: Sure.

3 MR. LAWSON: We would like you to try to do
4 this. We would like you to try to do this. We'd like
5 you to try to do that. That was how we --

6 MR. HURDLE: What did you recommend as far as
7 the noise?

8 MR. LAWSON: Try to keep your guys or your
9 patrons from parking, double parking on the parking lot
10 or park on Shipley Avenue. That's one. Because there's
11 -- it's no parking on one side of Shipley Avenue.

12 MR. HURDLE: I'm going to repeat the question.
13 Well, what did you --

14 MS. DEMILIO: Well, let him answer the
15 question.

16 CHAIRMAN GARBER: Hold on. Hold on.

17 MS. DEMILIO: Let him answer the question.

18 CHAIRMAN GARBER: Hold on. Everyone, let's
19 calm down. We'll get through this.

20 All right. So the question was with respect
21 noise. What did you recommend, and this may not be the

1 exact way it was worded, but what did you recommend with
2 respect to noise to Mr. Patterson?

3 MR. LAWSON: To tell his patrons not to be loud
4 when they leave out, can they keep the noise down.

5 MR. HURDLE: Okay. And then at some point,
6 later on, they were open and operating, and they're not
7 noisy every day you said, correct?

8 MR. LAWSON: Fridays and Saturdays.

9 MR. HURDLE: And when you heard the noise, did
10 you repeat this concern to him?

11 MR. LAWSON: No, I repeated it to the community
12 leader or community member, Mr. Brathwaite.

13 MR. HURDLE: You said you pick up trash in
14 neighborhood and you identified -- who else picks up
15 trash with you in the neighborhood?

16 MR. LAWSON: Margo Lawson, Sam Lawson,
17 Mr. Brathwaite, Landon Mitchell.

18 CHAIRMAN GARBER: Is he --

19 MR. HURDLE: Anybody who's not in this room?

20 MR. LAWSON: Norma Gaines.

21 CHAIRMAN GARBER: Hold on. I see you're

1 pointing to people who are here.

2 MR. LAWSON: That are here.

3 MR. LAWSON: Norma Gaines. I didn't know I
4 could talk about people that aren't here, but Norma
5 Gaines. John Johnson, boy.

6 MR. EVANS: Everyone who picks up trash.

7 MR. LAWSON: Kenny Green. Kenny Green, yes.

8 MR. EVANS: Let's move on.

9 MR. HURDLE: Did you speak to the Pattersons
10 about assisting with that effort?

11 MR. LAWSON: No, because Mr. Brathwaite did all
12 of that. He spoke -- he was the correspondence back and
13 forth with them. It wasn't no need for three or four
14 people to speak to them because he was our voice.

15 MR. HURDLE: Are there any commercial uses in
16 the neighborhood?

17 MR. LAWSON: I guess if the Elks -- American
18 Legion, CVS.

19 MR. HURDLE: Any businesses you know of?

20 MR. LAWSON: No.

21 MR. EVANS: What's Mr. Ebb's? Is that a

1 business?

2 MR. LAWSON: I don't think it's a business.

3 MR. EVANS: Does he live there?

4 MR. LAWSON: No, he lives on the other side of
5 Banneker but that was all family property, even the lot
6 where they use for parking. That was family property.
7 So he grew up in the house next door, yes, 153 Winters
8 Lane. He grew up there. And his aunt lived on the other
9 side. So that's all family property. But it's -- I
10 don't consider it a business. Because I don't know if
11 they sell tickets or not. I just know that you see
12 people there.

13 MR. HURDLE: Sure. At this time, I have no
14 further questions of -- excuse me.

15 Mr. Lawson, from the math and what you've
16 discussed, it sounds like your family has been in the
17 neighborhood for a while. Is that correct?

18 MR. LAWSON: Correct.

19 MS. DEMILIO: From?

20 MR. HURDLE: I'm sorry. I said from the math,
21 it appears that your family has been in the neighborhood

1 for a while. Is that correct?

2 MR. LAWSON: Correct.

3 MR. HURDLE: Thank you. How long has the bar
4 been there?

5 MR. LAWSON: Since probably 1940.

6 MR. HURDLE: Did it come before or after your
7 family moved into the neighborhood?

8 MR. LAWSON: It came afterwards.

9 MR. HURDLE: After -- before you I presume?

10 MR. LAWSON: Before me.

11 MR. HURDLE: And after mom, after grandma?

12 MR. LAWSON: My mom's 76, 75. The bar came --
13 the bar came after her, but it wasn't, it wasn't a bar.
14 It was a little restaurant, but it was a family,
15 neighborhood thing. So in 1940 and 1950, there were no
16 cars.

17 MR. HURDLE: Sure.

18 MR. LAWSON: So people walked dirt road.

19 MR. HURDLE: I have no further questions at
20 this time.

21 CHAIRMAN GARBER: Ms. Demilio.

1 MS. DEMILIO: Nothing further.
 2 CHAIRMAN GARBER: All right. Mr. Lawson, thank
 3 you for your time.
 4 (Mr. Lawson excused.)
 5 MS. DEMILIO: Thank you.
 6 MR. HURDLE: Thank you, Mr. Lawson.
 7 MR. LAWSON: No problem. No problem.
 8 MS. RANDALL-JOLIVET: Good afternoon.
 9 (Whereupon,
 10 MARGO LAWSON
 11 was called as a witness by the People's Counsel and,
 12 after having been first duly sworn, testified as
 13 follows:)
 14 MS. RANDALL-JOLIVET: All right. And please
 15 state your name and your address for the record please.
 16 MS. LAWSON: Margo Lawson, 15 Shipley, S-h-i-p-
 17 l-e-y, Avenue, Catonsville, Maryland 21228.
 18 CHAIRMAN GARBER: And how do you spell your
 19 first name please?
 20 MS. LAWSON: M-a-r-g-o.
 21 MS. RANDALL-JOLIVET: And your last name?

1 MS. LAWSON: Lawson, L-a-w-s-o-n.
 2 MS. RANDALL-JOLIVET: Thank you.
 3 CHAIRMAN GARBER: And we just heard from
 4 someone name Sean Lawson. Do you know him?
 5 MS. LAWSON: I think so.
 6 CHAIRMAN GARBER: Okay.
 7 MS. RANDALL-JOLIVET: You're not 75. So we
 8 don't believe that.
 9 MS. DEMILIO: Excellent. Excellent
 10 observation.
 11 CHAIRMAN GARBER: All right. Ms. Demilio.
 12 MS. DEMILIO: Okay. So I won't ask you what
 13 your relationship is, but you are related to Sean?
 14 MS. LAWSON: Yes, I'm his mother.
 15 MS. DEMILIO: And how far are you from the --
 16 how many doors away from the Premier Lounge are you? How
 17 far are you away from Premier Lounge?
 18 MS. LAWSON: Two doors.
 19 MS. DEMILIO: Okay. And you were here for Mr.
 20 Brathwaite's testimony today?
 21 MS. LAWSON: Yes.

1 MS. DEMILIO: And you heard your son talk about
2 the trash and noise and the --

3 MS. LAWSON: Yes.

4 MS. DEMILIO: -- parking situation?

5 MS. LAWSON: Yes.

6 MS. DEMILIO: Do you agree with what he said?

7 MS. LAWSON: Yes, I do.

8 MS. DEMILIO: Okay. What has been your
9 experience that you've heard or seen as a result of the
10 parking on your neighborhood streets, Winters Lane,
11 Shipley Avenue, Wesley Avenue?

12 MS. LAWSON: Well, it's mostly Shipley.
13 Shipley is really bad because it's really narrow, and
14 they do park along the street. Sometimes if it's in the
15 late evening, they'll park on both sides regardless of
16 whether the sign is no parking or not. The music is
17 loud. They turn around in the driveway. They pull in
18 the driveway, checking to see if they're going to --
19 could park in the yard, but a lot of times, they check it
20 out and then they decide not to. But I can hear the
21 gravel from in the house when they pull into the yard.

1 MS. DEMILIO: Okay. And when you talk about
2 the music, are you talking about from the cars or from
3 the --

4 MS. LAWSON: Mostly from their cars.

5 MS. DEMILIO: All right. Can you hear anything
6 from the Premier Lounge?

7 MS. LAWSON: Sometimes, but very seldom to me.

8 MS. LAWSON: And what about the -- they talked
9 about the trash, you pick up trash or whatever. Is this
10 from the patrons of the Premier Lounge --

11 MS. LAWSON: Yes.

12 MS. DEMILIO: -- that park on these streets?

13 MS. LAWSON: Yes.

14 MS. DEMILIO: You yourself have had to pick up
15 the trash?

16 MS. LAWSON: I did, but I don't any more. I
17 let the younger crew do it.

18 MS. DEMILIO: But you've seen it there, right?

19 MS. LAWSON: Yes.

20 MS. DEMILIO: Okay. All right. And now, were
21 you there when -- your son talked about the -- one of the

1 earlier establishments on site was just a small
2 restaurant. Is that right?

3 MS. LAWSON: Mr. King, yes, I knew Mr. King. I
4 was a little girl.

5 MS. DEMILIO: Okay.

6 MS. LAWSON: It's a family -- it was a family
7 establishment and everybody in the family worked at
8 King's.

9 MS. DEMILIO: Did you have the problems that
10 you experience today with Premier Lounge with King's?

11 MS. LAWSON: Oh, no. Well, it was a little,
12 small place then. Everybody walked to the bar and
13 whatnot. It was a neighborhood bar.

14 MS. DEMILIO: So if it was operated that way
15 today, would you have any objection to a neighborhood bar
16 that people walk to that was owned by someone in the
17 neighborhood?

18 MS. LAWSON: No. I think because it's a
19 younger crowd that comes now, that they don't have the
20 respect and that -- from years ago. You're afraid to say
21 anything to them. So you just let them be and you don't

1 disturb them.

2 MS. DEMILIO: Okay. So you fear for your
3 safety yourself? Do you live in your house by yourself?

4 MS. LAWSON: With my daughter.

5 MS. DEMILIO: What about Mr. Ebb's property
6 now? What kind of functions does he have out there if
7 you know?

8 MS. LAWSON: I very seldom go up on Winters
9 Lane to see but I've been past. They have like birthday
10 parties and little anniversaries, city things.

11 MS. DEMILIO: And do those functions disrupted
12 your use of your home or --

13 MS. LAWSON: Oh, no. Uh-uh.

14 MS. DEMILIO: Anything else you want to tell us
15 about your concerns about the parking?

16 MS. LAWSON: No, I'm just afraid that with the
17 parking, that emergency vehicles are unable to get
18 through to help someone if they're in dire straits.

19 MR. EVANS: On Shipley you mean?

20 MS. LAWSON: On Shipley, yes.

21 MS. DEMILIO: When you talk about emergency, do

1 you mean fire trucks and ambulances?
 2 MS. LAWSON: Fire trucks, ambulances, yes.
 3 MS. DEMILIO: Okay. Are there older people
 4 that live in your neighborhood?
 5 MS. LAWSON: Yes, the lady next door to me, I
 6 think she's a little older than I am. You know, we're
 7 all senior citizens. So anything could happen to us.
 8 MS. DEMILIO: Do you work now or are you
 9 retired?
 10 MS. LAWSON: I'm retired.
 11 MS. DEMILIO: So you're home all day and
 12 evening?
 13 MS. LAWSON: Yes.
 14 MS. DEMILIO: So you can observe things that
 15 are going on?
 16 MS. LAWSON: Yes.
 17 MS. DEMILIO: Have you seen -- at the time
 18 since Mr. Fletcher passed away, were you aware
 19 approximately when he died?
 20 MS. LAWSON: Oh, yeah, yeah, yeah. It was
 21 quiet.

1 MS. DEMILIO: Yeah.
 2 MS. LAWSON: No movement, no nothing. It was
 3 just nice.
 4 MS. DEMILIO: There wasn't -- so to the best of
 5 your knowledge, it was not open?
 6 MS. LAWSON: No.
 7 MS. DEMILIO: Okay. And you're there during
 8 the day?
 9 MS. LAWSON: Oh, yeah.
 10 MS. DEMILIO: You didn't see any cars there or
 11 --
 12 MS. LAWSON: None on the back and none on the
 13 front. The gates was down.
 14 MS. DEMILIO: What do you mean? The gates on
 15 the --
 16 MS. LAWSON: On the front.
 17 MS. DEMILIO: On the building?
 18 MS. LAWSON: It was like just dark.
 19 CHAIRMAN GARBER: If I can jump in there.
 20 Which -- when you say on the front of the building, are
 21 you referring to Shipley Avenue --

1 MS. LAWSON: No, Winters Lane.
 2 CHAIRMAN GARBER: Winters Lane. Thank you.
 3 MS. DEMILIO: When you say the gates, you mean
 4 the door and the windows or what gates are you talking
 5 about?
 6 MS. LAWSON: Well, that's the gates now.
 7 Sorry, but it was just quiet up there. It wasn't no
 8 movement, no nothing up there --
 9 MS. DEMILIO: Okay.
 10 MS. LAWSON: -- in the front.
 11 MS. DEMILIO: Okay. So from the time that
 12 Mr. Fletcher passed away until Mr. and Mrs. Patterson
 13 bought it, there was no activity?
 14 MS. LAWSON: No. They even took the garbage
 15 cans down. They used to put garbage bags up on the front
 16 for the people to throw garbage in. They took all that
 17 down after Fletcher died.
 18 MS. RANDALL-JOLIVET: So you said the gates. I
 19 just want to clarify. So the gates were -- you said they
 20 were down.
 21 MS. LAWSON: That's now. I'm sorry. Before it

1 wasn't any gates, but it was just dark.
 2 MS. RANDALL-JOLIVET: Okay. Thank you.
 3 MS. DEMILIO: I have no further questions.
 4 CHAIRMAN GARBER: Thank you. Cross-
 5 examination.
 6 MR. HURDLE: Excuse me. I apologize.
 7 Ms. Lawson, you said you assist or used to assist with
 8 the trash pick up.
 9 MS. LAWSON: Yeah.
 10 MR. HURDLE: When did you stop doing the trash
 11 pick up?
 12 MS. LAWSON: About 10 years ago.
 13 MR. HURDLE: And you said you've seen trash
 14 kind of in the neighborhood I guess?
 15 MS. LAWSON: Yeah, it blows down from, from up
 16 King's -- well, Premier Lounge.
 17 MR. HURDLE: What do you mean it blows down?
 18 Is the trashcan open or --
 19 MS. LAWSON: No, well, from the cars on the
 20 street. It blows. So whoever addressing it, they just
 21 go out and try to pick it up and what happens is, you go

1 past your door, you just continue up the street --
2 MR. HURDLE: Sure.
3 MS. LAWSON: -- picking the trash up.
4 MR. HURDLE: So people who park in the street,
5 some of which may go to the Premier Lounge, some of which
6 may not --
7 MS. LAWSON: Right. Yes.
8 MR. HURDLE: -- have an issue with littering in
9 the area is what you're saying?
10 MS. LAWSON: Yes.
11 MR. HURDLE: But it's not necessarily trash
12 blowing off the back of the property or anything at the
13 Premier Lounge, correct?
14 MS. LAWSON: No.
15 MR. HURDLE: Okay. You said sometimes
16 emergency vehicles have difficulty getting down the
17 street. Have you ever seen that?
18 MS. LAWSON: Yes, when John -- well, a neighbor
19 named John, that lived next door to us, and he got
20 severely ill one night, and they had problems coming down
21 the street.

1 MR. HURDLE: When was that?
2 MS. LAWSON: I'm not sure
3 MR. HURDLE: Was it in the last year or last 10
4 years?
5 MS. LAWSON: Last year.
6 MR. HURDLE: In the last year?
7 MS. LAWSON: Um-hum.
8 MR. HURDLE: Have you ever been in the bar?
9 MS. LAWSON: No.
10 MR. HURDLE: Ever?
11 MS. LAWSON: When I was a little girl.
12 CHAIRMAN GARBER: We won't ask how old you
13 were.
14 MS. LAWSON: Well, Mr. King owned it.
15 MR. HURDLE: It sounds like you've been there
16 for quite some time.
17 MS. LAWSON: Yeah.
18 MR. HURDLE: And there's athletic fields on the
19 map that we have here, on the right side, on the east
20 side of this map.
21 MS. LAWSON: Yeah.

1 MR. HURDLE: They're athletic fields off of
2 Wesley.
3 MS. LAWSON: Yes.
4 MR. HURDLE: And do a lot of people use those
5 fields?
6 MS. LAWSON: Sometimes in the summertime, yeah.
7 MR. HURDLE: Is it really busy over there?
8 MS. LAWSON: Sometimes.
9 MR. HURDLE: Where do people who can't find
10 parking in those lots park?
11 MS. DEMILIO: Objection.
12 MS. LAWSON: They park --
13 CHAIRMAN GARBER: Hold on.
14 MS. LAWSON: -- Wesley --
15 CHAIRMAN GARBER: Hold on. Hold on,
16 Ms. Lawson. Please stand when you're objecting.
17 MS. DEMILIO: Presuming they can't find
18 parking. I mean, so I don't think he can ask that
19 question. If they can't, but he's assuming they can't.
20 That's not a fact question.
21 CHAIRMAN GARBER: There is some element of

1 speculation to your question, both of what Ms. Demilio
2 said, but also that Ms. Lawson would know the intent or
3 the -- where these vehicles are going or what they're
4 trying to accomplish in terms of it. So I think you need
5 to establish how she would know any such fact before you
6 could try to get that from her.
7 MR. HURDLE: I can lay some more foundation.
8 CHAIRMAN GARBER: Sure.
9 MR. HURDLE: Thank you.
10 CHAIRMAN GARBER: So for the record, the
11 objection is sustained.
12 MS. DEMILIO: Thank you.
13 MR. HURDLE: I apologize for the confusing
14 question. Does the -- the athletic lots, they fill up
15 sometimes in the summer, correct?
16 MS. LAWSON: Yes, they do.
17 MR. HURDLE: Do you see people or have you seen
18 people who are going to the athletic field from different
19 places in the neighborhood who aren't parked at those
20 lots?
21 MS. LAWSON: Yeah, they park up and down

1 Wesley.

2 MR. HURDLE: Do they ever park possibly on
3 Shipley in any capacity

4 MS. LAWSON: Maybe one or two.

5 MR. HURDLE: So some of the parking issues in
6 the neighborhood come from the athletic field --

7 MS. LAWSON: That's usually during the day.

8 MR. HURDLE: Okay. I have no further questions
9 to ask.

10 MS. DEMILIO: No questions.

11 CHAIRMAN GARBER: Thank you very much, ma'am.

12 MS. LAWSON: You're welcome.

13 MR. HURDLE: Thank you.

14 MS. LAWSON: Um-hum.

15 (Ms. Lawson excused.)

16 MS. DEMILIO: Ms. LeVere.

17 (Whereupon,

18 LYNNE LeVERE

19 was called as a witness by the People's Counsel and,
20 after having been first duly sworn, testified as
21 follows:)

1 MS. RANDALL-JOLIVET: And please state your
2 name and address for the record, spelling your name.

3 MS. LeVERE: Lynne, L-y-n-n-e, LeVere, L-e-V-e-
4 r-e.

5 MS. RANDALL-JOLIVET: And your address please?

6 MS. LeVERE: 207 Wesley, W-e-s-l-e-y, Avenue,
7 Catonsville, Maryland 21228.

8 MS. RANDALL-JOLIVET: Thank you.

9 CHAIRMAN GARBER: Ms. Demilio.

10 MS. DEMILIO: Thank you. Ms. LeVere, how long
11 have you been living at 207 Wesley Avenue?

12 MS. LeVERE: I've -- approximately 53 years or
13 so, all my life.

14 CHAIRMAN GARBER: I'm sorry. You've lived at
15 Wesley all your life?

16 MS. LeVERE: Pretty much except for maybe three
17 or four years when I first got married. We moved away
18 some.

19 MS. DEMILIO: And who lives there with you now?

20 MS. LeVERE: My husband.

21 MS. DEMILIO: Anyone else?

1 MS. LeVERE: No.

2 MS. DEMILIO: Just you and your husband?

3 MS. LeVERE: Just me and my husband.

4 MS. DEMILIO: Okay. And how far are you from
5 the Premier Lounge?

6 MS. LeVERE: About a block.

7 MS. DEMILIO: Okay. And you've heard the prior
8 testimony from your neighbors about the concerns they
9 have about parking -- the off street parking, in other
10 words, customers from Premier Lounge parking on
11 neighborhood streets. Do they park in Wesley Avenue?

12 MS. LeVERE: Yes.

13 MS. DEMILIO: Could you describe what your
14 experiences have been with that?

15 MS. LeVERE: It's crowded. People have blocked
16 our driveway. We've had people pull into our driveway
17 and park and we had to say no. And our driveway looks
18 like a driveway. So, you know, no, you can't park here.
19 So it is congested.

20 MS. DEMILIO: And are they parking in the no
21 parking area zone of the street if you know?

1 MS. LeVERE: We actually on Wesley Avenue don't
2 have no parking areas on Wesley. So they're parking on
3 both sides of the street.

4 MR. EVANS: Wesley?

5 MS. LeVERE: Yes.

6 MS. DEMILIO: Does that affect you for any of
7 your guests being able to park there?

8 MS. LeVERE: Oh, yes.

9 MS. DEMILIO: Can you tell us why?

10 MS. LeVERE: We actually -- there's not enough
11 room on -- if you park cars on both sides, you really --
12 you would have to stop and let a car through to go
13 through. It's really kind of narrow. As a matter of
14 fact, in the County, Wesley Avenue, where my house is,
15 it's called Sherwood Lane -- Sherwood Avenue. So it
16 extends down a little bit further, and it's confusing.
17 So we're actually closer. When you look at Wesley, we're
18 actually -- where my house is, it's actually a little bit
19 closer to where the Premier Lounge is rather than the
20 other part of Wesley.

21 CHAIRMAN GARBER: So on that, People's Counsel

1 Exhibit 3 --
 2 MS. LeVERE: Um-hum.
 3 CHAIRMAN GARBER: -- see where it says Main
 4 Avenue, at the bottom right corner --
 5 MS. LeVERE: Um-hum. That's main. This is
 6 Wesley. Where's Premier? Premier's over here. Right.
 7 And then if you go all the way down, our house is quite
 8 strange because my house is here and it looks like it's
 9 very far away, but it's actually really not. It's only
 10 around the corner.
 11 CHAIRMAN GARBER: Okay. So you live --
 12 MS. LeVERE: I live --
 13 CHAIRMAN GARBER: -- on the opposite side of
 14 Shipley Avenue, same side as Mr. Brathwaite.
 15 MS. LeVERE: Actually, Mr. Brathwaite lives on
 16 Shipley.
 17 CHAIRMAN GARBER: Right.
 18 MS. DEMILIO: Uh-huh.
 19 MS. LeVERE: So his backyard and my backyard --
 20 CHAIRMAN GARBER: Thank you.
 21 MS. DEMILIO: Are adjacent.

1 MS. LeVERE: -- are right there. These two
 2 properties that Mr. Lawson alluded to, my dad owns --
 3 Joseph King owns these two properties which is really '
 4 this whole property because of the way they broke it up.
 5 The house that my husband and I live in, this was my
 6 grandmother's house. So all of this property was my
 7 grandmother's.
 8 CHAIRMAN GARBER: So at the very top of
 9 People's Counsel Exhibit 3 was the house your grandmother
 10 owned?
 11 MS. LeVERE: Yes.
 12 MS. RANDALL-JOLIVET: If I may just say, it's
 13 marked as Kenneth King.
 14 MS. LeVERE: Kenneth King.
 15 CHAIRMAN GARBER: Thank you. I can't see it.
 16 Thank you.
 17 MS. LeVERE: And so my husband and I live in
 18 this house here and then this is actually -- we built a
 19 garden. We plant a garden there. So this area is
 20 garden, and then this is where Sherlyon lives and --
 21 MS. DEMILIO: Sherlyon Brathwaite who

1 testified.

2 MS. LeVERE: -- the Premier Lounge.

3 CHAIRMAN GARBER: Thank you.

4 MS. LeVERE: So, it looks like it's really far,

5 but it's not.

6 CHAIRMAN GARBER: Understood. Thank you.

7 MS. DEMILIO: So can you hear activity going on

8 at the Premier Lounge from your house?

9 MS. LeVERE: Not necessarily from the lounge

10 area, not necessarily from the lounge, but from the cars

11 that park.

12 MS. DEMILIO: And what do you hear from the

13 cars?

14 MS. LeVERE: The language, the music, the

15 opening and shutting of doors.

16 MS. DEMILIO: When you say the language, what

17 do you mean?

18 MS. LeVERE: Offensive language. I would say

19 offensive but --

20 MS. DEMILIO: You mean cursing or --

21 MS. LeVERE: Yes.

1 MS. DEMILIO: -- bad?

2 MS. LeVERE: Yes.

3 MS. DEMILIO: And what time of day or night is

4 that?

5 MS. LeVERE: In the evening. I do work during

6 the day.

7 MS. RANDALL-JOLIVET: When you say the evening,

8 I'm sorry, is that after a certain time? Can you give us

9 a time estimate?

10 MS. LeVERE: Typically I would say after 5:00,

11 6:00 in the evening when the traffic picks up and, you

12 know.

13 MS. DEMILIO: And this is when you're inside

14 your house though?

15 MS. LeVERE: Inside.

16 MS. RANDALL-JOLIVET: Thank you.

17 MS. DEMILIO: And have you noticed -- well, I'm

18 sorry. Strike that. So when you say people park on

19 Wesley Avenue, have you ever had a problem with any of

20 your guest parking when the Premier Lounge people are

21 parking there or do you foresee a problem?

1 MS. LeVERE: I would say more or less I foresee
2 a problem, although there is a problem with the parking
3 period. There's just -- it's congested. So if I were to
4 have a function, a birthday party or family dinner, there
5 would be no place to park.

6 MS. DEMILIO: You mean on the weekends when
7 Premier is --

8 MS. LeVERE: Right, and they can't park on
9 Roberts Avenue because no parking signs are there.

10 MS. DEMILIO: And where do you park your
11 vehicles, your personal vehicles?

12 MS. LeVERE: In my yard.

13 MS. DEMILIO: Okay. You have your own parking
14 pad?

15 MS. LeVERE: Um-hum.

16 MS. DEMILIO: So you're talking about parking
17 for guests and --

18 MS. LeVERE: Um-hum, and I park in the winter,
19 like now, I would park in front just because it's easier
20 as I get older.

21 MS. DEMILIO: On Wesley?

1 MS. LeVERE: On Wesley, yeah.

2 MS. DEMILIO: You park on the street?

3 MS. LeVERE: Um-hum, right in front of the
4 house.

5 MS. DEMILIO: So you don't have to shovel out I
6 guess is what you're saying?

7 MS. LeVERE: Right.

8 MS. DEMILIO: All right. What about -- there's
9 testimony from your neighbors about trash or littering on
10 your street from Premier Lounge. Have you experienced
11 that?

12 MS. LeVERE: Yes, that's that garden piece --

13 MS. DEMILIO: Yeah.

14 MS. LeVERE: -- that I was saying that the
15 liquor bottles, the beer bottles, the Styrofoam, just
16 trash.

17 MS. DEMILIO: Who picks it up? Who picks up
18 the trash?

19 MS. LeVERE: We do. My husband and I.

20 MS. DEMILIO: What other concerns do you have
21 about the Premier Lounge operation, the type of operation

1 that's there?

2 MS. LeVERE: The parking. It's just the
3 parking. It's not -- my concern is not whether or not
4 the Pattersons are good people. My concern is the
5 parking. And that's why we're here. The variance would
6 then allow people to legally park, so we don't have, you
7 know, I don't want to be the parking police. I'm not
8 going to call the Pattersons on the behavior of their,
9 you know, patrons, because that's, that's not right. So,
10 you know, my concern is once the -- if the variance
11 becomes a variance, then I have no say. So my life is
12 adversely affected if I say nothing, and then the parking
13 just continues to be absurd.

14 MS. DEMILIO: Were -- did you live there when
15 Ms. Lawson talked about a smaller operation by Mr. King?
16 Do you recall that restaurant?

17 MS. LeVERE: No, that would have been my
18 parents.

19 MS. DEMILIO: That would have been your
20 parents.

21 MS. LeVERE: And my grandmother.

1 MS. DEMILIO: So what about -- are you familiar
2 with Mr. Ebb's property?

3 MS. LeVERE: Yes.

4 MS. DEMILIO: What about the functions that he
5 has there? Does that generate the same type of parking
6 concerns that you're saying the Premier Lounge does?

7 MS. LeVERE: It doesn't because most of the
8 functions that Mr. Ebb has are neighborhood functions,
9 you know, like Ms. Margo said, the birthday parties,
10 things of that nature where people walk. It's not an
11 automobile type where they're parking. They're walking
12 to the events because they're mainly from the
13 neighborhood.

14 MS. DEMILIO: Okay. And are you aware if this
15 Mr. Ebb advertises on the internet or anything like that?

16 MS. LeVERE: I'm not aware of that.

17 MS. DEMILIO: Okay. So how do people know when
18 he's having a function?

19 MS. LeVERE: Word of mouth.

20 MS. DEMILIO: Just word of mouth.

21 MS. LeVERE: And it's just been the norm for so

1 long, you know, you know he's going to have, you know, a
2 little barbecue or something. So just word of mouth.

3 MS. DEMILIO: But he uses -- I assume that for
4 those events for anybody who does drive, they use his
5 parking lot?

6 MS. LeVERE: He has parking in the front.

7 MS. DEMILIO: When you say front --

8 MS. LeVERE: In the front of his property, yes.

9 MS. DEMILIO: Right. Okay. Anything else you
10 wanted to tell the Board about your concerns that you
11 haven't already?

12 MS. LeVERE: No, my concern is just that, you
13 know, the issue that we're really here for is parking.

14 MS. DEMILIO: Let me just ask you, after Mr. --
15 when -- after Mr. Fletcher passed way, in March of 2016,
16 in March of 2016, up until the time that the Pattersons
17 purchased it, did you notice any activity going on at the
18 Premier Lounge?

19 MS. LeVERE: After he passed away?

20 MS. DEMILIO: After he passed away --

21 MS. LeVERE: No, that's how I knew he passed

1 away because there was nothing. I said, oh, Mr. Fletcher
2 must have died because there was nothing going on.

3 MS. DEMILIO: Okay. Was there any lights on or
4 inside?

5 MS. LeVERE: No, no lights inside, no lights
6 outside. It was bliss.

7 MS. DEMILIO: Did you ever see any cars --

8 MS. LeVERE: No.

9 MS. DEMILIO: -- there?

10 MS. LeVERE: No.

11 MS. DEMILIO: And so it wasn't until after the
12 Premier Lounge opened that you noticed activity again at
13 that location?

14 MS. LeVERE: Yes.

15 MS. DEMILIO: Mr. Lawson talked about -- Mr.
16 Lawson talked about some event outside in a tent as well
17 in front of the Premier Lounge. Did you notice anything
18 going on outside in the parking lot?

19 MS. LeVERE: I don't -- I've never actually
20 been in the Premier Lounge or even when it was King's.
21 We were as children and teenagers and it carried over to

1 adulthood. We were forbidden to go in the bar.

2 CHAIRMAN GARBER: The question asked though
3 is --

4 MS. LeVERE: So I don't know.

5 CHAIRMAN GARBER: -- did you see anything
6 outside, any event being held outside the Premier Lounge
7 at any time?

8 MS. LeVERE: Not to my knowledge.

9 CHAIRMAN GARBER: Sorry. Thank you very much
10 for that.

11 MR. EVANS: Was the level of activity -- how
12 would you compare the level of activity during the
13 Fletcher time period with the level of activity now?

14 MS. LeVERE: I would say the level of activity
15 during Mr. Fletcher's time was different. The activity
16 itself was different because it was more walking
17 activity. The activity now is, of course, automobile
18 driven. So the parking has become more of an issue now
19 than it was when Mr. Fletcher had it, but --

20 MR. EVANS: Even in like 2014 and '15?

21 MS. LeVERE: We used to have the parking. I

1 mean, you still had that but it was more neighborhood
2 kind of. So more people walked. But you still had the
3 activity, the noise and things like that.

4 MR. EVANS: All right. Thank you.

5 MS. DEMILIO: I have no further questions.

6 CHAIRMAN GARBER: Mr. Hurdle.

7 MR. HURDLE: Ma'am, you said you live on, what
8 on this map is the northern portion of Wesley above
9 Shipley. Would that be a way to explain it on this map?

10 MS. DEMILIO: What?

11 MS. LeVERE: Yeah, on that map. Yeah.

12 MR. HURDLE: And you said that street parking
13 is legal on both sides of that road?

14 MS. LeVERE: On Wesley.

15 MR. HURDLE: On the northern part, it is.

16 MS. LeVERE: It is on Wesley, um-hum, on both
17 sides.

18 CHAIRMAN GARBER: So just to be clear, what
19 Mr. Hurdle's saying, you described -- you said the name
20 of your street is actually Sherwood.

21 MS. LeVERE: It's Sherwood Avenue in the County

1 but it's Wesley Avenue on the map.
 2 CHAIRMAN GARBER: Okay. But on your block --
 3 MS. LeVERE: Um-hum.
 4 CHAIRMAN GARBER: -- it's Sherwood, correct?
 5 MS. LeVERE: It's Wesley.
 6 CHAIRMAN GARBER: You're on Wesley.
 7 MS. LeVERE: Right.
 8 CHAIRMAN GARBER: So what you're referring to
 9 is street parking is legal on both sides of your block.
 10 MS. LeVERE: Yes.
 11 CHAIRMAN GARBER: Okay. Sorry. I was confused
 12 as to that. Sorry.
 13 MR. HURDLE:
 14 MS. LeVERE: Well, I was just saying, it look
 15 in the courthouse, my house doesn't actually exist.
 16 CHAIRMAN GARBER: Oh.
 17 MS. LeVERE: It exists on Sherwood Avenue.
 18 It's not on Wesley --
 19 MR. EVANS: But it's the same street.
 20 MS. LeVERE: -- on court documents. But it's
 21 the same street.

1 CHAIRMAN GARBER: Understood. Sorry about
 2 that.
 3 MR. HURDLE: Ma'am, are you aware that part of
 4 today's petition is that we're making the argument that
 5 the bar never closed for a period of time for a year.
 6 MS. LeVERE: No. When I look at the variance,
 7 I'm here for the variance, as far as the parking
 8 variance, the number of spaces that are needed. That --
 9 whether the bar is open or closed, was not in that
 10 document.
 11 MR. HURDLE: Are you aware that that is
 12 somewhat relevant to this matter today?
 13 MS. DEMILIO: Objection.
 14 MS. LeVERE: No.
 15 MS. DEMILIO: That's asking for a legal
 16 conclusion.
 17 CHAIRMAN GARBER: I believe it's perfectly fine
 18 for cross-examination if she understood that it has
 19 whatever relevance that Mr. Hurdle believes it has or in
 20 her mind, that there is some relevance to that question.
 21 It's understood, of course, that she's not here as an

1 expert on that point. So your answer was no.
 2 MS. LeVERE: To? I can't remember your
 3 question. I'm sorry.
 4 MS. DEMILIO: You're here for the parking
 5 variance.
 6 MS. LeVERE: Yes.
 7 MS. DEMILIO: The variance for the parking
 8 situation.
 9 CHAIRMAN GARBER: Right.
 10 MS. LeVERE: Right.
 11 CHAIRMAN GARBER: And then the question was
 12 asked about -- I'm sorry. Why don't we just do this
 13 again. What was your question?
 14 MR. HURDLE: I don't remember it at this point.
 15 I'm sorry.
 16 MR. EVANS: The bottom line was this. You were
 17 not aware that a potential issue in this case has to do
 18 with whether the bar was opened or closed in between
 19 Fletcher's death and --
 20 MS. LeVERE: That's correct.
 21 MR. EVANS: -- the sale.

1 MS. LeVERE: That's correct.
 2 MR. EVANS: Okay.
 3 MS. LeVERE: Yes.
 4 MR. EVANS: Let's move on.
 5 MR. HURDLE: Are you aware that if the Board
 6 found out that it was open and continuous in operation,
 7 and the variance was denied, there'd be no additional
 8 parking added to the bar, but in theory, it may be
 9 allowed to continue operating?
 10 MS. DEMILIO: Objection.
 11 CHAIRMAN GARBER: I mean, I think you're
 12 starting to get into territory that I believe it's fairly
 13 obvious that she's not going to have information about.
 14 I don't know where you're going with the line of
 15 questioning.
 16 MR. HURDLE: I have no further questions.
 17 CHAIRMAN GARBER:
 18 MR. HURDLE: I withdraw the question.
 19 CHAIRMAN GARBER: Very well. Ms. Demilio.
 20 MS. DEMILIO: He withdrew the question?
 21 CHAIRMAN GARBER: Yes. He said he has no more

1 questions on top of it.
 2 MS. DEMILIO: Oh, I'm sorry.
 3 CHAIRMAN GARBER: So this is now redirect if
 4 there's any.
 5 MS. DEMILIO: No, I have nothing.
 6 CHAIRMAN GARBER: Thank you very much, ma'am,
 7 for your time.
 8 MS. LeVERE: Thank you.
 9 (Ms. LeVere excused.)
 10 MS. DEMILIO: You're not going to get of.
 11 Mr. LeVere.
 12 MS. RANDALL-JOLIVET: Good afternoon, sir.
 13 (Whereupon,
 14 CARROLL LeVERE
 15 was called as a witness by the People's Counsel and,
 16 after having been first duly sworn, testified as
 17 follows:)
 18 MS. RANDALL-JOLIVET: Please state your name
 19 and your address for the record, spelling them both
 20 please.
 21 MR. LeVERE: Carroll LeVere, L-e-V-e-r-e,

1 that's capital V.
 2 CHAIRMAN GARBER: And your first name?
 3 MR. LeVERE: C-a-r-r-o-l-l.
 4 MS. RANDALL-JOLIVET: Thank you. And your
 5 address.
 6 MR. LeVERE: 207 Wesley Avenue --
 7 MS. RANDALL-JOLIVET: Thank you.
 8 MR. LeVERE: -- Catonsville, Maryland 21228.
 9 MS. RANDALL-JOLIVET: Thank you.
 10 MR. LeVERE: You're welcome.
 11 MS. DEMILIO: Mr. LeVere, you're the spouse,
 12 the husband of Mrs. LeVere, correct?
 13 MR. LeVERE: Correct.
 14 MS. DEMILIO: And you heard her testimony?
 15 MR. LeVERE: Yes.
 16 MS. DEMILIO: And you were here from the first
 17 hearing?
 18 MR. LeVERE: Yes.
 19 MS. DEMILIO: All right. And I would ask you
 20 this loaded question. Do you agree with everything your
 21 wife said?

1 MR. LeVERE: I do.

2 MS. DEMILIO: All right. And just explain in
3 your own words, to the Board, what your concerns are with
4 the parking on the street, the street parking by the
5 patrons of the Premier Lounge?

6 MR. LeVERE: Street parking -- street parking
7 and noise. If you have to get up and go to work as early
8 as I do sometimes, and you have your window cracked, you
9 only have to have the window cracked. You can hear
10 noise. They're laughing. They're joking. 1:00, 2:00 in
11 the morning, and I have to get up at 3:00 sometimes.
12 They wake you up. Then you get ready to get in your car,
13 and you look down the street or in my garden, and there's
14 trash, that I have to pick up. That's a problem.

15 MS. DEMILIO: When you talk about trash, are we
16 talking about liquor bottles? I mean --

17 MR. LeVERE: Liquor bottles.

18 MS. DEMILIO: -- how do you know it's from the
19 Premier Lounge?

20 MR. LeVERE: It's from the parking, the over --
21 I guess if it's overflow parking. The have no parking,

1 so it's not overflow parking. It's just parking. So I'm
2 going to have to say that's where it comes from.

3 MS. DEMILIO: And when you say noise, can you
4 -- you can't hear -- your wife testified she doesn't
5 really hear it from the Premier Lounge as such. Do you
6 ever hear anything from them or their outside activities
7 if they have any?

