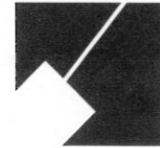


The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530



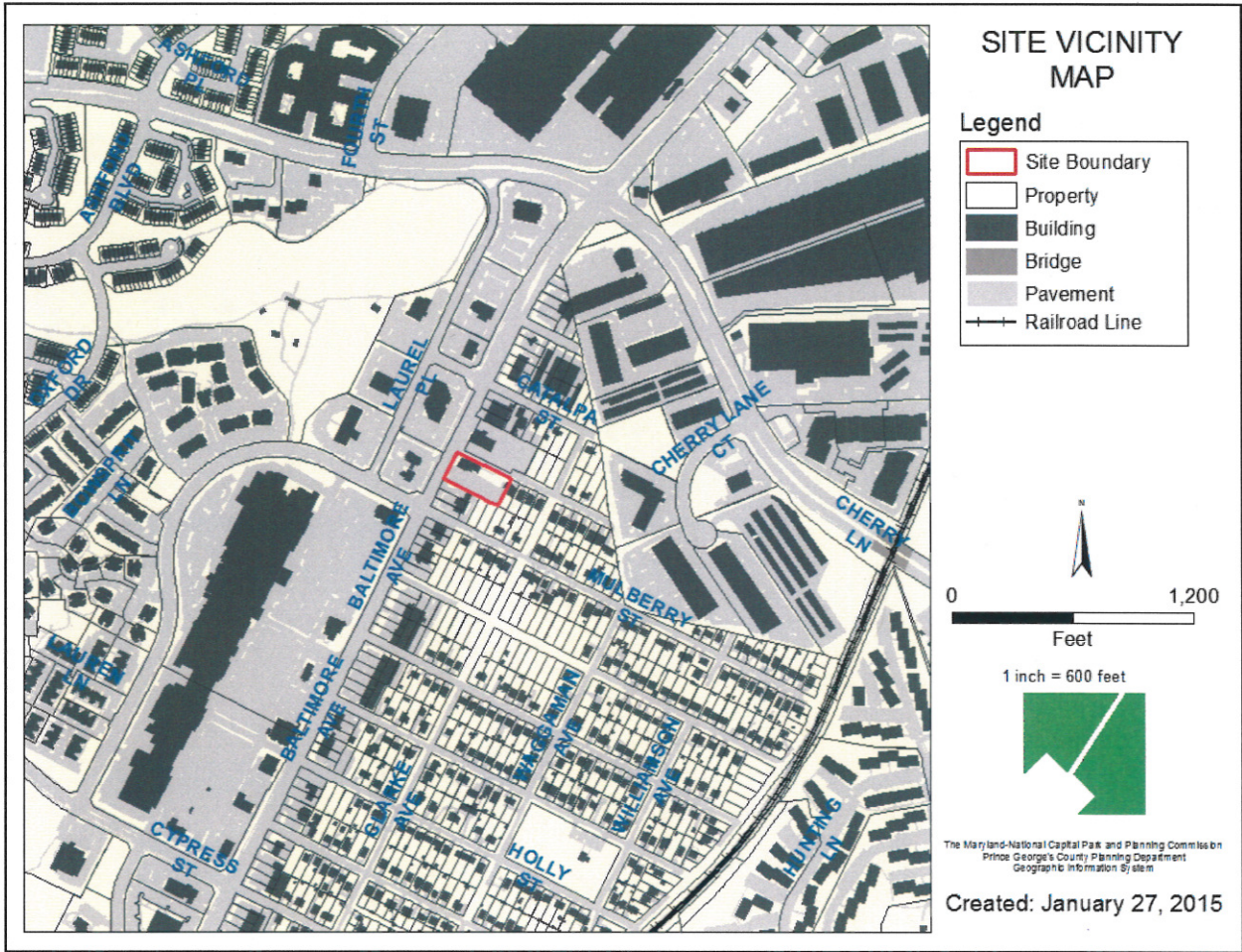
Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Certification of Nonconforming Use CNU-45099-2014-01

Application	General Data	
<p>Project Name: Nuzback Restaurant & Bar</p> <p>Location: On the south side of Magnolia Street, approximately 150 feet east of the intersection with Baltimore Avenue (US 1) and Mulberry Street.</p> <p>Applicant/Address: Nuzback Restaurant & Bar c/o Richard Nuzback 14405 Baltimore Avenue Laurel, MD 20707</p> <p>Property Owner: Peter and Kathryn Nuzback 14405 Baltimore Avenue Laurel, MD 20707</p>	Planning Board Hearing Date:	06/25/15
	Staff Report Date:	05/28/15
	Date Accepted:	04/30/15
	Planning Board Action Limit:	N/A
	Plan Acreage:	1.033
	Zone:	C-S-C
	Gross Floor Area:	3,865 sq. ft.
	Lots:	1
	Parcels:	N/A
	Planning Area:	62
	Council District:	01
	Election District:	10
	Municipality:	N/A
200-Scale Base Map:	219NE08	

Purpose of Application	Notice Dates	
Certification of a nonconforming use for a parking compound associated with an eating and drinking establishment in the C-S-C Zone.	Informational Mailing	02/10/15
	Acceptance Mailing:	04/28/15
	Sign Posting Deadline:	05/26/15

Staff Recommendation		Staff Reviewer: Ivy R. Thompson Phone Number: 301-952-4326 E-mail: Ivy.Thompson@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
X			



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Supervisor, Zoning Review Section, Development Review Division

FROM: Ivy R. Thompson, Senior Planner, Zoning Review Section, Development Review Division

SUBJECT: **Certification of Nonconforming Use Application No. CNU-45099-2014-01**

REQUEST: **Certification of a nonconforming use for a parking compound associated with an eating and drinking establishment**

RECOMMENDATION: **APPROVAL**

NOTE:

The Planning Board has scheduled this application for a public hearing on June 25, 2015. The Planning Board also encourages all interested persons to request to become a person of record for this application.

Requests to become a person of record should be made in writing and addressed to The Maryland-National Capital Park and Planning Commission, Development Review Division, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please call 301-952-3530 for additional information.

A. **Location and Field Inspection:** The rectangle shaped property is located on the south side of Magnolia Street, approximately 150 feet east of the intersection with Baltimore Avenue (US 1) and Mulberry Street. The subject property, identified as Lot 21, has a net lot area of approximately 43,450 square feet. The property, known as Nuzback Restaurant and Bar, located at 14405 Baltimore Avenue, is improved with an attached one-story and two-story brick building and a 50-space parking lot. The restaurant and bar area has a gross floor area (GFA) of 3,865 square feet. The subject property is spilt zoned: the bar and restaurant, zoned Commercial Shopping Center (C-S-C), is located at the front of Lot 21 adjacent to US 1; and the parking compound, zoned One-Family Detached Residential (R-55), is located at the rear of the property. Access to the development is provided egress/ingress on US 1. A single loading space is provided.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C/ R-R	Unchanged
Acreage	1.033	Unchanged
Gross Floor Area	3,685 sq. ft.	Unchanged
Use(s)	Commercial	Unchanged
	(Restaurant & Compound Parking)	

C. **History:** Nuzback Restaurant and Bar is an established business that has operated at this location since 1948. Prior Permit 680664-U was issued on April 2, 1968 for the restaurant on Lots 1, 2, and 3 (now part of Lot 21). The parking compound comprises Lots 18, 19, and 20 and has been located in this location since 1957. The property was re-subdivided (MMB 233-66) on January 26, 2011, creating Lot 21.

D. **Request:** The applicant requests certification of a nonconforming use for a parking compound in the R-55 Zone. Because Zoning Regulations were changed or adopted after the permitted use was lawfully established, the use became nonconforming. The nonconforming status began October 3, 1967.

E. **Surrounding Uses:** The surrounding area is developed with a mix of commercial, retail, and residential uses. There are no sidewalks and little on-site green space, or landscaping, in the area. The site is surrounded by the following uses:

- North—** Properties improved with retail development zoned C-S-C.
- North—** Properties improved with retail development zoned C-S-C, undeveloped property zoned R-55, and Mulberry Street.
- East—** Properties improved with single-family residences zoned R-55.
- West—** Baltimore Avenue (US 1), and across Baltimore Avenue properties improved with retail development zoned C-S-C.

- F. **Certification Requirements:** Certification of a nonconforming use requires that certain findings be made. First, the use must either predate the pertinent Zoning Regulation or have been established in accordance with all regulations in effect at the time it began. Second, there must be no break in operation for more than 180 days since the use became nonconforming.

Section 27-244 of the Zoning Ordinance sets forth the following specific requirements for certifying a nonconforming use:

Section 27-244. Certification.

(a) In general.

- (1) A nonconforming use may only continue if a use and occupancy permit identifying the use as nonconforming is issued after the Planning Board (or its authorized representative) or the District Council certifies that the use is nonconforming and not illegal (except as provided for in Section 27-246 and Subdivision 2 of this Division).**

(b) Application for use and occupancy permit.

- (1) The applicant shall file an application for a use and occupancy permit in accordance with Division 7 of this Part.**
- (2) Along with the application and accompanying plans, the applicant shall provide the following:**
- (A) Documentary evidence, such as tax records, business records, public utility installation or payment records, and sworn affidavits, showing the commencing date and continuous existence of the nonconforming use;**
- (B) Evidence that the nonconforming use has not ceased to operate for more than 180 consecutive calendar days between the time the use became nonconforming and the date when the application is submitted, or that conditions of nonoperation for more than one hundred eighty (180) consecutive calendar days between the time the use became nonconforming and the date when the application is submitted, or that conditions on nonoperation for more than one hundred eighty (180) consecutive calendar days were beyond the applicant's and/or owner's control, were for the purpose of correcting Code violations, or were due to the seasonal nature of the use;**
- (C) Specific data showing:**
- (i) The exact nature, size, and location of the building, structure, and use;**

- (ii) **A legal description of the property; and**
 - (iii) **The precise location and limits of the use on the property and within any building it occupies;**
- (D) A copy of a valid use and occupancy permit issued for the use prior to the date upon which it became a nonconforming use, if the applicant possesses one.**

Analysis—In accordance with Section 27-244(f) of the Zoning Ordinance, the Planning Board must determine whether, in fact, the use was legally established prior to the date it became nonconforming and that it has been in continuous operation since that time. According to the applicant's documentation, Nuzback Restaurant and Bar has been in operation since 1948 and the adjacent lots have been used for parking since the inception of the business.

