



CASE NUMBER: A-2026-01-V

BOARD OF APPEALS APPLICATION
P.O. BOX 528 / 106 SOUTH MAIN STREET
NORTH EAST, MARYLAND 21901-0528
PHONE 410-287-5801 / FAX 410-287-8267

THIS APPLICATION IS FOR A VARIANCE

PART 1. APPLICANT INFORMATION

Owner Representative _____

APPLICANT NAME – (PLEASE PRINT CLEARLY – LIST ADDITIONAL NAMES ON PAGE 6): _____

LSM, LLC

APPLICANT ADDRESS: 102 Riverside Drive
Elkton, MD 21921

TELEPHONE NUMBER: 302-753-6605 FAX NUMBER: _____

PART 2. PROPERTY INFORMATION

PROPERTY OWNER NAME – (PLEASE PRINT CLEARLY – LIST ADDITIONAL NAMES ON PAGE 6): _____

LSM, LLC

PROPERTY OWNER ADDRESS: 102 Riverside Drive
Elkton, MD 21921

TELEPHONE NUMBER: 302-753-6605 FAX NUMBER: _____

LOCATION OF PROPERTY: LEFT SIDE OF Sycamore Drive (STREET)

PROPERTY ADDRESS: ① Sycamore Drive, North East, MD

TAX MAP # 25H BLOCK # _____ PARCEL # 0793

DEED REFERENCE: LIBER 2323 AND FOLIO 065

ZONING CLASSIFICATION: Commercial ACRES: 2.672

CRITICAL AREA LAND USE DESIGNATION: N/A

EXISTING USE OF PROPERTY: Vacant

PART 3. PROVISIONS OF APPLICATION

PROVISION OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM UNDER WHICH THIS APPLICATION IS BEING SUBMITTED (IF APPLICABLE): _____

See Attached

PROVISION OF NORTH EAST ZONING ORDINANCE UNDER WHICH THIS APPLICATION IS SUBMITTED (SECTION AND PARAGRAPH): _____

See Attached

PURPOSE OF THIS APPLICATION (DESCRIBE): _____

See Attached

INDICATE VARIANCE REQUESTED - STATE IN FEET AND/OR SQUARE FEET): _____

*See Attached***PART 4 - REASON FOR REQUEST** (ATTACH ADDITIONAL SHEETS IF NECESSARY)

STATE IN DETAIL THE REASONS WHY THIS REQUEST SHOULD BE GRANTED: _____

*See Attached***PART 5 – SKETCH OF PROPOSED PROJECT**

SKETCH THE LOCATION OF THE PROPOSED PROJECT ON THE PROPERTY, SHOWING DISTANCES FROM REAR, FRONT AND SIDE PROPERTY LINES TO PROJECT, AND THE DIMENSIONS OF THE PROJECT. IF THIS PROJECT IS IN THE CRITICAL AREA, A REQUEST FOR VARIANCE WILL NOT BE CONSIDERED UNTIL ALL PROVISIONS AND REQUIREMENTS ARE MET AS OUTLINED IN ARTICLE 9; SECTION 9-19 IN THE NORTH EAST ZONING ORDINANCE, AND APPLICABLE SECTIONS 1 E AND 1 F IN THE CRITICAL AREA PROGRAM.

PART 6. ADDITIONAL REQUIREMENTS (ATTACH ADDITIONAL SHEETS IF NECESSARY)

1. DESCRIBE HOW THE LITERAL ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE WOULD RESULT IN UNNECESSARY HARSHSHIP. _____

See Attached

2. DESCRIBE ALL SPECIAL CONDITIONS AND CIRCUMSTANCES THAT EXIST WHICH ARE PECULIAR TO THE LAND, STRUCTURE, OR BUILDING INVOLVED AND WHICH ARE NOT APPLICABLE TO OTHER LANDS, STRUCTURES, OR BUILDINGS IN THE SAME DISTRICT. _____

See Attached

3. DESCRIBE HOW THE LITERAL INTERPRETATION OF THE PROVISION OF THIS ORDINANCE WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME DISTRICT UNDER THE TERMS OF THIS ORDINANCE. _____

See Attached

4. DO THE SPECIAL CONDITIONS AND CIRCUMSTANCES RESULT FROM THE ACTIONS OF THE APPLICANT? _____ YES NO

IF YES, EXPLAIN: *See Attached*

5. DESCRIBE HOW GRANTING THE VARIANCE REQUESTED WILL NOT CONFER ON THE APPLICANT ANY SPECIAL PRIVILEGE THAT IS DENIED BY THIS ORDINANCE TO OTHER LANDS, STRUCTURES, OR BUILDINGS IN THE SAME ZONE NOR WILL IT BE DETRIMENTAL TO ADJACENT PROPERTIES.