8 MR. LeVERE: I can't hear anything at the
9 establishment.

10 MS. DEMILIO: Okay.

11 MR. LeVERE: This is just cars.

12 MS. DEMILIO: The music from cars?

13 MR. LeVERE: Yes.

14 MS. DEMILIO: And Mr. Brathwaite talked about
15 criminal activity or use of drugs. Do you observe any of
16 that?

17 MR. LeVERE: Yes, you see it.

18 MS. DEMILIO: Well, tell the Board what you
19 see.

20 MR. LeVERE: You see --

21 MS. RANDALL-JOLIVET: Do you have a timeframe,

1 Ms. Demilio, please? No, a timeframe for the -- for your
2 question.

3 MS. DEMILIO: I'm sorry. Well, have you
4 witnessed it since the Pattersons has taken over the --

5 MR. LeVERE: Well, it seems things have started
6 back up where they left off. When King's closed,
7 everything got quiet, and it was like a shy of relief.
8 And then they opened up. We don't have anything through
9 the week, but come Thursday, Friday, weekends, and you
10 get the overflow, that's when things go back to normal --
11 not normal. Back to picking trash up, listening to the
12 noise.

13 CHAIRMAN GARBER: Well, if I can, sir, the
14 question was about the allegations that there are
15 criminal activities going on in connection with the
16 property.

17 MR. LeVERE: In connection with?

18 CHAIRMAN GARBER: That is there was testimony
19 that someone witnessed certain criminal activities going
20 on at the property. And, the question to you was, do you
21 agree with that? You said yes. Now you've talked about

1 the trash and the noise. Is there anything else?

2 MR. LeVERE: Yes, you see the activity going
3 on. You see drug transactions.

4 CHAIRMAN GARBER: And I believe that's what
5 she's trying to get to. What have you seen?

6 MR. LeVERE: Transactions, and some of the
7 people who are parked in front of the house, which I
8 believe is overflow for it, from the establishment.

9 MS. DEMILIO: And from the time Mr. Fletcher
10 passed away until now, which we've established was in
11 March of 2016, through the time that the property was
12 purchased by the Pattersons in April 2017, based on your
13 observations, was there any activities at the Premier
14 Lounge?

15 MR. LeVERE: No.

16 MS. DEMILIO: No. Was it quiet?

17 MR. LeVERE: Yes.

18 MS. DEMILIO: Was there any lighting inside or
19 outside during that time?

20 MR. LeVERE: Not from what I could see.

21 MS. DEMILIO: Any cars parked there?

1 MR. LeVERE: No.
2 MS. DEMILIO: And you never heard -- and you
3 didn't experience or did you experience the parking
4 problem when they -- after Mr. Fletcher died?
5 MR. LeVERE: No.
6 MS. DEMILIO: There was no parking problem
7 then?
8 MR. LeVERE: No.
9 MS. DEMILIO: There were no patrons parking on
10 Wesley?
11 MR. LeVERE: There were no patrons. There was
12 nobody.
13 MS. DEMILIO: Okay.
14 MR. LeVERE: As far as I knew, it was closed.
15 MS. DEMILIO: Okay. All right. I have no
16 further questions.
17 CHAIRMAN GARBER: Mr. Hurdle.
18 MR. HURDLE: Concerning any of these parking
19 issues or noise issues, have you spoke with the
20 Pattersons?
21 MR. LeVERE: I've never met the Pattersons.

1 MR. HURDLE: Didn't you meet them at the
2 previous zoning hearing, the variance hearing?
3 MR. LeVERE: Well, I've seen them here, but I
4 have never met them.
5 MR. HURDLE: Did you ever go to a community
6 meeting where they were present?
7 MR. LeVERE: No.
8 MR. HURDLE: They testified during their
9 testimony in September, that they went to multiple
10 community meetings. Did you ever attend any of those
11 same community meetings?
12 MR. LeVERE: No.
13 MR. HURDLE: Is there a reason for that?
14 MR. LeVERE: Hours of work. Those meetings are
15 at 7:00.
16 MR. HURDLE: Um-hum.
17 MR. LeVERE: Normally I'm still working.
18 MR. HURDLE: What about the meetings that were
19 on Saturdays? Do you work Saturdays?
20 MR. LeVERE: Sometimes.
21 MR. HURDLE: Does your wife work the same hours

1 as you?

2 MR. LeVERE: No.

3 MR. HURDLE: Did she attend any of those
4 meetings?

5 MR. LeVERE: No.

6 MR. HURDLE: Did she ever reach out to them?

7 MR. LeVERE: No. We -- you can't reach out to
8 who you don't know. We didn't know the Pattersons or who
9 may or may not have bought King's.

10 MR. HURDLE: There was a variance hearing
11 initially in this building down the hallway, right?
12 About six, seven months ago, eight months ago.

13 MR. LeVERE: It was in this office.

14 CHAIRMAN GARBER: Hold on. Hold on. To be
15 clear, you're referring to the Administrative Law Judge
16 hearing?

17 MR. HURDLE: Yes.

18 CHAIRMAN GARBER: So there was a hearing held
19 here which was Day 1 of this hearing. Mr. Hurdle is
20 referring to a hearing that was before the one in
21 September.

1 MR. LeVERE: Okay. So this is the third time
2 we've been here?

3 MR. HURDLE: Correct.

4 MR. LeVERE: And there's a fourth one. Is that
5 what you're saying?

6 MR. HURDLE: I mean Day 1.

7 MR. LeVERE: Day 1, I was here.

8 MR. HURDLE: And the Pattersons were there.

9 MR. LeVERE: The Pattersons were here. I
10 didn't meet the Pattersons. The Pattersons were here.

11 MR. HURDLE: Have you ever thought to walk into
12 the bar and talk to the Pattersons about these tremendous
13 issues you've been having?

14 MR. LeVERE: I've been in Catonsville since
15 1971. I've been in King's twice.

16 MR. HURDLE: The bar's causing you a lot of
17 issues though, correct?

18 MR. LeVERE: Yes.

19 MR. HURDLE: But you've never walked across --
20 well, down the street and just walked in and said, hello,
21 and said I'm having these problems. Can we figure it

1 out?
2 MR. LeVERE: No.
3 MR. HURDLE: Have you ever thought to do that?
4 MR. LeVERE: No.
5 MR. HURDLE: Why?
6 MR. LeVERE: Why should I?
7 MR. HURDLE: You want the problem solved,
8 right?
9 MR. LeVERE: That's what we have 911 for. Let
10 them handle it.
11 MR. HURDLE: You said you saw and used the term
12 transactions. Have you ever seen anybody use drugs in
13 the neighborhood coming out of the Premier Lounge?
14 MR. LeVERE: No.
15 MR. HURDLE: Have you ever seen anybody come
16 out of the Premier Lounge and throw litter on your street
17 while they've been the owners?
18 MR. LeVERE: No.
19 MR. HURDLE: Have you ever seen someone come
20 out of the Premier Lounge and urinate around the corner
21 or anything of that nature?

1 MR. LeVERE: No.
2 MR. HURDLE: You said that you hear this noise
3 at between 1:00 and 2:00 a.m. because you get up at 3:00
4 sometimes. Have you ever physically observed those
5 noisemakers walking out of the Premier Lounge?
6 MR. LeVERE: No.
7 MR. HURDLE: The trash -- I think someone
8 testified there's a CVS in the area. Is that accurate?
9 MR. LeVERE: Yes.
10 MR. HURDLE: They sell food and chips and
11 things of that nature?
12 MR. LeVERE: Yes.
13 MR. HURDLE: Is it possible some of the trash
14 in the neighborhood comes from that location?
15 MR. LeVERE: I doubt it seriously.
16 MR. HURDLE: But it is possible?
17 MR. LeVERE: It's possible.
18 MR. EVANS: Where is the CVS on this map?
19 MR. LeVERE: This map?
20 MR. EVANS: Or is it on the map?
21 MR. LeVERE: It's not on the map. The CVS

1 would be way down here somewhere.
 2 MR. EVANS: Okay. Way to the south.
 3 MR. LeVERE: Yes.
 4 MR. EVANS: Okay.
 5 MR. HURDLE: When you say way to the south,
 6 just to clarify, is that three blocks or like two blocks?
 7 MR. LeVERE: Okay. If you look at it, those
 8 blocks are long.
 9 MR. HURDLE: Sure. Absolutely. I'm not
 10 questioning how long they are. I just --
 11 MR. LeVERE: So the length of Shipley to Main,
 12 probably that same distance down --
 13 MR. HURDLE: Okay.
 14 MR. LeVERE: -- would be Edmonson Avenue.
 15 MR. HURDLE: Less than a quarter of a mile
 16 though?
 17 MR. LeVERE: Less than a quarter of a mile.
 18 MR. HURDLE: We just talked about the CVS.
 19 Does anybody at the recreation parks ever -- are there
 20 trashcans there?
 21 MR. LeVERE: Yes.

1 MR. HURDLE: And there's parking there?
 2 MR. LeVERE: Yes.
 3 MR. HURDLE: And people I presume on occasion
 4 litter there?
 5 MR. LeVERE: I wouldn't know.
 6 MR. HURDLE: I have no further questions.
 7 CHAIRMAN GARBER: Ms. Demilio.
 8 MS. DEMILIO: Yes. Mr. LeVere, you talked
 9 about the trash that you notice and the music and all
 10 that. Do you hear that on the days that the Ms. Bower is
 11 closed, Monday and Tuesdays?
 12 MR. LeVERE: No, it's more weekends.
 13 MS. DEMILIO: The weekends.
 14 MR. LeVERE: Yes.
 15 MS. DEMILIO: Okay. And do you have any
 16 evidence that these are people that live in the
 17 neighborhood or not?
 18 MR. LeVERE: No.
 19 MS. DEMILIO: You have no evidence that they're
 20 not?
 21 MR. LeVERE: No, I'm not sure.

1 MS. DEMILIO: Is it -- so have you ever seen
2 anybody from your neighborhood throw trash around in the
3 yards on your block on Wesley?
4 MR. LeVERE: No.
5 MS. DEMILIO: You've never seen that?
6 MR. LeVERE: No.
7 MS. DEMILIO: And when you talk about the
8 trash, what are we talking about? What kind of trash?
9 MR. LeVERE: Beer bottles, potato chip bags,
10 Vodka bottles.
11 MS. DEMILIO: And you're aware that the Premier
12 Lounge is also a package goods store?
13 MR. LeVERE: I -- from here I did, yeah.
14 MS. DEMILIO: Okay. All right. I have no
15 further questions.
16 CHAIRMAN GARBER: Anything to follow up on?
17 MR. HURDLE: No.
18 CHAIRMAN GARBER: All right. Thank you, sir,
19 very much for your time.
20 MR. LeVERE: You're welcome.
21 (Mr. LeVere excused.)

1 MS. DEMILIO: I think we're finished.
2 CHAIRMAN GARBER: Is that all your evidence
3 then?
4 MS. DEMILIO: Can I just check and see if I
5 have any other -- I don't think I have any other
6 documents or anything to put in. And I'll be happy to
7 get smaller versions of the maps.
8 CHAIRMAN GARBER: Okay. Yes, Please.
9 MS. DEMILIO: That's the only way I know how to
10 do this. We take a picture of it with our phone and then
11 print it out.
12 MS. RANDALL-JOLIVET: Just print it out.
13 MS. DEMILIO: So it will be 8 1/2 by 11. Is
14 that what you prefer?
15 MS. RANDALL-JOLIVET: That will be good. Yep,
16 8 1/2 by 11. That's great.
17 MS. DEMILIO: Okay. I'll try to do this.
18 CHAIRMAN GARBER: But then for purposes of
19 what's going on in this immediate moment, I'll give you
20 five minutes to go through to see if you have anything
21 else?

1 MS. DEMILIO: I don't need five minutes, no.
2 CHAIRMAN GARBER: And then also see what you're
3 doing in rebuttal, if anything?
4 MR. HURDLE: Yeah.
5 CHAIRMAN GARBER: Because we're going to finish
6 this today in terms of evidence.
7 MS. DEMILIO: Right. I have nothing further.
8 CHAIRMAN GARBER: All right. So I guess we
9 don't need that five minutes unless -- Mr. Hurdle?
10 MR. HURDLE: I would just request a five minute
11 recess if that's possible.
12 CHAIRMAN GARBER: Just to see what you're going
13 to do, if anything?
14 MR. HURDLE: That would be great.
15 CHAIRMAN GARBER: All right.
16 MR. HURDLE: Thank you.
17 (Off the record.)
18 (On the record.)
19 CHAIRMAN GARBER: And we're back on the record.
20 All right. Mr. Hurdle.
21 MR. HURDLE: I'm going to call both of the

1 Pattersons. It should be very brief, both of their
2 testimonies.
3 CHAIRMAN GARBER: All right.
4 MR. HURDLE: My first witness will be
5 Mr. Patterson --
6 CHAIRMAN GARBER: All right.
7 MR. HURDLE: -- as a rebuttal witness.
8 MS. RANDALL-JOLIVET: I just want to remind you
9 that you're under oath, Mr. Patterson. You don't have to
10 do that again. Just acknowledge that you know you're
11 still under oath.
12 (Whereupon,
13 STEPHEN PATTERSON
14 was recalled as a witness by the Petitioners and, after
15 having been previously sworn, testified as follows:)
16 MS. RANDALL-JOLIVET: Thank you.
17 MR. HURDLE: Mr. Patterson, you're at the bar
18 how many days a week?
19 MR. PATTERSON: Wednesday through Sunday.
20 MR. HURDLE: Are you there Mondays and Tuesdays
21 at all?

1 MR. PATTERSON: Yes.
2 MR. HURDLE: Are you there when the bar closes
3 every day?
4 MR. PATTERSON: Yes. That's one thing that I
5 don't allow my wife to do, is close the bar.
6 MR. HURDLE: Do you have security at the bar?
7 MR. PATTERSON: I do.
8 MR. HURDLE: Are there cameras at the bar?
9 MR. PATTERSON: Yes.
10 CHAIRMAN GARBER: I need to ask. I'm assuming
11 these are foundational questions because this, what he
12 just testified to --
13 MR. HURDLE: Sure.
14 CHAIRMAN GARBER: -- has been established on
15 direct. It's about the subject of cross in their case,
16 that those things don't exist. So.
17 MS. DEMILIO: Right. I think we've brought it
18 up in all of our case.
19 CHAIRMAN GARBER: Right. So right now I'm
20 giving you leeway. I'm thinking this is foundational,
21 but --

1 MR. HURDLE: I'll try to get to the point.
2 Sorry.
3 CHAIRMAN GARBER: No, it's okay.
4 MR. HURDLE: Mr. Patterson, how many neighbors
5 have approached you about concerns or ongoing issues in
6 the neighborhood?
7 MR. PATTERSON: I've talked to Mr. -- I think
8 his name is Sherlyon, and that's been -- that was before
9 we opened.
10 CHAIRMAN GARBER: And by Sherlyon, you mean Mr.
11 Brathwaite?
12 MR. PATTERSON: I believe that's him.
13 MR. EVANS: The man that testified earlier.
14 MR. PATTERSON: Yes, that lives at the end of
15 the block.
16 CHAIRMAN GARBER: Okay.
17 MR. PATTERSON: Also, one of the times that I
18 talked to him, Sean did some to the discussion that we
19 were having about I think somebody had drove by and threw
20 some -- threw a mattress out on the street. And so
21 Sherlyon had called me. I was at home actually, and he

1 called me and then he texted me a picture of the mattress
2 that was -- it wasn't even on the property. It was on
3 the sidewalk. And so I drove over there to pick the
4 mattress up, and that was the last meeting that I had
5 with Sherlyon.

6 MR. HURDLE: Has he voiced concerns regarding
7 noise issues?

8 MR. PATTERSON: No.

9 MR. HURDLE: Have they approached you regarding
10 -- in the last six months, have they approached you
11 regarding troubles with parking issues?

12 MR. PATTERSON: No.

13 MR. HURDLE: Were you aware that people were
14 parking on both sides of Shipley Avenue on a regular
15 basis?

16 MR. PATTERSON: Not on a regular basis, I was
17 not.

18 MR. HURDLE: Is that how things are going?

19 MR. PATTERSON: When I check out back, when I
20 send security out there, if there are ever cars on the
21 side of the street, I believe you're calling it the north

1 side.

2 MR. HURDLE: The south side is the no parking
3 side.

4 MR. PATTERSON: Okay. So the south side. So
5 I'll tell people inside of the lounge, that if you're
6 parked out back, you need to move your car. But other
7 than that, I might have had one phone call I think from
8 -- I don't -- I forget the lady's name. She lives near
9 Sherlyon on this side of the street, and she called me
10 one time and said somebody was parked in front of her
11 driveway, and I went outside and saw the car, got the tag
12 number and came back inside. And they went and moved
13 their car.

14 MR. HURDLE: In terms of the trash, have you
15 seen any of your patrons littering out back or anything?

16 MR. PATTERSON: Not at all. Not at all. And
17 we do, because Mr. Ebb let's me use his lot, we also --
18 we, of course, clean our front lot, walk around the back
19 and then I have to make sure I take of Mr. Ebb's lot as
20 well. So -- and then doing -- and then policing those
21 areas, especially Mr. Ebb's lot, I never see trash over

1 there.

2 MR. HURDLE: There was some talk today about
3 the rear parking lot not being paved, and someone had the
4 opinion that it should be. One of the reasons it isn't
5 paved is because of this hearing, in terms of setbacks
6 and corner cuts and parking layouts and things of that
7 nature, correct?

8 MR. PATTERSON: Yes.

9 MR. HURDLE: If you were approved for the
10 layout that you requested, which is I guess arguably
11 County approved based on these stipulations of getting
12 setbacks and so forth, you would get it paved more or
13 less immediately, right?

14 MR. PATTERSON: Yes.

15 MR. HURDLE: If the neighborhood wanted to hold
16 weekly or biweekly meetings at the bar to sit down and
17 talk to you and your wife about any ongoing concerns,
18 would that be something you'd be willing to do?

19 MR. PATTERSON: Certainly. Certainly.

20 MR. HURDLE: Have you attempted to address any
21 and all issues that people have brought to you with

1 regard to the operation of the bar?

2 MR. PATTERSON: Yes.

3 MR. HURDLE: Of the individuals who testified
4 today, on behalf of People's Counsel, I got it right that
5 time, have you seen any of them in the bar?

6 MR. PATTERSON: No.

7 MR. HURDLE: I have no further questions.

8 CHAIRMAN GARBER: Ms. Demilio.

9 MS. DEMILIO: Yes. Mr. Patterson, I assume
10 when your patrons leave the bar, you don't follow them up
11 the various streets, do you, where they park? Do you
12 walk out there with them?

13 MR. PATTERSON: Some of them I do.

14 MS. DEMILIO: Do you? Where do you go?

15 MR. PATTERSON: To Shipley because we have
16 young ladies that might park on Shipley. Either I or I
17 send security or I send one of my helpers out there to
18 make sure the ladies get to their cars safely.

19 MS. DEMILIO: Okay. And your security guard is
20 not here today?

21 MR. PATTERSON: No.

1 MS. DEMILIO: And -- but you're not following
2 all the patrons when they leave? You don't leave your
3 bar. I mean, don't you have responsibilities there?

4 MR. PATTERSON: I have people there to handle
5 things. So I'm able to walk out and check things.

6 MS. DEMILIO: Well, who handles it? How many
7 employees do you have?

8 MR. PATTERSON: Depending on what night it is.
9 A lot of times, me and my wife are there. I have
10 security there. I also has someone who works the
11 kitchen. I have a bartender. So if I leave, it's not --
12 things don't really change.

13 MS. DEMILIO: And do you suggest that it's the
14 neighbors' responsibility to contact you every time
15 something's wrong or they're supposed to come to meetings
16 on their time? Is that your suggestion in order to
17 resolve this problem?

18 MR. PATTERSON: I'm not making any suggestions.
19 What I am saying is that I'm open to working with the
20 community so that we both can exist harmoniously in the
21 same community. I explained to Sherlyon when he left out

1 of there, I saw him at the elevator, and I told him, that
2 regardless of which way this hearing goes, that I'm still
3 going to be vigilant in trying to do the best that I an
4 do at the bar to make sure that things go well because I
5 explained to him that my kids play basketball. My son
6 plays basketball in the community and my daughter also
7 dances in the community. So I feel a part of the
8 community.

9 MS. DEMILIO: You're not a part of the
10 community association though, right?

11 MR. PATTERSON: I am not, but I attend just
12 about every meeting.

13 MS. DEMILIO: Really?

14 MR. PATTERSON: Yes.

15 MS. DEMILIO: So when was the last one?

16 MR. PATTERSON: They haven't had one in a while
17 because of the -- we were just talking about this,
18 because of the weather and the holidays.

19 MS. DEMILIO: Now you were talking -- okay.
20 You went to the -- you were at the first hearing, not the
21 first day of this, but the first day of the

1 Administrative Law Judge hearing on the other end of the
2 hall.

3 MR. PATTERSON: I was.

4 MS. DEMILIO: Yes. And did the neighbors then
5 express concerns about the parking and the trash and all
6 at that hearing? Did you hear their testimony?

7 MR. PATTERSON: I heard. I did hear their
8 testimony, and --

9 MS. DEMILIO: All right. That's yes or no.
10 Did you hear their testimony?

11 MR. PATTERSON: Yes.

12 MS. DEMILIO: All right. And did you hear them
13 say that their concerns still exist today, to this very
14 day, they're still having those same concerns? Did you
15 hear that testimony today? What all of these neighbors
16 here got up and described how things are currently the
17 same? Yes or no. Did you hear it or didn't you hear it,
18 Mr. Patterson?

19 MR. HURDLE: I would object to the question. I
20 think there's a couple of questions in there. Sorry.

21 CHAIRMAN GARBER: Yeah, I -- well, first of

1 all, we're on cross, but I would say I think your
2 question, correct me if I'm wrong, Ms. Demilio, is the
3 testimony that he heard back at the ALJ level is the same
4 as today, correct?

5 MS. DEMILIO: Yes. Did you hear that testimony
6 today?

7 MR. PATTERSON: Can I answer it?

8 CHAIRMAN GARBER: Yes.

9 MR. PATTERSON: I believe so.

10 MS. DEMILIO: All right. I have no further
11 questions.

12 MR. HURDLE: Just very briefly. Mr. Patterson,
13 when you talked about having the neighbors over once
14 every two weeks or once a week, whatever it is, to voice
15 concerns, it isn't because you're expecting them to point
16 out every issue you have. Is that correct?

17 MR. PATTERSON: That's correct.

18 MR. HURDLE: When you're working the bar,
19 sometimes you're in the bar, sometimes you're helping
20 people to their car, whatever it is, you don't see every
21 possible thing?

1 MS. DEMILIO: Objection. This is leading. I
2 mean --
3 CHAIRMAN GARBER: It is leading.
4 MS. DEMILIO: I'm sorry.
5 CHAIRMAN GARBER: Please stand. It is leading,
6 but, Mr. Hurdle, I would say this. It does help us more
7 to avoid leading questions when you're on direct or
8 redirect --
9 MR. HURDLE: Sure.
10 CHAIRMAN GARBER: -- because it goes to
11 credibility first. So with that in mind, I'll sustain
12 your objection, but if you're using this for a
13 foundation, you know, obviously just get to the point is
14 where I'm going with it.
15 MR. HURDLE: Mr. Patterson, every problem that
16 has been explained to you, would you say you tried to
17 address it?
18 MR. PATTERSON: Yes, the -- I haven't had many
19 problems. I've heard the parking, and we've tried to
20 address that, yes. So.
21 MR. HURDLE: Same for trash, if they had

1 mentioned that or the noise, you'd do something to --
2 MR. PATTERSON: Yes.
3 MR. HURDLE: -- work it out?
4 MR. PATTERSON: Yes. We don't want a trashy
5 business. So we pick up trash if we see it.
6 MR. HURDLE: I have no further questions for
7 Mr. Patterson.
8 CHAIRMAN GARBER: Okay. Ms. Demilio, I assume
9 you have nothing further?
10 MS. DEMILIO: No.
11 CHAIRMAN GARBER: Okay. Thank you, Mr.
12 Patterson, for your time again.
13 MR. PATTERSON: Thank you.
14 (Mr. Patterson excused.)
15 MR. HURDLE: And then I want to call Mrs.
16 Patterson very briefly.
17 CHAIRMAN GARBER: All right. Mrs. Patterson,
18 you recall, you're still under oath.
19 (Whereupon,
20 TIFFANY PATTERSON
21 was recalled as a witness by the Petitioners and, after

1 having been previously sworn, testified as follows:)

2 CHAIRMAN GARBER: All right.

3 MS. RANDALL-JOLIVET: Thank you.

4 MR. HURDLE: Mrs. Patterson, you heard the
5 testimony of several of your neighbors today?

6 MRS. PATTERSON: Yes.

7 MR. HURDLE: A significant amount of the
8 testimony involved calls to the police, noise issues,
9 things of that nature. Were you aware of any of those
10 issues before today?

11 MRS. PATTERSON: I was not. I actually speak
12 with Councilman Quirk's legal aide probably every two
13 weeks or so, and I always ask her, has she heard
14 anything. And, she told me that she has not heard
15 anything. If anyone was calling the police --

16 MS. DEMILIO: Objection. This is important
17 testimony and this is hearsay, and I just think we should
18 not be allowed to have it at this stage. I mean, I'll
19 allow a little bit of it.

20 CHAIRMAN GARBER: No, I think the larger point
21 -- I'll sustain the objection for this reason. I believe

1 she's not aware of the problems. So by whatever source,
2 it's going to be, she's not aware of the problems. And
3 the fact that she has spoken with Councilman Quirk's
4 aide, will be enough. The inference would already be
5 there of what's going on. We don't need any testimony
6 without -- we can therefore eliminate any hearsay issue
7 anyway. So we can move on, and I'll sustain the
8 objection.

9 MR. HURDLE: You speak with the Councilman's
10 office very two weeks, that's correct?

11 MRS. PATTERSON: That's correct.

12 MR. HURDLE: How often do you speak with --

13 MRS. PATTERSON: If not more often.

14 MR. HURDLE: How often do you speak with
15 someone from the police station or police district?

16 MRS. PATTERSON: Officer Boone frequents the
17 property to get food or carryout, and I would say I speak
18 to him or we see him a least once a month.

19 MR. EVANS: At least what?

20 MRS. PATTERSON: Once a month, yes.

21 MR. HURDLE: Do you know what Officer Boone's

1 role is at the police station?

2 MRS. PATTERSON: I know he is the community
3 liaison I believe, point of contact. He comes to all of
4 the community meetings.

5 MR. HURDLE: Based on these conversations, have
6 you ever felt like there were any criminal or other
7 ongoing issues in the area?

8 MRS. PATTERSON: No, I have not. He provided
9 us with a police report before we opened, and he has also
10 stated that there's --

11 MS. DEMILIO: Objection.

12 CHAIRMAN GARBER: Hold on. Hold on, Ms.
13 Patterson.

14 MS. DEMILIO: Objection. She can't say -- she
15 can't say what he stated.

16 CHAIRMAN GARBER: Mr. Hurdle.

17 MR. HURDLE: I think there's a little bit of
18 leeway in this area.

19 CHAIRMAN GARBER: Where are we going with that?

20 MR. HURDLE: I wasn't expecting the hearsay.

21 CHAIRMAN GARBER: Well, I understand that.

1 Where are you going with the point, that is, provide the
2 police report ahead of time, you know, and as to anything
3 that would come after. If she's not aware of any of the
4 problems, then haven't we already kind of covered that
5 ground here?

6 MR. HURDLE: I wouldn't necessarily disagree,
7 but the concern here for me is we've had six or seven
8 witnesses today testify as to the criminal aspects and
9 ongoing dangers in the neighborhood, and to be honest,
10 the only person I know who's testified that they've
11 spoken to the community liaison or on a regular basis
12 speaks to a police officer versus a 911 operator, is
13 Ms. Patterson. She'd be the best qualified to talk about
14 these issues.

15 CHAIRMAN GARBER: Well, what she's aware of.

16 MR. HURDLE: Correct.

17 CHAIRMAN GARBER: All right. Let's -- why
18 don't you get a little further here --

19 MR. HURDLE: Sure.

20 CHAIRMAN GARBER: -- but let's not get too
21 sidetracked and base testimony off of what other people

1 may say when they have perhaps more of an emphasis on a
2 point to be made. How about that? That is, if it
3 prompts her to divulge something that goes to her state
4 of mind, that may be a different way to approach it.

5 MR. HURDLE: Sure. Thank you. Ms. Patterson,
6 in speaking with Officer Boone, over the past several
7 months, have you been left with the impression that the
8 bar's being operated in a safe and criminal-free fashion?

9 MS. DEMILIO: Objection.

10 MRS. PATTERSON: Yes, I have.

11 CHAIRMAN GARBER: Hold on. I will have to
12 sustain that objection. Let me jump in. Ms. Patterson,
13 as a result of your conversations with Officer Boone,
14 have you done anything -- have you made any changes to
15 your operations or the way you conduct business?

16 MRS. PATTERSON: No, I have not.

17 CHAIRMAN GARBER: Same question as a result of
18 any phone calls you made to 911 or the police otherwise,
19 if any?

20 MRS. PATTERSON: Can you ask that again?

21 CHAIRMAN GARBER: Have you changed your

1 operations in any way, shape or form as a result of phone
2 calls that you have made or that your husband has made to
3 911 or the police otherwise?

4 MRS. PATTERSON: No.

5 CHAIRMAN GARBER: Does that cover the ground
6 that you were looking to do?

7 MR. HURDLE: We're all set. Yeah.

8 MS. RANDALL-JOLIVET: Have you observed
9 criminal activity outside of your lounge?

10 MRS. PATTERSON: I have not since we've been
11 there.

12 MS. RANDALL-JOLIVET: You haven't. Thank you.

13 CHAIRMAN GARBER: Ms. Demilio.

14 MS. DEMILIO: Yes. Mrs. Patterson, do you walk
15 the patrons up Wesley Avenue, Shipley Avenue, Winters
16 Lane after they leave your premises?

17 MRS. PATTERSON: I do not.

18 MS. DEMILIO: And you don't reside anywhere
19 near it, do you?

20 MRS. PATTERSON: We're not far.

21 MS. DEMILIO: You're in -- so you're not in the

1 immediate --

2 MRS. PATTERSON: No, I'm not. I'm in Windsor

3 Mill.

4 MS. DEMILIO: Windsor Mill?

5 MRS. PATTERSON: Yes.

6 MS. DEMILIO: Okay. You're not in this

7 immediate neighborhood though?

8 MRS. PATTERSON: I'm there often because my

9 kids participate --

10 MS. DEMILIO: No, you don't reside -- you don't

11 reside --

12 CHAIRMAN GARBER: Hold on. Please, one at a

13 time. Let her finish her answer.

14 MS. DEMILIO: No, but my question was you don't

15 reside in this area, in the immediate neighborhood?

16 MRS. PATTERSON: I do not.

17 MS. DEMILIO: Okay. I have no further

18 questions.

19 CHAIRMAN GARBER: All right. Mr. Hurdle?

20 MR. HURDLE: No.

21 CHAIRMAN GARBER: Thank you again, ma'am.

1 (Mrs. Patterson excused.)

2 CHAIRMAN GARBER: Anything further, Mr. Hurdle?

3 MR. HURDLE: I mean, there's a lot, but I think

4 we can put it in a memo.

5 MS. DEMILIO: A lot.

6 CHAIRMAN GARBER: Hold on. Hold on.

7 MS. DEMILIO: What do you mean a lot?

8 CHAIRMAN GARBER: I mean, in terms of testimony

9 from any witnesses today or is that the end of your

10 rebuttal case?

11 MR. HURDLE: We would like the opportunity to

12 submit a certified copy of the police record for calls,

13 but that's all I would ask at this time.

14 MS. DEMILIO: Your Honor --

15 MR. HURDLE: There could be an objection, but I

16 believe the County's or the People's Counsel's point of

17 view would be more accuracy in terms of anything as

18 opposed to just winning their side.

19 MS. DEMILIO: I would say he's had plenty of

20 time to do that. We've had two days, and we've had

21 months between these -- and there's also been an

1 administrative hearing on the evidence. So I'm sure he's
2 well aware of what the issues are.

3 MR. HURDLE: If I may respond.

4 CHAIRMAN GARBER: You may respond.

5 MS. DEMILIO: And -- I'm not finished.

6 CHAIRMAN GARBER: Sorry. Ms. Demilio

7 MS. DEMILIO: Yes. And I'm not going to have a
8 certified copy of something unless I can cross-examine
9 the police officer on the nature of the calls, where they
10 came from, where they are exactly. I don't know what
11 kind of a police report he would submit. It could be
12 from a wider area. I just think it's totally unfair at
13 this stage to allow something like that after we've had
14 months between these two hearings.

15 CHAIRMAN GARBER: I understand that. I
16 understand your point. Mr. Hurdle.

17 MR. HURDLE: We didn't know that there would be
18 -- how do I want to phrase this -- so much conflicting
19 testimony as to police calls, call ins and criminal
20 activity.

21 CHAIRMAN GARBER: I'm just going to say this.

1 I would like to remind everyone that a parking variance
2 hearing, as to the scope of criminal activity or calls
3 made, I'm not really sure where that fits in with what we
4 need to decide here as a Board. So I don't think that
5 evidence is going to be helpful. We're not going to
6 leave the record open therefore, for a certified police
7 record, to calls made in the area, only to discover that
8 maybe we don't agree on what the area is, what the calls
9 were, and why they were made or whatever the case may be.
10 We'll just be going down a rabbit hole after rabbit hole
11 after rabbit hole, and away from the parking and other
12 matters that are really the ones we have to decide.

13 So with that in mind, is there anything else
14 further today?

15 MR. HURDLE: Not at this moment, no.

16 MS. DEMILIO: If I could just produce the sign-
17 in sheet for today.

18 CHAIRMAN GARBER: Yes. Have you shown --

19 MR. HURDLE: Yeah, no problem.

20 CHAIRMAN GARBER: -- Mr. Hurdle? Okay. So
21 I'll mark this People's Counsel's 8, I believe we're at.

1 MR. EVANS: Yes.

2 CHAIRMAN GARBER: Okay. And no objection to
3 that, it will be in the record here.

4 (Whereupon, the document
5 referred to as People's
6 Counsel's Exhibit 8 was marked
7 and received into evidence.)

8 CHAIRMAN GARBER: So you rest your case?

9 MR. HURDLE: I'm not sure everybody from our
10 side signed in. I apologize.

11 CHAIRMAN GARBER: Well, it's the People's
12 Counsel's sign-in sheet.

13 MR. HURDLE: So then we're fine.

14 CHAIRMAN GARBER: Yeah, we see who's here
15 today. I will take a note, as I can tell, one, two,
16 three, four, at least five people who have testified, and
17 actually you testified before Mr. Phillips.

18 MR. PHILLIPS: No, I have not testified.

19 CHAIRMAN GARBER: You have not testified.
20 Okay. So there are three people here obviously present
21 to support Petitioner.

1 Anything further in terms of evidence?

2 MR. HURDLE: Not today.

3 CHAIRMAN GARBER: Okay. Well, that means we're
4 done. The record will be closed.

5 We will now have to schedule memos, post-
6 hearing memos regarding each party's position. What
7 would work for everybody? Typically we look at 30 days.
8 Are you familiar with the process of submitting it here
9 by 3:00.

10 MR. HURDLE: Yes.

11 CHAIRMAN GARBER: Okay. Ms. Demilio, 30 days
12 will work for you? I see a smile.

13 MS. DEMILIO: Well, I shouldn't say -- you
14 know, I prefer a little bit longer, and I don't know if
15 you would object to it.

16 MR. HURDLE: I would love to have 60 days. I'd
17 like to have the transcript as well.

18 MS. DEMILIO: I'll take anything between 30 and
19 60.

20 CHAIRMAN GARBER: Anything between?

21 MS. DEMILIO: Forty-five and up.

1 CHAIRMAN GARBER: Okay.

2 MS. DEMILIO: Only because I have other memos
3 for other cases.

4 CHAIRMAN GARBER: Yes. How about we do 60 then
5 and make everybody happy today?

6 MR. HURDLE: Great.

7 CHAIRMAN GARBER: So 60 days for memos because
8 I understand you're going to request the transcript.

9 MR. HURDLE: Yes. So this will be March 20th.

10 CHAIRMAN GARBER: So March 18th.

11 MS. DEMILIO: Okay.

12 MR. HURDLE: Great.

13 CHAIRMAN GARBER: Monday, March 18th. And then
14 from there, people who are in the audience, what will
15 happen next, is then after the memos are submitted, we
16 will schedule a deliberation at which time we will -- the
17 three of us at least, plus counsel and it's obviously a
18 public event, so to whoever attends, discuss what will
19 happen with this case.

20 MS. DEMILIO: And I would just like to clarify
21 that the memos are going to be on the petition for

1 variance. Is that correct? That's it?

2 CHAIRMAN GARBER: They're supposed to be on
3 what we're deciding, right. So as --

4 MS. DEMILIO: Based on his petition, he asked
5 for a variance?

6 CHAIRMAN GARBER: Yes. His petition.

7 MS. DEMILIO: Nothing else?

8 CHAIRMAN GARBER: Well, I don't see how we
9 could do that. I'm confused.

10 MS. RANDALL-JOLIVET: What did you say?

11 CHAIRMAN GARBER: Okay. So that's how that's
12 going to work. I would like to thank everyone here. I
13 know this has been challenging. I know that there is,
14 that some -- at certain points, there may be some
15 acrimony between the parties. You all should be
16 impressed by the counsel that you have that represents
17 you in this because I understand with the motions that
18 are involved, you know, while the financial investment in
19 this hearing as well, and the lifetime that you guys have
20 all spent in your homes, that there's a lot -- there are
21 a lot of other issues that are going on out there.

1 Thank you all for comporting yourselves, you
 2 know, in the manner that you have here in front of the
 3 Court, and thank you all for your patience, if nothing
 4 else. So.

5 MS. DEMILIO: Thank you for your patience.

6 MR. HURDLE: Thank you. Can we be excused?

7 (Whereupon, at 3:39 p.m., the hearing concluded
 8 on January 19, 2019.)
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C E R T I F I C A T E

1 I, KATHRYN A. MIRFIN, certify that the
 2
 3 foregoing is a true and correct transcript, to the best
 4 of my ability, of the above pages, of the electronic
 5 recording provided to me by the Board of Appeals for
 6 Baltimore County, of the proceedings taken on the date
 7 and time previously stated in the above matter.

8 I further certify that I am neither counsel
 9 for, related to, nor employed by any of the parties to
 10 the action in which this hearing was taken, and further
 11 that I am not financially nor otherwise interested in
 12 the outcome of the action.

13 March 11, 2019
 14 Date

Kathryn A. Mirfin
 Kathryn A. Mirfin
 Transcriber

15
 16
 17 Within this transcript of proceedings, some of
 18 the names and/or technical terms are spelled
 19 phonetically, inasmuch as exhibits, files and support
 20 documentation were not made available to us for
 21 reference.

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BOARD OF APPEALS OF BALTIMORE COUNTY
ZONING BOARD

-----x
In the matter of:)
)
Premier Lounge, LLC) Case Number:
180 Winters Lane) 18-149-SPHA
)
Petitioners)
-----x

PETITION FOR SPECIAL HEARING

Jefferson Building
105 West Chesapeake Avenue
Suite 206
Towson, Maryland 21204

September 27, 2018
Volume I of II, pages 1 to 266

BEFORE:

JASON S. GARBER, Chairman

ALSO PRESENT:

JOSEPH L. EVANS
KENDRA RANDALL JOLIVET

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APPEARANCES:

On Behalf of the Petitioner/Appellant:

Abraham L. Hurdle, Esquire
320 North Charles Street
Baltimore, Maryland 21201

On Behalf of the Protestants:

Carroll and Lynne LeVere
207 Wesley Avenue
Catonsville, Maryland 21228

Margo and Kim Lawson
15 Shipley Avenue
Catonsville, Maryland 21228

Also present:

Thomas J. Hoff
512 Virginia Avenue
Towson, Maryland 21286

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I N D E X

<u>Witness:</u>	<u>Examined By:</u>	<u>Page:</u>
Thomas J. Hoff	Mr. Hurdle	17
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Frank J. Lidinaky	Mr. Hurdle	116
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Andre Henderson	Mr. Hurdle	174
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Stephen Patterson	Mr. Hurdle	190
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E X H I B I T S

<u>Exhibit #:</u>	<u>Description</u>	<u>Marked</u>	<u>Received</u>
Petitioner:			
1	Resume of Thomas J. Hoff	24	30
2	Plan accompanying Petition for Special Hearing	40	109
3	Letter dated 1/26/18 from Baltimore County Planning Office	105	109
4	Attendance Sheet at Community Meeting	139	173
5	Presentation about Premier Lounge	141	173
6	Flyers about Premier Lounge	142	173
7	Affidavit of Keith Keene	198	200
Protestant:			
1	Premier Lounge, LLC, Internet Printout	263	264
2	Sign-in Sheet	263	264

P R O C E E D I N G S

(10:53 a.m.)