When the applicant applied for a use and occupancy (U&O) permit, the Permit Review staff did locate the original U&O permit; however, the permit did not include a parking compound as a permitted use of the subject property. Therefore, in accordance with Section 27-244(f), the Planning Board must determine whether, in fact, the use was legally established prior to the date it became nonconforming and that it has been in continuous operation since that time.

The applicant submitted the following documentary evidence in support of the application for the non-conforming use status of a parking compound:

1. Notarized affidavit of Richard Nuzback dated February 18, 2015.
2. Notarized affidavit of Terry Kitt, Mulberry Street property owner, dated February 18, 2015.
3. Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) Permit number 680664-U dated August 26, 1970 for 14000 Block Baltimore Avenue, Lots 1, 2, and 3, issued to Peter Nuzback for the operation of a restaurant and bar.
4. Deed dated December 23, 1948 conveying Lots 1, 2, 3, and 20, Block 4, to Peter Nuzback.
5. Deed dated April 2, 1961 conveying Lots 18 and 19, Block 4, to Peter and Kathryn Nuzback.
6. PG Atlas aerial photos from 1957, 1963, 1965, 1968 and 1980 and Google Earth photos from 1993 and 2002

DISCUSSION

The applicant has provided a Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) Permit, 680664-U, dated August 26, 1970 for 14000 Block Baltimore Avenue, Lots 1, 2, 3, issued to Peter Nuzback for the operation of a restaurant and bar. This evidence, combined with the aerial photos of the property from 1957, 1963, 1965, 1968, 1980, 1993, and 2002, clearly demonstrate the use of the rear portion of Lot 21 as a parking compound in conjunction with the operation of the restaurant and bar. The aerial photos specifically provide visual evidence that the subject property

continued to be used for parking after the use became nonconforming in 1967. The other evidence, which consists of affidavits and property deeds further supports the existence of a parking use of the site at the subject property and supports the applicant's claim of continuous use.

CONCLUSION

Based on the evidence submitted by the applicant, together with the lack of contradictory evidence from other sources, staff concludes that the rear portion of the subject R-55-zoned property is currently used as a parking compound for an existing C-S-C-zoned use in accordance with the requirements of the Zoning Ordinance in effect prior to 1967. There is also no evidence to suggest a lapse of continuous use since that time. Therefore, it is recommended that Certification of Nonconforming Use Application No. CNU-45099-2014-01 is APPROVED as a certified nonconforming use.

ITEM:

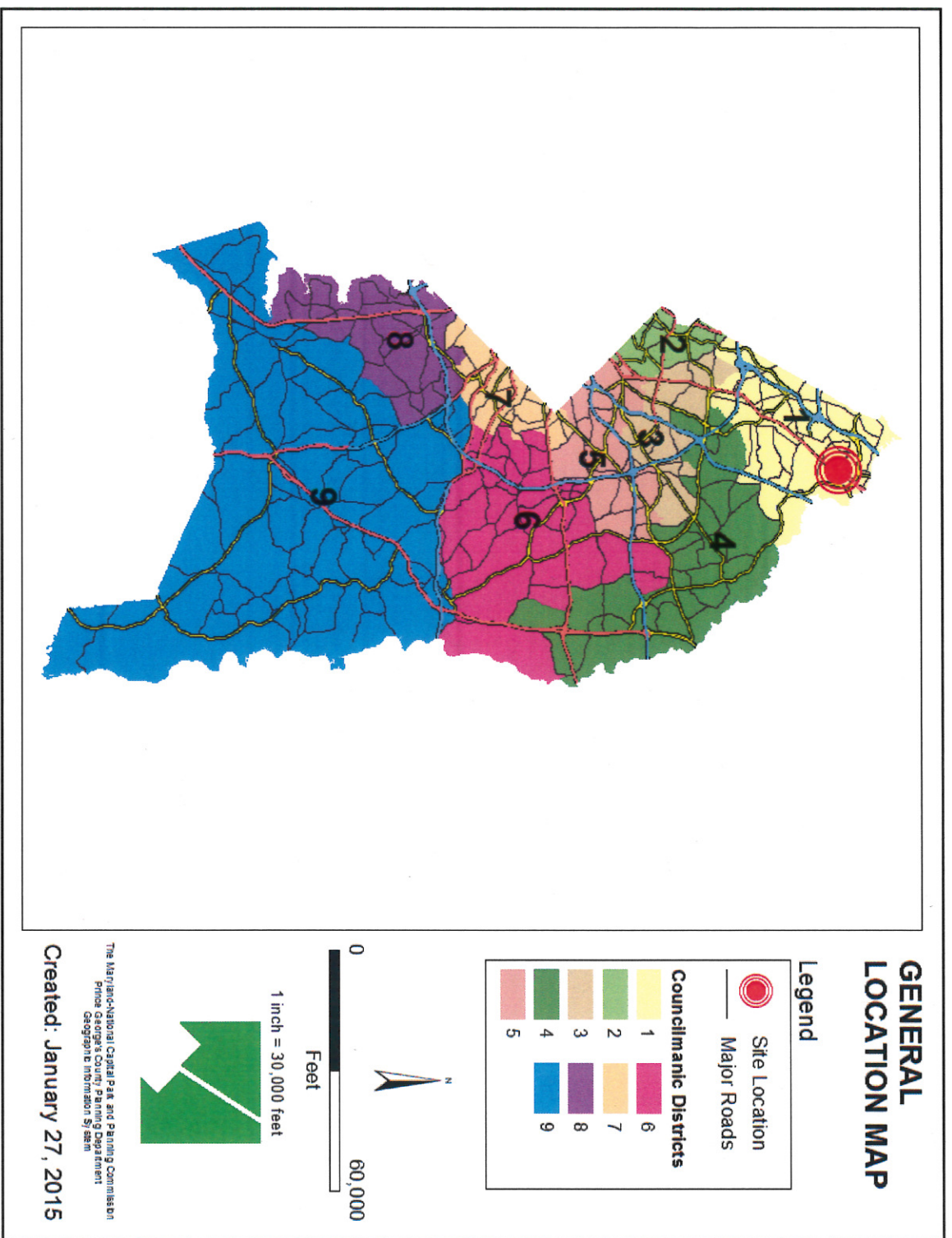
CASE: CNU-45099-2014-01

NUZBACK RESTAURANT & BAR

THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT

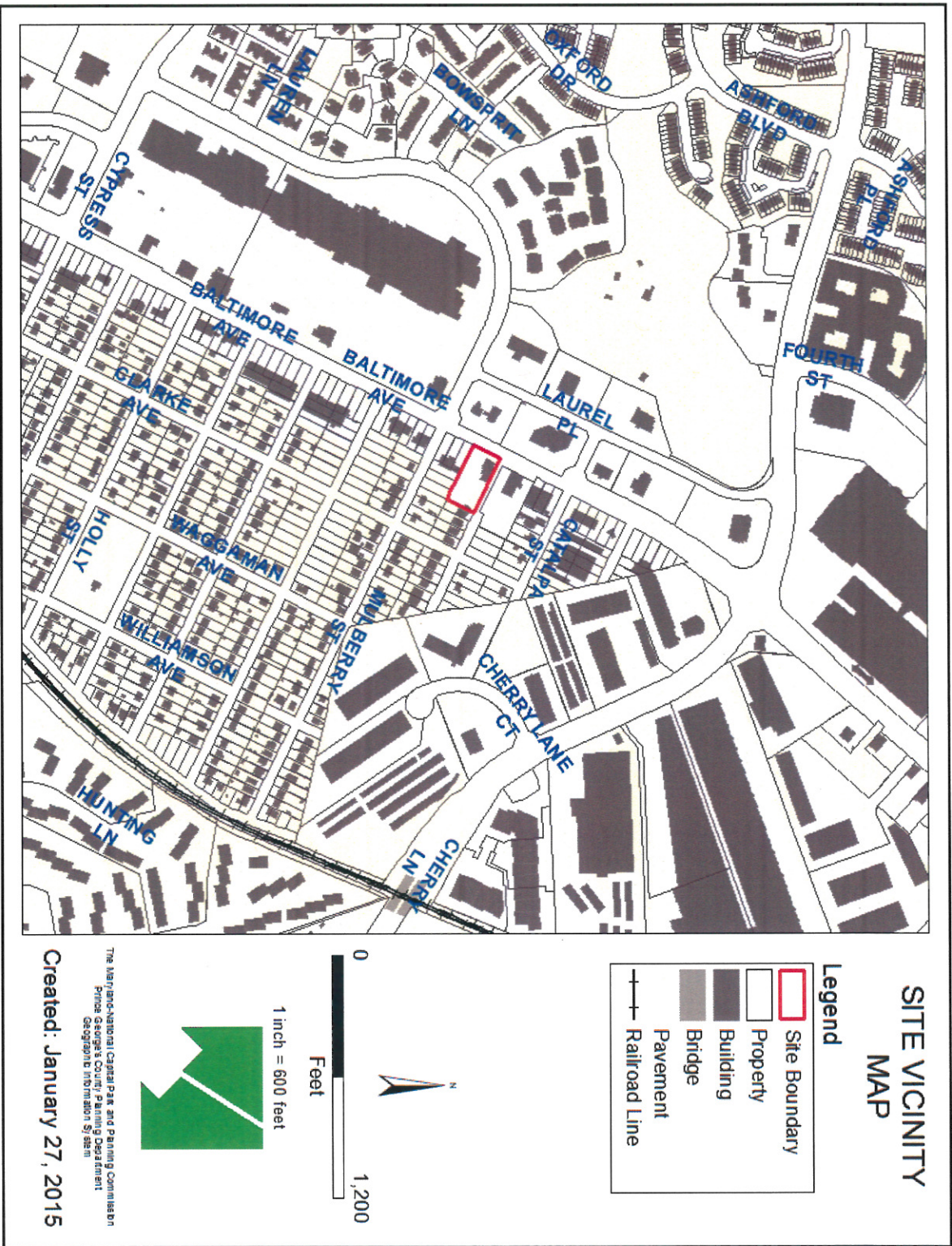


GENERAL LOCATION MAP



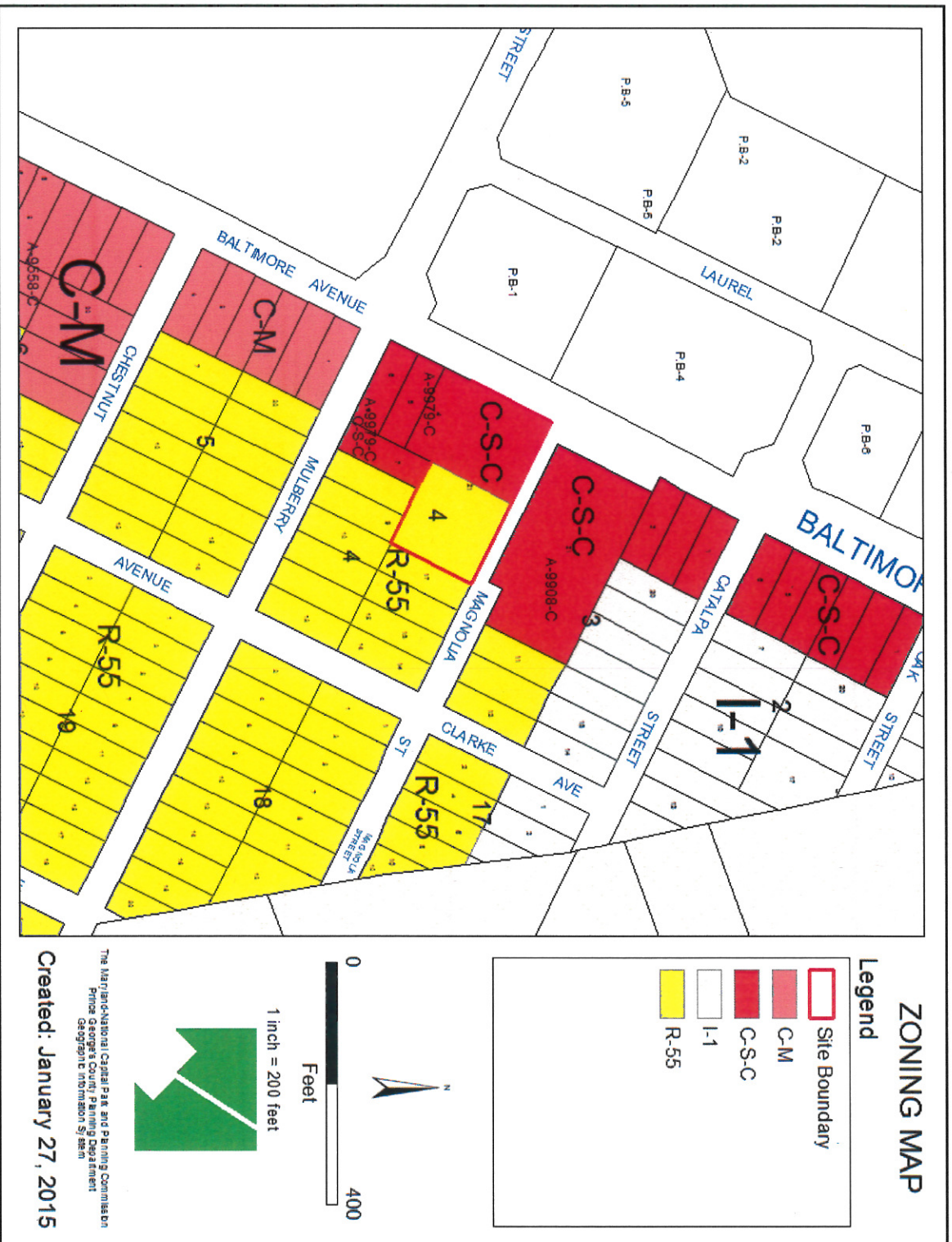
SITE VICINITY

Case # CNU-45099-2014-01



ZONING MAP

Case # CNU-45099-2014-01

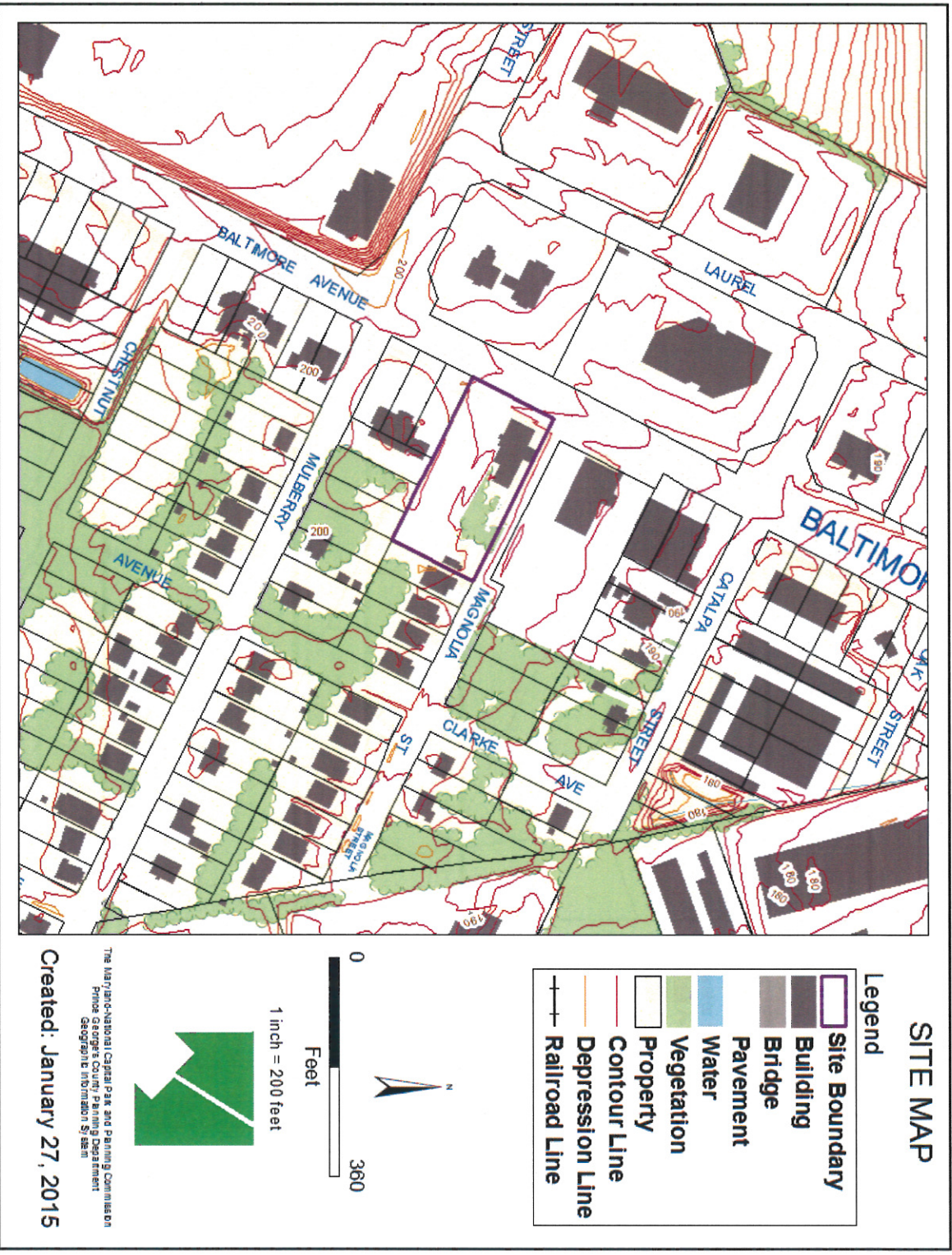


AERIAL MAP

Case # CNU-45099-2014-01



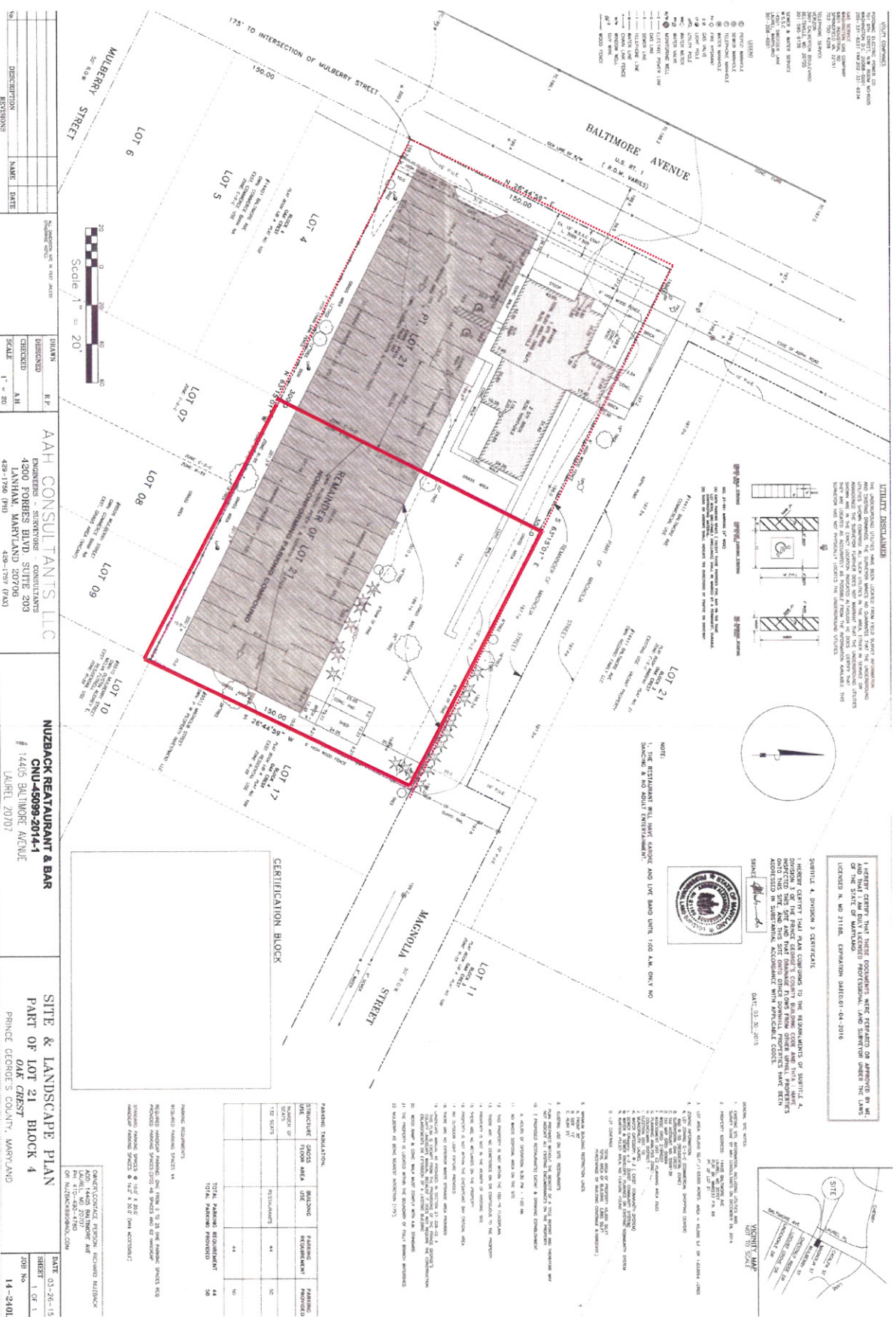
SITE MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



SITE PLAN



NO.	DESCRIPTION	REVISIONS	NAME	DATE

AAH CONSULTANTS LLC
ENGINEERS - ARCHITECTS
4200 FORBES BLVD SUITE 203
LANHAM, MARYLAND 20706
429-1750 (PH) 429-1759 (FAX)

NUZBACK RESTAURANT & BAR
CNU-45099-2014-1
1405 BALTIMORE AVENUE
DARKE 20701

SITE & LANDSCAPE PLAN
PART OF LOT 21 BLOCK 4
OAK CREST
PRINCE GEORGE'S COUNTY, MARYLAND

DATE: 03-26-15
SHEET: 1 OF 1
JOB NO: 14-2401



May 4, 2015

MEMORANDUM

TO: Ivy Thompson, Senior Planner, Zoning Section

FROM: Michelle Hughes, Permit Review Section, Development Review Division *MH*

SUBJECT: Referral Comments for Nuzbacks Restaurant & Bar CNU-45099-2014-01

1. The site plan should be revised to outline in red only the area to be certified as nonconforming.
2. The review of this referral does not include the review of any signs.



THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
PERMIT REVIEW SECTION

14741 Governor Oden Bowie Drive, Upper Marlboro Md. 20772

Permit Reviewer: Michelle Hughes 45099-2014-U
Telephone Number: (301) 952-5409 December 11, 2014
Fax Number: (301) 952-4141 45099-2014-U/01
Permit Status: www.mncppc.org February 24, 2015

The following comments were generated from permit review. Any questions or concerns regarding the following comments should be directed to the reviewer. For permit status, please direct your call to the appropriate phone number provided above.

Further review and comments may be generated when the appropriate or additional information has been submitted. Revised plans and required information must be submitted to the Permit Review Section.

1. ~~This permit application is for an eating and drinking establishment in the C-S-C Zone. The site plan submitted is a plat plan and does not demonstrate any zoning requirements. A site plan, drawn to scale, must be submitted in accordance with Section 27-254 of the Prince George's County Zoning Ordinance.~~ **2/2/15 – Ok per updated site plan.**
2. The zoning, lot description, and square footage of the subject property should be indicated on the site plan. **1/8/15 – The property has split zoning. C-S-C Zone is adjacent to Baltimore Ave and R-55 zone is to the rear for parking. Parking lot, required, serving adjacent Commercial Use requires Special Exception approval as of 10/3/67. Per aerial photos it appears that the parking lot in the R-55 Zone has been existing with the restaurant in the C-S-C Zone therefore shall be certified as a nonconforming parking lot. Since prior permit 680664U issued 4/2/68 for the restaurant and bar were for Lots 1, 2, and 3 only the certification of nonconforming use for the parking lot located in the R-55 Zone shall need Planning Board Approval. The applicant shall contact Edward Holley at 301-952-3215 for information on this process. 1/12/15 – Cheryl Summerlin sent email to Richard with CNU Instructions.**
3. ~~The bearings and distances should be demonstrated along all property lines. The distance on the north and south property line does not appear to be correct.~~ **1/8/15 – Per the plat the distance should be 300.00. 1/22/15 – Ok per updated site plan.**
4. ~~The site plan should be sealed by a civil engineer.~~ **1/8/15 – Ok per submitted site plan.**
5. ~~The height and square footage of all buildings must be indicated on the site plan.~~ **1/8/15 – The dimensions for the shed to north east of the property should be demonstrated on the site plan. 1/22/15 – Ok per updated site plan.**
6. ~~Parking and loading spaces must be clearly delineated on the site plan and dimensioned. The sizes and types of parking spaces provided must be indicated on the parking schedule.~~ **1/8/15 – The parking requirement notes indicate information on compact parking spaces. Compact parking spaces came into effect post-1970. This is a pre-1970 site therefore**



THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
PERMIT REVIEW SECTION

14741 Governor Oden Bowie Drive, Upper Marlboro Md. 20772

- ~~compact spacing cannot be used unless the entire site demonstrates post-1970 parking requirements. Since no compact parking spaces are provided on the site any notes pertaining to compact parking spaces shall be removed. 1/22/15 – Ok per updated site plan.~~
7. ~~Per ADA Regulations at least one of the parking spaces must be a van accessible parking space for the physically handicapped dimensioned at 16 feet in width by 20 feet in length. 1/8/15 – Ok per submitted site plan.~~
 8. ~~Please demonstrate on the site plan where any ramps/drop curbs or other means of access into the building is provided for the physically handicapped. 1/8/15 – Ok per submitted site plan.~~
 9. ~~Will this restaurant have live entertainment or music with patron dancing? If so, will the hours of operation of the live entertainment and/or patron dancing extend beyond 12:00 A.M.? Per my conversation with Richard Nuzback the restaurant will have karaoke and live band until 1am only. NO DANCING. 1/22/15 – Per written statement Friday and Saturday there will be karaoke, live bands/DJ's from 9pm to 1am.~~
 10. ~~An eating or drinking establishment of any type, including music and patron dancing past the hours of 12:00 A.M., excluding adult entertainment requires a Special Exception in the C-S-C Zone. If the prior permit for this use included music and patron dancing past 12am this subject permit must be certified as a noneconforming use with an issued certificate of occupancy and documentation of continuous operation for the restaurant and music and patron dancing. Per my conversation with Richard Nuzback the restaurant will have karaoke and live band until 1am. NO DANCING. Please provide in writing how this use will operate. In the description it must include NO ADULT ENTERTAINMENT AND NO DANCING. 1/8/15 – Still needed. 1/16/15 – Ok per written letter indicating proposed use excluding dancing and adult entertainment.~~
 11. ~~A parking schedule must be provided on the site plan that demonstrates the square footage of the proposed restaurant, the proposed number of seats the restaurant will have, the parking and loading spaces required, and the parking and loading spaces provided. The required parking for a restaurant is calculated at 1 parking space required for every 3 seats, including any exterior seating area. 1/8/15 – Ok per submitted site plan.~~
 12. ~~The parking spaces can be demonstrated at 10 feet in wide by 20 feet in long, or 9 feet in wide by 22 ¼ in long (pre-1970, 200 sq. ft. spaces), Pre-1970 driveway isles widths for 2-way traffic, as well as the width of any gates that access the parking compound must be a minimum of 18-foot wide. 1/8/15 – Ok per submitted site plan.~~
 13. ~~If the structure has a gross floor area of 2,000 square feet or more, a loading space will be required and must be demonstrated on the site plan. If the buildings on this property were constructed prior to October, 1970, the loading space must be dimensioned at 15 feet in width by 25 feet in length. 1/8/15 – The 15 x 25 loading area must demonstrate adequate access per Part 11 of the Princee George's County Zoning Ordinance. Aerial photos indicate the loading area is within the grass area. 1/22/15 – The 15 x 25 loading spaces has been~~



**THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
PERMIT REVIEW SECTION**

14741 Governor Oden Bowie Drive, Upper Marlboro Md. 20772

~~relocated to the rear of the building. The site plan does not demonstrate adequate access to this loading space and per aerial photos it appears that it is still located in a grass area. The loading space shall be relocated within the existing parking spaces on the C-S-C portion of the property. I called to discuss with the engineer Andrew Husbands. He was not in. I left a message and also spoke with Raj. He will combine (2) parking spaces in the C-S-C Zone portion of the property 50' from the residential zoned portion of the property and make into loading. 2/2/15 – Ok per updated site plan.~~

More comments may be generated after the above have been addressed.