See Attached

6. WILL THE CHARACTER OF THE DISTRICT BE CHANGED BY GRANTING A VARIANCE? (NO NONCONFORMING USE OR NEIGHBORING LANDS, STRUCTURES, OR BUILDINGS IN THE SAME ZONE, AND NO PERMITTED USE OF LANDS, STRUCTURES, OR BUILDINGS IN OTHER ZONES SHALL BE CONSIDERED GROUNDS FOR THE ISSUANCE OF A VARIANCE). YES NO

IF YES, EXPLAIN: See Attached

7. DESCRIBE HOW THE GRANTING OF THE VARIANCE WILL BE IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ORDINANCE. See Attached

8. DESCRIBE WHY THE GRANTING OF THE VARIANCE WILL NOT BE INJURIOUS TO THE NEIGHBORHOOD, OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE. See Attached

9. IS THIS APPLICATION BASED UPON A LACK OF KNOWLEDGE OF THE RESTRICTIONS?
 YES NO

IF YES, EXPLAIN: See Attached

PART 7. LAPSE OF VARIANCE

THE NORTH EAST ZONING ORDINANCE SECTION 9-21. LAPSE OF SPECIAL EXCEPTION OR VARIANCE INDICATES THAT AFTER THE BOARD OF APPEALS HAS GRANTED A VARIANCE, THE VARIANCE GRANTED SHALL LAPSE AFTER THE EXPIRATION OF ONE YEAR IF NO SUBSTANTIAL CONSTRUCTION HAS TAKEN PLACE IN ACCORDANCE WITH THE PLANS FOR WHICH SUCH VARIANCE WAS GRANTED, OR IF THE BOARD DOES NOT SPECIFY SOME LONGER PERIOD THAN ONE YEAR AT THE TIME OF APPROVAL, THEN THE PROVISIONS OF THESE REGULATIONS SHALL THEREAFTER GOVERN.

1. IF YOUR REQUEST FOR A VARIANCE IS GRANTED, DO YOU WANT THE BOARD TO CONSIDER A REQUEST FOR EXPIRATION FOR SOME TIME LONGER THAN ONE YEAR? YES NO

A. IF YES, STATE WHY YOU CAN NOT REACH SUBSTANTIAL COMPLETION IN ONE YEAR:

See Attached

B. IF YES, STATE THE DATE YOU WOULD LIKE THE BOARD TO CONSIDER FOR EXPIRATION OF THE VARIANCE? (PLEASE STATE MONTH/DAY/YEAR):

MONTH

DAY

YEAR

Permanent

See Attached

VARIANCE APPLICATION – PAGE 6

CASE NUMBER: A-2026-01-V

LIST THE NAMES AND ADDRESSES OF ALL APPLICANTS: ATTACH ADDITIONAL SHEETS IF NECESSARY

(Please Print Clearly)

LSM, LLC 102 Riverside Drive, Elkton, MD 21921
APPLICANT NAME ADDRESS PHONE 302-753-6605

APPLICANT NAME _____ ADDRESS _____ PHONE _____

LIST THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS: ATTACH ADDITIONAL SHEETS IF

LIST THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS: ATTACH ADDITIONAL SHEETS IF NECESSARY

(Please Print Clearly)

LSM, LLC 102 Reside Dr., Elkton, MD 21921 302-753-6605
OWNER NAME ADDRESS PHONE

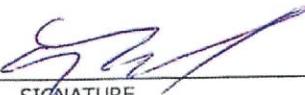
OWNER NAME _____ ADDRESS _____ PHONE _____

OWNER NAME _____ ADDRESS _____ PHONE _____

CERTIFICATION – SIGNATURES

I/WE CERTIFY THAT THE INFORMATION, EXHIBITS AND ATTACHMENTS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE AND BELIEF.

APPLICANT(S):

William F. Reddy, Esq.  12/22/05
PRINT NAME SIGNATURE DATE
Attorney for Applicant

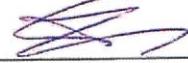
PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

OWNER(S):

 Stavros Kalantzoglou 12/22/05
PRINT NAME SIGNATURE DATE

Board of Appeals Application

Town of North East

Case No.: A-2026-01-V

LSM, LLC
102 Riverside Drive
Elkton, MD 21921
Tel.: 302-753-6605

Part 3: Provisions of Application:

Provisions of the Chesapeake Bay Critical Area Program under which this application Is being submitted (If Applicable): N/A

Provisions of North East Zoning Ordinance under which this Application is submitted (section and paragraph):

- Article 9, Section 9-17 of the Zoning Ordinance
- Article 4, Section 4-5 Parking Setbacks

Purpose of this Application (Describe):

To obtain a variance from the front and side yard setback requirements for the purpose of accommodating parking spaces. No storm water variance needed.