CHAIRMAN GARBER: All right. We are here today in the matter of Premier Lounge, LLC, Case Number 18-149-SPHA. We are here for a variance matter. It's a Petition for Special Hearing.

Will counsel for the parties please introduce themselves?

MR. HURDLE: Abraham Hurdle on behalf of Premier Lounge, LLC, the property owner.

CHAIRMAN GARBER: Abraham Hurdle, right?

MR. HURDLE: Yes.

CHAIRMAN GARBER: And it's H-u-r-d-l-e.

MR. HURDLE: Correct.

CHAIRMAN GARBER: From what I recall. Okay.

MS. DEMILIO: Carole Demilio, Deputy People's Counsel for Baltimore County.

CHAIRMAN GARBER: Are there any preliminary matters?

MR. HURDLE: Not at this time.

CHAIRMAN GARBER: Okay. All right. So let's

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get a forecast here of what we're doing and what's the game plan for today. Mr. Hurdle?

MR. HURDLE: Currently, we're applying for a variance with regards to parking and associated issues with regards to property setbacks and things of that nature at the property. We're also concerned with the fact that we believe the use has been preexisting since as far back as I believe as 1953, that's there been no period of time for of a year where it was vacant or unused.

CHAIRMAN GARBER: Okay. I don't know how much of your case you want to forecast for me today. Are we competent that this is going to be something that's going to wrap up today?

MR. HURDLE: I hope to wrap it up today, absolutely.

MS. DEMILIO: No, I think so. I mean, we think we're just here on variances and the commercial parking in a residential zone period. There's no other special hearing. So I don't know what Mr. Hurdle was alluding to in his statement, but nonetheless, as you know, there's

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1 no amendment of any kind -- of any relief at this level.
2 So we're here for variances and commercial parking in the
3 residential zone.

4 CHAIRMAN GARBER: All right. So that's the
5 case.

6 MS. DEMILIO: And we also have -- well, there
7 are several neighbors here that would like to testify,
8 three of them to be exact. So -- but, you know, we can
9 probably finish today or I'm hopeful we can.

10 CHAIRMAN GARBER: Okay.

11 MR. HURDLE: We have several witnesses as well.
12 In terms of today, I imagine it will take maybe a couple
13 of hours today.

14 MS. RANDALL-JOLIVET: Who are your witnesses?

15 MR. HURDLE: We have the engineer and architect
16 who are going to be testifying. We have several
17 community members and the property owners as well as I
18 have a couple of affidavits from people who ran the bar
19 previously as well.

20 MS. RANDALL-JOLIVET: Is everyone here is going
21 to be witnesses that you have sitting?

1 CHAIRMAN GARBER: I'm not sure everyone here is
2 going to be testifying, but this is the group of people
3 who we'll be pulling from.

4 MS. RANDALL-JOLIVET: So with that, I would let
5 everyone know. There are a couple of I guess potential
6 witnesses on this side that I do know. One is
7 Mr. Phillips and one is Ms. McClendon (ph.) on this side.
8 So I know them both. I was in an organization with his
9 wife.

10 CHAIRMAN GARBER: Mr. Phillips?

11 MS. RANDALL-JOLIVET: Mr. Phillips. And Ms.
12 McClendon, she was a speaker at conferences that I did
13 for many years. So I do want to disclose that for
14 everyone and if anyone has any objections, please advise.

15 MR. HURDLE: I have --

16 MS. DEMILIO: I have confidence in you being an
17 objective observer and decision maker. So, yeah.

18 MS. RANDALL-JOLIVET: Thank you.

19 MR. HURDLE: Thank you.

20 MR. EVANS: And as a clarification, I'm not a
21 witness but I am advising.

1 MS. RANDALL-JOLIVET: Thank you.

2 CHAIRMAN GARBER: All right. So with that in
3 mind, we can begin. Do you want to do an opening
4 statement or do you want we should just get to the
5 merits.

6 MR. HURDLE: We can do a brief opening
7 statement.

8 CHAIRMAN GARBER: That would be helpful.

9 MR. HURDLE: Sure. With regard to the
10 variance, I guess the current issue at hand is -- falls
11 under two kind of categories. The property requires,
12 given its square footage, somewhere in the neighborhood
13 of 75 parking spaces. That's the -- what the code would
14 require. In addition, the property is split front to
15 back between two different zoning code sections. The
16 front section, where the actual facility rests, is a BL
17 and the back is a residential zone where the parking area
18 is.

19 As such, we need a variance for the number of
20 parking spots and we need a variance for, again, both the
21 zoning use in the back of the property as well as various

1 setbacks in an effort to get the spots in there and to
2 meet code in a manner that is satisfactory with all the
3 different departments of the County.

4 CHAIRMAN GARBER: Okay. Anything else?

5 MR. HURDLE: Not at the moment.

6 CHAIRMAN GARBER: Ms. Demilio?

7 MS. DEMILIO: Let me just say that this
8 particular file caught the attention of our office
9 because of the significant difference between the
10 required parking spaces and what they're providing for on
11 this site.

12 And, according to their site plan, the
13 landscape architect says they need 91 spaces for --
14 because there's multiple uses on this site, and they can
15 only provide 7. So reduce that to percentages, I think
16 they're only providing 8 percent of the parking required.
17 That means they have a 92 percent deficiency.

18 We found this to be very, very significant in
19 terms of variance relief here, because the uses here are
20 a bar, a tavern, a restaurant, a package good store,
21 among other things, and it operates well into the night.

1 So where do -- where do the patrons park?

2 The area you will find by the evidence -- the
3 site rather, you will find that the area is predominantly
4 residential surrounding this site. So the neighbors are
5 here to testify that because of the lack of parking, the
6 spillover goes into the neighborhood. These type -- This
7 type of use or uses on the site have practically 24 hour
8 patrons parking in their neighborhood.

9 So that has caused significant problems for
10 them which they will tell the Board. And, I think this
11 was looked at, at the Administrative Law Judge's case and
12 decision, and that is why our office had looked at this
13 very closely.

14 So what happens if a patron arrives at the
15 Premier Lounge, and they're not in the first seven that
16 they're providing? That doesn't even count the
17 employees. So you may not even have to be in the first
18 seven. Where do they park? They're going to spill over
19 and park into the neighborhood. And, that is what the
20 problem is here.

21 As I said, this residential area surrounds --

1 is the surrounding area. So we're not talking about
2 parking that, you know, doesn't matter to the owners in
3 the area. So we know that here -- and they're looking
4 for a liquor license or they have a liquor license. So
5 we know what type of use is here.

6 And according to their website, they stay open
7 on Sundays until 12 in the morning, and this is where the
8 neighbors have found -- this among other issues, where
9 the neighbors have really completely been disrupted in
10 their use of their residential home, some of them
11 longtime here. This is a longstanding neighborhood.
12 This isn't a new neighborhood. It's been residential for
13 quite some time.

14 So, what are they looking for? They're looking
15 for variances. And, we know the Appellate Courts rarely
16 approve variances because there's strict standards, and
17 I'm sure this Board is familiar with those strict
18 standards.

19 The first thing is uniqueness. We saw nothing
20 here to make the property unique in any way. As this
21 Board has emphasized in other cases, and is going back to

1 Cromwell v. Ward, and all the Appellate cases that
 2 followed, uniqueness has to do with the shape, the
 3 topography, the subsurface conditions, environmental
 4 factors, historical significance, access to navigable
 5 waters, practical restrictions imposed by abutting
 6 properties. We see none of that here which means this
 7 case could end if there is no uniqueness.

8 But, even if there is uniqueness, and we went
 9 onto the next standard which is practical difficulty, the
 10 first thing I want to emphasize is the practical
 11 difficulty of not having enough parking spaces has to be
 12 related to whatever unique feature they allege is on the
 13 property. So if there isn't that connection, that nexus,
 14 it doesn't matter if there is some form of uniqueness
 15 about the property if it doesn't lead to the reason they
 16 need the variance. So that's very important.

17 But, to go onto the standards for practical
 18 difficulty, it's not what the owner prefers to use on the
 19 property. The whole idea of granting a variance is to
 20 provide the owner with some reasonable use.

21 This site is zoned BL, and I counted 76

1 permitted uses, including residential uses, in this zone.
 2 Many of these have much fewer parking requirements than
 3 these proposed uses here have. So it's hard for anyone
 4 to believe that there's not a reasonable use for the
 5 property keeping it zoned the way it is.

6 So, the facts seem to point to this multiple
 7 use as really just being too intense for this site. The
 8 building itself is -- it doesn't matter how long the
 9 building's been there or whatever. This is a use -- this
 10 has been a commercial zone consistently. So, this is a
 11 use in a commercial zone that has to comply with the
 12 regulations.

13 The fact that it may not have complied with the
 14 regulations in the past does not justify granting a
 15 variance now. They've been in violation for years.
 16 Imagine what it would be like if we just approved
 17 everything where someone was in violation for many years
 18 and got away with it and now wants to be sanctioned by
 19 having a variance approved for the site.

20 So, in our opinion, the variance shouldn't even
 21 be granted on -- just on a legal basis alone because we

1 see nothing in the evidence submitted below and in our
2 investigation of this site that shows that the variances
3 should be granted.

4 But, I think even so, when the lack of parking
5 and the lack of a suitable use for this site or an
6 appropriate use for this site, interferes with the
7 neighborhood, then the deficiency is really significant,
8 the deficiency in the parking is really significant.
9 And, frankly, in this case, in our opinion, we say it is
10 really rather egregious that they are deficient by 92
11 percent.

12 So, we think all the variances here and all the
13 relief should be denied.

14 Now, I'd like to just point out again, and
15 emphasize, and I know this Board knows, that the burden
16 of proof is on the Petitioner. It's not on the citizens
17 to say why they have to put up with this or if they have
18 put up with it in the past, or who the previous owners
19 were. This owner has to come in and show there's very
20 strict standards to grant to grant a variance or any
21 other relief that they request.

1 Now, I didn't cite a whole lot of cases in this
2 opening, but I'm confident that everything I've said here
3 with regard to the legal standards is settled law in
4 Maryland, not only in the Baltimore County Zoning
5 Regulations, but in the Appellate Courts as well. So, we
6 see nothing in here to justify these variances, and I
7 think the citizens' proof will show why the zoning
8 regulations requiring the number of parking spaces that
9 are required makes sense, and that from a practical point
10 of view, and also that obviously it's a legal standard.
11 And, it's reasonable that they need to have those kinds
12 of parking spaces for these uses.

13 CHAIRMAN GARBER: Thank you.

14 MS. DEMILIO: Thank you.

15 CHAIRMAN GARBER: All right. Mr. Hurdle, call
16 your first witness please.

17 MR. HURDLE: Sure. My first witness is going
18 to be Mr. Hoff, the landscape architect.

19 MS. RANDALL-JOLIVET: Did you say Mr. Hoff?

20 CHAIRMAN GARBER: Yes.

21 MS. RANDALL-JOLIVET: Would you stand and raise

1 your right hand please?

2 (Whereupon,

3 THOMAS J. HOFF

4 was called as a witness by the Petitioners and, after
5 having been first duly sworn, testified as follows:)

6 MS. RANDALL-JOLIVET: Thank you. And please
7 state your name and your business address for the record
8 and spell your last name please.

9 MR. HOFF: Okay. My name is Thomas J. Hoff.
10 Last name is spelled H-o-f-f. I'm a registered landscape
11 architect. My offices are at 512 Virginia Avenue here in
12 Towson 21286.

13 MS. RANDALL-JOLIVET: Thank you.

14 MR. HURDLE: Mr. Hoff, very briefly, can you
15 kind of give us an overrun of the various and
16 requirements that we're asking for in this application?

17 MR. HOFF: As a result of the property being
18 zoned both BL and DR5.5, with the building being in the
19 BL portion of the property, and the area for parking is
20 in the DR5.5 section, this would require a special
21 hearing to allow business parking in a residential zone.

1 We're obviously asking for variances to the
2 number of parking spaces that have already been discussed
3 here. We're also asking for a variance to allow parking
4 at a distance to a street line of 5 feet in lieu of the
5 required 10 feet. A variance not to provide a back up
6 area for the end of the parking space. Here again, we're
7 talking about a very small space for the parking.

8 Then we have three variance requests that are
9 tied to the *Landscape Manual*. They're not directly in
10 the zoning code, but a part of the code refers us to the
11 *Landscape Manual* for these issues. And, that's a
12 variance to allow a 3 foot wide landscape strip adjacent
13 to the residential property in lieu of the required 10,
14 and I can show you on the plan, if you want me to do so.

15 CHAIRMAN GARBER: At this time, if you're
16 identifying for us, basically giving us a roadmap of what
17 you're about to testify to, I think it's fine to just
18 keep going with your roadmap and then as we get into each
19 individual issue, you'll be able to point out what you
20 are proposing and why you are proposing it, the basis for
21 it, what the authority is that would, you know, otherwise

1 be required, all those things. We can get into them by
2 issue, but as for now, it sounds like you were just
3 giving us a roadmap.

4 MR. HOFF: Yes. Basically, yes.

5 CHAIRMAN GARBER: So you had 3 foot -- you're
6 asking for a 3 foot wide landscape strip instead of the
7 required 10 feet?

8 MR. HOFF: Yes.

9 CHAIRMAN GARBER: And next was?

10 MR. HOFF: And we have a variance of about 3
11 feet between the edge of the parking lot and the face of
12 the building in lieu of the required 6 feet. And, then a
13 variance of a 5 foot setback from a dumpster enclosure to
14 a residential property line, and an 8 foot setback to a
15 right-of-way line in lieu of the required 10 foot for
16 that dumpster.

17 Then the final variance is related to basically
18 RTA issues, a variance to allow a 3 foot buffer and a 3
19 foot setback in lieu of the required 50 foot buffer and
20 75 foot setback.

21 CHAIRMAN GARBER: All right. Thank you for

1 identifying all the relief to be requested. Mr. Hurdle.

2 MR. HURDLE: Mr. Hoff, you've made these
3 requests and these adjustments based on -- what level of
4 experience do you have in this industry?

5 MR. HOFF: I have been a registered landscape
6 architect since the early '80s. I have been doing site
7 design in Baltimore County even prior to that, when --
8 even prior to my registration. I have been working
9 almost exclusively in Baltimore County for almost the
10 last 50 years now.

11 UNIDENTIFIED SPEAKER: Fifty or fifteen?

12 MR. HOFF: Fifty. Yeah. My actual first job,
13 even while I was still going to school, was as a
14 draftsman in the Planning and Zoning Office of Baltimore
15 County which is where I first got exposed to the zoning
16 code and to the Planning Office type of thing. This
17 eventually led to me really getting more and more
18 involved in Baltimore County as I went into the site
19 design part of it.

20 My experience in the Zoning Office and my
21 experience with the zoning people, just kind of sent me

1 in that direction of, you know, trying to be as
2 knowledgeable about the code as I could for the plans
3 that I was doing for my clients, for my site plans.
4 MR. HURDLE: Before you get too far into kind
5 of other aspects of the matter here, could you through --
6 we went through the roadmap of these things.
7 MR. HOFF: Um-hum.
8 MR. HURDLE: Is it possible for you to explain
9 on the diagram what the various variance you're
10 requesting are, why we're requesting them and things of
11 that nature.
12 MR. HOFF: Yes.
13 CHAIRMAN GARBER: If we can just back up a
14 second.
15 MR. HURDLE: Sure.
16 CHAIRMAN GARBER: He's a registered landscape
17 architect, and he just went over briefly some of his
18 background and experience. I'm assuming you're going to
19 be tendering him as a expert --
20 MR. HURDLE: Correct.
21 CHAIRMAN GARBER: -- in those areas.

1 MR. HURDLE: Um-hum.
2 CHAIRMAN GARBER: Do you intend to do more
3 questioning as to that?
4 MR. HURDLE: Yes, absolutely.
5 CHAIRMAN GARBER: Well, let's do -- let's take
6 care of that part first.
7 MR. HURDLE: Sure.
8 CHAIRMAN GARBER: So then if Ms. Demilio has
9 any voir dire on that.
10 MR. HURDLE: Sure.
11 CHAIRMAN GARBER: Then we can get into any
12 opinions and everything else that follows. I think
13 that's a better way to probably structure this for this
14 matter.
15 MS. DEMILIO: Thank you.
16 CHAIRMAN GARBER: I assume you're going to have
17 questions about --
18 MS. DEMILIO: I just have a couple questions.
19 CHAIRMAN GARBER: Right. So if you can just
20 finish with your questions as to those matters first
21 before we get into the, you know --

1 MR. HURDLE: Sure.

2 CHAIRMAN GARBER: -- the opinion part.

3 MR. HURDLE: Mr. Hoff, you've, in the past,

4 done landscape architecture in Baltimore County, correct?

5 MR. HOFF: Yes.

6 MR. HURDLE: And you've done numerous variance

7 requests?

8 MR. HOFF: Yes.

9 MR. HURDLE: And you've done the site planning

10 on would it be accurate to say on dozens and dozens of

11 properties?

12 MR. HOFF: Oh, hundreds.

13 MR. HURDLE: Would you consider your knowledge

14 to be an area of expertise in this particular field?

15 MR. HOFF: Yes, sir.

16 MR. HURDLE: At this time, I would proffer Mr.

17 Hoff as an expert in his field.

18 MR. HOFF: I have resumes there with a list of

19 my zoning cases and Board of Appeal hearings I've been

20 on.

21 CHAIRMAN GARBER: You can show Ms. Demilio

1 first.

2 MR. HURDLE: Sure.

3 MS. RANDALL-JOLIVET: When you say in this

4 field, do you mean landscape architecture?

5 MR. HURDLE: Absolutely.

6 CHAIRMAN GARBER: Do you just have one copy?

7 MR. HURDLE: I have an extra copy for the

8 Board.

9 CHAIRMAN GARBER: Well, that's -- yeah, we're

10 going to --

11 MR. EVANS: Should we put it in evidence?

12 CHAIRMAN GARBER: Yeah, I think we need to have

13 this in evidence.

14 (Whereupon, the document

15 referred to Petitioner's

16 Exhibit 1 was marked for

17 identification.)

18 CHAIRMAN GARBER: I guess that will be for Ms.

19 Demilio.

20 MS. DEMILIO: That's fine.

21 CHAIRMAN GARBER: For future reference, make

1 sure you have four copies for each Board member, that
2 would be one, one, one, and then the exhibit itself. And
3 then a fifth for the opposing counsel.

4 Probably best at the conclusion of the hearing,
5 I guess for any exhibits that have not -- no copies have
6 been provided, it would be better to e-mail them Ms.
7 Kettington (ph.) or Tammy here at the Board so that we
8 can have them for our use prior to any deliberation.

9 MR. HURDLE: We get to provide electronic
10 duplicates of everything.

11 CHAIRMAN GARBER: Yes, make sure, Ms. Demilio,
12 of course, would be copied on that.

13 MR. HURDLE: And I'll make sure she reviews
14 anything before we present it today, of course.

15 MS. DEMILIO: Yes.

16 MR. HURDLE: Absolutely.

17 CHAIRMAN GARBER: Right. But just so she has
18 her own copy in the event that something comes up
19 today --

20 MR. HURDLE: Absolutely, yeah.

21 CHAIRMAN GARBER: -- to apprise her of that.

1 MR. HURDLE: Yeah, sure.

2 MR. EVANS: I assume that you're offering Mr.
3 Hoff as an expert in landscape architect and in the
4 requirements of -- for variances under the Baltimore
5 County Code and --

6 MR. HURDLE: In regards to the Baltimore County
7 Code as a whole, absolutely.

8 MS. RANDALL-JOLIVET: Could you clarify the
9 areas of expertise for us, Mr. Hurdle? I'm not sure --

10 MR. HURDLE: Sure. Mr. Hoff will be offered as
11 an expert with regards to his experience in the Baltimore
12 County Code, variances within zoning, working with the
13 Planning Department, things of that nature. Basically
14 with regard to applying for variances as a whole would be
15 his area of expertise.

16 MR. EVANS: And landscape.

17 MR. HURDLE: Landscape architecture, of course,
18 as well.

19 MS. RANDALL-JOLIVET: Thank you.

20 CHAIRMAN GARBER: With that in mind, Ms.

21 Demilio, do you have any questions for this witness?

1 MS. DEMILIO: Yes. So, Mr. Hoff, you have no
2 legal background. Is that correct?

3 MR. HOFF: No. No, ma'am.

4 MS. DEMILIO: Okay. And so primarily what --
5 when you say landscape architect, you are just preparing
6 site plans as your expertise? Is that what you've done
7 in the past? On all these cases you've listed, you've
8 just prepared site plans asking for variances for various
9 sites and properties?

10 MR. HOFF: Yes. Well, just preparing site
11 plans is -- it's just not a question of drawing lines.
12 It's a question of understanding the zoning issues
13 involved, understanding the property issues involved, in
14 terms of boundary stuff. I also have to have a knowledge
15 of civil engineering, in terms of making sure that my
16 site designs would meet standard engineering practices.
17 Landscape architects are the only profession that is
18 trained in how to actually design and lay out properties.

19 Civil engineers are not trained this way.
20 They're trained in mathematics of pipes and road designs
21 and structural designs. Surveyors are trained in the

1 boundary information.

2 So we are really the profession of site design
3 itself. We figure out where the buildings to, the
4 parking goes. If it's residential, we lay out the
5 streets. We lay out the lots. I do grading plans. I do
6 sediment control plans. I do simple stone water
7 management plans. This has been a part of my -- the work
8 I've done my whole life.

9 MS. DEMILIO: Okay. Just to clarify, are you
10 saying civil engineers cannot prepare site plans and
11 testify --

12 MR. HOFF: I'm saying that civil engineers do
13 not have formal training in site design itself. Yes,
14 ma'am.

15 MS. DEMILIO: Okay. But they do prepare site
16 plans.

17 MR. HOFF: They do prepare site plans. They
18 got here first, yes.

19 MS. DEMILIO: Okay. All right. Thank you.
20 And when you do these site plans, you -- I assume you
21 consult with the Baltimore County offices?

1 MR. HOFF: Oh, yes, ma'am. Yes, ma'am.

2 MS. DEMILIO: So you look to them for what's
3 required?

4 MR. HOFF: I look at -- I look to see what the
5 regulations are, yes.

6 MS. DEMILIO: And then you meet with the County
7 people?

8 MR. HOFF: Yes. Um-hum.

9 MS. DEMILIO: Who advise you on what's required
10 for a site?

11 MR. HOFF: Yes, sure.

12 MS. DEMILIO: Okay. All right. And I assume
13 you have your own business. Is that --

14 MR. HOFF: Yes.

15 MS. DEMILIO: Do you have any other employees?

16 MR. HOFF: No, I'm sole proprietor at this
17 time.

18 MS. DEMILIO: You're the sole proprietor.

19 MR. HOFF: Um-hum.

20 MS. DEMILIO: I'm not going to object to Mr.
21 Hoff testifying about the site plan he prepared or what

1 his understanding is of why he asked for the relief that
2 they're asking for. I mean, obviously he's been at this
3 for a long time. I've think I've seen you in other
4 cases. I'm sure.

5 MR. HOFF: Yes.

6 MS. DEMILIO: Maybe not the ones I thought of
7 before, but some of them. So --

8 CHAIRMAN GARBER: Somewhere along the way.

9 MS. DEMILIO: Right, somewhere along the way I
10 know. So, you know, I don't any object to any questions
11 about the site plan or what he thinks is necessary. He
12 obviously doesn't have any legal training but --

13 CHAIRMAN GARBER: All right. You will be
14 received as an expert in landscape architecture with
15 familiarity of the Baltimore County Code, variances and
16 working the Planning Department.

17 MR. HURDLE: Mr. Hoff, we heard some --

18 CHAIRMAN GARBER: Of course, Exhibit I is
19 admitted.

20 (Whereupon, the document
21 referred to Petitioner's

1 Exhibit 1 was received into
2 evidence.)
3 MS. DEMILIO: Yes, I have no objection.
4 MR. HURDLE: Wonderful. Thank you.
5 MS. DEMILIO: That's Petitioner's 1.
6 MR. EVANS: Mr. Hoff, you said 50 years. Did
7 you mean 50 years or did you mean 40 years that you've
8 been involved in this?
9 MR. HOFF: Well, my first job was, and this is
10 while I was going to college, was in 1967 with the
11 Planning and Zoning Office. So did I get my math wrong
12 on that?
13 MR. EVANS: No.
14 MS. RANDALL-JOLIVET: I think we're looking at
15 your degree from West Virginia in '76.
16 MR. HOFF: 1976, yes.
17 MR. EVANS: So 1976 is 42 years ago.
18 MR. HOFF: Um-hum. Um-hum.
19 MS. RANDALL-JOLIVET: So how long were you at
20 West Virginia? You know, they have a reputation --
21 MR. HOFF: All right.

1 MS. RANDALL-JOLIVET: You spent 7 years of your
2 life -- how long were you at West Virginia?
3 MR. HOFF: Three years.
4 MS. RANDALL-JOLIVET: Three.
5 MR. HOFF: Because I did -- I had done -- I had
6 been in college night school prior to that, to get my
7 base credits.
8 MS. RANDALL-JOLIVET: Okay.
9 MR. HOFF: Then I basically went back to West
10 Virginia to complete my education. In the time prior to
11 being at West Virginia, I worked for surveyors, engineers
12 and landscape architectures.
13 MS. RANDALL-JOLIVET: So you're counting that
14 time. That's fine.
15 MR. HOFF: Yes.
16 MR. EVANS: All right. Thank you.
17 CHAIRMAN GARBER: All right. Mr. Hurdle.
18 MR. HURDLE: Thank you. Mr. Hoff, we heard
19 some descriptions with regards to alternative uses for
20 this property, and I just want to go to that very briefly
21 with regards to other commercial uses at this property

1 and with regards to this 75 or million parking spaces and
 2 how we're getting, you know, 2 percent or 10 percent of
 3 what we're being asked to have. Did you review parking
 4 requirements for the BL zone that the building sits in?

5 MR. HOFF: Yes. Yes, sir.

6 MR. HURDLE: And for the current tavern and
 7 package goods usage, it requires how many parking spots?

8 MR. HOFF: It required 16 spaces per 1,000
 9 square feet of gross building area.

10 MR. HURDLE: And then --

11 CHAIRMAN GARBER: Just to clarify that, the
 12 standard is 16 spaces per 1,000 square feet of gross
 13 usable area?

14 MR. HOFF: Of gross building area.

15 CHAIRMAN GARBER: Gross building area.

16 MR. HOFF: Um-hum.

17 CHAIRMAN GARBER: How many spots are needed, as
 18 I understood the question, for -- as it exists today, how
 19 many spots would be required today based on what your
 20 understanding of the standard is?

21 MR. HOFF: Based on the code today?

1 CHAIRMAN GARBER: Yes.

2 MR. HOFF: It would require between the
 3 restaurant part and the package good part, would require
 4 a total of 90 space, 86.8 for the restaurant, 3.4 for the
 5 package goods and, of course, we round those numbers off.

6 CHAIRMAN GARBER: Right. And did I understand
 7 -- okay. So 16 per 1,000 square -- again one more time
 8 -- building space.

9 MR. HOFF: Of gross building area.

10 CHAIRMAN GARBER: Okay. All right. Sorry, Mr.
 11 Hurdle.

12 MR. HURDLE: There was a, I guess I'd call it
 13 an accusation, that a different commercial use could go
 14 in there and qualify under the number of parking spots
 15 that we've got. Did you look into that when you were
 16 doing the site plan for this?

17 MR. HOFF: Yes, sir. In terms of a commercial
 18 use for this property, the smallest amount of parking
 19 that I could find in the code would be 3.3 spaces per
 20 1,000 for general office use. And, even at that level,
 21 you would be requiring at least 20 parking spaces.

1 MR. HURDLE: And other, let's call then retail
2 commercial uses, would they be closer to the 90 or closer
3 to the -- was it 20 for the office use?

4 MR. HOFF: Twenty for the office. Once you go
5 up to retail, now you're talking 5 spaces per 1,000. So
6 now you're at like 30 spaces plus.

7 MR. HURDLE: So based on your research for this
8 property, there isn't any situation in which a commercial
9 use would occur where there wouldn't be the variance down
10 to 7 parking spots?

11 MR. HOFF: That is correct.

12 MR. HURDLE: The previous use of this property
13 -- did you look at the previous use of this property?

14 MR. HOFF: When you say previous use --

15 MR. HURDLE: What is -- did you look into what
16 it's historical use has been?

17 MR. HOFF: From the evidence that I can find,
18 historically it has been a restaurant use. That building
19 has been there with that type of use. I traced back to
20 aerial photos that I was able to find, that go back to
21 about 1957 that shows that building there at that point

1 in time. So I know the building has been there since
2 then.

3 Now, of course, I was young at that point in
4 time, so I did not know much about the restaurant itself.
5 But, I believe that that size building and that was its
6 use at that time, and it is the same today.

7 MR. HURDLE: So it has been essentially, based
8 on your research, the same exact use since its origin --

9 MR. HOFF: Yes, sir.

10 MR. HURDLE: -- at this property?

11 MR. HOFF: Yes, sir.

12 CHAIRMAN GARBER: Does that include the package
13 store or just the restaurant?

14 MR. HOFF: Here again, as far as I know,
15 restaurant, and whether there was a package goods in
16 there, I can't testify to that.

17 CHAIRMAN GARBER: Okay.

18 MR. HURDLE: The package goods lowers the
19 parking requirement overall versus the restaurant space.
20 Is that accurate?

21 MR. HOFF: That's correct. You need 5 spaces

1 per 1,000 for the package goods. It's the same as a
2 retail, retail store requirement.

3 MR. EVANS: So the way that works, do you take
4 the part of the building that is associated solely with
5 the restaurant and then you calculate that at 16 spaces
6 per that area of 1,000 feet.

7 MR. HOFF: Yes, sir.

8 MR. EVANS: Okay. And then the package goods,
9 that would be different?

10 MR. HOFF: Yes.

11 MR. EVANS: You take the square footage
12 associated with the package goods --

13 MR. HOFF: Yes.

14 MR. EVANS: -- and that is -- the ratio there
15 is public.

16 MR. HOFF: Yes.

17 MR. EVANS: Right. Okay.

18 MR. HOFF: Yes, because we determined that the
19 package goods takes up about 675 square feet and then
20 that leaves the remainder of the restaurant, which
21 includes, you know, the seating areas and the kitchens,

1 the storage areas, you know, it's based on gross building
2 area, and the restaurant comes up with 5,425 square feet.

3 MR. EVANS: 5,425 square feet.

4 MR. HOFF: Yes, sir.

5 MR. EVANS: So the presence of the package
6 store actually reduces the amount of parking spots?

7 MR. HOFF: Well, yeah.

8 MR. EVANS: Or it bottoms (ph.) it down a
9 little.

10 MR. HOFF: Yes, if the whole building was all
11 restaurant, then it would be even more parking.

12 MR. EVANS: Okay.

13 MR. HURDLE: To quickly address it, if
14 possible, you reviewed the actual blueprinted use of the
15 site, correct?

16 MR. HOFF: Yes, sir.

17 MR. HURDLE: And part of the space is for, I
18 guess not, I wouldn't say catering hall, but kind of a
19 hall used for private party -- not -- but like as a group
20 meeting area, correct?

21 MR. HOFF: Yes, sir.

1 MR. HURDLE: And that area isn't typically open
2 except the occasional, again an event?

3 MR. HOFF: To the best of my knowledge, yes,
4 um-hum.

5 MR. HURDLE: And how much square footage does
6 that space take up?

7 MR. HOFF: I don't -- I do not have an accurate
8 number on that. I have been in the building. I've seen
9 the package goods area. I have seen the area that has
10 the current bar, and the rest of the building was closed
11 off. They're not using it at this time as far as I know.
12 So I didn't actually get into that section of the
13 building. But, the square footage I could tell for the
14 bar section that's there is probably maybe 1,000 square
15 feet in addition to the 600 and some for the package
16 goods, and that's approximate.

17 MR. HURDLE: So there's a large portion of the
18 building, to your knowledge, that is of limited use the
19 vast majority of the time?

20 MR. HOFF: Yes. Yes, sir.

21 MR. HURDLE: And therefore the parking that

1 would be associated with that, would also be limited the
2 vast majority of the time?

3 MR. HOFF: Yes, sir. Yes.

4 MR. HURDLE: Can you show us on the map that we
5 have here, kind of the layout between the building itself
6 and this unusual split that occurs with the parking lot
7 area behind it in terms of the different zoning areas and
8 what we're looking at?

9 MR. EVANS: Should I pull this --

10 CHAIRMAN GARBER: We can mark that plan as
11 Exhibit --

12 UNIDENTIFIED SPEAKER: 2.

13 (Whereupon, the document
14 referred to Petitioner's
15 Exhibit 1 was marked for
16 identification.)

17 CHAIRMAN GARBER: And do you have a copy for
18 Ms. Demilio by chance or --

19 MR. HOFF: I do not.

20 MR. HURDLE: We do not think we have an extra
21 copy.

1 MS. DEMILIO: Can I just ask, is this the same
2 site plan from the lower hearing --

3 MR. HOFF: Yes, ma'am.

4 MS. DEMILIO: -- the hearing before the
5 Administrative Law Judge. It's the exact same one.

6 MR. HOFF: It's the exact same -- it has to be
7 the exact same one.

8 CHAIRMAN GARBER: Just so it's clear, so it's
9 being recorded. When you step away from the microphone,
10 you have to keep your voice up.

11 MR. HOFF: Okay.

12 CHAIRMAN GARBER: So the answer -- the question
13 was, is it the same as the site plan used below the ALJ
14 hearing? The answer here was, yes, it's the same. And
15 then I understood there were no changes from that. Is
16 that correct?

17 MR. HOFF: That is correct, sir.

18 CHAIRMAN GARBER: Ms. Demilio.

19 MS. DEMILIO: I'm looking to see. There's a
20 date on this of 11/30/17. Is that the same date, Mr.
21 Hoff? Is that (Indiscernible) the square? I can

1 approach.

2 CHAIRMAN GARBER: Yep.

3 MS. DEMILIO: I just want to make sure it's the
4 same thing.

5 MR. HOFF: Um-hum.

6 MS. DEMILIO: Oh, no, it's a different date.

7 MR. HOFF: This is 12/21.

8 MS. DEMILIO: Well, the one I have is 11/30.

9 So I --

10 CHAIRMAN GARBER: Okay. So let's do this. Why
11 don't we take a couple of minutes here. Ms. Demilio, if
12 you want to compare the two site plans to see what, if
13 any, differences there are --

14 MR. HURDLE: Sure.

15 CHAIRMAN GARBER: -- other than that date,
16 that's fine.

17 MR. HOFF: Why that date was changed, I'm
18 afraid I can't tell you exactly.

19 MS. DEMILIO: Even though you're the only
20 employee?

21 MR. HOFF: Um-hum. Yeah.

1 CHAIRMAN GARBER: Well, let's -- before we go
2 any further, there are no questions pending. So there's
3 no need to answer anything right now.

4 MS. DEMILIO: I'm sorry.

5 CHAIRMAN GARBER: There's no questions pending.

6 MS. DEMILIO: It wasn't --

7 CHAIRMAN GARBER: No, it's okay. I just wanted
8 to make sure this is not evidence that's being discussed
9 here because there's nothing pending at the moment.

10 MR. HURDLE: I anticipated that. It was --

11 CHAIRMAN GARBER: It's quite all right. It's
12 quite all right.

13 MS. DEMILIO: Let me just say, it may very well
14 may be the exact same. I'm not trying to cause trouble
15 here. I'm just trying to say, can I look at this one or
16 do I have to come up here and look at the one on the
17 board every time he asks a question?

18 CHAIRMAN GARBER: I understand. I understand,
19 Ms. Demilio, what you're trying to do. I just want to
20 make sure you have enough time to see if you're satisfied
21 that they are, in fact, the same. And if they're not the

1 same, then we have to figure out what we're going to do
2 about that.

3 MS. DEMILIO: Well, they'll just have to get a
4 copy for me, and I'll just use this one if I have any
5 questions.

6 MR. HURDLE: We will actually provide her with
7 a copy of the one dated --

8 MS. DEMILIO: Right.

9 MR. HURDLE: -- December 7 --

10 MR. HOFF: December 21st.

11 MR. HURDLE: -- December 21st.

12 CHAIRMAN GARBER: Well, that's going to have to
13 be submitted to me for the Board, too, because we're all
14 going to need individual copies as well of that plan --

15 MR. HURDLE: Sure.

16 CHAIRMAN GARBER: -- because we only have the
17 site plan from below as well.

18 MR. HURDLE: Yeah. My recollection of what you
19 guys asked for was you want e-mail copies of everything.
20 We'll also provide paper copies of everything in
21 duplicate, four copies within the next couple of days, so

1 that both -- everyone on the Board has a paper copy and
2 electronic copy --

3 CHAIRMAN GARBER: Yeah.

4 MR. HURDLE: -- and then Ms. Demilio also has
5 that.

6 CHAIRMAN GARBER: But my concern in the instant
7 moment is that Ms. Demilio would have the ability to
8 proceed with being able to question Mr. Hoff --

9 MR. HURDLE: Absolutely.

10 CHAIRMAN GARBER: -- following on your
11 questioning --

12 MR. HURDLE: Um-hum.

13 CHAIRMAN GARBER: -- with the plan we're about
14 to get into.

15 MS. DEMILIO: Thank you.

16 CHAIRMAN GARBER: Are you satisfied?

17 MS. DEMILIO: Yes.

18 CHAIRMAN GARBER: All right.

19 MS. DEMILIO: I think your comments are
20 correct, and I'll -- we'll just go along with this and
21 hopefully it'll be identical and not -- I'll ask Mr. Hoff

1 to show the differences and I'll be provided with this,
2 as well as the Board, with the most current copy or the
3 copy that they're submitting for evidence, and then we
4 should all have a copy.

5 CHAIRMAN GARBER: Well, the copy being
6 submitted for evidence, is the one up right now --

7 MS. DEMILIO: I know.

8 CHAIRMAN GARBER: -- Exhibit 2.

9 MS. DEMILIO: Right, I understand that. So I
10 assume at some time I'll --

11 CHAIRMAN GARBER: Provided the same.

12 MS. DEMILIO: -- be provided a copy of that.

13 MR. HURDLE: When we provide our paper
14 documents as well as electronic files, we'll provide both
15 a copy of this version and of the original version.

16 CHAIRMAN GARBER: We don't need the original.
17 We just need what's going to be in evidence. That's all.
18 Please don't. We'll just make it as simple as that.
19 Just whatever evidence you introduce today, that's the
20 stuff we'll need. This way we -- everyone is on the same
21 page as to what is the controlling documents for this

1 hearing.

2 So what we establish here is Mr. Hoff is about
3 to testify about Exhibit 2. Ms. Demilio is satisfied for
4 the moment that there's nothing that jumps out at her
5 that shows that there is something radically different
6 that she can't follow along with the copy in front of
7 her. So if something comes up, she said she'll address
8 it. So, Mr. Hurdle, your question.

9 MR. HURDLE: And what is the date of the one
10 that's --

11 MR. HOFF: 12/21/17.

12 MS. RANDALL-JOLIVET: And what is it defined
13 as?

14 MR. HURDLE: What is the document?

15 MR. HOFF: The document is the plan to
16 accompany Petition for Special Hearing and variances.

17 MS. RANDALL-JOLIVET: Thank you.

18 MS. DEMILIO: Can I just ask one question that
19 might clarify?

20 CHAIRMAN GARBER: Sure.

21 MS. DEMILIO: Is that because you amended your

1 -- remember, you amended your petition for the RTA.

2 Maybe that's why you have a later date on it. I don't
3 know. I'm just throwing that out because I know there
4 was some amended petition.

5 CHAIRMAN GARBER: Well, okay.

6 MR. HOFF: I'm not sure.

7 CHAIRMAN GARBER: What -- we'll try --

8 MR. HOFF: I'm usually very careful about
9 dating these plans. I --

10 CHAIRMAN GARBER: We'll try to push forward
11 here. Mr. Hurdle.

12 MR. HURDLE: Mr. Hoff, can you show us on the
13 plan, I guess the significant surrounding area, where the
14 building is, where this proposed parking lot is, any
15 adjacent properties, streets, things of that nature.