I called and discussed the comments with Richard Nuzback. Permit comments emailed to nuzback890@aol.com.

1/8/15 – Additional permit comments per submitted site plan:

1. The permit application shall be revised to include the nonconforming parking compound in the rear of the property. ~~1/22/15 – Still needed. 2/24/15 – Ok per revised permit application.~~
2. The site plan shall be revised to include the nonconforming parking compound in the R-55 Zone. ~~1/22/15 – Ok per updated site plan.~~
3. The zoning information A. Lot Zoning on the site plan shall be revised to include the R-55 Zone. ~~1/22/15 – Ok per updated site plan.~~
4. The 22 parking spaces are not a part of this property therefore shall be removed from the site plan. ~~1/22/15 – Ok per updated site plan.~~

1/8/15 – Updated/additional permit comments emailed to Andrew Husbands at aahusbands@gmail.com.

1/22/15 – Sent emailed to Richard Nuzback with updated permit comments.

2/2/15 – All site plan comments have been addressed. The permit application must be revised to include the nonconforming parking compound in the rear of the property in addition to the proposed restaurant per comment #1 dated 1/8/15 and the parking located in the R-55 Zone must be certified as a nonconforming parking lot per comment #2 dated December 11, 2014. Instructions for this process were sent to Mr. Richard Nuzback from Chery Summerlin on 1/12/15. Emailed to Mr. Nuzback and Andrew Husbands.

2/24/15 – Permit application has been revised to change proposed use to eating & drinking establishment with music and NO patron dancing. Establishment is open past 12am with adjacent residentially zoned commercial zoned parking compound.

STATEMENT OF JUSTIFICATION

NUZBACK'S RESTAURANT & BAR
14405 Baltimore Avenue
Laurel, Maryland 20707

CASE NO.: CNU-45099-2014

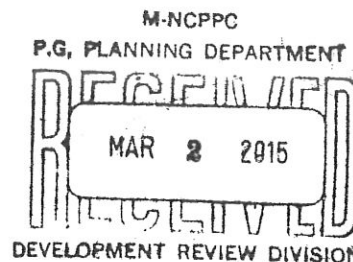
This statement is justification for the certification of a non-conforming use. Specifically, the use of part of Lot 21 which is zoned R-55 as parking servicing the adjacent commercial use.

The subject property is located on the south side of Magnolia Street approximately 150 feet east of the intersection with Baltimore Avenue in Laurel, Maryland. Map 6, Grid B4, Subdivision 6580, Block 4, Plat No. 233066, and described as PT LOT 21. The subject property is currently zoned R-55. It is bordered on three sides by property zoned C-S-C and at the rear by property zoned R-55. The subject property adjoins and serves as a parking lot for the commercial establishment Nuzback's Restaurant & Bar, which is located on northbound Baltimore Avenue (Route 1) in Laurel, Maryland. Baltimore Avenue northbound and southbound is highly commercialized through the Laurel area. The subject property is bordered by Magnolia Street on the north side. Although that part of Magnolia Street bordering the subject property is shown in the plat, it is not open for use as a public thoroughfare.

The current use protects and promotes the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County. The continued use of the subject property as a parking lot serving the adjacent business provides a convenient and necessary place for the community park while patronizing the business and it lessens the danger and congestion of traffic on the streets. It is the most beneficial use of the land and provides a privacy buffer between landowners and adjoining development. The use of the subject property as a parking lot encourages the continued economic development of the adjacent business, which provides employment and a tax base.

The use of the subject property will not impair the integrity of the Master Plan as the area is generally used for commercial purposes and said property adjoins property already zoned C-S-C. Furthermore, the use of the subject property will not adversely affect the health, safety, or welfare of residents or workers in the area. Said property is currently used as parking lot and no construction is proposed. The continued use as a parking lot promotes the safety and welfare of the community by providing a safe place to park automobiles for patrons and employees of the business.

The use of the subject property as a parking lot for the adjacent business is not detrimental to the use of other properties in the general neighborhood. No construction proposed, most of the other properties are established commercial uses, and a parking lot is compatible with the general commercial nature of the area.



CNU-45099-2014-01

The subject property is exempt from the Prince George's County Woodland Conservation Ordinance and is not required to have a Type II Tree Conservation Plan because it is less than 40,000 square feet in size and has no previous Tree Conservation Plan approvals.


The subject property immediately adjoins the commercially zoned land to be served; the parking lot does not contain more than 100 spaces or twenty percent (20%) of the minimum number of spaces required; and the parking lot is necessary.

To demonstrate continuous use, the applicant will produce the following:

1. Affidavit from Richard Nuzback
2. Affidavit from Terry Kitt
3. Deed dated 1948
4. Deed dated 1961
5. Aerial photos from 1957, 1963, and 1980
6. Google Earth photos from 1993 and 2002

Nuzback's Restaurant and Bar has been in continuous operation at the same location since 1948 when Peter T. Nuzback acquired the property where the business is located (Lots 1, 2, 3, and 20 of Block 4). The subject property started being used as a parking lot to service the adjacent business in 1957, if not earlier. In 1961, Peter T. Nuzback and Kathryn A. Nuzback, his wife, acquired the subject property (Lots 18 and 19 of Block 4). From 1961 until the present, the subject property has been under the same ownership and continuously used as a parking lot to service the adjacent business, Nuzback's Restaurant and Bar. The applicant proposes no changes to the existing use and only requests that that use be permitted. Wherefore, the undersigned applicant respectfully requests that the Maryland National Capital Park and Planning Commission certify the current use and issue a use and occupancy permit identifying the current use of the subject property as nonconforming.

Respectfully submitted,


Richard Nuzback
Nuzback's Restaurant and Bar
14405 Baltimore Avenue
Laurel, Maryland 20707
410-490-4780

2-28-15
Date

M-NCCPC-Development Review Division
Prince George's County Planning Department
CNU-45099-2014

AFFIDAVIT

STATE OF MARYLAND

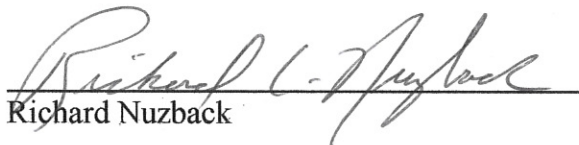
COUNTY OF PRINCE GEORGE'S to wit:

I HEREBY CERTIFY that, before me, the subscribed, a Notary Public of said county, personally appeared Richard Nuzback and made oath in due form of law under the penalties of perjury and upon personal knowledge and belief that the following is true.

1. Nuzback's Bar is located at 14405 Baltimore Avenue, Laurel, Maryland. It has been continuously operating at that location since 1948. Upon information and belief, the lots that are the subject of this matter (CNU-45099-2014) have been used as parking for Nuzback's Bar since 1948.

2. I am 57 years old and personally familiar with the lots that are the subject of this matter. For as long as I can remember, the lots have been used as parking for Nuzback's Bar. Said lots continue to be used as parking for Nuzback's Bar.

I solemnly declare and affirm under the penalties of perjury that the contents of the foregoing Affidavit are true and correct.


Richard Nuzback

SUBSCRIBED AND SWORN TO before me this 18th day of February, 2015.

Notary Public

My commission expires: **Marie-Josée Laguerre**
Notary Public
Howard County
Maryland
My Commission Expires 10/31/2018

NCCPC-Development Review Division
Prince George's County Planning Department
CNU-45099-2014

AFFIDAVIT

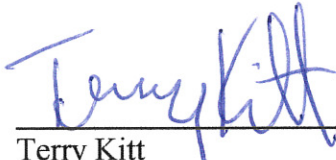
STATE OF MARYLAND

COUNTY OF PRINCE GEORGE'S to wit:

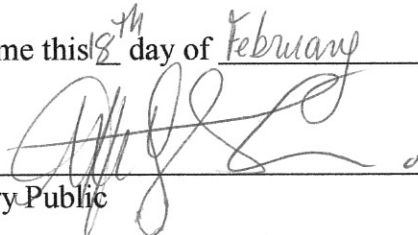
I HEREBY CERTIFY that, before me, the subscribed, a Notary Public of said county, personally appeared Terry Kitt and made oath in due form of law under the penalties of perjury and upon personal knowledge and belief that the following is true.

1. Nuzback's Bar is located at 14405 Baltimore Avenue, Laurel, Maryland.
2. My home address is 8509 Mulberry Street, Laurel, Maryland. From my home I can clearly see the lots that are the subject of this matter (CNU-45099-2014). I have lived at that address since 2008 and since that time, said lots have been used exclusively as parking for Nuzback's Bar.

I solemnly declare and affirm under the penalties of perjury that the contents of the foregoing Affidavit are true and correct.


Terry Kitt

SUBSCRIBED AND SWORN TO before me this 18th day of February, 2015.