Indicate Variance Requested:

- 1.) A maximum front (East) yard setback variance of 13ft to accommodate eight (8) parking spaces.
- 2.) A maximum front (South) yard setback variance of 22ft to accommodate thirty-three (33) parking spaces.
- 3.) A maximum west side yard setback variance of 5ft to accommodate a portion of one (1) parking space.

Reason for Request (State in detail the reason by this request should be granted).

Applicant seeks to develop a new restaurant to serve the Town of North East and the surrounding community. The lot where the restaurant is located is on the corner of Sycamore Drive and Route 40 in North East, Maryland. An encroachment on their front and side yard setback is proposed in order to provide adequate parking as required by the Zoning Ordinance. The proposed restaurant would like to maximize available parking to ensure there is no shortage of parking spaces during peek business hours. The requested variances would benefit the subject parcel by permitting improved parking and better public use. The side setback includes part of parking spaces.

A literal enforcement of provisions of the zoning ordinance will result in unnecessary hardship if the variances are not granted.

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.

A literal interpretation of the provision of the zoning ordinance would deprive the applicant of rights commonly enjoined by other properties in the same district under the terms of the ordinance. Literal interpretation of the ordinance would substantially reduce adequate parking. Literal interpretation of the ordinance would cause a hardship for the proper development of the property by moving the storm water management. Further, a literal interpretation would prohibit and interfere with use of the parcel that is consistent with the surrounding commercial properties. The special conditions and circumstances exist do not result from the actions of the Applicant. Granting the variances requested would not confer on the applicant any special privilege that is denied by the ordinance to other lands, structures or buildings in the same zoning district, nor will it be determinantal to adjacent properties.

The character of the district would not be changed by granting the variances. The granting of the variances would be harmony with a general purpose and intent of the zoning ordinance. Granting of the variances to the setbacks would not pose a threat to the safety of patrons to the restaurant and would ensure consistency with surrounding parcels and more adequate parking. The set back would allow for the orderly development of the lot.

The granting of the variances would not be injurious to the neighborhood, or otherwise detrimental of the public welfare. No injury would occur to the neighborhood as a result of the granting of the variances. The variances are not granted as a result of Applicant's lack of knowledge of the restrictions.

Part 5 – Sketch of Proposed Project

See attached plan.

Part 6. Additional Requirements

- 1.) Literal enforcement of the provisions of the ordinance would not allow for the orderly and proper development of this location. Compliance with the zoning ordinance would not allow for adequate parking for the restaurant. Movement of the storm water management location would not allow for the orderly development of the lot and would cause an undue hardship regarding parking areas and use of the premises.
- 2.) The parcels located at the intersection of Sycamore Drive and Route 40.
- 3.) Other similar properties have been located in shopping mall areas with other stores that can share parking. The requested variance would benefit the subject parcel and allow for better public use. The granting of a variance would allow for the proper development of the lot and allow for sufficient parking for proper use of the parcel.
- 4.) No.
- 5.) Applicant is only seeking this variance in order to comply with rules and regulations regarding the parking lot that can accommodate maximum occupancy. Other buildings in the same zone have been granted variances for additional parking in order to properly utilize the parcels. The Applicant is requesting a variance to allow for sufficient parking for the restaurant.
- 6.) No.
- 7.) - Setback area will still exist and will still be able to serve as a buffer between the proposed building/parking lot and the roadway.
- There will still be a large amount of open setback space and will conform to the general character and aesthetics of the area.

8.)

- Adequate/additional parking for the establishment will allow for the commercial business to operate at maximum occupancy which benefits the public use and enjoyment of the property.
- Adequate/additional parking will prevent patrons of the commercial business from parking on residential streets.
- The location of a parcel is consistent with the commercial development of the surrounding properties.
- The granting of the variance would be in harmony with the general purpose and intent of the zoning ordinance.
- The granting of the variances to the setbacks would not pose a threat to the safety of patrons to the restaurant and will ensure consistency with surrounding parcels.
- No injury would occur to the neighborhood as a result of the granting of the variances.

9.) No.

PART 7: Lapse of Variance.

1.) Yes, February 12, 3030.

a.) Possibility of unforeseen construction delays, setbacks, building material shortages, and inclement weather causing construction to be delayed/postponed or ceased. Last page of Variance Application – Expiration: February 12, 3030