16 MR. HOFF: The property is basically, as we
17 already know, in the middle of a residential
18 neighborhood. It fronts on Winters Lane, where the
19 building actually fronts on Winters Lane. We also have a
20 double frontage thing, because we're not only fronting on
21 Winters Lane, but we're also on Shipley Avenue to the

1 rear, which is a little unusual. Most properties do not
2 have double frontages like that.

3 The property is a bit unusually shaped.
4 Basically the front part where the building is, is a nice
5 rectangle. Once you get into the back portion, it is a
6 more triangular shaped piece of land here.

7 CHAIRMAN GARBER: Well, we're going to have to
8 define for the record the back portion and all these
9 other things because it has to be clear on the record
10 what you're referring to.

11 MR. HOFF: The front --

12 CHAIRMAN GARBER: So now the way you just, the
13 way you just pointed it out was the part of the property
14 to the right of the rectangle, you refer to as the rear
15 portion.

16 MR. HOFF: Yes, sir.

17 CHAIRMAN GARBER: Okay. And then what are you
18 going to refer to as the triangular, or however you want
19 to phrase it, part of the property that's on top of the
20 rectangle on Exhibit 2? The one at the corner.

21 MR. HOFF: This piece here?

1 CHAIRMAN GARBER: Yes.

2 MR. HOFF: That's not part of our property.

3 CHAIRMAN GARBER: All right. Well, that makes
4 it easier.

5 MR. HOFF: Um-hum. Yes.

6 CHAIRMAN GARBER: All right. So now I'm with
7 you.

8 MR. HOFF: Okay. Yes. Our building fronts on
9 Winters Lane. The rear portion of the property fronts on
10 Shipley Avenue. The zoning of the property is split.
11 The building itself is within the BL zone. The portion
12 on the rear, on the Shipley Avenue side, is in DR5.5
13 zone, which is what generated the requirement for a
14 special hearing for the parking in a residential zone.
15 If the whole property were zoned BL, it wouldn't be an
16 issue.

17 CHAIRMAN GARBER: What variance would not be
18 needed.

19 MR. HOFF: And, of course, as we've already
20 talked about, the variance will allow 7 parking spaces in
21 lieu of the 91. We've discussed that requirement in

1 terms of the square footage of the building. The 16 per
2 1,000.

3 CHAIRMAN GARBER: Well, we just -- if I may.
4 You've identified that what your requesting is to be the
5 7 from 91. You haven't identified the seven, that part
6 of it yet. And we'd like -- you've established that 91
7 would be the actual requirement. And then as to how and
8 why about the seven we haven't gotten into yet.

9 MR. HOFF: Correct.

10 CHAIRMAN GARBER: So are you starting with
11 that?

12 MR. HOFF: Okay.

13 MR. HURDLE: Why is seven the number of parking
14 spaces that we need?

15 MR. HOFF: Why we have -- why we have --

16 MR. HURDLE: Why do we ask for seven?

17 MR. HOFF: -- seven spaces shown?

18 MR. HURDLE: Correct.

19 MR. HOFF: Okay. I have a certain limit area
20 behind the building, on the Shipley Avenue side, that was
21 available for putting parking in. Then I used the zoning

1 code regulations for what are the standard sizes for
2 parking spaces? What's the standard size required for
3 the access for the drive aisle? And then basically,
4 worked out a design where I tried to fit in as many
5 parking spaces as I could within that location.

6 And, of course, in doing that, I went -- I
7 tried to get as many valid parking spaces as I could fit
8 on the property, and then variancing (ph.) these other
9 issues that are related to setbacks from Shipley, from
10 the adjacent residential property, the back up off of the
11 end of the parking lot space.

12 CHAIRMAN GARBER: Based on -- I'm looking at
13 the exhibits here. Based upon the -- what's been
14 identified as the rear triangular shape part of the
15 property, given the square footage of that space, all you
16 could put in there was seven spaces, correct?

17 MR. HOFF: Yes, sir.

18 CHAIRMAN GARBER: Okay. And where are -- I see
19 generally some spaces, but where are the seven?

20 MR. HOFF: The seven spaces are right across
21 here, and then there's one space up here. I have one

1 handicapped space, next to it being the handicap access
2 aisle.

3 CHAIRMAN GARBER: Okay.

4 MR. HOFF: And then here's the drive aisle.

5 CHAIRMAN GARBER: So do I understand it there's
6 six parking spaces plus one handicapped parking space?

7 MR. HOFF: Yes, sir.

8 CHAIRMAN GARBER: All right.

9 MR. EVANS: But those -- even to have those
10 seven, that requires variance relief on setbacks?

11 MR. HOFF: Yes, sir. Yes, sir.

12 MR. HURDLE: Mr. Hoff, before you go much
13 further regarding the setbacks and so forth, how many
14 parking spots were on the premises as it previously
15 stood?

16 MR. HOFF: None, as far as I know.

17 MR. HURDLE: Now my understanding was there
18 were parking spots out front. What happened with that?

19 MR. HOFF: There was parking going on out
20 front, and you could still park a car out front, but you
21 would not be able to meet zoning code regulations for

1 dimensions, setbacks.

2 CHAIRMAN GARBER: Parking and other things.

3 MR. EVANS: When you say out front, you mean on
4 Winters Lane.

5 MR. HOFF: On Winters Lane, yes.

6 MR. HURDLE: So it's accurate to say that based
7 on this plan, with even the limited number of parking
8 spots, the current way it would be used would provide
9 more parking than it had previously provided in the last
10 50 some odd years?

11 MR. HOFF: Yes, sir.

12 MR. HURDLE: Okay.

13 MR. EVANS: You mean those seven spots weren't
14 there previously?

15 MR. HOFF: Correct.

16 MR. EVANS: So you're adding seven spots?

17 MR. HOFF: Correct.

18 CHAIRMAN GARBER: Now is there street parking
19 then on Winters?

20 MR. HOFF: I don't think there is street
21 parking allowed on Winters.

1 CHAIRMAN GARBER: Okay.

2 UNIDENTIFIED SPEAKER: No.

3 CHAIRMAN GARBER: You'll have your chance, but
4 I need to hear from the witness. So to the best of your
5 knowledge, there's no street parking on Winters. Is
6 there street parking on Shipley?

7 MR. HOFF: I believe there is parking on
8 Shipley, yes.

9 CHAIRMAN GARBER: Is that reflected on your
10 exhibit?

11 MR. HOFF: Well, it's road frontage parking.
12 There's no layout of parking spaces along the road edge.

13 CHAIRMAN GARBER: Okay.

14 MR. EVANS: So where have people parked that
15 have gone here? I'm sorry.

16 MR. HURDLE: I apologize, and that's a great
17 question. During your experience with this process, and
18 I think the owners will be able to testify a little
19 further on this, but I think he can introduce it, did you
20 come across anything where patrons parked anywhere else
21 besides like a street frontage?

1 MR. HOFF: For this site?

2 MR. HURDLE: Yes.

3 MR. HOFF: I don't know specifically other than
4 my discussions with the owner of the property that
5 there's an existing parking lot on the opposite side of
6 Winters Lane, slightly southeast of where the location of
7 the property is. There's a parking lot there that they
8 have been able to share parking with that person, you
9 know, for their parking lot. And, then it's my
10 understanding that further south, on Winters, there's a
11 parking lot at a church that they have used parking
12 spaces on.

13 MR. EVANS: That information is conveyed to you
14 by the owners?

15 MR. HOFF: Yes.

16 MR. EVANS: Are you aware of any written
17 agreement says to that?

18 MR. HOFF: To the best of my knowledge, there
19 are no written agreements.

20 MR. HURDLE: We'll have the owners testify
21 further to that data. I just wanted to make sure we

1 touched on it now.

2 MR. EVANS: I'm trying to get to what his basis
3 of knowledge is for those things.

4 MR. HURDLE: To get the seven parking spots,
5 you mentioned having do variances. That just kind of
6 tightens up the spaces between the property boundaries
7 and the parking spots into the street, correct?

8 MR. HOFF: Correct.

9 MR. HURDLE: And that allows seven in. If you
10 didn't have those kind of boundary variances, how many
11 spots would you possibly be able to get in this area?

12 MR. HOFF: None.

13 MR. HURDLE: None.

14 CHAIRMAN GARBER: So if you wouldn't request
15 any variances, there would be no spots?

16 MR. HOFF: There would be no parking spaces.

17 CHAIRMAN GARBER: Onsite?

18 MR. HOFF: Correct.

19 CHAIRMAN GARBER: Okay.

20 MR. HURDLE: If the commercial -- and again,
21 let me touch on this. If the commercial use changed,

1 we'd still need this lot and these variances to get at
2 least these number of spaces in, correct?

3 MR. HOFF: Yes, sir.

4 MR. HURDLE: So any other commercial use of any
5 nature whatsoever provided by the BL building, would
6 require this back lot to be converted to parking, and
7 this is the best use based on your calculations and
8 experience, to get the most number of parking spots?

9 MR. HOFF: Yes, sir.

10 MR. HURDLE: Mr. Hoff, in your experience with
11 this property and in, I guess in your work history, is it
12 of your opinion that this property is unique or of a
13 unique nature?

14 MR. HOFF: Yes, sir, I believe so. One of the
15 reasons is, the shape is -- while the front part of the
16 property where the building is, is a fairly normal
17 rectangle, as we've already discussed, the rear portion
18 that fronts on Shipley Avenue, is a triangular shaped
19 piece of land, very difficult to do stuff within that
20 kind of configuration, especially for parking.

21 Also, the County has come in and taken a piece

1 of the frontage on Shipley Avenue and a piece of the
 2 frontage on Winters Lane for widening purposes for road
 3 widening purposes. So the property has been shrinking
 4 from what it was originally.

5 Also, it's fairly -- I think it's fairly unique
 6 that you would have a commercial use in a residential
 7 neighborhood like this. The current zoning code voids
 8 that at all costs, but at the time this was done, where
 9 we were talking, this is a small restaurant in a
 10 community type of situation, you know, back from the
 11 '50s. So that -- and the fact that the building was
 12 built so long ago, it would not meet most codes today. I
 13 think that provides some of its uniqueness.

14 MR. HURDLE: With regards to I guess the second
 15 test of the variances, Mr. Hoff, you said you went
 16 through various other commercial possible uses. Is there
 17 any other commercial use that you came across that would
 18 permit this property to exist without this variance going
 19 forward?

20 MR. HOFF: No, like I say -- like I said
 21 earlier, the minimum, the minimum number of parking

1 spaces required would be 3.3 per 1,000 in an office type
 2 use, and that would require about 20 paces here.

3 MR. HURDLE: So whether it's a clothing store,
 4 an office, an ice cream shop or this tavern package
 5 goods, this parking lot variance situation that we have
 6 today is going to be identical?

7 MR. HOFF: Yes, sir.

8 MR. HURDLE: This hardship that's being faced,
 9 is this because anything that the owners have done?

10 MR. HOFF: No, sir.

11 MR. HURDLE: And you've indicated again, this
 12 property has an unusual split because the front and back.
 13 It's one lot, right?

14 MR. HOFF: Yes

15 MR. HURDLE: And the front half you said is BL
 16 and the back is -- what is --

17 MR. HOFF: DR5.5, residential, sir.

18 MR. HURDLE: And that's something that would be
 19 unique for this area?

20 MR. HOFF: Yes.

21 CHAIRMAN GARBER: What do you mean by that?

1 MR. HOFF: The odds that you would find a piece
2 of BL land in the middle of a DR5.5 zoned area is going
3 to be rare. In fact, it's going to be a situation where
4 that commercial use must have existed a long time ago.

5 CHAIRMAN GARBER: I mean, isn't that something
6 that you would find within the inter beltway communities,
7 a situation where you have buildings build in the 1950s,
8 perhaps before, where the rear parts of it had parking,
9 not only for the buildings themselves? Part of it
10 extends into a DR zone because there were houses built
11 behind the commercial area.

12 MR. HOFF: Yes, there are probably other
13 instances like that in Baltimore County. They would have
14 only occurred probably in the '50s, not into even the
15 early '60s. The zoning became much more restrictive at
16 that point in time. And, the separation of, we want
17 residential here and we want commercial here, has become
18 a very strict procedure except for isolated places like
19 this. In fact, I found it rather unusual when I first
20 looked at this, that there was a piece of BL zone in this
21 area.

1 CHAIRMAN GARBER: Have you looked at the
2 general area around Winters, Shipley and surrounding
3 roads? Are there any other properties that are within BL
4 for a type of commercial district and also residential
5 district?

6 MR. HOFF: The ones that I've -- all the other
7 commercials that I saw in the general area were outside
8 of the residential area.

9 CHAIRMAN GARBER: In their entirety?

10 MR. HOFF: Yes, yes, there were strip
11 commercial and then, of course, it depends on how far you
12 wanted to go away. It's a relative term I guess. Within
13 -- I've driven around this area, and it's residential.

14 CHAIRMAN GARBER: Mr. Hurdle.

15 MR. HURDLE: Based on the previous uses of the
16 property, we were actually increasing the parking in the
17 area over what previously exists. Is that accurate?

18 MR. HOFF: Yes, sir.

19 MR. EVANS: When you were talking, Mr. Hoff,
20 about the previous uses, do you have kind of a timeline
21 that identifies the previous uses going back the last

1 seven years.

2 MR. HOFF: I think that's something for someone
3 else to --

4 MR. EVANS: Okay.

5 MR. HOFF: Mean I know, like I say, I've done a
6 certain amount of research in terms of how long has the
7 building there, and having talked to the area planner and
8 other people about that use being in place, but that's
9 really for someone else to address that one.

10 MR. HURDLE: In your --

11 MS. RANDALL-JOLIVET: Do you know how long the
12 current owners have owned this property?

13 MR. HOFF: I only have a vague idea. I think
14 that's really for -- my client is the current owner.
15 They bought it recently which is when I got involved in
16 the case.

17 MS. RANDALL-JOLIVET: Understood. Thank you.

18 MR. HURDLE: In your research, you didn't come
19 across any other uses besides restaurant or tavern of the
20 property, correct?

21 MR. HOFF: On this property?

1 MR. HURDLE: Yeah.

2 MR. HOFF: No, sir.

3 MR. HURDLE: Based on the way you laid out the
4 parking lot, the elimination of the kind of pseudo
5 illegal parking spaces out front, would you say that this
6 shift in the variance benefits the public health and
7 safety of the area?

8 MR. HOFF: Yes, sir, I do. The parking that
9 was originally out front, you had this risk of people
10 backing out onto Winters Lane, a very dangerous
11 situation, and the spaces were not actually standard size
12 parking spaces, with the proper size drive aisle. So
13 eliminating that is really a safety factor. And, of
14 course, any time you're going to be providing some
15 parking, where there was none, it's definitely a
16 positive.

17 MR. EVANS: Are you saying that prior to the
18 present owners owning the place, there was parking?

19 MR. HOFF: They were parking out front.

20 MR. EVANS: On front, on Winters Lane.

21 MR. HOFF: On Winters -- well, not on Winters

1 Lane.

2 MR. EVANS: Off of --

3 MR. HOFF: They were pulling off onto the
4 property but here again, it's a narrow strip. It's not
5 really designed for parking. You know, it doesn't meet
6 the parking regulations. I pulled in there myself when I
7 went to visit the site, and it is -- it's a dangerous
8 situation, and you're forced to back up, and to back out
9 onto Winters Lane, never a good situation. And, there
10 was really only space for a couple of cars if you stack
11 them up. You can't legally get that many in there, but
12 if you stack them up, you could get a couple of cars.

13 MS. RANDALL-JOLIVET: So that means two?

14 MR. HOFF: Two. Yes, ma'am.

15 MR. EVANS: The cars that were parked there,
16 were they parallel to Winters Lane or perpendicular to
17 Winters Lane?

18 MR. HOFF: To pull in and park parallel --

19 MR. EVANS: To Winters Lane.

20 MR. HOFF: -- to Winters Lane, yes, sir.

21 MR. HURDLE: Mr. Hoff, do you believe that the

1 current proposed variance and layout of the property is
2 the best use of the property from a commercial
3 standpoint, from a parking standpoint and from a public
4 safety standpoint for this area?

5 MR. HOFF: Yes, I do. Yes, I do.

6 MR. HURDLE: I have no further questions for
7 Mr. Hoff at this time.

8 CHAIRMAN GARBER: Where are the nearest houses
9 in relation to the parking?

10 MR. HOFF: In relationship to parking, on the
11 other side of Shipley Avenue are houses at the corner,
12 here's one, and then we come down here, there's three
13 more that are essentially opposite of our property. And,
14 there's more going on down. There's another house right
15 adjacent to us on our side of Shipley. Then there's
16 obviously a row of houses going down south along Winters
17 Lane, and then on the opposite side of Winters Lane from
18 our frontage, there are houses as well.

19 CHAIRMAN GARBER: So if everyone pulled into a
20 parking space as you propose, what would I be facing? If
21 I pull off of Shipley, into parking spaces --

1 MR. HOFF: Um-hum.

2 CHAIRMAN GARBER: -- headlight parking --

3 MR. HOFF: Um-hum. Okay.

4 CHAIRMAN GARBER: -- and my headlights are on,

5 what am I looking at?

6 MR. HOFF: You're going to be looking at the

7 rear yard of the adjacent property to the south of us on

8 Winters.

9 CHAIRMAN GARBER: And what is that property?

10 MR. HOFF: That property is zoned DR5.5.

11 CHAIRMAN GARBER: It's a residence.

12 MR. HOFF: And it's a residence, yes, sir.

13 CHAIRMAN GARBER: Okay.

14 MR. HOFF: And, of course, part of what we

15 proposed was a 6 foot high wood screen fence along that

16 line in lieu of the requirement for plantings, because

17 here again, if I'm going to get any parking spaces in,

18 it's very, very tight.

19 CHAIRMAN GARBER: Where's the dumpster that you

20 located?

21 MR. HOFF: The dumpster is located in the back

1 of the building on the Shipley Road side, and it will be

2 at the northern edge of the building.

3 CHAIRMAN GARBER: And what is the area that you

4 seek as the dumpster?

5 MR. HOFF: Here again, the dumpster variances

6 are setbacks to the residential line and to the property

7 line.

8 CHAIRMAN GARBER: What about screening on the

9 dumpster?

10 MR. HOFF: The -- our intention here was to

11 screen the dumpster with an enclosure.

12 CHAIRMAN GARBER: If you didn't have any

13 parking spots there --

14 MR. HOFF: Yes, sir.

15 CHAIRMAN GARBER: -- could the dumpster be in

16 that rectangle, I mean in the triangular area of the rear

17 portion without any variances?

18 MR. HOFF: Yes, sir.

19 CHAIRMAN GARBER: Okay. And where is the RTA

20 buffer to be?

21 MR. HOFF: The RTA buffer is generated off of

1 the DR5.5 property, here again on the south side of our
2 property.

3 CHAIRMAN GARBER: Okay. Where on the map? I'm
4 trying to identify from here. Can you point to it?

5 MR. HOFF: Yes. The -- this area here
6 generates the RTA.

7 CHAIRMAN GARBER: No, I understand that's what
8 generates it. Where is the buffer to be? I know you're
9 asking for 3 feet. Where's the buffer to be?

10 MR. HOFF: The 3 feet is between our property
11 line and the proposed paving.

12 CHAIRMAN GARBER: Parking.

13 MR. HOFF: Yes.

14 CHAIRMAN GARBER: So when you pull in, you'd be
15 facing the buffer?

16 MR. HOFF: Right.

17 CHAIRMAN GARBER: All right. And obviously
18 that buffer's also providing your setback?

19 MR. HOFF: Yes, sir.

20 CHAIRMAN GARBER: Mr. Hurdle, any other
21 questions?

1 MR. HURDLE: I have no further questions for
2 Mr. Hoff at this time. I reserve the right to possibly
3 call him later if that requires. Ms. Demilio?

4 MS. DEMILIO: Yes. Thank you. You can have a
5 seat, Mr. Hoff if you want unless you need to go to the
6 board obviously.

7 MR. HOFF: All right.

8 MS. DEMILIO: Then you can get up. So when you
9 talked about other uses on the site, potential uses that
10 are permitted in the zone requiring maybe five parking
11 spaces or three parking spaces, that also depends on the
12 building size, correct?

13 MR. HOFF: It --

14 MS. DEMILIO: A building size. A building
15 size, not this building, but any building size, right?

16 MR. HOFF: Oh, the parking per 1,000?

17 MS. DEMILIO: Yes.

18 MR. HOFF: Yes, that's based on any building
19 size, yes.

20 MS. DEMILIO: Okay. Now I notice on your site
21 plan you said that this is not a historical building.

1 There's nothing historic about this building, correct?
2 MR. HOFF: That is correct. Yes.
3 MS. DEMILIO: All right. So the building does
4 not have to remain on the site. They could put another
5 building up, right?
6 MR. HOFF: Yes.
7 MS. DEMILIO: It could be smaller?
8 MR. HOFF: Yes.
9 MS. DEMILIO: Okay. Which would reduce the
10 parking requirements for some of the uses in the BL zone?
11 MR. HOFF: Yes.
12 MS. DEMILIO: All right. So there isn't --
13 there are other uses using -- constructing another
14 building on the site. Some of those could be any of the
15 BL zones that I'm sure you've looked at many of the 76
16 that I mentioned in my opening statement, correct?
17 MR. HOFF: Yes, ma'am.
18 MS. DEMILIO: Okay. So you're not wedded to
19 this building?
20 MR. HOFF: If you want -- yes, if you tear down
21 the building and start from scratch --

1 MS. DEMILIO: Right.
2 MR. HOFF: -- then you have a bunch of other
3 options --
4 MS. DEMILIO: Okay.
5 MR. HOFF: -- but you have torn down the
6 building, yes.
7 MS. DEMILIO: That are permitted by right in
8 the BL zone --
9 MR. HOFF: Yes.
10 MS. DEMILIO: -- right?
11 MR. HOFF: Yes.
12 MS. DEMILIO: Okay. And even if you needed a
13 variance perhaps for some of those, it wouldn't be this
14 -- it wouldn't be the 92 percent variance you need for
15 this space, 92 percent reduction, correct?
16 MR. HOFF: For what?
17 MS. DEMILIO: You said 20 spaces.
18 MR. HOFF: Yeah.
19 MS. DEMILIO: And you're providing -- I forget.
20 How many are you providing? Even if you ask for it, even
21 in the residential zone, let's just assume, how many

1 parking spaces are you providing now? Seven.

2 MR. HOFF: We're providing seven.

3 MS. DEMILIO: All right. So you would need --
4 you'd have 7 instead of 20 even if you kept the building
5 and put another use in there, correct?

6 MR. HOFF: Yes.

7 MS. DEMILIO: Okay. And that was your example,
8 20 parking spaces.

9 MR. HOFF: Yes.

10 MS. DEMILIO: That's a lesser variance.

11 MR. HOFF: It's a lesser variance.

12 MS. DEMILIO: Right, without even having to
13 tear down the building.

14 MR. HOFF: Pardon.

15 MS. DEMILIO: Without even tearing down the
16 building?

17 MR. HOFF: Yes.

18 MS. DEMILIO: Okay. And now you talked about
19 their -- I think Mr. Hurdle asked for -- asked you the
20 question about spaces that aren't used all the time in
21 the building for parties or something to that effect.

1 MR. HOFF: Yes.

2 MS. DEMILIO: But there's nothing in the zoning
3 regulations that gives you a discount for that, is there?

4 MR. HOFF: That is correct.

5 MS. DEMILIO: Okay. So the -- and I got 91
6 spaces based on your site plan because I think you
7 rounded, correct, to 91?

8 MR. HOFF: Yes. So it's -- technically it's
9 90.2. We rounded it up to 91.

10 MS. DEMILIO: Right. Or (indiscernible),
11 right.

12 MR. HOFF: That's standard procedure at the
13 Zoning Office, yes.

14 MS. DEMILIO: Okay. Thank you. All right. So
15 you agree that the 91 are required based on the current
16 use. And, as I understand the use, or you understand the
17 use, it's a restaurant, bar, tavern, and package goods
18 store.

19 MR. HOFF: Yes, ma'am.

20 MS. DEMILIO: And then a space also for private
21 parties as well. Some of that area could be used for

1 private parties.
2 MR. HOFF: Yes, ma'am.
3 MS. DEMILIO: Which could occur -- I mean,
4 there's no limit on when you can have a private party
5 there, correct?
6 MR. HOFF: Well, I'm --
7 MS. DEMILIO: Right. I mean, under the zoning
8 regulation.
9 MR. HOFF: Um-hum. Correct.
10 MS. DEMILIO: It could be every day or --
11 right?
12 MR. HOFF: Um-hum. Yes.
13 MS. DEMILIO: Okay. Do you know the hours of
14 operation of this establishment?
15 MR. HOFF: I do not know the exact hours.
16 MS. DEMILIO: Okay. All right. All right.
17 Now if I understand your testimony, you're not saying
18 that -- or maybe you are, that certainly there are other
19 commercial establishments or BL zones in the middle or
20 near residential properties in Baltimore County?
21 MR. HOFF: Absolutely.

1 MS. DEMILIO: Okay.
2 MR. HOFF: Um-hum.
3 MS. DEMILIO: So that's not really --
4 MR. HOFF: Yes, they do exist. Yes.
5 MS. DEMILIO: Okay. And you -- as I understand
6 it, the present owners do not own anything across Shipley
7 Road, do they?
8 MR. HOFF: Not to my knowledge.
9 MS. DEMILIO: Okay. So what makes a difference
10 on the frontage? Why is that so unique? They don't own
11 the other side of the road, do they?
12 MR. HOFF: No. The --
13 MS. DEMILIO: Okay.
14 MR. HOFF: The uniqueness of having two
15 frontages for a piece of property, normally you front on
16 a road and the rear of your property does not front on
17 another road. It's an unusual situation.
18 MS. DEMILIO: Well, what difference does that
19 make to the parking spaces you have here? I mean, what's
20 the connection to the number of parking spaces you can
21 provide?

1 MR. HURDLE: I'm going to object. The original
2 question is it unique because of the two frontages, and
3 now it's why is it related to the parking. I'm just
4 unclear to the question itself.

5 CHAIRMAN GARBER: Well, I would say overruled.
6 So explain -- so as Ms. Demilio pointed out, the
7 uniqueness has to be tied to the variance relief, and I
8 think that's what she's saying. What does that have to
9 do with the variance relief, if there are double
10 frontages, one on Shipley, one on Winters, as understood.

11 MS. DEMILIO: Right. Do you understand the
12 question, Mr. Hoff?

13 MR. HOFF: Yes. If Shipley Road was not there,
14 we would have different setback relationships for the
15 parking spaces.

16 MS. DEMILIO: All right. Setback though
17 wouldn't affect, I'm sorry, it wouldn't affect the number
18 of spaces though you'd have. It wouldn't make it -- in
19 terms of the number of spaces that are required, right?
20 Is that correct?

21 MR. HOFF: It wouldn't --

1 MS. DEMILIO: If there wasn't a road there, and
2 there was a residential house, that bordered on your
3 property line let's say, on your property, then you still
4 wouldn't have 91 spaces?

5 MR. HOFF: That is correct. Yes.

6 MS. DEMILIO: So that has nothing to do with
7 the number of spaces that are required here. You're
8 saying it only has to do with the setback for some of the
9 spaces that you're requesting?

10 MR. HOFF: Yes.

11 MR. EVANS: All of the spaces require a
12 setback. Without a setback, there are no spaces.

13 MR. HOFF: Correct.

14 MS. DEMILIO: Right. I understand that. It
15 doesn't affect the number of spaces they need, and that's
16 what I'm looking at.

17 MR. EVANS: Right, I understand that, but the
18 seven that he's requesting wouldn't exist if he abided by
19 the setback requirements --

20 MS. DEMILIO: Right.

21 MR. EVANS: -- that are operative because of

1 Shipley Road -- Shipley Avenue.

2 MS. DEMILIO: Right, I understand that, but
3 those seven are in the DR5.5 zone for the most part?

4 MR. HOFF: The one, two, three, four and a half
5 of them.

6 MS. DEMILIO: Right.

7 MR. HOFF: Yes, four and a half of them are.

8 Um-hum.

9 MS. DEMILIO: Four and a half.

10 MR. HOFF: Four and a half. The zoning line is
11 actually here. It's not right behind the building. It
12 extends out a slight area and I have a partial space up
13 here next -- near the dumpster area and then I have the
14 handicapped space and its access aisle to it, that is
15 within the BL zone, and then there's four more spaces
16 that are actually in the DR5.5 zone.

17 MR. EVANS: How did this property come to have
18 two zone classifications? Do you know?

19 MR. HOFF: I'm sure it has evolved over the
20 years. Here again, I wasn't doing this work back in
21 1953. How that actually happened back then, I suspect

1 that at some point in time, especially when we got into
2 the comprehensive zoning map process, that since it was
3 an existing business. I don't know if it had a
4 commercial zone 50 years ago, 40 years ago, but obviously
5 at some point in time they defined a BL zone which is
6 basically just around the building. How that occurred, I
7 have no knowledge.

8 MR. EVANS: If the DR5.5 triangle were removed,
9 would it -- would there -- would it be large enough to
10 accommodate a residence?

11 MR. HOFF: Would this be large enough? Would
12 the rear portion be large enough to accommodate a
13 residence? No, sir.

14 MR. EVANS: Okay.

15 MS. DEMILIO: So, Mr. Hoff, I'm sure in other
16 places in Baltimore County, you have seen situations
17 where property are zoned commercial in the front and then
18 residential, maybe split zone, resident to the rear where
19 they back up to other residential properties.

20 MR. HOFF: Yes.

21 MS. DEMILIO: Okay. So that could be a reason

1 why this property was split zoned, as sort of a buffer,
2 if I might say, to some of the (indiscernible)
3 residential sites. Is that possible?

4 MR. HOFF: That's possible.

5 MS. DEMILIO: Okay.

6 MR. HOFF: I would not think likely. I would
7 think it probably got zoned this way almost in an
8 arbitrary manner.

9 MS. DEMILIO: Well, as you said or -- I'm
10 sorry. You can finish.

11 MR. HOFF: The earlier zoning maps back when we
12 did zoning on 200 scales, the lines were a lot vaguer
13 than they are right now. Now we're all tied to GIS. We
14 know exactly where these lines are, but for most of the
15 time since 1950 up until probably the year 2000, 2005,
16 somewhere in there, these lines were lines on 200 scale
17 zoning maps, and I can tell you they were -- quite often
18 it was difficult to define exactly where that line was.

19 MS. DEMILIO: I've seen those cases. I
20 understand that. But my point though, still is you're
21 only asking for four spaces in the residential zone.

1 MR. HOFF: Yes, ma'am.

2 MS. DEMILIO: And you have maybe three spaces
3 in the BL zone.

4 MR. HOFF: Yes, ma'am.

5 MS. DEMILIO: All of which, even if granted,
6 you still need setback variances.

7 MR. HOFF: Yes, ma'am.

8 MS. DEMILIO: And no matter -- even if all of
9 that is granted, you still only have 7 spaces in lieu of
10 -- instead of 91?

11 MR. HOFF: Yes, ma'am.

12 MS. DEMILIO: Okay.

13 MR. EVANS: What's the zoning on the north
14 portion? Oh, DR5.5.

15 MR. HOFF: It's entirely surrounded by DR5.5,
16 yes.

17 MR. EVANS: All right.

18 CHAIRMAN GARBER: Ms. Demilio, I also want to
19 point out, I looked at the plan that was submitted as
20 part of the file from below, and it does have a date of
21 12/21/17 on it.

1 MS. DEMILIO: Okay. So it's just mine.

2 CHAIRMAN GARBER: It appears that way, yes.

3 MS. DEMILIO: Okay.

4 CHAIRMAN GARBER: Whatever you were provided
5 below is a different date than what was actually handed
6 in as an exhibit.

7 MS. DEMILIO: No, no, we've probably got this,
8 Your Honor. I don't want to accuse the other side of
9 trying to give me the wrong date.

10 CHAIRMAN GARBER: Right.

11 MS. DEMILIO: I mean, maybe our legal assistant
12 was super efficient and got a site plan earlier. I mean,
13 that might --

14 MR. HURDLE: There's a possibility he's got --

15 MS. DEMILIO: -- that's probably one of your
16 site plans, Mr. Hoff.

17 MR. HOFF: It's definitely my site plan.

18 MS. DEMILIO: Right. But they may have, they
19 may have adjusted it for the hearing or whatever. So you
20 put a different date on it because, I mean, I'm not -- so
21 I don't think they were trying to --

1 CHAIRMAN GARBER: I wasn't suggesting --

2 MS. DEMILIO: Yeah, they're not trying to
3 deceive. Thank you for -- --

4 MR. HURDLE: We didn't get that --

5 CHAIRMAN GARBER: Because we're up here
6 referring to the plan from below because we didn't have
7 one in front of us just to follow along, and ours is
8 actually dated 12/21/17, their Exhibit 2.

9 MS. DEMILIO: So, just to clarify, Mr. Hoff,
10 because I don't want to point you in a bad light, it's
11 possible that at some point you did a plan dated
12 11/30/17. And then maybe you consulted with people and
13 whatever, and then redid the plan and then put the more
14 current date on it.

15 MR. HOFF: Yes.

16 MS. DEMILIO: There was no intention -- as far
17 as you know, there doesn't appear to be any changes in
18 the plans on those two dates?

19 MR. HOFF: There aren't any.

20 MS. DEMILIO: Okay.

21 MR. HOFF: There aren't any changes.

1 MS. DEMILIO: Okay. I'm not concerned that Mr.
2 Hoff's doing anything nefarious.

3 CHAIRMAN GARBER: I wasn't -- do you want that
4 copy for your use for purposes of this hearing?

5 MS. DEMILIO: Well, he said there's -- well, I
6 don't think I do. I think I'm okay. I think he
7 explained the variances. He's thorough enough to explain
8 them all. I mean, I'm looking at what they need here.

9 CHAIRMAN GARBER: All right.

10 MS. DEMILIO: But thank you for that
11 clarification.

12 CHAIRMAN GARBER: Yes.

13 MS. DEMILIO: I appreciate that for the record
14 and I'm sure we'll have the most up-to-date site plan if
15 we need it going forward. All right. Can I -- should I
16 continue with my questions?

17 CHAIRMAN GARBER: Yes, please do.

18 MS. DEMILIO: Okay. So we did the two
19 frontages. Now, Mr. Hoff, you talked about, in response
20 to a question. I can't remember if it was from the Board
21 or Mr. Hurdle, that you talked about your understanding

1 that there's no written agreement that is -- that some of
2 the patrons perhaps park on other sites on Winters Lane?

3 MR. HOFF: Yes.

4 MS. DEMILIO: Okay. And you agree that those
5 other sites are not owned by this -- by the people that
6 own the Premier Lounge?

7 MR. HOFF: That's correct.

8 MS. DEMILIO: Okay. And I assume you might be
9 referring to Section 409.7, which talks about parking
10 requirements offsite.

11 MR. HOFF: Yes.

12 MS. DEMILIO: And the zoning regulations allow
13 for some leeway in that regards provided there's approval
14 for use of those sites. Is that correct?

15 MR. HOFF: Yes, ma'am.

16 MS. DEMILIO: And I don't want -- but if you --
17 you can look at the zoning regulations, but tell me if
18 you want to see them, but I'm going to read -- just read
19 from them and see if you agree.

20 MR. HOFF: Yes, ma'am.

21 MS. DEMILIO: That prior -- that for that

1 offsite parking, it's the Director of Permits, Approvals
2 and Inspections, which we call PAI --

3 MR. HOFF: Correct.

4 MS. DEMILIO: -- that has to -- that shall
5 require guarantees of the continued future availability
6 and proper maintenance of the facility for this offsite
7 parking. Do you agree that that's a requirement?

8 MR. HOFF: Yes, ma'am.

9 MS. DEMILIO: And did you -- have you come
10 across any approvals from the Director of PAI which I
11 think is Mr. Javlon (ph.) --

12 MR. HOFF: Yes.

13 MS. DEMILIO: -- currently?

14 MR. HOFF: Um-hum.

15 MS. DEMILIO: Have you seen any approvals from
16 Mr. Javlon for offsite parking for this site --

17 MR. HOFF: No, ma'am.

18 MS. DEMILIO: -- for this use I mean?

19 MR. HOFF: No.

20 MS. DEMILIO: Okay. So there's nothing that
21 would allow the satisfaction of the parking requirements

1 here, or at least some of them.

2 MR. HOFF: If there -- if that was in place, it
3 would have been shown on my plan, and I would have called
4 out those parking space.

5 MS. DEMILIO: Right, and it would have
6 different numbers.

7 MR. HOFF: I have, I have --

8 CHAIRMAN GARBER: One at a time please.

9 MS. DEMILIO: I'm sorry.

10 CHAIRMAN GARBER: Let him finish his answer to
11 your question. You said if it was in place, it would be
12 shown on your plan.

13 MR. HOFF: It would be shown on my plan.

14 CHAIRMAN GARBER: It would be shown on your
15 plan.

16 MR. HOFF: And I have done other sites where we
17 indeed had that kind of -- had to meet that kind of
18 requirement for additional parking and were able to meet
19 that.

20 MS. DEMILIO: And then if we had different
21 numbers here, if any, we might not be here, right?

1 MR. HOFF: That's correct.
 2 MS. DEMILIO: Right.
 3 MR. HOFF: There's a good chance, yes.
 4 MS. DEMILIO: And then I notice you mentioned
 5 shared parking, and I don't know if you use that
 6 generically or based on this zoning regulation. So I
 7 just want to point out one thing, if I may. The shared
 8 parking regulations are under 409.6.B.1 -- no, what, B.2
 9 -- no, B.3 --
 10 MR. HOFF: Okay.
 11 MS. DEMILIO: -- a. No, B.2. Okay. You want
 12 me to do that over?
 13 MS. RANDALL-JOLIVET: Yeah.
 14 MS. DEMILIO: Don't you love these numbers?
 15 Okay. Wait.
 16 CHAIRMAN GARBER: So --
 17 MS. DEMILIO: 409.6 --
 18 CHAIRMAN GARBER: And I show B.3.b.2.
 19 MS. DEMILIO: -- B.3.b.2. That's shared
 20 parking. I don't expect you to know the numbers but,
 21 shared parking says that the land served by shared

1 parking shall be in single ownership, permitted for
 2 multiple ownership only if the -- Mr. Javlon, the
 3 Director of PAI, approves of it. Are you familiar with
 4 that section?
 5 MR. HOFF: Yes, ma'am.
 6 MS. DEMILIO: So there's no way this is shared
 7 parking here because it's not in common ownership. Is
 8 that correct?
 9 MR. HOFF: Correct.
 10 MS. DEMILIO: Just for the record.
 11 MR. HOFF: Yes.
 12 MS. DEMILIO: So if there's a parking lot site,
 13 it doesn't qualify for shared parking that we know of,
 14 and it doesn't qualify for the offsite parking because
 15 there's no approval from the appropriate Baltimore County
 16 authority.
 17 MR. HOFF: Correct.
 18 MS. DEMILIO: And that's why it's not on the
 19 site plan. And that's why you need 91 --
 20 MR. HOFF: Correct.
 21 MS. DEMILIO: -- on the site?

1 MR. HOFF: Um-hum.
2 MS. DEMILIO: Right?
3 MR. HOFF: Yes, ma'am.
4 MS. DEMILIO: Okay. And let me just ask you
5 this, I think we're calling it a triangle back here. If
6 I may approach. I guess we're calling this sort of a --
7 I guess that's a triangle --
8 MR. HOFF: Yes.
9 MS. DEMILIO: -- the way we look at it, right?
10 MR. HOFF: Um-hum.
11 MS. DEMILIO: So if that triangle wasn't there
12 though, you still wouldn't have the number of parking
13 spaces you need, right?
14 MR. HOFF: If we did not own that land at all?
15 MS. DEMILIO: Right.
16 MR. HOFF: Yes.
17 MS. DEMILIO: Or even if it was squared off,
18 you still wouldn't have the number of parking spaces, I
19 mean, if it was just a rectangle?
20 MR. HOFF: Oh, if I had a piece of property
21 that included this other piece?