Notary Public

Marie Joe C Laguerre
Notary Public
My commission expires:
Howard County
Maryland
My Commission Expires 10/31/2018

CNU-45099-2014-01

COUNTY COMMISSIONERS FOR PRINCE GEORGE'S COUNTY

DEPARTMENT OF INSPECTIONS AND PERMITS
DIVISION OF BUILDING INSPECTION

PERMIT NUMBER
680664 U
DATE ISSUED
8-26-20

Application is hereby made for a permit to
(INDICATE ONE) ERECT USE ALTER EXTEND
MOVE the (INDICATE ONE) PERMANENT
TEMPORARY structure described.

DESCRIPTION OF WORK
**to operate restaurant & bar
#582**

BUILDING ADDRESS (HOUSE NO., STREET, TOWN OR AREA)
1400 U.S. #1 Oakcrest
1400 U.S. #1 Oakcrest

LOT NO. **1, 2, 3**
SUB DIVISION
BLOCK NO. **4**
LIBER
FOLIO
ELECTION DISTRICT
PHONE NO.

OWNER'S NAME AND ADDRESS
Peter Nuzback
1400 U.S. #1
Oakcrest
OCCUPANT'S NAME AND ADDRESS

ARCHITECT OR ENGINEER'S NAME AND ADDRESS
PHONE NO.

CONTRACTOR'S NAME AND ADDRESS
PHONE NO.

TO BE ACCOMPLISHED BY: BUILDING (INCLUDING GARAGE)		WIDTH	DEPTH	HEIGHT	STORIES
FOUNDATION WALLS TYPE OF MATERIAL		8'		12'	
MAIN STRUCTURE		SIZE		FOOTINGS	
NUMBER OF ROOMS/UNITS - PARKING		BASEMENT		YES <input type="checkbox"/> NO <input type="checkbox"/>	
WATER/WELL#		SEWER/SEPTIC#		GAS	
ELECTRICITY		GAS		ELECTRICITY	

Remitt 25.
John. J. White Cap
Professional Body
Wash. Md.
Dec. 1, 1949

This Deed

51

Made this 23rd day of December in the year of our Lord one thousand nine hundred and forty-eight by and between

VERNON C. ALLEY and DOROTHEA MAE ALLEY, his wife

of Mt. Rainier, Maryland
parties of the first part, and PETER T. NUZBACK, (unmarried)

of party of the second part:

Witnesseth, that in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged

the said parties of the first part do grant and convey unto PETER T. NUZBACK, (unmarried),

party of the second part, his heirs and assigns, in fee simple all those pieces or parcels of ground situate,

lying and being in Oakcrest, Prince George's County, State of Maryland, being the same land which the said parties of

the first part Vernon C. Alley and Dorothea Mae Alley, his wife, obtained from Bennett A. Lyle and Ellen G. Lyle, his wife,

by deed dated the 29th day of December 19 47, recorded in the Land Records of Prince George's County in Liber No. 999 at folio No. 227

and being described as follows to wit:

LOTS Numbered One (1), Two (2), Three (3) and Twenty (20), in Block Numbered Four (4) in the tract of land known as "Oakcrest", as per plat thereof recorded among the Land Records for Prince George's County, Maryland, in Plat Book J.W.B. 5, at folio 462.

THIS property is subject to a first mortgage from Bennett A. Lyle and Ellen G. Lyle, his wife, to the Citizens National Bank of Laurel, Maryland, dated December 5th, 1946, in the original sum of Eight Thousand Five Hundred Dollars (\$8,500.00), bearing interest at four per cent (4%) per annum, payable in monthly payments of Forty-eight Dollars and forty-seven cents (\$48.47), said mortgage being recorded among the Land Records for Prince George's County, Maryland, in Liber No. 876, at folio No. 148, which said mortgage and note secured by said mortgage the party of the second part hereby assumes and agrees to pay.



PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) 1088, p. 0051, MSA, CESA 4181. Date available 07/30/2004. Printed 02/19/2015.

CNU-45099-20

QUIT CLAIM DEED

Law Reporter Blank No. 4
200 0000 N. E. St., Baltimore, Md.

BOOK 2551 PAGE 607

This Deed

Made this Seventh day of April in the year one thousand
nine hundred and sixty-one
by and between James H. Griffin and
Dorothy E. Griffin, his wife,

parties of the first part,
and Peter T. Nuzback and Kathryn A. Nuzback, his wife,

parties of the second part:

Witnesseth, that the parties of the first part, for and in consideration of the

sum of One Dollar (\$1.00) Dollars

have granted, released, and forever quit-claimed, and do hereby grant, release, and forever
quit-claim unto the parties all right, title and interest in and to
of the second part the following described land and premises, situate,
lying and being in the County of Prince George's, State of Maryland,
and distinguished as follows:

Lots numbered eighteen (18) and nineteen (19), in Block Four
(4), in the subdivision known as "Oak Crest", as per plat thereof
recorded among the Land Records of said County in Liber J.W.B. No.
5 at folio 462, and re-recorded in Plat Book A at folio 108A.

Ok
M.P.



TRANSFER TAX PAID *Chas. E. Callow*
TREASURER

APR 27 1961 00466 120

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) WWW 2551, p. 0607, MSA_CE64_2640. Date available 09/06/2006. Printed 02/19/2015.

Remit to Peter T. Nuzback, 1400 - Wash. Blvd. Land. Md. May 8, 1961

1951 MAY -1 AM 9:35

W. J. VERLY WOOD
CLERK CIRCUIT COURT

BOOK 2551 PAGE 607

This Deed

Made this Seventh day of April in the year one thousand
nine hundred and sixty-one by and between James H. Griffin and
Dorothy E. Griffin, his wife,

parties of the first part,
and Peter T. Nuzback and Kathryn A. Nuzback, his wife,

parties of the second part:

Witnesseth, that the parties of the first part, for and in consideration of the

sum of One Dollar (\$1.00) ~~Dollars~~

have granted, released, and forever quit-claimed, and do hereby grant, release, and forever
quit-claim unto the parties of the second part/the following described land and premises, situate,
lying and being in the County of Prince George's, State of Maryland,
and distinguished as follows:

Lots numbered eighteen (18) and nineteen (19), in Block four
(4), in the subdivision known as "Oak Crest", as per plat thereof
recorded among the Land Records of said County in Liber J.W.B. No.
5 at folio 462, and re-recorded in Plat Book A at folio 108A.



TRANSFER TAX PAID *Chas. C. Callow*
TREASURER

N.K.W.
P.P.

together with all and singular the improvements, ways, easements, rights, privileges, and appurtenances to the same belonging, or in anywise appertaining, and all the estate, right, title, interest and claim, either at law or in equity, or otherwise however, of the parties of the first part, of, in, to, or out of the said land and premises.

To Have and to Hold, the above released land and premises unto and to the use of the parties of the second part as ~~heirs and assigns forever~~ Tenants by the Entirety, the survivor of them, his or her heirs and assigns, in fee simple.

OK

Witness their hands and seals the day and year hereinbefore written.

Signed, sealed and delivered in the presence of—

<u>James A. Cummings</u>	<u>James H. Griffin</u> [SEAL]
<u>Elizabeth S. Trachtenberg</u>	<u>Dorothy E. Griffin</u> [SEAL]
_____	_____ [SEAL]
_____	_____ [SEAL]
_____	_____ [SEAL]
_____	_____ [SEAL]
_____	_____ [SEAL]
_____	_____ [SEAL]

CNU-45099-2014-01
in wit:

STATE OF HAWAII
County of Honolulu

J. Ruth K. Wong

a Notary Public in and for

the State of Hawaii

do hereby certify that James H. Griffin and Dorothy E. Griffin

parties to certain Deed bearing

date on the 7th day of April 1961, and hereto annexed personally
appeared before me in said State

the said James H. Griffin and Dorothy E. Griffin, his wife,

being personally well known to me as the persons who

executed the said Deed, and acknowledged the same to be their act and deed.

Given, under my hand and seal this 7th day of
April 1961.

Ruth K. Wong

Notary Public, First Judicial Circuit
State of Hawaii
My Commission expires Nov. 13, 1965