1 MS. DEMILIO: Right.
2 MR. HOFF: I would probably -- I would have
3 significant -- I'd have double that amount of parking,
4 maybe more.
5 MS. DEMILIO: You mean double what number? I'm
6 sorry.
7 MR. HOFF: Double this number.
8 MS. DEMILIO: You'd have 14.
9 MR. HOFF: Because of that regular shape. Once
10 you start cutting an angle, it means you can no longer
11 get nice perpendicular, parallel lines to work on that
12 situation.
13 MS. DEMILIO: Right.
14 MR. HOFF: But we know Baltimore County -- all
15 the lots in Baltimore County are not perfect triangles.
16 CHAIRMAN GARBER: Ms. Demilio, speak up.
17 MS. DEMILIO: I'm sorry. We know though that
18 all -- there are many lots in Baltimore County that
19 aren't perfect rectangles or squares?
20 MR. HOFF: Sure.
21 MS. DEMILIO: Sure. Okay.

1 MR. HOFF: Yes.

2 MS. DEMILIO: Okay. Now you mentioned that
3 you're aware that the current owners recently -- you said
4 recently purchased the property.

5 MR. HOFF: Yes.

6 MS. DEMILIO: All right. So if it was recently
7 purchased, you agree that the current zoning regulations
8 under 409 would be applicable -- were applicable at the
9 time of the purpose. I mean, these haven't changed in
10 terms of the 91 spaces in lieu of the 7 that you have.
11 Is that correct? Are you aware any changes for instance?

12 MR. HOFF: The use was an ongoing allowed use.
13 When I first got involved with the project, it was a
14 conforming use that existed, was operational and really
15 did not require any kind of zoning issues although I'm
16 stepping out a little bit about --

17 MS. DEMILIO: No, what I'm --

18 CHAIRMAN GARBER: That's not her question.

19 MS. DEMILIO: My question was since the
20 property was purchased recently --

21 MR. HOFF: Yes.

1 MS. DEMILIO: -- and I think the date everyone
2 would agree was something in 2017.

3 MR. HOFF: Yes.

4 MS. DEMILIO: Okay. If we assume that's the
5 date then, were there any parking -- did the parking
6 regulations change since that time requiring 91 spaces
7 for this use in lieu of 7?

8 MR. HOFF: The parking regulations did not
9 change.

10 MS. DEMILIO: Okay. Thank you. Now you talked
11 about the best use of the property. Is that because
12 that's what's there now? Is that why you believe it's
13 the best use?

14 MR. HOFF: I'm not making comment as to best
15 use here. I'm just saying this is the existing use. I
16 was brought in to help them with this existing use.

17 MS. DEMILIO: Okay. All right.

18 MR. HOFF: Or best use, I don't know how you
19 would even determine that.

20 MS. DEMILIO: Okay. And then just to clarify,
21 the RTA requirements come into effect because you're

1 within 50 -- you can't meet the 50 foot or 75 foot
2 setbacks to the adjoining residential --

3 MR. HOFF: Yes.

4 MS. DEMILIO: -- adjoining residential
5 properties, but the residential properties across
6 Shipley?

7 MR. HOFF: Not across Shipley so much as the
8 ones immediately to the south of our property.

9 MS. DEMILIO: Okay.

10 MR. HOFF: That is really what's generating
11 that --

12 MS. DEMILIO: So the adjoining residential use.

13 MR. HOFF: Yes, ma'am.

14 MS. DEMILIO: And did you look at a dummy map
15 before you -- or in the course of your preparation of the
16 site plan, did you look at a dummy map for this site?

17 MR. HOFF: Yes. I go right into County GIS and
18 pull all my zoning information right out of the GIS.

19 MS. DEMILIO: So you looked at the zoning in
20 the area and you're aware of the fact that there's other
21 BLs actually on Winters Lane?

1 MR. HOFF: Sure, Winters Lane is a long road,
2 yes.

3 MS. DEMILIO: Right, right. Okay.

4 CHAIRMAN GARBER: So you agree that the RTA
5 requirements are triggered by this use, right?

6 MR. HOFF: If you're going to do commercial
7 parking in the residential zone, that's what triggers the
8 RTA issue. The whole property -- just to clarify. If
9 the whole property were BL, there wouldn't be a RTA
10 issue.

11 CHAIRMAN GARBER: But it's the fact that it's
12 splits --

13 MR. HOFF: Yes, sir.

14 CHAIRMAN GARBER: -- and there's a residential
15 component. That's what triggers the RTA?

16 MR. HOFF: Yes, sir.

17 CHAIRMAN GARBER: But you agree that one
18 applies to this case?

19 MR. HOFF: Yes, sir.

20 CHAIRMAN GARBER: And you're seeking a variance
21 from that?

1 MR. HOFF: Yes, sir.

2 CHAIRMAN GARBER: And only again, just to be
3 clear, just for the parking part, not for the building
4 itself because that's already accounted for?

5 MR. HOFF: Yes, sir.

6 MS. DEMILIO: I agree. In fact, commercial
7 parking in a residential zone is specifically listed as a
8 RTA use where the RTA standards would apply.

9 MR. HOFF: Yes, this is a special hearing to
10 allow for --

11 MS. DEMILIO: Right, right.

12 MR. HOFF: -- commercial parking. I have done
13 this successfully on other sites.

14 MS. DEMILIO: But again, that's just for four
15 -- well, no. Well, it's the four spaces --

16 MR. HOFF: Right. Yes.

17 MS. DEMILIO: -- four and a half, whatever it
18 is.

19 MR. HOFF: Yes.

20 MS. DEMILIO: Okay. You mentioned that some
21 frontage on Shipley and Winters Lane were taken by the

1 County for road --

2 MR. HOFF: For highway widening --

3 MS. DEMILIO: Highway widening.

4 MR. HOFF: -- over the years. Um-hum. Back in
5 the '80s I believe that was.

6 MS. DEMILIO: Okay. And that's not unusual in
7 Baltimore County. They usually have rights-of-way or
8 easements on a lot of the Baltimore County roads. Isn't
9 that correct?

10 MR. HOFF: Yes, it happens. Yes. But it
11 definitely reduces the size of your property.

12 MS. DEMILIO: Right. That's happened to other
13 property owners --

14 MR. HOFF: Yes, ma'am.

15 MS. DEMILIO: All right. And do you know
16 exactly how much -- I mean, what -- strike that. How
17 many parking spaces would have been generated if the road
18 frontage had not been reduced?

19 MR. HOFF: I did not calculate that out. It
20 would not be -- it would not be 91 spaces. It might be
21 one or two spaces more.

1 MS. DEMILIO: Okay. Let's just look at the
2 notes for one second. The notes are the same on both of
3 these plans, aren't they? Your general --

4 MR. HOFF: Yes, ma'am.

5 MS. DEMILIO: Okay. If I can, Mr. Hoff, let me
6 just ask you a couple of questions. Is there anything
7 about the topography of the property that's unusual or
8 unique?

9 MR. HOFF: Slightly. The property drops off to
10 the back here.

11 MR. EVANS: When you say the back here.

12 MR. HOFF: I'm sorry. I'm sorry. If we're
13 looking at the -- essentially the south side or southeast
14 side of the property, where we abut 176 Winters Lane,
15 right along that section of the property, once you get
16 from the rear end of the -- rear of the building over to
17 Shipley, there is some grade break in there that I think
18 at one point in time may have had a retaining wall in
19 there. And, at some point in time in the future, if this
20 were to be done, here again, I did not get into the
21 design of that yet, but there may be some requirement for

1 a retaining wall in this area because of the grade
2 change.

3 MS. DEMILIO: Is that where the buffer would be
4 then? Is that the 3 foot buffer anyhow?

5 MR. HOFF: Yes, ma'am.

6 MS. DEMILIO: All right. So that wouldn't
7 affect the parking spaces, would it?

8 MR. HOFF: No.

9 MS. DEMILIO: No?

10 MR. HOFF: No.

11 MS. DEMILIO: Okay. You're not aware of any
12 subsurface conditions?

13 MR. HOFF: NO.

14 MS. DEMILIO: Okay. And you said there's no
15 historical significance. We're not near any water.

16 MR. HOFF: No.

17 MS. DEMILIO: We hope. All right. And you
18 testified that the surrounding area is just streets and
19 residential homes?

20 MR. HOFF: Yes.

21 MS. DEMILIO: Okay. All right. And are you

1 aware that -- you're familiar with Cromwell v. Ward or
2 not?

3 MR. HOFF: Cromwell v. Wade, yes.

4 MS. DEMILIO: V. Ward, right. The variance
5 case?

6 MR. HOFF: Yes.

7 MS. DEMILIO: And you're aware that that -- as
8 I said in my opening statement, that Cromwell v. Ward,
9 the Judges there, and is still the current law, is that
10 uniqueness cannot be caused by improvements upon the
11 property?

12 MR. HOFF: Yes, ma'am.

13 MS. DEMILIO: Okay. Or on a neighboring
14 property shall not have any effect.

15 MR. HOFF: Yes, ma'am.

16 MS. DEMILIO: Okay. I have no further
17 questions.

18 CHAIRMAN GARBER: Mr. Hurdle.

19 MR. HURDLE: I have five or six questions just
20 real quick.

21 CHAIRMAN GARBER: That's pretty specific.

1 MR. HURDLE: Mr. Hoff, if this property -- if
2 this building existed in, let's say, Towson, would we
3 need this parking requirement?

4 MR. HOFF: If it was in Towson, you wouldn't
5 have no parking requirement at all.

6 MS. DEMILIO: I object. That's speculative.
7 We're not in Towson. I mean the building.

8 CHAIRMAN GARBER: Yeah, I mean, what do you
9 mean by in Towson and --

10 MR. HURDLE: Sure. If it was located within --

11 MR. HOFF: The CT District of Towson --

12 MR. HURDLE: Correct.

13 MR. HOFF: -- there's no -- any restaurant
14 within the CT District of Towson does not require to have
15 onsite parking.

16 MS. DEMILIO: I object. Speculative question.
17 We're not -- the building is not in the CT District. I
18 mean --

19 CHAIRMAN GARBER: It also has nothing to do
20 with this case.

21 MS. DEMILIO: Right, either than we're here.

1 CHAIRMAN GARBER: It'll be sustained. I could,
2 off the top of my head, come up with other things.

3 MS. DEMILIO: Exactly.

4 MR. HURDLE: Sure.

5 CHAIRMAN GARBER: So.

6 MR. HURDLE: Mr. Hoff, in your review process
7 with the various different County agencies and
8 departments --

9 MR. HOFF: Um-hum.

10 MR. HURDLE: -- did you encounter any
11 resistance or any concerns with regards to this project
12 or any recommendations?

13 MS. DEMILIO: Objection. Reports from the
14 County speak for themselves.

15 MR. HURDLE: I think the question is fairly
16 fair then. If they speak for themselves, he can answer
17 the question very clearly.

18 MS. DEMILIO: Hearsay then.

19 CHAIRMAN GARBER: Well --

20 MR. HOFF: The documents exist.

21 CHAIRMAN GARBER: -- this is an administrative

1 hearing.

2 MS. DEMILIO: I know.

3 CHAIRMAN GARBER: And --

4 MS. DEMILIO: But we're not even getting to
5 probative evidence. My objection is we're not getting to
6 probative evidence.

7 MR. HURDLE: They're keeping themselves or
8 (indiscernible). And I feel like your argument is
9 changing as you're resisting the argument. I'm just
10 confused.

11 CHAIRMAN GARBER: All right. Here's what we're
12 going to do. Number one, Ms. Demilio, what is your basis
13 for the objection?

14 MS. DEMILIO: My basis for the objection is
15 it's not probative because the County has issued reports
16 on all of these -- the County -- he says the County. I
17 assume he means County agencies have issues reports. So
18 anything he says is going to be hearsay. We have the
19 primary evidence of the reports and that's sufficient.

20 CHAIRMAN GARBER: Are you going to be putting
21 the reports into evidence.

1 MR. HURDLE: I do have one of the reports,
2 absolutely. It's interoffice memoranda.

3 CHAIRMAN GARBER: Will you be putting that into
4 evidence?

5 CHAIRMAN GARBER: Yes, I will. Why don't we --
6 is there a reason why we don't do that right now?

7 MR. HURDLE: I can do that right now.

8 CHAIRMAN GARBER: Because, I mean, it would
9 eliminate all problems.

10 MR. HURDLE: Sure. And unfortunately I only do
11 have one copy of this.

12 CHAIRMAN GARBER: Okay. It is what it is.

13 MS. DEMILIO: It's the Planning Board report.
14 I'm sure it's already in your file.

15 CHAIRMAN GARBER: Even so. It has to be made
16 part of this because it's a de novo hearing.

17 MS. DEMILIO: What is the date on that?

18 MR. HURDLE: 1/26/18. We'll mark it I guess as
19 Exhibit 3.

20 CHAIRMAN GARBER: Exhibit 3.

21 (Whereupon, the document

1 referred to Petitioner's
2 Exhibit 3 was marked for
3 identification.)

4 MR. HURDLE: Mr. Hoff, have you seen this
5 document before?

6 MR. HOFF: Yes, sir.

7 MR. HURDLE: And what is this document?

8 MR. HOFF: When we file for a zoning hearing,
9 all the agencies are required to make comments whether
10 they're for or against. This comment is coming out of
11 the Planning Office, and I found it to be a fairly
12 reasonable --

13 MR. HURDLE: Who's it written to? Who's the
14 document written to?

15 MR. HOFF: It is to Arnold Javlon.

16 MR. HURDLE: And he was mentioned earlier by
17 counsel as regards to this kind of weird parking, shared
18 situation, correct?

19 MR. HOFF: Yes.

20 MR. HURDLE: And this document, what does it
21 recommend or I guess indicate that they shouldn't do, if

1 anything at all?

2 MR. HOFF: This --

3 MS. DEMILIO: I object to the word recommend
4 because they don't recommend anything. They just issue a
5 comment.

6 CHAIRMAN GARBER: Sustained.

7 MR. HURDLE: What did it suggest?

8 MR. HOFF: Well, it states the Department
9 recommends the proposal meets the applicable
10 compatibility objectives of BCC 32-4-402 and that the
11 business parking in a residential zone poses no -- we're
12 proposing no new buildings or parking to be constructed,
13 and it goes on from there. So they basically made no
14 objection to what we were requesting.

15 CHAIRMAN GARBER: And, Mr. Hoff, the date on
16 that is January 26 of 2018?

17 MR. HOFF: 1/26/18.

18 CHAIRMAN GARBER: And it refers to an amended
19 case, correct? If you look at where it says subject.

20 MR. HOFF: Amended, yes. Case 18-149 Amended.

21 CHAIRMAN GARBER: I just want to make sure

1 we're talking about the same --

2 MR. HOFF: Yes.

3 MS. DEMILIO: I'm not sure I have that one.

4 Dated 1/26/18.

5 CHAIRMAN GARBER: Yes.

6 MS. DEMILIO: I think that's the same one. I
7 have a couple of questions on it when you're -- oh, I see
8 it is that date. I'm sorry. Yeah, I have it in front of
9 me.

10 MS. DEMILIO: Okay. Mr. Hurdle, your
11 questions.

12 MR. HURDLE: I have no further questions on
13 this document at this time. Sorry.

14 CHAIRMAN GARBER: As to the document. So as to
15 Exhibit 3, Ms. Demilio.

16 MS. DEMILIO: I have questions on it, but I
17 don't have an objection.

18 CHAIRMAN GARBER: Admissibility, you're fine?

19 MS. DEMILIO: Yes.

20 CHAIRMAN GARBER: All right. Exhibit 3 is
21 admitted.

1 (Whereupon, the document
2 referred to as Petitioner's
3 Exhibit 3 was received into
4 evidence.)

5 CHAIRMAN GARBER: And just by a way of
6 reference, Exhibit 2, there was also no objection. So
7 that's admitted.

8 (Whereupon, the document
9 referred to as Petitioner's
10 Exhibit 2 was received into
11 evidence.)

12 CHAIRMAN GARBER: Mr. Hurdle.

13 MR. HURDLE: Mr. Hoff, there were some
14 questions with regards to the significance of this
15 building and, you know, its uses. If we bulldozed the
16 building, and put up a 3,000 square foot significant
17 smaller structure, is it accurate to say that that
18 building and the parking lost would require variances
19 along the exact same lines that we're looking at today?

20 MR. HOFF: Yes.

21 MR. HURDLE: It's accurate to say that as the

1 building has -- as it's existed in the past, to your
2 knowledge, there wasn't any legal parking and that we
3 would be adding seven additional parking spots to the
4 area, correct?

5 MR. HOFF: That's my understanding, yes.

6 MR. HURDLE: So you are lightening the parking
7 requirements for the area.

8 CHAIRMAN GARBER: You covered that ground on
9 direct. You can't cover that --

10 MR. HURDLE: Okay. I'm sorry.

11 CHAIRMAN GARBER: Okay.

12 MR. HURDLE: It is your expert opinion today,
13 that this property is unique and meets the requirements
14 for a variance. Is that accurate?

15 MR. HOFF: Yes.

16 MR. HURDLE: I have no further questions for
17 Mr. Hoff.

18 CHAIRMAN GARBER: Ms. Demilio, any follow up?

19 MS. DEMILIO: Yes. With regard to Petitioner's
20 3 which is the Planning Boar report you referred to --

21 MR. HOFF: Yes.

1 MS. DEMILIO: -- did you see -- if I could read
2 you what's on the second page. "The Department
3 understands that the longtime practice of commercial
4 establishments is to park on the adjacent public streets.
5 The Department will concur with the Administrative Law
6 Judge as to the appropriateness of continuing this
7 practice." Do you see that?

8 MR. HOFF: Yes.

9 MS. DEMILIO: And didn't the Administrative Law
10 Judge deny the variances here?

11 MR. HOFF: The Administrative Law Judge denied
12 the variances.

13 MS. DEMILIO: Right. And so in effect, the
14 Planning Office is not objecting to the denial of the
15 relief requested here.

16 MR. HURDLE: I would object to that question.
17 It's a double negative.

18 MS. DEMILIO: Isn't that the logical
19 interpretation of that?

20 MR. HOFF: I don't --

21 MS. DEMILIO: You don't know. You can't --

1 MR. HOFF: You're asking me a legal question
2 now.

3 MS. DEMILIO: No, it's not a legal question.

4 MS. RANDALL-JOLIVET: The Board will make the
5 decision. That's more appropriate. We can kind of take
6 notice of the decision.

7 MS. DEMILIO: Yeah.

8 CHAIRMAN GARBER: And I was going to suggest
9 that I don't know if this witness is going to be able to
10 get you the answer you want. You understanding you're
11 going to be comparing two documents, and you're asking
12 him to do the same thing we're going to have to do
13 anyway.

14 MS. DEMILIO: All right. Okay. Well, he did
15 offer an opinion that or at least testified that, you
16 know, or gave the impression that the Planning Office
17 approved of what they were doing, but he didn't talk
18 about the last paragraph.

19 CHAIRMAN GARBER: But your follow-up question
20 is the --

21 MS. DEMILIO: Right.

1 CHAIRMAN GARBER: So you can move on from that.

2 MS. DEMILIO: All right. I have no further
3 questions. Oh, no, I do have one question. When you
4 talked about small structure, you'd still be in for
5 variances but maybe not 91 spaces. There may not be a
6 need for 91 spaces.

7 MR. HOFF: Correct.

8 MS. DEMILIO: Right. And it's conceivable
9 there may be no variances necessary depending on the size
10 of the structure and what the use is.

11 MR. HOFF: If you were doing to park in the DR
12 portion, you would need variances.

13 MS. DEMILIO: What about the front of the
14 building? You're talking about for the size -- the
15 setbacks, but maybe not the number of spaces. You might
16 still need the setbacks or the variances for the
17 particulars as to those spaces, but you still would not
18 have -- you still -- you may be able to meet the number
19 of spaces though?

20 MR. HOFF: Yes.

21 MS. DEMILIO: Okay.

1 MR. HOFF: If you had a small enough building,
2 and I did not do any analysis for that.

3 MS. DEMILIO: All right. I understand that,
4 but you were asked that question by Mr. Hurdle. So I
5 want to clarify that a smaller structure may not need a
6 variance as to the number of spaces.

7 MR. HOFF: Correct.

8 MS. DEMILIO: And it could be -- and perhaps it
9 could be a use that is not open until 2:00 in the
10 morning.

11 MR. HOFF: Yes.

12 MS. DEMILIO: And it might be a use that's open
13 seven days a week, correct?

14 MR. HOFF: Yes.

15 MS. DEMILIO: Okay. All right. I have no
16 further questions.

17 CHAIRMAN GARBER: Mr. Hurdle?

18 MR. HURDLE: I have no further questions.

19 CHAIRMAN GARBER: Thank you, Mr. Huff for your
20 time.

21 (Mr. Hoff excused.)

1 CHAIRMAN GARBER: Who's the gentleman coming up
2 now?

3 MR. HURDLE: I'm going to call Mr. Lidinsky,
4 Attorney Lidinsky at this time.

5 CHAIRMAN GARBER: Are you expecting this to be
6 a lengthier --

7 MR. HURDLE: This should be pretty brief is my
8 belief because he also has to leave at 1:00. That's the
9 reason. I'm calling him slightly out of order at this
10 time.

11 CHAIRMAN GARBER: Okay. I'm also not going to
12 hold Ms. Demilio on cross-examination.

13 MR. HURDLE: No, of course not.

14 CHAIRMAN GARBER: So, okay.

15 MS. RANDALL-JOLIVET: Raise your right hand.
16 (Whereupon,

17 FRANK G. LIDINSKY
18 was called as a witness by the Petitioners and, after
19 having been first duly sworn, testified as follows:)

20 MS. RANDALL-JOLIVET: Would you state your name
21 and your business address for the record, and please

1 spell your last name.

2 MR. LIDINSKY: My name is Frank Lidinsky. My
3 last name is spelled L-i-d-i-n-s-k-y. I'm an attorney.
4 My office is at 8600 LaSalle Road, Suite 320, Towson,
5 Maryland 21286.

6 MS. RANDALL-JOLIVET: Thank you.

7 MR. HURDLE: Mr. Lidinsky, what is your
8 experience with the location in question today?

9 MR. LIDINSKY: I was appointed successor
10 personal representative of the Estate of Roosevelt
11 Fletcher, who was the owner of the property at the time
12 of his death. There was a liquor license associated with
13 that property that his business, I believe his business
14 dated back to 1978, and he continuously operated it until
15 the time of his death.

16 MR. HURDLE: To your knowledge, was the
17 property operated while you were the trustee and until
18 the property was sold?

19 MR. LIDINSKY: Yes. After Mr. Fletcher died,
20 his sister was involved in the business, and she became
21 the first personal representative of the estate. It's my

1 understanding that she was operating the business on that
 2 location. She was subsequently removed as the personal
 3 representative of the estate, and Mr. Fletcher's
 4 daughter, Katrice Howard was appointed successor personal
 5 representative. She retained the services of the law
 6 firm, Royston, Mueller and McLean, and they were in
 7 negotiation. There was a fellow came forward,
 8 Keith Keene. Mr. Keene was an associate of Mr. Fletcher.
 9 He helped him run the business out there, and he was
 10 trying to buy the business. And he was seeing that the
 11 property was well kept. My understanding was it was
 12 still having these private parties or -- where the lounge
 13 was, that that was still operational while Mr. Keene was
 14 trying to purchase the property.

15 This is a very complicated. If you look
 16 online, there's like 140 entries about it and Grace
 17 Conley and Judge Evans will tell you, it's probably one
 18 of the more difficult estates they've encountered in the
 19 last 25 years but at some point, Patrice Howard wanted
 20 out of being personal representative. There was another
 21 heir who felt that the property was worth \$1 million, had

1 these unrealistic expectations as to, you know, what was
 2 going to happen.

3 In the interim, the property fell into tax sale
 4 for non-payment of the real property. There were no
 5 liquid assets. And, Mr. Keene, who was trying to buy the
 6 property was trying to arrange for financing, and that
 7 wasn't happening. They had every intentions of selling
 8 it to him. I certainly believe he had this relationship
 9 with Mr. Fletcher and all that, but I had this other heir
 10 that was demanding something happen. So I contacted A.
 11 J. Billig, Auctioneers, and then the property was
 12 auctioned.

13 CHAIRMAN GARBER: So you were appointed
 14 personal representative after Patrice Howard wanted out?

15 MR. LIDINSKY: Yes, sir.

16 CHAIRMAN GARBER: And that's how --

17 MR. LIDINSKY: And that was in February of
 18 2017.

19 CHAIRMAN GARBER: Okay. And why -- how were
 20 you selected to be the PR?

21 MR. LIDINSKY: The Court maintains a list of

1 attorneys --

2 CHAIRMAN GARBER: You were Court appointed?

3 MR. LIDINSKY: Yes, sir.

4 CHAIRMAN GARBER: How do you spell the first
5 name of Ms. Howard?

6 MR. LIDINSKY: I think it's K-a-t-r-i-c-e.

7 CHAIRMAN GARBER: Thank you. Please continue,
8 Mr. Hurdle.

9 MR. HURDLE: You said that you were helping Mr.
10 -- you were working with Mr. Keith Keene in terms of
11 purchasing the property, but you said you went with Mr.
12 Billig to auction the property and that occurred was it
13 April 2017?

14 MR. LIDINSKY: Correct. We needed to get
15 liquid funds to make sure the property wasn't lost at tax
16 sale.

17 MR. HURDLE: And at that auction, do you know
18 who bought the property?

19 MR. LIDINSKY: Yes.

20 MR. HURDLE: Pattersons.

21 MR. LIDINSKY: The Pattersons that are here

1 today, yes.

2 MR. HURDLE: And that is the formation of
3 Premier Lounge. Would that be accurate to your
4 understanding?

5 MR. LIDINSKY: Yes, sir.

6 MR. HURDLE: I have no further questions at
7 this time for Mr. Lidinsky.

8 CHAIRMAN GARBER: Ms. Demilio?

9 MS. DEMILIO: Hello, Mr. Lidinsky. You have my
10 sympathy --

11 MR. LIDINSKY: Good afternoon.

12 MS. DEMILIO: It's afternoon. You have my
13 sympathy doing estate work because I --

14 MR. LIDINSKY: Ask Grace Conley, and they'll
15 tell you, this one was a real --

16 MS. DEMILIO: So let me ask you. Did you visit
17 the property any time before you were appointed February
18 2017?

19 MR. LIDINSKY: No, ma'am. I was unaware. Soon
20 after, within days of being appointed, Katrice Howard
21 told me to get in touch with Keith, that he had the keys

1 to the place, that he was sort of, you know, looking out
2 for it and running it.

3 MS. DEMILIO: Right. So you personally did not
4 go to the site. You personally can't vouch for the site
5 being open before you were appointed as personal
6 representative?

7 MR. LIDINSKY: Other than what Mr. Keene had
8 told me.

9 MS. DEMILIO: You have no personal knowledge?

10 MR. LIDINSKY: No, ma'am, I did not go there
11 until I was appointed.

12 MS. DEMILIO: Okay.

13 MR. EVANS: And when were you appointed?

14 MR. LIDINSKY: February.

15 MR. EVANS: February of 2017?

16 MR. LIDINSKY: Yes, sir.

17 MS. DEMILIO: I have no further questions.

18 MR. HURDLE: I just have two. You said you did
19 go to the site at some point, correct?

20 MR. LIDINSKY: Shortly after I was appointed, I
21 mean, this was the only asset. So I wanted to see what

1 was going on. So.

2 MR. HURDLE: And from what you could see, it
3 was operational?

4 MR. LIDINSKY: When I went there, Mr. Keene had
5 the keys. He let me in. It was this lounge which I
6 think was the more -- part of the building that was being
7 used or whatever.

8 MR. HURDLE: And here's my final question. Do
9 you recall what the auction price was?

10 MR. LIDINSKY: \$307,000 I believe.

11 CHAIRMAN GARBER: I'm sorry. What was that?

12 MR. LIDINSKY: \$307,000.

13 MS. RANDALL-JOLIVET: So are you saying only
14 part of the building was being used, when you describe it
15 as the lounge?

16 MR. LIDINSKY: Well, the whole building was
17 like a retail package place. I don't think that was
18 being operated.

19 MS. RANDALL-JOLIVET: The tavern and package
20 goods area was not being utilized at that time?

21 MR. LIDINSKY: Right. I didn't see anybody

1 purchasing, you know, alcohol or like -- off the shelves
 2 or anything. It was -- I believe the use was back in
 3 this lounge, meeting room, party room, whatever.

4 MR. EVANS: Where there was a bar? There was a
 5 bar back there?

6 MR. LIDINSKY: Yes.

7 MS. RANDALL-JOLIVET: And when you say lounge,
 8 would that include the restaurant?

9 MR. LIDINSKY: Yeah, it's kind -- if you come
 10 in the place, there's Flexiglas where I guess the package
 11 good place was, and then if you went around there, there
 12 was -- I think it was called the Brickhouse Tavern or
 13 whatever, or the restaurant. And, Mr. Muller from the
 14 Liquor Board, he came in at one point, and he said he
 15 remembered as a kid it being the Brickhouse or whatever.
 16 And that led into another room where there was this long
 17 bar and I guess with a little dance floor or whatever.

18 MS. RANDALL-JOLIVET: And that's what you refer
 19 to as the lounge?

20 MR. LIDINSKY: Yes, ma'am.

21 MS. RANDALL-JOLIVET: Okay. Thank you.

1 MS. DEMILIO: Can I ask a question?

2 CHAIRMAN GARBER: Mr. Hurdle, are you done with
 3 yours?

4 MR. HURDLE: Um-hum. Yes.

5 MS. DEMILIO: Were there any customers there
 6 when you were there?

7 MR. LIDINSKY: No, the times I was there, there
 8 were no customers.

9 CHAIRMAN GARBER: Is there a kitchen onsite?

10 MR. LIDINSKY: Yes, sir.

11 CHAIRMAN GARBER: In use when you were
 12 visiting?

13 MR. LIDINSKY: I did not see it in use, no,
 14 sir.

15 CHAIRMAN GARBER: Did you see anything that
 16 would give you an indication as to its last use?

17 MR. LIDINSKY: I think there had been a party
 18 or some event there, and, I mean, I don't know if
 19 somebody was turning on the gas cooking something, but
 20 there was evidence that there was, you know, food and I
 21 don't know. I can't say if it was brought in or if it

1 was prepared there. So. I had no personal knowledge of
2 that.

3 CHAIRMAN GARBER: Right. There wasn't kitchen
4 activity when you were present?

5 MR. LIDINSKY: I did not see any kitchen
6 activity, no, sir.

7 CHAIRMAN GARBER: But you had seen that there
8 had been something that gives you the impression that
9 there must have been recent use of the area, kitchen
10 area?

11 MR. LIDINSKY: Yes. This lounge, bar, you
12 know, it's kind of hard to describe. I mean, it's, it's
13 -- as this gentleman says, it's a rather unique building.
14 It's kind of -- you wouldn't, you know -- it's not your
15 average restaurant I guess or the layout or the
16 configuration of it.

17 CHAIRMAN GARBER: Okay. No other questions?

18 MS. DEMILIO: You mean the interior?

19 MR. LIDINSKY: The interior, yes, ma'am.

20 MS. DEMILIO: The interior, not the exterior.

21 MR. LIDINSKY: No, ma'am, the interior. It's

1 kind of chopped up or whatever.

2 MS. DEMILIO: I have no further questions.

3 CHAIRMAN GARBER: Thank you, sir, for your
4 time.

5 MR. LIDINSKY: May I please be excused?

6 CHAIRMAN GARBER: You are excused.

7 MR. LIDINSKY: Okay. Thank you very much.

8 (Mr. Lidinsky excused.)

9 CHAIRMAN GARBER: All right. Where do we stand
10 now? Mr. Hurdle, who's testifying?

11 MR. HURDLE: At this time, I have possibly at
12 least three or four more witnesses.

13 CHAIRMAN GARBER: Okay. So I'm thinking we
14 should break for lunch frankly. I would like to make it
15 as quick as possible and try to be reasonable at the same
16 time. So if you have a suggestion, like 45 minutes is
17 what I'm thinking. Is that too much or --

18 MR. HURDLE: As a time or here we should go for
19 lunch? Sorry.

20 CHAIRMAN GARBER: I can give you
21 recommendations on that, but as to timewise, 45 minutes?

1 MR. HURDLE: We can do 35, 40 minutes. We can
2 make it 10. It's up to you guys. I have no problem.

3 CHAIRMAN GARBER: Is that sufficient for you?

4 MR. HURDLE: Absolutely, yes.

5 CHAIRMAN GARBER: Ms. Demilio, 45?

6 MS. DEMILIO: Yes, that's fine.

7 CHAIRMAN GARBER: All right. So next, do math.

8 So that takes us to 1:25. So we come back at 1:25.

9 MR. HURDLE: Great.

10 CHAIRMAN GARBER: Your witnesses in the
11 afternoon, are they all I imagine owner and --

12 MR. HURDLE: Owners. We have someone from the
13 community. We actually have two members from the
14 community as well. Sorry.

15 CHAIRMAN GARBER: All right. Do you expect
16 them to be lengthy or try to get a sense of where we're
17 going to be today in terms of stop time?

18 MR. HURDLE: I'm going to try to keep them as
19 brief as possible. The owners will testify between them
20 maybe an hour total, and that includes my estimation as
21 to cross-examination questions, but I wouldn't want to

1 limit her in any capacity.

2 CHAIRMAN GARBER: Okay.

3 MR. HURDLE: And the community members again,
4 maybe an hour between them as well I guess.

5 CHAIRMAN GARBER: Okay. Ms. Demilio, I know
6 you have at least three people present.

7 MS. DEMILIO: Right.

8 CHAIRMAN GARBER: Are you thinking of anybody
9 else?

10 MS. DEMILIO: Just three.

11 CHAIRMAN GARBER: Okay. Maybe we can wrap up
12 today, too.

13 MR. HURDLE: I have one concern with regard to
14 wrapping up today, that I am totally unavailable
15 tomorrow.

16 CHAIRMAN GARBER: We wouldn't carry over until
17 tomorrow. It would be rescheduled for another day.

18 Does anyone have a hard stop time today? Like
19 do you have kids to pick up at school or --

20 MS. DEMILIO: No.

21 MR. HURDLE: I have no responsibility at all.

1 None.

2 UNIDENTIFIED SPEAKER: The owners do.

3 CHAIRMAN GARBER: Well, we'll put you guys on
4 when we come back and then all those issues can be
5 resolved for the owners.

6 All right. With that in mind, we'll be back at
7 1:25. We are in recess.

8 (Whereupon, at 12:39 p.m., a lunch recess was
9 taken.)

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1 AFTERNOON SESSION

2 (1:25 p.m.)

3 CHAIRMAN GARBER: All right. We're back. And
4 I believe you're about to call your next witness?

5 MR. HURDLE: Yes, absolutely.

6 MS. RANDALL-JOLIVET: Would you raise your
7 right hand please.

8 (Whereupon,

9 LAKEISHA McCLENDON

10 was called as a witness by the Petitioners and, after
11 having been first duly sworn, testified as follows:)

12 MS. RANDALL-JOLIVET: And will you state your
13 name and your business address for the record and please
14 spell your last name?

15 MS. McCLENDON: Sure. Lakeisha McClendon,
16 M-c-C-l-e-n-d-o-n. The address is 6108 Stevens Forest
17 Road, Columbia, Maryland 21045.

18 CHAIRMAN GARBER: And spell your first name,
19 too.

20 MS. McCLENDON: Lakeisha, L-a-k-e-i-s-h-a.

21 MS. RANDALL-JOLIVET: I'm sorry. I didn't get

1 your address.

2 MS. McCLENDON: 6108 Stevens, S-t-e-v-e-n-s,
3 Forest Road, Columbia, Maryland 21045.

4 MS. RANDALL-JOLIVET: Thank you.

5 MR. HURDLE: Ma'am, can you tell me what your
6 involvement with this matter is?

7 MS. McCLENDON: Sure. I serve as a community
8 engagement liaison for Premier Lounge for Mr. and Mrs.
9 Patterson.

10 MR. HURDLE: And the purpose of that was to
11 assist in reaching out to the community and addressing
12 concerns. Is that accurate?

13 MS. McCLENDON: That is correct.

14 MR. HURDLE: Did you do that?

15 MS. McCLENDON: I did.

16 MR. HURDLE: What did that encompass?

17 MS. McCLENDON: So shortly after the purchase
18 of the property, Mr. and Mrs. Patterson were well aware
19 of several concerns of the community. After meeting with
20 a local councilman, to better understand what, from his
21 position the concerns were, they encouraged us to reach

1 out to the Banneker Community Center.

2 So we did that in hopes that -- first, we
3 attended several of their -- a couple of their community
4 meetings just to kind of hear from them, to understand
5 participation, just kind of understand the workings of
6 the community.

7 And then we scheduled two outreach meetings,
8 one where we canvassed the area and passed out flyers
9 over a period of time, to ensure that we raised
10 awareness. Then we hosted those meetings, and during
11 those meetings, we shared the Pattersons' plan, further
12 heard the community's concerns, outside of what we did
13 our own research to do and showed them, demonstrated our
14 intent to their intent to mitigate the issues that they
15 raised and learn of any other issues so we could put it a
16 part of our -- a part of their long range strategy.

17 MR. EVANS: And just to be clear for the
18 record, that was the Banneker Community -- is it
19 Association?

20 MS. McCLENDON: Yes.

21 MR. EVANS: Okay. Thank you.

1 MR. HURDLE: What were the primary concerns
2 that you heard at these various meetings?

3 MS. McCLENDON: Absolutely. Parking, the
4 crime, the loitering, the drug sales that they felt like
5 were handled -- that were ignored or -- that occurred
6 outside. They believed that people from the inner City
7 of Baltimore would come and have transactions outside of
8 what was then the Brickhouse. And they were very
9 passionate about that issues.

10 MR. HURDLE: Concerned about the way the place
11 had been previously managed --

12 MS. McCLENDON: Yeah.

13 MR. HURDLE: -- up until the sale, would
14 continue.

15 MS. McCLENDON: Yes.

16 MR. HURDLE: What sort of things were discussed
17 as ways of mitigating this?

18 MS. McCLENDON: Several. So one, we wanted to,
19 number one, do an analysis of the number of police calls,
20 right, to see if there was an increase in police calls.
21 So we met with the -- Mr. Bloom (ph.), Officer Bloom, to

1 pull that data --

2 MR. HURDLE: Um-hum.

3 MS. McCLENDON: -- to kind of see if once the
4 previous owner passed away, that those crimes increased
5 or decreased. And, it was clear that they did decrease,
6 but that -- a lot of times, it was him making the calls.
7 It was him making the calls. If you look at the record,
8 he was making the calls not --

9 MR. EVANS: Are you talking about new owner or
10 the old owner?

11 MS. McCLENDON: Yeah, the previous owners.
12 They'd see the crime --

13 CHAIRMAN GARBER: Mr. Fletcher.

14 MS. McCLENDON: Say his last name again?

15 CHAIRMAN GARBER: Mr. Fletcher.

16 MS. McCLENDON: Yes, Fletcher. So when they
17 did see the crime or when they did get the calls, it was
18 him calling --

19 MR. EVANS: I see.

20 MS. McCLENDON: -- and in some cases it wasn't
21 really anything statistically significant that we could

1 kind of quantify when these things occurred or when they
2 didn't occur. But it did help us kind of quantify what
3 we saw as it relates to the crime in that area.

4 And so the one thing that the Pattersons
5 committed to, is that they would not allow the loitering,
6 you know what I mean. So they would change the culture.
7 If they knew somebody was in the area, they would
8 immediately call the police. The police made a
9 commitment to increase patrols once they opened, so that
10 they could ensure we taught the people who were
11 consistently behaving in a manner that was not aligned
12 with what we wanted for the community, that they would be
13 able to push them away. So that was one thing.

14 The second thing was the visible look and feel
15 of the property under the previous owner. He kind of let
16 it go. He didn't kind of do upkeep, because of his age
17 or whatever. And so the Pattersons were able to
18 demonstrate how they were going to change the look and
19 feel of the property as well. And so they did that. And
20 so they were able to demonstrate what their vision was.

21 The other thing that they were concerned about

1 was, why are you just coming to us now? Well, they
2 bought the property in early April. Our first outreach
3 with them was in July. They had to secure the loan. We
4 had 45 days. And so immediately once they were able to
5 finalize the business as for the property, they
6 immediately engaged the community. So.

7 MR. HURDLE: And you said that was with the
8 Councilman as well?

9 MS. McCLENDON: Yes, they met with the
10 Councilman.

11 MR. EVANS: Was that Councilman Quirk (ph.)?

12 MS. McCLENDON: Yes.

13 MR. HURDLE: You met with numerous people from
14 the community. Is that accurate?

15 MS. McCLENDON: Yes.

16 MR. HURDLE: And you went to several meetings
17 with one specific community group, you said Banneker
18 Community Association?

19 MS. McCLENDON: I believe that's the name of
20 it, yes.

21 MR. HURDLE: Is there anybody -- I have no

1 further questions at this time. Sorry.

2 MR. EVANS: What -- you said one of their
3 concerns was parking.

4 MS. McCLENDON: Yes.

5 CHAIRMAN GARBER: So can you can you tell us
6 about how that controversy was addressed and handled and
7 discussed?

8 MS. McCLENDON: So in context, some of the
9 issues that we're dealing with now, I don't think the
10 Pattersons were fully aware of at the time of the
11 purchase, right. And so what they committed to, doing
12 their due diligence, if that meant tearing down the back
13 of the building. So some of the things that the
14 architect clearly shared, they weren't aware of. And so
15 as they -- once they learned of it, they continued to
16 make the investment.

17 However, they had to -- let me choose my words.
18 They had to -- you don't want to keep making an
19 investment if you know you're not going to get the
20 approval to move forward. So is this balanced? Do we
21 keep making investments when we don't know if we're going

1 to get the County's approval to keep moving forward.

2 What they did do, which is in align with what
3 they promised to the community, is that they would do
4 things up to code and to keep trying to do what's right.

5 MR. EVANS: In terms of parking though, I take
6 it when Mr. Fletcher owned the premises, when he was
7 alive, people parked on the street?

8 MS. McCLENDON: I can't speak to that, but what
9 I can say is that we did meet with the gentleman across
10 the street that owns the lot that agreed verbally that we
11 -- the Pattersons could use that space. And he's still
12 open to that agreement. He was just willing to put it in
13 writing, but he has not given them any problems. And, in
14 fact, that's where many of their guests park now, and
15 then at the church as well. So the church also agreed
16 but as you may or may not know, that the church is on the
17 market. So they couldn't -- didn't go into a legal
18 agreement with that because the ownership might change.
19 However, Reverend Dedman (ph.) who is a pillar of the
20 community verbally supported them and continues to
21 support them.

1 MR. EVANS: Thank you.

2 CHAIRMAN GARBER: Ms. Demilio?

3 MS. DEMILIO: Yes. Now you said you met with

4 people from the Banneker Community -- was it Association?

5 MS. McCLENDON: Yes, ma'am. I don't --

6 MS. DEMILIO: Did you go to that meeting?

7 MS. McCLENDON: Yes, ma'am. At the Banneker

8 Center.

9 MS. DEMILIO: I know it's at the Banneker

10 Center but who were the people from the community

11 association that you met with?

12 MS. McCLENDON: would you like the attendance

13 sheet because we have it?

14 MS. DEMILIO: Yes.

15 MR. HURDLE: I guess we'll mark this Exhibit 4.

16 (Whereupon, the document

17 referred to as Petitioner's

18 Exhibit 4 was marked for

19 identification.)

20 MS. McCLENDON: And I don't have their

21 official --

1 CHAIRMAN GARBER: And this is --

2 MR. HURDLE: I've seen it.

3 MS. McCLENDON: So this attendance sheet is an

4 attendance sheet from the meeting that we hosted which

5 was a special meeting just to share the plan envisioned

6 for the Premier Lounge. However, we attended their

7 normal meetings which we don't have access to their

8 minutes and their attendance sheet. If you want that,

9 you would have to talk to the president.

10 MR. EVANS: So was it the same group of people,

11 generally on Exhibit 4, at the meetings you also went to?

12 MS. McCLENDON: Yes, sir. And I will share

13 that I think more people came to this one. While it's

14 not a lot, more people came because of the flyers.

15 MR. EVANS: (Indiscernible).

16 MS. McCLENDON: Yes, sir.

17 MR. EVANS: So you said this one. You're

18 talking about multiple meetings?

19 MS. McCLENDON: Yes. So they have a monthly

20 meeting that as soon as Mr. and Mrs. Patterson made the

21 purchase, we went to the June meeting. After that, we

1 hosted our own sessions to share their plan forward with
 2 that group, and I don't know if you have that
 3 presentation that we provided, but you're welcome to have
 4 that as well.

5 MR. HURDLE: Yeah, we would mark this as
 6 Exhibit 5.

7 (Whereupon, the document
 8 referred to as Petitioner's
 9 Exhibit 5 was marked for
 10 identification.)

11 MS. DEMILIO: I have some questions on this.

12 CHAIRMAN GARBER: Okay.

13 MS. DEMILIO: So do you have --

14 CHAIRMAN GARBER: Wait, let's do this -- let's
 15 take it all in order here. Do you have the exhibit
 16 sticker for that?

17 MR. HURDLE: It's right here.

18 CHAIRMAN GARBER: Okay. Just make sure that
 19 copy of the exhibit.

20 UNIDENTIFIED SPEAKER: That's 4.

21 CHAIRMAN GARBER: That's 4. The list from

1 community meeting. And then 5 is the presentation, the
 2 slide presentation or PowerPoint presentation --

3 MS. McCLENDON: Yes.

4 CHAIRMAN GARBER: -- about Premier Lounge.

5 MS. McCLENDON: Yes, sir. And that's the
 6 flyers that were passed out all through the community, at
 7 homes and apartments, et cetera.

8 MR. HURDLE: So we'll make that number 6.

9 CHAIRMAN GARBER: Okay. Exhibit 6 is the
 10 flyers.

11 (Whereupon, the document
 12 referred to as Petitioner's
 13 Exhibit 6 was marked for
 14 identification.)

15 CHAIRMAN GARBER: Okay. Ms. Demilio, whenever
 16 you're ready to go for 4, 5 and 6.

17 MS. DEMILIO: Thank you. Now on number 4, you
 18 don't have any home addresses for the people listed here
 19 except one of them at 210 Winters Lane. Is that --

20 MS. McCLENDON: That's when they signed in. it
 21 was up to them if they wanted to give their home address.

1 MS. DEMILIO: Did you ask for their individual
2 address?

3 MS. McCLENDON: Are you asking me a question?

4 MS. DEMILIO: Yes. Did you ask for their
5 individual address?

6 MS. McCLENDON: We did, but they did not give
7 them out.

8 MS. DEMILIO: Where is it that you asked for
9 their individual address?

10 MS. McCLENDON: There was a sign-in sheet. If
11 you look on -- I think it's on the other side.

12 MS. DEMILIO: You didn't have people sign the
13 sign-in sheet. Nobody's on the sign-in sheet or somebody
14 that I can't read. Why didn't you just give people this
15 sheet?

16 MS. McCLENDON: So there were multiple sheets
17 going around the room and so once people -- once that --
18 once the sheet -- they didn't have access I guess. So
19 they signed on the back of it. Does it matter? I'm not
20 a lawyer. So I can't answer the question.

21 MS. DEMILIO: Don't ask me a question.

1 MS. McCLENDON: Yeah, I know.

2 MS. DEMILIO: I ask you the questions.

3 MS. McCLENDON: All right. Fair enough.

4 MS. DEMILIO: So my question is, is this the
5 sheet you passed around to -- page 2 of your Exhibit
6 Number 4, is this the sheet you passed around to the
7 people at your meeting?

8 MS. McCLENDON: So this was the sheet at the
9 door, and then it was also passed around as you can see
10 on the back.

11 MS. DEMILIO: No, I can't see that it was
12 passed around. I want to know what was at the door and
13 what --

14 MS. McCLENDON: This was at the door, and then
15 it was passed around. So with whatever they were
16 comfortable with signing.

17 CHAIRMAN GARBER: Hold on one second. You said
18 this, and there are two pages.

19 MS. McCLENDON: Yeah, I apologize. So that
20 sheet was at the door.

21 CHAIRMAN GARBER: Page 1.

1 MS. McCLENDON: Page 1 was at the door, and
2 then the other sheet was passed around.

3 CHAIRMAN GARBER: Page 2 was passed around?

4 MS. McCLENDON: Page 2 was passed around on a
5 clipboard.

6 MS. DEMILIO: And who passed that around? You?

7 MS. McCLENDON: Once I handed it to someone,
8 they passed it around.

9 MS. DEMILIO: So was it your idea to pass this
10 sheet around and not the sheet that was at the door?

11 MS. McCLENDON: I don't know whose idea it was.

12 CHAIRMAN GARBER: I need to clarify this
13 because I think we're calling page 2 from the day of the
14 meeting, it's actually page 1 of the exhibit.

15 MS. DEMILIO: Well, that's the way they put it
16 together. So --

17 CHAIRMAN GARBER: I need to make sure this is
18 clear for the record so whoever -- however this came to
19 be. The one that was actually computer generated in
20 terms of the table, that was left where? At the door or
21 was that passed around?

1 MS. McCLENDON: It was at the door. So what
2 happened was people came --

3 CHAIRMAN GARBER: I'm sorry. I'm getting
4 there. So that was passed around. Now we have another
5 sheet which is page 1 of Exhibit 4. How was that
6 generated which is just people signing the back of a
7 piece of paper.

8 MS. McCLENDON: Yes.

9 CHAIRMAN GARBER: Okay. How was that done?
10 Was that passed around? Was that at the door? Were they
11 two separate things, page 1 and page 2? Are they two
12 different documents?

13 MS. McCLENDON: It was -- I'm assuming -- I'm
14 going to make this -- it was passed around. So the
15 meeting probably already started and so initially it was
16 at the door. People came in and then we passed around
17 the sheet.

18 MS. DEMILIO: The second sheet?

19 MS. McCLENDON: Yes.

20 CHAIRMAN GARBER: Okay. Go ahead, Ms. Demilio.

21 MS. DEMILIO: The second sheet which is page 1.

1 MR. HURDLE: Yeah. Yes, exactly.
2 MS. DEMILIO: (Indiscernible).
3 MR. HURDLE: Thank you. Exactly.
4 MS. RANDALL-JOLIVET: All right. So you didn't
5 pass around page 2?
6 MS. McCLENDON: No, that was at the door.
7 MS. DEMILIO: So the sheet that was passed
8 around didn't have any addresses, residence addresses,
9 their home addresses. Is that correct?
10 MS. McCLENDON: Can I look at it and see? No
11 home addresses because it asks for the e-mail address at
12 the top.
13 MS. DEMILIO: All right. Well, who wrote name,
14 e-mail address and phone. Did you write that?
15 MS. McCLENDON: That is my handwriting.
16 MS. DEMILIO: And you wrote this date
17 Thursday --
18 MS. McCLENDON: Yes.
19 MS. DEMILIO: -- the 27th.
20 MS. McCLENDON: That is correct.
21 MS. DEMILIO: Right. But you didn't follow the

1 printed sheet that you had at the door where it also had
2 the home address?
3 MS. McCLENDON: No, ma'am. It was not intended
4 to be a legal document used in this setting. So, no, I
5 didn't.
6 MS. DEMILIO: I'm not asking if it was a legal
7 document. I'm asking you that when you did the headings
8 on the sheet you passed around, you omitted putting down
9 the home -- the column for the home address.
10 MS. McCLENDON: And I said, yes.
11 MS. DEMILIO: All right. Now the Exhibit
12 Number 5, which you're claiming is --
13 MR. HURDLE: I object. The claiming term kind
14 of demeans --
15 MS. DEMILIO: Well, what is this Number 5?
16 MR. HURDLE: -- what's going on. I'd like a
17 ruling on that, too.
18 CHAIRMAN GARBER: Well, I mean, it's the same.
19 It's been identified previously but Ms. Demilio has asked
20 what is this?
21 MS. DEMILIO: What is this and who prepared it

1 and when was it prepared?

2 MS. McCLENDON: Great question. It was
3 prepared the week of the -- about -- between a week or
4 two weeks before the meeting.

5 MS. DEMILIO: All right. What meeting? The
6 date of the meeting?

7 MS. McCLENDON: The 27th, the meeting on the
8 27th, in preparation for that meeting.

9 MS. DEMILIO: And where was it generated --
10 passed around? Where?

11 MS. McCLENDON: It was -- we made 200 copies
12 and we handed them out at the meeting for the people that
13 came in person.

14 MS. DEMILIO: But 200 people didn't show up.

15 MS. McCLENDON: Yeah, you're right, but we did
16 pass them out.

17 MS. DEMILIO: So only the people on
18 Petitioner's Exhibit 4 got this Petitioner's Exhibit
19 Number 5?

20 MS. McCLENDON: During that time, only those
21 people. I can't speak to who the Pattersons gave the

1 presentation to after that.

2 MS. DEMILIO: But you never gave it to anybody?

3 MS. McCLENDON: I did not give it to anybody
4 else.

5 MS. DEMILIO: All right. And Exhibit Number 6
6 is the -- known as a community engagement meeting, the
7 new owners of 180 Winters Lane. Who produced this flyer?

8 MS. McCLENDON: Produced? Are you saying who
9 created it?

10 MS. DEMILIO: Yeah. Who produced it?

11 MS. McCLENDON: We designed it. I designed it,
12 and the Pattersons cleared it.

13 MS. DEMILIO: All right. And where was this
14 passed out?

15 MS. McCLENDON: To home in the community.

16 MS. DEMILIO: Now, what homes in the community?

17 MS. McCLENDON: As many as we could deliver
18 them to, ma'am.

19 MS. DEMILIO: Well, tell me what streets you
20 went on? When you say we, I assume you participated in
21 it?

1 MS. McCLENDON: Yes, the Pattersons. So it was
2 a team of us.

3 MS. DEMILIO: Okay. So what, what streets or
4 roads did you pass these out on?

5 MS. McCLENDON: All the homes in the community
6 of the 180 Winters Lane. We did not document each home.

7 MS. DEMILIO: But tell me the streets. Do you
8 know the streets?

9 MS. McCLENDON: I did not memorize the streets.

10 MS. DEMILIO: No, not memorize. Do you just
11 know what they are?

12 MS. McCLENDON: I did not memorize the streets.

13 MS. DEMILIO: Then you have no idea where you
14 went then?

15 MS. McCLENDON: We went to all the homes in the
16 community of 180 Winters Lane. So the homes on Winters
17 Lane and the homes on Shipley, around the Banneker
18 Center, but I do not know the names of all of the
19 streets, ma'am.

20 MS. DEMILIO: Okay. So --

21 CHAIRMAN GARBER: Let me just ask. You

1 personally, were you on Winters?

2 MS. McCLENDON: Yes, myself and the Patterson
3 family.

4 CHAIRMAN GARBER: You personally handed out
5 Exhibit 6, the flyers, to homes on Winters?

6 MS. McCLENDON: Yes, sir.

7 CHAIRMAN GARBER: And also on Shipley?

8 MS. McCLENDON: Yes, sir.

9 CHAIRMAN GARBER: And --

10 MS. McCLENDON: I didn't, I didn't -- I wasn't
11 assigned to Shipley.

12 CHAIRMAN GARBER: You personally?

13 MS. McCLENDON: No, I didn't personally do
14 Shipley.

15 CHAIRMAN GARBER: You personally did Winters?

16 MS. McCLENDON: Yes.

17 CHAIRMAN GARBER: Can you recall any other
18 street that you personally did?

19 MS. McCLENDON: I don't recall the names of the
20 streets.

21 CHAIRMAN GARBER: It's okay.

1 MS. McCLENDON: Yeah. I live in Columbia.
2 Sorry.
3 CHAIRMAN GARBER: That's okay.
4 MR. EVANS: How many flyers were distributed in
5 total if you know?
6 MS. McCLENDON: We made over 300 copies and we
7 had to make more copies. So I don't know exactly how
8 many because after I helped the first couple of days, the
9 Pattersons did it on their own.
10 MR. EVANS: Okay.
11 MS. DEMILIO: All right. So have you -- when
12 did you visit the Premier Lounge then over the course of
13 your employment by the Pattersons?
14 MS. McCLENDON: Can you ask that question
15 differently?
16 MS. DEMILIO: When did you -- no, I can't.
17 When did --
18 MS. McCLENDON: I don't understand what you're
19 asking me, ma'am.
20 MS. DEMILIO: When did you visit the -- how
21 many times did you visit the Premier Lounge while you

1 were employed by the Pattersons?
2 MS. McCLENDON: I never said I was employed. I
3 visited the Premier Lounge several times. I don't know
4 the number.
5 MS. DEMILIO: Well, what's several? What's
6 your idea of several?
7 MS. McCLENDON: More than five.
8 MS. DEMILIO: And less than?
9 MS. McCLENDON: More than five.
10 MS. DEMILIO: But less than what? Do you know?
11 MS. McCLENDON: No.
12 MS. DEMILIO: Well, could it be 100 then? Is
13 that what you're saying?
14 MS. McCLENDON: I do not recall, ma'am.
15 MS. DEMILIO: All right. And when you say you
16 weren't employed by them --
17 MS. McCLENDON: They didn't pay me.
18 MS. DEMILIO: Okay. Well, what is your -- you
19 say you're a community engagement liaison.
20 MS. McCLENDON: Yes.
21 MS. DEMILIO: Do you have a business?

1 MS. McCLENDON: I support them.
2 MS. DEMILIO: Do you have a business? Are you
3 in business as a community engagement liaison?
4 MS. McCLENDON: I do have a business. I do
5 have a business.
6 MS. DEMILIO: Okay. What's the business?
7 What's the name of it?
8 MS. McCLENDON: The name of my business is the
9 ABCs of Life.
10 CHAIRMAN GARBER: I'm sorry.
11 MS. DEMILIO: I'm sorry.
12 MS. McCLENDON: ABCs of Life.
13 CHAIRMAN GARBER: ABCs of Life.
14 MS. McCLENDON: Yeah.
15 CHAIRMAN GARBER: What does ABCs of Life do?
16 MS. McCLENDON: We do training and development.
17 CHAIRMAN GARBER: For what particularly?
18 MS. McCLENDON: Youth and development programs.
19 CHAIRMAN GARBER: And what do you mean by youth
20 and development programs?
21 MS. McCLENDON: Programs that educate young

1 people in life skills and community work.
2 MR. EVANS: And I take it you're friends of the
3 Pattersons?
4 MS. McCLENDON: I am.
5 MR. EVANS: And so you did this just on your
6 own?
7 MS. McCLENDON: Yes. Thank you.
8 MS. DEMILIO: Did you meet with the Councilman
9 yourself?
10 MS. McCLENDON: No, sir, I did not. No, ma'am,
11 I did not. The Pattersons did.
12 MS. DEMILIO: Okay. And when was the last time
13 you were at the Premier Lounge?
14 MS. McCLENDON: Actually yesterday.
15 MS. DEMILIO: All right. What time?
16 MS. McCLENDON: 8:00.
17 MS. DEMILIO: At night or in the morning?
18 MS. McCLENDON: In the evening.
19 MS. DEMILIO: And what was -- so yesterday was
20 Wednesday. How many people were there? Do you recall?
21 MS. McCLENDON: I do not recall.

1 MS. DEMILIO: Okay. And when was the time
 2 before that, when were you there?
 3 MS. McCLENDON: I don't recall.
 4 MS. DEMILIO: And I need your other five times.
 5 Do you recall when you were there, what time of day?
 6 MS. McCLENDON: No.
 7 MS. DEMILIO: What day of the week, you don't
 8 know?
 9 MS. McCLENDON: Uh-uh.
 10 MR. EVANS: Ma'am, on the --
 11 MS. DEMILIO: Were you at the -- I'm sorry.
 12 MR. EVANS: -- sheet that has the names --
 13 CHAIRMAN GARBER: Exhibit 4.
 14 MR. EVANS: Yeah, Exhibit 4, and I think it's
 15 the top page, that has the handwritten names.
 16 MS. McCLENDON: Yes, sir.
 17 MR. EVANS: Were there more people at the
 18 meeting than are listed on that sheet or is that sheet --
 19 does that sheet represent all of the neighbors that
 20 attended that meeting if you know?
 21 MS. McCLENDON: I don't want to misrepresent

1 what occurred.
 2 MR. EVANS: Um-hum.
 3 MS. McCLENDON: It was -- the first time it was
 4 more than the second session. The first session was 10
 5 to 12 people. That doesn't mean everybody signed in and
 6 there was people -- they use that community center as a
 7 multiuse space.
 8 MR. EVANS: Um-hum.
 9 MS. McCLENDON: So if some of the folks may not
 10 have signed in.
 11 MR. EVANS: So is that sheet -- is that the
 12 first meeting or the second meeting?
 13 MS. McCLENDON: That's the first meeting. The
 14 Pattersons had the second meeting. I'm not sure they
 15 turned it back to me for the purposes of this
 16 conversation.
 17 MR. EVANS: So mostly that represents the
 18 people that attended?
 19 MS. McCLENDON: Yes, sir. There was definitely
 20 more people at the first session than the second session.
 21 CHAIRMAN GARBER: Ms. Demilio.

1 MS. DEMILIO: Were you at the Liquor Board
 2 hearing?
 3 MS. McCLENDON: No, ma'am, I was not.
 4 MS. DEMILIO: Did you attend the auction with
 5 them?
 6 MS. McCLENDON: No, ma'am, I did not.
 7 MS. DEMILIO: Did you attend any meetings with
 8 Mr. Hoff?
 9 MR. HURDLE: Objection. Relevance.
 10 CHAIRMAN GARBER: I think it's a perfectly
 11 permissible question.
 12 MS. DEMILIO: Did you attend any meetings --
 13 MS. McCLENDON: No, ma'am, I did not.
 14 CHAIRMAN GARBER: So for the record, overruled.
 15 MS. DEMILIO: And did you meet with Mr. -- I
 16 have a mental block here.
 17 CHAIRMAN GARBER: Hurdle.
 18 MS. DEMILIO: -- Hurdle -- I wanted to say
 19 Abbott. Sorry. Mr. Hurdle, at any time, the attorney.
 20 MS. McCLENDON: No, I did not.
 21 MR. HURDLE: I'm Mr. Hurdle.

1 MS. McCLENDON: No, no, I did not.
 2 MS. DEMILIO: You never met with him.
 3 MS. McCLENDON: No.
 4 MS. DEMILIO: How many employees do the
 5 employees have? Do you know?
 6 MS. McCLENDON: I don't know that answer.
 7 MS. DEMILIO: Okay.
 8 MS. RANDALL-JOLIVET: When you say do they have
 9 -- do you mean Premier? When you say how many employees
 10 do the Pattersons have?
 11 MS. DEMILIO: Yes. It's Premier Lounge. I'm
 12 sorry, yes.
 13 MS. McCLENDON: I can't speak to the number of
 14 staff they have. It would be approximate, and I don't
 15 want to misrepresent.
 16 MS. DEMILIO: Do the Pattersons have -- have
 17 you don't work for any other business that they may have,
 18 do you know?
 19 MS. McCLENDON: No, I've not done other work
 20 for the Pattersons.
 21 MS. DEMILIO: Do you know if they have any

1 other businesses?

2 MS. McCLENDON: I do.

3 MS. DEMILIO: You do.

4 MS. McCLENDON: Yes.

5 MS. DEMILIO: What is that?

6 MS. McCLENDON: They have a trucking company

7 and a party planning company.

8 MS. DEMILIO: Are they in Baltimore County?

9 MS. McCLENDON: They are.

10 MS. RANDALL-JOLIVET: How long have you known
11 them?

12 MS. McCLENDON: Over 20 years.

13 MS. RANDALL-JOLIVET: Who do you know -- I'm
14 assuming they're -- I assume Tiffany and Steve are

15 husband and wife or brother and sister?

16 MS. McCLENDON: Husband and wife.

17 MS. RANDALL-JOLIVET: And you know both of
18 them?

19 MS. McCLENDON: I've known Mrs. Patterson over
20 20 years.

21 MS. RANDALL-JOLIVET: As Mr. Evans said, you're

1 a friend of hers then?

2 MS. McCLENDON: I am.

3 MS. RANDALL-JOLIVET: Okay.

4 MS. DEMILIO: Now when was the last community
5 meeting you attended?

6 MS. McCLENDON: The last community meeting, I
7 would have to look at my calendar.

8 MS. DEMILIO: Go ahead.

9 MS. McCLENDON: I don't have it with me. I
10 would have to look at my calendar.

11 MS. DEMILIO: Do you have any recollection at
12 all of the last time? This one in -- this one was --

13 MS. McCLENDON: That was in 2017, in September
14 -- I mean August of 2017.

15 CHAIRMAN GARBER: We're talking about Exhibit
16 5?

17 MS. McCLENDON: Yes.

18 CHAIRMAN GARBER: August 2017. Since that
19 time, have you been to any other meetings with community
20 members?

21 MS. McCLENDON: Yes, I just don't recall which

1 month. The community meeting, they meet every month. I
2 think they canceled a few of them.

3 CHAIRMAN GARBER: Was it within 2017 or 2018?

4 MS. McCLENDON: Within 2017.

5 CHAIRMAN GARBER: So it would be roughly at
6 least -- almost October. So about at least nine month
7 since --

8 MS. McCLENDON: Yes.

9 CHAIRMAN GARBER: -- the last one?

10 MS. McCLENDON: Yeah.

11 MS. DEMILIO: Since you prepared these
12 exhibits, meaning 4, 5 and 6, that you brought here
13 today, you know what I'm talking about?

14 MS. McCLENDON: Yes.

15 MS. DEMILIO: And since you went to the
16 community meeting in August 2017, what other services
17 have you performed for Mr. and Mrs. Patterson?

18 MS. McCLENDON: More strategy and consultation.

19 MS. DEMILIO: And what were the results of
20 those meetings about strategy -- I'm sorry -- about
21 strategy and consultation?

1 MS. McCLENDON: Sure. In showing that they
2 continue to do what we agreed that they would do, with
3 the community, as it relates to -- I mean, you've got to
4 remember, they spent a lot of time renovating, right. So
5 they didn't open until earlier this year. So -- and
6 showing that they made the renovations that they
7 promised.

8 MS. DEMILIO: Okay. Let me just stop you.
9 What renovations did they make?

10 MS. McCLENDON: The internal esthetics.

11 MS. DEMILIO: Okay. So they didn't -- then
12 they never opened for business until what? You said this
13 year. So you mean 2018?

14 MS. McCLENDON: When they did the renovations?
15 What are you asking?

16 MS. DEMILIO: When did they do them? When did
17 they do the renovations?

18 MS. McCLENDON: They started the renovations --
19 I would have to ask them, but they started right away.

20 MS. DEMILIO: After --

21 MS. McCLENDON: So they've been renovating the

1 whole time.

2 MS. DEMILIO: So the center -- the Premier
3 Lounge has been open because they were doing renovations?

4 MS. McCLENDON: No, I didn't say that.

5 MS. DEMILIO: Okay.

6 MS. McCLENDON: I said they've been doing
7 renovations the whole time.

8 MS. DEMILIO: Well, what are the renovations?

9 MS. McCLENDON: They were doing -- they had to
10 do the package goods part. That's what they opened up
11 first, and then they did renovations to the inside, to
12 the lounge.

13 MS. DEMILIO: Okay. So while they were doing
14 these renovations, everything was still open. Is that
15 what you're saying?

16 MS. McCLENDON: To my knowledge, yes.

17 CHAIRMAN GARBER: If I could jump in. You did
18 testify that it did not open until earlier this year.
19 What did you mean by it did not open until earlier this
20 year?

21 MS. McCLENDON: I'm talking about fully

1 operational, the lounge side and the package goods side.
2 The package goods side, I believe we will have to speak
3 to Mr. Patterson on exactly when they opened right away.

4 CHAIRMAN GARBER: Well, I'm looking to get to,
5 and I think what Ms. Demilio is after, that you did --
6 you testified that it did not open until earlier. What
7 are you referring to by it? What opened earlier?

8 MS. McCLENDON: I was talking about the lounge
9 part, the side where people can kind of hang out and
10 there's a stage and music.

11 CHAIRMAN GARBER: Prior to the lounge opening
12 earlier this year, had any part of Premier Lounge been
13 open for business?

14 MS. McCLENDON: I would need to defer to the
15 Pattersons exactly when. I don't want to misspeak.

16 CHAIRMAN GARBER: Since the lounge opened
17 earlier this year, were there other parts of the business
18 that opened after the lounge?

19 MS. McCLENDON: The -- are you describing --
20 let's agree on words. Are you describing the lounge as
21 the side with the stage and the music and the bar?

1 CHAIRMAN GARBER: I'm using --
 2 MS. McCLENDON: Yeah.
 3 CHAIRMAN GARBER: You're the one who said
 4 lounge.
 5 MS. McCLENDON: Yeah, yeah.
 6 CHAIRMAN GARBER: So I'm going with whatever
 7 you say the lounge is. Were there other parts of the
 8 Premier Lounge, and I'm using this as a whole, were there
 9 other parts that opened after what you called the lounge
 10 opened?
 11 MS. McCLENDON: No, there's only two parts.
 12 The package goods and the lounge.
 13 MS. DEMILIO: But your testimony is that the
 14 package goods opened first --
 15 MS. McCLENDON: Yes.
 16 MS. DEMILIO: -- before the lounge?
 17 MS. McCLENDON: Yes, I apologize.
 18 CHAIRMAN GARBER: I think we're all now on the
 19 same page.
 20 MS. McCLENDON: Yes, I'm sorry. I apologize.
 21 CHAIRMAN GARBER: Thank you. Ms. Demilio,

1 sorry about that. You had actually asked --
 2 MS. DEMILIO: Right. So were you there -- did
 3 you see -- can you tell us what renovations were made,
 4 exactly what renovations were made? Do you know?
 5 MS. McCLENDON: Key word, exactly, I cannot.
 6 MR. HURDLE: Objection. Speculation.
 7 MS. McCLENDON: I can't tell you exactly what
 8 was done.
 9 MR. EVANS: Some of this is interesting
 10 background but I'm having a little trouble understanding
 11 the relevance, central relevance of this to the question
 12 of parking. So I'm just voicing that concern. It is --
 13 MR. HURDLE: The issue will be addressed.
 14 MR. EVANS: -- interesting for the context to
 15 be understood, but --
 16 MS. DEMILIO: Let me ask -- if I could ask this
 17 question. So you talked about, I think you said strategy
 18 and consultation, and to make sure you followed through
 19 with what the community wanted. So if you met with the
 20 Pattersons, what exactly did they do with regard to
 21 strategy and consultation that you had with them? Was it

1 the citizens' concerns or what they wanted to do? Tell
2 us exactly what happened other than the renovations now,
3 the physical renovations to the interior of the site.
4 What else did they do?

5 MS. McCLENDON: So fair enough. So remember
6 that I shared that the citizens had concerns about the
7 safety. The citizens had concerns about the loitering.
8 The citizens had concerns about the drug transactions.
9 The citizens had concerns about the building being up to
10 code, right. And so the Pattersons had a lot of things
11 to do financially and physically to ensure that those
12 things occurred. And so when I say strategy, what are
13 you guys working on or what's next? Oh, that means we
14 need this. Remember what Mr. Webb said this. This was
15 done to fix that.

16 So those kinds of conversations to ensure that
17 we were doing everything that we said in Exhibit 5 I
18 guess it is, the presentation, as it relates to the
19 timeline. Oh, my goodness. We're not on task because we
20 didn't have the funding that we thought we were going to
21 have. So we need to make sure we communicate with them

1 that this has shifted, so we can keep our word. So
2 strategy as it relates to being in alignment with
3 everything that we said in the presentation.

4 MS. DEMILIO: So what did you do regarding
5 crime?

6 MS. McCLENDON: So, remember, the whole piece
7 related to crime was having the partnership with the
8 police department, making sure that they had security
9 onsite which they do every time that they're open.
10 Making sure that they have the appropriate security
11 system and alarm system in place that would address
12 things in real time.

13 CHAIRMAN GARBER: Sorry. Just to clarify that
14 point. You said the security onsite. Are you referring
15 to employees or contractors that serve as security?

16 MS. McCLENDON: Yes, sir.

17 CHAIRMAN GARBER: Okay. And they are present
18 for when the lounge is open?

19 MS. McCLENDON: Yes, sir.

20 CHAIRMAN GARBER: And then you also said
21 there's a partnership with the police, but that was to

1 get information and communication and try to work
2 together?
3 MS. McCLENDON: Yes, sir.
4 CHAIRMAN GARBER: And then you also have a
5 security system?
6 MS. McCLENDON: Yes, sir.
7 CHAIRMAN GARBER: Okay.
8 MS. DEMILIO: With regard to the zoning
9 department, other than today's hearing, what has been
10 done to provide the parking? Other than you said there
11 are verbal agreements with other people.
12 MR. HURDLE: Objection. This question has been
13 asked and answered.
14 CHAIRMAN GARBER: I'm sorry.
15 MR. HURDLE: The question was asked and
16 answered already.
17 MS. DEMILIO: Other than the verbal agreements
18 with some of the neighbors, have they done anything else
19 with regards to satisfying the parking issue that you
20 know of?
21 CHAIRMAN GARBER: The objection is overruled.

1 MS. McCLENDON: You have to ask the Pattersons.
2 MS. DEMILIO: You don't know?
3 MS. McCLENDON: I don't know of anything
4 outside of what I've already shared.
5 MS. DEMILIO: Okay. I have no further
6 questions.
7 CHAIRMAN GARBER: Okay. Mr. Hurdle?
8 MR. HURDLE: I'm good.
9 CHAIRMAN GARBER: Ms. McCleendon, thank you for
10 your time.
11 MS. McCLENDON: Thank you, guys.
12 (Ms. McCleendon excused.)
13 CHAIRMAN GARBER: As to Exhibits 4, 5 and 6, I
14 assume you want them in evidence.
15 MR. HURDLE: Yes, please.
16 CHAIRMAN GARBER: And, Ms. Demilio.
17 MS. DEMILIO: No, I'm not going to object. I
18 don't know meaning they have as far as the zoning, but --
19 CHAIRMAN GARBER: It is what it is.
20 MS. DEMILIO: Right.
21 CHAIRMAN GARBER: So they're all admitted.

1 (Whereupon, the documents
2 referred to as Petitioner's
3 Exhibits 4, 5 and 6 were
4 received into evidence.)

5 CHAIRMAN GARBER: Next witness please, Mr.
6 Hurdle.

7 MS. RANDALL-JOLIVET: Good afternoon, sir.
8 Would you raise your right hand?

9 (Whereupon,

10 ANDRE HENDERSON
11 was called as a witness by the Petitioners and, after
12 having been first duly sworn, testified as follows:)

13 MS. RANDALL-JOLIVET: And please state your
14 name and your address for the record, and please spell
15 your last name?

16 MR. HENDERSON: My name is Andre Henderson. I
17 live at 448 10th Avenue, Catonsville, Maryland 21228.

18 MS. RANDALL-JOLIVET: I'm sorry. What's the
19 address again?

20 MR. HENDERSON: 448 Kent Avenue.

21 CHAIRMAN GARBER: Kent?

1 MR. HENDERSON: Yes.

2 CHAIRMAN GARBER: Kent Avenue in Catonsville?

3 MR. HENDERSON: Yes.

4 CHAIRMAN GARBER: And the zip?

5 MR. HENDERSON: 21228.

6 MS. RANDALL-JOLIVET: Can you spell Henderson
7 for us, just to be sure?

8 MR. HENDERSON: Henderson.

9 MS. RANDALL-JOLIVET: Oh, you said Henderson.

10 MR. HENDERSON: Yes, ma'am.

11 MS. RANDALL-JOLIVET: I'm sorry.

12 MR. HENDERSON: H-e-n-d-e-r-s-o-n.

13 MS. RANDALL-JOLIVET: Thank you very much. I
14 appreciate it.

15 CHAIRMAN GARBER: Mr. Hurdle.

16 MR. HURDLE: Thank you. How are you, Mr.
17 Henderson?

18 MR. HENDERSON: I'm well.

19 MR. HURDLE: What is your involvement with the
20 Premier Lounge?

21 MR. HENDERSON: Well, I'm a frequent patron of

1 the place.

2 MR. HURDLE: Do you live nearby?

3 MR. HENDERSON: Yes, I do.

4 MR. HURDLE: And do you drive over?

5 MR. HENDERSON: I drive. I walk, you know.

6 CHAIRMAN GARBER: If I may, how close do you
7 live?

8 MR. HENDERSON: About three blocks away.

9 MR. HURDLE: How long have you been going to
10 the property known as 180 Winters Lane?

11 MR. HENDERSON: I'd say about the last six
12 months or so.

13 MR. HURDLE: And the Pattersons have been
14 operating it since that time or prior to that time?

15 MR. HENDERSON: Yes, they have.

16 MR. HURDLE: And since you've been going --
17 well, you've heard the testimony today regarding concerns
18 about drug trafficking, parking concerns, loitering,
19 things of that nature, correct, here in the testimony?

20 MR. HENDERSON: Yes, I heard that today.

21 MR. HURDLE: In the six months that you've been

1 attending or going to the bar as a patron, have you seen
2 any of these things? Have these things been concerns to
3 you?

4 MR. HENDERSON: Well, first of all, it hasn't
5 been six months. It's probably been more like 15, 20
6 years, because I used to go to it when it was the
7 Brickhouse.

8 MR. HURDLE: Okay.

9 MR. HENDERSON: But in the last six months, I
10 have seen no evidence of that though.

11 MR. HURDLE: In the past, did you see some of
12 these things?

13 MR. HENDERSON: Oh, absolutely. Yeah. As a
14 matter of fact, it curtailed my time at the place.

15 MR. HURDLE: So in the last six months, you
16 would say that it's been operated in a reasonable manner?

17 MS. DEMILIO: Objection. Objection. Leading
18 question.

19 CHAIRMAN GARBER: Sustained.

20 MR. HENDERSON: Well, I --

21 CHAIRMAN GARBER: If you want to compare the

1 two timeframes, that's --

2 MR. HURDLE: Has it been operated better or
3 worse since the Pattersons took over?

4 MR. HENDERSON: Well, it absolutely has been,
5 since the last six months, it has been operated 200
6 percent better if I had to put a percentage on it. But
7 it's not like it used to be. It was where -- the way it
8 used to be, it was almost close to a house of ill repute,
9 but now, no, nowhere close. It's a place of enjoyment.

10 MR. HURDLE: How did you find out the
11 Pattersons were taking over?

12 MR. HENDERSON: Well, I was on my way home and
13 I just stopped in because they were open, and when I like
14 to take in libations, I like to be close to home. So I
15 stepped in.

16 MR. HURDLE: And since you've been going there,
17 have you met the Pattersons?

18 MR. HENDERSON: Oh, absolutely. Yes, yes.

19 MR. HURDLE: And what's your opinion of them?

20 MR. HENDERSON: I think they're very fine
21 people. And I think they've done a wonderful job with

1 the place.

2 MR. HURDLE: Do you think that their
3 establishment is a benefit to the community?

4 MR. HENDERSON: Absolutely, yes. Because like
5 I said, I don't see any of the loitering and the drug
6 trafficking of any sort, and not only that, the place was
7 black for a period of time, and they've cleaned up the
8 place.

9 MR. HURDLE: Have you spoken to anyone else in
10 the community about the location?

11 MS. DEMILIO: Objection. Hearsay. I guess he
12 can say. Go ahead. It's yes or no.

13 CHAIRMAN GARBER: Have you spoken to anyone
14 else in the community about -- that was your question?

15 MR. HURDLE: Yeah, the location, yeah, the
16 business.

17 MR. HENDERSON: As to who?

18 CHAIRMAN GARBER: Anybody --

19 MR. HURDLE: Neighbors or other people.

20 MR. HENDERSON: Neighbors, oh, yeah. I tell
21 everybody to go there.

1 MR. HURDLE: And what's been their opinion of
2 the property or the change?

3 MS. DEMILIO: Objection.

4 MR. HURDLE: It's an administrative hearing,
5 Your Honor.

6 CHAIRMAN GARBER: Yeah, but if they were
7 talking about their opinions on this place, that would be
8 -- that is actually over the line because we're not
9 talking about a foundational matter. We're talking more
10 of a substantive matter. It's the backdoor way of
11 getting their opinions in through this witness by saying,
12 hey, I like this place, you know.

13 In fact, you actually have other ways to go
14 about trying to get the same information.

15 MR. HURDLE: Sure.

16 CHAIRMAN GARBER: So sustained.

17 MR. HURDLE: What has been your impression of
18 what the neighbors have said about the establishment?

19 MR. HENDERSON: Well, I don't have any
20 impression, you know, from the neighbors. I can only
21 draw from my own because I haven't really spoke to any of

1 the neighbors, but if you want to draw on my own again, I
2 can say it.