CNU-45099-2014-0

Magnolia St

US 1

1957



Magnolia St

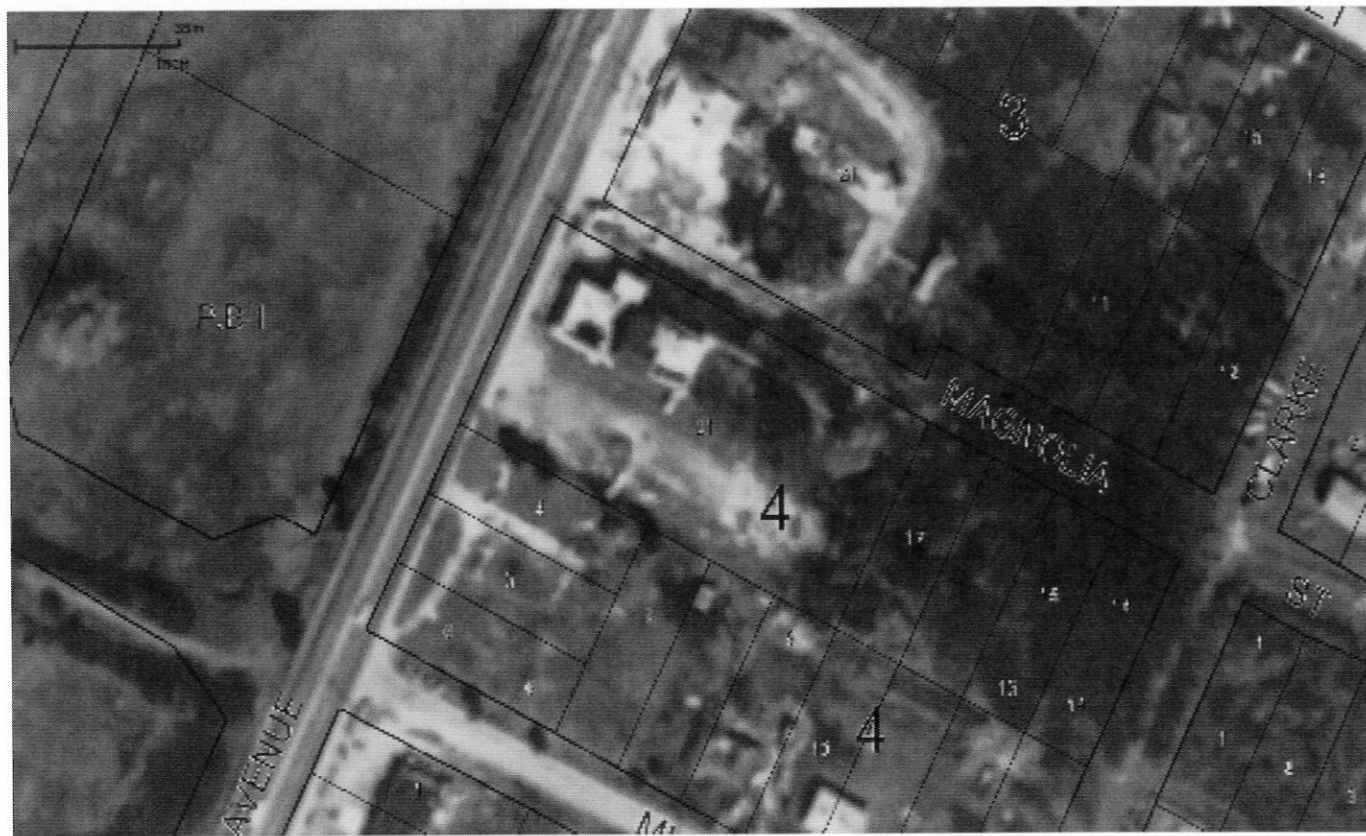
US 150

1963

CNU-45099-2014-01

1965-NUZBACK

Created on 5/12/2015



— Road Casings □ Property

1968 - NUZBACK

Created on 5/12/2015



— Road Casings □ Property

1980 - NUZBACK

Created on 5/12/2015



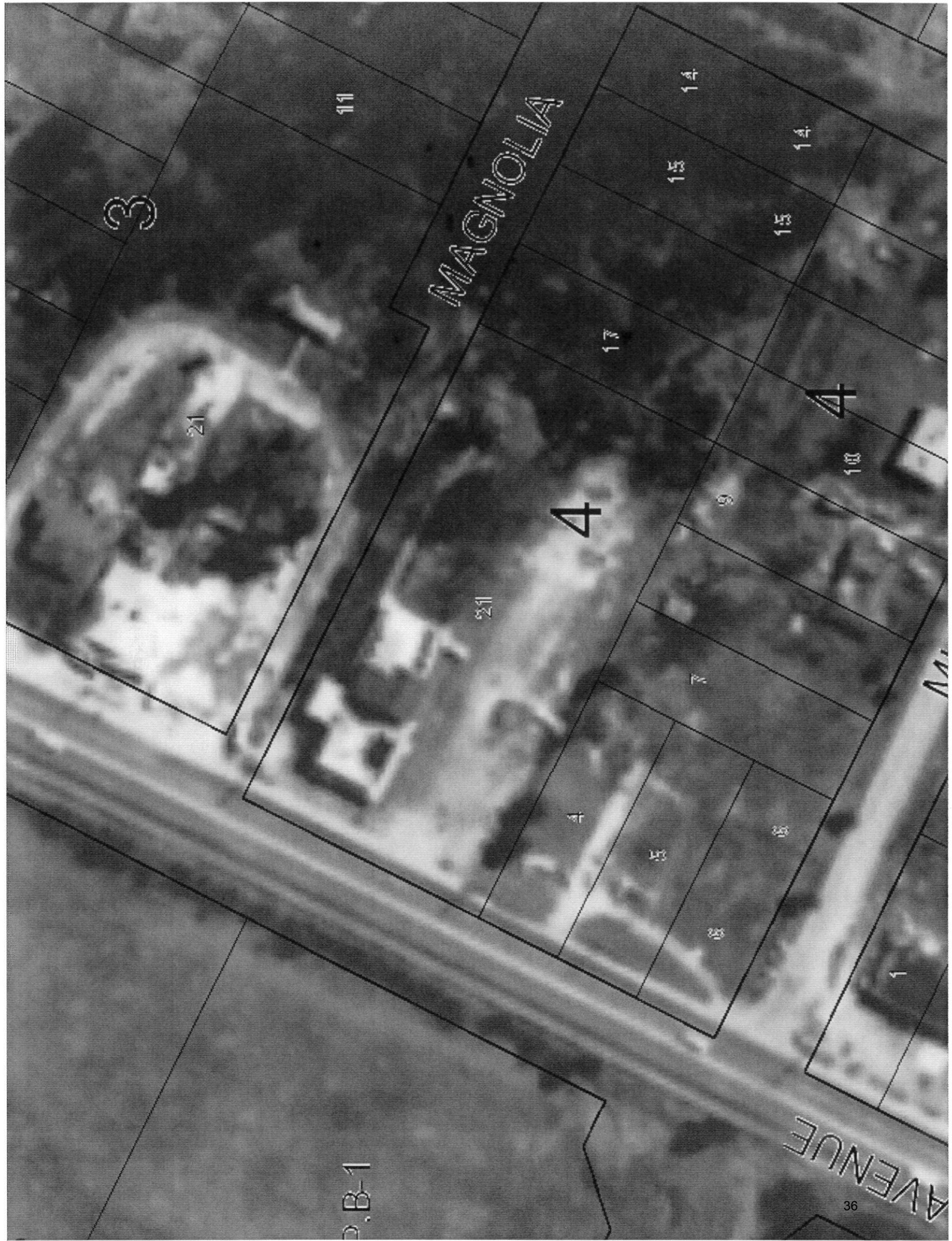
— Road Casings □ Property

Magnolia St

T-50

CNU-45099-2014-01

1980



3

11

21

MAGNOLIA

14

15

14

15

17

4

10

4

21

9

7

M

4

8

8

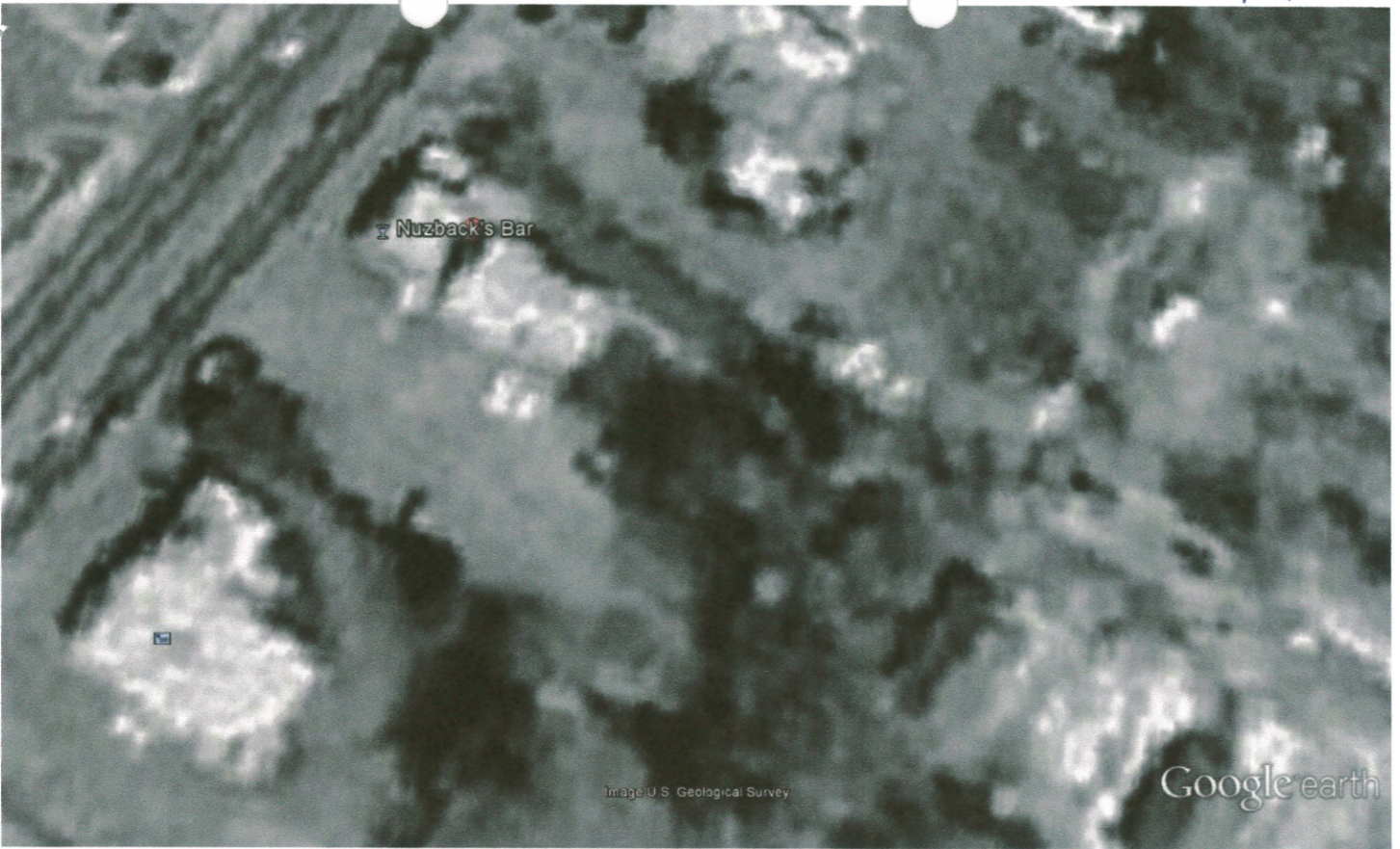
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1