3 MR. HURDLE: Your own impression, yes.

4 MR. HENDERSON: It is a --

5 MS. DEMILIO: Objection. Asked and answered.

6 CHAIRMAN GARBER: Your response? Okay. You
7 can move on then.

8 MR. HURDLE: With regards to parking at the
9 establishment, have you noticed any concerns or --

10 MR. HENDERSON: Well, I don't see any.

11 MS. DEMILIO: Objection. Objection. Why is
12 this witness qualified to talk about that?

13 CHAIRMAN GARBER: Parking incidents?

14 MR. HURDLE: He's a neighbor.

15 CHAIRMAN GARBER: Yeah, he lives three blocks
16 away, and he's been attending the --

17 MS. DEMILIO: Well, then the question wasn't
18 clear to me. Parking. I don't understand what parking
19 -- what he's talking about any parking.

20 MR. HURDLE: I'll (indiscernible). You've
21 parked at the location before, correct?

1 MR. HENDERSON: Absolutely. I can speak
2 directly to parking because I've lived in this community
3 10 years, and we are -- when it comes to parking, we
4 adjust for church events. We adjust for athletic events.
5 We adjust pretty much for anything that goes on at
6 Banneker.

7 MR. HURDLE: It's a sensitive issue in the
8 area?

9 MR. HENDERSON: I never thought it to be
10 because we -- I've never seen it brought up before.

11 MR. HURDLE: Do you think the location has
12 plenty of parking?

13 MR. HENDERSON: Well, I think that we have
14 plenty of parking around there, you know. Like any
15 place, in a (indiscernible), you're going to have your
16 challenges, but it's just an unwritten rule that we all
17 park at Banneker or we park down the street or we park
18 across the street. It just doesn't seem like it's an
19 issue to me.

20 MR. HURDLE: So it hasn't been an issue that
21 you've noticed in terms of parking across the street or

1 parking at the church?

2 MR. HENDERSON: Not the least.

3 MR. HURDLE: Are there any other kind of large
4 events that cause parking concerns in the area?

5 MR. HENDERSON: Yeah, baseball, soccer, church
6 events.

7 MR. HURDLE: And what issues have they caused?

8 MR. HENDERSON: I don't see it causing any.
9 You know, you have some people that park on a little bit
10 of ways there, but it doesn't really present a concern,
11 you know. It's, you know, it's always been that way as
12 far as I can remember.

13 MR. HURDLE: To your knowledge, has there been
14 any criminal activity at the location in the last six
15 months?

16 MR. HENDERSON: No.

17 MS. DEMILIO: Objection. Objection. How would
18 this witness know that?

19 MR. HURDLE: It's to his knowledge.

20 CHAIRMAN GARBER: His knowledge.

21 MS. DEMILIO: Oh, I'm sorry. Did you say that?

1 MR. HURDLE: I did.
2 CHAIRMAN GARBER: Yes.
3 MR. HENDERSON: Yeah, but I can speak to the
4 last 15 years if you want that.
5 MS. DEMILIO: I'm not asking the questions.
6 MR. HENDERSON: But I'm saying.
7 MR. HURDLE: Have you noticed -- would you say
8 there's been a difference in criminal activity in the
9 last -- in the last five years, has criminal activity
10 shifted in this property?
11 MR. HENDERSON: I'd say so.
12 MR. HURDLE: For the better?
13 MR. HENDERSON: For the better, yes, and I --
14 and the reason why I can speak to that because the
15 property was up for auction. There was a lot of hand-to-
16 hand sales, and that's no longer because the Pattersons
17 have taken over the place and again, like I said, they've
18 cleaned it up and they've guarded against this type of
19 activity.
20 MR. HURDLE: I have no further questions at
21 this time.

1 CHAIRMAN GARBER: Ms. Demilio?
2 MS. DEMILIO: Let me just touch on -- you said
3 there's baseball and soccer games.
4 MR. HENDERSON: Oh, yes.
5 MS. DEMILIO: Where are they played?
6 MR. HENDERSON: Well, they're played right
7 behind the establishment.
8 MS. DEMILIO: Well, what do you mean right
9 behind? What road is that?
10 MR. HENDERSON: So do you want me to give you a
11 relative distance?
12 MS. DEMILIO: Yeah, you said right behind.
13 What does that mean?
14 MR. HENDERSON: Okay. Usually right behind is
15 within a block.
16 MR. HURDLE: Yeah.
17 CHAIRMAN GARBER: If I can, if you look at
18 Exhibit 2, the place that you're referring to, can you --
19 is that -- the place where they play the soccer or
20 baseball, is that depicted on Exhibit 2 on that map?
21 MR. HENDERSON: I can't read that map right

1 now. I don't have my glasses.

2 CHAIRMAN GARBER: Okay. Where is in relation
3 to the lounge? Is it driving distance, walking distance?

4 MR. HENDERSON: Oh, yeah, it's walking
5 distance.

6 CHAIRMAN GARBER: Okay. How many blocks are we
7 talking?

8 MR. HENDERSON: Less than a block.

9 CHAIRMAN GARBER: Less than a block. And where
10 is it -- relate -- relative to where Premier Lounge is
11 today, where are these fields?

12 MR. HENDERSON: Can I get the expert area to
13 point out that?

14 CHAIRMAN GARBER: No, sir, you. It has to be
15 you unfortunately.

16 MR. HURDLE: Can he step up to the map?

17 CHAIRMAN GARBER: You may step up to the map
18 and do it.

19 MR. HENDERSON: So, it's right here.

20 CHAIRMAN GARBER: Uh-huh. You're blocking our
21 view. So.

1 MR. HENDERSON: Okay. So this is, this is
2 Shipley Avenue, right?

3 MR. HOFF: Yes.

4 CHAIRMAN GARBER: Mr. Hoff.

5 MR. HOFF: Sorry.

6 CHAIRMAN GARBER: You may not respond. Thank
7 you.

8 MR. HENDERSON: Winters Lane, okay. Winters
9 Lane, Shipley. It's back over in this area, right over
10 in this area, where the playground is.

11 CHAIRMAN GARBER: There's a playground.

12 MR. HENDERSON: I'm a little challenged right
13 here because I can't see.

14 CHAIRMAN GARBER: Okay. You can't see it.

15 MR. HENDERSON: But I can describe it to you.
16 It's a stone's throw which is -- if I'm here at the front
17 of the door, if you go directly behind the building, it's
18 a stone's throw. And that's where the playground is,
19 Banneker Recreation Center is, church, and so forth. So.

20 CHAIRMAN GARBER: Okay.

21 MR. HENDERSON: So in this area, it's more of a

1 recreation and residential, if I can be clear on that.

2 CHAIRMAN GARBER: Okay. Thank you.

3 MS. DEMILIO: Does Banneker Recreation have
4 it's own parking lot as well?

5 MR. HENDERSON: Yes, it does.

6 MS. DEMILIO: Okay. And what about the
7 churches? Do they have a parking lot? Do they have a
8 parking lot onsite?

9 MR. HENDERSON: They do, but they do use other
10 the parking lots.

11 MS. DEMILIO: Are those churches still
12 operating do you know?

13 MR. HENDERSON: As far as my knowledge. I
14 don't attend it. So.

15 MS. DEMILIO: So you don't know.

16 MR. HENDERSON: I said as far as my knowledge.

17 MS. DEMILIO: And you said they have a parking
18 lot? The churches have parking lots. What church are
19 you talking about?

20 MR. HENDERSON: Morningstar.

21 MS. DEMILIO: Okay. Where is Morningstar in

1 relation to the subject property?

2 MR. HENDERSON: It is about a block south of
3 the establishment.

4 MS. DEMILIO: On Winters Lane?

5 MR. HENDERSON: Yes.

6 MS. DEMILIO: How often did you go to the
7 Premier Lounge when it was owned by the previous owner?

8 MR. HENDERSON: Quite a bit of time.

9 MS. DEMILIO: Quite a bit?

10 MR. HENDERSON: Yes.

11 MS. DEMILIO: Is it the house of ill repute
12 that you talked about?

13 MR. HENDERSON: Absolutely.

14 UNIDENTIFIED SPEAKER: The lake house of ill
15 repute.

16 MR. HENDERSON: In my younger days, I was a
17 little challenged. I liked to go to those kind of
18 places.

19 MS. DEMILIO: And your address is, I'm sorry,
20 448 Kent Avenue?

21 MR. HENDERSON: Yes.

1 MS. DEMILIO: Do you own that property?
 2 MR. HENDERSON: Yes.
 3 MS. DEMILIO: And who else lives there?
 4 MR. HENDERSON: And my wife.
 5 MS. DEMILIO: Okay. I have no further
 6 questions.
 7 CHAIRMAN GARBER: Thank you, sir, for your
 8 time.
 9 (Mr. Henderson excused.)
 10 MR. HURDLE: At this time, I would call Mr.
 11 Patterson.
 12 MS. RANDALL-JOLIVET: Would you raise your
 13 right hand?
 14 (Whereupon,
 15 STEPHEN PATTERSON
 16 was called as a witness by the Petitioners and, after
 17 having been first duly sworn, testified as follows:)
 18 MS. RANDALL-JOLIVET: And please state your
 19 name and your address for the record, business address is
 20 fine, and please spell your last name?
 21 MR. PATTERSON: Stephen Patterson, last name P-

1 a-t-t-e-r-s-o-n, business address is 180 Winters Lane,
 2 Catonsville, Maryland.
 3 CHAIRMAN GARBER: How do you spell your first
 4 name?
 5 MR. PATTERSON: S-t-e-p-h-e-n.
 6 MS. RANDALL-JOLIVET: And that's 21228.
 7 MR. PATTERSON: Yes.
 8 MS. RANDALL-JOLIVET: Thank you. You may be
 9 seated.
 10 CHAIRMAN GARBER: Mr. Hurdle.
 11 MR. HURDLE: Thank you. How are you doing, Mr.
 12 Patterson?
 13 MR. PATTERSON: Good.
 14 MR. HURDLE: Your involvement with the property
 15 known as 180 Winters Lane started roughly when?
 16 MR. PATTERSON: I believe that's April of 2017.
 17 MR. HURDLE: And that was the rough time for
 18 the auction, correct?
 19 MR. PATTERSON: Yes.
 20 MR. HURDLE: And at the auction, the final
 21 price was how much?

1 MR. PATTERSON: 307,000.
2 MR. HURDLE: After the auction occurred, what
3 was kind of the next step in the --
4 CHAIRMAN GARBER: If I can, who at the auction
5 -- who bought 180 Winters Lane?
6 MR. PATTERSON: Actually my wife was at the
7 auction and she purchased the property.
8 CHAIRMAN GARBER: Sorry. I mean, what -- who
9 are the owners of the property?
10 MR. PATTERSON: Who were the owners previously?
11 CHAIRMAN GARBER: Who are today?
12 MR. HURDLE: Who are the title owners?
13 MR. PATTERSON: I am and my wife, which is
14 Tiffany.
15 CHAIRMAN GARBER: In your names?
16 MR. PATTERSON: Yes.
17 CHAIRMAN GARBER: Okay.
18 MR. PATTERSON: Wait a minute. I'm sorry about
19 that. I believe it's the Premier Lounge. It's in the
20 name of the Premier Lounge.
21 CHAIRMAN GARBER: Premier Lounge, LLC.

1 MR. PATTERSON: Yes.
2 CHAIRMAN GARBER: Okay. And what is your
3 relation to Premier Lounge, LLC?
4 MR. PATTERSON: I am one of the owners.
5 CHAIRMAN GARBER: And how many other owners are
6 there?
7 MR. PATTERSON: One other.
8 CHAIRMAN GARBER: And who is that?
9 MR. PATTERSON: Tiffany Patterson.
10 CHAIRMAN GARBER: And what is your title at
11 Premier Lounge, LLC?
12 MR. PATTERSON: I don't think I've titled
13 myself. I'm just --
14 UNIDENTIFIED SPEAKER: Husband.
15 CHAIRMAN GARBER: I understand. Okay. Mr.
16 Hurdle, sorry.
17 MR. HURDLE: No problem at all. Thank you for
18 clarifying.
19 After the purchase at the auction, what were
20 the next steps that you took in the process, getting the
21 business kind of over in your name and operational in

1 your name?

2 MR. PATTERSON: So my wife went right into
3 action. She went and registered the business. She also
4 went and got a sale and use tax and she -- some other
5 things she can probably speak to that she went downtown
6 and registered the building and business in a proper way
7 so that we can clear the way, so we can move forward and
8 get started and opening the business up.

9 MR. HURDLE: There was some talk about
10 renovation work that occurred at the property. Can you
11 go over that for us?

12 MR. PATTERSON: Yes. There was some massive
13 renovations that was in front of me that I didn't know
14 until I started getting into the building. Starting out
15 first was package goods. My wife didn't like the idea
16 that there was Plexiglas between the customers and the
17 owners. So we immediately got rid of that. So there was
18 a lot of renovations upfront. You know, we had to put in
19 -- bring in some new coolers. There was a lot of -- and
20 it was just dated. It was, you know, paneling on the
21 walls and that kind of thing. So we did painting. She

1 brought -- I think we changed the countertop and put some
2 flooring down. That was just the front, and in the back,
3 we did a lot of the same. She brought -- there was a
4 dropped ceiling, a lot of electrical live wires hanging
5 here and there. So it was a lot of work to do.

6 MR. HURDLE: It would be fair to say that there
7 was a period of time from when you purchased it to when
8 the liquor license was issued that the bar was closed for
9 renovations. Is that accurate?

10 MR. PATTERSON: Yes.

11 MR. HURDLE: And the bar was operational, to
12 your knowledge, as of the auction date. Is that correct?

13 MR. PATTERSON: Yes.

14 CHAIRMAN GARBER: And is there any
15 documentation that you have that indicates that?

16 MR. PATTERSON: Are you talking about prior to
17 the auction date?

18 MR. HURDLE: Yea. Well, no. Is there anything
19 that you have today that evidences the bar being open as
20 of the auction date?

21 MR. PATTERSON: No.

1 MR. HURDLE: Has anybody told you that the bar
2 was open, that they were running it?

3 MR. PATTERSON: Yes.

4 MS. DEMILIO: Objection. Objection.
5 Objection. It's hearsay. He said he has no personal
6 knowledge.

7 MR. HURDLE: No, he didn't. He said he didn't
8 have any documentation.

9 CHAIRMAN GARBER: Ask the question what
10 knowledge he has and what it's based on.

11 MS. DEMILIO: He said something, did somebody
12 tell you?

13 CHAIRMAN GARBER: Sir, do you have any
14 information that the bar was operational prior to the
15 auction?

16 MR. PATTERSON: Yes, I do, but I --

17 CHAIRMAN GARBER: Where did you get it?

18 MR. PATTERSON: -- didn't understand the
19 question as that.

20 CHAIRMAN GARBER: Where did you get that
21 information from?

1 MR. PATTERSON: Keith Keene, he personally told
2 me and he also has sent an affidavit to speak to that.

3 CHAIRMAN GARBER: Did you witness any yourself?

4 MR. PATTERSON: Yes.

5 CHAIRMAN GARBER: So you were at the property
6 prior to the auction and you witnessed people at the bar?

7 MR. PATTERSON: Not at the bar, but I've seen
8 people coming in and out of it.

9 CHAIRMAN GARBER: Okay.

10 MR. HURDLE: When you, when you and your wife
11 decided to bid on this building --

12 MR. PATTERSON: Um-hum.

13 MR. HURDLE: -- this business, was it part of
14 your due diligence to make sure that there was some
15 ongoing commercial activity before you made -- before you
16 put a bid in?

17 MR. PATTERSON: Yes.

18 MS. RANDALL-JOLIVET: And so I have a question.
19 So when -- when you say operational, was it the entire
20 package goods section or the lounge was operational?

21 MR. PATTERSON: I'm going to be perfectly

1 honest with you. I didn't, I didn't go inside. So I
 2 didn't know what activity was going on, but I know of a
 3 gentleman that had a party there. So I drove past and I
 4 saw the people coming in and out of there.

5 CHAIRMAN GARBER: Is this the -- how many
 6 occasions did you see people going in and out of Premier
 7 Lounge just prior to your purchase?

8 MR. PATTERSON: It was called the Brickhouse
 9 but --

10 CHAIRMAN GARBER: Sorry.

11 MR. PATTERSON: -- but I -- only on that one
 12 occasion.

13 CHAIRMAN GARBER: Okay.

14 MR. PATTERSON: Only on that one occasion.

15 MR. HURDLE: You mentioned an affidavit that
 16 Mr. Keith Keene drafted. Do you have that document?

17 MR. PATTERSON: Yes, I do. It's in a folder.
 18 Tiffany has it.

19 MR. HURDLE: Come back. May I approach?

20 CHAIRMAN GARBER: Show Ms. Demilio first.

21 MS. DEMILIO: I'm objecting because Mr. Keene

1 is not here. So I can't cross-examine him. I'm
 2 objecting.

3 CHAIRMAN GARBER: Let me look at it real quick.
 4 It's being marked for identification as Exhibit 7.

5 (Whereupon, the document
 6 referred to as Petitioner's
 7 Exhibit 7 was marked for
 8 identification.)

9 MS. DEMILIO: If I could make one other
 10 objection.

11 CHAIRMAN GARBER: Sorry.

12 MS. DEMILIO: Can I just explain my objection
 13 for the Board.

14 CHAIRMAN GARBER: Please.

15 MS. DEMILIO: I don't know why we're going into
 16 this testimony about when this was opened. We're here on
 17 a variance, and we're here on a special hearing for
 18 residential parking in a commercial zone, and that's it.
 19 So I don't understand even why the Petitioner is making
 20 such a deal about when the property was operational or
 21 not operational because it has not relevance to the

1 variance which is based on the current standards, and
 2 that's all there is, is the current standards. There's
 3 been no zoning change on this property. So if he's
 4 alluding to some other type of relief he has, I don't
 5 know what it is, but it's not under the variance statute
 6 nor is it under commercial parking in a residential zone.

7 CHAIRMAN GARBER: Mr. Hurdle?

8 MR. HURDLE: Two witnesses ago, this was a huge
 9 issue in terms of when it was opened, when the
 10 renovations were there, when it was closed. I didn't
 11 make those questions. Ms. Demilio did. This is relevant
 12 to rebut any sort of concerns that she may have brought
 13 up.

14 CHAIRMAN GARBER: I had maybe understood in a
 15 different way what the purpose of some of those questions
 16 were.

17 MS. DEMILIO: Me, too.

18 CHAIRMAN GARBER: I would have to agree that I
 19 don't know that this affidavit speaks to issues that are
 20 actually in play for this matter. Also, Mr. Keene seems
 21 to go well beyond -- the affidavit goes well beyond what

1 has been testified to here today which gives me pause to
 2 think that though we have lax standards than if we were
 3 in district court or circuit court, it would seem to me
 4 that this should not be admissible.

5 MR. HURDLE: Okay.

6 (Sidebar.)

7 CHAIRMAN GARBER: Mr. Evans. So after
 8 conferring amongst the Board, it will be admitted for the
 9 limited purpose I guess to establish some point we're
 10 about to establish.

11 (Whereupon, the document
 12 referred to as Petitioner's
 13 Exhibit 7 was received into
 14 evidence.)

15 MR. HURDLE: The bar was closed for a period of
 16 time roughly when you bought it until I guess when was
 17 the liquor license issued?

18 MR. PATTERSON: That's a better question for my
 19 wife.

20 MR. HURDLE: Do you have a rough timeframe?

21 MR. PATTERSON: I know we had a hearing, I

1 believe it was in March. I believe it was March.

2 MR. HURDLE: When was the liquor license
3 issued?

4 MR. PATTERSON: I'm not sure.

5 MR. HURDLE: When did you guys open for
6 business?

7 MR. PATTERSON: We first -- we had our first
8 party, a Super Bowl party.

9 MR. HURDLE: January.

10 MR. PATTERSON: Yeah, that was January.

11 MS. DEMILIO: The Super Bowl is not in January.

12 MR. HURDLE: I'm not a football guy, sorry. My
13 apologies.

14 CHAIRMAN GARBER: More importantly, the Super
15 Bowl 2018 was won by the Philadelphia Eagles. I know
16 exactly when that occurred. I never forget that was
17 February.

18 MR. HURDLE: I tend to forget it.

19 CHAIRMAN GARBER: That is tattooed permanently
20 for me. If you're confused, I was thinking about it.
21 So --

1 MS. DEMILIO: First Sunday in February.

2 CHAIRMAN GARBER: Yes.

3 MR. PATTERSON: Okay. So let me rewind. I
4 misspoke. I think our first party there was we had a
5 family gathering which was in January, at the end of
6 January.

7 MR. HURDLE: And the Super Bowl party in
8 February?

9 MR. PATTERSON: Yes.

10 MR. HURDLE: You've been operating the bar for
11 sometime on a standard schedule. Is that accurate?

12 MR. PATTERSON: Yes.

13 MR. HURDLE: Open seven days a week?

14 MR. PATTERSON: Not seven. We're open from
15 Wednesday to Sunday.

16 MR. HURDLE: And how often are you there?

17 MR. PATTERSON: I'm there all the time.

18 MR. PATTERSON: So literally every hour you're
19 open, you're there?

20 MR. PATTERSON: Yeah, because --

21 CHAIRMAN GARBER: To be clear, you're there all

1 the time when it's operational.

2 MR. PATTERSON: Yes.

3 CHAIRMAN GARBER: Wednesday through Sunday.

4 MR. PATTERSON: And it seems like --

5 CHAIRMAN GARBER: You're not there Monday,
6 Tuesday.

7 MR. PATTERSON: No, I'm not. It seems like I'm
8 always there. No, but I was speaking about hours of
9 operation. I'm generally there all the time.

10 MR. HURDLE: And --

11 CHAIRMAN GARBER: If I could jump in again, one
12 more. You say you're open Wednesday to Sunday. What are
13 the hours on Wednesday?

14 MR. PATTERSON: Wednesday is probably 11:00 up
15 until -- no, I would say 11:30.

16 CHAIRMAN GARBER: That's when it opens?

17 MR. PATTERSON: No, we open at 3:00.

18 CHAIRMAN GARBER: Okay. So you were there
19 from 11:30 until when approximately?

20 MR. PATTERSON: I was there from 3:00 p.m. --
21 well, we close the doors at 11:00. I probably don't

1 leave until about 12:00. So we have -- well, this

2 Wednesday we had a poetry night, and so that ends at

3 11:00. The doors closed at 11:00. And, of course, I had
4 to clean up. Thursday, we do Karaoke which also ends at
5 11:00.

6 MR. HURDLE: And again opening at 3:00?

7 MR. PATTERSON: Yes, because I have a day job.

8 And so Friday we probably stay open until 12:00.

9 CHAIRMAN GARBER: 3:00 to 12:00?

10 MR. PATTERSON: Yeah. And if there's a --
11 people are able to rent the lounge out. So if there's a
12 birthday party or something, we may extend the hours to
13 1:00, but we are -- we have the ability to stay open
14 until 2:00. We haven't yet done that but we generally --

15 MR. HURDLE: That's under your liquor license?

16 MR. PATTERSON: Yes.

17 CHAIRMAN GARBER: Okay.

18 MR. PATTERSON: Under the rules of the liquor
19 license.

20 CHAIRMAN GARBER: Okay.

21 MR. PATTERSON: And then Saturday, the same

1 thing, 12:00, maybe 12:00 or 1:00. And then Sunday is
2 more like 11:00.

3 CHAIRMAN GARBER: 3:00 to 11:00?

4 MR. PATTERSON: Yeah. But I will say that
5 Sunday is based on some people coming in and watching the
6 late football games. So that -- so generally it's, it's
7 slow on Sunday. So we leave -- when people stop coming,
8 we leave --

9 CHAIRMAN GARBER: Okay.

10 MR. PATTERSON: -- because I have to get up.

11 CHAIRMAN GARBER: When do your employees start
12 showing up?

13 MR. PATTERSON: I want to say the bartender
14 generally gets there around 5:00.

15 CHAIRMAN GARBER: So at 3:00 p.m. when the
16 place opens, are you the only employee there?

17 MR. PATTERSON: Yeah, and I have another guy
18 working with me. It's one of my helpers, yeah. So he
19 normally comes in with me.

20 CHAIRMAN GARBER: And the bartender shows up
21 around 5:00.

1 MR. PATTERSON: Around -- between 5:00 and
2 6:00.

3 CHAIRMAN GARBER: Okay. Next, how many other
4 employees are we talking?

5 MR. PATTERSON: Well, we only, we only have
6 about -- let me see, about three to four employees to run
7 the place. So my bartender shows up around between 5:00
8 and 6:00. Security gets there between 5:00 and 6:00 as
9 well. And if it's going to be a slow night, like when we
10 don't have poetry, I don't bring -- I have a cook that
11 comes in but she doesn't come in every night. So she's
12 generally there Friday and Saturday and some Sundays.
13 And depending on what I have lined up, I'll tell her to
14 come in, according to what I have lined up.

15 CHAIRMAN GARBER: So there's no food during the
16 week?

17 MR. PATTERSON: There's food during the week.
18 She's --

19 CHAIRMAN GARBER: It's not cooked by her?

20 MR. PATTERSON: Exactly.

21 CHAIRMAN GARBER: Who does that when the cook's

1 not there?

2 MR. PATTERSON: Either I do it or Tiffany does.

3 CHAIRMAN GARBER: So your wife is also there
4 when you're there?

5 MR. PATTERSON: Yes.

6 CHAIRMAN GARBER: Okay.

7 MR. PATTERSON: I mean, we have kids. So I'm
8 there more hours than she's there.

9 CHAIRMAN GARBER: I'm trying to get a sense of
10 who works at Premier Lounge on what nights. So what I've
11 heard thus far is you and your wife are there pretty much
12 every night?

13 MR. PATTERSON: Um-hum. At some point, she's
14 there with me, yeah.

15 CHAIRMAN GARBER: Okay. Well, let me ask you.
16 You just qualified that. You're there every night,
17 you're there the whole time from 3:00 to 11:00, 3:00 to
18 12:00, whatever the hours are. Your wife is there for
19 the most part, too --

20 MR. PATTERSON: Um-hum.

21 CHAIRMAN GARBER: -- right? But not -- is that

1 a yes?

2 MR. PATTERSON: That's a yes.

3 CHAIRMAN GARBER: And that's not necessarily
4 all the time, correct?

5 MR. PATTERSON: Right.

6 CHAIRMAN GARBER: But you also have a bartender
7 that shows up around 5:00.

8 MR. PATTERSON: Um-hum.

9 CHAIRMAN GARBER: And that's each night you
10 have a bartender?

11 MR. PATTERSON: Right.

12 CHAIRMAN GARBER: And the security, each night
13 you have security?

14 MR. PATTERSON: Yes.

15 CHAIRMAN GARBER: Okay. And just one person
16 for security?

17 MR. PATTERSON: Yeah. If we don't have an
18 event, it's just one person.

19 CHAIRMAN GARBER: Okay. So if you have an
20 event, that's how many?

21 MR. PATTERSON: Well, security is 1 security

1 guard to every 15 people. So generally I have -- if
2 there's an event, I'll have at least two security guards.

3 CHAIRMAN GARBER: Okay. So then you have a
4 cook, Friday, Saturday and Sundays?

5 MR. PATTERSON: Um-hum.

6 CHAIRMAN GARBER: Yes?

7 MR. PATTERSON: Yes.

8 CHAIRMAN GARBER: Is there anybody else that we
9 missed in that?

10 MS. RANDALL-JOLIVET: You said a helper?

11 MR. PATTERSON: I have a helper.

12 CHAIRMAN GARBER: Thank you.

13 MR. PATTERSON: And then I have my uncle, he
14 helps me out as well. So I have like two helpers.

15 CHAIRMAN GARBER: Okay.

16 MR. PATTERSON: And then I have like -- I think
17 I have like five bartenders.

18 CHAIRMAN GARBER: Five bartenders in total?

19 MR. PATTERSON: Yes.

20 CHAIRMAN GARBER: Per night, how many do you
21 have?

1 MR. PATTERSON: One. If there's an event, I
2 may have two.

3 CHAIRMAN GARBER: And if there's an event, do
4 you have extra staff for that event other than --

5 MR. PATTERSON: Yes.

6 CHAIRMAN GARBER: -- an extra security and an
7 extra bartender?

8 MR. PATTERSON: Yes.

9 CHAIRMAN GARBER: Okay. Who?

10 MR. PATTERSON: So I have one other person
11 outside directing people where to park, because sometimes
12 that is confusing. And then I have one other guy, just
13 working the floor, and then I have a waitress I guess to
14 take orders from people on the floor, bartenders that --
15 people that aren't sitting at the bar need their orders
16 taken and their drink orders taken as well. So I
17 generally have a waitress as well.

18 CHAIRMAN GARBER: And how do your employees get
19 to work? Do they drive, walk, bus?

20 MR. PATTERSON: Most of them drive.

21 CHAIRMAN GARBER: Mr. Hurdle.

1 MR. HURDLE: Since you've been running the
2 place -- well, I guess since you bought the bar at
3 auction, there was discussion about these community
4 meetings. And have you been to some of these meetings?

5 MR. PATTERSON: Yes.

6 MR. HURDLE: Did you meet with the Councilman?

7 MR. PATTERSON: We did.

8 MR. HURDLE: And so there was mention of two
9 meetings that were held beyond the actual communities
10 themselves to kind of present this to the community?

11 MR. PATTERSON: Um-hum.

12 CHAIRMAN GARBER: That's yes?

13 MR. PATTERSON: Yes.

14 MR. HURDLE: Sorry, you have to say yes. Uh-
15 huh isn't part of the record.

16 MR. PATTERSON: Sorry. Sorry about that. Yes,
17 there were two community meetings that we hosted. We
18 went out into the community, passed out flyers, knocked
19 on doors. Some of the streets that I went on was Wesley,
20 and I don't know the other streets. I know Wesley is --
21 I don't know the names of the streets. I said Wesley. I

1 meant Shipley, but I went along Shipley which most of
2 those houses are vacant now except down towards the end
3 of the block, but I went along Shipley. I said that
4 right, and then I went on the -- if you make a left, when
5 you get to the bottom, I walked down there. I have a
6 friend that lives on that block. So I walked up and down
7 that block and passed out flyers.

8 And, yes, we did get -- I feel it was a decent
9 turnout at the first one. That was -- I thought there
10 was many more people that was on that list and we had a
11 PowerPoint presentation to explain to the community what
12 we were planning to do with this place that they thought
13 was a troubled, nuisance place, a thorn in their side for
14 a long time.

15 So after the presentation, we got a lot of
16 feedback. Some were still concerned, but a lot of people
17 were positive. They were positive about what we were
18 going to do, and they also felt like that the community,
19 Banneker Community is a historically black community,
20 registered in the U.S. as a historically black community.
21 So they -- a lot of them seemed to be happy that, you

1 know, young black folks was coming in to take over this
2 business that had a positive outlook on which way they
3 were going to go with the business.

4 And so we -- so a lot of people were happy
5 about that, and like I said, there was still some
6 concerns. And we tried to address his concerns. I gave
7 my phone number out to the people that had concerns, so
8 they could talk to me directly or call me directly if
9 there was any issues, so that I could address them
10 directly.

11 MR. HURDLE: Did you -- do you have a security
12 plan or anything of this nature?

13 MR. PATTERSON: Yes. We had a security plan.
14 We presented it also at the -- at both meetings, and the
15 community meeting president, she was -- her and her
16 husband -- her husband is a security guy, and he talked
17 to me and gave me some pointers about, you know, how we
18 could adjust the plan and make it more effective, and we
19 did that, and we moved forward with it.

20 MR. HURDLE: Do you have those plans today?

21 MR. PATTERSON: Did you bring it with you,

1 Sweetie?

2 MRS. PATTERSON: No.

3 MR. PATTERSON: No, we don't have it today with
4 us. But we -- yeah, we did show it at the -- at both
5 meetings.

6 MR. HURDLE: There is a security plan in place?

7 MR. PATTERSON: Yes.

8 MR. HURDLE: Is there a crime plan or anything
9 like that?

10 MR. PATTERSON: We also have a crime plan.

11 MR. HURDLE: And --

12 MS. DEMILIO: Objection. What is a crime plan?

13 MR. HURDLE: I was going to get there.

14 CHAIRMAN GARBER: The same question actually
15 did cross my mind.

16 MR. HURDLE: What is your I guess crime plan,
17 crime prevention plan?

18 MR. PATTERSON: Well --

19 CHAIRMAN GARBER: A crime prevention plan.

20 MR. HURDLE: That was my misspeaking. Sorry.

21 CHAIRMAN GARBER: That's all right.

1 MR. PATTERSON: Our crime prevention plan is
2 the way that -- it's just basically the way that we deal
3 with some of the nuisance -- some of the nuisances that
4 we heard was happening in the community when they tried
5 to -- when loitering and crime would happen or would
6 attempt to happen around the lounge, it was just a way to
7 deal with it.

8 MR. HURDLE: And how do you deal with those
9 issues today?

10 MR. PATTERSON: Well, first of all, we have a
11 security system with cameras. We also have a security
12 guard, and I personally myself walk the perimeter every
13 so now and then when I'm in the business. And if there's
14 an issue, we call the police.

15 MR. HURDLE: Has that happened in the last six
16 months?

17 MR. PATTERSON: There hasn't, there hasn't been
18 an issue with crime to call the police, but there has
19 been a reason to call the police, I think it's been
20 twice.

21 MR. HURDLE: Can you explain those to us?

1 MR. PATTERSON: The first issue was there's a
2 Spanish guy that has a domestic issue that lives maybe a
3 block or two from the lounge. And him and his wife was
4 fighting and he said his wife cut his hand, and he came
5 down to the lounge, hand was bleeding. I mean, it was a
6 trail of blood up through the sidewalk, up into the
7 lounge, all through the lounge. And they called me up
8 front, and then, you know, I kept telling the guy, hey,
9 you can't come in there like that, and then he didn't
10 want to leave because he had nowhere to go. And so we
11 called the police.

12 MR. HURDLE: And you said there was a second
13 occasion. What happened on that occasion?

14 MR. PATTERSON: The second occasion was another
15 Spanish guy came in. He was already drunk, and he came
16 into the lounge. And we have TVs in the lounge. So he
17 came into the lounge, and he sat down. And he was
18 watching TV, and one of the waitresses went over to him
19 and asked him, you know, can she help him? And he asked
20 us to call the ambulance because he said his head was
21 hurting. So we called the ambulance and when the

1 ambulance got there, the ambulance said that they knew
2 who he was, that he frequently -- the ambulance is
3 frequently called on him. And so he's using the medical
4 system and the hospital to spend the night or sleep
5 there, whatever. So the guy must have been homeless or
6 something.

7 MR. HURDLE: To your know, there has been no
8 other criminal activity at the location?

9 MR. PATTERSON: No.

10 MR. HURDLE: With regards to the parking that
11 seems to be a concern, what's the status of the parking
12 at the location?

13 MR. PATTERSON: Well, the status is that it's
14 my understanding that this place has been here for I
15 would say 70 years. I think the previous owner owned it
16 for maybe 40. And what we have events there, there's
17 more than, you know, four or five people coming to park.
18 I have a verbal agreement with Mr. Winston Ebb (ph.)
19 across the street who didn't get along so much with the
20 previous owner. So he would -- he told me himself, he
21 would close his gate and wouldn't let him use his

1 parking. So he leaves the gate open and allows my
2 employees and my patrons to park on his lot.

3 MR. HURDLE: And you haven't been able to get
4 an agreement with him, why?

5 MR. PATTERSON: He just said he doesn't want to
6 be bound. He says he doesn't want to be bound.

7 MR. HURDLE: But you've had no issues using
8 that lot?

9 MR. PATTERSON: No issues.

10 MR. HURDLE: And there's a church parking lot?

11 MR. EVANS: How many spots are there in
12 Mr. Ebb -- is that who -- is that his name?

13 MR. PATTERSON: Yes, Winston Ebb. I believe
14 it's E-b-b.

15 MR. EVANS: Okay. How many spots approximately
16 in his lot?

17 MR. PATTERSON: I think there's 20. I think
18 it's 10 on one side and 10 on the other. Well, no, let's
19 say 18 because he has a dumpster on the other side.

20 MR. EVANS: Okay.

21 MR. HURDLE: and there's a church parking

1 lot --

2 MR. PATTERSON: Yeah.

3 MR. HURDLE: -- that people talked about?

4 MR. PATTERSON: It's a church parking lot
5 within 500 feet of the lounge. We use, we use the church
6 parking lot, and I'm sure everybody in the community
7 knows that. And there's a lodge at the other end of the
8 parking lot, and the lodge uses the parking lot, too.
9 This Friday, they just had a huge event, and used almost
10 the whole lot. So that's overflow parking lot. We also
11 have a verbal agreement with the pastor at Morningstar,
12 like I think one of the previous witnesses said, the
13 church is up for sale. So they don't want to do anything
14 binding because it's probably soon going to be a new
15 owner.

16 MR. EVANS: And how many spots there?

17 MR. PATTERSON: Oh, man. I'd say -- they
18 probably could answer better than me, but it's more than
19 -- I'd say close to 200 if I had to guess.

20 MR. EVANS: Okay.

21 CHAIRMAN GARBER: Ms. Jolivet?

1 MS. RANDALL-JOLIVET: Yes. What's the capacity
2 for your building as to how many customers can be in your
3 building at one time?

4 MR. PATTERSON: On the lounge, on the lounge
5 side, it's 50.

6 CHAIRMAN GARBER: Occupancy is 50?

7 MR. PATTERSON: Yes.

8 MS. RANDALL-JOLIVET: And -- okay. So lounge
9 is 50. Thank you.

10 CHAIRMAN GARBER: So just that I understand
11 that correctly, does that mean you're not going to have
12 events that are going to be larger than like 40 to 50?

13 MR. PATTERSON: Yeah, on the lounge side. So
14 the lounge side is the only side open.

15 CHAIRMAN GARBER: Right.

16 MR. PATTERSON: So which is less than half of
17 the square footage of the building. And so we use the
18 other side of the building for storage. Do you mind if I
19 go to this?

20 CHAIRMAN GARBER: Please.

21 MR. PATTERSON: Okay. So this is the front of

1 the building.

2 CHAIRMAN GARBER: You're going to have to
3 specify what you're referring to for the record. So
4 you're on Winters Lane at the front -- frontage of your
5 building on Winters Lane.

6 MR. PATTERSON: Yeah, thank you. Yes, thank
7 you. So I'm on Winters Lane at the front of the
8 building, and I'm just pointing at the building because I
9 just want to show you that there's a petition --

10 CHAIRMAN GARBER: A partition.

11 MR. PATTERSON: Yes. Can I use a pen?

12 CHAIRMAN GARBER: Well, let's not draw on that.
13 That's the exhibit we need.

14 MR. PATTERSON: Okay. So, I mean, if you look
15 at the one you have, there's two doors on this side. You
16 enter through this way, but there's a dividing wall right
17 here that runs right down the middle of the building.

18 MR. HURDLE: It seems to run on the --

19 CHAIRMAN GARBER: Horizontally.

20 MR. HURDLE: -- horizontally perpendicular to
21 Winters Lane, the wall runs and kind of divides the

1 building in half.

2 MR. PATTERSON: Yeah.

3 MR. HURDLE: The rectangle or the square part
4 in half anyway.

5 MR. PATTERSON: Yes.

6 CHAIRMAN GARBER: Okay.

7 MR. PATTERSON: And so this side --

8 MR. HURDLE: The north side.

9 MR. PATTERSON: The north side is the lounge
10 side.

11 CHAIRMAN GARBER: Okay.

12 MR. PATTERSON: And then this side is what we
13 use for storage now.

14 CHAIRMAN GARBER: The southeast side is for
15 storage. Where's the package goods part?

16 MR. PATTERSON: It's like up front, right here,
17 by the doors.

18 CHAIRMAN GARBER: So the corner?

19 MR. PATTERSON: Yeah, the corner, north side.

20 CHAIRMAN GARBER: The northwest side of your
21 building.

1 UNIDENTIFIED SPEAKER: Southwest corner.
2 MR. PATTERSON: No.
3 UNIDENTIFIED SPEAKER: No.
4 MS. RANDALL-JOLIVET: And there's no seating
5 capacity in the package goods section?
6 MR. PATTERSON: No, I don't believe so.
7 CHAIRMAN GARBER: When you say there's storage,
8 where's the kitchen?
9 MR. PATTERSON: The kitchen is the rear back
10 here.
11 CHAIRMAN GARBER: Back where the dumpster is on
12 Exhibit 2?
13 MR. PATTERSON: Yes.
14 CHAIRMAN GARBER: Sorry, Mr. Hurdle.
15 MR. HURDLE: So the capacity you're using right
16 now is no more than 50 people at any given moment. Is
17 that correct?
18 MR. PATTERSON: Yes. And that includes
19 employees though. I think we're talking about maybe 40
20 people -- 40 customers.
21 MR. HURDLE: The community meetings you've been

1 to, you mentioned that it's been crime, loitering,
2 parking have been the concerns for the most part. After
3 having discussed these issues with the community, what
4 has been your impression of their position in the matter?
5 MR. PATTERSON: You mean currently?
6 MR. HURDLE: Correct.
7 MR. PATTERSON: Yeah. Well, I think from the
8 people that I hear from, they're happy that the place on
9 Winters Lane hasn't gone back to the old crime ridden,
10 drug dealing area that it was. And in regards to
11 parking, again, I've given my phone number out to all
12 those that show concern or approach me about any issues
13 related to the lounge. I've given my number out to them.
14 And I get a few calls occasionally about people parked on
15 the wrong side of the street or somebody parked in front
16 of my house.
17 And so just recently I got a call, we had a
18 fundraiser at the lounge, and a lady, I can't remember
19 her name, but she lives on Shipley, and she kind of
20 fussed me out on the phone saying somebody was parked in
21 front of her house. And I was like, okay, ma'am. You

1 know, where are they? So I said I'm on my way around
 2 there. I said I'm walking out back. I'm going to tell
 3 the people to move their car. So she went on and on, was
 4 fussing at me.

5 So I'm walking between the buildings to get out
 6 back as quick as I can. So when I get out back, I said,
 7 ma'am, where are the people parked at? And she said, oh,
 8 they moved.

9 So I'm saying that to say that, you know, the
 10 general people in the area, most of them have my number,
 11 and they call me with their concerns. And those are the
 12 only real concerns I've been hearing about is parking,
 13 when people do park in the wrong side of the street. And
 14 when I hear that, I got out and make another -- when I
 15 come in, I make another announcement on the PA system or
 16 if I know whose car it is, I'll have them move it.

17 But, a lot of times, we get blamed for things
 18 -- we get blamed for things that don't have anything to
 19 do with the lounge. If we have, let's say a Friday
 20 night, people come in the lounge and so many park on the
 21 back, so many park across the street, but then you have

1 people in the community that hang out down at Banneker
 2 and so their friends come over. They may be parking, and
 3 they be standing outside smoking, and other people from
 4 the community may think that that has something to do
 5 with the lounge, and it doesn't. It's about a block or
 6 two away from me. So --

7 MR. EVANS: Winters Lane and Shipley, they're
 8 both one way -- two way streets?

9 MR. PATTERSON: Yes.

10 MR. EVANS: Yeah. Okay.

11 MR. HURDLE: Have you had any other calls or
 12 complaints with regard to the property besides parking?

13 MR. PATTERSON: No.

14 MR. HURDLE: Do you have any littering
 15 complaints?

16 MR. PATTERSON: No.

17 MR. HURDLE: The business is currently open and
 18 operating?

19 MR. PATTERSON: Yes. And if you don't mind,
 20 can I add something? I had a buy that wasn't on board
 21 with how we was operating or how we were -- he wasn't on

1 board with the plans we had on moving forward. It's a
 2 guy that lives right across the street from us. He has a
 3 big yard over there, and he was concerned about people
 4 pulling up in his driveway.

5 MR. HURDLE: Which street does he live across
 6 on?

7 MR. PATTERSON: On Winters Lane.

8 MR. HURDLE: Okay.

9 MR. PATTERSON: He lives right across from the
 10 bar on Winters Lane. Actually his house is on the
 11 drawing. And so he was concerned about people pulling up
 12 in his lot and parking. And so he didn't like the idea,
 13 but he's been -- he came over and talked to me a few
 14 times. And the last time I talked to him was about a
 15 week ago, and he congratulated me and told me that --

16 MS. DEMILIO: Objection.

17 MR. PATTERSON: -- he was really impressed.

18 MS. DEMILIO: Objection.

19 CHAIRMAN GARBER: Hold on. Hold on.

20 MR. PATTERSON: Uh-huh.

21 CHAIRMAN GARBER: There's an objection. Go

1 ahead.

2 MS. DEMILIO: Again, it's hearsay. He's
 3 telling us what somebody told him. So he can ask if
 4 there were complaints or not complaints, but that's as
 5 far as he can go.

6 MR. HURDLE: He's been telling the story for
 7 five minutes now, and she's only chirping it now. I
 8 think it's been -- if it's been hearsay, it's been
 9 hearsay for five minutes. It's not --

10 MS. RANDALL-JOLIVET: She can take her time to
 11 -- whenever she feels it's appropriate, she can make an
 12 objection.

13 CHAIRMAN GARBER: So, just when you talk about
 14 her chirping in --

15 MR. HURDLE: Sorry.

16 CHAIRMAN GARBER: -- keep in mind, we're being
 17 professional here.

18 Second, I don't know how this is relevant. The
 19 whole point here was, I gave my number out. If there's a
 20 problem, call me and others in the neighborhood, you
 21 know, I've solved some problems that they've had that

1 were preexisting. I don't know that we need to go into
2 details in the conversations or anything that has to do
3 with how a participate person is satisfied by one thing
4 or another or not satisfied unless that person's here in
5 Court.

6 MR. PATTERSON: Sure.

7 CHAIRMAN GARBER: I think that that's probably
8 the best way to approach it. So with that in mind, you
9 can move along from there.

10 MR. HURDLE: Sure. With regards to your cell
11 phone number being given out, you said you've gotten a
12 couple of calls and for the most part, any issue you've
13 resolved?

14 MR. PATTERSON: Yes. I did get one phone call,
15 I got a text message from a gentleman that's in Court
16 today, about a mattress that was thrown out in the back
17 of the building. And although -- and I responded to it.
18 I mean, I got out of my bed.

19 CHAIRMAN GARBER: Well, again, I would just add
20 to what I just said that I don't know that we need to
21 have every instance of, you know, doing the right thing

1 here or anything, considering that we're here today for
2 the parking variance and setback variances and
3 (indiscernible) variances.

4 MR. HURDLE: Has the business been inspected by
5 the Liquor Board --

6 MR. PATTERSON: Yes.

7 MR. HURDLE: -- since you've been open?

8 MR. PATTERSON: Yes, twice.

9 MR. HURDLE: Have you failed in any capacity?

10 MR. PATTERSON: No.

11 MR. HURDLE: Have you --

12 MS. DEMILIO: I'm sorry. What was that last
13 question?

14 MR. HURDLE: Has the business been inspected by
15 the Liquor Board?

16 MS. DEMILIO: Thank you.

17 MR. HURDLE: It has passed those inspections?

18 MR. PATTERSON: Yes.

19 MR. HURDLE: Has it received another inspection
20 since then?

21 MR. PATTERSON: Health Department passed.

1 MR. HURDLE: Passed.
2 MR. PATTERSON: Yeah.
3 CHAIRMAN GARBER: So as of right now, the
4 business is open and operating, you've been managing the
5 parking. Do you have a person who attends to the parking
6 you said?
7 MR. PATTERSON: Yes. When we have events, I
8 have someone outside directing people where to park.
9 MR. HURDLE: I have no further questions at
10 this time.
11 CHAIRMAN GARBER: Cross-examination,
12 Ms. Demilio?
13 MS. DEMILIO: Yes. Were you at the Liquor
14 Board hearing?
15 MR. PATTERSON: Yes.
16 MS. DEMILIO: All right. And isn't it a fact
17 that your license was only issued on the condition that
18 you get approval for parking?
19 MR. PATTERSON: I don't know that to be true.
20 MS. DEMILIO: Well, I'll -- what do you mean
21 you don't know it to be true? What does that mean?

1 MR. PATTERSON: Because it wasn't my
2 understanding that we get permission for parking.
3 MS. DEMILIO: Well, why are you here?
4 MR. PATTERSON: To add additional parking to
5 the rear of the building that is zoned in a residential
6 -- that has residential zoning.
7 MS. DEMILIO: And is it your understanding that
8 you have sufficient parking onsite for this operation?
9 MR. PATTERSON: No.
10 MS. DEMILIO: So you have a parking deficiency.
11 And isn't it a fact that the Liquor Board told you that
12 your liquor license is only valid --
13 MR. HURDLE: Objection.
14 MS. DEMILIO: -- until you get --
15 MS. RANDALL-JOLIVET: Let me say something. He
16 has to say yes. He didn't answer the last question. He
17 nodded his head, and I'm assuming --
18 CHAIRMAN GARBER: Thank you.
19 MS. RANDALL-JOLIVET: -- but we do need to
20 answer on the record?
21 MR. PATTERSON: Yes. Yes.

1 MS. RANDALL-JOLIVET: Thank you.
2 CHAIRMAN GARBER: All right.
3 MR. PATTERSON: Ask me the question again
4 because I can't --
5 CHAIRMAN GARBER: We're going to ask the
6 question again. Let her finish the question before you
7 object and before you answer, we'll be able to deal with
8 the objection. Ms. Demilio.
9 MS. DEMILIO: All right. Isn't it a fact that
10 your liquor license would allow you to operate under the
11 current liquor license on the condition that you obtain
12 approval for parking under the zoning regulations for
13 Baltimore County?
14 MR. HURDLE: Objection.
15 CHAIRMAN GARBER: Basis?
16 MR. HURDLE: He previously answered this exact
17 question.
18 CHAIRMAN GARBER: This is cross-examination.
19 I'm going to allow it. It's overruled.
20 MR. PATTERSON: Can you ask me the question
21 again?

1 MS. DEMILIO: No. This is the third time.
2 Will you listen to the question?
3 MR. PATTERSON: I'm listening. I'm listening
4 but between that, I didn't --
5 CHAIRMAN GARBER: Hold on. Hold on. We'll
6 just ask the question and see where it takes us.
7 Ms. Demilio.
8 MS. DEMILIO: Isn't it a fact that the current
9 liquor license that you're operating under was issued on
10 the condition that you get approval for your parking, the
11 number of spaces, not just the parking in the residential
12 zone, but also the number of spaces and all the variances
13 that you're asking for?
14 MR. PATTERSON: I believe that's true.
15 MS. DEMILIO: Okay. Thank you. Thank you for
16 that. Now let me just show you what I got off the
17 internet for Premier Lounge. I think that looks like
18 your logo. Is that your internet --
19 MR. PATTERSON: Yeah, this is so old.
20 MS. DEMILIO: But isn't -- well, it's so old.
21 MR. PATTERSON: Yeah.

1 MS. DEMILIO: It's currently on the internet,
2 right?
3 MR. PATTERSON: Um-hum.
4 MS. DEMILIO: This is the name of your
5 operation, Premier Lounge, right?
6 MR. PATTERSON: Yes. Can I see that?
7 MS. DEMILIO: Sure.
8 CHAIRMAN GARBER: Can you identify that for the
9 record please before we start? And, Mr. Hurdle, you have
10 a copy? Yes.
11 MR. HURDLE: I do have a copy. Thank you.
12 MS. DEMILIO: Do you recognize this,
13 Mr. Patterson?
14 MR. PATTERSON: I do.
15 MS. DEMILIO: Okay.
16 MR. PATTERSON: And it's old.
17 MS. DEMILIO: Well, this is what was currently,
18 I want to say 9/24/2018, I got it off the internet. So
19 where's the current one if this is old?
20 MR. PATTERSON: We just haven't updated it. I
21 didn't say we had a current one.

1 MS. DEMILIO: Okay.
2 MR. PATTERSON: It just hasn't been updated.
3 MS. DEMILIO: Okay. So this one -- but you're
4 talking about the same operation. It says your favorite
5 restaurant, lounge, convenience store and event hall. Is
6 that correct? That's what the internet site says. Isn't
7 that your operation?
8 MR. HURDLE: Objection.
9 MR. PATTERSON: Yes, it is. It is. I didn't
10 say it wasn't.
11 MS. DEMILIO: She asked one question and just
12 kind of asked another one on top of this one. I just
13 want him to make sure he's answering one question at a
14 time.
15 CHAIRMAN GARBER: Okay. Ms. Demilio, what was
16 your question about? This is your business, correct?
17 MS. DEMILIO: This is your business that reads,
18 your favorite restaurant, lounge, convenience store and
19 event hall, and I believe he answered.
20 MR. PATTERSON: I said, yes, but I said that
21 was old.

1 MS. DEMILIO: That was old. And then you
 2 indicated --
 3 MR. PATTERSON: That's an old logo.
 4 CHAIRMAN GARBER: We're got to talk one at a
 5 time. Yes, we understood the answer. Ms. Demilio.
 6 MS. DEMILIO: Yes. All right. And then you
 7 indicate your hours of operation on here.
 8 MR. PATTERSON: I believe they're indicated
 9 there.
 10 MS. DEMILIO: Right. So I'll show it to you.
 11 Can you see them? Oh, no, it was the other guy that was
 12 having trouble with glasses. I'm sorry. I'm going to
 13 read them and you tell me if it's correct. Is that
 14 easier for you?
 15 MR. PATTERSON: Yeah.
 16 MS. DEMILIO: Okay. So you're Sunday through
 17 Thursday, from 11:00 a.m. to 10 p.m. and Friday and
 18 Saturday from 11:00 a.m. to 2:00 a.m.
 19 MR. PATTERSON: Sunday through Thursday. I'm
 20 going to say no. So I can tell you what the hours are
 21 now if you'd like me to.

1 MS. DEMILIO: So you're not open Sunday through
 2 Thursday. Let's start with that.
 3 MR. PATTERSON: Sunday through Thursday. No,
 4 I'm not.
 5 MS. DEMILIO: Okay.
 6 MR. PATTERSON: I'm not open on Monday and
 7 Tuesday.
 8 MS. DEMILIO: All right. Not at all?
 9 MR. PATTERSON: Not at all.
 10 MS. DEMILIO: Not for package goods, not for
 11 lunch? Is that correct?
 12 MR. PATTERSON: Not at all.
 13 MS. DEMILIO: So it's just closed. All right.
 14 And even though this website says you're open Sunday
 15 through Thursday, 11:00 to 10:00.
 16 MR. HURDLE: Objection.
 17 CHAIRMAN GARBER: Basis?
 18 MR. HURDLE: She's asked this question. She's
 19 badgering the witness at this point.
 20 MS. DEMILIO: I'm sorry. I don't mean to
 21 badger.

1 CHAIRMAN GARBER: I do think, number one, it
2 speaks for itself.

3 MS. DEMILIO: Okay.

4 CHAIRMAN GARBER: The testimony has already
5 indicated that that is not correct.

6 MS. DEMILIO: Okay.

7 CHAIRMAN GARBER: So I'll sustain the
8 objection.

9 MS. DEMILIO: I'll move on. Thank you. I'll
10 move on. And Friday and Saturday, 11:00 a.m. to 2:00
11 a.m. I assume your liquor -- so that's what it says
12 there. Is that the hours you can open on Friday and
13 Saturday?

14 MR. PATTERSON: I'm not open those hours. On
15 Friday, we open at 3:00.

16 MS. DEMILIO: Okay.

17 MR. PATTERSON: And we go to about 12:00 or
18 1:00. Saturday we open about 11:00 a.m., 11:00 or 12:00
19 a.m. and we go to about 12:00 or 1:00.

20 MS. DEMILIO: All right. So --

21 MR. PATTERSON: And then Sunday we open at

1 11:00 a.m. and we go to about 11:00 or 12:00. As I
2 previously stated, that is an old logo that hasn't been
3 updated.

4 MS. DEMILIO: Right.

5 MR. PATTERSON: So I thank you for pointing
6 that out. My wife hears that, and she will update that.

7 MS. DEMILIO: Okay.

8 MS. RANDALL-JOLIVET: Mr. Patterson, it isn't
9 just the logo, but it's the information on the website
10 that needs to be updated. Is that correct?

11 MR. PATTERSON: Yes, ma'am.

12 MS. RANDALL-JOLIVET: Okay. Thank you.

13 MS. DEMILIO: How late are you allowed to be
14 open with your current liquor license?

15 MR. PATTERSON: 2:00 a.m.

16 MS. DEMILIO: 2:00 a.m. Every night or
17 weekends?

18 MR. PATTERSON: Seven days a week.

19 MS. DEMILIO: Okay. And did you apply for a
20 liquor license for those hours?

21 MR. PATTERSON: The liquor license that we

1 brought, came with those hours.

2 MS. DEMILIO: Okay. And then you asked to keep
3 those hours when you applied for the transfer?

4 MR. HURDLE: Objection. The process that she's
5 asking him to describe is just kind of -- it's just an
6 inaccurate way of describing. When you apply for a
7 liquor license, you just get it.

8 CHAIRMAN GARBER: Well, I believe he should
9 have some information about that which Ms. Demilio is
10 trying to get at. So I'll overrule the objection.
11 Ms. Demilio.

12 MS. DEMILIO: So when you requested the
13 transfer of the liquor license, then you more or less
14 adopted the hours that the previous owner had had and
15 that was until 2:00 a.m.

16 MR. PATTERSON: I think that's correct.

17 MS. DEMILIO: Okay. All right. Now -- so just
18 so I understand, you have a restaurant that's open to the
19 public?

20 MR. PATTERSON: I do.

21 MS. DEMILIO: Okay. And that -- some days you

1 serve lunch, some days you don't, but you always serve
2 dinner there?

3 MR. PATTERSON: Yeah.

4 MS. DEMILIO: On the days you're open.

5 MR. PATTERSON: We serve lunch on Saturday and
6 Sunday.

7 MS. DEMILIO: Right. Sundays you serve lunch,
8 and most days that you're open, you're open for dinner or
9 supper?

10 MR. PATTERSON: Yes.

11 MS. DEMILIO: Okay. And then the other -- you
12 also have what you call a lounge which is where you have
13 your private parties or dancing? Somebody talked about
14 dancing and stage and music. One of your waitresses
15 testified about that?

16 MR. PATTERSON: Yes.

17 MS. DEMILIO: Okay. In respect to the music
18 and the dancing and the stage, is that open to the public
19 on the nights you provide that entertainment?

20 MR. PATTERSON: Yes.

21 MS. DEMILIO: Okay. And you -- then you also

1 have a convenience store, but I assume that's the package
2 store?

3 MR. PATTERSON: Yes.

4 MS. DEMILIO: Do you sell anything but liquor
5 there?

6 MR. PATTERSON: Yeah, we sell --

7 MS. DEMILIO: You know, when I say like beer,
8 wine, hard liquor. Do you sell anything in addition to
9 those?

10 MR. PATTERSON: Yes.

11 MS. DEMILIO: What else do you sell?

12 MR. PATTERSON: Soda, chips, peanuts, gum,
13 starbursts.

14 MS. DEMILIO: Okay.

15 MR. PATTERSON: Mints.

16 MS. DEMILIO: All right. So you sell snack --

17 MR. PATTERSON: Beef jerky.

18 MS. DEMILIO: -- can we call that snack foods?

19 MR. PATTERSON: Yeah.

20 MS. DEMILIO: You sell snack foods there then
21 to people that come into the package store. All right.

1 And then you also have an event hall, right? That's a
2 separate location?

3 MR. PATTERSON: The event -- it's part of the
4 same location. Like I explained, it's -- the building is
5 -- has a dividing wall. So that side that would -- that
6 was previously used for I guess events or whatever they
7 used it for, we use it as storage now.

8 MS. DEMILIO: Right. But you also have events
9 there.

10 MR. PATTERSON: Not in that side, we don't.

11 MS. DEMILIO: So half of the building is used
12 for storage. Is that what you're saying? Of what?

13 MR. PATTERSON: Yes, ma'am. Of equipment, of
14 our equipment, our inventory, and a lot --

15 MS. DEMILIO: For the package store?

16 MR. PATTERSON: Some of it.

17 MS. DEMILIO: And the restaurant?

18 MR. PATTERSON: Some of it.

19 MS. DEMILIO: Okay. So --

20 CHAIRMAN GARBER: Can I ask a question here
21 real quick because I'm now confused about something.

1 MS. DEMILIO: Me, too.

2 CHAIRMAN GARBER: Sorry. Is the lounge
3 separate from the restaurant?

4 MR. PATTERSON: The kitchen -- the lounge and
5 the restaurant is the same thing.

6 CHAIRMAN GARBER: Okay. When you have a
7 private party, are people allowed from the public to come
8 in? Even though you're having a private party, are
9 people from the public allowed to come in to any party
10 you're servicing?

11 MR. PATTERSON: When we have a private party,
12 only the lounge section is closed off for those hours.

13 CHAIRMAN GARBER: That's what I'm asking. So
14 nobody's coming into the bar, restaurant, and can only go
15 into the package goods store --

16 MR. PATTERSON: Right.

17 CHAIRMAN GARBER: -- during that time?

18 MR. PATTERSON: Yes.

19 CHAIRMAN GARBER: Okay. That answers my
20 question.

21 MR. PATTERSON: All right.

1 MS. DEMILIO: And is there an actual bar in the
2 restaurant? Do people sit at a bar? You know what I'm
3 talking about.

4 MR. PATTERSON: Yes.

5 MS. DEMILIO: Okay. So you have a -- in the
6 restaurant, you have a bar and you have tables or booths?

7 MR. PATTERSON: Yes.

8 MS. DEMILIO: All right. And is the -- is the
9 package -- what are the hours for the package store? Are
10 they the same that you told me before?

11 MR. PATTERSON: They are the same.

12 MS. DEMILIO: Okay. All right. Now, you said
13 you have some verbal agreements with Mr. Ebb across the
14 street. What business does Mr. Ebb have?

15 MR. HURDLE: I'm sorry. I object. I believe
16 there's two questions asked. Is the question that he has
17 verbal agreements or he has an agreement with Mr. Ebb?

18 MS. DEMILIO: I said, you have verbal
19 agreements with some people across the street. So I'm --
20 my question is Mr. Ebb, you indicated was one of those
21 people or properties. What business does Mr. Ebb operate

1 at his location?

2 CHAIRMAN GARBER: That's how I understood the
3 question.

4 MR. PATTERSON: I think it's called Ebb's
5 Picnic Grove. Yes, I believe it's Ebb's -- to my
6 knowledge, it's called -- it's a picnic -- it's an event
7 place I guess.

8 MS. DEMILIO: So he has an event place as well.
9 Does he use the same parking lot then?

10 MR. PATTERSON: Yes.

11 MS. DEMILIO: And how much do you pay him? Do
12 you pay Mr. Ebb? I'm sorry. Do you pay Mr. Ebb
13 anything?

14 MR. PATTERSON: No.

15 MS. DEMILIO: Okay. All right. And what about
16 the church parking lot? Do you pay anything to the
17 church for the use of the parking lot?

18 MR. PATTERSON: I do not.

19 MS. DEMILIO: And -- now, which one is
20 currently for sale with the church parking lot? The
21 church, I mean, that's on the --

1 MR. PATTERSON: I believe so. I don't see a
2 for sale sign down there but I believe it's for sale.
3 That's what the pastor said.

4 MS. DEMILIO: Okay. But is the church still
5 operating there? I wasn't sure.

6 MR. PATTERSON: I'm not sure.

7 MS. DEMILIO: You're not sure. All right. Is
8 there parking on Winters Lane?

9 MR. PATTERSON: There's no street parking on
10 Winters Lane but both of those lots are on Winters Lane.
11 And I wanted to add something to what Mr. --

12 MS. DEMILIO: No, just answer my questions.
13 No, I'm not going back to the lots. I just want to know
14 if generally there is --

15 MR. PATTERSON: No, I was going to add
16 something to one of the answers that I gave you that I
17 answered -- questions you asked me.

18 MS. DEMILIO: I know. But is there public
19 parking on Winters Lane, on either side of Winters Lane?
20 That's all I'm asking you.

21 MR. PATTERSON: Street parking?

1 MS. DEMILIO: Yes.
2 MR. PATTERSON: No.
3 MS. DEMILIO: Okay. What about on Shipley?
4 MR. PATTERSON: Yes.
5 MS. DEMILIO: On both sides of Shipley or one
6 side?
7 MR. PATTERSON: I believe it's one side. As
8 the community has let me know, it's only one side.
9 MS. DEMILIO: Okay. And --
10 MR. EVANS: You wanted to clarify one of your
11 answers in order to make it accurate?
12 MR. PATTERSON: Yes.
13 MR. EVANS: What was that?
14 MR. PATTERSON: The answer she asked me about
15 the verbal agreement with Mr. Ebb across the street. I
16 wanted to say that Mr. Ebb -- she asked me did I pay
17 Mr. Ebb, and the answer to that was no, but me and
18 Mr. Ebb have an agreement that our businesses are
19 mutually beneficial when we work together because when
20 him and his family have events there, of course, I have
21 alcohol and ice and all of those things that he needs.

1 So we -- there's a mutual understanding that we're
2 beneficial to work together.
3 MR. EVANS: So you'll give him ice and liquor?
4 MR. PATTERSON: I don't give him, but I have
5 it --
6 MR. EVANS: But it's available for him?
7 MR. PATTERSON: Right, right.
8 MR. EVANS: You give him the ice and charge him
9 for the liquor.
10 MS. DEMILIO: Wow, so you deliver to Mr. Ebb?
11 MR. PATTERSON: I don't deliver.
12 MS. DEMILIO: Okay. Okay.
13 CHAIRMAN GARBER: Your last question was does
14 Shipley have parking on one side?
15 MS. DEMILIO: Yes.
16 CHAIRMAN GARBER: I was trying to --
17 MS. DEMILIO: Yes. I'm trying to move on.
18 CHAIRMAN GARBER: Yeah. I was just cluing you
19 in as to where we were.
20 MS. DEMILIO: Right, right, right.
21 CHAIRMAN GARBER: Now did you say you attended

1 the auction or did not attend?
 2 MR. PATTERSON: I did not.
 3 MS. DEMILIO: Okay.
 4 MR. PATTERSON: I was Face Timed into the
 5 auction.
 6 MS. DEMILIO: Okay.
 7 MR. PATTERSON: So I don't know if you call
 8 that attendance.
 9 MS. DEMILIO: Well, but your wife was there is
 10 what you're saying?
 11 MR. PATTERSON: Yes.
 12 MS. DEMILIO: Your wife was there. And I
 13 suppose you read the auction flyer though when they
 14 advertised the property.
 15 MR. PATTERSON: Um-hum.
 16 MS. DEMILIO: How did you learn about --
 17 CHAIRMAN GARBER: Is that a yes?
 18 MR. PATTERSON: That's a yes. Sorry.
 19 MS. DEMILIO: Sorry. And how did you learn
 20 about the property for sale?
 21 MR. PATTERSON: I got a text message.

1 MS. DEMILIO: From?
 2 MR. PATTERSON: The auction.
 3 MS. DEMILIO: You're on their list?
 4 MR. PATTERSON: (Nods head in the affirmative.)
 5 UNIDENTIFIED SPEAKER: You have to answer yes.
 6 MR. PATTERSON: Yes. Sorry.
 7 MS. DEMILIO: Okay. Now have you been to any
 8 of the community association meetings since August of
 9 2017?
 10 MR. PATTERSON: In August?
 11 MS. DEMILIO: Since August of 2017.
 12 MR. PATTERSON: I would say, yes.
 13 MS. DEMILIO: Which ones? Which month did you
 14 go?
 15 MR. PATTERSON: That I don't know, but I will
 16 say I'm a frequent attendee and my son plays basketball
 17 over at the community center. So he practices over
 18 there. Generally -- I don't know when they're going to
 19 cancel, when they don't, but generally when I take my son
 20 over there, if they're there, I go right in.
 21 MS. DEMILIO: Okay. And I'm sorry, Mr.

1 Patterson. Where do you live? What's your home address?

2 MR. PATTERSON: 7523 Roxy Drive.

3 MS. DEMILIO: 7523 Roxy.

4 MR. EVANS: Is that in that area?

5 MR. PATTERSON: It's about 2 miles, 3 miles
6 maybe.

7 MS. DEMILIO: What's your zip code?

8 MR. PATTERSON: 21244.

9 MS. DEMILIO: 21244. What's that area called?

10 MR. PATTERSON: Windsor Mill.

11 MS. DEMILIO: Oh, Windsor Mill. Okay. I know
12 you went into detail about all the people that were

13 employed by you for the different activities that you

14 have onsite. On any given night, how many employees --

15 what is the average number of employees you have?

16 MR. PATTERSON: I think we went over this. Let

17 me think about this. Me, my wife, security, bartender.

18 If there's an event, there's additional people. I also

19 have a cook. So there may be 5 or 6 but if there's an

20 event, it could be from 8 to 10.

21 MS. DEMILIO: So who waitresses? Who's the

1 waitress? Do you have a waitress? Do you have a

2 waitress that comes to the restaurant?

3 MR. PATTERSON: I do.

4 MS. DEMILIO: So that's six people then, right?

5 The way I counted it. So you have a waitress come every
6 night as well and a cook?

7 MR. PATTERSON: I don't have a waitress every

8 night. I said when we have events, when we have an

9 event, you need -- generally -- this is the way -- this

10 is a neighborhood bar. On any given night, when there is

11 not an event, we have 10 people there, 5 to 10 people in

12 there. If I have an event or somebody have a birthday

13 party or something like that, then that's when I need

14 additional people. But, just on a regular night, we only

15 have about like five people in there at the bar. So --

16 MS. DEMILIO: So you have a bartender.

17 MR. PATTERSON: -- I don't need additional

18 people on regular nights.

19 MS. DEMILIO: Well, who's serves the people at

20 the tables? Do you have a waitress at all?

21 MR. PATTERSON: It's so slow that the bartender

1 can do that on those nights.

2 MS. DEMILIO: So when did you open for business
3 then exactly?

4 MR. PATTERSON: That's a good question. I told
5 you we did the first -- we had an event in January. That
6 was the first event that we done.

7 MS. DEMILIO: You said that was a family thing?

8 MR. PATTERSON: Yeah, but family and family
9 brought their friends. It was a family/friends type of
10 thing.

11 MR. EVANS: He doesn't mean his family,
12 correct?

13 MR. PATTERSON: Right.

14 MR. EVANS: It was a family event --

15 MS. DEMILIO: Family.

16 MR. EVANS: -- for some other family that used
17 your premises, right?

18 MR. PATTERSON: No, no, it was my family.

19 MR. EVANS: Oh, it was your family.

20 MR. PATTERSON: But my family brought their
21 friends.

1 MR. EVANS: All right. Okay.

2 MR. PATTERSON: Yeah, it was my family and they
3 brought their friends.

4 MS. DEMILIO: But you just had a private --
5 your own party?

6 MR. PATTERSON: It wasn't a private party.
7 Doors were open. It was open. People come in. It
8 wasn't a closed party.

9 MS. RANDALL-JOLIVET: So was it a grand opening
10 of some sort?

11 MR. PATTERSON: Well, it was -- no, we haven't
12 had that yet.

13 MS. RANDALL-JOLIVET: Okay.

14 MR. PATTERSON: We've only done a soft opening,
15 but that first event was just like to let people know
16 that were close to us, to let people know what we been
17 working on, working so hard on for the last few months.

18 MS. DEMILIO: So when did --

19 MR. PATTERSON: It happened in late January. I
20 said it was late January.

21 MS. DEMILIO: Right. So you've been open since

1 then?

2 MR. PATTERSON: Yes.

3 MS. DEMILIO: Okay. So when is your grand
4 opening?

5 MR. PATTERSON: Me and my wife have to discuss
6 when we're going to do that.

7 MS. DEMILIO: Well, what do you have to do
8 before the grand opening?

9 MR. PATTERSON: What do I have to do?

10 MR. HURDLE: Objection. Relevance.

11 MS. DEMILIO: Do you have to make any more
12 renovations?

13 MR. HURDLE: Objection.

14 MR. PATTERSON: I mean --

15 CHAIRMAN GARBER: Overruled. Go ahead, sir.

16 MR. PATTERSON: Answer?

17 CHAIRMAN GARBER: Yes, please.

18 MR. PATTERSON: So we can do a grand opening
19 whenever we want. We just haven't chosen to do that yet.

20 MS. DEMILIO: But do you have any more
21 renovations to do?

1 MR. PATTERSON: We're constantly renovating the
2 place. We're constantly painting things, fixing things.

3 MS. DEMILIO: So you're not finished
4 renovating?

5 MR. PATTERSON: I would say, no. We want to do
6 more lights on the outside. We want security lights,
7 yeah. So we're constantly doing things. And also in the
8 back, we want to pave that lot and, you know, make some
9 additional parking, put up some foliage that looks nice
10 and presentable to the neighbors and put up a dividing
11 fence so everybody, you know, put a dumpster back there.
12 So, no, we're not totally done.

13 MS. DEMILIO: Okay. So you're not fully
14 operational?

15 MR. PATTERSON: No, we are fully operational.
16 We are fully operational. Kitchen is open. Package
17 goods is open. The lounge is open. We're open for
18 business. And have been since January.

19 MS. DEMILIO: Okay. All right. I have no
20 further questions.

21 CHAIRMAN GARBER: Mr. Hurdle?

1 MR. HURDLE: I have no further questions at
2 this time.

3 CHAIRMAN GARBER: Okay.

4 MR. HURDLE: Can we take brief five minute
5 recess?

6 CHAIRMAN GARBER: Well, Mr. Patterson, thank
7 you for your time.

8 MR. PATTERSON: Thank you.

9 (Mr. Patterson excused.)

10 CHAIRMAN GARBER: Where are you with your case?
11 Is that what you need to --

12 MR. HURDLE: I may be calling Tiffany
13 Patterson, I may not be. That's why I was going to take
14 a moment.

15 CHAIRMAN GARBER: We have a hard stop today
16 apparently at 3:30 for one of the Board members. So if
17 you're going to be calling Ms. Patterson, anything longer
18 than basically 5, 10 minutes, we'll have to wait for
19 another day. If, on the other hand, you think it's going
20 to be quick, we could just roll it in now.

21 MR. HURDLE: Yeah, I mean, I think it's going

1 to be more than 15 minutes plus I presume that you have
2 witnesses that will be more than --

3 CHAIRMAN GARBER: I was factoring that in.

4 MR. HURDLE: -- 15 minutes as well presumably?

5 MS. DEMILIO: I don't, I don't want to press
6 the Board. I don't want to stop in the middle.

7 CHAIRMAN GARBER: Well, that's --

8 MR. HURDLE: Yeah.

9 CHAIRMAN GARBER: -- I agree.

10 MR. HURDLE: That's my concern.

11 MS. DEMILIO: And I appreciate that.

12 CHAIRMAN GARBER: If it was to clarify a point
13 or two, we could have Ms. Patterson take the stand. If
14 it's something that's going to be more substantive, then
15 it would be seem that now would be the right time to
16 stop.

17 MS. DEMILIO: She's one of the owners. I mean,
18 I would think it's going to take more than a couple of
19 minutes.

20 CHAIRMAN GARBER: Well, again, if was only to
21 clarify a point or two, but if it's going to be more

1 substantive, then we'll have to stop now. And, we'll
2 have to reschedule a date, too, at some point in the near
3 future.

4 MR. HURDLE: It would like be a little more
5 substantive --

6 CHAIRMAN GARBER: All right.

7 MR. HURDLE: -- in this situation.

8 CHAIRMAN GARBER: But I -- yeah, I've got that
9 now. All right. So -- well, as for today, we will have
10 to adjourn for the next day that is to be scheduled.
11 Kindly bring the copies or e-mail them in advance of the
12 exhibits to date.

13 So to the three people who are not here, who
14 did not get a chance to take the stand today, thank you
15 for attending and sorry it could not have been extended
16 to have you get done in one day. And we'll just have to
17 see you another day as well.

18 MS. DEMILIO: Can I just submit their sign in
19 sheet.

20 MR. EVANS: Sure.

21 MR. HURDLE: If I could make one request, it's

1 more along the same lines. My only concern would just be
2 getting ambushed by 20 witnesses next time. If there's
3 the three witnesses today, I would be requesting that it
4 be limited to those three witnesses.

5 CHAIRMAN GARBER: You definitely can't do that.
6 So -- because unfortunately it's discovery in these
7 cases.

8 MR. HURDLE: Sure.

9 CHAIRMAN GARBER: But, I mean, in terms of
10 getting ambushed by 20 people, if there are 20 people
11 from the community here and, you know, they're going to
12 testify, you know, to certain things, I would think you
13 would have a general idea as to what is coming anyway
14 from community members. I don't think that's going to be
15 a big problem one way or the other, and I don't know that
16 we would need all 20, nor do I think Ms. Demilio would
17 call all 20.

18 MS. DEMILIO: I'm not known for trying to
19 repeat testimony.

20 CHAIRMAN GARBER: Yeah. There are some people
21 that may have done that in the past and Ms. Demilio and

1 her office are not among those. They're not among them.

2 MS. DEMILIO: Thank you. I'm just going to
3 submit this.

4 MR. HURDLE: Sure. That's fine. I have no
5 problem.

6 MS. DEMILIO: I don't know, Mr. Evans, if you
7 would put that as an exhibit.

8 (Whereupon, the documents
9 referred to as People's
10 Counsel's Exhibits 1 and 2 were
11 marked for identification.)

12 CHAIRMAN GARBER: So we have Protestant's 1 and
13 2. Any objection, Mr. Hurdle?

14 MR. HURDLE: In terms of the sign-in sheet was
15 number?

16 CHAIRMAN GARBER: That's Exhibit 2. Premier
17 Lounge printout page.

18 MR. HURDLE: Yeah, that's fine. I have no
19 objections.

20 CHAIRMAN GARBER: So no objections to 1 and 2.
21 Therefore, they 1 and 2 are admitted.

1 (Whereupon, the documents
2 referred to as People's
3 Counsel's Exhibits 1 and 2 were
4 received into evidence.)

5 CHAIRMAN GARBER: And with that, we'll see you
6 on another day, presumably colder then today.

7 MR. HURDLE: We'll submit those exhibits in
8 paper format as well as electronic format.

9 MS. DEMILIO: Thank you.

10 CHAIRMAN GARBER: Yes. It's now more pressing
11 to have it by day two than anything else.

12 MR. HURDLE: Um-hum.

13 CHAIRMAN GARBER: You should have a copy for
14 each one of us up here --

15 MR. HURDLE: Absolutely.

16 CHAIRMAN GARBER: -- because when we
17 deliberate, we often deliberate outside of here typically
18 speaking.

19 MR. HURDLE: Sorry.

20 CHAIRMAN GARBER: That's okay.

21 MR. HURDLE: Fold this up for you, this

1 exhibit?

2 MS. RANDALL-JOLIVET: We need yours as well.

3 CHAIRMAN GARBER: Yes.

4 MS. DEMILIO: What exhibits did I put in?

5 CHAIRMAN GARBER: 1 and 2.

6 MS. RANDALL-JOLIVET: I guess the logo was 1 --

7 MS. DEMILIO: Oh, I'm sorry. I have two more

8 but --

9 CHAIRMAN GARBER: Mr. Hurdle, do you have a
10 copy of Protestant's Exhibit 1?

11 MR. HURDLE: Yes, I do.

12 MS. DEMILIO: Yeah.

13 MR. HURDLE: I can give you a copy. You can
14 take my copy. I don't --

15 (Whereupon, at 3:14 p.m., the hearing was
16 adjourned on September 27, 2018, to be continued on
17 January 17, 2019, at 10:00 a.m.)

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C E R T I F I C A T E

1 I, KATHRYN A. MIRFIN, certify that the
2
3 foregoing is a true and correct transcript, to the best
4 of my ability, of the above pages, of the electronic
5 recording provided to me by the Board of Appeals for
6 Baltimore County, of the proceedings taken on the date
7 and time previously stated in the above matter.

8 I further certify that I am neither counsel
9 for, related to, nor employed by any of the parties to
10 the action in which this hearing was taken, and further
11 that I am not financially nor otherwise interested in
12 the outcome of the action.

13 March 11, 2019
14 Date

Kathryn A. Mirfin
Kathryn A. Mirfin
Transcriber

15

16

17 Within this transcript of proceedings, some of
18 the names and/or technical terms are spelled
19 phonetically, inasmuch as exhibits, files and support
20 documentation were not made available to us for
21 reference.