B-1

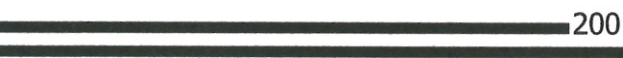
AVENUE

4/7/93



Google earth

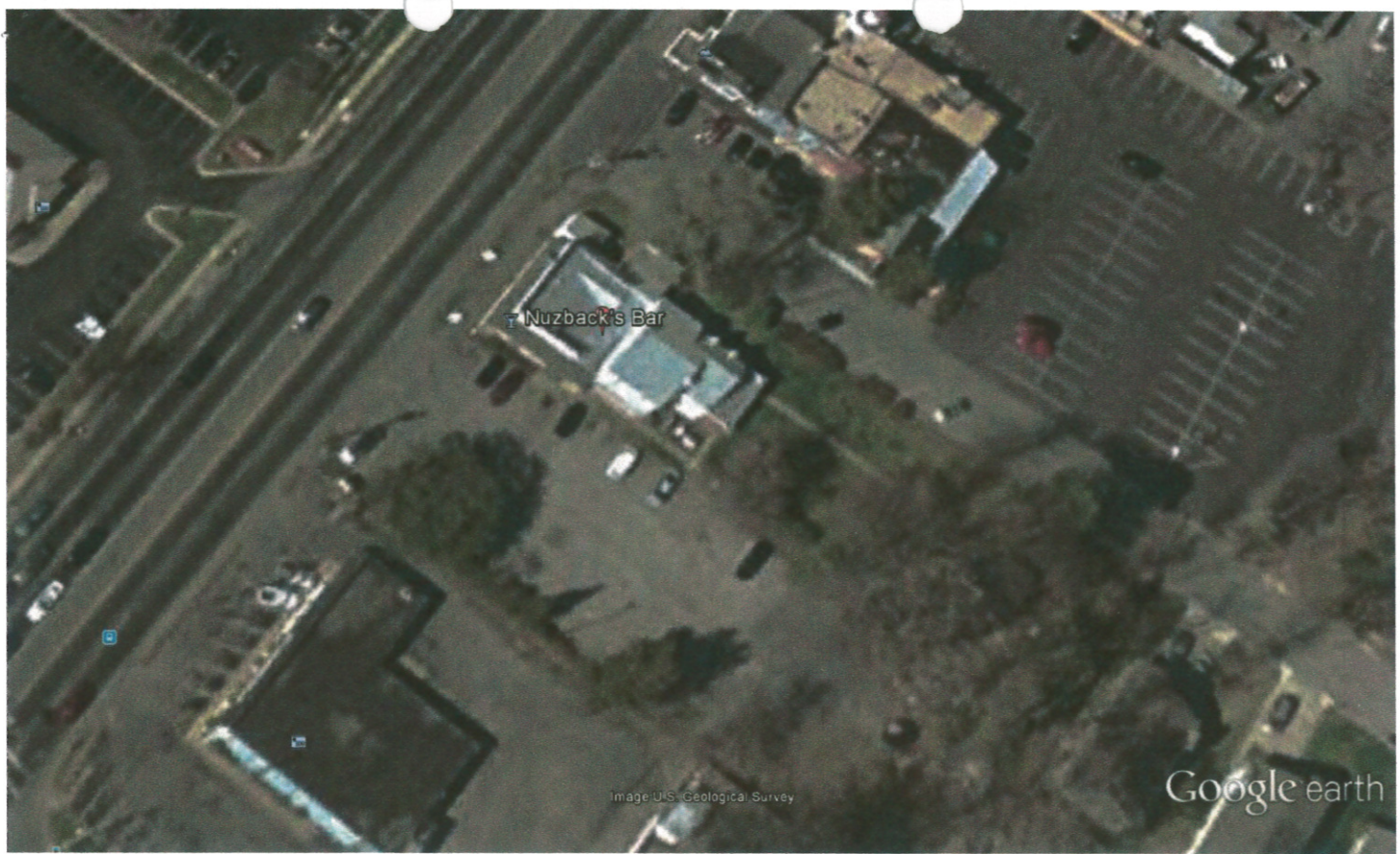
feet
meters



CNU-45099-20⁷⁰(4-0)



3/31/02



Google earth



CNU-45099-2014-01



14405 Baltimore Ave

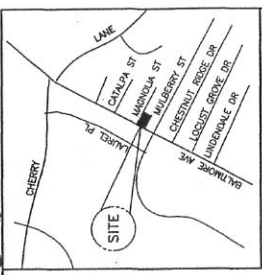
Google earth

Google earth



CNU-45099-2014-01

MMB 233-66



VICINITY MAP
SCALE: 1" = 2000'



LOT 21
AREA = 45,000 S.F. OR 1.033054 ACRES

MAGNOLIA STREET
(50' R.O.W.)

BALTIMORE AVENUE
(R.O.W. VARIES)

N.517756.7820
E.1352152.6497

S 63°15'01" E
300.00

10' P.U.E.

LOT 1
LOT 2
LOT 3
LOT 4
LOT 5

EX. 15' W.S.S.C. ESMT.
L. 3089 F.505

(22,500 S.F.)
(22,500 S.F.)

R-55

LOT 15
LOT 16
LOT 17
LOT 18
LOT 19
LOT 20

N.517601.7337
E.1352420.7440

W 5°26'44"59" S
150.00

10' P.U.E.

LOT 21
AREA = 45,000 S.F. OR 1.033054 ACRES

N 163°15'01" W
300.00

LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12

R-55

PLAT BOOK LIB A PAGE-108

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS CORRECT AND THAT IT IS A RESUBDIVISION OF LOTS 1,2,3,18,19 & 20, BLOCK 4 IN THE SUBDIVISION KNOWN AS "OAK CREST" AS RECORDED IN PLAT BOOK LIB A, PLAT 108 AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY MARYLAND. IT IS ALSO THE LAND ACQUIRED BY KATHRYN A. NUZBACK AS TRUSTEE OF THE KATHRYN ADIR NUZBACK REVOCABLE TRUST, FROM KATHRYN A. NUZBACK, AS TO LOTS 1,2,3 AND 20 BY DEED RECORDED IN LIBER 31415 AT FOLIO 357, AMONG THE SAID LAND RECORDS AND KATHRYN A. NUZBACK AS SURVIVING TENANT BY THE ENTIRETY OF THE SAID TRUST, AS TO LOTS 1,2,3 AND 19 BY DEED RECORDED IN LIBER 2551 AT FOLIO 607 AMONG THE AFORESAID LAND RECORDS. THE TOTAL AREA INCLUDED IN THIS SUBDIVISION IS 45,000 SQUARE FEET OR 1.0335 ACRES.

11-23-2010
DATE
Andrew Husbanius, PROFESSIONAL LAND SURVEYOR 21188

OWNER'S CERTIFICATION

I, KATHRYN A. NUZBACK AS A TRUSTEE OF THE KATHRYN ADIR NUZBACK REVOCABLE TRUST, AND SURVIVING TENANT BY THE ENTIRETY OF PETER T. NUZBACK, OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON HEREBY, ADOPT THIS PLAT OF RESUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES; GRANT THE PUBLIC UTILITY COMPANIES, THEIR SUCCESSORS AND ASSIGNS, A 10 (TEN) FOOT PUBLIC UTILITY EASEMENT, AS SHOWN, SUBJECT TO THE TERMS AND PROVISIONS RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN LIBER 3703 AT FOLIO 748 AND THAT PROPERTY MARKER SHOWN THUS -O- WILL BE SET IN ACCORDANCE WITH SECTION 24-120(b)(6)(7)(i) OF THE PRINCE GEORGE'S COUNTY CODE.

THAT THERE ARE NO SUITS OF ACTION, LEASES, LIENS OR TRUSTS ON THE PROPERTY INCLUDED IN THIS PLAT OF RESUBDIVISION.
WITNESS
Kathryn A. Nuzback
KATHRYN A. NUZBACK, OWNER

NOTE:
1. THIS PLAT IS DONE IN ACCORDANCE WITH SECTION 24-108(g)(3), TO CONSOLIDATE THE LOTS SHOWN ON A PLAT RECORDED, IN 1930 AND SECTION 24-111(c)(4).
2. APPROVAL OF THIS PLAT WILL HAVE NO IMPACT ON THE EXISTING PUBLIC WATER AND SEWER SYSTEM. THE APPROVAL OF FUTURE BUILDING PERMITS WILL BE BASED UPON PUBLIC WATER AND SEWER CAPACITIES BEING AVAILABLE PRIOR TO CONSTRUCTION.

FILED
APR 23 2011
OFFICE OF THE CLERK OF THE COURT
PRINCE GEORGE'S COUNTY, MARYLAND

FOR PUBLIC WATER AND SEWER ONLY
THE MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
PRINCE GEORGE'S COUNTY PLANNING

APPROVED: *Janet Pitt* JANUARY 21, 2011
PLANNING DIRECTOR
WITNESS: *Cheryl Smuda*

DEPARTMENT OF ENVIRONMENTAL RESOURCES
PRINCE GEORGE'S COUNTY, MARYLAND
APPROVED: *Janet Pitt* JANUARY 13, 2011
DIRECTOR OR DESIGNEE

RECORDED: 1-24-11
PLAT BOOK: MMB233
PLAT NO.: 66

AAH CONSULTANTS LLC
ENGINEERS - SURVEYORS - CONSULTANTS
4200 FORBES BLVD., SUITE 203
LANHAM, MARYLAND 20706
(301) 429-1750 (FAX) 301-559-1757